

# The Part-Time Times

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

## Decision time for Liberals

A Legislative Committee heard ideas for changes to Bill 90, but will the government give college workers the same rights as other workers and a chance to vote soon for their union of choice?

We'll know Sept. 17

*Story on page 2*

**They went to Queen's Park and they made their pitch!** Pictured from left to right are Roger Couvrette, president, Organization of Part-Time and Sessional Employees of the Colleges of Applied Arts and Technology (OPSECAAT); Caron Fitzpatrick, part-time faculty, Algonquin College; Don Eady, OPSEU legal counsel; Paddy Musson, chair, OPSEU College Academic Division; Martha Josephian, OPSEU Campaigns Officer; Rod Bemister, chair, College Support bargaining team; Betty Cree (orange blouse), chair, OPSEU



College Support Division; Candy Lindsay, vice-president, OPSECAAT, Don Fraser, part-time faculty, Mohawk College; Richard Belleau, College Support Division; Jennifer Bryan, part-time faculty and part-time support, Loyalist College; Manzur Malik, OPSEU Research; J.L. Roy, OPSEU Local 617.

# Which way will McGuinty go?

One thing was for sure at the Sept. 8 hearings into Bill 90, the law introduced in June to change the *Colleges Collective Bargaining Act*: There are definitely two ways of looking at it.

To the college presidents and CEOs, Bill 90 is a balanced piece of legislation that will recognize the right of part-time college workers to unionize while “modernizing” other pieces of the legislation.

To the workers in the classrooms, labs, and offices of the college system, Bill 90 is a discriminatory obstacle course designed to keep wage costs down while “giving” them – eventually – a right that is already theirs under the Canadian Charter of Rights and Freedoms: the right to unionize and take part in collective bargaining.

Which vision of Bill 90 will become law? We’ll know Sept. 17, when the Standing Committee on General Government votes on proposed changes. In reality, all that matters is how the majority Liberal caucus on the committee votes. And that will be decided in the office of Minister John Milloy or, more likely, Premier Dalton McGuinty.

Committee hearings are genteel affairs, with no debate among those who make deputations. But the air was thick with tension in Committee Room 1 as the two sides took their positions and laid out their arguments. At the end of the day, a few hot topics dominated. Some of the more contentious ones are summarized on these pages.

**Committee hearings are genteel affairs, with no debate among those who make deputations. But the air was thick with tension in Committee Room 1 as the two sides laid out their arguments.**



OPSECAAT President Roger Couvrette (right) with Vice-President Candy Lindsay.

## We need a vote – now

Roger Couvrette, president of the Organization of Part-Time and Sessional Employees of the Colleges of Applied Arts and Technology (OPSECAAT), summed up the mood of part-timers:

“In June of 2007, the Supreme Court said that the right to bargain collectively is included in the Charter. In August of 2007, the government announced it would recognize the right of part-time college workers to bargain collectively.

“It’s been over a year now since that announcement. We don’t want any more delays. There is no reason for any more legislative or legal delays. And the employer will continue to stall and delay in every way possible; that’s been its track record to date. Sad, but nevertheless true.

“All of the unions are on our side. A large majority of the part-time college workers who we approached signed OPSEU cards.

“That’s why we want Bill 90 to include language which would allow OPSEU to trigger a representation vote of part-time and sessional academic workers and to trigger a representation vote of part-time support workers.

“That’s democracy in action. That’s the fair thing to do now. It’s time.”

J.L. Roy, part-time union organizer and a member of OPSEU Local 617, echoed Couvrette's message:

"College part-timers have been discriminated against for far too long, and I think all of us can agree that the Supreme Court's decision of 2007 was a major victory to right a historical wrong.

"Part-timers are tired of being discriminated against and are tired of listening to all the excuses and legal delays.

"Part-timers want action. They want to move on to a vote, and they want to vote now."



J.L. Roy

## Two bargaining units, not four

Caron Fitzpatrick, part-time faculty at Algonquin College, told how her experience showed her the importance of having a single bargaining unit for college faculty:



Caron Fitzpatrick

college faculty:

"Last year I was scheduled to teach four courses for a total of 11 hours a week. This would take me out of the part-time category in to partial load.

"Having a partial load is like holding the golden ticket. You are now part of the union and therefore paid approximately three times the wage of a part-timer to do exactly

the same work.

"After I had prepared all of my lectures and was ready to begin my year I received a call from my Chair offering me more hours to take me out of the partial load category and move me into a sessional position with 13 hours. I was told that this was the only solution as my partial-load status had only come to her attention recently. I was unable to take on the extra hours as I had already accepted other work. I was then told that I had to take the extra hours or have none of them.

"I was left without work at the last minute feeling angry, frustrated, and cheated....

"The primary reason for wanting to join the union was to be treated with the respect and equity that our full-time colleagues have enjoyed for decades. Separating us into two bargaining units there will continue to be haves and have-nots and I will continue to be offered work and wages within the confines of my own separate unit.

"This is contradictory to the very foundation of equality. Again, I repeat, I do the same work whether I work six hours a week or 24. Why should I be treated differently?

"We need one voice, one unit, providing the same support and security to all – a system of equality that is long overdue."

Jennifer Bryan holds three jobs at Loyalist College and is both part-time faculty and part-time support staff. Bryan told the committee:

"For the past 30 years part-time support staff have been stuck in a system that perpetuates a classist mentality. Placing us into a separate bargaining unit would only intensify this social segregation. The exclusionary provisions of the original *Colleges Collective Bargaining Act* did



Jennifer Bryan

nothing more than leave part-time support feeling disrespected, undervalued and highly disposable....

“We must learn from the past and recognize that isolating and labeling employees has the potential to produce social and cultural norms that are not only damaging to the employees but to the culture of the workplace as a whole.”

Betty Cree, chair of the College Support Division of OPSEU, stressed the solidarity between full-time and part-time support staff:

“As a union, we make no bones about the fact that our goal for part-timers is to have them achieve parity with their full-time colleagues as soon as possible.

“That is what they want, and that is what they deserve. That is what is fair.

“Segregating part-timers in their own bargaining unit maintains the fiction that these workers are somehow fundamentally different from their full-time colleagues. They are not. They are the same. And they should be in the same bargaining units.”



Betty Cree

## Successor and related employer rights

In Ontario’s *Labour Relations Act*, workers whose work is sold or outsourced to another employer are protected by what are known as “successor” and “related employer” rights. These protections allow the workers to move with their work – with their union and their collective agreement intact – to the new employer.

Bill 90 omits these protections for college workers. Don Eady, legal counsel for OPSEU at the Bill 90 hearings, said this about successor and related employer rights:

“These rights are designed to prevent employers from dodging their collective bargaining obligations by selling off certain operations or contracting out certain

work. Workers who bargain under the OLRA have these protections, as well they should.

“Interestingly, the McGuinty government restored successor and related employer rights to Crown employees in 2006.

“In the 2003 election campaign, Mr. McGuinty said, and I quote: ‘Public employees should have the same rights as employees in the private sector, and as Premier, I will restore successor rights for Ontario government employees.’

“Even if we look at the education sector, every other unionized employee and employer in primary and secondary schools, as well as universities and private colleges, is covered by related employer and successor employer legislation. There is no rationale for denying these rights to college employees.”

Linda Franklin, president and CEO of Colleges Ontario, was just one of several employer spokespeople who voiced their strong opposition to treating college workers on a par with other workers:

“One of the most troubling suggestions in the new recommendations from OPSEU is the proposed addition of ‘related employer’ and ‘successor’ provisions.

“These provisions were not recommended by Mr. Whitaker and come at the wrong time for Ontario. Right now, colleges need more flexibility than ever to respond to the challenges in the economy....

“We need to be able to pursue new business relationships with private sector and public sector partners, develop training that in some cases follows normal business hours rather than academic schedules, and ensure that we are meeting the training needs of the future. As we are doing this, we must also recognize that the Ontario government is already struggling to address the severe operating cost pressures that exist in most colleges.

“While the vast majority of our programs will always be delivered in a traditional model, training needs are expanding rapidly and in some cases colleges must have the flexibility to reach new learners in innovative and non-traditional ways. While Ontario works to put a strategy in place to address the new economy, we must ensure we have as many options available as possible to provide education and training in a cost-effective manner.”

“These types of remarks from the colleges really underscore why part-timers need a union right away,” said Roger Couvrette, president of OPSECAAT. “We are seeing a lot of college work being contracted out to private companies, and it certainly sounds like the colleges intend to keep on doing this.

“We need to get unionized so we can start looking at bargaining some protections against colleges trying to get out of their collective bargaining responsibilities.”

## First contract arbitration

OPSEU legal counsel Don Eady listed a number of areas where Bill 90 provides college workers with protections and tools that are inferior to those enjoyed by other workers under the *Labour Relations Act*.

“Under Bill 90, college workers will not have access to first contract arbitration,” Eady told the committee. “What I have to say about this is what an esteemed Liberal and former Labour Minister, Bill Wrye, had to say about it when he introduced first contract arbitration into the OLRA in 1985. ‘The government,’ he said, ‘believes that first-contract arbitration is essential.’”

## Other issues

Despite lasting less than four hours, the Sept. 8 committee hearings into Bill 90 covered a wide range of topics, from picket-line violence to contract expiry dates. To download OPSEU’s complete brief on Bill

**“The government believes that first-contract arbitration is essential.”**

– former Liberal Labour Minister  
Bill Wrye, November 1985

90, complete with 16 recommendations for change, visit [www.opseu.org/Bill90brief.pdf](http://www.opseu.org/Bill90brief.pdf). A full transcript of exactly what was said at the hearings is now available online at [www.ontla.on.ca](http://www.ontla.on.ca). (Click on “Committees,” then “Standing Committee on General Government” and look for Bill 90.)

The last word at the hearings was reserved for Deborah Headley, a part-time worker at George Brown College and a member of the OPSECAAT executive committee:



Deborah Headley

“Bill 90 in its current form is still inadequate in providing and ensuring me the rights and working conditions that would allow me to offer the best learning opportunities to my students,” Headley told the MPPs. “I believe that there is no way that a person or people can continue to mistreat members of a society and that it doesn’t

somehow eventually have an effect on you. To persist in an attitude or act that hurts others must result in psychological, ethical, and moral damage to your conscience.”

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**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](http://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.