

Questions and answers about the union certification vote for part-time and sessional faculty at Ontario's community colleges



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On Jan. 6, 2009, the Ontario Labour Relations Board ordered that a union certification vote be held to determine if the majority of part-time and sessional faculty employees at Ontario's community colleges want to join the Ontario Public Service Employees Union. This Q&A is designed to answer workers' questions about the vote.

1. What is the Ontario Labour Relations Board?

The Ontario Labour Relations Board (OLRB) is an agency of the Ontario government. It oversees most of the collective bargaining that takes place in Ontario.

2. Why did the OLRB order a vote?

In April 2005, the Ontario Public Service Employees Union (OPSEU) officially launched a campaign to win union rights for part-time and sessional employees at Ontario's community colleges. In 2007 and 2008, the union asked part-timers and sessionals to sign union membership application cards. Thousands of cards were signed. On Dec. 2, 2008, OPSEU presented these cards to the OLRB. The OLRB was convinced that it was appropriate to hold a vote to determine if a majority of the employees want OPSEU to represent them.

3. How will the vote be conducted?

The vote will take place from Jan. 19 to Feb. 5, 2009. Here is how it will work:

- Labour Relations Officers of the Ontario Labour Relations Board will supervise the vote and the ballot boxes.
- Officers will travel to college vote locations around the province over a limited period of time.

4. Where can I see a list of vote times, dates, and locations?

The list of vote times, dates, and locations is included in the Appendix to this Q&A.

5. Who can vote?

The representation vote is a vote of part-time and sessional college faculty. This includes people who work at a college:

- (a) as teachers who teach for six hours or less per week;

- (b) counsellors or librarians employed on a part-time basis; and
- (c) teachers, counsellors, or librarians who are appointed for one or more sessions and who are employed for not more than 12 months in any 24-month period.

If you are now or if you have been a part-time or sessional faculty member, and you think may be eligible to vote, you should vote. The Labour Relations Board will settle disputes over eligibility after the vote is complete.

6. What about part-time college support staff? Can they vote?

This vote does **NOT** apply to part-time college support staff. The union is continuing its card-signing drive for part-time support staff and hopes to apply for a certification vote for this group in the near future.

7. What about “Work-Study” students? Can they vote?

Under the *Colleges Collective Bargaining Act*, students in the Work-Study program are part of the bargaining unit for part-time support staff. The current vote does **NOT** apply to this group.

8. I work part-time or as a sessional at two different colleges. Can I vote twice?

Under the *Colleges Collective Bargaining Act*, part-time and sessional faculty at all 24 Ontario community colleges are part of the same bargaining unit. This means that if you have two or more faculty jobs – even if they are at different colleges – you can only vote once.

9. I work at one college campus but there is a vote location much closer to where I live that is more convenient. Can I vote closer to home, or do I have to vote where I work?

Eligible voters may vote at any location anywhere in the province.

10. Why are the voting hours so short?

It’s a question of resources. The Labour Relations Board has a very limited number of Labour Relations Officers to supervise votes and do the other work of the Board.

11. Will anyone be able to find out how I voted?

No. The vote will be a secret ballot vote. Neither the union nor the employer will ever know how you voted.

12. What if my name is not on the voters’ list?

Due to the high turnover of part-time and sessional staff at community colleges, any voters’ list used will be incomplete and possibly inaccurate to some degree. If you believe you are

eligible to vote, go to a vote location and vote. If you are not on the list, your name will be added. Voter eligibility will be determined after the vote is complete.

13. If the voters' list is incomplete or inaccurate, how can the Labour Relations Board know if the right people have voted?

If your name is not on the voters' list, here is what happens:

When you vote, the Labour Relations Officer will place your ballot in an unmarked envelope, seal the envelope, and place it in a second envelope. Your name, job, and place of work will be written on the second envelope, which will then be dropped in the appropriate ballot box.

When the province-wide vote is complete, the employer and the union will meet to examine each envelope and decide, at the Labour Relations Board, whether the individual who voted is eligible to vote. If he or she is not eligible to vote, his or her vote will be set aside and not counted. If he or she is eligible to vote, his or her envelope will go into the "to-be-counted" pile. Once all the eligible voters have been determined, the Labour Relations Board will open up the outer envelopes and remove the unmarked envelopes. These unmarked envelopes – mixed together – are then opened and the vote is counted.

It is against the law for either the employer or the union to touch any ballot or attempt in any way to find out how any individual voted.

14. When will the votes be counted?

The Labour Relations Board is expected to decide when the votes will be counted after the vote is completed.

15. What percentage of votes does the union need to be certified as the bargaining agent?

The union must win the support of a majority of eligible voters who vote, i.e., 50 per cent plus one.

16. What is OPSEU?

The Ontario Public Service Employees Union represents over 120,000 Ontarians working for more than 500 employers across the public sector. OPSEU is a leading union in the Ontario Public Service, health care, colleges and school boards, social services, property assessment, at the Liquor Control Board of Ontario, and in many other fields. The union employs over 300 staff with expertise in collective bargaining, grievance-handling, benefits, pensions, education, communications, research, and member services. OPSEU serves members through its head office and through regional offices and membership centres in every corner of Ontario.

17. What experience does OPSEU have in the community college system?

OPSEU has represented full-time employees of the community colleges for over 40 years. The union represents over over 9,000 full-time faculty members and some 7,000 full-time college support staff. OPSEU's deep roots in the college system led to the launch in 2005 of its latest campaign to win union rights for part-timers and sessionals.

18. If OPSEU becomes the bargaining agent for part-time and sessional faculty, when do we start paying union dues?

You do not pay union dues until you have your first collective agreement in place.

19. How much are OPSEU's union dues?

OPSEU union dues are fixed at a rate of 1.375 per cent of gross pay. This money pays for collective bargaining expenses, grievance-handling, union education programs, operating expenses for union locals, and all other union services to members.

20. What is a collective agreement?

A collective agreement is a legally-binding contract that sets out the wages and working conditions for a specified group of workers ("the bargaining unit"). It is negotiated between the workers' union and the workers' employer.

21. If OPSEU becomes the bargaining agent for part-time and sessional college faculty, what happens next?

OPSEU's goal will be to begin collective bargaining with the colleges as soon as possible. In order to do this, the union will work with part-time and sessional faculty to create a process to democratically elect a province-wide bargaining team to represent members of the bargaining unit.

22. Who can vote in bargaining team elections?

Any union member in the bargaining unit can run for election and vote in bargaining team elections.

23. If OPSEU becomes the bargaining agent for part-time and sessional college faculty, what will happen to my wages, benefits, job security, and so on?

Right now, your wages and working conditions are decided unilaterally by the college. With OPSEU as your bargaining agent, your wages and working conditions will be negotiated between the union and all the colleges under a province-wide collective agreement. Under Ontario law, the employer must negotiate in good faith.

24. Why should I vote YES to having OPSEU as my bargaining agent?

With OPSEU as your bargaining agent, you have a voice in the workplace. By joining together with your co-workers, you have a way to build your negotiating power to improve your wages and working conditions. Plus you'll have the full support of an experienced, professional organization that is directly accountable to you.

25. Who decides if a collective agreement is acceptable to the workers in the bargaining unit?

The workers do. All collective agreements must be approved by a majority vote of the employees in the bargaining unit.

26. Who decides if workers go on strike?

Strikes are extremely rare, but when they do happen it is ONLY with the authorization of the workers in the bargaining unit. Under Ontario law, every worker in the bargaining unit is eligible to vote for or against strike action.

27. What happens if there are disputes about the interpretation of the collective agreement?

Under Ontario law, every collective agreement must contain a legally-binding mechanism for settling disputes.



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