

# The Review

NEWSPAPER OF THE PROVINCIAL COUNCIL OF SOCIAL AFFAIRS  
CANADIAN UNION OF PUBLIC EMPLOYEES / VOLUME 19 N°1 / FEBRUARY 2006

## WE WILL NOT GIVE UP! Deciding you're right is not an option...

AS EVERYONE KNOWS IT TOO WELL, BEFORE THE XMAS HOLIDAYS, THE JEAN CHAREST LIBERAL GOVERNMENT DECIDED IT WAS RIGHT IN THE FACE OF ALL OPPOSITION. IT DECREED ALL THE PROVISIONS HAVING A FINANCIAL DIRECT IMPACT SUCH AS REMUNERATION, PENSION PLAN, PARENTAL RIGHTS, ETC. IT NEVER BUDGED FROM ITS INITIAL POSITION ON ANY OF THESE ISSUES.

Therefore, it has imposed to its 500,000 employees, salary increases of 8% for a collective agreement spread over 6 years and 9 months; increases which are quite far from an adequate protection against inflation. This when we should be catching up to other Quebec salaried employees. In fact, the organization set up by the government to compare our compensation with other Quebec employees arrived at the conclusion that public sector employees are trailing behind by 11.8%.

### But if it is up to us, the road will be quite bumpy

In essence, our negotiation has always been political. It goes without saying since our employer is also the government. Our strategy to contest this decree must therefore take this reality into consideration.

All our actions, all our mobilization must be aimed at the same objective: bringing down the liberal government of Jean Charest at the next election. These elections should take place in less than two years. The message must be clear and unequivocal: a Quebec



government, **whatever party it may be**, cannot impose a decree to its employees and be re-elected. It is in fact the best guarantee that no other government in the future will attempt to take such a path.

### An exhaustive action plan where each and everyone can and must get involved

We wish and we will work so that the greatest number of union organizations in Québec will adhere to the same plan.

This action plan must, according to us, include four components:

#### A legal section

- Check all aspects of Bill 142 to be in a position to contest it legally
- File a complaint with the International Labour Organization

#### A section on media activities

- Reply systematically to half-truths from the Charest government on this issue
- Develop and use at a convenient time a media campaign to better inform the population on our position



#### A section on member involvement:

- Set up different concrete means whereby each member will have the opportunity to express its dissatisfaction with the current government

#### A section on actions targeted

- By decreeing our salaries before the Holidays, the government wanted to push the bargaining with the private sector under the

rug in order to clear up the way before the next elections. We will show the government that the rug is not big enough to hide everything.

Finally, we will develop an electoral platform where our specific concerns will be taken into consideration. We will ask each political party to take a position based on this platform before the next election.

## A SATISFACTORY AGREEMENT «UNDER THE CIRCUMSTANCES»

We have signed with the employer an outline agreement on the normative clauses of the collective agreement on Wednesday, December 14th, i.e. the day before the decree was adopted by the government.

By doing so, we have been able to elude the worst provisions of the decree while improving other issues of our collective agreement.

Quite evidently, in such circumstances, it is not an exceptional agreement but we consider having played a good game.

Let's mention here the major improvements obtained:

- Increase of the employer share in our group insurance plans
- Regular work at Xmas and New Year paid at time and one half
- Important increase of the training budgets
- Costs for arbitration of medical and dismissal cases assumed by employer
- Improvement of salary insurance indemnities
- Improvement in the provisions related to freedom of union action
- Some improvements in the provisions on the application of 50 km inside the establishment
- Maintain the right to bump from full time to full time
- Improvement of the provisions on travel allowances
- Possibility for a technician to receive, once at maximum echelon of his salary scale, additional remuneration if he or she has post academic education.

For additional information on this outline agreement, please get in touch with your union local.

## Who is entitled to these new provisions and when?

### WHEN?

These new provisions will apply on April 1, 2006 or thereabouts.

### WHO IS ENTITLED?

All members of a CUPE (FTQ) union stemming from an allegiance vote or not.

### DOES THAT MEAN THAT THE SAME COLLECTIVE AGREEMENT WILL APPLY ON THAT DATE TO ALL THE MEMBERS OF A SAME UNION?

All the collective agreement provisions whose negotiation, according to Bill 30, **must be carried out at the national level** apply to all the members of a same union stemming from an allegiance vote or not.

### WHAT IS HAPPENING WITH THE PROVISIONS TO BE NEGOTIATED LOCALLY?

It is 26 issues and the list appears in another article in this newsletter. Let's mention, among others, issues such as postings or provisions applying to the recall list.

Provisions related to each of these 26 issues currently applying to you continue to apply. They are maintained as long as they are not renegotiated by your local union with your employer or that they have not been ratified by a mediator-arbitrator.

### WHAT ABOUT GROUP INSURANCE?

Group insurance is linked to the provisions negotiated at the national level. Members unionized with CUPE (FTQ) since the union allegiance vote only will have until the beginning of April to adhere to our group insurance plans. Except, those evidently from other FTQ affiliated unions who have the same group insurance plans.

Let's mention here what constitutes the main characteristic of group insurance of CUPE (FTQ) unions: the choice to adhere or not to a supplementary plan is a personal choice not a choice imposed by a group.

As for the basic plan, it is of course mandatory since the law provides that it be so.

Our basic plan offers the best coverage within the health and social services network. In addition to the usual coverage offered, our basic plan covers several other additional elements such as:

- Semi-private room
- Reflectometer and dextrometer
- Eye examination
- Hospital bed
- Oxygen respirator set
- Support stocking
- Glucometer
- Occupational therapy
- Oxygen therapy
- Therapeutic Equipment
- Wheelchair
- Hearing aids
- IU device
- Treatment for drug/alcohol addiction
- Dental care following an accident
- Speech therapy
- Audiogram

**Information sessions will be held in each establishment in order to inform you so that you can decide what is best for you.**

## The Chaoulli Judgement and the Quebec Healthcare S

### ON JUNE 9, 2005, THE SUPREME COURT OF CANADA INVALIDATED TWO QUEBEC LEGISLATIVE CLAUSES PROHIBITING ANY INSURANCE COVERAGE FOR HEALTHCARE SERVICES COVERED BY THE PUBLIC PLAN (HEALTHCARE INSURANCE AND HOSPITALIZATION INSURANCE).

Four of the seven judges ruled, on behalf of the Quebec Charter of Rights and Liberties, that these two articles were not valid. They have clearly established that this interdiction only infringes upon the Quebec Charter when the waiting period for a treatment in the public system is too long. However, the dissident judges have emphasized that in a context of shortage of

specialists, the private solution would only take away physicians from the public system and in actual fact increase the waiting lists as it is the case in Alberta with cataract eye surgery clinics.

This cause has been appealed before the Supreme Court by a well known physician, Dr. Jacques Chaoulli, with a view to foster a private system, and his patient who waited for a year for a hip replacement surgery, Mr. George Zeliotis. They have essentially maintained that patients faced with long waiting lists should have the right to buy private insurance coverage that would pay for their private medical services to prevent endangering the right to life and to safety. Therefore, they asked that in the context of long waiting lists, the interdiction of private insurance be lifted for non-participating physicians.

For the time being, this decision does not affect anybody in Quebec and the scope of this decision applies only to the possibility for insurance providers to offer services

currently offered by the public system. The Quebec government has asked the Supreme Court to postpone the 18-month application and the Court has finally reached a decision on August 9, 2005 to suspend the judgement for twelve months. Quebec has therefore one year, from June 9, 2005, to improve the situation behind the legal proceedings.

Various groups and organizations have put forward solutions to meet the two objectives emanating from the Supreme Court decision i.e. to reinforce universal accessibility to high quality public healthcare and health services and reduce waiting times throughout the system.

### To safeguard the public health and social services system, we must:

1. Invest healthcare money in public services through the Federal fund to reduce waiting lists and transfer payments to provinces

for healthcare to public health establishments and not to private clinics.

2. Increase investments in human and material resources.
3. Improve management and coordination of waiting lists.
4. Ensure public and transparent reporting of waiting lists, and take active measures to provide information and referrals.
5. Proceed with improvement of front-line health services.
6. Reinforce equitable accessibility for all universal and public services, particularly home care services.
7. Reserve equipment in public institutions for the exclusive use of participating physicians.

It is in the spring of 2006 that the government must take the means to maintain access to healthcare and health services based on medical need regardless of socio-economic situation.

## Local bargaining without the excruciating pain!

THE NEW REQUIREMENT FROM THE CHAREST GOVERNMENT TO NEGOTIATE LOCALLY 26 ISSUES OF OUR NEXT COLLECTIVE AGREEMENT IS CREATING A NEW DYNAMIC IN LOCALS WHERE WE WILL HAVE TO BE VIGILANT WHILE BEING ALSO VERY «KNOWLEDGEABLE»!

You will recall that it is after the enactment of Law 30 in December 2003 that the government imposed local bargaining of some of the provisions of the collective agreement; the first step consisting in weighing what comes under the provincial jurisdiction (remuneration, premiums, insurance for example) and what comes under local jurisdiction (work schedules and uniforms for example).

However, this division of jurisdiction is not logical; let's take for example seniority, its definition is under the provincial jurisdiction while some of its articles will be negotiated locally. Welcome to the marvellous world of management bargaining!

In practical terms, local negotiation steps follow each other quickly: appointment of union and management negotiating committees followed by three days of training for the CUPE union committee: this is when the two or three CUPE committee members liberated for this mandate define the local bargaining project of the collective agreement with the help of the union advisor. This project will be presented to the members in

general assembly who can, of course, modify it if need be and then adopt it. This is followed by meetings with the employer and negotiation of each of the 26 items on the agenda.

The timetable to carry out effectively this local negotiation is also well defined: two years after the end of this time period, there is a mandatory appointment of a mediator-arbitrator who will settle in favour of either the union or the management proposal. There is, however, a snag: this mediator will determine the terms of the collective agreement but in relation to zero cost, therefore without any great potential of improving the collective agreement!

Finally, let's go over the various issues to be negotiated: definition of positions and services, probationary period, employee replacement procedure, float team, recall list; posting of notices, voluntary transfers, bumping and lay-off procedure; work schedule, shifts, overtime and availability; selection of statutory holidays and vacation period, leaves without pay and return to work conditions; uniforms and lockers, payment of salaries, salary recuperation and departure notices, credit union, educational leaves, travel allowances, home base, reimbursement of expenses, human resources development, professional improvement; loss or destruction of personnel belongings; transportation of beneficiaries; finally, various provisions in the appendices of the convention involving some categories of employees.

## System: some public solutions

It must allow for the maximum participation possible of citizens to the debate within a larger agenda than a parliamentary commission. The Quebec population has the right to be heard on such a crucial issue.

Furthermore, the Charest government cannot use the Supreme Court judgement to justify the private in healthcare by allowing among others private insurance providers to cover public services and thus create a two-speed system for those richer at the detriment of those less fortunate.

It has been clearly demonstrated in several countries in the world that the introduction of private in healthcare increases the costs while lengthening waiting lists instead of reducing them. Furthermore, insurance companies would not in any way cover people on waiting lists because it is not profitable. They would be interested only in those not currently a risk.

In the United States, insurance companies are choosing the physicians as well as the treatments they cover. Furthermore, the costs of healthcare

are more expensive in the U.S. than in Canada. It is the main reason that prompted Toyota, the car manufacturer, to build a plant in Canada because the health insurance in the U.S. would add \$1,700. to the cost of each vehicle built.

In Québec, each individual has the right to choose his or her physician to prescribe the appropriate treatment and there is no need to borrow money to get healthcare services as it used to be the case for some Quebec families before the healthcare system was implemented.

The Québec Government must do everything in its power to protect the integrity of our public health and social services system by ensuring the right to healthcare to all Quebec citizens.

### References

- Inside the Chaoulli ruling : a CUPE backgrounder - August 2005
- The Chaoulli judgement and the Québec's healthcare system – Working Group on Québec's Healthcare system – November 2005
- Communiqué de la Coalition Solidarité Santé : Non à la privatisation des services de santé! Non à un système à deux vitesses! – 7 décembre 2005

## FIRST APPRAISAL OF THE CSSS IN MONTRÉAL

### Has the government delivered the goods?

IN JUNE 2004, THE QUEBEC GOVERNMENT ADOPTED BILL 25 FORCING, FOR THE UMPTEENTH TIME, A REORGANIZATION OF THE HEALTH AND SOCIAL SERVICES NETWORK. WE WITNESSED AGAIN A NEW WAVE OF MERGERS OF INSTITUTIONS.

### What came out of all this?

Let's take for example, the greater Montreal area. The person in charge of this reorganization was no other than Mr. David Levine, the former Health Minister of the Landry government and the new agency director. Self-sufficient until now, 54 institutions had to merge to form only 12 territorial entities called CSSS (Health and Social Services Centers). One year and one half after its implementation, has Mr. Levine finally delivered the goods?

«Here it's complete chaos, said Ms. Christiane Laberge, president of the union of the LaSalle and Old Lachine CSSS regrouping almost 1,000 employees. We were at that time to provide better services to the population, now the directorship wants to close the emergency of the Lachine Hospital to transform it in a so-called walk-in clinic. We do not have enough doctors and staff, and we are closing beds: 40 in general medicine, 8 in intensive care and 12 in surgery. This operation is strictly of a financial nature: it will save approximately \$3M per year. And our director still pretends that there will be more services for the population...» Ms. Laberge commented.

Same story from Mr. Marco Lutfy, president of the union for Lucille-Teasdale regrouping no less than 11 health establishments comprising 3 CLSC, 7 CHSLD and 1 crisis center. «Managers are so busy reorganizing that they are cut off from their employees. As union, all we do is put out fires! In fact, all we see presently is an increase in the number of bosses and certainly not an increase of services to the population. Actually, they are so many that management is distancing itself from the employees. And this «disorganization» is far from being over», added Mr. Lutfy.

As a union, these two locals have had to modify their services to meet the needs of their members. «Our union has appointed a pavilion head in each of the 11 facilities handling grievances from the employees. Our board meets at least once a month to exchange between union officers», explained Mr. Lutfy. Ditto for Ms. Christiane Laberge who indicated that the labour relations with the employer are almost non-existent: «We have not had a meeting of the labour relations committee (CRT) since last November. The structure is so thick that we discuss now with the assistants who relay the information to the director of labour relations who, in turn, says that he is 'swamped'. What is the use of all this reorganization?» is asking Ms. Laberge.

To summarize, we can state without making a mistake that the 12 CSSS of Montréal are more or less suffering from the same symptoms of this administrative reorganization i.e. confusion, shambles and a demobilisation which is quite evident from the network employees. There has not been any increase in services and now we are talking of budget savings like the LaSalle and Old Lachine CSSS! The real winners of this reform are the network managerial staff – they all have been replaced within the new structure and their number increased substantially. Congratulations to both Messrs. Levine and Couillard for their excellent work! See you in about five

**Proof that disorganization is prevailing in CSSS in Montréal: signs still do not reflect the merger of institutions even more than a year after the fact.**



## When will the salary adjustments begin ?

IN ORDER TO GIVE YOU A GOOD ANSWER, FIRST LET'S GO OVER THE PROGRESS MADE LAST YEAR.

### Last year's review

The decision rendered in 2004 by Ms. Justice Julien from the Quebec Superior Court ruled in our favour. The Law on pay equity applies also, in its entirety, to the Québec government.

Yet, following this victory by the union movement, several noticed that the Treasury Board did not have the intention to abide by this decision so easily.

Two parity committees whose members are liberated by our union executive board (one dedicated to categories of the health and social services sector and the other to education) were given the mandate to proceed with the discussions on the evaluation of job categories.

Some dialogue took place in the spring between representatives of the Treasury Board and the inter-union group. However, these talks did not allow to reach an agreement on evaluations. However, we kept on working and, in June, the inter-union group involving FTQ, CSN, CSQ and FIIQ reviewed the evaluations of approximately 60 populous job categories and forwarded these new evaluations to the employer.

At the beginning of the summer, the employer informed us that the project was put on the back burner and that no additional mandate was contemplated on the evaluation issues, the interpretation of sub-factors and the activities of the parity committees.

Through the media, the Minister responsible for this project, Ms. Monique Jérôme Forget, as well as the Finance Minister, Mr. Michel Audet, said repeatedly that Quebec public finances are at risk and the salary mass of salaried employees cannot be increased anymore without endangering Quebec's competitiveness and rating on the financial market. The cost of a settlement for pay equity cannot, according to them, exceed \$457M.



Faced with these public statements which are, to say the least, provocative, the president of the Commission on Pay Equity, Ms. Rosette Côté, intervened publicly reminding the government that the height of the adjustments to pay will not be decided if the evaluations are not agreed upon. Doing otherwise would not respect the provisions of the Law on Pay Equity.

Following this intervention, the government accepted to resume the activities in October. But several observed again that the representatives of the employer did not have the mandate to discuss, exchange and finally, amend their position on some of the evaluations even when it was substantiated.

From October to the beginning of December, discussions allowed to finalize and agree on the majority of the issues relative to general interpretation and weighting of the Evaluation Plan.

Finally, at the beginning of December, the Treasury Board filed all the evaluations of the job categories of the Program and we undertook, independently, the intensive task of establishing

common grounds on the evaluations and to estimate after the monetary gap separating us.

This project was put on hold with the announcement by the government to end the pseudo bargaining by enacting a special law.

### A settlement in 2006 ?

The progress made so far on the evaluation of job categories by the inter-union group is certainly allowing us to contemplate a settlement in 2006. Presently we are reviewing all the evaluations of the 321 job categories in the Pay Equity Program.

We will resume the discussions with the Treasury Board in the weeks to come and we will demand a joint review of the evaluations of several job categories underrated by the employer.

But, let's be clear, the amounts involved in the pay equity program and the difficulty by the employer to respect the law infer that there are still some battles to be fought before we arrive at a settlement.

By and large, the law provides that the adjustments must be paid over a 4-year period, starting November 21, 2001 so that on November 21, 2005, the adjustments are totally paid.

Exceptionally, if the Pay Equity Commission is approving it, the salary readjustments can be spread over a period of 7 years. We just learned that our «good government» is trying to dive into this exemption for the settlement reached with the union of professionals of the Quebec government.

The CUPE pay equity committee is confident that a settlement will be reached in 2006. It will be difficult and we will have to face several obstacles. Our objective is to correct salary discrimination within the scope of the Pay Equity Law, to establish evaluations for job categories for men and women without any preconceived idea based on sex, and to obtain a formula to estimate the gaps in conformity with the law.

*The CUPE pay equity committee*

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**President** : Marcel Girard

**Secretary General** : Claude Turcotte

**Co-ordinators** : Martial Demers, Guy Jolicoeur & Claude Turcotte from the Information Committee

**Copy Editor** : Manon Pépin

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