
FACULTY TIMES

A Newsletter of UWOFA

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Faculty Times welcomes contributions and letters to the Editor. We look forward to lively responses and debate on issues related to UWOFA and its membership.

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Plus ça change...?

By Allan Gedalof, UWOFA President

I hope your summer was as productive as you hoped it would be, and that you even found time for a break while you did all of those things that last year's workload kept you from doing, tried to do some new work, and prepared for the expected (and now here) onslaught of the year ahead. And even though in our professional lives we are used to change—we are, after all, in the business of bringing about change in our students, our disciplines, and even ourselves—this promises to be a year of noteworthy changes that will affect our working life at Western.

For the newest members of UWOFA, we will be working this year to bring long overdue and much deserved changes to the working conditions, compensation, and benefits for our highly skilled and invaluable professional librarians, curators, and archivists, changes that we hope will bring them in

line with their colleagues at other universities. A team of librarians and other UWOFA members has been working hard this summer to prepare for negotiations leading to a first contract, and on September 13th and 14th representatives of UWOFA and the UWO administration will be appearing before the Ontario Labour Board in an attempt to finally settle membership in the new unit. A report by Peggy Ellis in this issue of *Faculty Times* offers more details about the librarians', archivists', and curators' progress towards fair and equitable treatment at Western. We hope that by the time of our first general meeting of the UWOFA membership in early October, we will be able to announce that the membership question has been settled, and that negotiations are productively and collegially underway.

This year will also see important changes in the composition of the UWO administration, particularly in positions that directly affect all of our working lives. Our Provost and Academic Vice-President, Greg Moran, will complete his term of office this year, and even while we congratulate and thank him for his years of distinguished service to Western in that capacity, we look forward to the announcement of his replacement with the hope that we can continue to build with his successor the collegial relations, mutual understanding and respect that we all want and need in order to go about our jobs in a supportive and rewarding environment. Elsewhere in this *Faculty Times*, past-president of UWOFA Ernie Redekop offers some important thoughts on that selection process and on the type of Provost that we need.

Last spring also saw the (to us at least) unexpected departure of Director of Faculty Relations Alex Mercer, who was both the Chief Negotiator for the administration in our last contract talks, and the point person for many of our dealings with the administration, including pretty much everything arising out of the collective agreement. While our input into this selection process is not all that we could hope it to be, as is also the case with the Provost's position—in neither case do we have a UWOFA representative on a selection committee whose decisions will so fundamentally affect us, unlike many other unionized and non-unionized Canadian universities—we have had at least been invited to speak to some of those responsible for making these decisions and to let them know what UWOFA is hoping for in the persons who will fill these positions. In the not-too-distant future, we'll find out if anyone was actually listening and if this significant opportunity to move to a less confrontational, more collegial and cooperative style of management (one that does not fear including the

words "fair treatment" in a collective agreement) has been grasped or squandered.

One of the test grounds of that co-operation and collegiality that we all hope for will be the recently reheated issue of mandatory retirement. The Ontario Ministry of Labour is currently conducting hearings about the abolition of mandatory retirement, and both UWOFA and the UWO administration will be making presentations at a hearing in London on September 28th. Developments here are already interesting: in the past, the Council of Ontario Universities, a group made up of university presidents, has univocally supported mandatory retirement, but more recently a couple of universities, notably Toronto and Queens, have broken ranks and understood that with a spate of retirements pending, and an inadequate supply of Ph.D.s available, retaining productive faculty members beyond the age of sixty-five will be necessary if they hope to continue to fulfil their mission. At Western, our understanding is that our administration, like those of several other Ontario universities, will seek at least a deferral of the abolition of mandatory retirement, presumably to mollify its economic impact. Contrarily, as Albert Katz's survey of UWOFA members on this subject last year indicated, the clear majority of our members would like to see mandatory retirement abolished, although many still hope or plan to retire on or before what is now their normal retirement date. We already know that many constituencies—including four Canadian provinces and the entire US—have no mandatory retirement and have found ways to make that work to the advantage of both individual professors and the institution. An article elsewhere in this issue speaks of some of the problems and solutions relating to the end of mandatory retirement, and more will appear in future issues of the *Faculty Times*.

Of course not all things change, and it is sometimes surprising, not to say disheartening, to see how long some issues drag on without being resolved. One case, where the UWO administration has been exemplary in its behaviour, concerns the dispute with the Canada Revenue Agency over the Faculty Dependents' Tuition Scholarship. While this scholarship has for many years been treated as just that, a scholarship, and thus taxable in the hands of the dependent, our local tax office instituted proceedings last year to challenge the status of this award of a scholarship for a number of employee groups at Western and to make it taxable in the hands of the employees, and have done an audit of the years 2000-2002 with the intention of collecting taxes on the scholarships from employees. This issue has been bounced around between the CRA and the Ministry

of Justice, which has been asked for a judgment on the relevant parts of the Tax Act, and the UWO administration has taken ownership of the issue and hired a law firm of tax specialists who have made strong submissions on behalf of UWO. At the time of writing, a full year after this issue arose, we still await a judgment. While we wait, the scholarship plan continues to operate normally, and we have even been able to provide a modest increase to \$2500 in the annual value of individual scholarships. If you have dependents eligible for this scholarship, please see the application form available on the UWOFA web site.

Our dispute with the administration over the way Visioncare benefits are calculated, which we argue was changed to our detriment without notice or consultation during the last round of collective bargaining, also continues, and we expect to have a date set sometime this fall for the arbitration hearing. Briefly, the administration argues that regardless of whether or not you made a claim in the previous year, if you make a claim for \$300 in any year (two years' entitlement at \$150 per annum), you have used up your next year's entitlement rather than the previous year's unused allowance. We strenuously disagree with this method of calculation, believe that it is a change from past practice, and that it makes nonsense

of the principle of accumulating benefits as set out in the collective agreement.

In addition to these major issues facing us, there is always a wide variety of other concerns and problems encountered by both individuals and specific groups of faculty members at UWO. We at UWOFA are always interested to learn what these are, and to help in any way that we can. Over the summer, our new and apparently indefatigable Vice-President and President-elect Jane Toswell has been working on a new faculty handbook that will explain the collective agreement in plain language and make clearer to members where and how we can help. What is troubling is that faculty members do not always avail themselves of our services, or do not do so in a timely way, and the collective agreement is full of time limits for the reporting and resolution of problems. If you are encountering any difficulties, please get in touch with us and take advantage of the expertise we can provide. And if you have not already done so, take a moment to print up, fill out and submit the UWOFA membership form on our web site: you are already paying dues as a member of the bargaining unit, so why not become a member of the association and have full voting rights on all issues of importance to us.

Librarians' and Archivists' Update

By Peggy Ellis

Negotiations

On the negotiating front, we expect negotiating meetings with Administration to commence in September 2004. Our negotiating team comprises Chief Negotiator Mike Dawes (mdawes@uwo.ca) (Mathematics), Aniko Varpalotai (aniko@uwo.ca) (Education), Bernd Frohmann (frohmann@uwo.ca) (FIMS), Elizabeth Bruton (ebruton@uwo.ca) (Law), Bev Brereton (bbrereto@uwo.ca) (ARCC) and Ruth Wallace (rwallac3@uwo.ca) (Weldon). Ruth has kindly agreed to replace Adrienne Wass, who withdrew from the Negotiating Team in June.

Bargaining Committee

To assist with the research and work of the negotiating team, a Bargaining Committee has been established. Issues for negotiations include salaries and job ranks, benefits, sabbatical and research leave, and workload, among others. So far, the Committee

includes the Negotiating Team plus Linda Dunn (ldunn@uwo.ca), Peggy Ellis (pellis3@uwo.ca), Jim Ford (jford@uwo.ca), and Fran Gray (fgray@uwo.ca).

If you are interested in participating in the Bargaining Committee, and supporting our Negotiating Team in the creation of your first Collective Agreement, please volunteer. Additional volunteers are welcome—simply contact any member of the Bargaining Committee if you wish to indicate your interest.

If you do not wish to volunteer with the Bargaining Committee but have any topics of concern you would like to ensure are discussed, please forward the topic(s) to a member of the Bargaining Committee.

Disputed Positions

Although Library Directors and Unit Heads including Reference Managers are members of the Faculty Association bargaining unit in nearly all North American university libraries, the UWO Administration has chosen to challenge the inclusion of these positions. The status of these positions will be decided at an Ontario Labour Relations Board

hearing on Monday September 13 and Tuesday September 14 in Toronto. We will communicate the results to the membership, and will keep you up-to-date with ongoing developments in the months to come.

Peggy Ellis is a Subject Librarian in D. B. Weldon Library

The CAUT New President's Workshop

May 28-30, 2004

By Jane Toswell, UWOFA Vice-President

Twenty-one current or future presidents attended, along with the President of the Canadian Association of University Teachers, Loretta Czernis from Bishop's, and a clutch of CAUT officials, including Jim Turk, Executive Director of CAUT, who chaired all the sessions. Seventeen of my colleagues were middle-aged men, mostly with grey beards; of the four women, one declared herself to be taking this on in lieu of early retirement, two were librarians about to become their associations' first librarian presidents, and the last was I. Many, very many, of my colleagues were psychologists. There were also economists and biz types. The one other humanist and I instantly found common cause. Many of my colleagues were former or current grievance officers (at most associations an appointment with at least a three-year term), and most of the rest were former or current chief negotiators. I did have some company in my ignorance; unfortunately, most of it came from the representatives of non-certified associations who were expressing rather naive concerns about being unable to interest junior faculty in their workings or attract them to their social events. Worthy goals (and part of my own), certainly, but a Canadian faculty association in 2004 has both wider and narrower concerns.

The first session, on the role of the president, unloaded all sorts of things to worry about: financial responsibility (does a non-signatory to the cheques do the bank reconciliation statement? Yes, phew); insurance coverage, especially liability insurance for directors and officers (yes, we have it and the cost is not ruinous—more phew); fiduciary responsibilities and the rather terrifying Duty of Fair Representation; how to handle requests; how to manage staff (and the relative numbers of staff—we have the same as Athabasca, most have 3, Calgary has 6); what to do

during bargaining; carriage rights; harassment; and, how to chair a meeting (hurray—something I know a bit about). Many issues are already on my to-do list: our investment policy? How to explain the universally-believed statement that “grievances are your friend”; revising our by-laws to include librarians on the Board and perhaps to give some role to the Stewards' Council/Council of Department Representatives; negotiating the expectation of privacy, with respect to email, into the contract. Enough, already, and we're only a few hours in. The second session was on dealing with the media. Staying on message during an interview is tough, not to mention severely limiting to the vocabulary.

Session 3 concerned the role of faculty associations; most are bargaining units and handle complaints and grievances: most serve as watchdog or gadfly with respect to the university at large and the administration in particular; most engage in education and communication about the collective agreement, including the job of educating the administration; some engage in social action; some organize social events; all involve faculty in the life of the university; and one (presumably more soon since CAUT just appointed a staff member to foster more activism) promotes a healthy and safe work environment. 13 faculty associations are now members of the Canadian Labour Congress. Only 9 members of CAUT are not unionized: SFU, Toronto, McGill, McMaster, Waterloo, Guelph, Saint Paul, University of Victoria and University of Northern British Columbia. We talk about governance of the association, discuss which committees are open, which aren't and shouldn't be, what roles should never overlap (President and Chief Negotiating Officer—there are sinners in the room), and grievance structures. We plod forward through a whole

sequence of issues, including our legal responsibilities, human rights accommodations, our committees, how to make decisions during collective bargaining, liability issues. Critical advice emerges: use the phone, not email.

Session 4: The President's Relationships. We talk executive, board, members, staff, administration, the employee groups, student groups, community organizations, CAUT, provincial associations. Way too many relationships, all apparently fraught with difficulty. But there's hope—session 5 is called "Getting Help." CAUT can help. There is a CAUT Listserv. There can be workshops—lots of them. There are fact sheets. There are books—better yet, there are four free books. Any event that gives me four free books is a very very good thing. There are policy statements, directories, model clauses (which are not particularly recommended since the best clauses emerge from negotiation). There is expert legal advice. There are CAUT brochures on retirement and on contract faculty. And there are free books. A wonderful session. But then there arrives session 6 on major post-secondary issues. Following on from the horror of the media workshop is its logical sequel—I need to know about academic freedom, grievance, commercialization, casualization, many more -tion's and some -ity's including accessibility and civil liberties. There are free brochures. Free brochures are good, but not nearly as soul-satisfying as free books.

Session 7: Building the Association: one association complains that even when free meals are offered quorum won't stay at meetings after 5 p.m.. I ask if we are devoting thought to the next generation

of faculty members, who seem unlikely to engage in career-long selfless devotion to our respective faculty associations (and sticking around the shop for the evening hours). Answer: no. The two librarians see my point, but the rest are way too selfless. Nonetheless, there are many good ideas: lunches for new faculty, packages of information for new members as against simple letters of welcome (disheartening thuds as free copies of the *Collective Agreement* land in bottom drawers or elsewhere unstudied), timetable issues, more on committees. We spend time on the pre-member phase; some universities, especially York, have in their contracts that a letter goes to short-listed candidates or those offered jobs. Since the best predictor of what an individual will earn over an academic life is the starting salary, encouraging pre-members to call for advice as they negotiate seems a good idea. There is even a CAUT brochure on negotiating starting salaries. Perhaps, since these are now negotiated with Deans, department chairs could advise new faculty members about this. Seeing the finish line, though, we sprint off into discussion of email; renewal of the association; recruitment; advice for members on tenure and promotion, on pensions, on benefits, on intellectual property, on investment; equity issues and inclusiveness; and even onto our putative Electronic Information Management Systems (apparently we need to keep and organize the blasted email).

Most interesting and useful were the unstructured sessions, including the meals and the final discussion. Mandatory retirement got a lot of buzz. So did email security and spam. There is a lot to think about on the drive home.

Mandatory Retirement Update

with files from OCUFA

Chris Bentley (London West MPP and Minister of Labour in the provincial government) released in August 2004 a consultation paper on ending mandatory retirement. Its opening letter makes it clear that the McGuinty government will give Ontario workers the right to choose when they retire, but that a process of public consultation will determine how to end mandatory retirement without affecting existing retirement rights or entitlements to benefit and pension plans. The consultation process includes a session in London on Tuesday 28 September; UWOFA will participate in that event. To request to

make a presentation contact the Ministry of Labour at 1-866-400-8355 (if you ask to participate, we would appreciate knowing in advance). OCUFA will also be participating on Monday 27 September in a meeting for university groups with the Ministry of Labour.

Mandatory retirement exists for two reasons: the Ontario *Human Rights Code* prohibits discrimination in employment on the basis of age, and defines age in employment as being 18 years and older, but less than 65. Secondly, collective agreements or other contracts of faculty members provide for retirement. Our collective agreement, which remains in force until 30

June 2006, provides for the retirement of all faculty on the 1 July that coincides with or immediately follows their sixty-fifth birthday. That means that if the Ontario government passes the expected legislation in 2005 or early 2006 that changes the *Human Rights Code*, our collective agreement will continue to govern retirement at Western (It's unlikely that the legislation will cover existing Collective Agreements). Should a new collective agreement not have been agreed at that point, the provisions of the current one will continue until a new agreement is ratified by both parties. Several legal challenges to mandatory retirement by faculty members have been attempted, one starting in June 1985 on Charter grounds that failed in 1990 at the Supreme Court by a vote of five to two (the two dissenting justices being women who argued that mandatory retirement unfairly affected women and other underprivileged groups who started their careers later in life). Another, in Alberta, enforced a clause in the collective agreement, arguing that the discrimination involved was reasonable and justifiable in the circumstances. The Supreme Court decision on that one, in 1992, stated that "mandatory retirement also withstands the minimal impairment test. No obvious alternative policy exists which would achieve the same results without restricting the individual rights of faculty members." However, a charter

challenge today would almost certainly win, unlike 15 years ago.

UWOFA and the Administration may be discussing issues surrounding mandatory retirement beginning this fall. In other jurisdictions, both in Canada and in the United States, in which there is no legislated mandatory retirement provision, varying conditions apply. The Administration may wish that, as in Alberta, New Brunswick, and Manitoba, mandatory retirement provisions remain in the collective agreement. In Quebec, however, collective agreements do not have such provisions, and university administrations there do not have control over retirement dates. They offer, to varying degrees, early retirement packages to try to entice older faculty to retire. In the United States, some of the following issues enter the equation:

- post-retirement benefits
- enhanced early retirement (not currently on offer)
- whether or where tenure might end
- the effects on the pension
- faculty renewal
- retirement incentives
- post-retirement contracts, phased retirement

Future issues of *Faculty Times* will provide more specific information, as it becomes available.

Choosing a Provost

By Ernie Redekop

The most important deliberations on this campus at the beginning of the fall term are in the committee that is choosing a new vice-president (academic) and provost. Most of us are merely distant observers of this altogether far too secretive and heavily political process; nevertheless, since the committee's choice will strongly influence the course of our academic life we should all be concerned with what is going on. I do not doubt that the committee will pay due attention to the candidates' academic qualifications, and what I have to say does not address that question. Rather, I am concerned with the committee's stand on the relations between the administration and the faculty.

One of the ordinary problems facing the committee is to see beyond printed dossiers and statements in interviews. Another problem—and a

concern for all faculty members and librarians—is the way in which the selection criteria pussyfoot around what is undeniably the major political development in this university since the 1960s: the certification of a union for faculty members and, lately, for librarians. Is there a reference to collective bargaining in the terms of reference for this committee? No. What we find is a concatenation of platitudes: the candidate should "*work effectively with faculty, students and staff and the associations that represent them,*" while showing "*a firm commitment to collegiality, openness, accountability, equity and diversity*" and a willingness "*to work in a consultative manner*" (why not simply "to consult"?), to "*listen and to respond to input from members of the university community.*" That's it, folks, and it's about as little as could be said without actually avoiding the topic altogether. There

is nothing in these criteria that would not have been equally clichéd three decades ago.

This is not good enough. There is the above evanescent and tangential reference to the union, the only force that can actually stand up to the administration, but not the hint of a nod in the direction of the part-time and sessional faculty members who make up one-quarter of the bargaining unit and whose problems continue to bedevil the relations between this administration and faculty. Whether this is intentional or not, there is no recognition that perhaps it is time for the incoming provost to take these faculty members seriously, to treat them not as interchangeable bricks in the academic driveway but as human beings who teach, do research and serve the university like tenured faculty, even if they are not rewarded for these latter things.

Behind this kind of attitude lies an economic assumption, as Jim Stanford pointed out in an article in *The Globe and Mail* (16 August 2004), that has governed the labour-market policies of most countries for the last fifteen years (and which, of course, has become the dominant ideology in university administrations), viz., a belief in so-called "flexibility." As he argues, this word "is a deliberately inoffensive misnomer. The true goal is to enhance the freedom and power of employers to manage their work force at will and ruthlessly minimize labour costs." We need only recall the last round of negotiations toward our collective agreement and the administration's general hard-nosed insistence on "management rights" to understand how the system would work if there were no union to act as a damper on an otherwise untrammled application of such "rights."

A new provost could rise above such a retrogressive economic ideology by recognizing that the long-term costs for part-time, sessional faculty of coping with low wages, job insecurity and low academic status far outweigh the short-term economic advantages for the administration. A new provost could be the mover of a radically different attitude in the administration, an attitude that would recognize the worth of *all* employees, instead of treating some as disposable units of work. This would not mean that the provost would renege on his or her responsibility to make hard academic decisions; these cannot be avoided. But such a new attitude could encourage the emergence of a new kind of collegiality; not the old kind, based as it was on the familiar and outmoded idea of "binding supplication" which has worn out the knees of more than a few defenders of our Association, but a different collegiality based on an ungrudging acceptance that the union has come into being, that it is, and that it will continue to exist. Even more importantly, such a collegiality would be based on mutual respect, expressing itself in frequent consultation with the union and in a willingness to understand that human problems cannot always be solved merely by adding and subtracting figures in a ledger.

From this perspective, the question facing the committee is: will it be business as usual, or will the committee select a provost with the kind of vision of a university in which *all* members of the bargaining units are treated with fairness and respect?

Ernie Redekop, professor emeritus, Department of English, was president of UWOPA (1999-2000)

Employee Assistance Program

In the midst of a divorce? Angry children? Depressed at the loss of a parent? Terrified at the thought of whether you'll get tenure? Wondering where the next job will be?

Western has help: the Employee Assistance Program offers confidential counselling available off-campus from Family Service London on Woodward Avenue. Program. The program offers twenty-four hour emergency assistance at 1-800-668-9920, childcare and eldercare consultation, Tel.Ado for teens and parents at 1-888-211-4330 (also 24/7), financial and credit counselling, as well as general intake counselling to figure out whether you need a referral and which counsellor would be best. A substantial number of counselling hours are included as part of your benefits package. Record show that faculty members do not use this service as much as other employee groups; it is available and it is wholly confidential. No one on campus will ever need to know that you talked through your stress with a counsellor. If you need this help, please get it. You are, after all, paying for it.

For more information the URL is <http://www.uwo.ca/humanresources/facultystaff/comp/benefits>; click on Employee Assistance Program

UWOFA Board of Directors 2004-2005

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