



February 8, 2023

Without Prejudice and Precedent

James Mitchell
Alberta Union of Provincial Employees
Calgary Regional Office
200, 2116 27 Avenue NE
Calgary, AB T2E 7A6

via email only to j.mitchell@aupe.org

Dear Mr. Mitchell:

RE: Collective Bargaining Process – Bethany Care Society

We understand that a meeting was held on November 24, 2022, to discuss the upcoming informal mediation between Bethany Care Society (“Bethany”) and the Alberta Union of Provincial Employees (“AUPE”). The meeting included:

- Mia Norrie, informal mediator for collective bargaining between Bethany and AUPE;
- Keith Peterson, negotiator for Bethany;
- John Wevers, the now retired negotiator for AUPE; and
- Yourself, as the new negotiator for AUPE.

We understand from Mr. Peterson that a request was made from AUPE to Bethany to confirm in writing Bethany’s position with respect to the negotiation of one common agreement for the Bethany / AUPE auxiliary nursing care (ANC) bargaining units and one common agreement for the Bethany / AUPE general support services (GSS) bargaining units. This letter serves as Bethany’s response to AUPE’s request on November 24th.

Background

AUPE represents employees of Bethany under twelve different bargaining units:

#	Site	Bargaining Unit	Collective Agreement Term
1	Bethany Calgary	Auxiliary Nursing Care	July 1, 2014 to August 31, 2017
2	Bethany Airdrie	Auxiliary Nursing Care	July 1, 2014 to August 31, 2017
3	Bethany Cochrane	Auxiliary Nursing Care	July 1, 2014 to August 31, 2017
4	Bethany CollegeSide	Auxiliary Nursing Care	July 1, 2014 to August 31, 2017
5	Bethany Sylvan Lake	Auxiliary Nursing Care	July 1, 2014 to August 31, 2017
6	Bethany Didsbury	Auxiliary Nursing Care	July 1, 2014 to August 31, 2017
7	Bethany Harvest Hills	Auxiliary Nursing Care	July 1, 2014 to August 31, 2017
8	Bethany Riverview	Auxiliary Nursing Care	Negotiating first agreement
9	Sundre Seniors’ Supportive Living	All employees	Negotiating first agreement
10	Mount View Lodge (Olds)	All employees	Negotiating first agreement

#	Site	Bargaining Unit	Collective Agreement Term
11	Bethany Calgary	General Support Services	July 1, 2014 to August 31, 2017
12	Bethany Airdrie	General Support Services	July 1, 2014 to August 31, 2017

The seven existing ANC collective agreements (units # 1 to 7 above) are almost identical to each other as a result of previous work between the parties to standardize the agreements. The parties commenced the negotiation for these seven agreements at a common table in June of 2018, referred to by the parties as “the big table”.

While the negotiations between the parties has not resulted in a first agreement for Bethany Riverview (unit # 8 above), the tentative agreements reached to date as well as the enhanced mediator’s recommendations both reflect the same or similar language to the existing Bethany / AUPE ANC agreements.

Negotiations have yet to commence for the two newest bargaining units (units #9 and 10 above). While these are “all employee” units, Bethany is only contracted by Alberta Health Services to provide care services at the Sundre and Olds locations that are operated by Mountain View Seniors Housing. As a result, the employees of Bethany at Sundre and Olds are employed in classifications that provide auxiliary nursing care: health care aide, licensed practical nurse, and recreation therapy assistant.

The two GSS agreements (units # 11 and 12 above) are almost identical to each other as a result of previous work between the parties to standardize the agreements. They are very similar to the auxiliary nursing collective agreements. Representatives from the GSS bargaining units attended the big table negotiations.

All nine existing collective agreements have the same definition of seniority:

- 11.01 (a) A Regular Employee's seniority date shall be the date on which a Regular Employee's continuous service in the employ of the Centre commenced within the bargaining unit, including all prior periods of service as a Casual, Temporary or Regular Employee contiguous to present regular employment.
- (b) An Employee who applies for and is successful at being appointed to a position within the same Care Centre but in another AUPE Bargaining Unit or at another Bethany Care Society Care Centre in another AUPE Bargaining Unit shall, effective the date of the appointment, transfer or promotion, have their seniority date and years of service with Bethany Care Society recognized for the purposes of all wages, benefits and entitlements in the Collective Agreement.

All nine existing collective agreements also have the same language regarding the application of seniority (aside from the cross reference to the clause in article 15 that is Clause 15.12 in the GSS agreements):

- 11.03 Seniority shall be considered in determining:
- (a) preference of vacation time as specified in Article 26: Annual Vacation;
- (b) layoffs and recalls, subject to the provisions specified in Article 35: Layoff and Recall;

- (c) promotions and transfers and in filling vacancies within the Bargaining Unit subject to the provisions specified in Article 14: Recruitment and Selection -Appointments, Transfers and Promotions;
- (d) the selection of available rotations by Employees on a unit affected by a new master rotation;
- (e) the distribution and allocation of available additional shifts / "pick up shifts" / hours of work for part time and casual employees as specified in Clause 15.16.

Bethany's Position and Rationale

Bethany's position is that the most efficient and effective bargaining process for the parties to negotiate two collective agreements for the twelve bargaining units:

- One ANC agreement for bargaining units # 1 to 10 in the chart above; and
- One GSS agreement for bargaining units # 11 and 12 in the chart above.

We are supportive of maintaining the autonomy of each of the twelve bargaining units as it relates to the definition and application of seniority. This ensures that each bargaining unit continues to operate independently of each other for issues related to vacation scheduling, layoff and recall, promotions and transfers, the selection of rotations and picking up additional shifts. Our view is that this model has served the parties well to date, and we see no reason to alter that structure as part of a consolidation of collective agreements.

There are three primary reasons why we believe the consolidation of collective agreements is beneficial to the parties:

1. Ensures consistent terms and conditions between sites;
2. Reduces the time and expense associated with the collective bargaining process;
3. Aligns with model currently in place with AUPE and other continuing care operators.

Ensures Consistent Terms and Conditions

Bethany and AUPE have invested considerable time through past rounds of collective bargaining to ensure that the existing collective agreements are consistent with each other. This approach has continued in the current round of bargaining where the parties signed off on changes at the big table for language common to all of the collective agreements. The few remaining areas of difference between collective agreements can either be noted as local conditions in the common agreement, or the differences can be eliminated by agreement of the parties.

Reduces Bargaining Time and Expense

The collective bargaining process requires an investment of resources by both parties. The negotiation of two collective agreements (ANC and GSS) will require less of an investment by both parties than the negotiation of twelve different collective agreements (one per bargaining unit). This is beneficial to employees, the union, and the employer as we are more likely to arrive at ratified collective agreements sooner through a consolidated bargaining process than if we fragment our resources across separate bargaining processes.

Aligns with Existing Model

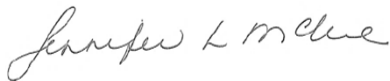
Other non-profit continuing care operators, like Bethany, have multiple bargaining units represented by AUPE. Several of those operators have a single collective agreement with AUPE that covers multiple bargaining units. Examples include:

- Good Samaritan Society – 1500 employees in four bargaining units for 18 sites under a single collective agreement, with multiple renewals since at least 2009
- Covenant Care – 680 employees in four bargaining units for four sites under a single collective agreement negotiated in 2021

These examples demonstrate that this model can serve the parties well.

We welcome any questions you have regarding the information in this letter.

Sincerely,



Jennifer McCue, CHE
President & CEO

cc. Keith Peterson – keith@petersonhrconsulting.com
Jim Petrie – j.petrie@aupe.org