

CONTRACT INTERPRETATION MANUAL

Article 53 QUALIFICATION DIFFERENTIAL

Interpretation Guidelines

General Information

The intent of qualification differentials was to encourage employees to upgrade skills related to the performance of their work.

Only regular employees are eligible to be paid qualification differentials.

Qualification differentials are prorated for RPT employees based on the number of hours worked (including extra shifts).

A qualification differential is part of an employee's wages. It is not included in the benefit package that is continued for the first 20 days of any unpaid leave of absence (Article 37). Payment of qualification differential stops at the first day of an unpaid leave of absence (Campbell River and District Hospital and BCNU, March 18, 1985 (Munroe)). When returning from a leave of absence employees should check to ensure that qualification differentials have restarted on their pay stubs.

The BCCNM does not 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 BCCNM continue to be used by the Employer to evaluate eligibility for payment of qualification differential for Special Clinical Preparation.

The employee must provide the documentation to substantiate a claim for payment of a qualification differential (Prince Rupert Regional Hospital and BCNU, November 5, 1997 (Longpre) (Troubleshooter Recommendation)).

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) (Applicable HEABC Contract Interpretation Update dated July 13, 1998, number 026).

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. Employees should check that these qualification differentials have been ported to their new Employer.

Article 53.01 - Special Clinical Preparation

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.

In exchange for reducing the qualifying period, it was agreed by the Union and Employer in the 1998 bargaining round that the BCCNM Criteria for the Assessment of Additional Educational Preparation would

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continue to be used to determine eligibility for qualification differentials under 53.01. The relevant portion is as follows:

1. “Certificates and diplomas received from accredited hospitals and from colleges, institutes and universities for:
 - (a) nursing programs that were a minimum of 400 relevant content hours which included at least 30% of the total hours as supervised practice,
 - (b) and where the course hours were not used as the theoretical or practice component for the purposes of initial registration...”

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 BCCNM criteria.

The employee is required to demonstrate:

1. They have successfully completed the course and received a certificate or diploma;
2. The course was taken at an accredited hospital, college, university or institute;
3. The course included a minimum of 400 relevant content hours; and
4. 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”.

The employee also has to be employed in the special service for which they are qualified. For example, an employee with a certificate for completion of a program in perinatal nursing needs to be working in a perinatal unit to qualify for the differential.

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 have used it within the previous 4 years.

Arbitrations Awards

1. 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”.
2. 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 BCCNM (RNABC) criteria.
3. 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”.

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4. 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".

Article 53.02 - CHA/CNA and BCIT Courses

To qualify for payment of this differential, regular employees need to have completed one of the following programs:

1. The CHA/CAN Nursing Unit Administration Course;
2. The CHA Hospital Department Management Course; or
3. The BCIT certificate program in Health Care Management.

Only 1 qualification differential can be paid under this Article. An employee who has completed all three of these programs will only receive 1 payment of the differential, not three.

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 (Article 53.07).

Article 53.03 - Registered Psychiatric Nurse

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).

Employees who receive this differential can also receive payments for other qualification differentials covered by Article 53.

Employees are not required to be employed on a psychiatric unit to qualify for this differential.

Article 53.04 - University Preparation

A regular employee who has passed an accredited one year university course in nursing can receive a qualification differential under this provision. This differential does not apply to new Employees hired after the first pay period following April 1, 2016, but remains portable for those employees hired prior to April 1, 2016 (Article 51.02).

The employee must 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.

A degree obtained from another country can qualify for payment of this differential. In Troublesooter Recommendation, Prince Rupert Regional Hospital and BCNU, November 5, 1997 (Longpre), 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

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available in a one year nursing course in an accredited Canadian university (Eden Intermediate Care Facility and BCNU, April 16, 2003 (Hope)).

The Union has the onus of proving that the grievor's credentials are equivalent (Eden Intermediate Care Facility and BCNU, April 16, 2003 (Hope)).

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.

University qualifications must be from an accredited Canadian post-secondary institution or equivalent.

A payment under this article cannot be combined with payment under Articles 53.02, 53.05, 53.06 (Article 53.07).

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

The onus of proof is on the employee.

This differential is not applicable to new Employees hired after the first pay period following April 1, 2016, but remains portable for employees hired previous to April 1, 2016 (Article 51.02).

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 (Prince Rupert Regional Hospital and BCNU, November 5, 1997 (Longpre) (Troubleshooter Recommendation)).

A payment under this provision cannot be combined with payments under Articles 53.02, 53.04, 53.06.

Article 53.05 (B) – Other

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.

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.

New employees after April 1, 2016 are not eligible to receive either 53.04 or 53.05 differentials. However, employees who work for the Employer prior to that date may qualify and the payment is portable after that date, see the below joint interpretation between HEABC and the NBA.

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E&OE

HEABC-NBA Provincial Collective Agreement - Joint Interpretation

ARTICLE 53.05 – BACCALAUREATE DEGREE

The parties have agreed that Articles 53.04 University Preparation and 53.05 Baccalaureate Degree will not apply to new employees hired after the first pay period following April 1, 2016.

For purposes of these articles, “new employees” are defined as RNs, RPNs, and LPNs hired into a regular position after the first pay period following April 1, 2016, that do not port service from another HEABC member.

Casual employees, hired prior to April 1, 2016, would not be considered a “new employee” for the purposes of Article 53.04 and 53.05 and would be eligible for the qualification differential payment set out in these articles.

Casual employees who leave their health employer and obtain a position with a different health employer have one year from the date of new hire to obtain a regular position and receive the QD. Following the one-year period, if the employee has not obtained a regular position, they will not be eligible for the QD.

It is the casual employees’ responsibility to inform [their] new employer of [their] eligibility for the QD at the time they accept a regular position.

1. A RN is hired into a regular, position on May 1, 2000. The RN qualifies for and receives the qualification differential. On January 1, 2012, the RN terminates her regular, full-time position and becomes a casual employee. On May 1, 2016, the RN successfully posts into a regular, full-time position. The RN will qualify for the QD.
2. A casual employee hired prior to April 1, 2016 and obtains a regular position at anytime thereafter, within the same health employer will qualify for the QD.
3. A casual employee hired prior to April 1, 2016 who changes employers and does not secure a regular position within one year of their new hire date will not qualify for the QD.
4. A Regular) not casual employee who received the QD at employer A, resigns and is hired with Employer B in accordance to Article 51 (portability), is able to port the QD from Employer A to Employer B.
5. A new employee (never worked in a nursing position within a HA), hired after the first pay period following April 1, 2016, would not be eligible for the QD.

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

The onus of proof is on the employee.

The Master’s Degree has to be from an accredited Canadian post-secondary institution or equivalent.

Payment under this provision cannot be combined with payment under Articles 53.02, 53.04, 53.05.

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Article 53.06 (B) – Other

Master's Degree in Psychology (1998).

Master's Degree – Other

1. This applies to Master's degrees in an area other than nursing.
2. The onus is on the employee to prove this qualification is used in their job (Interior Health Authority (Kelowna General Hospital) and BCNU, January 2004 (Kinzie) (Consent Award)). 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 they used their Master's Degree in Education with a specialization in counselling in the course of their 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. 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:

1. Article 53.02 CHA/CAN or BCIT Courses;
2. Article 53.04 University Preparation;
3. Article 53.05 Baccalaureate degrees; and
4. 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

An employee seeking a qualification differential must provide proof of the qualification to the Employer.

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 (Eden Intermediate Care Facility and BCNU, April 16, 2003 (Hope)) and (Prince Rupert Regional Hospital and BCNU, November 5, 1997 (Longpre) (Troubleshooter Recommendations)).

Completion and 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.

In HEABC (Capital Health Region – Royal Jubilee Hospital and Gorge Road Hospital) and BCNU, July 13, 2000 (Munroe) (Expedited Arbitration), the grievance was upheld because the grievors had received

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completion or 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.

Arbitration Awards

1. Campbell River and District Hospital and BCNU, March 18, 1985 (Munroe). In dismissing the Union's grievance, the Arbitrator 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 (Article 37).
2. 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".
3. 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 BCCNM (CRNBC (RNABC) criteria.
4. 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".
5. 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.

Consent Awards

1. 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 they used their Master's Degree in Education with a specialization in counselling in the course of their job.

Expedited Arbitrations

1. 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. Employees do not have to wait until they are in receipt of the degree certificate following formal convocation ceremonies.
2. Vancouver Island Health Authority (Nanaimo General Hospital) and BCNU, December 6, 2004 (Gordon). 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

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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

1. 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.
2. Fraser Health Authority; Surrey Memorial; BCNU: 2018 (Ready) (Au). In this case the arbitrator found in favour of the grievor who had completed an Infection Control Certificate but the Employer denied the qualification differential on the basis that the practicum had not been of long enough duration.
3. Fraser Health Authority; Surrey Memorial; BCNU: 2017 (Bell, Ready) (Adlouni). In this grievance the arbitrators found in favour of the Employer. The grievor had completed a Masters degree and the Employer took the position that they had not required it for the position nor was the degree being utilized in their position.

Footnotes

Article	53
Sub-Article	53.01, 53.02, 53.03, 53.04, 53.05, 53.06, 53.07, 53.08
Last Update	31-03-21
Related Articles	11, 37, 51