



May 27, 2019

**Submission to the Alberta Government
Re: Public Sector Wage Reopener Arbitrations Delay**

Thank you for this opportunity to relay the concerns of the University of Calgary Faculty Association regarding the Government's intention to delay the interest arbitration related to the bargaining settlement in April 2019.

Our concerns are as follows:

- 1. Government interference in collective bargaining:** As a general concern, we do not believe it is appropriate for the government to interfere with the free collective bargaining between the employer (the Board of Governors) and the Faculty Association. We believe that this is a constitutionally protected activity, and therefore any interference could lead to a *Charter* challenge. In this case, the Government appears to be intent on reopening a negotiated settlement between the Parties, which would be a substantial interference in the collective bargaining process. The intention to postpone the arbitration would have the effect of undoing specific collective agreement language concerning a salary reopener, including the negotiated provision that the matter would proceed to arbitration on a specific date before a named arbitrator.
- 2. Faux Consultation:** It appears that the "consultation process" that the Government is engaging in is disingenuous. It appears to be designed to give the appearance of consultation while allowing the Government to proceed with its foregone conclusion. Giving us one working day's notice of a phone call and six working days' notice to prepare a written submission is hardly good faith or meaningful consultation.
- 3. The wage re-opener was the key component of the settlement:** The wage re-opener was a *quid pro quo* for significant concessions made by the Faculty Association to the employer. The Board of Governors insisted that we had to "give them something" in exchange for the commitment of a wage re-opener. This was different from typical arbitrations to settle a dispute, as the Governors argued repeatedly that we would be "getting something" through the arbitration process. Given these concessions by the Association, we would not have settled without the wage re-opener and would likely still be at the bargaining table, as we only settled in April 2019. To be clear, the Association's Board of Directors would not have settled at the bargaining table, nor would we have recommended ratification to the membership without the salary reopener clause.
- 4. The dates, arbitrator, and minimum settlement had been set:** Unlike many such disputes where the date of the arbitration and the name of the arbitrator are not set, our Agreement included the date of the arbitration (September 30 and October 1, 2019) and the name of the arbitrator (Andrew Sims) as a provision in the settlement. So any delay or change in the arbitration is a direct violation of the agreed-

to provisions of the settlement. Further, the amount of the settlement cannot be less than zero, as this was another agreed-to provision in the settlement.

5. The creation of a national crisis: Should the Alberta Government take action that would delay or reverse the provisions of our Collective Agreement or settlement, this may set national precedents and has constitutional overtones which we would need to address. We have already contacted the Canadian Association of University Teachers who have indicated their support for us if such a precedent were to be attempted.

6. The University of Calgary Faculty Association is in an unfair competitive environment compared to the University of Alberta: Successive provincial governments have taken actions which disproportionately harm the University of Calgary and its academic staff. For example, two years ago, the NDP government unilaterally removed the ability of our Association to go to interest arbitration and imposed strikes/lockouts as the normal form of dispute resolution. Our Association opposed their actions to put the Faculty Associations under the Labour Code, as well as their intervention in changing the rules in the middle of collective bargaining. The net effect was that while the other University Faculty Associations in Alberta had salary settlements in the range of 1.5% to 2.0% in 2017, the U of C Faculty Association was forced into a zero.

7. National Comparisons: Using Statistics Canada (UCASS) data for academic staff at “U15” research/doctoral Universities who reported, the University of Calgary is the *only* University where salaries have increased by less than 10% between 2011-12 and 2017-18. On average, the salaries for all academic ranks at U15 (research/doctoral) universities who reported increased by 18% during those 6 years; the comparative data for the U of C was 4.6%. For your information, according to the Bank of Canada inflation calculator, the Canadian inflation rate between 2011 and 2017 was 8.85%, reflecting a decline in purchasing power of 4.25% for University of Calgary academic staff.

We are precipitously falling in the national comparisons for academic staff. Unlike the market for other employees, the competitive market for world-class researchers and teachers can be aggressive. How long can we continue to see the erosions of purchasing power for academic staff before some of our best colleagues start looking for greener pastures? This is already happening as it has been reported to us that it is difficult to recruit in certain competitive disciplines on campus.

8. Reducing Costs: We would contend that squeezing ever more funds out of the salaries of academic staff is an inappropriately simplistic exercise if the intent of the Government is to improve services while reducing costs. Further declines in academic staff salaries who have already “tightened their belts” for the good of the province will lead to lower morale, declines in efficiency, and poorer outcomes.

Last year, the Past President of our Faculty Association reported that between December 2009 and December 2016, while the student complement increased by 6.3%, the academic staff grew by only 2.0%. In other words, there has been consistently increasing workload/efficiency by academic staff. In contrast, there was a ballooning in the management and professional staff of 35.9%. Perhaps this is an issue for your Associate Minister of Red Tape Reduction, but I would argue that cutting the pay for those who seem to be performing in the most efficient part of the system is not the most effective action.

Conclusion

Given the legal precedents involved, the commitments that would be broken, and the impact on our membership, should the Government decide to take action to delay or circumvent the application of our Collective Agreement, the University of Calgary Faculty Association would need to look at all legal avenues at our disposal to defend the integrity of the settlement and the Collective Agreement.

I regret that this is the first communication from my Association with the new Government. We would prefer to work with the Government in order to find solutions that would work best for everyone. The academic staff at the University of Calgary support the innovation and discoveries which are essential to our future; the workforce and society of tomorrow depends on the teaching and research by the academic staff and students of today. It is my hope that in the upcoming months and years we will be able to engage in positive dialogue to create a positive and robust post-secondary system.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Rogers", with a stylized flourish at the end.

Paul Rogers
President