



## An ACIFA Defence Fund: Why it is Needed

### **Legal Context**

Until recently, faculty members at colleges and technical institutes in Alberta did not have the right to strike. Binding arbitration was the conflict resolution mechanism permitted by the Post-Secondary Learning Act (PSLA). That arrangement generally served our sector well.

In 2008, the Saskatchewan provincial government declared all provincial employees to be essential service workers and thereby removed from them the right to strike. As a result of this decision, the unions took the case to the Supreme Court of Canada which, in 2015, declared the right to strike a constitutional right and instructed the Alberta government to bring the PSLA in line with the constitution. Consequently, Bill 7 was tabled in the Alberta legislature in April 2017. Bill 7 effectively changed all Faculty Associations (FAs) into unions with regard to bargaining and dispute resolution.

It should be noted that ACIFA did not ask or advocate for this change. Nevertheless, it is now law, and we needed to adapt to this labour reality.

### **What If We Never Go On Strike?**

Having the right to strike does not mean we must use it. Indeed, ACIFA faculty members are not generally militant, and taking such a job action is not an attractive option to most of us. However, even if we choose never go on strike, we can now be locked out as a cost saving mechanism.

It has been suggested that a possible way to prevent ever going on strike is to opt for "final selection arbitration". This means that if we and our employer cannot reach an agreement through collective bargaining, each party puts forward a final offer for selection by an arbitrator. Both parties agree beforehand to abide by the arbitrator's decision. Attractive as this option seems at first, it is not a long-term solution because both parties must agree to final selection arbitration at the beginning of each new round of bargaining. If employers at any time in the future choose not to resolve labour disputes via arbitration, it leaves FAs with few options other than job action. The new dispensation thus means that the right to strike (on the employee's side) and the right to lock out (on the employer's side), cannot be permanently negotiated away.

### **What Has ACIFA Done?**

We have established a provincial defence fund to which faculty members at each college and technical institute that is an ACIFA member contribute. The money in the fund is designated for one purpose only: to financially support individual faculty members during a job action.

Establishing such a fund collectively has meant that each faculty member needs only make a small, but regular contribution. The large number of faculty members across the province will allow the fund to grow quite rapidly. These contributions (unlike regular ACIFA dues) will not be capped for bigger ACIFA institutional members because in the event of job action, every faculty member will need financial support.

### **How Much Will It Cost An Individual Faculty Member?**

The amount collected is \$5 per month – the equivalent of a cup of coffee per month. This translates to \$60 per year. These additional contributions do not go into ACIFA's general fund, but are designated exclusively for the defence fund which will be externally managed to ensure accountability and transparency.

### **What Are The Direct Benefits Faculty Can Expect From A Fund Like This?**

In the event of a job action, ACIFA's defence fund will pay to the member association a per diem amount of \$100 per day for each faculty member involved in the job action. If these funds are disbursed to the faculty members, the money is tax free, and that there are no EI or CPP deductions.

### **Why Did ACIFA Get Involved In Building Up A Defence Fund?**

ACIFA's mission is to advance the professional and economic well-being of college and technical institute faculty members through collective action. Given the new legal context that Bill 7 has established, the only meaningful way to support ACIFA members with regard to job action was to act collaboratively in establishing a defence mechanism. We are stronger together.

Without such a well-endowed defence fund, faculty members are likely to see an erosion of their academic freedom and economic well-being. In the absence of access to a strong fund, FA bargaining teams are more likely to capitulate at the bargaining table because they will not have the backing necessary to take a hard line on any issues of real importance to faculty.

In order to live up to our mission of supporting members, ACIFA's best course of action is to build up such a defence fund as soon as possible.

### **What If There Is An Excellent Relationship With Management At The College Or Institution?**

ACIFA has always been a fierce defender of sound collegial governance and we will continue to be so. Such collegial governance is one of the hallmarks of the post-secondary education sector, and a governance principle worth advancing and upholding.

However, we must be realistic and learn from the experiences of other post-secondary institutions elsewhere in Canada. Administration and management of our colleges and institutions rarely remain static, and an excellent relationship between an FA and management today, may change dramatically tomorrow.

### **Is Contributing To A Defence Fund Something Like An Additional Tax?**

Contributing to a defence fund is more comparable to buying insurance than to paying a tax. As with all insurance, the more broadly the risk is distributed, the lower the unit cost per member. An ACIFA defence fund is the least expensive way to protect faculty against the vulnerabilities which we now face.

In addition, contributing to the defence fund has significant tax benefits. A faculty member's contribution to the fund is a tax-deductible expense, while the benefits received from the fund during a job action is a non-taxable benefit.

**Does Belonging To The ACIFA Defence Fund Mean That Local FAs Need Not Build Up Their Own Defence Fund?**

A strike is a very expensive proposition. The operating costs (renting a strike headquarters, making picket signs, providing food and drink, and so on) can be as high as \$25,000 per week. In addition, members' pension and health benefits are not covered during a strike. It is therefore advisable that FAs build up some limited internal resources to provide for the above mentioned expenses.

**What If There Are Insufficient Funds Available In The Defence Fund When Our FA Needs It?**

Experience elsewhere indicates that it is very unlikely for more than one college or institute to be on a job action at the same time. The funds available in a properly built defence fund will thus be available to a specific association when job action occurs.

It is also imperative that we support a job action at any ACIFA member college or institution since significant changes to working conditions, academic freedom, job security, workload and so on, are likely to affect all other colleges and institutes across the province. This is so because the administrations of other colleges and institutions are likely to take any wins as precedent-setting during bargaining with other FAs.

If you require additional information, please do not hesitate to contact Anna Beukes, ACIFA's President, by email at annab@nait.ca.