

From: "Graham, Jack"
Date: February 18, 2022 at 8:43:39 AM AST
To: Anthony Pash
Cc: Peter Lloyd
Subject: Negotiations

Hi Anthony,

Thank you for your email yesterday afternoon and your invitation to return to meet face-to-face to work through outstanding collective bargaining issues.

As you know, this is the first invitation that we received from AUFA or from the Conciliator, Peter Lloyd, to return to the bargaining table since the strike began on February 1. Mr. Lloyd wrote to both of us on Saturday, February 12 with suggestions on how to move forward, one of which was to get back to the table, but he said "...this will only succeed if BOTH parties are willing to compromise AND prioritize their outstanding proposals." He also suggested other options including a conciliation board, interest arbitration and a short-term collective agreement. We received no formal response from you regarding any of these suggestions.

Following receipt of this email I spoke with Mr. Lloyd on Tuesday, February 15. He indicated that you had also communicated with him earlier that day.

Based on communications with both parties Mr. Lloyd wrote to you and me on Tuesday evening. In order to ensure that there is no misunderstanding about what he said, I will quote it specifically:

"NEITHER side has indicated they are willing to come back to the negotiating table and commit to compromising AND prioritizing their outstanding proposals. I still feel that both sides ONLY want – their deal. Not – A deal. Going back to the table simply to have the parties wait for the other side to capitulate is not a fruitful exercise. Unless there is a change and folks give me a signal there is compromise and prioritization of items – at this point, a negotiated settlement does not seem likely. Therefore I will not be calling the parties back to the table at this time."

Mr. Lloyd went on to suggest that we consider interest arbitration or Med-Arb. Again, to avoid misunderstandings, I will quote precisely what he said.

"I have given much thought to other suggestions in my below email [Feb. 12]. As the parties remain deeply entrenched in their positions, I feel the parties should strongly consider an elevated third-party intervention. Although I speak to interest arbitration in item 3, there is also the option for another process called Mediation – Arbitration (Med-Arb). This is a process where the mediator/arbitrator attempts to mediate an agreement before they ultimately have the ability to make a settlement ruling. It has proven quite successful in other difficult labor disruptions."

Based on the conciliator's recommendation above, I wrote to you Wednesday afternoon, suggesting we explore some form of third dispute resolution process, that could potentially resolve the dispute by the end of the month. You did not agree to this proposal and instead requested a face-to-face meeting. I can only assume from your email that AUFA is prepared to

compromise and prioritize its outstanding proposals, because that was the basis on which the conciliator had proposed returning to the table.

Therefore, the Administration Team is prepared to return to the table in an attempt to reach a final agreement. However, we believe this exercise will only be successful with the following:

1. AUFA will provide full costing of its proposals no later than 2:00 pm today. We have been advised through social media and other AUFA communications that AUFA has costed all of its proposals. Despite being at the negotiating table for more than seven months you have not provided us with this costing. As you know, the administration provided detailed costing of all proposals and answered many follow-up questions regarding our costing several months ago. In the spirit of full transparency we hope you will provide your costing in advance so we can attempt to review this information before negotiations on Monday.
2. As you know, AUFA has not responded to our last global proposal, made on January 31, 2022, the day before AUFA took strike action. We would like to receive a formal response to this proposal prior to resuming negotiations on Monday, February 21.
3. Although you have not specifically invited the Conciliator to these negotiations, we believe that it is still important for him to be in attendance. Having said that, we accept and agree that these negotiations should be held directly and not through the Conciliator. Given the time and effort that the Conciliator has invested in attempting to reach a resolution I am assuming you will not have any objection to having Mr. Lloyd observe this process.

The University administration is acutely aware of the damaging impact that this strike is having on a university community, and in particular the students of Acadia University especially if it extends beyond the end of the winter break. Should the parties be unable to reach final agreement by the end of business on February 22, we propose the parties immediately enter into a Mediation/Arbitration Agreement whereby we will jointly appoint an expert mediation/arbitrator, who has experience in the university sector, to resolve all outstanding issues. We would also propose that, once we enter into this agreement, which can be done no later than Wednesday, February 23, AUFA will agree to return to the classroom on Monday, February 28 and resume classes pending the outcome of the Med-Arb. We also propose that the Med-Arb be conducted within 2 weeks of the appointment of the arbitrator.

I look forward to hearing from you at your earliest convenience.