

**BRITISH COLUMBIA REGIONAL OFFICE**

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September 23, 2011

Via fax: 604-660-1892

Labour Relations Board  
Suite 600 – Oceanic Plaza  
1066 West Hastings Street  
Vancouver, BC V6E 3X1

**Attention: Registrar**

Dear Sir/Mesdames:

**Re: Canadian Union of Public Employees, Local 3338, Unit 5 – and - Simon Fraser University  
Student Society ("SFSS")  
(Applications pursuant to s. 6(3) and 68 of the Code; Case No. 62265/11)**

We continue to act for the Union in the above-noted matter.

The Union filed an application on July 11, 2011 under Part 5 of the Code to restrain the Employer's use of replacement workers during the current lockout. On July 12, 2011, the Employer brought an application seeking to restrain picketing by the Union at the SFSS Board office.

On July 21, 2011, the parties entered into a Settlement Agreement (the "Agreement") that, amongst other things, restricted the Employer's ability to utilize members of its Board of Directors to perform bargaining unit work. The Agreement stipulates that only Colleen Knox (an excluded staff person), Jordan Kohn and Lorenz Yeung (both Board members) are permitted to be assigned work of bargaining unit employees in the General Office and Financial Office (see paras 1-10). A copy of the Agreement is enclosed for ease of reference.

On September 7, 2011, the Employer's Board of Directors carried the following resolution:

*Be it resolved that the board extend directors hours to a total of 80 hours per month for faculty and at-large representatives and a total of 240 hours per month for executive directors and that these hours be billed at \$14.58 per hour.*

*Be it further resolved that this be effective September 2011 and end upon the termination of the lockout.*

**PAUL MOIST** – National President / Président national **CLAUDE GÉNÉREUX** – National Secretary-Treasurer / Secrétaire-trésorier national

**TOM GRAHAM** – **FRED HAHN** – **DANIEL LÉGÈRE** – **LUCIE LEVASSEUR** – **BARRY O'NEILL** – General Vice-Presidents / Vice-présidents généraux



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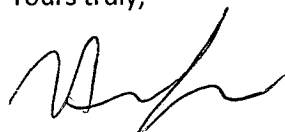
A copy of the Minutes from the Employer's Board of Directors meeting held on September 7, 2011 are enclosed.

The passing of this resolution doubles the hours being worked by the entire 16 members of the Board of Directors. It is simply unfathomable that Board members are not performing bargaining unit work during these increased hours in contravention of the Agreement. Indeed, the resolution states that the increase in hours will continue until the end of the lockout—when student services are once again performed by the Union's members. Further, the Union has recently learned that the photocopier normally restocked with paper by the Union's member at the Surrey SFU campus (Ed Deeks) has been refilled on several occasions. No doubt there are further examples of bargaining unit work being performed by unauthorized persons in contravention of the parties' Agreement.

The Union therefore requests, consistent with paragraph 15 of the Agreement, that a hearing of the Union's application be reconvened on Monday September 26, 2011 at 9:30 a.m. The Union intends to rely on the facts as set out in its application, the agreed statement of facts, the facts contained in this letter, as well as any further facts that come to the Union's attention.

This letter is being served on the Employer and the Local by fax contemporaneously with its filing with the Board.

Yours truly,



Amanda Rogers  
Barrister & Solicitor  
Legal Representative

Cc: CUPE Local 3338  
Simon Fraser Student Society

Attachment

# Settlement Agreement

Between:

Simon Fraser Student Society

Employer

And:

Canadian Union of Public Employees, Local 3338

Union

BCLRB Case Nos. 62265/11 and 62273/11

## WHEREAS:

- A. The Employer brought an application to the Labour Relations Board dated July 12, 2011 under Part 5 of the *Labour Relations Code* (Case No. 62273/11) restraining picketing by the Union in the current lockout;
- B. The Union brought an application to the Labour Relations Board dated July 11, 2011 under Part 5 of the *Labour Relations Code* (Case No. 62265/11) to restrain the Employer's use of replacement workers during the current lockout (collectively referred to as the "Applications");
- C. The parties have collaboratively reached the following agreement in full and final settlement of all issues raised in the respective Applications;

NOW THEREFORE the parties agree as follows:

1. VOLUNTEERS: the parties agree that, pursuant to s. 68 of the Code, volunteers will not be used to do the work of the bargaining unit during the lockout. To this end, volunteers will not be used in the General Office, Financial Office, Advocacy Area, Copy Centre or Surrey Campus Office. Volunteers may be used to keep the Women's Centre lounge and Out on Campus lounge spaces physically open. However, the Coordinator's Office of Out on Campus and the Women's Centre office/resource area will remain closed during the lockout.

2. **BOARD OF DIRECTORS:** the parties agree that the Employer's Board of Directors At-Large and Faculty Representative members will not perform any normal bargaining unit work of the locked out employees. These Board of Directors and members will be limited to doing work that they normally perform in their respective roles. Board of Directors At-Large and Faculty Representatives will not enter the General Office, Financial Office or Advocacy Area except in relation to business or tasks they would normally perform in their respective roles if the bargaining unit employees were not locked out.
3. **ARRY DHILLON:** the parties agree that Arry Dhillon will not do work of the bargaining unit employees who are locked out. Requests for grant information and applications will no longer be expressly directed to his attention, and he will not receive, process or approve grants. Mr. Dhillon will not do any work related to grants that would otherwise be done by the locked out bargaining unit members, except in the course of business or tasks that he would normally do in his role as Chair of the Granting Committee if the bargaining unit employees were not locked out.
4. **COLLEEN KNOX:** the parties agree that Colleen Knox will be permitted to be assigned the work of the locked out bargaining unit employees in the General Office and Financial Office.
5. **JORDAN KOHN:** the parties agree that Mr. Kohn will be permitted to do the work of the locked out bargaining unit employees in the General Office and Financial Office. Mr. Kohn will also be permitted to enter the Surrey Coordinator's Office to access the computer or retrieve files or supplies, and will, where practicable, advise a member of the bargaining unit or a Union representative of the reason for such access when he attends to this office.
6. **LORENZ YEUNG:** the parties agree that Mr. Yeung will be permitted to do the work of the locked out bargaining unit employees in the General Office, Financial Office and Advocacy Area.
7. **OTHER EXECUTIVE MEMBERS:** the parties agree that Jeff McCann, Marc Fontaine, Keenan Midgley, and Kevin Zhang will not do any work that would normally be done by the locked out bargaining unit employees. These Executive members will continue to do their own work under each respective portfolio. These Executive members will not attend the General Office, Financial Office or Advocacy Area, except where necessary for business purposes, in the course of their regular duties or tasks relating to their respective roles.
8. **COPY CENTRE:** the copy centre will remain closed. Mr. Kohn, Ms. Knox and Mr. Yeung will be permitted to use the copy centre to print materials related to the lockout and internal Society materials.
9. **WOMEN'S CENTRE AND OUT ON CAMPUS:** the lounges of the Women's Centre and Out on Campus will remain physically open. Volunteers will be permitted to occupy these areas for this limited purpose. The office/resource area of the Women's Centre will remain closed. The

Coordinator's office in Out on Campus will remain closed. The Out on Campus lounge may only be unlocked each day by Mr. Yeung, Mr. Kohn or Ms. Knox. The Women's Centre lounge is always open. However in the event it is locked or unlocked, this will only be done by Mr. Yeung, Mr. Kohn or Ms. Knox.

10. SURREY CAMPUS OFFICE: the Surrey Campus Coordinator's office will remain closed; the book buy back program will not operate during the lockout; the Surrey Campus Office space may continue to be used by Committee members, but they will not do any work that the locked out employee would do if he was working. Mr. Kohn may attend to the Coordinator's Office to access the computer or retrieve supplies or files. He will, where practicable, advise a member of the bargaining unit or a Union representative of the reason for such access when he attends to this office.
11. PICKETING: the Union agrees that locked out employees, or any person authorized by members of the bargaining unit or the Union, will not picket directly in front of the Board Office, and/or on either side of the entrance to the Board Office. The Employer agrees that the paper that is currently obstructing the Board Office windows that face into the Maggie Benson Centre will be removed, and no further obstruction will be erected as long as the Union refrains from picketing in front of the Board Office.
12. EMPLOYEE EMAIL ADDRESSES: the parties agree that Mr. Yeung, Mr. Kohn and Ms. Knox will be the only people monitoring and responding to emails sent to the email accounts normally used by the locked out bargaining unit members. The Employer agrees to change all email sender lines of email addresses so they do not appear to come from any of the locked out employees.
13. MINUTE TAKING: minute-taking other than in camera meetings is normally done by employees who are locked out. During the lockout, the parties agree that Colleen Knox will be the primary minute-taker for all Board and Committee meetings, except for the Surrey Campus Committee, for which Lorenz Yeung will be the minute taker. The Board and Executive committees will schedule meetings such that there is only one meeting at any given time. In the event that Ms. Knox is unable to attend a meeting to take minutes, Mr. Yeung will be the alternate minute-taker. No other individuals will take minutes at meetings of the Board, Committees or Executive, except for in camera meetings.
14. STATEMENT OF FACTS: the parties have collaboratively drafted and agreed to a Statement of Facts, dated July 20, 2011. The Statement of Facts are without prejudice to future disputes: it will be relied upon only in relation to disputes arising in the context of the current lockout. The Statement of Facts are confidential and will not be discussed or disclosed outside of the Board of Directors and bargaining unit employees and Union representatives, and their respective legal counsel.

15. UNION'S REPLACEMENT WORKER APPLICATION AND EMPLOYER'S PICKETING APPLICATION: the parties agree that both Applications, with the above-noted Case Numbers, are adjourned generally. The parties agree that either party may, on short notice, reconvene a hearing on either Application, should a further dispute arise out of the Application in the course of the current lockout. The parties further agree to be bound by the agreed "Statement of Facts" dated July 20, 2011 and signed by the parties, in the event that future disputes arise during the lockout, subject to any further evidence that a party may wish to call.
16. INDUSTRIAL RELATIONS OFFICER: the parties agree that, on request of either party and with or without notice to the other party, an Industrial Relations Officer from the Labour Relations Board may be engaged to attend to the Employer's places of operations and make inquiries and observations with respect to either party's compliance with this agreement. The IRO will be notified by the party that is engaging him of the place to which he will attend. The IRO will review the Statement of Facts and this Agreement prior to attending to the designated location. The IRO will attend to the designated location and observe who is working there, and ascertain what they appear to be doing. The IRO will report his findings back to both parties.

Signed this 21 day of July, 2011.

Simon Fraser Student Society

Canadian Union of Public Employees,  
Local 3338

Per:   
Authorized Signatory

Per:   
Authorized Signatory

Per:   
Authorized Signatory

Per:   
Authorized Signatory

**Simon Fraser Student Society Board of Directors Meeting**  
September 7th, 2011 – Simon Fraser University, Burnaby Campus

Call to Order – 11:04 am, Sept 7, 2011

**1. Roll Call of Attendance**

**Board of Directors**

President ..... Jeff McCann  
Treasurer ..... Keenan Midgley  
Internal Relations Officer..... Jordan Kohn (Reg)  
External Relations Officer ..... Kevin Zhang  
Member Services Officer ..... Lorenz Yeung (10:50am)  
University Relations Officer..... Marc Fontaine  
At-Large Representative ..... Arry Dhillon  
At-Large Representative ..... Danielle Hornstein  
Faculty Representative (Arts & Social Sciences) ..... Kyle Acierno (11:23am)  
Faculty Representative (Applied Sciences) ..... Lahz Dropsy Kikabou (Reg)  
Faculty Representative (Business) ..... Hao Lin (10:40am)  
Faculty Representative (Communication, Art & Technology) ..... Jenni Rempel (11:05am)  
Faculty Representative (Education)..... Shiva Manavipour (11:09am)  
Faculty Representative (Environment) ..... Maziar Kazemi  
Faculty Representative (Health Sciences) ..... Spencyre Hackett-Martin  
Faculty Representative (Sciences)..... Tabrez Hussein

**Society Staff**

Senior Organizational Advisor ..... Colleen Knox

**2. Adoption of the Agenda**

**MOTION BOD 09-07-11:01**

Kazemi / Dhillon

*Be it resolved that the agenda be adopted*

**Carries**

**3. Appointments/Resignations**

**MOTION BOD 09-07-11:02**

Dhillon / Hussein

*Be it resolved that the regrets of Acierno, Kikabou, Hackett-Martin and Kohn be ratified*

Midgely: Are we going to ratify Acierno and Kikabou's regrets for the entire year?

McCann: We will discuss it later on the agenda. Acierno sent me an email about it.

**Carries**

**4. New Business**

**a. Directors Stipends**

**MOTION BOD 09-07-11:03**

Fontaine/Dhillon

*Be it resolved that the meeting go in-camera*

**Carries**

**MOTION BOD 09-07-11:04**

Rempel/Dhillon

*Be it resolved that the meeting go ex-camera*

**Carries**

**MOTION BOD 09-07-11:05**

Hussein/Dhillon

*Be it resolved that the board extend director hours to a total of 80 hours per month for faculty and at-large representatives and a total of 240 hours per month for executive directors and that these hours be billed at \$14.58 per hour.*

*Be it further resolved that this be effective September 2011 and end upon the termination of the lockout.*

**Carries**

**b. Board Meeting Time Discussion**

Hussein: I spoke with Acierno and Kikabou. We absolutely have no time before 5:30pm that both Acierno and Kikabou are available for meetings. The schedule is online.

Acierno: I will sit down with Kikabou and Hussein to look at the schedule.

**c. Hawaii on the Hill Budget**

McCann: We are doing the same thing as Frostbite and Heatwave. The events committee recommended to board we allocate \$3000 towards this event. The date is the 15<sup>th</sup> and we can promote it this week and next.

Dhillon: Is it just in the atrium?

McCann: Yes.

Acierno: We still have a lot of decorations leftover from Heatwave.

McCann: We wont be spending a lot on decorations.



**MOTION BOD 09-07-11:06**

Zhang/Lin

*Be it resolved that as recommended by the events committee, a net budget of up to \$3000 from the events line item be allocated for the Hawaii on the Hill event on Sept 15<sup>th</sup> 2011.*

McCann: The big thing is getting day and night volunteers for the event. The rest the committee can handle.

**Carries**

**d. Gondola Update**

Dhillon: There are a group of residents trying to kill the Gondola project. So far there is no opposition to killing the gondola. As a Student Society, we see a lot of benefits for students from this project.

McCann: Sustainable SFU already passed a motion and they will draft a letter. We can just sign in when we vote on it.

Rempel: Perhaps we should write a letter on our own. We have more weight.

McCann: It will be a joint letter between the SFSS, GSS and Sustainable SFU. That is where the weight is coming from.

Rempel: I think we should get a website for this. Perhaps we should do this through the Advocacy committee or we can do a joint meeting.

Zhang: It has been brought up at Advocacy.

McCann: Who is leading?

Zhang: Dhillon and myself.

**e. Action Items**

McCann and Hackett-Martin will work on Hawaii on the Hill  
Acierno, Kikabou and Hussein will meet to talk about meeting times  
Dhillon Zhang and McCann will meet about the gondola  
Everyone will send their July and August hours to Midgley  
Everyone will send an email about director expectations  
Everyone will submit their availabilities for Clubs Days

**f. General Updates**

McCann: ComSerCom needs to meet. I have canceled it twice now.

Knox: We have had some point of sale problems over at the pub. We have tried to problem solve ourselves. We have a technician here now to fix it. There is lots of stuff to do in the financial office.

Yeung: As Knox said, we have a lot of work to do but I am getting used to it so every thing is ok.

Fontaine: I have done as much renovation work as I could in August. I don't have a lot of work to do on those this week because some SFU technicians are on vacation.

Midgley: I will be looking into advertising opportunities and get back to the board.

Zhang: For Clubs Days we are now doing hot water, instant noodles etc...The BBQ plan flopped. Everyone please submit their availabilities for Clubs Days. I have been reviewing the Food and Bev reports and will write up a report. UVic has not been responding a lot and I am thinking of visiting them sometime. I am thinking of building an advocacy structure as well.

Acierno: I am just getting through emails. SASS is doing great, we sold 85 tickets for frosh so far. We are doing an academic adventure series. There will be interesting debates between each other. We will be hosting a party in the pub soon. We still need to explore the policy side of things. There are a couple of avenues to explore SASS' relationship with the SFSS.

Dhillon: Still waiting for grants. I am trying to get more involved with the lockout. Hoping to get involved with more events.

Rempel: I have been working on the lockout. I am also helping out with IATSU frosh.

Manavipour: I have been working on the lockout and the clean sustainable campus campaign.

Kazemi: I have developed a faculty mentorship program for the faculty of environment. I have also been working on the clean and sustainable campaign. I have also been tasked to do things for committees.

Lin: I have been working on the lockout as well as Clubs Days.

Hornstein: I have been working on different events. We should work on lockout communications a bit more. I am also doing some sponsorship callings.

**Acierno leaves 12:48pm**

## **5. Adjournment**

**Meeting adjourned 12:55pm**

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