



## MEMBERSHIP SURVEY

Thank you for your participation. The UTE takes the results of our survey very seriously and is committed to acting on the results. Remember, we promised to keep you informed on the progress.

In the short term, UTE at the National, Regional, and Local levels has been busy reviewing, digesting, prioritizing and discussing the information that was gathered, and in developing action plans to address the issues the survey identified, in the most effective and positive manner.

The following is a mini snapshot of the results:

**The typical responder** was an indeterminate (87%); full time (90%); office based (81%); female member (70%); aged 41-59 (72%); with between 11 and 25 years of service. For all the rest of you please note the Union will be making plans to try and get you more aware, more interested, and if not involved at least more included.

**The issues of most importance to UTE members** are collective bargaining, employment security, monitoring and defending collective agreements, and staffing and recourse.

**Members give the strongest assessments of the UTE's performance in the areas of** welcoming and inviting member participation and in being active in the workplace, but there has been some improvement in assessments of all areas since 2003.

**UTE members want their union to inform them** about the policies of political parties during federal elections, but most do not support UTE endorsements of parties or individual candidates.

**It was identified** that there is a better understanding of: the role, services, and the overall structure of the Union. (Results have improved approximately 12% from the 2003 survey, now hovering around 75% in general.)

**Communication with the membership** both locally and nationally has improved since 2003. Virtually all members report receiving union information; this proportion has increased since 2003. The most common sources of union information cited by members are PSAC and UTE publications, and talking to friends and co-workers. Members prefer to receive union information via mail at their home address, or via e-mail; these preferences are unchanged since 2003.

**Union News:** More than eight in ten members read the UTE newsletter sometimes or always. Three-quarters say the content is relevant at least sometimes. Topics of greatest interest are employment security and collective bargaining.



(Continued on page 3)

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

## BARGAINING

There's nothing new under the sun ... oops, where is the sun that I wished for you in our September issue. Actually, there is nothing new regarding the PSAC's opposition to Bill C10 in the Ontario Superior Court. However, when you read this, the impact of Bill C10 will have come into effect for our wages. We will also have demonstrated our solidarity on November 2<sup>nd</sup> concerning respecting the integrity of a Collective Agreement. You may wish to review the B.C. Nurses successful Supreme Court Decision regarding their contract, on our website, as our action is based on this decision.

The UTE Membership Survey clearly identifies that bargaining is of great importance to you. We must demonstrate our concern to ensure that an agreement negotiated in good faith between two parties is sacred and should not be violated for mere political pomp and circumstance.

Beyond this, it has not even improved the economic conditions for our country.

We must reaffirm and reinforce our concern at our next round of bargaining, which will start in June 2010. Remember we are carrying a burden into the next round (the carryover of Bill C-10 which restricts an economic increase to only 1.5% in the first year). As always your support and solidarity is vital to the bargaining process and to our collective successes.

Not everything is bleak and negative. Since the creation of the Agency, the UTE has improved various processes regarding bargaining demands and preparation. Our ONGOING DEMAND COLLECTION PROCESS has enabled us to send the PSAC over 50 demands as part of the review of the Dental Care Directives (UTE Bulletin 07/09).

**A Power Point presentation explaining our Bargaining Process was delivered at the September Presidents' Conference. It can be viewed on the UTE website.**

You are again invited to send us your thoughts and input through our ONGOING DEMAND COLLECTION PROCESS.

Wishing you Happy Holidays. Take the time to enjoy family life. There is no law that can cut back that, and as the commercial says it is: "PRICELESS."

In solidarity,  
Denis Lalancette  
2<sup>nd</sup> National Vice-President

## UTE UPCOMING EVENTS

**December 7-10,  
2009**

Executive Council  
(Ottawa)

**December 10, 2009**

NUMC  
(Ottawa)

**February 6-7, 2010**

Regional H&S  
Conference  
(Toronto)

**March 16- 21, 2010**

Executive Council  
(Ottawa)

**March 18-20, 2010**

Presidents  
Conference  
(Ottawa)

**April 10-11, 2010**

Regional H&S  
Conference  
(St. John's)

**April 24-25, 2010**

Regional H&S  
Conference  
(Calgary)



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

## MEMBERSHIP APPLICATION CARD & CHANGE OF ADDRESS

When completing a membership application card or a change of address, please use your complete legal name, as it appears on your payroll records.

We sometimes receive membership cards or address changes with other names and cannot match them with the names on the membership system.



Your assistance is appreciated.

Sylvie Bastien  
UTE Support Staff/Membership

(Continued from page 1)

**Collective Bargaining:** Eight in ten members have participated in a strike and one-half attended the last ratification meeting for their local. More than four in ten were solicited for demands by their local, and a similar number saw daily updates. One-third of members were satisfied with the UTE's communications during the last round of bargaining; one-half of those who attended were satisfied with the structure of the ratification meeting.

**Staffing:** About four in ten members were unsuccessful in competitive process; one-half of these made use of the recourse mechanisms. Only one-third of these members felt union representation would have been beneficial. Four in ten members believe they have adequate recourse under the Agency Staffing Regime (ASR).

This is a snapshot only, it represents some of the highlights but there are more, and they will come to the forefront as well.

**UTE will take action to improve.**

Communications Committee

## *the president's corner*

### MYTHS AND MISCONCEPTIONS

We have been going through the questionnaire comments and we have noticed that there are a number of myths and misconceptions. Over the next few issues, I would like to address some of these. ***Our first myth: UTE is in charge of staffing for the CRA.***

The UTE continues to place staffing as a priority demand in the bargaining process; however, **staffing still is non-negotiable** within the federal public service. It seems, the employer has become used to playing with a stacked deck, especially when it alone can change the rules of the game whenever it wishes or desires.

UTE has a Staffing Committee which acts as the members' advocate on staffing issues with the employer. Its hard work and persistence has resulted in some success in convincing the employer to adapt the processes to benefit the membership, but we have not been successful in changing the recourse attached to staffing.

Members have asked us to fix staffing, or to make changes on how competencies, end state and selection criteria is determined. Be assured that if UTE had control of the staffing regime in CRA it would be very different. We have met with the CRA for years (ten to be precise) we have brought forward your concerns and comments about staffing. We will continue to strive to make changes and represent the members.

Some problems with staffing can be grieved, please refer to the Insert in this newsletter on this subject, and speak with your union representative.

Betty Bannon

# 2009 UTE SCHOLARSHIPS AWARDED

The Union of Taxation Employees each year offers two \$2500 National Scholarships and ten \$1000 Regional Scholarships. The scholarships are available to members in good standing of the UTE, their spouse, children and/or their grandchildren.

The winners of the 2009 National Scholarships are Jennifer Bryson (National Capital), winner of the Diana Gee Scholarship Fund and Stephan Maloney (Atlantic).



Jennifer Bryson



Stephan Maloney

## THE WINNERS OF THE REGIONAL AWARDS ARE

### RECIPIENT REGION

Audrée Lacombe-Pruneau, Montréal  
Krista Ganchar, Prairie  
Marilyne Sabourin, Québec  
Karen Holloway, Atlantic  
Devin Rosychuk, Pacific

### RECIPIENT REGION

Michael R. Price, Ontario—Northern and Eastern  
Patrick Paskaris, Greater Toronto  
Kristen Johnstone, Ontario - South Western  
Carla Drager, Rocky Mountains  
Nida Mushtaq, National Capital

## CONGRATULATIONS TO ALL !

### 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.



## UTE REGIONAL EQUAL OPPORTUNITY (E.O.) CONFERENCE

JUNE 26-28, 2009 EDMONTON, AB

MEMBER SPEAKS OUT

### REPORT ON THE CONFERENCE

I was excited and a bit apprehensive about attending this conference. I have a keen interest in the Equal Opportunity topics that were to be discussed, and was completely floored when I found out I would be able to attend. Still, I had never attended a conference like this before and was a bit worried that I might feel like an outsider or that my credibility as an attendee might be questioned. I hoped that the knowledge I was bringing would be seen to have value and that I would also take away information that would strengthen our local union presence in Winnipeg. I am so glad I went.

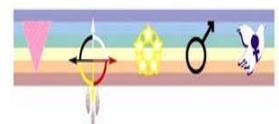
The information provided beforehand and the subsequent arrangements were very well presented and organized, which permitted me to both prepare for the conference and to focus on it once I was there. Two days were devoted to a series of presentations and discussions around the topic of diversity, its composition and dynamics, and the enriching elements that it brings to our union. Facilitation around these topics and a safe, comfortable environment led to some lively and engaging conversations throughout both days. Navigating conflict, finding common ground, recognizing our own biases and the struggles and challenges of a diverse workplace, and the formal and informal barriers that many of us encounter were explored using a number of different methods. I was particularly interested in reviewing what my own perceptions might be, how my union spoke about diversity issues, representation and accommodation, and meeting other like-minded colleagues. I was really taken by the wide range of people and very happy to discover that I was not the only "new kid on the block" and that a number of others were also there for the first time. I think that made us all feel welcome to share our views and participate; I know it certainly did for me.

It was interesting to place some employee/union/management structures within the context of more formal legislation, such as the Employment Equity Act, and to view it with fresh eyes as we did with some practical exercises and discussion.

Beyond the formal presentations was the opportunity to meet colleagues from other areas of Canada and to learn that not every location necessarily shares the same structure and approach, although we all spoke to a common interest in creating a welcoming and respectful workplace. The whole experience was extremely positive. For example, I have recently submitted a Business Case to establish a GLBT (gay, lesbian, bisexual, and transgender) committee for the Winnipeg Tax Centre and Manitoba Region, and I feel strongly that the confidence I gained from attending this conference led to this undertaking. I met some British Columbian colleagues at the EO conference who have had a GLBT committee in place for their region for nearly a decade, and I was delighted to be able to discuss its direction and purpose, share my own thoughts and concerns, and seek advice and network with supportive, engaged peers.

That proved to be the template for this conference: informed, interested, funny, passionate individuals, committed to keeping our union vibrant and our membership strong.

Rob Shaw,  
Winnipeg Tax Centre  
Union of Taxation Employees Local 50031



**LINGUISTIC DUALITY DAY 40TH ANNIVERSARY  
OF THE OFFICIAL LANGUAGES ACT**

If you are like me, unilingual, you probably deleted without reading this **all employee email** the first time through, after all its just another of the many gee-whiz emails that the employer bombs us with almost daily. Well, it means quite a lot to all my bilingual Sisters and Brothers.

Management is preaching (for all who watch and listen) about one of the key elements of the language rights created by the act.

***THE Official Languages Act clearly recognizes the right of federal employees to work in the official language of their choice in bilingual regions.***

***THE PROBLEM IS..... ITS ONLY THE OFFICIAL LANGUAGES ACT THAT RECOGNIZES THE RIGHT.***

***Once again the Holier than Thou CRA.... Isn't operating that way.***

***They are telling employees that they cannot actually work in their own language but they must work in the language of the client. I can understand that we would work "with" the client in their language but we are supposed to be able to work on the client's file in our language choice.***

**JUST FOR FUN, BELOW IS THE ALL EMPLOYEES EMAIL.**

**Barry Melanson Local 00017**

**De :** NAT-Distribution

**Envoyé :** 10 septembre 2009 10:52

**À :** NAT-Dist\_all\_CRA-tous\_ARC

**Objet :** Linguistic Duality Day and 40th Anniversary of the Official Languages Act / Journée de la dualité linguistique et 40e anniversaire de la Loi sur les langues officielles

This year, the Council of the Network of Official Languages Champions, with the support of the Clerk of the Privy Council, has designated September 10, 2009, as "Linguistic Duality Day" to celebrate the 40<sup>th</sup> anniversary of the *Official Languages Act*.

The first *Official Languages Act* dates back to 1969 and was primarily intended to recognize the equal status of English and French within all federal institutions and to ensure that the public had access to services from federal institutions in the official language of their choice.

**One of the key elements of language rights** created by the Government was the *Canadian Charter of Rights and Freedoms*, annexed to the *Constitution Act, 1982*. In 1988, a new *Official Languages Act* was passed. Among other things, the new act officially recognized **the right of federal employees to work in the official language of their choice** in bilingual regions and set forth the Federal Government's commitment to enhance the development of official language communities. .

During the last forty years, there has been enormous progress in terms of linguistic duality in Canadian society and within federal institutions. However, some challenges remain.

The Agency's commitment to official languages is essential. To demonstrate that commitment, we have, among other things, developed a three-year action plan for the renewal of official languages. We must continue to ensure respect for the right of employees to work in the official language of their choice in bilingual regions and the right of taxpayers to receive services in the official language of their choice.

Our commitment to linguistic duality must not rest solely on our legal responsibilities but also on respect and cooperation among members of both official language communities. Thus, linguistic duality is directly linked to the Agency's core values. It is also a key element of Canada's national identity, an aspect of which we should all be proud.

William V. Baker  
Commissioner

Karen Ellis  
National Champion for Official Languages



## **H1N1 VIRUS, IT'S REAL, IT'S IN THE WORKPLACE.**

At the time of reading this article, you probably have already received your H1N1 vaccination. Vaccination is of course just one way to help protect yourself, your family and your co-workers against the H1N1 virus. Other than the normal and usual methods that you have already heard a hundred times; of washing your hands, sneeze and cough into your sleeve, stay home if you are sick, etc; what else can you do to help protect yourself and your co-workers in the workplace?

Look around your work environment. Are there any common objects or surfaces that that could be infected with bacteria? A recent University of Arizona study concluded that the average work station contains more germs per square inch than the office toilet seat. So, the next time you decide to dine at your desk, think twice. This study concluded that the average desktop, including your computer and mouse have up to 25,000 bacteria per square inch, while your office toilet seat contain 49 bacteria per square inch. Why such inequity? When was the last time you disinfected your desktop and the equipment you use every day, compared to the last time the toilet seat was disinfected? Toilet seats are disinfected on a regular basis unlike your desktop. Food crumbs and residue can linger for days causing mould and bacteria that can make us very ill.

Protect yourself, avoid eating at your desk. Clean your work area, including: desktop, keyboard, mouse and phone, every day. If you must eat at your desk, hand washing and personal hand sanitizers are another way of protecting yourself, which should be done before and after eating. Protecting yourself and your co-workers against the transmission of germs is in everyone's hands, literally and figuratively.



The above mentioned study identified prime common areas harbouring virus causing germs, and the bacteria count per square inch are as follows; Kitchen sink sponges and dishcloths – 7 billion; Kitchen faucets – 229,000; Office Phones – 25,000; Desktops – 21,000 and the Office Toilet Seat – 49.

Finally of course, stay home if you are sick and seek medical attention if required, avoid those who are ill, maintain healthy nutrition, exercise, manage your stress, get sufficient sleep and **WASH YOUR HANDS.**

We want you to stay healthy. If you are healthy, your co-workers are healthy. When you and your co-workers are healthy, you and your co-workers are happy. When you and your co-workers are happy, the union is happy.

Chris Aylward  
Chairperson National Health and Safety Committee



UTE MENS / WOMENS WATCHES



UTE PENNY BANK



UTE PHOTO SNOW GLOBE



UTE BLACK TEDDY BEAR



UTE BICYCLE HELMET SKIN



UTE SUNGLASSES

# UTE PROMOTIONAL ITEMS

ARE AVAILABLE FOR PURCHASE THROUGH YOUR LOCAL.

HERE ARE SOME OF THE ITEMS THAT WE HAVE.

**SHOW SUPPORT FOR YOUR UNION AT WORK AND HOME**



UTE RUGBY HOODIE



LUNCH BOX CLOSED



LUNCH BOX OPEN



ROAD SIDE EMERGENCY KIT



UTE WHITE TEDDY BEAR



UTE BABY BIB



UTE RUGBY SHIRT



# RIGHT TO GRIEVE STAFFING DECISIONS

Notwithstanding the Canada Revenue Agency's position that members are barred from grieving staffing decisions and that the pursuit of staffing concerns may only be addressed within the Agency's Directive on Recourse for Staffing, the Federal Court of Appeal has once again affirmed **that members may indeed file grievances concerning staffing matters.**

In a decision of the Federal Court of Appeal [2009 FCA 276, Docket A-25-09] rendered on September 25, 2009 in the matter of *Johal and Stasiewski and Canada Revenue Agency and Christina Mao*, the Court found, amongst other things, that there was "nothing in the language of section 54 [of the Canada Customs and Revenue Agency Act] to indicate that Parliament intended to modify section 208 [of the *Public Service Labour Relations Act*]" to deprive employees from exercising their right to grieve staffing matters. The Court went on to find that "if this is what Parliament had intended, it could easily have said so" and it did not.

Consequently, the Union of Taxation Employees recommends that members adversely affected by staffing decisions, continue to avail themselves of the recourse offered by the Agency in its Directive on Recourse for Staffing and that they concurrently file a grievance on the matter. For assistance in pursuing both forms of recourse/redress, we suggest that members contact their Local Union representative.

Shane O'Brien  
Senior Labour Relations Officer



## DID YOU KNOW ?



In the event of the death of an employee, his/her estate is paid severance pay for his/her complete period of continuous employment, at the rate of one (1) week of pay for every full year of continuous employment.

**However, your estate MUST request it; let them know!**

REF.: Art. 63.01 of the Collective Agreement

**As soon as you are entitled to an immediate annuity without penalty, you are entitled to a 5-day pre-retirement leave, and that leave is not prorated.** Therefore, you can push out your retirement date by 5 days in order to have 5 more days with pay...

.REF.: Art. 53.01 of the Collective Agreement

**During a snow storm, you may be entitled to paid leave, but you will have to prove that you made reasonable efforts to get to work.**

REF.: Art. 54.01 of the Collective Agreement.

**If you work more than 3 hours of overtime after your workday, the employer must pay you \$10.50 for the meal AND grant (pay) you ½ hour of time for taking your meal.**

REF.: Art. 28.10 of the Collective Agreement

## **INDEPENDENT THIRD PARTY REVIEWS (ITPR) REQUESTS FOR UNION REPRESENTATION**

As you may be aware, under the Agency's Directive on Recourse for Staffing, employees are entitled to be represented during the ITPR process. Members of the Union of Taxation Employees seeking union representation should ensure that Part 2 of Form RC117 (Request for an Independent Third Party Review) should be fully completed with the following information:

### **Part 2-Information on a representative (if chosen)**

**Name and surname:** Shane O'Brien    **Business telephone number:** (613) 235-6704

**Work address:**        Senior Labour Relations Officer  
                                Union of Taxation Employees  
                                233 Gilmour Street, Suite 800  
                                Ottawa, ON. K2P 0P2  
                                Email: [obriens@ute-sei.org](mailto:obriens@ute-sei.org)



In addition to sending a copy of the Form RC117 to the National Conflict Resolution Office [formerly ODM] as directed at the bottom of Form RC117, a copy of this Form should also be faxed to the UTE National Office at **(613)234-7290**, attention Shane O'Brien. Upon receipt of said form, the member will be contacted by a UTE National Office Labour Relations Officer who will assess the merits of your case and discuss with you the next steps.

Members are also encouraged to contact their Local union representative for assistance in completing the Form RC117 with respect to the grounds and reasons for the request (i.e. why and how you were treated arbitrarily) and the nature of the remedy sought as incomplete or inaccurate information may result in your Request for an ITPR not being assigned for Review.

Shane O'Brien Senior Labour Relations Officer

## **CLASSIFICATION, JOB DESCRIPTION AND ACTING PAY GRIEVANCES**

As a result of some confusion surrounding the job description, classification and acting pay grievance processes, and further to evolving case law surrounding these matters, the UTE issued Bulletin 15/09 in order to provide some direction on these matters.

The following is an excerpt of some important elements of that bulletin, but we suggest you read the full bulletin and contact your union representative before taking action.

One of the most common occurrences creating delays in the Classification Grievance Procedure is when an employee grieves the Classification of his/her position because he/she feels that he/she is completing additional duties which are not contained in his/her job description. In this case, **before** presenting a classification grievance, the employee must first ensure that his/her job description is complete and accurate.

It is generally no longer advisable that classification grievances be filed concurrently with job description grievances as these classification grievances may be found to be premature while the work description is still in dispute.

Often members who choose to file classification grievances also file acting pay grievances at the same time. Generally, however, these approaches are **not compatible** as classification grievances infer an ownership or incumbency to the job while an acting pay grievance infers no such rights of ownership.

Your union representative can assist you with the wording and help you complete the paperwork.

Shane O'Brien  
Senior Labour Relations Officer