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UTFA Detailed Report on SBPW Negotiations, July 1, 2018 - June 30, 2020

July 27, 2020

In this long and complex round of bargaining UTFA brought forward a number of monetary proposals (for salary and benefits) as well as policy proposals to remedy long-standing concerns related to the Workload Policy and Procedures (WLPP) and the PTR process. It has long been UTFA's view that workload and PTR policies, in their current form, are inadequate to ensure **fair, reasonable, and equitable distributions of workload for** faculty and librarians at U of T.

A settlement of UTFA's financial proposals, in which UTFA made modest gains consistent with sectoral norms, was achieved on April 25, 2018. However, a discussion continued with the assistance of Mr. William Kaplan on UTFA's proposals to amend the WLPP and aspects of the Academic Administrative Procedures Manual relating to the PTR process.

Gains through Mediation

A number of gains were made through mediation on UTFA's WLPP and PTR proposals. For example, the parties agreed to amend the WLPP to:

- limit the teaching load of CLTAs to no more than that of a comparably situated member in the same continuing track (i.e. Tenure Stream or Teaching Stream), with analogous protections for Librarian CLTAs;
- ensure that level and/or hours of TA support be considered in assessing the teaching components of workload; and
- make clear that the role of the Dean is only to *advise* unit workload committees on the interpretation of the WLPP and to provide them with information; the role of the Unit Workload Committee is to conduct the "independent development or review" of the Unit Workload Policy.

The parties also agreed to amend the PTR instructions in the AAPM to:

- Clarify that part-time and contract faculty and librarians whose appointments are being renewed or reappointed are entitled to ATB or PTR increases;
- Ensure that unit heads communicate clearly the procedure to be followed for the evaluation of PTR in writing, and the basis for evaluation with respect to each component of a member's appointment when PTR is awarded (i.e., the criteria used for evaluation, or points or a scale where used);
- ensure that members who are on sick leave or in receipt of LTD benefits, or who are on compassionate care leave, will not be professionally disadvantaged in the assessment of PTR (similar to members who take maternity/parental leave); and
- include new provisions specific to librarian PTR assessments and annual activity reports.

The parties were unable to agree on several of UTFA's key proposals, however. As a result, these issues were referred to Arbitrator Kaplan for an interest arbitration decision.

Interest Arbitration

UTFA's submissions focused on the excessively heavy and inequitable workload reported by its members—particularly those in more precarious appointments, as well as women, racialized and Indigenous members—as well as the lack of transparency in workload. These proposals arose in response to the persistent plea from a large number of UTFA members, from all three streams, and from contract and part-time faculty, to manage an overwhelmingly heavy workload.

UTFA also sought to gain more meaningful protection of time for scholarship for Teaching Stream faculty.

Mr. Kaplan rendered his decision on June 29, 2020.

PTR:

- UTFA successfully convinced Kaplan that the AAPM must be amended to ensure that the PTR system values all three components of a Teaching Stream appointment: teaching, scholarship, and service"

This is an important win, which will guarantee that Teaching Stream faculty members receive credit through the PTR system for the scholarly work that they are required to do.

Workload Policy and Procedures (WLPP):

- In 2011, the parties agreed to implement the WLPP, which guarantees the **fair, reasonable, and equitable distribution** of workload. Unfortunately, it has long been apparent that the WLPP is not fully equipped to address UTFA members' workload concerns. Since 2008, surveys have consistently shown that many members are burdened with unreasonable and inequitable workloads—yet these problems have not been alleviated by the WLPP. Workload concerns are particularly acute for members with Teaching Stream appointments and Part-Time Appointments, as well as faculty members who identify as women, racialized, and/or Indigenous.
- As a result, to improve workload UTFA sought:
    - to introduce greater transparency in the distribution of effort/responsibilities so that members can more easily understand and compare their workloads; and
    - to clarify, and provide meaningful protection for, the right of Teaching Stream faculty to have "reasonable" time to conduct scholarship.

- For example, it was UTFA’s position that workload letters must specify the expected distribution of effort for each faculty member, depending on their stream (e.g. 40/40/20 in Tenure Stream or 60/20/20 in Teaching Stream). While the distribution of effort may vary depending on individual circumstances, UTFA's experience is that without defining the normative distribution of effort, faculty are often unable to challenge their inequitable and unreasonable workloads through the WLPP. **Notably, many other universities in Ontario have established written distribution of effort.**
- In his award, Arbitrator Kaplan acknowledged the importance of increased transparency in workload, “[p]articularly where it is asserted that workload distribution has a negative impact on members of equity-seeking groups”. He therefore ordered that where an individual member’s assignment is materially different from the unit’s workload norms, standards or ranges, the variation and the reason for it should be identified in the individual member’s written assignment of workload”.
- Arbitrator Kaplan also rejected UTFA's proposal to ensure that scholarship will account for no less than the service component of a teaching stream faculty member's workload. While the WLPP already establishes that teaching stream faculty are entitled to "reasonable time" for scholarship, UTFA's experience is that this protection is frequently ignored in some units, or that faculty members are unclear what "reasonable time" means. Unfortunately, Arbitrator Kaplan characterized this proposal as a "major" change, which could only be achieved with the voluntary agreement of the Administration.
- These decisions on workload are disappointing, because the arbitrator did not accept UTFA’s significant evidence from member surveys that workload norms are insufficiently clear, and that members need more information about what work can be reasonably be expected of them, and how their workload compares to others in their unit, in order to assess how to allocate their time and effort.

Limitations of the Current SBPW Negotiations Process

This decision also shows the inherent weakness of the interest arbitration system, in which arbitrators tend to only award very incremental changes. Given that UTFA is uncertified, it has only limited power to push the Administration to accept changes voluntarily. This is especially the case where, as here, the issues UTFA seeks to address are issues that largely affect UTFA’s more vulnerable members (e.g. part-time faculty, teaching-stream faculty).

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