

Frequently asked questions about dealing with job loss due to contracting out*

HAVE YOU BEEN LAID OFF?

The following information is drawn from provisions in the Facilities Collective Agreement. Members who are not covered by the facilities contract should refer to provisions in their own agreements, or talk to their shop steward.

THE LAYOFF

What is notice of layoff?

Layoff notice is issued to an employee whose regular position is deleted or if they've been bumped from their position by an employee with more seniority.

How long is layoff notice?

Employers are required to give layoff notice or normal pay in lieu of notice as follows: 31 calendar days (less than two years' seniority), two months (two or more years but less than three years' seniority), three months (three or more years' seniority), four months (four or more years' seniority), or six months for employees with five or more years of seniority.

What is group termination notice?

Group termination notice is a provision of the *Employment Standards Act* that provides an extra period of notice to workers (in addition to layoff notice) when 50 or more employees are terminated in a single work site within a two-month period. The amount of extra notice depends on the number of workers affected.

- 50 to 100 employees terminated – eight weeks.
- 101 to 300 employees

terminated – 12 weeks.

- More than 300 employees terminated – 16 weeks.

Will I have union representation when the employer gives me my options?

Yes. And make sure your shop steward knows about your meeting.

What happens if I post into a new position – or bump – during the notice period?

You'll no longer be laid off. Your notice period will stop.

What if I quit before the end of my notice period?

You will be deemed to have resigned. This may affect your eligibility for severance and EI.

Will I get a reference?

You should ask for one. And if you can't get a reference from your immediate supervisor, try approaching someone else at your worksite who is familiar with your work and will give you a positive review (for example, an RN on the unit, a unit coordinator or an X-ray tech).



EMPLOYEE AND FAMILY ASSISTANCE PROGRAM (EFAP)

EFAP (Employee and Family Assistance Program) is available to all HEU members who are employed at health care sites that receive funding from the VCHA, PHA or FHA. The service is also available to families of eligible members.

The EFAP can be reached at 1-800-505-4929 or 604-872-4929. The confidential voicemail system is accessible 24 hours a day. If you have an emergency, you should phone the Vancouver Crisis Line (if you live in the Lower Mainland) at 604-872-3311 or 911.

Daytime and evening appointments are offered at no cost and the appointment times are staggered to ensure that your office visit is private and confidential. EFAP staff are advanced clinical therapists who will continue to offer assistance to laid off members up to three months after their last day of work.

See the EFAP website at <www.efap.ca> for more information

DISPLACEMENT/LAYOFF/OPTIONS/BUMPING PROCESS

For detailed information on your displacement/bumping options please see your collective agreement, Article 17:06, effective June 1, 2004.

What if I choose not to bump?

If you choose not to bump, you will be laid off at the end of your notice period. You can also choose to transfer to casual status. The health authority will assume that you have elected voluntary layoff if you don't inform them of your bump choices within the time periods outlined above.

How will I know what positions I can bump?

The employer will provide you with an up-to-date list of positions available to bump at the beginning of the layoff process.

What if there are no bump options for me?

If there are no bump options for you, you will be laid off at the end of your notice period and have recall rights for up to one year. You may also choose to transfer to casual status.



Will I retain my current rate of pay if I bump?

You'll get the rate of pay of the new position.

What if I transfer to casual status?

You'll retain seniority for as long as you remain an employee. Sick time and special leave banks will be frozen and you can only access them when you return to regular status. Benefits like medical, dental and extended health can be purchased through the benefits department. You'll no longer retain recall rights as a casual employee.

Do I have the right to go casual in any department I wish?

Under the Casual Addendum in the Collective Agreement you have the right to transfer to casual status in a department if it has a casual staff list and you are qualified and capable of doing the work. Managers can lay off casual staff if there is no ongoing need for them.

What are my recall rights?

Recall is the right to be automatically considered for vacancies for which one is qualified and capable of performing, without making a specific application. It is not a preferential right over other applicants. These are for vacancies at the employee's worksite.

In addition to those vacancies, employees on recall are considered for unfilled vacancies at another worksite within the dovetailed seniority list and/or authority-wide.

Can I be recalled to a different position than the one from which I was laid off?

Yes – if you can do the job (for example: a housekeeper may be recalled to a hospital porter position).

What if I don't get recalled?

If you are not recalled to a position during the one year recall period, the employer will terminate your employment. At that time you'll receive any severance, sick time payouts and any other accruals. Your entitlement to EI benefits may be affected depending on how long you have been on employment insurance benefits.

If you take your severance pay upon layoff, the severance monies are converted to whatever your weekly wage was. EI will not begin until your own money is exhausted.

What if I elect to terminate my employment at the end of my layoff notice period rather than remain on recall?

By terminating either after the end of your layoff notice period or during your recall period, you give up your recall rights and are no longer an employee of the health authority. Your employee status and seniority are gone. But you are eligible for severance allowance and sick leave payout if you have a minimum of 10 years' service.

If I accept a position outside the health authority, can I still be on the recall list?

Yes – even if that outside position is with a hospital contractor like Aramark or Compass in a health care facility.

Can I accept voluntary layoff instead of exercising displacement options and still be eligible for Employment Insurance?

Yes. Health employers have made an arrangement with Human Resources Development Canada that permits this.



SEVERANCE ALLOWANCE AND SICK LEAVE PAYOUT

What is severance allowance?

Under the Collective Agreement, a severance allowance is payable to eligible regular employees at the rate of one week of pay for every two years of service (or proportion thereof) to a maximum of 20 weeks (for 40 years of service). An employee with 20 years of service, for example, would be eligible for 10 weeks' severance allowance.

Will I get a severance allowance?

If you're a regular employee and have completed a minimum of 10 years of service and you're being terminated due to the position no longer being required – you'll get severance. Article 43.01 of the Collective Agreement lays out other ways you may be eligible.

When is a severance allowance paid out?

Severance allowance is paid only when your employment has been terminated. If you choose layoff with recall rights, you won't be paid a severance allowance until the end of the one-year recall period (and you haven't secured a new position). You can terminate your employment (in writing) anytime from date of layoff or during the recall period in order to be paid severance but if you do, you'll forgo all recall rights and it may impact on EI.

What is sick leave payout and am I eligible?

If you have 10 years of service and retire or are being laid off, regular employees receive a cash payout equal to 40 per cent of unused sick leave credits (see Article 31.12 of the Collective Agreement) to a maximum of 62.4 days (Article 31.02).

Am I entitled to severance allowance and sick leave payout if I choose to transfer to casual status?

No. If you choose to transfer to casual status, your service and sick leave banks will be frozen. But if you return to regular status without breaking your employment,

these banks are restored and you will once again be eligible to receive a severance allowance and sick leave payout. If you retire or your job is eliminated while you're a casual, you won't be eligible for a severance allowance or a sick leave payout.

Can I put my severance/sick leave payout into my RRSP?

Lump sum severance/sick leave payouts are eligible for direct transfers into an RRSP (i.e. tax not deducted at source) based on your years of service up to and including 1995. The *Income Tax Act* does not provide for direct transfers to an RRSP for years of service after 1995. Lump sum severance payments on years of service after 1995 can be directly transferred to an RRSP only when an employee has RRSP room in the current taxation year. Your current year RRSP room can be found on your most recent *Notice of Assessment* or by calling Canada Customs and Revenue Agency at 1-800-959-8281. Severance payments not meeting the above requirements will be taxed at source.

How will payouts for severance, sick leave and vacation affect my EI benefits?

Severance, sick bank, vacation and time-in-lieu payouts and other separation monies will delay the start of your EI benefit period but will not affect the duration of time during which you will receive these benefits.

HERE'S AN EXAMPLE: If your weekly pay was \$900, your lump sum of severance pay divided by \$900 will give you the number of weeks your EI benefits will be delayed (not including processing time and the mandatory two unpaid weeks).

When will I receive my record of employment (ROE)?

Your employer must give you your ROE within five days of your last day of work. If you do not receive the ROE after five days, you should apply for EI without further delay. You can either apply on-line from home at <www.hrdc.gc.ca> or from a computer terminal at your nearest employment centre.



BENEFITS

Now that I've received layoff notice, what happens to my benefits coverage?

Your benefits stop at the end of your layoff notice period.

- **REGULAR MEDICAL BENEFITS** are payable to MSP. You will begin to receive quarterly bills, payable in advance (i.e. for a family of five this totals \$540). You may want to apply for a temporary reduction in MSP payments while you are unemployed.
- **PACIFIC BLUE CROSS (AND OTHER EXTENDED COVERAGE PROVIDERS)** accepts applications for dental and extended health benefits. (Dental and extended benefits through PCB for a single person with no dependents is approx. \$56/month; you will be responsible for paying your own MSP in addition to the extended coverage).

Medical Services Plan:

Toll-free: 1-877-955-5656

Vancouver: 604-683-7520

Pacific Blue Cross (Extended Health/Dental):
604-419-2600

<www.pac.bluecross.ca>

Canada Life (Life Insurance):

Toll free: 1-800-663-0413

Vancouver: 604-685-7364

What happens to my unused vacation time?

Banked vacation time will be paid out after your last day of work or upon transfer to casual status. If you receive a payout of unused vacation time and/or 40 per cent sick leave, you will be expected to live on this money before your EI benefits begin.

What benefits are available to me if I transfer to casual status?

A regular employee who transfers to casual status is no longer entitled to the benefits available to regular employees, as of the date of transfer, and is only entitled to those benefits under the Casual Addendum. Vacation bank is paid out at the time of transfer and sick and special leave banks are frozen.

Casual employees are not entitled to employer-paid benefits. The day you transfer to casual, your AD&D, group life and LTD insurance cease. Your MSP, dental and extended health coverage would continue until the end of the month in which you transfer. You have the option to pay for medical, dental and extended health coverage. If you occupy a temporary position for more than six months you will be entitled to a reimbursement for monthly benefit premiums after the first 31 days. If you are in the pension plan, your contributions will be a percentage of your income. Your accruals (for e.g. sick time) will be frozen until you resume regular employment.

Where can I get more information about Employment Insurance benefits?

The complete application process and detailed questions and answers on Employment Insurance (EI) can be found at the Human Resources Development Centre (HRDC) website – <www.hrdc.gc.ca> or at the local HRDC office. You can call a toll-free number 1-800-206-7218 for more information.



PENSIONS

Where can I find out more about my Municipal Pension Plan status?

For detailed pension information please refer to the annual pension statement sent to you in June from the Municipal Pension Plan (MPP) or contact MPP directly at 1-800-668-6335 or by e-mail at MPP.PensionCorp@pensionsbc.ca. Their website is www.pensions.bc.ca.

The Pension Corporation will automatically send you a package if you've been terminated.

When can I apply for the Canada Pension Plan (CPP)?

Any time after age 60, but your CPP benefits will be reduced by six per cent for each year under the age of 65. If you start receiving CPP at age 60, your monthly payment will be 30 per cent lower than if you wait until age 65 (but you receive it for an additional five years).

When can I apply for Old Age Security?

You can apply for Old Age Security (OAS) at age 65. The toll-free contact number is 1-800-277-9914.

WARNING: If you quit your job with the private company, you may not be eligible for EI.

CASUAL EMPLOYEES

Do casual employees receive layoff notice?

No. But casual employees may receive (informal) notification that their services are no longer needed after a certain date. Under the Collective Agreement, casual employees may be laid off in reverse order of seniority if necessary due to economic circumstances. Casual employees keep their seniority for one year and could be reinstated by seniority but this is not likely to happen if the service has been contracted out.

Do casual employees have displacement options? Can they bump?

No.

Are casual status employees entitled to any severance allowance or sick leave payout?

No. And if you transferred to casual status from full-time, your sick leave payouts will be frozen. (If you are ever a regular employee again, the sick leave is reinstated).

As a casual employee who may no longer have any work, can I transfer to another casual list?

You may apply to another department and any other facility that is looking for casual staff.

How about collecting EI while I'm a casual?

If you collect EI while you are occasionally working casual shifts, you simply report your weekly earnings.



WORKING FOR THE PRIVATE CONTRACTOR

Will I still be a member of the HEU if I get a job with the private contractor?

No. However you may want to sign up again to rejoin HEU. You can call our organizing department on a confidential basis at 1.866.600.6513. For internal union purposes under our constitution, you will remain a full member of the HEU for six months after you've last paid dues and an associate member during your recall period – even if you're working for the private contractor. After that, you will no longer be a member of the HEU until such time as HEU is certified to be the bargaining agent for employees of the private contractor.

OTHER ISSUES

What will happen to my unresolved grievance?

The grievance process will continue. Please make sure the union has your current address and phone number.



*adapted from the 2003 original
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