



# THE EDUCATOR

REPORT TO THE COLLEGE: 31 JANUARY 2019

LOCAL 110

This issue of **The Educator** is devoted to a report on major changes facing the college in 2019 and a remembrance of Jerry Tapley, Labor Relations Consultant from 2014 to 2018

**Just before Christmas**, union officers and senior administrators met twice to discuss, cooperatively, two important issues facing the college: (1) The Conservative government's repeal of Bill 148's "equal pay for equal work" provision and possible rollback of part-time faculty pay, and (2) administration proposals for increasing full-time faculty positions. The discussions were frank and meaningful.

## **Bill 148 and Bill 47**

On October 23, 2018, Doug Ford's new Conservative government introduced Bill 47, which repealed most of the provisions of the recently enacted Liberal Government Bill 148, including provisions for pay equity. At present, part-time faculty at Fanshawe are paid a starting base rate of \$85,00/hr, the in-coming level for partial-load faculty in the CAAT-A Collective Agreement pay grid. The College made the change in April to comply with the equity requirement. Under Bill 47, the College is no longer required by law to maintain it.

Regardless of Bill 47, the union hopes the College will uphold the principle of "equal pay for equal work" by maintaining the current part-time pay structure unchanged. The College responds that it will honor existing part-time contracts for the winter term, has no intention to change them for the summer, but must reserve an option to

reconsider for the fall given funding uncertainties in the upcoming provincial budget. The union would like the College to commit, but the College will make no commitment to continue equitable part-time pay beyond the next budget.

Viewing the issue from management's perspective, their hesitation is understandable. Although faculty members often believe management cries wolf prior to every provincial budget, hoping to awaken fear and secure compliance with local austerities, the difference this time is that the wolf is either at or very near the door. The situation is genuinely uncertain and volatile. The recent Conservative government tuition cut and freeze (announced Jan. 17) will cost the colleges collectively approximately \$300 million dollars per year while returning a relatively insignificant \$300 to individual college students. This is phoney populism at its worst: undermining collective funding for a public service by doling out minor amounts to the very individuals who need the service, offering token monies instead of high-quality services. Individual students could buy a dozen pizzas with their 300 dollars, but cannot hire faculty, build classrooms, or provide educational supports. Management, apolitically, expresses only "concern," but the truth is they are dealing with a reckless and volatile government given to pandering give-aways. Faced with this, no senior manager with fiscal responsibility will be likely to make cost-intensive commitments not required by law. In fairness, let's be clear, Kathleen Wynne's legislative mandate to increase part-time pay wasn't matched with any commitment to robust, consistent funding for the colleges either. Two

governments, Liberal and Conservative, issuing costly (and contradictory) legislative commands to an under-funded system. No wonder management chooses to hedge.

But what about part-timers? What they face is hard to imagine for anyone not in their position. Average part-time pay in 2017 (the last year for which the union has statistics) appears to have been in the neighborhood of \$48. If that rate, or something similar, obtained in 2018, that means the April increase to meet Bill 148 was an *average* increase of almost 100 percent! It is usually easier to deny a group of people some right or advantage than it is to grant it and then claw it back. What a stunning reversal for many part-time workers a rollback would be! Part-time pay, prior to Bill 148, was set entirely at management discretion, so many part-time workers made more than the average rate, sometimes much more, in a few cases as much as \$100/hr. If part-time workers were above \$85/hr when the new minimum was set in April, they stayed at their higher rates. No one *above* the minimum moved *down*, but everyone *below* moved *up*. In short, Bill 148 represented a substantial increase for many part-time workers, an increase now in doubt for Fall 2019. Prior to Bill 148, some part-timers were being paid as little as \$21/hr; others as much as \$100/hr. Why the discrepancy in pay rates? We can't say. Since part-time rates depend entirely on management discretion, there is no transparency. If the rates are rolled back in Fall 2019 or after, the impetus for the change will come from government not our management. The *proximate* cause (our management) will not be the *efficient* cause (the government). I would ask my part-time colleagues, if your paycheck is cut in half this fall, remember who is responsible, and *vote* your justifiable rage.

### **New FT Positions at Fanshawe**

Management initially proposed an increase of 18 net new FT positions over 3 years. The union hoped for more but recognized this was a good faith proposal. The union responded with a request for an additional 2 positions, bringing the

total to 20 over 3 years. Management heard our representation in support of this increase and retired to consider it. They returned with agreement to increase to 20 net new over 3 years.

The union would like even more positions, but we believe management is operating under genuine constraint. We proposed 2 additional positions because we believed it achievable while respecting management's challenges. The union now agrees to suspend all Article 2 grievances for the duration of the current contract. In short, we have negotiated an agreement. This is almost historical given the durably negative union/management relationship that once made Fanshawe College notorious in the system.

Article 2 grievances are essentially a wasteful war of attrition damaging to both sides. The union is sometimes forced to use this weapon, but it is costly in time and money and draws union officers away from member service and representation. The union seldom wins in these disputes and only wounds its opponent by tying up front-line managers and administrative staffers. Article 2 grievances should be recognized as a symptom of fundamental institutional dysfunction and leadership failure. The only gainers in Article 2 grievances are lawyers and professional arbitrators.

Arbitration can be productive, but in the case of Article 2, a disproportionate win/loss ratio in awards, lack of binding precedent, and elaborate quasi-judicial procedures all suggest a simple power imbalance dressed up as due process.

The College will now be spared Hicks Morley billing, expensed lunches at Holiday Inns, and squandered staff hours and energies. The union will be able to look after the needs of its members. This is a win-win, and we hope it heralds better things to come.

Union/management relations at Fanshawe College have improved during the last decade. Both sides have behaved honorably within a spirit of rational compromise, and respectful negotiation has been achieved. The two sides represent and work from different imperatives, but both seemingly now

agree that aggressive confrontation and excessive reliance on lawyers, the default mode of the past, is not desirable. We look forward to balanced give and take, in which management acknowledges the union's just aspirations to protect its members and promote employment security, and the union recognizes the financial exigencies and fiduciary responsibilities of management. We still have serious problems at the college, but most of these now reflect system problems at the provincial level. The CEC is a source of continued disruption.

The Ontario college system remains chronically underfunded, under-governed, and mismanaged by neglect. Successive governments have botched the job. The current government is a concern, and this has nothing to do with its being a *Conservative* government, some Conservative governments have been good for colleges, but the Doug Ford government has been long on theatrical gimmicks and short on sensible policies. Fanshawe has lots going for it. We are doing well at home, but we must be aware that the system is in trouble and be prepared to resist its erosion.

### **No More Chairs at the Table**

As you must have noticed, we no longer have Chairs at Fanshawe College. They have all become Associate Deans. The change in title also involves

an increase: \$1500. This is not a large increase for front-line managers who frequently carry the heaviest administrative burdens. Anyone who thinks otherwise should try the job for a few years. No sensible person begrudges them a fair increase.

### **One Sad Fact**

During the recent strike, unionized faculty secured a reasonable, if modest, increase, and Chairs have now also obtained an increase. The only group whose gains are in doubt are our part-time colleagues who face a possible rollback. As was said 2000 years ago: "To those who have more, more shall be given, and to those who have less, the little they have shall be taken away." The ongoing exploitation of precarious part-time labor in the colleges is a systemic disgrace. The only reliable redress is unionization. We are now awaiting the results of the part-time certification vote. Once this is confirmed, part-timers will begin working with powerful professional organizers to build a viable union. They will no longer be dependent on the shifting and unreliable largesse of government. We hope our current administration will maintain "equal pay for equal work," but with a union, part-time faculty can change hope into a demand and begin a fair fight.

WLH

## **JERRY TAPLEY: IN MEMORY**

Readers of **The Educator** have probably seen the College's statement of condolence regarding Jerry Tapley. This statement communicated some general information about Jerry: he worked as a Labour Relations Consultant in Human Resources after a decades-long career with Canada Post, and he died on 30 December. However, most readers probably don't know that Jerry played a huge role in the improved labour relations we have enjoyed at Fanshawe in recent years.

Jerry started at Fanshawe about 5 years ago, right around when I began my first term as Chief Steward. One of our earliest encounters with him revealed his well-known sense of humour. When we learned of his long prior career as a manager with Canada Post, Darryl Bedford and I showed up at one early meeting wearing CUPW (Canadian Union of Postal Workers) buttons. When he asked about the buttons, we said jokingly that we just wanted him to feel at home. We learned soon enough that Jerry always gave as good as he got: the very next meeting he showed up wearing an OPSEU button. Our gentle joke on him had turned into his gentle joke on us, and we all shared a laugh over it. This laughter, however, was in retrospect, significant: it marked the start of a highly productive, collegial, and respectful relationship

that lasted over four years and, sadly, ended far too soon as a result of his illness.

Jerry had my cell number, and I had his. In any given week, we usually talked on the phone dozens of times, exchanged dozens more emails and texts, and we met face-to-face frequently as well: at almost every meeting involving our relationship with the College, Jerry was there. He was the one who told us of problematic situations (from the College's perspective) involving our members, he was the one who received our grievances and listened to us argue them at arbitration hearings, and he was the one who negotiated and signed settlements. He did all of this with faultless professionalism and a deep—and frequently articulated—respect for our roles and responsibilities as Union Officers. Although we sat, usually literally, on opposite sides of the table in many, many tense situations in which emotions ran both hot and high, he and I never once raised voices or said a hostile word to each other, and I believe the same is true for every other member of the 110 executive who interacted with him. He recognized that we were doing our jobs; we recognized that he was doing his.

In the course of doing that job, Jerry was both direct and unswervingly honest. If we asked him a direct question, we got a direct answer—whether we liked it or not. His first duty was always to the College and its operations and procedures; however, within the constraints of his role, he tried hard to be both fair and compassionate. Without breaching anyone's confidentiality, I can say that Jerry always made sure that members had the Union representation they needed at difficult moments, and on several occasions, he made special efforts to do what he could to help people address difficulties that had unfortunately affected their working lives.

Jerry went off work rather abruptly, and although I shared a few texts with him, I mostly gave him space to cope with his illness. However, one sunny afternoon in late October, in response to a text, he phoned me. We had a pleasant conversation, centered far less than usual on work matters and far more than usual on personal ones: his wife, his children and grandchildren, and his upcoming plans to spend more time with them. He sounded very much like his usual self during this conversation, and he assured me that aside from some fatigue, he was not in any pain. I hope that I'm wrong; however, I suspect that this was the very first time he was not being entirely honest with me. That was the last time I spoke with him.

As the fall semester rolled on towards the Christmas break, we heard that his illness was growing worse, and I resolved to write him a personal letter setting forth our respect for him and his work with us over the last four years. I was just beginning to assemble some thoughts for this letter when I checked my email during the holidays and learned—with shock and dismay—of his death.

That letter became this article.

Very often since, we have found ourselves sharing Jerry anecdotes and starting sentences with "If Jerry were here . . .". Jerry, we will miss you.

MF

