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April 7, 2008

NCSCBHEP: New Models of Contingent Faculty Inclusion

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Thanks for the invitation to be here, which we take as recognition of our supportive and aware membership and to the efforts and successes of our many, many activists over the past twenty years.

The VCC is one of the larger post-secondary institutions in British Columbia. There's an average of close to 700 faculty. It has the typical array of about 50 programs one would expect from a community college, with a smaller proportion of academic, university-transfer type programs than other BC colleges. It is primarily government funded (60%) with other income and tuition making up the rest of its \$90 million annual budget. For labour relation purposes, all colleges and university-college administrations in BC have over the past decade become more integrated into the government-mandated Post-Secondary Employers' Association of BC. This organization now controls VCC's financial mandate for bargaining and ability to settle grievances if the settlement would create a new precedent.

The VCCFA started in 1951 as an independent, provincial vocational school instructors' union. We retain our own bargaining and grievance settling authority, and have joined our voluntary provincial federation of faculty unions for professional and political support and advice. Our current membership is roughly 60% regular (46% full time and 14% at half-time or more) and 40% term. We collect dues of 2% of gross wages from all of them (union dues are tax-deductible in Canada); 43% of member dues go to our provincial federation and we retain the balance, about \$400,000 annually, for our operating purposes and for our local defense fund.

Starting with a strong union legacy

We will always owe a debt to every hard won labour victory over the past one hundred plus years. Because of the selfless sacrifice and determination of generations of labour activists, we, as new faculty workers, came to our jobs with automatic dues check off, collective bargaining, the right to strike, and legally enshrined grievance and arbitration rights. We at VCC were fortunate compared to many North American post-secondary workplaces today. We originally did not have many part-timers and we were

established before the idea that part-timers should be paid completely differently and at rates lower than pro-rata. Unfortunately, by the seventies and early eighties, with more part-timers being hired, we too had the “permanent contingent“ syndrome so prevalent today.

Although we do not consider the workplace at VCC to have reached a steady state of equity with regard to the workplace rights and benefits of part-time or contingent faculty, we have achieved a significant level of success over the last twenty years. The list below describes what we call terms, probationaries, and auxiliaries; automatic regularization of the person is the key right around which much revolves. I would like to focus on three guiding principles that have underpinned these successes: the how rather than the what.

Guiding Principles:

Unionists first
Principled militancy
Equity first

Unionists first, not faculty

A fundamental reason for the success our leadership activists have had over the last twenty years is that we have always considered ourselves unionists first, rather than faculty first. We are elected from and by faculty and return to faculty; but when we are in a union leadership position, we view matters primarily from that perspective. In our government, as in England, we prize the concept of the “loyal opposition.” In that tradition, our position is one of struggle and opposition to management while simultaneously remaining loyal to the needs of students and faculty.

We do not view our management as colleagues. Our new executive members, bargainers, and stewards learn that society and history have structured workplaces from a management-rights point of view. We know that everything we have not won in black-and-white through collective agreement, arbitration, or joint grievance settlement letters is not ours. We take the view that the rights of our members are those they control through our collective agreement.

There is nothing inherently negative in this stance; it simply reflects that, inherently, our interests are not those of management. The labour laws that after great struggle—unions began illegally—set truce rules between workers and managers leave a space for us to operate within but certainly do not slant things

in our favour. By default, everything we have not won and written into the collective agreement is a management right, not the other way around: management never struggles to get its rights written into an agreement.

This does not mean that we have an especially unpleasant working relationship with management. In fact, with our current cast of characters, even difficult meetings are typically cordial and professional, with a fair measure of joking and pleasantries as appropriate to the situation. In essence, our motto is hard on the issues and soft on the people.

Bargainers

Bargainers learn the doctrine of management-rights first hand as they see its power in its starkest form. Good rationales help, skilled persuasion helps; but ultimately, bargaining is about marshalling the power to reduce the balance on the management-rights side of the unequal equation. To a new bargainer, who's worked with members as part of team for months to develop a position, nothing makes this clearer than having a manager utter a simple "no" and thus end a discussion.

Stewards

Our stewards are given professional training in supporting members through any given issue—in helping the member broaden their perspective on it, and in finding out how much the collective agreement supports that perspective. By law we must give fair and due consideration to each issue on its own merit, and we always err on the side of supporting grievance action. In representing a member, nothing is more empowering for a new steward than to cause a Dean to modify a position or to agree with our position. Our chief stewards, up to the current Ingrid Kolsteren, have developed a process for empowering stewards. The chief eyes potential stewards even before they run for election, supporting their development by setting up regular training and debriefing sessions, and encouraging development by letting them take on more responsibilities for conducting grievances within their comfort zone.

We do not consider there to be anything negative about formal grievances. We have an intense and extensive relationship with the Human Resources department of the college, and a good process for talking through problems that come up in the workplace. Most problems get solved at that stage.

However, if a real difference occurs between our interpretations of language and rights, we are not going to hesitate in proceeding to the grievance process. When this happens, we believe our management knows that we are not being frivolous. If matters get to the arbitration stage, our provincial federation is asked to provide legal support, which they usually do. If they do not, then we have the final option of supporting the arbitration ourselves

Executive

Our executive is our day-to-day political body, with the president and vice-president having release to carry work for the membership. The distinction between unionist and faculty member is maintained, yet that does not mean that we do not have the best interests of the college in mind when we oppose, for example, the latest management strategy around resources allocation. We have and present a view integral to the interests of the college, as it comes from the workers, the faculty. This is a uniquely powerful view—demonstrably, faculty know more about the real work of the college than the management and board do. Boards and managers are often transient; it is the faculty who are the lifers. Thus there is no contradiction in defending the college's core activity from the view of a unionist.

Principled militancy

This is where principled militancy comes in. From our unionists' view we are duty-bound to use every device open to us as we struggle to advance our members' rights. However, we must temper that militancy with a responsible and realistic sense of what is possible and strategic in the risk/reward dynamic.

Governance and Policy

In governance and policy we seek to influence the direction the administration takes for the institution. To do so we have to be seen as a credible source of opinion and ideas. It takes constant effort to maintain awareness, research issues, and communicate—with our members as a whole and with faculty representatives on governance bodies (who are not directly responsible to the union). We must work with our student, union and community-based allies, and attempt to influence management and the college board

directly. As a local and through our provincial federation we pursue favourable government policy and legislation through traditional lobbying of both opposition and government legislators.

Bargaining

We have had nine bargaining rounds in the last twenty years and will not have another until 2010. We always try to maximize these opportunities—bargaining is the restricted period when the laws allow us to alter the management/union dynamic. It is important to have bargaining agendas ratified in which all members can see their issues represented, to the detriment of none. It is also important for the leadership group to endorse such agendas, and to make clear why equity or minority issues have to be taken seriously. Success in bargaining is transformative: members see their collective power actually having a direct effect on their working lives.

Our best weapon for maximizing our power is the strike vote. In those previously mentioned nine rounds we have had five strike votes; two have led to strikes—one of 5 weeks in 1990 and one of 90 minutes in 1998. It is after the strike vote when bargaining actually gets really interesting. Without a strike vote, collective bargaining too often becomes collective begging, muffled in the comforter of bureaucratization.

Stewardship

Stewardship of the agreement is a constant test of our will, and must be met to protect our hard-won rights. Our chief steward is a fully released union officer who continuously raises awareness through countless phone calls and education efforts. The chief trains our faculty stewards in supporting members, in advocacy, and in how to represent members in grievances. Because of our provincial staff and budgeted resources we can and do take cases to arbitration with all the legal support necessary. Occasionally, we can advance rights through grievances; this past December, we achieved new rights for term instructors to take maternity leave and accrue seniority and regularization and access benefits while on leave. Any small action or issue potentially advances our strategic goals; the opportunity must be pounced upon.

Equity first

In all our work, we try to eliminate as many differences between our faculty as possible. To us, a teacher is a teacher is a teacher. We use every opportunity and device available to pursue those goals. For the great majority of our members, their rights should not be and are not determined by time-status.

Equity *has* to be a comprehensive goal for the future, and in the present as much as possible. Every aspect of our work and each of the strong provisions in our contract needs to be reinforced. Comprehensiveness in other aspects of the collective agreement, such as the ban on overloads and the right to accrue full-time status, ultimately help strengthen provisions such as one hiring procedure per career and automatic regularization.

Equity extends beyond the collective agreement. In our model, union officers are paid no more than the top faculty salary. The president's term of office is capped at six consecutive years, keeping succession at the forefront. Union democracy is equitable, with voice and vote for all. Departmental democracy, with even the newest faculty member having voice and vote, is enshrined in the collective agreement, as is a six-year cap on holding a department head position. This is all of a piece through a comprehensive approach.

Non-regulars are free to run for election to any union position. We have not felt the need to maintain special spots for non-regulars on bargaining committees or the executive; it is the job of all union officers to assert the rights of all faculty. We do have a non-regular group which works two ways: it raises their consciousness of issues and their agency within the union, and it helps our leadership group with the constant and active succession strategy.

This equity-first approach we at the VCCFA has taken us a long way over the last twenty years. It is founded on the belief that a teacher is a teacher, whether a full-time ex-department head or a first-time adjunct; each deserves the best support we can give them in exchange for what they give our schools

Frank Cosco, April 7, 2008

April, 2008

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VCCFA/VCC Collective Agreement Rights and Entitlements for part-time, term, auxiliary and probationary faculty

These are in addition to federally and provincially mandated Plans and Programs for Workers' Compensation, Medical Care Access, Unemployment Insurance, and Old Age Security and Canada Pensions

1 Salary

- Placement on the same eleven step scale as all permanent regular faculty
- Full pro-rata pay and advancement on salary scale
- Proportional statutory holiday and vacation included in all pay calculations

2 Workload

- Prohibition of overtime work
- Teaching and non-teaching duties mandated for all within a department and pro-rated for all regardless of time-status

3 Right to work and to convert status

- Uniform set of hiring criteria and same hiring process for all faculty in each functional area
- Right by seniority to any available work after six cumulative months of term contract work
- Automatic Regularization, conversion from probationary to regular status [for the person, not the position]*
- Right by seniority for half-time or more regulars to appointments that accrue up to full-time status

4 Protection

- Full inclusion under grievance procedures up to and including arbitration boards
- Full inclusion under anti-sexual and anti-personal harassment provisions; the latter includes inappropriate career interference
- Inclusion in Collective Agreement of anti-discrimination parts of provincial Human Rights Code with add-ons to include: personal lifestyle, sexual orientation, number of dependents, union work, community or political work, religious beliefs, or parental status

5 Seniority

- Pro-rata seniority accrual upon first term contract
- Fully equal seniority accrual for part-time and full-time regulars
- College not departmental seniority is the only number formally recognized
- Lay-off within categories by reverse seniority, not time-status

6 Professional Development

- Pro-rata paid professional development time*
- Pro-rata professional development funding*

7 Leaves

- Equal right to unpaid leaves for half-time or more regulars
- Equal right to paid education leave for half-time or more regulars
- Full seniority accrual while on any leave

8 Evaluation

- Clear, consistent summative and formative evaluation processes, which are subject to grievance if not followed

9 Benefits

- Full access to suite of employer-paid medical, dental benefits*
- Right for new and about-to-be mothers to have access to maternity leave including employer paid medical for up to six months and including seniority and regularization accruals as if they had been working

10 Pensions

- Access to secure, provincially-mandated, defined-benefit pension plan

11 Participation

- Full rights within departments to vote on decisions and to elect one's department head or coordinator; or to be elected (upon which one is converted to full-time regular status)
- Full rights within the faculty union to vote, elect, serve, come to parties, and to be elected

**work must be maintained at half-time level for the applicable qualifying period*

VCCFA
April 2008