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Employer Proposals

PROPOSAL 1: Replace existing Article 5.03 with new Article 5.03, 5.03.1 and 5.02 and renumber existing Article 5.03.1 as follows:

5.03.1 Employment Equity Committee

- a) The Union and the Employer agree to maintain an Employment Equity Committee, which will consist of three representatives of each party. A representative of each party shall be designated as joint Chair and the two persons so designated shall alternate in the Chair. Either Chair may call meetings on at least two weeks' notice to the other members of the Committee.
- b) The Employment Equity Committee will have access to the non-confidential findings of regular self-identification surveys of all members of the bargaining units. The self-identification survey data will be correlated with information about salaries, terminations and promotions for purposes of reporting to the Employment Equity Committee.
- c) The Employment Equity Committee's mandate will include setting goals and timetables for the elimination discriminatory practices and systemic barriers to equal opportunity. Issues to be addressed will include recruitment of employees, selection procedures, job postings, Employer required and provided training, salaries and benefits, and working conditions (including accommodation for persons with disabilities). In this regard, the Employment Equity Committee will review and make recommendations from time to time in respect of the Employment Equity Plan approved by the Parties. The Employment Equity Plan will address the removal of employment barriers in order to achieve the ultimate goal of fair representation of Federal Contractor Program Equity Groups. Fair representation will be taken to mean seeking to achieve and maintain a workforce that is representative of the population of the Federal Contractor Program Equity Groups (defined below) in Toronto or Canada, whichever is proportionately higher.

5.03.2 Terminology and Pronoun Use

- (a) The collective agreement has been amended to reflect LGBTQ2* throughout.
- (b) Throughout the collective agreement, the parties have adopted the pronoun "they" to represent the singular in place of *she* and *he*.

5.0.3.3 Definitions

- (a) Equity Groups

For the purposes of the Collective Agreement, Equity Groups are defined as:

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(i) Federal Contractor Program (FCP) Equity Groups: women, visible minorities (racialized groups), Aboriginal peoples (Indigenous), and persons with disabilities; and

(ii) LGBTQ2*

Note: The parties have defined LGBTQ2* as an Equity Group under the collective agreement and wish to remove any employment barriers and barriers for employees that self-identify as LGBTQ2*. The implementation of LGBTQ2* as an Equity Group within the Collective Agreement will not interfere with the Employer's Federal Contractor Program obligations.

(b) Intersectionality

For the purposes of the Collective Agreement, Intersectionality means the classification of self-identification information for employment equity purposes, considering combinations of two or more of the Equity Groups.

(c) Externally Available Data

For the purposes of the Collective Agreement, Externally Available Data refers to the most recent Statistics Canada data for FCP Equity Groups by occupation for Canada as a whole or for Toronto, as the case may be.

(d) Internal Self-identification Representation Data

For the purposes of the Collective Agreement, Internal Self-identification Representation Data refers to the self-identification data collected via regular self-identification surveys of current employees conducted by the Office of the Vice-President Equity, People and Culture on a regular basis and Applicant Self-Identification Data defined below in (e).

(e) Applicant Self-Identification Data

For the purposes of the Collective Agreement, Applicant Self-Identification Data refers to the data the Employer collects from the self-identification form that applicants may complete in an application or selection process.

5.0.3.4 Data

In order to make decisions that are supportive of the mandate set out at Article 5.0.3.1(c), the parties will rely on the following data:

(a) Externally Available Data.

(b) Internal Self-identification Representation Data for the most recent

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consecutive three contract years for which the data is available as of the November 1 proceeding the contract year for which appointment decisions will be made. The Employer will provide this data to the Union on the immediately following December 1.

- (i) Where issues of interpretation, data or process arise during implementation, the parties will review these at the Employment Equity Committee.
 - (ii) The parties acknowledge that it will necessarily be the case that the size of many academic units will render the data contemplated here unavailable for those academic units.
- (c) The sole source of equity data for individual applicants for any appointment and selection procedures or programs listed by Article number in (i-iv) below is the Applicant Self-Identification Data pertaining to the appointment or selection procedures or program involved:
- (i) Article 12.04.1
 - (ii) Article 12.04.2
 - (iii) Article 24 Affirmative Action
 - (iv) Letter of Understanding - Continuing Appointment Instructor (CAI) Program

5.03.4 Underrepresentation

Unless otherwise agreed upon and, in order not to interfere with the Employer's FCP obligations, where the representation percentages are not lower than those in the Externally Available Data for Canada as a whole, underrepresentation shall be understood to mean fewer employees that identify as belonging to one or more of the FCP Equity Groups than the Externally Available Data for Toronto. Informed by this understanding of underrepresentation, the representation thresholds for the FCP Equity Groups current as of March 1, 2021 are as follows:

Women: 44%

Visible Minorities (Racialized Groups): 30%

Aboriginal (Indigenous) Persons: 1.4%

Representation data for persons with disabilities is not available either for Toronto or nationally.

5.03.5 Intersectional Application of Underrepresentation Thresholds

The intersectional application of underrepresentation thresholds will proceed as follows:

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- 1) In academic units where there are fewer than 44% members in the academic unit employed in bargaining unit work who identify as women and there are fewer than 30% members in the academic unit employed in bargaining unit work who identify as members of a visible minority (racialized group), then an applicant who self-identifies as a visible minority woman (a woman who is a member of a racialized group) will be appointed.
- 2) If there are no visible minority (racialized) women applicants, then an applicant from the more underrepresented group (a woman or member of a visible minority (racialized group)) will be appointed.
- 3) If there are no applicants who self-identify as a member of either group or the academic unit has met both underrepresentation thresholds in (1), then an applicant who self-identifies as an Aboriginal (Indigenous) person or as a person with disabilities will be appointed.
- 4) If there are no applicants from the FCP Equity Groups and or If the academic unit has met the underrepresentation thresholds in (1), then an applicant who self-identifies as LGBTQ2* will be hired.

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PROPOSAL 2: EQUITY HIRING

OPTION A:

12.04.1 Appointments shall be made as follows:

- (i) In the exceptional circumstances in which a candidate for a position as course director or team lecturer is adjudged by the appropriate Dean or designate to be substantially and demonstrably more qualified, able and competent to perform the duties and responsibilities of the position than all other candidates for the position, that candidate may be appointed to the position. Where such a candidate is appointed, the hiring unit shall forward to the union the name of the successful candidate, ~~her~~ their curriculum vitae, and any other non-confidential information that formed the basis of the hiring, with a copy to the candidate who otherwise would have received the position.

- (ii) Pool of Candidates with the Required and Preferred Qualifications:
 - (a) Where no appointment is made under (i), then the appointment shall be made from among the candidates with the ~~preferred and required~~ and preferred qualifications according to the provisions of 12.04.1(ii)(b) below.

 - (b) Effective September 1, 2021 for appointments commencing no sooner than September 1, 2022, where one or more candidates in the pool of candidates with the required and preferred qualifications have self-identified as Aboriginal (Indigenous) or visible minority (racialized) the appointment shall be made as follows:
 - (i) For Academic Units where data is available that indicates that the Academic Unit has not met the threshold targets for representation of Aboriginal (Indigenous) or visible minority (racialized) employees in the academic unit as per Article 5.03.4, then the appointment to the position shall be made to an Aboriginal (Indigenous) or visible minority (racialized) candidate; or

 - (ii) For Academic Units where data is not available to assess whether the Academic Unit has met the threshold targets for representation of Aboriginal (Indigenous) or visible minority (racialized) employees in the bargaining unit, then the appointment to the position shall be made to an Aboriginal (Indigenous) or visible minority (racialized) candidate; and

 - (iii) In either (i) or (ii) above, where there is more than one such candidate the appointment shall be made according to the provisions in Article 12.04.1(iv) below.

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- (iii) Pool of Candidates with Required Qualifications:
- (a) Where no appointment is made under 12.04.1(ii) above because and no candidate has the ~~preferred~~ required and preferred qualifications, then the appointment shall be made from among the candidates with the required qualifications according to the provisions of 12.04.1(iii)(b) below.
- (b) Effective September 1, 2021 for appointments commencing no sooner than September 1, 2022, where one or more candidates in the pool of candidates with the required qualifications have self-identified as Aboriginal (Indigenous) or visible minority (racialized) the appointment shall be made as follows:
- (i) For Academic Units where data is available that indicates that the Academic Unit has not met the threshold targets for representation of Aboriginal (Indigenous) or visible minority (racialized) employees in the academic unit as per Article 5.03.4, then the appointment to the position shall be made to an Aboriginal (Indigenous) or visible minority (racialized) candidate; or
- (ii) For Academic Units where data is not available to assess whether the Academic Unit has met the threshold targets for representation of Aboriginal (Indigenous) or visible minority (racialized) employees in the bargaining unit, then the appointment to the position shall be made to an Aboriginal (Indigenous) or visible minority (racialized) candidate; and
- (iii) In either (b)(i) or (ii) above, where there is more than one such candidate the appointment shall be made according to the provisions in Article 12.04.1(iv).
- (iv) (a) The candidate with the most experience gained in applicable teaching, demonstrating, tutoring and marking within the University, subject to Articles 12.09 and 12.10, shall be appointed and, where applicable prior experience is equal, the candidate with the desirable qualifications shall be appointed, except in the case of:

LONG-SERVICE OVERRIDE:

- (b) Where a candidate has a total of at least five years of service in the bargaining unit in each of which she ~~they~~ has have accrued applicable prior experience for one Type 1 position or its equivalent as provided by 12.06 (ii), and ~~has~~ have at least three more years of such service than the number of years of such service of the candidate otherwise entitled to the position as per

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- (v)(a), ~~she~~ they shall be appointed;
- (c) Where there is more than one candidate in (b), the candidate with the most years of such service shall be appointed except as follows;
 - (d) Where two or more candidates per (c) have equal years of such service, the candidate with the most applicable prior experience shall be appointed;
 - (e) Where two or more candidates have equal years of such service and equal applicable prior experience, then the candidate with the desirable qualifications shall be appointed.
 - (f) Long Service Override (LSO) shall not apply to appointments that would result in a displacement of a person who is a member of an employment equity group for bargaining unit work. he LSO shall apply if the appointment would be made to a person who is themselves a member of an employment equity group for bargaining unit work.

For the purposes of the Long Service Override, service in Unit 1, including service accrued per Article 15.08.3, or as a full-time faculty contractually limited appointment at York, or per Article 17.06.1, shall count as bargaining unit experience.

PROPOSAL 2: EQUITY HIRING

OPTION B

12.04.1 Appointments shall be made as follows:

- (i) In the exceptional circumstances in which a candidate for a position as course director or team lecturer is adjudged by the appropriate Dean or designate to be substantially and demonstrably more qualified, able and competent to perform the duties and responsibilities of the position than all other candidates for the position, that candidate may be appointed to the position. Where such a candidate is appointed, the hiring unit shall forward to the union the name of the successful candidate, ~~her~~ their curriculum vitae, and any other non-confidential information that formed the basis of the hiring, with a copy to the candidate who otherwise would have received the position.
- (ii) Pool of Candidates with Required and Preferred Qualifications:
 - (a) Where no appointment is made under (i), then the appointment shall be made from among the candidates with the ~~preferred and~~ preferred qualifications, according to the provisions of 12.04.1 (ii)(b) below.
 - (b) Effective September 1, 2021 for appointments commencing no sooner than September 1, 2022, where there is one or more candidates who as per Article 12.06.1:
 - (i) are in the pool of candidates with required and preferred qualifications, and
 - (ii) who self-identify as Aboriginal (Indigenous) or visible minority (racialized), then the Letter of Understanding regarding Priority for Aboriginal (Indigenous) or visible minority (racialized) candidates, shall apply for the 2020-23 collective agreement.
- (iii) Pool of Candidates with Required Qualifications:

Where no appointment is made under (ii) ~~because~~ and no candidate has the ~~preferred~~ required and preferred qualifications, then the appointment shall be made from among the candidates with the required qualifications and accordingly to the provisions in (iv).
- (iv) (a) The candidate with the most experience gained in applicable teaching, demonstrating, tutoring and marking within the University, subject to Articles 12.09 and 12.10, shall be appointed and, where applicable prior experience is equal, the candidate with the desirable qualifications shall be appointed, except in the case of:

LONG-SERVICE OVERRIDE:

- (b) Where a candidate has a total of at least five years of service in the

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- bargaining unit in each of which ~~she~~ they ~~has~~ have accrued applicable prior experience for one Type 1 position or its equivalent as provided by 12.06 (ii), and ~~has~~ have at least three more years of such service than the number of years of such service of the candidate otherwise entitled to the position as per (v)(a), ~~she~~ they shall be appointed;
- (c) Where there is more than one candidate in (b), the candidate with the most years of such service shall be appointed except as follows;
 - (d) Where two or more candidates per (c) have equal years of such service, the candidate with the most applicable prior experience shall be appointed;
 - (e) Where two or more candidates have equal years of such service and equal applicable prior experience, then the candidate with the desirable qualifications shall be appointed.
 - (f) Long Service Override (LSO) shall not apply to appointments that would result in a displacement of a person who is a member of an employment equity group for bargaining unit work. The LSO shall apply if the appointment would be made to a person who is themselves a member of an employment equity group for bargaining unit work.

For the purposes of the Long Service Override, service in Unit 1, including service accrued per Article 15.08.3, or as a full-time faculty contractually limited appointment at York, or per Article 17.06.1, shall count as bargaining unit experience.

Letter of Understanding - Priority for Aboriginal (Indigenous) or visible minority (racialized) Candidates Article 12.04.1

The parties agree as follows:

1. Where the circumstances set out at Article 12.04.1(ii)(b) exist then:
 - (a) For Academic Units where data is available that indicates that the Academic Unit has not met the threshold targets for representation of Aboriginal (Indigenous) or visible minority (racialized) employees in the academic unit as per Article 5.03.4, then the appointment to the position shall be made to an Aboriginal (Indigenous) or visible minority (racialized) candidate; or
 - (b) For Academic Units where data is not available to assess whether the Academic Unit has met the threshold targets for representation of Aboriginal (Indigenous) or visible minority (racialized) employees

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- in the bargaining unit, then the appointment to the position shall be made to an Aboriginal (Indigenous) or visible minority (racialized) candidate; and
- (c) In either (a) or (b) above, where there is more than one such candidate the appointment shall be made according to the provisions in Article 12.04.1(iv).
2. Where an Aboriginal (Indigenous) or visible minority (racialized) candidate is appointed (“the appointee”) in accordance with Paragraph 1 above, then a candidate who does not self-identify as Aboriginal (Indigenous) or visible minority (racialized) and who is senior (the “Senior Employee”) to the appointee, and would have otherwise been appointed to the position by virtue of their seniority, will be eligible to apply to the CUPE Ways and Means Fund as set out at Article 20 of the Collective Agreement for support from the fund in relation to any loss experienced by the Senior Employee with respect to the position to which they would have otherwise been appointed.
 3. For the purposes of Paragraph 2 above, the Employer shall provide to the Union on September 1 each year commencing 2022, a contribution equivalent to the rate of two-fifths of eight CD positions at the prevailing CD rate, to the Ways and Means Funds, over and above any other required contributions to the Ways and Means Fund from the Employer. By September 30 of the year following the year in which the Employer provides the funds, the Union shall provide the Employer with an accounting of monies spent from this Employer contribution.
 4. The grievance process does not apply, and no grievances will be filed regarding appointments made in accordance with this Letter of Understanding.
 5. This Letter of Understanding shall be placed in the 2020-23 collective agreement booklet and shall form part of the 2020-23 collective agreement. It will expire with the expiration of the 2020-23 collective agreement and shall be removed from the collective agreement booklet for the subsequent renewal collective agreement unless this Letter of Understanding is renewed by the parties.

**The Funds referenced at 3 above will be costed against mandate relative to Bill 124 except where the parties agree to utilize (i.e. transfer) other funds that are within mandate.*

PROPOSAL 3: EQUITY HIRING (CON'T)

- 12.04.2 (i) Where the applicants for a position have no previous applicable prior experience or have equivalent applicable prior experience and meet the ~~same levels of~~ Required and/or Preferred qualifications (or Required qualifications where no applicant has the Required and Preferred qualifications) as posted, the position shall be awarded to such an applicant who a candidate is also has self-identified as a member of one or more Equity Groups of the ~~five employment equity seeking groups otherwise under-represented in the hiring unit for bargaining unit work.~~
- (ii) Save and except for courses taught under 12.21, when a position is being posted in the ~~Hiring an Academic Unit~~ for the first time, priority will be given to applicants with the most applicable prior experience that meet the Required and/or Preferred qualifications (or Required qualifications where no applicant has the Required and Preferred qualifications) as posted and who have self-identified as are members of one or more Equity Groups, of the ~~five employment equity seeking groups otherwise under-represented in the hiring academic unit as demonstrated by available internal representation data~~ for bargaining unit work per Article 5.03.3 using the process and definition of Intersectionality established in 5.03.5.