



Health authority ordered to stop punishing sick staff; Arbitrator orders end to overtime bans, reduced hours and threats to fire workers who call in sick

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The Vancouver Coastal Health Authority, which advises people to stay home if they think they have the flu, has been told to stop punishing its own workers for calling in sick.

In response to a grievance launched last year by the Hospital Employees' Union and other health unions, arbitrator Vince Ready has ruled that the health authority must end the practice of denying overtime, reducing hours or threatening to fire workers for illness or injury.

Under the health authority's so-called Attendance Wellness Program, overtime bans and reduced hours are put in place automatically for workers who experience higher than average sick time usage.

Ready ordered that the practice be stopped effective Jan. 18 and that all overtime bans should be lifted and any workers who have had their hours reduced under the program should have them reinstated. However, he was not willing to order compensation retroactively for other employees who have been affected by the AWP, noting the program has been in

Ready found the AWP was "flawed" with respect to automatic implementation of overtime bans at Stage 1 of the program and automatic reduction of full time-employment at Stage 3.

"I find both these aspects of the AWP to be unreasonable and punitive in nature," he wrote in his decision.

While stating short-term absenteeism is costly and that employers can develop and implement programs to deal with it, Ready ruled that any such programs cannot violate the collective agreement or the law.

Many health care workers felt pressured to report to work even if they were ill to avoid a loss of income or employment, said Hospital Employees' Union secretary-business manager Bonnie Pearson.

In a membership poll released by the union last fall, one out of three HEU members reported going to work despite having flu or cold symptoms because of pressure they felt from their employer not to take sick leave.

"We were shocked to see that result where many of our members were worried about being over the allowable days of being sick and being swept into the (AWP) program," Pearson said.

She said the practice contradicted other public health initiatives - such as asking employees with flu to stay home - to reduce the spread of influenza to vulnerable people.

Coastal Health's website, under tips on influenza season, says: "Stay at home. Anybody who thinks they have an influenza-like illness (i.e. fever and cough) should remain at home and limit exposure to others."

Said Pearson: "Health employers can't have it both ways.

"They can't have people with the flu punished for calling in sick ... not every workplace is the same and people who work in health have more exposure to illness."

She said the number of sick days an employee was allowed before being over the average - at which time they would enter the program - has been as low as seven days.

But Anne Harvey, vice-president of human engagement (human resources) for Vancouver Coastal Health, said sick days total 12 a year and people don't automatically enter into the program.

People with a single, identifiable major illness, such as cancer, would be excluded, she said.

Harvey said VCH is "fine" with the changes Ready has mandated, noting he also recognized the health authority for creating a program that tries to address short-term employee absenteeism.

"It proves we have the right to have a program to manage short-term sick leave. He's made a number of rulings that help us out. For example, it's gratifying he applauds this employer for focusing on wellness, too, and said (the AWP) was well researched and implemented in good faith."

In an opinion piece in The Sun last month, VCH chair Kip Woodward praised the program for helping management and staff reduce "sick time since 2008 by 330,000 hours, producing a \$13-million savings to the health care system."

Besides the HEU, which has 7,500 members in the Vancouver Coastal Health Authority, other unions who filed a grievance against the program included the Health Sciences Association, B.C. Government and Service Employees' Union, the Canadian Union of Public Employees and the United Food and Commercial Workers.

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