

# Key elements of tentative settlement Community Living Services and General Services - August 2011

## No Concessions

### Wages and benefits

- No wage increases.
- No improvement to benefits.
- No increase to reimbursed expenses like transportation allowance.
- Negotiations for non-provincially funded positions to commence this fall.

### Employment security

- Improved lay-off and recall rights, including a better lay-off process and improved bumping options and recall opportunities.
- Protections for workers when government re-tenders service contracts between agencies.
- Education and training fund of \$600,000 to support workers impacted by cuts to services and jobs.

### Fair work practices

- Privacy protections for employees on sick leave.
- Clear and fair job selection process with improved seniority rights for lateral transfers.
- Expedited dispute resolution for job selection grievances on lateral transfers.
- Beefed up anti-bullying protection.

## Summary

### Article

4	Employees gain union membership upon hire now rather than after 30 days.
9.9	Employer is now obliged to verify the status of a grievance.
11.8	Cap of 9 calendar months on probationary period for supervisory and professional employees.

Article

- 13.3 When lay-offs happen, the employer must lay-off:
- the most junior in the classification, regardless of location, in non-residential programmes; and
  - in reverse order of seniority within the appropriate shift within their worksite in residential programmes (group homes and transition houses).
- 13.4 When lay-offs happen:
- now, up to 3 employees have no restriction on bumping rights;
  - employees can no longer be forced to bump outside of their own or similar classification.
- 13.5 Employees on recall:
- can now decline a recall opportunity without penalty;
  - no longer have greater seniority rights than other employees to vacancies.
- 19.2 The employer will not request that a doctor's note include any private information about an employee's diagnosis.
- 17.5 Part-time employees' entitlement to paid holiday lieu days has been clarified.
- 17.11 Employees can now draw from other time banks to ensure they don't receive reduced pay on paid (statutory) holidays. Employees now have ability to determine their pay up to a full day's pay on paid (statutory) holidays.
- 22.5 Employer will post WorkSafeBC critical incident response information and pager numbers at all worksites.
- 22.5 After an incident of workplace violence, when a remedy is agreed upon, it will be implemented within 15 days.
- 24.3 For job selections:
- for lateral transfers, seniority and performance have been added to the list of determining factors. All determining factors have equal weight. This means that seniority is now counted as 25% and is also a tie breaker. (Previously seniority was only a tie-breaking factor.)
  - For promotions, a fourth factor has been added to the previous language. Performance and all factors must be accorded equal weight. External applicants compete on the same basis as internal applicants but an internal applicant's seniority counts for 25%. (Seniority is still a tie-breaker.)
  - If pool of applicants contains both promotional and lateral applicants, the promotional process will be used.
  - The added factor of performance is clearly defined to prevent its misuse by the employer.

Article

- 24.9 Speedier dispute resolution process for lateral transfer grievances. (Lateral transfers can still be grieved under the current grievance procedure. Promotions are still grieved under the current grievance procedure.)
- 26.8 The Joint Job Evaluation Plan Maintenance Agreement and Classification Manual will now be included in the Collective Agreement.
- 29 Clearer anti-bullying provisions with a fair and workable complaints process. Systemic issues may be addressed by a troubleshooter.
- 31 Clarifies pension entitlement.
- 32 Two year agreement April 1, 2010 to March 31, 2012.
- MOA\* We resisted the employer's effort to remove the goal of wage parity with the community health sector from the collective agreement.
- MOA\* The Continuity of Service and Employment Agreement gives employees priority hiring and portability of seniority and benefits when a contract changes hands between employers. It's effective from August 13, 2011 to October 31, 2012. We know that government intends to re-tender a number of contracts in both sectors during the life of this agreement.
- MOA\* A joint committee will gather information to conduct an effective study regarding sick leave, short-term illness and injury plans and potential benefits improvement. This will provide vital information for the 2012 negotiations.
- IA A\*\* Clarifies the rights of employees on long term disability leave.
- IA G\*\* A jointly developed shared fact sheet for grievances has been included in the collective agreement to encourage its use in the grievance process.
- LOU\*\*\* A \$600,000 training and education fund will be jointly administered by unions and employers to support workers impacted by cuts to services and jobs.

\* *MOA means Memorandum of Agreement*

\*\* *IA means Information Appendix*

\*\*\* *LOU means Letter of Understanding*