

Labour Relations 101

Workshop Outline

Workshop Description

This two-day workshop provides management in unionized health care facilities with an overview of important labour relations principles as they apply to the province’s health care sector. It also empowers managers 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.

Workshop Goals

After completing this workshop, participants will be able to do the following:

- Recall important labour relations principles as they apply to the province’s health care sector
- Make sound managerial decisions within a unionized workplace by considering organizational policies and procedures, the collective agreement, current legislation, and case law.

Workshop Length

2 days

Topics/Learning Objectives

Day 1

Topic	Learning Objectives
Overview	<ul style="list-style-type: none"> • Define labour relations • Explain seven key differences between unionized and non-unionized workplaces • Describe the labour relations process • Outline key factors in the history of unions in Canada that impact the health care sector today • Describe the role of the Labour Relations Board in British Columbia • Define “bargaining unit” • Define “bargaining association” • Identify the bargaining associations in health care in BC • Describe the role of unions • Explain how a workplace becomes unionized

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Collective Bargaining	<ul style="list-style-type: none"> • Identify the unions that represent health care workers in British Columbia • Explain the role of employer associations such as HEABC • Identify the current employer associations in BC • Describe the rights, duties and obligations of management • Explain the purpose of management rights clauses in the collective agreements • Identify the rights of management as outlined in the health care collective agreements in BC
Strikes, Lockouts and Essential Services	<ul style="list-style-type: none"> • Describe the collective bargaining process in the health care sector in BC • Identify who is involved in the collective bargaining process • Describe the role and responsibility of the union in the collective bargaining process • Describe the role and responsibility of the employer in the collective bargaining process • Describe the role and responsibility of HEABC in the collective bargaining process • Describe the impact of collective bargaining in the workplace <ul style="list-style-type: none"> • Explain the objective of strikes • Explain when employees can legally go on strike • Identify employee conduct that is considered to be a strike • Explain steps an employer should take if faced with an illegal strike • Explain the objective of lockouts • Identify the conditions under which an employer may lock out its employees • Identify employer actions that could be construed as a lockout • Explain the objectives of picketing • Differentiate between legal and illegal picketing • Define “essential services” • Explain when and how employers secure an Essential Services Designation Order • Define “replacement worker” • Explain the relationship between essential services and replacement workers
Collective Agreement Administration	<ul style="list-style-type: none"> • Explain the three types of clauses found in collective agreements • Identify the terms found in health care collective agreements • Describe the role and responsibility of the union and shop steward in the administration of the collective agreement • Describe the role and responsibility of the employer in the administration of the collective agreement • Describe the role and responsibility of HEABC in the

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Grievances	<ul style="list-style-type: none"> administration of the collective agreement Describe the principles of good contract administration Define grievance Explain the types of grievances Describe the three steps involved in the grievance procedure Describe the role and responsibility of the union and shop steward in the grievance process Describe the role and responsibility of the employer, including management and human resources, in the grievance process Describe the role and responsibility of HEABC in the grievance process Identify the positive and negative impacts of grievances in the workplace Identify ways to reduce the number of grievances in the workplace
Arbitration and Third Party Processes	<ul style="list-style-type: none"> Explain the purpose of arbitration Identify the forms of third party intervention as outlined in the collective agreements Identify other forms of third party resolution Describe what happens at an arbitration hearing
Case Studies	<ul style="list-style-type: none"> Apply labour relations knowledge to case study scenarios
Day 1 Wrap-up	<ul style="list-style-type: none"> Summarize ways an employer can facilitate good labour relations in the workplace

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 <ul style="list-style-type: none"> 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

Topic	Learning Objectives
	<p>employer rights to personal information from its employees</p> <ul style="list-style-type: none"> • 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
Case Study 1 – Implementing a New Program	<ul style="list-style-type: none"> • 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 any ethical considerations or professional standards that would apply to the situation
Case Study 2 – Bullying and Harassment	<ul style="list-style-type: none"> • Apply the decision making model to a bullying/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 any ethical considerations or professional standards that would apply to the situation ○ Outline the documentation that should be completed or gathered • 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

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Case Study 3 - Absenteeism	<p>and the mitigating circumstances</p> <ul style="list-style-type: none"> • Use the two-dimensional model to assist in determining appropriate discipline • 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 ○ Outline the documentation that should be completed or gathered • 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