

January 6th, 2004

Dear Colleagues,

As we return for the new semester, and the beginning of the New Year 2004, the dominant issue on all of our minds is doubtless the status of negotiations between the University and the Faculty Association, including the risk that matters may be on a course leading to a work stoppage. For UPEI, this is new and dangerous territory.

Over the holidays, many colleagues have expressed concerns about the course of the negotiations, and about what it means for UPEI to be even contemplating a faculty strike. Comments have focused mainly on how a strike would change the climate at UPEI for the long-term. This has not been our way of conducting labour relations. We have had one strike since our establishment as UPEI in 1969, by custodial staff in the mid-1970's. Our history has been marked by positive and collaborative labour relations, which have often required arduous negotiations to work through some considerable and challenging issues. These include the founding of the Faculty Association in 1969-70 in the context of merging two institutions and the development of the Faculty Handbook; the working through of a period of hyper-inflation in the late 1970's and early 80's; combining the Atlantic Veterinary College with a primarily undergraduate institution in the 1980's; and, dealing with and recovering from the fiscal cutbacks of the mid-1990's.

It is the nature of labour relations to present, and to address, challenges. At UPEI, we have addressed our challenges through negotiations, with faculty and librarians and with other colleagues. We now have five bargaining units on campus. The process of negotiation comprises a series of steps: identification of priorities, outlining of positions, testing those positions at the bargaining table, striving to find mutual ground, and endeavouring to compromise. When this is done in a spirit of respect and

openness, underpinned by common concern for the welfare and success of the institution, things can generally be worked out. That is how it has happened at UPEI. The process often involves an adversarial element, and requires an active discourse. In particular, it requires a discourse that moves from abstract principles to a well-shared sense of the context and the objectives and concerns of the parties. That shouldn't be a problem for a university. It also requires a mutual understanding that the process is a continuing one, through to subsequent negotiations and as we act on and live with our agreements.

Reaching a first agreement is well-known to be especially challenging in labour relations. There are so many issues, including definitional language, general principles, governance, dispute resolution, and applicability, as well as an array of terms and conditions. It is accepted wisdom that the parties should be economical in the range of issues that they try to address in a first agreement. The core challenge is to achieve a framework that will provide a working basis for an ongoing discourse and for the development of subsequent agreements.

Negotiations leading to the current stage of faculty negotiations have proceeded in three stages: (i) discussions to renew the previous collective agreement under the Faculty Handbook, until late 2000; (ii) discussions to reach a first agreement, following Faculty Association certification, from February 2001 to February 2002; and, (iii) ongoing discussions to reach a first agreement, following a change in the Faculty Association executive and bargaining team, from June 2002 to present. Many of us on both sides have found this extended process frustrating, but the only thing to do has been to stay at the table and continue discussions. In the period leading to mid-November of 2003, the parties achieved significant progress on common language. With the presentation of complete proposals by the Faculty Association on November 13th and by the University on December 8th, the stage should now be set for

accelerated discussions leading to a first collective agreement. To be sure, a strike - or a semester dedicated to manoeuvres with a strike in prospect - is not going to speed up the process.

As we begin the new semester, and with the prospect of a work stoppage under active consideration, it is important that all members of the UPEI community proceed with a clear sense of the risks involved. This goes well beyond providing a mandate to negotiate. A strike, or taking matters to the point of deciding whether a strike is required, is an extremely divisive undertaking, especially in the context of a university. A university community is not a conventional workplace. For UPEI, a strike will be much more than a temporary withdrawal of services to achieve bargaining objectives. UPEI has shown plentiful signs of a university community at its best, where colleagues achieve significant levels of excellence based on a high degree of trust and friendship, where students and faculty enjoy a learning community based on traditions of teaching excellence and positive and mutually constructive relationships, where staff and administrators in various capacities work together with faculty and students to build an institution in which we all take pride, and where our whole surrounding community - notably the province of Prince Edward Island - shares in a sense of esteem and pride in UPEI's achievements.

UPEI is a "people institution," which achieves its success through an elaborate web of relationships. As a university, we enjoy a very special quality of collective endeavour, esteem, relevance to our home community and to a larger world, and high standards of excellence in teaching, research and service. To achieve this, we benefit from rich relationships, from a joint sense of mission, and from an institutional culture and traditions that would be seriously put at risk by a strike.

I was a student at UPEI during the 1970's strike, and took part in two faculty strikes at Dalhousie during the 1980's. Strikes, including consideration of whether to undertake or not under-

take a strike, entail many risks. Colleagues become more guarded in their dealings with each other, and can be permanently divided. Students become caught in the middle, and their anxieties are played upon as a piece of the struggle. Staff colleagues feel a new sense of vulnerability. Our supportive community begins to question our value. Those leading the effort feel required to castigate "the administration". Any or all of the above will only hurt UPEI and its long-term well-being.

Over and above these risks that come with any contemplation of a strike, there are two further concerns peculiar to the context of negotiating a first collective agreement. First, how we reach this first agreement will determine the collective culture of UPEI for decades and generations. If it takes a strike to resolve the differences currently between the parties in this first agreement round, there will be an increased likelihood of strikes in the future. Equally insidiously, if it is perceived that it takes the threat of a strike to achieve this agreement, this risks becoming part of our institutional culture, as we develop future collective agreements. That strike preparations have been underway, and that Conciliation was sought, even before the tabling of complete bargaining positions, is not an encouraging signal. We should all hope that this is not an indication of a new collective culture. How we proceed in our current negotiations, notably how we proceed over the next days and weeks, will set the culture of UPEI for a long time.

My second concern about the prospect of a strike in these negotiations is that this would be a very difficult strike to "resolve." There are few, if any, precedents in Canada for a faculty strike in pursuit of a first agreement. Where there is no underlying agreement, there is no normative regime to underpin a return to work or to deal with outstanding issues. This is why most Canadian provinces have legislation empowering the industrial relations board, or another body, to impose a first agreement. Prince Edward Island passed such legislation