

Article 1

Article 1.01 - Preamble

Related Articles: 1.02, 11.02, 11.03, 37, Extended Work Day Memorandum, Section 2

Interpretation Guidelines:

The preamble defines some of the abbreviations and symbols used throughout the collective agreement.

The preamble also defines the *base day* for the purpose of calculating benefits is *7.2 hours*.

For example: a nurse who works an 11 hour extended work day accumulates sick leave credits based on a 7.2 hour day. As a result their sick leave entitlement is recorded in hours and not days in the Extended Work Day Memorandum.

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Article 1.02 - Definitions

Related Articles: 6.02, 6.04, 6.05, 8.01, 11.04, 13.01, 13.02, 18.01, 18.02, 18.03, 18.05, 18.07, 18.10, 25.03, 25.05, 25.06, 26.01, 27.01, 27.03(B), 27.05, 29.04, 30, 33, 44, Extended Work Day Memorandum

Interpretation Guidelines:

The definitions section provides meaning to some of the terms found in the agreement and should be used when you are reading the articles identified above to clarify what the article means.

The most common definitions where questions come up are:

Common-law spouse - this includes same sex partnerships and is generally used to define entitlement to health and welfare benefits.

Employee - this includes agency nurses who may be hired from time to time to work casual shifts where no other relief is available. Arbitrator Dalton Larson stated in the arbitration award "*St. Jude's Anglican Home*" that agency nurses were under the control of the Employer and therefore they are considered to be covered by the collective agreement.

This means that the Employer is required to pay agency nurses the wages and benefits as set out in the collective agreement and that the Employer needs to submit union dues to the Union when agency nurses are used.

Employer - this term is used to define who the Employer is for labour relations purposes and is most often used to define the scope of the application for seniority and other service entitlements. Depending on the definition of employer (as modified by mutual agreement with the Union or by application for change in description of the certification to the Labour Relations Board), the scope of seniority and service entitlements may be restricted to one worksite or may be expanded to include a number of worksites.

An example of an Employer with one worksite is: Interior Health Authority (Royal Inland Hospital), Kamloops.

An example of an Employer with multiple worksites is: Providence Health Care Society (Mount Saint Joseph Hospital, Holy Family Hospital, St. Paul's Hospital, Youville Residence), Vancouver

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Only Employers who are also members of the Health Employers' Association of BC (HEABC) are part of the PCA.

Appendix C contains the list of Employers who are covered by the Provincial Collective Agreement (PCA). Check with your Labour Relations Officer (LRO) for up to date information.

Scheduled Day Off - it is important to note that this term has an expanded meaning in Article 29.04 (C) Call Back for any employee who is placed on-call by the Employer, so that this applies to *any* day an employee (casual, regular full-time or regular part-time) is not scheduled to work.

Worksite - this term is intended to reflect the organizational structure of the Employer whether it applies to one worksite or more than one worksite. For examples see the definition of Employer above.

Additional References:

Legislation:

Health Authorities Act - Bill 48

Health Sector Labour Relations Regulations - Bill 29

Arbitration Awards:

St. Jude's Anglican Home and BCNU (February 1, 1996), Dalton Larson - The grievance was upheld. The Arbitrator ruled that when the Employer uses agency nurses, they are covered by the collective agreement and the Employer is required to submit union dues to the applicable Union.