

# MAFA NEWSLETTER

**Mount Allison Faculty Association**

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## PRESIDENT'S MESSAGE

As you will read in more detail below, MAFA's preparations for the next round of collective bargaining are moving ahead nicely and on schedule. The Collective Bargaining Committee is in the final stages of completing its report on consultations carried out last term and will soon be meeting with the negotiating team who will put together proposals for changes to our two collective agreements. These proposals will be presented to the membership at a meeting to be announced in the near future. Stay tuned.

With the beginning of negotiations now just a few months away, it is useful to pause and reflect on the important role collective bargaining plays in our professional lives as academic staff at this university. The CAUT Policy Statement on Collective Bargaining begins by asserting that it is "the democratic right of all employees... to participate in decisions affecting the terms and conditions of their employment." At universities in Canada, such decisions are achieved through collective bargaining. The rest of the CAUT policy is worth reproducing here in full:

"Collective bargaining is the most effective means of advancing the standards of the profession, protecting academic freedom and collegial governance, advancing policies and practices which secure equity in employment, promoting the interests of both

full-time and contract academic staff, and contributing to the improvement of Canadian society through high quality public post-secondary education."<sup>1</sup>

Many aspects of our workplace that we may now take for granted have been achieved through collective bargaining. I will cite just a few examples, beginning with one from our most recent round of negotiations. Members who were here at that time will recall that in the period leading up to our last round, the replacement of academic staff on sabbatical leave dropped by an alarming degree. Academic units were left scrambling to preserve the integrity of their programs. As a result, a MAFA priority in the last round of negotiations was the implementation of mandatory minimum levels of replacement of academic staff on sabbatical leave.

While it is reasonable to think that such a provision should not be necessary at a university where a commitment to excellence is often heard repeated, our Full-time Collective Agreement now includes a MOA that requires the employer to have due regard for program integrity and provides a guarantee that replacements shall be hired to teach a majority of the courses and to carry out a portion of the work in the library when faculty and librarians go on sabbatical leave.

Many other important improvements to the terms and conditions of our employment have been achieved through collective bargaining. The partial listing that follows highlights the many areas of our work where due regard for process and fairness depends on strong provisions and protections in our collective

<sup>1</sup> CAUT, Collective Bargaining Policy Statement, 2014, <https://www.caut.ca/about-us/caut-policy/lists/caut-policy->

[statements/policy-statement-on-collective-bargaining](https://www.caut.ca/about-us/caut-policy/lists/caut-policy-statements/policy-statement-on-collective-bargaining)

agreements. They include: standard maximum teaching loads for each faculty; the assurance that all faculty members, including part-time members, and all librarians may participate in the collegial governance of their units; the first right of appointment for part-time faculty who have taught a course three times (giving some contract academic staff at least some measure of job security); an end to post-tenure evaluation; dedicated time for librarians and archivists to pursue their research, scholarship and creative activity; a provision prohibiting the employer from assigning bargaining unit work to non-members of the bargaining unit (i.e. no contracting out); creation of an anomalies committee to help ensure that all employees are paid fairly; credit toward course release for members who supervise honours students; access to pre-tenure sabbaticals for probationary employees; the continuation of certain rights and provisions for retired members... Space limitations keep me from adding to this list.

All of the achievements listed above originated as MAFA member-driven proposals. Many, if not all, of these proposals were met with resistance at the bargaining table. All were achieved through the collective will and solidarity of the MAFA membership.

Of course, when considering achievements in collective bargaining, we must also remember our collective successes in staving off employer proposals that would have increased managerial control over our work, undermined collegial decision-making, and rolled back provisions protecting fairness in our workplace. I will not revisit such employer proposals here but interested members may read negotiation newsletters from previous rounds on the MAFA website.

The point here is not to dwell on the issues, challenges or successes of the past, but to remember the important role that our collective agreements play in defending the rights of academic staff, and to remember the important role that we all play, together, in helping to ensure that our collective agreements include provisions that advance the standards of our profession, protect academic freedom and collegial governance, achieve improvements for equity in employment and

advance the interests of contract academic staff. It is through our collective efforts and solidarity that we continue to strengthen the provisions of the collective agreements that help to ensure the high quality post-secondary education that our students and our society deserve.

Jeff Lilburn  
President



## COLLECTIVE BARGAINING REPORT

The work of the Collective Bargaining Committee has continued through the winter months and is now nearing its conclusion. In December and January, the Collective Bargaining Committee received and reviewed reports from thirteen different subcommittees. During the fall term, each of these subcommittees had studied specific portions of our current Collective Agreements and consulted with members concerning related issues of interest. The reports received from the subcommittees included both written summaries and in-person meetings between the subcommittee chairs and the Collective Bargaining Committee. We would like to thank all members and subcommittee participants for their engagement and contributions throughout the year.

The Collective Bargaining Committee is currently completing a summary report on the feedback received from this process, and will be making recommendations on directions to pursue for the next round of bargaining. The committee will soon be meeting with the negotiating team to discuss these

ideas and develop proposals for moving forward. The Collective Bargaining Committee consists of Sarah Fanning, David Fleming (Chair), Anne LePage, David Rogosin, and Erin Steuter.

David Fleming  
Collective Bargaining Officer



## GRIEVANCE REPORT

### Ongoing grievances:

**2018-05, -07, -08, -09 -- Five individual grievances, filed in May, June, and July 2018. 2018-04 and -06 -- Two union grievances, filed in May and June 2018.** This group of five grievances is concerned with serious procedural defects in the Employer's application of its equity policies in addition to procedural flaws in the policies themselves. MAFA has alleged violations of the "fair and reasonable" provisions of Articles 4 (Management Rights), 11 (Employment Equity and Non-discrimination), and 9 (Academic Freedom). The Employer denied all grievances and MAFA has filed for arbitration. Grievances 2018-05/07/08 have been consolidated and have been scheduled for a hearing in December 2019, with William Kaplan serving as chair of the arbitration panel.

**2018-11. Individual grievance, filed August 2018.** This grievance concerns violations of the Collective Agreement in the Employer's assignment of teaching in the member's department. MAFA has cited violations of Articles 4 (Management Rights), 12 (Professional Responsibilities), and 18 (Departments and Programs). The Employer denied the grievance

at Steps 1 and 2 and on November 23 MAFA referred the grievance to arbitration. Discussions on a possible settlement are in the early stages.

### **2018-12. Union grievance, filed September 2018.**

This grievance concerns the duration of a part-time employment contract in the library. MAFA has cited violations of Articles 1 (Definitions), 4 (Management Rights), 5 (Rights of the Union) and 19 (Appointment of Librarians). The Employer denied the grievance but discussions on a settlement are ongoing.

### New grievances:

### **2019-01. Individual grievance, filed January 2019.**

This grievance concerns the Employer's refusal to compensate a member; the Employer's breach of the duty to accommodate; and the Employer's failure to involve MAFA as a third party in discussions of matters related to a member's accommodation and employment status. MAFA is alleging violations of Articles 2 (Recognition), 4 (Management Rights), 5 (Union Rights), 11 (Employment Equity and Non-discrimination), 12 (Professional Responsibilities), 30 (Salaries), the NB Human Rights Act, the NB Worker's Compensation Act, and the NB Employment Standards Act. The Employer has denied the grievance and MAFA has moved the grievance to Step 2.

### **2019-03. Individual grievance, filed February 2019.**

This grievance involves a letter of warning received by a member under Article 35. MAFA has alleged violations of Article 4 (Management Rights), 9 (Academic Freedom) and 35 (Discipline). MAFA has presented the grievance and is awaiting the Employer's written response.

### **2019-04. Union grievance, filed February 2019.**

Core issues involve the Employer's violation of Article 36 provisions on the number of Employer representatives in attendance at grievance meetings. MAFA has alleged violations of Articles 4 (Management Rights) and 36 (Grievance and Arbitration). MAFA has presented the grievance and is awaiting the Employer's written response.

## Settled or withdrawn grievances:

### 2019-02. Union grievance, filed January 2019.

This grievance was concerned with the Employer advertisement of a teaching instructor position. MAFA alleged violation of Article 1.01 (1). Grievance was withdrawn when posting was changed in a way that addressed MAFA's concerns.

Loralea Michaelis  
Grievance Officer

- Enrolment and course cap questions regarding Correspondence Courses during the upcoming Spring/Summer sessions
- Cross appointments to departments or programs and clarification about how departments or programs are consulted
- Questions about delayed updates of Professional Expense Reimbursement Accounts account balances
- Questions about stipend allotments and the submission of departmental timetables

Respectfully,  
Leah Garnett

## REPORT ON CAUT'S SENIOR GRIEVANCE OFFICERS' WORKSHOP

MAFA's Grievance Officer attended the CAUT Forum for Senior Grievance Officers in Ottawa from December 7-8, 2018. This year's theme of "Mental Health and the Workplace" covered a wide range of issues, including the concept of workplace mental health and safety, human rights and mental health in the workplace, mental health and precarious employment, and best practices for faculty associations to follow in ensuring that their members are well represented. Among those presenting were a delegation from the Mental Health Commission of Canada, who reviewed new federal policies and standards on workplace mental health. Also presenting were CAUT legal counsel and lawyers in private practices specializing in human rights and health accommodations, who provided updates on recent developments in Canadian case law as well as recent grievance arbitration awards.



## JOINT LIAISON REPORT

Since the last newsletter, there were two Joint Liaison meetings. Katherine DeVere-Pettigrew, David Fleming, Leah Garnett, Geoff Martin, and Jeff Ollerhead were all present at meetings on December 18, 2018 and January 25, 2019.

We discussed the following topics:

- Questions and updates about a WorksafeNB case
- Request to share an external safety consultant's report with the Joint Health and Safety Committee, the affected department, and MAFA, and to also inform the JHSC and MAFA of health and safety issues when they are flagged in departmental reviews

One of the highlights of the CAUT Forum was the explicit connection that was made throughout between the issue of workplace mental health and the issue of social justice. One of the problems with the dominant narrative of workplace mental health is its focus on the individual to the exclusion of their social, economic, and political conditions, including their working conditions. The contemporary workplace is hierarchical, exploitative, and competitive: by definition it is psychologically unhealthy. Faculty associations working to address mental health in the workplace need to be providing

support to individual members in need of assistance, resources and accommodation, but they also need to be organizing for justice in the workplace as well as in the larger society. Union organizing for justice in the workplace begins with building solidarity in the workplace. Solidarity means more than friendliness or compassion. Solidarity means fighting for each other's rights.

Above and beyond the particular issue of mental health, the CAUT Forum was especially valuable in drawing attention to the reluctance of academic staff who are experiencing health issues to seek the workplace accommodations to which they are entitled. The university derives an enormous benefit from the dedication of academic staff to the well being of their colleagues and students. But when administrators decide to reduce the resources available for academic programs they increase the pressure on academic staff to go without the accommodations that they need for fear of putting even more strain on their already strained programs. The situation is exacerbated by an all-or-nothing workplace culture, whereby an employee is either working at 100% of their normal duties or on sick leave and therefore not working at all. An all-or-nothing workplace culture not only puts our health at risk, it puts our fundamental human rights in jeopardy.

MAFA members are covered by the protections of our Collective Agreements in addition to those contained in the New Brunswick Human Rights Act. These protections entitle us to workplace accommodations for health-related issues; they also ensure that we do not incur a financial penalty as a result of any workplace accommodation (a reduced teaching load, for example) that we are receiving. Because we are unionized employees we do not need to face the Employer on our own; it is MAFA's responsibility to help us to negotiate any accommodation that we might need. Please feel free to contact MAFA for advice and assistance if you have any questions or concerns.

**REPORT ON CAUT'S FORUM FOR PRESIDENTS**

In January I attended the CAUT Forum for

Presidents in Ottawa. Presentations and plenary discussions at this year's forum covered, among other topics, recent bargaining trends, legal developments affecting academic staff and academic staff associations, the handling of employer requests for medical information of members, and the promotion of collegial governance at our institutions. As is always the case at CAUT events, the Forum provided ample opportunity for participants to discuss issues and challenges common to faculty associations across the country with a view to defending and advancing the interests of our members.

Jeff Lilburn  
President

**COMING EVENTS**

All MAFA members are encouraged to attend these coming events:

Friday, 5 April (Time: 3 pm) (Room: Avarad Dixon G12), **MAFA Annual General Meeting** and Election of Executive for 2019-2020

Friday, 5 April 4:30pm University Club, **Retiring Members' Party**

**MAFA 2018-2019 EXECUTIVE**

- Jeff Lilburn, President (Library)**
- Leah Garnett, Vice-President (Fine Arts)**
- Maritza Fariña, Past President (Modern Languages and Literatures)**
- Matthew Litvak, Treasurer (Biology)**
- David Fleming, Collective Bargaining (Physics)**
- Loralea Michaelis, Grievance Officer (Politics and International Relations)**
- Toni Roberts, Part-time Officer (Sociology)**
- Lori Ann Roness, Membership and Advocacy Officer (Sociology/MASSIE)**