

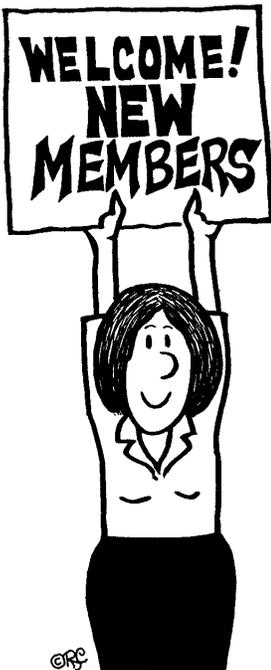
# MAFA NEWSLETTER

## Mount Allison Faculty Association

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SEPTEMBER 2008

### NEW MEMBERS' PARTY



All faculty members and librarians (and their partners or spouses) are invited to attend the annual MAFA New Members' Party. Please join us on Friday 26 September beginning at 4:30 pm at the University Club (President's Cottage, between the Avard Dixon and the Biology buildings). There will be great food and every adult who attends will receive one drink ticket. Spouses and families are welcome, and child care costs and local taxi fares will also be reimbursed (on request, we will be happy to supply you with a blank receipt form at the welcome table).

We hope that you will be able to attend.

### PRESIDENT'S MESSAGE

First, on behalf of the MAFA Executive, I want to say "hello" to all of you and "welcome" to new members. We hope that your academic year will be a good one.

In the four months that I've been president, I've learned a great deal; the Workshop for New Presidents hosted by the Canadian Association of University Teachers (CAUT) was wonderfully informative and moreover, has made me appreciate the work done by that organization. Indeed, learning how CAUT and the Federation of New Brunswick Faculty Associations (FNBFA) operate and what they do for their members has been eye-opening. Of course, these organizations function on the national and provincial level, respectively, and most of my and the Executive's concerns are specific to Mount Allison.

I would like to say that relations between MAFA and administrators (the Employer) are cordial, and this is generally so. But both sides are also currently attempting to interpret the collective agreement signed in January of this year, and this has led to some disagreements. MAFA recently won a grievance at arbitration, but members of the Executive were disappointed when we were informed late last week that the Employer intends to seek judicial review of the arbitrator's decision. This might prove a costly process for us. (The grievance is discussed more thoroughly below.) More generally, you can be assured that your Executive remains vigilant in making sure that the terms of the collective agreement are honoured.

In closing, let me say that my office door is usually open, though my office, Hart Hall 302, is often pretty messy, and you should feel free to drop by if you have any questions or concerns. Or you can visit our remarkably competent Professional Officer Geoff Martin in the MAFA office.

Peter Brown

### MAFA WINS ARBITRATION ... And the Employer appeals to the court

For the first time in several years, MAFA took an individual grievance to arbitration, and won, though now the Employer has decided to seek judicial review of the arbitrator's decision by the Court of Queen's Bench.

The outline of the grievance is as follows. A member in Social Sciences is taking her second half-sabbatical this year; during her last half-sabbatical she was assigned three courses, and during the upcoming one she was assigned three courses. MAFA argued that members who take two half-sabbaticals over a seven-year period should teach the same number of courses as those who take a full sabbatical over the same

period. MAFA also provided evidence that the Employer had not been consistent in its assignment of teaching duties in the academic year of second half sabbaticals, citing cases in which members were assigned two courses rather than three.

The government-appointed arbitrator agreed with MAFA that the Employer's assignment of three courses during the academic year of the second half-sabbatical was unacceptable under our current collective agreement: those who take a full-sabbatical are released from five courses over a seven-year cycle in the Arts and Social Sciences, whereas, under the Employer's policy, those who take two half sabbaticals are released from only four courses. As the arbitrator wrote: "For the employer to decide that all half-sabbaticals are to be automatically treated as requiring the professor to teach three courses without having any regard to what has happened in a previous half-sabbatical year is, in my opinion, tantamount to being arbitrary. I believe that it would not result in teaching duties that are similar to those of other faculty members as required by article 12.07 a)."

The Employer has agreed to abide by the arbitrator's judgement in the case of the individual grievor; the teaching duties of another member taking a second half sabbatical have also been adjusted. The Employer is appealing the arbitrator's judgement, and this may affect applicants for half-sabbaticals: **if you are a faculty member in the Arts or Social Sciences who is applying for a second six-month sabbatical in 2009-10, you cannot be certain of how many courses you will be assigned in your teaching term.**

MAFA will be in court in the coming months to see this matter settled. If you have any questions about this arbitration judgement or its appeal, please contact the MAFA office.



**FNBFA and the PSE Report**

In late June, the Shawn Graham government released its *Action Plan to Transform Post-Secondary Education*. (Doubtless, some of you attended President Campbell's presentation on it.) While there is much to commend in the government's report, there are also some startling policies concerning universities' accountability and independence.

As President Campbell noted at University Assembly, the government's intended means of ensuring accountability is "snoopy." More specifically, the Graham government is demanding that university presidents appear yearly before a committee of the Legislative Assembly. Like our sister unions in the province, and like the Federation of New Brunswick Faculty Associations (FNBFA), MAFA is deeply concerned about the possible impact of the government's policies on university independence. MAFA President Peter Brown will be attending a Board Meeting of FNBFA in mid September at which a united response will be discussed; he welcomes feedback from members on the government's *Action Plan*. Please send your opinions to the MAFA general office: [mafafa@mta.ca](mailto:mafafa@mta.ca)

There is a file of selected media articles on this issue which members are welcome to read in the MAFA office. Also, if you want to look at the government report, go to:

<http://www.gnb.ca/Promos/PSE/index-e.asp>

**MAFA hosted a CAUT Grievance Handling Workshop on August 18th and 19th**

Expertly facilitated by CAUT representative Doug Vaisey, also grievance officer for Saint Mary's University Faculty Union, the Workshop covered a wide range of themes including the definition and scope of a union grievance, the grievance process, and the duties of confidentiality and fair representation. Participants were especially engaged by the role-playing exercise around which much of the Workshop's second day was structured: each was assigned a role (grievor, grievance officer, dean), provided with confidential character-appropriate information and motivating details, and tasked with enacting the various stages in the grievance process ('meet the Grievor', 'meet the Employer', etc.).

Despite the occasional outburst along the way from unruly grievors, grievance officers, and deans, the grievance was settled to the satisfaction of all concerned (and without arbitration!).

Many thanks to our talented and enthusiastic workshop participants.

## **Fascinating Facts from the Grievance Handling Workshop . . .**

### **Did you know:**

That a grievance can include not only violations of the current collective agreement but also violations of past practice, human rights codes, and, as the Supreme Court of Canada ruled in 1995, any other federal and provincial legislation?

That a union can only grieve employer actions in the workplace?

That an employer can file a grievance against a union?

### **MAFA will have new legal counsel**

Long-time members of MAFA will be interested to hear that MAFA's lawyer, Robert Breen, has recently been appointed to chair the New Brunswick Labour and Employment Board (LEB).

The bad news is that he will no longer be able to do MAFA's legal work, after over 25 years of service. The good news is that though Bob is known as a fair-minded legal practitioner, it will be nice to have a sympathetic chair of the Labour Board in New Brunswick. As chair, he will lead the Board in dealing with requests for certification of bargaining units, he will hear unfair labour practices complaints, and he is also charged with constituting public tribunals under the NB Human Rights Act. Congratulations, Bob, we'll miss you!

MAFA will now work with Bob's current partner, Joel Michaud, who has 20 years of experience in labour law and currently does the work for the U de M association (APPBM). Joel will also do legal work for the associations at Saint Thomas and UNB.

### **MAFA hosts CAUT Health and Safety Workshop**

In May, MAFA hosted a CAUT workshop on Health and Safety, attended by MAFA members as well as guests from associations at Saint Thomas (FAUST), the U de M (UPPBM), and the Nova Scotia College of Art and Design (FUNSCAD).

The workshop was very intense and covered a lot of material in a very short time. The last afternoon was devoted entirely to the hazards of asbestos – very timely considering that almost all the buildings at MTA contain asbestos in some form or another.

Topics covered in the workshop included: your right to know about hazards in the workplace; how to make Joint Health and Safety Committees (JHSC) work better; how to exercise your right to refuse unsafe work; changes to the Criminal Code regarding the legal duty of persons directing work to ensure the safety of workers and the public (students); workplace hazardous materials information system (WHIMS) and the legal requirement for WHIMS training and re-training; material hazard data sheets (MSDS) and the right to have them readily available, and finally; some practical things we all can do to be more proactive about our own health and safety.

The representative from CAUT advised the attendees to consider including references to health and safety in future collective agreements to add weight to your right to know – the legal right to information and training, your right to participate – the legal right to be part of all JHSCs, and your right to refuse – the legal right to refuse unsafe or unhealthy work.

### **WANT TO GO PAPERLESS?**

We now live in a world in which many people want to minimize the use of resources. Last year, MAFA asked members to contact the office if they want to receive only the electronic, PDF version of this newsletter. Many said that they did.

People who said last year that they are content to receive just the efile will continue to receive it. If you get a hard copy over the next few days and you only want to get the efile, please email your preference to us.

Also, if you've changed your mind and want to get the hard copy, please email MAFA and let us know that you want to be added to the paper copy list.

### **FOIPOP**

What does FOIPOP mean? It is the new "Freedom on information and Protection of Privacy" bill before the New Brunswick legislature. The provincial government proposes to include universities in the public bodies that are subject to access to information requests from citizens. On your behalf, the MAFA Executive will be working with the FNBFA to ensure that the academic freedom and privacy of our members, in our teaching, research and service, are protected. Please stay tuned for more details.

## **Do you teach on a part-time basis?**

If so, you are eligible to apply for funding from the Vice-president (Academic and Research) in support of your “professional responsibilities.” The Vice-President has over \$5900 at his disposal in this academic year, and eligible items include “the purchase of books, subscriptions, supplies and travel expenses,” among other possibilities.

Please note that full-time members, in Unit 1, are not eligible to apply for these funds. When you apply, please send a copy of your application to the MAFA office.

For more information, see article 29.01 in the unit 2 collective agreement.

## **MAFA 2008-2009 EXECUTIVE**

*Peter Brown - President (English)*

*Jeff Lilburn - Vice President (Library)*

*Paul Berry - Past President (Commerce)*

*Maritza Fariña - Treasurer (Modern Languages and Literatures)*

*Loralea Michaelis - Grievance (Political Science)*

*Rob Cupido - Unit 2 (History/Continuous Learning)*

*Zoe Finkel - Membership (Geography and Environment)*

*Laurie Ricker - Collective Bargaining (Math and CS)*