

# CONTRACT INTERPRETATION MANUAL

## Article 57 GENERAL CONDITIONS

### Interpretation Guidelines

#### Article 57.01 – Transport Duty

This provision applies to regular and casual employees. The reference to only “patients” is deliberate.

New in 2019, Article 57.01 (F) was added to clarify that no employee shall be required to transport a patient in the employee’s private vehicle.

Employers are to first ask qualified employees in the department to volunteer to escort the patient. Only if there are no volunteers, is the Employer entitled to unilaterally assign the duty to an employee based on operational requirements.

All the terms and conditions of the PCA continue to apply while the employee is on escort duty:

1. While the patient is in their care, an employee receives their regular pay and where applicable, overtime and other premiums, and in addition
2. An employee is paid their straight time rate of pay for all other hours:
  - (a) Between the time the patient has been safely delivered to the designated destination; and
  - (b) The time the employee returns to their normal workplace; and
  - (c) The employee is required to return by the next available vehicle which meets the Transport Canada safety guidelines.

The Employer is responsible for payment for all accommodation, meals, and any related expenses. Employees can request the Employer to provide funds up-front to cover expenses.

Related expenses include reimbursement for parking expenses at the employee’s base worksite when they are required by the Employer to use their personal vehicle for Employer business (Simon Fraser Health Region and BCNU (GAD), May 27, 2002 (Taylor)).

Check Employer policies at the worksite.

#### Article 57.02 (A) - Use of a Personal Vehicle on Employer Business

The provisions in Section 1 apply to all employees covered by the PCA. The following applies to the use of an employee’s vehicle for Employer business:

1. The use of an employee’s vehicle is strictly voluntary, unless required by the employee’s job description;
2. The Employer is responsible for all extra insurance premiums that may be needed as a result of usage for Employer business:
  - (a) This needs to be assessed on an individual basis; and
  - (b) In some cases it would apply to the difference between “to and from work” and “business” and in other situations to the difference between “personal use” and “business” where an

# CONTRACT INTERPRETATION MANUAL

employee can prove they normally do not drive to work (Simon Fraser Health Region and BCNU, March 25, 1999 (Gordon));

3. The mileage allowance rate is as per Article 57.02 (C) and was changed in 2019 to reflect that the allowance is tied to the Canada Revenue Agency (CRA) mileage rate, so any change in the CRA rate automatically changed the rate for the employees as well; and
4. The Employer is responsible for reimbursement of parking expenses.

The provisions in this Article do not apply to:

1. Employees who are on-call and use their personal vehicle for call-backs (Article 29.06); or
2. RPT or casual employees who are called-in to work pursuant to Article 29.07.

In addition to Article 57.01 in Section 1 the following applies:

1. In Northern and isolated areas, the Employer is required to provide and maintain safety and survival equipment as agreed by the local OH&S Committee and OH&S Stewards need to send copies of any local agreements regarding safety and survival equipment to their LRO;
2. Employees receive the mileage allowance as specified in Article 57.02 (C); and
3. Employees, who go directly from their home to a business location other than their regular worksite, can claim mileage allowance for all kilometres that go beyond the distance between their home and regular worksite.

## Article 57.03 - Personal Property Damage

Employers are responsible for repairing or compensating an employee for damage to an employee's personal property in the following situations:

1. The property must be something for suitable use or wear while on duty;
2. The damage must have been caused by the actions of a patient, client or resident;
3. The damages must not have been caused by the actions of the employee; and
4. The employee must submit reasonable proof that meets the above three requirements in support of their claim.

The Employer is required to reimburse the deductible portion of the insurance coverage when damage is caused to an employee's vehicle by:

1. A person in the care and custody of the employee; or
2. Any other person or event where the employee is using their vehicle while working.

The following criteria apply:

1. The maximum payment by the Employer is \$500;
2. No reimbursement will be paid if the damage was the employee's fault; and
3. Employees should immediately write down the circumstances that resulted in damage to their personal vehicle, including the names and contact information of any witnesses and keep any other paperwork related to the incident to provide to the Employer.

# CONTRACT INTERPRETATION MANUAL

## Article 57.04 – Laundry

This applies only to employees wearing uniforms supplied by the Employer.

## Article 57.05 – Registration

To practice as a nurse, the employee must be authorized to do so by the Health Professions Act. This Act replaced the Nurses (Registered) Act and the Nurses (Registered Psychiatric) Act effective August 19, 2005 in order to provide a common regulatory structure for the governance of all health professions in B.C.

As a result of these changes, the RNABC became the College of Registered Nurses of BC (CRNBC) and the RPNABC became the College of Registered Psychiatric Nurses of BC (CRPNBC). In 2018, the CRNBC, CRPNBC and the College of Licensed Practical Nurses were all merged to become the BC College of Nursing Professionals (BCCNP). In 2020, the BCCNP and the College of Midwives of BC (CMBC) merged to become the British Columbia College of Nurses and Midwives (BCCNM).

To work as an RN, RPN or LPN all nurses must show their registration card, permit or other proof acceptable to the Employer on request.

Nurses are required to renew their registration annually and provide the Employer with proof of renewal upon request.

Nurses, who are no longer authorized to practice, whether due to a failure to voluntarily maintain their registration or because they have lost their registration by involuntary means, cannot legally work as a nurse.

Employer options for nurses who are unable to prove they are authorized to practice are:

1. Remove the nurse from their nursing position and determine whether there is another position available within the bargaining unit for which the nurse is otherwise qualified (preferred but unlikely to be feasible).
2. Grant a request for a leave of absence for the duration of the time the nurse needs to get the appropriate registration (preferred).
3. Suspend the nurse until the nurse is able to obtain authorization to practice.

Nurses who find themselves in the situation where they no longer have authorization to practice are advised to immediately contact their Steward.

## Article 57.06 Business Allowance

This clause is for all regular nurses who practice in community-based services. Casuals do not get the allowance. This allowance is not prorated for RPT employees please see the Joint interpretation between the NBA and HEABC included below.

# CONTRACT INTERPRETATION MANUAL

## HEABC-NBA Provincial Collective Agreement - Joint Interpretation

### ARTICLE 57.06 – BUSINESS ALLOWANCE

Effective April 1, 2019, all regular employees in community -based services will receive fifty dollars (\$50.00) per month as business allowance.

The parties recognize that there has been mixed practice on pro-ration of allowances for community-based staff, however this allowance is not prorated. All retroactive claims will be paid through the BCNU 2019 grievance settlement fund.

Agreed on this 22 day of August 2019.

### Arbitration Awards

1. Simon Fraser Health Region and BCNU, March 25, 1999 (Gordon). Employers will need to calculate the entitlement to payment of extra insurance premiums on an individual basis.
2. Simon Fraser Health Region and BCNU (GAD), May 27, 2002 (Taylor). Employees who are required to use their personal vehicle for work are entitled to be reimbursed for their parking expenses at their base worksite as well as other work locations.

### Troubleshooter Recommendations

1. South Fraser Health Region and BCNU, July 30, 2002 (Sullivan). The Employer is not required to issue a separate check for mileage and parking expenses.
2. Delta Hospital and BCNU, July 30, 2002 (Sullivan). The Employer was required to pay mileage to a BCNU Regional Chairperson for attendance at Union/Management meetings called by the Employer where the employee had been coded as being paid by the Employer not the Union.

### Additional Resources

#### Legislation

1. Health Professions Act [http://www.bclaws.ca/Recon/document/ID/freeside/00\\_96183\\_01](http://www.bclaws.ca/Recon/document/ID/freeside/00_96183_01)
2. Transport Canada [www.tc.gc.ca](http://www.tc.gc.ca)

### Footnotes

Article	57
Sub-Article	57.01, 57.02, 57.03, 57.04, 57.05, 57.06
Last Update	31-03-21
Related Articles	6, 29, 32, Appendix N