

Impacts of Bill 17 (known and anticipated impacts) for Child and Family Service agencies

I. **Pre-scheduling staff work week schedules** – is also a significant issue for agencies with regards to Bill 17. All options appear to require the staff/agency to provide a schedule in advance and to define the potential work day. For the following reasons this will be a challenge for our programs;

- Many programs have a 24/7 contractual responsibility to provide care and resources to program recipients.
- Staff who work in community based programs are able/allowed to schedule their week to meet the needs of their program recipients, their employer and also their own family needs. Staff and supervisors are reporting that the Bill 17 limits their opportunity to self-schedule their work week.
- For most of the time our staff are able to pre-schedule their work day and work weeks. However, there are times when it can be difficult or impossible to pre-schedule their work. So often this incidents require a staff to exceed their scheduled work day to meet the presenting needs of the child/family. Examples include;
 - Court ordered visits for children. These orders can be received by Children’s Services and the agencies with very little notice. If the agency does not have immediate staffing capacity to provide these services in accordance with the court order we need to schedule existing staff to meet the requirements of the order until staff can be hired, trained, etc. More and more often these orders are coming through with significant staffing hours required i.e. 20+hours/week, which is greater than a .5 FTE.

- Medical needs and emergencies, particularly if they need to seek medical attention at an Emergency Room.
- Mental Health crisis including but not limited to, suicide ideation/attempt, uncontrollable behaviours, mental health episode, police involvement, drug and alcohol induced crisis.
- Family emergencies – domestic violence, family breakdown, inaccessible parent, etc.

For many agencies the scheduling is the issue. If they must put guidelines around this then they are making very broad agreements. When is broad to broad? Usually the agency will end up in an overtime situation and must pay out time and a half, or bank time at that. The contracts with CS do not have enough funds in them to cover the requirements of the contracts. IE family support when the family requires it. Is CS undertaking to augment contracts to cover these situations? IS there another way, as staff actually like to have the flexible time but most agencies will not be able to offer that any more because of the added time

II. **Flex Time** – issues related to it being used within two weeks and calculation of flex time, regular time, and over time.

- Using Flex Time up within a two week period will be challenging and our staff report is not desirable. Staff report that they would like to use Flex Time at a time that is desirable to them and their personal/family needs.
 - **Suggestion** – allow for staff to accumulate x number of Flex Hours to use at a mutually agreed time.
- Calculating Flex Time and Over Time hours is proving to be challenging.
 - **Suggestion** – *could we not use the same 12-hour benchmark? Instead of trying to calculate up to 10 hours for Flex Time and up to 12 hours for Over Time?*
 - *Again, a fixed schedule is what is required in the legislation. Most staff in family support do not have a fixed schedule due to the nature of the work. Is there a way there can be some exemption for this type of work*

to not have a fixed schedule but rather liberal guidelines?

III. Overtime –

- The issue of paying 50% more for Over Time is a significant issue for our agency as we are unable to negotiate/implement an increase to the price of our 'product' or resource in the same way other industries are able to do so.
- It is clear that the requirements related to calculating Over Time and Flex Time will be significantly greater than previously and therefore there is a secondary financial increase to our agency. Staff, supervisors and our finance personnel are all impacted by the additional work required to track and calculate daily, weekly, 'average time', flex time and over time for staff work hours. We know it is not impossible to do this, it will however take additional staffing hours and therefore have a real financial cost to agencies in addition to the obvious.

Averaging agreements do not change the calculations we had before. All agencies who provide a 24/7 week operation have large banks of overtime already and will now have large compensation as time goes on. There are very few ways around using overtime as it is often/usually required for emergencies or when staff are sick and there is no other options. In these operations there is no way to increase the cost of the bed due to the contract so is CS preparing a submission to help compensate for this in new contracts to at least off set the future needs? How do agencies deal with their already accumulated OT that is most often taken at straight time and in flexible ways – i.e. backed up to vacation or at a future time as agreed upon?

Is there a way that we can be exempt from overtime as some other Industries are?

IV. On Call – is a significant concern for agencies and the sector

On Call is provided by fulltime front-line staff and supervisors. These people have fulltime jobs with the agency. Then on a rotating schedule they are on call for their program for after-hours and weekends. The expectation is that they are ready and able to attend any client or staff emergency. *Are we correct in understanding that on call is not considered work until they have to respond to a call?*

Knowing that every agency does this differently, agencies compensates staff with either time off later at their discretion (banked time) or with wages: For example, in one agency they are compensated 4 hours for weekend on call (Friday at 4 PM to Monday at 8:30 AM). If the on call time period was quiet and they received no calls, we anticipate that this would not have a major impact as per our understanding of the regulations.

However, the major issue related to On Call is if/when the person does receive an emergency call and needs to respond. A response to On Call ranges from a quick 'check-in' type of phone call, phone calls that involve more involved guidance, counselling, and de-escalation type conversations, up to an including meeting a family at their home, in the community or at the hospital to support. These on call work can result in a significant amount of worktime accumulating for the individual. The issues are particularly significant when:

- The staff has already worked a full day and gets a call in the evening, as most of the time, this will result in them exceeding their allowed and/or pre-scheduled hours for that day.
- The staff gets a call on the weekend that requires anything more than a 'check-in' call, as they have already worked their scheduled hours for the week.
- Although we can schedule a person to be on call we cannot pre-schedule their on call work. There is no way to predict how many hours they would work or when they would

work and the work will fall outside of their workday.

Questions:

1. *Can an agency require a staff member to provide on call?*
2. *When does an agency need to compensate for on call work?*
 - a. *To carry the phone and be on call?*
 - b. *When they respond to a call?*
 - c. *When they must leave to support?*
3. *How do we compensate staff for responding to on call duties? Does it have to be time and a half?*
4. *How do we include hours accumulated during on call into their work schedule and/or averaging agreements? Particularly as on call hours are unpredictable.*

v. Special events – On occasion agencies have the ability to provide, or are requested, to participate in an exceptional, above-and-beyond experience with our children, youth and families and/or for our staff. Such events might include;

- Trips for and with children (i.e. on-reserve events including wakes, celebrations, family visits, camping, skiing, Disney Land),
- Weekend trainings or retreats for staff,
- Travel assistance or supervised visits with a child to a distant location,
- Attendance or facilitation of Family Group Conferences or Family Find experiences.

Historically, we have allowed contracted/fulltime staff who are willing and wanting to participate in these event the opportunity to bank their time for special events and use them as additional vacation days in the future. If we hire hourly staff to attend these events, we have paid them for their time. With the Bill 17 changes we are worried we won't be able to offer or support staff to attend these.

Typically, such an event would happen Friday at 4:00 to Sunday at 4:00, which is 48 hours. Staff are asked to take some time off before or after the weekend, thus reducing the hours they accumulate. So, if a staff takes 1 or 2 days off prior to the event, they would bank either 40 or 33 hours. Under the new rules they would have to either;

- Preschedule it into their work week – which would mean that every staff member attending the event would be given 4 or 5 days off before/after the weekend event. This would be problematic as it would mean many staff would be off the job at nearly the same job and they might not be available to pre and post the event for all the required planning/debriefing that is required of any special event.
- Bank this time at 1.5 hours, resulting in staff being eligible for 50-60 hours, which is roughly equivalent to 6.5-8 days.

Question –

- 1. What is recommended way to follow Bill 17 while still providing such unique and important events to children and/or staff? Again, this is an expectation in the contract, but the compensation is not there?*

VI. Compensation for statutory holidays – Due to the compensation changes in the legislation many agencies will realize costs that they must pay that they did not before for statutory holidays for all casual and part time staff. For most group- home type agencies that have a considerable number of part time or casual staff it is a 5% increase per month. Most estimate between \$30,000.00 and \$45,000.00 added cost per year. Actual costs can be provided.

Question – these costs cannot be avoided. Is there contemplation of how that can be adjusted on the contracts. Again, the cost of a bed cannot change without contract changes and these need to be considered as agencies cannot absorb these costs?

Community-based staff – implications/ impacts

- Community staff - They fear that they will have less control to self-schedule their day/week/month and will have less ability to meet the needs of their job and their families.
- The administrative requirements to track and calculate their work hours will impede their worktime.
- Some staff would like the option to work more than 44 hours in a week for 1 employer, not less. This is particularly true for staff who choose to work for 2 or more NFP agencies.
- Some staff will be required to work fewer hours to fit within the requirements of Bill 17 averaging agreements protocols, which has a financial impact on them and their families and they are worried.
- Some staff won't be able to pick up extra work (on-call, hourly or FFS work in addition to their regular work, special events) that benefits the agency and their income.
- Staff have seen banking time as a benefit of working in the NFP agencies as they use that time for family care, added vacation etc. Most agencies will stop the practice of offering flex time.
- Some agreements that agencies have with their staff for compassionate reasons i.e. – work a few extra hours this day to be able to care for your sick parent on this day will have to stop because the flexibility is not there with the allowable hours of work. The agency can still allow that person to be off but not work extra as that turns into overtime compensation by this legislation.