

# Okanagan Bulletin

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<i>Contents</i>	<i>Issue #6</i>
<b>Wrestling with Duality</b>	<b>1</b>
<b>Chair's Report</b>	<b>2</b>
1. Re-launch of the Okanagan Bulletin	2
2. A Snapshot of the Bargaining Unit	2
3. Merit and PSA	3
4. A Brief Guide to Grievances	4
<b>Arts Building Health Survey</b>	<b>6</b>
<b>2014 - 2015 Executive Committee &amp; Staff</b>	<b>8</b>

## Wrestling with Duality

Mark Mac Lean, President

**One great university – two great campuses.** Google this phrase and the top hit is [UBC's 2006 Annual Report](#). This vision of UBC has influenced the development of the Okanagan campus since that time. But what does this phrase really mean?

Even before I took office as President of the Faculty Association last July, I knew that I would have to understand the Okanagan campus and its place in the bigger university. More importantly, I knew that I would need to learn how to be the president of a faculty association that represents members on both campuses (and, as it turns out, in many other locations spread around the province) who are covered by a single collective agreement, but whose work contexts are very different. While geography and campus culture are important factors that affect the working lives of UBCFA members, I believe that



the way the relationships between our two campuses are defined impacts tremendously how members at the Okanagan campus experience UBC, and also how they experience the Faculty Association.

The Vancouver campus is the larger of the two campuses: more than 85% of the Faculty Association members are in Vancouver, the main Faculty Association offices are in Vancouver, and all but one of the Faculty Association Executive Committee members is from Vancouver. The President of UBC and most of the UBC Executive are also located in Vancouver. It would be very easy in this situation for the Okanagan campus to become an afterthought, even if that were not the intention. After all, UBCO has its own local administration, led by the DVC and Principal, and the Faculty Association has its own local Okanagan Faculty Committee (OFC), led by a Chair who is a UBCO faculty member. It would be very easy to fall into behaviours on both campuses that make it seem that the Okanagan administration and the OFC were the only ones really responsible for the Okanagan campus. So easy, in fact, that most of us see the campuses as two solitudes. The reality is, however, that the Faculty Association's Okanagan

## Wrestling with Duality

(cont'd from p. 1)

members are strongly affected by decisions taken in Vancouver by both UBC and the UBCFA, and so neither UBC nor the UBCFA can afford to ignore its dual identity.

As President of the Faculty Association, it is my job to understand the experiences of our Okanagan members so that I can honestly represent your views when I meet with members of the administration, both in the Okanagan and in Vancouver, and when I am chairing the UBCFA Executive Committee. I also have a responsibility to make sure that the Faculty Association itself serves our members well on the Okanagan campus. This means that I need to hear more from you.

Throughout the rest of this term, I will be coming up regularly to the Okanagan campus and I will be sending out invitations to lunch discussions on various topics and themes. This will be an opportunity for me to listen to you on issues that you think are important in your lives as UBC faculty members. It will also be an opportunity for me to share with you some of the work we are doing on behalf of all our members.

I look forward to meeting more of you over the next months. Please [email me](#) if you have any questions or comments.

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# Chair's Report

Jim Johnson, Chair  
Okanagan Faculty Committee

## 1. Re-launch of the Okanagan Bulletin

Between October 2008 and October 2010 the Faculty Association published five issues of the Okanagan Bulletin, a union newsletter for bargaining unit members in the Okanagan. Then we stopped publishing it. That was not a conscious decision of the Okanagan Faculty Committee, it just happened. Over the past five or six years the Faculty Association generally has been moving away from newsletter type communications to issue-based online communications (see the bargaining blogs and the policy 81 blogs as examples). This has worked well for communicating with members on those issues, but not so well for more general communications between the OFC and the members in the Okanagan.



Consequently the OFC (me, Mike Pidwirny and John Wagner) have resolved to revive the Bulletin. This is the first issue of the re-launch. In this issue, in addition to the Chair's report, second vice-Chair, John Wagner, reports the results of the Arts building health survey, and there is a report by President Mark Mac Lean. In future issues we also intend to report on current and resolved grievances.

## 2. A Snapshot of the Bargaining Unit

UBCO is funded for 6,971 FTE domestic students, a target we more-or-less hit in 2013. Since international enrolment continues to grow we're not exactly at our steady-state size, but growth from now on is likely to be very gradual. Consequently, this is a good time to take a snapshot of our membership.

The analysis (see page 3) is taken from data provided to the Association by UBC. It's not completely accurate, but accurate enough for these purposes. In October 2014, according to UBC, we had 405 members of the bargaining unit (UBCV, on the other hand, had 3,051 members). Of those, 41 were Sessional Lecturers, who are paid by the course. All others were salaried employees. The distribution of the salaried employees, and their median annual salaries are shown on the next page.



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Median salaries for men are 8% higher than median salaries for women overall, but median salaries vary significantly by Faculty and seniority within rank and the only way fully to understand sex differences in salaries is to conduct a complete study like the one conducted jointly by the Association and UBC in 2010. Since Sessional Lecturers (25 of whom are women and 16 of whom are men) are paid by the course, annual salaries are not meaningful for that job classification. The median per course salary for Sessional Lecturers was \$6,327 with a minimum of \$5,000 and a maximum of \$8,393.

RANK	Women	Men	Median Salary
Professor	9	28	\$144,672
Associate Professor	62	108	\$113,267
Assistant Professor	33	54	\$97,702
Professor of Teaching	1	0	-
Senior Instructor	11	6	\$104,194
Instructor	15	7	\$81,500
Lecturer	13	8	\$70,000
Librarian	8	1	\$75,324

The median age of all bargaining unit members was 49.5 years which was, surprisingly, only slightly lower than the median age among members in tenure and tenure track positions (51 years).

Overall, we are about 13.3% as large as UBCV. We have 14% as many members of the professoriate (Professors, Associate Professors, Assistant Professors), 20.7% as many members of the educational leadership stream (Professors of Teaching, Senior Instructors, Instructors), 9.1% as many contract faculty (Lecturers, Sessional Lecturers), and 13.3% as many Librarians. Obviously, because we have been growing faster than UBCV we have a somewhat higher percentage of untenured members (14.6%) and a significantly lower percentage of Professors and Professors of Teaching (3.6%) than UBCV. Our salaries are lower across the board, but that's a matter for a future Bulletin.

### 3. Merit and PSA

Because we are still in the process of negotiating the 2014-2016 Collective Agreement, Merit and PSA awards are delayed. This happens every bargaining round. The last awards were effective July 1, 2013. Sessional Lecturers are not eligible for Merit or PSA. All other members of the bargaining unit are eligible provided that they were employed on June 30 of a given year, and continued to be employed on July 1 of the same year (the next day). This is intended to exclude those who retire or resign on or before June 30 and those who are hired on or after July 1. 339 members at UBCO were eligible for Merit and PSA. Of those, 165 members received neither Merit nor PSA, 77 got Merit only, 45 got PSA only, and 52 got both Merit and PSA. The modal value for Merit, among those who got Merit, was one unit, but 29 members did get 1.5 units and another 15 got 2.0 units. The modal value for PSA, among those

who got PSA, was \$1,000. The lowest PSA award was \$600 and the highest was \$5,276. Because of the way Merit and PSA are allocated to Faculties we would not expect to see much difference in the pattern of Merit and PSA awards between the two campuses. The only thing that really jumps out is that at UBCV occasional very large PSA awards are made. On July 1, 2013 at UBCV eight awards of more than \$10,000 were made, three of which were over \$50,000 and the largest of which was over \$70,000.

## 4. A Brief Guide to Grievances

In a unionized workplace the relationship between the employer and its employees is governed by the Collective Agreement along with relevant statutes, such as the Human Rights Code and the Labour Relations Code. The Employment Standards Act does not generally apply although there are certain provisions of the Act that are deemed to be incorporated in the Collective Agreement if the Agreement contains no language pertaining to matters covered by those provisions.

Inevitably, from time to time, managers are going to violate the provisions of the Collective Agreement or relevant statutes and when that happens the member's recourse is to ask the union to file a grievance.

Unlike most faculty associations UBCFA does not have a shop steward mechanism for dealing with grievances. Instead, grievances are dealt with by the Member Services & Grievance Committee (MSGC) whose duty is to investigate complaints by individuals concerning their employment, tenure, salaries, and other conditions of service, assisted by our professional staff (Member Services Officers). The members of the MSGC are not shop stewards in the usual sense as investigations are usually delegated to Member Services Officers. First vice-Chair of the OFC, Mike Pidwirny, is our member on the MSGC. At one time I too was a member of the MSGC, which allowed me to deal directly with grievances, however that is a role that is somewhat in conflict with my role on the Executive Committee. I

am no longer a member of the MSGC and I no longer deal directly with grievances.

The grievance process has three steps. In the first step the member raises the complaint or concern with his or her Head or Dean within 28 days of becoming aware of the issue giving rise to the grievance. The member can have a Faculty Association representative present at these discussions if he or she wishes. Ideally most grievances should be settled at this stage but unfortunately UBCO administration generally does not attempt to settle grievances at this stage. Instead they generally adopt a strategy of "deny and delay",

even in cases where they are clearly in the wrong. There is a maximum 56 day window from the time the member became aware of the issue giving rise to the grievance during which the grievance can be settled informally at this step. There is, however no minimum period for this stage so if the university administration is clearly unwilling to settle the grievance it is not

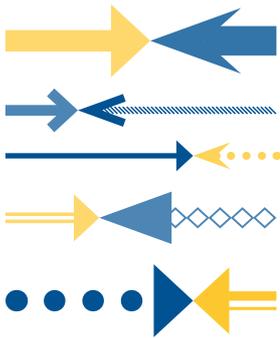
necessary to wait the full 56 days. Once it is clear that the administration is just stalling, or after 56 days, whichever comes first, the member should request that the Faculty Association file a written grievance, the second step in the process

Contrary to what some people believe grievances are not between the member and the university. They are between the Faculty Association and the University administration. Individual members cannot file written (i.e. formal) grievances — that is

the prerogative of the Faculty Association. Generally the grievance letter is written by a Member Services Officer and signed by the Chair of the Member Services and Grievance Committee. There is no absolute obligation for a union to file a written grievance at the request of a member and the union may decline to do so if it believes the grievance has no merit. However members have a right to have any complaint fully investigated by the union, and filing a written grievance is just a standard step in the process of investigation. In the unlikely event that the Member Services and Grievance Committee declines to file a written grievance members have the right to appeal that decision to the Executive Committee. In my time on the Executive Committee we have not yet had to deal with a refusal to file a written grievance.

Once a grievance is at the written grievance stage the university has 21 days to meet with the Faculty Association representative (usually a Member Services Officer) to resolve the dispute and if the grievance is not resolved 14 days after that meeting the Provost, Dr. Cynthia Mathieson, provides a written response to the grievance. At this stage too UBCO administration generally follows the "deny and delay" approach. Sometimes there are good reasons for holding the timelines in abeyance to allow time for further investigation but all too frequently the University is just stalling.

The final step, if the grievance is denied, is to have the matter resolved by an independent third party. This step is known as grievance arbitration (as opposed to the interest arbitration process that concluded the last round of collective bargaining). We have 21 days to notify the Provost, in writing, that we intend



to proceed to arbitration. Again, the union is not obliged to take a case to arbitration at the request of a member if the MSGC feels that we have no case or that proceeding is not in the best interests of the union. If the MSGC feels the case should proceed to arbitration they will make that recommendation to the Executive Committee, which has the ultimate authority on whether a case proceeds to arbitration. In the event the MSGC decides not to proceed to arbitration a member may appeal that decision to the Executive Committee. The Executive Committee deals with three or four such appeals each year.

In the event the Executive Committee does not decide to take a case to arbitration the member has the option of making a complaint to the Labour Relations Board of BC under section 12 of the Code. The Board does not rule on the merits of the grievance but will consider whether the union has met its fair representation responsibilities. The LRB has a variety of options available if it finds the union did not meet its obligations of representation and it is possible that the Board will direct the union to take the case to arbitration. I don't know of any cases at UBCFA in the past 10 years that led to a section 12 complaint against the UBCFA (although there may have been some initiated before my time) because we are very serious about our duty of fair representation. In my long service on the Executive Committees of UBCFA and, before that OUCFA, I can only recall one section 12 complaint, in 1997 (BCLRB No. B430/97). You can find it on the BC Labour Board website if you want. It's kind of interesting.

The grievance procedures found in Collective Agreements and in labour law in Canada were designed as an inexpensive and expeditious method of resolving disputes in unionized settings, compared to the civil actions to which non-unionized workers have access. Compared to civil action that's still true but I doubt many labour relations experts would now call grievance procedures either inexpensive or expeditious in any other context. That's a trend everywhere in Canada, but because of UBC's general unwillingness to settle grievances until the last minute (frequently no real attempt to settle is made by the university until just before the date of the arbitration), and because UBC "lawyers up" at every opportunity, the process is more painful here than at most places of employment. The most common complaint I hear from members about their grievances is how long it takes. Unfortunately there's not much we can do about that, other than enforcing the timelines in the Collective Agreement.

Visit the UBCFA Website

for more details on

[Grievance Handling Policies and Appeal Procedures  
\(http://www.facultyassociation.ubc.ca/grievancesappeals.php\)](http://www.facultyassociation.ubc.ca/grievancesappeals.php)

Contact the Faculty Association office if you want to set up a meeting with one of our Membership Services Officers.

T. 604.822.3883 • [E. faculty.association@ubc.ca](mailto:faculty.association@ubc.ca)

# Arts Building Health Survey

February 8, 2014

Prepared by John Wagner  
Second Vice-President  
Okanagan Faculty Committee



The Okanagan Faculty Committee (OFC) invited members to participate in a survey regarding Arts Building health issues in December 2013. OFC is a sub-committee of the UBC Faculty Association and is mandated to look after issues that are exclusive to the Okanagan campus.

The survey was initiated as a result of the ongoing occurrence of complaints about the building, poor air quality being the most common issue. The complaints began in 2005 when the third floor was added to the building and the study was therefore designed to collect information going back to 2005. One of the impediments to resolving these complaints has been the lack of a clear and well understood reporting process. Some faculty members have complained to their head or another senior administrator in their faculty; others have communicated directly to Facilities staff, to the former UBC Office for Health, Safety and the Environment (now Risk Management Services), or to the Faculty Association. Others have mentioned their complaints to fellow faculty members but to no one else, while others report not mentioning their concerns to anyone.

One of the main goals of the Arts Building survey was to bring together as many of these complaints

as possible in one file. Survey results can now be compared with and augmented by the records held by Risk Management Services and Facilities Management so that the full magnitude of the problem can be assessed and appropriate actions taken.

Invitations to participate in the survey were sent to all faculty members likely to have had an office in the Arts Building since 2005, or to have taught classes there on a regular basis. This included all current members in three faculties: Arts and Sciences, Critical and Creative Studies, and Health and Social Development. 17% of all eligible faculty members (56 people) participated. Exactly half of those

respondents indicated that they had experienced health problems that they believe were caused in whole or in part by conditions in the Arts Building. The survey was not intended to produce an estimate of the percentage of exposed members who experienced health problems. We do not have an accurate

assessment of the number of members exposed, and the survey responses are subject to selection bias. The intent was to discover whether the number of members reporting health problems, relative to the overall size of the bargaining unit, is large enough to indicate the possible existence of a problem that merits further action. That 28 members reported

*To read the complete Arts Building Health Survey - Summary Report, please follow this link: [Arts Building Health Survey Report\\_Jan26\\_Final.pdf](#)*

Photo: Nancy Langton

## Arts Building Health Survey

(cont'd from p. 6)

health problems, in a bargaining unit of fewer than 300 members, many of whom have never spent a significant amount of time in the building, is a clear indication that further action is warranted.

The most commonly reported health problems are headaches, respiratory problems, flu-like symptoms, fatigue, eye problems, dizziness, and nausea. Out of 28 people reporting health problems, 26 reported that they experienced these problems frequently or constantly. Nine of 28 indicated that their symptoms had caused them to lose time from work. Twelve indicated that they had had to seek medical treatment. 85% of the people who reported health problems attributed them to multiple causes with the most common being air quality (85%), followed by equipment and fixtures such as lights and carpets (63%), over-heating (41%), and poor cleaning practices (14%). Problems were reported for offices, classrooms and special purposes rooms but by far the main complaints focused on first and second floor offices.

Various actions have been taken by the university in response to faculty complaints since 2005 but the survey indicates that many concerns remain unresolved. One of the more disturbing findings was the fact that 66% of those who made formal complaints reported feeling either somewhat dissatisfied or very dissatisfied about the actions taken in response to their complaints.

Although the survey results indicate that a significant number of faculty members believe that poor air quality in the Arts Building is a cause

of health problems, the survey does not prove that this is the case. Proof would require a more comprehensive investigation, a thorough testing of air quality and other issues, the gathering of more detailed information from those experiencing health problems. With these goals in mind, OFC will continue its investigation by consulting with other parties that have direct responsibilities for these issues.

We presented this report to the University Health and Safety Committee (UHSC) on January 23 and UHSC has agreed to play a lead role in addressing faculty concerns (<http://riskmanagement.ok.ubc.ca/committee.html>). A specific plan of action will be discussed and adopted at the next UHSC meeting in the third week of February. Risk Management Services (RMS) and Facilities Management have also indicated their willingness to work with us to determine how many of the complaints dating back to 2005 have been resolved and how many remain outstanding. Together with UHSC we will also communicate with Work Safe BC to determine what resources they can make available to us if it becomes necessary, for instance, to bring in an independent, outside medical or engineering professional to assess the situation.

Please contact [John Wagner](#) if you have any questions about this report.

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# Promotion & Tenure Workshops

**Tuesday, April 28, 2015**

If you are a faculty member coming up for tenure and/or promotion in either the Research Stream or Educational Leadership Stream, these workshops are for you! The speakers will guide you through all aspects of the tenure and promotion process at UBC. You will leave with a clear sense of how the process unfolds and your role in it. So please join us to ask questions, discuss concerns and share experiences!

**Times and location will be announced in the coming weeks.**

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Visit us on the web: [facultyassociation.ubc.ca](http://facultyassociation.ubc.ca).

The Okanagan Bulletin accepts submissions from UBC Faculty Association members on issues of interest. Unless otherwise stated, the opinions expressed are those of the author(s) and not necessarily those of the Association or its Executive Committee.

