

# Grievance and Arbitration Report

Prepared for the SMUFU Spring Meeting - April 24, 2024

## Governance

### Co-Chairs

Since June 2021, the Grievance and Arbitration Committee has been led by two co-chairs. This academic year, the committee was headed by Dr. Benita Bunjun (Social Justice and Community Studies) and Dr. Nicole Neatby (History). Dr. Bunjun had to step down in January of 2024. Starting May 1, 2024, Dr. Luke MacDonald and Dr. Diego Rojas will take over as co-chairs of the committee and sit as ex-officio members of the SMUFU Executive Committee.

### Members

The committee should consist of at least seven members appointed for a three-year term. We are hoping to find a member from the library to have full representation.

- Shyamala Sivakumar – Finance Information and Management Science (2021-204)
- 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 Information and Management Science (2022-2025)
- Diego Rojas - Mathematics & Computing Science (2022-2025)
- Luke MacDonald - Engineering (2024-2027)

## Grievance Work

### Grievance Officer

In January 2023, SMUFU hired Mr. Zachary Wells as our part-time professional Grievance Officer to assist the President and Co-chairs of the Grievance and Arbitration Committee with investigations, attending hearings, providing advice and drafting documents. SMUFU renewed his contract this year and we continue to be grateful for his invaluable contributions and his very efficient and timely support in addressing our members' concerns and questions.

### General Overview

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

Over the course of the last year, we have seen several grievance cases resolved (4), some have been withdrawn (2) and two are in the process of being resolved. What stands out is that contrary to the last few years, we have filed relatively few new grievances this past academic year (2023-2024): three in 2023, one of them having been resolved, the other two being addressed by the employer.

Most of these grievances were individual grievances, one was a group grievance, one was a policy grievance. The cases involve issues pertaining to a disciplinary matter, denial of promotion, pension plan contributions, accommodation for medical reasons, course reduction for Lecturer Stream faculty, failure to respond to harassment, failure to honour a written hiring commitment and non-payment of retroactive pay.

**Of Note:**

Grievances 2019-02 & 2019-02b (Non-payment of pension plan employer contribution to members on LTD):

July 2023: the Administration was ordered to pay all outstanding employer contributions to all affected pension plan members, with interest, effective September 1, 2023, and retroactive to June 1, 2007. The total cost of the settlement is over \$1.6 million.

Grievance 2021-02 (Unreasonable denial of promotion case):

July 2023: We were disappointed that the arbitrator ruled against SMUFU's position. This led to the withdrawal of two other unreasonable denial of promotion grievances (2021-03 & 2022-06).

Please feel free to ask questions.

Submitted by Nicole Neatby.