

# Frequently Asked Questions

On this page you will find the answers to some "*Frequently Asked Questions*". If you don't see an answer to a question you have, please submit your question to [communications@upeifa.org](mailto:communications@upeifa.org) with the subject line "**UPEIFA FAQ**". We will work to provide an answer directly to you ASAP, and will post your question and answer here to benefit others.

These FAQs were first posted June 1, 2016. They will be updated periodically, so check back again.

- **Who are the parties involved in negotiations?**

The parties involved in negotiations are the UPEIFA and the University's Board of Governors. The UPEIFA (University of Prince Edward Island Faculty Association) is the union representing all academic staff at UPEI. Negotiations are currently underway for Bargaining Unit #1, which includes faculty, librarians, sessional instructors and clinical nursing instructors, and for Bargaining Unit #2, which is comprised of clinical veterinary professionals. The Board of Governors (the Board) is the body at UPEI charged with the overall responsibility for the University. It has the ultimate responsibility in these matters as the employer of UPEIFA members. Although the Board is technically responsible for negotiating an agreement with the UPEIFA, in practice it generally delegates the task to the university administration. In this round of negotiations, the Board has engaged Brian Johnston, a lawyer from the Halifax office of Stewart McKelvey, as their Chief Negotiator. The UPEIFA's Chief Negotiator is UPEIFA Member Dr. Sharon Myers. Despite sometimes being described as negotiations between the UPEIFA and UPEI, it should be clarified that the UPEIFA is not negotiating with UPEI. It is negotiating with UPEI's Board. UPEI is a university which collectively consists of many groups on campus, including its academic staff and students, as well as the administration and many other support groups.

- **I heard that the Employer's Chief Negotiator is the person who represented the Mount Allison Board in the most recent round of negotiations there, which resulted in a strike and then an extended arbitration process which cost Mount Allison almost one million dollars. Why would the UPEI Board of Governors hire this person?**

Good question. We would suggest that you pose it to the members of the Board of Governors. Their names and contact information are listed [here](#).

- **I know that the UPEIFA has filed two Unfair Labour Practice complaints against the Employer. Why did it do that and what does it mean?**

Both Parties have a duty to bargain in good faith and to make reasonable efforts to conclude new collective agreements successfully. The Parties are required to engage in fulsome and honest discussions of their positions and their differences, and to make reasonable and sincere efforts to negotiate the terms of new collective agreements. In the opinion of the UPEIFA's Negotiating

Team and Executive Committee, the Employer's Team failed, or was unwilling, to exercise these practices, leading to the necessity for us to file these Unfair Labour Practice Complaints. Copies of both complaints are available on the FA's [website](#), and we encourage you to read them.

- **I also know that the Employer applied to the Province to appoint a conciliation officer. Why did it do that and what does it mean?**

Under the PEI Labour Act, conciliation must take place before an Employer can impose a lockout, or a union can take a strike vote. The conciliation process is described in Section 25 of the [PEI Labour Act](#). In our opinion, the decision of the Employer to apply for conciliation was done prematurely. This came after only approximately 35 hours at the table. By comparison, in the 2012 round of collective bargaining roughly 200 hours were spent at the table. There was no application for the appointment of a conciliator, and neither were there Unfair Labour Practice Complaints filed.

- **What was the Province's response to the Board's request to appoint a conciliation officer?**

The Association is still waiting for a copy of the Employer's application for conciliation, and to hear from the conciliation officer. It is the position of the Association that the Unfair Labour Practice Complaints must be heard prior to conciliation being considered.

- **Why would the Board of Governors want to lockout academic staff, especially at this time when we are told that there is a 44% increase in student applications?**

Good question. We suggest you ask the members of the [Board of Governors](#).

- **What should UPEIFA members be doing at this point?**

UPEIFA members should continue to do what you have been doing: ask questions; raise concerns; stay informed; complete the [Job Action Survey](#). Show your solidarity with the FA by sending a selfie to the UPEIFA Facebook page. Contact alumni and ask them to provide a short testimonial about the difference academic staff have made in their professional development. Visit the Association's website for the latest information. Talk to your Communication Representative about your concerns (visit the [website](#) to find out who yours is), or contact a member of the [Executive](#) directly with any questions, concerns, or offers to help. And ... if you have not done so already, please pass on your alternate (non-UPEI) contact info to [upeifa@upeifa.org](mailto:upeifa@upeifa.org)

- **How will I know what to do or what to expect in the event of a lockout?**

While the UPEIFA has no immediate plans to call a strike vote, the possibility that the Employer will impose a lockout is real. We are preparing for that eventuality, and will continue our efforts to keep you informed of developments.

- **Why should we just take the UPEIFA's word for all of this?**

As academic staff members at UPEI, we try to train our students in critical thinking and questioning. We expect that you will apply those same skills here. Look at what is being said from both sides and ask tough questions! Ask your [Executive](#), but in fairness, do the same of the [Board](#) side. Inform yourself as much as possible to arrive at a fair evaluation of this critical situation which significantly and directly affects your past, present, and future at UPEI.

- **Is there anything students/parents/alumni/retired academic staff can do?**

Urge the [Board](#) to work with the best interests of UPEI at heart to negotiate a fair and equitable settlement for academic staff which will allow UPEI to remain strong. Ask tough questions! Expressions of support or questions for the UPEIFA can be directed to its President, Dr. Nola Etkin, via email at [netkin@upeifa.org](mailto:netkin@upeifa.org) by phone at 566-0693. Or you can email [communications@upeifa.org](mailto:communications@upeifa.org).

- **What happens to our medical, dental, and other benefits during a lockout?**

The Association would arrange an interest-free loan from the CAUT Defence Fund to provide for the maintenance of our health benefits, life insurance, and long-term disability coverage (both employer and employee shares) for the duration of a lockout.

- **What will happen on campus if there is a lockout?**

Members will not have a legal right to enter campus, and the Administration will be within their rights to charge individuals who do so with trespassing. Plan ahead – remove any materials from your office that you think you might want during a lockout.

- **I would like to use the Library during a lockout. How do I access these materials?**

Again, plan ahead. Arrange to sign out materials from the Library before the date of a possible lockout. Some of the resources available through the Library website (such as the library catalogue) will continue to be available off-campus (as they are to anyone with Internet access). However, if the Administration blocks our university computer accounts, you will not be able to access the licensed products such as databases, electronic books, and electronic journals. If you don't already have one, you may wish to obtain a CAUL card from the Robertson Library prior to the date of a possible lockout. This will enable you to sign out library materials in person from other Canadian academic libraries.

- **Will the Administration block our university computer accounts?**

They may do so. Therefore, we would encourage each Member to set up an alternate email account. If you have not already done so, be sure to provide this alternate email address to the UPEIFA at [upeifa@upeifa.org](mailto:upeifa@upeifa.org)

- **I will be on sabbatical as of July 1. How would a lockout affect me?**

Normally, a Member on sabbatical leave would not be considered to be locked out by the Employer, and salary and benefits for such a Member would continue to be paid. The FA would not expect such a Member to participate in picket line duty. Should the Employer withhold salary from a Member on sabbatical, the Association would provide strike pay. Such Members would then be expected to participate in picket line duty, unless there are extenuating circumstances that would prevent participation (such as spending the sabbatical out of the Province).

- **I am very concerned with how a lockout will affect the essential services related to animal care. How will these be dealt with?**

Both the Association and the Employer recognize that there are some essential services that must be maintained by Members during a lockout, strike, or work interruption. Each Collective Agreement specified that it is the responsibility of the Joint Committee to negotiate a Memorandum of Agreement as to what essential services will be provided during work interruptions and by whom, The Association and Employer will be negotiating such MoAs. In the meantime, you can read the MoAs negotiated in 2012 for [Bargaining Unit #1](#) and [Bargaining Unit #2](#).