

Postdoctoral Fellows in Canada: Situations and Actions

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Executive Summary

Postdoctoral fellows are critical to the research enterprise, yet many are denied basic rights due to the evolving nature of fellowships and a lack of oversight. Historically, postdoctoral fellowships were academic apprenticeships, allowing young researchers to learn the ways of an academic under an experienced scientist before embarking on their own independent research career. Over time, as a result of the overproduction of PhDs for limited academic positions and the shift in science towards quantitative metrics, the nature of postdoctoral fellowships has changed: instead of a training program, they now resemble employment positions tasked with the production of research. Unfortunately, legislation and policies have not kept track with this evolution, leaving postdoctoral fellows in an ambiguous area where they are denied access to the rights, benefits and protections of both students and employees: many postdoctoral fellows have no discretionary benefits, including health plans, dental plans and paid parental leave; many have no access to the Employment Insurance and Canadian Pension Plan programs available to all workers in Canada; and many postdoctoral fellows do not even have statutory employment protections, including set hours of work, holidays, unpaid parental leave and the right to justified dismissal. As a result of new provincial legislation, unionization movements and voluntary reforms, positive change has come for many postdoctoral fellows; many more, however, remain in less than favourable situations. There are several actions available, at the federal, provincial and institutional level, to instigate the changes necessary to ensure all postdoctoral fellows receive the basic rights entitled to all individuals in Canada.

Dear Reader,

I am Dr. Peter Clark, a CREATE ChemNET postdoctoral fellow at Simon Fraser University (SFU) in the Department of Chemistry. I attended the 2016 Annual General Meeting of the Canadian Association of Postdoctoral Scholars/l'Association Canadienne des Stagiaires Postdoctoraux (CAPS/ACSP) as a representative of the SFU Postdoctoral Association (PDA) and due to my position as a Member-at-Large of the CAPS/ACSP Executive Committee. I received financial support in this endeavour from the SFU Department of Chemistry and the SFU PDA, through the SFU Office for Graduate Studies and Postdoctoral Fellows.

Following discussions at the meeting, I decided to create a unified source of information regarding the national, provincial and institutional situation of postdoctoral fellows across Canada and funding sources, and to identify action items to improve their position. In Section 1, I summarize the general situation of postdoctoral fellows in Canada, including legal frameworks, changes in the nature of fellowships, taxation, employment status, employment benefits and immigration concerns. Section 2 presents the specific situation of postdoctoral fellows by province, institution and funding body. In Section 3, I propose several actionable items to improve the situation of postdoctoral fellows. Although predominantly from the perspective of postdoctoral fellows at SFU, many of these are applicable to other postdoctoral fellows provincially and nationally. Where possible, I include links to the relevant legislation, statements, policies, rulings, agreements and resources referenced. To the best of my knowledge, the information contained herein is accurate and reliable.

The opinions expressed are my own, and not those of the bodies I represent.

If you have any questions regarding the contents of this article, please contact me at peter.clark.dphil@gmail.com.

Sincerely yours



Dr. Peter Clark

Funded by:



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Glossary

CAPS/ACSP	Canadian Association of Postdoctoral Scholars/l'Association Canadienne des Stagiaires Postdoctoraux
CIHR	Canadian Institutes of Health Research
CPP	Canadian Pension Plan
CRA	Canada Revenue Agency
CRT	Commission des relations du travail, the labour relations board of Quebec
EI	Employment Insurance
External PDF	A postdoctoral fellow who receives funding from Tri-Agencies' grants or other scholarships. These funds may be received directly or they may be administered by the institution of the postdoctoral fellow.
Internal PDF	A postdoctoral fellow who receives funding from their supervisor or institution
International PDF	A postdoctoral fellow who is neither a citizen nor permanent resident of Canada, and requires a work permit to be allowed to work in Canada
IRCC	Immigration, Refugees and Citizenship Canada
Labour relations boards	Provincial agencies tasked with mediating and adjudicating on labour-employer relations. Union certifications are issued through these agencies.
LRBBC	Labour Relations Board of British Columbia
NSERC	Natural Sciences and Engineering Research Council
NOC	National Occupational Classification
PDF	Postdoctoral Fellow
QPIP	Quebec Parental Insurance Plan
QPP	Quebec Pension Plan
SSHRC	Social Sciences and Humanities Research Council
Standard employment protections	Protection for minimum wage, set hours of work, statutory holidays, annual vacation, and unpaid parental leave. Access to Employment Insurance and Canadian or Quebec Pension Plan are included from federal legislation.
TCC	Tax Court of Canada
Tri-Agencies	Tri-Council Granting Agencies, composed of Canadian Institutes of Health Research, National Sciences and Engineering Research Council and Social Sciences and Humanities Research Council

“I’m quite proud of the fact that we’re extending basic human rights to post-doctoral fellows, who do a significant amount of work at universities.”

The Honourable Marlin Schmidt, Advanced Education Minister of Alberta,
on provincial legislation recognizing postdoctoral fellows as employees [April 2017].

1 Situation of Postdoctoral Fellows in Canada

1.1 What is a Postdoctoral Fellow

Postdoctoral fellows (PDFs) are highly-trained researchers based at academic institutions, and are the powerhouses of university research. A postdoctoral fellowship is a research position at an academic institution for doctoral graduates, completed under the supervision of an academic supervisor. It is a mandatory step for those who wish to become an academic at a university, whilst for those orientated at alternative career paths it provides an opportunity to cross-specialise or experience different research. It is not a program of study: no degrees are awarded, no fees are collected, and foreign PDFs operate under a requisite work permit, not a study permit. The positions may be funded either by grants or awards that the PDF applied for personally, or funded through grants the supervisor has been awarded. The primary role of PDFs is in the completion of research, and subsequently presenting their work either in the academic literature or at international conferences. Having completed years of doctoral and other research, PDFs are highly trained researchers, and, due to the time-limited nature of fellowships and the critical importance of producing research in that timeframe, are also highly focused. Collectively, this makes PDFs effective, efficient and driven producers of academic research, strongly advancing the research profile of their institution. In addition to these primary roles, PDFs may also: assist in the teaching of their supervisor's course load; manage research laboratories; supervise undergraduate and graduate students; and assist in writing research grants.

This current situation for PDFs is far removed from the historical origins of postdoctoral fellowships. Originally, postdoctoral fellowships were what would now be viewed as an apprenticeship, with young researchers learning the ways of independent research under the tutelage of an experienced researcher. With time, postdoctoral fellowships became a formal part of the research enterprise and academic systems, although no formal recognition – degrees or titles – is associated with them. The evolution of postdoctoral fellowships has accelerated in recent years because of the overproduction of PhDs for a limited number of academic positions available, and the change in research from qualitative measures – for example, the quality of education provided – to quantitative measures – impact factor and publication record. With the exception of a few fellowship programs, these forces have collectively shifted the emphasis of postdoctoral positions from the training of PDFs to the production of research. This is demonstrated by the roles, responsibilities and training provided for PDFs and their young research counterparts in industry being almost identical. The nature of postdoctoral fellowships has changed from that of an educational program to that of an employment situation; however, without the requisite legislative and policy changes to reflect these changes, many PDFs now find themselves in significantly disadvantaged positions.

1.2 Definitions and Legislative Framework

It is important to define the two types of PDFs in Canada, which differ only in the source of their funding. PDFs who receive their funding internally from their supervisor or their institution are variously called Grant PDFs, Grant-funded PDFs or PDF Employees, amongst other titles. For the purposes of this report, these PDFs will be collectively referred to as “Internal PDFs.” PDFs who receive their funding externally from fellowships, or from the Canadian Institute of Health Research (CIHR), the Natural Sciences and Engineering Research Council (NSERC) or the Social Sciences and Humanities Research Council (SSHRC) – here collectively referred to as the Tri-Agencies – are variously called PDF Award Recipients, training award holders or Externally-Funded PDFs, amongst

other titles. For the purposes of this report, these PDFs will be collectively referred to as “External PDFs.” Tri-Agency or alternative sources of funding may be administered by universities; however, the recipient PDFs are still considered as External PDFs. Although this distinction - the source of funding - is the only difference between Internal and External PDFs, it has enormous ramifications with regards to employment status and benefits.

Policies defining the situation of PDFs span federal and provincial governments, institutions, funding bodies and supervisors. Legislation relating to PDFs spans both levels of government: under the Constitution of Canada, the federal government is responsible for legislation regarding taxation, immigration, Employment Insurance (EI), the Canadian Pension Plan (CPP) and labour unions, whereas higher education and the labour code is the responsibility of provincial bodies [[Constitution Act](#)]. Although responsibility for labour law is predominantly in the domain of provincial governments, unionized employees are under federal jurisdiction, as the freedom of association is a fundamental guarantee under the Constitution [[Fundamental Freedoms](#)]. In Quebec, the Quebec Parental Insurance Plan (QPIP) operates in place of EI, and the Quebec Pension Plan (QPP) in place of CPP. Whilst adhering to all legislation, statements and rulings from governmental agencies, funding bodies and institutions dictate their own postdoctoral policies, with some interplay between these policies depending on the situation. Lastly, in some arrangements, supervisors define the final situation of their PDFs. As will be evidenced in the report, policies are absent at several of the levels specified, often leaving ultimate decision-making to institutions and supervisors.

1.3 Taxation

The changing nature of PDFs was reinforced at the federal level by the withdrawal of tax exemption status on stipends. Previously, postdoctoral fellowships were eligible for the scholarship tax exemption as afforded to student stipends, and not subject to taxation. In the Budget released March 2010, legislative changes were announced that postdoctoral fellowships were no longer eligible for the exemption, as they did not lead to a degree [[Budget 2010, Income Tax Technical Information](#)]. At the time, this change represented an approximate \$5000 pay cut for the average PDF in Canada. This legislative change in taxation was subsequently challenged in the Tax Court of Canada (TCC): it was judged that the income of PDFs was indeed received as a result of work performed, and as such the government was justified in taxing this as employment income [[Chabaud v The Queen 2011](#)]. This judgement was echoed in a subsequent TCC ruling on a position prior to the 2010 change [[Caropreso, 2012](#)]. As such, all PDFs in Canada, and those receiving Tri-Agencies fellowships abroad, pay income tax on their stipends without exception. Although the federal government began treating PDFs as employees from the perspective of taxation, this apparent change in stance was never formalised, detailed or referenced in any government communications, leaving PDFs in a legislative blackhole.

1.4 Employment Status

A finite status is essential to receive the benefits and protections afforded to specific groups under Canadian federal and provincial legislation. In Canada, specific protections and benefits are granted to almost all legal groups within the country - children, employees, students, refugees, and First Nations to name a few – with all members of these groups entitled to all the benefits of that group. The two statuses of relevance to PDFs are ‘*student*’ and ‘*employee*.’ Students in Canada are entitled to a scholarship exemption on their stipends from taxation, as well as access to institutional health plans and other benefits including public transport costs. In comparison, employee salaries are subject to taxation, but all employees are part of the EI/QPIP and CPP/QPP programs, have

protections afforded by the provincial labour codes, are eligible for institutional health and benefit plans, and have the option to join unions and engage in collective bargaining.

To be eligible for these group benefits, PDFs need to be students or employees, but the majority are neither. Both historically and currently, PDFs are not recognized as students as their positions do not lead to a formal recognition - a title, certificate or award - making PDFs ineligible for student benefits. Historically, PDFs were designated as trainees and were extended the same scholarship exemption as students; this was removed by the federal government and the Canadian Revenue Agency (CRA) in 2010, and supported in rulings by the TCC. The only other mention of PDFs in any Canadian federal documents is on an immigration form: PDFs are specifically mentioned on the Canadian work permit application form, which any PDFs who lack the right to work in Canada (International PDFs) require [IMM5895]. In this respect, it is evidenced that the CRA, the TCC and Immigration, Refugees and Citizenship Canada (IRCC) consider PDFs employees in at least some aspects and situations. This stance, however, is not stated, described or explained in any further official legislation or policies. That said, the role of the federal government in defining the position of PDFs beyond this is potentially limited, given the devolution of powers in Canada.

In the absence of any federal guidance, the employment status of each individual PDF depends on their funding source, their province, their institute and their supervisor. The range of situations of PDFs with regards to employment status are summarised below. The source of funding has a defining role in this, and provides the key partitioning of the following sections.

1.4.1 Internal PDFs

Although higher education and the labour code are under the provincial mandate, only one province has legislation that includes PDFs. Prior to 2017, PDFs featured in no provincial legislation in Canada. This changed with the recent implementation of *'Bill 7, An Act to Enhance Post-Secondary Academic Bargaining'* in Alberta, which enacted changes to the Post-Secondary Learning Act in the wake of a Supreme Court ruling on the right to strike [Section 2.1.1]. Because of these changes, PDFs in the province have a mandated status as employees of the board of governors of their university, with the postdoctoral association at each institution forming the union for these new employees. These changes apply to the PDFs at Athabasca University, University of Alberta, University of Calgary, and the University of Lethbridge. The legislation makes no distinction between PDFs based on their funding source, so currently this applies to both Internal and External PDFs. Given the recent nature of this change, and the absence of rulings in favour of the employment status of External PDFs in labour relations board rulings, the application of this legislation to External PDFs is likely to be strongly contested by the institutions.

In the absence of any other provincial oversight, institutions and supervisors have control over the policies and situations of their PDFs, unless otherwise bound by labour relations board rulings. Several institutions across the country have voluntarily made their Internal PDFs employees of the university. These institutions are Bishop's University, Brock University, Concordia University, Ryerson University, Université du Québec à Trois-Rivières, University of British Columbia, University of Northern British Columbia and the University of Ottawa. A few institutions have instead specified that their Internal PDFs, whilst not employees of the institution, are employees of their supervisors. This is the situation at Simon Fraser University, University of Victoria and Vancouver Island University.

Internal PDFs at a range of institutions have received employee status as a result of unionization. As a part of the union certification process, a ruling must be made by labour relations boards on

whether Internal PDFs are employees of their institution; this is commonly the main argument used by universities to oppose certification. In all cases brought before labour relations boards in Canada to date, the boards have ruled that Internal PDFs are employees of their institutions, granting employee status to these PDFs. Although this is the general sequence of events surrounding unionization of Internal PDFs, it has not been possible to publicly establish whether some universities voluntarily granted employee status before unionization. Notwithstanding this, Internal PDFs have employee status through union association at Dalhousie University, Carlton University, École polytechnique de Montréal, McMaster University, McGill University, Memorial University of Newfoundland, Queen's University, Thompson Rivers University, Trent University, Université de Montréal, Université de Sherbrooke, Université du Québec à Chicoutimi, Université du Québec à Montréal, Université du Québec à Rimouski, Université Laval, University of Saskatchewan and the University of Toronto. For those Internal PDFs who decide not to join unions, it is unclear whether they receive employee status notwithstanding this because of the labour relations board ruling.

The employment status of Internal PDFs at the remaining institutions in Canada is not clear. Acadia University and Université du Québec en Outaouais specify that their PDFs are not employees of the institution, or eligible for employee benefits. They may be specified as employees of their supervisors depending on their contracts, however this is not mandated by institutional policies. This is the same situation as faced by Internal PDFs at institutions where policies do not specify the employment status, or where no policies exist. This is the situation at Cape Breton University, Capilano University, HEC Montréal, Institut national de la recherche scientifique, Lakehead University, Laurentian University, Mount Allison University, Mount Saint Vincent University, Nova Scotia College of Art and Design, Nipissing University, Ontario College of Art & Design, Royal Roads University, Saint Francis Xavier University, Saint Mary's University, TÉLUQ, Université de Moncton, Université du Québec en Abitibi-Témiscamingue, University of Guelph, University of Manitoba, University of New Brunswick, University of Regina, University of Prince Edward Island, University of the Fraser Valley, University of Winnipeg, Wilfrid Laurier University and Yukon College.

1.4.2 External PDFs

The employment status of External PDFs is more uniform across the country: they are neither students nor employees. Except for Mitacs Science Policy PDFs, who may potentially be classed as employees of their host governmental institution, no funding bodies specify the employment status of their PDFs, nor contribute any evidence in favour of employment status. The labour relations board rulings on union certification have all involved either only Internal PDFs from the outset, or have removed External PDFs from the definition of the bargaining unit during discussions, often because a clear remuneration for services arrangement is not evident as they are paid by an external source, and questions over who has control of the work. To the best of my knowledge, no External PDF in Canada has received employment status as a result of a labour relations board ruling.

The only exception to this lack of status is in the province of Alberta with the recent legislative changes there, but whether this exception continues is yet to be seen. The provincial changes in Alberta made no distinction between PDFs based on funding source, so the legislation currently extends employee status to External PDFs. However, given the recent nature of this change, and the absence of labour relations boards rulings and arguments supporting the case of External PDFs being employees of their institution, it is expected that universities in the province will aim for a narrower interpretation of the legislation to exclude External PDFs. This change would affect External PDFs at Athabasca University, University of Alberta, University of Calgary and University of Lethbridge.

In the absence of requirements from funding bodies, labour relations boards and provincial governments, except currently those in Alberta, no other External PDFs in Canada have employee status to the best of my knowledge.

1.5 Employment Benefits

All employees in Canada are eligible for a range of federally mandated benefits and protections, including EI/QPIP. EI is an income assistance system for workers in Canada who find themselves unable to work [EI]. All employees in the country with insurable forms of earnings pay a 1.88% premium to EI whilst they work, with their employers contributing 1.4 times this value. In return, workers are eligible for EI benefits when they find themselves unemployed or unable to work through no fault of their own. Provided minimum criteria are met, individuals are entitled to 55% of their average insurable weekly wages for a period of 14-45 weeks depending on the region [Regular benefits]. Similar benefits are available for those taking parental leave [Maternal and Parental], sickness benefits [Sickness], and compassionate care [Compassionate]. The only exception for enrolment in this program is those employees in the province of Quebec, which from 2016 are instead covered by QPIP, which conveys improved benefits and extends to self-employed workers [QPIP Act]. An important caveat to highlight here is the requirement for the worker to have the right to work in Canada to claim any of the benefits; for International PDFs, this means benefits can only be claimed whilst they have a valid work permit or have received permanent residency that entitles them to work in Canada.

Employees in Canada similarly have mandatory enrolment in and access to pension plans, including the CPP or QPP. CPP is a federally legislated, compulsory pension plan for all workers in Canada [CPP]. Contributions to the social security program are mandatory for all workers over 18, with the employee paying a 4.95% contribution from their wages, which is matched by their employer, on the first \$55300 of yearly wages. In return, from the age of 60 onwards, workers receive a pension payment at 25% of their average wage during the contributing years. A recent CPP Enhancement has been passed, which from 2019 increases contributions to 5.95% on the first \$69700 of wages, but which pays 33% of yearly wages when claimed [CPP Enhancement]. In addition to the pension, CPP also covers a disability benefit [Disability], survivor's pension [Survivor], a death benefit [Death] and children's benefits [Children]. In Quebec, QPP is very similar to CPP, except the current contribution rate is 5.325% of earnings, and there are some differences in specific benefit payments [Act r. QPP]. The federal and provincial pension plans are in addition to private pension plans offered by businesses, which are regulated in each province under provincial legislations, and other social security payments, such as the Old Age Security Pension [OASA].

In addition to these federal programs, all employees are protected by the labour laws of the province in which they work. The division of powers in Canada leaves jurisdiction for the labour code to provincial governments. Although the exact pieces of legislation have some differences [Section 2.1], they all afford a set of standard employment protections: protection for minimum wage; set hours of work; statutory holidays; annual vacation; and access to unpaid parental leave. As with the federal programs, these protections apply to all employees in the province without omission. With regards to PDFs and access to EI/QPIP, CPP/QPP and standard employment protections, it does not matter *who* is their employer, only that they are technically the employee of *someone*.

Alongside the federally and provincially mandated employment benefits can be those negotiated with or directly offered by employers. Such additional benefits include the likes of: assistance with provincial or private health insurance; assistance with extended health insurance; assistance with

dental plans; access to university health plans; access to university benefit programs; access to institutional pension plans; guaranteed wage equality; discrimination and harassment protections; termination protections; and pay scaling. Access to these benefits can be offered either as an established part of university policies, guaranteed to all relevant PDFs, or they can be offered in contracts at the discretion of supervisors. The details of the latter arrangements are not publicly available.

As with employment status, the employment benefits and protections available to PDFs in Canada is heavily dependent on the individual situation of a PDF. Although the exact benefits available to each PDF cannot always be publicly determined, the range of situations faced by PDFs in Canada are summarised below. As before, the source of funding has a defining role in this, and provides the key partitioning of the following sections.

1.5.1 Internal PDFs

The most comprehensive benefit packages are available to those Internal PDFs who are members of unions, due to collective bargaining with their institutions. In addition to federal and provincial labour benefits and protections as a result of employee status, the resulting collective agreements often include access to many of the non-discretionary benefits and institutional programs listed previously. To date, collective agreements cover the Internal PDFs at Carleton University, Dalhousie University, École polytechnique de Montréal, McGill University, McMaster's University, Memorial University of Newfoundland, Queen's University, Thompson Rivers University, Trent University, Université de Montréal, Université de Sherbrooke, Université du Québec à Chicoutimi, Université du Québec à Montréal, Université du Québec à Rimouski, Université Laval, University of Toronto, University of Western Ontario and York University. Due to recent union accreditation, Internal PDFs at the University of Saskatchewan are currently in collective bargaining with their institution. Similarly, because of the recent provincial changes in Alberta, it is expected Internal PDFs at Athabasca University, University of Alberta, University of Calgary and the University of Lethbridge will be shortly entering into discussions with their institutions towards collective agreements.

A range of institutions have offered benefits to, or withheld benefits from, their Internal PDFs by voluntarily defining their employer. Some universities have defined their Internal PDFs as employees of the institution, entitling them to all federal and provincial protections, in addition to a range of specified institutional benefits. This is the situation at Bishop's University, Brock University, Concordia University, Institut national de la recherche scientifique, Ryerson University, University of British Columbia, University of Northern British Columbia, Université du Québec à Trois-Rivières, University of Prince Edward Island and University of Waterloo. At Simon Fraser University, University of Victoria and Vancouver Island University, Internal PDFs are instead defined as employees of their supervisors, ensuring that the Internal PDFs are covered by all federal and provincial employment protections, but denies them access to institutional benefits. This is a marked improvement over those institutions that have clearly defined their Internal PDFs as neither employees of the university nor their supervisors. As a result, Internal PDFs at Acadia University, Lakehead University, Université du Québec en Outaouais, University of New Brunswick, University of Ontario Institute of Technology and University of Windsor have no guaranteed access to EI/QPIP, CPP/QPP, standard employment protections or non-discretionary benefits. Supervisors may offer some or all of these benefits on an individual basis, but these are not guaranteed by any university policies.

The situation of Internal PDFs at a large number of universities has either not been defined or is unclear based on institutional policy. As for the aforementioned group, these Internal PDFs have no

guaranteed access to any employment benefits or protections, unless specified in contracts. This is the situation for Internal PDFs at Cape Breton University, Capilano University, École de technologie supérieure, HEC Montréal, Laurentian University, Mount Allison University, Mount Saint Vincent University, Nova Scotia College of Art and Design, Nipissing University, Ontario College of Art & Design, Royal Roads University, Saint Francis Xavier University, Saint Mary's University, Saint Paul University, TÉLUQ, Université de Moncton, Université du Québec en Abitibi-Témiscamingue, University of Guelph, University of Manitoba, University of Ottawa, University of Regina, University of the Fraser Valley, University of Winnipeg, Wilfrid Laurier University and Yukon College.

As stated previously, except those already bound by collective agreements, further benefits may be offered by supervisors on an individual basis, but this is neither guaranteed by policies or publicly available, with no availability for oversight of the situation of these PDFs.

1.5.2 External PDFs

As for employment status, the employment benefits available to External PDFs across the country are quite uniform: they have almost none. With the possible exception of those External PDFs in Alberta and members of the Mitacs Science Policy Fellowship, no External PDFs in Canada have employee status, and subsequently have no access to EI/QPIP, CPP/QPP or any standard labour protections. The labour relations board rulings on union certification have all involved either only Internal PDFs, or External PDFs have been removed from the definition of the bargaining unit, due to the absence of a clear remuneration for services arrangement and control of the work. To the best of my knowledge, no External PDF in Canada has received employment status as a result of a labour relations board ruling. Further, no institution in Canada has voluntarily granted External PDFs employee status, eliminating all access to basic employment benefits.

The majority of External PDFs in Canada are funded by the Tri-Agencies; however, their policies give limited benefits for External PDFs. The Tri-Agencies now offer their External PDFs up to six months paid parental leave; however, the policy adds the qualifier that this is subject to the availability of agency funds, and for NSERC and SSHRC this is paid out of the grant funds. Besides this, no additional benefits are offered to External PDFs by the Tri-Agencies to counter the effect of lost coverage by federal and provincial employment mandates and other non-discretionary benefits. In some instances, Tri-Agencies policies and institutional policies have been specified such that grant money cannot be used to support non-discretionary benefits, such as health insurance contributions.

The policies of the Tri-Agencies for the most part leaves the employment benefits of External PDFs at the discretion of their host institutions. No employment benefits are offered by institutions to their External PDF, with only the following three exceptions:

- The University of British Columbia offers some EI-like benefits and access to extended health plans, dental plans and their Employee and Family Assistance Program to their External PDFs.
- McMaster's University ensures all External PDFs have access to health insurance, either through the Ontario Health Insurance Plan or through the Universities Health Insurance Plan.
- The University of Waterloo may extend some employment benefits to their External PDFs, in part depending on the length of their contract.

For External PDFs receiving funding from alternative sources, they are dependent on the policies of their funding agency.

1.6 Immigration

All PDFs need to be entitled to work in Canada to complete their postdoctoral fellowship. For Canadian PDFs, this right is conveyed by citizenship. International PDFs, however, require either a work permit or Permanent Residency. Those International PDFs with spouses or familial ties to Canada may be eligible for Permanent Residency immediately [[Sponsorship](#)]. Most International PDFs, however, will require a work permit [[IMM5895](#)]. An employer-specific work permit is usually applied for in conjunction with the host institution under the International Mobility Program [[IMP](#)]. Although Labour Market Impact Assessments are usually required for work permit applications for foreign nationals, International PDFs are exempt from this requirement due to exemption C44, 'Post-doctoral fellows awarded a Doctorate of Philosophy (Ph.D.) and research award recipients' [[C44](#)]. Given their special status, these work permit applications are typically processed quickly provided all the documentation is in order.

One area of uncertainty in the work permit process arises because of the employment status of International PDFs. When International PDFs apply for a work permit, a business at which the worker will be employed must be listed; in many cases, this is listed as the institution at which the fellowship is to be completed. However, in many instances for Internal PDFs and for almost all External PDFs, institutional policies stipulate that the PDFs are not employees of this institution. I am unsure whether this existing practice by institutions in Canada – stating they are the PDFs employers to IRCC, whilst having internal policies that state they are not their employers – counts as both making misrepresentations to IRCC and counselling misrepresentations from International PDFs to IRCC. Both charges involve the potential for financial penalties and incarceration. Given this would affect both International PDFs and the host institutes, clarification on this issue should be sought immediately.

With applications for all forms of immigration, whether initial work permits or subsequent applications for Permanent Residency, National Occupation Codes (NOC) need to be applied to all forms of employment. NOCs are a classification system used to designate the type of work performed by workers [[NOC](#)]. As per the C44 exemption, PDFs are listed under NOC '4011 – University Professors and Lecturers,' which includes the exemplary title 'Postdoctoral Fellow' [[4011](#)]. Although this would not readily appear to apply to PDFs, one of the duties listed is "conduct research in a field of specialization and publish findings in scholarly journals or books," which describes the roles of PDFs and is sufficient to qualify them for that NOC code. There are several other NOC codes that more closely describe the duties of PDFs, often those assigned for research scientists – for example, NOC '2112 – Chemists' for PDFs in Chemistry. In these NOCs, however, the exemplary title 'Postdoctoral Fellow' is often not included. Depending on the particular combination of position titles and NOC codes, complications may arise when applications for immigration or the C44 exemption are scrutinised by immigration officials. As many International PDFs begin families in Canada during their fellowships and elect to stay in the country, it is critically important that the correct NOC codes are used with the right permits to avoid complications when applying for Permanent Residency.

The ambiguity and lack of knowledge surrounding PDFs outside of academia is summarised well by a guidance page on the Canadian Immigration and Citizenship website. A question had been posed asking "I have a PhD and I am in a post-doctoral program. Do I qualify for the Canadian Experience Class [Express Entry programme]?" [[Help Centre](#)]. The official response from CIC was that "Work experience gained while you were on a study permit will not count towards meeting the Canadian Experience Class requirements." As all International PDFs in Canada are aware, fellowships must be

completed under a requisite work permit, which are issued by the same department that gave this guidance; thus, a PDF is not on a study permit, although that is what the CIC response implies. Although some are aware this response is erroneous, likely not all PDFs will be aware of the truth and could be discouraged as a result of this page.

1.1 Other Notable Information

PDFs have been included in a recent national review of science in Canada, however no real PDF issues were addressed. The Honourable Kirsty Duncan, Minister of Science, commissioned the Fundamental Science Review to assess the Canadian research ecosystem in 2016 [[Fundamental Science Review](#)]. The final report, *Investing in Canada's Future – Strengthening the Foundation of Canadian Research*, chaired by Dr. David Naylor, was released on April 10, 2017 [[Naylor Report](#)]. The major emphasis of the report was on the need for increased funding in research in Canada, which included calls for increased funding in postdoctoral fellowships. However, aside from some comments on the need to harmonise fellowships and their policies across the funding agencies, no substantive postdoctoral issues were discussed, nor recommendations made towards them, despite submissions to and discussions with the panel regarding them.

2 Specific Situations of Postdoctoral Fellows across Canada

As summarised above, the situation of PDFs differs by funding body, province and institution. Detailed below are the relevant legislation, policies and agreements covering the PDFs at higher education institutions across Canada. These are current up to the time of publication of this document (October 2, 2017).

2.1 By Province

2.1.1 Alberta

Alberta is the only province to have legislation that includes PDFs, though this has only occurred recently and is still being implemented. All employees in the province are covered by the Employment Standards Code for Alberta, which ensures all standard employee protections [[Alberta ESC](#)]. The legislation overseeing academic institutions in the province is the Post-Secondary Learning Act, which historically included no reference to PDFs [[PSLA Alberta](#)]. Recently, a Supreme Court ruling stipulated that the right to strike was constitutionally-protected by the Canadian Charter of Rights [[SFL v Sask](#)]; due to the structuring and contents of the laws in Alberta, this placed the PSLA in violation of federal law, due to limits on the rights of graduate students and faculty to strike. After a period of consultation, ‘*Bill 7, An Act to Enhance Post-secondary Academic Bargaining*,’ was ultimately drafted and received Royal Assent on May 4, 2017 [[Bill 7](#)]. In addition to rectifying the constitutional issues in the PSLA, the Bill also stated that PDFs were employees of the board of governors of their university, and that the postdoctoral associations would be their bargaining agents. In essence, this Bill granted employee benefits to PDFs in Alberta and unionized them. It is important to note that the Bill does not distinguish PDFs based on funding source, and these changes should apply equally to both Internal and External PDFs. Given the importance of a clear remuneration for services arrangement in labour relations board rulings, and the importance of who is seen to have control of the work, it is expected that the universities of Alberta will challenge the application of this Bill to External PDFs. Notably, the designation “trainee” has not been specified in the Bill, which provides an avenue for universities to define a new group for External PDFs that they can argue is not bound by the Bill. The final application of the law will be evident in time.

As an aside, I would like to highlight the following comment made by the Honourable Marlin Schmidt, the Minister of Advanced Education in Alberta, after Bill 7 received Royal Assent: *“I’m quite proud of the fact that we’re extending basic human rights to post-doctoral fellows, who do a significant amount of work at universities”* [[EJ 7 Apr 2017](#)]. Although not intended as such, it is a damning encapsulation of the postdoctoral situation in Canada.

Although institutional changes are coming in the province, these have yet to be finalised or implemented, so the existing policies are still in operation. The University of Alberta and the University of Lethbridge specifically define their PDFs as trainees without benefits [[UA PDF Policy](#), [UL PDF Policy](#)]. PDFs are also designated as trainees at the University of Calgary, however they have stipulated access to extended health benefits to supplement those covered by the Alberta Health Care Insurance Plan, paid for by the supervisor [[UC PDF Benefits](#)]. Athabasca University has PDFs or PDF positions advertised, however they have no formal PDF policy, whereas at Concordia University of Edmonton, Grant MacEwan University, Mount Royal University and The King’s University there is neither evidence of PDFs being present nor is there official PDF policies. As stated previously, all these policies must be amended in light of Bill 7.

2.1.2 British Columbia

In British Columbia, higher education is jointly governed by the University Act [[BC University Act](#)] and the College and Institute Act [[BC College and Institute Act](#)]; neither piece of legislation references PDFs. The Employment Standards Act of British Columbia is the provincial labour code extending standard employment protections to workers in the province [[BC ESA Act](#)]. This is the only provincial legislation that specifies access to the EI and CPP programs, however these are ensured by the federal legislation irrespective of this.

The first national evidence of voluntary employment status change occurred at the University of British Columbia. After repeated submissions from, and in conjunction with, their postdoctoral association [[UBC PDA Newsletter](#)], the University of British Columbia voluntarily changed their policies: from April 1 2010, all Internal PDFs were to be classified as employees of the university with access to all institutional benefit and assistance packages, and that all PDFs at UBC would be eligible for benefits [[UBC PDF Policy](#)]. The Internal PDFs there are not currently unionized, being neither members of the Faculty Association nor having their own union. Although External PDFs do not have access to EI and CPP, the University established an Extraordinary Expense Fund to supply some EI-like benefits [[UBC EEF](#)], including giving access to extended health and dental plans, and access to their Employee and Family Assistance Program. To date, this is the most favourable situation for PDFs in Canada.

Although this is one of the only examples of benefits being extended to External PDFs in the country, there are other instances of Internal PDFs receiving benefits in British Columbia. At Thompson Rivers University, a letter of understanding states that PDFs (assumed Internal PDFs only) at the University are covered by the arrangements of the Thompson Rivers University Faculty Association collective agreement [[TRUFA Letter of Understanding](#)]. Although it is not stated that they are employees of the University, they receive health, welfare and pension benefits, all of which are contributed by the institution. At the University of Northern British Columbia, Internal PDFs are specified as employees of the University and receive all statutory benefits, though the employer contributions to these are funded from the supervisor's grants [[UNBC PDF Guide](#)]. Further additional benefits, such as extended health coverage, is dependent upon the supervisor.

The remainder of the postdoctoral policies in the province firmly state that PDFs are not employees of their institutions, with any non-discretionary benefits dependent solely on their supervisor. At Simon Fraser University, Internal PDFs are specified as employees of the grant holder and not bound by the University's employment benefits, though these may be offered at the discretion of the grant holder [[SFU Postdoctoral Policy](#)]. They also have no voting privileges with respect to elections for members of Senate, the Board of Governors, or other University bodies, nor any representation on these aforementioned bodies. Similarly, Vancouver Island University policy stipulates that Internal PDFs are employees of the researcher who has funded the PDF [[VIU Research Personnel](#)], whilst the University of Victoria stipulates that Internal PDFs are employees of their supervisors [[UVic PDF policies](#)].

Capilano University, Royal Roads University and the University of the Fraser Valley all have PDFs or PDF positions advertised, however they have no formal PDF policy. At the British Columbia Institute of Technology, Emily Carr University of Art and Design, Fairleigh Dickinson University, Kwantlen Polytechnic University, Quest University Canada, Trinity Western University and University Canada West there is no evidence of PDFs currently serving at these institutions, and they also have no official PDF policy.

2.1.3 Manitoba

In Manitoba, the post-secondary education system is legislated under the Advanced Education Administration Act [[Manitoba AEAA](#)], which contains no reference to PDFs. Below this governing article are individual Acts for each advanced education institute, none of which reference PDFs: the Brandon University Act [[BUA](#)]; the Mennonite College Federation Act [[MCFA](#)]; the University College of the North Act [[UCNA](#)]; the University of Manitoba Act [[UMA](#)]; and the University of Winnipeg Act [[UWA](#)]. All employees in the province are covered by the Employment Standards Code of Manitoba [[Manitoba ESC](#)], which covers all standard employment protections. In addition to there being no reference to PDFs in provincial policies, there are no institutional PDF policies in the province. Both the University of Manitoba and the University of Winnipeg have PDFs or PDF positions advertised, however they have no formal PDF policy. At Brandon University, Canadian Mennonite University and University College of the North there is no evidence of PDFs or PDF policies.

2.1.4 New Brunswick

Institutions in the province of New Brunswick have the power to confer degrees under the New Brunswick Degree Granting Act [[NB DGA](#)]. A specific Act regarding the University of New Brunswick has also been passed by the legislature [[UNBA](#)], although similar Acts for the remaining institutions in the province were not found. Neither of these pieces of legislation were found to reference PDFs. All employees in the province, including Internal PDFs, are protected by the New Brunswick Employment Standards Act, which covers all standard employment protections [[NB ESA](#)].

The University of New Brunswick PDF policy clearly states that PDFs are not employees of the University, that their remuneration package is a fellowship and not employment income, and that they are not eligible for the faculty benefit plans [[UNB PDF Policy](#)]. Furthermore, they state that payments to PDFs will be “*considered fellowship rather than employment income for income tax purposes.*” I have been unable to establish if this means that PDFs at this institution pay tax on their stipends, which would be in violation of federal legislation and rulings. Elsewhere in the province, Mount Allison University and the Université de Moncton both have evidence of PDFs or PDF positions advertised, however neither has a formal PDF policy. Crandall University has no evidence of PDFs currently serving at this institution, in addition to an absence of official PDF policy.

2.1.5 Newfoundland and Labrador

In this province, the right for institutions to grant degrees is legislated in the Newfoundland and Labrador Degree Granting Act [[NL DGA](#)]. Further to this, legislation was passed for the governance of Memorial University of Newfoundland, the only university in the province [[MUA](#)]. Neither piece of legislation references PDFs. The Newfoundland and Labrador Labour Standards Act [[NL LSA](#)] ensures standard employment protections for workers in the province.

Internal PDFs at Memorial University of Newfoundland were certified to join the Lecturers’ Union of Memorial University of Newfoundland on April 26, 2012 [[LUMUN](#)]. I have been unable to locate the official ruling of the Newfoundland and Labrador Labour Relations Board in this situation, but it is a reasonable assumption that the Board would have had to confirm the status of Internal PDFs as employees of the institution before granting admission to the union. Subsequently, a collective agreement was struck with the University on January 15, 2014 [[LUMUN-MUN CA for PDFs](#)]. External PDFs are not eligible for the benefits of the collective agreement or other University benefits, though some forms of leave may be mutually agreed upon with their supervisors [[Honorary PDF Guidelines](#)].

2.1.6 Northwest Territories and Nunavut

There are no universities in the Northwest Territories and Nunavut, only colleges. Furthermore, there is no evidence of PDFs, nor official PDF policies, at these colleges.

2.1.7 Nova Scotia

In Nova Scotia, the Degree Granting Act legislates all academic institutions in the province [[DGA](#)]. To supplement this, Acts governing many of the individual institutions have also been passed, including: the Acadia University Act [[AUA](#)]; the Cape Breton University Act [[CBUA](#)]; the Dalhousie College & University Act [[DCUA](#)]; the Mount Saint Vincent University Act [[MSVUA](#)]; the Nova Scotia College of Art and Design Act [[NSCADA](#)]; the St Francis Xavier University Act [[SFXUA](#)]; the Saint Mary's University Act [[SMUA](#)]; the Université Sainte-Anne Act [[USAA](#)]; and the University of King's College Act [[UKCA](#)]. These pieces of legislation have no reference to PDFs. In the province, all standard employment protections are extended to employees under the Labour Standards Code [[NS Labour Standards Code](#)].

The majority of institutions in the province have no publicly-available PDF policy. At Dalhousie University, the Internal PDFs unionized in October, 2014, forming PSAC Local 86001, and are currently under a collective agreement that entitles them to full benefits [[Dalhousie CA](#)]. In contrast, Acadia University specifies that PDFs are not eligible for employee benefit plans [[Acadia PDF Policy](#)]. Besides these two instances, there are no other PDF policies in the province. Mount Saint Vincent University, Nova Scotia College of Art and Design, Saint Mary's University, St Francis Xavier University and Cape Breton University have evidence of PDFs or PDF positions advertised, yet have no formal PDF policy. Similarly, the Atlantic School of Theology, University of King's College and Université Sainte-Anne have no PDF policies, however, there is also no evidence of PDFs serving at these institutions.

2.1.8 Ontario

In Ontario, there are several pieces of legislation that cover higher education in the province. The Post-Secondary Education Choice and Excellence Act covers the authority for institutions to grant degrees [[Ontario PSECEA](#)], with the Private Career Colleges Act [[PCCA](#)] and the Ontario Colleges of Applied Arts and Technology Act [[OCAATA](#)] applying specific legislation for some of these subgroups. Each university can either be granted permission by the Minister of Training, Colleges and Universities, or through an Act of the Assembly; a number of universities have received such Acts, including Algoma University [[AUA](#)], the University of Ontario Institute of Technology [[UOITA](#)], and the Ontario College of Art and Design [[OCADUA](#)]. Additionally, all the universities in the province have agreed on Strategic Mandate Agreements with the provincial government, to highlight institutional priorities [[SMA](#)]. I have been unable to find a reference to PDFs in any of these documents. In the province, all standard employment protections are guaranteed under the Employment Standards Act [[Ontario ESA](#)].

The first unionization of Internal PDFs in Canada occurred at McMaster's University in 2007 when Internal PDFs applied for and were certified to create a union [[CUPE v MU 2008](#), [CUPE v MU 2008](#)]. They joined and formed Unit 3 of CUPE Local 3906 [[CUPE 3906 Unit 3](#)], and have now been covered by a sequence of collective agreements with the University that convey a considerable range of benefits [[2016-2019](#)]. Whilst not allowing for full benefits, McMaster University also ensures that all External PDFs have access to health insurance, either through the Ontario Health Insurance Plan or

through enrollment in the Universities Health Insurance Plan, which is paid for by the supervisor [[MU PDF Policy](#)].

This initial unionization event was followed by the Internal PDFs at the University of Toronto seeking certification in 2009 [[CUPE v UT 2009](#)]. The University opposed this application on the ground that PDFs were not employees and hence could not join a union. After two years of deliberations, the Ontario Labour Relations Board ruled that PDFs were employees of the University [[CUPE v UT, 2012](#)], and permitted to form a new bargaining unit of CUPE [[CUPE v UT 2013](#)]. The key determinants of the ruling were the remuneration for the provision of services, and direction and control of the work, which was decided to reside with the payee. Further, the training provided was not different to that of any other research position, and was not sufficient to negate the inherent employer-employee relationship. Through membership of CUPE 3902 Unit 5, Internal PDFs at the University are now covered by a collective agreement [[UT CA](#)]. External PDFs are not bound by this agreement, and receive no benefits at the University [[UT PDF Policy](#)].

The Carleton University Postdoctoral Association also applied for union certification, through this required significantly more legal proceedings. In response to initial applications, Carleton University challenged the application on the ground that the Executive Committee had “hijacked” the association; this challenge was subsequently quashed, though the status of External PDFs was to be negotiated subsequently between the parties [[CUPA v CU 2012](#), [CUPA v CU 2013](#)]. A number of other proceedings were required towards accreditation [[CUPA v CU 2014](#)], including: the University initially barring the Association from getting personal information from all PDFs at the University [[CUPA v CU 2013](#)]; an adjournment until the labour relations board made a ruling on whether they constituted a trade union [[CUPA v CU 2012](#)]; an extension for final resolution of the bargaining unit [[CUPA v CU 2014](#)]; a final vote on unionization [[CUPA v CU 2014](#)]; and the ultimate issuance of a certificate [[CUPA v CU 2014](#)]. Initially they joined with the Canadian Association of University Teachers, but later elected to transfer union, involving a procedural name change on the application [[CUPA v CU 2016](#)], and transferal between the PSAC and CUPA unions [[PSAC v CUPA 2016](#)], ultimately forming a local of the PSAC [[PSAC Local 77000](#)]. Following negotiations, a collective agreement was adopted by both parties, taking effect from 1 May 2015 [[CU CA](#)]. The situation of External PDFs at the institution is not specified in any University policies.

There are numerous other instances of unionization in the province. Internal PDFs at the University of Western Ontario unionized in 2008, although with a similarly lengthy legal process as a result of certification [[[PSAC v UWO 2008](#), [PSAC v UWO 2008](#), [PSAC, TU v UWO 2010](#)], a legal challenge on this [[PSAC v UWO 2015](#)], and an expansion of the ruling to include Research Associates [[PSAC v UWO 2016](#), [PSAC v UWO 2016](#), [PSAC v UWO 2016](#)]. Internal PDFs are now bound by a collective agreement with the University [[Western CA](#)], though the University has issued a clear definition of those PDFs who are eligible for benefits and those who are not [[Western PDF Definition](#)]. At York University, Internal PDFs are employees of the University and also unionized as members of the York University Faculty Association, subject to the terms of their collective agreement [[York PDF Handbook](#), [YUFA CA](#)]. Pleasingly, the University also has a PDF Supervisor of the Year Award [[Supervisor Award](#)]. Trent University extends “*some official status*” to PDFs, and it appears they are covered by the terms of the Trent University Faculty Association Collective Agreement, although this is not explicitly stated [[TU PDF & VS Policy](#), [TUFA CA](#)]. Elsewhere, Internal PDFs at Queen’s University formed PSAC 901 Unit 2 in 2011 [[PSAC v QU 2010](#), [PSAC v QU 2011](#), [PSAC 901 Unit 2](#)], with their most recent collective agreement notably including child care benefits, which I believe is the first instance of such a PDF benefit in Canada [[PSAC 901 Unit 2 2017-2020](#)]. External PDFs there are not

eligible for the collective agreement, and may only be extended some health benefits at the discretion of their supervisor [[Queen's University PDF Policy](#)].

Independent of unionization and collective bargaining agreements, several institutions in the province have moved to extend benefits to their PDFs. The University of Waterloo offers extended health benefits to both Internal and External PDFs, and access to a Pension Plan, depending on the length of their contract [[UWaterloo PDF Benefits](#), [UWaterloo Benefit Eligibility](#)]. Brock University offers PDFs official status, with full access to services and benefits as available to the Brock University Group Benefit Program, though it appears External PDFs do not have access to these benefits [[BU PDF Policy](#)]. At Ryerson University, Internal PDFs are employees with access to full benefits, and a Health Spending Account for extended health beyond what the Ontario Health Insurance Plan covers, and life insurance [[Ryerson PDF Resources](#)]. Wilfrid Laurier University details that Internal and External PDFs who hold contracts of longer than 6 months are able to purchase extended health and dental coverage through the University, however it does not explicitly state they are employees nor specify access to EI and CPP [[Laurier Policy on PDFs](#)]. The University of Ontario Institute of Technology stipulates they are not entitled to participate in the University's benefit and pension plan, though have access to a Health Care Expense Account after 1 year of employment [[UOIT PDF Policy](#)]; unionization proceedings have begun at this institution [[PSAC v UOIT 2015](#)].

The situation is either less favourable or not guaranteed by university policies elsewhere in the province. Lakehead University specifies that PDFs are not employees of the University and do not have access to benefits [[LU PDF & VS Policy](#)]. At the University of Windsor any health benefit costs are at the discretion of, and paid for by, the supervisor [[UWindsor PDF Policy](#)]. The University of Guelph has a significant apparatus for PDFs, with an Office for Graduate Students and Postdoctoral Studies, however PDFs do not feature in any policies of the University. In contrast, Saint Paul University has a policy for PDFs, however this does not describe the employment arrangement nor access to any benefits [[SPU PDF Policy](#)]. Similarly, the University of Ottawa specifies that PDFs have official status, but does not define what this means in any University policies [[UOttawa PDF Appointments](#)]. Laurentian University, Nipissing University and the Ontario College of Art & Design also have evidence of PDFs, however they have no formal PDF policy. Finally, Algoma University, Royal Military College of Canada and Tyndale University College have no evidence of PDFs nor PDF policies.

2.1.9 Prince Edward Island

In Prince Edward Island, the sole piece of legislation addressing higher education is the University Act, allowing for the establishment of the University of Prince Edward Island with degree-granting rights [[PEI UA](#)]. This piece of legislation contains no reference to PDFs. Employees in the province are covered by the Employment Standards Act, which covers all standard labour protections [[ESA PEI](#)]. The University of Prince Edward Island PDF policy does not specify a single status within the University, and instead acknowledges those who receive fellowship income and those who receive employment income; guidelines akin to those specified by the CRA are used in assigning which category a PDF belongs to [[UPEI PDF Policy](#)]. Those that are deemed to be on fellowship income, most External PDFs, will pay income tax but not have access to EI, CPP or other health plans. Those that are deemed to be on employment income, most Internal PDFs, have access to EI, CPP and other University plans, though both employee and employer contributions will be paid by deductions from the fellowship funding.

2.1.10 Quebec

At the provincial level, there are several charters and Acts surrounding changes, often small, in the governance of universities in Quebec. Unfortunately, my knowledge of French is not sufficient to accurately portray them here without the risk of mistake or omission. In general, some of these give the right to establish universities in the province, and changes as a result of the federal move to tax fellowships. There are two Acts that regard the establishment of two University systems in the province: the Royal Charter of McGill University, circa 1852 [[RCMU](#)]; and the Act respecting the Université du Québec [[UQA](#)]. Neither of these pieces of legislation reference PDFs. The Quebec Act Respecting Labour Standards guarantees employees in the province access to standard employment protections [[QARLS](#)]. It is also important to highlight that employees in Quebec are part of the QPIP and QPP programs, rather than the federal EI and CPP programs, although the differences between these are small.

The most numerous unionization drives to date have occurred in Quebec. A comprehensive guide to the history and current situation has fortunately been produced to document these changes [[Postdocs in Quebec](#)]. Initially, Internal PDFs at Université du Québec à Montréal took steps to unionize, in part to obtain employee status, forming the union Syndicat des Post-Doctorants/Alliance de la fonction publique du Canada and applying for certification from the Commission des relations du travail (CRT), the provincial labour relations board in Quebec. The University contested this application for certification on the grounds that Internal PDFs are not employees and therefore cannot unionize: CRT ruled that PDFs are employees within the meaning of the Labour Code, and the union was granted certification [[SPODOC v UQAM 2011](#)]. The University appealed and requested a review of the decision on the same ground as their original argument, namely that Internal PDFs were not employees. CRT rejected the grounds for the review and the request to revoke the union's certification, maintaining the original decision [[SPODOC v UQAM 2012](#)]. To date, the current PDF policy at the institute does not reflect any of these changes [[UQAM PDF Policy](#)].

This began a string of unionizations in other institutions in Quebec. The day after the Internal PDFs at Université du Québec à Montréal received accreditation, the Internal PDFs of École polytechnique de Montréal requested certification of their union. The University contested the move to unionize with the same arguments as previous, namely that Internal PDFs were not employees. In the subsequent ruling, CRT reaffirmed the position for the decision in the Université du Québec à Montréal case, declaring that Internal PDFs are employees of École polytechnique de Montréal [[ASSEP v EPDM 2013](#)]. Further, the CRT also declared that the claim “PDFs could not unionize as they were not employees” would no longer be heard as a ground for appeal by universities in Quebec to counter further union applications. The union, Association pour une Solidarité Syndicale de l'École Polytechnique, has recently agreed a first collective agreement with École polytechnique de Montréal, however the contents of this have yet to be released. Existing University policy does not detail PDF status or access to any benefits [[EPDM PDF Policy](#)]. The Université Laval does not specify employment status or benefits in their policies [[UL PDF Policy](#)], however Internal PDFs unionized to form Le Syndicat des Auxiliaires de Recherche et D'Enseignement and are now bound by a collective agreement [[SARE CA](#)]. Internal PDFs at the Université de Sherbrooke are eligible for public benefit programs through University policy [[US PDF Policy](#)] and additional benefits as a result of unionization in September 2013 to form Syndicat des Auxiliaires de Recherche et d'Enseignement de l'Université de Sherbrooke, although their most recent collective agreement has now expired [[SAREUS CA](#)]. At McGill University, Internal PDFs are employees of the University [[McGill PDF Policy](#)], and the association of McGill University Research Employees/Public Service Alliance of Canada received accreditation in 2015 [[AMURE v UM 2015](#), [AMURE v UM 2015](#)]; they are now bound by a collective

agreement [[AMURE CA](#)]. At Université du Québec à Chicoutimi, Internal PDFs formed a union called Le Syndicat des Professionnelles et Professionnels de la Recherche de L'Université du Québec à Chicoutimi and have a collective agreement with the University [[UQAC CA](#)]. Similarly, Internal PDFs at the Université du Québec à Rimouski formed the union Le Syndicat Canadien de la Fonction Publique Section Locale 1575, and have subsequently reached a collective agreement with the University [[SCFP 1575 CA](#)]. At the Université de Montréal, Internal PDFs are employees of the University, with benefits paid from supervisor's grants [[UM PDF Policy](#)], in addition to benefits gained from a collective agreement with the University following formation and accreditation as the Syndicat des Employés de la Recherche de L'Université de Montréal [[SERUM CA](#)]. The institution moved to make PDFs assume the employer's share of social security contributions through a pay deduction, a move which the union challenged but was upheld as the use of research funds in such a way was deemed to be a regular practice of the institution [[SERUM v UM 2016](#)]. In many of the preceding cases, it was not possible to determine whether unionization or a voluntary change to employee status by the institutions were the first occurrence.

Many other universities in the province have voluntarily moved to make their Internal PDFs employees, without subsequent unionization to date. Concordia University has recently updated their Postdoctoral Policy to state that Internal PDFs are employees of the University [[Concordia PDF Policy](#)]. Similarly, Bishop's University states that Internal PDFs are employees of the University with all statutory rights, however the employer contributions to programs are funded from the supervisor's grants [[Bishop's PDF Policy](#)]. Université du Québec à Trois-Rivières states Internal PDFs are employees and eligible for public benefits programs, although International PDFs must pay premiums for special health programmes [[UQTR PDF Policy](#)]. At the Institut national de la recherche scientifique, Internal PDFs are employees of the Institute, with all statutory benefits as covered by the Labour Standards Act, plus up to 18 weeks maternity leave [[INRS PDF Policy](#)].

There remain several institutions in the province where the situation of PDFs is not as favourable or not detailed in policies. The Université du Québec en Outaouais specifies that regardless of financial arrangements PDFs are not employees of the University [[UQO PDF Policy](#)]. The École de technologie supérieure does not specify arrangements in their policy [[ETS PDF Policy](#)]. At HEC Montréal, TÉLUQ and Université du Québec en Abitibi-Témiscamingue, there is evidence of PDFs, however neither evidence of PDF Policies nor unions representing them was found. Finally, at the École nationale d'administration publique there was no evidence of PDFs or PDF policy.

2.1.11 Saskatchewan

In Saskatchewan, the two major institutions are legislated within their own Acts, namely the University of Saskatchewan Act [[USA](#)], and the University of Regina Act [[URA](#)]. All other institutions in the province are covered by the Saskatchewan Degree Authorisation Act [[Sask DAA](#)]. Across these pieces of legislation, there is no reference to PDFs. The Saskatchewan Employment Act provides standard employment protections for all employees in the province [[Sask EA](#)].

The Internal PDFs at the University of Saskatchewan have recently unionized. They are now entering collective bargaining discussions with the University, but details of this have yet to emerge. Existing policy specifies that they are trainees and not entitled to benefits, and also states that paid vacation is not mandatory, although the University supports this practice [[Saskatchewan PDF Policy](#)]. The University of Regina has PDFs or PDF positions advertised, however they have no formal PDF policy.

2.1.12 Yukon

In the Yukon territory, the Yukon College Act allowed for the establishment of Yukon College [[YCA](#)]. This Act was subsequently amended to confer degree-granting status on the institution [[YCA Amendment](#)]. These pieces of legislation have no reference to PDFs. Standard employment protections are extended to all employees in the territory by the Yukon Employment Standards Act [[Yukon ESA](#)]. Yukon College, the only advanced education institute in the province, has previously advertised at least one postdoctoral position, however has no formal PDF policy.

2.2 By Funding Source

2.2.1 Tri-Agencies Postdoctoral Fellowship Programs

The majority of funding sources for individual researchers in Canada are operated by the Tri-Agencies. Each agency has a dedicated program for PDFs: the CIHR Fellowship program [[CIHR PDFs](#)]; the NSERC Postdoctoral Fellowships program [[NSERC PDF](#)]; and the SSHRC Postdoctoral Fellowship program [[SSHRC PDF](#)]. Additionally, in a bid to harmonise policies across the awards, the Tri-Agencies adopted a common guide for the administration of these programs [[Tri-Agencies Research Training Award Holder's Guide](#)]. For all award holders, it is clearly stated that the stipends are taxable income, whether the stipend is received inside or outside Canada, and details the practice of funds being administered by the host institution of the PDF. At no point is any reference made to employment status, access to EI, CPP or any form of employment benefit or assistance, except parental leave. Up to three years of unpaid parental leave, with appropriate supporting information to request permission for the interruption, may be taken by holders. With regards to paid parental leave, previously recipients were required to confirm ineligibility for all other parental leave benefits programs before being eligible for Tri-Agencies parental leave; the policy was updated on April 1, 2017, to remove this requirement [[Press Release 2017-04-07](#)]. The policy details that up to six months of paid parental leave may be received, with the supplement equivalent to their normal monthly stipend. The last detail of this policy, however, states that approval of paid parental leave is subject to the availability of agency funds. To complicate matters further, there are differences in where these funds originate – CIHR adds the agency portion of the leave to the supervisor's grant, but NSERC and SSHRC pay their portions out of the grant funds [[Parental Leave Checklist](#)]. A final worrying note is that the policies specify that only the agency-funded portion is covered by the Tri-Agencies, but there is no outline of the partitioning of the costs or information regarding where the remaining funds are to be sourced. As the parental leave is not a guaranteed benefit, and there are questions over the origin of the funds to pay for it, it is unable to ascertain from public information the actual access to this benefit by PDFs.

2.2.2 Banting Postdoctoral Fellowship

The Banting Postdoctoral Fellowship is the preeminent postdoctoral fellowship available in Canada [[Banting PDF Overview](#)]. Jointly offered by CIHR, NSERC and SSHRC, up to 70 are awarded each year across the disciplines. As this is run by the Tri-Agencies, the program is also subject to the policies of the harmonised award manual detailed above [[Tri-Agencies Research Training Award Holder's Guide](#)]. The taxable stipend for Banting Fellowships is significantly higher than that of the majority of PDFs in Canada; however, as detailed before, and as also specified in the program details, they have no access to EI, CPP or other non-discretionary benefits other than those offered by their host institution [[Banting PDF Details](#)].

2.2.3 Mitacs Postdoctoral Programs

Mitacs offers a few programs for PDFs in Canada. Mitacs is a not-for-profit organisation dedicated to providing a range of research and training programs [[Mitacs](#)]. Mitacs Elevate is a postdoctoral fellowship that features a research project with a partner organisation, with an emphasis on research management [[Mitacs Elevate Details](#)]. Mitacs has not specified access to benefits as part of the fellowship, and, given the arrangement of the fellowship, PDFs come under the policies of the host academic institution and not that of the partner organisation [[MITACs Elevate FAQ](#)]. As such, PDFs on the program are dependent on the policies of the host institution. The Mitacs Accelerate program is designed to facilitate research projects and internships between PDFs, academic supervisors and a collaborating partner organisation [[Mitacs Accelerate](#)]. As before, Mitacs does not stipulate any access to benefits, and, as the program is administered through the academic institution, their policies apply [[Mitacs Accelerate FAQ](#)]. Mitacs Science Policy Fellowship is a program designed to integrate Canadian researchers and evidence-based policy-making into federal and provincial governments [[Mitacs Science Policy PDF About](#)]. In this, PDFs are hosted at a range of federal and provincial government, in partnership with the University of Ottawa's Institute for Science, Society and Policy. In this situation, remuneration is received from the host organisation, and the PDFs are dependent on the benefit policies of the host organisation [[Mitacs Science Policy Guidelines](#)].

3 Action Items to Improve the Situation of Postdoctoral Fellows

3.1 National Recommendations for Postdoctoral Fellows

3.1.1 Request changes to National Occupational Classifications by Employment and Social Development Canada

To avoid potential problems with the current assignment of NOC codes to PDFs, submissions could be made to Employment and Social Development Canada. Most postdoctoral positions are credited under NOC '4011 – *University Professors and Lecturers*,' which lists '*Postdoctoral Fellow*' as an exemplary title; however, only a few of the duties specified are applicable to PDFs. Alternatively, PDFs can be ascribed the NOC codes for research scientists, although these do not include '*Postdoctoral Fellow*' as an exemplary title. For example, a PDF in chemistry could have their position listed under NOC '2112 – *Chemists*,' which closely describes the duties of their postdoctoral position, but the NOC does not include '*Postdoctoral Fellow*' as an exemplary job title. In each situation, there is a chance that immigration officials may find fault with the assignment of NOC codes, and refuse work permits or Permanent Residency applications as a result. One option to mitigate any potential issues would be the creation of a NOC code dedicated to PDFs, which could feature a comprehensive list of titles used for postdoctoral positions, and a list of duties that cover all responsibilities of PDFs. This would be the most definitive way to avoid potential issues, but would require an investment of time and resources by the government agency. An alternative option would be to request the addition of "*Postdoctoral Fellow*," and alternative names, to the list of exemplary titles of NOC codes for research scientists. This would be simple to implement, and may have significant effects for PDFs applying under these codes.

3.1.2 Submission to Tri-Agencies to Establish Further Benefits for External PDFs

As mentioned previously, much of the progress being made in terms of the PDF experience is mainly applicable to Internal PDFs. External PDFs, aside from some increases in the training aspect of the Tri-Agencies fellowships and access to paid parental leave [[Parental Policy Change](#)], continue to lack assistance with many basic benefits and access to EI and CPP. A submission to the Tri-Agencies highlighting that their fellows lack many benefits – they have no protections with regards to set hours of work and the right to take statutory and annual holidays, as well as no access to pension plans, assistance with basic or extended health benefits or dental plans – may initiate a dialogue to address these. One such option would be to relax the restriction on grant funds such that they can be used for health insurance premiums, or for the Tri-Agencies to contribute to the premiums separately. Given the indications from the Tri-Agencies towards making their fellowships genuine training programs, an alternative approach would be for the programs to gain a level of accreditation, leading to a degree or title, such that External PDFs would become eligible for the benefits extended to students.

3.1.3 Request Clarification from Immigration, Refugees and Citizenship Canada on the Practice of Universities Sponsoring Work Permits for Non-Employees

As discussed previously [Section 1.6], the legality of work permits for International PDFs at institutions where PDFs are specified as not employees is unclear. In work permits that I have seen, the institutions claim to be the employer; however, many university policies clearly state that they

are not the employer of the PDFs. This arrangement potentially implicates all institutions that specify their Internal PDFs are not employees of the institution or are employees of their supervisors, and all institutions that host External PDFs. Given the significant financial penalties and the risk of incarceration for making misrepresentations to IRCC, it is imperative the legality of this arrangement is quickly established. For the International PDFs implicated in this arrangement, they risk the penalties above, having work permits revoked, and may face future issues with immigrating to Canada. For the universities, which would face a count of both misrepresentation and counselling misrepresentation for each International PDF in the university, past and present, the legal ramifications are extreme, both in penalties and with respect to sponsoring immigration documents for the future employment of any foreign nationals for any position. Given the high stakes involved in this issue, it is imperative the legality of this arrangement is quickly established through communications and dialogue with IRCC.

3.2 Provincial Recommendations for Postdoctoral Fellows in British Columbia

3.2.1 Submission to British Columbia Ministry of Advanced Education for Inclusion in, or a Ruling on, the University Act

The University Act of British Columbia presents two avenues in which provincial changes to PDF employment status could be achieved. The BC University Act was enacted in 1996, and governs the establishment and operation of universities in BC [[University Act](#)]. To date, the Act contains no reference of PDFs; however, nor does it define the expression “*employee of a university*.” An initial approach could be made requesting the addition of a statement to the Act defining PDFs as employees of their University, with the legal precedent set in Alberta and by labour relations boards as evidence in support of this claim. The addition of such an amendment may not be straightforward, but it is within the remit of the BC Ministry of Advanced Education, who is responsible for the Act. The second approach would be for the Ministry to advise the Lieutenant Governor to define whether PDFs are included in the expression “*employee of a university*” in the University Act. This is an established procedure in the Act, according to section 71 (2) (a): “(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations (a) defining any expression used but not defined in this Act.” This action would be easier to accomplish, require less impact on the University Act, and the procedure established in section 71 (2) (a) has already been used in the clarification of many terms used in the Act. Given the legal precedent set by labour relations boards on the status of PDFs as employees, the unionization actions required to achieve this ruling, and the changing state of PDFs nationwide, supportive responses on these approaches would be seen as the provincial government of BC taking a proactive role in supporting young, highly skilled workers in the province.

3.2.2 Submission to British Columbia Ministry of Technology, Innovation and Citizens’ Services for Inclusion in #BCTECH Strategy Initiative

The new #BCTECH Strategy initiative is one avenue where provincial government may be receptive to changing the situations of PDFs in BC. The #BCTECH Strategy was launched in January 2016, and came about from the BC Jobs Plan [[#BCTECH: Strategy](#)]. Focusing on capital, talent and markets, the initiative aims to boost the technology sector in BC. The desire to retain and attract highly skilled workers is apparent in many sections of the strategy, including:

- “we will continue to attract and keep top research talent”

- “B.C. tech companies need to have access to the best people”
- “Technology companies need a solid talent base if they are to continue to grow”
- “continue to build a strong research environment in BC”

As part of the #BCTECH Strategy, they have aimed to streamline immigration and remove barriers to assist mobility of talented workers to support the initiative.

Increasing support for early career researchers working in BC would be aligned with the detailed aims of the #BCTECH Strategy. Early career researchers, especially former PDFs, often form the bedrock of new technology companies. Retaining PDFs already in BC, and those looking to transition to the technology sector, has the added advantage of the workers already being accustomed to life in BC. Further, they already have established connections with academic institutions, which can aim to help foster collaborations, communications and advances with industrial institutions in the province. However, a number of local PDFs who wish to fill these jobs and remain in Canada to support the industry may be dissuaded by the current situation they experience as a PDF in BC, and due to potential issues with claiming points for immigration applications.

A submission to the #BCTECH Strategy could highlight two actions that would be operationally simple but achieve significant results for both the Strategy and PDFs. As stated in the Strategy: *“The Province recognizes the importance of government investment in a healthy research environment.”* An initial step towards fostering a healthy research environment for PDFs in BC would be changing the status of PDFs provincially to ‘employees.’ This could be achieved by the BC Ministry of Technology, Innovation and Citizens’ Services directly making submissions to, or supporting the submissions of PDFs to, the BC Ministry of Advanced Education, with regards to requesting inclusion in, or a ruling on, the University Act [Section 3.2.1]. The investment from the Ministry would be small, but this would send a strong signal to local and international early career researchers that BC is involved in actions to support them, potentially attracting them to support the #BCTECH Strategy.

3.3 Institutional Recommendations for Postdoctoral Fellows at Simon Fraser University

3.3.1 Submission to the Health Promotion team for Health Benefits to be Extended to all Postdoctoral Fellows under the Okanagan Charter

SFU has signed on to a new initiative to promote campus health, which may emerge as a way to address access to health benefits for all PDFs. The Okanagan Charter is an international charter for health-promoting universities and colleges, with an aim to transform the health and sustainability of our current and future societies, strengthen communities and contribute to the well-being of people, places and the planet, through proactive stances to health and well-being in their respective campuses [[Okanagan Charter](#)]. SFU was involved in the drafting of the Charter, and one of the first signatories [[SFU Signs Okanagan Charter](#)]. Independently, SFU had assembled contributions from the SFU community to produce SFU’s Vision for a Healthy Campus, a document intended to actualise the aims of the Charter [[SFU's Vision for a Healthy Campus](#)]. Both the Charter and the Vision frequently claim to apply to students, staff and faculty. Although there is no definition of staff nor are PDFs specifically referenced in either document, the Charter specifies it applies to everyone on campus, and as such extends to PDFs. A submission to the Health Promotion team under the Okanagan Charter and the Vision for a Healthy Campus highlighting that some PDFs receive no access to health benefits or health services on campus may be an avenue for change institutionally. Access to health benefits and services is of critical importance to PDFs given the significantly increased rates of

mental health issues amongst this group compared to the wider population [[CAPS/ACSP Survey 2016, Canadian Mental Health Association](#)]. A member of the SFU PDA Executive Committee made an initial submission to the Health Promotion team, however dialogue was limited.

3.3.2 Request Clarification on the Practice of Universities Sponsoring Work Permits for Non-Employees

As discussed previously [Section 1.6], the legality of work permits for International PDFs at SFU is unclear. In work permits seen, SFU claims to be the employer; however, University policy clearly states that they are not the employer of SFU PDFs, and that the employment arrangement extends to SFU in no way. The legality of this arrangement under Canadian immigration law is unknown. For the International PDFs implicated in this arrangement, they risk significant financial penalties and incarceration, as well as having work permits revoked, and may face future issues with immigrating to Canada. For the University, which would face a count of both misrepresentation and counselling misrepresentation for each International PDF in the University, past and present, the legal ramifications are extreme, both in penalties and with respect to sponsoring immigration documents for the future employment of any foreign nationals for any position. Given the significant penalties involved in this issue, it is imperative the legality of this arrangement is quickly established.

3.3.3 Submission to SFU to Voluntarily Change Employment Status of PDFs

A submission should be made to the SFU Board of Governors requesting a change to the employment status of PDFs from *'trainee'* to *'employee.'* Some of the issues facing PDFs at SFU can be directly amended by the University in the absence of provincial or federal requirements. One change that would make significant inroads to address several PDF issues, namely guaranteed access to benefits for both Internal and External PDFs, would be changing the employment status of PDFs to employees. The details of where the employer contributions to benefits would come from are open for discussion. As a local example of how this could be achieved, UBC requires the employer's contributions to be paid from grants of the supervising faculty member. For External PDFs who are unable to charge benefit expenses to their fellowship, a separate account could be established using funding from supervising faculty member's grants. These changes at UBC were enacted voluntarily after submissions from their postdoctoral association, and, given the changes now occurring nationally and the standout local example, it would be in SFU's best interests to enact similar changes. A voluntary change would send a message attesting to SFU's proactive stance towards PDFs, and would act to further attract top research talent to join SFU.

3.3.4 Obtain Ruling on Employment Status Through Union Certification

In the absence of a voluntary change of PDF status by SFU, the alternative option is for Internal PDFs to obtain rights following a ruling by the Labour Relations Board of British Columbia (LRBBC) [[Labour Relations Board](#)]. To the best of my knowledge, the LRBBC will not make a direct ruling on the employment status of PDFs without this arising as part of a legal challenge from a university against a union application. As such, to obtain employee status without a voluntary change, Internal PDFs of SFU will be required to form a union, and apply for certification from the LRBBC. This option would follow in the footsteps of the numerous unionizations completed across the country, which provide ready templates and precedent for a similar motion at SFU. Applications could be made to form a unit of CUPE Local 3338, which represents the office, technical and clerical employees of SFU, the SFU Faculty Association, or formation of an independent unit. Although, to the best of my

knowledge, a case of this nature has not been brought before the LRBBC, the legal precedent and arguments set by the rulings of other provincial labour relations boards strongly suggest the LRBBC would rule in favour of employee status. Unfortunately, this would only benefit Internal PDFs and would not change the situation for External PDFs. Nonetheless, formation of a union would bring the additional opportunity for a legally-binding status independent of any restrictions and the opportunity for collective bargaining to further improve the situation of Internal PDFs. Given a voluntary employment status change would encompass the entire PDF community, this option would be preferable and should be explored first; in the case of a submission, such as suggested in the preceding section, being dismissed by SFU, unionization proceedings should be initiated to obtain the rights that SFU PDFs should be entitled to.

3.4 Individual Recommendations for Postdoctoral Fellows Without Employee Status

3.4.1 Request Ruling from the Canadian Revenue Agency for Access to Employment Insurance and the Canadian Pension Plan

In light of the federal changes to taxation of PDF stipends, the CRA released an interpretive article on PDFs in April 2016, to clarify whether PDFs are employees or not with respect to access to EI/QPIP and CPP/QPP [[CRA Interpretive article on PDFs](#)]. The main determinants they specified are the presence of a clear employer-employee relationship, and who has '*control*' of the work: the PDF or the payee. Under the recommendations and descriptors described in the CRA article, the majority of Internal PDFs in Canada would likely be ruled as employees of their institutions or supervisors, and hence eligible for both EI/QPIP and CPP/QPP. It is recommended that all Internal PDFs who do not currently have access to these programs request a ruling from the CRA on whether they are employees [[CRA Ruling Request](#)]. To the best of my knowledge, no External PDF has applied for a ruling on employment status from the CRA. Given the fact that their funding comes from external sources, and as such there is not a clear remuneration for services arrangement, and control of the research could be assigned to the PDF, it is unsure how the CRA would rule in such a case. This should not prevent any External PDF who feels they should be entitled to EI/QPIP or CPP/QPP from requesting a ruling from CRA.

4 Concluding Remarks

The issues faced by PDFs have come about jointly due to the evolving nature of postdoctoral fellowships, a lack of government oversight and the ensuing ambiguity, which has allowed institutions to define their postdoctoral fellowship positions on an individual basis. Progress is being made in the resolution of these issues at the institutional level, however provincial and federal progress is only beginning to emerge. Several avenues are available to PDFs to try and remedy the remaining issues; however, the resistance to change is strong and further advances to the PDF position will not occur without energy and determination. The progress that has been made to date is the result of concerted efforts by dedicated groups of PDFs who desired to fight the inequality they and their fellow PDFs experience. Any further improvements to the PDF position in Canada will depend *solely* on the efforts of current and future PDFs. Given the work, time, frustration and energy expended by the PDFs who have propelled the situation this far, I hope the next generation of PDFs will pick up this mantle and continue the drive to obtain the fundamental rights that should be guaranteed to all PDFs under Canadian law.