

## Update from your bargaining team: Arbitrator awards improvements far beyond those offered by Employer in negotiations

### The award affects areas including:

- Equity
- Indigenization
- Partial-load job security; and acknowledges workload associated with multi-modal courses.

This is an historic moment in CAAT-A's continued fight for equity, job security, and fair and reasonable working conditions!

A year after the CAAT-A Collective Agreement for full-time and partial-load faculty at Ontario Colleges expired in September 2021, following thirteen and a half months of bargaining which included members engaging in four months of work-to-rule job action, we have a new Collective Agreement. By standing together, college faculty beat back concessions and made momentous gains!

This award affects areas including Equity, Indigenization, and partial-load job security. This is an historic moment in CAAT-A's continued fight for equity, job security, and fair and reasonable working conditions.

In the award issued September 23, Arbitrator William Kaplan set out the terms of the new Collective Agreement that will govern faculty work until September 30th, 2024. The term of the agreement will run from October 1, 2021 through September 30, 2024. The award includes final, binding decisions, including on certain issues that the College Employer Council refused to bargain since negotiations began in July, 2021. These important and necessary gains are all the more notable in the face of Bill 124 and the COVID-19 pandemic, and they set up a roadmap to update our 35-year-old workload formula.

**“Despite the unconstitutional constraints of Bill 124, this may represent the most significant gains that any postsecondary faculty association has achieved in bargaining since the pandemic began. This agreement puts us on a clear path to improving the working conditions of Ontario College faculty and the learning conditions of Ontario College students. It’s a testament to what our members can achieve when they stand up for their needs and their students’ needs.”**

*- JP Hornick, OPSEU/SEFPO President*

## No Concessions and Bill 124

In addition to the many gains that we have achieved through Arbitrator Kaplan's award, many of which are outlined below, another significant development is that we fought off all employer concessions. Among the concessions that the CEC tabled in this round were attacks on our sick leave and on the autonomy and academic freedom of faculty professional development.

Unfortunately, we were subject to one large concession that was imposed by the Ford government and weaponized by the CEC: Bill 124, which limits wages to a one per cent increase for three years and prevents

public sector unions from engaging in free and fair collective bargaining. OPSEU/SEFPO is one of the unions involved in the Constitutional Challenge to have Bill 124 struck down. Arguments on this challenge commenced on September 12th, and we look forward to a positive result.

However, our new Collective Agreement does feature wage re-opener language that will allow us to resume bargaining issues related to compensation if Bill 124 is struck down. This re-opener language is especially crucial during these times of high inflation.

## Equity, Diversity and Indigenization

On EDI, Arbitrator Kaplan accepted Union proposals to enshrine the Letter of Understanding on Employment Equity into the Collective Agreement (with changes to reflect more inclusive terminology and a commitment to address both anti-Black and anti-Indigenous racism). This grants faculty and their Locals at each College new, powerful tools to combat inequity at each College. The award also incorporates the Union's ground breaking proposal to add bereavement leave for "chosen family", to make the provision more equitable and inclusive for all.

The award further incorporated Union proposals to consider the workload implications of Indigenous land-based learning and/or traditional practices/

customs, and to give Indigenous faculty the right to include an Indigenous Elder or Knowledge keeper in WMG and grievance processes. The Union was also successful in obtaining changes regarding starting step calculations, which will now recognize the value of Indigenous Knowledge. Finally, it commits the parties to a process for adding two Indigenous arbitrators.

Much like the last round of bargaining, when we gained the rights to academic freedom and partial-load job security, this moment in CAAT-A is transformative. Despite assertions to the contrary, social issues do require attention in the contracts governing our working conditions. These achievements establish a foundation for future negotiations. Equity must matter.

## Workload

This award also establishes a pathway to update the outdated workload formula for full-time and partial-load faculty. While Arbitrator Kaplan's award contains elements of both sides' proposals for a Workload Task Force, the final language reflects many Union priorities and does not incorporate language that the Employer had proposed in bargaining, which targeted specific programs. The award determines that a neutrally-chaired Task Force will examine workload for full-time and partial-load faculty (including counsellors

and librarians). The Task Force is to complete its work, including a report with recommendations, which could act as a framework for the next round of bargaining.

This award also asserts that multi-mode teaching needs to be addressed. In addition to language that was previously in our Collective Agreement, it acknowledges the unique workload demands presented by adapting courses in multiple modes (e.g., in-person and online; synchronous and asynchronous).

## Partial-Load

Arbitrator Kaplan's award includes several significant gains for partial-load (PL) faculty members, who comprise more than 40 per cent of the bargaining unit. These include changes that will make it easier for PL faculty to bridge benefits between semesters, and accrue service credits, which will improve their seniority rights and progression up the salary grid.

Other improvements concern the application of the PL Registry: Eligible PL faculty now have the right to be assigned the maximum number of PL courses, and also now have seniority rights over classes that they have taught in any capacity (including part-time

and sessional), including courses whose names or codes have been changed by the College.

Lastly, the award now protects a PL members' eligibility for priority-based hiring if they have taken pregnancy and/or parental leave.

These changes to the Collective Agreement are significant gains for PL members and continue to build upon previous gains in 2012, 2014, and 2017. Notably, several of these gains originated from union proposals/member demands that the CEC claimed that the colleges could never agree to.

## Counsellors and Librarians

Arbitrator Kaplan's award recognizes that the workload of Counsellors and Librarians needs to be addressed. The new Workload Task Force will be the first that acknowledges Counsellor and Librarian workload distinctly. This is an important step toward the goal of a workload formula/recording of Counsellor and Librarian work.

As well, the award updates the Collective Agreement's Counsellor Class Definition. The revised definition acknowledges the breadth of work that Indigenous

Counsellors, Learning Strategists, Abilities/Disabilities Counsellors, and Vocational/Mental Health Counsellors do. While the award does include some language that had been part of the Employer's proposals for the revised definition, it does not include language proposed by the Employer that the Union believed would undermine the autonomy of Counsellors. This updated class definition will be imperative in establishing a reasonable and sustainable workload for Counsellors.

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### In solidarity,

**Jonathan Singer, Local 560 (Seneca) – co-chair**

**Ravi Ramkissoonsingh, Local 242 (Niagara) – co-chair**

**Michelle Arbour, Local 125 (Lambton)**

**Kathleen Flynn, Local 354 (Durham)**

**Shawn Pentecost, Local 415 (Algonquin)**

**Rebecca Ward, Local 732 (Confederation)**

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# #Bargaining *for* **Better**

### College Faculty Work-to-Rule Job Action: Largest work-to-rule faculty job action in the history of Canadian Colleges and Universities.

Members clearly demonstrated the need for change in the college system. Once the strike mandate vote was received in December, and after our Employer unilaterally imposed our working conditions, our division stood strong together to implement a strategic work-to-rule job action, withholding labour in an attempt to force the colleges to address our working conditions. The impact was felt across the college system and carries on in some capacity today. With no loss of pay, work-to-rule gave many members greater awareness of the colleges' exploitation of their unacknowledged volunteer work, to such a degree that today they are still working to their assigned workload only. This too was a historic moment in bargaining.



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