

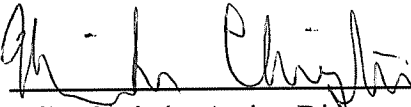


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Halifax Regional Council  
September 2, 2003

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**   
Mike Christie, Acting Director of Human Resources

**DATE:** August 26, 2003

**SUBJECT:** Halifax County Regional Rehabilitation Centre

### INFORMATION REPORT

#### ORIGIN

At its August 21, 2001 meeting, Council heard a presentation on behalf of the employees of the Halifax County Rehabilitation Centre from Ms. Debbie Pastorius with respect to the closure of the Centre. She requested that the employees be granted continued employment or a severance package. A copy of her presentation was submitted for the record and was referred to staff for a follow-up report.

## **BACKGROUND**

Determining HRM's relationship with the Centre's former employees required a broad analysis. Employees of the Centre were accountable to a Board, which was established by Halifax County By-Law H-300. The Board was comprised of mostly Provincial appointees. Funding was primarily from the Province. Ultimately, however, Legal Service's advice is that the employees at the Centre prior to dissolution were, in fact, HRM employees. Among other reasons, this determination was based on the following:

- 1) The Board was not a body corporate
- 2) HRM owned the facility
- 3) By-Law H-300 dictated that the Board was responsible to Council for the management and administration of the facility.

When staff were being laid-off, the collective agreement did not include a right to severance payments. The Province, the primary funding source, was not forthcoming with additional money when requested to do so by the Union representing the Centre employees.

The collective agreement between the Halifax County Rehabilitation Centre and CUPE Local 1028 expired on October 31, 2001. When bargaining a new collective agreement with the successor employer, Quest, reached impasse, the employees of the Halifax County Rehabilitation Centre went on strike. The strike concluded on the signing of an End-of-Strike Agreement in August of 2002. The End-of-Strike Agreement included articles on a joint committee to identify employment opportunities for laid off employees, an extension to the recall period (to three years), and \$100,000 for an Education Incentive Fund. The \$100,000 was divided amongst employees who were willing to take their names off the recall list and who were unable to find alternate employment.

At the time of closure, the recall list was comprised of approximately 35 employees. As of June, 2003, the list had 10 employees.

## **DISCUSSION**

Employees' rights on lay-off are determined by the collective agreement. It is not incumbent on HRM to provide benefits beyond those collectively bargained. Any additional payments should have been sought, as they were, from the normal funding sources of the Centre. It is not appropriate for HRM to assess whether the terms of the collective agreement and the End-of-Strike Agreement were proper.

However, given HRM's relationship to these employees, HR will be instituting the following: until June 1, 2005, former Halifax County Rehabilitation Centre employees still on the Quest recall list

will be considered internal applicants for all HRM job postings.

To be clear, this commitment means the following:

- 1) Those who are no longer on the recall list are not considered internal. Among other things, this could be because they opted to take funds from the Education Incentive Fund or they have secured alternate employment.
- 2) Employees who were actively employed by Quest at any point are not considered internals.
- 3) To be considered an internal applicant does not supersede any rights that HRM Unions have secured for their members. In other words, former Centre employees are “internal” to HRM, but have no special status within any union local. For example, preference will continue to be given for employees with seniority in the CUPE 108 Local. Former Centre employees will only be considered if there are no qualified Local 108 applicants, the same way in which other HRM internal applicants would be considered.
- 4) Former Centre employees will not carry over their seniority in any new position.
- 5) Where permitted under the applicable collective agreement, or agreed with applicable union, former Centre employees will be allowed to carry over their years of service with the Centre for the purposes of vacation entitlement.
- 6) There will be no commitment to former Centre employees beyond June 1, 2005
- 7) HR will communicate with the applicable former Centre employees on how to access positions posted internally only and how to self-identify in order to be accorded the appropriate status.

### **BUDGET IMPLICATIONS**

None

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ALTERNATIVES**

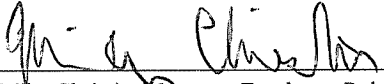
Giving former Centre employees priority to HRM jobs would conflict with HRM collective agreements. Providing a severance payment to former Centre employees would be inconsistent with the independent nature of the Board and the intent for the Centre to be funded by the Province.

**ATTACHMENTS**

None.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:

  
Mike Christie, Manager, Employee Relations

490-6137