



Updated May 6, 2013

A union guide to the process for implementing the 37.5 hour workweek

With regard to the transition to the 37.5-hour work week we -- the union, stewards and members -- need to be vigilant and scrutinize all details. This applies especially to tracking any proposed reductions in hours. Some employers don't seem to be aware of the "no layoff" provision of the memorandum, or if they are aware, they believe they can get around it by reducing the hours of several part-time employees by up to 7.5 hours each.

They're wrong about that.

The HSPBA position is clear: maintaining the hours of work of part-time employees is a priority. Every step must be taken to accomplish this common goal.

We know that some employers, particularly small affiliates, will have special challenges funding all increases of the new collective agreement. On a case by case basis, we will work with those employers individually to try to find creative solutions. Some of these solutions may include approving job sharing arrangements or facilitating genuinely voluntary reductions in hours by either full-time or part-time employees who wish to do so. Please note that the emphasis here is "genuinely voluntary" and those reductions must not be coerced explicitly or implicitly when reductions in hours are imminent. A good way to do this would be for the employer to let it be known that this next couple of months would be a good time for those who have already contemplated reducing their hours to make their wishes known. If you are aware of employees who wish to do this encourage them to approach the employers now and also let the stewards and the union office know first since there are some technical wrinkles that we will need to iron out before any agreement is made.

Also keep in mind when reviewing employers' plans, that the implementation of the 37.5-hour workweek means an additional 78.3 hours of work for a full time employee. A voluntary reduction in hours by a full-time employee who wishes to work, for example, four 7.5 hour shifts per week (0.8 FTE) is a reduction of 391.5 hours. That alone would "fund" the increased hours of five full-time employees.

This is also a good opportunity to point out that in any work reduction situation -- at any time -- it is a violation of the collective agreement to reduce hours of work of one or several senior employees. The most junior employee is always the one who has hours reduced or eliminated. This is what Article 10.05 a) Layoff in Reverse order of seniority means. Full-time and part-time employees share the same -- not a separate -- seniority list. The junior person in a department could be a full-time or a part-time employee.

If you are aware of employers who are saying they will be reducing hours of work, get them to confirm this position in writing as it is in violation of the agreement which contemplates an exhaustive honest process taking place that should result in no lay-offs or reduction of hours for part-time employees. We will provide you with standardized grievance language to use where we find employers are giving this direction at any level in the process (i.e., from the leadership in the Health Authorities, or from managers further down the line.)

The following information should be helpful in your discussions regarding this transition to the 37.5-hour work week.

Reductions in hours of work:

The documents describing the transition process state:

“The Employer agrees that this will not result in any layoffs for health science professionals and will be done in a manner that minimizes the impact of these changes on individual health science professional’s employment and security.”

A reduction in any amount of hours to any employee, full-time or part-time, is a layoff. This includes reductions contemplated in Article 9.07 which do not trigger a requirement to post the changed job as a new position. Those reductions can be significant. A reduction from 0.8 FTE to 0.6 is a loss of 25% of income. Going from 0.6 to 0.4 is a 33% reduction.

Discussion process:

In establishing the new schedules, the parties agree that the following procedure will be followed at the affected department/work unit with the assistance of union stewards or representatives if required:

a) The Employer must give the Union and the affected employees an outline of its service delivery objective(s) (e.g. service days and hours.) The Employer may propose a specific work schedule which meets its objective(s).

This outline should include whatever information is required for you to understand their objectives and/or proposed schedule. Some of the things they should give you at this stage are hours of coverage, service days and hours, FTEs full and part time allotments, information on the current use of casuals (perhaps schedules for the past 6 months to a year); any overtime used (again over the last 6 months to a year) that is workload related; and a list of unfilled vacancies. They must highlight in the discussion

any areas where they are contemplating reducing FTEs to achieve this schedule. Discussion at this level should include discussion of how the employer came up with the schedule they have proposed.

Any other information the employees may need to meaningfully respond to the employer with a schedule must also be made available to make this a meaningful process. If members/stewards have objections/questions/concerns/doubts with regard to the employer's stated objective, or in regard to the accuracy of the information about casuals, overtime or vacancies, or anything else, they should be raising their objections at this point to the employer. If unresolved, this will require steward and union staff involvement.

b) The Employer must give the employees a reasonable opportunity (at least 2 weeks) to propose a work schedule or, if the Employer proposed a work schedule, provide a response or alternative to the Employer's proposed schedule.

In working toward the increase to 37.5 hours, employees working on the "employee response schedule" can incorporate the information provided by the employer on hours previously used by casuals, overtime and vacancies to achieve this objective.

If in creating the "employee response schedule" after applying casual hours, overtime and vacancy hours, there are still shortages in the transition to 37.5 hours, the steward should notify the union. If in attempting to create an "employee response schedule" it becomes apparent that there is still a shortfall, please contact your union head office.

c) The Employer must consider any proposals which the employees put forward and, if the proposal is rejected, provide an explanation in light of its service delivery objective(s).

If the parties do not come to mutual agreement through this process, and you have concerns about the fairness of the process, please contact your steward and the union head office. If the process is unfair, we will assist you in filing the appropriate grievances.

If you have any questions about the process at any time, please contact the stewards and union representatives you normally deal with as soon as possible.