



OPSEU Local 242  
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Ravi Ramkissoonsingh, President

## OPEN LETTER

Sean Kennedy  
President, Niagara College Canada

Fiona Allan  
Vice-President, Academic, Niagara College Canada

March 6, 2022

### RE: Work-to-Rule Phase 3 and Voluntary Binding Interest Arbitration

Dear Sean and Fiona,

I hope that you are both staying well and healthy.

I am writing to you regarding Niagara College's interference with Phase 3 of faculty's work-to-rule strike action. As part of this phase, faculty have the legal right to remain online for the remainder of the Winter Term, even if the College has scheduled them to be in the classroom. I am reminding you that it is up to the Union, and not the College Employer Council (CEC) or Niagara College, to determine what is struck work.

Fiona and at least one Associate Dean have sent emails to Local 242 members in recent days citing college scheduling policy as the only means for remaining online for the final seven weeks of the term; this is simply untrue. Our work-to-rule action takes precedence over college policy. I ask that you refrain from interfering with our strike action. Such interference with our members' right to engage in strike action will be met with legal action from OPSEU, as has already occurred in January. The Union unequivocally backs our members' legal right to stay online for the balance of the term. Members who have chosen to do this are doing so for valid pedagogical reasons and out of concern for the students – many of whom have family and job obligations that cannot be changed in the middle of the term and who would therefore have extreme difficulty making it to, or be fully unable to attend, face-to-face classes. Faculty have also heard from students who are unable to find short-term accommodations in the Niagara Region for the final seven weeks of the term.

I am also reminding you that faculty's right to participate in work-to-rule action was acknowledged by the CEC itself on January 4, when they published that Colleges "are prohibited from taking any negative action against any employee because of that employee's individual decision to participate, or not to participate, in the activities of the Union. That includes work-to-rule and other strike action." The Union asks that you respect the faculty strike action and cease communications that suggest faculty do not have the right to engage in struck work.

Additionally, faculty have now twice rejected the CEC's last offer, most recently in mid-February, even after your endorsement of it, Sean. If you do not wish to return to the bargaining table, I urge you to direct CEC CEO Graham Lloyd, Hicks Morley lawyer Tim Liznick, and the rest of the colleges' bargaining team to accept the Union's offer of voluntary binding interest arbitration that has been on the table

since mid-November. This type of arbitration is the one that is most commonly used to settle labour disputes and the one recognized by the province for concluding collective bargaining (see <https://www.ontario.ca/page/collective-bargaining#section-5>). Last week, the Acadia University Faculty Association (AUFA) and Acadia University administration agreed to binding interest arbitration with William Kaplan after failed mediation and four weeks on the picket line. There is absolutely no good reason for you and the CEC to not do the same, especially after being told repeatedly by faculty that what you have offered is not sufficient.

The Canadian Federation of Students – Ontario has expressed their public support for faculty’s demands (see <https://cfsontario.ca/2022/02/22/canadian-federation-of-students-ontario-supports-opseu-college-faculty/>). Further, the College Student Alliance has urged both parties to proceed to binding interest arbitration and, on Friday, fifteen student associations, including NCSAC, urged both parties to settle this dispute. When will you, Sean, the other 23 college presidents, the chairs of the boards of governors (including Wendy Wing at Niagara), Graham Lloyd, and Tim Liznick listen to the students and do the right thing by agreeing to refer all outstanding issues to binding interest arbitration, if further negotiations are out of the question?

There is no need for escalation on the part of the CEC and college administration. If you do not wish to return to the table, then this dispute will almost certainly end – one way or another – in binding interest arbitration. For the sake of hundreds of thousands of students, thousands of faculty members, and all employees at Ontario’s public colleges, I urge you to direct the CEC to not drag this process out any longer. You have that power, and I hope that you use it wisely.

Thanks for your attention to this letter.

Sincerely,



Ravi Ramkissoonsingh  
President, OPSEU Local 242, Faculty Union at Niagara College  
CAAT-A Bargaining Team Member

CC: Wendy Wing, Chair, Niagara College Board of Governors; Robert Burwash, HR Director, Niagara College Canada; Sam Jemison, President, Niagara College Student Administrative Council