

March 26, 2021

Dear CUPE Bargaining Team Members,

OFFICE OF THE ASSISTANT  
VICE-PRESIDENT

**Labour Relations**

**Dan Bradshaw**  
Assistant Vice-President,  
Labour Relations

276 York Lanes  
4700 KEELE ST.  
TORONTO ON  
CANADA M3J 1P3  
T 416 7362100  
EXT 33311  
danbrad@yorku.ca  
yorku.ca

***Subject: University Proposals- Representation and Promotion of Equity Group Members in the Unit 2 Bargaining Unit***

The bargaining teams for the University and CUPE 3903 have been in collective bargaining for an extensive period. It has been the University's goal throughout to achieve negotiated agreements that will provide certainty and stability to employees in the CUPE 3903 bargaining units and to the broader university community, during these unpredictable times.

From the onset the University has expressed its commitment to negotiating language that focuses on equity for employees in the CUPE 3903 bargaining unit. This is in keeping with the University's overall commitment to equity, diversity, and inclusion. Given the importance of these issues to both parties, I am writing you today to further highlight and explain the intent of our various proposals. I have also attached our March 26 proposals regarding Unit 2 Articles 5.03, 12.04.1, 12.04.2 and 23.

We look forward to advancing these proposals during our discussions with you and mediator Chris Albertyn this weekend.

**Article 5.03**

*Consistency and Clarity* – We see our proposed revisions to Article 5.03 as central to providing consistency in the administration of the equity provisions in the Unit 2 collective agreement. This will assist us in meeting our shared goal of increasing the representation of equity group members in the bargaining unit. Our proposal to revise Article 5.03 affirms contemporary terminology and pronoun use, provides definitions, commits to the continued provision of data to CUPE 3903 Unit 2, and specifies the uses of the data. It has the additional appeal of housing in one Article of the collective agreement, the agreed-upon underrepresentation thresholds and it clarifies the application of intersectionality as it relates to underrepresentation thresholds.

*"Clean-up" of Language* – The existing Article 5.03 includes a number of artifact-type transitional provisions some dating as far back as the 2002-2005. Such language is confusing and may also leave the mistaken and unfortunate impression that the parties have not attended to equity matters since then.

*Terminology and Pronoun Use* - The University's proposal is to use contemporary inclusive pronouns throughout the collective agreement. We have not received a formal response from CUPE on this but do note with appreciation that some of CUPE 3903's counter-proposals have incorporated the pronoun "they" as we had proposed. Our proposal to use the terminology of LGBTQ2\* is consistent with the current version of the University's employment equity survey language.



*Definitions and Data* – The University’s proposal provides a series of clear definitions related to employment equity matters. Defining equity groups in this article avoids the need to repeat the individual equity group categories elsewhere and potential inconsistency throughout the collective agreement. We have also proposed a definition of Intersectionality, which CUPE had identified as an item it was intending to address at the outset of bargaining. From the University’s perspective, clear definitions regarding the types of available data and their uses will both assist the parties’ discussions and support the practical applications of data to achieve shared equity outcomes.

*Representation Thresholds* – We believe that the University’s proposal helpfully situates representation targets at Article 5.03 (as the central equity Article in the collective agreement), which other Articles in the collective agreement can then reference where the use of representation data is required (for example at Article 12.04.1). This is an example of where we have tried to provide clarity and consistency in the language that will be used to meet our shared goal of increasing the representation of equity group members in the bargaining unit.

*Underrepresentation and Representation Thresholds* - While we appreciate CUPE striving for higher representation of certain equity groups in its Article 12.04 proposals, we have identified two concerns:

- (i) CUPE has on one hand, set certain targets in part of its proposals, but on the other hand has rejected University proposals to achieve those targets. I particularly highlight the University’s proposal at Article 12.04.1 where the University’s preferred Option A creates the means to increase the representation of Indigenous and racialized persons in the bargaining unit. Option B, which the University tabled in response to CUPE’s proposal, will only apply in some eight to 10 cases a year, according to CUPE 3903’s own characterization of the expected scope of the proposal, and only serves to not erode rather than increase, the current number of Indigenous and racialized persons in the bargaining unit.
- (ii) By proposing targets that exceed the external availability data for certain equity groups, CUPE’s proposals will necessarily disadvantage other equity groups. A review of the external availability representation thresholds in the existing Article 5.03, points 1 through 4 of the Collective Agreement or in the University’s proposed Article 5.03.5, makes this point readily apparent.

*Determination of Underrepresentation in Academic Units with Few Contract Faculty* – Following discussions at our last weekend meetings of March 13 and 14 we are pleased to include in our revised Article 5.03 proposal, a solution to the issue of those hiring units where too few contract faculty members make it impossible to produce sufficient data for equity-based decisions at the level of the hiring unit. You will see that the proposed Article 5.03.4(b) provides for the use representation data at the “Faculty level” for such hiring units to enable all hiring units to make equity based hiring decisions, thus addressing a weakness that CUPE had identified with the University’s March 13 proposal at Article 12.04.2 (ii).

**Article 12.04.1**

*The University's Option A Proposal:* We believe that this proposal, if agreed to, would have the most significant effect of increasing the representation of Indigenous and racialized persons in the bargaining unit by placing a priority on the applications of candidates from those two equity groups when they are underrepresented in a hiring unit.

*The University's Option B Proposal:* This proposal reaffirms that we are prepared to be responsive to the approach that CUPE has put forward with respect to Article 12.04.1. Having said that, as we have previously expressed, we do have some reservations with this approach and accordingly, our Option B proposal sets out a Letter of Agreement that is limited to the renewal agreement in order to provide an opportunity to fully assess this approach.

**Article 12.04.2**

From the parties' March 14 discussion of this proposal, it was our sense that we were close to agreement. The shared problem that the parties appeared to face was with respect to drafting clear and practical language in the face of some hiring units not having representation data. We believe that the University's proposed language at Article 5.03.4(b) as referenced above, to use representation data at the "Faculty level" for such hiring units, will effectively address this problem and facilitate agreement to the attached Article 12.04.2 proposal.

**Article 23**

The University has reviewed the proposal we previously tabled with you regarding the Affirmative Action Pool (commonly referred to as "conversions"). In our initial proposal we placed a priority on candidates who self-identify as Indigenous or racialized for half of the conversion positions. Now, we are also proposing that we revise that criteria at Article 23.02.1(ii), which sets out the service criteria for the Affirmative Action Pool, to increase the accessibility to the Pool for equity group members.

We look forward to our meeting tomorrow March 27, and the opportunity to discuss the attached equity focused proposals.

Sincerely,



Dan Bradshaw

Copy: Chris Albertyn, Mediator