

The Review

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PAY EQUITY Huge amounts at stakes

AS EVERYBODY KNOWS, THE PAY EQUITY COMMITTEE OF THE PARAPUBLIC SECTOR INKED AN AGREEMENT LAST SPRING. FOLLOWING DISCUSSIONS AND TAKING INTO ACCOUNT THE WORK PREVIOUSLY CARRIED OUT, THE COMMITTEE REPRESENTING ALL THE

UNION ORGANIZATIONS, AND THE TREASURY BOARD AGREED ON THE ADJUSTMENTS TO BE MADE TO 131 JOB CATEGORIES PREDOMINANTLY HELD BY WOMEN.

There is however an issue outstanding which must be settled by the Pay Equity Board, the organization responsible for the application of the Law on

Pay Equity. The issue involves the time period to pay all the salary adjustments agreed to.

The government is maintaining that it should be paid in eight equal payments from November 21, 2001 to November 21, 2008.

We want instead that the general rule be respected and that this be paid in 5 equal payments from November 21, 2001 to November 21, 2005.

The Pay Equity Board must render its decision over the next few weeks.

There is also a possibility that the amount be paid in 6 or 7 payments. This decision will have a very important impact on the retroactive payments.

In order to illustrate clearly the issue at stakes, we have prepared an example of payments based on two methods. The calculations used in our examples are for an employee working full-time, at the maximum level of the salary scale since November 21, 2001, who did not take a leave without pay or any other type of leave which would modify the remuneration. Interests on amounts dues are not included. It is obvious however that each case will be different



This is a literal translation of a letter sent to the Pay Equity Commission by authorized signatories of union organizations

Ms. Rosette Côté, Chairperson
Pay Equity Commission

Dear Ms. Côté,

Our organizations have indeed received your invitation to send our comments on the Quebec Government's request to avail itself of Article 72 of the Law on Pay Equity. The aim of this request is to extend the normal period for the deferment of salary adjustments resulting from the pay equity program in the health and social services sector and the education sector.

Owing to the fact that the manifestation of financial constraints by the Quebec Government is tabled with the Commission, without the involvement of any other concerned party, you will understand that this consultation is allowing us only to make general comments on what is publicly accessible to us, and therefore does not allow us to be completely heard.

First, it goes without saying that any extension of the delay to proceed with salary adjustments of men and women working in categories predominantly held by women and for which discriminatory salary gaps have been identified creates a prejudice to those holding these positions, who have held them or who are now retired. Let's just consider salary scales that would not be fully adjusted since two payments would be made on November 21, 2007 and November 21, 2008, the retroactivity value that would be reduced by approximately forty percent and the interests due on these amounts, to be convinced it is detrimental.

Rest assured that the organizations representing the union on the Pay Equity Committee of the Parapublic Sector have not expressed their agreement with the current government request.

TO BE CONTINUED ON PAGE 3

RETROACTIVITY PAYABLE NO LATER THAN MARCH 21, 2007

JOB TITLE	IN 5 EQUAL PAYMENTS	IN 8 EQUAL PAYMENTS
Aide – food service 38.75 hrs	\$4,569.79	\$1,562.71
Family Aide 35 hrs	\$10,262.45	\$5,447.26
Cashier – cafeteria 35 hrs	\$1,881.50	\$811.93
Sr. Clerk 35 hrs	\$6,274.24	\$3,931.34
Specialized Educator 36.25 hrs	\$16,508.69	\$8,334.24
Nurse 36.25 hrs	\$15,878.88	\$9,365.00
Instructor – Arts & Crafts 38.75 hrs	\$1,538.06	\$420.12
Beneficiary Attendant 36.25 hrs	\$6,403.85	\$2,975.98
Executive Secretary 35 hrs	\$5,931.10	\$3,331.09
Technician – Administration 35 hrs	\$3,662.01	\$2,408.38
Social Worker 35 hrs	\$5,034.32	\$1,938.64

The calculations for all the job titles predominantly held by women and entitled to a salary adjustment are posted on our web site: www.cpas.scfp.qc.ca

PAY EQUITY Frequently asked

NOTICES AND RECOURSE

The text of the Pay Equity Program is posted and available in your place of employment and on the CPAS, CUPE and FTQ web sites since August 28th. This posting ends on October 26th.

During the posting period, you may ask questions or send comments to the Pay Equity Committee. Your requests must be addressed to the Pay Equity Committee at the following address:

Comité de l'équité salariale du secteur parapublic

875, rue Grande-Allée est,
Édifice J, RC 05, Québec G1R 5R8

OR

by e-mail at the following address:
ces-ct-sss-educ@oricom.ca

The Pay Equity Committee will provide promptly a written answer to those who have sent a letter or an email.

WHAT ARE THE RECOURSE MECHANISMS AVAILABLE?

By virtue of the Law on Pay Equity, the Pay Equity Committee plays a decision-making role in the activities involving the determination of job categories and their predominance, the evaluation of the categories predominantly held by women or by men, as well as the choice of the method used to assess the gaps and its application. Concerning the modalities of payments, the union members on the committee are advised by the members representing the employer on the committee.

When you ask for information or formulate comments or observations to the Pay Equity Committee, the latter could modify its decision if you clarify

information they did not have when the decision was taken or if they did not fully comprehend the meaning or its importance.

In case of an unacceptable final answer from the Pay Equity Committee, the last recourse that you can avail yourself of is defined at Article 15 of the Law on Pay Equity which reads: «The Employer, the bargaining agent or a member of the Pay Equity Committee may not act in bad faith or arbitrarily or in a discriminatory manner, or be gravely negligent towards the salaried employees of the organization».

Article 101 of the Law further reads: «A salaried employee may register a complaint with the Commission for a breach as provided in Article 15, within 60 days from this breach or the date when the salaried employees become aware of it».

«The Commission determines the measures that must be taken to reinstate the salaried employee within its rights and, if applicable, any required measures for pay equity to be reached in accordance with the present article».

WILL THERE BE ANOTHER NOTICE?

Yes, the Committee will within 30 days after October 26, 2006 proceed with another posting entitled: «Notice following the second posting». It will then be indicated if amendments have been made to the Pay Equity Program or if no amendment has been made, following your comments or observations.

SALARY ADJUSTMENTS, TO WHOM DO THEY APPLY TO?

Exclusively to those (men and women) who are occupying

and have occupied a position since November 21, 2001, in a job category PREDOMINANTLY HELD BY WOMEN THAT HAS BEEN ADJUSTED and this, even if they have retired since.

If you have left your employment after November 21, 2001 and that the job category that you held was adjusted, you are entitled to a monetary sum based on the number of days worked.

In this case, salary adjustments shall apply until the date of your departure. Your contributions as well as your pension fund will be adjusted accordingly.

WHAT HAPPENS TO JOB CATEGORIES PREDOMINANTLY HELD BY MEN AND MIXED?

The pay equity project has only one goal: verify and correct the salary gaps found in categories predominantly held by women.

Mixed job categories are excluded from the Pay Equity Program and according to the Law, they were not evaluated by the Pay Equity Committee.

Male categories have been evaluated as provided by the Law. The categories have been used as 'comparators' for the female categories. A salary curve was developed by the Pay Equity Committee using the total number of points and the maximum rate for each male category. This curve was used to determine the salary gap between male and female categories with equivalent value in terms of status.

Let's remember that within the framework of «internal equity», activities must take place subsequently to complete the evaluations of mixed categories

and to correct the salary rates of mixed and male categories when the evaluation leads to a rank higher than the current situation.

WHEN WILL THESE ADJUSTMENTS BE APPLIED?

At the end of the posting process, the pays will be adjusted at the rate effective on November 21, 2006 or at the end of November.

As to the retroactivity payment of the amounts spread over the period commencing November 21, 2001, the government has indicated to us that it will be able to make the payments in March 2007.

ARE THE ADJUSTMENT AND RETROACTIVITY APPLIED TO ALL PARAMETERS LINKED TO THE HOURLY RATE OF A JOB TITLE?

Yes, the adjustments are calculated based on the salary reality of each salaried employee i.e. overtime, paid leaves and availability premiums.

WILL THERE BE SALARY ADJUSTMENTS WITHIN PUBLIC ORGANIZATIONS?

Discussions are currently ongoing between the Treasury Board and the Labour Congress to ensure that the modalities will be put in place so that the adjustments are forwarded to the public organizations such as RREGOP, RRQ, CSST, A.E., insurance companies, etc.



Some members of the FTQ Pay Equity Committee in action: Lise Simard, CUPE Advisor, Murielle Labelle, SEPB, Ginette Bussières, CSS and Josée Benoit, CPAS.

ed questions

CONTINUED FROM PAGE 1

Besides, the wording of the second posting effective since August 28th, referring essentially to the general outline of the law as to the modalities of payment of adjustments indicate clearly that our organizations have only taken note of the intention of the employer to avail itself eventually of Article 72 of the Law.

By allowing employers to proceed with salary adjustments over a four-year period, the Pay Equity Law is already offering them the opportunity to fulfill their obligations by alleviating the financial impact of the correction of the discrimination that otherwise should have been carried out only once on November 21, 2001. In that respect, the provisions of Article 72 represent a real measure of exception and they must therefore be applied in a manner also totally exceptional. Hence, the Commission should agree to such a request only when the necessity to do so is demonstrated to ensure the survival of an organization so that the right to pay equity does not jeopardize the existence of these same jobs.

The Law is clear. It is up to the employer to demonstrate its inability to pay the salary adjustments and to the Pay Equity Commission to assess the justification. This financial inability to provide full equity to women must not only be clearly demonstrated, but also it must not be justified by business choices that an employer would prioritize at the detriment of the fundamental right of women i.e. the recognition of the value of their work. In order for the Pay Equity Commission to agree to the government demand, it must be convinced that the payment of the salary adjustments emanating from the pay equity program is actually jeopardizing the Quebec government financial situation and that the government does not undermine the right of women for other political choices.

Yet, the information we have on the public finance as well as recent government declarations, do not allow us to assume that the Quebec Government, the most important employer of women in Québec, is in such a financial situation that it is not able to give full equity to women. Furthermore, following the imposition of a two-year salary freeze, the public sector salaried employees have the right to expect that the government will not penalize them more by being authorized to delay the application of the pay equity adjustments owed to the majority of them.

As we ignore the details of the mechanisms that the government is using to support its demand, it is difficult to comment further on its legality. We are asking you to use all the power that the law is granting you so that your decision is rendered while respecting and taking into account the right of women to pay equity.

In closing, please allow us to remind you that the salary adjustments of our pay equity program in the education sector and in the health and social services sector cannot be applied before you render your decision. We trust, therefore, that the Commission will be able to render a decision quickly.

We remain,

Yours very truly

Claudette Carboneau, CSN President
Henri Massé, FTQ President
Lina Bonamie, FIIQ President
Dominique Verreault, APTS President
Réjean Beauchemin, FISA President

Local Negotiation

CRUCIAL FOR OUR WORKING CONDITIONS

Enacted in December 2003 by the Charest Government, Bill 30 has drastically changed union representation in the Health and Social Services Sector in Québec. Several claimed then that it was adopted to break the union power in our sector. It spelled out union representation while disregarding the right of salaried groups to organize and be represented by the affiliated trade unions they wanted and by forcing accreditations by job category. Concurrently, they enacted another bill merging health institutions by region. Hundreds of local unions had to restructure and decide of their representation.

While we spent lots of effort to jump over this first hurdle, Bill 30 still dug a little further. It introduced a new approach for collective agreement renewals stipulating that from now on there would be matters in our labor contracts negotiated at the provincial level (issues with direct financial impact) and others, locally (issues without direct financial impact).

While appearing less tricky, this new approach could still leave much deeper dents in our working conditions than the forced union mergers. In the table shown below, you will find a profile of the conditions that your Local Negotiating Committee will have to agree to with your Employer. According to the Law, the union and the employers have a maximum of two years to reach an agreement. For the majority of the local unions in Québec this means that they have only a few months left to reach an agreement.

If there is no agreement before the end of the prescribed period, a mediator/arbitrator will settle our working conditions. Furthermore, his mandate provides that the decision taken must be at no cost to the employer and must guarantee that the services will be delivered.

In other words, our working conditions involving these 26 issues will differ from one institution to the next. It will depend on the openness of your employer representatives in your establishment, the work carried out by your union representatives and especially of the support that you will give to the negotiating committee.

Matters to be negotiated locally

Hours of work and work week
Mobility of personnel within your institution
Seniority by bargaining unit
Human resources development
Bumping procedures
Leaves without pay : to study or to teach
Overtime and monitoring/guard duty (distribution among employees, taken as time paid but not worked, etc.)
Modalities involving when statutory holidays, floating holidays and vacation should be taken
Modalities related to travel allowances
Rest rooms and lockers
Reimbursement for loss or destruction of personal belongings during working hours
Uniforms supplied by the employer (style and design, quantity, care, etc.)
Remuneration (frequency, errors, etc.)
Parity Committees (labor relations, health and safety, etc.)
Notion of position, merged position and floating teams and notion of service
Traveling expenses when a unit/service is closed temporarily
Rules for voluntary transfer (posting vacant positions, initiation period, etc.)
Manpower planning and work organization in your establishment
Recall Lists (attribution of assignments, rules for expressed availability, etc.)
Probationary period (duration, orientation, etc.)
Etc.

EVERYTHING YOU WANTED TO KNOW ABOUT YOUR PENSION FUND... BUT WERE AFRAID TO ASK!



1. What does RREGOP stand for?

It's the abbreviation for « Régime de retraite des employés du gouvernement et des organismes publics » or « Pension Fund for the Employees of the Public and Parapublic Sector Organisations ».

2. What are the criteria I should use to determine if I will get a full pension when I retire?

Forget about the old «90 Factor»!

There are two main criteria:

■ You must be 60 years old

OR

■ You must have accumulated 35 years of eligible service

3. How will my pension be calculated?

Let's take two examples:

Paul is 58 years old and has accumulated 35 years of service and the average of the highest 5 years of his salary is \$35,000.

Lucy is 60 years old and has accumulated 31 years of service and the average of the highest 5 years of her salary is \$40,000. Thus, they both can retire without any actuarial reduction.

The formula used to calculate the pension is as follows:

	NO. OF YEARS OF RECOGNIZED SERVICE TO CALCULATE THE PENSION	X	ANNUAL RATE OF PENSION ACQUISITION: 2%	X	AVERAGE SALARY OF 5 YEARS OF SERVICE = PENSION AT THE HIGHEST SALARY	=	PENSION
Paul	35	X	2%	X	\$ 35 000	=	\$ 24 500
Lucy	31	X	2%	X	\$ 40 000	=	\$ 24 800

ELECTIONS IN HEALTH INSTITUTIONS

Anybody will be able to vote!

The Health Minister, Mr. Philippe Couillard, has resolved that on October 23rd the population would finally vote to elect their representatives on the Boards of Directors of health establishments throughout the province. This is a huge move compared to 2004 when the Minister had imposed the appointment of all its directors without any explanation as to the finality of his decision. Is it because there are provincial elections on the horizon? Or has the Minister realized that the citizens were more competent today than two years ago?

Anyhow, CUPE unionized employees are invited to carry out this democratic right and vote to elect knowledgeable directors on their boards. But it is not all that simple: we are not voting everywhere! In fact, only the members working in an institution can be elected as representatives of the population; first, they

must obligatorily be elected on their respective Boards, i.e. Multidisciplinary Board, Nurses Board or represent a group of non-clinical personnel. As for the population representatives, there are 4 by institution and the candidates must meet a series of eligibility criteria.

Hence, in Montréal for example, 47 institutions will have new Boards and each citizen has the right to vote five times, i.e. one vote for each institution, more specifically one in a CSSS, one in a CH, one in a CHU, one in a CR and finally one in a CHSLD. But, «since there is no official electoral list, explained Anne-Marie Lussier from the Agency, we rely on the good faith of our citizens».

This means that technically, nobody can prevent someone from voting 47 times in Montréal on October 23rd. Haven't we learned a lesson yet from the terrible mistakes made during the last provincial vote when Infoman (French TV personality)

voted three times without being intercepted?

Boards of Directors of health institutions have always been the object of controversy: Some directors have taken decisions in the past which were, time and again, contrary to what the clientele or employees wanted - CH de Lachine for example. With the increasing role of Development Agencies, the power of the directors has been reduced and the policies on orientations imposed are already all wrapped up by bureaucrats in Quebec. Fortunately, there are still a few wary directors who do not hesitate in challenging Quebec's orders or those from the Agency for that matter: It is for this reason that we must elect people who are not afraid to speak up and ask significant questions. Let's vote tactically on October 23rd!

4. When I am retired, will my pension be indexed?

Yes, but only partially. Generally, the indexation corresponds to a little bit less than half of the inflation rate for the previous year.

5. It is advisable to buy-back years of service if I can do it?

It could be a worthwhile move because not only it could increase the amount of your pension, but in addition, in several cases, it could allow you to retire earlier.

6. It is nice to have a pension plan but will I lose all the money invested over the years if I die before I retire or after my retirement?

This money is not lost.

■ If you die before you retire, your contributions plus interests will be paid to your legal heirs

■ If you die after your retirement, an amount equivalent to 50% of the pension you are receiving will be paid to your spouse. If you do not have a spouse, your legal heirs will receive the difference between what you have received as pension and the contributions that you have made plus interests up to the date of your retirement.



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