

## Local contracts? No way!

Bill 30 is a direct attack on our working conditions and union rights. Decentralizing a large part of the collective agreement to the local level puts into question the gains made by unions in 40 years of Québec-wide bargaining. The FSSS-CSN remains firmly opposed to any decentralization of collective bargaining, and

with the support of its unions is taking action to defeat this employer offensive.

The Charest government has upset the balance in labour relations in the health and social services system. It has given employer associations an unprecedented legislative weapon designed to achieve two ends:

- breaking unions by dividing workers into separate unions for classes of personnel arbitrarily decided by Minister Couillard and the employer associations;
- reducing the bargaining clout of unionized employees for a substantial part of the collective agreement by decentralizing 26 bargaining matters and imposing unacceptable restrictions.



### MANAGEMENT HAS THE UPPER HAND

The government has distorted the bargaining process by imposing procedures that rule out improvements in our working conditions and leave us vulnerable to setbacks.

#### THE RULES OF THE GAME HAVE BEEN CHANGED

Bill 30 profoundly alters the rules of game in collective bargaining – weighing them in favour of management. Bill 30 imposes local bargaining on 26 major items in the collective agreement with no possibility of referring to national guidelines.

According to management, these 26 matters include such items as:

- the recall list;
- filling jobs;
- hours of work, work week and overtime;
- vacations;
- the bumping procedure;
- leave without pay; etc.

- It will be virtually impossible to improve our working conditions, because the settlement in local bargaining must not generate new expenses for the employer.
- If the parties can't agree, the settlement will be decided by a mediator-arbitrator. The mediator-arbitrator will not be allowed to choose a proposal that would increase the employer's costs. This provision in Bill 30 gives the employers a definite advantage.
- Unions will have to pay half the cost of the mediator-arbitrator – perhaps thousands of dollars.
- It will be impossible to renegotiate the local collective agreement without the employer's consent. This means the employer can refuse to review employees' working conditions as long as he wants. There is a very real anger that the local collective agreement will turn into a permanent decree on working conditions.
- Employees are prohibited from using pressure tactics or going on strike during local bargaining.

As written and passed, Bill 30 encourages employers to propose rollbacks of working conditions, knowing full well that a mediator-arbitrator will eventually rule in their favour.

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## POORER WORKING CONDITIONS EVERYWHERE, AND DIFFERENT FROM WORKPLACE TO WORKPLACE

**Bill 30 makes it possible for employers to give a local flavour to many chapters in the collective agreement.**

Here are just two examples of decentralized matters that have the potential to cause a serious deterioration in employees' working conditions:

### FILLING POSITIONS

We know that employers want to attack seniority as the basis for filling positions. There is already an abusive increase in requirements in job postings. Employers are also making much more use of unwarranted testing. Unions regularly have to file grievances contesting the requirements included in job postings. Will Bill 30, the whole process for obtaining positions is subjected to the new rules that management wants to impose.

### AVAILABILITY ON THE RECALL LIST

Right now, an employee can express his or her availability for work in the services or departments of his or her choice, in one or more job titles. No minimum availability is required, except during the summer months and the period between December 15 and January 15. During these periods, workers must be available a minimum of two days a week, including one out of two weekends if the employer so requires. With decentralization, employers will be able to require employees to be available much more often, in accordance with the employer's needs.

## NATIONAL BARGAINING HAS BEEN BENEFICIAL, BOTH FOR EMPLOYEES AND IN KEEPING THE SYSTEM RUNNING SMOOTHLY

**Our determination to negotiate working conditions for Québec as a whole has been at the heart of many struggles waged by the FSSS-CSN and its unions over the past 40 years.**

### 1966

Members of the Fédération nationale des services, which later became the FSSS, went out on strike for three weeks in the summer of 1966. They won a first Québec-wide collective agreement in health and social services. Before this tremendous victory, collective bargaining was done institution by institution and settled through arbitration, since there was no right to strike in the public sector. The establishment of national bargaining led to a gradual improvement in working conditions, eliminated disparities among institutions and contributed to the development of the public health and social services system.

decentralize collective bargaining. In 1998, employer associations launched a major offensive aimed at decentralizing collective bargaining. They paralyzed bargaining talks by making decentralization a preliminary condition to any discussions with the FSSS. The FSSS and its unions responded by organizing a vigorous campaign of information and mobilization. In February 1999, Premier Lucien Bouchard abandoned the goal of decentralization, clearing the way for the bargaining process that led to the signature of the 1999 collective agreements.

National Assembly. Bill 30 was designed for the sole purpose of meeting the expectations of the big employer association, the Association des hôpitaux du Québec (Québec Hospital Association). The CSN is currently challenging Bill 30 in court in Québec and before the International Labour Organization, arguing that it violates the provisions of the Québec and Canadian Charters of Rights and Freedoms, as well as internationally recognized principles of freedom of association.

### 1999

Over the years, the FSSS resisted a series of employer attempts to

### 2003

Despite the labour movement's opposition, in December 2003 the Charest government passed Bill 30 by imposing closure on the

### 2005

The employer bargaining committee has so far shown little interest in beginning to negotiate on the basis of our contract demands.

## ON MARCH 15: I MAKE MYSELF CLEAR!

On March 15, the FSSS-CSN will hold a day of protest and visibility in all institutions to voice its opposition to the decentralization of collective bargaining.

We invite FSSS-CSN members to freely express their opposition to the employer offensive against our working conditions and union rights. In addition to this Info-négo, unions will be provided with stickers, buttons and mini-posters. Please make them very visible.

Employer associations are trying to play down the impact that Bill 30 will have on our working conditions, but the danger of setbacks is very real. This is why the FSSS-CSN is refusing to go along with decentralization.

Last fall, union delegates to the Federal Council adopted an action plan calling for a boycott of local bargaining and continuing to insist at the bargaining table that all our working conditions be negotiated at the national level. Our strategy also calls for the active support of FSSS-CSN members.

**We count on your participation to make the March 15 activity a success!**



**Laurier Goulet**  
Vice-president for  
public-sector bargaining

## NEGOTIATIONS ON PAY AND OTHER CENTRAL-TABLE MATTERS ARE AT A VIRTUAL STANDSTILL

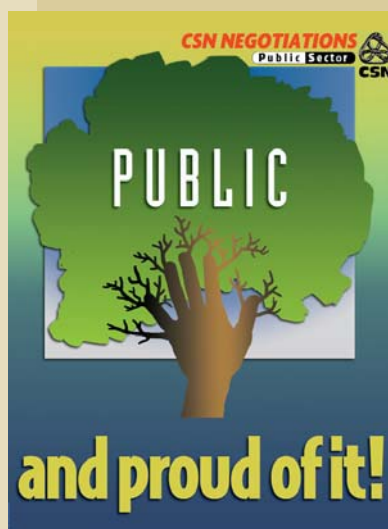
Bargaining talks on pay, premiums, pensions, insurance plans, parental rights and regional disparities are at a virtual standstill.

Our demands, including the demand for a 12.5% raise for 3 years, were filed by the CSN-CSQ-FTQ Common Front in December 2003. Conseil du trésor head Monique Jérôme-Forget continues to repeat that the government wants to limit the overall increase in spending on remuneration to 12.6% for 6 years. Minister Jérôme-Forget insists that she won't stretch or bend this framework, which is supposed to cover the cost of all improvements to working conditions as well as a settlement on pay equity.

Ms. Jérôme-Forget's offer is absolutely unacceptable, especially since a recent study by the Institut de la statistique du Québec indicates that pay for Québec government employees in 2004 lagged 12.1% behind pay for all other employees in Québec.

For public-sector bargaining, the FSSS works in alliance with three other CSN federations: the Fédération nationale des enseignantes et des enseignants du Québec (FNEEQ - teachers), the Fédération des employé-es des services publics (FEESP – public service employees) and the Fédération des professionnelles (FP – professionals).

The four CSN federations have adopted the theme **Public and proud of it!** and a visual symbol that will be incorporated into the various documents published in relation to public-sector bargaining.





## JEAN CHAREST'S TELLING LIES

Speaking to the Montréal Board of Trade on February 11, Jean Charest claimed that his government had reduced the number of bargaining units in the health and social services system. "There used to be 3,800; today, there is one quarter of that number. This decision alone, without any reduction in jobs, has made it possible to redirect \$46 million annually away from the union bureaucracy into direct patient care," said Jean Charest.

The premier's claim is totally false. Already, his use of the

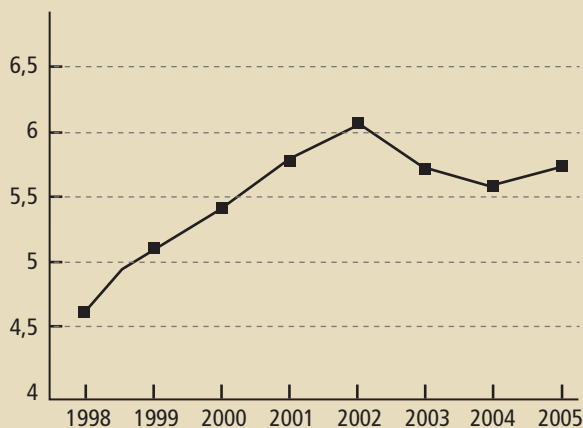
expression "union bureaucracy" reveals once again his contempt for unions. But the premier knew perfectly well that there have not been any savings yet, since no bargaining units have been abolished. Although votes have been held in some institutions, the Commission des relations du travail (Labour relations board) has not yet certified any new bargaining units, because the legal challenges are still pending.

Furthermore, Jean Charest is deceiving the public when he claims that the implementation of Bill 30 will save money. If

implemented as it now stands, Bill 30 will transfer large parts of the collective agreement to local bargaining. This means that more than 1,000 local collective agreements will have to be negotiated and applied in all institutions in the system, parallel to the process of national negotiations. The FSSS-CSN is convinced that a strict enforcement of Bill 30 will weigh down labour relations procedures, making them more cumbersome, and generate additional costs rather than any savings.

## HEALTH PROBLEMS ON THE RISE

The FSSS-CSN has chosen improving the quality of life at work as the first theme in its demands. This priority is justified by the very disturbing level of health problems observed among health and social services workers. The chart below illustrates the new upswing in the percentage of hours paid through salary insurance because of health problems. This percentage rose from 4.55% in 1998 to 5.75% in early 2005.



Source: Salary insurance data, MSSS, January 2005