

Speech to Study Session

- Sept 1/74

by E. Murphy

(Chair - Contract Comm).

Some people here are very concerned about the illegality of the proposed study session. A study session is technically an illegal strike - of that there is no doubt - HOWEVER, the practice of enforcement of the technical illegality of a stoppage of work is doubtful to say the least. For example: the Faculty Association have held two study sessions (~~both, technically, illegal stoppages of work~~) and nothing happened to them - there was no docking of pay, no firing, and not the slightest amount of intimidation.

If the University were to proceed with this study session as an illegal strike, it would have to apply to the Labour Relations Board for an injunction, and the Department of Labour would have to bring charges against the Union. This is doubtful for two reasons:

1. This is most unlikely, as the Labour Relations Board has not, in the past, even considered processing injunctions for stoppages of work under three days.
2. The Department of Labour will not charge the Union - indeed, the stated purpose of the Labour Code, the Labour Relations Board and the Provincial Government is to promote the organization and operation of unions.

The N.D.P. Government has stated its sympathy to the labour movement, and because we, the workers at U.B.C., have been ~~xxxxxxx~~ unorganized and ~~xxxxxxx~~ among the most poorly paid sector of the community, and because our present contract demands are reasonable in the extreme, ~~xxxxxxx~~ the N.D.P. government will not likely take any action. If it did, you can be sure that they would look very <sup>peculiar</sup> ~~strange~~ to their supporters.

~~xxxxxxx~~ for the people who put them in office & especially to the labour unions in general.

Clearly, the intimidation evident in Mr. McLean's memorandum is contrary to this purpose, indeed the University seems intent upon breaking the Union, by intimidating employees, by leading them to believe that pay will be docked, or that they may be fired - inferences, most of which are untrue.

1. The University itself has set a precedent of not docking the pay the employees in a study session - I use the two study sessions of the Faculty Association which were for the openly stated purpose of organizing a union, as evidence.
2. According to our members in the Finance Department, the possibility of attempting to dock pay is unlikely, to say the least. The Finance Department would be unable to handle it, and if the University insisted, it would end up costing them more money to compute the dockings than it would to pay us.
3. Many Department Heads have said that they will not allow their employees to be docked pay - what this means is that if some people are docked, many won't be and the Union will therefore fight on behalf of any docked employee as an unfair labour practice (because it is unfair treatment of employees).
4. If the University should attempt any disciplinary proceedings, by which I mean suspension or firing, it will find itself in a most uncomfortable position. They will be attempting to discipline employees for union activity - an action which is completely and clearly a violation of the Labour Code.

It is of dire necessity and extreme urgency that the members of our union have an opportunity to study the contract proposals in detail.

The Union has a legal obligation to the individuals who make up our membership. That legal and moral obligation is one of fair representation. The Executive and the Contract Committee recommend most strongly that we have a study session so that every individual in our bargaining unit will know what's going on, and so that the Executive and Contract Committee can say, without any hesitation, that they fairly represent the membership.

I urge every person here to examine their consciences with respect to themselves.