



Colleagues,

I am writing to share some disturbing developments last week related to the University Administration's enforcement of its Vaccine Directive.

Since the resumption of in-person teaching in Fall 2021, the Association has been a strong advocate for both vaccines and the vaccine mandate as ways to ensure a safe and healthy workplace. We also advocated that, for those unable to get vaccinated, the Administration make alternative work arrangements and where appropriate, continue the use of rapid testing, both of which have so far helped to keep the campus a safer and healthier workplace.

When the Administration issued its Vaccine Directive, the Association expressed concern at the employer's intention to place faculty on leaves without pay (and the potential that members might ultimately face termination). The Association contends that any such action is, in reality, a *suspension without pay*, a disciplinary sanction under our Collective Agreement.

The Association has therefore pressed the Administration to adhere to the Collective Agreement Article 25 (Discipline), which provides a clear, fair, agreed-upon process to consider situations in which suspension without pay or other sanctions may be justified. The Association offered to work with the Administration to find a process that could navigate this difficult situation. When that failed, we asked the Negotiating Committee to pause negotiations so that we could gain clarity about how the Administration planned to enforce its mandate.

On Tuesday, November 16, 2021, Administration abruptly informed the Association that it had created its own process that will place full-time faculty who cannot provide proof of full immunization before January 1, 2022, on a "non-disciplinary leave without pay," until May 1, 2022. There is no appeal process.

This new process circumvents the progressive discipline process outlined in Collective Agreement Article 25. This hard-won Article protects all members by requiring our employer to follow a fair process before applying sanctions and that places the onus on the employer to demonstrate that any sanctions are reasonable and commensurate under the particular circumstances and crucially the member has contractually guaranteed rights such as the right to Association representation.

Rather than follow the agreed-to process or negotiate a mutually acceptable solution addressing both parties' concerns, the Administration has peremptorily created its own category of discipline - "a non-disciplinary leave without pay" - that now exposes every member to capricious decisions by Administration to place them on "non-disciplinary" leaves without pay without any discussion or recourse to appeal anywhere.

To be clear, this approach conforms to the Administration's approach to labour relations with the Association. To recap the past 18 months, the University has:

- Held fast to its demands that faculty take a cut in wages;

- Forced the Association to file an Unfair Labour Complaint to the Alberta Labour Board to honour the number of available sabbatical leaves while bargaining continues to reach a new Collective Agreement;
- Stonewalled the release of the consultant's report on pay equity;
- Failed to confirm that any pay inequities identified in work completed by the JDEC (Joint Diversity and Equity Committee) have been rectified;
- Stalled on its commitment to create a fair, transparent, open process for pay equity salary reviews;
- Delayed settling a policy grievance related to systemic racism at MRU (despite its recent signature on the [Scarborough Charter on Anti-Black Racism](#)).

We offered to work with the Administration and they have refused. It is clear that the Administration intends to proceed disregarding the Collective Agreement. Although we have resumed bargaining with the University, we have filed a policy grievance on this use of 'leaves without pay' and we will file individual grievances where required.

We share the Administration's goal of maintaining a safe and healthy workplace. The Administration could have used the agreed to processes laid out in the Collective Agreement to enforce its Vaccine Directive. Instead, they have opted for a unilateral approach that opens any faculty member, now and in the future, to discipline and sanctions without agreed upon processes.

This situation will be discussed at the MRFA regular meeting on Friday.

Sincerely
Lee

Lee Easton
President