

**Joint Administration Dispute Resolution Committee (JADRC)**

**June 16, 1999**

**CIEA Offices  
555 West 8<sup>th</sup> Avenue  
Vancouver, B.C. V5Z 1C6**

**In Attendance:** Leo Perra, Barry Bompas, Derek Francis, Trudy Parks, Edwin Deas, Bonnie Pearson, Debby Offermann, George Davison, Rob Huxtable, Stu Siefert

**Regrets:** Valerie Cochran

**Recorder:** Gae Sellstedt

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**1.** The meeting was called to order at 9:35 am.

**2. Approval of Agenda**

It was agreed the item "Harassment Investigators" would be dealt with later in the meeting.

The Agenda was accepted as amended.

**3. Approval of Minutes of Meeting of May 11**

**The Minutes were approved as amended.**

G. Sellstedt was advised that Minutes/Agendas should not be headed with "PSEA". The Minutes of the meetings of April 28<sup>th</sup> and May 11<sup>th</sup> should be amended to read "Joint Administration Dispute Resolution Committee" only and the reference to PSEA should be taken out. Both sets of Minutes should then be distributed to the members of JADRC and institutions. The Unions will distribute to their constituents.

**4. Business Arising out of Previous Minutes**

**i) Harassment Investigators**

After discussion, it was agreed between the Unions and Employers to put the following three names forward for arbitrators:

- Donald Munroe
- Robert Blasina
- Rod Germaine

There was also an agreement to put the following names forward as Harassment Investigators:

- Catherine Sullivan
- Maureen Headley

- Henna Jensen
- Rebecca Frame

It should be noted there are concerns for gender balance and the Unions and Employers will continue to look for suitable nominees.

A letter should go out to the nominated arbitrators/investigators asking them if they are willing to serve the Parties in the respective capacities and ask them if they are willing to participate in an orientation session around the Common Agreement language.

**ii) OUCFA Referral**

On June 1, 1999, OUCFA sent a letter to JADRC withdrawing its request for interpretative assistance under Article 3.2.4 regarding Article 6. On June 2, 1999, OUC sent a letter to JADRC agreeing to move this issue forward to D. R. Munroe, Q.C. for adjudication. The Unions pointed out that matters not agreed under Article 6 must be referred to JADRC, and JADRC will decide if it can reach agreement or if it should be referred to an arbitrator.

The Joint Administration Dispute Resolution Committee has agreed to the withdrawal of this referral; file 01-99-04-07.

**iii) Regularization Report from Employer – will wait for L. Perra's arrival.**

L. Perra reviewed the May 10<sup>th</sup> meeting between the employer representatives on JADRC and representatives from Okanagan University College. Peter Burton and Peter Sheen were in attendance. The issue focussed on the area of dispute at OUC with OUCFA around sessional employees that OUC has in place. The Employer is taking the position that in 1993 there was a major round of bargaining re regularization. At that time there were continuing full-time employees and sessional employees. As a result of the bargaining, the sessional employees gained many of the benefits that would be seen as benefits provided to regular employees with the exception of course development time provided to continuing full-time people. There was entitlement to other kinds of things that would be considered regularization. The employer may use the argument of past practise of what regular and non-regular is within its organization. The outcome of the meeting was that there is flexibility in terms of possibly seeking interpretative assistance but the general feeling is that it is likely going to require an arbitrated settlement to deal with the issues.

The Union side asked if Peter Burton's position would be in line with other members of the Bargaining Committee. The issue around local definition and solutions is not consistent with what was heard at the bargaining table. L. Perra advised that the employers were having difficulty with a common solution to the regularization issue and that's why it ended up with local process. The discussions that took place in the last 48 or 72 hours at the bargaining table were critical regarding regularization and once there was a decision to move to process, it shifted things considerably. L. Perra advised he couldn't answer in any clearer terms of where Peter Burton was coming from.

The Union side said that the process anticipated a referral of outstanding matters to JADRC. The Employers, by insisting that all of the local discussions be without prejudice and reserving the right to table a different position for JADRC or an arbitrator, have violated the spirit of the intended process. It looks like all local matters will be referred, because, to the best of their knowledge, there are no signed off provisions at any table. The language also envisioned that JADRC would refer matters it was unable to resolve. Thus, the Unions asked whether JADRC would try to settle the local issues or would it merely be a conduit to the arbitrator?

L. Perra said that his personal opinion was that if dealing with "interest" settlement then he would prefer to see JADRC as a conduit but otherwise it is something JADRC could discuss. If JADRC is going to get into situation of writing agreements for institutions, then that is not something he would want not to get into.

The Union side said that the parties had not set out an interest arbitration process, but that they would take what the employers said under advisement.

#### iv) Union Alternates

- BCGEU – Linda King is the alternate
- CIEA – advised they would not have a name until the August meeting.

#### v) Meeting with Don Munroe

The Unions advised they took exception to Okanagan University College's attempts at arranging a case management meeting directly with Munroe. CIEA contacted L. Perra voicing ITS concerns. Munroe was contacted regarding a joint meeting, and he responded with proposed dates. The purpose of the meeting would be an informal session to brief Munroe on the history of "how we got where we are" and no individual clauses would be discussed. June 25, 8 a.m. to 9:30 a.m., was the preferred time.

The Unions advised they did not want legal counsel involved in the meeting.

### 5. New Business

#### i) Article 6 Referral Process

There was considerable discussion about the points that need to be considered in referring to JADRC on Article 6 issues. The Unions will draft a referral process for review by JADRC.

#### ii) Review/Refinement of Material Administration.

The following was noted:

- Minutes are not to be circulated until amended and reviewed. Once the Minutes have been amended, they can be distributed. Gae to distribute the Minutes of both April 28 and May 11 meetings.
- Minutes should be sent out without the PSEA header.

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- Minutes/Agenda to be distributed to all members of JADRC (both sides)
  - CIEA/BCGEU will distribute to their locals
  - When circulating information to JADRC, leave off CAC members that are not alternates on JADRC (i.e. Bindon/Exmann)

Draft letter on referral process.

There is a need to send acknowledgement letters when a referral has been received. The letter should include the following information:

- Letter received on (date)
- Indicate file number
- Advise the meeting date that JADRC will deal with matter (giving sufficient time to allow parties for the exchange of material and rebuttal)
- Remind parties to follow policy statement

It was also discussed that:

- respecting Article 3, missing the time line does not put it back a month
- if one party chooses not to respond within the time frame for the scheduled meeting, then JADRC will deal with the information on hand
- respecting Article 6, the agreement drives that process and a policy statement will be distributed similar to the Article 3 process distributed May 20.

It was suggested there is a need to identify referrals for the Article they fall under.

- Files 02-99-04-07 OUC/FA PLA and 03-99-04-07 OUC/FA Union Leave fall under Article 3
- File 04-99-05-31 MUC/FA falls under Article 6
- File 05-99-06-08 Camosun/BCGEU falls under Article 6
- File 06-99-06-16 MUC/BCGEU falls under Article 6

Gae is to forward a listing of Referrals to JADRC members (spreadsheet).

iii) New Referrals

Gae is to send a letter to OUCFA and OUC advising them that JADRC has received notice of referral but that no supporting documentation has been received. Refer them to the policy statement dated May 20, 1999. Also advise them that JADRC intends to deal with the issues at its August 18<sup>th</sup> meeting and remind them the deadline for distribution is August 8, 1999 and their information must be received by the Registrar's office on or before that date.

It was noted that Gae will be on vacation for the August 18<sup>th</sup> and September 2<sup>nd</sup> meetings. Material for the September 2<sup>nd</sup> meeting will need to be received by the Registrar's office by August 23<sup>rd</sup> and the

Agenda distributed by August 26<sup>th</sup>. The Unions advised they would be able to "work around it".

"New Referrals" should be a standing agenda item.

iv) Format of Referrals

- The Union side advised that they do not see Article 6 as the same process as Article 3.2.4.
- Notice of Referrals to JADRC must be made by June 30, 1999.
- Parties must have their "with prejudice" submissions in by July 30, 1999.
- There is no expectation of rebuttals

L. Perra advised he would reaffirm the role of JADRC in a letter to the employers outlining that JADRC will refer to Munroe, not individual employers.

A further discussion took place regarding meeting dates and it was suggested that an extra day be made available around the August 18 and September 2 meetings. The dates proposed were August 19 and September 1.

v) Letter on Anomalies

Re: Letter No. 2, page 49 of the Collective Agreement. The suggestion was jointly to approach PSEC to talk about this commitment and ask them to facilitate a meeting with the Ministry of Finance. Both Unions and Employers would participate in the meeting and envision sending 2, perhaps 3 people per side. The Unions advised they would prefer to set up the meeting before the end of June. L. Perra will discuss the matter with Marnie Mitchell.

L. Perra and Derek Francis are to get names for representation on Ed Tech Committee.

The meeting adjourned at 11:45 am.