

Facilitated Discussions Begin on Mandatory Retirement

Brenda Peterson
President

On January 15, 2007, the University and the Faculty Association began formal discussions, with the assistance of mediator Mark Brown, to negotiate the abolition of mandatory retirement at UBC. Although there have been ongoing discussions with the administration on this important issue for several years, there has been no substantive progress in reaching an agreement. During collective bargaining in February and March 2006, the University refused to engage in discussions on this issue. However, as part of the four-year Collective

Agreement, both parties agreed to a process of facilitated discussions if we were unable to reach an agreement by December 31, 2006. After a meeting on December 19, 2006, both parties agreed to begin the mediated discussions as soon as possible in the New Year.

Bargaining Issues

In the two facilitated sessions that took place during January, both parties identified the various issues surrounding the implementation of an agreement to end mandatory retirement. Some of the key issues included

the financial costs of extending benefits past 65, methods for managing academic planning, and incentives and options for retirement packages. We've studied which benefits are currently age restricted and which are not, what the costing implications might be for insurance-providers with some increase in the upper age of faculty, and we've examined which benefit plans are covered by the Collective Agreement and which are not. We've also looked together at retirement rates at UBC and at the data on retirement rates in regions where mandatory retirement has been abolished for some time.

We've also done research on several

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Where Did the Money Go at UBCO?

Jim Johnson
Chair, Okanagan Faculty Committee

“**Dr. McBride gave an overview of student enrolment, stating that the current OUC enrolment of approximately 3000 students would be increased by 900 full time equivalent (FTE) students each year, until a total of 7500 FTE students were enrolled in 2009. An additional 250 faculty members were to be hired, along with the necessary support staff.”** (UBC Senate Minutes, January, 2005)

Really! 250 new faculty. In just

five years. Well, we're now two years into that five year growth window, so let's see how things are progressing.

In 2004/2005 Okanagan (or OUC, as it was then) had 268 funded instructional faculty positions in its university programs. Two years later we've added two new programs, Engineering and

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of the incentive options for retirement offered across Canada and in the United States.

The Faculty Association’s position is that mandatory retirement is a dramatic form of age discrimination, and that it can and should be eliminated immediately; the University has said that it welcomes discussion, but we have yet to see more from them than general agreement that some options can be considered. We’ve shown them that other sectors and other regions have understood how very blunt a “management” tool mandatory retirement is, and we’ve invited them to wean themselves from it. An arbitrary age limit should not take the place of incentives, collegial processes, and already defined protections and procedures for encouraging faculty to have productive careers with positive endings.

BC Legislation Coming Soon

Mandatory retirement ended in Ontario on December 12, 2006 with an amendment to the Human

Rights Code which prevents age discrimination at work and makes mandatory retirement illegal in the province. Mandatory retirement was abolished in Quebec in 1982 and Manitoba in 1983. In Alberta, Prince Edward Island, New Brunswick, Nunavut, Northwest Territories and the Yukon, mandatory retirement is prohibited except in workplaces where it’s a requirement of the pension plan. Legislation to end mandatory retirement is pending in Saskatchewan and Newfoundland and Labrador. The United States, Australia, and New Zealand have all abolished mandatory retirement.

British Columbia will soon be joining these other provinces and countries in banning mandatory retirement. The announcement of the BC government that it will introduce legislation this spring to end mandatory retirement has removed any doubt about whether or not mandatory retirement will end in this province. Now it’s just a question of when mandatory retirement will end.

Membership Survey

Although further facilitated discussions between the Association and the University have been postponed until the terms of the legislation to end mandatory retirement have been made clear, the Faculty Association is working to prepare a proposed agreement on the issues raised so that if the University is willing to sign off, we could have ratification shortly after the provincial legislation is introduced this spring.

As part of our research, the Association will be conducting a survey of members in the next month to assist us in understanding your preferences, including retirement options and incentive packages.

Transition Period

For the approximately 140 members who will be turning 65 over the next two years, the question of timing has become critical. Will some individuals be

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Status of Women

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caught in the transition period between the introduction of the legislation to end mandatory retirement and its enactment? Some other provinces have provided employers with a twelve-month transition period before enacting the legislation. We don't yet know what the timelines will be in BC.

When it became clear to employers that mandatory retirement would soon end in Ontario, many of the universities in Ontario did not wait for the legislation to take effect before ending mandatory retirement. Some universities, including the University of Toronto, chose to negotiate agreements with their bargaining units well in advance of the legislation to amend the human rights code to eliminate age discrimination. Other universities agreed to suspend any further forced retirements after the legislation was introduced. These universities recognized that mandatory retirement has

high opportunity costs, and they wished to protect their investment in mid- and late-career academics by allowing them the flexibility which is already available in many other regions. They saw that the experience of institutions has been that faculty do NOT stay on indefinitely but retire on average within 2-3 years of age 65, and they've found that providing attractive incentives has allowed them to manage labour renewal in positive ways. These universities have been proactive; we look for the same leadership from UBC.

Moratorium

Along these lines, the Association has been pressing the UBC Board of Governors and the senior administration to permit any interested members to postpone their retirements pending the enactment of the Human Rights legislation. The Board of Governors has the right to suspend Policy 52, which states that retire-

ment age for faculty is age 65, at any time, and we believe that they should do so now. The Faculty Association has been working on several fronts and with several interested parties to encourage the Board of Governors to make this decision, and we are also pursuing other contractual and legal avenues available to us to protect those members who would like to remain at UBC from “drowning within sight of shore.”

Please don't hesitate to contact us with your thoughts and ideas on this important matter, and we will of course keep you informed of the progress of our negotiations.

There is an informal group of approximately 40 faculty members who meet regularly to confront the issues of ageism and problems of mandatory retirement at UBC. For more information about this group, please contact Patricia Vertinsky, Tony Sheppard, Ken Reeder or Chuck Weinberg.



Choosing Retirement: The University of Toronto Experience

It is interesting to see the 2006 retirement patterns at the University of Toronto, in the first year of their new agreement without mandatory retirement:

On June 30, 2006:

- 59 faculty had a Normal Retirement Date (NRD) as they reached age 65
- 25 of these 59 took the June 30, 2006 retirement as per the old 65 rule
- 6 more committed to a phased retirement over 3 years, starting in 2006
- 23 committed to a future phased retirement starting date
- 7 others took early retirement (these 7 were scheduled to retire after June 30, 2006) under the new early retirement offer; they had NRD's of 2007 and 2008
- 15 others also committed to retirement (under an older VEARP agreement that was being phased out) on July 1, 2006. Their NRD ranged from 2007 to 2016

Thus in sum total there were as many retirements plus commitments to retire shortly on July 1, 2006 under the new system as were scheduled to retire under the old regime at age 65. A significant number of faculty also agreed to early retirement.

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Management, and yet (at least by Christmas) there were only 222 tenured and tenure track faculty members actually employed here. To add insult to injury, the prospects for growth next year seem dim, with the university’s largest faculty (by far), the Barber School of Arts and Science, in a hiring freeze.

What happened? Didn’t the government promise growth at Okanagan, not shrinkage? Where did the money go?

The answer is fivefold. First, those initial growth projections were just spin to make it appear the government was funding a much more impressive expansion in the university than it was actually planning. A lot of those 268 positions were already unfilled in 2005. Also, there was some planned downsizing. The transition management team figured, quite correctly, that fewer than 200 of faculty members would actually stay with the university. The rest would either take positions at the new community college or take severance. Consequently, Okanagan would need to hire close to 80 new people just to maintain its original size, and those replacement hires were advertised as growth.

Also, a certain amount of rounding seems to have taken place. The plan was to fund Okanagan for 7,500 FTE students by 2009/2010, which means that at a student/faculty ratio of 20:1 a total of 375 faculty members would be needed. That’s over 100 new funded positions, which, when added to the existing vacant positions, meant that about 185 new people would need to be hired. I guess that didn’t

sound impressive enough, so it was rounded up to 250 for public consumption.

Second, the government reneged. The original plan was to fund Okanagan for 3,854 FTEs in 2005/2006 and then increase that funding by about 900 FTEs a year (at \$10,000 per FTE) for four years until it reached 7,500 funded FTEs. However, very quietly, without fanfare, the government decided to fund Okanagan for only 3,637 FTEs in 2005/2006. Not a big deal on the face of it, but it does

The government promised over \$2 million per year to UBCO, but did not deliver. It amounts to 11 new positions not hired.

amount to over \$2 million per year in money promised and then not delivered. It also amounts to 11 new positions not hired.

Third, there’s a dirty little secret about the way universities are funded in BC. The government (the NDP were guilty of this as well), rarely increases university funding to match actual increased costs. Instead, they increase funding by increasing the universities’ student FTE targets. However, the extra funding is usually needed simply to maintain existing operations. The extra students are, effectively, largely unfunded. This little trick has been played not just on Okanagan, but on every university in the province, and not once, but repeatedly. So while

the government is increasing our grant by over \$9 million per year, some of that has to be diverted into existing areas of operation (like providing heat and electricity for the buildings). The result, here as elsewhere, is that increased student numbers do not translate directly into increased numbers of tenured and tenure track faculty.

Fourth, growing to 7500 FTE students in just 5 years was always highly improbable. Think 6 years, at least.

Fifth, could it be that UBC-Vancouver is skimming money meant for UBC-Okanagan? Oops, did I say that out loud? Sorry-- everyone here is thinking it, but we’re trying not to say it. I’ve heard senior administrators swear that it’s not true, that the two budgets are “firewalled”, but I’m increasingly finding that hard to believe. If the two budgets are truly firewalled then each institution should have budgetary autonomy with separate budget letters from the Ministry. Until that happens, I’m going to remain skeptical.

So, what does it all add up to? Here’s my bold prediction: at the end of 2009 Okanagan will have 300 tenured and tenure-track faculty members. That’s almost 40 more members than we were funded for in 2004. So, round that 40 up to 250, and call it mission accomplished!



Update: Income Replacement Plan

The Faculty Association continues to work with several other employee groups on campus to determine how to proceed regarding the unpaid taxes on the investment income related to the Income Replacement Plan (IRP). The University informed the employee groups in the summer of 2006 that tax had not been paid for many years, but that an arrangement had been made with the Canada Revenue Agency (CRA) to pay the taxes and to reduce the amount of interest owed. This arrangement with CRA was made without the knowledge of the employee groups whose members are the sole contributors to the plan. The employee groups are jointly consulting a law firm with expertise in tax issues, to investigate possible liability issues.

As a result of the costs of the back taxes and

interest, there is a recommendation by Mercer, the consulting firm the University uses for advice on contribution rates and fund investments, for an increase in contributions from 0.8 to 0.9 to cover the debt owed to CRA. The Faculty Association at this time has not agreed to any such increase.

The University is currently conducting a review of Mercer to determine whether the contract with them should be renewed. There are also plans for the employee groups to review the governance structure of the plan itself. There may be other models of governance that could better work to our advantage. This review process of the governance structure will not begin until we have further legal advice on the tax issue.



Financial Planning Lecture Series 2007

Time: 12:10pm - 12:55pm

Location: Lecture Hall 3, Woodward IRC, 2194 Health Sciences Mall

March 7

Tax & Business Planning for Business, Professional & Consulting Income

Whether you are just starting out and earning some self-employment income or are considering your alternatives with increased self-employment income before or as part of your retirement, being aware of the ever changing business and tax environment is crucial to minimize your income taxes. Join Jill and Scott as they discuss tax planning options focusing on the most up to date tax planning strategies and potential business or corporate structures. *Speakers: Jill Guthrie, Principal and Scott Griffin, Principal, Horizon Chartered Accountants*

March 14

Avoiding Investment Scams

Investment fraud can happen to even the most savvy of investors. At this session you'll learn what questions to ask when considering new investment opportunities, what the risks are, where to research or get a second opinion, and how to spot red flags. *Speakers Patricia Bowles and Wayne Redwick, BC Securities Commission. Speakers Patricia Bowles and Wayne Redwick, BC Securities Commission*

NO ADVANCE REGISTRATION REQUIRED!

Sponsored by The UBC Faculty Association in conjunction with UBC Continuing Studies

BC Budget Brings Good News & Bad News

Robert Clift, Executive Director
Confederation of University Faculty Associations of BC

After several years of lobbying by CUFA/BC, university administrators, faculty associations and students, the BC government has finally provided the province's research-intensive universities with new, fully-funded graduate student spaces. The 2007 provincial budget released on February 20th provides full funding for 2,500 new graduate student spaces in 2007/08. On top of the new spaces, the government has committed to create a graduate student scholarship program to help recruit top graduate students to attend BC universities.

It's been 12 years since there was any significant new funding from the provincial government for graduate student spaces. Nonetheless, graduate student enrollment grew by 42% over this period. This growth was funded by a combination of reallocating institutional resources, increasing tuition fees, and downloading the costs of graduate student support to faculty research grants. The limits to this approach became apparent in 2005/06 when graduate student enrollment dropped from its all-time high in 2004/05.

The softening enrollment in BC graduate programs is also a consequence of new investments by the provincial governments in Alberta and Ontario to expand opportunities for local students and to attract top students from other provinces. For example, in September of last year the Ontario government announced it would add 14,000 new graduate student

spaces by 2009/10—an increase of 55% over 2002/03 levels. This was on top of incentives in previous years to attract the next generation of researchers and scholars to that province.

The BC government decision to fund the new graduate student spaces is one facet of a research framework the Ministry of Advanced Education will develop in the coming year. The 2007 budget sets aside \$10 million over the next two fiscal years to develop the new framework and possibly fund some projects. More details are expected later in the year.

The disappointment in the 2007 budget was the lack of any action to assist students in dealing with the rising costs of obtaining an education and managing their debt after graduation.

The Canadian Federation of Students and other groups have been pressing government for the past six months to lower tuition fees. Although this appeared unlikely to CUFA/BC, there had been some hope that the government would use the student financial assistance system to provide targeted assistance to low-income students.

Instead, student financial assistance funding was cut, apparently due to a decreasing demand for student loans. Government officials explained that the economic boom appears to have provided students with the opportunity to earn more income while they study than in the past. Moreover, some students who may have applied for student

financial assistance have entered the workforce, instead of going on to post-secondary education.

There is little doubt that the booming economy has affected demand for student financial assistance. But critics have suggested that the rising costs of post-secondary education have diverted low-income British Columbians from attempting further education, thereby driving down demand for financial assistance.

It's impossible to say at this point why the demand for student assistance has dropped. Government does not collect the type of demographic and socio-economic data that would make a meaningful analysis possible.

There is some hope that the Campus 2020 report due later this spring will substantially address the issue of student financial assistance, including the gaps in data for planning and analysis. This was one of the recommendations made by CUFA/BC in its Campus 2020 submission. However, the Campus 2020 recommendations are unlikely to result in any benefit for students before fall of 2008.



Sessional Work at UBC: FAQs

Petra Ganzenmueller,
Chair, Sessional Faculty Committee

What is the Faculty Association? What rights do I have to future employment at UBC? What is “continuing status” or a “continuing appointment”? How much should I be paid? What benefits are available to me? Regardless of whether you are new at UBC or a continuing sessional faculty member, these and similar work-related questions may be of interest to you at one time or another. During the past weeks, the Sessional Faculty Committee has extensively reviewed, expanded and updated the previous edition of the employment handbook entitled *Sessional Work at UBC*. This publication intends to inform you about the role of the Faculty Association and about essential services, resources, benefits and rights pertaining to your employment at UBC. Based on the queries that we most commonly receive, the manual provides information on the following topics:

- Employment Rights
- Payroll and Benefits
- Office Information, Communication, Library Card
- Class Instruction
- Additional Instructional Resources
- General Campus Information

The handbook has now gone to press and will reach the mailbox of every sessional faculty member by the end of this term. It is also available online at <http://www.facultyassociation.ubc.ca/>. We much welcome your feedback!

Reminder: Professional Development Reimbursement Fund (PDRF)

If you are a Sessional Lecturer with “continuing status” you are eligible to receive \$500 per annum for professional development expenses. This entitlement or any unused portion thereof can be banked for a maximum of three consecutive years, including the current year. As set out in the Administrative Guideline section of the Human Resources website, these expenses must relate to activities that enhance the performance, ability, or effectiveness of a Member’s work at the University. Frequent examples are travel and related expenses to meetings and conferences; registration fees and other expenses for meetings of learned societies, professional organizations, workshops, seminars; membership fees in learned societies and professional organizations; fees and subscriptions for journals and books; expenses associated with teaching, active research or professional programs, including equipment; (tele)communication expenses related to teaching and scholarly activity.

For further details on eligible expenses, claim procedure, contact information and forms, please consult the Human Resources website: http://www.hr.ubc.ca/faculty_relations/compensation/pdrfund.html.

If you are uncertain, as to whether you already have or will soon achieve continuing status, or would like to find out about your current status, please inquire with Faculty Relations:

- For surnames beginning with A – E, call 604.827.4473
- For surnames beginning with F – M, call 604.822.8204
- For surnames beginning with N – Z, call 604.822.5415

For questions and comments, please contact Petra Ganzenmueller (pegacom@interchange.ubc.ca).



NEXT SESSIONAL GET-TOGETHER

Come & join us for an informative afternoon.

Date: Wednesday, March 7, 2007

Time: 3:00 – 5:00 pm

Location: Koerner’s Pub

Thea Koerner House,
Graduate Student Centre, UBCV

See you there!

UBC FACULTY ASSOCIATION

PROMOTION & TENURE SEMINAR

Reception to follow seminar

Wednesday, March 21, 2007

Seminar 3:30pm – 4:30pm

Reception 4:30pm – 5:30pm

Social Lounge, St. John's College
2111 Lower Mall, UBC Vancouver Campus

Panelists:

- Martin Adamson, UBCFA Representative, Senior Appointments Committee
- Doug Bonn, Chair, Senior Appointments Committee
- George Mackie, Vice-President, Academic & Provost *Pro Tem*

MC: Kenny Kwok, Chair, UBCFA Personnel Services Committee

This information session is open to all faculty members and is of special interest to tenure-track members and those interested in promotion. There will be opportunities to obtain information, hear personal experiences with the process and to ask questions.

You will leave this session with a broader view of promotion and tenure issues seen from several perspectives. You will have opportunities to meet colleagues in an informal setting and share tips and information about promotion and tenure.

LIMITED SEATING!

PRE-REGISTRATION REQUIRED by March 16th

Please register by sending an email to the UBC Faculty Association at faculty@interchange.ubc.ca.

Be sure to include your full name, faculty, department and position/rank.

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