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Changing Workplaces Consultation – Submission of the University of Toronto Faculty Association

October 15, 2015

Introduction

1. The University of Toronto Faculty Association represents approximately 3,500 currently employed and retired faculty and librarians at the University of Toronto and the University of St Michael's College.
2. The University of Toronto is the largest university in Canada, with more than 84,000 students learning in thirteen divisions spread across three campuses. UTFA represents approximately 2,700 members of the teaching staff who deliver courses in dozens of degree- granting programs at the undergraduate and graduate levels, and approximately 140 academic librarians who staff one of the premier research library systems in North America.
3. The academic ranks that comprise the UTFA membership are as follows:

- Professors and librarians appointed to the tenure and continuing tracks and
- Professors and librarians appointed on term contracts that can range from one to five years, although the typical range is one to three years. Term contracts may be full-time or part-time, and at UTFA we have seen contracts made at full-time equivalencies as low as 10%. Individuals hired to teach on a per-course basis are members of CUPE Local 3902.

4. The Special Advisors have previously heard Professor Kate Lawson on behalf of the Ontario Confederation of University Faculty Associations (OCUFA), speak about the rise of precarious academic labour in Ontario universities. Professor Lawson described how highly qualified teachers and researchers holding advanced degrees become stuck in a cycle of limited term contracts often made on short notice and frequently subject to terms and conditions of employment far less desirable than those enjoyed by colleagues with the same qualifications who teach the same students in the same program. She described the stress, uncertainty and anxiety that this precariousness creates. We endorse OCUFA's submissions and the recommendations OCUFA posed for legislative change.

5. Today we wish to add to that analysis with our comment on two additional issues:

- Precarious employment as a threat to academic freedom and the quality of education in Ontario universities and
- The intersection between precarious employment and human rights

Precarious Employment as a Threat to Academic Freedom and the Quality of Education in Ontario Universities

6. We acknowledge that academic freedom is an issue distinct to the world of academic employment. However, we suggest that academic freedom is not merely a matter of importance to those in the 'ivory tower' of academia, but is a critical matter of importance for the advancement of knowledge generally.
7. In *McKinney v. University of Guelph*, the Supreme Court of Canada acknowledged as much. In that case, the Court described academic freedom as "necessary to our continuance as a lively democracy"; and the preservation of academic freedom as "an objective of pressing and compelling importance." Moreover, the Court correctly made the connection between job security and academic freedom when it noted that "(t)enure provides the necessary academic freedom to allow for free and fearless search for knowledge and the propagation of ideas." The full exercise of academic freedom depends on the job security provided by tenure, continuing or permanent status.
8. The thousands of academic workers across this province who lack employment security lack the conditions in which the exercise of academic freedom is possible. These highly skilled academics often must teach extraordinarily high course loads, sometimes without any time designated for research activity. Not only do those individuals experience the stress and anxiety Professor Lawson and others have described, but as a province, we all stand to lose out on the contributions and the advancement of knowledge that individuals who fear for their jobs could be making. If the current proliferation of precarious academic labour is not stemmed, the advancement of knowledge will be.
9. We know that faculty members who teach on contracts and teach part-time earn less than their full-time regularized colleagues. We are also certain, based on what we see as a Faculty Association, that insecure academics typically work well in excess of the FTEs for which they are paid. For example:

- We have heard from faculty members who are on renewable contracts who have been assigned course loads higher than would be the appropriately pro-rated load. However, despite our urging, these faculty members have declined to file grievances, as the renewals of their contracts are entirely at the discretion of the academic administrators who assign their courses.
- We have also met faculty members who, as contract faculty, teach high loads but must continue to carry out research and other scholarly activity (for which they are given no designated time or recognition in their workload assignments) in order to remain competitive in the academic job market. This is the same research and scholarly activity that their full time colleagues carry out as a normal part of their academic jobs.

10. Furthermore, at the University of Toronto, our contract and part-time members are often denied access to research grants and other institutional supports for research and scholarly activities. This combination of disproportionately heavy teaching loads and exclusion from research time and scholarship negatively affects the quality of education in our province's universities. It also systematically disadvantages a young generation of scholars for whom access to the pursuit of

research and publishing is scarce or impossible. This untapped potential of Ontario academics ought to be protected through legislation that discourages the proliferation of contingent academic appointments.

The Intersection Between Precarious Employment and Human Rights

11. We acknowledge that amendments to the Ontario Human Rights Code fall outside of the terms of reference of this review. However, in the guide to these consultations, you ask what values should inform your analysis and recommendations. **We urge you to consider the values of equity, inclusion and accessibility as you consider all you have heard in the course of this consultation.**
12. As noted, the University of Toronto is the largest university in the country and is situated in one of the country's most diverse cities in Canada. It is our view that the university as a whole, including members of the academic staff, should reflect the diversity we live and work in.
13. Tenure, continuing and permanent stream appointments at the University of Toronto are made only at 100% FTE. In other words, individuals who are able to work only part-time, due to, for example, disability or family status under the *Human Rights Code*, are ineligible even to apply for the secure tenured/continuing/permanent positions that provide true academic freedom, along with the other benefits of regularized employment.

RECOMMENDATION: We call upon the province to make the amendments necessary to ensure that individuals who teach on contract or teach part-time are compensated fairly in relation to more secure and/or full-time colleagues, that contract and part-time faculty do not face less favourable treatment compared to their full-time colleagues, and that systemic efforts be directed toward better recognizing and rewarding teaching in our provincial higher education system.

We also support minimum standards that require equitable access to pension and benefit programs regardless of a worker's classification to help part-time and contract faculty obtain access to pensions and benefits.

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