



## MEMORANDUM

**Date:** March 11, 2020

**Date Last Updated:** March 13, 2019

**To:** Board of Governors

**From:** President

**Subject:** **MONITORING REPORT – EL-2b - Treatment of Volunteer and Paid 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) Overall Engagement Scores and questions related to working conditions from the Employee Engagement Survey are no more than 5% lower than the previous survey results. Surveys are conducted every two years; and
- 5) policies in place for respectful learning, workplace violence, human rights and code of conduct.

**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 (i.e. Facilitating Student Success, Instructional Skills Workshop).
- 4) The last Employee Engagement (EE) Survey was conducted in November 2018, with another planned for November 2020.
- The EE survey is administered through the EE committee and has representation from faculty, administration and support staff.
  - The EE committee helps improve participation in the survey as well as create action plans between each survey after analysis of results.
  - The EE committee acts as a communication channel for all constituencies and provides feedback and recommendations directly to the President.
  - In 2019, the EE committee reviewed the findings of the 2018 survey, created questions for focus groups and then surveyed faculty, administrative and support staff during focus group sessions, school wide meetings, and in small groups. Based on the feedback from these sessions, recommendations were developed and provided to senior team.
  - The EE committee also worked together to develop and provide an interactive team based activity for Confederation Day that created a fun and engaging environment for all in attendance.

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 Policy Committee, consisting of representatives of the faculty union, support staff union, OCASA leadership and selected members of the Strategic Leadership Team meets regularly to review policy to ensure consultation, clarity and consistency and to recommend adaptation by the Senior Team.

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.

On March 13, 2019 we reported 13 outstanding Academic Union grievances. Since this report, 5 have been withdrawn, leaving 8 outstanding, 3 of which are scheduled for arbitration with the remaining are awaiting action by OPSEU. Since the last report 10 new grievances have been received. This leaves a total of 18 outstanding grievances.

With respect to the Support Staff Union, 5 new grievances were received since our last report, 4 of which have been resolved and 1 scheduled for 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:**

A stipulation in all new and returning employees contracts that requires them to review to our policies, particularly those that are key to their rights and responsibilities such as anti-racism, health and safety, accessibility and accommodation, workplace harassment, human rights and whistleblowing. Additionally, our new Equity and Human Rights Advisor provides ongoing outreach and professional development for employees.

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:**

There have been no cases of discipline of any kind with respect to employees expressing dissent regarding a decision made by management.

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 and are available both online and in the Employee Handbook. In 2019, we supported a number of individuals in obtaining both their Working at Heights and Aerial Lift training certificates as well as offered a SafeTALK training session.

We have recruited additional Fire Wardens to ensure adequate coverage throughout all buildings and conducted training sessions for new and returning Fire Wardens as to the correct procedures to follow during an emergency. Drills (fire and lockdown) have been practiced at the Fort Frances, Red Lake, Geraldton, Wawa and Marathon campuses, in conjunction with the high-schools in which they are co-located. In Thunder Bay the fire alarm systems are tested once a month. A formal drill did not occur as there were 3 false alarms and improvements were made from those alarms. In regards to lockdowns, the systems and protocol were tested during the spring Easter break, during the summer, and then again during the Christmas break. There is a lockdown drill scheduled for March 30, 2020.

In addition, we have invested in one staff member becoming certified in delivering First Aid Training through St. John's Ambulance. He has completed 3 internal certification training sessions for new Designated First Aiders resulting in 17 employees receiving their certification.

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 Executive Director, Organizational Effectiveness and/or the Manager, Human Resources and Labour Relations 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 and Conflict of Interest. New full-time and part-time faculty orientations took place in September and January. Administrative and Support Staff orientations were completed once per year, but will now be on a quarterly basis. The first full-time staff orientation for 2020 was completed on February 21, 2020, with the next one scheduled for May 2020.

We have invested in training software that will allow us to ensure all of the required training for new and existing employees is accessible online and will provide ease in reporting. This will include Provincially mandated training, College specific health and safety training, Accessibility training, Indigenous Training (4 Seasons) and other training as identified for specific roles within the College. This will be readily available to employees upon hire and as a reference on an on-demand basis.

All Colleges and Universities must have protocols in place to deal with sexual assault and sexual violence on campus. Quick reference resources are available in main office areas and the SAFE Campus website which outline available supports and the reporting process. We have continued to host Sexual Assault & Sexual Violence Awareness Days both in the fall and winter semesters as a way to educate both students and staff the policy, available supports, resources and the reporting process.

I therefore report compliance.

**Motion:**

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

Respectfully submitted,

Kathleen Lynch,  
President

Appendix A: Confidential Letter from Hicks Morley Human Resources Law and Advocacy  
**(Distributed Separately)**