

## Article 7.2.A: Employer Obligations

### PROPOSAL

1. It is the Employer's obligation to protect the right of faculty members to work in a safe, healthy, hygienic, and accessible working environment.

A. The Board acknowledges the primary responsibility of providing an administrative structure and climate in which effective teaching and Scholarly, Research and Creative activities may take place. The Board further acknowledges the desirability of a suitable physical environment for Faculty members. **In addition to providing appropriate working conditions and equipment, this includes an obligation to maintain reasonable standards of safety, security, cleanliness, and hygiene across the campus.**

### RATIONALE

2. TMU's campus was originally designed to accommodate 10,000 students. As of Fall 2022, there were nearly 43,000 undergraduate and graduate students, and another 8,000 students in Continuing Education courses only. According to TMU's strategic plan, TMU plans to increase student enrolment to 60,000<sup>1</sup>.
3. The unprecedented growth at the TMU campus in recent years has resulted in significant overcrowding, with real health and safety implications. With the high volume of students and continuous use of classroom and other academic spaces, basic requirements such as regular cleaning and waste disposal are not being met. These health and safety concerns negatively impact on the provision of appropriate environments for teaching and learning, and become even more pressing in pandemic conditions.
4. In addition to concerns about cleanliness and hygiene, TFA members have real and pressing concerns about campus safety. As outlined in detail below, the working conditions facing employees – and learning conditions facing students – are appalling. TFA members require meaningful and timely resolution to workplace safety concerns.

#### *Personal and Community Safety Concerns*

5. In addition to safety concerns arising from unhygienic working conditions described further below, TFA members, students, and staff members have also expressed serious concerns for their personal security when attending on campus and walking within and between buildings.

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<sup>1</sup> **Tab 93** - Toward TMU 2030 - University Advancement [Plan](#) at 15.

6. These ongoing concerns stem most recently from two known and egregious sexual assaults that took place in Kerr Hall in 2022, including an aggravated sexual assault in which a female student was violently sexually assaulted by a non-TMU community member during a class break in a washroom a few doors down from their classroom and the main office of their program.
7. The significant and growing sense of a lack of safety also follows in the wake of a number of physical assaults (including stabbings with knives and used needles), harassment, and threats by non-TMU community members (including a man who came to campus wielding an axe); office break-ins; and car break-ins.
8. TFA members report that they do not feel safe walking to class or their offices ahead of early morning classes, or, in particular, at night following evening classes. Many Faculty members leave campus with the flow of students after lectures, so as to avoid leaving on their own. This limits the time that members spend on campus engaging with students and colleagues, and means that Faculty members are less available to chat with students after class as they might otherwise do.
9. More than one member has described unidentified individuals entering and disrupting classrooms, resulting in security being called and these individuals being removed. Alarming, more than one member has indicated that they refrain from drinking fluids and hold their bodily functions in order to avoid using campus washrooms due to their fear of being assaulted (or health and safety concerns related to hygiene).
10. Members also often find themselves faced with situations including fights between non-TMU community members or individuals overdosing on drugs. It is not the role of TFA members, nor are they trained in de-escalation or harm reduction, to intervene in unsafe situations involving others. Nonetheless, TFA members have stepped in to prevent harm, including through the life-saving provision of naloxone before emergency medical services' staff arrived on scene.
11. These events have led in particular to heightened safety concerns for female, queer, trans, non-binary, and racialized TFA members, as well as staff and students.
12. TFA members have expressed concern about the lack of sufficient safety supports provided by the Employer, including safe exits from all campus buildings, and a delay in response times or lack of follow-up to concerns by Security when assistance is requested.
13. TFA members, including Chairs/Directors, are further concerned about meeting their obligations to provide a healthy and safe work environment to staff and TAs/GAs.

### *Cleanliness and Hygiene*

14. TFA members have repeatedly reported concerns about a general lack of cleanliness and hygiene in classrooms, washrooms, offices, and other spaces in buildings at TMU, including in particular, in Kerr Hall, Victoria, Eric Palin Hall, Jorgenson/Podium, Sally Horsfall Eaton, and the Counselling Centre. TFA members have flooded the Association with concerns, including:

- Washrooms

- Blood and urine on washroom floors.
- Gender-neutral, accessible washrooms have blocked toilets, dirty floors, overflowing trash bins, and no toilet paper. This is regarded as an issue of hygiene but also equity for people with disabilities.
- A lack of soap, paper towels, and functioning hand dryers in washrooms.

- Classroom and instructional spaces

- Lack of appropriate ventilation. Air purifiers in classrooms need new filters as evidenced by indicator lights. Many classrooms also have high CO2 levels, which is a further indicator of bad air quality.
- Lack of regular cleaning of desks, chairs, podiums, computers, and AV equipment.
- Classrooms/lecture halls are dusty, dirty, filled with garbage, spills, and clutter.
- Broken chairs and broken equipment scattered in classrooms, and broken ceiling tiles.
- Lack of windows that open and provide fresh air.
- Health risks that arise out of extreme hot and cold temperatures (due to inadequate HVAC systems).

- Offices

- Lack of appropriate ventilation. This presents a unique challenge for Professional Counsellors who need to close their offices doors to preserve confidentiality when meeting with individuals.
- Lack of windows that open and provide fresh air or provide natural light (and which also impacts wellbeing).
- The Administration recently removed recycling and trash bins from offices, and any bins kept by members need to be emptied by members.
- Members are required to vacuum their own offices.
- Health risks that arise out of extreme hot and cold temperatures (due to inadequate HVAC systems).

- General concerns
    - Risk of COVID-19, other respiratory illnesses, and diseases.
    - Pests (including cockroaches and bedbugs) and rodents (including rats), especially due to the recent changes regarding recycling and garbage bins on campus.
    - Asbestos exposure.
    - Vomit, excrement (human and pet), and used needles and pipes on or around campus.
    - No protection from second-hand cigarette and marijuana smoke.
    - Disrepair due to flooding and leaks, and health risks due to mould.
    - Lack of information and transparency related to testing done regarding air quality.
    - Stairwells and hallways are dusty, unclean, and have high CO2 levels, indicative of poor air quality.
    - Tripping hazards (indoor and outdoor).
    - Wires hanging from ceilings.
15. While the TFA is aware of many more incidents, the following are examples of the type of conditions members report that they encounter on a *routine* basis:
- A member encountered urine in a container in the classroom.
  - Human excrement was spattered on the side of the Jorgenson building near the main entrance for at least five days, and in the end, road salt was thrown on top.
  - In an acting class where students need to be barefoot or roll on the floor, students have cut themselves on glass, or soiled their clothing with dirt because the space is not cleaned regularly.
  - One member reported that there was a bloody piece of toilet paper on the floor in their Department/School washroom for over a week.
  - Members, concerned about classroom conditions for students, brought their own cleaning supplies to clean the classroom and a member reported bringing a garbage bag to pick up loose garbage (due to the lack of bins) before students wrote their midterm.
  - A member called for assistance to help clean coffee spilled over multiple desks in a classroom, and while advised that someone would attend the class, this did not occur. Ultimately, students left because there were not enough clean desks in the room for them to attend class.
  - The Counselling Centre is in a state of constant disrepair due to flooding and mould. Staff were temporarily relocated but damage and flooding has continued, and they are still working in flooded conditions. Tarps and

hoses are being used to collect water that seeps through the roof, which is then funneled into garbage bins – bins that are full of sludge water and in open view. As a result of these conditions, employees have reported becoming ill with respiratory conditions.

16. These conditions are not unknown to the Administration.
17. Further, TFA members who teach and work in different buildings have identified a significant disparity in conditions across the campus, including, for example, a significant disparity in conditions in Kerr Hall and Victoria on the one hand, and the Ted Rogers School of Management on the other.
18. In addition to concerns about risks to their health and safety, and the impact on their well-being, members are concerned about how the campus conditions affect TMU's reputation, including its ability to recruit and retain employees and students. A number of members have expressed shame and embarrassment about bringing community partners or colleagues from other universities to campus for guest lectures and meetings.

#### *An Inappropriate Environment for Teaching and Learning*

19. In addition to significant concerns about basic health and safety, members also expressed that these unhygienic conditions and conditions of disrepair result in inappropriate teaching and learning environments.
20. For example, members have consistently reported:
  - Broken, dysfunctional, out-of-date, or missing teaching equipment, including podiums, computers, microphones, cables, and projectors.
  - No functional batteries for teaching equipment in classrooms.
  - Overcrowding and assigned classrooms with an insufficient number of chairs/desks for students registered in the class.
  - Improper and insufficient lighting in classrooms.
  - Insufficient plug-ins for devices and outdated adapters (i.e., no HDMI), and problems due to incompatibility between Windows and Apple-based devices and systems.
  - Lack of whiteboards/blackboards in classrooms to support instruction.
21. Serial sites of concern include Kerr Hall, Victoria, Yonge-Dundas Square, Carleton Cinemas, Rogers Communications Centre, Ted Rogers School of Management, George Vari Engineering and Computing Centre, and the Library.

22. The TFA is aware of many individual incidents of concern, but the following are indicative of the level of supports provided by the TMU Administration to Faculty members faced with inadequate teaching and working environments:
- One member made a request for electrical light repair because eight lights in one room were flickering or did not turn on, resulting in some students sitting in the dark (and epilepsy concerns). The repair was requested in February. The member was notified of the repair being completed in June – four months after the request was made, and well after the course had ended.
  - Faculty members are often required to go into neighbouring classrooms to themselves physically lift and move a sufficient number of chairs/desks into the assigned classroom to ensure there is adequate seating for students at the start of class.
23. Again, these conditions are not unknown to the Administration, but have been regularly reported by TFA members (and likely by staff and students) to Facilities Management and Development.
24. The TMU campus cannot sustain such intensive use without additional resources and measures to help ensure a clean, safe, working (and learning) environment.
25. Beyond the very real and significant concerns about health and safety risks, members have reported that the campus conditions are disheartening, affect employee and student morale, and send a signal that the Administration does not value the purpose of the University as a site of learning, teaching, and research. For many, the campus conditions are negatively impacting their well-being and their desire to work on campus, with many working from home as much as possible. There is a growing loss of faith in the Employer's commitment to the provision of safe working conditions for TFA members, students, and staff. A few TFA members have reported that they are considering leaving the University due to the unsafe campus conditions.
26. The TFA therefore proposes that Article 7.2.A be amended to clarify that the Employer's responsibility to provide a suitable physical environment includes an obligation to provide appropriate working conditions and equipment, including maintaining reasonable standards of safety, security, cleanliness and hygiene across campus. Without prejudice to any position that the TFA may take in any future proceeding that Article 7.2.A already obligates the Employer to provide TFA members with a healthy and safe work environment, it is the Association's position that the specific obligations to maintain reasonable standards of safety, security, cleanliness and hygiene are necessary to ensure that the Administration takes appropriate steps to rectify the serious conditions described above. In particular, and expressly without prejudice to any position that the TFA may take in the future, many of the unhygienic and unhealthy circumstances reported by TFA members – such as the presence of bloody tissues, excrement, urine, etc. –

are not amenable to a work refusal under the *Occupational Health and Safety Act*. TFA members ought, however, to be able to grieve a failure by the Employer to meet the most basic standards of a functional, clean, and safe work environment.