

Question:

My supervisor told me that it is school policy that I must incorporate in order to be given an assignment to teach courses for a total of seven to twelve hours per week at the College. They College will pay me by Purchase Order through my business.

Is this true? Is this legal?

Answer:

No to both questions.

Your supervisor is breaking the Collective Agreement with the Union.

Your supervisor is improperly putting your company's earned income at risk of assessment (individual taxes - Revenue Canada).

Numerous individuals have been required to incorporate before being offered a Purchase Order to teach various day courses within the College for a total of seven to twelve hours of in-class teaching.

From what the Union has been hearing, the rationale given for incorporation is that it is the School's "policy" for hiring criteria.

There are no such College policy criteria.

This hiring practice is not appropriate under the Collective Agreement.

This payment method is not appropriate under the Federal Revenue Act.

A person who teaches a total of seven to twelve hours per week should be hired by the College and declared as a "partial load" employee of the College.

A partial load employee is eligible to a set "Step" pay scale per hour, according to educational qualifications, as set out in Articles 14.03 A 1 (b) and 26.04 of the Collective Agreement.

A partial load employee is eligible to Extended Health, Vision, Hearing Care, Dental Care, Life Insurance, and more benefits as set out in Article 26.06 of the Collective Agreement.

A partial load employee receives experience credit for months of service.

A partial load employee has protection of the Collective Agreement, and pays Union dues for this protection.

The Faculty Union will grieve the College on the behalf of the potential Union Member you have basically “assumed” under Article 0.01 of the Collective Agreement.

If you are a teacher who has been contracted by purchase order to teach seven to twelve hours a week, and wish to revert to a “proper” hiring practice, plus receive recognition for your service credit, please contact the Faculty Union Office.

opseu237@local237.ca or Room 2B16 – Doon Campus or (519) 748-5220 ext. 3734

In solidarity,
John Innanen
Chief Steward
Faculty Union Office
Local 237

COLLECTIVE AGREEMENT REFERENCES

1.01
The Union is recognized as the exclusive collective bargaining agency for all academic employees of the Colleges engaged as teachers, counsellors and librarians, all as more particularly set out in Article 14, Salaries, except for those listed below:

- (i) Chairs, Department Heads and Directors,
- (ii) persons above the rank of Chair, Department Head or Director,
- (iii) persons covered by the Memorandum of Agreement with the Ontario Public Service Employees Union in the support staff bargaining unit,
- (iv) other persons excluded by the legislation, and
- (v) teachers, counsellors and librarians employed on a part-time or sessional basis.

NOTE A: Part-time in this context shall include persons who teach six hours per week or less.

NOTE B: Sessional in this context shall mean an appointment of not more than 12 months duration in any 24 month period.

14.03 A 1 (b)
The following table indicates the maximum salary level attainable by an employee based on that employee’s relevant formal education levels and equivalencies.

Maximum Step Level Attainable	Required Qualifications
Step 21	A minimum of a 4-year Canadian University Degree or equivalent; C.G.A.; P.Eng.; C.A.; C.M.A. (formerly R.I.A.)
Step 19	3-year CAAT Diploma or General Pass University Degree or Certified Journeyman* holding equivalent qualifications**
Step 18	2-year CAAT Diploma or Certified Journeyman*
Step 17	1-year post-secondary certificate
Step 16	No formal post-secondary diploma, certificate or degree

NOTE: Formal educational qualifications not specified above will be subject to evaluation by the Joint Educational Qualifications

Subcommittee, as described in Appendix II. * "Journeyman" is to be replaced with appropriate term when the Trades Qualification and Apprenticeship Act is amended.

**Equivalent qualifications for a certified Journeyman* or someone treated as such, shall mean the successful completion of five full-year CAAT courses at the technologists level of which two are directly related to the individual's area of expertise, or the equivalent. The course of study leading to equivalent qualifications for a certified Journeyman* or someone treated as such, shall be approved in advance by the College.

Refer to Article 26 in the Collective Agreement for established hourly rates, benefits