

NEWS & VIEWS

OCTOBER 2012

From the President's Desk

Sharon Alward



On behalf of the UMFA Executive and staff, I would like to extend a warm “welcome back” to all returning faculty and wish each of you a successful term. To all new faculty members and librarians,

welcome to the university, and welcome to UMFA! If you have any questions or concerns, please don't hesitate to get in touch with the UMFA office.

It has been a busy summer for us. As you know, we are preparing for the upcoming round of bargaining. In late August, we held a workshop for members of the Board of Representatives where we reviewed the collective bargaining process, the roles and responsibilities of the Bargaining Team and the Collective Agreement Committee (CAC) as well as the critical role members of the Board of Reps have with their constituents. The Board representatives are important channels of communications, bringing forth their constituents' concerns and providing information to them from Board meetings.

You may have already, or soon will be, receiving an email or phone call from your rep about setting up a constituency meeting. This is where members of the UMFA Executive and Bargaining Team will come out to you on campus to listen to your concerns and take your suggestions to the CAC. I strongly encourage all Members to attend one of these meetings to let us know what is going on in your unit, to share your thoughts and concerns, and to tell us what you think our priorities should be. You may also wish to look at provisions in the current Collective Agreement and identify areas you feel need improvement.

If you don't have a copy of the Collective Agreement, you can access it electronically from our [website](#).

I want to thank all of you who took the time to complete the bargaining survey that was sent out in late September. The response rate was very good and the information from the surveys will be invaluable in assessing membership priorities for bargaining.

In addition to bargaining preparations, grievance work and assisting Members with their concerns, we also had a 4-day hearing before the Labour Board on our application for inclusion of the Dental Clinical Staff under the UMFA bargaining certificate. More information on the hearing can be found on page 2 of this newsletter. We also made a presentation at the Council on Post-Secondary Education (COPSE) consultations, about which you can find details on page 4.

Once again, I wish you all a productive, rewarding term and I, along with other members of the UMFA Executive, Staff and Bargaining Team look forward to meeting with you soon.

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Faculty Amalgamations: Update

On September 18, UMFA sent a [notice](#) to all Members on recent developments in the administration's plans for faculty amalgamations in the Health Sciences cluster, especially how they affect our Members in the Faculty of Human Ecology.

Members in Human Ecology had been asked to recommend a preferred option by the end of September, but had limited information on available options and their implications. The situation was complicated by a recommendation that new enrolment in the Human Ecology General Program and Textile Sciences undergraduate program be suspended as of January 1, 2013.

To the best of UMFA's knowledge, there were no other faculties in the Health Sciences cluster feeling pressure to make decisions on amalgamation by the end of September.

UMFA contacted Joanne Keselman, Vice-President (Academic), requesting a meeting to discuss these developments. On September 24, five representatives of UMFA met with Dr. Keselman, as well as Janice Ristock (Associate Vice-President Academic), Terry Voss (Associate Vice-President, Human Resources) and Jeff Leclerc (University Secretary). UMFA expressed concerns about the process and the particular urgency being placed on Members in Human Ecology. We also said that we thought there should be a meeting that would be open to all Members in the Faculty rather than having meetings and decisions made at the departmental level. Members on probationary or term appointments were feeling especially vulnerable and UMFA said that if votes were going to occur at these meetings, they be done by secret ballot. The members of the UM administration at the meeting did not disagree.

Dr. Keselman said that there was no need for Human Ecology to come up with a recommendation by the end of September and acknowledged that the administration's intent was still to have a tentative plan in place by December. Once a plan is developed on the available options, Keselman said there would be another period of time for reaction from the university community and particularly from the faculties currently in the Health Sciences research cluster. Senate would have to consider this input along with recommendations from the senior administration and then pass motions which would subsequently go to the Board of Governors for their deliberations. Motions from Faculty Councils saying that

they wanted to remain "stand alone" would be considered by Senate.

In terms of discussions on closing programs in Human Ecology, Dr. Keselman stated that was an entirely separate matter not tied to amalgamations. There was reference to a Board policy that apparently allowed the President of the University to close down new enrolment in existing programs and UMFA will be looking into this further. Closing off new enrolment means that a program will be shut down which would appear to be a matter for Senate to consider.

Dr. Keselman stated that she was available to meet with Members in Human Ecology and has subsequently met with members of the Family Social Sciences Department. There will be a special meeting of the faculty members in Human Ecology in the near future to review options and consider directions that might be taken.

UMFA would like to know what is happening in your area. Please contact the UMFA office with any concerns, issues, or updates on amalgamation talks in the Health Sciences cluster as well as the other clusters.

Bargaining Survey

In order to prepare for the upcoming round of bargaining in 2013, an electronic survey has been sent to all Members via email. This survey is one of many ways that we will gather feedback in order to develop proposals for the upcoming round of bargaining. For this reason, UMFA needs to have as many responses as possible in order to have a clear understanding of the issues that are important to Members heading into this round.

The survey is completely anonymous. If you have not received an email notification asking you to complete this survey, please contact the UMFA office.

Labour Board Hearings

UMFA and the University of Manitoba Dental Clinical Staff Association (UMDCSA) merged last year into one association but each unit still maintained its own Bargaining Certificate and Collective Agreement. UMFA wanted to include the Dental Clinical Staff under our Bargaining Unit Certificate and to negotiate one Collective Agreement that covered all our members. An application was made to the Labour Board regarding the Dental Clinical Staff's inclusion in the UMFA Bargaining Certificate. The university administration opposed this inclusion and hearing dates were set.

Over a four day period in early September, the Manitoba Labour Board heard arguments in support of and against UMFA's application to the Board for the inclusion of the Dental Clinical Staff under the UMFA Bargaining Certificate.

The administration's lawyer, Ken Maclean, argued that the Labour Board does not have the jurisdiction to merge the two Bargaining Certificates or, if it does have the jurisdiction, there are significant differences between the two units making a single bargaining unit inappropriate. UMFA's position was that the Labour Board does have jurisdiction to make this decision, and provided precedents and arguments in support.

Both UMFA Executive Director Linda Guse and Vanessa Swain, who was President of the former DCSA and now sits on the UMFA Executive, testified for UMFA. In their testimonies, each explained the respective units in terms of membership composition, ranks, duties, Collective Agreement provisions, applicable university policies and practices.

UMFA's lawyer, Garth Smorang, argued that the proposed merger of the units is appropriate. Both units have full time academics with rank, both perform a wide variety of duties which include teaching, research and service, there are similar terms and conditions of employment, members of both units serve together on hiring, tenure and promotion committees for one another, they work side by side in labs, they are all covered by the same tenure and promotion guidelines in Dentistry, both units have members who have served as heads of departments that include both UMFA and DCSA members, members of both units can take on outside professional activities on the condition that they do not interfere with primary duties, pension and benefits are the same, and there are other similarities as well.

Additional evidence supporting the appropriateness of merging the Bargaining Certificates arises from the way UMDCSA negotiations for UMDCSA have been handled in the past. Traditionally, even though both contracts ran for the same period of time, negotiations with UMDCSA didn't start until UMFA's Collective Agreement was finalized. Memos to UMDCSA members said that amendments to UMFA's Collective Agreement would be used as a starting base in negotiations. In fact, some of the provisions that UMFA bargained for were automatically extended to DCSA members in their Collective Agreement, such a Northern allowance, language on department head searches, and retirement and reduction of duties.

Historically, segments of the UMFA Membership were previously covered by a number of small professional unions (e.g. engineers, physiotherapists, social workers, etc). Those groups realized that being part of a larger group would benefit them and so by the mid-1980's, these unions of professionals, with the exception of UMDCSA, joined UMFA.

Belonging to a bargaining unit of approximately 30 people has presented difficulties for the Dental Clinical staff. A smaller bargaining unit doesn't have the resources, or the bargaining power of a much larger group. Representatives, like the President, did not have any release time available to them, so association duties were taken on in addition to regular duties. This limited the activity they were able to handle on behalf of the Dental Clinical staff.

Regarding the differences between the two units, UMFA argued that there are a number of other campus unions that have a diverse membership including CAW and AESES. This is not a new scenario for the university as it already deals with unions that represent a wide range of employees with different duties and salary structures.

The Labour Board's decision is expected before the end of 2012.

UMFA Presentation to COPSE

On September 12, UMFA President Sharon Alward and UMFA Professional Officer Barb Yapps made a presentation at the Council on Post Secondary Education (COPSE) consultations. COPSE is an agency of the province that reviews and approves post-secondary programming, develops policy, and allocates funding to Manitoba's universities and colleges. The Council acts as an intermediary between post-secondary institutions and the government.

UMFA's submission highlighted a number of issues affecting faculty at the University of Manitoba. Touching briefly on the amendments to the COPSE Act on Protecting Affordability for University Students, UMFA reiterated its position from this past summer on the amendments stating that university funding should be on a rolling three-year period rather than a static three-year period. The effects of budget limitations were also addressed, such as large class sizes with insufficient space

for students, cost-cutting measures such as reduction of services and lengthy renovation projects and the issues that have come with the ongoing disruptions. UMFA discussed concerns about the large increase in funding for outreach and marketing compared to the funding of academic units in the university's budget allocation for 2012-13. The budget to academic units increased by only 1.7%. Yet, certain departments within the V.P (External) units saw their budgets increased by more than 20% (Government Relations) and 83% (Marketing and Communications).

UMFA also shared its concerns over the university's search for external funding, such as the Navitas contract and administration's discussions on bringing a Confucius Institute (CI) to the UM campus. UMFA said that it is opposed to the establishment of a CI, and would like to be included in any discussions the university administration and COPSE may have related to the Confucius Institute.

Letter to the Editor: Why UMFA Needs a New Direction

David Camfield, Associate Professor, Labour Studies

Faculty members and librarians at U of M are fortunate to belong to an organization whose elected officers, other active members and staff have ably negotiated good collective agreements, used the grievance and arbitration procedure to protect our rights and kept an eye on what our employer is doing. We often forget how much we owe to such efforts over the past several decades. Without them – and the strikes by Members in 1995 and 2001 – our working lives would be much worse.

Unfortunately, bargaining and filing grievances in the ways we've done in the past simply won't be enough to protect us from the threats we'll face in the years ahead. Wayne Peters, President of the Canadian Association of University Teachers (CAUT), clearly identified the threats in a noteworthy column in the September 2011 issue of the [*CAUT Bulletin*](#):

Post-secondary education in Canada is in the midst of a crisis — a fundamental transformation that is having disastrous effects on our students, our institutions, our communities and our country. In recent years we have witnessed disturbing economic, social and political changes which have laid the foundation for this neo-liberal transformation.

Consider the troubling trends: a significant shift toward the use of contingent academic staff; the marginalization of basic research in favour of research driven by private interests; a reduction in public funding, forcing our institutions to become more dependent on private support; and a diminishing academic staff voice in institutional decisions as a more corporate managerial culture supplants traditional collegial governance.

Amid this, our institutions seem silent at best and, more often than not, appear to be active collaborators in this transformation. From within, the ability of academic staff to influence the strategic directions of our institutions on important academic matters has been seriously weakened as top-down, corporate-style, decision-making has taken over.

Parts of UMFA's Collective Agreement are obstacles to the regressive agenda for transforming universities that is being pursued by top administrators across Canada and beyond. For this reason, in future rounds of bargaining we should expect to encounter demands to give up past gains. In particular, rights in the contract that protect the academic freedom and job security of UMFA Members are

likely to come under threat (as they did in 1995, forcing us to strike) because these rights put limits on the administration’s control over how we do our jobs and its ability to terminate faculty appointments. We should be aware that the [attacks on tenure taking place in the US](#) are likely to spread.

Another crucial dimension of the problem is also identified by Peters: “the extent of the threats faced by the post-secondary education sector comprises many issues which cannot be tackled if we limit our actions to the provisions of our agreements.” These include actions by the administration on matters that aren’t covered by our collective agreement but which have an impact on our teaching and research. The threats also include decisions made by provincial and federal governments, such as funding cuts and policy changes.

In addition, as Peters warns, our Collective Agreement is “not immune to being undermined by legislative or judicial action.” We would be foolish to assume that we won’t ever have to deal with a provincial government that is very hostile to public sector unions and willing to try to pass laws that strip rights from collective agreements. The BC government recently did just that to its public school teachers and it is happening in a growing number of US states, such as Wisconsin, where university faculty had their collective bargaining rights removed in 2011.

This situation calls for UMFA to start to change *now*. Waiting until we’re actually confronted with draconian concession demands in bargaining, a shocking administrative fiat or an unexpected government attack will make it extremely difficult to develop an adequate response to defend the public post-secondary education our students need and those of us who work to provide it. The process of change should start by engaging members in open discussion about the issues Peters discusses and what’s at stake, not just for those of us who are working at U of M

today but for people who will work and study here in the future.

What new direction should UMFA take? I believe we need to change in two fundamental ways.

One is to increase our power to fend off future attacks. Unfortunately, having the best rational arguments will mean nothing when we’re faced with serious threats from an administration or government consciously committed to the regressive transformation that Peters identifies.

Our greatest power lies in our Members. We need to greatly increase the level of membership participation and democratic involvement. An actively involved membership will strengthen us. In turn, evidence of greater power will encourage more participation. One way to do this is to make membership mobilization central to how we do collective bargaining. We should mobilize members to support the bargaining team, inform other people who work or study at U of M about the issues, and put pressure on the administration.

The other key way we need to change is to become a more vigorous and articulate organization, working in alliance with students and others, to defend public post-secondary education against the regressive transformation agenda (this includes the fight for good jobs for all university workers) and to advance an alternative agenda to improve the quality of education for all our students. This change is worth making for its own sake. It’s also crucial because students, other unions and residents of the city more broadly will be much more likely to actively support us when we make this a priority than when we are seen, rightly or wrongly, as only interested in ourselves.

David Camfield (Labour Studies)’s areas of research include public sector unions. His *Canadian Labour in Crisis* was published in 2011.

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