

Newsbreak

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www.opseu562.org

Back to campus—but is it safe?

Des McCarville, Member, Joint Occupational Health & Safety Committee

Since the College closed last March, we have all been wondering what will happen this September. Would the College re-open, and if so, would we be called back to work on site? And most important: How safe would it be for anyone called back?

At the time of closing, both locals, faculty and support staff offered to assist and provide input from the workers they represent. The College in its wisdom, as we say, declined the offer and chose to exercise its management rights exclusively. Management has rightly been busy since the College closed. But both the faculty and support staff local leadership have felt that management was not interested in a two-way discussion.

The College must improve its performance with regard to health and safety. It cannot exercise managerial rights to the exclusion of employee rights. The [Occupational Health and Safety Act](#) (OHSA) is one of the few laws in this country where most of the responsibility lies with the employer, and most of the rights lie with the employee. Two examples of these rights will illustrate this point:

1. Explicit in the OHSA is the **Right to Refuse** what you reasonably believe is unsafe work (Clause 43 (3)). **No reprisal** is allowed under the law (Clause 50).
2. Also, any **certified health and safety rep** has the right to initiate a “**Unilateral Work Stoppage**” if they become aware of

an unsafe working condition (Clauses 47 & 48). The process can result in an immediate work cessation, or an investigation by the Ministry of Labour. For those who might feel uncomfortable with exercising their individual right to refuse work, please contact a [certified health and safety rep](#) if you are aware of an unsafe working condition. (See contact info on page 2).

This week, the College began the process of imagining re-opened campuses for the fall semester. Management is now proposing a “Reopening Planning Committee” with a number of goal-specific subcommittees. One of the subcommittees includes members of both union locals. Although health and safety are addressed on most of the subcommittees, this union/management subcommittee is the only committee that includes a health and safety rep. The Terms of Reference have been forwarded to our local and the first meeting is planned for Wednesday, June 3. Once we have finalized these terms, we will make them available on [our website](#).

Campus continued on page 2

Inside this issue:

The new normal	3	Chief steward’s report.	5
Not going to take it anymore	4	Teaching thoughts.	7

Campus continued from page 1

Since the College closed, both the worker caucuses and the whole Joint Occupational Health and Safety Committee (JOHSC) have continued to meet to discuss primarily issues that had arisen prior to closure. Information about the eight JOHSC's at Humber can be found [on this website](#).

Because of the College closing, we have not performed any inspections. As the re-opening plans become fixed, the JOHSC will need to review the plans and also, inspect the sites at the College before re-opening.

So that's where things stand at this moment. To date, the College's performance has been less than satisfactory. Information has passed in only one direction, from the top – down. For example, the College recently re-opened the Arboretum and assigned members of [Local 563](#) (support staff) to work on site. Neither the JOHSC nor the officers of Local 563 were informed of this development. If this is the process that management envisions for re-opening the rest of the College, I fear we may be in for a difficult September.

At this time, I cannot honestly recommend that anyone come back to the campus this September. But it is still early, and I am hopeful that we will

have a safe workplace this fall. We will engage in discussion with the College at the new Union-College subcommittee. The Local will be working on your behalf throughout the summer. Please visit our website for ongoing updates:

www.opseu562.org

Useful Links:

- [Occupational Health and Safety Act, R.S.O. 1990, c. O.1](#)
- Certified H&S members (faculty reps): contact.opseu562.org. Scroll down to the *Joint Health and Safety Committee* section.
- [Updates from Union/Management subcommittee meetings](#). 📄

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. E-mail the editor: newsbreak@opseu562.org or drop materials at the Faculty Union office – Room F105, North Campus, ext. 4007

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See the list of [stewards](#) on our website.

Surface / Internal Mail

OPSEU Local 562
Humber College
205 Humber College Blvd, Room F105

Local 562 Admin. Assistant - Michelle Albert
Newsbreak Editor - Sylvia Ciuciura



President's report: The new normal

Pearline Lung, President, OPSEU Local 562

Over the past few months, certain words and phrases have been ingrained in our everyday conversations – “unprecedented”, “exceptional circumstances”, and one of the latest ones “the new normal”. COVID-19 is a paradigm-shifter; society will never be the same as it was before. The impact of this pandemic is comparable to Ford's Model T, the development of vaccines, air travel for the masses, and of course, the internet. Whether scientists can develop a vaccine for COVID-19 or not, for many, working from home is “the new normal”. This means there will be more office spaces available, fewer commuters on the road, and more occupants at home throughout the day.

Faculty seem to have mixed feelings about this new reality. Some are loving both the time saved by not having to commute to work, and the increased flexibility in managing their time. Others have found it challenging to balance work/life responsibilities (especially those caring for children or the elderly), or to manage without sufficient physical space, the necessary office equipment, or internet connection to complete their work at home.

As we continue into the summer term and begin transitioning into the fall, working remotely from home will continue to be a necessity. But even when it is no longer a necessity, will we be back to “business as usual”, as we were pre-COVID? Likely not.

Just two months ago, many faculty became pseudo online course designers and instructors overnight. Many courses needed impromptu course revisions, including changes to lessons, course assessments, and methods of supporting students, some requiring last-minute training on software and platforms that we didn't expect we'd need.

With the grand shift of courses to online, it is likely that many courses will continue to be offered online, even when it is safe to return to campus. This new reality comes with new challenges that we are only beginning to tackle. Issues including intellectual property, academic freedom,

and addressing accommodations (for students and for faculty) are now amplified. Parameters that relate directly to online learning – synchronous vs. asynchronous delivery, class sizes, assessment types, academic integrity, privacy and confidentiality concerns – are just a few unresolved issues that we must face.

As we continue to navigate this new landscape, the stewards and officers of Local 562 remain committed to quality education and supporting the rights of faculty. Effective June 1, 2020, there will be some changes to the local executive:

- **Stacey Merritt**, our Local President for the past 2 years, has retired. Many of you know him, as he was a long-standing steward in HRT and a leader of Local 562 for many years.
- **Des McCarville**, our 1st Vice President, has stepped down from his position. He has also recently stepped down as Co-chair of the Joint Occupational Health & Safety Committee. He will continue to serve as a steward and a member of the JOHSC.
- **Bob Bolf**, who served as President from 2016 - 2018, has rejoined the officer ranks as 1st Vice President.
- **Chandra Hodgson**, who has been an active steward for the past two years, is taking on the Secretary role.

Many of our stewards will be continuing in their roles as well. With the support and guidance of this team, I will be replacing Stacey as Local President. As we continue to equilibrate to this new normal, we will continue to serve you, the members of Local 562, as best we can.

Finally, I'd like to thank Jennifer Leonard for her contributions as a Local Steward, and Stacey Merritt for his hard work and dedication to the Local. Congratulations to both of you on your retirement! All the best. 🍀

“Not going to take it anymore:” A call for morality and emotion

Milos Vasic, Steward, Faculty of Liberal Arts & Sciences & Innovative Learning

The title isn't a reference to Twisted Sister's 1984 glam-metal anthem, but rather to – going even further back – the 1976 cinematic gem, *Network*. In that movie, Howard Beale, a has-been news anchor (played by Peter Finch), becomes an overnight sensation when he loses it on air, invoking the folk-heroic cry, “I'm mad as hell, and I'm not going to take it anymore!”

Is it possible that we, the current generation of “Covidians,” may too snap sometime soon? If the pandemic is followed by austerity and belt-tightening in post-secondary education (which is increasingly looking like a good bet), will we simply take it, or will we express moral outrage?

Morality. Goodness. Fairness. Justice. As a faculty union, we've tended to shy away from talking overtly in these terms. Instead, our dominant “mode of speech” has been practical and factual, rooted in and around the intricacies of our collective agreement. While I'm not suggesting we should abandon our contractual discourse, I'm wondering whether we shouldn't *also* start speaking about morality. After all, the pandemic is overturning seemingly everything we thought we knew about post-secondary education. So maybe it's incumbent on us to roll with the changes by adopting a moral – and decidedly *emotional* – “compass” to help guide us through these seismic shifts. It's never too late for us to take the moral high ground, nor is it particularly difficult. We just need the courage to voice how we feel. It's cathartic and hopefully unifying.

As a union steward and employee of Humber College, I'm approaching a sort of “Howard Beale moment.” My anger is rising because management isn't being fully transparent about the *ramifications* of the current situation. More specifically, there have been increasing signs of managerial “creep” or over-reach. Some of these are real and apparent, and some potential, but *all* of them are worrisome be-

cause if we remain silent, we risk unwittingly incentivizing a micro-managerial free-for-all down the road.

So here are six things I'm deeply frustrated about as we end this academic year:

1. I'm concerned about the increasingly top-down manner by which courses are being transitioned and delivered online. In some Faculties, Associate Deans have tried to make synchronous learning mandatory; in others, professors have been instructed to submit their introductory videos to non-academic managers for “approval;” and in yet others, lengthy “bucket lists” spell out in cumbersome detail what professors must do in an online course. ***Management needs to back off!*** We are educational professionals and experts in our respective fields. Our collective agreement (CA) gives us the freedom to meet the learning outcomes as we deem appropriate – outcomes that we, in many cases, defined in the first place.
2. I'm sorely disappointed that the Provincial Intellectual Property (IP) Committee has failed to negotiate a system-wide resolution to intellectual property rights, as was mandated at the end of the 2017 strike. Because of this, it feels like we have unfairly had to give up some of our IP rights in the push to develop more online content, often with little or no disclosures. While there are workarounds to this problem, we shouldn't need to rely on them. It's reprehensible, in other words, that we lose of ownership of our ideas *by default!*

Not going continued on page 6

Chief Steward's report

Rena Borovilos, Chief Steward, OPSEU Local 562



Fall 2020 SWFs

Due to all the uncertainty caused by the health crisis, it is anticipated that over the summer more than the usual changes will be made to fall SWFs. If you receive a revised SWF while away on vacation and have concerns about it, call (416-675-6622, x4007) or email us (info@opseu562.org) for advice and assistance. You have five business days to contest the revised SWF but the clock doesn't start ticking until August 31, when you return to work.

2021 Partial-Load Registry

Faculty who wish to be considered for partial-load work in 2021, must sign on to the **2021 Partial-Load Registry** at any time from June 10, 2010 to the October 30, 2020 deadline. As indicated in Article 26.10 (p.58) of our [Collective Agreement](#) (CA), being on the Registry is one of the pre-conditions for members to be offered partial-load work at the College. For more information on the Registry, visit [our website](#).

Intellectual property concerns

Several of our full-time and partial-load members have approached us with concerns about how to maintain ownership of the academic and teaching materials that they have created, especially now that so much of it will be online.

The language in our current CA that deals with intellectual property (IP) is found in Article 13.01 which states: "Except as may be otherwise mutually agreed between the employee and the College, a work commissioned by the College, or produced pursuant to the employee's normal administrative or professional duties with the College, shall be and remain the property of the College. Other works produced by an employee shall remain the property of the employee. Nothing contained herein

shall adversely affect any rights an employee may have under the *Copyright Act* (Canada) and in particular the subsection addressing "work made in the course of employment"." (p. 25). This language has not yet been tested through arbitration rulings, leaving the meaning of "a work," "commissioned" and "of normal administrative and professional duties" open to interpretation.

The CA also contains a Letter of Understanding (p. 115) between OPSEU and the College Employer Council which states that both parties agree to discuss IP at the Employer/Employee Relations Committee (EERC). This discussion has yet to occur.

The Local continues to gather information about IP as it relates to our members and we invite you to get in touch with us if you have something to share.

Grievance/Arbitration update

In response to the COVID-19 health crisis, OPSEU and the College Employer Council agreed to suspend the grievance/arbitration processes until June 12, 2020. This date may be pushed further back, pending agreement from both parties. As a result of this suspension, a number of our grievance and arbitration hearings have been, or will be, re-scheduled. The Local has decided to continue filing grievances with the College during the suspension period. 🏠

Not going continued from page 4

3. I fear that the predominantly online fall semester will bring unmanageable workloads, triggering a veritable work-life “tsunami.” This situation risks compromising quality education, faculty’s mental health, or both. Moreover, it risks amplifying the challenges faced by certain faculty, namely women, who are often the primary caregivers of children and elders. Management needs to negotiate clear and consistent policies with the locals (562 and 563) to deal with the temporary work-overload and accommodation needs of its employees.

4. I’m appalled that contract professors were offered part-time, *support-staff* contracts for curricular work in the run-up to the spring/summer semester. This is egregious because the Humber locals have always depended on a clear distinction between academic and support work. But now, the “Sixth Floor” (i.e. senior management) has set a dangerous precedent: they’ve essentially opened the door for *anyone* to be hired to do *any kind* of academic work. Where will it end? Will labs soon be delivered *exclusively* by “non-teachers?” Will admin assistants one day be instructed to craft learning outcomes? The Colleges’ lawyers’ interpretations of the CA may make the arrangement defensible, ***but that doesn’t make it right***. At the end of the day, management’s tolerance for diluting and blurring the lines of professionalism should *never* be allowed to trump our professional integrity.

5. I’m infuriated that the College repeatedly rejected our request to serve on the COVID response team. This is simply bone-headed and arrogant. Humber brands itself as a progressive environment that encourages open dialogue, diversity of opinion, and critical thinking. Indeed, the latter was recently enshrined as a *Humber Learning Outcome*. Yet the College’s refusal to allow us at the table belies the ugly, “autocratic” truth that they don’t see us as meaningful partners in this institution. Unless contractually obligated, the only opinion they want to hear is their own. *Shame on them!*

6. I’m deeply pained by the prospect that fluctuations in enrolment numbers may lead to contract professors being offered fewer courses in the fall, or no courses at all. These fluctuations are obviously outside of the College’s control, but when enrol-

ment numbers finally rebound, I hope that the College doesn’t take the opportunity to gut partial-load (PL) contracts. Don’t forget that PL faculty were crucial in successfully finishing the winter term, and in developing and delivering an engaging online learning experience for the spring. As such, we need a commitment from Humber *now* to ensure that the contributions of our PL faculty are not forgotten, and that the College will reciprocate the commitment to PL faculty, as they have done during this pandemic.

Some people may feel that these six points are pointless insofar as you can’t rant, rage, or rail against the exclusive rights of management “to plan, direct and control operations” (as set out in Article 6 of the CA). Others might also say that it makes us look callous – even tone deaf – to rebuke management when the Colleges are facing an existential threat to their solvency. But then again, there’s no article in the agreement that obliges us to like or keep mum about the implementation of management rights, just as there’s no clause forcing us to censure our legitimate pedagogical concerns over their bottom lines. Until the College recognizes that it is in ***all our best interests*** to maintain *meaningful* lines of dialogue and negotiation, I’d argue we’re under no moral obligation to show them any good will.

So yes, I realize that by openly displaying our displeasure, we run the risk of having our anger “thrown back in our faces” (just as Howard Beale’s anger was ultimately used against him in *Network*). Unfortunately, it’s a risk we’re probably going to need to take, because even before the pandemic, the College’s intransigence was epic. Like it or not, if we feel we deserve a seat at the table – if, that is, we want a meaningful say over our working conditions – we’re going to have to stand up and speak up more often.

And hey, if they try to say we’re acting like over-privileged, out-of-touch profs, at least we’ll know they’re listening! 🗣️

Teaching thoughts

Stacey Merritt, Past President, OPSEU Local 562

As you read this, I will no longer be President of Local 562. The presidency has been passed to the very capable hands of Pearline Lung and I am sure she will do a fantastic job in leading the Local through the challenging times ahead.

It has been my pleasure to serve you over the past couple of years. I can guarantee you that all the officers of 562 worked very hard to support your needs and I hope you have felt that we adequately did that. The coming year will be like no other in the history of Humber. It will be interesting, demanding and everything in between. You will lead the College into a new era and never forget that your Union will be there by your side to assist you in any way that they can.

If I can, let me leave you with a couple of “old school” teaching thoughts that I feel may be relevant to the future:

Firstly, please remember that you were hired to teach at Humber because of your knowledge and expertise. Use that to make your courses your own. What separates one post-secondary institution from another is the quality of the faculty and what and how those faculty teach. The school with the best teachers is the best school and the best teachers aren’t confined by textbooks or administrators. They decide what

their students need to know about a particular topic. Use that academic freedom to make your classes great.

Secondly, like everything in life, there are pros and cons to whatever is done. The movement to remote delivery is no different. I recognize the necessity and the positives but I want to remind you of one thing that may be lost – the synergy that exists between faculty and students when material is delivered in-person in a classroom. My analogy is what actors feel when acting on a movie set versus on stage in front of a live audience. In a classroom or lab, students draw energy from us and we certainly draw energy from them. The result is a better learning environment. My wish is that you fight hard to ensure that the in-person classroom experience continue as the cornerstone of teaching at Humber in the future.

That’s it for me. It has been great knowing and working with you. I’m really going to miss you. All the best. 🙏



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Concerning my personal concerns

Larry Horowitz, Steward, Faculty of Media & Creative Arts

I am computer illiterate. On my first try in sending this article to Newsbreak I will probably fail to attach it properly to my email. I have never been on Facebook or Snap Chat or Twitter, etc. Not only am I unable to engage in those platforms, but I also believe them to be relatively unhealthy.

I can make a fire with no matches and only wet fuel. I can process a 70 foot standing ash tree into wood-stove-sized fire wood in one day using only a saw and maul. I can service several large swimming pools simultaneously and blow a five-hundred-foot driveway free of ten inches of snow. I can listen to a hundred jokes and quote them back almost perfectly. I can repair a generator, service a chain saw and operate a chipper, stump grinder and high powered pressure washer. I can fix a water pump, softener or water heater and do rudimentary plumbing and electric. I can teach four semesters of a stand-up comedy class with no need for anything other than a student and a word processor.

I have never used BlackBoard. I do direct counselling with students, face-to-face, or through email. Now, I'm required to learn that platform (I only learned what a "platform" is, yesterday); then, create an online course for teaching what many people consider "the unteachable". I designed a one hundred and seventy hour diploma course on how to be a stand-up comic. It is the only one in the world. It is mine and I have used its components prior to Humber College and may want to do so after Humber College.

My fear is that, as soon as it is all online, the College will own my baby. There are many faculty who already postulate the College will own anything you put on BlackBoard. I don't know if it is true but I suspect the adage "never let an emergency go to waste" may apply here.

Beside the issue of intellectual property, the efficiency with which I teach and the results I achieve are now at risk. The double whammy (good and bad) is, if I hopefully get the course online temporarily, I may have to maintain that format in future as I am currently quite infirm; I have severe kidney disease. I sincerely believe I can continue teaching for years despite my issues, particularly if I receive a transplant. However, the huge caveat remains...will it work and will I be able to learn the technical skills I need? This old dog is thoroughly terrified.

I am my father's son. He was a pharmacist and chemist, a Rhodes Scholar candidate who ran an independent drug store for fifty years. Even though he was demonstrating signs of old age, he was quite competent, still, when he retired. He told us he was frustrated when they brought in computerized protocols for pharmacy. He was set in his ways and comfortable typing-out labels and gluing them to pill vials. He enjoyed calling customers and rifling through his massive paper files. Once he was required to engage in a whole new set of procedures, he quit something which he did well. The ring of familiarity is so strong.



During the summer, you can contact us either by email or phone

Email: info@opseu562.org

Phone: 416.675.6622 ext 4007