

**IN THE MATTER OF THE INDUSTRIAL RELATIONS
ACT AND IN THE MATTER OF A CONCILIATION
BOARD IN A DISPUTE**

**BETWEEN: THE ASSOCIATION OF UNIVERSITY OF
NEW BRUNSWICK TEACHERS**

- and -

**THE UNIVERSITY OF NEW BRUNSWICK,
FREDERICTON, NEW BRUNSWICK**

**Appearances: Gordon Petrie for the University
Robert Breen for the Association**

PRELIMINARY MATTERS

Both parties agreed prior to the appointment of this Board that they would be bound by the decision of the Board in accordance with Section 69(3) of the Industrial Relations Act.

The Association nominated Dr. Ronald Bercof of the University of Alberta as its nominee to the Board, and the University nominated Dr. Donald G. Wells of the University of Manitoba as its nominee.

On August 26, 1980, the Minister of Labour appointed G. Christopher Collier as Chairman of the Board and the nominees

of the parties as their representatives on the Board.

The Board requested that Briefs be filed by both parties prior to the hearings and the hearings were held in Fredericton, N. B. on October 8th, 9th and 10th, during which both parties were given the opportunity to make full and complete representation. The spokesman for the Association was Dr. A. R. Sharpe of the Physics Department of the University and the spokesman for the University was J. F. O'Sullivan, Vice-President (Finance and Administration of the University). The Board made an attempt to mediate the dispute between the parties as required by the Industrial Relations Act, but was unsuccessful and must therefore render an Award to finally determine this dispute.

The parties raised no objection to the composition of the Board and both agreed that no transcript of the proceedings would be necessary.

ISSUE

The parties agree that the Board has jurisdiction to

hear and decide the matters of wages and retroactivity and including salary structure for the academic years July 1, 1978 to June 30, 1979, July 1, 1979 to June 30, 1980 and July 1, 1980 to June 30, 1981.

FACTS

The Association received certification from the Industrial Relations Board on March 30, 1979 as Bargaining Agent for:

"All persons employed in full time teaching or research or employed as librarians at the University of New Brunswick at its Campuses in Fredericton and Saint John, New Brunswick, save and except Deans, Associate or Assistant Deans, those above the rank of Deans, the University librarian, faculty members who are members of the Board of Governors and those excluded by the Industrial Relations Act.

NOTE: The Unit described is intended to include the Dean of Students and Directors."

The University of New Brunswick operates two campuses. The original and larger campus is located in Fredericton, N. B. and the second is located in Saint John, N. B. There are approximately 5,100 students enrolled at the Fredericton Campus

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and 600 at the Saint John Campus.

Pursuant to the University of New Brunswick Act the responsibility for the management of the University is vested in the Board of Governors. The Act gives the Board of Governors the power to appoint Professors, Associate Professors, Assistant Professors, Lecturers, Instructors and other teaching and non-teaching staff.

The University receives about 80% of its funding from Provincial grants. The rest of the funding is made up of tuition fees (about 12%), sale of services and interest earned on short-term investments. Provincial grants are received by the University and all other Institutions of higher learning in the Maritime Provinces from the Maritime Provinces Higher Education Commission.

The Maritime Provinces Higher Education Act was passed by the Legislative Assembly of New Brunswick in 1973 and pursuant to its provisions the Commission is responsible for advising the Government of New Brunswick, through the Council of Maritime Premiers, on the field of higher education and recommends to the

Government the specific amounts of Provincial Government financial assistance to be made available to the University.

The Commission does not however, approve or disapprove of the budget of any University. The manner in which funds are spent is left to the Administration of the University. Each University has the responsibility of operating its Institution within the means available to it.

Negotiations for a final Collective Agreement between these parties commenced in May of 1979. The parties had 60 meetings until February 19, 1980 when a Conciliation Officer was appointed. After a further 100 meetings the parties agreed on all matters except those now in issue and in July of 1980 the Minister of Labour received a request to appoint a Conciliation Board.

As noted above this dispute centres on wages for three academic years. During the year 1978-1979 the University made a voluntary 7% adjustment in the salaries paid to all members of the Bargaining Unit consisting of a 4% increase in salary scales and 3% for moving one step up the salary scales. This was done with the consent of the Association, but it is the

position of the Association that an additional increase for the academic year 1978-1979 is still in dispute.

ASSOCIATION'S POSITION

The Association is seeking increases to salaries for each member of the Bargaining Unit for each of the 3 academic years in question. For the academic year 1978-1979 the request is for an additional 5% adjustment as a "catch-up". For the academic year 1979-1980 the request is for an economic adjustment of 8%, "a progress through the ranks" (P.T.R.) adjustment of \$1,110.00 (approximately 4%) and a "catch-up" of 5%. For the academic year 1980-1981 the request is for an economic adjustment of 7%, a P.T.R. adjustment of \$1,175.00 (approximately 4.3%) and a catch-up" of 1%. The total increase requested over the three years therefore is 34.3% and added to the 7% increase already received for the academic year 1978-1979 brings the real demand to 41.3% over 3 years, which includes a 30% increase in scales and 11.3% is the accumulated total of step increases over the 3 year period.

In addition, the Association is requesting that the floor salaries for a Senior Instructor be equated to that of an Assistant Professor and that the salary for Senior Instructors be increased by a sum equal to the difference between the old and

the new floors in addition to the other increases set out above.

The Association supports its demands primarily upon the increase in the cost of living during the period and comparability of salaries at U.N.B. with salaries paid at comparable institutions in Canada.

The statistics provided by the Association establish that the members of this Bargaining Unit earned approximately 24% less than persons performing similar work in comparable Institutions during the academic year 1979-1980. The Association makes the case that Universities compete for teaching staff and the inability of the University of New Brunswick to compete in the area of salaries hurts not only the members of the Bargaining Unit, but also the Institution and the people it serves. The Association has also provided statistics to establish that in 1971-1972 an academic career at the University of New Brunswick was at least as economically rewarding as it was anywhere in the Country, while today it is an economic sacrifice to follow an academic career at the Institution.

UNIVERSITY POSITION

The University recognizes to some extent the argument of the Association. The University does not deny that the members of this Bargaining Unit are underpaid on a comparable basis and that some adjustment is necessary over and above what could be considered the usual or ordinary annual increase.

During negotiations and before the Board, the University took the position that the increase which has already been given for the academic year 1978-1979 of 7% was sufficient and that no additional increase should be granted for that year. For the year 1979-1980 the University has offered a 7% economic adjustment and 2% for progress through the ranks, and for the academic year 1980-1981 the University has offered a 7% economic adjustment, a 3% adjustment for P.T.R. and a 3% "catch-up". The total offer over the 2 years therefore is 22%.

The University maintains that even the offer which it has made will create a deficit in operations for the academic year 1980-1981 and that any additional increase in wages would enlarge the size of that deficit not only in 1980 and 1981, but further

that that deficit would continue to grow with each year based on the University's projected revenues for the next several years.

The University has further submitted statistics to establish that salaries paid to faculty members at the University of New Brunswick is relatively favourable when compared with salaries paid by Universities in the Maritime Provinces.

REASONS FOR DECISION

A. Comparability

The Board has been asked to consider the question of the comparability of the wages paid to members of the Faculty at the University of New Brunswick, and those paid to the members of Faculty at other Universities. The Association has submitted that the comparison should be made on the basis of salaries paid to Faculty members at comparable Universities in Canada, and the University has submitted that the comparison should be made on the basis of salaries paid to members of Faculty at Universities in the Maritime Provinces.

To some extent the argument to confine the comparison to the Atlantic region is valid. On the other hand the Board finds that very few comparisons can be made in the Maritime Provinces between this University and other Universities. The Board therefore accepts the idea that, to the extent comparisons are a valid ingredient in the determination of salaries, it is more appropriate to consider the salaries paid to members of the Faculty at Universities in Canada which are comparable to the University of New Brunswick.

B. Ability to Pay

The University has demonstrated that salaries in the magnitude which this Board recommends will create a deficit in annual operations for the University. The Board has fully considered the ability to pay arguments of the University, and those arguments played a substantial role in the decision of the Board.

The Association however, has satisfied the Board that an adjustment in salaries in excess of the University's offer is necessary to provide fair economic rewards for the Faculty at the University. There is no doubt that the University will

have to re-examine the apportionment of its budget between salary and non-salary items. In addition, it is evident to the Board that the funding which the University receives at the present time is inadequate. The University is, at the present time, operating without a deficit, however, the moneys paid by the University for wages to members of the Faculty has been and continues to be artificially low. There is no doubt that the present adjustment in wages will require consideration from the Maritime Provinces Higher Education Commission of a larger than usual grant to the University in order to offset the adjustment.

C. Cost of Living

In recommending salary adjustments, the Board has taken into consideration the arguments advanced by the Association with respect to the increase in the cost of living.

The increase in the cost of living can be approached from many directions and can be tailored to suit almost any argument. The fact is there has been and, in all probability,

there will continue to be an annual increase in the cost of living of a magnitude which cannot be ignored in a discussion of fair wages and the maintenance of relative economic positions for various segments of society. The individual members of the Bargaining Unit, like everyone else in our society, have had their purchasing power noticeably diminished by the increasing cost of living.

It would appear from the submissions made by the parties that the increase in the cost of living is a factor which has not been adequately compensated for in previous salary adjustments and which has contributed to the disparity which presently exists between salaries paid to the Faculty at the University of New Brunswick and the Faculty at comparable Universities in Canada.

D. Pay Structure

The Board has established a pay structure which is similar to the existing pay structure. The Board's discussion with the parties makes it clear that they have not had an adequate opportunity to determine between themselves a pay structure which will satisfy their needs. The pay structure

recommended by the Board is based upon the previous pay structure. The Board feels that the parties will be able to design a pay structure at the next set of negotiations which will be satisfactory to both of them. In recommending ceilings in its pay schedule the Board does not intend that those ceilings should be operative during the academic years 1979-1980 or 1980-1981 and that any increases recommended by the Board be applied to each individual in the Bargaining Unit regardless of the ceiling.

E. Retroactive Pay

There are two factors to be considered with regard to this issue. In the first instance, the Board is recommending that salary increases be paid only to existing members of the Bargaining Unit employed at the date of the Award, or to employees whose employment has been terminated during the academic years 1979-1980, 1980-1981 by reason of death, retirement or disability.

In addition, the Board has determined that the primary goal in adjusting salaries is to set levels of salaries in

the academic year 1980-1981 which are comparable to salaries paid at similar institutions in Canada. The Board has therefore placed the greatest increase in salaries in the academic year 1980-1981 and a somewhat lesser increase in the academic year 1979-1980 and, furthermore the Board has recognized the position of the University and has recommended no additional increases for the academic year 1978-1979.

AWARD

For the reasons set out above the Board therefore finds as follows:

A. Wages

Each member of the Bargaining Unit shall receive the following salary adjustments with the exception of the Computer Director and Senior Instructors.

(a) Academic Year 1979-1980

Economic adjustment 8%

Progress through the ranks \$1,011.00

(b) Academic Year 1980-1981

Economic adjustment 8%

Progress through the ranks \$1,142.00

Catch-up 5%

NOTE: The catch-up is to be calculated as a percentage of the 1979-1980 salary of each employee

Salary for Senior Instructors shall be as follows:

(a) Academic Year 1979-1980

Economic Adjustment 13%

Progress through the ranks \$1,011.00

(b) Academic Year 1980-1981

Economic Adjustment 8%

Progress through the ranks \$1,142.00

Catch-up 5%

NOTE: The catch-up is to be calculated as a percentage of the 1979-1980 salary of each employee.

Salary for the Director of the Computer Centre:

(a) Academic Year 1979-1980

Economic Adjustment 8%

Progress through the ranks \$1,011.00

Stipend \$9,592.00

(b) Academic Year 1980-1981

Economic Adjustment 8%

Progress through the ranks \$1,142.00

Catch-up 5%

Stipend \$10,359.00

NOTE: The catch-up is to be calculated as a percentage of the 1979-1980 salary exclusive of stipend.

B. Pay Structure

The pay structure for members of the Bargaining Unit is attached hereto as Appendix "A". After discussions with the parties the Board has determined that it will not make major revisions in the pay structure since it would appear that the parties have not had adequate opportunity to work out a pay structure which would be satisfactory to both of them. The pay structure recommended by the Board is based upon the existing pay structure. The ceilings fixed by the Board are arbitrary and are not to be used to prevent any member of the Bargaining Unit from receiving any increases which are recommended by the Board in the academic year 1979-1980 or the academic year 1980-1981, nor are they to be used to prevent an Award made to any member of the Bargaining Unit from the Anomaly Fund, the Market Differentials Fund, the Presidents Discretionary Funds, and Merit Awards.

C. Anomaly Fund and Market Differentials Fund

The Board finds that the distribution to the Anomaly Fund shall be \$75,000.00 and the distribution to the Market Differentials Fund shall be \$75,000.00.

D. Retroactivity

Retroactive pay for the academic year 1979-1980 and the academic year 1980-1981 shall be paid to those members of the Bargaining Unit employed on the date of this Award, and in addition, shall be paid to members of the Bargaining Unit whose employment with the University was terminated in the academic year 1979-1980 or in the academic year 1980-1981 by reason of death, retirement or long-term disability.

DATED the 24th day of October, A.D. 1980.



G. Christopher Collier
Chairman

I, Concur



Dr. Ronald Bercov
Member

I, Concur



Dr. Donald O. Wells
Member

APPENDIX "A"

Salary Floors and Ceilings:

	<u>1978-79</u>	<u>1979-80</u>	<u>1980-81</u>
Instructor	\$11,312 - 14,525	\$12,217 - 15,687	\$13,805 - 17,726
Senior Instructor	13,990 - 20,276	15,109 - 24,930	17,073 - 28,170
Lecturer	13,454 - 18,047	14,530 - 19,491	16,419 - 22,025
Assistant Professor	15,597 - 23,083	16,845 - 24,930	19,035 - 28,170
Associate Professor	20,276 - 30,570	21,898 - 33,016	24,745 - 37,308
Professor	25,891 - 38,992	27,962 - 42,111	31,597 - 47,586
Librarian I	\$11,312 - 14,525	12,217 - 15,687	13,805 - 17,726
Librarian II	13,454 - 18,047	14,530 - 19,491	16,419 - 22,025
Librarian III	15,597 - 23,083	16,845 - 24,930	19,035 - 28,170
Librarian IV	20,276 - 30,570	21,898 - 33,016	24,745 - 37,308
Research Associate	\$	\$16,845 - 24,930	\$19,035 - 28,170
Senior Research Associate		21,898 - 33,016	24,745 - 37,308

(NOTE: Ceilings not in effect for 1979-80 and 1980-81)