



## WHAT IS THE CAMPAIGN TO ENFORCE THE STAFFING LANGUAGE ABOUT?

The campaign to enforce the staffing language is about collecting the evidence to build strong grievances that can go to arbitration if necessary.

The collective agreement language is strong and requires safer staffing.

But it is only strong if it is enforced. The onus is on the employees and the union to prove when the language is being breached if we want the Employers to comply.

That means we have to carefully document incidents where the obligations in the language are not met and take the best cases forward to arbitration.



## Community - Replacement of Absences

Effective January 1, 2013, community nurses will be replaced for at least two weeks of vacation each year. The Employer will make all reasonable efforts to replace those vacation leaves using regular relief/float positions.

### 1. Does the “Community – Replacement of absences” provision apply to LPNs?

No. This language only applies to RN/RPNs covered by the Nurses Bargaining Association Collective Agreement.

### 2. Who are community nurses? Are public health nurses included?

Community nurses include all categories of nurses working on community programs. This language covers any worksite that is not covered by the provisions for acute / long term care.

Yes, public health is included.

### 3. Are there any exceptions to the requirement to replace community nurses for at least two weeks of vacation each year?

The purpose of this language is to ensure that nurses in community have at least two weeks of vacation where they do not return to a backlog. Consistent with this purpose, there is no need to replace nurse working in programs that are entirely closed for at least two weeks while the nurse is on vacation. For example, nurses working in school programs that are entirely closed for the summer generally do not need to be replaced.

### 4. Does the Employer have to replace community nurses for two consecutive weeks of vacation each year?

The Employer has to provide two weeks of coverage for each nurse but the coverage does not necessarily have to be consecutive.

When in doubt consider the purpose of the language - to ensure that nurses in community have at least two weeks of vacation where they do not return to a backlog – and determine whether the coverage provided has reduced the backlog by at least two weeks for each nurse. It is not sufficient, for example to have one relief nurse covering vacation for multiple absent nurses.

### 5. The “Community – Replacement of Absences” provision says that community nurses “will” be replaced but in the second sentence it says that the Employer “will make all reasonable efforts”. What does that mean?

“Will” means an absolute requirement, something that absolutely must be done.

“All reasonable efforts” means that the Employer has to really try. They have to take all the steps that a reasonable employer who was trying to do something would take. It’s not an easy test – there has to be genuine effort and usually some resources devoted – but in the end, it’s not an absolute requirement.

In this language employees on vacation will be replaced. So that part is an absolute requirement.

Employers will make all reasonable efforts to replace vacation leaves using regular relief / float positions, where possible. So it is not an absolutely requirement that replacement by done using regular relief / float positions. The Employer has to genuinely try and take reasonable steps to do that but if they can’t, they can use a casual or a nurse on overtime.

***These interpretations are provided on a without prejudice, errors and omissions basis to any position the BCNU or any Union in the Nurses’ Bargaining Association may take.***