

POLICY ON INSTITUTE PHILOSOPHY & POLICY POSITIONS

PREAMBLE

1. EFFECTIVE DATE

February 19, 2011

2. POLICY OBJECTIVE

3. POLICY REQUIREMENTS

Part A - Alternative Service Delivery (ASD) Initiatives

Last Revised - August 16, 1997

1. Institute Position

The Institute endorses, in principle, the following general position on Alternative Service Delivery (ASD) initiatives which will form the heart of all lobbying efforts, both public and private, that relate to the creation of ASD agencies:

- (1) conserve work place rights;
- (2) maintain the merit principle;
- (3) preserve the public service principle of non-partisanship while allowing employees the right to individual political activity enjoyed in the public service;
- (4) provide an independent mechanism for redress;
- (5) provide comparable benefits;
- (6) maintain collective bargaining rights;
- (7) the Institute's first choice of a statutory framework would be the *Canada Labour Code*;
- (8) the Institute is willing to join with the government in working out means to inject greater flexibility into the existing staffing system and statutory framework under the *Public Service Employment Act* through a major overhaul of this thirty-year old piece of legislation, and
- (9) encourage union representatives to be named as federal appointees to the Public Service Commission as is the case with the Public Service Staff Relations Board and proposed for the new Canada Relations Board.

2. Communications and Lobbying

The Institute endorses, in principle, the following communications and lobbying activities for any specific ASD agency:

- (1) consultation;
- (2) media activity;

- (3) political lobbying;
- (4) cooperation with other unions;
- (5) inform affected Institute membership and seek their assistance in any research and lobbying activity;
- (6) research assistance for exploring specific issues that emerge and developing briefs on general issues to be stressed;
- (7) Communications Section to assist with messages to the media and with government relations;
- (8) Ad Hoc Committee on Retention and Recruitment should work in collaboration with Interim and/or Transition Teams, and
- (9) develop a plan for lobbying and for contact with potential coalition partners.

3. Proposal for Action

The following actions are recommended as means of gaining support for the Institute's position with relation to the staffing and operation of ASD agencies being established by the government, these actions to be considered as urgent in view of the government's declared intention to continue with the creation of new ASD agencies at a rapid rate:

- (1) seek to make alliances with other public service unions;
- (2) lobby the President of the Treasury Board and other politicians;
- (3) lobby Deputy Ministers, departments and the Public Service Commission;
- (4) seek to meet the Clerk of the Privy Council, the authors of the *Tait Report on Ethics and Values in the Public Service*, and other interested officials to discuss issues raised by the growth of ASD agencies;
- (5) communicate ASD issues to Institute members and the public at large through internal communications, speeches and meetings, and through the media;
- (6) prepare a brief on the issues - and issues coming from other sub-groups of the ASD task force - for submission to the President of the Treasury Board and other politicians;
- (7) integrate ASD concerns with Institute plans for intervention in the next federal election, and
- (8) seek to make ASD questions an issue in lobbying candidates and MPs seeking election or re-election.

4. Statutory Requirements for Certification

The Institute adopts the following Statutory Requirements for Certification:

- (1) In the case of a change in jurisdiction for industrial relations where members represented by the Institute are involved, the Institute will seek "voluntary recognition" from the employer and, if necessary, formalize the situation at a later date by means of a certificate of membership.

It should be noted that any other agent can do the same, hence the need to have membership cards signed prior to the transfer of jurisdiction.

5. **NJC (National Joint Council)-Like Items**

The following items will be treated in the same manner as the NJC (National Joint Council) items listed in Institute collective agreements:

- (1) Dental Plan;
- (2) Public Service Health Care Plan, and
- (3) Pension Plan (*Public Service Superannuation Act*).

6. **Redress**

In order to determine from whom the Institute would seek redress - the Treasury Board which is the party to the Work Force Adjustment Directive (WFAD) or the new employer which makes offers of employment to members - the Institute will:

- (1) seek a legal opinion to clarify which party is actually responsible for honouring the two (2) year employment guarantee when the job offer is one outside the public service;
- (2) seek a Memorandum of Agreement with the Treasury Board to include the terms and conditions of the employment transfer in the relevant collective agreements, which would provide access to the Public Service Staff Relations Board (PSSRB);
- (3) negotiate third-party redress with the ASD agency, and
- (4) seek the opinion and possible collaboration of the other bargaining agents with respect to possible joint action.

7. **Impact of Group Mergers and Universal Classification Standard (UCS) Bargaining**

Following is the Institute's positions on the impact of Group mergers and Universal Classification Standard (UCS) bargaining in ASD initiatives:

- (1) **Issue 1** - A new agency is established in the middle of a bargaining cycle for some Institute Groups transferred over.

Institute Position - The members being moved to the new agency should receive improvements to their terms and conditions of employment at least as good as those being enjoyed by the corresponding members who remain in the federal public service, e.g., the members moving to a new agency should get any pay increases received by the federal members. The members being moved to the new agency should be given the choice of (a) automatically receiving any improvements to the terms and conditions of employment negotiated by the Groups remaining in the federal public service or (b) bargaining with the new employer for terms and conditions of employment.

- (2) **Issue 2** - A new agency wants to restructure the occupational groups and merge them into one group or a smaller number.

Institute Position - The new agencies must be lobbied to ensure that any reconfiguration of

their bargaining units reflects the professionalism and community of interest of Institute members. The Institute must push for at least one (1) bargaining unit representing professional employees (including Computer Systems Administrators, Commerce Officers and Purchasing and Supply) separate from any other bargaining units representing non-professional occupational groups.

- (3) **Issue 3** - A new agency wants to establish a new classification system.

Institute Position - Any new classification system must meet the standards of *Canadian Human Rights* legislation and any new classification standard must adequately value the work of Institute members. The Institute and its membership must be able to negotiate all phases of and have input into all phases of the development, the testing and the implementation of any new classification standard. The new salary structure must be negotiated fully with the Institute.

8. Impact on Group Executives

- (1) Groups affected by a merger should be encouraged and, where necessary, assisted by the Institute to negotiate a voluntary agreement on the terms of mergers including the composition of a new Group Executive under common Group By-Laws. In the period leading up to the merger, Groups should be encouraged to form an interim Executive or Steering Committee with delegated authority to act on behalf of members in the merged constituency on matters of common interest.
- (2) Model Group By-Laws for merged Groups should require that a new Executive be composed without reference to pre-existing Group affiliations. Groups to be merged will be informed, in advance, by the Board of Directors that the model By-Laws will apply other than where the Groups to be merged conclude an agreement to adopt an alternate model prior to the scheduled merger date.
- (3) Where affected Groups cannot conclude a voluntary agreement on the terms of merger, the Board of Directors, or the Executive Committee acting on its behalf, should within the first thirty(30) days after formal merger:
 - (a) issue new Group By-Laws which will apply;
 - (b) initiate elections for a new Group Executive pursuant to these By-Laws, and
 - (c) appoint an interim Executive as necessary.
- (4) At the discretion of the Board of Directors, an interim Group Executive structure may be put in place for up to a twenty-four (24) month period after merger where a need is identified to ensure equitable representation of pre-existing Groups during the start-up phase.
- (5) In transfer situations, an interim Executive or Steering Committee should be established as soon as possible after a decision to transfer appears to have been made. The interim Executive or Steering Committee should be constituted by membership election where possible or by appointment by the Institute where necessary. This body should be delegated authority to act on behalf of the members in respect of matters concerning the transfer, subject to Institute review, and given observer status in other Institute bodies composed of Group representatives.
- (6) On merger or transfer, existing Sub-Groups should cease to exist. A new system of Sub-

Groups may then be re-composed pursuant to the relevant Institute By-Law.

9. Impact on Group Finances

- (1) Where an interim Group Executive is formed in a merger or transfer situation, the interim Group Executive should be entitled to apply for a special grant pursuant to the relevant Institute By-Law.
- (2) Where Groups are merged in their entirety, all pre-existing Group funds should be transferred to the new Group.
- (3) Where the membership of a Group is fragmented by a merger, accumulated Group funds should be distributed using either (i) a formula agreed to in advance by all affected parties or, in the absence of such an agreement, (ii) a pro rata division based on the number of members redistributed to each of the new Groups calculated using population data for a date as close as possible to the actual merger.
- (4) A new Group created by transfer should be entitled to receive a share of the accumulated funds of a pre-existing Group(s) from which its members originated. The share should be determined using either (i) a formula agreed to in advance by all affected parties or, in the absence of such an agreement, (ii) a pro rata division based on the number of members transferred to the new Group calculated using population data for a date as close as possible to the actual transfer.
- (5) The Board of Directors, or the Executive Committee acting on its behalf, should resolve any dispute over the entitlement of a new Group to receive funds from pre-existing Groups, normally by applying the default pro rata division formula. The Board should also resolve disputes over any other Group assets.
- (6) Accumulated Sub-Group funds should be returned to the Institute on dissolution of the Sub-Group other than where it is possible to identify a specific grant or advance received from a parent Group which can be returned to the parent Group. ***BOD August 16, 1997***

Part B - Retirement And Pension Benefits

Last Revised - November 3, 1999

1. Governance of Plans

- (1) Pension plans are a form of deferred remuneration and, therefore, plan members have a right to real input into all aspects of how their plans are managed. Accordingly, all pension plans in place for Institute members should be managed by bodies that include at least equal representation of plan members.
- (2) Pension plan management bodies should have the right to direct how pension funds are invested, and to establish the benefits payable under the plans within the limits set by laws governing all registered pension plans.
- (3) Pension funds should be segregated from other employer-held funds and held in trust by the pension plan management bodies.
- (4) Pension plans should be fully compliant with applicable legislation such as the *Pension Benefits Standards Act* and the *Income Tax Act*.

2. Contributions

Contribution levels should be at a level commensurate with the benefits provided, and should be at least matched equally by the employer. Where special provisions exist for operational employees, the full incremental cost of these benefits should be funded by the employer as a cost of doing business.

3. Benefits

- (1) Pension benefits should be indexed on the best three (3) consecutive years of service and should be fully indexed to maintain purchasing power.
- (2) Immediate unreduced pensions should be available as of age sixty (60), when the member has thirty (30) years of pensionable service or has a combination of age and service totalling eighty (80).
- (3) Pension benefits should be accrued separately from the Canada Pension Plan (CPP) and Québec Pension Plan (QPP).
- (4) Incremental costs of plans benefit enhancements under downsizing scenarios should be borne totally by the employer.
- (5) Minimum pension guarantee of five (5) years of pension payments, for members without dependents, should be increased to provide benefits more closely related to members with dependents.

4. Plan Surplus

If plans have an actuarial surplus, the surplus should be used solely for the benefit of plan members.

Part C - Other Policies

1. Collective Bargaining

Last Revised - December 10, 1994

The Institute stands for collective bargaining without political interference and will oppose any efforts to restrict this freedom.

2. Day Care

Last Revised - February 12, 1994

(1) Lobbying

The Professional Institute will cooperate with other labour organizations in pressing for the establishment of a variety of day care facilities by means of briefs and other lobbying mechanisms to governments and political parties.

(2) Treasury Board Policy

The Board of Directors shall take all reasonable action to make use of the Treasury Board policy regarding the establishment of day care centres at worksites where Institute members are employed.

3. Deprofessionalization

Last Revised - June 19, 1999

The Institute deplores the continued erosion of the professional status of its members in the public service and urges governments to allocate sufficient funds to support professional development and

provide for a significant increase in attendance at conferences and seminars.

4. Superceded

5. Employment Equity

Last Revised - September 20, 1997

- (1) The Professional Institute endorses, both as an employee representative and as an employer, the principle of employment equity. When merit is equal, members of groups such as aboriginal people, persons with disabilities, visible minorities and women, should be given priority in employment and career progression opportunities to achieve a representation that reflects the composition of the Canadian work force.
- (2) The Professional Institute agrees that employment equity should redress the under-representation of the afore-mentioned groups in the relevant workforce.
- (3) The Professional Institute is committed to participate in consultation and collaboration with the employers of its members covered by the *Employment Equity Act* in the development, implementation and revision of employment equity plans pursuant to Section 15 of the *Act*. In jurisdictions not covered by the *Act*, the Institute seeks to participate in discussions, consultations and negotiations regarding employment equity with the various employers of its members.
- (4) The Professional Institute seeks to participate in discussions, consultations and negotiations regarding employment equity with its employees.

6. Self-identification in the Federal Public Service

Last Revised - August 26, 1995

The Professional Institute of the Public Service of Canada recognizes that self-identification is the method of recording the status of employment equity under the law. The Institute will support the process of self-identification if the following concerns are met:

- (1) There must be separate collection of data for statistical and human resources purposes;
- (2) The self-identification form used in the federal public service should provide the opportunity for individuals to specify the purpose for which they are consenting to self-identify;
- (3) The process guarantees confidentiality, and
- (4) There is a mechanism to verify the validity of the data.

7. Employer/Employee Relations

Last Revised - June 11, 1994

The Institute position on any process used to establish a new legislative regime governing employer/employee relations in the public service is that the process must be undertaken by a neutral body which has the confidence of both parties - the bargaining agent and the employer.

8. Group Revocation of Certification

Last Revised - April 16, 1994

- (1) It is recognized that members of occupational Groups have a legitimate right to choose their

bargaining agent; accordingly, any individual or group of individuals may investigate the possibility of alternative representation.

- (2) A decision to seek certification with an alternate bargaining agent lies with the majority of the Group, not the Executive of the Group. Any member who is actively promoting revocation of certification has an obligation to resign from any elected or appointed office or position of any constituent body of the Institute.
- (3) Institute funds, facilities, offices or other resources shall not be used to promote revocation of certification.
- (4) If the policy outlined above is not followed, disciplinary action pursuant to the provisions of By-Law 24 Discipline shall result.
- (5) Upon such resignation or removal from office, the Board of Directors, through the President and the Executive Committee, may appoint new members to fill vacancies on the Executive of a constituent body on an interim basis, until such time as a call for nominations and an election take place as per the Constitution and By-Laws of the constituent body.

9. Negotiations - Time Off

Last Revised - August 20, 1988

The Professional Institute supports the concept of time off for negotiations and encourages Groups to negotiate time off with pay for the purpose of contract negotiations.

10. Non-Discrimination

Last Revised - November 5, 1993

(1) Non-discriminatory Definition for Common-law Spouse

The 1993 Annual General Meeting reaffirmed its support for a non-discriminatory definition of "common-law spouse" whenever it has the effect of denying benefits on the basis of sexual orientation, and the Board of Directors shall take all reasonable measures to promote equal benefits for all Institute members regardless of their sexual orientation.

(2) Zero Tolerance

The Professional Institute will not tolerate discrimination or harassment based on race, creed, colour, place of origin, sex, age, family or marital status, sexual orientation, religion, physical or mental disability, or abuse of authority.

11. Non-Partisanship

Last Revised - November 5, 1992

- (1) The Professional Institute shall retain an independent policy of thought and philosophy and shall not become part of the political machinery of any or all political parties.
- (2) The Institute shall endeavour to raise its public profile through increased communication efforts to inform the public and membership of negative actions taken by the employer.
- (3) The Institute may support individual federal, provincial and territorial political candidates and elected officials based on their positions and actions without being aligned with any one political party.
- (4) The Institute may take action to defeat individual federal, provincial and territorial political candidates that advocate positions deemed detrimental to its members.

12. Official Languages

Last Revised - June 19, 1999

- (1) This policy statement is made in the belief that the concept of bilingualism is important to Canada as a nation, and on the premise that the Professional Institute continues to support both the objective of creating and maintaining a Public Service that is capable of providing effective service in both official languages and the principle that, where practical, every Public Service employee has the right to work in the official language of his choice.
- (2) The Professional Institute believes that the linguistic requirements of any position in the Federal Public Service should reflect the objectively identified language requirements and proficiency levels of the actual duties of the position.
- (3) Subject to the Merit Principle, the Professional Institute supports the principle that the make-up of occupational groups and hierarchical levels in the Federal Public Service should reflect the linguistic make-up of Canadian society.

13. Privacy

Last Revised - March 8, 1997

- (1) In order for cases of alleged harassment to be fully investigated and to ensure appropriate action is taken following an investigation, it is imperative a full and complete disclosure of the relevant facts be made available to the parties. Therefore, it is the policy of the Institute that when a member makes an application for information, the Institute supports the member's request provided the request conforms with the appropriate Federal or Provincial Privacy legislation.
- (2) It is also the policy of the Institute to ensure members are aware that information they provide during the course of an harassment investigation may be retrieved through an application to the appropriate Federal or Provincial Privacy Commissioner. Institute policy requires that affected members who are assisted by staff in the course of an harassment investigation be given a copy of the Institute policy and, further, that they be requested to sign the following statement:

I understand that any and all information provided in the course of the investigation into the harassment complaint of _____ may be subject to disclosure as a result of an application for information in accordance with the rules established by the appropriate Federal or Provincial Privacy legislation.

Signed _____
 Date _____
 Witness _____"

14. Recruitment

Last Revised - August 14, 1993

- (1) **Recruitment** It is Institute policy to ensure that professional employees have a voice in determining their terms and conditions of employment. The Institute will respond to enquiries received from professional employees and is willing to consider serving as the certified bargaining agent for all groups of professionals. The Institute will not initiate an unsolicited action to recruit professionals who are already represented by another bargaining agent.
- (2) **Guidelines on Recruitment** The Institute's recruiting objective is to increase its membership where such increase will be beneficial to the Institute and to the recruited members. In the achievement of this objective, it is imperative that the provision of effective service to the Institute's present members, as defined in the Institute By-Laws (Aims and Objectives) shall not be undermined or diminished. To further recruitment, the Institute shall promote its objectives and policies to other groups and shall participate in appropriate activities with other organizations.

- (3) **Public Service/Professional Orientation** The Institute is willing to represent employees of all professional public service sectors, i.e., those individuals responsible for the delivery of programs and services to government or to the general public on behalf of a government. A new employee group seeking certification with the Institute shall have a minimum of two-thirds (2/3) of its potential bargaining unit members in compliance with Institute By-Laws.
- (4) **Administration** Decisions in relation to the administration of the Policy on Recruitment shall normally rest with the Board of Directors. If time frames preclude a decision by the Board of Directors, the Executive Committee shall make the decision. Such decisions shall be documented for review by the Board of Directors.
- (5) **Available Assistance** Staff will be directed to assist and provide information to groups wishing to decertify their current bargaining agent and/or to have the Institute certified as their bargaining agent.
- (6) **Structural Relationship of New Groups with the Institute** The Institute wishes to be fully flexible in its efforts to accommodate new employee groups, provided its professional character is not altered.
- (7) **Membership Fees** The Institute, in its efforts to recruit new employee groups, may, in accordance with Institute By-Laws, make provision for a transitional fee for a period of time to be negotiated.
- (8) **Change of Employer/Jurisdiction** The Institute will seek to represent members affected by a change in employer/jurisdiction when there is a realistic chance for its members in that jurisdiction based on applicable legislation and the precedents established by the pertinent labour board and, further, that the bargaining unit to be proposed is viable for collective bargaining and representational services. The proposed bargaining unit shall be composed of at least forty percent (40%) of current members and individuals who meet the requirements of Institute By-Law Eligibility for Membership.

15. Regional Rates Last Revised - August 29, 1972

The Institute is opposed to the concept of regional pay rates. This position shall stand until amended by a resolution from the membership.

16. Acquired Immune Deficiency Syndrome (Aids) Screening Tests Last Revised - August 22, 1987

The Professional Institute of the Public Service of Canada opposes the imposition of mandatory tests, designed to detect Acquired Immune Deficiency Syndrome (AIDS), by the employer on members of the Professional Institute, where such tests are outside the purview of collective agreements and NJC agreements which form part of collective agreements.

17. Drug Screening Tests Last Revised - May 23, 1987

The Professional Institute of the Public Service of Canada opposes the imposition of mandatory blood and urinalysis tests, designed to detect the use of drugs, by the employer on members of the Professional Institute, where such tests are outside the purview of collective agreements and NJC agreements which form part of collective agreements.

18. Whistle-blowing Last Revised - February 12, 1994

The Professional Institute will lobby governments employing Institute members to pass whistle-blowing legislation that will permit them to exercise their rights to communicate with elected representatives and to question actions of their employers without fear of censure and without fear of discipline or dismissal.

19. Work Force Adjustment Directive

Last Revised - November 6, 1994

The Professional Institute will seek the commitment of the federal government and the Treasury Board to ensure the application of workforce adjustment policies in a fair and equitable manner by recognizing the varying degrees of marketability and portability of skills in the type of work performed by federal government employees and ensuring that retraining resources are allocated on a prioritized basis so as to create *a level playing field* for all its employees in terms of redeployment and that, in this regard, the following criteria may be taken into consideration:

- (1) Are the functions performed by this employee or members of this classification also performed in the private sector? Or, what market exists in the private sector for this type of work? (The Private Sector Employability Factor);
- (2) What are the requirements for the type of work performed by this employee or members of this classification group in other federal government institution? Or, is the expertise and experience in this type of work likely to be portable to other government institutions? (The Redeployment Factor);
- (3) Is this work performed by this employee or members of this classification in an area in which the federal government is by definition and/or legislation the sole or largest employer? (The Federal Leadership/Uniqueness Factor);
- (4) Is this a work category in which there is a high rate of turnover and recruitment? (The Attrition Factor).

20. Return to Work Policy

that PIPSC informs all departments and agencies that the Institute will not participate in RTW consultation committees at any level,

that PIPSC issue a formal directive to all its Stewards not to participate to these committees at any level,

that PIPSC publicize its decision to members to inform them of their right to representation through the implication of an ERO and that not participating in these committees and/or not signing proposed consent forms in no way jeopardises their right to RTW and accommodation.

BOD - November 1, 2007

Notwithstanding the above, Stewards may participate on RTW Committees where approved on a case by case basis by the Institute.

BOD - February 18-19, 2011