Published on *University of Toronto Faculty Association* (https://www.utfa.org)

Certification? FAQ-in-progress

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What is certification?

Should UTFA seek certification?

Does the President decide if UTFA will certify (as suggested in one of the presidential campaigns)?

If UTFA certified, would that disenfranchise retired members?

So what's next?

What is "certification"?

'Certification', in the context of UTFA, means becoming a faculty association that is a "certified union." More precisely, it is a legal term referring to formally recognizing an organization (like our association) as a bargaining agent of the employees of a unit in a workplace for the purpose of collective bargaining.

Currently, UTFA bargains with the Administration under a Memorandum of Agreement (MoA) that provides UTFA with some of the legal rights that a certified union would have, but not all of them.

Should UTFA seek certification?

The short answer is that certification needs time to be studied because UTFA members must be fully informed and engaged in any decision. The UTFA leadership team wants to study certification and its alternatives because bargaining with the Memorandum of Agreement is quite constraining. It is also a

moment in time when all but a few other university faculty associations in Canada are already unionized, and some of those that were not (e.g. McGill's Law and Arts Faculties) have recently been choosing to certify, presumably because the demands of working in a university today seem to warrant it more than ever before. We think that the University of Toronto faculty and librarians, and UTFA as their representatives, should do our due diligence and consider what serves our membership best.

Over the decades since the Memorandum of Agreement (MoA) was first established in 1977, those active in UTFA's bargaining have become more and more conscious of the limitations of the MoA and the ways it prevents us from adequately defending and advancing the interests of faculty and librarians. But there are also reasons why some members do not want our faculty association to become a union. The UTFA leadership team definitely wants to address the problems and limitations of the Memorandum of Agreement, but we want to explore the different options for doing that.

In the first instance, we want to do what academics do best: study the question rigorously , gathering evidence and thinking through the arguments. We want to examine all of the options for fixing the MoA. This will include looking at the advantages and disadvantages of becoming a certified union, but will also include the advantages and disadvantages of trying to strengthen the MoA in other ways, or of pursuing some alternative beyond the MoA but short of certification. We will also study closely the lessons to be learned from the last set of intensive negotiations between UTFA and the Administration (2012 - 2014) in which UTFA sought to modernize and improve the MoA, what came to be known as the Special Joint Advisory Committee (SJAC) process.

Once we have gathered more information, we want to share it in an accessible way with everyone and have an open conversation among UTFA's members. We want to create an environment in which colleagues feel free to express different views, but everyone focuses on reasons and evidence.

Does the President decide if UTFA will certify (as suggested in one of the presidential campaigns)?

No. The UTFA President cannot make UTFA certify, nor can they prevent it. It is a decision that would be made by the membership as a whole.

If UTFA certified, would that disenfranchise retired members?

No, retirees will not be disenfranchised regardless of what UTFA does about certification. There has been some confusion and misinformation shared about this issue. Certification does not preclude retirees from having membership privileges in the union, including as Executive and Council members, and as members of committees and teams.

Under Ontario's Labour Relations Act, certain functions of a union are limited to the "bargaining unit," i.e., those currently employed, and so not retirees. So, for example, retirees who were no longer engaging in paid work, such as teaching on a stipend, would not be able to participate in a strike vote or in ratification votes for new collective agreements. However all retirees may be members of a union and may participate actively in most union decisions and activities, including serving as members of the bargaining team as well as other key committees.

It may be worth noting that under our current governance model, neither retirees nor most active

members decide whether or not to accept a proposed agreement that emerges from UTFA's bargaining with the administration. Only UTFA Council plays that role. This points again to the importance of understanding how things work now and our options for improving current arrangements.

So what's next?

As professors and librarians, we investigate problems and we undertake experiments to enhance knowledge. We also learn from our peers, debate explanations, and explore alternative practices before we mobilize knowledge. We will apply all these well-worn methods of investigation – and the enormous intellectual and creative power of our members and colleagues across Canada – to best solve the problems within our MoA. Here are our steps:

STEP 1. 'The Experiment'

As explained in recent UTFA bargaining updates, in the current round of bargaining we've explored how to encourage the Administration to voluntarily engage with us in good faith bargaining. We asked them to demonstrate by their actions, not just their words, real improvements to our bargaining and dispute resolution systems under the MoA. (These shortcomings, and what is needed to rectify them, are detailed in our 2022-2023 Annual Newsletter.) While we have made some minor progress this academic year, the experiment has also confirmed the limits of the current MoA for moving members' interests forward.

STEP 2. 'The Study'

Given the results of step 1, we intend to initiate a study of what is needed to improve the MoA. We want to enlist experts in the field to undertake an empirical investigation of the approaches used by peer institutions' Faculty Associations (both unionized and non-unionized associations). The study will produce a report that will be circulated to the membership for step 3.

STEP 3. 'Dialogue & Debate'

With the report produced in step 2 as a resource, we will initiate a period of dialogue and debate with the membership. This will involve a process of learning and exchanging ideas through panel discussions, town halls, and smaller meetings, such as focus groups.

Source URL (modified on Apr 16 2024):https://www.utfa.org/content/certification-faq-progress