

The HR Space

Your weekly e-bulletin on Canadian Legal Labour Issues

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Vancouver 2010: Are you Prepared?

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With the Vancouver 2010 Olympic and Paralympic Winter Games having just begun, there will be several implications on the workplace. Past Olympic cities have reported high levels of absenteeism - both approved and unapproved - for employees wishing to attend the events, partake in the activities or volunteer. Employers outside Vancouver may face similar challenges - where employees call in “sick” in order to tune in to their favourite event. And then there are the transit disruptions in Vancouver itself – how will employers manage them, while meeting client expectations and maintaining productivity. All of this while at the same time supporting the Olympic Spirit! The following outlines how Vancouver employers are handling, and how other cities have handled, these challenges.

Employees’ Participation in the Vancouver Olympics

Special “once in a lifetime” programs have been designed by some employers in Vancouver to allow staff to participate or volunteer with the Vancouver Olympic Committee (VANOC).

Though employment standards legislation does not specify that a leave of absence may be taken for special events such as the Olympic Games, many employers have

inserted “special event” provisions in their employment contracts, workplace policies or collective agreements.

Examples of special programs and leaves of absence include:

- an employee “loan” program developed by VANOC, whereby employers seconded their staff to VANOC for 8 weeks to 4 months. Employers were responsible for paying employees as though they were at work and in exchange, obtained the promised return of an “engaged and energized employee”;
- partially paid leaves of absence in order to encourage employees to volunteer for VANOC. For instance, the BC government established a program which grants their employees 15 days away from work with 1 week of pay. Employees are also allowed to make use of a vacation time bonus; every 2 days spent volunteering will result in a deduction of only 1 vacation day;
- subject to some statutory limits, employers generally have the ability to require employees to take their vacation during the Olympics; and
- unpaid leaves of absence, so long as permission is first obtained from the employer.

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Challenges faced by Employers

Even with these types of special programs, employers have to consider the following:

- employee absenteeism and the engagement of employees;
- determining whether a temporary closure of their business for the duration of the Olympics is appropriate;
- implementing modified hours of work, while being mindful of statutory requirements such as the payment of overtime and consultation with unions;
- dealing with an increased demand for workers (particularly in the service and hospitality industries) and the recruitment of temporary employees; and
- backlash from employees who are not offered paid leave while their counterparts at other workplaces are.

Disciplinary Action by Employers

And what if your employees miss work without authorization – can you fire them? The caselaw is mixed.

One Canadian arbitration case, [*Veltri Glencoe Ltd. and U.A.W., Local 251*](#), involved a unionized employee who was fired after he failed to attend work without permission. Instead of being at work, he was in his vehicle listening to a hockey game on the radio. Though his conduct did not justify dismissal, there was just cause for discipline and the company did not have to pay him for time which was not worked.

Similarly, in [*Air Canada and C.U.P.E.*](#), a flight attendant failed to attend work on several occasions because he was out partying the night before.

Through 4 missed flights the grievor received progressive discipline of 1, 7 and 14 day suspensions and a warning that further incidents would result in more severe disciplinary action including potential discharge. On the 5th instance the flight attendant was dismissed with cause. In that case, the arbitrator said there was cause for termination.

Avoiding Bad Precedents

Though difficult to eliminate employee absenteeism entirely, employers should have established and communicated a specific “Olympic Policy” setting out:

- their expectations for employees;
- modified terms of employment; and
- the consequences for unauthorized absences from work.

Employers should have established flexible working hours and, at times, have employees work remotely. Engaging employees in the workplace will further minimize employee absenteeism. This may include setting up a television that can be accessed by employees over their lunch break to view events or organizing Olympic-themed team building activities. Employees will be less likely to skip work if they feel their work environment is infused with the “Olympic Spirit”.

For more information on the subject of this bulletin, please contact the authors.

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