

Brandon University Faculty Association
333 Clark Hall/Original Building
Brandon University
Brandon, Manitoba R7A 6A9

November 20, 2011

Honourable Jennifer Howard
Minister of Labour and Immigration,
Legislative Assembly Building
Winnipeg, Manitoba

Dear Minister Howard:

We read with considerable concern the remarks attributed to unnamed officials purporting to be from your office referenced in the Friday edition of the *Brandon Sun*. According to the *Sun* report, these officials indicated that, from their perspective, the Conciliation process in relation to the dispute at Brandon University is ongoing.

Clearly, this is at variance with the facts. Conciliation ended on October 21. The termination of this was confirmed by your appointment of a Mediator the following Monday. Indeed, your statements in the Legislature on November 1, reproduced in Hansard, offers further confirmation.

Obviously, you are aware of the Section 87 requirement that Conciliation and/or Mediation must have occurred for 30 days before the Labour Relations Board can accept any application for adjudication of a dispute. This requirement has not been met, contrary to the assertions of Mr. Grant Mitchell, Chief Negotiator for our Employer.

The claims of the above-mentioned officials, in concert with the actions of Mr. Dennis Harrison last week in which he attempted without authority to inject himself back into this dispute as a 'conciliator', serve only to undermine the free Collective Bargaining process at Brandon University. Indeed, these interventions serve only the interests of the Employer, who has attempted to thwart Collective Bargaining by insisting on taking the matter to Arbitration.

The Brandon University Faculty Association (BUFA) and its 240 members are committed to free Collective Bargaining, and have been tirelessly endeavoring to conclude a settlement at the table. In numerous public statements made by you and the Premier, your government has embraced free Collective Bargaining as being central to the Public Interest. Yet, officials from your government appear intent upon subverting it at Brandon University in order to aid and abet the Employer's reckless 'arbitration at all cost' strategy. Indeed, their actions reinforce the incentive of the Employer not to seriously engage in the bargaining process -- prolonging the strike, and putting the future of the University at risk.

Given this, we would ask you the following questions in your capacity of Minister of Labour: *Did the Conciliation process at Brandon University end on October 21? If so, will you direct your officials to correct their statements to the media and discipline Mr. Harrison? If not, will you explain why you have chosen to subvert free Collective Bargaining at Brandon University, by promoting in this way the reckless strategy of the Employer?*

In this context, I would also note that BUFA has filed an Unfair Labour Practice during the course of this dispute. The Labour Relations Board has ordered an expedited hearing at the request of Mr. Mitchell (who, oddly enough, is acting as the Employer's legal counsel in this matter) and set hearing dates, it was advised, that make it impossible for BUFA's lawyer to attend. Thus, if the Hearing proceeds, BUFA will be unrepresented by legal counsel - contrary to the most basic tenet of due process. Once again, this serves only the interest of the Employer in the current dispute.

Finally, I would note that the President of Brandon University today issued a communiqué in which she alleges that BUFA has widened the monetary gap between the Parties, through the Back-To-Work Protocol. This is misleading at best. The Parties agreed to use the 2008 BTW Protocol as a template for the 2011. The Employer provided us with a version which, they indicated, included minor changes.

However, when asked by BUFA to produce these changes in writing, their document contained two fundamental alterations to the 2008 document. One consisted of clause requiring the Board of Governor's ratification of any tentative agreement prior to the conduct of a ratification vote by BUFA members, contrary to the provisions of the Labour Relations Act.

The second change involved the removal of a clause to which the Employer agreed in 2008 relating to compensation of BUFA members, should the time lines for the academic term be extended. By removing this clause, the Employer is seeking to have BUFA members return to work and finish the term and not be paid for doing this work.

As Minister of Labour, do you consider this to be a fair labour practice? Is our Employer's demand that faculty finish the (extended) term without being paid for the work that they do a principle that your government endorses?

It is impossible to conclude that this demand is anything other than a tactic designed to prevent a successful achievement of a negotiated settlement.

In closing, we would note that many people in the labour movement, and in the general public, view your government as being in some sense 'labour friendly.' This image is being unalterably compromised by the actions of your government's officials described above.

We await your response.

Sincerely,

J. F. Dolecki
BUFA President

Cc.

Honourable Greg Selinger;
Honourable K. Irvine-Ross,
Mr. Drew Caldwell, MLA
Mr. Reg Helwer, MLA