



## **Status of Negotiations**

The current *Collective Agreement* between Bargaining Unit 1 of the UPEI Faculty Association (FA) and the Board of Governors expires on June 30, 2016. In an unusual move, on January 7, 2016 the UPEI Board of Governors served notice of their intent to negotiate a new collective agreement. Traditionally, the bargaining process has been initiated by the UPEI Faculty Association, and Association-led openings have been the norm at universities across Canada. While the FA Executive, the Negotiating Team, and the Research and Advocacy Committee had been preparing for the bargaining process, the uncommon action by the Board necessitated an acceleration in the pace of preparations.

The Board's move has occasioned some conversation among our supportive colleagues at CAUT, and among colleagues at neighboring universities who have encountered the lawyer appointed to lead the Board's team. He represented the Board in the most recent round of negotiations at Mount Allison, which resulted in a strike. According to the results of an access to information request, legal fees over that period were in the range of \$400,000. The strike was followed by an extended arbitration process, and our friends at Mount Allison estimate the Administration's total legal costs surpassed one million dollars.

Upon initiating negotiations the UPEI Board immediately launched a website, which is the product of National Public Relations Inc., located in Halifax. A flurry of press coverage was coincident with this, with anonymous sources pinpointing the issue of pension changes and the suggestion that "the possibility of a strike has been raised among some faculty members and even among some high-ranking government officials." The Faculty Association President responded that, following past practice, the FA would pursue collective bargaining at the negotiating table, and not in the press. We expect the Board to similarly respect the fruitfulness and constructiveness of that approach.

Undoubtedly, our membership finds the choices the Board has made both curious and unhelpful. While there have certainly been difficult and challenging moments during the last two rounds of collective bargaining, in the context of recent post-secondary negotiating environments the processes have been calmly and efficiently concluded. The adoption of a confrontational approach before the process had even begun is unwarranted, as are the monetary costs associated with it.

The FA's team is comprised of Udo Krautwurst, Geoffrey Lindsay, Jason Stevens and Sharon Myers. David Groman and Andrea Bourque join the team when issues pertaining to Bargaining Unit 2 are under discussion, and a number of other Association members have, and others will continue to, augment the team when issues particular to their constituency are under discussion. The Board's team is comprised of Susan Connolly, Associate Vice-President Human Resources and Legal, Greg Keefe, Dean of AVC, Neb Kujundzik, Dean of Arts, Ron MacDonald, Dean of Education, and Brian G. Johnston, Partner, Stewart McKelvey, Halifax.

In the days since the initiation of bargaining, the FA and Board negotiating teams have met five times. The subjects of each of the meetings have been as follows:

February 4: tabling of Board's BU1 proposals, discussion of: bargaining protocols, FA's request for information, the process for inclusion of BU2 in this round of bargaining

February 16: tabling of FA's BU2 proposals, tabling of Board's BU2 proposals, further discussion of FA's request for information, setting of future bargaining dates

March 2: further discussion of bargaining dates, further discussion of FA's request for information, opening statement by FA, tabling of FA's BU1 proposals

March 7: Board's initial response to some of FA's BU1 proposals, FA presentation on its Equity and Non-Discrimination proposal

March 8: Presentation by the University Comptroller and questions by the FA, FA's initial questions and clarifications re. Board's proposals

March 21: University closed due to storm and meeting cancelled.

While this process has unfolded, a parallel table has been taking shape. Following past practice, a joint union team has been formed to negotiate pension on behalf of all campus unions. This team is led by Wayne Peters of the FA, and includes Jason Stevens from the FA and representatives from the two CUPE groups and IBEW. The Board's team is comprised of Brian G. Johnston, Partner, Stewart McKelvey, Bruce MacDonald, Bruce MacDonald Consulting, Sue Connolly, Associate Vice-President Human Resources and Legal, Tara Judson, Comptroller, and representatives from Eckler Ltd.

The joint union team has engaged its own actuary and has produced its own request for information in advance of the first meetings, which are scheduled for April 13 and 14.

The FA Negotiating Team meets with the Board's team again on April 11 and 12, and the 25<sup>th</sup> to the 28<sup>th</sup>.

## UPEIFA AGM

Thursday, April 21, 2016

1:30

ICC Room 104

A bargaining update will be provided at this meeting.

### Opening Statement

*On March 2<sup>nd</sup>, 2016, by way of introducing and contextualizing the FA's BU1 proposals, the following commentary was offered to the Board's team. While we expect that specific language of our or the Administration's proposals will not be made public on an on-going basis, we consider this opening statement as commentary and context, not part of the bargaining, per se.*

On March 9, 2012, I offered an opening statement as the FA tabled its proposals for a new collective agreement. It was a time of great optimism among our membership; a time of new beginnings and hope. I made a number of points at that time, and my colleagues and I want to make some of them again, at least those that remain true and relevant four years later.

First, let me describe who we are. The UPEIFA represents the academic complement of the University within the larger landscape of UPEI – Bargaining Unit 1, and this time around, we are joined by our 5 colleagues who are Clinical Veterinary Professionals, in BU 2.

Bargaining Unit 1 consists of seven Librarians and 216 professors: 61 of them are Full Professors, 94 are Associate, 61 are Assistant, and 8 are Lecturers. Of those, 45 are term employees, neither tenured nor on the tenure track. To put it another way, 21 percent of UPEI's professors are neither tenured nor on the tenure track.

BU1 also includes 106 Sessional instructors. Their numbers have decreased 33 percent from this time in 2012. None of them are tenured or on the tenure track.

Of the 322 individuals involved in classroom teaching, 47 percent are not tenured or on the tenure track

Of our 29 Clinical Nurse Instructors, three are permanent, full time for 12 months, one is permanent, full time for nine months, three are permanent, part-time for 12 months, 15 are permanent, part-time for eight to ten months, and seven are on part-time, term-to-term contracts. Nearly 90 percent of CNIs are not permanent, year round members of the academic staff.

When we add this up, of 351 members in BU1, 50 percent are not permanent members of the academic staff. That so many of us are in precarious positions might come as a surprise to our own membership. It might also come as a surprise to those in the general public. These numbers go a long way to help refute commonly held notions about whom academics are and the nature of our work lives.

Of course our colleagues in the FA are more than numbers. The FA is composed of a group of academics who are deeply dedicated to the intellectual development of our students, to excellence in teaching and scholarly activity, to sustaining the operations of the university through service in its many meanings and multiple forms, including maintaining the integrity of our peer and collegial practices of review and university governance.

Dedicated to the university though we are, we are also dedicated to one another: to the interests we share in common as members of the university, and to our collective welfare as working people within the university.

We are also dedicated to the welfare and advancement of UPEI; UPEI's reputation in part defines our collective and individual reputations, and our collective and individual contributions help to support UPEI's reputation. We do well when we support each other.

In this regard, there is some obvious overlap between the interests of our members, and the interests of administrators and the Board of Governors, we think. Let us suggest – let us try on the idea -- that we share the common objectives of advancing UPEI and the welfare of its employees. How so? Could it be the case that we share goals around: quality education, with adequate supports and opportunities for our students; the recruitment and retention of quality academic staff; the fair treatment and fair compensation of people who work here; and making this a healthy workplace where people feel their contributions are valued, their expertise is recognized, and they are trusted. If we can operate from a place that recognizes such common interests, the spirit and tone of the negotiations we will engage in in the coming months will be constructive and productive and respectful. We don't need to set a tone of opposition or incivility; we don't need to operate that way.

But we do need to have fulsome and meaningful conversations, and in the midst of the conversations we will have in the coming months, it is possible we might

disagree, sometimes simply, sometimes heartily, sometimes vehemently. But if we can find our way back to understanding the basic interests we share in common, we can and will successfully conclude a new collective agreement. We are signaling to you that we take this process seriously, as the law requires us to do and as our Membership requires us to do, and wants you to do.

These things were true four years ago, and we hope they remain substantially true today. Yet the present context is different, and we might as well acknowledge it because it has some bearing on our venture here.

In 2012 there was much optimism afoot among our membership; the mood has changed and if you don't know it already it will be helpful to you to understand it as we proceed in our conversations. In the last four years, we have witnessed a curious phenomenon: the resignation or dismissal of every Dean or University Librarian that was then in place, the resignation of several Vice-Presidents, and seemingly similar patterns of resignation, dismissal or sudden absence through lower levels of administration.

Added to the instability this may reflect, but certainly the instability it creates, is the adoption of an austerity rhetoric that is fashionable among university administrations these days. This is ironic in a sense: we presume generous severance packages have been handed to many departing administrators.

And yet, under the umbrella of austerity rhetoric, we've witnessed significant trimming of support staff -- including IT support, in-house AV services, online learning supports and cuts to administrative assistants and clerical staff, among many others. We can add to these the cuts to library budgets, slashing of research funding, significant cuts to the numbers of courses being offered and thus the significant erosion of course choice for our students.

These things affect in profound ways our work lives. The ability to conduct a literature review for a project depends on library resources, that review would form part of a research grant application, but there are fewer grants to apply for and the support has declined. This directly impacts our ability to conduct research, and thus to publish. This is one, and only one, example of how the austerity rhetoric -- and its enactment -- harms us.

All of these cuts have taken place in a context where the university's revenues have actually increased by 4 million in the last two years. All of these cuts have taken place in a context where, our external review of UPEI's audited financial statements showed, "the financial position of University of Prince Edward Island to be favorable." Our reviewer went on to suggest "all the metrics commonly used to assess financial health and performance in the university sector all show positive trends." Measurements of assets to liabilities, cash balances, and total assets are growing, investment balances are growing, and long-term debt is declining. There is

nothing in the data he reviewed, nor in any that we have reviewed, that suggests there is a financial problem at the university.

Not only does there appear to be no problem, there is most certainly no crisis that warrants the austerity-focused, hand wringing that we are witness to. Indeed, at University Senate on Friday [February 26, 2016], the UPEI President was reviewing the truly remarkable upswing in applications from students for next year. The student numbers and thus tuition news is very promising; as the President stated, "I think we are doing very well." This follows a historic pattern of growth, and even last year, the growth in student numbers at UPEI marked it as the only province to show increases in student numbers in the Maritimes.

Favourable financials, favourable student numbers: these are good news stories. But the optimism that those facts should support is eclipsed by the recurring phrase "there is no money." We hear this repeatedly. It is untrue. A more truthful phrase might be that there is no money for the academic supports that our members require. And that is not a matter of necessity; that is a matter of choice. These are choices that reflect the priorities of the Administration, and all too often, those priorities lean away from the academic mission of the university.

We'll say more about where those priorities have been placed as we proceed, but what it is important for you to know today and the days going forward is that our members are frustrated. Many are concerned about what they see happening around them, many feel devalued, and some are angry. And all are working hard. The cuts have hit us directly. Our numbers have declined 18 percent since 2012.

This is a troubled and troubling context for the Board and Administration to introduce the collection of proposals you have. Already feeling squeezed and undervalued, many of our members are certain to perceive your proposals as insensitive and uninformed at best, or insulting and contemptuous further up that scale. Many of those proposals will look familiar to them from the 2012 round. They were livid then, and that was in a context of optimism.

That same context informs the proposals we introduce. The proposals are a product of review by the FA Executive, a collection of meetings with various groups within our membership, and a survey of our membership in order to determine their positions on a variety of issues and the import they attach to them. The initial result was 18 pages, single-spaced, of suggested changes to existing language or for new proposals.

Just as suggested several weeks ago, that the Administration had trimmed the positions it would bring to the table, and the package that you presented represented the key, must-have issues of the Administration, the FA Executive has done the same. We have brought you a slim package of proposals compared to past practice, but they represent must haves.

Each proposal in isolation can be read as a need for a technical correction, or the better execution of an already existent provision, or the creation of a practice or benefit that meets the needs of our membership. These are needs that they have clearly articulated to us, and they represent their sense of fair treatment and fair play, our collective sense of fairness. Taken together, the proposals as a collection tell a story about the lives of academic staff members at UPEI, they form a narrative around what it is like to be a member of the academic staff in the context we've described.

*This statement was followed by the introduction and description of the FA's proposals.*

### **Thank you ...**

... to the CNIs, Sessional Instructors, Faculty Members in the School of Nursing, Clinical and Diagnostic Veterinarians at AVC, Members of BU2, FA Communication Reps, and FA Coffee Time attendees who have participated in a number of information gathering and sharing sessions.

... to members of the FA's Research and Advocacy Committee who have assisted with some of the preparatory work in support of negotiations: Carlo Lavoie, James Polson, Rebecca Reed-Jones, Tina Saksida, Jonathan Spears, and Brian Wagner.

... to members of the FA's Equity Committee who have assisted with the formulation of equity proposals and language: Nola Etkin, Ann Braithwaite, Enrique Aburto, Wendy Duckett, Catherine Innes-Parker, Blake Jelley, and George Jia.