

Submission to the NS Law Amendments Committee re Bill 100
April 30, 2015

Submitted by Professor Alvin Comiter
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My name is Alvin Comiter. I'm a Professor in the Media Arts Division at NSCAD University and I'm the President of FUNSCAD, the Faculty Union of the Nova Scotia College of Art and Design, which represents about 40 full-time faculty, 70 part-time faculty and 30 technical, library and gallery staff members. I'm here to speak against the provisions in Bill 100 which would eliminate the right to strike and the right to file a grievance. Together, these provisions would end our right to fair collective bargaining and undermine the foundational principle of Academic Freedom.

In the first NSCAD Collective Agreement which was negotiated in 1986, the parties agreed on a Financial Exigency article which remains intact to this day. The article recognizes the need for the university to remain "financially healthy" and goes on to state that under some circumstances it may even become necessary for employees to be "laid off". The article goes on to define "financial exigency" and sets out a timeline for exploring financial options and even goes so far as to set out the process for an orderly downsizing of the university. We also have an article in our Collective Agreement that establishes the employer's right to modify or discontinue programs after a brief period of consultation. I suspect that the other Universities in Nova Scotia have similar provisions in their Collective Agreements. FUNSCAD's Collective Agreement for Bargaining Unit II, which represents our technical, library and gallery staff, allows the employer to lay off our members without even having to claim financial difficulty.

My question for the government is as follows: If, as a

product of free collective bargaining, the parties have been able to mutually agree on a fair process for making sweeping changes to programs and staffing levels when faced with serious financial problems, why on earth would the Liberal government find it necessary to completely undermine the right to fair collective bargaining, to eliminate the right to grieve violations of our legally binding contracts, to threaten academic freedom, and to endanger university arts programming that is not in the service of the government's narrow business agenda. Why? From my perspective, this is not about accountability, this is about demonizing both labour unions and universities.

I have another question that I think I know the answer to: Why is NSCAD University facing tough financial times? The previous government took away over 10% of our funding during a period when inflation totaled around 10% - a cut of over 20%. At the same time, the public attack on our University left parents and students wondering whether NSCAD had a future as an autonomous university, and not surprisingly, our enrolment suffered because of the government's anti-NSCAD agenda. After severe cuts to staffing and programming we're still running a small deficit - not because of financial mismanagement, and in our case not because of a bloated administration, but because the government engineered a financial crisis by cutting our funding. Had the government merely maintained funding with no increases, my University would be in the black.

At a time when everyone should be focused on strengthening Nova Scotia's highly respected University System - an achievement built over decades - the government is forcing us all - students, faculty, staff, administrators, Boards - into a lengthy and expensive legal battle over the constitutionality of Bill 100. This is not the kind of attention that will allow us to continue to attract high quality faculty and students to our province.

When the Liberal government was in opposition, I met with the Liberal critic on Post-Secondary education on a number of occasions. His support for NSCAD and post-secondary education in general was unequivocal. How surprising and disappointing to find that we've gone from the proverbial frying pan into the fire. No one is questioning the need for Universities to be accountable. But, the government must also be accountable for the damage that they're doing to post-secondary education in Nova Scotia.

Bill 100 is a nasty, mean spirited piece of legislation and I urge you to withdraw this bill which not only threatens our confidence in the government's ability to support a knowledge-based economy, but which threatens to even further escalate the tensions on campuses that have resulted from years of underfunding.