

CONTRACT INTERPRETATION MANUAL

Article 21 CREATION OF NEW CLASSIFICATION

Interpretation Guidelines

Article 21.01 - Employer Notice

When creating a new position, the Employer is required to do the following:

1. Prepare and provide the Union with a copy of the job description as per Article 23; and
2. Advise the Union of the intention to implement the new classification and proposed wage level for the job, including the effective date.

Article 21.02 – Implementation

If there are any concerns with the classification and proposed wage level, follow up with a Steward or LRO.

1. If the Union does not agree with this new classification and proposed wage level it is required to provide the Employer with a written objection.
2. Once the Union objects, the dispute is then referred to the Job Classification Review Procedure (Article 21.02 (B)).

Article 21.02 (B) - Job Classification Review Procedure

If the parties are unable to reach agreement, either party may refer the matter to classification arbitration through the BCHOA as a classification arbitration.

See contract language for the steps in a classification arbitration:

In the event the wage structure is established by arbitration, the effective date of the wage rate will be the date the employee commenced working in the new position.

However, in a classification arbitration the arbitrator can consider the following:

1. If the job description accurately reflects the work performed;
2. If the qualifications requested by the Employer are appropriate and reasonable and can be supported by the job duties;
3. If the classification/wage level proposed by the Employer is appropriate;
4. The effective date of the classification level. Arbitrators have jurisdiction to determine an effective date of the change in job content based on the evidence provided at the hearing; and
5. The appropriateness of an excluded classification (Labour Code Section 139)

The Labour Relations Code under Section 89 (e) provides arbitrators with the jurisdiction to waive the time limits. Timelines missed by either party will not automatically result in an arbitrator dismissing the grievance (Article 21).

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If either party requests an extension of the time frames, it is generally granted. Requests for time extensions should be done in writing.

If you require further information, please contact a BCNU LRO.

Additional Resources

Legislation

1. Labour Relations Code Sections 89, 139

Other Information

1. BCNU/HEABC Job Profiles.

Footnotes

Article	21
Sub-Article	21.01, 21.02
Last Update	31-03-21
Related Articles	3, 10, 17, 18, 19, 22, 23, 62, 63