



FYI



| PLEASE POST |

Date: Dec 17, 2021

To: All Employment and Assistance Workers (EAW)

Re: EAW Classification Appeal Update

The British Columbia General Employees' Union (the Union) and the Public Service Agency (PSA) have appointed an arbitrator, Vicki Averill, to be the Classification Referee who will hear the EAW appeal. The Referee and parties had a case management conference on December 16, 2021 to discuss how the appeal will be dealt with going forward. We have confirmed with the Referee and the PSA/Employer that the Union wishes to proceed expeditiously, however much of the call was spent dealing with preliminary issues raised.

In particular, the Employer wants *Costa* to stand as a precedent based on the reasons given in that decision for factors 5, 6, 10 and 11. There was much discussion about how to present the case given that the Union has to meet its onus in any event about significant and material changes in the job. The Union confirmed throughout that we want to proceed expeditiously and based on all of the evidence. The Referee will determine this issue.

As another preliminary matter, the Union had asked that the Referee be given the opportunity to attend two worksites to see EAW working conditions. The Employer objected on the basis of setting a precedent at a formal hearing, that both parties have already done five lengthy onsites and that it is logistically difficult. In the end, it was agreed that the Union would have an opportunity to make a video at two locations that would demonstrate working conditions on the understanding that the Referee may ask for clarification of anything that she observes in the videos. We suggested Lower Mainland Call Centre and Surrey North.

We have agreed on tentative dates, with the Union sending its written arguments and evidence to the PSA and Referee by mid-July 2022. The PSA will provide its response by the end of October and the Union will send any rebuttal by the end of November. We will have five dates for hearing starting December 12, 2022, although we may not need all dates given that the submissions will be in writing. While this is a year from now, and the Union could be ready much sooner than this, it is not uncommon for arbitration dates to be set far in advance due to the availability of counsel and arbitrators. The Union has requested that the Referee confirm the dates in writing as the Union does not want any delays to disrupt the hearing dates given how long it has already taken to get to this point.

The parties will have a further case conference in January to confirm Terms of Reference and other hearing details we were unable to address in the initial case conference.

On a final note, it has been decided that Jennifer Jordan will take over handling this appeal before the Referee given that she is the subject matter expert in classifications, was present at all of the onsites and has already



worked extensively with the EAW Working Group. That Group will continue to be involved in confirming all written materials as the appeal moves forward.

We will keep you posted regarding developments.

Note - contact information for those retiring or leaving the EAW job:

Please keep the union up to date with your current contact information, particularly your personal email address which we will use to contact you should you leave the EAW position.

Frequently asked questions

As provided in earlier bulletins, here is a [Public Service Classification Appeals Information FAQs - Appeal Evaluation Issues](#) for those interested in details of the job evaluation process and timelines, and to answer some of the questions and issues raised during our worksite visits.

In solidarity,

Judy Fox-McGuire - Component 6 Vice-President
Jennifer Jordan - Staff Representative, Negotiations

JJ/bm
Moveup
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