



# MANAGEMENT GUIDE FOR NEWLY CERTIFIED EMPLOYERS

November 2020

Community Social Services Employers' Association of BC  
Suite 800, Two Bentall Centre, 555 Burrard Street, Box 232  
Vancouver, BC V7X 1M8  
Tel: 604.687.7220  
Toll Free: 1.800.377.3340  
Fax: 604.687.7266  
[www.cssea.bc.ca](http://www.cssea.bc.ca)  
[cssea@cssea.bc.ca](mailto:cssea@cssea.bc.ca)

# TABLE OF CONTENTS

## INTRODUCTION

|               |   |
|---------------|---|
| Purpose ..... | 3 |
|---------------|---|

## PART ONE: WHAT HAPPENS TO THE FOLLOWING CERTIFICATION

|                     |   |
|---------------------|---|
| Freeze Period ..... | 4 |
|---------------------|---|

## PART TWO: THE SECTORAL COLLECTIVE AGREEMENT

|   |   |
|---|---|
| Application of the Sectoral Collective Agreement..... | 5 |
| Timelines for Implementation.....                     | 5 |
| Non-Monetary Provisions.....                          | 5 |
| Job Evaluation.....                                   | 5 |
| Policies and Procedures.....                          | 6 |
| Local Issues.....                                     | 6 |
| Seniority List.....                                   | 6 |
| Monetary Provisions.....                              | 7 |
| Wages.....  | 7 |
| Non-Provincially Funded Positions.....                | 7 |
| Health and Welfare Benefit Plans.....                 | 8 |
| Statutory Holiday Bank.....                           | 8 |
| Municipal Pension Plan.....                           | 8 |
| Funding Concerns.....                                 | 8 |

## INTRODUCTION

This Management Guide for Newly Certified Employers is intended to be a quick introduction and reference tool for employers who are members of CSSEA and who have been recently certified to a union by the Labour Relations Board.

If you require more information on the post-certification process, please direct your inquiries to your CSSEA HRLR contact.

## PART ONE: WHAT HAPPENS FOLLOWING CERTIFICATION

### Freeze Period

Employers are restricted from changing pay rates or otherwise altering terms or conditions of employment of bargaining unit employees immediately following the date of certification by the Labour Relations Board.

Section 45 of the *Labour Relations Code* addresses employment conditions immediately following the certification process, prohibiting changes to terms of employment for the earlier of:

1. a twelve (12) month “freeze period”, or
2. the conclusion of the first collective agreement bargaining process

with some exceptions as authorized by the Labour Relations Board. However, the freeze period does not prevent the right of an employer “to suspend, transfer, lay off, discharge or otherwise discipline an employee for proper cause”.

Employers are thus advised to maintain their current policies and procedures relating to terms and conditions of employment unless there are compelling reasons to make changes – and prior to making changes, employers are further advised to discuss them with their CSSEA HRLR contact to ensure that proper processes are followed.

In the Community Social Services sector, employers who become **regulated** members of CSSEA by provincial government Order-in-Council will be governed by the timelines found in the applicable sectoral collective agreement for the implementation of collective agreement provisions. These timelines will usually be shorter than the 12 month statutory freeze period referenced above, but the freeze on changing terms of employment still applies until the collective agreement provisions are implemented.

The next section provides the details of the timelines.

## PART TWO: THE SECTORAL COLLECTIVE AGREEMENT

### Application of the Sectoral Collective Agreement

For agencies that meet the criteria for “regulated” membership in CSSEA (the agency would be included in the *Employer Regulation* under the *Public Sector Employers Act*), the sectoral collective agreement will apply to them as outlined below.

For agencies that do not meet the criteria for membership in CSSEA and who enroll as an associate member, they will negotiate their own individual collective agreement directly with the union certified to represent their employees.

The collective agreement for regulated members will cover many terms and conditions of employment for bargaining unit employees, including pay, health and welfare benefits, scheduling, vacation, sick leave and other leaves. Newly-certified employers should familiarize themselves with the collective agreement. The collective agreement and companion Employer's Guide to the Collective Agreements providing interpretative information can be found on the CSSEA member website which requires log-in credentials. The credentials will be sent to your agency upon becoming a member of CSSEA.

### Timelines for Implementation

There are two distinct timelines for the implementation of provisions in the collective agreement to employees: one timeline is for the implementation of provisions that are **operational in nature** and that do not cost more money; the second timeline is for the implementation of the remaining provisions of the collective agreement that are considered **monetary in nature**.

### Non-Monetary Provisions

The non-monetary, operational language provisions of the sectoral collective agreement come into effect four months following the date of the Labour Relations Board decision granting the certification to the union or the date that the government deposits an Order in Council designating the employer as a member of CSSEA under the *Employer Regulation* to the ***Public Sector Employers Act***, whichever comes first (see ***Memorandum of Agreement #3 Re: New Certifications and Variances***).

Following this date, the non-monetary terms and conditions of employment set out in the collective agreement (such as job posting, layoff, scheduling, occupational health and safety provisions, etc) take precedence over any previous terms and conditions of employment that applied under agency policies and procedures.

While employers should familiarize themselves with the entire collective agreement, a few issues will require **prompt attention in advance of implementation dates**:

### Policies and Procedures

Newly certified employers should review their policies and procedures to ensure consistency with the collective agreement. Employers may revise policies following the freeze period or implementation of the collective agreement, whichever comes first, as long as the revised policies are not inconsistent with the provisions of the collective agreement. Employees should be given reasonable notice of the policy changes and employers should apply such changes fairly across all employees.

Employers should take special note of current policies and procedures that are on the same topics as collective agreement provisions, to ensure consistency. For instance, employers should review their policies and procedures for sick leave, vacation accrual and other types of leaves, and modify as necessary.

## Local Issues

Pursuant to **Memorandum of Agreement #1 Re: Local Issues** in the collective agreement, not all terms of employment are pre-determined by the collective agreement. The parties must meet and negotiate certain issues on a local basis. These issues include:

- Hours of work
- Application of the collective agreement to programs or worksites in relation to layoff, assignment of additional hours, the sharing overtime, vacation scheduling, and job postings
- Casual call-in procedure
- Client vacations and out of town assignments
- School-based season employees
- Special project employees
- Split shifts
- Any other issues CSSBA and CSSEA agree to discuss.

Your HRLR contact can assist you in negotiating these local issues.

## Seniority List

Newly certified employers should calculate a seniority list in accordance with **Article 12 – Seniority** of the collective agreement. Seniority is determined differently depending on an employee’s status.

An employer will provide a current seniority list of all employees (regular full-time, regular part-time, and casual), as outlined in **Article 12.2 -Seniority List** to the Union every six (6) months: January and July.

## Job Evaluation

CSSBA and CSSEA are party to a joint job evaluation plan (JJEP). The purpose of JJEP is to provide a standard procedure for the description and classification of positions, and the evaluation (wage rates) of work done in the community social services sector.

Newly-certified members must create, update and review job descriptions for all bargaining unit positions in accordance with JJEP. JJEP contains benchmarks which will suit most positions in the sector. Positions that do not fall within one of the established benchmarks will be uniquely rated. Once the job descriptions are complete, CSSEA will confirm the classification for the position.

Each JJEP benchmark is assigned an appropriate classification grid that corresponds with a wage rate on the wage grid contained in Appendix A of the collective agreement. Employers should follow the instructions for creating job descriptions and the job classification process (as governed by the Maintenance Agreement and Classification Manual in the collective agreement). Instructions can be found on CSSEA’s member website.

## Monetary Provisions

The monetary provisions will come into force four (4) months after the date of the Order-in-Council which designates the agency a member of CSSEA is signed (see **Memorandum of Agreement #3 Re: New Certifications and Variances**). The certification and Order-in-Council dates will be different, with the signed Order in Council typically arriving after the date on which the agency is certified.

Monetary provisions include:

- Wages and allowances - This will be discussed further below. (**Appendix A - Wage Grid, Article 16 - Overtime and Article 26 - Payment of Wages and Allowances**)
- Holidays (**Article 17 - Holidays**)
- Vacations (**Article 18 – Annual Vacations**)
- Paid leaves (**Article 19 – Sick Leave and Article 20 – Special and Other Leaves**)
- Health and welfare benefits (**Article 27 – Health and Welfare Benefits**)
- Municipal Pension Plan (**Article 31 – Municipal Pension Plan**)
- Any other provisions in the collective agreement that cost an employer more money

Any benefits that the employer previously granted to employees when they were non-union that are better than the corresponding collective agreement provision, or in addition to the collective agreement, are to be discontinued when the full monetary provisions of the collective agreement are implemented (see **Memorandum of Agreement #2 Re: Superior Benefits and Provisions** where only employees who were covered by the collective agreement in 2004 were able to retain certain of the benefits that are better than the collective agreement).

Wages are the **only** exception to this principle:

### Wages

Newly certified employees who receive wage rates higher than those established in **Appendix A Wage Grid** of the collective agreement get to maintain those higher wage rates, by operation of **Section 8.3 of the Maintenance Agreement and Classification Manual**. Their wage rates are frozen at pre-existing levels until such time as the rates in the Wage Grid meet or exceed the pre-existing levels. At that time, the applicable wage rate in the Wage Grid would then apply to the employee.

Newly certified employees who receive wage rates below those established in **Appendix A Wage Grid** of the collective agreement should be paid in accordance with the rates of pay negotiated by the parties of this agreement. Employers should calculate the number of hours in the classification for the employee to determine the step and actual wage rate for the employee.

### Non-Provincially Funded Positions

If an employer has non-provincially funded positions (NPF), the collective agreement provides a process to negotiate alternate wage rates and/or benefit levels, where necessary (see **Appendix A (D) – Wage Grid**). Please make inquiries to your HRLR contact for more information. Please note that the sectoral collective agreement would apply to NPF positions unless an agreement is made otherwise.

### Health and Welfare Benefit Plans

CSSEA member employers must review their current health and welfare plans to ensure they are equivalent to those set out in **Article 27 - Health and Welfare Benefits** of the collective agreement. CSSEA respects and supports the right of your agency to purchase equivalent coverage through any one of three approved providers that have committed to apply the agreed provisions: the Community Services Benefits Trust, The Federation Association Benefit Plan or the Health Benefit Trust. More information on health and welfare benefits equivalency can be found on the Members section website under H&W Benefits.

### Statutory Holiday Bank

Participation in the paid holiday bank is determined by a vote of all unionized employees in the agency in accordance with **Article 17.11 Paid Holidays for Part-Time Employees**. The union will conduct a vote of the unionized employees and advise the employer as to whether the paid holiday bank should be implemented.

Where the unionized employees choose not to participate in the paid holiday bank the part-time employees will receive 4.6% of straight-time pay instead of a day off with pay.

### Municipal Pension Plan

The Municipal Pension Plan (MPP) is a public sector pension plan administered by the BC Pension Corporation. The Municipal Pension Plan is a defined benefit plan. It is the same plan that covers employees in the municipal sector, health sector and many other employee groups across the province.

New CSSEA members are encouraged to contact the Pension Corporation directly to introduce themselves as a new CSSEA member and to get direction regarding the enrollment process. There are various eligibility requirements that must be met in order for employees to be enrolled in MPP. All eligible employees should be enrolled as soon as possible following confirmation of CSSEA membership, consistent with the direction of the Pension Corporation, as employers must begin paying employer contributions on the date that monetary provisions take effect. The Pension Corporation can be reached at: <https://mpp.pensionsbc.ca/contact-us>.

### Funding Concerns

In order to determine additional costs, if any, of the collective agreement, employers are encouraged to contact CSSEA's Finance, Research and Knowledge Management for assistance assessing the costs associated with implementing the terms of the collective agreement.

If a newly-certified employer requires additional funds in order to comply with the sectoral collective agreement, they should approach their funding agency(ies). CSSEA can assist employers to estimate the cost of the sectoral collective agreement but does not play an advocacy role for members in resolving funding issues.