

## ***Bill 27: The Labour Relations (Regional Health Authorities Restructuring) Amendment Act***

### **LABOUR RELATIONS CODE**

- Proclaimed on November 28, 1988; establishes open and fair rules for collective bargaining.
- Governs collective bargaining for most unionized employees in the province. Creates a detailed scheme for certification, revocation, mediation, dispute resolution and unfair labour practices.
- Balances the interests of employees, trade unions and employers.
- Covers more than 225,000 workers.
- Alberta had the second-lowest rate of work stoppages the country in 2001 (2.5 person days per 10,000 days worked)

**BILL 27** *Makes five changes to the collective bargaining system for health authorities and their 60,000 unionized employees to ensure fairness and equity between workers.*

- 1. Common dispute resolution.** *Rationale: Employees of the same employer should be subject to the same dispute resolution process. Removing the legal right to strike protects public safety.*
  - Early phases of negotiation remain the same for regional health authorities and unions.
  - If there is no agreement, neither party may lock out or strike.
  - Either or both parties can apply for a Compulsory Arbitration Board. The award is binding on both parties, and is the basis for a new collective agreement.
  - Health care workers and their employers are almost always able to negotiate agreements either on their own or with the assistance of a mediator. Of the hundreds of rounds of negotiations in the health care sector in the last 15 years, there have been 5 strike and 4 illegal actions.
  - Change affects about 7000 people.
    - About 5000 unionized community health employees (e.g. registered nurses, auxiliary nurses, paramedical professionals and technical workers, and general support staff in community health (formerly health units), and 2000 unionized mental health employees.
- 2. Four functional bargaining units.** *Rationale: functional bargaining units in health care bring together people who do similar work, facilitate service integration, and promote a more responsible and flexible care system*
  - A bargaining unit is a group of employees who bargain collectively.
  - A functional bargaining unit is a bargaining unit that is defined on the basis of the job functions performed by the employees in the unit.
  - is defined on the basis of employee job function.
    - In the health sector, it is already common practice to recognize employees on the basis of their job function.

- The proposed four bargaining units would be:
    - Direct nursing & nursing instruction
    - Auxiliary nursing
    - Paramedical, professional and technical services
    - General support services
  - Fewer bargaining units streamlines bargaining and reduces the administrative burden of multiple agreements. It brings consistency to:
    - Calculating benefits, and dealing with grievances
    - Counting and tracking educational leave
    - Differences in calculating seniority (employed years or number of hours worked)
3. **Region-wide bargaining units** *Rationale: Employees should be treated the same as others doing the same job with the same employer, regardless of where in the region they work.*
- There are now more than 400 bargaining certificates.
  - Bill 27 will result in 36 bargaining certificates: four functioning bargaining units for each of nine regions.
  - This provides common terms and conditions for employees.
  - It simplifies collective bargaining and administration of collective agreements.
4. **Nurse practitioners** *Rationale: the independent nature of nurse practitioners' work makes them unlike other nurses for labour relations matters.*
- Excludes nurse practitioners from labour relations coverage. Doctors, dentists, architects and others already excluded because of the independent nature of the work.
  - A nurse practitioner is a registered nurse with additional training and particular skills, and is accredited to exercise 'physician-like' responsibilities
    - Make independent clinical decisions about diagnosis and treatment
    - Order and perform tests, and prescribe drugs.
  - Right now, 64 people hold credentials as nurse practitioners, generally in Calgary, Edmonton, and the north.
5. **Severance** *Rationale: ensure severance is not used for a purpose other than intended.*
- Legislation proposes that severance not be paid when people continue in the same job
  - The principle of severance pay is to compensate employees when the relationship with the employer is ended, or severed, resulting in the loss of employment.
  - A relationship is not severed when a person doing a particular job for one authority one day moves to doing exactly the same job for another newly-named authority the next.

**BILL 27 DOES NOT:**

- **Take away jobs, or roll back salaries.**
- **Change access to unionization.** Over 60,000 regional health authority employees still are unionized and still have access to the right be represented by a union, except for 64 nurse practitioners.
- **Affect the 12,000 health care workers not employed by the regions.**
  - Alberta Cancer Board.
  - Non-profit continuing care (e.g. Capital Care Group, Good Samaritan Society, Bethany Care Society).
  - For-profit continuing care (e.g. Extendicare, Chantelle Management, Central Park Lodges).

- **Affect 2000 non-unionized employees** who work for the regional health authorities.

## **IMPLEMENTATION**

- The Alberta Labour Relations Board will handle implementation. The board is:
  - A quasi-judicial board responsible for applying and interpreting labour legislation.
  - An independent and impartial tribunal.
- The board investigates and makes decisions on union certification.
- The board supervises strike and lockout votes, decides if strikes or lockouts are illegal and orders illegal work stoppages to cease, and regulates picketing.
- Regulations will be established to grant the Alberta Labour Relations Board the authority to work with regional health authorities and their staff on transition issues.
- We can expect the transition process to take until September 2004.

## **TERMS / DEFINITIONS**

**Bargaining unit:** a group of employees that are appropriate for collective bargaining

**Certification:** official recognition by the Labour Relations Board that a trade union is the exclusive bargaining representative for employees in a particular unit.

**Collective agreement:** an agreement in writing between an employer or employers' organization and a bargaining agent, containing terms or conditions of employment that are binding on the employer, the trade union and employees covered by the agreement.

**Collective bargaining:** a method of determining wages, hours and other conditions of employment through direct negotiations between a trade union and an employer.

**Functional bargaining units in health:** bargaining units will be organized by grouping individuals together that have similar jobs or have a similar community of interest in collective bargaining. There will be four functional bargaining units:

- Nursing including registered nurses
- Auxiliary nursing including licensed practical nurses and nursing assistants
- Paramedical, professional and technical services including emergency service workers, x-ray technologists, dieticians, psychologists, speech therapists, dieticians
- General support services including food service workers, laundry facilities

**Labour Relations Code:** the basic statute regulating labour relations and collective bargaining in Alberta.

**Labour Relations Board:** the agency established under the Labour Relations Code to administer the Code.