



## MEMORANDUM

Date: **March 14, 2018**

Date Last Updated: **March 8, 2017**

**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) 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.

**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;

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- \$20 College courses;
  - Personal PD Spending Account;
  - PD leaves of absence;
  - Internal certification offerings (i.e. Bawaajigan through CPAL, Facilitating Student Success through a strategic planning work group, Instructional Skills Workshop through the TLC).
- 4) The last Employee Engagement (EE) Survey was conducted in November 2016, with another planned for November 2018.
- 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.

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 2016 and a committee was established in the Fall of 2017 to review policies and procedures to reflect the changing landscape of education and related legislative requirements. This committee has not met due to the labour disruption in the fall and the workload resulting from Bill 148. A meeting is scheduled in April 2018 to establish terms of reference.

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

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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 2017 (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 8, 2017 we reported 11 outstanding Academic Union grievances and of the 11, only two had been scheduled for arbitration with the rest awaiting action by the Union. One of the grievances was subsequently settled and the scheduled arbitration date for remaining matter was delayed as a result of the labour disruption. This matter is now scheduled to be heard in late March. Since the last report we have received 14 new grievances, 4 of which were subsequently withdrawn, 1 was settled and 3 others have been abandoned. The Union has referred the remaining 6 of these grievances for arbitration scheduling, one of which has been assigned an arbitration date. This leaves a total of 15 outstanding grievances awaiting action by OPSEU, all of which were filed on or before June 30, 2017.

With respect to the Support Staff Union, 2 new grievances were received since our last report. Both grievances are related to the same matter and are scheduled for arbitration in March.

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:**

In late 2016 we launched a “Policy of the Month” initiative whereby all employees are required to attest that they have reviewed the policy/procedure identified for that month. To date we

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have put forward the Whistleblower, Sexual Assault and Sexual Violence Code of Conduct, Respectful Work and Learning, Professional Development, Internal Communications and Unscheduled College Closure policies/procedures. We did not put forward any polices for review over the summer period as a result of vacations or from October to January as a result of the labour disruption. Despite numerous technical challenges, we can confirm that at least 80% of full time employees and 50% of part time employees have reviewed each of the policies as presented.

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. In addition, our Unscheduled College Closure Policy was featured in the Policy of the Month program this past year. We have invested in certified trainers to deliver Prepare training and offered 5 sessions in 2017.

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Drills (including fire and shelter-in-place) were conducted at the Thunder Bay campus in January 2017. Drills (fire and lockdown) were practiced at the Fort Frances, Red Lake, Geraldton, Wawa and Marathon campuses, in conjunction with the high-schools in which they are co-located.

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 and Conflict of Interest in August and January. A new online orientation program was launched to ensure that all information is easily accessible to all employees immediately upon hire and as a reference on an on-demand basis.

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: 80% of full-time supervisors have completed the training.

The *Occupational Health and Safety Act* requires that all employees receive worker health and safety awareness training: 77% of full time employees have completed the one-hour on-line *Occupational Health and Safety Orientation* training course, in compliance with the *OHSA* requirement.

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All Colleges and Universities must 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. 87% of full time employees have participated in either a face to face training session or have completed the online SAFE campus training. On March 6<sup>th</sup> we held a Sexual Assault & Sexual Violence Awareness Day which included distribution of SASV resources, a speaker and SAFE Campus support fair. This Awareness Day will continue to be offered annually, once in the fall semester and once in the winter semester. We have also ensured that a SAFE campus booth has been set up at our Campus Community Connections Fair to provide information and resources. Quick reference resources have been developed for both students and employees which outline available supports and the reporting process. These documents will be made readily available in main office areas and the SAFE Campus website.

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 5, 2018

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Appendix A



Hicks Morley Hamilton Stewart Storie LLP  
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March 5, 2018

**DELIVERED VIA EMAIL**  
**STRICTLY PRIVILEGED & CONFIDENTIAL**

Ms. Jeannine Verdenik  
Director, Human Resources  
Confederation College of Applied Arts and Technology  
1450 Nakina Drive  
P.O. Box 398  
Thunder Bay, ON P7C 4W1

Dear Ms. Verdenik:

**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, appearing to read "Wallace Kenny".

Wallace Kenny  
WMK/dm