

The Update



Issue 2 2018/2019

February 2019

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SUBMISSIONS TO THE UPDATE

The Update welcomes letters to the editor, upcoming event notices, or other submissions. I encourage you to write in response to what you read in the newsletter or about other Faculty Association matters. Letters to the *Update* do not represent the opinions of the editor nor the OCFA

Executive or Council. Please send submissions to the *Update* editor Amy Cohen at acohen@okanagan.bc.ca or via intercampus mail.

COUNCIL & EXECUTIVE MEETINGS

OCFA Executive meetings are held once every two weeks. OCFA Council meetings are generally held once per month. If you would like to bring forward a particular item for consideration please contact one of your OCFA

Council members (contact information for all of your reps on last page of this newsletter).

DELIVERY OF THE UPDATE

The *Update* is now distributed electronically as a PDF file by e-mail as well as being available on the OCFA webpage at: http://www.okanagan.bc.ca/Campus_and_Community/employees/ocfa/update.html

Get a copy of the Current Collective Agreement

The 2014-2019 Collective Agreement is available on the OCFA's website:
[http://www.okanagan.bc.ca/Assets/Departments+\(Administration\)/Faculty+Association/2014-19+OCFA+Collective+Agreement.pdf?method=1](http://www.okanagan.bc.ca/Assets/Departments+(Administration)/Faculty+Association/2014-19+OCFA+Collective+Agreement.pdf?method=1)

If you would like a hard copy of the CA, contact one of your representatives on OCFA council or executive or CARC (see contact information below)

Notices and Upcoming Events

Mark your Calendars!

Bargaining Town Hall Meetings:

Your bargaining committee will be travelling around to all four campuses in the next few weeks in order to present bargaining proposals in advance of the proposal approval meeting (see below). Please plan to attend these meetings and encourage your colleagues to do so as well. This is your chance to have input into what proposals are taken to the negotiations table.

Penticton Campus (Room TBA): Thursday, March 7, 5 pm

Kelowna Campus (H115): Friday, March 8, 5:30 pm

Vernon Campus (E102/103): Monday, March 11, 5 pm

Salmon Arm Campus (201): Tuesday, March 12, 5 pm

Special General Meeting: Bargaining Proposal Ratification: Date TBA

Once the bargaining town hall meetings have taken place, the bargaining committee will recommend the president call a Special General meeting in order to approve the bargaining proposals. Please watch your emails for the Special General Meeting date, which should be in late March.

The OCFA Annual General Meeting: April 26, KLO Campus Cafeteria.

5:30 pm: Hosted Bar

6:00 pm: Dinner

7:00: Meeting

You will be required to RSVP for dinner (look for email in the weeks preceding the AGM). No RSVP necessary for meeting portion.

We look forward to seeing you there!

Pensions BC Educational Workshop

Reg Marte

A date for a two-hour retirement pension seminar for Okanagan College Faculty is planned for the beginning of May. We require at least 20 participants (to a maximum of 35) to proceed with this workshop. The seminar will be held at the Kelowna campus, on Saturday, **May 11th from 10:00 am to 12:00 pm.**

[Approaching Retirement](#) (*for members 5-7 years away from retirement*) is a 2-hour workshop designed to help you understand the important decisions you need to make about your pension and make the transition easier

Please email your Pension Representative, Reg Marte: rmarte@okanagan.bc.ca to indicate your interest in attending this workshop. When sufficient people have responded we will confirm the date.

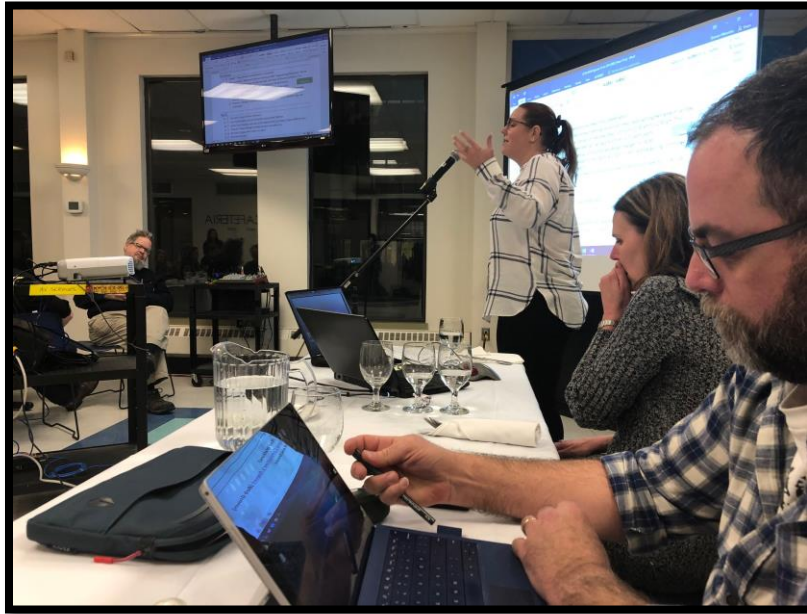
There is a second workshop that is intended for new and mid-career members that could be offered on the same day if there is sufficient interest:

[Making the Most of Your Pension](#) (*for new and mid-career members*) is a 2-hour workshop that can help you maximize your pension by understanding how the decisions you make throughout your career affect your pension when you retire

If the second seminar is of interest to you, send an email to the same address indicating your interest in this “Making the Most of Your Pension” seminar.

Reg Marte, OCFA Pension Representative

Photos from Winter General Meeting





Notification of Annual OCFA Elections

Elections will take place at the AGM on **April 26th** and the nominations committee will be circulating a list of current nominees for all positions at least one week prior to that date (as per the OCFA Bylaws). The bylaws state that nominations for these positions may be made by two nominators with the consent of the nominee to the Secretary prior to the AGM or from the floor of that meeting.

Please review the respective duties of Exec, Council, and CARC positions and in the OCFA Bylaws (Articles IV, V, and VIII). Also please contact [OCFA Secretary](#) or another member of the nominations committee (see below) if you have any questions or would like to make a nomination. Please bear in mind that **all positions are vacant** until the election occurs even if there are individuals who have already been nominated.

Nominations Committee Members:

Vernon Campus Rep: [Jen Hobart](#) Penticton Campus Rep: [Priscillia Lefebvre](#)
Kelowna Campus Rep: [Joe Hobart](#) Salmon Arm Campus Rep: [Jeremy Lanaway](#)

President's report

Sharon Mansiere

As a union member you want to know how this bargaining year is progressing and between this report and Bob Groves' you will be getting what I hope is a good update. We have the challenge that we do not want to tip our hat to the employer, but we are watching that line very guardedly be sure.

As President of the OCFA I have been going to monthly President's Council (PC) meetings with other presidents of the other union locals that are part of the Federation of Post-Secondary Educators (FPSE). We usually have a full agenda and this means meetings have less time to discuss where the other locals are at with other matters. Agenda topics have been important and included FPSE's work to comply with the new Societies and Transitions Act and resolutions for the Annual General Meeting. I have been keeping in touch one-on-one with other locals' presidents, but have missed the opportunity for more global discussions in a real dedicated forum. I was very pleased that our February special PC meeting has included the exact type of coordinated discussion I have been seeking. We were able to delve into some of our own unique local bargaining updates and help to inform the PC group and compare and contrast our progress. In addition to information sharing, I think this meeting has been an important base to develop stronger solidarity that will carry us through bargaining. Experienced presidents at this table are saying they have never seen as keen a sense of alignment amongst the Federation.

You may recall that all locals of FPSE had unified and coordinated delivery of our intent to bargain (December 3, 2018). From there, each local has progressed differently. Some locals are still finishing up member surveys

like our local did in the spring. Many are beginning to take their draft proposals to their members as we will be doing (see Bob Groves' report). Still other locals are further along in the process, working on protocol agreements or a set of "rules" with the employer of how bargaining will proceed. A few are looking at housekeeping issues. Proposals throughout the sector are often similar in priority and some have as many as 70 proposals nestled into those priorities. They include cost and non-cost items, many of the latter focusing on quality of work life. This echoes what our BCGEU brothers and sisters have been telling us they have been seeking. Some FPSE locals have dates for meeting with the employer through the fall, but lamented that without the clarity on the timing of a common table (where salary and benefits are bargained) they are not certain the dates will be honoured.

So where is Okanagan College Faculty Association in our sector relative to the other locals? Well placed. Many locals that have rushed to the table only to find that the employer (and the government) is reluctant to engage the common table. This is frustrating locals. Many wished they had leaned back a little to watch the progress of the discussions on secondary scales and sector-wide common table issues. I have been told many times this week that OCFA has been wise to have taken advantage of this time to improve our research and proposals rather than rush and then spin our wheels. I want to thank and acknowledge Bob Groves' role in the guidance of our Bargaining Committee. Stay posted.

Sharon Mansiere
President

Bargaining Chair's Report

Bob Groves

Preparations for collective bargaining continue apace. Your Bargaining Committee has been meeting regularly since September, reviewing the member survey conducted last spring, examining in detail our current collective agreements, and preparing bargaining proposals which we hope to see incorporated into an OCFA mandate for the coming bargaining round.

As I reported in writing for our Winter General Meeting, and as you all know, the OCFA is a member local in the BC Federation of Post-Secondary Educators, along with nineteen other colleges and special purpose teaching universities. FPSE provides advocacy at the provincial level, as well as labour relations support and legal services for its member locals.

One of the FPSE standing committees is the Bargaining Co-ordination Committee ("BCC"), composed of the bargaining chairs of member locals, as well as a FPSE Executive Liaison (currently, George Davison, FPSE President) and staff support persons. I am the OCFA representative on the BCC, and its chair.

The BCC normally meets twice annually, but additional meetings have been held, and are scheduled for the future, to account for the fact that we are embarking on collective bargaining for new collective agreements this year. I attended BCC meetings in Vancouver in November, and most recently on January 11-12, 2019. Another face-to-face meeting of the BCC is scheduled for March 1-2. Those meetings are always useful for the purpose of receiving reports from the FPSE liaison

personnel on FPSE interactions with the provincial government regarding bargaining, and the sharing of information and progress amongst the member locals represented around the meeting table.

Our current local collective agreement with Okanagan College, and a common agreement to which our local and the College are also signatories, expire on March 31, 2019. Once those agreements expire, they will, however, remain in effect until new agreements are negotiated, or a strike or lockout occurs.

The local agreement, and the common agreement, collectively, form the collective agreement between Okanagan College and the OCFA. Copies of those documents appear on the College website, and are available in hardcopy through your campus representatives.

The Labour Relations Code of BC, the statute that governs the legal relations between the College and the OCFA, stipulates that notice of intent to bargain may be delivered by either party no earlier than four months prior to the expiry of the term of our collective agreement. Your Bargaining Committee served such a notice on the College on December 3, 2018. The College acknowledged receipt, but no meetings to commence bargaining have been scheduled, as yet.

Bargaining in our post-secondary sector is complex. One of the reasons for this is that we are dealing with three different entities on the employer side. Our most direct bargaining party opposite is Okanagan

College. However, provincial legislation has created an employers' council, of which the College is a member, called the Post-Secondary Employers' Association ("PSEA"). It is, indeed, PSEA that is the legal bargaining agent for the College. It follows, then, that any changes of significance to the terms of our existing collective agreements must be approved by PSEA.

Hovering over PSEA is the provincial government in the form of the Minister of Finance and the Treasury Board. It is the province that determines, in large measure, the financial resources that will be made available to the sector in each round of bargaining.

Without intending to characterize the landscape too crudely, I think it fair to say that the multi-tiered structure on the employer side can sometimes contribute to delays during our bargaining.

A further complicating factor is that there has yet to be any agreement concerning the timing for, or the specific topics to be canvassed at, a common table comprised of PSEA representatives and the signatories to the existing common agreement, including the OCFA. Conversations designed to bring clarity to those matters of substance and form continue to occur through FPSE.

As regards our local bargaining, at our local table, we anticipate that we will first be negotiating a form of protocol agreement

with the College. Negotiations relating to substantive issues will follow, but the timing for the commencement of those discussions is dependent on both sides having prepared its proposals, and in our case, specifically, on the approval of those proposals by our OCFA members. It is also dependent on the outcome of any common table discussions noted earlier.

I can advise that your Bargaining Committee has prepared several draft proposals which we intend to introduce to you, our members, in town hall meetings at the campus centres during the first few weeks of March. There, the Committee plans to give Powerpoint presentations identifying the main areas for bargaining from our perspective, and our tentative proposals. The purpose of the meetings would be to introduce our proposals to our members, to invite members to reflect on them, and to provide feedback concerning them, in anticipation of our convening a special general meeting, to be held later in March, for the purpose of establishing an OCFA bargaining mandate.

Stay tuned for precise dates and times for those important meetings. Your Bargaining Committee can only be as effective as the support you provide to us.

Respectfully submitted.

Bob Groves
2nd Vice-President and Negotiations Chair

Chief Steward's Report

Rod Watkins

Hello everyone. Here are our ongoing grievances and issues of interest.

Step 3

FAC13/07: Post-65 benefits. The expert witness admissibility hearing just completed on October 4, 2018. We had members present for the nearly entire hearing. Thank you to every member who attended. Just this week, we received the decision that we have won this stage of the grievance. Our expert will be allowed to offer testimony during the merits hearing scheduled for two weeks in September 2019.

FAC18/04: Wrongful Dismissal. A probationary member in STH was dismissed in spring 2018. We filed an immediate grievance at step 2. Sharon Mansiere, Alan Rice and I met with Jim Hamilton, Andrew Hay and Yvonne Moritz to discuss the grounds for the dismissal. Despite our arguments, the College denied the grievance at step two. We have since moved the grievance to step 3. At the invitation of employer's counsel, we have accepted an offer to mediate a settlement to this grievance. The date for the mediation is March 28, 2019. Also, see the related grievance FAC18/05 below.

Step 2

FAC16/03: Unwarranted Discipline. FAC16/03 grieves the letter of censure a member received after a bullying investigation. The grievance was based on two issues. 1) the refusal to allow the OCFA a copy of the investigator's report and 2) the lack of justification for the discipline. The College has since provided us a copy of the report. The

grievance remains in abeyance pending the recovery of the member who is on an extended medical leave. Once the member can help in his or her own defense, we will analyze the report and determine whether the discipline was warranted.

FAC18/05: Failure to Investigate Harassment Complaint. The same member who is the subject of FAC18/04 above had attempted to file a harassment complaint against the designated supervisor who was responsible for their summative evaluation months prior to their dismissal. HR did not accept the complaint at the time. Furthermore, when the FA asked on her behalf that it be processed in June 2018 after their dismissal (as our member has a right to request pursuant to the College's own Bullying, Harassment and Discrimination policy), the College again refused to process the complaint again violating their own policy. The grievance is currently in abeyance pending the mediation scheduled for March 2019.

FAC18/06: Failure to Provide a Safe Workplace. A member of one of the Joint Occupational Health and Safety committees at the College was asked to sign off on a safety incident investigation report that they had not participated in. That is a violation of WCB regulations. Ordinarily, such violations would simply be reported to WCB. But this is the latest in a year-long litany of safety issues that have either not been investigated at all, were poorly investigated, or where the investigations did not meet WCB regulations. The grievance was filed because the FA believes that the source of the violations is a personnel problem the College needs to

resolve to assure the safety of the students, staff, and faculty that share our workplace. A lengthy report on a year's worth of issues and WCB violations was delivered to the College by the FA. We are awaiting their reply.

FAC18/08: Improper Use of Student Evaluations. The FA filed a step 2 policy grievance over the use of formative evaluations as a result of the recent Ryerson interest arbitration decision. In that decision, the arbitrator ruled that student evaluations are doubly problematic: a) they are demonstrably discriminatory, especially against college professors who are young females, minorities, have an accent, etc.; b) are not a valid or reliable measure of teaching performance. The evidence presented at the arbitration was not challenged at all by Ryerson University. Given the strong evidence of their problematic nature, the FA grieved the continued use of formative evaluations for purposes of hiring and promotion. We do not object to their use to facilitate instructors getting feedback on their courses, but to their use as a means of judging teaching performance. As such, we have asked as a remedy that the College no longer rely on formative evaluations for hiring and promotion, that they remove all previous formative evaluation documentation from all faculty personnel files, and rewrite the questions on the formative evaluation forms to eliminate student evaluation of teaching performance. At the request of the College, we have placed the grievance in abeyance as we expect this to be resolved at bargaining. In the meantime, Andrew Hay, VP Academic, has suggested we form a committee to investigate through Institutional Research whether OC formative evaluations demonstrate the same discriminatory patterns as have been found elsewhere and make recommendations about how to solve

the issue. The committee will consist of six members: three from the employer and three assigned by the FA.

FAC19/02: Library Technicians. Last month, the librarians, through their chair, reported a concern that BCGEU library techs, who may assist at the library reference desk, were beginning to perform work that properly belonged to FA librarians. We filed the grievance accordingly. The employer has denied the grievance at step one earlier this week. We have moved the grievance to step 2 to pursue it further.

FAC19/03: Improper Qualification Review. A member in Arts underwent a review of their qualifications in order to be deemed qualified to teach additional courses in the department. The member requested a grievance on the grounds that the final decision of the Dean's office was either arbitrary or discriminatory, and hence a unreasonable exercise of management rights. The Dean has denied the grievance at step 1. We have moved the grievance to step 2.

Step 1

FAC18/07: Improper Disciplinary Meeting. The same member who is the subject of FAC18/06 who refused to sign off on an investigation they did not participate in is the subject of this grievance as well. After refusing to sign off, our member shared their experience with the other employee members of the JOHS committee to remind them that they are legally obliged not to sign off on investigations they did not personally participate in. That email was then improperly shared with the employer. As a result, the manager who caused both grievances requested our member to attend a meeting in her office to discuss the "tone and allegations" in her email mentioned above

without informing our member that they have the right to a representative at any disciplinary or investigatory meeting with management. The meeting never took place because the FA put a stop to it. But the grievance remains in abeyance because it is further evidence of a personnel problem. Managers must be aware of the CA provisions that constrain their interactions with those faculty they supervise. The grievance remains in abeyance pending our discussions for FAC18/06.

FAC18/09: Failure to Secure Agreement to Evening Sections. No instructor may be assigned more than one section ending after 6:30pm per week without the express agreement of the designated supervisor, the department, and the college professor. We had learned of at least two cases where faculty were assigned two such evening sections without that agreement. The College has responded that they will going forward secure that agreement. CARC withdrew the grievance as resolved.

FAC19/01: Improper Harassment Investigation. Last March, a complaint of harassment was filed against a member of the FA. CARC has placed the grievance in abeyance until March 31, 2019 to allow discussions between the FA and the employer.

FAC19/04: Failure to Notify of Special Courses. The FA is to be notified whenever a special course is taught by a FA member. Since the CA allows individual members to negotiate the TLU value of the work associated with a special course, the FA insist we be informed to make sure the TLU value is appropriate. The College has failed however to inform the FA of these special courses. We grieved and the College accepted the grievance at step 1 and has promised to inform going forward. CARC has withdrawn the grievance as resolved.

In addition to grievance, I can also report two other matters:

1. That a member in one of our portfolios has had a bullying complaint filed against them by a student. The complaint will be investigated by an outside investigator.
2. Two members from one of our portfolios have filed a bullying grievance against their Dean after the Dean's improper behavior in a meeting.

Respectfully submitted,
Rod Watkins
OCFA Chief Steward

Get to Know your Collective Agreement: What is JCAA?

Sharon Mansiere

JCAA (*Joint Committee on the Administration of the Agreement*) provides a useful venue for your Faculty Association and the college to deal with issues that emerge between bargaining periods. JCAA facilitates the day-to-day oversight and adaptability that is necessary for the healthy administration of the collective agreement (CA). The educational world we work in is not static and we need some flexibility to adapt and react.

The monthly meetings are comprised of three college and three faculty association representatives. Sometimes other resource people will attend, particularly from the college side. JCAA offers a constructive setting for resolving issues pertaining to the implementation, interpretation, and resolution of the CA, ideally preventing the need for a grievance. Meeting as a committee provides a general improvement in communication and working relationships. Remember we are a union looking for solutions while standing strong for our members, so if we only meet with management over grievance issues our relationships could quickly erode. We alternate with chairing and minute-taking for each of the meetings. By having other resource people attend on occasion, the

faculty association is often able to address and get resolutions to issues quickly.

Although JCAA does not have the power to change our collective agreement, it is still a tool for us to hone our CA to make it more effective and fair by seeking the “timely correction of conditions that may give rise to misunderstandings” or processes that have become problematic or unsatisfactory for both parties. How this happens is that JCAA is the venue where both sides can advise of issues that have arisen and discuss possible remedies. The protocol from that point is that both the faculty association and the college can independently consider the possible remedies and determine if remedy implementation is advisable. This has been done frequently over the course of the many years that JCAA has been active.

I encourage all members to read any discussions your JCAA representatives (members of the executive) write about these committee meetings. The only two times that changes to our work environment can be made are during JCAA meetings and bargaining. If you have any questions about these meetings, feel free to ask your union representatives.

Member Engagement Surveys

Your elected faculty association representatives are interested in learning your opinion about union activities as well and understanding how we can better reach out to and engage all our members. During our last council meeting, council approved a motion to undertake a survey of OCFA members about your level of engagement with the faculty association. These surveys will be conducted in person by members of council and won't take more than 5 or 10 minutes of your time. We hope the survey results will help us better understand what we are doing well, and how we can improve the effectiveness of our activities. Thank you in advance for your candid responses!

Members of Exec, Council, and CARC 2018-2019

| Executive: | | Phone | Email |
|-----------------------------|-----------------|--------------|--|
| President | Sharon Mansiere | 250-328-2206 | SMansiere@okanagan.bc.ca |
| First VP, Chief Steward | Rod Watkins | 250-804-9973 | RPWatkins@okanagan.bc.ca |
| Second VP, Bargaining Chair | Bob Groves | 250-718-6385 | BGroves@okanagan.bc.ca |
| Treasurer | Doug Birtwistle | 250-718-4380 | DBirtwistle@okanagan.bc.ca |
| Secretary | Amy Cohen | 250-309-5698 | ACohen@okanagan.bc.ca |

| Council: | | | |
|---|---------------------|----------|--|
| Faculty Liaison – Arts | Jillian Garrett | Ext 4283 | JGarrett@okanagan.bc.ca |
| Faculty Liaison – Business | Alan Rice | Ext 4879 | ARice@okanagan.bc.ca |
| Faculty Liaison – Health | Gurpreet Dhatt | Ext 4604 | GDhatt@okanagan.bc.ca |
| Faculty Liaison – Non-Instructional | Roën Janyk | Ext 4660 | RJanyk@okanagan.bc.ca |
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| Faculty Liaison – Technology | Vlad Neykov | Ext 4758 | VNEYKOV@okanagan.bc.ca |
| Area Representative – Kelowna | Joe Hobart | Ext 4402 | JHobart@okanagan.bc.ca |
| Area Representative – Penticton | Priscillia Lefebvre | Ext 3255 | PLefebvre@okanagan.bc.ca |
| Area Representative – Salmon Arm | Jeremy Lanaway | Ext 2214 | JLanaway@okanagan.bc.ca |
| Area Representative – Vernon | Jennifer Hobart | Ext 2355 | JAHobart@okanagan.bc.ca |
| Non-Continuing Faculty Rep | Marta Bashovski | Ext 4294 | MBashovski@okanagan.bc.ca |
| Pension Advisory Representative | Reg Marte | Ext 4760 | RMarte@okanagan.bc.ca |
| Human Rights and International Solidarity Representative | Terry Bridges | Ext 4484 | TBridges@okanagan.bc.ca |
| Status of Women Representative | Sasha Johnston | Ext 4270 | SLJohnston@okanagan.bc.ca |
| Workplace Health, Safety and Environment Representative | Jasmine Korcok | Ext 4851 | JKorcok@okanagan.bc.ca |
| Decolonization, Indigenization, and Reconciliation Representative | Deb Warren | Ext 4389 | DWarren@okanagan.bc.ca |

| Collective Agreement Review Committee (CARC): | | | |
|--|----------------|----------|--|
| Kelowna Campus Steward | Alan Rice | Ext 4879 | ARice@okanagan.bc.ca |
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