

AUDITING A COLLECTIVE AGREEMENT FOR EQUITY



A checklist for academic staff associations

Collective bargaining is a key tool for advancing equity in the workplace. This internal self-audit tool will help associations and bargaining teams reflect on language that can be strengthened within the collective agreement to achieve equity, diversity, and inclusion, and Indigenization (EDII) for members.

The review of the collective agreement should be done following regular feedback from equity committees, caucuses, and equity-deserving campus and community groups on their working conditions. It is also important to undertake a disaggregated, intersectional analysis of the bargaining survey and other member outreach regarding bargaining priorities. This information should be used by the team reviewing the collective agreement and setting priorities for bargaining for equity, which should be, at minimum, 50% equity-deserving members.

Relevant Canadian Association of University Teachers (CAUT) bargaining advisories and [policy statements](#) are resources for the development of language. CAUT also encourages member associations to use our Collective Agreements Database to search for leading language. Some elements of ideal collective agreement language for EDII have yet to be bargained by CAUT member associations.

Maximizing potential for change

When possible, work to ensure equity language has:

- binding targets or goals
- a timeline for implementation
- allocation of responsibility for implementation and its systematic monitoring and review
- training for those responsible for implementation
- information and criteria for transparent evaluation of progress

Bleijenbergh, Inge, Jeanne de Bruijn, and Linda Dickens. (2001). Strengthening and Mainstreaming Equal Opportunities through Collective Bargaining. European Foundation in the Improvement of Living and Working Conditions as quoted in Briskin, Linda. (2006). Equity Bargaining/Bargaining Equity. York University.



1. Inclusionary language

- ☑ Review the collective agreement for normative, exclusionary language. For example, any use of a gendered pronoun such as 'he' or 'she' should be replaced with a wider range of pronouns (he, she, they) or simply by an inclusive 'their' or 'they.' As another example, care or beneficiary language may be heteronormative, referring to a mother and father, or a husband and wife, and should be amended to recognize diverse families.
- ☑ Exclusionary language can also occur in:
 - the conventional distribution (40-40-20) of scholarly activity – research, teaching and service
 - the definition of scholarly activity excluding diverse forms of knowledge production, pedagogy and dissemination such as oracy, land knowledge and land-based practices, community and traditional activities, and maintenance of relationships
 - statements that excellence is the primary criterion for decision-making
 - requirements for a doctoral degree without equivalences
 - preference for English and French language ability over Indigenous languages, for example

2. Anti-discrimination clause

Resources

- CAUT model clauses on Elimination of Systemic Discrimination in the Workplace and Non-Discrimination
- CAUT policy statements on [Equity](#), [Human Immunodeficiency Virus \(HIV\) / Acquired Immunodeficiency Syndrome \(AIDS\)](#), [Indigenizing the Academy](#), [Racial Justice](#) and [Women's Human Right to Equity](#)
- [CAUT Anti-Harassment and Non-Discrimination Statement](#)

Human rights legislation and occupational health and safety legislation are an implied term of all collective agreements. However, explicit recognition of these rights is important in highlighting that context for the parties. A collective agreement can do this when it:

- ☑ States that discrimination is prohibited in the workplace.
- ☑ Extends to the actions of management representatives such as supervisors and managers, as well as bargaining unit employees.

-
- ☑ Addresses situations of:
 - discrimination by superiors
 - discrimination by peers
 - discrimination by those reporting to bargaining unit members
 - discrimination by students or others to whom bargaining unit members must interact with at work
 - discrimination by other staff members
 - discrimination by contractors and visitors
 - ☑ Is enforceable through the grievance and arbitration rights of the members.
 - ☑ Includes, at minimum, all the grounds that are included in the provincial human rights code. Protected grounds vary by province and can include: citizenship, Indigenous identity, race, place of origin, ethnic origin, colour, ancestry, disability (physical, mental, learning), age, religion, language, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance (in housing), source of income, record of offences (in employment), and political convictions.
 - ☑ Recognizes equity-deserving groups at a minimum as women, Indigenous, Black, racialized people; people living with disabilities; and those who identify as 2SLGBTQI+.
 - ☑ Acknowledges intersectionality.
 - ☑ Acknowledges and provides for programs designed to ameliorate discrimination.
 - ☑ Governs how the collective agreement is interpreted and how the parties to it will behave.
 - ☑ Prohibits harassment as well as discrimination.

3. Employment equity and data

Resources

- CAUT model clauses on Access to Information and Elimination of Systemic Discrimination in the Workplace
- CAUT policy statements on [Equity](#) and [Indigenizing the Academy](#)
 - ☑ Requires collection and regular joint analyses of intersectional, disaggregated demographic data on defined equity-deserving groups.
 - ☑ Creates a standing joint employment equity committee to support data collection, analysis, and action.
 - ☑ Sets targets for addressing under-representation with timelines and reporting.

4. Indigenization

Resources

- CAUT policy statement on [Indigenizing the Academy](#)
- CAUT bargaining advisory on the [Indigenization of the Academy](#)
- CAUT checklist on [Indigenization](#)
- ☑ Values Indigenous knowledge production, oracy and other forms of dissemination and pedagogy, including:
 - recognition of Indigenous languages, land knowledge and land-based practices
 - community and traditional activities
 - maintenance of relationships
 - any other relevant considerations such as lived experience in Indigenous communities in hiring, tenure, and promotion decisions
- ☑ Recognizes disproportional or higher levels of service demands within the institution and in community.
- ☑ Includes Aboriginal faculty and/or community inclusion in hiring, tenure, and promotion committees of Aboriginal scholars.
- ☑ Requires governance models and approaches at all levels that prioritize Indigenous faculty and community involvement and control over Indigenization initiatives.
- ☑ Recognizes diverse cultural needs and practices, including land and community-based attachments, through for example, paid ceremonial leave and national Aboriginal holidays, and unpaid leave for political office in Aboriginal governments.
- ☑ Recognizes Indigenous data sovereignty and that the custodianship, dissemination and compensation for scholarship based on Indigenous traditional knowledge must remain within the community.
- ☑ Provides for Indigenous determination of Indigenous citizenship.

5. Occupational Health and Safety (OHS)

Resources

- CAUT policy statement on [Public and Private Police Forces and Security Services on Canadian University and College Campuses](#)
- CAUT model clause on Health and Safety

-
- ☑ Links the right to be free from discrimination and harassment, and the right to a safe workplace, naming relevant provincial legislation.
 - ☑ Recognizes that discriminatory and harassing actions by others can create an unsafe workplace.
 - ☑ Includes reporting obligations to the Joint Health and Safety Committees on discrimination and harassment in the workplace.
 - ☑ Requires legislation and policies to be shared with staff and that training be provided.
 - ☑ Requires OHS workplace inspections to take an intersectional approach.
 - ☑ Commits to psychological and cultural safety reviews and preventative action plans.
 - ☑ Commit to an action plan with targets and timelines for the creation of gender-neutral bathrooms.
 - ☑ Commits to removing deadnames from administrative records.
 - ☑ Requires collecting data on campus policing activities, and reporting requirements to oversight bodies, including community oversight, with association/union representation.
 - ☑ Commits to providing safety equipment that recognizes differences arising from protected characteristics, like religion.

6. Harassment

Resources

- CAUT policy statements on [Freedom from Harassment](#) and [Targeted Online Harassment of Academic Staff](#)
- [CAUT Anti-Harassment and Non-Discrimination Statement](#)
- CAUT model clause on Suspension, Discipline and Dismissal
- CAUT bargaining advisory on Discipline Investigations
- ☑ Includes a process for dealing with harassment (including sexual and online harassment).
- ☑ Defines harassment in line with provincial legislation.
- ☑ References the importance of due process for investigation and decision-making procedure, and the right to privacy, accommodation, and association representation.
- ☑ Avoids broad, vague, or perpetual confidentiality requirements that would silence disempowered complainants.
- ☑ Provides that the harassment language or policy addresses situations based on human rights grounds and other forms of workplace conflict.

7. Violence in the workplace

Resources

- CAUT policy statements on [Sexual Violence in Post-Secondary Institutions](#) and [Gender Transitioning](#)
- CAUT model clauses on Violence in the Workplace and Suspension, Discipline and Dismissal
- CAUT bargaining advisory on Discipline Investigations
 - ☑ Defines violence to include physical, psychological, gender-based, hate-based, and domestic violence.
 - ☑ Recognizes that employees can face situations of violence or abuse in their personal life that may affect their attendance and performance at work.
 - ☑ Commits to a minimally invasive investigation.
 - ☑ Protects employees' confidentiality and privacy while ensuring workplace safety for all.
 - ☑ Acknowledges increased risk for equity-deserving members and those teaching and researching equity-related subjects and develops appropriate safety plans.
 - ☑ Provides paid days for employees experiencing domestic violence for attendance at medical appointments, legal proceedings, and any other necessary activities. This leave should be in addition to existing leave entitlements and may be taken as consecutive or single days or as a fraction of a day, without prior approval.
 - ☑ Commits that no adverse action will be taken against an employee if their attendance or performance at work suffers because of experiencing domestic violence.
 - ☑ Commits to the development and monitoring of workplace policies on preventing and addressing physical, psychological, gender-based and domestic violence by the Joint Health and Safety Committee.
 - ☑ Makes the relevant policies accessible to all employees and commits to reviews with input from the association.
 - ☑ Explains the appropriate action to be taken and identifies the process for reporting, assessing risk and safety planning.
 - ☑ Indicates available supports.
 - ☑ Commits the administration to provide workplace supports and training on the various forms of violence, including domestic violence.

8. Hiring and promotions

Resources

- CAUT bargaining advisories on [Equity in the Appointment & Career Progress of Academic Staff](#), [Legal Basis for Special/Equity Programs](#), [Indigenization of the Academy](#), and [Provision of Information to the Association](#)
 - CAUT model clauses on Appointments and Performance Metrics
 - CAUT policy statements on [Equity](#), [Evaluation of Research, Scholarship, and Creative Activities](#), [Indigenizing the Academy](#), [Evaluation of Teaching](#), [Performance Metrics](#), and [Use of Student Opinion Surveys](#)
-
- Recognizes the value of Indigenous knowledge, community, and land-based scholarship.
 - Recognizes experience and education from around the world.
 - Requires equity statements on job postings, noting accommodation will be provided if needed, and advertisements will be posted through diverse networks.
 - Specifies an equity representative on all personnel committees and an Indigenous community member for an Indigenous traditional knowledge candidate.
 - Commits to co-development of equity training for all persons on those committees.
 - Requires the sharing of information about applicants, interviewees, and successful candidates with a joint employment equity committee and or the academic staff association.
 - Prohibits use of student opinion surveys in tenure and promotion decisions.
 - Prohibits use of performance metrics in appointment and tenure decisions.
 - Commits to targeted and cluster hiring of equity-deserving groups to address under-representation and improve retention.
 - Recognizes equity work as academic work, including the increased burden on equity-deserving groups to provide their time and experience in hiring, promotion, and peer review at the cost of other service opportunities.
 - Mandates a joint employment equity committee to review hiring and promotion practices aimed at increasing EDII.
 - Recognizes that equity-deserving members may have greater teaching or service workloads and that this work be recognized as an asset in hiring and promotion.

9. Workload

Resources

- CAUT policy statements on [Recognition of Increased Workload Staff Members in Equity-Deserving Groups in a Minority Context](#) and [Recognition of Increased Workload of Francophones in a Minority Context](#)
- CAUT model clauses on Workload and Service.
 - ☑ Recognizes increased workload of and unequal burdens on equity-deserving members and francophones in a minority context.
 - ☑ Provides stipends or release time for extra duties undertaken in the service of equity by equity-deserving members.
 - ☑ Recognizes extra duties as an academic contribution considered in applications for tenure or promotion and in every decision based on evaluation of a file (for example, for internal research grants, requests for sabbatical leave, etc.).
 - ☑ Includes complement and renewal language that helps to ensure stable employment, job security and tenure, and that affords the opportunity to each member to participate in their share of service.

10. Pay equity, equal pay, equitable compensation

Resources

- CAUT bargaining advisories on [Market Differentials and Supplements](#) and [Starting Salaries](#)
- CAUT model clause on Equitable Compensation
- CAUT policy statements on the [Human Right to Equitable Compensation](#) and [Salary Structure](#)
 - ☑ Commits to pay equity (equal pay for work of equal value) and equal pay (equal pay for equal or similar work) and processes to ensure the same.
 - ☑ Includes a transparent pay grid and formal and explicitly weighted criteria for determining where new members enter the grid, leaving no room for biases in the negotiation of starting salaries.
 - ☑ Requires the collection and sharing of data on gender and diversity and pay for equitable compensation studies.
 - ☑ Outlines a process for regular studies based on gender and diversity characteristics, recognizing intersectionality.

-
- ☑ Recognizes that remedies identified should be rolled into base salary with adjustments for lost pension contributions.
 - ☑ Requires that the individual and total distribution and duration of market differentials be negotiated with the association, with as little discretion as possible left to the administration.
 - ☑ Calls for regular review of market differentials.

11. Benefits and pensions

Resources

- CAUT model clause on Pension Rights for Contract Academic Staff
- CAUT policy statements on the [Human Right to Equitable Compensation](#) and [Gender Transitioning](#)
 - ☑ Defines the term “family” broadly for the purposes of benefits and pensions and in a way that recognizes diversity of genders and sexual orientations.
 - ☑ Makes clear how benefits and pension will accrue to those employees who are absent due to illness, disability or care leaves.
 - ☑ Keeps the responsibility for benefits within the bounds of the collective agreement.
 - ☑ Provides gender affirmation benefits or creates a fund to support members with gender affirming care.

12. Leaves of absence

Resources

- CAUT model clauses on Maternity/Pregnancy and Parental Leave and Compassionate Care Leave
- CAUT policy statements on [Compassionate Care Leave](#), [Family and Personal Leave](#), [Gender Transitioning](#) and [Maternity and Parental Leaves](#)
- CAUT bargaining advisory on the [Indigenization of the Academy](#)
 - ☑ Defines the term “family” broadly, recognizing immediate, extended, chosen, foster and kinship circles.
 - ☑ Provides paid leaves for:
 - i. Pregnancy, pregnancy loss, maternity, adoption, parental
 - ii. Family caregiving, including critical care of a child or adult, compassionate care and bereavement

-
- iii. Non-Christian holidays and ceremonies
 - iv. Domestic violence
 - v. Gender affirming care
- Provides unpaid leaves for political office, including Aboriginal government.
 - Ensures that paid leaves for caregiving stop the clock for tenure and promotion, but not for seniority or sabbatical leave.
 - Makes clear how benefits and pensions accrue while on paid or unpaid leaves.

13. Childcare and dependant care

Resources

- CAUT bargaining advisory on [Child Care](#)
 - CAUT policy statement on [Dependant Care](#)
- Recognizes the importance of providing dependant care.
 - Agrees to create, maintain or expand a worksite childcare facility.
 - Provides employer-funded financial assistance or subsidies for licensed spaces.
 - Provides paid leave for childcare responsibilities.
 - Establishes joint research and analysis on childcare needs with a commitment to develop action plans.
 - Reports on needs assessment and wait lists.
 - Ensures hours of operation recognize non-standard hours of academic work.
 - Allows for flexible hours and workplace locations.

14. Accommodation and disabilities

Resources

- CAUT policy statement on [Academic Staff with Mental Health Disabilities](#)
- CAUT model clause on Long-term Disability Benefits
- CAUT legal update on the Duty to Inquire

-
- ☑ Prohibits discrimination based on physical, mental, developmental, learning disabilities and neurodiversity.
 - ☑ Makes clear the right to be accommodated and references relevant human rights legislation.
 - ☑ Defines disability broadly, to include invisible and visible, chronic, transitory, episodic and workplace-created disability.
 - ☑ Outlines or references a procedure for identifying and providing accommodations and ensuring training in accommodated positions.
 - ☑ States that procedures included in or referenced in the collective agreement are without prejudice to the grievance and arbitration rights of members.
 - ☑ Permits the self-reporting of symptoms for chronic and episodic illnesses or disabilities and does not require medical documentation to substantiate every illness or symptom.
 - ☑ Outlines the provision of medical information to the administration, specifying who pays for the documentation, when such information may be required, to whom the information must be submitted, who will review and interpret medical information, whether the administration of leaves and benefits can be outsourced, how the medical information can be used, and that the employee will have access to any medical results, reports or files that the employer may have amassed.
 - ☑ Specifies that the presumption should always be that the medical information will come from the employee's own medical professional and should not be limited to medical doctors. Deference should be provided to the employee's primary care provider, with specialized medical information requested only as necessary.
 - ☑ Establishes a minimally invasive approach to requesting information to limit how much information the employer can request and how often. Where possible, leaves and accommodations should be approved and implemented pending medical substantiation.
 - ☑ Stipulates that, where possible, the use of independent medical examinations (IME) is to be avoided. Where an IME is already provided for in the collective agreement, it should be clarified that the administration will: pay for the IME and any documentation required to conduct the examination and prepare the report; engage the employee (and association) in the selection of the IME; provide a copy of the entire report to the employee (or the employee's primary care provider) at the same time it is provided to the administration.
 - ☑ Acknowledges that employees who have experienced harassment or violence may require accommodation.

15. Age discrimination

Resources

- CAUT policy statements on [Age Discrimination](#) and [Retirement](#)
 - ☑ Prohibits discrimination based on age.
 - ☑ Where legally permitted, extends eligibility of benefits past 65 years of age, including different compensation packages or formulas.
 - ☑ Ensures that pensions and benefits are not reduced after certain ages unless legally required.

16. Substance use and addictions

Resources

- CAUT legal advisories on Responding to Requests for a Member's Medical Information and Personal Health Information Protection
 - ☑ Acknowledges the privacy rights of members.
 - ☑ Prohibits the administration from using intrusive steps such as surveillance, searches, and drug and alcohol testing.
 - ☑ Requires association representatives to be notified when steps are to be taken.
 - ☑ Requires any such testing to have a rational connection to the job requirements and job performance and prohibits randomized testing.
 - ☑ Provides access to employee assistance and counselling, and benefits for in-patient and out-patient counselling.

17. Fairness for contract academic staff

Resources

- CAUT legal update on Contract Academic Staff
- CAUT model clauses on Compensation for Contract Academic Staff, Job Security, Seniority and Conversion for Contract Academic Staff and Pension Rights for Contract Academic Staff
- CAUT bargaining advisory on Teaching-Intensive Appointments
- CAUT policy statements on [Fairness for Contract Academic Staff](#), [Compassionate Care Leave](#) and [Governance](#)

-
- ☑ Provides paid leaves.
 - ☑ Provides pension contributions or equivalent.
 - ☑ Provides the same or equivalent benefits and bridging between contracts.
 - ☑ Commits to conversion to long limited-term, tenure-track, or regularized appointments.
 - ☑ Provides access to professional development and conference travel funds.
 - ☑ Guarantees academic freedom.
 - ☑ Provides equivalency of working conditions (office space, library access).
 - ☑ Includes contract academic staff in collegial processes (departmental meetings, faculty council, representation on search committees, etc.), with paid and recognized service.
 - ☑ Ensures retention of seniority through care leaves, illness and upgrade of academic credentials, including lived experience in Indigenous communities.
 - ☑ Provides priorities in rehiring.

18. Academic freedom

Resources

- CAUT policy statements on [Equity](#) and [Academic Freedom](#)
- CAUT model clause on Academic Freedom
- ☑ Includes a robust definition of academic freedom stating it is the right, without restriction by prescribed doctrine, to freedom to teach and discuss; freedom to carry out research and disseminate and publish the results thereof; freedom to produce and perform creative works; freedom to engage in service; freedom to express one's opinion about the institution, its administration, and the system in which one works; freedom to contribute to social change through free expression of opinion on matters of public interest; freedom to acquire, preserve, and provide access to documentary material in all formats; and freedom to participate in professional and representative academic bodies.
- ☑ Recognizes academic freedom extends to all academic staff, including librarians, archivists, and academic administrators, whether full-time or part-time, permanent or contract.

Acknowledgement

Adapted with permission from materials provided by Susan Ursel and Cindy Wilkey with input by the CAUT Equity and Collective Bargaining and Organizing Committees, and the CAUT Aboriginal Post-Secondary Education Working Group.



Canadian Association of University Teachers
Association canadienne des professeures et professeurs d'université
2705, promenade Queensview Drive, Ottawa, (Ontario) K2B 8K2
Tel\Tél. 613•820•2270 Fax\Télé. 613•820•7244 acppu@caut.ca
www.caut.ca