

négos 2010

Sectoral Demands Consultation document



JUNE 2009

Introduction

Comrades,

At the Federal Councils for Sectoral Bargaining held February 18-19 in Laval, we adopted a strategic framework and a calendar for the next round of bargaining. This calendar calls for filing our demands with the government by the end of October.

The strategic framework set out basic orientations that were adopted by the overwhelming majority of delegates present:

- 1-recovering full rights to negotiate our working conditions;
- 2-aiming to return local bargaining matters to the national level;
- 3-encouraging consolidated sectoral bargaining, while respecting the principle of autonomy for our four classes of personnel;
- 4-promoting the creation of the broadest possible common front;
- 5-aiming for a rapid bargaining process;
- 6-targeting a certain number of themes and limiting the number of demands we make.

Thinking and discussions at these provincial sectoral meetings enabled us to identify seven basic targets, the themes we used to structure our bargaining demands. These are:

- better protection against privatization;
- restoring our union rights;
- obtaining attraction and retention measures to counter the impact of labour shortages;
- review of the List of job titles and job descriptions, including conditions for obtaining positions;
- obtaining measures fostering family-work-study balance;
- better quality of life at work;
- occupational health and safety.

Your national bargaining committees then buckled down to the work of preparing proposed demands, using the information that unions provided when they filled out and returned the consultation guide sent out after the February meetings.

Finally, another round of Federal Councils for Sectoral Bargaining was held May 20-22 at the Palais des congrès, in Montréal. Delegates adopted a set of proposed contract demands. The bargaining team then proceeded to harmonize the amendments and new proposals adopted, taking into account the strategic orientations adopted in February. The results of this work are what you now have in hand.

They are submitted to you for consultation and approval. You are asked to read and adopt the proposed demands, amending them if necessary. You may also add new demands that are consistent with the orientations and targets adopted last February.

We want the contract demands that we file with government representatives in October to fully reflect your expectations. These demands have to be advanced and defended by all of us, and your active participation is crucial to the success of the next round of bargaining. This consultation is a prime opportunity for you to become thoroughly familiar with the content of our common demands.

Best wishes for good debates.

The bargaining team

Class 1

Nadine Lambert, vice-president responsible for nursing and cardio-respiratory care personnel
Richard Dufort, spokesperson
Michel Grégoire, elected member – respiratory therapist, SPSICR de l'Hôpital du Sacré-Cœur, Montréal
Nathalie Renaud, elected member – nursing assistant, SEESICR (CSSS des Sommets)
Nicole Richard, elected member – nurse, SSICR du CSSS des Îles

Class 2

Nathalie Picard, vice-president responsible for paratechnical personnel and auxiliary services and trades personnel
Nancy Poirier, spokesperson
André Benoit, elected member – cook, STT du CSSS Québec-Sud
Yoland Coutu, elected member – beneficiary attendant, Syndicat du CSSS Drummond
Chantal Lapanne, elected member – beneficiary attendant, STT du CSSS Sud-Ouest

Class 3

Josée Marcotte, vice-president responsible for officer personnel and administrative technicians and professionals

Marie Bergeron, spokesperson

Monelle Lagacé, elected member – storekeeper, Syndicat du CSSS Drummond

Kathleen Morin, elected member – administrative officer, class 2, STT du CSSS Montmagny-L'Islet

Viviane Tremblay, elected member – administrative officer, class 2, STT de l'Hôpital Charles-Lemoyne

Class 4

Laurier Goulet, vice-president responsible for health and social services technicians and professionals

Gilles L'Ériger, spokesperson

Jacqueline Bernier, elected member – dental hygienist, STT Centre de santé Tulattavik de l'Ungava

Bernard Lanthier, elected member – educator, SE Centre jeunesse des Laurentides

Lise Surprenant, elected member – medical laboratory technician, STP SSS Hôpital Maisonneuve-Rosemont

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Target 1: Better protection against privatization

In the current context, and given the persistent threat of privatization, we can't content ourselves with the provisions we now have in our collective agreements: they are inadequate. Consequently, we think that we have to incorporate measures into our collective agreements to limit the use of contracting-out and P3s and to counter the proliferation of outside sources of labour in our workplaces. We want to protect public services and our jobs.

Proposal no. 1

That the scope of Article 29 be amended to cover contracting-out, public-private partnerships (P3s), outside sources of labour and transfers of beds to the private sector.



Proposal no. 2

That no bargaining unit work, including the development of new services stemming from the institution's mission, be done by persons outside the bargaining unit unless:

- the employer calls a meeting with the union to inform the latter of his intentions;
- the employer sends the union all the information needed to examine the economic and other foundations of what the institution is planning to do;
- the employer is obliged to propose public alternatives on which the union can take a stand.

This proposal also applies to transfers of beds to the private sector.

Proposal no. 3

That there not be any layoffs or dismissals resulting directly or indirectly from P3 projects, partial or complete withdrawal of duties performed by employees, contracting-out or transfers of beds to the private sector.



Target 2: Restoring and improving our union rights

When it decreed our working conditions in December 2005, the Charest government was especially harsh in its attack on the clauses on union action and salary insurance. It is crucial that we restore the union rights we lost when the decree was imposed. In order to be able to do our work of representing our members properly, we have to have the appropriate means and resources so that we can provide our members with a full and complete defence.

In a historic decision rendered on November 30, 2007, Québec Superior Court Justice Claudine Roy overturned Bill 30. To a large extent, her judgment was based on the unilateral decentralization of collective bargaining. The government appealed her ruling last April, and a decision on the appeal is expected in June 2009.



The appeal decision, which we hope will uphold the Superior Court's ruling in our favour, could be decisive in achieving our goal of returning collective bargaining on all of our working conditions to the national level. But regardless of the outcome, we decided it was relevant to include it in our demands for 2010.

Local matters

Proposal no. 5

That the 26 matters negotiated at the local level be returned to the national level.

Proposal no. 6

That when the matters returned from the local to the national level are negotiated, we demand that the clause on bumping be amended to add the trades sector to the list of protected sectors (former clause 14.14).

Seniority

Proposal no. 7

That once an employee's probation period is completed, her or his most recent day of beginning service in the bargaining unit be used as the starting date for calculating seniority; and that the local parties have the possibility of agreeing to recognize inter-class seniority (clause 12.05).

Settling disputes

Proposal no. 8

That within sixty (60) days of when the collective agreement comes into force, the local parties establish a labour relations committee and that the national parties define the committee's terms of reference, composition, role and working procedures. Furthermore, that employees representing the union be given leave in accordance with the provisions of 7.13.

Proposal no. 9

That an operating procedure be introduced to speed up the process of settling disputes.

Proposal no. 10

That arbitration costs be borne by the employer.

Proposal no. 11

That the collective agreement stipulate that an employee has the right to be accompanied by a union representative when she or he is called in by the employer for a meeting (administrative, disciplinary or medical) and has reasonable grounds to think that such a meeting could affect her or his rights. The leave for the union representative is at the employer's expense.

Proposal no. 12

That the employer must notify the union representative, indicating the reasons and the name of the employee concerned by the meeting.

Leave for union work**Proposal no. 13**

That days of leave for union work for part-time employees who are or would have been scheduled to work be considered days of work for purposes of echelon advancement on the salary scale.

**Proposal no. 14**

That the banks of leave for union work provided under clauses 7.02 and 7.06 be increased.

Proposal no. 15

That the collective agreement stipulate that banks of leave for union work are cumulative for unions that represent more than one class of personnel.

Proposal no. 16

That the days of leave for union work provided under clause 7.09 for meeting with an outside union representative not come out of the annual bank of leave provided for in clause 7.06.

Proposal no. 17

That clause 7.13 be amended to unequivocally cover preparation and work time for all joint committees.

Proposal no. 18

That clause 7.18 be amended so that an employee elected to a union position keeps and accumulates seniority.

Proposal no. 19

That clause 7.26 be deleted: "Any paid or unpaid leave for union business for an employee stipulated by the collective agreement shall be granted providing that the employer can ensure the continuity of activities in the service, except for the leave for internal business agreed upon at least ten (10) days in advance."

Salary insurance

Proposal no. 20

That the term “fertility procedure” be added to the definition of disability (clause 23.03).

Proposal no. 21

That the collective agreement include the right for an employee on disability leave to apply for and obtain a position as if she or he were at work.

Proposal no. 22

That the effective period of full-time work or availability for full-time work be reduced to fifteen (15) days instead of forty-five (45) days (clause 23.04) for purposes of qualifying for a new period of disability.

Proposal no. 23

That the employer’s contribution to the group insurance plan be increased, and that it be expressed as a percentage of the employee’s contribution instead of a fixed amount.

Proposal no. 24

That the employment relationship be maintained and that an employee on disability leave accumulate seniority for up to forty-eight (48) months. As well, that she or he be entitled to a rehabilitation period, even after the period of one hundred and four (104) weeks (clause 23.17c).

Proposal no. 25

That the attending physician be the only one who can authorize a rehabilitation period.



Proposal no. 26

That if the employer contests the end of a disability after the one hundred and fourth (104th) week, he be obliged to continue paying the person’s salary until the date of her or his return to work or until the medical arbitrator’s decision.

Proposal no. 27

That the parties delete the clause that prevents an employee from contesting her or his ability to return to work if a tribunal or court of competent jurisdiction constituted under any law has already ruled on her or his ability to return to work with regard to the same disability or the same diagnosis (clause 23.27, last paragraph).

Excessive workload

Proposal no. 28

That the last sentence in 10.16, which reads, “The way of doing so shall be up to the employer” be deleted and replaced with “The arbitrator’s decision is enforceable and binding on the parties.”

Vehicle expenses

Proposal no. 29

That clause 27.01 be amended to state that the rate changes when the number of kilometres exceeds 16,000, instead of 8,000.

Proposal no. 30

That an inflation protection procedure be introduced so that the per-kilometre allowance is adjusted twice annually.



Target 3: Obtaining attraction and retention measures to counter the impact of labour shortages

We are facing a serious problem of shortages of personnel with which we will have to cope for several more years. The problem extends well beyond the sector of nursing care and now affects all classes of personnel. It is essential to establish attraction and retention measures for all personnel. Such measures will help us combat overwork and burnout among our members. They will also help preserve the expertise and quality of services and care offered in the public system.



Premiums

Proposal no. 31

That evening, night and weekend premiums be increased.

Proposal no. 32

That a premium be added for an employee who initiates, trains or orients other people, including interns or trainees.

Proposal no. 33

That a dangerousness premium be introduced for employees who deliver services to unpredictable or potentially violent clients.

**Proposal no. 34
(this proposal concerns Classes 1 and 2)**

That the intensive care premium be increased and applied to the concept of critical care (intensive care, emergency departments, operating rooms and neonatology, major burn, coronary and hemodynamics units), and that the premium be paid to all personnel in Class 1 and to beneficiary attendants.

Proposal no. 35

That all the conditions provided for employees in psychiatric institutions, wings or units (premium and floating days off) also apply to employees who work with clients in mental health, and that the premium be paid to all personnel.

Proposal no. 36
(this proposal concerns Classes 1, 3 and 4)

That employees covered by Appendix G (Appendix for professionals) or N (Specific conditions for employees in a nursing position requiring a bachelor's degree in nursing) be paid overtime rates like all other employees.

Proposal no. 37

That post-graduate training be reviewed, that the parties determine what training should be recognized by job title for the purpose of enabling employees to benefit from additional remuneration, and that the concept of "required by the employer" be removed.

Proposal no. 38

That a clause be introduced to reduce work time with no loss of pay for full-time employees on evening or night shifts.

Labour shortages

Proposal no. 39
(this proposal concerns Class 2)

That a national workforce planning committee on beneficiary attendants be established.

Proposal no. 40

That compensation for callbacks to work under clause 19.04 and the stand-by duty allowance in clause 19.07 be increased.



**Proposal no. 41
(this proposal concerns Class 1)**

That the definition of part-time employee be modified as follows for nursing and cardio-respiratory care employees: a part-time employee holds a position involving at least fourteen (14) shifts per twenty-eight (28) days (Appendix V, Article 2.01).

**Proposal no. 42
(this proposal concerns Classes 1 and 2)**

That a letter of agreement be introduced on pilot projects on twelve (12)-hour shifts in the framework of measures to counter labour shortages in clinical care. That the national parties agree on the criteria to be met before initiating such pilot projects, the institutions concerned and terms and conditions for implementation.

**Proposal no. 43
(this proposal concerns Class 1)**

That a tutoring-mentoring programme drawing on the ministerial clinical support programme be introduced and procedures for it be provided.

Conversion of hours

Proposal no. 44

That the old Letter of Agreement no. 2 on the conversion of hours be reintroduced and its content revised.

