

Update for Members of the Canadian Federal Pilots Association - Oct 2001

The contents of this update and the information that will be provided in briefings that will be provided to you from your negotiating team members and regional representatives over the next few weeks will be critical to the future of your work environment and the outlook for your job. I cannot stress strongly enough the importance to each of you personally, that you read, attend, listen, discuss, and become involved in your future.

Nav Canada

In September shortly after the tragic events on the 11th, the CEO of Nav Canada, John Crichton, summoned all the heads of the bargaining units to a meeting at Nav Canada headquarters. Nav Canada, in the belief that there would be a significant downturn in revenue as a result of the turbulence in the transportation industry, wanted all the unions to renew their contracts until August 31, 2002 without change. The company made representations that they needed more flexibility, than would be provided by the existing 50 million-dollar rate stabilization fund, to deal with anticipated financial pressures. We were given until the next Friday to respond. Unfortunately, on Wednesday, and prior to our submission of a response, Nav Canada distributed a public press release indicating that they had asked all bargaining agents to renew the contracts without change. It was sad that the company did not understand the requirements of proper process and the fact that we do not have the authority to do as they were asking. Therefore, we submitted our response as follows:

We have carefully considered the information provided by Nav Canada management in the meeting with Bargaining Agents on 23 September 2001. We understand the request to voluntarily renew our collective agreement without modification, and offer the following response.

The CFPA filed Notice to Bargain in accordance with the terms of the Canada Labour Code, Part 1, Section 49 by way of a letter to your office on July 26, 2001. To date, we have received no response from your company.

It is our understanding that there is a process that must be satisfied in accordance with the Labour Code and our own constitution. We would encourage the company to respect the collective bargaining process, and we would welcome the opportunity to meet with the company to discuss our respective positions. Any prospective agreement that CFPA representatives may develop with the company would then be submitted to the membership for ratification.

The company has not yet responded to our letter. It is our intention that your negotiating committee continues their preparations and at such time as the company agrees to meet, that the committee then consider the situation and report to you accordingly.

Transportation Safety Board and Transport Canada

The case with our two members in Toronto is still not over. We were successful in mediating satisfactory settlements for the members in regard to their disciplinary charges; however, when senior TC management found out that we had also won the

decision at the Civil Aviation Tribunal, they were very upset and launched an appeal on the case. Once again, we will have to show them that they have not followed the requirements of the law and that they are wrong. The appeal hearing is scheduled for the end of January in Toronto.

There are 76 A/B allowance grievances still sitting at the Public Service Staff Relations Board (PSSRB) awaiting adjudication hearings. The first group is scheduled for Ottawa at the end of November. We will be using the regional executives to present the cases across the country and insure that our members receive their entitlement to due process. We will be providing information packages to the executive and you will be advised when hearings are scheduled relating to your grievance.

Now on to contract negotiations and related issues.

First, a recap of what has been going on and where we are in the process. We submitted notice to bargain on October 25, 2000 concerning the collective agreement that expired on January 25, 2001. After a delay due to the unavailability of the employer's representatives, the parties met on February 20, 2001 to exchange proposals and subsequently on April 3 - 6, 2001, April 23 - 27, 2001, June 5 - 8, and July 17-19, 2001 to conduct negotiation meetings. On July 19, 2001, the negotiations reached a deadlock and the decision was made to apply to the PSSRB for conciliation. Conciliation meetings were conducted during September 24 - 27, 2001 without significant progress being made. We are now awaiting the appointment of a Conciliation Board. The employer has informed us that they would be unable to reconvene negotiations before a Board before January 10, 2002.

You can be proud of the restraint and professionalism that has been demonstrated in the diligent work of your negotiating team. They have volunteered to invest their personal time and effort on your behalf in the face of huge challenges. We have worked very hard from the outset of these negotiations to maintain a positive atmosphere conducive to the successful ratification of a new collective agreement but we are very concerned that despite our best efforts, the climate is rapidly deteriorating. There are several issues where the employer is taking positions that are making it virtually impossible to reach an agreement. The moves made by the employer, during recesses in negotiations, and particularly during the conciliation talks, are very disturbing. Throughout these negotiations, the employer has repeatedly disregarded the Association and the collective bargaining process.

Transport Canada continues to staff CAI positions with non-pilots. When we first learned of this so-called "pilot project" we expressed our concerns, and given that it directly related to a proposal at the bargaining table, we strongly urged the department to bring their initiative to the table, and have it addressed there in the appropriate manner. Management chose not to and despite us having made a complaint under Section 21 of the Public Service Staff Relations Act (PSSRA) for failing to bargain in good faith, they continue to staff positions and post more competitions. The employer initially requested mediation to deal with the complaint, to which we agreed, but then they refused to meet. Under a deadline of October 11, imposed by the PSSRB, they responded at the last minute to say that they had now changed their mind and wanted to proceed with a formal public hearing. To prevent further delay tactics, our lawyers have requested that the PSSRB direct the employer to appear at a hearing scheduled on one of the dates that they have already set aside for this case. It is clear that the initial characterization by

the department as a test project was deceptive and that there is a concerted effort to reduce pilot positions by staffing with lower paid members of other bargaining units.

Prior to the negotiations, and at the suggestion of the Treasury Board, all the parties engaged in a joint study to review and update market compensation and related data to assist the negotiating committees at the table. Data was provided by all of the parties and the resulting report received the unanimous agreement of the joint committee. The report was reproduced by Treasury Board and tabled early in the negotiations. However, the employer's negotiating committee has steadfastly refused to discuss the contents of its own report. The employer maintains their offer of a simple two per cent salary increase and has made no attempt to discuss any adjustment to allowances. During conciliation, they continued their refusal to discuss compensation issues. We find ourselves in possession of a report produced with the unanimous consent of the parties, which the employer refuses to recognize or discuss.

The issue relating to hours of work continues to be a major roadblock. The actions of the employer during the recent conciliation talks cause us to be deeply concerned about the commitment of the employer to move towards reaching agreement through collective bargaining. After initial sessions with the conciliator by each of the parties separately, the groups met to outline their respective positions. The employer informed the Association that they would maintain a previously submitted proposal regarding hours of work. After some dialogue between the association and the conciliation officer and between the officer and the employer, the employer announced that they would give the association another proposal regarding hours of work; however, we were informed on the way to the meeting that the employer had changed its mind and would be putting forth a proposal which was more severe than it had submitted during our previous meetings on July 17th. Not only did they counter their own position but also they indicated that it was a position forced upon them by their steering committee. They subsequently refused to further discuss the merits or rational of their own proposal. We are faced with negotiating into a receding horizon.

On July 20, 2001, a letter was sent to Transport Canada objecting to the imposition of signed individual performance contracts on employees without any negotiation with the certified bargaining agent. As of this writing, there is still no response. There is nothing in the "Performance Agreements" that cannot be achieved through the current Performance Review and Appraisal Process. These contracts are simply a method to bypass due process and enable an expedited avenue for discipline against employees. Within the last few days, management has made the antagonistic and precipitous move indicating their intention to proceed with the implementation of these unnecessary individual performance contracts.

I have deliberately delayed sending this negotiation update in the hopes that some demonstration of good faith would come from the employer. I had hoped that there would be some sign to indicate the possibility of more positive developments as a result of our recent letter to the Deputy Minister of Transport Canada, with copies to the Executive Director at the TSB and the Chief Human Resources Officer at the Treasury Board, as well as personal discussions with Treasury Board principles. There has been no positive indication to date. We have refrained from participating in negative media campaigns and have encouraged our members to continue to work diligently at their tasks. We cannot delay any further; we must now prepare for the next step.

In a few days, you will receive a strike ballot in the mail at your home. There will be a letter explaining in detail the issues at stake and we will ask for your support. First of all, you must know what you are voting for.

The PSSRA defines a strike as "a cessation of work or a refusal to work or to continue to work by employees, in combination, in concert or in accordance with a common understanding, and a slow-down of work or other concerted activity on the part of employees that is designed to restrict or limit output." In real terms that means that a strike is anything from a minor work slow-down or "work-to-rule" up to and including a complete walk out and/or picketing of the workplace or other location. Before any work action, of any degree, can be taken against the employer, the Association must have the authorization from its membership, in the form of a majority vote, and be in a legal position to strike. The vote will occur over the next 30 days. The legal position to strike will occur seven days after the yet-to-be-established conciliation board has filed its public report.

Do not underestimate the importance of this vote. Every vote counts, and every member needs to show their support whether you are in a designated position or not. The employer will be watching very closely for the results of the strike vote and will view the results as an indication of your support for your negotiating team. The employer will also view the results of the strike vote as an indication of how much they need to compromise during the negotiations before the Conciliation Board.

With regard to designations, the agreed-upon list of designated positions was signed on October 18 and submitted to Treasury Board. If any one received a designation notice before that date, it is invalid, return it to the issuer. We submitted a request for a conciliation board to the PSSRB on October 25. The Treasury Board has requested 30 days from the date of request to advise employees of their designations. This means that the employer has until November 25 to complete the proper PSSRB Form 13 and provide it, in person, to employees occupying a designated position. There is no flexibility with this process, if the employer does not use the correct form or does not execute the process correctly, you are not designated. Your regional executive members will have a copy of the approved list and will likely be involved with Human Resources personnel in the advisory process.

There are three different levels of designation. Status 1 means that the position you occupy is fully designated and is the type of designation with which we are typically familiar. A Status 2 designation means that your position is designated as an alternate to a specific Status 1 position, and only that position. That means that if something happens to the specific Status 1 position or if it cannot be filled with an employee for some reason then your Status 2 designation will be activated and your position will become Status 1. Until that occurs; however, your position will have no designation restrictions and you may participate fully in any labour actions. A Status 3 designation is a conditional one. That means that it can be activated only under specific conditions and only for the time that those conditions need to be met. There are only six Status 3 positions across the country. The Coast Guard pilots are almost all Status 1 designations. The TSB list is unchanged from last round, so new positions are not included and TC Civil Aviation is about 20 percent Status 1 designated. The executive will be fully briefed on designations at our meeting during November 2-3, and will be available to answer any questions you may have.

The employer is using heavy-handed tactics and arrogant dismissiveness to intimidate us into submission. There is no doubt that they fully intend to test our resolve. There can also be no doubt that we will be faced with divisive and insidious pressures to yield to their views. You can expect that you will be faced with individual and collective coercion to abandon the principles that you have asked your representatives to maintain. We have already been subjected to several examples of this type of approach. There will be rumors, misinformation, and characterizations of unreasonableness. You may see criticism of your negotiating team and your representatives. It is critical that each individual member be wary of such tactics and consistently maintain the solidarity of the group.

It is essential that you stand firm in your support of those who represent you. Talk to them and make sure they know your views. Their influence is totally dependent on how vigorously you support and defend them. We can only be defeated by ourselves. Now is not the time to sit by and wait and see what happens. Get informed, become involved. If we each contribute, collectively, we will swing the balance and make a difference.

Greg Holbrook
National Chairman
Canadian Federal Pilots Association