

# College Faculty 2018 - 2019 Year in Review

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*Brought to you by your CAAT-A DivEx*

## IN BRIEF

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- *Leah Casselman Award* for the 2017 CAAT-A Bargaining Team
- New Executive Board Member elected from CAAT-A for 2019-2021 (Anna Ainsworth, L560)
- New *DBplus* CAAT Pension Plan: an improved pension plan for contract faculty
- In-Service Teacher Training Program: final year for faculty to enroll

## SUPPORT FROM OPSEU

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As part of our long-standing discussions with OPSEU about needed support for CAAT-A, the DivEx put forth a proposal for a temporary OPSEU position dedicated to CAAT-A. The proposal was accepted, and the position was successfully filled by **Scott Kennedy**.

In his capacity as OPSEU CAAT-A Activities Supervisor, and in a mere few months, Scott has:

- resolved the Local Time Off (80/20) Fund challenge that has hindered CAAT-A locals from accessing this fund
- effectively coordinated with OPSEU's departments to provide clearer responses to the DivEx in a timely manner
- initiated a needs analysis for our sector
- diligently worked with the DivEx and OPSEU staff reps to support our locals

In addition to gaining this invaluable support, OPSEU has also approved our budget to include **annual Divisional Meetings** (previously every 2 years); our by-laws are still pending approval. We anticipate that our next Divisional Meeting will be in the fall 2019.

## ARTICLE 2 GRIEVANCES

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With the moratorium gone, many locals have begun filing Article 2 grievances and rebuilding their full-time faculty complement. For example, Local 240, Mohawk College, was successful in getting 62 full time faculty positions across the college. Most of these new hires will be in place by the end of August 2019, while the remainder are to be filled in 2020.

At our Divisional Educational in November 2018, an Article 2 workshop was held where experts from various locals, as well as our OPSEU grievance officers, Lesley Gilchrist and Alex Zamfir, shared their strategies for success. For electronic access to the educational materials, including sample grievance language, or for assistance in filing Article 2 grievances, please contact your DivEx liaison.

## **FORD'S ATTACK ON POST-SECONDARY EDUCATION**

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Premier Ford wasted no time to begin his attack on public sector education. While his changes affect Ontario students from kindergarten to the post-secondary level, here's an outline of how colleges and college students are being affected. Within a year, Ford has:

- reduced post-secondary tuition by 10% without providing any additional provincial operating grants to colleges, which will inevitably hurt program quality
- made cuts to OSAP, which will hurt both students and the colleges
- made student union membership voluntary - an attack on student democratic rights
- imposed a regressive free speech policy without any faculty consultation
- presented a provincial budget that includes a performance-based funding model for PSE institutions, where 60% of funding is based on 10 metrics (more info below)
- held a *Sustainability and Renewal* consultation – a clear attack on faculty over the age of 65 (more info below)
- announced a public sector wage consultation – a façade in anticipation of imposed restrictions on future collective agreements and/or other noxious regulations

Protests against Ford have yet to cease, and in fact, the resistance continues to grow stronger. CAAT-A will continue to work closely with students and PSE allies to fight for quality education for Ontario students. At the local level, this is certainly a wake-up call that we must focus on building strong and engaged locals so we can fight back against further cutbacks that are undoubtedly coming our way.

## **FORD'S ATTACK: PERFORMANCE-BASED FUNDING MODEL**

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On April 11, the Ford government announced that 60% (by 2025) of Ontario post-secondary funding would be linked to performance metrics determined by them through the SMA3 process. This is a remarkable jump from the 2-3% proposed by the previous government and raises many concerns for our sector around employment stability and quality of education. These metrics are designed as pass/fail – in other words, these are all or nothing models of funding. They could essentially be a delayed cut in disguise. Based on the technical briefing provided by the Ministry of Training, Colleges, and Universities, there are nine systemwide and one institution-specific metrics for colleges:

1. Graduate earnings
2. Experiential learning (Number & Proportion of Graduates in Programs with Experiential Learning)
3. Skills and competencies related metric (TBD)
4. Graduate employment (Proportion of Graduates Employed FT in a Related or Partially-related Field)
5. Institutional Strength /Focus (Proportion of Students in Identified Area of Strength)
6. Graduation Rate
7. Apprenticeship related metric (TBD)
8. Innovation (Funding from Industry Sources)
9. Community / Local Impact (Student Population as a Proportion of Local Population)
10. Institution-specific Economic Impact Metric

Several of these metrics are clearly geared to drive students into particular fields with heavy influence from employers and market forces beyond even the scope of the colleges' mandate.

The new SMAs are to be announced by the end of the summer, and the five-year cycle will begin this Fall. In our opinion, these represent a serious change to the mandate of the colleges, and a potential violation of the Letter of Understanding in our CA on changes to a college's mandate or objects. The DivEx is consulting with the OPSEU Grievance Department on next steps in this area. In addition, they could have a significant impact on employment stability, likely in targeted programs/areas at each college.

We are suggesting for now that Locals convene a meeting of their CESC and UCC to proactively begin these conversations, gather information, and plan for mitigating the impact on our faculty. If we begin these conversations now with our colleges via the mechanism of the CESC, which is well within the scope of Articles 27/28, then we stand a chance of shaping the outcomes with the colleges. We will keep you posted on further developments as they arise and are open to hearing from you about creative means for addressing this challenge locally.

### **FORD'S ATTACK: SUSTAINABILITY AND RENEWAL CONSULTATION**

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In February, the MTCU invited the DivEx to a very last-minute consultation on the topic of "Postsecondary Education: Sustainability and Renewal." While named "faculty renewal", the content of the consultation seemed to be related to concerns about the aging PSE workforce and "pension double dipping", or in other words, employees who continue to work past 65 and also collect pension. Based on our analysis of available data, we see this as a statistically insignificant problem. In our comments, we insisted on the value of employees over the age of 65, and the fact that faculty often need to work later in their lives because they begin their careers as professors later (on average at age 42). We also made the point that faculty renewal should be based on hiring more entry level faculty, not getting rid of older ones. With that said, given the relatively low financial significance of this issue for the government, we remain concerned that the government will use this "consultation" as a cover to usher in other kinds of toxic cuts. The government has announced that it will engage in more consultation before making a final decision on next steps.

### **RESTORATION OF THE EERC**

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After a 3-year hiatus, the Employer Employee Relations Committee (EERC) reconvened in April with a two-day workshop on the Foundations of Committee Effectiveness, delivered by the Dispute Resolution Services of the Ministry of Labour (MoL). The EERC is comprised of the members of the DivEx and college administrators representing the College Employer Council (CEC). The EERC will be meeting regularly to discuss issues that have local and province-wide concern. If you are told that the CEC has directed your college to act or apply policies/procedures etc. in a particular way, please contact the DivEx so that we can gather these 'directives' for possible discussion at EERC.

## **FEET ON THE GROUND PROGRAM**

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The Feet on the Ground training program, run by the Workers' Action Centre, began in February 2019. OPSEU sponsored 3 contract faculty (1 GTA, 2 non-GTA) to participate in this program. These individuals currently teach at Algonquin, Niagara, Humber, and Centennial College. Using the *Contract Faculty Info Session* presentation materials we've developed, our participants have begun holding info sessions at their respective colleges to educate and empower other contract faculty. If you are interested in organizing an info session at your college, please contact your DivEx rep.

## **PARTIAL-LOAD REGISTRY GRIEVANCES**

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The DivEx is working with the OPSEU Grievance Department to develop a coordinated approach to the partial-load registry grievances that are currently in the system. This has been at times frustrating and highlights the need to do an overall review of our grievance handling procedures. We have proposed that a committee be struck to do so.

In the meantime, we finally have a date for the centralized grievances. You may remember that we encouraged locals to file three union grievances. The CEC agreed to centralize Grievances 1 & 2 (Grievance 1: not recognizing all courses taught by PL members; Grievance 2: refusal to create a registry or provide adequate info). These hearings will begin on **June 24** and Tim Hannigan of RWBH has been retained to handle them. As many as 15 locals are named in these grievances, and Tim as well as Lesley Gilchrist will be reaching out to you very shortly to gather facts and documentation.

The CEC refused to centralize union Grievance 3, relating to whether priority hiring is based on courses or course bundles. This is arguably the most important grievance. Several of these union grievances have been scheduled, but we are going to hold them in abeyance while we advance an individual grievance out of Niagara College on the same topic that has excellent facts. An individual grievance will be less likely to be thrown out on preliminary objections. More updates to follow.

## **ACADEMIC FREEDOM GRIEVANCES**

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This past year, workshops on Academic Freedom have been held at various locals to increase faculty's understanding of Article 13. Faculty are starting to exercise their Academic Freedom rights under Article 13, and we have two Academic Freedom grievances moving forward. To ensure a strong precedent is set, we ask that locals contact their DivEx rep when Academic Freedom grievances are contemplated. Locals are welcome to the workshop materials – ask your DivEx rep.

## **PART-TIME/SESSIONAL ACADEMIC UNIONIZATION**

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On Thursday, April 25, we had a hearing at the OLRB in front of OLRB Alternate Chair Matthew Wilson. The date was supposed to address the matter of who should be included in the part-time bargaining unit, and in particular, whether the unit should properly include individuals who hold non-teaching academic contracts. Obviously, we are arguing that it should include all academic work, including non-teaching work such as coordination and curriculum development. However, instead of hearing arguments on this issue, we again met CEC obstruction and the day turned into

case management negotiations regarding timelines for the production of documents and challenges. The outcome is that we have yet another extended timeline that leads us to at least December 2019.

Overall, the whole process is extremely taxing and involves thousands of disputes over the status of both individuals and groups of potential members. The CEC could end these disputes by agreeing to simply count the ballots. In the meantime, OPSEU Organizing and DivEx will be reaching out to individual Locals with queries about the status of certain individual members. If you can spare some time to help answer questions about the status of some of these individuals, it would really help.

### **OUTSOURCING EDUCATION FOR INTERNATIONAL STUDENTS**

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We are aware of 6 colleges that contract out the delivery of public college credentials to private colleges for international students: Lambton, St. Clair, Northern, Cambrian, St. Lawrence and Canadore. After a Divisional lobbying campaign and damning external reports about the risks such arrangements pose, the previous Liberal Government announced that it would be phased out. The Ford Government, however, has indicated that the outsourcing will now be allowed to continue. Consequently, on February 6, two locals – Canadore and St. Lawrence – filed OLRB applications “Regarding Employee Status”, essentially making the claim that the workers (support and faculty) at the private colleges belong to our bargaining units because they are delivering our programs. We have OLRB mediation dates set for these cases in June and July 2019.

### **CANCELLATION OF THE COLLEGE TASK FORCE**

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As we know, the Provincial Joint Task Force created to address and resolve key issues from the last round of bargaining was immediately cancelled by Ford on June 29, 2018. Members of the task force, however, were not notified until July 13. We had already filed a Charter challenge to the back-to-work legislation (Bill 178), and filed a second on September 5, 2018 in regard to the cancellation of the task force. We are now in the process of scheduling dates related to submission of affidavits, evidence, and cross-examinations, along with securing hearing dates by late August 2019. While this will likely be a lengthy legal process, we will also be exploring ways in which we can possibly continue the work of the task force via EERC and other mechanisms.

### **ATTACK ON COUNSELLING JOBS**

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In February, management at La Cite College notified Local 470 that they would be outsourcing jobs at the College’s Counselling Resource Centre. This is not only an attack on counselling jobs, but also on Francophone communities and services. By April 24, the counsellors were served with official layoff notices. The Local President worked through the layoff process, trying to redeploy the counsellors.

The College also informed the Union that they would be handing the work over to the City of Ottawa through a group called Centre Psychosocial. The new provider began delivering the counselling services for the College as of May 2019. Local grievances on wrongful layoff and

an Ontario Labour Board application will be filed with respect to this contracting out of counselling services. DivEx and OPSEU staff will continue to support the Local.

The actions of the College are not only concerning to the affected individuals but to the entire College system. Given the mental health crisis in higher education, La Cite should be investing in more counsellors, not contracting out.

**BILL 148 - ARBITRATION**

On April 15, members of the Bargaining Team and DivEx met with arbitrator William Kaplan to deal with preliminary objections on the Bill 148 Letter of Understanding. Arbitrator Kaplan's decision was not in our favour, unfortunately. While this is disappointing, we are continuing to work hard on several fronts to protect and further the gains we made last round, and to push back against an employer emboldened by this government's anti-PSE austerity agenda. If there is a silver lining in this, it is that Kaplan did not rule on the merits of whether contract faculty deserve equal pay for equal work, only that due to the repeal of much of Bill 148 by the Ford government, he was not in a position to arbitrate this issue. We have another date with Kaplan on October 21 to deal with the outstanding issues related to ESA compliance post-Bill 148. At this hearing we will likely deal with partial load vacation pay issue.

**SHARED GOVERNANCE SYMPOSIUM**

Planning is underway for a Symposium on Shared Governance in 2020. Ontario Colleges, excepting Sheridan, stand out in the Canadian Post-Secondary sector as being the only system without a form of shared governance. This increasingly reinforces a corporate structure of financial priorities and leaves faculty experts without a voice. Having won academic freedom in the last round of bargaining and the right to speak to all issues of academic quality and concern, the participation in the governance of the colleges is the next fundamental exercise of that academic freedom.

This symposium will examine the issues of shared governance in the college context: shared governance models, outcome-based programs, codes of conduct, fiduciary duty, confidentiality versus transparency, among other topics.

