

# CONTACT

## Saskatchewan Union of Nurses Leadership News

September 2013 | Volume 21 Issue 4

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### **Our Mission**

SUN exists to enhance the social, economic and general well being of our members, and to protect high quality, publicly funded and delivered health services.

### **Our Vision**

Healthy Members, Healthy Union, Healthy Communities

## BOARD OF DIRECTORS' MEETING - SEPTEMBER 17-19, 2013

### BOARD DECISIONS & DISCUSSIONS

- To support Strategic Direction #3 Board members will be meeting with Local Executives to receive input in regard to rejuvenating SUN's structure. These meetings are to take place over the next several months. Your Board Representative will be in contact with Locals to arrange these meetings.
- Due to the passing of Don Yates, a vacancy has occurred on the Provincial Negotiations Committee. The Board determined through Bylaw 4.22 (iii) to seek expression of interest for the Mental Health representative on the Committee; from the interested parties the Board will appoint the member representative. (Expression of Interest closed September 24)
- The Policy Committee met and incorporated the resolutions passed at the Annual Meeting as well as developed the new policies as per the motions. These were reviewed by the Board and approved. All revised and new policies will be posted to the web site.
- The Board appointed the 2014 Annual Meeting Planning Committee from the names submitted.
- The Board approved the merger of Local 240 (Tisdale & Area Home Care) into Local 14 (Tisdale Hospital). The Local will be known as Local 14.1 (Tisdale & Area Home Care).

### FINANCIAL DECISIONS

- The Board approved funding for nine (9) SUN members to attend the 2013 CFNU Beyond Acute Care Conference on December 4, 2013 in Ottawa. This is a continuation of the work that was started in December 2012.
- The Board approved a donation of \$500 to the RWDSU Wynyard Co-op Local as they are on strike at this time.
- The 2013 Annual Community Donation (\$50,000) is for the City of Swift Current. The Board approved two of the submissions to which the money will be divided. Announcement of the recipients will be made once the organizations have been notified.
- The Board approved a \$2,500 donation to the Canadian Red Cross – Alberta Flood Relief. (July 2013)
- The Board approved a \$500 donation to the CCPA for support towards bringing former Parliamentary Budget Officer (PBO) Kevin Page to the University of Regina for a presentation “The State of Canada’s Institution: What it Means for Our Democracy and Prosperity” - a view from Canada’s First Parliamentary Budget Officer (August 2013). The presentation is taking place on September 26, 2013.

### BOARD ACTIVITIES

- The Board met with the SRNA Executive Council for a supper meeting at the end of August. Topics of discussion included the CNA’s Expert Commission’s recommendations, Opportunities for Collaboration, discussion around RN/LPN role confusion and the impact on SUN members, the impact of RHA’s organizational and operational changes, as well as exploring ideas for joint organizational opportunities.
- The Board met with the RPNAS Executive and Council in early September. This gave opportunity for conversation and discussion around shared priorities, replacement issues, the impact of model of care changes and other general issues and concerns, as well as looking for opportunities to do some joint work around shared goals.
- SUN was once again a sponsor for the “Wounded Warrior” weekend in Nipawin. The event has shown to be a success as the number of soldiers in attendance doubled from last year’s event. Many felt it was life changing. The event will now move on to Alberta.

**NOTE:** All documents referenced in CONTACT - noted in **bold, italicized** print - can be found on SUN’s website utilizing the search option or the link indicated and/or have been included in a general mail out.

## ARBITRATION AWARD UPDATE

### SUN v. Regina Qu'Appelle Health Region

Article 17.04 SUN/SAHO Collective Agreement - *Benefits Access*

#### FACTS:

The facts were set out in an Agreed Statement of Facts but can be easily summarized.

The Grievor held an other than full time (OTFT) position and had pregnancy related health problems which required her to be on sick leave. As she had used up her paid sick leave, she was on unpaid sick leave and had applied for, and was in receipt of, El Sickness benefits. Upon the birth of her child the Grievor applied for the SEB top up under article 17.04. The Employer calculated the same using the paid hours the Grievor had worked in the 52 weeks prior to the birth, which included the 10+ week period of unpaid sick leave. As a result, the Supplementary Employee Benefits (SEB) calculation indicated that the El Maternity/Parental benefit the Grievor was receiving exceeded 75% of her regular weekly pay and therefore no SEB top up was owing.

Had the 10+ week period of unpaid sick leave not been included (i.e. Had a 42 week period been used), the Grievor would have been entitled to an SEB top up (though it would not have been significant). The Grievor returned to a temporary full time position for 13 weeks, after which she returned to Maternity/Parental leave and was considered eligible for full SEB top up.

Article 17.04(e) set out a specific method (but different) for calculation of "regular weekly rate of pay" for full time and for OTFT employees.

#### ISSUE:

"Should the period between May 10, 2008, to July 26, 2008, during which time the Grievor was on unpaid sick leave from the RQHR and in receipt of El Sickness Benefits, have been included in the calculation of the Grievor's regular weekly rate of pay for the purposes of the SEB Payment Calculation?"

#### FINDINGS:

The grievance was dismissed. The majority of the Board (union nominee dissenting) found that Article 17.04 was a carefully negotiated provision; that the parties had specifically agreed to use a 52 week representative period and if they had intended for that period to be adjusted, they would have stated so. The majority found that the Employer and Union would have been aware of the existing case law at the time of negotiation and where parties have negotiated specific language, there needs to be a specific exception if one is to apply. The majority states that "explicit language would have been required to have leaves of absence excluded from the 52 week averaging period."

The majority of the Board also rejected SUN's argument that Article 17.04(e) was discriminatory, finding that "the human rights protective grounds" were not a factor in the adverse treatment sustained by Marie Hamm. Rather, the majority found that "[T]he reason for the inability to accrue more paid hours was that the Grievor did not perform the work required to obtain the enhanced top-up payment." The majority found that the SEB top-up is a "work driven benefit" rather than a "service driven benefit."

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## UPCOMING EVENTS

**October 2013**

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
		1	2	3	4	5
6	7	8 2013 Education Conference (Saskatoon)	9	10	11	12
13 Thanksgiving	14 STAT Holiday	15	16	17	18	19
20	21	22 Board of Directors/SDC Meeting (Saskatoon)	23	24	25	26
27	28	29	30	<div style="border: 1px solid black; padding: 5px; text-align: center;">           MARK YOUR CALENDARS!!            2013 Bargaining Conference            November 13 &amp; 14 (Saskatoon)         </div>		

### NEXT BOARD OF DIRECTORS' MEETING

The next Board of Directors' meeting will be held on October 22 - 24, 2013, in Saskatoon.

## SUN LEADERSHIP

Tracy Zambory, President  
 Denise Dick, First Vice-President  
 Paul Kuling, Second Vice-President  
 Barb Fisher, Region 1 Representative  
 Lorna Tarasoff, Region 2 Representative  
 Jason Parkvold, Region 3 Representative  
 Maureen Arseneau, Region 4 Representative  
 Leslie Saunders, Region 5 Representative  
 Janis Hall, Region 6 Representative  
 Fred Bordas, Region 7 Representative  
 Laurelle Pachal, Regina Base Hospitals  
 Barbara Abele, Saskatoon Base Hospitals

## CONTACT SUN

Regina Office  
 2330 2nd Avenue  
 Regina, SK S4R 1A6  
 Phone: 1-306-525-1666  
 Toll Free: 1-800-667-7060  
 Fax: 1-306-522-4612  
[regina@sun-nurses.sk.ca](mailto:regina@sun-nurses.sk.ca)

Saskatoon Office  
 204 - 440 2nd Avenue  
 Saskatoon, SK S7K 2C3  
 Phone: 1-306-665-2100  
 Toll Free: 1-800-667-3294  
 Fax: 1-306-665-9755  
[saskatoon@sun-nurses.sk.ca](mailto:saskatoon@sun-nurses.sk.ca)

[www.sun-nurses.sk.ca](http://www.sun-nurses.sk.ca)

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