

BARGAINING UPDATE



ALBERTA HEALTH SERVICES NURSING CARE LOCALS 041, 043, 044, 045, 046

Update on Essential Service Agreement decision

An Umpire released a decision on outstanding Essential Service Agreement (ESA)* items AUPE members and Alberta Health Services would need to follow in the event of a strike or lockout.

*It is a legal requirement that employers and unions must work together to negotiate and agree on the positions that are necessary to provide essential services during a strike or lockout.

Background

The parties began ESA negotiations in May 2023 and have since reached an impasse on multiple items laid out in the Essential Service Agreement.

Both parties presented arguments to Mia Norrie, the Umpire appointed to settle outstanding matters, and an evidentiary hearing was held on April 15, 16 and 23 to settle the most pressing issue of who would be responsible for scheduling essential service workers during a strike or lockout. It is the party's responsibility to ensure Essential Services:

(a) the interruption of which would endanger the life, personal safety or health of the public, or

(b) that are necessary to the maintenance and administration of the rule of law or public security.

Decision

It was our position that to ensure our right to strike and public health and safety were not compromised, scheduling responsibilities should remain with AHS, North America's largest health care employer with a budget that exceeds \$20 billion

However, the Umpire has decided in the event of a strike or lockout, the employer would be responsible for providing the Essential Services schedule for the first week during a strike or lockout. Also, during the

first week of the strike or lockout, the AUPE would be responsible for replacing any DESW's (designated essential service workers) for any absences.

After that first week, the responsibility for assigning members to the staffing plans and the replacement of shifts would be in AUPE's hands.

In the event the strike or lockout lasts longer than a week, AUPE can choose to follow the exact same schedule as the first week or work to schedule alternative members and adjust in accordance with the qualifications and requirements of the work areas.

AUPE does not have the capacity to meet the responsibility to undertake the incredible complexity of scheduling thousands of DESW staff to work during a strike or lockout, and this would impact the ability to conduct an effective strike that also maintains the requirement to protect the life, limb and safety of the public.

Next steps

AUPE will be filing an application to review the Umpire's award because it places undue and unreasonable obstacles in the way of our members' right to strike.

We want to thank members for their patience through this process and to those who participated in consultations. We will have more to share in the days ahead.

Please contact a member of your negotiating team if you have any questions about this update or have any other concerns.

Reminder: The deadline to complete the new Hours of Work bargaining survey is coming up quickly on August 19! Check your inbox for the link.

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