



Federation of
Post-Secondary Educators
of BC

FPSE President Cindy Oliver
Address to COCAL IX Conference

Quebec City, QC
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Good morning and thank you to the organizers of this event for including our Federation on this important panel discussion. I'm particularly encouraged that we are taking the time to assess where we have come from, both individually and collectively, and share ideas and strategies about where we go from here.

I have some very specific comments about the experience that our membership has had since we last talked about these issues in San Diego in 2008. However, before I get into those details, I think it would be useful to offer some contextual comments about the conditions within which our members are pushing for better rights and protections for contingent academic workers in our various post-secondary institutions in British Columbia.

The first is one that I know every union activist across North America is all too familiar with and that is that labour laws in North America have, for at least the last thirty years, reflected an enormous amount of employer influence in both the drafting and implementation of those laws. To be blunt, employers have had a field day with these laws and as a result the cornerstones of the labour movement—organizing and collective bargaining—have been under attack. In different sectors and different regions of North America, how that attack has played out has varied considerably, but the underlying trend has been a decidedly anti-union one.

Some of that trend is shifting. We see some evidence of that in the legislative changes that the Obama administration has brought forward. It's good to see the pendulum swing in our direction. However, we still have a long way to go before that pendulum is even at the half way point, let alone moving into what people in this room might describe as even mildly progressive.

I mention this trend because one of the overarching messages for members in my union is that politics matters. Who writes the laws that govern the rights we have as workers is just as critical an issue as the solidarity we try to build among our members as we prepare to bargain with an employer or mobilize to organize a new bargaining unit. If the laws passed by our

legislators restrict our rights to bargain or organize, we are fighting an even steeper uphill battle than would otherwise be the case.

Politics also matters because in our jurisdiction the vast majority of our post-secondary education system is a public system financed by public dollars. If the government of the day is steeped in the Ronald Reagan/George Bush school of government where tax cuts are the great cure-all—even if they are bleeding the public treasury—then our public intuitions suffer. And swept into that mess is the plight of our members who are looking for employment security protection at a bargaining table.

The Reagan doctrine—if I can call it that—of chronic under funding of our public services and public institutions has been a reality in British Columbia for almost a decade now, and that reality has made the prospect of bargaining better protections in our collective agreements very difficult. In fact we are currently at the bargaining table with our employers who are telling us quite emphatically that the provincial government has given them a “zero mandate” for this round of bargaining. If we want to secure any changes in our collective agreements, we are told those improvements have to come at the cost of giving up an existing benefit. In a word, we have to “mine” our collective agreements or as the employers are euphemistically saying (get this) “unlock the value in our collective agreements.”

How does all of this relate to the work we have assigned ourselves in terms of improving the circumstances of our contingent faculty members? Since our meeting in San Diego in 2008, our union has focused its efforts to help contingent faculty by concentrating on two important areas. The first has to do with organizing. The second has to do with democratizing institutional governance within our various public post-secondary institutions.

On the organizing front the critical effort has been to devote more staff and union resources into a specific organizing campaign that targets faculty in some of the private colleges and institutes that have become a significant part of the post-secondary landscape in BC. The current provincial government has made it very easy to establish a private college in our province. A large majority of those private colleges are language schools that cater to international students looking to improve their English language skills prior to enrolling in one of our public institutions. It is largely an unregulated sector, and faculty working in these institutions want union representation.

We have had some initial success in both winning the organizing drive, but more importantly, securing a first agreement for these faculty. The number of newly organized institutions is not huge: we have won four new certifications in the last year and a half. That represents about one hundred and fifty new members over that period of time. The significance of this is that we have been able to do it despite a considerable push by employers to resist our organizing efforts.

By organizing private institutions we accomplish a couple of things. It extends important rights and benefits to the new certification. It raises the floor for what faculty in post-

secondary education get. In a sense, it becomes a standard that employers use to resist unionization. It also begins the process of taking wages out of the equation that an employer uses to establish how their institute will operate. If we can establish wage/salary/benefit standards, then, theoretically, the basis for competition between institutions becomes quality, not who can pay their faculty the least.

We are not naive about how much we can accomplish through organizing. We understand that this is a long term commitment where the end point is measured in decades, not years. We also recognize that like the rest of the labour movement, if we are not committed to organizing in our sector, we will become increasingly irrelevant and ineffective. In that regard, organizing is a must, not an option.

The second front that I mentioned earlier has to do with democratizing our governance structures within our institutions. The issue has become a critical one because of a recent court decision in BC that, if we are not successful in having it overturned at the Supreme Court level, could have a serious impact on our existing collective agreements. The decision, in a nutshell, says that Senates at our public universities could, under certain conditions, overrule provisions in negotiated collective agreements between the institutions and the faculty.

I won't go into all of the details of the legal argument, but the issue is another reminder to faculty unions that we need to pay a lot more attention to academic governance. The problem has become more complicated in BC because the provincial government has also amended legislation giving senior administrators more power and ability to "stack" Senates and governance bodies with pro-administration representatives, a move that runs contrary to any notion of collegial governance.

For contingent academic faculty in BC's public post-secondary institutions, the issue of governance may seem a bit obscure, but the problem we see on the horizon is that our employers are always looking to erase the gains we have made over the thirty years that we have been bargaining for faculty. The biggest success we have had is in the area of employment security in the form of regularization. We have language in our collective agreements that give sessional and "non-regular" faculty members—that's the term we use to describe contingent faculty—real access to full time status. Our employers, of course, want to undermine those provisions and our concern at this point is that they could well use the combination of a favourable court decision and a "stacked" Senate to begin undoing the employment security protections we have in our contracts.

I'm confident we will succeed in defending our collective agreements and defending our members, but the experience has reminded us that the struggle to improve rights, benefits and salaries of our members takes many forms. We need to be aware of that fact and, as unions, be nimble enough to respond to these new forms of attack. But even more important than that, we need to constantly refresh the contact and mobilization efforts we have with

our members because the most effective response we have is our solidarity. Without that firmly in place, we start from a disadvantage that makes it difficult to succeed in the long run.

I want to close by thanking, again, the organizers of the conference and this panel for including FPSE in this important discussion. We learn a lot by comparing experiences with others. We also build resolve, both individually and collectively, when we hear how others are able to take on major struggles and prevail. It's an empowering process and our union certainly appreciates the opportunity to participate. Thank you.

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