

# Nursing Homes Insight



Published by: SEIU Local 1 Canada, Nursing Homes Council

Fall 2009

**Member Resource Centre:  
1-877-MRC-SEIU (672-7348)**

The SEIU Member Resource Centre is providing members with answers to quick questions when they want them. By calling toll free 1-877-MRC-SEIU (1-877-672-7348) nursing home members now have a direct phone link to a help centre. The Member Resource Centre has been improving member services for SEIU's hospital workers since the summer, and now it is open to all members. Give it a try! 1-877-MRC-SEIU (1-877-672-7348).

### **Executive Board Warning "O.W.U.": Don't be fooled**

SEIU Local 1 Canada's Executive Board has recommended that all SEIU members exercise caution about individuals or groups representing themselves as alternative unions. In past months, individuals posing as a union organizers have been attempting to 'raid' SEIU workplaces, causing enormous disruption, confusion and frustration for SEIU members. The Executive Board cautions members not to be misled by these so-called unions and report any intrusions in your workplace by calling the Member Resource Centre at 1-877-MRC-SEIU (672-7348).

### **Needlestick Regulations**

As of April '09 Ontario's safer needles regulation requires the use of safety-engineered medical sharps in long term care facilities to protect staff and residents from accidental needlestick injuries. SEIU was instrumental in persuading Ontario, as well as BC, SK, MB, and NS authorities to adopt safety regulations. (The remaining provinces and territories still require regulations.) In Ontario, only hospitals and nursing homes are covered, but other workers need the same health and safety protections. SEIU continues to campaign for them to be included under safety regulations.

## It's time again to renegotiate your contract and form your bargaining committee



Sharleen Stewart  
President, Local 1 Canada

### **Contract bargaining update from the President**

Many SEIU nursing home members are returning to the contract bargaining table early in 2010. Preparations have already been underway in 2009.

that our members' needs are met and are ultimately reflected as closely as possible in their new collective agreement.

#### **Bargaining Surveys**

Contract Bargaining Surveys for members included in central contract bargaining are being circulated to all SEIU members now. (If you have not received one, go to [www.seiulocal1.org](http://www.seiulocal1.org) to download a copy.)

The results received from the member surveys, as well as input from SEIU Local 1 Canada staff who specialize in our Nursing Home sector, will contribute to the bargaining proposal process.

Determining bargaining proposals is a comprehensive process that includes the broadest spectrum of contributors. The goal is to ensure

#### **Next important step**

The next important step in the bargaining process is establishing your Ontario Nursing Homes Contract Bargaining Committee.

Your Contract Bargaining Committee will be made up of member representatives from SEIU nursing homes across Ontario.

The Bargaining Committee's duties are to represent all nursing home bargaining units and to speak on behalf of all their members represented in the central bargaining group during negotiations.

There are many steps that must be accomplished carefully during the bargaining process.

Continued on back: 'Negotiations'

### **Nursing Homes Bargaining Conference Feb. 22-23**

## What or who is 'HLDAA'?

The bargaining process is full of confusing terminology. Here are some help on what to listen for and understand.

#### **Hospital Labour Disputes**

**Arbitration Act (HLDAA)** - This is the legislation that defines healthcare workers - including long term care/nursing homes - as essential services and restricts workers' right to strike, providing

an arbitration process instead. To confirm, even though the Act says "Hospitals," nursing homes are subject to the rules outlined in "hilda," as it is commonly called.

Continued on back: 'Bargaining'

**Member Resource Centre: 1-877-MRC-SEIU**  
[www.seiulocal1.org](http://www.seiulocal1.org)

## “Negotiations can be a long and winding road”

Continued from front

First, SEIU must send to the representatives of the participating nursing homes a letter of intention to bargain. That letter, called a Memorandum of Conditions for Joint Bargaining, has already been submitted.

Then, bargaining dates have to be agreed upon for actual bargaining.

### Exchange of proposals

Once the bargaining priorities are confirmed, your Bargaining Committee will present SEIU's proposals to the the nursing home employers' bargaining committee.

When proposals from both sides have been exchanged, dates are confirmed to meet for bargaining.

### The bargaining table

This is when the really hard work begins. Be prepared. Contract bargaining can take weeks, months, even longer, while both parties review proposals, recommend new contract language, settle upon agreed-to and outstanding issues, bargain all day and all night, then agree to bargain some more, then set new dates, and so it goes.... The bargaining process can be a long and winding road.

### A tentative agreement

Once a tentative agreement is

reached, the Bargaining Committee presents the agreement's details to the membership with either a recommendation to accept or not accept. At the same time, the employers' negotiating team presents the tentative agreement to the nursing home employers.

When a tentative agreement is accepted by both parties, a contract is 'ratified.' If a tentative agreement is not accepted by either party, both

parties return to bargaining table to seek improvements.

### Supporting your Committee

During the bargaining process your Bargaining Committee must exercise extreme discretion. This can be frustrating for the Bargaining Committee and members who would like to learn how bargaining is progressing. But your Bargaining Committee must be discrete. This is vitally important to your success during bargaining for the simple reason that you do not want the employer to know what your Committee may or may not be willing to agree upon. That is why it is critical your Bargaining Committee must restrict any discussion about the details of bargaining while bargaining is underway.

It is equally necessary to avoid allowing misinformation to circulate.

For both those reasons, it is better for members to support their Bargaining Committee and respect their commitment to discretion, at least until a tentative agreement has been struck, and the true facts can be presented to members.

This controlled approach also strengthens your position at the bargaining table, by showing solidarity and avoiding the appearance of confusion among members.

### NURSING HOMES CONTRACT BARGAINING CONFERENCE

Feb. 22-23, 2009 - Markham

The Contract Bargaining Committee will be confirmed at a province-wide Nursing Homes Bargaining Conference scheduled for Feb. 22-23 in Markham.

The conference will include a review of bargaining proposals, skills training for members, as well as contract action planning.

Conference attendance will be representative of SEIU's 184 nursing homes, including central bargaining nursing homes and single nursing home bargaining units.

The conference will also be a networking and social opportunity for members to share stories and swap tips and tactics for dealing with employers.

## Bargaining terms helpful to know

Continued from front

**Across the Board Adjustment** - Change in pay rates made for all employees in a workplace or a particular group, generally it is a percentage rate which would apply to current wages.

**Bargaining in bad faith** - A legal term for stating either the union or the employer is uncooperative during collective bargaining. For example, failure to provide dates for bargaining or removal of a proposal that was already agreed to.

**Arbitration** - A method of settling disputes through the intervention of a third party whose decision is final and binding. Such a third party can be either a single arbitrator, or a board consisting of a chairperson and one or more contract interpretation disputes.

**Conciliation and Mediation** - A process to resolve labour disputes by compromise or voluntary agreement. By contrast with arbitration the mediator, conciliator, or conciliation board does not bring in a

binding award and the parties are free to accept or reject its recommendation. The conciliation is often a government official while a mediator is usually a private individual appointed as a last resort, sometimes even after the start of a strike.

**No Board** - A term used once a conciliation officer has been appointed and has determined that the parties are unable to reach a settled collective agreement and is the first step before arbitration.

**Tentative Agreement** - An agreement reached by the employer and union that is subject to approval by employees and the employer.

**Ratification** - The voting process by which the union or employer uses to seek support for a tentative agreement that has been reached in bargaining.

**Management's/Employer's Rights** - Rights including hiring, terminating, scheduling of hours of operations and contracting.

**SEIU Member Resource Centre - 1-877-MRC-SEIU**

SEIU Local 1 Canada - Human Rights Committee, 2180 Steeles Avenue West, Suite 200, Concord, ON L4K 2Z5