

Matters of question wording arises in a survey distributed to University of Waterloo faculty members by the Faculty Association (FAUW) prior to the vote on certification in 1995; the fourth (and last) page of the questionnaire is reprinted below.

EM9538: FAUW QUESTIONNAIRE

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9. Negotiating changes to the Memorandum of Agreement: The 1986 *Memorandum of Agreement* empowers the Faculty Association to represent your interests in all areas of the terms and conditions of employment, but it allows for dispute resolution (involving a mediator and an arbitrator) only for salary settlements. There is no provision for dispute resolution concerning other terms and conditions of employment. This omission means that the Faculty Association must accept any non-salary terms, since they are not subject to the dispute resolution process. Agreement can be refused by the administration simply "stone-walling" during the annual negotiations. Therefore, your Faculty Association negotiates your interests with "one hand tied behind the back," because disputes concerning non-salary benefits cannot be resolved. ***Your FAUW Board believes that our Agreement must permit all terms and conditions of employment to be subject to a dispute resolution process. Do you:***

1. Agree Strongly	2. Agree	3. Don't care	4. Disagree	5. Disagree Strongly
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10. Certification under the Labour Relations Act: Since (as mentioned above) there is no dispute resolution procedure in the existing *Memorandum of Agreement*, the wishes of the faculty members can be thwarted if the administration simply refuses to agree or "stone-walls" the negotiations. However, under the *Ontario Labour Relations Act*, such activities are considered to be "bad faith" and the Labour Board appoints a mediator/arbitrator to encourage a solution or resolve the dispute. Moreover, certification also provides automatic rights to the objectives described under Questions 1, 2, 7, 8, and 9. The clear majority of Ontario faculty associations have certified. WLU did so five years ago. The Queen's University Faculty Association is the most recent association to certify to gain these rights and powers. ***NOTE that the FAUW Board cannot certify the Association; only the members can certify the Faculty Association by a majority vote in a secret ballot vote held by the Ontario Labour Board after enough members have signed cards indicating that they wish to certify. Your FAUW Board believes that if a revised Memorandum of Agreement cannot be negotiated voluntarily by January, 1996, then the Faculty Association should move to certify under the Labour Relations Act to obtain the ability to negotiate a collective agreement that properly defends and maintains the rights of faculty and other academic staff. Do you:***

1. Agree Strongly	2. Agree	3. Don't care	4. Disagree	5. Disagree Strongly
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Please return (preferably in a sealed envelope) to FAUW, MC 4004 before November 6, 1995

COMMENTS:

The article EM9538 reprinted above is used in Figure 8.8b of the STAT 220 Course Materials and in Figure 3.5b of the STAT 332 Course Materials.