

## **B - 4 SALARY- AND BENEFIT-RELATED ISSUES**

### ***Salary- and Benefit-Related Issues***

#### ***(i) Information to New Faculty***

##### **UTFA proposal:**

The University agrees to include a brochure provided by UTFA in its information package sent to individuals on short lists for faculty and librarian appointments. The University also agrees to provide contact information about the Faculty Association and its website address to individuals who are being offered appointments as faculty members or librarians. The University will provide UTFA with the names and contact information for those who have accepted offers of employment as faculty members or librarians.

##### **Administration proposal:**

The University agrees to include a brochure provided by UTFA in its information package sent to individuals on the short-list for faculty appointments. The University also agrees to provide contact information about the Faculty Association and its website address to individuals who are being offered appointments as faculty members or librarians.

The parties appear to be in agreement on this matter.

***Salary- and Benefit-Related Issues***

***(ii) Information to be Provided Annually to UTFA***

**UTFA proposal:**

UTFA shall be informed annually on a non-nominal basis of the salaries for all faculty and librarians, set out by department and identifying the date of hire, gender, age and date of Ph.D. or qualifying degree.

The Association is the official representative of the faculty and librarians on University employment matters which include salary, pension and benefit negotiations and workplace grievances. The Memorandum of Agreement between the University of Toronto Administration and the Association is a formal recognition of the Association as official representative of the faculty and librarians.

It is submitted that, in order for the Association to properly represent its constituency, the Association requires greater access to salary information. This information is necessary both for purposes of negotiating the annual salary, pension and benefit arrangements for the faculty and librarians as a whole, and to allow the Association to assist members who seek advice from the Association with respect to individual negotiations with the Administration.

The Association seeks to receive annually on a non-nominal basis information about the salary of every faculty member and librarian whom the Association represents. The information required would include each individual's department, rank, gender, year of hire, and year of Ph.D. or other qualifying degree.

At the present time, the Administration is unwilling to provide this information broken down to the level of department; and the Association experiences difficulties in each round of negotiations in acquiring this information. It should be noted that, by way of reason for its refusal, the Administration states that to provide salary information by department might allow the Association to identify the salaries of particular individuals, even if the names were not provided, and that such identification would be a violation of the privacy interests of the individuals in issue. The Association notes, however, that in most circumstances

identification issues would not arise due to the size and structure of various departments, and, moreover, that the province of Ontario annually publishes salary information for every faculty member and librarian earning more than \$100,000 per year, such that many individuals are already identified.

The requested salary information should be provided to the Association on a timely basis and in a machine-readable format. Salaries are finalized early in the academic year, and the Association seeks the provision of salary information on an annual date to be fixed by the Dispute Resolution Panel, for example September 15th of each year.

***Salary- and Benefit-Related Issues***

***(iii) Information re: Employees Who Have Given Notice to Retire***

**UTFA proposal:**

UTFA shall be informed annually of the names and contact information of faculty members and librarians who have given notice of their intention to retire.

The Association seeks to be informed annually of the names and contact information of faculty members and librarians who have given notice of their intention to retire.

The Association is the official representative of the faculty and librarians, both active and retired, on University employment matters which include salary, pension and benefit negotiations and workplace grievances. As outlined more fully in the Association's proposal with respect to the application of improvements to salary, benefit and pension to all active and retired employees (at B-6(ii)), the Association takes seriously its obligation to represent retirees. This responsibility is reflected in the recent "Statement of Commitment to Retired Faculty and Librarians," issued by the University of Toronto's Governing Council on June 29, 2005, which resulted from the negotiations between the Association and the Administration on the issue of mandatory retirement. (See the "Statement of Commitment," Book of Documents Volume I at Tab 17, as well as the "Agreement Ending Mandatory Retirement," Book of Documents Volume I at Tab 18.)

The Association submits that it requires both the names and contact information of upcoming retirees in order to offer information on retirement options and on options for maintaining their participation in the intellectual and social life of the University. The Association further requires this information in order to maintain contact with and seek input from these individuals once they have started retirement, as part of the Association's continuing responsibility to negotiate pensions and benefits improvements on their behalf.

We would note that, under the terms of the memorandum, the Association is recognized as the representative of both active and retired faculty and librarians. It is odd, to say the least, that the Administration refused to provide the Association with information concerning members who move from one status to the other.

***Salary- and Benefit-Related Issues***

***(iv) Information Officer and Dispute Resolution Mechanism***

**UTFA proposal:**

Add the following as a provision of the Salary and Benefits Agreement for July 1, 2005 to June 30, 2006:

“The University shall designate an Information Officer who shall conduct the exchange of information with an Information Officer designated by the Association.

If any dispute arises with respect to the implementation of this Article, the matter shall be referred by either party, as expeditiously as possible, to a mutually agreed upon arbitrator who shall, within 48 hours from the referral, confer with the parties and issue a final and binding decision including appropriate directions. If the parties cannot agree upon an arbitrator, or in the event that he or she is unable or unwilling to act, the President of the Ontario Labour-Management Arbitrators’ Association shall select the arbitrator.”

As noted above, with respect to the Association's need for information about salaries by department and information about members who are planning to retire (B-4(ii) and (iii)), there are significant problems with both the nature of the information provided to the Association, and the process for obtaining that information. As the situation currently stands, the Association submits that it does not have meaningful access to information as was envisaged in the original Memorandum between the parties.

In recent years, the Association has experienced frustration as a result of the denial of its information requests or unreasonable delays in the provision of information which has been requested.

Without a proper mechanism for dispute resolution with respect to these requests, the Association has no available recourse and is unable to obtain information to which it is entitled, and which it requires to properly represent its members.

The Association is therefore proposing a dispute resolution mechanism, to be added as a provision of the Salary and Benefits Agreement for the 2005-2006 academic year, and also as a part of the Memorandum between the parties (see item B-5(iii) below).

The Association's proposed dispute resolution mechanism is designed to provide for expeditious resolution of information request issues. The mechanism provides for an agreed upon third party arbitrator, and deals with situations in which the parties are unable to agree on the referral of particular arbitrator. The arbitrator would issue a final and binding decision with appropriate directions.

The Association submits that the language proposed by the Administration (see B-5(iii)) is nothing more than an empty shell. Without time limits, the process of deciding on an information request, even with the language "as expeditiously as possible," could drag on indefinitely. Moreover, the Association submits that the "Chair of the Grievance Review Panel or his or her designate" is not an appropriate substitute for an independent third party arbitrator.

***Salary- and Benefit-Related Issues***

***(v) Joint Working Groups***

**UTFA proposal:**

Joint Working Groups shall be established effective July 1, 2005 to deal with the following matters:

- a. Pensions
- b. PTR
- c. Salary adjustment fund
- d. Dependent scholarship program

The membership of each of these Joint Working Groups shall include three representatives of each party.

The parties agree that each Joint Working Group will be provided with the data it needs. The groups will determine the analysis and presentation methods for data to be used so that both parties work from a common set of data.

The groups will gather facts, identify issues and consult with the University community and will report to their respective principals no later than April 30, 2006.

The deliberations and reports of the working groups shall be confidential, and no public disclosure will be made without the agreement of both parties.

The parties agree that any incremental costs arising from the activities of these working groups will be the subject of future negotiations.



**Administration proposal:**

The membership of each of these Joint Working Groups shall include three representatives of each party. The parties agree that each Joint Working Group will be provided with data in accordance with the provisions of Article 11. The groups will determine the analysis and presentation methods for summary statistical data to be used so that both parties work from a common set of data.

The groups will gather facts, identify issues and consult with the University community and will report to their respective principals no later than April 30, 2006.

The deliberations and reports of the working groups shall be confidential, and no public disclosure will be made without the agreement of both parties.

The parties agree that any incremental costs arising from the activities of these working groups will be the subject of future negotiations.

**9.a. Pensions**

The parties agree to establish a Joint Working Group to investigate and make recommendations with respect to alternative pension arrangements, including design, eligibility, transition, and a framework for its introduction.

Each party will include its respective actuary or pension consultant as a member of the Working Group.

**9.b. PTR Model**

The parties agree to establish a Joint Working Group to review and make recommendations with respect to the PTR model.

**9.c. Benefits**

The parties agree to establish a Joint Working Group to investigate and make recommendations with respect to achieving efficiencies and alternative plan designs, including Health Care Expense Accounts, for benefit programs for active and retired faculty and librarians. The working group will also consider the extent to which information concerning the current benefit plans may be shared.

The parties appear to be in agreement on some of the proposals with respect to Joint Working Groups.

The exit positions of both parties each include that: the Joint Working Groups will include three representatives of each party, the deliberations and reports of these groups will be confidential and there will be no public disclosure without agreement of both parties, and the incremental costs arising from topics discussed in these groups will be the subject of future negotiations.

Both parties agree that there should be Joint Working Groups on the subject of pensions (see the Association's submissions at 2(d)(v)), and on issues surrounding PTR (see the Association's submissions at 2(b)(ii)).

However, the Administration's exit position did not include a Joint Working Group on the issue of dependant scholarships. For the reasons outlined in the Association's submission at 3(viii), it is the Association's position that a Joint Working Group on this issue is necessary.

Likewise, the Administration's exit position did not include a Joint Working Group on the issue of salary inversions and anomalies. For the reasons outlined in the Association's submission at 2(iv), it is the Association's position that a Joint Working Group on this issue is necessary.

The Administration is proposing a Joint Working Group on benefit issues, in particular to explore the idea of a Health Care Spending Account. The Association has no interest in exploring this idea, for the reasons outlined in the following section.

The Association notes also that there is some difference between the parties as to the information which should be available to the Joint Working Groups. The Association proposes that the information provided should be in accordance with its proposals at 5(iii), with respect to amendments to Article 11 of the Memorandum, whereas the Administration indicates that information would be provided in accordance with Article 11 as it is currently written. The Association urges simply that the Joint Working Groups be provided with all information which necessary to make the most informed and efficient decisions.

In addition, the Association takes the position that both parties should have the option of technical advisors along with their representatives on all of the Working Groups, as required, and not simply the Joint Working Group on Pensions.

The Association submits that the date originally proposed, April 30, 2006, is no longer feasible, and instead proposes that the Joint Working Groups report by December 31, 2006.