The Union Against Itself: The Mirror Stage of Contract Faculty Labour

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In the *Production of Living Knowledge*, Gigi Roggero focuses on the relationship between autonomy and subordination. As he writes:

The line of the processes of struggle and of hierarchization is not longer ... located on the border dividing those within from those outside of the labour market, but is completely internal to it. In the intersection between life and labour struck by the condition of precarity, it is the quality of inclusion that becomes the object of the practices of exit and of voice. The behaviors of living labour, between the search for autonomy and subordination, self-valorization, and competitive individualism, describe, therefore, the material constitution of subjectivity, becoming at once a form of resistance and of potential conflict (Roggero 2011, p. 103).

I want to draw on this rich passage to describe and analyze how CUPE 3903 was put against itself. In response to the acceleration and intensification of casualization of academic labour, the quality of contract faculty's inclusion in a member-driven, democratic union became problematic. In the following account, I emphasize how organization and mediation must be considered as constitutive in the production of subjectivity. I will close by raising the question of affective bargaining with the union and the shaping of subjectivity.

Currently, CUPE Local 3903 is the bargaining agent for 1726 teaching assistants in Unit 1 and 691 graduate assistants in Unit 3. In Unit 2 representing contract faculty there are 900 members; of these, 687 hold course directorships, 340 hold tutor positions, and 127 hold both positions. Given the changing composition and orientation of the local towards more graduate students, what was remarkable about the 85-day strike in 2008-09 was that contract faculty and graduate students were in solidarity on "job security." That strike only ended when

the McGuinty Liberals passed Bill 145 – the York University Labour Disputes Resolution Act – on January 29, 2009. After the employer's war of attrition against the strikers, the neoliberal government acted to regulate the academic labour market by stripping strikers of their collective bargaining rights.

One episode from this strike illustrates how union communication is enabling and constraining. After the strike had already started, a Unit 2 communication committee was formed to develop a communication strategy to inform and mobilize contract faculty. They started a listserv and produced the inaugural issue of the *CUPE 3903 U2 Chronicle*. Recognizing their underepresentation in the internal and external media, a subcommittee made plans for a press conference to make contract faculty visible and articulate the relationship between job security and the quality of education. This press conference never happened. The executive committee following CUPE National's communication officer's centralized, coordinated communication strategy insisted that this conference be delayed until after the forced ratification results were known. In this way, union communication was structured to foreclose the representation of "hidden academics" (Ragagpol 2002).

This is not to say that the issue of "job security" – through sheer repetition if nothing else -- was ignored or unreported. Rather, it is to say that it was not attached to those most affected by casualization. The union's communication strategy failed to make the connection between "job security," the two-tier faculty employment system, and the threat that contingency poses to academic freedom and governance. As one senior contract faculty member put it, "At a certain level I feel that efforts to keep U2 out of the media represent an ageist attack on who we are. The lack of our voices and our faces... throughout 3903's media representations is appalling (as is the lack of racialized bodies, differently-abeled bodies, elderly bodies, female bodies)." To put it in a

post-autonomist Marxist framework of cognitive labour, if communication is cooperation and production, then what was at stake for contract faculty in this strike was not just putting a face on public service, educational workers but the production of living knowledge of precariousness.

I want to go on to argue that it is out of the memory of defeat that a new path to self valorization and determination would be tried. The union would be put against itself without being transformed. As Antonio Negri suggests in *The Politics of Subversion: A Manifesto for the Twenty-First Century*, communication is production. To this, I would add that mediation – the space between the subject and reality – as well as organization must be considered constitutive. Despite its legacy of achievements, resources have yet to be allocated within CUPE 3903 to enhance contract faculty's capacity to communicate, discover who they are, and to network. Moreover, in 2011, another way was tried – restructuring the local – but it ended up having no traction. This has left contract faculty less able to tackle the problem of casualization and to protect themselves from exploitation.

In May 2011, in the context of a financial disaster that put the local under administration, a Unit 2 Working Group prepared a discussion paper. Based on their research, they made a convincing case that the contract faculty collective agreement were not keeping pace with the casualization of labour. Because new bylaws had to be written and ratified to govern the local after administration, the working group began to look at the local's structure in view of the needs of contract faculty. This led to a proposal to reorganize the local along the lines of a composite model that would given contract faculty a greater voice and relative autonomy over decision-making while preserving collectivism.

The working group developed and presented draft bylaws to the administrator only to be shut out by her and the bylaws committee. They then proceeded to bring this composite model

to the general membership by organizing a balloted vote by mail. Even though a majority of contract faculty had voted in favor of it, the special general membership meeting called for the purposes of discussing and voting on the proposal was ruled "out of order" by the executive committee on the grounds that CUPE National – which had advised the working group how to proceed – would not allow it. This was the moment that the movement to territorialize power within the top-down, centralized union was blocked.

Despite the fact that this was not an exit strategy, the proposals had their opponents beyond the executive committee. In the view of some, contract faculty should not demand greater representation by asserting their difference from students. Others characterized restructuring the local as "separatist," "divisive" and a waste of "collective union time."

Thus, the sequence of crisis-development-restructuring that working group and its supporters might have hoped for was not able to manifest itself. The working group put forward a slate of candidates for election to the executive committee. After receiving complaints about alleged campaign irregularities, the administrator shut down the Unit 2 listserv and disabled the Unit 2 WordPress web blog on the CUPE National server. This platform was not reenabled after the campaign period, or after administration ended by the newly elected executive committee. It ended up being "temporarily" disabled for a whole year. This reduced the capacity of contract faculty to communicate while the crisis of the public university was deepening. I would go step further and say that without this platform there is no means of constructing what contract faculty are living through and no archive of struggles. This leaves contract faculty vulnerable to forgetting and prone to ontological insecurity and fear.

To sum up, any sequence of crisis-development-restructuring that working group and its supporters might have hoped was not able to manifest itself. The expansion of online space for, by, and about contract faculty turned out to be as limited as a one-year, nonrenewble contract.

How have contract faculty fared since?

On April 12, 2012, an overwhelming majority in CUPE 3903 voted to move to ratification and accept the employer's offer of no gains on "job security" for contract faculty. As one senior contract faculty member aptly put it during the consultative membership meeting, "We now have management in the position that they want us in." After the votes were counted, I would say the mood of the 81% in favour ranged from satisfied to very satisfied to jubilant. The mood of the 18% not in favour ranged from politically depressed to angry. There would be no solidarity around "job security" in 2012.

In this round of collective bargaining, "job security" was again a priority area. There were proposals to increase the number of affirmative action conversion appointments and long service teaching appointment improvements. These proposals were based on the principle of seniority and eligibility based on length of service and intensity of teaching. The affirmative action conversion program, which remains unique to York, is an opportunity for promotion to a tenure-track position. The long service teaching appointment program provides job stability for teaching-focused faculty members. Other proposals for minimum entitlement, a hard cap on the maximum number of courses, and lower eligibility for affirmative action pool were based on equalizing the distribution of work within the unit so that junior members may get more per course contracts. In this way, "job security" was bifurcated by short versus long term interests. The demand for a fair share of contract faculty for junior members would infringe upon the seniority principle of job protection.

As the April 16-20 ratification vote turned out, 399 Unit 1s (96.6%) voted in favour, as did 53 Unit 3s (94.6%). 178 contract faculty voted in favor (80.9%) and only 42 (19%) were against. Even though Unit 2 negotiates its own collective agreement, the clandestine conflict of interests reflected in bargaining proposals did not directly express itself in the ratification vote.

The history of the local's present is more complicated. To begin with, one can read the employer's offer as evidence of managerial practices of austerity after the 2009 financial collapse reduced the university's endowments. The recession did not affect undergraduate enrollments in 2009 because admission standards could be lowered to meet targets. Three years later, there is more necessity to retain graduate students by improving their collective agreements while increasing flexibility to in-source contract faculty. The employer only talked about an employment equity plan after the strike mandate vote. Even then, equity was only discussed in terms of training staff and administrators. The employer's bargaining team refused to contemplate any language that would be at odds with the academic plan, short-term savings, and cost effectiveness.

Undoubtedly, the financial stress of the last strike and the economic necessity of living "cheque to cheque" also ruled out the choice of going on strike for contract faculty, particularly families with children. But something else was also involved. Here I draw on Lauren Berlant's *Cruel Optimism* for insight into how the historical present is affectively understood. We could say that when the crisis of the university has become ordinary, subjects engage in affective bargaining to adjust to the present. In this sense, affective bargaining between the members and their union goes on before, during and after collective bargaining. Many members have a disengagement contract with the union. Meetings can be long as well as baffling and dismaying. The paucity of information about agenda items before meetings, the time and location of

meetings, the lack of quorum, "rules of order" that structure participation in ways that are not always productive, all contribute to a precarious public sphere for solving a problem like the casualization of academic labour. In this round of collective bargaining behavior, following Berlant, we could say that the "exhausting pragmatics of the everyday" prevailed over any loose solidarity to return to the bargaining table.

There is also another dimension to the shaping of subjectivity to consider. In the post-ratification vote discussion, one of the regulars posted this list of questions to counter the "fiction that every grad student reduced his/her self-interest to what affects him/her now and voted strictly on the basis of that reduction":

- 1. How will the latest offer affect my pocket now?
- 2. How will the latest offer affect me in the future?
- 3. How will the latest offer affect other people?
- 4. Am I personally willing to go strike?
- 5. Is the local able to sustain (afford, organize, survive) a strike?
- 6. Will the employer give us more if we go back to the table?
- 7. Are the costs of a strike to me, to the local and to the university worth it to win those potential gains?

After the ratification vote, this was presented as an assessment of the concerns that people have on their mind. We can read this as an austerity of mind about precariousness. The competitive, individualist subject is one that is more attached to the "successful completion of another round of bargaining" than the actual language of collective agreements. The irony is that the most of these questions indicate a functional relationship to the union and the common sense of self-interested, cost-benefit analysis. Some contract faculty may have made a lot of political noise in meetings and over blogs and listservs but this is a subject who is relieved by the certainty of knowing there will not be any further negotiation, work to rule, or strike under any circumstances.

Another contract faculty with a union background acknowledge that there was "some truth in evaluating the different career/life/class interests" of the three units, argued that incorporating difference "into one's argument recapitulates the spirit of division that is being used against us, not to mention inflaming sentiment unhelpfully." The working group's effort to democratize the local can be read as a process of subjectivization in resistance to the university's categorization of nominally 'different "full-time" employees. This production of difference is in collusion with the York University Faculty Association, a union whose scope clause defines all "full-time" employees at York as members of YUFA. At the same time, CUPE 3903 as a unity-within-difference is still yet to come.

Contract faculty have learned from experience that the university is not a meritocracy where there is equal opportunity for all, talent rises to the top, and excellence is the principle criterion for appointments to the full-time, tenure track. Scholar-teachers and those committed to teaching for a living may see the inverse image of meritocracy in their own union's behavior. What I mean by this is that fight against casualization will require not only common cause, or structural cohesion among faculty and students, but research into, and education about, how York University works.

In unionized university environments, individual contract faculty may seek for a redress of grievances within a grievance and arbitration model but the minutes of settlement may not be referred to except for enforcement and any remedy creates no precedent for others. It is in those grievances and hearings where managerial rights are legally defended by lawyers and where the truth of exploitation lies. Without communication and cooperation, self-organization and agitation, there can be no consciousness of precariousness that will influence a shift from

routinized, predictable negotiation of wages, benefits and funds within nonnegotiable total compensation envelopes to negotiating sustainable academic livelyhoods.

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