



News & Views

Bulletin #2 April 2006

What are the Issues?

Representing YOU ! Earlier this month, the University of Guelph Faculty Association Executive and Council told you that we believe that our present relationship with the Administration has reached a significant transition point, and that UGFA would begin a card-signing drive with the objective of seeking certified union status under the Ontario Labour Relations Act. In order for UGFA to provide the best representation for our bargaining unit, it is critical that we be able to coordinate effectively negotiations on diverse issues with the University Administration, and that we have a functional dispute resolution mechanism when we and the Administration cannot agree.

In the previous Bulletin, we stressed that the critical benefit of becoming a certified union is that that we will have **tools** to deal with issues, and a **process** for resolving differences. UGFA has pragmatic, rather than philosophical, reasons for unionization. A collective agreement is not just binding in principle, but swiftly enforceable under labour law, in a way that our current Special Plan Agreement (SPA) is not.

Many Moving Parts: Another important advantage of collective bargaining is that it permits negotiation as one package of salary, benefits, pensions, *and* non-monetary issues such as workloads, intellectual property, and policies. Currently, UGFA is limited to negotiating salary and benefits, with other issues dealt with separately (e.g. by the Joint Faculty Policies Committee or the Board of Governors Pension & Benefits Committee). When the range of issues that affect terms and conditions of employment are being discussed in so many different venues, it is difficult to maintain a coherent picture of what is going on, and impossible to bargain on those issues. In fact, on everything but salaries and benefits, UGFA can only “discuss”, not negotiate. The major impetus for unionization is not any single outrageous incident but a realization that UGFA needs to operate under a better framework to ensure resolution of issues. [Currently, if we can't reach agreement with the Administration on an issue, then either nothing happens or the Administration does what they want.](#)

A prime example is the two Joint Task Force Committees that were established as a result of the Salary

Agreement signed last April. One committee is discussing possible changes in how the salary grid operates, while the other is looking at ways of controlling benefit costs. Thus, Salary and Benefits are being discussed independently, even though they both are part of what you are paid for your work - as is your pension! Not only are such discussions complicated – so is keeping track!

Key Issues: In this Bulletin, we want to give you a better sense of some issues we have been dealing with, so you can see why UGFA believes we now need more effective tools than the SPA provides. Among our concerns are the following:

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1. Our fifth place in salary standing. An agreement signed some years ago commits the university to “endeavor” to maintain faculty salaries in at least fifth place in the province, as an average age-adjusted salary. We are not in fifth place – but ninth. (And full Professors are twelfth!) We may argue over whether the wording of the agreement means “they will do” or “they will try to do”, but in the end there is no method to determine what is meant other than going to a lengthy, expensive, legal battle. This agreement is considered to be outside our salary negotiations, and the SPA does not have a mechanism for resolving such disputes. Simply put, we currently cannot enforce **out** agreements.

2. LTSB-Long term Salary System review. In the 2005 Salary Agreement, the Association and the University agreed to establish two **Joint Task Forces**, one to carry out a review of the Long Term Salary System (“the Grid”), and the other to look at Group Benefits. In the discussions on salaries, the Administration proposed a very different salary system than exists at present, which - curiously - would mean that University planners would not have effective means to estimate future costs.

The current “Guelph Grid” is highly regarded by other university faculty associations because it ensures that young faculty receive large “step” increases early in their careers, when the money is really needed. UGFA proposed modifications to the grid, including raising the base salary to something approximating the salary at which new hires are really appointed, and provided a fair and cost-effective way of transferring faculty to the new grid. The UGFA and Administration positions on the salary scheme appear to have substantial differences in relation to the salary scheme principles approved by UGFA Council (*UGFAactsheet #5*). If, at the end of many months of discussion, we reached no agreement, then what would ensue? Would we continue with our present system in which we fall farther and farther behind everyone else? The SPA does not provide us with a process for negotiating an agreement when the two sides differ substantially. All we can do is talk and hope.

Salary mediation process: The Joint Consultative Committee, through a sub-committee, considered changes to the SPA to improve what happens when the Association and Administration can’t reach agreement in salary negotiation. Currently, a mediator writes a report - that is sent to the Board of Governors for consideration. UGFA proposed a binding mediation process. The Administration has suggested, Final Offer Selection, which is **the worst (not the best option in our opinion)** of various possible methods. Also, F.O.S. was to be limited to salary and benefits negotiations, and not pension issues *or* any non-monetary disputes. (Other employee groups on this campus have mechanisms for dealing with pension issues, as do other faculty associations).

3. Benefits and costs: This Joint Task Force was to “recommend changes that would result in reducing or constraining the costs of providing these benefits, while at the same time providing a comparable range of benefits”. The administration wants a major overhaul of your **benefits** to contain rising costs, and have given indications that an objective is to hold increases in benefit costs to the general cost-of-living increase. But benefits costs have been rising at a substantially higher rate – particularly the cost of prescription drugs. Clearly, the high cost of drugs is a major problem for our benefit plan, as for most others. But if the cost of medicines is passed down mainly to those who need them to function well, there is negative, uncollegial community impact.

The UGFA Benefit Advisory Group has also heard a good deal about “Flex-Plans”, and the freedom of individuals to select their benefits. Again, there are substantial issues with such plans. First, as costs continue to rise, your apparently generous “credits” will no longer cover costs and you start paying out of

pocket. Second, there is a substantial problem with “self-selection”. You - and others - will pick the benefits you are most likely to use. The risk is now not spread over all employees, but only the group that is most likely to use the benefit, and premiums will tend to go up. Third, administering different benefit packages and credit accounts for each individual means the cost of managing Flex-Plans is increased. That’s more money for the plan administrators and less for your benefits!

4. Mandatory Retirement - On December 12, 2006 mandatory retirement is eliminated in Ontario. We had hoped the university would make this change sooner. However, after lengthy discussions, the administration opted to make no change in retirement age until they are required by law to do so. Of importance now is the level of benefits for faculty and librarians who stay beyond the age of 65. There are specific provisions under the law dealing with Workplace Compensation and Long-Term Disability for employees with a pension plan. However, other benefits such as extended health and dental are negotiated. The new law does allow for different benefits for people 65 years of age and older. However, we do not feel that we should have a different system for our members when they turn 65.

For 10 months, UGFA had discussions with an Administration committee on the impact of anticipated changes to mandatory retirement. [A letter of agreement had been prepared, vetted by both parties, but when it was taken to the Administration’s ‘money people’, the agreement was simply revoked!](#) In negotiations of a collective agreement, the people who come to the table to negotiate have to have the power to make the deal, or it is considered bad-faith bargaining. In contrast, we “discuss” at length and then see the deal snatched from the table.

After December 12, 2006, the Administration (and departments) will have an obvious interest in knowing when faculty and librarians intend to retire, in order to allow planning for new hiring and replacements. Some discussions have taken place, considering ways in which faculty and librarians could commit in advance to a specific retirement date in return for monetary or workload considerations. Such arrangements have considerable impact on the individuals who are making decisions about their working future, but also on the university community generally. It is important that UGFA be able to negotiate arrangements that will be both effective and fair.

5. Contractually-limited Faculty and Librarians: UGFA represents faculty and librarians, including those on contractually-limited appointments. UGFA has asked that the University stop the practice of using long-

term or recurring appointments of contract faculty and sessionals to fill what is clearly a need for additional tenure-track/ tenured faculty positions, in compliance with Faculty Policies B.2.09. In some cases, contract faculty have spent many years in these precarious positions, always uncertain if their contracts will be renewed, year to year. They often carry heavy responsibilities in teaching, and as a result, can have difficulty in maintaining the level of research activity that keeps them competitive for tenure-track positions here and elsewhere. The Administration has been making efforts to regularize people who have been in long-term contract positions, but the initial problem of hiring people in such appointments when the institution needs more tenured/ tenure-track faculty remains.

6. Faculty work: UGFA has also expressed concerns about the numbers of professional staff who are carrying out the work of faculty (limited to 15 by SPA Article 17), and about the status of retired faculty who teach, as they are considered neither sessionals nor regular faculty. Procedures for hiring these people operate on an *ad hoc* basis, which can be prone to abuse and inequities. There is considerable pressure on faculty to be research-intensive, particularly as a result of the externally-mandated Canada Research Chairs Program, but also from University efforts to form links to the industrial and business world. When contract faculty and others are being used to “lift the burden of teaching” from researchers, and many courses are presented as distance education even to on-campus students, the university experience for students changes, and not always for the better. UGFA has substantial concerns about these issues, not only because they affect faculty work, but also because they affect the very nature of what the University is. When we can’t make progress on resolving such issues – or can only make changes very slowly - we have little recourse except yet more discussion.

7. Consultation on academic and working-condition matters: Recently, the University has been treated to a number of substantial documents that project how the institution will operate in coming years. Notably, we have seen the initial Integrated Planning papers and the subsequent College and academic unit plans, and the Provost’s White Paper on Education. Add to that the documents concerning the new College of Management, and department amalgamations within the College of Biological Science, and it is evident that substantial changes are occurring within the University. If you look at the White Paper on Education, for example, there are a substantial number of suggestions of faculty being involved in small group teaching and interaction with students. Yet there is no indication of how already stretched and stressed faculty resources can incorporate these new tasks. Workload issues for faculty, including

reasonable faculty:student ratios, are of increasing significance, and UGFA needs to be able to effectively negotiate these as part of terms and conditions of employment.

While documents and plans such as those mentioned above clearly do affect terms and conditions of employment for faculty and librarians, there has been relatively little opportunity for UGFA representatives to be included in the committees *as representatives of this group of employees*. While faculty and librarians have been asked to serve as members of these committees, a person specifically designated by UGFA would be able to remind the committee about our collective concerns about terms and conditions of employment and also provide an effective liaison with UGFA on the issues raised. The Administration professes to believe in principle that UGFA could have representation on such committees – but then they “forget” when it comes to actually doing it. Formal status as a certified bargaining unit will allow UGFA to negotiate language in a collective agreement – similar to that of other universities – that ensures and enforces this representation.

8. Pension Plan Representation: UGFA negotiates salary and benefits, but we have very little say on pensions. Yet this is essentially deferred salary! Two years ago, agreement was reached to ensure better representation of UGFA and other groups on the University’s pension committee; this has not happened.

9. Contact with new hires and information about new appointments : UGFA has requested that formal arrangements be made for UGFA to meet with new hires – preferably before they sign on the dotted line (SPA Article 14). Currently we can only hope that potential hires might choose seek advice on salaries, appointment levels, start-up grants, credit for prior service, and obtaining clear statements of what is required in order to achieve tenure. Contact before a letter of offer is signed can help ensure faculty get a good start and avoid future difficulties. The Administration has agreed to include a letter from UGFA in their package of materials for new hires, but are reluctant to do more.

10. Policies and changes to policies: Other topics recently discussed with a view to making changes to the SPA include details of Grievance Procedures (Article 25) and mechanisms for transfers of faculty within departments and Colleges of the University (Article 18). These may appear as yet more committee busy-work and word-smithing, but these Articles can have substantial impact on individuals who find themselves in particular quandaries or quagmires. What happens if a faculty member wants to be heard by the Grievance Board, even if the investigation stage suggest there is not a *prima facie* case?

that issue was first discussed 10 years ago, and the Association and Administration did not agree, so nothing changed. And we were back discussing it all again last year! This just isn't an effective way of resolving issues.

REPRESENTING YOU!

For 51 years, the University of Guelph Faculty Association has been working for the interests of faculty and librarians at the University of Guelph. For many years, the Special Plan Agreement provided effective ways of coming to agreements with the Administration. But ultimately, we are able to represent you in negotiations on salary and benefits, and provide input on discussions of other matters that impact you and your work at the University, *only because the Administration allows it*. This can be a “collegial” arrangement, but if the balance of power is unequal, the arrangement is essentially feudal. We beg.

In beginning a card-signing drive, we are asking you to **choose us as your sole bargaining agent** with the Administration. In that way, UGFA would represent you because you want us to, not because the Administration allows us to. We are asking for your support in making us truly effective in representing you in what has become an increasingly complex university environment. Remember that UGFA not only represents you – **UGFA is you**, the members. We welcome your active participation in UGFA affairs.