

Labour Relations Case Studies

THE DEVIL IN THE DETAILS: FINDING AND EXORCISING IMPROPER LABOUR RELATIONS LANGUAGE

This is one of those situations where an eye for detail greatly helped a group of our members. Thanks to FSA members that sit on the Institute Placement Committee, along with the FSA Labour Relations team, a legacy error restricting the initial placement of some Tech Staff was recently identified and redressed. The error placed an unnecessary restriction on the earnings of these members, violating recently agreed-upon Collective Agreement language.

The error has its roots in changes to our contract that were established in the second most recent round of bargaining. Prior to the signing of the BCIT/FSA 2019-22 Collective Agreement, contract language existed limiting the initial placement of Tech Staff to certain barriers, which were removed in the 2019-22 Collective Agreement. Recently, however, FSA

members on the Institute Placement Committee noticed that the barriers mistakenly remained on the Tech Staff Placement form, a legacy of the previous contract: “The maximum step that may be granted upon initial placement is 6, 11, and 15 respectively.”

The members brought this to the attention of our FSA Labour Relations team, who was able to trace the history of the problem and communicate it to the employer. After some back and forth, BCIT addressed the situation resulting in several FSA members receiving retroactive step increases. As well, the Tech Staff Placement form has been corrected on the BCIT HR website.

If you find yourself sitting on a Tech Staff selection committee, please ensure you are not using the old, incorrect forms.

TAKING BACK ARTICLE 14 RIGHTS

Members of the School of Business + Media (SOBM) Department recently came to the FSA with questions regarding Departmental selection committee processes and rights. In some cases, newly formed selection committees were not comprised of members with the necessary expertise and knowledge of the program area that Department members expected. The story of this Department subsequently coming together to establish new practices that did suit their interests speaks to some of the broader educational goals of the FSA. In particular, it highlights just how much power FSA members, as a collective, have over the day-to-day functioning of their workspaces when they choose to enact their rights.

As we’ve highlighted in numerous media over the past two years, Article 14 of the BCIT/FSA Collective Agreement provides members with a host of possible rights—almost 40, by our count. If any of these rights go unexercised by the Department, however, they may instead fall within management’s scope. This was the case in the SOBM Department regarding the selection committee process for FSA hires. Article 5.2.3 of the Collective Agreement provides FSA members the right to choose selection committee representatives how they see fit, and therefore to fill the committee with individuals who best understand the qualifications and skills necessary for the available position.



This is also a great time to remind all members of any FSA Department selection committees:

- to carefully check language on placement in the Collective Agreement, do not rely solely on the forms
- to contact the FSA if you have any questions or concerns
- to let new staff members know that they can dispute their initial placement during their first six months of employment
- above all, to remember that initial placement is the responsibility of the selection committee, not BCIT management.

One broader lesson is that the Collective Agreement is a document that may have a presence in many places throughout the Institute... and Union. Just as the work of the Union includes upholding the Collective Agreement in between bargaining, so too do we all need to be vigilant and look for errors that may arise. If you think that your Collective Agreement rights are being violated, please get in touch. Visit the contact page on our website for more information on how to do so.

Under the guidance of FSA staff in Operations, Labour Relations, and Member Engagement, the Department was advised they needed to meet to make and approve a motion to take back this responsibility from management, allowable under Article 14. The Department created a Terms of Reference (ToR) for selection committees, consulting with and working from the template of another BCIT Department that had already done so. The SOBM Department members working on the ToR then called a meeting of the Department (all the FSA members and the related manager), giving required notice, allowing for feedback, then coming together as a group via recorded Zoom meeting to vote. The new ToR passed unanimously, giving members reclaimed control of selection committee appointments, which had defaulted years ago to management.

In the FSA's view, this short story has wider implications. FSA members' ability to control Departmental practices extends well beyond selection committee appointments. Our members have robust rights when it comes to Departmental planning, including but not limited to coverage/workloading, vacation scheduling, performance appraisal, PD release, backfill, and several notification and consultation rights.

The FSA provides Departmental Rights and Responsibilities training if your Department is interested in better understanding and utilizing your Article 14 language. Write your Member Engagement Officer for more.