

Minutes of the Mount Royal Faculty Association
Meeting date: February 13, 2019

Call to order: An Extraordinary Meeting of the MRFA was held at Mount Royal University, Calgary, Alberta on February 13, 2019. The meeting convened at 3:38pm, President, Melanie Peacock, presiding. Guest Wayne Benedict (MRFA's legal counsel) presenting.

Members Present: There were 94 members present: Attendance sheets signed.

President's Remarks

Given the present state of negotiations, an Extraordinary Meeting of the membership was called. The purpose of the meeting is for MRFA's legal counsel, Wayne Benedict, to provide background and context regarding the Alberta Labour Relations Code (LRC). Specifically, Wayne's presentation will illuminate how the LRC relates to collective bargaining processes, potential job action for academic staff associations, and potential management actions.

Wayne Benedict's Report

The MRFA's Legal counsel, Wayne Benedict, outlined the statutory provisions relating to the collective bargaining processes and the provisions regarding job action. Under the Post-secondary Learning Act (PSLA), academic staff associations are regulated by the LRC. This is important to note, as academic staff still do not fall under the Alberta Employment Standards Code.

It is critical to remember that the LRC outlines practices (including legally mandated steps) and timelines, which dictate the requirements before lawful job action may occur. It was noted that "working to rule" is not considered lawful and that no form of any job action should occur until after a successful strike vote, followed by an actual strike "call/notification".

To date, the MRFA bargaining team has satisfied the following collective bargaining steps/requirements as outlined in the LRC:

- Engaged in good faith bargaining (ongoing);
- Engaged in informal mediation (not mandatory, but the Board of Governors (BoG) team and the MRFA team voluntarily had 5 days of this);
- Reached an agreed upon Essential Services Agreement which has been filed and approved; and
- Submitted an application for the appointment of a mediator to begin statutory mediation (application made by MRFA team alone even though an offer was made to the BoG team to submit a joint application).

Wayne outlined the process, once statutory mediation has occurred, as well. In accordance with the LRC, this process allows for various possible outcomes. If the appointed mediator provides a report to both parties (the MRFA Negotiating Committee and the BoG team), both parties may then agree for this to form the proposed new collective agreement, which members would need to ratify and the BoG would need to approve. Or, if either party agrees with the mediator's report (and the other party does not), either party may then file an application with the Labour Relations Board, requesting that the other party ask their members (i.e. faculty or BoG) to vote on accepting the mediator's report.

If no report is provided, or if both parties disagree on the recommendations outlined in the mediator's report, there is a legislated 'cooling off' period of 14 days. Within this two-week window, an application may be made by the MRFA to the Labour Board for a supervised strike vote. However, the vote itself may not take place until the cooling off period has expired. If or when a strike vote has taken place, it is only valid for 120 days. If a strike does not commence within 120 days of the vote, a new strike vote will need to take place. Furthermore, if a successful strike vote is achieved (51% or higher), a 72-hour notice must be given to the BoG prior to commencing job action.

The same rules and timelines apply to the BoG (Administration) if they decide to issue a membership lockout. This said, it is much easier/quicker for the BoG to reach this decision (i.e. they only need a quick poll at a BoG meeting) and then could issue a 72-hour lockout notice.

Wayne spent time articulating **why a positive strike mandate/vote is critical**. If the BoG locks faculty out and we cannot respond with a strike vote, then the BoG may call us back to work (at any point in time) under working terms and conditions that they set. This is a huge risk. If faculty had a strike mandate, and then had to strike, MRFA members would have the ability to vote on (ratify) the new collective agreement and not be forced to return to work under terms that are dictated to them by the BoG.

In addition, at a certain point in the negotiating process, if impasse is reached, a positive strike vote signals to the BoG that the MRFA membership supports the MRFA negotiating team. This show of support (i.e. a strong strike vote/mandate) will therefore encourage the BoG team to keep talking/negotiating and may ultimately prevent a strike.

Wayne also noted that Section 91 of the LRC provides for both parties to enter into Voluntary Interest Arbitration at any time. Both parties must consent to this and the Arbitrator's decision is final and binding.

Also, note that at any point during the collective bargaining process (but only once), either party can file an application to have their final offer presented to the other party for voting/polling/approval.

Negotiations Committee Report, Lee Easton, Chair of the Negotiating Committee

The Negotiating Committee endeavours in every meeting with the BoG to reach an agreement. Unfortunately, there are a couple of items, which are nearing impasse. As new information is available, the Negotiating Committee will provide updates to the membership.

Motion THAT the Mount Royal Faculty Association's membership expresses its strong support for its bargaining team and THAT the membership strongly support the application made by the Association for statutory mediation pursuant to section 65 (Appointment of Mediator) of the Labour Relations Code.

Motion: Marc Schroeder and Seconded: Miriam Carey

Discussion:

- The negotiations team gathered input from members before bargaining commenced and went into the collective bargaining process with clear interests which had been identified by the membership.
- There has been agreement on many matters. However, there are a few items reaching impasse. Under the previous labour environment/legal environment this

would lead to compulsory binding Arbitration, which was not beneficial. Arbitration worked for salary negotiations to some degree but does not work to address the exploitation of faculty members or for workload, which requires processes that are more democratic.

- The BoG is trying to divide us. Their rhetoric states that it would be fine for individuals to negotiate workload with program chairs. However, if there are issues (unreasonable workload, non-transparency, and unreasonable class sizes), the MRFA will have no ability to support members and chairs if these matters are no longer covered under the collective agreement.
- We have to stand collectively together to protect our rights under the collective agreement.

Vote – Carried Unanimously

Adjournment: The meeting was adjourned at 5:14pm.

Communications Officer, MRFA

Date of approval