

**PROGRAM OF DEMANDS FOR THE  
PSAC PROGRAM DELIVERY AND ADMINISTRATIVE SERVICES  
BARGAINING UNIT AT  
THE CANADA REVENUE AGENCY**

**2007 ROUND OF NEGOTIATIONS**

**Introduction**

This document is intended to assist Locals in engaging members in discussions about bargaining demands. Some of these proposals have been selected from the list of unresolved issues from the last round of bargaining. Others reflect issues that have emerged during the life of the current agreement, or reflect the long-term goals and operational needs of the union. We believe these provide a solid foundation for our bargaining demands for the next round of bargaining, and all of these proposals will be submitted to your national bargaining committee for their consideration.

**Your feedback on these proposals is critical to the process, as is your input for other proposals for amendments to the collective agreement.**

Please review the program of demands with your members, and let us know which ones are particularly important in your Local. All of these demands will be considered by your National Bargaining Committee for inclusion in the final package to be presented to the employer, and your feedback will assist them in the decision making process. Additionally, add any other demands you wish to send forward by filling out the form included at the end of this package. Please send your demands electronically to the **National Office of the Union of Taxation Employees**. Each Local should limit their submissions to a maximum of 10 demands. The deadline for the submission of demands is **5:00 pm on March 31, 2007**. All demands must be received by the UTE National Office by this date.

We thank you in advance for your involvement in this process. We are confident that through membership solidarity we can achieve important goals in the next round of bargaining.

## Message from the National President

The coming months are going to bring challenges that will impact every PSAC member. The Harper government will continue to question the value of public services, and will seek to contract-out more and more of the work we do. There is also the ever-present threat of the Conservatives looking to strengthen their mandate and form a majority government. Economists are predicting inflation to increase and that we are entering a tougher economic environment. Canada Revenue Agency negotiations will be occurring under new legislation, requiring new essential service agreements, rules for strike votes, and public interest commissions.

All of this means that we are going to have to bargain differently if we are to succeed. This means many things, but first and foremost it means engaging the membership from the very start of the bargaining process, and continuing to build this mobilization until we achieve new collective agreements. This engagement begins at the local level, which is why you are receiving this Program of Demands kit. We want to receive your ideas and input, involving you directly in the bargaining of your new collective agreement.

PSAC is committed to getting to the bargaining table before the expiry of the collective agreements. We have strong collective agreements, and we will be looking to make them better, saying no to employer concessions. Every round we are able to make progress, and with your support, we will continue to move forward in this round of bargaining. Our National Convention mandated several important bargaining priorities, including Defending Quality Public Services, the student policy, elimination of pay zones, and the continuation of the Social Justice Fund. These and other priorities have been outlined in the Program of Demands for your discussion and input.

There will likely be issues that are important to you which are not reflected in the Program of Demands. The attached Program of Demands provides some bargaining priorities, but we invite members to submit demands (with supporting rationale) on other issues of importance. This is your collective agreement; we want to hear from you. As the AEC officer assigned to the UTE/CRA negotiations, I look forward to working with your bargaining team to achieve the best possible collective agreement for the UTE membership.

Building greater consensus amongst the membership, the bargaining teams and leadership around our bargaining priorities and strategies is another goal of bargaining differently. Again, that requires hearing from you, and having the membership engaged and supporting negotiations through mobilization and collective action. Bargaining differently will help us achieve our goals, but ultimately it will be our solidarity that will lead to success at the bargaining table. Working together, I know that we can make this happen.

In Solidarity,

John Gordon  
National President

## WHAT MAKES A GOOD BARGAINING DEMAND?

Prior to the start of collective bargaining with CRA in 2003, the PSAC received more than 100 bargaining demands from members. This left the elected bargaining team with tough decisions about which demands to actually table with the employer. The choice was made somewhat easier when demands dealt with the same subject or goals, but even so, the team still had to choose between many competing ideas.

So the question arises: what makes a good bargaining demand? How can Locals increase the chances that their bargaining demands will be submitted to the employer by the bargaining team?

### HERE ARE FIVE GUIDELINES TO HELP LOCALS MAKE THEIR CHOICES:

**(1) Demands rooted in workplace problems and member's needs:** Every round we get bargaining demands asking for things that are already provided for in the collective agreement, or represent things that people would "like" to have in their collective agreements. The strongest demands come out of demonstrated workplace needs. This would include:

- situations where we have filed a grievance and lost because of problems with the existing language;
- situations where normal requests are being unreasonably refused by management; and
- demands related to significant changes in workplace conditions, for example the introduction of new shift schedules or change in jobs.

**In all cases, it is essential that the bargaining demand be accompanied by rationale,** which could include copies of grievances and the employer response, copies of employer directives, correspondence to members, etc. Any evidence that would support the need to make changes to the collective agreement would assist your bargaining team.

**(2) Demands with momentum:** It takes a lot of work to get managers and employers to accept that there are problems which must be addressed through collective bargaining. As a result, we have a better chance with demands which have been the subject of ongoing campaigns, or in-depth studies, or relate to problems where we have been putting sustained pressure on the employer through union-management committees, letter-writing, and lobbying. If you have copies of such letters, minutes of union-management committee meetings, etc please attach them to your demand as rationale. The more demonstrated need we have, the better your bargaining team can support your demand at the bargaining table.

**(3) Demands with established precedents:** In the world of collective bargaining, we have a somewhat easier time achieving demands which have already been negotiated into collective agreements between unions and employers. This doesn't mean we don't try for breakthroughs; if we didn't we wouldn't have been the first union in the country to achieve a full 52 weeks of top-up for maternity and parental leave, or the first union to achieve compensatory leave for "captive time" workers. Therefore if you have a demand that you know exists in other collective agreements, it will help if you can mention this in the rationale you will provide in support of your demand.

**(4) The right demand at the right place:** Your demand should be one that actually can be dealt with at the bargaining table for your bargaining unit. There are a number of key areas of your benefits and working conditions which are dealt with outside the normal collective bargaining process.

**A separate input call is issued for these items, which include:**

- the PSAC Dental Plan (negotiated directly between PSAC and Treasury Board to cover all TB and Agency units),
- the Public Service Health Care Plan (negotiated in conjunction with other federal bargaining agents through the PSHCP Trust),

Since there are separate input calls and bargaining processes for these issues, any demands for improvements in these areas **cannot** be accepted by the teams.

**(5) Demands bargainable under the Public Service Labour Relations Act (PSLRA):** There are certain areas where we are not able to negotiate contract language under the terms of the *PSLRA*. The Act prohibits collective agreements from dealing with matters covered by the *Public Service Employment Act* (i.e. those dealing with staffing, promotion, seniority), or the *Public Service Superannuation Act* (i.e. those dealing with pensions). We have sometimes made demands in these areas, and have made some gains as a result – for example the demand which led to the Joint TB-PSAC Study on Term Employment and the adoption of a new Term Employment Policy. However, gains

in these areas happen outside the negotiations process per se, and are usually the result of a campaign or larger political strategy.

## WAGES

### 1. Develop wage proposals built upon the following principles:

- √ Continued gains in real wages for all members.
- √ Complete the process of harmonisation.
- √ National rates of pay for GL and GS employees.
- √ Protection against future inflation.
- √ Protection against increases in employee contributions to benefits and pension plans.
- √ Adjust all allowances to account for inflation.

## DEFENDING QUALITY PUBLIC SERVICES AND EMPLOYMENT SECURITY

### 2. No Contracting Out

Propose language that will restrict the ability of the employer to contract out public service/bargaining unit work. Propose language which allows for the “contracting-in” of public sector work currently performed by private sector companies.

Over the last ten years federal government departments and agencies have been contracting out an increasing portion of public sector work to private companies. In 2004, fully \$6.7 billion dollars worth of professional and special services work was performed by outside service providers, more than the total salaries of PSAC members working for Treasury Board and the three largest Agencies (including CRA) in the federal government. Many of our members have to supervise the work of outside consultants or temporary agency employees. When public service work is contracted out, the quality of work suffers, and the costs go up. We want to restrict employers’ ability to contract out bargaining unit work. We also want to pursue bargaining unit work being done by the private sector, now and into the future.

### 3. No Lay-Offs

Propose that there shall be no lay-offs during the life of the collective agreement.

## WORK/LIFE BALANCE ISSUES

### **4. Compassionate Care Leave and Top-Up**

Develop a new article that provides employees with “compassionate care leave” when they need to care for seriously ill family members. We also propose the creation of a “compassionate care allowance” to top-up the compassionate care benefits provided for under the *Employment Insurance Act*, to 93 per cent of income.

Some employees face the challenge of providing round-the-clock care for terminally ill family members. This was recognized by the federal government in 2003 when they created a “compassionate care” program that grants employees up to eight weeks of leave without pay for compassionate care, and up to six weeks of Employment Insurance benefits. The leave without pay portion was granted through amendments to the *Canada Labour Code Part III*, and identical provisions have now been extended to most workers under provincial jurisdiction. But federal Treasury Board and Agency workers are not covered by *Part III* of the *Code* or provincial labour laws, and only have access to more restricted leave without pay provisions under their collective agreement. These federal workers deserve an article that provides the same provisions. We also believe that the goals of the compassionate care program would be enhanced by a top-up allowance of EI benefits to employees on compassionate care, identical to those in existence for maternity and parental leave.

### **5. Expansion of the Definition of Family**

Create one expansive definition of family which applies to all forms of leave, rather than having a more expansive definition for bereavement leave and more restrictive definitions elsewhere.

### **6. Pre-Retirement Transition Leave**

Incorporate the current pre-retirement transition leave policy at CRA into the collective agreement.

Pre-retirement transition leave allows employees within two years of retirement to reduce their workweek by up to 40 percent, while retaining existing benefits and earning full service for pension purposes. This demand recognizes the interests of many thousands of members who are nearing retirement, and seek a way to continue working but at a reduced level. It also recognizes the needs of the employer to offer incentives to retain employees during a time of significant transition.

## WORK/LIFE BALANCE ISSUES (CONTINUED)

### 7. Improvements to Existing Leave Provisions

- √ Additional days off which could include December 24, December 31, January 2 and/or February 14.
- √ Improvements to vacation leave including an additional week after every five years.
- √ Improvements to the bereavement leave provision, such as increases to the quantum, improvements to the definition of family, and the replacement of "calendar" days with "working" days.

### 8. Improved Access to Flexible Work Arrangements

This can include such things as tele-work, more opportunities to work from home, flexible work hours and other arrangements that assist in a healthier work/life balance for members.

### 9. Shorten the Work Week

Demand a reduction to a 35 hour workweek and 7 hour day.

### 10. Improvements to Overtime Compensation and Compensatory Leave Provisions

This could include:

- √ the right for employees to convert all overtime, standby, and travelling time to compensatory leave (eliminate management's right to force employees to take cash)
- √ 2x pay for all overtime worked
- √ improved pay-out provisions for unused leave
- √ restoration of compensatory leave credits in the case of family illness (currently compensatory leave credits are restored only for sick leave and bereavement leave; the family-leave improvement was achieved with Parks Canada)
- √ carry-over of compensatory leave credits for all members (not just PG group), and ability to cash-out at will.

## HEALTH AND SAFETY

### 11. Protective Reassignment for Pregnant and Nursing Mothers

Amend the agreement to provide for leave with pay where protective reassignment is not possible.

Our current collective agreement requires the employer to, where possible, modify the job duties or reassign pregnant and nursing workers if they cannot safely perform their regular work. However, the article only provides for leave without pay if reassignment is “not reasonably practicable.” Many Canadian workers are covered by laws or collective agreements which provide pregnant and nursing employees leave with pay if no reassignment is possible, and all federal public service workers deserve no less.

## STAFFING

### 12. Mobility Issues

Eliminate all barriers to staffing mobility between Treasury Board and Agency employees, including eliminating the requirement to pay-back maternity and parental allowances if an employee transfers to another employer under the *Public Service Labour Relations Act* and completes the return-to-work provisions with that other employer.

### 13. Student Employment

Negotiate language which more clearly defines the appropriate use of “student employment programs” in the federal public service.

Each year thousands of students are hired into term positions under the Federal Student Work Experience Program (FSWEP) and other programs including coop placements, research affiliates, and international exchange. While many of these are legitimate student programs, in many cases government departments and agencies are using student employment as a low cost alternative to the regular workforce. Often, students are hired into work contracted out to temporary placement agencies. By hiring students in these cases, the employer may be giving students the complete range of job functions without being paid the same as regular employees. With inadequate training, students often end up working under poor conditions or in dangerous or unsafe situations. While ultimately we would like to organize all students into collective agreements, the *Public Service Labour Relations Act* currently excludes from the category of “employee” any “person who is employed under a program designated by the employer as a student employment program.” By negotiating stricter conditions for the use of student employment we seek to eliminate employer abuse of the student exclusion, ensuring that student hiring programs are appropriately used.

## STAFFING (CONTINUED)

#### **14. Recourse Mechanism for Staffing Complaints**

Demand a recourse mechanism, including union representation, where there is a perceived abuse in the staffing process.

#### **15. Acting Appointments**

Demand automatic roll-over where an employee has held an acting appointment for 2 years, and ensure that all employees receive their due increments while in acting appointments.

### **TERM EMPLOYEES**

#### **16. Vacation Leave Credits for Terms**

Where term employees are rehired within one year, credit them with a full year's service for the purpose of calculating vacation entitlement. This is done for indeterminate seasonal employees in other workplaces, for example at Parks Canada, who are hired year after year but do not work a full twelve months. A person who works six months of the year should not have to wait sixteen years to get an additional week of vacation.

### **EMPLOYMENT EQUITY**

17. Introduce language that would establish a positive obligation on the employer to maintain a barrier-free workplace.

### **EMPLOYER POLICIES**

18. Include reference to the employer's policies in the collective agreement, and provide a method of redress where the policies are violated or inconsistently applied.

## UNION LEAVE

### **19. Additional Union Leave with Pay**

Propose guaranteed leave with pay for union participation in union-management consultation and Informal Conflict-Management Systems (ICMS) processes, and member participation in union training programs. The new *Public Service Labour Relations Act* mandates all departments to engage in regular union-management consultation, and to develop Informal Conflict-Management Systems in order to improve the labour relations within their workplaces. There is a need for collective agreement language which guarantees leave with pay for union representatives engaged in these processes. This should be extended to joint union-management programs, as well as union-run education programs, because these contribute to the effectiveness of union representatives and the improvement of workplace labour relations.

Finally, we may also want to look at expanding the circumstances under which employees are entitled to union representation, for example, where the employee is called to a "fact-finding" meeting or an investigation which may lead to discipline.

### **20. Salary Continuation While on Union Leave**

Propose that while members are on union leave without pay, the employer shall continue to pay employees and bill the PSAC for the salary costs.

The preamble to the new *Public Service Labour Relations Act* reinforces the important role to be played by unions in maintaining harmonious labour relations. The current collective agreement recognizes the right to leave-without-pay for union representatives, but these representatives often suffer income disruption as employers can deduct the leave from pay cheques much more quickly than the union can reimburse for lost salary. This acts as a barrier to union participation, particularly for lower-income or single-income earners. Additionally, all leave without pay becomes non-pensionable after an accumulation of five years. This limits the amount of time a member can spend on union work before losing pensionable time, particularly if he or she has taken other leave without pay over the course of their career (for instance, to care for small children). Many other employers have been willing to negotiate salary continuation clauses into their collective agreements. Last round, the PSAC succeeded in obtaining language in the Parks Canada Agency collective agreement that provides for salary continuation in the case of contract negotiations. We believe all federal employers, including the Agency, should agree to this language, and we also believe that salary continuation should be extended to other forms of union leave without pay. There is no cost to the employer, and the administration of salary continuation creates no additional burden.

## **SOCIAL JUSTICE FUND**

**21.** Propose a direct employer contribution to the PSAC Social Justice Fund equal to 1 cent per regular hour worked per employee.

Hundreds of employers have negotiated contributions that fund the international development work of Canadian unions. These contributions are making a concrete difference in supporting anti-poverty and labour rights work in developing countries in Asia, Africa and South America, while also supporting anti-poverty and social justice work in Canada. Already more than 40 employers have agreed during negotiations to make regular contributions to the PSAC Social Justice Fund. With this demand we will call on the Agency to do the same.

## **CHILD CARE**

**22.** Propose the formation of a national joint union-management committee to review the child care needs of our members, research the availability of quality child care meeting those needs, and develop specific proposals to increase availability of workplace child care centres across the country through employer funding.

In the next ten years, the federal government and its agencies will be hiring thousands of new, younger workers, many of whom will be starting young families. They will join a large number of existing employees who often have unique child care needs, given the organization of work within the federal government. Treasury Board already has a policy supporting the creation of workplace child care, and several federal worksites already have operating workplace child care facilities. However, the growing needs of our members far exceed the current capacity. We need a more comprehensive national strategy and increased employer funding. This is not an unrealistic goal. In conjunction with the Canadian Union of Postal Workers (CUPW), PSAC/UPCE has negotiated employer funding for workplace childcare with Canada Post.

## WORK FORCE ADJUSTMENT

**23.** Propose language to update, strengthen and improve the language and protections in our Workforce Adjustment Appendices.

Since our last contract was signed, we have encountered several problems with the administration and interpretation of the WFA Appendices to our collective agreements. First, employers have refused to treat some employee transfers (e.g. the creation of the Canada Border Service Agency) as a workforce adjustment situation, thereby avoiding the consultation, information and salary protection provisions of the WFA. The union grieved the issue but the employer's decision was upheld in a Public Service Labour Relations Board (PSLRB) adjudication decision and by the Federal Court of Appeal. They determined the WFA did not apply because the transfer resulted from an Order-in-Council (i.e. Cabinet) decision. We need to change the language to prevent this from happening again. Secondly, federal employers continue to abuse the provisions of our WFA appendices in order to avoid full consultation with the union, and to avoid taking full responsibility for retraining and priority placement in workforce adjustment situations. They thus deny affected employees full access to the protections we have negotiated. Finally, the WFA needs to be strengthened to better protect federal workers in the event that their jobs are devolved to provincial governments.