

**CUPE Local 3902**  
**UNIT 5 – POST DOCTORAL FELLOWS BARGAINING UPDATE**

**TENTATIVE COLLECTIVE AGREEMENT ACHIEVED**  
**Notification of**  
**JANUARY 14, 2020 at 5:00 p.m. - UNIT 5 MEMBERSHIP MEETING**  
**(Information session & vote whether to refer to ratification)**

Your CUPE 3902 Unit 5 Bargaining Committee has negotiated a tentative Memorandum of Agreement which, if ratified by the Parties, (CUPE 3902 Unit 5 and the University of Toronto Board of Governors) will amend our CUPE 3902 Unit 5 Collective Agreement.

The members of the Bargaining Committee **unanimously recommend you vote YES** to the Memorandum of Agreement to renew your Collective Agreement which expires on December 31, 2019.

This update provides information about an Ontario law which affected our ability to make financial gains. It also has an overview of the tentative Memorandum of Agreement and the next steps in the bargaining process. You must decide whether or not this tentative Memoranda of Agreement is ratified by the Union.

**What is ratification?**

Ratification by the Union is the process where we vote by secret ballot to accept or reject the terms of the negotiated tentative Memorandum of Agreement. Our Union Local has a specific process for ratification which is set out in in our Bylaws in Article 14. The Bylaws can be found here:  
[https://www.cupe3902.org/wp-content/uploads/2018/01/2018\\_01\\_22-Local-Bylaws\\_national-approved.pdf](https://www.cupe3902.org/wp-content/uploads/2018/01/2018_01_22-Local-Bylaws_national-approved.pdf)

The members of the Bargaining Committee will conduct an information session, followed by a question and answer period. Following this, you will be asked to decide whether a ratification vote will be held on **TUESDAY January 14, 2020 at 5:00 p.m.** We will confirm the location shortly. If you have child care needs or require accommodation please contact the office coordinator at [office.coordinator@cupe3902.org](mailto:office.coordinator@cupe3902.org) or call 416-593-7057 ext. 176.

**Please note: the terms and conditions set out in the tentative Memorandum of Agreement do not come into effect unless ratified by both Parties. In the meantime, our Collective Agreement with the expiry date of December 31, 2019 remains in effect.**

**Bill 124 - “Protecting a Sustainable Public Sector for Future Generations Act, 2019”**

On June 5, 2019, Bill 124 was introduced in the Legislative Assembly of Ontario. It passed Third Reading and received Royal Assent on November 7, 2019: <https://www.canlii.org/en/on/laws/stat/so-2019-c-12/latest/so-2019-c-12.html>. This affected our bargaining significantly.

The legislation applies to us as university workers even though the Ontario provincial government provides less than half of the revenue for the University of Toronto. In particular our wages as Post Doctoral Fellows are almost entirely dependent on non-provincial government funds as they come from Federal “Tri-Council”

agencies and private research grants. Notwithstanding this, the legislation clearly sets out that every university in Ontario is covered by this regressive *Act*. Our Employer stated it would follow the law and would therefore not provide for compensation increases beyond 1% in each year of a three-year contract: Section 11 of the *Act*.

The law defines “*compensation*” as “*anything paid or provided, directly or indirectly, to or for the benefit of an employee, and includes salary, benefits, perquisites and all forms of non-discretionary and discretionary payments.*” **This definition is very broad and limited our ability to achieve significant monetary gains in this round of bargaining.**

Unions, including ours, are initiating a legal challenge to the constitutionality of the legislation. We have included our objection to the legislation in the Memorandum of Agreement, and in the ratification question.

## **The Bargaining Process**

Your Bargaining Committee members were elected at a September 10, 2019 membership meeting where you also voted for a bargaining platform. This formed the basis for our proposals to the Employer and our approach through negotiations. We maintained all of the current provisions of the Collective Agreement and made many improvements in the Memorandum of Agreement. A full copy of the tentative agreement can be found through the members’ portal, which can be accessed from the button at the top right of the CUPE 3902 homepage at <https://www.cupe3902.org> . Instructions to do this are in the covering email for this document.

## **Summary of the Memorandum of Agreement**

### **1. Salary – as restricted by Provincial Legislation**

- 3-year agreement with an expiry date of December 31, 2022 (**MOA page 1 paragraph 2**)
- Increase minimum salary by 1% effective the following dates: Article 14 (**MOA page 4 item 1 & MOA page 31**):
  - January 1, 2020           \$35,350
  - January 1, 2021           \$35,704
  - January 1, 2021           \$36,061
- Each active employee to receive a 1% increase providing the pre-existing conditions are met (**MOA page 2 item 2**)

### **2. Empowerment & Professional Development**

- **NEW** \$25,000 for Development and Special Circumstances Fund (**MOA page 5 item 3**)
- “exit” interview upon request (**Article 21.06 - MOA page 35**)
- Freedom of Speech protection applies (**Article 22.05 – MOA page 36**)
- Renewal of “unpublished letter” regarding “overtime” when you obtain a “Unit 1” teaching or TA opportunity under Article 20.09 (**MOA page 50**)
- Career counselling available at each campus (**Article 23.01(b) – MOA page 37**)

### **3. Health, Wellness and Family**

- Child Care Fund **-\$104,000** -1% increase for 2021&2022 (**MOA page 5 item 3 & MOA page 7**)
- No increase in premium costs for health benefits until July 2020 with advance notice to the Union and maintenance of 50/50 cost share (**MOA page 6 – Schedule A**)
- Pregnancy & Parental leave up to 18 months (**Article 11:03 and 11:04 – MOA page 21**)
- 100% paid Parental Transition Week (**Letter of Understanding – MOA page 49**)
- Surgery, Hospitalization and Serious Illness paid leave (**Article 11:08 – MOA page 24**)
- Accommodation of disabilities & return to work process (**Article 11:09 – MOA page 25**)
- Bereavement Leave (**Article 11.10 – MOA page 26**)
- Non-consecutive leaves for ill dependents (**Article 11.11 – MOA page 27**)
- Domestic or Sexual Violence Leave (**Article 11:14 – MOA page 28 & Services MOA page 45**)
- Clarification of paid Holidays & Presidential Days (**Article 12.03 & 12.04 – MOA page 29**)
- Vacation carry over of up to 1 week (**Article 13.04 – MOA page 30**)
- Pay out of vacation if move to a new position (**Article 13.06 – MOA page 30**)
- Health & Safety (**Article 15 – MOA pages 32-33**)
  - Copies of reports to the Union (**Article 15.05**)
  - Pregnancy accommodation (**Article 15.06**)
  - Workplace inspections performed (**Article 15.07**)
  - One day pay continued if injured while at work & transportation provided (**Article 15.08**)
- Sustainability Committee (**Letter of Intent – MOA page 44**)
- Leaves of Absence do not count for 6-year duration (**Letter of Understanding – MOA page 47**)

### **4. Assistance for New Postdocs**

- Labour Management discussions about relocation issues like visa renewals and housing (**Letter of Intent: MOA page 46**)
- Letters of Offer will contain (**MOA page 43**)
  - Enrollment information for health benefits
  - Link to School of Graduate Studies Handbook (Union will review prior to publication)
  - Instructions about how to join the “listserv”
  - Link to Employer policies and procedures
  - Link to CRA payroll deductions
- Letter of Intent: Access to University Resources (**MOA page 48**)
  - Employee & Family Assistance Program
  - Graduate Professional Skills Program (GPS) and Teaching in Higher Education (THE)
  - Graduate Centre for Academic Communication (GCAC)
  - The English Conversation Communities for Grads
  - Early Learning Centre (ELC)

### **5. Update sexual violence and harassment language**

- No Discrimination (**Article 4.01(a) –MOA page 9**)
- Gender identity (**Article 4.01(b) –MOA page 9**)
- Definition of workplace harassment (**Article 4.02 – MOA page 10**)
- Time limits for filing a grievance (**Article 4.05 – MOA page 11**)
- No academic penalty for requesting accommodation (**Article 4.07 – MOA page 11**)
- Objection to investigator (**Article 4.09 – MOA page 13**)

- Sexual Violence referral to arbitration (**Article 4.10 – MOA page 14**)
- No reprisal for complaint (**Article 4:11 – MOA page 15**)

#### **6. Improvements in Union Representation & Discipline rights**

- Regular labour management meetings (**Article 7.03 – MOA page 16**)
- “short” and “long” suspensions (**Article 8.01 – MOA page 17**)
- Advance notice to Union for disciplinary interviews (**Article 8.03 – MOA page 18**)
- No use of unfounded complaints or investigations for future (**Article 8.06 – MOA page 19**)
- Discipline removed from file after 12 months (**Article 8.07 – MOA page 19**)
- Extension of time limits to file a grievance (**Article 10:09 – MOA page 20**)
- Updated information to the Union (**Article 16 – MOA page 34**)
- Confirmation of Union space on all 3 campuses (**Article 24 – MOA page 38 & 41**)
- Renewal collective agreement finalized within 6 months (**Article 28.02 – MOA page 39**)
- Renewals or deletions of Letters which have been completed (**MOA page 40**)

#### **Why vote yes?**

We are very pleased with the significant language improvements we were able to negotiate. We are obviously disappointed in the financial increases, but we can assure you we found “every penny” within the restrictions of the provincial law and we will continue to be part of a fight against it.

We, the members of the Bargaining Committee, unanimously recommend the Memorandum of Agreement and urge you to vote YES to the following question:

Shall the December 11, 2019 Memorandum of Agreement be ratified knowing the wage rates are a result of the **Protecting a Sustainable Public Sector for Future Generations Act** and not freely collectively bargained as between my Union and my Employer?

It is up to you to decide whether to accept or reject. If the tentative Memorandum of Agreement is rejected, we will make an application for the appointment of a Ministry of Labour Conciliation Officer and ask you to give the Bargaining Committee a strike mandate.

We encourage you to attend the information meeting to be held on **Tuesday January 14, 2020 between 5:00 PM and 7:00 PM**. We will ask you to allow a ratification vote. If you agree, we will then open the polling stations following the meeting and continuing on Wednesday January 15 and Thursday January 16, 2020 at UTM, UTSC and St. George Campus at hours and locations to be determined.

The members of our CUPE 3902 Unit 5 Bargaining Committee are

- Glenna Kramer (Unit 5 Vice Chair, Postdoc in Dept. of Biochemistry)
- Willie Costello (Postdoc in Dept. of Philosophy)
- Elise Hovingh (Postdoc in Dept. of Laboratory Medicine and Pathobiology)
- Mahdi Zamani (Postdoc in Dept. of Mechanical and Industrial Engineering)
- Hamish Russell (CUPE 3902 Chair)

We were assisted by Leanne MacMillan (CUPE Servicing Representative), Kathy Johnson, Laura Sullivan, and David Simao (Local 3902 Staff). We thank Christopher Landon (Bargaining Support Chair) and Kathryn McDonald, (Local 3902 Staff) for their efforts to reach out to each of you. **We look forward to seeing you and answering your questions on Tuesday January 14, 2020.** Please look for emails in January, 2020 with the room location for the information meeting and secret ballot vote, and details about child care and accessibility resources.