



Newsletter

Injury-on-duty award is a win for part-time workers in the FHA

A recent arbitration award regarding injury-on-duty/WCB payments is good news for some members covered by the facilities subsector agreement in the Fraser Health Authority.

The award means that regular part-time employees who also pick up extra shifts as casuals are entitled to receive injury-on-duty compensation calculated on their part-time earnings. And they will also receive monies based on their casual wages.

Citing Article 31.04 of the facilities contract, FHA employers have been processing injury-on-duty payments from the Workers' Compensation Board, giving workers the portion of the benefit calculated on their part-time wages only, and pocketing the difference – the amount based on employees' casual shifts.

HEU members from across the health authority filed grievances, which ended up in a three-day hearing before an arbitration board in May.

HEU argued that FHA employers were misinterpreting Article 31.04 of the collective agreement, and as a result were shortchanging injured workers and going against the article's intent.

That position ruled the day, with two of the three arbitrators – chairperson Don Munroe and union nominee Gay Burdison – agreeing with the union.

In their ruling, they concluded "...that where the Workers' Compensation Board determines that the injured regular part-time employee is entitled as well to workers' compensation benefits attributable to casual shifts additional to the employee's regular part-time rotation, the employee is entitled to receive those benefits; that more particularly, where the hospital is in receipt of monies from the Workers' Compensation Board attributable to the extra casual shifts, the hospital has violated Article 31.04 by the failure to pay over those monies to the injured worker."

HEU secretary-business manager Judy Darcy says that this is a win for part-time workers who take on extra casual shifts in order to cobble together full-time hours.

"Employers should be grateful to our members for taking on more work, especially in the face of staff shortages – and wholeheartedly supporting those who become injured on-the-job by paying them all that they are due," says Darcy.

"We're pleased that the arbitration board has set things right."

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