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OPEN LETTER

September 29, 2017

BY EMAIL

Professor Sioban Nelson
Office of the Vice-Provost Faculty & Academic Life
McMurrich Building, Room 103
12 Queen's Park Crescent West
Toronto, Ontario M5S 1S8

Dear Professor Nelson,

RE: Recent Asbestos Incident

We are writing to express our concerns about the University of Toronto Asbestos Review Terms of Reference as described in the PDAD&C #11 “Call for Nominations – Asbestos Review Panel” and elaborated upon in your letter of September 15, 2017.

We acknowledge the commitment expressed in the Terms of Reference accompanying your September 15, 2017, letter to require the proposed Review Panel to interview employee groups, including UTFa. We also welcome your commitment to make the final version of the report and the Administration’s response to it available to the Business Board of Governing Council.

We remain concerned, however, that there have not been substantive changes to the Review Panel and its Terms of Reference that would meaningfully address UTFa’s most serious and longstanding concerns.

It was our hope and expectation that the Administration would incorporate UTFA's recommendations for the Asbestos Review, which we expressed in our September 13, 2017, and June 9, 2017, letters to the Administration, and in person this past spring. In particular, we are disappointed that the Administration has failed to demonstrate appropriate leadership in this process and is failing to adhere to the higher standards explicit in its own Health and Safety Policy (2017). Rather than "striving to exceed" legislated requirements "by adopting the best practices available to protect the University community" in respect of health and safety matters, within the contemplated Review process the Administration is adopting the lower standard of "regulatory compliance" while merely "consider[ing] best practices...". This standard falls well short of what is articulated in the University of Toronto's own Health and Safety Policy (2017).

As we have explained, in UTFA's view any review or study to address these health and safety measures must examine the circumstances that led to asbestos exposures in the Medical Sciences Building and elsewhere at the University of Toronto this year. This includes conducting a thorough study of what policies, program structure, protocols, processes, and procedures existed at the time of asbestos discovery in the MSB, in order to determine what went wrong and how related mistakes can be prevented in the future. Doing so would be consistent with the "due diligence" obligation of the Administration to protect "University employees from the potential health risks associated with hazardous exposure to airborne asbestos fibres" as required under the Asbestos Management Policy (2011). UTFA is disheartened that the Administration has excluded these areas of examination from the current Review process.

Further, we are disappointed that UTFA's recommendations with regard to independence and transparency have been completely ignored in the Terms of Reference for the Asbestos Review. UTFA asserts that without addressing how senior Administrators made decisions about how to handle potential asbestos exposure and how to communicate with employees and students about those decisions, any Review Panel will fall well short of protecting the health and safety of the University of Toronto community. It is for that reason that UTFA has been clear that any such Review must be conducted in a manner that is independent of, or reasonably at arm's length from, those Administrators with primary responsibility for health and safety matters and whose conduct may be under scrutiny by the reviewers. Similarly, the appointment of individuals to conduct such a Review must be done in a transparent way that involves meaningful decision-making for employee and student groups, and does not merely invite these important stakeholders to be interviewed. Without independence and transparency in the Review process, there can be little confidence in the integrity of the final report and its recommendations.

While UTFA wishes to be actively involved in the Asbestos Review, we do not have confidence in the current procedures adopted by the Administration. Until the Administration addresses the concerns we have raised over the past year and makes substantive changes to the Review Panel's Terms of Reference, UTFA is not prepared to make nominations. We would ask that you reconsider our request to address the concerns that we have raised above.

If our concerns are dealt with meaningfully, we would be pleased to participate in a process to address the concerns created by asbestos management and to ensure that University of Toronto practices and policies on all campuses in respect of health and safety are at an appropriately high standard in the future.

We look forward to your response.

Sincerely,



Terezia Zoric
Vice-President, Grievances
UTFA



Cynthia Messenger
President
UTFA

cc: Tiffany Balducci, CUPE
Leanne MacMillan, CUPE
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