Union News
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WHY IS IT TAKING SO LONG TO GET MY CONTRACT?

We hear this question quite a bit lately and, frankly, it's a fair question. There is a very good answer or, rather, answers for this.

Let's talk about procedure first. After the expiry of our last contract we were coming into our convention, at which the national officers including the 2nd VP in charge of bargaining would be elected. This happened in July of 2017. Shortly after, in September of 2017 the presidents' representatives from the Tax Services Offices and the Tax Centres were elected. That, with the selection of the bargaining co-chair and 5 RVPs created the bargaining committee. This bargaining committee was tasked with going through all the demands submitted by locals, labour relations officers and the staffing committee. This took two sessions in early 2018. Once that was complete, we reached out to the employer to set up dates for bargaining meetings. The earliest the employer was able to meet with us was June of 2018 which is when we exchanged the demands and began the process.

Now, let's talk about the involvement of Treasury Board. You will recall that prior to our last contract the UTE and the CRA were able to negotiate a contract either before or on the date of expiry. This was because the employer was able to do so without having to seek Treasury Board approval on contractual items. Those days are gone. Under Prime Minister Harper, a bill went through the House that basically ordered all negotiations, regardless of Agency or Department, to be mandated and approved through Treasury Board. So, yet another step was added to the process and as we know adding steps slows things down.

Where are we now? We have had four bargaining meetings with the employer and we are scheduled to meet December 3-6, probably as you are reading this. We have also agreed to January dates as well. We have insisted that we are not interested in concessions and will do everything we can with your help to improve this contract for all. Your team has been clear from the beginning in our dedication to building a solid work/life balance contract and we will be exchanging economic proposals to match. We thank you for showing the employer your support of the bargaining team on November 27th and we will continue to push for resolution. The stronger we are together, the better contract we will get. You will make the difference.

Adam Jackson
2nd National Vice-President

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

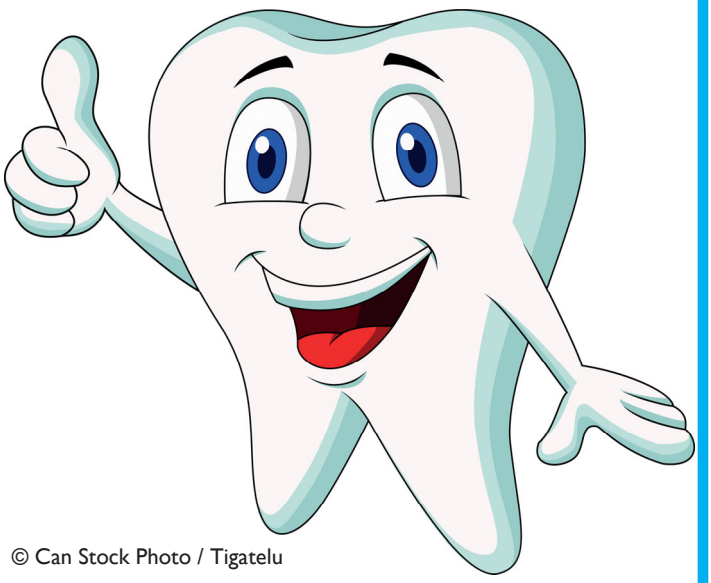
OUR DENTAL PLAN, PSAC WINS MAJOR IMPROVEMENTS

After lengthy negotiations and an arbitration process, PSAC has won a major victory for the Public Service Dental Care Plan, which will result in substantial improvements for your coverage.

“The government dragged this process out by trying to get us to accept reduced coverage for our members,” said Chris Aylward, National President of the Public Service Alliance of Canada. “But our position has always been that our members deserve better, and I’m very pleased that the arbitration panel agreed with us.”

The major highlight is a 47% increase to the annual maximum for routine and major services. The current maximum of $1,700 per year will gradually increase to $2,500 per year as follows:

- $2,000 per year starting on January 1, 2019;
- $2,250 per year starting on January 1, 2020; and
- $2,500 per year starting on January 1, 2021.



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Additionally, as of January 1, 2019, the following changes will be made:

- Dental implants will be covered. Implants had been partially covered by deeming them to be another procedure (i.e. bridge or denture). This would often lead to gaps in (or problems with) coverage. They are now covered in their own right.
- Coverage for replacement fillings for children will be possible 12 months after the initial filling was done, previously it was only after 24 months.
- Congenitally missing teeth will now be covered until age 21, from the previous age of 19.
- Coverage during suspensions is improved.
- An allowable break in service to become eligible for the plan is extended from 5 to 7 days.
- Ability to have coverage for extra scaling approved retroactively.

The government made a large number of proposals to the arbitration panel that sought to weaken the dental plan. Very few of them were accepted and the ones that were accepted are small and have a very minor impact on plan members. These are:

- Charges for oral hygiene instructions will now be limited to once per lifetime per adult while with children it remains once per year.
- Coverage is eliminated for minor issues such as:
    - The assistance of a second oral surgeon.
    - Dental professional peer consultation.

If not otherwise mentioned, all other provisions of our dental plan will remain status quo without change.
The full text of the new dental plan will be posted on the PSAC website www.psacunion.ca.

Gary Esslinger
Communications Committee

MESSAGE FROM THE NATIONAL PRESIDENT

While looking back over the past year, I realized how full it was.

The federal public service pay system (Phoenix) bears the name of a fabled bird, originally from Arabia and associated with sun-worship in ancient Egypt, where it was venerated, is definitely not glorified by our members. For the third year in a row, Phoenix continues to wreak havoc, which is why, this past summer, we decided to put pressure on the federal government to make changes to rectify this problem. UTE launched a country-wide campaign with the slogan "CAS CAN DO IT". We asked you and your families to sign cards to be sent to the Prime Minister asking for the Canada Revenue Agency (CRA) to be authorized to use its Corporate Administration System (CAS) to pay its employees directly. You responded in great numbers, and I would like to thank you very much. More than fourteen thousand (14,000) of those cards were delivered to the office of the Prime Minister on September 28 during a rally in Ottawa.

That same day, we met with the parliamentary secretaries of Public Services and Procurement Canada (PSPC), the Treasury Board and the CRA. They tried to convince us that it would require just as much time to finalize the development of the CAS system as it would to introduce a new system to replace Phoenix. We were clear that we do not agree, and we are continuing to put pressure on the government.

We are also in discussions with the office of the Honourable Diane Lebouthillier, Minister of National Revenue, in an attempt to convince her and the Liberal government that the CRA should re-open the client service counters. This would round out the current service offerings and better serve the Canadian public, especially the most vulnerable people in our society, by providing in-person service.

Of course, 2018 marked our return to the bargaining table with the CRA and the Treasury Board. To date, bargaining has been moving far too slowly. Given that we have been without a new contract for over two years, this situation is totally unacceptable. This is why we arranged a country-wide National Day of Action on Tuesday, November 27. We asked our 60 locals to organize an activity of their choice that was visible, so that the employer sees how frustrated our members are with the lack of real progress at the bargaining table. We also want to draw the attention of the public and the media to the situation we are experiencing. I encourage you to continue to give your full support to your bargaining team, which is doing everything it can to improve your working conditions.

Bringing back respect for federal public servants and their union representatives, which Prime Minister Trudeau talked about during the last federal election, must be achieved through a serious, productive and timely round of bargaining. Our members are fed up with waiting, and rightly so. Things need to happen at the bargaining table! And fast!

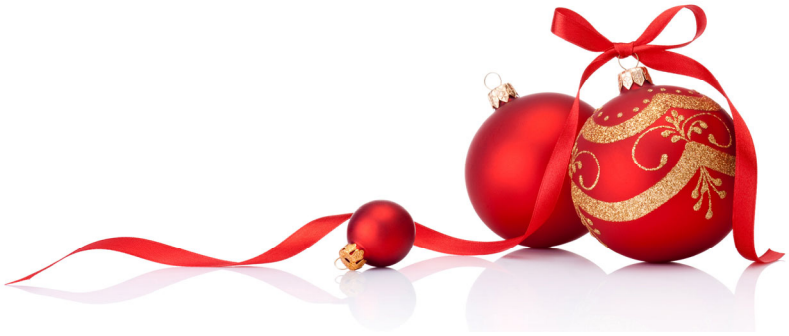
I would like to thank you for supporting YOUR union. We're here to serve you and represent you, but we still need your support. Our strength lies in our unity, bringing everyone together in the same direction.

In closing, I wish you and your loved ones a wonderful time of joy during the holiday season. And may the new year bring you joy, happiness and prosperity!

Merry Christmas and Happy New Year!

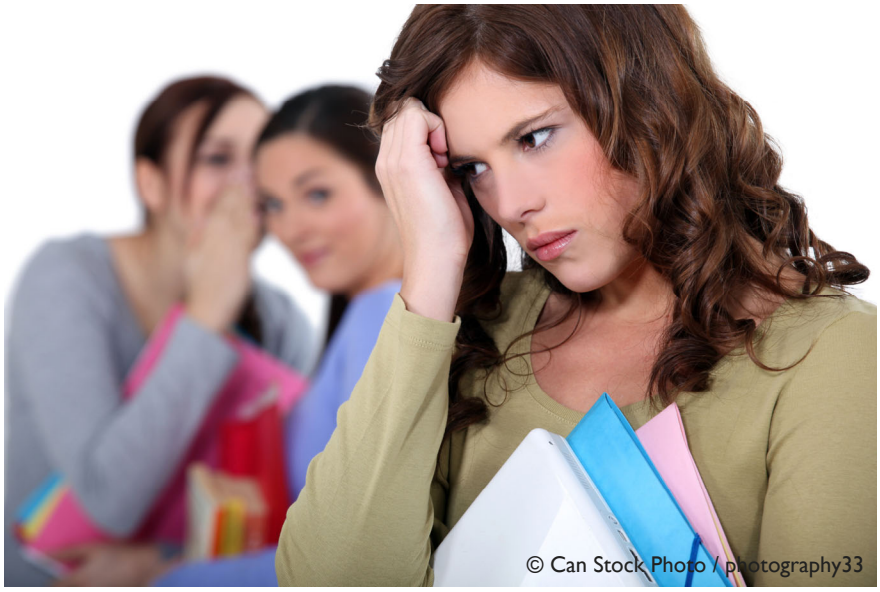
Yours in solidarity,

Marc Brière
National President



HARASSMENT AND BULLYING IN THE WORKPLACE

Both the Union and the Employer agree unequivocally that no member should be subjected to bullying and harassment in the workplace. We all have the right to come to work and earn a living in a safe and comfortable work environment. The unfortunate truth is that statistics gleaned from the Public Service Employee Survey would suggest that within the CRA, the number of employees who feel that they have been harassed or bullied is far too high. This is viewed as unacceptable by both the Employer and the Union.



There are a variety of reasons for this. They are unaware of the mechanisms in place for dealing with perceived harassment or bullying that are at their disposal, as well it is likely that many members do not have a clear understanding of what constitutes harassment or bullying in the workplace.

When this type of situation occurs, there are two mechanisms available to employees; the first being an internal harassment complaint filed using the Employer's harassment complaint system, and the second being a complaint filed under Regulation 20 of the Canada Labour Code. Both options are similar, in that they (a) seek to determine if harassment, violence or bullying took place, and (b) to identify corrective measures to ensure that the situation does not arise in the future. It is incredibly important to differentiate between the two options as the processes followed in each are vastly different.

Internal Complaint Process:

Initially the employee will complete a form outlining the nature of the incident(s) including dates, witnesses and any other information concerning what occurred. This form is sent to the Centre of Expertise (COE). The information received will be reviewed and a determination will be made if it meets the standard that the employer has established regarding harassment and bullying in the workplace. The recommendation from the COE goes to the Assistant Commissioner (AC) of the complainant's region, who will make a final decision on how to proceed.

While the Union certainly supports a process that seeks to identify and stop behaviors which constitute harassment and bullying in the workplace, our faith in the effectiveness of the employer's current process and its ability to deal with cases of violence and harassment in the workplace is simply not there. Upon reviewing the results from the recent Public Service Employee Survey and the number of employees who have indicated that they had been harassed or discriminated against, compared to the incredibly low number of cases that are determined to have been founded, is cause for concern. In the most recent PSES, 14% of respondents indicated that they were the victim of harassment in the workplace. This is simply unacceptable. Furthermore, 64% of those employees who indicated that they had experienced harassment, said that the harassment originated with someone who had authority over them. We simply cannot support a system in which the sole responsibility for determining the validity of harassment claims (the majority of which involve people in positions of authority within the Agency) falls within the purview of the Agency itself. Our position is that this gives rise to not only apparent, but at times real conflicts of interest,

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further eroding employee confidence in the system whose role it is to protect them. This is particularly troubling when looking at the PSES's own statistics. 42% **(nearly half)** of respondents indicated that they are not satisfied with how matters related harassment are resolved within the Agency. This is a clear indicator that we have reached a crisis point in terms of employee's confidence in the Agency's ability to deal effectively with workplace harassment through their internal system. So, if both the Union and a significant percentage of our membership have lost confidence in the internal harassment process, what options do we have left?

Regulation 20

As an organization, UTE fully support the use of Regulation 20 within the Canada Labour Code. The purpose of Regulation 20 is to ensure that employer takes measures to prevent the occurrence of violence in the workplace and to ensure that employees are protected against workplace violence. Workplace violence is defined as "any action, conduct, threat or gesture of a person towards and employee in their workplace that can reasonably be expected to cause harm, injury, or illness to that employee. This includes bullying, teasing and other aggressive behavior, which are components of psychological violence. This idea is reinforced by proposed changes to the Canada Labour Code to clearly include a definition of what constitutes harassment and violence. Section 122(1) will now include the following:

> *Harassment and violence* means any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.

The competent person will be responsible for investigating and providing the employer with a written report with conclusions and recommendations. The employer is required to provide the workplace health and safety committee or health and safety representative with a copy of the report of the "competent person", and there are specific timeframes which must be respected. For the purposes of this section of the code, a competent person is someone who is:

(1) Impartial and is seen by the parties to be impartial

(2) Has knowledge, training and experience in issues relating to work place violence

(3) Has knowledge of the relevant legislation

A huge part of what makes this option an attractive one is the lack of real or apparent conflict of interest when it comes to investigating claims of harassment or bullying in the workplace. The ability of the investigator to be impartial and to appear at all times to be impartial is of paramount importance to the investigation.

Additionally, our position is that a grievance should be filed concurrently with the Regulation 20 filing, thus ensuring employees' right to have remedies applied. The long and short term effects of being the victim of violence or harassment in the workplace can be devastating, often resulting in time away from work and possible loss of salary. Employees should never be penalized for being a

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victim of such behaviors.

The Union has, and will continue to believe that in all instances where this type of behavior has been alleged to have occurred, a transparent and impartial investigation must take place. Furthermore, we believe strongly that the findings of this investigation be respected and recommendations implemented in a timely manner.

We all have the right to earn a living in a safe working environment, free from harassment and bullying. It is clear that these types of situations continue to arise, and we will continue to fight to ensure that our members are protected now, and in the future.

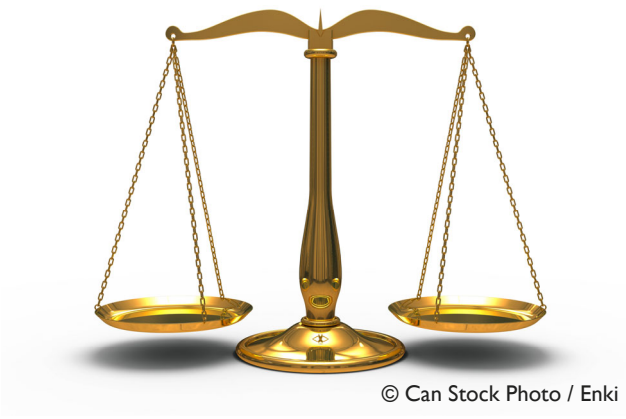
We recognize that the employer is looking at establishing a series of information sessions for all employees in respect to harassment in the workplace. One of the goals will be to provide employees with a better understanding of what does or does not constitute harassment. We are hopeful that during the sessions the employer will consider what might be coined as levels or seriousness of harassment. Any unacceptable behaviour cannot be tolerated, the response of the employer in the situations we recognize will be graduated based on the seriousness of the incident but to for a second suggest or dismiss a claim as not being “serious enough” is doing a great injustice towards creating a respectful and positive attitude within the CRA. While no significant evidence exists, anecdotally it could be argued that this may have a bearing on CRA statistics with respect to the number of employees indicating they feel they had been harassed in the workplace.

During these sessions the employer has committed that they will make all employees aware of the right to consider availing themselves to a Regulation 20 complaint. As a result of this agreement with the employer, UTE supports and will assist in co-facilitating these information sessions.

Nate Angus-Jackman
Communications Committee

RECOURSE ON STAFFING—THE QUI DECISION

In the last three newsletters members were provided information with respect to recourse available to them during staffing processes. These articles discuss Individual Feedback (IF), Decision Review (DR), and Independent Third-Party Review (ITPR). Mentioned in one of these articles was the importance of members requesting the recourse mechanisms available at each stage of the staffing process. UTE wants to stress the importance of following all these procedures during any staffing process. The reasons for this will be made clearer in the remainder of this article.



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In June 2017 during an ITPR, the reviewer determined that she did not have authority to conduct an ITPR as she did not have jurisdiction to conduct such a review as the applicant’s allegations related to the assessment stage of the staffing process. UTE disagreed with the reviewer’s decision and referred the case to federal court for judicial review. The application for judicial review was dismissed by the Honourable Madam Justice Kane stating that she agreed that the reviewer reasonably found that she did not have jurisdiction to address the applicant’s concerns. This court decision is Qui v Canada (Canada Revenue Agency) 2018-04-12.

The basis for the decision was that the applicant had

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not requested DR at the assessment stage of the staffing process, where her concerns of arbitrarily treatment could have been addressed. This decision clearly shows that if UTE members wish to avail themselves of ITPR at the placement stage of a staffing process, **they must** have availed themselves of IF and DR at the assessment stage. Unfortunately, many members who go through the staffing process and are successful in getting into the pool of qualified candidates, do not see the need to request IF or DR at the assessment stage. While this may seem logical, it creates a situation whereby at placement the member has given up their right to recourse.

The jurisprudence on this matter is now very clear, if a member has concerns regarding arbitrary treatment, the assessment stage is where those concerns must be raised. Members cannot "sit on their rights" until placement and raise issues of arbitrary treatment if those issues were not raised during assessment.

Another very important ruling came out of this judicial review in respect to DR. It clearly states that during DR, a member as part of their review to determine if arbitrary treatment had taken place, is entitled to assess the results of other candidates. This has been a huge problem during DR whereby the employer is refusing to provide any information under the guise of privacy. Madam Justice Kane makes it clear at line 80 that the *procedures for recourse on staffing (Staffing Program)* allows for disclosure of other candidates' assessment results if these results were used to make a "staffing decision", and this includes staffing decisions at the assessment stage.

We encourage all UTE members to review this case (link below) and if you are participating in a staffing process, to avail yourself of all the recourse available to you at each stage of the process. This will ensure you access to ITPR if permanent placements are made from the process.

https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/309013/index.do

Andrea Holmes
Labour Relations Officer

CRA TAX SCAMS

Over the past few years I have heard many people discuss calls received from CRA Tax Scams. Given the volume of the calls, it has made many of our members face additional pressure in their jobs. Many taxpayers now question if our members are really "CRA Employees". When I came upon this CBC News article regarding a recent raid of Call Centres in India, I was pleased that the number of calls have dropped.

> *The recent arrest of several dozen people in India this month has been followed by a significant drop in the number of telephone scams where people call Canadians pretending to be members of the Canada Revenue Agency looking for a bogus tax payment.*
> *The RCMP said the arrests of 70 people at call centres in India employing more than 700 people were first thought to be solely tied to an IRS version of the scam, but the police force says calls to Canadians since the arrests have fallen to "a small fraction of what was reported for the weeks and months leading up to these arrests."*
> *In the most common version of the scam, a Canadian would get a call from someone speaking English, alleging they were with the CRA informing the person they owe a large amount in back taxes that must be paid immediately or they'd risk arrest and asset seizure. Typically, the caller demands immediate payment, most often via email transfer, wire transfer, gift card or pre-paid credit card.*

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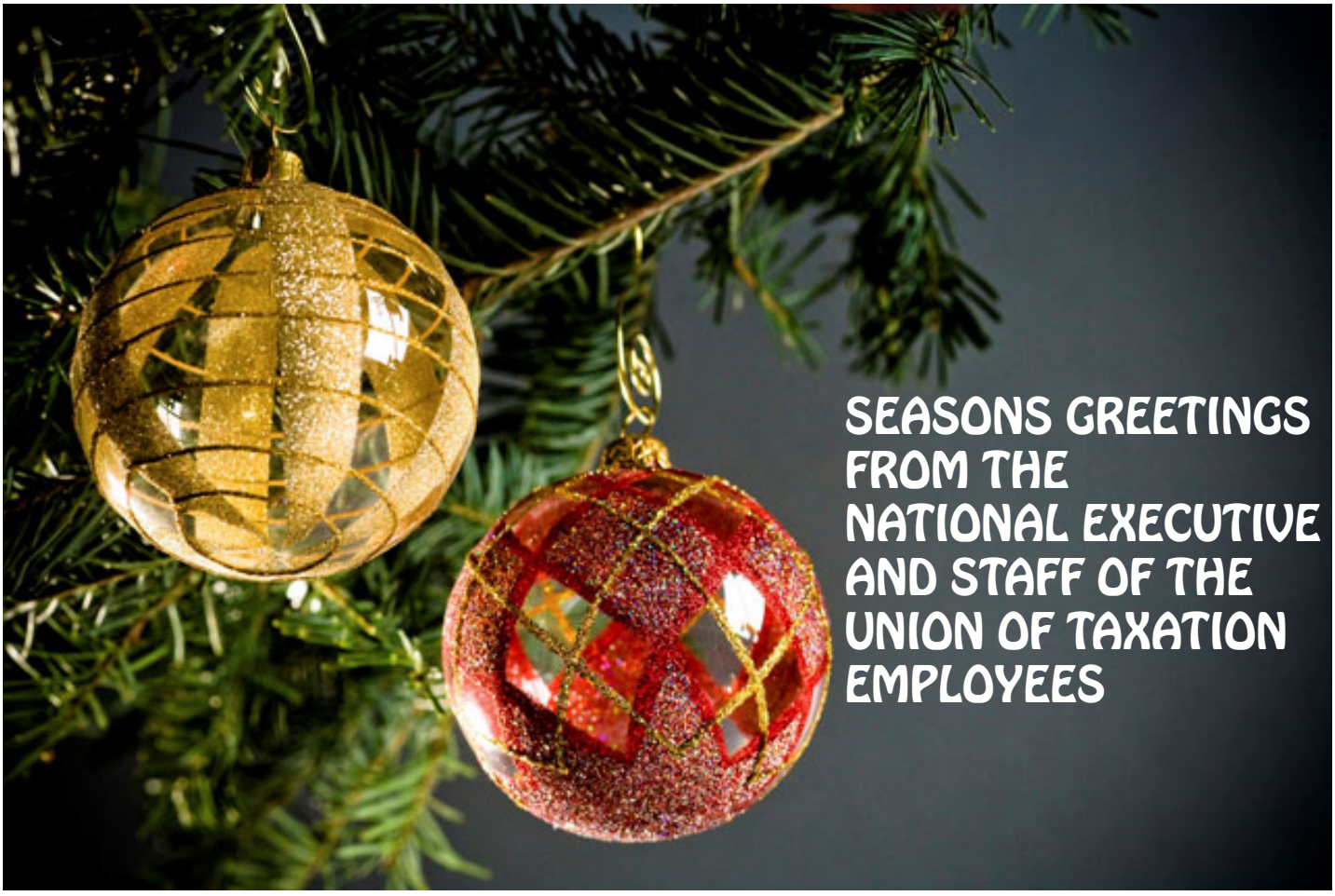
Despite the drop-off in attempts of late, the scam is likely far from over.
It's a lucrative business for the fraudsters. Since January 2014, based on statistics from Canadian Anti-Fraud Centre (CAFC) more than 1,900 Canadians have fallen victim to it and handed over more than $5.7 million. But more than 37,000 calls to Canadians have been made asking for money over that time period. "Based on CAFC analysis, the aforementioned numbers represent only five per cent of the actual losses," the RCMP said.
While the CRA will occasionally deal with Canadians by phone, ***they would never demand payment in the form of gift cards, prepaid credit cards, or use threatening language.***

With tax filing season approaching around the corner, please be vigilant of any calls and remember that these scams still exist. Don't fall into the trap and remind your family and loved ones as well!

Ken Bye
Communications Committee



CHANGE OF ADDRESS

Please note that all address changes should be done via e-mail to Louise Dorion (dorionl@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.

PHOENIX: YEARS OF MEMBERSHIP DUES ERROR TO BE CORRECTED

The Phoenix pay system has been a disaster for our members. Members have been underpaid, overpaid and not paid at all. Not deducting union dues correctly is one more way that Phoenix has failed public sector workers.

For more than two and a half years, the Phoenix payroll system has been incorrectly collecting membership dues from nearly 150,000 members of the Public Service Alliance of Canada. Thousands of federal public service workers have been overpaying or underpaying union dues.

Starting November 14, 2018, the government is finally in a position to fix these Phoenix errors, and PSAC members will see the correct dues amount on their paycheques moving forward.

A broken system

PSAC has a long-established system to determine the correct dues for each of its members. This information is updated monthly and sent to the government to be implemented, but due to Phoenix, the government has failed to process this information since March 2016.

This has affected thousands of workers, and particularly those that have undergone significant changes like members who have been promoted, changed positions, gone on parental leave, or retired.

A widespread problem

The Phoenix pay system's failure to process membership dues correctly means that over 39,000 PSAC members are owed a refund. Current estimates state that nearly $2.6 million in membership dues will be refunded to PSAC members.

Many more workers unfortunately, nearly 111,000, have been underpaying dues and recovery payments began on November 14th. Thankfully, the majority of these workers owe less than $300 and the PSAC has policies in place that ensure the amount will only be recovered in small payments over several pay periods. In addition, as a policy, PSAC does not retroactively collect more than 1 years' worth of membership dues from their members - even if they owe more than this amount.

PSAC itself is owed nearly $20 million in membership dues needed to fund essential union services such as collective bargaining, legal representation, grievance support and training. PSAC will not penalize members for the government's mistake in launching Phoenix. PSAC does not expect to be able to collect everything they are owed from members. PSAC will pursue all legal avenues to recover money owed to them by the government, that they cannot collect from members.

What does this mean for PSAC members?

The Phoenix pay system is applying membership dues adjustments. Letters to members with

details about their specific dues' situation have been sent out. As of November 14th, some PSAC members started to see the correct membership dues amount on their paycheques, and they found themselves in one of two categories:

You have overpaid your membership dues and are owed a refund.

PSAC will refund the total amount owed to you. You will receive the refund over 1 to 2 paycheques. Beginning in January 2019, your membership dues should be updated and collected at the new 2019 reduced rate.

You have been underpaying membership dues and are in arrears.

PSAC will only recover up to 1 years' worth of union dues and they will not collect this in one large lump sum. The rate of recovery is always equal to the monthly amount of union dues a member would normally pay. These relatively small recovery payments will take place over several pay periods. For most members who owe less than $300, this shouldn't take more than 2 to 3 months.

Here is an example to help you better understand how the recovery of dues arrears will be done:

A member should be paying $90 in dues per month but has been only paying the default dues amount of $40 per month. This has been going on for 14 months. The total amount owing is the difference of $50 x 14 months, or $700. The maximum of a year's worth of union dues at $90 x 12 months is $1,080 in dues. The amount owing in arrears is $700 ($50 x 14 months) and falls lower than the one-year equivalency worth of union dues. If the amount owing was more than $1,080, PSAC would not recover more than the $1,080 from the member.

The member should see the following occur:

- November 14 pay: $45 in dues (half of the correct dues of $90); $90 in arrears ($610 left owing from the initial $700 owing).
- November 28 pay: $45 in dues (other half of correct dues of $90).
- December 12 pay: $45 in dues and $90 in arrears ($520 left owing).
- December 26 pay: $45 in dues.

This process will continue until the balance of dues that are owed has been paid. In months where you have three pays, dues will only be deducted on the second and third pays of the month. Please note that not everyone will have seen the corrected dues on November 14th.

How much should my dues be?

Some members have inquired about the breakdown of dues in anticipation of these changes. Here it is:

- 0.974% of the salary at step 1 - PSAC portion
- $1 per month - PSAC Strike fund
- $20.67 per month - UTE portion
- your local's portion – Each local sets this amount and it is voted on at local AGM's.

*** The rates of pay of the current collective agreement are not yet in the system***

If you have any questions, please see a member of your local executive.

Marc Brière
UTE National President