

The Spark!



October / November 2011

Official Newsletter of CUPE Local3909

Proudly Representing Teaching Assistants, Grader-Markers, Tutors, Librarians, Lab Demonstrators, Seminar Leaders, Student and Sessional Instructors at the University of Manitoba

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Convention

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CETA and “Free Trade”

Brandon University
Strike



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In This Issue

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Cover Photo: Jonny Sopotiuk. CUPE in Solidarity with CUPW

Welcome

Welcome to all new members of CUPE 3909. This Union Local exists to provide a collective voice during negotiations for the collective agreements that govern your employment and to protect and enforce those collective agreements during the period of your employment. We invite you to call or visit the office if you are seeking information relating to the Local's operations and/or your workplace and membership issues. There are two general membership meetings per year and all our members are encouraged to attend. Our newsletter is designed to keep our members informed of information of interest to CUPE 3909 specifically and the labour movement in general. The Spark is published ten times per year and is sent to you via the listserve or through interdepartmental mail.

Unions are, by nature, participatory and respond to members' demands. For this reason, it is important that you communicate all of your questions, concerns and issues to the office or to the executive. Most importantly, please read your contract and the Collective Agreement for your bargaining group (Unit 1 if you are a Teaching Assistant, Grader/Marker, Tutor, Lab Demonstrator, Seminar Leader, or Student Lecturer; Unit 2 if you are a Sessional Instructor, Sessional/Part Time Librarian, Counsellor, or Music Teacher). If there are points that you do not understand or if you find that during the course of your employment the agreement is violated, please contact the office or email your VP. The Local will help you determine how to proceed.

We Can Help!

- Advice on issues of concern to you as a university employee
- Information and support when you think your rights have been violated
- Investigation and Initiation of formal complaints (grievances) against U of M on your behalf
- Assistance with Employment Insurance Claims
- Referrals to additional sources of help when you have any problem
- Answers to questions about your rights and duties
- Union officers to represent you or accompany you when disagreements arise
- Support for visa students facing bureaucratic hang-ups
- Guidance in dealing with student complaints
- Tips on handling differences with your professor / employment supervisor.

We Need to Talk

CUPE 3909 to Hold Monthly Forums for Sessionals

One of the problems with being a Sessional is that we are very isolated in the work we do. Many of us come to the University, teach our courses or do our work and go home without ever interacting with other Sessionals. We do not have a forum where we can talk to other people doing the same kind of work and share our working experiences, both positive and negative. This is not a normal or positive situation for unionized workers. The purpose of having a collective is to build a community that gains strength from working together to resolve our issues and to set common objectives to provide a better working life for all.

Most Sessionals start their work at the University with minimal orientation and a very rudimentary understanding of their rights and obligations. Often our rights are violated and we do not even know when we have been denied or have lost something that we were entitled to. At the same time, the lack of dialogue prevents the Union from knowing what is going on and taking action to resolve these situations and prevent future violations of our members' rights. It also hampers the Union in its ability to set objectives and work to make gains in the wages and working conditions of our members.

In order to improve communication, Local 3909 will be holding monthly forums for Sessionals as follows:

November 25th	2 to 4 PM	Location TBA
January 6th	2 to 4 PM	108 St. John's
February 3rd	2 to 4 PM	217 University Centre
March 2nd	2 to 4 PM	217 University Centre
April 13 th	2 to 4 PM	217 University Centre

We invite you to join us at these forums.

Congratulations to Tagreed Mohammed, winner of the Unit 2 survey draw for an 8-GB iPod

Cupe 3909 is pleased to announce the hiring of Chris Rigaux as our new Executive Assistant. Chris will be helping us deliver a number of services that help us better represent our members.

CUPE National Convention

The 2011 CUPE national convention was held in Vancouver from October 30th to November 4th. CUPE 3909 sent two delegates: Local President Matt McLean and VP Unit 1 Brian Latour.

The convention was held against the backdrop of a right-wing assault on collective bargaining rights. Shortly before convention, the Harper government used legal loopholes to prevent CUPE members who work as flight attendants for Air Canada from striking. This is following on the use of back to work legislation against CUPW and CAW members at Canada Post and Air Canada. Minister of Labour Lisa Raitt has publicly mused about making “the economy” an essential service – a nonsensical idea which would eliminate the right to strike. However, the 2000 delegates assembled for the CUPE national convention were clearly fed up and ready to fight back against the Harper agenda. The crowd erupted in boos whenever the name “Harper” was mentioned.

A record number of resolutions were passed. Resolutions of particular interest to CUPE 3909 members include a resolution in support of devoting resources to organizing all workers in the Post-Secondary Education (PSE) sector (sponsored by CUPE 3909), a resolution calling for a national conference for the CUPE PSE sector in order to discuss strategies and coordinate across the sector, and a resolution making the year 2013 CUPE’s Year of the Young Worker.

Much discussion was held on the CUPE strategic directions document which was put forward to outline how CUPE is to grow stronger and fight back against the austerity agenda over the next few years. Delegates raised important points, such as the necessity of an anti-capitalist perspective and anti-capitalist economic literacy in CUPE’s work to oppose austerity measures, the importance of educating CUPE members on working class struggles and history, and the importance of opposing all forms of oppression. After much very informative open discussion, the document was so amended to reflect the concerns of the delegates.

Speakers at convention included Vancouver mayor Gregor Robertson, MP Olivia Chow, activist Maude

Barlow, and NDP leader Nycole Turmel. Paul Moist was re-elected as national President, and Charles Fleury was elected as National Secretary-Treasurer, replacing long-time Secretary-Treasurer Claude Genereaux.

Delegates also attended a rally in solidarity with Occupy Vancouver and for collective bargaining rights in the public sector. After the rally, CUPE delegates spontaneously took to the street to march to the convention site, chanting “Whose streets? Our streets!” and “This is what democracy looks like!” Delegates were warmly greeted by the activists at Occupy Vancouver, and Occupiers and CUPE delegates had a chance to share ideas and issues.

Some CUPE PSE delegates also crashed a meeting of the Canadian Association of Graduate Studies when they were debating removing student representation. CUPE PSE delegates let the university administrators assembled that we have our eyes on them and are willing to fight to keep post-secondary education public.

CUPE 3909 members made our presence felt at convention. Our resolution on organizing in the PSE sector was passed. Brothers Matt McLean and Brian Latour both spoke at the mic on resolutions relating to young workers and the PSE sector. The Spark! won an award for best English-language newsletter for locals of 1000-3000 members, which was accepted by Brian, a former editor. CUPE 3909 member Jonny Sopotniuk won an award for best photo, of a photo he took of CUPE members at a CUPW solidarity rally. CUPE 3909 delegates also networked with other young workers, discussing the building of networks of young workers in advance of the Year of the Young Worker.

Overall, the CUPE national convention was an inspiring experience. Two thousand delegates, representing 600,000 workers, got together and pledged to fight back against the Harper agenda, and worked out a strategic plan to do it. CUPE members across the country are strong and united, and will be a force to be reckoned with in the coming years.

AROUND THE LOCAL

MEMBERS' PACKAGES

All members of CUPE 3909 who are currently employed by the University should have received a package at their home address. With this members' package, the Local is responding to your calls to inform the membership of the Local's role in their employment and to educate members about their rights as unionized employees of the University of Manitoba. The packages include a letter from the Unit 1 or Unit 2 Vice President, some information regarding the important points of the respective Collective Agreements, a brief history of the Local, and some information regarding CUPE National. The package also contains a personalized membership card. Please hold on to this card as it can be used as identification as a member of CUPE 3909 for union events, such as membership meetings, contract votes, or even to access special events, such as happy-hours at the soon-to-be-opened UMSU owned pub, The Hub."

In the future, all new members will receive this welcome package and returning members will receive new membership cards as required. If you have any suggestions for information that should be included in the mail out, please let us know. If you are currently employed and did not receive this package, please contact the Union office

STEWARDS' COMMITTEE: CALL FOR NOMINATIONS

A top priority of the Local this coming term will be reviving the Stewards' Committee. According to our by laws, the Stewards' Committee should be made up of a maximum of two members in good standing from each academic unit. The more people who become involved in this committee, the better for the Local membership. Because it is made up of members from each academic unit, the Stewards' Committee is poised to be in constant communication with members of the various academic units and to listen for issues surrounding the members' working conditions, which they then bring to the Executive Board. Conversely, they are the ones who will help spread information from the Executive to individual academic groups, whether that is reminding members to attend meetings, organizing and rallying around specific issues, or helping to educate members about their rights.

If you are interested in serving on this very important and very active committee, please contact a member of the Executive or the Local office so that we can help you through the nomination process.

END OF TERM REMINDERS

Unit 2

Submitting Final Marks:

If you are teaching a course with a final exam set during the exam period, you will be expected to enter into Aurora or hand in your final marks within 4 working days of the exam. If your course has no exam, you will be expected to complete your marking within 4 working days of the last day of classes. If you are unable to meet this deadline, request an extension from your course coordinator or department head. If you are refused an extension, please contact the Union.

UM email accounts:

If you are not teaching in the winter term, you will lose access to your UM email account on the first day of that term. If you would like to reserve our UM account until you are hired again, request that your department sponsor you. You may also arrange for your UM email account to forward to another email service.

Access to Pay Information:

When you lose your UM email account, you may also lose access to your online pay information. You can fill out a request for your paystubs be sent to you in hardcopy at http://umanitoba.ca/admin/financial_services/payroll/epaystubs/. The form must be filled out at the start of every contract and requesting hardcopies of your paystub means that you will lose access to online pay information.

Paycheques:

If you are teaching 6 credit hour courses, your pay has been spread out equally over the two terms and you should not see any disruption of your bi-weekly income.

If you are teaching 3 credit hour courses and there are no scheduled exams, your pay has been calculated over a shorter time period to reflect the date of the end of classes.

If you receive hourly wages, your paycheques will be affected by the holidays as follows:

- Hourly paid employees with varying schedules are paid, as part of their last paycheque of the year, an additional 5% of total eligible earnings from the four weeks before Christmas. For the December-through-January break, an employee's eligible earnings from November 28, 2011 through December 22, 2011 are totaled, and she or he will then receive 5% of that amount plus vacation pay.

- Employees with regular Monday to Friday schedules receive their normal daily rate for the stat holidays.

- The three vacation entitlement days are always designated for the Winter break, so CUPE 3909 members that are paid irregular hourly wages (and thus do not qualify for vacation entitlement days) would always see a drop in pay at this time.

- This drop in pay did not occur in 2009 because the calculation tables within VIP were set up incorrectly and some members were inadvertently paid for this time.

REASONS TO CALL YOUR UNION



UNIT 1

- You have used up (or are close to using up) all of your contracted hours but you still have more marking to do
- Changes to the course you are teaching have increased the workload but there has been no increase in the contract hours
- The job posting you applied for was for a TA but you were later informed that some of the hours would be paid at Grader/Marker wages
- You've been asked to attend classes, invigilate exams, or meet with your supervisor but you were not paid for that time
- Your department has not provided you with safety equipment or other materials required to perform your duties

Unit 2

- You have not been paid for running your course's lab hours
- You've been removed from the list of pension contributors
- Your department has not supplied you with materials required to teach the course and/or you have out of pocket expenses
- You are denied an extension on the 4-day turnaround for entering final marks
- There are mistakes on your paycheque

CETA: What is it and Why does it Matter?

By Mary McCandless

The Canadian federal and provincial governments are currently negotiating with European Union representatives on a Comprehensive Economic Trade Agreement (CETA). The EU is requiring that in exchange for greater access to European markets, Canada would have to adopt an “across jurisdiction, open procurement” policy. That is, when a government – whether at the federal, provincial or municipal level -- decides to purchase goods or services, it would be legally required to open the bidding to every European and Canadian corporation, and to consider only price in choosing the winner.

If CETA is signed it will:

- threaten our democracy by putting corporate rights first
- encourage privatization of Canada’s drinking water and wastewater services
- threaten local job creation and “buy-local” policies
- cause Canadian prescription drug costs to skyrocket by at least \$2.8 billion each year
- open public services to bids by huge multinationals and lead to privatization
- allow big corporations to challenge environmental regulations

Council of Canadians National Chair Maude Barlow has said that, “European corporations want to sell Canadians the services we now receive publicly, services such as health care, education, water and mail delivery.” The impending CETA

trade deal gives private European corporations the right to bid on Canadian federal, provincial AND municipal government tenders for goods and services. These include those goods and services now provided by publicly-owned companies in our schools, hospitals, airports, public transit, ports, and hydro projects. Barlow: “Any rules or practices that favour local economic development, support local food production or promote local or Canadian goods and services will be challenged as unfair barriers to trade. As well, these corporations will have the right to challenge any local laws that promote fair trade or reflect the environmental concerns of the community, such as bottled water bans.”

An open procurement policy would severely limit the ability of governments to stimulate local economies, create local jobs, care for the environment, respect indigenous peoples’ rights, provide affordable medication and make decisions based on benefit to people rather than benefit to corporate, profit-driven interests.

Maude Barlow again: “Europe is also in a race with China to nail down access to raw resources such as Canada’s fish, potash, natural gas, forests, and minerals and will gain permanent access to these resources through an “investor-state” provision of CETA that will give European corporations the right to sue Canadian governments if they try to interfere with their “right to profit.”

CETA: What is it and Why does it Matter? (continued)

The final round of CETA negotiations took place in Ottawa October 17-21, behind closed doors. This is nothing new -- all the negotiations have been secret, and provincial representatives have only recently been invited to participate. A press conference by Canadian negotiators to discuss this deal on October 20 should have shed some light on the things our government is willing to give away in this agreement. However, democracy lost again: at the end of the conference, a government representative told the crowds of journalists they were banned from reporting anything from the conference. Furthermore, journalists were told that if they ignored the ban they would lose their press privileges permanently. The sparse information we have is entirely contained in the few tweets that went out before the government announced the publication ban.

What we know about the agreement (both officially announced and from the leaked draft in 2009) is disturbing. The World Trade Organization's way of listing areas covered in a trade agreement is the positive list version: anything not included is exempt. Canada, however, proposed a NAFTA negative list approach for CETA. This means that only items listed as of the signing date are excluded - everything else automatically comes under CETA rules, even if it's something that hasn't been invented yet. David Robinson of the Canadian Association of University Teachers said a European corporate lobby group, The European Services Forum, "is advocating Canada's approach, know-

ing that it will lead to broader coverage of more sectors."

Under CETA, pharmaceutical corporations will enjoy an additional five years on patents for new drugs, adding \$2.8 billion a year to costs for consumers and governments. Water is on the table, with giant corporations like Veolia (already in Winnipeg with a 30 year contract for waste water treatment upgrades) and Suez are ready to move in. Food services in academic institutions and hospitals come under CETA: should the University of Manitoba choose to implement a locally sourced program like Diversity Foods at the University of Winnipeg, it could be prevented from doing so after CETA is signed. Dairy producers could be prevented from manufacturing cheeses like Parmesan, cheddar and feta, because of geographic indicator protection included in CETA.

CETA is not about taking down barriers to trade. CETA is about taking down barriers to corporate profit making, at the expense of Canadian citizens, workers, and consumers. Trade agreements should not force governments to sacrifice the needs of their communities for the benefit of business - and international trade agreements, as well as their corporate sponsors, have no business dictating the government service provision practices of our provinces, territories or municipalities.

Brandon University Faculty Association on Strike: What you need to know

By: Errol Black, Julie Guard and Chris Rigaux - Canadian Centre for Policy Alternatives

Professors, instructors, librarians and administrative staff on strike at Brandon University have been accused in the press of being selfish and irresponsible. Although it's not uncommon in a strike for one side to represent the other's position as unreasonable, in this case, the faculty have been vilified on the basis of some pretty serious distortions. Examination of the facts reveals a very different picture.

BU staff have been accused of making unreasonable demands – as much as a 37 per cent pay hike over three years. In reality, Brandon University Faculty Association (BUFA) never proposed wage increases anywhere near that figure. Both sides have proposed wage increases of under 5 percent over three years. In fact, they're within 0.2 percentage points of each other. The real obstacle to an agreement on wages is that the University insists that the profs wait two years for their pay to increase, offering only .5 percent in year one and 1 percent in year two, both of which are less than the increase in the cost of living, which is currently 3.2 percent. And although the faculty have made significant concessions over the six months of bargaining, the University has held firmly to its initial position.

The University's chief negotiator – a \$400-plus-an-hour external labour-relations lawyer who also happens to be an advisor to the Canadian Labour Watch Association, a Vancouver-based anti-union organization - insists that Brandon University can't afford to pay its teachers what similar instructors earn elsewhere in Canada, and that it's already facing budget cuts. Brandon University President Deborah Poff claims that their hands are tied by a wage ceiling imposed by the Manitoba government. Neither assertion is consistent with the evidence, which shows that the University has the resources to provide a negotiated settlement. Premier Greg Selinger recently denied that the Province imposed wage restrictions,

pointing out, "we've just given the universities 5, 5 and 5% [annual] increases in operating grants, so why would we direct them to hold salary increases?"

The modest pay increase proposed by the union doesn't mean BU profs are well-paid. On the contrary, BU faculty, who teach more courses than those in many other universities, earn \$16,345 less than the Canadian average for university teachers.

While University negotiators refuse to increase profs' wages to keep pace with the cost of living, they have found a way to pay the BU President about \$266,000 (before benefits) and, it is rumoured, to increase her pay by 14 percent. But unlike the profs', university presidents' salaries and benefit packages aren't usually reported in the media.

From the start, the University has wanted an arbitrated settlement, and maintains that arbitration is the only way to resolve the impasse. They have adopted an all-or-nothing position and, in the sixth month of negotiations, introduced fifty pages of new, even harsher, proposals. By comparison, the faculty want to negotiate a fair agreement and see no reason this can't be achieved. They have tried hard to reach such an agreement, making significant concessions and engaging in conciliation and mediation, to no avail. As for arbitration, it will result – at best – in a settlement that puts off the difficult issues for another day – hardly a sustainable way to maintain staff morale and a positive teaching environment.

Rather than assuring students that the University will work with the faculty to develop a plan to make up class work delayed during the strike, Poff has urged them to cross picket through binding arbitration. But the faculty are not

BUFA On Strike (Continued)

crossing picket lines and virtually no classes are being taught. BU students who pay high tuition fees are concerned about their academic term being lost, but contrary to Poff's suggestions about what might happen at BU, no Canadian university has ever lost a term due to a strike, including some much longer than the current one at BU. BU faculty are already working on plans to compress the term to enable students to make up the lost time. Moreover, the Brandon University Students' Union, the organization representing students, has taken a democratic decision to support the faculty from day one and continues to do so. BUSU's membership, for the most part, understands that taking a position of 'neutrality' allows the University administration to play the students off the faculty to no one's benefit. Students will not gain from a working environment poisoned by frustrated faculty and major unresolved issues. BUFU also has the support of professors across the country as demonstrated by two very successful "flying pickets" that included professors from across the country who came to Brandon to walk the picket line.

Poff has also consistently refused to meet with parents and students, although the faculty have done so. In a

packed public meeting at Park Community Centre in early November, they gave straight answers to tough questions, such as why they went on strike. One prof told parents and teachers, "I am in this business because I love what I do every day" and another said, "it breaks my heart that we had to go on strike." But profs also explained that they work more than professors at other universities yet get paid less. The 120 students and their parents who rallied on 7 November to demand an end to strike are correct: they deserve a well-run University that values its faculty and will let them get back to work. The instructors have tried hard to achieve those goals; the University's refusal to bargain a fair and reasonable agreement is now the only obstacle.

Editor's Note: One of the most important facts to emerge from the BUFA strike from the point of view of our membership is the revelation that the "wage freeze" mandate handed down by the Provincial government for civil servants does not apply to Universities, according to Greg Selinger. University of Manitoba had previously attempted to use this fictitious wage mandate in collective bargaining. Hopefully events in Brandon will force them to abandon this pretext for denying fair wage increases for part-time academic workers.

To Joe Dolecki, President, Brandon University Faculty Association

Brother Dolecki,

On behalf of the 1200 members of CUPE 3909, representing student and sessional academic workers of at the University of Manitoba, I send our hardest message of support and offer our assistance in your struggle for a fair collective agreement at Brandon University.

We know that the decision to strike is not made lightly. As fellow educators we know how hard of a decision it is to strike considering the short-term impact on your students. However, we have no doubt that your decision to take strike action is a just one. Your actions are in the best long term interests of not only your members, but of current and future students of Brandon University. While we know the strike is difficult, I hope that you will find some solace in knowing your fellow educators are supportive of your action to defend the quality of education at Brandon University.

We encourage BUFA members to stay strong and united in the face of unfounded attacks from the BU administration and misinformed media pundits. The support BUFA members have shown the executive and bargaining team has not gone unnoticed, and I encourage you to maintain this solidarity. It is clear that from day one the Brandon University administration has sought to divide the BU community – and it is imperative that you do not allow this to happen.

If we at CUPE 3909 can be of any assistance, please do not hesitate to ask. Your struggle is our struggle.

In Solidarity,

Matt McLean, President, CUPE 3909