

Article 53

Article 53 - Qualification Differential

Related Articles: 11.03 (B), 37, 51

Interpretation Guidelines:

General Information

1. The intent of qualification differentials was to encourage employees to upgrade skills related to the performance of their work.
2. Only regular employees are eligible to be paid qualification differentials.
3. Qualification differentials are pro-rated for regular part-time employees based on the number of hours worked (including extra shifts).
4. A qualification differential is considered to be part of an employee's wages. As a result it is **not** included in the benefit package that is continued for the first 20 days of any unpaid leave of absence (See Article 37). In other words, payment of qualification differential stops at the first day of an unpaid leave of absence [See **Arbitration Award: Campbell River and District Hospital and BCNU**, March 18, 1985 (Munroe)].
5. Neither the College of Registered Nurses nor the College of Registered Psychiatric Nurses have a role in the approval of qualifications for the purpose of applying for payment of a differential. However as a result of the 1998 Foley Recommendations, the criteria used by the CRNBC (CRNBC (RNABC)) continue to be used by the Employer to evaluate eligibility for payment of qualification differential for Special Clinical Preparation.
6. There is an onus on the employee to provide the documentation to substantiate a claim for payment of a qualification differential [See Troubleshooter Recommendations: **Prince Rupert Regional Hospital and BCNU**, November 5, 1997 (Longpre)].
7. As part of Levelling, qualification differentials under the PCA were applicable to Employers certified before January 15, 1997, former public service, municipal or Bill 48 nurses retroactive to April 1, 1997 or the date the Employer became a member of HEABC (i.e. July 31, 1997 for the CHSS's) See **HEABC Contract Interpretation Update dated July 13, 1998. Number 026.**
8. Only the qualification differentials under Article 53.01 Special Clinical Preparation and Article 53.04 University Preparation are portable pursuant to Article 51. This means that if an employee has established eligibility with one Employer, they do not have to repeat the process with future Employers covered by the PCA.

The interpretations in this manual are provided on a *without prejudice, errors and omissions basis* to any position Unions in the Nurses' Association of Bargaining Agents may take in any arbitral proceeding or any other forum.

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Article 53.01 - Special Clinical Preparation

1. The previous qualifying period of 6 months was reduced to 4 months by the December 8, 1998 Foley Recommendations to settle the 1998-2001 collective agreement.
2. In exchange for reducing the qualifying period, it was agreed by the Union and Employer in the 1998 bargaining round that the CRNBC (RNABC)) Criteria for the Assessment of Additional Educational Preparation would continue to be used to determine eligibility for qualification differentials under 53.01. The relevant portion is as follows:
 - "Certificates and diplomas received from accredited hospitals and from colleges, institutes and universities for:
 - nursing programs that were a minimum of 400 relevant content hours which included at least 30% of the total hours as supervised practice, and where the course hours were not used as the theoretical or practice component for the purposes of initial registration..."
3. Arbitrators have consistently relied on this extrinsic evidence to determine the intent of this provision and have ruled that in order to qualify for payment of a qualification differential for special clinical preparation it is not sufficient to have participated in a course of study that lasts at least 4 months. Rather the employee has to demonstrate they meet the requirements set out in the CRNBC (RNABC)) criteria.
4. The employee is required to demonstrate:
 - They have successfully completed the course and received a certificate or diploma;
 - The course was taken at an accredited hospital, college, university or institute;
 - The course included a minimum of 400 relevant content hours; and
 - That at least 30% of the total hours of the course consisted of supervised practice to meet the definition of the term "special clinical preparation".
5. The employee also has to be employed in the special service for which she is qualified. For example: a nurse with a certificate for completion of a program in perinatal nursing needs to be working in a perinatal unit to qualify for the differential.

New in 2006: HEABC and NBA will be reviewing this clause to determine whether changes are necessary to more accurately reflect the current content of the programs associated with the application of this clause.

See Arbitration Awards:

Surrey Memorial Hospital and BCNU, February 28, 2005 (Kinzie) - The grievance to be paid a qualification differential for taking courses in the Perinatal program at BCIT was dismissed as the grievors "*had not completed the programs of which the courses formed a part. As a result they were not in receipt of a certificate or diploma*".

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Fraser Health Authority (Fraser Valley Health Delivery Area) and BCNU, February 11, 2004 (Gordon) - The grievance was dismissed. While the grievors had each completed a course and received a certificate as a lactation consultant from the International Board of Lactation Consultant Examiners (IBLCE). The IBLCE was not considered to be an "educational entity" as defined by Article 53.01 and the course which consisted of self study, unsupervised practice and exam process did not meet the CRNBC (RNABC) criteria.

Fraser Health Authority (Ridge Meadows Hospital) and BCNU, November 24, 2004 (Kinzie) - The grievance to be paid a qualification differential for taking courses in the Perinatal program at BCIT was dismissed as the grievors "*had not completed the programs of which the courses formed a part. As a result they were not in receipt of a certificate or diploma*".

Vancouver Island Health Authority (Nanaimo General Hospital) and BCNU, December 6, 2004 (Gordon) (expedited arbitration decision provided for information purposes only) - the grievance was dismissed as the grievors did not have enough credits for course completion and the language does not provide for credit for partial completion of a program. The arbitrator stated "*If the parties had intended nurses in the grievors' circumstances to be entitled to the qualification differential under Article 53.01 they surely would have included words expressing that intention*".

New in 2001 - Employees with a Diploma in Advanced Psychiatric Nursing receive a qualification differential of \$50.00 per month under Article 53.01 as long as they've used it within the previous 4 years.

Article 53.02 - CHA/CNA and BCIT Courses

1. In order to qualify for payment of this differential, regular employees need to have completed one of the following programs:
 - The CHA/CAN Nursing Unit Administration Course;
 - The CHA Hospital Department Management Course; and/or
 - The BCIT certificate program in Health Care Management.
2. Only 1 qualification differential can be paid under this Article. In other words an employee who has completed all three of these programs will only receive 1 payment of the differential, not three.
3. A payment under this Article cannot be combined with a payment under Articles 53.04 CHA/CNA, 53.05; Bachelor's degree; or 53.06 Master's degree (See Article 53.07 Multiple Payments Prohibited).

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Article 53.03 - Registered Psychiatric Nurse

1. The language was changed in 1998 to ensure both RNs and RPNs could receive payment of this differential as long as they are:
 - A regular employee who acquires and maintains both an RPN and RN registration (i.e. has dual registration).
2. Employees who receive this differential can also receive payments for other qualification differentials covered by Article 53.
3. Employees are not required to be employed on a psychiatric unit in order to qualify for this differential.

Article 53.04 - University Preparation

1. A regular employee who has passed an accredited 1 year university course in nursing can receive a qualification differential under this provision.
2. The onus of proof is on the employee. The employee needs to demonstrate that their educational credentials are equivalent to a one year nursing course in an accredited Canadian institution. A Diploma in Public Health qualifies for this payment.
3. A degree obtained from another country can qualify for payment of this differential [See Troubleshooter Recommendation: *Prince Rupert Regional Hospital and BCNU, November 5, 1997 (Longpre)* - where a Baccalaureate degree from the Philippines qualified for this payment]. However, the key to having a degree from another country qualify is that the educational qualifications have to be considered equivalent to those available in a one year nursing course in an accredited Canadian university. [See Arbitration Award: *Eden Intermediate Care Facility and BCNU, April 16, 2003 (Hope)*].
4. The Union has the onus of proving that the grievor's credentials are equivalent [See Arbitration Award: *Eden Intermediate Care Facility and BCNU, April 16, 2003 (Hope)*].
5. This article also provides for continuation of payment of the differential to employees who were on staff as of January 1, 1974 and who were receiving the differential. As a result, employees in this category who may not qualify under the current criteria will continue to receive the differential.
6. University qualifications must be from an accredited Canadian post-secondary institution or equivalent.
7. A payment under this article cannot be combined with payment under Articles 53.02, 53.05, 53.06 (see Article 53.07).

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Article 53.05 (A) - Baccalaureate Degree in Nursing (BSN)

1. The onus of proof is on the employee.
2. The degree needs to be from an accredited Canadian post-secondary institution or equivalent. A degree from another country may be deemed as equivalent if the employee obtains approval from an accredited Canadian institution [Troubleshooter Recommendation: *Prince Rupert Regional Hospital and BCNU*, November 5, 1997 (Longpre)].
3. A payment under this provision cannot be combined with payments under Articles 53.02, 53.04, 53.06.

Article 53.05 (B) - Other

1. Baccalaureate Degree in Psychology and Baccalaureate Degree (new in 1998) in Health Sciences - Advanced Psychiatric nursing (new in 2001) were added to the PCA for payment of a qualification differential under Article 53.05.
2. Employees who have either of these degrees qualify for payment of differential under Article 53.05 as long as they are using their qualifications in the performance of their job.

Article 53.06 (A) - Master's Degree in Nursing

1. The onus of proof is on the employee.
2. The MSN has to be from an accredited Canadian post-secondary institution or equivalent.
3. Payment under this provision cannot be combined with payment under Articles 53.02, 53.04, 53.05.

Article 53.06 (B) - Other

Master's Degree in Psychology

This was added in 1998.

Master's Degree - Other

1. This applies to Master's degrees in an area other than nursing.

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2. The onus is on the employee to prove this qualification is used in their job [See Arbitration Award: *Interior Health Authority (Kelowna General Hospital) and BCNU*, January 2004 (Kinzie) - in this consent award the Employer agreed to pay the qualification differential as the grievor, who worked in a DC1 position in Cottonwoods Extended Care Unit, was able to demonstrate that she used her Master's Degree in Education with a specialization in counselling in the course of her job].
3. The course has to be approved by the Employer.
4. The qualifications must not be part of the requirements for the job as listed on the job description. For example, an employee who is required to have a Master's Degree in Family Therapy as a qualification set out in the job description will not be entitled to receive a qualification differential. Note: Article 53.05, Article 53.06 (A) or (B) (i) do not contain similar restrictions. For example: employees with a BSN are still entitled to a qualification differential even if a BSN is required for the job.
5. The Master's degree has to be from an accredited Canadian post-secondary institution or equivalent.

Article 53.07 - Multiple Payments Prohibited

An employee cannot be paid more than 1 qualification differential under the following Articles:

- Article 53.02 CHA/CAN or BCIT Courses;
- Article 53.04 University Preparation;
- Article 53.05 Baccalaureate degrees; and
- Article 53.06 Master's degrees.

However, an employee being paid a qualification differential under Article 53.01 Special Clinical Preparation and Article 53.03 Registered Psychiatric Nurse is entitled to be paid an additional qualification differential under one of the above noted provisions.

Article 53.08 - Approval of Qualifications

1. An employee seeking a qualification differential must provide proof of the qualification to the Employer.
2. Where the qualification has been obtained in an institution outside of Canada, the employee must provide proof that the course content would be considered to be equivalent to that of an accredited Canadian post-secondary institution [See Arbitration Award: *Eden Intermediate Care Facility and BCNU*, April 16, 2003 (Hope) and Troubleshooter Recommendation: *Prince Rupert Regional Hospital and BCNU*, November 5, 1997 (Longpre)].

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3. Completion/confirmation letters from a Canadian post-secondary institution have been considered as adequate as proof of a completion of a degree program. In other words, employees do not have to wait until they are in receipt of the degree certificate following formal convocation ceremonies
4. [See Expedited Arbitration Decision: *HEABC (Capital Health Region - Royal Jubilee Hospital and Gorge Road Hospital) and BCNU, July 13, 2000 (Munroe)* - Grievance upheld. The grievors had received completion/confirmation letters confirming they had successfully completed their degree program. However as is typical, the convocation ceremony, where the actual degree certificates are handed out, was scheduled for several months later. The Employer took the position that the qualification differential only applied after the employee receives the actual degree certificate.

Additional References:

Arbitration Awards:

Campbell River and District Hospital and BCNU, March 18, 1985 (Munroe) in dismissing the Union's grievance, ruled that a qualification differential is considered to be part of an employee's wages. As a result it is not included in the benefit package that is continued for the first 20 days of any unpaid leave of absence (See Article 37).

Surrey Memorial Hospital and BCNU, February 28, 2005 (Kinzie) - The grievance to be paid a qualification differential for taking courses in the Perinatal program at BCIT was dismissed as the grievors "*had not completed the programs of which the courses formed a part. As a result they were not in receipt of a certificate or diploma*".

Fraser Health Authority (Fraser Valley Health Delivery Area) and BCNU, February 11, 2004 (Gordon) - The grievance was dismissed. While the grievors had each completed a course and received a certificate as a lactation consultant from the International Board of Lactation Consultant Examiners (IBLCE). The IBLCE was not considered to be an "educational entity" as defined by Article 53.01 and the course which consisted of self study, unsupervised practice and exam process did not meet the CRNBC (RNABC) criteria.

Fraser Health Authority (Ridge Meadows Hospital) and BCNU, November 24, 2004 (Kinzie) - The grievance to be paid a qualification differential for taking courses in the Perinatal program at BCIT was dismissed as the grievors "*had not completed the programs of which the courses formed a part. As a result they were not in receipt of a certificate or diploma*".

Eden Intermediate Care Facility and BCNU, April 16, 2003 (Hope) - In dismissing the grievance the arbitrator to having a degree from another country qualify is that the educational qualifications have to be considered equivalent to those available in a one year nursing course in an accredited Canadian university.

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Interior Health Authority (Kelowna General Hospital) and BCNU, January 2004 (Kinzie) - In this consent award the Employer agreed to pay the qualification differential as the grievor, who worked in a DC1 position in Cottonwoods Extended Care Unit, was able to demonstrate that she used her Master's Degree in Education with a specialization in counselling in the course of her job].

Expedited Arbitration Decisions: provided for information purposes only

HEABC (Capital Health Region - Royal Jubilee Hospital and Gorge Road Hospital) and BCNU, July 13, 2000 (Munroe) - Grievance was upheld. Completion/confirmation letters from a Canadian post-secondary institution have been considered as adequate as proof of a completion of a degree program. In other words, employees do not have to wait until they are in receipt of the degree certificate following formal convocation ceremonies.

Vancouver Island Health Authority (Nanaimo General Hospital) and BCNU, December 6, 2004 (Gordon) (expedited arbitration decision provided for information purposes only) - the grievance dealing with a qualification differential for a critical care program was dismissed as the grievors did not have enough credits for course completion and the language does not provide for credit for partial completion of a program. The arbitrator stated "*If the parties had intended nurses in the grievors' circumstances to be entitled to the qualification differential under Article 53.01 they surely would have included words expressing that intention*".

Troubleshooter Recommendations: provided for information purposes only

Prince Rupert Regional Hospital and BCNU, November 5, 1997 (Longpre) - A degree from another country may be deemed as equivalent if the employee obtains approval from an accredited Canadian institution.