

Hello YUFA members,

We are writing to you again as [unionized staff who are employed by the York University Faculty Association](#) and represented by CUPE Local 1281.

Throughout our bargaining for a new collective agreement, we have been open and transparent with the YUFA membership about [our goals](#) and the [resistance we are facing](#). We are disappointed to see this transparency not reciprocated.

On September 18th, YUFA members received [a communique from YUFA's Executive Committee](#) alleging that our communications have included “confusing, fallacious, and misleading statements”, that we have mounted “a public campaign that maligns our bargaining team and grotesquely misrepresents our actual positions and proposals” and, finally, that accused CUPE 1281 of defamation (and maligning the YUFA Executive) and made multiple claims about what has happened at the bargaining table. We believe this charge and many of the claims to be false, and we are happy to explain why.

We do, however, recognize that at this point something more than an explanation is needed, and we are willing to provide that as well. Thus, we are providing you with the most recent full proposal packages exchanged by the [Employer \(YUFA\)](#) and the [Union \(CUPE 1281\)](#).

Union Busting is Disgusting

In their communique, YUFA said: *“Be assured that no ‘union-busting’ is happening.”*

This is not CUPE 1281's experience.

YUFA continues to employ Ogletree Deakins and advance ‘union busting’ proposals (you can read more about the destructive track record of Ogletree Deakins [here](#)). A quick skim through the sheer number of proposals coming from the employer (originally over a hundred) makes it clear that there is an attempt to gut the CA and therefore weaken the Union. The majority of these proposals have not been withdrawn. In fact, many proposals seek to roll back Union rights; including (but by no means limited to) proposals that would:

- Change the *Definition of the Bargaining Unit* to allow the hiring of non-unionized employees (Article 1, [page 5](#) of YUFAs proposal package).
- Reduce protections against contracting out staff work to non-unionized employees (Article 16.10, [page 22](#), Article 18.08(c) at [page 24](#), and substitute for New Article 16.11 at [page 22](#)).
- Virtually eliminate labour relations meetings and process for amicably resolving issues between the parties (Article 8.03 and 8.04, [page 12](#)).

The combination of the change of the definition of the bargaining unit and the reduction of protections against contracting out would allow the employer to weaken the Union by splitting employees between unionized and non unionized.

It would also allow the YUFA executive to substitute unionized staff with nonunionized employees through attrition (i.e. as unionized employees resign, retire or otherwise leave the bargaining unit).

Top-down restructuring

In their communique, YUFA said that their priority is *“to hire an Executive Director and In-house Counsel to help reduce our external legal fees, strengthen YUFA’s financial stability, enhance workplace continuity and conditions, and improve our comprehensive member support.”*

CUPE 1281 countered with a proposal that would allow YUFA to hire an in-house counsel as part of the bargaining unit and granting this employee the rights enjoyed by bargaining unit members. Our approach avoids weakening the Union or threatening staff job security. CUPE 1281 has also addressed a mechanism to ensure that the new in-house position will not duplicate work that staff does or that external counsel performs and that it will be financially sustainable (Letter of Agreement, [pages 12-13](#)).

CUPE 1281 considers the hiring of an Executive Director, particularly as proposed, a red line issue. We are committed to democratically run workplaces and believe that staff are capable of maintaining work continuity and effectiveness. There is no evidence that an Executive Director will improve this or other areas. Executive Officers receive extensive and adequate course releases and should be able to work collaboratively with staff in organizing the work of the Association.

The evidence in YUFA’s proposal package is that the Executive Committee is trying to create a top down managerial structure:

- Expand management rights and remove requirements to act in a manner that is fair, reasonable, equitable, non-discriminatory and in good faith (Article 3.02, [page 6](#)).
- Eliminate all protections about past practices, which include the well established practices around a democratically run workplace (Article 4.01, [page 6](#)).
- Preventing staff from participating in YUFA meetings (Article 7.08, [page 10](#); see also additional comments below).
- Facilitate discipline (Articles 14.03-08, [page 17](#)).
- Deleting all structures and references to the Executive Officers as the supervisors or contact persons for staff (see Articles 8.03-04, [page 12](#); and also in Article 6.02, page 8; 7.06-07, page 10; 8.01, page 11; 11.05, page 14; 18.03, page 23; and 20.02, page 26).

The Distance Between the Parties

In their communique, YUFA said *“we have already modified or withdrawn a number of our initial proposals over the course of discussing issues with CUPE 1281 at the table.”* 1281 does not believe this comment to be reflective of our experience at the bargaining table.

YUFA originally tabled over 100 concessions and continues to have over 85 concessionary proposals outstanding (this includes holds on monetary proposals which have not been abandoned by YUFA and yet to be provided to the Union). In contrast, 1281 has 28 proposals on the table.

What little progress has been made at the table comes largely from housekeeping matters. We invite you to explore both the Employer and Union outstanding proposals in the documents provided.

Censoring of Political Activity

In their communique, YUFA said none of their proposals interfere with staff's political rights to participate in labour activity and that *“The claim that we would somehow ‘compel’ staff members to cross picket lines is spurious. We wouldn’t. We couldn’t. We won’t. And we can’t.”*

CUPE 1281 wishes this was true.

The text from YUFA's package (at [page 9](#)), reproduced below, clearly includes proposals that limit staff's rights in refusing to cross a picket line (by limiting the definition of picket line to physical picket line), and by removing language protecting staff's right to refuse to handle goods for an employer where there is a strike or lockout.

Note also that the proposal (at 7.02 (b) on [page 9](#)) includes striking out YUFAs promise to not request, require or direct staff to perform work resulting from a strike that would have been carried out by those on strike. Put differently, YUFA, a certified trade union, is seeking to **enable scabbing** - a practice that is so antithetical to unions that even the federal government (by no way a friend of organized labour) recognized this problem in its Anti-Scab legislation.

7.02 Crossing of Picket Lines

(a) The Employer agrees that no employee shall be subject to discipline or dismissal for refusing to cross an established **physical** picket line ~~or for refusing to handle goods for an employer where a strike or lockout is in effect.~~

~~(b) The Employer agrees that it shall not request, require, or direct members of the bargaining unit to perform work resulting from a strike that would have been carried out by those persons on strike.~~

Finally, and to drive the point home, YUFA's package (p.17) includes the following:

ARTICLE 13 - NO STRIKES/NO LOCKOUTS

13.01 The parties agree not to undertake any strike or lockout so long as this Agreement continues to operate.

~~13.02 No employee shall be requested or required to cross a picket line in the course of their employment.~~

Staff Want a Safe Working Environment

YUFA reported in their communique that they are *"committed to enhancing workplace safety [and] recently approved a Workplace Harassment policy which applies to all in the YUFA workplace."*

CUPE 1281 Staff have been requesting a Workplace Harassment Policy to be instituted for many years. Workplace harassment policies also became a matter of law in Ontario in 2010. It was not until an anonymous call to the Ministry of Labour reporting YUFA's non-compliance with legislative mandates and a visit from a Ministry of Labour Inspector, that a Workplace Harassment Policy finally became a reality.

CUPE 1281 has since shared serious and significant issues with the final Policy that was adopted by the YUFA Executive earlier this year through interventions at labour management committee meetings and Executive meetings.

YUFA has now proposed to eliminate the entirety of the current workplace anti-harassment and anti-discrimination language from our collective agreement (see Employer proposals [pages 7 and 8](#)) and substitute these rights with a flawed Workplace Harassment Policy adopted by YUFA.

For clarity - such policies are made by employers and amended by employers, sometimes without any input from the union and/or despite a union's objections. No union would advise that stripping Collective Agreement rights and protections and, instead, relying on an employer policy (that can be changed unilaterally by the employer) is a sensible proposition. In fact, YUFA's collective agreement with York includes the policy so that the York administration cannot unilaterally change it.

YUFA has even proposed to eliminate the language that guarantees that there will be no reprisals for filing a harassment complaint ([page 8](#)).

YUFA claimed that our proposals regarding workplace harassment *"do little to promote or enhance workplace safety; rather, they are primarily disciplinary and punitive in nature."*

We very much disagree with this characterization.

Importantly, hearing YUFA's desire to include a workplace harassment policy into the collective agreement, the Union provided a counter proposal that refuses the Employer's complete elimination of anti-discrimination and anti-harassment protections but incorporates a workplace harassment policy (starting at [page 19](#), Appendix D). The Union took the Employer's policy and revised it to be responsive to the issues we previously raised and to be consistent with the collective agreement.

The Union to date has not received any response at the table to this counterproposal. The first time we received any commentary from YUFA on this proposal was at the same time as you – in the September 18 YUFA-M communique.

The Union's starting proposals, which have been maintained and not withdrawn as they are of vital importance to us and our feeling safe in our workplace, seek to clarify current anti-harassment language, specifically by defining what abuse of professional authority means ([page 2](#)). This includes understanding Performance Harassment – i.e. commenting on staff's job performance in a public setting and outside of the appropriate channels that are clearly outlined in the collective agreement.

The Union has also sought protections in the form of **rights to refuse unsafe work** ([page 3](#)). We put a lot of thought into a procedure that would allow individual staffers where they felt it absolutely necessary to deny service when their safety is at risk. The refusal of service would come from the affected staff on an individual basis and not a YUFA wide basis. **The proposal from the staff's union does not discipline nor punish, nor cut off any members' access to YUFA supports** – but it does ensure that YUFA's responsiveness is organized in such a way where everyone involved feels and is safe.

YUFA has also stated that *“CUPE 1281 would have YUFA sanction our own members. We at YUFA are committed to Decolonization, Equity, Diversity and Inclusion and we are devoted to promoting the interests of our members and defending worker rights, not attacking them.”*

CUPE 1281 believes this to be a gross mischaracterization of our proposal. The revised workplace harassment language that the Union submitted as a counterproposal to the Employer's maintained the exact same remedies and discipline spectrum as the Policy that the Executive “recently approved.”

It is important to note that the spectrum of remedies and discipline that is being discussed in this policy is in a context where there is a finding of harassment made by an independent and trained investigator. Should the investigator find that harassment did occur, YUFA would need to take appropriate remedial steps which may include discipline or sanction.

CUPE 1281 are confused by the statement that YUFA is devoted to 'defending worker rights'. This does not square with 's the proposals YUFA has slid across the table to its own staff, which seek to remove so many of the rights that YUFA members currently have in their own collective agreement with York University – including the right to be free from harassment and discrimination.

The Union also proposed the inclusion of a policy that has already been agreed to by YUFA outside of the collective agreement bargaining process that set out a protocol for addressing staff health and safety in YUFA spaces (Appendix C, [page 15](#)). The Union continues to be surprised and disappointed that a protocol already agreed to is now being denied inclusion in the collective agreement. This feels to staff like an attempt to hide this protocol and pretend that it does not exist.

Removing Electronic Monitoring is Not Good for YUFA

YUFA's communique also stated that *"Electronic monitoring of staff is not happening now and will not."*

We invite you to turn to [page 11](#) of the Employer's proposals where YUFA has proposed to remove all protections against electronic monitoring that currently exists for staff:

7.11 ~~Electronic Monitoring~~

~~(a) There shall be no electronic monitoring of Employees by the Employer for any purpose without the written consent of the Employee.~~

~~(b) An Employee may withdraw their consent under this Article at any time.~~

Importantly, YUFA took inspiration in the last round of YUFA bargaining with York University at this very Electronic Monitoring language - trying to replicate similar rights within the YUFA collective agreement.

Final Fact Checking

In their communiqué, YUFA has stated that they are *"not proposing that staff be excluded from YUFA meetings! We are not gutting the CUPE 1281 Collective Agreement. We are not increasing discipline, limiting the work of stewards, or attacking equity or health & safety provisions."*

Again, this statement is contradicted by the proposals put forward by the YUFA Executive.

YUFA's proposal below (see [page 10](#) of YUFA's proposals) removes the right of staff to participate in YUFA meetings. **Excluding staff from YUFA meetings would also breach [Article 3.3 of the YUFA Constitution](#):**

~~7.08 Employee's Right to Participate~~

~~Employees have the right to participate in all the Employer's meetings, its subcommittee meetings, its general meetings and all other YUFA meetings with the exception of management sessions which the Employer may call at anytime to deal with confidential labour relations matters, CUPE 1281 contract negotiations, CUPE 1281 formal grievance, and all matters concerning discipline, discharge, suspension and grievance against members of the CUPE 1281 bargaining unit.~~

YUFA has proposed to weaken staff protections against unreasonable discipline by:

- Removing the requirement to make an employee aware of what actions are in need of correction and giving the Employee the opportunity to address those actions before issuing discipline (Article 14.03, [page 17](#)).
- Removing protections requiring disciplinary items to be dealt with in turn and not stockpiled after the initial issue is raised with the employee, thus giving the employee little room to address or speak to the potential new items (Article 14.06 and 14.07, [page 17](#)).
- Removing protections from one-sided additions to an employee's file outside of the proper grievance and discipline process (Article 14.06, [page 17](#)).
- And changing language in the collective agreement that would allow the Union to file a grievance that address various disciplinary actions. The change would require the Union to potentially take both parties through expensive and public arbitration proceedings for every discipline issued. Otherwise the Union would risk that not grieving every disciplinary action signals tacit agreement with discipline (Article 14.08, [page 18](#)).

Contrary to the messaging within the YUFA-M, the Employer has proposed to limit the work of CUPE 1281 stewards:

- YUFA has proposed to remove language requiring the sharing of necessary information (Article 10.01, [page 13](#)), giving union stewards less access to resources necessary to protect and support their members.
- YUFA has specifically proposed language regulating when a steward can or cannot take up their duties, requiring stewards to advise the Employer of the nature of the union business they are taking up in order to be allowed to attend to the union member in need (Article 11.03, [page 14](#)).

Along with the full scale assault on anti-harassment and anti-discrimination language discussed previously, YUFA has also attacked other equity and health and safety provisions, including (but again not limited to):

- YUFA has proposed to remove CPR and first aid courses from staff's collective agreement (Article 15.04, [page 18](#)), this is after a CUPE 1281 member at a

different workplace recently had a heart attack while exiting the office and required CPR.

- YUFA has proposed to strike language committing them to reimbursing employees who require a security alarm (Article 15.05, [page 18](#)), even though this is a provision in the collective agreement that originally came out of a feeling of physical unsafety in the workplace.
- YUFA has proposed to strike language allowing staff to take leaves if required for compulsory quarantine (Article 26.07, [page 37](#)), even after what we all went through over the course of the COVID-19 pandemic and various government ordinances mandating quarantines.

We have done our best to show complete transparency with this message. We invite you to review the linked proposal documents for yourself to corroborate the analysis we have provided. We believe you will see what we unfortunately saw when we were first presented with this proposal package - a systematic attempt to roll back hard fought for worker rights throughout our collective agreement (a gutting of our CA if you will) and a focus on busting our union by implementing top-down managerial practices, opening up the ability to contract out bargaining unit work, and by restricting the role and participation of staff in their own workplace.

We are also asking you as a member of YUFA to please contact members your Executive Committee (see list of YUFA Executive Officer names and emails below) and urge them to expeditiously bargain a fair contract with staff that does not demand concessions, and that supports a healthy, safe, and collegial work environment for staff at YUFA. Add your name to [this letter](#) to tell YUFA to bargain a fair deal.

More information on our proposals and regular updates to bargaining negotiations can be found [here](#).

If you have any further questions, please contact us at this email address - cupe1281staffatyufa@gmail.com - for more information.

Sincerely,

Kristin Skinner, Erin Black (on leave), Alison Fisher, Manuel Marqués, Baolinh Dang, Nicole Leach, Mariful Alam and Kenley Ku.

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