



Academic Matters

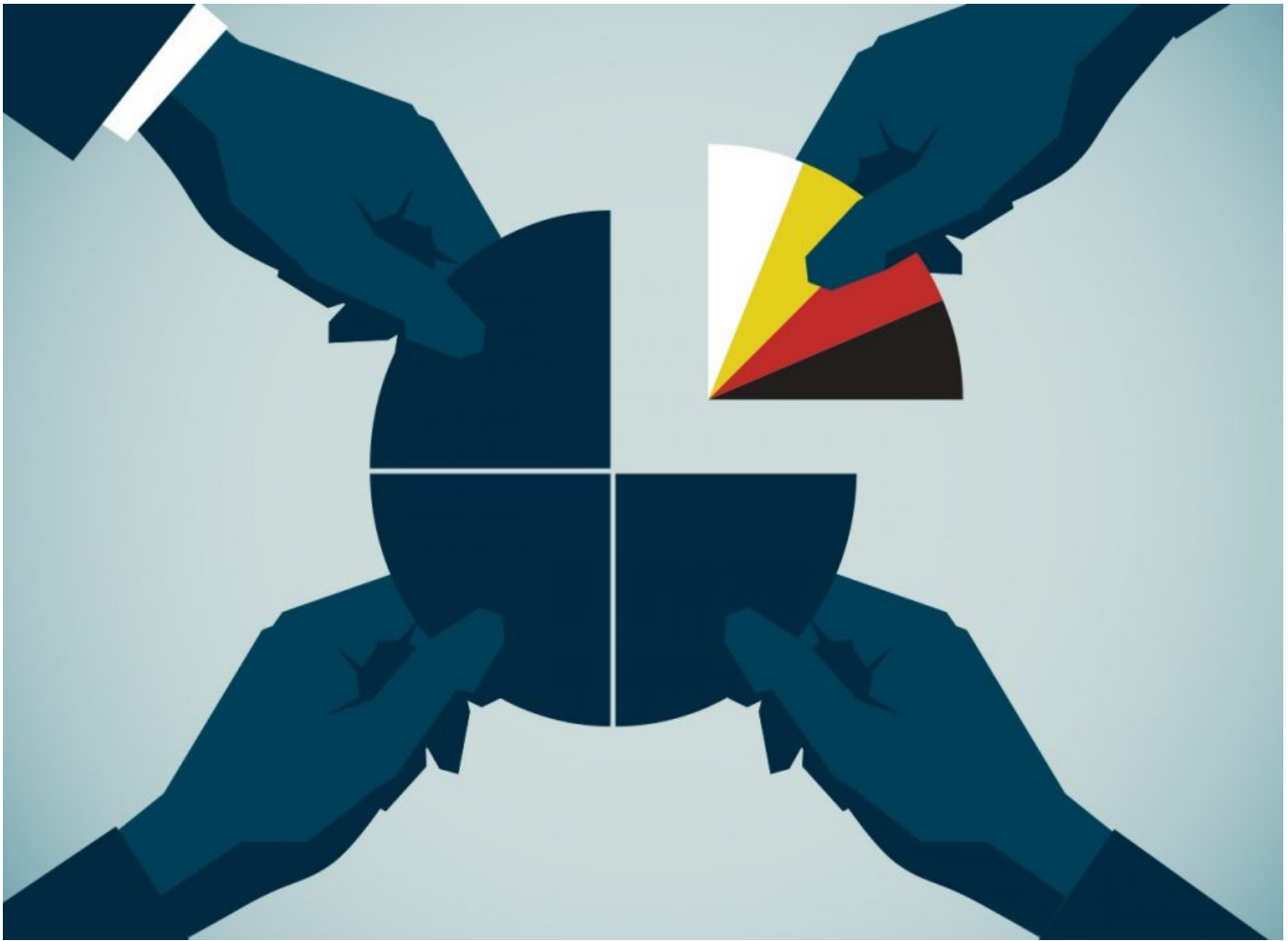
OCUFA'S JOURNAL OF HIGHER EDUCATION

COLLECTIVE BARGAINING, EQUITY AND SOCIAL JUSTICE, HIRING, PROMOTION, AND TENURE, TRUTH AND RECONCILIATION AND DÉCOLONIZATION

■ Indigenization through collective bargaining: Lessons and ideas for academic staff associations

By By Spy Dénomme-Welch and Larry Savage, *Brock University*





Introduction

In June 2020, members of the Brock University Faculty Association (BUFA) ratified a new collective agreement that contained important contract provisions designed to advance measures aimed at restoring and renewing Indigenous practices and knowledge systems.

The union's bargaining breakthrough on Indigenization was rooted in the understanding that upholding Indigenous rights (guided by Treaties, the Canadian Constitution, and various international agreements such as the United Nations Declaration on the Rights of Indigenous Peoples) is an important and much-needed step towards addressing reconciliation with First Nations, Inuit, and Métis peoples.

In this article, we reflect on the process, outcomes, and lessons learned from our experience pursuing Indigenization through collective bargaining.

Process

In advance of bargaining, BUFA consciously adopted the concept of “nothing about us without us” in relation to Indigenization and decolonization. Specifically, our negotiating team struck a sub-committee that was tasked with developing bargaining proposals focused on equity, diversity, Indigenization, and decolonization. BUFA negotiating team member Spy Dénommé-Welch (Anishnaabe) spearheaded the sub-committee’s work on Indigenization and decolonization, which provided recommendations back to the BUFA negotiating team, led by Chief Negotiator Larry Savage (a non-Indigenous ally).

The sub-committee made efforts to meet one-on-one with BUFA’s Indigenous members to learn about their experiences and gather input about how the university and union could best address the needs of Indigenous faculty and professional librarians. Consulting with the union’s Indigenous members about bargaining progress and seeking their guidance around the bargaining team’s proposals was enormously valuable and strengthened BUFA’s contract demands at the table. Additionally, the sub-committee reviewed various collective agreements from other Canadian institutions to ascertain if and how topics of Indigenization and decolonization were being addressed. We quickly learned there were few concrete examples of collective agreement language to draw on. BUFA was therefore keen to explore ways of weaving aspirational ideas around Indigenization and decolonization with practical, achievable, and meaningful bargaining proposals that would find favour with both union members and university administrators.

Once the sub-committee concluded its consultations, members drafted a document outlining several priority areas and subsequently worked with the negotiating team to pull together a series of concrete bargaining proposals that

were eventually approved by the union's executive committee before being tabled as part of the collective bargaining process.

Outcomes

The union successfully negotiated significant amendments to BUFA's collective agreement that establish equitable policies and practices for Indigenous faculty and professional librarian members. Not only did our negotiating team work to proactively eliminate barriers to the recognition of Indigenous knowledge production and dissemination, it succeeded in having the agreement formally recognize the value of Indigenous knowledge. We see these positive changes as a beginning rather than an end to a much longer process of reconciliation.

Changes to the collective agreement include:

- Criteria for determining a Ph.D. or graduate degree equivalency for Indigenous knowledge.
- Explicit recognition that diverse forms of Indigenous scholarship count towards tenure and promotion.
- Provisions allowing for Indigenous members to voluntarily have an Elder or Traditional Knowledge Keeper/Carrier accompany them in promotion and tenure hearings and appeals in addition to their union representative.
- Provisions ensuring that candidates for Indigenous-focused appointments will have a meeting with an Indigenous member of the university community as part of the interview process.
- Language to facilitate the appointment of visiting Indigenous scholars.
- Mandated Indigenous representation on recruitment committees for Indigenous-focused appointments.
- Expanded evidence of teaching, research/scholarly activity, and service for tenure and promotion applications to include written comments from Indigenous organizations, Elders, and/or Traditional Knowledge Carriers/Keepers about a candidate's contributions.

- Expanded evidence of research/scholarly activity for tenure and promotion applications to include knowledge mobilization and/or oral presentations in Indigenous community settings.
- Expanded evidence of service for tenure and promotion applications to include service in and recognition by regional, national, and/or international Indigenous communities/organizations.
- Provisions to allow, where relevant, for Indigenous Elders and/or Traditional Knowledge Carriers/Keepers to act as arm's length referees for tenure and promotion applications.
- Expanded language around class cancellation and exemptions from exam attendance for faculty participating in Indigenous practices.
- Mandating that tenure and promotion committees and search committees for senior administrative positions include self-identified members of equity-seeking groups to the extent possible.

Lessons

While we are proud of the union's bargaining breakthroughs on Indigenization, it is important to acknowledge that the consultation, proposal development, and collective bargaining processes did not unfold without hiccups or frustrations.

First, it is important to remember that academic staff associations, in general, have been slow to tackle issues of Indigenization and decolonization through collective bargaining. One of the reasons for this is that, for the vast majority of members, Indigenization is simply not a priority. Thus, convincing both the leadership and the membership to prioritize the issue, let alone maintain its priority status throughout the entire collective bargaining process, is no easy task. Building early support for the initiative within the union in advance of bargaining is therefore key. This involves education, ongoing discussion, and active engagement with members around the union's development of its own strategic priorities.

In short, Indigenization is an issue that academic staff associations must fight for consciously and intentionally. The importance of this last point was underscored for us by the fact that the university's negotiating team did not table a single proposal on Indigenization, despite the fact that a key pillar of the university's strategic plan is to "foster a culture of inclusivity, accessibility, reconciliation and decolonization."

Second, colonial mindsets are strongly entrenched, even in a university setting where official pronouncements in support of Indigenization are relatively uncontroversial. While there was openness to talking about the unique experiences of Indigenous peoples as distinct from the lived experiences of members of other equity-seeking groups, exchanges were sometimes uncomfortable and misunderstandings were not uncommon, both at the bargaining table and within the union. Recognizing both the existence and importance of distinct cultural needs and practices for Indigenous members is critical here.

Some colleagues struggled to understand why particular issues might become sticking points for Indigenous members and had to contend with the reality that their long-held labour relations principles were perceived by some to be at odds with the goals of Indigenization and decolonization. For example, some members the university's negotiating team initially struggled with the possible risk implications of extending certain rights related to the use of Elders to Indigenous members that would not be extended to all members. Within the union, an internal debate emerged over whether formal voting rights should be extended to Indigenous representatives on recruitment committees who themselves were not members of the bargaining unit. In the end, the negotiating teams settled on a proposal that denied voting rights to non-members. The way this issue was resolved, however, highlights the need for the university to hire more Indigenous faculty and professional librarian members, in part, to help bolster Indigenous representation and community service capacity within the university.

Third, much of the hesitation around drafting proposals related to Indigenization and decolonization is driven by a fear of getting things wrong from a contract enforcement perspective. While overarching principles were not always controversial, translating them into workable and meaningful collective agreement language proved more challenging. For example, in our case, while the union's proposal to establish a Ph.D. or graduate degree equivalency for Indigenous knowledge was immediately well received, mutually agreeing to contract language to support this principle took a great deal of time and effort. Having an Indigenous voice at the bargaining table unquestionably helped to break the logjam. In the end, the Parties agreed that in determining a Ph.D. or graduate degree equivalency for Indigenous knowledge:

consideration shall be given, but not limited to, the level of knowledge of the language and/or traditional customs including protocols, spirituality, traditions, practices, ceremonies, histories, and teachings of a particular group of Indigenous people or peoples. This knowledge may have been acquired through lived experience; active and lengthy participation in Indigenous forms of self-determination and governance, cultural structures, and processes; and a careful study and reflection of their philosophical underpinnings. In many cases, acquiring this knowledge will have involved studying with an Elder or Traditional Knowledge Carrier/Keeper.

Our final takeaway is that representation in academic staff association structures and processes matter a great deal. The participation of an Indigenous negotiating team member who was given the space to speak their truth directly to the employer at pivotal points in the collective bargaining process was key to the union's success. More broadly, Indigenous voices help provide clarity and understanding around the needs of Indigenous members and help both parties ensure that colonial approaches do not go unnoticed or unchallenged.

Spy Dénomme-Welch is an Associate Professor in the Department of Education at Brock University and Brock University Faculty Association Negotiating Team

member. Larry Savage is a Professor in the Department of Labour Studies at Brock University and Chief Negotiator for the Brock University Faculty Association.