

INFORMATION FOR MEMBER

Bonnie Whyte

Information given to steward

Bonnie Whyte is a Flight Services Specialist (FSS) working at the airport at Sioux Lookout. Leave denials are common because of operational requirements and understaffing.

Bonnie was awaiting approval of her request for an extended period of care and nurturing leave to look after her growing family. She was a couple of months pregnant with her second child and unfortunately, her spouse had to be away on May 13 and 14 so she needed leave to look after their one year old child. Her request for two days' leave was denied despite the availability of other staff.

Information the steward must obtain from the member

On April 15, Bonnie Whyte asked for one lieu day and one day of annual leave for May 13 and 14. The station manager, Ron Bennett, cited three reasons for the denial.

- (i) Bonnie had already been granted annual leave from April 25 to May 4;
- (ii) another employee, Doug Bowie, was scheduled for annual leave during that period; and
- (iii) routine leave requests were to be received prior to the posting (on April 8) of the shift schedule for the April 25 to June 19 period so as to eliminate unnecessary changing of scheduled days off for the other staff.

Bonnie checked the shift schedule which showed Doug Bowie as being "off" for May 13 and 14 May, not on annual leave. She spoke to Doug who said he would come in to work to cover for her if she required annual leave. Also, two other employees, W. Pidskalny and George Fraser, made similar offers. All were willing to work either on the basis of a simple exchange of rest days or for overtime compensation. She did not convey this information to the station manager.

As a result of pressure from the union, management had committed itself to minimize schedule changes and to "protect" days off contiguous to annual leave. This meant that employees who worked standard 12 hour shifts could count on being able to take a vacation utilizing days "off" which either preceded or followed days of annual leave without the risk of being called in.

There is no standard shift cycle so it is impossible to know in advance of the posting of the 56 day shift schedule just which days an employee will be working and which will be days of rest. Operational requirements at Sioux Lookout required coverage 24 hours per day. Each winter day needed 32 hours of coverage; summer was busier so shifts were organized for 36 hours of coverage. The station was slightly understaffed because, in order to maintain this level of coverage as well as meet leave requirements, it would need about one-half a person year more staff. That is, ordinary leave commitments could not be met without resorting to overtime for about half the year's operation. The station really required closer to seven FSS in the winter rather than the six it had, and closer to eight in the summer rather than the seven supplied (an extra FSS having been assigned for the busy months).

Despite the directive requiring employees to indicate their annual leave requests prior to the posting of the schedule, Bonnie thinks the collective agreement, particularly 16.04 (c) supports her entitlement to leave.

Scheduling of Vacation Leave With Pay

16.04 An employee shall take vacation leave on the basis of the schedule he is working. In scheduling vacation leave with pay to an employee the Employer shall, subject to the operational requirements of the service, make every reasonable effort:

- (a) to schedule the employee his vacation leave during the vacation year in which it is earned;*
- (b) to comply with any request made by an employee before January 31 that he be permitted to use in the following vacation year any period of vacation leave of four (4) days or more earned by him in the current year;*
- (c) to ensure that approval of an employee's request for vacation leave is not unreasonably denied;*
- (d) to schedule vacation leave on an equitable basis and when there is no conflict with the interests of the Employer or other employees, according to the wishes of the employee.*