



## UTE CONVENTION 2011

The 16th Triennial Convention of the Union of Taxation Employees was held in Montreal Quebec from July 13-16, 2011. UTE activists from across the nation assembled, 176 delegates, 163 observers, 24 guests and 11 Life Members, making this our largest convention to date.

Our convention theme was ***“WE CARE ENOUGH TO BE INVOLVED”*** and we did just that and far much more. Before, between and after the business of the day, attendees made donations to many and varied fundraisers in order to assist those in need.

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 page 4)
- The Convention adopted a resolution of a monthly dues increase of \$0.35 for each of 2012, 2013 and 2014.
- The critical need to address mental health issues in the workplace was addressed with the endorsement for Mental Health Regional Education Conferences.
- *A Campaign on Enhancing the Canada Pension Plan and the Quebec Pension Plan* was carried unanimously.



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 confirm the following presentations:

- The highest award within our organization for dedicated service to our Union
  - Brother Gerard Ennis, LIFE MEMBER
  - Brother Terry Dupuis, LIFE MEMBER
  - Brother Nick Stein, LIFE MEMBER.
- Sister Robin Benson was presented with a 25 year service pin by National President Betty Bannon.

The Toronto Region developed and presented an extremely touching as well humorous video presentation to honour Sister Betty Bannon on her retirement as our National President. The video produced an abundance of both tears of joy and uproarious laughter. Laughter and tears of joy was the theme as well, when all ten (10) Regions were given an opportunity to thank and honour Sister Bannon.

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

**SI VOUS PRÉFÉREZ AVOIR CE COMMUNIQUÉ EN FRANÇAIS, VEUILLEZ VOUS  
ADRESSER À VOTRE PRÉSIDENT- E DE SECTION LOCALE**

## Work Force Adjustment Appendix (WFAA)

### What is it and why is it important to you?

With all the talk of the Harper Government balancing the budget by 2014-15, a lot of the focus has been on reducing the Public Service and that includes you at the CRA. While the Harper Government says the reductions will be through attrition or not filling vacant positions, we realize that will not be enough and there will eventually be layoffs. The WFAA (Work Force Adjustment Appendix) of your Collective Agreement is for all intents and purposes your employment security provision and applies to indeterminate/permanent employees. It outlines your rights and the employer's obligations to you, if the CRA Commissioner declares that your services in your current position are no longer required as a result of a WFA situation. This includes losing your current position but staying with the CRA in another position or being laid off.

As of today, the CRA Commissioner has stated there will not be any indeterminate lay-offs as a result of the 2010 Budget. All employees affected by those budget reductions will be found other employment in the CRA. However, we have no idea if the Commissioner can continue to guarantee future employment as a result of future reductions in upcoming federal budgets. That is why it is important to familiarize yourself with the WFAA now and if you have questions talk to a Local Union Representative.

**Kent MacDonald**  
**Labour Relations Officer**

## CALENDAR OF UTE EVENTS

**December 5 - 8**  
Executive Council  
and NUMC  
(Ottawa, ON)

**March 20 - 25,**  
**2012**  
Executive Council  
and Presidents  
Conference  
(Ottawa, ON)

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class is equivalent to the loss of society in general, so the aim of our battle is not only to protect our jobs, our wages and benefits, but it's also about survival of our descendants, our children and grandchildren, brothers, sisters etc.. The impact on the lower class will be even more damaging.

At Convention, we had the privilege of listening to the President of the QFL Michel Arsenault, the Secretary Treasurer of the CLC Hassan Yussuff and PSAC President John Gordon, who all spoke of the Harper Clan's will and the disappearance of the middle class.

My Sisters and Brothers working at the CRA, there is no secret recipe or fail-safe strategy to defend our jobs and the heritage our collective agreement represents. Solidarity is our best tool and in order to attain it, communication and clear information exchanges are required.

Tune in, sign up for email updates on our website, get involved, participate in your local's annual general meetings (AGMs).

The countdown to the next round has started and we must begin as soon as possible. As the saying goes "It is better to prevent than cure".

**My Collective Agreement is my heritage; and I WILL PROTECT IT.**

In solidarity,

**Denis Lalancette**  
**2nd National Vice-President**

## NEGOTIATIONS

Inexorably, time marches on. The Triennial Convention recently concluded and I am proud to have the opportunity to work for and with you the next three years. I want to thank and congratulate everyone involved in this important event. We will miss Sister Bannon, and the four fellow members of Executive Council who have stepped down, but we are ready.

As we all know, the next round of bargaining will be a challenge in itself which is why your Standing Bargaining Committee scheduled a meeting the first week in September 2011, to get started on developing a Bargaining Campaign, as well as specific event plans of action. I am optimistic surrounding the negotiation process based upon past combined efforts of your Negotiating Team and the CRA representatives. Success is only achieved by good faith bargaining, mutual respect and hard work.

We all must remain wise and well informed surrounding the possible issues during the upcoming process, taking into account the economic and administrative circumstances of the moment.

The cuts to the Public Service are not the remedy for the economic problems of our country. Small and medium businesses as well as the middle class, remain, in my opinion, key to the balance in our mercantile system, which is directed and protected by the upper class. It is the same with cuts to our collective agreement, which has but minor economic returns without impacts to government administration, and even more so when envisioned cuts (severance pay) are applied inequitably (look at the salaries and benefits of the politicians).

The decrease or disappearance of the middle



*(Continued on page 2)*

## *The President's Corner*

This is my first President's Corner for the UTE Newsletter and I must start with what an honour it was to have been elected President of this great Component and assure you that I will continue to work for the members with all my heart.

At this point I am still trying to move into my office and to get through all of the items that require attention.

Sister Annette Melanson from Saint John N.B. has been appointed my Executive Assistant and I know she will be a great asset to both me and the National Office.

We have received direction from the UTE Convention and we will be holding our first Executive Council and Presidents' Conference in September 2011. We will take the direction given to us by Convention and begin to plan, organize and develop our upcoming campaigns, as well as prepare for the next round of bargaining.

Your Union is all about service, representation, support and communication to and for you; **HOWEVER**, we need you, we need you to stand up and help us to protect your rights and to stop the public bashing of Civil Servants. We must remind the public that we are not here getting paid to do nothing. We do important work that helps keep this country running. The government has listened to big business too long. Our government is supposed to be here for the people, not for big business.

***"Some people change their ways  
when they see the light,  
Others when they feel the heat."***

The ultimate measure of a person is not where they stand in moments of comfort and convenience, but where they stand at times of challenge and controversy.

**I LOOK FORWARD TO SERVING YOU FOR  
THE NEXT THREE YEARS.**

***Robert Campbell***

# ELECTION RESULTS - UTE 2011 CONVENTION

**Robert Campbell**  
National President

**Chris Aylward**  
1st National Vice-President

**Denis Lalancette**  
2nd National Vice-President

**Pamela Abbott**  
Regional Vice-President  
Pacific Region

**Lorne Roslinski**  
Regional Vice-President  
Rocky Mountains Region

(Alternate RVP - Robert Hume)

(Alternate RVP - Greg Krokosh)

**Gary Esslinger**  
Regional Vice-President  
Prairies Region

**Jamie vanSydenborgh**  
Regional Vice-Presidential  
Southwestern Ontario Region

(Alternate RVP - Christine McLennan)

(Alternate RVP - Caren Tallon)

**Adam Jackson**  
Regional Vice-President  
Northern and Eastern Ontario Region

**Robin Johnson**  
Regional Vice-President  
Greater Toronto Region

(Alternate RVP - Cosimo Crupi)

(Alternate RVP - Ken Bye)

**Bill Blair**  
Regional Vice-President  
National Capital Region

**Sabri Khayat**  
Regional Vice-President  
Montréal Region

(Alternate RVP - Gesine Campbell)

(Alternate RVP - Marc Brière)

**Jean-Pierre Fraser**  
Regional Vice-President  
Québec Region

**Doug Gaetz**  
Regional Vice-President  
Atlantic Region

(Alternate RVP - Sylvie Lahaie)

(Alternate RVP - Madonna Gardiner)

## CHANGE OF ADDRESS

Please note that all address changes should be done via e-mail to Sylvie Bastien ([basties@ute-sei.org](mailto: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.



# MEMBERS SPEAK OUT

## RESPECTING MY JOB DESCRIPTION

It all started when my team leader sent an email to the team stating that the Division Manager would like to poll the SP04's to enquire if any of you were interested in doing "additional" duties such as Danger of Loss (D/L) etc. to get experience for future SP05.

Working outside your job description is one of my pet peeves I guess, but frankly it impacts adversely on everybody including you.

Think about it.

If you and 10 other SP04's started doing SP05 work for free why in the world would management need to offer acting positions or dare I say, after this government's belt tightening is over, run an indeterminate competitive process?

One of the hiring criteria here for acting assignments was, "How often you worked OUTSIDE your job description?".

This is causing a caustic, hostile, negative work environment that not only allows and encourages, but facilitates back stabbing, back door antics, abuse of authority and preferential treatment.

THE UNION IS PUZZLED WHEN THE UTE MEMBERSHIP SURVEY INDICATED THE MEMBERS HAVE FEW PROBLEMS WITH THE STAFFING REGIME.

I believe that one of the reasons is our members do not have sufficient knowledge on how staffing **should be** carried out at the local level?

Perhaps it is time that the Union considers investing the time and resources in the development and delivery of an EDUCATION AND AWARENESS CAMPAIGN with one segment focused on Staffing, which could include the development of a Staffing Course suitable for lunch time delivery at the local level.

Maybe this could all be started at a workshop at a Presidents' Conference with the theme: *Union Staffing Rights Awareness*

Just an idea for consideration.

**Barry Melanson**  
**Local 00017, London**

## PUBLIC SERVICE TRAVEL BENEFITS

Your Health Care Plan covers you and your dependants, as a result of an emergency while traveling on vacation or business. The following coverage is available to you:

- \$500,000 in eligible medical expenses
- Access to the services of World Access
- 24-hour help line
  - 1-800-667-2883 in Canada and the United States / 519-742-1342 other countries (call collect) For a lost passport or visa; To find a local legal advisor; For telephone interpretation service
- Emergency medical evacuation services
- Advance payment assistance of hospital and/or medical expenses
  - Return of dependent children under age 16;
  - Return of other family members;
  - Visit of a relative;
  - Meals and accommodation for immediate relative if hospitalized for more than 7 days
  - In the event of death, return of a deceased family member

Note that there are also exclusions, such as:

Expenses incurred on a non-emergency basis

Expenses for the regular treatment of a pre-existing injury or disease

Expenses above reasonable and customary charges

Expenses listed as an exclusion under the policy

Of course, this article is just a summary. For further details:

[http://www.tbs-sct.gc.ca/Pubs\\_pol/hrpubs/TB\\_862/pstbaetab01-eng.asp](http://www.tbs-sct.gc.ca/Pubs_pol/hrpubs/TB_862/pstbaetab01-eng.asp)

*Daniel Gagnon, Local 10004, Jonquière*

Dear Mr. Denis Lalancette,

I wish to thank you for letting my family know of the existence of the Diana Gee Scholarship awarded by the Union of Taxation Employees. The \$2,500 in financial assistance was very helpful to me, as my grades for the fall 2010 term eloquently show. My overall average was 87%, and my college standing was 30,563. Not only is this excellent in any context of achievement, but it is all the more impressive owing to the fact that I had to adjust to a new school, a new work method and, above all, a new timetable. Also, the quality of my essay on the future of trade unions made me realize that I have a gift for writing; so much so, that my friends now tell me I should go into journalism! Despite this suggestion, I am still going into accounting at McGill University. Being the recipient of this scholarship will enable me to attend this most prestigious institution, one of the top 20 in the world. Not bad for a young lady who will be only the second member of her family ever to earn a bachelor's degree!

On that note, I wish you a pleasant day,

*Vicky Rodgers, recipient of the Diana Gee Scholarship*

# HOW TO DEFEND YOUR COLLECTIVE AGREEMENT RIGHTS

Article extracted from the quarterly tabloid newspaper  
Our Union Voice - Spring 2011 produced by the PSAC

## Do you think your rights are being violated at work?

If your boss is refusing to follow the collective agreement, you can work to change things by filing a grievance.

A grievance is a complaint in writing against the actions of an employer. Even though the language in collective agreements varies, all grievances follow the same principles and are structured in a similar way. You should always consult your collective agreement and speak with your union representative to find out the details most relevant to your situation.

Here are some practical tips to help you write and file your first grievance.

**Step 1: Consult your collective agreement.** Has your employer breached a clause in the agreement or contravened relevant legislation?

**Step 2: Talk to your union representative.** Your steward or other union representative will help determine whether the problem is best dealt with through the grievance process, or whether another strategy may be more appropriate for resolving the issue. If you don't know who your representative is, phone your component or the PSAC regional office closest to you and we will help connect you.

**Step 3: Assessment.** Your union representative will make an initial assessment of your concerns examining several questions such as: can the complaint be addressed informally? Is it pertaining to a violation of the collective agreement or does it fall under other legislation?

**Step 4: Informal problem-solving.** In many cases, early informal discussions between union and management representatives lead to satisfactory resolutions. During these discussions – and when dealing with grievances in general – it's useful to remember that the ultimate goal is to reach a solution. PSAC encourages members to resolve issues at the source – with the affected parties and as early as possible. There are some cases where this is impossible and those are the situations where we recommend that you file a formal complaint.

**Step 5: Prepare a complete case file.** Your grievance will only be as strong as the information is complete. Make sure to ask yourselves the following questions:

- **Who is involved?** Include contact information.
- **When did the problem occur?** Keep a close eye on the timelines set out in your collective agreement.
- **What is the problem?** Make sure to describe all of the different parties' positions.
- **Where did the problem take place?** If relevant, take pictures. Include detailed address information.
- **Why are you pursuing this grievance?** Explain why you are right and management is wrong.

**What remedy are you seeking?** What do you want your employer to do to make it better?

Take notes and make sure to organize all of your documents and complete the PSAC grievance file checklist (your union representative can give you a copy).



## REJECTION ON PROBATION

In the April, 2009 *Union News*, we briefly described a rejection on probation and how an employee can avail herself / himself of the CRA's administrative recourse coupled with the grievance process.

In the past, the CRA argued that employees subject to a rejection on probation can only avail themselves of individual feedback (IF) followed by decision review (DR). The CRA also argued that IF and DR were the only procedures available to employees rejected on probation.

Section 208(2) of the *Public Service Labour Relations Act* (PSLRA) and Section 54(1) of the *Canada Revenue Agency Act* (CRAA) were invoked by the employer to validate its position.

However and in the recent decision of *Lavoie v. Canada Revenue Agency*, 2011 PSLRB 91, Adjudicator Steven B. Katkin concluded at paragraph forty (40) that the employee, Ms. Jocelyne Lavoie, had the right to file a grievance against her rejection on probation.

The employer's argument that Ms. Lavoie was prevented from filing a grievance due to IF and DR was rejected by Adjudicator Katkin.

The decision of *Lundin v. Canada Customs and Revenue Agency*, 2004 PSSRB 167 previously established that an employee can file a grievance against the rejection on probation if the employee can demonstrate that she / he was rejected on probation for reasons other than performance.

Once the CRA is able to establish a lack of performance, the decision of *Lundin* allows for the rejection on probation. Consequently, the *Public Service Labour Relations Board* will refuse to hear the merits of the grievance.

Furthermore, the recent decision of *Tello v. Deputy Head (Correctional Service of Canada)* 2010 PSLRB 134 expands on the employer's right to reject on probation.

Adjudicator Ian R. Mackenzie wrote in part at paragraph one hundred twelve (112), "The deputy head no longer has the burden of proving a legitimate employment-related reason for the termination of employment, apart from providing the letter of termination which sets out the reason for its decision."

Therefore, the employee may have the right to file a grievance against the rejection on probation but the employee must still demonstrate that the employer acted in bad faith.

The decision of *Tello* provides more latitude to the employer when considering / implementing a rejection on probation.

The burden of proof to establish bad faith rests with the employee.

It has been the UTE's position that employees can avail themselves of IF, DR and the grievance process.

The decision of *Lavoie* supports our position.

**IF YOU ARE QUESTIONING THE CRA'S ACTIONS, SPEAK TO YOUR LOCAL UTE UNION REPRESENTATIVE.**

For an overview of the UTE's structure and to obtain your Local's contact information, consult our website: [www.ute-sei.org](http://www.ute-sei.org)

**Erik P. Gagné**  
**Labour Relations Officer**