

The Part-Time Times

A newsletter for Ontario community college part-time and sessional employees and friends

Liberals willing to fix Bill 90?

Politicians make positive noises in meetings over the summer

Feedback from a month-long lobby campaign by OPSEU suggests the McGuinty government may be open to fixing at least some of the flaws in Bill 90, the Bill to recognize collective bargaining rights for college part-timers and sessionals.

College workers have sharply criticized the Bill, first introduced in the Legislature in June.

“Recognizing that part-timers and sessionals have the right to join a union and take part in collective bargaining is the great accomplishment of Bill 90,” said Roger Couvrette, president of the organization of part-timers and sessionals (OPSECAAT). “But we cannot go along with other parts of the Bill which are plainly discriminatory or harmful to the interests of college staff and students.

“We have been delivering that message to key Liberals,” he said. “The message we are getting back is that they are prepared to work with us to make Bill 90 better.”

This summer, Couvrette and a team of OPSEU and part-timer lobbyists have spoken to top Liberal staffers and several MPPs who are members of the Legislature’s Standing Committee on General Government. The committee will hold hearings into Bill 90 on Sept. 8-9 at Queen’s Park and vote on amendments to the Bill on Sept. 17.

“Our approach to MPPs has been very respectful,” said Couvrette. “Our understanding of the Bill and its likely effects is very detailed, and our proposals for improvements to it are logical and reasonable. I think MPPs are responding well to the approach we’ve taken.”

Big changes needed

OPSEU’s legislative brief on Bill 90, published today at www.opseu.org/Bill90brief.pdf, provides a complete critique of the Bill and makes 16 recommendations for improvements.

In February 2008, Kevin Whitaker, a special advisor to the government, told colleges minister John Milloy that the *Colleges Collective Bargaining Act* (CCBA) should be more like the *Ontario Labour Relations Act* (OLRA), the province’s basic labour law. But Bill 90 omits many of the features of the OLRA that make collective bargaining work in this province. Under Bill 90, college workers:

- would not be able to request that their first contract be settled through arbitration;
- would not be able to follow their work, with their collective agreement, if it was privatized or transferred to another body outside the college (i.e., they would not have so-called “successor rights”); and
- would not be able to settle a contract at arbitration even if the colleges agreed to do so.

“Obviously Bill 90 discriminates against college workers by denying them the same rights other workers have under the province’s basic labour law,”

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said OPSEU President Warren (Smokey) Thomas, “but some things about the Bill are pretty ironic coming from a Liberal government. It was a Liberal government that put first contract arbitration into the OLRA in the first place in 1986, and in 2006 it was a Liberal government that restored successor rights to workers in the Ontario Public Service after the Mike Harris government took them away in 1995.

“Given their own history, it’s pretty hard for the Liberals to make a logical case that college workers don’t deserve these same protections.”

Bargaining units: two or four?

If passed as is, Bill 90 will create two new bargaining units for part-timers, one for academic staff and one for support staff. OPSEU’s position, endorsed by the Executive Board, is that part-timers should be welcomed into the existing bargaining units.

“The only difference between full-timers and part-timers is the number of hours they work per week,” said Couvrette, who teaches part-time at Centennial College in Toronto. “Part-timers work side-by-side with full-timers, and it makes sense that we should bargain side-by-side as well.”

Strikes and lockouts

Bill 90 also eliminates the rule, contained in the current CCBA, that when a strike or lockout occurs, all workers in the bargaining unit are legally deemed to be on strike or locked out. Sometimes referred to as “anti-scab” language, this rule has until now successfully prevented the volatile mix of strikers, scabs, and students on picket lines.

**Read the OPSEU brief on Bill 90
at www.opseu.org/Bill90.pdf**

Interestingly, even the Mike Harris Conservatives, who eliminated similar provisions in other labour laws during their time in office, did not remove this provision from the CCBA.

What happens next?

When will college part-timers and sessionals finally be OPSEU members so they can start bargaining for better wages and working conditions?

That answer is still not clear. On one hand, OPSEU’s applications to represent part-time academic and support staff, filed with the Ontario Labour Relations Board April 11, remain active. On the other hand, Bill 90 is still working its way through the legislative process, and no one knows for sure when it will become law.

OPSEU remains committed to winning union representation for part-timers and sessionals as soon as possible, Smokey Thomas says.

“As part of our lobby effort, we are calling on the Liberals to include a mechanism in Bill 90 that would allow OPSEU to trigger certification votes for part-time and sessional academic staff and for part-time support staff,” he said. “Workers want to vote now, and we are not interested in months of legislative technicalities and employer foot-dragging.

“Regardless of what happens, we will keep pushing,” he said. “If it turns out that we have to step up our political action or re-launch our card-signing campaign, we will do it.”

For full information about the OPSEU drive to win union rights for part-timers and sessionals at Ontario’s community colleges, visit www.collegeworkers.org or call 1-866-811-7274.

The Part-Time Times is authorized for distribution by Roger Couvrette, president of the Organization of Part-Time and Sessional Employees of the Colleges of Applied Arts and Technology (OPSECAAT), and Warren (Smokey) Thomas, president of the Ontario Public Service Employees Union.