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Report of the Vice-President, Grievances, 2023-2024

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Individual and Group Advice Inquiries from Members

Members regularly reach out to UTFA (via advice@utfa.org) with academic workplace-related questions and concerns, and our legal and advice staff, political officers, and external counsel regularly provide advice and support related to a wide range of issues. The most prevalent subject, by far, brought to the team by our members this year was compensation, due in part to errors in and confusion about the Administration's application and implementation of the significant salary increase UTFA won for its members at arbitration in September 2023. Beyond this unusually-outsized issue, the other most predominant subjects our members came to UTFA to discuss this year were workload, PTR (the annual merit-pay evaluation), appointments, leaves, and department issues.

Most of the time, our team provides advice and guidance to support the member's own efforts to resolve issues informally — no one even needs to know UTFA's legal and advice team is providing help if a member doesn't want that to be known. This kind of behind-the-scenes work might involve anything from sharing and interpreting the relevant policy language to reviewing or ghostwriting a message to a Chair, Director, Principal, or supervisor. If the issues are much more serious (an investigation, a dismissal) or would simply benefit from more formal involvement, an UTFA representative can attend meetings with members, help members prepare for the meetings, draft and present grievances, and more.

Please allow me to directly and strongly encourage you to reach out to UTFA (via advice@utfa.org) if you have any questions or concerns about your work at the University of Toronto. Even if you decide not to do anything at all about the issue you are facing after speaking with someone on our legal and advice team, letting UTFA know about the issue is still important: it may help us better understand and find other ways to address systemic problems before they become intractable.

There's another, essential reason for members to come to UTFA with concerns and, when appropriate, to take the formal step of filing a grievance. That reason can be best explained with

an example: in every negotiation cycle with the Administration in recent memory, UTFA has put forward proposals to improve our members' workloads… and in every cycle, the Administration refuses to accept or even engage with our proposals, saying they do not see workload as a problem. UTFA then takes its workload proposals to an arbitrator, and each time, the arbitrator says that they do not see the "demonstrated need" necessary to award changes to workload or workload policies. The arbitrators invariably point to a lack of workload-related grievances: grievances are powerful evidence of "demonstrated need." So, if you wonder why UTFA hasn't done more to address workloads that many of our members describe as "crushing," this is a primary reason: **UTFA needs a specific kind of evidence from the membership – individual and group grievances – to illustrate that workload is indeed a problem**. Even when we have a larger, university-wide Association Grievance filed (as we do with workload), it is essential to have individual and group grievances that show the impact of the larger policy problems. You will hear from me again about this, but for now I will just encourage you to reach out to advice@utfa.org with any questions or concerns (about workload or other matters) as soon as you become aware of the issue.

Association Grievances

When problems arise that go beyond an individual or small group concern (for example, when there has been a breach of policy and or of the Memorandum of Agreement (MoA) that affects many, most, or all UTFA members), and after efforts to resolve the issue informally are unsuccessful, UTFA may choose to file an Association Grievance (often called a "policy grievance" in other contexts). Three have been filed this past year, one of which has been successfully resolved.

There are currently thirteen (13) active (unresolved) Association Grievances. Some are several years old. As of the time of this writing, the Administration has failed to provide written responses to almost half of them, despite our Memorandum of Agreement (MoA) requiring a written response and despite our bringing the outstanding responses to the Administration's attention in writing and at Joint Committee meetings. The lack of responses makes UTFA's work representing its members that much more difficult: UTFA may know some, but not all, of the Administration's reservations or reasons for what UTFA sees as policy violations, which means we are working somewhat in the dark. We cannot work towards collegial solutions with the Administration without fully understanding their point of view, and we are limited to pursuing arbitration without having all of the information we need — arbitration that is extremely expensive for cases that can take years to be heard and resolved, especially when the Administration places new and unreasonable barriers to arbitration in our way (see the "Grievance Review Panel (GRP)" section of my previous Annual report).

There are other reasons we have so many unresolved Association Grievances. For example, the Administration has so far resisted UTFA's efforts to replace our inefficient Grievance Review Panel (GRP) model, even though the University of Toronto is the only higher education institution in Ontario with this kind of system. For years (including again this year), UTFA has requested a change away from this system toward a rotating list of sole professional arbitrators so that cases can be heard much more expeditiously; for years, the Administration has rebuffed our requests. The other major reason for the high number of unresolved grievances is the lack of enforceable dispute resolution mechanisms in our MoA; this means that we are severely limited in our ability to resolve issues before they get to the Association Grievance stage.

Despite these challenges, UTFA can proudly proclaim **a major success: UTFA and the Administration resolved an important Association Grievance earlier this month**. The settlement agreement

requires the Administration to, among other things, remove the extra criteria and conditions that they had added to the approval process for research-related grant applications and research agreements submitted by Teaching Stream faculty members and librarians. It was UTFA's position that these conditions were improper — that adding them had the effect of placing greater restrictions on the academic freedom of these members — and thus they were discriminatory and in violation of Articles 5 and 9 of the MoA. **While the benefit of this grievance resolution will be most directly felt by Teaching Stream faculty and librarians, we can celebrate the outcome as an important affirmation of the equal academic freedom rights of all UTFA members**.

Acknowledgements

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This challenging work would be impossible without the combined, tireless efforts of these outstanding individuals.

I want to give special and particular thanks to Terezia Zorić, Nellie De Lorenzi, and Jess Martin, with whom I work most closely. They spur me on, hold me back when necessary, keep me going, and make all of us at UTFA and all our work on behalf of UTFA members better.

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