

CAFA Labour Conference

Stampede Ballroom 1 & 2

March 9, 2018

8:15 am – 5:30 pm

Courtyard by Marriott Calgary Airport

2500 – 48th Avenue NE

Calgary, AB T3J 4V8

1-403-238-1000

Useful Links:

Advanced Education

Post-secondary Learning Act

Labour Board

Information Bulletins

- #16 - Strike and Lockout Votes
- #17 - Regulation of Strikes, Lockouts and Picketing
- #18 - The Duty of Fair Representation
- #24 - Transitional Essential Services

Essential Services Legislation in Alberta

Mediation Services

Labour Code

Bill 7 - An Act to Enhance Post-secondary Academic Bargaining

Bill 30 - An Act to Protect the Health and Well-being of Working Albertans

8:15 Breakfast and Registration (Stampede Ballroom 3)

**9:00 Welcome – Paul Rogers, President, CAFA
(Confederation of Alberta Faculty Associations)**

**9:10 Summary of current legislative changes that will
impact bargaining in PSE: Bill 7, Essential Services, OH&S and the role of the
Labour Board**

Moderator: Annabree Fairweather, University of Lethbridge Faculty Association

**Presenters: Bill Johnson, Alberta Labour Relations Board and Kelly Williams-Whitt, Canadian
Industrial Relations Association**

There has been a significant overhaul of legislation that affects faculty associations, our structure and organization, as well as our representation of members. Let's take an opportunity to review all the legislation that affects us going forward.

10:15 Coffee Break

10:30 'Government in the Room' during Bargaining

Moderator: Heather Bruce, Association of Academic Staff University of Alberta

**Presenters: Michael Conlon, Confederation of University Faculty Associations/British Columbia
and Sandra Johnston, Alberta Teachers Association**

Public institutions have always had to deal with the government's silent presence at the table. With the legislated shift in labour rights with Bill 7, the government is more present than ever in the new strike/lockout landscape. On one hand, the government has shifted the ground beneath our feet by legislating rights that were previously unavailable to post-secondary and on the other hand, the government has directed outcomes for bargaining by imposing extreme budget mandates on Boards of Governors.

11:30 Essential Services for PSE

Moderator: Jolene Armstrong, Athabasca University Faculty Association

**Presenter: Gwen Gray, Q.C., Essential Services Commissioner and Don Mitchell, Alberta
Mediation Services**

Essential Services Agreements (ESAs) add an additional layer of bargaining to an already complex system. While ESAs require specific elements to be in place, the nature of the documents is going to vary in terms of nuance and complexity for each institution. What are the elements of an ESA? When does an ESA have to be in place? And what does essential services mean for post-secondary?

12:00 Lunch – to be provided (Stampede Ballroom 3)

1:00 Preparation for Strike & Lockout Landscape: Protocols, War Chests, Mil Rates

Moderator: Marc Schroeder, Mount Royal University Faculty Association

**Presenters: Mike Shaw, University of Manitoba Faculty Association and
Paul Hayes, University of Lethbridge Faculty Association**

Faculty Associations are working hard to prepare for the strike/lockout reality. In addition to creating local policies and protocols, many of us have worked on building local defence funds, joining CAUT's Defence Fund, and adjusting our mil rates to meet the demands of potential job action.

2:30 Coffee Break

2:45 Unionizing Post-Secondary: What you need to know

Moderator: Terry Sway, Association of Academic Staff University of Alberta

Presenter: Pat Nugent, Nugent Law Office

Now that Faculty Associations are deemed trade unions, there are a swath of changes that need to be made to update our constitutions and by-laws. We must also now file documents with the Labour Relations Board and learn how to interact with this new-to-us decision-making body.

3:30 Mobilization and communication during bargaining

Moderator: Andrea Amelinckx, University of Lethbridge Faculty Association

Presenters: Dan O'Donnell, University of Lethbridge Faculty Association and
Sandra Johnston, Alberta Teachers Association

Never before have we had to have such a finger on the pulse of our membership as what we need now. Communicating with our members will be the single most important way we can keep our members informed about what's going on at the table. Let's discuss some of the ways that we can do better in our communication.

4:30 Duty of Fair Representation

Moderator: Jasmine French, Grant MacEwan University Faculty Association

Presenters: Sheila Miller, University of Calgary Faculty Association and Terry Sway,
Association of Academic Staff University of Alberta

The Duty of Fair Representation (DFR) has always been an obligation of any Union. However recent changes in labour relations (Bill 7) in Post-Secondary Education, will significantly change how complaints regarding the breach of a Union's DFR is settled at the Alberta Labour Relations Board.

5:30 Closing Remarks

SPEAKER BIOS

Bill Johnson has practiced labour law in Alberta for 30 years. Bill has a diverse background in labour and employment law with exposure to numerous sectors of the economy (retail, industrial, health care, public sector, transportation, entertainment, communications, education, construction and utilities). In 2002, the Province of Alberta appointed Bill as a Queen's Counsel, and in 2011, he was inducted into the College of Labour and Employment Lawyers. Bill has been frequently listed in LEXPERT magazine to the Leading 500 Lawyers in Canada in the area of employment and labour law. Bill was appointed in 2013 for a three-year term as a member of the Alberta Human Rights Commission. In the 2016 Chambers Canada, Canada's Leading Lawyers for Business journal, the authors comment on Bill states, "William Johnson commands 'a national reputation' as a 'highly sophisticated' and 'very well respected' employment lawyer".

Kelly Williams-Whitt is an Associate Professor in the Faculty of Management at the University of Lethbridge, and a Labour Mediator and Arbitrator. She is a former registered nurse, with an MBA and a PhD in human resource management and labour relations. Dr. Williams-Whitt teaches courses in labour relations, labour and employment law, human resource management and workplace health management. As a university professor, she is also an active researcher. Her work is published in peer-reviewed scientific journals and she has authored numerous books and book chapters on work disability, and labour and employment law. Dr. Williams-Whitt is the co-chair of the Canadian Industrial Relations Association (CIRA) Southern Alberta chapter and former president of CIRA national. She also holds an appointment with the Federal Mediation and Conciliation Service as an adjudicator for cases falling under Part III of the Canada Labour Code.

Michael Conlon joined CUFA BC as its Executive Director in December 2014. Prior to his appointment with CUFA BC Michael was the Executive Director of the Association of Administrative and Professional Staff (AAPS) at UBC. Michael has served as Chief Negotiator in a variety of sectors as well as acting as the union appointee to Interest Arbitration Boards. In addition, Michael has numerous refereed publications and conference presentations on an array public policy issues, including: student financial aid, collegial governance, and collective bargaining.

Sandra Johnston joined the Association's Teacher Welfare executive staff in 2001 and assumed the position of coordinator in 2013. Sandra received her BEd degree from the University of Alberta in 1991 and her MEd degree from the University of Calgary in 2001. She holds a Pension Plan Administration Certificate from Humber College. Sandra spent all of her teaching career at Fairview High School, Fairview, Alberta.

As well as coordinating collective bargaining and acting as lead bargainer in central table bargaining and representative of the bargaining agent at local tables, Sandra is the Association's pension expert, has written and presented on pensions and retirement issues for Alberta teachers and is since 2012 a member of the Alberta Teachers' Retirement Fund Board.

Gwen Gray, Q.C., was appointed Essential Services Commissioner and Vice-Chair of the Board effective June 1, 2016 for a five-year term. From 1995 to 1997, she served as the Vice Chairperson of the Saskatchewan Labour Relations Board and as Chairperson from 1997 to 2003. Ms. Gray worked in Regina and Edmonton in union-side law firms. Her practice included the areas of labour, employment and human rights law.

Don Mitchell has been involved in labour relations for over twenty years. In April 2017, he became the Executive Director of Mediation Services for the Province of Alberta. In that role he is responsible for the appointment of mediators in collective bargaining disputes and arbitrators in grievance matters under various legislation. He was the Assistant Director from 2002 to 2017. Before joining the Alberta Public Service, Don served for five years as the Representative for the Coalition of Edmonton Civic Unions where he first became involved in labour relations and negotiations. He graduated from the University of Alberta with a Bachelor of Fine Arts.

Mike Shaw is the Vice-president of UMFA and Chair of the Job Action Committee. Michael has been a faculty member in Biological Sciences for 25 yrs. and involved with the University of Manitoba Faculty Association throughout his academic career.

Paul Hayes is a Professor of Chemistry at the University of Lethbridge and Associate Editor for the journal *RSC Advances*. He is the Chair of ULFA's Economic Benefits Committee and a member of the 2017-2018-negotiation team.

Patrick Nugent loves practicing law and is devoted to serving his clients. He has represented trade unions and employees for the vast majority of his professional life. After an outstanding academic career where he received numerous prizes and awards and was valedictorian of his law school class (Class of 1997), Patrick articulated to Phyllis Smith at Emery Jamieson and also served as the Senior Legal Counsel to the Chief Justice of Alberta. Since then, Patrick has represented trade unions and individuals in grievance arbitrations, labour board matters, disciplinary hearings, human rights proceedings and before all level of courts in Alberta as well as at the Supreme Court of Canada. Patrick has acted on behalf of airline pilots, miners, grocery clerks, police officers, equipment operators, municipal employees, nurses, engineers and employees from all walks of life, assisting all by providing advice to resolve or avoid legal disputes where possible and representation to maximize results where litigation is called for.

Dan O'Donnell is a Professor of English and Adjunct member of the University Library Research Faculty. He is chief spokesperson for the 2017-2018 negotiations.

Sheila Miller is the Executive Director of the University of Calgary Faculty Association and has held that position for 25 years. She has been a member of every bargaining team since that time.

Terry Sway is the Associate Director, Negotiations for the Association of Academic Staff University of Alberta. Terry was formerly the Director of Labour Relations for the Alberta Colleges & Institutes Faculties Association. Terry has been a labour relations representative for faculty for 35 years.