

BULLETIN

Health Sciences Association Wins Challenge of Health Authority's Punitive Attendance Management Program

January 21, 2013

Health care unions have won a significant victory protecting the rights of sick and injured workers who were being punished by Vancouver Coastal Health.

In 2008 the health authority introduced an offensive and punitive attendance management program that the unions said unfairly punished employees who use sick leave. The unions, including HSA, BCGEU, CUPE, HEU and UFCW filed a multi-union grievance against the program.

The unions challenged the employers assertion that it could unilaterally impose overtime bans, reduce FTE status, and even terminate employees they deemed to have taken too much paid sick time.

The unions argued that these penalties rendered the Attendance and Wellness Promotion Program (AWP) invalid, as they breached the BC Labour Relations Code, as well as longstanding principles of labour law.

Friday, Arbitrator Vince Ready agreed with the unions' position and ordered that:

- the automatic overtime ban, FTE reduction, and non-culpable termination of employment be eliminated from the AWP;
- employees who had been subjected to overtime bans or FTE reductions have those punishments removed immediately

Ready noted several times throughout his written decision that it is both ineffective and inappropriate for employers to punish employees whose absence is due to circumstances beyond their control.

HSA couldnt agree more, and believes a far more effective way to reduce employee absenteeism is through a jointly implemented and managed health and wellness program.

"This is an important decision for HSA members who have been suffering under the punitive practices of Vancouver Coastal Health Authority," HSA President Reid Johnson said.

"HSA vigorously fought this program and we are extremely pleased with the lifting of penalties," he said.

"As we return to bargaining this week for all health science professionals, we will advocate for a province-wide reallocation of funding to shift from a punitive focus on attendance management to a program that focuses on the long term health and wellness of the health science professionals who are so integral to the health care system," he said.

The Health Science Professionals Bargaining Association is set to resume bargaining this week.

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