

Report on Bargaining – November 2016 AGM

Good evening. I was asked to report on the state of bargaining but before we talk about where things are at now, I think it is important to provide some context.

CAPE is made up of three groups: ECs, TRs and analysts at the Library of Parliament. So, three different collective agreements, bargained separately. Those agreements came to expiry in 2014. In fact, the TR agreement expired on April 18th 2014, the LoP agreement on June 16th, 2014 and the EC agreement on June 21st, 2014.

In the Library of Parliament's case, the collective agreement is governed by different legislation and the employer is not Treasury Board but rather the Parliament of Canada. By the way, our Library of Parliament members already have a collective agreement that was resolved through arbitration. It includes wage increases of 1.75% in 2014, 1.5% in 2015 and 1.5% in 2016. By contrast, Treasury Board is currently offering public service employees an increase of 0.5% per year over a period of four years.

But let's get back to our history of the current round. We must remember that before the last federal election, the previous government was running a very aggressive anti-union and anti-public service campaign. The number of regressive bills was unprecedented. One of those, C-4, deprived us from access to arbitration and changed the way bargaining would be done. Our pension plan was changed by moving the employer/employee contribution rate ratio from 60/40 to 50/50 and new participants after January 1st, 2013 will only be eligible for retirement at 65. Our sick leave system was the next target for this round.

In addition, there were persistent rumours that the employer intended to limit retroactivity to 12 months. That's right, I am not making this up: regardless of how long employees were without a collective agreement and bargaining went on, the back pay that would eventually be issued to employees would cover only a 12-month period. Faced with this prospect, it became necessary for us to act without delay. Calls for volunteers to serve on bargaining teams were therefore issued in 2013 so we could start our preparations as far in advance as possible.

Another important element is that, under C-4, the employer could now give notice to bargain to unions with a completely different set of rules. The employer did serve notice to us under this new rule. Moreover, a new piece of legislation came into effect under which the government could impose its short term disability plan without bargaining for it. Clearly, we were in for a rough ride. The Presidents of the federal public service unions were already meeting regularly but decided that we needed more than ever to be united and created a working group on bargaining and decided on a solidarity pact to protect our members from an abusive government who could use its legislative powers against its own employees. Also, we all remember the previous round where we lost the accumulation of severance. That's something the current leadership of PSAC would never want to be held responsible for again.

Fortunately for us, a federal election was scheduled to take place in the fall of 2015. With a little bit of luck and strategy, bargaining would continue at least until the run-up to that election. It was considered unlikely that the government, nearing the end of its mandate, would use its anti-labour laws to impose a settlement by making a final offer. Our efforts were finally rewarded. Bargaining dragged on, with numerous interruptions, right up to the election. And after a decade of Conservative rule, the Liberals took back the reins of power.

It is a well-documented phenomenon that any new government will not rush back at the table when negotiations are interrupted by an election. The Liberals had made very specific promises. It was now time to deliver. But, as we now know, this could prove to be long.

For many of you, it must seem that the collective bargaining process has been going on forever. Believe me, your bargaining teams – you know, those volunteers we called for three years ago – feel that the process has been going on far too long. A number of factors came into play to complicate matters along the way. At the EC and TR tables, Treasury Board changed its negotiators. So did CAPE. In fact, I am the third person to assume the role of negotiator at the TR table and the fourth at the EC table.

Among the conditions to improve bargaining was the recalling of those anti-union legislations and introducing interim measures. We now have access to a pre C-4 type of arbitration called «binding conciliation». If and when we

come to an impasse, the rules have been reverted to what was available before C-4 became legislation.

But there is still an elephant in the room: the government still intends to “modernize” the sick leave system. Let me make it clear, however, that what was unacceptable under the Conservatives remains unacceptable under the Liberals. As far as CAPE and the other federal public service unions are concerned, the proposed plan must be in the collective agreement; it must be as good as or better than the system that is currently in place; it must provide full salary replacement in the event of an absence from work; and it must be managed internally (we don’t want to get into even more problems by resorting to an outside supplier).

In any negotiation, when the parties are locking horns on any fundamental issue, you have to find a way to allow them to save face. We are getting closer and closer to that. And in the meantime, we are not making any progress on other priorities at the table. CAPE has tabled its pay proposal at the EC table and will be doing so at the TR table. This usually signals to the employer that we are ready to give the final push. On a positive note, the employer has withdrawn its demand to limit retroactivity to twelve months.

Before we can come to an agreement on wages, we will have to settle the sick leave issue. It is important to bear in mind that a system to protect employees who are unable to work because of an illness or accident will apply to all public service workers, regardless of whether they are unionized or excluded. It is therefore reasonable for the employer to look for a solution that works for everybody. Possible solutions currently being considered include a memorandum of agreement proposed by PSAC and a counter-proposal made by the employer. These proposals would have the parties establish a committee to come up with a solution acceptable to all parties before the next round of bargaining. The two documents differ on how to go about doing this and on the conditions that must be met. In the meantime, banked sick leave and the present system would remain in place.

We are not there yet but an agreement at the table is still possible when we meet later this month for the EC group or in December for the TRs. We all have to be patient and hope that this government keeps its promises to negotiate in good faith with public service unions. For the moment, all the unions are facing the same problems and no one is willing to be the first to

throw in the towel. Let's give the process a final chance before we pull the plug.

Thank you and have a good evening!