

ONA WINS



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

Reduction of commitment for part-time nurses declared a layoff

Region 3 Hospital

In the wake of a bed reduction in the unit, the hospital attempted to avoid a layoff by reducing shifts for all part-time nurses. Part time nurses who were regularly scheduled to their commitment were now scheduled below their commitment.

ONA took the position that the reduction of hours was a layoff, and the employer had not followed the collective agreement by laying off the least senior nurse. All part time nurses were disadvantaged because everyone's hours were reduced, but none were entitled to exercise their rights in the face of the layoff. The hospital had argued that the part-time commitment was not a guarantee of hours and to have a reduction of hours, you needed to first have a mandatory "benchmark" of regular hours similar to full-time nurses.

Arbitrator Briggs found that by altering the manner of scheduling the part-time nurses without following the layoff language, the hospital violated the collective agreement. What occurred was a reduction of hours, which is included in the definition of a layoff. She wrote, "There is nothing radical about finding that part-time employees are considered to be laid off when their normal working hours are reduced."

Briggs rejected the hospital's position, expressing doubt that a benchmark is needed, but finding that even if she is wrong on that, the commitment provides such a benchmark. She noted that under the local appendix, the commitment is set by the posting and the posting sets a commitment level, which was fixed.

Importance to ONA: This is the first decision that interprets the "reduction of hours" portion of the layoff definition as it applies to part-time nurses. The impact of this decision will vary depending on the commitment and scheduling language of each local appendix. At a minimum, nurses not scheduled to their commitments should be considered laid off and given their layoff options.

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