



BC's Union for Professionals

**Labour Relations Report**  
**submitted by Samantha Montgomery, Labour Relations Officer (LRO)**  
**November 6, 2019**

**Annual General Meeting of the Professional Employees Association**  
**University of Victoria Chapter**

**Member Servicing**

The PEA servicing model provides members with direct access to their local reps, the PEA chapter executive and their labour relations officer (LRO). Members should feel free at any time to connect with us about issues that arise, questions or feedback.

The PEA and the University continue to problem solve and settle the majority of issues before they come to grievance or arbitration. It is the role of the LRO to be an advocate and to support members of the union. Should there be a need for a grievance, the LRO will file it. It is the LRO that has carriage of the grievance in consultation with the elected officers of the chapter.

**Collective Agreement Interpretation and Application**

Members contact the LRO with questions and issues regarding the collective agreement and how it's being applied in their departments. The language in the collective agreement is imprecise and consequently can be open for misinterpretation by managers and members. The most frequently misinterpreted articles include compassionate leave, vacation scheduling, hours of work, work schedules and compensatory time off.

**Job Evaluation Committee**

I co-chair the joint job evaluation committee with the University's recruitment and classification advisor Penny Waterman. We have been meeting regularly to review job evaluation questionnaires submitted by employees and managers. The larger appeal committee consisting of six members (three from the union, three from management) has met a few times to review appeals.

Over the years, we have heard ample feedback from members about the multiple barriers to applying for job reclassification and problems with the classification formula itself. The Association has struck a joint committee with the University to review this process and we are actively working to improve this system for members.



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## **Recruitment and Retention Issues**

The Union is keenly aware of issues with recruitment and retention across the University, particularly as the employer chose to end many Critical Skill Adjustments in the last round of bargaining.

As part of our review of the PEA Job Evaluation plan, we will explore ways to incorporate more “critical skills” into our factor rating system.

## **Layoffs and Restructuring**

The PEA has been clear with the University that layoff should not be used as a work around to job reclassification. Since March, only one member has been subject to layoff as a result of restructuring. While laid off members are then eligible for severance or recall, this member was able to be placed into a vacant position on campus.

That said, the collective agreement has limited language with respect to the layoff process. Length of service only becomes a factor when layoffs occur within a department for employees at the same salary grade in similar positions doing substantially the same work. The words “seniority” and “bumping” do not appear in the collective agreement. As the LRO, my role is to make sure that the University is following the collective agreement and not violating any laws (e.g., the Human Rights Code).

## **LTD, Return to Work, and Accommodation cases**

Members sometimes have to go off on sick leave, be accommodated at work, or transition to long term disability (LTD). It is the role of the LRO to support members in these cases and facilitate suitable accommodation plans.

It is important to note that PEA members do not have unlimited paid sick leave, which can sometimes result in financial hardship for members with chronic or recurring illnesses. In our last round of bargaining, the PEA won the ability to reset the the paid leave clock for members who return to work after being on LTD. We will continue to advocate for our members and their rights to accommodation.

## **Discipline**

Although it rarely occurs with members of the PEA, there have been cases where members were disciplined. When such cases arise, it is the employer who must prove “just cause” (i.e., the burden of proof falls on the University). It is my role to push the University to make sure that there is in fact (based on evidence) cause for discipline. If there is not, a grievance is filed.



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## **Discrimination, Bullying and Harassment**

PEA members are entitled to a safe workplace. This year, the Association filed a grievance on behalf of a member who experienced workplace bullying and we requested that the University conduct an investigation. We have also represented multiple members who filed complaints with the Equity and Human Rights (EQHR) Office on campus but did not want to file a formal grievance. Finally, the PEA represented members who were respondents to complaints from students, faculty, and other staff. The LRO has a duty to fairly represent all members in these cases and uphold their rights to due process.

## **Letters of Expectation**

On occasion the University issues “letters of expectation” to guide performance. Letters of expectation are not disciplinary in nature. I attend meetings with members where such letters are presented. I advocate for members through this process and ensure that letters are not disciplinary, including proposing changes to the letters if necessary. Letters of expectation should be kept only in departmental office personnel files. When expectations are met, they should be noted and attached to the letter of expectation or the letter of expectation should be destroyed.

## **Term Employees**

The Union remains concerned by the University’s use of term employees. These workers have almost no job security and they are not eligible for severance or recall. They have fewer rights and benefits than regular employees.

Term employees are not eligible for long term disability, maternity or parental leave or the combination pension plan. A term employee who has been employed for more than three years of contiguous term appointments, is entitled to sick leave on the same basis as set out for regular staff members. A term employee holding a term appointment for a minimum of three months at 0.50 FTE or more is eligible to enroll in the Medical and Extended Health Benefits Plans effective from the first of the month following appointment, and in the Dental, Basic Group Life, Optional Group Life and Money Purchase Pension Plans after twelve months of continuous service.

## **Keep in Touch**

I will be working with the Chapter Executive to increase our member engagement and communications, including opportunities for education and collective problem-solving.

Please do not hesitate to contact me with questions or feedback of any kind. The Union



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is strengthened from hearing and understanding the issues facing our members in the workplace.

It has been a privilege to work with the PEA members at UVic. Thank you for your ongoing support and commitment.

Respectfully submitted,

Sam Montgomery