

MAFA NEWSLETTER

Mount Allison Faculty Association

email: mafa@mta.ca, Room G2, Centennial Hall Tel: 364-2289 Fax: 364-2288

E-mail: mafa@mta.ca Web: www.mafa.ca



February 15, 2010

On December 8th, 2009, MAFA celebrated the 25th Anniversary of the ratification of our first full-time collective agreement. Ten current and retired members of the Mount Allison Faculty Association were presented with the CAUT Dedicated Service Award at the event. Individuals recognized were former Presidents, Chief Negotiators, or had actively served on numerous Executives and/or Negotiating Teams. Pictured from left to right are: Richard Hudson (MAFA President), Berkeley Fleming, Geoffrey Carpenter, Tom Storm, Thilo Joerger, James Code, George De Benedetti, Elmer Tory, Bob Rosebrugh, and Greg Allain (CAUT Past President). Gwen Ebbet and Virgil Hammock were also recipients but were unable to attend. (Photo courtesy of Maritza Fariña)

Numerous recipients noted that certifying MAFA and arriving at a first collective agreement was a group effort, and honourable mention was made of the contributions of Ron Boorne, Nick de Vos and Himansu Mitra.

PRESIDENT'S MESSAGE

This is my first report in a while, and I admit to being somewhat remiss in reporting on all of our activities in a timely manner.

In November, I attended the FNBFA retreat in Fredericton, where Lori Morinville of CAFA (the Alberta Provincial association) facilitated a day and a half of sessions on governance. This is part of the FNBFA's efforts at renewal, which include a greater emphasis on communication (Peter Brown is playing a key role in the FNBFA Communications committee). The Federation is also refining its focus on policies, and has hired (on a part-time basis) an assistant to help in the crafting of position papers. This follows a recommendation from the committee I chaired a few years ago, with Linda Lequin (current President of FNBFA) and Rick McGaw (of UNB). The annual general meeting of the FNBFA will be held on April 29 in Sackville, at Mount Allison.

Later in November Peter Brown (Past President) and I attended CAUT Council in Ottawa. In December, Lorelea Michaelis (Grievance Officer) attended the CAUT grievance officer meetings. In January, I attended the CAUT annual meeting of faculty association presidents in Ottawa. Later in January, Jeff Lilburn (Vice-President) and I attended the Harry Crowe Foundation conference on accountability in Toronto. Last weekend, Peter Brown and I attended the FNBFA Board meeting in Fredericton.

I can't overemphasize the importance of these meetings at the provincial and national level.

In December we had our general meeting and the awarding of the CAUT service awards to ten members who served as President, Chief Negotiator, or as member of several executives or negotiating teams from the beginning (in the early 1980s) up to as far as the first strike (1992).

We have been busy with grievances and preparing for arbitrations, as the Grievance Officer reports.

The various Collective Bargaining subcommittees have met and almost all have submitted reports which the Collective Bargaining committee can now work on. The Executive named Stephen Law (Economics) as Chief Negotiator back in the Fall. We have now named the rest of the team. Once the final subcommittee reports, the

Collective Bargaining committee will work to make sure our proposals are consistent, and they will work on contract language for the proposals. They will then turn their report over to the team, which will work on a position to hand over at the table. At times, we have handed over a complete set of positions on all clauses in the contract, while at other times, we have handed over detailed proposals on issues to deal with first, combined with a list of clauses we expect to open as bargaining proceeds.

We have become concerned about the situation at UNB, where negotiations are at an impasse. Last week, the conciliator reported to the minister that conciliation had failed. As the *Daily Gleaner* reported in its February 6th edition, this means that the two sides could be in a strike or lockout position in as little as 15 days. In the past, UNB has been a model of good labour relations. Unfortunately, their administration now appears to be following the paths of the others in the province.

Rick Hudson, President

MAFA APPOINTS NEGOTIATING TEAM

At a recent meeting the MAFA Executive appointed the members of the Negotiating Team, based on the recommendation of Stephen Law, Chief Negotiator.

The team members are Anita Cannon (Library), Rob Cupido (Unit 2, History/Canadian Studies), Gina Grandy (Commerce), Andrew Irwin (Mathematics and Computer Science), Juan Carlos Martínez (Modern Languages and Literatures), and Renata Schellenberg (Modern Languages and Literatures). Geoff Martin (Professional Officer) will act as a staff resource for the team.

GRIEVANCE REPORT

- 1) MAFA recently learned that the panel arbitration over grievances arising from the appointment of the Director of the Ron Joyce Centre for Business Studies (RJCBS), which had been scheduled for March 24th, 2010, will be postponed until August 18, 2010 due to health issues of a member of the arbitration panel. MAFA's central concern in this case is that the Director of the RJCBS has been appointed outside the bargaining unit, as a manager supposedly at the rank of dean. The appointee also has the duties and responsibilities of a faculty member without the protections of the Collective Agreement.
- 2) Union grievance, filed December 18, 2009, over the appointment of a member to the Unit 2 part time

bargaining unit for a short term (less than four months) replacement contract. Because the member was assigned to teach 3 courses MAFA believes that the appointment should have been to the Unit 1 full time bargaining unit. The provisions of our Collective Agreement as well as two separate arbitration decisions in MAFA's favour from the mid-90's clearly establish that the definition of full time depends not on the duration of the contract but on the number of courses taught. The Employer denied the grievance on January 12, 2010, arguing that teaching a full course load did not qualify as full time employment unless it was also for "one full four month term".

Although MAFA is concerned that this interpretation of the Collective Agreement could easily be used to assign part time status to members contracted to teach full course loads for periods of slightly less than "one full four month term" the Executive decided not to take this particular case to arbitration and withdrew the grievance without prejudice on January 21, 2010. By withdrawing the grievance 'without prejudice' MAFA retains the right to file further grievances over the relevance of contract duration to the definition of full time and part time appointments.

3) Union grievance, filed January 29, 2010, over correspondence received by Library Council from the Employer in response to its recommendation to fill the vacancy left in the Library by the resignation of the Information Literacy librarian in June 2008. Two previous recommendations to fill this vacancy had been made in 2008; both had been denied. In response to its third recommendation on November 27, 2009, Library Council was informed on November 28, 2009 that the vacancy no longer existed and that, moreover, the Information Literacy librarian position had been "reconfigured" into the Information Technology specialist position (currently advertised within the MASA bargaining unit).

MAFA believes that the Employer has violated Articles 19.05 and 19.06 in not following proper process in response to a recommendation of Library Council and in failing to meet the standard of reasonableness in determining whether or not a vacancy exists. MAFA is also concerned that the Employer has not upheld the spirit of the agreement that it reached with MAFA on November 12, 2009 in the settlement of the union grievance which MAFA had filed over the job description of the advertised IT specialist position.



Members will recall that this settlement, reached with the assistance of Bruce Outhouse as mediator, distinguished more clearly between the work and responsibilities of a librarian in the MAFA

bargaining unit and the work and responsibilities of a technical support position in the MASA bargaining unit. On February 3, 2010, the Employer denied the union grievance, arguing that the opportunity to recommend that a vacancy exists only occurs once, "within a reasonable time" after the departure of a Librarian, and that the first 2008 denial of the recommendation to fill the vacancy was at one and the same time a denial that a vacancy exists. The Employer's written response to this grievance did not address the concerns that MAFA had raised about its continuing commitment to the November 12, 2009 resolution of the IT specialist arbitration. MAFA is currently considering its response to the Employer.

Loralea Michaelis

MAFA MAKES DONATION FOR HAITIAN EARTHQUAKE RELIEF



Mafa recently donated \$1000 on behalf of members for earthquake relief in haiti. Of this sum, \$500 has been sent to the Humanitarian Coalition (www.humanitariancoalition.ca), and \$500 has been sent to the relief programme of Education International.

Education International is headquartered in Europe and focuses particularly on relief and reconstruction for students and educators, while the Humanitarian Coalition is a Canadian coalition of agencies that provides broad-based support. Both organizations are recommended by CAUT.

CALL FOR NOMINATIONS, GEORGE J. DE BENEDETTI BOOK PRIZE

Do you know any students who are excelling in social activism, advocacy work, or student, university-wide and/or broader community issues?

If so, why not nominate them for the George J. de Benedetti Book prize, awarded annually to a student who best embodies these commitments?

The prize, which includes a book and \$200 cash prize, is given in recognition of the many years of outstanding service to the Mount Allison Faculty Association, Mount Allison University, and Canadian university academic staff, by George J. De Benedetti, retired professor of Economics (1968-2000).

Nominations must arrive in the MAFA office by Monday, March 8th, 2010, and the prize will be awarded at the upcoming MAFA Annual General Meeting.

REPORT ON THE 2009 CAUT DEFENCE FUND AGM

The Annual General Meeting of the CAUT Defence Fund Board of Trustees was held in Windsor Ontario on October 17. As usual, nearly every member association had their Trustee(s) or alternates present - the 50 or so Trustees represent over 19,000 unionized academic staff.

The agenda was long and only highlights are mentioned. The Treasurer reported that the Fund's net assets were roughly constant in the 2009 fiscal year (ending May 30). The Defence Fund paid almost \$1.4 million in strike support in this fiscal year, for a total of \$3.3 million in the last two years. The Fund's revenue is typically about \$1.8 million and net assets are about \$20 million. In view of recent experience, it is fortunate for the Fund that there has recently been a relative lull in strike activity.

The 2008-9 Planning and Policy Committee undertook a comprehensive review of Defence Fund governing documents for the first time since 1992, and of the Fund's financial health. The review generated in a lengthy list of amendments to By-Laws and Regulations. These were mostly to regain consistency, provide more readable documents, and recognize current practice.

A re-organization of provisions for the various benefits was proposed. In addition to the "Daily Strike Benefit" (aka strike pay), the Defence Fund also provides to striking associations: loans to cover insured benefits (employers often cut these), a large line of credit to finance strike operations, "flying picket" support, and assistance with mediation or arbitration to end strikes/lockouts. These additional benefits have been adopted in stages and their rules were not well-organized.

The amendments and re-organization were adopted. As a member of the P&P Committee, I was very pleased that, for the first time ever, the Trustees adopted a revenue policy. Monthly dues (per capita) to the Defence Fund have remained at \$5.00 since 1992. Since 1992 some costs to the Fund have increased(!), including strike pay which has more than doubled. Though perhaps not in real terms, nominal academic salaries have also increased since 1992. In most years the Fund has grown, so Trustees were naturally reluctant to increase dues. In the last two years the Fund has not grown, and millions have been paid in strike pay.

The Trustees have decided to link monthly dues to the Daily Strike Benefit: when the benefit exceeds 16 times monthly dues, monthly dues will increase by \$0.25 (yup, a quarter) each year. This was calibrated not to trigger any increase this year, but will do so if benefits increase in future.

After two years at the current rate, the Daily Strike Benefit was increased from \$77 to \$80 - roughly in line with inflation. This is almost certainly the highest daily strike pay in Canada. Larry Hale of UPEI continues as President for the second year of his two year term. Your Trustee was re-elected to the Planning and Policy Committee.

Bob Rosebrugh

Defence Fund Trustee for MAFA

CALL FOR VOLUNTEERS, 2010-11 EXECUTIVE

Members in good standing are encouraged to consider offering for the 2010-11 Executive. If you want more information, please contact Peter Brown (pbrown@mta.ca), Paul Berry (pberry@mta.ca) or Suzie Currie (scurrie@mta.ca), who comprise the Nominating Committee.

SCHEDULE OF EVENTS, 2009-10

Please mark these dates on your calendar:

Spring Annual General Meeting, Monday April 12th, 3 pm, Avarad Dixon G12

Retiring Members' Party, April 12th, 4:30 pm University Club

MAFA 2009-2010 EXECUTIVE

Richard Hudson - President (Commerce)

Peter Brown - Past President (English)

Jeff Lilburn - Vice President (Library)

Rob Cupido - Unit 2 (History/Continuous Learning)

Maritza Fariña - Membership (Modern Languages and Literatures)

Zoe Finkel - Collective Bargaining (Geography and Environment)

Gina Grandy - Treasurer (Commerce)

Loralea Michaelis - Grievance (Political Science)