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Sault News

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OPSEU spokesperson says govt conduct re college instructors is 'outrageous'

Posted By BOB MIHELL

Posted 3 days ago

"Outrageous" and "scandalous" are two words used by an Ontario Public Service Employees Union spokesperson to describe the union's response to the continued refusal of Ontario's 24 community colleges, including Sault College, to allow the counting of 3,600 votes by part-time and sessional instructors seeking union representation.

Those votes were cast last January and February.

What was suppose to be a quick process is now bogged down in a judicial hearing before the Ontario Labour Relations Board, that Randy Robinson, a senior communications officer with OPSEU in Toronto, estimated could take close to two years to resolve with a price tag for taxpayers he estimated at up to \$2 million.

Robinson laid a major part of the blame on the doorstep of the McGuinty government, comparing the situation with the campaign to unionize the college part-timers to the recent e-Health scandal that led to the resignation of top officials in that government agency.

"Every single penny of the cost is taxpayers' money. We look at the McGuinty government and the e-Health fiasco and this beginning to look like that," he said. "This is \$2 million they could eventually spend over two years to prevent Ontario citizens from having their democratic voice heard, and it is absolutely scandalous."

As for the colleges, Robinson said, "They should be ashamed of themselves, but instead they just keep going along."

He added that the provincial government had changed the law to allow the employees the right to unionize in October 2008. An application was submitted to the Ontario Labour Relations Board in December who then ordered the vote.

"That vote was held," Robinson said. "And now the colleges, who are absolutely an agency of the provincial government, are using taxpayers' dollars to stop the vote from being counted. It's absolutely outrageous."

Robinson estimated that the legal fees paid to the law firm representing the colleges at the most recent meeting before the OLRB to examine 13 individual cases over nine hours at \$5,000.

He suggested at the current speed, the review could last up to 400 days.

Robinson said that the parties have met once a month since April, a fact confirmed by Don Sinclair, executive director of the Colleges' Compensation and Appointments Council, and OLRB spokesperson Voy Stelmaszynski. "When we did that full nine-hour day looking at individual situations, we got through 13 of them," he said. "What that means is that the colleges are willing to spend 400 days looking at whether or not those votes that were cast in good faith by hard working Ontarians should be counted," said Stelmaszynski.

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The key issue on which all sides appear to agree is whether or not a requisite 35 per cent threshold of eligible instructors who submitted cards to join the union (an estimated 5,200 in total) was met.

The disagreement lies with who was eligible to sign or vote.

Sinclair said the position of the colleges is that anyone who participated in the card signing and subsequent vote had to have a part-time or sessional instructor's contract with a college on Dec. 4, 2008.

But Robinson dismissed that criteria for eligibility. "The employer said this individual had no hours assigned and was not working during the period. We responded that your payroll statistics show that they were paid," he said. "We asked them, were you paying them for not working? We don't know the answer; that information is at the college level."

Robinson said that OPSEU'S position is that part-time and sessional instructors who have had a demonstrated ongoing

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relationship with the college should be eligible to choose union representation.

"For example, there were people who were working that semester, but whose contracts ended before Dec. 3, 2008," Robinson said. "You will have people who have, for a number of years, worked from January to April every single year, but not the semester when the vote was held.

"If they voted, obviously they have a relationship with the college and a concern about the outcome of the vote. Those votes should be counted. This is the kind of jerking around we're dealing with from the colleges."

But Sinclair defended on behalf of the colleges, the colleges' position on eligibility. He said that position was that eligible voters had to have had a contract with their respective college on Dec. 4, 2008.

Sinclair also defended the track record of community colleges as fair and equitable employers with respect to its part-time and sessional instructors, many of whom he said, were content with their part-time situations as they held other jobs.

Robinson, however, rejected that argument. "The history of the colleges over the past 15 years has been all about cost cutting, and the number one cost cutting technique they've used is the casualization of the work force and reducing their reliance on full-time permanent staff."

From the perspective of the OLRB, Stelmaszynski said that the process established by the board was to expedite the vote as close to the application time as possible, "and answer the questions later".

Asked if it would have been better to have established clear grounds rules with respect to eligibility before the vote occurred, he replied that if the vote had been delayed, they could be still caught up in the process of establishing the eligibility rules. "To establish those ground rules, it could have taken as long as it's taking now. We are in August and without conducting the vote when it took place, people could have changed their minds and not expressing the wishes they felt when the campaign was in full force," he said.

He added under the Ontario Labour Relations Act, the vote had to occur within five days of an application.

But Stelmaszynski said there were no requirements under law to conclude the review now underway within a specified timeframe.

He declined to speculate how long the review process on voter eligibility would take, but suggested the process should speed up as individuals fall into certain agreed upon categories.

Stelmaszynski declined to comment on what the review could end up costing.

He said also that it was up to both parties to establish a timeframe for meetings, and noted that the OLRB also has to juggle its resources in handling cases that come before them. "We're doing what we can," he said.

But Robinson said OPSEU intends to increase its pressure on the government to end the stalemate.

He stressed though that OPSEU was prepared to "grind" through the process however long it takes.

"We will continue the process, but we also are going to step up our political lobbying. We just want to open the box and move on so we'll do everything to make that happen," he said.

Sault MPP David Oraziotti, who is on record as supporting the right of part-time and sessional college employees to unionize, was unavailable for comment Monday.

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