

CUPE Ontario
Bargaining Conference

OCHU/CUPE

2008 Leadership Bargaining Survey

OCHU/CUPE

2008

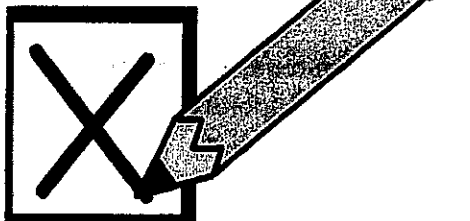
Leadership

Bargaining

Survey

This survey is in addition to the general membership bargaining survey. One survey per local is being mailed to you by OCHU. Please discuss and fill out this survey with your local union executive and bring it to the upcoming Area meeting on bargaining, or else mail it in to Margaret Evans, CUPE Research Branch at the address below.

(Area VPs please forward completed surveys to Margaret Evans in the Research Branch at CUPE National, 1375 St. Laurent Blvd., Ottawa, Ontario, K1G 0Z7).



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1. **Local Union #:** _____

2. To which **OCHU region** does your local belong?

- ¹ Area 1 ³ Area 3 ⁵ Area 5
² Area 2 ⁴ Area 4 ⁶ Area 6
⁷ Area 7

3. **Temporary Employees**

Article 2.01 of the central agreement specifies the terms under which temporary employees can be hired **off the street** to perform CUPE bargaining unit work.

a) Are there temporary employees (as opposed to regular employees performing temporary assignments) replacing employees on leave or performing a special non-recurring task? ○

Yes ¹ No ² Don't know ³

b) If yes to (a), how many temporary employees have been hired over the past year?

- ¹ 1 to 5
² 6 to 10
³ 11 to 20
⁴ 21 to 40
⁵ Over 40
⁶ Don't know



c) If yes to (a), please also indicate if the local has agreed to extend the term of any temporary employee beyond six months?

Yes ¹ No ² Don't know ³

d) Does your collective agreement have language which requires the employer to post temporary positions internally before it can hire temporary employees off the street? ○

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Yes ¹

No ²

4. Notification to Union

Article 5.02 of the central agreement requires the Hospital to provide the Union with a list, monthly, of all hirings, lay-offs, recalls and terminations within the bargaining unit. Please indicate below whether this information IS provided on a monthly basis:

a) Hirings

Yes ¹

No ²

N/A ³

b) Lay-offs

Yes ¹

No ²

N/A ³

c) Recalls

Yes ¹

No ²

N/A ³

d) Terminations

Yes ¹

No ²

N/A ³

5. Employee Interview

Article 5.03 of the central agreement allows a representative of the union up to 15 minutes to meet with new employees during their orientation period.

a) Do you meet new employees for their orientation within

¹ within 1 week of the date of hire?

² within 1 month of the date of hire?

³ within 2 months of the date of hire?

⁴ within 3 months of the date of hire?

⁵ Other, please specify _____

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b) Do you find that 15 minutes is sufficient time to acquaint the employee with the union and the collective agreement?

Yes ¹ No ²

6. Full-time Job Creation

Under article 6.02 (c) of the central agreement, through the Labour-Management Committee process, the union is to have access to work schedules and job postings in order to make the case for more full-time jobs.

a) Has the local requested access to work schedules and job postings through the Labour-Management Committee process?

Yes ¹ No ²

b) If yes to (a), have you been able to make a presentation to your employer documenting its ability to create full-time positions?

Yes ¹ No ²

c) If you said yes to (b), was your local union successful in convincing the employer to create more full-time positions?

Yes ¹ No ²

7. Reassignment Language - Hoarding Vacancies

The last leadership survey - conducted in 2003 - established that a significant number of hospitals had a practice of 'hoarding' vacancies in some areas of the hospital in order to take advantage of the reassignment language. Once they had sufficient hidden vacancies in one area of the hospital, they would eliminate similar positions in another part of the hospital avoiding the layoff language in the collective agreement by using the reassignment language. The work that had been performed by the eliminated positions would then be contracted out, effectively circumventing the contracting out restrictions in the collective agreement, since affected employees were not actually laid off.

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In the 2004 to 2006 round of bargaining, steps were taken to end this practice by negotiating new language in the job posting article (9.05 (e)) requiring the hospital to post permanent vacant positions within 30 calendar days of the position becoming vacant, unless the Hospital provides the Union notice of it's intention to eliminate the position (which in turn would trigger the redeployment committee) and also allow the Union to ensure the vacancy was not being hidden to advance a future contracting out.

- a) To the best of your knowledge, is your employer posting permanent vacant positions within the 30-day timeframe required by the collective agreement?

Yes ¹

No ²

Don't know ³

- b) If no to (a), is the Union being given notice of the Hospital's intention to eliminate the position within the 30-day timeframe?

Yes ¹

No ²

Don't know ³

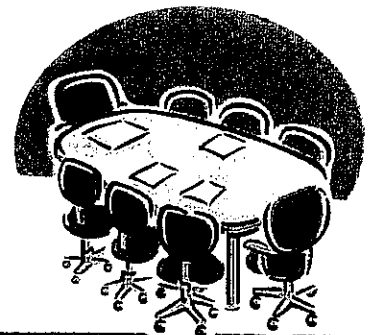
8. Reassignment Language – Other Problems

- a) Are you encountering any other problems with the reassignment language?

Yes ¹

No ²

- b) If yes to (a), please briefly explain the nature of the problem(s) you are encountering?



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9. Redeployment Committee

Under article 9.08, the Hospital must provide the Union 5 month's written notice of not just layoffs of a permanent or long-term nature, but it also has to give five month's notice of its intention to eliminate a position. Notice of elimination of position as well as notice of layoff triggers the establishment of the Redeployment Committee which is to meet no later than 2 weeks after the notice of elimination of position or layoff has been given.

The Redeployment Committee is to meet to discuss alternatives to the proposed elimination of position(s), and during the notice period, the status quo must be maintained (i.e. the position must be available to members of the bargaining unit during the 5-month notice period).

- a) Does your employer always provide you with 5 months' written notice of elimination of position?

Yes ¹ No ² Don't know ³

- b) Does the Redeployment Committee meet every time a position is eliminated?

Yes ¹ No ² Don't know ³

- c) When the Redeployment Committee meets to discuss the elimination of a position(s), does the Hospital provide all pertinent staffing and financial information?

Yes ¹ No ² N/A ³

- d) When the Redeployment Committee meets to discuss the elimination of a position, are alternatives to the elimination of the position thoroughly canvassed?

Yes ¹ No ² N/A ³

- e) When a position is eliminated, whether through attrition or reassignment, is the status quo maintained for the duration of the notice period (i.e. the position must be available to members of the bargaining unit for the duration of the notice period)?

Yes ¹ No ² N/A ³

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10. Contracting Out

a) Has your hospital contracted-out any bargaining unit work in the last 3 years?

Yes ¹

No ²

Don't know ³

b) If yes to (a), did the Redeployment Committee attempt to identify work which would otherwise be bargaining unit work with a view to bringing that work in-house?

Yes ¹

No ²

N/A ³

11. Workloads

In our last leadership survey, we asked whether local unions were collecting workload complaint forms. The responses were as follows:

- None received (30%)
- Nothing although have received (8%)
- Kept a record (34%)
- Met with employee (34%)
- Followed up with management (40%) -
Of those who followed up with management,
33% resolved the problem(s)

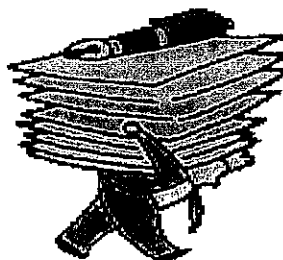
It was felt that one of the main reasons that 30% of the locals processed no workload complaint forms (and that of those who did, only 40% followed up with management) was that employees were either too afraid to complain in the first place, or to be singled out for special attention once they had signed an **individual** complaint form.

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The workload language was amended in bargaining to allow **groups** of employees to submit their concerns to either the Joint Health and Safety Committee or the Labour Management Committee through their union representative in a format to be determined by the respective committee.

a) How many workload complaints have you received in the past year?

- ¹ 1 to 10
- ² 11 to 20
- ³ 21 to 40
- ⁴ Over 40
- ⁵ None



b) What proportion (approximately) of the **individual** workload complaints have been resolved to the employee's satisfaction?

- | | |
|---|---|
| <input type="checkbox"/> ¹ less than 10% | <input type="checkbox"/> ⁶ 51 to 60% |
| <input type="checkbox"/> ² 11 to 20% | <input type="checkbox"/> ⁷ 61 to 70% |
| <input type="checkbox"/> ³ 21 to 30% | <input type="checkbox"/> ⁸ 71 to 80% |
| <input type="checkbox"/> ⁴ 31% to 40% | <input type="checkbox"/> ⁹ 81 to 90% |
| <input type="checkbox"/> ⁵ 41 to 50% | <input type="checkbox"/> ¹⁰ 91 to 100% |
| <input type="checkbox"/> ¹¹ 91 to 100% | <input type="checkbox"/> ¹² N/A |

c) Has your local ever submitted **group** workload concerns to either the Labour Management or Health and Safety Committees as provided for in the collective agreement?

Yes ¹

No ²

Don't know ³

d) If yes, do you find this an effective mechanism for dealing with workload complaints?

Yes ¹

No ²

Don't know ³

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12. Volunteers

Article 11.02 of the collective agreement prohibits the Hospital from expanding the use of volunteers to perform bargaining unit work. In order for the Union to enforce this provision, the central collective agreement also requires the Hospital to submit to the Union, at 3 month intervals, the number of volunteers for the current month, the number of hours worked, and the duties performed.

- a) Has the use of volunteers to perform CUPE bargaining unit work has increased in numbers and/or scope over the last 3 years?

Yes ¹

No ²

Don't know ³

- b) Does your employer disclose the information referred to above to the Union every three months?

Yes ¹

No ²

Don't know ³

Other ⁴ please specify _____

- c) If no to (b), has the Local requested this information?

Yes ¹

No ²

Don't know ³

Other ⁴ please specify _____

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13. Medical Care and Emergency Leave

Under provincial legislation, and article 12.10 of the collective agreement, unpaid, job-protected leave of up to 10 days each calendar year may be taken in the case of illness, injury and certain other emergencies and urgent matters.

a) Have any members of your bargaining unit taken any such leave over the past three years?

Yes ¹

No ²

Don't know ³

b) If yes to (a), please indicate approximately how many.

¹ 1 to 5

² 6 to 10

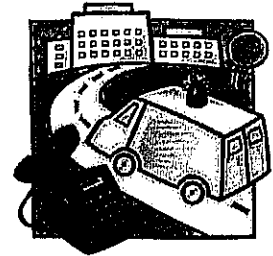
³ 11 to 15

⁴ 16 to 20

⁵ Over 20

14. Compassionate Care Leave

Under provincial legislation and article 12.11 of the central agreement, unpaid, job protected leave of up to 8 weeks in a 26-week period may be taken to provide care of support to certain family members who have a serious medical condition and are at significant risk of death occurring within a 26-week period. Under the federal Employment Insurance Act, people on such leave are entitled to employment insurance benefits.



a) Have any members of your bargaining unit taken any such leave over the past three years?

Yes ¹

No ²

Don't know ³

b) If yes to (a), please indicate approximately how many.

¹ 1 to 5

² 6 to 10

³ 11 to 15

⁴ 16 to 20

⁵ Over 20

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15. New or Substantially Changed Classifications

Article 20.01 (a) provides a mechanism whereby the Union can challenge the rate of pay of any new or substantially changed classification in the bargaining unit?

a) Have you ever challenged a new or substantially changed classification?

Yes ¹

No ²

Don't know ³

b) If yes to (a), was it a new classification or a substantially changed classification?

New ¹ Substantially changed ²

Both ³

c) If yes to (a) have you ever been successful in challenging the wage rate of a new or substantially new classification?

Yes ¹

No ²

Don't know ³

16. Job Descriptions

Under article 20.01 of the central agreement, the Hospital is required to provide current job descriptions to the Union upon request, and when a new classification is created, the Hospital is required to forward a copy of the job description to the Union at the time it notifies the local Union of the rate of pay for that classification.

a) Has your local requested any job descriptions in the past three years?

Yes ¹

No ²

Don't know ³

b) If yes to (a), please indicate approximately how many.

¹ 1 to 5

² 6 to 10

³ 11 to 15

⁴ 16 to 20

⁵ Over 20

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- c) Does your employer routinely provide the local Union with a copy of job descriptions when new bargaining unit classifications are created?

Yes ¹

No ²

Don't know ³

Other ⁴ please specify _____

17. Fiscal Advisory Committee

Under article 21 of the collective agreement, CUPE locals are entitled to be represented on the Hospital's Fiscal Advisory Committee – or equivalent committee if it has another name – and the Hospital has to disclose any financial and staffing committee (word missing??) pertinent to its budget, **or any other restructuring plan that would affect the Union's members.**

- a) Is there an operational Fiscal Advisory Committee or equivalent committee at your Hospital?

Yes ¹

No ²

Don't know ³

- b) If yes to (a), does it meet on a regular basis?

Yes ¹

No ²

Don't know ³

- c) If yes to (a) is CUPE represented on this committee

Yes ¹

No ²

Don't know ³

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d) If yes to (a) have you ever requested financial and staffing information with respect to the budget, or any other restructuring plan that would affect the Union's members?

Yes ¹

No ²

Don't know ³

e) If yes to (d) above, have you been able to use this information to minimize job losses and develop labour adjustment strategies?

Yes ¹

No ²

Don't know ³

f) Please indicate if anyone from your local has attended the Ontario Federation of Labour Fiscal Advisory Committee workshop?

Yes ¹

No ²

Don't know ³

18. Voluntary Part-Time Benefits

In the last round of central bargaining, OCHU/CUPE signed a Letter of Understanding with the Participating Hospitals which allows the hospitals (if they agree) to provide part-time employees with the option of voluntary participation in any and all of the group health and welfare benefit programs, provided the PT employee pays the full amount of the premium?

a) Have you been able to set up such a program at your hospital?

Yes ¹

No ²

Don't know ³

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b) If yes to (a), please indicate with a check mark which group health and welfare benefits are offered to part-timers (*check as many boxes as apply*):

- ¹ group life
- ² semi-private
- ³ extended health care plan
- ⁴ dental plan



Thank you for your time and patience in filling out this survey. Please give this survey to your Area VP at the next Area Meeting, or mail it to Margaret Evans, Senior Research Officer, CUPE National Office, 1375 St. Laurent Blvd., Ottawa, On, K1G 0Z7 (tel: 613 237 1590, ext. 235).