

To: All MUNFA Members

From: The MUNFA Executive Committee

Date: October 21, 2008

Subject: MUNFA Committee Reports  
MUNFA General Meeting - October 22, 2008

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The following Committee reports are attached:

1. CAUT Defence Fund
2. St. John's Academic Freedom & Grievance (AF&G) Committee
3. MUNFA representative, Sexual Harassment Advisory Board
4. MUNFA Pension Committee

**CAUT DEFENCE FUND  
REPORT TO THE MUNFA GENERAL MEETING  
OCTOBER 2008**

The year 2008 marks the 30th anniversary of the CAUT Defence Fund. For three decades, the Defence Fund has effectively served unionized academic staff associations in their efforts to secure appropriate working conditions for academic staff in universities across the country.

The primary purpose of the Defence Fund is to provide strike benefits to associations while its members are engaged in a strike or lock-out and experiencing loss of salary. These benefits are paid as a grant to the association, to be used at the local union's discretion, usually as strike pay for individual union members. Strike benefits, which are non-taxable, are currently set at \$77. per calendar day, and payments start on the 4th calendar day of the strike or lock-out. Benefits are calculated using the number of persons for whom monthly dues have been paid.

The Defence Fund currently includes 39 member associations and its assets are \$20 million dollars as of August 31, 2008. The Defence Fund is healthy, however, not as healthy as it was 8 years ago when measured by the number of individual academic staff members protected by the Fund. There are several reasons for this, not the least of which is the frequency of strikes. For example, during the past 12 months there have been 6 strikes. There have never been 6 strikes within a 12 month period in the history of the Fund. Perhaps more significantly, member associations have been subjected to employer initiated and pre-emptive lockouts for the first time.

Strikes since the last report April 2008:

Laurentian University -- University of Sudbury bargaining unit.  
August 8 - August 29, 2008

University of Windsor  
September 17 - October 3, 2008

Brandon University  
September 29 - tentative agreement reached October 16th, 2008

*Submitted by Angela Lonardo  
Defence Fund Trustee*



# MUNFA ACADEMIC FREEDOM AND GRIEVANCE COMMITTEE

## ANNUAL REPORT 2007-2008

### REPORT TO GENERAL MEMBERSHIP MEETING – OCTOBER 22, 2008

007 – 8 was a fairly typical year in terms of the number of cases handled by the AF&G Committee, with 78 new cases added to our agenda. Not surprisingly, a number of these cases are related to the new Collective Agreement, particularly changes in salary and promotion and tenure processes.

Not every query that comes to MUNFA becomes a grievance. Many of them are resolved without having to go through the formal grievance process. Others stay on the agenda as a “watching brief”, a situation that may not be grievable at the moment, but which we follow until it is either resolved or moves to a formal grievance.

Of this year's 78 new cases, twenty have become formal grievances, 16 Individual and 4 Association. Five of the Individual grievances have been settled and four have been referred to arbitration.

Ten grievances from previous years have also been settled, including the Association grievance on the publication of CEQ results. A total of eleven grievances were referred to arbitration in the past year, one has been settled and another has been heard; we expect to receive the ruling on it soon. Three older cases are also awaiting arbitration.

Four of the new Individual grievances dealt with salary scale placement following the new Collective Agreement. Two of these have been satisfactorily resolved; the other two have been referred to arbitration.

Six other grievances are related to dismissal or other disciplinary matters. While MUNFA has always worked, and will continue to work to ensure our members are not unfairly charged or given excessive discipline, we would also like to be proactive to help insure our members don't find themselves in these difficult situations in the first place. To this end, we would encourage you to familiarize yourself with any of Memorial's policy or procedure documents that apply to your situation. These might include procedures for handling dangerous materials, policies on ethical research or acceptable computer use. Check the Human Resources web site for Memorial's Sexual Harassment and Respectful Workplace policies.

One case stemming from a denial of promotion is of particular interest, as it set an unfortunate precedent in the arbitration of promotion cases. MUNFA grieved the denial of an ASM's promotion, beginning in 2005, eventually taking the case to arbitration. The arbitrator ruled that the promotion was warranted. Memorial appealed the decision to the Provincial Supreme Court, which ruled that, because of a legal technicality in the original Arbitration, the case should have a new arbitration.

Finally, a reminder that if you have an employment issue or a question relating to the Collective Agreement, get in touch with the MUNFA Office sooner rather than later. Many questions can be resolved with a phone call. If it is necessary to file a grievance, remember that there is a deadline of 25 days from the time you know, or ought reasonably to have known about the problem.

I would like to close by recognizing the work of the 2007 – 08 AF&G Committee, Penny Allderdice (Medicine, ret.) Jon Church (Medicine), Malcolm Grant (Psychology), Dorothy Milne (Library, ret.), Mark Tate (Anthropology), Gary Paterno (Medicine), Dianne Taylor-Harding (Library), and Lili Wang (Pharmacy).

And on behalf of the Committee, a huge thank you to the Office Staff, Marian Atkinson, Jill Diamond-Strong and Kim O'Reilly. These people are the front line, taking the phone calls, co-ordinating information between AF&G and MUNFA members. They also make our jobs immeasurably easier, finding information, setting up meetings, organizing files and dozens of other tasks always cheerfully and efficiently fulfilled.

Thank you!



**Sexual Harassment Board Report**  
**MUNFA General Meeting**  
**October 22, 2008**

This report covers the period from October 1, 2007 to August 1, 2008.

The sexual harassment officer is Cathy Morris. The present Chair of the Board, (appointed September 2004) is Kathy Rowe (CUPE Local 4554). The MUNFA representatives on the Board for the period of this report were Fern Brunger, Medicine (first appointed in 2004) and Kaushik Nag (appointed October 18, 2007).

Sexual Harassment Advisor Lori Yetman continues to be on extended leave for health reasons and Cathy Morris has had her contract extended as Acting Sexual Harassment Advisor.

During the period of this report, the Officer has expanded the work of promoting a campus environment that is respectful, inclusive and free of sexual harassment. Ongoing work includes presentations on the policy to faculty, staff and student groups, responding to individual complaints, and providing information to individuals when requested. The "Creative acting for Safe Environments" (CASE) theatre group is continuing. This is a group of student volunteers who work with the Advisor to promote awareness about issues of gender, harassment and assault.

Both Kaushik Nag and I have had to withdraw from our positions as MUNFA rep on the Sexual Harassment Board. I would like to encourage faculty to consider taking on this position. I have been on the Board for 4 years and I can tell you with certainty that if you're looking for a service commitment that is interesting and educational but also high impact in terms of its importance, this is a great committee to sit on. The workload is confined to the monthly meetings themselves; it's an opportunity to work with members of all of the other unions represented on campus; the monthly review of the complaints themselves can at times be emotionally difficult to hear, but that also speaks to the importance of the work; and the other members of the Board are a great group of individuals to work with.

*Respectfully submitted by Fern Brunger*

## **Report from the MUNFA Pension Committee General Meeting - October 22, 2008**

The most important thing to report, in the midst of the present market turmoil, is that our pensions are safe. As of the drafting of this report (October 17) the losses sustained by the fund since our high point last spring amounts to \$120 million Cdn, which is a drop of 16%. Thus the fund is presently where it was a little less than two years ago. These are substantial losses, but they do not seriously compromise our ability to meet future obligations. Furthermore, we have already taken measures that will lead to a better return on our investments over the coming years, as well as increasing the levels of both employer and employee contributions. Finally, the Vice-President (Administration) said in our meeting on Wednesday, October 15, that the government, which guarantees our funds, is well aware of the impact the present financial crisis has had on our funds.

Last spring the University Pension Committee, with the approval of all bargaining units, decided to diversify our funds to include for the first time mortgages and real estate. We have identified three managers who will be responsible for these investments and two have already started to make investments on our behalf. These new forms of investment will over the next two years rise to 16% of the value of our fund, reducing the Canadian fixed interest (bonds) component by 15% and the Canadian equity component by 1%. Historically, these forms of investment have averaged returns 2 to 3% higher than bonds.

The fluctuations in the value of the Canadian dollar will also have an impact on our fund. We have 31% of assets in foreign denominated equities, primarily in American markets. Over the past several years, as the Canadian dollar rose against the American, we posted quite low earnings on these funds and, because a pre-set balance must be maintained between differing types of securities, this meant a considerable transfer of funds to both Putnam and Alliance Bernstein, our foreign equity managers. Ironically, because we pay our pensions in Canadian dollars, the recent abrupt decline in our currency vis-à-vis the American dollar means our foreign holdings have increased in value and if the current relationship remains stable, then we can reasonably expect the transfer back into Canadian funds of some of that increased value in our non-Canadian holdings.

Your committee has begun to explore the question of ethical standards for pension investment. In 2006, the United Nations launched an initiative known as the Principles for Responsible Investment, ([www.unpri.org](http://www.unpri.org)) which has received support from many pension trustees in the advanced capitalist world, as well as the Canadian Labour Congress and the CAUT closer to home.

One of the issues in this discussion is the lending of securities to hedge funds and other investors who are engaged in what is known as short-selling (essentially borrowing equities for a very short time, so that they can sell them in anticipation of a repurchase at a lower price.) We had animated discussions with representatives from CIBC Mellon, who are the trustees of our securities, last spring over this practice. At the recent performance committee meeting it appeared for the first time that a consensus to cease this practice might be emerging on the issue.



The amendments sub-committee of the University Pension Committee, after considerable and I gather heated debate, adopted the following policy: When an employee retires under the pension plan and begins to receive a pension, and then accepts an offer of re-employment from MUN on a permanent, full-time basis (or a contract longer than 6-months), his or her pension would be cancelled; the person would then begin again to contribute to the MUN Pension Plan and upon eventual termination have that time added to his or her pensionable service with a re-calculation of the pension entitlement. If passed, this will require changes to the MUN/MUNFA Collective Agreement as well.

The committee, at the request of some members of the Medical Faculty, also re-examined the question of allowing Clinical faculty who opted out of the pension plan to opt back in again. The committee decided to maintain the status quo, i.e. medical practitioners will continue to be given a one-time option of joining the MUN Pension Plan at the time of their hiring.

People on extended periods of reduced pay, for sabbatical or educational leave, presently have their pension benefits calculated at their full salary, for a cumulative total of five years. The sub-committee unanimously recommended that this be extended for an additional three years for leaves due to parenting

A proposal to index deferred pension for those eligible to collect their pension at ages 55 or 60, but who chose to defer payment to a later date, was also supported by the sub-committee. It also recommended that the age limit of 24 for disabled children who are survivors and who require assistance throughout their adulthood be lifted. This is part of a larger series of issues concerning disabled survivors that the sub-committee will be addressing in the near future.

All of the above has yet to be discussed with the University Pensions Committee prior to consideration by the Board of Regents.

*Report submitted by  
Robert Sweeny, History  
Chair, MUNFA Pension Committee*