

CUASA TAKES THE PLUNGE!

CONSTITUTIONAL REFERENDUM NEXT WEEK

Following a study session in which more than 300 members were estimated to have participated, the general meeting last Friday authorized the Steering Committee to proceed with the preparation of amendments to the CUASA constitution necessary to seeking certification. Our lawyer is working on this matter this week, and the Council will consider the amendments on Thursday.

Since the vote next week will be crucial to the decision to seek certification, a final series of seminars is being arranged this week to allow all who have remaining questions to come and have them discussed at a convenient time and place. These are organized by division according to the schedule on this page.

Summaries of some of the salient points presented at the study session are included in this special newsletter.

RESOLUTION PASSED BY GENERAL MEETING

The following resolution was passed by a vote of 114 - 1 (one recorded abstention) at the General Meeting of CUASA, Friday, January 31:

"That this meeting authorize the Steering Committee to devise the constitutional amendments, as indicated by our legal advisor, to permit CUASA to seek certification under the Labour Relations Act, and to submit these amendments to the membership of CUASA by mail ballot as specified in the Constitution on or before February 15th."

WHY COLLECTIVE BARGAINING (I)

CUASA Study Session, Thursday, Jan. 30, 1975.

Leo Panitch

I am speaking as a layman with regard to unionization at Carleton, but with some expertise on the labour movement in Canada and abroad. The drive for unionization is a response to a crisis in public funds where those paid out of public funds are facing job insecurity and declining incomes. Colleagues of ours who joined Carleton when I did, 2½ years ago, have had their incomes increased by a maximum of 18% while the Consumer Price Index has gone up significantly more. We are experiencing falling real wages, *before taxation*, and the situation is likely to get worse, now that the Liberal Government is in the process of establishing a wage restraint "consensus". It is always those employees paid by governments who suffer most from a wage restraint policy since governments can control only their incomes directly. University teachers in Ontario by all means have to develop a province-wide collective bargaining organization to deal with this threat head-on with the Department of Colleges and Universities, but local unionization will not stop this — it will facilitate it by creating viable local bodies which will be the source of strength for collective action provincially.

Those among us who are worried about the effect of collective bargaining on wage differentials within our university, ought first to consider how quickly we are falling behind (as a group) incomes outside of the university. Moreover, we have to face this situation as a united group if we are to preserve the university as a balanced liberal institution. If we allow naked market forces to decide completely our priorities for faculty positions and salaries, the shape of the university will be grotesquely transformed. One cannot defend our "community" by special pleading.

If we are told that we must be "responsible" in the present crisis, we are essentially being told that the irrationalities of the market must go unchallenged. Let us remember that we live in a society that still invests far more in items like hair curlers, or in building three gas stations on single intersections, than it does on expanding education. It would be the height of irresponsibility to refrain from challenging this situation. We alone cannot change it, but we can begin to speak to it *collectively* which is the only real power we have. In the last decade, nurses and teachers in Canada, the U.S. and Britain have proven beyond a shadow of doubt that unionization pays, that militancy pays.

I am not worried about unionization per se, but I am concerned that we be an effective union. To list 19 "disadvantages" to unionization, including 4 for the administration, in the CUASA Newsletter, is not the way one becomes an effective union. Most of the alleged "disadvantages" were spurious not least the repeated one on "bureaucracy". Unionization will limit it and control it, not increase it. Instead of a multitude of memos announcing repeatedly new rules being created "on high" on an ad hoc arbitrary basis, we will establish regularized procedures, with legal backing. For other groups of workers who are more inclined to strike, labour legislation is highly restrictive, in that it is designed to weaken strike power. For us, who do not have a great propensity to strike, legal intervention in the field of collective bargaining turns out to be a boon. We should not forego the benefit it affords us.

DIVISIONAL SEMINARS

Come and Ask Questions Before the Vote!

Schedule:

Wednesday, February 5

Engineering and Architecture:

7:30 P.M., Room D288 Mackenzie

Chairman: D. Sida

Guests: Prof. Richard Spencer, Department of Civil Engineering, UBC; President, CAUT
Don Savage, Executive Secretary, CAUT

Friday, February 7

St. Patrick's College:

11 A.M., Room 100, St. Patrick's College

Chairman: J. Campbell

Arts II:

11 A.M., 408 Southam Hall

Chairman: J. Vickers

Arts I:

2 P.M., 410 Arts Tower

Chairman: B. Wand

Science:

2:30 P.M., 492 Tory

Chairman: D. Sida

Guest: Vic Sim, CAUT

CAUT AND COLLECTIVE BARGAINING

A Personal View

Donald C. Savage

The CAUT Council has stated in its guidelines that collective bargaining can be an effective means to obtain its objectives — to defend academic freedom and to promote the interests of teachers and researchers in Canadian universities. Collective bargaining is, of course, not the New Jerusalem. But it can provide certain things that are very desirable from a faculty point of view.

I see two general and related themes which can be applied to a variety of local problems. First of all, collective bargaining places a legal obligation on the Board of Governors to negotiate faculty terms and conditions of employment in good faith with the faculty, in particular with negotiators chosen by the faculty and by the faculty only. It gives the entire faculty through the ratification process the right to accept or reject the results. Secondly, collective bargaining enshrines the results of these negotiations in a legal contract which cannot be unilaterally changed by the Board of Governors in the manner in which bylaws can be changed. We do have an outstanding example of how simple it is for a Board of Governors to change bylaws — the Board of Simon Fraser agreed to arbitrate certain cases, then abolished the arbitration procedures, and then fired certain professors without a hearing. You are no doubt aware of the hysteria which surrounded those events. That type of hysteria can well surround other key issues on the campus, and it seems to me valuable to have a legal document which neither side can alter in the heat of the moment. The legal contract disciplines the exercise of presidential and Board power. It is a demonstration that as faculty we reject the notion that we are to be governed by a professional bureaucracy, that we insist that power be exercised bilaterally and not unilaterally, and that we believe that this relationship should be made clear in a legal document, not in a gentleman's agreement.

Has it been done elsewhere? There are currently certified bargaining agents at the University of Manitoba, Nelson, St. Mary's, the University of Sherbrooke, and the four campuses of the University of Quebec. Applications are pending at Laval, Montreal and, in a rather different way, at the University of Saskatchewan. In Ontario the Universities of Ottawa and Windsor have begun the process which could lead to collective bargaining. Some faculty are fearful that collective bargaining will necessarily lead to the abandoning of traditional concepts within the university, in particular academic freedom, peer judgment, and constitutional government. It should be noted that apart from certain technical matters, the parties are free to negotiate whatever form of contract and of government they desire to have. The CAUT has adopted procedural guidelines and policy statements in the field of collective bargaining and in the area of contracts and academic freedom to ensure fairness and equity. The affiliation of your association with CAUT is a guarantee that the freedoms for which CAUT stands will be part of your contract. Nor is this all theory. The contract that has been signed at St. Mary's (and which is described in some detail in the *CAUT Bulletin* which will be reaching you in a few days) entrenches the recommended procedures of CAUT in relation to ap-

pointment, renewal, tenure, dismissal, redundancy — to name some of the key areas. Furthermore there is another important safeguard. No agreement can go forward at Carleton without formal ratification by the members of the bargaining unit. So ultimately the faculty is responsible for its own contract.

CAUT has also taken steps to ensure that the abuse of power that has taken place in a few unions cannot happen in our organization. Your contract will not be negotiated by a remote central office but CUASA whose constitution guarantees control by the members. Every faculty member has a right to belong to CUASA and to CAUT. In most industrial unions members are admitted at the pleasure of the union. In CUASA and CAUT every member has the right to criticize the functioning of the organizations (a right which certainly has not fallen into disuse). There are no loyalty oaths. In other words CAUT and CUASA are governed by procedures to guarantee the members the same kind of freedom that we insist universities guarantee to the faculty.

CAUT can and will assist CUASA whenever we are asked to do so. We have a national Collective Bargaining Committee with professionals in the field of collective bargaining to advise us and locals on the ways of adapting collective bargaining to the purposes of the university. The CAUT does not think that the industrial model can be applied mindlessly to the university but must ensure academic freedom, peer judgment, constitutional rule and other key aspects of university life. We have collective bargaining officers who are available to local associations for advice and to assist in negotiating contracts. We are producing material to assist negotiators with the best information possible when they sit down at the bargaining table. In other words to opt for certification is not to opt for the unknown but to opt for a rational system of negotiations based on an ever-growing body of experience which is available to CUASA.

Some faculty members fear that local collective bargaining may be incompatible with provincial negotiations. I do not think that this is the case. I believe that faculty should entrench their position in local collective agreements under labour relations legislation before attempting any formal bargaining with the government. Governments at all levels are apt to demand a variety of management rights as the price of negotiations. That is, they will claim the right to make decisions unilaterally in certain key areas. However, if faculty has already entrenched its rights under labour legislation, it will be much more difficult for the government to do so. Governments are usually somewhat reluctant to alter collective agreements by legislation since the whole of the labour movement is apt to see this as a threat. I also think that certification gives faculty the power to act if government behaves irrationally and unfairly towards them. I am certain that faculty across Ontario will have to act in concert through OCUFA to deal with the government on key issues such as the salary component of the BIU and the pension issue which cannot really be settled locally. But local collective bargaining, far from impeding this process, will give it muscle.

Finally it seems to me that collective bargaining is not a break with the past but a new device to realize old ends — a real input by faculty into the decision-making process, and the entrenchment of academic freedom and due process.

WHY COLLECTIVE BARGAINING (II)

Joseph Scanlon, from the School of Journalism, said at CUASA study session Thursday, that he spoke not as a recent convert to unionism but as someone who had belonged to unions for nearly 20 years.

Scanlon said his main purpose was to indicate what he thought were the "collective fallacies" about unions.

He said many persons argued that a university was somehow something different, a place where unions would destroy the collegiality. Scanlon said he did not believe this and, in any case, the memos from a number of deans and chairpersons, asking for a list of those who cancelled classes on Thursday and Friday, should have removed any remaining illusions.

"It's a bit like a kindergarten," he said, "where you have to say 'please' in order to leave the classroom and a list is kept of those who say 'please' too often or at the wrong time."

Scanlon also said his experience was that unions do not destroy individuality or the right of an individual to make his or her own arrangements with an employer. Scanlon said that, as a member of the Guild (the journalists' union) he had been paid over and above the union scale for most of his years as a journalist.

"What the Guild contract guaranteed," he said, "was that I got no worse than the minimums in the contract and that I got all the other protections the contract guaranteed."

Scanlon said he worked in four different union organizations and that the atmosphere in each was determined by the overall atmosphere between management and employees, *not* by the fact that there was a union contract.

Finally, Scanlon took issue with another speaker, Muni Frumhartz, for suggesting there was no evidence the local union route would be successful. He said all the evidence available was that universities like Notre Dame in Nelson, B.C., St. Mary's in Halifax, Manitoba and Saskatoon were going it alone. In reply to Professor Frumhartz, Scanlon said there was no guarantee that the provincial approach would be successful. (Scanlon referred to the meetings between the provincial faculty association, OCUFA, and the executive committee of the presidents of Ontario universities.)

CUASA Office Open All Day

The CUASA Office, 424 Physics, (phone 6987) will be open on a full-time basis for the next few weeks, thanks to the CAUT who is providing additional staff.

Past President Resigns

Prof. W. E. Walther, Vice-dean of St. Patrick's College, has resigned from his position as Past President of CUASA. The Council will elect an acting past president at its meeting on Thursday.