

Labour Relations 101

Workshop Outline

Workshop Description

This two-day workshop provides BC health care employers with an overview of important labour relations principles as they apply to the province’s health care sector. It also empowers excluded managers and labour relations/human resources professionals to take action or make sound managerial decisions within a unionized workplace by considering organizational policies and procedures, the collective agreement, current legislation and case law.

Topics/Learning Objectives

Day I

Topic	Learning Objectives
The Labour Relations Landscape	<ul style="list-style-type: none"> • Define labour relations • Describe the pros and cons of managing unionized workers • Describe challenges faced by managers of unionized workers • Identify key factors in the history of unions in Canada that impact the health care sector and individual organizations today • Describe the role and functions of the Labour Relations Board in British Columbia • Explain the purpose of the <i>Labour Relations Code of British Columbia</i> • Describe the sections of the <i>Labour Relations Code</i> that are important for health sector managers and HR staff to understand • Describe the union certification process in BC • Explain how and when union raids can occur in the BC health sector • Define bargaining unit • Define bargaining association • Describe and differentiate between the bargaining associations in health care in BC • Explain the main functions of union representatives, including the shop steward, Labour Relations Officers, union EDMP representatives and union executives • Identify positions that are excluded from the union • Explain the role of employer associations in BC’s public sector • Identify the six employer associations in BC

Topic	Learning Objectives
Collective Bargaining	<ul style="list-style-type: none"> • Define collective bargaining • Describe what a collective agreement is • Describe the collective bargaining process in the health care sector in BC and what happens during each phase of the process • Explain the purpose of government mandates • Describe the roles and responsibilities of members of the bargaining teams • Describe the essential services planning process • Identify actions taken by either an employer or the union that could be considered a breach of the duty to bargain in good faith • Describe methods used to resolve bargaining deadlocks • Describe the impact of collective bargaining in the workplace
Job Action	<ul style="list-style-type: none"> • Gain awareness of the legal definition of a strike • Identify the three elements of conduct that must be occurring for the action to be considered a strike • Provide examples of job action that constitutes a strike • Gain awareness of the legal definition of a lockout • Identify actions taken by the employer that may be misconstrued as a lockout • Explain the purpose of picketing and leafleting • Differentiate between lawful and unlawful picketing or leafleting • Explain what to do in the event of picketing at a worksite • Differentiate between legal and illegal work stoppages • Respond to illegal work stoppages • Respond to legal job action • Explain what to consider before implementing an essential services order • Identify best practices for returning to work after job action
Collective Agreement Administration	<ul style="list-style-type: none"> • Identify the three types of clauses found in collective agreements • Explain the purpose of management rights clauses • Explain the rights of management as outlined in the health care collective agreements in BC • Identify the terms found in health care collective agreements • Describe principles of good contract administration
Grievances	<ul style="list-style-type: none"> • Define grievance • Differentiate between individual and policy grievances • Describe the steps involved in the grievance procedures as outlined in the health care collective agreements • Explain the importance of adhering to the time limits for acting on grievances

Topic	Learning Objectives
Third Party Resolution Processes	<ul style="list-style-type: none"> • Explain the “work now, grieve later” principle • Describe the roles and responsibilities of the parties to a grievance • Identify the positive and negative impacts of grievances in the workplace • Explain what arbitration is • Describe what arbitrators do • Explain the purpose of third party resolution processes • Describe the third party processes used to resolve disputes in health care • Given a dispute, identify the appropriate third party forum • Describe the employer’s responsibilities before, during and after a third party hearing

Day 2

Topic	Learning Objectives
A Model for Making Management Decisions or Taking Action in the Unionized Workplace	<ul style="list-style-type: none"> • Describe five factors to consider when making management decisions or taking action in the workplace • Explain how the KVP Test is used to provide guidelines for developing and enforcing policies and procedures • Explain how management rights as outlined in the collective agreements empower managers to make decisions or take action in the workplace • Make a decision within the context of human rights legislation • Define duty to accommodate • Describe the Meiorin Test for determining if a workplace rule is a bonafide occupational requirement • Make a decision within the context of privacy legislation • Define personal information and employee personal information and provide examples of each • Explain the balance between employee rights to privacy and employer rights to personal information from its employees • Make a decision within the context of safety legislation • Explain how an awareness of case law can guide future decisions • Identify workplace situations driven by case law • Explain how professional standards and ethics impact decisions managers make or actions they take in the workplace • Explain the guidelines for making decisions at management discretion • Identify workplace situations driven by case law • Explain how professional standards and ethics impact decisions

Topic	Learning Objectives
<p>Case Study 1 – Implementing a New Program</p>	<p>managers make or actions they take in the workplace</p> <ul style="list-style-type: none"> • Explain the guidelines for making decisions at management discretion • Apply the decision making model to a case example involving the implementation of a new program and policy: <ul style="list-style-type: none"> ○ List examples of policies and procedures that would support the employer ○ Identify the collective agreement provisions that must be considered before creating a new policy ○ Identify the legislation that must be considered before developing and implementing a new program/policy ○ Explain the applicable case law that could help guide the employer (KVP Test) ○ Identify the parties that need to be informed when implementing a new program
<p>Case Study 2 – Bullying and Harassment</p>	<ul style="list-style-type: none"> • Apply the decision making model to a bullying and harassment case example: <ul style="list-style-type: none"> ○ List examples of policies and procedures that would support the employer ○ Identify the collective agreement provisions that must be considered before taking action or making a decision ○ Identify the legislation that must be considered before taking action or making a decision ○ Explain the applicable case law that could help guide the employer ○ Identify who needs to be informed of or involved in the situation ○ Outline the documentation that should be completed or gathered ○ Identify the parties that need to be informed when implementing a new program • Explain the importance of conducting a thorough investigation • List tips for conducting an effective investigation • Explain the importance of documentation • Explain the difference between culpable and non-culpable conduct and appropriate management responses for each • Define and explain progressive discipline • Assess the severity of an incident • Assess mitigating circumstances • Describe the relationship between the severity of the offense and the mitigating circumstances • Use the two-dimensional model to assist in determining appropriate discipline

Topic	Learning Objectives
Case Study 3 - Absenteeism	<ul style="list-style-type: none"> • Apply the decision making model to an absenteeism case example: <ul style="list-style-type: none"> ○ List examples of policies and procedures that would support the employer ○ Identify the collective agreement provisions that must be considered before taking action or making a decision ○ Identify the legislation that must be considered before taking action or making a decision ○ Explain the applicable case law that could help guide the employer ○ Identify any ethical considerations or professional standards that would apply to the situation ○ Identify who needs to be involved or informed of the situation ○ Explain how the employer should respond • Explain how EDMP and Attendance Management co-exist and where to draw the line between the two
Small Group Case Studies	<ul style="list-style-type: none"> • Apply the decision making model to a case example: <ul style="list-style-type: none"> ○ List examples of policies and procedures that would support the employer ○ Identify the collective agreement provisions that must be considered before taking action or making a decision ○ Identify the legislation that must be considered before taking action or making a decision ○ Explain the applicable case law that could help guide the employer ○ Identify any ethical considerations or professional standards that would apply to the situation ○ Outline the documentation that should be completed or gathered ○ Explain how the employer should respond