

# TUCFA NEWS AND VIEWS

MARCH 2026



Photo by: Riley Brandt, University of Calgary

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## President's Column

Dear Colleagues,



SPRING  
FORWARD

I hope everyone was able to enjoy some rest and relaxation over the term break. As you continue your academic activities in another busy semester, I want to extend my sincere appreciation to all members for the many ways you contribute to our university community. Your research and scholarship, teaching, and service are the foundation of our institution, and despite the many challenges we have faced, together we have built a world-class university that serves our students and community with distinction. Each of us contributes in different ways, and this diversity is one of our many strengths. The University of Calgary's success is due to your dedication and commitment to our academic mission.

The past year has been a period of growth and renewal for TUCFA, and we are excited to continue this path in 2026. Thank you to our dedicated Executive team and members of our Board of Directors for their thoughtful and diligent work in strengthening our governance framework and processes. Over the past six months, the Board has developed and approved several important policies that promote transparency, accountability, and effective organizational practice. These include a comprehensive revision to our Communications Policy that governs our public statements, newsletter, and social media; a new Records and Management Information Policy that sets out how our Association maintains, manages, and disposes of documents and records; and a new Policy on Confidentiality Obligations that stipulates the responsibilities of our Board members when handling sensitive information. Collectively, these initiatives reflect the Association's commitment to responsible, consistent, and transparent governance. The Board will continue to review, update, and develop policies as we move forward. We are grateful to CAUT for their guidance and advice as we unfold these and other new initiatives to strengthen our union.

Supporting and promoting member engagement will be a key focus of the Board's work in 2026. Recent progress includes:

- i. a new format for our Department Representative meetings to facilitate discussion;
- ii. the launch of new information meetings for Sessional Appointees;
- iii. approval of TUCFA's first Strategic Plan;
- iv. preparations for an annual General Meeting for all members to be held in the Spring.

Our new communications strategy is a central component of our membership engagement efforts. You may have noticed that the TUCFA newsletter has been redesigned to be more engaging and informative, our email communications have increased in both frequency

and relevance, and the TUCFA website (<https://www.tucfa.com/>) is being updated and reorganized to improve accessibility and usability. Our recent survey on Bill 2 (the Back-to-School Act) was the first of many planned surveys that will help grow membership engagement. These surveys provide opportunities to share your perspectives, opinions, and concerns, ensuring that member voices continue to inform and guide the Association's work. Going forward, we will provide regular updates on these and other initiatives that will improve the Association's engagement with its members.

On other fronts, 2025 was an eventful year in our province. The long-awaited "Mintz Report" (Expert Panel on Post-Secondary Institution Funding and Alberta's Competitiveness) was published in the fall of 2025 ([link](#)). The report calls for improvements to the funding formula used for post-secondary budget allocations. In particular, I draw your attention to Recommendation 11 of the report, which relates to institutional neutrality. On page 7 below, we highlight additional information about the report and some details we are closely monitoring.

Representing TUCFA as the delegate to the 99th CAUT Council meeting held in Ottawa in November, I was accompanied by two other members of TUCFA's Executive team, Dr. Tavis Campbell (alternate delegate) and Dr. Karen Then (observer). This was an opportunity to reflect on our shared work now and in the future, and included plenary reports and presentations on actions to advance workplace rights, learn from other Associations, and build solidarity across the country in our efforts to defend and strengthen public post-secondary education. TUCFA also joined other provincial Associations in a motion to invite CAUT to issue public statements on the notwithstanding clause; this motion was carried unanimously (see page 8 below). These are tough times, but our collective action makes our union stronger.

TUCFA's President and Vice President were invited to attend Dean's Council last fall; another first for our Association. We are grateful to the Provost for this opportunity to share our views and for the warm welcome provided; we look forward to returning in the future. We have also been invited to attend Faculty Councils across the academy to share information about our union. As a collective voice, our union supports academic journeys, promotes equity, and defends the rights of our academic staff to foster a supportive, fair, and collaborative environment within the academy.

In closing, allow me to thank you again for all that you do to make the university a great place to work and learn, and best wishes for a successful semester.

Francine G. Smith, Ph.D.  
President, TUCFA

## News from TUCFA

### Protecting Paid Sick-Leave Rights Under the Collective Agreement

*Sarah McKenzie, TUCFA Professional Officer*

Your Faculty Association has been doing important, sustained work to protect members' rights under the Collective Agreement, particularly where long-standing protections risk being weakened through evolving administrative practices. Over the past several years, the Association has actively filed grievances and advanced matters to arbitration to ensure that core sick-leave rights under *Schedule A, Article 2.14* are preserved and properly implemented.

Paid sick leave exists to protect income while a member is medically unable to work. Under the Collective Agreement, it is an entitlement—not an approval-based system. It is intentionally designed to require minimal medical disclosure: a physician confirms incapacity, and the University does not adjudicate diagnosis, treatment, or recovery plans.

For many years, academic staff accessed sick leave by notifying their Department Head or equivalent and, after four weeks, providing a single medical note to Staff Wellness. Diagnosis, treatment details, or invasive medical information were not required.

As administrative models evolved—including the use of third-party service providers such as LifeWorks and later TELUS Health—maintaining alignment with the Collective Agreement required ongoing attention by your Association. During this period, the Professional Officers worked with Academic Labour Relations to ensure that corrections were made to third-party materials so that the bargaining unit's paid sick leave remained framed as an entitlement, rather than an approval-based process. These adjustments reflected a shared understanding and were addressed through regular operational dialogue.

In Fall 2024, the Association began receiving reports from members that sick-leave administration was being handled differently. Medical documentation was no longer routed through Staff Wellness but instead directed to TELUS Health. Members shared determination letters sent to them and their Faculties by TELUS Health, including language such as:

*“The University of Calgary has engaged TELUS Health, a third-party provider of professional Absence Management Solutions, to administer their Sick Leave Program. It is our role to determine if an employee's disability claim meets the terms of the University of Calgary's Sick Leave Program. As an Absence Management Solutions*

## News from TUCFA (continued)

*resource, TELUS Health will also assist by reviewing your medical needs and facilitating a safe and timely return to work. Under the terms of your Sick Leave Program, you are entitled to receive benefits when you have an impairment/restriction due to an illness or injury which prevents you from performing the essential duties of your own occupation or an available alternative occupation. You must also provide medical evidence to support the medical impairment. TELUS Health has reviewed the medical information provided by your physician. There is insufficient medical information to medically justify your absence from work.”*

Upon receiving these letters, members were advised that they could either appeal by providing additional medical information or return to work. In some cases, members were placed on leave without pay while an appeal with TELUS Health was underway or advised that leave without pay could follow if the appeal was unsuccessful.

As members are aware, a leave without pay requires individuals to elect and personally fund their extended health benefits—the same benefits often needed to support recovery and pursue an appeal. Throughout this period, the Association remained focused on a single objective: preserving the integrity of paid sick-leave entitlements and ensuring that members were not disadvantaged by changing administrative practices.

After extensive efforts over the past year—including individual and policy grievances—the policy matter is now proceeding to arbitration. This step reflects the Association’s ongoing commitment to clarity, consistency, and the long-term protection of members’ rights under the Collective Agreement.

This work is not always visible—but it is essential. While Collective Agreement protections are negotiated through bargaining, they remain meaningful only through consistent stewardship and enforcement over time.

## News from TUCFA

### TELUS Health and the Accommodation Process

*Sarah McKenzie, TUCFA Professional Officer*

When the University first engaged TELUS Health, its role was limited to sick leave intake. Over time, however, TELUS Health has become involved in the collection and review of medical information for workplace accommodation requests from academic staff members. While the Workplace Accommodation [Policy](#) and [Procedure](#) remain unchanged, this shift has created confusion and, in some cases, process instability. Per University communication, TELUS Health's role should be administrative and clinical intake – not decision-making:

1. TELUS Health provides medical forms to an academic staff member for completion by a medical health professional (e.g., physician)
2. TELUS Health reviews the documentation and identifies objective functional limitations and restrictions
3. TELUS Health forwards that information to Staff Wellness (Ability Management).
4. Staff Wellness shares relevant restriction information with the HR Partner
5. Accommodation discussions then take place among the academic staff member, the HR Partner, the Dean, and TUCFA.

In several instances, the Faculty Association has been notified of significant departures from the framework described in 1-5 above. Some members have received written communication from TELUS Health stating that:

- an accommodation is “not medically supported”
- the decision is “final”, and
- the file is “closed”

After receiving such a letter, members would reasonably understand that the accommodation process was complete. However, the status of a TELUS Health file is not the same as the University's legal duty to accommodate. TELUS Health does not have the authority to approve or deny accommodations, nor can it determine whether the University has fulfilled its duty to accommodate.

If you or a colleague is experiencing issues with an accommodation request, please get in touch with the Association. We are addressing these matters both case-by-case and at a systemic level, including through individual and policy grievances where necessary.

## News from TUCFA

### Faculty of Arts Update

The situation in the Faculty of Arts has been tumultuous over the past year. The Faculty Association filed multiple grievances related to the curriculum renewal process, alleging that the lack of full and extensive consultation violates the Collective Agreement. The Association also filed an Unfair Labour Practice complaint with the Alberta Labour Relations Board, alleging that academic staff members who challenged the curriculum renewal process were investigated and intimidated. The Faculty Association is recognized as a trade union under the Labour Relations Code of Alberta, which protects Association members' right to engage in union activity and union speech (as does the Canadian Charter of Rights and Freedoms). The Association argued that challenging the curriculum renewal process is protected union activity and speech, and that such activities are within the scope of members' academic freedom. The Alberta Labour Relations Board's decision, issued on November 25, 2025, is available on their website ([The Faculty Association of the University of Calgary v University of Calgary, 2025, ALRB 140](#))

Following a Memorandum of Settlement between the Governors of the University of Calgary and the Faculty Association, the Dean of the Faculty of Arts acknowledged academic staff members' right to engage in union-related activities and speech in an email statement on January 30. The Faculty of Arts leadership team reaffirmed its commitment to academic freedom, respectful engagement, and ensuring that all members feel supported in expressing their views. The statement acknowledges that all members of the Faculty of Arts should be able to raise scholarly, professional, and collegial perspectives without fear of reprisal. It also confirms that no academic staff member will be subject to discipline, adverse treatment, or other negative consequences for participating in Association activities, provided such participation does not contravene university policies and procedures or the Collective Agreement.

The Faculty Association will continue to defend members' right to speak out on administrative actions and decisions that affect their job security and academic work.

## News from TUCFA

### Mintz Report Published

The [Mintz Report](#) was published in the fall of 2025 and culminates in a set of eleven recommendations summarized [here](#). The report acknowledges the importance of provincial funding to post-secondary education and that a world-class education should be affordable for students attending universities in our province. The Mintz report concludes that the current approach to funding post-secondary education is not conducive to achieving excellence and recommends several changes and reforms. To date, there is little or no action by the provincial government on these recommendations.

The Mintz Report recommends that the provincial government should “expect all public post-secondary institutions to adhere to the principle of institutional neutrality”. The University of Calgary has a Statement of [Freedom of Expression](#), which is based on the [Chicago Principles](#) approved by the Board of Governors in 2019. At present, the Association is unclear whether this specific recommendation will have any implications, given that the University has already adopted a compatible neutrality stance. TUCFA encourages members to read the report and consider its implications for post-secondary education in Alberta.

### Election of Sessional Academic Staff Member to the Board of Directors

The Faculty Association is seeking your participation in the election of a sessional academic staff member to the Board of Directors. An email invitation to vote was distributed on March 4. Candidate names and nominee statements, along with instructions for completing your ballot, are provided in the email. Voting closes March 18, 2026, at 4:30 p.m. (MT).

## News from CAUT and other Faculty Associations

### Condemning the Alberta Government’s Use of the Notwithstanding Clause

At the 99th CAUT Council meeting in November 2025, two member resolutions addressed the Government of Alberta’s enactment of legislation that affects fundamental freedoms, core equality, and other legal rights.

Following the enactment of the Canadian Charter of Rights and Freedoms in 1982, provincial governments rarely invoked Section 33 – the so-called “notwithstanding clause”. In its Back to School Act, Alberta’s United Conservative government invoked this clause to suspend the Alberta Teachers’ Association’s (ATA) right to collectively bargain or strike and ordered teachers back to work. The Act imposes financial penalties for non-compliance with the back-to-work order.

Led by the Confederation of Alberta Faculty Associations (CAFA), TUCFA joined the Academic Staff Association at the University of Alberta (AASUA) and the Alberta Colleges and Institutions Faculties Association (ACIFA) in sponsoring a four-part motion. The motion sought CAUT’s assistance in condemning the Alberta government’s use of the notwithstanding clause, affirmed solidarity with the ATA and other education workers defending their right to fair collective bargaining, called upon provincial and federal governments to respect and uphold the Charter-protected rights of workers, and urged other post-secondary associations across Canada to join in defending the integrity of collective bargaining and the democratic rights of workers.

CAFA introduced a second motion to CAUT Council, supported by the Mount Royal Faculty Association (MRFA), to address Alberta’s Fairness and Safety in Sport Act, which restricts participation in female-only competitions to athletes declared biologically female at birth, targets transgender athletes, and places women and girls at risk of gender policing. The provincial government once again used the Charter’s notwithstanding clause to shield this new policy from legal challenges. This motion was intended to encourage CAUT and Universities Canada to speak out against discriminatory policies required under the Fairness and Safety in Sport Act and to defend the dignity and the right to privacy of female athletes in Alberta.

For both resolutions, council delegates voted unanimously to defend the fundamental rights essential to democracy in our province. Collectively, member Associations, when working together, create a powerful, unified force against injustice.



*Francine Smith, TUCFA President, speaks out in support of a motion to CAUT Council condemning the Alberta government’s use of the notwithstanding clause (Photo credit: Tavis Campbell)*

*From left: Lee Easton (President of CAFA), Saurya Das (President of the University of Lethbridge Faculty Association, ULFCA), Gordon Swater (President, AASUA), Daniel Tellier (President of Grant McEwan Faculty Association, GMFA), and Shauna MacDonald (President, ACIFA)*

## Announcements

### Board of Directors Election Results

The Association welcomes the following members to the Board of Directors and congratulates them on their appointments.

#### 3-year term

- Jacqueline Jenkins (English)
- Karen Then (Nursing)
- Fouzia Usman (Taylor Institute for Teaching and Learning)
- Leighton Wilks (Haskayne School of Business)
- Kara Sealock (Nursing)

#### 2-year term

- Heather Ganshorn  
(Libraries and Cultural Resources)

#### 1-year term

- Oleksiy Osiyevskyy  
(Haskayne School of Business)
- Jacob Lamb (Civil Engineering)

### Annual Donation to the CAUT Academic Freedom Fund

For many years, TUCFA has made annual donations to the CAUT Academic Freedom Fund, reflecting our commitment to academic freedom at the University of Calgary and beyond. CAUT is an outspoken defender of academic freedom in Canada, and donations from faculty associations help ensure the Fund has sufficient assets to contribute to legal costs incurred in defending academic freedom. TUCFA is the second-largest cumulative donor to the CAUT Academic Freedom Fund. A \$1 donation per member is calculated based on our union membership as of October 31 each year, rounded to the nearest \$100. This year, TUCFA President Francine Smith presented a \$2,700 donation to the CAUT Treasurer at the fall CAUT Council meeting.

### TUCFA Support of Laurentian University Faculty Association (LUFA) Strike

When a Faculty Association at a Canadian University goes on strike or is locked out, other Associations express support through letters to the appropriate university or government officials, sending representatives to join picket lines, and providing donations. TUCFA's support of the Dalhousie Faculty Association's six-week lockout that began in August of 2025 was described in the October issue of [News and Views](#).

In January, despite a last-minute attempt at mediation, LUFA was unable to make progress in their collective bargaining negotiations with the Laurentian University Board of Governors on several key issues, including pension funds, salaries, and benefits. LUFA began strike action on January 19, 2025. TUCFA supported LUFA's strike through letter-writing, sending representatives, and making two donations totalling \$2,500. On February 9, 2026, a new three-year collective agreement was ratified following LUFA members' approval, bringing an end to the three-week strike.

## Announcements (continued)

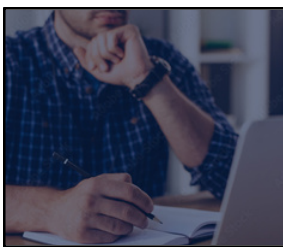
LUFA's President, Dr. Fabrice Colin, expressed his gratitude on behalf of all LUFA members:

*"If our members were able to demonstrate such determination and resilience in the bitter cold on the picket lines, it is thanks to the tremendous support we received from all quarters. Without the support and generosity of faculty unions, the CAUT Defence Fund, flying picketers, and the assistance of CAUT and OCUFA, we would not have succeeded. Your solidarity has sustained us and will continue to carry us forward."*

### Information Meetings for Sessional Appointees

TUCFA held two information meetings for our Sessional Appointees – an inaugural meeting in October 2025, and, due to popular demand, a second session on February 19. More than 40 of our contract academic staff joined the President and Board members to learn about the relevant sections of the Collective Agreement specific to their positions. The meeting was facilitated by Rosalind Carson, the Board of Directors' Sessional Representative, and included updates on TUCFA's recent activities by members of the Executive team (Francine Smith, Leighton Wilks, and Christopher Sears). These information sessions are part of a new initiative led by TUCFA to engage with all academic staff groups across our campus. Thanks to everyone who participated, and stay tuned for future meeting announcements.

## Events



### Department Representatives meeting

**Date:** March 26, 12:30 pm to 2:00 pm

**Location:** In-person and Zoom

**Email to RSVP:** [faculty.association@tucfa.com](mailto:faculty.association@tucfa.com)



### General Meeting and Town Hall

**Date:** May 2026

**Location:** TBA

Planning is underway for the Association's general meeting and townhall. The meeting will be held online to accommodate all members. Details will be announced in the coming months.

## Questions from Members

*Answered by Jennifer Krygier, TUCFA Senior Professional Officer*

*The Association receives many questions from its members about retirement, and several of the most common questions (and their answers) are listed below. This information is based on the Faculty Association's experience and the provisions of the Collective Agreement. If you have questions or concerns related to retirement, please get in touch with the Association office to connect with one of our Professional Staff. All communications with TUCFA employees are confidential. TUCFA employees are not University of Calgary employees.*

### **Question: What is the Voluntary Retirement Incentive Program (VRIP)?**

The University recently introduced a Voluntary Retirement Incentive Program (VRIP). The VRIP is designed to incentivize eligible academic staff to transition into retirement. The terms of this program were negotiated and agreed upon by the University and the Faculty Association. If you qualify for the VRIP, you would have received an email from People and Culture in mid-February confirming your eligibility. The email provides information on the application process; applications will be accepted until April 13.

The VRIP differs from standard retirement under the Collective Agreement (Article 31) in that it provides a defined financial incentive, modifies certain benefit entitlements during a 12-month salary continuance (or lump sum option), and includes specific eligibility requirements, timelines, and restrictions that do not apply to standard retirement. Members considering retirement are encouraged to review both the Collective Agreement and the VRIP terms carefully, as the VRIP contains conditions that differ from standard retirement provisions. Questions about the VRIP can be sent to People and Culture ([vrip@ucalgary.ca](mailto:vrip@ucalgary.ca)). The Faculty Association is also available to discuss your questions or concerns.

### **Question: How do I provide my notice of retirement?**

Under the Collective Agreement, Article 31, an academic staff member intending to resign (retire) is required to submit a formal letter to the President, with copies to the Head of the Department (or equivalent) and the Dean. This notice should be provided as early as possible and preferably no later than four months before the intended retirement date.

The notice may be submitted by email and does not need to be lengthy; it simply needs to state your intended retirement date.

While Article 31 expresses a preference for providing four months' notice, this is not a strict requirement. That said, providing adequate notice helps avoid delays in the start of pension payments (any delay would not reduce your benefit, but could result in remuneration being paid retroactively) and also assists the Faculty with planning.

VRIP Note: Applications to the VRIP are submitted through a separate application process (submitted by April 13) and are irrevocable once submitted. A prior notice of retirement, or approval under the Reduced Duties Leading to Retirement or the Research and Scholarship Leave Retirement Program, makes a member ineligible for VRIP participation.

## **Question: What happens to my vacation time?**

When planning a retirement date, academic staff are expected to take their vacation entitlement into account. Schedule "A", Article 2.17 of the Collective Agreement outlines how vacation may be paid out if a member is unable to use their entitlement prior to retirement. In general, academic staff are expected to take their full paid vacation before termination (retirement).

Pay in lieu of vacation is not permitted except where the fulfilment of University duties prevents a staff member from taking their full entitlement. For this reason, it is generally best to build your vacation time into your retirement date, unless assigned duties, such as teaching, make this impossible.

VRIP Note: Under the VRIP, the 12-month salary continuance is inclusive of all vacation owing as of the VRIP Effective Date. Vacation is not separately paid out in addition to the VRIP incentive.

## **Question: What about Extended Health and Dental Plans?**

Extended health insurance benefits are often a major concern for members as they approach retirement, as coverage under the University's employee plan ends upon retirement. We note this because many alternative plans offer a limited enrolment window, typically about 60 days following retirement, during which recent retirees may join without having to provide such things as additional medical information.

For this reason, members are encouraged to research extended health and dental insurance options prior to retiring. While the Faculty Association does not recommend specific plans, we can provide examples of plans upon request.

VRIP Note: Members who elect the 12-month salary continuance will continue to receive Extended Health and Dental benefits during the 12-month period (excluding out-of-province travel coverage), subject to premium cost-sharing in accordance with the Collective Agreement. Members who elect the lump sum retirement allowance option do not receive these benefits and instead receive a defined lump-sum payment in lieu of benefits.

## **Question: How do I learn more about the Universities Academic Pension Plan (UAPP)?**

When planning for your UAPP pension, depending on your personal situation (e.g., marital status, dependents), there are options you could consider that would affect survivor benefits and/or guarantees for your estate. These would affect your monthly pension amounts. Additional information can be found on the UAPP website (<https://uapp.ca/>) and the University website ([link](#)).

If you have questions specific to your situation, you can contact the University's pension office by email ([totalrewards@ucalgary.ca](mailto:totalrewards@ucalgary.ca)) or the UAPP administrative office ([uapp.pensions@buck.com](mailto:uapp.pensions@buck.com)).

VRIP Note: Under the salary continuance option, employee and employer pension contributions continue for 12 months based on 100% of pensionable salary, provided the member remains eligible to contribute. Pension contributions do not continue under the lump sum option.

## **Question: What are some other options I could consider related to retirement?**

### *Research and Scholarship Leave Leading to Retirement*

There is a “research and scholarship leave retirement program”, often referred to as the “terminal RSL”, provision under Article 16 of the Collective Agreement. The primary benefit of this provision is that members are not required to complete return service following an RSL or Administrative Leave (return service is defined in Article 16.20). The eligibility, timeline, and other requirements of this program are outlined in Article 16.21.

VRIP Note: Members who are on an approved RSL or Administrative Leave that extends beyond June 30, 2026, or that begins on or after July 1, 2026 (if approved before January 15, 2026), may transition directly into a 12-month VRIP following that leave. In such cases, return-to-service obligations are waived.

## *Reduced Duties Leading to Retirement*

In Schedule 'A', Article 2.22, there is a provision for Reduced Duties Leading to Retirement. Under this provision, an academic staff member considering retirement may apply to reduce their duties in one of four ways.

The key benefit of this arrangement is that the University continues to pay the full employer's share of required premium contributions for benefits as if the member were working full-time, including pension contributions under UAPP where applicable.

VRIP Note: Members who have already been approved for Reduced Duties Leading to Retirement are not eligible to apply for the VRIP.

## *Post-Retirement Employment*

In Schedule "A", Article 2.23, there is a provision for Post-retirement Employment. Under this provision, retired academic staff may be offered a short-term appointment of up to three years, paid on a half-course-equivalent basis in accordance with Schedule "B" (Sessional pay). Post-retirement employment shall normally be used for teaching or administrative duties.

We recommend discussing this option with your Dean (or equivalent) before setting your retirement date, if this is an option you may be interested in.

VRIP Note: VRIP participants are not eligible for re-employment or contract appointments at the University for two years following their final VRIP payment, except with the express written consent of the Provost.

## *Question: How do I receive Emeriti status?*

Under Article 33 of the Collective Agreement (2024-2028), the Emeriti process is automatic for academic staff members who meet the conditions set out in Article 33.1. For those who do not meet the automatic requirements and where the Dean does not support the granting of Emeritus Status, there are appeal mechanisms.

VRIP Note: The VRIP does not alter eligibility for Emeriti status; eligibility remains governed by Article 33 of the Collective Agreement.

## Members' Views

### Back to School Notwithstanding the Charter: UCP government attacks organized labour

*Shaun Fluker, Professor of Law and Executive Director of the Public Interest Law Clinic*



On October 27, 2025, the UCP government introduced the Bill 2 Back to School Act into the Legislature and also tabled a motion that would allow Bill 2 to be passed into legislation in one day by severely restricting time for legislative debate at second and third readings ([Hansard](#) at 18). This was an extraordinary moment with significant adverse implications for the future of collective bargaining in Alberta.

The Back to School Act came into force on October 28. The Act legislated the end of the Alberta Teachers Association (ATA) strike and imposed labour terms between the Province of Alberta and the ATA for 4 years. The Act went even further and pre-emptively invoked the Charter's notwithstanding clause

(section 33), immunizing the Act from being struck because it unlawfully infringes the protected right to strike under the Charter.

Make no mistake - this is an attack on organized labour and other democratic institutions. Our President - Dr. Francine G. Smith - promptly responded with a message of support and solidarity from our Association to the members of the ATA (see [here](#)). The UCP government fully eviscerated the bargaining process with a combination of imposed labour terms and invoking the notwithstanding clause. This cannot be allowed to stand.

This move also demonstrates the willingness of the UCP government to trample on other Charter-protected rights and freedoms. As Professor Tonya Callaghan wrote in last month's News and Views (see [here](#)), the UCP government has attacked LGBTQ2S+ youth in a series of enactments legislated in December 2024. Earlier in 2024 when Premier Danielle Smith first announced her government's intention to do this, faculty members and staff at the University of Alberta and University of Calgary Faculties of Law wrote an [Open Letter](#) to the Premier, arguing that the (then) proposed anti-LGBTQ2S+ legislation would violate the rights of gender diverse youth under ss 2(b), 7, 12, and 15 of Charter. In September 2025, Egale Canada and the Skipping Stone Foundation commenced a judicial review application challenging the lawfulness of Alberta's restrictions on the preferred name, gender identity or gender expression of youth in Alberta's K-12 schools. Premier Danielle Smith has responded to this by openly musing about invoking the

notwithstanding clause to immunize her government's legislated attack on LGBTQ2S+ youth.

Section 33 of the Charter provides as follows:

33 (1) Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.

(2) An Act or a provision of an Act in respect of which a declaration made under this section is in effect shall have such operation as it would have but for the provision of this Charter referred to in the declaration.

(3) A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be specified in the declaration.

(4) Parliament or the legislature of a province may re-enact a declaration made under subsection (1).

(5) Subsection (3) applies in respect of a re-enactment made under subsection (4).

The late Honourable Peter Lougheed was Alberta's Premier at the time of enacting the Charter in the early 1980s, and as my colleague Jennifer Koshan wrote at the time of his passing (see [Peter Lougheed and the Constitution, Notwithstanding](#)) Peter Lougheed was main proponent for including the notwithstanding clause in the Charter. However, I have no doubt that he would be strongly opposed to how the UCP government has invoked section 33 to pre-emptively trample on the right to strike and silence the courts on the matter.

The Supreme Court of Canada has explained the right to strike in the following terms:

The right to strike is not merely derivative of collective bargaining, it is an indispensable component of that right ... Where good faith negotiations break down, the ability to engage in the collective withdrawal of services is a necessary component of the process through which workers can continue to participate meaningfully in the pursuit of their collective workplace goals ... The right to strike is protected by virtue of its unique role in the collective bargaining process.

(Saskatchewan Federation of Labour v Saskatchewan, [2015 SCC 4 \(CanLII\)](#)) at paras 3, 75, 77)

Will the notwithstanding clause allow the UCP government to eviscerate this Charter-protected right to strike, attack a democratic institution, and immunize itself from Charter scrutiny? The short answer is: No.

In *Saskatchewan (Minister of Education) v UR Pride Centre for Sexuality and Gender Diversity*, [2025 SKCA 74 \(CanLII\)](#), the Saskatchewan Court of Appeal ruled that invoking the notwithstanding clause in legislation does not oust the jurisdiction of a superior court to issue a declaration on whether that legislation violates Charter-protected rights and freedoms (SKCA at para 147). Democratic accountability was an important underlying concern for the Saskatchewan Court of Appeal (as it also was for the Chambers justice in those proceedings - see *UR Pride Centre for Sexuality and Gender Diversity v Government of Saskatchewan*, [2024 SKKB 23 \(CanLII\)](#) at paras 155 - 165). The Saskatchewan Court of Appeal undertakes a textual, purposive and contextual interpretation of section 33 in the Charter to conclude that while section 33 gives a legislature the last word (for 5 years) on the violation of a Charter-protected right or freedom, section 33 does not give a legislature the only word on that violation (SKCA at para 109). Both Saskatchewan courts emphasized the importance of a judicial declaration for democratic accountability on a decision by a legislature to deliberately violate Charter rights and freedoms.

In early November, the ATA commenced legal proceedings in the Alberta Court of King's Bench seeking to have the Court strike down those sections of the Back to School Act that deprive teachers of their right to engage in collective bargaining and engage in labour action, and obtain an injunction to immediately stay the operation of the Act pending a full hearing and decision on the challenge. At its core, this proceeding will be about the validity of invoking the notwithstanding clause pre-emptively to attack organized labour and silence the courts.

It has been said that democracy dies in the dark. Other democratic institutions in Alberta are now vulnerable to being attacked by this UCP government. I encourage all TUCFA members to heed calls to action.

*This comment is based on an earlier post written by myself and JD students registered in the Public Interest Law Clinic entitled: "Back to School Notwithstanding the Charter" (30 October 2025), online: ABlawg, [http://ablawg.ca/wp-content/uploads/2025/10/Blog\\_SF&PublicInterestStudents\\_Bill2.pdf](http://ablawg.ca/wp-content/uploads/2025/10/Blog_SF&PublicInterestStudents_Bill2.pdf).*

*The views of the writer are not necessarily the views of TUCFA. We invite members to submit their ideas for a Members' Views contribution to the Editors of the newsletter ([chris.sears@tucafa.com](mailto:chris.sears@tucafa.com) or [heather.ganshorn@tucafa.com](mailto:heather.ganshorn@tucafa.com)).*

## Member Profile

### Dr. Jennifer Leason – Advocating for Life, Dignity, and the Return of What Was Taken



*Jennifer Leason*

For Dr. Jennifer Leason (Keesis Sagay-Yas Egett Kwé), an academic staff member in the Department of Political Science and a scholar of Anishinaabe (Minegoziibe Anishinaabe Nation), Ukrainian, and Norwegian descent, research is not an abstract pursuit. It is a deeply personal mission to end intergenerational trauma and advocate for the “lives most imagined”. Her work, focused on Indigenous maternal health, reproductive justice and Indigenous matriarchy, is driven by a simple, powerful question: Why aren’t we doing things that make sense?

Her motivation springs from her own story. On her mother’s side, she has felt the embodied impacts of colonialism, losing her grandmother at 63 and her mother at 59. “It’s really motivated me to live my life most imagined ... and to be that change for my own children and for generations to come,” she says.

This drive for reconciliation and justice fuels her two flagship projects. The first, Reclaiming Indigenous Birth, partners with the National Council of Indigenous Midwives (NCIM) to challenge the costly and disruptive practice of evacuating Indigenous pregnant people from their communities. While her team has built an economic and health indicators analysis comparing these costs and outcomes to funding local midwifery, for Dr. Leason, the core argument is about dignity, not dollars.

She illustrates this with a memory from the mid-1990s: a young mother, alone and in clear pain, boarding a bus just after giving birth, clutching a newborn car seat and a garbage bag of belongings. When asked if she wanted water or a sandwich, she said, ‘No, thank you. I don’t want to have to get up to use the bathroom,’” Dr. Leason recalls. “No one in this day and age should ever have to not take a sip of water after giving birth.” Her research, therefore, offers a solution: “Invest in persons that want to become birth workers and midwives ... Start paying local women a local living wage to support other local women.”

Her second project, Honouring Voices, examines the reproductive health of incarcerated Indigenous women. She sees a profound connection between the two. Both, she explains, involve asking basic questions of federal institutions responsible for care: How many people and children are affected? What is the cost? What is their health status? In both cases, after years of asking, the answer is often the same: the system doesn’t know.

“I always made the assumption that our institutions and systems... were making evidence-based decisions,” she says. Discovering this “data injustice” revealed a deeper truth. “The link between those two projects is that: why is it up to us as Indigenous matriarchs and researchers ... always having to prove it? When is it the system and institutional responsibility to be accountable?”

This challenge to “prove it” is at the heart of how Dr. Leason reconceives research itself. She rejects the traditional, extractive model where the academic is the sole expert. “We are no longer the recipients and research subjects, but rather the authors of our own knowledges and stories,” she states. “We’re no longer placing Indigenous peoples and communities under the microscope ... It’s about placing our systems, our structures, colonialism, the impacts of that under the microscope.”

Her message to policymakers is direct and urgent. She has watched investments disappear into bureaucratic empires—directors, managers, and consultants. “Stop building empires,” she urges. “Stop hiring five suits and start investing in 50 midwives.”

“Get the money to where it needs to go,” she insists. “Invest in Indigenous curriculum, invest in student cohorts, invest in a workforce, planning and building from the grassroots, from the ground up.” Her final, resonant plea is not for more help, but for the space to enact solutions that communities already hold: “I’m not asking you to do it for us, but I am asking you to step out of the way.”

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The TUCFA office is located on the 14th floor of the Education Tower. We are open Monday through Thursday, 8:30 a.m. to 4:30 p.m. (closed between 12 p.m. and 1 p.m. for lunch). The office is usually closed on Fridays, but TUCFA employees remain available by phone and email.

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