



TO: Academic Board

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AGENDA ITEM: 5

ITEM IDENTIFICATION: Revision to the Memorandum of Agreement with the University of Toronto Faculty Association

JURISDICTIONAL INFORMATION:

Academic Board has jurisdiction over policies pertaining to academic appointments (5.6.1 (a)).

PREVIOUS ACTION TAKEN:

N/A

HIGHLIGHTS:

The University and the Faculty Association are engaged in negotiations regarding Salary and Benefits for the July 1, 2009 to June 30, 2010 period pursuant to Article 6 of the Memorandum of Agreement. The salary and benefit negotiation process under the Memorandum may lead to an arbitrated award, for a one year term (or longer if the parties agree). Mr. Martin Teplitsky has been acting as the mediator and both parties have agreed that he may also act as the arbitrator if the parties are not able to agree on salary and benefit matters.

The parties are presently in mediation, and are negotiating regarding a wide range of issues. One of the issues that has occupied a great deal of discussion has been Workload, concerning which there was a joint working group prior to the commencement of negotiations. Much progress has been made on that subject, and the parties are reasonably close on principles that would provide a greater degree of transparency and would reinforce principles that provide equitable workload arrangements.

The Memorandum of Agreement contains a separate article concerning Workload, Article 8. Currently workload issues under Article 8 are not subject to arbitration as part of the Salary and Benefits provisions in Article 6. The Faculty Association has insisted that in view of the

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importance of Workload, the topic (at the level of principles, not individual workloads) should be subject to the same dispute resolution process as Salary and Benefits. This would be both for the present round of bargaining, in which Mr. Teplitsky could arbitrate revisions to the Workload article to the extent that the parties do not agree, but also on an ongoing basis before future arbitrators.

The negotiating team acting on behalf of the University, which includes among others the Provost and the Vice-President Human Resources and Equity, has consulted widely on Workload issues and principles generally and also, more recently, on the possibility of making Workload under Article 8 subject to the salary and benefits dispute resolution process in Article 6. Workload has consistently been identified in surveys and in discussions with colleagues as a very important subject and it makes sense to have a mechanism to resolve disputes in the event that the parties cannot agree on the principles that can govern the subject. Most other universities have a process for external arbitration or other dispute resolution on the topic of workload.

Accordingly, in the context of the ongoing mediation, it is proposed that Academic Board authorize the University's negotiating committee to agree to an amendment to the Memorandum of Agreement, subject to Governing Council's approval, whereby amendments to Article 8 will be made in accordance with and as part of the process under Article 6 of the Memorandum of Agreement. Since the parties are still in mediation, and since Workload is only one of the issues being negotiated, what is sought is authorization only, since it is not yet clear whether there will be agreement on other matters necessary to bring this specific proposal to the point of an agreement.

FINANCIAL AND/OR PLANNING IMPLICATIONS:

N/A

RECOMMENDATION:

That the Academic Board authorize those negotiating on behalf of the University in the current Salary and Benefit negotiations with the University of Toronto Faculty Association to enter into an agreement, should they deem it advisable, whereby the existing Article 8 of the Memorandum of Agreement will be amended to provide for amendments to Article 8 being made in accordance with and as part of the process under Article 6 of the Memorandum of Agreement.

Next Steps:

If this authorization is granted, and if the parties agree as part of the mediation process currently under way, approval of Governing Council regarding the amendment will be sought from the Governing Council at a future meeting.