

# The Steward

NEWS AND INFORMATION FOR BCGEU STEWARDS

January 2002



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## Employment security

### A guide for Stewards in the Community Social Services and Health sectors

**R**esponse to the provincial government's plans to cut at least 35% of Ministry budgets has been fast and furious from BCGEU members, community agencies, local government and the general public.

In addition to our public campaign, BCGEU members, stewards and staff have been hard at work defending our member's rights under the collective agreement. In order to assist stewards in responding to members' questions this guide has been prepared.

As with all guides it may not always be possible to address each and every specific concern or question. We hope that this guide will provide an overview of employment security language and process. As always, please refer to your collective agreement for specific language.

#### Job Security Key

**J**ob security has been a key issue in the health and community social services sectors for a number of years. As Ministries and Health Authorities contract and re-contract, tender and re-tender, the effect has been major labour adjustment and frequent job loss for our members. Employment

security and labour adjustment processes have been in place for the Health sectors for a number of years. Community Health was able to access the services established by the Health Labour Adjustment Agency (HLAA) already in place for the Paramedical and Facility sectors.

The full mandate of the HLAA is a result of an Industrial Inquiry Decision by Commissioner Vince Ready, dated May 1996 which flowed the earlier Health Accord. The decision by Commissioner Ready is the backbone of job security for restructuring and re-organizations. The addition of community health agencies to the HLAA mandate meant policies and procedures were reviewed to meet the specific needs of this sector.

For the Community Social Services sector this important provision was the result of their most recent tough set of negotiations bolstered by a strong strike. It was agreed to use the services of the Health Labour Adjustment Agency due to their experience in the health sector.

However, as was done for community health, a review of policies and procedures is being done to ensure that they meet the specific needs of the Community Social Services sector.

#### Labour Adjustment and Employment Security

**T**he employers in Health and Community Social Services have agreed that there is value in ongoing communication and consultation concerning changes to workplace organization.

The collective agreement requires the Employers to notify the Union of any proposed labour adjustment initiative in accordance with the principles of enhanced consultation.

#### Employment Security

Displaced members shall, following the expiration of their notice period under the collective agreement, have employment security for up to twelve (12) months during which time reasonable efforts will be made to place such employees into gainful employment.

Displaced employees who refuse placement by the HLAA will lose their HLAA registration and the employment security period will be terminated. This does not affect the employee's recall rights under the collective agreement.

The Employer from which a displaced employee is displaced will pay the wages and benefits of the displaced employee for the duration

of the employment security period.

The HLAA will reimburse the Employer for any portion of the employment security period in excess of six (6) months.

### Definition of Displacement

Any member classified as a regular employee will be considered displaced when their service is no longer required after exhausting other provisions in the collective agreement.

#### Process

In the event of reduction resulting from any restructuring, labour adjustment, downsizing or re-tendering:

- ▶ Employer and the Unions will canvas for voluntary early retirement, transfers or other voluntary options (offered on the basis of seniority)
  - ▶ Employer issues displacement/layoff notices
  - ▶ Member exercises bumping rights to comparable job
  - ▶ Member exercises bumping rights to less than comparable job or may opt to be registered with the HLAA for placement
  - ▶ Member is registered with the HLAA.
- ▶ Priority Placement - a job placement program matching qualified, displaced members to comparable job vacancies (mandatory)
  - ▶ Vocational Assessment - job counselling and support to eligible members (voluntary)
  - ▶ Training Assistance - offering members new skills (voluntary)
  - ▶ Severance Incentive - incentive payment to assist displaced employees (voluntary)
  - ▶ Job sharing - covering the benefit costs of job share participants to assist other member (voluntary)
  - ▶ Labour Adjustment Layoff - ending employment without forfeiting Employment Insurance where a displaced member is assisted (voluntary).

HLAA.

### HLAA Programs

Programs available for members in all sectors include:

## Labour Adjustment - Committee Roles and Responsibilities

Union representatives have been appointed to committees to work jointly with the Employer to administer labour adjustment. These are Labour Adjustment or Labour/Management Committees in the Health Sectors and Labour/Management Committees in the Community Social Services Sector.

The role of the Labour Adjustment and Labour/Management Committees is to:

- ▶ Consult on labour adjustment initiatives
- ▶ Canvass interest in HLAA programs
- ▶ Develop labour adjustment plans
- ▶ Distribute/review/forward program applications
- ▶ Monitor vacancies and results

### Preparing a Labour Adjustment Plan

There are six main steps or tasks of labour adjustment:

- 1 Understand what change is taking place, when and why
- 2 Identify who is affected and how
- 3 Review possible options/solutions: (a) internal options (bumping, comparable job postings, internal transfer) (b) registration for job placement through the HLAA Priority Placement Program (c) voluntary

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options through HLAА programs  
(d) other options - e.g., local labour market information/ trends, customized training

- 4 Determine what affected employees need and want
- 5 Establish goals / expected outcomes
- 6 Identify action to be taken including a method of tracking results.

### Registering displaced employees

Labour Adjustment or Labour Management Committees should review the following displaced employee registration guidelines to help ensure an efficient, fair registration process.

- ▶ Displaced employees must exercise their bumping options into a comparable job or be laid off.
- ▶ Displaced employees are to be registered with the HLAА immediately following the bumping/reassignment period, regardless of whether there is time remaining in the "notice of layoff" (see displacement chronology table above).
- ▶ Where the employer, employee and union all agree there are no bumping/reassignment possibilities available, displaced employees may be registered prior to the expiration of the bumping/reassignment period.
- ▶ The registration form should note the date the displacement notice is issued and the date the displacement is effective, which is at the end of the layoff notice

period. The effective displacement date marks the start of the one-year employment security period.

### How to register

HLAA's General Program Application and Displaced Employee Registration forms are completed by the employee and employer and faxed to the HLAА by the labour adjustment committees. This registers the member for Priority Placement and Employment Security.

The member will also have to fill in separate application forms if they are interested in other options such as training, severance, voluntary transfer or job sharing.

### Stewards Role

**S**tewards play a key role in supporting members through the trauma of workforce adjustment.

Of all the challenges and stresses we face in our daily work lives losing a job is at the top of the list!

Stewards play the important link

between individual workers impacted by workforce adjustment and labour adjustment or labour/management committees. Many of you will be filling both of these roles.

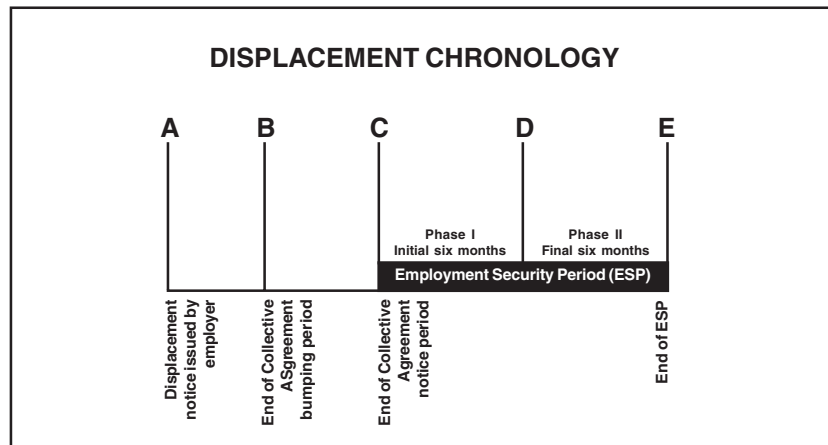
Key among Steward responsibilities are:

- ▶ resolving outstanding grievances and appeals;
- ▶ assisting members with questions about collective agreement process;
- ▶ identifying member questions and issues for the committee;
- ▶ supporting, communicating with and representing the interests of all members in your worksite affected by job cuts;
- ▶ investigating where the work went and determining whether there are contracting out grievances in your workplace; and,
- ▶ encouraging members to participate in the BCGEU Fightback Campaign.

See the following for further information on HLAА programs, services, and forms.

Community Health [www.hlaa.org](http://www.hlaa.org)

Community Social Services [www.hlaa.org/css.asp](http://www.hlaa.org/css.asp)



# Stewards Checklist

**Prior to letter of displacement being issued Stewards should assist members to:**

Check and correct all information on the employee's personnel file?

YES

NO

Do you have the member's current home address, phone number and email address?

YES

NO

Give the member a copy of the collective agreement?

YES

NO

Check and confirm employee seniority?

YES

NO

Resolve any outstanding grievances?

YES

NO

Investigate why the job or position is redundant? Has contracting out occurred?

YES

NO

Has a non-union agency picked up the service from the funder?

YES

NO

Discuss HLAA options with member and union representative on the labour adjustment or labour/management committee?

YES

NO

Encourage all members to contact their MLA and to volunteer for BCGEU fightback activity?

YES

NO