



# ADR-Federation Edition

Issue 457 – ADR No 10 – April 7, 2009

## THE BOTTOM LINE

**We thank the DTU for inviting us to contribute once again to this issue of *OWL HOOTS*. We have decided in this second article to focus on certain topics that we believe are very important in your reflection on your union's affiliation.**

### SERVICES TO MEMBERS

#### **WITH FNEEQ, EXPERIENCE ACQUIRED OVER TIME IS AN IMPORTANT FACTOR**

**When defending grievances, knowledge and experience count. Without them disaster can occur.**

The four counselors for cegeps at FNEEQ have together 60 years of experience. Three of the four are lawyers who are specialists in our collective agreement. They know it inside out. They work together as a team and share their experience and understanding. When needed they can discuss problems with the CSN lawyers. When appeals are made to higher courts and in specialised areas, the cases are dealt with by the CSN lawyers. The teachers with full-time release to work on provincial committees on the collective agreement have many years of experience and are specialised in questions related to recognition of scholarship and workload. This experience leads to better advice, more rapid solutions and a better defence of teachers' rights. The FAC model, which limits one of two counsellors to four years of service and elects them both every two years, makes it difficult to develop the same kind of experience.

#### **Negotiating is not a simple task. It also requires experience**

Our collective agreement and its negotiation process are complex. We must come up with coherent and relevant political strategies for all of the different issues in cegep teaching and ensure that they are used in negotiations and when applying the collective agreement. This requires experience. During negotiations decisions must be made quickly and the impact of possible options must be understood. Our members need good information and advice so they can make the right decisions. Should they accept an agreement? Should they compromise or stand firm? Without experience the wrong advice may lead us in the wrong

direction. FAC limits its elected officers to terms of no more than four years and refuses to hire syndical counsellors. Could institutionalizing inexperience explain many of FAC's errors?

### **Insurance Coverage Chosen by Its Members and Adjusted According to Their Needs**

In FNEEQ, it's the members who decide what coverage to include in the group insurance plan in response to their needs. For example, since our statistics show that 90% of all claims are for prescription drug reimbursement (80%) and the fees of psychologists and psychiatrists (10%), the members decided that this is where they must concentrate coverage. This is why in the FNEEQ plan, the first \$1000 of drug costs are covered at 80% and the rest at 100%. In the FAC plan, it is only after \$4520 that reimbursement is 100%. And for psychologist and psychiatrist's fees, FNEEQ members can be reimbursed each year up to \$2100 while in the FAC plan, the maximum is only \$1000.

With long term disability insurance FAC effectively forces teachers over 60 to retire by deducting 100% of their pension and QPP once they can retire without penalty. If the teacher gets another job, FAC again deducts 100% of any pay they receive. FNEEQ does not require disabled teachers to retire. However, if they retire, only 50% of QPP and RREGOP payments are deducted. A disabled teacher who can do another job can keep half his/her pay.

In addition, costs are significantly lower in the FNEEQ plan for all insurance coverage. Information is available in the table on the DTU website.

### **FNEEQ AND THE CSN SUPPORT ENGLISH POST SECONDARY EDUCATION**

**The only official positions taken by the CSN on the role of anglophone cegeps are those taken in the resolutions and briefs adopted by its decision-making bodies.**

In 1995, the CSN, in a brief presented to the *Commission nationale élargie sur l'avenir du Québec*, affirmed the following:

*Québec must recognize the right of its anglophone minority to maintain its historical gains, its institutions, and its own means to develop its language and culture. Its future thereby guaranteed, the anglo-Quebec community can become an important window to the rest of America and a large part of the world.*

*In addition, the anglophone community has long controlled its own institutions: universities, schools, media, hospitals, etc. These institutions guarantee a vibrant anglophone community that will contribute to the building of the Quebec of the future.<sup>1</sup>*

Then, in 2001 in its brief presented to the Estates-General on the Situation and Future of the French Language, the CSN expressed its position as follows:

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<sup>1</sup> *La souveraineté du Québec, Mémoire de la Confédération des syndicats nationaux (CSN) submitted to the Commission nationale élargie sur l'avenir du Québec in March 1995.*

*Since 1995, 60% of allophones have enrolled in English cegeps and 40% in French cegeps, while at the same time francophones have also attended English cegeps. The CSN does not believe that it is necessary or desirable to require that college studies be done in French (as it is for primary and secondary education) in order to better integrate children from immigrant communities into Québec society.<sup>2</sup>*

Since that time, no decision-making body of the CSN or FNEEQ has questioned these positions. They remain a consensus position.

### **FNEEQ IS AUTONOMOUS WITHIN THE CSN**

Here are two recent and eloquent examples. At the start of the last round of negotiations on February 18, 2002, the P.Q. government offered to extend the contract for a year in return for a 2% increase. The three other public sector federations of the CSN accepted this offer. However on April 11, 2002, FNEEQ refused to extend the contract and demanded that negotiations continue. But no agreement was signed that year by any of the union groups. As a result on May 29, 2003, almost one year later, FNEEQ requested that the government give it the 2%. The government agreed. Shortly afterward, when FAC learned of FNEEQ's success, it too requested the 2%. Therefore although all the other CSN federations in the public sector accepted the prolongation in 2002, FNEEQ refused to postpone the negotiations.

In 2005 the government passed a decree to set our working conditions. However it also offered an entente only slightly better in order to avoid the odium of a legislated settlement. After the evaluation that there was no possibility of a better agreement, and because the decree included worse conditions for teachers, FNEEQ signed the entente. But FSSS, the health and social services federation of the CSN, rejected the entente and announced it would fight the decree. Here is another example of FNEEQ's autonomy within the CSN. The largest federation FSSS rejected the entente. FNEEQ accepted it.

### **FNEEQ AND THE CSN PARTICIPATE ACTIVELY IN PROMOTING WOMEN'S RIGHTS**

The contribution of the CSN and FNEEQ to the women's movement is one that goes beyond just the expression of principles; it is anchored in concrete actions. For example, the CSN has always had a member on the board of directors of the *Fédération des femmes du Québec* and has always given it significant financial support. Since the inception of the *Collectif du 8 mars* which chooses the theme and promotional materials of International Women's Day in Québec, the CSN has been an active participant. It was the CSN that coordinated the coalition which made the Quebec Parental Insurance Plan a reality in 2006 after more than ten years of pressure on the government.

As well, in 1995 the CSN was among the largest contributors of financial support, resource persons and organization to the Bread and Roses march. We offered the same support to the World March of Women in 2000 and in 2005.

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<sup>2</sup> Brief presented by the CSN to the Estates-General on the Situation and Future of the French Language in Quebec in March 2001.

In May 2008, FNEEQ organized the *Femmes et Pouvoir* colloquium. This event was intended to raise awareness among FNEEQ unions for the importance of participation by women in union executives and unions in general.

## **THE COMMON FRONT**

**FNEEQ is part of the Common Front. It is an active participant in the negotiation process at the central table and in decisions on the mobilization strategy. Today, even more than in the past, broad union solidarity is needed to deal with the current political and economic crisis.**

The negotiating context is always difficult when the government is the employer. The power of numbers is the determining factor. The government negotiates first and foremost with the union groups present at the central table, including the CSN. When agreements are reached with the big groups, it is **impossible** afterwards for independent union federations to change the agreement reached. To choose to be outside the common front is to leave it up to others to decide on negotiation and mobilization choices. It's choosing to sit on the side and criticize instead of participating in the action.

## **SECTORAL ALLIANCES**

**Sectoral alliances are always limited. They are hard to make and often don't last long.**

In 2002, when the last contract negotiations began, an exchange of information between FEC, FAC and FNEEQ had been organized. However it became clear that a common approach to negotiation was impossible. FEC had accepted that the CSQ salary structure adapted for the primary and secondary schools be applied to cegep teachers. FNEEQ invited FAC to join it in an alliance to create a salary scale more suited to the cegeps. However, FAC decided not to accept the invitation. As a result FNEEQ negotiated on its own to adapt the CSQ scale to the cegep system. The CSQ scale had no mention of either the Masters degree or the PhD on their salary scale. FNEEQ managed to include recognition of the Masters degree in the salary scale. FNEEQ was able to maintain the PhD on the scale, but was not able to win a salary increase for those with 19-15 and those PhDs already at the maximum salary scale. The CSQ settlement imposed a limit on what we could achieve. However, by creating a scale different from the high school and elementary school teachers, we succeeded in getting recognition that college teachers belong to Higher Education. This may be important in future negotiations. In return for the new salary scale, FNEEQ had to agree to the 173 hours. However FNEEQ made sure that there would be no increase in workload. On the other hand, FAC waited two years before accepting the new scale. In the meantime its teachers lost thousands of dollars in salary. Below is the text of the clause 8-4.03 in FNEEQ's contract.

*«With respect to the recognition of professional services rendered by CEGEP professors, **without limiting the scope** of articles 4-1.00, 8-3.00, 8-5.00 and 8-6.00, **without increasing the workload** of CEGEP professors, the provincial parties agree that recognized professional services rendered shall also include collaborative school life activities inherent in the programs, as well as pedagogical activities.*

The preparations for the next negotiations show again how hard it is to create sectoral alliances. FAC decided to consult its members on its demands without coordinating them with the other two cegep federations. Not the way to create a sectoral alliance.

### **JOIN FNEEQ TO CREATE MORE UNITY AMONG CEGEP TEACHER UNIONS**

**Unity will increase our bargaining power and improve our working conditions and salaries**

In the union movement, unity is a basic principle. The broader the solidarity, the greater the negotiating strength. Presenting ourselves divided to our employers is, in itself, a sign of weakness. The principle of healthy competition does not apply to the union movement. On the contrary, the division of cegep teachers into three federations has negative consequences on the results of our negotiations. Further, over the years our collective agreements are becoming more and more different, making it harder to defend the cegep system.

**We hope that this information will help to clarify the situation. We repeat our invitation to you to join FNEEQ, and by doing so, contribute to unifying cegep teachers within an organizational structure that allows diversity of points of view and can best defend teachers against arbitrary government action.**

## **THE FAC CHOICE**

Dear DTU Colleagues,

The review of union affiliation you have undertaken will soon come to an end. On April 14, you will be asked to make a choice that is decisive for the future of DTU members. The information you have received in recent weeks has surely been useful in stimulating discussion and in drawing attention to the significance of your decision. Yet beyond the controversy regarding the respective strengths of organizations or the quality of services they offer, the choice you are about to make is primarily political.

First, it is important to take into account the position that the DTU has within FAC and the real power that it has in the decision-making process of the federation. This power allows members of the DTU a decisive influence in all choices made by the federation. Over the past two years, significant changes have been brought to the federation in response to legitimate requests made by the DTU to ensure that the representation of its members would be a more accurate reflection of reality and would respect FAC's founding principles. Whatever one may say, the democratic weight of the DTU will never be the same in any other organization.

With regard to negotiations, past and future, FAC has repeatedly demonstrated its ability to innovate and to reach satisfactory agreements. The differences between the collective agreements of the three federations are minor, and teachers have the same overall employment conditions regardless of their union affiliation. Once again, the issue of size when it comes to negotiations should not influence your choice. In fact, for more than two years now, the three union federations have been working together on the teaching profession dossier. Before long, FAC, FEC-CSQ, and FNEEQ-CSN will jointly begin preparations for the next round of negotiations, work that might even lead to a veritable common sectoral front. This continuing inter-federative work is confirmation enough—beyond the size of organizations and beyond their structures—that working alliances are the best way to promote the demands of college teachers. In this context, the democratic weight of the DTU within FAC gives the DTU significant power.

Working alliances, as chosen by FAC, are characteristic of a current global trend in union, social, and international solidarity movements, which are abandoning cumbersome and hierarchical structures in favour of organizations that are directly controlled by their members. We are convinced that FAC remains the best choice for members of the DTU. We ask you to choose, once again and with us, a model of union solidarity that embodies actions taken in good faith in the interests of all members rather than actions within structures inherited from a bygone era.

Jean-Claude Drapeau, President, Fédération autonome du collégial

## **WHY I THINK THAT THE DTU SHOULD STAY WITH FAC**

*by: Peter Deslauriers, Former DTU president*

I have been observing the current debate on the DTU's affiliation with interest and concern. Though I have been retired for two years, the thirty years I spent involved with the DTU, including ten years as president, have left me with a deep concern for the current and future welfare of the DTU and its members.

I had the opportunity to work with and observe the functioning of FNEEQ-CSN for 15 years, and I supported our decision to leave and help to form FAC. However, twenty years have passed, and the question today is not "Did we make the right or wrong decision in 1988?" but "Which decision will best secure the interests of DTU members in the future?"

We have twenty years of experience with FAC, and we know that it has done a good job of defending the interests of its members, negotiating collective agreements, and arranging insurance coverage. We also know that it is a small and flexible organization that it is responsive to its members.

A fact that I have not seen mentioned in the various ADR submissions is that FAC is far from being alone as an independent federation representing public sector workers. Nurses, civil service professionals, civil service blue-collar workers, the provincial police, and (since 2007) a large number of French primary and secondary school teachers in the Montreal region (former members of the CSQ)—all of these also belong to independent federations. In total, more than 150,000 Quebec public sector workers now belong to independent federations. Independent does not mean isolated. These federations can and do play an active role in supporting other workers financially and morally.

I do not see the size of CSN-FNEEQ as an asset. In the past, it has not provided better contracts or services for its members. As a member of FNEEQ-CSN, the DTU would see its influence considerably reduced when compared to its current position within FAC. I am also very concerned about the close links between the CSN and the PQ, an association that has led to a number of decisions in negotiations favouring the interests of the PQ, to the detriment of CSN-FNEEQ members. A matter of particular concern for DTU members is that the CSN president, in her capacity as president, supports the abolition of English institutions in the health sector and higher education in Quebec. It would to me seem strange to join an organization that doesn't support your existence!

Your future is in your hands, and I am confident you will make a wise decision. I hope that the new generation of teachers who have joined the College during the past 20 years will participate in large numbers in this decision. Good luck.

## **WHY WE ARE STAYING WITH FAC**

*By: Denyse T. April, Nursing Teacher, Heritage College, and Chair FAC Women's & Equality Committees*

Along with many of my colleagues, I have heard that Dawson's teachers are reviewing their affiliation to FAC, and I appreciate the opportunity you are giving me here to say what makes FAC so different from the two other federations, and why we—Heritage, Vanier, and many other unions—are choosing to stay with FAC.

The fact is... we are not debating the disaffiliation question like you, our colleagues, are debating it, not because we are 100% satisfied with the Federation's various positions or decisions; nor is it because we consider FAC to be perfect. Rather, as small and large colleges from urban or rural areas, it is because we are confident that our different points of view, concerns, or worries will be heard at FAC. We feel this way because, like FAC, we value direct democracy. We appreciate that our members are in direct contact with the President and the Executive Committee, that there are no barriers between our elected union officers and union members. We appreciate this proximity; and we appreciate that our members are frequently consulted about important issues.

Our members value the way in which the Federation takes into consideration their ideas and opinions on all major issues. They appreciate that ideas and suggestions from the rank and file are the points of origin for FAC's important decisions; that FAC always consults its members before acting. At FAC, important decisions are taken by the membership and passed on to our elected representatives rather than the other way around, having decisions taken by the Executive Committee and handed down to the members.

What we most value is the fact that our elected people are accountable to us, to the members, and that we can always criticize their decisions or positions. We can question them directly, face to face, three times a year by attending the Federative Assemblies or we can ask our elected representatives or presidents to speak on our behalf and express our concerns or point of views at any of the meetings of the Intersyndical Council (CI).

No other teachers' federations have direct contact with their members as frequently as has FAC! Directly or indirectly, the members can easily let the Executive Committee and other elected representatives know how they are feeling and thinking about the issues.

Another reason for our fidelity to FAC is our appreciation of the services it provides. There is always a professional, accessible, and speedy treatment of each situation or problem. We certainly like FAC's approach to legal services. By this we mean that we appreciate the Federation's practice to retain, for each specific case, the services of a lawyer who will be a judicial expert in a given field. Just recall the cases we have had to deal with (e.g. harassment, insurance, and retirement cases) and acknowledge that we much prefer the services of an expert legal council over the advice of a general practice lawyer. Labour relations services are not the only ones we value. We also appreciate the way in which the various pedagogical issues are considered, analyzed in great depth, and re-explained to our

members by outlining their significance for professional practice. MELS is always making or proposing pedagogical changes, and FAC helps us to keep up with those.

Let's remember FAC's recent work in analyzing Bill 50 and its probable impact on technical and social work programs. Recall FAC's response to the ministry's latest mission, to recognize students' prior learning, an analysis of how it will really be implemented in our programs and courses. And recall how clearly FAC recently explained the impact of Bill 110 to the delegates, a bill that addresses college governance. FAC has always placed great emphasis on pedagogical issues, and our members value this approach, which is at the heart of FAC's mission.

We also believe that it is a positive element to have members from small and large colleges that are located in both urban and rural areas. This diversity allows us to grow professionally in that we have the opportunity to learn from each other by understanding our differences. Throughout the years, we have found that FAC delegates always look for a way to reach agreement or consensus during CIs or FAs, where a positive political climate prevents insularity and isolation, even if one or some members hold a different point of view.

Confrontation or open discord is very rare. What unites us is the firm conviction that our mission as college educators is to help students become confident and responsible individuals.

Finally, we think that having three union federations is a good thing. We are very satisfied with FAC's approach, open to collaboration and cooperation with the two other federations. Even if there was a single union such as FNEEQ to address the concerns of all college teachers, we believe that it would not be able to resist the influence of other groups, other unions who too have some groups of teachers as members. Honestly, we do not want a larger union group or "central" to decide or negotiate for us, often without consultation. We like the freedom of negotiating and deciding for ourselves. We feel that the size of a group does not necessarily guarantee that this group will get a better deal. It is how the arguments are presented that makes a difference.

For all of these reasons, we are not reconsidering our membership in the Fédération autonome du collégial. And we are all hoping you will stay with us in order to continue to develop and defend the economic, social, and pedagogical interests of college teachers.