

# Update

Issue #1

November 24, 2017

FROM YOUR BARGAINING TEAM



## Solidarity has set us up for success!

Strike action is a profound experience of solidarity. I know we will all remember our time on the picket line with colleagues, students, allies and family for the rest of our lives. We know firsthand what it means to take part in a province-wide work action, and leverage our collective power to help change the system.

College faculty have much to be proud of. We made significant gains at the table for partial-load members, and we were able to get the government and the College Employer Council to agree to a provincial task force on precarious work, faculty complement, academic governance, intellectual property rights, student mental health, and college funding. Every faculty member can be proud of what we have accomplished together.

While most faculty are now back at work with our students, it's important to acknowledge that the strike was a long and difficult five weeks. Our experiences of returning to work have likely included uncertainties and frustrations. Please know that you are not alone, and your union is here to help you. Remember that the chaos at your college is of the colleges' making, and it's their job to fix any problems. Hold your head high, and be proud that you were part of a collective action to help improve post-secondary education for our students and for generations of workers to come.

In solidarity,

JP Hornick

Chair, college  
faculty bargaining  
team

*Street Hockey at the cité la cité in  
Ottawa. School staff and students  
are in the game!*



## Union to file Charter challenge over back- to-work law

OPSEU is challenging the Ontario government's Bill 178 back-to-work legislation in court, and disputing this blatant trampling of labour rights.

The province ended a five-week strike by Ontario college faculty November 20 by passing Bill 178, the Colleges of Applied Arts and Technology Labour Dispute Resolution Act, 2017, on November 19. OPSEU President Warren (Smokey) Thomas says the law violated the Canadian Charter of Rights and Freedoms, specifically Section 2 (d), which protects freedom of association.

Ironically, on November 22 the government passed Bill 148, which improves certain labour standards, just a few days after it had walked all over the Charter rights of more than 12,000 workers.

Read the full news release at  
[www.opseu.org](http://www.opseu.org).

## The road ahead

College faculty are currently preparing to present faculty's case to an arbitrator regarding all of our outstanding issues. Though the College Employer Council stonewalled at the bargaining table, they will now be obliged to work with the arbitrator to come to a collective agreement that includes consideration of both parties' concerns and issues.

The arbitration process will take up to 95 days from Royal Assent for the Bill 178 back-to-work legislation, although the two parties can extend that timeline by mutual consent. Meanwhile, our expired collective agreement applies until an arbitrator issues a decision regarding the outstanding issues.

According to Bill 178:

- On or before the fifth day after the Act receives Royal Assent, the parties shall jointly appoint the mediator-arbitrator. If no agreement is reached, an arbitrator will be appointed by the Ministry of Labour.
- The mediator-arbitrator shall begin the proceeding within 30 days after being appointed
- The mediator-arbitrator shall make an award (decision) within 90 days after being appointed.

The bargaining team has already begun working with our OPSEU staff researcher, Manzur Malik, and our legal counsel, Don Eady of Paliare Roland, to prepare our case for arbitration. Both know our sector well and are compiling research and information on our outstanding issues. Additional research and consultation with relevant experts will also take place over the next few weeks.

Thanks to our unprecedented 86 per cent vote by 95 per cent of our members to reject Council's offer, we are in a strong position as we begin the arbitration process.

We anticipate that management will put forward a concessionary offer of settlement. Our faculty team will be prepared with counter arguments to their concessions.

When the bargaining process began, we knew that arbitration was one possible end result for unresolved issues. We are hopeful that it will have good outcomes, as was our previous experience when binding arbitration established both the SWF process and our comparator groups.

The faculty bargaining team is ready for this next step in the process of creating a fair collective agreement. We feel strongly that we will prevail, thanks to the solidarity shown by our division.

By continuing to stand together we will make history once again.





## What is interest arbitration?

Interest arbitration is a way to bring together both sides to reconcile a dispute. The college faculty bargaining team and the College Employer Council will select an arbitrator that both parties agree to or, failing agreement, the Ministry of Labour will select one. Then each side will have an opportunity to make submissions on the outstanding

items for the arbitrator's consideration. The arbitrator will consider the materials presented and will issue a written decision which will be final and binding on both parties. The items decided in this award will form a new collective agreement. The timeline for the interest arbitration outcome is determined in part by the availability of the arbitrator.

**For more information about the interest arbitration process, please visit the Ministry of Labour website at [www.labour.gov.on.ca](http://www.labour.gov.on.ca)**



## Partial load?

Are you partial-load faculty? If you wish to extend your contract but have vacation plans there are a couple of options. The first is to cancel or reschedule any vacation plans. If you are partial-load faculty, speak to your manager about whether the college will reimburse you for any losses. The second option is to propose teaching contact hours that work around your vacation plans. This will require a discussion of your proposal with your manager.

Our collective agreement provides that partial-load faculty are paid for teaching contact hours and there is no separate provision for preparation or evaluation factors. We ask that partial-load faculty keep detailed notes about the additional time spent, including dates and specifics as to what work was done in addition to the time spent. Send an email message to your manager copying the union, identifying that you expect to be paid for the increased workload.

## *Returning to work starts with solidarity*

College faculty gathered in front of our colleges, and walked in together in a show of solidarity as we returned to work. From La Cité collégiale to Sault College, Fleming College and George Brown College, solidarity along with happiness at going back to work with our students was evident in the photos and videos shared online.



# Update

FROM YOUR BARGAINING TEAM



**Students deserve  
the BEST from both  
faculty and colleges!**

Faculty are working hard to ensure our students receive the best education and college experience possible for the balance of the term. We are also witnesses to the hardship experienced by so many of our students who have been out of the classroom for five weeks.

Our students deserve better than a half-baked promise by the colleges to repay them up to \$500 for unexpected expenses. The colleges can afford to compensate our students better than that. Faculty call on the colleges to make full use of the salaries they have withheld, and ensure that students have access to the financial assistance they need.



**#Standwithfaculty**

# To contact your CAAT-A bargaining team, please write to:  
[bargaining2017@gmail.com](mailto:bargaining2017@gmail.com)

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Authorized for distribution by:

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