

NewsBreak

Volume 19, Issue 5

May 2009

New process squeezes bargaining timelines

Contract talks set to start in June

Adapted from *Negotiations News #2, May 19, 2009* - opseu.org

Last year's changes to the Colleges Collective Bargaining Act (CCBA) mean college faculty bargaining won't start until June – just three months prior to the expiry of our contract on August 31, 2009.

The new CCBA also gives the employer the right to force a contract vote during negotiations.

Despite the new compressed bargaining schedule, however, the union is convinced that there is enough time to reach a contract settlement if management has the will to settle.

Given that the bulk of bargaining will occur while most faculty are on vacation, the faculty bargaining team is asking each local to compile a list of secure (non-college) e-mail addresses for each member of the local. The bargaining team's communiqués and newsletters will be

sent electronically to local presidents for distribution. For those who do not have a non-college email address, the local union office can assist in setting this up.

Communication with the membership is a priority for the bargaining team. Up-to-date e-mail lists are vital to the smooth and timely flow of information over the vacation period.

If you have not already done so, please email your non-Humber email address to Local 562 president, Orville Getz, at

opseu562@yahoo.ca.

You can also keep informed over the summer by checking:

- the main OPSEU site—opseu.org
- our Local 562 site—humberfacultyunion.org

“There are enough days to get a deal, if they want to bargain.”

- Ted Montgomery, Chair, Faculty Bargaining Team



Have a
great
summer!



OPSEU 562 Website

humberfacultyunion.org

- Up-to-date information on bargaining and related items
- Current and past issues of NewsBreak
- On-line SWF and salary step calculators
- Information on full-time and partial load benefits
- Current collective agreement on-line
- Contact info for Local 562 officers, stewards & committees

NewsBreak is a publication of the Humber College Faculty Union, OPSEU Local 562, intended to provide information and stimulate discussion. We invite your participation and welcome your contributions. All articles and letters should be signed, though in some circumstances the author's name will be withheld upon request. We encourage thoughtful discussion that respects human rights. We reserve the right to edit for libel, length, and clarity.

Articles reporting on union business will be signed and will include the author's position of responsibility in the local. Where an article has the author's name only, the views are those of the author. You may email the editor: maureen.wall@humber.ca or drop materials at the Faculty Union office - H109, North Campus, ext. 4007.

OPSEU Local 562 Stewards and Officers

President - Orville Getz
1st Vice-President - Paul Michaud
2nd Vice-President - Catherine Marrison
Chief Steward - Robert Mills
Acting Treasurer - Sylvia Ciuciura
Secretary - Audrey Taves
Allan Bradstreet
Allan Guttman
Larry Horowitz
Maureen Hyland
Rick Law
Donna Miller
Bernie Monette
Joey Noble
Aldo Papini
Vidya Rampersad
Gene Rychlewski
Leo Smits
Paul Suda
Yuri Sura
Maureen Wall

Board of Governors Faculty Rep- Paul Pieper

Local 562 Admin Assistant - Michelle Albert



NewsBreak Editor - Maureen Wall

maureen.wall@humber.ca

Surface / Internal Mail

OPSEU Local 562
Room H109, North Campus
Humber College
205 Humber College Blvd.
Toronto, ON M9W 5L7

Email: opseu562@yahoo.ca

Local website: humberfacultyunion.org

OPSEU Website: www.opseu.org



President's notes

by Orville Getz, OPSEU 562 President

General Membership Meeting June 3

There will be a General Membership Meeting on Wednesday, June 3rd in the Seventh Semester from 12 noon to 2 pm. Lunch will be served at 12 noon. There are several agenda items, including the election of a new treasurer for Local 562 and a celebration of Maureen Wall's 25 years work for the union including her 12 years as our local president. Please try to attend this meeting.

Labour Council Stewards' Assembly

A meeting of stewards and activists from all Toronto and District labour unions was held at the Sheraton in downtown Toronto on May 7. There were over 1,200 stewards, activists and labour leaders in attendance, including several stewards from our local.

The objective of the assembly was to map out a collective defence of our collective agreements and the standard of living of our members and to respond to the growing pressure on union wages, pensions and benefits.

We also came together to support coalitions like the **Good Jobs Coalition** and campaigns like the **Fix Employment Insurance Now** campaign.

Delegates to the meeting were presented with a Solidarity Checklist to help support workers who have lost their jobs. There will be a rally on Saturday, June 13th to support the Toronto and District Labour Council campaign - **Good Jobs for All For a Greater Toronto** (see back page of this issue).

Information is posted on the bulletin board outside the union office - H109 North, or you can visit the Labour Council website - labourcouncil.ca for details about the rally and about the Stewards' Assembly.

Bargaining begins in June

We are now in the 4th year of the collective agreement, which expires August 31, 2009.

Bargaining begins next month, and meetings have been scheduled throughout June, July and August. We will keep faculty informed of developments over the summer by posting information on our Local 562 website - humberfacultyunion.org. You can also check the OPSEU website - opseu.org - for any breaking news during the summer concerning a proposed settlement or vote.

Good news on return-to-work overtime claims

There have been several more meetings of the arbitration panel chaired by Owen Shime.

The colleges had raised objections on timeliness of the grievances and on the lack of prior written approval of the overtime before the overtime commenced. These objections have now been overcome, and the union has presented evidence on the merits of the case.

The arbitration panel has ruled that the preliminary evidence indicates that members did make adjustments to their workload when they returned to work and that these adjustments may warrant some additional payment for those who filed grievances.

The panel's preliminary award also says that fact situations vary depending on the particular circumstances of each case and that accordingly the grievances are to be decided on a case-by-case basis and that dates will be scheduled at the request of the parties. We will report more details as they become available.

This is our final Newsbreak for this academic year. The officers of Local 562 wish everyone a safe and healthy vacation. See you when we return on August 31. ⚙

College priorities reported at board

by Sylvia Ciuciura, Business Professor

A presentation of the Preliminary Annual Report 2008-2009 to the Board of Governors in April identified a variety of college targets which, according to the report, the college has met or exceeded.

These targets included enrolment numbers, 3% targeted growth, student retention, costs related to course delivery and the ratio of full time to part time faculty.

One result reported was that 40 new faculty were hired over the past year. Since this number includes replacements for retiring faculty, is this enough to cover the many new degree, diploma programs and increased student population?

Ratio of full time to part time faculty

A Board member asked Michael Hatton, VP Academic, about the preferred ratio of full-time to part-time faculty. He stated that the preferred ratio for staffing was 70% full-time and 30% part-time for daytime teaching hours.

He did not identify what Humber's current ratio actually was.

He commented that depending on the program, sometimes there is a preference for part-time faculty in the later semesters as they can be more current with respect to employment issues, but that, in some programs, full-time faculty have great success in helping students find jobs.

It would be useful for the college to present information on full-time, partial load and part-time hires as a measure of the faculty resources devoted to student learning and curriculum development.

Given that the number of partial load and part-time positions is increasing, why aren't more full-time positions being created? The collective agreement requires the college to give preference to hiring for a full-time position rather than partial load positions.

When approved, the Annual Report will be on the college website. ✍

Full-Time : Contract Faculty Ratios in Winter '09

Michael Hatton said that the preferred staffing ratio is 70% full-time : 30% part-time. No matter how you figure the numbers, Humber falls far short of that ratio.

Full-time faculty - 519

Total contract faculty - 895

Part-time - 355

Partial load - 452

Sessional - 88

College Workload Monitoring Group News

by Sylvia Ciuciura, Local 562 CWMG rep

At a recent meeting of the CWMG, I learned that in some schools when 15 week courses are compressed into 6 week spring courses, the same 15 week course outline is still used.

Shouldn't our students have a course outline that accurately reflects the 6 week timeline in

terms of content, assignments and tests? Some schools do provide students with revised course outlines for the Spring semester and some do not.

What does your school do? ✍

Chief Steward's report

by Robert Mills, OPSEU 562 Chief Steward



Grievances

At the end of this academic year, we have 5 grievances referred to arbitration:

- Two union grievances in Health Sciences.
One claims that the college has improperly classified clinical professors as sessionals.
The other claims that if they are classified as sessionals, then a large number should be rolled over into full-time positions.
- One grievance from Hospitality, Recreation and Tourism regarding discipline and sick leave notices.
- One union grievance claiming the college is not following the proper procedure for job interviews.
The union claims the college must interview internal applicants and select from eligible applicants in that group before interviewing external applicants for positions. The college interviews internal and external at the same time, which can disadvantage internal applicants.
- One union grievance that the college is not honouring a staffing settlement that was made for Creative and Performing Arts.

College Workload Monitoring Group

We have one referral to workload arbitration. The college does not believe that compressing a 15 week course into 6 weeks warrants a new preparation factor for a person teaching the 6 week course for the first time. That should be resolved by the end of the term.

Note to Coordinators

If you are asked to work during July or August this year, you will not be paid. We've been told that the previous policy of paying has been cancelled. It is now college policy that coordinators will not be paid if they come in to do work during those vacation months.

In our view, you have done the work you were paid for by the time your vacation begins. The college should pay you for any extra work you do during your vacation period. Why do work for free for the college? After being a coordinator for a year, you know you need the vacation.



Humber could be a Smart-Commute college

Excerpts from “Comments on the Campus Development Plan”
by Maureen Hyland and other library staff

On April 2, 2009, the Ontario Government and the City of Toronto announced an exciting new rapid transit system that enters directly into the Humber North Campus.

This announcement came at the same time that Humber was unveiling new plans for both campuses.

The concurrence of these two announcements provides an opportunity for Humber to provide leadership in creating a commuter campus.

The following is a list of recommendations for North Campus put forward by the authors (a group of concerned library staff):

- Increase bus service to the campus and introduce shuttle service between the North and Lakeshore campuses. York University improved the GO train service with an accompanying shuttle bus service to the campus. As well, they introduced a shuttle service between York’s two campuses. This decision allowed the deferment of previous plans to build two large parking structures and saved approximately \$80million.

smartcommute.ca/awards2007#NTV

- Collaborate with the Metrolinx, Smart Commute to facilitate sustainable commuting options for staff, students, and faculty to change the primary mode of transportation from sole car drivers to other modes. York University partnered with Smart Commute. The University has almost 67,800 students, staff, and faculty and today twice as many (60%) of York’s commuters use alternative modes of transportation (such as transit, carpooling and cycling) to get to campus compared to (30%) in 1999. smartcommute.ca/home

- Improve the cycling infrastructure. Hold events on campus to foster a cycling culture and provide services to cyclists. Activities and services may include

secure lockers for bikes, creation of bike lanes on campus, and provision of bike repair services. The University of Toronto provides free bike repairs for staff and students who cycle to work.

- Create an active Carpool Zone on campus and create a user group on carpooling. Provide an “emergency ride home” program.
- Disseminate information and provide programs that encourage students, staff, and faculty to use alternative modes of transportation. Provide incentives for those who make positive changes in their commuting habits. Sponsor events such as a Commuter Challenge (with other colleges), and a Car Free Day and Bike to Work Day.
- Reduce the number of cars on campus. The Town of Newmarket implemented a smart commute program that led to a 12% reduction in the number of cars in their parking lots during the first year of the program. These efforts resulted in elimination of 11.7 tonnes of CO2 of emissions in the first five months. smartcommute.ca/awards2007#Central%20York
- Expand the TTC discounted bus pass program to include discounted bus passes for York, Brampton, and GO transit lines.

There are many, many other ways to reduce single driver transportation to campus, and to build green solutions to improve the quality of campus life. Leadership is required. The new Campus Redevelopment Plan provides an ideal opportunity for refocusing our direction in this area. It also provides an ideal opportunity to take an innovative approach to defining Humber as a leader in campus commuting. 🚲

Academic Council highlights

by Audrey Taves – OPSEU 562 Academic Council representative

Mentor program for new faculty

Have you been involved in Humber's Mentor Program for New Faculty, Librarians and Counsellors?

Academic Council was given an overview of Humber's new mentoring program and a copy of the Mentoring Handbook by Pat Hedley and Deb Dunbar at the April meeting. For those of you not familiar with the program, this is a formal program where an experienced faculty member is identified by her/his administrators and asked to become a mentor to a new faculty member.

There are specific guidelines and expectations for the mentoring faculty. The role includes a carefully planned first meeting with the new faculty member, followed by weekly meetings, orientation to the college and student services, invitations to one of your classes, class visits to the new faculty's class for support, helping with the weekly Teaching Excellence Program, follow-up with Pro-Dev, provision of support and feedback, and more.

This sounds like a great program, one I wish had been in place when I started at Humber many years ago. This program acknowledges and builds on the experience and expertise of current faculty. We know we have wonderful faculty at Humber; it's great that this is being recognized!

Workload concerns

Pat and Deb also briefly discussed the feedback that they have received from this program. Not surprisingly given the expectations of the program, there were concerns from mentors regarding the amount of time needed to participate and also concerns from the new faculty who found their mentors didn't always have enough time to meet with them.

When asked how much time faculty were allotted as complementary hours on the back of their SWFs for taking on the role of mentor, Pat Hedley acknowledged that it was up to the individual school to allot hours for mentors. One associate dean present at Academic Council stated that he did allot hours for mentoring.

So, if you are approached by your administrator to become a mentor to a new faculty member – congratulations, your expertise and experience are being recognized!

HOWEVER, participating in this mentorship program requires a substantial time commitment. Make sure you are given enough complementary hours on the back of your SWF to allow you to meet the expectations. After all, you don't want your own classes and your own students to suffer if you are overextended!

If the role of mentor is truly valued by administration and by faculty, there should be adequate time allotted for the work.

If you are unsure of how much time you need for the mentoring role, stop by the Faculty Union Office, H109 North, or call ext 4007 for a chat.



Honour students forced to drop out?

by Jim Jackson, Liberal Arts and Sciences Professor

The recent down turn in the economy has hit recession levels and career placement jobs for students are very difficult to find for the summer months. The Bank of Canada has reduced interest rates dramatically to help our economy recover. Large auto companies to law offices have pared back the number of their staff and in fact, some companies are now facing bankrupt status. The down turn in the economy is widespread and smaller services and businesses in our society are now feeling the domino effect of this economic trend.

The supply of students looking for summer work is abundant now, and some employers are taking advantage of the situation by only offering jobs to students without pay. For some students, valuable job experience could be gained, but for other college students, they face being expelled out of their academic program due to the “rules”. Apparently, for some programs, the Ministry’s guidelines firmly state that a student must get a job which pays at least the minimum wage for a required period of time. Students are clearly up against the system! The number of jobs which fit the requirements for many career placements are shrinking due to this severe recession, and time is running out to complete the quota of hours for the placement.

Something is terribly wrong. The government and the post secondary institutions should work together. Career placements for students could be delayed one year. A student could be allowed to return for their next set of academic courses in September, and then complete a career placement requirement next summer, 2010, before they graduate. Hopefully, the economy would have started to improve and more paying jobs would be posted by employers. This plan could offer hope for

students, who have easily spent upwards to a total of \$45,000 for their first three years of their education.

Without a reality check and some logical administrative changes to this career placement requirement, many students who are passing their courses could not be accepted back into their program next Sept. and become drop-outs. How would you like your son or daughter, with an 80% average, caught in this “catch-22” and dilemma? On top of this, it is extremely alienating and frustrating to hear our leaders and officials say, “there is nothing we can do”? Now does that make sense to you? *✍*



What has to be disclosed in the accommodation process?

When a disabled worker requests accommodation, employers often ask them for medical information. However, workers are becoming more aware of their right to privacy.

Courts and tribunals have recognized that disabled workers should not be subject to unnecessary questioning about their medical history. But, an employer does have the right to request information about the worker's disability and restrictions.

The following principles may help union representatives as they guide disabled workers through the accommodation process.

What is "relevant"?


The employer is entitled to "all relevant information about the worker's disability, at least if it is readily available. This includes information about the worker's current medical condition, prognosis for recovery, ability to perform job duties, and capabilities to perform alternate work" (*Gordy v. Oak Bay Marine Management Ltd.*).

The employer is not entitled to medical information beyond what is relevant to the accommodation process.

What medical information is relevant will depend on the nature of the accommodation being sought. For example, an employer may be entitled to information about a worker's medications if the work in question involves the use of heavy machinery. In contrast, where a worker sought a leave of absence because of his depression, the employer's insistence on knowing the worker's "medications, dosages and length of time used" was found to be irrelevant (*Surrey School District No. 36 v. British Columbia Teachers' Federation*).


Normally, a medical opinion from the worker's doctor or specialist is enough to support an accommodation request. The

employer may only ask the worker to be evaluated by a doctor of its own choosing if the employer has a reasonable basis for doubting the information provided by the worker's doctor, or if the contract explicitly calls for this. [*Editor's note: our contract does not.*]

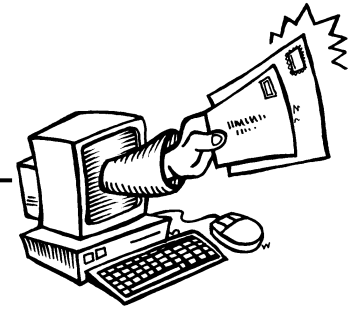
In preparing a medical report, doctors should not go outside their expertise. It is appropriate for a doctor to comment on the worker's disability, restrictions, treatments and prognosis. It is rarely appropriate for the doctor to suggest a particular accommodation—this is up to the employer. For example, it is proper for a doctor to say that because of a back injury, a worker is unable to lift more than 10 kilograms, but it would not usually be the doctor's place to say that because of a back injury, a worker should be transferred to a clerical position. 

Charlene Wiseman practises labour law with Sack Goldblatt Mitchell in Toronto.

To request accommodation at Humber:

- Inform your supervisor that you require accommodation.
- Your supervisor will send you to Human Resources.
- HR will collect the required documents from you to support your accommodation request.
- HR will communicate the accommodation factors to your supervisor. (**Note: unless you give permission, HR cannot give your supervisor your medical details, just the accommodations you need.**)
- If you have any problems at all with your supervisor concerning the accommodation process, go back to HR to have them resolved
- Call on a union rep for support with the process—ext. 4007—particularly if you have any difficulty. 

Letters to the Editor



Two readers responded to “*OPSEU and Israel: Where should we stand?*” by Wendy Phillips from the April 2009 *NewsBreak* issue.

Greetings –

I’ve just read the April 2009 issue of *NewsBreak*. First I thank you for sending it to me, as you always do, and I do read each issue.

I wish to limit these comments to the Commentary, on page 10, titled “*OPSEU and Israel: Where should we stand?*” As an OPSEU activist, I feel compelled to respond.

I understand that Local 562 may wish to allow space for the exchange of views pertinent to advancing the cause of the union and its membership. This commentary does not advance those objectives.

First, this commentary is not really about the OPSEU resolution. While it makes mention of the resolution and negates it, the commentary is mostly devoted to an anti-Israel diatribe. This one-sided attack in no way advances the discussion of the resolution, which, by the way, was supported overwhelmingly by the delegates at Convention when they ratified the Executive Board Report. Local President Orville Getz got it right in his quoted comment.

The commentary does not offer any balance to the discussion, which, I assume, was never the intent of the author. Publishing the piece without a corresponding defence of the resolution could lead a reader to conclude that the Local has taken the view of the author. I believe that delegates from your Local were among those who voted in favour of the Executive Board Report. I do not recall any delegates from your Local speaking in opposition to the resolution at the Convention. There is no disclaimer attached to the commentary.

Given the volatility of this commentary, and the complexity of the issue addressed by the resolution, other views may have been helpful.

The author may not realize the extent to which the CUPE Ontario resolution has alienated many CUPE members. Before she presents CUPE as the ideal and calls for OPSEU to follow that lead, she might want to consider that the welfare of all of OPSEU, rather than her obvious political bias, is the primary concern of a union member. Remember that Israel is the only country in that region with full and open trade unions, in addition to its other democratic institutions and processes (such as proportional representation) that do include its Arab population.

I supported the resolution because it brings OPSEU into the discussion without alienating any but the most hard-line on either side. It mirrors positions taken by Canada’s major federal political parties and many organizations on both sides of the political argument, which have done extensive study of the issues. Since when is it wrong to call for peace? That is precisely what the resolution calls for.

I applaud the efforts of Local 562. My comments are meant to support the efforts of the Local to represent all its members. I look forward to working in solidarity in future endeavours.

Jeff Arbus,
Local 613, Sault College

Letters to the Editor (continued)

Regarding: OPSEU and Israel

I was quite surprised to see Wendy Phillips' comments in April's issue of Newsbreak. Rather than responding to her many errors, misconceptions and misdirections I'd just like to say that I think OPSEU has taken the right approach. As local President Orville Getz has noted, it's a polarizing issue that the union should not get involved in. I strongly disagree with Ms. Phillips' characterization of our leadership as "spineless" – we have elected a strong principled team that maintains a necessary focus on workplace issues who do not deserve to be insulted. Hijacking the voice of the union for partisan fringe issues is not what our union is about.

As an academic I am opposed to any academic boycott, let alone a specific boycott of Israel. What I find strange and in fact laughable about her advocacy of an academic boycott against Israeli institutions is that we have no significant connections to speak of.

Israel is a world leader in medical, electronic, software, educational and green technologies. It has a vibrant court system that is comparable to our own and a dynamic and innovative business economy that is unmatched in the region and Israel's Histadrut Labour Union which was born in an academic institution has been a powerful and effective voice. All of these interests intersect with our college and union mandates. Instead of shutting down imagined relationship we should be creating more. In my own area there are a number of good books authored by Israeli academics. I use the Windows XP operating system which was largely developed in Israel and I teach my students about the issue of power management in computer systems - I've

received some excellent insights from my nephew who works for Intel in Israel on chip level power supplies.

But it's not just with Israel we should be encouraging connections with. We tend to over congratulate ourselves on being "best" amongst Ontario institutions. This is a preconception that at the very least we need to verify by making more contacts with our sister institutions. If indeed we do have better practices then we need to share our expertise. Regardless we should humble ourselves and be prepared to learn. Nor should we stop at Ontario's borders – we must be prepared to reach out to other colleges across Canada and across the planet.

My Union has taken what I feel is a correct approach. Academic boycotts are for dummies, not scholars. We need to recognize that we live in a networked world and to act accordingly.

Leon King,
Humber Applied Technology Professor



NewsBreak Editor:
maureen.wall@humber.ca

Good Jobs for All!

Rally and March!

It's time to fix E.I.
It's time to protect pensions.
It's time to put people before banks.

Saturday, June 13th

Rally starts at 1:00 p.m. at Metro Hall, King and John
March to follow

Bring flags, noisemakers, family and friends

Organized by:
The Canadian Labour Congress
Toronto and York Region Labour Council
The Good Jobs Coalition



One Local 562 delegate's creative doodle at the Labour Council Stewards' Assembly, May 7