



## Information and Assistance for members facing Organizational Change and Layoff

Receiving notice of organizational change or layoff can be extremely stressful. Your Union is here to help you understand your rights and options. We can provide you with information and support to assist you during this difficult time.

Each person's situation will be different and members need to decide on the options that are best for them in their personal circumstances. It is important to read your letter of notice carefully, and to consult with your Union Representative to fully understand your rights and options.

### IMPORTANT TERMS

**Organizational change** is defined in your collective agreement as "budgetary cuts, the introduction of new technology, or other factors that may result in departmental reorganization and the elimination of one or more positions, or the involuntary reduction of an employee's appointment by a minimum of twenty (20) percent." (Article 12:05)

This means that management is making changes in your department that can include new reporting structures, jobs being eliminated and jobs being created.

**Indefinite layoff** means that your position is being eliminated. (Article 12:07b)

**Notice period** is the time between when you are told of an organizational change or layoff and the time that it's implemented. You are paid during this time. You receive 6 weeks' notice of organizational change and 12 weeks' notice of layoff. In most cases, people continue working during the layoff notice period, but in occasional cases, you may not be required to report to work during the layoff notice period.

**Redeployment pool** is a safety net for members who are facing organizational change and layoff. This is a pool of USW U of T staff-appointed members whose positions have been affected by organizational change. Members in the pool have priority status when applying for USW U of T staff-appointed jobs classified at or below the level of their pre-layoff position. (Article 12:10b)

### Severance

This is payment that you receive for severing your ties with the University. Employees who have received a notice of layoff can choose between ceasing employment with the university and taking an enhanced severance package, or continuing in the redeployment pool past their layoff date and applying for available positions at the University with priority status. After their layoff date, members of the redeployment pool have the option to exit the pool at any time and take their regular severance payment. If the employee has not found a position by the end of 24 months in the pool, they are then

entitled to receive their regular severance payment. The amount of severance paid – both regular and enhanced – is determined by the number of years of service. Please see attached for the severance schedule. (Article 12:10a Schedule "I")

## UNDERSTANDING THE PROCESS

### **Organizational Change Notice periods (Article 12:05 or for Grant funded positions 12:06)**

Members affected by an organizational change will receive a minimum of 6 weeks' notice, prior to the implementation of the change. From the date of your notice, you are in the Redeployment Pool and can start applying for other jobs.

### **Redeployment Pool Status (Article 12:10b)**

When you are in the Redeployment Pool, you can apply for any job posted in the university, however you only have preference for jobs in the USW U of T staff-appointed unit that are at your pay band or lower. Redeployment preference means you need to be the "qualified" candidate and able to do the job with a one-month training and familiarization period. In situations where there are more than one qualified redeployment candidate for a position, the employee with the most seniority will be selected.

1. When you apply to positions at higher pay bands, you must be the "most qualified" candidate.
2. When applying for USW U of T staff-appointed positions, indicate in your Taleo application that you're in the redeployment pool.
3. An HR Generalist will attend your job interviews and can give you feedback afterwards, upon request.
4. If you get a new position, there is a two-month window in which you can opt to return to the pool, or management can opt to send you back to the pool.
5. If, after your layoff date, you apply for a position for which you have redeployment pool status and decline the job offer, you are deemed to have quit and are terminated. If you have a job interview and then you have second thoughts about taking the position, you should withdraw your application prior to receiving an offer. If you've already received the offer, you can take the job and exercise your option to return to the pool within the two-month window.

### **If new jobs are being created in the Organizational Change (Article 12:05e)**

1. In many cases, new jobs are being created in the organizational change and you will have the option to apply for them. If a new job is at or below your pay band, you will have preferred hiring status for it, along with the other people losing their jobs in the organizational change who are at or below the pay band of the new job. If these positions are not filled by employees facing layoff, other employees in the department can apply without preferred status. If someone from your department gets one of the new positions and that creates a new vacancy in the department, this position is now open to applicants who are facing layoff and those applicants will have preferred status if the position is at or below their pay band. Any of those jobs not

filled by applicants with preferred status will be posted to other employees in the department before being posted university-wide.

2. If a new job is at a higher pay band than you are in, you can apply for the job, but you won't have preferred status. There may be other employees losing their jobs who may have preferred status for that job. New jobs for which no one facing layoff has preferred status are posted to the entire department.
3. If there are no applicants, or none are selected, the position(s) will be posted to the USW job board (Article 12:04)

### **Layoff Notice Period (Article 12:07b)**

1. If you are not successful in getting another job in the six-week notice period, you will receive a notice of layoff. You are then entitled to an **additional 12 weeks'** paid notice, before your position is eliminated.
2. This provides for a total of **18 weeks** paid notice (6 weeks for organizational change plus 12 weeks for layoff) before you are out of a job. At the end of the **12 weeks' notice** period, you'll need to decide between taking termination and enhanced severance, or continuing your time in the Redeployment Pool (see "Understanding your Options" below).

## **INFORMATION YOU SHOULD RECEIVE**

### **Your notice of organizational change letter will include:**

1. reasons for and the nature of the organizational change
2. indication that you are now in the Redeployment Pool
3. whether or not new jobs are being created
4. the deadline to apply for any new jobs created, job description(s), organizational chart, core duties, responsibilities and qualifications required for the position(s)

### **Your notice of layoff letter will include:**

1. the date of your layoff
2. your years of service
3. your continued Redeployment status for the 12-week notice period
4. your options to stay in the redeployment pool after your layoff date or to accept termination and enhanced severance (including severance amounts linked to either option)
5. information on continuing benefits after your layoff date

## **UNDERSTANDING YOUR OPTIONS**

At the end of your 12-week layoff notice period, you must select one of two options: Remain in the redeployment pool or opt for enhanced severance and leave the university.

## **Option A: Remain in redeployment (Article 12:10b)**

1. you have up to 24 months of redeployment pool status and six additional months of career transition services
2. you continue to apply for jobs with redeployment preference for positions at your pay band or lower
3. if you get a term position of one year or less while in the pool, your remaining time in the pool will stop while in the position. Four weeks before the end of the term position, you will have redeployment pool status again so you can begin applying for other positions. At the end of the term, if you choose to go back into the pool, you will resume the remainder of your pool time at the payband of the job you were initially laid off from.
4. as an employee in the redeployment pool who accepts a term position of greater than one year at the University, you will receive a new notice of layoff 12 weeks before the end of the term. Note that severance calculations and redeployment status would be based on the payband of the term position, not the job you were initially laid off from.
5. if you have not found another job at the university, you can opt out of the pool and take severance at any time. Depending on your seniority, the amount you receive drops at 6 months, 12 months and 12+ months. These amounts will be spelled out in your layoff letter.
6. while in redeployment, you may continue coverage for some or all of your health care benefits for up to 6 months if you pre-pay the employee share of the premiums. You can extend this an additional 9 months if you pay both the employee and employer share of the premiums.
7. while in redeployment, you may continue to accrue pensionable service up to 6 months if you pre-pay the employee share of the pension contributions. You can extend this an additional 9 months if you pay both the employee and employer share of the pension contributions. Note that in some situations, the value of the University's pension contributions for six months will be worth more than the difference between enhanced severance and the severance you receive after being in the pool for six months. You can consult ESS to calculate the value of the University's pension contributions over six months (under Benefits).
8. while in redeployment, you can continue to qualify for the tuition fee waiver for dependents and educational assistance provisions, including School of Continuing Studies
9. while in redeployment, after your layoff date you do not receive any salary so you should apply to EI on the Service Canada website. The University will automatically issue your Record of Employment (ROE) electronically to Service Canada 5-15 days after your final pay.
10. while in redeployment, you can work as a casual or outside the University without any change of your redeployment status. You can apply to UTEMP for short-term staffing opportunities at <https://jobs.utoronto.ca/content/UTemp/>.

## **Option B: Take Enhanced Severance and Termination**

1. your severance is tied to your years of service and will be spelled out in your layoff letter
2. you may continue coverage for some or all of your health care benefits for up to 3 months if you pay both the employee and employer share of the premiums.
3. any outstanding vacation will be paid
4. you can use career transition services for up to 3 months
5. you cannot re-apply to a position at the university until your weeks of severance have passed (i.e.: if you receive 10 week's severance pay, you must wait 10 weeks before applying to other jobs at the university as an external candidate)

## UNDERSTANDING YOUR RIGHTS

1. If you are laid off from a continuing job, you have a right to 18 weeks' paid notice before you are laid off and before you need to make any decisions between taking enhanced severance or staying in the Redeployment Pool.
2. If you are laid off from an externally funded research grant or contract job and the elimination of your job is due to the reduction or elimination of research funding, you have a right to 12 weeks' paid notice before you are laid off and before you need to make any decisions between taking enhanced severance or staying in the Redeployment Pool
3. You have a right to meet with your Union representative immediately after you receive your notice.
4. You have a right to accurate information regarding the organizational change and layoff (see above).
5. You have the right to 18 weeks' career transition services (during the organizational change and layoff notice periods) plus an additional 6 weeks if you stay in the pool following your layoff date. This includes career counselling, training support, resume preparation and external job search support.
6. Upon request, you have the right to a skills assessment facilitated by Human Resources.
7. Upon request, you have the right to up to 7 paid days off work during your layoff notice period for your job search.
8. Upon request, you have the right to a letter of employment within 2 weeks of receiving your notice of layoff.
9. You enter the redeployment pool from the day you receive your notice of organizational change and have the right to an additional 24 months in the pool following your layoff date, if you do not choose termination and enhanced severance. While in redeployment pool, you have preference for positions at your pay band or lower if you meet the minimum qualifications (vs. having to be the most qualified candidate).
10. You have the right to have a Human Resources representative in any job interview where you have redeployment status. Upon request, you have the right to feedback from the HR representative on the interview.

## FILING GRIEVANCES

1. If the University has violated the organizational change or layoff provisions of the collective agreement, you have the right to file a grievance. These grievances are a challenge to argue and win but, if you think the University has violated the collective agreement, you should speak to a Union Steward or one of the Grievance Officers at the Local 1998 office to assess your options.
2. If you apply for jobs (with or without preferred or redeployment pool status) and you are not interviewed, but you feel that you met the minimum qualifications for the position, you can contact the recruiter for that position or ask the Union to contact them on your behalf to find out why you weren't interviewed. If the explanation as to why you were not granted an interview is not satisfactory you have reason to believe that the University has violated the interviewing provisions of the collective agreement, you should speak to a Union Steward or one of the Grievance Officers at the Local 1998 office about the possibility of filing a grievance.
3. If you are interviewed for a position, but not hired, you should request feedback from the HR

Generalist in the interview regarding your interview and any test results. If, after receiving feedback, you still feel that you should have been considered for the position and you have reason to believe that the University has violated the hiring provisions of the collective agreement, you should speak to a Union Steward or one of the Grievance Officers at the Local 1998 office about the possibility of filing a grievance.

## **SPECIAL CIRCUMSTANCES**

### **Members on Pregnancy, Primary Caregiver/Adoption or Parental Leave**

For members who receive notice of organizational change while on a Pregnancy, Primary Caregiver/Adoption or Parental Leave, the six (6) week period of notice shall not take effect until you are finished your leave.

### **Members on sick leave and Long-Term Disability (LTD)**

Members on short term sick leave and can receive notice of organizational change and lay-off. Members on Long-Term Disability (LTD) can receive notice of organizational change while on leave, but do not receive notice of layoff until they are medically cleared to return to work. Then they start their twelve week paid notice period. Normally, members on LTD will be eligible to apply for any new positions or vacancies if they are medically cleared to return to work during the notice of organizational change period.

### **Members who are eligible for early retirement**

If you are eligible for unreduced early retirement before your layoff date, and you choose to terminate your employment with the University, you can also choose to retire with an unreduced pension and receive the Early Retirement Bridge Benefit in addition to getting your enhanced severance. (Please note, the Early Retirement Bridge Benefit is only available to members who take unreduced early retirement on or after December 31, 2020 up to and including April 30, 2021.

### **Members who get another job during your notice period**

When you receive notice of organizational change or lay-off notice, you have redeployment pool status, but have not yet reached your lay-off date and do not have the entitlements as spelled out in article 12:10. If you receive a job offer where the start date is *before* your layoff date, you would have to resign from the position you are getting laid off from. This means the layoff notice and all rights and entitlements flowing from it will be rescinded. The terms and conditions of your new job will apply instead. Note this can be an issue if the new job is a term position at a lower payband. If you wish to have redeployment status and/or severance at the higher payband at the end of the term, you should negotiate a start date for the term job *after* your layoff date to avoid resignation.

## **ADDITIONAL SUPPORTS AND RESOURCES**

### **U of T Career Transition Services**

**Beverly Kahn, Coordinator Career Services**

**Telephone 416 978 0995    Email [b.kahn@utoronto.ca](mailto:b.kahn@utoronto.ca)**

### **Organizational Development and Learning Centre**

**<http://www.odlc.utoronto.ca/>**

**If you at any time you feel overwhelmed, anxious, depressed, sad, frustrated, or alone, please talk to an Employee Assistance Program (EAP) Counselor:**

### **Steelworkers EAP Program, Lifeline Foundation**

**Telephone 416 977 6888    Email [Life\\_line@bellnet.ca](mailto:Life_line@bellnet.ca)**

### **UofT's EAP Program, Homewood Health**

**Telephone 1 800 663 1142 TTY 1 888 384 1152 <http://benefits.hrandequity.utoronto.ca/efap/>**

### **24-hr Crisis & Distress Line**

**Telephone 416 408 HELP (4357)**

## **STILL HAVE QUESTIONS?**

**Contact us: 416-506-9090 Email [info@usw1998.ca](mailto:info@usw1998.ca) Website [usw1998.ca](http://usw1998.ca)**

# SEVERANCE

## Severance: Schedule I

Continuous Years of Service at Date of Layoff	Enhanced Severance Pay Effective Date of Layoff	leaving the re-deployment pool early, as follows:		
		0 - 6 months	6-12 months	12+ months
(years)	(weeks)	(weeks)	(weeks)	(weeks)
0	0	0	0	0
1	2	0	0	0
2	4	0	0	0
3	6	1	1	1
4	8	3	2	2
5	11	7	6	6
6	13	9	7	7
7	15	11	8	8
8	18	13	9	9
9	20	15	12	10
10	26	17	13	11
11	28	19	14	12
12	30	21	16	13
13	32	23	18	15
14	34	25	20	17
15	38	27	22	19
16	42	29	24	21
17	46	31	26	23
18	48	33	28	25
19	50	35	30	27
20	53	37	32	29
21	56	39	34	31
22	57	41	36	33
23	58	43	38	35
24	59	45	40	37
25	60	46	42	39
26	61	47	43	41
27	62	48	44	43
28	63	49	45	45
29	64	50	47	47
30+	65	52	52	52