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Report of the Vice-President, Grievances, 2024-2025

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Responding to Members' Concerns

At its heart, the purpose of the Legal and Advice portfolio is to advise UTFA members on matters related to their employment relationship with the University. Our team of staff representatives and internal and external counsel provides advice and support to members about a wide variety of issues every year, such as tenure/continuing status/continuing appointment/permanent status reviews, progress through the ranks (PTR), workload, health and safety, human rights, accommodation, and leaves of absence. We also take proactive measures to advocate for improvements, including via discussions at Joint Committee meetings with the senior Administration and participation in collective bargaining.

We encourage members with employment-related questions and concerns to contact advice@utfa.org for confidential advice and assistance. We can assist you on a confidential basis behind the scenes or we can assist you on a formal basis where UTFA can represent you with the Administration.

What were we up to this last year? Our Legal and Advice team experienced one of our busiest years ever! We saw a significant growth in member matters and a sharp increase in the filing of individual, group, and Association grievances. The dominant subjects of member matters this past year involved appointments (including promotion and rank changes), compensation and benefits (including PTR/merit evaluation concerns), workload, accommodations (including sick leave), and interpersonal/departmental issues. This breakdown is similar to what we have seen in recent years.

What is notably different this year is the marked increase in the number of members requesting support related to workplace investigations, and the appalling number of unreasonable practices and violations of members' right to procedural fairness that UTFA needed to respond to. These concerns ultimately required us to file an Association grievance to begin to bring the Administration into compliance with the University's legal obligations under the *Ontario Human Rights Code*, the *Occupational Health and Safety Act,* the MoA, and the Administration's own policies.

Over the last year, the Legal and Advice team also dealt with growing concerns raised related to academic freedom. These concerns included instances of the Administration inappropriately imposing pedagogical changes, unilaterally changing grades, refusing to approve research funding applications and research days/leaves based on the proposed research topic, and improperly chilling the political speech of faculty and librarians.

Workload, and the Importance of Workload Grievances

As is noted in the Report of the Interim VP, SBPW and in our arbitration brief, UTFA has received a mandate from our membership to make significant workload improvements since 2011, when workload first became a term and condition of employment subject to negotiation and arbitration. Members have consistently prioritized workload as a top priority and policy consideration.

Our members have long-standing and serious concerns about their heavy and ever-expanding workloads, and they rightly expect UTFA's Team to negotiate meaningful workload improvements and protections, but the Administration adamantly refuses to negotiate workload improvements. UTFA then brings the issue to binding arbitration, and the arbitrator awards little or nothing related to workload and says that the parties should negotiate. And round and round it goes.

The key principles an interest arbitrator considers in issuing an award are replication, gradualism, and demonstrated need. *Replication* aims to replicate the settlement the parties would have reached if the dispute had reached its natural conclusion. The arbitrator considers comparators, bargaining history, and economic/market conditions. *Gradualism* reflects the reality that collective bargaining between parties occurs on a continuum and often achieves gradual change, rather than drastic change. *Demonstrated need* requires the party seeking a 'breakthrough' item to establish the need for a change that would not come about through gradualism, such as via grievances. Filing workload grievances when workload violations arise is one way in which UTFA can establish a pressing need for change.

In each prior negotiation cycle, the arbitrator has said that they do not see the "demonstrated need" necessary to award important workload changes and has pointed to a lack of workload-related grievances that would illustrate this demonstrated need. Since September 2023 (the last time an arbitrator wrote this), UTFA and its members have filed 10 workload-related grievances alleging multiple violations of the MoA and the central workload policy (WLPP), including three alleging that the Administration was interfering with what is required to be the independent, collegial work of Unit Workload Committees. (In these cases, the Administration sometimes rewrote units' policies and failed to provide the required "written reasons" for the rejection of these policies; in some of these cases, they improperly denied teaching load changes to Teaching Stream faculty.) Of great concern to UTFA is that the Administration explicitly says this is far too few grievances to show demonstrated need. To increase UTFA's leverage to address workloads that many members have described as "crushing," the specific kind of evidence that will continue to be necessary to convince the arbitrator is *bona fide* individual and group grievances. A lot of them.

To that end, please reach out to advice@utfa.org with any questions or concerns as soon as you become aware of a workload issue. This could be when you receive your workload letter, when your unit's Workload Policy proposal is rejected, when the independence of Unit Workload Committees is interfered with, or when new expectations or changes in compensation for that work are communicated to you.

Balancing the three components of the academic appointment – teaching/research & scholarship/service for faculty, and professional practice/scholarship/service for librarians – is a major challenge for our members, given the heavy and competing workload demands placed upon them. This lack of balance too often leads to a decline in both work-life balance and educational quality. UTFA members regularly report that they are being pulled in multiple directions without clear boundaries regarding the balance of their competing workload responsibilities.

To address this issue in this round of bargaining, UTFA's Team proposed improved transparency around workload expectations via a clear articulation of the core duties of faculty members and librarians in unit workload policies and in individual workload assignments. Our simple and incremental proposal requires Unit Workload Committees to ***state*** the balance amongst the three principal components of a members activities: teaching, research, and service. This is not an onerous burden for Unit Workload Committees, as they are already required to ***determine*** this balance under the Workload Policy and Procedures for Faculty and Librarians (WLPP). By seeing the balance clearly stated, members can better understand the relative weight of their workload assignments, the workload assignments of other members in their unit, and the workload assignments across cognate departments and faculties. This transparency will also help members to address their ongoing and longstanding concerns, such as excessive workloads, inequitable service or teaching loads, and overall unequal distributions of work.

Association Grievances

In any given year, UTFA would file very few Association grievances (complaints about breaches of the MoA or policies that relate to the Association or affect a large number of UTFA members). This academic year (2024-2025), however, a record number of 10 new Association (policy) grievances were filed, about a range of important issues for which UTFA needed to take a principled stand. The issues included serious violations of procedural fairness in workplace investigations (see the Report of the President) and discriminatory exclusions of Teaching Stream faculty from certain positions and memberships (see the Report of the Chair of the Teaching Stream Committee).

In one case, an Association grievance became necessary after the Administration took over a year to only partially address salary calculation errors for part-time members who took research and study leave after having varying full-time equivalent (FTE) percentages in the years leading up to the leave. UTFA was concerned that this important issue was not being treated with the seriousness and sense of urgency it deserved, especially as **it impacts vulnerable members and results in some of the University's lowest-paid faculty being paid even less.** This grievance has been referred to an arbitrator for resolution.

While we strive to resolve grievances collegially with the Administration, a record number of grievances (such as the ones mentioned above) have also been referred to a third-party arbitrator this year because they could not be resolved any other way.

"Know Your Rights" Communications

While the Legal & Advice team is available to provide advice and support (especially, but not only, when members are facing consequential difficulties), the Grievance Committee is working hard to develop outreach and educational materials so that members have a better understanding of their rights before

needing to reach out to advice@utfa.org. The Committee is set to launch the first in a series of “Know Your Rights” communiques. We are launching the series with a focus on what a member can do when they are called to a meeting with an Administrator to discuss a concern. This issue was chosen as the priority for the first communication in response to a pattern of troubling meetings called by the Administration that could have a chilling effect on our members’ academic freedom.

The second “Know Your Rights” document will focus on issues related to requesting workplace accommodations due to a medical condition or disability, followed soon after by one focused on Progress Through the Ranks (PTR), the part of salary increases that is related to merit. A longer-term goal is to develop workload-related resources, including materials that can support the independent work of Unit Workload Committees. Workload remains a significant challenge for many UTFA members, and because the Administration continues to block UTFA’s every attempt to address workload problems university-wide during bargaining, we must instead ensure members fully appreciate the power that they hold and can wield at the unit level.

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