



# POLICY PAPER

---

## **RE: SENIORITY - MERGERS**

**Adopted by Convention: November 1, 2018**

### **Reviewed by Advisory Committee:**

At MoveUP, we recognize that seniority is often used to determine someone's vacation entitlement, job placement, shift choice and other collective agreement entitlements. We also know that different employers calculate seniority differently, as well as determining start dates to initiate the calculation of seniority.

Transparency and fairness of the process is paramount.

We will not stand for, agree to or allow lists to be unfairly merged, whereupon one group is advanced or receives an advantage over another. We will not tolerate employers negotiating a reduction in seniority for any reason. We will not agree to disadvantaging any new group of members to protect existing members.

This policy lays out how seniority will be recognized, and names integrated into existing certifications at MoveUP.

#### **Start Dates:**

Should be the first day an employee joined the business, including time as a temporary employee, trainee, apprentice, intern (paid or unpaid)

Before a merger, the seniority date of each employee must be reconciled. No merger of the list can happen until the lists are 'clean' and all groups involved are clear that the lists to be used have been fairly created.

In the situation of a merger between MoveUP members and an unorganized group of employees, the provisions in the collective agreement will stand, and be used.

#### **Part Time vs. Full Time:**

Unless otherwise stipulated in the applicable collective agreement, credit for time worked will be based on full time hours. Part time employees will be prorated.

The expectation of MoveUP is that employers will provide part time hours for proration. If two organizations both recognize full credit of seniority for PT workers, that practice will not be challenged or altered for the purposes of a merger.

#### **Casual and Temporary Workers:**

Seniority for casual and temporary workers will be calculated based on the applicable collective agreement from which they come.

**MoveUP/unorganized merger:**

The rules of determining seniority will be taken from the MoveUP collective agreement and will be applied to the unorganized members.

The employer will provide start dates for all employees to be merged, their hours of work if part time, and any relevant information which could alter their seniority such as time in management, unpaid Leave of Absences or any other situations specific to the workplace.

**MoveUP/MoveUP merger:**

The applicable collective agreement will apply for confirming start dates and seniority provisions.

**MoveUP/other union merger:**

In the event one of our employers merges with another organization whose staff are represented by a different union, MoveUP will make every effort to meet with the other union. The purpose of the meeting will be to discuss the implications of the merger to the members of both union.

MoveUP's position is that we only support a dovetailing system of merging seniority, regardless of the size or perceived power of one group over the other. Similarly, the seniority lists including seniority start date, should be shared between the unions so that they can be reviewed for accuracy. All affected unions should be able to explain how they calculated the seniority dates and ensure that no one group will receive a windfall.

Ultimately, MoveUP's goal will be that at the end of the merger, no one group should be disadvantaged or advantaged over the other. The process needs to be fair and transparent to ensure integration of workers are as smooth as possible and hard feelings are minimized. This will be our goal, regardless if the merger results in the other union's members coming to MoveUP or vice versa.

In the case of multi union mergers, MoveUP will support a representation vote of the affected members from the applicable unions, allowing them to choose their successor union.

Fairness of the Process:

MoveUP does **not** support any systems which would allow one group to have a wind fall over another. We will not support concepts such as 'super seniority', end tailing of lists (one entire group or workers goes ahead of another group of workers) or weighted mergers.

*NB. Some examples of weighted mergers: when there is a group of 400 members at Employer A and 100 at Employer B. Weighting says, for every 4 members from A, we add in 1 from B. Another example is where one group of employees will get only one year of service for every 4 years of service for the other group and then lists are merged.*

**Assigning of Seniority when Start Dates are Matching:**

For some of our bargaining units, their collective agreement stipulates specifically how matching start dates are placed into seniority order. In those situations, where an unrepresented group of workers is going to merge into a MoveUP group of employees, the provisions of the applicable collective agreement will apply for start date assignment.

**New Certifications and Collective Agreements:**

Should a MoveUP collective agreement be silent on how members' start dates are assigned for workers commencing work on the same day, the following system will be used:

When there are two or more employees with the same start date, a lottery will be held between the affected members who have matching start dates. The results of the lottery will be shared with the employer and the affected employees. This process will be the

preferred method and will be included as a bargaining proposal when bargaining first time collective agreements.

For the purposes of mergers, where collective agreements are silent on how matching start dates are reconciled for order, the following system will be preferred by MoveUP:

*When there are two or more employees with the same start date, and to be sure no one worker or group of workers is weighted more than the other, a lottery will be held between the affected members who have matching start dates. For illustration purposes, the lottery will work as follows: When there are two employers involved in a merger. Employer A has 50 employees and Employer B has 4 employees with the same start date, the lottery will be two coloured balls in a bag (one red, one green). Red will be for Employer A and Green for Employer B. One ball will be drawn from a bag or box. If the first ball drawn is red, the first name on the list for Employer A will be first on the list for this group. The red ball goes back in the bag and another ball is drawn. If it is red again then the second name from Employer A is second on the list. On the third time, if the ball is green, then first name from employer B goes into the third position on the list. This is repeated until all the names are merged.*

This system eliminates the weighting of one group over the other and ensures that no one group is advantaged or disadvantaged due to the size of their membership. There will be a representative from each group present for the lottery. The results of the lottery will be provided to the employer(s) and to the affected members.