

BULLETIN

EDO / ATOs and 7.2 hour workdays

August 1, 2003

The Report: August 2003 vol.24 num.4

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I have heard that our rights around the 7.5 hour day have changed. Have they changed, and what does it mean for me?



An arbitration decision in June 2003 has indeed changed the union's collective agreement rights under Appendix 7 of the 2001-2004 Paramedical Professional Bargaining Association contract (related to Article 24.01 - Hours of Work), which outlines the process for changing hours of work. Appendix 7 sets out the employer's duties and responsibilities when they want to change current earned days off / accumulated time off (EDO/ATO) schedules for specific work units. Typically, this happens where the employer wishes to change from 7.5 hour days to 7.2 hour days in specific work units.

At arbitration, HSA took the position that Appendix 7 changes to EDO/ATO schedules would have to apply to the entire work unit, including new and vacant positions because they are a part of the work unit. That means the whole team affected by an employer's decision to change work hours would have to be consulted.

The arbitrator's ruling last month dramatically limits the cases in which consultation is required before an employer changes hours of work.

The arbitrator found that HEABC had successfully negotiated in the 1998-2001 round of bargaining that there would be two categories of positions for the purpose of scheduling the 36-hour work week. Those two categories are:

- a) New positions, vacant positions and new services;
- b) Current or already existing positions to which the requirement for consultation applied.

In the recent decision, the arbitrator has said Appendix 7 does not apply to the first category - that is, new positions, new services or vacant positions - so they are not affected employees as outlined in Appendix 7.

This means that affected employees are those who have been working in a unit with an EDO/ATO schedule which the employer wants to change.

All other employees are not considered affected employees and are not covered by the provisions for consultation outlined in Appendix 7, which means employers can act unilaterally and without consultation with other employees who may be affected by a change in schedule.

Therefore employers are not required to seek mutual agreement for changes to schedules for new positions, vacant positions or new services.

If you are a employee who has been working in a work unit that already has an EDO/ATO schedule, then the employer is required to consult with your work unit before making schedule changes.

The rights for these employees remain the same. The arbitrator reiterated that the employer is not allowed to negotiate with individual employees on change of hours, but must reach mutual agreement with affected employees in the work unit.

If the employer approaches an individual in a work unit covered by Appendix 7 to change hours of work, this would be a violation of the collective agreement. 

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