

Article 57

Article 57 - General Conditions

Related Articles: 6.03, 29.06, 32.03, Section 2 - 57.01, 57.02, 57.03, Appendix T

Interpretation Guidelines:

Article 57.01 - Escort Duty

1. This provision applies only to regular and casual employees who work in acute care hospitals. The reference to only "patients" is deliberate.
2. Employees who work in other areas and are required to "escort" a resident or client are entitled to claim compensation pursuant to Article 6.03 Employer Business or as set out in Article 57.01 in Section 2 - Community Based Services.
3. 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.
4. All the terms and conditions of the PCA continue to apply while the employee is on escort duty:
 - While the patient is in her/his care, an employee receives her/his regular pay and where applicable, overtime and other premiums; and in addition
 - An employee is paid her/his straight time rate of pay for all other hours:
 - Between the time the patient has been safely delivered to the designated destination; and
 - The time the employee returns to their normal workplace;
 - The employee is required to return by the next available suitable and safe transport [See Article 57.01 (E) re Transport Canada safety guidelines.
1. 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.

Note: Check Employer policies at the worksite.

2. Article 57.01 in Section 2 specifically addresses circumstances where employees working in a community based setting are required to be away from their home office base on employer business. Note: The employee doesn't have to be escorting a client in order to be entitled for reimbursed for related expenses.

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3. 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 [See Arbitration Award: Simon Fraser Health Region and BCNU (GAD), May 27, 2002 (Taylor)].

Note: Check Employer policies at the worksite.

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

1. 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:
 - The use of an employee's vehicle is strictly voluntary, unless required by the employee's job description;
 - The Employer is responsible for all extra insurance premiums that may be needed as a result of usage for employer business. This needs to be assessed on an individual basis. For example in some cases it would apply to the difference between "to and from work" and "business" and in other situations to the difference between strictly personal use and business where an employee can show proof they normally don't drive to work [See *Arbitration Award: Simon Fraser Health Region and BCNU, March 25, 1999 (Gordon)*].
 - The mileage allowance rate is as per Article 29.06.

Note: The provisions in this Article do not apply to:

- Employees who are on-call and use their personal vehicle for call-backs (See Article 29.06 instead).
 - Regular part-time or casual employees who are called-in to work pursuant to Article 29.07.
2. The provisions in Section 2 only apply to community-based employees. In addition to Article 57.01 in Section 1 the following applies:
 - 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. OH&S Stewards need to send copies of any local agreements regarding safety and survival equipment to their LRO.
 - Employees receive the mileage allowance as specified in Article 57.02 (C).

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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.

Effective April 1, 2006 - In addition to the mileage allowance, regular employees who deliver community-based services and who are required to use their own vehicles to carry out their duties will be paid an additional \$50 per month. This allowance does not apply to casual employees; however casual employees will continue to receive the mileage allowance.

Please note: This allowance is not pro-rated for regular part-time employees. The issue of pro-rating this allowance was specifically discussed in bargaining and the government agreed that given the amount and the difficulties and cost associated with estimating a pro-rated amount, that the allowance would not be pro-rated.

The new vehicle allowance for regular employees is taxable therefore nurses who expect to receive it should consult the Canada Revenue Agency on the rules for claiming expenses arising from the business use of their vehicle.

The web address is: <http://www.cra-arc.gc.ca/E/pub/tq/t4044-05.pdf>

To claim expenses against this income you may be required to fill out a T2200 Form with your next income tax return. For further clarification, nurses may also want to consult a tax professional.

Article 57.03 - Personal Property Damage

1. Employers responsible for repairing or compensating an employee for damage to an employee's personal property in the following situations:
 - The property must be something for suitable use or wear while on duty. For example: not expensive jewellery or dangling earrings;
 - The damage must have been caused by the actions of a patient, client or resident; and
 - The employee must submit reasonable proof that meets the above two requirements in support of their claim.
2. There are additional provisions in Section 2 that only apply to community-based employees who are required to transport clients in their vehicles.

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

- a. a person in the care and custody of the employee; or
- b. any other person or event where the employee is using their vehicle while working.

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For example: where the employee is involved in a car accident or has their car broken into while on employer business.

- The maximum payment by the Employer is \$500.00.
- No reimbursement will be paid if the damage was the employee's fault.

Note: 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.

Article 57.04 - Laundry

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

Article 57.05 - Registration

1. In order 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.
2. 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).
3. In order to be authorized to work as an RN or RPN all nurses must show their registration card, permit or other proof acceptable to the Employer on request.
4. **Nurses are required to renew their registration and provide the Employer with proof of renewal by March 1st each year.**
5. 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. For example: Nurses who don't renew their registration by March 1st or nurses who have their license suspended or removed by the CRNBC, RNABC or (CRPNBC).
6. The Employer options for nurses who are unable to prove they are authorized to practice are:
 - They could 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);

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- They could grant a request for a leave of absence for the duration of the time the nurse needs to get the appropriate registration (Preferred).
- If the nurse does not request a leave of absence or there is no other non-nursing position available in the bargaining unit, the Employer could 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 the Union Steward.

Additional References:

Legislation:

Health Professions Act which provides a common regulatory structure for the governance of health professions in B.C. A copy can be accessed at www.qp.gov.bc.ca/statreq/stat/H/96183_01.htm

Transport Canada to research safety guidelines check the website: www.tc.gc.ca

Arbitration Awards:

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.

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: Provided for information purposes only

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.

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.