

UTFA Council Agenda

Wednesday, November 13, 2019 – 3:00 – 5:00 p.m.
Room 374
Rotman School of Management

1. Approval of the Agenda
2. Minutes of the Previous Meeting
 - a. October 17, 2019 *
3. Business Arising
 - a. From the Minutes of Council
 - b. From the Minutes of the Executive Committee
 - i. October 10, 2019 *
 - ii. October 25, 2019 *
4. Order of the Day: 3:10 p.m. - Legal Opinion on Governance * (Wayne Gray – Gray, Whitley, LLP) (20 min)
5. Report of the President (20 min)
 - a. Executive Director hiring update (L. Florence)
 - b. St. Michael's College Negotiating Team (M. O'Connor)
 - c. Early Retirement Incentive
6. Report of the Chair of the Equity Committee (5 min)
 - a. Unconscious bias workshop
 - b. Equity Committee meeting on November 1
7. Report of the Chair of the Retired Members Committee (5 min)
 - a. Retired Member Reception – Follow-up *
 - b. Approval of new member to the Retired Members Committee – Suzanne Meyers Sawa

8. Report of the Vice-President, Salary, Benefits, Pensions and Workload (20 min)
 - a. Asbestos Group Grievance
 - b. Salary Discrimination Project
 - c. Pay Equity
 - d. Benefits Issues
 - e. Approval of new member to the SBPW Committee – Suzanne Meyers Sawa
9. Order of the Day: 4:20 p.m. Workload Adjudicator Rafael Gomez * (20 min)
10. Report of the Vice-President, University and External Affairs (10 min)
 - a. Updates on Bills 100 and 124 *
 - b. OCUFA Advocacy Day at Queen's Park
 - c. Update by Student Mental Health Advisory Committee
 - d. UTEAU Town Hall: "Impact of Provincial Government Cuts for the University of Toronto" *
11. Report of the Chair of the Membership Committee (5 min)
 - a. Membership Committee work plan
12. Report of the Chair of the Librarians Committee * (Written Report) (5 min)
 - a. Approval of member to Librarians Committee – Katya Pereyaslavska
13. Other Business
 - a. Next meeting of Council
Monday, December 9, 2019
3:00 – 5:00 p.m.
Upper Dining Room, Faculty Club
 - b. End of Term Reception
Monday, December 9, 2019
5:00 – 7:30 p.m.
Main Dining Room, Faculty Club
 - c. Annual General Meeting
Tuesday, April 14, 2020
George Ignatieff Theatre
Trinity College
14. Adjournment

* materials attached

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UTFA Council Minutes

Thursday, October 17, 2019 – 3:00 – 5:00 p.m.
Room 368
Rotman School of Management

Present:

- Executive:** C. Evans, L. Florence, A. Giacca, R. Gillis, A. Hojatollah Taleghani, J. Macdonald, C. Messenger, H. Sonne de Torrens, T. Zoric
- Present:** M. Attridge, K. Banning, E. Barbeau, K. Bickmore, C.H. Chen, E. Comelli, A. Fenner, E. Fillion, J. Jenkins, A. Keith, W. Kemble, R. Kluger, J. Nogami, M. O'Connor, M. Peski, J. Poë, D. Roberts, K. Scheaffer, V. Skelton, L. Stewart Rose, K. Weaver, A. White, N. Wiseman
- Regrets:** K. Adamson, M. Allen, A. Braun, L. Chen, P. Grav, M.A. Guttman, D. Heap, R. Helms-Park, P. Khan, J. Lanca, M. Light, K. MacDonald, H. Rodd, S. Rupp, M. Stapleton
- Absent:** J. Berkovitz, G. Grasselli, B. McDonagh, S. Prudham,
- Also Present:** M. Horban (Business Officer)
C. Penn (Administrative Assistant and Note Taker)
R. Riendeau (Speaker)
R. Schmelzer (Grievance Assistant and Note Taker)

R. Riendeau called the meeting to order at 3:05 p.m.

1. Approval of the Agenda

M. Attridge, seconded by J. Jenkins, moved that:

the agenda be approved as distributed.

Carried.

2. Minutes of the Previous Meeting

a. September 25, 2019 *

E. Fillion, seconded by K. Weaver, moved that:

the September 25, 2019 Council minutes be approved as distributed

Carried.

3. Business Arising

a. From the Minutes of Council

b. From the Minutes of the Executive Committee

i. September 6, 2019 *

There was no business arising from the minutes of Council.

A reference in the Executive minutes to the discussion of a donation to Bikechain prompted a question as to whether Executive would be bringing a donations policy to Council for approval.

C. Messenger said that an attempt to produce a donations policy had failed and a small committee should now be formed to make another attempt. She asked any members of Council who were interested in serving on this committee to let her know.

4. Report of the President (25 min)

a. Executive Director hiring update (L. Florence)

L. Florence reported that the process of hiring an Executive Director is under way. In response to a question as to whether interviews were taking place, he replied that they were. C. Messenger added that a few more names have recently come forward.

b. Governance Committee and constitutional change – Meeting Oct. 21

C. Messenger reported that the Governance Committee will meet on October 21.

c. Administration proposal on buyout * (C. Messenger and T. Zoric)

C. Messenger, seconded by R. Gillis, moved that:

the meeting go in camera.

Carried.

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

return to the regular meeting.

Carried.

- d. Membership of the UTFA Governance Committee
 - i. Meeting October 21
 - ii. Adding W. Kemble to the UTFA Governance Committee

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

W. Kemble be added as a member of the UTFA Governance Committee

Carried.

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

a. Asbestos Group Grievance Mediation & JHSCs

T. Zoric reported that UTFA's work on the asbestos problem at UofT is paying off, and productive and principled negotiations have taken place. She thanked S. Olexson, D. McIntosh, the grievors, and faculty at the Faculty of Medicine for their strong support. The group grievors want to fix the problems regarding health and safety as well as regarding asbestos at UofT.

T. Zoric said that asbestos and joint health and safety issues tend to rise and fall. She asked members if they had any health and safety concerns at UofT that are not being answered. The members provided examples from their workplaces where renovations are taking place.

T. Zoric said that her own department, because of her activism, is following the rules. She is trying to gain access to the documents sent to the Joint Health and Safety Committees.

b. Gender and Other Forms of Discrimination Salary Project

T. Zoric reported that she is in facilitated discussions on salary issues regarding gender and other forms of discrimination. They are going well so far. UTFA has also filed an Association grievance regarding the 1.3% salary increase that tenured women received but not women in the teaching stream.

C. Messenger, seconded by A. Giacca, moved that:

the meeting go in camera.

Carried.

c. Sexual Violence Policy Review and LOU Negotiations

The meeting continued in camera.

d. Benefits Issues

The meeting continued in camera.

e. SQCTs (SETS)

The meeting continued in camera.

J. Jenkins, seconded by K. Bickmore, moved to:

return to the regular meeting.

Carried.

6. Report of the Treasurer (15 min)

a. 2019-2020 budget *

L. Florence presented the 2019–2020 budget for approval.

L. Florence, seconded by A. White, moved that:

Council approve the 2019–2020 budget as presented.

L. Florence said that for 2018–2019 we had projected a deficit of about \$190,000 but ended up with a surplus of about \$107,000, after taking into account depreciation of about \$115,000 and an increase in our investment account of about \$181,000. Reasons for the better-than-expected outcome are, as previously reported, not hiring an Executive Director, employee leaves of absence and resignations, and flood-related delays to renovations.

The budget for 2019–2020 projects a deficit of \$329,000. This again reflects our expectation that we will in fact hire an Executive Director, move forward with the renovations, and hire at least one new employee. Revenue from dues is expected to increase by approximately \$200,000.

UTFA's dues to OCUFA and CAUT are expected to increase by over \$60,000. New stipends, for people serving on the Pension Committee and so on, will add another \$50,000. But there is high uncertainty as to legal costs for several Association grievances, timing of the renos, and investment performance.

L. Florence said that, as we complete initiatives like renegotiating various policies, and in particular, once the pension transition is completed, the intensity of our work should plausibly decrease, and so it is also plausible that our revenues and expenses might roughly stay in balance in the years ahead. But if they do not, we can draw on our investment portfolio, which now stands at about \$4,200,000.

The members discussed the proposed 2019–2020 budget. It was noted in discussion that we pay a tax for not having a collective agreement, and that we have one of the lowest mil rates in the province, yet our members expect excellent service.

In response to a question about making more use of CAUT and OCUFA legal counsel to offset some of our legal expenses, C. Messenger said that OCUFA does not have any in-house lawyers, and that CAUT does not make its lawyers available to member associations for individual grievances. If there were a major issue that we could not afford but that would affect the entire country, then they might agree to help. OCUFA has offered to provide more training and advise us in bargaining. She has talked to their Executive Director about obtaining more services for UTFA.

Carried.

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

a. October 18 Grievance Committee meeting

C. Evans said that there will be a meeting of the Grievance Committee on October 18. Updates will be provided on the grievance portfolio and also on hiring a litigation assistant.

b. Attendance at the October 1 Lancaster House 2019 Health and Safety Conference; Workplace Safety and Insurance Conference

C. Evans reported that she attended the above-noted workshops on behalf of UTFA. T. Zoric. H. Nowak also attended.

c. Asbestos Group Grievance mediation

C. Evans said that she has supported this grievance.

d. Gender Salary hearing

C. Evans said that she has attended this hearing.

e. Worldox and office committee meetings

C. Evans said that the lawyers are using a new program called Worldox which has an excellent search engine.

8. Report of the Chair of the Retired Members Committee (5 min)a. Welcome to New Retiree Reception, Tuesday, October 22, Faculty Club, 1:30 p.m.

J. Macdonald said that she sent an invitation to Council to attend the above-noted reception on October 22. Approximately 30 people have registered.

J. Macdonald, seconded by, T. Zoric, moved that:

A. Miles be added to the Retired Members Committee.

Carried.

9. Report of the Chair of the Librarians Committee (10 min)a. Charting the Course: Empowering Librarians at UofT – Friday, November 15 – Faculty Club

H. Sonne de Torrens drew attention to above-noted all-day event, having sent out an email inviting Council members to attend. The event will be on academic librarianship at UofT. Guests from CAUT, as well as librarians from other universities, have been invited to speak. There will be several panels, including one about our history and where we would like to go with our current negotiations.

H. Sonne de Torrens reported that she is a panelist at the Librarians' and Archivists' meeting in Ottawa at the end of October. She will speak about reorganization within the UTL system.

b. Approval of member to Librarians Committee

H. Sonne de Torrens, seconded by W. Kemble, moved that:

K. Handren be added to the Librarian Committee membership.

Carried.

10. Report of the Chair of the Equity Committee *a. OCUFA Status of Women and Equity Committee meeting – October 4–5, 2019

A. Taleghani reported on the meeting she attended of the OCUFA Status of Women Committee.

SWEC proposed having a project on the topic of employment equity. The committee expressed a need for a resource that would focus on practical strategies for faculty around employment equity at their institutions. In the coming months the committee will work on the logistics of the project before electing a working group, which will be tasked with reviewing current practices and policies regarding employment equity at Ontario's universities and developing a well-researched resource for OCUFA members, on (1) OCUFA's vision for faculty employment equity; (2) common challenges and barriers to faculty employment equity; and (3) a practical guide on how to address employment equity challenges. .

A. Taleghani reported that SWEC issued a statement against the Ford government's performance-based funding measures, highlighting the serious equity and accessibility implications of this funding model,

including its impact on minority students, female-dominated professions, university programs that are not directly linked to labour market outcomes, and the gender pay gap.

A. Taleghani said that a guest speaker gave a two-hour workshop on faculty and mental illness, the factors that affect faculty's mental health, and how to deal with this issue. The focus of the workshop was to acquire practical tools and strategies that will assist participants to (1) acknowledge and value difference within their associations and (2) understand the interconnected nature of equity struggles.

b. Unconscious bias workshop

A. Taleghani reported that, after Council approved the motion on an unconscious bias workshop, she contacted E. Phillips from Goldblatt Partners, who specializes on this topic and has presented several workshops on it. E. Phillips agreed to put on this workshop for UTFA and a date is being set.

11. Other Business

R. Gillis reported that UTEAU, which represents unions and employee groups across all three campuses, is holding a town hall meeting on October 24 from 5:00 to 7:00 p.m. in the Sandford Fleming Building. The theme will be *Post-Secondary Education: What's under attack and how we can fight back!* It will cover a variety of topics, including the impact of the government's changes on higher education and on health and well-being. There will be speakers from OCUFA and other universities.

R. Kluger said that he received a thank you from Bikechain. They said that UTFA's donation will make a difference.

The members discussed the latest unfortunate incident of a student taking their life in one of the university buildings. It was noted that this could happen at any number of university buildings. C. Messenger said that if there are concerns about dangerous spaces on campus then we can tell the university. It was also noted that faculty can turn to their Health and Safety Committee, and student can go to the Vice-Provost, Students. C. Messenger noted that R. Gillis is working with UTEAU on mental health issues.

T. Zoric reported that W. Ju has expressed an interest in holding a workshop on burnout in teaching. She believes that we are working in an unhealthy workplace and world and need to determine what our role is. The members discussed how stress affects students and, therefore, faculty and librarians. They discussed the role of a faculty and librarian when a student comes to them with a mental health issue or when they experience a problem in the classroom and the resources that are available to them and to the students.

C. Messenger suggested putting forward a motion in principle that makes a statement to the Administration on mental health. R. Gillis and the University and External Affairs Committee would work on the wording, which would be sent to Council by email.

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

Council approve an UTFA statement on mental health that will be posted widely and sent to the Administration.

C. Messenger said that statement should not focus just on faculty or students but on the community.

The members discussed the SafeTALK program, which is a 3-hour training program designed to ensure that people with thoughts of suicide are connected to helpers who are prepared to provide first-aid interventions. The Administration should be urged to make this training available to those who find

themselves helping students in these circumstances.

C. Messenger said that SafeTALK will be put on the next Joint Committee agenda.

T. Zoric suggested that R. Gillis post the information he has on the UTFA website so that members can use it as a resource.

Carried.

- a. Next meeting of Council
Wednesday, November 13, 2019
3:00 – 5:00 p.m.
Room 374, Rotman School of Management
- b. Annual General Meeting
Tuesday, April 14, 2020
George Ignatieff Theatre
Trinity College

12. Adjournment

L. Florence, seconded by C. Evans, moved that:
the meeting adjourn.

Carried

The meeting adjourned at 4:50 p.m.

Chris Penn
Administrative Assistant

Motions from the October 17, 2019 Council Meeting

Item 4d:

W. Kemble be added as a member of the UTFA Governance Committee

Carried

Item 6a:

Council approve the 2019–2020 budget as presented.

Carried.

Item 8a:

A. Miles be added to the Retired Members Committee.

Carried.

Item 9b:

K. Handren be added to the Librarian Committee membership.

Carried.

Item 11:

Council approve an UTFA statement on mental health that will be posted widely and sent to the Administration.

Carried.



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Council Summary

UTFA Executive Minutes

Thursday, October 10, 2019
UTFA Boardroom
2:00 – 4:00 p.m.
Chair – C. Messenger

Present: K. Adamson, M. Allen, A. Braun, C. Evans, L. Florence, A. Giacca, R. Gillis,
J. Macdonald (phone), C. Messenger, H. Sonne de Torrens, T. Zoric

Regrets: D. Roberts, S. Rupp, A. Taleghani

Also present: M. Horban (Business Officer), H. Nowak (General Counsel), C. Penn (Administrative Assistant and Note taker)

C. Messenger called the meeting to order at 2:20 p.m.

1. Approval of the agenda: The agenda was approved as amended.
2. Minutes of the previous meeting: The minutes of the September 6, 2019 were approved as amended.
3. Business arising (not elsewhere on the agenda)
 - a. Action List *

Several items were removed from the action list. The members discussed how long items should be remain on the list.

C. Messenger reminded the members to send her information for the website. After she approves it, D. Puscas can post it.

It was suggested, and the members agreed, that rather than trying to fill all the vacant Council seats at once, the Membership Committee should target one constituency at a time.

4. Report of the President (40 min)
 - a. Executive Director hiring update (L. Florence)

L. Florence reported that the committee had conducted first interviews with two candidates. One or both may be back for a second interview. The search firm continues to look for other candidates.

L. Florence assumed the chair.

- b. UTFA website

C. Messenger reported that she would like to revive work on the website. She would like to have a small committee of Executive members to meet with staff and the web designers to develop a plan to move forward this important member resource. She is looking for two to three volunteers, who should mail her if they are interested.

c. Governance Committee and constitutional change

C. Messenger reported that the Governance Committee will meet on October 21. An external lawyer has been invited to this meeting to provide advice on constitutional matters. He will review the changing regulations in the not-for-profit sector, and the merits of incorporating under provincial vs. federal rules.

C. Messenger said that the Governance Committee was formed with no librarian representative. W. Kemble has now offered to serve. Council will need to approve her membership on this committee.

d. Business Board meeting and student speakers on mental health

A. Braun, seconded by M. Allen, moved that:

the meeting go in camera.

Carried.

e. Administration proposal on buyout (C. Messenger and T. Zoric)

The meeting continued in camera and moved to item g.

f. UPP update

C. Messenger reported that work on UPP implementation continues. The UTFA Pension Committee will be meeting to discuss several documents. An agreement has been reached to cover UTFA's costs to 2021.

C. Messenger said that she has been working toward a number of deadlines, some at the end of October and others at the end of the year. She said that the members of the UPP have heard that other universities are interested in joining the plan.

g. Part-time policy negotiations: legal opinion on certification of part-time faculty *

The meeting continued in camera.

M. Allen, seconded by H. Sonne de Torrens, moved to:

return to the regular meeting to item f.

Carried.

h. Council agenda

C. Penn asked that members get Council agenda items to her by Tuesday.

C. Messenger assumed the chair.

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

C. Messenger noted that the title of this position will need to be changed when pensions are no longer part of the portfolio. This would have to be done at the AGM.

a. Asbestos Group Grievance Mediation & JHSCs

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

the meeting go in camera.

Carried.

b. Gender Salary Project

The meeting continued in camera.

c. Benefits Issues, including out of country coverage

The meeting continued in camera.

f. SETs

The meeting continued in camera.

T. Zoric, seconded by A. Braun, moved to:

return to the regular meeting.

Carried.

6. Report of the Treasurer (15 min)

a. 2019–2020 budget *

L. Florence presented the draft final 2019–2020 budget, which must go to Council for approval. He also reviewed the investment portfolio.

L. Florence reported on a meeting of the CAUT Defence Fund, which covers St. Michael's College faculty, who are unionized and pay into the strike fund. The fund has \$32 million, which is used for striking faculty and flying pickets. How much money should be in this fund was discussed.

L. Florence reported that the Financial Advisory Committee will discuss at its next meeting whether UTFA has the right amount of money set aside in investments.

7. Report of the Chair of the Retired Members Committee (5 min)

a. Welcome Reception for New Retirees update – Tuesday Oct 22 1:30-3:30pm. Faculty Club

J. Macdonald said that the invitation for the new retiree event has been sent out and an invitation will be sent to Council inviting them to attend

In other business, J. Macdonald said that the Retired Members Committee does not feel that UTFA should host a CURAC conference but believes that Senior College or another group might consider doing so. Nonetheless, the committee believes that M. A. Guttman, R. Gillis and K. Weaver should represent UTFA at the May 2020 CURAC conference. The members agreed, noting also that UTFA should cover their expenses.

8. Report of the Vice-President, University and External Affairs (20 min)

a. Establishment of an UTFA Communications & IT Committee

R. Gillis said that he would like to see a communications and IT committee established in addition to a website committee. He sketched out some of its goals, including developing a communications strategy.

The members discussed this possibility.

R. Gillis said that he attended a CAUT workshop on membership engagement. He said that a joint meeting of the Membership and University and External Affairs Committees is being planned.

b. UTEAU Meetings and UTEAU Town Hall on “Impact of Provincial Government Cuts” on U of T Students - Thursday, October 24, 2019, 5-7 pm

R. Gillis said that UTEAU held a meeting where the main topic was student mental health. It was decided that UTEAU would sponsor a town hall on the “Impact of Provincial Government Cuts” on U of T students. He encouraged them to reframe this mental health initiative as involving the whole community.

C. Messenger said that she would like Council to pass a position statement or letter on this issue after a presentation on it. It is important that UTFA make a statement of support, which we would post on our website.

R. Gillis said that he is seeking research funds to track the mental health and well-being of faculty and librarians.

c. Student Mental Health Consultations

These issues were discussed above.

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

a. October 18 Grievance Committee meeting

C. Evans reported that a meeting of the Grievance Committee was taking place on October 18 and invited members to attend. An update on the grievance portfolio will be given and T. Zoric will speak on the Association grievances. Discussions will also take place about hiring a full-time litigation assistant. The committee will work on preparing Q&A for the website and ask the members for any suggestions.

b. Attendance at Asbestos group grievance mediation

C. Evans reported that she attended the asbestos group grievance mediation.

c. Gender Salary hearing

C. Evans reported that she attended the gender salary hearing.

d. Lancaster House Health and Safety Conference

C. Evans reported that she attended this conference and found it very interesting.

10. Other Business

a. Next Executive Committee Meeting

Friday, October 25, 2019

Lunch 12:30 p.m.

1:00 – 3:00 p.m.

b. UTFA Council

Thursday, October 17, 2019

3:00 – 5:00 p.m.

Room 368, Rotman School of Management

c. AGM

April 14, 2020

George Ignatieff Theatre

d. Adjournment

A. Braun, seconded by L. Florence, moved that:

the meeting adjourn.

Carried

The meeting adjourned at 4:30 pm.

Chris Penn

Administrative Assistant



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Council Summary

UTFA Executive Minutes

Friday, October 25, 2019
UTFA Boardroom
1:00 – 3:00 p.m.
Chair – C. Messenger

Present: M. Allen, A. Braun, C. Evans, L. Florence, R. Gillis, J. Macdonald, C. Messenger, D. Roberts, A. Taleghani, T. Zoric

Regrets: K. Adamson, A. Giacca, S. Rupp, H. Sonne de Torrens

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

C. Messenger called the meeting to order at 1:30 p.m.

1. Approval of the agenda: the agenda was approved as distributed.
2. Minutes of the previous meeting
 - a. October 10, 2019: The October 10 Executive minutes and Council summary were approved as amended.
3. Business arising (not elsewhere on the agenda)
 - a. Action List *

Several items were removed from the action list.

L. Florence assumed the chair.

4. Report of the President (20 min)

C. Messenger started with item 4c then continued with 4a and 4b.

- a. Legal opinion on governance *

The meeting continued in camera from item 4b.

- b. Issues from Joint Committee *

The meeting continued in camera from item 4c.

- c. Early retirement incentive

C. Messenger said that the Administration presented a proposal to provide an early retirement incentive to faculty and librarians that is similar to the 2011 agreement.

C. Messenger said that she looked into Western University's retirement incentive. In April they offered certain of their senior faculty either one or two years' salary depending on whether they retired in 2019 or 2020. Several people took up the offer.

T. Zoric, seconded by M. Allen, moved that:

the meeting go in camera.

Carried.

The meeting continued in camera for 4b and 4a and then 5a.

C. Messenger assumed the chair.

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

a. Asbestos Group Grievance Mediation & JHSCs

The meeting continued in camera.

b. Salary Discrimination

T. Zoric said that OCUFA's Grievance Committee has asked her to give a 1.5-hour presentation on salary discrimination and pay equity on November 29. She looks forward to working with negotiating teams and grievance officers at other faculty associations on the importance of filing association grievances on salary, grievances, and equity.

c. Pay Equity

T. Zoric said that because Mr. Kaplan's decision on the arbitrability of the gender salary Association grievance has not come down yet, production of relevant documents is being delayed. This will have an impact on our expert, who is only available this term and not next term. The delays caused by the Administration are posing problems for UTFA's ability to advance this case.

d. Workload Adjudicator

The meeting continued in camera from 5a.

e. SQCTs

The meeting continued in camera from 5d.

T. Zoric, seconded by J. Macdonald, moved to:

return to the regular meeting.

Carried.

The meeting moved to 5b and 5c.

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

a. Breach of Guidelines for the Promotion to Professor, Teaching Stream

C. Evans, seconded by A. Taleghani, moved that:

the meeting go in camera.

Carried.

b. Implementation of graduate supervision experience survey *

The meeting continued in camera.

A. Braun, seconded by J. Macdonald, moved to:
return to the regular meeting.

Carried.

7. Report of the Chair of the Equity Committee (5 min)a. Unconscious bias workshop: Follow up

A. Taleghani reported that she invited E. Phillips (Goldblatt Partners) to put on an unconscious bias workshop for Council.

b. Equity Committee meeting on November 1

A. Taleghani reported that the first Equity Committee meeting is taking place on November 1.

8. Report of the Chair of the Retired Members Committee (5 min)a. Report on the Welcome Reception for New Retirees

J. Macdonald thanked C. Messenger, T. Zoric, and C. Penn for their work in putting on the welcome reception for new retirees. It was a good event and over 30 people attended and seemed to be happy to be there.

T. Zoric spoke on out-of-country travel costs and the changes members can expect for January. She reported that:

- she spoke with G. Kawaguchi, UTFA benefits consultant, who confirmed what is on the HR and Equity website. If the province drops OHIP coverage, then Green Shield should pay the costs of out-of-country health benefits. There should not be any change.
- the members discussed several scenarios around falling ill out-of-country and whether they would be covered by Green Shield. Members were concerned about the rule that states that you have to be stable for 90 days before you travel and what that means.
- you do not have to be travelling for work to qualify for out-of-country claims with Green Shield.
- there needs to be better communication about what benefits are covered by Green Shield and where to look for information on the website. The Joint Benefits Committee will work on this.
- she is assembling an internal UTFA committee to provide advice to the team that will meet with the Administration.
- this issue of out-of-country benefits should be discussed at the November Council.

C. Messenger suggested inviting G. Kawaguchi to Council to speak about benefits and write a brochure on the issue and asking him what Green Shield's interpretation of "stable" is. T. Zoric further suggested that a meeting of the SBPW committee and the Joint Benefit committee should take place before this.

T. Zoric said that the role of Vice-President, Salary, Benefits, Pensions and Workload is a massive one.

Report of the Vice-President, University and External Affairs (5 min)a. Update on UTEAU Town Hall

R. Gillis said that the UTEAU town hall was to have taken place yesterday but, as there was a student protest on campus, it has been moved to November 14 from 5:00 to 7:00 p.m. They will be talking about performance metrics on funding and CUPE will be speaking about the impact of the government cuts on

student groups. There will also be a discussion on student mental health and well-being. He said that he would send out the poster with the revised date.

9. Other Business

- a. Next Executive Committee Meeting
Friday, November 8, 2019
Lunch 12:30 p.m.
1:00 – 3:00 p.m.
- b. UTFA Council
Wednesday, November 13, 2019
3:00 – 5:00 p.m.
Room 374, Rotman School of Management
- c. AGM
April 14, 2020
George Ignatieff Theatre
- d. Adjournment

L. Florence, seconded by A. Giacca, moved that:
the meeting adjourn.

Carried.

The meeting adjourned at 3:05 p.m.

Chris Penn
Administrative Assistant

From: "Wayne Gray" <wgray@gwvlaw.ca>

Subject: Incorporation of UTFA

Date: October 22, 2019 at 10:25:47 AM EDT

To: "Cynthia Messenger" <cynthia.messenger@utoronto.ca>, "Helen Nowak" <nowak@utfa.org>

Good morning, Cynthia/Helen:

I have read the 1998 arbitral decision imposing a mandatory dues check-off on the University as well as the companion 2015 opinions of Goldblatt Partners on various matters to consider in deciding whether to incorporate and, if so, under which statute.

What follows are my preliminary high-level observations:

1. As an early step, a new corporation ("Newco") could be incorporated under Part III of the Ontario *Corporations Act* ("OCA"). Newco would have a similar (but not identical) to UTFA. Perhaps the same name with "Inc." added at the end. The legal ending could be dropped once UFTA ceases to exist.
2. It seems to me that there are at least two promising routes to ensure that Newco obtains the benefit of the mandatory dues check-out. First, Newco, UFTA and the University would enter into a novation agreement in which Newco becomes the successor in all respects of UTFA under the June 28, 1977 MOU between the University and UTFA (together with all amendments and subsisting arbitral and OLRB decisions including the 1998 arbitral award) and UTFA would be released as a party. The second sure way is for the Ontario legislature to pass a Private Act continuing Newco as a corporation under the Act and providing that it is the legal successor of UTFA as above. There may be other solutions but none of them are obvious or will be as satisfactory as the two just mentioned. Any third solution would have to be as bullet-proof as the above or it would risk challenge – essentially reopening the same issue that the arbitral award settled in 1998. My guess is that we could invest a lot of time and money looking into whether and how a new corporation legally replaces and supersedes an unincorporated association. The sub-issues would be:
 - (a) whether the 1977 MOU and 1998 arbitral award are assignable to Newco with or without the consent of the University; and
 - (b) how UFTA would authorize such an assignment. The degree of certainty would have to be sufficient that it would not be challenged by the University or any due-paying academic staff/librarians who might like to wiggle out of the existing arrangement.
3. Some of the problems with the conscientious objector opt-out or redirection is that (a) it does not of course help fund the operations of UTFA and (b) as a corollary, it incrementally increases the burden on those who do contribute to UTFA. Even if the level of redirection is limited, it could act as a restraint on UTFA decision-making. In addition to maximizing the welfare of the beneficiaries for whom it negotiates (i.e., the academic staff/librarians), UTFA must also be mindful not to make a decision that would lead to a greater incidence of redirection.
4. A Special Act would present an opportunity to end the opt-out. It would also allow Newco to have a contract negotiation structure that is more closely modeled on what exists if it were a full-fledged union.

For example, ratification of a contract with the University could be put to a binding membership vote. A direct vote by those who are affected has greater legitimacy – both from the perspective of the individual faculty member/librarian and from the employer. A vote by intermediaries is less legitimate. Also, the direct member vote would underscore the value and importance of membership in Newco. Membership is not mandatory but the dues must be paid and only members can vote. Without a Special Act, the rule under the OCA and the pending *Not-for-Profit Corporations Act, 2010* is that directors (by whatever name they are called) approve contracts. With limited exceptions (none of which remotely apply), members do not approve contracts between the corporation and third parties regardless of how important they may be to the members. The constating documents cannot override ONCA in this respect. Only a Special Act can override this default corporate-law rule – which is a second good reason to pursue a Special Act incorporation. If this is not desired, it would be possible to build into each contract a condition precedent to the effect that the contract does not bind UTFA until it is ratified by its members. But this would have to be negotiated with the University each time. It should not be something that UTFA should have to negotiate at all.

5. On balance, if UTFA is to choose between the OCA and the federal Act, the OCA is a much closer fit to UTFA's current governance model. Also, the OCA is Ontario, and the University and UTFA are Ontario institutions – which creates perhaps an optical advantage of choosing an Ontario corporation statute (especially if a Special Act may be sought at some point). The Ontario Legislature would be much easier to enlist in support of a Special Act than Parliament.

Helen, if you can find the May 2005 opinion of Sack, Goldblatt, Mitchell, great. If not, please do not spend a lot of time hunting it down on my account. A lot has changed since 2005 (including the ONCA, amendments to the OCA in 2017, the OLRB recognition of UTFA as a union for purposes of the *Labour Relations Act, 1995* in 2011).

Happy to discuss. W.

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Registered: 41 1999 to 2009 : 13; 2010 to 2019: 17; did not indicate: 5
and current UTFA Exe/Council Members: 6

Attended: **30** (no walk ins, poor weather, several cancelled)

UTFA's 'Welcome to New Retirees' Reception

We are delighted that you were able to join us for UTFA's

First Annual

'Welcome to New Retirees' Reception

15/30 completed for a Response Rate of 50%

As this is our first such reception we hope you can take a few minutes to provide us with some feedback on what went well and what you would suggest for future 'Welcome to New Retirees' Receptions.

1. How would you rate the **Faculty Club** as a venue? **Excellent: 100%**

1	2	3	4
Not Satisfactory	Satisfactory	Good	Excellent

2. How would you rate the **food/drinks** served? **Good/Ex : 92.8%**

2	2	3	4
Not Satisfactory	Satisfactory	Good	Excellent

3. How would you rate the retiree information shared ? **Good/Ex: 100%**

3	2	3	4
Not Satisfactory	Satisfactory	Good	Excellent

4. How would you rate the opportunity to hear from and talk to peers?

Good/Excellent: 86.7%

4	2	3	4
Not Satisfactory	Satisfactory	Good	Excellent

Additional Comments on what you liked and/or what you would like to see changed in the future welcome: ➡➡➡➡➡➡➡➡➡

What I liked:

- A) Interactivity: “meeting others” “Good discussion” “ opportunity to participate” “Opportunities to speak to other retirees”
- B) Information: “Good content on Benefits delivered in understandable manner” “Presentations” “Good session”
- C) Food

What I would like to see changed:

- A) Hearing Challenges x3: “All to use travelling mike”
- B) Written Materials: “need written FAQs on health benefits e.g. Out of Country Coverage
- C) Time: “opportunity to ask more specific questions
- D) Missed: “Address issue of annual increases held at 75% of inflation” “Updates of coverage to be announced/documentated and made known.” “Addition to expansion of Green Shield coverage for health services not available a few years ago – e.g. Kinesiology”
- E) Food: “Wood appreciate little sandwiches”

What were you hoping for/expecting today?

- A) No expectations x3: “I had no expectations so all good.”
- B) Hope: “To see several people of my age group but I am so old!!”

Additional Comments:

“Thank you for doing this”

“UTFA needs a Benefits Committee”

“more written materials re: health care details (Green Shield 2014 info out of date”

For greater clarity, the role of the Workload Adjudicator is described in the Workload Policy as follows:

- 9.3 If the complaint is not resolved to the satisfaction of the member within 10 working days of the date of the member's referral of the complaint under paragraph 2 above the member can, within 10 working days thereafter, refer the complaint to the Workload Adjudicator. **The Workload Adjudicator will review the complainant's workload assignment in the context of the requirements or paragraph 3.1 of the WLPP and the Unit Workload Policy and shall consult with both the complainant and the person who assigned the workload to the member, and such other individuals with whom the adjudicator considers it relevant to consult. The Workload Adjudicator shall make a final and binding determination regarding the complaint and the appropriate remedy, if any, in the event the Workload Adjudicator concludes there was a violation of paragraph 3.1 of the WLPP or the Unit Workload Policy concerning the assignment of workload to the member.**
- 9.4 **The Workload Adjudicator shall be appointed for a two year term and be a current or retired faculty/librarian member or academic administrator at the University of Toronto who is mutually agreed to by the University and the Association.** If the parties cannot agree the Chair of the GRP will appoint the Workload Adjudicator after consultation with the parties.
- 9.5 The time limits related to this dispute resolution process may be extended by mutual agreement of the Complainant and the Dean, the Chief Librarian, the Provost or by the Workload Adjudicator
- 9.6 **The Workload Adjudicator may establish his or her own procedures concerning the conduct of complaints and may require the production of relevant documents in connection with a complaint.**



Ontario Confederation of University Faculty Associations
Union des Associations des Professeurs des Universités de l'Ontario

November 4, 2019

Minister Peter Bethlenfalvy
President of Treasury Board
99 Wellesley St. W
Toronto, Ontario
M7A 1W3

Dear Minister Bethlenfalvy,

I am writing today, on behalf of our 17,000 members at 30 member institutions, in response to the request for feedback on the passage of Bill 124 through the Legislature. This letter is an addendum to our original submission on the Bill on May 24. Given that little has changed since our original submission in May, this letter will serve to supplement that brief. Indeed, the only thing that has changed substantively in the past five months is that more evidence has emerged that makes it clear that the government is manufacturing a fiscal crisis to justify the need for Bill 124.

As I understand it, there is one day of committee hearings and a total of five hours set aside over one day to hear from witnesses on the potential effects of Bill 124. Once that hearing is complete, the Bill will then be moved to a vote on November 7 and almost certainly will become law at that time.

The speed at which this process is moving belies any serious commitment to good faith consultation. If passed in its current incarnation, Bill 124 will fundamentally alter the landscape of collective bargaining in Ontario and pushing it through the legislation in this manner mirrors the cynical consultations held on May 3. It was our view at the time that the consultations were merely a tactical charade designed to shield the Bill from a Charter challenge and the timeline and introduction of the Bill has validated our reading of this entire process. In our view, the government has shown no interest in genuine consultation and it is now abundantly clear this Bill is driven by ideology and an animus to free and fair collective bargaining.

In originally introducing Bill 124, you claimed that the need for wage 'moderation' was spurred by a fiscal 'crisis' facing Ontario. However, on October 17 the independent Financial

Accountability Office (FAO) reported that the deficit was actually 4\$ billion lower than the figure of \$11.7 billion you used to invoke a fiscal crisis and justify the legislation and roughly half of what the Ford government claimed the deficit was when it took power. In addition, in its analysis of the most recent Ontario budget, the FAO contends that Ontario's cuts in services are being used to fund tax cuts not reduce the deficit.

What is clear from the data is that Ontario has a revenue problem and not a spending problem. Despite the rhetoric attacking public servants and collective bargaining, Ontario collects the lowest per capita revenue in the country through income taxes, corporate taxes, and fees. This revenue shortfall manifests itself in the lowest per student and per capita funding for postsecondary education in the country. To put this in perspective, in order for Ontario to tie for 9th in spending with Nova Scotia there would need to be an immediate infusion of \$500 million.

In addition, it is important to note that Ontario funds just 35 per cent of the operating costs of our institutions and constraining the salaries of our members will have no effect whatsoever on the fiscal position of the province. As importantly, this needless legislation will constrain the capacity of our members to develop innovative, local solutions to challenging collective bargaining dilemmas. We believe this legislation will lead to increased labour unrest and sour labour relations in a sector in which constructive bargaining relationships have been forged over decades. The risk of labour disruption is also exacerbated by the manner in which Bill 124 circumscribes the capacity of arbitrators to act as a neutral 'safety valve' in intractable disputes.

As outlined in our original submission, constraining wages below the rate of inflation will be most acutely felt by those already marginalized on campus. The groups hit hardest by wage restraint are always those who can least afford it – faculty in small and northern universities, women and other equity-seeking groups whose salaries are lower due to wage discrimination, young faculty for whom wage restraint will compound over a lifetime, and precariously employed contract faculty. Despite a regulated system of grants and tuition that is relatively uniform across the system, faculty at small institutions are paid significantly less than those at larger Ontario institutions.

In addition to these pragmatic, equity, and policy concerns we also oppose Bill 124 on principled and legal grounds. We will be working with our allies to investigate potential legal challenges to the law. As has been clear thus far in its tenure, this government has no hesitation upending the rule of law by political fiat. Bill 124 runs counter to the spirit and letter of what the Supreme Court said in *Mounted Police Association of Ontario vs. Canada (Attorney General)*:

[A] process of collective bargaining will not be meaningful if it denies employees the power to pursue their goals....[A] process that substantially interferes with a meaningful process of collective bargaining by reducing employees' negotiating power is therefore inconsistent with the guarantees of freedom of association enshrined in s.2(d) [of the Charter]. (Supreme Court of Canada, Mounted Police Association of Ontario vs. Canada (Attorney General)).

It is clear that Bill 124 fundamentally alters the process of collective bargaining by manipulating and enforcing monetary 'settlements' in advance and fatally weakening the negotiating power of faculty and academic librarians in Ontario.

It is also our view that Bill 124 infringes on the autonomy of universities and threatens the unique pedagogic, research, and community mandates of our institutions. One of the founding principles of universities is that in order to function most effectively they must remain free of state intrusion. We see Bill 124 as a direct intrusion of our members' right to bargain directly with our employers. Universities are not Crown agencies and our members are not Government of Ontario employees. However, Bill 124 *defacto* usurps the power of universities to bargain with our members by forcing universities to submit collective agreements negotiated in good faith to Treasury Board for final approval. Autonomy is *the* defining feature of universities and part of that autonomy is that faculty and academic librarians have a meaningful voice in the critical academic decisions of the university. Though this may seem like an annoyance or inconvenience to the Ford government, it goes to the very core of what distinguishes a university and positions it to best serve the people of the province. Bill 124 fundamentally alters the terms of that relationship by circumscribing the collective bargaining process and eroding the autonomy of Ontario's universities.

I will end by again quoting from the Supreme Court on the right to free and fair collective bargaining:

The right to bargain collectively with an employer enhances the human dignity, liberty and autonomy of workers by giving them the opportunity to influence the establishment of workplace rules and thereby gain some control over a major aspect of their lives, namely their work... Collective bargaining is not simply an instrument for pursuing external ends...rather [it] is intrinsically valuable as an experience in self-government.

The Supreme Court elegantly captures what is at stake in the cynical and manipulative introduction of Bill 124. I urge you to repeal Bill 124 on the basis that a manufactured fiscal crisis and ideological animosity to free and fair collective bargaining are not sufficient reasons to ignore settled law, abrogate the rights of our members, and undermine a regime of labour relations that has served this province well for over 50 years.

Yours Sincerely,



Rahul Sapra
President

Update on Bill 100

November 7, 2019

From: Michael Conlon <mconlon@ocufa.on.ca>

Hi all,

I am pleased to provide you with an update on Bill 100.

Yesterday as part of our annual Advocacy Day we met with Laurie Leblanc, the new Deputy Minister of Colleges and Universities. In the course of the meeting we asked for an update on Bill 100. Leblanc replied by saying that the Ministry is focusing on voluntary initiatives to encourage faculty renewal and that the Ministry had no plans *at this time* to implement the more punitive aspects of the powers afforded the Minister under Bill 100. That is the clearest indication we have yet that the Ministry is backing off of the idea of arbitrarily reducing the salary of our members post 65. As many of you will know there are a series of voluntary retirement packages being offered as part of this initiative.

While this is a very encouraging development. I would caution that the Minister still has access to the powers under Bill 100 should he change his mind. However, I am confident coming out of yesterday's meeting that there no longer immanent plans to bring forward these regulations. We will monitor the situation moving forward and check in with the Ministry on a regular basis, but we don't envision any regulations coming forward this academic year, if ever. That said, as per the motion passed at the most recent Board meeting, we will move swiftly to challenge the regulations in the unlikely event the Ministry changes its mind and chooses to move forward.

I understand a number of you have been under pressure from individual members to provide advice and updates on this matter. I think it would be advisable to pass along this update to interested members with the caveat that, while we are relieved at the latest update, the Ministry still does retain powers under the Act to reduce members' salaries. I would also advise against providing any specific advice to members about what pension or retirement options they should personally avail themselves of in light of the recent developments.

Thank you to all of you for your feedback and assistance throughout this process as OCUFA pushed back and successfully resisted this prejudicial scheme. Please feel free to connect if you have any questions.

Cheers,

Michael

Michael Conlon, Ph.D
Executive Director
Ontario Confederation of University Faculty Associations
17 Isabella Street
Toronto, Ontario, Canada M4Y 1M7

U of T Community Town Hall

Thursday, November 14, 2019

5:00 pm – 7:00 pm

Mechanical Engineering Bldg, Rm 252
5 Kings College Road

DEFENDING POST-SECONDARY EDUCATION

Come out to hear speakers from students, staff and faculty to talk about cuts to OSAP, student organizations and attacks on post-secondary workers. Join us to mobilize for a #FordFightBack

facebook
LIVE

Live streaming of the Town Hall will be available at:
www.facebook.com/CUPE3902

Everyone welcome!

Food will be provided!



Council Report

Chair of the UTFA Librarians' Committee

November 13, 2019

The University of Toronto Library system is currently in the process of reviewing the Librarian Workload Policy as per the recommended three years in the WLPP. The chair of the UTFA Librarians Committee is a participant on this committee. Negotiations between UTFA and senior Administrators from the UTL and Simcoe Hall continue.

The University of Toronto Faculty Association is pleased to host an all-day event to support academic librarianship at the University of Toronto. ***Charting Our Course: Empowering Librarians at the University of Toronto*** will take place on Friday, November 15, 2019, in the main dining room at the Faculty Club. We have more than 90 people registered for this event. The event commences at 8:45 a.m. with a continental breakfast and includes a lunch. The presentations and panel discussion will run from 9:15 a.m. to noon and from 12:30 to approx. 4:15 p.m. During lunch, Suzanne Meyers Sawa, Music Librarian Emerita, and Dr. George Dimitri Sawa, nominees for the 2009 Juno Award, for *The Art Of The Early Egyptian Qanun* will perform for us. Colleagues from the Canadian Association of University Teachers (CAUT) and several Ontario universities will be participating. Panel discussions are planned to address new professionals, collegial governance, academic freedom, and negotiating for librarians' rights. Kathleen Scheaffer give an update on our current negotiations for the *Policies for Librarians* and we will hear how our colleagues at other institutions are negotiating. Participants from CAUT and the universities of Ryerson, Ottawa, Western, and York and others have agreed to share their professional experiences. Professor Alison Hearn from Western University, Chair of the CAUT Academic Freedom Committee, and Tim Ribaric, Librarian at Brock University and the Chair of the CAUT Librarians' and Archivists' Committee, will be our guest speakers. In addition, UTFA's General Counsel, Helen Nowak, will be presenting information on UTFA services and grievance process. Richard Carter from St. Michael's University will explain their relationship with UTFA as St. Mike's faculty and librarians are unionized but represented by UTFA. The day will begin with a look at where U of T librarians began with a presentation from Prof. Gale Moore, who was appointed to the *U of T Working Group to Formulate Policies for Librarians* in 1977 and will conclude with an overview of current issues in our profession through the day. Please find attached a schedule of the day's events, brief biographical information about participants, and a history of how we got where we are today.