

Memorandum of Agreement of Voluntary Recognition

Between

Simon Fraser University (SFU)

And

Teaching Support Staff Union (TSSU)

1. Simon Fraser University ("SFU") agrees to recognize the Teaching Support Staff Union ("TSSU") voluntarily as the bargaining agent for those persons who hold positions as research assistants or grant employees at SFU who are or who will become employees of SFU and who are not otherwise properly included in the bargaining unit of another union which is certified as a bargaining agent for employees of SFU ("Included Persons").
2. Further to this voluntary recognition agreement ("Agreement"), SFU will undertake to determine in a timely way those positions which should reasonably be characterized as positions held by Included Persons and those positions which are properly included in the bargaining unit of another union which is certified as a bargaining agent for employees of SFU ("Excluded Persons"). TSSU and SFU shall meet at least once every 30 days from the signing of this document until the completion of the process. At least 3 days in advance of each meeting, SFU shall provide TSSU with the latest preliminary list of Included Persons, Excluded Persons, and the persons whose classification is yet to be determined.
3. SFU and TSSU agree that persons who hold an appointment as a post-doctoral fellow or as a University Research Associate are not Included Persons. Such persons are, therefore, expressly excluded from the scope of this Agreement.
4. On the earlier of the completion of the process described in clause 2 above or May 1, 2020, SFU and TSSU will begin collective bargaining to establish the terms and conditions of employment that will be added to the existing collective agreement between SFU and the TSSU to govern the employment of Included Persons. Subsequent to the completion of the process described in clause 2, a list of Included Persons, their departments and email addresses shall be provided to TSSU.
5. To the extent the current terms and conditions of employment of an Included Person are within SFU's control, the parties agree the terms and conditions of employment and related matters shall remain as status quo for Included Persons.
6. TSSU will defer any application to the Labour Relations Board for a variance of its bargaining unit to include Included Persons until at least November 14, 2020. The purpose of this deferral is to provide SFU with sufficient time to undertake the process required by clause 2 above and SFU and TSSU with sufficient time to undertake the collective bargaining required by clause 4 above. This date may be amended by mutual agreement.


7. SFU and TSSU understand and accept that a voluntary recognition agreement requires the employees who will be represented by the voluntarily recognized bargaining agent to ratify such representation in a manner which would, if challenged, be satisfactory to the Labour Relations Board. Should the Included Persons either fail or refuse to ratify this representation in such a manner, it will become void and its content and any measures taken by either SFU or the TSSU to implement its content will be *without prejudice* to such steps or positions as may be taken by either SFU or the TSSU in connection with any proceedings which may then arise from or relate to the TSSU's efforts to organize the Included Persons.
8. At all times during the currency of this Agreement, SFU and TSSU must act in good faith, and will take such further steps as may be reasonable or necessary to give effect to this Agreement.
9. SFU and TSSU agree to appoint Jim Dorsey, to mediate and/or arbitrate under Part 8 of the Labour Code any difference which may arise between them regarding the implementation of this Agreement. For certainty, the implementation of this Agreement does not include any matters connected with or arising from the collective bargaining required under clause 4.
10. The Labour Code and the decisions of the Labour Board dealing with voluntary recognition agreements must be applied in all respects to this agreement by both parties.
11. This Agreement is dated November 15, 2019.

An attached appendix provides implementation details.

On behalf of:
Simon Fraser University



Teaching Support Staff Union



Appendix: Implementation Details

The parties have discussed various specific cases around included persons and have agreed to the following:

Explicitly excluded:

- post-doctoral fellows
- University Research Associates

Included within the TSSU bargaining unit are research assistants and grant employees, including but not limited to:

- those individuals who receive compensation from grants as scholarship and/or stipend
- holders of NSERC USRA and equivalent funded by SFU
- work-study student employees

The above list of included employees is not exhaustive and the parties discussed that during implementation it may be expanded as new information is obtained. A community of interest approach would be the guiding factor in determining the appropriate bargaining unit.

With regard to clause 5 of the Memorandum of Agreement of Voluntary Recognition, signed November 15th, 2019, the parties agree and acknowledge that SFU may have limitations of control over changes to the terms of conditions of Included Persons whilst they are in the employment of grant holders. However, SFU commits to exercising all reasonable measures as are available to maintain current conditions for Included Persons during the implementation of this Agreement.



