

Report of the Grievance and Arbitration Committee

Prepared for the SMUFU Annual General Meeting - October 26, 2023

Governance

Co-Chairs

Since June 2021, the Grievances and Arbitration Committee has been led by two co-chairs. The two co-chairs are Nicole Neatby (History) and since September 1, 2023, Benita Bunjun (Social Justice and Community Studies).

Members

The committee should consist of at least seven members appointed for a three-year term.

The committee members are:

- Diego Rojas – Mathematics (2022-2025)
- Rachel Zellars -Social Justice and Community Studies (2022-2025)
- Rylan Higgins - Anthropology (2022-2025)
- Augie Westhaver- Sociology (2022-2025)
- Ron Russell- Biology (2022-2025)
- Hai Wang - Finance (2022-2025)
- Shyamala Sivakumar – Finance (2021-2024)

Grievance Officer

While the number of complaints from members pointing to the Employer not respecting the Collective Agreement has remained constant, these have resulted in fewer grievances being filed over the last year. It seems that there is a greater willingness on the part of the Employer to try to resolve issues as they come up before reaching the grievance filing stage. We are still dealing with a significant number of new grievances in 2023. Presently, in total we are in various stages of dealing with three grievances.

It should be noted that other than in the case of two grievances - Pension grievance (2019-02) and Denial of Promotion grievance (2021-02) - which led to multiple days of arbitration hearings, we have relied less heavily on the services our lawyer as we are making more use of the expert advice of our part-time Grievance Officer, Mr. Zachary Wells.

Grievance Cases

Note: Due to issues related to confidentiality, specific information about these grievances can only be disclosed to members of the G&A Committee and the Union Executive.

The cases involved issues pertaining to a disciplinary matter, breach of privacy, denial of promotion, failure to meet retroactive pay obligations, not meeting obligations established at time of appointment, accommodation for medical reasons, course reduction for Lecturer Stream faculty.

General Overview

Most of the grievances are individual grievances, two of them are group grievances. The Union has currently no grievance in arbitration, none are awaiting arbitration, one case is at step one of the grievance processes (i.e., meeting with the VPAR) and we are in the midst of negotiating with the employer to resolve two pending grievances.

Resolution

Over the last year, a few of these grievances and arbitration cases have been resolved mostly to the satisfaction of the members and the Union with one significant and concerning exception.

This pertains to the Denial of Promotion case (2021-02). After ten days of arbitration hearings, involving testimony from seven witnesses, the arbitrator ruled against SMUFU's position that the URC had erred in its judgement to deny promotion. The outcome of the arbitration process has led the Union to reflect upon ways the process for Promotion might be revised and improved. This is a complex problem with many nuances. Through deliberations and consultations with the membership, among other things, we intend to bring proposals for improvement to the table in the next round of collective bargaining.

Please feel free to ask questions.