

Research Staff and TSSU - Important Information for Faculty Members

As members are likely aware, Research Assistants at SFU are now recognized as members of the Teaching Support Staff Union. Recent developments appear to have expanded this to include a much wider range of research personnel, particularly where people are hired on grant funds. The impacts on faculty researchers and their grants are significant, and we encourage all to read the following as these issues may have a direct and lasting impact on grant-funded research at SFU. Specifically, and for reasons outlined below, faculty members may need to take more care in deciding whether and how to employ research personnel (students or otherwise), and where to house grants institutionally where there are multiple partners at multiple universities.

Historically (and still in much SFU policy) grant-funded research staff were employees of the grant and its Principal Investigator(s). In 2019, SFU announced a significant change, in that Research Assistants, Research Associates, and Post Docs would be considered employees of SFU. Shortly thereafter, SFU and the TSSU entered into a Voluntary Recognition Agreement which made Research Assistants (RAs) members of the TSSU. There was one problem: SFU's HR and Payroll departments had for many years used the category "Research Assistant" as short-hand for any position that was not easily categorized.

Over some five years after the Voluntary Recognition Agreement, SFU and the TSSU were expected and/ or directed to conduct a comprehensive review of these newly-classified employees. As the term "RA" had been used broadly in Human Resources for a wide range of positions, it was ordered that the University and the TSSU ensure that everyone moved to the TSSU was in fact an RA. Despite the agreement and direct legal orders, the University neglected to conduct the review, leaving unanswered an important question: what exactly is an RA for the purposes of TSSU membership, and which of the many hundreds of positions coded as "RA" are in fact appropriately TSSU members?

After multiple failures to conduct this assessment - incurring a penalty of over \$240,000 dollars for this failure, which SFU paid directly to the TSSU - in 2024 the BC Labour Relations Board officially ruled that not only RAs but now *all research personnel* were to be deemed TSSU members. At this point, still, the University had an opportunity to review which positions should be properly included in the TSSU and to remove management personnel and other excluded positions from that designation; but once again, they did not review the actual positions.

Though positions had not been reviewed to ensure they were in fact appropriately TSSU, SFU nonetheless unilaterally re-issued contracts to grant-funded staff. It appears that no consultation with PIs was conducted, no consideration of the implication for grants was made, and no review of job responsibilities or authorities was undertaken: contracts were auto-generated and sent out, indicating that any terms previously developed by PIs were nullified, and henceforward terms of the TSSU Agreement would apply.

All of the above may in fact have been appropriate given the unionization of RAs and given SFU's repeated failure to fulfill its obligations to review specific roles. Where the problem arises is here: many grant funded research staff are not in any way RAs, but their responsibilities and terms of employment have now come to be defined legally by the TSSU agreement simply because SFU failed to do what was required - and in fact what it was ordered to do - to ensure that only appropriate positions were made TSSU.

The new contracts auto-generated by the University included a wide range of research personnel, and the new contracts were signed off by HR without consulting the PIs funding these positions. PIs received a message from SFU that minimized the transition, explicitly stating that no action - or attention - was required. SFU did not explain that its actions had altered terms and conditions of employment, including both reasonable expectations of research staff and requirements for vacation, sick leave, and more.

The TSSU Collective Agreement states that for the purposes of managing lab personnel, the PI is considered the supervisor. However, it has of late been SFU's position that it is, in fact, HR who will ultimately assess performance and determine whether or not a given RA is suitable for a given position. HR will likewise determine what benefits will be extended to RAs while on leave, and assumes the right to offer *discretionary* benefits, over and above what is contractually mandated, without consultation with the PI while billing the grant for the costs.

This situation came to our attention as a result of a particular case: a Project Manager, hired by a faculty PI and entirely grant-funded, earning well in excess of \$100,000 per year and responsible for financial authorizations, negotiating third party contracts, hiring of other lab staff, supervision and handling of grievances - this position we learned had been designated TSSU and all terms and conditions were now dictated by that Agreement. The University in fact acknowledged that inclusion of the position was an error; but it then also determined that it was not willing to correct the error.

As it became apparent what had occurred, we recommended to both HR and to senior administrators that the University act to clarify the lines of TSSU membership and make a short-term arrangement to ensure that expenditures of grant funds were not improperly impacted in the specific instance of concern. SFU refused, and instead confirmed that its initial mistake would now be considered a permanent change of status, not only for the case at hand, nor even for all RAs, but for *all* grant-funded research personnel. Members will have received a memo on February 11th, 2026 which links to a check-list of responsibilities that are now appropriately done by TSSU members: that checklist encapsulates virtually every non-faculty position in a lab, including explicitly managerial roles.

What does this mean for faculty grant-holders? The ins and outs of what has transpired will all be dealt with in due course. But there are immediate, important impacts on

research grants and faculty administration of those grants. The following are just a few things members may want to consider when considering future hires or renewals of lab personnel:

Is the intention to hire staff of the project, or staff of the University? SFU has made the former much harder; all staff, at whatever level of authority, may now be deemed SFU employees and TSSU members, and this decision may be taken without any discussion of the implications for faculty PIs.

Who has responsibility and authority for decision-making and who has the liability for costs should there be an issue in the employment relationship? The current position of SFU is that decision-making rests with SFU's HR Department while financial liability for those decisions rests with the grant. This is, in our view, an entirely untenable position, and one that puts appropriate use of research funds at risk - not to mention that it creates expanded liabilities for SFUFA members. Grant funds normally are clear that it is the grant holder that is liable for expenditures; if a central SFU office can make not only contractual commitments but also discretionary ones independent of the grant holder, that places faculty PIs in direct liability for decisions made by HR staff. The result is that the grant-holder is forced to cede decision-making authority to HR while continuing to hold all fiscal responsibility.

What follows is only a partial list of questions that PIs need to consider before hiring RAs or any grant-funder personnel:

- What is the job title and the appropriate bargaining unit, if any? The terms and conditions of employment will be governed by the policies or collective agreements of any given position, so careful consideration will need to be given to what kind of position you need. You will ultimately have no ability to determine the answer to this question but may be able to ask further questions.
- Will seniority provisions limit your ability as PI to determine who is the best person for the position?
- Will you have the authority to provide direction and manage your lab staff, or are there circumstances in which this might be taken over by HR?
- Will you have control over your lab equipment and space, or will HR have the ability to over-ride your decisions?
- Termination of appointment: if the position needs to be ended, will you be liable for the cost of the entire contract?
- What are the benefits available in each contract and who has authority to offer extra discretionary benefits costed to the project?
- What are the terms and conditions related to extension or renewal of the contract? Do you have discretion to make this decision, or will this be determined by HR?
- What is an appropriate salary range given the available funds in the grant? Wages are collectively bargained for entire bargaining units or labour groups, so members will want to consider the level of flexibility they have in terms of salary,

and what kind of flexibility they have in terms of benefits beyond the hourly wage or salary.

- What is the term of contract - at least in the initial stages, shorter contracts may allow PIs the ability to address performance concerns and remove ill-suited staff when necessary

All of the above lead to two important questions:

Does the new approach to grant funded employees at SFU offer sufficient academic oversight and protection of PIs?

And if there is any question about this, is there a collaborator or co-PI at another institution where grant funds may be housed allowing greater academic oversight and continued PI administration?

We are not suggesting that everyone need immediately move grant funds out of SFU; but we are recommending that members consider very carefully what are the implications of SFU's recent decision to accept virtually all grant-funded research personnel as TSSU members. And to the extent that job criteria, performance review and assessment, and decision-making regarding discretionary benefits might be of concern, faculty should be aware that SFU is now more restrictive than many other institutions, and grant holders here have reduced oversight but increased liability.

The issue here is not certification of RAs. Research Assistants - students or otherwise - hired to a project and assigned specific tasks that are monitored and evaluated by a manager: those people have the right to organize as a union, and the TSSU had every right to seek and win that certification. But SFU's failure to follow clear and direct instructions regarding implementation has resulted in virtually *all* research personnel - including managers - being deemed RAs for the purpose of union membership. And that decision has opened PIs and their grant funds to substantial risk, weakening the place of research priorities in employment matters and severing decision making from liability in the employment context. In short, SFU's HR department has assumed final decision making over who works in what capacity for how long and under what terms, while PIs and their grants hold the financial liability for what happens as a result of those HR decisions.