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Report of the Vice-President, Salary, Benefits, Pensions and Workload, 2019–2020

July 2, 2020

Since I last wrote to the membership, the UTFA teams I have led have been very busy in a range of policy-related negotiations with the Administration, and we have made significant progress on several long-term and equity-focused initiatives. New and serious issues have arisen due to the COVID-19 pandemic—including such as relate to members' health and safety; needs for accommodation; academic freedom; workload concerns; and, mode of course delivery. As of July 1, 2020, I will be tackling these issues as UTFA's incoming president.

Salary Discrimination
After working for more than three years to redress the salary discrimination experienced by our faculty and librarians on the basis of gender, racialization, Indigeneity, LGBTQ2S, and disability, UTFA achieved some measurable success for female-identified librarians and tenure-stream faculty. However, more work remains to be done to close significant, persistent, pervasive, and systemic pay gaps. In particular, UTFA has made vigorous efforts over many years to obtain data from the U of T administration to assess discrimination in compensation for members of all equity-seeking groups, including Indigenous, Black, and other racialized faculty and librarians.

In April 2019, the Administration announced a 1.3% increase only for female-identified tenure stream faculty. As I reported in UTFA's April 26, 2019, open letter, UTFA does not consider the 1.3% salary increase sufficient. Not only did the increase insufficiently redress the magnitude of salary discrimination experienced by women in the tenure stream, it also failed to address the salary discrimination experienced by all equity-seeking groups of librarians, teaching stream faculty, part-time faculty, and CLTAs, as well as all such groups besides women in the tenure stream. Further, the Administration's announcement did not offer solutions to the root causes of salary discrimination.

Between April and November of 2019, UTFA and the Administration engaged in a successful mediation of UTFA's salary discrimination grievance as it pertains to librarians. As a result, UTFA and the Administration agreed

- that all librarians who identify as women would receive a 3.9% salary increase;
- to periodically audit librarian salaries; and
- to establish a Joint Working Group regarding the effect of any systemic barriers, and unconscious or implicit bias, on librarian compensation, including PTR and rank at hire.

See our December 6, 2019, open letter for further details. UTFA has now named its Working Group nominees and begun to meet with the UTFA Librarians Committee to discuss compensation issues. Be on the lookout for ways to get involved in this important process.

UTFA has sought to litigate its Salary Discrimination Association grievance on its merits but has faced a series of procedural roadblocks raised by the Administration, including preliminary legal objections regarding the production and disclosure of documents that would illuminate the University's salary practices over time. (UTFA's November 5, 2019, open letter details the Administration's failed attempt to block our grievance by arguing that salary discrimination claims by UTFA members must be filed on an individual basis, or by a group of individuals, rather than by the UTFA.)

The Administration has thus far been unwilling to share salary data relating to any equity-seeking groups apart from women (i.e., those experiencing salary discrimination on the basis of racialization, Indigeneity, LGBTQ2S, and/or disability). UTFA attended a mediation on March 30, 2020, to press for the production and transfer to UTFA of this critical information. UTFA is currently seeking to negotiate a settlement to this dispute.

UTFA is also continuing to speak with small groups of faculty and librarians about their experiences with salary discrimination, including through a series of focus groups with female and racialized members I facilitated (or co-facilitated) over the past year. Please contact UTFA via advice@utfa.org if you wish to participate in a future focus group interview.

Pay Equity
UTFA is continuing to pursue an Association grievance to protect its members' rights under Ontario's Pay Equity Act (1990). This legislation has historically compared the compensation of Librarians and Tutors/Senior Tutors (early titles for the teaching stream) with the compensation of comparable male-dominated job classes (for example, Professional Engineering Officers).

UTFA staff, political officers, and Council representatives have been researching the evolution of job duties over the past 30 years. The Administration recently provided some relevant documentation, which we are analyzing in order to determine whether to continue to seek additional data through the grievance process.

Policy on Sexual Violence and Sexual Harassment
UTFA and the Administration have continued to meet and discuss UTFA's proposal for a Letter of Understanding (LOU) on the Policy on Sexual Violence and Sexual Harassment. While we have reached areas of agreement on some key issues, we remain at odds in relation to several others. UTFA may now choose to invoke the facilitation/fact-finding procedures set out in our Memorandum of Agreement (MOA). As UTFA's lead negotiator, I am thankful for the contributions of UTFA's team: Matthew Allen, Roy Gillis, and Azita H. Taleghani.

Health Care Spending Account (HCSA)
A number of our members have sought help from UTFA in the last year with reports of difficulties and/or requests for assistance with their HCSAs. These funds first came into place on July 1, 2017, and can be

used to claim reimbursements for health and dental premiums. Based on member feedback, UTFA has worked with the Administration to smooth out the kinks in this relatively new benefit and to improve the claims process.

A common concern expressed by members was that funds deposited in their HCSA accounts for 2018–2019 would be expiring on June 30, 2020, when they had not been able to use them as intended due to COVID restrictions. We forwarded this concern to the Administration, who recently advised UTFA that, in light of a recent tax interpretation by the Canada Revenue Agency, they will add any unused funds from 2018–2019 to your 2019–2020 funds. **Your 2018–2019 *and* 2019–2020 funds will therefore not expire until June 30, 2021.**

If you have questions or concerns about the HCSA, you can contact UTFA at faculty@utfa.org or UofT HR at benefits.help@utoronto.ca.

Joint Benefits Committee (JBC)
One of UTFA's priorities is to keep improving and refining benefits, including the experience of making claims, for our membership. I'm very pleased to be working with my colleagues Roy Gillis (out-going Chair), Jun Nogami (incoming Chair), and Harriet Sonne de Torrens to reinvigorate the UTFA-Administration Joint Benefits Committee (JBC), with further assistance from Mary-Alice Guttman and Kent Weaver. The JBC has many functions, including reviewing the benefit plan experience, trends, and external drivers; providing advice on plan materials/communications; and reviewing benefit appeals that have not been resolved through the Green Shield appeal process to ensure that they were properly adjudicated and that the member received clear and valid reasons for the rejection of their claim. Members should ask Greenshield for a written explanation for any claim denials with which they do not agree.

Salary, Benefits, Pensions, and Workload (SBPW) Negotiations
During the last round of SBPW negotiations (2018–2020), UTFA and the Administration were unable to reach agreement on UTFA's proposals to amend the Workload Policy and Procedures (WLPP) and aspects of the Academic Administrative Procedures Manual (the AAPM) relating to Progress Through the Ranks (the PTR policy). It is our view that the WLPP and the PTR policy, in their current form, are inadequate to address the serious and persistent problems of overwork and inequitable distribution of work affecting faculty and librarians. Notably, the experience of overwork that is caused by higher teaching and service obligations and the absence of clear workload norms—especially for those in precarious and teaching stream appointments—disproportionately disadvantages UTFA members who identify as women or as racialized or both. These policy issues are currently before Mr. William Kaplan and we await his arbitration decision.

A new round of SBPW negotiations is now under way. In November 2019, consistent with procedures outlined in the MOA, UTFA gave the Administration notice of intent to bargain. In January 2020, UTFA Council completed its approval of the UTFA bargaining team: Matthew Allen, Roy Gillis, Mary-Alice Guttman, Cynthia Messenger, Jun Nogami, David Roberts, Harriet Sonne de Torrens, and Terezia Zoric (Chief Negotiator). I am extremely grateful to the members of the team for their willingness to serve in such an important capacity.

Our first bilateral (direct) discussions with the Administration took place in May 2020. The scope of our negotiations has been shaped by the dramatic effects of the pandemic on our working lives, including the closing of our campuses; the move to emergency remote instruction; increased need for family

care–based accommodations; and intensified and unsustainable teaching and service workload demands being made of our members. Those of you who contacted UTFA for advice and assistance in March and April helped alert us to the broader needs of our members. UTFA also undertook several large surveys (with record-high response rates) in May and June 2020 – covering COVID-19, workload and accommodation, and salaries and benefits –that greatly helped us to represent your concerns through our bargaining proposals. Informed by this member feedback, UTFA will be redoubling its efforts to strengthen provisions within the WLPP to protect against inequitable and unreasonable workloads, enhance job security for precarious members, and establish clearer and more compassionate accommodation processes, among other key priorities in this round of SBPW negotiations.

To stay connected and to facilitate dialogue, the SBPW bargaining team is planning to host virtual bargaining town halls over the summer. Stay tuned for more details about how to participate!

Advancements in Asbestos Management and Health and Safety
In 2016–17, high-risk asbestos abatement projects in the Medical Sciences Building (MSB) led to serious containment failures that underlined serious and significant shortcomings in the University of Toronto's asbestos management system.

UTFA members working in the MSB filed a group grievance in 2017, citing inconsistent and unsafe abatement procedures, inadequate reporting practices, and exposure to unacceptable levels of asbestos. Since then, and in close collaboration with student groups and campus unions, UTFA has been working tirelessly to ensure our members are not exposed to any unnecessary health and safety risks, and that asbestos and other hazards be managed in keeping with University of Toronto policies that promise adherence to ***best practices***, rather than less stringent regulatory standards designed for industrial settings.

Years after the first containment failures at the MSB, UTFA and the Administration engaged in a mediation in respect of UTFA's asbestos group grievance in the summer and fall of 2019. After four very productive days we finalized an agreement with the Administration in January 2020. Both the group grievors and UTFA's leadership are proud of this settlement, which significantly advances the health and safety rights and protections of our members. Some of the key achievements include the agreement that:

- faculty and librarians can report concerns about their workspace, that those concerns will be assessed promptly, and that any findings will be shared with the member;
- the Administration will retain external asbestos consultants, and require those consultants to provide a written assessment of the design of the most high-risk (i.e., Type 3) asbestos abatement projects;
- the Administration will provide improved notification about Type 3 abatement work being undertaken in any University location;
- testing results for Type 3 abatement projects will be posted online;
- UTFA can appoint its members as workers on Joint Health and Safety Committees (JHSC); and
- a University-wide JHSC be established with UTFA to "monitor, assist, and provide direction" to the University's other JHSCs.

UTFA and the Administration were unable to reach agreement on some issues and decided that the central JHSC will seek to resolve them (see below). Failing agreement, the parties can return to Mr. William Kaplan for mediation-arbitration. UTFA believes that this outcome will play a vital role in

preventing, or mitigating the results of, any future asbestos exposure incidents.

University-wide Joint Health and Safety Committee
A significant outcome of the MSB group grievance on asbestos abatement was the creation of a University-wide Joint Health and Safety Committee (JHSC). This JHSC will ensure that the health and safety concerns of UTFA members including issues regarding COVID-19 and the University as a workplace, will be represented in a permanent venue.

Thanks
I am grateful to my dedicated colleagues on UTFA's Executive, Council, and many Committees. I am indebted to UTFA's hardworking and insightful SBPW bargaining team: Matthew Allen, Roy Gillis, Mary-Alice Guttman, Cynthia Messenger, Jun Nogami (incoming VP-SBPW), David Roberts, and Harriet Sonne de Torrens. I also wish to express my profound appreciation for the extraordinary dedication, service, and leadership of UTFA's outgoing president, Cynthia Messenger.

Many thanks to UTFA's lawyers, Helen Nowak (General Counsel), Reni Chang, and Heather Diggle, and Samantha Olexson, to whom I am especially grateful, for their support; to the external counsel at Goldblatt Partners; and to Chris Penn, Marta Horban, and the rest of the UTFA "front office" staff. UTFA couldn't serve its members without your thoughtful and energetic assistance.

Terezia Zorić
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