

MAHCP Position Statement Respecting Portability of Seniority

It is MAHCP's position that any member who accepted a new job and was therefore required to change unions between August 22 and December 13, 2019, but who remained or became an MAHCP member on the effective date of December 13, 2019, will have their seniority, service and benefits recognized as though they had not changed unions in that intervening period, whether or not there was a bridging agreement in place at that time. In our view, MAHCP's position is consistent with both the letter and spirit of the Health Sector Bargaining Unit Review Act (HSBURA). The Employer has not yet committed to accepting MAHCP's position on this matter.

Article 13 of HSBURA states the following regarding seniority:

SENIORITY AND SERVICE RECOGNITION

Seniority and service recognition

13 Seniority rights and service recognition are portable for any employee whose bargaining unit, bargaining agent or collective agreement is changed as a result of this Act.

RATIONALE AND EXAMPLES:

Representation votes were concluded on August 22, 2019, but interim bargaining unit certificates for the new Shared Health and the WRHA bargaining units did not take effect until December 13, 2019, an unforeseen delay of nearly four months. MAHCP members should not be detrimentally affected due to this prolonged delay.

Under normal circumstances, seniority is lost when someone changes unions unless there is an agreement in place to "bridge" their seniority. For example, seniority was not bridged for anyone who changed unions prior to August 22, 2019 without such a bridging agreement in place at that time, and it will not be reinstated going forward.

MAHCP is aware that some individuals accepted new positions in the intervening period between August 22 and December 13. For those in the Professional/Technical/Paramedical (PTP) sector within the new Shared Health and WRHA bargaining units, this job change may have resulted in a temporary and artificial change of unions, even though MAHCP had already won the right to represent those bargaining units.

Individuals caught in this "in-between" scenario have raised questions regarding bridging of their seniority. For example, would an MAHCP member who accepted, effective September 30, 2019, an MGEU-covered position within the Shared Health PTP bargaining unit lose their MAHCP seniority, as they normally would given the fact that no bridging agreement existed between MGEU and MAHCP? Our answer is "NO," they would not lose their seniority in this case. In our view, the individual in this example was only temporarily "parked" with MGEU, soon to return to MAHCP as a result of the HSBURA representation votes. Therefore, they would be bridged through this intervening time.

The same would apply to an MGEU member who accepted, effective September 30, 2019, an MAHCP-covered position within the Shared Health PTP unit. Although their seniority would not normally be bridged between these two unions, it would be bridged in this case.