

OPSEU CAAT Academic Local 653 Meeting – LEC Minutes

Date: Friday, September 18, 2020

Location: Video

Attendance:

L. Shaba (left prior to the meeting conclusion), N. McNair, S. Storrington, C. Sheehan, M. Studd, T. Dearden, W. Schaffer, K. Smith, T. Bates-Yarkie

Regrets:

D. Rogalsky

Taker of Minutes:

W. Schaffer

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1.0 Call to Order

President Lad Shaba called the meeting to order at __**2:14 PM**__

2.0 Adoption of the Agenda

Additions under New Business:

10.1 – Faculty concerns

Motion: That the agenda be adopted as amended

Moved: Kathy Smith

Seconded: Tyy Dearden

Carried

3.0 Minutes of Previous Meeting (May 29, 2020)

Motion: That the minutes of May 29, 2020 be adopted as presented

Moved: Teena Bates-Yarkie

Seconded: Kathy Smith

Carried

4.0 Business arising from the minutes

None

5.0 Treasurer's Report

Treasurer submitted his financial statement dated September 18, 2020 LEC meeting.

Treasurer Michael Studd offered the following:

- This is the first report of the year and there is not much activity – cheques are arriving and local dues are arriving.
- There is not much activity with regards to expenses.
- The purchased time for fall 2019, winter 2020 is on the financial statement.
- Trustees' audit reports are pretty much up to date.

- The number of full-time faculty is almost 80, and like typically happens, there was a decrease in the number of partial load faculty in the summer semester.

1) **Motion:** That the treasurer's tabled financial statements be accepted as presented

Moved: Clint Sheehan

Seconded: Neal McNair

Carried

2) **Motion:** That the treasurer be given the authority to pay all outstanding expenses

Moved: Teena Bates-Yarkie

Seconded: Shane Storrington

Carried

6.0 Correspondence

Local President Lad Shaba offered that there has been news that all colleges are struggling with changes due to the COVID-19 pandemic and there are lingering issues for faculty in Ontario associated with the extra workload associated with moving courses to an on-line format. Some faculty in the province have been given time on their SWF for this work, but at other schools there is a tug-of-war playing out between faculty and management for this recognition.

First Vice-President Warren Schaffer offered the following news items:

- Heather Jardine-Tuck is no longer representative assisting local 653 from the divisional executive of OPSEU CAAT-Academic (September 2, 2020 email). Her replacement has not been announced.
- There was a notice with regards to the rights of faculty for refusal to work procedures during the COVID-19 pandemic. Important guidance includes that all faculty should follow the Health and Safety Act, they should contact their supervisor about concerns about workplace safety and that the Ministry of Labour has an adjudication role.
- Northern College has a new President as of August 4, 2020 – Dr. Audrey Penner, who replaced Dr. Fred Gibbons, following his retirement.
- Glenn MacDougall is the new Acting Vice-President Academic and Student Success, Director, Technology and Learning Innovation until there is a replacement found for the Vice-President Academic and Student Success in the spring of 2021.
- A report was released in the summer that might interest members of local 653, and OPSEU had a news release about the report that included the following:
 - OPSEU's college faculty and support members have grave concerns around the white paper *The Future of Ontario's Workers*, commissioned by Colleges Ontario, which represents the employers of Ontario's 24 public colleges. Advertised as a roadmap to adapting to changes in work and the economy, it makes 17 recommendations based on the mistaken assumption that the future of work lies in a gig economy offering precarious, impermanent work. With this as its starting point, the paper proposes moving college education in the wrong direction in three important ways, that are described in some detail:
 - **Attacking curriculum**
 - **Attacking students**
 - **Attacking faculty and support staff**

7.0 Reports of Officers

7.1 President

President Lad Shaba offered:

- Work is underway on outstanding grievances.
- Work has been done with regards to workload arbitrations, including for a hearing that occurred on September 11, 2020, and for 3 additional upcoming arbitrations.
- In recent months, 6 faculty have retired at Northern College. In recent months there have been 7 new faculty hired at Northern College. Faculty hired in the past years are passing through their probationary period.
- A welcome was sent out to Dr. Audrey Penner, when she was recently hired as the new President for Northern College. This change of Northern College President may not lead to a change in the labour relations between local 653 and management at Northern College, but there may be some hopeful signs of a new better rapport.
- There is a new Health and Safety representative (Jamie Broderick) at the Kirkland Lake Campus, with Richard Kallio as the alternate representative. It has been observed that the fogging of classrooms for disinfecting for COVID-19 leaves a residue that is not desirable.

7.2 Board of Governors Report (BoG)

No report received.

7.3 Vice-Presidents (1st and 2nd)

1st Vice President

1st Vice President Warren Schaffer offered the following:

- Martin Devitt (Niagara College), a member of the Divisional Executive has reached out with information including concerns that the DivEx meeting that did not occur in summer 2020 may not be allowed by OPSEU because of concerns over the distance forum that would be required. If the DivEx meeting does not occur there will be accompanying problems because there is work that is on hold with regards to election of local executive members and pre-bargaining work that is being delayed. There may be an email campaign to appeal to OPSEU President Smokey Thomas to assist with the meeting.
- In recent weeks, there have been reminders that because of the actions of management, there has been a corrosion of trust between faculty and management. It will continue to be important that trust is maintained and upheld within the union local.
- In recent weeks, there have been signs that faculty are experiencing a higher level of stress with the new teaching environment and duties. It might be important that the reporting and assistance measures go to a faculty member's supervisor and could involve the Human Resources office at Northern College – there could be cases where the supervisor is a contributor to the stress or the supervisor has not demonstrated skills to assist faculty, and the Human Resources office has not been helpful with faculty cases on many different issues in the past.
- In recent weeks, there have been signs that at least one Dean at Northern College is choosing to increase influence on of course content and approaches to learning (including with long emails with wide-ranging and poorly organized information) and that this could be seen as increased micro-management of faculty.
- There might be a benefit for local 653 to set up some informal meetings with faculty to drop in a discuss their work and their experiences during work.

2nd Vice President

2nd Vice President Clint Sheehan offered the observation that the start of the school year has shown that labour relations at Northern College are enigmatic, including that during some interactions management has

chosen to use legal counsel in an adversarial way, but during day to day activities management has been cooperative with their behaviour.

7.4 Chief Steward

Chief Steward Neal McNair offered:

- There is not a lot to report.
- The outgoing Chief Steward (Suzanne Tremblay) left information to assist with work.
- There are 3 upcoming grievance arbitrations with regards to staffing that have been scheduled.
- There are other personal grievances that are upcoming but that have not yet been scheduled.
- There was a recent observation from a faculty member at the Timmins Campus that an unanticipated class size has brought about an illegal overtime condition.

8.0 Reports of Committees

8.1 UCC

Union co-chair Clint Sheehan shared that notes from the September 18, 2020 meeting included:

- Management shared that a decision from the CRA concerning the issuance of T2200 forms by colleges is still pending.
- Hire/Resignations/Retirements – 6 retirements, 7 hires, 1 leave of absence.
- During the fall 2020 term the collection of student feedback will proceed as normal this semester in November (i.e., online, all students, all programs, 2-week window).
- There is no news with regards to a faculty concern about a Relocation Allowance.
- The college has expressed to the union that for the Winter 2021 term the plan is use the same delivery format as the fall 2020 semester - specific to each course by course, but dominated by on-line delivery of curriculum. A formal announcement will be made soon. The college agreed to pre-announce to all faculty/staff before publicly announcing the news. The same IT resources will be in place but IT is willing to work with anybody who wants to use something different.
- The college has requested that the local provide HR with an updated list of union stewards and LEC members. HR will provide this list to each of the new hires. The local asked the college to provide updated joint committee lists to reflect changes in management.
- COVID-19 Protocol – Graham Reid (Health and Safety Coordinator, Northern College) joined the meeting to give an update and answer questions. By way of update he had nothing to add in addition to the recent emails the college had sent all employees other than to note the Covid Response Flowchart is self-explanatory and has received positive feedback from the PHU.
 - the local asked the college where various groups (e.g., students, faculty) would find the flowchart and the college wasn't sure but thought it was on Blackboard. The local noted that even the best flowchart in the world is useless if the affected people are not even aware of its existence. The college recognized the significance of this issue and committed to a better dissemination of the flow chart
 - the local raised questions concerning the reporting structure within the flowchart, both for students and staff because the reporting structure is vague (professor/coordinator/immediate supervisor). To whom specifically should an individual report, and what should they report. The local also sought clarification concerning the role of the reportees (professor/coordinator/immediate supervisor). What ought one of these individuals on the receiving end do in response?
 - the local raised questions about the medical clearance certificate. To whom should it be provided upon return and what is the response of the recipient?
 - in light of these questions, the college recognized that there were a number of practical shortcomings in the flowchart that they previously were not aware of and they would endeavour to address this.

- the college concedes it is learning on the go in a very dynamic situation and they expressed legitimate appreciation for the discussion, conceding we are all in this together and so we ought to legitimately work together.

- *Reliable* has been contracted to fog certain labs after each session, it will take about 20 minutes. Other labs will be disinfected using methods appropriate to the particulars. Once size does not fit all. The local asked for improved communication of all such strategies and procedures and the college expressed a willingness to do so.

- other concerns raised included specific instances of problems, such as alcohol sanitizer in welding labs, and Plexiglas shields that are not appropriately sized for their location.

- The college recognizes one size does not fit all and has committed to allow each professor to determine what blend of synchronous and asynchronous delivery is best for their courses. The local asked the college to reduce the amount of unsolicited information Deans send to faculty related to course delivery, and in sending such information to clearly communicate that the information is offered as a potentially helpful resource and not a directive – including that the college must be clear that there is no obligation on the part of faculty to even read these emails, much less adopt their content. Some Deans only provide such information and resources in reply to specific faculty enquiries, others dispense it unsolicited with considerable frequency and volume. The college has no set practice, but both sides agreed a better strategy would be to compile all such resources in a repository such as LIT where it would be available to all interested faculty.
- The college expressed that the recent cancellation of professional development funds was strictly a temporary measure while dealing with the early stages of the pandemic. The college has apologized for not communicating this in advance to the local. Both sides agreed better communication was needed in such matters in the future. The door has been reopened to apply for PD funds.
- The union remains interested to receive a copy of all hiring letters of F/T faculty hires. The college remains hesitant to do this, suggesting that the local simply contact the new hires to obtain a copy of their letter of hire. The union pointed out that probationary employees in any workplace are often afraid of doing anything that might be perceived as rocking the boat and so this might cause unnecessary anxiety of fear. Since the union can receive these letters by FOI requests it would be simpler if the college proactively provided them.
- For the unions interest in having a Letter of Understanding – re employment equity (overall found on page 94 of CA, this project seems to have stalled, with no action on the part of the college and seemingly no willingness to act
- For the union interest in having a Union/Management Return –To–Work Committee structure and that this joint committee should have a union co-chair as do all other joint committees, the college committed to investigate the matter.

8.2 CESC

Union co-chair Shane Storing shared that no meeting of this committee has occurred, although there was a request from the union local to have a meeting.

[**Discussion at the LEC table** highlighted the importance of the Partial Load Directory, the upcoming deadline for Partial Load Faculty to connect with the directory and the possibility for a communication to be sent out to Partial Load Faculty with regards to the Partial Load Directory.]

8.3 WMG

Union co-chair Warren Schaffer shared that there was a meeting on September 18, 2020 of the CWMG committee. Management shared a new academic calendar document that the start of winter 2021 semester is being pushed back 3 days – classes now starting on January 11, 2020 – reasons include the need for time for the new international students to prepare for classes and the extra time that will be non-teaching for all faculty. The union expressed that there may still be an active workload complaint for the current semester.

The union expressed concern and frustration about inactivity associated with the most recent workload complaints – including lack of timely responses from management. A Critical Path document was provided, including the dates for SWFs to be issued - November 6, 2020, March 19, 2021 and May 21, 2021.

On July 21, 2020, an email was received from management with notice that *“In light of what is occurring at other colleges for upcoming WRAs, where both parties are being represented by legal counsel, we will be bringing legal counsel as well to the hearings we have lined up for September and October.”* An arbitration for a faculty workload complaint was held on September 11, 2020. Despite the objections from the union side, the management argument was presented by a lawyer from the Hicks Morley firm (Wallace Kenney). During presentations, management spoke with the benefit of more experience with the Collective Agreement, but at times this resembled a precis on the contents and direction of the Collective Agreement with information that only benefitted management’s side. Despite the objections from the union side, management was allowed to present past arbitration rulings and this information at times went well beyond information presented as non-binding on the arbitrator. The union was able to make various points that nullified information presented, as well as taking the opportunity to cast shame on the claims made by management. The management representative refused to disclose where he received his legal summaries from, but offered that they came from OPSEU – when it was pointed out that an OPSEU member (union) wanted to find out about them, he remained silent and would not disclose where the documents came from.

Another arbitration for a faculty workload complaint is scheduled for Tuesday, September 22, 2020. A third arbitration for a faculty workload complaint is scheduled for Friday, October 9, 2020.

There were committee meetings on June 1, 2020, June 2, 2020, June 8, 2020 and June 10, 2020. There have been multiple workload complaints presented that have been presented to the CWMG for resolution and one that has gone to arbitration (arbitration occurred on September 11, 2020). At meetings in the early summer, the union tried to argue for time on all faculty SWFs for time due to conversion of courses to online format, including with information about faculty experiences with increased work, and a listing of hours granted to faculty at other schools in Ontario for time due to conversion of courses to online format. Management responded that there could be time granted on SWFs and that each situation would be dealt with individually. Union dialogue with members of the divisional executive indicated that the recent developments with lack of recognition for time on SWFs for conversion of courses gives a better sense about what needs to be addressed in the next round of bargaining for Collective Agreement language for recognition for work associated with conversion to online teaching and curriculum development.

Unfortunately, timely actions/responses of the CWMG committee have not occurred due to lack of responses and missed deadlines of the management members of the CWMG committee. There were delays in setting the workload arbitrators roster with lack of activity from management.

At the WMG meeting (Friday, June 2, 2020), the union had expressed a concern that faculty attendance at WMG meetings to present workload complaints should not fall on professional development or vacation days for faculty. Management let the union know that since the timelines in the Collective Agreement for SWF complaints do not exclude professional development nor vacation days, and faculty attendance to present a workload complaint is their own choice, that days that are used for WMG meetings will not be returned/regranted as professional development or vacation days for the concerned faculty, except in cases where there is a special arrangement with the supervisor beforehand.

8.4 Health & Safety (Kirkland Lake, Timmins and Haileybury)

A meeting is scheduled to occur on Monday, September 21, 2020 at the Kirkland Lake Campus with regards to faculty concerns about standards and techniques for cleaning associated with the COVID-19 pandemic.

8.5 Return to Work

None.

9.0 Unfinished Business

None.

10.0 New Business**10.1 – Faculty concerns**

On September 18, 2020 it became known that a faculty member has experienced extra work due to back-ordered textbooks associated with a course being delivered via *Contact North*.

It has become known that there is a faculty member who has reduced work hours and is not eligible for support funding from government programs.

[**Discussion at the LEC** revealed that some managers at Northern College are hiring some persons who have had their work hours reduced for specific projects/duties.]

11.0 Campus Reports

None.

12.0 Adjournment

Meeting Adjourned at ___ **4:58 PM**___