



News & Views

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UGFA Certification - So, what's happening ?

Last month, in a vote held under the Ontario Labour Relations Act, faculty, librarians and staff veterinarians at the University of Guelph selected UGFA as their representative union. Since then, the members of the Organizing Committee have been working on the legal and technical details that are required to complete the certification process. This bulletin is intended to give you an update on what has been happening, and some information about plans for beginning negotiations on our first collective agreement.

Status as a union: UGFA has provided the Ontario Labour Relations Board (OLRB) with required information about our status as an organization – Constitution, By-Laws, incorporation papers, and so on. These are required to **establish our status** as a representative union, seeking certification. The Labour Board official will review these documents to ensure they are in order.

Bargaining Unit description: The next issue to be resolved is the description of the bargaining unit. At the time of the application for a certification vote, UGFA provided the description of the people to be included in the bargaining unit – faculty, professional librarians, and staff veterinarians in the Veterinary Teaching Hospital and the Animal Health Laboratory. The description also indicated those who would be excluded because of their management roles (e.g. President, Vice-Presidents, Deans and Associate/Assistant Deans). (“Management” is defined as people with powers to hire and fire, and to negotiate collective agreements with the union.) The Administration responded to the certification application with a different proposed description of the bargaining unit. In particular, the Administration proposed that departmental chairs and the staff veterinarians be excluded from representation by UGFA. On June 7, 2006, representatives of UGFA and the Administration, and the lawyers for both parties, had an initial meeting at the Ontario Labour Relations Board in Toronto, to determine if we could resolve any of the differences in the two descriptions. Although we were able to clarify some wording, we still have major differences that the Ontario Labour Board will decide. The key differences are as follows:

1. **Exclusion of Department Chairs:** Despite the fact that all other unionized faculty associations in Ontario represent departmental chairs, our Administration wishes to exclude department chairs from UGFA. Until we receive copies of their written submission to the OLRB, we do not know why they feel they should be excluded, though the argument will likely be based on managerial duties. (Two previous decisions of the Board have found that chairs were appropriate members of the academic bargaining unit.)
2. **Exclusion of Staff Veterinarians:** The veterinarians in the Veterinary Teaching Hospital and the Animal Health Laboratory make significant contributions to the University in teaching, service and research. They have wanted to join UGFA, and we believe we can provide them with effective representation, as we do for faculty and librarians. Again, we do not yet know the reasons why the Administration opposes their inclusion, and the OLRB will make a ruling.

3. **Exclusion of people represented by other unions:** It is standard practice to exclude people who are already represented by a collective agreement of another trade union. For example, UGFA would not represent sessional lecturers on campus as they are already represented by CUPE. (*But we do represent contractual faculty.*) However, the Administration wants to expand this to also exclude people in *non*-unionized groups – the Professional Staff Association (PSA), the College Academic Research Group (CARG), and the Exempt Group. This has the peculiar effect of asking the Labour Relations Board to recognize non-certified groups as distinct representative bodies! UGFA's concern with this odd suggestion is that it provides freedom for the Administration to appoint people to do faculty work, and assign them to PSA. Under the Special Plan, a specified number of PSA people were permitted to perform the work of faculty, and the lesson learned was how badly the Administration is at counting! However, a more immediate reason for opposing this suggestion is the fact that veterinarians in VTH and AHL are currently part of the non-unionized PSA group, so it would mean UGFA could not represent them!

Ontario Labour Relations Board Hearing: Ultimately, these issues will be resolved by the OLRB, at a hearing scheduled for June 26 and 27, 2006. Prior to that, the Administration and UGFA will make submissions of their arguments (June 19) and counter-arguments (June 21). At the hearings, UGFA is being represented by three members of the organizing committee - Ed Carter, Roz Stevenson, and Sue Hubers - and our lawyers. The Administration is being represented by Martha Harley (Vice-President Human Resources), Tracey Alberico (Executive Assistant to the Provost), and more lawyers. Once the outstanding issues are resolved, **the OLRB will issue a certificate to us, defining the membership of our bargaining unit.**

Negotiating a Collective Agreement: As soon as we receive the OLRB certificate, we will file a notice of our intent to bargain a first collective agreement with the Administration. This will again freeze our terms and conditions of employment to those agreements that are currently in place – the Special Plan Agreement, Faculty Policies, the 2005-2007 salary and benefits agreement. (As an example, this year's TAPSI deliberations will follow the procedures as outlined in current Faculty Policies.) In preparation for negotiating a collective agreement, an advisory and planning group has been formed, and a workshop has been scheduled to allow us to consult with experts from CAUT and OCUFA on best approaches to the coming negotiations. We will also be asking you for input on specific issues and for your participation in working groups.