

Minutes of MAUT Special Council Meeting, February 2nd 2023

Present: RS, PG, JR, RD, MD, VFM, CR, JV, BS, SH, RG, JL, AK, SJ, MH, TL, MM

Regrets: ?

1. Agenda:

Proposed AK, JR: **Approved**

Motion to move into committee of the whole, proposes 10 minutes at the end to discuss; Proposed by BS, seconded by JL: **Approved**

2. MAUT relations with AMPL

- a. RG: presents back story; stresses importance of norm of collegial governance to members of Faculty of Law and reiterates concerns over consultation and governance process during pandemic; explained that this was not about MAUT but about administration
- b. RS: CAUT will seek consultation with MAUT (and others) re. AMPL membership of CAUT; we will need to decide our position (timeline probably in April); CAUT also suggests that we consider what MAUT does if AMPL members go on a work to rule, strike, etc.

Discussion:

During the ensuing discussion Council members made the following points:

- MAUT should support AMPL and work with them collegially; it is in MAUT's best interest, even if we may disagree on small issues; we can work together collectively on the same things
- The greatest distinction between MAUT and AMPL is the model of collegiality (even if there may be scepticism over how the university respects that); we should therefore be collegial with AMPL
- Comparator for work conditions etc is often with unionized faculty, so working conditions secured by AMPL may help advance interests of MAUT; the fact that admin says that we shouldn't talk to each other implies that we probably should talk to each other; co-operating could be much more productive; AMPL will be able to force issues into arbitration, which MAUT cannot do; we can play good cop-bad cop
- Discussion of salaries between AMPL and MAUT will help advance transparency
- Notes that at Concordia union was able to stand up to admin during pandemic to negotiate teaching on line; existence of AMPL is a win-win
- Suggestion MAUT is failing to consider other aspects: i) possibility of ripple effect; other groups of professionals on campus were also ignored during pandemic; they may see precedent and be already acting to unionise; i.e. chipping away at MAUT's ability to represent faculty members; weakening our position with the university; ii) The decision that a group of MAUT members has decided to unionise should change MAUT's thinking vis a vis the discussion of unionisation. Unionization will increase financial burden on MAUT members; iii) If MAUT decided to unionise so that we can remain indisputably the

representatives of academic staff on campus, would we then seek to raid AMPL membership?

- AMPL is here, and so we have to co-exist as positively as possible. We should co-operate since our interests are aligned; in the best of all possible worlds this as a ratchet, with both groups having possibility to improve conditions that could apply to the other. One concern is in regard to MAUT resources and MAUT representation – there is a danger that we compete for representation on committees etc, how do we resolve that? We don't want to collegially dwindle to nothing
- Notes that labour relations process can force the university to provide information; so MAUT can benefit from AMPL's legal position
- Secrecy in formation of AMPL was a function of Quebec labour law, to protect weakest members
- MAUT may have to shift its strategy in regard to faculty-by-faculty unionization; could result in a federation of unions. Notes that Osgood Hall Law School at UoT, U.Sherbrooke engineering faculty have their own unions
- Suggests that we need to talk about MAUT rather than about AMPL; actions of AMPL have created this tension, which is also against collegiality. Once AMPL is formed and has its collective agreement then we talk to AMPL in the same way that we talk to other associations and unions on campus.
- What information can a union force admin to give? Example: every year the Provost met with individual deans to form a faculty agreement. At the tribunal AMPL was able to obtain copies of all faculty agreements, over McGill's disagreement

3. MAUT thoughts on unionization (RS)

- CAUT is strongly in favour of unionisation; claim it leads to higher wages, safer working conditions, greater protection to faculty lecturers and librarians, greater transparency; collective agreements are recognised in law as providing stronger protections; makes relations with employers less arbitrary and less consultative
 - o CAUT: This seems to be a problem in that we are members of an organisation which is strongly pro-union, contrary to MAUT's situation as an Association
 - o Points out that AMPL does not represent CAS people in Faculty of Law
 - Question about whether AMPL tried to include CAS? Not clear
- Unionisation provides for 3rd party review of disputes; increases transparency and formalism, reduces side-deals; reduces capacity for admin to bring 'industrial' (?) people into higher positions
- Unions are representational democracies not direct democracies; not everyone will get what they want
- Take-aways from meeting with UBC Faculty Association: Has 3,900 members (everyone pays dues but people can opt out and donate dues to library; only 3 people have decided to do that); 3,900 members (includes CAS, program directors, academic librarians, course lecturers), 7 paid staff, 0.68 mil rate [MAUT mil rate is 0.58]. More legal recourse in arbitration. UBCFA has no strike or lock-out provision in their collective agreement. Collective agreement extends far past compensation, and includes many processes such as grievances etc.

- Points out that UBC has a large cadre of teaching-track professors (i.e. different model to McGill)
- Take aways from meeting with UoT FA President: UoT is quasi-unionised; it has a formal collective bargaining structure

Discussion:

During the ensuing discussion Council members made the following points:

- Question re. studies on performance of unionised universities; is there an impact on quality? What were the benchmarks? Our performance levels are on par with ivy league universities and so we need to be careful who we benchmark against. RS will look into it
 - Qc has most union-friendly legal framework in North America, and so context is different from US
- Benchmarking shouldn't come into it; it can distort situation, equivalent to pressure to publish in certain venues. It should come down to conditions
- We need to consider salaries: we are always in bottom quartile of U15 even though our performance ranks us in the top; colleagues have left McGill and obtained higher salaries at other institutions
- Look at international context; wages and working conditions are higher in Scandinavia for example, and they have strong unions; unionisation could reduce scope for hidden side deals. In the past MAUT has not been sufficiently supportive of other unions at McGill. Generally in favour of unionisation
- Disagrees: most European universities (except perhaps Norway) pay much lower salaries than in North America;
- We should adopt a pragmatic position: will it improve salaries and conditions in comparison to the cost? Will it have an impact on our performance? Question is that if unionisation really can bring higher salaries, why is McGill median still at least as high as any other general university in Quebec? Impression from talking to people who have been at unionised universities is that the collective agreement can also be really stultifying and can involve a lot of bean-counting by both faculty and admin to justify everything, with less focus on performance
- Why would we not want to consider unionisation? In a collective agreement we can decide on what bean counting is involved; unionization increases fairness; increases transparency
- Productivity is what our employer throws at us, but what do we want? We need to consider working conditions (not necessarily just salary)
- Very happy that we are having a conversation about this; we need to make it more formal, and involve membership. Has seen changes in collegiality over the years. Nothing says that we have to go onto a points system; in fact that there are risks that if one keeps buying out of teaching we end up with model where more courses are taught by faculty lecturers. Example of potential benefits – phased retirement could be regularised and made more fair; administrations have obligations to talk to unions, about major issues such as indigenization
- There is no more money (for salaries) unless we are willing to make it ourselves; we will not climb the U15 ladder except for ways that do not include the province; so unionisation

- won't improve salaries. However, it may help us in other ways, re. productivity required. We cannot compare with world-wide rankings for salaries
- Professors actually want the university to help them be more productive! Doesn't see how unionization would improve transparency vis a vis MAUT structure. Sees going on strike as unethical in regard to potential impact on students, and that production model is not appropriate for academia. Would we be able to have a 'no-strike' position under Qc law?

Report back:

- We have had a very positive discussion and should now bring the conversation to the membership
- We can decide next steps at Council meeting next week

Motion to end the Committee of the Whole: Proposed by VMF, seconded by RD: **Approved**

Adjournment: Motion to adjourn: proposed: AK

Meeting adjourned at 12:03

Minutes taken by Andrew Kirk