

# POST-SECONDARY BARGAINING A SHORT HISTORY

## Introduction

This paper was written in response to a request from the FPSE Bargaining Coordination Committee to lay out the Federation's bargaining history to inform individual's understanding of various local bargaining experiences, what was achieved, what may not have been achieved and why. It is hoped that this document will assist locals in strategic planning in bargaining going forward.

It should be said at the outset that FPSE and its locals have faced numerous systemic, political and legislative issues over time. The development of the Federation has, in large part, been in response to these challenges and the Federation is still grappling with how best to rise to the demands of the politics and economics of the day, in each successive round of bargaining.

## Early Years:

Cooperation between faculty associations in our sector began in 1967 when faculty representatives from the then two existing colleges – Vancouver City (Langara) and Selkirk – met to discuss how they might be able to work together. The new colleges were partnerships between local School Boards and the Ministry of Education, and several more were created by W.A.C. Bennett's Social Credit government. In 1969, faculty at these institutions worked together to develop a constitution, which was adopted in 1970 for the College Faculties Federation (CFF): VCC/Langara, Selkirk, Capilano, Malaspina, Okanagan and New Caledonia Faculty Associations were the founding members. Standing committees were established to deal with the *College Act*, pensions, professional development, and salaries and working conditions.

While the CFF provided new opportunities for informal coordination of bargaining and information sharing, and relations were established with the Society of Vocational Instructors (SVI), CAUT, and CUFA BC, bargaining continued as a local event by both the employers and the associations. Matters were complicated when the government decided to merge the BC Vocational Schools into several of the new colleges, but the CFF grew, with Cariboo and Douglas Faculty Associations joining in the next couple of years.

Faculty handbooks were the first effort at codifying working conditions. After Dave Barrett's NDP government made it legal for faculty to unionize, individual faculty associations did become bargaining agents under the provincial *Labour Relations Act*. The handbooks were used as a template for first collective agreements. Still, there were wide degrees of differences between the agreements, reflecting different situations, needs and locations. The last of the regional colleges were also set up (NWCC, EKCC, NICC).

When Bill Bennett's Social Credit took power back in 1975, the Provincial Government incrementally increased its influence over the institutions. When the Province passed the "*Colleges and Provincial Institutes Act*" in 1977, the colleges were no longer tied to serving

the local community and local funding. Eventually, the Province became institutions' primary source of funding and by 1983 appointed the majority of Board members.

In the late 1970s, college faculty realized that they needed more structure to deal with issues that arose at the provincial level. A part-time director of research and field organizer was hired, and a small office was set up. As a result, Northwest, Fraser Valley, North Island, & East Kootenay FAs joined the CFF. Camosun, BCIT and VIA (Vocational Instructors' Association) considered joining.

### **The 1980s: The Rise of Coordinated Bargaining**

In 1980, the College-Institute Educators' Association (CIEA) was created to provide greater support to local member faculty associations in the form of staff support, research and coordination. In the mid-1980s, under threat from the restraint-orientated Socred provincial government, the member locals voted to increase the resources to CIEA to create a legal defence fund and a strike fund.

Locals had been discussing the possible need to co-ordinate their bargaining from the outset. The 1987 CIEA AGM passed the first of a series of motions at subsequent AGMs in support of a coordinated bargaining approach. The 1987 motion requested that local associations forward to the CIEA office copies of their local proposals (union and employer), as well as counter proposals, in order that the information could be shared and analyzed for trends.

In the fall of 1987, CIEA hosted the first "Technical and Policy Development Conference," with the theme "Co-ordinated Bargaining: A Plan for Action." One session was jointly facilitated by John Waters and Ed Lavalle. The Bargaining Coordination and Review Committee was formed to facilitate more active co-ordination between locals and the sharing of information.

Despite numerous successes at local bargaining tables, the increasing control exerted by the Provincial government made bargaining more difficult. In a report (1) produced by KPMG, the relatively strong ability of the Provincial Government to control bargaining outcomes in the post-secondary sector was identified:

Post-secondary institutions, which include universities, the colleges and a number of specialized institutes, are much easier to coordinate than the school districts with their elected boards. The attendant public profile is reduced. Within these institutions, the mandate is set by respective boards of directors. The government specifically appoints members to the Board. This coupled with the ability of government to control the dollars that each institution receives, has resulted in far less dramatic settlements than in the school districts.

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<sup>1</sup> "The Issue of the B.C. Government's Role in Collective Bargaining," in British Columbia Financial Review: The Issue of Personnel, Shadow FTEs and Collective Bargaining, KPMG, Peat Marwick Stevenson & Kellogg, Management Consultants

The report went on to suggest that the Province was perhaps too successful in controlling bargaining as

...similarly qualified teachers are paid more in the public school system than in the post-secondary education system. Recent estimates indicate that, given two individuals with identical qualifications, the person in the school system will earn \$6,000-\$7,000 more than their counterpart working in the post-secondary institution. As a result, the colleges and universities are having some difficulty in attracting and retaining qualified personnel.

### **The 1990s: From Coordination to Common Tables**

The nineties started with a large strike at VCC. Members rejected a final offer from the employer and went on strike for five weeks through April and the first week of May. The strike paid off for members. VCCFA achieved several major gains including a reduction in workload from 30 hours to 25 hours of assigned duties a week, five additional days of PD time a year to reach the sector standard of 20 days, a significant salary increase, joint control of evaluation, department head selection and other issues, and language protecting programs from continuing studies encroachment. There were other equally important gains. The strike fundamentally changed member engagement and mobilization at VCC. Positive effects remain to this day.

With the election of a NDP government in 1991, there was an opportunity to make changes. Unfortunately, there were many demands/needs after 17 years of Social Credit rule. One of CIEA's priorities was to democratize governance, and they lobbied for stakeholder representation on boards and education councils. On the bargaining front, the Korbin Commission was appointed to look into the structure of negotiations with provincial public sector employees. In 1993, the commission reported that many alleged that the settlements achieved by "powerful local teachers' associations acting in concert with a more powerful central teachers' federation" between 1988 and 1991 set the bar for other public sector unions.

#### 1992: Coordinated Bargaining Council

In 1992, in an effort to increase their relative bargaining strength, eight CIEA locals organized themselves into the Coordinated Bargaining Council (CBC) by signing an Agreement of Association which included mutual financial support for any job action. In what was called the "Equity Round", the CBC member locals started with different salary scales, different numbers of steps, and different top and bottom steps. They tabled five similar proposals at each of their bargaining tables: a standard salary scale; equal treatment for non-regular faculty; improved resources for faculty development; correction of workload inequities at the local level, and; a minimum standard for benefits. The Langara Faculty Association, Local 14, with the active financial and political support of the CBC, went on strike and achieved regularization language and a significant wage increase. Selkirk and CNC also succeeded in getting some regularization language. Other locals made important advancements outside of the CBC, including the DCFA which conducted a four-week strike to achieve regularization and other important gains in 1992.

## **1995-2004: The Large Common Table Era**

### 1995-98

In 1994, the Provincial Government implemented the main recommendations of the Korbin Commission, and created the Public Sector Employers' Council (PSEC) which oversaw the Post-Secondary Employers' Association (PSEA) in our sector. While the centralization was less than in other sectors, the creation of PSEA did mark another step in the loss of local employer autonomy, especially in regard to agreeing to settlements that exceeded provincial "mandates."

In response, CIEA locals continued to work toward coordinated bargaining. The Unions wanted to stop the employer from what appeared to be their divide and conquer technique by obtaining favourable agreements from the most vulnerable unions first and using the settlement as a lever against the others: for example, FACNC held firm against contracting out or allowing continuing/community education to be non-union in a 3 ½ week-long strike in February-March 1995. By coordinating bargaining, Locals attempted to reverse the process by achieving contracts at the strongest locals and using those agreements as leverage. Another goal was to have common expiry dates which would allow even greater levels of coordination (some locals signed one-year agreements, with some local improvements, to line up common expiry dates).

To put pressure on the employers and the government, CIEA locals began short two-day rotating strikes, with one small and one large local going out at the same time. In response to the growing pressure in 1996, the government brought the eight locals, BCGEU instructors, their employers and PSEA together for "multi-institutional discussions" on system-wide issues, and appointed James Dorsey to facilitate. The result was the Framework Agreement with system approaches to the following issues: contract training; contracting out; information technology; a registry for laid off faculty; labour adjustment and a fund; human resource database; a joint dispute resolution committee (JADRC); a common salary scale, and a common expiry date.

When the parties came together to negotiate at the end of the two year Framework Agreement, the number of participating unions and employers increased to 21 and 16 respectively. Seven BCGEU faculty unions also joined. The employers joined under pressure from the Provincial NDP Government, who warned that institutions using local bargaining only would have no guarantee that their settlements would be funded. In fact, the settlements of those who bargained locally were not funded in the first year.

### 1998-2001

With only a few hours before a province-wide strike in late October 1998, the parties reached an agreement for the first Common Agreement. It included the following:

- Art 2 – Harassment
- Art 3 – Employer-Union Relations with 1/4 Union release
- Art 4 – Prior Learning Assessment
- Art 5 – Copyright & Intellectual Property

Art 6 – Regularization  
Art 7 – Leaves  
Art 8 – Parental Leaves  
Art 9 – Benefits & a Joint Committee on Benefits Administration  
Art 10 – Pensions  
Art 11 – ERIs  
Art 12 – Provincial Salary Scale & Secondary Scale Adjustment  
Art 13 – Superior Benefits  
LOU - Distributed Learning Committee  
LOUs – specific to FACNC, MFA & Selkirk secondary scales (negotiated at the 11<sup>th</sup> hour)

Following the 1998 round, the employers complained that the unions were better prepared than the employers and that they used the threat to strike effectively. Employers also balked at the regularization process that was set up: taking agreed-on parameters to a local table, narrowing differences, appealing to JADRC to intervene, and finally binding arbitration before a named arbitrator, Don Munroe. Six CIEA locals opened their CAs under Article, and it became clear very early on that there would be no local negotiation, or JADRC settlements. The strongest case, which in our view was the closest to regularization, was at Malaspina. The FA lost the right of first refusal in Munroe’s award. KFA went next, and Munroe’s award in this case established the main elements of regularization. Two subsequent awards of Vince Ready established what kind of work would be captured. FACNC fought battles on two fronts: trying to get LOU #3 and Article 6, the former agreed to at the common bargaining table but not by the employer. Ultimately, after two years of hard negotiations and PSEA agreeing that LOU #3 was costed to the provincial, not the local settlement, regularization language was agreed to at CNC.

The other wrinkle to Common Table bargaining was the employers’ view that once bargaining was over in Vancouver, there was no need to bargain anything locally. “All the money was allocated at the Common Table”, we were told. So when locals tried to bargain local issues at local tables, employers refused. VCCFA held a study session in late November to protest. FACNC held a similar one at noon hour on December 1<sup>st</sup>, and the College took the FA to the LRB claiming that the union went on strike illegally. After a few days at the Board, the local parties were ordered to negotiate local issues, but the exercise involved tabling issues, the union presenting them, the College saying no to each cost item, and the Common and Local Agreements were signed.

### 2001-04

In the 2001 round of Common Table bargaining, the number of employers dropped to 14. None of the University-Colleges participated. The Provincial Government did not force employers to attend but made it clear that employers and unions that did not participate would have to adopt the compensation package as agreed to at the Common Table, whether they attended or not. Most locals participated, even when their employers chose not to.

Bargaining took place in the context of the end of the NDP government’s 5 year term – an election had to be called by early April, and the polls were not favourable. Employers sought to limit the number of items bargained at the Common Table, and the parties spent weeks narrowing the issues in protocol discussions. When it became increasingly obvious that the

Liberals would win the upcoming provincial election, the bargaining committee decided to try and complete bargaining before the election. The final settlement included the following:

- EI Top-up for Maternity and Parental Leaves
- Common Disability Plan (employer-paid)
- Provincial Salary Scale went from 13 to 10 steps
- Medical Travel Referral
- Funds for local bargaining ("a local pot")

The total compensation for faculty, which included wage increases and movement on the salary scale as a result of the suppression of salary steps, resulted in the average annual salary being \$10,163 higher at the top at the end of the three year agreement. But the new Liberal government did not fund the agreement, leading to faculty and staff layoffs at several institutions. The government made other changes that drastically affected post-secondary institutions: it ended the tuition freeze, a move that led to 40% and 35% increases to tuition in the next two years; and in an extraordinary weekend legislative session, Bills 27, 28, and 29 were passed attacking collective agreements in K-12, PSE, and the health sector. *The Public Education Flexibility and Choice Act* strengthened management rights over a whole range of CA provisions (scheduling, vacation, workloads, etc.), but CIEA and its locals fought back on several fronts, and the *Act's* provisions were never enforced at any local. However, a whole range of CA provisions were now technically null and void and could not be bargained.

## **2004-2019: Bargaining in The Liberal Era**

### 2004-07

In the 2004 round of bargaining, only eight employers participated. Again, most locals sent representatives. The 2004 round was a particularly protracted and difficult round as the Liberal government refused any wage increases for the first two years of all public sector agreements. The difficult bargaining spilled over in the caucus and the BCGEU and FPSE bargaining committees split and signed separate agreements. In an effort to find some compensation, the bargaining committee decided to include in the final agreement the ability for locals to trade off items in their agreements for a 2% wage increase. The third year of the agreement included a 2.1% wage increase. The total value of the wage increase was applied to the top step to maximize its value and provided a 2% stipend (for those locals that could afford it), and:

- Caps on placement
- Education Technology language
- International Education language
- .6% Common Faculty PD Fund
- Compassionate Care Leave
- Health & safety equipment
- Eye exams

The result left a sour taste in the mouths of everyone other than top-of-scale faculty: regulars on lower steps and non-regulars got nothing more than scheduled increments.

In the 2007 round, the number of participating employers increased to eleven with fourteen unions. FPSE and the BCGEU worked together again and jointly signed an agreement with PSEA. The round was dominated by the Provincial Government's offer to provide each public sector employee with a bonus worth approximately \$4000 to ensure labour peace through the 2010 Winter Olympic games. PSEA attempted to compensate faculty differently, depending upon if there was a labour market shortage for a particular discipline, specialty or trade. The compensation package also would have resulted in K-12 teachers with Master's degrees earning more than faculty at post-secondary institutions. Strike votes were taken at Capilano and Malaspina and pressure applied to PSEC. PSEA backed down and agreed to apply the Labour Market Adjustment (LMA) funds equally. To maximize the 0.5% LMA, the total value was applied to the top step, which 75% of the membership would be at by the end of the three-year deal. Other improvements:

- Expanded definition of family
- Graduated return to work from Maternity and Parental leave
- Vision care to a maximum of \$500 (except Camosun)
- Provincial Salary Scale increase of 2.1%
- Labour Market Adjustment of 0.5% applied to the top step
- Unused .6% PD funds carryover
- Benefits review commitment
- NVITEA union release to be replacement costs
- Financial Incentive bonus

Once again, top-of-scale faculty benefitted more than others, and the non-regular problems continued as the gap kept widening. A new wrinkle in this round was the government introducing the concept of a Fiscal Dividend, roughly \$4000 up front (referred to as the big screen TV fund), and at the end of the agreement if the provincial surplus was over \$150 million, not more than \$300 million would be allocated as a bonus on a proportional basis to public sector workers who signed on.

### 2010-12

The run-up to the 2010-12 round started with a strategy of local bargaining first, and then creating a common table. The strategy unraveled as local employers refused to enter into a protocol agreement. PSEA was slow to "delegate" local employer bargaining teams with the authority to bargain and refused to agree to protocols until the parameters of a Common Table were agreed on. PSEA also wanted PSEC's net-zero mandate in the protocol, a problematic stance before we even started.

7 BCGEU locals and BCITFSA joined 10 FPSE locals who met with 9 employer reps – bargaining went nowhere fast! On March 9, 2011, FPSE issued a press release about frustrated FAs taking strike votes at Langara and VCC, and VIUFA went on strike on March 10<sup>th</sup>. The VIUFA strike was over job security (threatened program closures) more than salary and benefits and lasted 4 weeks. FPSE and the BC Federation of Labour intervened and the contract settled, sparing the faculty the pain of a much longer strike over the summer.

2012-14

This round took place after other unions (including BCGEU faculty) had already settled for 2 + 2. Locals came together at a template table, negotiated a tentative agreement on Feb. 2, 2013 that had little new (though unions agreed to end the rollover of the Common PD fund). Secondary scales got the same 1,1,1, and 1 lifts that the Common Scale did.

2014-19

The 2014 round in the broader public sector began well before CAs expired. The Health Sciences Association agreed to a 5-year 5.5% contract with an Economic Stability Dividend and a fix to a benefit problem they had. The BCGEU settlement followed on the 5.5% over 5 years framework, concentrating on low-wage redress in their community health and community social service sectors. Other public sector unions got monetary fixes for specific problems.

After contracts expired, FPSE locals once again tried the strategy of local first, but employers at a number of institutions refused to bargain before the template table issues were defined. The special purpose teaching universities engaged in bargaining, but nothing was finally settled until the template table settled. VCCFA did not join the template table group, leaving eight locals, along with KFA, at a template table. UFVFSAs members rejected a tentative deal in early summer and did not ratify their agreement until Sept. 2016.

The template table reached an agreement on February 15, 2015 on the following basis:

- The pattern wage increases of 5.5% over 5 years and the economic stability dividends
- Increases to vision care
- Increases to hearing aid reimbursement
- Increase to paramedical coverage
- Payment of in-patient substance abuse rehabilitation to a maximum of \$25,000
- Short-term disability benefits to age 70

The main outstanding issue from this round was the secondary scales issue: the hope was the parties would be able to delete secondary scales across the board. This ask was a multimillion dollar ask and as FPSE was at the tail end of the broader public sector bargaining queue, most of the public sector monetary allocations had been made. There was only 0.1% allocated by the government for small local pots, which all locals used for very modest improvements for non-regular faculty, such as improvements to professional development provisions. The parties did agree on a joint working committee on secondary scales to come to mutual understandings about what types of work and which employees may require salary adjustment, what the transition would entail and what the cost would be. This committee was mandated to make recommendations to each party's respective principals in preparation for the next round of bargaining.



### **Ongoing Challenges**

A scan of this history and anecdotal shared experiences reveal several realities:

- It is difficult to coordinate bargaining between independently certified faculty associations who are legally responsible to their respective memberships, and whose memberships are entitled to make their own decisions about bargaining substance and process.
- Larger locals can bargain independently and make decisions about matters such as striking with relative ease compared to the smaller locals
- Several larger locals prefer not to be constrained by template bargaining.
- Smaller locals express the need for template bargaining, for the greater strength in numbers it provides.
- Some locals have difficulty getting strike votes and one local does not have the right to strike because of interest arbitration language in their collective agreement.
- In a federated structure, agility is more difficult. In 2005, 2007, 2010, 2012 and 2014 collective bargaining rounds, locals expressed frustration with never being at the front of the bargaining queue, but this has never been achieved.

Notwithstanding these inherent tensions, FPSE locals continue to find constructive pathways forward with and for each other. Where employers and governments seek ways to divide locals and weaken our bargaining, FPSE locals always find creative ways to try to increase our collective bargaining strength and, as governments come and go, make improvements for our members and the post-secondary system of education in British Columbia.

### **College Salaries in BC:**

	Top of Scale	Bottom	No. of steps	Inflation (2017)
1970	12,000	8,200	(10)	77,320.20
1971	18,000	10,500	(10)	110,535.21
1973	19,894	10,195	(10)	106,209.60
1974	22,727	11,647	(10)	107,706.22
1975	26,818	14,750	(10)	116,152.13
1976	29,687	14,750	(13) 1 <sup>st</sup> CA	121,726.01
1978	32,450	17,207	(13)	111,991.03
1980	37,675	21,786	(12)	106,664.29
1984	43,252	27,012	(12)	92,139.44
1987	46,000	32,070	(10)	86,448.28
1989	52,154	35,173	(10)	89,641.83
1992	58,047	41,039	(10)	89,640.47

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	Top of Scale	Bottom	No. of steps		Inflation (2017)
1995	60,500	42,744	(11)		90,129.84
1998	63,400	43,900	(14)	1st Common Agreement	90,829.35
2000	65,200	45,859	(13)		88,191.93
2003	73,257	48,666	(10)		92,848.99
2006	76,480	48,666	(11)	+2% for some	91,440.44
2009	83,231	51,797	(11)		94,831.14
2013	84,063	52,315	(11)		89,612.39
2014	86,611	53,900	(11)		90,993.73
2016	88,310	54,957	(11)		89,960.65