



SCABS

When a union calls a strike, their entire bargaining power is predicated on solidarity on the lines. It is the biggest show of worker power that sends a clear message to the employer that the bidding of the employer cannot be done without the production of their workers. Conversely, the biggest chink in the armour of the union's bargaining power is when those who feel themselves better than the group fighting for improvements to members' salaries and benefits choose to break solidarity by doing employer work while their colleagues are striking to help all. It is the weakest worker, the one without morals and the "free-rider" benefiting from everyone else's hard work that hurts all in the end. How can one think it's ok to take money from the bosses, while at the same time benefitting on the backs of those who are united to improve everyone's work lives? They are the lowest of the low.



Gains are made and lost at the table based on the above concept. In an ideal world, there would be no scabs. However, selfishness and lack of moral compass tend to make people do things that are to their own detriment in the long run. Sure, the scabs got full pay – but what the self centered perhaps don't realize is that every single increase in pay and every single increase in benefit was because of union solidarity. If the scabs actually realize this and scab regardless, that makes them quite worthy of the term scab.



While it would be amazing to have everyone understand that together in 100% solidarity you could achieve anything, that is unlikely to happen with that immoral element existing.

One ray of sunshine in the labour world is that on November 9, 2023, because of a confidence and supply agreement with the NDP, the Liberals introduced Anti-Replacement Worker legislation. This is very important for several reasons. The first, and arguably the best, is that the federally regulated workplaces will not be able to bring in replacement workers to do scab labour and be paid for it while hard

(Continued on page 7)

**SI VOUS PRÉFÉREZ RECEVOIR CETTE PUBLICATION EN FRANÇAIS,
VEUILLEZ VOUS ADRESSER À VOTRE PRÉSIDENT- E DE SECTION LOCALE**

COLLECTIVE AGREEMENT ARTICLES

In this edition of Union News, we are going to discuss several articles contained within the collective agreement. This includes the most recent changes to our collective agreement along with changes in place because of negotiations during the past few rounds of collective bargaining.

It is important not only to highlight the most recent amendments or additions to our collective agreement, but it is also timely to discuss important clauses in the collective agreement for the benefit of all members including the thousands of members who have joined the Canada Revenue Agency over the last 10 years or so.

While we would like to think that everybody is familiar with everything contained in the collective agreement, sadly it is not so.

Article 25.08 – Flexible Hours

Subject to operational requirements, an employee on day work shall have the right to select and request flexible hours between 6:00 a.m. and 6:00 p.m. and such request shall not be unreasonably denied. The parties recognize that employees who request to start work at 6:00 a.m. consistent with this clause shall not be entitled to the early hour premium (consistent with Article 25.12) for the period of 6:00 a.m. to 7:00 a.m., nor should it result in additional costs to the Employer.



This clause had been amended to change flexible hours from 7:00 a.m. to 6:00 p.m. to now start at 6:00 a.m.

Employees who wish to start earlier than the previously prescribed start time of 7:00 a.m. should request in writing the approval to do so from the employer. The employee should receive, in a timely manner, a response either granting the request, or if denying the request, the employer should be providing information outlining reasons for their denial. If the request is not approved, this would be a good time to reach out to your local executive to seek assistance. Each situation will be reviewed on a case-by-case basis and will involve looking at factors such as whether the member is requesting to start their workday at 6:00 a.m. remotely, on-site, or both, as well as the duties and responsibilities of their specific position.

The merit of the request will largely hinge on how compelling of an argument can be made about what type of work the member can reasonably do at 6:00 a.m., considered in conjunction with their job description. For many of our members, most duties can be done independently and do not require collaboration with other team members or contact with taxpayers. If these members are requesting to start their remote workday at 6:00 a.m. and the employer refuses, we would recommend filing a grievance.

However, for example, where a member's position is at a contact centre in Newfoundland, which predominantly requires phone presence from 8:00 a.m. – 4:00 p.m., we will likely not be successful in representing them if they are requesting to start work at 6:00 a.m., whether they are working from home or on-site.

(Continued on page 4)

MESSAGE FROM THE NATIONAL PRESIDENT

Sisters, Brothers and Friends,

As the year draws to an end, you should have received the lump sum payment of \$2,500 (gross amount) as part of the new collective agreement. In addition, rates of pay for all members of the Union of Taxation Employees (UTE) have increased by 3.0%, plus a 0.5% wage adjustment for a total of 3.5% effective November 1, 2023.

On October 24, we launched a campaign to denounce the unacceptable situation in which many of our members and retirees find themselves since Canada Life became the administrator of the Public Service Health Care Plan. Long waiting times for customer service or reimbursement of expenses, refusal to cover certain drugs or treatments - the problems are piling up. If you haven't already done so, we urge you to contact your Member of Parliament or the Canada Life Ombudsman to tell them about the problems you're experiencing and to demand immediate improvements to this totally unacceptable situation. To increase the pressure, we also held a demonstration in front of the Canada Life regional office in Ottawa on October 25, which was covered by the media.

The UTE/CRA Joint Consultation Committee on Virtual Work Arrangements met again on October 30. Another meeting will be held soon, and the Committee will then provide an update on the progress of its work.

I would also like to inform you that the UTE National Office will be moving from the 8th floor of the building located at 233 Gilmour Street in Ottawa to the 4th floor of the building situated at 275 Bank Street, Ottawa, effective January 1, 2024. We have signed a ten (10) year lease.

Meanwhile, several members have written to tell us how the tragic events in Israel and the Gaza Strip are affecting them. UTE is deeply saddened by the loss of so many civilian lives and for all the suffering caused by the escalation of violence. This situation is beyond our control, but we call on the Canadian government to demand an immediate ceasefire to prevent further loss of life and to allow humanitarian aid organizations to reach the population. Canada must also advocate for a peaceful solution to this conflict as quickly as possible. We know that many members were shocked and hurt by the message issued on October 11 by the Clerk of the Privy Council and the lack of subsequent messages from the employer. I would like to inform you that I have raised the matter with the Agency Commissioner to sensitize him to this issue and to request that further communications be issued in the near future, and that they be respectful of all parties involved and all CRA employees. We are aware of the pain and distress that many of our members are experiencing as a result of this difficult situation, and we offer our sincerest thoughts to all those affected by the crisis.

Thank you once again for your excellent work and for your continued support of your union. Please do not hesitate to contact any of your local union representatives if you have a problem or question, as they are there to help.

In closing, I wish each and every one of you and your loved ones a wonderful Holiday Season. May the New Year bring you peace, joy, happiness, and prosperity! Merry Christmas and Happy New Year! Stay safe and take good care of yourself and your loved ones!

In Solidarity,

Marc Brière
National President



(Continued from page 2)

We also understand that the employer is citing operational requirements and additional costs in refusing to allow members to start their workdays at 6:00 a.m. on-site. We need to push the employer to prove legitimate operational requirements and/or additional costs to our satisfaction. As previously stated, our recommendation is to have members put in requests to start their on-site workdays at 6:00 a.m. and have management provide reasons if they are refusing these requests.

With a denial of such a request and after an assessment of the matter has been conducted, we are encouraging members, with the assistance of the local, to file grievances on these denials.

Article 42 – Leave with pay for family-related responsibilities

Article 42 provides a very comprehensive list of situations where a member is entitled to take leave without pay. It should be noted that in any fiscal year an employee has a maximum of 45 hours available to them.

The list includes:

- Taking family members to medical or dental appointments and the number of other scenarios.
- To provide immediate and temporary care of a sick member of the family.
- For care of a sick member of the family who was hospitalized.
- To provide for the immediate and temporary care of an elderly member of the employee's family.
- Many other family related situations, and members are encouraged to review article 42 in order to be aware of all of the provisions contained in this article.



Over the last two rounds of collective bargaining, there have been two significant changes to article 42, the first being the inclusion of sub article 42.01 b:

For the purpose of this clause, “family” is defined per Article 2 and, in addition, a person who stands in the place of a relative for the employee whether or not there is any degree of consanguinity between such person and the employee.

This allows the member to have access to the provisions of this article when dealing with individuals or situations where the person is not a family member by blood. Again, the provision that total amount of leave in any fiscal year is 45 hours.

Article 42.02 (j)

The most recent amendment to this article provides members now a maximum of 15 hours out of the allotment to meet with “a professional”. The employer has taken a very reasonable position in respect to this clause. While meetings with lawyers, paralegals or financial advisors are specifically mentioned it has been recognized that a “professional” can be anyone trained in their particular field. Thus, meeting with a barber, veterinarian, mechanic, golf pro to name but a few, would qualify. We are unaware of many incidents where the leave is denied.

(Continued on page 5)

Article 44 – Domestic violence leave

The recent pandemic has forever changed the way we deal with each other, both in the workplace and at home. We all know that while we have a duty to be professional in the workplace, the reality is that we cannot or do not always separate what happens at home from what we bring to work. The sad reality of domestic violence is that it can create many challenges for people in terms of how they function, and the recent pandemic has been no exception. Some saw their personal relationships strengthen, and others saw them strained to the breaking point, both living and working from home 24/7. As a result, there has been an increase in the number of cases of domestic violence.

Unfortunately, domestic violence is not a new phenomenon. It can result in a need for individuals to take time off to find a new place to reside, to attend interviews with police, to testify in court, to attend medical appointments, and to attend counselling. The reasons for time off can vary from physical safety, emotional safety, and for a variety of practical reasons. Starting over is neither easy nor quick. Our union has fought for and secured leave to allow for this. Our members can request up to 75 hours per fiscal year, and the leave is renewed on April 1st. This leave is secured in article 44, entitled Domestic Violence Leave, and can be requested for the member or the member's child who has been the victim of domestic violence. The collective agreement recognized that "... domestic violence is considered to be any form of abuse or neglect that an employee or an employee's child experiences from a family member, or someone with whom the employee has or had an intimate relationship."

Due to the sensitivity of the matter, the employer only requires a signed statement from a member, indicating that they meet the conditions of the article.

Conversely, if an employee has been charged with domestic violence, they are not entitled to this leave.

Please see the link below for reference to the applicable clauses of the collective agreement. If you have any further questions or face obstacles in utilizing this leave, please contact your local for advice and/or assistance.

https://www.canada.ca/en/revenue-agency/corporate/about-canada-revenue-agency-cra/collective-bargaining/psac.html#h_4.12



Article 46 – Bereavement Leave

Have you ever encountered a situation where a dear colleague or lifelong friend has passed away and emotionally you were as devastated as if it was a family member? An article was recently amended under bereavement leave to provide members an opportunity, once in their career, to take bereavement leave in these unfortunate situations. The inclusion in the article of section 46.01 (a) provides that possibility.

46.01 For the purpose of this clause, "family" is defined per Article 2 and, in addition:

- a. *a person who stands in the place of a relative for the employee whether or not there is*

any degree of consanguinity between such person and the employee.

- b. *An employee shall be entitled to bereavement leave under 46.01(a) only once during the employee's total period of employment in the public service.*

Note: 46.01 is defined to mean that for bereavement purposes the individual would be considered as "family" even though there was no blood relationship.

The most recent changed negotiated in our collective agreement provides one (1) day of bereavement for those family members contained in the new article 46.05.

46.05 An employee is entitled to one (1) day's bereavement leave with pay for the purpose related to the death of their aunt or uncle, brother-in-law, or sister-in-law.

Article 52 – Leave for Traditional Indigenous Practices

The Truth and Reconciliation Commission's 94 Calls to Action (CTA), guided by the United Nations Declaration on the Rights of Indigenous Peoples, *are actionable policy recommendations meant to aid the healing process in two ways: acknowledging the full, horrifying history of the residential schools system, and creating systems to prevent these abuses from ever happening again in the future.*

Prevention, according to the CTAs, will happen by:

1. *Teaching all Canadians the reality of Indigenous Peoples' treatment*
2. *Creating educational and economic opportunities for Indigenous Canadians so they can fully participate in society.¹*

The Union of Taxation Employees is supportive of equity and reconciliation for Indigenous members and our new Collective Agreement contains provisions for members who self-declare as Indigenous persons. Article 52 of the Collective Agreement allows Indigenous members leave with and without pay, to engage in traditional Indigenous practices, including land-based activities, such as hunting, fishing, and gathering. For the purposes of this article, an Indigenous person refers to someone who identifies as First Nations, Inuit, or Metis. They are entitled to up to 15 hours of leave with pay and up to 22.5 hours of leave without pay per fiscal year.

Unless the employer states otherwise, a statement in writing from the member stating that they meet the conditions of the article shall be sufficient to make the request for leave.

Members who intend to take advantage of this leave must request it as far in advance as possible. The leave may be taken in one or more periods, but each period of leave will not be less than 7.5 hours.

This demand was part of the PSAC's common demands, that is, the same demand was tabled, and accepted, across the Public Service. This is an important step for the Union in the journey toward reconciliation with Indigenous peoples.

¹ *What Are the Truth & Reconciliation Commission's 94 Calls to Action & How Are We Working Toward Achieving Them Today?*

(Continued from page 6)

<https://www.reconciliationeducation.ca/what-are-truth-and-reconciliation-commission-94-calls-to-action#:~:text=Calls%20to%20Action.%E2%80%9D-,What%20Are%20the%2094%20Calls%20to%20Action%3F,happening%20again%20in%20the%20future>

*Communications Committee
with contributions from Gary Esslinger, Melanee Jessup, Patricia Sleczkowski, and Kristina Cooke*

(Continued from page 1)

working members fight for all. Hopefully this will send a strong message to scabs.

We are facing an onslaught of threats to workers in the coming months and years with the evolution of artificial intelligence (AI) and an election looming before or around our next negotiations begin. Having legislation that obstructs the will of scabs will weaken the employers' position, levelling the playing field when it comes to bargaining.

It's unfortunate that we would need such legislation to stop someone from scabbing. It would be much better if we united instead, especially given the future hurdles we will face.

Let us address the issues on why one reaches the point of scabbing:

- "I don't believe in union or strikes" – Ok, I wish that was not the case, but you don't have to be a fan of the union, nor do you have to strike. Just don't do the employers' bidding as it weakens our position.
- "I don't think the union gets me what I deserve" – Ok, try negotiating yourself with the boss. Let us know how that goes.
- "I would rather have a non-union job" – Super, apply.
- "But my employer gives really good pay and benefits why do we have to fight?" – Because the employer didn't "give" you any of the salary and benefits you enjoy. It was all fought for or legislated. The employer has no interest in improving your pay and benefits and this is evidenced by every offer they have proposed through negotiations. Ask them what they thought you should get!



Regardless of a scab's self-rationale or justification they simply don't get it and frankly they have no problem trampling over the sacrifices striking workers. Scabs are not your friends! Scabs have taken advantage of you and are riding on your coattails. Scabs have no integrity and if they are willing to take advantage of you and your union, who else do they try to take advantage of?

I don't know about you, but I will never forget scabs and I hope you don't either.

Adam Jackson
2nd Vice-President, responsible for Collective Bargaining

LET'S TALK ABOUT HONOURS AND AWARDS!

Did you know that your Union offers many ways to recognize activists in the community and in the Union? We invite members to visit the UTE website: www.ute-sei.org and see for yourself, it's easy.



From the Home page click on Committees in the Banner near the top of the page. This brings up a list of committees. On the left hand side, you just choose the Honours and Awards Committee. Look through the information on the committee site. It may be an eye opener to many members unaware of all recognition UTE provides to both members and union activists.

There are scholarships available for you, your children and grandchildren that would help with the cost associated in furthering their education. UTE has two National \$3,000 and ten \$1,500 Regional scholarships. UTE has recently entered into a partnership with ThePersonal insurance company which provides an additional ten \$1,000 awards.

There are ways to honour community activists. The Humanitarian Award for example has a financial award going to the charity of the recipient's choice. Have a look and see if you know someone who should be recognized.

It is important to be aware that some of these awards have specific deadlines. Contact your local executive, they can help!

*Gary Esslinger
Honours and Awards Committee, Chair*



SEASONS GREETINGS FROM THE NATIONAL EXECUTIVE AND STAFF OF THE UNION OF TAXATION EMPLOYEES

CHANGE OF ADDRESS

Please note that all address changes should be done online at <https://www.ute-sei.org/en/for-members/change-address> or via email to membership@ute-sei.org. If you do not have access to e-mail, please pass it on (with your PSAC ID) to a local representative or mail it directly to the National Office at 275 Bank Street, 4th Floor, Ottawa ON K2P 2C6.