



Health Administrative Professionals - Essential Service Negotiation Update

In our last correspondence of August 2nd we advised of a meeting with the employer scheduled for Monday, August 21st to address the complaints filed at the Nova Scotia Labour Board related to essential services staffing plans. This meeting was deemed a “mediation” session to try and come to consensus on the process and to address the employers’ insistence on using a staffing model of Full Time Equivalents (FTE) required to work in a one- or two-week period versus providing a schedule detailing the number of employees required to be in the workplace each day.

The mediation yesterday was attended by senior staff and representatives from CUPE, Unifor and NSGEU and legal counsel from the law firm Pink Larkin who worked on behalf of the unions.

NSH and IWK were represented by human resources representatives and the employers’ legal counsel. The Chair of the Nova Scotia Labour Board acted as Mediator. Her role was to try to assist the parties in reaching an agreement.

As you may recall, the largest issue to the Council of Unions was that the FTE method meant the unions would not know how many members would be required to be in the site working on any given day, thus not allowing the unions to know what the strength of the picket line would be.

The parties successfully concluded the mediation by reaching agreement at 7:30 pm last evening. The unions and employers came to a consensus that will allow the FTE method while assuring the unions receive the information necessary to clarify the number of employees required to work. The agreement also requires the employers to place a number of parameters around FTEs and provide us with information required to interpret their use of FTEs. The agreement will also assist in enhancing the unions’ essential services plan which we had submitted May 11th.

For clarity, we were successful in obtaining four assurances from the employers:

1. The employer will not lengthen shifts. This means that if a regular shift is 8am-4pm , it will remain 8am-4pm and the employer will not extend that shift to 8am-8pm or any other length beyond the original 8am-4pm.
2. The employer will not increase an individual employee’s FTE. This means if you are currently a .5 FTE you will remain at that level and will not be required to work beyond that .5 distinction.
3. The employer will not create a day/evening/weekend shift where none is provided on the existing schedule. There is a caveat around this based on Remote Calls but specifically this means that if your unit/floor/department currently only has a shift from 8am-4pm that is the only shift that will be scheduled during a work stoppage. If there currently is not a night shift or weekend shift on your existing schedule, evenings and weekend shifts will not be added if job action is taken.
4. The employer has agreed that the maximum number of employees required to work will not exceed the number of employees posted on the existing schedule for a day. This assures us the employer will not schedule, in any one day, beyond what a normal day would look like.

We were also successful in convincing the employer to:

1. Agree to endeavor to distribute staffing reductions in the staffing plan over the course of the strike schedule. There could be one exception to this rule should a classification be required to move to one day as opposed to over a full week. An example of this would be holding a clinic open on one particular day of the week only, thus requiring all staff on that one particular day of the week. This provision prevents the employers from scheduling more staff in the early days of a strike to weaken the impact at that time.
2. The employer has agreed to meet with the unions for Essential Services negotiations at least three times in September and, if necessary, twice in October. The first meeting will take place on September 1st. This gives us some comfort that the process will move forward and the employer will not try to delay by failing to schedule meetings
3. As the unions have consistently based our essential service numbers on how many employees are required to work on holidays and/or weekends or over the Christmas shutdown period (minimum number of workers required to keep the facilities functioning over Christmas), the employer has now agreed to provide the Christmas schedules for the departments. This will tell us the actual number of employees required to work over this period.

With the above agreements, both sides will now withdraw their respective complaints filed with the Labour Board. Based on the above criteria, the unions are now confident we can work within the FTE structure brought forward by the employer. We will also have the ability to see what a work stoppage would look like based on scheduling, being provided holiday schedules along with the parameters noted above.

Please continue to monitor your email and our websites and Facebook pages for further updates.