



## Joining a union

Frequently asked questions about the OPSEU organizing drive for part-time and sessional workers at Ontario's community colleges

October 2007

The Ontario Public Service Employees Union (OPSEU) has launched an organizing drive to win union rights for more than 12,500 part-time and sessional employees working in Ontario's community colleges. This FAQ is designed to answer workers' questions about the process.

**Note:** For simplicity, the terms "part-time" and "part-timer" are used throughout this document to refer to all the groups of workers listed in Question 10.

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### 1. What is an organizing drive?

An organizing drive is a union campaign to show that a group of workers wants a particular union to represent them in collective bargaining with their employer.

### 2. What is the goal of the OPSEU organizing drive?

The goal of the organizing drive is a) to demonstrate that part-time workers want OPSEU as their bargaining agent; and b) to engage in collective bargaining with the colleges to improve the wages and working conditions of part-time workers.

### 3. I have already signed a card with OPSECAAT, the Organization of Part-time and Sessional Employees of the Colleges of Applied Arts and Technology. Should I sign an OPSEU card as well?

Yes.

### 4. What will happen to OPSECAAT?

Subsequent to the Supreme Court ruling, OPSECAAT has thrown its full support behind the OPSEU organizing drive. OPSECAAT will be dissolved when the goal of full bargaining rights for college part-timers becomes a reality.

### 5. How does an organizing drive work?

The union asks workers to show their support by signing a union membership card. When the union has collected enough signed cards, the union either a) asks the employer to recognize the

union as the bargaining agent for the workers; or b) asks a government body to legally certify the union as the bargaining agent for the workers. Depending on the jurisdiction, the legislation in force, and/or the attitude of the employer, a vote may be required before the union is recognized or certified as the bargaining agent.

#### **6. After I sign a union card, when do I get a collective agreement?**

Signing a union card is the first step on the road to a collective agreement. When enough workers have signed union cards and the union is recognized as their bargaining agent (see below for more on this), negotiations with the employer can begin. The collective agreement comes into force only after it has been negotiated and the workers ratify it (vote in favour of it).

#### **7. After I sign a union card, when do I get union representation?**

Once the union is recognized as your bargaining agent, the union is your representative in contract negotiations with the employer. Once the collective agreement is negotiated, the union becomes your representative in the workplace and can then help with various workplace issues.

#### **8. After I sign a card, when do I start paying union dues?**

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

#### **9. How much are union dues?**

OPSEU dues are 1.375 per cent of your basic salary.

#### **10. Who is eligible to join the union?**

Managers and those who deal with labour relations issues for the employer are not normally part of any bargaining unit. For **support** staff, the OPSEU organizing drive is aimed at people who are regularly employed for not more than 24 hours a week. For **faculty**, the organizing drive is aimed at:

- teachers who teach six hours or fewer per week;
- part-time counsellors and librarians; and
- teachers, counsellors or librarians who work fewer than 12 months in any 24-month period.

#### **11. Aren't part-time college workers barred from collective bargaining by the *Colleges Collective Bargaining Act*?**

Until very recently, part-time college workers were specifically excluded from collective bargaining by the *Colleges Collective Bargaining Act*, also known as the CCBA. **This does not mean that they are barred from collective bargaining.** Here's why: 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.

This ruling overturned previous Court interpretations of the Charter, which said that workers only had a constitutional right to form associations, not to bargain collectively. For more information on this landmark decision by the Court, including the full text of the decision, visit [http://www.nupge.ca/news\\_2007/n08jn07c.htm](http://www.nupge.ca/news_2007/n08jn07c.htm) .

## **12. How has the Ontario government responded to the Supreme Court decision?**

On Aug. 30, 2007, the McGuinty government announced its “intention” to recognize collective bargaining rights for part-time workers. “Our government proposes to recognize collective bargaining rights for part-time college workers as part of a broad review of collective bargaining at colleges,” said colleges minister Chris Bentley. The government appointed Kevin Whitaker, Chair of the Ontario Labour Relations Board, to review the legislation covering collective bargaining in the colleges. This review will include consultation with interested parties. Whitaker has been asked to provide the government with a written report – and any recommendations he might have – by the end of January 2008.

To read the government news release on this, visit <http://ogov.newswire.ca/ontario/GPOE/2007/08/30/c3948.html?lmatch=&lang=e.html> .

## **13. Why is OPSEU launching an organizing drive now? Why not wait until Whitaker reports?**

No matter what happens, collective bargaining will not occur – let alone succeed – unless it has the support of part-time college workers. A big pile of signed union cards is the best way to show the colleges and the government that part-timers are serious about exercising their rights.

If Whitaker recommends changing the law to create a new legal framework for college bargaining, any changes would still require approval by the Legislature before becoming law. By signing a union card, part-timers show the government that they want the law changed fast.

If Whitaker does not recommend changing the law – because (based on the Supreme Court decision) part-timers already have bargaining rights – then we will need signed union cards to present to the employer as proof that part-timers want OPSEU as their bargaining agent.

## **14. How many cards does the union need to begin collective bargaining?**

When there is legislation in place that governs a particular group of workers, organizing and bargaining are covered by that legislation. For example, under the *Ontario Labour Relations Act*, which is the basic labour law of the province, most unions need to show that 40 per cent of workers in the bargaining unit have signed a union card. When the Ontario Labour Relations

Board agrees that the union has at least 40 per cent support, a vote is held. If the majority vote for the union, the union is certified as the bargaining agent.

When there is no specific legislation in place, the normal rules do not apply. If the employer refuses to accept that workers want the union as their bargaining agent, then the union can take the case to court.

### **15. Why are part-timers being asked to join OPSEU? Could we join another union?**

Except where union membership is defined by legislation, Ontario workers who want to bring a union to their workplace can pick any union they choose. That being said, OPSEU is the only union that has devoted its full support and resources towards winning bargaining rights for college part-timers. OPSEU sponsored the creation of OPSECAAT. The OPSECAAT Executive is in full support of the OPSEU organizing drive.

OPSEU has been the union for full-time support staff and faculty at Ontario's community colleges for more than 30 years. OPSEU knows colleges. The wages and benefits in the OPSEU collective agreements speak for themselves. Also, the existence of two strong OPSEU locals (support and faculty) at every college means there is already a support network in place to help part-timers once they are organized and begin collective bargaining.

### **16. Can CAAT part-timers be disciplined or lose their jobs by participating in an organizing drive?**

The right to join a union and bargain collectively is a protected right under the Charter of Rights and Freedoms. Any discipline or firing as a result of union activity would be a Charter violation.

It is worth noting that in the year since the formation of OPSECAAT neither OPSECAAT president Roger Couvrette nor any member of the OPSECAAT executive has been disciplined in any way as a result of their efforts to get part-timers to join the association.

### **17. What bargaining unit(s) will college part-timers be in if they unionize?**

This depends on what happens with Kevin Whitaker's review of the *Colleges Collective Bargaining Act* and any action the provincial government might take afterwards.

If Whitaker recommends a legal framework for collective bargaining for part-timers, it is fair to assume that the government will create a bargaining unit (or units) based on his recommendation.

If Whitaker recommends that a legal framework is not necessary – again, because the Supreme Court says workers already have bargaining rights – then the bargaining unit(s) will be whatever the union and the employer agree to.

**18. What is OPSEU’s position on bargaining units for part-timers?**

OPSEU stands for full, meaningful bargaining rights for all college employees. This means province-wide bargaining units. Details of the union’s position will be finalized in consultation with part-time college employees themselves.

**19. Can the colleges afford better wages and working conditions for college part-timers?  
Won’t they just lay off some staff to pay for improvements for others?**

There is no question that better wages and working conditions for part-timers will cost more money – that’s the point, actually. This does not mean Ontario can’t afford to pay. Ontario has an overall public-sector payroll of \$58 billion. Any improvements for college part-timers will be a drop in the bucket in the grand scheme of things. In any case, higher cost is not a valid reason to trample on basic human rights. Ontarians want their friends, neighbours, and relatives to be treated fairly, no matter where they work.

As far as layoffs, collective bargaining will have no effect on students’ needs for the services part-time college workers provide. Colleges can’t afford to lose skilled staff.

**20. Where can I find more information about signing an OPSEU union card?**

OPSEU organizers are on the job at every college campus across Ontario. To get in touch with your local organizing committee, visit [www.collegeworkers.org](http://www.collegeworkers.org) or call our hotline at **1-866-811-7274**.

*Authorized for distribution by Warren (Smokey) Thomas, president.*



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