



Bargaining **INFO**

Public Service Alliance of Canada



Bargaining with Treasury Board:

Good settlements depend on strong strike votes

Your union negotiating teams for the four Treasury Board groups – Program and Administrative Services, Operational Services, Technical Services and Education and Library Science – have been doing their best to bargain settlements. They've discovered that negotiating with Treasury Board over the last six months has been a frustrating and fruitless experience.

When negotiations began last September, a series of meetings had been agreed upon that extended into 2004. Your union was hopeful that the government's cooperation in planning ahead for this round of bargaining was a signal for productive sessions ahead.

Unfortunately, nothing has changed. All four Treasury Board Tables met with the employer in September, October and November. Virtually no progress was made other than to sign off articles in the agreement which neither side had asked to change. It was clear that in the dying days of the Chretien government Treasury Board had little or no mandate to actually negotiate.

The arrival of a new Prime Minister in December also brought the hope of a new mandate for bargaining. However, the government's first response was to cancel the negotiations scheduled to be held in January at all of the Tables.

In response, PSAC pushed to extend bargaining sessions that had been tentatively scheduled to take place in February. As a result, bargaining took place for each of the Tables for 10 days between February 9th and March 5th. All sessions were conducted with the assistance of a Conciliation Officer.

On February 25th, Treasury Board negotiators presented a wage offer of 1.75%, 1.25% and 1.25% in each of three years to Tables 1, 2 and 3. The wage offer was bad enough but there was more.

At Table 1, demands for wage harmonization and increment restructuring have been ignored and there has been no movement on proposals for improved job security or better protection for term workers. In fact, the employer is looking for rollbacks with respect to Marriage Leave and Overtime for part-time workers.

Treasury Board negotiators at Table 2 have refused to address the results of a joint union/management pay study conducted by Morneau-Sobeco. The study shows an average gap of 20% between our members' wages at Table 2 and those in the private sector. The employer has also refused to deal with the union's demand for national rates of pay for this group.

Our Table 3 negotiating team was told that any monetary improvements would be deducted from the already inadequate wage offer. Not only did the employer say no to a union proposal to roll terminable allowances into salaries and no to any new allowances, they also proposed to remove the terminable allowance from PI Inspectors in Prince Rupert and Vancouver and to delete the annual Fishery Officers allowance.

At the time of writing, Treasury Board had not yet tabled a formal wage proposal at Table 5 but it is expected to be identical to the wage offer made to the other three teams. Further conciliation dates for Table 5 will be set so that they can receive the employer's proposal. Eventually, if there is no settlement, an Arbitration Board may be established for this Table.

Tables 1, 2 and 3 are on the conciliation/strike route. The experience of the last six months in bargaining has led your negotiating teams to decide that further meetings, even with the help of Conciliation Officers, will not produce settlements.

That is why the union is scheduling a strike vote among the members at these Tables. The vote will take place between March 25th and April 28th. All members are encouraged to attend the strike vote meetings in their area to hear first hand how

Treasury Board has behaved during these negotiations

The next step in the bargaining process will be establishment of a Conciliation Board for the three Tables. See "Breaking Deadlock: Conciliation" elsewhere in this publication for more information on this process.

Our members have legitimate expectations and demands at each of the Tables. Demands such as improved job security and workforce adjustment protection, no contracting-out of bargaining unit work and earlier conversion for terms to indeterminate status are more critical than ever in the face of this government's program review. Stress levels rise in times of uncertainty and our demands to help members improve their work/life balance remain important. Human rights demands such as those to extend protection against discrimination and to end discriminatory practices cannot be sacrificed to the bottom line. And our members deserve to be paid fairly, based on the work they actually perform.

Treasury Board is sending a clear message that they not only don't want to improve our collective agreements, they want to take away benefits. It's going to take a strong strike vote if your negotiating teams are going to be able to bargain the settlements you want and deserve.

A Message from the PSAC National President



In January I had an opportunity to meet with new Prime Minister Paul Martin, members of his Cabinet and the Clerk of the Privy Council. The Prime Minister acknowledged that his government had made a mistake when it failed to consult with the union before the December announcements on reorganization, program review, government spending and the classification freeze. During the meeting, I stressed the importance of the government returning to the bargaining table in February with a mandate.

The mandate that has materialized has produced wage offers that don't even meet cost of living increases, has no movement on key issues such as the Table 2 pay study results, and even includes roll-backs of existing benefits and allowances.

This round of bargaining gives the government an opportunity to demonstrate its real commitment to some of the initiatives outlined in the Throne Speech in February. The government has signalled that it wants to see greater collaboration to ensure that economic policies and strong social programs are in place to alleviate hunger, poverty and disease, particularly HIV/AIDS, and to raise standards of living in developing countries. Our union's demand for the employer's participation in our new Social Justice Fund is one such collaborative effort which deserves their attention.

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FROM:
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Questions and Answers about DESIGNATIONS

What is the "designation process"?

The Public Service Staff Relations Act (PSSRA) provides for a process that allows for the designation of positions so that certain functions continue "in the interest of the safety or security of the public" in the event of a work stoppage. Workers occupying these positions possessing these "safety or security" duties are prohibited from going on strike. In this round of bargaining, Tables 1, 2 and 3 are on the conciliation/strike route. The designation process does not apply to Table 5 which has chosen arbitration as its dispute settlement route in this round of bargaining.

The designation process started in April with the individual Components meeting with their respective Departments. Disputed positions have been identified and the PSAC is proceeding to mediation with Treasury Board and the Public Service Staff Relations Board. If there are still positions in dispute after the mediation stage, PSAC will refer the disputed positions to a Designations Review Panel that will make binding recommendations.

Are workers designated?

No. The PSSRA requires that positions be designated, not workers.

What types of positions are designated?

Some examples include: Income security and immigration positions, customs officers, firefighter positions at National Defence bases, positions involving search and rescue, lightkeeper positions.

Are there any different types of designations?

There are three types of designations.

- Designation 1 – a fully-designated employee
- Designation 2 – alternate to a specific position
- Designation 3 – conditional designation

Alternate designations apply if an individual in a designated position is off work because of illness or leave and cannot report to work. The alternate would be "essential" until that person returns.

Conditional designations apply if there is a condition tied to your designation. The condition must be fully explained to you. That condition must occur before you would be required to work.

How do you know if you are occupying a designated position?

Employees occupying a designated position will be advised of their status by a manager or other Employer representative and provided with their official Form 13. If a condition is attached to the designation, the employee should be informed at the time they receive the Form.

Is the union involved when these Notices are handed out?

Yes. The manager should be accompanied by a union representative and all three should initial the registry form. Once the form is completed a copy is to be provided to the union representative.

Do they deliver original copies or can they be duplicate copies?

The Form 13, Notice of Designation, must be the original from the Public Service Staff Relations

Board. It contains the signature of *Pierre Hamel* and has the watermark insignia of the PSSRB in the middle of the Form. The Form must contain the position number and geographical location of the position.

What if the employee named on the form is not in that position?

A line must be drawn through the original name and the new name written beside it. You must be able to read the previous name.

Can the position number be changed?

No, once the position is designated that number must stay the same. Only the name of the employee can change.

If there is strike action, what terms and conditions of employment apply to designated employees?

The current collective agreement is still in effect for all designated employees. Therefore, all the current terms and conditions apply.

I am likely to be designated; if a strike vote is conducted why should I vote in favour of a strike?

Like all members, you have a right to participate in the strike vote. You will benefit from any collective agreement improvements that your negotiating team negotiates. A strong strike vote may help make a strike unnecessary.

You may not be able to legally strike but there are many things you can do to support the members who will be sacrificing their income to obtain a better contract for everyone.

How can designated members participate in strike action?

Being designated doesn't mean that members can't participate in strike activity. There are many things you can do in the time leading up to a strike as well as when a strike takes place. Before a strike, you can participate in the same activities as non-designated members. You can, and should, attend meetings so that you are well informed of the issues and exercise your right to vote on the question of a possible strike. You are free to engage in any of the demonstrations which are organized in support of your negotiating team and your contract proposals. You are able to write letters to your MP or other public officials to advise them of your situation and your desire for a just collective agreement containing acceptable wages and working conditions.

If and when strike activity takes place, you can still remain active. You can help to form or join a strike support committee to assist those who are able to withdraw their services. If there is a picket line up at your place of work, you can come to work early and walk the picket line until it is time to go in to work. When it is time to go in to work, you should telephone your supervisor and request an escort into the workplace. When you are on lunch or break, you can spend time on the picket line showing your support. Whenever you have the opportunity, you can bring strikers a cup of coffee.

It doesn't take much to demonstrate support and it will all be appreciated.

While at work, you may want to consider how you can best serve your employer by paying extra special attention to the work which you are paid to perform. This may be the perfect time to brush up on the rules and regulations of the workplace. With less people at work due to the strike and extra pressure on you by being forced to be at work, it is important that you do your work properly and not make mistakes.

The more designated members who are actively engaged in the strike structure, the more effective any strike activity will be. Contact your local picket captain or strike coordinator to receive more information or to volunteer for support activities. And, don't forget to visit the PSAC Web site to keep up to date on the progress of bargaining.

A message from the PSAC National President

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Another initiative involves the role the federal government wants to play in ensuring more quality child care more quickly. The government, as an employer, has a perfect opportunity to put its good intentions into action by agreeing to our demand for the establishment of a Child/Family Care Fund with a commitment to ongoing resources.

Lifelong learning, another Throne Speech theme, highlighted the need to provide Canada's workers with the opportunity to upgrade their skills and to learn on the job. The government doesn't have to go far to put this into action with our union's demand for permanent funding of the highly successful Joint Learning Program.

In the Throne Speech, the government also indicated "it will lead by example in supporting the hiring, accommodation, and retention of Canadians with disabilities in the Government of Canada...". The government can easily demonstrate its leadership by acceding to our union's demand for the establishment of joint consultation on employment-related barriers with access to arbitration when the parties disagree on how to resolve the issues.

The Treasury Board President has indicated that he wants to protect whistleblowers immediately. Yet, when asked to agree to the union's bargaining demand for whistleblowing protection, his negotiators simply say that legislation is coming. The Liberals have promised a whistleblowing law since 1993. The quickest and clearest way for the government to protect whistleblowers is to enshrine it in the collective agreement and we have a demand on the table to do just that.

The extensive agenda outlined in the Throne Speech will need dedicated federal public sector workers to deliver it. If this government wants to successfully implement its plans, it needs to restore its workers' morale, ensure appropriate staffing and accept our members' legitimate demands for improvements to wages and working conditions.

Nycole Turmel

**Nycole Turmel,
National President**

Breaking Deadlock: CONCILIATION

Bargaining with Treasury Board hasn't produced any settlements to date. Now what? Well, we go to the next step: conciliation.

According to the rules in the Public Service Staff Relations Act (PSSRA), the union or the employer can request the Public Service Staff Relations Board (PSSRB) to appoint a conciliation officer to assist in breaking an impasse.

The PSAC has made this request and the bargaining sessions scheduled for February and early March are taking place with the assistance of a conciliation officer at each Table.

If settlements are not reached at the conciliation officer stage, either party can then ask the PSSRB to establish a Conciliation Board, which would be composed of a union representative, an employer representative and a conciliation board chairperson.

The Conciliation Board receives its terms of reference from the PSSRB. These set out the areas on which the Conciliation Board will hear the parties and make recommendations. Usually this is a list of outstanding issues.

Under the PSSRA, Conciliation Boards can't issue reports that contain recommendations on staffing, including appraisals, appointments, deployments, promotions, demotions, lay-offs or terminations, except by disciplinary action.

Within 14 days of receiving the terms of reference (or longer if the parties agree), the Conciliation Board must report to the PSSRB with its recommendations. Usually, based on our experience, the report favours the union. However, the recommendations are not binding, so either party is free to reject them. If, within seven days following the release of this report, the parties do not reach a tentative agreement, the union is in a legal strike position.

Under the PSSRA, it is possible for the parties to agree to make any part of the Conciliation Board report binding, but this agreement must take place before the report is submitted.

If at any time during the process, the parties reach a tentative agreement, the result is sent to the

union members for ratification. Once ratified, the membership has a new collective agreement.

ARBITRATION

Under the PSSRA, there are two routes that can be taken to break a bargaining impasse. One route is conciliation/strike; the other is arbitration, which resolves the dispute through a neutral third party that issues a binding report. Either route has to be chosen by the members of the bargaining unit before the notice to bargain is given, which is well before negotiations even begin. In this round of bargaining, only Table 5 has chosen to pursue the arbitration route. Tables 1, 2 and 3 are on the conciliation/strike route.

GOING ON STRIKE

Some time during the negotiations process, the union may seek a strike mandate from the membership by holding a strike vote

Our intent when bargaining begins is not to go on strike, but to have a collective agreement agreed upon by both sides. A strike is only one of the tactics we can use to win a good agreement. We may or may not use it, but we need to be prepared and willing to go on strike if we want the employer to take our bargaining teams seriously. Union solidarity and a willingness to strike are what it takes to win good contracts.

The PSAC National President has the ultimate authority in the area of strikes. The National President is the only person authorized to call a strike vote or to authorize strike activity. The National President is also the only person who can authorize bargaining units to end strike activity.

Wherever possible, strike votes take place at meetings where the outstanding issues and reasons that a strike vote is necessary are explained. Only PSAC members in good standing are entitled to vote, and proof of membership may be required.

When a strike vote is called, meetings are organized by the PSAC's regional office staff working with the Locals. Contact your Local or the regional office in your area, or check the region's Web site, for information about when and where you can cast your vote.

What's happening at my Table?

Subscribe to the PSAC e-mail news to find out about the latest developments at your bargaining table: www.psac-afpc.com/bargaining/email_index-e.shtml



Term employees and the strike vote

The demands put forward by PSAC in the current round of bargaining with the Treasury Board could bring about real improvements to term workers' working conditions. But it will take solidarity to achieve them.

Under current Treasury Board policy, term workers acquire indeterminate status after three years of employment with Treasury Board. During this round of bargaining, PSAC is proposing to reduce the required employment period for conversion to two years and to incorporate the policy into the collective agreement, so that it cannot be removed or changed unilaterally by the employer.

PSAC is also asking for a special adjudication procedure for term workers who feel they have not been renewed because the employer is trying to avoid giving them indeterminate status.

The union has tabled another important change that would allow term workers to earn pay increments based on 52 weeks of cumulative

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Putting your money on the line...the picket line!

If a strike takes place, some members will be giving up their pay and benefits in order to gain contract improvements that will benefit all members. Meanwhile, designated members continue to receive their salaries and all their benefits because, by law, they may not withdraw their services during a strike.

However, there is a way for designated members to lawfully provide real support to those who are on the picket line. The PSAC Constitution (Section 24, Sub-Section 7) says: *Members who receive remuneration during a legal strike of their bargaining unit, shall be required to remit 25% of the remuneration they receive from the employer for each day worked during the legal strike to the PSAC.*

Think of this contribution as an investment in your future. The money you provide sends a strong message of support to the strikers. It also lets the employer know that you're solidly behind the strike. The stronger the picket lines, the better your collective agreement will be.

The monies received from designated members are put into a Hardship Fund, which is governed by Regulations adopted by the union's National Board of Directors. All the money collected from designated members remains in the region in which it was collected and is used to help striking members in that region.

Contributing 25% of your net pay during a general strike (not a strategic strike) to the Hardship Fund will go a long way towards helping those who will be trying to get by on strike pay alone. Your contribution will help make sure members and their families on strike aren't put in jeopardy because they can't make a rent or mortgage payment. Your contribution will help ensure that the strike isn't weakened because strikers are facing financial crises. Combine effective picket lines with strong financial support and we all win.



Strong strike votes back up your demands

Faced with a sub-standard wage offer and no improvements in our collective agreements, your union is conducting a strike vote and asking you to vote in favour of strike action.

Hold it right there...

I don't want to go on strike.

Voting in favour of strike action does not mean you will be on the picket line tomorrow. Here's what must happen before the PSAC National President can call a strike. (See the article on "Breaking a deadlock" for details on conciliation).

- **Negotiations reach an impasse.** At this point, either party may request the assistance of a conciliation officer to reach an agreement. If this fails, then...
- **One of the parties can request the establishment of a Conciliation Board.**
- **After the Conciliation Board hears both parties' arguments, it submits its report.**
- **If, after seven days after the release of the Board's report, the parties still cannot reach an agreement or if the employer refuses to return to the table, then the union will be in a legal strike position.**

OK, but, why should I vote for a strike in the first place?

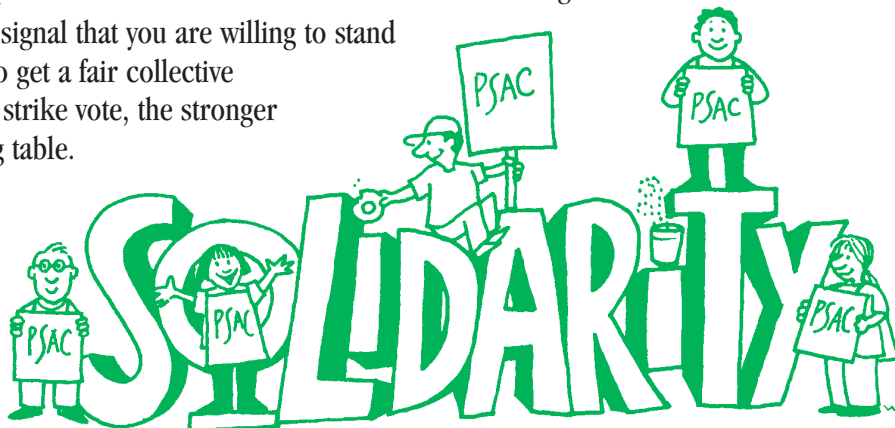
The best way to not go on strike is to vote for strike action now. The most common negotiating tactic used by employers, including Treasury Board, is to delay. They seem to think that members' support for their union will dwindle if negotiations drag on, and that unions will settle for less to get a quick deal. They also bank on long negotiations, since salary increases do not take effect until a new collective agreement is signed.

Presenting the employer with convincing arguments and supporting data is important, but Treasury board is usually only willing to consider our position once they believe that the members support their negotiating team and are prepared to withdraw their services to achieve their goals.

A strike vote is a clear signal that you are willing to stand behind your union in order to get a fair collective agreement. The stronger the strike vote, the stronger our position at the bargaining table.

Your support and solidarity are essential. When the strike vote comes:

Vote YES!



Strike vote for Tables 1, 2 & 3

March 25 to April 28

Contact PSAC regional offices
for meeting dates and times.



Meet a current Table 1 team member...

Gordon McAllister is a Business Analyst (AS) who analyses various programs at Foreign Affairs and liaises with other government departments in embassies abroad. The President of National Component Local 70125, Gordon is also a member of the National Capital Region Regional Council's Executive Council, as well as the Council's communication committee, and a Director of the Ottawa/Gatineau Area Council. He is currently participating on a committee reviewing the structure of his component. To relax, he enjoys skiing and playing computer games. (Gordon's profile was inadvertently omitted from the first issue of Bargaining INFO.)

...and a new Table 1 team member

Customs workers are now covered by the Table 1 agreement and as a result, **Steve Pellerin-Fowlie** has joined the negotiating team. Steve has been a Customs Officer for almost 16 years and works at Calgary International Airport. In a union career spanning 19 years, he has held just about every Local office. He is currently the 2nd National Vice-President of the Customs Excise Union Douanes Accise. In this capacity his portfolios include collective bargaining, By-Laws and Officer Powers. Steve had been a member of the PSAC negotiating team bargaining with the Canada Customs and Revenue Agency until the government restructuring in December.

Term employees and the strike vote

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service and increases in vacation leave on the same basis as seasonal employees. If achieved, these would be major gains for terms.

The Paul Martin government has already instituted an in-depth review of the way federal public services are delivered to Canadians. This may result in a reorganization of the federal public sector that could have a negative impact on term workers and reduce the overall number of workers. As often happens in these cases, term workers could be among the first and the hardest hit.

Your union believes that a solid collective agreement can help reduce the negative impact of government reorganization on term workers, but a strong agreement can be achieved only if members give their negotiating teams strong support.

PSAC members have always had to fight for any improvements to their salaries and working conditions. For example, the current Treasury Board policy on conversion to indeterminate status only came about because PSAC members demonstrated their strength and solidarity through strike action in 2001.

The union is now conducting a strike vote. That does not mean that we will necessarily go on strike. But we will need to show the government that we are ready to do what it takes to obtain a fair settlement. A strong strike vote from all PSAC members working at Treasury Board – including term workers – will send that message.

Together we make a difference. Over 100,000 of us, term and indeterminate workers together, are a force to be reckoned with. Our history shows that together we have a chance of making some gains; individually we'll get nothing.

To get more information on what is happening and what you can do to support demands for term workers, contact your Local strike captain, your Local executive or call the PSAC regional office in your area or your Component office.

HOW will restructuring affect my job?

For the latest on the federal government restructuring and program review, visit the special section of the PSAC Web site:
www.psc-afpc.com/issues/govtrestrict/index-e.cfm
Don't forget to subscribe to the PSAC e-mail news...

