



## UTE CONVENTION 2017

The Triennial Convention of the Union of Taxation Employees was held in Ottawa, Ontario from July 19-22, 2017. UTE activists from across the nation assembled. There were 166 delegates, 25 guests, 2 honorary members, 15 life members and 122 observers for a total of 330 participants. Our convention theme was:

***DEFENDING OUR PAST  
PROTECTING OUR PRESENT  
AND FIGHTING FOR OUR FUTURE***

There were four days of debate and discussion on the issues that affect the running of the union for the next three years. Listed below are some highlights of the business topics covered:

- Elections of the National Officers (*see the back for results*)
- The Convention adopted a monthly dues increase \$0.92 for each of 2018, 2019 and 2020.
- Daily highlights of each day can be found on our website.  
<https://www.ute-sei.org/en/news-events/convention/convention-2017/daily-convention-highlights>

Recognition is a valuable and important aspect of our Union and an activity we hold dear to our hearts. The *Honours and Awards Committee* was pleased to make the following presentations.

The highest awards within our organization for dedicated service to our Union:

- Sister Debbie Ferguson, LIFE MEMBER
- Brother Jean-Pierre Fraser, LIFE MEMBER
- Brother Barry Melanson, GODFROY CÔTÉ AWARD.

***The Union extends a heartfelt thank you to the Ottawa Host Committee and volunteers for all of their hard work and efforts which helped make this convention a success.***



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

## BARGAINING UPDATE

The last collective agreement included a provision to continue to negotiate the wages for the years 2014 and 2015.

Unfortunately, as both parties were unable to reach an agreement, a request was made for a binding arbitration process to settle this issue. As of now, both parties have selected their representatives for the arbitration process and a chairperson has been approved by both sides. It is expected that this process will take place in the late fall with the final decision binding on both parties.

This process does not in any way impede the start of our next round of collective bargaining. Initial steps in this process have already commenced. In the spring, bargaining demands were collected. The National Bargaining Committee will be created in the fall. Shortly after this, all of the demands received will be compiled and reviewed by this committee to determine the priorities. These will make up our bargaining demands which we will exchange with the employer, hopefully in the late fall or early winter.

We encourage you to sign up for email updates on bargaining, if you have not done so already. It is a very simple process and will ensure you are fully aware of what is transpiring throughout bargaining.

Just go to our website at: [www.ute-sei.org](http://www.ute-sei.org). and select 'Join our mailing list' at the bottom right. You then complete the form and choose the bargaining list as the one you wish to subscribe to. You will receive an email from UTE confirming your subscription. This list will be used to update you on bargaining developments.



## FILING A GRIEVANCE

In a previous edition of UTE news, updates were provided on changes to the Federal Public Service Labour Relations and Employment Act and the accompanying Regulations that had been introduced by the previous Conservative government.

The change mentioned was in relation to situations where an employee chose to file a grievance. Originally an employee required union approval and representation **only** in matters dealing with the interpretation and application of the collective agreement.

The proposed changes stipulated that union approval would be required in all cases where an employee was filing **an individual grievance**.

For unknown reasons, these regulations were never implemented through an Order in Council, and thus were not made law. It has now come to our attention that the new Liberal government has chosen not to move ahead with this piece of legislation and is in the process of having it repealed. This means that members have the right, if they so choose, to file grievances on matters not relating to articles within the collective agreement, without the approval of the union.

We would urge members to engage the assistance of the union in dealing with all matters, but most certainly grievances. Seeking the assistance of the union will provide the member with access to support at the local, regional and national level.



## MESSAGE FROM THE NATIONAL PRESIDENT

Hello. This first message in our newsletter as National President of the Union of Taxation Employees (UTE) is a perfect opportunity for me to tell you how proud I am to be part of this great union that is the UTE. I firmly believe that our Component was and still is the best of all the Components that make up the Public Service Alliance of Canada (PSAC).



And why can I say that? Quite simply on the basis of our past achievements. Together, our members and union representatives have waged many battles over the years along with their PSAC colleagues. It hasn't always been easy, but we have made great strides in acquiring and keeping a multitude of benefits. Just think of the maternity and parental leaves, family leave, bereavement leave or pre-retirement leave, flexible work schedules, health care plans including dental care, the protection clauses pertaining to discrimination and harassment, the addition of the Workforce Adjustment Appendix into our collective agreement, etc., not to mention our historical triumph in terms of pay equity. On each occasion, the UTE and its members played an important role and exhibited courage and leadership. The UTE has also managed to adapt to change. As such, since the Canada Revenue Agency (CRA) was established in 1999, the UTE has, among other things, adjusted its bargaining strategies and the demand-gathering process. We also negotiated with the CRA to obtain a separate new classification standard for all our members (SP and MG). However, what truly sets the UTE apart from the other unions is its constant commitment to making sure that its members and union representatives are fully informed and educated. The two (2) Presidents' Conferences held every year, during which the members discuss major issues and attend training workshops, is a prime example.

Having been elected UTE National President at our last triennial convention is truly an honour for me. I am enthusiastic about the idea of working closely with the Executive Council officers and with our locals to keep passionately defending the interests of all our members and ensuring that the employer feels that we are a force to be reckoned with. I am committed to serving you to the best of my knowledge, to sparing no effort and to listening and exhibiting leadership. I am also committed to providing my support and assistance to all our union representatives, both local and regional, for helping them carry out their duties.

I am taking this opportunity to thank the delegates who attended the July Convention for their incredible support and for their vote of confidence.

The Union of Taxation Employees is an excellent union with a great tradition, however I believe that there is always room for improvement. Therefore, I am committed to doing everything to improve our communication within the UTE and with our members. Likewise, I intend to boost our political lobbying and our media presence when it proves necessary. I am also committed to working closely with the PSAC leaders, the other PSAC Components and the PIPSC-AFS group.

I would also like to point out that I intend to work hard to improve our relationship with the employer and do so at all levels.

Since being elected, one of my first major decisions was to appoint my executive assistant. The person holding that position plays a major role and is nothing less than my right arm. A person whom I can trust completely and who will be able to assist and advise me. A person who will be able to tell me "the realities" openly and directly, and not just what I want to hear. I am pleased to inform you that I have appointed Brother Daniel Camara to this key position. I am certain that he will be a great asset for our national office, our members and our organization as a whole. Welcome Daniel!

The last few years have been very tough with the budget cuts and the last round of bargaining, but

*(Continued on page 4)*

we have shown that, when we stand together, we can accomplish a great deal and achieve our objectives. I am aware that a great many challenges are before us. There are, of course, all the impacts from the Service Renewal Initiative undertaken by the CRA last fall and the outcomes of which we don't yet know at this time. Rest assured that we will keep representing you and defending your interests in this matter, as we have done in many other instances.

Thank you for your support, and I encourage you to keep supporting your union representatives who are there for you, the members. I look forward to serving you for the next three years.

Yours in solidarity,

**Marc Brière**  
**National President**

## FEDERAL COURT OF APPEAL DECISION - CHER HEYSER

The Heyser decision is a recent federal court ruling dealing with the matter of the employer revoking an employees' security reliability status which ultimately results in termination of the employee.

The union's position, both PSAC and UTE, is that in many cases the employer's use of this practice is done to circumvent the use of the proper procedures when considering employee termination. What does this mean? Basically, while recognizing the employer's right to potentially terminate employees it should be done in a manner that affords employees the right to the appropriate recourse to challenge these decisions.



When the employer revokes an employee's security status they no longer become employable within the CRA. The union's belief is that often these actions are effectively disguised discipline. The employer tries to

argue that these are administrative matters within their authority. Why does this matter? You might say at the end of the day the employee has been terminated, basically the same results regardless of the manner in which it's done. This actually is the most important element of this whole issue. When the revocation process is used, the recourse available to the employee is to file a grievance on the revocation. The challenge with this is that the employer argues that it is that an administrative matter not subject to adjudication. While if the employer uses discipline to terminated employee, the employee also has a right to file a grievance but this grievance includes automatically the right to be considered as a matter that could go to adjudication.

The outcomes depending on the path taken could be significantly different. Grievances that are considered non-adjudicable cannot be reviewed by an independent third party while grievances that can go to adjudication are afforded the possibility of being reviewed by an independent third party. Simply put without the ability to go to adjudication the decision of the employer is reviewed by no one but the employer and the likelihood of a positive outcome for the employee is almost Nil.

In June 2012, Cher Heyser an employee of HRDC filed a grievance on the revocation of her reliability status. This grievance was denied by her employer through all levels of the grievance process and was ultimately referred to adjudication. At the adjudication hearing that occurred in August 2015, the employer argued that this was an administrative matter not subject to the authority of the adjudicator. In this case the adjudicator ruled that he believed he had the authority to review the matter and ultimately ruled that the employee should be reinstated into her job. In the adjudicator's ruling he stated that the matter should have been dealt with as discipline. And then ruled that as discipline termination would have been considered too harsh based on the



The following article was submitted by the winner of the Diana Gee National UTE scholarship.

Note: In February UTE issued <https://www.ute-sei.org/en/campaigns/stand-future-our-pensions-future-our-bargaining-and-future-our-pay-system> It noted the strength we have on standing together in lobbying on important issues such as the attack on pensions through Bill C-27.

## THE DANGER OF TARGET BENEFIT PLANS

The purpose of a pension plan is to provide its members with income during retirement so that at the end of their careers, pensioners can relax and enjoy their time without worrying about if they will outlive their savings.<sup>1</sup> When comparing between plans, the better plan for the members is the one that best achieves the objective of having a pension plan at all: financial security. Given lower risk tolerances in retirement, financial security is accomplished through having stable income streams that retirees can depend upon. Retirement income is comprised of government sources, personal savings, and employer pension plans.

As with all pensions, the hope is that contributions paid into the plan will grow during a worker's career to provide for their retirement. There is always the risk that the investments will not earn as much as projected, leading to a funding shortfall. Where pension plans differ is in who bears the loss in the case that investments underperform.

One type of employer pension plans is the Defined Benefit (DB) plan. DB plans promise a specific, predefined pension income upon retirement, independent of how the contributions have grown. If there is a shortfall, the employer will pay the difference so that the pensioner can maintain a stable income level.<sup>2</sup> With DB plans, the employer chooses to accept the investment risk because they understand that retirees rely on pension income to meet basic needs. This makes sense, because employers have a higher risk tolerance than the retired, who are some of society's most vulnerable members. While this may cost the employer more money in years of poor market performance, they choose to protect their employees who often cannot afford to lose this income stream.

Unfortunately, many companies have been switching away from DB plans due to their higher cost; registered DB plans have decreased from covering over 30% of private sector employees in 1977, to only 11% in 2013.<sup>3</sup> Recently, Target Benefit (TB) plans, a new type of employer pension plan, have emerged. The TB plan changes the promise of a predefined pension income to a target that may or may not be reached, depending on market conditions. If markets underperform and targets are unmet, rather than the employer paying the difference to pensioners, retirees will receive less money.<sup>4</sup> This means that retirement security will be forever uncertain, as the level of future retirement income is not guaranteed. Retirees will no longer be able to depend upon their employer pension plan as a stable income stream, as TB plans force pensioners to face the financial risk. For the plan members, TB plans are worse than DB plans because they provide a lower level of financial security. TB plans save the employer money at the expense of the retired.

*Helen Dong, Greater Toronto Region*

1. [https://www.pensions-institute.org/commentaries/comm\\_blake\\_jun99.pdf](https://www.pensions-institute.org/commentaries/comm_blake_jun99.pdf)
2. <http://www.osfi-bsif.gc.ca/Eng/pp-rippa-rra/Pages/db-pd.aspx>
3. [http://www.fin.gc.ca/n16/data/16-113\\_3-eng.asp](http://www.fin.gc.ca/n16/data/16-113_3-eng.asp)
4. <http://www.ifebp.org/inforequest/0164303.pdf>

## 2017 GOVERNMENT OF CANADA WORKPLACE CHARITABLE CAMPAIGN (GCWCC)

The Union of Taxation Employees' (UTE) position regarding the 2017 *Government of Canada Workplace Charitable Campaign* (GCWCC) has evolved.

This year, UTE National will participate with CRA officials to the launch and promotion of the 2017 campaign. We are strongly encouraging our Regional Vice-Presidents and Locals to participate as well.

The Public Service Alliance of Canada (PSAC) is working with the officials at the United Way to make sure that the Unions and their members will get the recognition that they deserve for their contributions to the GCWCC.



Once again, we are encouraging our members to be generous by continuing to donate to charitable organizations. They can do it through the GCWCC or directly with the United Way or to UTE's charitable organization of choice, the International Children's Awareness Canada (ICA) (see below). Together, let's help those people in need! If you require additional information on this matter, please contact your local executive.

### **INTERNATIONAL CHILDREN'S AWARENESS (ICA) CANADA**

*International Children's Awareness (ICA) Canada is a small, non-profit organization committed to long-term development throughout countries in need. At any given time, ICA has a handful of projects being completed and is working to obtain funding to begin other projects. ICA projects help small community groups and families in developing nations.*

*ICA is a Canadian registered charity (Registration # 887858660RR0001). They are staffed entirely by volunteers, which means that 100% of donations go towards the projects and not salaries or administration costs.*

**We would like to ask our members to support this worthy organization by making donations either directly or through the Government of Canada Workplace Charitable Campaign (GCWCC) to ICA Canada.**

**In Solidarity,  
Marc Brière  
National President**

## **SUPPLEMENTARY DEATH BENEFIT**

As a retired Canada Revenue Employee, I am entitled to a supplementary death benefit in the amount of at least \$10,000.00.

This benefit must be applied for otherwise my beneficiary or estate will not receive any payout. It is recommended that this document be kept with your will or your notarized papers and that a family member or other individual is made aware of this benefit.

My PRI (Personal Record Identifier) #: \_\_\_\_\_

Contact number to call to advise of the passing of the plan holder and to ensure they were entitled to the benefit is [1-800-561-7930](tel:1-800-561-7930)

## SUPPLEMENTARY DEATH BENEFIT

While death is a subject that no one likes to talk about, it is important to advise members of a benefit that could be available to your beneficiary or estate upon your passing. The unfortunate fact is that in many circumstances survivors or the estate are not aware of this benefit and thus do not apply for it.

What is the supplementary death benefit? It is a life insurance benefit provided to most current or retired public service employees. For certainty, this benefit applies to current and former Canada Revenue Agency employees. In most cases employees are automatically entitled this benefit.

In almost all cases the paid-up amount of the benefit is \$10,000 for life. In certain situations, this amount could be more depending on an individual's age and other circumstances.

You are encouraged to visit the Government of Canada website: [www.canada.ca](http://www.canada.ca) and search for the Supplementary Death Benefit. There you will find more detailed information on the matters discussed above along with other useful information such as ensuring your beneficiary is up-to-date.

The **MOST** important factor to mentioned here is that in order to receive this benefit it **must** be applied for. We are recommending that members complete the form on the preceding page and place a copy with your will or other papers and make sure a family member is aware of this document. This document includes the telephone number that your estate can call. Members should put their PRI where indicated.

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circumstances of the case.

*This is truly the most important factor in why these matters need to be dealt with at adjudication. It can be determined by an independent individual whether "the punishment fits the crime". It is unfortunate to consider how many individuals may have been terminated through an "administrative process" while an adjudicator might have ruled less significant discipline would be warranted.*

The employer and ultimately Treasury Board did not agree with this ruling as a stated above in the belief from the employer side was that these were administrative decisions not subject to adjudication. This case was then referred to the Federal Court of Appeal for a judicial review. Effectively what was being challenged was a right of the adjudicator to rule on this matter.

In September 2016, this matter was heard before a panel of three Federal Court Judges. Arguments were presented by both the Attorney General of Canada representing Treasury Board and lawyers representing the member and the Public Service Alliance of Canada.

The panel ultimately ruled unanimously in favour of the member stating that in certain circumstances adjudicators have the right to review these matters on the grounds that they are indeed disciplinary in nature and not simply administrative matters. Of interest, many times noted in the ruling the words used by the judges were "sham or camouflage" effectively suggesting that the use of security revocation was actually a way to circumvent the disciplinary process which as we as a union believes affords members rights that they would not otherwise have.

We only touched briefly on the details of this case but it is safe to say this is a significant victory for public service employees who have their security reliability status revoked and as a result lose their employment. In many circumstances, the situations can now be subject to an independent review and places much more responsibility on employers to follow a more thorough and proper process.

For those interested, one can read the *original PSLERB decision at:*

[http://www.pslreb-crtefp.gc.ca/decisions/summaries/2015-70\\_e.asp](http://www.pslreb-crtefp.gc.ca/decisions/summaries/2015-70_e.asp)

*or the entire decision on the Federal Court of Appeal at:*

<http://decisions.fca-caf.gc.ca/fca-caf/decisions/en/item/231365/index.do>

## EXECUTIVE COUNCIL AND ALTERNATES

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National President

### **Doug Gaetz**

1st National Vice-President

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### **Brian Oldford**

Regional Vice-President  
Atlantic Region

(Alternate RVP - Michelle Neill)

## CHANGE OF ADDRESS

Please note that all address changes should be done via e-mail to Louise Dorion ([dorionl@ute-sei.org](mailto:dorionl@ute-sei.org)) or via the national web site. If you do not have access to an e-mail, please pass it on (with your PSAC ID) to a local representative or mail it directly to the National Office at 233 Gilmour Street, Suite 800, Ottawa ON K2P 0P2.