

Aquatics – Labour Board Resolution

Members employed as auxiliaries in the Aquatics Department have raised serious concerns about the City's recall of employees laid off due to the closure of facilities during the COVID-19 pandemic, including the lack of a transparent process and members being recalled out of seniority. The Union raised these issues with the City, but discussions were not successful in addressing the members' concerns because the City refused to provide important information.

As a result, on April 20, 2021, the Union filed a complaint with the B.C. Labour Relations Board ("LRB") alleging that the City had violated the *Labour Relations Code* by interfering with the administration of a trade union. The Union argued that the City's failure to provide important information about the recall process and seniority rankings meant the Union was unable to assess members' concerns and properly represent them.

The Union and City attended a mediation on May 4, 2021, and late in the day agreed to a resolution of the complaint. This resolve is recommended by both legal counsel and by an LRB officer.

First, the City agreed to provide the Union with a written description of its approach to scheduling Aquatics auxiliaries, for distribution to members. The City's work scheduling process is set out below.

Second, the City also agreed to provide the Union with a seniority list for Aquatics auxiliaries, and to provide an updated seniority lists for Aquatics auxiliaries for the rest of the provincial state of emergency for COVID-19 on a quarterly basis. Due to privacy laws, the Union cannot distribute this seniority list to all members, but upon request, we can advise you of your individual seniority, and we can use it to investigate your concerns and represent you.

In return, the Union withdrew its complaint. Now that the Union has information about the Employer's process and members' seniority, it will continue to address members' concerns about recall through the grievance process, if necessary.

If you believe the City has not followed or is not following the process set out below, or if you believe your seniority is not being properly taken into account in work scheduling, please contact the Union.



Gord Willis, President
CUPE Local 386

Scheduling Explanation received from the Employer:

We write further to the mediation we attended at the BC Labour Relations Board on May 4, 2021 and the settlement we reached.

More particularly, we write further to the City's agreement to provide the Union on an entirely gratuitous and without precedent basis with a written description of the approach it has taken and will continue to take to the work scheduling of Auxiliary Employees who hold the job classification of Aquatic Leader and Senior Aquatic Leader (the "Classification") in the context of the exigencies of the COVID-19 pandemic.

The City respects and values the service, contribution and commitment our Auxiliary Employees have demonstrated in serving the needs of our community. We know these are uncertain times, particularly for this group of employees who have limited or no scheduled hours of work, and we sincerely wish this was not the case. We continue to be committed to maintaining open communication on our re-opening plans as or when we receive direction from the Provincial Health Officer, recognizing we continue to have limited operational capacity and are bound by public health and safety orders and rules.

To alleviate any confusion on the City's intent to schedule employees within the Classification in question, we provide the following for added clarity. Employees within the Classification are and will continued to be scheduled with reference to the following:

- 1) Seniority within the Classification being scheduled;
- 2) Position certification and qualifications requirements being met and maintained in good standing;
- 3) Availability for work as requested by the City based on operational requirements, including the maintenance of safety standards, demand by user groups, the number of hours available in Aquatics, the need to schedule in blocks of time, and compliance with public health and safety orders and rules such as employee density and physical distancing requirements; and
- 4) Possible scheduling out of seniority order if those with more seniority have not made themselves available.

In addition to the above, while the City is committed to providing as many shifts to as many Auxiliary Employees as possible, in the exercise of its management rights, the paramount considerations for the City will be adhering to its COVID-19 safety protocols and ensuring the safety of our employees and members of the public.