

BULLETIN

## Update on the 37.5 hour work week

March 12, 2015

### HSA REPORT, MARCH 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 18 months since then, a lot has happened.

The 37.5 hour work week was proposed by the Health Employers Association of BC during bargaining in 2013. Other unions, either through their respective bargaining associations or as a result of imposed legislation, had already reverted to the 37.5 hour work week. Although not without some benefits as it increased employees' real incomes without increasing wage rates, the Health Science Professionals Bargaining Association was effectively given no choice but to follow it. The HSPBA worked hard to negotiate the best possible outcome for members under these circumstances.

By agreeing to the 37.5 hour work week, the bargaining association did not agree that 9-day fortnights or other extended hours schedules could be eliminated at the employers' discretion. The HSPBA specifically rejected this interpretation at every turn. The collective agreement specifically states that employers must work with employees and the union to ensure a smooth transition. Unfortunately, some employers chose to believe that they could simply eliminate earned days off at their discretion. HSPBA disagreed, and more than 1200 grievances were filed.

The first six months after the September 2013 implementation were mostly consumed by unsuccessful discussions about grievances between employer and union reps, but the parties did come to agreement about the key issues involved. 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 which provided guidelines about how the process should have gone, and what was - and was not - allowed.

This decision clarified that employers were required to consider proposals from employees, and where not accepted, to explain why these suggestions should not be implemented. In a disappointing ruling for the union, the decision also made it clear that employers were allowed to reduce the hours of work for part-time staff, although seniority was a labour relations "consideration" in these decisions.

Following the April 2014 decision many grievances on process issues were resolved. many issues related to lay-offs and reduction were also dealt with. However HEABC and HSPBA remained fundamentally deadlocked over what the arbitrators meant by stating that seniority was a "consideration". HEABC has interpreted this to imply that all grievances about a reduction in hours are now dismissed. HSPBA did not agree with that interpretation.

On October 30 the arbitrators issued a clarification on the issue of reduced hours for part-time workers: 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 in hours is the only issue at hand. HSPBA did not anticipate that a collaborative approach to changing schedules would reduce hours for part-timers, but the arbitrators have ruled against the union's position.

Since that decision HSPBA has been working to get resolution wherever possible, and reviewing all grievances based on reduction of hours to see if there are grounds to continue to advance those grievances.

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) already will have received letters from HSA indicating that we intend to withdraw the grievances as ordered by arbitrators Bell and Ready.

For those 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. If the arbitrators are not able to help the parties reach a resolution on these grievances, they will issue a binding decision determining if VCHA violated the agreement.

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