

August 11, 2021

Union Presentation with U10

Thank you for sharing your response to our equity proposal yesterday. We have reviewed the 70+ questions you posed, and have some initial thoughts.

First, we are baffled by the tone and content of your response. Your response follows a classic institutional pattern when equity-seeking groups raise issues of systemic discrimination: deny, delay, defer, and do nothing.

Your response is not appropriate in a bargaining context. This is not an arbitration; this is not a thesis: this a negotiation and you need to begin that process by sharing your positions as opposed to delaying by posing an exhaustive series of unnecessary questions.

In terms of your requests for data, we note that the questions center in three areas:

1. Background research related to equity and post-secondary broadly
2. Data that is specific to the Ontario college system
3. Data that was collected as part of our demand setting process

The research we have relied on comes from research around how inequity manifests in post-secondary institutions across Canada and the US. This research is widely available, and we cited some Canadian examples in our proposals. We also have decades of experience on our team in working on issues of equity and challenging systemic discrimination. If you need a bibliography of resources to review, we can certainly compile one; however, we would ask how this would change your response to our contract language, or influence your position around equity?

In relation to your questions around data and research specific to the Ontario college system, we would ask, respectfully, if it is your position that the Ontario colleges are somehow exempt from the systemic discrimination that has widely been acknowledged across Canadian institutions? We would also suggest that you have access already on your team to a host of examples that have been catalogued in college-commissioned or -produced reports and working committees on EDI, systemic racism, systemic anti-Indigenous racism and decolonization at Humber, George Brown, St. Lawrence and Confederation, in addition to others across the system. We invite you to share these reports, including unsegregated data, to inform our conversation.

That said, we can all agree that there needs to be more data collected specific to Ontario colleges. Our proposals focus on exactly that process: setting up mechanisms and structures for ongoing discussion, creating mechanisms for collecting and analyzing data, and establishing committees and processes to achieve structural change. One would think that accepting our proposals on equity would address many of the questions you have around research and data, and be an easy way to demonstrate your commitment to meaningful change.

With regard to data related to the lived experiences of our members, you should be well aware of how our demand-setting process works, and also that the process of survey responses, discussion at local and final demand setting, and individual member comments are confidential. It would be inappropriate to share such confidential--and often personal--information with the employer. Indeed, it may put some of our most vulnerable members at further risk in their colleges.

We answer to our members, not to the employer when it comes to faculty's demands. The overall survey results were shared with members, who created demands locally, which were debated and discussed provincially. The demands we put forth arise directly from this democratic process. Our faculty members bring issues forward, discuss and debate them, and advance to the table those issues that they see as centrally important to address.

Our team was elected to represent the faculty and forward their demands. We believe what our members have shared with us around their experiences of discrimination, bullying, harassment, and racism. These experiences are reflected, certainly, in complaints and grievances, but there also needs to be recognition that many of these go unreported. That does not mean that they cannot be addressed.

While many of our members will and have volunteered to share their direct experiences of racism and discrimination in their work at the colleges, and while we are more than willing to include them as direct subject-matter experts at the table, we are also very clear that this would need to be understood as a representative sample of a systemic problem. For many members, burdening them with the weight of trying to convince you that their lived experiences do, in fact, include discrimination, in this forum is both fundamentally offensive and would constitute a process of revictimization.

It is not a normal process in negotiations for an employer to request detailed information about members' survey results and detailed information from the demand-setting meetings that formed the basis for member demands.

One clear theme in your response and questions is your lack of acknowledgment that systemic discrimination already exists in the Ontario colleges. Our proposals start from the premise that both sides acknowledge that systemic discrimination exists at all Ontario colleges, as it does in every facet of our society. To do otherwise would be to deny the direct experiences of racialized and Indigenous peoples, along with that of members of all equity seeking groups.

We thank you for your working definition of Equity. The sources that you cite in its development are both from Universities, one outside Ontario--we are struck by the fact that no adequate definition of equity is currently to be found within the Ontario College system. We also note that the language that both of these institutions have proposed includes a requirement to enact structural, systemic change.

Looking at your working definition, we are also struck by some of your specific choices in adapting this source material: What was selected, and what was excluded. For example, where the Queen's University definition states that "Equity is the guarantee of fair treatment, access, opportunity, and advancement for all" -- full stop -- your definition appears to add to the end of that sentence a qualifying statement that narrows the definition of equity to a guarantee of no "discrimination based on the prohibited grounds in employment under the human rights code". At best, this qualification appears to limit the Colleges' commitment to its current minimal legal obligations; at worst, it appears to assert that certain individuals or groups are not entitled to equity.

Our other major concern with your working definition is that it ignores the Colleges' role in creating and sustaining barriers to opportunities, focusing instead exclusively on the Colleges' responsibility for removing those barriers. In your working definition, marginalization is something that occurs to people exclusively prior to their involvement (or perhaps their efforts to be involved) with Ontario Colleges – it is a product and feature of people's "starting places or history" – and this notion implies that the College system is at worst neutral, in failing to remove barriers to opportunities. On the contrary, we would invite the Employer to consider that the College system bears more responsibility than that, and that the system bears culpability for erecting and actively maintaining barriers to full participation.

Put simply, if we are unable to identify our own privilege and the inequities that it produces and that in turn sustain it, then our efforts to limit that privilege are unlikely to be meaningful, let alone effective.

We find one last component of your working definition – concerning the Colleges' obligations – to be problematic. While the Queen's University definition states that "redressing unbalanced conditions is needed to achieve equality of opportunity for all groups", your working definition turns to the language of the UBC definition, which states that "deliberate measures to remove barriers to opportunities may be needed to ensure fair processes and outcomes."

To say that "deliberate measures to remove barriers to opportunities may be needed" is also to connote that such deliberate measures may not be needed – it once again adds conditions to the College's obligations to actively promote opportunities to marginalized individuals and groups. Lastly, so as not to take words out of context, I point out that this phrase appears in the UBC definition at the end of a clear, unambiguous statement of institutional obligation – the claim that "equity requires the creation of opportunities for historically, persistently, or systematically marginalized populations of students, staff, and faculty to have equal access to education, programs, and growth opportunities that are capable of closing achievement gaps." The claim in the UBC equity statement acknowledges that inequities currently exist within the system and that active efforts must be taken to undo them. The Queen's University statement does the same. No such acknowledgement is present in your working draft, nor frankly in the extensive list of questions that you provided yesterday, nor--to our understanding--in any claim that you have made thus far.

We believe that equity statements are an opportunity for us all to acknowledge the social responsibility that we and our institutions bear for perpetuating systemic discrimination, and to take personal and collective responsibility for redress. The statement that you provided fails to acknowledge whether or not a problem exists in the College system in the first place, and appears to deny any obligation beyond the legal minimum to address it.

To that end, we are proposing that we add the following preamble to the Collective Agreement prior to Article 1, in keeping with the principle that equity is the source from which all other rights flow. We propose language that we believe reflects a shared understanding in this round, and that may help to prevent further delays in future rounds. Equity language should be foundational, but not frozen. Incorporating a definition into the Collective Agreement allows both faculty and the employer to revisit and update the definition, as society and the colleges continue to evolve. |