

**FREQUENTLY ASKED
QUESTIONS**
about
COLLECTIVE BARGAINING
and
JOB ACTION



Prepared by the Teaching Support Staff Union (TSSU) on
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Who is a member of the TSSU?

The Teaching Support Staff Union (TSSU) at Simon Fraser University represents the following employees:

- Teaching Assistants (TAs);
- Tutor Markers (TMs);
- Sessionals (Sessional/Adjunct Instructors); and
- English Language & Culture/Interpretation & Translation Instructors (ELC/ITP).

If you hold any of the above positions at Simon Fraser University, you are a member of the TSSU. This means you are both a voting member, and a member of our bargaining unit. You also remain a TSSU member for two more terms following your last appointment.

What does ‘collective bargaining’ mean?

Collective bargaining is a process of negotiations between employers and a group of employees, aimed at reaching agreements to regulate working conditions. Both sides put proposals forward, and the proposals are discussed and amended until an agreement is reached. For Teaching Support Staff Union (TSSU) members, these working conditions are set out in our *Collective Agreement*. Our agreement has been expired since April 2014, and we are thus currently in the process of bargaining with the employer (Simon Fraser University) for a new one. Our expired Collective Agreement is still enforceable until a new one is secured.

How long has bargaining gone on for?

The Teaching Support Staff Union (TSSU) has been bargaining with the employer (Simon Fraser University) since May 2014, following the expiration of our Collective Agreement between SFU and TSSU on April 30, 2014. There have been 15 bargaining sessions as of February 19th, 2015. As of this writing, the employer has turned down all our proposals in favour of *quid pro quo* agreements, wherein the TSSU is asked to give something up for its members in order to secure a much-needed gain. No agreements have yet been signed.

How do UVic and UBC compare to SFU?

Our sister union locals at the University of Victoria (UVic) and the University of British Columbia (UBC) are also in the process of beginning bargaining with their employers, and face many of the same challenges as Teaching Support Staff Union (TSSU) members. In some cases, TSSU is attempting to win protections and working conditions that already exist at UBC and UVic. For example, UBC already ensures that graduate students who need teaching assistant (TA) work get work first by having a pool approach to hiring; TSSU has proposed that SFU adopt a similar approach when hiring graduate students to teach in their own departments. In other cases, our sister locals are fighting to bring some of TSSU's language into their own Collective Agreements. Our three locals are in regular contact to share information and learn from each other.

What are the TSSU's proposals to the employer?

Among the more significant proposals that the TSSU has made to the employer (Simon Fraser University) include:

- That real seniority rights be put in place for sessional instructors, so that long-term (experienced) instructors have greater job security and more accessible opportunities to teach on a permanent basis. The details of this proposal would still reserve a limited number of positions for graduate students, and would further enable them to apply that experience toward seniority after they graduate.
- That the benefits afforded to, and working conditions currently in place for, English Language & Culture/Interpretation & Translation (ELC/ITP) instructors at Harbour Centre be raised to match those of their administrative support staff colleagues.
- That the Teaching Assistant (TA) and Tutor Marker (TM) language within the Collective Agreement be merged, so as to get ahead of the ongoing merging and changing nature of the two jobs, and address systemic workload issues in TA and TM contracts.
- That teaching work be made easier for graduate students to access. Among other changes, we have proposed a department-wide application process in which

graduate students apply for TA and TM positions by simply indicating that they want to work - rather than having to submit applications for specific postings - and that all TSSU positions campus-wide be posted on SFU's centralized posting system on the same day. The application process currently in place allows departments to post job listings at varying dates of their choosing, as well as limit the jobs a graduate student can apply for; both of these practices artificially bar graduate students from work.

- That reasonable wage increases be put in place to keep up with the rising cost of living in British Columbia, along with benefit improvements.

For more detail on the proposals that the TSSU has made to the employer, as of this writing, please visit TSSU's bargaining website (<http://bargaining.tssu.ca>).

What are the employer's proposals to the TSSU?

Among the more significant proposals that the employer (Simon Fraser University) has made to the Teaching Support Staff Union (TSSU) include:

- That teaching assistant (TA) positions – typically filled by graduate students in order to help fund their educations - be gradually replaced with lower-paid undergraduate and external employees.
- That long-standing sessional instructors have eliminated any rights of return (e.g., 'right of first refusal') that exist for them within the TSSU's current collective agreement. Losing this right threatens both these instructors' short-term job security, and their chances of securing long-term employment with SFU. The TSSU fought hard to have this right added to the collective agreement in 2012, following 2.5 years of bargaining and strike action.
- That English Language & Culture/Interpretation & Translation (ELC/ITP) instructor positions be made more precarious by making seniority harder to get and easier to lose, as well as by making it harder to attain benefits and wage increases for length of service.

- That all benefits for all TSSU members be removed, and replaced with “pay in lieu of benefits”. TSSU has also, historically, fought hard for these benefits to be accorded to members. This change would force the TSSU to have to fight repeatedly for wage increases in future bargaining sessions, simply to keep up with inflation and rising costs of living and to afford the benefits that we’re already guaranteed today.
- That the employer be permitted to “opt-out” of the *British Columbia Employment Standards Act (BCESA)*, the purpose of which is to ensure that employees in British Columbia receive basic standards of compensation and conditions of employment, and fair treatment from their employers. At the time of this writing, Simon Fraser University already does not meet these standards as an employer in a number of ways: A significant number of TSSU members report missing their first and second pay checks at the start of their contracts, ELC/ITP instructors do not get any vacation time off, and the proposal that TSSU employees be given “pay in lieu of benefits” falls below the standards outlined in the *BCESA*. By opting out of the *BCESA*, SFU would be able to continue these practices without being held accountable.

For more detail on the proposals that the employer has made to the TSSU, as of this writing, please visit TSSU’s bargaining website (<http://bargaining.tssu.ca>).

How reasonable are the TSSU’s proposals? Aren’t universities dealing with their own budget cuts?

Yes, Simon Fraser University has seen the amount of money it receives from the government cut by millions of dollars. The 2014 PSEC (Public Sector Employees Council) mandate – called the *Economic Stability Dividend* - sets out co-operative gains as a way for public sector employers to give their workers a wage increase, but only if the money comes from within existing budgets. These PSEC mandates are based on monetary changes (changes to the collective agreement that will cost money) and read: “If actual real GDP growth is one percentage point above forecast real GDP growth, then a 0.5 per cent wage increase would result, beyond whatever wage increase had been negotiated in the

contract.” This mandate must be read within the context of current cuts to the operating grants of BC Universities.

This difficulty of coping with these budget cuts isn’t immediately apparent at Simon Fraser University, as senior administration continues to receive wage increases, and the university has recently created a new VP External portfolio at the budgeted cost of \$1 million per year. Yet, in the past, SFU’s administration has taken an extreme stance with its own mandate. In the 2010-2012 bargaining round, SFU refused to share their formal mandate with us, but told us they did not even have a mandate “to turn on the lights.” They used this line for over a year to resist even the smallest language changes that have no impact on SFU’s budget. In any case, the mandate and the context it exists in are important considerations for all members to understand.

What happens if the TSSU and SFU can’t reach an agreement through collective bargaining?

When bargaining is not effective, *mediation* is often employed. Either party involved in the “dispute” can apply to the Labour Relations Board for a mediator. The mediator's role is to be a neutral third party that meets independently with both sides and acts as a go-between to help them come to an agreement. Another option is *binding arbitration*, wherein a third party reviews the “evidence” presented by both sides and imposes a decision that is legally binding on both sides and enforceable in the courts. However, it is *job action* that has historically been the most effective tactic available to members during collective bargaining; during the 2012 TSSU strike, for example, neither a full week of mediation nor 2.5 years of bargaining led to any substantial progress for the union. Further, arbitration is only binding when both parties (in this case, the TSSU and the employer) agree to make it binding, and the employer (Simon Fraser University) has no incentive to agree to this because the status quo is currently working in their favour. Following the decision to engage in job action in September 2012, however, the TSSU was able to achieve a collective agreement only two months later.

What's the difference between job action and striking?

Under the *British Columbia Labour Code*, a *job action* (or *strike action*) refers to any collective action undertaken by union members in order to put pressure on an employer. However, in common speech, many people consider strike action to be the putting up of picket lines. When communicating, we thus make a distinction between job action and a complete work stoppage by calling the latter *picketing*, *withdrawing services*, or a *work stoppage*. The way TSSU refers to a job action is meant to encompass all of the many different and creative ways a union can put pressure on an employer, and typically refers to (almost) any change to our activity on the job that either makes our labour more visible (e.g., putting stickers on marked assignments informing students that their work was marked by a TSSU member), or denies the employer access to our labour (e.g., refusing to work overtime hours). While picketing typically results in a loss of pay, many other job actions can be designed such that union members do not lose pay.

If job action is necessary, the TSSU will begin with actions that have very little impact on the faculty and students of SFU (the public), and progress towards actions that put maximum pressure on the employer (Simon Fraser University). It is only if these forms of paid job action are unsuccessful that escalation to a full work stoppage and picket lines may become necessary.

Who makes the decisions when it comes to job action?

With the exception of a full work stoppage (picket), decisions about what job action to take, and when, are made by the Strike Committee. This committee is made up of five TSSU members, each representing a different committee within the union, who are elected by the membership at a Special General Meeting following a Strike Vote. All TSSU members are welcome to attend the Strike Committee meetings, and are encouraged to participate in the discussion. Ultimately, after hearing input from everyone present, the decisions will be made by the Strike Committee members. If the Strike Committee feels a

full work stoppage (picket) must be considered, the decision will be put to a full membership vote.

Will I have a say in deciding whether the TSSU will pursue job action?

Absolutely! The decision to begin job action is made in several stages by a vote of the union's members:

- The first is the large-scale distribution of information (like this FAQ!), so that members are fully informed of all the facts before being asked to take part in a strike vote.
- The next step is the scheduling of a Strike Vote, where all members—regardless of whether they hold a current contract—will be informed of the date(s) and encouraged to participate. The TSSU is currently at this stage. Voting “yes” in a Strike Vote does NOT mean the TSSU will immediately go on strike. Rather, it simply grants the TSSU the legal right, and a clear mandate, to serve the University with 72 hours “strike notice”; that is, notice of whether TSSU members will begin to engage in job action. This typically begins with those forms of job action that do not involve full work stoppages and allow members to still be paid.
- Finally, if job action is unsuccessful and a full work stoppage is recommended, we’ll schedule a vote on whether to escalate job action to a full work stoppage (picket). TSSU members will once again be informed of the date(s) and encouraged to participate.

Why should I participate in job action?

Job action is the most effective weapon that unions have at their disposal. When the TSSU last went on strike in 2012, we had been in bargaining for 2.5 years, with no success. After serving the university with strike notice, we were able to get a collective agreement just two months later. Knowing this, the most important reason to participate in job action is that job action only works when we act as a collective. Our strength as a union comes when we act together in solidarity: The more members participating in an action, the

greater the impact and the louder our voice. Collective job action shows the employer that union members are invested in getting a fair contract, and are unified in their support of their union's proposals. Furthermore, if job action is effective in its earlier, less intense stages, there will be no need to escalate to a full work stoppage (picket). The more people that support strike action, the shorter it is for everyone. It is worth noting that the TSSU has only had to resort to a full work stoppage twice in the past 35 years, thanks to the dedication and support of our members.

What happens if I don't participate in job action?

The biggest consequence of not participating in job action is that it undermines the TSSU's solidarity, which means that your fellow members' efforts to win an improved collective agreement for all of us will be in vain. Further, if job action is not successful, then we will be forced to either escalate job action to full picket lines or accept the employer's offer. Picket lines will have a much more significant impact on both workers and students. Accepting the employer's offer would mean we accept all of the cuts to benefits and working conditions that the employer wants. Finally, during job action or picket lines, if you continue to do work that has been "struck", you could be subject to fines, and any money you earn in salary by doing struck work during a full or partial work stoppage would be forfeited. Though we understand that TSSU members want to work, remember that the more you support job action, the more likely we are to get an agreement without having to escalate to a picket.

I've heard a lot of bad stories about unions. Don't they usually make things worse?

Contrary to the belief that unions do not support their workers, in most cases, union-negotiated wages and benefits are far superior to what non-union workers receive. Further, most union contracts provide FAR more protections for workers than state and federal laws. As a member of the TSSU, the reality is that, over the past several decades,

your union has played an integral role in setting fair standards for your wages, working conditions, and quality of life as an employee of the university.

Can I get fired for participating in job action?

No. We understand that many TSSU members are hired on term-to-term contracts and afforded little job security, and that this may cause members to be apprehensive about participating in job action. Having said this, the *British Columbia Labour Relations Code* fully protects union members' right to participate in collective job action without dismissal or other disciplinary action by their employer. This includes both during and after job action.

If you have any reason to suspect that you have been disciplined because of involvement in job action or other union activities (with the exclusion of having pay docked due to a work stoppage), please contact the TSSU (p. 14). These actions are illegal and can be brought to the attention of the appropriate authorities if necessary.

Can my supervisor stop me from supporting job action?

No. Your supervisor may not impose, nor threaten to impose, any type of sanction—academic or otherwise—as a result of your participation in job action. Any attempts by supervisors to influence, intimidate or coerce members into not supporting job action are contrary to both the *British Columbia Labour Relations Code* and Simon Fraser University's Strike Policy (GP 5). Furthermore, your supervisor cannot require you to cross a picket line, even if you are being paid by them as a Research Assistant. Finally, if your supervisor is a sessional instructor who supervises teaching assistants, they are a TSSU member and thus are expected to abide by all decisions taken by the membership in accordance with TSSU Bylaws and Policies.

If you ever do experience intimidation, threats or coercion of this nature from your supervisor because of involvement in job action or other union activities, please contact

the TSSU. These actions are illegal and can be brought to the attention of the appropriate authorities if necessary.

Why has so much job action historically been directed at undergraduate students? Isn't that unfair?

It is very emotionally difficult for TSSU members to engage in job action that affects the population we want to educate. Unfortunately, the most effective job action at our disposal is that which involves the part of our labour that is most valued: our ability to teach classes and to distribute grades. Where possible, we have previously engaged in forms of job action that demonstrate to SFU administrators, to the fullest extent, our value to the university, while doing what we can to not deprive students of a meaningful education. A recent example is when TSSU members withheld grades during the 2012 strike and instead “marked for education”, meaning that students received feedback for assignments—but no numerical grades—until the strike ended. Though this did inconvenience students, it did not entirely deprive them of an education, and was successful in placing enormous pressure on SFU administration – enough so that we were able to finally attain a collective agreement only weeks later.

But aren't the students that we teach entitled to an education, having paid tuition?

Yes! In fact, we believe that students at SFU are not only entitled to an education - they are entitled to a good education. TSSU cares about the working conditions of our members not simply because of how it affects their own wellbeing, but also because of how it affects the quality of education they are able to offer to their students. At SFU, university classes are getting bigger, making it that much more difficult for members to attend to their students' individual needs. Further, because sessional instructors are paid less than TAs and have little job security, they often have to take 2nd and 3rd jobs elsewhere, which has the same negative effect on the quality of students' learning

environments. TSSU members who are treated with dignity and respect by their employers enjoy their work more, have more time and resources available to them to teach, and are subsequently better educators to their students.

Do I have to inform my department ahead of time of any intention to participate in job action or a picket?

No. Your department does not need to collect this information, nor do you need to give it to them, and any attempts on their part to gain this information (e.g., sending out surveys to students gauging their intent to support picket lines) are contrary to Simon Fraser University's Strike Policy (GP 5). If at any point you become aware that this practice is occurring in any department, please contact the TSSU (p. 14).

How would I do my research or go to classes during job action or a picket?

Any job action—including a full work stoppage (picket)—will not affect any of your regular activities on campus, except those that are directly related to your employment as a TSSU member. In particular, the activities you do as a student (classes, research, meetings with your supervisor, etc.) should continue as usual. However, should you voluntarily choose not to cross a picket line to demonstrate support for the TSSU, you are protected by law against being penalized by your department or the university for doing so - even if you yourself are not a TSSU member.

How would I support myself financially during job action?

During all forms of job action other than a full work stoppage, you will not lose wages. This is because union members are still, technically, working, and thus they will continue to be paid. In fact, because the TSSU needs active volunteers during job action, you could even end up earning extra money by volunteering your time on one of our many committees, all

of which are stipended. If you are at any time interested in joining a committee, please visit tssu.ca/committees for more information on how to get involved.

How would I support myself financially during a full work stoppage?

If other forms of job action are unsuccessful in helping TSSU reach an agreement with the employer (Simon Fraser University), TSSU will schedule a vote to the general membership on whether to escalate job action to a full work stoppage (picket). If the general membership votes “yes”, job action may escalate to a work stoppage. This means you may be denied wages, as the employer is unlikely to pay you for work that you do not do. In the event of a work stoppage, strike pay will be available for those who participate in the strike through picketing, or doing alternative duties assigned by the strike coordinating committee.

TSSU is aware that losing wages is incredibly stressful for members who require work in order to support themselves financially, which is why it is crucial to remember that the more members participate in job action, the less that escalation to a full work stoppage will be necessary. Further, while a “no” majority vote would prevent a full work stoppage, it would also force the TSSU to accept the university’s final offer, resulting in a collective agreement that, arguably, will hurt TSSU members much more in the long term than losing pay during a temporary strike. Among the offers made by the employer that would drastically affect working conditions for TSSU workers are to reduce job security even further for sessional instructors, to replace TSSU member benefits with “pay in lieu of benefits”, and to opt out of the *British Columbia Employment Standards Act* - an act written specifically to ensure that employees in British Columbia receive the basic standards of compensation and are subject to fair conditions of employment.

What is strike pay and how would I get it?

Strike pay is not a substitute for a working wage. Rather, it is intended to help offset the

burden of a work stoppage on our members. The only time that strike pay is necessary is when we have put up picket lines and all work is stopped. For a member to obtain strike pay in this situation, they must volunteer their time to participate in the picket line or other assigned duty. Strike pay consists of \$75/week for up to 12 hours of work each week, and \$150/week for over 12 hours of work each week. As strike pay is prorated (proportionally distributed), TSSU expects members to work about 18 hours per week to receive the full amount of \$150/week.

How would job action affect me if I don't have a contract that term?

Any job action or full work stoppage (picket) only directly affects TSSU members who are currently employed. However, emails indicating what form of job action will be initiated and when will be sent to all current members, working or not, and job action can be undertaken by all members, regardless of their employment status. In particular, should you voluntarily choose not to cross a picket line to demonstrate support for the TSSU, you are protected by law against being penalized by your department or the university for doing so. It is also important to remember that no TSSU member, working or not, may perform struck work.

If I do have a contract when a strike vote occurs, how would I stay up to date on the status of job action?

Regular emails will be sent to all members regarding the status of job action, detailing what forms of job action are to be done by each member group (Teaching Assistants, Tutor Markers, Sessional Instructors, and English Language & Culture/Interpretation & Translation Instructors, respectively). You can also contact the TSSU office at any time (p. 14) with any questions or concerns, and are also encouraged to attend General Membership Meetings each month (times and locations for these meetings are available at tssu.ca). Finally, stay in contact with your departmental steward(s) for updates.

If it comes down to job action or a work stoppage, how can I support the TSSU?

There are a number of ways you can support the TSSU during job action, even if you are not a member:

- If you are a TSSU member, the best way for you to support your union during job action or a work stoppage is by directly participating in job action (see “Why should I participate in job action?”, p. 6), and doing what you can in your department to encourage other members' participation as well. You will receive emails regularly keeping you updated on progressive job action as it unfolds, but can receive even more updates by liking us on Facebook (facebook.com/tssu.ca) and following us on Twitter (@tssu). If you want to get even more involved, come out to our general meetings (meeting dates at tssu.ca), or join a committee (visit tssu.ca/committees for more information on how to get involved). If you are a tutor marker specifically, and are too far away from any SFU campus to participate in job action or a picket, you are encouraged to contact the TSSU (p. 14), so that possible alternate duties that allow you to receive picket pay while not being able to be physically present at a picket line may be determined.
- If you are a faculty member, you can show your solidarity with your fellow educators by supporting the TSSU in their job actions, and by refusing to cross TSSU picket lines. You can receive updates on job action by liking us on Facebook (facebook.com/tssu.ca) and following us on Twitter (@tssu). You can also speak to your colleagues and students about the issues that have led to the strike. Finally, TSSU has drafted an outline of a letter that you can address to Andrew Petter, SFU's president, which can be found at <http://bargaining.tssu.ca/how-to-support-tssu-2/>
- If you are a student, you can show your solidarity with your teachers by supporting the TSSU in their job actions, and by refusing to cross TSSU picket lines. You can receive updates on job action by liking us on Facebook (facebook.com/tssu.ca) and following us on Twitter (@tssu). You can also speak to your fellow students about the issues that have led to the strike. Finally, TSSU has drafted an outline of a letter that

you can address to Andrew Petter, SFU's president, which can be found at <http://bargaining.tssu.ca/how-to-support-tssu-2/>

If I have additional questions or concerns, how can I contact the TSSU?

You can contact the TSSU with any additional questions or concerns you may have in a number of ways:

- **E-mail:** tssu@tssu.ca
- **Phone:** (778)-782-4735
- **Facebook:** [facebook.com/tssu.ca](https://www.facebook.com/tssu.ca)
- **Twitter:** @tssu
- **In person:** Teaching Support Staff Union, Simon Fraser University, 8888 University Drive, AQ 5129 / AQ 5130