

MEMBER HANDBOOK

HOME AND YOUTH CARE



NAPE

Newfoundland and Labrador Association of Public and Private Employees

My Local Number

My Shop Steward

My Local President

My Provincial Board Member

CONTACTING NAPE STAFF

If you are unable to contact your Shop Steward, reach out to the nearest NAPE office and ask to speak with the Staff Rep assigned to Home and Youth Care.

Eastern

330 Portugal Cove Place
St. John's, NL
709-754-0700
1-800-563-4442

Central

15 Hardy Avenue
Grand Falls-Windsor, NL
709-489-6619
1-800-563-1050

Western

6 Grenfell Drive
Corner Brook, NL
709-639-8483
1-800-563-9343

GETTING HELP

Visit [Bridgethegapp.ca](https://www.bridgethegapp.ca) to find local supports and links to online resources.

The following helplines are also available:

- **Doorways Walk-In Counselling** –
(709) 752-4903 (Weekdays – Call for hours)
- **Mental Health Crisis Line – Call 811 | Crisis Text Line:**
Text “TALK” to 686868 (24/7 support)
- **WarmLine Peer Support** –
1-855-753-2560 (10am-12am midnight / 7 days a week)
- **NL HealthLine** – Call 811 (24/7 support)
- **2SLGBTQIA+ Warm Line** –
Call or Text 1-866-230-8041
(Weekdays 6pm-12am / Weekends 3pm-12am)
- **Domestic Violence Help Line** –
Call or Text 1-888-709-7090 (24/7 support)
- **Provincial Opioid Toll-Free Line** – 1-844-752-3588
- **Gambling Help Line** – 1-888-899-4357
- **Sexual Assault Support Line** – 1-800-726-2743 (24/7 support)
- **First Nations and Inuit Hope for Wellness Help Line** –
1-855-242-3310
- **Wellness Together (Health Canada)** –
1-866-585-0445 (24/7 free counselling)

HOME AND YOUTH CARE AGENCIES ORGANIZED BY NAPE

A Better Living Home Care Ltd.*
All Care Home Support Ltd.*
Angels Touch Home Care
Best of Care Ltd.
Bettercare Home Care*
Blue Sky Family Care Ltd.*
Caregivers
Caring Hands Home Care Inc.
Comfort Homecare Inc.*
Compassion HomeCare Inc.*
Exploits Homecare Agency
Helping Hands Homecare Services Ltd.*
Home Sweet Home Care Agency
Horwood's Home & Community Support Services Inc.*
In Home Health Care Services Ltd.*
Loving Hands Home Care Services Ltd.*
Maximum Home Support Service Inc.*
Momentum Development Support
Notre Dame Compassionate Care Inc.*
Provincial Home Care Central*
Provincial Home Care*
Quality Home Care Services Inc.*
Rosemore Homecare Services*
Serenity Nursing and Home Support Services*
South Coast Home Care
Tender Loving Care (TLC)
The Best of Care Ltd.*
Total Care Nursing in the Home Services Ltd.*

* Part of the Group of 19

Accurate as of 2023 05 23

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MESSAGE FROM NAPE PRESIDENT JERRY EARLE



In 2002, NAPE first began organizing home care workers. Today, NAPE represents more than four thousand home care and youth care workers employed by twenty-nine agencies across the province.

Since those early days, home care workers have made significant progress at the bargaining table.

Before joining together, home care workers were paid the minimum wage (about \$7 an hour at the time). Home care workers now have the protection of their union, they have the right to representation from their union when dealing with the employer, they have a collective agreement that lays out the terms of their work, they have access to union staff who can support them and answer their questions, and they have a collective voice. Every single item in your collective agreement was fought for and won by your union and your bargaining teams over the years.

We've included home care workers in just about every ad campaign NAPE has run since my election. And we ran an extensive campaign, 'Home Care – Our Best Choice' dedicated entirely to home and youth care workers.

But there's still so much to do. Never was that clearer than when we talked to home care employers and the government during the pandemic. We stressed the front-line nature of the work you do and

the risks you are exposed to. Yet it was a battle to obtain even the most basic of personal protective equipment for you.

As home and youth care workers, you also face a particular challenge because you don't share a common workplace. Instead, your workplaces are the homes of your clients. That makes it hard for home care workers to form a relationship with NAPE shop stewards and Local executives. That lack of access to shop stewards and Local executive members is one of the reasons we developed this handbook, particularly for home care and youth care workers.

NAPE members who work in home care and youth care have NAPE staff members dedicated to your needs and issues. These staff members also help negotiate your contracts.

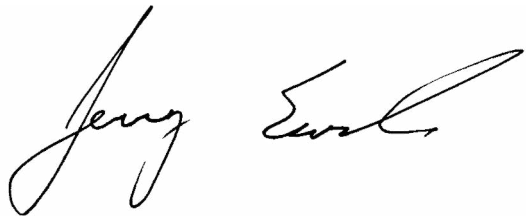
Your union understands that there's still a ways to go to ensure our members in home care have the benefits and protections you deserve. The need to increase awareness of the important work you do is why NAPE decided to create a special day in October to recognize and celebrate home care workers. We believe this is a first in Canada.

As a union, we are committed to improving the lives of home care workers.

Where would our union, our families, and our province be without you?

Together we will continue to advance the cause of home and youth care workers. Together we will push for the benefits, protections, recognition, and supports that you need and deserve.

In solidarity,

A handwritten signature in black ink, appearing to read "Jerry Earle". The signature is fluid and cursive, with the first name "Jerry" being larger and more prominent than the last name "Earle".

Jerry Earle
NAPE President

Know Your Union

THE POWER OF YOUR UNION



NAPE, the Newfoundland and Labrador Association of Public and Private Employees, is your union. It is the bargaining agent for the home care agency that employs you. When you went to work for this agency, NAPE automatically became your union.

As a member of NAPE, you are part of the largest union in the province. NAPE represents roughly 30,000 working people in this province. Within NAPE, you belong to a bargaining unit that's made up of the all the unionized employees – home care workers and youth care workers – who work for the home care agency that employs you.

You are also part of a NAPE Local. Most NAPE Locals are made up of people in the same bargaining unit who work in the same workplace. Home care Locals are special. They are made up of home care and youth care workers in the same geographical area since home care workers and youth care workers work in their clients' homes and don't have a workplace where they report for work. Each NAPE Local has a unique number.

NAPE is your bargaining agent. That means it negotiates your contract with your employer. Your contract protects your rights. It sets out important things like your rate of pay, hours of work, scheduling, overtime, job security, vacations, etc., that make up your working conditions.

NAPE is also there to help enforce your contract and to defend you if you get in trouble at work.

NAPE's 30,000 members work for many different employers. More than 4,000 of our members work in home care. All of you belong to NAPE's Home Care Component.

NAPE holds conferences just for home care workers. Representatives from every home care Local attend to talk about your issues.

All 30,000 NAPE members share resources. When something goes wrong, NAPE members have the strength of 30,000 people behind them.

THE UNION ADVANTAGE

What are the advantages of being a union member?

Higher wages. On average, unionized workers across Canada earn \$5.14 an hour more than non-union workers. Women in unions earn more too (\$6.88 an hour) and get paid more fairly. Workers under age 25 earn an extra 26% from jobs covered by a union contract.

Job security. Union membership provides protection in the form of seniority. It means employers can't play favorites when it comes to giving hours, awarding promotions, or laying people off.

Protection. Unions defend their contracts and protect their members if they are disciplined or fired. Union members have experienced professional staff and trained volunteers to protect their rights.

Health and safety. Unions fight for things like personal protective equipment. Union members are more likely to report unsafe working conditions and injuries on the job because of union education. Unionized workplaces are safer workplaces.

Training and education. Training and education is a major priority for unions. It is included as a requirement in union contracts and also extensively provided by unions themselves.

Advocacy. Unions have paved the way in improving working conditions for all workers, levelling the playing field so that non-union employers have to compete with them to attract workers.

Democracy. Union members democratically elect their leaders, who are then responsible for advocating for the good of the members. In unions, elected leaders serve for a set term and are always accountable to the membership they represent. Unions are governed by clear constitutions, bylaws, and other rules. These documents are accessible to members and can be changed by the membership at regularly held conventions or meetings. Contracts are always voted on by the members – and every vote is equal.

NAPE SERVICES

NAPE offers the following services to its members:

- professional staff to help members deal with problems in the workplace
- skilled negotiators to bargain your contract
- a lawyer on staff to protect you and your rights in the workplace
- a dedicated Workers' Compensation, Benefits & Accommodations Officer to help members who are injured on the job
- communications and campaigns to make sure members know what's going on – and to win public support for your issues
- three office locations to better serve members across the province: St. John's, Grand Falls-Windsor, and Corner Brook
- bursaries for members who are upgrading their education to help keep their jobs to get a different job in a NAPE bargaining unit
- scholarships for members' dependent children
- a comprehensive education program to help members know their rights, defend themselves and each other, and develop skills to be leaders within our union

- the Advantage Program, which provides NAPE members with discounts on goods and services
- the Step-Up Awards, which recognize NAPE members who volunteer – either as union activists or in the community
- A healthy defense fund to be used in case of a strike

YOUR MEMBERSHIP CARD



Your membership card is

- your proof of membership
- what allows you to vote on contracts, strike votes, and NAPE elections
- how the union gets your up-to-date contact and employment information

That's why it's important to apply for your membership card. You can apply or update your information

online at <https://www.nape.ca/member-services/nape-membership-card-application/>. Or you can call NAPE office at 754-0700 or 1-800-563-4442.

GETTING HELP

Say something bad happens at work. You don't get paid properly. Your hours are cut unfairly. Or you get bullied, harassed, or attacked at work. Maybe you got fired or laid off. There are a number of people you can reach out to for help.

Home care workers typically work in clients' homes. You don't share a common workplace with other NAPE members. So many home care workers don't know their workplace representatives – their shop stewards and the members of their Local Executive. Contracts provide a short timeframe for filing a complaint when employers break the contract. But there is one group that's easy for home care workers to find.

There are NAPE staff members whose job it is to handle the needs of home care workers. You can find their names and contact information at the front of this handbook. Don't hesitate to reach out to NAPE staff. They are workers just like you, and it's their job to help you.

In many of the home care agencies where workers are represented by NAPE, there are specially trained union members who have volunteered to represent the union in the workplace.

Your Shop Steward is a NAPE member like you. They work for the same employer as you do. They have been trained by the union to help you when something bad happens in the workplace.

Your Local Executive are also NAPE members who work for the same employer as you do. If you can't find your Shop Steward, or your Shop Steward couldn't help you, reach out to a member of your Local Executive, starting with your Local President.

Never delay reporting a violation of your contract because you can't contact your Shop Steward or Local Executive.

Your Home Care Component Board Member is your voice on NAPE's provincial Board of Directors. They are elected by home care workers. Your Home Care Component Board member is also there to help you.

You can get contact information on NAPE's website – nape.ca – or by calling either of the NAPE offices listed on the back cover of this handbook.

GETTING NEWS FROM YOUR UNION

To get the latest union news, follow NAPE on Facebook here. <https://www.facebook.com/NAPENL>

NAPE also has a Facebook page just for home care workers. You can find it here. <https://www.facebook.com/NAPEHomeCare>

You can also follow NAPE on Instagram: <https://www.instagram.com/napel/>

NAPE's website also has lots of useful information, including how to contact staff and members of the Provincial Board of Directors. You can view or download a copy of your contract. Apply for a membership card or update your contact information. Find forms and publications. Apply for bursaries or scholarships. Check out the member discount program. And a host of other things. You can find it here. <https://www.nape.ca/>

And if NAPE has your current email address, NAPE will send information right to your inbox. See the section 'Your Membership Card' to find out how to make sure NAPE has your up-to-date contact information.

You can download the NAPE app from the Apple Store or Google Play and get alerts and important notifications sent right to your phone.

UNION DUES

Your NAPE dues are 1.5% of your earnings, with a minimum of \$4 bi-weekly. They are among the lowest union dues in the country. Your employer automatically deducts your dues from your pay cheque and sends them to NAPE.

HOW CAN I GET INVOLVED IN MY UNION?



Most NAPE members who become involved in their union start at the Local level. Locals need volunteers to fill the roles of President, Secretary, and Treasurer. It also needs Shop Stewards.

Each Local sends a representative to NAPE's conferences and conventions to speak up on behalf of Local members and to learn about the union.

People who choose to take on leadership roles in their Local are given time off work with pay to receive the special training they need to carry out their roles in the Local.

Locals aren't all work. NAPE provides funding to every NAPE Local. Most Locals use this funding to organize social events, like Christmas parties!

There are lots of ways to get involved in your union. The first step is to attend your Local meetings – or talk to your Shop Steward. Don't know who to talk to? Contact the Home Care Component Board Member. Their contact information is on NAPE's website – or you can call NAPE office at 1-800-563-4442 and ask for it!

Your Contract

Currently 19 of the 29 NAPE home care agencies have the same contract. NAPE's goal is to have all the home care workers it represents covered by a single contract.

READ YOUR CONTRACT!

A contract is a rule book that governs how an employer and the union members who work for that employer behave. It also governs how the union behaves. NAPE has contracts with 28 home care agencies. Your contract, also called a collective agreement, protects your rights. It sets out important things like how much you get paid, hours of work, overtime, holidays, benefits, sick days, etc. You can find a copy of your contract on NAPE's website here <https://www.nape.ca/member-services/collective-agreements/> or on the NAPE app. Just search for your employer's name. You can also call one of the NAPE offices listed on the back cover and ask to have a copy emailed or mailed to you.

Take the time to read your contract. And if there's anything you don't understand – ask your Shop Steward!

HOW YOUR CONTRACT IS NEGOTIATED

Your contract protects your rights. It sets out important things like your rate of pay, benefits, and working conditions. Contracts usually cover a period from 2 to 4 years. When your contract is close to expiring, you will be invited to attend a union meeting. At the meeting everyone can suggest what they'd like to see included in the next contract. Then you vote on those suggestions as a group. You also get to elect the members of your negotiating team. There will also be a NAPE staff member assigned to help your negotiating team.

Your negotiating team gets together and comes up with a proposal for your employer that outlines the changes they want made to the contract based on the suggestions that were voted on and passed at the union meeting. Your employer also has a team, and they do the same thing. The two sides exchange proposals, and then they negotiate back and forth until they come up with something called a tentative agreement. The tentative agreement is the very best deal the members of your negotiating team feel they can get with your employer. You and all the other members of your bargaining unit get to vote to accept or reject the tentative agreement.

Sometimes the two sides just can't reach an agreement. Often an impartial conciliator or mediator is brought in to help. When all else fails, the union may conduct a strike vote. Sometimes doing that can help move negotiations along. If negotiations fail, and the members of your bargaining unit vote in favour of a strike, you may end up going on strike. The right to strike legally is a right only unionized workers have.

Almost all NAPE contracts are successfully negotiated. It is very uncommon for NAPE members to go on strike. When NAPE members do go on strike, they receive help from NAPE including strike pay.

There are a number of home care bargaining units that bargain together. While NAPE encourages all employers to be part of this group, we can't force them to do that. Some agencies prefer to bargain on their own or as part of a smaller group.

Members often ask why they don't hear more from the union during negotiations. NAPE has learned that the negotiations process works best when both the union and the employer keep what is said at the bargaining table at the bargaining table. In part that is because during the negotiations process, things can change very quickly. Most other unions say the same thing. It is also true that sometimes employers drag out the negotiations process by delays. During such delays, there is nothing for the union to tell members.

WHAT IS SENIORITY?

Seniority is a union right. In home care, seniority is determined based on date of hire. Once or twice a year, depending on your contract, your employer is required to provide the union with a seniority list. Your employer must use the seniority list within your bargaining unit when determining things like who gets extra hours of work, who gets recalled from layoff first, and who gets promoted. Seniority cannot be transferred from one home care agency to another.

TROUBLE AT WORK

YOUR CLIENTS ARE NOT YOUR EMPLOYER

Often home care workers work for the same client for years. It's easy to become attached to such clients. Sometimes that makes it hard to remember that the home care agency is your employer – not the client. It is the agency that assigns your duties, hours of work, etc. If you try to do what the client wants and not what the agency wants, it can lead to trouble.

FILING A GRIEVANCE

When you believe your employer isn't following the contract, you should file a grievance. A grievance is a complaint, in writing, arising out of the interpretation, application, administration, or alleged violation of your collective agreement. A grievance is not a complaint against a fellow employee, and it is not a complaint that you simply don't like something at work.

If you need to file a grievance, or you just want more information about your contract, talk to your shop steward or contact one of the 3 NAPE offices listed on the back of this handbook.

Most home care contracts allow 5 days to file a grievance after the circumstances that led to the grievance took place OR after the member becomes aware of the circumstances that led to the grievance.

Most times, a phone call from the union is all that is needed to get things straightened out.

You are entitled to have a staff servicing rep represent you at any stage of the grievance process.

Your employer is not allowed to give you a hard time for filing a grievance.

YOU'RE FIRED, SUSPENDED, OR FACING OTHER DISCIPLINE

If you are asked to attend a meeting with your employer where the employer intends to discharge (fire) you, suspend you, or give you a written warning or talk about something for which some level of written warning is being considered, you have the right to be accompanied by a Shop Steward. It is your responsibility to ask the Shop Steward to attend the meeting with you. If you are called into a meeting with the employer and discover that it is a disciplinary meeting, you are entitled to ask your employer to stop the meeting so that you can have a Shop Steward present.

INCOMPATIBILITY OF A MEMBER AND CLIENT



In home care, it is recognized that the client has the right to say that they are incompatible with an individual home care worker. In situations where it is determined that a member and a client are incompatible, the employer and the member will discuss the cause(s) of the incompatibility to determine if the situation can be resolved. If necessary, the employer and NAPE will explore the availability of alternate work for the member who's affected. During such discussions, members may be accompanied by a NAPE representative. If alternate work is not available, the member will be placed on the recall list according to their seniority.

DISCRIMINATION

Under the NL Human Rights Act, discrimination is prohibited in every aspect of employment including: advertising, applications, interviews, hiring, wages, benefits, conditions of employment, promotion, and dismissal. The Act prohibits discrimination on the basis of race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income, and political opinion. Employers are also prohibited from discriminating against employees (or potential employees) because of a criminal conviction that is unrelated to the employment, or the fact that an individual's wages are (or have been) subject to attachment / garnishment, etc.

Your contract also protects against discrimination by your employer based on your membership or activity in the union.

It is not necessary for someone to intend to discriminate against you. What counts is whether or not the unfair treatment had a significant impact on you.

HARASSMENT

Your employer is required to make sure you work in an environment that is free from harassment.

Harassment is a form of discrimination. It happens when a person experiences unwanted and offensive comments and / or conduct because of their personal characteristics. Harassment can include inappropriate comments, jokes, insults, or name-calling. It can be spreading malicious gossip or rumours. It can also be inappropriate communication through email, social media, or texts directed at a person because of their race, colour, sex or gender, sexual orientation, etc.

Generally, harassment involves a series of incidents. Serious or extreme one-time incidents can also sometimes be considered harassment.

SEXUAL HARASSMENT

Sexual harassment is conduct or comments of a sexually oriented or gender-oriented nature based on gender expression, gender identity, sex, or sexual identity by someone who knows or ought reasonably to know that such conduct or comments are unwelcome or unwanted.

Some examples of sexual harassment include:

- Sexual invitations or requests
- Sexual assault
- Photographing or videotaping another person's body without consent
- Demands for sexual favours
- Staring or leering at a person's body
- Sexual orientation discrimination
- Remarks or verbal abuse of a sexual nature
- Homophobic / transphobic / biphobic comments
- Unwanted sexting
- Touching a person's body without consent
- Harassment based on gender identity or expression
- The promise of a benefit or threat of removal of a benefit, tied to a sexual request
- Threats of a sexual nature
- Displays of visual images deemed to be offensive or degrading
- Any repeated sexual comments or conduct, looks, suggestions, or physical contact that creates a negative, hostile, or offensive work environment

Youth Care Workers

ROLE OF THE YOUTH CARE WORKER



The youth care worker classification evolved from the home care sector in response to the needs of children and families in crisis.

Youth care workers provide specialized services to children and youth in residential care settings. Most of these children and youth have been put in residential care at the direction of the courts under the Children, Youth and Families Act for their well-being and protection.

While the work is rewarding, it can be very stressful as youth care workers often experience confrontation and are frequently called on to deal with the unexpected. Burnout is common resulting in high use of sick leave and frequent turnover of staff. Clients cannot be left alone. That means youth care workers are frequently required to work 24-hour and occasionally even 36-hour shifts because a co-worker has called in sick or has quit, and the agency has no one available to relieve them.

Youth care workers carry out many parental functions in support of their clients. This can include driving clients to school, helping with homework, cooking meals, doing laundry, overseeing personal hygiene, etc.

As a youth care worker, you play a valuable role in the lives of your clients. You are there to listen and to help them make good decisions and get their lives back on the right track.

COMPLAINTS AGAINST YOUTH CARE WORKERS

If a client lays a complaint about mistreatment against you or discloses information about alleged maltreatment by you to a social worker, CSSD (Child, Seniors, and Social Development) will launch an investigation. Thanks to new language negotiated in your contract, your employer is required to inform NAPE about the investigation immediately.

Once an investigation starts, you will immediately be removed from your job. And unless your employer can find alternate work for you that doesn't involve working with youth, you will be issued an ROE (record of employment). You will have no work and no pay.

CSSD has 60 days to complete an investigation for maltreatment. This will include talking to your co-workers. If the behaviour under investigation is criminal, the RNC or RCMP will become involved. If the investigation finds you behaved improperly, even if the behaviour isn't criminal, you will be deemed unsuitable to work with youth, and you will be dismissed.

Your Safety

SAFETY ON THE JOB



Your employer is responsible for developing, maintaining, and communicating to you the policies and procedures they have developed to improve the safety of the home care workers they employ. They must ensure home care workers are familiar with policies and procedures to deal with unexpected and emergency situations in clients' homes.

YOUR RIGHT TO REFUSE UNSAFE WORK

In Newfoundland and Labrador, the provincial Occupational Health and Safety Act gives you the right to refuse unsafe work.

Work is unsafe when there are reasonable grounds to believe the work, tool, or equipment is dangerous to you or another worker's health and safety.

If you believe you are being asked to do work that is unsafe, there is a 3-step process to follow.

STEP 1:

Report the situation immediately to the agency outlining the precise conditions for your refusal to work.

If the matter is resolved to your satisfaction by the employer, you must return to work. If the matter is not resolved to your satisfaction, you should proceed to Step 2.

STEP 2:

Report the situation to a member of the Occupational Health and Safety Committee or your Worker Health and Safety Representative for investigation. If you don't know who that is, call NAPE office, 1-800-563-4442, for assistance.

If the matter is not resolved to your satisfaction by the Occupational Health and Safety Committee or the Worker Health and Safety Representative, you should proceed to Step 3.

STEP 3:

Report the situation to the Occupational Health and Safety Division of the Department of Government Services for information and follow-up. You can do that by calling 1-800- 563-5471. An Occupational Health and Safety Officer will investigate.

Pending the results, they will advise you whether or not to return to work.

While the matter is under investigation, your employer is allowed to assign you other work. That work must be reasonably equivalent to your normal work.

Your employer must pay you the same wages or salary and give you the same benefits you would have received for your normal work.

When a worker exercises their right to refuse unsafe work, the employer can only assign the work to another worker if the substitute worker has been informed of the prior refusal and the reason for that refusal.

Workers must not abuse their right to refuse unsafe work.

In order to refuse to work, a worker must be in the workplace and familiar with the alleged hazards. A worker cannot refuse unsafe work on behalf of someone else.

WHAT TO DO IF YOU'RE INJURED AT WORK



If you're injured on the job, that's a workplace injury, and it requires medical attention. If you have a workplace injury, you may or may not need to take time off work. Being injured on the job does not automatically mean you will receive workers' compensation benefits.

Here's what to do if you're injured on the job.

1. Remove yourself from danger. If there's any risk of neck or back injury, or of electrical shock, you may need help from first responders to do this safely. So call 911.
2. If the injuries are obviously serious, you should also call 911 and arrange immediate transportation to the nearest medical facility.

3. If you feel you are unable to continue working, you should seek medical assistance immediately. Workers' Compensation recognizes the following 3 health care providers' Report of Injury: the Physician's Report form MD, the Chiropractor's Report Form 8/10c, and / or the Physiotherapy Report Form PR. In order to be entitled to wage loss benefits under Workers' Compensation, you cannot decide to stop working yourself. Only a health care provider can remove you from work.
4. You must report your workplace injury to your employer. Your employer has 3 days to complete an Employer's Report of Injury (Form 7) and submit it to Workplace NL.
5. Once you have seen a health care provider and / or if you are going to lose time from work, you must complete and file a Form 6, Injured Workers' Report of Injury, with Workplace NL. Your employer can provide you with this form.

It is important to provide as much information as possible, including the names of any witnesses. Ensure your full name, mailing address, date of birth, MCP number, and SIN are correct before signing the form. Any delay in submitting the Form 6 to Workplace NL may result in a delay in processing of your claim.

If you are unable to complete the Form 6 yourself, ask someone you trust – a family member, a friend, a co-worker, an Occupational Health and Safety representative, or a NAPE representative – for help. As well, the Newfoundland and Labrador Federation of Labour has Workers' Advisors available to provide assistance on anything relating to Workers' Compensation. You can contact them at 709-754-1660.

If your Form 6 isn't received within three months of your injury, Workplace NL may reject your claim.

6. Your health care provider's Report of Injury must be forwarded to Workplace NL before any decision is made on your claim. Your doctor will give you two copies of your MD form – one for the employer and one for your records. The two copies are different – the employer's copy does not have as much medical information as your own copy. The employer must receive their copy by the next working day.

WHAT TO DO IF YOU MISS WORK

INJURY + WORK = MISSED TIME

If you miss work because of a work-related injury other than on the day the injury happened, you are required to file a claim with Workplace NL to access workers' compensation benefits. Your employer won't pay your salary. You also won't be able to access your sick leave to cover time off work due to a work-related injury.

To decide if you qualify for compensation, Workplace NL reviews your Form 6, your employer's Form 7, and your health care provider's report of injury.

Workplace NL will notify you in writing whether your claim has been accepted or rejected. If your claim is rejected, the letter will also tell you how to appeal the decision.

If your claim is accepted, work with your employer and health care provider on your early-and-safe return-to-work plan. Workplace NL may assign a case manager to help direct your medical treatment and assist in your safe return to work.

You may bring a family member, friend, or a workers' advisor to meetings at Workplace NL. You are also entitled to consult a NAPE representative.

WHAT IF MY INJURY FLARES UP?



If you recover and / or return to work and your injury flares up, that's called a recurrence. You should report a recurrence to your employer immediately, including as much detail as possible.

To apply for a recurrence review, send a new Form 6 to Workplace NL. Your employer must send a new Form 7, and your health care provider must submit a new report of injury.

Claims for recurrences are often rejected. You have 30 days to appeal. NAPE has a lot of success with such appeals, and we encourage members who have had claims for a recurrence rejected to contact NAPE's St. John's office at 754-0700 or 1-800-563-4442 as soon as possible.

NAPE has a Workers' Compensation, Benefits and Accommodations Officer on staff who can help with your questions.

Nobody wants to be injured on the job. But if you have an accident at work, you have rights. It's important to know these rights and to put them to work for you.

DEALING WITH WORKPLACE VIOLENCE

You have the right to a safe workplace, free of violence.

Workplace violence includes homicide, rape, spitting, grabbing, striking, punching, squeezing or pinching, shoving, slapping, hitting, hair pulling, scratching, biting, arm twisting, kicking, and attacking with any type of weapon. It also includes threatening statements or behaviour. Workplace violence includes worker-on-worker violence.

Regulations require employers to inform workers who may be exposed to the risk of violence about the nature of the risk and the precautions that should be taken.

If a person has a history of violent behavior, this must be revealed to workers who are likely to encounter that person on the job.

The following factors are among those often associated with workplace violence – working alone, working in a client's home, and working with people whose mental health makes their behaviour unpredictable. These are all situations common for home care workers.

WHAT TO DO DURING A VIOLENT INCIDENT

1. Remove yourself from the violent situation.
2. Call the police.
3. Call for medical assistance if you are seriously injured.
4. Tell your employer what happened.

Your employer is responsible for training you how to protect yourself from violence.

Your employer is responsible for recording details of incidents of workplace violence (date, time, location, victim, perpetrator, witnesses, what happened, and follow up).

Your employer should investigate the incident to determine what caused it. They should also come up with a plan to prevent it from happening again. This process should involve your Occupational Health & Safety (OHS) representative.

Your employer should tell you how they intend to prevent similar incidents from happening again. If they don't, contact your NAPE Shop Steward or staff rep.

PROTECTIVE CLOTHING / EQUIPMENT (PPE)



Your employer is required to provide you with gloves where needed at no cost to you. During the COVID-19 pandemic, the provincial government is responsible for providing home care agencies with masks, face shields, and gowns. It is your employer's responsibility to make sure you get them.

Know Your Rights

PROBATIONARY PERIOD

Every new employee serves what is called a probationary period. Your contract sets out how long you must work before you're no longer considered a probationary employee. Employers can dismiss probationary employees without notice or cause. NAPE has no power to defend a probationary employee against dismissal.

HOURS OF WORK

Your employer is required to provide you with eight consecutive hours off work in each unbroken twenty-four-hour period.

OVERTIME

Time worked in excess of 40 hours a week is considered overtime. An employee and an employer may agree, however, that the employee can work more than 40 hours in a week and not receive overtime by spreading the hours worked over a two-week period. All time worked in excess of 80 hours in a two-week period must be treated as overtime and paid accordingly. All overtime worked must be approved by your employer in advance. Overtime is paid at 1.5 times your regular rate of pay.

MINIMUM LENGTH OF SHIFT

You are not required to accept a shift that is shorter than three hours. You can, however, choose to accept a shorter shift.

DAY OF REST

Under the provincial Labour Standards Act, all workers are entitled to 1 full 24-hour day off in each 7-day period.

VACATION PAY

Employees earn vacation pay every week. The provincial Labour Standards Act requires that vacation pay be a minimum of 4% of wages. Depending on how many hours you have worked, you may be entitled to a minimum two-week vacation after 12 months of continuous employment with the same employer. Check your contract to determine your actual rate of vacation pay and your entitlement to paid vacation.

PAID HOLIDAYS

Home care workers receive the following paid holidays – two more than is required under the provincial Labour Standards Act:

- New Year's Day
- Good Friday
- Victoria Day
- Memorial Day (Canada Day)
- Labour Day
- Thanksgiving Day
- Remembrance Day
- Christmas Day

DRIVING A CLIENT

Each home care agency has its own policy on driving clients. You should check with your agency to see if you are permitted to drive your client or even run errands for your client. Some agencies allow it, while others don't.

If the agency allows you to drive your client or run errands for your client, ask yourself the following questions. If I have an accident with my client in the car, who is liable? Will my agency support me? Will my insurance company penalize me for driving while working without coverage for business use of my car? Who is responsible for paying for insurance for business use of my car? Who will cover the cost of the gas I burn?

Please check your contract! The language is very clear: "when in the course of their duty, an employee is required to travel on the employer's business as required by the employer." Your client is NOT your employer – the agency is!

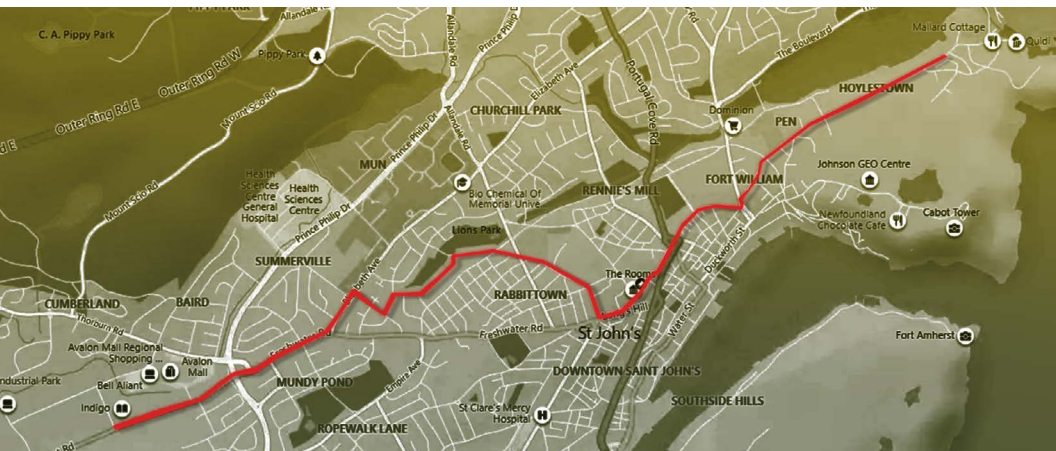
Some agencies will require you to drive your client. These clients are usually adults with intellectual disabilities who are approved for funding by the Regional Health Authority to cover recreational activities. Sometimes home care workers will pay to add coverage for business use to their car insurance out of their own pockets. These workers hate to see their clients stuck at home but choose to protect themselves by buying their own insurance for business use.

Some home care workers take their clients to the grocery store or to medical appointments. Again, ask yourself who is liable if there is an accident and remember your employer's policy.

Sometimes home care workers are asked to drive their client's car. You should ask your client or their family members the following questions: Am I insured while driving the car? Is the car safe to drive?

During the most recent contract negotiations, NAPE succeeded in getting the home care agencies to agree to negotiating universal language for travel. This process has been delayed by COVID-19, but NAPE is determined to see it through.

CLAIMING TRAVEL EXPENSES



If you transport clients or run errands on behalf of clients in your personal vehicle, and the agency does not pay you extra for the use of your car, you can claim travel expenses on your income tax return. Regardless, you will need to keep a log of where you travelled, why you travelled, the distance, and the date. You will also need to ask your agency to give you a T2200 – a Declaration of Conditions of Employment form.

SPECIAL KINDS OF LEAVE

(TIME OFF WORK)

PREGNANCY / MATERNITY LEAVE

Under the provincial Labour Standards Act, a pregnant employee who has worked for the same employer for at least 20 consecutive weeks immediately before the expected birth date is entitled to a leave of absence without pay. An employee may begin pregnancy leave no earlier than 17 weeks before the expected birth date. An employee must give her employer at least 2 weeks' written notice of the date the leave is to begin as well as a certificate from a medical practitioner or nurse practitioner stating the estimated birth date.

PARENTAL LEAVE

Parental leave may be taken by either parent. Under the provincial Labour Standards Act, an employee who has worked with the same employer for at least 20 consecutive weeks and who is the parent of a child is entitled to a leave of absence without pay following either the birth of the child or the coming of the child into the care and custody of the parent for the first time.

Parental leave for an employee who takes pregnancy leave begins when the pregnancy leave ends unless the child has not yet come into the care and custody of the parent for the first time.

An employee must give their employer at least 2 weeks' written notice of the date parental leave will begin.

Parental leave ends on the earlier of 61 weeks after it began or 96

weeks after the day the child was either (1) born or (2) came into the care and custody of the parent for the first time.

Parental leave may end on an earlier date, but the employee must give the employer at least 4 weeks' written notice of that date.



ADOPTION LEAVE

Under the provincial Labour Relations Act, an employee who has worked for the same employer for at least 20 consecutive weeks and who is the parent of a child is entitled to a leave of absence without pay following the child's coming into the care and custody of the parent for the first time. An employee is required to give their employer at least 2 weeks' written notice of the date the leave is to begin. Adoption leave ends 17 weeks after it began. It can end on an earlier date, but the employee must give their employer at least 4 weeks' written notice of that date.

BEREAVEMENT LEAVE

Under the provincial Labour Standards Act, an employee who has worked for the same employer for a continuous period of at least 30 days is entitled to a period of bereavement leave consisting of one day of paid leave and two days of unpaid leave in the event of the death of the spouse, a child, a grandchild, the mother, father, a brother or sister, a grandparent or a mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, or son-in-law of the employee.

An employee who has not worked for the same employer for a continuous period of 30 days is entitled to a period of bereavement leave consisting of 2 days of unpaid leave in the event of the death of a relative referred to in the paragraph above.

Where an employee who is entitled to one day of paid bereavement leave is taking annual vacation at the time they would otherwise have taken the day of bereavement leave, the employee is entitled to take one extra day of annual vacation.

SICK AND FAMILY RESPONSIBILITY LEAVE

Your NAPE contract provides paid sick leave based on a minimum number of hours worked in the previous year. Your contract sets out the circumstances under which you are required to provide your employer with a sick note from a doctor or nurse practitioner.

If you aren't entitled to paid sick leave, under the provincial Labour Relations Act you are entitled to 7 days of unpaid sick leave or family leave in a year as long as you have worked with the same employer for a continuous period of 30 days.

Employees who take unpaid sick leave under the Labour Standards Act for a period of 3 or more consecutive days are required to provide their employer with a certificate (a sick note) from a medical practitioner or nurse practitioner.

Employees who take unpaid family responsibility under the Labour Standards Act are required to provide their employer with a statement in writing of the nature of the family responsibility if the leave is for 3 or more consecutive days.

Unused sick and family responsibility leave cannot be carried over from one year to the next.

COMPASSIONATE CARE LEAVE

Under the provincial Labour Relations Act, an employee who has worked for the same employer for at least 30 days is entitled to a leave of absence without pay of up to 28 weeks to provide care or support for a family member. A family member is defined as a spouse or cohabiting partner of the employee, a child of the employee or of the employee's spouse or cohabiting partner, and a parent of the employee or a spouse or common law partner of the parent. A medical practitioner or nurse practitioner must issue a certificate stating that the family member has a serious medical condition with a significant risk of death in the next 26 weeks.

CRITICAL ILLNESS LEAVE

Under the provincial Labour Relations Act, an employee who has worked for the same employer for at least 30 days is entitled to a leave of absence from employment without pay of up to 37 weeks to provide care or support to a critically ill child who is a family member or up to 17 weeks to provide care or support to a critically ill adult who is a family member. The employee must provide a certificate from a medical practitioner or nurse practitioner stating that the child or adult is critically ill and requires the care or support of the employee. The certificate must also set out the period during which the family member requires that care or support.

FAMILY VIOLENCE LEAVE

Under the provincial Labour Relations Act, an employee who has worked for the same employer for at least 30 days is permitted to take time off from work to address issues arising from family violence. Family violence includes, but is not limited to, assault, physical confinement, deprivation of food or shelter, and sexual exploitation.

The employee, or someone to whom they are a parent or caregiver, must have been directly or indirectly subjected to family violence. The employee can use 3 days of paid leave and 7 days of unpaid leave in a year.

The employee must provide the employer with written notice that includes the length of time being requested unless there is a valid reason that notice cannot be given.

The employee may be required to give reasonable proof that the leave is needed.

Employees cannot be terminated for taking or requesting family violence leave.

The employer must keep all information that comes to them because of a request for family violence leave confidential.

COMMUNICABLE DISEASE EMERGENCY LEAVE

Under the provincial Labour Standards Act, an employee is entitled to a leave of absence without pay due to the following reasons related to a designated communicable disease. COVID-19 is a designated communicable disease.

- the employee is under individual medical investigation, supervision, or treatment

- the employee is acting in accordance with an order under the Public Health Protection and Promotion Act
- the employee is in isolation or quarantine or is subject to a control measure, including self-isolation, and the quarantine, isolation, or control measure was implemented as a result of information or directions related to a designated communicable disease issued by the Chief Medical Officer of Health or the government
- the employee is under a direction given by his or her employer in response to a concern of the employer that the employee may expose other individuals in the workplace to a designated communicable disease
- the employee is providing care or support to a qualifying individual for a reason related to a designated communicable disease that concerns that individual, including a school or child care service closure
- the employee is directly affected by travel restrictions related to a designated communicable disease and, under the circumstances, cannot reasonably be expected to travel back to the province

An employer cannot terminate an employee for taking this leave. The employee has a right to return to the same job after the leave, or to a job that has the same terms and conditions with regard to hours, pay, seniority, etc.

JURY DUTY

Under the provincial Jury Act, if you are required to perform jury duty, your employer must pay you the same wages and give you the same benefits that you would have received if you had worked.

FREQUENTLY ASKED QUESTIONS

WHY ISN'T HOME CARE A PUBLIC SERVICE?

Many home care workers find it hard to understand why home care isn't a public service delivered by provincial government employees like other health care services. Frankly, so does NAPE. It's especially puzzling since most of the money that pays home care workers comes from the provincial Department of Health and Community Services. But long before NAPE started to unionize home care workers, the provincial government decided home care would be delivered by the private sector – the agencies that employ home care workers. Yet when NAPE's negotiating teams sit at the table to bargain with these agencies, increases in wages are always dependent on government funding.

WHY AREN'T I PAID AS MUCH AS A NURSE?

From time to time you may have duties delegated to you by a Registered Nurse. The Registered Nurse will train you how to perform these duties. When a home care worker performs these duties, the home care agency that employs them assumes legal responsibility.

Registered nurses assume legal responsibility for their own work. If they do something wrong, they can lose their license – and their right to work as a nurse. Prior to being able to work, Registered Nurses must complete 5 years of university and pass the Canadian Registered Nurse Exam.

WHY DOES NAPE NEED MY CONTACT INFORMATION?

NAPE needs you to complete your membership card application form so that we have your personal contact information. By law, employers must deduct union dues and send them to the union. Most home care agencies only provide us with your name and the amount of dues you pay. When you sign an application for a NAPE membership card, it gives you a lot of rights, such as the right to vote on your contract, the right to take part in NAPE elections, and the right to participate in strike votes.

WHY DON'T I HAVE A HEALTH AND DENTAL PLAN?

Health and dental insurance plans are one of the benefits unions hope to negotiate on behalf of their members. In the last home care contracts we negotiated, NAPE and the employers agreed to take part in a government-funded study to determine if it would be possible to introduce a Group Insurance Benefits Program for home care workers who are members of NAPE.

REFUSING TWO-HOUR SHIFTS

Your employer may have only two hours work for you, but legally they cannot force you to accept a shift that is shorter than three hours. You have the right to refuse a two-hour shift, but you can also choose to accept it. It's entirely up to you. If your employer is abusive or starts to cut your hours because you refused a two-hour shift, you should contact a NAPE servicing rep right away.

WHY DON'T I HEAR FROM NAPE?

The only information most home care agencies provide to NAPE is your name and how much you pay in dues. That's why NAPE needs you to complete an application for a NAPE membership card – so we have your contact information. Signing an application also gives you a number of important rights, including the right to vote on a number of important decisions your union makes.

HOW COME NO ONE TOLD ME I WAS A NAPE MEMBER?

Your employer is supposed to give new employees a copy of the contract and an application for a NAPE membership card. They are also supposed to tell you the name of your Shop Steward. Most don't. Most agencies only tell NAPE the name of new employees and how much they pay in dues. Regardless – welcome to NAPE! If you haven't already, please apply for a membership card. You can do that online by visiting <https://www.nape.ca/member-services/nape-membership-card-application/>, or you can call NAPE office at 1-800-563-4442 and ask them to mail you an application.

WHY ISN'T THE HOME CARE AGENCY I WORK FOR PART OF THE GROUP OF 19?

NAPE encourages all home care agencies to bargain together, but we can't force them to do that.

CAN MY EMPLOYER FIRE ME IF I TALK TO THE UNION OR IF I ATTEND A UNION MEETING?

Your employer cannot fire you for talking to the union – all conversations with union representatives are confidential. You also cannot be fired for attending a union meeting. Employers can, however, dismiss probationary employees without cause.

WHAT SHOULD I DO IF MY CLIENT REFUSES TO ADMIT ME TO THEIR HOME?

If your client refuses to let you in, call the agency immediately and notify them.

WHAT SHOULD I DO IF MY CLIENT REFUSES TO ALLOW ME TO PERFORM THEIR PERSONAL CARE?

If your client refuses to allow you to perform their personal care, call the agency at the end of your shift and inform them.

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