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BILL 124

WE WIN AGAIN!

In a decision released on February 12, the Ontario Court of Appeal agreed with the lower court ruling that Bill 124 – **which capped public wage increases to one per cent** – was unconstitutional in that it substantially interfered with the collective bargaining rights of over 2,500 public sector bargaining units in the process.

OCADFA has been part of an Ontario Federal of Labour (OFL) led coalition of over 40 unions, representing more than 250,000 workers, which brought a Charter challenge to the legislation introduced in 2019. That Charter challenge was successful and the law was first declared unconstitutional in 2022, but that finding was appealed by the Ford government.

The provincial government has now conceded defeat and will not be re-appealing to the Supreme Court of Ontario, and will instead finally repeal the unconstitutional law.

OCADFA has already made use of its Bill 124 “reopener” when the law was first struck down last year, and renegotiated retroactive across-the-board salary increases for our members last summer.

You can read about that settlement [here](#).

BARGAINING UPDATE

Bulletin #7 – February 22, 2024

OCADFA's Negotiations Committee met with the Administration for the seventh time on February 22nd. Our focus this time was on workload issues. Specifically, we discussed course and total student load, graduate supervision, recognition of the unique burden carried by faculty members from equity seeking groups, and the equitable distribution of service.

Addressing workload has been identified by the membership as a top priority, with 77% reporting an intensification of work in the last three years. Indeed, since 2017 the student population at OCAD has increased by 13% but the number of non-Sessional faculty has actually dropped from 201 to 166.

Something has to give.

Our next bargaining meeting is scheduled for March 8th. We look forward to making more progress for our members.

#RaiseTheBarOCADU



OCADFA

HEAD TO THE BARGAINING UPDATES SECTION OF OUR WEBSITE TO CATCH UP ON PREVIOUS BARGAINING BULLETINS

BARGAINING BULLETIN

Notes from the Sector

Three new strikes in our sector have sprung up in recent weeks.

The 160 members of Mount Saint Vincent University Faculty Association (MSVUFA) have taken to the picket lines after months of intense negotiations failed to produce an agreement. The Association is seeking parity with other Nova Scotian and regional unities and to advance decolonization, equity, diversity, inclusion, and accessibility efforts.

The newly organized Association of McGill Professors of Law (AMPL) staged a one-day strike in protest of the McGill administration's failure to bargain in good faith. AMPL had given the administration a deadline of February 8 to settle four key issues: valuing the contributions of Indigenous and Black staff; leaves; tenure; and financial exigency. AMPL is attempting to negotiating its first collective agreement.

And closest to home, 3,000 members of CUPE 3903 across three bargaining units that represent Contract Faculty, Teaching Assistants, and Graduate Assistants kicked off their fifth strike this century on February 26th. Compensation is a central issue, as CUPE 3903 members remain without redress for the three years their wages were restricted to 1% under the unconstitutional Bill 124. There is some crossover in membership between OCADFA and CUPE 3903, so we express solidarity in particular to those who are members of both unions. You can send a message to senior administrations in solidarity with CUPE 3903 through this [link](#).

OCADFA has contributed, or will be shortly, to the strike funds of MSVUFA and CUPE 3903, and extends its solidarity to all academic workers engaging in collective action for improved working conditions.



WHO CAN AFFORD TO WORK AT YORK?

#WeAreYork

CUPE 3903



**An expired contract
means a
frozen contract.**

**BARGAIN
NOW!**



**RAISE
THE
BAR!**

Student Accommodations **and** Supervision Workload Survey

All faculty members of OCADFA will soon receive an invitation via email to participate in a survey on student accommodations and graduate student supervision. We have received numerous reports from members on the increasing workload associated with student accommodations and graduate supervision over the past few years.

To help us advocate for our members and address workload, which has been identified as a top priority in our most recent bargaining

survey, OCADFA is seeking to determine more clearly the specific issues related to student accommodations and graduate supervision that have had the most significant impact on workload.

It is a short survey and should take you less than 10 minutes to complete. It will be emailed to members once ready.



OCAD UNITES: Oscars Pool



Here's how to participate:

1. Fill out **THIS FORM** before Friday, March 8th.
2. Donate a non-perishable food item to the OCAD U Student Union Food Pantry (located at MCA-271 and RHB-620)

RESULTS TALLIED MARCH 11TH
TOP 3 ENTRIES RECEIVE
A MOVIE-RELATED PRIZE!



OCADFA Joins OCUFA's Social Media Day of Action

On Wednesday, February 28th, OCADFA joined OCUFA and unions and faculty associations across Ontario, to participate in OCUFA's Annual Social Media Day of Action for Contract Workers.

Count talking points were created and posted to our blog for OCADFA members to download and post on their own feeds.

This online event raised awareness about the pressures and struggles Sessional Faculty at OCAD U and other universities face. Shareable custom graphics combining OCUFA's graphics with our own Sessionals

We thank all members who participated and who signed [OCUFA's petition](#) supporting Contract Workers at universities across Ontario.

#RaiseTheBarOCADU #SessionalsCount #TogetherWeCan #Fairness4CF

Organizing 4 Power Training

OCADFA Member Training Opportunity - Spring 2024

Two years ago a number of OCADFA members participated in Jane McAlevey's *Organizing For Power* training. Another round of training will be happening this spring and we are calling on interested members to let us know. This year, we will be participating alongside our OPSEU colleagues.

This is a six-week intensive training program on the CORE FUNDAMENTALS of organizing composed of weekly sessions plus campaign assignments that we'll work on together. Over the six weeks, we will strengthen our knowledge and practice of

leadership identification, semantics, one-on-one conversations, charting and structure tests. [Learn more about the program here.](#)

We will be providing a \$500 honouraria for the first 5 Sessional or Contract Academic Staff (Contract Techs, TAs and RAs) who register. All OCADFA members, permanent and contract, are encouraged to join us for this special training opportunity.

If interested, please let our Executive Director know at graeme@ocadfa.ca

New Sexual Misconduct Policy

OCAD University's Board of Governors approved a new *Employee Sexual Misconduct Policy* this past October. The policy has not been posted publicly, but should be once it receives an official policy number. In the meantime, OCADFA can share what we know.

The policy essentially echoes the *Strengthening Post-Secondary Institutions and Students Act* (more commonly referred to as "Bill 26") which came into force on July 1, 2023. Sexual misconduct is defined in both OCAD University's new policy, and Bill 26, as follows:

- a. **Physical sexual relations with the student;**
- b. **Touching of a sexual nature;**
- c. **Behaviour or remarks of a sexual nature towards a student;**
- d. **A sexual solicitation or advance towards a student;**
- e. **Any sort of reprisal or threat of reprisal for a rejection of a sexual solicitation or advance.**

This definition has drawn criticism for overbreadth, in particular the reference to "remarks of a sexual nature" which is difficult to define and could possibly be used to undermine academic integrity – especially for courses that cover historically censored material that have historically been the target of "moral panics."

By explicitly aiming to circumvent the *Labour Relations Act*, Bill 26 can also be seen as a continuation of the Ford government's offensive against the ability of unions to represent their members.

In particular, the Bill – and OCAD's new policy – establish a finding of sexual misconduct to be "just cause" for any degree of discipline meted by the employer, including discharge. While OCADFA maintains the right to grieve the process which leads to a finding of sexual misconduct, Bill 26 removes the jurisdiction of a labour arbitrator to substitute any discipline handed out by an Employer for a lesser penalty, which is a common practice in grievance arbitration. It also bars anyone discharged for sexual misconduct from being re-employed by the University at any point in the future, prohibits non-disclosure agreements (unless one is requested by the student), and denies the ability of unions to negotiate any sort of monetary settlement for termination.

Bill 26 does very little to enact measures that will prevent sexual violence and harassment on campuses across the province. With its narrow focus on individual incidents of university employee misconduct towards students, it fails to address in any way the prevalence of student-on-student sexual misconduct, nor does it acknowledge in any way that those who work on campus (i.e. not only students) are also subject to sexual misconduct.

All instances of sexual violence and harassment on campus need to be addressed in a trauma-informed and survivor-centered manner, and proactive measures must be taken to address the misogynistic culture that abets such behaviour in the first place. Instead of laws designed to limit labour rights, we need adequate funding from the province, education, and meaningful input from experts and survivor advocates.

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