

## UTFA Council Agenda

Thursday, March 22, 2018 – 3:00 – 5:00 p.m.  
Room 368, Rotman School of Management  
105 St. George Street

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1. Approval of the Agenda
  2. Minutes of Previous Meetings
    - a. February 13, 2018
  3. Business Arising
    - a. From the Minutes of Council
    - b. From the Summary of the Minutes of the Executive Committee
      - i. January 12, 2018 \*
      - ii. January 26, 2018 \*
  4. Order of the Day: JSPP/UPP update \* (A. McKinnon and C. Messenger) 3:10 p.m. (20 min)
  5. Order of the Day: Asbestos Panel \* (30 min) 3:30 p.m.
  6. Order of the Day: Report of the ad hoc Committee on Release Funds \* (J. Nogami) (15 minutes) (4:00 p.m.)
  7. Report of the President (15 minutes)
    - a. Part-time Appointments Policy Negotiations Update
    - b. AGM Agenda \* (Executive motion)
    - c. JSPP/UPP Webinar – Tuesday, April 3, 12:00 – 1:30 p.m. \*
    - d. UTM Pension meeting – Friday, April 6, 10:00 a.m. – 12:00 noon
    - e. Release Funds for Librarian Policy Research
    - f. New UofT Freedom of Speech Site \* <http://freespeech.utoronto.ca>
    - g. March for Science - April 14, 2018 \* <https://sciencemarchto.ca>
    - h. Other matters
  8. Approvals – J. Newman (5 min)
    - a. Committees
    - b. UTAM Representative \* (Executive motion)

9. Report of the Vice-President, Salary, Benefits, Pensions and Workload (10 min)
10. Report of the Chair of the Librarians Committee (5 min)
  - a. Update on Librarian Negotiating Policy Negotiations
11. Report of the Chair of the Appointments Committee \* (5 min)
12. Report of the Chair of the Teaching Stream Committee (5 min)
  - a. Divisional Guidelines
  - b. Other matters
13. Report of the Nominating Committee \*
14. Other Business
  - a. Next meeting of Council  
Wednesday, April 11, 2018  
1:00 to 3:00 p.m.  
Innis College Town Hall
  - b. AGM  
Wednesday, April 11, 2018  
3:30 – 6:00 p.m.  
Innis College Town Hall
15. Adjournment

\* materials attached

## Council Summary

### UTFA Executive Minutes

Friday, January 12, 2018 – 10:00 a.m. – 11:45 a.m.

UTFA Boardroom

Chair – T. Zoric

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- Present:** K. Banning, A. Braun (Phone), C. Evans, L. Florence, R. Gillis, K. MacDonald, C. Messenger, K. Scheaffer, H. Sonne de Torrens, A. Taleghani, K. Weaver, T. Zoric (Chair)
- Regrets:** M. Tavakoli-Targhi
- Also Present:** M. Attridge (St. Michael's College), M. Horban (Business Officer), H. Nowak (General Counsel), M. O'Connor (St. Michael's College), C. Penn (Administrative Assistant and Notes)

T. Zoric read the statement on Acknowledgement of Traditional Land.

1. Approval of the agenda: the agenda was approved as amended.
2. Order of the Day: 10:10 a.m. - Proposal for Modernized Policies for Librarians \* (K. Scheaffer and K. MacDonald) (25 min)

K. MacDonald, seconded by, K. Scheaffer, moved that the meeting go in camera.

Carried.

K. Scheaffer, seconded by, K. Weaver, moved to return to the regular meeting.

Carried

K. Scheaffer, seconded by, H. Sonne de Torrens, moved that:

the Executive Committee recommend that:

Council approve the Proposal for Modernized Policies for Librarians for negotiations for the current round of bargaining.

Carried.

K. Scheaffer thanked H. Sonne de Torrens, the Executive Committee, K. MacDonald, E. Phillips (Goldblatt Partners) and other librarians who were involved in this process.

The members showed their appreciation through applause.

3. Order of the Day: 11:00 a.m. – St. Michael's College (15 min) (M. Attridge & M. O'Connor)  
M. Attridge and M. O'Connor from the St. Michael's negotiating team joined the meeting.

K. Weaver, seconded by K. MacDonald, moved that the meeting go in camera.

Carried.

H. Sonne de Torrens, seconded by, L. Florence, moved to return to the regular meeting.

Carried

C. Messenger noted that if there is to be a strike that the Executive must authorize it. St. Michael's College Unit members have given the green light to do so.

C. Messenger, seconded by, K. Weaver, moved that:

The Executive Committee recommend to Council that:

UTFA strongly support the St. Michael's College bargaining team in its principled approach to negotiations, and urge the USMC administration to come to a fair and equitable settlement.

Carried.

4. Order of the Day: 11:15 a.m. – Part-time Appointments Policy \* (25 min)

L. Florence, seconded by, H. Sonne de Torrens, moved that the meeting go in camera.

Carried.

L. Florence, seconded by C. Evans, moved to return to the regular meeting.

Carried

C. Messenger, seconded by, K. Banning, moved that:

the Executive Committee recommend that:

Council approve the Part-time Appointments Policy proposal for negotiation in the current round of bargaining.

Carried.

5. Minutes of previous meeting (Deferred to next meeting)

a. December 7, 2017

- i. Executive minutes
- ii. Council summary

6. Business arising (not elsewhere on the agenda) (Deferred to next meeting)

a. Action List

7. Report of the President (5 mins)

a. UPP3 JSPP Update

C. Messenger reported on a meeting of the universities and associations/unions involved in the UPP3 JSPP negotiations. Two mediators and various lawyers and actuaries took part. Discussion centred on Tier 2 issues and on composition of the sponsor board. On the labour side UTFA has a permanent seat.

C. Messenger said that UTFA hosted a productive meeting of the labour side on January 4. She noted that she is on email and the phone daily and arranging meetings to discuss communications and strategy.

b. Academic Continuity Policy (possible Association grievance) \*

R. Gillis, seconded by C. Evans, moved that the meeting go in camera.

Carried.

K. MacDonald, seconded by K. Weaver, moved to return to the regular meeting.

Carried

C. Messenger, seconded by K. Weaver, moved that:

the Executive recommend to Council that:

Council endorse the draft grievance on the Academic Continuity Policy.

Carried.

c. Other matters

C. Messenger reported that UTFA is considering renting the clinic space between Suites 410 and 419. Some of it would likely be used for Council meetings and other events. She will be asking UofT to help cover some of the cost. We are preparing to submit an offer to the management company.

The members discussed whether UTFA should incur the cost to lease this space.

C. Messenger, seconded by L. Florence, moved that:

UTFA make an offer on the clinic space.

Carried.

8. Report of the Vice-President, Salary, Benefits, Pensions and Workload (5 min)

a. Privacy Policy \*

K. MacDonald, seconded by K. Banning, moved that the meeting go in camera.

Carried.

K. MacDonald, seconded by K. Weaver, moved to return to the regular meeting.

Carried

K. Macdonald, seconded by A. Taleghani, moved that:

the Executive Committee recommend that:

Council endorse the draft Privacy Policy proposal for negotiation in the current round of bargaining.

Carried.

9. Report of the Vice-President, Grievances (5 min)

a. Asbestos Event – January 31

T. Zoric said that UTFA has been working with CUPE 3902 and 3261, USW Local 1998, ASSU, APUS, International Brotherhood of Electrical Workers Local 353, LiUNA Local 183 and UTGSU on an asbestos event one year later. The premise will be “What have we learned? What questions remain?” Also we want to know what the Administration is hiding about health and safety.

T. Zoric, seconded by K. Banning, moved that:

the Executive Committee endorse the asbestos event.

Carried.

b. Other matters

There were no other matters.

10. Report of the Chair of the Appointments Committee (5 min)

- a. Comparative data about Full-Time Faculty Career Development Increment (CDI) and Progress Through the Ranks (PTR) Values at Ontario Universities \*

C. Evans called the members' attention to a chart, prepared by D. Campanella, that outlines full-time faculty career development increment (CDI) and progress through the ranks (PTR) values at Ontario universities. Information from UofT needs to be added to allow comparisons. We need to find out what goes into base and what does not, as well as PTR, because it involves equity issues.

- b. Other matters

C. Evans reported that planning for the May part-time event continues. Information has been posted on the UTFA website. She asked members to invite part-time faculty to this event.

11. Report of the Chair, Teaching Stream Committee (5 min)

- a. Teaching Stream Divisional Guidelines \*

K. Banning reported that teaching stream divisional guidelines have been rolling out, especially for advancement to full professor. We don't know which ones have been completed unless a member contacts us.

- b. Possible speaker for lecture

K. Banning said that Paul Gilroy has agreed to deliver the C.B. Macpherson lecture in the fall.

- c. Other matters

There were no other matters.

12. Report of the Chair of the Membership Committee (5 min) (Regrets)

- a. Reclaim your copyrights workshop
- b. Other matters

13. Other Business

- a. Next scheduled Executive Committee meeting  
Friday, January 26, 2018  
10:30 p.m. – 12:30 p.m.
- b. Next scheduled Council Meeting  
Wednesday, January 17, 2018  
3:00 – 5:00 p.m.  
Room 368, Rotman School of Management
- c. Adjournment

K. Macdonald, seconded by H. Sonne de Torrens, moved that the meeting adjourn.

Carried.

The meeting adjourned at 11:45 a.m.

Chris Penn  
Administrative Assistant

## Council Summary

### UTFA Executive Minutes

Friday, January 26, 2018 – 10:30 a.m.–12:30 p.m.

UTFA Boardroom

Chair – K. Weaver

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**Present:** K. Banning, A. Braun, C. Evans, L. Florence, R. Gillis, C. Messenger, K. Scheaffer, A. Taleghani, K. Weaver (Chair), T. Zoric

**Regrets:** K. MacDonald, H. Sonne de Torrens, M. Tavakoli-Targhi

**Also Present:** M. Horban (Business Officer), H. Nowak (General Counsel), C. Penn (Administrative Assistant and Notes)

1. Approval of the agenda: the agenda was approved as distributed.
2. Minutes of previous meeting
  - a. December 7, 2017\*
    - i. Executive minutes
    - ii. Council summary

The December 7, 2017 Executive minutes and Council summary were approved as amended.

- b. January 12, 2018
  - i. Executive minutes
  - ii. Council summary

The January 12, 2018 Executive minutes and Council summary were not available.

3. Business arising (not elsewhere on the agenda)
  - a. Action List \*

Several items were removed from the action list.

4. Report of the President (40 min)
  - a. JSPP update

T. Zoric, seconded by C Evans, moved that the meeting go in camera.

Carried.

- b. St. Mike's unit and possible strike

The meeting continued in camera.

T. Zoric, seconded by L. Florence, moved to return to the regular meeting.

Carried.

c. Ad Hoc Committee on Release Funds

C. Messenger said that J. Nogami, chair of the Ad Hoc Committee on Release Funds, wants to meet with each member of the Executive to hear their concerns. UTFA needs to have an internal policy regarding release funds, with a collegial set of guidelines.

The members discussed how Executive members of the Teaching Stream and Librarians can be disadvantaged, doing the same job but with fewer hours in which to do it.

C. Messenger said that in the past we have allocated release funds to people who have taken on special projects or done more than is normal for a committee chair. Such an allocation would have to be approved by Council.

d. Office space: Clinic

C. Messenger announced that we have acquired the space between Suites 419 and 410. She has approached the Administration for help in paying for it. With this space we may not have to rely as much on UofT space for meetings and would not have to cancel events in the event of strike action on campus.

e. Indigenous Humanities and the AGM

C. Messenger said that she would like to have guest speakers at the AGM who focus on Indigenous humanities. She asked members to suggest names of Indigenous writers and artists with ties to UofT.

f. Nomination of Kathleen Scheaffer for CAUT Librarians' and Archivists' Committee

K. Scheaffer said that she would like UTFA to nominate her to sit on the CAUT Librarians' and Archivists' Committee. She said that this would be a wonderful opportunity to strengthen connections with CAUT and she could become better acquainted with librarians and archivists across Canada.

C. Messenger, seconded by K. Banning, moved that:

K. Scheaffer be nominated to sit on the CAUT Librarians' and Archivists's Committee.

Carried.

g. Renewal of the Grievance Review Panel Chair

T. Zoric explained that the Grievance Review Panel is important to grievors who don't get continuing status or permanent status. (The Tenure Appeals Committee handles problems with tenure.) The Panel is currently chaired by William Kaplan, with whom UTFA has worked in mediations and arbitrations concerning the JSPP and negotiations. T. Zoric said that it would be advisable to renew his term.

T. Zoric, seconded by C. Messenger, moved that:

UTFA approve renewal of William Kaplan as the Chair of the Grievance Review Panel.

Carried.

h. Other matters

There were no other matters.

5. Report of the Vice-President, Grievances (10 min)

a. Asbestos event



T. Zoric said that an expert opinion has been received that states that there were serious breaches in asbestos removal at UofT, and a lack of proper documentation. We are still waiting for documents.

Along with UTFA, CUPE and Steelworkers, other groups are joining the one-year-later event. On the agenda are people presenting what we have learned and what we still need to know. She thanked the leadership of CUPE 3902 and H. Nowak and S. Olexson for helping to pull the event together. She noted that the event is for anyone with an interest in health and safety issues, especially asbestos.

T. Zoric reported that we have gone to step 3 of the grievance process with the Provost.

T. Zoric said that the Asbestos Review Panel was born out of UTFA's asking for a task force to look at what went wrong at MSB and what should be done going forward. UofT only wants to look forward.

b. Other matters

There were no other matters.

6. Report of the Vice-President, Salary, Benefits, Pensions & Workload (20 min)

a. Update on bargaining

C. Messenger, seconded by A. Braun, moved that the meeting go in camera.

Carried.

T. Zoric, seconded by L. Florence, moved to return to the regular meeting.

Carried.

b. Other matters

There were no other matters.

7. Report of the Chair of the Appointments Committee (5 min)

a. Update on the Part-time Appointments at the U of T event: Challenges and Strengths (Mon. April 30-Tuesday May 1st) \*

C. Evans reported on the progress of this event. She called attention to the poster and said that the speakers have all been confirmed. There will be a reception at the Faculty Club after the April 30 event.

C. Evans said she had a proposal for another event in either fall or next winter, featuring Dr. Amy d'Aprix (Dr. Amy) to give a workshop on aging for UTFA members.

C. Evans, seconded by C. Messenger, moved that:

C. Evans explore the availability for Dr. Amy and the costs associated with having her give a presentation in January or February 2019.

The members approved the motion in principle.

b. Other matters

There were no other matters.

8. Report of the Chair, Equity Committee (3 min)

a. OCUFA Equity workshop and meeting

R. Gillis reported that he attended the OCUFA Equity workshop. The representatives from various universities shared their concerns and issues, e.g., governance, freedom of speech, and academic freedom. As well, participants were given CAUT's equity training manual. Dr. Anver Saloojee (Full

Professor in the Department of Politics and Public Administration at Ryerson) gave a presentation and said that he would be willing to give talks on equity issues at other universities.

R. Gillis said that J. Turk spoke at a previous OISE workshop about academic freedom and what it constitutes. He did not like UTFA's statement around J. Peterson's website J. Turk thought that UTFA was on the wrong side of academic freedom and was disappointed in UTFA for its position.

R. Gillis said that equity training should be arranged for Executive and others. There is also support for having an associate member who would deal with racialized faculty. Concerns were raised in discussion about legal liability issues. R. Gillis said that this person would not give advice but would be an advocate. He said that he would do more research on this.

R. Gillis reported that AODA training is ongoing. The first meeting of the standards committee that he is on is coming up. He hoped to get more insight about what his role will be regarding the AODA.

R. Gillis reported that the subway entrance at OISE is under renovation and was not accessible. He emailed the person in charge and was informed that a ramp would be built at some time in the future.

b. Other matters

R. Gillis said that he wanted to flag accessibility issues in our upcoming renovations. The members discussed some issues that would need to be addressed in our new space.

9. Report of the Chair, Librarians Committee (10 min)

a. University Librarian proposal at Mount Allison \*

K. Scheaffer said that UTFA sent a letter to Mount Allison in response to its proposal to replace the position of University Librarian with a non-librarian manager in 2018–2019. Others also sent letters.

K. Scheaffer said that this is highly problematic as a university degree is required to run these libraries, but the proposal does not take academic expertise into account.

K. Scheaffer said that she received a reply from the Provost at Mount Allison saying that the proposal was just a draft and that they want to reduce the number of Deans.

K. Scheaffer thanked H. Sonne de Torrens, K. Weaver, and the Librarians Committee for getting the letter out so quickly.

b. Other matters

K. Scheaffer reported that a side table negotiating meeting will take place on January 31.

10. Report of the Chair, Retired Members Committee (10 min)

K. Scheaffer assumed the chair.

a. St. Mike's update

See item 4b.

b. Other matters

K. Weaver reported that a meeting of the Retired Members Committee took place on December 11. One person from Senior College attended. The JSPP was discussed and H. Mackenzie gave a presentation.

K. Weaver said that he has been approached by CURAC asking if UTFA would help sponsor a conference at UofT in 2020. K. Weaver said that the next Retired Members Committee and Executive could review the request and decide whether to make a commitment.

K. Weaver said that this year's CURAC conference is in Halifax in May and he would like to attend.

K. Weaver assumed the chair.

11. Other Business

R. Gillis reported that UofT has announced that International PhD students are to pay domestic tuition rates. The financial impact would be partially offset by the University's graduate funding commitment, since the University currently covers the cost of tuition and fees for many international students in eligible PhD programs. However, in an unintended consequence of the policy, the spaces for this group of people would displace domestic candidates requiring guaranteed funding.

International undergraduate students would continue to pay the higher fees. It was agreed that this issue should be on the next Joint Committee agenda.

- a. AGM Newsletter reports due March 5, 2018.
- b. Next scheduled Executive Committee meeting  
Friday, February 9, 2018  
10:30 a.m. – 12:30 p.m.
- c. Next scheduled Council Meeting  
Tuesday, February 13, 2018  
3:00 – 5:00 p.m.
- d. Adjournment

K. Scheaffer, seconded by L. Florence, moved that:  
the meeting adjourn.

Carried.

The meeting adjourned at 12:55 p.m.

C. Penn  
Administrative Assistant

THIS **AGREEMENT** is made the 14 day of January, 2018

**AMONG THE FOUNDING LABOUR SPONSORS OF THE UNIVERSITY SECTOR  
JSPPP (the "Universities Pension Plan" or the "Plan") GOVERNING THE LABOUR  
SIDE OF THE UNIVERSITIES PENSION PLAN SPONSOR BOARD ("Agreement")**

**I. Sponsor Board**

A Board, consisting of 12 persons, to be known as the "Universities Pension Plan Sponsor Board", or the "Sponsor Board", shall be established as of January 1, 2019, or such other date as may be agreed by the signatories to this Agreement.

**II. Founding Sponsors**

- a. The Founding Employer Sponsors of the Plan are the University of Toronto, Queens University and the University of Guelph.
- b. The Founding Labour Sponsors of the Plan are the:
  - i. University of Toronto Faculty Association (UTFA)
  - ii. Queens University Faculty Association (QUFA)
  - iii. University of Guelph Faculty Association (UGFA)
  - iv. United Steelworkers Local 1998 (Local 1998)
  - v. United Steelworkers Local 2010 (Local 2010)
  - vi. United Steelworkers Local 4120 (Local 4120)
- c. **Founders' Rights:** There may be no change to:
  - i. the defined benefit nature of the Plan;
  - ii. the rules governing the size, appointment, composition, terms, and voting rules of the Sponsor Board or its members, including the provisions of this Agreement; or
  - iii. the sector-wide and open nature of the Plan such that universities, unions and faculty associations other than the Founding Employer Sponsors and the Founding Labour Sponsors may participate in the Plan,

without the agreement of each of UTFA, QUFA, UGFA and USW on behalf of Locals 1998, 2010 and 4120, as long as each of those Founding Labour Sponsors has members in the Plan.

### **III. Composition of the Sponsor Board**

- a. The Sponsor Board shall be composed of six (6 ) labour appointees, and six (6) employer appointees. Each of the six (6) labour appointees and the six (6) employer appointees may also be referred to as a 'Sponsor Board Member', or, where the reference is clear, as a 'Member'.
- b. For the purposes of determining representation on the Sponsor Board, Plan members represented by a bargaining agent will be divided into two constituencies: (i) Plan members represented by faculty associations; and (ii) Plan members represented by non-faculty unions. For the purposes of this Agreement, non-faculty unions are unions that do not represent Plan members who are faculty or academic librarians.
- c. Of the six (6) labour seats on the Sponsor Board, one (1) seat shall be permanently held by UTFA and one (1) seat shall be permanently held by USW (on behalf of its Locals 1998, 2010 and 4120).
- d. The six (6) labour seats on the Sponsor Board shall be allocated so that there are three (3) Members appointed by non-faculty unions and three (3) Members appointed by faculty associations.

### **IV. Faculty Association Sponsor Board Members**

The three faculty association Members shall be appointed as follows:

- a. As set out in paragraph III (b) above, UTFA will have at all times the right to appoint a Member to one (1) seat on the Sponsor Board. UTFA will have the right to remove, appoint or reappoint its Member in its sole discretion.
- b. For the other two seats, there will be an initial transitional period which shall end on the date that is four years after the inception date of the Plan (the "Transitional Term").
- c. For the Transitional Term, the remaining two (2) faculty Members shall be appointed as follows:

- i. one (1) Member shall be appointed by QUFA; and
- ii. one (1) Member shall be appointed by UGFA.

In addition, during the Transitional Term, each of QUFA and UGFA will have the right to remove the Member appointed by it, in its sole discretion.

- d. After the expiry of the Transitional Term, and provided at least two additional faculty associations then have members participating in the Plan, the following mechanism will apply to the appointment and removal of persons to the other two seats (i.e. other than the permanent UTFA seat):
  - i. one (1) Member shall be jointly appointed by the two faculty associations each individually representing the second and third largest number of members in the Plan represented by faculty associations, for a term of four (4) years, such joint appointment to be made by consensus or in accordance with such other protocol to be agreed as between those two faculty associations; and
  - ii. one (1) Member shall be jointly appointed by all of the other faculty associations (the "Remaining FAs") whose members participate in the Plan, for a term of four (4) years, such joint appointment to be made by consensus or in accordance with such other protocol as is established among the Remaining FAs,.
- e. In all cases, the faculty association Sponsor Board Members will be accountable to the faculty association(s) eligible to make the appointment, and the appointing faculty associations will have the right to remove their appointees, at their discretion, by consensus or in accordance with such other protocol to be agreed by the applicable faculty associations
- f. For the purposes of appointments under IV(d)(i) or (ii), there will be alternation or rotation such that an individual appointed to one of those positions will not serve for more than one (1) four-year term unless agreed to by all the faculty associations eligible to participate in that appointment process.
- g. In all cases, the appointing party or parties cannot fill a seat with an individual who is not either a Plan member, or a staff member of the appointing faculty association or associations.

**V. Non-faculty Union Sponsor Board Members:** The three (3) non-faculty union Members shall be appointed as follows:

- a. As set out in III (b) above, USW will at all times have the right to appoint a Member to one (1) seat on the Sponsor Board. USW will have the right to remove, appoint or reappoint that Member in its sole discretion.
- b. The other two (2) of the three (3) non-faculty union Members shall be appointed as follows:
  - i. One (1) Member shall be selected by the non-faculty union, other than USW, that represents the largest number of members of the Plan, provided that the union represents at least 10% of all the Plan members represented by the non-faculty unions; and
  - ii. One (1) Member shall be selected by the remaining non-faculty unions not otherwise represented on the Sponsor Board, provided that those unions, collectively, represent at least 10% of all the Plan members represented by the non-faculty unions.
- c. Any seat that cannot be filled in accordance with the criteria set out above will be allocated to all non-faculty unions in order of the number of Plan members they represent, provided that they represent at least 10% of all the Plan members represented by non-faculty unions.
- d. In all cases, the non-faculty union or unions appointing a non-faculty union Sponsor Board Member will have the right to remove their appointee, at their discretion, by consensus or in accordance with such other protocol to be agreed by the applicable non-faculty unions.
- e. In all cases, the appointing party or parties cannot fill a seat with an individual who is not either a Plan member, or a staff member of the appointing non-faculty union or unions.

**VI. Terms of Appointment**

- a. There will be a four-year term of office for the six (6) Sponsor Board Members appointed by the labour side for the Transitional Term. Thereafter, successor Members appointed by labour will be appointed for terms of four (4) years, in accordance with the appointment rules set out above.
- b. The Founding Labour Sponsors may decide to stagger the terms of appointment such that no more than two (2) of the six (6) Members appointed by the labour side leave the Sponsor Board at the same time.

- c. The labour side Sponsor Board Members will meet regularly with representatives of all participating unions and faculty associations. In the first four years after inception, such meetings will take place quarterly. Thereafter, the timing of meetings will be as determined by the labour side Sponsor Board Members, but no less frequently than twice per year.
- d. No individual appointed by the labour side can serve as a Sponsor Board Member for more than two consecutive four year terms.


**VII. Decisions of the Labour Side of the Sponsor Board**

- a. With the exception of decisions whose subject matter is an area of Founders' Rights as described in paragraph II(c) above, all decisions of the labour side of the Sponsor Board shall be made by majority vote.
- b. Each of the six (6) labour side Members shall have one vote.
- c. The parties will consider and determine whether a mechanism to break any impasse or deadlock on the labour side is desirable, and will revise this Agreement accordingly.

**VIII. Other Terms of this Agreement**

- a. This Agreement may be amended only upon written agreement of the Founding Labour Sponsors.
- b. This Agreement may be signed in counterparts.

Agreed to effective January 14, 2018, by the Founding Labour Sponsors as evidenced by the signatures of their authorized signatories below:

UNIVERSITY OF TORONTO FACULTY ASSOCIATION (UTFA)	
	Cynthia Messenger, President
UNIVERSITY OF GUELPH FACULTY ASSOCIATION (UGFA)	
	Herb Kunze, UGFA Vice President and Pension Chair



- c. The labour side Sponsor Board Members will meet regularly with representatives of all participating unions and faculty associations. In the first four years after inception, such meetings will take place quarterly. Thereafter, the timing of meetings will be as determined by the labour side Sponsor Board Members, but no less frequently than twice per year.
- d. No individual appointed by the labour side can serve as a Sponsor Board Member for more than two consecutive four year terms.

**VII. Decisions of the Labour Side of the Sponsor Board**


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- b. Each of the six (6) labour side Members shall have one vote.
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**VIII. Other Terms of this Agreement**

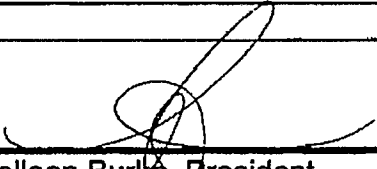
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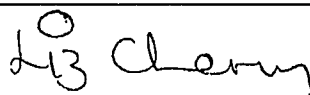
Agreed to effective January 14, 2018, by the Founding Labour Sponsors as evidenced by the signatures of their authorized signatories below:


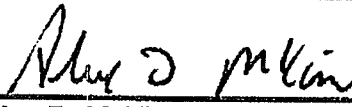
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# Asbestos: towards zero exposure

Asbestos-related disease is the single largest cause of work-related death in Canada. This has been the case for some time. Seventy-one per cent of accepted occupational cancer fatality claims in Ontario from 1997 to 2010 were the direct result of exposure to asbestos.

As startling as these statistics are, most asbestos-related illnesses and deaths are never reported to or recognized by compensation systems. Affected workers and their families suffer in silence and die, often unaware their illness was caused by workplace exposure decades earlier.

For asbestos-related diseases, the time between initial exposure and the diagnosis of illness is often between 10 and 50 years. Now consider the use of asbestos peaked in the 1970s and continued into the 1980s, before its use was strictly regulated in Canada. It's no surprise then we are experiencing an asbestos-related disease epidemic. Many predict this suffering is far from subsiding.

## What is asbestos?

Asbestos is a naturally occurring fibrous mineral categorized into two main types:

- **Chrysotile** asbestos fibers are curly and form together as spirals. Also known as serpentine and white asbestos, this type was widely used and is the most common found in buildings today.
- **Amphibole** asbestos fibers are straight and needle-like. There are several types of these fibers, including amosite (brown asbestos) and crocidolite (blue asbestos).

The utility of asbestos for industrial and commercial purposes relates to its strength, durability, fire and heat resistance and insulating properties. These fibres have been used over the years to manufacture thousands of asbestos containing materials (ACMs). These items range from floor tiles and thermal/electrical insulation to automotive brakes and cement pipes.

## How are workers (and others) exposed?

Most ACMs were used in the construction of homes, hospitals, schools, apartment buildings, office towers and other structures built from the 1930s through the 1980s. They were also used in ships, aircraft, railway cars and vehicles.

As associated health hazards became more widely recognized, workers, their representatives and many others mobilized for its control (and eventually for a wholesale ban). Many manufacturers were also motivated by the need to limit legal liability. The production and use of ACM here in Canada and in other developed countries decreased accordingly and significantly.

Consequently, risk to the health of workers, their families and others today mostly relates to the deterioration, maintenance, removal, renovation and other sources of agitation in buildings constructed prior to 1990.

However, the Canadian government continues to allow the importation and use of products containing asbestos. Brake pads and cement pipes are two of the more common examples. Until recently, Canada also mined and exported asbestos to developing nations, this until the government in Quebec cancelled a loan in 2014 destined to prop up the industry.

Regardless, the mere presence of ACM in a workplace or building may not pose a risk to health. However, if ACMs are disturbed, microscopic fibres are released into the air. When inhaled they can become trapped in the lungs where, over time, these fibres can accumulate and lead to serious health issues.

Asbestos containing materials fit into two categories that relate to the risk of fibres becoming airborne—friable and non-friable.

**Friable ACM** is easily crumbled, pulverized or powdered by hand pressure. Though friable asbestos products are now banned in Canada, they remain prevalent in older buildings. Examples include:

- insulation on steam pipes and mechanical systems including boilers, heaters and vessels
- sprayed fireproofing material on ceilings, walls, beams and other structural supports, and
- sprayed acoustical soundproofing and decorative material.

For **non-friable ACM**, asbestos fibres are bound by cement, vinyl or other material and cannot be reduced to powder or dust by hand. These materials, however, **can become friable when agitated** by cutting, grinding, sanding or some other

mechanical force. They can also become friable through normal wear and tear as materials break down over time or as a result of demolition. Examples include:

- reinforced cement products including roofing, shingles, sheet walls and panels
- cement moulded products (pipes)
- floor tiles, the backing on vinyl sheet flooring, and adhesives used for installing floor tile, and
- automobile brake pads and linings, clutch mechanisms and other friction products.

## Who is exposed?

More than 150,000 Canadians are regularly exposed to asbestos in their workplace — 50,000 in Ontario.

The largest at-risk group are those in construction-related trades. Others at risk include workers who perform demolition, asbestos abatement and remediation along with regular maintenance, repair and renovation work in older commercial, industrial, institutional and residential buildings.

Workers in shipyards and power plants, auto mechanics, along with teachers, health care workers, maintenance personnel, custodians, firefighters and others working in older buildings are also at risk.

Of course, family members and others may also be exposed if fibres collected on workers' clothing are transported to the family car or home.

## What are the specific risks to health?

According to the International Agency for Research on Cancer (IARC), **all forms of asbestos have been classified as Group 1 substances, in other words, "carcinogenic to humans."**

Symptoms and the onset and/or diagnosis of cancer and other related diseases can occur 10, 20, even 50 years after initial exposure — a period of time commonly known as a latency period.

An indicator that harmful asbestos exposure has occurred is the development of **pleural plaques**. The affected worker may not experience any symptoms, but this scarring within the lining of the lungs can be visible through x-rays and CT scans.

**Asbestosis** is caused when fibres lodge in the lungs and result in

scarring and inflammation. Symptoms can include shortness of breath, coughing, excess phlegm and fatigue. This disease is progressive in terms of reduced lung function. It is irreversible and can prove fatal. It can also contribute to other related fatal illnesses.

Exposure to asbestos fibres has been found to increase the risk of developing **lung cancer**.

**Mesothelioma** is a rare and deadly cancer of the lining of the lung or the abdominal cavity almost exclusively caused by asbestos. The latency period from initial exposure is often more than 20 years.

Studies have also found evidence linking asbestos exposure with various other cancers including **larynx and laryngeal cancers**, along with **stomach, ovary, gastrointestinal and colorectal cancers**.

### Is there any safe level of exposure?

The World Health Organization (WHO), a body of the United Nations, says unequivocally there is **no safe level of exposure to asbestos**.

The United States government's Occupational Safety and Health Administration (OSHA) is among many other organizations and individuals who offer this same conclusion for all forms of asbestos including chrysotile — the most common form to which workers here in Canada can be exposed.

Closer to home, Health Canada offers that "Asbestos, if inhaled, can cause cancer and other diseases."

Nonetheless, Ontario occupational health and safety law still allows workers to be exposed.

### What to do if asbestos exposure is suspected?

If you work in a building or structure built prior to 1990 — assume ACM is present.

Speak to a supervisor or employer along with the joint health and safety committee (JHSC) or worker representative. Assumptions must be confirmed or denied. All workers in Ontario have the right to know if asbestos is present in the workplace.

Before undertaking any building remediation, insist on proper tests for the presence of asbestos, or access to records of past tests.

All workers in Ontario also have the right to refuse work they believe is likely to endanger their immediate or long term health or that of another worker (some workers do have restrictions on this right).

### How is asbestos/ACM regulated?

In general, the federal government regulates the importation, advertising or sale of asbestos products.

In Ontario, among many general duties, the *Occupational Health & Safety Act (the Act)* requires

employers and supervisors to identify workplace hazards and take every precaution reasonable in the circumstances for the protection of a worker.

More specifically, asbestos and ACM is regulated under *the Act* through two regulations: Regulation 490/09 — Designated Substances and Regulation 278/05 — Asbestos on Construction Projects and in Buildings and Repair Operations.

Regulation 490/09 calls on employers to take all necessary measures and procedures by means of engineering controls, work practices and hygiene facilities and practices to ensure that a worker's airborne exposure to asbestos is reduced to the lowest practical level and does not exceed 0.1 fibres per cubic centimeter of air (f/cc). (Of concern to many is the fact studies show even this allowable exposure level will lead to a lifetime toll of five excess lung cancer deaths and two asbestosis deaths per 1,000 exposed workers.) The employer must accomplish this without requiring workers to wear and use respiratory equipment, except during emergency or other special circumstances. Where this is necessary the employer must provide the worker with training on the care and use of the equipment.

Regulation 278/05 is applicable to construction projects along with existing buildings and structures. It does not address allowable exposure limits. Instead, it deals with asbestos detection, work procedures, control measures and protective equipment required for work involving potential exposure to ACM in buildings and construction projects. The regulation requires the classification of work involving ACM (or suspected ACM) according to risk of exposure for workers and others nearby. Each classification triggers specific obligations for owners/occupants/constructors/employers. These classifications include:

- Type 1 represents low risk in terms of scale and potential airborne fibres
- Type 2 represents medium risk which might possibly exceed allowable exposure levels
- Type 3 represents larger scale operations and significant risk for airborne fibres beyond allowable exposure levels

These obligations can include documenting and reporting (to the Ministry of Labour) those workers involved in this work (Type 2 and 3) along with instruction and training for workers carrying out asbestos operations. This training must be delivered by a "competent person" as defined by *the Act*. There are additional training requirements for workers or supervisors working in a Type 3 operation.

Building owners have additional duties including preparing and maintaining an "ongoing asbestos management plan" (O. Regulation 278/05). Examples of actions required in this plan include:

- preparing a record clearly outlining the location of all friable and non-friable ACMs,
- updating this record at least once in every 12-month period or when new information becomes available, and
- sharing these records with building occupants, employees and those performing work onsite.

### What else can be done?

While many developed countries have asbestos-disease registries, Canada does not.

A national disease registry could be an important tool to help further guide awareness and just compensation for those affected by asbestos. It could also serve to help further the development of workplace and public health policies and practices aimed at exposure prevention.

Further still, in terms of national action needed to help protect Canadian workers and the public from the deadly risk posed by asbestos, many are still calling for an outright ban on its use, import and sale. More than 50 countries, including Japan, Australia and Britain have banned the import and export of asbestos and asbestos-containing products. To date, the Canadian government however, has not followed suit.

**Note:** Given space limitations this document provides only summary information. To help workplace parties better understand this deadly workplace hazard, related health and safety laws, necessary controls and additional exposure oversight tools, the WHSC offers an Asbestos hazard awareness program. For more details call 1.888.869.7950 and ask to speak to a training service representative.



**RESOURCE LINES**

Published by the  
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**ECOH**

Environmental Consulting  
Occupational Health

Item 5  
Council - March 22, 2018

**ASBESTOS CONTROL IN THE UNIVERSITY OF TORONTO  
MEDICAL SCIENCES BUILDING**

Submitted to:  
University of Toronto Faculty Association

Prepared by:  
**ECOH**  
75 Courtneypark Drive West, Unit 1  
Mississauga, ON L5W 0E3

**ECOH Project No.: 18275**

**February 8, 2018**

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## EXECUTIVE SUMMARY

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University of Toronto Faculty Association (UTFA) engaged ECOH Management Inc. (ECOH) to provide advice regarding several asbestos related issues in the University of Toronto (U of T) Medical Sciences Building (MSB).

In addition to the general advice, ECOH was specifically requested to provide opinions on the following:

- 1) The cause of asbestos containment failures and/or detection of significant levels of asbestos in the MSB
- 2) Whether U of T has adopted best practices with respect to asbestos abatement
- 3) The safety of the MSB with regard to asbestos abatement activities
- 4) Recommendations for improvement in asbestos abatement practices in the MSB

In response, ECOH has conducted site visits to several laboratories in MSB, met with U of T staff, and reviewed documentation provided to UTFA by U of T and by the Ontario Ministry of Labour in response to a Freedom of Information request submitted by UTFA.

The available information is insufficient to allow a thorough assessment of the adequacy of asbestos exposure control. However, based on our observations and findings, ECOH believes that there appear to be systemic problems that stem from a lack of consistent overall management and authority for asbestos abatement projects. Resulting problems include breaches in asbestos abatement control procedures and poor communication with staff. A separate issue, but also problematic, is related to past practices involving disturbance of asbestos-containing sealant that has been used to paint concrete block surfaces throughout the MSB.

In our opinion U of T has not adopted best practices in asbestos management and abatement. The reasons for this opinion are:

- 1) There is no evidence of a systematic risk assessment, evaluation or control prior to abatement activities;
- 2) The adopted practices appear to be based on a patchwork of in-house expertise and outside consultants with little evidence of professional input;
- 3) Repeated use of inappropriate sampling strategies and analytical methodology;
- 4) Repeated use of irrelevant exposure standards;
- 5) Inconclusive investigation into the cause of documented breaches in containment.

Our review of available information suggests that considerations for staff safety were mostly reactive in nature. There is little evidence of staff consultation and communication has been largely reactive, with inadequate and ineffective efforts to build the confidence of the occupants. Further, the cursory nature of investigations related to containment failures and unexplained asbestos-containing dust in the laboratories have resulted in a loss of credibility of the U of T EHS staff.

## EXECUTIVE SUMMARY

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The following recommendations are presented to address issues related to asbestos exposure management.

- 1) A systematic risk assessment approach should be implemented that includes:
  - a) A comprehensive sampling strategy, meaning more than the current practice of random air sampling;
  - b) Representative dust-wipe and/or micro-vacuum tests to determine whether asbestos is present in settled dust and if so steps should be taken to identify the source (sprayed fireproofing or wall sealant);
  - c) Passive dust sample collection over a period of weeks throughout the MSB to confirm the absence of asbestos in the general dust settling on to horizontal surfaces;
  - d) Proper cleaning of any areas where asbestos-containing dust.
- 2) U of T EHS staff must regain the credibility and trust of MSB occupants by:
  - a) Adopting an open, inclusive and collaborative approach with UTFA. This would require UTFA (and/or its agents) being granted unrestricted access to all areas of the building and to all (without exception) documentation (past, present and future);
  - b) Inviting UTFA to provide meaningful input;
  - c) Achieving consensus with UTFA before initiating abatement projects and implementing controls;
  - d) Making UTFA (or its agents) a member of the team providing oversight.
- 3) Management of asbestos abatement projects, consistent with industry best practices, should be instituted. A systemic solution is needed if U of T is to address staff concerns and prevent the kinds of problems in asbestos control that have previously occurred due to the diminution of authority, little to no professional input, random use of junior level technical assistance and misinterpretation of standards, legislation and/or industry best practices.
- 4) It is recommended that U of T would benefit from using their third party experienced consultants to provide meaningful input into the abatement design and contractor selection as well as responsibility and authority for the oversight of asbestos abatement activities.

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## 1. INTRODUCTION

ECOH Management Inc. (ECOH) has been engaged by the University of Toronto Faculty Association (UTFA) to provide advice regarding asbestos contamination in the University of Toronto (U of T) Medical Sciences Building (MSB).

Goldblatt Partners, acting on behalf of UTFA, asked ECOH to provide opinions on the following:

- 1) Have you been able to determine the cause or reason for asbestos containment failures and/or detection of significant levels of asbestos in the MSB since on or around January 31, 2017? If so, in your opinion what are those causes or reasons and what is the basis for your opinion? If not, what further information or testing would you need to make such a determination?
- 2) The University of Toronto's Health and Safety Policy requires that the University "...strive to exceed the legislated requirements by adopting the best practices available to protect the University community and to promote a positive health and safety culture." What is your opinion as to whether the University of Toronto has exceeded legislated requirements and adopted best practices with respect to asbestos abatement in the MSB from November 2016 to present and what is the basis for that opinion?
- 3) What is your opinion as to the safety of the MSB with regard to asbestos abatement activities from November 2016 to present and what is the basis for that opinion?
- 4) Are there any recommendations that you would make for the University to improve its asbestos abatement practices in the MSB, for example with regard to planning and management of asbestos abatement activities, communications with building occupants, or testing for asbestos contamination?

In order to answer these questions, ECOH has considered information from four sources:

- 1) Site visits conducted by ECOH to several laboratories in MSB, and meetings held with U of T staff
- 2) Documents provided to UTFA by U of T
- 3) U of T documents provided to UTFA by the Ontario Ministry of Labour in response to a Freedom of Information (FOI) request.

The information available to ECOH from these sources was not sufficient to derive a complete understanding of the circumstances leading to asbestos contamination in MSB. While ECOH has drawn inferences about conditions and issues related to asbestos controls, there are significant information gaps that prevent definite conclusions. This report presents ECOH's findings and our best efforts to provide

opinions on the questions we were asked to address, given the limitations of the available information.

## 2. BACKGROUND

ECOH was initially retained by UTFA to assist in addressing issues related to concerns about asbestos dust in an MSB laboratory, Room # 6334. Following its own investigation and air sampling by another consultant, U of T declared the laboratory to be safe for occupancy. Through UTFA, staff requested ECOH's opinion prior to accepting U of T's decision.

ECOH was subsequently asked to assess conditions related to asbestos exposure in Rooms 3336, 6336, 3366 and 6270/6277.

To address these concerns, ECOH made the following site visits to MSB to observe conditions related to asbestos exposure and control:

- 1) May 5<sup>th</sup>, 2017 – visit to Room #6334 by Dr. Om Malik, ECOH CEO, Mark Lai, ECOH President and John Kocjan, ECOH General Manager.
- 2) September 14, 2017: visit by John Kocjan, and Mahir Bholat, ECOH Environmental Scientist to Rooms #3336 and 6336.
- 3) September 15, 2017: visit by Mark Lai, John Kocjan and Mahir Bholat to Rooms #3366 and 6270/6277.

During the September visits, the ECOH consultants were accompanied by the following U of T staff and faculty:

University of Toronto:	Karen Nguyen: U of T Facilities – planning assistant Yang Ting Shek: U of T, Occupational Health and Safety Manager Irfan Miraj: U of T, Manager, Environmental Hazards & Safety
Professor/Room number	Adria Giacca / Room 3336 (Sept. 14) Patricia Brubaker / Room 3366 (Sept 15) Matthew Bjerknes / Room 6270-6277 (Sept 15)

Observations and findings made on these visits are presented in Section 3 of this report.

## 3. OBSERVATIONS AND FINDINGS

This section presents ECOH's observations and findings based on staff interviews, visits to MSB Rooms 6334, 3336, 6336, 3366 and 6270/6277, and documents provided to UTFA.

### 3.1 Room 6334

The laboratory is approximately 9m by 6m and equipped with laboratory benches and fume hood. There are two doors that open into a shaft that contains electrical conduits.

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Some over-sprayed asbestos-containing fireproofing is present in the shaft. At the rear of the lab there are two offices that appeared to be unoccupied.

The lab and offices have suspended 1.2m x 0.6m painted ceiling tiles. According to the facilities director, the structural steel deck above the ceiling has sprayed asbestos-containing fireproofing.

The lab is supplied with fresh air and air is exhausted from a return air duct and from the fumehood. The lab is under negative pressure with respect to the corridor and the shaft.

Accumulation of dust on the floor near the shaft was reported in February and March 2017. It was reported that students stated that there was a "cake of dust" spread throughout the lab. The dust had been cleaned by the time of ECOH's visit. As photographs were not available, ECOH has no direct knowledge of the extent of the dust.

U of T Facilities staff reported that asbestos abatement was carried out in February on the 3rd floor of MSB using the Type 3 procedures specified in Ontario Regulation 278/05 (Asbestos on Construction Projects and in Buildings and Repair Operations). It was also reported that some abatement had been carried out on the 7th floor. No details were available regarding the duration of this abatement, inspection reports, observations during abatement, results of air samples collected outside the containment area during abatement, or pressure readings. In short, ECOH was not able to examine any documents that would indicate the effectiveness of asbestos containment during abatement.

Room 6334 was cleaned after the reported observations of dust, and air sampling for asbestos subsequently conducted by two consultants, Pinchin and Safetech. On the basis of their sampling results, both consultants designated the lab as safe for occupancy.

### **3.2 Room 3336**

Room 3336 has suspended ceiling tiles and is served by four supplied air diffusers and one return air grill. Air is also exhausted through the fume hoods. There is no direct access to the shaft from this room.

Signs are present stating that there is an asbestos hazard above the ceiling (referring to the sprayed-on asbestos-containing fireproofing material). Transite board is present in the fumehoods.

Staff reported observing dust along the edges of the cabinet and behind the freezer. This dust was confirmed to contain asbestos and found to be related to asbestos contained in a sealant painted on the walls.

Due to concerns that asbestos may have been released from this sealant due to nailing or drilling into the walls, the area was cleaned in March 2017 using Type 2 asbestos

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procedures. A protocol is now in place for drilling holes in block walls. Cracks in the walls have been sealed.

At the time of this visit, construction was under way in Room 3334, adjacent to Room 3336.

### 3.3 Room 6336

Like Room 3336, this room has suspended ceiling tiles and is served by four supplied air diffusers and one return air grill. Air is also exhausted through the fume hoods. There is no direct access to the shaft from this room.

Staff concerns about asbestos stem from the proximity of this room to Room 6334. No construction activities such as drilling into the block walls are known to have occurred in this room. Cracks in the walls appear to have been sealed.

Tests of settled dust did not indicate the presence of asbestos and air sampling results did not indicate elevated airborne asbestos concentrations.

Signs are present stating that there is an asbestos hazard above the ceiling. Transite board is present in the fumehoods.

### 3.4 Room 3366

This room also has suspended ceiling tiles and is served by four supplied air diffusers and one return air grill. Air is also exhausted through the fume hoods. The room has direct access to the shaft, but the shaft door was not open. A sign indicates that a gasket has been installed.

Signs are present stating that there is an asbestos hazard above the ceiling. Transite board is present in the fumehoods. Vinyl floor tiles (presumed to contain asbestos) are present in this room.

Air sampling did not indicate elevated airborne asbestos concentrations in this room. The staff expressed concern that the detection limit for the air sampling was too high.

Laboratory staff expressed a number of other concerns regarding asbestos. These included:

- 1) An incident involving improper removal of asbestos waste from the abatement site (the material was reported to have been removed in an uncovered wheel barrow.)
- 2) There was evidence of shaft entry that had not been reported to the laboratory staff.
- 3) A shaft door in the corridor was observed to be open.
- 4) Concerns about shaft entry procedures: it was reported that previously Type 2 procedures were used for shaft entry, but these have recently been changed to



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require Type 2 procedures only when asbestos might be disturbed. The U of T procedures do not require precautions for visual inspections or other activities that do not disturb dust.

- 5) Concerns were also expressed about U of T communications practices. Staff were dissatisfied that they are informed about asbestos-related matters only after incidents have occurred.

### 3.5 Room 6270/6277

This room does not have direct access to the shaft.

Vinyl floor tiles (presumed to contain asbestos) are present under the cabinetry, but new flooring has been installed elsewhere. Transite board is present in the fumehoods. Signs are present stating that there is an asbestos hazard above the ceiling.

Air sampling did not indicate elevated airborne asbestos concentrations in this room.

While construction is not known to have occurred in this room, staff are concerned because of asbestos-related incidents that occurred elsewhere in MSB. Like other staff interviewed, they feel that proper asbestos control practices have not been followed, and that communication has been poor.

### 3.6 Documents provided by the Ministry of Labour under a Freedom of Information Request

In response to a UTFA Freedom of Information (FOI) request, the Ontario Ministry of Labour provided 42 documents pertaining to asbestos abatement in the MSB. In addition to a U of T asbestos abatement Scope of Work, a related letter from the U of T architect, and the Ministry of Labour Notice of Project, these documents include six (6) clearance air sampling reports for abatement projects on the 3<sup>rd</sup>, 6<sup>th</sup> and 7<sup>th</sup> floors of MSB, and 33 abatement inspection reports. The air sampling and inspections covered by these documents were all conducted by OHE consultants between November 23, 2016 and January 27, 2017.

These documents indicate that:

- 1) The U of T's Scope of Work included with these materials is dated March 1, 2017, i.e. after the incidents described in this report, and the abatement projects covered by the submitted inspection reports. No information is provided as to the specifications covering the period between November 23, 2016 and March 1, 2017.
- 2) OHE consultants utilized a checklist to determine compliance with expected asbestos abatement practices. The checklist covered three phases of the projects: preparation, asbestos removal, and clearance.
- 3) Checklists and narrative reports completed by OHE indicated that for the most part, practices observed by the asbestos abatement contractor (Canviro) conformed to

expectations. Several exceptions were noted, and most of these were corrected by Canviro when pointed out by OHE. (Exceptions that may be noteworthy are discussed in Section 4 of this report.)

- 4) In several cases, there is a discrepancy between the completed checklist and the narrative reports appended to the checklists. In particular, a number of checklists for the preparation phase for the 6<sup>th</sup> and 7<sup>th</sup> floors indicate N (No) to the item "Upper Seals Erected Where Required", but the narrative report states, "Upper seals were erected where required" (examples: 6<sup>th</sup> floor, November 23 and 7<sup>th</sup> floor, November 30, 2016 reports).
- 5) Ambient air sampling conducted in occupied areas during abatement used a standard of 0.05 f/cc. All reported ambient air sampling in occupied areas met this standard. The standard for clearance air sampling, conducted in the project areas after abatement completion, was 0.01 f/cc. All reported samples met this standard.

## 4. DISCUSSION

This section addresses three of the questions posed to ECOH by Goldblatt Partners on behalf of UTFA, namely:

- 1) Have you been able to determine the cause or reason for asbestos containment failures and/or detection of significant levels of asbestos in the MSB since on or around January 31, 2017? If so, in your opinion what are those causes or reasons and what is the basis for your opinion? If not, what further information or testing would you need to make such a determination?
- 2) The University of Toronto's Health and Safety Policy requires that the University "...strive to exceed the legislated requirements by adopting the best practices available to protect the University community and to promote a positive health and safety culture." What is your opinion as to whether the University of Toronto has exceeded legislated requirements and adopted best practices with respect to asbestos abatement in the MSB from November 2016 to present and what is the basis for that opinion?
- 3) What is your opinion as to the safety of the MSB with regard to asbestos abatement activities from November 2016 to present and what is the basis for that opinion?

The fourth question, concerning ECOH's recommendations, is addressed in Section 5 of this report.

### 4.1 Cause of asbestos containment failures and the presence of asbestos in MSB

The presence of asbestos dust in Room 6334 reported in February 2017 suggests that there was a failure of asbestos containment during asbestos abatement activities.

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However, there is no direct evidence or documentation indicating that such a failure occurred. It was reported to ECOH that in the opinion of the U of T Environmental Health and Safety (EHS) Department, the problem resulted from the failure of the abatement contractor to employ required practices, in that they conducted dry rather than wet cutting of asbestos-containing materials. However, in ECOH's opinion, this does not explain the migration of asbestos dust into occupied areas. If containment of the asbestos abatement site were satisfactory, the dust would not have migrated out of the site, even if improper cutting practices were used.

Another hypothesized explanation for the presence of asbestos in occupied areas is that asbestos migrated through the mechanical shafts. Laboratories are under negative pressure in relation to the shafts due to exhaust from fumehoods. As a result, according to this hypothesis, asbestos infiltrated from the shafts into the laboratories. Seals and gaskets were therefore installed on doors from the shafts. However, while migration of asbestos from the shafts into occupied areas is possible, this does not explain how asbestos from the abatement project could have entered the shafts in the first place.

In ECOH's opinion, there are two possible sources of asbestos dust in occupied areas of MSB:

**1) Asbestos-containing sealant on concrete block surfaces:**

Many concrete block surfaces in MSB are coated with the sealant that has been determined to contain asbestos. This unusual application of asbestos was not initially identified in U of T asbestos surveys. As a result, historically there was likely to have been considerable disturbance (e.g. drilling, nailing) of painted surfaces without controls on potential release of asbestos fibres. While a protocol is now in effect to ensure asbestos controls are in place when disturbing these painted surfaces, the extent of contamination that may have resulted from past practices has not been determined. It is possible that settled dust containing asbestos fibres from this source remains in the building, with the possibility for disturbance of the dust and resulting ongoing exposure.

**2) Problems with management of asbestos abatement projects:**

The U of T EHS Department has assumed direct responsibility for management of asbestos abatement projects. These responsibilities include writing of abatement project specifications, and engaging consultants to conduct air sampling and monitor abatement procedures. In ECOH's opinion, the way U of T is managing these projects has led to a dilution of responsibilities with resulting increased risk of failure in controls.

There are numerous ways in which containment may fail on asbestos abatement projects. These may include insufficient enclosures, inadequate negative pressure within enclosed areas, or carrying contaminated materials out of the abatement site. We do not have evidence of the specific nature of containment failures, but the number of problems reported and the presence of asbestos

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contamination in occupied areas indicates that failure did in fact occur on some occasions.

While the proximate cause of the failure may not be known, it is ECOH's opinion that the ultimate cause is a systemic weakness in design, execution and management of abatement projects. This stems from the dilution of project responsibilities. While multiple consultants have been retained to address specific elements of the projects, such as inspections and air sampling, none of these consultants appear to have been involved with designing abatement procedures or given responsibility for overall project management.

The OHE inspection reports indicate some deficiencies in abatement practices that may have been related to contamination of areas outside the project enclosure. These include:

- a) Problems with waste handling practices, which lend weight to staff reports of seeing waste handled improperly, e.g.
  - i. Waste duct ends were not properly sealed with polyethylene (inspection report for 6<sup>th</sup> floor, of November 25 and December 2, 2016).
  - ii. Waste was not bagged immediately (a number of inspection reports for 6<sup>th</sup> and 7<sup>th</sup> floors).
  - iii. Absence of covered waste bins in project area. The narrative reports did not take issue with the absence of closed bins, but noted that waste will be temporarily stored in the room (we assume this means the enclosed project area) while "waiting for the waste bin" and that the contractor reported that this arrangement is acceptable to U of T. However, the absence of covered bins lends weight to the reported staff observations of uncovered waste being carried through occupied areas.
- b) The discrepancy in some reports between the checklist indication of "No" for "Upper Seals Erected Where Required" and the narrative report which indicated that the seals were in place. These reports include Preparation Phase reports for 6<sup>th</sup> floor, November 23, 2016 and January 9, 2017, and for the 7<sup>th</sup> Floor, November 30 and December 2, 2016. There is no indication that this discrepancy in the inspection report was flagged at the time of the report, which gives rise to a question as to whether the inspection reports themselves were audited and lends support to concerns about lack of rigor in project management.

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## 4.2 Whether U of T has adopted best practices in asbestos control

In ECOH's opinion, U of T has not adopted best practices in asbestos control. The gap is primarily the result of the failure to adequately manage asbestos abatement projects, as mentioned in the preceding section.

Best practices in asbestos management would dictate that there be thorough and consistent oversight of all stages of asbestos control. This is especially necessary in a building as complex as MSB. With respect to asbestos abatement, satisfactory management would require that one party be responsible for overall management of the project, including:

- 1) **Proper design and documentation** of abatement specifications. In response to the FOI request, UTFA received a U of T Scope of Work, but this was dated March 1, 2017, after the incidents in question had occurred. In ECOH's judgement, the March 2017 Scope of Work is reasonable and covers expected practices on asbestos abatement projects. However, there is no documentation indicating whether there were proper abatement specifications in place before March 1, 2017 when the reported incidents occurred.
- 2) **Oversight of abatement** site set-up, including tests of ventilation, negative pressure, observations of hygiene facilities and practices. The information provided in response to the FOI request indicate that OHE was conducting such oversight between November 23, 2016 and January 27, 2017, but there is no documentation of oversight outside of this period. In particular, there is no evidence of proper oversight during the periods in early 2017 when the incidents described in Section 3 of this report were reported. There is also no indication that the OHE inspection reports themselves were subject to review, which would have caught the discrepancy concerning the seals in the upper walls, described in Section 4.1 above. The checklist used by OHE reflects a reasonable standard of practice for asbestos abatement projects, but there is no indication that it was customized to the U of T project to reflect the University's own specifications.
- 3) **An appropriate air monitoring strategy that**
  - a) **Is pro-active rather than reactive to ensure proper controls and containment.** The sampling that has been conducted in MSB has been reactive, i.e. to address staff concerns after an incident, and has not been conducted in accordance with a comprehensive strategy.
  - b) **Utilizes appropriate standards and action levels.**

The U of T consultants' reports reference 0.1 fibre/cubic centimeter (f/cc) as the acceptable exposure limit and 50% of this level (0.05 f/cc) as the action limit. These are not the appropriate standard and action level for occupied building areas, nor are they indicators of satisfactory control practices.

The standard of 0.1 f/cc is especially inappropriate in view of recent changes to Canadian federal legislation. Recent amendments to the Canada Occupational Health and Safety Regulations (SOR/86-304, S. 10.19(1.1)) state that "An employer shall ensure that an employee's exposure to a concentration of airborne asbestos fibres is as close to zero as is reasonably practicable." Although these regulations do not apply in Ontario, this amendment can be viewed as an indication of reasonable expectations. As 0.01 f/cc is the target level set by Ontario Regulation 278/05 for clearance samples (sample taken after an abatement project to indicate satisfactory clearance), it can be assumed that this is a "reasonably practicable" target level for occupied building areas. In contrast, U of T consistently maintains that five times this level - 0.05 f/cc - is an acceptable exposure level in occupied areas of MSB.

The standard of 0.05 f/cc is appropriate for the purposes applied by OHE in its inspection reports, i.e., as a check during an actual abatement project to ensure adequate containment of asbestos within the project area. It is inappropriate, however, as an Indoor Air Quality standard for the purposes used by U of T and its consultants to monitor general ambient air when an abatement project is not under way. For such purposes, ECOH recommends 0.01 f/cc as the appropriate target.

**c) Has a Limit of Detection capable of accurately measuring concentrations at or below the action limit**

The Limit of Detection is the lowest concentration that can be measured in a particular sample. There are some irregularities with respect to the Limit of Detection in asbestos sampling at MSB reported by SafeTech. For example, the report dated March 22, 2017 states that "the quantitative working range of this method is 0.04 to 0.5 fibre/cc for a 1000 L air sample." In order to measure concentrations below this level, the sample would have to draw much more than 1000 L of air. However, results stated in this report indicate that in some cases sample volumes were approximately 1000 litres, yet results reported were well below 0.04 f/cc.

In other cases, the Limit of Detection was 0.05 f/cc, i.e. at the action level adopted by U of T and well above ECOH's recommended target concentration of 0.01 f/cc.

- 4) Transparent and proactive communication with staff.** As with other aspects of asbestos management, communication with MSB staff by U of T has been reactive rather than proactive and has been mainly in response to incidents and concerns. For example, staff were not informed about the initial contamination episode until building occupants themselves discovered and reported asbestos dust in their work areas. Attempts to excuse and minimize the seriousness of contamination promote further distrust. Best practices dictate that communication

be proactive and inform staff of asbestos-related activities and incidents before concerns are raised.

### 4.3 Safety of MSB with regard to asbestos abatement activities

ECOH previously addressed problems related to the presence of asbestos dust in Room 6334. No current asbestos exposure issues were identified with respect to Rooms 3336, 6336, 3366 and 6270/6277, i.e. those rooms in MSB visited by ECOH in September 2017. ECOH does not therefore have evidence of a current problem involving breaches of asbestos abatement protocols. However, the problems identified above with respect to the possible disturbance of asbestos-containing paint and inadequate abatement project management suggests that a need for improvement remains.

ECOH adds, however, that the concept of "safety" is not absolute in the context of materials such as asbestos that may cause cancer. It is generally believed that only zero exposure to asbestos can be considered absolutely safe. Since asbestos is ubiquitous in our environment, absolute safety in this context is not a reasonable expectation. However, it is appropriate to expect that asbestos be controlled to the lowest reasonably achievable level, as recognized in the new federal regulations. ECOH does not believe that the lowest reasonably achievable asbestos level has been attained in MSB because:

- 1) U of T used 0.05 f/cc as an "action level" and for some air samples this was the limit of detection, so sampling could not determine whether concentrations were less than 0.05 f/cc. Some other air samples had a lower detection limit, but air sampling results showed concentrations in some areas to be above 0.01 f/cc. In addition, as described in section 4.2, there are some irregularities pertaining to the Limit of Detection and reporting of results.
- 2) Not all reasonable measures have been taken to control asbestos exposure, as described in the previous sections.

## 5. RECOMMENDATIONS

The following recommendations are presented to address issues related to asbestos exposure management.

- 1) A systematic risk assessment approach should be implemented that includes:
  - a) A comprehensive sampling strategy, entailing more than the current practice of random air sampling;
  - b) Representative dust-wipe and/or micro-vacuum tests to determine whether asbestos is present in settled dust and if so steps should be taken to identify the source (sprayed fireproofing or wall sealant);
  - c) Passive dust sample collection over a period of weeks throughout the MSB to confirm the absence of asbestos in the general dust settling on to horizontal surfaces;

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- d) Proper cleaning of any areas where asbestos-containing dust.
- 2) U of T EHS staff must regain the credibility and trust of MSB occupants by:
  - a) Adopting an open, inclusive and collaborative approach with UTFA. This would require UTFA (and/or its agents) being granted unrestricted access to all areas of the building and to all (without exception) documentation (past, present and future);
  - b) Inviting UTFA to provide meaningful input;
  - c) Achieving consensus with UTFA before initiating abatement projects and implementing controls;
  - d) Making UTFA (or its agents) a member of the team providing oversight.
- 3) Management of asbestos abatement projects, consistent with industry best practices, should be instituted. A systemic solution is needed if U of T is to address staff concerns and prevent the kinds of problems in asbestos control that have previously occurred due to the diminution of authority, little to no professional input, random use of junior level technical assistance, and misinterpretation of standards, legislation and industry best practices.
- 4) It is recommended that U of T would benefit from using their third party experienced consultants to provide meaningful input into the abatement design and contractor selection as well as responsibility and authority for the oversight of asbestos abatement activities.

## 6. CONCLUSION

ECOH has considered information drawn from our site visits to MSB, interviews with U of T staff, and U of T documentation provided through UTFA and the FOI request. The gaps in this information prevent us from drawing a complete picture of the circumstances leading to asbestos contamination in MSB. Nor does it allow a thorough assessment of the adequacy of asbestos control. However, in ECOH's opinion, there are deficiencies in how asbestos-containing materials and asbestos abatement projects have been managed in the Medical Sciences Building. These deficiencies are due to systemic problems that stem from lack of overall management and authority for asbestos abatement projects.

In our opinion U of T has not adopted best practices in asbestos management and abatement. The reasons for this opinion are:

- 1) There is no evidence of systematic risk assessment, evaluation or control prior to abatement activities;
- 2) The adopted practices appear to be based on a patchwork of in-house expertise and outside consultants with little evidence of professional input;
- 3) Repeated use of inappropriate sampling strategies and analytical methodology;
- 4) Repeated use of irrelevant exposure standards;



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- 5) Inconclusive investigation into the cause of documented breaches in containment.

Our review of available information suggests that considerations for staff safety were mostly reactive in nature. There is little evidence of staff consultation and communication has been largely reactive, with inadequate and ineffective efforts to build the confidence of the occupants. Further, the cursory nature of investigations related to containment failures and unexplained asbestos-containing dust in the laboratories have resulted in a loss of credibility of the U of T EHS staff.

ECOH has provided recommendations for addressing these problems.

## 7. STATEMENT OF LIMITATIONS

The findings and conclusions drawn by ECOH Management Inc. (ECOH) concerning the management of asbestos-containing materials in the Medical Sciences Building are limited to the specific scope of work for which ECOH was retained and are based solely on information generated as a result of the specific scope of work authorized by the University of Toronto Faculty Association.

This report was prepared by ECOH for the University of Toronto Faculty Association. The material in it reflects ECOH's professional interpretation of information available at the time of report preparation. ECOH cannot guarantee the completeness or accuracy of information supplied by a third party. Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. ECOH accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report. Should additional information become available that bears on ECOH's findings and conclusions, ECOH retains the right to review this information and modify conclusions and recommendations presented in this report accordingly.

## 8. CLOSURE

ECOH appreciates the opportunity to be of service to UTFA and Goldblatt Partners and will be pleased to provide further service or address any questions or comments related to this report.

**ECOH**  
Environmental Consulting  
Occupational Health

**Prepared by:**



**Mark Lai**  
**President**



## Release Time Report

University of Toronto Faculty Association (UTFA)

February 2018

### Members of the Ad Hoc Release Time Committee:

Jun Nogami, Professor, Department of Materials Science & Engineering (Chair, UTFA Council Member), Joseph Berkovitz, Professor, Department of Philosophy and Institute for the History of Science and Technology (UTFA Council Member), Louis Florence, Associate Professor, Management, UTM (UTFA Treasurer, Executive), Rosa Sarabia, Professor, Dept. of Spanish and Portuguese (UTFA Council Member), Harriet Sonne de Torrens, Librarian, UTM (UTFA Council Member and Member-at-Large, Executive).

Meetings: January 12, 26, 31, February 2, 8. Each member of the UTFA Executive was interviewed and asked the same five questions (Appendix A and B).

### Preamble

The University of Toronto Governing Council recognizes the University of Toronto Faculty Association as the official representative of faculty and librarians on employment matters and well-being in university life. Since 1977 the purpose of UTFA "is to promote the welfare of the current and retired faculty, librarians, and research associates of the University of Toronto, the University of St. Michael's College, the University of Trinity College, and Victoria University..." (Constitution 2:1).

Faculty and librarians strive for excellence in all areas of responsibility as academics and as participants in UTFA's service to the community as stipulated in the purpose of the Constitution, Article II.2.1. To achieve these goals the University of Toronto supports release time, a reduction of normal workload, for participating officers and members on the UTFA Executive (the three Vice-Presidents, the Treasurer, the Chairs of the Standing Committees, and the Members-at-Large). Annual number and amount of FTEs are negotiated between UTFA and the University of Toronto Administration as part of the regular salary and benefits negotiations as per the Memorandum of Agreement, Article 13.

UTFA is unique compared to unionized faculty associations, with respect to the internal organization and in regards to the workload role of the Executive. The responsibilities of each position on the UTFA Executive varies from year to year to the next, as well as, within each year

depending on UTFA's current goals and activities. The years in which negotiations occur are generally recognized as being particularly demanding and stressful. Additional release time is suggested for participants in the negotiations.

In order to achieve the task assigned to the Ad Hoc Release Time Committee, committee members interviewed each member of the UTFA Executive and asked them to respond to five questions (Appendix A and B). It was vital to consider all perspectives and experiences. This resulted in extensive discussion with individuals and within the committee. Discussions acknowledged irregular workloads and differences within disciplines and departments, as well as, the need for flexibility. Members of the Ad Hoc Release Time Committee have deliberated on these variables. Ultimately, the aim was to ensure that all participants, faculty and librarians, on the UTFA executive are provided with equitable and fair release time.

Members' normal workload is defined in the Workload Policy and Procedures for Faculty and Librarians (WLPP) and members' unit workloads. Release time and stipends are addressed in the UTFA By-Laws (Appendix C).

#### Task of the Ad Hoc Release Time Committee:

1. To examine the appropriate distribution of release time for the different positions on the UTFA executive
2. To provide guidelines for the implementation and use of UTFA release funds.

#### UTFA Executive Positions

The Executive includes one elected President, three officers (Vice-President, Salary, Benefits, Pensions & Workload, Vice-President, University and External Affairs, Vice-President, Grievances), the Treasurer, the Chairs of the Standing Committees (Teaching Stream Committee, Appointments Committee, Equity Committee, Librarians Committee, Membership Committee, Retired Members Committee), and the Members-at-Large.

#### Workload of Faculty and Librarians

Faculty (tenured and teaching stream) and librarians have different areas of expertise and distribution of effort (DOE). All have responsibilities in three areas: teaching / professional practice, service, research and scholarship or professional creative activities. The distribution of effort (DOE) for UTFA members consists of:

- Tenure Stream Faculty: 40% teaching, 40% scholarship, 20% service
- Teaching Stream Faculty: 60% teaching, 20% service, 20% scholarship

- Librarians: 80% Professional Practice, 20% a combination of scholarship and service

How the DOE translates into the number of courses or professional practice varies within disciplines and academic units.

#### Statement of Principles

The principle of the distribution of release is to relieve the regular workload of a member of the UTFA executive so that he or she will have adequate time to devote to UTFA duties.

The amount of release to a given member is keyed to a reduction in workload, rather than a fixed dollar amount per position.

UTFA faculty and librarians given release funds have a responsibility to ensure adequate release time is negotiated in their normal workload to devote to UTFA duties.

#### Guidelines

- As a minimum, relief of teaching / professional practice should reflect the release time percentage granted by UTFA.
- The release time should be taken concurrently with the year in service at UTFA
- Collegial arrangements are expected to be made with a member's supervisor or chair. At no point should funds be transferred to a unit until a collegial agreement has been agreed upon.
- Faculty and Librarians' normal workload consists of three areas of responsibilities: teaching / professional practice, service and scholarship. Therefore, allocation of the release funds may be used for one, two or three of these areas of responsibility as per normal workload DOE.
- In each of the recommendations, teaching relief is expressed in terms of half course equivalents, where 1H is a standard course for one term.

Recommendations:

1. The President: the president should be spending a notional amount of between 80 -100% of their time on UTFA duties, at the discretion of the president. Thus, at a minimum, the president should be released from at least 80-100% of their normal teaching / professional practice workload. As such, the president should not be teaching more than 1H course equivalent in the course of their UTFA duties.
2. VP Grievances: The person in this position should be released from approximately 80% of their regular faculty duties. As such, this person should be teaching a maximum of 2H courses, or 20% of their normal teaching / professional practice work load (rounded up to the nearest half course equivalent), whichever is less.
3. VP Salaries, Benefits, Workload and Pensions. In a negotiating year, the VP SBPW should have release at an equal level to the VP Grievances. In a non negotiating year, their release should be nominally 50%: i.e. teaching a maximum of 3H courses, or 50% of their normal teaching / professional practice work load (rounded up to the nearest half course equivalent), whichever is less.
4. VP External Affairs: should be given a minimum of 2H course release or 30% of their normal teaching / professional practice work load, whichever is more.
5. Treasurer: should be given a minimum of 2H course release or 30% of their normal teaching / professional practice work load, whichever is more.
6. Committee Chairs: Committee Chairs should be given 2H course release.
7. Members at large should be given 1H course release.
8. In a negotiating year, any member of the bargaining team should be granted an additional 1H course release.
9. In any given year, any member of the executive can ask for additional teaching/professional practice release to a maximum of 1H course teaching relief if there is additional workload to be expected in an upcoming year, for example for the purposes of formulating policy.
10. In points 4-9, for a librarian, 1H course release is held to be equivalent to 10 hours of professional practice per week over one term.
11. The granting of additional teaching/professional practice relief is up to the president of UTFA (see president's role in the administration of UTFA, By-Law, Article 3:1 and 3.2)

12. In addition to the above, executive members can request to have research funds per year allocated to their position, to a maximum of the following amounts:

- President: 20K
- VP Grievances 15K
- VP SBPW in a negotiating year 15K; 10K otherwise
- VP External affairs 10K
- Treasurer 10K
- Committee chairs: 10K
- Members at large 5K

The intention of these additional funds is to effectively facilitate any release from research for the executive member.

13. Annual reporting requirement: every year, each member of the executive shall report:

- a. The total amount of teaching relief in half course equivalents
- b. How research funds were spent

This information will be summarized and reported to council.

## **Appendix A**

### Questions for Executive Members:

1. Was the amount of release time granted by UTFA sufficient for your UTFA duties?
2. What was the average amount of time per week that you devoted to UTFA?
3. What release time was negotiated?
4. How did that work out?
5. Comments on the proposed guidelines?

## **Appendix B**

### Responses to the Five Questions

#### Was the amount of release time granted by UTFA sufficient for your UTFA duties?

In a regular year, most considered the negotiated time to be sufficient. All agreed, however, that in a year involving policy writing and negotiations, there was not enough negotiated time.

- This has been the case with the following positions: Chair of the Librarians Committee, Vice-president, Grievances, Vice-President, Salary, Benefits, Pensions and Workload, and the President. More time is required for all these positions.
- Most other Committee Chairs, Treasurer, Members-at-Large, felt there was sufficient time granted.

#### What is the average amount of time per week that you have devoted to UTFA?

Chairs (without bargaining duties or policy writing) (0.175 FTE granted): a day a week (when not bargaining)

Members at Large (0.113 FTE granted): a day a week

Treasurer (0.175 FTE granted): a day a week

Vice-President, Grievances (0.5 FTE granted): not sufficient

Vice-President, Salary, Benefits, Pensions and Workload (0.5 FTE granted): not sufficient in a bargaining year

President (0.80 FTE granted): 100% not sufficient

Retired member (stipend given): stipend offered

#### What release time was negotiated?

Reductions in teaching and professional practice were typically requested.

A percentage of the release funds were applied to scholarship by faculty, teaching stream and librarians.



### How did that work out?

Some encountered problems when negotiating release time. Clear guidelines would be helpful. Those in teaching stream, with a higher teaching load than faculty, found it difficult to negotiate the needed time.

First term after appointment suffers due to late negotiations with units, and in some cases it was not possible to get any teaching release.

Commuting time can add to the load if coming from UTM or UTSC.

### Comment on the proposed guidelines?

- Flexibility was requested to take into account the range of projects faculty and librarians are often engaged in when negotiating release time.
- Leeway in determining how best to reduce workload was generally held to be the preferred scenario.
- Different factors contribute to the assigned workloads of faculty and librarians, hence, flexibility is warranted.
- Most agreed, that stipulating a minimum number of courses released from teaching would aid in negotiating time release.
- Teaching load reduction needs to be spelled out in equivalent time for librarians.
- Negotiating release time at the start of the fall term in September does not work for most faculty and librarians. It is too late. Courses and workload are determined in the previous winter term, usually February. A new time frame is needed for faculty and librarians to negotiate release time in their units, especially for incoming new members of executive.

It would also be helpful if a brief description of duties and responsibilities for each executive position is spelled out. At the very least, potential executive members should be made aware of the description of positions in the UTFA bylaws, where applicable (i.e. articles 3-9). This would help in two aspects:

- It would help those being nominated into a position to know what the expectations for a position would be, and how that might be accommodated by an appropriate amount of release.
- This issue is particularly acute for the member at large positions, for which there have been no assigned duties. Duties have varied depending on UTFA's priorities.

## **Appendix C**

### **UTFA By-Laws**

#### **Article 11: Release times and stipends for the President and members of the Executive**

11.1 So that potential candidates for positions on the Executive Committee will know the release times associated with those positions, the Executive Committee will establish the allocation of release time associated with each position on the Executive Committee including the President. This allocation will be subject to approval, with or without alteration, by Council. Every effort will be made to finalize the allocation applicable for the upcoming year no later than the February Council meeting. It is the expectation that the approved allocation will apply for the next academic year (i.e. commencing July 1), unless there are exceptional circumstances leading the Executive Committee to recommend, and Council to approve, the alteration of the previously approved in-year allocation of release time. Release time for any Executive Committee position will not normally exceed 0.8, except in exceptional circumstances and upon Council approval.

11.2 Stipends will continue in effect for individual Executive Committee positions, but are subject to adjustment by Council. Any such adjustment will normally not take effect until the next academic year (i.e. commencing July 1).

11.3 Release time for members of the UTFA-USMC Leadership Team is negotiated with the Collegium of the University of St. Michael's College. The Leadership Team shall assign the negotiated release time among unit members as it deems appropriate, in a manner consistent with the collective agreement.

## D R A F T AGENDA FOR THE 2018 AGM

April 11, 2018

3:30 – 6:00 p.m.

- 1 Speaker of Council: (5 min)
  - a. Welcome
  - b. Statement of Acknowledgement of Traditional Land
- 2 Minutes of the 2017 AGM Meeting (5 min)
- 3 President's Remarks (10 min)
- 4 Introductions of the 2017 UTFA Al Miller Memorial Award recipients and the Undergraduate Tuition Award recipients (10 min) (Professor Linda Kohn)
- 5 Order of the Day: 5:15 p.m. - Guest Speaker- TBA (45 min)
- 6 Reports of the Officers and Chairs of Committees (10 min)  
The reports included here will not be read at the meeting, but the President, Vice-Presidents, Treasurer, and Committee Chairs will answer any questions.
- 7 Update on Negotiations (30 min)
  - a. Salary, Benefits, Pension and Workload Negotiations (K. MacDonald)
  - b. Part-time Appointments Policy Negotiations (C. Messenger)
  - c. PTR Negotiations (C. Messenger)
  - d. Sexual Violence Policy (T. Zoric)
  - e. Workload Policy (T. Zoric)
  - f. Librarian Policy Negotiations (K. Scheaffer)
- 8 University Pension Plan Update (C. Messenger) (25 min)
- 9 Other Business and Questions from the Floor

Members are invited to a reception after the meeting in the foyer of the Innis College Town Hall

[The AGM Newsletter](#) includes the agenda for the meeting, financial statements, and reports from UTFA officers and committee chairs.

Date and time: Wednesday, April 11, 2018, 3:30 – 6:00 p.m.

Place: Innis College Town Hall, 2 Sussex Ave., Toronto ON, Canada

Item 7b

The Executive Committee recommends that:

Council approve the AGM agenda as distributed.

April 3 live JSPP webinar:

Dear Council Colleagues,

## WEBINAR

1. The UPP group will offer a live webinar on **April 3, from noon to 1:30 p.m.** It will cover much the same material on pensions that we have covered at UTFA Council. Our Executive and Council members will be invited to watch the webinar and submit questions.

a) To provide introductory material on the proposed JSPP to the principals (executive committees/councils) of each Steelworkers local and faculty association participating in the UPP.

AND

b) To use the webinar as a “dry run” that we will then improve make available to *all* of our members.

The UPP group intends to create more of these webinars over the coming months.

In the coming days, UTFA Council members will receive an emailed invitation to watch the webinar.

# Freedom of Speech at the University of Toronto (PDAD&C #68)

From: Meric Gertler, President  
Cheryl Regehr, Vice-President & Provost  
Date: March 8, 2018  
Re: Freedom of Speech at the University of Toronto (PDAD&C #68)

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The University has established a website, [www.freespeech.utoronto.ca](http://www.freespeech.utoronto.ca), to serve as a resource regarding the University of Toronto's longstanding commitment to free expression. The site collects the University's policies and statements on free expression and related matters, offers answers to a few frequently asked questions, and provides links to statements made by other organizations and institutions.

In 1992, the Governing Council of the University of Toronto passed the University's *Statement of Institutional Purpose* and its *Statement on Freedom of Speech*. These *Statements* have served as the cornerstones upon which the University of Toronto has built its commitment to free expression. That commitment has three principles.

First, members of the University must have the right to examine, question, investigate, speculate upon, and comment on issues without reference to prescribed doctrine, as well as the right to criticize society at large. These rights to free expression are a necessary precondition if the University is to accomplish its essential purpose: the pursuit of truth, the advancement of learning and the dissemination of knowledge.

Second, the right to free expression imposes accompanying responsibilities. The exercise of free expression must comply with applicable laws. In addition, the very possibility of free speech depends upon an environment of respect, civility, and inclusion. Speech or other acts that silence, intimidate, or stigmatize individuals or groups stand in direct opposition to free speech and subvert the contest of ideas at the heart of the University's mission. But, at the same time, members of the University community must be prepared to challenge offensive or disturbing ideas – this is part of what it means to study and debate difficult topics.

Third, it has become ever more clear that principles of equity, diversity, and inclusion operate in concert with the rights of free expression to foster excellence. As the University's *Statement on Equity, Diversity, and Excellence* notes, "excellence flourishes in an environment that embraces the broadest range of people, that helps them to achieve their full potential, [and] that facilitates the free expression of their diverse perspectives". The free flow of a multiplicity of diverse ideas is one of the

hallmarks of the University of Toronto and it has led to discovery, understanding, and advances in the human condition.

## 2018 March for Science Toronto

### Hosted by Evidence for Democracy

Thank you very much for your support of the 2017 March for Science which played a crucial role in making it the largest science advocacy event in history. In 2017, over 2,000 Canadians attended the march in Toronto alone.

On 14<sup>th</sup> April 2018, communities from coast to coast will come together once again to celebrate science in Canada as part of the international “March for Science” movement. Evidence for Democracy ([evidencefordemocracy.ca](http://evidencefordemocracy.ca)) hosts the cross-Canada event that plans to celebrate, encourage, and work towards science that protects our health and our environment, and provides us with facts and evidence to hold our governments accountable.

This year, the Toronto March for Science ([sciencemarchto.ca](http://sciencemarchto.ca)) will begin at 11 am in Nathan Phillips Square and end in Queen’s Park, on 14th April 2018. This year’s March will highlight the vital role science plays in our society and democracy, and the importance of ensuring that it is well funded, openly communicated, and accessible to everyone.

Specifically, the 2018 March for Science Toronto aims to:

- Advocate for the promotion of diversity and inclusion in science and scientific institutions, at all levels, including in leadership roles
- Advocate for *science integrity*: the process of scientific research should be free from politically-motivated vetting / filtering
- Advocate for evidence-based decision making in government
- Celebrate Canadian scientists and their contributions

We would be grateful for your continuing support of our efforts in organizing and executing the 2018 March for Science in Toronto. Support from the University of Toronto Faculty Association would strengthen and highlight U of T’s leadership in promoting diversity and inclusion within Ontario’s scientific community, a key aim at this year’s March for Science Toronto.

We would greatly appreciate your consideration of a donation of \$2,000 in support of the 2018 March for Science. Your donation will be critical in organizing the march through the creation of marketing materials leading up to the event and equipment rentals (e.g. AV, and accessibility) on the day of the event. Any donation you make will be publicly acknowledged on our website, social media platforms and on the day of the event.

Thank you in advance for your consideration in supporting the creation of a fairer, more diverse and open scientific community in Canada.

Sincerely,

Chloe McDonald, PhD  
2018 March for Science Toronto  
Organizing Committee Co-Chair



Item 8b

The Executive Committee recommends that:

A. White from the Joseph L. Rotman School of Management be renewed as UTFA's representative to the UTAM Board

AN UTFA-SPONSORED CONFERENCE

# Part-time Appointments at the U of T: Challenges and Strengths

Tuesday, May 1 – Wednesday, May 2, 2018  
Room 205, Claude T. Bissell Building  
140 St. George St.



## Panel

*Tuesday, May 1*  
3:00 – 5:00 p.m.

- Louise Birdsell Bauer (CAUT Research Officer)
- Sarika Bose (Chair, CAUT Contract Academic Staff Committee)
- Frances Cachon (Chair, OCUFA Contract Faculty and Faculty Complement Committee)

A reception will follow from 5:15 – 7:30 p.m. at the University of Toronto Faculty Club, 41 Willcocks Street.

## Conference

*Wednesday, May 2*  
10:00 a.m. – 5:00 p.m.

An opportunity for part-time faculty and librarians from the three campuses of the University of Toronto to share with and learn from their colleagues in a genial, collegial atmosphere.

Lunch will be served.

**All faculty members and librarians are welcome to attend.**

We invite proposals for presentations from part-time members of UTFA. We are looking for brief (15-20 minute) talks or poster presentations on discipline-based scholarship, creative professional activity, pedagogical research, or pedagogical practice.

Team proposals are welcome, within or across units.

If you are interested in presenting, please send a brief proposal **by Friday, March 16, 2018 at 11:59 p.m.** as a Word or PDF attachment to [strengths@utfa.org](mailto:strengths@utfa.org) (200 words maximum).

We look forward to hearing from you! The organizing committee: Claude Evans (Chair, UTFA Appointments Committee), Caroline Lebrech, and Andrew Petersen.

To attend, please RSVP to [faculty@utfa.org](mailto:faculty@utfa.org).

## UTFA Executive Members Length of service / Vacancies 2018-2019-2020

	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
Cynthia Messenger	V-P, Griev. 2010-2016						President 2016-2018			
Louis Florence								Treasurer 2017-2019		
Claude Evans				Teaching Stream 2014-2016			Member-at-Large 2016-2017	Appointments 2017-2019		
Aurel Braun								Member-at Large 2017-2019		
Azita Taleghani								Member-at Large 2017-2019		
Ken MacDonald							V-P, SBP 2016-2018			
Terezia Zoric				Equity 2013-2017			V-P, Griev. 2016-2018			
Linda Kohn			Member-at-Large 2012-2014		V-P, U&EA 2014-2017					
Roy Gillis							Equity 2016-2018			
Kathleen Scheaffer							Librarians 2016-2018			
Mohamad Tavakoli-Targhi								Membership 2017-2018		
Kent Weaver						Retired Members 2015-2017		Retired Members 2017-2018		
Kass Banning							Teaching Stream 2016-2018			
Harriet Sonne de Torrens			Librarians 2010-2016				Member-at-Large 2016-2018			

### Nominating Committee 2018

Alan White

Connie Guberman

Matthew Allen

Mohamad Tavakoli-Targhi (Chair)

Victoria Skelton

[faculty@utfa.org](mailto:faculty@utfa.org)