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ENACTION

FÉDÉRATION INTERPROFESSIONNELLE DE LA SANTÉ DU QUÉBEC | www.fiqsante.qc.ca



“NEVER,” SAYS THE FIQ

There is an unwritten law that you must never say “never” in a negotiation. However, after receiving the latest employer’s offer, this is exactly what the FIQ responded.

After an absence of two weeks from the sectorial bargaining table, the FIQ agreed to return after some encouraging comments by Minister Gagnon-Tremblay. Unfortunately, the last meeting of the two parties was just as disappointing as the previous ones. The employer representatives visibly have no mandate and the government has no will to take action on private care placement firms, rearrangement of work time, and the conditions associated with premiums. By asking the FIQ to accept the agreement made with the other labour organizations, the government is simply demanding that it be complicit in major rollbacks in its members’ working conditions, and

once again, it entrusts to committees the identification of solutions which have already obtained consensus in many working groups over the past several years. In fact, the government is denying the FIQ’s right to negotiate.

Thus, under these conditions, the FIQ will not return to the bargaining table. Is the government’s attitude a proof of a disguised intention to decree the working conditions of care professionals? The FIQ is convinced to have tried everything to reach a satisfactory settlement for its members, but also for the population, who would benefit from an efficiently managed health care network. The breaking point has now been reached.

Despite everything, the perfusionists, respiratory therapists, nursing assistants and nurses must not be discouraged. The struggle must continue, more intensely than ever. The support of the Quebec population and organizations is a certainty. Care professionals can hold their heads high: their commitment to ensure the quality and continuity of care is understood by the vast majority. The members of the FIQ, these women, citizens and workers, will always stand up for their rights; they will “never” give up. ■



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On June 22, the FIQ launched a campaign to solicit public support for the issues of the current collective bargaining with the Quebec government.

The objective of this campaign is to gather as many signatures as possible from individuals, as well as organizations, groups and associations in Quebec who support the demands of the nursing assistants, perfusionists, respiratory therapists and nurses. The number of signatures is increasing constantly, and it is important to continue in this direction to show the collective certainty that the preservation of a public health system depends on the improvement of the professionals’ working conditions who work there.

This launching petition was supported by an advertising campaign in the major dailies, in over a hundred weeklies and on radio.

In the current negotiating context, it is becoming increasingly important to gather support from the population and organizations in Quebec. The FIQ’s members are therefore urged to sign the petition and ask their circle of acquaintances to do the same.

NEGOTIATIONS

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In the context of the negotiations for renewal of the collective agreement, the member organizations of the SISPN-CSN-FTQ Common Front have reached a satisfactory agreement in principle. This agreement, concerning salaries, retirement and parental rights, covers nearly half a million employees in the public and parapublic sectors. The FIQ's members will vote on the intersectorial agreement when a sectorial agreement is reached at the FIQ bargaining table.

AN INTERSECTORIAL AGREEMENT

SALARY INCREASES

The 5-year collective agreement would provide for a salary increase of up to 7% in that period, based on the following parameters:

Period	Fixed parameters	Adjustment conditional on inflation
April 1, 2010	0.5%	
April 1, 2011	0.75%	
April 1, 2012	1.0%	
April 1, 2013	1.75%	
April 1, 2014	2.0%	1.0% *

to 0.5% in 2012, 1.5% in 2013 and 1.5% in 2014. In the perspective of an inflation of around 2.0% per year, these provisions would preserve purchasing power.

In all, the salary increases could range from 7.0% to 10.5%. The government's initial offers were 5%; however, it accepted to share certain risks:

- by a slight improvement of its initial offers on the parameters;
- by provisions related to economic growth;
- by the introduction of a salary protection provision at the end of the collective agreement.

According to the FIQ Negotiating Committee and Executive Committee, in the current economic context, the new salary offer provides acceptable protection of purchasing power. ■

Beginning in the 3rd year, the agreement would also provide for additional adjustments based on collective enrichment in Quebec. If economic growth turns out to be stronger than forecast in the government plan to restore fiscal balance, a top-up could apply of up

* An adjustment of up to 1.0% would be applied to compensate for inflation exceeding the forecasts.

PARENTAL RIGHTS PROVISIONS

The Common Front had asked for the creation of a parity committee to study the parental rights provisions in relation to various regulations, laws and decisions, and to upgrade these provisions, if applicable. The committee fulfilled its mandate, and all that remained would be to integrate the following amendments into the sectorial agreements.

1. Current Decree	Next Agreement
5 days → 100% employer	5 days → 100% employer
5 weeks → 70% QPIP 0% employer	5 weeks → 70% QPIP 30% employer
2. Current Decree	Next Agreement
10 weeks → 70% QPIP 30% employer	5 days → 100% employer
	5 weeks → 70% QPIP 30% employer

IMPROVED PATERNITY LEAVE

An agreement was obtained to make the necessary adjustments regarding a recent Court of Appeal decision, which ruled that it was discriminatory to give greater benefits to adoptive fathers than biological fathers. Biological fathers would benefit from the leaves shown in the opposite table from now on¹.

CHANGES FOR ADOPTIVE PARENTS

Concerning adoptive parents, the provisions were also adjusted to comply with the above-mentioned decision. Adoptive parents would benefit from the leaves shown in the opposite table from now on².

- When an adoption does not materialize, the adoptive parent would no longer have to reimburse the employer for the amounts already paid;
- An employee who adopts her spouse's child could take her leave within 15 days after the submission of an adoption application, instead of within 15 days after the child's arrival at home.

INCREASED COVERAGE FOR PERSONS AFFECTED BY TRAGIC EVENTS

In the current collective agreement, a one-year leave without pay is provided for an employee who wishes to take care of a minor child suffering from a serious illness or who has suffered serious harm resulting from a crime. This leave would be extended by one year.

In addition, in the case of an employee affected from tragic events suffered personally or by her spouse or child (crime, suicide, disappearance), a leave without pay of 52 to 104 weeks would be provided to be consistent with the new provisions of the Act respecting labour standards, which have been in force since 2007.

Currently, maternity, paternity, adoption and parental leaves can be split into weeks for certain reasons, including the child's hospitalization, the mother's illness, or family or parental obligations. The maximum number of splittable weeks is 15 weeks in the case of illness, and 6 weeks in the case of compassionate leave. The clauses of the collective agreement would be amended to allow splitting of these leaves for a period of 52 to 104 weeks



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when the employee is suffering from one of the tragic events mentioned above.

However, these split leave amendments would not have the effect of extending the benefits payable beyond the projected parental insurance payment period.

These changes allow consistency between the new provisions of the Act respecting labour standards and the collective agreement.

NOTICES IN COMPLIANCE WITH THE ACT

To comply with the Act respecting labour standards, the parties have agreed on the following notice periods to take leave for birth and paternity leave:

- A notice should be sent to the employer as soon as possible to take 5 days of leave on the occasion of the birth or adoption of a child;
- A written request should be submitted to the employer at least 3 weeks in advance to take 5 weeks of paternity and adoption leave;
- A written request should be submitted to the employer at least 3 weeks in advance to take leave without pay or partial leave without pay in extension of a maternity, paternity or adoption leave;
- The 3-week notice period could be shorter if the child is born before the projected date.

Finally, after agreement with the employer, the employee, during the 2nd year of leave without pay or partial leave without pay, could register on an availability list. The health and social services sector parties would agree on the conditions of application of the clause.

These parental rights provisions would come into force when the collective agreement is signed. ■

RETIREMENT CLAUSES: OBJECTIVES ACHIEVED

At the end of these intersectorial negotiations, the Common Front, of which the FIQ is part, can affirm that it achieved all the objectives it was seeking through its demands. These objectives were to ensure:

- security of the retirement plan;
- stability of the contribution rate;
- equity among the participants.

The Common Front had formulated four demands:

1. Funding of the plan

As asked by the union party, the actuarial valuation method would be changed from a level premium to a single premium. This new method would make it possible to generate a surplus or a deficit, as the case may be. A stabilization fund equivalent to 10% of the actuarial liabilities would be created to protect the plan against market fluctuations.

To stabilize the contribution rate, a sinking fund, equivalent to 10% of the liabilities, would also be created, and a new formula would be used to determine the contribution rate. Thus, for the next valuation, the variation of the contribution would be divided by 3, with a maximum 0.5% increase per year in the contribution to the RREGOP. For the subsequent valuations, there would be no 0.5% maximum, only the division of the variation by 3.

2. Indexation

The union demand provided that, when the RREGOP fund reaches a surplus level 20% greater than the actuarial liabilities, allowing complete coverage of the cost attributable to the employees' fund, the indexation formula applying to the contribution years between July 1, 1982 and December 31, 1999 (CPI - 3%) would be replaced by the formula (CPI - 3%, minimum 50% of the CPI).

This change became a prerequisite to any other plan improvements and applied to any person with years of service between July 1, 1982 and December 31, 1999.

The government agreed to resume the discussions with the union party for amendment of

the indexation formula for 1982 to 1999, when the conditions would be fulfilled, i.e., a surplus that both is greater than 20% of the actuarial liabilities and that allows complete coverage of the cost attributable to the employees' fund.

In addition, the government accepted to amend the Act respecting the Government and Public Employees Retirement Plan so that it immediately includes the union party's commitment to fund half of this demand, once the conditions are fulfilled.

3. Contribution formula

The government accepted the union demand to reduce the exemption of 35% of maximum pensionable earnings (MPE) of the contribution formula to an exemption of 25% of the MPE. The new formula would be applied gradually, over 5 years, starting January 1, 2012. Employees whose salary is lower than the MPE would be guaranteed that they would not have to pay more contributions than they would have paid if the formula had remained unchanged. In fact, the government would assume the shortfall for the RREGOP on behalf of these employees. Employees whose salary is greater than the MPE would see their contributions to the RREGOP reduced gradually over 5 years. This new formula is intended to be more equitable for all RREGOP participants.

4. Uncapping

Effective January 1, 2011, the maximum number of years of services creditable for the purposes of the pension calculation would increase from 35 years to 38 years. Thus, employees who chose to work longer than 35 years for calculation purposes would continue to accumulate retirement benefits and would have a pension greater than 70%. No retroactivity or buyback would be permitted for these years.

This measure would not affect the 35-year eligibility criterion for retirement. The benefits for years in addition to 35 years would not

RETIREMENT CLAUSES: OBJECTIVES ACHIEVED

be coordinated with the QPP at age 65.

Other demands were also on the table:

1. Buyback price schedules

The price schedules for buybacks of leave without pay would be changed and become applicable for buyback requests received starting January 1, 2011. These price schedules would be based on the 2008 data and would be reviewed at each actuarial valuation. They would be established according to the employees' age.

2. Withdrawal of certain government demands

- Minimum retirement age (55 years);
- Increase of the actuarial reduction from 4% to 6%;
- Tightening of return to work clauses.

The government withdrew these three demands, and the current criteria of the law would continue to apply.

3. Service predating the RREGOP

Starting January 1, 2011, it would no longer be possible to vest years of past service predating the RREGOP (pension credits).

4. 90-day bank

The government demanded the abolition of the 90-day bank, both for the past and for the future. Finally, the 90-day bank would be abolished only for the future, and consequently would no longer apply to absences without pay after January 1, 2011, except for leave resulting from parental rights.

5. Committee on the notion of subject employers and employees

A committee spun off from the Retirement Committee would be mandated to study this question and make the appropriate recommendations.

6. Lawsuit

A discontinuance would be filed in a lawsuit on the government's commitments regarding the retirement plan. ■

NEGOTIATIONS

THE FIQ,
A STRONG VOICE,
ACTIONS THAT COUNT



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The FIQ's campaign of support must ensure that the government hears the message sent by the care professionals. There is currently a shortage of 4,000 nurses in the health care system and, if nothing is done now, another 15,000 of these professionals could leave the profession within 4 years. If nothing is done now, the shortage will be so severe that the health care system will no longer be able to function adequately in a few years. If nothing is done now, the growing needs related to the aging population, combined with the shortage of care professionals, will cause the entire health care system to collapse. So let's support the FIQ! ■



Francine Roberge, Union Consultant,
Negotiation Sector, Michèle Boisclair,
1st Vice-President and Florence Thomas,
Union Consultant, Status of Women Sector

A PREMATURE ABOLITION

When it tabled its most recent budget, the Quebec government announced the abolition of the Commission de l'équité salariale (CÉS) and the transfer of its activities to the Commission des droits de la personne et de la jeunesse (CDPJ).

The Coalition en faveur de l'équité salariale, which includes several labour organizations, women's groups and pay equity specialists, strongly denounces this unjustified decision by Jean Charest's government. The Coalition members met last May to assess the impacts of the abolition of this important Commission for women's rights. The members unanimously affirmed that this step is premature, for several reasons:

- Over 50% of Quebec companies have not yet produced their pay equity program;
- The companies which have produced the program have until December 2010 to perform the pay equity maintenance exercise;
- There is reason to fear that the exercise developed within

the CÉS (training, support for businesses, investigations, etc.) will be lost during this transfer;

- In 2009, the Pay Equity Act was amended, particularly to add appropriations to the CÉS;
- Such a transfer represents a threat to the continuation of the work already begun and to the achievement of pay equity.

For all these reasons, the Coalition en faveur de l'équité salariale considers that this is a very badly chosen time to abolish the CÉS. In this context, it developed a plan that provided for different actions:

- Sending letters to the MNAs and the government's female Ministers (to date, the Coalition has received only one acknowledgment);

- Meetings with Pauline Marois and a representative of the office of Sam Hamad;

- Press conference.

Nonetheless, the government intends to go ahead with the transfer of CÉS activities and is drafting a bill for this purpose. However, given the dissatisfaction expressed by the Coalition, it is also considering transferring the CÉS activities to a body other than the CDPJ. Needless to say, the Coalition also opposes to this.

The FIQ and the Coalition of which it is part consider that the recognition of the value of women's work is jeopardized by the government's desire to abolish the CÉS. There is no question of giving up the fight: social justice for Quebec women will depend on it. ■



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