

BULLETIN

Job classifications

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I work in a position covered by the Paramedical Professional Bargaining Association collective agreement. My employer told me that my union has approved the job description for my position and the salary structure has been established for it. I think my position is not properly classified. What can I do to challenge the classification?



Pursuant to Article 11.01 of the collective agreement, you may file a written grievance, alleging that your job is not properly reflected by its classification. There is no contractual requirement for the union to approve a job description. Rather, Article 11 describes the processes by which salary structures are established. On behalf of an employer, HEABC submits a job description to the union, along with a salary structure it has set for the position. The union may object to the salary structure within 28 days of receipt of HEABC's notice pertaining to either a new or reclassified position. If HSA accepts the salary structure, or does not object to it, it is considered as established. Nevertheless, a recent arbitration award confirmed that an incumbent can challenge a position's salary structure if the job description does not accurately describe the duties and responsibilities of, and the qualifications required for, the position or that it is not properly classified. There need not be a change in job content to proceed with an employee's grievance. The arbitration award result was the opposite of "winning the battle, losing the war." Even though the arbitrator dismissed the union's grievance, he provided significant points of clarification concerning the Article 11 processes, in addition to that described above. For example, it is now confirmed that once an employer has revised a job description, HEABC must set the salary structure for the revised position and give notice to the union, in compliance with Article 11. A revised job description may be scrutinized in its entirety as the grounds for a rate objection are not limited to changed duties or qualifications. That is, nothing limits the union from raising matters that it has not objected to in the past. The award confirms HSA's position that HEABC must send all revised job descriptions through the Article 11 process, regardless of whether they believe a change to the classification is in order. If you believe your position is improperly classified, you should consult with your steward. To support your grievance, you should provide your steward with a written rationale for reclassification. You should compile evidence (consistent with privacy and confidentiality policies) in support of your grievance, such as:

- Job description(s)
- Job posting
- Newspaper ad for vacancy
- Organization Chart
- Internal/External Memoranda
- Pamphlet describing service
- Job comparators (within facility)
- Job comparators (outside facility)

A grievance should state which classification or salary structure you are seeking, citing the specific collective agreement provisions.

It must be noted that exercising this contractual right is different than participating in the collective bargaining process, where the latter presents the prospect of changing existing provisions such as wages. That is, a reclassification grievance may be filed to assert a current right, but not to seek a remedy that doesn't exist under the Collective Agreement. 

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