



# QUFA ALERT!

Queen's University Faculty Association Bargaining Alert

ALERT 12 • 25 JANUARY 2023

## Conciliation Begins

QUFA and the Administration remain far apart on Term Adjunct job security, ensuring we never face a Laurentian-style insolvency situation, and creating a group to address retention barriers

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Happy New Year!

We met with the University bargaining team this past week for three days. Also in attendance was Paul Pooler, the Conciliator assigned by the Ministry of Labour to help the parties get a deal. We exchanged packages of proposals that captured many of the non-monetary issues that remain. Unfortunately, we remain far apart on key issues you sent us to the table to bargain:

- Term Adjunct job security,
- ensuring we never face a Laurentian-style insolvency situation, and
- creating a collaborative group of Members and Administrators to address barriers to recruitment and retention.

The University's troubling responses to each of these proposals are summarized below. But first, we review the status of compensation proposals.

## Personal Expense Reimbursement (PER)

in dollars, by University, 2021-2022



## Compensation

We can't report to you on the University's compensation proposals because we have yet to receive any. We first tabled our compensation proposal on 11 November 2022, when Bill 124, the Ford government's wage restraint legislation, was still in force. Bill 124 was declared to be of no force or effect on 29 November 2022 by the Ontario Superior Court. This required us to revise our compensation proposal. We retabled a second compensation package that would achieve real salary gains for Members on 19 January 2023. We hope the University will table its own proposals shortly and before we next meet in early February.

QUFA has proposed 4% across-the-board (ATB) increases retroactive to July 2022 and for three additional annual pay adjustments. We have also tabled proposals to bring QUFA

professional expense reimbursements in line with provincial norms (\$356 per half course for Term Adjuncts and \$2500 per annum for other Members). The table above makes clear why these numbers need to rise.

We have also proposed raising all Heads' Stipends by \$1500 per year and for Term Adjuncts, adjusting both Base Stipends and adding grids for larger class sizes (300, 400, and 500+). We have asked that monies budgeted in Funds for parent Members (Tuition, Childcare) not roll back into general operating accounts if unclaimed but augment deficits in the other fund if it is oversubscribed. We asked to increase the budget line for the Adjunct Fund for Scholarly Research and Professional Development, as this fund is typically oversubscribed. Finally, we asked to create a new Health Care Spending Account (HCSA) for Adjuncts (\$100,000) and a new Research Support Fund (\$750,000 per

annum) for Members whose appointment includes conducting research. We look forward to hearing the University's response to these proposals.

There is additional complexity to financial proposals this round because of the agreement to return to annual merit assessment and the requirement to align salary adjustment timing with new collective agreement start dates (1 July).

## Three Worlds Apart

### 1. Term Adjunct Job Security

Improving job security for Term Adjuncts is a key priority for this round, prompted first by a motion and vote from the floor at a QUFA Annual General Meeting, and then fleshed out by the dedicated work of the Adjunct Advocacy Committee. From the beginning of bargaining, we have highlighted the problems with the current provisions and the need for change, as well as our openness to finding a solution that both Parties could agree to. The University has proposed no solutions, and this past week, declined the opportunity to have an interest-based discussion with us to explore options.

QUFA has proposed alterations to the pathway to job security for Term Adjuncts as outlined in Article 32. These changes were designed to accomplish two things:

- remove technical barriers to attaining rights to future work, and
- shorten the timeline for those with sufficiently intense teaching to apply for Continuing Adjunct status.

This week, the University told us that the Deans are unanimous in their opposition to accelerating the timelines to job security, for both planning and budgetary reasons.

As Adjuncts and their colleagues know, the current system is broken; it no longer reflects the way contract teaching is assigned. Attaining the Specific Right of Reappointment (SRoR) now serves as a barrier, rather than a first step, to job security. Term Adjuncts may have sufficient teaching intensity and time worked at Queen's to qualify for the second step, General Right of Reappointment (GRoR), but they can't get it because they haven't taught one specific course enough times to have first reached the SRoR. On this technicality, they are prevented from acquiring the SRoR, perhaps forever (if a particular course is only offered every other year, for example) despite teaching many courses consistently for Queen's. The current language also makes it very easy for those designing work assignments to ensure Term Adjuncts don't acquire SRoR.

Even without intentional gaming, changes in curriculum and the popularity of co-teaching models can also prevent a person from acquiring SRoR, as a Term Adjunct must be the sole instructor to earn credit towards the Specific Right. The University has told us that they don't care about these problems; however, preserving a system you know no longer works—and perhaps *because* you know it no longer works—is bad faith.

QUFA will continue to press for improvements to this language and maintains its invitation to the University bargaining team to work with us to find creative solutions to reward the hard work and loyalty of our long-serving Adjunct colleagues.

### 2. Layoff and Severance Provisions

We all watched with horror as Laurentian University invoked insolvency proceedings to override their Collective Agreement provisions covering layoffs, severance, pension, and other essential protections. We don't want to see that happen at another Ontario university, least of all

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Queen's. We proposed some changes to Article 38 to support that objective. Unfortunately, this past week the University's continued rejection of our proposals in this area were accompanied by troubling statements by their Chief Negotiator.

Our most recent proposed change to Article 38 was to insert language stating that the University commits to not using insolvency proceedings until they have first complied with Article 38. This would be a show of good faith that they would abide by the terms we have negotiated in the event a state of financial exigency came to pass. Their response to this shocked us.

Their Chief Negotiator told us that the University will not limit its legal options, including access to insolvency proceedings, and that he would not seek a mandate from the Board to discuss the matter with us. This is worrying on two fronts:

- If the University chooses to ignore Article 38 by invoking insolvency, then QUFA and its Members are powerless in the face of financial exigency; and
- the University has an obligation to discuss our proposals on matters comprised in the collective agreement, as Financial Exigency clearly is, including seeking instructions from its Principals.

We will continue to insist that the University confirm its commitment to uphold the contract we have negotiated with them and that the

University bargaining team seek a mandate on this issue so that they can negotiate in good faith.

### 3. Retaining New Members

The University has also maintained a rigid position of a flat-out “no” on forming a joint Recruitment and Retention Working Group. We first proposed this group in June as part of our equity package, and, to be frank, we did not expect it to be a major sticking point in negotiations. After all, what we have asked for lines up with Queen’s own commitments to the Scarborough Charter, where the Principal has publicly stated that the University struggles with retention of underrepresented staff and faculty, as well as recommendations and findings in key University reports such as “Yakwanastahentéha Aankenjigemi Extending the Rafters: Truth and Reconciliation Commission Task Force Final Report” and the “Principal’s Implementation Committee on Racism, Diversity and Inclusion.” While the working group could explore any relevant issue it chose to, we proposed that it consider matters such as spousal hires, course scheduling for commuters, childcare, and access to medical care, which all matter to Members trying to make a life and career at Queen’s.

The University’s Chief Negotiator rejected this proposal outright, claiming that it is wrong to suggest that Queen’s has a retention problem and offensive to include characteristics of Kingston (medical and childcare services, cultural diversity) as part of the rationale for creating such a working group. Given that Principal Deane has acknowledged these challenges openly, we are confused. We remain hopeful that the University will grasp the importance of a committee dedicated to improving Queen’s appeal to diverse scholars.

### Concessions Demanded by the University

There has been some positive movement, though no resolution, on concessions the University has asked for regarding extending the teaching day, requirements to apply for external grants, and seizing copyright of Members’ work. QUFA will continue to hold the line on these matters.

### Looking Forward

We’re back at the table in the second week of February (7-10 Feb. 2023) for what we hope will be our last four days of bargaining. Despite the many difficulties we have outlined above, we remain optimistic and hopeful that the University will come back to the table ready to make a fair deal for our Members.

We are buoyed and energized by the strong strike mandate you gave us. With that strong strike mandate, however, also comes the responsibility to prepare for a strike or lockout if necessary. To that end, QUFA has rented a strike headquarters on Princess Street and is laying the groundwork for job action this term.

We know you have questions about how a strike or lockout might play out with regard to circumstances such as academic leaves, parental leaves, research projects and labs, staff and graduate students, and so on. The Job Action Committee is hard at work augmenting the material prepared before the strike vote,<sup>1</sup> but there are many questions that can only be answered once we are closer to job action for reasons explained below.

We use the term *job action* not as euphemism but to signify its dual character: union Members may withdraw their labour in a strike and/or employers may lock employees out and prevent them from working. What happens to a

person on leave during a strike depends on which of these levers is pulled or if both are active concurrently. For example, if QUFA Members go on strike but the University does not lock us out, we could agree with the University that Members on leave will continue to receive their salary or top-up payments and will not participate in the strike. The University may or may not agree to this. Similarly, QUFA will negotiate access to labs during any strike, but the University may elect to lock Members out and prohibit access to employer space, or they may permit necessary access. We would aim to negotiate the best possible protocol, but we are not fully in control of the outcome.

Please do continue to send us your questions and concerns, but understand that we cannot answer all of them unless and until we negotiate a strike protocol closer to a job action deadline.

Thank you for your engagement throughout this difficult round of bargaining, whether you contributed by joining the committees that created the reports feeding into the mandate, joining one of the Job Action committees, participating in town halls and meetings, e-mailing us your questions and comments, or sending a strong message to the Administration that QUFA Members are serious about making progress at the bargaining table, first through the strike vote and more recently through the e-mails you have sent directly to the Administration. It all helps, and it all matters.

We will keep you posted of any developments as we prepare to return to the table on 7 February.

### Note

<sup>1</sup><https://www.qufa.ca/strike-vote-faq/>

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