

CONTRACT INTERPRETATION MANUAL

Article 52 PREVIOUS EXPERIENCE

Interpretation Guidelines

This provision applies to:

1. New regular employees who do not qualify for portability of benefits under Article 51; and
2. Casuals who post into a regular position at the same worksite can either retain their casual increment step or use previous experience whichever places them higher on the increment scale (Article 11.04 (F) (4)). New in 2006, a casual has 180 days from the date of termination with their previous Employer to port their increment step from one PCA employer to another.

Employees get moved up 1 increment step for every year of relevant nursing experience recognized by the Employer as long as it was obtained no more than 2 years previously.

Relevant nursing experience does not mean all nursing experience; it means nursing experience that could be considered applicable to the position. The Union position is that all nursing experience is applicable to most Level 1 and Level 3 nursing positions.

It is the Employer's prerogative to determine reasonable job qualifications and it is the Employer's prerogative to assess relevant experience (Province of British Columbia (Government Employee Relations Bureau) and BCNU, June 8, 1982 (Getz)). However, the Employer needs to show that they consistently apply the same criteria to the assessment of previous experience of all new employees.

At the time of hire the employee must provide enough detailed information to assist the Employer in their decision on the relevance of the previous nursing experience.

If credit for previous experience is denied, then the onus shifts to the Employer to demonstrate that they evaluated the employee's claim carefully and they provided objective reasons why the employee's application for recognition of previous experience was rejected.

Because there is a subjective aspect to the assessment of relevant experience, Stewards need to advise employees to file grievances if their application for recognition of previous experience is rejected.

Arbitration Awards

1. Government of the Province of BC and BCNU, June 8, 1982 (Getz). Grievance seeking credit for previous general hospital experience was dismissed on the basis that the Employer's actions in rejecting credit for previous experience were not discriminatory as they had been consistently applied.
2. Government of the Province of BC and BCNU, April 13, 1993, (Kelleher). Interpretation of "relevant" nursing experience. Grievor's experience working with adolescent behaviour was considered relevant because the patients they had worked with at Children's Hospital shared many of the same characteristics as the patient population at Willingdon. However, their experience at the Lions Club Summer Camp was disallowed.
3. Government of the Province of BC (Skeena) and BCNU, October 17, 1994 (Kelleher). Interpretation of "relevant" nursing experience. "If the parties had intended all nursing experience was to receive credit,

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they would have stated this”. The grievance was dismissed on the basis that while the grievor’s experience was not irrelevant to the position, in terms of relevancy they fell short. Their past experience was primarily direct patient care while the Community Nurse 3 position was primarily concerned with the supervision of nurses.

4. Simon Fraser Health Region and BCNU, January 27, 2000 (Ready). An employee’s right to get credit for previous experience is not cancelled if they begin work as a casual and move into a regular position at a later time with the same Employer. The arbitrator stated, “The language speaks directly to certain rights gained at the commencement of regular full-time or part-time employment”.

Footnotes

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| Article | 52 |
| Sub-Article | 52.01 |
| Last Update | 31-03-21 |
| Related Articles | 11, 12, 51, 63 |