

Q&A

Q&A: Moving to single-site staffing in long-term care and assisted living

On April 10, Provincial Health Officer Dr. Bonnie Henry issued the *Facility Staff Assignment Order* (“Assignment Order”) in response to the COVID-19 pandemic emergency. On the same day, the Solicitor General and Minister of Public Safety Mike Farnworth issued the *Health Care Labour Adjustment Order* (“Labour Adjustment Order”).

These two orders set out a process for limiting workers who hold jobs in more than one site in long-term care, assisted living, and provincial mental health facilities, to working in just one of those sites for the duration of the Orders. The move to “single-site staffing” is part of the public health strategy to prevent the spread of COVID-19 between these facilities.

WHO DOES THE ASSIGNMENT ORDER APPLY TO?

The *Assignment Order* sets out the process for ensuring that health care workers – who work at more than one facility covered by the Order – are limited to working at just one of those sites. The Order also applies to volunteers and students.

The facilities covered by this Order include:

- long-term care homes (including extended care sites, and at “private hospitals” – a type of long-term care);
- assisted living residences; and
- provincial mental health facilities.

The Order applies to all licensed/registered facilities, including those run by health authorities, non-profit agencies, and for-profit operators. The Order applies no matter what collective agreement is in place, and it also covers non-union workplaces. Government-funded and private pay facilities are covered. So are subcontractors and their employees.

The Order applies to all health care workers except for those specifically excluded, for example, lab assistants. Care aides, activity aides, recreation therapists, housekeepers, cooks and dietary aides, nurses, clerical and maintenance staff are among the many occupations that are included in the order.

Lab assistants are excluded from the Order.

This Order does not apply to acute care hospitals, community social services, community health or independent living.

HOW WILL I BE ASSIGNED TO A SINGLE SITE?

The health authority for your region will establish a Working Group. That Working Group will use staffing information collected in March from facility operators and subcontractors, as well as employee preferences registered through the bchealthstaffing.ca website, to make recommendations to the health authority medical health officer about the assignment of staff to single sites.

HEU and other unions are not part of these working groups. But before the Working Group in each health authority makes recommendations, it will communicate with unions and

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employers about the timeframe for implementation and also provide them with a preliminary staffing list for feedback.

The Working Group will make sure each facility is assigned the right balance of staff to provide the care necessary to protect the health and safety of residents.

In addition, the Working Group will do its best to assign staff based on the following guidelines:

- all employees, who work at only one facility, will be assigned to that facility;
- regular full-time employees, who work as regular part-time employees or as casual employees at another facility, will be assigned to the facility where they are a regular full-time employee;
- regular part-time employees, who work at more than one facility as a regular part-time employee, will have their ranked preferences considered;
- regular part-time employees, who work at another facility as a casual, will have their ranked preferences considered, although they will usually be assigned to the facility where they have regular status; and
- casual employees, who work as casual employees at more than one facility, will have their ranked preferences considered.

Once medical health officers receive the working groups' recommendations, they will make orders assigning staff to particular facilities.

Once the medical health officer makes an order assigning staff to work at particular facilities, they will only work at the facility to which they are assigned.

I WAS ALLOCATED TO A SINGLE SITE UNDER A PREVIOUS PUBLIC HEALTH ORDER. CAN I BE REASSIGNED?

It's possible that the working group may recommend to the medical health officer that you are reassigned to a different single site. The medical health officer will also consider whether any exemptions need to be made to single-site staffing because of particular needs of certain facilities.

ONCE I HAVE BEEN ALLOCATED TO A SINGLE SITE, CAN I WORK ANYWHERE ELSE IN HEALTH CARE?

The Order will not prevent staff from working at other jobs in community health (like home support), community social services, or at an acute care hospital. You can also work outside the health sector.

WILL MY HOURS BE REDUCED AS A RESULT OF THE ASSIGNMENT ORDER?

Under the *Labour Adjustment Order*, employees – who currently work at multiple sites – will be scheduled to work their total combined hours at the single site, up to a maximum of 1.3 FTE. This means that if you held a full-time job at one site, and a part-time job equivalent to 0.2 FTE at another site, then you will be scheduled to work 1.2 FTE at your single assigned site. However, you may be required to work different shifts than originally scheduled.

WHAT HAPPENS IF THERE ARE NOT ENOUGH STAFF TO ALLOCATE TO ALL FACILITIES?

Medical health officers can grant exemptions to single-site allocations if this is necessary to ensure adequate staffing levels.

HOW WILL MY SCHEDULE BE DETERMINED?

Employers will determine an initial schedule that will be in place for 90 days, by the following process:

- all employees, who remain at the work site, will maintain their current schedule;

- the employer will identify all shift gaps in the current schedule by job classification;
- the employer will offer the shift gaps to employees:
 - » first, by seniority, regular employees – who previously worked at multiple work sites – will select from the shift gaps up to their total combined FTE at straight time;
 - » second, by seniority, other regular and casual employees will select any remaining regular shifts at straight time.
- Any unfilled shifts will be offered in accordance with the collective agreement.

HOW WILL ACCESS TO OVERTIME (OT) BE DETERMINED?

If you previously worked at multiple sites, and are now required to work at only one site, you will be scheduled to work your total combined hours up to 1.3 FTE at straight time.

If your total combined FTE is less than 1.0 FTE, you will be paid overtime as you usually are under the collective agreement. If your total combined FTE is more than 1.0 FTE, you will be paid overtime for all hours worked beyond your **regular combined FTE**.

For example, OT will be paid in accordance with the collective agreement as follows:

- If your regular combined FTE is 1.0 or less, OT will apply to any and all hours worked over 1.0 FTE.
- If your regular combined FTE is 1.1, OT will apply to all hours worked over 1.1 FTE.
- If your regular combined FTE is 1.2, OT will apply to all hours worked over 1.2 FTE.
- If your regular combined FTE is 1.3, OT will apply to all hours worked over 1.3 FTE.

Daily and weekly overtime under the applicable collective agreement will apply for all hours worked beyond the scheduled hours of their new regular position.

CAN I WORK HOURS BEYOND MY NEW COMBINED REGULAR FTE?

Both the *Assignment Order* and the *Labour Adjustment Order* state that the goal is to maintain, at least, the maximum hours in the health care system, and that all employees will be encouraged to maximize their hours regardless of status. Both Orders also say that part-time and casual employees will be encouraged to work full-time scheduled hours subject to operational needs at the facility.

HOW DO I PROTECT EARNED BENEFITS, AND MY PLACE ON THE SENIORITY LIST AT SITES WHERE I'M RESTRICTED FROM WORKING?

You will retain your employment at work sites where you are currently employed, but will be placed on a COVID-related unpaid leave of absence under the *Employment Standards Act* for the duration of the single-site limitation. You will also maintain your benefits coverage and eligibility at all work sites where you are currently employed, even if you are restricted from working there.

If you are eligible, you will also be entitled to enroll in the benefit plan at the site where you are assigned to work under the single-site staffing order.

You will accrue service and seniority, pursuant to the collective agreement at your assigned work site, for all hours worked up to 1.0 FTE. Your service will be recognized for the purposes of any pension plan, and contributions will continue to be paid to your pension.

At the end of the single-site restriction, when you return to your other work sites, you will retain your relative placement on the seniority list. So, if you were 14th on the seniority list at the date of the single-site order, you will be placed in the 14th position on the seniority list upon termination of the *Assignment Order*.

WHAT WAGE WILL I BE PAID?

The *Labour Adjustment Order* directs that wage rates for all workers restricted to a single site be

increased to the wage rate equivalent to the applicable provincial master agreement with the Health Employers Association of BC for the duration of the single-site restriction period.

If you are a care aide at a long-term care facility – which is non-union or covered by an independent collective agreement – then you will be paid at the rate under the Facilities Bargaining Association (FBA) collective agreement. An LPN and RN will be paid the rate under the Nurses Bargaining Association (NBA) collective agreement. Where applicable, you will be paid at the highest increment step you would receive working at one of your work sites.

There are no changes to the wage rates for members covered by the FBA or NBA agreement currently. FBA wage rates can be found [here](#). NBA wage rates can be found [here](#).

HOW SOON IS ALL OF THIS HAPPENING?

The Orders will be implemented on a schedule determined by the medical health officer in each health authority. The medical health officer will make their Order for single-site staffing based on the recommendations of a regional working group. Those working groups will also inform unions and employers about the timelines. At the date of publication, HEU has not received any word from working groups on timelines.

WHERE CAN I GET MORE INFORMATION?

You may have more questions about the implementation of these Orders.

- HEU will be adding to this document in the days ahead to include additional questions and answers.
- The HEU website at www.heu.org also includes a COVID-19 information page with links to single-site staffing and other information you might need.
- Your shop steward and servicing representative are an important source of information on the single-site Orders.
- If you still haven't found what you're looking for, call HEU's COVID-19 hotline at 1-800-909-4994.
- You can also read the Orders:
 - » *Facility Staff Assignment Order* (“Assignment Order”)
 - » *Health Care Labour Adjustment Order* (“Labour Adjustment Order”)



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