

OUTSIDER: THE VOICE OF THE TUTOR

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CUPE / Canadian Union
of Public Employees

Attend the CUPE 3911 General Membership Meeting

Our next general meeting, open to all of our members, will be Saturday, April 29. Additional information will be sent to all members as needed. Stay tuned.

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CUPE 3911 GRIEVANCE REPORT

Update: CUPE 3911 Bargaining Report

(by Glynnis Lieb, co-Chair and Lead Negotiator)

The bargaining committee met with the employer multiple times in April. We are down to approximately five unresolved proposals, including: pay and benefits, academic opinion, versus academic freedom, officially recognizing Truth and Reconciliation Day as a statutory holiday, plus two other articles that we have agreed to reopen as a result of Arbitrations.

After intense and sometimes difficult conversation, the employer suggested that we involve informal mediation. The bargaining committee agreed and we have jointly submitted an application for the same. We are currently awaiting response from our preferred mediator along with dates. We are optimistic that with this additional support, we will be able to come to amicable consensus, and conclude Bargaining.

Kind regards,

Glynnis Lieb, PhD, co-Chair and Lead Negotiator



CUPE 3911 Co-chair Glynnis Lieb Wins LEAF Award

CUPE 3911 Co-Chair Glynnis Lieb has been honoured with the LEAF Award to recognize her work on the rights of women and girls. Glynnis received the award for her work within unions and as part of the women 4 rights and empowerment group, as well as her 2SLGBTQ advocacy, and the volunteer work she does with registered sex offenders to prevent reoffending.

LEAF, which stands for Women's Legal Education and Action Fund, is "the only national organization in Canada that exists to ensure the equality rights of women and girls under the law." Established on April 19, 1985, LEAF was formed in response to the enactment of Section 15 of the Canadian Charter of Rights and Freedoms to ensure that there was fair and unbiased interpretation of women's Charter rights by the courts.

LEAF performs legal research and intervenes in court cases on women's issues. LEAF has been an intervener in many significant decisions of the Supreme Court of Canada, particularly cases involving Section 15 Charter challenges. In addition, LEAF organizes speaking engagements and projects that allow advocates interested in women's rights to educate one another, to educate the public, and to create collective responses to issues related to women's equality.



Alberta Minister Ludicrously Claims No Involvement in AU President Peter Scott's Firing (By Alanna Smith, *Globe and Mail*, February 8; edited for brevity)

Alberta's Advanced Education Minister has denied the government pressed Athabasca University to axe its president while defending the province's role in setting directives for post-secondary institutions.

Minister Demetrios Nicolaidis, in his first public appearance since Peter Scott was replaced as president, said he never indicated that he wanted Mr. Scott to be removed and that a school's board of governors has "complete autonomy and authority" to make changes to executive leadership.

Mr. Nicolaidis removed the chair of the university's board and appointed multiple new governors last spring. Those changes were made after then-premier Jason Kenney instructed the university to end its near-virtual strategy and attract more staff to the rural community north of Edmonton – a plan Mr. Scott called archaic.

Athabasca University's virtual campus plan was drafted in 2018 to grant employees more freedom over where they live. The COVID-19 pandemic accelerated that work and, as of last May, only about 20 per cent of the school's employees resided in the area.

The minister said neither he nor the provincial government were involved in the process that led to Mr. Scott's removal and have not done so with any of Alberta's 21 public institutions. "It's critical to leave the institutions to manage their own affairs independent and in an autonomous way," he said.

Mr. Scott was terminated without cause on February 1 and replaced by Alex Clark, who was the dean of Athabasca University's health disciplines. The surprise removal came after a confidential committee was formed and a vote was held without

some governors' knowledge, a situation that has raised concerns around governance and ethics.

The Athabasca University Faculty Association has condemned what it called a "callous firing." The association also expressed concern, in a statement, that the board is not working in the university's best interest but that of the provincial government's.

"AUFA condemns the board's lack of transparency, callous disregard, and flagrant abuse of [university] policy, procedure, and past practice," said the statement, released last week.

"The UCP government's interference in a public institution's governance threatens institutional autonomy, disrupts and undermines continuity of governance, drains the confidence and morale of students and staff, wastes inordinate money and time and has made the board's composition less diverse."

On Monday, the Confederation of Alberta Faculty Associations released a statement saying it is deeply concerned with the state of governance at Athabasca and that senior leaders should not be selected through "opaque and exclusive" processes.

Editorial Commentary: No one except a hard-core UCP supporter could actually believe what Nicolaides said about government non-interference in post-secondary education affairs. The fact of the matter is that the UCP has been interfering in the affairs of AU (and other Alberta universities and technical institutes) for four years since coming to power in April 2019.

Interference began right after the election with vicious funding cuts aimed at freeing up money for more corporate subsidies, forcing the PSEs to make drastic cuts in staff and programs. In terms of ruling bodies, the UCP interference began in earnest in August 2019 when the UCP, in a sudden blitzkrieg, fired 43 members of Alberta University Boards of Governors and appointed 43 UCP puppets in their place.

Many new appointees were executives of the energy companies that have ruled Alberta for decades.

Three of the 43 new board members were appointed to AU, including new Board Chair Nancy Laird, a senior VP from foreign energy giant Encana. At the time, Nicolaides also denied political cronyism was at play, unconvincingly claiming that "There was no partisanship involved in the process. Determination was on skill set."

Then on May 25, 2022, Nicolaides and the UCP directly interfered once again by firing their own appointee, Nancy Laird, because she disobeyed UCP orders. In her place the UCP appointed Byron Nelson, a Calgary lawyer who ran for the UCP in 2018, someone who will clearly follow UCP orders. Finally, on October 22, 2022, Nicolaides fired four more members of the AU Board, replacing them with seven carefully selected new appointees from the town of Athabasca so as to load the BoG vote in favour of UCP policy decisions regarding residence in Athabasca.

At the risk of stating the obvious, it is quite clear from all these government machinations that the UCP continuously interferes in post-secondary affairs and wants to maintain direct control of post-secondary education. The UCP's very clear strategy is to appoint university board members who are puppets of the UCP, then as they continue to make decisions that favour the UCP falsely present them as independent decision-makers. If they exercise any autonomy they get fired.



Reject UCP Campaign to Further Open Up Public Education for Private Profit *by Dougal MacDonald*

Ever since their election, the UCP have been viciously attacking public education at all levels as part of their broad campaign to sell out our labour and resources to foreign monopolies. The UCP are cutting funding and handing over more and more aspects of public education to narrow private interests so that those interests can profit in every possible way.

In opposition, the working people uphold the modern definition that education is a right for all right up to the highest possible level. They want governments to assume their social responsibility to guarantee the right of all to the highest quality education, including greatly increasing funding for all levels of education.

The UCP government's attacks on public education, on teachers' and instructors' right to decide their working conditions, and on students' right to conduct their own affairs are an abdication of its social responsibility and expose it as unfit to govern. Instead of continually increasing investments in public education and giving the educators a say and control over the direction of the sector, the government is determined to make Alberta education a primary target for private profit.

The UCP's "open for business" mantra leads to finding all possible ways for private interests to profit from education. For private enterprise to expropriate profit directly, public education is undermined so that those who can afford private education for their children will do so. The private educational institutions charge large tuition fees, cherry pick students, demand subsidies from the public treasury, and put enormous pressure on educators to reduce their claim on the value they create. Many educators who work in the private education sector are actively prevented from organizing themselves.

Other private profits are generated indirectly by means such as guaranteeing expanding sales of education supplies from global foreign monopolies like Microsoft, Apple, and Amazon. The UCP continuously diverts public funds that have been or could be invested in public education into the hands of the ruling elite. This is done through pay-the-rich schemes of subsidies to the energy monopolies and other businesses, grants, guaranteed contracts and prices, tax exemptions, and other handouts to big business. Paying the rich has become a standard component of being open for business.

The education sector is more worker intensive than most. This presents two problems for the UCP in terms of enabling their anti-social offensive and their campaign to further open up Alberta education for business profit. First, they continuously seek to reduce the quantity of education workers in relation to the number of students by maintaining and expanding class size. Second, they seek to eliminate any resistance by educators and their allies to their anti-social program. When educators demand their rights, the UCP use methods such as dictating to them that they must exercise "restraint" and limit their just demands for compensation because "there is no money".

The human factor is essential to the quality of education. Lowering the ratio of education workers to students necessarily lowers the quality of the relation between educators and students. Anyone who has taught would attest to the fact that as the number of students in a class rises the quality of the relation between teacher and students deteriorates. This reduces the education quality regardless of how hard the teacher may work. Private schools are a testament to this as they consistently try to sell themselves by emphasizing small class numbers. Well-conducted education research studies such as Tennessee's huge STAR study fully confirm the importance of smaller classes.

There is no doubt that the UCP will continue to try to privatize the profitable aspects of education. They have nothing to offer in terms of actually improving education. It is the education workers who are in the best position to formulate a path forward to guarantee a quality education as a right for all. Instead, they are being attacked with their voices silenced and their rights abused. As a modern society this is unacceptable.

The way forward is for people to assume their social responsibility to guarantee the right of all to education at the highest level and to resolutely oppose all privatization. Some immediate measures include greatly increasing funding, eliminating all student fees, and giving contract instructors permanent contracts with benefits. Everyone must work hard to mobilize the human factor in education as the greatest resource for opening a path forward to assure a bright future for all our youth.



Alberta Labour Code is Anti-Worker and Anti-Union to the Core, Part 2

(by Dr. Dougal MacDonald, Communications Director)

(Editor's note: Recently, the president of an Alberta union of educational workers made the astounding claim in an email to members that the Alberta Labour Board is "an independent and impartial tribunal responsible for the application and interpretation of Alberta's labour laws". But what is the real story about the provincial labour laws and the apparatus created to enforce them? The following is part two of a two-part analysis of the Alberta Labour Code, the body of legislation which sets forth the laws that the ALRB enforces. Part One was printed in the March newsletter.)

Restricting Organizing at the Place of Work

The Code restricts organizing at the place of work by banning workers from persuading or encouraging other workers to become members of a trade union during working hours [Section 151]. The Board can also prevent trade union certification if it is believed picketing at the place of work caused employees to become members of a union [Section 38]. These rules oppose that inducing a person to become a member of a union is the basic right and aim of every worker. Restrictions on organizing at the place of work hurt the basic interests of the workers and assist the employer.

The Code states the employer cannot legally interfere with the formation or administration of a trade union or representation of employees by a trade union [Section 148]. However, experience shows employers do try to prevent trade union organizing and they do not need to attack the union directly. They can always find an excuse to fire any militants they want to get rid of.

The Code implies false equality when it states no employer can interfere with the formation or administration of an employer's organization [Section 151]. This statement is absurd because the employers own and control everything. They have unlimited time and rights to strengthen their organizations. The workers lack the power to interfere with any organizing the employer does.

In addition to the above, the media and educational institutes campaign against unions and create anti-union public opinion. The Code says everyone has the right to "peaceful free expression of opinion" [Section 84] but those who own and control the organized dissemination of information have more freedom than others. One example is newspaper owner Conrad Black, who ordered that his October 1996 letter attacking the CBC be printed in every one of his numerous newspapers across Canada. Another is newspaper owner Izzy Asper, who took over Black's empire, who often ordered his newspapers to run "national editorials" written in the Winnipeg head office.

Disunity as Freedom

The Code states an employee can opt out of a collective agreement because of "religious conviction or religious belief" [Section 29]. This means in a place where the militancy of the workers is high the employer could

encourage individual members of a union to undermine the unity of the workers by reason of their “religious beliefs”. The Board will intervene on the side of the individual but not on behalf of the unity of the trade union.

The Code encourages union members to actively work against the solidarity of their own union. The Code prohibits a union from disciplining any member for “engaging in employment with an employer who is not a party to a collective agreement with the trade union” [Section 151]. This encourages union members to take non-union jobs and to work for non-union employers, as well as encourages employers to set up non-union shops.

The Code also states a trade union cannot “expel or suspend a person from membership or deny membership to a person by applying to him in a discriminatory manner the membership rules of the trade union” [Section 152]. Individuals who do not wish to follow the rules of the union for whatever reason and for whom the union must fight, objectively take the side of the employer.

Attacks on Certification

The Code makes it possible for a union which has signed up only 40% of the employees to apply for a vote to be granted certification [Section 33]. While this rule helps the unorganized, it also allows for raiding the organized, which promotes divisions among the workers.

The Board has wide powers to interfere in the certification process at will. The Board can alter or amend the description of the bargaining unit, include or exclude employees from the unit, or “do any other things it considers appropriate” [Section 35]. If the certificates of bargaining agents are consolidated, the Board can declare which collective agreement, if any, shall continue in force [Section 41].

The Code allows an employer to sell his business in order to get out of a collective agreement. When a business is sold the Board can, upon application of the employer, determine which trade union shall be the bargaining agent for the purchaser and cancel or amend any collective agreements in effect [Section 46].

The clauses of the Code which apply to “Governing Bodies” [Section 48] give the Board additional powers over “public” employees such as health care workers. When a body such as a Regional Health Authority (note: all RHAs were dissolved in 2008) is established and replaces other governing bodies such as hospitals, the new employer can request the Board consolidate bargaining units and/or collective agreements. This could result in the disappearance of an entire union, for example, one which represented a single hospital or one which organized kinds of workers also organized by another union.

Opposing Collective Bargaining

The inequality of the Code is exposed by the fact it can give or terminate bargaining rights of trade unions but has no jurisdiction over employers’ bargaining rights. Essentially, the Board operates on the basis workers have no right to collective bargaining while employers have the right to individual bargaining. This is because individual bargaining will prevail unless the workers apply to the Board for collective bargaining rights and thus become subject to the decisions of the Board.

In essence, the workers can only acquire bargaining rights by handing those rights to the Board. In the process they must fight with each other for jurisdiction, which encourages and perpetuates raiding. Once the workers have their “rights” to bargain collectively, the rights can be immediately taken away because the Code states an employer can request a mediator as soon as he does not like the employees’ demands, e.g., at any time during a “dispute” [Section 64]. Votes on a mediator’s recommendations must be supervised by the Board [Section 70], which is interference in the internal affairs of the union.

Public employees have no collective bargaining rights at all. Their disputes go directly to compulsory arbitration [Section 97]. Arbitrated settlements of wages and benefits are based on wages and benefits in similar industries, as well as the “general economic conditions” [Section 101]. In other words, the lowest common denominator will rule and in times of economic crisis workers can expect no wage increases. Instead they may be forced to take wage cuts, as was legislated for all Alberta’s public sector workers in 1994 or take wage freezes as was legislated for public sector workers in March 2013.

“Good Faith” is Bad Faith

The Code calls for “bargaining in good faith” by both employees and employers [Section 60] but this is just an empty phrase. How can this take place when the workers and the employer have opposite motivations, when their interests are opposed? The workers aspire for higher wages while the employer aspires for maximum profits. Higher wages means lower profits. How can the employers bargain in good faith when what is good faith for the workers is bad faith for the employer?

Restrictions on Strikes

The most powerful weapon the workers have is the strike, whereby they collectively withdraw their labour power and shut down the place of employment. If workers are deprived of their strike weapon they cannot put pressure on the employer and there is little incentive for the employer to take their demands seriously. It is not surprising the Code contains numerous restrictions on strikes.

No strikes are allowed during the term of a collective agreement [Section 73], which only benefits the employer. Employers can violate the spirit and letter of the collective agreement daily. Meanwhile the workers can do nothing except file a grievance if they are forbidden to strike until their collective agreement expires.

Before any strike there must be a strike vote supervised by the Board [Section 73]. Before any vote there must be mediation and a 14-day cooling-off period [Section 65]. If the majority of workers vote for the strike, the workers must give the employer 72 hours notice [Section 78]. All these delays are attempts to liquidate the strike struggle and to reduce its effectiveness. For example, having to give 72 hours notice eliminates any tactical advantage of rotating strikes or escalating strikes. Further, it allows the employer to prepare his strategy, for example, to immediately bring in strikebreakers as was done at Gainers’ in 1986.

The employer can nullify a strike simply by outwaiting the workers, since all strikes are deemed ended after two years [Section 90]. As well, the Board can use various other excuses to end strikes, for example, reasonable likelihood of danger to persons or property [Section 91], the possibility an emergency may occur due to damage to utility lines or plant equipment or to reduction of health services, and “unreasonable hardship” [Section 112]. These criteria are all vague and allow wide interpretation, for example, a strike of public health nurses could be construed to cause an “emergency” due to a “reduction in health services”.

Until recently, the Code declared public employees were prohibited from striking in Alberta. Their strikes were “illegal”. There were heavy penalties for so-called “illegal strikes”, including suspension of dues check-off [Section 114], onerous fines [Section 159-161] and possible decertification of the union involved [Section 116]. Public employees have only been “granted” the right to strike since 2016.

Restrictions on Picketing

There are numerous restrictions on picketing in the Code. Picketing can only be done at the place of employment [Section 84]. This eliminates secondary picketing at another site and promotes disunity between striking and non-striking workers. It also allows the employer to carry on his operations elsewhere.

Upon application by the employer the Board may place limits on the number of pickets and their location, decreasing their effectiveness. Picketing was severely limited during the Gainers’ Strike because the pickets were successfully stopping scab buses from entering the packing plant.

Picketing must be “peaceful” [Section 84]. This means picketers cannot stop scabs from entering the place of employment and taking their jobs, allowing the employer to carry on his operations without any interference. Picketing may be restricted even before “violence” takes place. All the employer has to do is start organizing to bring in scab labour and the Board may curtail picketing because of the “likelihood of violence”.

Encouraging Strikebreakers

There are no laws against strikebreakers in Alberta, even though hiring strikebreakers is the main cause of “violence” during strikes. This was clearly shown by the 1986 Gainers' strike, the 1996 Finning strike, and the 2005 Lakeside Packers strike. When a strike ends, employees must apply in writing to get their jobs back from the strikebreakers [Section 90]. If an employer wishes to get rid of certain workers all he has to do is eliminate their jobs before they apply for reinstatement [Section 88].

Conclusion

In essence, the Alberta Labour Relations Code is a completely anti-worker document. Some of its clauses are openly directed against the workers. Other more deceptive clauses are anti-worker because they promote false “equality” between the employer and the workers. Finally, other clauses which speak of fairness in words mask that there is constant unfairness against the workers in deeds.

An objective analysis of the Alberta Labour Relations Code reaffirms workers cannot rely on legislation or government boards to serve their interests. The Code illustrates that the employers have the entire power of the state on their side while the workers' only weapon is the force of their organized numbers. The only way the workers can make any gains is by organizing themselves, by withdrawing their labour power, and by fighting militantly. The workers must build their own powerful opposition based on their own thinking, perspective, and program in order to defend their own rights and the rights of all.



Sarah Mann Was One of Us

Mann, Sarah (1985-2023)

Sarah Mann, 37, of Sudbury, Ontario, a member of CUPE 3911 and one of our esteemed Athabasca University tutors, passed suddenly in her home from natural causes on Wednesday March 17th.



Sarah was born on October 6th, 1985, in Victoria, British Columbia. She grew up in Owen Sound, Ontario. Sarah also resided in St. Catharines and finally in Sudbury where she spent the rest of her days. “Sarah uses big words for money, sometimes as a professor, other times as a researcher or professional opinion-haver. She holds an MA in Literary Studies from Athabasca University and a BA in English from York University. These days, Sarah was pursuing a SSHRC-funded PHD in Human Studies and Certificate in Theatre Arts at Laurentian University.” (Sarah Mann, www.hownottosuckwriting.com).

Sarah was a brilliant, creative person and an activist. Her friends and family could always count on her in a time of need. She was helpful, supportive and the mentor everyone looked for.

She is survived by her mother Janyce Mann (Tony), her siblings Valerie and Hugh (Alexis), her neicephews (as Sarah called them) Malcolm (Becca), Rhea, Justin, Carter, Gavin, Emily, Lugh and Rosie. She was also a great-aunt to Kyleigh, Autumn, Azhia, Liv, Olivia, Caylin, Violet, and Phoenix. Along with many many family members, friends, and colleagues. Sarah was predeceased by her father John Martin.

Sarah is also survived by her extended family, grandma Winnie and grandpa Bill Pitawanakwat, her cousin Stephanie Pitawanakwat, and her niece Jordyn Dickie and nephew Michael Pitawanakwat and other members from their clan.

A celebration in memory of her life will be held at a later date, to be announced by the family. Cremation services provided by Simple Wishes of the North, Sudbury.

Picket Lines Go up as Carleton University Fails to Address Concerns of Academic Workers

By CUPE National, Mar 27

Despite the best efforts of academic workers to reach a fair deal over the weekend, picket lines went up at Carleton University this morning.

“We have been at the bargaining table for months and have been crystal clear with the employer that they need to address our serious concerns around poverty-level wages, educational quality and

intellectual property rights,” said Noreen Cauley-Le Fevre, president of CUPE 4600, which represents more than 3,000 teaching assistants and contract instructors at Carleton University. “Our members sent a strong message with their strike vote, and resoundingly rejected Carleton’s inadequate offer on Friday. The University clearly did not take that message to heart and has left us with no option but to take strike action.”

Wages at Carleton are among the worst in the province. Teaching assistants have fallen so far behind inflation that graduate students now represent 80% of users of the campus food bank, despite representing only 6% of students. Contract instructors earn 15% less than their counterparts at the University of Ottawa.

The university has also rejected proposals that would set TA to student ratios. Such ratios would allow instructors to plan courses properly and help ensure quality education for undergraduate students. Such ratios already exist at other universities. Instructors are also looking for the same intellectual property rights given to permanent instructors at the university.

Units 1 and 2 of CUPE 4600 began strike action at 7:00 a.m. on Monday, and held a rally at 11:00 a.m. at the campus entrance at Bronson and Sunnyside avenues.

“We are letting the public know in advance that there will be disruptions so they can plan accordingly, and we are grateful for all the messages of support that are pouring in from students and the community,” said Cauley-Le Fevre. “We remain hopeful the university move quickly to end the strike by finally addressing our concerns, but to date we have seen little movement from management on key issues.”

CUPE 4600 members teach approximately 30% of courses at Carleton University.



Laval University Professors End Strike with Significant Gains

(CBC News, March 30)



The five-week strike by about 13,000 professors at Université Laval ended Thursday. Both the union and the university voted last night to accept the proposal put together by the provincial conciliator.

Professors are expected to return to work, and the university hopes classes can resume Friday or Monday at the latest, it said in a news release. About 23,000 students have been directly affected by cancelled classes.

The new agreement provides for the hiring of 80 new professors and salary increases of 15 percent over three years — which 92 per cent of professors were in favour of. The Union of Professors and Professors of Laval University (SPUL) was asking for 100 new professors to be hired.

"When you look at the specifications and the problems we were trying to solve, we really have the impression of having made significant progress," said Louis-Philippe Lampron, the president of the union. He says the biggest issue to tackle is the problem of work overload, as Université Laval was the only university in Quebec to lose professors in recent years.

The university says it hopes to have a detailed plan on how to make up for lost time soon, and had earlier suggested that it could extend the session.

The university's last professors' collective agreement expired in May 2020. In January 2021, the two parties had signed a letter of agreement to renew it until December 1, 2022. Dissatisfied with the progress of negotiations on the renewal of their employment contract, the teachers called an indefinite general strike on March 13. Discussions with the employer party stumbled mainly on academic freedom, work overload, the hiring of new professors and salary catch-up.

UPEI Faculty Union Rejects Conditional Proposal to Resume Talks

by CBC News

The University of Prince Edward Island has asked its faculty association to come back to the negotiating table, as a strike triggered by the breakdown of contract talks looks set to enter a third week. A faculty association spokesperson says it wrote the UPEI board of governors earlier this week asking for negotiations to resume Monday, with no preconditions attached to the talks.

The board had told the campus community it was willing to book meeting rooms for this weekend, but the association said the administration set some conditions on the resumption of talks. Those conditions: The faculty association would have to email proposals by Friday at noon, and UPEI's chief negotiator would have to deem that they represented a "substantive movement" toward an agreement.

"We were unwilling to meet... unilateral decision-making and dictatorial terms like that. That's not a sign that they're willing to negotiate," said Margot Rejskind, executive director and chief negotiator for the faculty association.

"I will go anywhere anytime to talk to them about a deal. We said we would meet them on Saturday, that we would bring our proposals to the table and discuss them there, and so far they have refused to meet without those conditions."

In a statement on its website, UPEI said it was disappointed the faculty association had rejected the proposal to meet on the weekend. "Their failure to provide responses tells the university that the UPEI FA is not ready yet to be serious about a deal," the statement read in part.

"UPEI has already spent more days in negotiations (including face-to-face meetings, conciliation, and mediation) than what was required to reach recent settlements at Saint Mary's University, Dalhousie University, and Cape Breton University combined, and close to 30 per cent more time in discussions than Memorial University prior to their settlement."

Picketing at the main entrance to the university continued Friday, the 12th day since the strike began. The UPEI Faculty Association also held a rally outside the P.E.I. legislature Friday afternoon, with about a dozen allies present from faculty unions across the country, urging all the Island's political parties to commit to not bringing in back-to-work legislation if elected to form a government on Monday.

Rejskind said that so far, she doesn't think there's "an end in sight" to the strike. "Spirits are great," she said. "We all know that this is important. We all know that this is a cause that will affect our institution for years to come."

UPEI said it still prefers that outstanding issues go to an arbitrator, so that students can go back to class while negotiations continue. But the university said it's also willing to consider other options, as long as it receives a response that shows "we can make actual headway."

The faculty association said it's booked a room for discussions on Monday, but would agree to meet this weekend if the university were to remove its conditions



Emerging from Ontario's Bill 124: Appeal Update *(by Ontario*

Confederation of University Faculty Associations)

The Ford government has submitted its appeal to the Ontario Court of Appeal in its case against the Ontario Superior Court of Justice's declaration that Bill 124 violated the Canadian Charter of Rights and Freedoms. OCUFA supports the Superior Court's declaration of Bill 124 as null and void, and opposes the government's decision to file an appeal

What is Ontario Bill 124? Premier Doug Ford's government passed Bill 124 in 2019. The new law capped wage increases for public sector employees, including those in public education, at one per cent annually for three years. It was met with fierce opposition from workers, labour groups and unions. In Alberta, the UCP is doing exactly the same thing without bothering with legislation by stealthily ordering all post-secondary administrations to impose a similar cap on their workers' compensation.

In the Ford government's statement, their legal counsel government dismissed Justice Koehnen's conclusion that Bill 124 caused substantial interference of collective bargaining. The government makes the narrow argument that restraining wages to a one per cent cap in and of itself did not prevent the ability of unions to proceed with meaningful and good faith negotiations. The Ford government also claims that Justice Koehnen failed to recognize unions' ability under Bill 124 to seek an exemption from the salary cap and pursue the right to strike.

While Bill 124 did not prohibit the right to strike (and strikes did occur while unions were restrained by this legislation), Justice Koehnen did point out that unions were significantly limited in their scope of bargaining and prevented from meaningful and fulsome negotiations, including trading salary demands for non-compensatory gains such as decreases to unsustainable workload demands. Power dynamics between parties at the bargaining table were significantly compromised, amidst pandemic pressures and spikes in inflation.

The government's appeal is ongoing despite recognizing that Bill 124 is no longer in effect. Court dates have been set for June 20-23, 2023.



CUPE 3911 Sends Greetings to All on May Day 2023

On this May Day 2023, CUPE 3911 sends greetings to all of its members, all workers across the country, and to all workers in every country around the world. Everywhere, working people, organized and unorganized, are fighting for what belongs to them by right. They are writing new chapters in the history of the peoples' striving to exercise control over the decisions that affect their lives.

The struggle of workers provides rights with a modern meaning. Rights are not something that can be given and taken away based on the whims of those in power. Rights belong to people by virtue of being human. Reflecting on the struggles waged over the past year confirms that only when the working class and their allies control the decisions affecting their lives can they put an end to being at the mercy of those who currently hold economic and political power. These struggles to take hold of their lives open prospects for themselves, their families, communities and the country itself.

It has become clear that those in power in Canada and in most of the world have no solution to any of the problems facing the people and their societies. These problems demand immediate solutions. For this to happen, the working class must take matters into its own hands and speak and act in its own name. People need a mass democracy where they can participate in arriving at decisions at every level and take direct responsibility for their implementation without having their voice, thinking and actions usurped by so-called representatives.

The dangerous international situation demands establishment of an anti-war government that makes Canada a zone for peace in the world. This begins by ensuring parliament becomes a truly democratic decision-making body. A worthy government must

set the aim of the economy to serve the needs of the people. It must ensure that trading relations are based on mutual benefit and development. Such a government would provide status for all workers, migrants and refugees making sure no one is illegal. It would immediately restore the hereditary rights of the Indigenous peoples and pay reparations for crimes past and ongoing.

The demand for social programs to meet the needs of the people is a central immediate aim. This includes housing for all, properly funded transportation and communications systems throughout the whole country, educational and health care institutions, seniors' care and day care serving all equally. Success in these endeavours can be achieved only when workers play their role as individuals and collectives in defence of the rights and claims of all.

We salute the workers organized in unions like ours who are speaking out and all those who are coming forward to discuss and take serious stands about what they need and how things should be organized. At this time, conditions demand the working class not remain quiet but take up its historic role to lead all working people to fight for their rights in a manner that upholds the rights of all.

CUPE 3911 calls on its members and on its organizations across the country to celebrate May Day by making sure that they and all workers actively bring out what is pertinent and decisive in today's struggles. Speaking out, taking decisions, and acting together will develop the confidence and perspective required to open a path forward for everyone. The working people must bring a new world order into being where the condition for the peace and prosperity of any nation or people is the peace and prosperity of all nations and peoples.



Gidimt'en Checkpoint Arrests: Statement by Union of BC Indian Chiefs *(UBCIC, March 29, 2023)*

The Union of BC Indian Chiefs (UBCIC) is outraged to learn of another RCMP raid on Gidimt'en Checkpoint and the arrest of five people by the Community-Industry Response Group (C-IRG), under the guise of a search warrant for theft under \$5,000. It is currently unclear what relation there is, if any, between the Gidimt'en checkpoint and the search warrant issued by the C-IRG before the arrests. These arrests continue the troubling pattern of police intimidation of Indigenous people asserting their rights to access their own territories and rejecting fossil fuel extraction. UBCIC unequivocally stands with those standing up for the title and rights of the hereditary leadership of the Wet'suwet'en.

Grand Chief Stewart Phillip, UBCIC President, stated, "The Gidimt'en checkpoint is a strategically located camp at 44.5 kilometre on the Morice River FSR. Under the governance of their hereditary chiefs, the Wet'suwet'en are standing in the way of the largest fracking project in Canadian history -- today's raid constitutes a federal response to Indigenous defence of their land against this fracking project.

The Coastal GasLink pipeline (CGL), owned by TC Energy (formerly TransCanada) aims to connect the fracking operations of Northeastern B.C. with a Liquefied Natural Gas (LNG) facility in the coastal town of Kitimat. The rights of Indigenous Peoples to live free of violence and intimidation in their own homelands must never be subjugated to the interests of fossil fuel companies. The videos shared online show more than a dozen armed C-IRG officers lining up to go in for the raid -- why on earth would that much force be necessary?"

"C-IRG is notorious for making violent arrests of Indigenous people from their territories, and this appears to be yet another example. Ironically, we are currently awaiting the results of a systemic review into C-IRG activities that was initiated by the Civilian Review and Complaints Commission for the RCMP earlier this month. We call

for C-IRG to be suspended indefinitely and certainly for the duration of this review," said Chief Don Tom, UBCIC Vice-President.



"José Francisco Calí Tzay, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, visited Canada just last month and met with Wet'suwet'en hereditary chiefs," said K'áwázit Marilyn Slett, UBCIC Secretary-Treasurer. "His preliminary report after the visit raised the exact concerns that we have raised again and again -- that the criminalization of Indigenous human rights defenders is rampant and must be stopped. Today's raid is in contravention of the *UN Declaration on the Rights of Indigenous Peoples* which both Canada and BC have passed legislation to implement and is a gross display of the ongoing supremacy of the colonial military industrial complex."

(Ownership of TC Energy: As of February 2020, the bulk of the share capital of TC Energy is owned by 488 institutional investors, who compose 62% of the stock. The dominant shareholder is the Royal Bank of Canada which owns just over 8% of the company. The Big Five Canadian together own more than 17% of the outstanding share capital. Significant holdings accrue to the Caisse de depot et placement du Quebec and the OMERS pension fund.)

CUPE 3911 Monthly Grievance Summary Report *(By Ernie Jacobson, CUPE 3911 Grievance Officer, March 15, 2023)*

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 April 2023

Summary of Activity for the past month:

A group grievance on time sheet denials was filed. CUPE 3911 asserts that one minute to close a ticket is too short a time and to have an entire time sheet denied. "It is inappropriate that an AE's entire pay cheque be withheld from payment for decisions on discrepancies of what time was to be paid. The timesheets are currently held back from processing for payment until the Employer's forced changes are made by the AE."

A group grievance re Employer's unilateral decision (without consultation or notice to the Union) to reduce assignment marking pay by 15% was filed. This unilateral and arbitrary decision by the Employer will result in loss of pay for CUPE 3911 members.

In addition, a meeting was held with the CUPE lawyer and the Grievor regarding an upcoming arbitration in the summer of 2023. The CUPE lawyer explained the process to the Grievor and outlined suggested strategic approaches for the arbitration hearing.

The union currently has three grievances which are going to arbitration in 2023. Arbitration is the best opportunity for the case to be heard by an independent party rather than having the investigation being done

entirely by the employer. In all cases, Step 1 and Step 2 grievance meetings were held and in all cases the CUPE grievance was denied by the employer, making it necessary to take the case to arbitration. In all cases there is a possibility of a negotiated settlement prior to the formal arbitration hearing dates.

Respectfully submitted,

Ernie Jacobson, CUPE3911 Grievance Officer

April 14, 2023

Random Thoughts: The UCP's education ministry continues to completely miss the boat regarding indigenous education. The UCP ministry is still stuck in the "add and stir" model where indigenous goals are "infused" into the curriculum. That's not remotely enough, according to indigenous educators of vast experience and insight such as Verna Kirkness and Marie Battiste. Kirkness, in a famous 1998 article, put forward the call to "cut the shackles, cut the crap, and cut the mustard". In other words, to come together to implement a total restructuring of indigenous education under total indigenous control that isn't just rhetoric but actually breaks free of the colonial educational practices that still persist. Battiste has long called for decolonizing education, the title of her excellent 2013 book, which again, is not just adding and stirring but putting an end to Eurocentric models of education and what she aptly calls "cognitive imperialism". Again, this means totally rebuilding indigenous education from the ground up. One of the critical and necessary components of this, according to both Battiste and Kirkness, is that the new education must be implemented in indigenous languages.

Announcements

AFL Convention. April 20-23. Telus Centre, Calgary.

CUPE 3911 Monthly General Meeting. Saturday, April 29, 930 AM.

May Day. May 1st. Meet 530 PM Wilbert McIntyre Park, 8331 104 St, Edmonton.

Alberta Provincial Election. May 29.

PSAC. Join the PSAC picket lines. One central location in Edmonton is Canada Place, 9700 Jasper Avenue. A central location in Calgary is Harry Hays Building, 220 4th Ave SE.

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.