



BULLETIN

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Employers must cease and desist applying interim classifications to protect unions' bargaining rights

HSA, on behalf of the Health Science Professionals Bargaining Association (HSPBA), has achieved a significant win in the continuing dispute regarding the application of interim classification modifications which affect reporting relationships and rates of pay. The interim measures were tied to the work of the Joint Classification Committee (JCC) negotiated in the 2010-2012 collective agreement and do not stand alone.

Yesterday, arbitrator John Hall ruled that employers may no longer apply the interim measures and must cease and desist until a decision is made in the JCC policy arbitration. The hearing is scheduled to continue in late November.

He said immediate suspension of the employers' implementation of interim measures is necessary because the union's bargaining rights have been eroded by the employers' actions.

HSA filed the policy grievance in November 2011. The union argues that health authorities are prohibited from implementing any of the interim classification modifications because the right to do so is conditional upon the Joint Classification Committee fulfilling its objectives. The committee did not meet its objectives.

In supporting the union's application for an order to stop employers from continuing to implement classification changes, which they were doing despite the failure of the Joint Classification Committee, the arbitrator said "... the suspension of operating instructions under the ICM MOU (Interim Classifications Measures Memorandum of Understanding) means some structural changes are occurring without consultation between the parties as otherwise required by the collective agreement. The Union accurately asserts that opportunities to consult, once lost, cannot be fully remedied."

Jeanne Meyers, HSA's Executive Director of Legal Services and Labour Relations, welcomed the decision.



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“After months of stalling and refusing to deal with a commitment negotiated in the 2010-2012 contract to work cooperatively to modernize the classifications system, employers have been told in no uncertain terms that they must stop barreling ahead with further changes,” she said.

“This is a very significant and important decision. It means that employers cannot just pick and choose what part of the agreement they like. They have to live up to all the terms of the collective agreement. After the hearing in November, we will have the arbitrator’s decision interpreting the agreement on classifications. Until then, employers have to respect the rules.” she said.

If you are a health science professional covered by the HSPBA collective agreement whose employer continues to rely on the interim modifications to introduce change please contact your steward immediately to initiate a grievance.