A message from your Divisional Executive

by RM Kennedy, L558

On October 16, 2017, nearly 12,000 college faculty across Ontario began a historic strike.

While strikes are never easy, we realized incredibly important gains for the future of the college system. We achieved academic freedom language, on par with most universities, that protects the professional expertise and judgment of faculty. In the coming months, we will need to exercise our voices – now protected by Article 13 – to speak out about the ongoing attacks on quality education.

We also gained meaningful seniority for partial load faculty with a new registry that allows our partial load members to have priority in course assignment so they can have some measure of job stability.

And, very importantly, contract and full-time faculty stood together united to take a principled stand against precarious work.

As the anniversary of the strike approaches, this is a good moment to look around and take stock. The challenges before us are daunting. Doug Ford’s government is coming at us with broken promises every time we turn around. On his very first day on the job, the Ford government recklessly cancelled the College Task Force, the purpose of which was to make recommendations about how to address precarious work in the colleges. OPSEU has filed a Charter challenge on the government’s harmful and ill-advised decision to interfere with our bargaining rights.

Additionally, the government has announced its intentions to attack Bill 148, Ontario’s Fair Workplaces, Better Jobs Act. With Bill 148 on the chopping block, gone are the promises of equal pay for equal work which is so important for temporary and contract workers in Ontario. Gone also are the promised sick days and vacation days, extended parental leave and the raise in the minimum wage. It is time to consolidate our forces, and fight back.

College faculty continue to work hand in hand with the Fight for $15 and Fairness coalition who have been at the forefront of the fight for decent work. Join us as we help to coordinate and participate in campaign events around the province. With 24 colleges in every corner and political riding of this province, we are a force to be reckoned with.

For more information on this important work, visit www.15andfairness.org.

RM Kennedy is Chair of the OPSEU College Faculty Divisional Executive and vice president of OPSEU Local 558 at Centennial College.

...It is time to consolidate our forces, and fight back.

The Faculty Voice is the official publication of the OPSEU College Faculty Division, which includes professors, instructors, counsellors, and librarians who work in Ontario’s public colleges.
Solidarity message

from OPSEU President Warren (Smokey) Thomas

We have much to be proud of as we approach the anniversary of the OPSEU College Faculty strike. I want to extend my congratulations to all of the College Faculty leaders and membership for your extraordinary courage and tenacity during the record-setting long weeks of strike action.

OPSEU was challenged and we responded with full force. We held strong on the picket lines supported by allies from across the labour movement, and backed by OPSEU’s multi-million dollar strike fund. Together we stood strong and raised the bar for good jobs throughout the post-secondary education system.

This fight isn’t over. The full strength of OPSEU is in play as we challenge the government’s decision to ignore our Charter rights and cancel the College Task Force.

We are united as we demand collective bargaining rights for all front-line college workers. And OPSEU is proud of our many years of work organizing for union membership rights for all part-time college workers.

Know that we are 155,000 members strong as we demand $15 and Fairness for all college workers, and for all workers throughout the province. Together we are making change that improves lives.

#Wildcaat and the Contract Faculty Campaign: Equal Pay for Equal Work Now!

by JP Hornick, L556

While colleges have been working to undermine the gains made by college faculty during the last round of bargaining, college faculty have been working with the $15 and Fairness campaign to continue supporting contract faculty rights, particularly when it comes to equal pay for equal work.

Together, we will be rolling out an informational campaign at every college to help educate contract faculty around their new rights under Bill 148 and how to enforce them. Many contract faculty are still being denied vacation pay and are being paid less than full-time faculty, while doing the same work.

We are also working with Parkdale Community Legal Clinic on connecting contract faculty with legal support to help enforce their rights. Groups of faculty are meeting regularly to develop collective responses. College faculty—contract and full-time together—are seen within the labour and $15 and Fairness movements as leaders in the fight against precarious work and for workers’ rights. If you want to get involved with the advocacy group fighting for contract faculty rights, please email: fairnessforcontractfaculty@gmail.com.

With that in mind, we will be planning a series of #wildcaat actions on October 15 to highlight the gains we’ve made, educate our college communities about the systemic challenges we’re facing, and continue the fight for fairness. More information and materials will be available in the days leading up to these actions. Join your colleagues around the province as we show that, while our fight is not over, we remain united.

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Bill 148 mandates equal pay for equal work

by Pearline Lung, L562

Most part-time, contract, casual, temporary and seasonal employees who do substantially the same work as their full-time/permanent counterparts must have the same rate of pay as of April 1, 2018. The Fair Workplaces, Better Jobs Act, 2017 (Bill 148) was passed on November 22, 2017. One component of this legislation ensures that employees who are performing substantially the same type of work in the same workplace are paid equally for that work.

The Ontario college sector includes three categories of contract teaching employees:

Part-time faculty:
6 hours/week or less (non-unionized)

Partial-load faculty:
7 – 12 hours/week (unionized)

Sessional faculty:
13 hours/week or more (non-unionized)

This legislation applies to all categories of contract teaching employees, as well as contract librarians and counsellors. Factors to consider when comparing positions include:

• The core duties must be the same
• The jobs require substantially the same education, training and/or experience
• The jobs require substantially the same levels of responsibility (e.g., comparable authority for decision making)
• Jobs do not have to be identical to require equal pay under Bill 148.
• There can be some differences in the job content, and not all of the duties have to be exactly the same.

Ontario colleges have so far refused to comply with this historic legislation designed to bring fairness to both unionized and non-unionized contract workers. While some colleges have started to pay sessional and part-time faculty the partial-load rate, the real comparator is full-time faculty.

Our new collective agreement includes a letter of understanding which addresses issues of compliance with Bill 148. The letter specifies that all parties will meet to discuss a way forward and come to an agreement. Should this not occur before the November 2018 expiry date, an arbitrator will decide on the outcome.

On June 11, 2018, the College Faculty Division Executive presented a proposal for equal pay for partial-load faculty to the College Employer Council, which they have rejected. If there is no change in the employer’s position, we will have no choice but to apply for arbitration to address such issues as equal pay, vacation pay and emergency leaves.

It is your right as a college employee to request equal pay for equal work from your employer. When making the request, state the name of the employee, or the classification of employees, that you believe is paid more for doing equal work to your own. Explain why you think the work is equal. The employer must provide you with a written response to your request.

Based on the response you receive, if you feel that the employer is not properly complying with Bill 148, the following action can be taken:

1. Partial-load faculty, with the assistance of their union local, can file a grievance.
2. Part-time/Sessional faculty can file a complaint to the Ministry of Labour.

If you want to get involved in the campaign to make the colleges live up to their equal pay obligations, please contact: fairnessforcontractfaculty@gmail.com.
Faculty launch charter challenge on cancellation of Provincial Task Force

by JP Hornick, L556

As many of you are aware, the Ford government cancelled the Provincial Task Force on June 29 as part of his extensive rollback of Liberal initiatives and appointments. Task Force members were notified on July 13, and faculty immediately began work on a coordinated response. Students and faculty members were prepared to issue a joint statement condemning Ford’s decision, while the college appointees declined our invitation to join. Since then, college faculty and OPSEU have worked with expert legal counsel to file a Charter challenge, asserting the government has interfered with our bargaining rights.

In addition, the colleges and the College Employer Council have engaged in a coordinated effort to make faculty feel that our strike was meaningless. Efforts to undermine the intent of the partial-load registry and challenges to academic freedom are underway at many, if not all colleges. Faculty, however, are fighting back and winning. We are also coordinating our efforts provincially through the local presidents and the College Faculty Divisional Executive to strategize for the next three years.

The election of the Ford government is an obstacle, but it is not insurmountable. It is crucial for us to push back, as mobilization has forced Ford to retreat on several of his decisions already, and court challenges are piling up around him. Public opinion remains firmly on the side of college faculty, and the significant gains we did make last round will last if we keep steady in our enforcement. Standing together is the force that led to our success, and continued solidarity is our only means for continuing along that path.
So you’ve won academic freedom, what are you going to do with it?

by Martin Devitt, L242

For years, faculty have been forced to do more with less. Respectful protests within our system have had little effect. The increasing corporatization of the colleges, along with the proliferation of administrative positions, have made our working conditions more challenging, and also de-professionalized faculty as the true experts in our fields. As we take on more and more responsibilities, we must still uphold the quality of what we do.

With the additions of Article 13.02 – 13.05 (the articles on academic freedom) to our 2017 – 2021 College Faculty Collective Agreement, we now have a protected ability to speak out; however, it is not a passive safeguard like so many of our other rights. Rather, academic freedom is a call to action to fully and actively exercise our rights and expertise. For example, academic freedom gives faculty, the content experts, the right and the responsibility to decide how best to educate and evaluate students.

Consider some of the actions of faculty since academic freedom was enshrined in our latest collective agreement:

- Despite pressure from managers, publishers and even colleagues, faculty have fought for the right to determine the type of evaluation and the materials used in their classrooms. Academic freedom ensures that course outcomes are evaluated in the manner deemed most appropriate by the faculty.
- Program faculty have come together to write letters describing how poor management decisions, such as increasing class sizes, overusing technologists and contract faculty, and utilizing supplemental testing, have led to a decrease in the quality of education for students. Bringing such issues to light can help parents, students, and community members understand more clearly the reasons why faculty are speaking out against management’s operation decisions.
- Faculty have filed grievances on arbitrary grade changes by management.
- Faculty have openly criticized some of their institution’s unjust policies and practices, such as Durham College’s restriction on speech during the provincial election. The Canadian Association of University Teachers (CAUT) and the Ontario Confederation of University Faculty Associations (OCUFA) joined with our Divisional Executive in condemning this policy and the College had to respond.

Whether in your day-to-day teaching or in college-wide practices and policies, we as faculty now have the right—and indeed the duty—to speak up and defend the integrity of our profession, and what we know to be best for our students and communities. The forces of management have shaped the increasingly corporatized environment in which we teach. Academic freedom gives faculty the power to correct these injustices. If you have an issue concerning academic freedom, contact your union local representative to find out how you can take action.

“Academic freedom is a call to action to fully and actively exercise our rights and expertise... academic freedom gives faculty, the content experts, the right and the responsibility to decide how best to educate and evaluate students.”
What the new Partial-Load Registry means for job security

by Pearline Lung, L562

The Partial-Load Registry is a new tool that offers job security to partial-load faculty. The 2017 – 2021 CAAT-A Collective Agreement includes two articles (Art. 26.10 D and 26.10 E) that introduce the Registry, which serves as a log of partial-load faculty work experience at the college. It includes the number of years taught, the schools within the college the faculty worked in, and courses taught, including those taught while on part-time or sessional contracts.

All hiring considerations from September 2018 onwards require managers to consult a functional and accurate Registry. To date, however, there are many colleges that have yet to share the Registry with their respective locals, or that have purposely produced a Registry that defies the criteria set out in the collective agreement. As a result, numerous contract faculty have been robbed of their partial-load status this term and were deprived of the job security this tool was designed to preserve.

When there is a need to hire a partial-load employee (between 7 – 12 hours per week), managers must consult the Registry and give hiring priority to faculty whose names appear in the Registry, who have previously taught the course, and who are either currently employed or have at least eight months of service within the last four academic years. Where more than one faculty member meets these criteria, the person with the most seniority will be given the opportunity.

The determination of whether a partial-load employee is needed remains with the college. In making such administrative decisions, the spirit of the contract must be upheld. This will make it more difficult for the colleges to use discriminatory hiring practices.

Partial-load faculty can self-register to their college’s Registry before the deadline of October 30 each year. This annual registration lets managers know who is interested in teaching in a partial-load capacity in the upcoming calendar year. In other words, faculty who register by October 30, 2018 are expressing their interest for partial-load work up to December 31, 2019.

Due to the strike, all faculty who worked in a partial-load capacity at any time from September 1 to December 31, 2017 will automatically be added to the Registry for the 2018 - 2019 academic year. Faculty who wish to teach for the remainder of 2019 (September to December) must still register by October 30, 2018. Please check with your union local for specific instructions on how to register.

The Division is fighting back.

OPSEU has launched grievances against the colleges for their non-compliance on the Partial-Load Registry. If you believe that you were not given a course to which you were entitled, please contact your local union representative.
Employee status is determined by more than teaching contact hours

by Heather Giardine-Tuck, L240

The creation of more full-time faculty jobs is supported by an important new arbitration decision out of St. Lawrence College.

On March 26, 2018, Arbitrator Jasbir Parmar determined that coordinator hours, in addition to the 12 teaching hours taught by a Professor at St. Lawrence College, resulted in the partial load employee having sessional status. His position rolled over into a permanent full-time position since he had worked more than the 12 in 24 months outlined in Appendix V of our collective agreement.

This award affirms the union's position that many contract faculty, even if they are teaching 12 hours or less, are actually doing the work of a full-time person and a full-time position should be created for them.

A key indicator of the importance of this award is that The Council for the employer from the firm Hicks-Morley, has warned the colleges of its “dangers” for the employer. He has told them to be very careful in how they assign work going forward.

With this win, all partial load faculty should carefully review their total workloads. Be sure to factor in teaching hours as well as any other academic duties assigned (e.g. coordinating, curriculum review, course development). It is the total workload or combined hours which Arbitrator Parmar has ruled constitute the workload.

Should they cross over into having worked the equivalent of 12 months full-time (or sessional) in 24, they should approach their local union to inquire about rolling into a permanent position.

Here is the link to the St. Lawrence Award in its entirety:

Meet your 2018-2020 Divisional Executive (DivEx)

In June 2018, delegates from all twenty-four college faculty union locals gathered in Toronto to discuss the future of our Division, and elect new provincial representatives. Returning executive members RM Kennedy (Centennial), Martin Devitt (Niagara), JP Hornick (George Brown) were joined by two new members: Heather Giardine-Tuck from Mohawk and Pearline Lung from Humber. With fresh eyes and rejuvenated spirits, the DivEx is ready for another year of fighting for your rights, in solidarity with all twenty-four locals.

As the Division faces a challenging future ahead, building our capacity as a union at every level is imperative. As faculty, we know that strength begins with education. This fall, the DivEx has planned a College Faculty Division educational, bringing together the experience and wisdom of all of our locals. Additional information will be forthcoming.

Communication is also a key component to a strong Division. Throughout the year, members from each provincial committee and union local are encouraged to contact the DivEx through their appointed liaison. The liaison will be in contact with you to ensure your committee and your local needs are supported. As always, members are encouraged to contact their DivEx member at any time with questions or concerns.

RM Kennedy, Chair
Centennial, Local 558
rmatopseu@gmail.com

Liaison to these committees:
• Short Term Disability Plan Task Force
• Intellectual Property Task Force
Provincial Task Force and Bill 148

Liaison to these locals:
• L110 Fanshawe
• L415 Algonquin
• L417 St. Lawrence
• L558 Centennial

Martin Devitt, Vice Chair
Niagara, Local 242
mdevitt1@gmail.com

Liaison to these committees:
• CAUT
• Joint Education Qualifications
• Joint Grievance Scheduling

Liaison to these locals:
• L242 Niagara
• L244 Sheridan
• L354 Durham
• L470 La Cite
• L673 Boreal

Heather Giardine-Tuck
Mohawk, Local 240
heathergiardinetuck@hotmail.com

Liaison to these committees:
• Health and Safety
• Joint Insurance
• In Service Teacher Training

Liaison to these locals:
• L240 Mohawk
• L613 Sault
• L653 Northern
• L655 Cambrian
• L657 Canadore
• L732 Confederation

JP Hornick
George Brown, Local 556
jphornick@gmail.com

Liaison to these committees:
• Provincial Task Force and Bill 148
• Counsellor Class Definition

Liaison to these locals:
• L138 St. Clair
• L237 Conestoga
• L352 Fleming
• L556 George Brown
• L660 Seneca

Pearline Lung
Humber, Local 562
PearlineDivEx@gmail.com

Liaison to these committees:
• Sick Leave Buyout
• CBIS
• Pension Sponsor
• Pension Trustee

Liaison to these locals:
• L125 Lambton
• L350 Georgian
• L420 Loyalist
• L562 Humber

Meet your 2018-2020 Divisional Executive (DivEx)

Left to right: Martin Devitt (Vice Chair), RM Kennedy (Chair), Pearline Lung, JP Hornick, and Heather Giardine-Tuck

divexcaata@gmail.com
Twitter: @caatfaculty Facebook: @OntarioCollegeFaculty
www.collegefaculty.org

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Warren (Smokey) Thomas
OPSEU President