

Unionization Drive FAQs

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III. Introduction

The following FAQs are intended to provide information for staff seeking to understand how they are affected by the MUNACA drive to unionize M1, M2 and M3 employees.

In the context of that drive, in October 2018, MUNACA filed six (6) petitions with Quebec’s *Tribunal administratif du travail* - the government body that oversees unionization - to unionize various groups of McGill employees. The petitions started a process that led to a decision by the *Tribunal*.

Québec law supports the unionization process and requires employers to work within specific parameters when discussing unionization. These FAQs have been prepared within those parameters and updated in relation to the ruling issued by the *Tribunal* on August 2, 2019.

IV. Latest Developments

1. What are the latest developments?

On August 2, 2019, the *Tribunal* issued a decision resulting in the unionization of most M1 positions, except those excluded due to the nature of their duties or their supervisory responsibilities.

This ruling expands the existing MUNACA bargaining unit. MUNACA is able to absorb this new group of employees without a vote based on the number of signed union cards they obtained, in a process known as “enlargement.”

As for M2 and M3 staff, MUNACA is pursuing the process known as “open field” unionization. In the coming months, the *Tribunal* will administer a vote by mail for targeted M2 and M3 staff. If your position is targeted, you will receive a ballot and be asked to vote on two questions:

1. Whether you wish to unionize, and;
2. If so, whether you prefer to join the current MUNACA bargaining unit or form a separate bargaining unit.



Read on for further explanation of these developments and how they affect you.

2. With this ruling, how is MUNACA defined?

The following bargaining unit description has been approved by the *Tribunal* to define MUNACA and Excluded categories. The official description is in French but we provide you with a courtesy English translation.

MUNACA

Toutes les personnes salariées à l'exception:

- *de celles occupant une fonction académique,*
- *de celles dont la fonction exige un diplôme universitaire (professionnels), sous réserve de celles déjà couvertes par l'unité MUNACA,*
- *de celles occupant une fonction au sein du Service des ressources humaines ou du Service du personnel académique (centralisé ou décentralisé),*
- *des assistant(e)s aux Doyens,*
- *des officiers aux affaires académiques,*
- *de celles occupant une fonction au sein des bureaux*
 - *de la Principale,*
 - *des Vice-principaux,*
 - *des Vice-principaux adjoints,*
 - *des Services juridiques ou*
 - *du Secrétariat général,*
- *ainsi que des personnes déjà comprises dans une autre unité de négociation.*

All employees with the exception of:

- employees with an academic function,
- employees whose function requires a university degree (professionals), excluding those already covered by the MUNACA unit,
- employees holding a position in Human Resources or Academic Personnel services (centralized or decentralized),
- assistants to deans,
- academic affairs officers,
- employees occupying a position in the offices of
 - the Principal,
 - Vice-Principals,
 - Associate Vice-Principals,
 - Legal Services or
 - the University Secretariat,



- as well as employees already included in another bargaining unit.

3. What happens next?

Since the new definition of MUNACA is considered to be a new bargaining unit, a new collective agreement will have to be negotiated between McGill and MUNACA. Until a new agreement is reached, working conditions that applied prior to the decision will be maintained for all employees covered by the newly created bargaining unit until further notice.

V. Questions by employee group

A. Former M1s: Newly-unionized employees

4. How can I verify if I am now part of the union?

Your [local Human Resources representative](#) will be able to help you verify whether your position has been unionized.

5. How does the “enlargement” unionization process work?

MUNACA was able to unionize a portion of the M positions by filing “enlargement” unionization petitions, absorbing them into its existing bargaining unit. The combination of existing MUNACA cards with the cards recently signed by M1s gave the Union the 50%+1 number they needed to be certified by the *Tribunal*.

6. Does this apply to temporary employees?

Yes. MUNACA’s unionization drive also targeted temporary employees.

Now that I’m part of MUNACA, ...

7. ... which policies govern my working conditions?

Unionized employees’ working conditions are determined by negotiations between their union and their employer that result in a collective agreement. Until a new collective agreement is finalized with MUNACA, you will retain the working conditions that previously applied to you as an M1.



8. ... am I still considered an M1?

For the time being yes, however, this terminology will probably need to be reviewed and updated to reflect the changes once a new collective agreement is in place.

9. ... will I automatically be eligible for the same pay increases that MUNACA members currently receive?

Not automatically. The salary structure and pay increase process will have to be negotiated in the new collective agreement. Until then, the current working conditions remain.

10. ... will salary increases be applied uniformly regardless of merit?

That will be subject to negotiation in a new collective agreement. Under MUNACA's most recent Collective Agreement, merit was not a factor in determining increases. It is not guaranteed that it will remain as is.

11. ... will my salary or salary scale change?

Salary scales are subject to negotiation in a new collective agreement. Your salary will not be affected until a new collective agreement goes into effect, except that McGill will be legally obligated to begin deducting union dues from your salary once MUNACA requests us to do so.

12. ... how much will my union dues cost?

MUNACA will be best placed to provide this information to its members.

13. When will there be a new MUNACA Collective Agreement that changes my working conditions?

When the parties come to an agreement and a new collective agreement comes into effect. There is no defined timeline. We will take the necessary time to ensure a smooth transition towards this new model. Significant preparation is required both from the Union and from McGill in order to prepare proposals that will take into consideration employees' needs, the University's operational needs, financial considerations, etc. Negotiations will then ensue and can last several months.

B. M1s: Non-unionized employees

14. If most M1s were unionized, why was my position excluded from the union?

The *Quebec Labour Code* notes that “a person who, in the opinion of the *Tribunal*, is employed as manager, superintendent, foreman or representative of the employer in his relations with his employees” (Article 1(1)(1°)) is ineligible to be a member of a union.

The employer can request the exclusion of positions on these or other grounds. Quebec’s *Tribunal administratif du travail* ultimately decides whether or not a given position should be excluded.

As per the new certificate of accreditation, the exclusions approved by the *Tribunal* are:

- *celles occupant une fonction académique,*
 - *celles dont la fonction exige un diplôme universitaire (professionnels), sous réserve de celles déjà couvertes par l’unité MUNACA,*
 - *celles occupant une fonction au sein du Service des ressources humaines ou du Service du personnel académique (centralisé ou décentralisé),*
 - *assistant(e)s aux Doyens,*
 - *officiers aux affaires académiques,*
 - *celles occupant une fonction au sein des bureaux*
 - *de la Principale,*
 - *des Vice-principaux,*
 - *des Vice-principaux adjoints,*
 - *des Services juridiques ou*
 - *du Secrétariat général,*
 - *ainsi que des personnes déjà comprises dans une autre unité de négociation.*
-
- employees with an academic function,
 - employees whose function requires a university degree (professional), subject to those already covered by the MUNACA unit,
 - employees holding a position in Human Resources or Academic Personnel services (centralized or decentralized),
 - assistants to deans,
 - academic affairs officers,
 - employees occupying a position in the offices of
 - the Principal,



- Vice-Principals,
 - Associate Vice-Principals,
 - Legal Services or
 - the University Secretariat,
- as well as employees already included in another bargaining unit.

15. Which policies govern my working conditions?

Nothing changes; your working conditions are still governed by the current personnel policies that apply to all non-unionized, non-academic staff.

C. M2s & M3s

16. Will I get to vote on whether to unionize?

Yes. The *Tribunal* will administer a vote to all targeted M2s and M3s, in the coming months. You will receive your ballot by post.

17. What are my rights in the time before the vote?

You have the right:

- To decide whether you want a union to represent you. Generally, the law says you should not feel pressured to make this decision. No one may try to influence your decision using threats, penalties, intimidation or false statements.
- To express your opinions about unionization to co-workers over whom you have no supervisory responsibilities, whether favourable or unfavourable.
- To request information about the union so you can make an informed decision, and to verify the information presented to you.
- To decide whether the union may solicit you at home, or on your way to and from work.

18. What happens if a majority of Ms vote in favor of unionization?

Several things will occur:

- You will become a unionized employee, regardless of how you voted.
- Your working conditions will be governed by a collective agreement, which will be negotiated between the union and the university.

- You will pay union dues at a rate determined by the union, and the University will have a legal obligation to withhold these dues from your pay whether or not you signed a card or voted in favour of unionization.
- The union's representatives will become your spokespeople – only they will be able to negotiate changes to your working conditions.

D. De-unionized employees

19. Now that I'm no longer in MUNACA, what will my working conditions be?

Your position is now considered as an Excluded position; accordingly – effective immediately – your working conditions will be governed by the personnel policies for non-unionized, non-academic staff members. A transition period will be necessary to determine your classification within those working conditions.

VI. How Unionization Works

20. What restrictions are placed on employers during a unionization drive?

For example:

- Employers must remain neutral in their communications with employees, neither encouraging or discouraging them from unionizing.
- Employers cannot ask the *Tribunal* to investigate most aspects of the unionization drive (such as whether the union provided false or misleading information in order to attract new supporters). Only employees or groups of employees (whether in a formal association like MUNASA or an informal group) can approach the *Tribunal* with requests of this nature.
- The employer cannot know the identity of any person who has signed a union card. People who have signed union cards can be assured that this information remains entirely confidential, known only by the union and the *Tribunal*.
- Employers do not know (and cannot ask) what percentage of signed cards the union has. If the union does announce that a certain number of cards have been signed, it is under no obligation to provide proof of this except to the *Tribunal*.

21. Could unionized employees be forced to go on strike, even if they do not wish to do so?

Yes. If employees within a given bargaining unit vote to give their union a strike mandate, the union could decide to launch a strike. If you are a member of that union, you would be on strike regardless of how you voted, or whether you signed a union card during this unionization campaign.

22. What can the union guarantee me?

You may hear various promises during this campaign, but remember that promises are not guarantees. If you become unionized, any change to your working conditions will be subject to the union's negotiations with the University.

VII. More Information

Your Pay:

- [Salary Administration Policy \(including overtime\)](#)
- [Role profiles and corresponding salary grades](#)
- [Salary scales](#)
- [Annual salary increases](#)

Your Benefits:

- [Pension plan](#)
- [Health and dental plans](#)
- [Vacation Policy](#)
- [Short- and long-term disability leaves](#)
- [Employee and Family Assistance Program](#)
- [Tuition assistance](#)
- [Other benefits](#)
- [Other policies](#)

MUNACA:

- [MUNACA website](#)

MUNASA:

- [MUNASA website](#)

To Learn More about the Unionization Process in Québec:

- [Tribunal administratif du travail](#)

