



Steward Report, Vancouver Island University Faculty Association, April 2023

Acknowledgements

This report begins with a message of thanks to the VIUFA membership for allowing me to serve as Chief Steward. I am grateful for this opportunity and continue to learn about your individual employment conditions, your interests and concerns, and the challenges you face such as they are reflected—or not reflected—in VIU Policy and Procedure, institutional practice, the Collective Agreement, or broader jurisprudence that governs Labour Relations. We must all acknowledge and thank our Labour Relations Advisor, Neil McLeod, for his guidance and deep commitment to forming considered positions that can be relied upon under scrutiny. Neil joins me in thanking our VIUFA Table Officers, the VIUFA Executive, and your Area Stewards, too, who we continue to work closely with on a number of difficult files. Many thanks to Laura Buechler, VIUFA's Office Manager, for helping us with intake, tracking, triage, and management of our Labour Relations caseload. I am grateful to colleagues in the English Department for their support and understanding of my competing VIUFA duties.

Summary of Activity

Since April 2022, we have tracked and responded to approximately 200 faculty queries that come by direct email or phone call, scheduled face-to-face or Zoom meetings, drop-ins, happenstance connections, and HR referral. Some of the queries are for routine questions (e.g., ROFR, Unassisted Leave, Vacation, Professional Development, Regularization, Salary Placement), but most require close examination of the Collective Agreement and following investigation into the specific contexts and / or remedies sought for each of the circumstances. Many of your concerns and experiences from this year have required sustained action and can take weeks, months, or even years to resolve. We appreciate your patience and understanding in this regard.

My experience with the Employer has been positive. I have found my contacts with Senior Admin, Human Resources, Deans, and Managers to be professional, respectful, and collaborative. More often than not, we are working together to support our members. Where we have not been in agreement about interpreting the Agreement, or the facts of a particular situation or how we might respond to them, institutional processes have been mostly effective. Though we have generally been successful in avoiding Grievance, there seems to be an escalation in files that warrant such formal, high-level response. In these cases, we are well prepared to exert the full force of VIUFA and FPSE in defending your rights and protections under the Collective Agreement.

Further to the Steward casework, I have continued to attend a range of important VIUFA meetings intended to serve your interests: Joint Labour Management Committee (JLMC), JLMC Class Size Sub-Committee, VIUFA Executive, VIUFA Table Officers, FPSE Contract Administration Review Committee (CARC), and VIUFA Contract Negotiating Committee (CNC). As well, Neil and I are actively supporting your Chief Bargainer and the VIUFA President on the Bargaining Team. As such, we attend all collective bargaining and team caucus sessions.

As of this morning—April 24, 2023—we have thirty-nine (39) active files listed on our shared Steward File Inventory document, and a range of more general labour relations matters that we continue to monitor with support from the VIUFA Executive, including in the collective bargaining context. Some of the general patterns in our casework are represented in the enumerated categories below; the order is not intentional and the list is not exhaustive.

1. **Grievances:** VIUFA is actively preparing to file a number of Grievances for cases that we have so far not been able to resolve by other means. The Grievance process is tightly structured and we do not move forward in this way unless the facts and provisions of the Agreement support such an escalation, and unless we are satisfied that there is no better way forward. In these cases, we work closely with the VIUFA President and Table Officers, the VIUFA Executive, our FPSE Representatives, the FPSE Contract Administration Review Committee, and the FPSE Grievance Administration Review Committee. In Fall 2022, for our one and only Grievance at that time, we reached an agreement through mediation that was satisfactory to the parties.
2. **Regularization:** We will soon meet with Human Resources to review a list of instructional faculty who may be eligible for Regularization. Eligibility does not automatically trigger Regularization, which is always subject to the full conditions identified in the Collective Agreement including but not limited to the reasonable expectation of ongoing work. VIUFA is tracking the Employer position on how the budget circumstance may impact Regularization in situations where there is, for example, reasonable expectation of ongoing work including from retirements.
3. **Limited Term Contracts:** We are tracking LTC use across the disciplines and understanding more about the key issues from employee, union, and employer perspectives. Again, we are studying the ways that our budget shortfalls may impact LTC offerings, including with respect to situations where LTCs may be used instead of Regularization or for replacement of retiring employees. We are actively monitoring all unencumbered workload that flows from retirements, resignations, permanent internal transfers, or voluntary reduction of regular workload.
4. **Student Allegations of Employee Misconduct:** We note a continued escalation in the volume of student complaints against VIUFA employees. We understand from our colleagues at CARC that this may be a new trend across the sector perhaps caused by a number of converging circumstances: student expectations that flow from Covid-19 and changed approaches to pedagogy and evaluation at earlier stages of education; budget challenges and the “student as customer” consciousness; operations associated with the important work of diversity, equity and human rights, which can sometimes move directly to formal, costly, disruptive investigation procedures without any initial review to rule out vexatious, malicious, or frivolous complaints; perceived risk of any possible infringement upon the rights of the student.
5. **Discipline, Tension, and Fatigue:** We have seen an unprecedented number of VIUFA employees facing discipline in the past year. Disciplinary action can range from verbal warning, written reprimand, suspension, or termination. At least some of the escalation seems to come from a new kind of Administrator who has been hired externally and who does not have the same kinds of relationships with employees that we may have been able to rely upon for collaborative problem-solving in past practice. On our side, VIUFA employees continue to experience compounding tensions associated with the cumulative impacts of Covid-19 and return to work on campus, the challenges of inflation, the uncertainty of our budget circumstance, precarious employment, unprepared students, and crushing workload. In this increasingly complex work environment, employees understandably can and do make mistakes from time to time. These mistakes—or

misunderstandings—are not always remedied in ways that we might expect based on past experiences. In addition to disciplinary proceedings this year, VIUFA attended a number of “wellness checks”, helped to facilitate unassisted leaves and reductions in workload, and responded to member vs. member conflicts. These cases seem to suggest a shared experience with fatigue. In turn, we urge you to be kind and supportive of other employees; to understand that their situation may not be the same as yours—even if you work in the exact same area; to understand your rights under the Collective Agreement; to stay connected with each other; to use appropriate supports, such as your Area Steward, Homewood Health, EFAP, or even higher-level supports that we can help you to access; to have open, respectful dialogue with your manager; to be compassionate, confident, and mindful in your interactions with students; to document your workplace interactions as may be needed; and to prioritize time away from work for good things.

6. **Layoff and Reclassification of Employee Positions:** VIUFA received notice of possible layoffs due to budget in December, 2022. We requested, but did not receive, any more detailed information from the employer that would help us to prepare for such possible action. Recently, we did receive one notice of layoff for “redundancy” and we are actively challenging the loss of this position with support from your VIUFA Vice-President, Kathleen Bortolin. We are told there is some possibility of reclassification of employment status in several other areas of the school based on an “exploration” of restructuring. In these cases, VIUFA has met with the employer and asserted the rights and protections of the Collective Agreement, which co-exist with management rights. We will continue to advocate for our colleagues in all of these areas.

Conclusion

Please let me once more thank your Personnel Stewards Committee: Gillian Anderson (Social Sciences), Greg Arkos (Science and Tech), Deborah Colette (Health and Human Services), Bonnie Davidson (Education), Dana McFarland (Library), Zora Soprovich (tiwšemawtx™), Al Stremming (IT), Deborah Torkko (Arts & Humanities), and Johan Latulippe (Management).

Our colleagues on the Personnel Stewards Committee work hard on your behalf to offer direct representation, to track trends in labour relations, and to seek additional training and professional development so that they can answer your questions and concerns. We hope for more opportunities to strengthen connections among Area Stewards next year in order to promote broader understanding of what happens in different areas across campus and to bolster solidarity. Please reach out if you are interested in this sort of work.

We are always happy to connect with you to answer any concerns you may have about this report or how the Collective Agreement is working in your area, so please don't hesitate to reach out. I have written Neil McLeod's home address and personal cell number in permanent marker on the VIUFA office door, so you can reach him anytime including after hours and during summer months.

In Solidarity,

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