

February 26, 2021
Employer Proposed Letter to CUPE - GAs “versus” RAs

Without Prejudice

The Employer’s proposal is that upon the renewal of the York-CUPE 3903 Unit 3 collective agreement, the Employer would write to the Union as follows. This letter would not form part of the collective agreement and would be written unilaterally from the Employer to the Union

Draft Letter to CUPE 3903 from the Employer:

Dear ...

In recently concluded collective bargaining for the renewal of the York University – CUPE 3903 Unit 3 Collective Agreement, CUPE presented a proposal under the heading of “misclassification of Graduate Assistants”.

The Employer has reviewed this matter. We are unable to arrive at a bilateral agreement with CUPE 3903 Unit 3 with respect to graduate students who are not employees represented by CUPE 3903 Unit 3 and whose activities are excluded from the CUPE 3903 Unit 3 bargaining unit. We do, though, acknowledge that CUPE 3903 would have cause to be concerned in circumstances where it believed that a graduate student was performing work that should be within the bargaining unit but was not treated as such. Specifically, we reference your concern that a student’s activities may be classified as a Research Assistantship in circumstances where it should be a Graduate Assistantship.

Accordingly, I am writing to set out the manner in which Graduate Student Research Assistantships (“Research Assistantships” or “Research Assistant”) activities are defined (as distinct from a Graduate Assistantship) and to inform you of the way in which this definition is operationalized.

Research Assistant Defined:

Research Assistants are:

- a. Full or part time graduate students at York University
- b. Engaged in research or academic activities which are predominantly for the purposes of advancing the students’ progress towards fulfilment of their program and degree requirements.
- c. The graduate student and PI’s areas of research are aligned.

Operationalizing the Definition of Research Assistant

Currently, to operationalize the definition above, the University provides direction to PIs consistent with the information found at the following links:

<https://fr.info.yorku.ca/engaging-research-support/>

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and

<https://fr.info.yorku.ca/ga-or-ra/>

Graduate students who are performing work that is consistent with the Unit 3 description as set out at the back of the Unit 3 collective agreement booklet should, subject to the clarity note related to that description, be classified and employed as Graduate Assistants within the Unit 3 bargaining unit. In circumstances where that is not the case, we would ask you to bring the matter to the Employer’s attention so that it can be satisfactorily resolved.

Thank you for your attention to this matter,

Sincerely,

Dan Bradshaw