



## 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

November 2008

In April 2005, the annual Convention of the Ontario Public Service Employees Union (OPSEU) committed the union to winning collective bargaining rights for thousands of part-time and sessional employees working in Ontario's community colleges. This FAQ is an update of the ones published in October 2007 and May 2008 at [www.collegeworkers.org](http://www.collegeworkers.org).

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

Under the old *Colleges Collective Bargaining Act* (CCBA), part-time and sessional college employees were legally excluded from collective bargaining for over 30 years. As a result, these workers currently have wages and working conditions that are inferior to 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. Are part-timers and sessionals still legally excluded from collective bargaining?**

No. On Oct. 8, 2008, a new law called Bill 90 received Royal Assent. Bill 90 made several major changes to the CCBA. Bill 90 creates a legal framework to allow college part-timers and sessionals to join the union of their choice and take part in collective bargaining.

### **3. 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.
- In June 2008, the McGuinty government introduced Bill 90, changes to the Colleges Collective Bargaining Act. Committee hearings took place in September and the Bill became law when it received Royal Assent on Oct. 8, 2008.

#### **4. 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 had a right to ask the Board to certify OPSEU as their union. The colleges argued that the Board did not have the jurisdiction to deal with the application and also argued that it was “premature” because the McGuinty government had said it would 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.

#### **5. What happens to OPSEU’s applications for certification now?**

Bill 90 makes no mention of what happens to existing applications for certification. OPSEU will continue to pursue bargaining rights through the processes at the Labour Board.

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

There was no reason that part-timers and sessionals should have had to wait to exercise a right that is protected under the Charter of Rights and Freedoms. While we hope the new legislation clarifies the legal situation, the new legislation was never necessary in order for unionization to take place.

Nonetheless, all those signed union cards showed the government that part-timers and sessionals are serious about exercising their rights. It is likely that, without the political pressure created by the card-signing campaign, Bill 90 would never have been introduced.

**7. How long will it be before part-timers and sessionals have a collective agreement?**

That depends on the outcome at the Labour Relations Board. If the Board orders a vote of one or both of the bargaining units as laid out in the legislation, a vote could take place very quickly. 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.

**8. What are the bargaining units for part-timers and sessionals under the new CCBA?**

Under the new law, there is a bargaining unit for part-time support staff and a bargaining unit for part-time and sessional faculty. The existing full-time units (one support and one faculty) remain unchanged.

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

Yes, absolutely. 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. Visit [www.collegeworkers.org](http://www.collegeworkers.org) to find out how to sign a card.

**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. What will happen to OPSECAAT?**

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

**13. Where can I find more information?**

The web site at [www.collegeworkers.org](http://www.collegeworkers.org) includes up-to-date news on the campaign as well as more background information included in previous FAQs. To get in touch with the campaign, visit the site or call our hotline at **1-866-811-7274**.



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