

## Joint Administration Dispute Resolution Committee (JADRC)

October 21, 1999

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

**In Attendance:** Leo Perra, Barry Bompas, Valerie Cochran, Derek Francis, Edwin Deas, Martin Gerson, Bonnie Pearson, Debby Offermann, George Davison, Stu Siefert, David Piasta, Rob Huxtable, David Piasta

**Absent:** Trudy Parks

**Recorder:** Gae Sellstedt

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### 1. Introductions/Call to Order

The meeting was called to order at 8:35 am

### 2. Approval of Agenda

One item was added to the Agenda:

- Confirmation of Ed Tech Committee Membership

One correction to the Agenda:

- 4 vi) Vancouver Community College – file number is incorrect and should read #11-99-07-16.

The order of the Agenda was changed in order to accommodate representatives attending from Okanagan University College and Vancouver Community College.

Item 4 v) OUC will be dealt with at 9:30 am

Item 4 vii) CNC will be dealt with at 11:40 am (if representatives attend)

Item 4 vi) VCC will be dealt with at 12:30 pm

### 3. Approval of Minutes of Meeting of August 18-19

It was suggested that members who are absent should be noted under "attendance".

Correct the spelling of Valerie Cochran's name throughout the Minutes.

Delete "Break to Caucus" throughout the Minutes

There was consensus to approve the Minutes as amended.

### Approval of Minutes of Meeting of September 2

Item 3) – First paragraph should read:

"There was disagreement over the discussion re the detail required in JADRC meeting minutes. A balance ought to be sought between the need of constituents to determine if JADRC is working well and the need to avoid feeding relationship difficulties."

The second paragraph under 3) should read:

"The Unions expressed concern that JADRC has been unable to fulfil its mandate to this point because of relationship difficulties."

The third paragraph under 3) should read:

"It was agreed that the minutes be tabled and revised for approval at the next meeting due to lack of time on this agenda."

Item 4 iii) – 2<sup>nd</sup> paragraph should read:

"The Unions will facilitate the call of the first meeting."

It was agreed Item 5) re Article 2 Harassment would be deleted and replaced with an Interpretation Bulletin – attached.

There was consensus to approve the Minutes as amended.

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

##### **i) Harassment Investigators/Umpires**

- Rotation List re Investigators – it was agreed referrals should be called in alphabetical order and the first available investigator within a two week time frame should be assigned the file.
- Umpires for Jurisdictional Disputes will be continued from the framework agreement and this information will be circulated.
- The Committee agreed to expand the list of arbitrators and will exchange additional names. This is due to availability of arbitrators and time constraints set out by the Common Agreement. It was also agreed to attempt gender balance.
- The Committee will distribute a bulletin which will:
  - outline the various types of adjudicators to clarify the process of referring disputes;
  - contain a list of who the arbitrators are;
  - offer an interpretation on Article 3.4.2 to clarify that g) and l) refer to local parties.

**ACTION: V. Cochran & B. Pearson**

##### **ii) Meeting with Don Munroe**

B. Pearson advised that there had been a case management with Don Munroe and Malaspina University College together with their counsel. There was discussion about Mr. Munroe's availability. He agreed to

proceed with Malaspina, using written submissions, oral presentations, mediation/arbitration, and then arbitration if necessary. The hearing will begin on November 8 (tentative), November 9 and 10. If the dispute cannot be resolved within that time frame, the process to deal with the dispute may not resume until summer of 2000.

Mr. Munroe invited the parties to seek alternate arbitrators given his very busy schedule.

iii) Conflict of Interest

The Employers made a request to invite representation from the institutions and/or unions to the JADRC meetings when there was a referral before the Committee. The parties would be invited for discussion, act as a resource and be able to participate in the caucus.

It should be noted that only one representative per side be invited (i.e. if there is an institutional member on JADRC then only the employer or union side would be invited to attend). It was emphasized that future invitations should ensure the parties are aware that the invitation extends to only one representative per side (union and employer) per institution.

The Unions agreed to the inclusion of the parties who have requests before JADRC on a trial basis.

It was noted that dealing with the submission at the JADRC meeting is not dependent upon the parties' attendance.

It was agreed between the Unions and the Employers that they will formally advise Mr. Germaine of this decision to move to a format of inclusiveness instead of exclusiveness; and ask that the matter be held in abeyance pending the trial period.

iv) Interpretation Bulletin

The Committee reviewed the draft of the Interpretation Bulletin regarding Harassment Investigators and agreed to it with certain changes.

Gae will produce Interpretative Bulletin #2 based on the changes.

The Committee further discussed the need to develop a provincial workshop in keeping with Article 2.1 on the Common Agreement. B. Pearson will approach C2T2 with respect to funding resources. It was agreed that V. Cochran and D. Offermann will work together on the developmental process and will try to utilize CTM in this venue.

**ACTION: B. Pearson, D. Offermann, V. Cochran**

v) Okanagan University College – PLA – File #02-99-04-07

Marlene McCallum attended on behalf of OUC for this item but made no submission.

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The Committee discussed the submission in detail. Key points were:

- It is accepted by both parties that PLA work should be done by union employees;
- The Common Agreement does not require the creation of a position of a PLA Coordinator; but it is up to the local parties to determine how that coordination is done in the bargaining unit;
- It is accepted by both parties that a faculty member will participate in PLA coordinators' meetings; if it is being done by an excluded employee, it should not be;
- The PLA work being done at OUC was limited to three departments last year and is not significant;
- Funding issues – institutions are voicing concerns that the Ministry has not lived up to its commitment and, therefore, it is possible that PLA Coordinator positions could be eliminated in some institutions;
- The Unions suggested that if government has reneged on promises of funding that the issue be taken to the Steering Committee of "Charting a New Course";
- JADRC will advise the local parties of the Committee's interpretation of the Article and decision in this referral;
- In the meanwhile, OUC and OUCFA are being encouraged by JADRC to meet and review their institutional policies and materials and to consider the workload implications of the coordination work.
  - **ACTION: B. Pearson, D. Offermann and V. Cochran**

vi) Vancouver Community College – Union Leave – File #11-99-07-16

The Committee heard S. Brennan's position on the submission who attended on behalf of VCC. Frank Cocso attended on behalf of VCCFA but made no submission. After considerable discussion, JADRC agreed:

- The Union can buy additional time over and above that funded by the employers;
- Replacement costs will be those costs for the individual who is carrying out the work of the individual who is released;
- In the case of VCC, whomever is doing the work that the President was doing, is the basis for the calculation.

The Committee will reply to the parties with this interpretation.

The Unions asked that the record reflect that they do not agree with the interpretation advanced in the submission by VCC.

It is the hope of the Employers and the Unions that the parties will resolve any unresolved issues; however, if they do not, they may return to JADRC.

**ACTION: B. Pearson, D. Offermann and V. Cochran**

vii) College of New Caledonia – Article 6.1 – File #15-99-09-30

There is a variance issue within the referral that requires discussion. The Employers (CNC) are taking the position that Letter of Understanding #3 is part of the outstanding dispute on Article 6. It is the Unions' position that, although there may be disputes within Letter of Understanding #3, it is of itself a separate clause and would need to be dealt with under Article 3.

The submission has been tabled to the November 26, 1999 meeting.

- viii) Northern Lights College – Request for Extension – File #15-99-09-30

JADRC agreed to extend the submission date to November 15, 1999.

JADRC agreed to extend the submission date for University College of the Cariboo (file #13-99-09-30) to November 15, 1999 and will put it on the agenda for the November 26, 1999 JADRC meeting.

## **5. New Business**

- i) Arbitrator Assignment – Article 6

The Unions submitted a letter to the Post Secondary Employers Association dated October 7, 1999 wherein they requested the Employers consider the issue of arbitrator assignment. Their request came out of the case management meeting with Don Munroe wherein he advised the parties of his relative unavailability and suggested that the parties consider another arbitrator.

The Employers suggested that both parties wait and see what happens with the Malaspina case he is hearing in early November.

The Unions advised that if the situation is moved forward in November and the process of arbitration will not reconvene until sometime in 2000, that they will take whatever action is necessary to change the arbitrator. The Unions advised that they will use whatever political and legal means are open to them to implement the spirit of the Common Agreement.. They also gave formal notice that this issue would be on the agenda again in November .

The Employers had an opportunity to discuss the issue among themselves and advised the Unions they will look for alternate names and present the list to the Union prior to the November 26, 1999 meeting. The Employers asked the Unions to provide a list as well.

- ii) CTM Training

The issue is that there is a contract from CTM in the system for the delivery of harassment training for Government. Both Malaspina University College and Okanagan University College faculty associations have filed a grievance because the instruction was awarded to an individual outside of the bargaining unit. It was also mentioned that, by the time the issue gets to JADRC, the work will have been completed.

iii) Distributed Learning Committee

The Employers advised they have added the name of Wayne Welch from University College of the Fraser Valley as a representative on the Distributed Learning Committee. Wayne joins Gary Dickinson (OUC), Adrian Kershaw (UCC) and Martin Gerson (Langara) on the Employers' side of the committee.

The Unions advised they have replaced Gladys Latty with Darrell Bethune from College of the Rockies. Darrell joins CIEA reps Tom Friedman (Cariboo), Karen Ewing (Capilano) and Linda Sperling from CIEA and BCGEU's reps Vi Klesnikoff (Selkirk), Rick Shea (OUC) and Nural Parmar (Northwest) on the Unions' side of the committee.