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PRESIDENT'S VOICE

The Virtue of a Union

Some thoughts about the purpose of union membership as the new academic year begins

By Elizabeth Hanson
President, QUFA

QUFA's orientation activities may not be the best known rites of that kind in Kingston, but they are nevertheless a feature of the beginning of the academic year at Queen's.

Specifically, QUFA participates in the orientation the university offers to new faculty, librarians, and archivists at Queen's, and the QUFA Executive holds a retreat that includes a (re)orientation for the Executive on their obligations as the officers of a certified union. In recent years, we have extended the (literally) fifteen minutes of fame the university gives us to talk to new Members, to a walking tour of campus the next day followed by a reception. This year, instead of fresh air and drinks, it was introductory spiels on Zoom.

Nevertheless, all this orientating offers an occasion to reflect on the philosophy of social action that unions express and seek to uphold, so I thought I'd start the year by laying out some of these reflections.

QUFA PEOPLE

QUFA Executive Committee 2020-2021

Here is your QUFA Executive Committee for the coming academic year

Elizabeth Hanson	President
Jordan Morelli	Vice President
Kayll Lake	Past President
Ken Ko	Treasurer
Michael White	JCAA Co-Chair
Anya Hageman	Secretary
Constance Adamson	Grievance Chair
Mary Louise Adams	PACC Chair
Les Mackenzie	Council Chair
Heather Home	Library and Archives Representative
Shane Pinder	Term Adjunct Representative
Chantal Brunette	Continuing Adjunct Representative
Lynne Hanson	Equity Representative
Melissa Houghtaling	Member at Large
Laeque Daneshmend	Member at Large
Monika Holzchuh	Health and Safety Officer
Robert G. May	Communications Support Person

QUFA sincerely thanks these QUFA Members for serving on the QUFA Executive Committee this academic year.

QUFA is the certified bargaining agent for all individuals holding faculty, librarian, or archivist appointments at Queen's University, save for those who have moved into administrative

appointments above the level of department headship. QUFA includes adjuncts (often referred to as "contract faculty"), but teaching fellows and postdoctoral fellows are

excluded. This means that if you take up a faculty or librarian appointment at Queen's, you are in the union whether you like it or not, and dues will be deducted from your paycheque according to what is known as the Rand Formula.¹ QUFA is a union, like UNIFOR or the USW, bargaining the terms and conditions of employment for its Members with the power to take them out on strike when the legal conditions to do so have been met; conversely, the university as employer can lock out our Members in order to force the union to agree to terms and conditions. When you are a unionized employee, you do not have the right to hire your own lawyer and sue your employer, but the union has an obligation to defend your interests "with integrity and competence," as one arbitrator wrote. However, you don't get personally to decide what that looks like; the union does that through informed deliberation, legal counsel, and its ability to grieve the employer's actions. Your recourse if you don't like the union's decisions is to make sure you are a Member of the association (as opposed to just the bargaining unit) and vote the Executive out.² And if you feel your individual case was not handled fairly, you can file a duty of fair representation complaint with the Labour Board.

None of this is likely to make libertarians happy. But this mesh of constraint and obligation is what makes unions capable of countering the power of employers who, in turn, respond to the pressures or

enticements of the market or of government. The union's capacity to represent its Members, by countering those pressures and shaping a workplace that takes workers' needs into consideration, improves the conditions of employment for everybody. In Canada, not only are employees in a certified bargaining unit required to pay dues for collective bargaining, but their dues may be contributed by their union to political causes to which they personally object. In *Lavigne vs. OPSEU* (1991), the Supreme Court of Canada found that the use of union dues for such purposes, like the Rand Formula itself, did in fact violate the freedom of association rights guaranteed under Section 2 of the Charter of Rights and Freedoms, *but that was okay* because it ensured a higher goal, that unions could "participate in the broader political, economic, and social debates in society, and to contribute to democracy in the workplace."

In my view, *Lavigne* shows a fine grasp on the deep politics of unions. Unions arose in the context of industrial capitalism in the nineteenth century, and then the public sector in the twentieth century. They are a response to the fundamental condition of modern work: the only source of sustenance most of us have is our labour—in the case of academics, very highly skilled labour—which we sell to employers who control accumulated wealth from past labour. The history of academic employees differs from that of many other workers because we descend from the clerical estate and

pattern in some ways with the learned professions of law and medicine. But the point remains that our deal with the employer is our labour for some of their money. In this encounter, the power resides overwhelmingly with the employer, though some academics believe their desirability on the market gives them personal countervailing power. The aim of unions is to use collective bargaining, including the right to strike, to limit the employer's otherwise absolute power. For that reason, the game of collective bargaining is always fundamentally about the union trying to bind the employer to explicit rules enforceable through arbitration, while the employer seeks to retain as much freedom as possible. That retained freedom, known as "management rights," consists of anything that is not explicitly dealt with in the collective agreement (CA). Our CA specifies that those rights must be exercised in a "fair and equitable manner." Management rights are also constrained in all workplaces by legislation such as the Employment Standards Act and the Occupational Health and Safety Act, which also supersedes collective agreements if they conflict.

This asymmetrical agon is also played out between bargaining rounds in the relationship between management and labour, in this case the university and QUFA. Through the Joint Committee to Administer the Agreement (JCAA), QUFA and the university address the ongoing application of the CA to the running of the university, sometimes by agreeing to modification of its rules in specific instances. Through grievance,

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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.

QUFA defends our Members when we believe that the university has violated its obligations under the CA. Grievance is also the only process whereby QUFA can force the university to defend personnel or discipline decisions, as well as get external arbitration of disputes about the university's obligations under the CA. So, we tend to grieve high-stakes decisions such as terminations in order to get oversight of the process. In grievance, what QUFA is ultimately defending is not the Member as a presumptively righteous wronged person, so much as the power and right of the CA to constrain the actions of the university. In other words, we are protecting the deep structure of unionized labour relations.

Who is the virtuous actor in this game? Participants on the both sides of the table jokingly call management "the dark side." Certainly, in my view, were management really to defeat labour, the results would be disastrous. We see what that looks like to the south of us where, four decades on from the U.S. Federal government's famous firing of striking air-traffic controllers, and amid widespread "right-to-work" legislation (that unlike the *Lavigne* decision) defends individual liberties at the expense of unions, only about 10% of the workforce is unionized (about 6% in the private sector), while disparities in income, health outcomes, and access to education shock the world. Compare the base stipend for term adjuncts with zero years' experience at Queen's (\$8217 per half course) to adjunct compensation in the U.S., where hardly any faculty are unionized.³ Strong unions enable other unions, and widespread union membership produces less inequality. Unions are, in the language of Lavigne, essential to "modern democratic community." Organized labour is a *movement*, and I work for my union to support the labour movement.

However, in the ordinary life of academic labour relations, it can be a little trickier to locate virtue. Academic staff sometimes do bad things. They

harass one another, students, or staff. They can have conflicts of interest. An occasional researcher may falsify results. Sometimes academic staff are legitimately denied renewal or tenure because they really haven't met expectations. Some can be mightily entitled and make their head's life hell. In fact, the more union exposure you have, the more you realize that the well-being of your Members requires the university to *manage the place*, sometimes with outcomes that displease some of your Members.

This complexity emerges in recent conversations around racism, because, unsurprisingly, some QUFA Members do or say things that other QUFA Members or students justifiably identify as racist and therefore deleterious to the ability of others to participate in the life of the university. Racist (and sexist) utterance and action is harassment, and the university has an obligation, in law and under the CA, to protect its members from it. And QUFA acknowledges the systemic racism that shapes Queen's and wants to end it, because it is a corrosively bad employment condition for our racialized and Indigenous Members. However, one way that systemic racism is expressed at Queen's is in sighs to the effect that "we can't do anything about Professor X because QUFA will grieve." This is complete baloney. The fact that the university has to manage fairly and equitably and in accordance with the CA does not deprive it of its obligation and ability to manage; where necessary, QUFA grieves in order to ensure that the university has investigated properly, and that discipline is appropriate. But I also anticipate shocked comments from QUFA Members to the effect that "I can't believe that QUFA would defend that person." This comment misunderstands what a virtuous union is. In exchange for powers that, remember, deprive our Members of the rights to hire their own lawyers and limit the Charter rights they otherwise enjoy, we have an obligation to represent those Members impartially—

which means neither according to what *they* want or only in the event that *we* think they are righteous, but according to what the law and good practice requires. Those same powers extend to collective bargaining in pursuit of improved equity and language, and even the pursuit of what the democratically elected union leadership decides are virtuous political aims.

I came to Queen's, before unionization. There were no rules, as far as I could tell—no transparency or consistency of process. Some administrators were bad people, and some were good and wise. You solved your problems by getting one of these angels on your side. I know that, upon unionization, some of the angel administrators felt that their ability to do good was constrained. And some faculty thought that in QUFA they had found a new angel of righteousness. But the virtue isn't on one side or the other—the virtue of a union is in the process its strength enforces.

Happy Labour Day, everyone!

Notes

¹https://en.wikipedia.org/wiki/Rand_formula

²You belong to the "bargaining unit" by virtue of your appointment at Queen's. You belong to the association, which is any bargaining unit in which Members who wish to participate in the union's democratic governance, by filling out this form: <https://www.qufa.ca/member-services/membership-form/>.

³https://docs.google.com/spreadsheets/d/1mWZL98MP01YNrPFmg9NOi4b1CmoPWh2r33nxjss40xl/edit?fbclid=IwAR0eINbPuxSnDJnc9r0cLmjCkwp3ylpCSorIPfPMiif9OJA_h_yCg-CTGqck#gid=0

Elizabeth Hanson can be reached at hansone@queensu.ca.

EXECUTIVE DIRECTOR'S VOICE

Work-Life Balance During the Pandemic

Finding the elusive unicorn of work-life balance is no easy task, especially during a global pandemic

By Leslie Jermyn
Executive Director, QUFA

Preamble: If you're reading this, the notion of work-life balance is of interest to you. It's important to think about two things before proceeding: What do you want to achieve? Are you at an age and stage to achieve it? The first question refers to what you think work-life balance is, and the second asks you to assess whether your life circumstances will objectively allow you to do what you want. If you are a junior academic with school-aged children, you may be able to improve the compartmentalization between work and non-work, but you may not be able to achieve periods of calm, rest, and relaxation, which people often subsume under the idea of work-life balance. If your to-do list is already full, don't add "achieve work-life balance" to it, but try one or two simple measures to keep work and life separate. You can't invent the 26-hour day, but maybe finding some clarity of intent for short periods will help you cope. If you're not stretched to breaking and do want to find time for some rest or restorative activities, read on.

So, I'm going to go out on a limb here and suggest that the elusive unicorn of work-life balance got even harder to find in the last five months for many of us remote-working-in-the-dining-room, home-daycaring (in the dining room), workspace-sharing (in the dining room) people. I'm going to begin to saw the limb off behind me by suggesting that work-life balance is still the same thing as it ever was: to establish physical, technological, and temporal boundaries around work, and observe them when you're living your life.

There are a few things that will help demarcate physical, technological, and temporal boundaries that you can implement in your life:

Limit Your Technological Exposure

- Do not check work e-mail off hours; remove it from your phone or have a personal phone that is separate from your work devices.
- Get a personal e-mail address (it's easy and free).
- Commit some time every week to non-screen activities so you're not tempted into work.
- Etc. You can pretty much fill in the rest with a bit of thought.

Carve Out Time

- Set start and end times for kinds of tasks in the day, and stick with them.
- Prioritize "life" things in their place and time, and don't waiver when work intensifies.

Carve Out Space

- Keep a demarcated workspace that is separate from living space (an office, a closet (I'm not kidding, I have Zoomed with people working in closets!), an end of a table, etc).
- Cover up or close off that space when work finishes.

If your eyes are rolling back in exasperation because these suggestions are nose-on-your-face obvious and still not helpful because, well, you can't take work e-mail off your phone or won't use two emails or have to work at all hours or have no spare space, I would like to suggest, very kindly, that the problem with work-life balance for you is that you do not want to establish it. It's not a unicorn you catch or is bestowed upon you, it is a practice and habit you establish the way you commit to exercise or eating fresh food, end of conversation.



Marten Bjork / Unsplash

One way to improve your work-life balance is to avoid checking your work e-mail in off-hours.

The pandemic has imposed some fairly extreme challenges on maintaining any balance in our lives from sleep patterns to nutrition to child-rearing to family relationships to ... name your important subset of living. But we're five months in now, and this strange new world is our world for the foreseeable future, so we need to get used to it and re-establish balance within it.

If you are the kind of person who had work-life balance before, you have probably figured out how to do it now. If you never had balance before, you may be feeling totally overwhelmed and tilted crazily on end now. Your challenge remains the same at its core: to decide what you need to do to manage your life and your job—where you need the boundaries to be—and put them in place and practise observing them. If this is still unicorn country for you, start small and set one boundary or one limit now, and add on as you can. It just isn't any more complex than that, but it sure can feel hard to do!

Leslie Jermyn can be reached at jermynl@queensu.ca.

EDITOR'S VOICE QUFA Voices Is For You!

Submit your ideas, opinions, or letters to your monthly faculty association newsletter

By Robert G. May
Editor, QUFA Voices

Because this is the first issue of *QUFA Voices* for the new academic year, I would like to offer a warm welcome to QUFA Members both new and returning. I hope you're all looking forward to another great year, including those who are working remotely.

I would also like to let you know that *QUFA Voices* is your official faculty association newsletter. *QUFA Voices* is so named because an important part of its mandate is to provide a forum for QUFA Members to express their opinions, to share their views, and to let their voices be heard.

If you have an idea for a story or profile, if you have an opinion you wish to express, or if you have an announcement you think will be of interest to other QUFA Members, please send it to me. *QUFA Voices* appears once a month during the academic year.

I would also like to invite you to print out and post a copy of *QUFA Voices* in a visible place in your department or unit. This will enable us to reach even more Members than the e-version alone.

If you have missed an issue of *QUFA Voices*, you can always find back issues of the newsletter on the QUFA Web site (under "Publications"). I invite you to go back and see what we've been up to for the past few years. I look forward to hearing from you!

Robert G. May can be reached at mayr@queensu.ca.

GRIEVANCE CORNER New Beginnings

Reach out to the Grievance Officer if you face barriers in your employment

By Peggy Smith
Grievance Officer, QUFA

Whether you are a new faculty member, a returning adjunct, or a seasoned tenured faculty member, September 2020 is a new beginning for all QUFA Members. Remote teaching, new health and safety protocols, an uncertain school year for your children, and lingering questions about travel, sabbaticals, and research bring us all together at the starting line of the fall term.

My role as the QUFA Grievance Officer is to help each of you access the tools you need for a successful and equitable teaching experience.

Your collective agreement sets out the terms and conditions of your employment, but each of those terms are subject to modification if needed under the applicable labour laws of Ontario. Those include:

- the right to be accommodated under the Human Rights Code,
- the right to a safe and healthy workplace under the Occupational Health and Safety Act, and
- the right to an accessible workplace under the Accessibility for Ontarians with Disabilities Act.

Please do not hesitate to reach out and report any barriers you face. Together, we can work to create and maintain an equitable, safe, and healthy workplace that ensures a successful term for everyone.

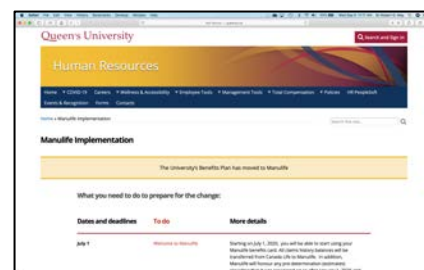
I look forward to working with you!

Peggy Smith can be reached at smithpe@queensu.ca.

FYI Benefits Transition to Manulife

As of 1 July 2020, Queen's has changed its benefits provider from Canada Life/Great West Life to Manulife.

There have been a number of announcements about this change, and there is more information on the Queen's University Human Resources page about how to get registered with Manulife for online claims submission and to receive a drug card:



Queen's University

<http://www.queensu.ca/humanresources/total-compensation/employee-benefits/manulife-implementation>

There is a team at Queen's working to track the transition and make sure it goes smoothly. They are mindful of the confidential nature of information about medical equipment and drugs, and are treating employee inquiries appropriately.

If you are denied a claim, especially one that has been honoured in the past, please don't hesitate to reach out to the team (benefits.project@queensu.ca).

If you don't wish to share details by e-mail, you are welcome to make initial e-mail contact in order to schedule a phone call. QUFA has no access to Manulife or your employee records, so we can't intervene at the initial stages. However, if you feel that you are being unfairly denied a benefit and that Queen's has not supported your claim, please do reach out to us.

FYI

The QUFA Team is Working Remotely

In line with requests from Queen's that non-essential staff not come on campus, QUFA has directed its staff to work from home over the summer and throughout the fall term.

We have outfitted home workstations and are happy to continue to help you with questions and concerns.

The best way to make contact is by e-mail, as we are not monitoring office phone lines. If you need to talk by phone, we can then set up a call with you.

Just as a reminder, here are staff contact details and portfolios:

- **Elizabeth Polnicky, Office Administrator:** Elizabeth supports the Political Action and Communication Committee (PACC), and handles general inquiries, meeting management, expense reimbursements, the QUFA Web site and e-mail Listservs, among many other things. Please contact Elizabeth at ep43@queensu.ca.
- **Micheline Waring, Member Services Officer:** Micheline supports the Joint Committee to Administer the Agreement (JCAA), supports Members during workplace investigations, and helps Members interpret and understand the collective agreement. Please reach out to Micheline at micheline.waring@queensu.ca.
- **Peggy Smith, Grievance Officer:** Peggy supports the Grievance Committee and helps Members with concerns about abrogation of their contract rights. Peggy also helps members seeking medical or other accommodations at work. You can reach Peggy at smithpe@queensu.ca.
- **Leslie Jermyn, Executive Director:** Leslie supports the Executive, Council, Staff Relations, and Pension Committees, and she helps to manage QUFA operations (with Elizabeth Polnicky and Executive Members). Leslie is a resource for heads and committee chairs, and can help Members with pension issues, especially with respect to the new voluntary phased retirement program. Please contact Leslie at jermynl@queensu.ca.

FYI

COVID-19 Letter of Understanding Between Queen's and QUFA

QUFA negotiated some key revisions to our collective agreement with Queen's University this past spring. This document is known as the COVID-19 Letter of Understanding (LOU), and the full text is available on the QUFA Web site. If you're unfamiliar with these provisions, you may want to start by reviewing the QUFA Infosheet and Summary document available here:



<https://www.qufa.ca/qufa-covid-19-watch/>

The full texts of the LOU are also on this web page.

The kinds of things we negotiated include:

- Altered timelines for renewal, tenure, and promotion procedures;
- Extensions, upon request, to renewal or tenure applications;
- Considerations for term adjunct rights of reappointment;
- Financial considerations for term and continuing adjuncts for converting courses to remote delivery;
- Alterations to distribution of duties for full-responsibility faculty;
- Coverage for pandemic-specific costs and provision of tax relief, upon request, for home office costs;
- Provisions to delay academic leaves;
- Supports for remote teaching;
- An expedited process for requesting a family status accommodation;
- Future consideration, upon request, for pandemic-altered research and teaching performance;
- And much more.

QUFA meets periodically with Queen's to review these provisions, and to discuss any problems or questions that have arisen with respect to them. If you have a query about how the LOU provisions work, or a concern that you are not able to access them, please reach out to QUFA Staff.

EVENTS

Lunch and Learn Online!



Arno Senoner / Unsplash

As we have done in previous years, we're offering virtual "Lunch and Learn" sessions with Meaghan Welfare this coming fall term. Meaghan will host lunch-hour workshops and discussions on the following topics:

- **Facilitating Effective Virtual Meetings** (28 Sept. 2020)
- **Communicating Effectively with a Dispersed Team** (27 Oct. 2020)
- **Managing Conflict with E-Mail** (25 Nov. 2020)

All meetings will be held from 12.00 noon to 1.00 p.m. via Zoom. Please RSVP to Elizabeth Polnicky (ep43@queensu.ca) if you'd like to attend.

Sadly, we can't provide your lunch and beverage, but we hope to see you virtually on Zoom!

ANNOUNCEMENT

Important Benefit Deadlines

Fund for Scholarly Research, Creative Work, and Professional Development (Adjuncts)

The deadline to submit an application is 5 October 2020. More information can be found on the Faculty Relations Web site:

<https://www.queensu.ca/faculty-relations/queens-university-faculty-association-qufa/professional-support-programs/fund-scholarly-research-and>

Tuition Support Plan

The deadline to submit an application is 1 November 2020. More information can be found on the Human Resources Web site:

<http://www.queensu.ca/humanresources/node/111>

Note: For all benefits, please submit the application by the deadline and verify for completeness. It is your responsibility to ensure the application has been fully completed and submitted. Late applications are generally not accepted, but they may be considered if there are extenuating circumstances beyond your control (e.g., hospitalization, serious illness, etc.).

ANNOUNCEMENT

New CA Provision for Continuing Adjuncts

As you know, QUFA and the university bargained the current collective agreement (CA) in December 2018.

A new provision was negotiated for a teaching release for continuing adjuncts. The article reads:

A continuing adjunct who is promoted to associate professor and who is successful in obtaining an external research grant within three (3) years of being granted promotion, shall be granted a one-half (0.5) credit course teaching release with no reduction to salary, in the first academic year following receipt of the research funding. (32.6.5)

If you know of a continuing adjunct colleague who has been promoted or who is seeking promotion, please ensure that they are aware of this new right.

If you have questions about the CA, don't hesitate to reach out to the QUFA office (qufa@queensu.ca).

ON THE WEB

QUFA Online

Access QUFA's Web site for a wealth of information about your Queen's University Faculty association!



QUFA VOICES

Voice Your Views!

If you have an opinion about anything you read in *QUFA Voices*, send us a letter to the editor!

mayr@queensu.ca

