

To: CAAT Academic Local Presidents  
From: Bargaining Team  
Date: March 25, 2009  
Re: **Report of the 2008 Workload Task Force**

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**CAAT Academic  
Negotiations**

Attached is the Report of the 2008 Workload Task Force that was established by arbitrator William Kaplan to conclude the negotiations in 2006. It was chaired by Wesley Rayner. Rayner is an arbitrator and former Dean of Law at the University of Western Ontario, who was selected by arbitrator Kaplan. The Union appointed Dr. Marcus Harvey, an academic researcher with the Canadian Association of University Teachers. The Council appointed Morris Uremovich, an employee of the Council and a former manager at Algonquin College. Their biographies are in Appendix A of the Report.

The Union proposed to arbitrator Kaplan that the Task Force Chair be a person whose focus was academic research rather than dispute resolution. The impact of having the latter chair the Task Force is apparent in the Report's recommendations which reflect an attempt to give something to each party.

The Task Force cannot impose any contract language or terms of workload on the parties. It is limited to offering views and recommendations about how the parties should deal with workload issues in the next round of negotiations. The Report highlights seven areas. It makes four formal recommendations. There is also a subset of nine secondary proposals which relate only to the recommendation regarding "flexibility."

The Report recommends that the parties discuss amending the workload formula to allow some greater flexibility in the assignment of workload in relation to the weekly and annual limits. The subset of recommendations then limits the extent to which any flexibility might be tolerated and incorporated into the Collective Agreement.

The second formal recommendation addresses evaluation, and proposes that the parties negotiate an end to the practice of management having the unilateral right to determine evaluation methods. The recommendation is that evaluation methods be negotiated by managers and faculty who teach the

courses in question. Where there is no agreement, the WMG/WRA process is to be used to resolve any disputes. Evaluation was a major concern of faculty in the last round of bargaining.

The third formal recommendation is that the parties negotiate “a mechanism to address concerns over increased time needed for out-of-class student assistance when the total number of students taught reaches levels above the norm.” The Report goes on to suggest a threshold of total number of students taught and an escalator clause where numbers exceed this threshold. This proposal reflects a demand tabled by the faculty in the last round of bargaining.

The fourth formal recommendation is brief but significant: **“We recommend, therefore, that the parties consider mechanisms that will enhance collegiality, professional development, and academic freedom.”** This recommendation has a significant impact on all of the other recommendations and suggestions which have to be considered in light of these articulated principles.

There are three areas where the Report makes no formal recommendations but does offer comments to guide the parties.

In the section on preparation, the Report notes that the impact of course revisions for on-line delivery and other electronic course components add to time requirements. It also addresses the need for more time for curriculum development when course modifications meet a certain level (20% is suggested). The Report comments that the column on the SWF entitled “Additional Attributed Hours” “may be a useful tool for such course revisions.” The Report encourages the parties to develop guidelines or factors related to preparation that the faculty and colleges can then use in, “reviewing the preparation component of faculty work assignments.”

The Report notes that the, “need for professional development time for training, networking, becoming familiar with changes to existing technology, and research must be met if the college system is to remain vibrant.” The issues which arise here were funding and time constraints and are discussed earlier in the body of the Report at page 10. There is no formal recommendation.

Finally, the Report comments on the dispute resolution mechanisms and makes no recommendation for change other than that the Union local would need to have standing before the WRA in the event that other recommendations are adopted by the parties.

On the question of flexibility, the report relies solely on the survey feedback from managers and the pilot projects. The survey of teachers did not ask if they thought greater flexibility in the application of the formula would be advantageous.

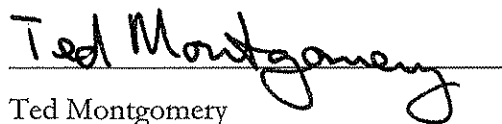
To rely on the pilot projects as a research basis for any meaningful input is unsupported by accepted standards of research. The Task Force rejected the previous faculty survey conducted by the OPSEU side of the 2003 Task Force because the data would be open to “charges that it may be biased by virtue of the fact of self-selection.” The 2008 pilot projects were entirely self-selected – a selection problem compounded by the fact that participants were paid \$1000 to take part.

There were only 56 faculty at only seven colleges who participated in the pilot projects – that is 0.8% of the bargaining unit. Of the 54 faculty who reported on their project, only 9 were very positive and 5 were positive. Regardless, the sample is far too small to make any scientifically valid conclusion whatsoever about workload for almost 7000 full-time faculty. By contrast, over 1300 faculty took part in the 2003 OPSEU Workload Task Force survey. And over 800 took part in the current Task Force survey.

The only meaningful conclusions one can make with regard to these projects is that there was little interest, despite the various encouragements sent from the Council to participate and despite the \$1000 incentive for every faculty member to take part. The additional “flexibility” offered by the pilot projects was, in fact, unwanted and unnecessary.

The bargaining team will be looking at the Report in detail and also at the raw data from the surveys which, unlike the pilot projects, do provide some statistically valid information. We will be providing further analysis as we continue to prepare for face-to-face negotiations. While there are some troublesome aspects to the Report, there is also justification for the positions faculty have advanced and continue to advance at the bargaining table in respect of evaluation, preparation, out-of-class assistance, professional development, and academic freedom.

For the Bargaining Team,

  
Ted Montgomery