

# INTERESTING TIMES

*A Newsletter from AUNBT*

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At the annual meeting in April emeritus professor **Ron Lees** told the story of the Association's successful unionization drive for full-timers, of which March 30<sup>th</sup> was the 30<sup>th</sup> anniversary. The year 2009 holds another notable anniversary. It has now been 25 years since management and AUNBT last took a workplace dispute to arbitration.

In the early days of the unionized relationship things were very different. The Board of Governors had resisted unionization. Negotiation of the first collective agreement took an almost incredible 160 sessions at the table *plus* a binding salary arbitration. In settling into the first three agreements (1980-85) there were literally dozens of grievances on assessment and salary as administrators remained in denial over fair process. So anti-union was UNB senior management that they went to the Industrial Relations Board in an attempt to de-certify the CUPE local representing secretarial and maintenance staff.

But suddenly in the fall term of 1985

the administration's attitude underwent a great change. Within a few months the entire backlog of grievances was settled through negotiation rather than channeled into arbitration. In 1982 the AUNBT **Newsletter** had mentioned 26 formal grievances. By 1986 it could report that there were none.

Of course, serious complaints to the union still run to the dozens every year. Formal grievances remain; two are ongoing now. And when we finally have a first agreement for Contract Academic Employees it is possible that there will be an upsurge in disputes, as was the case with full-timers 30 years ago. In the main, however, AUNBT's policy remains the one voiced many years ago by **Jon Thompson**. Arbitration "*should be used only as a last resort and, even then, judiciously. The Association has given clear and repeated notice to the University that it will always endeavour to effect reasonable compromises but that, by the same token, it will not accept unreasonable actions*": **Newsletter** (June 1983).

Despite occasional growls, both sides think it healthier for our joint enterprise to resolve member concerns ourselves rather than arbitrating them. Even long-settled relations of trust and respect cannot just be taken for granted, particularly in an era when senior administrators are here today and gone tomorrow, but AUNBT and management continue to work together productively. Any party jeopardizing these 30 years of pretty solid relations would have much to answer for. 🐼

### *A new president for UNB*

**W**e welcome Dr **Eddy Campbell** as UNB's president. Long before he was a candidate for the UNB presidency, AUNBT wrote to congratulate him for standing up to the government of Newfoundland on behalf of university autonomy at a time when presidents closer to home were in a far different posture. In welcoming him, we recall advice that AUNBT offered UNB's first presidential search committee: "*Forthrightness, honesty, intelligence, humanity and real integrity are essential personal characteristics for a President*". [Newsletter (July 1972)]

### *The Senates – To Use or Lose*

**I**t was in 1968 that AUNBT's campaign for collegial governance in academic affairs reached success in the form of a new *UNB Act*. This

long-sought watershed created a distinct academic Senate (later *two* Senates) with substantial elected representation from full-time professors (later instructors, students and Fredericton librarians). Since 1968 the Senates, with faculty councils and library boards, have had primary responsibility for all matters academic, including establishment and suppression of academic units and programs, academic planning and even campus planning (*eg*, community college co-location).

Forty years on, is the work of UNB's Senates relevant and valued? To the authors of the infamous **Miner-L'Écuyer Report** (2007), university senates were sterile nuisances impeding managerial efficiency. Whatever obstructionist body Miner-L'Écuyer had in mind, it cannot have been at UNB. Saint John's Senate may show occasional signs of life but its Fredericton counterpart is a tame creature indeed. Fredericton minutes for 2008-09 posted currently to the website show monthly meetings running an average of *67 minutes*. This is not the mark of a serious collegial forum.

It cannot be surprising, then, that while the Administration's strategic planning bulletin of 17 August acknowledged that "primary oversight of academic planning at UNB rests with the Senates", in fact it is not the Senates and their

“Academic Planning” committees that are envisaged as writing the forthcoming strategic plan but rather an *ad hoc* group of management appointees. Whether this will be satisfactory to the Senates is for the Senates to decide. But the fact that the Administration thinks, not without reason, that the UNB bodies charged by law with academic planning cannot be relied on to do academic planning speaks for itself. As we noted at the April annual meeting:

*Any academic restructuring resulting from strategic planning will be ... principally the province not of the union but of UNB's faculty councils and the senates. As never before, AUNBT members must take Senate elections seriously. Elected senators must then show leadership. They must prepare for meetings, attend the meetings and do their jobs. After meetings, faculty senators should be reporting back to their respective constituencies.*

Perhaps elected senators would perform their jobs with greater satisfaction if they met prior to Senate meetings to review agendas. 🐼

### *On Collective Bargaining*

**B**argaining for the 1<sup>st</sup> collective agreement for contract academics began as long ago as 15 May 2008. Bargaining for an 11<sup>th</sup> contract for full-timers began as recently as 16 June 2009. Updates on the progress of these talks is communicated via special

bargaining bulletins. Here we present some background information on collective bargaining for academics at UNB.

In the 30 years since the Association became a union AUNBT has had only five chief negotiators: **Allan Sharp**, who won most of the first eight contracts; **Richard McGaw**, who negotiated the fourth agreement and a supplement to the third; **Gail Storr**, who acted in 2001 and in the difficult negotiations of 2005; and now **Jula Hughes** (PT) and **Lloyd Waugh** (FT). Except in the current FT round, bargaining has always begun in the spring and been concluded by April (once), July (once), September (three times), October (twice), November (once) and December (once).

The unsettling exception to this pattern was the most recent round of bargaining (2005-06), where the collective agreement was signed only in February of the year following, and then only after the Collective Bargaining Council had authorized a strike vote.

We give the final word to **Jon Thompson**. On signing the landmark first collective agreement he shared his thoughts with the membership in characteristically measured prose:

*The Association has brought to a successful conclusion an enterprise that is having and will continue to have a major*

*beneficial impact on the university as a whole, with the signing of our first collective agreement on November 3, 1980.*

*This was a long and arduous task but may be viewed as one phase in a historical process of maturation which we have in common with many other North American universities. In this process university teachers have gradually moved away from reliance on paternalism and belief in managerial fairy tales to take more direct control of responsibility for their own destiny and that of their institutions. Quite simply, the time has come when academics can no longer entrust their fate to the hands of clerks.*

*We were fortunate in having a well-balanced, compatible and cohesive negotiating team.... The main criteria were that negotiators should be: (i) tough-minded, (ii) principled, (iii) inclined to think globally (of the university as a whole), and (iv) willing and able to work effectively for arbitrarily long hours and for an arbitrarily long time.*

*We have now experienced all the stages of negotiation except a strike. All during the period from February until early July 1980 it appeared that there was a roughly 50-50 chance that we would be provoked into this stage, as well, and that a strike might have to be organized in the Fall. ... Fortunately for the institution as a whole, reason prevailed and we were not provoked into using this ultimate bargaining technique. ... Above all, the value of disciplined and responsible collective action has been demonstrated.*

*The legal ability to exert control over one's working environment requires an active sense of responsibility, in the same way as in a political democracy. We hope that increasing numbers of our colleagues will inform themselves and participate actively in this process as time goes on.*

[Newsletter (Feb 1981)]

### *Three stalwarts depart*

AUNBT salutes the contributions of three old friends who have left the enterprise this year after decades of service. **Allan Sharp**, chief negotiator for most of AUNBT's ten collective agreements and a brilliant and devoted strategist, has retired from the university. **Sonja Breau**, who joined the Association in March 1981 as a half-time secretary and went on to become a pillar of the organization, has also retired. **Robert Breen**, who became the Association's lawyer during the struggle for unionization and remained for the next 30 years as the wisest of legal counsel, has resigned on becoming chair of the NB Labour & Employment Board.

AUNBT's Fredericton office continues to be staffed 7:30-2:30 daily by **Brenda Arbeau**. Its new legal advisor is **David Mombourquette** of the firm Pink Larkin. The president remains **David Bell** ([aunbprz@unb.ca](mailto:aunbprz@unb.ca)) and the grievance chair **Richard McGaw** ([grievance@unb.ca](mailto:grievance@unb.ca)). 