

BILL 124 HAS BEEN RULED UNCONSTITUTIONAL OCAD U ADMINISTRATION NEEDS TO PAY FAIR WAGES

OCADFA's last round of bargaining was conducted under Bill 124, and OPSEU Local 576's current round of bargaining started under the same bill. Known as the "Protecting a Sustainable Public Sector for Future Generations Act" this bill was introduced in 2019 by the Doug Ford government to arbitrarily cap your salary to a 1% yearly increase despite high inflation, cost of living increases and pandemic pressures.

Both OCADFA and OPSEU Local 576 opposed Bill 124 and joined a coalition of unions with the Ontario Federation of Labour (OFL) to launch a Charter challenge on the legality of the move by Doug Ford to restrict collective bargaining rights. Because of the court challenge OCADFA's arbitrator, William Kaplan, set aside [provisions in the last deal](#) that would bring us back to the table with administration once the courts decided on the legality of the bill. A similar approach was being used at the table by OPSEU, but before their agreement was signed, at the end of November of 2022, [the provincial courts declared Bill 124 unconstitutional](#). It is clear from Justice Markus Koehnen's ruling that the law is null and void and remains unjust.

In his decision, [Justice Markus Koehnen said the law:](#)

- Substantially interfered with collective bargaining,
- Infringed on the applicants' rights to freedom of association and collective bargaining,
- Limited the right to strike and the independence of interest arbitration.

The Ford government has appealed the ruling but did not seek a stay, which is significant. This means Bill 124 is not in force while the appeal goes ahead. This also means OCADFA can finally reopen Bill 124, OPSEU Local 576 can bargain a deal to address current financial realities, and together we can ask OCADU Administration to do what is **constitutional and equitable** – pay their employees fairly. Bill 124 has been profitable for the university as they realized significant savings from a union busting piece of legislation that froze your wages and has now been deemed unlawful.

Both unions have continued to meet with OCADU Administration, OCADFA to reopen Bill 124, and OPSEU Local 576 to bargain in good faith a long overdue collective agreement. We are seeking adjustments that are fair, and account for current cost of living and the realities of working in downtown Toronto. So far, the Administration is unprepared to discuss any details on Bill 124. We are told that because there is an appeal, OCADU Administration wants to wait for the appeal decision, which may be the end of the summer, or even years down the road until all legal avenues are exhausted. This is not what other university administrations are doing.

We now have examples from other associations and public sector unions of what potential re-opened agreements could look like. Faculty associations have collective agreements that were ratified at different points during the last three years under Bill 124. Take Queen's, for example, where the association avoided the restricted moderation period all together, and faculty have agreed to 3.5, 3 and 3 per cent increases in salary in their most recent collective agreement—this would not have been permitted under Bill 124. Similarly, at the University of Toronto, the CUPE contract faculty union negotiated 4, 4 and 3 per cent annual increases. Faculty at Trent were able to negotiate a retroactive increase above 1 per cent part-way through the period of restriction. Support staff at Trent University avoided the moderation period all together, while

support staff at the University of Guelph skipped one year of that restricted period. At Laurier, faculty have been reinstated a lump sum that was suspended under Bill 124.

Why then does OCAD Administration insist on waiting when there are multiple examples of faculty associations and staff unions settling agreements after Bill 124 was struck down? OCAD U Administration relied on the excellent work of faculty and staff throughout the pandemic, it's time this work was recognized fairly. Why should we be treated differently than our colleagues across Ontario? Capping our wage increase to 1% is a political choice.

Both unions are prepared to take steps in seeking a settlement on this matter and have communicated this to the Administration. It will be costly to go down this route, but we will do it. We'd prefer to come to a collegial agreement with Administration to move past this unconstitutional legislation and give our members the wage increases they continue to be unfairly denied.

United together, OCADFA and OPSEU Local 576 which represent the majority of workers at OCAD University, will not back down on this issue. We know Bill 124 has now been deemed unconstitutional. We know other universities have chosen to ignore the 1% cap and pay workers what they are worth. We know choosing to wait for the end of a court appeal is a political choice. Virtually no other university administration has opted for that route. We encourage you to speak to your colleagues, share this information and make sure people you work with understand that delayed action on a Bill 124 resolution will deny us all fair wages for our hard work. For OCADFA members, we've been denied this for three long years.

It's time for OCAD U Administration to pay fair wages.

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