

**@AMPL\_AMPD**

**28 May 2024**

**FAQ CHECK**

## **McGill Faculty of Law's Strike FAQs Fact Checked**

### **User Guide:**

*Below, in black, is the complete text of McGill Faculty of Law's "Frequently Asked Questions" concerning the continuing strike by the Association of McGill Law Professors (AMPL-AMPD), updated on Monday 27 May 2024.*

*Inserted, in red, are the fact-checked answers.*

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[Labour Dispute in the Faculty of Law](#)

## **Labour Dispute in the Faculty of Law**

### **Frequently Asked Questions**

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During the strike by members of the Association of McGill Professors of Law (AMPL), the University is continuing its operations, including making sure that the work of Law students set to graduate this term will be assessed for the purposes of determining that they have earned their degrees and are able to graduate on time.

According to its own statutes and regulations, McGill University cannot award degrees and graduate students without the fulfillment of the requirements for those degrees as assessed by the professors who grade courses. President Saini and Provost Manfredi have authorized the award of degrees by fiat rather than according to the standards of academic integrity adopted by the University and the Faculty, which require notably that final grades and the list of graduating students be approved by a closed meeting of Faculty Council.

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## **Impacts on all students**

### **What should students expect during the strike by AMPL members?**

We are working to ensure minimal inconvenience for our students. They may see picket lines around the downtown campus and will experience delays in the grading of their assignments and evaluations.

Contradictory information and frequent changes to answers in this very FAQ have created uncertainty among the entirety of the student body, and particularly the graduating class. In addition, President Saini and Provost Manfredi's initial refusal to enable Research Assistants to be paid created significant distress among students who counted on this income, creating much more than "inconvenience". President Saini and Provost Manfredi could eliminate all inconvenience for students by bargaining with their professors in good faith.

The University is committed to ensuring students expected to graduate this term are assessed on time. All students who have met graduation requirements may attend Convocation ceremonies and qualify for professional exams, as planned. [See details below.](#)

The Faculty of Law's administration has reached out to bar associations in Quebec and elsewhere to inform them that grades of students wishing to register for professional exams will be forwarded to them when professors who have taught the classes have graded the students' work and Faculty Council has approved the grades. What does not appear to have been explained to bar associations is that as of May 24<sup>th</sup> the University posted the indication "degree granted" on Minerva and on May 29<sup>th</sup> the University intends to issue diplomas in advance of grades being properly determined by the professors who taught the relevant courses, thereby contravening University and Faculty regulations and long-standing practice.

### **Will students be able to undertake their final examinations? Could they be disrupted?**

Final exams will proceed as planned. Refer to the [Student Affairs Office website](#) to find the time and location of your exam.

Though it is possible that striking Faculty members will picket near exam locations, we trust that they will not want to undertake any action that would disrupt students' academic activities.

AMPL/AMPD chose to begin the strike on April 24 to prevent disrupting or inconveniencing students taking classes and exams. Any strike activity that could have had such effects was halted during the few exams that took place on or around April 24. In fact, several exam-writing students joined AMPL's strike action before and immediately after the exams, offered support, brought home-baked goods, and joined the Association's picket line.

### **Does the strike impact the deadline for take-home exams and any other assignments?**

No. All take-home exams and assignments must be submitted to the Student Affairs Office or on myCourses as scheduled.

### **How will the strike affect the grading of exams and other work submitted for winter 2024?**

There will be a delay, as this work will be evaluated, and courses assigned a letter grade, by Faculty members when they return to work.

Grades submitted by instructors not on strike will be held until all grades for the term can be released.

In the meantime, transcripts will show a blank or "NR" (No Record) as a placeholder for grades for the 2024 winter term. This code does not affect the cumulative grade-point average, nor does it indicate that any work remains outstanding. When the strike has ended and Faculty Council has approved final grades as per our Faculty Regulations, those grades will replace the placeholders. Click [here](#) for a letter from the dean explaining the absence of grades from winter 2024.

Grades now absent from the calculation of the grade-point average will have an impact on this average. It is this average that non-graduating students rely on to apply for jobs, scholarships, etc. The unclear and constantly changing communication around the handling of grading has placed an additional burden on the entirety of the student body.

### **Will summer courses and term essays proceed as planned?**

Three courses were due to begin in May. Associate Dean Rosenblum's Business Associations is proceeding as planned.

AMPL/AMPD is contesting the University's claim that Associate Deans are not part of the bargaining unit represented by the Association. The bargaining unit is defined in the decision of the Tribunal administrative du travail as « Tous les professeur.e.s à temps plein de la faculté de droit de l'Université McGill. » We have accepted that the Dean does not

come within the bargaining unit. However, given this definition of the bargaining unit, the burden of proof is on the University to show that the Associate Deans do not fall within it. That matter remains before the Tribunal for final decision. AMPL/AMPD was unsuccessful in obtaining a preliminary injunction preventing the Associate Deans from grading on the basis that the balance of inconvenience at that time did not favour the union. That decision was not determinative with respect to the status of associate deans in the bargaining unit.

Professor Peer Zumbansen's Transformative Business Law Summer Academy is cancelled.

Dean Leckey declined to inform the full 56 international student-fellows, the 21 international faculty members, and the five confirmed keynote speakers of the cancellation of the Academy.

The Academy is a legal policy writing program entirely unparalleled in Canada and an institutional flagship which had been prepared for over four months as a key offering of the Faculty of Law in collaboration and the Desautels Faculty of Management, and in connection with the University's externally funded Sustainable Growth Initiative. Nonetheless, the Law Faculty's Student Affairs Office – SAO – denied any responsibility towards the international participants – students and faculty – all of whom had made travel and accommodation arrangements, had taken leaves from their jobs and stepped away from other duties to be available for the week-long program.

Neither Dean Leckey nor the SAO have informed the convener of the Academy that the Faculty has cancelled the event and course.

Professor Omar Farahat's Islamic Law is cancelled.

More should be said regarding summer term essays, which require at least three meetings of student and supervisor, appropriately spaced to allow meaningful work between them. Essays supervised by individuals who are not covered by AMPL's certification (including the dean and associate deans) are proceeding as usual. But essays supervised by striking professors have not so begun.

Students whose summer term essay would satisfy the remaining requirements for imminent completion of their programme would be well advised to secure a supervisor who is not on strike. In such cases, the Student Affairs Office will accept a post-deadline request for change of supervisor until 3 p.m. on Thursday, May 16.

Given that the number of faculty members who are not part of the bargaining unit is low (one according to AMPL/AMPD; four according to the University), it will be virtually impossible for most students to "secure a supervisor who is not on strike". To ensure adequate supervision of term papers, the number of students that any supervisor can take on is limited. In addition, the expertise of a supervisor is instrumental in determining the nature and area of any supervised research. The limited number of potential supervisors

also restricts the kinds of projects that the few students able to secure a supervisor can pursue.

For continuing students, summer term essays supervised by striking professors will be cancelled if AMPL has not returned to work by 3 p.m. on Friday, June 14. For such students, the Student Affairs Office will not accept post-deadline requests to change supervisor. Such students may consider alternative means of earning summer credits, including taking a non-law course at McGill or taking a law or non-law course through the Quebec Inter-University Transfer Agreement. Moreover, students might undertake preliminary research this summer to serve as the basis for a term essay registered for a later term.

This suggestion places the burden of finding a solution to the lack of adequate course offerings and written-work supervision entirely on students – and on “striking professors.”

### **How can students be in touch with professors who are on strike?**

Because employees are not allowed to undertake any work activities during a strike, we recommend that students wait until the end of the labour action to contact Faculty members on strike. Faculty members will not be accessing McGill emails or offices or receiving messages left on their McGill phone numbers.

On April 24th 2024 at midnight, President Saini and Provost Manfredi cut all striking faculty off from the University’s and Faculty of Law’s email services, servers and on-line library services. As a result, AMPL/AMPD members have no access to their institutional email accounts. Labour law by no means forces such a “digital lockout”. Other university administrations have, in similar situations, not taken this path. It was the decision of President Saini and Provost Manfredi to proceed in this way.

For urgent academic needs, students can email [doyen.droit@mcgill.ca](mailto:doyen.droit@mcgill.ca).

### **Can graduate students meet with their supervisors, in person or virtually?**

No, because employees are not allowed to undertake any work activities during a strike, including graduate supervision. We recommend that students wait until the end of the labour action to contact Faculty members. In any case, striking Faculty members will not have access to their McGill email or offices.

Being cut off from email and offices is a needless decision taken by President Saini and Provost Manfredi. AMPL/AMPD is concerned about the impact of missed supervisory meetings and urges McGill to return to the bargaining table in good faith to cease further jeopardy of graduate students’ work.

### **What is the impact on firm recruitment processes?**

The Faculty of Law is in touch with the main employers in our major markets to minimize the strike’s impact on students participating in recruitment processes in May and June.

These employers have been notified that there will be delays in the grading of assignments and evaluations from the winter term. In addition, click [here](#) for a letter from the dean explaining the absence of grades from winter 2024.

Students increasingly rely upon letters of recommendation for the recruitment process. We urge students to seek these letters from the Dean and Associate Deans.

## **Will registration for the 2024–25 academic year proceed as usual?**

Yes. Keep an eye out for communication from the Student Affairs Office on this subject.

As of now, the University has offered as additional dates for negotiation August 19, 21, 29 and September 4. The fact the additional dates arise immediately before the beginning of the Fall semester raises a significant risk that that semester will face a strike.

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## **Impacts on graduating students**

### **What plans are being made for those expecting to graduate on May 29?**

Your Convocation Day is an important celebration for you and your loved ones as you join McGill's global alumni community. Please continue planning for it! McGill will ensure that students who have met the requirements for their degrees graduate as planned.

The Dean and Associate Deans of the Faculty of Law have reviewed the work of graduating students to determine whether it is of sufficient quality that they have met the requirements for their programme.

The assessment of student work involved the Dean and possibly the Associate Deans reviewing exams, term papers and other course work of graduating students. The relevant courses were taught by AMPL/AMPD members, the methods of evaluation were set by AMPL/AMPD members, but the work was assessed for graduation purposes by individuals who did not teach the courses, set the methods of evaluation, or consult with the professors who taught the courses and set the methods of evaluation. This unprecedented procedure has been applied to more than a dozen courses.

The transcripts of graduating students whose work has been reviewed in this manner will have a notation of "NR" – no record – instead of an actual grade. Neither this notation nor the grades given to students from non-AMPL/AMPD instructors (e.g., course lecturers) have been approved by Faculty Council, as required by the Faculty's regulations. It is in the administration's control to have the Faculty's professors provide valid grades by returning to the bargaining table in good faith.

The ad hoc procedure adopted by President Saini and Provost Manfredi is in direct violation of longstanding rules and regulations at McGill University and McGill's Faculty of Law.

According to these rules, professors who taught the respective course grade students' work based on their expertise and intensive preparation and, as a collective, approve the final grades and the list of graduating students at a closed Faculty Council meeting.

The Faculty of Law will submit the list of students eligible to graduate to Enrolment Services by May 17. These students will see the indication "degree granted" in Minerva on May 24, the date previously set by McGill for all graduating students.

Diplomas will be conferred on students eligible to graduate on May 29. You and anyone else should rely on these McGill diplomas and Minerva's confirmation of conferral of degrees as on any others.

McGill does not have a valid basis upon which to indicate that degrees for the Winter 2024 semester have been granted.

Students poised to graduate whose work has not been assessed by the professor responsible for the course and whose grades and graduating status has not been approved by Faculty Council will receive invalid diplomas. This defect is curable upon the proper process being followed.

Transcripts will show as either blank or "NR" (No Record) as a placeholder for grades for the 2024 winter term until the strike has ended, Faculty Council has approved final grades as per our Faculty Regulations, and those grades have replaced the placeholders. This code does not affect the cumulative grade-point average, nor does it indicate that any work remains outstanding.

Non-existent grades inevitably result in a skewed GPA. In addition, the assertion that no work "remains outstanding" is misleading: the point of a diploma is that it is based on completed and assessed course work. Work for the Winter 2024 has not been properly assessed thus a portion of the necessary grades for the conferral of the degree remains outstanding.

### **Will graduating students be able to register for upcoming professional licensing examinations?**

Yes. We know that proceeding to your next professional step is important for you and we are doing everything we can to ensure that the strike will not impede your progress. The Faculty of Law is in touch with the licensing bodies to minimize the strike's impact respecting licensing processes for students who receive their diplomas on May 29.

Since many of the diplomas handed out on May 29 will be based on an illegitimate "review" process, without Faculty Council oversight, these diplomas will lack validity. AMPL/AMPD deplores this regrettable situation, which the University's failure to bargain in good faith has caused. It bears emphasis that we are now in the sixth week of the strike and during that time there has not been a single bargaining session with the University.

To help us help you, please tell us via this [form](#) with which law society or licensing body you intend to register. With the information you so share with us, we will be able to provide tailored updates about requirements and deadlines, as well as generate any attestation letters necessary.

Faculty of Law staff have longstanding relationships with many of the law societies where our graduates go. For example, the pandemic led us to update interested licensing bodies often regarding the delivery of our programme. Please rely on us to communicate with them on your behalf.

While President Saini and Provost Manfredi purport to offer assistance here, they have eschewed guaranteeing that students will not suffer complications and inconvenience as a consequence of receiving invalid degrees and have not promised any form of compensation to signal that they take responsibility for their actions.

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## **Research assistants**

### **Can RAs continue working or begin work as per their contracts with a Faculty member on strike?**

RAs may undertake work that does not require the involvement of their supervisor.

### **Can RAs get in touch with their supervisor?**

Because striking Faculty members are not allowed to undertake any work activities during a strike and will not have access to their McGill email or phone numbers, we recommend that RAs wait until the end of the labour action to contact a supervisor who is on strike.

This situation is the direct result of President Saini and Provost Manfredi's decision to implement a digital lockout of AMPL/AMPD members that was in no way required by law (see above).

### **How will RAs' hours be approved in Workday?**

Before the strike, Faculty members were invited to delegate approval authority over their grants to the dean, who is a manager under the Labour Code. If they did so, he will be able to approve hours submitted by their RAs.

### **Who can RAs contact regarding HR/Workday/payroll matters?**

Please contact [Tena Groot](#), Human Resources Coordinator.



## **Impacts on academic and administrative staff**

### **Who can and can't work if a strike is declared?**

All Faculty members covered by the AMPL certification will be considered on strike and cannot work or be paid for their services during that time.

Faculty members not covered by the AMPL certification and other McGill employees may continue to perform their normal duties.

Managers at the University can do the work normally done by Faculty members on strike if employed at the University on the date when negotiations began, November 11, 2022.

### **Who is considered a manager?**

The Québec Labour Code and the caselaw define a manager as a person with most of the following responsibilities:

representing the employer in its relations with employees;

managing the work of others, establishing work schedules, authorizing absences, approving timesheets, determining workloads and assignments, etc.;

having decision-making and supervisory authority;

having the authority to hire, discipline, and dismiss employees.

Academic administrators with managerial responsibilities (such as Deans, Associate Deans, Provost, and Associate Provosts/Vice-Presidents), whether their professorial appointment is in the Faculty of Law or elsewhere, are part of management and can carry out the work of striking Faculty members covered by the AMPL certification, provided that they were employed by the University prior to November 11, 2022.

**The question as to whether Associate Deans are part of the bargaining unit is currently pending before the Tribunal administrative du travail, and the burden of proof to establish that they do not rests on the University. AMPL/AMPD takes the position that Associate Deans have no decision-making or supervisory authority with respect to their colleagues but rather are involved in a coordinating function as concerns the work of professors.**

MPEX and executive staff members with managerial responsibilities, regardless of whether they are employed in the Faculty of Law, are part of management and can carry out the work of striking Faculty members covered by the AMPL certification, provided that they were employed by the University prior to November 11, 2022.

**How is the work of those who are not covered by the AMPL certification affected by the strike? Can any other members of the Faculty of Law community undertake the tasks of striking Faculty members?**

A member of the academic or administrative staff who is not a manager and who is not on strike **cannot** perform the duties of striking Faculty members. For example, they cannot be asked to grade exams or papers or invigilate for courses led by Faculty members on strike.

Academic staff who are not covered by the AMPL certification and who are not part of management are expected to carry out their normal duties during a strike or lock-out.

### **How would being on strike change the activities of Faculty members covered by the AMPL certification?**

The Labour Code prohibits unionized workers on strike from carrying out any activities related to their work. Accordingly, Faculty members on strike must suspend all academic duties, as defined in the [Regulations Relating to the Employment of Tenure-Track and Tenured Staff](#), section 4.1, including teaching, research and scholarly activities, and other contributions to the University and scholarly communities.

The University cannot monitor activities performed by Faculty members on their own (such as scholarly writing).

The Dean has been individually granting exceptions to some colleagues wishing to attend or even hold conferences. In other cases, the Dean has issued warnings not to attend conferences or speak with the media. AMPL/AMPD has advised its members that they are free to attend conferences and seminars in their personal capacity.

However, Faculty members on strike will not have access physically or remotely to library resources and may not use university funds, including external grants held at the University, to support activities performed while on strike.

Faculty members on strike may not carry out supervision in respect of their students, including research assistants.

For information about working with RAs, please see [the section above](#).

### **How would students and other instructors and staff communicate with striking Faculty members?**

The standard protocol during strike action includes the suspension of work tools including official University email addresses, access to Workday, and access to myCourses and Minerva.

Faculty members on strike should not be communicating with their students while on strike.

It is not the University's prerogative to prevent communications between students and professors during the strike. The anti-scab provisions of the Québec Labour Code are designed to protect the union. We have of course been in communication with students,

including by means of this response to the FAQs, and will continue to do so. There simply is no legal basis upon which the University can exclude communications on the picket line, by email or otherwise. Communications respecting course work and supervision on the other hand are excluded during the strike so as to respect the union's rights.

The University will communicate relevant information to AMPL union representatives.

### **Can AMPL members go to conferences while on strike?**

As shown by documents such as academic CVs, annual reports, and dossiers for tenure, participation and attendance at academic conferences is generally understood to be part of the performance of a professor's "academic duties." A striking Faculty member should not attend or participate at a conference or other academic event if doing so would normally be viewed as part of their "academic duties."

President Saini and Provost Manfredi here misstate the law. Conferences can be attended by colleagues on strike in their personal capacity or as members of other institutions, but not as employees of McGill. That a professor sometimes attends a conference in the execution of their academic duties does not imply that they necessarily must attend as an employee of McGill or as part of their academic duties. It is up to the professor in which capacity they attend.

If striking Faculty members travel and attend meetings or conferences in a personal capacity, no part of the expenses incurred may be reimbursed using any type of McGill fund. Such participation will not be part of the Faculty member's academic duties for purposes such as performance evaluation or tenure.

Travel insurance provided for by the University is only available to members of the McGill Supplemental Health Plan.

### **What happens if, as a matter of conscience, other members of the McGill community decide not to cross a picket line?**

The [McGill Personnel Policies](#) and some collective agreements contain provisions covering staff members who as a matter of conscience cannot cross a picket line. This act of conscience will be respected, and no penalty will be imposed, however no salary will be paid for the period during which the employee is not at work. Staff members who take this position are expected to advise their supervisor, department head or chair and arrangements will be made to deduct the appropriate amounts from their salaries.

Individuals who are denied access to a University building as a result of a picket line should note the facts surrounding the incident and contact Security Services at (514) 398-3000.

### **What are the rules around picket lines?**

Picket lines must not block access to University campus or buildings, or obstruct or interfere with University activities.

AMPL has peacefully picketed without incident for more than five weeks. President Saini and Provost Manfredi have no authority to interfere with AMPL/AMPD's peaceful pickets.

Any disruptions or unusual activity should be immediately reported to (514) 398-3000 (McGill Security Services) and the Faculty HR Advisor and someone will provide support.

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## Negotiation process

### Is McGill refusing to bargain with AMPL?

No. AMPL and McGill have met 23 times for negotiations. Before the strike, the next session was already set for 7 June. That is the next date negotiations will occur.

This statement is false.

Immediately after AMPL/AMPD was accredited on November 8, 2022, AMPL reached out to the University to set dates for negotiations. The first date we were given was in December 2022, and that was a brief pro forma meeting to introduce the parties during which no negotiations took place. After 3 negotiation sessions, on February 21, March 17 and March 20, 2023, after obtaining advice, we called for a conciliator because AMPL determined that the University was arriving unprepared, was moving at a snail's pace and was only offering to give us 6 further meetings in the summer after having indicated originally a willingness to meet every week.

A scheduled meeting for June 12, 2023 was cancelled by the University. The Conciliator from that point until our strike offered 56 days of negotiations, all of which AMPL/AMPD accepted. The University accepted 14 of those dates but cancelled one full day and two half days. All told, the University did accept 23 negotiation sessions, of which 21 were full days, and 2 were half days: that is how it calculates 23 "times". However, McGill cancelled 2 full days and two half days, with the result that in fact we only had 20 full days of negotiations over close to 500 days from the time of our accreditation.

As to the claim that a June 7 date was set before the strike began, this is highly misleading. AMPL/AMPD did not agree to the June 7 date when it was first proposed in March, because it was so distant from our last scheduled bargaining date of April 23. AMPL/AMPD only reluctantly agreed to June 7 late in May, and only after Deputy Provost Labeau and his team continued to refuse to come to the table sooner, as we continue to insist they must.

Here is the relevant context. AMPL/AMPD members voted to give the Executive a mandate to go on strike for up to five days on December 8, 2023. At the bargaining meeting of December 12, 2023, we made clear to the Conciliator that we would be seeking a

collective agreement by the end of the winter semester and fixed the date of April 15, 2024 as the deadline. This was six days after the last bargaining date conceded to us by Deputy Provost Labeau at that time (April 9). Deputy Provost Labeau had agreed to just one day of bargaining in January (January 16), two days in February (February 1 and 8), one and a half days in March (March 22 and March 27 (AM)), and one day in April (April 9).

On February 9 the Conciliator proposed the following bargaining dates by email: March 4, March 5, March 7, March 8, March 20 (PM), April 4, and April 10. We accepted all the dates. Deputy Provost Labeau rejected all the dates.

On February 20, Deputy Provost Labeau agreed to two additional half days of bargaining on March 28 (PM) and April 23 (PM). As a sign of good faith, we announced an extension of our strike deadline to April 24 and sought further dates to avoid a strike. The Conciliator offered April 25, April 30, May 10 and May 21. We accepted all these dates. Deputy Provost Labeau once again rejected all the dates.

On March 25 the Conciliator then proposed May 29, May 31 (PM), June 5, June 7 (PM), June 10. The University's lawyer replied that Deputy Provost Labeau and his team were available on June 7 (a half day), and otherwise not available. These dates were far too distant from the last half day scheduled for April 23, and so we insisted with the Conciliator that we needed dates far in advance of those he proposed, and did not at that time agree to the June 7 half-day.

On April 8 the University's lawyer advised us that Deputy Provost Labeau had instructed him that he was cancelling the afternoon session on April 9, and that he and his team would be available only that morning. Deputy Provost Labeau and his team proceeded without Dean Leckey on April 9, despite insisting otherwise that they were only available to meet if all of their members could be present.

In the evening of April 9, AMPL members voted to stage an unlimited strike as of April 24 if we did not reach an agreement with the University. We requested further dates in advance of April 24 to avoid a strike. The Conciliator offered to make himself available whenever Deputy Provost and his team could make themselves as available, including by cancelling or moving other commitments and working evenings and weekends. Deputy Provost Labeau rejected all these offers ahead of the half day scheduled for April 23, and has continued to do so throughout the strike initiated on April 24. On April 23 itself, the day before our strike commenced, the University's lawyer said he was prepared to stay until midnight to make progress. Deputy Provost Labeau ended the half-day session at 17h00.

On May 16 Deputy Provost Labeau agreed to four additional dates that were then **more than three months away**: August 19, August 21, August 29, and September 4. We insisted again on dates much sooner, but agreed to reserve these dates *in extremis*. McGill is not simply refusing to bargain in good faith. It is simply refusing to bargain.

## **Why won't McGill return to the bargaining table immediately?**

Negotiation sessions are set according to the schedules of everyone participating in collective bargaining. Although collective bargaining at McGill would normally pause during the summer months, because of scheduling challenges around vacations, the University has proposed several additional dates this summer.

As noted above, the first date proposed “this summer” is August 19, and that comes after a more than 6-week refusal to meet to bargain at all between April 23 and June 7, and this after Deputy Provost Labeau had been advised in December of last year, when we had a strike mandate, that we intended to strike April 15 if we did not have an agreement in principle settled by then.

The standard pattern schedule of meetings for collective bargaining is once a week. McGill's lawyer agreed to this pace of meetings when we began meeting in early 2023. He broke that promise at the end of March 2023, when he advised that he and his team would not meet with us again for 10 weeks. This is when we sought a conciliator.

## **Has McGill ever failed to show up for a mutually agreed on session of bargaining?**

No.

This unequivocal claim is demonstrably false.

On four occasions McGill team has cancelled mutually agreed bargaining sessions either the day before they were to take place or, on one occasion, the day of the session (to cancel the afternoon).

The first cancellation was 12 June 2024, when one McGill team member had a family emergency. We of course wished that team member well but asked that the other members of the McGill team meet us in that team member's absence. Deputy Provost Labeau refused and also refused to make up the lost day (we are not including the email to protect personal information of the McGill team).

The second cancellation was 7 November 2023, on the grounds that “le comité patronale de négociation n'a pu amener à terme son travail” (see email). The previous meeting had been on October 16, 23 days earlier, and indeed AMPL/AMPD's monetary proposals to which the University had to respond were presented 10 days earlier than that: on October 6. When the University finally did respond on November 28, it produced what can best be described as a curt counter-proposal that for the most part simply rejected our proposals outright.

In the morning of the meeting on January 16, 2024, and without prior notification by email, McGill's negotiating team announced that it would not be available in the afternoon because a McGill team member had a medical appointment.

On April 8, 2024 Deputy Provost Labeau advised, through the University's lawyer, that he was cancelling half our full-day bargaining session scheduled for 9 April 2024 (see email).



**Richard Janda**

Sent - ric...da@mcgill.ca June 12, 2023, 8:29 AM

Re: [EXTERNE] Les propositions à discuter pour la réunion du 12 juin [BLG-DOCUMENTS.FID8649146]

[Details](#)

To: Corrado De Stefano, Cc: Nicolas Dionne, Evan Fox-Decent, Prof. & 5 more

**Cher M. Dionne,**

Permettez-moi tout d'abord d'exprimer nos vœux les plus sincères de prompt rétablissement à la fille de M. Desjardins.

Nos réunions sont rares et précieuses et nous ne croyons pas que l'absence d'un membre de l'équipe d'une part ou d'autre soit une raison suffisante pour annuler. Nous n'avons nous aussi que trois collègues en mesure de participer à la réunion d'aujourd'hui, mais cela ne nous empêche pas d'aller de l'avant et de respecter notre engagement envers nos collègues de l'autre côté. Nous sommes tout à fait prêts à procéder aujourd'hui et nous demandons à nos trois collègues qui le peuvent de se rendre à votre bureau de Port-Royal comme prévu. On serait prêt à mettre de côté, si nécessaire, la discussion de l'article 6, dans lequel le rôle du service de relations de travail est touché directement. Par ailleurs, nous devons planifier nos réunions ultérieures de septembre et d'octobre, qui se dérouleront de préférence en personne, pendant le temps que nous avons déjà mis à l'agenda.

Donc, M. Dionne, à moins que vous nous disiez que la réunion est annulée, nous allons prendre pour acquis qu'elle procédera comme prévu et nous rendrons à vos bureaux à l'heure prévue.

Bien à vous,

Richard

On Jun 12, 2023, at 7:38 AM, De Stefano, Corrado <[CDestefano@blg.com](mailto:CDestefano@blg.com)> wrote:

Bonjour M. Dionne,

Nous sommes dans l'obligation d'annuler notre séance de cette après-midi, car Francis Desjardins nous a informés que sa fille a été hospitalisée.

Nous regrettons tout inconvéient résultant de cette annulation.

Cordialement,

<image002.jpg>

**Corrado De Stefano**

Associé/Partner

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**Corrado De Stefano**

Association mcgillienne des professeur.e.s de droit et Université McGill - séance de conciliation qui était prévue demain. [BL...

To: Nicolas Dionne, Cc: Richard Janda

November 7, 2023, 1:40 PM

[Details](#)



Bonjour M. Dionne,

Nous sommes dans l'obligation d'annuler notre rencontre qui était prévue demain, car le comité de négociation patronal n'a pas pu mener à terme ses travaux.

Lors de notre séance de conciliation du 28 novembre prochain, nous avons l'intention de faire un retour global sur les propositions syndicales qui demeurent en suspens.

Nous regrettons tout inconvénient qui aurait pu être causé par cette annulation.

Cordialement,



image001.jpg  
31 KB of 16 KB

**Corrado De Stefano**

Associé/Partner

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**From:** De Stefano, Corrado [CDestefano@blg.com](mailto:CDestefano@blg.com)

**Subject:** AMPL/AMPD et Université McGill - séance de conciliation de demain [BLG-DOCUMENTS.FID8649146]

**Date:** April 8, 2024 at 10:35 AM

**To:** Dionne, Nicolas [nicolas.dionne@travail.gouv.qc.ca](mailto:nicolas.dionne@travail.gouv.qc.ca)

**Cc:** Richard Janda, Prof. [richard.janda@mcgill.ca](mailto:richard.janda@mcgill.ca), Francis Desjardins, Mr. [francis.desjardins@mcgill.ca](mailto:francis.desjardins@mcgill.ca),

Fabrice Labeau, Prof. ([fabrice.labeau@mcgill.ca](mailto:fabrice.labeau@mcgill.ca)) [fabrice.labeau@mcgill.ca](mailto:fabrice.labeau@mcgill.ca), Shakir Ladha, Mr. [shakir.ladha@mcgill.ca](mailto:shakir.ladha@mcgill.ca), Robert Leckey, Prof. [robert.leckey@mcgill.ca](mailto:robert.leckey@mcgill.ca)



Bonjour M. Dionne,

Fabrice Labeau m' a informé qu'il doit être présent à une réunion débutant à 12 :30 au centre - ville demain. Par conséquent, nos travaux devront cesser vers midi.

Les membres du comité patronal seront présents vers 8 :00 demain matin afin d'être en mesure de débiter a 9 :30 en plénière.

Nous sommes désolés pour l'inconvénient.

Cordialement,



**Borden Ladner Gervais**

**Corrado De Stefano**

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## **Is it taking unusually long for McGill and AMPL to reach a collective agreement?**

No. Collective bargaining is not a speedy process, given the many elements that need to be considered, as well as the complexity of issues discussed at the bargaining table.

Reaching a first-ever collective agreement takes an average of nearly three years at McGill. Renewal of a collective agreement takes an average of two and a half years. Issues are especially complex in the context of McGill's first collective agreement with tenured and tenure-track professors. Notably, it is necessary to work out the relationship between the collective agreement and the dozens of McGill regulations that currently apply to all such professors.

The evidence from the records of the Canadian Association of University Teachers is that it takes much less than a year on average (265 days) to settle a collective agreement. That it takes "an average of nearly three years at McGill" to reach a first contract does not report a fact generally true of the university setting. Rather, it demonstrates an anti-union approach at McGill. Further, the relationship between the collective agreement and McGill's regulations was almost entirely settled at the outset because AMPL/AMPD accepts the overwhelming majority of McGill's regulations as well as their general structure. The issues were not "especially complex." They were profoundly straightforward and have now largely been settled for that reason.

**The first bargaining session with AMPL occurred less than 18 months ago, in December 2022, although AMPL did not submit proposals until March 2023.**

The December 2022 meeting was a brief pro forma introduction of the bargaining teams at which no negotiations took place. Before our first actual negotiating session on February 21, 2023, AMPL presented a series of proposals but was asked by the University to present a complete non-monetary package, which we did in advance of our second meeting on March 17, 2023. Finally, it should be underscored that 18 months is a long time measured against the Canadian average rather than the McGill average.

**Many articles have been agreed on and significant progress was being made. Many proposals remain to be discussed and agreed on, relating to nonmonetary as well as monetary issues. While McGill and AMPL are moving forward, the unresolved issues exceed what could realistically be dealt with in one or two days of concerted negotiation.**

We believe that with two or three days of concerted, good faith negotiations we could arrive at an agreement. Of course it could take longer, depending on how McGill engages. Here is what is left outstanding and our demands:

**Articles 8/9/16: Appointments/Tenure/Leaves (these are all but settled and essentially adopt the McGill regs)**

Recognition of terms of appointment within the CA that cannot be amended unilaterally;

**Article 12: Conditions of Employment**

Reimbursement of work-related expenses;

**Article 13: Duties of Faculty Members**

Credit for graduate student supervision and overload teaching;

**Article 14: Faculty Research Support**

Research Committee established, research support available, limited course releases for new hires;

**Article 15: Working Environment**

Guarantees that minimum facilities (offices, health & safety guarantees) and administrative support be maintained;

**Article 19: Financial Exigency**

Commitment to a minimal faculty cohort;

**Article 20: Rights and Privileges of Association**

Basic recognition of Association; office; course releases

**Article 23. Term of the Agreement**

Commitment to 1 June 2024 as start date, and three-year term;

**Article 29: Appointment of Dean**

Commitment to faculty voice in Dean selection;

**Article 30: Salary**

A parity catch-up looking to UBC, Toronto and Osgoode as benchmarks (adjusted for cost of living), followed by a COLA indexed to inflation + 1.5% across-the-board + 1.5% merit and equity;

**Article 31: Employee Benefits**

Status quo + extension of the hybrid pension plan with a defined benefit floor to all colleagues;

**Article 32: Merit Pay**

Merit allocations determined by rotating committee of colleagues and the Dean.

## **It's unclear on what basis AMPL expected to have a collective agreement by 23 April 2024, a deadline it set unilaterally.**

We expected to reach an agreement in principle on the basis that McGill's lawyer had promised weekly meetings and good faith engagement. Indeed, in the summer of 2023 when we said we expected to reach an agreement in late fall, Deputy Provost Labeau expressed no surprise or dismay. Nor did he express any concern or scepticism when we suggested, in December 2023, that April 15, 2024 was our deadline. – a deadline we subsequently extended to April 23.

## **What happens during a negotiation session?**

AMPL and McGill are represented by their respective bargaining committees. McGill's committee consists of four individuals, each with distinctive expertise. Each committee listens to the other's proposals and priorities. Substantive information is shared and discussed. The parties exchange, review, and discuss text proposed for the collective agreement. This process is followed for each element one party or both parties wish to include in the eventual collective agreement.

In the entire eighteen-month period of negotiation, Deputy Provost Labeau has not once presented a proposal that was not simply a critical reaction to one of our proposals. Nor has he a single time referred to or offered as a point of comparison a collective agreement of professors at another institution. We have yet to receive a salary proposal from Deputy Provost Labeau apart from an insistence that the University should be entitled to determine our salary over the course of the collective agreement, at its discretion. Most negotiation sessions start with us waiting in a separate room for one or two hours because Deputy Provost Labeau and his team have done nothing to prepare in advance of the meeting. The Deputy Provost's reply to most of our monetary proposals has been to put a line through them, with little and sometimes nothing offered as a counter-proposal. An enormous amount of time has been spent trying to convince Deputy Provost Labeau that a contract in which one side can vary the terms over its life is not actually a contract (though we are close to resolving this issue). Nonetheless halting progress has been made, and with the right incentive in place we remain confident that an agreement can be reached.

Last update: May 27, 2024

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