

Days of Religious/Cultural Significance Pilot Project

FAQ

1. If the employee's work area is not providing services or is closed on the statutory holiday (Article 21) the employee wants to exchange, what work should the employee be doing?

Provided that the employee is qualified and oriented, the employee may be re-deployed to other areas as needed to provide team-based support. The employer and the employee should work together to close any orientation gaps early, rather than at the last minute.

The employer has discretion to determine operational needs and assign work accordingly. However, the employer should make reasonable efforts to assign the employee work as similar to that employer's normal work and as close to the employee's regular worksite as possible, and then move outward as necessary.

Re-deployment should be assessed on a case-by-case basis. It will require an individualized solution depending on the employee's worksite and/or department. The employee should speak to their manager early to determine what type of work will be available, and make arrangements for orientation as necessary.

2. Can the employee be assigned or required to work in another department or unit?

Yes, provided the employee is qualified and oriented. Again, the employer and the employee should assess any orientation needs early. If necessary, the employee may be pulled from their regular shift to work an orientation shift in anticipation of the exchanged statutory holiday.

Employees should not be disadvantaged by participating in the Pilot Project. The employer must be clear that the redeployment is for the purpose of the Pilot Project. Orientation should be consistent with the standard orientation processes in place for the work unit or department.

3. Can the employee work from home on the exchanged statutory holiday?

Yes, at the employer's discretion. The employer should provide the employee with clear direction and understanding regarding what work is to be accomplished at home. The employer is not obligated by the Pilot Project to provide an employee with a laptop or other equipment to perform work at home.

4. Is the employee permitted to work in their normal department if the employee would be the only person working in their department on the exchanged statutory holiday?

No, employers will not be expected to keep open an otherwise closed department for a single employee. Employees participating in the Pilot Project should be informed that, if their normal department will be closed on the statutory holiday, those employees will most likely be redeployed.

5. Since the applications for the exchange of Article 21 statutory holidays for days of religious/cultural significance will be done as part of annual vacation planning process, which will be approved first: vacation requests or days of religious/cultural significance requests?

As a matter of collective agreement rights, it is important for vacation scheduling to complete first.

Employers have flexibility in how to make this process most efficient. For example, employers may ask participating employees to submit both vacation requests and days of religious/cultural significance requests at the same time. If so, vacation requests must be processed first. If employees submit vacation requests over multiple rounds, employees may include the days of religious/cultural significance requests during the last round.

Employers may choose to permit an employee to obtain vacation approvals, and thereafter ask their employer to change certain vacation days to days of religious/cultural significance, reserving their vacation days for another time. The risk for the employee is that they have lost flexibility in their vacation choice, since other employees will have booked vacation by this time.

If there are employees who requested were denied vacation for a specific day, an employee participating in the Pilot Project may not be permitted to take that same day as a day of religious/cultural significance, because vacation must take priority.

6. Is it possible that an employee's requested exchange for a day of religious/cultural significance is not approved?

Yes, but all reasonable efforts should be made to approve a request subject to operational constraints, just like any other request for leave.

7. Why are only certain HSPBA employees included in the pilot?

The Pilot Project is limited to participating employers and participating worksites. In this case, those employers are PHSA, FHA, and NHA. We understand that, for example, there will be some HSPBA member employees working at B.C. Children's Hospital who are employees of PHC. Although B.C. Children's Hospital is a participating worksite, the associated participating employer is PHSA, not PHC. Thus, only HSPBA members who are employees of PHSA will be able to participate in the pilot project at B.C. Children's Hospital.

8. What recourse does an employee have if their request is denied?

If a request is denied, the employee should speak to their Union representative. We recommend employers share information about why a request was denied. It is important for the parties to understand where the Pilot Project is working and where it is not.

9. What if a manager doubts the sincerity of an employee's requested day of religious/cultural significance?

The Working Group behind the Pilot Project does not want employers to be scrutinizing the legitimacy of days employees claim are religiously or culturally significant. The Pilot Project is a joint commitment to further decolonize the collective agreement and the public healthcare system. Employer skepticism or questioning of employees' religiously/culturally significant days goes against this commitment.

10. Who can a manager contact if they have questions about a request?

The employer's HR department.

11. What's the process for advising an employee if a manager needs to deny a request due to vacation levels already approved (or any other reason)?

Follow existing processes for denying leaves/vacations.