

NEWS & VIEWS

DECEMBER 2008

From the President's Desk

Brenda Austin-Smith



Season's Greetings to all UMFA members! The new academic year has been an exhilarating rush of courses, meetings, writing stints, and of course, silent promises to catch up once term is over. And now that time is near. Our campuses

are growing quieter, settling down for the winter break, but there is a great deal of work still being done in this office, as in your office, even as mid-December approaches. So we'll keep this newsletter brief.

Grievance work, arbitrations, conferences, meetings with members, we've done it all this term, and more lies ahead. But some things have finally come to an end: we are pleased to report that we have recently received the final

arbitration award on the Intellectual Property Article of the Collective Agreement, which was the remaining element left over from the last round of collective bargaining. This means that we will finally be able to post the complete collective agreement on our website, and prepare for printing of the new collective agreement in the New Year. You'll read more about this below. We also held the last of three New Members' Luncheons on December 10, a successful event documented by the pictures you'll also see in this issue.

However you observe this time of year, we at the UMFA office wish you a restful time away from the usual, and we hope you have a safe and restorative opportunity to spend time in the company of family, friends, and shortbread.



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Workplace Hazards: The Devil is in the Details

Thomas Booth, Chair—UMFA Workplace Health & Safety Committee

...we should strive to become more fully informed of the possible emergencies that can arise in all our workplaces on and off the university campus...

A risk assessment and training survey distributed by the Environmental Health and Safety Office earlier this year at the University of Manitoba identified the following workplace hazards: repetitive strains; lifting and carrying of heavy items; tool and equipment operation; indoor and outdoor physical environment; animal handling; hazardous chemicals; biological agents; fire and explosion; noise levels; high and low temperature levels; slipping and tripping; indoor air quality; personal security; and working at heights or in confined spaces. In the October, 2008 Issue 11 (G) of the Environmental Health and Safety Office Newsletter General Safety Edition (umanitoba.ca/admin/human_resources/ehso/) hazardous conditions such as working alone, human pathogens, radioactive spills, environmental radon, printer toner disposal, and unattended heating devices, were identified. It can certainly be stated that there are a wide range of working conditions which demand considerable diligence on our parts.

Identifying the existence and range of hazards in the workplace is a start. Sharing that knowledge and reporting the potential hazard(s) in the workplace is a logical precursor to developing a “safe” working environment. The next step beyond awareness is knowledge of the ways in which these hazards can impact directly on our lives; this requires factual information on the materials and procedures we use in the places where we work. As we work, we should strive to become more fully informed of the possible emergencies that can arise in all our

workplaces on and off the university campus, inform others, monitor the possible hazardous impacts, give alerts and warnings and develop and practice informed and appropriate response strategies.

A real-life example of the need to have a plan in place was presented at the CAUT Health and Safety Conference in Ottawa (November 7-9, 2008), where Dr. Tony Mazzulli, Director of the Health Response Team at the Mount Sinai Hospital in Toronto, provided a chronology of the SARS outbreak and its aftermath in that city. The epidemic, principally portrayed in the media as a “global travel” centered event, was, in reality, a crisis of occupational exposure as the majority of impacted individuals were health care workers. Many of these health care workers did not understand their personal risk. One of the most important lessons learned from the SARS emergency was that information and its prompt dissemination is critical in preventing widespread exposure. Other important lessons included the following:

- 1) the need to develop preparedness steps and an infrastructure to implement them;
- 2) the necessity for methods to recognize impact agents within a hazard or range of hazards;
- 3) the need to develop an informed and effective plan in the event of impact; and,
- 4) the importance of pre-impact mitigation measures designed to increase the resilience of responders and affected individuals.

The SARS experience which began in Room 911 of a Hong Kong Hotel underscores the old adage that “the devil is in the details”.

In Memoriam



We were saddened to hear of the recent death of Charles Cross Bigelow, a wonderful teacher, dedicated researcher, and cherished union colleague. Charlie came to the University of Manitoba in 1979 to take up the position of Dean of Science, a job he truly loved. He later became Provost of University College, and presided over that vibrant and collegial academic community for some time. Charlie was active in many political venues, and was, among other things, President of the Canadian Association of University Teachers in 1972. We will be purchasing a book for the UMFA library to be dedicated to Charlie. Our condolences go out to his family and many friends.



CAUT Council Takes Action on Academic Freedom

Members of the Canadian Association of University Teachers (CAUT) meet twice each year to review and take action on matters affecting the membership. At the November meeting, the Council voted unanimously to censure the First Nations University of Canada (FNUC). Censorship is a step that is taken only after all other steps have been exhausted in addressing concerns with any particular university's actions that violate rights associated with academic freedom and democratic governance or compromise the quality and integrity of post-secondary education. The difficulties at FNUC began in February 2005 with the suspension of senior administrators. More than one-third of the academic staff and about half of the administrative, professional, and technical staff have either resigned or been dismissed. There have been a number of academic freedom violations and problems with collective bargaining that led the University of Regina Faculty Association to file 33 grievances between February 2005 and December 2007. In addition, recommendations made by an 'All Chiefs' Task Force' for a less politicized governance model have been ignored by the current administration at FNUC. Repeated requests by CAUT to meet with FNUC to discuss options for resolution were disregarded until just prior to the November meeting when the president of FNUC indicated he would be willing to meet sometime in 2009. However, there was no indication that such a meeting would lead to constructive actions on matters that led to the recommendation for censure. When an institution is censured, academics are asked not to accept appointments at the institution, to decline to participate in conferences or speak at the institution, to refuse any distinction or honour from the institution, or in any way become involved in the operations and activities of that institution. A censorship motion remains in force until it is lifted by CAUT Council. The last motion passed by CAUT to censure a Canadian post-secondary institution occurred in 1980.

A notice of motion regarding the censure of Acadia University was also passed at this meeting and this will come to the spring meeting of CAUT Council. Here, the issue is the termination of a Dean based on an action in his private life (no criminal charges were laid) and the refusal of Acadia University to engage in discussions with either the Acadia University Faculty Association (AUFA) or CAUT on these matters.

A motion of support for Dr. Nancy Olivieri and for CAUT intervention on her behalf was passed unanimously. Apotex has initiated legal action against Dr. Olivieri for alleged abrogation of a settlement between these two parties. Apotex is claiming that Dr. Olivieri has spoken in a derogatory way about Apotex and about deferiprone. The list of over 30 alleged violations includes a posting on Wikipedia, mention by a columnist in a national newspaper of details of the Olivieri case, and publicity releases by hosts of public presentations on academic freedom where Dr. Olivieri has been a panel member. CAUT considers this attempt to completely muzzle Dr. Olivieri and the efforts of Apotex to hold her responsible for the statements of others a serious violation of academic freedom.

A policy statement on international students was also endorsed at CAUT Council. It includes an amendment by UMFA that universities should not enter into agreements with for-profit corporations to establish private "colleges" for international students.

New on our website:

Interest Arbitration Award—Article 14 on Intellectual Property

Call for Nominations for UMFA President and Vice-President 2009-2010



www.umfa.ca



The Case of Dr. Larry Reynolds

In the Spring of 2001, Dr. Larry Reynolds was offered a tenured position as Professor and a five-year renewable term as Head, Department of Family Medicine, in the Faculty of Medicine at the University of Manitoba. The terms of his appointment with the Winnipeg Regional Health Authority (WRHA) were also included in the letter of offer. As this was a Geographical Full-Time (GFT) position, Dr. Reynolds was not in the UMFA Bargaining Unit nor a Member of any other University of Manitoba Bargaining Unit.

Dr. Reynolds' term as Department Head ran until September 30, 2006. Although he stated that he wished to continue as head for another term, he was not interviewed for the position, contrary to university policy.

He took an academic leave and, somehow, the University ignored his tenured position and "gave" him a one-year term following the leave and subsequently informed him that as of November 17, 2008, he no longer had a position as a GFT. He was later informed that he could not apply for any GFT or locum positions in the University Department of Family Medicine.

As Dr. Reynolds is not represented by a Bargaining Unit at the U of M, he does not have recourse to the usual grievance procedures whereby an independent arbitrator would make a determination as to whether he was unjustly terminated by the University of Manitoba and therefore would retain his position as a tenured Full Professor. Under University Policy ("Appeals by Academic or Support Staff Excluded from Bargaining Units"), there is a process that ends with informing "the appropriate vice-president so that a final and binding decision can be made". In effect, the University rules on their own decisions. The other recourse available is through the Civil Courts regarding an unfair dismissal but the Court can only award damages; it cannot order that the employer reinstate the employee. Dr. Reynolds wants to retain his position as a GFT and continue his

employment at the University of Manitoba. He has stated publicly that he wants to stay in a long-term teaching position although he has had job offers in other provinces.

Why has the University taken these actions? Dr. Reynolds believes that it is because he has disagreed publically with the WRHA's plans for family physicians. Dr. Brock Wright, Vice-President of the WRHA, has commented that it was not appropriate for someone in an administrative role to take concerns to the Minister; instead, the concerns are only to be expressed internally. That restriction is a clear violation of academic freedom. Dr. Wright also went on to talk about Dr. Reynolds' performance evaluations and "problems", mostly relating to his administrative function. In response, Dr. Reynolds referred to an independent survey of his colleagues – 85% of whom favoured his reappointment as Head of Family Medicine.

CAUT is extremely concerned about the threat to academic freedom that the Reynolds case raises as well as the disregard of the meaning of tenure at the University of Manitoba. A CAUT ad hoc investigatory committee has been appointed and its terms of reference have been expanded to not only study Dr. Reynolds' non-renewal as Department Head but also his termination by the University.

As Jim Turk, Executive Director of CAUT, said in his December 10, 2008, letter to President Barnard, "This apparent total disregard of the nature of Dr. Reynolds' appointment at the University, as well as the apparent disregard of the University's own policy on "Term of Appointment and Tenure" raise questions of concern to every tenured faculty member at the University and raise questions for the larger Canadian academic community about the integrity of tenure at the University of Manitoba."

UMFA will keep you informed of events.



UMFA Post-Its

Intellectual Property Article

Arbitrator Arne Peltz delivered his decision on the Intellectual Property article which was the final item in dispute from the last round of bargaining. The

university and UMFA had reached agreement on a number of sections of this article but there were remaining issues for the arbitrator to decide. The arbitrator's ruling has been posted on the UMFA website at www.umfa.ca.

Now that the final form of the IP Article is in place, there will be a final proofing of the new Collective Agreement and it will go for printing. All Members of the UMFA Bargaining Unit will receive a copy of the printed agreement.

U of M Pension Plan

The university pension plan has been amended such that participants can elect to defer payment of the retirement benefit for a period not exceeding 24 months from the date at

which it would have commenced until they are a maximum of 71 years of age. The previous maximum age was 69.

UMFA Grievance Update

UMFA is in the process of three grievance arbitrations, with final hearing dates scheduled in the New Year. Issues are promotion procedures, the banking

of teaching release time and the denial of a research/study leave. We are still awaiting a decision from an arbitrator on a grievance regarding termination, where the hearing concluded in August. Two other arbitrations have dates set in March and June. Other grievances have been filed but are in earlier stages.



New Members' Luncheon—Wednesday, December 10, 2008

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