

**CUPE 3903 JOB SECURITY COUNTER PROPOSALS  
MARCH 14, 2021**

**PROPOSAL 1: EQUITY HIRING AND DATA COLLECTION**

**ARTICLE 5.03** The Union and the Employer agree to maintain an Employment Equity Committee to meet within one month of the signing of the 2002-2005 collective agreement.

The Employment Equity Committee will have access to the non-confidential findings of a census of all members of the bargaining units and graduate students at York University to be conducted by the Employment Equity Office following the ratification of the 2002-2005 collective agreement. The Employment Equity Committee may ask the Institute for Social Research to do specific analyses of data collected in connection with the Employment Equity survey. The Employer shall not unreasonably deny the Employment Equity Committee's recommendation for funds to conduct the survey(s).

Effective on ratification of the renewal collective agreement the Employment Equity Committee will have access to the non-confidential findings of regular surveys of all members of the bargaining units undertaken for the purposes of the Federal Contractors Program. This data will be updated up to November 1 and shared with the Union on December 1 of each year.

There are two types of surveys, regular and comprehensive. The first comprehensive surveys will be completed by the end of March 2009. The regular surveys are done on a monthly basis for new hires. The first regular surveys will be carried out in June 2009. The content will include designated employment equity group voluntary self-identification.

This information will be correlated with information about salaries, terminations and promotions, including the data the Employer collects from the self-identification form that applicants may complete in an application or selection process, for purposes of reporting. Effective on ratification of the renewal collective agreement, a provision for voluntary self-identification will be added to the unit 2 blanket applications. This data will be used to implement Articles 12.03.2, 23 and 24. This data will be updated up to November 1 and shared with the Union on December 1 of each year.

The Committee's mandate will further include setting goals and timetables for the elimination of discriminatory practices and systemic barriers to equal opportunity. Issues to be addressed will include: recruitment of employees, selection procedures, job postings, Employer required and provided training, salaries and benefits, and working conditions (including accommodation for persons with disabilities).

Within 12 months of the ratification of the renewal collective agreement, qualitative research on departmental hiring practices in relation to recruitment of employees, selection procedures, job postings, employer required and provided training, salaries and benefits, and working conditions will be completed by the Employment Equity Committee.

**CUPE 3903 JOB SECURITY COUNTER PROPOSALS**  
**MARCH 14, 2021**

The Employment Equity Committee shall, within twelve months of first meeting after the ratification of the renewal collective agreement, develop an Employment Equity Plan consistent with the Federal Contractors Program for approval by the Parties.

This plan will address the removal of employment barriers in order to achieve the ultimate goal of fair representation of the following designated groups in bargaining unit employment: aboriginal peoples, persons with disabilities, visible minorities and women. Fair representation will be taken to mean a reflection of the population of these groups in the Greater Toronto area.

The Committee will consist of three representatives of each party and the Director of Recruitment, Workforce Employment Equity or designate as ex officio member. Preference will be given to members from each of the designated groups. A representative of each party shall be designated as joint Chair and the two persons so designated shall alternate in the Chair. Either Chair may call meetings on at least two weeks' notice to the other members of the Committee.

Unless otherwise agreed upon, underrepresentation shall be understood to mean fewer bargaining unit members that identify as belonging to one or more of the equity seeking groups than the available data for the Greater Toronto Area reports.

For the 2020-2023 Collective Agreement the following minimum thresholds will be used when applying intersectional equity data:

- 1) Where there are fewer than 65% of members in the hiring unit doing bargaining unit work that identify as members of one of the five Employment Equity groups and where there are fewer than 50% of the 65% threshold in the hiring unit that identify as racialized people ("visible minorities"), then an applicant that self-identifies as a racialized woman (with priority being given to Black and Indigenous women) will be appointed.
- 2) If there are no racialized women candidates, then a BIPOC candidate (with priority given to Black and Indigenous people) will be appointed.
- 3) If there are no candidates under (1) and (2) then a candidate from the more under-represented group will be appointed.
- 4) If there are no candidates under (1) and (2) or if the hiring unit has met both thresholds in (1), then a candidate that self-identifies as a person with a disability will be hired.
- 5) If there are no candidates from the under-represented groups, or if the hiring unit has met the threshold under (1), then a candidate that self-identifies as 2SLGBTQIA will be hired.

Hiring Unit data for the most recent consecutive three contract years (or, during

**CUPE 3903 JOB SECURITY COUNTER PROPOSALS**  
**MARCH 14, 2021**

implementation, such period up to three contract years as is available) shall be used to establish hiring unit representation.

Where issues of interpretation, data or process arise during implementation, the parties will review these at the Employment Equity Committee.

**5.03.1** While not a designated group under the Federal Contractors Program, the parties recognize and wish to remove any employment barriers and barriers to fair representation for employees that self-identify as LGBTQ. Implementation of LGBTQ identified employees as the fifth Employment Equity group within the Collective Agreement will be done so as not to interfere with the Employer's Federal Contractor Program obligations.

**PROPOSAL 2: EQUITY HIRING**

**ARTICLE 12.04.2**

- 12.04.2 (i) Where the applicants for a position have no previous applicable prior experience or have equivalent applicable prior experience and meet the ~~same levels of Required and/or Preferred qualifications~~ (or Required qualifications where no applicant has the Required and Preferred qualifications) as posted, the position shall be awarded to such an applicant who a candidate is also has self-identified as a member of one or more of the five employment equity seeking groups otherwise under-represented in the hiring unit for bargaining unit work as per Article 5.03.
- (ii) Save and except for courses taught under 12.21, when a position is being posted in ~~the Hiring~~ the Hiring Unit for the first time, priority will be given to applicants with the most applicable prior experience that meet the Required and/or Preferred qualifications (or Required qualifications where no applicant has the Required and Preferred qualifications) as posted and who have self-identified as ~~are~~ members of one or more Equity Groups, ~~of the five employment equity seeking groups otherwise under-represented in the hiring unit~~ using the process and definition of Intersectionality established in Article 5.03.

**PROPOSAL 3: EQUITY HIRING**

ARTICLE 12.04

- A. In order to correct systemic underrepresentation of equity seeking groups, the parties commit to achieving the following appointment goals: (i) appoint members of the five employment equity groups (i.e., Indigenous people, persons with disabilities, BIPOC, women, and 2SLGBTQIA people) to a minimum of 65% of all the CUPE courses being offered in the department (after calculating LSTA and CSSP appointments), and (ii) appoint 50% of such appointments to BIPOC members (with priority given to Black and Indigenous people). The foregoing equity thresholds will be assessed annually on the basis of appointment numbers per department, in accordance with Article 5.03.
- B. The parties recognize the necessity for the collection of data in order to achieve the goals set out in article 12.04 A. The Employer undertakes to provide data from the self-identification surveys in the blanket and specific application processes, in accordance with article 22.02(i), including the following information for each contract: whether the applicant previously held a Unit 1 contract, gender, identify as 2SLGBTQIA, identify as BIPOC, identify as Indigenous, identify as a person with Disabilities. By September 30 of each year, the data for all those appointed in the previous year, broken down by department and faculty, will be presented at the Labour Management Committee, the Employment Equity Committee, and to the Union Equity Officer.

12.04.1 Appointments shall be made as follows:

- (i) In the exceptional circumstances in which a candidate for a position as course director or team lecturer is adjudged by the appropriate Dean or designate to be substantially and demonstrably more qualified, able and competent to perform the duties and responsibilities of the position than all other candidates for the position, that candidate may be appointed to the position. Where such a candidate is appointed, the hiring unit shall forward to the union the name of the successful candidate, ~~her~~ their curriculum vitae, and any other non-confidential information that formed the basis of the hiring, with a copy to the candidate who otherwise would have received the position.
- (ii) Pool of Candidates with Required and Preferred Qualifications:
- (a) Where no appointment is made under (i), then the appointment shall be made from among the candidates with the ~~preferred and required~~ and preferred qualifications, subject to 12.04.1(ii)(b), and according to the provisions in (iv).
- (b) Where the parties have not achieved the equity seeking thresholds set in article 12.04A, appointments shall be made as follows: where a BIPOC member holds incumbency in respect of a course, the

**CUPE 3903 JOB SECURITY COUNTER PROPOSALS**  
**MARCH 14, 2021**

senior BIPOC incumbent will be recommended for appointment to the course. They will not be displaced by a grievance that would result in the appointment of a non-BIPOC member. In such a case, the otherwise senior qualified candidate, within the meaning of Article 12.04.1, shall receive payment equivalent to the rate of two-fifths of CD positions at the prevailing CD rate. The parties agree to review the process through the Employment Equity Committee.

- (iii) Pool of Candidates with Required Qualifications:  
Where no appointment is made under (ii) because ~~and~~ no candidate has the ~~preferred~~ required and preferred qualifications, then the appointment shall be made from among the candidates with the required qualifications and according to the provisions in (iv).
- (iv) (a) The candidate with the most experience gained in applicable teaching, demonstrating, tutoring and marking within the University, subject to Articles 12.09 and 12.10, shall be appointed and, where applicable prior experience is equal, the candidate with the desirable qualifications shall be appointed, except in the case of:

**LONG-SERVICE OVERRIDE:**

- (b) Where a candidate has a total of at least five years of service in the bargaining unit in each of which ~~she~~ they ~~has~~ have accrued applicable prior experience for one Type 1 position or its equivalent as provided by 12.06 (ii), and ~~has~~ have at least three more years of such service than the number of years of such service of the candidate otherwise entitled to the position as per (v)(a), ~~she~~ they shall be appointed;
- (c) Where there is more than one candidate in (b), the candidate with the most years of such service shall be appointed except as follows;
- (d) Where two or more candidates per (c) have equal years of such service, the candidate with the most applicable prior experience shall be appointed;
- (e) Where two or more candidates have equal years of such service and equal applicable prior experience, then the candidate with the desirable qualifications shall be appointed.
- (f) Long Service Override (LSO) shall not apply to appointments that would result in a displacement of a person who is a member of an employment equity group for bargaining unit work. The LSO shall apply if the appointment would be made to a person who is themselves a member of an employment equity group for bargaining unit work.

For the purposes of the Long Service Override, service in Unit 1, including service accrued per Article 15.08.3, or as a full-time faculty

**CUPE 3903 JOB SECURITY COUNTER PROPOSALS  
MARCH 14, 2021**

contractually limited appointment at York, or per Article 17.06.1, shall count as bargaining unit experience.

\*\*\*\*\*