

Presentation notes on behalf of Executive Committee  
General Membership Meeting – 14 February 2019

One wonders where to start in response to the proposed constitutional changes. One challenge to adopting them is the disconnect between the expressed concerns of the proponents, and the actual impact of the changes they seek. It reminds me of the old joke about a drunk looking under a streetlight for a key he lost further up the street. When asked why he is looking here rather than there, he responds, “Because here is the light”. The scholar [Yohan John](#) refers to the “streetlight effect,” the human tendency to search for answers in the wrong place, however well-lit that place happens to be. There is little doubt that with these constitutional proposals, we are looking in the wrong place, unless the intention of the proponents is to paralyze the Association and ensure that the Employer gets the upper hand in bargaining. I doubt this is the intention of most signatories to the amendments. However pressing topics such as last year’s CUPE 3903 strike may be, we must focus on the actual impacts of changing the Constitution. Such changes would have enormous consequences for our professional and personal lives, especially for our younger members.

Just yesterday, YUFA received a new document from Prof. Ferrara presenting what she refers to as “friendly amendments” to the original proposals. They are, in fact, substantive changes to most of her proposals. All of them respond to criticisms raised by Executive, validating our concerns about proposals that seemed poorly conceived and contradictory. The new document does not meet the constitutional requirements for signatures and timing of submission, nor has anyone had the time to study them. The electronic vote following this meeting can only consider the original set of proposals duly submitted according to the constitution. The rest of my presentation focuses on those proposals.

Both the YUFA Executive and the Stewards' Council recommend unanimously that members vote against all of the amendments except the last (amendment 17). I urge you to read Executive’s statement giving both an overview and an article-by-article response to the amendments. It is based on extensive research into other faculty association constitutions, and consultations with YUFA's lawyers, the Canadian Association of University Teachers (CAUT) and the Ontario Confederation of University Faculty Associations (OCUFA). All have told us

that no other faculty association constitution in Canada includes provisions resembling those being proposed.

Without going into details, key amendments would require routine decision making - and especially decision making during bargaining - to be punctuated by frequent delays and frequent e-voting and e-polling. Again, no other faculty association has such provisions, some of which would completely eliminate deliberative decision-making at meetings by removing incentives to attend YUFA meetings. It would certainly promote disengagement since membership meetings would become less relevant. It would move political interaction and decision making to online venues, which research and precedent show is likely to increase polarization and divisiveness. There is also a troubling proposal to double the YUFA meeting quorum level from 50 to 100, far exceeding the quorum required by other unionized faculty associations (UBC has a quorum of 50 and they have 3200 members, more than twice our size). The combination of raising quorum and dis-incentivizing attendance means we would struggle to do our business as an Association.

While the proposed amendments would be harmful to virtually every aspect of the Association's work, the proposals around bargaining deserve special mention.

First, requiring a four-week delay between holding a strike vote and taking job action dramatically shifts bargaining power to the employer, especially in a short 12-week academic term. There is surely no union constitution in the world that has such an unnecessary and inflexible self-imposed restriction.

Second, another amendment would require using a third party to help settle the dispute before taking job action - and even before holding a strike vote! It appears that the drafter of this proposal was not aware that the Ontario Labour Relations Act (OLRA) requires the parties to work with a Ministry appointed conciliator (neutral third party) before conducting a strike or lockout. Therefore, that part of the amendment seems redundant.

The drafter is also not aware that mediators - whether Ministry appointed or privately hired - prefer that the union has a strike vote in hand before mediation or conciliation takes place so that there is a greater chance of movement on the part of the employer. So the requirement to delay a strike vote until after mediation or conciliation could actually undermine the process of mediation it is intended to promote.

Third, remarkably, one amendment would require an internal membership vote about whether to seek arbitration before conducting a strike vote. This ignores the well-known fact that employers rarely have an incentive to agree to move issues to arbitration until the union exerts its leverage through a strike vote.

Anyway, these are not minor quibbles but fatal flaws, some of which appear to reflect a lack of knowledge about Ontario's labour laws and the collective bargaining process. Indeed, I have a challenge for anyone who is thinking of supporting the proposed amendments. Please contact any colleague who has served in YUFA's bargaining team, and ask if they would be willing to serve again under the new constitution. The answer is predictable. Indeed, it is the Executive's informed view that if these proposed bargaining provisions had been in place for the last decade or two, YUFA members today would have much worse working conditions, remuneration, benefits, and pensions.

There is little time to discuss these proposals and their impacts in this meeting, so please study the relevant documents. Most importantly, please engage your colleagues and make them aware of the existential threat to our Association, and the need to vote in the e-vote that will follow. If members pass these constitutional changes because our colleagues are not paying attention, YUFA will no longer be able to advance its members' interests with full and reasonable capacities of representation at a time we need them most. The future of YUFA would be in doubt, since why should members be willing to pay monthly dues to an ineffective and unrepresentative organization? In contrast, the mood in 10th floor Kaneff would be definitively triumphant.