

Changing Workplaces Review Panel Presentation
Windsor, Ontario
July 7, 2015

Introduction

- My name is Anne Forrest. I am a faculty member at the University of Windsor and president of the University of Windsor Faculty Association (WUFA). I am participating in this consultation on behalf of my union.
- WUFA represents both full-time faculty (in our case, the category "faculty" also includes librarians, and ancillary academic staff) and part-time teaching-only faculty.
- Both FT and PT faculty are in the same bargaining unit and are covered by the same collective agreement.
- This structure has been in place since WUFA was certified as a union in the late 1970s.
- WUFA believes this unified, collegial approach to collective bargaining has been effective for both FT and PT faculty over many years and is well suited to the realities of the contemporary labour market in the academic sector.
- Thank you for this opportunity to explain why we hold this point of view.

Recommendation

- WUFA recommends giving the Ontario Labour Relations Board the power to create combined FT+PT bargaining units at the time a union is certified or any time thereafter.
- This was OLRB policy and practice for a brief period in the 1990s, and must be reinstated.
- I offer 5 reasons why this change is both advisable and needed.

Reason #1: The current OLRB policy of excluding PT employees from FT bargaining units does not reflect the interconnectedness of FT and PT work today.

- This policy was adopted in the immediate post-WW II era when FT jobs were the norm and PT work was used to fill in around the edges. This is clearly no longer the case; PT work is now fully integrated into the work process in every sector.
- New jobs, especially for young academics, are largely PT or short-term and do not lead to FT positions, as they did when I began my career.
- Over the last 20 years, my university, like every other in Ontario, has dramatically increased its reliance on PT teaching faculty. The work of PT faculty is intertwined with that of FT faculty, and we could not offer a full complement of courses and programs without our PT colleagues.
- The result is that WUFA now represents a bargaining unit of 1050 academics, only half of whom (53%) are employed FT.

Reason #2: The work-related issues and priorities of FT and PT faculty are more alike than they are different.

- The forced segregation of PT and FT employees is grounded in the misguided assumption that PT workers have work-related issues that differ significantly from those of FT employees.

- Many OLRB decisions have justified the exclusion of PT employees from FT bargaining units because PT employees – primarily women in the 1940s and 1950s -- were said to be less interested in pay or job security and more interested in convenient and pleasant working conditions than were their FT/ male counterparts.
- This assumption is not supported by the historical evidence, but whatever we believe about the 1940s and 1950s, today, there is no question that PT employees are just as focused on “bread and butter” bargaining issues – pay, benefits, and job security -- as their FT colleagues.
- Yes, there are differences in emphasis and priorities between FT and PT employees; however, these are no more significant than differences between junior and senior employees, and no one argues that junior and senior employees should be in different bargaining units.

Reason #3: A unified bargaining structure can lessen the economic vulnerability of PT employees, even when the union leadership is largely composed of FT employees.

- On their own, PT employees face additional obstacles when organizing and bargaining.
- The temporary and sporadic nature of PT work and the need to hold jobs at multiple institutions mean that PT employees have less time and opportunity to build the workplace relationships and leadership skills needed to run a successful organizing drive.
- Once organized, unions of PT employees tend to be small and under-resourced, so, less likely to successfully negotiate the all-important first collective agreement.
- Limited financial resources and membership turn-over also mean that PT unions are less able to defend their collective agreements through the grievance and arbitration process.
- Over a number of years, WUFA has purposefully tried to ensure full and fair representation of PT employees.
- These efforts include:
 - i) The creation of a standing committee with a mandate to address the concerns of PT members;
 - ii) Guaranteed participation in decision-making by designating one seat on the Executive and another on the Negotiating Team for PT members;
 - iii) A provision in the collective agreement that ensures priority hiring of PT faculty who have successfully taught a course 6 times or more;
 - iv) The creation of permanent, part-year teaching positions for a group of long-serving PT faculty;
 - v) A substantial increase in the rate of pay per course; and
 - vi) Full attention to grievances filed by PT members.

Reason #4: A unified bargaining structure benefits full-time faculty as well as PT faculty.

- Much is made of the different bargaining priorities of FT and PT academics, and the trade-offs the differences necessitate.

- This concern has led some FT members in my union to question whether FT and PT faculty should be in the same bargaining unit.
- In my view, on balance, FT faculty benefit from our unified bargaining structure because they have a say in the trade-offs made between the interests of FT and PT employees at the bargaining table, which they would not have if PT faculty were in a separate bargaining unit.
- As an example, consider the conflict between FT faculty's desire to limit the growth in PT employment and PT faculty's concern to maximize their wages and job security.
- This conflict would exist whether or not one union represented both groups.
- In our case, because WUFA represents both groups these conflicts are worked out among ourselves away from the bargaining table, and the trade-offs decided upon are ratified by the membership as a whole. Achieving solidarity of purpose between the FT and PT groups can be difficult in these circumstances, but it is not impossible.
- By contrast, if our PT colleagues were in a separate bargaining unit, decisions about PT pay and job security would be framed primarily by our employer and the decisions made would not take the concerns of FT faculty into account.

Reason #5: A combined bargaining unit and unified collective bargaining are less disruptive to students' education.

- On campuses where FT and PT faculty are represented by different unions or by the same union with separate collective agreements, a work stoppage inevitably means that some courses (or, even, some sections of the same course) would be offered during a stoppage while others would not, which can be very disruptive to students' educational and career plans.
- By contrast, campuses where one union represents both FT and PT academics under one collective agreement experience one less round of collective bargaining and, so, one less chance of a lock-out or strike.
- And, in the event of a work stoppage, the disruption to students' education would be lessened because all teaching faculty would be on strike or lock-out at the same time.

Closing

- WUFA urges this Committee to recommend the changes needed to facilitate the creation of unified collective bargaining structures when desired by the union.
- Given your focus on the changing nature of the labour market, it is important to emphasize that this model of collective bargaining can benefit PT and other vulnerable employees.
- However, it is not a panacea. Unified bargaining structures do not produce job security for PT employees or eliminate lower wages for PT work, even when unions bargain for these outcomes.
- To overcome these endemic forms of economic marginalization, the Committee is urged to also recommend changes to the Employment Standards Act that would require employers to offer comparable terms and conditions of employment to their PT employees, for example, by implementing the "equal pay for work of equal value" principle across job classifications.