

The Spark!



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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

Matt Mclean
President

pres.cupe3909@gmail.com

Brian Latour
VP Unit 1

vp1.cupe3909@gmail.com

Karen Naylor
VP Unit 2

vp2.cupe3909@gmail.com

Ana Vialard
VP Social Policy

vp3.cupe3909@gmail.com

Shannon Price
Treasurer

treas.cupe3909@gmail.com

George Buri
Recording Secretary

sec.cupe3909@gmail.com

Lloyd Lawrence
Office Coordinator
cupe3909@gmail.com

Howard McCubbin
National Servicing Rep.

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Cupe 3909 is located at 150-1483 Pembina Highway
Ph. 204-453-5493 Fax 204-453-5506
cupe3909@gmail.com

General Members Meeting

On Nov. 28, CUPE 3090 held a general members meeting. These meetings, which are open for all our members to attend, occur every couple of months during the regular session and are an excellent way for our membership to stay informed of union activities including collective bargaining, campaigns and administrative matters. They also allow members to raise issues of particular concern to themselves to the executive directly. While it is always important for the executive to keep in touch with members, this meeting was of particular importance as the members ratified a number of changes to union by-laws that will allow the union to better carry out its duties.

First were changes in the composition and functioning of the stewards committee. The stewards committee is a body composed of as many as two members from each academic unit and is designed to provide for greater communication between members and the executive and to bring issues that arise at the departmental level to the attention of the entire union. We know that the University is a heavily bureaucratic and extremely “Balkanized” institution in which each department often has its own way of doing things. Unfortunately, sometimes this means that different departments interpret collective agreements differently or do not consistently enforce our rights. Breaches in the collective agreement that negatively impact our members can easily occur when such a situation exists. The best way for us to know that a breach is happening *when* it is happening so that we can pursue timely and effective remedies is to have a vibrant stewards committee.

Nominations to the stewards committee were also solicited at this meeting and will be open on an ongoing basis. The second by-law changes concerned creating a process for filling seats on a number of faculty-level health and safety committees whose creation has been mandated by provincial law. The University is legally bound to create these committees and will pay our members to sit on them. Nominations for these positions were also solicited at this meeting.

The meeting also saw the presentation of executive reports which outlined the main ongoing activities of the local. In addition to pursuing a number of important grievances, the executive is engaged in ongoing Unit 2 bargaining and taking part in national initiatives such as the Canadian Labour Congress task force and the CUPE National Post-Secondary Education Task Force. The Union is also conducting a number of informational campaigns at the University including the “I don’t work for free” and the “respect and recognition for sessionals” campaign.

General Members Meetings take place several times throughout the year with the next scheduled to be held on Wednesday January 30 2013. We would like to strongly urge you to consider attending a general meeting as a Union is only as strong as the number of workers who are active, informed and prepared to fight for their rights. We would also encourage all those who would like to become more active in their union to volunteer to sit on the Stewards committee or any other committee that is of interest to them.

Bill C-377

Latest Harper Government Attack on Unions

Cupe 3909 President Matt McLean recently attended a lobby meeting with MP Joyce Bateman to discuss the dangers of Private Member's Bill C-377, introduced by Conservative MP Russ Hiebert. If enacted, this legislation, which is an amendment to the Federal Tax Code, would require every labour organization, labour trust, labour pension plan, labour health and benefit plan, and pretty much anything else associated with labour unions, to disclose all expenses over \$5000 to the Canada Revenue Agency. Detailed information would need to be provided, including the recipient's name, address, and reason for payment. In turn, the CRA would be required to post all reported information online, in searchable format. This would mean that anyone in the world would have detailed information about the death benefits a unionized worker's spouse received. It would mean that the serious illnesses of members could be exposed if they relied heavily on a workplace drug plan. For unionized workers it could mean having an addiction made public, if they choose to seek treatment under an EAP plan - like we have here at the University. The Federal Privacy Commissioner has spoken

out publicly at the parliamentary committee reviewing this proposed legislation, against this bill because of the potential for gross violations of people's rights.

In addition, this legislation would require that labour unions would make public all our financial records, and would require us to disclose detailed records of time spent by labour unions on our various activities (negotiating, lobbying, political action, etc...) Employers would have full access to our financial situation, and would go into every negotiation with full knowledge as to how long the union could afford to go on strike. This legislation is so draconian that the Canadian Bar Association has publicly recommended that Parliament not pass the legislation, as it violates the privacy of Canadians. They believe the requirement to report political activities to the federal government is a charter of rights violation.

CUPE 3909 strongly encourages our members to contact their MPs, and urge them to oppose this attack on privacy rights of union members and their families, and on our rights as citizens and residents of Canada.

More on the Attack on Unions and Bill C-377

The Campaign Against the Rand Formula

By Evert Hoogers, Donald Swartz and Rosemary Warskett

Courtesy of the Bullet, Nov. 28 2012

It has been widely reported that Pierre Poilievre, the Federal Conservative MP for Nepean-Carleton, has launched a campaign to change the rules regarding the payment of union dues [See his November 2012 letter to his constituents]. The object of Mr. Poilievre's ire is the "Rand Formula" – the union security clause found in most collective agreements and labour relations legislation in Canada. Under this formula, no employee in a unionized workplace is required to be a union member, but all have to pay union dues, with the employer deducting the money from the pay checks of all employees and transferring it to the union.

This dues paying formula was created by Supreme Court Justice Ivan Rand in 1946 when settling a strike between the Ford Motor Company and its workers. At its core is the principle that all those who benefit from the negotiated collective agreement should pay union dues and that there should be no free riders.

Political Action

Mr. Poilievre's concern to challenge the Rand Formula stemmed from his unhappiness with the Public Service Alliance of Canada (PSAC), the largest union in the Federal Public Sector, for engaging in political action. For a number of years at its triennial convention the PSAC has voted to earmark money for political action campaigns as well as social justice activities, and at each Federal, Provincial and Territorial election the PSAC uses some of these funds to issue report cards on political parties identifying which party policies best fit its members' interests.

In particular, Mr. Poilievre was irked that the PSAC Québec political action committees had found that the Parti Québécois and Québec Solidaire were more

in tune with the interests of PSAC members than the other political parties in Quebec.

But which political parties these committees favoured was a secondary matter for Mr. Poilievre. His main concern was that it was illegitimate for the PSAC, or indeed any union, to use union dues collected under the Rand Formula for political action; they should only be used to engage with workplace issues such as wages and working conditions. As he put it, "Workers have the right to unionize but they don't have an obligation to unionize so the law should not force them against their will to pay dues for causes they don't support. (Kathryn May, Ottawa Citizen 5 September 2012).

There are a number of problems with Mr. Poilievre's position. Most obviously, it was not the 'law' that allocated union resources to political action but the decisions of the democratically elected members at the PSAC's convention. But no less problematic is his assumption that the ability of unions to negotiate workplace issues such as wages and working conditions can be separated from political and economic factors outside of the workplace.

The close connection between workplace demands and the broader economic and political climate was recognized by the Supreme Court of Canada ruling on a case involving the Rand Formula in the 1990s [Lavigne v OPSEU] when Justice Laforest noted that one objective of the Rand Formula was to ensure that "unions have both the resources and the mandate necessary to enable them to play a role in shaping the political, economic and social context within which particular collective agreements and labour relations disputes will be negotiated and resolved."

To take the most evident example of this, the possibil-

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ity of a government imposing back to work legislation, or even threatening to do so, has a powerful effect on a union's ability to negotiate workplace issues. But unions' ability to negotiate these issues is affected by a wide range of political factors, including the level of support they have from other unions – and social movements – as well. It is also affected by broad economic factors such as the level of unemployment.

The decision of the PSAC, and many other unions, to fund political action committees reflects their growing understanding of the need to be involved in 'shaping the political, economic and social context...' if they are to defend their members' interests effectively. A new law making this engagement more difficult is really an attempt to compromise the ability of unions to defend their members

Unions' ability to defend their members' wages and working conditions (and to organize new members) is increasingly undermined by a wide range of economic changes including the greater ability of companies to move across borders and the growth of temporary/part-time jobs. This ability is also undermined by the willingness of various governments to pass laws suspending the rights to bargain and to strike. These changes make it necessary for unions to increase their efforts to shape the "broader political, economic and social context." Most unions understand this point. What is less well understood is how to go about this. Hopefully Mr. Poilievre's actions will prompt some serious discussion of this question.

Faculty of Arts Strategic Planning

The Faculty of Arts is currently in the process of creating a strategic plan to determine priorities for the next 5-10 years. In addition to inviting two CUPE sessional representatives to the steering committee for strategic planning, the faculty of arts also held a number of focus groups including one exclusively for sessional instructors. In a November meeting, sessional instructors and student instructors were asked to brainstorm answers to the following questions: What is Arts doing well, what is it doing poorly, how can Arts improve and what should be the priorities for the faculty of arts? The conversation focused mostly on the poor working conditions that all sessionals present identified as having to face on a regular basis. We, the executive members who attended the meeting, were struck by the level of dissatisfaction that exists among sessionals and the impossibility of being expected to think "strategically" about the future we as sessionals have no job security, no sense of attachment to the faculty, and thus no guarantee that the future includes us. Even sessionals with significant years of service to the University have no guarantee that this service will be rewarded with continued employment. Sessionals reported that a lack of access to resources on the same terms as faculty, a general lack of recognition, and communication problems all have a major impact on our ability to deliver our courses effectively. Much of what came up in this meeting has been raised in collective bargaining and we are hopeful that this consultation process is an indication that the faculty of Arts intends to pay more attention to our concerns in the future. This is a welcome development.

NEWS and EVENTS

ARTS PROFESSIONAL DEVELOPMENT FUND

For the second consecutive year the faculty of arts has announced the provision of professional development money to all sessional instructors in the faculty. Sessionals will be allocated \$100 for every three credit hours they teach during regular session. This money can be used for books, conference registration and travel, professional association fees and other related expenses.

All claims must be made before the end of this fiscal year (middle of March). This is a significant improvement from last year when sessionals were informed about this money only a short time before the deadline for using it. Hopefully sessionals have been saving their receipts from the past year and will be able to make use of the money available. We also hope to see future professional development money for sessionals in all faculties, not just arts.

UNIT 2 NEGOTIATIONS

After a brief hiatus, Unit 2 negotiations will resume shortly. The bargaining committee is continuing to work to address many of the outstanding issues present in our current agreement and we are cautiously optimistic that we will be able to reach a deal that brings improvements for our members

CALL FOR NOMINATIONS

CUPE 3909 is calling for nominations for Stewards. Up to two Stewards can serve from each department on campus and stewards can be either Unit 1 or Unit 2 members. Stewards act as a liaison between members and the executive and help raise awareness of Union issues.

We also calling for nominations for members of Health and Safety local area committees.

Anyone interested in either of these positions is encouraged to contact the union.

Job Postings and Letters of Appointment

An ongoing concern for CUPE 3909 has been University job postings not following the criteria laid out in the collective agreement. While we have been able to catch and get the University to correct a number of mistakes, we cannot always catch everything. Therefore if you see any mistakes in a job posting please bring them to our attention.

In addition, all instructors should receive a letter of appointment detailing the terms of their employment. If you do not receive this letter in a reasonable amount of time please contact U of M human resources or CUPE 3909.