

JOINT COMMUNICATION

AHS/UNA Collective Agreement

Implementation of Arbitration Decision Regarding Changing the Length of the Shift Cycle

January 23, 2017

The following principles and guidelines have been jointly developed by AHS and UNA (the Parties) to support implementation of the December 14, 2016 arbitration decision-chaired by Arbitrator Jolliffe which determined that any new schedule must match the length of the cycle of the shift schedule and cannot amend the number of shifts per shift cycle, even if the average number of shifts or FTE remains the same.

There are a wide variety of circumstances that will need to be considered when implementing the Arbitration panel's decision. For those areas impacted by the decision, we encourage the Parties to seek resolution and achieve consensus at the local level. Such resolution discussions should consider the following principles.

Principles:

- The schedule for a unit or program has a direct impact on supporting safe, quality patient care and the job satisfaction of employees. Both AHS and UNA are committed to working together to identify mutually agreeable options to implement the terms of this arbitration decision.
- At the end of this implementation process, the schedules in place must match the Employees' letters of hire or transfer.
- Because this process is undertaken to implement the December 17, 2016 arbitration award issued by the Jolliffe panel in compliance with the AHS/UNA Collective Agreement, the 12-week notice period for posting new schedules does not apply to schedules developed for the purpose of complying with the arbitration decision. Normally one would expect a non-compliant schedule to be corrected immediately, or as soon as practically possible, however:
 - we recognize that it takes time to develop contract compliant schedules;
 - we acknowledge that employees need advance notice of a change in their work schedules;
 - we expect that existing schedules will continue in effect until new, compliant schedules are implemented;
 - The parties will need to agree on the implementation timeline.
- Resolution may vary from UNA Local to Local or unit to unit due to the wide variety of unique factors including the need to maintain safe, quality patient care and individual Employee considerations.
- The Union will need to engage with all affected Employees during the process. This may add time to the process.
- The Parties should be flexible and consider a wide variety of options when identifying mutually agreeable solutions.

Options - Options for consideration:

1. For non-compliant shift schedules that have been posted, but are not yet being worked (i.e. are within the 12-week notice period for posting a new schedule):

- Do not implement the posted schedule and continue working the current schedule (note: if this option is selected, the Employer has the ability to introduce a new, compliant schedule at any time in the future, subject to the provisions of the Collective Agreement including the requirement for 12-weeks' notice, or a shorter period with agreement of the Union).
- Implement the schedule as posted and amend the Employees' letters of hire/transfer to reflect the number of shifts per shift cycle consistent with the new schedule.
- Implement the new schedule on a temporary basis until a new, mutually agreed upon compliant schedule can be developed.
- Any other mutually agreed upon local solution.

Note: Given the time pressures associated with pending implementation dates for these schedules, it is recommended that the Parties give first priority to addressing schedules that are already posted, but not yet implemented.

2. For Non-compliant Schedules Already Implemented:

- Continue the existing schedule until a new, compliant schedule is posted (note: the new, compliant schedule may actually be the schedule that was in effect prior to the implementation of the current schedule).
- Continue the existing schedule and provide the Employees with an amended letter of hire/transfer to reflect the number of shifts per shift cycle consistent with the schedule.
- Any other mutually agreed upon local solution.

Resolution Process:

1. Provincially, AHS and UNA will develop a listing of units that are impacted by the arbitration decision.
2. Locally, AHS and UNA representatives will review the length of the shift cycle in relation to employees' letters of hire or transfer and determine if action is required in order to comply with the arbitration award.
3. Where action is required to ensure the schedules and/or employees' letters of hire/transfer comply with the arbitration decision, AHS and UNA representatives will meet at the Local level to identify a mutually agreed upon option to achieve compliance (see general principles and potential options above).
4. Should the Parties at the Local level be unsuccessful in reaching consensus, the outstanding issues shall be referred to the Provincial Ad Hoc Resolution Committee (PARC).
5. If the PARC is unable to identify a mutually agreeable solution, the outstanding matters will be referred to the Jolliffe Arbitration Panel for final determination.

If you have any questions, please contact your representative identified below:

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