

Setting the Record Straight

Essential Services Agreements

Health Sciences Association of Saskatchewan (HSAS) has provided a limited perspective on facts related to Essential Services. The following is intended to balance the information and mitigate misunderstandings.

HSAS Comments:	Employer Perspective:
<p>How does it affect the healthcare unions? In the event of a possible strike, this legislation allows the health care employers (health regions and affiliates) to designate any or all professions as being essential. It also allows the employer to designate the number of employees and who those employees are.</p>	<p>The Essential Services Act provides an opportunity for employers and unions such as HSAS to negotiate an essential services agreement. HSAS asked for a draft notice of services, classifications, names and numbers of employees to be declared essential, and this was provided to them in February, 2009. At that time, HSAS publicly stated that employers had underestimated the number of employees that should be declared essential, but at no time asked to discuss any part of the draft to come to a negotiated agreement.</p> <p>As required under the legislation, in the event of potential job action such as a strike, and when no agreement has been negotiated, employers must provide notice to the union of services, classifications, names and numbers of employees declared essential to prevent danger to life, health or safety of the public. Employers have completed this step as legally required.</p>
<p>What does it mean to be essential? This means that you have to report to work and you are not able to participate in any strike action.</p>	<p>Employees who have been declared essential in the event of job action are required to report to work as scheduled and provide the services within their job duties. The legislation does not prohibit employees from participating in strike action when they are not scheduled to work.</p>
<p>How does this differ from how things worked before the legislation of 2008? During previous strikes, HSAS formed an Essential Services Committee. This committee determined and designated an appropriate number of members and level of service in order that public safety would be ensured. This process worked very well. Now, because of the legislation of 2008, HSAS will not make those essential services decisions – the employer will be responsible for making all essential service decisions.</p>	<p>The process used by HSAS during previous strikes, to determine and designate numbers and levels of service, did not include input from the employers, who are accountable for the services to the public. The Essential Services Act provides the opportunity for employers and unions to negotiate an essential services agreement that will prevent danger to life, health or safety. In the event that an agreement is not in place, and the potential for job action exists, employers are required to provide notice of essential services, classifications,</p>

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<i>HSAS Comments:</i>	<i>Employer Perspective:</i>
	<p>names and numbers of employees. Employers have completed this step because HSAS has taken a strike vote and not availed themselves of the opportunity to provide input and negotiate an agreement.</p>
<p>How do I know if I am deemed to be essential? Your employer will send you a notice to your home by mail.</p>	<p>The employer is obligated to inform an employee if they are named essential. The method of communication is determined by the employer and can be delivered while the employee is working or off work. It is not required that the notification be in writing to the employee's home.</p>
<p>If I don't receive notice from the employer, does that mean I will not be deemed essential? Although the employer may not initially designate you as essential, this legislation gives the employer the right to change their mind at any time. It is possible that the employer will designate you essential within days of a strike. If the employer changes the list of those designated as essential, they must give notice to those affected.</p>	<p>The employers are responsible for providing health care services to patients and clients and preventing danger to life, health or safety of the public. Depending on factors such as the length of job action, or the timing of the job action, employers may have to name other employees as essential to prevent danger to life, health or safety. In the event that this action is required, the employer will notify the employee.</p>
<p>Is it illegal to go on strike? No. Although the essential services legislation takes away the union's ability to determine what degree of essential services will be provided and has given that decision making power to the employers, it is not illegal to strike.</p>	<p>The legislation provides the opportunity for employers and unions to negotiate an essential services agreement that will prevent danger to life, health or safety. To date HSAS has indicated no interest in determining levels of essential services except to state that naming approximately 50% of the FTEs provincially is too low.</p>