

OSSTF/FEESO Model Language: Staffing and Job Security

LAYOFF (ED WORKER)

Updated: 2022

ISSUE: The collective agreement must ensure that layoff procedures are based upon seniority.

Unless otherwise specified, layoff based upon seniority should be on a bargaining unit wide basis. If a bargaining unit has seniority based upon job classification, the layoff procedure should provide for bumping procedures based upon seniority when ability and qualification requirements are met.

RECOMMENDED CLAUSES:

XX.01 The Employer agrees that in the event of a layoff, employees will be laid off in reverse order of seniority in the bargaining unit, and shall continue to accumulate seniority for up to two years while on layoff.

XX.02 An employee laid off in one classification will be given the opportunity of displacing an employee with less seniority in another job classification provided the senior employee has the ability and qualifications to perform the job in a manner which will not adversely affect the efficiency of the department beyond a short term familiarization period of no more than thirty (30) working days.

XX.03 Employees who bump to a position with less pay shall have their pay level frozen until the pay they would earn in the new position exceeds the amount earned in the former position.

XX.04 Employees who have changed positions under this Article shall have the right to reinstatement in their former position, if such becomes available, within two (2) years from the date of accepting the new position. The employee shall be reinstated at the salary step that would have been attained had there been no change in positions.

XX.05 Period of Redundancy – Approved Leave of Absence For Pension Purposes
Any period during which an employee is declared redundant as per the application of Article _____ shall be deemed to be an employer approved leave of absence for pension purposes. The _____ District School Board agrees to provide verification of the leave and its duration to OMERS / TPP.
NB: Collective Agreements should incorporate provisions which not only deal with layoff procedures, but also the principle and application of seniority, job security provision, recall procedures, contracting out and the use of peer tutors, co-op students and volunteers.