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CRISIS AND OPPORTUNITY: FACULTY ASSOCIATIONS AND THE CHALLENGE OF PANDEMIC BARGAINING

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INTRODUCTION

While the effects of COVID-19 on academic work in Canadian universities continue to reshape the landscape of labour relations in the sector, it is clear the pandemic dramatically altered the dynamics of collective bargaining for academic staff associations. Even before COVID-19, unprecedented government interference in bargaining across several provinces, a long history of underfunding, and a shift to a more corporate-oriented management style posed significant challenges for faculty associations engaged in collective bargaining in universities. Those challenges were only compounded when the COVID-19 pandemic plunged faculty associations and university administrations into uncharted territory. The changing bargaining dynamic, however, presented both parties with obstacles and opportunities from a labour relations perspective.

This article addresses two key questions. First, how have faculty associations and university administrations in Canada responded to the intertwined challenges of austerity and pandemic bargaining? And second, how can faculty associations apply strategic and tactical lessons from this period to future rounds of collective bargaining? The content of this article is informed by the secondary literature on university labour relations and faculty associations in Canada and is grounded in the author's practical experience as Chief Negotiator for the Brock University Faculty Association (BUFA) in the last two rounds of bargaining. The article uses the 2020 round of pandemic bargaining at Brock University as a case study to explore the obstacles and opportunities presented by the COVID-19 crisis within the broader context of the neoliberalization of higher education. The case study also serves as a jumping off point to compare and contrast the range of faculty association responses to pandemic bargaining and theorize more generally about how the pandemic intersects with strategic debates concerning models of faculty unionism.

COVID-19 AND THE NEOLIBERAL UNIVERSITY

Naomi Klein uses the term “shock doctrine” to describe the tendency of employers to take advantage of the climate of fear or uncertainty precipitated by major crises to advance objectives or push through policy changes that would have normally been met with fierce opposition.¹ There is certainly evidence that some university boards and administrations in Canada did use the COVID-19 pandemic as cover to open the door to commercial education technology, short-circuit collegial decision-making processes, modify terms and

¹ Klein, Naomi. *The Shock Doctrine: The Rise of Disaster Capitalism* (Toronto: Knopf, 2007).

conditions of work, and roll over contract provisions for academic staff associations.² While these moves were no doubt precipitated by the pandemic, they also served the interests of the neoliberal university.

The neoliberalization of universities “involves the use of market-based practices, criteria and cultural norms to organise the university and judge the success of its components.”³ Several decades in the making, the neoliberal university is characterized by the growth of a precarious and contingent academic workforce, the intensification of work, a focus on revenue-generating academic programming and corporate-university links, and the undermining of collegial governance in favour of more corporate-oriented administrative structures.⁴ The neoliberalization of universities entails a thorough reorganization of internal processes and relationships that are mostly driven by external pressures including public sector austerity, a for-profit drive for the commercialization of education,⁵ a generally hostile political climate, and government interference in the collective bargaining process through imposed mandates or legislated wage restraint.

Because the construction of the neoliberal university involves a restructuring of work and a redistribution of power within institutions of higher education, academic staff associations potentially represent a significant brake on the power of university boards and administrations to advance neoliberal goals and objectives. While there was certainly debate about how well faculty associations were resisting neoliberalization before the pandemic,⁶ COVID-19 clearly fostered elevated feelings of anxiety, fear, and isolation which spilled over into

² Brabazon, Honor, “The academy’s neoliberal response to COVID-19: Why faculty should be wary and how we can push back,” *Academic Matters*, Spring 2021, <https://academicmatters.ca/the-academys-neoliberal-response-to-covid-19-why-faculty-should-be-wary-and-how-we-can-push-back/>; CAUT, “Highlights from CAUT Council / Council information sessions” *CAUT Bulletin*, December 2020, <https://www.caut.ca/bulletin/2020/12/highlights-caut-council-council-information-sessions>.

³ Ross, Stephanie and Larry Savage, “Work Reorganisation in the Neoliberal University: a Labour Process Perspective.” *The Economic & Labour Relations Review*, April 2021.

⁴ Slaughter, Sheila and Gary Rhodes, *Academic Capitalism and the New Economy: Markets, State and Higher Education* (Baltimore: John Hopkins University Press, 2004); Anderson, Gina, “Mapping Academic Resistance in the Managerial University,” *Organization* 15, no. 2 (2008): 251-270; Clawson, Dan and Max Page, *The Future of Higher Education* (New York: Routledge, 2011); Côté, James E. and Anton L. Allahar, *Lowering Higher Education: The Rise of the Corporate University and the Decline of Liberal Education* (Toronto: University of Toronto Press, 2011); Ginsberg, Benjamin, *The Fall of the Faculty: The Rise of the All Administrative University and Why it Matters* (New York: Oxford University Press, 2011); Butovsky, Jonah, Larry Savage and Michelle Webber, “Assessing Faculty Attitudes Toward Faculty Unions: A Survey of Four Primarily Undergraduate Universities,” *Working USA: A Journal of Labor and Society* 18, no. 2 (2015): 247-265; Polster, Claire and Janice Newson, *A Penny For Your Thoughts: How Corporatization Devalues Teaching, Research, and Public Service in Canada’s Universities* (Ottawa: Our Schools/Our Selves and the Canadian Centre for Policy Alternatives, 2015); Ross, Stephanie, Larry Savage and James Watson, “University Teachers and Resistance in the Neoliberal University,” *Labor Studies Journal* 45, no. 3 (2020): 227-249. Ross and Savage, “Work Reorganisation in the Neoliberal University.”

⁵ Williamson, Ben and Anna Hogan, “Post-pandemic reform of higher education: Market-first or purpose-first digital transformation?” *Education International*, February 9, 2021, https://www.worldsofeducation.org/en/woe_homepage/woe_detail/17124/%e2%80%9cpost-pandemic-reform-of-higher-education-market-first-or-purpose-first-digital-transformation%e2%80%9d-by-ben-williamson-and-anna-hogan.

⁶ Ross, Stephanie, Larry Savage and James Watson, “University Teachers and Resistance in the Neoliberal University,” *Labor Studies Journal*, 45 no. 3 (2020): 227-249; Ross, Stephanie, Larry Savage and James Watson, “Interrogating the Relationship Between Bargaining Structures and Bargaining Outcomes for Contract Academic Faculty in Ontario,” *Labour / Le Travail* 86 (2020): 9-43.

the collective bargaining process,⁷ even though the economic effects of COVID-19 were distributed unevenly across the sector.

All universities suffered revenue losses in 2020 and 2021, primarily driven by decreased ancillary revenues resulting from minimal campus activity in an effort to curb the spread of COVID-19.⁸ On the tuition revenue front, international student enrolments in Canadian universities took a significant hit —estimated to have declined between 20 and 30% between the 2019-20 and 2020-21 academic years — as a result of travel restrictions and the shift to online classes.⁹ Many smaller universities also suffered enrolment drops as a result of larger universities increasing their intake of first year domestic students. In Ontario, for example, Queen’s University, McMaster University, and the University of Waterloo saw huge boosts in domestic student enrolment, while “competitor” institutions like Brock University, Nipissing University, Ontario Tech University, and Laurentian University saw significant decreases.¹⁰ In the case of the latter, the pandemic pushed the university over the edge, precipitating an unprecedented budgetary crisis which resulted in Laurentian University requesting insolvency protection under the *Companies’ Creditors Arrangement Act*.¹¹

Looking back on 2020-2021, it is clear the pandemic produced, and continues to produce, interesting bargaining dynamics in the university sector. These dynamics, however, are difficult to isolate given how the collective bargaining climate is intertwined with a number of internal and external factors. In Alberta and some Atlantic provinces, for example, steep budget cuts made the negotiation of monetary improvements for academic staff associations more challenging, while provincial interference in public sector bargaining in Ontario, Manitoba, and British Columbia weakened unions’ overall leverage in negotiations. University boards and administrations, for their part, almost universally used the cover of COVID-19 to justify demands to roll over of contracts, accept concessions, and erode collegial governance.¹² In short, the combined crises of COVID-19, government interference, and chronic underfunding conspired to make the bargaining climate especially challenging.

Faculty association responses to pandemic bargaining have been more varied. Some associations tried to carry on as usual, conducting bargaining over videoconference without any substantial strategic or tactical changes. Some decided to shy away from pandemic bargaining altogether, agreeing to roll over contracts, with extremely modest salary increases, in the hopes that bargaining conditions would improve sometime in the

⁷ CAUT, “Collective Bargaining Report,” November 2020. Accessed May 26, 2021, https://council.caut.ca/sites/default/files/14._a_collective_bargaining_report_2020-11council_2020-11.pdf

⁸ For example, see White, Erik, “Colleges and universities in the northeast feeling the financial side effects of COVID-19,” CBC News, Dec 14, 2021, <https://www.cbc.ca/news/canada/sudbury/colleges-universities-northeastern-ontario-pandemic-covid-19-1.5837213>; Ontario, “Ontario Supports Colleges and Universities Impacted by COVID-19,” March 19, 2021, <https://news.ontario.ca/en/release/60813/ontario-supports-colleges-and-universities-impacted-by-covid-19>; Al-Hakim, Aya, “Nova Scotia provides \$25M to help universities impacted by COVID-19,” Global News, Jan 12, 2021.

⁹ Gordon, Julie, “Staying Home: Drop in Foreign Students Bad Omen for Canada’s Labor Market,” Reuters, September 15, 2020, <https://www.reuters.com/article/us-health-coronavirus-canada-universities-idCAKBN26632B>; Greenfield, Nathan M., “Fears that international student intake will keep falling,” University World News, Apr 2, 2021, <https://www.universityworldnews.com/post.php?story=20210402091353306#>.

¹⁰ Ontario Universities Application Centre, Official Monthly Application Statistics for Full Time, First Year, 2021 Fall (September) September 10, 2020 and March 4, 2021. <https://www.ouac.on.ca/statistics/ugrad-application-statistics/>.

¹¹ Della-Mattia, Elaine, “‘Insolvent’ Laurentian U Files for Protection from Creditors; Minister Angry,” The Sudbury Star, February 1, 2021, <https://www.thesudburystar.com/news/local-news/insolvent-laurentian-u-files-for-protection-from-creditors-minister-angry>.

¹² OCUFA, “OCUFA Urges University Administrations to Respect Collegial Governance Structures When Addressing Impacts of the COVID-19 Pandemic,” (April 23, 2020), <https://ocufa.on.ca/blog-posts/ocufa-urges-university-administrations-to-respect-collegial-governance-structures-when-addressing-impacts-of-the-covid-19-pandemic/>.

future. For example, the Association des professeurs, professeures et bibliothécaires de l'Université Sainte-Anne and both the full-time and contract units of the Association of University of New Brunswick Teachers agreed to a one-year rollover of their collective agreements. Similarly, the Association of Professors of Bishop's University and the Concordia University Faculty Association extended their respective collective agreements for two years. The Syndicat des professeurs et professeures de l'université Laval rolled over its contract for two and a half years. The Association des bibliothécaires, professeures et professeurs de l'Université de Moncton (ABPPUM) cut negotiations short as a result of the pandemic, settling for a three percent scale increase over four years with minimal non-monetary gains.¹³ Voluntary rollovers and delays were an especially popular response in the early days of the pandemic.¹⁴ That approach, however, was hotly contested amongst affiliates of the Canadian Association of University Teachers (CAUT), the country's largest federation of post-secondary academic staff associations. Some voices cautioned that instability and a move to online bargaining would undermine unions' bargaining power and complicate efforts at member engagement, while others feared that conditions would only worsen if bargaining was delayed, and that faculty associations would need to adapt in order to rise to the challenge of pandemic bargaining. This latter perspective was adopted by the leadership of BUFA.

CASE STUDY: THE BROCK UNIVERSITY FACULTY ASSOCIATION

When the administration at Brock University in St. Catharines, Ontario signalled its intention to move ahead with bargaining in March 2020 — in spite of COVID-19 — BUFA's leadership took stock of the situation. Leaders of the nearly 600-member certified faculty association¹⁵ — which represents full-time faculty and professional librarians at Brock — considered the merits and drawbacks of delaying negotiations and ultimately decided to proceed by shifting gears to meet the challenge of pandemic bargaining. Doing so meant overcoming several obstacles, including the logistics of bargaining remotely and of engaging and mobilizing the membership remotely.

BUFA was not starting from scratch in this regard. The association had experimented with new organizing and mobilization tactics in the preceding round of bargaining and was committed to building on that effort in 2020. In advance of bargaining and the pandemic, a contract action team was established to map the workplace and facilitate two-way communication between the negotiating team and members. The negotiating team also conducted a bargaining priorities survey and hosted a series of departmental visits and constituency-based focus groups to hear from members directly about their issues and concerns. The pandemic not only pushed mobilization and engagement efforts online, but helped to accelerate them in a bid to re-establish power in the face of multiple external crises.

¹³ CAUT, "Facts & Figures," (March 2021): 13-31. Accessed May 27, 2021, https://www.caut.ca/sites/default/files/caut-facts-and-figures_2021-03.pdf.

¹⁴ CAUT, "COVID-19 and the Academic Workplace: Questions & Answers," Accessed March 31, 2021, <https://www.caut.ca/content/covid-19-and-academic-workplace-questions-answers>.

¹⁵ For more scholarly literature on the background on BUFA see Savage, Larry, Michelle Webber and Jonah Butovsky. "Organizing the Ivory Tower: The Unionization of the Brock University Faculty Association" *Labor Studies Journal*, 37 no. 3 (2012): 293-310; Patrias, Carmela and Larry Savage, *Union Power: Solidarity and Struggle in Niagara* (Edmonton: Athabasca University Press, 2012): 114-117; Butovsky, Jonah, Larry Savage and Michelle Webber, "Assessing the Potential Impact of Labor Law Reforms on University Faculty: Findings from a Midsized Public University," *Labor Studies Journal* 41 no. 2. (2016): 204-219; Butovsky, Savage and Webber, "Assessing faculty attitudes toward faculty unions.," Rosnuk, Canan, "Case Study of a Certification Campaign: Attempt at Unionization Among Brock University Faculty in 1983-84" MA Thesis, McMaster University, January 1993, <https://macsphere.mcmaster.ca/bitstream/11375/16143/1/Canan%20Rosnuk.pdf>; Ribaric, Tim, "Collegial Self-Governance for Professional Librarians: A Look at the Advantages of the Establishment of a Library Council and its Role in the Lives of the Librarians in the Brock University Faculty Association." In Jennifer Dekker and Mary Kandiuk (eds.), *In Solidarity: Academic Librarian Labour Activism and Union Participation in Canada* (Sacramento: Library Juice Press, 2014).

Some quarters of the membership were initially hesitant about proceeding with pandemic bargaining, but the resolve of faculty and professional librarians to have their priorities addressed through the collective bargaining process was quite strong overall, and some feared conditions would turn less favourable if bargaining was delayed and the pandemic dragged on. Given the existing context of Ontario's public sector wage restraint legislation, which capped salary scale and benefit increases at one percent annually, and the newly anticipated financial and enrolment anxieties the university was facing as a result of COVID-19, the union made a strategic decision to pivot and prioritize non-monetary issues like workload, scheduling, collegial governance, and Indigenization and decolonization. BUFA took this approach, in part, because it knew the administration's bargaining team could not credibly invoke the feared financial fallout from COVID-19 or the provincial government's wage restraint legislation as a justification for refusing to engage with these key union priorities.¹⁶

Beyond the matter of which issues to prioritize, member engagement strategies also needed revisiting. The provincial government's stay-at-home order and the university's decision to suspend face-to-face classes pushed the union's efforts online and BUFA's leadership resolved to use technology in a way that would bolster member engagement. For example, the union developed video and text-based bargaining backgrounders for members to provide context for, and underscore the importance of, the union's key bargaining priorities as approved by the membership. These backgrounders were released on a weekly basis in the run-up to the first day of bargaining in May 2020. After each and every bargaining session, members received a detailed bargaining bulletin reviewing the proposals that had been discussed and the articles of the collective agreement that had been tentatively settled. The bulletins also served to frame the key issues for members and often included a call-to-action that could be fulfilled remotely as an effort to keep members engaged. The union used flash polls to gauge member views on issues that popped up in the course of bargaining and actively solicited written feedback from members as part of every bargaining communication.¹⁷ Finally, the union conducted meetings over videoconference to provide updates and answer questions. Meetings yielded record attendance – a trend that was witnessed across the sector.

A tentative deal was reached after ten bargaining sessions, without the assistance or pressure of a third party, and ratified before the existing collective agreement between Brock University and the faculty association was set to expire on June 30, 2020. While the deal conformed to the provincial government's wage restraint legislation by capping scale increases at one percent per year for the three years of the contract, the collective agreement proved ground breaking in other respects. For example, the settlement extended intellectual property rights to professional librarian members (previously reserved for faculty members only), provided for a bank of guaranteed course releases to compensate for extraordinary levels of research output and unscheduled teaching, included provisions for greater scheduling flexibility, and contained significant trailblazing additions designed to promote Indigenization and decolonization.¹⁸ The minutes of settlement also included provisions maintaining open searches for senior academic administrative positions – a key goal of the union in its quest to defend against the dismantling of collegial governance rights.¹⁹ The union also managed to beat back the administration's push to grant deans the right to schedule faculty to teach on Saturdays. Maintaining contact with student leaders proved key to derailing this particular proposal. Because the union learned from students that administrators had made no effort to consult with their organizations

¹⁶ Savage, Larry, "Rising to the Challenge: Reflections on a Round of Pandemic Bargaining," *Academic Matters*, November 13, 2020, <https://academicmatters.ca/rising-to-the-challenge-reflections-on-a-round-of-pandemic-bargaining/>.

¹⁷ Savage, "Rising to the Challenge."

¹⁸ For more detail see Dénonmé-Welch, Spy and Larry Savage, "Indigenization Through Collective Bargaining: Lessons and Ideas for Academic Staff Associations," *Academic Matters*, January 7, 2021, <https://academicmatters.ca/indigenization-through-collective-bargaining-lessons-and-ideas-for-academic-staff-associations/>.

¹⁹ CAUT, "Open or Closed Search?" *CAUT Bulletin*, February 2020, <https://www.caut.ca/bulletin/2020/02/open-or-closed-search>.

about the impact or desirability of mandatory Saturday courses, BUFA was able to exploit this disconnect in bargaining. The revelation put the administration's negotiating team on the defensive and provided an opportunity for the union to amplify faculty concerns which, in many ways, dovetailed with issues raised by the student leadership.²⁰ At the virtual bargaining table, the union demonstrated the broadened base of its bargaining effort by reading out solicited feedback about the negative consequences of mandatory Saturday courses on students, programs, and faculty members themselves. Having members, more or less, speak for themselves not only provided strong evidence against mandatory Saturday teaching, but also demonstrated that the union and its members were strongly aligned.

The significant advances listed above would not have been possible had the union voluntarily rolled over the contract or adopted an interest-based approach to bargaining at the behest of the university administration.²¹ Efforts to map the workplace, organize faculty and professional librarians, and mobilize members to stay informed and take action through flash polls and calls to action, all contributed to the positive response received when the association tested members' propensity to strike on a range of non-monetary issues once the parties had reached an impasse late in the process.

While COVID-19 certainly destabilized the bargaining environment, in the case of the 2020 round of bargaining at Brock University, the combined pressure of the provincial government's wage restraint legislation and the pandemic did not completely undermine the union's bargaining agenda. Rather, it shifted the association's priorities to focus on non-monetary issues given the changed landscape. To describe the wage restraint legislation as a blessing in disguise would be too charitable given its coercive effect, but it did force the university's board and administration to finally confront non-monetary issues that would traditionally be abandoned by the union in exchange for a more generous salary and benefits settlement. In other words, while the combined effects of the pandemic and provincial government interference in collective bargaining can be characterized as an obstacle or crisis, it also provided an opportunity for the association to force the board and administrators to contend with demands that could not be turned down strictly on the basis of cost.²² The relative success of the association's strategy becomes clear when compared to the bargaining outcomes of other faculty associations bargaining under similar external conditions. While all Ontario-based academic staff associations bargained within the province's wage restraint framework on the salary and benefits side, a review of CAUT bargaining outcome summaries during the pandemic reveals that BUFA's non-monetary gains in terms of equity and Indigenization, intellectual property, promotion and tenure, workload, and scheduling far exceeded those of its sister associations.²³

The preceding case study is important for two reasons. First, it documents the considerations and strategic responses of a faculty association in the early days of the pandemic. Second, the case study demonstrates how particular bargaining dynamics associated with the COVID-19 pandemic helped BUFA accelerate the process of transitioning to an organizing or mobilizational model of collective bargaining. Of course, these dynamics play themselves out differently depending on specific campus or regional contexts. In the next section, the crises and opportunities presented by the pandemic, and how they influenced debates about faculty association approaches to collective bargaining, are considered with a wider lens.

²⁰ Savage, "Rising to the Challenge."

²¹ Interest-based bargaining refers to a negotiation strategy in wherein the union and the employer collaborate to find mutually beneficial solutions to workplaces issues and problems based on the shared interests of the parties.

²² I am careful to not universalize this claim on the basis that it rests on the assumption that all academic staff associations have non-monetary priorities. It may be the case that some associations' priorities revolve entirely around compensatory issues given the uneven salary settlements and benefits entitlements across the sector, especially between regularized and non-regularized faculty.

²³ CAUT, "Facts & Figures," 10-34.

ANALYSIS: CRISIS AND OPPORTUNITY

In recent years, there has been much discussion in the university sector and among faculty associations about the need to rethink traditional approaches to collective bargaining in an effort to resist the neoliberalization of higher education. Chronic underfunding, increasing workloads, the expanding use and misuse of contract-based appointments, and a turn to concessionary bargaining on the part of university administrations have exposed holes in the traditional craft-like and non-adversarial mentalities and strategies of faculty associations.²⁴

The ongoing debate about which model and strategic approach can best equip faculty associations to preserve historical gains and achieve bargaining breakthroughs has been framed as a choice between traditional service-based unionism and a contrasting mobilizational or organizing model of collective bargaining.²⁵ Traditional approaches to collective bargaining in the sector are characterized by a focus on the technical, strategic, and largely secretive exchanges between bargaining teams, and an overreliance on conciliation and mediation to settle disputes. Members are rarely mobilized, let alone organized, except when a faculty association needs members to authorize a work stoppage as a last resort to ward off an aggressive or significant concessionary demand. In traditional bargaining, the negotiating team is seen as the main actor, thus creating a narrow focus on the bargaining table as the centre of the struggle.

In contrast, the organizing model brings bargaining into wider focus in a much more inclusive way that involves a much broader base of members. In an organizing model, members are involved throughout the process, not just being called upon to ratify a tentative agreement and show up to vote for a strike. The organizing model fully enlists members in the process of building and approving a bargaining mandate, and keeps members engaged throughout the process with the help multidirectional flows of information and a range of escalating tactics designed to amplify the union's overall power and leverage.²⁶ The organizing model also prioritizes transparency over secrecy. The latter approach is very limiting, especially when a faculty association needs its members to help leverage power at the bargaining table. If members feel alienated or shut out from the bargaining process, or feel they have no clear stake in the outcome due to a lack of information, they are far less likely to authorize a strike vote or engage in any escalation activities.

Finally, a mobilizational or organizing approach ideally reaches beyond the confines of the bargaining table to find different sources of external power to bring to bear in negotiations. This coalition-building strategy is sometimes referred to as "bargaining for the common good."²⁷ This particular approach, which has become popular amongst some segments of the public sector in the United States,²⁸ is something academic staff

²⁴ In order to better understand CAUT's evolution on the collective bargaining front see Tudiver, Neil, *Universities for Sale: Resisting Corporate Control Over Canadian Higher Education* (Toronto: James Lorimer, 1999) and Ross, Stephanie and Larry Savage, "Interunion conflict and the evolution of faculty unionism in Canada," *Studies in Political Economy*, 101 no. 3 (2020): 208-229.

²⁵ Ross, Stephanie, Larry Savage and James Watson, "University Teachers and Resistance in the Neoliberal University," *Labor Studies Journal*, 45 no. 3 (2020): 227-249

²⁶ For a good cross section of scholarly work addressing mobilizational approaches to collective bargaining see Kelly, John, *Rethinking Industrial Relations: Mobilization, Collectivism and Long Waves*, (London: Routledge, 1998); McAlevey, Jane, *No Shortcuts: Organizing for Power in the New Gilded Age*. (New York: Oxford University Press, 2016). Holgate, Jane, Melanie Simms and Maite Tapia, "The limitations of the theory and practice of mobilization in trade union organizing. *Economic and Industrial Democracy* 39 (November 2018): 599-616. Gahan, Peter, and Andreas Pekarek, "Social movement theory, collective action frames and union theory: A critique and extension," *British Journal of Industrial Relations*, 51 (2013): 754-776; and Ross, Savage and Watson, "University Teachers and Resistance in the Neoliberal University."

²⁷ McCartin, Joseph A, "Bargaining for the Common Good," *Dissent* 63, no. 2 (2016): 128-135; Lybarger, Kathryn, "Bargaining for Good Jobs and Debt-Free College," *PS: Political Science & Politics* 50, no. 2 (April 2017): 430-432.

²⁸ Blanc, Eric, *Red State Revolt: The Teachers' Strike Wave and Working-Class*

associations in Canada could draw on quite effectively. Bargaining for the common good entails crafting bargaining demands in consultation with external stakeholders (like student or community organizations) that are designed to provide benefits that stretch far beyond the narrow interests of the union and its members. Bargaining demands crafted for the common good could, for example, mandate smaller class sizes, lower student/faculty ratios, secure guaranteed minimums for internal research grants to hire students,²⁹ or mandate campus carbon reduction or pension divestment in support of climate justice. There are many possibilities, but bargaining for the common good requires academic staff associations to think beyond traditional bread and butter priority areas. The strategy, if pursued genuinely and effectively, can help amplify the union's bargaining power and reduce isolation. This is key because public sector unions are often unfairly framed by employers or governments as pitting the narrow interests of union members against the broader interests of the community.³⁰

A significant advantage of an organizing or mobilizational approach to collective bargaining is that having an organized and engaged membership, and structures in place to maintain and support a culture of mobilization, means that faculty associations do not have to start from scratch every time a contract expires, and can use those structures to pursue objectives between rounds of bargaining. It also means that faculty associations are in a stronger position to resist concessionary demands when faced with unexpected events or crises, like a pandemic.

The need to shift from a traditional to an organizing model of collective bargaining has arguably been evident for some time given the general failure of faculty associations to reverse the tide and effectively counter the negative effects of neoliberal work restructuring in universities. While faculty associations have proven generally successful at bargaining improved salaries and benefits, strong protection for academic freedom, and tenure and promotion provisions, they have proven relatively ineffective at halting the spread of precarious work in the sector.³¹ It is worth remembering that many faculty associations predate what Boden and Epstein refer to as “neo-liberal colonisation of higher education.”³² The certification of faculty associations, by and large, has not prevented the reorganization of work along neoliberal lines, as evidenced by the fact that the share of contingent academic faculty has been allowed to grow so rapidly despite comparatively high levels of union density in the university sector. Admittedly, in some cases, faculty associations have slowed the neoliberal tide, but often in contradictory ways. For example, Ross, Savage and Watson argue that tenured faculty in some jurisdictions have effectively used their certified unions to prevent the loss of status and downward mobility for the professoriate in the established hierarchy of the university. This has largely been accomplished through defensive battles to preserve historical inequalities that benefitted primarily tenured academics, arguably at the expense of contingent faculty and other groups of university workers.³³

In the face of downward neoliberal economic and political pressure on universities, Rajagopal argues that the efforts of tenured faculty to preserve elevated salary levels, “academic freedom and curricular control led to the emergence and accommodation of part-timers with no full-time jobs elsewhere ... and full-timers' assumption of a managerial role vis-à-vis part-timers.”³⁴ In part, this dynamic is the product of the complex

Politics (New York: Verso, 2019).

²⁹ This particular demand was secured by BUFA in its 2017 round of bargaining.

³⁰ Ross, Stephanie, “Social Unionism and Union Power in Public Sector Unions.” In Ross, Stephanie and Larry Savage (eds.), *Public Sector Unions in the Age of Austerity* (Halifax: Fernwood, 2013): 57-68.

³¹ Newson, Janice and Claire Polster, “Restoring the Holistic Practice of Academic Work: A Strategic Response to Precarity.” *Workplace* 32 (2019): 1-11.

³² Boden, Rebecca and Debbie Epstein, “Managing the Research Imagination? Globalisation and Research in Higher Education,” *Globalisation, Societies and Education* 4, no. 2 (2006): 225.

³³ Ross, Savage and Watson, “University Teachers and Resistance in the Neoliberal University.”

³⁴ Rajagopal, Indhu, *Hidden Academics: Contract Faculty in Canadian Universities* (Toronto: University of Toronto Press, 2002): 14.

relationship between control and resistance for professional and white-collar workers. Savage and Webber argue this dialectic is best understood as a “paradox of professionalism” for tenured university faculty, pointing out that faculty associations often shape and promote the professionalist discourses that help to advance the workplace-based interests of their members, but also internalize ideological traits, like occupational prestige and status, that primarily serve the interests of employers in the name of professionalism.³⁵ Part and parcel of this craft-like mentality is a culture of resistance to the mobilizational and solidaristic tactics and strategies associated with blue-collar industrial unions.

The rise of the neoliberal university and other external pressures at the turn of the 21st century convinced CAUT’s leadership to embrace a broader notion of solidarity in an effort to better defend terms and conditions of work for all university teachers.³⁶ As part of this shift, CAUT has consciously been advocating for its member associations to move towards an organizing or mobilizational model of collective bargaining, even if progress on this front has been slow and uneven. The pandemic, however, offered faculty associations a perfect opportunity and rationale to connect or reconnect with members in different kinds of ways and experiment with components of the organizing model. Unlike university boards and administrations, who do not have to concern themselves with broad collaboration or consultation to achieve their bargaining mandates, faculty associations must proactively engage and mobilize a broad cross-section of members if they hope to “hold the line” and resist concessions, let alone secure bargaining breakthroughs. Thus, one of the main challenges for faculty associations during pandemic bargaining was figuring out how to reach beyond the virtual bargaining table to ensure members remained engaged and mobilized in the event that a university administration attempted to use the pretext of COVID-19 as justification to gut a collective agreement. As the pandemic wore on, faculty associations recognized they would need to rethink traditional in-person member engagement and mobilization strategies given that members were working from home and practicing physical distancing in most parts of the country.

While the incidence of work stoppages took a nosedive during the pandemic, there has certainly been discussion among academic staff associations about what strikes and lockouts would look like in the context of a pandemic. After all, organizing towards a potential strike is key to leveraging power in bargaining and thus central to the organizing model. Contingency plans to ensure socially-distant in-person picketing and mandatory mask-wearing were developed for campus communities where infection levels were low, as in the case of strike preparations at Dalhousie University.³⁷ At the University of Manitoba, where faculty voted 80 percent in favour of authorizing a strike in October 2020,³⁸ the faculty association also planned for socially-distant and masked picketing on sidewalks and in open spaces, but also organized a series of vehicular-based honk-a-thons both on campus and at the provincial legislature.³⁹ The association also planned to host videoconference check-ins where members would be asked to undertake solidaristic actions in support of the union’s bargaining objectives. For example, members would be asked to sign a petition to the provincial government or call their local provincial representative to solicit support for the union’s position. The association also developed an alternative to traditional picket lines in the event that pandemic conditions worsened in a way that might pose a danger to the health and safety of picketers. In such a case, members would be required to meet with their picket captain each day via videoconference for a debrief and check in

³⁵ Savage, Larry and Michelle Webber, “The Paradox of Professionalism: Unions of Professionals in the Public Sector” In Ross, Stephanie and Larry Savage (eds.), *Public Sector Unions in the Age of Austerity* (Halifax: Fernwood, 2013): 114-125.

³⁶ Ross and Savage, “Interunion Conflict and the Evolution of Faculty Unionism in Canada.”

³⁷ The association ultimately did not strike.

³⁸ Gibson, Shane, “University of Manitoba Faculty Association Votes in Favour of Strike Action,” *Global News*, November 2, 2020, <https://globalnews.ca/news/7437887/university-of-manitoba-faculty-association-votes-strike-action/>.

³⁹ CBC News, “University of Manitoba Faculty Could Go on Strike,” November 16, 2021, <https://www.cbc.ca/news/canada/manitoba/umfa-bargaining-deadline-1.5791901>.

wherein member attendance would be recorded and confirmation would be sought that they were not teaching online.

This move towards “virtual” picket lines forces us to consider how work stoppages could work effectively in the context of a pandemic. It is worth remembering that while a virtual picket line cannot replace the visibility and sense of solidarity associated with a traditional picket line, it is the withdrawal of labour, not visibility, that is key to disrupting business as usual. In fact, coordinating an effective work stoppage during a pandemic is arguably an easier task than organizing a strike in normal circumstances, largely because the logistical hurdles and familiar tensions associated with picket lines can be avoided, especially when a physical campus is already largely shut down as a result of a pandemic. In these cases, the faculty association’s main objective becomes fostering a sense of solidarity among members with a view to advancing a shared commitment to not logging on to work. Admittedly, online strikes have their own limitations — not the least of which is the heightened ability of members to covertly work from the privacy of their own homes. This obstacle, however, is not a new problem and not insurmountable if proper accountability measures are undertaken. Some of the tactics and advance planning by the faculty associations at the University of Manitoba and Dalhousie University, as described above, would have provided excellent alternatives to traditional picket duty and have the added benefit of actually helping to build members’ capacities to organize, influence, and mobilize around broader political issues. They are tactics that should continue long after the pandemic, even if their development was largely precipitated by COVID-19.

CONCLUSION

What long-term lessons faculty associations will ultimately draw from experiences with collective bargaining during the COVID-19 pandemic remains an open question. While it is clear that the crises precipitated by COVID-19 in the university sector provided academic staff associations with a unique opportunity to rethink or retool their traditional strategies to communicate, mobilize, and build power, it is equally clear that some faculty associations did not seize the opportunity to embrace a new range of organizing and mobilization-based strategies and tactics. Thus, some faculty associations are likely to remain tied to or fall back into familiar patterns of service-based unionism. What such a move will mean for bargaining in the sector as a whole requires further research, but given the trajectory of the neoliberal university, and its negative impact on work restructuring and union power, there are clear signs that traditional approaches to faculty unionism are insufficient to counter broader neoliberal trends.

The isolating effects of the pandemic unquestionably underscored the need to broaden the base of faculty associations by involving members more directly in the bargaining process. CAUT has been moving towards an organizing or mobilization model of collective bargaining in recent years, but the pandemic accelerated this strategic shift, as evidenced by the organization’s decision to invite famed U.S. labour organizer and scholar Jane McAlevey to provide the keynote address at the March 2021 CAUT Chief Negotiator forum.⁴⁰ McAlevey’s work, which focuses on deep internal worker organizing and the identification and recruitment of organic workplace leaders is designed to win over unions to the idea that members must be organized in order to be mobilized effectively.⁴¹ McAlevey’s grassroots and radically democratic approach challenges the dominant *modus operandi* in many faculty associations which tends to preserve a top down and insular focus on the technical aspects of collective bargaining with little to no internal organization or mobilization of

⁴⁰ CAUT, Forum for Chief Negotiators and Bargaining Conference, March 2001, https://www.caut.ca/sites/default/files/agenda_for_caut_forum_for_chief_negotiators_and_bargaining_conference_-_march_2021.pdf.

⁴¹ McAlevey, Jane, *Raising Expectations (and Raising Hell): My Decade Fighting for the Labor Movement*. (New York: Verso, 2012); McAlevey, Jane, *No Shortcuts: Organizing for Power in the New Gilded Age*. (New York: Oxford University Press, 2016). McAlevey, Jane, *A Collective Bargain: Unions, Organizing, and the Fight for Democracy*. (New York: Ecco, 2020).

members, except in limited ways in periods of crisis.⁴² While a culture of secrecy and the cult of the all knowing and all powerful chief negotiator persists in some quarters of faculty unionism, it has clearly given way to an equally compelling, if not yet dominant, sense that members respond positively to faculty associations' overt efforts to include them in the bargaining process and, in turn, give them a greater stake in the outcome.

Increased levels of engagement, deeper organizing, and escalating mobilization tactics can help strengthen the resolve of the membership to have its key priorities addressed and embolden a negotiating team to reject concessionary demands and insist on a settlement that members can be proud of. This dynamic was clearly in evidence in the case of BUFA's 2020 round of pandemic bargaining, culminating in an unofficial strike propensity poll that helped to resolve a bargaining impasse in the association's favour. While the broader effectiveness of this model has not yet been empirically demonstrated through sector-wide data, we know that any union that volunteered to roll over its contract during the pandemic secured nothing, or next to nothing, on the non-monetary front.

Admittedly, what drove some faculty associations to voluntarily roll over contracts was related to the elevated level of anxiety and uncertainty brought on by the pandemic, thus underscoring COVID-19's uneven impact on bargaining across the sector. However, the default assumption that the new context put faculty associations at an insurmountable disadvantage is belied by the fact that the pandemic's effects were felt differently at each university, with some experiencing steep declines in enrolments (with related declines in ancillary revenues), while others experienced enrolment booms as a result of the pandemic. Thus, while uncertainty and anxiety were prevalent as a result of COVID-19, understanding that these emotions were not exclusive to the membership of academic staff associations ought to have been key to informing union strategy. Board members and senior administrators were equally, if not more, concerned about future enrolments, the image of their universities, and the risk of labour disputes. Thus, while the pandemic was weaponized by some university boards and administrations on the labour relations front, faculty associations also had strategic openings to secure bargaining breakthroughs given different campus contexts.

Of course, every round of bargaining is different. That is because the bargaining context is constantly changing through a mix of internal and external factors. In recognition of this constantly changing landscape, faculty associations must always be open to changing their traditional practices, structures, tactics, and frames. Meeting the challenge of pandemic bargaining means strategically fine-tuning priorities and adjusting organizing, mobilization, and membership communication and engagement strategies in ways that will bolster an academic staff association's bargaining position. If a crisis like COVID-19 forces faculty associations to experiment with different practices or tactics – and ultimately nudges them closer to an organizing model, this development may actually constitute a blessing in disguise. Through experimentation, academic staff associations may learn that new ways of organizing, mobilizing, communicating, or engaging can actually produce much better results than traditional union practices, and lead to their adoption on a go-forward basis – and not just in the context of a pandemic.

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⁴² For a critique of McAleve's general approach see Moody, Kim, "Reversing the 'Model': Thoughts on Jane McAleve's Plan for Union Power," *Spectre* 1, no. 2 (2020): 61-77.

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