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CUPE 3911 GRIEVANCE REPORT

## ATTEND THE CUPE 3911 MEETING, SATURDAY, APRIL 23, 2022

*Our next general meeting, open to all members, will be held Saturday, April 23, at 930 AM. The meeting will be conducted remotely via ZOOM. Details of how to connect will be sent out.*

### UPDATE: CUPE 3911 BARGAINING

The CUPE bargaining committee has met with the employer for a total of approximately seven days since bargaining opened in late October 2021, five months ago.

So far we have signed off on ten articles. We began with the non-monetary proposals. We started with more simple housekeeping items such as updating how we store personnel files, revising our list of definitions, and editing articles to contain gender inclusive language.

We have added language to our non-discrimination article to reflect current Charter rights. We have also strengthened language in our sexual and other harassment article as well as received a signed memorandum of understanding from the employer committing to include our bargaining unit in any future revisions of the university's harassment policies. We have also improved benefits in our parental and sick leave articles.

We are currently negotiating our request for academic freedom as opposed to academic opinion; a right which we believe that all academic professionals are entitled to. We are also negotiating improved language and clarity of process for discipline. We will next meet with the employer April 6th and look forward to progressing through our non-monetary proposals over the spring months.

Kind regards, Glynnis Lieb PhD



# CONFLICT MANAGEMENT: NAVIGATING INTERPERSONAL AND GROUP CONFLICT

*Submitted by Natalie Sharpe & Ernie Jacobson, Jasper Labour School, March 2022*

**GENERAL OVERVIEW TO THE AFL CONFLICT MANAGEMENT COURSE:** With incredible dedication to safety and comfort for all participants, the Alberta Federation of Labour (AFL) 2022 school promised and delivered a range of courses for over 200 attendees. We attended the new Conflict Management course, which we both felt was important for dealing with issues of concern before they blow into large scale conflicts requiring formal resolution. The objectives of the course were to gain an understanding of basic conflict resolution theory; addressing how our personal beliefs and conflict styles (conscious and unconscious biases) influence what happens as a conflict escalates; the sources of conflict in the union and at work; and explore the conflict dynamics (power differentials) in individual and group conflict. The goal was to find ways to better handle conflicts in different contexts, using 10 conflict skill sets to navigate the conflict. This begins by identifying the interests (values and beliefs) behind people's positions (what they want) in order to generate more options so we can choose a resolution that satisfies as many mutual interests and needs as possible. We all agreed that even though conflict may be a challenge, it is natural, inevitable, and often leads to positive change. In most cases, we need to gain confidence, ease and expertise in handling it, thereby transforming the manner in which we look for early solutions to many kinds of conflicts.

**WHAT IS CONFLICT? PERCEPTION OR REALITY? NEGATIVE OR POSITIVE?** It is important to note that conflict can be both a perception and a reality, as parties differ on their views about a situation. Conflicts often happen when people believe that their goals are incompatible; that one is stopping the other from reaching their goal; struggles over what may be perceived as differing values and beliefs. We examined how our social positions and life experiences shape our values, beliefs and fears that we may or may not be conscious of. Some of us fear and avoid conflict as much as possible; others believe that conflict is necessary and important and has made positive changes for society, for example, human rights' movements.

**POSITIONS VERSUS INTERESTS:** We noted how we become locked in the positions (what we want and/or demand) that we take to defend our beliefs (underlying interests) and that only when we use conflict management strategies, can we move to finding mutual interests and explore workable options for resolution.

**STYLES AND APPROACHES TO CONFLICT:** We also examined the various conflict styles we take. These are the competitive (I win/you lose); avoidance (lose/lose); compromising (meeting 50:50); accommodating (usually one wins more and the other harmonizes to save the relationship); and collaborating (win/win as both parties work to gain as many interests as possible and to strengthen the relationship). Although all styles are used for different situations, the one that is most beneficial for both parties is the collaborative style.

## **10 CONFLICT SKILL SETS. ACTIVE LISTENING SKILLS ARE KEY TO CONFLICT RESOLUTION:**

Through various group exercises throughout the week, including storytelling and reflection, and challenging implicit biases, we learned and reflected on the following conflict skill sets.

**SKILL 1. "I" STATEMENTS:** Making "I" statements focuses on how the situation affects you and your perspective, but also takes responsibility for how you feel when the other's behaviour, statements and actions affects you negatively. Rather than name and blame the person, you may say "When you don't give me the information by the deadline, it makes me anxious as it is hard to get ready for the meeting."

**SKILL 2. NEUTRAL LANGUAGE:** When you use neutral language, instead of saying “you never” have the report ready; you could discuss it as “report timelines”.

**SKILL 3. BODY LANGUAGE:** Body language or paralinguistics can be used as a speaking and listening tool. If used negatively, e.g., eye-rolling, showing anger/displeasure through crossed arms, it creates a power fight. Open listening skills can be shown by leaning gently into the conversation and showing presence. Cultural and gender nuances on body language need to be communicated to be understood.

**SKILL 4. OPEN-ENDED QUESTIONS:** Open-ended questioning allows us to gather more information and context through who, what, when, how, why, rather than yes/no. It can also give us clues on what actions are needed.

**SKILL 5. REFRAME:** Reframing is a powerful listening skill as it helps both parties focus on moving forward through positive statements. For examples: “It is important to both of us; we seem to value this” can be a way to identify mutual interests. Rather than saying: “You are always late. Pay attention and come on time,” reframe as “As time is important to both of us, can we find a time that works for both of us?” This also shows a willingness of both parties to be flexible in order to meet each other’s needs.

**SKILL 6. SUMMARIZE:** By summarizing what the other person has said, you reflect their feelings and paraphrase what they said. This not only makes them feel heard, but also is a check that you understand their key points, and what they are hoping for. For example, “You have told me that numerous times, you asked them to send in their ideas. You are frustrated because they disrupted you at the meeting by complaining and not providing new ideas. You would like to find a more effective way for sharing ideas without disrupting meetings.”

**SKILL 7. LISTEN EMPATHETICALLY:** Although listed as the 7<sup>th</sup> skill, this is key from the very beginning. Empathetic listening allows us to acknowledge the emotions felt by the parties, and help us to come up with open-ended questions to help them feel heard. “You sounded sad when this was said about you by your co-worker. Can you tell me more about how this affected you, and what you feel would help to make this relationship improve?” A glossary of feeling words helps those who feel uncomfortable with checking on feelings to gain more clarity on the nuances of these words, and can ensure that they gain a better understanding of the person’s feelings.

**SKILL 8. GETTING TO WHAT’S UNDERNEATH:** This can also be called “Finding Underlying Interests”. This helps us understand the values and beliefs that drive a person to their locked-in position. Some underlying interests are: concerns, hopes, expectations, assumptions, preferences, beliefs, fears, values, needs. Here is an example: “So if the position is that it has to be a Christmas party because that is the union tradition, then our common interest is that we are an inclusive union; so by acknowledging the diversity of beliefs of our members, we can respect all traditions by calling it a holiday party, and/or by acknowledging important dates for our members’ respective auspicious/holy days.” By identifying underlying personal interests such as valuing respect, communication, solidarity, you can identify a mutual group interest that will shift the parties’ views towards each other. They can then work on something they value in common. “So, when you say respect is important to you, are you also saying this is a group value that helps to build solidarity?”

**SKILL 9. SET LIMITS, TAKE ACTION:** When in a dispute or conflict, it is important to focus on our personal boundaries. This helps us to work assertively in a situation when other skills do not work. In this way, one needs to (in neutral words), specify the behaviour that is problematic for you, describe how the behaviour affects you, provide a warning and consequence if it does not stop, but let the person know a preferred future action that will impact you and the group in a positive way. This can happen in a situation for example where a person arrives shouting at you, and you describe how it impacts you and your inability to help gain information, if there is ongoing name-calling and escalated anger. It is important to note that if it continues, you cannot help, and you will need to end the meeting right now and meet later (when the “anger” deescalates). You may ask the

party to identify their concerns for the next meeting. The specified future action is to agree on some ground rules on how they will meet next time. Let's agree to bring more information in, to use respectful language, and not interrupt each other so we can work on this together.

**SKILL 10: GENERATING OPTIONS, CHOOSING A SOLUTION:** When moving toward a resolution, it is important to not default to an immediate solution or band-aid fix that has not been evaluated by both parties for factors such as cost, effectiveness, do-ability and covering as many interests of both parties as possible. Take time to brainstorm every option before weighing its effectiveness for both parties. Adapt and combine options to ensure flexibility to gain more of the parties' needs. Check again if it is do-able. Determine the solution, and allow for time to revisit at a specified time to see if it is working; if a future visit is necessary, the parties can make the necessary changes.

**SPEAKING WHILE LISTENING – IT'S ALL IN THE TIMING:** When speaking and asking questions while listening, one has to ensure that they do not fall back on old habits of giving advice, over-explaining to the other, shutting down another's feelings, constantly correcting someone, showing sympathy instead of empathy, consoling and placating, investigating the other party, telling your own story on top of theirs, becoming the teacher, and one-upping them. This is not a competition; it is gaining an understanding of each other's social location and lived experiences.

**POWER DYNAMICS:** When examining the interests behind the positions, always be mindful of the forms of power used: social power comes from our identities, our socio-economic position, dominance within the organization, etc. Other forms of personal power such as psychological and spiritual power were briefly discussed. Power dynamics are always important in understanding the context and flow of a conflict.

**THE SYSTEMIC NATURE OF DISCRIMINATION AND CONFLICT:** We also examined the systemic inequities that maintain and reinforce racism, sexism, misogyny, homophobia, ableism, etc. The iceberg analogy was used to show that we only see the differences on top, but the systemic structures that maintain and reinforce these stations of discrimination are the root or main body of the iceberg that hide below the surface.

**GROUP CONFLICT:** In our union, we are always working in groups to deal with various tasks and processes. Our working relationships are very important, and it is important for us to develop these key communication skills. The 10 skills are important for making us a dynamic and creative union, and also make us more powerful and united in difficult times with management, with obstructive legislation, and fighting systemic and historical inequities regionally, nationally and globally. These skills help us, protect us, keep us united, and make us a healthy union whose members consciously engage in effective informal resolution practices.



## AU ADMINISTRATION MEETLY ACCEPTS UCP ANTI-PSE BUDGET

*By Dougal MacDonald, Communications Officer*

To no one's surprise the Athabasca University (AU) upper administration meekly accepted the UCP's post-secondary education (PSE) budget, released as part of the overall budget on March 2022. This has been the pattern ever since the UCP took power. Instead of meeting the vicious government cuts with loud calls to increase investments in education and upholding the right to education, the PSE administrations simply caved in and accepted the cuts.

Of course, one reason the administrations so readily bowed down to the UCP is that in August 2019, the UCP blitzed Alberta's post-secondary institutions by inserting numerous UCP representatives onto their boards of governors. At AU, the UCP implanted veteran energy executive Nancy Laird as Board Chair, plus new corporate appointees Bryan Berg (Global Energy Investment Banking), and Larry Spagnolo (Emerson Automation). Backward Education Minister Nicolaides denied very unconvincingly that politics influenced the new appointments.

When analyzing what the 2022-23 budget means for the post-secondary education sector, a good starting place is the much-vaunted statistic, "cost per student". One of the UCP's major whines, based on the report of the phony 2019 MacKinnon Panel which was set up to reach predetermined UCP conclusions, is that Alberta "spends" more per PSE student than any other province, e.g., \$36,500 vs \$31,300 for B.C. First, students aren't costs they're investments. From that perspective, Alberta should be proud that it leads the country in per-student "spending" because it's not spending. For all of us who correctly see education as an investment, the whole notion of "cost per student" is a non-starter. Now if we could also just lower our spending on energy corporation subsidies, which actually IS out-of-control spending, then things would really be looking up for Albertans because we could invest even more in our students!

Next let us look at how much tuition revenue the UCP expects to grab from Alberta PSE students in 2022-23. The estimate is \$1.645 billion which will

mean that, taking into account the UCP revenue for 2019-20 and 2020-21 and the projected targets for 2023-24 and 2024-25, the UCP will have raised tuition revenue by a total of \$389 million during the four years they will have been in office. (Note: assuming their monetary predictions are correct.)

The main reason for the huge fee increase is the UCP lifted the tuition cap implemented by the previous government, which now supposedly limits institutions to increasing tuition by 7% every year. But as has been shown by the up to over 100% fee increases the UCP recently approved for certain University of Alberta faculties, the UCP is also quite prepared to give permission for "exceptional increases" which could be far greater than 7%. In fact, rumour has it the students want to rename the U of Alberta as FleeceU. Anyway, the tuition limit is a fraud. All U of A had to do to get more was to ask!

In terms of how much the UCP budget predicts will be invested in ("spent on" using UCP-speak) post-secondary operating expenses for 2022-23, the increase over 2021-22 is predicted to be \$211 million, which may look good because it's an increase except that it's still \$33 million less than what the UCP invested in the 2019-20 fiscal year. According to UCP targets, investments in operating expenses won't return to the 2019-20 level until after the 2023 provincial election, which of course fails to take into account 3 years of inflation (4.8 % in January 2022) and population growth. And if the UCP gets re-elected.

Another red flag is that overall public funding of universities, colleges, and technical institutes is decreasing. For example, between 2019 and 2025, while total PSE funding will increase by \$82 million, the public funding portion of that will drop by \$351 million. This means that the sinister trend will continue of the post-secondary institutions having to increasingly self-fund through tuition fees, commercialization of research, private donations (with strings attached), sale of property, marijuana farms, bottle drives, bake sales, etc. In 2019-20 PSEs

had to dig up 47% of the revenue needed to cover their operating expenses. By 2024-25 that will be 55%.

And if all the above was not sufficient for AU and the other PSE administrations, to raise a ruckus, it should also be noted that since being in power, the UCP has eliminated about 1,500 post-secondary workers. This means lost jobs, larger class sizes, fewer programs, fewer lab assistants, less support services, even the closing of libraries. While AU may consider itself to be “safe” because it was founded as an online university, the effects of the UCP’s manipulations and cuts will still have their negative effects. The PSE sector is interconnected; what affects one PSE inevitably ends up affecting all

of them. All the PSEs, including AU, need to start vigorously defending the right to post-secondary education and stop defending and making excuses for the nefarious schemes of the anti-education UCP.



## UPDATE ON AUFA BARGAINING: DIVIDE AND CONQUER

Athabasca University (AU) and the Athabasca University Faculty Association (AUFA) have been engaged in bargaining with the support of a mediator. On March 24, 2022, the mediator issued a report containing recommended terms of a settlement. You can view a PDF copy of the full report using the link provided in your AU email on March 25. If ratified, the recommendations would form the basis of a new collective agreement between the parties. AUFA is conducting a ratification vote on March 29, 2022

*(Also, here are some recent AUFA blog comments on the importance of staying united to combat administration tactics during bargaining.)*

...Given these factors, it is difficult to see AU’s proposal and pressure tactics as anything other than a divide and conquer strategy. AU’s communications have consistently painted AUFA as aggressively preparing for a strike, when the reality is that AUFA members have been forced to defend our valued benefits and protections from an employer seeking sweeping and negative changes in our contract.



AUFA members came together to prevent the de-designation of hundreds of colleagues, and we can come together in solidarity again. In polls, surveys, town hall meetings, and other forums, AUFA members have overwhelmingly signaled that they do not support the employer’s attempts to sow division and discord.

A strike is a last resort if the employer refuses to back down from the deep, insulting, and unnecessary rollbacks it is seeking. While a strike would be distressing and disruptive for members, our colleagues, and our students, the alternative could be much worse in the longer term. Being forced to accept these rollbacks would lead to burnout, turnover, and extremely low morale – at a time when faculty and staff would much rather feel respected, valued, and positive about the future of this university.

Rhiannon Rutherford, Chair, AUFA Membership Engagement Committee

## MILITANT EDMONTON RALLY SUPPORTS ULFA STRIKE

On Sunday, March 13, over 100 faculty, support staff, and students rallied at the Alberta Legislature in support of striking members of the University of Lethbridge Faculty Association (ULFA). Representatives of a number of Edmonton faculty associations and unions brought their flags and placards and spoke out in solidarity with the strikers. CUPE 3911 co-chair Glynnis Lieb delivered a solidarity message from our local. Communications Officer Dougal MacDonald also attended.

The speakers denounced ULethbridge's refusal to bargain in good faith, as well as interference by the ruling United Conservative Party in the form of secret mandates imposed on the employer. For example, "coincidentally" all university employers in the province began collective bargaining by demanding faculty take a 3% wage rollback. These secret mandates are actually backed by UCP legislation passed in 2019. (Note: See article later in this newsletter.)

Members of ULFA have been on strike since Thursday, February 10, after going over 600 days without a contract. The basic employer strategy seems to be to drag their feet to bargain as slowly as possible, hoping for a sympathetic mediator. Over 90% of the ULFA votes cast supported taking strike action, with more than 80% of ULFA members casting ballots. The one-sidedness of the vote strongly supports the action taken by the association and sends a sharp wake-up call to the university administration. ULethbridge students fully support the strike as well.

The strike is a by-product of Kenney's vicious and continuing cuts to the post-secondary education budget. In the just-released 2022-23 budget, the government projected to increase operational expense funding for advanced education by a mere \$4 million, the first increase in 3 years. This is not even catch-up; ULethbridge's 2021/22 reduced the university's operating and program support base grant by 5.8 per cent (\$5.7 million).

With their strike, the ULFA faculty are defending their rights and those of their students, just as faculty

at Concordia Edmonton (CUEFA) did, emphasizing once again that faculty working conditions are students' learning conditions. There is a rumbling in the post-secondary sector, not just in Alberta but across the country which foreshadows positive change. ULFA, CUEFA, and all their supporters across the province and the country are standing up for the right to education and fighting hard for the public education system upon which the future of the whole society, especially the youth, depends.



Education is a Right! Increase Funding to Education!

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## NAIT ACADEMIC ASSOCIATION (NASA) BARGAINING FOR NEW WORKLOAD MODEL

*(NASA BARGAINING COMMITTEE, MARCH 3, 2022)*

Crafting a new instructor workload model for the NASA Collective Agreement has been a major goal of the Bargaining Committee as well as a crucial component of our mandate. While nothing has been signed off yet, we have made significant progress toward completion of this goal and are pleased with what we have achieved. While we cannot share details at this stage about a document that is not signed off, we know members want as much information as possible and we'd like to share some generalities about our goals and what you can expect.

**Threshold numbers:** Fundamental differences in annual workload exist across NASA membership: • Apprenticeship instruction (where there is little curriculum development and marking) • Diploma instruction (where there is significant curriculum development and marking) • Degree instruction (where there is significant curriculum development

and marking, as well as an additional expectation of scholarly activity).

These differences will be reflected in different thresholds/limits of scheduled contact hours for the different groups. Our goal has been to negotiate fair annual contact hour thresholds (maximums) for apprenticeship, diploma, and degree instructors, including those that teach a combination of diploma/degree and apprenticeship/diploma courses; and to ensure that these numbers are, for the first time, put into the Collective Agreement.

**Factors that influence workload:** The Bargaining Committee knows that workload is far more complex than simply the number of hours you are scheduled with students, regardless of what type of programming you teach. Factors including modes of delivery (online, in person, blended), class sizes, number of courses taught at once, number of unique deliveries vs. multiple sections of the same course, and number and types of assessments in each course all impact workloads.

Other factors including administrative commitments, student support, accreditation, team teaching, professional development, and many more also impact workload. Our goal has been to create a workload model that identifies and acknowledges these factors and ensures they are taken into consideration when workloads are assigned, on an individual instructor by instructor basis.

We are working to embed language into the Collective Agreement that names and describes instructional duties included in annual workload, and that stipulates that all the above factors will be considered when individual workloads are assigned.

In addition, we will have a workload review process that instructors can use if they feel their workload assignment has been unfair... (Editor's Note: NAIT-specific section omitted here.)

**Final Thoughts:** It is important to note that if we come to agreement on a new workload model there will be a delay of approximately one academic year before it can be implemented. The Bargaining Committee is working hard to create a detailed, descriptive, more equitable workload model with language that recognizes factors that impact workload with threshold values embedded into the Collective Agreement. We know that many instructors are overworked, and we look forward to negotiating with NAIT a model that will provide workload relief and future protections to NASA members.

In Solidarity, NASA Bargaining Committee

*(Note: NASA is also the acronym for the University of Alberta's Non-Academic Staff Association so things can get confusing sometimes!)*



## MOUNT ROYAL FACULTY ASSOCIATION SETTLES

On February 23, Mount Royal Faculty Association (MRFA) announced that its members had voted to ratify the proposed new collective agreement that was worked out through mediation. Included in the new deal is a 3.25-per-cent increase in salaries and benefits over the next two years. MRFA President Lee Easton said he is pleased faculty were able to gain improved benefits and greater job security tied to seniority, but he said concerns remain, including about rising workloads.



MRFA represents nearly 800 full-time and contract faculty including professors, clinical instructors, counselors and librarians at Mount Royal University in Calgary. It is just one of the many Alberta faculty associations that has been locked in negotiations with their employer for some time over a new collective bargaining agreement. The new MRFA agreement runs until the end of June 2024 and is retroactive to July 2020.

The formal mediation process, mandated under the province's labour code, began in January with negotiations in a deadlock. MRFA's outstanding issues were no wage increases since 2017, increasing workloads, and the uncertainty surrounding contract instructors (sessionals), who generally lack job security and benefits yet do a large percentage of the teaching.

Easton asserted that influence from the provincial government impeded the free collective bargaining process as the parties worked toward a new deal. Under the Public Sector Employers Act, introduced by the UCP government in October 2019, the province has the authority to direct post-secondary employers on the terms of collective bargaining. The actual content of those directives is confidential under the legislation.

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## THE PSE ACT AND THE UCP'S SECRET MANDATES

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In 2019, the UCP passed the Public Sector Employers Act (PSEA), which allows the provincial minister of finance to issue secret mandates/orders to university employer bargaining teams at post-secondary institutions. The minister does not have to tell anyone else what is in the order, and the employer is not allowed to tell anyone either, even the union/association they are negotiating with.

Many students, faculty, and staff now simply assume that secret mandates exist at their universities, colleges, and technical institutions. How else can one explain the state of collective bargaining across the post-secondary sector? For example, every organization of university employees in the province was "asked" to take a 3% rollback at the opening of collective bargaining. A coincidence? We think not. Of course, all faculty associations rejected that demand with the contempt it deserved.



Recent history shows how damaging secret bargaining mandates are to universities. In 2016, a 21-day strike at the University of Manitoba was aggravated by a secret bargaining mandate, which the Manitoba government was later forced to admit was unconstitutional. In fall 2021, UManitoba experienced an even longer 35-day strike, again aggravated by a secret mandate, that could only be addressed by binding arbitration.

Students, faculty, and staff in Alberta hope that fair agreements can be reached at the bargaining table. That is in the best interests of all, including the larger community. The post-secondary educational institutions are perfectly capable of negotiating their collective agreements without provincial meddling; the PSEA should be scrapped immediately. As well, the UCP government is bragging that Alberta's economy is now on the rebound toward a major surplus (maybe). So, why then is that same government interfering in collective bargaining in the false name of "fiscal responsibility."

The UCP government should step up and be transparent about its secret mandates. As the PSE sector faces so much uncertainty, the unknown variable of secret mandates is making matters even more difficult. If the government wants to control post-secondary bargaining, they should come forward and admit that openly and be accountable for the results instead of sneaking around behind everyone's back. Otherwise, they are implicitly admitting that the whole collective bargaining process is a collective fraud because is being stage-managed by the supposedly-neutral government.

## NEW AASUA CONTRACT INCLUDES POISONOUS TWO-TIER WAGE SYSTEM FOR NEW SESSIONALS

By DOUGAL MACDONALD

On March 2, the Association of Academic Staff of the University of Alberta (AASUA) announced that members had voted in favour of a mediated settlement, bringing to an end the possibility of a strike. In the spirit of solidarity, we congratulate the ASSUA on achieving a settlement. However, as even the AASUA admits, there is one particular aspect of the March 2 agreement that has met with a lot of opposition by those in the post-secondary sector, including AASUA members themselves.

That contentious aspect is that the new contract creates a two-tier wage system for members of the ATS constituency of AASUA, i.e., those approximately 1000 sessionals who teach on contract. Any sessionals who have been or are currently working for University of Alberta will continue to be paid according to the old wage scale. They will be "grandfathered" in. But those who are hired subsequent to the March 2022 agreement will be paid based on the new scale which pays less than the existing scale.

The whole issue of two-tier wages has been and is being fought about in collective bargaining all over Canada and Quebec (where it is known as "orphan clause" bargaining). It is a divisive practice that is inherently concession bargaining. Eventually all workers in the bargaining unit will lose, including those who end up working and being paid on the "old" basis. Obviously, a two-tier wage system is essentially a rollback because in the long run through attrition every existing employee will be "new" and will end up working at the lower rate, erasing years of hard work by union members to improve their wages and working conditions.

Another major danger is that two-tier offers commonly include concessions related not only to wages but also to benefits. The new wage system for new hires will likely offer them a poorer benefits package to go along with the lower wage package. Changes might include fewer health benefits, elimination of dental coverage, lower life insurance and disability payouts, less paid vacation time, etc.

Two-tier offers also commonly include concessions related to pensions. Usually, the employer tries to replace existing defined benefit pensions with defined contribution plans for new hires. A defined benefit pension plan promises a *defined* payment amount when you retire based on a formula; you know in advance what this formula is and therefore what the amount will be. On the other hand, a defined-contribution plan promises nothing. It only grants employees the opportunity to contribute funds over time to save for their retirement and the employer provides matching contributions up to a certain amount.

Less job security for new hires is another result of two-tier bargaining. A two-tier wage system chips away at the unity and size of the entire bargaining unit, weakening its overall bargaining power. The fact that older workers are paid more than new workers can become a source of division, in fact, that is one of its aims. A two-tier system undermines the important task of bringing in and involving new, young workers with their energy and activism.

Employers often promise that a two-tier system will "Protect jobs". Experience of the workers has demonstrated over and over again that this is totally false. The United Autoworkers (UAW) had 700,000

members at the Big Three car companies in the 1970s. In the 1980s and '90s the UAW accepted two-tier concessions in exchange for empty company promises of job security. Today, the UAW has only 110,000 members left at the three companies, a membership decrease of 84%.



Finally, two-tier bargaining weakens the union overall because it undermines union solidarity by creating two classes of employees. Also, once a union accepts two-tier provisions, subsequent rounds of bargaining are often spent trying unsuccessfully to remove those tiers or finding ways to

compensate lower-tier workers. Obviously, once the second tier is in place, the employer will maintain that situation and try to shift more work to workers who cost less, away from workers who enjoy full pay and benefits.

Everyone in the post-secondary sector should educate themselves and their members to understand the true cost of two-tier collective agreements, both for new hires and themselves. They should be made aware that under no circumstances are such agreements desirable because they "create jobs" nor are they necessary because of "fiscal austerity". As well as rejecting such agreements at the bargaining table, unions should initiate fighting campaigns to force governments to bring in new labour legislation that prohibits two-tier agreements, especially those governments that claim to be "labour-friendly".

## MILITANT CELEBRATIONS OF INTERNATIONAL WOMEN'S DAY

Women throughout the world organized rallies, marches and gatherings of all kinds for March 8, International Women's Day, to hail and celebrate their fight to affirm their rights and for peace, freedom and democracy. In Alberta, rallies were held in both Edmonton and Calgary.

On International Women's Day, women assert their claim to a say and control over the affairs of society and salute both those fighting in the present and those who have blazed a path forward for women and society throughout history. The struggle to affirm the collective and individual rights of women is part of the fight to uphold the rights of all and win emancipation for all. It is part of the struggle of the working class to constitute the nation and vest sovereignty in the people.

One hundred and ten years ago, International Women's Day was established to highlight the fight of women for their rights as workers, and for their right to vote and to take their place in the vanguard of all fields of human endeavour. International Women's Day also became a day for women to highlight their opposition to war and aggression. During those early years many brave women stood in opposition to the first imperialist world war and this tradition is alive today in the determined battle to establish anti-war governments and make sure peace prevails.

In celebrating International Women's Day, women speak in their own names and affirm their particular rights as the reproducers of life and their demand to bring into being a society where all human beings can flourish. Such a society can only exist when the well-being and needs of women, and the children they bear, are put in first place.

In politics, as the old forms of governing and institutions prove incapable of solving any problems, women have taken up the question of "who decides" and "who controls" and the need for democratic renewal and people's empowerment. Women refuse to submit to a dysfunctional outdated system dominated by cartel parties which



serve the private interests of a minority that can act with impunity to decide economic, political and social affairs of the people and society. Women demand the right to lead society, along with all others, and solve the problems as they present themselves in ways that favour the majority.

## **MULTI-BILLION DOLLAR SAFE DRINKING WATER SETTLEMENT INCLUDES UNIQUE DISPUTE RESOLUTIONS PROCESS**

*(SHARI NARINE, MARCH 15, REPRINTED FROM WINDSPEAKER)*

A promise made by the Trudeau Liberal government in 2015 to get rid of all long-term drinking water advisories on First Nations has been strengthened by a class action settlement.

“It’s a legal obligation now,” said counsel Harry LaForme of Olthuis Kleer Townshend (OKT).

“That whole notion that the water issue is a political issue to do the best they can and is not enforceable by law, for the 250 (First Nations) we have, that’s now changed,” said LaForme. “Their promise, at least to the class members that we have, is now no longer just their goodwill.”

In December 2021, an \$8 billion settlement of two national class-action lawsuits was approved by the Federal Court and Manitoba’s Court of Queen’s Bench.

At this point, said LaForme, at least 250 First Nations and 140,000 on-reserve individuals will be financially compensated. LaForme’s law firm represented Neskantaga First Nation and Curve Lake First Nation in the case that was filed in Federal Court.

LaForme expects that number to grow and he said that’s a disturbing thought. He recalled his mother collecting water from the streams and the ponds and boiling it when he was a youngster on the Mississaugas of the Credit First Nation. But he also remembers having that corrected when he was in his teens.

“I knew there was a bunch of First Nations that still have water problems...but I never appreciated the

numbers. When I started to appreciate the numbers, I was astounded simply because this is Canada, right? We can fix that. We ought to be able to fix that,” said LaForme.

The settlement covers First Nations and their residents who were subject to a water advisory for at least one year between Nov. 20, 1995 and June 20, 2021. First Nation governments that meet these criteria may opt into the settlement and will receive a no-strings attached amount of \$500,000.

Individual settlements are based on compensation grids for individual damages and specified injuries set out in the agreement. If there is a dispute over compensation, third party assessors, who have been named in the agreement, says LaForme, will become involved.

The settlement sets out \$1.5 billion in compensation for individuals.

Whatever compensation their residents receive, First Nations will get 50 per cent of that amount (those funds will not be taken from individual payments).

“It’s abundantly clear, I think, to everyone...when you try to compensate for something like that...no amount of money can do that. You can’t get on the right number. It’s almost virtually impossible to do that because money can’t fix that harm done to you and what it’s done to your community. So you just do the best you can because that’s all we have and that’s all our system is...We can give you money and other things and that’s what we tried to do,” said LaForme...

If aspects of the settlement agreement aren't addressed in "best efforts" time frames, as LaForme puts it, then the resolution dispute process kicks in. Those aspects include construction, upgrading, operation, and maintenance of water infrastructure in First Nations communities; modernization of Canada's First Nations drinking water legislations; and the creation of a First Nations Advisory Committee on Safe Drinking Water.

"In the extent that it's possible to do so," said LaForme, the process involves the hearings or negotiations taking place on the impacted First Nation reserve so that the community can attend. If there is an Indigenous language that is predominately used in that community, then the mediator will have an interpreter. Elders can be involved.

"Most important, the legal traditions and justice issues as identified by the First Nation community, what they might have been in the past, have to be used and considered in the decision-making so that we've got joint decision-making which is First Nations and Canada now under a system which allows and must recognize the legal traditions and protocols of the Indigenous peoples," said LaForme.

Such a dispute resolution process would not have been ordered by the court, although the court would have directed the parties to work out a process, he said...

LaForme is hopeful that the compensation formula that is part of this settlement can be used as a template for other settlements going forward.

"Canada's going to have to address them one way or another and I don't know how that will be. One hopes that will be through negotiation because ... I would like them to take the dispute resolution process we put forward and worked on, which I think is really unique, and use that to settle the other issues they have," he said.

Also, part of the agreement is the creation of a \$400 million First Nation Economic and Cultural Restoration Fund; at least \$6 billion to support reliable access to safe drinking water on reserve; and support for First Nations to develop their own safe drinking water bylaws and initiatives.

The claims process under the settlement opened to submissions on March 7. First Nations communities have until Dec. 22 to file their claims, while individuals have until March 7, 2023.



**RANDOM THOUGHTS:** All in all, about four million Canadian workers belong to unions. While unorganized workers also fight for their rights, unions are often the main vehicles through which such fights are carried forward. But, in the long run, what are working people fighting for? Peace? Land? Bread? This is a question which is at the forefront of society and has been for some time. In 1907, the great Irish labour leader and revolutionary, James Connolly, later executed by the British colonialists for his leading part in the Irish Uprising of April 1917, stated his "most moderate" view in the following verse. You can find the rest of his song online.

*"Some men, faint-hearted, ever seek  
Our programme to retouch,  
And will insist, when'er they speak  
That we demand too much.  
'Tis passing strange, yet I declare  
Such statements give me mirth,  
For our demands most moderate are,  
We only want the earth."*



# CUPE 3911 MONTHLY GRIEVANCE SUMMARY REPORT

BY ERNIE JACOBSON, GRIEVANCE OFFICER

A grievance results from a violation of the Collective Agreement, Human Rights, Occupational Health and Safety Act, Labour Relations Act, or other University policies. If you feel there has been a dispute or difference of opinion or interpretation between yourself and the employer you should contact your administrator and/or your executive immediately. If the matter cannot be resolved informally then a grievance can be filed.

There are three types of grievances: individual, group, and policy.

- An individual grievance is a complaint that an action by the employer has violated the rights of an individual as set out in the Collective Agreement, law or by some unfair practice. E.g., discipline, demotion, timesheets etc.
- A group grievance is a complaint by a group of individuals all affected the same way, e.g., all employees in a particular department.
- A policy grievance is a complaint by the Union that an action or failure or refusal to act by the employer is a violation of the Collective Agreement that could affect all members covered by the agreement.

## GRIEVANCE COMMITTEE ACTIVITY REPORT FOR MARCH 2022

Summary of activity:

- Employer dismissed grievance termination at Step One. An offer was made by the employer and rejected by the member so this grievance is continuing to Step Two.
- Grievance meeting with employer, grievance committee members, and member re termination due to allegation of position abandonment. Waiting for employer response.
- Met in person with member to discuss their issue with supervisor and determined that a grievance would be filed.
- Advised member who was asked to meet with employer but refused to meet at times suggested by employer.
- Two grievance hearings at Step Two re harassment faced by member attended by grievance committee and member in both cases. Awaiting response from AU. Administration still not meeting in person but grievance committee members and members met in person for one hearing and member was online at the other hearing
- Hearing with Dean with member re SME (Subject Matter Expert) contract and academic opinion.

The union currently has four active grievances, 3-4 grievances going to arbitration, and several areas of discussion with employer.

Respectfully submitted, Ernie Jacobson, CUPE3911 Grievance Officer, March 25.

[NOTE: On March 26, 2022, Ernie was re-elected for another year term.]

## ANNOUNCEMENTS

- **CUPE 3911 Monthly General Meeting.** Saturday, April 23, 2022, 930 AM.
- **Day of Mourning.** April 28. Contact your local labour council for details.
- **Alberta Federation of Labour Midterm Forum.** April 29-30.
- **May Day.** Sunday, May 1, 2022
- **CUPE 3911 Website.** We have a shiny new CUPE 3911 website which we urge all our members to visit and use. The URL is CUPE3911.ca



## EDITORIAL POLICY: THE OUTSIDER

The Outsider is the voice of CUPE 3911. It is our vehicle for communicating with our members, on a regular (monthly) basis, about the issues that concern and confront us as workers. The Outsider is also the voice of our members. We encourage and welcome relevant contributions from members. While contributions are welcome, they need to contribute positively to the welfare of our union local and our members. They also need to contribute positively to the advancement of public post-secondary education in Alberta. We will not accept or print attacks on any of our members or our union leadership/executive. We also reserve the right to reply to any submissions that seem to reflect a misunderstanding of CUPE 3911 and its policies. Please direct all articles, letters, comments, and ideas to our administrator.