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General

(i) Inclusion of Lecturers and Senior Research Associates

UTFA Proposal:

Faculty, wherever it appears in this document, includes Lecturers and Senior Research Associates.

The Association seeks an acknowledgment from the Administration that the term "faculty," when used in the context of the negotiations and agreements between the Association and the Administration, includes "Lecturers" and "Senior Research Associates."

Under its Constitution, the Association represents these employees:

"The purpose of the Association is to promote the welfare of the current and retired faculty, librarians, and research associates of the University of Toronto, the University of St. Michael's College, the University of Trinity College, and Victoria University, and generally to advance the interests of teachers, researchers and librarians in Canadian universities."

General

(ii) Application of Improvements to Both Active and Retired Employees

UTFA Proposal:

It is understood that all salary, benefit and pension improvements negotiated in this settlement will be applicable *mutatis mutandis* to both active and retired faculty, librarians and senior research associates.

Historically, all pension and benefit improvements negotiated by the Association have been applied to both active faculty, librarians and senior research associates, as well as to retirees. In the 2002-2003, Arbitrator Teplitsky awarded an increase of \$1,000 (to \$2,500) for the annual Major Restorative Dental Coverage. Due to a supposed ambiguity in the text of this award, the Administration chose to interpret the award as applying to actives only and so excluded the retirees. The Association challenged this unilateral interpretation and at a later date Mr. Teplitsky ruled that retirees were indeed covered by his award. As a result, there has been no interruption in the application of pension and benefit improvements being extended to retirees. The Association seeks confirmation that the benefit and pension improvements for 2005-2006 will be applied, with any changes where necessary, to both active and retired faculty, librarians and senior research associates. To this end, the Association notes its entitlement and obligation to negotiate pension and other benefit improvements on behalf of retirees. In support of this proposition, see for example, *Re Liquor Control Board of Ontario* (1980), 114 D.L.R. (3d) 715 (Ont. Div. Ct.), and *Dayco (Canada) Ltd. v. C.A.W.* (1993), 102 D.L.R. (4th) 609 (S.C.C.).