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

Report of the Vice-President, Salary, Benefits, Pensions and Workload, 2023-2024

April 19, 2024

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Update on the Current Round of Bargaining for Salary, Benefits, and Workload

We are currently bargaining for the July 1, 2023, to June 30, 2024, period, but an Agreement may be reached for a longer term.

Starting last fall, your Negotiating Team has been presenting to the senior Administration a slate of detailed proposals and items for discussion that address the issues you have told us are shared priorities. Our proposals were shaped by our in-depth consultation with our membership including the bargaining survey over 1,200 UTFA members completed last fall, as well as our research into sectoral norms, patterns, and leading practices. We have shared these priorities with you at Town Halls over the previous few months.

The University "continues to be in a strong financial position" (reporting an annual net revenue of $551 million). Consistent with the bargaining mandate UTFA Council approved, our initial set of proposals includes the following key items below. (These evolve in response to Administration positions and counter-proposals over the course of negotiations.)

A. **Compensation**

ATB - Our proposal builds on our recent Across the Board (ATB) increase and negotiate increases that are fair and reasonable in light of the unparalleled professional expectations we face, our worldwide recognized excellence, the high cost of housing, trends in the sector, and the need to catch up to and surpass inflation.

Progress-through-the ranks (PTR) - We proposed: To automatically increase PTR breakpoints and per-person increments by the previous year's ATB for each year of the Agreement and thereafter; to

restore the value of the total PTR pool to address the historical decline in PTR funding relative to our the total amount of salaries paid to UTFA members (as it was designed to be 3% of the total salary mass but has declined to approximately 1.7%) as well as U of T's decline in PTR value relative to peer institutions; and that PTR be administered in two components: (i) 100% of PTR funds based on July 1, 2023 pools allocated through the normal merit-based model already in place, and (ii) a new pool of PTR funds, equivalent to 1.3% of the UTFA salary mass, to be allocated on the basis of career progress. We also proposed to increase fairness and transparency for the current 5% Super Merit Award (Dean's or Chief Librarian's merit award) by introducing criteria to reward extraordinary academic or professional achievement, including non-traditional accomplishments, e.g., extraordinary community-based research and Indigenous community building.

B. **Benefits**

Housing - We proposed to develop a joint comprehensive, multi-year, faculty and librarian housing strategy to address affordability requirements, access to family-sized units, and ensure that funds are transparently and equitably distributed.

Child Care Benefit, Tuition Waiver, Librarian Research Days - We proposed to improve both the terms and the funding.

Health benefits - We proposed to improve health benefits for active and retired members while maintaining equal access to improvements for both groups.

Other benefits - We proposed to provide retirees access to Microsoft 365, PERA improvements, to fund leaves, including Elder Care, Compassionate Care (including Bereavement), Maternity, Parental, and Adoption leaves, centrally rather than at the unit level.

C. **Workload**

We proposed to tackle the significant, growing, systemic, and persistent workload challenges by introducing a collaborative and evidence-based workplace study between the Administration and UTFA with the goal of jointly producing knowledge and action. It is important to note that the Administration refused to acknowledge that there is a substantial gap between the principles that are supposed to guide the assignment of workload in the Workload Policy and Procedures (WLPP) and the way in which workload is actually assigned at the local level. As the President notes in her Report, above, referencing Eli Gedalof in his recent arbitration award, the MoA and the WLPP, in their current form, are ill-equipped to meaningfully address overwork and workload inequities. Our members deserve better.

D. **Members' Rights**

Precarious employment and grievance rights - We proposed to increase grievance rights and job security for part-time members, providing a path to full-time continuing status (instead of the current continuing appointment which lacks job security).

Student Evaluation of Teaching/Student Course Evaluation (SETs/SCEs) - We proposed to ensure members have full and sole control over the results of any SETs/SCEs, and full discretion to decide whether to use the results in Administration evaluation processes (e.g., PTR, promotion).

Central Health and Safety Committee (CHSC) - We proposed that the Administration agree that the

CHSC is subject to the legislative requirements of the Occupational Health and Safety Act and has the status and powers of a Joint Health and Safety Committee (JHSC) under the law.

E. **Bargaining and dispute resolution**

Bargaining framework - We proposed to improve our bargaining framework and labour relations with the Administration where the parties voluntarily agree to act in a manner enjoyed by the vast majority of other Faculty Associations in the sector. This includes: the parties agreeing to negotiate in good faith to reach an agreement, with expedited arbitration available to resolve disputes about whether parties have complied with such obligations; proceeding to expedited mediation/arbitration to settle major grievances and bargaining disputes before professional arbitrators; freezing all terms and conditions of employment until a renewal agreement is reached between the parties; and have the Administration voluntarily repudiate their right in the MoA to unilaterally overturn the decision of a Dispute Resolution Panel (DRP).

Progress so far

So far, progress on key issues has been very slow or even non-existent. Nevertheless, we have made some progress in discussions on PTR, housing, and retiree access to software. Although it is unlikely that we reach agreement on all matters by June 30, 2024, the Administration offered that PTR be paid in July based on July 1, 2023 PTR pool amounts subject to any additional ATB increase agreed to or awarded. UTFA tentatively accepted this proposal with minor modifications and is awaiting final confirmation from the Administration.

Housing In 2020, the Administration canceled the Faculty & Staff Housing Loan Program, unilaterally and without instituting a new program in its stead. Since then, the Administration repeatedly promised that they were working on a replacement but refused to provide any details or timelines. We kept pushing and, finally, the Administration announced a new Faculty & Librarian Housing Loan Program. While UTFA welcomes the new program, it does not and cannot provide serious relief to the housing affordability problem. We are disappointed that the Administration rejected our proposal to establish a joint housing task force to develop a comprehensive housing strategy for UTFA members.

Retiree access to software As stated in the Report of the Chair of the Retired Members Committee, in the summer of 2022, the Administration announced, without prior warning or consultation, that retirees would no longer have access to Microsoft 365, except for those who were actively engaged with the University (a status that needs to be determined individually, at the unit level, and without clear criteria). Despite insisting that software is only a tool of work and not a benefit and initially rejecting UTFA's proposal to provide retirees the same access to all programs that active members have, the Administration recently proposed to cover the cost of a one-time purchase of a personal Microsoft Office package with a perpetual license for one computer for all retirees, while maintaining free access to Microsoft 365 to those who remain active. We are currently consulting with retirees about the details of this proposal before formulating our response.

The Administration's Refusal to Engage in Collegial Governance and Enforceable Good Faith Bargaining Diminishes our Power to Gain Improvements

Collegial governance forms a central principle in the mission of our University (and one that our Administration purports to be committed to). In practice, however, a generous description of the U of T senior Administration's vision of collegial governance appears to be 'The Administration governs; we collegially oblige.'

UTFA has long pushed back against this formulation, but as we have outlined in our previous Annual Newsletter, the tools we have for doing so under the current Memorandum of Agreement (MoA) are few and blunt. The consequences of this one-sided governance are felt most acutely when the UTFA Negotiating Team seeks to bargain real improvements in priority areas for our members, including workload, housing, and job security, but cannot do so when faced with the Administration's fundamental non-cooperation at the bargaining table.

Despite our best efforts and a deeply thoughtful and committed Team, we routinely come up against the Administration's resistance to any meaningfully collegial or collaborative governance. For example, before negotiations in the current round of bargaining began, the Administration invited us to commence "discussions regarding a framework for negotiating revisions" to the MoA between the Administration and UTFA. Having heard our members' desires for significant reform to our bargaining and dispute resolution systems, the Administration offered a half-hearted option to have closed-door confidential discussions to discuss a process for discussing the Memorandum of Agreement (MoA). This invitation would thus entangle us in years of *slow-moving negotiations with no clear objective or timeline*, where we would not be able to meaningfully consult with our members about the content of any of these discussions or hold the Administration accountable for their positions or behaviour.

UTFA's response? We proposed an approach that almost all Faculty Associations in Canada enjoy, wherein the terms and boundaries of the conversation about the relationship between the Association and the Administration itself could be subject to negotiation. Specifically, we:

1. insisted that it was important for UTFA members to know and inform what was happening in bargaining, and so our conversations with the Administration would not be confidential;

2. proposed specific terms to ensure our negotiations would happen in good faith (including expedited enforcement mechanisms); and

3. proposed all terms of employment and other labour relations issues be subject to negotiations under one modern track that would include professional arbitration if the parties could not reach agreement themselves.

Experiment to Govern Collegially

Rather than rebuff the Administration's offer to reform the MoA, we invited the Administration to join an experiment: to explore, on an ad hoc basis during this round of bargaining, a more effective collegial relationship with UTFA members through our Association. We asked them to show us that the current MoA could support true collegiality and fulfil conditions that we laid out in last year's AGM newsletter, here, (and virtually all other Faculty Associations in the sector and all other unions at the U of T already enjoy) or whether it was finally time to go in another direction.

More specifically, our experiment included two elements. First, we proposed that UTFA and the Administration agree to a set of good-faith bargaining principles that would apply to our current round of bargaining.

Second, we invited the Administration to participate in a joint study of our workload problem. Specifically,

we proposed to actively gather data from our own institution and best practices in Canadian research-intensive universities and the broader post-secondary sector, and being the committed scholars that we are, work and solve the problem through action-oriented research in a collaborative and evidence-based manner.

So far, this experiment has taught us much but yielded little.

Uncollegial Responses from the Administration and the Problem of 'Surface Bargaining'

As we laboured to find common ground with the Administration, our Team had varied expectations, but none of us anticipated the uncollegial behaviour we witnessed from our counterparts.

While your Negotiating Team consistently showed up well prepared, having set aside the agreed time for discussion, the Administration too often withheld vital information that we are entitled to receive, or showed up at the table unprepared or without appropriate decision-makers, or scheduled other events and meetings during time jointly set aside for bargaining - **thus failing to comply with the duty to bargain in good faith.** Not only does this behaviour hamper the ability of UTFA's Negotiating Team to do its job of representing your interests and needs, but these tactics also show disrespect for UTFA members and their representatives. **In a sense, these are highlights of a failing experiment**.

The joint study and repair of a broken workload policy have stalled. The Administration repeatedly and vociferously denied that such a thing as a 'workload problem' exists and then insisted that the study could only investigate the distribution of workload among members in the same units and not questions related to the overall volume of work, or causes and solutions to workload problems we know to be widespread and significant. Eventually, after many hours of discussions and the exchange of many proposals and counter-proposals on the "good faith bargaining principles" and when the workload study did not produce any meaningful progress, we decided to withdraw them after concluding that the negotiations were not productive. While the experiment did not produce the results we hoped for, it nonetheless taught us a lot about the limits of the current framework.

Once again, the Administration refuses to engage in collegial labour relations and "surface bargains" with UTFA. They have repeatedly expressed their desire to forgo collegial dialogue on the broader range and substance of our proposals and to move as quickly as possible to formal mediation/arbitration (on what is inevitably a small subset of our members' top priorities that excludes items such as job security for part-time members and changes to the use of student evaluations of teaching (SETs), given the multiple tracks within which we bargain) where the Administration stands to gain more by perpetuating the status quo, using the limitations of our MoA to their advantage.

And yet, even as the experiment teaches us painful lessons about the hard limitations of the status quo, **we have achieved some things of significance that will allow us to advocate more effectively on your behalf**. We have been consistently asserting our collective rights as faculty and librarians by not tolerating uncollegial and bad faith behaviour. One example: when the Administration refused to provide UTFA information disclosures to which we are entitled (e.g., on health benefits, levels of TA support available to faculty, and details about significant interest-free loans for housing), we had to seek an order for production from an arbitrator.

The process was time-consuming and expensive but, at the end of the day, Arbitrator Gedalof's award was a significant win for the Association. (See also the Report of the President, above, for more on this win for UTFA.) Months after we began requesting key documents, on December 14th the Arbitrator

directed the Senior Administration to provide all relevant information to the Association. Yet once again, the Administration is behaving uncooperatively and uncollegially and many months later, we have yet to receive all the information or even a timeline for the sharing of key documents. If necessary, the Association will once again exercise our right to return to Arbitrator Gedalof to ensure that the Administration complies with his directive.

Our insistence on meaningful collegiality – a demand that our members have repeatedly communicated to us is a necessity and priority – is itself a significant reorientation. In establishing baselines for respectful relations and shared governance with the Administration, we also insist that our right to such conditions must be honoured, even if it requires a more substantial reorganization of governance beyond the MoA. And if this ailing experiment to voluntarily engage in good faith bargaining enters a palliative state, we can explore alternative arrangements like union certification, rigorously examining the experiences of our colleagues on other campuses, for instance, the recent certification of McGill's Faculty of Law and Faculty of Education and the Faculty of Arts.

Acknowledgments

Thank you to my colleagues on the Negotiating Team and the staff who support our bargaining efforts. I would also like to acknowledge the work of the Salary, Benefits, Pensions, and Workload Committee.

Source URL (modified on Apr 24 2026):https://www.utfa.org/content/report-vice-president-salary-benefits-pensions-and-workload-2023-2024