URFA Files Unfair Labour Practice Complaint against FNUniv for Failure to Bargain

January 17, 2018

The FNUniv APT Negotiating Committee has been attempting to get FNUniv management team to the negotiating table since December 2016. The team has tried to do this in a collegial and non-confrontational manner; however, these efforts have not met with any success to date.

As a result, URFA filed an unfair labour practice complaint against FNUniv on Friday, January 5, 2018. The employer then has 10 working days in which to respond to the complaint. This deadline would have been Friday, January 19; however, the University legal counsel has requested an extension to Wednesday, January 24, 2018 and URFA has agreed to that request. A full chronology of events is provided below for your information.

The team has been meeting regularly since notice was served to management and are ready to negotiate. The bargaining unit has been surveyed, the issues have been thoroughly reviewed, and language has been drafted. The team is ready and willing to negotiate and have been for some time!

URFA is frustrated that we have come to this point in our process and are not able to provide the membership with good news concerning their bargaining. The membership has been informed that URFA will continue to fight on their behalf and will do everything possible to get a fair agreement in a timely manner.

This is a chronology of events.

URFA gave notice to bargain, which is a requirement under the Saskatchewan Employment Act (SEA), on December 20, 2016. The parties discussed possible dates for negotiation and agreed to bargain eight days in April. In the meantime the committee was meeting with you, the membership, to discuss the issues of importance to them.

The negotiating committee was informed in April that management had been unable to obtain a mandate from the Board of Governors (BOG). The BOG wished to review the implications of the provincial and federal budgets at their June meeting. The APT Bargaining Team agreed to this delay. We anticipated negotiations would begin in early October to accommodate summer vacations and the start of the semester.

In September the APT Negotiating team was informed the BOG did not provide management with a bargaining mandate. The BOG did not wish to begin until the University of Regina APT negotiations had concluded.

On October 5 the President of URFA wrote to the President of FNUniv indicating that it was an unfair labour practice under the SEA to fail or refuse to engage in collective bargaining. URFA asked that the BOG be convened immediately to provide a mandate to the management bargaining team.
The President of FNUniv responded on October 13 indicating he would “put this item on the agenda for my next meeting with the Board Chair and seek further direction.”

On October 24 the President of URFA wrote to the President of FNUniv indicating that the response did not address the seriousness of the failure to bargain in a timely manner. URFA asked the President of FNUniv again to convene the BOG to provide a mandate.

On November 17 the President of FNUniv responded suggesting that a meeting be held to discuss the BOG’s position on negotiations.

On November 30 the URFA President wrote to the President of FNUniv expressing his disappointment and frustration over the early impasse to bargaining. He indicated that throughout the past year the BOG had not made any effort to provide a mandate to its negotiators and that it appeared that FNUniv had no intention of negotiating wages and benefits at the bargaining table. Since there was no movement URFA was of the opinion that the parties had reached an impasse and therefore, would be writing to the Minister of Labour Relations and Workplace Safety (Minister) to appoint a special mediator to assist the parties in reaching an agreement. Under this provision of the SEA, FNUniv had three days in which to respond.

On December 4 the President of FNUniv responded to the Minister outlining again the reasons for BOG inaction: there was a large number of new BOG members and their board orientation was not complete and they were not ready to provide a bargaining mandate.

URFA chose to proceed in this fashion because it was seen as a less confrontational approach than filing an Unfair Labour Practice charge at the Labour Relations Board in the SEA. It was hoped that a special mediator would assist the parties to obtain an agreement through collective bargaining and still preserve the relationship with the University.

The Executive Director of the Labour Relations and Mediation branch in the Ministry of Labour Relations and Workplace Safety, contacted the parties and asked that a meeting be held so that he could assist the parties to come to an understanding on how to move forward.

URFA agreed to attend this meeting. This meeting was held on December 12 and it became clear that the President and BOG had no intention of providing a mandate in the immediate future, certainly not before the January 27th meeting. The President did indicate that he anticipated APT bargaining would be on the agenda for the BOG but he could not provide us with a guarantee that the item would be reviewed or that a mandate would be forthcoming. The next BOG meeting is in April 2018.

While the Executive Director from the Ministry of Labour was helpful, it was clear he would not be able to assist the parties in negotiations, as the management team was still not able to come to the table with a mandate. URFA has withdrawn its request for a special mediator.

On January 5, 2018 URFA filed an Unfair Labour Practice complaint against FNUniv. The University was informed that URFA was filing this complaint.

URFA was then informed the President indicated that a mandate would be provided after the next BOG meeting held at the end of January. While this was good news URFA needed this assurance in writing. On January 8th URFA wrote to FNUniv suggesting they would consider withdrawing the ULP if URFA was provided in writing, signed by the President and the Chair of the BOG, a letter indicating the BOG would
provide a mandate to the management negotiating team from the January BOG meeting, and a date by which this mandate would be provided to the team.

As of the date of writing this report, no response has been received from the University regarding this request.

In solidarity,
Lisa Bighead (on leave)
Cory Gauthier
Amy Morris
Debbie Sagel