



# UTFA Bargaining Report

University of Toronto Faculty Association November 17, 2009

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## Bargaining Report #4 for 2009–2010

This Bargaining Report is focused on an edited transcript of remarks made by Dr. Doug Lorimer to the University of Toronto Faculty Association's Council on October 14, 2009.

In previous Bargaining Reports<sup>1</sup> we have discussed the issue of workload, which is one of the highest priorities for UTFA's current round of negotiations with the University of Toronto administration.

As a professor in the Department of History at Wilfrid Laurier University, Dr. Lorimer has been involved in negotiating workload for over twenty years. He is presently Chair of the CAUT Collective Bargaining and Economic Benefits Committee.

His remarks to Council were so compelling that we asked Dr. Lorimer for permission to share them with you.

As we head toward mediation in early December, workload continues to be a priority for the UTFA bargaining team in this round of negotiations with the administration. To review UTFA's proposal on workload issues please go to [www.utfa.org](http://www.utfa.org) and click on <http://utfa.org/images/file/UTFA%20workload%20proposals%20web%20July%202009.pdf>.

Scott Prudham,  
Vice-President, Salary, Benefits and Pensions,  
[prudham@utfa.org](mailto:prudham@utfa.org)

### **NEGOTIATING WORKLOAD**

Dr. Doug Lorimer

This is the second occasion when UTFA has invited me to speak on the question of workload. I hope I don't simply repeat myself. I suspect there is little danger of doing so, for the workload situation here at the University of Toronto has entered a new stage. Scott Prudham (UTFA VP Salary, Benefits and Pensions) has sent me an impressive range of documents, including some of

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<sup>1</sup>The first three bargaining reports for 2009-2010 along with other bargaining-related information can be found on our website by going to <http://utfa.org> and clicking on "Salary, Benefits & Pension Bargaining Reports" at the bottom of the page, or directly via the following link: [http://utfa.org/index.php?option=com\\_content&task=view&id=88&Itemid=103#Bargaining](http://utfa.org/index.php?option=com_content&task=view&id=88&Itemid=103#Bargaining). We also provided an update in April via the Annual General Meeting Newsletter, which is likewise available on the website.

the results of your membership surveys, data on student enrolment and student/faculty ratios, and UTFA's workload proposals.

This evidence is impressive. The task of addressing workload pressures – the challenge of establishing an appropriate balance in our various responsibilities and of the larger dimension of a work/life balance – is of urgent concern for academic librarians and faculty in both the tenure stream and teaching-intensive stream. The negotiating team and other UTFA members who worked on the workload issue are to be congratulated for putting before the administration a comprehensive proposal. The proposal provides a good platform for beginning negotiations. Of course, the real test will be the negotiated outcome in the shape of an agreement between UTFA and the university.

I have been involved in negotiating workload for the last two decades at Wilfrid Laurier. While I will no doubt draw on that experience, I thought it might be useful if I talked more generally, especially about the situation here at Toronto within the context of workload and collective bargaining in Ontario and across Canada.

### **The Magnitude of the Task:**

First, one needs to recognize the magnitude of the task of addressing workload in bargaining. This is not simply a matter of adding a new item to the bargaining agenda such as vision care or improvements to the dental plan. The significance, scope and complexity of the workload of academic staff make it equal to compensation as a bargaining issue. At Laurier, we spend as much if not more time at the bargaining table on the workload article as we do on salary negotiations.

Certainly, workload will test the limitations of your “Special Plan.”<sup>2</sup> Negotiations over compensation have a special intensity, but in some ways dealing with dollars is simpler than dealing with the language of workload. This is in part because workload practices for academic staff in a university setting are peculiar to the academy. That means workload issues should really be negotiated directly by university administrators and academic staff representatives familiar with these practices. They are not matters outside lawyers and arbitrators can readily handle. At Laurier when we have had third parties at the table, under conciliation or mediation, either workload issues have been resolved beforehand, or the differences between the parties on workload have been reduced to specific provisions. If not, the third party has neither the capacity nor the inclination to deal with the issues.

The magnitude of the issue of workload is directly related to the centrality of academic staff to the research and education functions of the university. First, academic staff are the university's effective agents. Without us and our work, the university could not fulfill its mandate. Second, the quality of the research and teaching we provide flows from our terms and conditions of employment. This principle is nicely captured in language UTFA has borrowed from CAUT advocacy on Fair Employment Week – “our working conditions are our students' learning conditions.”

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<sup>2</sup>This is a reference to the Memorandum of Agreement, which is an alternative or special plan in place of union certification under provincial labour law – Ed.

But in the current climate, much of the pressure we face in fulfilling our role in the university is a product of long-term government underfunding of post-secondary education. As a result, university administrators are on a continuous quest for cost efficiencies. This quest for efficiency eats away at our time and our space, and it is destructive. Time and space are essential for creative and innovative thought and practice. The price of efficiency is the erosion of our creative potential.

### **Workload and the University of Toronto – “Welcome to the Club”**

I have been negotiating workload for 20 years; collective agreements which exist at most Canadian universities contain workload articles. All of us face new pressures on workload and our members demand a fair and equitable working environment. In this sense, we welcome UTFA to the club – to the political reality that academic staff depend on their associations to negotiate workload as a central aspect of their terms and conditions of employment.

One might well ask: if I’ve been dealing with workload in bargaining for 20 years, why isn’t the issue resolved? Workload does not have a one-time fix. Existing practices need improvement, and as we all know universities have undergone dramatic changes. You might think of Laurier as one of the smaller Ontario universities. But since 2000, WLU has grown from around 7,000 students to 15,000 students. Without a workload article which includes provisions on the student/faculty ratio and the size of the faculty complement, workload pressures could not have been managed. By necessity, workload is an ongoing issue. Let’s hope there is a good beginning in this round of your negotiations. But there is no doubt that improvements and adjustments will still be necessary in each future round of bargaining. This is why one of the most important provisions in your workload proposal is that workload be added to the list of items to be negotiated on an ongoing basis.

Workload issues have a particular form and intensity at this time as a result of broader trends in the academy. What we all face is the erosion of the professional autonomy and professional standing of academic staff. The deskilling and casualization of academic work aims to reduce the cost of academic labour. One of the principal means to this end is the splitting of research and teaching, and the systematic undervaluing of teaching. Our colleagues who are on the front line in this battle are contract academic staff, as we heard earlier in the meeting from the CUPE representative’s presentation on the state of bargaining and potential for labour action by her members.

A parallel and equally destructive trend is undermining the academic and professional standing of librarians. Here the quick fix is through technology to replace the skills, experience and knowledge of librarians. Currently, at McGill and McMaster librarians have been subject to arbitrary managerial decisions, including termination of employment. It remains a mystery to me why administrators of the University of Western Ontario, which has one of the principal schools of librarianship in the province, refuse to recognize the academic and professional standing of their librarians.

These regressive trends in the academy set the context for undermining the professional standing and professional autonomy of all academic staff. Through CAUT and our local associations we

have remained committed to the integrated nature of our work involving teaching, research and service. Each component has a necessary and creative link to the others. Out of respect for our professional autonomy, including the principle of academic freedom, collective agreements distinguish between assigned work and unassigned work. Assigned work involves in the main teaching, for some faculty administrative service, and for librarians professional duties in the library. I assume you have in place provisions for department chairs, undergrad and grad officers, program coordinators, etc. to have releases from teaching for assigned administrative duties. Part of the aim of negotiations is to set out the terms, conditions and limits of assigned work in order to provide for time and space for the unassigned work we perform as autonomous academic professionals. At the same time, workload language must not confuse unassigned work with work that is entirely voluntary. Obviously there are performance expectations in the realm of research. But our academic freedom and autonomy demand that these expectations be arm's-length. The goal of workload language in this context should be to ensure that the employer takes its share of responsibility in providing the necessary conditions for success in research.

### **Bargaining Workload at the University of Toronto – Advantages and Disadvantages**

Scott sent me your Provost's report on the productivity and performance of academic staff at the U of T. It gives substance to the well-publicized claim that Toronto ranks first among Canadian universities. UTFA has successfully translated that ranking into the highest salaries for Canadian academics. All of us at other universities have benefitted from your success, because we all gain from chasing after your first place ranking! But on one key measure of workload – the student/faculty ratio – you have fallen far behind your international comparators, and with rising student enrolment, you are in a downward spiral well below first place in Canada.

In the comparative tables in the Provost's report I noticed that there are tables on student/faculty ratios for both American and Canadian universities. I would be very cautious about American data since the casualization of academic work has advanced much further there than in Canada. The principal reason for this difference is the strength of academic staff unions and collective agreements in Canada both in providing a measure of control over the process and in providing for better if still inadequate pay and working conditions for contract academic staff. In a recent review of an American study in the *CAUT Bulletin*, I observed that in the new ice age of the corporate university, tenured professors were the dinosaurs of the academy. One American report claimed that the number of administrators (persons in a managerial capacity) employed by universities exceeded the number of tenured professors. We could always invent a new faculty/administrator ratio, in which case I doubt that a 1:1 ratio would be a measure of high academic quality!

UTFA has presented a comprehensive proposal on workload to the administration, and the very fact the parties have entered into discussions on the topic represents a departure from past negotiations under the special plan. The UTFA proposals include an important set of principles for assigning and administering workloads. The university administration may well take some time to grasp the scope and complexity of workload issues. The statement of principles is a good starting point, and even if the devil is in the details, that is, in the particulars of members' assigned workload, the key to any such agreement is whether its conditions can be enforced.

Any agreement – whether a special plan or a collective agreement of a certified bargaining unit negotiated under the terms of the *Labour Relations Act* – will recognize management rights. The key question is: how are those rights exercised? Is it simply a matter of managerial discretion or are such rights exercised in accordance with principles of fairness, equity and due process?

As a social and cultural historian of nineteenth-century England, I learned one lesson from the Victorians – the value of publicity in enforcing community standards. We now define this same process as openness, transparency and accountability. Workload assignment reports need to be made available not only to the Association but to all members of the academic unit. Then members will know and deans will have an incentive to make workload assignments fair and equitable.

Given the complexity of different faculties and programs, the UTFA proposals focus on the academic unit (typically the department) as key in making workload assignments. Even under such a scheme there may well be disputes and individuals may think they have been unfairly treated. Therefore some kind of dispute resolution is still needed. Under the proposals academic units will have committees to make recommendations on workload. Now we all recognize the value of peer evaluation, especially when compared to the discretion of deans, but nonetheless such peer committees at times can act in an arbitrary fashion. One still needs a way to deal with individual members who claim they have not been fairly or equitably treated. Even more critically, there is the question of the status of the recommendations of peer committees when deans assign the workloads for individuals. Can workload committee recommendations be rejected by the dean? Quite frankly, some of the collective agreements that have provided models for the UTFA proposals lack clarity and certainty on this key issue. Unfortunately, in my view, ambiguity is never worth the price of an agreement, for ambiguity usually favours the employer.

In conclusion, the negotiation of workload is both a large and significant task. UTFA's negotiators and the Association more generally are to be congratulated in making such a promising start. Of course, at this stage we are anxious for signs of progress and hopeful that an agreement can be reached. Nonetheless, this Council needs to prepare for any outcome, even the possibility that the negotiations on workload fail altogether or fail to reach a satisfactory agreement. Workload is too important an issue to be put off to the future in the next round of bargaining. Workload now has the political momentum needed for success; don't let this momentum die. Don't settle for less than you deserve.

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The University of Toronto Faculty Association  
720 Spadina Avenue, Suite 419 Toronto ON M5S 2T9  
Phone 416-978-4596 Fax 416-978-7061  
Email [faculty@utfa.org](mailto:faculty@utfa.org) Website [www.utfa.org](http://www.utfa.org)