



Date: **March 18, 2016**

Date Last Updated: **March 27, 2015**

To: **Board of Governors**  
From: **President**  
Subject: **MONITORING REPORT – EL-2b Treatment of Staff**

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**With respect to treatment of paid and volunteer staff, the President shall not cause or allow conditions, which are unfair, disrespectful, undignified, disorganized or unclear.**

Regarding “conditions which are unfair, disrespectful, undignified, disorganized or unclear,” this part of the global policy has been substantially further defined in the Board’s subsequent policies however, they remain as yet undefined aspects to the conditions described by the Board as unacceptable.

Conditions can be described as fair, respectful, dignified, organized and clear when the college has processes in place for:

- 1) terms and conditions of employment;
- 2) recognition of employee excellence;
- 3) ongoing development of staff; and
- 4) providing feedback towards topics of challenge between the bi-annual surveys.

**Evidence:**

- 1) Provincially negotiated Collective Agreements are in place for Support Staff and Faculty as well as terms and conditions of employment for our Administrative Staff.
- 2) College wide recognition through individual and team awards of excellence celebrated annually at Confederation Day.
- 3) We offer multiple pathways for employees to obtain professional development (PD) through opportunities such as:
  - Interest free tuition loans;
  - 50% tuition rebate;
  - \$20 College courses;
  - Personal PD Spending Account;
  - PD leaves of absence;
  - Internal certification offerings ( ie. Bawaajigan through CPAL, Facilitating Student Success through a strategic planning work group, Instructional Skills Workshop through the TLC).

- 4) Since the Employee Engagement Survey conducted in November 2014, the College performed three additional “pulse” surveys to obtain qualitative data with respect to the following areas: Senior Team, Recognition and Empowerment and Career. The information received was reviewed by the Employee Engagement Committee who then made recommendations for action. Such actions included:
- A formal review of PD policy and procedure to enable flexibility of accessing the right types of PD for the unique needs of each constituency group (support, faculty, admin, full time or part time). This review is currently underway.
  - A formal review of current PD budget allocations to ensure PD funds are strategically allocated in a manner that caters to the unique needs of various constituencies and that rational for qualification or rejection of PD funds are consistent and openly communicated. This review is currently underway.
  - Formal training with Managers was conducted on March 15, 2016, January 25, 2016, and December 4, 2015, covering topics such as leading difficult conversations, communicating with employees, conducting performance reviews and developing personal career plans.
  - Expansion of wellness initiatives for individual employees. This will be explored further with the development of the new Wellness Centre.

I therefore report compliance.

**The President shall not:**

- 1. Operate without written personnel procedures that:**
- a) clarify rules for staff,**

I interpret “clarify rules for staff” to mean that employees have access to the policies and procedures, collective agreements and terms and conditions of employment. Further, that the policies and practices are reviewed regularly and updated when necessary

**Evidence:**

Regarding “clarifying rules for staff” policies and procedures, collective agreements and terms and conditions of employment are available on the College’s web page. The process for policy development was renewed in early 2015 and is currently under review again to ensure that all relevant stakeholders including the new Strategic Leadership Team (SLT) and Academic Council have an opportunity to provide feedback into any new or revised policies, procedures, standards and/or practices.

I therefore report compliance.

**b) provide for effective handling of disputes, and**

I interpret “provide for effective handling of disputes” to mean that there must be policies and practices, collective agreements and terms and conditions in place that describe the process employees can follow to initiate a complaint, including the options for representation, the stages of the process, all applicable deadlines, and the privacy rights of all parties to the dispute.

**Evidence:**

Guidelines as defined above for the effective handling of disputes exist in our policies, administrative terms and conditions and collective agreements, according to a review by our legal counsel in March 2015 (see Appendix A). The collective agreements and terms and conditions of employment have not changed and our policies have not substantially changed since this letter was received.

On March 27, 2015 we reported that 33 faculty grievances had been received since January 1, 2015. All of these grievances have either been resolved or have not been brought forward for further action by the Union. Since the date of the last report 14 new grievances have been filed and 13 remain outstanding. Of the 13, one has been scheduled for arbitration and the rest are awaiting action by the Union.

With respect to the Support Staff Union, 4 new grievances were received since our last report. Of the 4, 2 have been settled and 2 are in abeyance pending a potential resolution. One grievance remains outstanding from a previous year and is being heard at arbitration.

A legal proceeding related to an administrative employee remains ongoing.

I therefore report compliance.

**c) Protect against wrongful conditions (e.g. nepotism and grossly preferential treatment for personal reasons)**

I interpret “protect against wrongful conditions (e.g. nepotism and grossly preferential treatment for personal reasons)” to mean that staff will be considered protected against wrongful conditions if two conditions are met:

First, there are clear guidelines explaining their options if they feel they are a victim of sexual harassment; given an unjustifiably poor performance appraisal; or disadvantaged in comparison with others and secondly report confidence that the guidelines as noted are followed and are effective in ensuring fairness.

**Evidence:**

Results of a confidential, on-line survey conducted in March 2016 indicated that employees can easily find out what options they have in the event they feel they have been exposed to wrongful conditions. Employees responded similarly to previous years when asked if they felt confident that the process to resolve wrongful conditions would be effective. The results are provided in chart form in Appendix B.

I therefore report compliance.

**2. Retaliate against an employee for non-disruptive expression of dissent, or for reporting to management or to the Board of Governors (per the complaint procedure in the personnel manual) acts or omissions by staff, management or the Board of Governors that the employee believes, in good faith and based on credible information, constitutes a violation of provincial or federal law or a governing policy of the Board. (Whistleblower policy)**

I interpret “expression of dissent” to be any statement by an employee that indicates disagreement with a decision made by management. Such expression is non-disruptive, when there is no refusal to perform work, when it is made in a courteous and private manner, and when it is not made publicly including to the media. Employees who disagree non-disruptively (as defined above) with management decisions may not experience retaliation from the President or any other member of management such as firing, reassignment to less desirable jobs or job hours, or initiation of a formal discipline procedure.

**Evidence:**

Results of a confidential, online survey conducted in March 2016 indicated that the majority of respondents continue to indicate that they are not aware of anyone being fired, re-assigned or subjected to formal discipline for respectfully expressing dissent. The results are provided in Appendix B.

I therefore report compliance.

**3. Allow staff to be unprepared to deal with emergency situations.**

I interpret “unprepared to deal with emergency situations” to mean that there must be policies and practices in place that describe the process employees will follow in the event of an emergency and that there have been opportunities to practice those processes. Practices mean that employees have participated in drills and exercises.

**Evidence:**

Guidelines for responding to emergencies exist in our policies. Protocols were reviewed and revised further to actual emergencies during Fall, 2015. Those emergencies included a bomb threat, a carjacking, and an external social media (Yik Yak) occurrence that impacted the College. Emergency protocols were reviewed with the Thunder Bay Police Service in November, 2015.

Drills were conducted at the Thunder Bay campus in March, 2015. Drills were practiced at the Rainy River District, Greenstone and North-shore campuses, in conjunction with the high-schools in which they are co-located.

A tabletop exercise involving the Senior Team was held in May, 2015. The exercise focused on the management of a hypothetical flood emergency at the Thunder Bay Campus (based on revised flood plain mapping), in the absence of the President.

I therefore report compliance.

**4. Allow staff to be unfamiliar with the President's interpretations of their protections under this policy.**

I interpret "unfamiliar" to mean that there must be policies and practices in place and accessible online, as well as workshops, professional development and staff meetings that inform employees about their rights and responsibilities, the processes available to them to make a complaint and the steps that will be taken once a complaint has been made.

**Evidence:**

All policies and procedures are accessible to all staff via the intranet and revised or new policies are announced to the employees via a post on Staff News (a daily electronic newsletter). The Director, Human Resources and Organizational Development and/or the Employee Health and Wellness Consultant are available to present new policies, procedures and practices to employees at staff meetings upon invitation.

As a part of orientation activities, new employees receive presentations on College policies, procedures and practices, including Freedom of Information and Protection of Privacy, the Code of Conduct, Acceptable Use of IT Resources, Sexual Assault/Sexual Violence Protocol and Conflict of Interest in August and January. A new online program is being developed to ensure that all information is easily accessible to all employees immediately upon hire and as a reference on an on-demand basis.

Online professional development is a means of reaching out to and informing employees. All new employees are required to participate in online training in Accessibility for Ontarians with

Disabilities' Act (AODA): 89% of full time employees have completed parts 1 and 2 of the required training, and 65% have completed part 3. A new online program has been developed to train all outstanding and newly hired employees going forward.

Provincial legislation requires that supervisors complete health and safety awareness training, and College policy requires that supervisors meet that obligation by completing the 8-hour on-line *Health and Safety for Managers and Supervisors in Ontario* course: 95% of full-time and occasional supervisors have completed the training.

The *Occupational Health and Safety Act* requires that all employees receive worker health and safety awareness training: 78% of full time employees have completed the one-hour on-line *Occupational Health and Safety Orientation* training course, in compliance with the *OHSA* requirement.

The Provincial government introduced legislation in 2015 to ensure that Colleges and Universities have protocols in place to deal with sexual assault and sexual violence on campus. A requirement of the legislation was to introduce training regarding the protocol to all employees. 89% of full time employees participated in face to face training sessions. A new online program has now been developed to train all newly hired employees going forward.

I therefore report compliance.

**Motion:**

**THAT we accept Report EL-2b – Treatment of Staff, showing full compliance with a reasonable interpretation of the policy.**

Respectfully submitted,

D. Jim Madder,  
President

Appendices:

- Appendix A: Letter from Hicks Morley Human Resources Law and Advocacy, dated March 16, 2015
- Appendix B: Dispute Handling Survey Results

## Appendix A



HUMAN RESOURCES  
LAW AND ADVOCACY

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Waterloo  
London  
Kingston  
Ottawa

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77 King St. W., 39th Floor, Box 371, TD Centre  
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March 16, 2015

**DELIVERED VIA EMAIL  
STRICTLY PRIVILEGED & CONFIDENTIAL**

Ms. Christine Bates  
Executive Director  
Confederation College of Applied Arts and Technology  
1450 Nakina Drive  
P.O. Box 398  
Thunder Bay, ON P7C 4W1

Dear Ms. Bates:

**Re: Personnel Policies and Practices**

You have requested that we advise concerning the state of your personnel policies and practices that provide for the handling of disputes. We have acted on behalf of the college in relation to Human Resource issues for many years and have knowledge of your policies and practices in this regard.

I can independently confirm that the policies, practices, collective agreements and terms and conditions in place for employees effectively describe the process employees can follow to initiate complaints, including the options for representation, the stages of the process, all applicable deadlines, and the privacy rights of all parties to the dispute.

The policies I have reviewed are compliant with the Colleges legal obligations.

I trust the above is satisfactory.

Yours very truly,

A handwritten signature in blue ink that reads "W. Kenny".

*for.* Wallace Kenny  
WMK/sc

Appendix B

2016 Response Rate = 27.27% (291/1067)  
 2015 Resonse Rate = 27.90% (284/1018)  
 2014 Response Rate = 35% (315/893)  
 2013 Response Rate = 38% (366/964)





