

Attacks on the Public Sector: Wisconsin, Ohio...Ontario

You've got to admit: Wisconsin Governor Scott Walker is ruthlessly efficient. He came into office on January 3, 2011. Five weeks later, on February 11 he brought forward legislation that he signed on March 10, potentially ending on March 25 collective bargaining rights for 175,000 state workers—including fire fighters, police officers, teachers and state workers—except on base wages. With the exception of police officers, workers will not be able to negotiate raises above inflation without a state-wide referendum. Union recertification votes are required annually. Unions are no longer able to withhold union dues from employee paycheques. Contracts will be limited to one year.

Walker did all this under the auspices of "budget deficit cutting." But the thing is, the unions had agreed to every wage and pension concession demanded by the state—except the proposal to eliminate collective bargaining. Walker's actions, and similar ones in Ohio, Indiana and other states, are about union busting, pure and simple. The reaction? The largest pro-labour demonstrations across America since the 1930s.

Unions and the public sector have always been criticized, but the renewed attacks on the public sector have an urgency and viciousness we haven't seen in a long while. The Economist magazine openly sounded the charge in January, 2011: "it is crucial that the war with

the public-sector unions is won in the right way." The Economist sees the attacks as a "huge opportunity" and a "chance to hire a new generation of workers with different contracts."

Toronto Star's Thomas Walkom notes that Ontario legislators, being less overbearing than Scott Walker, will likely follow Ohio's lead, where protests have been more muted and the union busting more circumspect. The precedent for such under-the-radar anti-labour actions has already been set in Ontario: the revised Colleges Collective Bargaining Act (CCBA) of 2008 allowed for the first imposed terms the colleges have ever had (see article on page 10).

Ohio's legislature has just passed a bill that "hands over all labour arbitration decisions involving public workers directly to the governments that employ them," writes Walkom. What does this mean? It will not be arbitrators, who are by definition fair and even-handed, who will settle labour disputes, if collective bargaining does not. The **bosses** in the public sector will be able to decide hours, salary, and benefits. Collective bargaining, protests, and strikes will ultimately be futile.

Legislation such as Ohio's signals the end of labour rights altogether. We must be ready for the fight in Ontario. ☹

**information correct as of March 18.*





Ontario's union
Le syndicat de l'Ontario

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CANADIAN ASSOCIATION

CALM

OF LABOUR MEDIA

March 2011

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
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April 2011

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24	25	26	27	28	29	30

Important dates

March 15 to 19: "Pinning down Modern Art" show by FC's Fine Arts students @ the Arts Project on Dundas

March 21: International Day for the Elimination of Racism

March 30: Retirement party for Berniece Caughlin (the nice lady who delivers the mail) @ Student Centre 2nd floor 2:00 pm

April 4: National Employee Benefits Day

April 6-9: OPSEU Annual Convention

April 6: First Nations centre celebrates student success

April 9: Unbound Fashion show, Museum London @ 7 pm

April 16: Skills Canada Qualifying Competition @ Fanshawe

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President's Message

SEM: Damned If We Do... Damned If We Don't?



You've probably heard plenty by now about Strategic Enrolment Management (SEM). These initiatives are often about attracting "the students you want" or "the students that are out there." Sometimes it means reaching out to demographics that traditionally would not have considered higher education as an option or would not have considered a particular college or university.

Whereas SEM might be driven by concerns that demographics are not favourable, it might be seen by some as a direct offshoot of the belief that "bigger is better."

Catch 22: If we do SEM...

A decision to grow, or to even maintain existing enrolment is not as simple as one may think. Fanshawe College is for all practical purposes, full. This isn't strictly a space problem—it is a capacity problem. We don't have the faculty or staff to expand in a way that supports quality education.

It is amazing that we are able to do what we are able to do with what we have. In many ways, the college system is still recuperating from the 1996 budget cuts and layoffs. Faculty staffing levels have yet to return to pre-1996 levels, while students numbers have grown significantly. So, fewer professors are teaching more students. Even though funding has outpaced recent governments of all three political stripes—60% over 7 years, according to MPP Chris Bentley—the current McGuinty government's funding can be best described as "stabilization."

Further change is to come. According to the OPSEU Membership Survey, 45% of CAAT-Academic faculty will retire in the next 10 years. This will lead to a huge loss of institutional knowledge that won't be replaced overnight.

There is an argument to be made, as long as funding were to remain the same, that the system should shrink somewhat to absorb the rapid changes that have happened over the last twenty years.

Increased ESL and Second Career students may further stress the system.

Our institution, as it currently exists, simply doesn't have

the capacity to do a whole bunch of SEM work on top of all of the other work we are doing.

Damned if we do.

If we don't do SEM...

If enrolment does drop at Fanshawe, there is a risk of government grants dropping. At the core of the province's funding model is an attempt to capture what percentage each college represents of the entire college system. If Fanshawe loses students relative to the rest of the system, we run the risk of falling behind.

If we don't undertake initiatives such as SEM, we run the risk of ignoring important demographics. The college system needs to be vibrant, equitable, and diverse. There is a need to attract non-traditional groups. "First generation" college students need to be supported. The gender balance is way out of whack for certain fields. SEM is not just a capacity issue, but how that capacity is used to enhance the community and allow individuals to achieve higher levels of education.

There is an opportunity with SEM to address quality of education issues and how students are best able to learn and achieve their potential.

Damned if we don't.

In solidarity,

P.S. Thanks to all who attended our Lunch and Learn on SEM. As discussed at the meeting, we met with Dr. Trotter and passed along your feedback. He expressed his appreciation for our information sharing. ☺

inspire
SEM AT FANSHAWE



Board of Governors' Report

Financial Report, New Directions and Downtown

By Kay Wigle

In this report, I highlighted some of the recent reports that were presented to the Board of Governors.

Financial Monitoring Report

In the January 2011 Board of Governors meeting, Scott Porter (Vice President of Finance and Corporate Services) submitted the Financial Monitoring Report, stating there is a surplus of \$600,000 forecasted for the 2010/11 budget year, a projected breakeven position for the 2011/12 year and a \$1,000,000 projected deficit for 2012/13. Some of the challenges Scott highlighted were enrollment projections and predicting government grants in the budgeting process.

Scott Porter's report identifies that another on-going challenge will be to continue to advocate for more government funding for the post-secondary education system. He further adds that Ontario continues to fund post-secondary education less than other provinces.

New Direction

In the report to the BOG - Meeting Labour Market Needs (board policy A-40) where it identifies current and future priorities and shifts over the next three to five years, the following areas were identified as sectors that are expected to become drivers in our local economy:

1. Health and Life Sciences Sector

2. Advanced Manufacturing Sector
3. Renewable Energy Sector
4. Information Technology and Digital Media Sector

The report also talked about the commitment to pursue a differentiated mission and mandate. A differentiated mission would result in Fanshawe College offering a broader range of programming in apprenticeship, certificate, diploma, collaborative degree and applied degree credentials. Fanshawe's reason for pursuing a differentiated mission is to ensure that the College can continue to be competitive in the post-secondary sector and to provide students more options.

Downtown London Campus

Another report was the Business Plan for the School of Applied and Performance Arts (2010 – 2020), which identified plans for expansion in programming in downtown London. The report addresses job creation and states the school will add 75 full-time staff at the College. The report does not clarify whether the 75 full-time are new full-time positions, or how many staff versus faculty there might be. It is my hope with such a major undertaking that the 75 are new hires to the College.

MOL Investigations

As part of the Health and Safety mandate, whenever the Ministry of Labour (MOL) is called in to investigate a complaint, the BOG is given a report on the outcome. In the February 24th meeting, there was a report that included the statement "*a worker feared reprisal*" in terms of reporting a safety concern. The MOL investigated the

original complaint which included the above statement and it resulted in "no orders issued." This means the MOL found no wrongdoing. There have been a number of reports which resulted in the same outcome, so I questioned both the perception that a worker was afraid of reprisal and the fact that there appears to be a discrepancy about what needs to go forward to the MOL. As a result of concerns raised, it was suggested that education and training requirements for contacting the MOL be reviewed.

Upcoming BOG election

This is my third year on the Board of Governors—the last in my three-year term. I have given a lot of thought about running for a second (and final) time. In reflecting on the last three years, I learned it takes a while to have any meaningful impact as an internal governor. It is challenging – very challenging at times. I have decided to run for a final term and if elected, I hope I can build on what I have learned in my time as your representative.

If you would like to discuss any issues, please contact me at 519-452-4175 or email kwigle@fanshawec.ca ☎

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We're living 5 years longer—We are planning ahead

By Darryl Bedford

The CAAT Pension Plan Funding Task Force was formed to examine the plan's current funding status and make recommendations to avoid a deficit. The Task Force, consisting of employee and employer representatives, presented its unanimous final report to the Board of Trustees in March 2011.

As with other plans, the CAAT Plan was impacted by the turmoil in the financial markets. However, the Plan has recovered to where it was before the meltdown and has approximately **\$5.4 billion** in assets today. The losses and the subsequent gains are each

recognized over a 5 year period through actuarial "smoothing," so 2008 losses are still reflected in the valuation.

The Plan's benefits remain unchanged: no new benefits were created and benefits not originally promised were not permanently extended. The Plan is being prudent in recognizing that **our members on average live 5 years longer** than the general population. In order to recognize this fact, **a contribution increase will be phased in over 3 years starting in 2012.**

2012: + 0.8%

2013: + 0.4%

2014: + 0.4%

Also being introduced in 2012 is a change to the way contributions are calculated. Members will contribute at a lower rate on the first \$3,500 of their earnings. This change has no material impact on Plan funding but does improve fairness for members at all earnings levels in terms of what they pay into the Plan. It also simplifies the Plan, making it easier to explain and less costly to administer.

The CAAT Plan's actuary has made conservative assumptions compared to those of other pension plans. It is this kind of approach that has given us a solid defined benefit pension plan, for all members, today and into the future. ☺

Who lobbied against improving the CPP?

THE CANADIAN Labour Congress has filed an Access to Information request to find out who lobbied the federal finance minister against proposals to enhance the Canada and Quebec Pension Plans.

"Last summer Jim Flaherty said that improving the CPP was the best way to ensure the retirement security of Canadians," says CLC president Ken Georgetti, "but the minister has changed his mind and now favours vastly inferior private sector plans. We want to know who got to the government and we hope this Access to Information request will provide that information."

Georgetti says two access requests were filed in late December 2010.

"Our sources tell us that the financial services sector was lobbying hard prior to the finance ministers meeting in Kananaskis in December," Georgetti says.

"The banks and insurance companies want control over the retirement savings of Canadian workers and that's a shame because they charge obscenely high management fees for investing those savings. That can reduce your pension nest egg by more than 50 per cent. The CPP is a far better option." ☺



~CLC/CALM



Chief Steward's Report: Know your SWF

Evaluation Factors: EP, RA and IP

By Fred Varkaris

In the last issue of the Educator I discussed the total amount of time allotted for each type of evaluation during a semester. In this issue I would like to discuss the types of evaluation instruments can be considered to be within the realm of the 'Essay or Project' category.

Essay or Project Evaluation — EP

The Collective Agreement (Article 11.02 E2) indicates that "essay or project evaluation and feedback is grading essays, essay type assignments or tests, projects, or student performance based on behavioural assessments compiled by the teacher outside teaching contact hours."

This definition does not provide a particularly illuminating insight into how to discern if an evaluation instrument would fall within this category or not, especially if it is not easily identifiable as an essay based instrument. In a recent decision, arbitrator Lorne Slotnick clarified the criteria for instruments in this category indicating that any evaluation requiring the professor to "analyze each stage of the process

used by the student to arrive at the final answer for each question" would be considered EP evaluation. Based on this definition, if you feel that you are not being attributed adequate time to complete the evaluation outlined in the course information sheet, discuss your concerns with your Chair.

If the time attributed to a course does not provide adequate time to complete the evaluation, additional hours for evaluation can be attributed to a course under the new "Additional Attrib'd Hours" column added to the SWF for evaluation feedback in the latest Collective Agreement.

Routine or Assisted — RA

The Collective Agreement indicates routine or assisted evaluation and feedback is grading by the teacher outside of teaching contact hours of short answer tests or other evaluative tools where mechanical marking assistance or marking assistants are provided. An evaluation instrument where the professor is only looking for a correct final answer, and does not consider the process, could be considered to be within the realm of routine or assisted evaluation. In addition, if a professor has been assigned a marking assistant, he or she would be attributed the RA factor for the course for liaison and review of the evaluation process.

In-Process Evaluation — IP

The third category of evaluation defined in the CA is in-process. This refers to evaluation that is performed wholly within the allotted teaching contact hours. Evaluation such as observation of physical skills associated with learning outcomes for a course would be attributed to this category.

If at any time during the semester your workload changes, and you do not receive an amended SWF, you can refer your workload to the Workload Monitoring Group by contacting the secretary of the Group and indicating that you would like to do so. Currently this position is held by Laurie Marshall, who can be contacted by phone at 519 452 4232 or by email at lmarshall@fanshawec.ca

As always, if you have any questions about your workload do not hesitate to contact me. ☺

Fred Varkaris
Chief Steward &
Workload Monitoring Group Co-Chair

Union office: 519 452 4205
fvarkaris@opseu110.ca

260 students

For the first time the Collective Agreement recognizes the extra work required when faculty have large numbers of students. All faculty are attributed 4 hours per week on their SWF to provide routine out of class assistance to individual students.

If you have more than 260 students in your total course load you are entitled to either 0.015 hr per student over 260 in addition to the base allowance; or additional types of assistance to ensure you can provide appropriate levels of out-of-class student support. (Article 11.01 F 2).

For example if you have 5 sections or courses of 80 students for a total of 400 students this would be an additional 2.1 workload hours on your SWF $[(400-260) * 0.015 = 2.1]$ It is the **total** number of students in all of your courses and sections that count toward the total, even if an individual student is in more than one course or section.

So take time before you sign your SWF to add up the 'Class Size' column on your SWF and check if you have over 260 students. If so, talk to your Chair and have the calculation for additional time put on your SWF.



EXAM WEEK INVIGILATION CHECK YOUR SWF!

If you invigilate final exams during any final exam period, this must appear on your SWF and counts as a contact week toward the 36-week total permitted under the Collective Agreement for post secondary programs (38 for non post secondary programs). (Articles 11.01 B 1 & B 2; 11.01 K 2)

If you are invigilating exams during exam week and this time is not on your SWF, talk to your Chair and have your SWF amended. You may be working more weeks than you should be .

Failing this, you can refer your workload at any time by contacting the secretary of the Workload Monitoring Group or any Union Steward.

Documentary Movie Review by a Local 110 member

***Waiting for Superman* by Davis Guggenheim**

Waiting for Superman, a documentary on public education, has created a buzz in educational circles. It is directed by Davis Guggenheim, whose previous documentary is the highly regarded *An Inconvenient Truth*. Unfortunately, for those who care about public education in the United States and Canada, the documentary is a disappointment.

The documentary does a good job of pointing out the declining state of public education in the United States. American public schools perform at levels of average to poor on standardized tests in reading, writing, science or math. These recently released figures were not cited in the documentary, but are illustrative of the gap between the American and Canadian school systems: the 2009 OECD PISA (Programme for International Student Assessment) results show the United States ranked 14th out of 34 OECD countries. In contrast, Canadian students did well: the 2009 PISA survey showed that Canada ranked 3rd out of 34 OECD countries (6th out of 65 countries, when 31 partner economies were added.) The documentary also points out that American public schools have a high drop out rate, particularly in the inner cities. The situation in some places is so dire that parents desperate for better educational opportunities for their children are taking part in lotteries to



win places in the better schools in their area.

The documentary states that money is not the problem--and then never returns to the funding issue. Looking at the state of crumbling inner city schools depicted in this documentary, this claim is hard to believe. In the United States, a lot of the money for public schools comes from property taxes. Those who live in affluent areas have well funded schools but poorer areas collect less property taxes, which has resulted in chronic underfunding.

According to *Waiting for Superman*, the main problem with America's public schools is teachers' unions

because they are resistant to change and protect incompetent teachers who should be fired. The documentary claims that teachers have tenure and jobs for life. However, there is little hard evidence to support this claim. Most of the evidence is anecdotal. Furthermore, there are hardly any interviews with teachers who teach in challenging, underfunded inner city schools. Also, there are no interviews with teachers who are supposedly incompetent. There are claims that some of the incompetent teachers have been relieved of their classroom duties and spend most of the day in a "rubber room," playing cards and sleeping. Once again, no hard proof is offered. A striking

problem with the documentary is that the same people are repeatedly interviewed.

At Fanshawe, we have a faculty union. According to the film's logic, this must mean that the quality of teaching is poor. However, student surveys and employers' satisfaction with our graduates overall show that Fanshawe teachers are deemed excellent. How can this be? Fanshawe's experience goes against the whole premise of the documentary. The OECD statistics mentioned above, in which Canadian students placed 3rd in the ranking,

continued on next page ...

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also belie the premise, as most secondary and primary school students in Canada are also taught by unionized teachers. Finland, which along with Korea is the highest performing OECD country, has a completely unionized teaching force. Although Guggenheim heaps praise on Finland and “points to Finland as a nation whose educational system the U.S. should emulate....Finland improved its public-education system not by privatizing their schools or constantly testing its students but by investing in the preparation, support and retention of excellent teachers” writes Diane Ravitch, author of *The Life and Death of the Great American School System* and author of the article “The Myth of Charter Schools”.

Waiting for Superman claims that the solution to public education is charter schools. It looks at a small number of charter schools that have been successful. However, the documentary admits that only one out of five charter schools is able to improve student performance. A success rate of only 20% is nothing to write home about.

Recent trends do not bode well for American public schools. Due to the effects of the 2008 economic meltdown, education spending has been cut in many states. For example, in Wisconsin, the Republican governor Scott Walker (see “Attacks on the Public Sector” on page 1) has cut educational funding and stripped teachers of many of their collective bargaining rights. How are these actions going to help public education? They won’t—and that’s the point. Critics have pointed out that the educational reformers glowingly profiled in this documentary—people who are funded

by billionaire foundations such as the Bill and Melinda Gates Foundation, the Eli and Edythe Broad Foundation and the Walton Family Foundation—are actively working towards the privatization of public education.

What can Canadian educators learn from this documentary? First of all, public education needs to be funded through adequate taxation. We should be wary of politicians who offer us pain free tax cuts. Secondly, we should avoid gimmicks such as Charter Schools to improve our public schools. Thirdly, teachers need to be vigilant in their protection and support of public education. What is going on in Wisconsin is a warning. Finally, the last place we should look for solutions for our educational problems is the United States. Instead, we need to look at successful countries such as Finland, Korea and New Zealand while keeping in mind that we presently have a very good system of public education here in Canada, as the PISA statistics show.

Overall, *Waiting for Superman* is a disappointment. The problems with the American public education system are deep and systematic. Blaming all its problems on teachers’ unions is entirely simplistic and supports the real agenda of this film. Rick Ayers, an adjunct professor of education at the University of San Francisco, writes that it is a “slick marketing piece full of half-truths and distortions....It rejects the inconvenient truth that our schools are being starved of funds and other necessary resources, and instead opts for an era of privatization and market-driven school change.” One expects better from an acclaimed director such as Guggenheim.

Local 110 members are invited to watch this documentary and reach their own conclusions. ☪

Workplace Excellence versus Union Activism:

 **Mutually Exclusive**
NOT

By Dallas Takeuchi, OPSEU Local 553

I am honoured to have served as President of my Local for over 12 years. During this time I have had opportunities to further my career both at the Ontario Ministry of the Environment and in OPSEU. My current job is at the Ministry of the Environment, inspecting drinking water testing laboratories across Ontario. As an activist in Region 5 of OPSEU, I have been asked to be a member mobilizer for bargaining, a mobilizer for various campaigns, and I was also honoured with the Region 5 Activist of the Year Award: the David Milliard Award in 2006.

I have been working for the Ministry for over 23 years, first in the MOE’s London Regional Laboratory. I vividly remember being required to work on the Day of Action. Although I had the least amount of seniority, I refused to cross the picket line.

I have attended major scientific conferences, as well as co-authoring a published paper on Dioxins/Furans/PCBs in the Detroit River and recently co-authoring a presentation at Enviroanalysis 2010. For this work I have received an award for Outstanding Divisional Support by the Drinking Water Management Division of the Ministry of the Environment. I also have received branch level ...

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“Emotions recollected in tranquility”: The Last Bargaining Round, or, the First Imposition

By a Local 110 Officer

Being a bit of a hoarder, I actually kept all the emails that flew back and forth between management, the union and members here at Fanshawe during the last round of bargaining. Whew! Re-reading the communications made me sad at times. However, often when people jumped in and stated “please stop polluting the email system with this nonsense,” I would think to myself that the emails represented real democracy in action. It’s very good to know what people are really thinking, and times of crisis or pressure are good for getting people’s true feelings and beliefs aired.

What good came out of that time, or those emails? Engagement, passionate communication of deeply held beliefs, and (mostly) civil discourse—all of which made clear how precious it is to live in a free, democratic society.

At this time we are exactly in a middle period between the last round, and the next round of bargaining. It seems a good time to look at the timeline of the past events. In the relative tranquility of this period, stripped of emotions and charges of rhetoric and propaganda, let’s recollect what happened. The events may be instructive for the next round.

Timeline

February 2009: Demand setting began. Members put forward their wants and needs for the next round and locals voted on them. Demands gathered then sent to the provincial CAAT-A meeting for prioritizing.

June 2009: Bargaining started.

August 31, 2009: Existing con-

tract ended.

November 11, 2009: Final offer of settlement made by the Council.

November 12, 2009: Negotiations broke off when management left the table.

November 18, 2009: Terms and conditions of employment imposed by the Council (college management). These terms were different than the final offer of settlement of November 11. Marginal comments were removed, among other subtle differences.

January 27, 2010: Management put forward an offer for settlement. Marginal comments restored. One year of salary increases removed (offered terms a year shorter). There were additional subtle differences in language.

February 1, 2010: OPSEU called for binding arbitration. Strike date set for February 11.

February 2, 2010: Binding arbitration rejected by the Council. Council made an application to the Ontario Labour Relations Boards to have a last offer vote, a “vote on the last offer received.”

February 10, 2010: Faculty across Ontario’s 23 colleges voted.

February 12, 2010: Count still considered too close to call, with just over 50% accepting the offer, and mail-in ballots still outstanding. Strike postponed.

February 24, 2010: Vote finalized by the Ontario Labour Relations Board after mail-in ballots counted. Members voted 51% to accept the offer. Strike averted.

February 24, 2010: Council modified the terms to allow the Union to file union grievances.

March 5, 2010: OPSEU and the Council representatives met to start scheduling grievances. OPSEU brought 41 union grievances that were filed between November 19, 2009 and February 23, 2010. The Council did not agree to schedule arbitration hearings for any of the grievances, citing that grievance rights were suspended during this period between the imposed terms and faculty acceptance of the management offer. These grievances were left hanging until the issue was brought before arbitrator Paula Knopf in December 6, 2010.

February 24 to July 6, 2010: Union bargaining team refused to sign the management offer, as they said the offer included the marginal comments and the Council removed them, citing they were not part of the offer accepted by members.

March 2010: The Council amended the imposed terms to take away the union bargaining team’s pay when they refused to accept the collective agreement as the Council formatted it (without comments in the margins).

June 2010: The OLRB (Ontario Labour Relations Board) said the union’s bargaining team had to sign.

July 7, 2010: Union bargaining team signed the management offer without marginalia.

July 7, 2010: The Council claimed that no collective agreement was in effect until this date, the day the management offer was signed. The Council claimed that imposed terms were in effect until the actual document

Continued from page 10

was signed by both sides.

December 6, 2010: Paula Knopf arbitration hearing. Ms. Knopf was asked if the grievances could be scheduled.

At the hearing, The Council argued that the prohibition on union grievances during the period of November 18 to February 23 was permanent, even if the violations of members' rights took place prior to November 18th or even if the violation was ongoing.

January 18, 2011: Arbitrator Paula Knopf ruled that when the faculty accepted the employer's offer it contained a duration clause that specified when the provisions of the new collective agreement were to take effect. She ruled that union grievance rights were restored effective Nov 18, 2009. The Council's stand was that no union grievances could be filed during the period from the imposed terms until the offer was signed by the union's bargaining team was dismissed.



At the hearing, The Council argued that the prohibition on union grievances during the period of November 18 to February 23 was permanent. Even if the violations of members' rights took place prior to November 18th or even if the violation was ongoing.



Why have we never had an imposition before?

The revised CCBA Colleges Collective Bargaining Act of 2008 contained new provisions in sections 15, 17 and 21

that allowed an imposition of terms by college management to take place. This mechanism is new to us at CAAT-A (Colleges of Applied Arts and Technology-Academic) and CAAT Support—but not new to other sectors of the economy.

We can see this adjusted legislation ***provides a mechanism that allows collective bargaining rights to be taken away.*** Although other unions and sectors have had such terms for years, other union members have historically not put up with an ***imposition***, as imposed terms usually trigger an instant strike. For example, in 2010 CN Rail attempted to impose terms, and the workers immediately went on strike, agreeing to end their strike only when CN put its imposed terms on hold.

The problem with imposed terms

Collective bargaining rights are subverted or overridden during a period of imposed terms. This is an attack on collective bargaining rights and the union's ability to enforce existing terms or existing rights. This "dark period" or grey area of time between the imposed terms and the vote to accept was, in the Council's view, a time when union rights were considerably weakened.

Under imposed terms, the Council is free to change the terms at any time, and they did so twice. Imposed terms can be changed as often as the employer likes until a collective agreement is in place. This management right is not openly stated in our imposed terms or final agreement, but flows from the CCBA itself. This is the danger of imposed terms: they can be modified at any time, because they are imposed.

Outcomes: MWAs

Besides the abrupt termination of the collective bargaining process through the imposition of terms, the other battle the union fought so hard was against the modified workload arrangement (MWA) language. The union did not want to give up hard-won SWF protections for any members, but college management wanted the flexibility MWAs offered.

What's happened since? Regarding the first MWA proposed at Fanshawe College, the union withheld consent due to insufficient justification. The College referred the matter to arbitration and the union's concerns were found to be valid by the arbitrator. SWFs that were mocked up from the initial MWA proposal resulted in work weeks of between **60 and 70 hours** and inequitable workload distribution, amongst other concerns.

Local 110 has subsequently accepted one MWA in Building Technology, allowing for a three week overlap in the apprenticeship program, for which professors will be paid overtime. Another recent MWA for Fall 2011 in Tourism and Hospitality for 6 members has also been accepted by the union. Flexibility with appropriate protections is being practised at Fanshawe College.

Outcomes: Anti-bullying language

Before terms were imposed, successful collective bargaining between the union's bargaining team and the Council resulted in strong anti-bullying and anti-harassment language found in Article 4. See the article "New Language on Bullying" on page 14 for information about this important and valuable addition to our Collective Agreement, based on Bill 168. ☪

NUPGE asks ILO to reopen case on part-time college staff in Ontario

The National Union of Public and General Employees (NUPGE) is calling on the International Labour Organization (ILO), an agency of the United Nations, to re-open its investigation of a complaint that **the Ontario government is denying 16,000 part-time community college workers the basic right to form a union and participate in collective bargaining.**

The formal complaint was filed by NUPGE in June 2005 on behalf of OPSEU, which represents more than 15,000 full-time faculty and support staff at community colleges across the province.

In November, 2006 the ILO released a strong ruling in favour of the NUPGE/OPSEU complaint stating at the time that it “fails to see any reason why the basic rights of association and collective bargaining afforded to all workers should not also apply to part-time college employees.”

The Ontario government responded to this embarrassing international ruling by amending the *Colleges Collective Bargaining Act* (CCBA) in October 2008 [see CCBA information in the article “The Imposition” for more information about this piece of legislation—ed.] The amendments were intended to provide all part-time and sessional faculty, and support staff, the right to bargain collectively. In follow up correspondence made to the ILO in October 2009, the Ontario government boasted about the corrective legislative action it took in response to the agency’s report.

However, NUPGE says the Ontario government is misleading the ILO about the effectiveness of their actions to correct the situation.

“Despite the amendments made to the *Colleges Collective Bargaining Act* (CCBA), those employees are still being denied their fundamental right to join a union and bargain collectively,”

said Clancy.

Under the amended CCBA, 35 per cent of the workers affected must sign union cards in order for the Ontario

“A law that has no practical use is no law at all,” says NUPGE president James Clancy. “The amended CCBA technically allows part-time college workers in Ontario to unionize, but it’s been a complete failure in practice and these workers continue to have their rights denied.”

Labour Relations Board (OLRB) to order a vote. The legislation also gives the colleges an opportunity to challenge the number of cards the union has signed. This is exactly what the employer did immediately after OPSEU applied for certification.

To justify their challenge, the employer produced their own list of the number of employees affected by the certification vote, flooding it with employees who clearly wouldn’t be part of the union bargaining unit. The result has been months of mediation and litigation at the Labour Relations Board, with the employer using every method at its disposal to delay and obstruct a vote.

To make matters worse, the colleges have manipulated the timing of the workers’ contracts to make sure that those who signed cards weren’t working when the union certification application was filed.

“The ILO condemned the Ontario government for denying part-time college workers the fundamental right to

form a union,” said Warren (Smokey) Thomas, president of OPSEU. “While the government changed the law, in reality nothing actually changed. The employer is now hijacking the legal process in order to continue denying these workers the right to form a union.”

“We want to ensure that the ILO is fully aware that this case is far from settled,” Thomas said. “The McGuinty government cannot be allowed to pretend this issue is resolved while thousands of legal ballots go uncounted.”

NUPGE president James Clancy pointed out that “a law that has no practical use is no law at all. The amended CCBA technically allows part-time college workers in Ontario to unionize, but it’s been a complete failure in practice and these workers continue to have their rights denied.”

The unions are hopeful that the ILO will use the new information as the basis to demand that the Ontario government stop throwing up roadblocks to prevent part-time college workers from forming a union and bargaining collectively. \$

NUPGE (National Union of Public and General Employees) is our parent union. Article from <http://www.nupge.ca/content/nupge-asks-ilo-reopen-case-part-time-college-staff-ontario>

NOTE:

OPSEU activists will be meeting with local MPP’s to urge them to call the Minister of Training, Colleges and Universities. The Minister has the power to direct The Council to drop their objections. If you would like to be involved, please contact us 519-452-4205 union@opseu110.ca

Nobody expects the Second Imposition...!

Humour

"In the early years of the 16th century, to combat the rising tide of religious unorthodoxy, the Pope gave Cardinal Ximenez of Spain leave to move without let or hindrance throughout the land, in a reign of violence, terror and torture that makes a smashing film. This was the Spanish Inquisition..."

(Monty Python, 1970).



"In the early years of the 21st century, to combat the rising tide of highly educated people actually making middle class wages, the Council gave their bargaining team leave to move without let or hindrance throughout the land, in a reign of unchecked power that smashed collective bargaining rights. This was the Second Imposition."

If only the imposition of terms we underwent in 2009/2010 was as funny as the Python sketch (see <http://www.youtube.com/watch?v=TymoMOBfPTI> to refresh your memory). See also the report on page 10-11.

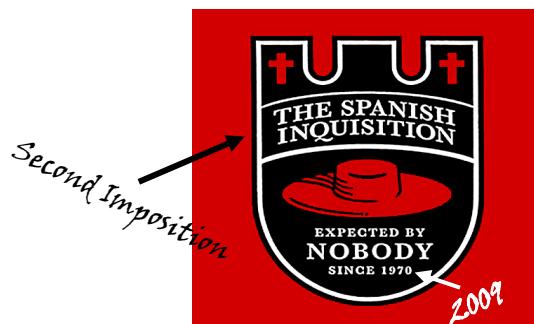
The Python Inquisitioners "tortured" their victims with soft cushions and strapped on dish-drying racks, and sentenced one victim to a comfy chair.

The last set of imposed terms looked so much like our last contract, it looked like a "comfy chair." But, as we saw, **the terms can change at any time**—the imposed terms were changed by the Council multiple times before they were accepted as a stable collective agreement. The terms could be **anything**, next time.

We at CAAT-A do have a relatively comfortable existence, that's true. That comfort has been won through collective bargaining. Management would never have volunteered to give us the good salaries and benefits we currently enjoy. The power of collective bargaining is what gave us leverage.

Amongst the Python Inquisitioner's weaponry were "fear, surprise, and ruthless efficiency," (as well as fanatical devotion to the Pope and nice red uniforms ☺). At least the element of surprise is gone for the next round, for people on our side of the bargaining table.

Whether fear and ruthless efficiency—and nice red uniforms?—come into the next round remains to be seen. †



Collective Agreement: New Language on Bullying



Spotlight on

For the first time the Collective Agreement (2009/2012) includes language on discrimination, bullying and psychological harassment. **Article 4.02 A 4** states, "The College shall make reasonable provisions to ensure that employees are free from bullying/psychological harassment as defined within this article."

Members have a responsibility to familiarize themselves with the Collective Agreement, Bill 168, Respectful College Community Policy and other relevant resources. Every College community member is entitled to a respectful learning and working environment that demonstrates and fosters acceptable interpersonal conduct and is free from harassment. All members have a duty to report all violations of the Collective Agreement and College Policies whether personally experienced or witnessed.

The Impact of Bullying on the Victim in the Workplace

No one works at their best if they feel hurt, angry, vulnerable and powerless. Bullying can have a variety of physical and psychological effects on people.

1. The Physical Impacts of Bullying

- Increase in sick leave -(absenteeism)
- Changes in appetite, digestion
- Fatigue, exhaustion, insomnia
- Aches, cramps, back pain, skin rashes
- Frequent illness
- Sweating, shaking, trembling, palpitations

2. The Psychological and Social Impacts of Bullying:

- Reluctance to go to work
- Reactive depression
- Hopelessness
- Loss of interest and passion
- Uncharacteristic irritability and anger
- Generalized or situational anxiety
- Lowered self-esteem and confidence
- Self-doubt, self-blame
- Loss or deterioration of relationships
- Reduction in quality of home life
- Being constantly on edge
- Hypersensitivity and fragility
- Decreased productivity
- Indecisiveness, forgetfulness
- Panic attacks
- Feelings of social isolation and futility
- Bursting into tears over trivial things

3. Chronic Bullying may lead to:

- Substance abuse
- Self-defeating behaviours
- Actively seeking other employment
- Transferring out of a department or accepting a demotion
- Resignation or early retirement
- Post Traumatic Stress Disorder (PTSD)
- Suicide

If you are experiencing any of the above symptoms due to bullying please refer to the resources listed below.

Resources

Collective Agreement

Article 4.02 A 4 The College shall make reasonable provisions to ensure that employees are free from bullying/psychological harassment as defined within this article.

Article 4.02 A4 (con't): The College and the Local Union shall cooperate to the fullest extent possible to ensure the work environment is free from bullying/psychological harassment.

Article 4.02 A 5 Bullying/

psychological harassment refers to any vexatious behaviour that is known, or ought reasonably to be known, to be unwelcome and that—

Adversely affects and employee's dignity, or psychological or physical integrity, and/or

Takes the form of repeated conduct which could reasonably be regarded as intending to intimidate, offend, degrade or humiliate, and/or

Results in a harmful work environment.

Examples of bullying/psychological harassment include, but are not limited to, the following:

- Berating/belittling an employee or an individual;
- Making repeated unwarranted criticism;
- Undermining or deliberately impeding a person's work;
- Spreading malicious rumours or gossip;
- Making physical gestures intended to intimidate, offend, degrade or humiliate an employee or individual;
- Making comments that are threatening, derisory or defamatory.

Article 4.02 A 6 Actions which may be deemed to be bullying/psychological harassment could be carried out by a manager and/or a supervisor, students, employees, individuals or groups.

Bill 168

Changes to [Ontario's Occupational Health and Safety Act](#) (OHSA) – effective June 15, 2010 – strengthen protections for workers from workplace violence and address workplace harassment. They define workplace violence and harassment and describe employer duties, and will apply to all workplaces

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covered by the OHSA.

Bill 168 information online: http://www.labour.gov.on.ca/english/hs/sawo/pubs/fs_workplaceviolence.php

Contacts

Manager: Discuss your concerns with your manager

Union Stewards – Contact a steward in your school, at the union office D-2018, by phone 519-452-4205, or via email <http://www.opseu110.ca/>

Employee Assistance Plan: 24 hours a day, 7 days a week, call toll-free 1-800-265-8310 <http://www.homewoodemployeehealth.com> ☎

“Workplace Excellence” from page 9

awards and also an award at the Ontario public laboratory level.

When I was elected President of Local 553, I was pretty much a nerdy scientist. I didn't have any public speaking skills, and I still stumble. But I persevere.

Our Local is working on building up social aspects of OPSEU's presence in our communities. We have donated to the Federated Health Charity and recently to the food drive for the Daily Food Bank. We hope to start sponsoring house-league sports teams, which would be a good way to get our name out into the community. It would be great if all 142 Locals in my Region sponsored teams.

I made a conscious decision to become involved in the union, possibly limiting my career in the workplace. But my activism has not stood in the way of my work. There are many other activists that I know in the Ministry of the Environment that are both excellent workers and union activists who have been recognized for outstanding service in both areas.

So for all of the union activists out there, please keep up the great work! ☎

STOP staring at my chest. It makes me uncomfortable. START by not flirting with the young males.

How would you like to receive one of the comments above on the Student Feedback Survey (SFS), which is replacing the old instructional feedback survey (IFS)? These comments are *real*. They were received by Fanshawe College professors, and we've been allowed to share them to show how dangerous these comments can be.

First off, if there is something really untoward going on in a classroom, we fully support the students making complaints and getting resolution through the correct channels. There are proper pathways, such as seeking advice through the Ombuds Office, academic and personal counsellors, and so on. But what if these comments were made by students with an axe to grind?

Recently College Council approved the full roll out of the new type of SFS. There are boxes on the back for students to write their comments, entirely without guidance.

Who gets to see these comments? Here it gets interesting. Offensive comments, or those of a negative personal nature are supposed to be filtered out by CCI, the company that compiles the data and types the comments for later distribution to the professor. However, the comments above, and many more just as disturbing did get through. What happened?

Your Chair gets a copy of the comments also. All the comments, or just the “edited” ones? How long do they remain in your file? If there are “actionable” comments, like the ones above that imply harassment, what happens?

The comments above, and others like it, led the union to raise the issue of the new SFS at the UCC (Union/College Committee). The College is to respond on March 24.

Many educational academics have written negatively about the business or market model of education that positions students as “consumers.” Feedback surveys such as the type in question have evolved from this approach.

An article in *Studies in Higher Education* by A. McCulloch (2009) outlines some of the problems of the student-as-consumer model:

- overemphasizes one aspect of the student's role
- distances the student from the educational process
- encourages passivity
- compartmentalizes education as a product
- undermines the teacher's professional role, pushing towards an entertainment/“edutainment” model.

There have been countless discussions about student feedback and whether students have the tools to judge an educator, or even whether they have the right to judge. Many feel they have been “burned” by bad students; or, in the case of useful feedback, the professor gets it long after the course is finished.

Streeter and Wise (2009), two officers from the British National Union of Students, offer the following counsel: “What we should aim for is a healthy, balanced approach. Students should be able to challenge the quality of the learning environment and the support they are getting...[but] It should be obvious that students can't really do any of these things unless they have been reasonably diligent, attended most of the classes...and tried to seek out help and advice.”

Not knowing the context of the comments such as the ones above could have serious consequences for faculty. ☎

Rosie the Riveter Dies

THE 17-YEAR-OLD Michigan factory worker who inspired the iconic World War II poster of Rosie the Riveter beneath the famous We Can Do It slogan, died at age 86. Geraldine Doyle passed away on Dec. 26 in Lansing, Michigan.

A Washington Post obituary says Doyle happened to be on the job in a metal factory just a few weeks after graduating from high school in 1942 when a United Press International photographer shot a picture of her leaning over a piece of machinery. She was wearing a red and white polka-dot bandanna over her hair.

At the time, Westinghouse Corp. had commissioned artist J. Howard Miller to produce several morale-boosting posters for display inside its buildings.

Taken with the photo, Miller decided to base one of his posters on the anonymous, young metal worker.

The poster and the name "Rosie the Riveter" came to symbolize the millions of women who entered the World War II workforce and who worked in war industries such as shipyards, munitions plants and airplane factories.

With millions of men away fighting the war, women performed these vital jobs in droves, forever changing the nature of the workforce in North America and around the world.

Rosie the Riveter is the image of an independent woman who is control of her own destiny," said Gladys Beckwith, former director of the Michigan Women's Historical Center and Hall of Fame.

Her iconic image of female power and independence lives on. ☙

NUPGE/CALM



Fight the Attack on Collective Bargaining Rights and Public Sector Unions