

**IN THE MATTER OF A WORKLOAD RESOLUTION ARBITRATION HELD
PURSUANT TO ARTICLE 11.02 OF THE COLLECTIVE AGREEMENT
BETWEEN:**

**College Compensation and Appointments Council
for the Colleges of Applied Arts and Technology
(Fanshawe College)**

("the College")

and

**Ontario Public Service Employees Union
(for Academic Employees)**

("OPSEU")

Re: Workload Grievances of Kathryn Tamasi and Kay Wigle

Workload Resolution Arbitrator: Peter F. Chauvin

Appearances for the College:

Robert J. Atkinson	Counsel
Sheila Wilson	Labour Relations Consultant
Sue Miller	Employee Relations Manager
Michael Goodmurphy	School of Human Services Chair
John Mackara	Manufacturing Sciences Chair

Appearances for OPSEU:

Gavin Leeb	Counsel
Paddy Musson	Local President
Darryl Bedford	Chief Steward
Kay Wigle	Grievor
Kathryn Tamasi	Grievor

Conference call conducted on June 5, 2008

This confirms the rulings that I made in the conference call that was conducted on June 5, 2008.

OPSEU may file, by June 16, 2008, the Grievors' further explanation of their submissions to the Workload Monitoring Group (the WMG), which may include explanations regarding why the Grievors signed their previous Standard Workload Forms. The College may file a reply to the above by August 25, 2008.

The workload resolution process, as set out in Article 11 of the Collective Agreement that is binding upon the parties, is meant to be an informal and expeditious manner to resolve workload disputes. Article 11.02 G states that "it is recognized that speedy resolution of workload disputes is advantageous to all concerned". Article 11.02 F4 states that "the procedure shall be informal" and grants the Workload Resolution Arbitrator (the WRA) the authority to determine the appropriate procedure. Other Articles state that the hearing is to commence within two weeks of the referral of the matter to the WRA, and that the WRA shall, following the "informal discussions", issue a written Award within ten working days of the "informal discussion". The WRA is required to provide a brief explanation of the reasons for the Award only if one of the parties requests such reasons within five days of the Award.

The informal and expeditious nature of the workload resolution process was commented upon in *George Brown College of Applied Arts and Technology v. Ontario Public Service Employees Union* (2003), 68 O.R. (3d) 161 in which the Ontario Court of Appeal stated, at page 172, that:

"...the WRA focuses on the resolution of individual workload complaints between the teacher and the College. The purpose of the WRA is to provide a quick, informal, non-technical and non-precedential process for the resolution of individual disputes."

Accordingly, the procedure in this matter will be informal and flexible. The parties must attend at the hearing prepared to present their final submissions. I may ask some questions of the Grievors, their Supervisors, or others, at the commencement of the hearing, or I may ask OPSEU to commence its submissions. As the parties present their submissions, I may ask questions of either party or of the Grievors or their Supervisors. Cross-examination will not be conducted unless there are compelling reasons for doing so. However, throughout the hearing the parties will be at liberty to respond to statements being made and will be at liberty to request that I ask a question of the Grievors, the Grievor's supervisors or any other party.

Signed at Toronto on June 6, 2008

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right. The signature is positioned above a solid horizontal line.

Peter F. Chauvin