Faculty Association

News & Views

December 2008

What Exactly is a Grievance? A note from the Grievance Information Officer, David Josephy

Coffee Time Session – December 11 3-4 in OVC LLC1708

What is a grievance?

- A grievance is a disagreement between the union and the management over the interpretation or application of the Collective Agreement.

What are typical subjects of grievances?

- Academic Freedom
- Contracts (for contractually-limited Members)
- Harassment/ Failure to accommodate/ Marginalization issues
- Access to Research-Study Leaves
- Health and Safety issues
- and many others!

What is *not* a grievance?

- Disputes that are not "Member vs. Management ", e.g., Member-Member, Member-Staff; Member-Student - unless Management fails to take reasonable action to resolve the problems, in which case a Grievance might be brought against the Management.
- Academic disagreements that do not affect Members' terms & conditions of employment (e.g., creation or cancellation of a course; choice of course instructor; decision of a College/ Department to hire in a particular academic area).
- Disagreements with administrators that fall outside the realm of employment, e.g. the Acting Associate Dean's SUV rear-ends your Prius in the parking lot.

When an issue arises that might lead to a grievance:

1. Contact UGFA immediately! - call ext 52126 (office) or 53833 (Josephy)

2. Do not do or say anything that may affect your employment!
(Remember, there is no "Undelete" button for e-mails!)

3. Keep careful records of the facts: Who, What, Where, When and Why

4. Contact UGFA immediately! (Yes, I know, we already said this!)

On Your Behalf – UGFA at Work

Asbestos Update

On April 9th workers unknowingly conducted an improper asbestos removal under a carpet in the MINS building. Lex Scientific was called in, has studied the site since, and has concluded that the carpet removal contractor as well as "University employees, and students within the immediate vicinity of the carpet removal, may have been exposed to airborne chrysotile fibres". The Association then launched a grievance to ensure a proper future process which would help to prevent similar problems. The grievance was resolved by mutual agreement with the following points being agreed to:

- **To minimize risks of exposure,** if a building was built prior to 1986, invasive testing **prior to construction activity** will be compulsory. Sampling is not necessary when a) the material is known not to have asbestos (e.g. ceramic tile, stone, concrete floors) and b) the decision is made to conduct the work under the assumption of asbestos (i.e. with asbestos removal procedures).

- **Should an unforeseen exposure similar to the one on April 9 occur, Environmental** Health and Safety with assistance from Deans and Chairs will communicate all affected persons and advise on adherence to the appropriate procedures to follow.

- **Success of immediate communication with affected persons** will be accomplished by Deans/Chairs providing to Security Services an up-to-date contact list for all members of the department. This list will be updated on a semesterly basis, or as needed.

- As part of the broader emergency response program, diligent efforts will be taken to notify all department and community members via email and phone of the exposure incident. This will be accomplished through implementation of emergency phone-trees, email trees, updated contact lists, and an investigation of others who might have been at the site.

- The University and the Association agree that the protection of the health and safety of Members and other persons in the workplace is an important matter of mutual concern and that both the University and the Members have responsibilities delineated in the Occupational Health and Safety Act. UGFA and University will partner in ensuring everyone understands where the risk with Asbestos lies. One way in which this could be particularly effective is to advise Members not to do their own renovations in their offices and/or laboratories.

Update on the Collective Agreement

Intellectual Property: The Collective Agreement states that the Article concerning Intellectual Property (IP) is to be referred to mediation/ arbitration. The mediator/arbitrator assigned is Kevin Burkett, with a first meeting date scheduled for Wednesday January 21st, 2009. In the interim, and without prejudice and in confidence from the arbitrator, both parties are working towards a resolution, in the hope that arbitration will not be necessary. (It costs money! lots!) We We will make sure we keep you up-to-date on any developments regarding Intellectual Property and the Veterinarians. If you have any suggestions which you would like to put forward, please feel free to contact the Association at facassoc@uoguelph.ca or at ext. 52126.

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! **In the interim, while the negotiation/mediation/ arbitration of this Article on Intellectual Property is pending, no Member should agree to sign any contract relating to IP matters.**

Veterinarians Career Progression and Peer Review - Veterinarian Members voted unanimously in support of the principles put forth by the committee regarding peer review and performance appraisal. We anticipate that our meetings with administration in 2009 will be productive.

Final Copy of the Collective Agreement: Both the University and Association are continuing to work toward a final and printed copy of the agreement. All editorial changes have been made and now we are simply double checking for typos. Once this is completed, a copy will be distributed to all members.

Tax Free Savings Account (TFSA)…have you heard about it?

- Starting in 2009, Canadian residents age 18 or older will be eligible to contribute up to $5,000 annually to a TFS, with unused room being carried forward.
- Contributions will not be deductible
- Capital gains and other investment income earned in a TFSA will not be taxed.
- Withdrawals will be tax free
- Neither income earned within a TFSA nor withdrawals from it will affect eligibility for federal income tested benefits and credits
- Withdrawals will create contribution room for future savings
- Contributions to a spouse’s or common-law partner’s TFSA will be allowed and TFSA assets will be transferable to the TFSA of a spouse or common-law partner upon death.
- Qualified investments include all arm’s length RRSP qualified investments.
- The $5,000 annual contribution limit will be indexed to inflation in $500 increments.

For more information contact your financial advisor.

Fast Facts:
Coffee time sessions?

The next “Coffee Time” session is scheduled for Thursday December 11 from 3-4 in the OVC LLC1708.

If you have questions or comments at *any* time, please do contact UGFA, and we will do our best to listen and assist. You may contact the UGFA President, **Kelly Meckling**, the Grievance Officer, **David Josephy**, or other Committee Chairs and Executive Members by calling **Ann Nelson** and/or **Sue Hubers**, at **extension 52126**, or by emailing to: facassoc@uoguelph.ca.

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GENERAL UPDATE ON UG PENSIONS

The newspapers are full of it - people who have to delay retirement because of how the global economic crisis has affected pension plan investments. What about University of Guelph pensions? First, recognize that we have a **Defined Benefit Plan** ... the payout to a retiree is set ("defined"), unlike a Defined Contribution Plan, where the market, and decisions the employee made previously about how pension money should be invested, will have a big effect. (Defined Contribution Plans can be wonderful when the market is leaping and bounding; they are not so great now.)

But Defined Benefit Plans also have problems when the market shivers and shakes. The employees make their contributions to the pension plan, and the employer has to put in enough money to meet legal solvency tests for a defined benefit plan. These solvency tests, called **funding ratios,** are calculations based on both a "going-concern" basis and a "wind-up" basis. "Windup" is a rather stringent measure, which looks at how much money would be available if everyone who is owed a pension (current or future) from a plan had to be paid out in cash tomorrow. There are all sorts of actuarial assumptions where it is up to the accountants to decide what values to use (life spans, for example), and payouts have to assume that you buy bonds in order to provide annuities for each person... (and bonds tend to be priced high when the market is down, so you see where that is going! Ontario Pension law specifies that the money needed in the pension fund must be paid as installments spread over 5 years. That can be quite a chunk of change!

In good markets, pension fund investments can do very well, and funding ratios are in surplus over calculated requirements. If the surplus is too large, Canada Revenue steps in and won't let an employer stash away any more cash. That's when there is a "pension holiday", when the employer does not make any contributions. (Sometimes employees may also share the holiday.) But when pension fund investments fall with the market, the employer may need to find substantial amounts of money to top-up the fund. Clearly, the more money the University has to put into the pension fund, the less that's available for other things ...like salary settlements, hiring new staff and faculty, heat and power bills, construction and maintenance, and so on. That's a problem for *all* of us.

What's the current Pension Fund status? Well, the University of Guelph funds compare reasonably well with those of other Canadian universities. But given the market, that's still negative numbers! The University of Guelph did a filing on the status of the pension plans last year, based on August 2007 values, which means the next filing is due in 2010. Payments required to meet the calculated valuation deficits of a pension fund can be substantial, and obviously, for the future, much will depend on the general state of the market and the economy.

An area of interest is how the legislation for ensuring the funding of defined benefit plans in Ontario may be altered as a result of a recent provincial government review of pension legislation. For pensions controlled by federal legislation, the amortization period for making up a fund deficit was to increase to 10 years from 5. Whether there will be a similar change for Ontario-controlled pensions, or any other changes, is unknown. The Arthurs' report, from the **Expert Commission on Pensions**, was released November 20, 2008 (*www.pensionreview.on.ca*).

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