



UTE TAKING ACTION

Over the last several months, many pressing challenges have surfaced which have the potential to adversely and detrimentally affect our members. These include, but are not limited to government downsizing, budget cuts, Work Force Adjustment, the transfer of employees to Shared Services Canada and attacks by the Canadian Federation of Independent Business and other organizations on employee wages, benefits and pensions. As a result, the Union of Taxation Employees has created a new ad hoc committee, comprised of the combination of its already established Political Action and Communications Committees.

This new ad hoc committee emerged as a result of UTE's strong belief that if our members are to survive this onslaught and maintain fiscal stability and job security, members need to be better educated on the issues and mobilized to act. At the heart of this issue is the need for better communications amongst all levels of UTE and its membership and the need to effectively engage in political action.

The Committee has been mandated to identify the issues in which we should be engaged, to develop a strategic plan around these issues and to create a communications strategy around these plans. Watch closely in future editions for further information from this committee and contact a member of your Local Executive if you wish to get involved.

WORK FORCE ADJUSTMENT (WFA) POLICY GRIEVANCE FILED



In response to the Government's decision to transfer some of our members to the newly created Shared Services Canada, the Union of Taxation Employees (UTE) attempted to persuade the Canada Revenue Agency (CRA) to consider this transfer as an Alternative Delivery Initiative (ADI) pursuant to the WFA Appendix of our collective agreement. Under this WFA Appendix, the CRA is obliged to consult meaningfully with us and employees being transferred are afforded very specific rights and entitlements. Regrettably, the CRA did not agree with our position that this was an ADI.

Accordingly, UTE made submissions to the bargaining agent, the PSAC, that a Policy Grievance be filed pursuant to clause 18.37 of our collective agreement. The PSAC agreed with our analysis of the situation and on November 14, 2011, this Policy Grievance was filed with the Assistant Commissioner of Human Resources of the CRA.

Further details concerning this matter will be communicated as events unfold.

Shane O'Brien
Senior Labour Relations Officer

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

UTE SETS THE RECORD STRAIGHT

This is a copy of a letter sent to Mr. Gerry Nott, Publisher and Editor-in-Chief of the Ottawa Citizen on November 17, 2011 and published on November 18, 2011.

Dear Sir:

Kathryn May's article on page 1 of the Thursday, November 17, 2011 edition reads "PS unions fear battle over severance". I can assure you that in my role as National President of the 26,000 members of the Union of Taxation Employees, that this is far from the truth.

During my many visits to the worksites and in volumes of phone calls and emails from members, the message is clear. Our members are not prepared to accept concessions on their severance pay and they are prepared to fight the government on all fronts to maintain this long-held right. We will fight the employer at the bargaining table; we will fight the employer at the workplace; we will take our fight to the Courts; and we will fight the government at the polls. One thing is for sure – the Union of Taxation Employees will stay true to the mandate given by its members – we will not give away or trade off their severance pay.

The Union of Taxation Employees has worked diligently during its last two rounds of bargaining to achieve collective agreements before the expiry dates of the previous ones without work stoppages and we are prepared to do so again. Rest assured, however, if we must, that we will fiercely defend our members' hard-earned benefits and we will not be fearful to battle over their severance.

Yours truly,

Robert Campbell
National President

**UTE
UPCOMING
EVENTS**

**Executive Council
March 20—25,
2012**

**President's
Conference
March 22 - 24,
2012**

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

UTE and PIPSC MOVE FORWARD

On November 2, 2011, representatives from the Union of Taxation Employees (UTE) met with members of the National Executive of the Professional Institute of the Public Service of Canada (PIPSC) to discuss common emerging issues and ongoing relationships between the parties. The parties readily agreed that every effort would be made to improve relationships between the parties. Moreover, the parties agreed that to the extent possible, UTE and PIPSC would work collaboratively on those issues affecting all of our members and where possible, establish a common front when dealing with representatives of the Canada Revenue Agency (CRA) and other government organizations.

The parties also acknowledged that there may be occasions when they may not agree on the strategy or resolution of a specific issue, but that each would endeavour to respect the position taken by the other.

UTE welcomes the re-establishment of a productive and cooperative relationship with PIPSC and anticipates a more cohesive and effective representation for both memberships.

You may be aware that PIPSC is currently entering into negotiations with the CRA and their fight may likely be ours in many respects. As a result, PIPSC may soon be seeking your support and as a result, we ask that you consider positively these requests. Should you have any questions concerning your rights in this regard, please contact a member of your Local Executive.

**Robert Campbell
National President**

BARGAINING

In the current socio - political environment which impacts all unions, and soon our Bargaining Process, and under the reign of the current government, we must expect tougher times than those faced during our past negotiations. To cope, we must begin to seriously prepare for the next round of bargaining, and clearly identify our goals.

Solidarity, communication, information exchange and transparency have been - and remain- our best allies for the defence and respect of our rights.

The future isn't something to worry about; it's something to prepare for.

To do so, I invite you to participate actively in the preparations now.

As explained in our Bulletin 13/10, (published in November 2010 and available on our website) dealing with our *Ongoing Bargaining Demands Collection Process*, you can - as UTE members in good standing - send us your demands.

You can also stay informed at all times.

It is very easy to do so:

- ✓ **To send your demands**, go to our website at the following address:

<http://www.ute-sei.org/English/Publications/bulletins/2010/B13.cfm>

you will find the instructions to do so, **and**

- ✓ **To subscribe to Bargaining Information**, go to:

<http://www.ute-sei.org/English/subscribe/index.cfm>

and automatically receive our news.

We will collectively make decisions and determine our battles. It's with you that we will uphold our hard-won rights, and to protect the integrity of our contract.

**My collective agreement is my heritage;
and I WILL PROTECT IT.**

I would like to take this opportunity to wish you and your families a happy holiday filled with love, joy and health.

In solidarity

Denis Lalancette
2nd National Vice President

the president's corner

Anyone who reads the paper or listens to the news knows that unions, wages, and benefits are under attack from all sides: from the Canadian Federation of Independent Business (CFIB) trying to reduce or eliminate our pensions, to union jobs in other sectors being replaced by contract workers, to the reduction in our own workforce to achieve the savings the government is looking for.

We know we provide a valuable service to Canadians, and that these reductions make it harder and harder to provide that service. We know that we earn every penny of our wages, and that we aren't the fat cats that the CFIB and the papers seem to make us out as. We know that our pensions aren't gold plated and that their modest income will allow us to retire in dignity.

We need to get this message out to the general public. We need to influence those who influence the government. We cannot be silent and hope the problem goes away. Without constant pressure on government, our jobs, our wages, our benefits and pensions will be attacked and eroded. We cannot wait until the ink is dry on some new bill before starting this fight.

I hope all of you will get involved. We need your help.

Wishing you and yours a very happy holiday season.

Robert Campbell
National President



2011 UTE SCHOLARSHIPS

The national scholarships, in the amount of \$2,500.00 are awarded to:

The Diana Gee National Scholarship:	Alanna Koenders, National Capital Region
The National Scholarship:	Jessica Misfud, Greater Toronto Region

The regional scholarships, in the amount of \$1,000.00 are awarded to:

The AI Rollins Atlantic Regional Scholarship	Karine Roy
The Québec Regional Scholarship	Roxanne Fraser
The Jean Bergeron Montréal Regional Scholarship	Audrey Bergeron
The National Capital Regional Scholarship:	Matthew Darling
The Northern and Eastern Ontario Regional Scholarship:	Kaelan Parker
The Southwestern Ontario Regional Scholarship:	Casey Trader
The Greater Toronto Regional Scholarship:	Matthew Cooper
The Prairie Regional Scholarship:	Jamie Chalmers
The Don Davoren Rocky Mountains Regional Scholarship:	David Fandrich
The Pacific Regional Scholarship:	Brad Vanloo

Congratulations to all !

ADDENDUM TO THE ARTICLE “REJECTION ON PROBATION”

In our September, 2011 *Union News*, we briefly described the recently issued decision of *Lavoie v. Canada Revenue Agency*, 2011 PSLRB 91.

We noted that employees should avail themselves of *Individual Feedback, Decision Review* and also, file a grievance related to the rejection on probation.

Subsequent to the issuance of the above decision, the CRA issued a bulletin September 20, 2011 outlining that “...both Individual Feedback and Decision Review...are no longer applicable as of July 14, 2011.”

The CRA further advised that “...employees of the Agency, whose employment is terminated during their probationary period, are now entitled to grieve the decision by filing an individual grievance in accordance with article 18.17 of the agreement between the Canada Revenue Agency (CRA) and the Public Service Alliance of Canada...” Consequently and based on the above bulletin, the UTE is advising its members not to file for Individual Feedback and Decision Review.

Rather, members should only file a grievance related to their rejection on probation.

Erik Gagné
Labour Relations Officer

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.



JUNGLE OR GARDEN?

Why get involved in the union movement?

*The winning article during the September 2011
Union of Taxation Employees, Presidents Conference 'Olympics'.*

Recently, I was speaking with a new employee who was asking me whether the union still had a place in today's world.

On the spot, I didn't know if I should be surprised, shocked or angry; and then I got a hold of myself. In front of me was a young person taking their first steps in this new jungle known as the working world. So I decided to tell him about our garden.

In 1967, a few friends and I decided to buy a small piece of land in the area. At the start, it required clearing, levelling of the land, as well as digging and solidifying our foundations in order to build a house for our families.



Then, some of us wanted to have a small garden to grow good vegetables to feed our families. Again we all worked together to clear a corner of the land, remove stones and weeds, add good earth and fertilize it in order to provide the right minerals for the vegetables we wanted to grow. Over the years, we lived very well, ate well and benefited from the efforts of each and every person. Eventually, we sincerely thought that we would be leaving our children a small corner of paradise.

But what will happen if nobody maintains the "little house on the prairie" or the little Garden of Eden?

Well, it will all disappear! The paint on the house will flake off, water and air will get in through the cracks, and mould will gradually settle in the foundation and walls of the house. And the beautiful little garden will become overgrown and full of weeds.

That garden is our collective agreement.

Sometimes you need to look back a few years to see the path that has been travelled and the efforts that have been made in order to show our members how all the benefits and working conditions that they currently enjoy, were achieved.

If the current and coming generations want to keep benefitting from their predecessors' labour and keep those acquisitions, they too will have to contribute to the effort and do their fair share.

Our house is the union and it is a reflection of its members.

Therefore, it has to remain active, dynamic and especially, be able to maintain its place in a society where its role is often questioned.

We must not lose sight of the fact that even though the movement does not seem perfect to you, it cannot be improved without the direct involvement of its members.

We have a sizeable challenge ahead of us because we are increasingly called upon in our lives to get involved in things, whether in our children's school activities or as volunteers for various associations.

However, since we spend most of our lives at work, it is imperative that we be able to perform our duties in an atmosphere of well-being and in conditions that are beneficial for all workers.

Union involvement will give you the opportunity to meet people who firmly believe in equity and social justice. You will have the chance to attend training and conferences that will be rewarding for you, both professionally and personally. You will have the chance to advance a movement that exists because other people before you believed in it.

Who wants to go backwards and lose hard-won acquisitions?

Nobody.

In closing, I'll leave you with this question:

"Would you prefer to live by continuing to maintain your garden and your piece of land, or would you prefer trying your luck in a jungle where the only law is the law of the strongest?"

Your future belongs to you ... for now!

Jungle or garden; we hope that you will know to make the right decision.

*Jean-Pierre Bonin and Louise Vallière
Montréal Region*

TOOLBOXES

Two of the National UTE Committees have developed toolboxes to assist members.

The **Harassment Committee's** toolbox can be found at:

<http://www.ute-sei.org/English/committees/harassment/toolbox/index.cfm>

The **Work Force Adjustment Committee's** toolbox can be found at:

<http://www.ute-sei.org/English/committees/wfa/factsheets/>



WHAT ARE FAMILY-FRIENDLY PROVISIONS IN YOUR COLLECTIVE AGREEMENT?

Editor's Note:

*In 2000, Human Resources Development Canada Labour Program published a paper entitled **Work and Family Provisions in Canadian Collective Agreements**. This article was inspired by the document named above.*

As your Collective Agreement expires on October 31, 2012, and your negotiating team will once again be attempting to achieve significant gains in your Collective Agreement, it seemed an opportune time to help you gain a better understanding of policies and practices conducive to the balancing of work and family responsibilities.



The study states: *The availability of leave for caring and other family responsibilities has been recognized as a key element in balancing employees' work and personal lives, and as a means to reduce stress, absenteeism, tardiness and turnover. Providing personal/family leave has the added advantage of simplifying attendance management — particularly where contract language specifies notification requirements — and improving equity through the establishment of broad guidelines.*

Family-friendly provisions are normally defined as contract clauses contained in collective agreements which offer employees work arrangements — whether in terms of hours of work, leave or other support mechanisms — that can assist them in balancing the demands of work and family responsibilities.



One must remember that family responsibilities are not restricted to raising children. They include caring for spouses/partners, elderly parents or relatives with disabilities, to mention but a few. Moreover, many workers, especially those belonging to the “sandwich generation,” must combine both child and eldercare responsibilities, providing assistance to various family members with different needs.

Traditionally we have always looked at particular provisions of the Collective Agreement as being family friendly: Maternity, Paternity, Family Related Leave, Child Care provisions, but have you ever stopped to consider the organization of your work time? Overtime, scheduling, flexible time, work week reductions and telework can also be family friendly provisions. In examining the organizing of work time:

Overtime: can be family friendly but the clause must address two basic issues: the right to refuse overtime work and time-off arrangements in lieu of overtime pay.

Scheduling: provisions such as rest periods, consecutive days worked and split shifts all protect employees from overwork and provide a certain level of stability, as well as flexibility, allowing for a healthier and more balanced approach to time management.

Flexible Time: concepts such as compressed or annualized hours give employees more control over the distribution of time spent at work and time spent on other activities, such as caring for children or parents, performing other family-related duties and engaging in leisurely pastimes.

Work week reductions: pertains to provisions allowing employees to reduce their working time. This can be accomplished in a variety of ways, most notably through part-time employment, partial leave, gradual retirement and job sharing.

Telework: provisions which provide employees with the possibility of fulfilling their work duties at home or at alternate locations.

Examine your collective agreement: Can you see areas that need improvement? This is your opportunity to improve your work/family life balance. Do not remain silent. Submit your bargaining demands to your local executive members and do your part to try and achieve a healthy balance.

*Linda Cassidy
Labour Relations Officer*

CATASTROPHIC DRUG COVERAGE IN THE EVENT OF HIGH DRUG COSTS

Catastrophic drug coverage provides protection for members who incur high drug costs in any given calendar year. Under the terms of this provision, eligible drug expenses incurred in a given calendar year will be reimbursed at 80% until a plan member reaches in that same calendar year \$3,000 in out-of-pocket drug expenses excluding the annual deductible. Eligible drug expenses incurred during the same calendar year in excess of this threshold will then be reimbursed at 100%.

Exclusions

No benefit is payable for:

1. expenses for drugs which, in the Administrator's opinion, are experimental;
2. publicly advertised items or products which, in the Administrator's opinion, are household remedies;
3. expenses for contraceptives, other than oral;
4. expenses for vitamins (except injectables), minerals, and protein supplements, other than expenses that would qualify for reimbursement under Eligible Expenses;
5. expenses for therapeutic nutrients other than those that would qualify for reimbursement under Eligible Expenses;
6. expenses for diets and dietary supplements, infant foods and sugar or salt substitutes, other than expenses that would qualify for reimbursement under Eligible Expenses;
7. expenses for lozenges, mouth washes, non-medicated shampoos, contact lens care products and skin cleansers, protectives or emollients;
8. expenses for drugs which are used for cosmetic purposes;
9. expenses for drugs which are used for a condition or conditions not recommended by the manufacturer of the drugs;
10. expenses incurred under any of the conditions listed under General Exclusions and Limitations in the Plan Provisions;

expenses which are payable under a provincial/territorial drug plan whether or not the participant is participating in the plan.

*Colleen Wice
UTE President Local 00052*

(This article is an excerpt from the Public Service Health Care Plan Directive which can be found at:
http://www.njc-cnm.gc.ca/directive/index.php?sid=72&hl=1&lang=eng#tc-tm_1_2)



THE DUTY OF REASONABLE ACCOMMODATION

Legal bases:

“The duty of reasonable accommodation” is a legal concept established by the courts (case law). It arises from the right to equality, based on Section 15 of the *Canadian Charter of Rights and Freedoms (Charter)* and on protection from discrimination that appears in the *Canadian Human Rights Act (CHRA)*. Section 2 of the *Act* states that:

[...] *“all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted.”*

Sections 3 and 7 of the *CHRA* prohibit any discrimination based on a disability (physical/mental), especially in the context of the employment relationship. Therefore, unjustly/unreasonably refusing to respect those rights could be interpreted as discrimination.

Article 19 of our collective agreement also contains a section on eliminating discrimination:

“19.01 There shall be no discrimination, interference, restriction, coercion, harassment, intimidation, or any disciplinary action exercised or practiced with respect to an employee by reason of age, race, creed, colour, national origin, religious affiliation, sex, sexual orientation, family status, mental or physical disability, membership or activity in the Alliance, marital status, or a conviction for which a pardon has been granted.”
[...]

Accommodation limits have been included in the *CHRA*, section 15(2), namely when there are justifiable occupational requirements and justifiable grounds. For example, an airline pilot must have excellent vision. This standard is crucial to performing the duties of a pilot.

Accommodation limits are also allowed when the accommodations are an undue hardship in terms of cost or health and safety. The employer, however, must furnish solid, documented evidence proving that there is undue hardship, and it cannot rely on assumptions and approximations.

To examine the Laws which are referred to above, please consult the Department of Justice Canada website on *CHRA* at <http://laws-lois.justice.gc.ca/eng/acts/h-6/index.html> and the Charter at <http://laws.justice.gc.ca/eng/Charter/page-1.html#anchorbo-ga:l l-gb:s 15>

Lyson Paquette
Labour Relations Officer



MEMBERS SPEAK OUT

Performance Recognition Program

As a solid performer each year for the past 25 years, I realize that unless I choose to advance in my CRA career, the Performance Recognition Program has no direct impact on me. I do not want to advance, nor do I want to change jobs. I am less than two years from retirement and I just want to do my job as efficiently as possible. But for the past couple of years, this has not been enough for my management team.

In this year's Performance Review, there were only two goals measured. The first was directly related to the number of widgets produced, and the amount of time taken to complete them. By their own standards, I exceeded their measurement criteria.

The second goal measured my support of CRA's Corporate Policies & Initiatives. Specifically, these measurements were based on promoting and participating in a harmonious work environment, maximizing the principles and practices of Sustainable Development, and supporting the Official Languages Initiative.

Imagine my surprise when my achievement of this goal was negatively impacted by two statements. The first was that I did not attend a non-mandatory three day learning session held last fall in Toronto, and the second was that I did not participate in Observe and Attest. I have to admit that I did not participate in Observe and Attest and I have not done anything specific to obtain my job competencies. I have some of them, but not all of them. Apparently the fact that I am less than two years from retirement and have absolutely no desire to apply for another job is not considered to be a valid enough reason for my decision not to participate in this initiative. But in the spirit of give and take, a positive compromise was obtained. I agreed not to file a grievance alleging discrimination based on age and management agreed to take out the controversial comments and raise my overall performance assessment.

Apparently my Performance Review was indeed a green document. It's just too bad that to obtain respect within the work place, I was required to threaten to file a grievance. So much for my annual pat on the back for a job well done!

*Hugh Cullaton
London Local 00017*