

MAFA NEWSLETTER

Mount Allison Faculty Association

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October 29, 2010

It's been **121** days since the expiration of our two collective agreements...

Update on Collective Bargaining

**Bargaining Unit meeting, Friday,
November 5th, 3:30 pm, Avard Dixon
G12. All active full-time and part-time
Employees are urged to attend!**

their attempt to implement some of their proposals at the table did finally succeed in getting them to reverse their actions.

There is still a possibility we will be able to complete these negotiations without job action. Up to now, there has really not been much pressure on the administration to bargain. It will probably take the threat of a strike to get them to concentrate. But we must realize that there is no point in making threats unless we are willing to carry through on them.

Rick Hudson
President

PRESIDENT'S MESSAGE

Negotiations are not going well. So far the two sides have met over 50 times. The last time we had so many meetings without arriving at an agreement was in 1998, and that led to the strike of January - February 1999.

While negotiations are going badly, the administration continues to manage in an aggressive manner, leading to ever more grievances. In some

cases they continue to violate the clear wording of the Collective Agreement. When this is pointed out to them, they often simply continue, but, so far, they do

pull back when we move towards more formal procedures. For example, our appeal to the New Brunswick Labour and Employment Board about



GRIEVANCE REPORT

Resolved:

1) Hiring outside the bargaining unit. IT Specialist position in the library. Union grievance, filed May 10, 2010. Arbitration had been scheduled for November 29th, 2010. The Employer contacted MAFA on October 5, 2010, to confirm that the position had been filled and that it had replaced the position description which MAFA had grieved with the position description to which MAFA and the Employer had agreed as part of the November 12, 2009 mediated settlement of the original grievance. The Employer having complied with the settlement, MAFA and the Employer have agreed to cancel the arbitration. MAFA will continue to monitor the situation to ensure that only MAFA members do the work of our librarians.

2) Evaluations. Filed September 24, 2010. The Employer confirmed that the Director of the Ron

Joyce Centre for Business Studies (RJCBS) signed evaluations for a number of Commerce members for the 2009/2010 academic year. Article 14.01 of the Unit 1 Collective Agreement requires that the evaluation of employees be carried out by a Dean (as defined in Article 1.01). Following a meeting between MAFA and the Employer's Grievance Officer, the Employer announced that it was allowing the grievance and granting MAFA's request that the evaluations be redone by the Dean of Social Science.

Ongoing:

1) Hiring outside the bargaining unit. RJCBS Director. Union grievance, filed August 4, 2009. Arbitration scheduled for December 1, 2010 .

2) Academic freedom and management rights. Individual grievance, filed July 20, 2010. Step 2 filed September 18th. The University has denied the grievance. MAFA is consulting with the member.

3) Evaluations. Filed September 30, 2010. A member received an evaluation which is in violation of a number of provisions in Article 14 as well as other Articles in the Unit 1 Collective Agreement. The grievance was presented to the evaluating Dean on October 25, 2010. The Dean's response is pending.

Loralea Michaelis

CELEBRATION OF THE CONTRIBUTIONS OF OUR PART-TIME FACULTY

During Fair Employment Week (October 25-29), MAFA celebrated the important contributions of our part-time faculty members.

On Monday, October 25th, MAFA hosted a well-attended luncheon for part-time members, allowing them to meet each other and share their experiences.

On Wednesday the 27th, we hosted a Part-time Research and Creative Activity Fair at the University Club. Ten part-time members displayed their work, including Decima Mitchell's costume designs and stage model. A recording of a recent recital by Copper Ferreira (Music) and colleagues was played, and Lorne Altman set up a visual and sound presentation for visitors to experience. Other part-time members, including Rob Cupido, Philip Loosemore, San Patten, Toni Roberts, Jeremy Schmidt, and Michael Thorpe, displayed samples of their written work.

The event also included a launch for a new book by Geoff Martin (unit 2) and Erin Steuter (unit 1): *Pop Culture Goes to War: Enlisting and Resisting Militarism in the War on Terror* (Lexington Books, 2010). Turnout for the event, held at the University Club, was very good, despite the bad weather.

CONCILIATION BOARDS

On October 19, the conciliator, Rick Merrill, reported to the Minister, the Hon. Martine Coulobme, that conciliation had failed. The Minister has 15 days, which we believe means until November 3, to decide on the next step for our labour dispute.

In the past in cases involving Mount Allison, ministers have always issued a "no board" report. This means she would not call for a Conciliation Board. But, as one of the innovations of the Graham government, the Liberal ministers twice demanded the creation of a Conciliation Board, both times for university cases. This is highly unusual. In response to a question from FNBFA President Dennis Desroches earlier this year, the previous Liberal minister, Donald Arseneault, admitted that Conciliation Boards had not been used for labour disputes falling under the *Industrial Relations Act* (which covers our situation at Mount Allison) since the 1980s, except for the nursing home case in 2005.

Conciliation Boards delay negotiations for a considerable amount of time. Currently there is a Conciliation Board working on the dispute at the University of New Brunswick. The minister called the Board on February 18th of this year, and it still has not reported. Besides the delay and the cost of the Boards, there is the danger that the Board might report during the summer, when the Employer could lock out the faculty and librarians but the union would have no recourse. But most importantly, Boards, which are advisory only, remove the pressure that the employer would feel if there were a risk of strike action. Until the Board reports, no job action can take place.

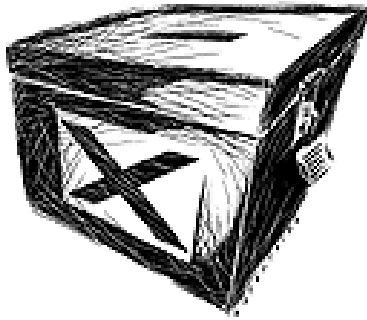
We don't know if Minister Coulobme will call a Conciliation Board. Calling a Board implies that the government sees universities as forming part of the public service (where conciliation boards are sometimes used). Generally Conservative ideology would see the party limiting the sphere of government activity, so we believe that if the new government acts

in a way consistent with Conservative beliefs, it would not call a Board. But it isn't clear how ideological the political parties are in New Brunswick.

NEGOTIATIONS – THE NEXT STEPS

The two parties have been meeting regularly following the return of the Employer's chief negotiator at Thanksgiving. But little is being accomplished.

If the Minister issues a "no board" report, then the two sides can move to job action (strike or lockout) after the one-week delay required under the Act. After



the week, the union can hold a strike vote. The sides must then give 24 hours notice before going on strike or locking out the employees.

Negotiations, naturally, can happen

at any time. They can continue even if a Conciliation Board is called, and they can continue in the time leading up to and following a strike vote. Even after the strike begins, were that to happen, negotiations can continue. Eventually, an agreement will be reached at the table.

ELSEWHERE IN CANADA

The Canadian Association of University Teachers (CAUT) reports the following:

The University of Western Ontario Faculty Association (UWOFA) has set a strike deadline of 12:01 a.m. November 3. That is the first date on which unionized faculty members at the University of Western Ontario will be in a legal strike position.

The announcement follows the filing of a "No-Board" report by Ministry of Labour Director Reg Pearson on October 17.

"We still hope a strike will not be necessary," said UWOFA president James Compton. "And we will continue to bargain in good faith to achieve a fair and

equitable settlement."

Five negotiation dates are scheduled before the deadline.

More than 1,400 full- and part-time unionized faculty members have been without a contract since June 30, 2010.

Outstanding issues at the table include a series of proposals that would institute "performance management" techniques governing performance evaluation and discipline. Compensation also remains unresolved.

Elsewhere in Ontario academic staff at the Northern Ontario School of Medicine (NOSMFA) are heading into their 11th week on strike since setting up picket lines on August 16.

And in Ottawa the Carleton University Academic Staff Association (CUASA) will begin conciliation with a provincially appointed conciliator on October 25. Earlier this month CUASA received a strong mandate from its 800-strong membership with an 88.5% strike vote.

SCHEDULE OF EVENTS, 2010-11

Please mark these dates on your calendar:

Bargaining Unit Meeting, Friday, November 5th, 3:30 pm, Avard Dixon G12

Fall General Meeting, Tuesday, December 7th, 1:30 pm, Avard Dixon G12

Spring Annual General Meeting, Friday, April 8th, 3 pm, Avard Dixon G12

Retiring Members' Party, Friday, April 8th, 4:30 pm University Club

MAFA 2010-2011 EXECUTIVE

Richard Hudson - President (Commerce)

Gina Grandy - Vice-President (Commerce)

Peter Brown - Past President (English)

Robert Rosebrugh - Treasurer (Math and CS)

Jeff Lilburn - Collective Bargaining (Library)

Loralea Michaelis - Grievance (Political Science)

San Patten - Unit 2 (Continuous Learning)

**David Thomas - Membership (Political Science/
International Relations)**