

# Unionization of Law Professors

September 2022

In November 2021, the Association of McGill Professors of Law applied to the Tribunal administratif du Québec for certification. At present, professors at McGill are not unionized; many are members of a voluntary association, the McGill Association of University Teachers.

McGill consistently respects the right of its employees to unionize, and it works with the 14 certified bargaining units at the university. These bargaining units represent staff having similar interests across McGill, rather than within one faculty. For example, research assistants and associates are certified in a group, irrespective of the faculty in which they work. The same is true of course lecturers, whose bargaining unit applies across the university.

McGill is not opposing unionization by its law professors. Instead, as provided by section 21, paragraph 3, of the Quebec Labour Code, it is proposing an appropriate bargaining unit that would include them along with all other tenure-track and tenured professors at the university. A hearing before the Tribunal administratif du travail is required because the university and the association have not agreed on a description of the appropriate bargaining unit. The hearing began in December 2021 and concluded in August 2022.

Settled case law has established the factors relevant to determining whether employees constitute a separate group for certification as a bargaining unit. A main factor is the commonality of interests among employees on matters at the core of the employment relationship, such as similarity of duties, salaries and other elements of compensation, and working conditions. Another factor is the stability of labour relations, which can be undermined by multiple bargaining units of employees with the same duties, roles, and working conditions. In Quebec universities, the norm is to certify all tenured and tenure-track professors as one bargaining unit.

With due respect for other views, McGill maintains that a group of some 40 professors out of more than 1,700 tenure-track and tenured professors – located within one faculty out of a dozen – is not an appropriate bargaining unit. At McGill, all professors have fundamentally the same duties (teaching, research, and service) and the same working conditions. Regulations or policies relating to the main features of professorial employment – such as appointment, tenure, promotion, establishment of salary and performance-based increases, and leaves – apply to all professors, irrespective of their faculty. So do those relating to harassment and discrimination, sexual violence, research misconduct, and discipline. In a way that poses no difficulty under these university-wide norms, some professors are appointed to more than one faculty. All this indicates a strong commonality of interest among tenure-track and tenured professors across the university.

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