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## **TO: ALL BTS LOCALS AND NATIONAL REPRESENTATIVES**

July 13, 2018

Sisters and Brothers,

### **Re: BTS BULLETIN**

We are writing this letter as part of an ongoing effort to keep you informed of issues currently facing members of the Bell Technical Solutions bargaining unit. The Committee met with the Company in a series of scheduled meetings. As a result, we have become aware of some important issues regarding scheduling and the working of overtime.

As many of you have now seen on your work schedules, the company has decided to start scheduling full-time employees around the province on a 6x4 during a pay period with no explanation or notice as per the Canada Labour Code. This language is old and not commonly used but has been there since the creation of the Company.

When an employee is on a 6x4 schedule in the pay period, in the first week all six days are regular hours of work and the four days in the 2<sup>nd</sup> week are regular hours as well. This is outlined in Article 16.02 b), and as such no overtime rate applies to the 6<sup>th</sup> day in week one.

Last year, as you may recall, there were a number of National Policy Grievances that were filed and settled. Some were regarding overtime, others were regarding shift sizes for part-time and full-time employees. In the resolution of these grievances it was agreed that a regular shift becomes insolvent if it is less than six continuous hours. There was no agreement to let the company out of its obligations regarding the number of guaranteed hours they must provide. As such we have found that the Company's current way of running their business where they continue to leverage overtime due to an inability to right size the workforce (hire and retain new employees) is now causing further violations of our Collective Agreement, by robbing employees of contractually guaranteed basic hours of work.

Allow us to explain; as a full-time employee we are all guaranteed 40 basic hours per week or 80 basic hours when they are averaged over a two week pay period.

For part-time employees your guaranteed days are on Saturdays and Sundays. So what is now happening is employees are having shifts canceled by the company because they are not permitted to work more than 48 hours in a week and or the shift has become insolvent since it is less than six hours resulting in a loss of guaranteed basic hours of work that the company is not paying people for or facilitating the rescheduling of the hours where possible.

To help clarify - this is an example of a 6x4 schedule full-time employee:

- A Fulltime employee is scheduled eight hour shifts Monday to Saturday in the 1<sup>st</sup> week (48 basic hours) and Tuesday to Friday in the 2<sup>nd</sup> week in the pay period (32 basic hours).
- In the first week due to uncontrolled overtime (voluntary, involuntary/forced) the employee reaches 43 hours by Friday. This would be 40 regular hours plus three hours of overtime. This leaves only five of their eight scheduled basic hours available to be worked under the Canada Labour Code limit of 48 hours when the employee is guaranteed eight hours for the day under the Collective Agreement.
- Having five basic hours left in the week the shift becomes insolvent (less than six hours) but the employee can choose to work the five hours if they wish or the hours are removed.
- If the employee chooses to work the five basic hours to take themselves to the 48 hour maximum under the Canada Labour Code. They are still short three guaranteed basic hours of work.
- In the following week they are scheduled 32 hours so there is room for the three basic hours, however there is no such thing as a three hour regular shift.
- Having said that in order to not lose any guaranteed hours, the employee would need to let the shift become insolvent and have the Company schedule a regular eight hour shift in week two. By doing this it effectively changes the pay period back to a 5x5 configuration where the employee would be paid 40 basic regular hours plus three hours overtime in week one and 40 basic regular hours in week two of the pay period.

- If the overtime in this 6x4 example was two hours in the first week taking the total to 42 hours by Friday 40 basic regular hours plus two hours overtime and the employee works the remaining six hours of their shift on the Saturday. The employee is now losing two guaranteed basic hours.
- Again, room in week two for the additional basic hours, but no such thing as a two hour shift, and who would want to come in for two hours.
- **The solution going forward in these 6x4 examples to avoid losing basic guaranteed regular hours is to not work any overtime in the 1<sup>st</sup> week since you are already scheduled the maximum under the Canada Labour Code and limit your overtime to eight hours in the 2<sup>nd</sup> week. Additionally you may be able to exercise your seniority rights for choice of days and hours of work to try and avoid the 6x4 altogether since the shift is preventing you from exercising your seniority right to be able to work up to eight hours of overtime per week.**

Here is an example of a 5x5 full-time schedule, but you will see the principle is the same:

- A full-time employee is scheduled eight hour shifts Monday to Friday in the 1<sup>st</sup> week and Tuesday to Saturday in the 2<sup>nd</sup> week in the pay period.
- In the first week due to uncontrolled overtime (voluntary, involuntary/forced) the employee reaches 43 hours by Thursday. This would be 32 regular hours plus 11 hours of overtime. This leaves only five of their eight scheduled basic hours available to be worked under the Canada Labour Code limit of 48 hours when the employee is guaranteed eight hours for the day under the Collective Agreement.
- Having five basic hours left in the week the shift becomes insolvent (less than six hours) but the employee can choose to work the five hours if they wish or the hours are removed.
- If the employee chooses to work the five basic hours to take themselves to the 48 hour maximum under the Canada Labour Code. They are still short three guaranteed basic hours of work.
- In the following week they are scheduled 40 basic regular hours so there is no room for the three more basic hours, these basic hours are now lost.

- Having said that in order to not lose any guaranteed hours, the employee and the company would need to limit the overtime to eight hours in a week, which is in keeping with the Canada Labour Code.
- If the overtime in this example was 10 hours in the first week taking the total to 42 hours by Thursday 32 basic regular hours plus 10 hours overtime and the employee works the remaining six hours of their shift on the Friday. The employee is now losing two guaranteed basic hours.
- Basic hours that again are lost since the employee is already schedule 40 hours in week two of the pay period.
- **The solution going forward in these 5x5 examples to avoid losing basic guaranteed regular hours is to not work more than eight hours of overtime per week, which is in keeping with the maximum hours per week under the Canada Labour Code.**

You will see that it is clear to us that members are losing out on guaranteed hours of work that in the end translates to money out of your pockets. We strongly recommend at this time that all members limit their overtime to no more than eight hours per week (with the exception of the 6x4) to ensure that you are not suffering detriment do to the loss of your basic guaranteed hours that you are entitled to as per the Collective Agreement.

Additionally, if you have suffered a loss of guaranteed basic hours, we recommend you speak with your union steward or executives regarding your rights to compensation for lost basic hours. You may also have seen or experienced an increase in number of Saturdays employees are being scheduled.

We would further suggest that when you are scheduled to work on a Saturday by the company and they run out of work **DO NOT** volunteer to go home. The company will continue to over schedule on Saturdays when they have people willing to go home. When you come to work they are required to pay you for the day. Even if that means you are on WOW or some other code performing some other task like JIT modules. If they are paying for people because they have no work, logic dictates they would stop overscheduling. **Stop facilitating the over scheduling of Saturdays, stay at work finish your shift.**

In Solidarity,  
**Your Bargaining Committee**

cc: Chris MacDonald  
 Mireille Bergeron

TS/kw:cope.343  
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