

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

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Meeting Calendar

Board Meeting

- April 27, 10am - 11:30am

Grievance Committee

- April 26, 11am - Noon

STAY TUNED...

Spring Membership Meeting and In-person Social

Week of May 8th - Invite will be sent via email.



continued from "Bill 124"

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 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.

Julian Higuerey Nunez, President OPSEU Local 576

Min Sook Lee, President, OCADFA

BARGAINING UPDATE

OCADFA's Negotiations Committee met with the Administration the first time on March 10th and presented the seven pillars that encompass our bargaining mandate:

1. Fostering an Equitable and Fair Workplace
2. Advancing Professional Development
3. Protecting the Student Learning Experience via Manageable Workloads
4. Improving Job Security
5. Recognizing the Full Range of Faculty and Academic Staff Contributions to the University
6. Improving and Expanding Access to Benefits
7. Compensation

OCADFA is ready and eager to exchange a complete package of proposals. We await word on when the Administration will likewise be fully prepared to negotiate a renewed MOA. Stay tuned to our [social media](#), as we will be releasing Bargaining Bulletin's to regularly update the membership throughout the course of negotiations.

OCADFA Negotiations Team



Standing (left to right): Cybele Sack (Faculty of Design– Representative for Teaching Assistants and Research Assistants [interim]), Maria Belén Ordóñez (Faculty of Liberal Arts and Sciences – Representative for TS, CLTA and Continuing Faculty), June Pak (Faculty of Art – Representative for Sessional Faculty), Roderick Grant (Faculty of Design – Representative for Probationary and Tenured Faculty), Annie Tung (Negotiations Chair, Faculty of Design), Graeme Reniers (OCADFA Executive Director)

Sitting (left to right): Min Sook Lee (OCADFA President, ex-officio, Faculty of Art), Michelle Forsyth (Faculty of Art – Representative for Probationary and Tenured Faculty), Eric Steenberg (Studio Services – Representative for Technicians)

On the Administration's team: Caroline Langill (Vice-President, Academic & Provost), Sarita Srivastava (Dean, Faculty of Arts & Science), Stephen Foster, (Intern Vice-President, Research and Dean, School of Graduate Studies), Satoshi Uyede (Executive Director, People & Culture), Eleanor Antonicic, Manager, (Faculty & Employee Relations)

Indigenizing the MoA

In March, OCADFA's Negotiation Chair Annie Tung, President Min Sook Lee and Executive Director Graeme Reniers facilitated an in-person meeting with 8 members of OCAD University's Indigenous faculty to gauge support for, and receive feedback on, OCADFA's proposed **Indigenization Letter of Understanding** (LoU) which will eventually be tabled with Administration. There is a growing trend among Faculty Associations throughout the country to negotiate provisions to Indigenize their collective agreements. This would be distinct from equity, diversity and inclusions initiatives and contract language, such as recognizing the unique burden carried by faculty members from equity seeking groups or equitable hiring language that recognizes an inclusive range of qualifications.

While the language for the proposed LoU is still being worked out based on the feedback provided, some of the topics addressed by Indigenous faculty were:

- **What does Indigenization look like in relation to the governance of host First Nation communities in Tkaronto's Dish With One Spoon Treaty territory?**
- **Intellectual Property in relation to Indigenous Knowledge**
- **Research materials and the barriers faced by Indigenous students and faculty to obtain sustainably harvested traditional materials such as birchbark, porcupine quills, hides and furs.**
- **University policy on self-identification as it relates to the ongoing trend of "pretendianism" aka Indigenous identity fraud in academia. In this we looked at reports and actions taken by the University of Saskatchewan [who recently released an online portal](#) intended to verify U of Sask's Indigenous faculty and staff's connection(s) to community.**
- **Recognizing the importance of granting leave to Indigenous faculty to attend ceremonial and community events. This is a significant component of the proposed LoU as these ceremonies and events keep Indigenous faculty connected to their culture, the land and their community and is especially crucial for faculty whose home communities are located outside of the Tkaronto area (i.e. Northern Ontario, other provinces and countries).**

Though we are only in the initial stages of working through this proposed LoU, our first meeting resulted in generative discussions and provided a good foundation for moving forward with this initiative. Chi-miigwech to the Indigenous faculty members who took time out of their schedules to provide guidance in this endeavour. OCADFA is committed to continuing to work towards decolonization in support of Indigenous students and faculty.

*Aylan Couchie (Anishnaabe, Nipissing First Nation),
OCADFA Communications and Membership Engagement Coordinator*



Top (left to right): Min Sook Lee (OCADFA President), Aylan Couchie (OCADFA Communications & Membership Engagement Coordinator), Suzanne Morrissette (Graduate Program Director, CCP & CADN, Assistant Professor, Faculty of Liberal Arts and Science), Annie Tung (OCADFA Negotiations Chair, Faculty of Art), Howard Munroe (Assistant Professor, Chair, Industrial Design), Jason Lujan (Faculty of Design, INVC), Graeme Reniers (OCADFA Executive Director).

Bottom (left to right): Sadie Red Wing (Assistant Professor, Faculty of Design), Julia Rose Sutherland (Assistant Professor, INVC, MAAD, Faculty of Design).

Missing from Photo (attended via Teams): Tannis Nielsen (Lecturer, DRPT), Herman Pi'ikea Clark (Professor, Faculty of Design & Interim Director of the Advertising Program)

Progress (or lack there of) on the Bill 124 reopener

We have had a meeting with the employer at which we shared our proposals to address the outstanding items from Bill 124. As I shared previously, we are seeking an inflationary wage increase, removal of the lower contract scales, and removal of the bottom steps of your scales with additions to the top.

Despite Bill 124 being overturned at the end of November 2022, the Administration has let us know that they will not be able to respond to our proposals until after April 5th, when the Board of Governors meets.

OCADFA recognizes and respects the need for the Administration to receive a mandate from the Board, it's a necessary and important component of our university's bi-cameral governance system. However, we feel this delay is unreasonable; there are no surprises, or should be no surprises, in our proposals. We have all known this was coming and to take 6 months to consult the Board seems like willful delay. In all fairness the Ford government is the ultimate source of the labour chaos we are all dealing with. None of us sought the situation we find ourselves in. However, given the situation, resolving the outstanding issues expediently is in all our interests; the university needs to resolve the outstanding liability which only increases daily, and our members deserve a resolution in a time of high inflationary pressure.

To that end OCADFA has informed the administration that we are seeking mediation dates in May. We cannot wait until the Administration comes to the table to seek dates as this would lead to a further delay. This said we are more than willing, and we are ready to resolve the outstanding issues and mediations dates in May do provide the opportunity to come to a negotiated settlement if both sides focus on the issues at hand.

*Eric Steenbergen,
Past Negotiations Chair*

Sessional Drop-In Round-Up

During the past Winter 2023 Term we held our very first round of monthly Sessional Drop-ins. Our first two drop-ins were held on February 7th and March 8th, with our final drop-in of the term scheduled for this coming **Wednesday April 5th, 2023**. Our Sessional Drop-ins this term were hosted by Cliff Caines (VP, OCADFA), June Pak (Sessional Representative, Negotiations Committee, OCADFA), and Graeme Reniers (Executive Director, OCADFA). Our drop-ins were supported by Aylan Couchie (Communications and Membership Engagement Coordinator, OCADFA).

Our drop-ins have been well attended by our Sessional Faculty, both in-person (in the Faculty Lounge, MCA 258) and online (via MS Teams). Our meetings have been attended on a rotating drop-in basis with an informal and relaxed atmosphere. They have provided a safe environment and opportunity to meet other Sessionals and to learn from our community about issues affecting Sessionals.

Our February 7th drop-in kicked-off with the topic of **SESSIONAL RIGHT-OF-REAPPOINTMENT** (aka ROR), offering the opportunity for Sessionals to ask OCADFA's Executive Director Graeme Reniers anything about the new ROR process. Our March 8th drop-in focused on the broader topic of **SESSIONAL BARRIERS** in which attendees brought up and discussed a wide range of day-to-day employment barriers from personal experiences of racial and gender discrimination to lack of employer on-boarding.

Our final Sessional Drop-in is scheduled on Wed April 5th, 2023 with a focus on the topic of **SESSIONAL BARGAINING GOALS**. OCADFA has recently initiated our next round of MOA Bargaining, with a significant focus on improving Sessional working conditions at OCADU. Join us for updates on our Sessional-related bargaining goals, ask us anything about the bargaining process, and/or share with us what you think our bargaining priorities should be based on our current bargaining mandate!

Thank you to all those who have attended and participated in our Sessional Drop-ins. We look forward to continuing monthly drop-ins next Fall 2023!

Cliff Caines, Vice-President

A top-down photograph of a white teacup filled with orange tea on a saucer, surrounded by fresh mint leaves, a metal tea strainer, and a wooden spoon with loose tea leaves. The background is a light grey textured surface.

Topic: Sessional Bargaining Goals
Wednesday April 5th, 3:30pm-5pm
Faculty Lounge, MCA 258
and Online via MS Teams

SESSIONAL DROP-IN

Graduate Students **Identify Problems** with the TA/RA Hiring Process

In Fall 2023, the Graduate Student Caucus—a committee at the OCAD Student Union which I chair, surveyed graduate students across six of the seven graduate programs. Some of the questions pertained specifically to their experience as TAs and RAs. Much of the feedback that came back was related to issues that I had already brought up to OCADFA and to the University Administration. Graduate students are finding issue with the HR website's accessibility, they highlight the inaccessible language of the job postings that make it sound like they need years of experience, and they point out the lateness of TA appointments. The overarching theme that has been brought up a lot yet scarcely seems to be addressed is the mystification of the hiring process.

It is unclear how OCAD U students are prioritized when the postings for Teaching Assistantships are made on Indeed.com simultaneously. It is unclear how OCAD U students are prioritized when the answer to the question "Are you a TA/RA right now?" is usually in the negative.

Many current students express that they feel as if their qualifications to lead tutorials and/or serve as markers/graders are not taken into consideration during the hiring process. I really hope we find better ways of integrating graduate students and recent alumni in the assistantship streams because it is a valuable experience for them, and also a great opportunity for faculty to engage with passionate graduate students.

As I transition outside of my position as the Executive Director of Graduate Studies in April 2023, my successor will take on this advocacy but I also want to share with you my hopes for the future: **I hope that the University Administration takes into consideration the extra labour which falls on TAs (and contract faculty) to accommodate students who have particular needs that must be met; to compensate for this extra labor involved instead of forcing the people in these positions to work overtime and for free.** I also hope the pay discrepancy between undergraduate and graduate Research Assistantships is addressed holistically—the fallacy of the different tiers needs to be accounted for (i.e., undergraduate students with experience who are doing graduate-level research work). These are all things I've talked to my peers about, discussed with OCADFA, and raised with University Administration. These are things that my successor will likely work on, as well. We will keep repeating them until these requests are met.

Kalina Nedelchelva,
Executive Director of Graduate Studies and Chair of the Graduate Caucus,
OCAD Student Union

Student testimonials gathered by student representatives from 6 of the 7 graduate programs. The questionnaire was part of the 2022/2023 SU Graduate Caucus.

"If the HR portal did a better job of communicating the hiring process after you submit your application, that'd make the process a little more credible. At this point, it seems like your application just goes into the void."

"Need more support in how to tailor your application to suit a TA/RA position, what needs to be prioritised in the resume and cover letter, and examples of each would help."

"For the 1st year, there is a lot of doubt and gaps around the description of the profile. A lot of international students have never worked in this profile, so there has to be a way to explain to them to understand the profile better."

"Yes more diverse hiring practices including individuals from varying levels of experience and work backgrounds"

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Is Flow really to blame for increased class sizes?

Flow's an easy excuse for the Admin, let's not let them off the hook.

While Flow was meant to provide a road map for a more inclusive and interdisciplinary “learner-directed educational experience,” it is no secret that it was also meant to allow [“the university to build a more financially sustainable model of curriculum delivery.”](#) Simply put, this means larger classes.

It was well understood that being “financially sustainable” meant an overall increase in the average class size, but the assumption was this increase would be due to having more larger classes. That, in turn, was supposed to protect the University’s ability to keep small classes small.

The Administration has succeeded in increasing the average undergraduate section size, which went up from 22.9 students to 29.8 students from 2019-20 to 2020-21 alone. It has stayed around that figure since then. Likewise, total sections with an enrolment over 60 jumped from 26 in 2019-20 to 70 in 2020-21, and then continued to creep up. Small classes (those less than 30) have also grown by 3 students per section. That might not sound like much, but if you teach 5 of such classes in a year that’s an extra 15 students with no additional supports to help you to continue to deliver learner-directed studio-based learning. Increased classes sizes are actually antithetical to Flow’s non-monetary goals.

Class sizes jumped, but it would be hasty to blame that all on Flow. I can’t help but notice that 30% jump in the average section size occurred during the first “COVID year;” the year the University had to pivot entirely to online delivery.

Flow had not even been rolled out across the whole University yet, and only started in a few programs that first year of 2020/21, but every program was impacted by COVID. Instead of solely blaming Flow, it seems much more likely the Administration took advantage of the need for online delivery to drastically increase class sizes, and then has simply kept them inflated since. That was the understanding and concern at the time, and we would do well not to forget that.

Let’s look at a program that has yet to undergo the Flow transformation: Material Art and Design. Faculty and students there have also experienced massive increases in class sizes, from 13.9 students per section in 2019/20, to 19.6 students per section in 2021/22. Flow can not possibly be blamed here.

The Administration has heeded calls to undergo a review of Flow, and OCADFA welcomes that review. However, we should not let the Administration off the hook by blaming inflated classes sizes solely on Flow, and by inference on Senate for approving Flow. That jump cannot be legitimized by reference to the processes of collegial governance. That jump is on the Administration. It saved the University money, but OCADFA members and students continue to pay the price.

Flow was supposed to be a “learner-directed” initiative, but its hard to see how increased class sizes does anything other than increase workloads and diminish the student learning experience. A review of Flow is fine, but what we really from a labour perspective is for the Administration needs to come to the bargaining table and engage in good faith negotiations to address the substantial increase in workload our members have experienced.

Graeme Reniers, Executive Director

CALL FOR ACTION: **#SessionalsCount**

We encourage all members to add their name to the growing list of voices demanding meaningful job security that recognizes the long-term contributions many Sessionals make to OCAD University. **Take Action Here:** [Sessionals Count Petition](#)

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For Negotiations and Grievance Committee Members, please refer to our website: [About Us](#)