Implementation Memo – Article 27.5.3(b) (Per MOA signed February 7, 2024)

This document is intended to assist employees and managers in determining whether a temporary employee is eligible for a long term contract. Article 27.5.3(b) reads as follows:

> *In cases where a temporary employee is hired on a continuous basis for twenty-four (24) months in multiple positions, the Corporation and the Union will review the situation at the appropriate committee to see if there is a foreseeable pattern of work. Where that is the case, the employee will be hired on a contract for up to one (1) year. There is the possibility of renewal presuming the work continues.*

The new contract language in Article 27.5.3(b) provides a pathway for temporary employees who continuously work multiple positions to become a long-term contract employee after 24 months of continuous work.

Intent of Language

The aim of the article is to give a more predictable status and a potential pathway to permanence to temporary employees.

The appropriate committee, composed of Corporation and Union representatives, will review the status of a temporary employee if the following criteria are met:

1. The employee is a short-term or a long-term temporary employee;
2. The employee has worked continuously in multiple positions for a period of at least 24 months;
    a. The use of “continuous basis” was drawn directly from the existing language in Article 27.5.3(a) meaning that the interpretation and application of that definition would also apply to this new article;
    b. In instances where the employee was engaged to backfill multiple positions as a long-term temp within a continuous 24-month period, this period will be taken into consideration when reviewing their eligibility to be hired on a contract, assuming all other criteria are met.

The committee will consider the following criteria when reviewing an employee’s status and consideration for a contract of up to one year under Article 27.5.3(b):

1. The employee has a foreseeable pattern of work;
2. Based on the discussions at bargaining, a “foreseeable pattern of work” is equivalent to ongoing work. More specifically, it means a predictable schedule or sequence of work that can be reasonably expected to continue." In other words, ongoing work is ongoing work, whether in more than one position or not.

Employees eligible to get their statuses reviewed include but are not limited to the following examples:

- A temporary employee has worked continuously as a Senior Writer and as an Associate Producer for 24 months. The committee directs the Corporation to offer a contract of up to one year to that employee if the work performed by that person will be needed for operational purposes in the foreseeable future. The contract of up to one year will be renewed by management if the work continues to be needed.
- A temporary employee works three days a week as a Reporter / Editor and two days as an Associate Producer. This pattern is expected to continue for the foreseeable future.

What if the employee has been continuously employed in only one position?

In accordance with Article 27.5.3, long-term temporary employees who have been employed on a continuous basis in the same position for 18 months (24 months in the case of Long-Term Disability) or more will be converted to permanent status.

Are employees who work in two different departments eligible for contracts?

Employees who work for two different programs or two different managers could meet the criteria for a contract of up to one year. Each employee will be reviewed on a case-by-case basis.

What classification is used for contract employees under this criteria?

Employees will be hired on a contract of up to one year based on the classification they perform the majority of the time.