

Important Update: Position Eliminations and Your Collective Agreement Rights

Dear ONA Members,

On behalf of ONA83, I am writing to address the recent communication sent out by TOH regarding the upcoming position eliminations. Over the past several days, we have received numerous inquiries from members seeking clarity, guidance and support during this challenging process.

The purpose of this communication is to provide a clear overview of the current situation, outline your contractual rights and address some the questions that have been raised.

Under our **ONA Central Collective Agreement (Article 10)**, you have specific, legally protected options if your position is being eliminated. **Prior to issuing any layoff notices**, the hospital attempts to solve the layoff problem through voluntary options including...

- **The Vacancy Canvas:** We are currently at this point. Affected members have been sent a list of all previously posted vacant positions that remain unfilled, and those not yet posted as options for transfer.
- **The Early Retirement Allowance (10.14B):** Eligible senior nurses **on affected units** can be offered retirement packages to free up positions **in order of seniority** on the units where layoffs would otherwise occur.

If you received the email referenced above, here are your options:

1. Transfer to an Available Vacancy

You can opt to try to transfer into a vacant position by reviewing the list of available vacancies and submitting your preferences within the timeline specified (7 days). **This process will proceed by seniority.** Any nurses on impacted units, can participate to maximize the chance of saving jobs through voluntary reshuffling, as long as you retain the same status (PT/FT) as the position being eliminated.

If there are insufficient volunteers to transfer, transfers will occur **in reverse order of seniority** to the remaining transfer opportunities identified in the notice.

*****Please note that you must possess the necessary qualifications and skills to perform the work.**

The transfer should not result in a reduction of your wage rate or hours of work.

If you decide not to fill out the form or choose your preferred vacancies, the consequences under Article 10.08 of ONA's CA depends on whether your job was directly eliminated or if you are simply working on an impacted unit.

1. If your position is being eliminated, failing to choose a vacancy does not stop the process. Instead, if there are vacant positions left, you will be moved into a vacant position that fits your classification, hours and location by reverse seniority.
2. If you are a nurse on an impacted unit but your position is not affected and you are just being canvassed, not filling out the form simply means you wish to stay in your current role.

Where there are vacant positions available but the nurse **is not qualified** to perform the available work, and **if such nurse is not able to displace another nurse**, under Article 10, the nurse will be provided with the necessary training up to 16 weeks' training to enable the nurse to become qualified for one of the vacant positions.

Following the completion of the process to avoid long term layoffs and prior to issuing individual notices of layoff to nurses, the hospital is to make offers of retirement. The retirement offers are offered to nurses in the classification that is being laid off on that particular unit. These offers are done to reduce the impact of the layoffs and to minimize bumping during the layoffs. The number of retirement offers (RO), will equal up to the number of layoffs anticipated to occur. The offers are separate for FT and PT based on which category of member is being laid off.

If the number of accepted retirement offers is equal to the number of layoffs that are to occur, no individual nurses will receive a notice of layoff, as the staffing level has been effectively reduced.

2. Displace (Bump) a Less Senior Nurse

If there are no suitable vacancies on the list, you have the right to look at the seniority list and "bump" a junior colleague.

- You can displace the least senior nurse in a position for which you are qualified.

3. Accept the Layoff with Recall Rights

Recall is the process by which the hospital must offer open jobs back to nurses who were previously laid off before they can hire anyone new.

This provision deals with members who have been laid off, not those that have bumped.

Nurses are brought back to work in order of seniority. The recall of FT and PT members is separate. Members are recalled in order of seniority provided they are qualified to perform the available work.

If a nurse on the recall list is offered a permanent job that matches their original status and they refuse it, they may forfeit their remaining recall rights

4. Opt for Early Retirement

If you are nearing retirement age and eligible under the HOOPP pension plan, you may choose to take retirement. Members should be aware this does not come with a buyout package. This is separate and apart from the retirement allowance in Article 10.14

Within 30 days of receiving an individual notice of layoff, there is an option for a separation allowance however the process to avoid layoffs must precede this. Layoff notices have NOT yet been issued as we are currently beginning the process to avoid layoffs.

For further reference, please refer to the ONA Provincial Collective Agreement under Article 10:

<https://ona.org/find-your-contract/>

To help further clarify the communication above, here are five scenarios that explain how the process works in plain language.

Scenario 1: The Strategic Volunteer (Vacancy Canvas)

- **The Situation:** A nurse works on a unit where two positions are being cut. They aren't the most junior, but they have been considering a move to a different department.
- **The Action:** The nurse reviews the "Vacancy Canvas" (the list of open jobs) and submits their preference form within the 7-day deadline.
- **The Result:** Because the nurse is qualified and volunteers to move, they are transferred to the new spot. This "saves" a more junior nurse on their original unit from being forced out of their job.

Scenario 2: The Involuntary Move (Reverse Seniority)

- **The Situation:** A nurse's position is eliminated, but they are overwhelmed by the process and decide not to fill out the vacancy preference form.
- **The Action:** Since the nurse did not choose a vacancy, the process continues automatically.

- **The Result:** The hospital moves the nurse into a remaining open spot that fits their classification and hours (Full-Time or Part-Time) based on reverse seniority. This ensures the nurse stays employed even though they didn't pick the specific role.

Scenario 3: The "Bump" (Displacement)

- **The Situation:** A nurse's position is cut, and there are no suitable vacancies on the canvas list that they are qualified for or want.
- **The Action:** The nurse exercises their right to "bump" a junior colleague.
- **The Result:** They identify the nurse with the absolute least seniority in the entire hospital whose job they are qualified to do. The senior nurse takes that job, and the junior nurse who was bumped then enters the layoff process.

Scenario 4: The 16-Week Training Bridge

- **The Situation:** A nurse wants to transfer to an open spot in a specialized unit but lacks one specific certification required for that role.
- **The Action:** The nurse applies for the vacancy but is initially deemed "not qualified".
- **The Result:** If the nurse cannot "bump" anyone else, the hospital provides up to 16 weeks of training to help them become fully qualified for that vacant position instead of being laid off.

Scenario 5: The Retirement "Save"

- **The Situation:** The hospital needs to cut three positions on a unit. To avoid layoffs, they offer Early Retirement Allowances to senior nurses on that specific unit.
- **The Action:** A senior nurse who was already planning to retire soon accepts the offer.
- **The Result:** This nurse receives a retirement package, and their departure "frees up" a spot. Because the staffing level is now reduced voluntarily, one fewer junior nurse receives a layoff notice.

Important Reminders:

- **7-Day Deadline:** You must submit your vacancy preferences within 7 days of receiving the list.
- **Qualifications:** For almost all options, you must have the skills to do the work.
- **New Rules:** Under the updated agreement, nurses who have not yet worked 600 hours on their unit cannot be required to float to other areas.

We are actively working with the employer to minimize the impact on our nursing staff and ensure the contract is followed.

It is always good to ensure that you have copies of any performance reviews or relevant documents related to your professional development and ensure your resume is updated. Also, please remember that the Employee and Family Assistance Program (EFAP) is available for support.

If you need to reach out to us, you can find your Site Representative contact information on our website at onalocal83.org.

Yours in solidarity,

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