

ONA WINS



SUMMARY OF ANOTHER SUCCESS AS YOUR UNION STRIVES TO IMPROVE YOUR WORKING CONDITIONS

Hospital Ordered to Engage with ONA on RN Recruitment, Retention in First Decision Interpreting Agency Language

ONA has won an important arbitration decision challenging a Region 3 hospital's excessive reliance on agency nurses.

Grievances were filed after ONA learned the hospital had entered into private contracts guaranteeing hours to agency nurses. To meet those guaranteed hours, the hospital pre-booked agency nurses regardless of the availability of regular staff.

ONA argued that the hospital's use of agency nurses violated the collective agreement in three ways:

1. The hospital was contracting out Bargaining Unit work, resulting in a loss of hours for union members.
2. The hospital failed to make best efforts to reduce the use of agency nurses.
3. The hospital failed to provide ONA with satisfactory reporting of its use of agency nurses.

The hospital argued that its use of agency nurses was not contrary to the collective agreement, and that it was making efforts to reduce agency usage, specifically pointing to a number of steps it was taking to address retention and recruitment, including attending job fairs.

In his May 19 decision, Arbitrator Stout agreed with all three of ONA's arguments, finding that the language in Article 10.12 of the collective agreement "does not permit the creation of a parallel contingent workforce in the workplace." He found that guaranteeing agency nurses work and prebooking them irrespective of the availability of Bargaining Unit nurses was a violation of the collective agreement. The only permissible use of agency nurses was as "ad hoc use" for single shift coverage of vacancies due to illness or leaves of absence.

He also found the hospital failed to make best efforts to reduce reliance on agency nurses and engage with ONA on the issue of staffing or to provide sufficient information about agency use. Finally, he found that the hospital's reporting to ONA was insufficient.

The arbitrator ordered the hospital to engage with ONA on how to recruit and retain RNs, and to provide us with quarterly reporting on hospital-wide and unit-by unit information on agency usage. He also ordered the hospital to ensure that anyone responsible for scheduling was aware that agency was to be used only as a last resort, after offering both regular and overtime hours to Bargaining Unit nurses.

This is a very important decision to ONA as it is the first one interpreting the agency language of the hospital central collective agreement (Article 10.12(b) and (c)).

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