

SUMMARY OF AWARD

23-P-03045 GNWT - Nurse Practitioners Resp. Pay – December 11, 2024

On May 4th, 2023, the Union filed a policy grievance on behalf of Nurse Practitioners (NPs) to address a leave policy which violated the terms and conditions of the Collective Agreement, as well as an issue related to eligibility for a Responsibility Allowance when assigned as Team Default in the absence of a physician.

It was agreed by the Employer that the leave policy was implemented contradictory to the Collective Agreement, leaving only the Responsibility Allowance issue to be addressed by the Arbitrator.

The Union argued that this is not an issue of scope of practice, rather, in the absence of a physician, a NP is required to cover a larger panel of patients with more complex and acute issues adding to their responsibility, where this would not typically be associated to their position. The Union further takes the position that, to be entitled to responsibility pay, one is not required to take on all the duties of a higher position, only essential duties.

The Employer's position was that when acting as the Team Default, a NP is taking on no added responsibility beyond what is within their scope of practice, and this is an issue of increased volume of work which does not entitle them to Responsibility Allowance. For the increase in volume of work, the Employer believes the appropriate compensation is Overtime.

In Arbitrator Noonan's analysis, he identifies that in the absence of a physician, there is indeed a considerable increase in the amount of work and responsibility assumed by NPs, most of which they are not required to do on their normal workday. He further agreed with the Union that this is not an issue strictly on licensure, but rather that they are performing the duties of a higher paid position, which does not require they take on the scope of a physician.

It is for these reasons that Arbitrator Noonan concluded that Nurse Practitioners are entitled to Responsibility Allowance when acting as a Team Default in the absence of a physician.

It has been left to the parties to determine remedy.