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July 27, 2020

Updates on two rounds of Salary, Benefits, Pensions, and Workload (SBPW) negotiations between UTFA and the Administration: one recently concluded, the other ongoing.

2018–2020 SBPW Negotiations

In the last 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 is our view that workload and PTR policies, in their current form, are inadequate to address the serious and persistent problems of overwork and inequitable distribution of work affecting faculty and librarians.

[A settlement of UTFA's financial proposals, in which UTFA made modest gains](#) consistent with sector norms, was achieved on April 25, 2018. Following the settlement, mediated discussions continued on UTFA's proposals to amend the WLPP and the PTR process. Some gains were made. For example, the parties agreed to amend the WLPP to:

- limit the teaching load of CLTAs;
- add “level and/or hours of TA support” as a component of teaching workload; and
- clarify 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.

UTFA and the Administration also agreed to various amendments to the PTR instructions, including the following provisions:

- clarification that part-time and contract faculty and librarians who are renewed or reappointed are entitled to ATB or PTR increases;
- that Unit heads will provide clear written communication regarding the procedure to be followed for

the evaluation of PTR, and the basis for evaluating each component of a member's appointment (e.g., the criteria used for evaluation, or points or a scale where used);

- 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
- new provisions specific to librarian PTR assessments and annual activity reports.

Interest Arbitration

The parties were unable to agree on several of UTFA's key proposals. As a result, the outstanding issues were referred to Arbitrator Kaplan, who issued his decision on June 29, 2020. Although Mr. Kaplan awarded a change to guarantee that teaching stream faculty members receive credit for their scholarly work through the PTR system, he did not award most of the changes that UTFA had prioritized in relation to the WLPP. Mr. Kaplan cited the low number of formal workload complaints by our members as a basis for finding that there was no “demonstrated need” for major change. He failed to accept the need for significant improvements to the WLPP despite [an abundance of evidence presented by UTFA](#)—including consistent data from several large-scale surveys (conducted variously by UTFA and the Administration) over many years documenting the interconnected problems of overwork, inequity, and a lack of transparency in workload assignments. Mr. Kaplan did not acknowledge that many of our members feel too precarious or otherwise vulnerable to file formal workload complaints or grievances.

The lack of meaningful workload protections—more than a decade after UTFA first sought to negotiate a fair and equitable policy—highlights the inherent weakness of our current negotiations process. Arbitrators tend to award only very incremental changes, and given that UTFA is uncertified, it has only limited power to compel the Administration to agree to even much-needed improvements in key policy areas such as workload.

For a more detailed description of the 2018-2020 SBPW negotiations, [see here](#).

Current and Ongoing Negotiations

A new round of SBPW negotiations for the period beginning July 1, 2020, is now underway. Direct (bilateral) discussions between UTFA and the Administration commenced in May 2020.

The impact of the pandemic on nearly every dimension of our members' work—detailed in a record-breaking number of responses to UTFA's three recent member surveys—has meant that UTFA is seeking to address a series of urgent issues. These include (but are not limited to) efforts to:

- protect the health and safety of our members;
- streamline the accommodation process for members who have caregiving responsibilities and/or are at high risk of severe illness due to COVID-19;
- enhance job security for precarious members; and
- rein in excessive workloads.

UTFA attempted to negotiate a Letter of Understanding (LOU) with the Administration to address issues arising from COVID (similar to LOUs entered into by a number of universities and faculty associations), but the Administration rejected this approach. Instead, the Administration suggested dealing with UTFA members' concerns on a case-by-case basis—an approach which will be both inefficient and ineffective. As a result, the Administration has left us with little choice but to pursue an Association grievance that

focuses on health and safety and hybrid teaching.

Update on status of July 1, 2020, ATB

As stated above, UTFA is currently in negotiations. Any Across the Board (ATB) increases UTFA negotiates will be retroactive to July 1, 2020.

Pension offsets

As part of the process that brought us the University Pension Plan (UPP), UTFA negotiated ATB salary increases of 0.9%, effective July 1 in each of 2019 and 2020, on salary up to the Income Tax Act (ITA) maximum, which is just over \$170,000 in 2020. These salary increases offset pension contribution increases.

Update on status of July 1, 2020 PTR

July 1, 2020, PTR payments will also not be paid on time. This is for two reasons.

First, given the extraordinary impact of COVID-19 on faculty and librarians, UTFA and the Administration agreed to extend the deadline for submission of Annual Activity Reports by up to two months. We are told that this extension will prevent the Administration from implementing any PTR increases until the fall.

Second, there is a dispute between UTFA and the Administration about the appropriate quantum and methodology for determining PTR. It is UTFA's position that the July 1, 2020, PTR increments should be processed through the normative methodology, and that the quantum for these increases was agreed to as part of the April 25, 2018, Memorandum of Settlement as a 2% increase. For these reasons, we see no reason why July 1, 2020, PTR cannot be paid on time. However, the Administration does not agree, and has taken the position that the parties have not agreed to either the quantum or methodology for PTR. UTFA has sought the assistance of Arbitrator William Kaplan to resolve this dispute.

Finally, it is worth noting that the Administration's refusal to implement PTR for July 1, 2020, comes at a time when UTFA members have been called upon to make herculean efforts to assist the University's continued operation during the ongoing COVID19 pandemic—including the sudden and unexpected transition to remote-delivery work in the Winter 2020 Term. In UTFA's view, this refusal to compensate UTFA members for their performance during the 2019-20 year in a timely way, in addition to constituting a breach of the 2018 Settlement, devalues the extraordinary contributions of UTFA members and risks overshadowing the current round of bargaining.

The members of your 2020 SBPW bargaining team—Matthew Allen, Roy Gillis, Mary-Alice Guttman, Jun Nogami (VP-SBPW), David Roberts, Harriet Sonne de Torrens, and I—are working hard to represent the needs and concerns of our membership and to address your urgent issues. We recognize the exceptional burdens faculty and librarians are bearing. We will continue to update you on our progress in the coming days and weeks.

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