

Canadian university forces locked-out faculty to vote on “final offer”

Our reporter**28 January 2008**

St. Thomas University has invoked an anti-worker provision of New Brunswick’s labor code to force 160 full- and part-time faculty, now in their fifth week of a strike-lockout, to vote on its “final contract offer.”

The vote, which is to be conducted by the province’s labor relations board, will be held today and Tuesday.

The forced vote is the latest step in an aggressive campaign led by the Board of Governor’s of St. Thomas University—a publicly-funded, liberal arts college located in Fredericton—to cripple, if not outright break, the faculty union, which is affiliated with the Canadian Association of University Teachers (CAUT).

In mid-December, the university announced that contract negotiations could only continue if its contract proposals were accepted as the framework of a settlement. After the faculty refused to be cowed, the administration announced it would ask the labor relations board to hold a “final offer vote” on January 3rd, and, in the event of a rejection, immediately lock out the faculty.

After the union raised logistical concerns about holding a contract vote when many faculty might still be away, the administration withdrew its call for a provincial government-supervised final-offer vote. Instead it locked out the faculty, beginning on December 27.

The administration continued to brandish the threat of a forced vote in the subsequent weeks and ultimately carried through with it, after a special, government-appointed mediator withdrew from contract talks late on the night of Sunday, January 20.

The prerogative of an employer to force a government-supervised vote on its “final offer” was introduced into the provincial labor code in 1994, by the right-wing provincial Liberal government of Frank McKenna. McKenna sought to make New Brunswick a

“magnet for” investment, particularly in the call-center sector, by slashing corporate taxes and public services.

According to a labor department representative, employers “rarely” make use of the “final offer” provision. This is because it is so blunt an anti-union weapon. Should workers accept a contract in an employer-forced “final offer” vote, they are legally compelled to return to work under conditions where they do not have a negotiated back-to-work agreement, making them much more vulnerable to employer reprisals.

The university began the contract negotiations with demands for concessions that threatened academic freedom by, among other things, making support for the university’s historical “Catholic identity” a criterion in hiring and promotion. Although the Board of Governors was ultimately forced to drop these demands, it clearly sees a goring of the union as important in pushing forward with a right-wing agenda for the university, that includes tying its curriculum more closely to big business demands and adopting the Vatican’s *Ex Corde Ecclesiae*, (an “apostolic constitution for Catholic universities promulgated by the late Pope John Paul II).

The university’s “final offer” falls far short of the faculty’s demands. Part-time faculty — who give 36 percent of the university’s classes for meager stipends of less, and in some cases substantially less, than \$5000 per course — are to be given wage increases of just 5 percent per year in a three-year contract. Smaller percentage wage increases, for the admittedly much better paid, full-time faculty are tied to their assuming full responsibility for funding the long-term disability program.

The university has agreed that tenured and tenure-track faculty will only have to teach five courses per

academic year, the Canadian-norm. But its contract offer contains language that would enable the administration to circumvent the 60-student per class cap on enrollment won in the last contract. The university also wants to suspend for the life of the coming contract, clauses that mandate a review of whether additional full-time faculty need to be hired when limits on the percentage of courses being taught by non-tenured/non-tenure track faculty are exceeded.

The corporate media has strongly supported the university in its attempt to incite students against the faculty by claiming that their contract demands will result in higher tuition.

CAUT, for its part, has restricted the strike to the narrowest collective-bargaining framework. It has refused to aggressively challenge the claims of the administration and press, by linking the faculty contract struggle to a broader movement in defense of public education and public services.

As part of its propaganda war against the faculty, the administration announced last week that it was lifting the lockout, but faculty continued to be denied use of their e-mail, the university web-server, and their offices. In other words, the lockout continues in all but name.

The university has told students via its website that it has a “plan” in the event its “final offers” are rejected respectively by the full and part-time faculty units, but it has refused to divulge what that plan is.

The Board of Governors may well be planning to appeal to the provincial Liberal government of Sean Graham to legislate the faculty back-to-work. While the Liberal government has said nothing of substance about the labor dispute at St. Thomas, it is taking a hard line against a strike launched on January 10 by five hundred provincial government employees, including community college custodians, jail guards, prison cooks, and human service counselors.



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