



MUNASA Bulletin – March 24, 2022

Dear members:

We are writing to you today with great concern over proposed changes to the **Dispute Resolution Policy** brought forward by Labour and Employee Relations.

In summary, there are three Steps to the [Dispute Resolution Policy](#) before a hearing is scheduled. Step 1, the dispute is filed before the immediate supervisor; Step 2 (if unresolved at Step 1), the dispute is filed before the Dean or Senior Administrative Head; and Step 3 (if unresolved at Step 2), the dispute is filed before the Vice-Principal (Administration and Finance).

Contrary to the situation of unionized employees, not all disputes may be referred to arbitration for MPEX employees. In fact, the current Dispute Resolution Policy provides the right to an arbitrator (or a tribunal) for **only a limited number of topics**, which are known as the “arbitrable items”. A dispute concerning any other topic may be filed at Step 3 but cannot be referred to a neutral arbitration tribunal. For such non-arbitrable disputes, the final decision is rendered at the Step 3 hearing in accordance with the Dispute Resolution Policy.

For that reason, it is crucial that non-arbitrable Step 3 Disputes be heard before a truly neutral space within which a dispute will be examined. MUNASA is of the firm belief that this is currently the case as Step 3 hearings take place before the Vice-Principal (Administration and Finance).

However, this neutral space for non-arbitrable disputes is in peril. Labour and Employee Relations wants to change Step 3 for non-arbitrable disputes, in many ways.

One of the changes they are proposing is at Step 3, the dispute would be filed before the Director of Labour and Employee Relations rather than with the Vice-Principal (Administration and Finance). Following Step 3, a hearing would be held before the Director of Labour and Employee Relations and the Director would render the decision. If the parties do not find a common solution, the employee may appeal the decision before the Associate Vice-Principal (Human Resources). The Associate Vice-Principal (Human Resources) will render a decision that is final and without appeal.

In parallel, the employer wants to reduce from 3 months to 45 working days the delay within which a dispute may be filed, and is also making changes designed to narrow the topics that are considered to be arbitrable. In other words, reduce the MPEX employee's already limited access to a neutral arbitrator.

As mentioned above, this is extremely alarming. Why you may ask?

Disputes are filed with a copy to the Senior Labour and Employee Relations Advisor, who reports directly to the Director of Labour and Employee Relations, who in turn reports directly to the Associate Vice-Principal (Human Resources).

In other words, it is proposed that non-arbitrable disputes be, as of June 1, 2022, decided by a policy that no longer provides a neutral process for employees during the Step 3 hearings.

These changes will remove all neutrality, equity, and will create an enormous conflict of interest.

When non-arbitrable disputes reach the hearing stage at Step 3, MUNASA represents the employee who has filed the dispute and Labour and Employee Relations represents the University. How could the Director of Labour and Employee Relations render a neutral decision when this position leans towards representing the employer's perspective? Especially when one takes into account that, in 100% of the cases, Labour and Employee Relations takes a view that is adverse to that taken by the employee during the hearing at Step 3.

You may think that you will never need to file a dispute; however, no matter what position you hold things can change, jobs change, expectations change, supervisors change, working conditions change, one might need to go on disability leave, on parental leave, your position might be abolished, rematched or substantially modified, you might be involved in a disciplinary process, you might be subjected to harassment, and much more. In short, this is why the Policy must provide a fair and neutral recourse and why MUNASA is there to represent its members.

If these proposed changes to the Policy are implemented, it will have a profoundly negative impact on the entire process. We need a fair and equitable forum that provides an employee with a neutral opportunity to defend their rights.

MUNASA stands firm that these changes will create a conflict of interest and, if changes are made to this Policy, there needs to be fair and neutral representation for employees.

We have been discussing those changes for more than a year, without any success. We have been informed that Labour and Employee Relations will unilaterally make the changes that they see fit to the Dispute Resolution Policy effective June 1, 2022.

MUNASA has always preferred dialogue over litigation, and therefore we will propose that a mediator be appointed to facilitate the discussion regarding their proposal. We will let you know if our proposal is agreed to by Labour and Employee Relations.

In the meantime, we are requesting your feedback and support to oppose these proposed changes. Please send your feedback to info@munasa.com.

Save the date: On April 6, 2022, you will be invited to a virtual forum to voice your concerns and to meet with Maître Sylvain Beauchamp, of Melançon Marceau Grenier Cohen, the lawyer who has for many years represented our members when filing disputes and will be answering any questions that you may have.

The MUNASA Executive