



WHERE DO WE GO FROM HERE?

As you know, Public Interest Commission (PIC) dates have been set up January 6th and 20th. If the employer receives a new mandate, we have been clear we are willing to meet before the PIC dates. In the event they do not, we need to be aware of what can happen.

The PIC will hear arguments from both sides and then render a report with recommendations. This is typically within 30 days, but an extension can be requested. A strike vote can only be taken after the report is received, and only if it is rejected.

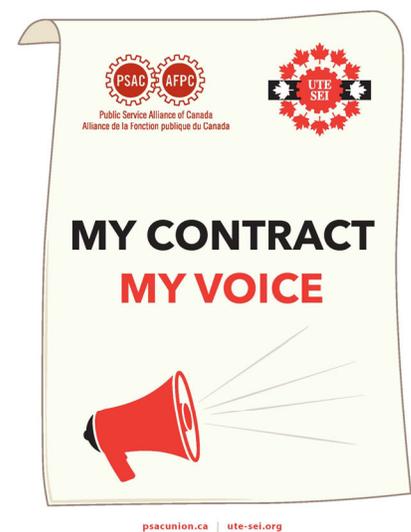
We have been asked over and over at AGMs “when are we taking action” or “when are we going to strike?” I would imagine this is in part because of events recently in Ontario, where two different labour groups (Canadian Union of Public Employees (CUPE) and The Elementary Teachers’ Federation of Ontario (ETFO)) negotiating with the provincial government received 93% and 98% strike mandates respectively. That is a pretty clear message to the government.

In the case of CUPE, they were able to get to an agreement at the 11th hour so to speak. This was entirely because of their strength in showing they were absolutely willing to withdraw services if they did not get a reasonable offer. Additionally, when they settled, they didn’t agree to any concessions.

The strength is in numbers and in voice. Showing the boss in any organization that the membership is adamant in their resolve to withdraw services without a reasonable contract is quite literally the only power you have. The employer has all sorts of tools at its disposal but your strength in numbers is much more powerful; you just have to be willing to use it. CUPE did exactly that in Ontario and I would imagine others will follow suit.

To be clear this is not to say we are at that point yet, but it is always possible to have our hand forced. Ideally, the employer will show us that they want a really productive negotiation session and should they choose to prove it to us, I would hope they would realize the urgency. I am optimistic the election has sent a message that it’s time to come to a resolution one way or the other. We would all prefer this to be at the table, not in the parking lots, but we will never be afraid.

We will not let you down, we have committed to fight for benefits both economic and non-economic that reflect the hard work and dedication you provide. We’ve got your backs, let’s show them we mean business. A contract that has been expired for three years is unacceptable.
#solidarityworks #mycontractmyvoice



Adam Jackson
2nd National Vice-President

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

YOUR COLLECTIVE AGREEMENT AND YOU

Occasionally the Communications Committee receives questions from members regarding various clauses in the collective agreement asking for insight as to their obligations and rights in respect to these clauses.

We will focus on Article 42, leave with pay for family related responsibilities. We will set out our position and opinions based on the wording in the collective agreement and/or supported by various adjudication decisions upholding this interpretation and intent of this article.

Article 42 provides leave to employees in situations related to care of family members as described in the definition of “family” found in Article 2 Definitions. In any fiscal year the maximum amount of leave which may be granted to an employee shall not exceed forty-five (45) hours.

The question posed to us was, “Can the employer ask for proof of leave if they suspect abuse?”

Normally when we hear the word “abuse” used, it’s mentioned in the context of an employee who, in someone’s opinion, is using more leave than they should. An example of this would be “I think they are abusing their sick leave; they’re using too much”. Most of the time this is a very subjective opinion and not necessarily based on any sound facts.

With family related leave the issue is not so much abusing the leave but rather, managers questioning the need for the leave. The maximum as stated above is 45 hours. Once an employee has utilized this amount of leave, there is no further time available to them. We believe this challenges the notion of abuse.

At the Union of Taxation Employees (UTE), we counsel our members when requesting leave under this clause, that they should provide their team leader or manager enough information as to satisfy that the leave request meets the requirements. For example, if you say to your manager you are taking your child to a medical or dental appointment, as long as the individual in question met the definition of family, that should suffice. Our position is the employer needs not ask any further information nor question why this could not be done at a different point in time or other invasive questions.

One part of Article 42 is that “the Employer shall grant leave with pay”. Statements such as this can be found in many places in our and other collective agreements. Adjudication decisions have supported the basic principle that as long as the request meets the criteria outlined, the employer has no ability or right to deny these requests.

In UTE’s opinion, the only thing that could potentially be of concern would be if an employee requested the leave and never used it for its intended purpose. An example would be asking for leave to take someone to an appointment, but then using the time for another purpose. This would be seen as fraudulent leave usage on behalf of that employee, which the union would never condone.

As we have mentioned in previous articles in the Union News on your collective agreement, if you



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run into situations where you feel that too much information was being requested from you, we suggest you contact a member of your local executive.

For more information on Article 42 please refer to the April 2019 edition of the newsletter. This can be accessed on the UTE website or by typing in the following link:

<https://www.ute-sei.org/en/node/12211>

Gary Esslinger
Chair of the Communications Committee

MESSAGE FROM THE NATIONAL PRESIDENT

The year 2019 is now drawing to a close. Looking back, I cannot help but conclude that the past year has been really difficult and very frustrating for the members of the Union of Taxation Employees (UTE). Indeed, the project team established by the Canada Revenue Agency for conducting a comprehensive review of its Staffing Program completed its exercise this fall. CRA senior management approved most of the recommendations submitted by the team, with the exception of several proposals being strongly advocated by UTE and PIPSC, and supported by the team. These included proposals on term conversion, seasonal employment and a fairer and more equitable model for recourse.

Although some recommendations make improvements to the Staffing Program, the vast majority of them give more flexibility to managers while reducing accountability. This leaves the door wide open to abuses of power and favouritism, which we strongly deplore.

In a subsequent meeting with UTE's Senior Labour Relations officer and myself, the CRA Commissioner committed to studying in more depth the potential changes to be made to the administrative conversion process for term employees and the options for reintroducing seasonal employment at the CRA. At the time of writing, we are still awaiting an answer from him about this.

However, our union's position on these matters is very clear: we are calling for greater job security for term employees, **namely an administrative conversion after three years (instead of five years, as it is currently) to indeterminate employee status** and the use of indeterminate seasonal employment, to the extent possible.

Term employees working in almost all of the federal government's other departments and agencies get this administrative conversion after a three-year period, and there is no reason for our members in the same situation to be treated differently. **It is high time that the UTE's term members stop being treated by the CRA as second-class employees in the federal public service.**

Also, the Canada Revenue Agency boasts that it is an employer of choice; in fact, one of Canada's top 100 employers! Well, when it comes to bargaining, it definitely doesn't seem that way. Although the Treasury Board is involved in our bargaining with the CRA, and though I acknowledge that its presence seriously complicates our life (thanks to Stephen Harper for having imposed that on us as of spring 2012), the fact remains that **to date, the Agency has shown no willingness to respond**



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favourably to any of our main demands. These bargaining demands come from our members and are intended to resolve major issues that UTE members working at the CRA face day after day. Does it befit an employer of choice to let a large number of its employees wait endlessly by unduly extending the period during which they work without a contract and thus don't receive any salary increase, while the cost of living keeps rising? I think not.

We are preparing for the Public Interest Commission (PIC) hearings, which are to be held in Ottawa on January 6 and 20, 2020. However, I repeat yet again that our bargaining team is still willing to return to the bargaining table at any time in order to advance the bargaining process, but only on the condition that the employer finally shows a willingness to respond adequately to some of our main demands. We want to improve the working conditions of our members, especially the most vulnerable ones. Our members, who perform a multitude of important tasks every day, and in so doing, enable the Agency to achieve its program objectives and managers to receive hefty performance bonuses, are also entitled to recognition and respect from their employer. They, too, are entitled to decent salary increases that cover at least the increase in the cost of living. It is all well and good to hold recognition activities, but as they say, money talks, bullshit walks!



If things don't move, and do so quickly, we will have no choice but to consider holding a strike vote after the PIC hearings and show the CRA and the Treasury Board that we are tired of waiting and that we're really serious. I fervently hope that we will not have to take this extreme measure, but at some point, enough is enough!

To be clear, I'm going to repeat it one last time: we will not wait four years without doing something before obtaining a new contract.

In the coming weeks, we must continue to pressure the CRA, the Treasury Board and all federal MPs, specifically the elected officials of the Liberal Party who form a minority government.

Stay tuned! We will provide you with more information over the coming weeks.

We must all continue to support our bargaining team and show them our support in the workplace in order to obtain a fair contract. Our strength continues to lie in our unity, with everyone pushing together in the same direction.

I would like to thank you, the UTE members, for your continued support. I would also like to thank all our representatives who are activists in the Locals and all the officers of the Executive Council (National Executive) for all the amazing work they have done over the past year.

In closing, I wish you and your loved ones a happy holiday season filled with great memories. And may the new year bring you joy, happiness, peace and prosperity!

Greetings of the season and Happy New Year!

In solidarity,

Marc Brière
National President

BEING RETIRED, GOOD OR BAD

We work all our lives and aim for a happy and healthy retirement. Most would love to travel and see some of the world that they were denied while working. We now have time for travel, hobbies, volunteer work or to do nothing and just relax for a while.

In my case, prior to retiring I had a high stress, active work life with tons of travel within Canada and plenty of human interaction and enjoyed relatively good health other than chronic back pain and some joint issues that had been around for years. But I could still walk quite a distance and work at some gentle gardening, camping, fishing and easy outdoor activities. I was one of ones that never wanted to see the inside of a plane or hotel room



again, so long distance travel was not on my agenda. My immediate goal upon retirement was to do absolutely nothing and see where it goes after the first six months. Well, it's been over 8 years now and I'm still doing nothing and seem to be still enjoying it, BUT now my activities are controlled by my loss of some mobility, the weather, the need to do something vs. the desire to do something. I have found that it is pretty easy to get into a rut.

Human interaction has been reduced to next to nothing because I haven't made the effort to seek out activities that include others. If that suits you then you will be happy in retirement. If you need the contact then you will need to volunteer, join groups or clubs of some kind or something like joining a gym. If you don't you may end up feeling alone and isolated.

I find myself more freely talking to strangers in the grocery store while examining the same fruit and veggies and smiling at babies in their shopping carts. In fact, it happens in any kind of store if eye contact is made. I smile more at strangers in hopes of making them feel that they are not alone. I have more patience while the old woman blocks the aisle while inspecting the veggie of her choosing and young ones when they make noise and are causing havoc for their parent (usually the Mom). I have the feeling of calm that if it is not going to change my life then just let it happen and don't let it make you angry.

However, on the other end of the spectrum, I have intense hatred of those people that harm others, especially kids and animals. Frankly, I love animals much more than I like people. The horrendous things that people do to one another and the helpless is mindboggling. It's a very good thing that I am not a cop, Judge or Prison Warden. This kind of stuff has always happened but I think in today's day and age of the electronic medium we are hearing more and more of it occurring. This saddens me deeply to my very core of existence. It's almost paralyzing. My house, dog and

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spouse are the world that I love. It's a safe haven for the mind and soul. Only good and love happens in this place. I have no patience for stupid, ignorant, nasty or cruel people. I will not have them in my life and do not want them near me.

Financially, you need to be prepared for retirement. Thankfully, I have enough to live comfortably and have most things that I need and some of what I want. Many people do not and I don't know how they get by and I know that many don't. I manage to donate material things and some money to places like a woman's shelter and animal rescues. I'm grateful that I am able to contribute in my small way to help others and of course the animals.

I find that I am much more sensitive than I was while working. Small things can bring great happiness or intense sadness. However, an overall steady feeling most of the time of being satisfied with life comes easier now that I'm retired. Or maybe it's age. I'm not sure which it is but it's a nice feeling. I am content.

Betty Bannon
Former: Federal Public Servant and
National President of the Union of Taxation Employees

LEAVE WITH OR WITHOUT PAY FOR OTHER REASONS

By now, in most regions of Canada, the leaves have fallen and it is likely there is this dreaded white stuff on the ground. In Canada, December through March brings a wide variety of weather conditions to virtually all regions. This includes both fierce winter storms with high winds and large amounts of snow and treacherous ice storms which make travel both by vehicle or walking extremely dangerous.

In your collective agreement you will find Article 53, "Leave With or Without Pay For Other Reasons". Of particular importance is Article 53.01 which states as follows:

At its discretion, the employer may grant:

- a) leave with pay when circumstances not directly attributable to the employee prevent his or her reporting for duty; such leave shall not be unreasonably withheld.

In the opinion of the union, supported by many adjudication decisions, it basically means if you were unable to report to work for reasons outside of your control the employer cannot be unreasonable in denying these leave requests.

There are three recent and significant adjudication decisions that all support this position. What is quite disheartening is the fact in all three cases, the employer was the Canada Revenue Agency (CRA). Two are from 2009 and the most recent one was from September 2018. In this case an adjudicator representing the Federal Public Service Labour Relations and Employment Board ruled in favour of an employee of the Canada Revenue Agency who was unable to attend work as a result of a fierce snowstorm which occurred in 2015 on Prince Edward Island. As previously published in our newsletter on many occasions, our collective agreement contains a clause (53 .01) which provides for leave with pay to employees who were unable to report to work in situations such as those in this incident. The provision is that certain criteria must have been met which has been reiterated on many occasions by adjudicators.

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Still the CRA time and time again ignores this and denies leave to members who have clearly met the requirement. Unfortunately, many members accept these decisions and do not fight for their rights by challenging the employer. Those that do, more times than not, are successful in receiving leave with pay for the time missed rather than having to take vacation or in this instance, unbelievably, the employer allowed the employee to take sick leave.

In the adjudicator's ruling the Agency was ordered to reinstate the employee's sick leave and provide them with 3.5 hours of leave with pay. The pay in this case was worth approximately \$100. While it is understood that in certain situations where no precedent exists, an employer may be reluctant to grant leave that they perceive may establish an adverse precedent. However, where precedents do exist, and the facts in the case are similar and meet established criteria, the employer should do the right thing and grant the leave.



Magali Picard, National Executive Vice-President of the Public Service Alliance of Canada said, *"We have won these cases in the past. It is hard for me to understand ... Why they would penalize an employee when it is something completely out of their control"*. By taking this rigid and somewhat ill-informed position the employer, and ultimately Canadian taxpayers, incur substantial and unnecessary costs. When will they ever learn?

While being unable to report to work as a result of severe weather conditions is the main reason for leave requests under this article, it is not the only reason leave might be granted. Other reasons might include:

- in extreme cold conditions and an employee's furnace breaks down, they may need to stay at home awaiting the arrival of a repair man. During this time, they would also try to do what they could to maintain heat in the home to prevent pipes from freezing or other significant damage.
- An employee on the way to work encounters significant traffic backup related to a traffic accident. In this case the employee may not have any opportunity to leave the road they are on and find an alternative route.
- An employee on the way to work has a flat tire. Unfortunately, they are not able to remove the tire and replace it for any number of reasons and have to wait for assistance from a family member or a tow truck.

These are just a few examples where leave could be requested under this clause. It is important for members to realize they have rights under this clause. Should you be denied the granting of leave with pay under Article 53.01, please consult a local union representative.

Gary Esslinger
Chair of the Communications Committee

SCHOLARSHIP WINNERS FOR 2019

The national \$2,500 scholarships for 2019 are awarded to:
National **Diana Gee** scholarship: **Chloe Blondin**, 00018 Windsor
The other national scholarship is awarded to: **Blake Ackerman**, 40022 Regina

The regional \$1,000 scholarships for 2019 are awarded to:
The **Al Rollins** Atlantic Regional Scholarship: **Kyra Doyle**, 90006 Summerside T.C.
The Quebec Regional Scholarship: **Julie Harvey**, 10006 Québec
The **Jean Bergeron** Montreal Regional Scholarship: **Mona Zakarneh**, 20029 Surrey T.C. *
The National Capital Regional Scholarship: **Caitlyn Albert**, 70000, Ottawa Headquarters
The Northern and Eastern Ontario Regional Scholarship: **Emily Porter**, 00011 Kingston
The **Nick Stein** Southwestern Ontario Regional Scholarship: **Ollivander Fraser**, 00014 Hamilton
The Greater Toronto Regional Scholarship: **Amanda Rivera**, 00001 Toronto East
The Prairies Regional Scholarship: **Madison Mork**, 50031 Winnipeg T.C.
The **Don Davoren** Rocky Mountains Regional Scholarship: **Caterina Eremondi**, 40023 Saskatoon
The Pacific Regional Scholarship: **Joshua Matsui**, 20027 Vancouver T.S.O.

CONGRATULATIONS TO ALL OF OUR WINNERS!

* Jean-Bergeron scholarship was awarded to the Pacific Region. We had no applicants from the Montreal Region.



**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 via e-mail to Louise Dorion (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



MAKING AN IMPACT!

The Union of Taxation Employees recently held its National Equal Opportunities (EO) conference in Ottawa. The theme of the conference was “Making an Impact” and the conference definitely lived up to its name.

Conference attendees explored workplace diversity, examined bias, and gained a new understanding about what is privilege. This was aided by each EO Committee member speaking about the privileges they have. Some examples shared included same sex marriage, clean water, and the right to vote. Some members spoke of the challenges they still face, including hidden disabilities not being recognized by others, or being subjected to violence because of who they are.



Contributing to the learning was Jequity, a lively equity take on the game Jeopardy! The game was a trivia based game where small groups were given the answer and then had to come up with the question. This was a fun and challenging game.

The conference included many moving presentations and performances for all those in attendance. One was the KAIROS Blanket Exercise. This was a unique, interactive and participatory history lesson. It was developed in collaboration with Indigenous Elders, knowledge keepers and educators. The presentation covered more than 500 years of history with the aim to foster understanding about our shared history as Indigenous and non-Indigenous peoples.



Wayne Antle entertained and inspired by sharing his story of dealing with a severe visual impairment throughout his life and becoming legally blind in 1990. He shared some of the struggles he had both in the workplace and at home as he continued to lose vision over the next 21 years and became totally blind in 2011. His story was full of tenacity and grace.

Kyle Miller talked about the Rainbow Railroad. Rainbow Railroad’s mission is to help persecuted LGBTQI (Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, and Intersex) individuals get to safety as they seek a safe haven from state-enabled harassment and violence.

Comedian Lara Rae spoke about her journey as a transgender woman, and shared the importance of not always jumping to conclusions and to try to give people the benefit of the doubt.

We watched an incredibly moving performance by the Dandelion Dance Performance Company. The Company exists to show that every girl – regardless of background, body type and ability – has a valuable perspective to share with the world.

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National Executive Vice-President of PSAC, Magali Picard gave a rousing speech which included insight on the struggles aboriginal women face when marrying someone non-aboriginal off the reserve.

The final speaker was Canadian Olympic medalist, Elizabeth Manley, who told her inspiring story of how she overcame the odds by preparing for the Olympics while battling depression.

Furthering the conference theme of “Making an Impact”, attendees were asked to bring cold weather gear, such as toques, scarves, and socks, for donation. We are pleased to tell you that in addition to toiletries, 658 items for men, women, and children were donated to local shelters, along with over \$200 in cash. Thank you to all for your generosity!

*Linda Koenders
Chair of the EO Committee*

PASSING OF BROTHER ROBERT “BOB” CAMPBELL FORMER UTE NATIONAL PRESIDENT

It is with dismay and tremendous sadness that we recently learned of the death of Brother Robert “Bob” Campbell, former UTE National President. His death occurred suddenly and unexpectedly on Sunday, November 10, 2019.

Bob was involved in our union for 42 years, and his passing represents a great loss for us all. He was a friend and mentor as well as a role model for countless people within our great union. Bob always endeavoured to defend the interests of all UTE members.

Behind a “tough guy” exterior was a sensitive and generous man. A man with a big heart.

On behalf of myself and of the Union of Taxation Employees, I would like to extend our deepest condolences to his family, his many friends and acquaintances, and all his former colleagues who served and continue to serve in the UTE.

Our thoughts and prayers are with his family at this very difficult time.
May he rest in peace.

Bob, you will be greatly missed.



*Marc Brière
National President*