

# THE EDUCATOR

1 November 2018

## AFTER THE STORM

This issue of **The Educator** is devoted entirely to two articles, both very important, especially given the outcome of our recent strike. One is by **Frank Green** (p. 2-7), past president of Local 110, who reviews the early history of unionization at Fanshawe College. The other is by our current president, **Darryl Bedford** (p. 8-12), who relates his own personal history since joining the college as contract faculty in 2002 up to the last round of bargaining. These two articles remind us how hard it can be to secure improvements in the college system, but they also show us how much has been gained from the efforts of dedicated men and women before us. You will learn here about **Ross Rachar** who built the union at Fanshawe while carrying a full-time teaching load. He died in his early 50s but accomplished a lifetime of benefits for all of us. It's important to remember him and others like him who fought hard and made sacrifices.

Last year, working side-by-side with the \$15 and Fairness organization, faculty won fairer labour laws in the form of Bill 148. Now, Doug Ford's Bill 47 threatens equal pay for equal work. The Bill hasn't been passed yet, and there is still time to advocate for its defense. Polls show strong public support for the changes that were in Bill 148. You can help by signing the online petition at [Sandfairness.org/college faculty](https://sandfairness.org/college-faculty) or calling the Premier's office number at **416-325-1941** to demand Bill 47 be withdrawn.



*Darryl Bedford speaks with Faculty walking the picket line during a visit from MPP London West Peggy Sattler*

# EARLY DAYS: COLLECTIVE BARGAINING FOR FACULTY

Frank Green

Last year's school year was notable for two events: the 50th anniversary of Ontario's community colleges and the longest strike in the system's history. It occurred to me that the coincidence of these two things might be a good time for a little reflection on the colleges', and in particular, Fanshawe College's, early labour history, including some of the leaders and major events.

This writer did not have the good fortune to be hired by Fanshawe College until September 1971 and must rely on the testimony of others about the first four years of the college's life and that of its predecessor institution, the Ontario Vocational Centre London. Happily, two good accounts of those days appeared in the Fanshawe Retirees' Association publication, IN TOUCH, August 2017. Two retired English teachers, Malcolm Kay, "Memories of OVCL," and Leonard Monteyne, "1967 and all that," painted a lively picture of the pre-college and early college days. They described the change from a smaller, friendlier and more informal workplace to a somewhat more bureaucratic one wherein it felt like the primacy of teaching gave way to a more administratively-driven agenda.

Perhaps that experience led many faculty members to dream dreams of the advantages that a union might bring. Advantages like having some say about getting a raise, for example.

Back in those days, once a year in the Spring, there would be an official announcement, e.g., "The annual raise for next year will be 2%."

One particular year, on a Friday morning, a notice appeared on the bulletin board: "The annual raise will be posted here at 5:00 pm today."

Now, many teachers had planned to be in a more convivial locale by five o'clock that afternoon. But Joe Cleary, a fine gentleman, volunteered to wait at the college until five, get the news, and bring it to his thirst-slaked colleagues.

When he arrived after five he was assailed by a barrage of questions: "What'd we get, Joe? Same as last year? How much?"

"Twenty-five percent," said Joe, "retroactive to the day you were first p\*\*\*\*d off!" (Story related to writer at Joe's funeral by a witness of impeccable honesty.)

## CSAO

College faculty was first represented in collective bargaining not by a union but an association: The Civil Service Association of Ontario, whose motto was "Modern, Loyal, Efficient."

CSAO was founded in 1911 as a coal-buying co-operative and social club to discuss ways to improve the civil service. At the time there were about 1000 people working for the Ontario Government and 200 attended the first meeting. Female civil servants were not invited.

By 1944 CSAO was bargaining for pay and appointments. Membership in teachers' associations was made mandatory by law but this was not the case with the civil service.

In 1945 a bitter strike occurred at the Ford plant in Windsor. Paul Martin Sr., who was an MP from Windsor, persuaded the federal government to appoint Justice Ivan Rand to arbitrate. He successfully ended the strike by introducing mandatory union dues for all members of the bargaining unit. This was based on the view that

everyone who benefits from the union's bargaining should help to pay for the union's expenses, i.e., a worker did not have to join the union, but he/she did have to pay dues.

The Rand Formula, as it came to be known, was not extended to CSAO until 1969.

In 1946 CSAO hired its first staff member. In 1947 civil servants were required to retire at the age of 65 and were forbidden to engage in political activity. In 1951 the five-day work week was introduced. In 1962 Harold Bowen began a 20-year run in leadership roles in CSAO.

Between 1956 and 58 the number of women in the public service rose from 10% to 50% and the fight for equal pay began. However, in a 1964 picture of the CSAO Executive only three of the 26 individuals were women. (The CSAO Branch at Fanshawe had a better record. Of the Chief Stewards in that period, two out of three were women: June Hale and Gina Barber.)

In 1966 CSAO organized the support staff in the newly created community college system. This seemed a natural development since many of the college support staff had previously worked for the Ontario government. In 1968 CSAO signed the first collective agreement for college support staff.

### **CSAO AND COLLEGE FACULTY**

In 1971 Ontario law required that at least 65% of bargaining unit members sign a union (or association) card for automatic certification of the union or association as bargaining agent. This led to fierce organizing drive competitions by a number of unions in the new colleges.

Leaders like Ross Rachar from Fanshawe, and others from colleges around the province, petitioned an Ontario Labour Board Hearing to recognize CSAO as the bargaining agent for college faculty. The Board ruled in CSAO's favour in 1971. Factors in the decision may have been that college teachers were working in the public sector, that CSAO already represented support staff in the colleges, and that there were a number of college teachers on loan from various provincial organizations who already belonged to CSAO.

### **THE ROLE OF ROSS RACHAR**

During the first five years that CSAO represented college faculty, the foremost leader, both at Fanshawe College and provincially, was Ross Rachar, a teacher in the Electrical/Electronics Division at Fanshawe. He served as the President of the CSAO Branch at Fanshawe and as Chair of the Bargaining Team through two rounds of bargaining (the Anderson and Estey Arbitrations in 1972 and 1975 respectively). Both Judge Anderson and Judge Estey agreed that college faculty should receive salaries approximately mid-way between those of secondary teachers and university professors. These Arbitration Awards paved the way for the first negotiated faculty collective agreement shortly after the Estey Award. That contract included a substantial increase in salary.

Ross' union philosophy was simple, "We try to make things a little better for everyone and to ensure fair treatment for everyone." But to achieve these simple goals he brought a formidable array of talents: an understanding of contract language that would be the envy of many lawyers, skill at chairing contentious meetings, patience in discussions with reluctant union supporters, diligence in typing purple mimeographs of tightly reasoned newsletters to keep members up to date, careful and generous mentoring of new union officers, courage to challenge management when necessary, and finally, mastery of both long-term strategy and immediate tactics in the heat of battle.

Ross did all his union work in addition to a full teaching load since those were the days before workload release for union work. And while representatives from all the other colleges had no difficulty being freed up from

teaching duties to attend provincial bargaining meetings, Ross' missed classes were usually re-assigned to him, often at times inconvenient for both him and the students.

At times there were conflicts between the CSAO Branch and an organization called the Faculty Association about who had the right to represent faculty.

### **DUELLING MEETINGS**

A strange crisis occurred at Fanshawe early in the 1970's when two teachers grieved that they had been evaluated in an unfair way. Their dean then phoned them at home in the evening and threatened them with retaliation if they did not drop the grievances. He also told the teachers that if they mentioned his phone call at the college, he would deny making it.

As President of the Branch, Ross called a meeting of faculty to discuss the problem at the Connolly Building (also known as the Plumbers' Union Hall) on First Street on a Friday afternoon. Then the President of the College called a meeting of faculty at the main campus at the same time. Each teacher, counsellor and librarian had to decide which meeting to attend, "to answer the call of the College or the Union" as columnist Del Bell put it in the Free Press. (This correspondent did not attend either meeting, instead fulfilling his teaching duties in St. Thomas.)

The crisis was resolved when it became known that one of the teachers had a tape recording of the threatening phone call (he had been expecting to record a long-distance call from his mother, he said). The two teachers continued teaching, but the dean left the employ of the college.

### **THE STRIKE THAT WASN'T**

Some time before the Estey Arbitration process began the CSAO Bargaining Team attempted to get the Government to agree to tripartite arbitration. In this method, considered to be the fairest form of arbitration, each side appoints a representative to the Board and the Chair is someone acceptable to both sides. The Government refused this request, so the team decided to call a one-day strike of faculty at all the colleges.

The day before the strike was scheduled to occur, Ross Rachar chaired a long, intense meeting in a packed D1060 at the main campus. There were powerful, emotional speeches on both sides of the issue. Everyone had a chance to have their say. Sitting beside Bob Destun, a large man of Greek-Canadian heritage, it seemed to this young teacher that the majority favoured the strike. But near the end of the meeting Bob said, "This isn't going to work."

"What, the one-day strike?" I asked.

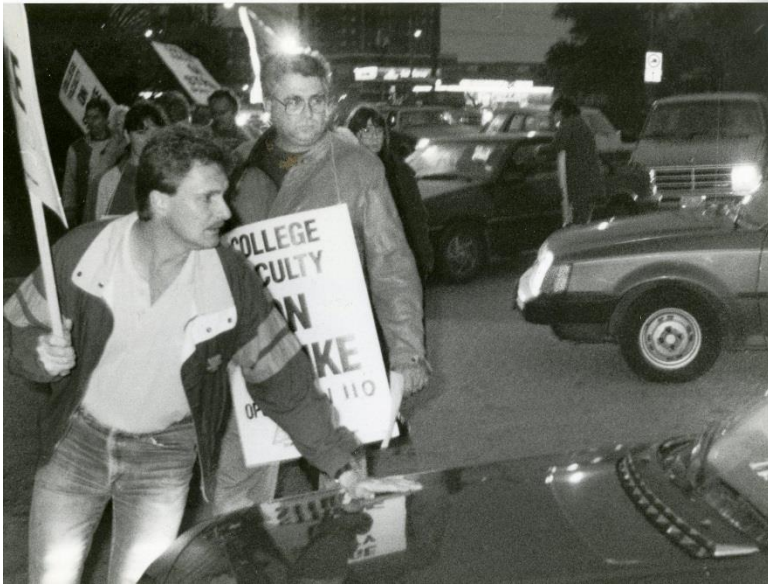
"No," said Bob, "life."

Concluding that Bob was a direct descendant of the Pessimist School of Greek Philosophy, the greenhorn I was went home, steeling himself to join in the strike next day.

At eight o'clock that evening Don Blay, a member of the same Division, phoned to say that the strike was canceled because the Government had agreed to tripartite arbitration. It was a great victory, not only for that round of bargaining, but for the precedent it set. A lot of smiling faces greeted Ross the next day.

A few years after he was out of office, Ross became convinced that faculty would be better served by a new union made up entirely of college faculty. With some colleagues from other colleges, he attempted to form such a union, but, largely due to lack of financial resources, the effort failed. Sadly, while in his fifties, Ross died after a short battle with cancer.

(Ross was always generous with his time and advice, giving me an invaluable tutoring in union matters and acting as the best editor I've ever had.)



**1984 Ontario College Faculty Strike - picket of evening classes**

## **1975 – BIRTH OF A UNION**

One of the factors that led to CSAO becoming a union was the passage in 1972 of the Crown Employees Collective Bargaining Act by the Ontario Government. This repressive piece of legislation imposed 21 non-negotiable management rights, including a reaffirmation of the ban on political activity and strike action. CSAO immediately began a fight against the bill that would continue for the next 20 years and included the well-publicized, “Free the Servants” campaign.

The leaders of CSAO believed that a union would have greater political and legal power than an association and referred to CSAO as

a “Tea and Crumpets” organization that had outlived its usefulness. The change was expected to bring more support from other unions as well. A union also brought a more democratic structure with the convention electing the President and a full-time VP/Treasurer.

The convention of 1975 elected Charlie Darrow, who had been a vice-president in CSAO, as the first President of the Ontario Public Service Employees Union. He had worked for several years at the Oxford Regional Centre for Developmental Disabilities in Woodstock.

Charlie soon proved to have great natural ability to chair the large convention (some 800 delegates) smoothly and efficiently through a combination of experience, knowledge of the issues, humour and decisiveness. (Perhaps, at times, a tad too decisive. Once when he thought a speaker was out of order, Charlie flipped a switch and cut off the microphone. When the delegate realized that he was talking to dead air, he grabbed his stand-up mike and headed towards Charlie, perhaps intending to use it on his head. On the way he collapsed with a heart attack. The first time Charlie saw him when he got out of hospital, Charlie said, “I would have visited, but I didn’t want to upset you.”)

Meanwhile back at Fanshawe College, the CSAO Branch became Local 110 OPSEU with a new steward system. On June 18, 1976 John Crook, who had replaced Ross Rachar as President of the Branch, was elected as the first President of Local 110. At that same meeting he swore in the newly elected stewards: Sidney Henderson, Bob Addie, Bob Wilson, Frank Green, Rick Jolliffe, Geoff Painter, Al Gleeson, Ken Lindsay, Patricia Stanley, Anna Wilson, Jean Bergman, Anna Hodgins, John Crook, Mike Grunwell, Ken Hulley, Bob Brine, Ross Crich, Shirley Brackett, Russ Malcolm and Bill Aarts. Also elected were: First VP Mike Grunwell, Second VP Bill Aarts, Chief Steward Frank Green, Secretary Anna Wilson and Treasurer Bob Wilson.

At a General Membership Meeting the previous month a motion had passed to increase local dues to \$3.00 a week. The purpose of this was to provide, for the first time at Fanshawe, workload release for some of the executive officers to do union work.

I began to get to know Charlie Darrow better in the summer of 1976 when four other Local 110 members and I went to the University of Guelph for a week to learn how to be stewards. On the last evening Charlie came to talk to the group of a hundred about the upcoming federal wage and price controls which Pierre Trudeau was imposing. Charlie said that OPSEU would be picketing against the new controls. Someone asked, "What should we do if someone crosses the picket line?"

Perhaps overly refreshed, Charlie responded, "Let them hear the sweet swish of the two-by-four in their ear." The Fanshawe contingent of young union virgins was thoroughly shocked and scandalized. Fortunately, no picket line mayhem ensued.

Later in the school year, when Local 110's executive officers felt that we were not getting good service from Head Office, Charlie came to a general meeting to face the complaints in person. I began to see a different side of him and admired his courage and directness.

The following year Charlie chaired a large meeting of OPSEU members from several locals in London about proposed changes to Ontario health and safety laws. The guests of honour were MPPs from the three parties. When I quizzed one of them a bit too zealously, he lost his cool and stormed out of the meeting. Then a number of brothers and sisters began to attack me verbally.

At this point Charlie came to my rescue, saying, "If a politician can't stand the heat, he should get out of the kitchen." However, at the end of the meeting Charlie said, "Now, Brother Green, I want you to go home and write out a thousand times, 'I will be nice to politicians.' "

At the Convention of 1978 five other candidates ran against Charlie for President. Charlie led after the first ballot with about 250 votes. Sean O'Flynn, a teacher from Niagara College, was second with a little over a hundred votes. Since 50% plus one was needed for victory, there was another ballot. Before it started the other four candidates threw their support to O'Flynn, and he won by six votes.

Immediately O'Flynn sprang to the stage and moved that, in view of past service, the union let Brother Charlie keep his union car. It passed unanimously.

Later Charlie said, "You devote your whole life to the union and what do you get? A \*\*\*\*\* used car."

## **AFTERWORD**

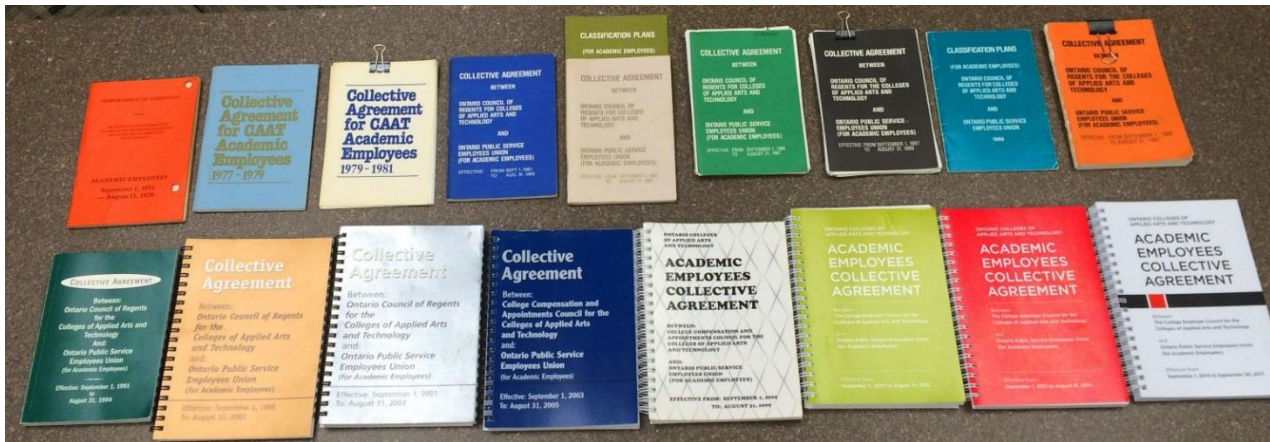
During the strike this year I was struck by the fact that two of the big issues that caused the strike had their origins away back when the colleges were created. The creator, or architect, was of course, William Davis who was the Education Minister when the government of John Robarts decided to set up a community college system in Ontario.

Davis has received enormous credit for establishing the colleges and rightly so, for they have done a lot of good for the citizens and economy of Ontario. This does not mean that mistakes weren't made. Take the main issue of the recent strike: the egregious misuse of underpaid part-time teachers which is both unjust to the teachers and detrimental to the quality of education that students receive. The seed of this abuse was planted in the original legislation that forbade part-timers to unionize.

In fairness to Davis, it must be acknowledged that the major abuse of part-timers, to the best of my knowledge, began under the Harris government when there was a severe reduction in full-time faculty positions at Fanshawe. The trend to underfunding and greater use of part-timers only increased under the McGuinty and Wynne governments as college enrolment swelled.



It seemed likely to me at the end of the strike that there would be some improvement on this issue but that seems a faint hope under the current government.



*These are the Collective Agreements negotiated by OPSEU for Ontario College Faculty eligible for membership in CAAT Academic*

The second big cause of the strike was referred to as the issue of academic freedom, which in my view was not as well understood as the part-timer issue (e.g., see comments by columnist M.R. Cohn in the *Toronto Star*). As I understand this issue, it flows from the contractual structure of the colleges which does not allow faculty, who are presumably the experts in academic matters, to have any real say in such things as course outlines, methods of evaluation or delivery, etc.

Once again, this problem goes all the way back to Mr. Davis. A former colleague of mine was working at what is now known as Sault College before 1967. Mr. Davis went there for a meeting about his plans for the soon to be created colleges. He proposed an industrial model with all decision making reserved to the administration by draconian management rights clauses in the collective agreement. Many of the teachers had previously worked in the public or Catholic high school systems where principals and vice-principals were in the same bargaining units as the teachers. “Why can’t we have a more collegial system than the industrial model in an educational setting?” they asked. But Minister Davis insisted he knew best.

A third problem, the lack of a clear, simple path for Ontario college graduates to advance to university education also emerged from Mr. Davis’ failure to establish a committee to decide on the equivalency of college credits as he had said he would. A far better job of doing this was achieved in other provinces like Quebec and B.C. and in most American states. Ontario college graduates are left to beg for university credits or stumble their way through the brambles of endless articulation agreements. At this point it is hard to see how to unspread the butter. (Pardon the mixed metaphors.) However, I digress, since I don’t think this problem came up during the strike.

If there is a moral to this article, I think it is this: collective bargaining for Ontario college faculty requires a lot of patience, a good long-term strategy, and at times, the courage to confront management/government.

## ACKNOWLEDGEMENTS

My sincere thanks to the late Gina Barber, to Rick Jolliffe, Len Monteyne, Malcolm Kay, Monte Black, Mike Grunwell, Bill Kuhn, Lee Jasper, Cliff and Sue Weaver for the valuable information they were kind enough to share with me about the early days.

Much of the history of CSAO came, almost verbatim, from the OPSEU web site. Any errors are my sole responsibility

## **SPEECH TO THE PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA (PIPSC) – 25 OCTOBER 2018 – Darryl Bedford**

Thank you very much for the invitation and the introduction.

I will start with my own personal story and connect it to the larger college faculty movement and the union movement at large.

I really started teaching just on a lark in 2002. It is something I thought I would try. I called Fanshawe College out of the blue and I expected I would end up speaking to Continuing Education and teach a night class or something like that.

Instead, for whatever reason, my call got directed to the School of Information Technology. I ended up meeting with the Chair just before the Christmas break. He said he needed someone who could teach Java Server Pages. I said, "I can do that." I had just recently been involved in converting Canada Trust EasyWeb to Java Server Pages and Servlets; it was an expertise of mine. I asked him when he wanted me to start. "First thing in January," he says bluntly. It was already December 21st or 22nd by then. At that moment, I realized just how chaotic college hiring is!

I realized over time that not only is it chaotic, it's often desperate. As of today, at Fanshawe College 68% of faculty are precariously employed. They work on semester-by-semester contracts. They do not know for sure if they will ever be employed again or what the nature of their employment will be.

It is true that some faculty are not interested in full-time work. But for those that are, there is no clear path to full time. And for those who just want to stay as contract faculty, the system is confusing. It doesn't make much sense.

If you teach up to 6 hours a week on contract in class, you are part-time, and you are outside the union.

If you teach 7 to 12 hours a week, you are partial load and inside the union, which means you get benefits and are covered by a collective agreement.

If you teach just one hour a week more, 13 hours a week or more, you are sessional and outside the union. No benefits anymore, no collective agreement, nada. What's more, although you are working more hours at sessional, you are paid less per hour than you would be working partial load.

You wonder "how is this possible?" The answer is Ontario law. If you think Ontario law should make sense, I'm sorry, it doesn't. It is discriminatory. If it is discriminatory now, it was even more discriminatory from 1975 to 2008—back then it was illegal for part-time or sessional faculty to join a union. In 2008 the Liberal government of the day changed the law, but you can guess what happened. Any attempt to organize those faculty was met with red tape. We're still working through red tape today. We had a certification vote in October 2017, and those votes have not yet been counted. We are looking at protracted legal challenges from the College Employer Council's law firm of Hicks Morley.

As a faculty member at Fanshawe, I'm among the lucky ones. Unlike many who work part time, partial load, or sessional for years, sometimes 10, 15, or 20 years, I was hired full time in the Fall of 2002.

Things were going quite well for me, and after 2 years, I completed probation. I was very curious about what was happening in our union. I started to read newsletters. I thought "wow, this is interesting." How is it that



certain faculty can be denied union rights? How is it that some have a good rate of pay and others don't? How is it some have a workload formula and protections and others don't?

In 2005, when I was starting to think about these issues, I got a bit of a shock. Fanshawe College tried to lay me off. It was a very stressful time even without that. I had been diagnosed with a chronic condition that has an incidence of about 1 in 100,000. I can tell you: it is Chronic Inflammatory Demyelinating Polyneuropathy or CIDP. The various symptoms are often identical to those of Lou Gherig's Disease [ALS]; you might not be able to tell the difference between the two. Fortunately, there is one treatment for CIDP that works very well for me, and the best place to find that treatment happens to be University Hospital in London, Ontario! About the same time, I found out I was going to be a father. And then I get this layoff notice. This all might sound like a lead-in to a joke, but no.

What I want to tell you is that unions are very good at sitting someone down and saying, "Look. Stop spinning. We're here for you. And you'll get through this." And sure enough, I was OK. My layoff was rescinded.

What I discovered through that process was that the union wasn't just for people in crisis. As I got exposed to the organization, I discovered all the things that happen behind the scenes. All the things the union does to prevent crises and to ensure that people have steady employment. Fanshawe has not tried to lay anyone off from a faculty position since. There is more than enough work to go around.



*2017 Strike of Ontario College Faculty – Fanshawe Picket Line*

I went from that stressful situation directly into the strike of March 2006. In my opinion, that was very much a defensive strike. The workload formula that had been achieved in the strikes of 1984 and 1989 was really under attack. It was very difficult that year. My colleagues during that strike started to discover that the College Employer Council was not there for us, to say the least. I don't think they're there for students. I don't think they're there for the general public. They're there as bargaining agents for the colleges, and they're a very convenient scapegoat and stalking horse for government. Governments can say "it's not us, it's the College Employer Council," and college administrators can say the same.

After that strike, I had a number of people come to me and say, "You could do this job, you could be a union officer." I said, "really?" I was elected 2nd VP and then Chief Steward. My approach was to bring something a little different to the table. All of us do bring something unique when we do this union work. I immediately put my programming and database skills to use. Eventually, it did change Fanshawe College's approach to the union because there were crazy things they would try and get away with that they couldn't do anymore because we'd see it in the data. If someone worked over 47 hours a week, we would see it. They would hand us

documents on paper hoping to drown us in paper. We used OCR scanning software and then suddenly every document was searchable electronically.

We went through a difficult period because the government changed the law, the Colleges Collective Bargaining Act, in 2008. They gave part-time and sessional faculty the ability to join a union, albeit in a different bargaining unit. They took out the anti-scab provision. They took out various things. They also added some negative things. They added the ability for the employer to call a "forced vote" on their offer.

A forced offer vote occurred in 2010, and our members accepted that offer against our advice. We were able to cope with that, but that was the situation when I was elected Local President. Historically, Labour relations at Fanshawe College had been poor. We very much had administrations that did not see positive labour relations as a priority. Outsiders knew it. I think it got to the point where it was affecting the College's reputation.

With the change in administration, we have seen more value placed on good labour relations. We went from an environment where we filed lots of grievances and had a very difficult relationship to one I would describe as functional. When we file a grievance, we have a meeting. In the past, we went to arbitration for everything.

In 2014, that's when I first ran for a bargaining team. That was a very difficult round of bargaining because we had wanted to hold a strike vote in August before the contract expired. Unlike most unions, Ontario law dictates that our strike votes must be run by the Ontario Labour Relations Board. The OLRB told us they supervise the votes and didn't want to supervise one in August. We found ourselves in a difficult situation, and we did recommend a tentative agreement to our membership. Our membership just barely accepted it. There were issues with that agreement.

It led to a lot of changes. We realized that if we wanted to make any progress in bargaining for issues such as academic freedom, or precarious employment, we needed a broader base of consultation. We created a Bargaining Advisory Committee. We needed a strike mandate before we walked into serious negotiations. We needed to take the pulse of students and their parents. We really needed to present a clear and coherent package of demands. And that's what we did in 2017.

You might have seen the billboards: "Ontario colleges need a better plan. College faculty have one." Our plan included academic freedom and addressed concerns about precarious employment and academic decision making in the colleges.

We knew there was support for our plan because a research firm had interviewed students and parents in 4 communities. We saw that student support for what we were trying to do was there. For example, in the Sudbury group there were two students in completely different programs at Cambrian College who said they waited 6 weeks for a teacher to show up in their class. By that time, the course was nearly half over!

So, when a Vice President of Cambrian College comes to the bargaining table and says, "This is working fine. Everything is fine. Ontario colleges are a success. Part time faculty bring a lot to the classroom," we ask, "how are they going to be successful in this environment when they are hired just days before the course starts, or hired halfway into a course?" These folks are professionals who often have other employment, and in some cases, are juggling different jobs. The union wants to create conditions in which contract faculty can be successful.

The outcomes for students, for our faculty, and for the public would be better with the union plan. It would be better for everyone.

In 2017 we held a strike vote. Provincially, 68% of our members voted in favour of a strike mandate. At Fanshawe, it was different: it was split down the middle. That's a very difficult situation for a Local President

and a member of the Bargaining Team. It made for a difficult membership meeting. There were lots of reasons for that vote, but what members began to see was that colleagues who were teaching year after year after year were not being treated with dignity or respect. They were simply floating along contract to contract. Even for those who did not want to be teaching full time, why not treat them with dignity and respect, and compensate them fairly? Why not do that?

During the bargaining, the Ontario Liberals introduced Bill 148. For the first time, colleges were included in the Employment Standards Act. People were stunned to learn that colleges did not have to pay minimum wage or for statutory holidays. If you had a class scheduled for Family Day, and you were part-time or sessional outside the union, you didn't get paid. That was perfectly legal before Bill 148. Again, Ontario law makes no sense and is, in this case, manifestly discriminatory. Bill 148 was designed to fix this.

Let me talk to you about bargaining. We show up at the table with our proposals. The response of the College Employer Council was academic freedom, academic governance, intellectual property, issues like that, those are not working conditions. "Those are not issues we can discuss at the bargaining table," they insist.

Now I put to you, if you are teaching in a classroom, or if you are doing research, there is nothing more central to your working conditions than your ability to speak freely and conduct research without interference. Those are your working conditions. Your ability to stand up and question academic decisions, your ability to vote on academic decisions, that is central to your working conditions. Our members have been in the classroom, in the counselling offices, in the library. They know. They know what is academically appropriate. They should have that voice.

There was a real disconnect in bargaining between the College Employer Council and the provincial government. The government said they wanted to address things like precarious employment in Bill 148. That's not where the College Employer Council was at!

We had been warning our members that even after being out on strike for a few weeks, the College Employer Council could call an offer vote. That's exactly what happened. They forced an offer vote. Then the Ontario Labour Relations Board which was responsible to supervise the vote took 2 weeks to organize and conduct an online vote. That moved us from a 3 week strike to a 5 week strike.



**2017 Ontario College Faculty Strike - picket at the main gate on Fanshawe College Boulevard**

Throughout that strike there was only one weekend where the College Employer Council came to the table.

We're seeing that same situation play out at York University now. Public sector employers can just sit on their hands, not actually bargaining with us, and then at the end say, "Oh, we'll legislate you back to work." That's what we've seen time and time again.

When we had that forced offer vote, 86% of faculty rejected the employer's offer. The employer's offer had lots of interesting secret landmines, and the faculty saw through them.

The CEC were hoping our members would accept their loaded language. Our members didn't fall for it. At Fanshawe, we went from a split in support for a strike mandate, to a vote on the employer's offer of 84% to reject.

**Back** →

I told our members rejecting the offer was not a reason to celebrate, we needed to get back to the bargaining table as soon as possible. We wanted to get to the table and back to the classroom. That Thursday we had the vote results at 11 am. After a meeting with the Minister, we were in a media blackout, bargaining at 3 pm that afternoon. We were told we had 2 hours until the blackout was over. We've been trying to bargain, trying to get the employer to the bargaining table for 5 weeks. And now we're going to settle all of the issues in 2 hours? Didn't happen.

At 5 pm we met with the Deputy Minister of Training Colleges and Universities. The employer would not join us in the room. We gave an update to the Deputy Minister where we were at in bargaining.

Not even one hour later, at 6 pm, the government announced they were legislating us back to work. The NDP did defend the right to collectively bargain, but we knew the legislation was going to pass. At the end of that weekend, it did pass, and by Monday, November 20 we were back at work.

We then found ourselves in mediation-arbitration. Arbitrator Kaplan looked at the submissions from the Union and from the Colleges. On the strength of the vote of our members, working with the concept of replication, Kaplan accepted the union's submission on nearly every point. He attempted to replicate what would have happened had bargaining been able to continue.

The award was a landmark. We got academic freedom. In a contract. In a legally binding contract. For the first time. Enforceable. We also got a registry for partial load tracking seniority.

The biggest thing was that the College Employer Council concessions were rejected by the arbitrator.

Having said that, our union is challenging the back to work legislation under the Charter of Rights and Freedoms. Governments should not be interfering in free collective bargaining.

What I want to say is that we got to that point because our members used their votes as their voice. They said a resounding "no" to what the College Employer Council was doing. Our members were frustrated at the reluctance of the CEC to engage in open collective bargaining.

I had members say to me 'just go to the table and get a deal.' Well, that won't work if the other side won't come to the table, and they've got concessions in there that they won't drop. We could not in good conscience recommend that our members accept concessions.

The employer has the money. Our strength is our people. Our strength is that we have members with expertise, who know their disciplines, who know the college. They stood together.

Each of us on our own, without the strength of a union, we know what that looks like. Part-time faculty, non-union, might get paid \$45 for a teaching contact hour. But then consider they might spend two hours preparing and marking for every hour spent in class. Really that \$45 an hour is more like \$15 an hour.

It's our people who make public services work. It's our people who make the colleges work. They overcame a lot. When I look back on this round of bargaining, it's a situation where, as much as we would have liked to have had a negotiated agreement, we ended up with an outcome that moved us forward, an outcome that sets the stage for future rounds of bargaining.

I want to tell you that it is the people sitting to your left and to your right that matter. They are the union. That's where things happen, and if you're going to achieve something in collective *bargaining*, it will be with the strength of collective *action*.

**Darryl Bedford - President, OPSEU Local 110 (Fanshawe College Faculty Union)**

