Supporting a Safe Working Environment

QUFA Members have a right to work in a healthy and safe environment, so QUFA encourages Members to know and exercise these rights.

By Mary C. (Cella) Olmstead
President, QUFA

Many of our efforts at QUFA over the last year have focused on ensuring the physical safety of our Members. As part of these endeavours, we compiled a list of preventive safety measures and protocols for responding to campus emergencies. I also received a commitment from the VP (Teaching and Learning) that Queen’s would undertake an audit of classroom safety and would develop a policy for displaying public-facing information, such as course timetabling. After some sustained lobbying, we secured on-campus self-defence training, and are now working on improving verbal intervention and de-escalation sessions, particularly for our Members who address controversial and sensitive topics in their teaching. I also provided resources and recommendations to a newly formed Anti-Hate Advisory Group that will help to identify pre-emptive strategies for dealing with hate-motivated crimes. The work is ongoing. Although not all of our proposed measures have been adopted, I am monitoring their progression by regular contact with senior administrators, particularly the VP (Culture, Equity, and Inclusion).
Unfortunately, we are having more difficulty protecting the mental health of our Members who are feeling vulnerable and anxious following inconsistent messaging from Queen’s leadership about the financial state of the institution. To make matters worse, many Members recognize that budgetary cuts will significantly alter the culture of teaching and research at Queen’s, but have no opportunity to discuss how these alterations may affect long-term operations of the institution. This perceived lack of agency is particularly damaging.

According to the Director of Employee Wellness Services at Queen’s, one of the top three work-related mental-health risk factors is the inability to provide input or contribute to decision-making processes. Given the ongoing concerns regarding budgetary cuts, I and other Senators requested that the Principal hold a special Senate meeting to discuss how these measures are impacting our community. Prior to the meeting, held on 17 January 2024, we submitted a list of questions for the Provost to address that focused on internal financial decisions and pushed for a commitment to collegial governance.

Before the special Senate meeting of 17 January 2024, a group of Senators and QUFA President Mary C. (Cella) Olmstead submitted a list of questions for the Provost. QUFA Members can find a list of these questions in the January 2024 issue of QUFA Voices: https://www.qufa.ca/voices/

Unfortunately, we are having more difficulty protecting the mental health of our Members who are feeling vulnerable and anxious following inconsistent messaging from Queen’s leadership about the financial state of the institution. To make matters worse, many Members recognize that budgetary cuts will significantly alter the culture of teaching and research at Queen’s, but have no opportunity to discuss how these alterations may affect long-term operations of the institution. This perceived lack of agency is particularly damaging.

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QUFA Voices is published by the Queen’s University Faculty Association (QUFA), 9 St Lawrence Avenue, Kingston, Ontario, K7L 3N6, Canada (qufa@queensu.ca). It is distributed electronically to all QUFA Members via the QUFA-NEWSLETTER-L listserv. Past issues are archived on the QUFA Web site at https://www.qufa.ca/voices/.

QUFA Voices publishes QUFA-related news and information for QUFA Members and provides QUFA Members with a forum to express their QUFA-related ideas and opinions. We want to hear from you! Please send your QUFA-related story ideas, news items, opinion pieces, letters to the editor, photographs, and other submissions to the editor.

QUFA Voices is edited by Robert G. May. He can be reached at mayr@queensu.ca.
EXECUTIVE DIRECTOR’S VOICE
Consultants to the University Sector
The use of consultancy firms is becoming ubiquitous, but are they worth the enormous cost?

By Leslie Jermyn
Executive Director, QUFA

At a recent meeting of the board of the Ontario Confederation of University Faculty Associations (OCUFA), we learned about the growth industry of postsecondary consultants such as Higher Education Strategy Associates (HESA) and Nous. Some of the highlights of the session include:

- These groups don’t always take credit for their contributions to university plans and projects. For example, Queen’s “Driving Curiosity Forward” (Engineering’s strategic plan) was prepared with the assistance of consultants but no consultants are mentioned in the document.
- They often consult on governance reviews without engaging with actual governance bodies. For example, at Laurentian, Nous recommended moving away from having a senate move towards a unicameral system but never interacted meaningfully with Laurentian’s senate.
- They offer services reviews based on benchmarking of services in the sector (such as what Nous did at York and are now doing at Queen’s), but their metrics are often restricted to head-counts and ignore institutional priorities.
- They are often asked to advise universities on how to internationalize (recruitment advice, partner identification, international student-services assessment, tuition pricing, etc.), but they tend to sell the same story to everyone for a lot of money.

ANNOUNCEMENT
Retirement Possibilities

As part of the conversion to the University Pension Plan in 2019 (UPP started in 2021), QUFA negotiated a phased reduction of work program leading to retirement: the Voluntary Phased Retirement Program (VPRP). You can find the Letter of Agreement at the end of the Collective Agreement (CA) on p. 320. For people who haven’t yet triggered their pension, the VPRP offers some incentives to join, including a retirement supplement and pension contributions on nominal rather than actual (reduced) salary. If this is appealing to you, please review the age criteria and note that the application date for a program commencing 1 July 2025 (retirement on 30 June 2028) is 30 June 2024. The QUFA Web site has more information about this program that you might find helpful:

https://qufa.ca/pension-and-retirement/

If you were able to trigger your pension while continuing to work in your tenured or continuing position (which was possible before conversion to the UPP or for those who were age 65 at conversion) and want to think about reducing your workload on the road to retiring, Schedule A of the Pension Memorandum (p. 337 of the CA) indicates that you can apply to the VPRP to negotiate a structured reduction in workload. If approved, you would have a three-year, reduced workload runway to full retirement, but you would not be entitled to any retirement supplement. If this interests you, please follow the link above to learn more about how the VPRP works and where to find the application form.

- Their contracts usually stipulate payment upon approval of the final product, which means they could be incentivized to tell university administrators what they want to hear.
- Their business models often rely on using one report to recommend additional work for the client, which means they can be hard to get rid of. Many of these firms are not financially stable and are aggressive in iterating business.
- Some firms aim for up to 70% profit margins on all jobs, so they tend to recycle research and writing. To preserve profit margins, consultancy staff underreport hours of work (and accept lower pay as a result).
- There is a “consultancy-speak” code: when they say “sector norms,” they may be making inappropriate comparisons; when they say “in our experience,” it often signals that they don’t know the answer or haven’t done the work.

More specifically, Nous (rhymes with louse) is an Australian company that expanded to the UK and then to Toronto in 2020, and is now the major driver of expansion for the firm. The Toronto office focused on higher education in the first instance but is now moving to healthcare. Its first big project was York services review, but then they got work restructuring University of Alberta. They are also connected to government bodies such as the Blue Ribbon Panel, who recommended further efficiencies based on Nous ideas.

It would be interesting to know what the Request for Proposals process was and how much Queen’s has committed to pay Nous in the midst of our ongoing “budget crisis.” A story for another time, perhaps.

Leslie Jermyn can be reached at qufaed@queensu.ca.
COLLECTIVE AGREEMENT
The Power of the CA and Other Member Rights

Decanal or provostial directives do not—repeat, do not—supersede the Collective Agreement

By Leslie Jermyn
Executive Director, QUFA

In these uncertain and troubling times, questions have been raised about what needs to be done to address present and projected budget shortfalls brought on, largely, by wilful provincial underfunding of the university sector. Some of the information that has been shared about ways to reduce costs has mistakenly presumed that decanal or provostial directives automatically supersede Collective Agreement (CA) rights, rules, and processes. They do not. The Queen’s-QUFA CA takes authoritative precedent over employer policy and orders where there is a direct conflict between them.

To take one obvious example, there are only two ways tenured and continuing-appointment Members can be laid off: if their unit is closed for academic reasons (as outlined in Article 39) or because the institution is facing a state of financial exigency that leads to a reduction in the academic staff (per Article 38). The lack of teaching work owing to directives such as “no undergraduate classes with fewer than ten students” do not create a new avenue to end or suspend employment. And even if Article 38 or 39 is triggered, the first option is re-assignment where possible. I urge all Members to become familiar with these often overlooked corners of the CA.

As well as the CA, Members continue to have employment and human rights, even in times of financial crisis. These include the right to continue to work until a Member chooses to retire, provided they are able to fulfil the bona-fide requirements of the job (with accommodations if needed). If not incapacitated in some way, an employee can continue to work past the old “normal” retirement date of age 65. The University may look to retirement incentives to entice Members to retire, and that is permitted, but no one can be forced or unduly pressured to make that choice. That is discrimination on the basis of age, and it’s not allowed.

If you are hearing otherwise, please be in touch with me.

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ANNOUNCEMENT

PSAC901 Unit 2 (Postdoctoral Scholars) Bargaining Support

The postdoctoral Collective Agreement (CA) expired on 30 June 2023. Postdoctoral fellows (PSAC 901 Unit 2 members) are currently in bargaining with Queen’s University (the Employer). Queen’s postdocs are some of the most precarious employees on campus, and they are falling behind postdocs at other institutions. With the current cost of living in Kingston, many postdoctoral fellows are unable to meet their monthly expenses. Owing to the short-term nature of their contracts, they are struggling to access healthcare and childcare within a reasonable time frame. Queen’s postdocs deserve better than to live at poverty wages. Fighting for an improved CA will also help draw in talented postdocs in the future.

There are seven primary demands at the table to address the challenges these valuable employees face:

- Access to healthcare services,
- Fair wages that keep up with the cost of living,
- Affordable housing,
- Career and professional development,
- Childcare support,
- Mental-health and hardship support, and
- Relocation support.

Postdocs need to know they have the support of their principal investigators (PIs) and the Queen’s University community! Please sign and share this petition:

https://docs.google.com/forms/d/e/1FAIpQLScjE2eClaeGaU5kucnFLroNR3twDT8sKJwynSIl-ZRrAMqTg/viewform

ANNOUNCEMENT

New QUFA Podcast!

QUFA launched a new Podcast series last month!

Please check out Campus Conversations and our initial series on Intellectual Property (IP) with QUFA Member Michael Greenspan (Electrical and Computer Engineering) as he delves into the foundations of IP and its importance to Queen’s faculty:

https://www.qufa.ca/podcast/
VICE PRESIDENT’S VOICE
Crisis! What Crisis?
Is senior administration really surprised their hyperbolic and conflicting statements about Queen’s future have been picked up by the national news media?

By Karen Rudie
Vice President, QUFA

Unless your head has been fully buried in sand, you cannot have missed the ongoing national news coverage of Queen’s, in the Globe and Mail¹, on the CBC², and in the National Post³. This is a case where the old saying “any publicity is good publicity” does not hold.

Before these national news stories, the story for us internally was that our budget crisis is sudden (how else to interpret that in 2022 we had no projected deficit and then in 2023 we were told there was a $62-million deficit) and acute; we must balance this budget within two years; if we don’t make drastic budget cuts that include immediately freezing the hiring of new professors (for our ever-increasing class sizes), cancelling courses that have fewer than ten students, firing staff, and cutting programs, we “will go under.” This message came officially in the form of directives from deans and unit heads to faculty members at department meetings, letters from the Provost to all Queen’s faculty and staff, and was further enshrined by the Provost’s comments at Senate and in a town-hall meeting in December.

The 25 January 2024 letter from the Principal to all faculty and staff said, “now more than ever, we must work collaboratively to enhance our academic mission.” Nowhere, though, were we given any positive direction about an end goal that we could get behind and that would make any (short-term?) suffering both understandable and worth it. Not only that, but the media coverage has led—understandably—to prospective students and donors questioning their potential choices. Sure, the “cut all classes with fewer than ten students” directive has been delayed in Arts and Science for a year, but if you’re thinking of sending your teen to Queen’s, do you really want to bank on hoping that the program they enter will still be here one and a half years from now? That the media coverage is hurting us and could cause an actual budget crisis, whereby future tuition money and donations will be lost, is implicit in the Principal’s statement on 26 January 2024 after the news hit the fan where he says, “Anyone reading this will likely have seen headlines suggesting Queen’s … may be under threat of financial ruin. I can assure you none of this is true.”

Surely there can be no surprise in the Provost and Principal’s offices that their hyperbolic internal statements have been picked up by the media. Where, exactly, did they think all their comments were going to land?

Notes

Karen Rudie can be reached at karen.rudie@queensu.ca

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ANNOUNCEMENT

Additional Duties for Continuing Adjuncts

In the last round of bargaining, Appendix Q was expanded to include Continuing Adjunct appointments.

In addition to covering new types of additional duties, including assigned committee and administrative work, there is a new section 5 at the end of the appendix that explains how assigned administrative service shall be applied. Continuing Adjuncts shall receive the better of the consideration provided in the Member’s Unit workload standard, the compensation as received per Term Adjuncts, or the accrual of additional service duties towards a teaching release.

ANNOUNCEMENT

Employee and Family Assistance Program

Did you know that all Members, including Adjuncts without Benefits, are eligible to use Queen’s University’s Employee and Family Assistance Program (EFAP) provider, TELUS Health (formerly LifeWorks). TELUS Health offers 24/7 comprehensive and confidential support for employees and their families. TELUS Health can be reached by phone, by visiting their Web site (https://login.lifeworks.com), or by downloading the LifeWorks app. To access login information, go to the Queen’s HR Intranet via the HR Web site and click on the Health and Wellness button:

https://www.queensu.ca/human-resources/
FYI

Governance Matters

Faculty members should participate fully in the collegial governance structures throughout the university, not just now that austerity measures are being imposed, but at all times

By Jordan Morelli
Past President, QUFA

The importance of collegial governance structures in guiding—and reining in—the more draconian austerity measures should not be taken for granted. Universities such as Queen’s are unique workplaces in that they require the administration to make many important decisions collaboratively with the workers—or, at least, with faculty (along with a considerable number of students).

Consider the Queen’s University Senate. The Purpose and Functions of Senate make it clear that the “Central Function” of the Queen’s Senate provides that:

Senate determines all matters of an academic character that affect the University as a whole, and is concerned with all matters that affect the general welfare of the University and its constituents. Senate shall serve as a forum for discussion and exchange of ideas among the members of the University community.

Furthermore:

[the] Senate will participate in strategic planning for the University, including but not limited to the budgetary process and campus planning and development [and will] assume a shared responsibility, along with the Board of Trustees and the Administration of Queen’s, for a living and learning environment that promotes the well-being of students.

In addition, there has long been a principle of ensuring that faculty members constitute a majority of the Senate.1

In the Faculty of Arts and Science (FAS), the Functions of Faculty Board include “To control registration subject to the approval of the Senate,” and “to make such recommendations to the Senate as the Faculty may deem expedient for promoting the efficiency of the University.”2 Exercising these obligations, rather than simply allowing the Deans or Provost to do so, is in large part why FAS will be given an extra year to determine its approach to mitigating the financial challenges it faces. In Smith Engineering, the Faculty Board functions include the obligation “to exercise academic supervision over undergraduate programs and students.”3 The other faculty boards generally hold similar responsibilities and authority.

While there are sometimes tensions over the extent to which the Senate and Faculty Boards can exercise their authority in some instances, and shared responsibility in other instances, what is clear is that these collegial governance bodies must be heeded and given the opportunity to weigh in. In many cases, the faculty boards or the Senate are the appropriate bodies that are required to make important decisions. Neither the Board of Trustees nor the Administration have carte blanche to carry out most reforms in the absence of “genuine concern about the financial viability of the university,”4 which the Principal has assured us is not the case at Queen’s. Were it the case that the university was actually at serious risk of shutting down, as the Provost has suggested, the University would first be required to declare financial exigency. It has not done so.

Collegial processes exist at the unit, faculty, and university levels. It is tremendously important that we as faculty members participate fully in the collegial governance structures throughout the university, not just now that austerity measures are being imposed, but at all times. Otherwise, we risk their erosion by administrative creep, and decisions increasingly being made on grounds other than what are academically sound principles.

Notes

1https://www.queensu.ca/secretariat/senate/purpose-and-functions

2https://www.queensu.ca/artsci/staff-and-faculty/service/faculty-board

3https://smithengineering.queensu.ca/Governance/Faculty-Board/Procedures.html#Function

4Legal opinion of the Honourable Frank Iacobucci, C.C., Q.C., 12 November 2012.

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MEMBER SERVICES
Workload Standards Review and Ratification

Answers to frequently asked questions about the daunting process of workload standards review and ratification

By Micheline Waring
Member Services Office, QUFA

A Workload Standard Review and Ratification Process can be a daunting task. This FAQ provides answers to common questions.

Q: When is it time to review the Workload Standard?

A: The Workload Standards document needs to be reviewed ten years after it was established, or at a shorter interval if that is in accordance with the Workload Standard, if there has been a significant change to the resources or in the academic program obligations, or the Workload Standard does not adequately lead to a fair allocation of workload in the Unit and/or a fair balance between scheduled and unscheduled duties.

Q: How is the Committee selected?

A: A review shall be precipitated by an announcement at a Unit meeting. The Committee shall be formulated by Members in the Unit who have been elected by Members in the Unit. The Unit Head shall not be a Member.

Q: What is the process for the Committee to communicate with the Unit Head?

A: The Workload Committee shall meet with the Unit Head to inform the Committee on academic program obligations of the Unit and/or resources of the Unit, and any other relevant matters. Further, the Committee shall invite the Unit Head at three-month intervals to provide updates on the Committee’s progress and anticipated timeline.

Q: What types of information should be included in a workload standard?

A: Members of the Workload Committee should review Article 37.1.5 and 37.1.6 for information that either may or shall be included in the proposal. Please note that 37.1.5 (f) and 37.1.7 (f) were additions in the latest round of collective bargaining. Article 37.1.7 (f), shall form part of the standard, reads, “include mechanisms for dealing with extraordinary tasks related to teaching, such as academic accommodation responsibilities carried forward from a previous term that may impact the Member’s research responsibilities.” A copy of ratified Workload Standards are available on the QUFA Web site for reference.

Q: What are the steps in the Review and Ratification Process?

A: The steps of the Review and Ratification Process are as follows:

1. The Unit Workload Committee shall submit a copy of the proposal to the JCAA Subcommittee for its review, prior to a ratification vote, to confirm it doesn’t conflict with the Collective Agreement and conforms with Article 37.
2. The Subcommittee shall complete a review of the proposed Workload Standard.
3. The Unit Workload Committee shall amend the proposed Workload Standard as modified by and based on the recommendations of the Subcommittee, and shall resubmit it for review to the Subcommittee. If there are no further recommendations, the Unit Workload Committee shall proceed to ratification. If there are further recommendations, the Unit Workload Committee shall amend and resubmit it for review.
4. The final proposed Workload Standard shall be ratified by a majority of Members who will cast secret ballots in a ratification vote.
5. If the proposed Workload Standard is not ratified by a majority of Members, the Unit Workload Committee shall notify the Subcommittee, the Unit Head, and the Dean or University...
The Unit Workload Committee may propose a new Workload Standard by following the process steps again.

6. If after two ratification votes the Workload Standard is not ratified, the Committee shall inform the Unit Head and the Dean or UL. The Dean may impose a Workload Standard for two years from a cognate Unit that has been ratified in the last five years. The Unit shall elect a new Unit Workload Committee in the second year.

7. If the proposed Workload Standard is ratified by a majority of Members the Subcommittee, the Unit Head and the Dean or UL shall be notified.

8. The Dean or UL shall respond in writing if they accept or reject the Workload Standard. If the Dean rejects the Workload Standard, they need to explain in writing how the proposal does not allow the Unit to fulfil its academic program obligations and what changes are necessary.

9. If the Dean has rejected the proposal, the Dean shall also meet the Committee to address their concerns and endeavour to come to an agreement. Any agreement made between the Dean and the Committee is subject to the approval by a majority of Members in another ratification vote.

Please feel free to reach out to me if you have any further questions or concerns about the workload standards review and ratification process.

Note

1https://qufa.ca/workload-standards/

Micheline Waring can be reached at micheline.waring@queensu.ca.

WORTH REPEATING

Methodological Critique of the Service Effectiveness Survey

The survey recently distributed to Queen’s employees possesses a number of methodological flaws that will limit its usefulness.

The full version of this article was originally published on the Queen’s Coalition Against Austerity (QCAA) Blog.

The survey prepared by an affiliate of Cubane Consulting Group of Companies and distributed to employees of Queen’s University possesses a number of methodological flaws. Such flaws have implications for the quality of data produced, and thus the validity of the conclusions drawn from these data.

The question matrix meant to capture the concept of “satisfaction with performance” is problematic for several reasons. A hiring freeze was implemented in May 2023. Many of the Services listed in the survey question matrix are being staffed by fewer staff than there are positions in these Services. According to representation from the United Steel Workers Union, Local 2010, as a result of unfilled positions since the hiring freeze, workloads for existing staff have increased, and short-term sick and long-term disability leaves have increased. Workers must work more than their regular hours to keep up with the workload and feel they cannot request overtime or lieu time pay for fear of termination. As such, in many cases, the questions around satisfaction with performance are not measuring respondent satisfaction with performance of the Service in question, but rather are measuring how well the Service appears to be functioning with reduced staffing. The Service may offer more satisfactory services when staffed appropriately. This issue of construct validity is compounded by the fact that the respondent is unlikely to know if a Service is properly staffed or not. What may appear to be dissatisfaction with a Service is actually dissatisfaction with understaffing. Yet had the respondent been aware that a Service is understaffed, their opinion might resemble the following: “I am very satisfied with the performance of this Service considering how short-staffed they are.” This issue of construct validity is especially concerning if the “satisfaction with performance”
section will be used as a proxy measure to capture the larger concept of respondent perception of expendability of a Service. In essence, the Service has been starved, and the reduction in quality of service as a result of that starvation can be used to justify further staffing reductions. Ultimately, while it is unknown how data will be interpreted and used, users of these data should be aware that a poor “satisfaction” rating is more likely an indicator that the Service requires additional staffing, not cuts.

The question matrix meant to capture the concept of “perception of importance” is problematic because many employees of Queen’s University have a limited understanding of the scope and scale of the services offered by and responsibilities of each university Service, even when the respondent has regular contact with a given Service. In other words, there is little value in knowing respondent perception of importance (i.e., “How important to you are these services?”) when respondent experience with the Service encompasses a fraction of the workload and responsibility of a Service. Providing a service to or “serving” another employee of the university typically occurs alongside many other, less visible tasks performed by a given employee.

While the Services listed in both the “satisfaction with performance” and “perception of importance” portions of the survey may be listed using the proper names for the various Services on campus, it is likely unclear to many respondents precisely which service providers are being referred to by the question. For instance, “Financial Services” could be interpreted to mean central Financial Services, or it may be interpreted to refer to an employee internal to a unit who provides various “financial services” to the individual unit. Again, many employees of Queen’s University have a limited understanding of the scope and scale of the services offered by each university Service and may confuse the person they interact with for a representative for the Service in question.

Finally, the use of cross-sectional design, or in the least, the timing of the survey dissemination makes resultant data quite unreliable. Queen’s University has been featured prominently in the national media for statements made by the provost suggesting the institution will close, announcements have been made indicating likely job losses, and a hiring freeze has been in place long enough to lead to staff burnout and frustration. Many survey respondents are likely to feel angry, upset, and/or demoralized, leading to a particular response orientation that is not reflective of true experiences with or perceptions of university services.

The Queen’s Coalition Against Austerity Blog can be found at https://qcaa.ca.
GRIEVANCE CORNER
QUFA Members Must Not Be Compelled to Undermine the CA
Unionized workers cannot be compelled to disregard CA rights in the spirit of exercising independent professional judgement

By Karen Sisson
Grievance Officer, QUFA

It is difficult to imagine that there are any members of the Queen's community who are not currently experiencing some degree of anxiety and confusion as a result of the (often conflicting) statements about the future of Queen’s that have been launched into the media ether in recent months. There is no mistaking that being thrown back into the depths of “trying times” platitudes is an unsatisfying and insufficient measure to address the ripple effects of processes and consultations that lack transparency.

The extent to which QUFA Members with administrative responsibilities can be compelled to facilitate austerity measures that undermine or threaten the interests of QUFA membership is one theme of queries coming to QUFA most recently. Department Heads, in particular, suffer the burden of striking a reasonable balance when straddling the dual role of an advocate for departmental needs and an administrator of employer policies and directives. It is easy to understand how the waters can seem muddy when Members face such competing interests, or rather, what may appear to be competing interests within their quasi-administrative role. The sense of being pulled in different directions is further exacerbated when we consider the realities of the current context, including Activity-Based Budgeting, which has been perceived by some as a threat to job security.

The good news is that we have guidance on these matters in the form of Collective Agreement (CA) provisions, relevant statutes, and arbitral jurisprudence. Drawing on this guidance, an overriding principle emerges. Simply put, unionized workers cannot be compelled to disregard CA rights, nor are they permitted to undermine CA provisions in the spirit of exercising independent professional judgement.

In the same vein, management in a unionized workplace may not do indirectly what it cannot do directly. Simply claiming that management has taken an action under an authority distinct from the CA will not establish the action as a bona-fide exercise of authority. This principle has a fairly broad application, and a matter that may not appear to be specifically referenced in a CA may still require careful consideration if the issues share a nexus with principles and agreements the parties have put their mind to during bargaining.

As an example, if a departmental staff member were to be laid off as a result of austerity measures, the Department Head would be prohibited from assigning that work to a QUFA Member, regardless of receiving direction to assign that work from a person with the requisite authority to assign tasks to the Department Head. There is a clear demonstration in the CA that the parties have turned their mind to both workload and disciplinary expertise. The parties have also defined the academic responsibilities that are incorporated into the faculty role.

The individual faculty member would also be prohibited from “volunteering” to take on work that is outside of the confines of Article 15 under the guise of exercising their professional judgement, because such action would undermine the CA and the Employer is prohibited from turning a blind eye when the terms to which it has agreed are not being adhered to.¹

A department head’s responsibility to represent the needs of the Department while also acting as a conduit between the Department and the Dean is described at Article 41.5. Issues pertaining to Academic Development are included in the various types of representations the Head is expected to make to the Dean. Academic Development reasonably encompasses the maintenance of standards that will protect the integrity of the learning space. The fact that these responsibilities are spoken to in such a direct manner suggests agreement between the parties that department heads have an integral duty to contribute to the maintenance of quality academic programming. This is further reflected in the parties’ acknowledgment at Article 38 that the first duty of the University is to ensure that its academic priorities remain paramount.

QUFA’s position is that department heads cannot and shall not be used as a tool of the administration to undermine the rights and shared values that are built into the body of the CA. The impropriety of such conduct is reflected upon and explicitly prohibited in arbitral jurisprudence because it manifests an untenable conflict with basic principles and tenets of labour law. Any QUFA Member who is in receipt of a directive or expectation from university administration that appears to contravene CA rights and principles is urged to consult with a QUFA staff member to receive advice before taking any action.

Note
¹Carleton University and CUASA, Gorelick Grievance, 2017; UCDSB vs OSSTF District 26, 2009.

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