

October 23, 2019

## SGEU Health Providers Bargaining Committee Update

Your SGEU Health Providers Bargaining Committee wants to assure all members that safety was and is one of our utmost concerns.

- In this last round of negotiations, we were successful in negotiating new articles in the Collective Bargaining Agreement (CBA) related to your safety, including:

### 18.19 Interpersonal Violence Leave

The parties recognize that employees sometimes face situations of interpersonal violence in their personal life. Upon notification to the Employer, employees shall be entitled to a paid leave for a maximum of five (5) days and an unpaid leave for a maximum of a further five (5) days for Interpersonal Violence Leave as provided for in the Interpersonal Violence Leave in the *Saskatchewan Employment Act* (SEA), Section 2-56.1. Employees will ensure the Employer is notified as soon as possible as to the expected duration of the leave. Upon written notification to the Employer, an employee may request Time Off in Lieu or Vacation to maintain income while on the unpaid portion of the leave. After ten (10) days, an employee may request to use other applicable leave provisions as per the Collective Agreement.

### 27.08 Workload

An employee or a group of employees who have a health or safety related workload concern (as defined by *The Saskatchewan Employment Act – Part III Occupational Health and Safety*) will first refer that concern in writing to the immediate Out of Scope Supervisor, who shall investigate and where required take remedial action within fourteen (14) calendar days.

The Occupational Health and Safety Committee shall have as part of its mandate the jurisdiction to receive a health or safety related workload concern which was not resolved at the Out of Scope Supervisor level. This mandate shall include the review of staffing issues, the responsibility to investigate the health or safety related workload concern, the responsibility to define the health or safety related workload problem, and the responsibility to make recommendations to rectify the health or safety related workload problem.

This does not preclude the use of a sub-committee as established by the OH&S Committee. The sub-committee shall be comprised of equal representation of SGEU OH&S representatives and Employer representatives.

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Where the committee or sub-committee determines that a health or safety related workload problem exists, through an evidence based process, the committee, or sub-committee, shall issue a report on their recommendations for solving the health or safety related workload problem to the Employer and the Union within thirty (30) days of receiving the health or safety related workload concern.

Within thirty (30) days, the Employer shall advise the Occupational Health and Safety Committee, or sub-committee, and the Union, as to what reasonable steps it has taken or proposes to take to implement the workload recommendations identified by the Committee or sub-committee.

If not resolved to the satisfaction of the Employer or the Union, the health or safety related workload concern may be referred to the Occupational Health and Safety Branch.

Should the above process not satisfactorily address the health or safety related workload concern, the parties will:

- a) Meet to discuss a resolution.
- b) Where resolution is not reached, either party may refer the health or safety related workload concern to mediation. The Employer and the Union will equally share the costs associated with mediation.

- We would also like to note that language related to your health and safety exists in the CBA from the last round of negotiations, as follows:

### ARTICLE 27 – OCCUPATIONAL HEALTH AND SAFETY

This Article is not intended to limit access to the Occupational Health & Safety Regulations and *The Saskatchewan Employment Act*.

#### 27.01 Occupational Health and Safety Committee

There shall be an Occupational Health and Safety Committee at each facility/agency throughout the Health Region consisting of representation from Unionized Employees and Management. The parties agree to co-operate in the establishment and ongoing function of this committee.

#### 27.02 Duties of Committee

Each Occupational Health and Safety Committee shall hold meetings and regular inspections to deal with all unsafe, hazardous or dangerous conditions. Wherever possible, committee meetings shall be scheduled during normal working hours.

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Attendance at committee meetings or committee training courses shall be without loss of pay.

Minutes of all committee meetings and inspection reports shall be posted in the workplace with copies provided to the Employer, Co-Chairs and Ministry of Labour Relations & workplace Safety, Labour Relations and Mediation Division.

Joint Occupational Health and Safety Committees may recommend where training might be warranted or may recommend training measures designed to prevent occurrences of occupational health and safety problems related to the work place.

### 27.03 Referral of Safety Concern

An Employee or a group of Employees who have a health or safety concern should endeavor to resolve the concern by first referring the concern to the immediate out-of-scope supervisor, who will investigate and take remedial action. If the concern is not resolved, it may be referred to a member of the Occupational Health and Safety Committee.

### 27.04 Safety Measures

Employees shall be supplied with and required to use all necessary tools, safety equipment, and protective clothing as required by the Employer and/or Occupational Health and Safety Regulations.

### 27.05 Right to Refuse Dangerous Work

Employees may refuse to do any particular act or series of acts, where they have reasonable grounds for believing it could be unusually dangerous to their health and safety or that of their co-workers, until steps have been taken to resolve the matter or until the Occupational Health and Safety Committee or an Occupational Health and Safety Officer has investigated and advised otherwise. The worker may not be discriminated against by reason of the fact that she/he has exercised this right. An Employer may, however, temporarily assign the Employee alternate work, at no loss in pay, until the matter has been resolved.

### 27.06 Violence in the Workplace

The Employer and Union agree that violence against Employees in the workplace is not desirable and agree to work together to reduce the incidence and causal factors of violence.

To that end, the following shall apply:

#### Definition of Violence

Violence shall be defined as the attempted, threatened or actual conduct of a person that

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causes or is likely to cause injury, and includes any threatening statements or behaviors that give a worker reasonable cause to believe that the worker is at risk for injury.

### Violence Policy

In compliance with the Occupational Health and Safety Regulations, and The Saskatchewan Employment Act, the Employer will ensure a policy is maintained, in consultation with the Bargaining/Negotiating Representative and other Unions in the region/agency/facility, to address the prevention of violence, the management of violent situations and the reduction of causal factors of violence and to provide support to Employees who have faced violence. The policies and procedures shall be part of the Employer's health and safety policy and written copies shall be available in a place accessible to all Employees.

### 27.07 Behavioral Incident Assessment

**When an incident demonstrates that a client/patient/resident's behavior may constitute a risk to the safety of another client or employee, a meeting shall be convened within forty-eight (48) hours, or as soon as possible thereafter, to conduct a reassessment and appraisal of the client to consider and implement alternative options for care delivery to ensure the safety of employees and other clients/patients/residents.**

➤ Always remember the three basic Rights of the Worker under the *Saskatchewan Employment Act*:

- The Right **to Know** the hazards at work and how to control them,
- The Right **to Participate** in finding and controlling workplace hazards, and
- The Right **to Refuse** work that you believe is unusually dangerous.

In solidarity,

Tracey Sauer, SGEU Health Providers Bargaining Chair  
Diane Ralph, SGEU Health Providers Bargaining Vice-Chair  
Jolean Brochu, SGEU Health Providers Bargaining Committee KTHR  
Ryan Favel, SGEU Health Providers Bargaining Committee KYRHA  
Wendy McPhail, SGEU Health Providers Bargaining Committee MCRRHA  
Danny Hind and Kim Nordmarken, LROs

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