

Union Affiliation Report



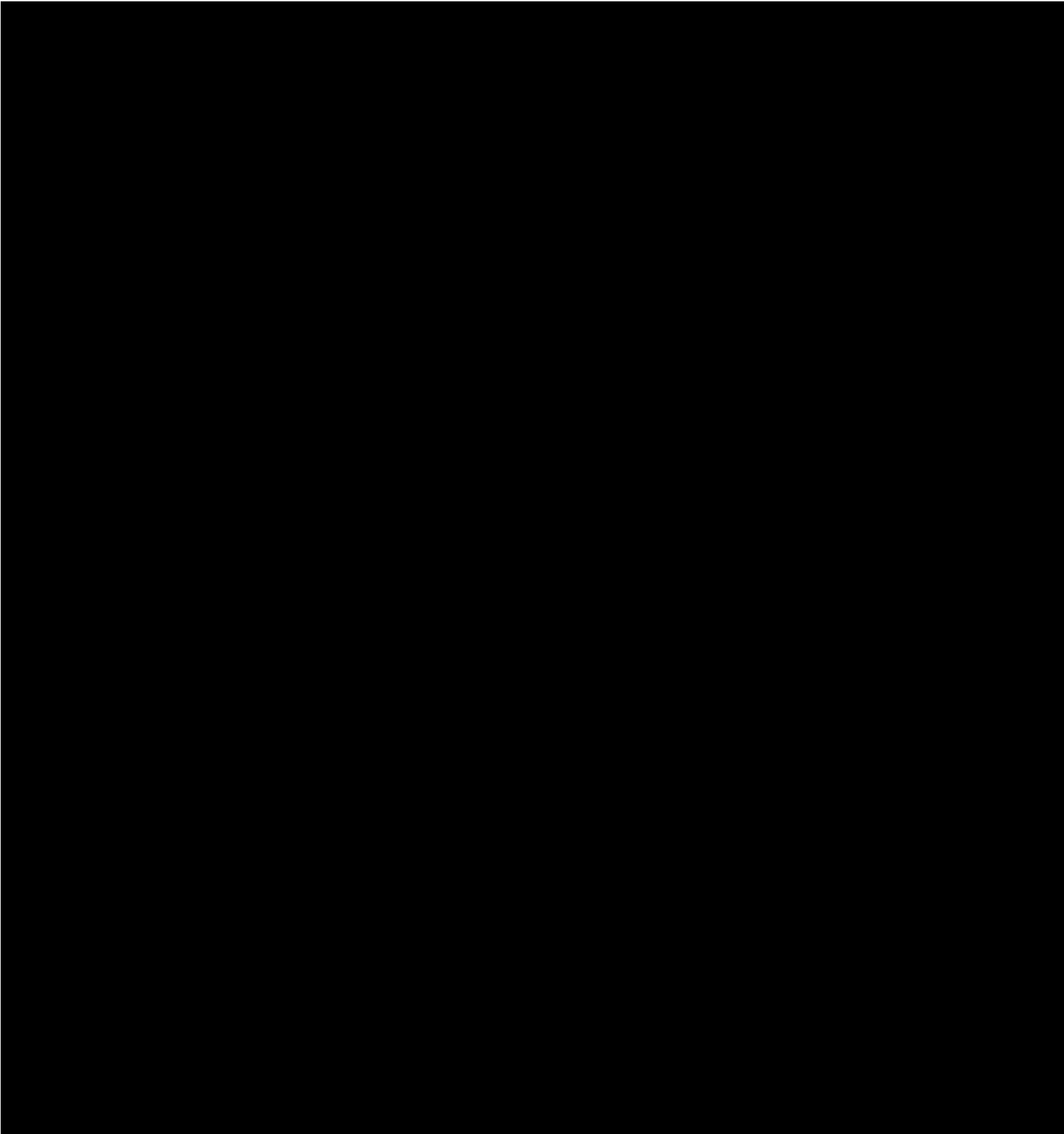


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The Right to Strike: Assessing our options for support

The Right to Strike is a key OCADFA demand in this round of negotiations, as well in the previous round. Although the Employer steadfastly opposes it, we may gain this right from the mediator/arbitrator in this round of negotiations.

What are the implications of winning the right to strike? How would OCADFA support its members financially through a strike? This document summarizes our main options.

How did we get here? Our school was established 144 years ago. So why, after nearly a century and a half without the right to strike, are we forced to consider taking this step? The Employer's resistance to improvements in working conditions over several rounds of bargaining has galvanized the membership to support a new course of action.

Relative to academic sector norms, studio faculty remain overworked, the use of limited-term contract faculty continues to increase, and we all are underpaid. Particularly egregious is the pay and treatment of Teaching Intensive Stream and Sessional Faculty. There has been some progress: for example, teaching load has declined in all areas. But these changes have come despite strong Employer opposition, leading to mediation for the third straight time. So here we are, with winning the right to strike through mediation as a real possibility.

The Administration's situation is much rosier: the OCADU President is not the lowest paid President in Ontario; in 2015, a 10% raise brought their salary to \$283,250, on par with the salary of presidents of much larger universities.

What options do we have to support a strike? There are two key points here: first, the right to strike does not necessarily mean going on strike. Strikes are relatively rare in the academic sector. What is important, as discussed at the OCADFA May 2016 AGM, is to have the ability to threaten the employer with our democratic right to take job actions, including withdrawing our labour.

A union can only legally strike when the contract has expired. Even if we gain the right to strike in this current contract round, it will only be possible to use this option at the end of our next contract. Second, the best way to avoid a strike is to be prepared and to have a healthy strike fund.

What options do we have to access a strike fund?

Four organizations are interested in partnering with us:

Canadian Association of University Teachers (CAUT) Defence Fund

Canadian Union of Public Employees (CUPE)

Ontario Public Service Employees Union (OPSEU)

Public Service Alliance of Canada (PSAC)

This publication outlines the pros and cons of four affiliation options so that we can have an informed conversation about this important matter.

Charles Reeve

President, OCADFA

April 2017



Mandate of Subcommittee of Union Affiliation

In 2014 an OCADFA Subcommittee was struck to investigate the advantages and disadvantages of affiliation with a larger organization. The subcommittee was struck in response to the University's strenuous opposition to most improvements in working conditions, demonstrated by the last three rounds of negotiations ending in mediation/arbitration. This is part of a larger investigation to assess and measure the level of OCADFA membership's interest regarding:

- 1. Maintaining the status quo.** Retention of the existing bargaining procedures outlined under the OCADU/OCADFA Memorandum of Agreement (MoA), including the use of binding arbitration as a resolution to the failure to negotiate a renewal of expired MoAs.
- 2. Re-table strike/lockout provisions for the MoA in the current negotiations and win the right to strike in negotiations or from the arbitrator.**
- 3. Affiliation with a larger union and access to a Strike Defence Fund.**
- 4. Transfer of jurisdiction.** If the right to strike is not won in current contract negotiations, another option to achieve the right to strike is a friendly displacement of OCADFA's bargaining rights to another union. In this process, the membership signs new union cards and a vote is held by the Ontario Labour Relations Board.

Preliminary Findings of Meetings with Provincial and National Unions for Expressions of Interest

Members of the OCADFA Executive and Craig Berggold (OCADFA Bargaining Campaign Assistant) sent out inquiries to, and met with, a number of provincial and national unions seeking expressions of interest regarding possible union affiliation.

Four organization with experience in the post-secondary education sector expressed interest in affiliating with OCADFA and gave presentations to the membership on March 17, 2016.



OCADFA Union Affiliation Information Session

Thursday March 17 at 6 p.m.

The Michener Institute of Education Auditorium
222 St. Patrick Street (St. Patrick and Elm Streets)

Presenters:

Canadian Union of Public Employees (**CUPE**)

Canadian Association of University Teachers (**CAUT**)

Ontario Public Service Employees Union (**OPSEU**)

Public Service Alliance of Canada (**PSAC**)

All OCADFA Members are Encouraged to Attend!

Over the past decade, the employer has strenuously opposed any improvements in working conditions – as shown by the last three rounds of negotiations ending in mediation/arbitration. So, you've asked for more information about what merging with another union would entail, and that's what this meeting is about.

Please attend this presentation from four unions to hear about their experience with academic bargaining. It is crucial background for the conversation about affiliation – and our decision about next steps – that will occur in the coming weeks.

OCADFA

The Ontario College of Art & Design Faculty Association
www.ocadfa.ca & facebook.com/OCADFA/?ref=hl

Canadian Association of University Teachers (CAUT) Defence Fund

CAUT is not a union, but an umbrella organization in support of faculty associations in Canada. OCADFA is already a member of CAUT, but not the CAUT Defence Fund.

Background and membership: Since 1978, the CAUT Defence Fund provides Canadian faculty unions with a unified strike fund. Membership is composed of almost 60 member unions representing over 21,000 members exclusively in the academic sector. The \$27.6 million Fund is made up of members' union dues and the interest accumulating with the Fund's invested assets. During a strike/lockout, strike pay is paid by the Defence Fund, and the membership's Group Insured Benefits are maintained by a loan from CAUT, to be paid back in one year.

Initiation fee and monthly dues: New member unions pay an initiation fee of \$30 per dues-paying person in the bargaining unit; therefore if OCADFA has circa 521 members the initiation cost is \$15,630. From February 2017, Defence Fund monthly dues are \$5.50 per member.

Affiliation's effect on OCADFA's structure: OCADFA would remain autonomous. Signing-off on contracts and strike mandates is not required. For bargaining, CAUT assigns a support officer who may be at the table. Most legal support is handled and paid for by the local union. CAUT supports legal matters concerning academic freedom and national significance.

Daily (Strike/Lockout) benefits: Strike Pay of \$88/day starts on the 4th day of a strike/lockout. Strike Pay covers seven days a week. The union (not individual members) must have joined CAUT for six months to receive these benefits as a grant; otherwise they will be a loan.

Strike Mediation and Arbitration Benefit: The Fund reimburses unions up to \$35,000 of costs incurred during mediation/arbitration when negotiating a contract, including final offer selection. Eligible expenses include, but are not limited to, legal fees, mediator's/arbitrator's fees and expenses, venue, travel, and other reasonable and necessary costs related to mediation/arbitration. Unions must pay the first \$5,000.

Strike Support Loan: Unions can apply to the Board for a loan of up to \$200,000 per week, to cover extraordinary expenses incurred during a strike/lockout, including support to settle (eg. mediation).

Group Insured Benefit Loan: Unions can apply to the Board for a loan, repayable within a year, to cover benefits (group life, disability, health) not covered by the employer after the contract has expired and during strike/lockout.

Bargaining Rights Defence Benefit: This loan reimburses costs in prosecuting unfair labour actions by the employer, or when collective bargaining or strike rights are removed/restricted by legislation.

Other support: During a strike/lockout the Fund provides, a flying squad of picketing supporter, and also lobbies on behalf of the union, upon request.

Canadian Union of Public Employees (CUPE)

Background and membership: CUPE is the largest union in Canada, representing more than 640,000 members (almost 70% women). Half of CUPE's 2500 locals have fewer than 100 members. CUPE has significant experience in the post-secondary sector, representing 57,000 contract faculty, sessionals and teaching assistants. OCADFA would be the first CUPE local to represent tenured faculty.

Monthly dues: Locals must collect a minimum of 0.85% of base wages in dues. Locals vote to decide how much to collect above that, which the local keeps for office space, staff and other expenses. The basic dues support an assigned CUPE staff representative who supports your local during bargaining, with grievances, arbitration and more.

Affiliation's Effect on OCADFA's structure: The structure and organization of CUPE locals are determined by the local, but local bylaws work within the CUPE constitution. Local autonomy is a CUPE principle and all work actions are determined at the local level. Once a strike mandate is reached there is no further requirement for approval from the national union, except approval for Strike Pay. Given how low CUPE's strike pay is, a number of CUPE's academic locals are joining CAUT's Defence Fund to top this up. Locals set bargaining priorities, and CUPE staff facilitate the bargaining committee. Locals may retain and pay for their own legal counsel, but most locals access CUPE's in-house legal department. OCADFA could keep their current staff members.

Strike pay: The National Office must approve National Strike Fund benefits. Members must complete 20 hours of picketing and strike-related duties to receive strike pay up to \$43/day (\$300/week), which starts on the 5th calendar day of the strike/lockout.

Bargaining support: The vast majority of CUPE's collective agreements are negotiated without labour disruption, but the entire CUPE union supports locals during strikes/lockouts. This includes financial support from the \$90-million National Strike Fund and the \$80-million National Defence Fund. After reaching a strike mandate, the local can apply for a grant for strike-averting or strike-supporting campaigns.

Insurance premiums: From the first day of a strike or lockout, CUPE covers group life/extended health premiums if the employer refuses to pay for their share of the coverage.

Legal expenses: Locals can apply for assistance with legal expenses related to conducting a strike or to restriction on the ability to strike.

Cost-shared campaigns: Locals may apply for non-repayable grants to cover up to half the cost of campaign expenditures through the National Defence Fund. A CUPE Communications Representative and a National Representative or Regional Director must be directly involved in planning the campaign.

Other support: Locals have national representatives for assistance with collective bargaining, equality, grievances, arbitration, health and safety, education, WSIB and other work-related issues. Other specialists provide expertise in labour law, research, communication, job evaluation and technology. A central database of more than 3500 CUPE collective agreements offers best-practice contract language related to many collective agreement provisions.

Ontario Public Service Employees Union (OPSEU)

Background and membership: OPSEU is Canada's largest provincial union, with 135,000 members, and has significant experience in the post-secondary sector. This includes 9,000 academic members (faculty, instructors and academic staff) at Ontario's 24 Colleges of Applied Arts and Technology. Each college has their own local. In addition, OPSEU represents tenured faculty at the Northern Ontario School of Medicine, as well as the recently-joined faculty association at Algoma University. OPSEU also represents support staff at the Colleges of applied arts and technology and bargaining units at Lakehead, Ryerson, York, Trent, Nipissing, OCAD, Huron College (at Western University), the Ontario Institute for Studies in Education (at the University of Toronto), and the Michener Institute for Applied Health and Sciences. OPSEU funds the attendance of a delegate from each local to participate in the annual convention. OPSEU's Executive Board, President and 1st Vice President are elected every two years. During negotiations, decisions to accept settlements or go on strike are made by the local's elected member bargaining team.

Dues: Member dues are 1.375% of wages. Dues fund the \$99 million annual OPSEU budget, including the maintenance of the \$70 million strike fund. If, after a strike/lockout of a local, the strike fund falls below \$50 million, OPSEU may levy a temporary province-wide supplementary dues assessment of 0.2 percentage from all of its locals until the strike fund reaches \$50 million.

Support: Two OPSEU regional offices in Metro Toronto are staffed with regional representatives, and members have access to membership centres with meeting space and equipment. OPSEU staff includes specialists in grievance handling, bargaining, pensions, benefits, health and safety,

pay equity, human rights, communications, campaigns, education, research, organizing, and more. Each local has control over their own grievances and whether to move on to arbitration. Costs for grievances, legal counsel and defending the collective agreement are covered by a central grievance fund, and supported by the regional office principally. OPSEU would consider retaining OCADFA's current legal counsel on retainer.

Affiliation's effect on OCADFA's structure: OPSEU does not dictate the local union structure. The majority of dues go to the provincial union, and these central funds are used to pay the costs of all locals for legal counsel, bargaining, contract defence, and education, as well as the staff support described above. Locals receive a quarterly stipend for operating funds, with a local of 500 members receiving \$27,900/year. Additional member levies at the local level may be used to support a local's own administrative staff.

Daily (Strike/Lockout) benefits: In the case of a strike, OPSEU members receive \$200/week plus \$50/week for each dependent from day one. This increases to \$300/week plus \$50/week per dependent at week four. The central OPSEU strike fund is used for strike pay and expenses related to strikes/lockouts or work stoppages. Group Benefits (eg. health and dental) are also covered.

Strike support: The Hardship Relief Committee is responsible for fundraising to support hardship relief. The central union may also collect money centrally for hardship relief. In addition, unused funds collected in other strike situations may be used to support striking members. The central union would also cover the cost of all logistical needs for the strike as well as provide a campaigns and communications officer to support the strike campaign.

Public Service Alliance of Canada (PSAC)

Background and membership: PSAC is a large Canadian public sector union with 180,000 members, 25,000 of which are in the academic sector. The union has experience in the post-secondary sector with locals for contract faculty, postdoctoral scholars and teaching assistants.

All academic unions in PSAC are Directly Chartered Locals (DCLs) and this ensures local autonomy. OCADFA would be the first PSAC local to represent tenured faculty in Canada. PSAC National Headquarters assist locals with negotiations, research, legal, political, and media expertise. OCADFA would provide input and determine their priorities for collective agreements. PSAC also supplies professional staff organizers, researchers and negotiators. The PSAC National President must approve strike action. However, this has never been denied to a local with a strong strike mandate.

As part of the democratic process, elected delegates from locals attend the PSAC National Triennial Convention. These delegates vote to adopt PSAC policies that direct how the national union will spend its funds and what priorities to pursue. They also elect the National President, Executive Vice-President and Alternate Vice-President.

Monthly dues: Dues average 1.6%, with 60% going to the National Office. Most of the remaining 40% is returned to the local based on the negotiated servicing agreement. Dues also fund the PSAC Strike Fund (over \$25 million) and pay for contract negotiations, arbitration/adjudication, legal services/representation, education and mobilization. Locals can also set up additional dues and levies.

Affiliation's Effect on OCADFA's structure: The structure and organization of PSAC's DCLs are determined by the local's members and the PSAC constitution. OCADFA can seek outside legal counsel at any time at its own expense, but may allow PSAC to take on more of a role. OCADFA could keep their current staff.

PSAC Strike Fund: The Strike Fund provides strike pay and can cover Group Benefits (eg. health and dental) and expenses from the first day of the strike/lockout. General strike pay is \$75/day to maximum of \$375/week.

PSAC Hardship Fund: This non-repayable fund assists members with financial hardship due to being on strike. Emergency assistance includes matters of food, shelter and financial hardship, but is not supplementary strike pay. Locals may set up their own additional defense funds with local levies.

Strike legal expense reimbursement: Locals may be eligible for reimbursement of incurred expenses going beyond regular collective bargaining costs such as legal proceedings and injunctions.

Other support: The Toronto Regional Office provides the expertise of Union Representatives, Organizers, Political Communications Officers, Grievance and Adjudication Officers, Health and Safety Representatives and a Regional Negotiator.

Transfer of jurisdiction: If a strike/lockout is not won in OCADFA's current round of arbitration, PSAC proposed to organize OCADFA membership and re-certify a new local in a card-signing member-to-member process: a friendly displacement. PSAC has a dedicated professional organizing staff in the academic sector.

Membership Dues and Strike Pay Summary

	Dues % gross income	Membership dues/year	Cost/year	Local receives	Strike Pay (tax-free)	Benefits during strike	Legal Counsel	Autonomy
OCADFA (current)	1.60%* *\$80 dues per \$5,000 income	\$369,025** **521 members in 2016	\$ 43,790*** ***OCUFA/CAUT	\$325,245	none	none	\$100,000 (approximate annual cost)	Current level of autonomy; no change to staff
CAUT Defence Fund	1.60%	\$369,025	\$ 73,292† †\$43,790 OCUFA/CAUT \$29,502 Dues and a one time \$15,630 Initiation Fee	\$295,733	\$88/day, starting on 4th day of strike	Anything other than strike pay is loan only, repayable in one year	Local is responsible for all legal counsel expenses, except the academic freedom fund	Current level of autonomy; no change to staff
CUPE	1.60%	\$369,025	\$196,044▪ ▪0.85% to CUPE	\$172,980▪▪ ▪▪0.75% local levy	\$43/day, starting on 5th day of strike	Covered, no repayment	Union pays for all legal counsel, local may fund additional counsel	Local autonomy; OCADFA staff locally funded
OPSEU	1.60%	\$369,025	\$317,130✧ ✧1.375% to OPSEU	\$79,795✧✧ ✧✧Comprised of \$27,900 Rebate \$51,895 0.225% levy	\$40/day plus \$50/ week per dependent, starts immediately	Covered, no repayment	No local legal counsel expenses, all centralized	Least financial autonomy; little funding for local staff
PSAC	1.60%	\$369,025	\$ 236,176♦ ♦1.024% to PSAC	\$132,849♦♦ ♦♦0.576% to local	\$75/day, starts immediately	Covered, no repayment	Union pays for all legal counsel, local may fund additional counsel	Local autonomy; OCADFA staff locally funded



SPECIAL MEETING BARGAINING UPDATE

Thursday, April 28th 10:00 a.m. to 12:00 p.m.
Michener Institute 222 St. Patrick Street, Room 1125

***All Faculty, Teaching Assistants,
Technicians, and Academic Staff
are strongly encouraged to attend.***

Can You Imagine An OCAD University...

- Where all contract faculty receive a living wage?
- Where faculty have parity in salary and workload with other Ontario Universities?
- Where there is more concern for quality education than for buildings?
- Where we have the right to strike?

OCADEA

The Ontario College of Art & Design Faculty Association
In Pursuit of Equitable Employment & Education Excellence

Press Conference & Food Drive Performance



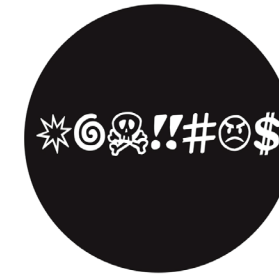
OCADFA Press Conference, @ April 5 at Noon, 100 McCaul

**Charity Food Drive Performance for OCADU Sessionals
and Teaching Assistants**

**We're asking you to culture-jam food packaging with
messages of precarious work at OCADU. Bring your
modified food items to the event or drop-off at Rm 248.**

OCADEA

The Ontario College of Art & Design Faculty Association
For more information: facebook.com/OCADFA



YOUR INSTRUCTOR MAY HAVE AN UNCERTAIN FUTURE.

- Did you know that sessional instructors have to reapply for their job each year?
- Did you know that sessional instructors don't know if they are coming back?
- Did you know that many sessional instructors teach at 2 or more schools to string together a living wage?
- Did you know that half of the teaching at OCAD University is done by instructors with contracts of one year or less?

OCADEA

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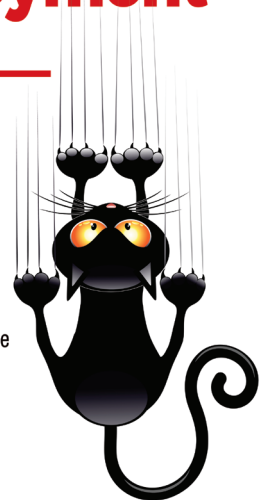
Join OCADFA for an important event focused on
precarious labour and **pay inequity**
in the academic environment!

Fair employment means _____

**Tuesday Oct. 25
4-6pm
Lambert Lounge**

4pm Video Launch
4:45pm Learning from Chakmagate
Alison Hearn (Western University)

Join us for button making at noon
Oct 24-25 in the OCAD lobby entrance!



OCADEA

The Ontario College of Art & Design Faculty Association.
In Pursuit of Equitable Employment & Education Excellence.
More info: facebook.com/OCADFA
An event held in conjunction with Canadian Association of University Teacher's
Fair Employment Week 2016.

Employment Classifications for OCADFA Members

Teaching Faculty

- Tenured/Tenured Track
- Continuing
- Contractually-Limited Teaching Appointment (CLTA)
- Teaching Intensive Stream (TIS)
- Sessional

Academic Staff

- Studio Technician
- IT Technician
- Academic Counsellor
- Teaching Assistant
- Research Assistant

Union Websites

OCADFA	ocadfa.ca
CAUT Defence Fund	defencefund.caut.ca
CUPE	cupe.ca
OPSEU	opseu.org
PSAC	psacunion.ca/home
Canadian Labour Congress	canadianlabour.ca
Ontario Federation of Labour	ofl.ca

Ontario College of Art & Design

Faculty Association

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