

## **Bargaining at UNB 1979-80 and 2013-14: Parallels and Lessons**

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Beyond obvious differences between these two pivotal rounds of collective bargaining – the inaugural round, and the first round to include a strike – there are significant parallels:

- Need for nationally comparable academic salaries
- The administration's claimed inability to pay nationally comparable salaries
- Erosion of academic programs
- Degradation of collegial governance and rise of managerialism
- Discovery of surplus funds through the annual external audit process

There also are similarities in background between the AUNBT membership's vote to seek certification as a trade union and the membership's vote three and a half decades later to authorize the first strike action.

In the early 1970s, informal negotiations between AUNBT and UNB President James O. Dineen resulted in an understanding that salaries here should be comparable to those at Queen's University. After his untimely death in 1973, Dr. Dineen was succeeded by Dr. John M. Anderson. This national salary comparison base was effectively abandoned by the administration of Dr. Anderson. By the late 1970s UNB salaries were among the very lowest at any Canadian university. Dr. Anderson publicly asserted that UNB was seriously underfunded by the Province and consequently had a significant deficit, suggesting there was an inability to pay nationally comparable wages. Confidence in the president and his administration – on and off campus – declined when the annual financial statement prepared by external auditors disclosed a substantial surplus.

The administration's respect for collegial processes and institutional integrity also declined during the Anderson presidency, while managerialism increased. A key development in the late 1970s was a report by the Academic and Campus Planning Committee (ACPC) consisting of administrators and like-minded faculty members. It relied on deficient demographic, social and economic data to conclude that student enrolment would decline steeply and thereby cause a serious financial problem. The proposed solution was a large reduction in the University's academic staff complement, accompanied by new limits on the number of tenured positions and non-academic restrictions on promotion – in effect, quotas on both tenure and promotion. Such proposals were unique to UNB in Canada and, if implemented, would have seriously eroded its national standing and made UNB unattractive for recruitment and retention of

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<sup>1</sup> Chief Negotiator and Collective Bargaining Committee Chair, respectively, during the first round of bargaining.

academic staff. The reply to critics of the ACPC report was that they should "seek academic fulfillment elsewhere".

A strong majority of the academic staff disagreed with the ACPC report's assumptions, methodology, conclusions and proposals. Among other defects, it failed to consider that university education was increasingly important to individuals' career development and that increasing numbers of women were entering university, factors that not only sustained enrolment but caused it to grow.

It was in these circumstances that the AUNBT membership, following the lead of colleagues at Manitoba, York, Laval, Dalhousie and elsewhere voted to become a trade union and seek certification as a bargaining agent under the *Industrial Relations Act*. Certification was granted in March 1979 after protracted hearings before a tribunal during which the UNB administration and two minority groups of faculty members opposed AUNBT's application. Negotiations for the first collective agreement commenced and successfully concluded a year and a half later. Meanwhile, Dr. Anderson's term as president expired and, although he sought re-appointment, the joint Senate-Board search committee declined to recommend him. Dr. James Downey was appointed President of UNB in 1980.

The critical phase of the first round of bargaining came at the beginning of July 1980, when almost all articles had been agreed except the financial settlement. The two bargaining teams met with the provincially appointed mediator in a make or break attempt to resolve this issue. More than a year had passed and under existing law, after a year without reaching a first collective agreement, an attempt could be made by opponents to de-certify the union. The AUNBT team went to that bargaining session knowing the stakes were very high if an agreement was not reached: we could lose everything that had been accomplished.

The issue, like now, was AUNBT's demand that UNB pay wages comparable to those at similar universities from across Canada. Like now, the employer claimed it could not afford to pay and spent a lot of time at the bargaining table talking about how poorly off financially UNB was compared to the others (in their view). In effect the administration was saying, as the present administration does now, that there were other more important things to spend the money on – then as now the administration was making other choices.

Proceedings that day started with AUNBT meeting alone with the provincially assigned mediator. He suggested we make a substantial move in an effort to spark a substantial positive response from the employer on wages. We agreed to take the risk and offered to reduce our demands by 5.0%, which would have cut the gap between the two sides by about 1/4. The hope

was that we could converge somewhere toward the middle of the gap. The mediator was delighted and rushed off to meet with the employer's team.

The mediator then brought the two teams together for the administration to make its counter offer. We had high hopes that we had broken the logjam and could finally make progress to a full settlement. To the obvious disappointment of the mediator, the administration increased its previous offer by 0.5% and told us it was their last and best offer. As we recall, this response seemed so bizarre we were more amused than angry.

Our team did not even caucus to discuss it. We knew this offer did not address the fundamental need for wage comparability, and our principle of wage comparability was not being respected. Our response was simple: no deal – and we have no further offer to make. We were told again that this was the employer's last and best offer. We again said no. The employer's representatives berated us for not even caucusing to consider their offer. We said we did not need to caucus because they were so far from dealing with our principle of wage comparability.

We walked out of that meeting not knowing what would happen next. Although we were confident in the strength of our evidence and arguments on the salary issue, we were not confident we could pull off a successful strike because unionization had been contentious. We did not have anything like the strength of support that AUNBT has now. It is reasonable to assume the administration and Board of Governors also had serious considerations to weigh at this juncture, among them that a strike situation would be an inauspicious beginning for the new President who was just arriving. After weighing factors relevant to their respective circumstances, AUNBT and UNB agreed to submit the salary dispute to arbitration by a binding Conciliation Board.

The rest is history. AUNBT effectively won the arbitration, with the final settlement substantially more than halfway toward our position on increases to salaries. That arbitration established the principle of nationally comparable salaries, which was refined over the years and became a basic principle for collective bargaining at UNB until quite recently.

Shortly after bargaining was completed, one of us made several observations in a memo to all members of our union:

The Association has brought to a successful conclusion an enterprise which is having and will continue to have a major beneficial impact on the university as a whole, with the signing of our first collective agreement on November 3, 1980. This was a long and arduous task but may be viewed as one phase in a historical process of maturation which we have in common with many other North American

universities. In this process university teachers have gradually moved away from reliance on paternalism and belief in managerial fairy tales to take more direct control of responsibility for their own destiny and that of their institutions. Quite simply, the time has come when academics can no longer entrust their fate to the hands of clerks.

We were fortunate in having a well-balanced, compatible and cohesive negotiating team ... The main criteria were that negotiators should be: (i) tough-minded, (ii) principled, (iii) inclined to think globally (of the university as a whole), and (iv) willing and able to work effectively for arbitrarily long hours and for an arbitrarily long time.

But that was not the end of the story, and the work continued. The new higher salaries were paid, the university finances did not collapse, and a great deal of hard work on both sides led to a new environment of mutual respect and understanding that was very beneficial to the future of UNB.