

Subject: [msvufa-univ-list] September 19 Update on CA
Date: Thursday, September 19, 2024 at 12:08:53 PM Atlantic Daylight Saving Time
From: msvufa-univ-list on behalf of Tianyuan Yu
To: msvufa-univ-list@msvufa.ca
Attachments: image001.png, ATT00001.txt

Dear MSVUFA members,

I'm writing to bring a further update on the CA issues.

The counsel's call on Sept 17

On September 13th the Employer's lead negotiator scheduled a phone call for September 17th with the FA lawyer. She then wrote to the Labour Board noting that she and the FA lawyer "have a call next week and the Employer remains hopeful that now counsel can, working together, review the written terms of the language agreed by the parties in March and continue to move towards finalizing the collective agreement." However, the September 17th call was fruitless. The Employer's lead negotiator refused to make any correction to the remaining outstanding items. Moreover, she stressed that the Board of Governors is not the Employer, and that the Employer should be "Mount Saint Vincent University". When the FA lawyer reminded her that in the "Definitions" section in our CA (this definition is on page 6 of the old CA, which remains unchanged in the new CA), it is clearly defined that "Employer is the Mount Saint Vincent University Board of Governors", the Employer's lead negotiator responded: "Then the CA is wrong!" – then she abruptly ended the call.

The FA lawyer's proposals to expedite the process

On September 10th the FA lawyer proposed to the Employer's lead negotiator that the parties appoint a Mediator-Arbitrator who has a day available in the next few weeks. The Mediator-Arbitrator would first assist the parties in reaching an agreement, and if that is not possible, decide upon CA language. This would likely be a much better solution than following the Labour Board process, since the process could have been significantly expedited and the Mediator-Arbitrator shall have authority to decide on CA language. However, the Employer never responded to this proposal.

On September 11th the FA lawyer requested the Labour Board to intervene immediately and asked that the Chair/Vice-Chair of Labour Board to meet with the parties and assist in finalizing the CA in advance of the CMC (scheduled for October 9th). In response, the Labour Board suggested that the two parties meet on September 24th. The FA lawyer, the FA lead negotiator and I have immediately agreed to meet on September 24th, whereas the Employer's lead negotiator responded that she would not be available for September 24th.

The FA Exec meeting with CAUT Officers and the ensuing actions

On September 16th the FA Executive Committee met the CAUT Officers. The CAUT officers suggested that the FA file our own complaint to the Labour Board against the Employer's continued bad-faith bargaining and delay tactics. This complaint would provide the necessary leverage to the FA in any future support from CAUT including but not limited to: social media campaign, press release, reimbursement of legal expenses, and censure (if necessary).

On Sept 18th on behalf of MSVUFA I submitted an application to the CAUT Defence Fund for a grant to cover the legal fees that we incur during the process of signing the CA with the Employer in defence of FA's bargaining rights (from March 5th to December 31st 2024 or until the CA is concluded, whichever is sooner). Our application will be considered at the CAUT AGM on October 19th.

Moreover, the FA has decided to resume the Communications Committee that was active during the strike. The Comms Committee will be led by Dr. Matthew Roby (and Dr. Conor Barker in support of the transition of leadership) tasked with launching a social media campaign and other public communication endeavours in collaboration with the CAUT. The Communications Committee will meet with CAUT officers next week to discuss specific strategies and actions.

The MSVUFA Complaint to Labour Board against MSVU BoG

Having exhausted all other options and in consultancy with both the CAUT officers and the FA lawyer, the FA Executive members voted on September 17th for filing a complaint to Labour Board. On the late afternoon of September 18th, the FA lawyer, representing the MSVUFA, filed a complaint alleging that the MSVU Board of Governors is acting contrary to Section 35 of the Trade Union Act by failing to make every reasonable effort to conclude and sign a collective agreement. The FA requested that this complaint be heard together with the Employer's August 28th complaint that involved the same parties.

The Joint Committee (JC) communication regarding retroactive pay and RTPP

Since the Employer's Reps on JC (i.e., the VPAP, the Academic Relations Manager, and Dean of Arts & Science) proposed on August 28th to process the retro pay and to release a summary of RTPP processes, the FA Reps on JC (i.e., FA President, FA Vice President, and FA Grievance Officer) have responded immediately and sent multiple follow-up emails. On September 3rd We requested that the Employer process the retroactive pay as soon as possible provided that they correct the remaining errors in salary schedules and Chair & Director stipends and agree that retroactive pay also applies to all salary-based compensation. We also requested that the new Professional Funds be made available for FA members to claim immediately. However, to date we have not heard any feedback to these requests from the Employer's Reps on JC.

On September 13th and 16th, the FA Reps on JC sent multiple emails urging the Employer's Reps on JC to clarify RTPP deadlines, without receiving any response, nor has the Employer ever contacted the FA to organize an RTPP workshop given the important addition/revision to the RTPP Articles in the new CA. It was not until the afternoon of September 16th, when a Department Chair on her own volition wrote to the VPAP and me requesting clarification of RTPP deadlines and DRC(LI) dates, that the VPAP finally responded to the JC that she would like to send out a clarification. We are now working with the Employer's Reps on a draft document that contains revised RTPP timelines and processes.

I noticed that the VPAP replied to the Department Chair's email promptly on September 16th, saying she would work with the JC to develop and distribute a statement. I wanted to thank that Department Chair for taking the initiative to pull the trigger. I think that would be the kind of support the FA leadership needs at this difficult moment when the employer continues their

delay tactics regardless the FA leadership's effort. Such support does not have to come from department Chairs but can be from anyone of the FA membership, or even in the broad Mount community outside of FA.

I hereby call for all FA members to engage with a joint effort to urge the Employer to process the retroactive pay, clarify the RTPP processes, and to respond to the FA lawyer's proposals to expedite the signing of the CA (either through a mediation-arbitration process or through an immediate intervention by the Labour Board). I also call for volunteers to join the FA Communications Committee to support our following public communication actions – please contact Dr. Matthew Roby and Dr. Conor Barker if you are interested.

The FA Special Meeting today September 19th 2-4pm

I look forward to seeing all in today's special meeting. Below is a tentative meeting agenda for your reference:

- 2:00 –2:10 Land recognition, and introduction to guidelines (10 min)
- 2:10- 2:25 Lead negotiator overview of progress to date (15 min)
- 2:25- 2:55 FA lawyer overview of current challenges, Labour Board process, etc. (30 min)
- 3:00 – 3:10 CAUT officer on support they can offer (10 min)
- 3:10 - 4:00 Questions from members (50 min)

Thank you and in solidarity,
Tianyuan

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Tianyuan Yu, PhD (she/her)

Associate Professor of Management

Department of Business and Tourism & Hospitality Management

Mailbox M120, Mount Saint Vincent University

166 Bedford Highway, Halifax, Nova Scotia, B3M 2J6, Canada

<http://msvu.ca/business>

<http://msvu.ca/tourism>

President of the MSVU Faculty Association

<https://www.msvufa.ca>



"You must be the change you wish to see in the world." — Mahatma Gandhi

I acknowledge that MSVU is in K'jipuktuk, the ancestral and unceded territory of the Mi'kmaq.