

Unit 1 Membership Rejects Employer's Offer: Strike/Lockout Deadline of February 23 Set

...by the CUPE 3902 Unit 1 Bargaining Team

Members of the Canadian Union of Public Employees (CUPE) 3902, the union representing all 4,200 teaching assistants, graduate-student instructors, lab demonstrators, invigilators and writing instructors at the three University of Toronto campuses, have rejected the tentative agreement reached by the Union and the University during conciliation.

At a membership meeting on January 30, members decided by a 96% majority not to send the agreement to a ratification vote. They then unanimously voted to set a strike deadline of February 24 in the event that the University of Toronto administration fails to offer them a reasonable contract.

"We heard a loud and clear message to-night from the members of our union," said Ryan Culpepper, chair of CUPE 3902's bargaining team. "Clearly, what we've negotiated to this point is not sufficient. Because we are a democratic organization, any new contract has to be accepted by our members. We look forward to reopening negotiations with the University, and we're committed to bringing back a contract that meets our members' needs."

Since the last contract between the University and the Union was signed in 2008, the size of tutorials and labs – which are taught by CUPE 3902 members – has grown dramatically. Research support has dropped, and the University has begun requiring CUPE 3902 members to perform new categories of work at lower pay rates.



The University also eliminated the only guaranteed source of income for graduate students in the final years of their degrees. CUPE 3902 members spoke passionately at the meeting about each of these issues, and demanded a contract that seriously addresses them.

"We have been trying to negotiate a fair contract for seven months," said James Nugent, the bargaining team's chief spokesperson. "We've been fighting for better learning conditions for our students and better working conditions for our members. Last night, our members sent us back to the bargaining table to keep fighting for those things, and that's what we intend to do."

Monday's meeting emphasized the increasing frustration of our members," said

Wayne Dealy, Chair of CUPE 3902. "This is the second unequivocal message they've sent to the University of Toronto, and the University really needs to start listening."

In the days following the vote, the Ministry of Labour released a no-board report, and set a legal strike/lockout deadline of February 23, one day earlier than the membership date of February 24. Two days of bargaining, with the help of a mediator, are set to take place prior to the deadline.

A Unit 1 membership meeting is scheduled for 5-8pm on Feb.24th at Hart House. We look forward to providing you with a full update on negotiations at that time. In the meantime, stay informed, continue talking with your Departmental Steward, or join the Strike Aversion Committee.



Solidarity to Protect the Public Interest: Austerity Hits OPIRG

In the context of CUPE 3902's bargaining struggle and looming strike deadline, student union members might be surprised to learn that your elected representatives are preoccupied with petty attacks on campus service providers. In their January 25 meeting, the Graduate Students' Union (GSU) Council debated a motion that would mandate the GSU Executive Committee to negotiate online opt-outs for all GSU levy organizations. The proven effect of online opt-outs is financial instability. The Executive Committee initiated this online opt-out effort at least two weeks earlier, notifying one levy group by email on January 11.

The Council meeting was scheduled for two hours but lasted four due to internal conflict and confusion about multiple agenda items. In his presentation, the Councilor who proposed the online opt-out motion misnamed two of the four implicated levy groups. No levy groups were informed that this debate would be taking place, and only the Ontario Public Interest Research Group (OPIRG) -- the levy group that has endured the brunt of the current GSU Executive's conservative whims -- had encouraged its supporters to attend the Council meeting as a precaution. One after another, graduate students in attendance (including two dissenting Executive members and a handful of Councilors) spoke against the motion, citing their important work with levy groups and refusing to be bullied by certain Executive members' hostile interruptions. At the end of the ordeal, the GSU Council rejected the motion with nearly a 2/3 majority.

The online opt-out motion failed for four simple reasons. First, graduate students value the services their levy groups provide. Current GSU levy groups include the Centre for Women and Trans People, Bikechain, Downtown Legal Services, and OPIRG. Together, they provide U of T students with free direct support, skills training and guidance, and cooperative safe spaces—resources that are especially important to students who face systemic marginalization due to racism, sexism, homophobia, transphobia, ableism, poverty, and class oppression. The second reason the motion failed is that online opt-out systems impose financial instability on levy groups and, as such, are inconsistent with the premises and spirit of student levies. Levies are established through majority vote in student referenda. Students cast well-informed referendum votes and often establish policies to ensure that levy revocations be similarly well informed.

The GSU's legal agreements with its levy groups are designed so that students seeking refunds must have one conversation with a person who understands the mandate and operations of each levy group. The importance of this human interaction shouldn't be understated, especially in the context of Rob Ford's reckless austerity -- now more than ever, half the battle is simply demonstrating that seemingly minor decisions can have major effects on people's lives, including on the lives of graduate students themselves.

The third reason the motion failed is that the online opt-out effort is a waste of graduate students' time and resources. According to the GSU website, graduate students will pay \$597.50 in Student Services fees this year. (U of T's Governing Council offloaded the bulk of these service expenses onto students in 1992.) Of these service fees, available levy group refunds amount to \$8.00. In contrast, the political campaign and likely litigation required to introduce an online opt-out system will consume a tremendous amount of GSU resources, including Executive Committee members' time and energy. Moreover, levy opt-outs simply are not a graduate student priority.

GSU time and resources are better spent helping graduate students overcome their substantial debts, complete their research, and secure stable academic employment. Hence, the fourth and final reason the motion failed: GSU Council representatives know that attacking campus allies is not in their best interest. Since its founding by graduate student referendum in 1982, OPIRG-Toronto (which receives \$5/year from each full-time graduate student) has facilitated student-led campaigns for smaller class sizes, better compensation for graduate student workers, equal pay, accessible post-secondary education, and much more.

It should therefore come as no surprise that OPIRG volunteers are taking the lead in coordinating outreach for CUPE 3902's current bargaining struggle. They've done so because they know that the only way to secure fair jobs and affordable, high-quality education is to stick together and fight to win.

Clare O'Connor (OPIRG-Toronto Staff and CUPE Local 1281 member) & Michalis Famelis (UofT Computer Science PhD student, OPIRG Board of Directors and CUPE Local 3902 member).

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Feb. 1 Day of Action

Links Student & Worker Issues

...by Jesse McLaren, Activist



On February 1, students across the country took to the streets for a Day of Action, organized by the Canadian Federation of Students.

In Toronto, thousands of students from multiple campuses converged at the University of Toronto, marched through downtown, and rallied at Queen's Park.

Students are facing skyrocketing tuition and massive levels of debt. On top of chronic education cutbacks and underfunding, students are being made to pay for an economic crisis they did not create. But as they chanted, "education is a right, we will not give up the fight," and "they say cut back, we say fight back."

In Ontario, Premier Dalton McGuinty campaigned on a promise to reduce tuition fees by 30 per cent, but this only applies to a fraction of students. The size of the demonstration in Toronto, and the chants directed at McGuinty ("Dalton, you liar, tuition's getting higher"), shows that students weren't fooled. In their thousands, students demanded a reduction of tuition fees for all, a dropping of the student debt, and an increase in education funding.

Students also made links to other issues, chanting and face-painting "drop fees, not bombs." The money for accessible education exists, but it's being wasted on fighter jets, tar sands, prisons, and tax breaks for the 1 per cent.

The labour movement supported the Day of Action, including members of CUPE, Steelworkers, Toronto District Labour Council and the Ontario Federation of Labour.

Solidarity is reciprocal. More than 4,000 teaching assistants, graduate student instructors, lab demonstrators, invigilators and writing instructors at the University of Toronto (represented by CUPE 3902) unanimously voted to set a strike deadline of February 24, if the administration fails to offer them a reasonable contract.

They are asking for smaller class sizes, adequate compensation and better funding -- in other words, they are trying to improve education.

There is already solidarity growing for CUPE 3902, from a campus organizing meeting that draws links between students, TAs and food service workers, to an undergraduate-led campaign by OPIRG. As their video states, "CUPE 3902's proposals will improve the quality of education at U of T. What's good for CUPE 3902 members is good for undergraduate students."

The February 1 (student and worker) Day of Action showed the strength and solidarity of the 99 per cent on campus, which will be crucial in the weeks and months ahead to win accessible, high quality public education.

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Jesse McLaren is a physician, activist and blogger, who like Virchow believes that if medicine is to accomplish its great task, it must intervene in political and social life. He blogs at www.yourheartsontheleft.blogspot.com, and tweets @HeartsOnTheLeft.



Unit 4 Bargaining Resumes

...by Dan Brielmaier, CUPE 3902 Unit 4 Spokesperson

After a long hiatus following our first bargaining session on Oct. 12th, contract negotiations between CUPE 3902 Unit 4 (St. Michael's) -- representing Course Instructors, TAs, Writing Instructors, and Continuing Education Instructors -- and the University of St. Michael's College are back on track.

St. Mike's management presented their responses to the Unit 4 Bargaining Team's proposals on Feb. 3rd, and on the 6th the Team was able to sign off on several simple but essential provisions. With more sessions planned for the 13th, 22nd, 27th, and March 14th, the Team looks forward to securing further necessary and substantive gains for the members of Unit 4.

As always, members of Unit 4 with comments or questions are encouraged to contact the Bargaining Team at u4bargteam@listserv.cupe3902.org. All members of the Team will receive any messages sent to that address, and thank members of Unit 4 for their questions, patience and support.



More updates and information about CUPE 3902 Unit 4 bargaining can be found at www.cupe3902.org.

Stewarding

...by Holly Karibo, CUPE 3902 History Steward

When I first decided to take on the role of departmental steward in CUPE 3902 in all honesty I really had no idea what the position entailed. I knew that I wanted to be involved in organizations outside of my actual graduate training, and when the time came to elect a representative from my department I thought I would give it a shot.

I have been a steward now for four years, and I can say without hesitation that it has been one of the most rewarding experiences I've had during my time at U of T. I came to learn very quickly how important it is to have an active steward in each department. Stewards truly are the backbone of the union, and they make sure that

members (our friends and peers) know their rights and benefits as outlined in the Collective Agreement. More importantly, they are eyes and ears that help ensure that fellow members are being treated fairly. Working as a steward has not only allowed me to get to know members of my own department better, but also to see the way our union has enhanced the quality of our working environment in very tangible ways.

Taking on the steward position has also served as a reminder about how important it is that we set aside time to volunteer our skills. It is so easy to get caught up in our classes, comps, writing, teaching, and so on. Even a small amount of time set

aside, though, can mean a lot in an organization that relies heavily on involvement by its members.

In the end, I feel good knowing that I was able to contribute, even in a small way, to the important work the union does in to promote safe, equitable, and fair employment practices at U of T.

I highly recommend that everyone take the time and come out to a Stewards Council meeting. The union is made up of friendly, caring, and generous people from across all disciplines, and working as a steward provides the context to get to know fellow members and to make a positive contribution to graduate life at U of T.

Stewards play a vital role in promoting safe, fair & equitable work at UofT.



Staff Corner

HCSA and Financial Survival ...by Tamara Williams, CUPE 3902 Staff

On Tuesday, January 24th, CUPE 3902 participated in the annual Financial Survival for Student Families Event hosted by the Family Care Office.

Exec members and staff were on hand to inform members about their benefits and the various funds offered by the union. If you missed the event, here's a rundown of what you need to know as a member of 3902 so you can take advantage of what is offered to you! The Health Care Spending Account (HCSA) is an \$800 account against which you can claim eligible medical expenses.

To be eligible for the HCSA, not only do you have to be a registered student at the University of Toronto, but you must perform a minimum of 50 hours of bargaining unit work during the plan year (i.e. September 1, 2011 – August 31, 2012). This includes working as a Teaching Assistant, Course Instructor, Invigilator, Chief Presiding Officer, or Teacher Education Program Assistant.

If you satisfy the above criteria and you have a spouse (including common-law) and/or children, then they each have a HCSA too! There is no registration process; simply mail your receipts for eligible expenses to ProsureGroup by attaching them to the HCSA claim form and you will be reimbursed.

It's always a good idea to photocopy your receipts for your own records. You can find a list of eligible expenses and services on our website under the FAQs.

You'll also find information on how to maximize your GSU and HCSA coverage. Your account can be used for a variety of health and dental expenses, including your GSU premium. These expenses are deducted from your HCSA.

Claiming your GSU premium is not the same as opting out of your GSU coverage. When you claim the cost of your GSU coverage with your HCSA, you still have access to that coverage, but when you opt out (by the GSU's specified deadline) you receive reimbursement, but you lose access to that coverage.

It's in your best interest to review the Unit 1 benefits and financial assistance funds sections on the website to familiarize yourself with the forms and applications available to you. Various funds like the Financial Assistance Fund, Professional Masters Fund, and the Wage Equity Defense Fund are currently open for applications.

Together with the Family Care Office and events like the one attended on Tuesday, we're helping our members stay informed and connected to financial resources! These health benefits have been won through many years of collective bargaining and the struggles of your colleagues over the past decades. The union needs your support today!

Tamara Williams is a member of CUPE Local 1281, representing CUPE 3902 staff and other university and non-profit staff since 1974.

Unit 2 HCSA

A key part of the Unit 2 Collective Agreement is the Health-care Spending Account. All members who are sessionals or who work for more than 50 hours a year are eligible to receive reimbursement of some health care expenses. Each half-course you teach (as a Sessional) entitles you to \$288.22 worth of reimbursement, to a maximum of \$1,441.10 per year.

Hourly-paid employees are credited with \$288.22 for 50-239 hours of work, \$576.44 for 240-379 hours, \$864.66 for 380-520 hours and so on in increments of 140 hours. Those members covered by a UofT Employee Benefit Plan (not including Grad student or Undergrad student or Unit 1 or 3 plans) are not eligible for this coverage. You must enroll for this benefit and you do so using the form on the Union website.

Unit 3 HCSA

The Unit 3 HCSA covers health care expenses for Sessional Lecturers to \$275 per half-course, to a maximum of \$1,375 per year. Hourly-paid employees (Sessional Instructional Assistants, Music Instructors, Writing Instructors) with 160 hours of work have a HCSA entitlement of \$275 with a minimum of 160 hours of work.

To enrol, deliver the enrolment form to the UofT Benefits Office at 215 Huron St, 8th floor. Once enrolled, you will be sent a Green Shield card to make claims. Eligible expenses are those that qualify as a medical expense tax credit under the Income Tax Act, including prescription eyeglasses, dental expenses, medical devices and supplies, prescription drugs, and paramedical services.

McGuinty: Gutting Research Funding when More Students Need it

...by Sara Suliman, Secretary Treasurer

Earlier in January 2012, the McGuinty government announced a shocking cut of at least \$42 million to provincial research grants. This surprising announcement came shortly after the Liberals were elected to power for the third term in a row, albeit as minority government this round.

The unfortunate reality is that many participants in the post-secondary system, at both the graduate and undergraduate levels, have sympathetically voted for the provincial government as a result of their promise to invest in higher education and provide 30% tuition grants, only to find that these grants are accessible to a very limited sector of students, and come at the expense of provincial research grants.

In the current economic meltdown, provincial research funding serves a critical purpose to compensate for the poor national investment in research. The 2009 federal budget announced a total cut of

\$137 million to the tri-council agencies. Since Canada has failed to become a manufacturing powerhouse, its only alternative in order to remain globally competitive is to invest in a knowledge-based economy. The federal government has steadily gutted funding, and applied further restrictions by prioritizing marketable research, under the guise of saving the economy and creating jobs.

To use the logic of governmental bureaucrats who support investment in the private sector, many of these cuts have direct consequences to the private sector and its ability to sustain jobs as well.

For instance, many biotechnology companies rely heavily on the ability of health researchers to purchase reagents and equipment to conduct research. If the capital that funds these research labs comes directly from federal and provincial funding, who is to sustain these companies now?

Since the provincial government did not deviate from its "Reaching Higher" framework, which permits annual increases of 4.5% and 8% to undergraduate and graduate tuition, respectively, many qualified students have relied on the existing infrastructure and scholarships to find summer and part-time jobs in research labs and other projects in the Social Sciences and Humanities.

Since the promised tuition grants apply to a very small sector of undergraduate students, this means students will undoubtedly face higher debt, and have fewer opportunities to support themselves after graduation.

The cuts reflect not only less funding for research, jobs and education, but are also a clear deterrent to undergraduate students interested in accessing graduate school in a job market that has gotten increasingly competitive and dependent on higher academic credentials.

The Members Speak: You Can Depend on the Union

I have been a member of CUPE 3902 since September 2005. Although I have won an award for my teaching at the University of Toronto, it is clear from my experience with the employer that teaching and teachers are their last priority.

I'll give you an example: Last fall I got sick and had to decrease my teaching load from 3 courses to 2, based on the advice of my doctors. The department, with which I took sick leave, would only pay for 6 teaching days, as opposed to the 8 days we are guaranteed in the Unit 3 contract. I was not paid for months as the union – and particularly the amazing staff reps – fought for my benefits. By the winter term, I had used up all my sick days but had to take another day for medical tests.

Adding insult to injury (literally), the department that I was still teaching for divided my pay by the twelve teachings days in the semester, and deducted over \$800 for one sick day. A grievance was immediately filed and we reached a fair, though long in coming, outcome because of the hard work of our union.

At present, the union is assisting me as I await word from the employer about whether I am entitled to the Health Care Spending Account benefit after my course was cancelled due to low enrollment. With respect to low enrollment, this is not surprising given that I was hired to teach this unadvertised course in the middle of December. This is yet another example of the employer's practice of using 'just-in time', labour-made-cheap to save a buck at the expense of student education and their professor's ability to make ends meet doing insecure work.

Regardless of their response, I know that the union will be there with unconditional support as they always have in the past. Were it not for the support of the CUPE 3902, I shudder to think of the conditions that we would be working under. Through the union, we continue to work to maintain, and hopefully increase the value the employer gives to teaching and learning at the university. I want to extend my extreme gratitude to Jesse, Mikael, Shiraz and all the staff at 3902, members of CUPE 1281, for continuing to fight for our right to fair employment.

Unit I Bargaining Special Report:

Talks Continue as Union Focuses on Key Issues

The Bargaining Committee is tirelessly preparing for the next round of negotiations with the UofT Administration starting on February 21st. After seven months of negotiations and several consultations with members in every department we remain committed to negotiating a new contract that addresses the three major concerns of our members.

1. Members have told us that they do not think it is fair that they be asked to do more work for the same amount of pay. This is why we are saying that non-dissertation related research should not be included as part of the calculation of the funding package.

Three years ago, only fellowships (dissertation research grants) and TA work were included as part of the funding package. But over the past three years, the Administration has been exploiting a loophole in our collective agreement that we now need to fix.

For many members, dissertation research grants (i.e. fellowships) have been decreased by \$3,000 in only three years, and the Administration has made it clear that they intend to roll-out this new funding package structure across all departments unless we are able to prevent them during this round of bargaining.

2. Members in their upper years who are no longer in the funded cohort, have told us that when the Provost unilaterally eliminated the Doctoral Completion Grant, they were in many cases left with no funding at all. The financial burden is especially hard-felt by international students who are paying, at a minimum, over \$16,000 in tuition (increasing at 5% per year).

3. Members have also shared their frustration trying to teach in crowded tutorials and labs. With 42% of tutorials over 35 students, it's time we negotiate better teaching and learning conditions. Creating some new TA positions for masters and PhD students who are outside the funded cohort could not only increase the amount of TA support that each undergraduate student receives, but could also provide some additional financial security to these unfunded graduate students.

There has been a flurry of emails from the Administration encouraging members to continue working should we end up on strike. The Administration has said it will impose its final offer, through a "take-it or leave-it" type of approach. We have seen this unilateral, top-down approach before, with Provost's unilateral elimination of the Doctoral Completion Grant and with the (failed) attempt of the Dean of the Faculty of Arts and Science to impose a new Academic Plan without any consultation.

This approach and the Administration's statements are not helpful for the negotiation process and may even be illegal. But we also know that the increases presented in the Administration's final offer amount to nothing more than an \$80 bribe that will not even cover our increasing costs of living due to inflation. This bribe is rather insulting for members who stand to lose thousands of dollars in fellowships and grants because of a loophole the Administration has chosen to exploit.

Fair negotiations require two-way dialogue, compromise and good faith bargaining. This has been the approach of our union's Bargaining Team over the past seven months, and will continue to guide our approach going forward. We have been reasonable and we have looked for creative solutions. It is time for the Administration to get more serious. Staying strong and united as a union is the single best way for negotiations to wrap-up expediently and fruitfully. Let's focus our collective energies towards encouraging the Administration to negotiate fairly and to address the key outstanding issues.



cupe3902.org

"Teaching Assistants (TAs) are so important to the university experience because, without them, it is very easy to remain a faceless number in the vast volume of students that pass through the University of Toronto."

Devon Franklin (left), English and Sociology, 2nd year with her TA,
Miriam Novick, PhD Candidate in English and member of CUPE 3902

**We teach
We learn
We explore
We are the University of Toronto**



Backgrounder on Some of the Key Issues

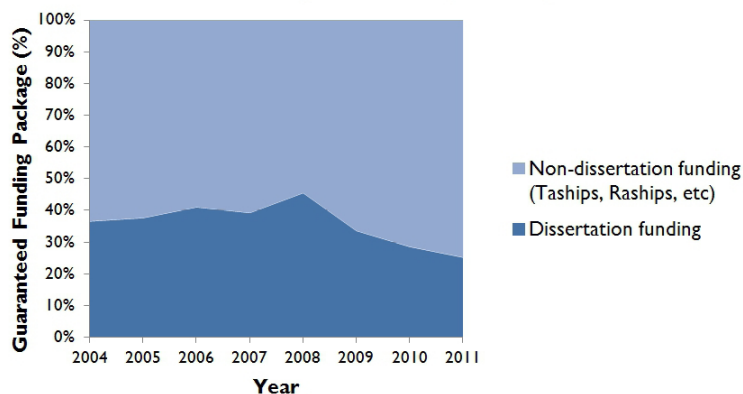
Research Funding

Graduate students help keep the wheels of innovation moving at the University of Toronto. They are accepted to U of T to do valuable original research. But research grants (fellowships) that once funded graduate research are being taken away by the U of T administration.

Although research is a full-time job, members of CUPE 3902 are also expected to perform additional part-time jobs as teaching assistants, lab demonstrators, exam invigilators and course instructors, in order to receive just the basic funding-package (salary) amount of \$15,000 per year (plus fees). Now many graduate students are being forced to perform a third part-time job in the form of non-dissertation research duties. In many cases, up to \$2,500 of this type of work is clawed back from funding that was previously intended for dissertation research.

In 2008, funding to graduate students for their dissertation research made up at least 46% of their total salary, but in 2011 this number fell to as low as 25%. This trend only prolongs the time it takes for graduate students to complete their programs (currently 6 years on average).

Declining Graduate-Research Funding at the University of Toronto (2004-11)



Tutorial Sizes

According to The Globe and Mail's 2011 report, University of Toronto ranks last or next to last in Canada for class size, student satisfaction, student experience and student-faculty interaction. U of T is home to hundreds of giant courses where students seldom see or interact with their professors. But in recent years the size of tutorials and labs has been growing uncontrollably, so that often there's little difference between sitting in a huge lecture and sitting in a tutorial. Teaching assistants can do little more than crowd control, while meaningful discussion becomes impossible.

Lab demonstrators are overstretched and cannot get to all the students who need their help. It's not uncommon for the university administration to pack a laboratory or tutorial room beyond the limits of the fire code. In sections this big, teaching assistants struggle to make time to see their students during office hours, and the quality of teaching and learning necessarily goes down.

Undergraduate students and CUPE 3902 members have repeatedly sought to improve these deplorable conditions. The University of Toronto administration refuses even to discuss ways to make tutorials and labs smaller. In fact, against all evidence, both statistical and anecdotal, our employer refuses to admit there's even a problem.

Senior Students

Students are promised support when they enter U of T. But those who have worked hard and done excellent research are neglected in the final years of their degrees. A PhD takes, on average, 6 years to complete across all disciplines at the University of Toronto, though there are all sorts of valid reasons it could take even longer. The administration, however, stops supporting PhD students after 4 (or in some cases 5) years.

Upon entering U of T, PhD students receive a fellowship. This fellowship covers the cost of tuition and fees, with a little left over to compensate grad students for the original research they contribute to the University. CUPE 3902 members also work as teaching assistants, lab demonstrators, exam invigilators and course instructors. They usually have this work guaranteed for the first four years of the PhD. Reliable work allows them to plan their budgets and research schedules for the long haul.

Unfortunately, in the final years of their degrees, students stop receiving their fellowships. They stop getting paid for their research, and they're also mailed an expensive tuition bill (up to \$18,000/year), even though they're no longer taking any courses at the University. Moreover, despite their research expertise and hard-earned classroom experience, senior members of CUPE 3902 are no longer guaranteed work at the University. They have few ways to earn money to pay their tuition, let alone their rent and other living expenses.

Until recently, a fund called the Doctoral Completion Grant (DCG) existed to help support senior students. It wasn't a lot of money, but it at least sustained people so they didn't have to drop out, leave the country, or postpone their degrees indefinitely to take work off campus. For reasons never made public, and with no notice whatsoever, U of T Provost Cheryl Misak eliminated the DCG last year.

Frequently Asked Questions for Unit I Members

1. What is Unit I's history of striking?

In the nearly 40 years TAs at U of T have been unionized, Unit I has negotiated 17 collective agreements with our Employer (U of T). We've gone on strike only three times: in 1989, 1991, and 2000. The language we have today on maternity leave, subsequent appointments, and the guaranteed funding package is there only because of the collective action of previous Unit I members. Strikes are not inevitable; they have, however, won us some of our most fundamental rights and benefits.

2. In the event of a strike, what are my obligations? Will I get paid?

If the members of the bargaining unit decide to go out on strike, we will all be asked to strengthen the strike effort through picket duty. Members are eligible for strike pay of up to \$300/week (tax-free) for twenty hours of service. Furthermore, the conditions of ending a strike have to be negotiated. We always attempt to make sure members can make up the work time they lost from the strike. Strength on the picket line can mean a faster resolution at the bargaining table!

3. What is a lockout?

A lockout is a tactic used by employers to try to force workers to accept a settlement by refusing to allow them to work.

4. Can I still perform my TA duties?

If we decide to go out on strike, all bargaining-unit members are asked to cease to perform their Unit I work. In the past, the Employer has reacted to strikes by turning off payroll and locking us out as punishment for not accepting the offer they've put on the table.

5. When can employees go on strike?

The Ontario Labour Relations Act governs the question of when we are legally allowed to strike. Before this can occur, we must go through the process of conciliation. If the conciliation process breaks down, the conciliator must issue a "no board" report (which marks the end of conciliation and suggests that the parties are not likely to reach an agreement). Once the "no board" report is issued, a mandatory 17-day cooling-off period must take place before a strike (or a lockout) is lawful.

6. How would a strike affect my labs and experiments?

Members are not expected to put their academic lives on hold because of a strike over your working conditions. A strike means withholding our labour from our jobs as course instructors, TAs, invigilators, or lab demonstrators.

Of course, labs and experiments need to be looked after; just as grad students in other disciplines will continue their research and writing in libraries, archives, etc. While all members may freely continue their own research, we hope they will also take part in picket duties during a strike.

7. What if I voted NO in the strike vote?

First of all, your vote during the strike vote was confidential. Nobody knows who voted yes and who voted no. Moreover, if we go out on strike (and/or are locked out),

the entire bargaining unit will be largely affected – whether you voted yes or no in the strike vote.

Nobody should perform Unit I work. We recommend that those who voted no and simply want to get back to work join us on the picket line! More strength on the line can lead to a shorter strike.

8. In the event of a strike, how can we make it as short as possible?

The more people out on the line, the greater our power! The more power we have, the more likely we'll win a fair contract at the table and end the strike.

9. Is a strike inevitable?

At this point, it is far from certain that we actually will go out on strike. We have two dates for bargaining with the Employer (with the help of a conciliator) set up for late February.

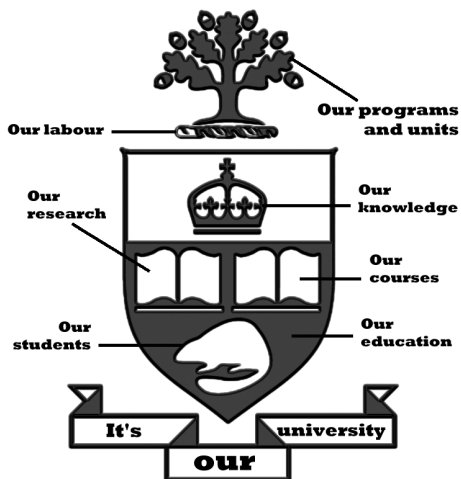
Our Bargaining Team will continue to do their best to win an acceptable tentative contract with the Employer throughout this period.

10. How can I help/get involved?

You can always get involved! Attend the Unit I Membership Meeting (the next one will take place on February 24, 5:00 to 8:00pm), and actively participate in departmental consultation sessions that will take place throughout February.

You can talk to your steward for updates or always contact the various Strike Committee coordinators and volunteer on their committee. The opportunities to get involved are endless!

Thank you for your ongoing support. More information about bargaining can be found at www.cupe3902.org and at www.boundlessutoronto.ca.

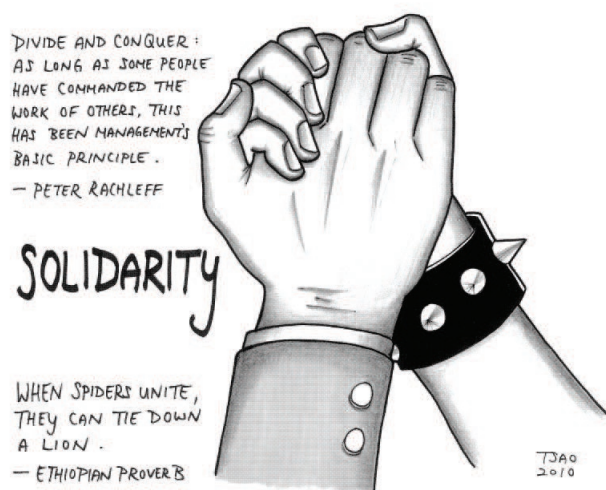


Bargaining Information for Unit 3 Members

Below, you will find important information about the state of bargaining for Unit 1 (TAs, Course Instructors), what is at stake, and what you can expect in the event of a strike or lockout in late February.

1. Status of Negotiations:

Unit 1 has been in bargaining since the contract expired April 30, 2011. Since January, we have worked with a Conciliator appointed by the Ontario Labour Board to try to reach an agreement with the Employer. That process has stalled and there remain key issues that are unresolved. All parties agree that there is nothing further to be gained at this stage. On Monday, January 30th, members of the unit decided to set a strike date for February 24th. The bargaining team remains available to negotiate throughout this period so that while a strike is now possible, it is not yet imminent.



2. Negotiations have stalled over 3 key issues:

Class Size: As we know very well, the University has cut costs by reducing the number of tutorials and raising the enrolment of those that remain. This undermines good quality education and makes the work of TAs, many of whom address 50 or more students in a tutorial or lab, both more difficult and less satisfying. Unit 1 is seeking appropriate enrolment limits on tutorials and labs which would benefit both our students and instructors trying to design pedagogically sound learning environments.

Research Funding: As you may know, graduate students are guaranteed funding (\$15,000) and tuition costs for the first 4 or 5 years of their doctoral programs. What you may not know is that they are expected to work for up to 210 hours as TAs (\$8820) and can be forced to work for an unlimited further number of hours as Research Assistants to earn their funding.

As they find themselves working longer and longer hours to earn the money meant to support their research, completion times lengthen. Unit 1 is seeking to limit the amount of the funding package that they can be forced to work for.

Upper Year Students: When the funding runs out, upper-year doctoral students face the prospect of paying full tuition without any guarantees of work at the University. Their work guarantee of 3 subsequent appointments after their initial TAship usually expires alongside or before the funding guarantee. Unit 1 is asking for an extension of the work guarantee to enable upper-year students to make ends meet. In addition, until last year a Doctoral Completion Grant existed for all unfunded upper-year students. For most, it was the only source of support. That grant was eliminated. Unit 1 is seeking tuition grants for its unfunded members in years 5 and 6 of the PhD.

3. What to do in the case of a strike:

Background: During the last round of Unit 3 negotiations (2009) and Unit 1 negotiations (2009), the Employer gave us a guarantee that members of one unit would not be asked to do the work of another unit in the case of a strike. We will be seeking a similar guarantee should Unit 1 go on strike February 24th. In previous strikes, the University has remained open for the duration.

Context: The President of the Faculty Association, George Luste, has publicly advised the Provost that regular faculty members cannot be asked to do struck work and is advising his members to refuse to comply should they be asked to take over TA or Course Instructor work.

Contract: We have academic freedom protection that guarantees our right to determine the appropriate methods of student assessment for our courses meaning that we cannot be forced to alter methods of evaluation at this stage of our courses. Watch for additional guidance regarding course alteration from the union at www.cupe3902.org as the deadline approaches.

In advance of a strike, we do not know what contingencies the Employer will put in place but we urge you to communicate with us if you are asked to do anything you feel violates your rights as the course instructor to reasonable conditions and hours of work, or your choice to support our Unit 1 colleagues.

Unit 3 will soon be negotiating a new contract and may well look to the support of Unit 1 during this process. For this and the reasons outlined above, we urge you to support your TA and Course Instructor colleagues in whatever way you can. Please get in touch if you have questions or concerns about this issue.

Reflecting on the Governing Council experience

...by Chirag Variawa, Governing Council Representative



Being a graduate student representative on the Governing Council (GC) at the University of Toronto is a challenging, yet very rewarding, experience. The challenge is to learn about a very large institution and its constituents' needs while still juggling priorities as a graduate student. As our first terms on GC come to an end, we reflect on some of the more interesting aspects of this experience.

In July, Morgan Vanek (Representative of the Graduate Students in the Humanities) and I learned from the orientation session that GC representatives have several fiduciary responsibilities to the groups they represent – from Governing Council to CUPE, we need to be cognizant that we respect the interests of both. As staunch allies of CUPE, Morgan and I voted against issues that would increase the control that GC already has, so that we can maintain a balance between the interests of our constituents and what's best for the institution.

For instance, we believe that GC should have a clearer sense of the protocols for virtual meetings and voting, and although we were outnumbered at Council Chamber, we still voted against the majority of the other representatives.

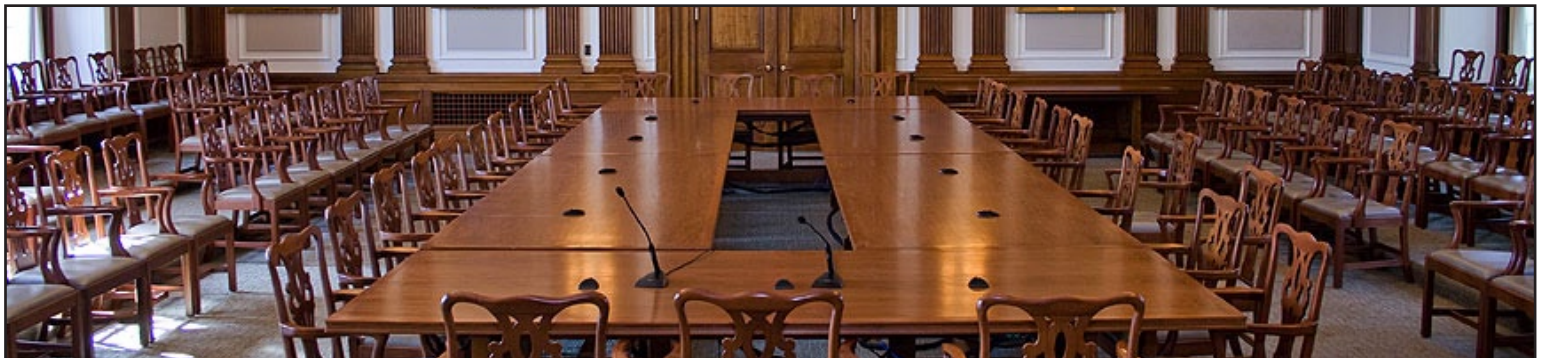
We've also had the opportunity to attend the unveiling of several of UofT's newest buildings – from the instructional centres at UTM and UTSC to the renovated Mining building right here at StG. We've also begun several initiatives to better the student experience at UofT.

Morgan has fought hard for international student rights, while I've dedicated myself to making UofT more accessible and inclusive for all students using a technological approach; we've worked together on these as well as many other projects. During meetings with the President and other members, we've made the needs of graduate students very clear and have developed a reputation for being respectful and dedicated to making graduate students a high priority.

Though we have much to learn, these experiences have given us an opportunity to learn more about the UofT community, the high-calibre of graduate students we have here, as well as develop a lens that allows us to respect and foster an inclusive learning environment for all learners. Going forward, I want to thank Morgan Vanek for her uncompromising commitment to the graduate students in the Humanities during her first term on Governing Council.

Additionally, since I am seeking re-election this term (please visit my website, www.ChiragVariawa.com for details), I look forward to working very closely with the next GC rep for the Humanities if I am re-elected. Also, thanks to the GSU, CUPE, and all graduate students for making my first term on GC so productive and rewarding!

Chirag Variawa is a representative for the Graduate Students in the Sciences on Governing Council (Const. II, Div. III & IV); Ph.D. Candidate – Dept. of Mechanical and Industrial Engineering. For more info please visit: www.ChiragVariawa.com



Work and Law

Mikael Swayze, Staff Representative



On January 20, the Ontario Labour Relations Board issued a seminal ruling by Vice-Chair Ian Anderson confirming the employment status of postdoctoral fellows at the University of Toronto. This ruling is a vital step in the process begun when postdocs applied to join CUPE 3902 in July 2009.

In response to that application for certification the UofT took the position that postdocs were not employees but essentially students and therefore unable to unionize. Vice-Chair Anderson's ruling definitively closes the door on that argument and will allow the Board, at long last, to count the ballots cast by postdocs in August 2009.

If the ballots cast are in favour of unionization, the Union will start the process of bargaining a first contract for postdocs at the UofT in the very near future.

Vice-Chair Anderson's ruling comes nearly three years after postdocs at the UofT filed an application for certification. In the normal course of events, a group of employees files for certification, a vote is held and counted and the union is either certified or not, depending on the outcome of the vote. In this case, the UofT took the unusual position of arguing that there was no one in the bargaining unit since postdoctoral fellows were not employees but "academic trainees."

While postdoctoral fellows have been certified at Western, McMaster and Queen's, no other university took the position that they were not workers. Thus, the case at the UofT is precedent setting. The Labour Board held hearings into this question culminating last summer. Since then the parties have been awaiting the Board's ruling.

The Board heard testimony from two professors and five postdoctoral fellows.

In this case, the UofT sought to rely on an earlier case, *University of Western Ontario (2007)*. In that case, the Board established that employment is a contract "in which one person undertakes to serve another and to obey his reasonable orders within the scope of the duty undertaken." Clearly, PDFs are in this relationship. However, in order to not be eligible for unionization, the same case would require the employer and the employee also to stand in a student-educator relationship in which there was no compensation for the work performed. As the Vice-Chair noted, "neither is true in this case."

First, the Vice-Chair correctly found that PDFs are not students. Since they are not students, the fact that the work they do provides "an opportunity to learn...does not transform what would otherwise be an employment relationship into a non-employment relationship."

Second, the Vice-Chair was not persuaded by the various decisions of the Tax Court with respect to PDFs because both the facts and the statutory regimes differ. In the UofT PDF case, the amount of remuneration is set by the principal investigator. The Tax Court cases were mostly looking at situations of self-funded PDFs in which the remuneration was set by an external granting agency.

In addition, the Tax Court found that the remuneration paid to PDFs was so unfair that it invited the finding that this was not employment income for the purposes of the Employment Insurance Act. However, for Labour Relations Act purposes, while the remuneration may not be fair remuneration, this in itself does not negate the finding of an employment relationship. In fact, it is most often the case that people unfairly remunerated will organize a union to rectify this problem. Finally, it was clear that PDFs got a "salary paid in exchange for working as a PDF."

Post-Docs are employees and can unionize!



Organizers deliver the application to the Employer at 215 Huron in 2009.

Moreover, the letters of engagement allowed the University to terminate this relationship with or without cause. The Vice-Chair found the following: "The fact is that the PDFs perform work in the University of Toronto's labs, using the University's equipment and materials, produce something of value, i.e., research, and receive compensation from the University for the performance of that work. These are all hallmarks of an employment relationship."

Thus, even though the letters of engagement purported to express an intention not to create an employment relationship, the Vice-Chair found that mere expressed intention cannot transform an employment relationship into a non-employment relationship.

This case has clearly established in Canadian labour law the right of postdoctoral fellows to organize and bargain collectively. Given the increasing role of PDFs on our campuses, this is a vital and transformative step in beginning to improve their salaries and working conditions. I am proud that CUPE 3902 has played a key role in securing collective bargaining rights for PDFs – the last major non-unionized group in post-secondary institutions. Onward!

(View the OLRB's ruling online at <http://bit.ly/AaeKyF>)

Worklaw is a column dedicated to matters of labour law, especially as it affects contract academics.

The Trouble With Pipelines

...by Ronda Ward, Recording Secretary

Ever heard of PetroBakken? Me neither. But, according to the Calgary Herald and the Edmonton Journal, it is in the process of selling 2.2 percent of its Weyburn Saskatchewan oilfield stake, likely to Franco-Nevada Corp. of Toronto, for about \$105 million.

That news, and an announcement that it would also raise \$750 million in a sale of new notes, sent its shares up 89 cents. This company boasted a year-end production of “50,000-plus barrels of oil equivalent per day” from an area in which they have 3 acquisitions they bought for \$1 billion.

Though some, like Margaret Wenthe or the Prime Minister, would like to frame the pipeline debate (pick either: Keystone XL or Northern Gateway) as a fight between “Harvard” and the “heartland,” or “foreign environmentalists” and demands for local jobs, the paragraph above demonstrates that this issue isn’t even about oil. It’s about money – and lots of it.

The “jobs” claim has been pretty thoroughly debunked. These ventures take big crews to install but once in the ground, the work evaporates. That’s the beauty of them – you don’t NEED many permanent workers. And in a job market like this one, the wages will be as low as the bosses demand. The southern project will send even that work to our American neighbours, while the proposed line to the Pacific will undoubtedly see more than a few killed trying to drive a tube through the Rockies.

“But why all the fuss?” the advocates cry – Canada has thousands of miles of pipelines! True. But the vast majority of those lines carry natural gas. Gas brings its own hazards, but those are nothing compared to the disaster of a bitumen leak – in the mountains – or a tanker run aground on the northern B.C. coast. Companies insist that their safety records have improved enormously of late but their performance hardly inspires trust. For instance, did you know there was a spill in Wrigley, NWT

last May? Of course, Enbridge said it was only equal to about 4 barrels. That is, until the National Energy Board demanded an investigation and – oops! – raised that estimate to between 700 and 1000 barrels.

Suggestions that we refine the bitumen in southern Alberta or Saskatchewan are shrugged off by experts who insist that refineries are too expensive to build and take years to put into operation. They seldom point out that we have closed refineries all over eastern Canada in the past decade; three in Ontario alone. And I bet they’ll never mention the recent approval of the Vantage pipeline (a bargain at \$240 million) that will bring ethane from North Dakota to Alberta to provide energy to process more tar sands. Isn’t this kinda nuts? Importing fuel to manufacture ... fuel? So when Canadians suggest a line heading east to refineries in Montreal or Sarnia or the other eastern facilities that currently buy from Nigeria or Libya, they are supporting self-sufficiency. But that’s because these people still think the debate is about fuel.

Canada’s fuel consumption fell after the 2008 crash, according to the NEB, and it’s still sliding. At the same time, residential, commercial, and transportation needs are increasingly filled by natural gas, not oil. The normalization of conservation practices – from energy-efficient light bulbs to better insulation to laundry clotheslines – keep driving that decline. Only the industrial sector has increased its demand for oil, and the biggest part of that is used to produce ... oil.

Canada has doubled its electricity exports but tripled its crude oil exports. In other words, we have too much of the stuff. And we have too much because at close to \$100 a barrel, these companies keep pulling it out of the ground, no matter how damaging, dangerous, or absurd this practice is. It’s not ‘Harvard vs. Heartland’ – it’s Bay Street and the Petroleum Club in a passionate and deadly embrace.



International Student Equity Discrimination is a Health Issue



...by The International Students Committee, CUPE 3902

Health Matters

Equality is not some ideal state of affairs to be achieved in the future, but rather a principle to be practiced and actualized in the here and now. The International Students Committee of CUPE 3902 aims to put this principle into practice and realize equality through its activities.

For a while now, the University of Toronto has advertised itself as one of the top universities for international students and claimed global recognition, without truly addressing the issues international students face. In light of recent trends, such as increased tuition fees for internationals, the growing cost of living in Toronto and shrinking support – financial, infrastructural and pedagogical – the need to organize ourselves as international students has become particularly pressing. Yet the appropriate forums to collectively discuss our problems and initiate action to address them are few or almost entirely absent. The absence of such venues was one of the foremost reasons for starting this committee under CUPE 3902 on September 14th, 2011. The International Students Committee aims to provide a forum for and a conduit to address the problems and concerns pertaining to graduate level international students at University of Toronto. So far, with the support of our members, we have identified three key issues that international students face at this university:

- (1) Tuition and Funding**
- (2) Health Care Coverage and**
- (3) Services related to the Centre for International Experience (CIE) - or the lack thereof.**

1) There is an overwhelming concern among internationals about the ever-increasing cost of tuition coupled with the lack of any viable external support in the form of scholarships. This issue is particularly grave for international students outside the funded cohort, who pay more than \$18,000 a year merely to be registered at the university.

2) Health coverage is an important issue for many international students, particularly for those with families. We intend to pursue a strong campaign for again including international students in the Ontario Health Insurance Plan (OHIP) and dropping the for-profit University Health Insurance Plan (UHIP). We also want to draw attention to members with disabilities, who are ineligible for government bursaries and are frequently left without adequate financial means to support their learning needs.

3) The change of name from International Students Centre (ISC) to the Centre for International Experience (CIE) last year reflects a shift in the focus of the Centre and the longstanding lack of adequate services and infrastructure for internationals at the university.

Our demand is not only for the Administration to provide better services at the Centre, but also to make sure mechanisms are set in place to avoid serious financial hardships for internationals, to deal with issues arising from immigration (e.g. lapsed study permits) and again, health care.

Throughout the bargaining process, the international students committee has attempted to provide support to its members and address these key issues. We have advocated our position to the membership of the union and made Unit 1 aware of our concerns, proposing a motion calling for equity in fees and benefits, which was passed by the general membership. Through our active organizing this year, we have strengthened the bargaining position of Unit 1 and we encourage all internationals to show their support for CUPE by joining the strike committees and coming out on the picket line if the employer refuses to meet our demands.

In closing, we would like to point out a paradox that has troubled this committee from its inception. In conversations with union members about our concerns, we have often received the response that we have to think in terms of 'universal interests' and that therefore we cannot deal with issues pertaining only to international students. We would like to point out that to achieve equality we often have to act in the particular interests of a constituency, especially if it is somehow marginalized or excluded and that this requires a change in our understanding of the term 'universal.' With your contribution, we hope to work toward greater inclusiveness in the union and achieve a true universality.

BOUNDLESS DISCRIMINATION

"International students are part of what makes the University of Toronto a world-class institution. Why is it, then, that we are treated differently once we get here?"

Lanna is a second-year international PhD student in Ecological and Evolutionary Biology who is under the gun to finish in four years. She's worried she will not be able to afford to complete her degree as tuition for international students is four times that of domestic students.



Unit 3 Looks Ahead Toward a Pro-Rata Model

...by Ronda Ward, Recording Secretary



Jobs come in many shapes and sizes – full-time, part-time, contracts, short-term, long-term, and more. But few ask employees to apply for the same post every three to six months, for a decade and longer. Yet this is the situation faced by some 40% of the teaching staff at Canada's universities.

These are contract academic staff [CAS], sometimes referred to as sessional instructors. They are hired for one course at a time. If the same course is offered in the next semester, and the next, and over many years, they must apply anew each time for that work. This grants them less job security than the part-time counter staff at your local Tim Horton's.

The Canadian Association of University Teachers [CAUT] has advocated for the rights of these academic teachers and lobbied to see universities install pro-rata appointments which would extend to them the three features of all university professors' employment: teaching, research, and service. This recognition would be weighted according to the teaching load of the instructor. The CAS would, for example, teach one-fifth of a full-time appointment, be responsible for research at one-fifth of the full-time output, perform a fifth of the service requirement, and receive benefits and salary equal to one-fifth of a permanent academic.

CAUT offers this as a solution to two sets of problems arising in universities. These short-term teaching-only hires exploit a talented but vulnerable sector of the academic community, often for years, simply in order to cut costs. The practice also undermines the members of the regular faculty who have fewer colleagues to call on to share the service component by sitting on department committees. Stipendiary teaching damages the work lives of both full and part-time professors and robs the academy of the best performance of all these people.

CUPE 3902 has been a member of CAUT for 6 years and our Vice Chair for Unit 3 which represents sessional instructors at U of T, Leslie Jermyn, is the head of CAUT's committee to address the concerns of contract academics. Promoting the adoption of the pro rata model at Canadian universities is part of that work.

You can find more information on this policy at the CAUT website. Please look over the description of this policy and keep in mind that job security will again be discussed during next year's negotiations for a new Unit 3 contract at U of T.

[CAUT] has advocated for...pro-rata appointments which would extend to [contract academic staff] the three features of all university professors' employment: teaching, research, and service.



Canadian Association of University Teachers
Association canadienne des professeures et professeurs d'université

Announcements

Upcoming Meeting Dates

Unit 1 Organizing Meeting: February 14, 4-7pm, Sid Smith 619a

Stewards' Council: February 15, 12-2pm @ Bahen Centre 2165

Bargaining Townhall: February 15, 5-6:30pm, OISE 2214 (check website to confirm)

Picket Captain Training: February 15 and 16, 6-9pm; February 17, 9am-1pm at Union Office

Telephone Townhall: February 16 @ details TBA (check website for instructions)

Unit 1 Membership Meeting: February 24, 5-8pm @ location TBA

General Membership Meeting: March 7, 5-8pm @ location TBA

International Women's Day Rally: March 10 @ time and location TBA

See www.cupe3902.org for more details on meetings and events as the dates approach.

DEFEND OUR EDUCATION

SUPPORT TEACHING ASSISTANTS

**THURS FEB 16
RALLY 3:30pm
SIMCOE HALL
(King's College Circle)**

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RETURN UNDELIVERABLE CANADIAN ADDRESSES TO:
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