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BARGAINING UPDATE

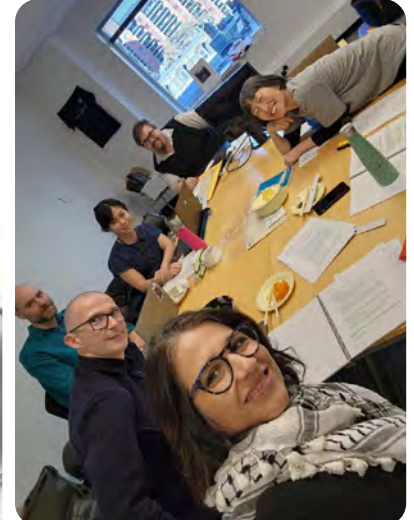
Bulletin #6 – December 15, 2023

We met with the Administrations negotiations team for the sixth time today. Our team pressed for, among other things, the need for large class premiums and improved job security for Sessionals; recognition of Chairs and Graduate program directors in the MoA; stronger faculty complement language to ensure a sustainable number of Tenure/Tenure-track appointments; an improved Graduate Admission and process for identifying supervisors; and a title change for Technicians to better recognize their role in the University.

The conversation today was productive and we look forward to continuing that momentum in the new year, with more frequent meetings.

#RaiseTheBarOCADU

OCADFA



Negotiations Committee: Maria-Belén Ordóñez, Roderick Grant, Eric Steenbergen, Annie Tung, Graeme Reniers and June Pak

BARGAINING BULLETIN

OCADFA'S BARGAINING POWER & WHY CAN'T WE STRIKE?

Amid the wave of faculty strikes across the country last year, and observing the progress (or lack thereof) of negotiations this year, a number of members have been asking – **why can't we strike?**

It's a fair question. There is no legislation that bars us from having the right to strike (we do not provide an "essential" service), and many faculty unions can *and do* strike. It's a question I've also often asked since I started working as OCADFA's first Executive Director just over three years ago.

The short answer: OCADFA was not always recognized as a labour union under the *Labour Relations Act* and shared a similar status to the other non-unionized faculty associations at the University of Toronto, McMaster University, and University of Waterloo. We could negotiate some of the terms and conditions of our employment via a *Memorandum of Agreement* with OCAD's Administration, but when we could not reach an agreement, we did not have the ability to strike (because we were not unionized) so we took our case to an Arbitrator. **When OCADFA was voluntarily recognized by the University as a labour union under the Labour Relations Act around the time OCAD became a University, our Memorandum of Agreement became, legally, a collective**

agreement. That bargaining structure, of appealing to an Arbitrator instead of striking to resolve an impasse in bargaining, survived the transition.

This means of resolving impasses puts us in the same boat as the Toronto Metropolitan Faculty Association at Toronto Metropolitan University (formerly Ryerson), who are also a certified labour union, but likewise sends unresolved bargaining issues to binding arbitration.

The compromise is that the Administration also can't lock us out in an attempt to break the union of faculty of academic staff into accepting concession we would never otherwise accept.

There are several advantages to being unionized, even without the ability to strike, with the main two being we have full recourse to the dispute resolution mechanisms provided under the *Labour Relations Act*, and the statutory freeze principle.

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Why Can't We Strike? (continued)

The latter means that even though our most recent *Memorandum of Agreement* is now expired, the Administration cannot unilaterally change the terms of employment for OCADFA members. Instead, the expired *Memorandum of Agreement* remains in force until we reach agreement on a new one, or until a new one is awarded through arbitration. The same can't be said for the members of the University of Toronto Faculty Association, for whom the university's administration unilaterally imposed new working conditions while the Faculty Association was trying to negotiate a new agreement.

It's important to note that an Arbitrator does not resolve outstanding bargaining issues in a vacuum, there are clearly defined principles they follow which have been established in an attempt to award collective agreements that replicate, as close as possible, the agreement that *would have been reached* if the parties could resort to the typical strike/lockout means of resolving an impasse. These principles are:

- **Replication:** the most important principle in that it most directly corresponds to the mission of creating a substitute to a strike/lockout. An Arbitrator will consider the economic climate (such as inflation), labour market conditions, and the historical relationship between the parties;
- **Gradualism:** otherwise known as incremental gains, this principle suggests that substantial improvements to a collective agreement are made gradually over several rounds of negotiations;
- **Comparability:** an off-shoot of replication, this principle means an Arbitrator will look at similarly contextualized employment relations to approximate where the parties would have landed without their involvement;
- **Demonstrated Need:** this principle suggests an Arbitrator will only change the collective agreement where the party proposing the change has demonstrated the need for that change. For example, if

there are a number of grievances on an issue, an Arbitrator may take that as a sign there needs to be a change in a collective agreement.

- **Catch-up:** the flipside of gradualism, any Arbitrator can buck the principle of gradualism where a comparable analysis demonstrates there is need for significant catchup.

As you can see from the above, these principles give us a considerable amount of bargaining power, as demonstrated through the significant [gains we made in Arbitration last round](#).

Preferably though, an agreement is reached with the Administration before we need an Arbitrator to award one, because then the membership gets to a chance to either ratify or reject that agreement. Most rounds we are able to reach an agreement, but when we can't, we present arguments based on the above principles.

And even though we resort to binding arbitration if a bargaining impasse can't be overcome, **having the demonstrated support of the membership goes a long way, and helps us tremendously at the bargaining table**. You only have to look at what last year's *Sessionals Count* campaign was able to accomplish to see the power member mobilization can wield. If we can demonstrate to the Administration (or to an Arbitrator) that our bargaining proposals have the overwhelming support of the membership, we can make significant change. There's one simple thing you can do right now to help your Negotiations Committee: [sign our petition to Raise the Bar! at OCAD University](#).

After that, be sure to [follow us on social media](#) to keep up with the latest bargaining news, and ways you can support your Negotiations Committee in the new year, and wear a Raise the Bar! button whenever you're on campus.

Graeme Reniers, Executive Director

Joint Health and Safety Committee Representative Needed

OCADFA needs another representative to serve on our Joint Health and Safety Committee (JHSC) with the employer and other workers at OCAD University. We currently have representatives from Studio Services, the Faculty of Design, and the Faculty of Arts and Science, so we particularly encourage a member from the Faculty of Art to step forward, to ensure we have broad representation.

If you're interested, or have questions (or safety concerns), please contact our JHSC Co-Chair, Gerald Grison, at ggrison@ocadu.ca.

We also want to thank Gerald and our other representatives, Kate Sellen and Tred Kennedy, for all their tremendous work on the JHSC!

Acting-President's Message - Fall 2023 Round Up

I want to thank all our OCADFA members – approximately 700 strong! – for their work and solidarity this Fall 2023. It has been a full and challenging term at OCAD University, across-the-board. OCADFA has been hard at work representing our members: at the bargaining table, representing grievances, campaigning to [Raise the Bar!](#), supporting Academic Freedom, and standing in solidarity with like movements and organizations in our sector.

Bargaining to Raise the Bar!

OCADFA's priority this Fall was negotiating for a new MOA, and our priority in the Winter 2024 term will remain the same. Our Negotiations Team started bargaining earlier this year and after a slow start with OCAD University's Administration, negotiations continued steadily throughout the Fall term. Our detailed bargaining updates can be found [here](#). I want to thank our Negotiations Chair **Annie Tung**, and the entire Negotiations Team for their continued efforts. Thank you **Min Sook Lee**, **Maria Belen Ordonez**, **Roderick Grant**, **Eric Steenbergen**, and **June Pak**. A special thank you to **Michelle Forsyth** and **Cybele Sack** who served on the Negotiations Committee in the earlier stages of negotiations. Negotiations will continue this coming Winter 2024 term.

I want to thank our OCAD University community for their solidarity in kicking-off our [Raise the Bar!](#) campaign during [Fair Employment Week](#) (October 16-20, 2023) in support of OCADFA's bargaining efforts. OCADFA held three days of actions including a *Raise the Bar! Day* (on Oct 17) and a *Fair Employment Day* (on Oct 18) in Butterfield Park, followed by an OCADFA Bargaining Forum (on Oct 19) with Keynote Speakers from the Ontario Confederation of University Faculty Associations (OCUFA).

I was especially moved by a show of support from OCADU students during our Raise the Bar! actions in Butterfield Park. OCADFA's Raise the Bar! campaign will continue this coming Winter 2024 term. Keep a look out for a new series of campaign posters on campus and social media!



Raise the Bar! Day

A Season of Solidarity

This Fall 2023, OCADFA stood in solidarity with several movements and organizations in our sector.

On September 27, OCADFA joined [March for the Land](#) in solidarity with the [Land Alliance](#) along with other Faculty Associations, Student Unions, and Academic & Arts Communities from across Ontario. Over 6,000 strong marched from Grange Park to Queen's Park, joining five First Nations from Northern Ontario in their call for Ontario Premier Doug Ford to end unwanted mining activity on their Territories.

On November 1, OCADFA released an [Emergency Statement on Academic Freedom in Times of Conflict](#). OCADFA joined the [Ontario Federation of Labour](#) and a growing number of other organizations and individuals in calling for an immediate ceasefire and end to violence in Israel-Palestine, and an end to the blockade on Gaza to allow aid to flow into areas where it is desperately needed. Joining our affiliations **CAUT** and **OCUFA**, our statement called for the protection of academic freedom reaffirming our position to defend the right of our members to exercise their academic freedom and to engage in public debate, both within and outside their areas of disciplinary expertise. Our Board of Directors adopted the Academic Alliance Against Antisemitism, Racism, Colonialism & Censorship in Canada (ARC)'s motions for a call to action, listed [here](#). **OCADFA called for an immediate ceasefire, and called on post-secondary administrators to recognize their obligation to uphold academic freedom, and the responsibility of universities and colleges to resist threats to institutional autonomy.** On December 11, OCADFA staff joined in the Global Strike to demand an immediate ceasefire in Gaza.

On November 22, OCADFA joined [OPSEU Local 576](#) for a Solidarity Demonstration held in Butterfield Park. Thank you to OPSEU Local 576 President **Julian Higuerey Nunez** for inviting OCADFA and the OCAD community to stand in support of administrative staff at OCAD University who were in bargaining at the time. *Continued on next page*



OPSEU Local 576 Solidarity Demonstration

Fall 2023 Round Up (continued)

OCADFA's most recent statement of support this Fall was released on November 28 in solidarity with IndigiNations' [Statement of Concern from Members of the International Indigenous Arts Community](#) to Institutions Worldwide. OCADFA and IndigiNations' statement was made in response to a recent trend towards institutional backsliding, specifically in regards to decolonization and Indigenization of public art institutions as evidenced by Wanda Nanibush's recent departure as the Art Gallery of Ontario's first curator of Indigenous art. See OCADFA's full statement [here](#).

Thank you to our OCADFA Board of Directors & Staff

I want to thank our Acting Vice-President **Natalie Waldburger** for her support this Fall term, especially for her focus on consulting our Chair/GPD members. Thank you to our Board of Directors **Annie Tung, Ali Qadeer, Richard Hunt, Christopher Bennell, and Gerald Grison** for their continued efforts in support of improving working conditions at OCAD University. I also want to welcome our newest Board members, Director-at-large **Ross Bullen** and TA/RA Director **Chris Leithead**, both of whom were acclaimed at our Fall AGM on November 20, 2023.

Thank you to our *Communications and Membership Engagement Coordinator* **Aylan Couchie** who has been responsible for OCADFA's social media and website work this Fall, including the amazing posters you saw around campus this term. I want to thank Aylan for proposing and launching a special project this term, the addition of a [Decolonization Resources](#) section available now on our OCADFA website. Follow OCADFA on your preferred social media [here](#).

Finally, thank you to our *Executive Director* **Graeme Reniers** for his remarkable efforts this Fall 2023 – especially at the bargaining table. Graeme is often the first and last contact for any OCADFA member, and he advises on every OCADFA committee. He remains central to the success of our Faculty Association.

To all OCADFA members, have a safe and restful holiday break!

Cliff Caines
Acting-President, OCADFA
Sessional Instructor, INTM, FoA



OCADFA Board of Directors

Acting President: Clifford Caines, Faculty of Art

Acting VP: Natalie Waldburger, Faculty of Art

Negotiations Chair: Annie Tung, Faculty of Design

Grievance Co-Chair: Ali Qadeer, Faculty of Design

Grievance Co-Chair: Richard Hunt, Faculty of Design

Secretary/Treasurer: Christopher Bennell, IT Technician

TA/RA Director: Chris Leithead

Director: Natalie Waldburger, Faculty of Art

Director: Gerald Grison, Studio Services

Director: Ross Bullen

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