

University of Northern British Columbia Faculty Association

Bargaining Bulletin #2019-26

November 26, 2019

Message from the Chief Negotiator:

Dear Colleagues,

It has been a very eventful 24 hours. Confronted by the assertion on the part of the Employer that (a) they had no plans to table another proposal and (b) their proposal to breach their contractual commitments to our members was legal, we decided to get a second opinion on the latter issue. We consulted a second lawyer, whose opinion agreed precisely with that of our lawyer. The Employer's proposal is definitely contrary to law, and we cannot agree to it.

In light of our predicament, the Bargaining Team consulted with the Executive of the FA, who decided last night to call on the Minister of Labour to appoint a special mediator to help resolve the dispute. We were pleased to learn that Daniel Weeks, the President of UNBC, supported our call.

The parties met at the table this morning at 10:23 am. Perhaps spurred by our call for a special mediator, the Employer's team showed a sense of urgency that they had not hitherto shown. They immediately signaled a willingness to negotiate non-monetary issues, something they had refused to do the previous day. We made some significant progress, at least in the form of oral agreements on multiple issues, in less than an hour of bargaining. When we parted ways, the Employer indicated that they intended to present us with sign-off sheets and written proposals that they hoped would settle all outstanding non-monetary issues.

We expected to continue negotiations during the afternoon and evening, but when we returned to the table in the early afternoon, the Employer's Chief Negotiator told us that "the powers that be" had ordered the Employer's bargaining team to "stand down."

There is no legal requirement for bargaining to stop while we await the mediator, and we fully intended to continue negotiating while we waited. Nonetheless, the negotiations are now paused until the special mediator arrives. Fortunately, the Deputy Minister responded immediately, informing us that the Minister will appoint a mediator quickly. For obvious reasons, we insist that the mediator arrive soon, or that the "powers that be" permit the Employer's team to negotiate while we wait. We will update you as soon as we have further news.

We should mention that we have been dismayed to learn that Erik Jensen, one of the members of the Employer's bargaining team, approached the people on our picket line today, contradicting President Weeks, providing information we had not been provided at the table, and stating that he believed – contrary to the evidence that



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our call had already had an effect – that the FA’s call for a special mediator put a stop to productive negotiations. This was not the first time that representatives of the Employer had communicated with our members this way; such acts remain unwelcome and counterproductive. McCarthy Tetrault, a national law firm, offers the following advice to employers seeking to communicate with employees during collective bargaining. We suggest that the Employer follow it.

Tips for Employers

An employer that wishes to communicate directly with its employees during negotiations must proceed with due caution. More specifically, the employer:

- should first disclose the content and means of its communications to the union negotiators;
- should give the same message to all employees covered by the bargaining unit;
- should make sure its remarks are true and pertain to factual information only;
- may report on the state of negotiations, as long as any such report is factual and objective; and
- should not, at any time, negotiate directly with its employees.

We are disappointed, as we are sure you are, at this unnecessary delay in an already protracted process. Like you, we are keenly aware of the passage of time and the tolls being taken on our coworkers in other unions, our students, and the community. We look forward to the appointment of the mediator and to returning to the table.

Ted Binnema, Chief Negotiator, UNBC FA, and the rest of the team: Jacqueline Holler, Umesh Parshotam, Matt Reid, Donna Sindaco, and Stephen Rader (*ex officio*).

