

LUFA News

Winter 2021

LUFA GENERAL MEETING

Friday February 26th, 2021

10:00 am

Via Zoom

President's Report

Gautam Das, gdas@lakeheadu.ca

Happy New Year 2021.

For almost a year now, LUFA's negotiating team has been working with the LU Board of Governors on your behalf to reach a fair deal that would improve our working conditions at Lakehead University. Although the negotiations are currently proceeding at a "glacial pace" [said Ken Hartviksen], I hope we will see further progress soon. **On December 18, 2020, the BoGs withdrew the short-term layoffs provision, giving the President discretionary power to layoff faculty and agreed to reform the current Professional Pension Plan.** I can say with confidence that the negotiating team has developed a pathway forward to achieve a pension plan, which would support membership to retire and have a dignified life after retirement.

It is important to note that LUFA could not achieve this goal without your support for a Job Action – a powerful negotiation tool. I want to take this opportunity to express my sincere appreciation for your support to our negotiating team. I would also like to thank the Executive, Action Committee, and all LUFA committee members for their tireless work in support of our negotiating team. Finally, I want to express my sincere thanks to Angie Kozak for her contributions during this unprecedented time.

Ken Hartviksen, LUFA's chief negotiator, reported in the last **Negotiations Session** on February 11, 2021, some important aspects of the pension reform and other issues agreed upon between parties. In the coming days, you will hear about this matter in detail. I encourage you to attend the **General Meeting on February 26, 2021, at 10:00 am**, which will give us a forum to discuss all outstanding issues related to negotiations. You will also get an opportunity to ask questions. **[Please see Chief Negotiator Report on Page 3].**

In the following paragraphs, I will summarise some of the information you may find beneficial.

Inside

President's Report	1
Chief Grievance Officer Report	2
Chief Negotiator Report	3
Pension Committee Report	3
Contract Lecturer Committee Report	3
Status of Women Report	4
Benefits Committee Report	4
OCUFA Report	4
LUFA Executive Committee (2020-2021)	5

Pre-Senate Meetings: LUFA is hosting Pre-Senate meetings regularly. In the last Pre-Senate meeting, we discussed one of the most critical issues Lakehead University's governance system is facing - **the Imbalance in Senate Committees' composition**. Unfortunately, the imbalance between the administration and faculty representations at various levels of governance can have far-reaching consequences. As CAUT pointed out, "*the control of the university had fallen into the hands of an administrative group of senior officials (the president, the vice-president, the deans) and that this group, in fact, ran the university without any genuine accountability*" - <https://www.caut.ca/bulletin/2018/10/shared-governance-matters>).

Recently, I have discussed the issues of Imbalance in the Senate Committees with the chairs of several Senate Committees. As we move forward, I hope we will be able to see positive change happening on a variety of fronts. As I have mentioned many times, *this is our university, and we have to work together and lead this institution towards a brighter future*. While various members of the administration are holding office for a limited time, their actions/decisions have long-term consequences. Please try to join the Pre-Senate Session and participate in the discussion. [Please see **LUFA Communiqué – February 9, 2021**, for further information on the issue of Imbalance in the Senate Committees]

Intellectual Property Issues: I am asking all members to exercise caution when entering in agreements with the Economic Development and Innovation (EDI) office. Most importantly, if you are interested in filing a patent application or signing NDA with companies, you may lose some of your rights as defined in the CA if you are not careful. [Please see the past Newsletter report from the Chief Grievance Officer].

Faculty Engagement Session: LUFA will arrange Faculty Engagement Sessions in the coming months. Also, LUFA will likely attend the Faculty Council Meetings and bring information to the membership. Please consider serving on the various LUFA committees by submitting a nomination form that will be circulated soon. Once again, *it is your association, and your involvement is crucial*.

Further updates and additional information are available to you via **LUFA Communiqué**, **Negotiations Bulletins**, and the **LUFA website** (<https://lufa.org>). I encourage you to consult them as often as you are able. Also, Angie Kozak, myself, and the other LUFA Executive members are available to answer any questions or concerns you may have.

In solidarity,

Chief Grievance Officer Report

Qing-Lai Dang
qdang@lakeheadu.ca

I would like to take this opportunity to draw your attention to the matter of conduct. The University has been paying close attention to the behavior/conduct of professors and has issued

numerous letters of counsel and discipline letters. Most of the cases are related to communications either verbally or in writing or even body language, e.g., the use of inappropriate words, hugging someone with too much force, threatening gestures. The fact that some of the inappropriate conduct may be triggered by a misconduct of someone else is not a defense for your own misconduct or inappropriate behavior. Therefore, you should always be professional in your interactions with others.

Letters of counsel are often used by employers to communicate a misconduct of an employee. The letter points out the misconduct or concern(s) and highlight the employer's expectations for corrective action moving forward. Letters of counsel can come from your dean or a higher level administrator, such as the Provost. I have noticed that letters of counsel generally come in two forms at Lakehead, a formal letter with a clear label of "Letter of Counsel" and a less formal letter, such as an email message. Although you may dispute whether an informal letter of counsel or an un-labeled letter of counsel is acceptable, I would suggest that you treat any written communications from your supervisor as a letter of counsel if the content of the communication fits the description of a letter of counsel.

A letter of counsel is not a discipline and therefore cannot be grieved. The only reliance that the University can place on the letter in the future is to show that the member is made aware of the misconduct or issues or concerns and therefore the member cannot use "unaware of the conduct is inappropriate" or "unaware of the University's expectations for conduct" as a defense should a similar issue or misconduct occurs again in the future. Some letters of counsel explicitly state that you will be disciplined if similar misconduct occurs in the future. Generally a letter of counsel is issued following the investigation of a complaint against a member. However, your supervisor or a higher level administrator can issue a letter of counsel without any investigation if the administrator has observed the misconduct first hand.

The current collective agreement does not explicitly mention letters of counsel. I have just discovered that the current practice of Lakehead University is to place letters of counsel in the member's personnel file in HR and does not remove them. It is clearly a loophole in the collective agreement and LUFA is currently trying to resolve the issue of letters of counsel with the University. I am hoping that I will be able to report the resolution in the near future.

If you have any concerns or questions, please feel free to contact one of LUFA grievance officers. The LUFA grievance officers are:

Scott Pound (English)
Naqi Sayed (Business Administration)
Tianxuan Miao (Mathematics)
Jason Blahuta (Philosophy)
Wely Floriano (Chemistry)
Juan Pernia (Civil Eng.)
Jennifer Jarman (Orillia)
Sree Kurissery (Orillia)

Chief Negotiator Report

Ken Hartviksen

Ken.hartviksen@lakeheadu.ca

As you know, your Negotiating Team met with the University Team on December 15 via mediator Eli Gedalof. On that day, the parties were finally able to agree to more than 48 separate articles including a process for pension reform.

On December 18, the Association provided the University with a package that contained all of the remaining issues. This list included:

- Employer insistence on formula for mandatory office hours
- Contract lecturer job security, right of first refusal, access to email, library and other university services as well as service recognition
- Collegial governance
- Teaching Focused Member Language that is aligned with regular faculty with respect to teaching and service
- Process to ensure the Faculty Employment Equity Policy is renewed and kept current
- Required and discretionary means to provide evidence of teaching effectiveness that is free from bias
- Faculty Renewal Program

The Associate met with Eli Gedalof in January to review that package and the mediator worked with the team from Administration to prepare a response. The University finally forwarded a response on February 9, 2021.

At the time of this writing, the Association is considering the University's response and LUFA will draft a counterproposal to be forwarded to Administration on February 16.

The next date for mediation is February 18. The membership can expect the release of a Negotiating Bulletin shortly thereafter. As well, a verbal report to the membership can be expected at the meeting of the LUFA General Membership on February 26.

It was a pleasure to have a chance to meet with you at the LUFA ZOOM Session held on February 11. Your questions and words of encouragement are greatly appreciated.

In the meantime, please remain alert to communications from the LUFA Action Team and the LUFA Executive.

Pension Committee Report

Glenn Colton, Chair, glenn.colton@lakeheadu.ca

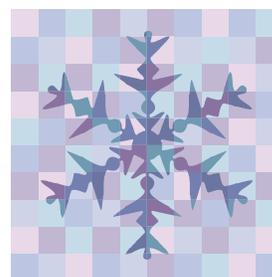
After a tumultuous year for world equity markets, the Lakehead University Professional Plan produced an annual rate of return of 5.90% for the 2020 calendar year.

The Pension Advisory Board met on Dec. 4, during which the final report on the Lakehead University Professional Plan prepared by Eckler Associates was presented. The final

report confirmed key findings of the preliminary Eckler Report (e.g. deficiencies in contribution rates and retirement income for plan members compared with other university pension plans in Ontario), highlighting the following conclusions:

- 1) there is room to improve the benefit adequacy of the current plan, or pursue alternative retirement income options available that can improve benefit adequacy (either would first require an increase to the employer and employee contribution rates, after which possible options can be explored, i.e. either continuing with the current plan, or transferring to a JSPP);
- 2) increasing the interest rates used to calculate the Normal Form Pension Factor would increase the initial pension and increase the attractiveness of the annuity conversion option;
- 3) member outcomes under the Lakehead Plan would be improved with removal of the Employer CPP offset, with the median replacement ratios increasing by 3-5% (an additional increase of approximately 2% would be realized by increasing faculty employee contributions to 8%);
- 4) participation in the CAAT DB Plus Plan would reduce the volatility of member outcomes, and provide median replacement rates up to 10% higher than the current Lakehead plan, depending on the contribution rate selected (CAAT DB Plus options reflect contribution rates that are higher than current Lakehead contribution rates).

The Pension Committee continues to monitor the performance of the Professional Plan closely, as well as the university's response to the final recommendations of the Eckler Report.



Contract Lecturer Committee Report

Laurie Forbes, Co-Chair, laurie.forbes@lakeheadu.ca

John Fell, Co-Chair, john.fell@lakeheadu.ca

The Contract Lecturers/Continuing Lecturers Committee met via zoom to discuss OCUFA's Day of Action and the annual survey sent to Contract Faculty. The Day of Action's purpose is to bring to light the precarity of Contract Faculty throughout the province, including the members of Lakehead University who are hired per course, each semester, without benefits, and many of whom are not eligible to join the Employee Pension Plan. (Contract Lecturers are not included in LUFA's pension plan.) We will

be taking part in the Day of Action, with each committee member reaching out to a different group to share information on Contract Lecturers.

The Contract Lecturers/Continuing Lecturers Committee will be sending out the annual survey and appreciate hearing from our members. The data we collect is important to note how our members are doing, their areas of concern, and any indications of positive change. (For example, some departments now include Contract Faculty in their departmental meetings.)

We send good wishes for the final weeks of the semester.

Status of Women Report

Karen Poole, karen.poole@lakeheadu.ca

The OCUFA Status of Women and Equity Committee met via Zoom on February 12, 2021, and has a workshop planned for February 26th. Dr. Lee Airton, an Assistant Professor of Gender and Sexuality Studies in Education at Queen's University, will lead the workshop and will provide an introduction to gender and sexual diversity in everyday life in post secondary education. The focus will be about removing barriers to participation and inclusion proactively and offer strategies for advocacy in support of gender non-conforming faculty and students.

The LUFA Negotiation Team continues to advance the importance of revising and modernizing the 1991 Faculty Equity Policy to align with equity, diversity and inclusion principles. The OCUFA website houses many relevant documents, including an Equity Statement (<https://ocufa.on.ca/overview/equity-statement/>).

Benefits Committee Report

ShiKui Wu, Chair, shikui.wu@lakeheadu.ca

Joint Benefits Committee and LTD Issues

As previously reported in Fall 2020, there are major concerns about the Long-Term Disability (LTD) Benefit from the perspective of LUFA:

- A 12% premium increase that was announced in June of 2020.
- No coverage for LUFA members beyond the age of 65.
- No review of the plan in decades.

LTD premiums are paid solely by employees (i.e., LUFA members). Therefore, employees should have the right to have a say in the plan design as well as benefit carrier. At

the bargaining table LUFA has tried to address these issues. The University has agreed to activate a Joint Benefits Committee to oversee the benefit plans such as LTD.

Referring to Article 9.10 of the Collective Agreement, a Joint Benefits Committee should consist of six members. The fact that this Committee has not been either "populated" nor "active" was raised by the Negotiating Team in negotiations. On December 15, 2020, the parties agreed to the following new wording that will form part of the new collective agreement:

July, 2020

9.10 The Board shall establish and maintain a Joint Benefits Committee of six members, to which the Association shall have the right to appoint half the members. The Committee shall elect its own chair. The Committee shall keep minutes of its meetings and post those minutes on the Human Resources website. The Committee shall meet no less than once yearly to review all joint benefit plans. Any substantive change in benefit plans undertaken by the provider(s) shall be reviewed by the Committee and reported to the beneficiaries of such plans.

Member Benefits During Negotiation and COVID-19

LUFA member's benefits during this period of negotiation remain the same as during the previous collective agreement. In the case of strike or lockout, LUFA will make appropriate arrangements with the support from OCUFA and CAUT's defense fund. For further information or specific questions with regard to benefits, please contact me or LUFA.

It has been challenging for members to obtain health care services during the COVID-19 pandemic. The current service provider Green Shield Canada (GSC) has adapted to the pandemic and enhanced online services. Please visit GSC Support Centre, a searchable library of commonly requested information, at: <https://support.greenshield.ca/SupportCentre/Home>.

Benefits Committee

Shikui Wu, Chair (Business Administration)

Robert Omeljanuk (Biology)

Salimur Choudhury (Computer Science, Orillia)

Ken Hartviksen (Business Administration, ex-officio member)

OCUFA Report

Glenn Colton, glenn.colton@lakeheadu.ca

As noted in the message to members from the Executive Director of OCUFA, Laurentian University is taking the unprecedented step of filing for court protection under the *Companies' Creditors Arrangement Act (CCAA)* due to "financial challenges it is facing as a result of poorly

considered and reckless administrative decisions and the erosion of public university funding."

OCUFA intends to intervene in these court proceedings to argue that the process is inappropriate for a public institution, and to ensure that the concerns of all OCUFA members are represented. In addition, OCUFA will be working to support the Laurentian University Faculty Association by mounting campaigns to generate public support and pressure all levels of government to remedy this situation. To that end, OCUFA will be holding a series of virtual advocacy events (Feb. 22-26) to lobby government and opposition members of parliament on the need for urgent government action to get Laurentian University back on track and ensure there are no job losses or disruption in the academic activities of the institution.

OCUFA and CAUT are calling on members from across the country to show their support for Laurentian professors, librarians, staff, workers and students by sending a letter demanding that the provincial and federal governments intervene to stop the CCAA insolvency proceedings and provide long-term, stable funding to Laurentian University. To send the letter, please [click here](#).

The Ontario Federation of Labour Coalition, of which OCUFA is a member, has taken the next steps in a legal challenge to the province's wage cap legislation for public sector workers (previously known as Bill 124). On January 29, 2021, the Coalition's legal counsel filed an amended Notice of Application and Affidavit Evidence comprising 14 volumes and 4500 pages of evidence. The Coalition hosted a press conference on February 9 to discuss these latest developments.

On February 1, representatives from LUFA (President Gautam Das and myself) met with OCUFA's new executive director, Jenny Ahn, to discuss some of the unique challenges facing LUFA members within the current provincial context. The meeting was a welcome opportunity to discuss strategic goals, and lay the groundwork for what we expect will be a productive working relationship with the new executive director for many years to come.

The next OCUFA Board of Directors Meeting will be held on February, 20, 2021, via Zoom, preceded by a special meeting of Northern Ontario board representatives on Feb. 19.

LUFA Executive Committee 2020/21

President
Vice-President
Secretary
Treasurer
Past President
Members at Large

Chief Grievance Officer
Chief Negotiator
CAUT Rep.
CAUT Defence Fund Rep.

Gautam Das
Glenn Colton
Florin Pendea
Sherry Wang

Scott Pound
Stephen Hecnar
Qing Lai Dang
Ken Hartviksen
Gautam Das
Livio DiMatteo

OCUFA Rep.
OCUFA Collective Bargaining
Status of Women Rep.
Benefit Committee Chair
Contract Lecturer Chairs

Emeritus Committee Chair
Equity, Diversity & Status of Women
Committee Chair
External Relations Committee Chair
Librarian Committee Chair
Nominating Committee Chair
Orillia Committee Chair
Pension Committee Chair
Physical Environment Committee Chair
Research Committee Chair
Administrative Assistant

Glenn Colton
Ken Hartviksen
Karen Poole
Shikui Wu
Laurie Forbes
John Fell
Glenna Knutson

Karen Poole
Will Zhao
Debra Gold
Jason Blahuta
Sree Kurissery
Glenn Colton
Juan Pernia
Richard Maundrell
Angie Kozak