

MAFA NEWSLETTER

Mount Allison Faculty Association

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November 4, 2010

It's been 127 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!**

PRESIDENT'S MESSAGE

I hope that we get a good turnout for the meeting on Friday. This negotiating period has been difficult – comparable to those in years which led to strikes. It is important to recognize that, in the end, there will be a new collective agreement, and that our objective is to arrive at an agreement. It is unfortunate that this agreement will be reached only after the membership, the students, and the whole university community have gone through a stressful period, which might be quite long.

Rick Hudson
President

NEGOTIATIONS

The Hon. Martine Coulombe, Minister of Post-secondary Education, Training and Labour, has announced that she is calling a Conciliation Board for our labour dispute with the administration.

Conciliation Boards are merely advisory. They attempt to re-do the work of the conciliator, but if no agreement is reached, they may suggest a contract. Neither side has to accept their suggestion. It is not

clear what a conciliation board could do beyond what two months of conciliation (August to October) with the provincial conciliator, Rick Merrill, failed to do.

Minister Coulombe says she may extend the deadlines in the Act, but to no later than January 31, 2011.

We hope that she will stick to the January 31st date. At the University of New Brunswick, the Minister (at that time, Donald Arseneault) called for a Board on February 18, 2010, and the Board still hasn't reported.

Delays naturally occur in Conciliation Boards. The Board is composed of three members: sidespersons for the two parties, and a chair. The chair will probably be someone who works as an arbitrator. The good arbitrators are few in number, and they are very busy. Some of you may remember the accelerated salary arbitration we had to end the 1999 strike. It was February 1999, and the idea was the arbitration would be over in 3 months. In fact, it took a year to agree to an arbitrator and to find a date when he was available. His decision was handed down in February 2000. Currently we have an arbitration scheduled for early December over a hiring outside the bargaining unit. The grievance on this was filed over a year ago, in September 2009.

By removing the possibility for job action until the Board reports, the mere existence of the Board removes pressure from the parties to arrive at an agreement. We see this week that at the University of Western Ontario, that agreement was reached only when a strike was about to occur. The *Globe* reports:

A tentative agreement has been

reached to avert a strike by professors at the University of Western Ontario.

The school's faculty association says a deal was struck at about 3 a.m. Wednesday after a marathon 18-hour negotiating session.

No details of the agreement were announced and the association says the date for a ratification vote has not yet been determined.

Faculty association president James Compton had said compensation and performance evaluations were key issues in the talks.

The 1,400 unionized full and part-time faculty members at Western have been without a contract since June 30 and were poised to walk out at 7 a.m.

It is unfortunate that agreements cannot be reached until job action is near, but this has almost always been the case at Mount Allison.

Part of the reason is that the two sides have different incentives to negotiate quickly.

The union has a strong desire to arrive at an agreement as early as possible, because once job action is possible, the Employer can lock out the faculty at a time of its choosing, normally when no courses are being given (as has happened in the last few years: at Bishop's in the summer and at Saint Thomas at Christmas). In such a situation, the union has no real recourse.

The Employer has an incentive to delay. Financially, delay is to their advantage because until the new agreement is reached, they are paying last year's salaries. They also know that at the end of the "statutory freeze" they can impose new terms and conditions. The "freeze" means that they cannot change terms and conditions of employment from what they were in the expired contract. It lasts for one year after the expiry of the collective agreement, or longer if the parties are still in Conciliation or before a Conciliation Board. The freeze is also terminated by legal job action or a "lockout," whether that happens before or after the one-year period.

In this particular negotiating period, the Employer

attempted to appoint the director of the Ron Joyce Centre for Business Studies (i.e., the head of the Commerce Department) to serve as a "dean" on Tenure & Promotion committees for people outside Commerce, in violation of the Collective Agreement and of the freeze. When we went to the Labour Board, the Employer pulled back. But once the freeze comes off, they could do what they want. In theory, they could abolish tenure or abolish sabbaticals, although we would hope they wouldn't. But when the contract is no longer in force, we would no longer have the grievance and arbitration mechanisms to protect our members from arbitrary actions.

MAFA will name its sidesperson to the Conciliation Board with dispatch. We hope the Board will start meeting within the 14-day period called for in the Act, and that it will report within a further 14 days, as the Act states. But we also call on the Minister to stick to her deadline of January 31st as the last possible date by which the Board must report.

SCHEDULE OF EVENTS, 2010-11

Please mark these dates on your calendar:

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

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

Spring Annual General Meeting, Friday, April 8th, 3 pm, Avarad 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)**