

ARFL Newsletter

Association of Retired Faculty and Librarians of York University

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ANNUAL GENERAL MEETING

Date: Friday, October 31, 2008
Time: 12:00 noon to 3:00 p.m.
Place: Stong Master's Dining Room

Meeting to follow a light lunch.

IMPORTANT NOTICE

The ARFL Newsletter, including all past issues, is available on www.yuarfl.org. Hard copies will be mailed only to paid up members. Paid up members may receive e-mail copies by sending a request to yuarfl@web.net. This will speed up delivery costs and reduce our costs. Everyone is invited to read the Newsletter on our website.

1. Pension Recalculations

If you retired at the beginning of 2002 or 2004 and are not on the guaranteed minimum pension, you should have received a cheque due to a recalculation of your pension. Unfortunately this does not apply to members who retired in other years, particularly those who retired at the beginning of 2003.

When you retire, you are given an initial pension that does not take into account the annual returns until these are known - usually sometime in March following retirement. Thus those members retiring early in 2002 and 2004 should have had your pensions adjusted to take into account any positive returns by April 1 immediately following retirement. However, during a period of several years this recalculation was not done for such retirees until 15 months past the retirement date and was subject to the negative pension adjustment occurring during those years. If a negative pension adjustment had resulted, the received pension would have been reduced. If, on the other hand, the recalculation had been carried out on April 1 immediately following the retirement date of those retiring early in 2002 and 2004, such a reduction would not have occurred and the higher resulting pension would then have been subject to the non-reduction clause.

The administration has recognized that the delay

in the recalculation is not in conformity with the wording of the Pension Plan and now carries out the recalculation as soon as the returns are known. They have now corrected the recalculation for those retiring at the beginning of 2002 and 2004 and have made payments in compensation. For those retiring at the beginning of 2003, the negative return on the fund in the previous year means there is no adjustment.

Allan Stauffer

2. Backgrounder to the Age Discrimination Complaint

The complainants on age discrimination in graduate supervision work anticipate receiving a report from the York University Centre on Human Rights shortly. The questions and answers below are meant to instruct readers on the issues involved.

1. **Q:** Is the graduate supervision work provided by retirees “work” as recognized by the parties to the Collective Agreement?

A: Yes. The parties have included particulars about this work in the Collective Agreement as outlined in Appendix O for pre-retirees in the 2001-03 Agreement. Prior to this, graduate supervision credit was included by various arrangements in some course loadings by individual academic units and by graduate programmes.

2. **Q:** Is this work by retirees permitted and accepted by the Employer?

A: Yes. The University Senate enables the appointment of retirees through its policy on the “Appointment and Periodic Review of Appointment in the Faculty of Graduate Studies” that came into effect on January 1, 1990. (Principal supervision of doctoral students is enabled by 6.02). The university Administration under the signature of the President approves the appointment of retirees to FGS and

confirms eligibility for work, including graduate supervision.

3. **Q:** Can the Employer avoid paying retirees who “volunteer” to do graduate supervision?

A: The argument that bank tellers did “voluntary” overtime failed and recent class action cases succeeded because the Employer “permitted” overtime work. In the university community pre-retirees who “volunteer” for graduate supervision are paid, as are other “volunteer” appointments in the university, such as YUFA officers, chairs of departments and graduate programme directors. Retirees are not! Treating persons in an unequal way due to age is contrary to human rights law.

4. **Q:** Is there an employee/employer relationship between the retiree and the university?

A: Yes. The appointment of retirees to do FGS work follows the same procedures as with pre-retirees doing the same work. FGS work by retirees meets the test of an employee/employer relationship applied by Provincial labour legislation and policies, and Canadian tax legislation. Furthermore, graduate work by pre-retirees is often optional, but when done, it is paid under Appendix O, unless it is already recognized and compensated in their workload.

5. **Q:** Does the failure to pay fair and equitable compensation offend the Ontario Human Rights Code(OHC)?

A: a) Arguably yes and on the basis of systemic ageism, as retirees who take early retirement, are between the ages of 55 and 64 inclusive and undertake graduate supervision have not been compensated for all their supervision work by the university although the OHC prohibits age

discrimination in employment for this cohort;

b) retirees aged 65 and older have not had all their graduate supervision work recognized as eligible for pay by the parties (until limited compensation was provided in the current Collective Agreement - Article 14);

c) Compensation for all eligible retirees under Article 14 of the current Collective Agreement does not include the full scope of graduate supervision work done by retirees, and for which pre-retirees are compensated. Inability to pay is not defensible.

Joy Cohnstaedt

3. YUFA Expresses Support for Retirees

The YUFA Executive considered the issue of equality in pay at its September 10, 2008 meeting and passed a motion of support for retirees seeking fair and equitable compensation for graduate supervision work. The above backgrounder was provided for the executive members to aid in their discussions. Two complainants, Joy Cohnstaedt and Allan Stauffer, attended this part of the executive meeting. ARFL President and representative on the executive, Alex Murray, spoke to the motion.

A gist of the motion (subject to approval of the executive minutes) follows:

MOTION:

Moved by Walter Whiteley, Stewards' Council Representative and Seconded by Didi Khyatt, Equity Officer and JCOAA member

"The YUFA Executive expresses its support for YUFA members who have retired from York University but with their scholarly work, research and/or teaching at York continue to be active members of the academic community at York and seek fair and equitable compensation for the graduate

supervision work they performed and continue to perform for the Faculty of Graduate Studies. YUFA opposes age discrimination in employment.

YUFA Executive will:

1. Seriously consider a bargaining position to ensure that all retirees who do this graduate supervision after retirement are compensated as per the current Agreement, but (that) Article 14 is expanded to include fair and equitable pay for retirees for the full range of comparable graduate supervisory work in the next Collective Agreement;

2. Initiate discussions with the administration for immediate redress for unpaid work by retirees aged 55-64, since Appendix O was introduced, through JCOAA or other appropriate venue.

Joy Cohnstaedt

4. Donald Solitar (1932-2008)

Donald Solitar, a colourful and influential character from York's second and third decades, died on April 25, 2008.

Donald graduated from Brooklyn College, and did graduate work at Princeton and New York University. He and his collaborator Abe Karrass became well known experts in combinatorial group theory. They worked for several years at Adelphi University before moving to York University in 1968, Donald becoming Chair of the Department of Mathematics. This was a transition period when individual chairs still had a lot of power, but changes were occurring leading away from York's somewhat elitist beginnings to an emphasis on accessibility. For Donald it was a case of being in the right place at the right time. Accessibility, for him, did not

mean just growth, or the same programs for larger numbers of students, but provided the opportunity for new programs. He was influential in the early planning of York's Faculty of Education. In his department he was effectively the founder of the MA Program for teachers, which still flourishes and is still practically unique in Canada. He was a champion of York's uniqueness and was never satisfied to merely reproduce what was happening in other places.

Solitar was equally dedicated to research and teaching. He was proud to have been elected Fellow of the Royal Society of Canada and to have obtained an OCUFA teaching award a few years later.

He was known for generosity with his time and resources. He could be brusque when crossed, but did not hold grudges and was never happier than when promoting a sense of community in the department and beyond. His Chinese dinners were legendary. He had a unique ability to pry money from Deans and other administrators to finance such gatherings.

Donald leaves behind his widow Francine and a large extended family.

_____ Martin Muldoon

The ARFL Newsletter is published by the Association of Retired Faculty and Librarians of York University (ARFL). ARFL is an independent organization of retired faculty and librarians of York University and of pre-retirees who pay dues. Members of ARFL are Associate Members of YUFA and YUFA has recognized ARFL as the "representative organization for retired members" of YUFA. ARFL is a member of the College and University Retirees Association of Canada. (CURAC)

At the Annual General Meeting of October, 2007 the following slate of officers was returned, including those subsequently nominated to the Executive to extend its base and representation, as the meeting agreed:

EXECUTIVE

President

Alex Murray

amurray@yorku.ca

Vice-President

Allan Stauffer

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Past-President

Mort Abramson

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Secretary

Gene Denzel

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Treasurer

Barry Loughton

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Editor of Newsletter

No incumbent

Pre-retirement Representative:

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Roger Heeler

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Tiit Kõdar

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Chester Sadowski

chesters@yorku.ca

The editor of the newsletter welcomes comments, letters or items of interest, but reserves the right to edit any submissions. Please send submissions to chesters@yorku.ca or rheeler@schulich.yorku.ca or ARFL, c/o YUFA, 261 HNES, York University, 4700 Keele St., Toronto, ON M3J 1P3.

ASSOCIATION OF RETIRED FACULTY AND LIBRARIANS OF YORK UNIVERSITY

DUES FOR 2008/09 ARE NOW RECEIVABLE FIRST NOTICE

Please mail to : Association of Retired Faculty and Librarians,
c/o YUFA, 261 Health, Nursing and Environmental Studies
York University
4700 Keele Street
Toronto, ON M3J 1P3

- I wish to join ARFL, to receive its mailings and support its activities
 - I wish to renew my membership in ARFL
 - I am willing to undertake occasional work in ARFL
 - I am not yet a retiree, but I want to become an Associate Member of ARFL
- (To verify your status, send an e-mail to yuarfl@web.net)**

Enclosed is my cheque for the period 1 July, 2008 to 30 June, 2009

- \$25 Regular membership
- \$10 Associate membership (available to pre-retirees)
- I would like to contribute \$_____ To support ARFL in its continuing work on behalf of York's retired Faculty and Librarians

NAME(please print)_____

HOME ADDRESS

Street_____

City/Town_____ **Province/State**_____

Postal Code_____ **Country**_____

Home Phone_____ ***E-mail**_____

*** This is vital to maintain communication with ARFL members.**

ASSOCIATION DES PROFESSEURS ET BIBLIOTHÉCAIRES RETRAITÉS DE L'UNIVERSITÉ YORK (APBR)

COTISATION 2008-2009 PREMIER APPEL

Veillez envoyer votre cotisation à : Association of Retired Faculty and Librarians
a/s YUFA, 261 Health, Nursing and Environmental Studies
Université York
4700, rue Keele
Toronto, ON M3J 1P3

- Je désire devenir membre, recevoir ses bulletins et soutenir ses activités
 Je désire renouveler mon adhésion a l'APBR
 Je suis prêt(e) à participer à l'occasion aux travaux de l'APBR
 Je ne suis pas encore à la retraite, mais je veux devenir membre associé de l'APBR

Pour vérifier le statut de votre adhésion, veuillez envoyer un courriel à yuarfl@web.net

Veillez trouver ci-joint mon chèque pour la période du 1er juillet 2008 au 30 juin 2009, au nom de l'APBR.

- 25\$ membre titulaire
 10\$ membre associé

Plus _____ \$ de contribution supplémentaire pour aider l'APBR à poursuivre ses travaux au nom des professeurs et bibliothécaires retraités de l'Université York.

NOM(en majuscules) _____

ADRESSE À LA MAISON

Rue _____

Ville _____ **Province** _____

Code Postal _____ **Pays** _____

Téléphone(maison) _____ ***Courriel** _____

***Très important pour maintenir les liens avec les membres de l'APBR!**
