



Getting to the table

Frequently asked questions about the OPSEU campaign to win collective bargaining rights for part-time and sessional workers at Ontario's community colleges

May 2008

In April 2005, the annual Convention of the Ontario Public Service Employees Union (OPSEU) committed the union to winning collective bargaining rights for more than 12,500 part-time and sessional employees working in Ontario's community colleges. This FAQ is an update of the one published in October 2007 at www.collegeworkers.org. It is designed to answer workers' questions about the campaign so far and where it is going next.

1. Why did OPSEU start a campaign to win collective bargaining rights for part-timers?

Under the *Colleges Collective Bargaining Act* (CCBA), part-time and sessional college employees have been legally excluded from collective bargaining for over 30 years. As a result, these workers have wages and working conditions that are much poorer than those of their full-time colleagues. OPSEU represents full-time college employees and has made several attempts over the years to work with part-timers and sessionals to change this unfair situation.

2. What have been the key events in the OPSEU campaign so far?

- In November 2006, OPSEU sponsored the creation of the Organization of Part-Time and Sessional Employees of the Colleges of Applied Art and Technology (OPSECAAT). Part-timers and sessionals from all 24 colleges attended the founding meeting of OPSECAAT and elected an executive committee to run its affairs. OPSECAAT President Roger Couvrette (part-time faculty at Centennial College in Toronto) and Vice-President Candy Lindsay (part-time support staff at Fleming College in Peterborough) have been the public face of the campaign ever since.
- In June 2007, the Supreme Court of Canada ruled, for the first time, that the right to collective bargaining is a protected right under the Canadian Charter of Rights and Freedoms. "We conclude that Section 2(d) of the Charter protects the capacity of members of labour unions to engage, in association, in collective bargaining on fundamental workplace issues," Chief Justice Beverley McLachlin and Justice Louis LeBel wrote in the majority decision.
- In August 2007, the McGuinty government publicly announced its intention to pass new legislation to recognize collective bargaining rights for part-timers and sessionals. The government asked Kevin Whitaker, chair of the Ontario Labour Relations Board, to review the CCBA and make recommendations for changes.

- In October 2007, OPSEU officially launched an organizing drive to ask part-timers and sessionals to sign union membership cards and show their support for unionization.
- In February 2008, Kevin Whitaker presented his report to the government. “There is no justification for excluding these employees from collective bargaining,” he wrote. “Part-time employees should be immediately granted the right to unionize.”
- In April 2008, OPSEU took thousands of signed union cards to the Ontario Labour Relations Board. OPSEU asked the Board to order a quick certification vote to confirm that the majority of part-timers and sessionals want to join OPSEU and take part in collective bargaining. The Board did not order a quick vote, but it did not dismiss the union’s application either. The application remains alive. The union is pursuing it.

3. What happened at the Labour Relation Board? Why didn’t the Board order a vote?

The core of OPSEU’s legal argument at the Labour Relations Board was that, since collective bargaining is a protected right under the Charter of Rights and Freedoms, part-time and sessional college workers have a right to ask the Board to certify OPSEU as their union. The colleges argued the Board did not have the jurisdiction to deal with the application and also argued that it was “premature” because the McGuinty government says it will pass legislation to create a clear legal framework for part-timers and sessionals to unionize and bargain. A representative of the Ontario government (Ministry of the Attorney General) also asked the Board not to order a vote because legislation was on its way.

The Board did not give its reasons for not ordering a quick vote. It is not required to.

4. What will happen to OPSEU’s application for certification now?

The application is still alive. OPSEU will continue to pursue bargaining rights through the processes at the Labour Board, including the scheduling of a vote. However, if the colleges continue to oppose the application, legal arguments could take months or even years. Given that part-timers and sessionals have already waited too long to have their rights recognized, the union is campaigning hard to get the government to pass new legislation immediately.

5. When will the new legislation be introduced in the Legislature?

Colleges Minister John Milloy said April 22 that “We’re looking at introducing legislation sometime this spring.”

6. What will happen to all the signed union cards at the Labour Relations Board if a new law is passed?

OPSEU says any new law must recognize the validity of those cards and allow the union to trigger a certification vote as soon as possible so college part-timers and sessionals can start collective bargaining right away.

7. Why did OPSEU launch the organizing drive before the new legislation was passed?

There is no reason part-timers and sessionals should have to wait to exercise a right that is protected under the Charter of Rights and Freedoms. We hope new legislation will clarify the legal situation, but new legislation is not necessary in order for unionization to take place.

Also, all those signed union cards show the government that part-timers and sessionals are serious about exercising their rights. The cards put pressure on the government to create a clear legal framework for unionization and bargaining to occur. The government might not be talking about legislation at all if those cards had never been signed.

8. What can I do to get the legislation passed right away?

Contact your local MPP. Full contact information for all MPPs, and what OPSEU is saying to them, is available at <http://www.opseu.org/caat/parttime/contactmpp.htm>.

You can also get your co-workers friends and neighbours to sign our petition, available at <http://www.opseu.org/caat/parttime/petition%20on%20opt%20college.pdf>. Get as many signatures as you can. Then send them directly to your MPP for tabling in the Legislature.

9. Once legislation is passed, how long will it be before part-timers and sessionals have a collective agreement?

Assuming legislation is passed, a certification vote will likely be required. It is highly unlikely that such a vote would happen over the summer when few part-timers and sessionals are on the job. Once part-timers and sessionals vote to join OPSEU, the next job would be to elect bargaining teams and notify the employer of our intention to bargain. Then bargaining would have to take place. Part-timers and sessionals would also have to vote to accept any new contract.

OPSEU is committed to getting the best possible collective agreement in the shortest possible time.

10. When do I start paying union dues?

You start paying union dues once your first collective agreement has been negotiated and is ratified. You don't pay any dues until then.

11. How much are union dues?

OPSEU dues are 1.375 per cent of your basic salary.

12. I didn't sign an OPSEU union card before the union went to the Labour Relations Board. Should I still sign a card?

Yes. When you sign a card, you'll automatically receive our newsletter, *The Part-Time Times*, by e-mail. We'll keep you informed of events as they occur.

13. What will happen to OPSECAAT?

OPSECAAT will be dissolved when the goal of full bargaining rights for college part-timers becomes a reality.

14. Where can I find more information?

The web site at www.collegeworkers.org includes up-to-date information on the campaign as well as more background information included in the October 2007 FAQ. To get in touch with the campaign, visit the site or call our hotline at **1-866-811-7274**.

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