

# FACNC STEWARD BULLETIN

September 7, 2021



## FALL TERM, COVID RESTRICTIONS & FACULTY RIGHTS

*Some Things faculty need to be aware of as you begin the Fall Term:*

- The Public Health Orders for Post-Secondary [as of Sept 3, 2021]:

### **Masking is mandatory –**

**The mask order will apply in all indoor public areas on campus including lobbies, hallways, stairwells, elevators, classrooms, and labs.**

What does this mean for faculty in our classrooms, labs, shops, on-campus clinics -  
Your Rights:

#### 1. Unsafe Work:

- a. For faculty in face-to-face classes of any type as well as any in-person scheduled office hours you have the right to refuse any work that you believe to be unsafe. This would include cases of students who refuse to wear masks or for those who appear to be sick. In such a situation you would dismiss the class/students then contact your supervisor informing them of the reason you believe the worksite is unsafe. The WorkSafeBC guideline is **attached** and the local collective agreement provision states:

- 15.6.5 Pursuant to Regulation 8.24 of the Industrial Health and Safety Regulations, a faculty employee may refuse to perform assigned work when the employee has reasonable cause to believe that to do the assigned work may be a danger to the health and safety of themselves or anyone at or near the workplace. In this event, the faculty employee shall forthwith report the situation to their educational administrator or the Safety Coordinator. The situation shall then be investigated and, if possible, resolved through the following sequence:

- a. by their educational administrator and the faculty employee concerned and/or their Faculty Association representative;
- b. by a faculty representative of the Occupational Health and Safety Committee and the Safety Coordinator;
- c. by an officer of the Worksafe BC or relevant inspector.

The Faculty Association shall be informed by the educational administrator of all complaints at step a. of the above sequence.

- b. You cannot be expected to discipline nor police your students. While it is reasonable to have COVID restrictions like mandatory masking described in your course outlines, and it is also reasonable that you discuss the restrictions during the first class or whenever you normally discuss the course outline; you cannot be expected to enforce the restrictions by disciplining the student(s) who is refusing to adhere to the restrictions. Instead, in the case of mandatory COVID restrictions, you should use the Unsafe Work provision. The health and safety of everyone in the environment may be at risk.

## **Mandatory Vaccine Requirements –**

### **Taking effect on Sept 7 ...**

**As part of the new provincial vaccine requirement, accessing some non-essential services on campus will now require a proof of vaccination. This will apply to on-campus indoor venues, including but not limited to gyms, nightclubs, restaurants, and a variety of indoor events, such as sporting events and concerts. Students who are living in on-campus housing will also require proof of vaccination.**

**Expect revisions to occur as the provincial vaccine requirements proceed.**

**Further, under WorksafeBC guidance post-secondary institutions have developed Communicable Disease plans which include COVID. The institution can also implement its own vaccination requirements, providing it is in consultation with Public Health and by maintaining its own due diligence.**

Your Rights:

#### **a. Proof of Vaccination**

Employers that mandate vaccination may be entitled to request proof of vaccination. A policy requiring proof of vaccination must be reasonable in the circumstances and it must comply with the provincial privacy law. We believe that the policy must not be contrary to the applicable

collective agreement and, it must provide for human rights exemptions. The policy should also allow for non-disciplinary alternatives.

**b. Workplace Accommodation:**

Despite the mask order and any employer decision to implement mandatory vaccinations, there may be members who are unable to return to face-to-face instruction for reasons of disability or another Human Rights protected ground such as family status. In this case you are legally entitled to an accommodation. An accommodation is a tri-partite process that must involve the employee, their union and employer.

I have once again **attached** the CNC Workplace Accommodation form and highly advise that you include either my name or that of your area Steward at the "Other" line in the second box of the form.

Unfortunately, this form is limited to the request for accommodation related to a physical or mental health disability for the member only. Faculty may also be uncomfortable returning to the classroom because they may be living with an immunocompromised individual, have family or child obligations, or have other relevant fears over working in a face-to-face situation. Although those reasons may not meet the test for a human rights accommodation, we believe that the employer should review those requests with the goal of arriving at a satisfactory solution. If you feel that you face one of these circumstances please contact me prior to addressing your need for accommodation with the Employer. [facnc\\_chiefsteward@telus.net](mailto:facnc_chiefsteward@telus.net)

**c. Representation in the case of discipline related to the COVID restrictions:**

Subject to the Union's review and assessment based of the available facts in any particular situation, the Union retains its obligation to represent our members, including a member who may be disciplined by CNC in response to the member's opposition to mandatory masking and/or vaccine orders.

*I will get back soon with more information as it arises or is clarified. Stay tuned...*

*Welcome back to returning faculty and welcome to those of you new to CNC. As you might imagine, it was a very busy Spring and Summer here at the Union Office.*

*Hope you all were able to celebrate Labour Day in some way.*

In solidarity,

Jan Mastromatteo [facnc\\_chiefsteward@telus.net](mailto:facnc_chiefsteward@telus.net)