

Subject: Re: [msvufa-univ-list] CA Questions from A Group of Concerned Faculty from Across all Disciplines
Date: Friday, October 11, 2024 at 11:56:15 AM Atlantic Daylight Saving Time
From: msvufa-univ-list on behalf of Tianyuan Yu
To: [REDACTED], msvufa-univ-list@msvufa.ca
Attachments: ATT00001.txt

Hi [REDACTED] and all,

About the hearing:

The January hearing will occur **only if** all the efforts to conclude the agreement have failed by then. In that case, even a hearing may not end the dispute, since the Labour Board cannot force the parties to sign. On September 11th The FA lawyer suggested the two parties to jointly appoint a mediator-arbitrator outside of the Labour Board, who can make a binding decision on any outstanding items as soon as possible. But the Employer insisted sticking to the Labour Board process and never responded to that suggestion. Currently we focus on making every effort to continue the constructive discussion with the Employer, and there is hope to reach an agreement earlier. The two parties' lawyers are meeting again this week and also later this month facilitated by Chair of the Labour Board. The Chair of the Labour Board has been doing a great job facilitating the discussions so far.

About outstanding items in the CA:

The Labour Board Agreement to Facilitated Discussion (i.e., the confidentiality agreement) requires both parties to keep anything communicated during the facilitated discussion confidential. The FA received the Labour Board's written request to sign the confidentiality agreement on September 27, and signed it on September 27. In hindsight I should not have even mentioned about the outstanding items in my September 26 update on the listserv. I was not aware of the confidentiality agreement at the time. I was eager to provide timely updates to all members about the September 25 Labour Board intervention and did not consult the FA lawyer.

About RTPP Process Issues:

We deeply empathize with our members suffering the distress and anger. We have been pushing extremely hard to resolve the issue and advocating for our affected members in all possible means including our communication with the Administration members on JC, with the Employer's lead negotiator, and with the Board of Governors. Yesterday afternoon during a break at the Board of Governors meeting, I had a positive conversation with the Vice President Academic and Provost, who confirmed to be working to respond to our request (re: calling for a JC meeting next week to finalize the interim RTPP protocol) as fast as possible. We are now awaiting the Admin's written response to our request through JC.

In solidarity,
Tianyuan

From: msvufa-univ-list <msvufa-univ-list-bounces@msvufa.ca> [REDACTED]

Date: Thursday, October 10, 2024 at 2:46 PM

To: msvufa-univ-list@msvufa.ca <msvufa-univ-list@msvufa.ca>

Subject: [msvufa-univ-list] CA Questions from A Group of Concerned Faculty from Across all Disciplines

Dear Tianyuan, BT, and FA Executive:

As a group of concerned faculty from across all disciplines at MSVU, we write this email to ask for clarity in outstanding issues. Issues have arisen over the past six months that have given us pause for thought and while we did raise questions, answers were not always clear or provided. We are now being asked to wait until January 2025 and possibly longer to see a signed CA. We outline our concerns below and request that a response is provided.

Based on the outcome of the October 9 NS Labour Relations Board meeting can you please answer the following question or provide more clarity:

1. **Clarity about the hearing:** Will the 3-day hearing in January result in a binding decision and a signed CA? If not, this will lead to more delays. What is the plan if the 3-day hearing in January does not result in a signed CA?

1.

Outstanding Items in the CA:

We know that NS Labour Relations Board conversations are confidential. However, after the Sept 25 Labour Relations Board meeting, the 5 items below were outstanding. Can you give an update on whether these items:

1. Term of Agreement: 1 July 2023-30 June 2026 vs. 14 March 2024-30 June 2026. I raised this question twice on the List Serve as I saw it as an outstanding item on Genevieve's list and thought it could not be correct - when I asked it for a second time, Susie confirmed via email on July 10 (see below) that the date of the new CA was July 1, 2023. Please explain why this was listed as an outstanding item?

Susan Brigham

To:

Sandra Findlay-Thompson;msvufa-univ-list@msvufa.ca;
Genevieve Boulet

Wed 2024-07-10 9:40 PM

Thanks,  - hello all,

The start date of the new CA will be July 1, 2023. It is being communicated to new FA members with the contracts they are being offered. This is the statement: "There is a tentative agreement in place with the MSVUFA that when signed will provide for a 3% increase effective 01 July 2023 and a further 3% increase effective 01 Jul 2024."

I do hope we will hear soon about the CA.

2. Article 21.36-21.49.13: inserting the missing articles on RTPP for Librarian

members. The FA confirmed that this missing article was an error on the Employer's part and the Employer has now put it back into the document. Can you confirm it is no longer outstanding?

3. Article 32.3: Correcting amounts for the Chair's stipends. We believe this was also finalized and is now in the document. Can you confirm?

4. Inserting the missing Appendix B. Appendix B, on programme redundancy, states that "the parties agree that there shall be no layoffs for reasons other than financial exigency during the term of this agreement." Further, the legal terminology in Appendix B states it "*absolutely expires*" which means that it needs to be re-signed at each negotiation. **The loss of Appendix B means that the protection against an arbitrary lay off(s) by the employer is now gone.** Is the delay in signing the collective agreement due to trying to negotiate Appendix B (back) into the collective agreement?

The reaching of a tentative agreement signals the end of bargaining. Labour law dictates that a party cannot continue to bargain after a tentative agreement is reached. It appears that we have to accept the loss of Appendix B and move forward. Mistakes such as this happen in bargaining. If this is holding up the signing we don't see an outcome in our favor. It's time to move on.

5. Inserting the missing salary scales with corrected amounts. We understand that this has also been completed by the Employer and is now in the new CA document. Please confirm.)

RTPP Process Issues:

Adjudicating RTPP files: the Trade Union Act says that in the absence of a signed CA, members default to the last CA. If there are no updates from JC by 15-Oct, how are DRCs to adjudicate files for members who wish to proceed through RTPP? Further, will the Dean review the file? If the answer is no, please explain why. Training materials were available and many members prepared and submitted files. Members may not need and/or want another training session given they are going up under the previous CA.

Today, we see that [REDACTED] also raised the point that throughout the summer the administration was moving forward with the RTPP process and many faculty submitted packages in a timely manner. The question asked by our group a while back was whether there was a good reason to delay the RTPP process (e.g. was there wording that gave greater benefits to potential applicants) but that question was not answered other than to say withdrawing applications would put pressure on the administration and we countered that it would do no such thing. We also stated that it was not fair to penalize the careers of younger faculty by asking them to withdraw their applications. [REDACTED] has covered the rest of the timeline for the RTPP process in his email and we agree with his assessment and ask that more clarification be provided as per [REDACTED] questions.

Please do know that we are grateful for the great efforts of the BT and the FA Executive but, as concerned members who care deeply about MSVU and our roles herein, we need answers to our questions. We appreciate a timely reply.

Regards,

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

I acknowledge that MSVU is in K'jipuktuk, part of Mi'Kma'Ki, the unceded and ancestral territory of the Mi'Kmaq. We are all treaty people.