

## Understanding and bargaining our new rights

*May 2018*

Ontario has a host of new employment and labour laws, which were included in *Bill 148, Fair Workplaces, Better Jobs Act*, that will help bring more fairness to workplaces. Through the Ontario Confederation of University Faculty Associations (OCUFA) and your faculty association, faculty are part of the province-wide Fight for \$15 & Fairness movement that won these advances. The new legislation has major implications for campus workers, and several provisions will impact faculty working conditions.

### **Equal pay** (effective on collective agreement expiry date or January 1, 2020)

Employers are required to offer the same rate of pay to part-time, contract, casual, temporary and seasonal employees, who are doing substantially the same work in the same workplaces as their full-time or permanent counterparts. Employers cannot reduce the pay of a full-time or permanent employee to comply with the new law. As long as the work requires substantially the same skills, effort and responsibility and is performed under similar working conditions, the equal pay provisions apply. There are exceptions in cases of seniority and merit, as well as for “any other factor”. But the criteria must be transparent and accessible to all workers.

Employers will use broad exceptions and loopholes in the equal pay language to try to avoid paying workers fairly, including contract faculty. Our work is to develop a strong case for equal pay for all faculty, and to build power on our campuses to win fair equal pay measures in bargaining. **For questions about advocating for equal pay for faculty or to get involved, contact your faculty association at [office@uoitfa.ca](mailto:office@uoitfa.ca).**

### **Vacation pay** (effective January 1, 2018)

Workers, including contract faculty, who have been working for the same employer for a period of employment of at least five years are now entitled to six per cent vacation pay (up from four per cent) and three weeks of vacation (up from two weeks). **For questions about how this provision affects faculty on our campus, contact your faculty association at [office@uoitfa.ca](mailto:office@uoitfa.ca).**

### **New and extended leaves** (effective December 3, 2017 or January 1, 2018)

All workers in Ontario are now entitled to several new or extended leave provisions:

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|---|---------------------------------|
| - Extended parental leave               | - Extended pregnancy leave      |
| - New critical illness leave            | - Extended family medical leave |
| - Improved personal emergency leave     | - New child death leave         |
| - New domestic or sexual violence leave |                                 |

Your faculty association is working hard to determine how these new leaves will interact with our collective agreements. In each case, if all of the relevant leave provisions in a collective agreement taken together are better than the *Employment Standards Act*, your collective agreement applies. Where a greater benefit is not included in a collective agreement, these new provisions apply. **For questions about how these provisions will affect you, contact your faculty association at [office@uoitfa.ca](mailto:office@uoitfa.ca).**

## **Consolidation of bargaining units** *(effective January 1, 2018)*

Measures governing the consolidation of bargaining units present a new option for faculty associations with fragmented bargaining units. Newly organized faculty will now have the option of submitting a request to the Ontario Labour Relations Board (OLRB) to be merged with an existing unit, which will help avoid further fragmentation going forward. This option is available as long as the units have the same employer, at least one of the units is newly certified in the last three months, and the new unit does not yet have a collective agreement in place. In deciding whether to merge the units, the OLRB must consider whether it would contribute to an effective bargaining relationship and the development of bargaining in the industry more generally.

Another new provision allows for a review of the structure of existing units in the same union, but requires agreement from the union and employer to be initiated.

**For questions about how these provisions could affect your faculty association, contact UOITFA at [office@uoitfa.ca](mailto:office@uoitfa.ca).**

### **It's time to get organized!**

The UOIT Faculty Association has been working in partnership with OCUFA, the Fight for \$15 & Fairness and Ontario Federation of Labour to advocate for decent work and is proud to see other major advances, including a \$15 minimum wage, fair scheduling rules, and improved rules for joining a union.

We must continue to work with our allies on campus and in our community to raise awareness about these new rights, ensure they are implemented effectively, organize to close gaps in union coverage, and support bargaining campaigns to win higher standards.

Faculty working conditions are students learning conditions, and we want our students to get the high-quality education they deserve. There has never been a better time to be working to address precarious work and support good jobs on campus. For more information on how to get involved, contact [office@uoitfa.ca](mailto:office@uoitfa.ca).

### **About OCUFA**

The Ontario Confederation of University Faculty Associations has been the provincial voice of university faculty since 1964. OCUFA represents over 17,000 professors and academic librarians in 29 faculty associations across Ontario. OCUFA is committed to maintaining and enhancing the quality of higher education in Ontario. For more information about OCUFA, visit [www.ocufa.on.ca](http://www.ocufa.on.ca).

### **About UOITFA**

The UOIT Faculty Association is an association of tenured, tenure-track, teaching and limited-term appointment faculty at the University of Ontario Institute of Technology. Members of the UOITFA have a track record of excellence in research and publishing, teaching and classroom innovation, and community service. The reputation of UOIT is as strong as its professors. For more information about UOITFA, visit [www.uoitfa.ca](http://www.uoitfa.ca).