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**Official Report  
of Debates  
(Hansard)**

**Monday 8 September 2008**

**Journal  
des débats  
(Hansard)**

**Lundi 8 septembre 2008**

**Standing Committee on  
General Government**

Colleges Collective  
Bargaining Act, 2008

**Comité permanent des  
affaires gouvernementales**

Loi de 2008 sur la négociation  
collective dans les collèges

Chair: Linda Jeffrey  
Clerk: Trevor Day

Présidente : Linda Jeffrey  
Greffier : Trevor Day

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Monday 8 September 2008

Lundi 8 septembre 2008

*The committee met at 0932 in room 1.*

**SUBCOMMITTEE REPORT**

**The Chair (Mrs. Linda Jeffrey):** Good morning. The Standing Committee on General Government is sitting. We're here to talk about Bill 90. Could someone read the report of the subcommittee? Mr. Mauro.

**Mr. Bill Mauro:** Your subcommittee met on Wednesday, June 18, 2008, to consider the method of proceeding on Bill 90, An Act to enact the Colleges Collective Bargaining Act, 2008, to repeal the Colleges Collective Bargaining Act and to make related amendments to other acts, and recommends the following:

(1) That the committee meet in Toronto on Monday, September 8 and Tuesday, September 9, 2008, for the purpose of holding public hearings.

(2) That the committee clerk, with the authorization of the Chair, post information regarding public hearings in English in the Toronto Star and the Globe and Mail and in French in L'Express the week of August 25, 2008.

(3) That the committee clerk, with the authorization of the Chair, post information regarding public hearings on the Ontario parliamentary channel and the Legislative Assembly website.

(4) That interested parties who wish to be considered to make an oral presentation contact the committee clerk by 12 noon on Friday, August 29, 2008.

(5) That groups and individuals be offered 10 minutes for their presentation. This time is to include questions from the committee.

(6) That, in the event all witnesses cannot be scheduled, the committee clerk provide the members of the subcommittee with a list of requests to appear by 1 p.m. Friday, August 29, 2008.

(7) That the members of the subcommittee prioritize and return the list of requests to appear by 12 noon on Tuesday, September 2, 2008.

(8) That the research officer provide the committee with background information prior to Tuesday, September 2, 2008.

(9) That the Minister of Training, Colleges and Universities be invited to appear before the committee to make a presentation of up to 10 minutes, followed by five minutes for each caucus to make a statement or ask questions.

(10) That the deadline for written submissions be 12 noon on Friday, September 5, 2008.

(11) That the research officer provide the committee with a summary of presentations prior to 5 p.m. on Thursday, September 11, 2008.

(12) That for administrative purposes, proposed amendments be filed with the committee clerk by 12 noon on Friday, September 12, 2008.

(13) That the committee meet for the purpose of clause-by-clause consideration of the bill on Wednesday, September 17, 2008.

(14) That the committee clerk, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

Mr. Clerk, it's my understanding that all delegation requests were accommodated and that a second day, as originally contemplated, was not required.

**The Chair (Mrs. Linda Jeffrey):** Any debate or discussion? Seeing none, all those in favour? It's carried.

**COLLEGES COLLECTIVE  
BARGAINING ACT, 2008**

**LOI DE 2008 SUR LA NÉGOCIATION  
COLLECTIVE DANS LES COLLÈGES**

Consideration of Bill 90, An Act to enact the Colleges Collective Bargaining Act, 2008, to repeal the Colleges Collective Bargaining Act and to make related amendments to other Acts / Projet de loi 90, Loi édictant la Loi de 2008 sur la négociation collective dans les collèges, abrogeant la Loi sur la négociation collective dans les collèges et apportant des modifications connexes à d'autres lois.

**STATEMENT BY THE MINISTER  
AND RESPONSES**

**The Chair (Mrs. Linda Jeffrey):** As was indicated in the report of the subcommittee, there was a request that the Minister of Training, Colleges and Universities be invited to appear before committee. He's here. Welcome, Minister Milloy. You have five minutes.

**Hon. John Milloy:** Thank you very much—

**The Chair (Mrs. Linda Jeffrey):** Sorry, 10 minutes. There's five minutes afterwards. You have 10. Sorry, my mistake.

**Hon. John Milloy:** Thank you, Madam Chair. With your permission, I'd like to call two officials to come to the table who may be able to help with some of the technical questions that come up. First of all, I'd like to introduce Catherine Laurier, who's senior policy adviser in the post-secondary division of the Ministry of Training, Colleges and Universities, and Elisabeth Scarff, who is legal counsel responsible for post-secondary education issues in TCU. I'll read a statement and then I'll be happy to take any questions. As I say, I'm pleased to be joined by two of my colleagues up here.

I'm here today to talk to you about proposed amendments to the Colleges Collective Bargaining Act, the legislation that sets out the relationship between the government and its 24 community colleges. As you are aware, Kevin Whitaker, chair of the Ontario Labour Relations Board, undertook a comprehensive review of this legislation and released his recommendations to the government in February of this year. The key recommendation arising from Mr. Whitaker's report was that collective bargaining rights be extended to part-time college workers. Our government is committed to following through on that recommendation.

To step back in history for a moment, prior to the Colleges Collective Bargaining Act, college employees were hired by the boards of governors of local colleges according to the terms, conditions and salaries established by the Ontario Council of Regents and approved by the Minister of Education—later, of course, the Minister of Colleges and Universities.

The colleges and their employees first bargained under the Public Service Act and later under the Crown Employees Collective Bargaining Act. Neither of these acts was deemed to satisfactorily address a multitude of complex issues. When the Colleges Collective Bargaining Act came into effect in 1975, it was fairly routine practice for bargaining rights to cover full-time workers, but not those who work part-time. The CCBA enshrined this practice in law.

Our government recognizes that this is an outdated situation. Most Ontarians have enjoyed the right to organize and bargain collectively for decades. Today, we are looking at proposed legislation that will modernize the colleges' collective bargaining process and give part-time workers the bargaining rights they deserve.

Our proposed Colleges Collective Bargaining Act would, if passed, provide a significant overhaul of the collective bargaining system in our colleges, bringing it more in line with modern bargaining processes used in most other Ontario workplaces. Those processes work very well: In Ontario, over 97% of contracts are settled without a strike.

Our government believes that our college system is too important to the future of our students and to our future economic success. In today's highly competitive global economy, we need every Ontarian to be able to achieve their full potential. When our people succeed, we will all succeed. That's why we must have the best post-secondary institutions and the best training opportunities possible.

Ontario's colleges will continue to play a critical role. These institutions—long a cornerstone of Ontario's post-secondary education system—play a role in helping us develop the highly skilled workers we need now and in the future. They have helped our province build an international reputation for excellence in education.

College leaders, faculty and staff work hard day in and day out to help students develop the skills they need to work in high-demand sectors of our economy. Ontario colleges have also done a tremendous job of partnering with employers to identify local economic needs and help develop talented, skilled graduates who can meet those needs. We want to help Ontario's colleges build on that success.

This bill, if it is passed, would contribute to the modernization of our college system and would ensure students continue to get the high-quality education they deserve. It would mark the first significant overhaul of collective bargaining in the college sector since the process currently in place was established in 1975. It would give part-time and sessional college workers the right to bargain collectively for the first time in Ontario.

Our government believes that this bill would establish a more stable, effective process for negotiations, covering both full-time and part-time college workers. It would mark a new era where college employers and college workers would have greater ownership of the collective bargaining process. It would, we believe, lead to a strengthened and more stable college system, better able to focus on the needs of students and better able to deliver the high-quality education Ontarians need and deserve.

This bill is the product of the hard work, ideas and insight of many people, and I want to thank everyone in the college sector who provided our government with such valuable input into this important bill during last year's public consultations and in the meetings I've had subsequently with many stakeholders.

#### **0940**

I want to give special thanks to Kevin Whitaker for his thorough review of the existing laws and for conducting the public hearings and creating the 17 recommendations that will change the status quo. Mr. Whitaker's report went far beyond just the introduction of bargaining rights to part-time college workers. He provided us with a clear road map for how this should be done to ensure that the interests of all parties are balanced and that changes ultimately benefit students through a stronger, more stable college system.

Our government took these recommendations very seriously. That's why this legislation would not only extend collective bargaining rights to part-time workers; it would also make some other important changes to how collective bargaining takes place in our college system, changes that our government believes would make collective bargaining in colleges more effective.

By improving the collective bargaining process, we can strengthen our college system to the benefit of all parties, especially students. And we can encourage more

stable, predictable labour relations so that all parties can continue to focus on providing the best education possible for students in a productive learning environment. That is what we must keep in mind when considering this legislation: Our ultimate goal is to improve the educational environment for students.

I'd like to take a moment and highlight some of the important changes in this bill for you today. First, this proposed legislation would establish two new bargaining units for part-time college workers: one for part-time and sessional faculty and another for part-time support staff. Representation of bargaining unit members would be governed through a certification process.

This proposed legislation would also allow for the creation of a new employer bargaining agent to represent all colleges in collective bargaining. This would replace the current government-appointed agency that acts on behalf of colleges during negotiations involving full-time workers.

This proposed legislation would also allow for the appointment of a conciliator to work with the parties, at their request, as is currently the case in most workplaces. This would eliminate the current fact-finding exercise, which is more cumbersome.

This is an approach that would give workplace parties more responsibility for the outcome of collective bargaining. It would streamline processes, bringing in the best of what works in other workplaces while still providing a separate framework that addresses the needs of the college sector.

We believe that this is the best approach for colleges. We believe it would address the needs of workplace parties while still keeping the needs of students front and centre. We can't forget that many part-time college support workers are in fact students themselves. So by passing this legislation, we would be helping these students participate in the collective bargaining process as well. But beyond that, this proposed legislation would strengthen our college system for all students by providing a framework for more effective labour relations.

Reforming the college collective bargaining process is part of our government's commitment to helping Ontarians develop the skills and knowledge they need to succeed. This is a key to our plans to ensure Ontario's economic future. When we can ensure that every Ontarian is able to reach their full potential, we are ensuring that Ontario will reach its full economic potential.

Thank you, and I'd be happy to respond to any questions or comments.

**The Chair (Mrs. Linda Jeffrey):** Thank you, Minister. For the opposition, Mr. Wilson.

**Mr. Jim Wilson:** Thank you, Minister, for your statement. You're right, we're all very proud of Ontario's college system, which dates back to Bill Davis, so I thought I'd give Mr. Davis a plug in my first few sentences.

You didn't mention anything about the cost. In the consultations I've done, of course, that's the number one question on all sides. Individuals wouldn't want collective bargaining if they weren't looking for better com-

pensation and a better work environment and working conditions. And of course, the colleges are worried: We're dead last in Canada in terms of our per capita funding for colleges. Despite the promises that your government has made in two election campaigns, we're still behind the pack in terms of funding.

So I just want to know if you have any comments. Did your ministry do any modelling or scenarios with respect to the cost, not only of implementing this legislation, but also the ongoing costs that certainly the employees may be expecting?

**Hon. John Milloy:** I think I take issue with some of your comments about our government's record in terms of colleges or post-secondary education in general. Obviously, in the system as it works now, the college compensation commission, on behalf of the colleges, negotiates in this case with two groups that are represented. We're talking about extending those rights and the negotiations would continue, then, under the new regime between the employers and employees, as is the common practice, and they would reach whatever agreement they saw fit; that is, of course, assuming that the two new groups sought to be represented by a particular union.

In terms of costs, as I said at the outset, I am very proud of our government increases in funding to community colleges; it's up about 54% since 2002-03. College per-student funding was \$6,645 per full-time equivalent in 2007-08; that's per-student funding up from \$4,594. So the per-student is up 44.6%, the overall is up about 54%.

We're going to continue to work with all our post-secondary education sectors in terms of their resource needs, but in terms of the bargaining, this would obviously continue to be a separate matter between the college administration under the new body, the employer body and the various bargaining units, and with the two new ones if they chose to be represented by a particular union.

**Mr. Jim Wilson:** I kind of expected exactly that answer, but you didn't do any modelling at all. You went to cabinet and your cabinet colleagues didn't say, "What's the cost of this going to be?" Many of these part-time employees aren't paid very well, so I think there would be a huge expectation that they'll be doing catch-up. Did you not do any modelling or scenarios at all that you can table with the committee?

**Hon. John Milloy:** As I said, we continue to work with the college sector, since Reaching Higher is a five-year plan, in terms of what their resource needs are, and there is the bargaining process that goes on. We've just finished one, as I am sure you're aware, about a week and a half ago. I guess it still has to go for a vote. So we'll continue to work with all post-secondary education sectors to make sure that they continue to have resources going forward.

**Mr. Jim Wilson:** Okay; thank you.

**The Chair (Mrs. Linda Jeffrey):** Mr. Marchese.

**Mr. Rosario Marchese:** Thank you, Minister. With respect to this last exchange, I'm not proud of our record,

whether it was under the Tories or under the Liberals. We understand you put more money in, but under the Tories we were number 10 and under the Liberals we're still number 10. It's a problem and we need to deal with it. This is a separate bill that we're talking about and I'm quite happy to deal with this, obviously. Yes, there will be some costs. We hope that the college system won't have to bear with that or that students won't have to bear more of the cost as we shift more and more of our obligations of governments on to students. So I'm profoundly worried about that, but we will continue to fight governments on that basis.

I know you've received the recommendations by OPSEU, and I want to read them for the record as fast as I can because we only have a few moments. They are:

"(1) Amend the schedules in Bill 90 to include part-timers and sessionals in the existing bargaining units upon certification.

"(2) Amend section 26(1) of Bill 90 to permit either the council or the bargaining agent, or a trade union that is applying for certification as the bargaining agent for a group of college employees, to apply to the OLRB to change, establish, or eliminate bargaining units.

"(3) Amend section 26(4)(b) of Bill 90 to read, 'the day after a collective agreement has been executed in respect of each of the bargaining units that would be affected by the application.'

"(4) Amend section 30 to read, '(4) The representation vote shall be held within 14 days of the date upon which it is filed with the board; (5) Notwithstanding the provisions of subsection (4), the board may determine that the vote shall be held at a time later than specified in subsection (4) if it considers that the holding of the vote within 14 days would cause the vote to be held during a time period when the persons eligible to participate in the vote are not substantially representative of persons likely to be substantially affected by the result of the representation vote.'

"(5) Amend Bill 90 to include all of section 40 of the OLRA so collective agreements may be settled at arbitration when both parties agree to do so.

"(6) Amend Bill 90 to include all of section 43 of the OLRA so either party may apply to the board to have a bargaining unit's first contract settled at arbitration provided that the party seeking it can demonstrate that it has made a bona fide effort to bargain a collective agreement.

"(7) Amend Bill 90 to retain the provision, contained in section 45 of the current CCBA, that stipulates that collective agreements must begin on September 1 of the year they begin and expire on August 31 of their final year.

**0950**

"(8) Amend Bill 90 to retain the deemed strike or lockout provisions included in sections 59(2) and 63(3) of the current CCBA.

"(9) Amend Bill 90 to ensure that a grievance ruling at one college employer applies to all college employers. This is easily done by adding sections 48(18)(a), (b) and (d) of the OLRA to Bill 90."

There are six more. I know you must have read all of these recommendations. I wonder whether you have a comment on these, and whether you're interested in—

**Hon. John Milloy:** How much time do I have?

**Mr. Rosario Marchese:** About five minutes.

**The Chair (Mrs. Linda Jeffrey):** No, a minute and 30; 33 now.

**Hon. John Milloy:** Well, Mr. Marchese, obviously you'll be hearing from various witnesses today, and the committee will have an opportunity to discuss these in detail. My general comment is that this is about two things really, this piece of legislation: One is extending bargaining rights to these two units, and the second is to modernize the system moving forward.

Mr. Whitaker did extensive reviews and came back with very thoughtful advice. That advice talks about taking what's best of the existing Labour Relations Act, taking a look at what's unique about the college system and setting up a framework so that, first of all, we create these two units; second of all, we give a prospective union the opportunity to organize them; and if that went forward, to then sit down with what I believe is a much more level playing field, if you'll excuse the cliché, and start to negotiate that relationship. I think that a number of the concerns that are raised are issues that—once this framework is first of all established by legislation, then, based upon the will of the membership, there'll be an opportunity for negotiations to move forward in what I think is a much more modern environment that what was set out in 1975.

I apologize; I could go through each of the 16 with you, but I think the Chair is about to give me the hook.

**The Chair (Mrs. Linda Jeffrey):** Good timing. Thank you, Minister.

From the government side, Mr. Moridi.

**Mr. Reza Moridi:** I want to thank you, Minister, for bringing this bill to the House which will give bargaining rights to part-time employees of our college system. This is the group that doesn't have this right. Also, I would like to thank you, Minister, for taking the time to appear before this committee.

**Hon. John Milloy:** Thank you.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much for being here and your staff for being your resource.

#### COLLEGES ONTARIO

**The Chair (Mrs. Linda Jeffrey):** We're going to begin this morning with our first delegation, Colleges Ontario. Good morning, and make yourself comfortable. If you're both going to speak, I have both names here: Linda Franklin and Wallace Kenny. Is that right?

**Ms. Linda Franklin:** Right. I'll be speaking, but Wallace is here for any technical questions that are beyond me.

**The Chair (Mrs. Linda Jeffrey):** Great. When you're ready to begin, you will have 10 minutes, and if you leave time in the course of that 10 minutes, there'll be an

opportunity for each party to ask you questions about your delegation. We have your package in front of us.

**Ms. Linda Franklin:** Great. Thank you very much, and good morning. My name is Linda Franklin, for those of you who don't know me, and I am the president and CEO of Colleges Ontario. Joining me today is Wallace Kenny, a partner at Hicks Morley and the college system's expert on labour issues in general and this bill in particular.

We appreciate having this opportunity today to speak to you about Bill 90, the Colleges Collective Bargaining Act. As members of this committee will know, I'm sure, individual colleges are also appearing before you today to speak in greater detail about some of the elements in the bill that require further consideration. The recommendations we are individually presenting today are supported by the 24 publicly funded colleges right across Ontario.

In my presentation this morning, I'd like to provide an overview of the college positions, generally, on the Whitaker report and the resulting legislation, and focus on some of the key issues that we think the committee must consider in its deliberations going forward.

Just by quick way of background, I should tell you that Colleges Ontario is the advocacy organization for the province's 24 colleges of applied arts and technology. Our particular focus is advocating for public policy changes that will help improve the quality of education and training provided to our students in Ontario. We represent all 24 publicly funded colleges that have campuses in every region of the province, and we serve almost half a million students each year between part-time and full-time.

Colleges offer more than 600 programs in a wide range of areas, from health care to manufacturing to hospitality and business. Many of you on the committee have colleges or campuses in your own ridings, and I'm sure you're very familiar with the range of the programming offered and the real importance of it to your communities and to the province.

We attract students from a wide range of backgrounds and all walks of life, which is important in the economy today and going forward, as you know, and they're employed in virtually every sector of the economy.

The success of our college system has helped Ontario to become a world leader in higher education. We often see numbers talking about how advanced Canada, and particularly Ontario, is in post-secondary training, and in fact a good deal of that is due to the uniqueness of the college system in Ontario. We don't have a much higher rate of university grads—although we're doing well—than other countries, but we have a unique college system that enhances the post-secondary education experience for so many students who otherwise would not have that, and don't, in other parts of the world.

Clearly, we think our colleges are pretty essential to our success as a province, and that's going to be even truer in the years ahead. All of you know that we've been talking a great deal, particularly over the last year, about the coming skills shortage in the province, the demand

for highly skilled and educated workers, the growth in that need over time. Even now, we're being called on more and more to find new ways to reach people in our population who right now are under-represented in post-secondary education and to rethink our training so that workers looking for a second career or needing significant upgrading can find what they need in the college system. If we don't succeed in this mission, many in our society will never reach their full potential in the workforce in the coming years and our province won't be able to deal with the labour shortages that are predicted around the world. We have to be able, as colleges, to perform at our absolute best, and that means that when Ontario makes changes to the structure of the college system, we have to get it right. It's never been more important, so that's why we're here today.

As you review Bill 90 today, please be assured that the college system supports workers' rights to organize as they see fit. We have supported the Whitaker process and the resulting legislation, and we believe that appropriate processes must be in place to ensure that those rights are exercised, and exercised in ways that are fair and effective for all of our employees.

Last year, when the province appointed Kevin Whitaker to review the Colleges Collective Bargaining Act, we supported that appointment and we provided Mr. Whitaker with recommendations and suggestions, as many other groups did. You might think that's leading to a "yes, but" criticism, but in fact it's quite the opposite: We felt Mr. Whitaker produced a good, thoughtful report that can help Ontario take significant steps toward addressing employees' rights.

Our message today is quite clear: We're urging you, as legislators, to ensure that the final version of Bill 90 that you have in front of you today remains true to the intentions of the Whitaker report. Indeed, staying true to his recommendations is essential, we think, because the Colleges Collective Bargaining Act is a unique piece of legislation carefully designed to meet the needs of employees and students looking for high-quality, relevant education.

Unlike general labour relations statutes, which apply to various workplaces, the Colleges Collective Bargaining Act has always been specific to our unique sector and its needs, and for good reason. The act has recognized our diverse workplaces and hours we keep and the unique ways we operate, and many of those are quite different from a regular business environment.

Kevin Whitaker understood the special circumstances quite clearly that define Ontario colleges, and his recommendations were designed to ensure that changes to the bargaining act would be fair for employees and appropriate for colleges, their staff and their students. Bill 90, we believe, reflects many of his goals and the thinking in his report.

There are, however, and of course this is always true with draft legislation, some aspects of Bill 90 that we don't think reflect the work on the ground in Ontario's colleges and are inconsistent with Mr. Whitaker's recommendations. My colleagues here today will provide a

review of some aspects of the current bill that we think should be amended and a handful of technical drafting issues that should be addressed so that the bill actually does what it intends.

Today I'd like to focus primarily on some new proposals from OPSEU that go beyond the intent of Mr. Whitaker's report and weren't tabled during the consultations. Simply put, some of these ideas were not vetted and didn't go through proper and due consideration, and we're concerned about them coming forward to you now, so late in the day. We believe these new proposals are detrimental to the bargaining process and can disrupt the learning environment of our students. Let me just outline some of our most serious concerns.

#### 1000

One of the most troubling suggestions, I think, in the new recommendations is the proposed addition of "related employer" and "successor" provisions. These provisions weren't recommended by Mr. Whitaker and come at the wrong time for Ontario. Right now, we believe that colleges need more flexibility than ever to respond to the challenges in the economy. Just think of the quick work we've had to do this year to help Ontario provide retraining opportunities to laid-off workers. In many cases, we do this by pursuing new business relationships with the private sector and with the public sector, developing training partnerships that, in some cases, follow normal business hours rather than academic schedules, and ensure that we are meeting the training needs of the future. As we're doing this, we must also recognize that the Ontario government is already struggling to address the serious operating cost pressures that exist in most colleges today, as many of you who have colleges in your areas will know very well.

While the vast majority of our programs will continue to be delivered in a traditional academic model, training needs are expanding rapidly and, in some cases, colleges must have the flexibility to innovate and reach new learners in new and non-traditional ways. Think of people who have been laid off and who need to retrain but are carrying mortgages, family commitments and high levels of expenditures. Asking those folks to sit in a college classroom for a few hours each day, over several days, is not going to be as productive to them as being able to figure out how we train them, nine to five, quickly and effectively, to get them back into the workforce.

While Ontario works to put a strategy in place to address the new economy, we must make sure that in the college system—one of the engines of the training for this new economy—many options are available to provide education and training in a cost-effective manner. Kevin Whitaker understood how essential this was, and our elected politicians must do the same. It's important to note that union rights are still protected in this bill, even if colleges continue to have this leeway, and that's another important piece of balance.

Another OPSEU recommendation would expand the binding scope of the arbitrator's decision, so that a

decision relating to one college would be binding on others. We understand the philosophy behind this, but unfortunately, circumstances vary broadly from college to college. Clearly, this kind of a recommendation would interfere with the autonomy of each college. No colleges are the same, one to the other, and there's no reason to believe that a ruling in one college necessarily has any bearing on others. Most importantly, this proposal contradicts normal legal principles and runs contrary to rulings from the Supreme Court of Canada. So we don't believe that this should be added to the legislation.

Having dealt with two of the key issues that arise from these new and untested OPSEU recommendations, I'd like to turn to the current bill before you. In general terms, as I've mentioned, we are very supportive of Bill 90. We think the drafting has been done relatively well. We think the intent is correct and that there's a good balance there.

In appointing Mr. Whitaker to review this complex area and building legislation that largely mirrors his recommendations, we think that we've gotten the big picture right. The bill achieves this as much by what it doesn't include as the things that are deliberately included. Virtually every aspect of this bill is clearly and specifically designed to force all parties to a negotiation to work harder to find resolution between them.

This hasn't always been the case in the college sector, and old legislation positions us to frequently feel that we have nothing to lose by going to an arbitrator to have them make decisions for us.

**The Chair (Mrs. Linda Jeffrey):** Ms. Franklin, you have 30 seconds left.

**Ms. Linda Franklin:** So we would urge you to look at what they've said as well as what they've not said in this bill, and to respect both.

The last recommendation that I'll put before you is that right now, the bill suggests a board of 48 people to govern this process. We used to be that way at Colleges Ontario; we've changed that governance structure because it's simply unworkable—from quorum, from discussion, from any perspective. We'd recommend that it be one college, one member—a 24-member board. It's still big, but it's more manageable. Our suggestion would be that the presidents would largely take those roles, but if a college wanted to choose a board chair instead for their expertise, that would work as well.

Those are our recommendations. Thank you, Madam Chair.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much. We appreciate you both being here today. You've exceeded the time, so there won't be any opportunity for questions. We have your presentation. Thank you very much for being here today.

**Ms. Linda Franklin:** Thank you very much.

#### MOHAWK COLLEGE OF APPLIED ARTS AND TECHNOLOGY

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is Mohawk College of Applied Arts and Technology.



Good morning, gentlemen. Make yourselves comfortable. When you're ready to begin, if you're both going to be speaking, if you could say your name and your position at Mohawk, and then you'll have 10 minutes. If you use all of your time, there won't be an opportunity for us to ask questions, but if there is, each party will be able to ask questions of your presentation.

**Mr. Ronald Holgerson:** Thank you, Madam Chair. Good morning. My name is Ronald Holgerson, vice-president of marketing, communications, alumni and government relations. With me is Allan Greve, past chair of our Mohawk College board of governors. President MaryLynn West-Moynes sends her regrets. Due to a family emergency, she's not available today.

Mohawk appreciates the opportunity to present to the Standing Committee on General Government on the matter of Bill 90, An Act to enact the Colleges Collective Bargaining Act. To orient members of the committee, Mohawk annually serves 10,000 full-time, 3,000 apprenticeship and 300 international students, as well as 5,000 adult learners and 42,000 continuing education registrants. We offer 106 full-time and 18 apprenticeship programs at the four campuses in Hamilton and Brantford.

It's very important for you to understand that Mohawk provides opportunities in a region where the quality and quantity of the labour force are significantly affected by both anticipated workforce retirements and the fact that 43.7% of Hamilton, 30.2% of Burlington and 48.8% of Brantford people over 20 years of age have not accessed post-secondary education. Mohawk further believes that college, university and apprenticeship constitute the three pillars of post-secondary education and directly contribute to social, cultural and economic development and prosperity. We are very proud of our staff, all of whom are committed to providing a great learning experience for students. Mohawk currently employs 352 support, 455 faculty and 95 administrative full-time staff, as well as approximately 355 academic and 475 non-academic part-time staff, including work-study students.

With regard to Bill 90, let me first underscore that Mohawk supports the right of all college employees to associate. Any change to the Colleges Collective Bargaining Act is important to our college, and that's why we're here today. We're supportive of the intent of the legislation, and we want to speak with you about sections of the bill that we support and where we would not want to see changes made.

Before we get to specific sections of the bill, we would like to give you some background on Ontario colleges and the critical role they play in strengthening the economy. To do that, I pass the floor to Mohawk's past chair Allan Greve.

**Mr. Allan Greve:** Good morning. First, let me underscore that the success of our Ontario college system has helped our province become a world leader in higher learning, providing post-secondary education to a greater percentage of the population than many of our competitors.

Overall, about two thirds of Ontario's adult population has a post-secondary credential, including apprenticeship.

College students are taught in generally well-equipped labs by faculty with extensive experience, strong academic credentials and a commitment to student success. Colleges are active in applied research in areas such as manufacturing technologies, health and life sciences, and environmental technologies. For example, at Mohawk College we are currently working with Satyam Computer Services from India to build the first working prototype of an electronic health record for every Ontarian. A blueprint was developed by Canada Health Infoway, whose members include Canada's 14 federal, provincial and territorial deputy ministers of health.

Ontario college graduates are successful. More than 90% of Ontario college graduates find jobs within six months of graduation, and more than 93% of employers report being satisfied with the quality of the graduates hired. College graduates have played an important part in bolstering Ontario's economic strength and will be even more important in the years ahead. That is because Ontario, like many jurisdictions, is challenged by changing demographics, global competitiveness and a changing economy.

In the short term, there is an urgent need to retrain people who have lost their jobs as the economy shifts. This is particularly true in the manufacturing and the forestry sector, where plant closures have put thousands of people out of work. Often, those who lose jobs are middle-aged people with mortgages and families to support. Fortunately, the strength of the college system means we are well positioned to help people get the education and training they need to move into new careers that provide meaningful employment.

#### 1010

Colleges have been working very hard to service second-career students. At Mohawk College, we established a College and Career Discovery Centre to enhance services to students seeking to enter the college, including dedicated services for second-career candidates.

In three short months, Mohawk has responded to 233 inquiries from persons seeking to further their education, and as of last week, we had registered 37 second-career students in two-year programs and 12 skills-development students in programs less than one year. To date, 18 have been approved for full funding, and we eagerly await notification for the remaining students. We look forward to helping these students establish themselves in their new careers.

Ontario's 24 colleges also play an essential part in strengthening our economy over the longer term. College programs are career and occupation focused, designed to help students pursue and achieve success in a wide range of fields: health sciences, engineering technology, business, creative and applied arts, and community and social services. Individual colleges offer niche programs, for which they are renowned, such as horticulture, animation, aviation and, at Mohawk, medical radiation sciences and advanced design and packaging technology programs.

Colleges provide opportunities and pathways for students from all walks of life and backgrounds. Our

province, like many jurisdictions, is experiencing changing demographics. As we mentioned, baby boomers are retiring and a growing number of sectors face shortages of skilled employees. And while we celebrate newcomers to Canada and strong immigration levels, immigrants alone won't provide the skilled workforce we need. Because we have a strong college system, we have the opportunity to reach that segment of our population that doesn't have that post-secondary credential. We can help many of them improve their knowledge and skills through the applied programs offered at the colleges. We can help them to make a stronger contribution to the workforce and strengthen Ontario's overall productivity.

Ontario is very proud of its college system and college graduates, graduates who help us achieve competitive advantage. This will be even truer in the years to come. To accomplish our mission for the province and our students, it is critical that we get this important legislation correct.

I'll hand it now back to Ronald.

**Mr. Ronald Holgerson:** Thank you, Allan.

Turning to the provisions of Bill 90, a number of colleagues will provide you with an overview of challenges in the bill that we feel must be addressed and concerns we have regarding recently suggested and untested proposals. I will focus on some important positive aspects of the bill, which we believe must be retained.

In our view, Mr. Whitaker wrote a good report, and we encourage the government to remain true to the spirit and intent of his report. Mr. Whitaker recommended that the parties be given more responsibility for collective bargaining by moving to a more traditional model, relying less on third parties to find solutions and putting those most affected in a position where they have more at stake and thus are more prepared to make the tough decisions required to reach agreements on their own.

To do this, Mr. Whitaker proposed that the provisions of the current act which limit access to and the consequences of strike and lockout be eliminated—the deemed strike provision. We feel that this provision is critical, as it means there is much more at stake for parties to a strike and therefore more reason to negotiate a settlement.

Mr. Whitaker also proposed that the parties be allowed to determine the expiry date of their future collective agreements instead of the expiry date being fixed at August 31. This recognizes that collective bargaining may not always be best served by specific fixed dates not established by the parties.

Mr. Whitaker proposed that notice to bargain be reduced to the normal 90-day period prior to the expiry of the collective agreement.

**The Chair (Mrs. Linda Jeffrey):** Sir, excuse me. You have 30 seconds left.

**Mr. Ronald Holgerson:** Okay.

He proposed that normal bargaining tools available to the parties under the Ontario Labour Relations Act should be imported into the CCBA, such as final offer selection, and that parties should reduce their reliance on third party intervention.

Colleges support Mr. Whitaker's recommendations, all of which have been incorporated into Bill 90.

In closing, we are supportive of Bill 90 and strongly recommend that the provisions outlined remain intact and not be amended. We believe the recommendations will make the legislation stronger and improve the learning environment of our students. Thank you.

**The Chair (Mrs. Linda Jeffrey):** Thank you, gentlemen. We appreciate you being here and your delegation.

#### COLLEGE STUDENT ALLIANCE

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is the College Student Alliance. Good morning. Make yourselves comfortable. When you're ready to begin, if you're both going to speak, if you could say your names for Hansard and the position you hold. You don't have a handout today, do you?

**Mr. Tyler Charlebois:** No.

**The Chair (Mrs. Linda Jeffrey):** When you're ready to begin, you'll have 10 minutes. If you leave us some time at the end, we'll be able to ask questions.

**Mr. Tyler Charlebois:** I'm Tyler Charlebois, the director of advocacy for the College Student Alliance.

**Ms. Jenn Howarth:** And I'm Jennifer Howarth. I'm the president of the College Student Alliance and the president of the Cambrian Students' Administrative Council.

**Mr. Tyler Charlebois:** As I've stated, my name is Tyler Charlebois and I'm the director of advocacy for the College Student Alliance. I'm pleased to be accompanied this morning by our president, Jennifer Howarth. We appreciate the opportunity to present to all of you, members of the Standing Committee on General Government, on the matter of Bill 90, the Colleges Collective Bargaining Act, 2008.

The College Student Alliance is an advocacy and services organization representing over 109,000 full-time college and college/university students across the province, at 16 colleges and 23 campuses.

Before we speak to the specifics of Bill 90, the Colleges Collective Bargaining Act, I want to make it very clear to the members of the committee that the CSA supports all workers within the college system, whether they are full- or part-time, and their right to organize and collectively bargain.

Once the government made the announcement of their intention to recognize the rights of college part-time workers back in August 2007, the CSA and our members sought to be active participants in the review process led by Kevin Whitaker, chair of the College Relations Commission.

In October 2007, I met with Mr. Whitaker to explain our initial concerns around the government's intention, and again in November he met with our entire membership at our general assembly in Cornwall, Ontario. Our immediate concerns were how, would the thousands—5,136, to be exact—of full-time and part-time students working on campus be affected as a result of this bill?

What would it mean for full-time students working less than 15 hours a week on campus to be part of a union? Do they even want to be unionized? What effect would unionization have on the funding of on-campus employment?

Within our membership, we asked ourselves these questions and many others and sought out a legal opinion before we came up with our formal recommendations to Mr. Whitaker. We concluded that students working on campus part-time during the academic year should not be excluded from the collective bargaining act and that they should be placed in a bargaining unit with other support staff workers working part-time on our college campuses.

Our main reason for recommending students' inclusion in the CCBA was that students must be effectively represented during the bargaining process and therefore should have equal opportunity with all other part-time workers on campus. We feared that if students were excluded from the CCBA and from bargaining and organizing with other part-time support staff workers, that once part-time support staff workers were organized and represented, they would ask for those jobs that are currently classified—so the support staff—to be classified—and therefore students who work in the realm of support staff jobs on campus would then not be able to take part in those jobs.

We want to protect student employment on campuses across the province and we felt that this meant having students included in the CCBA and rolled into a bargaining unit with other support staff workers. In Mr. Whitaker's final report to the government, he recommended that the government create two additional bargaining units and that students be included with the part-time support staff workers unit. Bill 90 proposes just that.

I'm now going to turn it over to Ms. Howarth to explain our current apprehension around students being included in the CCBA with part-time support staff workers.

**Ms. Jenn Howarth:** Currently, student employment on campus is funded through tuition set-aside and the Ontario work study program. Colleges are mandated through the student access guarantee to meet the unmet need remaining for OSAP recipients. A lot of times, this unmet need is provided through scholarships and bursaries.

If students are included in a part-time bargaining unit, the fear is that their wages would increase and both the number of students and number of resources would diminish. For the tuition set-aside funds to grow, there must be an increase in enrolment. So currently, if you have 150 students working on campus and their wages must increase, then the number of students will go down, because we don't have the funding to provide them with work on campus.

In 2006-07, the 1,990 students working part-time on campus through tuition set-aside were OSAP recipients, while another 4,585 were non-OSAP recipients. The number of non-OSAP recipients can be related to the individuals who may have come from a middle-class family who are not eligible for OSAP, yet still have unmet needs as a student.

In addition, having student employment on campus provides the opportunity to decrease debt post-graduation, especially for students who are working in jobs upon entering the workforce where they may have lower salaries—for example, early childhood education or personal support workers.

**1020**

For those students working on campus and receiving OSAP, they're faced with the challenge of not earning more than a weekly allowance. Both the Canada and Ontario portions of OSAP allow a student to earn \$50 per week; anything over and above will be clawed back from their OSAP loan.

Colleges also differ from universities in the sense that we create communities within our institutions. That's not saying that universities don't create this atmosphere, it's more so saying that at a college—more so our small and medium-sized colleges—you're not just a number within the institution; you're a name. We'd like to keep that through student employment. A high population of students in the north are from remote communities and reserves across the province. Aboriginal students feel more comfortable working in the college rather than entering this new city and then going to have to work off campus as well.

Mature students have a far better chance at succeeding in their post-secondary ventures—for example, at Cambrian, we have 25% of our population as mature students—if they're eligible to work on campus, as the employers in the college are willing to work around class schedules, tests, exams and assignments, an opportunity that may not exist in the normal workforce.

While working on campus, students are able to put into practice the skills that they have learned in the classroom. The hands-on experience makes our students more knowledgeable post-college, and adds in practical work experience to their resumé, which they may not have if they didn't work on campus—for example, liaison, the registrar's office, marketing, the daycare and many different opportunities in which they can work. At Confederation College in Thunder Bay, they have found that 75% of students who worked on campus through the Ontario work study program graduated, compared to the average college graduation rate of 55%.

I'll turn it back over to Tyler.

**Mr. Tyler Charlebois:** The CSA feels that Bill 90, the Colleges Collective Bargaining Act, 2008, is a vast improvement over the current legislation that we have. Not only does it bring the college system and our collective bargaining more in line with the Ontario Labour Relations Act, but it seeks to right a wrong from decades ago in recognizing the rights of part-time college workers.

In closing, I'd like to state again that we do support Bill 90 and strongly encourage this committee to think about our concerns related to how this bill will affect students, and whether they should or should not be included. We don't feel that that's necessarily our place because there are pros and cons on either side, but we wanted to bring about some of the concerns in some of

the other programs that are government-related and that are going to have an effect as a result of Bill 90—a ripple effect on students and access to our colleges.

We wanted to make sure that students in on-campus employment will be protected. Knowing the positive affects of on-campus employment that Jenn has stated, and the positive benefits that it has with retention and persistence of students, we feel that the program of on-campus employment should continue, whether they're included or excluded from the Colleges Collective Bargaining Act.

As a partner in post-secondary education, we strongly support any measures and means that work to create a positive working and learning environment for all staff and students at Ontario's colleges.

**The Chair (Mrs. Linda Jeffrey):** You've left just under a minute for each party to ask a question, beginning with Mr. Marchese.

**Mr. Rosario Marchese:** Thank you for your presentation. A quick question: I really believe that the college system is very worried about the financial implications that it will have on them. They have been underfunded for a long, long time and for that reason, they're looking at a flexible way of being able to hire certain people. That's why half of the people are part-time: because they need to save money. They're worried that some of the recommendations that OPSEU is making might produce further costs and might not bring the commensurate money from the government. Are you a little bit worried about this, in terms of the implications that it will have on students? Because my sense is that if the government doesn't kick in more money, you guys are going to be paying for it, right, through tuition?

**Mr. Tyler Charlebois:** Yes. We did say that in our report to Kevin Whitaker, and again when we met with the minister after the report came out, that we were concerned that moving this process down the line to extend the rights, although we support it, is going to cost the institutions and the college system a considerable amount of money.

**Mr. Rosario Marchese:** And what did he say?

**The Chair (Mrs. Linda Jeffrey):** I'm sorry, Mr. Marchese—

**Mr. Rosario Marchese:** I beg your pardon. What did he say?

**Mr. Tyler Charlebois:** That they were looking into it, as the process around extending the rights. So we are hoping that the government would go down that road in looking at increasing the investment in the college system—

**The Chair (Mrs. Linda Jeffrey):** A short answer would be better.

**Mr. Tyler Charlebois:** Sorry.

*Interjection.*

**The Chair (Mrs. Linda Jeffrey):** No, I understand—don't lead the witness.

From the government side, Mr. Moridi.

**Mr. Reza Moridi:** Thank you very much for your deputation. Given the fact that since 2003, the capital funding for colleges has been increased by 54%, how

would you see the effect of Bill 90 on students in general?

**Mr. Tyler Charlebois:** In general, obviously, we've seen an increase in funding as a result of the Reaching Higher plan. But if you look at the past, before the Reaching Higher plan came in, the college system was so underfunded, and that investment was just starting to bring the college system's head above water in meeting the demands of a quality post-secondary education. We're just starting to reach above, so we've recommended further investment on top of Reaching Higher, that we need to continue to invest.

Related to Bill 90 specifically, which is the pot, Reaching Higher funds do not reach into any of these: They don't reach into tuition set-aside or the Ontario work study program. Those programs were separate from Reaching Higher, so investment there would not increase these pots or these resources.

**The Chair (Mrs. Linda Jeffrey):** Mr. Wilson.

**Mr. Jim Wilson:** Thank you very much for your presentation. I was wondering if you could leave us with the presentation that you've written out, because it's been 30 years since I was in school and I can't take notes as fast as I used to be able to.

Just so I get a better understanding: Generally you're happy with the act; you're included in one of the bargaining units. You mentioned 15 hours a week. Is there a minimum number of hours that a student needs to work to be considered a part-time student?

**Ms. Jenn Howarth:** There is a maximum number of hours. It's up to the student, depending on their course load and other extracurricular activities that they may have in mind. Because of these different types of funding, there are limitations on how much they can work. But it all comes back to the fact that colleges are here for students. That's why we have colleges: because there are students within them. I think it's really important that we realize how important student funding or funding on campus is, or how important employment is on campus, because it's all about retention and keeping those students and making sure that they graduate in the long run. That's definitely something that we have to keep in mind.

**Mr. Jim Wilson:** Okay, and there was just—

**The Chair (Mrs. Linda Jeffrey):** Sorry, we only had a minute.

You've been a very interesting delegation. Thank you very much.

**Mr. Rosario Marchese:** Madam Chair, the college system is big on retraining, so Jim qualifies, right?

**The Chair (Mrs. Linda Jeffrey):** Yes, he qualifies.

ORGANIZATION OF PART-TIME  
AND SESSIONAL EMPLOYEES  
OF THE COLLEGES OF APPLIED ARTS  
AND TECHNOLOGY

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is the Organization of Part-Time and Sessional Employees of the Colleges of Applied Arts and Technology.

Just for anybody who wants to listen to the delegations, we do have an overflow room next door. If you are crowded and you want a little more space, you can go next door and you'll be able to hear what's happening today.

Thank you for being here. I have two names here. If you're both going to be speaking, please say your names for Hansard so that we have the right individuals. I believe we have a copy of your handout in front of us. You have 10 minutes, when you're ready to begin, after you've introduced yourselves. Welcome.

**Mr. Roger Couvrette:** My name is Roger Couvrette. I'm the president of the Organization of Part-Time and Sessional Employees of the Colleges of Applied Arts and Technology, OPSECAAT, which was founded in November 2006 by OPSEU to fight for the right to bargain collectively for part-time college workers.

Clearly, OPSEU and OPSECAAT believe passionately that there can be and should be improvements to Bill 90. Because of that, we've spent the summer meeting with most members of the committee and with senior officials in the Ministry of Labour and the Ministry of Training, Colleges and Universities to give them plenty of time to weigh the merits of the modifications that we are proposing to Bill 90. The latest version of our brief also includes not only recommendations but the actual language that would be required to change Bill 90 to implement our recommendations. They're all, of course, very good recommendations. There are 16 of them, and I would urge committee members not to fight over who proposes which changes; just share the 16 among you and amend Bill 90 to incorporate these recommendations.

We have decided today to each speak to one point of the 16 in the recommendations, and I'll turn the microphone over to my colleague now to do that.

**Ms. Candy Lindsay:** My name is Candy Lindsay. I'm the vice-president of the Organization of Part-Time and Sessional Employees of the Colleges of Applied Arts and Technology, OPSECAAT.

I would like to talk to you about Bill 90 and modifying bargaining units. It's recommendation number 2 in our joint brief with OPSEU.

If the legislation proceeds as is, with two new part-time bargaining units, it will also make it way too hard to modify bargaining units in the future. It sets weird conditions to modify the units.

1030

First, the union and the council must come to the OLRB with a joint proposal if the units are to be merged or modified in any way. What's that all about? Why can't the union go to the OLRB with a proposal, the employer can make its position known to the board, and the board can then decide the merits of the application? That's the way it's done with bargaining units governed by the OLRA.

One other thing: Bill 90 says that both of the new part-time bargaining units must be unionized and have a collective agreement in place before any bargaining unit is modified. I have a question in three parts: Why? Who

thought that one up? Who invented that condition for reconfiguring bargaining units?

There are other conditions to modifying bargaining units in Bill 90 that are inappropriate, and they are dealt with in our brief.

I would respectfully recommend to the committee that modifying bargaining units should be a lot less complicated than is presently proposed in Bill 90. Thank you.

**Mr. Roger Couvrette:** At a meeting on August 29, Jim Brownell asked me a very good question. My topic is in fact the last recommendation in our brief, that Bill 90 should include a representation vote. "Why," Jim asked me, "did the legislation not allow part-time and sessional college workers to merge into their full-time counterpart bargaining units?"

I think when Kevin Whitaker recommended two new part-time bargaining units in February 2008, it made sense to go that route, at that time. Just merging the part-timers into the full-time units would have seemed to give OPSEU an unfair advantage. What if other unions wanted to be the bargaining agent for part-time college workers? Moreover, it would have been undemocratic. The desire of these people to belong to OPSEU had not been tested.

But things have changed, and changed a lot. First, other unions, such as the CAW, wrote briefs to Whitaker supporting OPSEU as the bargaining agent for the college part-timers; the OFL also wrote a brief supporting OPSEU; and labour councils made up of a wide variety of unions across the province passed unanimous resolutions supporting OPSEU in its bid to represent part-time and sessional workers. Finally, between October 2007 and early April 2008, thousands and thousands and thousands of part-time college workers, both academic and support, signed OPSEU cards saying that they wanted OPSEU to be their bargaining agent.

When we took these cards to the OLRB, the employer argued that there was no process, no framework in place in the old CCBA to do this card-signing, and so our application for certification ought to be tossed out. The process or framework that we employed was to ask people if they wanted OPSEU as their future bargaining agent, and in astonishing numbers they answered in the affirmative by signing OPSEU membership cards.

In June 2007, the Supreme Court said that the right to bargain collectively is part of the charter. In August 2007, the government announced it would recognize the right of part-time college workers to bargain collectively. It's been over a year now since that announcement. We don't want any more delays. There is no reason for any more legislative or legal delays. The employer will continue to stall and delay in every way possible; that's been the track record to date. Sad, but nevertheless true.

All of the unions are on our side. A large majority of the part-time college workers we approached signed OPSEU cards. That's why we want Bill 90 to include language which would allow OPSEU to trigger a representation vote of part-time and sessional academic workers and to trigger a representation vote of part-time

support workers. That's democracy in action. That's the fair thing to do. It's time. Let part-time workers vote to determine if they want to go to the bargaining table with OPSEU as their bargaining agent.

I am not speaking here to the issue of two versus four bargaining units. Other will speak to that issue, and compellingly. With either scenario, we are asking that a representation vote be included in Bill 90. I am speaking to the issue of expediting a process in a manner that would acknowledge OPSEU's historical relationship to part-time college workers and recognize the support of the labour movement of OPSEU as the bargaining agent for the colleges; and, finally, I am speaking to recognizing, respecting and acting on the commitment to OPSEU of thousands of women and men in colleges and on campuses in communities across Ontario who signed OPSEU cards in the largest membership drive in the history of the province of Ontario.

**The Chair (Mrs. Linda Jeffrey):** You've left about 30 seconds for everybody to say something, so we're going to begin with the government side.

**Mr. Reza Moridi:** Thank you, Ms. Lindsay and Mr. Couvrette, for this thorough presentation.

Ms. Lindsay, you mentioned that it's going to be hard to modify or unify the existing bargaining units, as it was presented in Bill 90, though there are procedures set out in the bill for this unification some time in the future if that becomes the case. Could you please elaborate a little bit more on that?

**Ms. Candy Lindsay:** I'm going to pass that to Roger, if that's okay.

**The Chair (Mrs. Linda Jeffrey):** It's going to have to be a really short answer, please. You're either going to have to shorten your questions or shorten your answers.

**Mr. Roger Couvrette:** A very short answer: It's just a very arcane and complicated process that we really believe ought to be simplified. It needn't be this complex.

**Mr. Jim Wilson:** Thank you for the presentation and congratulations on signing up so many members in terms of, perhaps, future representation. That was done without a legislative framework in place. Do you not think we might be jumping the gun a little bit to allow OPSEU to sort of automatically now, after the bill passes, if it passes, have instant membership? Should we not allow students the opportunity to review the new legislative framework and make their choice then?

**Mr. Roger Couvrette:** We certainly, in asking people if they wished to have OPSEU as their future bargaining agent—we're not jumping any particular gun and certainly the support was quite overwhelming. That there would be an educational process prior to a vote would certainly be a part of a representation vote, an integral part that we would love to participate in and—

**The Chair (Mrs. Linda Jeffrey):** Thank you. Mr. Marchese.

**Mr. Rosario Marchese:** Quickly, because you notice the Chair is very ruthless, I want to thank you, Candy and Roger, for all of your work, and all of the other members of OPSECAAT. I read your report and I read your

arguments around the idea of having two bargaining units and the arguments of fairness, cost, elimination of jurisdictional disputes. I want to ask the colleges, if we get a chance to ask them, why they're opposed to that. I support your motion of allowing OPSEU to trigger a representation vote for part-time and sessional academics and support workers. I think it's fair and reasonable. We hope that government members think so too.

**Mr. Roger Couvrette:** We hope so too. Thank you.

**The Chair (Mrs. Linda Jeffrey):** Thank you for being here today. I thought I was a kinder, gentler Chair, but obviously not.

#### SAULT COLLEGE OF APPLIED ARTS AND TECHNOLOGY

**The Chair (Mrs. Linda Jeffrey):** Our next group is the Sault College of Applied Arts and Technology. Good morning.

Could I ask individuals who are going to talk to please go outside so that we give our full attention to the delegation.

Good morning, gentlemen. I have only two names and I see three people, so if you're all going to talk, could you announce who you are for Hansard. If it's just one individual, could you say your name and the organization you speak for. After you've introduced yourself, you'll have 10 minutes; if you leave us some time at the end, we'll be able to ask you some questions about your delegation. I understand we have some speaking notes in front of us.

**Dr. Ron Common:** Good morning. My name is Ron Common. I'm the president of Sault College. With me are Ben Pascuzzi, chair of our board of governors, and Wallace Kenny, who you have already met.

We appreciate the opportunity to present to the standing committee on Bill 90.

**1040**

As David Oraziotti well knows—but I don't see him in the room—Sault College is situated in northern Ontario, in the city of Sault Ste. Marie, along the United States border of the state of Michigan. Our college serves over 6,500 students annually and employs 385 full- and part-time staff, so this should tell you that we are a small college. As a result of being small, we don't have economies-of-scale opportunities, so money is very tight for us.

Sault College supports the right of all college employees to associate. If they do choose to associate, we agree with the recommendation for four bargaining units. I personally believe that they should be kept separate. My 30 years' experience in post-secondary education in several provinces tells me that it is a good idea to have four bargaining units. I've worked as an administrator and negotiated collective agreements when they were combined into single units—full and part-time academics and full and part-time staff were in single units—and I've worked in the Ontario jurisdiction, where academics at the university, full and part-time, are kept in separate

units. I have found, personally, that it's much more effective to deal with those units kept separate, because they have common interests in each unit.

When the government announced the appointment of Kevin Whitaker to conduct a review of the Colleges Collective Bargaining Act, the presidents were pleased to participate in the consultations, and we did so in good faith. We believe that Mr. Whitaker produced a good report and was able to achieve a careful balance. We certainly didn't get all of our recommendations in the Whitaker report, in terms of the recommendations that he makes, but it is a good compromise report.

Mr. Whitaker proposed significant reforms that will support the needs of our employees while still encouraging a positive working and learning environment. We would encourage the government to remain true to the intent of Mr. Whitaker's report.

**Mr. Ben Pascuzzi:** As Dr. Common said, I am Ben Pascuzzi, chair of the board of governors.

As a community leader in the north, I can speak to you about the critical role that Sault College plays in our community.

I'm sure you will agree that there are specific challenges in northern Ontario. There are challenges from our geography, our size, the remoteness of where we live and, as Dr. Common mentioned earlier, the fact that we don't have a sufficient population base, either generally or through our student base, to realize a lot of the economies of scale that larger colleges and larger areas can realize.

The college is vital to the economic success of our community. It's an important economic engine. I would add that Sault College is one of the top five largest employers in Sault Ste. Marie and the district of Algoma. So from my perspective from a business background, having come on the board three years ago, Sault College is as much an economic engine, an important part of our economy, as it is an educational institution.

Sault College has been a leader in training people for the necessary skills that employers need to succeed. As you know, the economy is in transition and there has been restructuring taking place in industries such as mining and forestry. In our own community, of course, the steel plant is one of the main engines of our economy, and recently the new owners of the steel plant, Essar Steel, approached the college to take on the large undertaking of apprenticeship training.

Sault College is a major player in our community and has been able to step in and help people with the skills they need to transition into new careers. For example, Sault College is one of the leaders in the province and in fact in all of Canada in terms of the development of wind power as an alternative source of power. We have actually recently erected a wind tower on our own property and have instituted a program of wind power technicians. Brookfield Power, which is a major employer in the area, has also implemented a large wind farm just north of the city.

Being a community in the north, we are continually working to attract and retain students. We face additional

costs simply to attract new students, and once they graduate with the necessary skills and credentials that employers need, it is sometimes a challenge to keep them in the north.

I can tell you from personal experience that the business community recognizes the importance of Sault College and has been very involved in the success of the college, because the business community knows that the work of the college is a prerequisite to its ability to hire and retain qualified and skilled workers, and we are educating and training future leaders in every sector of the economy. This is an important role and we want to be able to continue to develop and offer flexible programming that takes us beyond our traditional ways of delivering education, because we believe that the future of education and the demand for skilled workers in the future will require it.

I'll turn it back to Dr. Common.

**Dr. Ron Common:** There is one issue that is of significant concern to us; that is, OPSEU's proposal regarding employer and successor rights provisions. I believe Linda Franklin already spoke on this issue this morning.

I believe the proposed OPSEU changes would have a significant impact on the way we structure our academic delivery models with private and public sector partners. This proposal from OPSEU was not made to Kevin Whitaker at the time of the consultations on the colleges bargaining act, and thus the presidents really haven't had much of an opportunity for discussion. What OPSEU is now proposing would have a significant impact on us and restrict colleges.

Flexibility is critical for us to deliver programs that are needed in these changing economic times, and to deliver them quickly in order to be responsive. We need the flexibility to enter into agreements with private and public sector partners, as Ben pointed out, like Essar, and the flexibility to respond to the changing needs of students who have lost their jobs and need additional training, like the new government initiative on second careers.

Ben?

**Mr. Ben Pascuzzi:** As board chair and a strong supporter of the college, I know how hard our employees work and how dedicated they are to our success. They're committed to providing quality education that responds to the needs of students, employers and the community. Unfortunately, bills cannot be paid with good intentions.

Although we are grateful as a college for the government's investments in its 2005 Reaching Higher plan, there are significant funding challenges that we are facing across the system. Funding for colleges is not sufficient to enable us to sustain and build upon the programs and services students and employers demand. Several colleges, including our own, are experiencing severe fiscal pressures and may even be facing deficits, in spite of all efforts. I know at Sault College, as a board we mandated the president and his senior staff to bring in a balanced budget, which they did successfully in the spring, and certainly I would not be telling the truth if I

didn't say it wasn't without some pain felt by both the students and the colleges. So we're doing our best to maintain fiscal prudence, but of course, there's only so far that you can stretch those dollars.

This bill will add more pressure. Anyone in business knows—I know from my own experience—that labour costs are always one of your largest, if not the largest, cost that you're facing as an employer. Implementing the bill, though generally a good bill, would put significant pressure on our budgets. We are calling on the government to fund the implementation of the bill, as I'm certain my fellow board members would agree that the cost implications across our system are unsustainable. There's no question the government, in implementing this legislation, will need to recognize and respond to its financial implications. There's simply no room in college budgets generally, and certainly not in ours, to absorb more costs.

As a businessperson, I recognize that the tough decisions that may need to be taken are being taken, but colleges are completely unable to shoulder new costs, and the government must be aware of this in adding new costs to the system. We have made tough decisions in an attempt to balance our books, but there isn't anything left that would allow us to implement this legislation. The bill will have significant implications for our community and our local businesses if colleges are asked to implement the legislation without any financial commitments from the government. I'll just add quickly—and it was a question earlier in the committee—that it only comes from two places, folks: either tuition fees or government funding. So we're going to have to deal with that cost one way or the other.

Dr. Common?

**Dr. Ron Common:** In closing, we're supportive of Bill 90, and we ask the government to remain true to the intent of Mr. Whitaker's recommendations.

The bill should assist in making collective bargaining more responsive to the needs of colleges, our employees and the students we serve, and we ask that the government recognize the financial implications of this bill and assist the college in its implementation. Thank you.

**The Chair (Mrs. Linda Jeffrey):** You've left 27 seconds. You've used your time very well. Thank you very much for being here, gentlemen.

1050

#### GEORGIAN COLLEGE

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is Georgian College. Welcome. Thank you for joining us. I have two names on my list here. If you're both going to be speaking, please say both of your names and the positions you hold at Georgian College. After you've introduced yourselves, you'll have 10 minutes. If you leave us a little time, we'll be able to ask you some questions. I believe your handout is being distributed as I speak.

**Mr. Brian Tamblyn:** My name is Brian Tamblyn. I'm president and CEO of Georgian College.

**Mr. Eric Broger:** My name is Eric Broger. I'm chair of the board of governors.

**Mr. Brian Tamblyn:** We appreciate this opportunity to present to the Standing Committee on General Government on the matter of Bill 90.

As some of you know, Georgian College's main campus is in Barrie, with other campuses located in Orillia, Owen Sound, Collingwood, Midland, Bracebridge and Orangeville. We have a nationally unique University Partnership Centre with some 1,700 full-time degree students, and we are the largest co-operative education college in Canada. In total, we have about 10,000 full-time and 30,000 part-time students.

Georgian College supports the right of all college employees to associate.

We believe that Mr. Whitaker was given a challenging assignment, and although we did not see everything we had proposed during the consultations reflected in the final report, we believe he was able to strike a very careful balance, one which we believe is critical to our overall support of the legislation and to our ability to continue to run effective and efficient organizations that provide excellent education to our students.

In our opinion, Mr. Whitaker also attempted to respect the differences between this sector and others when making his recommendations and realized the unique needs of a post-secondary education environment, where students cannot always learn within conventional structures and systems.

The Whitaker report proposes significant reforms that will support the needs of our employees while encouraging a positive working and learning environment. In retaining this careful balance, being aware of the potential changes that Whitaker did not propose is as important as implementing the changes that he did recommend. Accordingly, we need to pay as much attention to what he did not put in his report, as these decisions also contribute to the balance he has achieved and which is recognized in the current legislation.

The Colleges Collective Bargaining Act is a unique piece of legislation. Unlike general labour relations statutes, which apply to various workplaces, the act governs collective bargaining in a specific sector of the provincial economy. This allows the government to fine-tune the legislation to meet the specific needs of the parties and to recognize that ultimately it is the students who must be supported. To this end, we recommend that the government remain true to the Whitaker report.

This legislation is critical to the ongoing success of publicly funded colleges in Ontario.

As I'm sure you know, from just listening to the other speakers, there are significant financial challenges attached to this bill. It is critical that you understand these implications as well as the labour relations implications inherent in the proposals coming forward both from the colleges and OPSEU. Right now this legislation represents, for the most part, a compromise between the need for change and respect for the most significant issues raised in the consultations from all the partners in



the college system. To make major changes now, outside of the context of this consultation, will undo this careful balance and greatly prejudice Mr. Whitaker's work and the end result.

Moving to the bill itself, we believe there is a need for further clarity in some provisions of Bill 90 to ensure that the wording of the new legislation is consistent with Mr. Whitaker's intent. I will focus my presentation on recommendations which we believe are technical in nature but are important for clarity and ultimately to foster a constructive relationship. The recommendations I will be presenting today are supported by the other 23 publicly funded colleges across Ontario.

To give the parties access to the normal collective bargaining tools, Mr. Whitaker recommended that the Colleges Collective Bargaining Act be changed to allow the colleges to unilaterally implement changes in terms of employment once the parties are in a legal position to strike or lock out, without giving notice of lockout. This would mean that colleges could implement the last offer provided to the union, requiring the union to make a decision about whether or not they would actually strike. In this way, the system cannot be held hostage indefinitely when the parties are in a legal strike position. This is consistent with the model used in the Ontario Labour Relations Act, and I would refer you to page 77 of Whitaker's report. The government has, in section 15 of Bill 90, attempted to implement this recommendation. However, it is important to be clear that clauses 15(1)(a), (b) and (c) are to be read disjunctively in order to accomplish this intent. That can easily be assured by adding an "or" following clause 15(1)(a).

As indicated previously, it is important to respect the provisions of the Colleges Collective Bargaining Act that Mr. Whitaker has not sought to change. I would now like to address one of those areas.

Mr. Whitaker did not recommend that any changes be made to the power of arbitrators hearing grievances in the college sector. One of the unique aspects of the current collective bargaining act has been that arbitrators do not have the jurisdiction to ignore the parties' freely negotiated time limits for filing grievances. Those time limits have been agreed to by the employer and the union in collective bargaining. The parties have negotiated mandatory timelines in their collective agreements that must be respected by a college, the union or an employee when filing a grievance alleging a violation of the collective agreement. This ensures that matters are dealt with expeditiously and effectively. Neither the colleges nor OPSEU requested in their submissions to Whitaker that an arbitrator be given the right to amend these grievance procedure time limits, but the current draft of Bill 90 does provide this authority. This additional arbitral authority has the potential of adding significant costs to collective agreement administration as disputes become more protracted and legal arguments are made concerning whether timelines for filing grievances should be ignored in specific circumstances. As it is currently drafted, this section would empower frivolous griev-

ances, and colleges will be paralyzed by these types of grievances, again potentially at significant financial and labour relations costs. Mr. Whitaker has identified that one of the major problems in the college sector is the parties' overreliance on third party intervention when resolving disputes.

This section of the act clearly increases the parties' reliance on third party intervention, stands in opposition to the intent of the act, and the additional arbitral authority has the potential of adding significant administrative costs to the entire college system. At a time when colleges are already faced with significant operating challenges and are struggling to continue to balance their books, this is not an acceptable outcome for anyone. I am certain that no party to this legislation would want to enhance the ability to pursue frivolous grievances at the expense of important college programs or student resources, but this is the kind of choice that we would be forced to make if new and expensive amendments are added to this bill.

As neither party requested this change, we recommend that subsection 14(16) be deleted from Bill 90. This deletion would allow the bill to remain true to the spirit and intent of Whitaker to require more direct engagement in negotiations. In any event, the provision, as drafted, does not exactly follow the Ontario Labour Relations Act language and includes a double negative, making it ambiguous. If it is to remain in the act, then the last phrase needs to be adjusted to read "and that no party will be substantially prejudiced by the extension."

There is one final point I would like to raise, as it is an issue of grave concern to us, and that is the addition of "related employer" and "successor" provisions.

**The Chair (Mrs. Linda Jeffrey):** I'll just remind you that you have about a minute left.

**Mr. Brian Tamblyn:** Okay. I'll leave some of this, and I'll turn it over to my board chair to make a comment.

**Mr. Eric Broger:** Brian has mentioned the cost implications of this bill and the proposed amendments. I would like to reiterate that point from the perspective of our board. I'm certain that many of you on this committee have spoken with your local college president and board chair and are aware of the financial challenges we face. I cannot overstate the seriousness of this challenge for all of us or the consequences to our local communities and businesses if colleges are asked to shoulder additional costs without additional funds. We've made tough decisions in an attempt to balance our books, but the reality is that there are no funds left, particularly to implement this legislation.

I would be irresponsible as a board chair if I did not tell you today that the government must commit to funding the changes this new legislation will bring about, because in the absence of that funding we will be required to make financial decisions across the college system that will have a profound impact on our communities, our students, and your ability to deliver on your commitment to a highly skilled workforce. Financial

challenges in the Ontario college system already exist, and this bill, if underfunded, will only make a serious situation that much more severe.

**The Chair (Mrs. Linda Jeffrey):** I'm sorry, you've exhausted your time. Thank you very much for being here today.

1100

WORKERS' CENTRE OF THE COMMUNIST  
PARTY OF CANADA (MARXIST-LENINIST)

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is the Workers' Centre of the Communist Party of Canada. Good morning, Mr. Robinson. Is that right; is that you?

**Mr. Steve Rutchinski:** Yes. I'm ready.

**The Chair (Mrs. Linda Jeffrey):** Great. Make yourself comfortable. I believe your handout is being delivered. Please introduce yourself and the organization you speak for, and once you have, you'll have 10 minutes. If you leave us some time, we'll be able to ask questions at the end.

**Mr. Steve Rutchinski:** I'd first just like to make a correction to the agenda here: I represent the Workers' Centre of the Communist Party of Canada (Marxist-Leninist).

My colleague Dave Starbuck, who is a 30-year employee in the college system, is unable to be here today, but I am presenting on behalf of both of us for the Workers' Centre of CPCML.

I'd like to start by saying that the colleges bargaining act of 1975 is the problem that we're addressing here. It explicitly prohibits part-timers and sessionals from exercising their right to unionize and to collective bargaining. That act has been ruled by the International Labour Organization of the United Nations as a contravention of Canada's commitment to the ILO and to international law with respect to labour relations. As well, the decision of the Supreme Court of Canada really calls into question the legality of the existing CCBA. The ILO pointed out that it was the specific exclusion of part-timers and sessional workers that was the problem. In our view, the remedy to that problem didn't call for re-drafting what we have before us now, Bill 90. It could simply have been achieved by striking the handful of clauses that exist in the CCBA of 1975 which prohibit part-time and sessional workers from unionizing and from collective bargaining. Secondly, it requires an increased investment in social funding for these workers, whose wages and working and living conditions are basically sub-Canadian standard as a result of the CCBA of 1975. It requires an investment in social funding to remedy that problem.

I want to address the question of modernizing the CCBA. In our view, besides the changes I just said, there's really nothing that needs to be done with the CCBA. If it needs to be modernized and harmonized with the existing Ontario Labour Relations Act, we don't see any reason why the college employees shouldn't just be

brought under that act, except for the agenda that is contained in Bill 90. We've heard in the Whitaker report, we've heard from the provincial government, and we hear from the colleges today that they need flexibility to be able to deliver their programs and the mandate of the community colleges. I am chief steward for the professional faculties north at the University of Toronto. We have over 100,000 students, and we have about 5,000 employees. We deliver programs the same way, and we're under the Ontario Labour Relations Act. I'm a member of the United Steelworkers. There's not been an argument given, either in the Whitaker report or here, why some special law needs to exist for college workers.

In our view, much of the language of the Labour Relations Act is introduced into the CCBA; however, the Ontario government has chosen to hold onto the CCBA because it's actually using it to interfere in these college workers being able to exercise their rights. They interfere in the same way that the existing CCBA interferes: It prohibits. But now the interference is taking the form, for example, of imposing four—it's using the CCBA revisions to impose a bargaining structure that will achieve the government's aim, instead of simply recognizing that these workers have the right to organize according to how they see fit.

As an example, we have a rationale given for four bargaining units. If anyone takes the time to read the government of Ontario's submission to the International Labour Organization at the United Nations, you will see that they argued that we have to have the CCBA, 1975, as it exists now, because of the complexity of delivering programs; and therefore we need great flexibility and that's why we have to have some 14,000 of our employees living at and making substandard Canadian wages and living and working conditions.

The argument was completely rejected by the International Labour Organization. The rationale that was provided by the Ontario government at the UN was that there's no community of interest between part-timers and full-timers; therefore, they shouldn't be in the same bargaining unit. Kevin Whitaker came along and saved their bacon on this question, because labour practice in Ontario is that there is a community of interest between part-time and full-time, and for the last 10 years, part-timers and full-timers have been integrated into the same bargaining units.

However, there was an objective behind rewriting the CCBA, and that is to achieve exactly what's laid out here: to split these workers into different bargaining units, not to have to put money on the table to remedy the injustice that's been caused, and to leave it to the bargaining table so that every demand of those who have been subject to substandard living and working conditions—and that's not just me speaking; the International Labour Organization said, "Part-time employees," speaking about the Ontario CCBA, "are a particularly vulnerable class of workers. They have an ongoing employment relationship but are treated as second-class workplace citizens in respect of salaries, working conditions and job security." So it's not just me speaking here.

This is why the CCBA is being rewritten to introduce and to continue what we consider an interference in the right of these workers to exercise their right to unionize and to collective bargaining. The CCBA, Bill 90, is a continuation of this interference.

The Ontario government also intervened at the Ontario Labour Relations Board hearing application of OPSEU to represent the part-time workers back in April of this year and quashed that request for a certification vote. To me, if you want to modernize this act, if you want to come in line with the existing Ontario Labour Relations Act, there is a section 11 that says that interference by an employer in determining—to determine the will of the employees as to exercising their right, whether they want to be in a union or not, if that's demonstrated, the OLRB has an option: That option is to certify. They can say that this interference is unlawful.

In my view, with the interference that's been going on with Ontario college workers exercising their rights, the Ontario Labour Relations Board failed to do its duty. This committee has an opportunity to do its duty. It should demand that the certification application either be granted or that a vote be ordered under the Ontario Labour Relations Act. And secondly, it should recommend to the provincial government that adequate funding is there to redress a condition which would not exist for some 14,000 employees were it not for an illegal law in the first place.

**The Chair (Mrs. Linda Jeffrey):** You've left about a minute for each party to ask a question, beginning with Mr. Wilson.

**Mr. Jim Wilson:** Thank you very much. I didn't think I'd ever be quoting the Communist Party of Canada, but you're one of the first in the many, many months that I've been critic to actually figure out that this—you mentioned it several times; I'm just talking about the financial implications of this bill and also Reaching Higher, the \$6.2-billion figure that's thrown around. I'm glad you've talked about that sort of being a rollover number, year over year, and that it's actually not \$6.2 billion in new dollars into the system.

1110

You've made a point in terms of it being simpler to just strike down certain offending clauses in the current act and allow employees to be rolled into the current bargaining units. It is a bit of a question—a good question. Do you want to elaborate any further on it? Because we really haven't heard the *raison d'être* for this. The minister says that he's not going to talk about how much money this is going to cost, but obviously people want better wages and better working conditions.

**Mr. Steve Rutchinski:** The Ontario government gave its rationale at the ILO, and that rationale was basically not accepted as a reason for why there shouldn't be—why part-timers and sessional workers shouldn't be unionized.

Kevin Whitaker's report addresses it this way: Kevin Whitaker says that there is such a complexity of issues that face the first contract negotiations for these part-

timers and sessionals that, in the interest of stability and of allowing this to be worked out in a rational and harmonious way, it would be better to have four bargaining units, and then, if they wish to have two later or change that bargaining unit structure, it can be applied for later.

First of all, the argument is a spurious one, because there are already partial-load people who are in the existing bargaining units of OPSEU. They're there because in the original act they simply were forgotten, and so they weren't explicitly excluded.

Secondly, the people who are actually going to do the negotiations are the same OPSEU representatives. They're going to be the ones who are working out the contract language and proposing it to their own members, and proposing it to the council. To say that they need a separate bargaining unit to do that makes no sense to me.

**Mr. Jim Wilson:** Thank you. That's very interesting.

**The Chair (Mrs. Linda Jeffrey):** Thank you. I have to have really short answers because our time is over.

Mr. Marchese.

**Mr. Rosario Marchese:** Thank you for your presentation, Mr. Robinson, and your analysis. I wanted you to comment on the issue of successor rights, because OPSEU is recommending changes that would include successor rights. The Liberal government introduced changes that would give successor rights at the elementary and secondary level education system, including the university system, but the colleges are arguing that it should not apply to them. They're arguing, obviously, that if it did, it would bring on greater costs to the system, and they're very concerned about the costs, quite clearly. I wonder whether, if the money was there, they would change their opinion. I don't know, and I'm looking forward to the colleges to respond to that. But if the elementary and secondary panel has successor rights—and universities do—is it not inconsistent, for the Liberals, at least, that they should be putting forth an argument that the successor rights should not apply to the colleges?

**Mr. Steve Rutchinski:** Short answer: Yes, it's completely inconsistent. They should have successor rights.

**Mr. Rosario Marchese:** You can add any comment—

**The Chair (Mrs. Linda Jeffrey):** Thank you. That was a great answer. I like that answer.

For the government side, Mr. Moridi.

**Mr. Reza Moridi:** Thank you, Mr. Robinson, for your presentation. In your presentation, you mentioned the Ontario Labour Relations Act and the current proposed bill. How would you see, in your view, instead of this bill, the Ontario Labour Relations Act would apply to the college system, where we have 24 colleges across the province with over 100 campuses and the various categories of workers, including students?

**Mr. Steve Rutchinski:** Province-wide bargaining isn't unique to colleges. It exists under the Labour Relations Act in Ontario and other sectors as well—construction is an example. So it's not unique to colleges. I don't see the rationale that's given for why there needs

to be a separate act—it fails on me. I don't understand what it is. Much of the language has been broadly consistent with the Ontario Labour Relations Act. The key thing I see is that if the government simply said, "Let the Ontario Labour Relations Act apply," then it could not be at this table today saying, "This is how these negotiations and labour relations are going to organized." It would not be at this table saying, "This is the mandate that we're giving you and it's only within this framework that it can work." That's my understanding of why we're here today.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much. We appreciate your being here today.

**Mr. Steve Rutchinski:** Thank you.

#### ONTARIO PUBLIC SERVICE EMPLOYEES UNION

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is the Ontario Public Service Employees Union. Good morning, gentlemen. I understand that you don't have a handout; is that right?

**Mr. Randy Robinson:** No, our handout is the OPSEU brief, which I believe Trevor has.

**The Chair (Mrs. Linda Jeffrey):** All right. I have only one name here. If you're both going to speak, if you could introduce yourselves and the organization you speak for. After you do, you'll have 10 minutes.

**Mr. Randy Robinson:** I'm here only to say that I am the real Randy Robinson. The previous speaker, if I'm not mistaken, was Mr. Steve Rutchinski.

**The Chair (Mrs. Linda Jeffrey):** Yes, it was.

**Mr. Randy Robinson:** I'm now going to turn the microphone over to Donald Eady, our legislative counsel, to deliver our brief.

**Mr. Don Eady:** Hi. My name is Don Eady. I'm a partner at Paliare Roland. I'm also legal counsel for the Ontario Public Service Employees Union. I'm pleased to be here on behalf of OSPEU President Smokey Thomas, who is unable to attend this important session today, but asked me to pass along greetings to the committee, not only from himself but from First Vice-President and Treasurer Patty Rout and all 120,000 members of OPSEU.

As you know, OPSEU represents over 9,000 faculty members and over 7,000 support staff at the 24 colleges, has been their bargaining agent for at least 30 years and has been involved in bargaining at the colleges for 40 years. We're pleased to be able to make some comments on the government's proposed amendments to the Colleges Collective Bargaining Act.

You have our brief, which sets out in greater detail the concerns that OPSEU has with respect to the bill. We've got specific legislative language, which I took the opportunity to draft, which would support each of the recommendations that we're making to the committee today.

OPSEU is very happy that Minister Milloy and the government have introduced legislation to recognize collective bargaining rights for part-time and sessional

college employees. OPSEU and its members have been asking for those rights for 30 years, and we've been working hand in hand with the part-time and sessional employees of the colleges and OPSECAAT. We're here because, as was pointed out by a previous speaker, OPSEU has filed a certification application for both units with the Ontario Labour Relations Board and has filed thousands and thousands of membership cards. OPSEU wants to see this legislation passed with some changes, but supports the broad thrust of the legislation generally.

The reason why Bill 90 exists, we say, is because OPSEU and part-time and sessional employees of the colleges demanded that they be given access to the same type of collective bargaining regime that exists for almost every other worker in the province. Ontario is the only province that does not recognize the right of part-time college workers to unionize and engage in collective bargaining. They're also the only group of workers in the education sector in Ontario that does not have those rights. University faculty do, school board employees do, but part-time faculty and part-time college support staff workers do not have that right. We say that's discriminatory. It's not a discrimination that's based on race, gender or religion; it's simply as a result of their work status.

If you think about it, a support worker who works 25 hours a week has the right to engage in collective bargaining; if they work less than 24 hours a week, they don't. That's a distinction that makes no sense. In our view, it's clearly contrary to the Canadian Charter of Rights and Freedoms, based on the 2007 BC Health Services decision. We support the end to the discrimination.

From OPSEU's perspective, the difficulty is that Bill 90 removes one type of discrimination and replaces it with several other types. This new discrimination distinguishes full-time and part-time college employees from most other workers who work either in the education sector in Ontario or other public or private sector employees.

The Ontario Labour Relations Act is the basic template for labour relations in Ontario. It makes sense that everybody should be treated the same unless there is some compelling reason why those employees should be treated differently than everybody else. That was the position taken by Kevin Whitaker when he said that the Colleges Collective Bargaining Act should more closely resemble the Ontario Labour Relations Act. There are reasons we say that the CCBA should be different from the OLRA. That's simply because, if you think about it, a community college is not a factory; students are not manufactured goods. The reason that the CCBA exists is to balance the right of working people to take part in collective bargaining and to balance that with the right of students to receive a quality college education.

#### 1120

Let me talk about some of the areas where there does not seem to be any justification for treating college workers differently than other workers. We say they discriminate in a number of important ways.

First, Bill 90 does not provide a mechanism where the parties—the colleges and the union—can agree to submit collective bargaining issues to voluntary binding arbitration. There doesn't seem to be any reason why this provision was left out of Bill 90, but it was. The Labour Relations Act has that provision so that every other union and every other employer can say, "We don't want a strike or a lockout. We want to go in front of an arbitrator and settle our disputes." So we say that you should enable parties to do that, and this is recommendation 5, which essentially inserts a provision allowing for voluntary binding interest arbitration.

Secondly, under Bill 90, college workers do not have access to first-contract arbitration. So you're setting up a system where the act provides for the very first time for part-time workers to organize. In any other sector, they would be covered under the Ontario Labour Relations Act and would have the ability to go to the labour board and, under certain defined circumstances, get to what's called first-contract arbitration. I just would quote the former Liberal labour minister Bill Wrye, who said, when they introduced first-contract arbitration legislation into the OLRA in 1985, "The government believes that first-contract arbitration is essential." So if it's essential for university workers, if it's essential for steelworkers, if it's essential for autoworkers, it ought to be essential for college workers.

Thirdly—there was some comment about this from previous speakers—under Bill 90 college workers will be denied successor rights and related employer rights. These rights were designed to make meaningful the right to engage in collective bargaining. If every time a company is sold or a part of a business is transferred or there is a reorganization the union loses its bargaining rights, those bargaining rights are effectively meaningless. Successor rights and related employer legislation have existed under the OLRA for decades, and we say that those rights should also be extended to college workers. It's interesting, because the McGuinty government restored successor rights to crown employees. In 2006 they had been taken away by the previous government, the Harris government. So Mr. McGuinty said, "Public employees should have the same rights as employees in the private sector and, as Premier, I will restore successor rights for Ontario government employees." He did that, and OPSEU is obviously grateful for his doing that, but this government needs to be consistent and needs to extend those rights.

There was some talk about these provisions, successor rights and related employer rights, being new and untested. I find that surprising since they've existed, as I said, for decades. School boards are covered by successor and related employer rights, universities are, and most of the private and broader public sector all have those rights. We say that those rights should be extended to college workers as well.

The last type of discrimination that I want to talk to you about is really a situation that we want to try to head off: a waste of taxpayers' dollars and union members'

dues. Under the OLRA, if a group of employers bargain one central collective agreement with a union, there is a provision that—and that's the situation we have here now with full-timers and hopefully we'll have it with part-timers—there is one collective agreement that covers all 24 colleges. So let's say a union files a grievance saying, "The overtime provision means overtime starts at 8 o'clock," and there's a dispute about whether that's 8 a.m. or 8 p.m. I'm trying to keep this very simple—

**The Chair (Mrs. Linda Jeffrey):** You have a minute left to keep it simple.

**Mr. Don Eady:** The Labour Relations Act says that the union files one grievance, they win or lose, and it binds all of the employers. So we say that makes sense, because if one college loses or wins that grievance, it should apply to the others. Right now, the union would have to re-litigate that 23 more times to make the case college by college. That makes no sense. So what we want to do here today is to ensure that the legislation provides the same rights to college employees as it does to employees in the broader public sector and in the private sector. Thank you.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much for being here today.

#### DURHAM COLLEGE

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is Durham College. Good morning.

**Mr. Don Lovisa:** Good morning.

**The Chair (Mrs. Linda Jeffrey):** Are you going to be the only speaker today or are you both going to speak?

**Mr. Don Lovisa:** I'm going to speak. Thank you.

**The Chair (Mrs. Linda Jeffrey):** Could you identify yourself and the organization you speak for? After you've identified yourself, you'll have 10 minutes. If you leave some time, we'll be able to ask questions. Do you have a handout today?

**Mr. Don Lovisa:** Yes, I do.

**The Chair (Mrs. Linda Jeffrey):** Okay. It's coming around. Great. Thank you.

**Mr. Don Lovisa:** Good morning. My name is Don Lovisa, president of Durham College. I appreciate the opportunity today to present to the Standing Committee on General Government on the matter of Bill 90.

The main campus of Durham College is in Oshawa, Ontario, and is shared with the University of Ontario Institute of Technology. We have a campus in Whitby, and that is the home of our award-winning skills training centre, a campus in Uxbridge, and locations in other areas of Durham region and Northumberland county. Offering approximately 100 full-time programs and hundreds of part-time and continuing education courses, the college has more than 6,300 full-time students, thousands of part-time and almost 1,600 apprentices. Durham College has more than 1,000 employees, including full- and part-time employees.

Before I speak to specific recommendations, let me give you a quick background on how we got here. In

August 2007, the government announced its intention to recognize collective bargaining rights for part-time college workers as part of a broad review of collective bargaining. Kevin Whitaker was appointed to lead this review and advise the Minister of Training, Colleges and Universities of recommended changes to the Colleges Collective Bargaining Act. The government's expressed intent of the review was to provide greater access to collective bargaining for college employees while improving the act to ensure that colleges can fulfill their mandate, to respond to changing needs of the college community and establish and maintain good labour relations.

As changes to the CCBA are of critical interest to my college, we committed to working with the government to develop solutions that were in the best interests of students, staff, faculty, the college and our community that we serve. Colleges Ontario, the advocacy organization representing all 24 publicly funded colleges, made a submission to Kevin Whitaker, and the council of presidents had discussions with Mr. Whitaker. Overall, we believe that Mr. Whitaker wrote a good report and we encourage the government to remain true to that report.

Let me begin by saying that Durham College supports the right of all college employees to associate. While I endorse Mr. Whitaker's recommendations that the current act move toward a classic collective bargaining model similar to that contained in the Ontario Labour Relations Act, there are aspects of Bill 90 which go well beyond the recommendations of Mr. Whitaker's report. By going beyond the scope of Mr. Whitaker's recommendations, I believe the bargaining relationship is harmed. In addition, I feel there is a need for full clarity in some provisions of Bill 90 to ensure that the wording of the new legislation is consistent with Mr. Whitaker's intent.

I will be focusing my presentation on recommendations which I feel enable a fair collective bargaining process. The recommendations I will be presenting today are supported by the other 23 publicly funded colleges across Ontario.

The first item is to adjust the certification model in section 30. We believe that getting the certification model right is critical to the success of the bill. In an effort to assist you in understanding what we are recommending, I will present the evolution of the certification process. Prior to Bill 90, the CCBA included a process that allowed a union to make an application to the Ontario Labour Relations Board to displace OPSEU as a bargaining agent for the two existing full-time bargaining units. An applicant in a displacement application had to satisfy the OLRB that it had the support of at least 35% of the employees in the organization who would be in the bargaining unit prior to the union's taking a vote. This is generally done through the signing of membership cards.

#### 1130

This statutory provision required that the OLRB check the membership cards signed against employee lists provided by the employer to ensure that at least 35% of

the actual, current employees who would be in the bargaining unit were supportive of the vote. If the union met this threshold, the board would order a vote.

The certification process under the Ontario Labour Relations Act is different. It directs the OLRB to determine if at least 40% of the employees who would be in the appropriate bargaining unit appear to have demonstrated support. If that appearance exists, then a representation vote is held.

In determining whether there is an appearance of 40% support, the OLRB is restricted to considering only the material filed by the applicant. This invariably means that votes are held in most certification applications under the OLRA because the applicant always provides the requisite appearance of support. Employers may challenge whether the 40% threshold has been met, but this only occurs after the vote has taken place, after considering the detailed employee lists filed by the employer. If the union has not met the threshold, then the vote is declared void and the ballots are destroyed.

At page 68 in his report, Mr. Whitaker indicated that the certification process should "require the demonstration of membership support in at least 35% of the bargaining unit, followed by a simple majority of ballots cast in support of the trade union in a province-wide representation vote." In other words, Mr. Whitaker was recommending a process which ensured that a vote would not take place until there was a demonstration of at least 35% support from the members of the notional bargaining unit. This allows appropriate access to collective bargaining but reduces significantly the possibility of unnecessary disruption to the learning environment caused by unnecessary campaigning and voting when it is clear that the vote will not succeed.

The government has not adopted this recommendation but rather has introduced a model similar to that used in the OLRA. If the legislation is passed as currently drafted, certification votes of employees on college campuses are likely to occur before a union has actually demonstrated that they have the threshold support to warrant a full vote. This is not what Mr. Whitaker intended and, most importantly, it is not sensible in an education environment. There are more than 100 campuses within the college operations in Ontario. When a vote is taken, the OLRB normally provides polling stations at all work sites of an employer to ensure adequate access to the polling booth.

When you consider the unique nature of our employees, which include students as well as part-time staff working at all hours of the day and evening to accommodate a range of learning timetables, it will be a significant logistical challenge to coordinate a vote of this magnitude and provide reasonable access to the polling booth when people are actually available to vote.

The way this section is currently drafted, it will be quite disruptive of normal college operations, as all certification processes tend to generate considerable employee interest, both for and against an application, and all employees who are affected by such a change should have the right to vote.

Mr. Whitaker recommended a process that ensures a vote would not take place until there was a demonstration of 35% membership support. This allows appropriate access to collective bargaining but reduces significantly the possibility of unnecessary disruption to the learning environment. In the interest of supporting a positive learning environment for our students, I recommend that the legislation be amended to provide that no certification vote will occur until the labour board is satisfied that the union has 35% membership support. The colleges feel it is inappropriate to require a vote to be held until there is certainty that the threshold has been met and the vote will ultimately be counted.

In the alternative, if the OLRA process is to be included in the legislation, then there is no rational reason why the union should be required to establish a 35% threshold of support in the college sector when in every other sector that threshold is 40%.

**The Chair (Mrs. Linda Jeffrey):** Could I ask you to summarize? You have a minute left.

**Mr. Don Lovisa:** I'd like to just recommend that the CCBA should be consistent with the model by adjusting the 35% to 40%.

The other key issue that I wanted to address is the timing of providing employee lists. When an application for certification is made, an employer is required to provide accurate employee lists to the OLRB. In most cases, in trying to compile these lists, it is very difficult for the colleges to respond in the time frame allotted. When you consider that the colleges hire in eight- to 14-week blocks, it's often very difficult, depending on the time of year, to put together a complete list of employees. Many of those employees, as I indicated earlier, could be students who are in and out of the college system, through either one-year, two-year or three-year programs. And when we refer to subsection 31(3), we are suggesting that we also change the timeline for that particular part of the legislation—we recommend that subsection 31(3) be deleted from the act.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much for being here today. We appreciate your deputation.

ONTARIO PUBLIC SERVICE  
EMPLOYEES UNION,  
CAAT ACADEMIC DIVISION

**The Chair (Mrs. Linda Jeffrey):** Our last delegation this morning is the Ontario Public Service Employees Union, full-time faculty division. Good morning. Make yourself comfortable. I know you've been here all morning, but I'm still going to go through my drill. You have to say your name and the organization you speak for. You will have 10 minutes after you've introduced yourself, and if you leave us some time, we'll be able to ask some questions about your deputation. Your handout is being given out right now.

**Ms. Paddy Musson:** My name is Paddy Musson. I have been a proud college professor for 33 years. I am

here today as chair of the college academic division of OPSEU. We represent 9,000 unionized professors, instructors, counsellors and librarians in the 24 community colleges that fall under the Colleges Collective Bargaining Act. Our bargaining unit has a 30-year history of trying to win collective bargaining rights for part-time and sessional workers, so I want to commend the government today for proposing a law that recognizes the bargaining rights for a group of workers who do exactly the same work that we do.

Pleased as we are, there are other aspects of the proposed legislation that we hope you will reconsider. We are asking you to reconsider the elements that are missing from this revision that will help students. The primary task that we're involved in, as faculty, is attending to the needs of students, and we would ask you to consider protections for them.

It is important to consider why the CCBA exists in the first place. Why don't the colleges simply fall under the Labour Relations Act? We think there is one basic reason: The Colleges Collective Bargaining Act takes students' needs into consideration. It protects students. It balances the right of working people to take part in collective bargaining while protecting students to ensure that they receive a quality college education.

Bill 90 removes a number of elements in the existing version of the CCBA whose purpose is to protect students, and we are here to ask that those elements be retained in the new legislation.

The first element is jeopardy. That provision requires the College Relations Commission to determine the point at which the students' year is irreversibly jeopardized by either a strike or a lockout. The commission has an obligation to notify the minister so that he or she can take action to prevent the loss of students' academic year. You might ask, what's so special about colleges that this kind of protection is necessary? I think the answer is quite simple: Our mandate is to make sure that our students are job-ready. That means that our students have to meet standards that are set by professional bodies, set by advisory committees. In our programs, this involves a considerable amount of hands-on learning, simulation labs, workshops, and putting our students into agencies and organizations where a teacher supervises them. We put students into mentoring environments in hospitals, in social agencies and in private industry. We guide our students to work in the real world with real clients.

**1140**

In the 40 years that the colleges have been in existence, we have had three strikes by college faculty, and I have played a part in all three. In 1984, the jeopardy provision was declared after a three-week strike, and we were legislated back to work. We returned to work and we devoted ourselves to making up the lost time. Our students graduated with acceptable standards required by industry being achieved. The legislation that was created set up a workload study that set the stage for the following round, and all other matters were sent to binding arbitration before an arbitrator chosen by the government.

As the chair of the bargaining team in 1989, the government warned the union in advance that jeopardy was about to be declared and that back-to-work legislation was ready. The pressure of that announcement and the desire of both parties to have a say in who the arbitrator was pressured both sides to resolve many issues and to send the rest to binding arbitration with a mutually-agreed-upon arbitrator.

In 2006, both sides were aware that they were on the verge of jeopardy and they worked out a deal to settle unresolved issues at arbitration.

Importantly, the jeopardy provision protects the government from being seen to interfere with workers' rights after a three-week strike. At the same time, it ensures protection of our students and, quite frankly, refocuses us to get back to work to do the job.

We are surprised that binding arbitration has been left out of Bill 90. Binding arbitration has helped both sides get the job done in a manner that does not hurt the students. Combined with the removal of the jeopardy provisions, we believe this means that strikes or lockouts that are not settled quickly will only be settled by (a) a work stoppage continuing until the students' year is ruined, or (b) back-to-work legislation that leaves a bad taste in everyone's mouth. In the latter case, the government will either have to write the new collective agreement itself or appoint an arbitrator to rule on it. It makes much more sense to have the arbitration option included in the new legislation from the start.

The deemed strike and lockout provision that has been mentioned to you this morning: The current CCBA contains provisions that require that when a bargaining unit is on strike or locked out, the entire bargaining unit is on strike or locked out. The union cannot strike at one college, and the employer cannot lock out workers at just one college—that's under the original. Further, the colleges cannot pay workers to work during a strike or lockout, with the result that there have been no scabs and none of the terrible tension when a strike is over.

Bill 90 removes these provisions. By doing so, it opens the door to rotating strikes and lockouts, which are antithetical to the principle of province-wide bargaining and province-wide collective agreements. Also, the complexity of bringing all students up to speed following a scattergun work stoppage should not be underestimated. System-wide strikes and lockouts create system-wide pressures to bring about faster resolution of differences. These pressures reduce both the likelihood and the duration of work stoppages.

There is another and perhaps most important problem with eliminating the deemed strike and lockout provisions. This involves the safety of both workers and students. Under the current legislation, the union uses picket lines as a way to communicate with co-workers, students, the employer and the general public. Under Bill 90, however, picket lines will take on a new role: to prevent the entry of scabs into the workplace. This would change the character of the picket lines entirely—and entirely for the worse.

Right now, thousands of students work for the college, mostly in support staff jobs, through various student assistance programs. When these workers are unionized, it is inevitable that some of those attempting to work during a strike or lockout will be students. Picket captains will not be able to differentiate between students who are going to study and use college facilities during a strike and those who are going to work. Conflict—up to and including accidental and intentional violence—is inevitable in such circumstances. We are opposed to the use of scab labour in all work stoppages, but banning of scabs is doubly important on any picket line where young people may be crossing. The mixture of scabs, students and strikers together on the picket line is a volatile mix, and I would ask you to carefully consider this.

Finally, let me address the issue of bargaining units that some of my colleagues have already mentioned to you this morning. It is supported by the support division; it is supported by the OPSEU board; it is supported by OPSECAAT, the organization representing part-time workers. We are all in support of two bargaining units, not four bargaining units in community colleges.

**The Chair (Mrs. Linda Jeffrey):** I'll just let you know that you have one minute left.

**Ms. Paddy Musson:** Yes, thank you.

Obviously, Bill 90's proposal to create two academic and two support units doubles the potential for the number of strikes and lockouts in colleges, but other factors are important too. There have been questions about costs this morning, and doubling the number of strikes goes to the issue of not only financial cost but educational cost as well.

In the existing CCBA, our bargaining unit contains both full- and partial-load workers. Partial-load teachers are those who teach more than a third and up to two-thirds of a full-time load. Our bargaining unit contains full-time and part-time workers. What is being proposed is a mirrored bargaining unit that contains sessional teachers—those who can teach up to two years—and part-time workers. We have seen no reason that you would have two mirrored bargaining units, when having two mirrored bargaining units makes it more difficult for one unit to bargain for fair working conditions than it does for the others. I talk about that unfairness in that the bargaining unit that is proposed would be a bargaining unit made up solely of contract workers, and the ability of the employer to interfere with those workers. Let me give you an example.

**The Chair (Mrs. Linda Jeffrey):** You're going to have to make it a really short example.

**Ms. Paddy Musson:** Okay. The example would be that with contract workers in the colleges—take a part-time worker who teaches up to six hours. That part-time worker shows talent as a bargainer. The employer can interfere by two simple methods: One, you do not renew the contract of that individual, or you give that individual one more hour, moving them out of the part-time unit into the existing unit. Putting them all together increases the likelihood of the same quality of working conditions



that lead to our ability to do our jobs as faculty in the community colleges.

These are the issues I've put before you. Thank you so much.

**The Chair (Mrs. Linda Jeffrey):** Thank you for your passion.

Committee, I would remind you that we're going to take a recess until 1 o'clock. You can leave your papers here, but they will not be secure.

I'll see you at 1 o'clock. We're recessed.

*The committee recessed from 1151 to 1302.*

#### CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS

**The Chair (Mrs. Linda Jeffrey):** Committee, we're going to be resuming the Standing Committee on General Government. We're here today to consider Bill 90, An Act to enact the Colleges Collective Bargaining Act, 2008, to repeal the Colleges Collective Bargaining Act and to make related amendments to other Acts.

Our first deputation this afternoon is the Canadian Association of University Teachers. Welcome. Are you Mr. Turk or Mr. Conlon?

**Dr. James Turk:** No, I'm Turk.

**The Chair (Mrs. Linda Jeffrey):** Okay. I have two names here. Is it just you who's going to be speaking?

**Dr. James Turk:** Yes, that's right.

**The Chair (Mrs. Linda Jeffrey):** Great. Could you state your name, your title and the group that you speak for? After that, you'll have 10 minutes. If you leave some time at the end, we'll be able to ask questions. I'll give you a one-minute warning.

**Dr. James Turk:** Thank you, Chair. My name is James Turk and I'm the executive director of the Canadian Association of University Teachers. We're a national organization that represents more than 65,000 academic staff at 122 universities and colleges across Canada, including virtually all the universities and all the colleges in Ontario. On many of our campuses, our member associations represent academic staff who are both full-time and part-time.

We're particularly pleased to have the opportunity to be with you today to talk about Bill 90. We're very happy that the Ontario government has decided to extend collective bargaining rights to part-time academic and support staff in the college system. Unfortunately, in its current form, Bill 90 has several shortcomings that need to be remedied, and can easily and readily be remedied. I want to address three of those for you today in the time I have and offer some suggestions as to what you might do.

First, and most importantly, from our point of view, the first problem is that Bill 90 creates two bargaining units each for academic staff—full-time and part-time—and two bargaining units each for support staff—full-time and part-time. This provision makes little sense, given that part-time academic and support staff do the same job in the same workplace as their currently union-

ized full-time colleagues. Further, the so-called “full-time” academic unit already includes both full-time and partial-load faculty, and the “part-time” unit, as envisioned in the bill, would include part-time faculty as well as full-time faculty who do not teach full-time for more than 12 months in a 24-month period.

In short, the situation is more complex than simply full-time versus part-time and, in any case, the relationship between full-time and part-time workers in Ontario colleges easily meets the community-of-interest test set by the Ontario Labour Relations Board in determining whether workers ought to be in the same bargaining unit.

I'd like to just draw to your attention one Ontario Labour Relations Board decision made in 1998 because it's right on point for you. It was with respect to the situation at the University of Western Ontario, where the faculty were unionizing and the university administration took the position that full-timers and part-timers did not have a sufficient community of interest and should be in separate bargaining units. The faculty association was asking for all full-timers and part-timers to be in the same bargaining unit. The board set the question that it was going to address as follows:

“Does the unit which the union seeks to represent encompass a group with sufficiently coherent community of interest that they can bargain together on a viable basis without, at the same time, causing serious labour relations problems for the employer?”

The board answered that question in the affirmative by arguing as follows:

“Although the job expectations of the full-time faculty and those of the faculty with limited duties”—that's how they referred to part-timers—“are different, and that the faculty with limited duties are not required or expected to do research and administrative work, they have in common an interest in academic work and scholarship and, to all intents and purposes, together they are distinctive from other categories of university employees in that they are responsible for the academic program which must be completed by the students. There is more that binds the two categories of faculty than separates them.”

The Ontario Labour Relations Board then ruled that there should be a single bargaining unit for part-time and full-time academic staff.

Similar positions have been taken by most other labour relations boards across Canada in this kind of circumstance. In 2003, for example, when the Acadia University Faculty Association applied to merge the part-time faculty into the existing full-time bargaining unit, the board of governors of the university objected. After hearing the evidence, the Nova Scotia Labour Relations Board noted:

“From the student perspective, the professorate assigns readings, gives lectures, conducts evaluation of performance in a variety of ways and provides feedback in different forms including final grades. While part-time faculty do not have formal research responsibilities, their teaching of credit courses gives them more in common with full-time faculty than have the librarians and instructors who are in the ‘full-time’ unit.”

The Nova Scotia board went on to say:

“The board is convinced that the part-time instructors at Acadia University do share a community of interests with the academic staff of full-time professors, librarians and instructors/demonstrators. As an initial observation, it is significant to note”—and I think this is really important in terms of the arguments that you will be hearing—“that most bargaining units in unionized work settings encompass a variety of job classifications; indeed, a bargaining unit of simple classification in a complex workplace is highly unusual. [The existing bargaining unit] ... are academic staff involved in the core teaching and research mission of the university in varying roles. Adding a classification of part-time teaching staff to this general academic bargaining unit would, generally, seem far from anomalous.”

The Nova Scotia board then ruled that there should be a single bargaining unit of part-time and full-time academic staff.

Decisions such as these by provincial labour boards, including the Ontario board, are directly relevant to the issue of whether there should be one or two bargaining units for academic and support staff at Ontario colleges. The reasoning set out above is directly applicable because part-time and full-time academic staff at Ontario colleges are both employed in the core activity of delivering the academic program which must be completed by the students. In every relevant way, the day-to-day reality of the work carried out by full- and part-time academic staff at Ontario colleges constitutes a coherent community of interest.

In addition, based on our national experience with combined bargaining units—we have substantial experience across the country—we can assure you that there is no basis to fear that bargaining together as one unit would cause serious labour relations problems for the employers. Quite the contrary, it makes for far more efficient and orderly labour relations for both parties.

Bill 90 should set out one bargaining unit for all faculty and one bargaining unit for all support staff.

Our second concern with Bill 90, as currently written, is that it prevents either party from requesting first-contract arbitration. This principle of first-contract arbitration has long been enshrined in the Ontario Labour Relations Act and has been a very useful tool in arriving at first contracts that are fair both to the unionized workers and to the employers. The government has set forth no compelling rationale for the decision to exclude first-contract arbitration from Bill 90, and we call upon the committee to reconsider this provision.

Finally, we’re concerned that a grievance settlement at one institution under Bill 90 would not automatically apply to all institutions. This is not a well-thought-out position. The bill defines “employer” as an individual college, although the collective agreement is signed by an employers’ organization and the agreement is binding on all employers. The bill fails to include the provision from the Ontario Labour Relations Act that an arbitrator’s ruling on a grievance against one employer under an

agreement that is signed by an employers’ organization is binding on all employers covered by the agreement. The absence of this provision in Bill 90 means that the union may have to litigate the same grievance 24 times. This is clearly a counterproductive model in the context of the Ontario college system. Why would you not spare the union and the taxpayers of Ontario the time and expense of needless arbitration hearings when the matter can readily be resolved by adding the relevant provision from the Ontario Labour Relations Act?

In conclusion, we want to note the historic nature of Bill 90 and our appreciation to the government of Ontario for righting a long-standing wrong by extending collective bargaining rights to part-time faculty. However, as we hope we’ve made clear, there are several substantive problems with the bill that the government can easily remedy through straightforward amendments, so that it would become a piece of legislation that works well for faculty, for students, for the colleges and for everyone in Ontario who has a stake in high-quality public education.

Thank you, and I look forward to any questions.

**1310**

**The Chair (Mrs. Linda Jeffrey):** You’ve left about 30 seconds for each party to ask a question—and members, I caution you, that’s the question and the answer—beginning with Mr. Marchese.

**Mr. Rosario Marchese:** Thank you, Jim. Quickly, I don’t think the government wants to make these changes, the college system doesn’t want to make these changes, and they make it very clear that we don’t have any money. And they understand this will have financial implications. The colleges are underfunded and they have been for a long, long time. I believe in the reasonable recommendations you make and that others have made, because I think they’re reasonable; and I think the government should change them. Do you have an opinion about the—

**Dr. James Turk:** The changes we’re recommending would reduce the cost of operating the Ontario college system. Two bargaining units rather than four means for more expeditious labour relations. A grievance matter, if you brought in the provision from the Ontario Labour Relations Act: A decision on one grievance under the agreement signed by all would mean it wouldn’t have to be arbitrated 24 times with the cost to the colleges, to the public for repeated arbitration. If cost is the concern, the recommendations that we’re making are ones that you should adopt readily.

**The Chair (Mrs. Linda Jeffrey):** Mr. Moridi.

**Mr. Reza Moridi:** Thank you, Mr. Turk, for your deputation. Before asking the question, I would just like to remind you that we have increased the funding for the college system by 54% since our government took office in 2003. Even per capita funding for students has been increased quite dramatically.

My question is, in relation to arbitration and the ruling of arbitration, when the case comes from one particular college and a ruling is made for that particular college, what do you think about the application of that particular

ruling to other colleges and other campuses? As you know, there are 24 colleges and 100 campuses spread all over the province, and some issues might be specific for a certain college or a certain campus, which will not be the case in other campuses. How would you see that, if this ruling is going to be applicable to every campus, every college?

**The Chair (Mrs. Linda Jeffrey):** You have 10 seconds to answer that.

**Dr. James Turk:** A good question. The collective agreement that covers all colleges—if there's a violation of that collective agreement and there's a grievance at college X, presumably the ruling that the arbitrator would give would apply to any other college should they consider violating the agreement in the same way. So in a way, it makes perfect sense. If another college is thinking of or has done the same thing, then one arbitrator's ruling settles the matter for everybody.

**The Chair (Mrs. Linda Jeffrey):** Mr. Wilson.

**Mr. Jim Wilson:** Thank you for your presentation. Just back to money again, briefly: Is it not the government's worry that if there are just two bargaining units rather than four, the part-time faculty, for example, will go in with the full-time unit and then there'll be catch-up on wages and parity and whatever?

**Dr. James Turk:** I can't answer for what the government's concern is. It's certainly our experience across the country that when you have all of the faculty in one unit, the various priorities have to be dealt with in bargaining, instead of having one group and the other and whipsawing and getting into more complex bargaining and extending it. It's just less efficient and ultimately more troublesome than having all of the issues around the academic staff or the support staff dealt with at one table by one group.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much for being here today.

#### JEAN-LUC ROY

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is Jean-Luc Roy. Good afternoon, Mr. Roy. Are you speaking for a group or just yourself?

**Mr. Jean-Luc Roy:** For myself and part-timers.

**The Chair (Mrs. Linda Jeffrey):** Just as a preamble, if you could say your name for Hansard and if you are speaking on behalf of any groups. After you've identified yourself, you'll have 10 minutes. If you leave us any time at the end after your deputation, we'll be happy to ask questions. Do you have a handout today?

**Mr. Jean-Luc Roy:** Yes.

**The Chair (Mrs. Linda Jeffrey):** Okay, great. We'll get it while you're speaking, then. The floor is yours.

**Mr. Jean-Luc Roy:** Thank you, Madam Chair and committee members. My name is J.L. Roy, and I'm a part-time faculty member at Collège Boréal and was the lead organizer for Collège Boréal and Northern College during our campaign. I wanted to bring a voice from the

north, from northern Ontario, and specifically for the part-timers from our area.

I would like to add that I am also a full-time correctional officer with the Ministry of Community Safety and Correctional Services, and I've also been a proud member of OPSEU since 1994.

We ran a highly successful card-signing drive at Boréal and Northern, and in fact we had overwhelming support, as hundreds of part-timers at Boréal and Northern signed OPSEU union cards. There was no question of what part-timers were telling us: They wanted to be unionized, and they wanted OPSEU to represent them.

Because we achieved such a high number of signed cards and the vast majority of Boréal and Northern part-timers had clearly demonstrated they were ready for a certification vote, OPSEU asked me to help out with other larger colleges such as La Cité collégiale, Centennial, George Brown and Seneca. I met hundreds of part-timers at these colleges and yet again the message was clear: They wanted OPSEU to represent them and they wanted to vote sooner rather than later.

By now, you have heard that the OLRB refused to give us a certification vote, but chose to keep our signed cards active; for that, we are grateful. But I can tell you that part-timers are patiently waiting to vote and join OPSEU.

I do have some concerns regarding Bill 90. I have concerns about the impact of creating two new bargaining units. I am in favour of having part-time faculty join full-time faculty, and part-time support joining the full-time support bargaining units. This was supported by the union and by the executive board.

Another concern I have is that Bill 90 eliminates the rule in the CCBA when a strike or lockout occurs; every employee in that bargaining unit is legally deemed on strike or is locked out. So I'd like to see some changes that OPSEU proposes, specifically to amend the schedules in Bill 90 to include part-timers and sessionals in the existing bargaining units upon certification. I also hope that the committee can take a look at amending Bill 90 to retain the deemed strike or lockout provisions included in sections 59(2) and 63(3) of the current CCBA; and amending section 26(1) of Bill 90 to permit either the council or the bargaining agent or a trade union that is applying for certification as the bargaining agent for a group of college employees to apply to the OLRB to change, establish or eliminate bargaining units.

Part-time staff are looking forward to getting paid for all their hours of preparation. They are looking forward to getting paid for training, for meetings with students and staff, just like all of their full-time counterparts.

While organizing part-timers, I noticed a difference in partial-load hours. At Boréal, management tried to avoid having part-time faculty in this category. At Northern College, I met several part-time faculty who were working as partial-load. These inconsistencies seemed to be present across the college system.

When I explain to people who are employed outside of the college system that college part-timers are not

unionized and in fact have been banned from joining a union since 1975, they are shocked: How could that be? They are especially shocked when they learn that the college full-timers are OPSEU members. Why the double standard, and why has it been in effect since the 1970s?

College part-timers have been discriminated against for far too long and I think all of us can agree that the Supreme Court's decision of 2007 was a major victory to right a historical wrong.

Part-timers are tired of being discriminated against and listening to all the excuses and legal delays. Part-timers want action. They want to move on to a vote, and they want to vote now. It is my hope that some changes can be made to Bill 90 that will prevent further discrimination to college part-timers. In the end, as a part-time college member, I can tell you that what I want is fairness and justice for all part-time staff of the 24 community colleges in Ontario.

**1320**

I hope the committee will look at some of OPSEU's recommendations. Thank you very much.

**The Chair (Mrs. Linda Jeffrey):** Thank you. You've left about a minute and a half for each party to ask questions. The first speaker will be from the government side, Mr. Moridi.

**Mr. Reza Moridi:** Thank you, Mr. Roy, for your presentation. With regard to the point of having four bargaining units, two for full-time staff and faculty and two for part-time staff, given the nature of the college system and part-time workers who might be teaching academics two or three hours per week and coming from various backgrounds—for these part-time faculty, teaching is their second job. Generally, it's not their main job. My question is: How would you see that? If you combined these together, part-time and full-time faculty, in one bargaining unit, given the fact that they come from different perspectives, how would this fit within the college system?

**Mr. Jean-Luc Roy:** On your comment about part-timers wanting to remain part-timers because they have a secondary job, I can tell you from experience, being a part-timer, that a lot of part-timers I talk to would like a full-time job and they would like to remain with the college system. With regard to the bargaining units, all I can say on that is with the hundreds and hundreds of part-timers I've signed up at Boréal, Northern and all the other colleges, part-timers want to be with their full-time counterparts. That's all I can say about the bargaining units. They want to remain with the full-timers.

**Mr. Reza Moridi:** Thank you.

**Mr. Jim Wilson:** Thank you for your presentation. A number of the points have been made before, but repetition helps when you're dealing with politicians, I can tell you that, and I'm one. I'm just wondering, through you, Madam Chair, if we could get the definition of full-time and part-time under the existing acts and whether that changes. Maybe we'd ask research to do that.

**The Chair (Mrs. Linda Jeffrey):** Yes.

**Mr. Jim Wilson:** I have a feeling there's a fine line between some people working part-time and some people working full-time. It might be the difference of an hour or something.

**The Chair (Mrs. Linda Jeffrey):** Okay. Is that the question?

**Mr. Jim Wilson:** Yes.

**The Chair (Mrs. Linda Jeffrey):** Okay. Mr. Marchese.

**Mr. Rosario Marchese:** Thank you, Jean-Luc. Just a few comments: The parliamentary assistant and the minister constantly talk about how much money they're putting into the system. We thank them for putting extra money, but the reality is we're still number 10 in terms of per-capita funding. The college system has been suffering a great deal—I was about to say a lot more than the university sector, but it's not a competition between who's losing more than the other. You've both been suffering, by way of cutbacks. To be number 10 in Canada is not a matter of pride, so I'm a bit saddened by the constant refrain about how much money they're putting in when we hear the college faculty saying, "We're underfunded."

One of the points you made is you'd like to have two unions rather than four, and you made it clear. Mr. Turk came before you, and he made reference to a number of board conclusions that say there's a sufficiently coherent community of interest. A number of boards across Canada have ruled there is a community of interest in spite of what some Liberal members might want us to believe. You believe that too because you're saying you want to be part of the union. You're saying most of your members want to be part of one union.

I think the government knows that. I believe they want to make bargaining difficult, and they want to make sure it's slow so that the payment doesn't go out as fast as it might. That's what I believe is happening here politically. That's why I am against what the government is doing. Why do you think they're doing this?

**Mr. Jean-Luc Roy:** Like you say, there are some delays. We heard from the college presidents about funding, but they're certainly not talking about their own salaries. A lot of our part-timers are suffering and we want to improve things for the part-timers. I feel that the best way, from what I've been hearing out at various colleges, is that we want to join up with OPSEU, with the existing units. We want to join up with our full-time counterparts.

**The Chair (Mrs. Linda Jeffrey):** Thank you, Mr. Roy, for coming today.

DONALD FRASER

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is Donald Fraser. Good afternoon.

**Mr. Donald Fraser:** Thank you, Madam Chair.

**The Chair (Mrs. Linda Jeffrey):** I just have to do my preamble. We welcome you. Could you say your name for Hansard? If you are speaking for an organization, could you mention who they are? If not, after you have

introduced yourself, you will have 10 minutes. If you leave us some time at the end, we'll be able to ask questions. I have the timer; I'll give you a one-minute warning.

**Mr. Donald Fraser:** My name is Donald Fraser and I am the president of the Hamilton and District Labour Council, representing over 40,000 affiliate members in the Hamilton area, including the full-time staff at Mohawk College in both of the bargaining units at present. I have been a part-time instructor at Mohawk College in continuing education for over 10 years. I have been the coordinator for the labour studies certificate program at Mohawk College since January 2000. As such, I wear many hats.

My background is that I am a steelworker out of Stelco in Hamilton. I have negotiated a number of contracts from the unionized side over the years—and been on strike three times at Stelco, so I know what it's like to be on strike—and I have negotiated contracts as an employer, because when you wear the hat of a president of a local union, president of a labour council or treasurer of a local union and you have employees who are unionized, you have to take on those responsibilities also. So I've seen things from both sides, and I have a broad perspective on the issues of the unionization of the part-timers at the college.

My background in the college system is continuing education, that program that's out there, that section of the college that everybody forgets about. Our role through continuing education is to help prepare people, mainly already working, who are trying to better themselves, who are trying to formalize their education or nowadays trying to prepare themselves as if their jobs won't be there tomorrow. As such, I've got five certificates from Mohawk College through continuing education over the 25 years that I've taken courses there, and I still take courses at Mohawk College through continuing education.

In 1989, I taught my first course under continuing education. The first question I asked was, "Where do I join the union?" I was told, "There is no union to join," and I never really pursued it. Then, in the 2000s, a number of us instructors through labour studies had some health and safety concerns. We said, "Where's our representation for the part-timers on the joint health and safety committee?" "You don't have any representation." I think that's a shame that there are thousands of part-time workers out there in the college system who have no representation, as required under the Occupational Health and Safety Act, on the joint health and safety committees.

Then we looked at how we could get unionized as a bunch of labour studies instructors. And then I found out that it's illegal for part-timers to become unionized, and that's where my interest in this whole organization of part-timers began.

There are four points I want to make to you. The issue of two or four bargaining units: I strongly believe in one bargaining unit for support staff and one bargaining unit for the academic staff. It's very clear—and it's the position of the labour movement in Ontario—that OPSEU is

the union that's organizing the part-timers in the colleges. That was adopted at the last Ontario Federation of Labour convention, and a number of labour councils passed resolutions to that effect. Every union in Ontario has respected that decision. It reduces the bureaucracy within the college and the union. The more bargaining units that you have, quite frankly, the more bureaucracy there is, the more negotiations there are, the more—I hope there are no lawyers in the room—the lawyers make money from representing—did I offend any lawyers? Sorry.

**Mr. Jim Wilson:** There's one right behind you.

**Mr. Donald Fraser:** Whoops—the more that lawyers make money through those types of conflicts. It reduces the potential for conflicts between part-time and full-time, but more importantly, it reduces the number of collective bargaining processes taking place and the number of potential strikes that may be there.

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I just want to take you back to what just happened about 10 days ago within the college system, when the support staff—it was coming down to the crunch in negotiations. If you had been following, the students were worried, the parents of the students were worried, other people working in the college system were worried, about what was going on. I personally cancelled eight courses that were going to start in the first week of September through the labour studies program because I wasn't going to take a chance that if they went on strike, anybody taking any of my courses would be asked to cross a picket line to further their education. I know that in the Hamilton area, any unionized apprentice who may have been taking training at Mohawk was put on notice to respect the picket lines. Every construction company doing any work at Mohawk College, if they were unionized, was put on notice by the building trades that their members weren't going to cross a picket line.

So if you reduce the number of bargaining units, you reduce the potential for conflict through the system.

The other thing is, it gives stability to the bargaining unit. I have seen a bargaining unit at McMaster University representing sessional instructors, and in the last two and a half years, they've had four presidents of that bargaining unit, because as soon as somebody becomes president they either move on or they move up to full-time or whatever. It's like a revolving door. So if you've got one bargaining unit, it's going to increase the stability.

The other thing is, there's a pool of expertise already there in the full-time bargaining unit for those part-timers to fall back on when it comes to negotiations, grievance procedures etc.

First-contract arbitration: I strongly support the addition of first-contract arbitration if requested after serious negotiations. It's no secret that some employers drag out negotiations, especially with the first contract, quite frankly, to piss the members off in that bargaining unit. Why do we have a union if you can't negotiate a contract? If the threat isn't there of first-contract arbitration, then a lot of times what happens is that it leads to more

conflict when we're talking about negotiations and that. As an example, we've already heard that some colleges can't even come up with a list of who the part-timers are at the moment within their own organization. If that's what we're dependent on to be serious bargainers at the negotiating table, then I think some colleges are having serious problems.

Successor rights: Again, I strongly support the addition of successor rights. It helps eliminate privatization as a labour relations tactic when they know that the people in the contract are going to go with the job. When you privatize it, it eliminates that as a threat or as a weapon. Because in my experience, when jobs are privatized, it's only done for one reason: to get out of a collective agreement and use it to reduce wages and benefits. Then, those workers have to start over from square one, being unionized.

The applications for certifications should proceed. I have signed an OPSEU card. I strongly believe that Bill 90 should contain provisions for automatic certification if more than 50% of the proposed bargaining unit have signed appropriate cards, and the cards that have been signed should be honoured. My signature is on this brief. My signature is on an OPSEU card. Why isn't my signature worth anything in the real world? There was a change a number of years ago to the Ontario Labour Relations Act—and I know that collective bargaining in the college system is under a different piece of legislation—that took that right away from workers. If OPSEU can sign up 50% or 55% of the people who indicate, by their signature, that they want to belong to a union, I think that should be respected during the collective bargaining process, and that should be put into Bill 90. When the building trades were given that right, part of the argument there was that there's a lot of movement within the building trades. Well, we've already heard that within the college system.

The other point I just want to go back on is the bargaining units.

**The Chair (Mrs. Linda Jeffrey):** You have 30 seconds.

**Mr. Donald Fraser:** When I go into registration, to register people, or I go into the continuing ed office, dependent on the time of day, I may get a full-timer to answer my questions and register me or I may get a part-timer, because they're doing the same work a lot of times, in the same offices, sitting side by side at the same desks, same cubicles, whatever.

Thank you. I would respond to any questions.

**The Chair (Mrs. Linda Jeffrey):** You've exhausted your time. Thank you, Mr. Fraser. It was a great delegation.

ONTARIO PUBLIC SERVICE  
EMPLOYEES UNION,  
CAAT SUPPORT DIVISION

**The Chair (Mrs. Linda Jeffrey):** Our next speaker will be the Ontario Public Service Employees Union sup-

port staff divisional executive, Betty Cree. Are you both speaking today or just one of you?

**Ms Betty Cree:** I have asked Rod, who's the chair of the bargaining team, to be here just in case there are questions. He'll perhaps be able to answer some of the bargaining questions.

**The Chair (Mrs. Linda Jeffrey):** So maybe what I could ask you to do is introduce yourself, the organization you speak for and also your counterpart. After that you'll have 10 minutes. If we get to that point at the end where there's time to ask questions, you can both speak. Welcome.

**Ms Betty Cree:** I'll start with Rod Bemister. Rod is the chair of the bargaining team for support staff of the 24 community colleges in Ontario.

My name is Betty Cree. I have been a full-time support staff worker at Fleming College in Peterborough for 20 years. I was a part-time support staff worker for three years previous to that. I'm also the president of OPSEU Local 351.

As chair of the college support division of OPSEU, I'm pleased to be here today to speak on behalf of the more than 7,000 full-time college support workers at the 24 colleges across Ontario.

To name a few job classifications, as support staff, we are clerks and secretaries, we are the technicians and the technologists, equipment operators, we're the trades and facility workers, we are the financial aid officers and the registrars' clerks, and in many areas we are directly involved in teaching the students. In a word, we are the infrastructure of each college.

I don't have to tell you that for the majority of our students, 18 and 19 years of age, going to college is the first time that they'll really have to function on their own in the adult world, and they do need a lot of support in order to succeed in their studies. We provide that support in a thousand different ways and we are proud to do it.

With us today, of course, we have copies of our brief from OPSEU, and I hope you will give serious consideration to all 16 of our recommendations for improvements to Bill 90. However, in the limited time I do have, I just want to speak about one issue, and that is the issue of bargaining unit configuration.

As you know, the Colleges Collective Bargaining Act, known as the CCBA, currently recognizes the rights of full-time academic staff and full-time support staff to take part in collective bargaining. It also recognizes the right for a group of academic part-timers who are known as partial-load. These people teach from seven to 12 hours per week. Finally, it recognizes support staff who work on a casual or temporary basis in order to backfill full-time bargaining unit employees and students who work during the May-to-August period. All other workers are excluded from collective bargaining, and this is the problem that Bill 90 will solve.

I want to say up front that we applaud this government for moving to recognize collective bargaining rights for all part-time and sessional workers. This truly is an historic change. Part-time workers have been waiting a

long time for this opportunity and they are anxious to begin collective bargaining as soon as possible. But we fear very strongly that they will be hampered in achieving the promise of collective bargaining if they are segregated into bargaining units that separate them from their full-time colleagues. We believe that the bargaining units, as proposed in Bill 90, are unfair to part-timers.

Speaking for support staff, I want to explain these part-time workers and who they are. They are in no way different from full-time workers as far as the work that they do. They do exactly the same work that we perform. We work literally side by side. As a matter of fact, in many cases, we've worked side by side with them for a decade or more. For the support jobs that they are required to perform, these part-timers are required to have exactly the same level of skills, experience and qualifications as full-timers in order to do this work. But full-timers earn a union wage with negotiated benefits, they earn vacation entitlements, they get job security protections and a pension plan. Part-timers, on the other hand, earn wages that are, in most cases, lower, and work without benefits for themselves or their families. They may have no vacation even if they work 12 months straight in a row and they have absolutely no real job security. Some of them may be enrolled in our pension plan, but many are not. This is either because they've not been told by their employer that they can enrol or because they simply can't afford to enrol because of their lower wages and shorter hours.

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Part-timers receive this unequal treatment for one reason only, and that is that they are part-time, working 24 hours a week. That is the guideline under support staff workers. As a union, we make absolutely no bones about the fact that our goal for part-timers is to have them achieve parity with their full-time colleagues as soon as possible. That is what they want, that is what they deserve and that is what is absolutely fair.

Segregating part-timers in their own bargaining unit maintains the fiction that these workers are somehow fundamentally different from their full-time colleagues. Ladies and gentlemen, they are not. They are the same and they should be in the same bargaining units. It's important to note that part-time support staff jobs have been created in colleges specifically because they are cheaper, not because there's only enough work to do it in 24 hours.

I think it is important that we consider what will happen when part-timers attempt to bargain language that allows them to convert to full-time positions. As this has an impact on the full-time bargaining unit, it's entirely possible that the employer will have to negotiate with both bargaining units in order for this to happen. It would make a lot more sense if such negotiations all took place at one table and not two.

The full-time collective agreement for college support staff already contains provisions for part-timers who enter our bargaining unit. Their part-time hours count for calculating their seniority date once they are in there and

if they have been performing work of a similar nature, they can have their probation period decreased. So you can see that part-timers are already linked to full-timers to some degree. But with two separate bargaining units, it is inevitable that jurisdictional disputes will arise. These can be avoided by having part-timers and full-timers together right from the start.

As you've been hearing today, there is a lot of concern about cost when this kind of legislation is passed. I think it's important that you all consider the cost of negotiations for both the union and the employer, as a matter of fact, because negotiation costs include bargaining team transportation, meeting room rentals, hotel costs, meals, communications costs and support from professional negotiations staff. Negotiations can also take months and they are certainly not cheap. With two bargaining units, the cost of these negotiations is double for the union membership and double for the Ontario taxpayer. So, as a start, why not save your money and have them all in one bargaining unit?

So far, we've heard absolutely no explanation from the drafters of Bill 90 as to why it makes sense to segregate the part-timers from the full-timers. There are, however, many good reasons why they should be integrated into the same bargaining unit. Ladies and gentlemen, a community of spirit does exist among part-time and full-time workers that is sufficiently strong to warrant their inclusion in a single bargaining unit.

It is the position of the OPSEU college support division and the OPSEU executive board that our bargaining unit should include all full-time, all regularly-scheduled part-time, all casual and all seasonal employees of the colleges that perform support staff work.

Thank you for taking the time to listen to me, and I'll take any questions.

**The Chair (Mrs. Linda Jeffrey):** You've left about 45 seconds for each party to ask a question, beginning with Mr. Marchese.

**Mr. Rosario Marchese:** Thank you, Betty. I think the arguments you're all making in this regard are very reasonable, and I think the government understands that, because it's not that complicated. So my point is they don't want to have two bargaining units, and I'd like to ask the colleges, if I could get an opportunity to ask them, why it is that they don't support two, which seems to be as rational for them too. But they don't seem to support two bargaining units. I haven't been able to ask the colleges that. If they leave some time, I want to ask them.

For me it's clear: You're all saying you want to be part of two bargaining units. Why wouldn't the government listen to that? That's what I'm not understanding.

**Ms. Betty Cree:** I guess I have that question too. It's important, I think, for the government—I don't know why the government wants to basically double their work on everything, double their costs. As I said earlier in my brief presentation, it will cost the taxpayer money and the union membership too. It just makes sense, particularly speaking for the support staff group, that when you have

a group of people who are really one and the same in the work that they do, they should be together.

**The Chair (Mrs. Linda Jeffrey):** Mr. Moridi.

**Mr. Reza Moridi:** Thank you, Ms. Cree, for your deputation. I have sympathy for your presentation and also Mr. Fraser's presentation in relation to the delay and many years that part-timers didn't have the right to unionize. I would like to recall that in 1992 there was a bill at the Parliament which wasn't called for third reading, and if that bill had been called for third reading, now we could have had this right given to the part-timers in our college system for the past 16 years. That was just a comment.

But in relation to your comment about why we don't have two units rather than four units, if the reconfiguration of bargaining units were given a provision in the bill, what would you think about that?

**Ms. Betty Cree:** Yes, but that would be down the road. Is that what you're talking about—

**Mr. Reza Moridi:** Yes, this is down the road.

**Ms. Betty Cree:** —that there's that possibility, and what I think of that?

**Mr. Reza Moridi:** Yes.

**Ms. Betty Cree:** To be blunt, I really don't think that you're going to get much co-operation from the colleges.

**The Chair (Mrs. Linda Jeffrey):** Mr. Wilson.

**Mr. Jim Wilson:** Thank you, Ms. Cree, for your presentation. I'm just looking back at what Kevin Whitaker said about this—because I'm with Mr. Marchese and yourselves in terms of four versus two bargaining units—because of the historic mumbo-jumbo of terms and conditions and pay for part-time workers right now that I think he talks about and the complexity of the issues, that it would be best to set up two new separate bargaining units, for the time being anyway. Did you have a chance to read that part of the report, and do you have any further comment on that?

**Ms. Betty Cree:** About Mr. Whitaker's?

**Mr. Jim Wilson:** Yes.

**Ms. Betty Cree:** Yes, I've read the report—quite a while back, actually, so you're testing my memory—but I don't feel that his explanation was sufficient enough to convince me as to why the two versus the four. For some reason, again, he did throw in the fact that there could be a different configuration down the road to give this a trial at the start. But our group has been steadfast in our position as far as having a single unit for support staff, and it has also been different than what Mr. Whitaker has laid out in his brief.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much. Thank you for coming today.

#### CANADORE COLLEGE

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is Canadore College. Welcome. Is it just you today?

**Ms. Barbara Taylor:** It's just me today, yes.

**The Chair (Mrs. Linda Jeffrey):** Okay. I have two people listed here. Are you Barbara Taylor?

**Ms. Barbara Taylor:** I'm Barbara Taylor, yes.

**The Chair (Mrs. Linda Jeffrey):** Great, welcome. If you could state your name for the record and the organization you represent, and after you've done that you will have 10 minutes. If you leave some time, we'll be able to ask questions. Your deputation material is being handed out now.

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**Ms. Barbara Taylor:** Thank you very much. Good afternoon. My name is Barbara Taylor and I am the president of Canadore College. I'm very glad to have the opportunity to be here today to speak to you, the standing committee, on the matter of Bill 90. Our board chair, Colin Vickers, wanted to be here today, he was scheduled to join me, but an urgent family matter has prevented him from coming to Toronto.

I'll just give you a bit of background on who we are at Canadore College. We serve the districts of Nipissing and Parry Sound in northeastern Ontario. We have an annual enrolment of approximately 3,500 students. We have three campuses in North Bay, including a shared one with Nipissing University, and three satellite operations in the smaller communities of West Nipissing, Parry Sound and Mattawa. We offer more than 85 programs ranging from aviation through to a whole range of other areas. We offer quite a large number of skilled trades programs and a variety of apprenticeship options. We have a sound reputation for our aboriginal programs and services. In fact, aboriginal students make up over 10% of our full-time enrolment, and that's a student population that is growing. The college is also recognized for its outstanding special needs department.

Canadore College supports the right of all college employees to associate.

I'm sure you will agree that colleges play a critical role in the success of our communities. I can certainly tell you that our college is critical to the social, cultural and economic sustainability of northeastern Ontario. Community colleges across Ontario are responsive to the changing needs of the economy and are preparing students for the workforce. In our region, we're also a major player in the local economy. We are the seventh-largest employer in the city of North Bay, and a recent study shows that we have an economic impact of approximately \$67 million in our region, which, with the projects under way, will grow to \$100 million in approximately five years.

We're important to industry, and we supply employers with well-trained people who are ready to work. As an example, just recently we received generous six-figure donations from two local mining services and supply companies for our new library because we had worked with them to schedule both our diploma and our apprenticeship machinist programming to fit with their production schedules. Mining services companies are booming in North Bay and virtually 100% of their machinists are Canadore College graduates, either through apprenticeship or diploma programming.



Our ability to provide relevant programs of high quality helps our region to stem youth out-migration and in fact is a draw to a significant number of students who move to the region to attend our college.

I can tell you from personal experience that the business community recognizes our importance and has been instrumental to our success. That's because they know the work of the college is a prerequisite to their ability to hire and retain qualified, skilled workers.

We are educating and training future leaders in every sector of the economy. This is an important role, and we want to be able to continue to develop and offer flexible programming that takes us beyond our traditional ways of delivering education because we believe the future of education and the demand for skilled workers in the future will require it.

OPSEU's proposed changes threaten our ability to be flexible at a time when it is most needed. One of my colleagues will have spoken to you about some of the proposed amendments recommended by OPSEU. I will be speaking to you about our response to a few more of OPSEU's proposed changes. We feel it is very important to help you understand the implications of OPSEU's changes and where we stand on their proposals. The recommendations I will be presenting today are supported by the other 23 publicly funded colleges across Ontario.

OPSEU, in its brief on Bill 90, has proposed that the "deemed strike" provision that was in the old act be put back in Bill 90, even though the Whitaker report clearly recommended removing it, and Bill 90 does just that. The old CCBA states: "Where the employee organization gives notice of a lawful strike, all employees in the bargaining unit concerned shall be deemed to be taking part in the strike from the date on which the strike is to commence, as set out in the written notice, to the date on which the employee organization gives written notice to the council and the employer that the strike is ended, and no employee shall be paid salary or benefits during such period." This means that everybody is essentially on strike regardless of whether they want to work or not, since we can't pay them.

Bill 90 eliminates this section so people can cross picket lines and work, or the union could initiate rotating strikes. This is important as it goes to the principle that the normal pressures and consequences of collective bargaining should be allowed to influence the parties' behaviour. For example, the potential of greater disruption if the union implemented rotating strikes, or the possibility that union members might choose to work instead of support strike action, creates pressure on the parties to reach an agreement. Certainly, in his report Mr. Whitaker underscores the need for the parties to actively take responsibility for reaching agreements.

OPSEU has also proposed that the contract expiry date remain fixed at August 31. They suggest that this is consistent with the academic school year and that bargaining should be coincident with that timetable. The reality is that collective bargaining has its own pace. I can only

remember once in the past decade that I'm aware of where a collective agreement was actually reached by the expiry date. I know that from personal experience, because I chaired the management bargaining team in that round. Other than that, they have not generally been concluded on August 31.

The ability to adjust the expiry date of a collective agreement allows parties to fashion wage increases and other collective agreement items to better reflect their interests. This bargaining tool is available to the vast majority of workplaces which fall under the Ontario Labour Relations Act. There is no reason why it should not be available to the parties in the college sector.

OPSEU is proposing that Bill 90 be amended to provide access to interest arbitration, both in first-contract situations and in regular collective bargaining.

Whitaker's report specifically recommends that the act be amended to eliminate the provisions which allow the parties access to interest arbitration, and Bill 90 has done so. He identifies an over-reliance on third party intervention as a cause for the current labour relations climate in the college sector.

Mr. Whitaker emphasizes that the changes to the act should require that the parties take direct responsibility for collective bargaining instead of resorting to third party intervention. We are supportive of Whitaker's position and recognize that if the parties bargain in good faith we can find a balance without relying on a third party. Agreements can reflect the priorities and needs of our students, our employees and our colleges.

These changes proposed by OPSEU harm the bargaining process and, if adopted, will also have a significant financial price tag attached.

There is one recommendation proposed by OPSEU that is our most significant concern. This issue is the adding of related employer and successor provisions to the CCBA. We are very concerned about this proposal as related employer and successor rights provisions will have a significant impact on the way we structure academic delivery models with private and public sector partners. As I underscored earlier, it is now critical more than ever that we have some flexibility in order to serve industry needs and retraining needs.

It is my understanding that this proposal was not made by OPSEU to Whitaker at the time of the consultations. Therefore, there was no opportunity for dialogue. What OPSEU is proposing is significant and restricts colleges.

**The Chair (Mrs. Linda Jeffrey):** Can I just tell you that you have a minute left.

**Ms. Barbara Taylor:** Okay; thanks.

In order for us to deliver programs, many of which are connected to the government's commitments such as apprenticeship and second career, we need to be able to be flexible and enter into those private and public sector partnerships.

As the president of Canadore College, I know how hard all of our staff work to deliver to our students a high-quality education, and to our employers a high calibre of trained workers with advanced skills. But even

with gains in college funding under Reaching Higher, and the cost savings and efficiency measures we have put in place, I have seen our college and many others across the province struggle to make ends meet. It is a fact that funding for colleges is not sufficient to enable us to sustain and build upon the programs and services students and employers demand now, and changes that will significantly impact our bottom lines will make our job nearly impossible going forward.

Several colleges, including my own, are experiencing severe fiscal pressures and may even be facing deficits in spite of all our efforts.

1400

**The Chair (Mrs. Linda Jeffrey):** Do you have a closing statement?

**Ms. Barbara Taylor:** In closing, I would just like to say that I am supportive of Bill 90 and strongly recommend that our proposed changes are adopted by the committee. I believe the recommendations will make the legislation stronger and improve the learning environment of our students, but only if we remain true to the intent of the Whitaker report and the draft bill before you today. Thank you.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much for your deputation.

#### CARON FITZPATRICK

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is Caron Fitzpatrick. Welcome. As you get yourself comfortable, please say your name for Hansard, and if you speak for an organization could you mention them at the beginning of your presentation. You will have 10 minutes. If you leave us some time at the end, we'll be able to ask questions. I believe your handout is being given to members around the table now.

**Ms. Caron Fitzpatrick:** Good afternoon. My name is Caron Fitzpatrick and I am a part-time professor in the School of Health and Community Studies at Algonquin College. I've been teaching at Algonquin for eight years, part-time. Last year, I was scheduled to teach four courses for a total of 11 hours a week. I wish our friend Mr. Jim Wilson was actually here, because I could answer that question he had about hours.

**The Chair (Mrs. Linda Jeffrey):** He can read about it.

**Ms. Caron Fitzpatrick:** Okay.

This would take me out of the part-time category and put me into partial load. Having a partial load, for those of you who don't know, is like holding the golden ticket. You are now part of a union and therefore paid, in my case, approximately three times what I am paid to do when I work six hours a week.

After I had prepared all of my lectures and was ready to begin my year, I received a call from my chair offering me more hours, which would make me a sessional instructor. I was told at that time that this was the only solution, as my partial-load status had only come to her attention recently. I was unable to take the extra hours, as I had already accepted other work. I was then told that I

had to take the extra hours or have none of them. So I was left at the last minute with no employment, feeling angry, frustrated and cheated.

I applaud the Liberal government for recognizing the injustice of the situation that professors like me face each day, but I have concerns about the content of Bill 90 as it stands today. There are two issues that I would like to address today: the removal of the jeopardy clause and the addition of two more bargaining units.

It is critical that students' education not be put at risk in the event of a strike. Inevitably, students will be used as bargaining chips to put pressures on the professors who face our students each day. Over the course of two to three years, we develop relationships with our students. We get to know them on a personal level. We know where they work their part-time jobs and when their family members are ill. When push comes to shove, many professors will go back to work to ensure that the students who respect and look up to them will not lose their year.

Our last strike in 2006 had little to do with financial gain for faculty; it was all about quality. It was about class sizes and the ability to provide quality education to our students. Had the jeopardy clause not been in place, I believe that our students would not have made the gains in educational quality that they have today.

Education cannot be treated like a car company left to duke it out for months or even years. These are students who have paid for a quality education and, in most cases, our students would never be able to recover financially if they lost their year; they would simply lose their right to a quality education. While it is obviously important to address the needs of both the employer and the employee in this legislation, it is critical that the needs and rights of our students be protected.

My second concern is the addition of two new bargaining units. Not only would the addition of part-time bargaining units be costly and cumbersome, but I fear that I will be left in the same position that I am today: limited in the hours that I can work and the positions within the college that are available to me. I do exactly the same work regardless of the hours that I teach. Why should I be segregated from my full-time colleagues?

The primary reason for wanting to join the union was to be treated with the respect and equality that our full-time colleagues have enjoyed for decades. Separating us into two bargaining units continues this historical cycle of segregation. In a system with four bargaining units, there will continue to be haves and have-nots, and I will continue to be offered the work and wages within the confines of my separate unit. This is contradictory to the very foundation of equality. Again, I repeat, I do exactly the same work, whether I work six hours a week or 24. Why should I be treated differently? We need one voice, one unit, providing the same support and security to all, a system of equality that is long overdue.

I absolutely welcome questions on these issues.

**The Chair (Mrs. Linda Jeffrey):** You've left the most time of any speaker today. A whole two minutes for each party, beginning with Mr. Moridi.

**Ms. Caron Fitzpatrick:** I want the questions. I'm not avoiding the questions.

**Mr. Reza Moridi:** Thank you, Ms. Fitzpatrick, for your deputation. With regard to a jeopardy clause, given the fact that the government has the right to always bring in back-to-work legislation, how do you think that removing this jeopardy clause from the bill—in the meantime, the government has always that right to bring in back-to-work legislation. Would that substitute for that requirement?

**Ms. Caron Fitzpatrick:** No, and I'll tell you why I feel that way. It makes sense that you will call us back to work. We don't want our students to lose—and in my case, I teach in the faculty of early childhood education, and our students have workplace time that they need to accomplish. Our employers require that they have those hours on the floor. I believe another presenter was speaking to that issue. We provide them with the training that they need to work. They're unemployable without it. In the time it takes you to go back and write that legislation, are my students going to get the hours they need on the floor so that they are employable? You can bring them back and I can educate them, but will they get the hours they need of practical time on the floor to be employable? In many cases, no, they will not. So the time that it takes you—if that is your intention, to write that legislation and order us back, why would you not just put it in there in the first place? That's my question.

**Mr. Reza Moridi:** Thank you.

**Mr. Jim Wilson:** Thank you very much. Sorry, I was out of the room, but I caught up to you in reading your text. Thank you for the explanation of partial load and part-time, although I will tell you that our wonderful Mr. Fenson here provided us with an instant explanation after I asked the question.

**Ms. Caron Fitzpatrick:** It is one hour. You're right. One.

**Mr. Jim Wilson:** Yes. You've certainly given us a lot of food for thought there. Just going back to what Whitaker said, because that's where the government keeps in this whole two units versus four units argument—I'll just ask you, and maybe I should have asked the students, but it says—this is about some advantage that the students might get out of the four versus two:

“The four-bargaining-unit structure at the outset will advantage students in that it will permit them as a group to use and rely on their numerical strength within the part-time support bargaining unit. This should be reflected in the ability of students to participate in and affect the collective bargaining process to their advantage—particularly in the crucial first few rounds of bargaining. This is the best way for students to ensure that their unique interests in work assignment and work disruption are properly protected.”

It's probably a good question for the students, but from your perspective, is there merit in the argument that doing this step-by-step process is good for students?

**Ms. Caron Fitzpatrick:** I say no. I say employment is employment. When that student is working in the regis-

trar's office and they are a student at the college, they are registering students. That's what they're doing. If it is a non-student, part-time employee, they are registering students. That's what they're doing. They could be doing it for two hours a week, they could be doing it for six hours a week. If it is a full-time person in the registrar's office registering students, that's what they're doing. They're doing it for 25 hours a week and they're unionized. So I ask, what difference does it make whether they're a student, whether they are a part-time employee or whether they are a full-time person working in the registrar's office? Why are they paid differently? They're doing the same work. How does it benefit us to put them in two different unions? We have the same issues, certainly in faculty. If you speak to our part-time faculty, we have the same issues the full-time faculty has. We have all the same issues. We teach the same students, we teach the same content and we have all the same issues. We don't have the grading time, we don't have the prep time; those are the things we're looking for.

**The Chair (Mrs. Linda Jeffrey):** Thank you. Mr. Marchese.

1410

**Mr. Rosario Marchese:** Thank you, Caron. Mr. Moridi asked the question to a previous speaker about the bill and how it is that you could move from four bargaining units to two. The bill requires that the following conditions be met before any change happens, and I wanted your response to it. You need four of those conditions:

(1) The unions and the council must come to the Ontario Labour Relations Board with a joint proposal to modify the makeup of one or more bargaining units.

(2) If different bargaining units are represented by different unions, the proposal must be supported by all unions representing any bargaining unit that is changed or modified.

(3) Both of the new part-time bargaining units must be unionized and have a collective agreement in place.

(4) At least one year must have passed after Bill 90 receives royal assent.

The government says, “You see, we make it possible for you to get what you want.”

What do you think of those four conditions?

**Ms. Caron Fitzpatrick:** It's complicated. It's long; it's a stalling tactic; it's a divide-and-conquer. Why does it exist? I don't understand why it exists. It is a long, tedious process that probably accomplishes nothing, because you need my part-time separate bargaining unit to agree with the full-time bargaining unit. That's not going to happen. The college wants us to be in separate units because we'll never accomplish—we are paid so badly compared to our full-time counterparts that we'll never accomplish what they have. Parity will not happen. If we are not in the same unit, we will not achieve parity.

**Mr. Rosario Marchese:** The other question is the removal of the jeopardy clause. I agree with you that it's problematic. I would think that the colleges would find it agreeable to them as well, yet not one college has talked

about the issue of the jeopardy clause. Do you have a sense of why they wouldn't be agreeing with you?

**Ms. Caron Fitzpatrick:** It's clearly to their advantage, is it not? We develop relationships with these students, and look Mary in the face. I have had students who have come to me—for example, I had a student who failed her placement and she came to me in tears, saying, "I can't graduate. I can't come back, pay \$800 and redo that placement. It's not possible." So students who are at risk of losing their year, we know their stories; we know the ones who can't come back. The college doesn't. They're there and they're bargaining. Who is more likely to go back to work? Who is more likely to make the concessions? Whom is this benefiting? It's not benefiting the students. It's benefiting the colleges.

**The Chair (Mrs. Linda Jeffrey):** Thank you for your deputation today.

**Ms. Caron Fitzpatrick:** You're welcome.

#### JENNIFER BRYAN

**The Chair (Mrs. Linda Jeffrey):** Our next presentation is Jennifer Bryan. Welcome. Thank you for coming today. You don't have a handout today?

**Ms. Jennifer Bryan:** No.

**The Chair (Mrs. Linda Jeffrey):** Okay. If you are speaking for a group, could you mention that when you mention your name? After you begin, you'll have 10 minutes. If you leave us some time at the end, we'll be able to ask you questions. You have the floor.

**Ms. Jennifer Bryan:** My name is Jennifer Bryan. Although I hold three separate part-time positions at Loyalist College in Belleville—yes, that's three separate, part-time positions at Loyalist College—I am here today to address the implications of Bill 90 on part-time support staff.

Generally speaking, part-time support staff work 24 hours per week. You will find us throughout the college, in almost every department, in almost every role. We have offices, desks, phone extensions, e-mail accounts and, when the role requires it, we are trusted with confidential information. Generally speaking, full-time support staff work 35 hours per week. They can also be found throughout the college, in almost every department, in almost every role. They too have offices, desks, phone extensions, e-mail accounts and, when the role requires it, they are trusted with confidential information. So what is the difference between part-time and full-time support staff?

With the exception of hours worked, part-time support staff and full-time support staff are no different. Unfortunately, Bill 90 identifies us as different, so different that we require our own separate bargaining unit.

For 30 years part-time support staff have been stuck in a system that perpetuates a classist mentality. Placing us into a separate bargaining unit would only intensify this social segregation. The exclusionary provisions of the original Colleges Collective Bargaining Act did nothing more than leave part-time support feeling disrespected,

undervalued and highly disposable. While these outcomes were not intentional, we must learn from the past and recognize that isolating and labelling employees has the potential to produce social and cultural norms that are not only damaging to the employees but to the culture of the workplace as a whole.

One bargaining unit would foster a sense of equality amongst the support staff. In addition, it would alleviate some of the administrative challenges existing in community colleges today. It would best allow for a smooth transition from part-time to full-time and vice versa. Having all support staff in one unit would also provide both the union and the colleges with a firm set of rules that are applicable to all support staff across the province. Standards such as these are the hallmark of fairness. Standards such as these would improve the quality of services provided to our students.

Part-time support staff across Ontario are eagerly looking forward to the day we finally get to sit down and negotiate our first contract. Unfortunately, Bill 90 does not include a provision that permits the settlement of collective agreements through arbitration. A first contract will be a historic moment for part-time college workers. However, we must not be brazen enough to believe that it will be settled quickly, quietly and without disagreement. Bill 90 needs to be amended to permit first-contract arbitration and the settlement of future collective agreements through arbitration.

Currently, part-time support staff are people who live in a climate of intimidation because they are at the bottom of the workplace hierarchy. We have waited 30 years for the right to bargain collectively. As part-timers we are thrilled to see this piece of legislation and appreciate the speed with which Bill 90 has moved through its first two readings.

Collective bargaining will no doubt be a good thing. Collective bargaining with part-time and full-time workers in the same unit would be a great thing. More importantly, it will grant part-time support staff what they so very much deserve: respect in the workplace.

**The Chair (Mrs. Linda Jeffrey):** I think you've broken the record. Now we've had two presenters giving two minutes for every party to ask a question. We'll begin with Mr. Wilson.

**Mr. Jim Wilson:** Thank you very much. Wow, three jobs. How did you have time to come here today?

**Ms. Jennifer Bryan:** I'm not getting paid.

**Mr. Jim Wilson:** You may not be able to answer this, but I gather the reason, from the government's point of view, is that it all probably just boils down to money, in terms of going into the same unit as the full-time support staff right away, rather than this process that may take forever, because you'll probably reach parity obviously a lot faster if you're in the same unit with them. But aren't you worried about layoffs?

The government won't talk money at this committee. I started this morning by asking, "Where's the money?" and many, many presenters have expressed the same concern. Because it is so tenuous in many of the jobs the

part-timers are doing, don't you think the colleges will just be forced to lay off people in the first couple of years if things go too fast?

**Ms. Jennifer Bryan:** I can speak from both perspectives, because I am part-time faculty and part-time support, and I can only give you my personal experience. At the college where I work, part-time faculty contracts are not being renewed left, right and centre, just with the threat of this legislation. The entire justice studies department was cleared out over the summer, and that's partial-load, part-time, sessional, a lot of them. From the part-time support staff perspective, I don't see it as much simply because there are a lot of justifiable positions at part-time. However, I may not be the best one to answer that simply because I can only give you the perspective of my experience, the part-time support perspective.

**Mr. Jim Wilson:** Very good. Thank you.

**The Chair (Mrs. Linda Jeffrey):** Thank you. Mr. Marchese.

**Mr. Rosario Marchese:** Jennifer, I'm going to ask you a question. I haven't been able to ask the colleges any questions because there's never any time to ask them questions. My sense is that they would be supportive of some of the changes you're recommending, including some of the changes in OPSEU's 16 recommendations. They probably would. My sense is that they're opposed to these changes because it means that they are going to lose the flexibility they need to be able to raise money. They're underfunded, you understand, and they've been underfunded for years, so they're worried. My sense is that they're against successor rights and against two bargaining units and against grievance rulings that should apply to all—there's a whole long list—but that they would change their minds if the government would just give them a few more dollars. Is that your sense too, or is it just my own imagination?

**Ms. Jennifer Bryan:** No. They're broke. Quite frankly, they're broke, and so they've been having to cut corners. I had the head of HR look at me and say, "When I look around my college and see furnishings that are falling apart, faculty still trying to teach with overhead projectors from 1972 when the darned place opened," and then all of a sudden they have to hire faculty or support staff. They have to make that decision. If they need the teaching materials in the classroom, they have to make that decision. They need money; that's all there is to it. If they had more money, I think that they would be far more supportive of this.

1420

**Mr. Rosario Marchese:** But you heard Mr. Moridi today. He and the minister said, "My God, we're giving so much more money." Is it possible that they're giving all these billions and billions of dollars and we're still having these antiquated problems in the system and we're still number 10 in Canada? Is it possible with all the money they're giving?

**Ms. Jennifer Bryan:** I don't know where the money is, sorry.

**Mr. Rosario Marchese:** But it's not there?

**Ms. Jennifer Bryan:** It's not there; I'm sorry. When we have every administrator—and this is a scary moment, when you're sitting in a town hall meeting and every single administrator in a college is standing there, united, saying, "We're broke." That's a scary moment in a community college, especially for part-time staff and faculty, knowing that we have Bill 90 in front of us.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much for coming today.

**Ms. Jennifer Bryan:** Am I done?

**The Chair (Mrs. Linda Jeffrey):** Oh, sorry, I forgot Mr. Moridi. I went too quickly: Mr. Moridi gets two minutes.

**Mr. Reza Moridi:** Thank you, Ms. Bryan, for this deputation. With regard to the money question, I would like just to refer to the fact that the Reaching Higher program invests \$6.2 billion in our post-secondary education system, which is the highest investment in our post-secondary education in the past 40 years.

But my question is that we're here today to discuss concerns expressed by part-timers from various groups who feel that they will not achieve what their full-time colleagues do. But can you agree that through Bill 90, if passed, allowing the choice for part-timers to unionize and then collectively bargain, they would be better off than before?

**Ms. Jennifer Bryan:** I'm sorry, just to clarify: You're asking that if Bill 90 is to pass as is, in four units?

**Mr. Reza Moridi:** Yes.

**Ms. Jennifer Bryan:** And then—sorry, the last part of the question?

**Mr. Reza Moridi:** Would they be better off in the future than in the past—

**Ms. Jennifer Bryan:** No.

**Mr. Reza Moridi:** —if they didn't have any rights to bargain?

**Ms. Jennifer Bryan:** I'm sorry, I support Bill 90, not with four units. I think if we were to leave it with four units, part-timers will never, ever be at parity.

**Mr. Reza Moridi:** The reason there are four units comes specifically from Kevin Whitaker. In his report, he proposes four units: two units for part-timers, mainly because the part-timers have their own specific concerns and he didn't want part-timers getting entangled within the bargaining of full-timers.

**Ms. Jennifer Bryan:** We are no different.

**Mr. Reza Moridi:** That's the specific reason that Kevin Whitaker put in his report, and the bill reflects his report.

**Mr. Rosario Marchese:** We can change it.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much for coming.

#### SENECA COLLEGE

**The Chair (Mrs. Linda Jeffrey):** Our next delegate is Seneca College. Good afternoon and welcome. Thank you for coming today. If you could state your names if you're both going to be speaking, and the organization

you speak for. You'll have 10 minutes after you've introduced yourselves. If you leave some time at the end, then hopefully Mr. Marchese will get to ask his question. He's been waiting all day.

**Mr. Rosario Marchese:** The Chair's listening.

**The Chair (Mrs. Linda Jeffrey):** I'm listening. I'm hoping he'll get to ask his question.

**Dr. Rick Miner:** Give me that one-minute notice so I can give him a little time.

**The Chair (Mrs. Linda Jeffrey):** You might want to leave more time, because Mr. Marchese's questions last a minute. You have the floor.

**Dr. Rick Miner:** My name's Rick Miner. I'm president of Seneca College. With me is Susie Vallance, who is our vice-president of human resources. We appreciate the opportunity to come before the committee and talk about Bill 90.

Seneca College is the largest college in Canada. We operate in 11 different locations in north Toronto and York region. We offer 170 different degrees, diplomas and certificates. We enrol over 100,000 students annually. We have over 100 academic partnerships with universities and colleges around the world. We work with literally thousands of businesses in the areas of advancing curriculum development and applied research, and we're proud of our faculty, staff and administrators who have made Seneca College one of the finest post-secondary institutions in the world.

Previous speakers have provided detailed comments on Bill 90, and while I'll provide some of my own in a moment, I'd like to step back and provide a somewhat broader picture.

The world is changing, and Ontario has to decide whether it's willing to change as well. It cannot isolate itself, but should lead rather than follow change.

The facts are apparent. We have now moved into a global economy with global competition. The Canadian dollar is high and it will probably stay high as long as we have large oil reserves. Shortly, there will be a huge number of retirements from the original baby boom, which will further increase the skills shortage in Ontario and in Canada. There are varying demographic realities within Ontario, so over the next decade some areas of the province will increase their population significantly while other areas of the province will shrink. We are increasingly reliant on immigrants, new Canadians, to provide our labour markets with the skills and expertise we need. We have moved into a knowledge-based economy, which makes post-secondary education more and more important.

To put this all in perspective, this year China will graduate more engineers than Canada has graduated in its entire existence. We are in a globally competitive economy.

What's our future? Our future is ultimately going to be based on the literacy, expertise and knowledge of our citizens. Colleges and universities will play an instrumental role in this province's future prosperity, so we need educational institutions that are relevant, respon-

sive, adaptive and that provide high-quality programs. In this regard, we applaud the government's move to reform the Colleges Collective Bargaining Act. Certainly, after 40 years, one would think something needs to be done.

The recommendations made by Whitaker go a long way toward creating an environment and structure that will provide the colleges and their employees with a mechanism to enhance the quality of education for Ontarians. Colleges worked co-operatively with Mr. Whitaker during the consultation period. I have to say I'm somewhat disappointed that all the issues were not brought before Whitaker at that time and new issues are emerging, but this committee will work through those.

Clearly, Seneca College supports the right of all college employees to have the option to associate with whom and how they wish. That is their choice. It should be their choice.

Let me address a couple of the specific issues, many of which you've already heard.

One is the question of four, rather than two, bargaining units. I support the initial position of having four rather than two units. Employees should have the right to associate with others who have common interests and common conditions of work.

Full and part-time employees in the colleges are different. The assumption that part-time employees are simply individuals wanting to move to full-time employment is not in evidence at Seneca. Most of the part-time employees want to work part-time. Yes, some do want to work full-time, but they are a smaller proportion. A merger of the two could be a disservice to both. For example, one of the questions that would be interesting to ask is whether the union, under their proposal, plans to merge the seniority lists, and if so, under what conditions, full parity or partial parity. Depending on how that decision is made, all of a sudden you start realizing whether it is in fact a service to merge or not. That's a huge matter.

Within the staff unit, certainly our student employment is very different from most of our full-time employment, and the students need to be protected.

Therefore, the colleges and Seneca support bargaining unit structures established under Bill 90.

A second point deals with the longer term, and here I have a somewhat different view. I'm not sure if four is right. I'm not sure if something more than four or maybe even fewer than four is right, but what I do realize is the whole environment is changing and we can't wait another 40 years to figure out how to get it right, because if we don't have it right we're not going to be a service to Ontarians.

Right now, we see conditions of work becoming increasingly blurred. Forty years ago, if you were a staff member you did this, if you were a faculty member you did that, and the demarcation was pretty clear. Right now, it is a very, very blurred environment in terms of when individuals would fall under faculty, when individuals would fall under staff, because of the advent of technology. We have many individuals who are currently

staff who are very much involved in the teaching and learning process. So that is becoming more blurry.

**1430**

Also, the post-secondary system is evolving. We have huge differences in size, programs and geography, and to say that all 24 colleges are the same and they should all be treated the same is becoming increasingly problematic. I would argue that there may need to be a desire to have a bit more flexibility in terms of redesigning bargaining units in the future based on this evolutionary process that I see occurring.

A third issue deals with the timing of certification votes. As defined, colleges are presented with an enormous challenge, particularly in the part-time area. Throughout the system, we have tens of thousands of part-time employees in literally hundreds of locations. The Ontario Labour Relations Act includes provisions that specify that votes should normally be held in five days; in contrast, Bill 90 provides discretion about when the vote should occur. We support this approach because we feel that employees' rights should be respected. If there's an arbitrary decision on time that disadvantages employees, we certainly cannot support that.

The last item I'll bring forward—and I'm skipping through in reference to time—is the actual agent. As the bill now sets out, it talks about two representatives from each college. This is onerous. You can imagine 48 people trying to get together to reach some kind of decision. The colleges realized that this was onerous in their own regard and, on the encouragement of their board members, redefined the structure of Colleges Ontario. You have one representative from each college. I think you may consider reducing the size of that unit in order for it to be a bit more responsive and a bit more flexible.

I think in the long run, this is an important decision on the part of the government and for Ontarians, and by and large we support the recommendations that came out of Whitaker. We would encourage the government to move forward with these changes as quickly as possible. Thank you very much.

**The Chair (Mrs. Linda Jeffrey):** You've left about 45 seconds for each group to ask a question, beginning with Mr. Marchese.

**Mr. Rosario Marchese:** Quickly, were you here for Mr. Turk's presentation? James Turk? It doesn't matter.

**Dr. Rick Miner:** No.

**Mr. Rosario Marchese:** He says that in 1998, the Ontario Labour Relations Board dealt with an issue at the University of Western Ontario. The question was: Does the unit which the union seeks to represent encompass a group—

**Dr. Rick Miner:** I was here. Yes, I did hear it.

**Mr. Rosario Marchese:** You were here. You heard the board's answer: "Although the job expectations of the full-time faculty and those of the faculty with limited duties are different and that the faculty with limited duties are not required or expected to do research and administrative work, they have in common an interest in academic work and scholarship and to all intents and purposes, together they are distinctive from other cate-

gories of university employees in that they are responsible for the academic program which must be completed by the students. There is more that binds the two categories of faculty than separates them."

Given that kind of ruling, do you still maintain that you are actually concerned about the separate units and that they should be protected and respected when most of these groups are saying, "We want to have two bargaining units rather than four"?

**Dr. Rick Miner:** A quick comment there: Be very careful of what you select. For example, the illustrations he gave were both university, and university full-time/part-time is very different from college full-time/part-time in terms of the nature of their work, who is drawn to that teaching and who is not.

The second thing you want to be a little careful about is how you select. For example, if you go elsewhere, in Atlantic Canada, what you will find are separate units. You will find part-time units and full-time units. You'll find the same thing out west: part-time units, full-time units. So you do have some cases where they're merged, and you have some cases where they're separate.

**Mr. Rosario Marchese:** But if you have academic staff and part-time staff—

**The Chair (Mrs. Linda Jeffrey):** Mr. Marchese, please. You used a whole minute for your first question.

*Interjection.*

**The Chair (Mrs. Linda Jeffrey):** I know that. You're going to have to talk to him later.

Mr. Moridi.

**Mr. Reza Moridi:** Thank you, Dr. Miner and Ms. Vallance, for coming to this committee. And particularly Dr. Miner: I thank you for your insight and for bringing your long-standing experience and expertise both in the universities and colleges of this country and particularly this province.

In relation to your comment about the college employer council, the board: As you mentioned, based on Bill 90, we have 48 members, two from each college. Do you have any other proposition for the committee?

**Dr. Rick Miner:** I think you could consider following the decision made by our board of governors, which was to appoint each of the university presidents to the council. That would at least get it down to 24. It's still a little hefty, by my view. Because within the current legislation, you avoid the conflict of interest with the presidents because it's only boards that can deal with the administrators on the salary level, so you wouldn't have a conflict there.

**Mr. Reza Moridi:** Thank you very much.

**Mr. Jim Wilson:** Two things very quickly that are sort of administrative but they may be amendments that are accepted by the government; one is just on the board itself. Did Colleges Ontario survey the chairs? I understand the president or the chair of each college would—

**Dr. Rick Miner:** They did survey the presidents, who consulted with their chairs, but I can't say for sure that everybody was consulted. Certainly the presidents were consulted.

**Mr. Jim Wilson:** I'll ask Colleges Ontario.

The second one is with respect to making sure you have accurate lists of your part-time workers. You're so large, you're probably a good one to ask. Some pres-enters today have scoffed at the fact that if you don't have lists of your employees, you're not administrating things very well. But it is an amendment that the administration side—

**Dr. Rick Miner:** Actually, it's easier for us than some of the northern colleges, because at least we have seven locations that are all within 30 miles of each other and you pretty well know where things stand. When you're in the north and you have places all over and you need to be exact in terms of who is there, in that status, on that day, it's tough. This recommendation is not in any way to limit the ability of people to associate. In fact, it's trying to make sure we get it right. Giving some discretion, depending on the time of year, even the day of the week, to a board to say, "Okay, you've got five days," or seven days or something, I think would be appropriate.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much for your deputation.

#### DEBORAH HEADLEY

**The Chair (Mrs. Linda Jeffrey):** Our last deputation today is Deborah Headley. Good afternoon. Welcome.

**Ms. Deborah Headley:** Good afternoon. Thank you.

**The Chair (Mrs. Linda Jeffrey):** Thank you for coming. If you speak for a group, could you mention that as you introduce yourself, and after you've done that, you'll have 10 minutes. If you leave an opportunity at the end, we'll be able to ask questions of your deputation. I believe your handout is being distributed as I speak.

**Ms. Deborah Headley:** I missed all that last part; sorry.

**The Chair (Mrs. Linda Jeffrey):** If you could first of all say your name and the group that you speak for, you'll have 10 minutes, and if you leave time at the end we'll be able to ask questions of what you say. We have a copy of your deputation and when you're ready to start, please begin.

**Ms. Deborah Headley:** Thank you very much. I want to thank you for allowing my voice to be heard and for my story to be told today. My reality is that I'm a person who probably represents the majority of workers in the college system, yet our voices are rarely heard.

My name is Deborah Headley and I'm a professor in the faculty of community services and health sciences at George Brown College. I have taught continuously at the college for over 15 years, 13 in a non-full-time capacity. That wasn't always at my choice.

Perhaps today I hope to bring a different perspective or perception to this committee. I wish to offer you a different understanding of how Bill 90, in its present form, has an impact on workers like me. I want you to know that I'm not just here for myself and the people I represent; I am also here for you—yes, you—the members of this committee, because I believe that done well this legislation could mean justice not just for some, but this legislation could achieve justice for all of us. Justice

for all is what I hold as a true measure of a fair, healthy and productive society.

Let me begin by saying that there's really no other place in my profession that I experience such inequities as in the college system, and I think that's really unfortunate. I also want to say that, unlike some other workers, every day I face prejudice and discrimination as a member of many groups that are both visible and invisible. I can only state, from my observation, that at least at George Brown College, part-timers are heavily represented by women, people of colour, internationally trained professionals, new immigrants and people who are differently abled. We are people who bring a high level of post-secondary education and recognition to our fields.

Today I want to address one of those invisible groups to which I belong, and that is as a part-time college worker in the province of Ontario.

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Working at my college, in addition to facing everyday bigotry and marginalization, I have to deal with the mistreatment that has come as the result of my employment status. Discrimination based on employment status doesn't just add to my social inequities, it compounds them. This is because I have minimal, if any, recourse, and my employment status prevents me from accessing those mechanisms that are rightly and readily available to both administrators and full-time workers in the college system, and which workers, even students, in other educational systems have that I don't have in the college system.

For me, I want less, not more, barriers as a part-time college worker. Right now, there is no employment equity, no way that I can equitably compete for work. People like me represent the last hired and the first fired. Why make it harder for me by dividing us up even further? Why put us into four bargaining units?

There are wage inequities because there is no consistent standard, and for many people like me for whom this is a core, not a secondary, source of employment—this is not just extra money—it is not even a living wage.

There are workplace health and safety violations that go unchecked. We are being forced to work illegal hours under these substandard conditions or risk losing our jobs because we can just be replaced. Why do we have to choose between the job that we love and being able to take care of our families because we work part-time?

There is no ability to grieve because we have no one to represent us or advocate on our behalf within the college: not human resources, not administration at any level, not even human rights departments, and of course no union. We hope to be getting that soon, of course. I know this, because I have tried. We are forced to use our own resources, and these are, as you can imagine, often limited. Sometimes, to speak out is to face severe consequences. Why make our grievance process systematically complicated? It is difficult enough as it is.

I have faced abuse, hate behaviour, reprisal, hostility, aggression, loss of teaching or other work assignments and loss of work hours because my employment status



allows these acts to just go unchecked. So I don't want less accountability; I want the legislation and the systems that it governs to be something that is responsible and principled in recognizing and removing the barriers that we face—I and the people whom I represent.

Despite the hard work that has gone into giving me these new rights, the unfortunate fact remains that Bill 90 in its current form is still inadequate in providing and ensuring me the rights and working conditions that would allow me to offer the best learning opportunities to my students. It lacks the very mechanisms that currently offer fair treatment to full-time workers, and it divides us. What we truly desire is equitable access to what already works and improvements or additions to those measures that would make our working conditions fair. I believe that just because we've achieved legislative change, it does not mean that we are not entitled to quality treatment in that change.

In closing, I would like to reiterate that to implement a piece of legislation that for me, when I read it over, had the potential to be regressive and therefore be even more oppressive to people like me by not just contravening my labour rights but certainly the human and civil rights which have been hard fought for, sometimes over hundreds of years, would not be a "right" thing. I don't believe that it's anyone's intention to create a piece of legislation that indirectly contributes to or reinforces my subjugation as a part-time college worker, particularly as one who also happens to be a member of already socially marginalized groups.

Bill 90 has great intentions—yes. I applaud that. I greatly appreciate your efforts. After all, it has been 33 years. But great intention doesn't mean that the parts that perpetuate my oppression are acceptable. It is like giving somebody who is starving a plate, but no food. Let me tell you that when I challenge those parts, again, I'm not just thinking of myself or people like me; I am also thinking of you, because I believe that there is no way that a person or people can continue to mistreat members of a society and that it doesn't somehow eventually have an effect on you. If we persist in an attitude or act that knowingly hurts others, it must result in psychological, ethical and moral damage to your conscience. When we talk about quality of education, what are we really teaching in Ontario's colleges?

So I ask respectfully today that you grant me this consideration and reflect on my words. I ask you to take the next steps in this journey of part-time and sessional workers using a new and different lens. And I ask of you in this spirit and as good stewards of justice that you strongly consider and implement the recommended amendments to Bill 90.

I appreciate your listening attention. Thank you.

**The Chair (Mrs. Linda Jeffrey):** Thank you. You've given about 45 seconds for each group to ask a question, beginning with Mr. Moridi.

**Mr. Reza Moridi:** Thank you, Ms. Headley, for your presentation. You spoke about civil rights and human

rights in your presentation. Would you think that these notions have to be addressed in Bill 90?

**Ms. Deborah Headley:** Absolutely. I think they have to be addressed in every piece of legislation.

**Mr. Reza Moridi:** Thank you.

**Mr. Jim Wilson:** Well, we should have had you at the beginning. You were one of the liveliest and very articulate presenters.

In addition to the two-versus-four bargaining units—because you're obviously quite passionate about rights and your fellow colleagues, who also need to enjoy greater rights—is there anything else that you want to stress with us in the time you have? The cure-all won't necessarily all be in just two bargaining units; there must be some other things that—I think you need to audit your college, by the way, on a human rights side, if it's that bad. Anything else you want to stress for us?

**Ms. Deborah Headley:** I think the only thing I would add is that I didn't come into this process very lightly. I was very thoughtful and, if you ask my colleagues, I was very challenging with them about forming the union in the first place, because I knew what my treatment was like without a union and I knew what the treatment was like with people already being in a union. And I just know what my treatment is like generally in society, so I never take my membership lightly.

What I'm really asking today is not just to go into this process with that same sort of privileged lens, the same way of thinking and world view that you bring to many things. But I want you really to consider, from my perspective, the person who spoke last, the person who represents—and I'm not saying that nobody else represents those marginal groups, but I'm pretty visible, and it means something, not even just to my college or the administration but just walking into the classroom. It means something, and it doubles and triples the impact on me. But more than that, it doubles and triples the impact on students watching how I'm being treated, and for many students—students of colour, women, differently abled students and any of the identities that I represent—I am hope, I am possibility. So I could not agree with and support something that's going to diminish that.

**Mr. Rosario Marchese:** Thank you, Deborah. I think the issue of discrimination and racism is going to be with us for a long time, even—

**Ms. Deborah Headley:** I hope not.

**Mr. Rosario Marchese:** And I hope so too, in spite of all the best efforts of some of us. I think we need to challenge ourselves on a regular basis. And that doesn't mean politicians; it means everyone. That's an ongoing reality we have to deal with.

I believe that having a union is going to help. I recall a couple of years ago, when we were talking to part-time workers, they were afraid to talk about unionization, and they all expressed that, or at least the ones I talked to. I think it was a general rule that people were afraid. And so this will change it somewhat and this will help to deal, in part, with some of the questions you're raising.

On the issue of two bargaining units or four: You heard Dr. Miner saying that universities are different in

terms of university professors, college professors. My feeling is that, yes, they may be different, but their reality's the same in terms of what a college professor does and what a university professor does—full-time, part-time—that they're very similar. But what I'm hearing—

**Ms. Deborah Headley:** I'm sorry. I have a problem with my hearing, so when other people are moving around, I can't actually hear what you're saying.

**Mr. Rosario Marchese:** So my view is that if part-time workers—academic and support staff—are saying, "We want to be part of two bargaining units," it seems to me that we should be listening to them and that they might have a better sense of what protects them versus those who advocate for four units and argue that we're protecting them more by having their own separate little bargaining unit. What is your opinion on that?

**Ms. Deborah Headley:** Well, I'd like to have tea with the people who think it's different, because I think we have to have a fuller conversation about my experience. As I say, it doesn't sound like people have actually had an opportunity to sit down and hear from my experience. I don't know where that came from, because I know myself and my colleagues believe strongly and passionately in having the two units.

Secondarily, I've been working at the college for 15 years; I know my full-time colleagues. I've already developed a relationship with them. I've worked hard to build trust with them and them in me. Why am I going to undermine that by having four separate units and creating more dissension—or the potential for that, anyway.

With regard to the university thing, it's funny, because a colleague of mine who's actually a TA at a university laughed and said, "Oh, you don't even have a union and

you're part-time teachers?" So I think that we have to look at each system as a unique system, and we have to appreciate what that particular system needs, and not compare apples to oranges. I believe the reality is that we're all there, as faculty, anyway, to teach and, as support staff, to support the best education of students. The issue is not the number of units but how we best use the units, and I think two would be the best way to do that.

**The Chair (Mrs. Linda Jeffrey):** Thank you for your deputation.

**Ms. Deborah Headley:** Thank you.

**The Chair (Mrs. Linda Jeffrey):** This concludes the deputations that we're going to receive on this bill. Committee, I would remind you that you will be receiving a summary of the presentations by Thursday at 5; that for administrative purposes you would have your amendments in to the committee clerk by Friday at noon; and that the committee will be meeting for clause-by-clause consideration of this bill on Wednesday, September 17, at 9:30 in the morning. We hope it'll be in this room, but we'll confirm that with you before that time.

Unless there's further debate, this committee is—Mr. Wilson.

**Mr. Jim Wilson:** Just a question: Did we receive any mail-in written submissions?

*Interjection.*

**The Chair (Mrs. Linda Jeffrey):** We've received everything.

**Mr. Jim Wilson:** Okay, thanks.

**The Chair (Mrs. Linda Jeffrey):** So you'll get a summary of that from the research assistant. We're adjourned.

*The committee adjourned at 1453.*

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