



May 30, 2018

Warren Hartwell
Chair, Management and Professional Staff Executive Committee
c/o whartwel@ucalgary.ca

Dear Mr. Hartwell:

Re: Question from MaPS community

Thank you for sharing the comments/questions you have received from MaPS employees. Rather than answering them specifically out of context, it strikes me that they capture a sense that people may not know the long background to this issue and how the current situation arose. It may be useful for them to have that information. Hopefully, I'll answer most of the questions in doing this.

Your email was sent to Human Resources and the Faculty Association in a way that might be seen as an attempt for competing responses. At this point, we are still hopeful that the Governors will reply to the Faculty Association's issue in a collaborative, problem-solving manner. While it may come to a situation of conflict, I do not want to answer the questions in a climate of a contest between the Administration and the Association.

As you know, the question regarding the bargaining rights of MaPS employees goes back decades. In our view, the Governors/Administration at the University of Calgary have a long history of being anti-union in sentiment and have therefore taken actions to thwart the organization of this large group of employees over time. This has created one of the largest – if not THE LARGEST -- group of unrepresented employees in any government-funded organization in the province. In the past, the Governors have been able to stop this group from being represented through the application of two laws: the Public Service Employees Relation Act (PSERA) and the Post-Secondary Learning Act (PSLA). The PSERA has broad definitions of "manager" as an exemption from being in the union. The U of C Board of Governors have used this definition to keep MaPS members from being eligible to be in the AUPE. Simultaneously, the PSLA definition of academic staff was up to the Board of Governors to designate, and the Faculty Association has had no way to force the Governors to consider expanding our membership. For years the Faculty Association has expressed frustration about exempt staff taking on more and more of the work that was historically done by the academic staff. MaPS members sometimes have PhDs, are involved in research, publish, are involved in pedagogical decisions, and make other academic decisions. In other words, the Governors have been able to push back the boundaries of the unions to allow the growth of unrepresented employees, whose terms and conditions of employment they can unilaterally control.

Statistically, we have shown this before. For example, in the seven years between 2009 and 2016, the MaPS complement grew by 35.9% while the academic staff only grew by 2%. AUPE membership grew by 10.7%. In other words, the efforts by the Governors/Administration to move work into the exempt parts of the University labour force has been escalating.

At the same time, it is not as if the situation is rosy for the MaPS members. The Faculty Association has been contacted dozens of times over the years by MaPS members who have felt harassed or victimized in various ways. Frequently, MaPS members come to us when they have been dismissed without cause. Faculty Association and AUPE members would have recourse if they felt harassed, if the employer was reneging on provisions of the contract, or if the member was suddenly dismissed without cause; but MaPS members have no collective body with the legal authority to protect their interests. All we can do is offer a sympathetic ear and the name of a good lawyer. In contract matters, MaPS employees often were left with the scraps left on the table after the bargaining with the Faculty Association and AUPE was complete.

Over the years, there have been many attempts to try to organize the MaPS membership into a bargaining unit – as a separate union, or under the mantle of the Faculty Association or AUPE. When this has arisen, we have heard from those who spoke out that there were sudden negative changes in their work situation and those staff members felt their jobs were being put in jeopardy. Even current and former members of the MaPS Executive have spoken to us about their fears of retaliation by the employer for expressing pro-union views. We have had many discussions with various members of the MaPS Executive over the years. The Governors/Administration have gone out of their way to control the MaPS Executive by not providing the Executive with a list of the MaPS members, controlling the release of information through the email listserv, and so on. The MaPS Executive members are good people and we have appreciated speaking with them over the years, but they also point out that they do not have the legal authority or machinery necessary to collect the views of the MaPS members or represent them without fear of reprisal. It is one of the reasons we welcome MaPS members contacting us directly if they choose to do so. The Faculty Association's email address is outside the ucalgary.ca system (faculty.association@tuca.com), and our staff do not work for the University. The Faculty Association staff will protect the confidentiality of whomever contacts us.

So, what has changed? Last year, the provincial government forcibly changed all Faculty Associations into trade unions under the Labour Relations Code. In doing this, they also changed the definition of employees so that Faculty Associations are permitted to represent managers, among other professions, that other unions cannot yet represent. By putting the Faculty Associations under the Labour Relations Code, this also made the question of the designation of academic staff a matter that can be arbitrated by the Labour Relations Board. We are no longer solely under the thumb of the Board of Governors in determining who is or is not in our bargaining unit. So for the first time, we have a place where we can go to get an outside decision. We have begun the process with a submission to the Board of Governors, but their decision is appealable to the Labour Relations Board. We have asked the Governors to provide a reply to us by May 31st. Whether we would proceed to the Labour Relations Board at that point or engage in further discussions with the Board of Governors will depend on the nature of that reply.

The MaPS group is not a homogenous group. There are some of you who are doing work that is clearly academic in nature. It is work that historically was done by professors or instructors, but has been segmented by the employer in a way to try to justify hiring a non-academic. Others of you do work that is further from the day to day work of teaching academics, but is still part of the academic enterprise. We have chosen to ask that the entire group be designated academic staff and thus members of the Faculty Association because, as a whole, you are a clearly defined group, much like the situation at our sister organization at the U of A where Management and Professional equivalents are members of the

Faculty Association. In addition, because you are all members of the Universities Academic Pension Plan (UAPP), you have a shared interest with the Faculty Association as the bargaining agent. Under the existing UAPP rules, if you are represented by a union other than the Faculty Association you could not stay in the pension plan.

So we have started with the idea of keeping the MaPS group intact in making our submission to the Board of Governors. To break the group apart would likely create years of difficult negotiations. Depending on the reaction of the Board of Governors or Labour Relations Board, it may come to that. But it seemed natural to us to try to extend representation to all of you as a starting position. In saying “all of you”, I am excluding the group of people who would not be union members in any situation – particularly those who play roles in collective bargaining for the employer, and similar functions. This would be a small number of MaPS members. Other than this group, we believe that all of you have the right to be represented and have your rights protected by a bargaining agent.

Some of the MaPS members have asked what the implications would be if they are made Faculty Association members. It is always difficult to answer hypothetical questions. Certainly, the response from the Faculty Association will be different if the Board of Governors/Labour Relations Board decision is to designate 10 MaPS members into the Faculty Association versus 1,000. If there were to be a large number of MaPS members in the Faculty Association we would make changes to the decision-making structures and the Collective Agreement. We may create a separate local for MaPS members, or establish separate sections of the existing Collective Agreement. There would be guarantees for MaPS members to have representation on the Faculty Association Board of Directors, and we would create ways for MaPS members to be involved in bargaining and other matters. The immediate impact is that you would have a place where you can go to be defended if you feel your rights are being infringed or if the provisions of your contract are not being followed. You would pay dues to the Association, and these dues are tax deductible.

To keep MaPS members and Faculty Association members informed as this issue unfolds, we are creating a page on our website with the information. Hopefully we will be able to provide you with some better information once we hear back from the Board of Governors.

I hope this letter provides some information to help MaPS members better understand the discussions going on around them. As always, I look forward to hearing from any MaPS members with their questions or concerns.

Sincerely,

[original signed]

Sandra Hoenle
President

cc: Jacqueline Lacasse, Human Resources
MaPS Executive members