

Righting the historical and current wrongs of Ontario part-time and sessional college workers

A brief presented to the College Compensation and Appointments Council (the Council) by the Organization of Part-time and Sessional Employees of the Colleges of Applied Arts and Technology (OPSECAAT)

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An untenable situation

The situation today in Ontario's twenty-four community colleges where part-time and sessional workers now outnumber full-time employees is no longer tenable. It denies these workers the right to bargain collectively. It treats these men and women abysmally and robs them of their dignity. It has a profoundly negative impact on the quality of education students receive in our colleges.

The "tipping point," the point at which the situation had obviously gotten out of hand, came at about the time the number of part-time and sessional workers finally exceeded the number of full-time ones. In 1975, when the *Colleges Collective Bargaining Act* became law, there were very few part-time workers in our community colleges. Extra people were pulled in at registration time. A few non-credit courses were taught, mostly in the evening.

However, over the past 15 years, from the fall 1988-1989 schoolyear until the fall of 2004-2005, the total number of academic full-time staff has decreased by 21 percent while full-time enrolment has increased by 49 percent, according to the Association of Colleges of Applied Arts and Technology (ACAATO) 2006 Environmental Scan. In that same period, full-time support staff has fluctuated and now remains at about the same level as it was in 1988-1989. Administrative staff/management has increased by approximately 16 percent in the past six years. There are now close to 17,000 women and men working part-time in Ontario community colleges, while the full-time contingent is 15,000 workers. Moreover, part-time workers are now fulfilling key functions both in support staff and teaching, where part-time faculty are now offering core courses in core programs.

Having said the above, we are not recommending that everybody working in colleges in Ontario should be employed on a full-time basis, although where part-time workers are used in excessive numbers over extended periods of time (either support staff or faculty), there is obviously a *prima facie* case for making them full-time workers. What exacerbates the situation and makes it no longer a viable option for Ontario community colleges is the unfair treatment historically and currently experienced by part-time college workers in Ontario. It is these wrongs – and finding ways to remedy them – that resulted in the founding meeting of OPSECAAT in November of 2006.

An historical wrong

In 1975, when the *Colleges Collective Bargaining Act* was first passed, part-time workers in Ontario community colleges were denied the right to bargain collectively. It perhaps didn't matter as much at the time. But that is not true today. Ontario is the only province in Canada where part-time and sessional college workers do not have the right to form or join a union.

Even within Ontario they find themselves uniquely discriminated against: part-time workers in all other "non-essential" sectors of employment – for example, in hospitals, universities, and liquor stores – have the right to and do belong to unions. Because of an historical wrong, community colleges in Ontario have access to workers that, by law, are prohibited from defending themselves against exploitation! College management has not failed to take advantage of this unparalleled opportunity.

This historical wrong has not gone unnoticed. In November of 2006, the International Labour Organization (ILO) rebuked the Ontario government and recommended that it rapidly "*take legislative measures, in consultation with the social partners, to ensure that academic and part-time support staff in colleges of applied arts and technology in Ontario fully enjoy the rights to organize and bargain collectively, as any other workers.*"

At a meeting to discuss the plight of part-time college workers, a Liberal MPP agreed that part-time college workers were being denied a fundamental right. He agreed with the ILO's decision. He then went on to express concern about how much money it might cost to meet the demands of part-time college workers.

That is the heart of the matter, isn't it?

Two things: First, if money were the only concern, we wouldn't have pay equity legislation in this country. If money were the primary concern – as it unfortunately is in some other countries – children would be working in factories and mines in Ontario. The right to bargain collectively for 17,000 dedicated women and men who serve by working part-time in community colleges in Ontario trumps any other concern that may be brought to the table.

Second, are we so backward in the province of Ontario that we will resort to cherry picking which rights shall be conferred and which shall not – and to whom?

The *Colleges Collective Bargaining Act* must be amended to allow part-time and sessional college workers to bargain collectively – "*as any other workers.*" It must be amended so that Ontario is no longer in the position of denying rights to workers that are recognized in every other province. The only appropriate place to deal with the list of wrongs endured by part-time support staff and faculty in Ontario community colleges is at the bargaining table.

Job security

For a part-time college worker, support staff or faculty, the fear of not working, or working fewer hours, spikes every new school term, about every 16 weeks. It has become worse for teachers of English as a Second Language (ESL) at some colleges, where the cycle of insecurity is often now an eight-week one, because that is the length of an ESL course. For sessional faculty, who work over 12 hours a week but are limited to those hours for just 12 out of 24 months before they must drop to six hours or less a week, the clock starts ticking on the day they start their sessional employment.

It doesn't have to be this way. Part of the problem stems from the labyrinthine management at community colleges.

Part-time college workers are employed in large part by the various institutes, departments and schools at a college. Algonquin College with campuses in Ottawa, Perth, and Pembroke appears to have five institutes (for example, the Language Institute and the Police and Public Safety Institute), seven schools (the School of Business and the School of Part-time Studies are two of them), and eleven departments (two that would be common to most colleges are the Registrar's Office and Information Technology Services).

Please note as well that, particularly in the larger colleges, there is very little interaction between these institutes, schools, and departments. They are fiefdoms unto themselves.

Let's continue with our example: Let's imagine an English teacher who has been working with the Police and Public Safety Institute at Algonquin College for several years suddenly discovers during one of those 16 week cycles of job insecurity that she or he no longer has a job because enrolment in the institute has unexpectedly dropped. That could very well be the end of the road for that part-time worker at Algonquin College.

Managers manage their own departments, schools, or institutes. It is extremely unlikely, to pursue this example further, that the manager at the Police and Public Safety Institute would call another department, school, institute or campus at Algonquin College to see if there was work for this English teacher. There is no college-wide management of the managers, as far as part-time and sessional workers are concerned. A person could be living the end of her or his part-time career while down the hall, or in a building a football field away, or on another campus of the same college, another manager was shuffling through old résumés looking for exactly the same skills possessed by our now ex-college part-time worker without ever becoming aware of the availability of that person.

This is no way to find and retain skilled and experienced workers.

What constitutes job security? It starts with an employer's commitment to its workers. To turn to the example cited above for the last time, that English teacher has made a commitment. She or he has prepared lesson plans. She or he has

marked off the time to teach the course. But the college has absolutely no commitment to the English teacher.

OPSEU presented a brief dated November 16, 2004, to the Rae Commission entitled, *Part-timers a Pool of Exploited, Expendable Labour*. You can only begin to imagine what the palpable feeling of being “exploited” and “expendable” does to a part-time or sessional college worker, particularly over time.

Good employers, on the other hand, are committed to their workers, be they part-time or full-time. A commitment to part-time college workers would start with an Ontario community college-wide policy and procedure for hiring and retaining part-time workers. This function can no longer remain the exclusive responsibility of institutes, schools, and departments of individual colleges. It is irrational and unacceptable that institutes, departments, and schools within colleges have different policies and procedures – or indeed, have none at all – for hiring and retaining part-time workers. It would be equally irrational and unacceptable for individual colleges to have policies and procedures for hiring and retaining part-time workers that were different from one college to another – or in some cases did not exist at all – in their formulation and implementation.

Grievance procedures

Inextricably linked to the issue of job security is the fact that part-time college workers in Ontario do not have a forum to express their concerns, their frustrations, their legitimate complaints about their working conditions, or even the abuse that they sometimes suffer at the hands of their supervisors.

It is just incomprehensible that 17,000 intelligent and dedicated people, women and men who provide a valuable service to their communities by working part-time in Ontario community colleges, would be denied such a right. But nevertheless that is the case. If you are a part-time or sessional college worker in Ontario, you know that you will sometimes have to bite your tongue and keep your mouth shut, at least if you want to keep your job.

We could put together a list here of grievances that would boggle the mind. Does anybody doubt this? After all, we are talking about 17,000 workers who are prevented – by law in Ontario – from defending themselves against abuse and exploitation through the vehicle of a grievance process.

In his book by the same name, Joseph Heller defined a “Catch-22” this way: “They can do anything to you that you can’t stop them from doing to you.” When the *Colleges Collective Bargaining Act* is amended to allow part-time college workers to bargain collectively, they shall be able to protect themselves from the wrongs that they sometimes suffer silently now. In the meantime, some process must be put in place without delay that would allow part-time and sessional college workers in Ontario a means to defend themselves from abuse and exploitation in the workplace.

A source of "cheap labour"

*A **statutory holiday** (also known as "general" or "public" holiday) in Canada is legislated either through the federal, provincial, or territorial governments. Most workers, public or private, are entitled to take the day off with regular pay.*

Wikipedia

*Most employees get **vacation pay**. Usually it is paid when you take your vacation. But, if you and your employer agree in writing, it could be added to your regular paycheque... Full-time, part-time, temporary, seasonal, term contract employees and student employees are eligible. However, there are job-specific exemptions...*

Ontario Ministry of Labour

Part-time and sessional college workers in Ontario, because they are designated as Crown employees, do not receive either pay for statutory holidays or vacation pay. This amounts to "adding insult to injury" of the Catch-22 variety.

It does not make any sense; it has nothing of fairness about it. A hypothetical example: A part-time college support staff employee works 20 hours per week, four hours each workday. A full-time employee, working a normal 35 hour workweek and seven hours per workday, gets paid for seven hours on Victoria Day, even though she or he stays home. The part-time worker loses four hours of pay on Victoria Day. That's in fact precisely the way this works. Some equivalent of this hypothetical situation is a recurring reality for every woman and man – 17,000 of us in all – who works part-time in a community college in Ontario.

Moreover, for the vast majority of part-time college workers, it is the only work environment they have ever experienced in which they have not either enjoyed paid vacations or been given pay in lieu of vacation time, usually in the vicinity of four percent of their wages. For them, it wouldn't amount to a lot of money, but it's another indignity inflicted upon part-time college workers.

Not providing pay for holidays or statutory holidays is just the icing on the proverbial cake for college management, and by extension the government of Ontario, which exploits part-time and sessional workers as a source of cheap labour.

But before we embark on that subject, a minor digression is in order.

We need to go back to the arcane structure of schools, departments, and institutes at community colleges. Here, tucked away from public scrutiny, is another source of inequity and unfairness. For you see, there is a wide disparity in pay – for the same work – from one institute, department, and school to another and, as well, for the same work in parallel schools, departments, and institutes from one college to another.

For teaching the exact same course in the same college, a part-time or sessional faculty member can be paid \$34 an hour (classroom time) in one institute or school; \$65 an hour in another; and \$31 an hour in a third school or institute, and the situation gets even more incomprehensible if you look at pay rates from one college to another. If anything, the pay rate for support staff is even less equitable, ranging anywhere from minimum wage up to \$18 an hour, depending upon the work done (sometimes), past practices, current management, the specific school, institute, or department (where applicable), and college.

These disparities develop over time; it is hard to find anyone who can explain, let alone defend, them as they are essentially indefensible. Some enlightened managers, chairs, acting chairs, deans, move to reduce the disparities in pay in their departments, schools, or institutes by bumping pay up out of a sense of fairness, while others try to keep pay rates low, earning bonuses for their efforts for keeping the budget of their institute, school, or department down. It's just one of the ways at an Ontario community college to land a six figure salary.

The real disparity is, however, between pay for part-time and full-time workers.

Let's start with full-time faculty. The *CAAT – Academic Collective Agreement* lays out in great detail the pay and working conditions of full-time teachers at Ontario community colleges. Article 11 limits the work week to a maximum of 44 hours and includes in that calculation not only classroom time, but also time for preparation, evaluation, and feedback. The maximum number of courses taught in a term is fixed at six sections. Salaries, vacations, and statutory holidays are dealt with in Articles 14, 15, and 16 respectively. Provisions for benefits are discussed in several locations in the collective agreement. Grievance procedures are outlined in Article 32.

Just for arguments sake, let's take someone in the middle of the current salary schedule for a full-time college teacher, which is a salary of \$62,189. It's common to calculate that an employee will actually cost an employer an additional 30 percent of the base salary, as a result of a variety of benefits and deductions which are paid by the employer. So the cost to a college for this full-time faculty would run to approximately \$81,000 a year.

Again for arguments sake, let's assume she or he teaches six sections a term for two terms, for a total of twelve sections. Each section runs to 48 hours per term for a total number of 576 classroom hours (this would be getting close to the maximum limit of classroom hours permitted by the collective agreement).

This full-time teacher's classroom time is costing the community college approximately \$140 an hour. Part-time and sessional teachers of the expendable variety teaching the same sections would cost the college, say, \$34 an hour. Twelve sections times that part-time pay would amount to about \$19,600 a year. The saving per year for using part-time instead of full-time faculty, in this (typical) example would be \$61,400.

And that's why Ontario's 24 community colleges currently employ 8,500 part-time or sessional teachers. But there is a hidden price for this excessive reliance on part-time workers. And that price is what it costs in terms of quality of education.

In order to substitute part-time or sessional workers for this one full-time position, it would require one or two sessional employees or between six and twelve part-time teachers, or some combination thereof. If a sessional employee were used to teach the twelve sections, then he or she would use up eight of the twelve months that such an employee can work within a twenty-four month period before being unceremoniously dumped to part-time status. If part-time faculty were used to teach these sections, then a minimum of three would be required since a part-time teacher can only teach up to six hours per week.

Partial-load teachers, who teach between six and twelve hours a week (three or four sections), could be thrown into this mix, but recently colleges have been adopting a policy of avoiding partial-load faculty: traditionally they are better paid than part-time or sessional teachers, they are part of the union, and they have to be provided with benefits. College management is increasingly looking for the cheapest cheap labour.

Sessional teachers often use their time teaching looking for a full-time job within their college (which they invariably won't get) or trying to line up work outside of the college system. Typically, sessional teachers need a substantial number of hours of work and find a reduction to part-time status too brutal on themselves and their families. They leave, and they take with them a great deal of talent and experience in preparing, teaching, and evaluating students. Part-time teachers are a varied lot, and sometimes have other part-time work. They frequently find that they enjoy teaching and would like to keep doing it. But over a period of time they become disillusioned and discouraged. It won't turn into full-time work. The pay and the treatment are bad. So they too leave.

What is increasingly developing in our community college system in Ontario is a kind of turnstile syndrome. People come in, get the training they need in a completely *ad hoc* fashion, become disheartened, and leave. In comes the next crew. Now if only 20 percent of the workers in community colleges were part-time, it might not be too serious. But when you have 8,500 part-time and sessional faculty and 8,500 part-time college support workers coming and going at an ever increasing and alarming rate, you have a problem. It's a bit like Best Buy on Boxing Day: you are at risk of losing control of the situation.

And what suffers most as a result of this turnstile syndrome? The quality of education. Our students. This is precisely why we maintain that operating a college system where there are more part-time workers than full-time workers is untenable over the long haul.

Let us turn now to the pay of college support staff. This is much less complicated than the different categories dealt with in the preceding discussion of pay for part-time and full-time faculty.

It has already been mentioned that part-time support staff receive pay that is somewhere between the minimum wage and perhaps \$18 an hour. Even at this higher rate, the gross salary for 24 hours a week (the maximum allowed for a part-time support staff) is not very much: \$432. The current *CAAT – Support Collective Agreement* in Appendix E lays out a payband that begins with a starting minimum of \$13.11 an hour and ends at the upper end at \$36.28.

Since part-time support staff workers seem to have some degree of stability in the college workplace, it doesn't seem as if it would be that hard to include them in the *Support Collective Agreement*, if that's what full and part-time support staff wished. A reworking of the payband so that part-time workers doing the same work as their full-time counterparts received the same compensation on a pro-rated basis...

But wait. The Support Collective Agreement also deals with complaints and grievances (Article 18), it outlines in various places the benefits available to workers, it deals with vacation pay (Article 11), and it even sets out in Article 7 regular increases in pay: "Employees shall progress in accordance with the increments set out in the paybands as set out in Appendix E."

The college system – the Ontario one, at any rate – doesn't want to be providing these kinds of things to part-time workers. That's not how you go about properly exploiting cheap labour. Besides, part-time support staff wouldn't be as expendable as they are now, and that, certainly, is a key characteristic of cheap labour.

One of the hidden abuses in the system is the way support staff hours are recorded or not recorded as the case may be. Although there are short periods of time where the Union allows part-time workers' hours to be increased, in actual fact many college managements ask their part-timers to work longer hours consistently but instead of recording the hours, "encourage" them to take time off in lieu – all under the radar screen. This must stop.

Benefits and working conditions

Who are part-time college workers?

It was galling to read in the Ministry of Training, Colleges and Universities reply to the ILO complaint that by and large part-time workers (presumably faculty) at Ontario community colleges "are often working full time in their field of expertise and work for the college sector on a part-time basis only." These people, who usually teach in the evenings through Continuing Education, actually form a small minority (less than ten percent) of part-time college workers.

The vast majority of part-time and sessional workers need the incomes they derive from their work at a community college. They work during the day. They can be single men or women or single parents working at two or more part-time jobs. They are very often women and men earning a second family income – younger, older, new Canadian – that is vital to the well being of their families. They regularly hope that their employment will lead to longer hours, better work, and perhaps even full-time work at the college.

Most of us would feel a bit queasy taking advantage of these people.

What follows is not a scientific study, but it accurately reflects the reality of part-time college workers. We know: we are the ones who live this reality. The Ministry seems not to care or even know very little about the majority of workers in Ontario community colleges.

Of 129 surveys given to and returned by part-time and sessional college workers at one community college, 64.3 percent said that they hoped "to get a full-time job with the college." One of them wisely added, "But I know better." It is amazing how long this hope to eventually be rewarded for good work will persist with a part-time college worker. Perhaps it is a form of human naivety; however, part-time workers are often not even internal applicants for full-time jobs posted, jobs they sometimes hold.

Another 5.5 percent reported that they were getting out of the college system.

And 30.2 percent said, "I am satisfied with the number of hours I am working now and hope to stay on as a part-time college employee." A quarter of these (10 out of 39, or 7.75 percent of the surveys that were completed and returned) were those people "working full time in their field of expertise" and teaching through Continuing Education referred to by the Ministry in its reply to the ILO.

Given this cursory overview of the demographics of the men and women who work part-time in Ontario community colleges, it should be obvious that many, if not most, would appreciate a benefits package. With 17,000 people involved, it would not be difficult to arrange, if the will were there, and it would go some distance in assisting in the retention of part-time workers.

But providing benefits would have to be part and parcel of changes in other areas, such as job security. A part-time or sessional college worker, his or her employer, and the service provider, would have to have some assurance that her or his employment would survive more than one or two school terms before embarking on a regime of deductions (presumably by both employee and employer) for such a package.

These are issues that can only be dealt with at the bargaining table.

What should be obvious at this point is that tinkering with the teetering Ontario college system is not a solution. What is in order is a complete overhaul.

Let's conclude this section with a brief look at working conditions for part-time and sessional college workers.

In a word, they are abysmal.

Typically, part-time and sessional college workers don't have offices. Or they share offices with as many as eleven other workers. This means part-time support staff work with students in any available space. This means that part-time and sessional faculty meet with students in noisy classrooms or in hallways.

They don't have work phones, or they share a phone and don't have their own extensions.

But here's the real problem: part-time college workers are thrown into their jobs, often with no preparation and invariably without any orientation. It is not at all unusual for a part-time teacher to learn that he or she is teaching a course only days before the first class. Often, they are required to prepare courses on the run, barely staying ahead of their students.

Part-time and sessional college workers are invariably not offered any form of professional development. That is truly remarkable, in a college system that purports to want to offer the best possible education to students. Article 20 of the *CAAT - Academic Collective Agreement* recognizes that "it is in the interests of employees, students and the College that employees are given the opportunity by the College to pursue College-approved professional development activities." The same language can be found in Article 9 of the *CAAT - Support Collective Agreement*.

The good intentions expressed in these collective agreements rarely apply to the majority of Ontario college workers.

From part-time to full-time

As was said early on, where part-time and sessional workers are used in significant numbers and for significant periods of time (either support staff or faculty), there is obviously a *prima facie* case for making them full-time workers, and this is what should be done, without hesitation or reservation.

It is a straightforward issue of quality of education.

Let's look at part-time teachers. How can a part-time or sessional college teacher provide the same quality of classroom education as a full-time college teacher? This person is not paid for preparation time. This person is not paid for evaluation time. This person is not paid for, nor has the facilities for, interacting with students. This person usually cannot access professional development. Because of job insecurity, a sessional or part-time teacher, if only as a result of an instinct for self-preservation, will of necessity have other commitments and can rarely commit to teaching as a profession. Simply put, a part-time college worker is not provided with the incentives to develop to their fullest potential his or her skills as a teacher. The opposite is in fact the case.

It will, of course, cost money to convert sessional and part-time work into full-time positions. In this regard, Ontario has yet to step up to the plate. In its 2006/07 Funding Submission to the Ontario government, dated February 2006, ACAATO reports that Ontario, at \$7,313 per student, is still last of the ten provinces in the revenue (grants and tuition) it provides per full-time college student. Meanwhile, Ontario provides \$8,079 per secondary school student and \$11,784 per university student.

Let's work with some numbers here. This exercise is meant to demonstrate that the real issue is not one of money, but rather one of priorities and political will.

Let's assume for a moment that the government of Ontario increased its funding per full-time college student to the secondary school level. This would add an additional \$766 per college student. If the government did this, by the way, it would only overtake one province – PEI – in revenue provided per full-time college student. This increase of \$766 per college student would amount to an overall increase in funding to Ontario's community colleges of \$139,934,412 (\$766 times 182,682 full-time students). Using the calculation earlier that an average full-time teacher costs \$81,000 per year, an additional 1,727.5 full-time teachers could be added to Ontario's community colleges, if that were the will of the province.

This would certainly be an interesting start to righting at least a few of the wrongs outlined in this paper.

The role of the Council

It is our expectation that the Council will play a key role in dealing with the concerns of OPSECAAT, both before and after the *Colleges Collective Bargaining Act* is amended to give part-time and sessional college workers in Ontario the right to bargain collectively.

Indeed, we have some urgent and ongoing matters for the Council to consider as of today.

First, OPSECAAT needs immediately, and in writing, assurances that part-time college workers will in no way be punished for joining our organization.

We are currently conducting a membership drive on college campuses across Ontario. Unfortunately, those who have the least fear losing what they have the most. We have been made aware time and time again that many part-time and sessional college workers are terrified of reprisals – especially of losing their jobs – if they join or are active in OPSECAAT. They must be made to know that freedom of association is a universal and fundamental human right that is recognized and fully respected by college management.

Ideally, this written assurance would be sent to each and every part-time and sessional college worker in the province. Perhaps it could be included with their pay stubs. A mere letter to the President of OPSECAAT stating that reprisals would not be taken against part-time college workers who joined our organization would be of little or no consequence and, frankly, would smack of tokenism.

Second, we would like the Council to outline a mechanism and a timetable to deal with our concerns, on an interim basis until they can be properly dealt with at the bargaining table, namely:

- a protocol for hiring and retaining part-time and sessional workers in colleges in Ontario, including a policy for posting these positions;
- a process for dealing with the complaints and grievances of part-time college workers;
- standardized pay schedules and paybands across all colleges for part-time and sessional faculty and support staff;
- research on benefits for part-time and sessional college workers;
- a proposal for improving and standardizing working conditions for part-time and sessional workers in Ontario colleges;
- a multi-year plan for converting part-time and sessional workers to full-time workers at community colleges.

Finally, on December 4, 2006, OPSECAAT sent a letter asking the Council to write to Premier Dalton McGuinty urging him to implement the recommendations of the ILO and amend the *Colleges Collective Bargaining Act* to permit part-time college workers to bargain collectively. In that letter, it was pointed out that it is in the interest of the Council to do so, as such an amendment would allow part-time college workers to be treated fairly and it would improve the quality of education received by students in community colleges in Ontario. We would ask again that that letter be written and sent without delay.

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