

Management Bargaining Team Chair's August 10 Afternoon Remarks

This afternoon we will provide answers to the questions that you posed to us earlier today, and then provide you with a series of questions related to your U1 proposals and rationale on the theme of Equity. We will provide you with a copy of our comments and questions after the meeting today.

Response to Union August 10 Questions

Your first question to us related to our request for the research data that informed your proposals. You asked if we are suggesting that we will not provide responses until we have received this information.

The answer is that we are not waiting until all the research has been provided to us before we make initial responses to your proposals. However, it would assist us greatly in understanding your various positions so that we may provide you with informed responses. That said, we are working very hard with the information we currently have so that we can collectively continue to engage in dialogue. As an example, we have undertaken our preliminary analysis of your submission related to the theme of Equity and will be providing you with some feedback and asking a series of questions about that submission in a few minutes.

In your second question, you pointed out that we had not yet requested additional information for the majority of your proposals and asked if we would be responding to those proposals this week.

Many of the proposals you have submitted are complex and touch on almost every article of the collective agreement. These proposals require careful analysis of their implications. We are conducting this analysis as quickly as possible given the scope of the proposals. We will respond to as many as possible this week. The scope of this task is what led us to request some additional bargaining dates.

You also asked us when you can expect to receive the rest of the financial disclosure that was requested in your notice to bargain.

We provided significant financial disclosure just prior to our meeting at 11:50 am. We trust that you now have received this information and that it will provide with what you need for your monetary proposals.

You asked if the document that we tabled on July 8th labeled "College Non-Monetary Proposals" is our full package of proposals.

As has been our practice in past rounds of bargaining, our document of July 8 provides an overview of our areas of concern. We believe that discussions of the issues and challenges should occur prior to moving to draft contract language. As we deal with the areas you have raised and they touch on our areas of concern, we will engage in dialogue with you about these matters. We will provide specific contract language as appropriate based on those discussions.

Management Bargaining Team Response to U1- Equity Proposal

As indicated in our opening statement, we view the bargaining process as an opportunity for fulsome and frank dialogue aimed at identifying issues and discovering terms upon which we can reach a mutual agreement. This requires a search for common ground through dialogue and through efforts to understand each-others' perspectives.

Based on our respective opening statements and the union's initial proposals, we note that as Canadians we have a shared commitment to the values of equity, diversity, and inclusion and to the ongoing process for reconciliation with Indigenous Peoples. Like you, we are also aware that the current collective agreement must be reviewed with the intention of beginning to collectively identify and address language and process issues that contribute to barriers to creating an equitable, diverse, and inclusive workplace.

We know from experience and from the work that is already ongoing in many colleges that these are very complex issues requiring time and effort (and in many cases specialized subject matter expertise) if they are to be addressed effectively. They also require a shared understanding of relevant data and of the terminology that will provide the foundation for this important work. In addressing our shared goal of removing barriers within the language of the collective agreement, we can contribute to the broader efforts across the system to create a more equitable experience for all. We expect that there will be some Collective Agreement related equity issues that we can effectively and collaboratively address during this round of bargaining, and others that will require collaborative union/management work in the intervening years in preparation for the next round of bargaining.

In order to help frame our analysis of your submission and our response to your detailed proposals, we are proposing an operational definition for the term equity:

Equity is the guarantee of fair treatment, access, opportunity, and advancement for all without discrimination based on any of the prohibited grounds in employment under the human rights code. It requires the identification and elimination of barriers that prevent the full participation of some individuals and groups. The principle of equity recognizes that not everyone is starting from the same place or history and that deliberate measures to remove barriers to opportunities may be needed to ensure fair processes and outcomes¹.

A shared understanding of relevant terminology will be foundational to our ability to achieve mutual agreement on any issue. Our proposed operational definition is submitted in that spirit, and we welcome your feedback in this regard. We may need to clarify additional terminology as we go forward but wanted to begin with this key component.

¹ This definition was developed using resources from the following:

- Queen's University Equity and Human Rights Office <https://www.queensu.ca/equity/employment-equity/faq> [queensu.ca]
- Equity and Inclusion Office, University of British Columbia <https://equity.ubc.ca/resources/equity-inclusion-glossary-of-terms/> [equity.ubc.ca]
- Section 5 (1) of the *Human Rights Code*

Finally, we are submitting today a series of questions related to some of your U1 proposals and stated rationale. These questions are meant to help our team better understand the data and positions you have put forward in your submission so that we can engage in more informed dialogue on these important issues and work together with you to identify any changes to the Collective Agreement on which we could achieve common ground during this round of bargaining.

1. In your submission, you propose language which states that "an intersectional lens must be used to dismantle racism and colonialism, to improve the working conditions for racialized and Indigenous faculty."
 - a. We recognize that intersectionality is an important consideration for framing a more equitable agreement. We also recognize that it is a multi-faceted and complex issue. Can you describe what you mean by "an intersectional lens" with regard to your proposals?"
 - b. Isn't it true that different people may have different intersectionalities? How do you propose this be addressed in practical terms?
 - c. How does article 4.01 A as it is currently written provide barriers to improving work conditions for racialized and Indigenous faculty.
2. You also state that "the collective agreement must be strengthened to ensure equity, diversity and inclusion of Indigenous faculty and faculty from equity seeking groups in hiring, retention, advancement, workload and compensation." You have provided proposals which you state are intended to address these issues.
 - a. For each of these proposals, please describe for us the barriers that currently exist within each of those clauses, and how your proposed changes address those barriers?
3. In your U1 submission, you propose new articles 4.03 and 4.04 which provide for activities such as the implementation of policies and practices at the local level, as well as the generation and monitoring of data. You also propose actions at the provincial level.
 - a. What data relevant to the Ontario college system is currently available to inform the work that is being proposed in these new articles?
 - b. Wouldn't you agree that an understanding of the data is required before you can create a solution?
 - c. Wouldn't you agree that it is best practice in equity initiatives to develop a consultative process that engages the very people that the equity actions seek to support? In what ways do your proposals provide for this approach?
4. In your rationale, you state that "members report that systemic, structural and institutional discrimination is faced by Indigenous faculty members and faculty from all equity seeking groups in the college system." We acknowledge that there may be issues

within the Collective Agreement that need to be addressed, but it is important for us to understand the source of the problems in order that we address the actual problem with targeted and effective solutions. We further believe that to appropriately address issues of systemic, structural, and institutional discrimination, we must first understand the scope of the problem and its effects. That is information that we can only glean from concrete examples and the lessons that can be learned from them.

- a. What systemic issues have been reported? What evidence is available to provide information on the ways in which the current collective agreement is leading to systemic discrimination? What can be learned from those experiences and what evidence is available to enable solutions and support the exploration of practical improvements to the collective agreement?
 - b. Are there concrete examples that can be provided to help inform this issue? At which Colleges? When? In what context and in which faculties or programs?
 - c. What structural factors have been alleged to give rise to discrimination? At which Colleges? When? In which faculties or programs?
 - d. What instances of "institutional discrimination" have been reported? At which Colleges? When? In which faculties or programs?
5. You also state that "members have clearly indicated that bullying, harassment and racism are not dealt with effectively at the colleges."
- a. Are there concrete examples that can be provided to help inform this issue? At which Colleges? When? In which faculties or programs?
 - b. To what extent have affected members used the provisions of the collective agreement to address these concerns? Have barriers been identified within the language of article 4 as a result of those processes?
6. In your rationale, you state that "research indicates that Indigenous faculty and faculty from equity seeking groups are overrepresented in precarious work categories, such as contract faculty, yet they are significantly underrepresented in the college system as a whole."
- a. What "research"? Is this research that was done on the Ontario college system? Who undertook the research?
 - b. What was the research methodology? What was the sample? What was the rate of response?
 - c. How did the research define "precarious work categories"?
 - d. How many faculty are in the "precarious work categories"?
 - e. How many of the faculty in the "precarious work categories" are Indigenous?
 - f. How did the research define "other equity seeking groups"?

- g. How many of the faculty in the "precarious work categories" are from other equity seeking groups?
 - h. What data set do you have that identifies how many full-time faculty there in the system, their identification as Indigenous, or their identification as "from other equity seeking groups"? Can you share that data set?
7. In your rationale, you also reference "preliminary research (which) indicates that women do not have pay equity at the colleges and Indigenous and racialized faculty are differentially impacted by this discrimination."
 - a. What "research"? Is this research that was done on the Ontario college system? Who undertook the research?
 - b. What was the research methodology? What was the sample? What was the rate of response?
 - c. Can you provide us with a copy of the data set?
 - d. Which job classes in the academic bargaining unit do you assert are "female dominated"?
 - e. Which job classes in the academic bargaining unit do you assert are "male dominated"?
 - f. How do the male and female job classes compare from the perspective of the pointed value of the job classes?
 - g. What pay equity wage differential do you assert exists?
 - h. Given the structure of the pay system in the collective agreement, how do you assert this arose?
8. If the data exist to support these assertions, why did the Union state "...the college system must begin to collect workforce data that helps us understand exactly what 'together' looks like, and who is included and excluded. This data must be a springboard for identifying clear short – and long-term structural and institutional objectives to decrease bullying/harassment and racism, and increase equity in hiring, compensation, recruitment and retention of Indigenous faculty and members of equity-seeking groups."
9. In your rationale, you indicate that "all faculty must have equitable access to the maximum salary step and contract faculty must be afforded equal access to paid professional development."
 - a. What data are you using to determine that faculty who don't have access to the maximum salary step are from equity seeking groups? The data that we have analyzed from the workforce survey indicates that more women in the bargaining unit have access to the max salary step than men. We do not currently have access to that data broken down by age, race, gender, etc.

- b. Do you have access to that data broken down by sex/gender and by status as an equity seeker? If so, please provide it.
10. In your rationale you state that "Research in Canada's postsecondary education system indicates that women, racialized and Indigenous faculty are less likely to have full time positions. Contract faculty are paid less than full time faculty, even though they may have workloads that are often the same or greater".
 - a. What research are you referring to?
 - b. Can you provide us with a copy?
 - c. In which institutions was the research carried out?
 - d. When was the research conducted?
 - e. What was the research methodology?
11. In your rationale, you also state that "the staffing inequities of Ontario Colleges are one manifestation of systemic racism and/or gender discrimination, as is currently happening in other postsecondary education institutions."
 - a. What specific staffing inequities are you referring to?
 - b. You reference in your rationale that this is "...currently happening in other postsecondary education institutions". Which postsecondary institutions are you referring to? What study/data are you using to support this statement?
 - c. Can you provide data on which you rely for these assertions?
12. In your submission, you state that the "definition of religious leaves must be expanded to include Indigenous ceremonial leaves". In your proposal, you propose the addition of the words "...or cultural reasons..." to article 21.03 regarding religious leaves.
 - a. Is your addition of the words "...or cultural reasons..." intended to only capture Indigenous ceremonial leaves?
 - b. How do you propose colleges collaborate with relevant Indigenous communities to identify appropriate accommodations for ceremonial or cultural leave?
 - c. How do you propose colleges collaborate with other relevant communities based on creed?
13. You also state that "the definition of leaves afforded to faculty to grieve the loss of family must be expanded to include extended and chosen family members."
 - a. 21.04 currently states that "...21.02 is applicable to employees seeking bereavement leave related to the death of persons not identified in 21.04". How is this concern not already addressed in those current articles?

14. In your rationale, you state that "when returning to work experiences of bullying, harassment and racism are alarming and structural barriers to equity are clearly apparent within the college system."
 - a. Can you provide specific examples?
15. As part of your proposed changes to article 17.07, you include "...a Return-to-Work process that outlines the steps to be followed in managing individual return to work cases (...) which include (...) the employee, and his/her Union representative".
 - a. How would this address issues of employee choice and privacy in cases where the employee does not wish to have the union present?
16. In your initial proposal, you have requested the addition of article 11.02 C1 ii which reads: "reviewing workload in general or by request at the College to address workload distribution across equity seeking groups".
 - a. How do you propose this review be undertaken?
 - b. What data sets are currently consistently available to inform this type of review?
17. Throughout your rationale and initial proposals, you refer to Indigenous Elders/Traditional Knowledge Keepers who would participate in various processes and committees as required.
 - a. How do you propose that these Indigenous Elders/Traditional Knowledge Keepers be identified? What process would be used to ensure that they are recognized by their Indigenous Community as such?

In Conclusion

We are continuing our work. We won't have any more to share today and will provide an update through Heather on where we are at tomorrow morning.