

## **Management Bargaining Team Chair's September 14 Response to U10 EDI and Indigeneity submissions**

### **With respect to the Union's U10 submission under the theme of EDI:**

- 1. In the preamble to the U10 submission, the Union refers to the questions we asked in our response to U1 and suggest that we have asked them as a means to "...deny, delay, defer, and do nothing". Additionally, although the U1 submission refers to research the Union has undertaken in the preparation of the Union's U1 proposals, it states that the Union fails to understand why we would need access to that research, how it would change our response to the Union's contract language, or how it would influence our position around equity.*

We know from experience and from initiatives already underway in many colleges, that engaging in work that aims to create a more equitable, diverse, and inclusive workplace is a complex undertaking that requires time and effort and that requires specialized subject matter expertise. Effective discussion of these issues also requires a shared understanding of relevant data and of the terminology that will provide the foundation for this work.

The reason we want the information we have requested is to better understand the rationale informing the Union demands, work towards shared understanding, and better position us to jointly achieve meaningful change where required. A shared understanding can only be developed if both teams have access to (and are familiar with) the same background information.

- 2. In response to our questions regarding data or research the Union bargaining team may have reviewed that is specific to the Ontario college system, the Union bargaining team "respectfully" asks in its U10 preamble "... if it is [our] position that the Ontario colleges are somehow exempt from the systemic discrimination that has widely been acknowledged across Canadian institutions".*

Yet, we also note that the Union points to a host of examples of college-commissioned reports and working committees on EDI, systemic racism, systemic anti-Indigenous racism, and decolonization that either already exist or are underway within the College system. This suggests to us that the Union is very aware of how seriously the College system takes these issues, and of the volume of work that is already underway in these areas.

We feel that it is important to reiterate once again that we consider the principles of EDI to be critical to the success of the Ontario College system. We have consistently acknowledged our shared goal of removing barriers within the language of the collective agreement and of ensuring that our work is aligned with, and can contribute to, the broader efforts across the system to create a more equitable experience for all.

Like the Union, we are aware that significant EDI related work is already occurring in many colleges and that there is expertise which can be leveraged to support our work as

appropriate. However, that work has so far been focused on individual Colleges. A consensus regarding terminology and research methodologies has not yet been developed at the system level. Our goal is to work towards effective and meaningful changes to the collective agreement. We want to achieve more than the addition of language or terminology which may or may not result in shared understanding across the system and may or may not result in net positive change. We also want to avoid making improvements in one area which result in new challenges or negative outcomes in other areas.

To be effective, any changes need to be targeted to specific barriers that may exist within the collective agreement. Our purpose in requesting access to any research the Union may have reviewed that is specific to the Ontario college system is to determine if such information could point to specific issues within the language of the Collective Agreement that need to be addressed, and to use that shared information as a starting point for this work.

3. *The Union states in its preamble to U10, that we can all agree that there needs to be more data collected specific to Ontario colleges. The Union further states that its 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". The Union also suggests that if our team simply accepted the Union's proposals on equity, doing so would address many of the questions that we have raised around research and data, and it would be an easy way to demonstrate commitment to meaningful change.*

Based on our current understanding of the U10 submission, our concern is that much of the Union's proposed language emphasizes work at the local level, and in some cases suggests a scope that goes beyond the context of the Collective Agreement.

We agree with the notion that the parties will work together at the provincial level to ensure that all provisions of the Agreement are non-discriminatory in nature and effect. However, we also agree with the Union's assertion that "In an effort to build 'A Future Together', the college system must begin to collect workforce data that helps us understand what 'together' looks like, and who is excluded". We propose that the research and data collection must come first, and that it must begin at the provincial level.

The Colleges do not currently have comprehensive and provincially consistent data on the composition of their workforces from an equity perspective. Accordingly, given that we share a commitment to the principles of EDI, we believe that this is an area where the parties could work together to obtain data concerning the composition of the bargaining unit and with that information in hand, seek to identify any barriers in the collective agreement which impede the principles of EDI.

We propose a Letter of Understanding creating a joint EDI Advisory Group. The focus of the Joint Advisory Group would be to gather workforce composition data; to analyze the collective agreement through an EDI lens once that data has been secured; to determine

whether any provision is likely contributing to the under-representation of equity seeking groups or otherwise disadvantaging them; and to make recommendations to the parties to address the identified issues. We further propose that the advisory group be supported by expert advice which shall be provided by mutually agreed upon resources trained and experienced in EDI related work. The primary goal will be to ensure that both sides fully understand the nature of the problems that need to be addressed in order to ensure that any changes to the collective agreement are designed to address those problems without leading to unintended consequences or additional problems.

**The Colleges propose to add the following Letter of Understanding: (LOU # number to be determined)**

NEW LOU Re: Equity, Diversity, and Inclusion

The parties will establish, no later than March 1, 2022, a joint Advisory Group on Equity, Diversity, and Inclusion. Each party will nominate four members – one each from each of the four regions of the Province (North – Confederation College, Sault College, Northern College, Cambrian College, Collège Boréal, Canadore College; Central - Georgian College, Seneca College, Humber College, Centennial College, George Brown College, Sheridan College, Durham College; East – Algonquin College, Collège La Cité, Loyalist College, St. Lawrence College, Fleming College; and West – Conestoga College, Lambton College, Fanshawe College, St. Clair College, Niagara College, Mohawk College) in order to ensure regional representation. If the parties are unable to agree upon a chair, William Kaplan will choose the chair in a process of final offer selection. The Advisory Group will report to the EERC and is to complete its work by February 1, 2023. The Advisory Group shall :

- Develop a tool for canvassing all members of the bargaining unit to determine their identification on grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status and disability as well as the member's position, faculty, department and area of specialization;
- Analyze the data collected using the tool to determine the representation of employees based on equity seeking status in the ranks of full-time versus partial-load employees;
- Analyze the data collected using the tool to determine the representation of employees based on equity seeking status in the ranks of employees in the different divisions or disciplines of the Colleges;
- Where the data demonstrates an under-representation of persons from equity seeking groups within any division or discipline, analyze the collective agreement to determine whether any provision is likely contributing to the under-representation and make recommendations to the parties to address the identified issues.

The Advisory Group may engage, upon majority agreement, third party assistance respecting surveys and statistical analysis of the composition of the bargaining unit. The costs of the Advisory Group shall be paid by the CEC and OPSEU in equal shares.

The College will be reimbursed by the Union for the release time granted to the Union representative on the Advisory Group in accordance with Article 8.02. CEC will bear the cost of its representatives.

**With respect to the Union's Indigenous related proposals:**

The Union has proposed several changes to the collective agreement to address the unique needs of Indigenous employees. As indicated in our opening statement, we have a shared interest in the ongoing process of reconciliation with Indigenous Peoples and in addressing related language and process issues within the Collective Agreement where appropriate. We have reviewed the Union's proposals carefully and have briefly consulted with Indigenous leaders within the Ontario and Canadian College system to begin to gain some perspective on how we could jointly engage in this work 'in a good way'.

The Colleges embrace and support the findings and recommendations of the Truth and Reconciliation Commission of Canada.

The Commission wrote:

Reconciliation will be difficult to achieve until Indigenous peoples' own traditions for uncovering truth and enhancing reconciliation are embraced as an essential part of the ongoing process of truth determination, dispute resolution, and reconciliation. No dialogue about reconciliation can be undertaken without mutual respect as shown through protocols and ceremony.

This point of view was underscored by the Indigenous leaders with whom we consulted. The feedback we received was that recognized members of the affected Indigenous communities need to be engaged from the outset. Their input is key to determining the appropriate process which should be undertaken to consider the Collective Agreement from the perspective of Indigenous ways of Knowing, Being, and Doing (IKBD), and to recommending any proposed changes to the Collective Agreement.

We were provided with the example of a Canadian Indigenous Institute that recently engaged in a review of their own collective agreement with a view to reflecting IKBD within it. Even in that case (where 100% of the union bargaining team and 75% of the management bargaining team were Indigenous) there was a clear recognition that this was a complex undertaking that would take time and require consultation. They decided that a task force was required. Given that the whole concept of IKBD is anchored in community, their task force was mandated to include community consultation in their work (including elder, student, faculty, management, and support staff voices).

Based on the feedback we have received through our brief consultation, based on the experience that members of our team have had in working with Indigenous communities within Ontario and Canadian colleges, and based on our understanding of the recommendations of the Report on the Truth and Reconciliation Commission, we propose that it does not lay to the CEC and OPSEU (two settler organizations) to determine the manner in which we should address reconciliation and the specific needs of Indigenous employees as part of the bargaining process.

We must also recognize that each Indigenous community will have its own traditions and needs. According to the input we have received, authority regarding ownership of Indigenous Knowledge does not rest with individuals. That authority rests with the Indigenous communities and should be addressed through community and context specific agreements. Different measures, determined in partnership with Indigenous communities, may be appropriate in different areas of the Province and at the different Colleges.

Recognized members of the affected Indigenous communities must therefore be included in the process of addressing reconciliation and Indigenous aspirations. In fact, many of the Colleges have embarked on the process of reconciliation within their communities. It does not lay to the Central parties to reinvent the wheel and impose solutions on the various Colleges. However, the work that has already commenced across the Province may provide a starting point for work going forward.

We propose a Letter of Understanding to establish a joint Round Table to advise the EERC on Truth and Reconciliation. This group would consult broadly with the Indigenous communities with which the Colleges interact and examine the collective agreement in consultation with recognized representatives of those communities to identify any barriers in the collective agreement to engagement of those Indigenous communities and achieving the goals set out by the Truth and Reconciliation Commission.

**The Colleges propose to add the following Letter of Understanding: (LOU # number to be determined)**

#### **NEW LOU Re: Truth and Reconciliation**

The parties will establish, no later than March 1, 2022, a joint Round Table on Truth and Reconciliation. Each party will nominate four members – one each from each of the four regions of the Province (North – Confederation College, Sault College, Northern College, Cambrian College, Collège Boréal, Canadore College; Central - Georgian College, Seneca College, Humber College, Centennial College, George Brown College, Sheridan College, Durham College; East – Algonquin College, Collège La Cité, Loyalist College, St. Lawrence College, Fleming College; and West – Conestoga College, Lambton College, Fanshawe College, St. Clair College, Niagara College, Mohawk College) in order to ensure regional representation. If the parties are unable to agree upon a chair, William Kaplan will choose the chair in a process of final offer selection. The Round Table is to complete its work by February 1, 2023. The Round Table shall undertake the following:

- Identify recognized appropriate Indigenous organizations to assist the parties in their review of the collective agreement through the lens of Indigeneity;
- Review and understand the efforts undertaken at the various Colleges with their Indigenous communities to address truth and reconciliation in the Colleges related to employment within the bargaining unit;
- Provide recommendations to the parties on centrally appropriate changes to the collective agreement;

- Provide recommendations individually to colleges on locally appropriate actions to address the unique needs of Indigenous employees within the bargaining unit as a part of the truth and reconciliation process pursuant to Article 36.02.

The Round Table may engage, upon majority agreement, third party assistance respecting Indigenous community and stakeholder surveys and statistical analysis. The costs of the Round Table shall be paid by the CEC and OPSEU in equal shares.

The College will be reimbursed by the Union for the release time granted to the Union representative on the Round Table in accordance with Article 8.02. CEC will bear the cost of its representative.

That concludes our presentations for today. We look forward to the Union's feedback. We will continue to work and will connect in the morning regarding time to connect.