



# MOB!

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CAPE's mobilization & bargaining newsletter

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## STRIKE VOTE DEMYSTIFIED: IF I VOTE "YES" TO A STRIKE MANDATE, DOES IT MEAN THERE WILL BE A STRIKE?

Voting yes to a strike mandate essentially means giving your union the ability to put escalating pressure on the government to reach a fair collective agreement.

In the federal public service, the default dispute resolution process at the bargaining table is conciliation, a process that can lead to employees having the right to strike under certain prescribed conditions. That is why it is often referred to as the conciliation/strike route. A public interest commission (PIC) may be established to conciliate the matters in dispute. If the parties do not reach a collective agreement after receiving the PIC's

recommendations, the bargaining agent can declare or authorize a strike provided:

- Seven days have elapsed since the PIC report.
- No more than sixty days have passed since a strike vote was conducted in which the majority of voters voted in favour.

ECs and TRs who are assigned to a position that has been identified as providing an essential service are prevented from striking.

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**What is a strike?** Under the Public Service Labour and Employment Relations Act a strike is defined as a coordinated cessation of work or a refusal to work, a slow-down of work, or any other concerted activity designed to restrict or limit output. For instance, a strike mandate might result in working-to-rule or rotating pickets.

The 2013 strike led by the Professional Association of Foreign Service Officers, as seen in the timeline below, illustrates how union members can escalate the pressure to reach a fair settlement.

PAFSO's job action was not systematic, but it was strategic and it targeted priority files of the day. While members were technically in a strike position for over five months, there was only one half-day where the headquarters' DFATD membership walked off en masse. As for the rest, it varied. Some members were never off work, while others withdrew their services for weeks; in some instances continuously, in others, only a few days at a time. The key element that allowed for this nimbleness was the depth of PAFSO's strike fund, which ensured that employees were fully reimbursed for the days during which they withdrew their services.

## KEY MILESTONES IN THE PAFSO STRIKE

- Jan. 27, 2012 Impasse reached at the bargaining table
- Feb. 3, 2012 PAFSO files for conciliation
- July 17, 2012 Public Interest Commission (PIC) is established
- Oct. 22, 2012 PIC renders its decision
- Nov. 2012 Resumption of negotiations following recommendations release of the PIC's
- Mar. 2013 PAFSO conducts a strike vote, 82% vote in favour of job action
- Apr. 2, 2013 PAFSO is in a legal strike position. Job action measures (email auto-reply, work-to-rule) begin on the same day.



- May 13, 2013 TBS' failure to return to the table leads to an escalation in job action. Walkouts occur in select missions abroad and at headquarters in Ottawa.
- June, 2013 New service withdrawals of escalating scope and intensity. Starting on June 20, 2013, FS employees engage in strike action at fifteen of Canada's biggest visa processing centres around the world.
- July 18, 2013 Out of concern about the magnitude of the strike's effect on the Canadian economy, PAFSO offers the President of the Treasury Board to take the dispute to binding third-party arbitration.
- July 23, 2013 President of the Treasury Board agrees to PAFSO's offer of binding arbitration subject to six preconditions.
- July 24, 2013 PAFSO agrees to some employer conditions; employer refuses unless PAFSO agrees to a condition that would predetermine the outcome.
- July 26, 2013 President of the Treasury Board rejects PAFSO offer of binding arbitration.
- July 31, 2013 PAFSO files a bad-faith bargaining complaint against the Government of Canada
- Sep. 13, 2013 The PSLRB adjudicator finds that Treasury Board President Tony Clement engaged in bad faith bargaining.
- Sep. 26, 2013 PAFSO reaches a tentative agreement which includes significant salary increases.
- Dec. 6, 2013 Contract signed.

## CAPE MEMBERS MADE THEIR VOICES HEARD AT MONDAY DEMONSTRATIONS

Activists with the Canadian Association of Professional Employees, the Public Service Alliance of Canada and the Professional Institute of the Public Service of Canada organized demonstrations on four consecutive Mondays to protest Bill C-59. The number of participants protesting the legislation during these lunchtime demonstrations grew from about 100 on May 25 to more than 300 on June 15, despite some miserable weather conditions.

In light of their members' exposure to similar treatment, the presidents of other unions made appearances at these demonstrations to express their support for public service workers. On June 1, the president of the Association of Justice Counsel, Len Mackay, reminded participants how important it was to stand up to a government that has a knack for pushing through bills that violate the *Canadian Charter of Rights and Freedoms*. Meanwhile, Dan Maxwell, the president of the Ottawa-Carleton District of the Ontario Secondary School Teachers' Federation, told demonstrators that his members had suffered the same type of treatment at the hands of the government of Ontario. It's better to fight these measures at the earliest opportunity, Maxwell advised, because, once adopted, they are difficult to reverse.



On June 8, the national president of the Canadian Union of Postal Workers, Mike Palecek, talked about the many battles his members had waged with the government. For years now, postal workers have had to deal with the impact of a sick leave and short-term disability system, which was foisted on them by the government – a plan quite similar to what Treasury Board wants to impose across the public service.

Lastly, more than 300 activists heard the general secretary of Public Services International, Rosa Pavanelli, proclaim that Canada has a responsibility to respect the international conventions pertaining to the rights of workers, to which it is a signatory. Standing before the Prime Minister's Office, she was flanked by Professional Association of Foreign Service Officers Communications Director Chrystiane Roy and members of several PSAC, PIPSC and CAPE bargaining teams.



There's a shiny new print-friendly version of our handout on sick-leave myths.

You can download it from our website here: [bit.ly/CAPEsickleave](http://bit.ly/CAPEsickleave)



## POSTAL WORKERS SADDLED WITH HORRID SICK-LEAVE PLAN

As we brace ourselves for a tough fight over sick leave, postal workers paint a grim picture of the raw deal this government is peddling. During their last round of negotiations, they were ultimately forced to accept a plan that gutted their sick leave. In its place: a short-term disability plan and seven personal days.

“It’s been an absolute disaster for our members. There’s no other way to put it,” said Mike Palecek, president of the Canadian Union of Postal Workers.

They were among the first to butt heads with this Conservative government. After staging rotating strikes in the early days of June of 2011, Canada Post announced a lock-out on June 14. Immediately after, the government announced its intention to force workers back to work through legislation. The New Democrats filibustered the bill for an astounding 58 hours, the longest filibuster since 1999, but ultimately the bill passed and Canada Post employees were forced back to work on June 27.

The legislation also bound the union to a final-offer selection; the arbitrator would be forced to pick the government’s offer or the union’s offer, in its entirety. No amendments. No negotiations. According to Palecek, Canada Post put forward their worst offer. Worried that they’d be saddled with that raw deal, the

union chose to return to the bargaining table – under the circumstances, these negotiations could hardly be described as free and fair.

“The union leadership negotiated a collective agreement with a gun against their head – and it gave way to a lot of stuff, including sick leave provisions,” explained Palecek.

Since then, members have had to grapple with a nightmarish sick leave plan.

“People are being turned down for leave that they’re entitled to take,” said Palecek. “We’re hearing about members losing their homes – all kinds of horror stories.”

This is the likely outcome of dealing with a third-party insurance company; their profit motive conflicts with their duty to pay employees the benefits that they deserve. In the end, workers pitted against a private insurance company are the losers. But that won’t stop the government from pitching the plan as something that will benefit its employees, Palecek warned.

“It’s all garbage. They’re selling you a bill of goods.”

The union is hedging its bets on the 2015 election; it’s their best shot at reversing course, both on the benefits front and on the government’s plan to end door-to-door delivery. Palecek encouraged all union members to get involved: to vote, to work on campaigns, to put a lawn sign on their property. No matter the outcome, CAPE members will need to hold the government to account.

“We have 124 days to bring down the Stephen Harper government. We’re looking forward to having a government that we can actually negotiate with.”



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## BILL C-59: THE GOVERNMENT'S LATEST ATTACK ON COLLECTIVE BARGAINING AND SICK LEAVE



In her June 4 appearance before the House of Commons Standing Committee on Finance, CAPE President Emmanuelle Tremblay was critical of the false premises underlying Bill C-59. During her presentation, she made it clear to the Committee that C-59 violates the freedom of association provisions of the *Canadian Charter of Rights and Freedoms*.

She added that “C-59 isn’t an isolated attack; it’s part of a concerted effort to change the rules governing collective bargaining.” Federal public service unions have been fending off repeated government attacks for some time. In December 2013, Bill C-4 eliminated the right to arbitration for most public service bargaining units. Now C-59 seeks to remove unionized public sector workers’ legitimate right to collective bargaining – a right that has been recognized by the Supreme Court of Canada.

When Bill C-4 altered the collective bargaining process for our members by taking away the right to arbitration, it drove workers inexorably toward the conciliation/strike route as the sole means of resolving impasses at the bargaining table. In what amounts to an additional turn of the screw, however, Bill C-59 will deny public servants the opportunity to exercise that legitimate right with respect to the major issue that is government’s proposed sick leave and short-term disability plan.

“In addition to denying them their fundamental rights, the government is proposing an approach that is unfair for employees and unjust for taxpayers,” declared Tremblay. “The government is asserting that it can generate ‘savings’ from what amounts to an unfunded liability on its books; it is also failing to take into account the costs associated with this new compensation system.

“This government contends that it is simply trying to modernize their employees’ sick leave plan. If that’s their goal, we’re on board. And we can reach that goal without C-59 – without bypassing free and fair collective bargaining – without changing the rules of the game.”

The House of Commons and the Senate passed Bill C-59 in June. CAPE’s brief to the House of Commons Standing Committee on Finance is available for consultation on our website ([www.acep-cape.ca](http://www.acep-cape.ca)) and on the Parliament of Canada website ([bit.ly/CAPEparl](http://bit.ly/CAPEparl)). On June 26, CAPE, PIPSC and 10 other public service unions have filed a challenge against C-59 before the courts.



### MYTH:

Accrued sick leave poses a giant liability for the government.

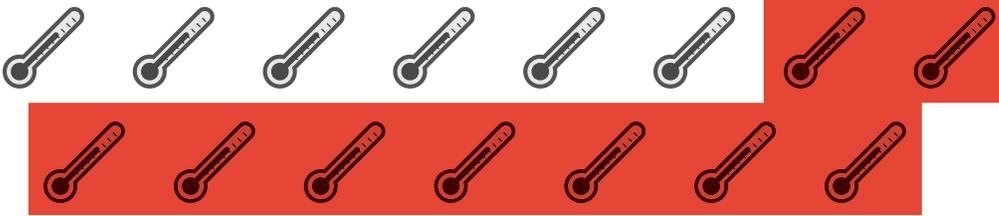


### FACT:

When employees resign or retire, their accrued sick leave isn’t paid-out; it evaporates just like fairy dust. POOF!

# THE WORKING SICK

A QUICK LOOK AT THE CONSERVATIVE'S PLAN TO MAKE YOU WORK WHILE SICK



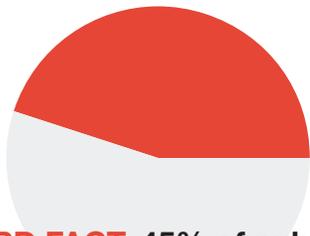
## Kiss your sick days goodbye.

Nine of them, to be precise. The go-to-work-sick plan sees your 15 bankable sick days replaced with a measly 6 unbankable days per year.



## Say hello to unpaid leave.

That's right: if you use up your 6 sick days before the year is over, you'll be forced to wait one week before qualifying for short-term disability benefits.



**HARD FACT:** 45% of public service employees (that's 85,462 employees) will end up having to take unpaid leave that won't be covered under STD.



## This plan is good for whom?

Only for a very small group. Last year, 111,288 employees had to take more than 6 days of sick leave. Under the new STD plan, 45% would have to take unpaid leave, 13% will receive some benefits and only 1,717 employees (or 1%) would get all the benefits. So don't be fooled: this plan will hurt most of us, young and old alike. We can find a solution that helps everyone.



## Imaginary savings.

The government claims it will save \$900M from imposing this go-to-work-sick plan. Since most public service employees aren't replaced when sick, just how will these savings be realized? Moreover, the government forgot to factor in the cost of paying that for-profit company to manage our sick leave.

## How is this happening?

The government has used its omnibus budget bill, C-59, to make sweeping changes with little debate or consultation. It wants to unilaterally re-write your contracts and rob us of our constitutional right to collectively bargain on your behalf.



## YOUR UNION IS FIGHTING BACK

Your union is fighting for your sick leave. We've proposed better alternatives at the bargaining table that would even improve the government's bottom-line – but the government isn't interested. We're also getting ready to challenge the government in the courts.

Can you really afford this go-to-work-sick plan? Mobilize against it!