

IN THE MATTER OF AN ARBITRATION

(Under the *Labour Relations Act, 1995*)

BETWEEN:

THE BOARD OF GOVERNORS OF RYERSON UNIVERSITY

(“University”)

- AND -

RYERSON FACULTY ASSOCIATION

(“RFA”)

AND IN THE MATTER OF the arbitration of the RFA grievance dated January 11, 2019 regarding the calculation of RFA dues to be deducted and remitted under the collective agreement between the parties.

BEFORE: G. T. SURDYKOWSKI – Sole Arbitrator

APPEARANCES (by way of written submissions):

For the University: Simon Mortimer, Counsel, Hicks Morley LLP.

For the RFA: James K. MacDonald, Counsel, Goldblatt Partners LLP.

AWARD – Rectification

1. My August 21, 2020 Preliminary Award contains some errors. I regret all the errors but one brought to my attention by Mr. Mortimer requires immediate rectification.
2. Paragraphs 97 and 99 of the Preliminary Award read as follows:

97. Administrators have obligations and rights that derive from the collective agreement and those rights and their employment relationship with the University could be fundamentally altered by the result in this case. I find myself constrained to conclude that as a matter of fairness if not natural justice, in the context of the professional/collegial university workplace, the Administrators are entitled to notice of and the opportunity to participate in this proceeding. In any event, I have the discretion to require it, and consider it appropriate to exercise it in that way because I am satisfied the possible impact of the determination of the grievance may amount to a “fundamental disadvantage” which entitles Administrators to third party notice and an opportunity to participate in this proceeding.

...

99. Therefore:

- (a) **I ORDER** the University to forthwith provide all Administrators with notice of this proceeding by means of a cover letter and a copy of this Preliminary Award. The cover letter must state that I have ordered that Administrators receive notice of this proceeding because I am concerned that their rights may be affected by the determination of this grievance, and direct their attention to this Preliminary Award, particularly paragraphs 90-94, 99(b), (c) and (d), and 100. The notice must include my and counsels’ email addresses. The required notice may be given electronically.
- (b) **I ORDER** every Academic or non-Academic Administrator who wishes to participate in this proceeding to submit a written statement, which will constitute an expression of a desire to participate by email to me and counsel for both parties as follows:
 - (i) The statement *must be longer* than 5 pages using a font no smaller than 12 pt. Calibri or Times New Roman (or equivalent) with no less than 1.15 line spacing.
 - (ii) The statement must identify the Administrator by name and position. A person who wishes to participate cannot do so anonymously.
 - (iii) A statement by a group of Administrators of like mind is acceptable so long as each member of the group is

identified by name and position, and complies with paragraph 99(b)(i).

- (iv) The statement must state whether the Administrator or group of Administrators supports the RFA's or the University's position and briefly state what if they have anything to add, or if they don't agree with either the RFA's or the University's position, briefly state the position and summarize the submissions the Administrator or group of Administrators wishes to make, and whether they want the opportunity to make further submissions.
- (v) Administrator statements must be received by no later than 4:30 p.m. on Monday, September 28, 2020 and not a second later.
- (c) Administrators who do not submit a statement in accordance with the aforesaid will have no further opportunity to do so and will be deemed to have abandoned any and all rights to participate in the proceeding.
- (d) Statements that do not comply with the requirements of paragraph 99(b) will be disqualified from consideration.

(Italicized emphasis added to show error.)

3. Paragraph 99(b)(i) should read and is hereby amended to read as follows:

- (i) The statement must be no longer than 5 pages using a font no smaller than 12 pt. Calibri or Times New Roman (or equivalent) with no less than 1.15 line spacing.

4. **I ORDER THAT** this amendment be immediately brought to the attention to the Administrators entitled to notice pursuant to the August 21, 2020 Preliminary Award.

DATED AT BAYFIELD, ONTARIO THIS 17TH DAY OF SEPTEMBER 2020.

George T. Surdykowski,
George T. Surdykowski – Sole Arbitrator