

# NEWS & VIEWS

December 2013

## From the President's Desk

Sharon Alward



I want to begin by personally thanking each of you for the incredible support both through your actions and encouraging words during the recent negotiations.

We have never been as prepared to strike as we were during this round of bargaining. We had secured two strike headquarters, one for the Fort Garry campus and one for the Bannatyne campus. Picket captains had been selected. Shifts had been arranged for all picketing sites. Vans for transportation had been secured. And after our request for volunteers to fill out forms indicating what they were prepared to do during job action, we received over 500 responses, all within a few days. It was inspiring to witness first-hand the enthusiasm and the outpouring of solidarity for the UMFA bargaining team.

I want to especially acknowledge the hard work and dedication of the Job Action Committee and the UMFA staff who put in long hours to make this all come together, ready to mobilize right up until the last minutes before the strike deadline. And a huge thank you to all of those Members who volunteered their writing skills for our communications. It was awe-inspiring to see a talented group of academics working together to compose sometimes very complex messages to the Membership, students and the media.

As you will recall, the Executive Council set the strike date for Tuesday, October 22, if there was no agreement by midnight on Monday, October 21. Until mediation, nothing substantive had been agreed to through the bargaining process or through

conciliation. The Administration had requested conciliation and the Province appointed a conciliator who met with the parties for two days with no progress. The Minister of Labour and Immigration then appointed Michael Werier to mediate. At the end of two days of mediation, agreement had been reached on an academic freedom article, salary, an article on process regarding any proposed alteration to units and a letter of understanding on performance management.

Without such a strong strike vote, we would not have achieved improvements to our existing academic freedom language, including the clear right to criticize the administration and to exercise our civil and political rights in service to the broader community without fear of reprisal or of any adverse action by the employer. At the conclusion of mediation, Jim Turk, Executive Director of CAUT sent a message congratulating us and noted we are the first Faculty Association in the country to win strong academic freedom language since the regressive 2011 AUCC statement on academic freedom.

Together we achieved amalgamation language that assures that there will be a more transparent process and accountability. The vote at Senate on the amalgamation of Dentistry, Pharmacy, Nursing and Medicine was on a motion where the governance language was not what the faculty councils had earlier supported in principle and where no consideration was given to the amendments passed by two faculty councils. We will now have provisions for secret ballot voting at faculty/school/library councils on any future motions for amalgamation and contract language that guarantees that Members will be

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voting on motions based on the material going to Senate. Senate and the Board of Governors will receive a copy of the motion and any amendments as well as the result of the vote before either body considers an alteration to faculties, schools, departments or the library system.

With respect to performance management initiatives, we could not get the mediator to agree fully with our position. Mediator Werier stated he was not prepared to support language that is not in existence in any Collective Agreements at other Canadian Universities. After much discussion, he drafted a Letter of Understanding (LOU) recognizing that performance management is generally an academic freedom issue and that when setting criteria for tenure and promotion, the University must act reasonably, fairly, in a non-arbitrary manner, in good faith and consistent with the principles of academic freedom. The LOU, together with our new article on academic freedom, gives us a solid foundation for grieving any attempt by the administration to, for example, set specific amounts of grant money as a criterion for evaluation.

There is no doubt that performance management is going to be an ongoing issue at the University of Manitoba. At the CAUT Council I attended in November, there was considerable discussion around learning outcomes as another attempt by administrations to institute key performance indicators (KPI). It is about managerial control versus the autonomy of university teachers to determine course delivery and to evaluate students. KPI focus on outcomes not processes - a "not what they know but what they do" behaviourist model. Each outcome begins with an action verb -not what they know but what they can do. For example, it would not be acceptable to indicate students in Fine Arts have an understanding of art

history but rather the measurable KPI would be that students would "attend more galleries". KPI use flawed and simplistic measures to assess institutions and individual professors.

The two or three bibliometric products being considered by the administration are crude measures that could discourage academics from exploring new areas of research and from challenging commonly accepted doctrines. The educational experience of students could also suffer. There is no doubt that the culture of this university has changed from a collegial governance model to a top down chain of command and we don't yet know where the imposition of the authority of this administration will next arise. Will the advice from Faculty/school/library councils be given proper consideration by the deans/directors in revising annual performance review, tenure and promotion procedures? Or will the administration give Deans their orders and the input of the academics through their councils be merely a disingenuous, perfunctory nod to collegial governance?

UMFA Members will need to remain vigilant and inform UMFA of the introduction of any new initiatives. I remain optimistic that the same determination we demonstrated during our information picket last February, and the show of strength that resulted in significant gains on critical issues in this round of bargaining. Only by being actively engaged and by making our voices heard can we influence the future of the University of Manitoba.

As each of you prepares for the holiday season in ways that is meaningful to you I wish you peace and all the joy of loving friends and family.

## Dr. Richard Atleo Wins CAUT Equity Award

UMFA congratulates Dr. Richard Atleo for winning the CAUT Equity Award for 2013.

Dr. Atleo, the first Aboriginal to receive a Doctorate in B.C., assisted in the creation of the First Nations Studies Department at Vancouver Island University (formerly Malaspina College). Dr. Atleo is a Director on the Board for The Centre for Indigenous Environmental Resources, a national organization focussed on assisting First Nation communities in dealing with environmental issues.

He is now a Research Liaison at the University of Manitoba and serves on the CAUT Equity Committee and with CAUT's Aboriginal Post-Secondary Working Education Group.

*The [CAUT Equity Award](#) was established in 2010 to recognize post-secondary academic staff who have demonstrated an outstanding commitment to challenging exclusionary behaviours and practices such as racism and homophobia and by so doing have made post-secondary education in Canada more inclusive.*

## U of M Local Area Safety & Health (LASH) Committees

A Local Area Safety and Health Committee, or LASH Committee, is a committee composed of both workers and management for each of an employer's workplaces where at least twenty workers are regularly employed. Its general purpose is to play an advisory role to the employer with respect to workplace safety and health issues, so that the employer complies with *The Workplace Safety and Health Act*.

The University Policy for LASH Committees at the University of Manitoba is the Safety Committees Policy. Review of Health and Safety Programs are mandated by *The Workplace Safety and Health Act* at least every 3 years and is scheduled for December 16, 2013.

A LASH Committee must consist of between four and twelve people, half of which must be workers. Each LASH Committee should also have two co-chairpersons; one representing the workers and the other representing the employer.

Given that there are numerous workplaces at the University of Manitoba, both at the Fort Garry and Bannatyne campuses, the University of Manitoba was required to establish LASH Committees, pursuant to section 40(1) of *The Workplace Safety and Health Act*. The University has used its discretion in organizing these LASH Committees according to faculty rather than workplace/building. A 'workplace' can be specific to a site, unit, activity or level of risk.

Section 40(9) of *The Workplace Safety and Health Act* requires the University to post the names of LASH Committee members in a conspicuous place in the workplace. The University, in an online information sheet dated January 21, 2011, has listed some of the faculty-based LASH Committees, including Libraries, Kinesiology and Recreation Management, Animal Science, Arts, Chemistry, Architecture, and Agriculture and Food Sciences. Each of these faculties has Terms of Reference with respect to its LASH Committee, though the terms are not uniform in content, nor are they necessarily required to be.

### Employer Responsibilities

According to the University's Safety Committees Policy, it is the University's responsibility to ensure that LASH Committees are trained, established and meet regularly. In addition, the University must support the work of the LASH Committees and provide them with the necessary resources, time and training to function properly.

The University is responsible for sending a copy of LASH Committee minutes to Manitoba Workplace Safety and Health and each LASH Committee member within seven days of receiving a copy, and for providing LASH Committees with a designated workplace safety and health bulletin board in a prominent place. This board will be used by the LASH Committee to post information about the committee, including

names, meeting dates, minutes, recommendations, improvement orders and notices issued from Manitoba Workplace Safety and Health.

The University must advise LASH Committees of planned introductions of new equipment and operating procedures provide them with the tools necessary to identify existing or potential hazards, and assist with inspections. They must share information that the University receives from Manitoba Workplace Safety and Health, including all documentation required under *The Workplace Safety and Health Act* or Regulations. This includes information regarding lost-time injuries.

The University delegates to its Vice-Presidents the responsibility for designating an appropriate number of Management Safety Representatives for the LASH Committees. A Management Safety Representative is an individual specifically assigned to act as a LASH Committee's contact with the employer; in this case, the University. The Management Safety Representative is responsible for ensuring a LASH Committee is properly appointed, and liaising between the committees and Vice-Presidents regarding recommendations and action plans, meetings and inspections.

### LASH Committee Duties

It is important to note that while a LASH Committee does have a number of different duties, the responsibility for safety of a worker remains a legislated employer/supervisor responsibility, which is confirmed in the University's Health and Safety Policy and Procedures.

LASH Committees are responsible for several tasks, some of which are mandated under *The Workplace Safety and Health Act*, and others which are mandated by the Act's Regulations. These tasks include dealing with safety and health complaints, establishing procedures for committee meetings and acting to improve conditions for workers' safety and health.

LASH Committee Co-Chairpersons are also responsible for calling special meetings to deal with urgent matters, preparing written reports of incident investigations and preparing meeting agendas which are forwarded to LASH Committee members at least three (3) days in advance of the meeting and posted on the provided bulletin board.

It is vital that the University LASH Committees and the administration work together to ensure that the safety and health of everyone working at the University of Manitoba.

**If you are interested in serving as an UMFA representative on your Local Area Safety and Health Committee, please contact the UMFA office at 204-474-8282 or faum@umfa.ca. Sitting on these committees counts as service to the university community.**

## UMFA Welcomes New Professional Officer

Jason Gisser has joined UMFA as a Professional Officer. He will be working closely with Barb Yapps, UMFA's Senior Professional Officer, to provide services to Members in matters such as grievances, tenure and promotion appeals, investigations of alleged misconduct, and Collective Agreement rights. He will also be the staff member with primary responsibility for Workplace Safety and Health issues.

Jason graduated from the University of Winnipeg in 2005, majoring in Political Science, and obtained a law degree in 2009 from the University of Manitoba (Robson Hall). He was then called to the Manitoba Bar in 2010. During his four and half years with the Winnipeg law firm of Aikins, MacAulay and Thorvaldson LLP, Jason practiced as a general civil and commercial litigator, including Intellectual Property and Privacy matters.

He has appeared before all levels of the Manitoba Courts, as well as a number of administrative tribunals including the Manitoba Labour Board. Jason has also developed a particular interest in Alternative Dispute Resolution, and is currently volunteering as a Negotiation Workshop coach for the second year Robson Hall law students.

Jason is active in the Manitoba legal community as current Chair of the Manitoba Bar Association Young Lawyers Division, and as a board member of the MBA's Technology and Intellectual Property Section. He is also a regular guest lecturer at Robson Hall on career development topics.

We welcome Jason and are very much looking forward to his taking on some of the workload at UMFA.

## UMFA Administrative Assistant Jettie Zwiep Retires

Congratulations to UMFA Administrative Assistant Jettie Zwiep on her recent retirement!

Jettie started working for UMFA in July 1997 and was usually the first face that Members saw when they came to the UMFA Offices. She had a wonderful ability to welcome people and to make them feel comfortable.

Jettie has a passion for history and politics, especially when labour rights are involved, and worked with other unions before her arrival at UMFA.

Always a private person, she decided to have a luncheon with UMFA staff and the UMFA President and Vice-President rather than a larger reception.

She is enjoying her retirement, including spending more time on her bicycle and with family. We thank her for her service and wish her all the best in the future.

*Your feedback and suggestions on the newsletter are welcome.  
Please send any comments to [faum@umfa.ca](mailto:faum@umfa.ca)*

### 2013-2014 EXECUTIVE COUNCIL

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### UMFA STAFF

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