

The Steward

NEWS AND INFORMATION FOR BCGEU STEWARDS

January 2002



Vol XIII No 1

Employment security

A guide for Stewards in the public service

Response to the provincial government's plans to cut nearly 12,000 positions has been fast and furious from BCGEU members, community agencies, local government and the general public. In addition to our public campaign, BCGEU Staff & Ministry Article 29 Committees have been hard at work defending our members' rights under the collective agreement. In order to assist stewards in responding to members' questions this guide has been prepared. As with all guides it is not possible to address each and every specific concern or question. We hope that this guide will provide an overview of the employment security language and process. As always, please refer to your collective agreement for specific language.

Job Security Key to 13th Master Agreement

The 13th Master Agreement reached earlier this year and ratified in March was the result of a tough set of negotiations, but we achieved stronger job security.

After years of job cuts, we needed to make the job security agreement we achieved in the last round of bargaining stronger and more

effective. Our primary task at the bargaining table was improving placement and other options in the event of downsizing or other displacement.

We took the job security agreement reached in the last round of bargaining and made it even better by giving greater priority to placements in the same geographic location and establishing a training fund to help members gain the skills and experience necessary to expand their placement options.

An enhanced informal process through ministry joint committees will also maximize placement options. As well, enhanced severance and possible early retirement incentives will create vacancies to assist those who wish to find alternate jobs.

In addition, we included all the job security provisions within the collective agreement.

Layoff and Recall

The process outlined in this article has three phases:

Phase one

The Ministry identifies surplus employees due to the reduction in the amount of work to be done by the

employer, reorganization, program termination or closure. This does not include a layoff due to seasonal work or business cycle.

The Ministry through the MA29 joint Union Management Committee tries to minimize the impact on regular employees and exhaust placement options within a Ministry prior to seeking placement in another Ministry.

Ministry consultation with PSERC and the BCGEU is required prior to consideration of placements which require geographic moves.

Time frame for this phase is 90 days or less from date the employee is notified in writing.

Phase two

If phase 1 does not result in a placement, the most junior employee in the seniority block or geographic area will be referred to the Joint Workforce Adjustment Steering Committee [JWASC]. JWASC has three weeks to assist with/facilitate placement efforts.

Phase three

Placement offers will be made on a formal written basis in order of seniority. Displacement options are available to employees with more than 3 years of service seniority. Recall

options are also available. Severance is available based on years of service.

Layoff Notice

Layoff notice may be issued with 20 work days notice for employees with under three years of regular seniority or six weeks notice for those with over three years seniority.

Articles 13.3 to 13.5 spell out the process after notice of layoff is issued.

Roles and Responsibilities

The Ministry Article 29 Committee (Phase 1)

The 13th Master Agreement emphasizes informal placement processes through the Ministry Article 29 Committees. Article 29.1 requires the establishment of a joint committee. The minimum size of this Committee shall be two Union representatives and two senior Employer representatives, and the maximum size shall be four Union representatives and four Employer representatives. This Committee may call upon additional persons for technical information or advice.

Article 29.4(b) says that in the event of any substantial re-organization in a Ministry which results in

redundancy, relocation or reclassification, the Committee shall meet in order for the Employer to consult with the Union.

The role of MA29 Committees was further spelled out in Article 13.1 which requires each ministry to consult with the Ministry Joint Committee established under Article 29 respecting workforce adjustment which results in a redundancy.

Article 13.1(a) recognizes that workforce adjustment will be necessary due to the elimination of positions resulting from a reduction in the amount of work required to be done by the Employer, reorganization, program termination or closure which impacts a number of employees.

The workforce adjustment activities of Article 29 committees are guided by the following elements:

- ▶ cooperation of all participants is recognized to facilitate placement,
- ▶ ministries must minimize the impact on their regular employees by: (i) layoff of limited term employees; (ii) cancellation of contracts for employment agency personnel; (iii) cancellation of personal service contracts where a surplus regular employee qualified to do

the work can be placed; (iv) where necessary, layoff of auxiliary employees.

- ▶ ministries must exhaust placement options within their own ministries prior to seeking placement in other ministries,
- ▶ the placement process applies to junior regular employees, or where appropriate, other regular employees in the same classification and seniority block,
- ▶ surplus employees not able to be placed will be offered comparable vacancies in their own geographic location,
- ▶ geographic location is that area within a radius of 32 kilometres of where an employee ordinarily performs their duties. For the purposes of Articles 12.8, 13 and 36 and relocation expenses arising therefrom, "headquarters or geographic location" will be redefined as a radius of 50 kilometres (32 kilometres in the GVRD or CRD) of where an employee ordinarily performs their duties,
- ▶ acceptance of offers made to employees are voluntary, subject to the agreement of the employer. Where an employee accepts an offer it is final and binding on the employee once confirmed in writing.

An updated MA29 Committee list is included at the end of this guide.

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The STEWARD is published by the Advocacy and the Research, Campaigns and Communications Departments of the B.C. Government and Service Employees' Union, 4911 Canada Way, Burnaby, B.C., V5G 3W3.

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Joint Workforce Adjustment Steering Committee (Phase 2)

The next phase of the placement process (phase 2) is handled by the Joint Workforce Adjustment Steering Committee (JWASC) whose role is to minimize the impact on individual employees affected by redundancy.

This six-person committee has the following members:

Union Representatives

Lori Joaquin, Administrative Services Component

Mohammed Alam, Environmental Technical and Operational Component

Michael Eso, BCGEU Staff Representative

Jeff Fox: Alternate BCGEU Staff Representative

Employer Representatives

Bill Carragher, PSERC Senior Labour Relations Officer

Charlie White, PSERC Staffing Advisor

Brenda Leslie, PSERC Acting Director of Staffing

The purpose of the Steering Committee is:

- 1 to facilitate and coordinate across ministries, if necessary, the placement of surplus regular employees into existing vacancies for which they are qualified within their own or other headquarters or geographic location;
- 2 to guide the placement activities of the Ministry Joint Committees established pursuant to Article 29;
- 3 to maximize placement opportunities and minimize job loss of affected employees by gathering relevant information,

including lists of surplus staff and vacancies; and

- 4 recommend job orientation or appropriate training.

JWASC Referral Process

Ninety (90) days from the date an employee receives written notice of redundancy, a junior employee may be referred to JWASC by the ministry.

JWASC will have three weeks to effect a placement. This timeframe can be extended by mutual agreement.

Where layoff notice is served, the three week period may run concurrent with notice period for layoff.

JWASC will review all referrals and:

- ▶ may recommend on the advisability and scope of a pre-layoff canvass;
- ▶ may recommend staffing actions such as restricted competitions, underimplementation, temporary assignments or secondments;
- ▶ may recommend to the Principals on the advisability of an Early Retirement Incentive Plan;
- ▶ may refer employees back to the Ministry Joint Committee with recommendations;
- ▶ identify employee skills, training options and training sources for surplus employees, pursuant to the MOU #7 on training.

Article 13 Joint Committee (Phase 3)

The Joint Committee provides for continuing consultation and

cooperation between the parties with respect to the relocation, training, and placement of employees who have three or more years of seniority, and who are subject to layoff.

The Joint Committee is comprised of two Union Representatives, two Employer Representatives, and an arbitrator who sits as the chairperson.

The chairperson will, at the request of either party, act as an arbitrator over all disputes arising out of the application or interpretation of Article 13.

The Representatives on the Committee have the authority to waive, by mutual agreement, any portions of Article 13, provided such waiver is also agreed to by the employee who is seeking placement.

Stewards Role

Stewards play a key role in supporting members through the trauma of workforce adjustment.

Of all the challenges and stresses we face in our daily work lives losing a job is at the top of the list!

Stewards are an important link between individual workers impacted by workforce adjustment and labour adjustment or labour/management committees. Many of you will be filling both of these roles.

Steward responsibilities include:

- ▶ resolving grievances and appeals;
- ▶ assisting members with questions about collective agreement process;
- ▶ identifying member questions and issues for the appropriate MA29 committee;
- ▶ supporting, communicating

with and representing the interests of all members in your worksite affected by job cuts;

- ▶ investigating where the work went and determining whether there are contracting out or privatization grievances in your workplace;
- ▶ encouraging members to participate in the BCGEU Fightback Campaign.

Union Representatives Ministry Article 29 Committee list

Advanced Education

Donna Woo
Kevin Gudgeon
Shirley Marshall
Randy Brown

Agriculture, Food and Fisheries

David Edge
Bob Puls
Debra Sand
Wayne White

Attorney General

Peter Clegg
Sheila Knight
Catherine Scott
Dave Cursons

BC Mental Health

Elaine Brigden
Robert Davis
Susan King-Wilson
Ron Perret
Ann (J) White

Children and Family Development

Kathy Nicholls
Don Philpott
Greig Simpson
Coleen Sinclair

Community, Aboriginal and Women's Services

Jeri Covay
Phinder Dulai
Lori Joaquin
Patricia Molland

Competition, Science and Enterprise

Kate La Vertu
Sharon Reidie

Competition, Science and Enterprise - Liquor Distribution Branch

Ken Pilote
Colleen Jones
Nelson Newbigging
Robin Rutherford

Education

Anna Clyburn
Norm Gilberstad
Joan Sabourin
Linda Cochrane

Energy and Mines

Christine McCarthy

Finance and Provincial Revenue

Steven Breakingbury
Keith Davies

Forensic Psychiatric Services

Dennis Ishikawa
Bob Laluk
Bob Langley
Francis Murzello

Forest Renewal BC

Jim DeHart
Paul Perkins

Forests

Byron Goerz
Dean Draper
Peter (Kelly) Sawchuk
Ramona Cools

Health Planning and Ministry of Health Services

Stephanie Delacretaz
Marjorie Hallihan
Marie Middlemiss
Peg Orcherton

Human Resources

Rusty Blanes
Douglas Kinna
Roberta Scarrow
Mike Walden

Industry Training and

Apprenticeship Commission

Bob Barten
Rob Sabyan
Lawrence Millar
Kim Oberg

Information Services Steering Committee

Don MacAulay
Sharon MacDonald
Jane Stewart
Russell Katzer

Management Services

Sandra McLean
David O'Neil
Bill Ross
Jane Stewart

Oak Bay Lodge Society

Mary-Jane Anderson
Barbara Levesque
Carol Robins
Lorraine Tompkins

Pension Corporation

Allan Atkinson
Jim Connor
Stephen Moyse
Anna Peakman

Skills Development and Labour

Donna Lowe
Nancy Singh
Janice Mansfield

Solicitor General

Martin Hole
Gary Ralph
Gary Robbins
Kris Scott

Sustainable Resource Management and Ministry of Water, Land & Air Protection

Mohammed Alam
George Butcher
John Furney
Sue Wilkie

The Lodge at Broadmead

Peter Cowperthwaite
Suzanne Francoeur
Catherine Haymes
Richard Swindells

Transportation

Robin Cherbo
Ross Coulter
Debra Yearley
Dale Wood