



Federation of
Post-Secondary Educators
of BC

John Waters, CEO
Post-Secondary Employers' Association
422 - 1333 West Broadway
Vancouver, BC V6H 4C1

SENT VIA POST AND EMAIL

Dear Mr. Waters:

Over the last several days, our university locals have been advised by either senior administrators or the chair of their respective Board of Governors that the combination of an arbitration decision involving the University of British Columbia (UBC/McPhillips) and the legislation governing the new special purpose universities will have the effect of overriding a number of provisions in our current collective agreements. As well, they have advised our locals that, as they prepare for the 2010 round of bargaining, they should be mindful that the legislation gives their institution's Senate the power to intervene and effectively veto contract provisions that are negotiated through collective bargaining.

Had these administrators or chairs taken the time to understand both the legislation and the arbitration decision, they would have come to a much different conclusion. The McPhillips arbitration, which is under appeal and will be heard in March 2010, deals with those sections of the University Act that apply specifically to the research universities. The sections outlining the duties and responsibilities of Senates in the new special purpose universities are spelled out in a different section of the Act and deal with educational policy, not academic governance, as is the case with the research universities. However, the post-secondary education employers are conveniently by-passing those facts, focusing instead on an erroneous and deliberately unsettling interpretation of both the Act and the impact of the arbitration decision.

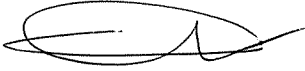
It's hard not to see this erroneous interpretation of the facts as a bold-faced attempt to disrupt the bargaining preparation process that our locals have a legitimate right to undertake. More to the point, the timing of these interventions by post-secondary employers and the absolute distortion of the legislative and policy facts amount to nothing short of a well-orchestrated plan to undermine the prospect of good faith that is supposed to characterize the approach that both sides assume in the lead up to bargaining. The point of these interventions, it seems, is to say to our local faculty associations that they can draft whatever demands they want for bargaining, but ultimately it will be the Senates of the special purpose universities who will decide what stays and what goes in any future collective agreement.

This is intimidation through misinformation. We believe as the head of PSEA it is imperative that you advise your member university chairs of their misunderstanding of the law and of the impact of the McPhillips arbitration. As well, continued attempts by your member universities to disrupt our efforts



to prepare for bargaining amount to bargaining in bad faith and constitute blatant unfair labour practices, actions that contravene BC's Labour Code. Should these actions continue, we will seek relief from the Labour Relations Board.

Sincerely,



Cindy Oliver
President

cc: PSEA Board of Directors:

- Nick Rubidge, Chair
- Don Wright, Vice-Chair and Institute Sector Representative
- Ralph Nilson, Special Purpose Teaching University Sector Representative
- Ruth Wittenberg, Government Representative
- Tom Vincent, Government Representative
- Mark Evered, Member-at-Large
- Rob Henderson, Member-at-Large
- David Ross, Member-at-Large
- Randy Maradyn, SCHRPP Member
- Valerie Cochran, SCHRPP Member