
TO: Senate

FROM: Senator Hebert

SUBJECT: Question regarding the Practice of labelling McGill Professors as Personal Employers at the RI-MUHC

MEETING DATE: April 19, 2023

DOCUMENT NUMBER: D22-56

PREAMBLE:

Summary

It was recently brought to my attention that the Research Institute of the MUHC (RI-MUHC) is insisting that the McGill professors who conduct their research at the institute are individually and personally the employers of the research personnel who they manage there. This highly unusual practice by the RI-MUHC raises deep concerns for three reasons:

1. It places undue and unknown personal legal burden on McGill professors who are fulfilling their McGill academic duties at the RI-MUHC.
2. It creates academic inequity between McGill professors who carry out their research on campus and those who conduct their research at the RI-MUHC.
3. It creates a barrier to academic collaboration for McGill professors at the RI-MUHC since other hospitals and research institutes may refuse to work with research personnel who have a McGill professor listed as their personal employer due to the unclear insurance coverage.

Therefore, by way of this question to the Senate, I am seeking clarification from McGill on its position regarding the RI-MUHC's practice.

Background Information

The RI-MUHC is a biomedical and hospital research centre. It is the research arm of the MUHC and is affiliated with the Faculty of Medicine and Health Sciences at McGill. Despite their academic interconnectedness, for various historical reasons, the RI-MUHC, the MUHC, and McGill are three distinct legal entities.

As per its policy, all scientists and investigator appointees at the RI-MUHC must be McGill faculty members. On its website, the RI-MUHC counts 500 researchers.

The RI-MUHC insists that the following statement must be included in the employment contract letters of all personnel hired to work on research projects managed by McGill professors (scientists and investigators) at the institute:

“While you will be carrying out your duties at the Research Institute of the McGill University Health Centre (hereinafter the “Institute”), you shall be an employee of Dr. [McGill Professor].

The Institute acts on behalf of the Principal Investigator for human resources support and administration, including payroll and benefits. You are not an employee of the Institute. You are also not an employee of McGill University or of the McGill University Health Centre. Your employer is the Principal Investigator.”

The following points are relevant to the discussion:

- McGill professors who carry out their research at the RI-MUHC do not act in a personal capacity when hiring personnel to work on their research projects. They do so in the capacity of fulfilling their academic duties at McGill University.
- McGill professors who carry out their research at the RI-MUHC do not personally hold the funds that are used to pay the research personnel who work on their research projects. The funds are held in research accounts at the institute.
- The RI-MUHC receives overhead from research funds brought to it by the McGill professors who are appointed there. McGill professors do not receive overhead and do not personally handle any research funds.
- McGill professors who carry out their research at the RI-MUHC do not have employer numbers and they are not registered as employers with the provincial or federal tax agencies.
- Despite its insistence that it is not the employer of the research personnel it deems employees of McGill professors, the RI-MUHC lists itself as the employer on their payslips and tax slips, which are managed by its payroll.
- Although the McGill professors who carry out their research at the RI-MUHC have significant discretion when hiring research personnel and directing their work, they are wholly bound by the policies of their employer (McGill) and those of the RI-MUHC.
- McGill professors who carry out their research at the RI-MUHC are not incorporated and do not have the right to use the research funds to personally pay for incorporation. Neither are they provided any other funds (or guidance) by their employer (McGill) or the RI-MUHC to become incorporated.
- McGill professors who carry out their research at the RI-MUHC do not have human resources departments. The RI-MUHC and McGill University do. McGill professors are not equipped to personally take on the burden and responsibility of being the employer of the research personnel who work on their research projects. The RI-MUHC and McGill are so equipped.
- McGill professors who carry out their research at the RI-MUHC do not have personal contracts with funding agencies who provide the funds to support their research projects. The RI-MUHC, as an affiliate of McGill, signs the research contracts and receives and manages these funds.
- The RI-MUHC is an outlier among hospital-based research institutes in Québec when it comes to the designation of who is the employer of research personnel working on the research projects of university professors. I understand that a similar situation existed previously at the Le Centre de recherche du CHU de Québec but it was resolved such that the institute is the employer of all research personnel working there.

- The RI-MUHC decides the employee benefits and cost-of-living salary increases for all the research personnel that work at the institute. Despite being labelled as the employers, McGill professors have no discretion in any of these matters and are informed but not consulted when changes such are made.
- When a member of a McGill professor's research personnel resigns before the end of their contract, the RI-MUHC's HR department conducts an exit interview. The McGill professor is not consulted or informed and only receives a copy of the interview notes if the employee consents to it. This appears to contradict the RI-MUHC's contention that the McGill professor is the employer.

QUESTION:

Is McGill University aware of this practice of labelling McGill professors as personal employers at the RI-MUHC?

If McGill University is aware of this practice, can it explain why the practice is not being disclosed to McGill professors at the time of their recruitment to the University and their appointment to the RI-MUHC?

If McGill University is not aware of this practice, then I ask if it will now either:

- a) Intervene with the RI-MUHC to ensure that this practice of burdening McGill professors with the label of personal employer stops immediately; or
- b) Declare that the research personnel in question are actually McGill employees since they are reporting to McGill professors who themselves are McGill employees.

**Please refer to the [Guidelines for the Review of Questions and Motions by the Senate Steering Committee](#) for more information on this process.*

The following answer was provided by Senator Manfredi in advance of the meeting.

Thank you very much for your question, Senator Hebert. I can confirm that McGill has been made aware of this practice at the Research Institute of the McGill University Health Centre (RI-MUHC), which we understand is currently under review by RI leadership. The RI-MUHC is a separate entity from McGill University; while it is affiliated with the Faculty of Medicine and Health Sciences, it is not governed by the HR policies of McGill University. An update will be provided to Senate later should additional information be available from the RI-MUHC.