



UTFA Bargaining Report

University of Toronto Faculty Association August 5, 2009

Bargaining Report #3 for 2009–2010

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TALKS CONTINUING THROUGH SUMMER

It has been some time since our last bargaining update in April.¹ Apologies for keeping you waiting, but we have been busy! Since that time, face-to-face negotiations have commenced between the UTFA bargaining team and the U of T administration. We have met 8 times in total and plan to meet next on August 6th. After some preliminary discussions regarding ground rules for our talks, we forged ahead on more substantive issues. We cannot report much in the way of details regarding these negotiations for the moment in order to comply with the aforementioned ground rules. Specifically, each side made commitments not to disclose the other's proposals prior to the end of face-to-face bargaining. However, it is possible to convey that the meetings have been substantive.

WORKLOAD AND THE MOA

As indicated in a previous bulletin, we have used the face-to-face phase of negotiations to table a comprehensive proposal on workload for faculty and librarians. As we have discussed, and certainly as you all know, workload is a matter of the highest priority. Workload is a basic dimension shaping our working lives. Managing workload is integral to protecting time for research and for professional and creative development activities, as well as to ensuring the quality and integrity of all we do. Effective provisions for workload management are also essential to maintaining a healthy work-life balance. Escalating workloads for faculty and librarians at U of T are attributable to a wicked combination of eroding financial support for higher education in Ontario, rising enrolments, shrinking administrative support levels, and declining levels of full-time, continuing academic appointments in proportion to enrolment. At the same time, performance expectations of faculty and librarians at the University of Toronto remain as high as or higher than at any other university in the country. As a

¹ The first two bargaining reports for 2009-2010 along with other bargaining-related information can be found on our website by going to <http://utfa.org> and clicking on "Salary, Benefits & Pension Bargaining Reports" at the bottom of the page, or directly via the following link: http://utfa.org/index.php?option=com_content&task=view&id=88&Itemid=103#Bargaining . We also provided an update in April via the Annual General Meeting Newsletter, which is also available on the website.

result, for many of us, meeting these unparalleled expectations is becoming more difficult as quantity threatens to displace quality; you have told us as much. The workload issue then becomes one of managing quantity while at the same time *defending quality*. The workload concerns you have so forcefully and clearly articulated in recent years (including via our survey on workload as well as our focus groups on the subject) intersect with and in many ways underpin broader concerns about the quality and integrity of teaching, research, and scholarly life at the University of Toronto. This includes widely cited concerns about the “student experience”. Undergraduate and graduate students alike face more and more competition for our time and resources as faculty and librarians, while we in turn increasingly scramble to maintain the standards of excellence that are hallmarks of the institution. In short, for many of us, workload concerns reflect our desire not only to protect time for research and professional and creative development activities, but also to uphold the standards and values of excellence that brought us to higher education in the first place. These are the values that define us as teachers and mentors, as scholars and intellectuals, as activists and advocates, and as professionals.

We have responded by developing a comprehensive proposal to deal with escalating workloads. This is a proposal informed not only by direct member input, but also by what we have learned from looking at collective agreements and talking to colleagues from Canadian universities where workload is negotiated as a matter of course by certified faculty associations. Members interested in viewing UTFA’s proposal may access it via a link on our home page or directly at:
<http://utfa.org/images/file/UTFFA%20workload%20proposals%20web%20July%202009.pdf> .

We anxiously await a response from the administration to our workload proposal. A key component is our demand that workload be subject to ongoing negotiation between UTFA and the administration in years to come as an additional facet of our broader negotiations on salaries, benefits and pensions as prescribed in Article 6 of our Memorandum of Agreement (MoA). The “frozen policies” approach that characterizes our MoA more generally is ill-suited to this issue because of the essential role of workloads in shaping working conditions. In addition, our firm position is that workload is far too complex a problem for us to solve all at once, a perception that is strongly echoed by the experiences of faculty associations whose comprehensive bargaining frameworks have allowed for incremental improvements to workload articles based on the accumulation of experience over years. We too will need to refine our approach in years to come. The best way to ensure this happens is to add workload to the list of issues subject to ongoing negotiation in subsequent years. Indeed, we can accept no less.

Although workload is clearly a priority for us unto itself, it also highlights more systemic problems with our increasingly outdated MoA. While other certified faculty associations are able to negotiate all “terms and conditions of employment” (including workload), our MoA restricts negotiations essentially to matters of money. But while money is important, it is far from being the only issue of priority to UTFA members. In this respect, the MoA is less a guarantor of collegial relations between faculty and librarians on the one hand and the administration on the other, and more an obstacle to it. By restricting UTFA (and the administration, it must be said) from negotiating in a more comprehensive fashion many of the issues of most pressing concern to our members, the MoA impedes genuine, robust, and accountable collegiality in university governance. Recognizing these issues, the UTFA negotiating team has embraced a “problem-based” approach to bargaining by refusing to be strictly bound by our MoA. Our workload proposal and the workload issue comprise something of a test of our ability to continue to work under the constraints imposed by our outdated MoA. If UTFA has a partner in problem-based bargaining, there should be no difficulty. But if the administration chooses to adhere rigidly to the confining structure of the existing MoA instead of engaging in more comprehensive negotiations, we will then have to address the MoA itself as an issue.

Thus far, the administration has agreed to consider our workload proposal and not reject it out of hand. Moreover, the administration has identified priority issues which are also not strictly within the scope of salaries, benefits and pensions (i.e. Article 6 of the MoA). This is a positive sign even if we may not agree on the substance of the issues. We have certainly made every good-faith effort to engage in productive dialogue on all the issues raised, ours and theirs. And yet, at the same time, we must report the potentially ominous fact that the administration would not agree to key terms of our proposed ground rules, including our proposal that any issues settled during the face-to-face phase of negotiations be included as part of a comprehensive settlement irrespective of whether or not mediation and/or arbitration becomes necessary. In a summary document listing our proposals, dated April 16, 2009, we stated: *“Our preference is to proceed with a comprehensive approach that is truly open. If we can agree on items during this phase of the negotiations, it is our view that these will form part of the final agreement (subject to mutual final approval), regardless of whether either of us considers them to pertain to Article 6. This is all the more important if, as seems likely, agreement on issues which one or both of the parties agree are outside the scope of Article 6 is contingent on or tied to agreement on issues that **are** subject to Article 6”*. The administration has rejected this position.

FINANCIAL ASPECTS OF UTFA SETTLEMENTS

On the subject of the financial terms of our eventual settlement, two items always garner particular attention from members: the across the board salary increase (ATB) and funds allocated for Progress Through the Ranks (PTR). Though money has not really come up yet in our negotiations, we would like to take this opportunity to discuss aspects of both of these issues with members.

ATB

The purpose of an ATB increase is broadly to ensure that salaries for faculty and librarians at the University of Toronto keep pace in relation to those of other universities, and that we at least keep pace with inflationary increases. If we look historically at our salaries, benefits and pensions settlements and at principles that have guided these settlements, two things stand out. First, it is a long-standing principle accepted by mediators with whom we have worked that, since faculty and librarians at the U of T face unparalleled professional expectations, we must be paid accordingly. And when it comes to performance, President Naylor, in his January 9, 2009, e-bulletin to the U of T community, summed it up well: *“Put simply, from the standpoint of overall excellence in scholarship, no post-secondary institution in Canada is close to the University of Toronto”*. We would not dispute this claim. And yet President Naylor has also recognized elsewhere that performance at U of T is threatened by an eroding financial base and an associated workload squeeze. In his presentation on *Vision 2030* at a Faculty Town Hall on October 9, 2008, he referred to our syndrome as “More Scholar for the Dollar”, recognizing clearly that this model has its limits if pushed too far. Again, we can only reiterate that fair compensation must reflect performance expectations and, moreover, that performance expectations are clearly tied to workload concerns. The prevailing response to rising enrolments and decreasing funding for the university is to do more with less, but this is not a sustainable formula as President Naylor has also acknowledged.²

² In reference to the discussion in this paragraph, see President Naylor’s presentations on Vision 2030, and particularly the October 9, 2008, Town Hall slide show available at <http://www.towards2030.utoronto.ca/presentations.html>.

Of course we also know that our salary demands do not exist in a vacuum; times are tough. Again, however, history suggests that we have been more than reasonable. In fact, evidence suggests that we are losing ground in relation to settlements negotiated at peer Canadian universities, particularly when comparing faculty and librarians in their early career stages. At the same time, tracking our settlements over the course of recent years indicates that our ATB awards have approximately equaled inflationary increases in the city of Toronto. In fact, between 1996-97 and 2006-07, the cumulative ATB increase from UTFA's negotiated settlements is 25 percent, while Toronto's inflation over the same period totaled 26 percent (using city-specific Consumer Price Index data). By comparison, the salary of the University of Toronto President *doubled* during this same period while that of the Provost increased by a whopping 132 percent.³ The fact that our increases so closely parallel inflation during this period is also proof of the pudding; not only do we intend to be reasonable in the current round of negotiations, *we have a proven track record of having been reasonable in the past.*

PTR

Our Vice-President and Provost issued a memo in April instructing Principals, Deans, and Chairs to withhold PTR funds pending a settlement with UTFA.⁴ UTFA leadership went to some lengths to inform the Provost at the time that this was a misguided decision, and she eventually reversed herself. We avoided a confrontation over what would have seen the administration essentially and arbitrarily punishing U of T faculty and librarians for negotiating matters of vital concern. That said, the episode provides an opportunity to clarify several issues pertaining to PTR. First, PTR and ATB are not the same. In fact, they are not even related to one another. ATB is, as the phrase suggests, a broad salary adjustment generally applicable to all and, as noted above, intended to insulate against inflationary losses and increases in salary scales at comparable institutions. PTR, on the other hand, recognizes normal professional advancement for individuals. Many universities in Canada have a more fixed or stepped system of PTR increases that often includes changes in title (e.g. year-to-year movement from "Associate Professor 2" to "Associate Professor 3" and so on). These more fixed systems make it easier to see that these are prescribed salary steps recognizing professional advancement and seniority. The fact that our PTR system is more discretionary and individuated (for better or for worse) does not make it qualitatively different from these kinds of systems in this respect. It is also important to note that a considerable amount of the money for PTR is actually recycled as faculty and librarians with higher salaries retire and portions of their salaries are used to replenish PTR funds for those earlier in their careers. *PTR is not a salary increase in the same sense that ATB is.* They are incommensurable.

It is also UTFA's position that PTR awarded in July of each year is *last year's money*, used to reward last year's professional achievements. To withhold this money pending a settlement with UTFA is to confuse and conflate what this money is and where it comes from. Quite simply, the Provost did not have the right to do what she originally set out to do. We would never accept this. Thankfully, the administration had a change of heart. But it is vital for members to understand these issues going forward.

³ These salary increases span the tenures of more than one person in each respective office, so the increases apply to the positions, not the occupants of the positions per se.

⁴ See PDAD&C memo #53, 2008-09, dated April 6, 2009.

STAYING IN TOUCH

We will be in touch with additional bargaining updates in the weeks to come. But we are also always interested in hearing from you with feedback on bargaining-related matters via bargaining@utfa.org. In fact, we have two immediate topics on which we would like some specific feedback. The first is PTR. Most of you will by now have received your annual evaluations and PTR/Merit awards for 2008-09. We asked some questions of you regarding our PTR system in the 2008 bargaining survey and many of you expressed concerns about the way we do PTR at U of T. We want to know more. Feel free to write about this at any time to the above address, but also, look for a short questionnaire from us in the next couple of weeks specifically on this subject. It is *very* short and should only take you five minutes to complete. We are asking questions that follow on the bargaining survey and your answers will be essential to refining UTFA's position on PTR in the current round of negotiations and in years to come. Second, we are interested in knowing whether you have a strong preference for receiving bargaining and other updates in hard copy. While we do send out full UTFA newsletters in paper form, we have been sending these shorter updates and bulletins as links to PDFs posted on our website. This saves money, paper, and time for UTFA. But if you have a strong preference to receive these updates and bulletins in paper form, we need to know that. At this point we cannot promise to comply with your request on an individual basis, but we can commit to taking your views into consideration as we proceed.

On behalf of the entire UTFA Negotiating Team, I wish you a healthy, happy, and productive summer. It is our honour, privilege, and pleasure to serve you. All the best.

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