



What have the unions ever done for us?

To many members of CAPE or other unions, the positive role played by organized labour in their everyday lives is not always clear. Unions have improved the lives of all Canadians, even those who are not organized. But they are particularly important for their own members. Here are a few examples of how CAPE may have had a positive impact on your life and the life of your EC, TR or LoP colleagues.

1— New rights, new entitlements and new money¹

Members have noticed significant improvements to their collective agreements in the most recent round of bargaining. Here is how these improvements came about.

An extra pay increment for ECs

The recent round of collective bargaining for the EC group ended up before an arbitration board as a result of the employer's refusal to negotiate. After several months of preparation and several frustrating months of work at the table, a bargaining committee of your EC peers decided to call upon the Public Service Labour Relations Board to address the impasse created by the employer. The Board came to a decision that included the loss of the severance entitlements sought by the employer and achieved at all other tables. But, after hearing CAPE's arguments, the arbitration board awarded the EC group 3.45% increments at the top of each pay line, effective June 22, 2013. The increments, exceptional in this round of bargaining, was the result of research and analysis carried out by specialized and experienced staff directed by an informed bargaining committee and complemented with the litigation skills of CAPE's legal counsel. Without a union, it is most unlikely that the 32,000,000 additional dollars that will go into EC pockets in 2013 and in each subsequent year would have been conceded by the employer at this time.

EC members will be receiving 3.45% increments at the top of each pay line, effective June 22, 2013.

¹ Without going as far back as 1969 when collective agreements in the federal public service first appeared, CAPE has prepared a list of selected improvements to its three collective agreements. The lists go back only as far as 2002. And only 30 improvements are listed for each of CAPE's three collective agreements. You are invited to consult the document entitled ["Improvements to the three CAPE Collective Agreements"](#) for details.

A break for TRs

At first glance, the gains secured for translators, interpreters and terminologists in the TR group's new collective agreement may not seem quite as significant as the extra pay increment we obtained for the EC group, but the addition of two 15-minute breaks – one in the morning and one in the afternoon – is a noteworthy achievement. Instead of a 3.45% increase in pay, it does represent a 6.6% decrease in work time. The problem that has ensued is management's inability to accept the consequences of refusing to negotiate, forcing CAPE to go to arbitration on outstanding matters, and getting a decision that it did not like. Now, in spite of a clear arbitral decision, the employer has in every way possible made it difficult for many TR members of CAPE to take advantage of the rest periods. CAPE has intervened in each instance in order to ensure that the intent of the arbitral decision is respected. CAPE has filed grievances, and intends to see these issues through to a fair and equitable conclusion.

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Incremental improvements at the Library

CAPE said no to Treasury Board, and refused to concede the discontinuation of entitlement to severance pay on retirement and resignation as proposed; and CAPE said no to the Library of Parliament. The Library similarly to Treasury Board refused to negotiate and forced an impasse. CAPE filed for arbitration. The arbitrator conceded to the employer on the matter of its principal proposal. In exchange, several incremental improvements were added to the collective agreement, including five days of annual leave once in a career and the obligation to develop a telework policy jointly with CAPE. Further to the round of bargaining, CAPE and Library management have been working to improve relations: the parties have agreed to jointly study why CAPE members are leaving the Library, thus addressing a problem raised by CAPE members for years.

2— Work force adjustment

Since the end of March 2012, as you know, tens of thousands of public service employees have received letters informing them that their positions are among those affected by the Conservative government's budget cuts. CAPE's membership has been hit particularly hard by this exercise: more than 3,000 CAPE members have received "affected letters," and hundreds have been subjected to the process set out in the Work Force Adjustment Directive (WFAD).

CAPE has had to adjust its operations in order to assist its affected members. For several months, a Labour Relations Officer was assigned exclusively to WFAD cases in

order to provide support to and protect the rights of affected individuals in need of assistance.

CAPE also filed three policy grievances: one concerning the improper implementation of the WFAD alternation process for employees wishing to swap jobs; one concerning a competitive process at Human Resources and Skills Development Canada (HRSDC) in violation of the provisions of the WFAD; and one concerning the definition of “years of service” for the purpose of calculating the Transition Support Measure of the WFAD.

For the alternation process, we are currently analysing a board decision regarding a similar grievance filed by the Public Service Alliance of Canada (PSAC) and the Professional Institute of the Public Service Canada (PIPSC). This decision is in favour of the unions and will force Treasury Board to offer the various departments and agencies better support for the alternation process offered to affected employees. CAPE, the PSAC and PIPSC reviewed the issues. When CAPE filed its grievance, it reserved the right to withdraw issue on which the board would have decided in the PSAC/PIPSC case, making representation before the board on only outstanding issues.

Regarding the HRSDC policy grievance, the Public Service Labour Relations Board will

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examine written submissions by CAPE and the Employer before May 8, 2013 and will render its decision, based on the submissions or after having heard the two parties at a last hearing. Finally, we are pleased to report that the employer has accepted our interpretation of the term “years of service” and amended its position accordingly. Once again, notwithstanding public service employees’ ability to defend their own rights, CAPE was able to take up the torch because it has the specific resources necessary to fulfil this role and can speak on behalf of its members.

CAPE, the PSAC and the PIPSC joined forces to pressure the government to recognize that individuals who voluntarily take the place of colleagues and leave their jobs are entitled to employment insurance benefits. It took several months of representations and arguments from the three unions when, in a letter dated March 8, 2013, to all affected unions, Treasury Board agreed. This decision affects thousands of federal public service employees.

3— Victories on behalf of our members

Each year, CAPE provides representation to hundreds of members facing disciplinary measures or claiming the rights to which they are entitled under their collective bargaining agreement. The union does not agree to take on all cases, however; each request for assistance that CAPE receives is examined carefully to assess whether the

employer is in compliance with the provisions of the collective agreement and the applicable policies and legislation.

Without revealing any specifics for the sake of confidentiality, here are just some of the cases won recently by CAPE's Labour Relations Officers on behalf of its members:

a) Termination of employment during probationary period. CAPE not only succeeded in getting the member in question reinstated for a period of one year, it also had the disciplinary measures imposed by the employer removed from the member's employment file;

b) Termination of employment for alleged fraud. CAPE successfully fought for the reinstatement of a member who had been fired for having declared ineligible expenses on an expense account claim. The member received a written warning, but the employer acknowledged that the mistake had been made in good faith and with no intent to defraud.

c) Refusal by the employer to proceed with alternation. We fought this battle more than a few times. Several members wishing to remain in their positions had found qualified employees interested in leaving the public service with whom to alternate, in accordance with the WFAD. Some departments and agencies caused difficulties, refusing to allow the alternation to proceed. We pleaded and won several cases, thus ensuring compliance with the WFAD and its alternation process.

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To be sure, CAPE does not win all of its battles. In some cases, despite CAPE's representations, members must suffer the sanctions imposed upon them by the employer. But often we succeed in mitigating sanctions or having them dropped altogether.

4- Working behind the scenes

A victory before an administrative tribunal can have spectacular results, such as the reversal of a disciplinary measure or the identification of a collective agreement violation. However, CAPE's work is not just limited to providing its members with proper representation in such cases, or engaging in collective bargaining. CAPE is also active in a number of less visible but nevertheless equally important areas. The [CAPE Annual Report](#) contains numerous examples of the day-to-day work CAPE performs on behalf of its members. CAPE is also represented on a number of committees, as listed below.

- **Departmental and agency consultations.** These ongoing consultations allow CAPE to convey the views and expectations of its members on numerous issues:

workplace wellbeing, employment equity, harassment, Values and Ethics Code, policies, etc.

- **Pension Advisory Committee.** This committee provides unions with an opportunity to air their views on changes made to the Public Service Pension Plan.
- **Committees of the National Joint Council.** The [NJC has several committees](#) that include representatives of CAPE. Issues discussed recently by NJC committees include the alternation process in the Work Force Adjustment Directive, the Travel Directive, employment equity, official languages, and the public service employee surveys conducted by Treasury Board.

CAPE is present on many advisory committees to convey the views and expectations of its members on numerous issues

- **Union training, communications and interaction with members.** Every day, CAPE receives telephone calls and email messages from members seeking information or advice. CAPE stewards have the opportunity to enrol in union training sessions that will enhance their ability to represent members in the workplace. CAPE also communicates regularly with its members to provide them with information on issues that affect them.

These are just a few concrete examples of what the Canadian Association of Professional Employees does for its members on a day-to-day basis. This kind of service requires members to pay modest dues, and these funds make it possible for qualified employees to negotiate, advocate and act on behalf of the approximately 13,000 members of CAPE. And so, the answer to the title question (What have the unions ever done for us?) might very well be: everything!

List of committees

- [Disability Management Initiative Technical Committee](#)
- [Public Service Pension Advisory Committee](#)
- [Work Force Adjustment Committee](#)
- [Government Travel Committee](#)
- [Dental Care Board of Management](#)
- [Joint Employment Equity Committee](#)
- [Official Languages Committee](#)