



March 25, 2022

From: AUFA executive

To: AUFA members

Dear AUFA members,

AUFA's executive find ourselves faced with an extremely difficult choice. So, we are putting you, the members, into the driver's seat.

The mediation process has resulted in a [possible settlement](#). This sounds like good news for everyone wishing for an end to this strife. However, the settlement entails significant concessions and the loss of valued benefits. The AUFA executive believes that a better deal may still be possible. But the decision to accept or reject this deal must rest with the membership as a whole.

A ratification vote will be held on **Tuesday, March 29, from 9:00am to 9:00pm MST**, online via Simply Voting. Members will receive a ballot via their AU email. This ratification vote will take place in lieu of the planned strike vote for that date.

This letter is intended to provide you with the information necessary to make informed individual choices, including context that got us to this point, highlights of the deal, and the implications of different vote outcomes.

Your vote is absolutely your own decision. Still, we are aware that many members will be looking to the AUFA leadership for guidance. After considering the full context of this vote, **the AUFA executive recommends that members vote to reject this deal.**

Regardless of the outcome of this vote, the AUFA executive remains committed to building an inclusive, effective union that represents members as individuals and pursues collective goals.

### **How we got here**

After stalling bargaining for months, AU's bottom line became clearer during mediation and its most recent offer includes some tight deadlines. This put the AUFA bargaining team in the unenviable position of deciding (very quickly) whether the deal the mediator drafted is something that AUFA members would accept.

If the answer was "no," AU could have walked away from mediation, essentially putting the process back to the state it was at in late February (with the full slate of AU's concessions back on the table). If the bargaining team's answer was clearly "yes," the bargaining team would have recommended that the membership ratify the deal.

Ultimately, the bargaining team's answer was "we don't know." Consequently, the bargaining team agreed to have the mediator write recommendations that the bargaining team would present to the membership without the bargaining team's endorsement.



These details are only being shared with the membership now because the mediation that got us here was a confidential process. That the ratification vote is rather rushed is a result of AU's pressure to agree to their offer before the fiscal year end.

The AUFA executive thanks the bargaining team for their perseverance and patience through an extremely challenging bargaining process, and we are grateful for the opportunity to open up this process for direct member participation. The bargaining team remains ready to return to the table should this deal be rejected by AUFA members.

### **What's in the possible deal?**

Members are encouraged to read the [latest bargaining update](#) for a comprehensive summary and the full mediator's report. Here are some of the main highlights:

- Many of AU's ingoing proposals, including dismantling discipline protections and reducing layoff language, are not included in this deal.
  - Please note that these items could be put back on the table should members reject this deal, though it seems fair to conclude that these items are not part of AU's bottom line.
- This deal represents the sectoral pattern on COLA: 0% until next April, 1.25% in year three, 1.5% in year four, and an extra 0.5% contingent on the provincial GDP.
  - Other faculty associations have achieved a "sweetener" that represents approximately 1% in additional benefits beyond the COLA changes. This deal does not offer a comparable extra bonus.
- This deal would eliminate Research and Study Leave for all professionals except librarians. Members would instead accumulate PD leave up to a maximum of four months. Members would need to apply to take PD leave in excess of 21 days, with approval from an executive officer. Members would choose what to do with their accumulated RSL entitlements: either relinquish it for a one-time payout of \$10,500 plus some seeding of PD leave, or convert it to banked PD time to a maximum of 12 months.
  - Main takeaway: going forward (after using any converted RSL time), members would have to work four years (without taking any PD time) to earn an extended PD leave of up to four months.
- This deal would establish a committee to discuss changes to the promotion and tenure language for academic members (Article 3). It would also expand who can serve as an external referee for this process for Indigenous academic staff.
- This deal includes improved compassionate care leave and ensures adequate AUFA representation on the joint OHS committee.
- This deal includes a letter of understanding that involves the joint Employment Equity Committee (already established in Article 26) as an advisor to the Board, including receiving summary (not full or raw) data and the university's report on its institutional Equity, Diversity, and Inclusion framework and action plan.
  - Some context members may not be aware of is that the employer has not shown much interest in participating in the joint Employment Equity Committee in the past. While AUFA remains supportive of AU pursuing EDI aims, there are concerns that the



employer's process may lack a deep commitment to meaningful consultation and change.

- This deal includes a one-time payment of \$2000 for home office set up for both professional and academic members, less any funds already received for this purpose. Members who received this payment more than six years ago would receive \$800. All members would receive \$35 biweekly for ongoing home office expenses, replacing the \$25 biweekly for professionals and \$61 monthly allowance for academics.

### **Why all the fuss about professional RSL?**

With this latest offer, the employer has made it clear that removing Research and Study Leave (RSL) for professional members is their hill to die on. Whatever their reasons for this, they have demonstrated a willingness to drop several other significant concessions while remaining intransigent on this issue.

While mediation was underway, AUFA polled professional members about their views and usage of this benefit: 141 of 199 professional members responded. A very strong majority (~85%) of responses rejected the employer's offer at that time. The details of the employer's offer have shifted somewhat (partly due to AUFA's bargaining team offering many of the suggestions shared by members), but the deal before you for ratification is still very far away from what survey responses suggested members would consider a "fair" trade for giving up this valuable benefit.

It is clear that this benefit is a potentially very effective wedge issue for AU. Many professionals value this benefit so highly that they would seek employment elsewhere if it were gone, and many academics are extremely supportive of their professional colleagues maintaining it. Some members, however, have indicated that this is not an issue they would strike over, or that it's a "perk" to which professional members should not be entitled.

Given AU's intransigence on this issue and the possibility of significant government interference, it may not be possible to maintain RSL for professionals as it currently stands in the contract. However, giving up this benefit is a huge concession (it is worth approximately \$2 million per year to professionals) for which we should receive a valuable trade. But AU has not offered any language or monetary items that would come even close to offsetting this significant loss.

Members are welcome to disagree with this assessment, of course. But we also urge members to consider the broader context when deciding on how to vote.

### **It's about more than the language on the table**

We all know this round of bargaining doesn't exist in isolation. AUFA members care about students and learning, and we want to be excited about the future of this university. But repeated consultations with members have also revealed deep and widespread distrust in AU's top leadership and an extremely common sense of being stripped of agency. Members report feeling denied the chance to do their best work or worry about the erosion of collegial governance while pressure increases a sense of precarity.

To add to all this, there is increasing evidence that the provincial government is taking a much more active role in post-secondary sector bargaining than anyone anticipated—well beyond the not-so-secret mandates for COLA increases.



Nonetheless, it is also quite clear that AU's intransigence is likely not solely fueled by strict government mandates. There have been many opportunities for AU's bargaining team to work collaboratively to find a better deal that meets the provincial mandate while adequately compensating AUFA members. Instead, AU's bargaining team has chosen to push for rollbacks that fall well short of the sector pattern (3.25% COLA, language gains, and approximately 1% worth of additional financial gains). They have also refused to entertain almost all of AUFA's ongoing proposals, including those that would cost nothing (or close to). That is, it's quite possible that the deal before members is not AU's true bottom line.

Despite AU's attempts to frame AUFA as the aggressive party, the university is the body with the power to change course and make all this strife go away. AUFA has a responsibility to protect and advance its members' collective interests, and AU has been making this duty much more difficult to fulfill.

This ratification vote offers a rare chance for AUFA members to have a direct say in some important aspects of how this university operates. We don't have to passively accept the erosion of our working conditions. Instead, we can assert our collective agency and demand the respect we deserve.

A vote to reject this deal is about more than weighing the relative pros and cons of the specific contract language in question. It's also about sending a clear message that we do not accept being bullied into submission by a few very powerful people.

Along with our colleagues in AUPE and CUPE, we are the people who make this university function. We are also the ones who will have to live with the impacts of whatever the outcome may be.

### **What does a yes or no vote mean?**

We know that the possibility of a strike is worrying and entails costs. Consequently, some members have expressed they are willing to agree to the erosion of AUFA rights and entitlements to avoid a strike. Other members have expressed that this deal is insulting and might even be angry at AUFA's team for not just rejecting it out of hand. Wherever you find yourself within (or outside of!) this spectrum of opinions, we urge you to consider the impact of a vote either way.

#### *Voting yes*

If a majority of members vote to ratify this deal, it would take effect immediately as our new collective agreement and this round of bargaining would end. Professional members (other than librarians) would need to choose what to do with their accumulated RSL—convert to PD or take the buyout.

AUFA's executive would prioritize member engagement efforts to understand why members decided to take the deal, identify real-world impacts of the changes, and address the division and resentment among members that is likely to surface.

#### *Voting no*

If a majority of members vote to reject this deal, bargaining would resume. We would not be back to square one, however, because the AUFA bargaining team would have a clear mandate and significant leverage to push for a better deal at the table. At the same time, the AUFA executive would likely continue to pursue a strike vote to offer additional leverage.



Rejecting the deal could make a strike or lockout more likely, though not inevitable. A strong strike vote often sends a strong enough message to employers that members are serious and that they'd better go back to the table to find a better deal.

### *Slim majority either way*

A simple majority (>50% of votes cast) will carry this decision. If the membership narrowly ratifies this settlement, AUFA members will have to contend with the likelihood of deep divisions among colleagues. There may be strong resentment or disillusionment among those who voted no but are forced to accept the deal. It may be that these divisions further erode morale and make the task of rebuilding solidarity extremely difficult.

If the membership votes to narrowly reject this settlement, this still sends a message to AU that they need to offer something better, but it's not as strong a mandate for the bargaining team as a large majority vote would be. AU may feel emboldened by the division among members to pursue an even more aggressive stance than we've seen so far, including imposing a lockout or making other attempts to force an even worse deal through.

In the "narrow rejection" scenario, AUFA could still pursue a strike vote. The outcome of this vote could be significantly different from the ratification vote: members who voted yes may be swayed by the majority position or may understand the importance of a strong strike vote for providing leverage at the bargaining table.

### **We recommend a no vote, but it's your choice**

The risks associated with a close vote are why the AUFA executive has chosen to recommend that members vote no rather than remain neutral. We absolutely want each member to make their own informed decision, but we also don't want to risk too much ambiguity.

We think there's still a chance at arriving at a better deal—ideally without a strike or lockout. AUFA will continue to prepare for one just in case a strike ends up being necessary. But we're not sure if this represents a majority position among members.

So please, take the time to understand the details of the deal, including the long-term impacts for yourself, other AUFA members, AUFA as a collective, and the university as a whole. Talk to your colleagues, friends, and family about it. Reach out to AUFA with any questions.

Most importantly, please participate in this vote. Whatever the outcome, strong turnout is essential for making sure this decision represents the will of AUFA's members.

In solidarity,

AUFA Executive



For transparency, the motion to recommend rejecting the settlement was approved by a majority of AUFA executive but the decision was not unanimous. Vote tally as follows:

- Voting in favour: Rhiannon Rutherford, Gail Leicht, Darka Pavlovic, Eric Strikwerda, Ingo Schmidt, Jolene Armstrong, Travis Burwash
- David Powell as chair does not vote on motions
- Voting against: Lisa Boone
- Recusals: Jason Foster, Dawn Mercer Riselli, and Bangaly Kaba (they are also on the AUFA bargaining team and recused themselves from the vote to maintain neutrality)
- Two executive members were unavailable to vote for personal reasons.