



Faculty of Medicine

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December 5, 2018

Dr. Tracey Bridger, President
Newfoundland and Labrador Medical Association
164 MacDonald Drive
St. John's, NL A1A 4B3

Dear Dr. Bridger

Thank you for your letter dated October 18, 2018 in which the Newfoundland and Labrador Medical Association ("NLMA") advises of its intent to represent academic physicians and negotiate with Memorial University of Newfoundland (Memorial) a new model of compensation for those academic physicians.

Memorial respects the important role played by NLMA and appreciates that the *Medical Act* ("Act") provides that one of the objects of NLMA is to improve the welfare and social standards of its members and encourage the cooperation of its members in the protection of their legal and equitable rights. We also appreciate that the Act contemplates that NLMA may "act on behalf of its members or a group or section or division of its members, and negotiate for, and on their behalf, with other persons or agencies, including government agencies."

As you know, we consider our Geographic Full Time (GFT) Clinical Faculty as professionals and enter into individual appointments with such Clinical Faculty in the Faculty of Medicine.

Over many years Memorial has maintained a constructive and mutually beneficial relationship with its GFT faculty. While GFT faculty are not represented by the Memorial University of Newfoundland Faculty Association ("MUNFA"), who represent the majority of academic staff members at Memorial, the collective agreement with MUNFA has served as a general guide for the terms and conditions of our employment relationship with GFT faculty.

We understand that the NLMA has a contractual arrangement with the Government of Newfoundland and Labrador as reflected in a Memorandum of Agreement ("MOA") which recognizes NLMA as the sole and exclusive negotiator on behalf of physicians licensed by the College of Physicians and Surgeons of Newfoundland and Labrador to practice in this Province for matters which fall within the scope of that MOA. Memorial is not a party to the MOA nor is it bound by it.

Geographic Full Time faculty are recognized as being part of that MOA, however, the MOA provides that:

The compensation for the academic component is separate from the compensation for clinical Work.

The MOA does not address terms and conditions of “employment\appointment” for clinical work. The terms and conditions of the academic is outside the scope of the MOA.

Further, although the *Medical Act* contemplates that NLMA may act on behalf of its members and negotiate for and on their behalf with others, such is not of the same nature as the statutory authorities provided to unions. Once a union has been certified by a statutorily authorized tribunal, it is statutorily granted exclusive rights to represent members of the bargaining unit in collective bargaining and bind them by a collective agreement, with both the union and the employer obliged to collectively bargain in good faith through a well-defined and extensively regulated process which may result in a collective agreement. The *Medical Act* does not make a similar provision for the NLMA.

While fully acknowledging the NLMA and the important role it fulfills on behalf of its members, it is our view that no statutory structure exists to require Memorial to negotiate with the NLMA as the exclusive representative of GFT faculty in respect of the terms of their individual employment contracts with Memorial. We respectfully decline to participate in the negotiating framework stated in the NLMA’s letter that purports to mirror the processes set out in the *Labour Relations Act*.

In recognition of the recent concerns expressed by GFT faculty and further to recent discussions with our Clinical Chairs, I am advising that Memorial has decided to continue with the current GFT compensation framework, subject to review and consideration at a future date.

We look forward to our ongoing collegial relationship with the NLMA.

Sincerely



Margaret Steele, MD, FRCPC, MEd, DFCPA, CCPE, FCAHS
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Memorial University of Newfoundland

copy: Dr. Gary Kachonoski, President, Memorial University of Newfoundland
Mr. Dave Diamond, President, Eastern Regional Health Authority