



## MESSAGE FROM THE PRESIDENT

As we head into the New Year, I am asking all of the members of UTE to stand united and defend the rights and benefits that are held in our collective agreement, not just for ourselves, but for everyone around us that will need these protections. We must remember to thank all the people before us that stood up and sacrificed to achieve the benefits we have. We have endured many battles and have all stood together to achieve the small gains that we have obtained.



So I ask, "How can we now stand aside and give up these hard-earned rights? How can we not think of the generations coming behind us or the young workers that are working beside us?"

We still have our severance pay and, as I have stated in the past, this fight is not just for our severance, but to let Management know, we will not accept concession bargaining.

As we have seen in the rest of the public service, **what started with severance pay has evolved into sick leave benefits**. If you have followed the recent news headlines, **they are now talking again about going after our pension plans**. What will be next? It becomes a very slippery slope once we start accepting concessions.

We must stand up, be united and deliver the message that the members of UTE are not prepared to go down this path. We are committed to sit down with Management and we will work to negotiate a **FAIR** collective agreement.

That is, if and only if, **BOTH** sides are willing to come to the table with a mandate to negotiate.

The Union of Taxation Employees Bargaining Team has been willing and able to talk and to work with Management. We can only hope that the *Treasury Board* will soon allow CRA Management to do the same.

I wish all of you and your families a very happy holiday season, with the hope that next year will be better for all of us.

In Solidarity

**Robert Campbell**  
**National President**

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

## CHANGES TO the *Public Service Labour Relations Act*

By the time this newsletter goes to publication, we anticipate the enactment of new Regulations with respect to grievances that may have an effect on you as employees of the Canada Revenue Agency and as members of the Union of Taxation Employees – PSAC. Although the Legislation precipitating these changes has been enacted, at the time of writing this article, the Regulations have not been announced by an Order in Council.

Previously, an employee who chose to file a grievance required union approval and representation **only** in matters dealing with the interpretation or application of the collective agreement. For all other matters, an employee could have opted to represent themselves and did not require the approval of or representation of the union. With the announcement of the proposed changes, **all individual grievances**, except for human rights grievances will require the approval of and representation by the Union. For greater certainty, Union approval and representation will now be required not just for collective agreement matters, but also for matters related to, but not limited to discipline, termination, employer policies and terms and conditions of employment.

Although employees grieving matters related to discrimination based on the grounds prescribed under the *Canadian Human Rights Act* are no longer required to seek Union approval and representation, the new Regulations stipulate that the Canadian Human Rights Commission will no longer have the authority to deal with individual employee complaints. Instead, these complaints will now be filed with the newly created Public Service Labour Relations and Employment Board.

Should you have any questions or require any further clarification, we encourage you to speak with your local Union representative.

*D. Shane O'Brien*  
Senior Labour Relations Officer

### UPCOMING EVENTS

**Dec 8 - Dec 11, 2014**  
Executive Council  
(Ottawa, ON)

**March 24 - 29, 2015**  
Executive Council and  
Presidents' Conference  
(Ottawa, ON)

### PSAC SICK LEAVE PLEDGE CAMPAIGN

You still have time to join the campaign and pledge by signing on to either [ute-sei.org](http://ute-sei.org) and clicking on the link "Healthy Workplaces" or visiting <http://psacunion.ca/support-healthy-workplaces>

**Help us promote PSAC and UTE's pledge to support healthy workplaces and the right to sick leave**

As you know, during negotiations with the Public Service Alliance of Canada, federal government negotiators tabled a proposal that would gut the sick leave provisions for employees of the federal public service.

The PSAC and UTE will fight this, and continue to focus on measures to improve the delivery and quality of public services and make the federal public service an efficient and healthy workplace for the benefit of Canadians. We will need your help in supporting healthy workplaces and paid sick leave for federal government workers, and for all workers in Canada.

*In just four days, we received over 17,000 signatures*

**Help us keep the momentum going**

Healthy workplaces?  
**YES WAY!**

Show your support  
Sign the pledge



## PRE-RETIREMENT LEAVE ARTICLE 53

***“The employer will provide thirty-seven decimal five (37.5) hours of paid leave per year, up to a maximum of one-hundred and eighty seven decimal five (187.5) hours, to employees who have the combination of age and years of service to qualify for an immediate annuity without penalty under the Public Service Superannuation Act.”***



As a result of recent consultations with the employer, the CRA has changed the way it applies the above noted clause for the granting of Pre-Retirement Leave (PRL). Employees who are 60 years of age with at least two years of continuous service and entitled to an immediate annuity (pension) are entitled to 37.5 hours paid leave annually to a maximum of 25 days.

Previously, the employer took the position that in order to receive the PRL in subsequent years the employee had to work continuously for an additional year. It was the union's position that the clause did not contain this requirement and after further consideration, the employer ultimately agreed with our position.

If you are an employee who meets the criteria noted above, you should check with the employer to ensure any entitlements not previously received are applied to your leave balances. For any employee eligible for an immediate annuity without penalty after November 1, 2007, the anniversary date is the date on which he/she qualifies for an immediate annuity without penalty. For those who were entitled to PRL prior to November 1, 2007, the anniversary date is the date on which he/she qualified for an immediate annuity without penalty. For those who meet the criterion of age 60 with two years or more pensionable service on or before November 1, 2007, the anniversary date is November 1, 2007.

Term employees hired or rehired for a term of three months or more, or who are extended beyond three months are eligible for PRL. Breaks between periods of employment do not adversely affect the anniversary date for receipt of PRL, but a term employee must be hired for a term of three months or more on the anniversary date in order to receive the entitlement on the anniversary date. Otherwise, if a term employee is not on strength on his/her anniversary date, but is subsequently rehired or extended for a period of three months or more, the PRL would be credited when they are first rehired after the anniversary date or the date of extension beyond three months.



The only other limitation that needs to be mentioned is that if, as an employee you have started to receive your pension, you are no longer entitled to leave under this clause. This limitation also applies to permanent employees who may have not received all of their leave entitlements prior to retiring and who have returned as term employees.

**Gary Esslinger**  
**Chair of the Communications Committee**

## STAFFING RECOURSE

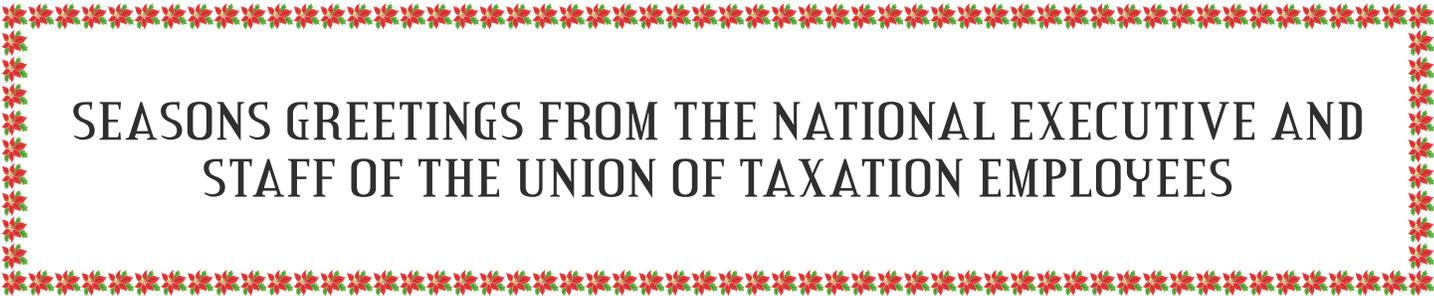
Once again, the employer has made a significant change to its Staffing Program without consultation with, or even officially notifying the Union of Taxation Employees. Since the inception of Staffing Recourse under the CRA Staffing Program, recourse against placement decisions consisted of Individual Feedback (IF), followed by Decision Review **or** IF followed by Independent Third Party review (ITPR). At a recent ITPR hearing, UTE learned, however, that the CRA had made a substantial change to its staffing recourse with respect to the assessment of depth, breadth, type, and/or quality of work-specific experience **at placement**.

In essence, the CRA has now determined that *“when the depth, breadth, type, and/or quality of experience is assessed at placement, candidates are entitled to Individual Feedback (IF) and Decision Review (DR) on the assessment and then IF followed by either DR or Independent Third Party Review (ITPR) on the placement decision”*.

As a result, UTE strongly recommends that all candidates, **regardless of whether they passed the assessment or not**, avail of IF and DR where the criterion of depth, breadth... is used at the assessment stage. Should candidates fail to utilize this recourse at the assessment stage, and later decide to exercise recourse at the placement stage related to this depth, breadth ...criterion, they may find themselves being challenged by an employer representative from arguing that they had been assessed arbitrarily or that they were treated arbitrarily in the placement decision based on this criterion.

Should members exercising recourse encounter this type of situation, we encourage you to immediately consult with a local Union representative for advice and direction.

**D. Shane O'Brien**  
**Senior Labour Relations Officer**



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

### ERRATUM

In our last edition of the *Union News* (Volume XII, Issue 2, September 2014) we mistakenly indicated that the *International Children's Awareness* (ICA) Canada was a registered non-profit organization. It is in fact a Canadian registered charity (Registration # 887858660RR0001) .

### CHANGE OF ADDRESS

Please note that all address changes should be done via e-mail to Sylvie Bastien (basties@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.

# NO ONE WANTS TO DIE, ALONE

This past week, I've had a conversation with three friends – each informing me that a loved one has recently been diagnosed with terminal or a very aggressive cancer. I ache and I cry with them. I understand their pain.

Two years ago, my beautiful sister Carmen, a UTE employee, died of lung cancer. She was your sister for 21 years and mine for 52. It was the most devastating experience in my life.

My story is not unique. Many hearts have been shattered in a million pieces due to the loss of a loved one. And many more will follow.

But this article is not about loss ... it's about bringing change, about building a more compassionate community. It's about joining forces to make a difference in helping those affected by cancer, and so much more. In essence, it could be about you ... your family member... your close friend ... or your neighbour.

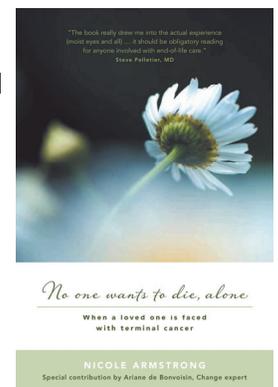
After my sister's passing, I wrote a memoir entitled *No one wants to die, alone*. This was one of the most difficult things I have ever done, but I felt I needed to do it, not only for myself and my family, but to help others.

The following reader reaction sums up the book's impact:

*"This is the story of Carmen, who loses her life to lung cancer at age 60. Told by her sister Nicole, it is a gut-wrenching account of Carmen's final year and her family's journey through this crisis with her. The story is graphic, often humorous, and always intensely moving. Above all, it's a love story - about the unbreakable bond between two sisters, about the strength of sibling ties, about the power of maternal love and most movingly, about the incredible devotion of the man for whom Carmen is a life-long love."*

Our family's story could be anyone's journey. The book is meant to raise awareness of end-of-life issues, to shed light on the complicated process of facing terminal illness and how loved ones are affected, and to provide insight into the grieving process. It's intended to help you recognize the opportunities for you and your loved one during such terrifying times.

My book will be used by the Ottawa Regional Cancer Foundation (ORCF) as a resource tool for coaches and families. The only one of its kind in Canada, this coaching program enables individuals affected by cancer to gain a greater sense of control over their overall health and wellbeing. The program is designed to assist patients and those closest to them. It helps them deal with the short and long term effects of cancer by addressing matters related to physical, psychological, emotional, spiritual, and informational needs.



Join me in making a difference by purchasing *No one wants to die, alone*. It will help you better understand and support individuals faced with terminal cancer. In addition, you will be making a contribution to the ORCF as proceeds of the book will be donated to support and expand the cancer coaching program.

I believe our efforts will help create a more compassionate community where families are better prepared to support their loved one; where health care professionals have access to resources to enhance their skill set and better support their patients. With the support of caring individuals we hope to see the coaching program grow and reach Canadians across this country.

Thank you for sharing my story. I am grateful for your support and I wish you continued health.

Nicole

**NICOLE ARMSTRONG** lost her father to lung cancer. Over a decade later she lost her sister to the same disease. Nicole resides in Manotick, Ontario with her husband. *No one wants to die, alone* is her first book. Proceeds from the book will be donated to the Ottawa Regional Cancer Foundation in support of their coaching program.



## **PUBLIC SERVICE SICK LEAVE OUR LINE IN THE SAND**

You read the news, listen to the radio, or turn on the television and you hear Tony Clement, Treasury Board Minister, bashing public servants. We, the Public Servants, are used as a punching bag to deflect and detract each and every time an elected conservative official gets caught breaking the rules; right Senator Duffy?

Clement is now trying to convince the public that a total overhaul of our sick leave process is necessary because we grossly abuse the benefit.

He has taken every opportunity to provide misleading information to the public on: the number of days public servants were absent from their jobs; he spread misinformation about the bank of sick leave and the supposed liability this bank was causing the Canadian public.

Every time Clement stated numbers to the press, he was proven wrong. He said public servants took an average of 18 days a year, but still had huge banks of sick leave. How can you accumulate a big bank of sick leave if you are using your full allotment each year?

There is no monetary value to the bank of sick leave; when someone leaves the public service, accumulated sick leave is not paid out. Our Union has defended your interests by providing correct information to the press. Did that stop Clement? NO! He continued his quest to “modernize” sick leave. The Unions stood firm and united. As Robyn Benson, PSAC National President so eloquently put it, “Sick leave is a negotiated benefit that is part of our collective agreements. We won’t trade it, sell it, swap it, lose it or give it away”.

Clement thinks that going from 1.25 sick days per month to **5 sick days per year** is modernization. Your sick leave bank will be abolished. You will endure 7 days unpaid leave in order to receive any short-term benefits.

How many arguments will you have to have with the insurance company before your disability claim is approved? How will you support your family in the interim?

**We have to face reality... this is a go-to-work-sick campaign brought to you directly by the Harper Government.**

When employees are forced to go to work sick, they affect their co-workers, they affect their families and they affect services important to the public.

This proposal may not be at the Union of Taxation Employees’ (UTE) bargaining table yet, but it will be. All public sector Unions are in this together. We have to stand together.

**This is our line in the sand and  
we cannot and will not allow Harper or his government to cross.**

*Submitted by the Atlantic Region and  
revised by Barry Melanson, Communications Committee*



## MY PERCEPTIONS OF THE PUBLIC INTEREST COMMISSION (PIC) HEARINGS OCTOBER 8TH AND 9TH, 2014



The case that was presented at the PIC by the PSAC/ UTE negotiators (Morgan Gay and Julie Chiasson) was very thorough and well done. They brought forward our members' position and clearly outlined and explained the outstanding demands.

It was great to see the room filled with UTE members and executive officers, to show support for our bargaining team. It was very interesting to sit and listen when Management's negotiator started to explain the reason why all of our demands are not proper or reasonable.

In the employer's submissions, we clearly heard the lack of respect and contempt that is held for the workers of CRA. It was difficult to have to stay calm and silent during this diatribe. We heard Management state that the reason we do not have an agreement is that we are being unreasonable. This, in spite of the fact that Management has not been willing to change any of the three main demands in the last two years.

The employer came to the table with what Treasury Board directed them to offer on wages, duration of the contract, and the elimination of severance pay. They admitted that they cannot negotiate these things, as this is the mandate they have and it must be abided by.

The employer's rationale for these matters, along with their insistence for only a two year agreement was that the CRA had to get in line with the Treasury Board Units.

This is diametrically opposed to the CRA's position that they advocated to Parliament when the CRA was created. The then Commissioner emphatically stated that one of the major benefits in becoming an agency was that the CRA could negotiate directly with the Unions representing CRA employees and that the CRA was different and unique from the rest of the federal public service. Since becoming an agency, the subsequent Commissioners were instrumental in taking the Agency as far away from Treasury Board as possible.

Over the years, the parties have negotiated fair contracts for both sides and have maintained a strong working relationship with the unions that benefited all those working at the Agency. Now this new CRA Management abrogates its principles and advocates at the PIC that we do not deserve a fair wage increase, as over the years we have negotiated wages higher than others in the Treasury Board units. The CRA also insists that we must give up our severance pay, as everyone else has already done that. The employer also contends that we should not be compensated for any loss of severance as we have held it longer (two years longer) than anyone else.

This makes no sense to me as this benefit has been in our contract for years and it was something that was negotiated in place of more significant wage increases at the time. Our members have told us repeatedly that they are not willing to give this up. Their rationale is ridiculous. It is not acceptable that you should give it up simply because everyone else has done so. It is not acceptable that you do not deserve any compensation for giving it up, simply because you have had it too long now.

I ask you, is this a reasonable way to negotiate, or is it ridiculous?

As for the contract duration, the employer blames the Union for not negotiating and not already accepting their offer.

How do you negotiate when someone continually comes to the table with the same offer and makes no changes? The employer stated in its presentation that if the PIC had not taken so long to convene, we would have had an agreement by now. What great logic!

The Employer admits that it cannot accept a three year deal as Treasury Board has not set its mandate for the third year, as they are just starting negotiations with the other bargaining units.

The CRA also concedes that it cannot be a trend setter and we must wait until the other Treasury Board units' negotiations are concluded.

They also claim that the Union was sending false information in regards to our sick leave. It says that sick leave is not on the table for this round of negotiations and thus the workers at CRA are not being asked to give up anything in regards to sick leave. This statement is insulting to the Union and its members.

We are fully aware that the employer is pushing for a two-year deal so that we can be in line with the Treasury Board units. With this potential alignment, Treasury Board's strategy is to table changes to our sick leave. How stupid do they think their employees are?

As I said, it was very hard to sit and listen to the total lack of respect and consideration for the employees of CRA and the members of UTE. The employer continually cited that there were no recruitment or retention issues in the SP category. I perceived that they were really inferring that that we can all be replaced in a minute with someone off the street.

There was no consideration for the loyalty of the employees who have made a career with CRA, who care about their jobs, who work in the service of the Canadian people; who go out of their way to do more with less on a daily basis.

The Union of Taxation Employees has just received some information in regards to the bonus compensation for the management cadre.

While the employer believes that on one hand, its workers are overpaid and replaceable at a moment's notice, it has compensated its managers over the last couple of years as follows:

<u>Performance Awards</u>	<u>2011 - 2012</u>	<u>2012 - 2013</u>
EC 1-6	\$6,228,603.85	\$6,853,845.43
HR/RH 1-6	\$92,846.45	\$109,596.11
HR/RH 7	\$315,201.23	\$307,322.36
Total	\$6,636,651.53	\$7,270,763.90

Management believes that we will take whatever is offered and be thankful.

Let them know that we are not willing to just take its offer, and that we want to negotiate and be treated fairly and with respect.

**IT IS TIME  
TO STAND UP!**

*Robert Campbell, National President UTE*

*UTE's submission to the PIC is available in PDF format on the UTE Website at [www.ute-sei.org](http://www.ute-sei.org)*