



Update on 37.5 hour work week grievances

February 4, 2015

The 37.5 hour work week first took effect on September 1, 2013, and over the course of that fall HSA filed a significant number of grievances on behalf of members impacted by the implementation.

In the 16 months since then, a lot has happened.

The first six months were mostly unsuccessful discussions about grievances, but the parties were able to identify threshold issues of concern. In March 2014, these threshold issues were brought before arbitrators Vince Ready and Corinne Bell for consideration during three days of hearings. This resulted in a decision, issued in April, which provided guidelines about how the process should have gone, and what was -- and was not -- allowed.

We were then ordered to review our grievances, while the employer was ordered to review their processes.

In the April decision, the arbitrators stated that employers were allowed to reduce the hours of work for part-time staff, and that seniority was a labour relations "consideration" in these decisions.

In the months since, we have resolved many grievances on process issues and quite a few on lay-off and reduction. However the Health Employers Association of BC and the Health Science Professionals Bargaining Association have fundamentally disagreed about what the arbitrators meant by stating that seniority was a "consideration".

HEABC has interpreted this to imply that all grievances about reduction in hours are now dismissed. We did not agree with that interpretation. While we were still able to resolve many grievances, this question really got in the way. Some health authorities even refused to engage in discussion of grievances about reduction in hours because they deemed them to be dismissed by the arbitrators.

As a result, we needed to go back to the arbitrators to get clarification of what was meant by their use of the term "considerations". This was done through written submissions in October, and on October 30 the arbitrators issued a decision. It was not good news: unless there is also an issue of process, the employers are allowed to reduce part-time hours and the grievances will not succeed where the reduction is the only issue at hand.

Since that decision we have been working to get resolution wherever we can, and reviewing all grievances based on reduction of hours to see if we can find some argument to continue with them in spite of this decision.

We have finished reviewing many of our files. Many members who have grievances that fall strictly into the categories 1, 2, 3 or 5 (reduction of hours) will be receiving letters from HSA indicating that we intend to withdraw the grievances as ordered by arbitrators Bell and Ready.

For other grievances involving process violations, we have two mediation/arbitration days scheduled for June 11-12. These will address issues at Vancouver Coastal Health Authority and BC Cancer Agency. We are currently in the process of scheduling expedited arbitration dates for other outstanding matters.

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