

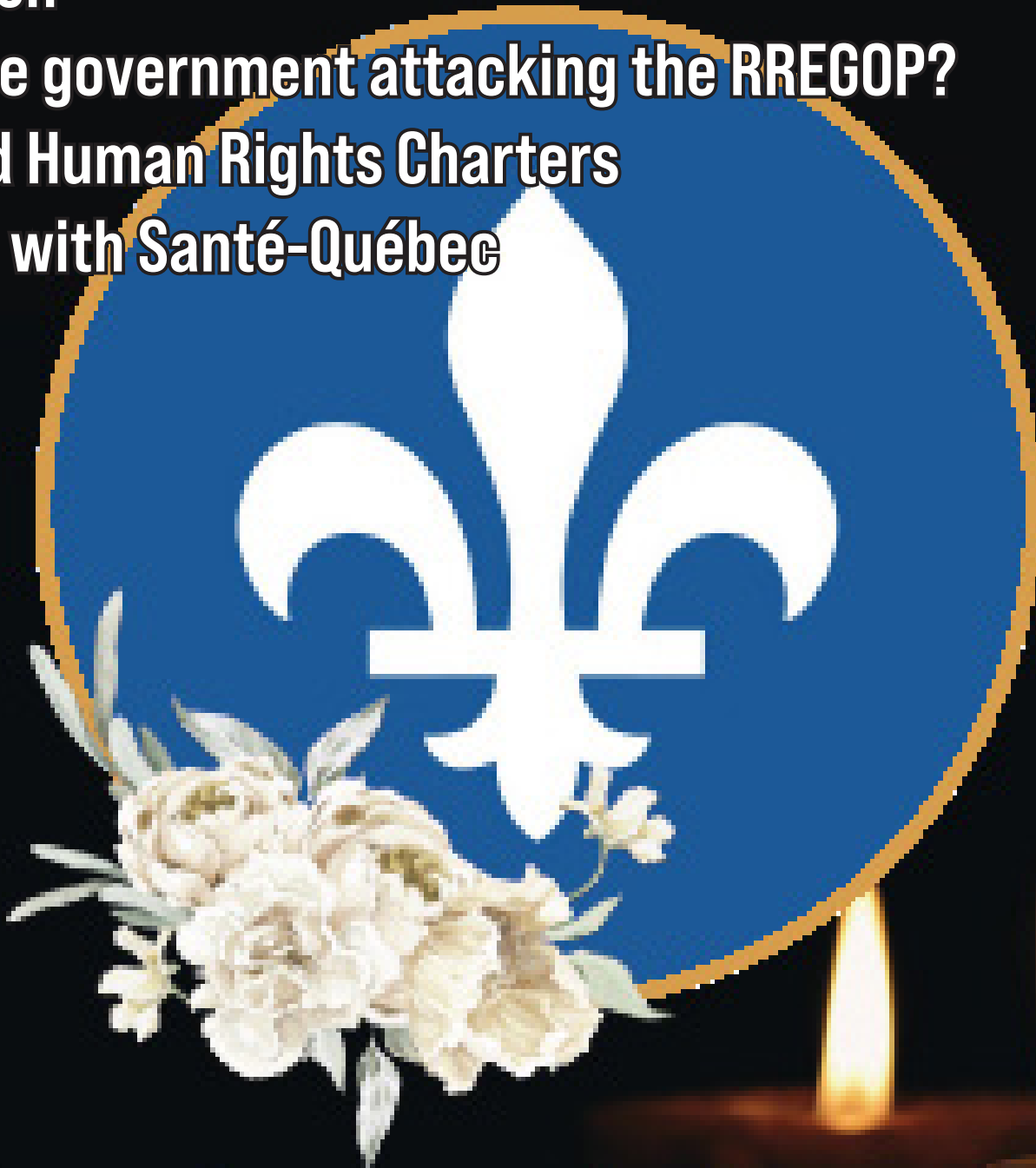
THE REVIEW

DECEMBER 2024

— REPOSE EN PAIX —

In this edition

- Why is the government attacking the RREGOP?
- Covid and Human Rights Charters
- Seniority with Santé-Québec



Le réseau de la santé

07 février 2015 - 1er décembre 2024

In this edition

Message from the president / 1
The CPAS 2024 Summer Tour / 2
CPAS Summer Tour: our sincere appreciation / 2
Why is the government attacking the RREGOP? / 3-4
Covid and Human Rights Charters / 4-5-6
Seniority with Santé-Québec / 6-7

AGENDA 2025

February 5th-6th

General council

April 2nd-3rd

General council

May 21st-22nd

General council

Bulletin published by the Conseil provincial des affaires sociales (CPAS)

CPAS is the union coalition of the healthcare and social services sector within the Canadian Union of Public Employees (CUPE).

President : Fanny Demontigny

Secretary general : Michel Jolin

Information comity members: Lauraine Robinson, Mélanie Cormier, Patrick Hallé, José Carufel, Sophie Bibeau, Mideline Alexandre

Graphism : Mideline Alexandre

Translation : Lorena Ermacora

Any total or partial reproduction of the articles is allowed and even encouraged, provided that the source is indicated.

Legal deposit at the National Library of Quebec.



MESSAGE FROM THE PRESIDENT

I am happy to have the opportunity to write to you today in the new edition of the The Review of the Conseil Provincial des Affaires Sociales.

The past few months have not been easy. From May to September, we undertook an extensive tour across Quebec with our local sections affiliated with CPAS. On board the CPAS ambulance and the CUPE truck, we participated in more than 114 BBQs. This gave us the chance to engage with you on a variety of topics and gain a better understanding of the reality in each region of Quebec.

A defining moment of the spring was the signing of the new public sector collective agreement on June 7, 2024. The bargaining teams at both the central and sectoral tables worked tirelessly to secure improved working conditions and historic wage increases. One thing is clear: the bargaining committee was not going to sign a collective agreement that did not reflect the framework agreement presented to all our members.

After several meetings and media appearances, the government returned to the initial text. This agreement is much more than a document; it represents the result of our struggles, sacrifices, and solidarity across Quebec. This victory would never have been possible without your mobilization, marked especially by a historic strike that demonstrated our collective strength, even though the collective agreement is now signed.

I cannot end my message without mentioning Santé Québec. Minister Christian Dubé has finally appointed his "top gun" (Ms. Geneviève Biron) to head Santé Québec. However, I must admit my concern, as Ms. Biron comes from the private sector. The coming weeks and months will be full of challenges, particularly with the implementation of Santé Québec. It is crucial that we continue to mobilize to defend the rights of our members and ensure that the transformations within the healthcare system happen in a way that respects workers.

I want to thank each and every one of you for your commitment, determination, and trust. Together, we have proven that solidarity is our greatest strength, and together, we will continue to face the challenges ahead.

FANNY DEMONTIGNY
Présidente CPAS

THE CPAS 2024 SUMMER TOUR

MÉLANIE CORMIER

The CPAS Summer Tour officially ended on September 26, 2024; a great achievement. The troops were delighted to see us, an extremely beneficial experience for everyone. With more than a hundred visits, thousands of kilometres covered, and the unwavering commitment of all the CPAS members, this tour was exceptional. Regardless of the weather or the size of the facilities, nobody cancelled, Locals were always welcoming. Many thanks to all the great people we met at each location.



CPAS SUMMER TOUR: OUR SINCERE APPRECIATION

LAURAINÉ ROBINSON
VP, INFORMATION AND MOBILIZATION, CPAS

This summer, as Vice-President of Information and Mobilization, I had the mandate of coordinating a tour with a view of expressing our gratitude to our members. With more than 113 outings under our belt, we had the opportunity to thank those at the core of our organization.

We are grateful to the members of the Mobilization Committee and the Regional Directors: Marie-Ève Desormeaux, Suzanne Cossette, Lyne Lafond and Alexandre Dumont, for their availability during the events.

I would like also to extend my heartfelt thanks to all the Locals, big and small. Without your support and commitment, none of this would have been possible. Your participation was essential for the success of this tour.

The Action Committee team deserves a special mention as well for their incredible commitment. Hats off to Jennyfer Bergeron Letourneau and Pierre Bureau for their dedication, as well as to Charles Paquin and Daniel Rancourt, always cheerful and compliant.

During this tour, I had the opportunity to travel some 3000 km, from Abitibi to Northern Quebec, Montérégie, Estrie, Quebec City and so on. Each place was an opportunity to meet happy and grateful members, which left me with unforgettable memories.

During the tour we had unexpected visitors, namely, CUPE National Secretary-Treasurer, Candace Rennick, CUPE-Quebec Director and Secretary General, Patrick Gloutney and Frédéric Brisson, Magalie Picard, FTQ President, and of course the CPAS President, Fanny Demontigny, and Michel Jolin, our Secretary General. A special appreciation to Mideline Alexandre, who took many pictures and videos.

This tour was a huge success thanks to the collective effort of all members and Locals. Once again, thank you to each and every one of you for your contribution and continued support. Together, we can accomplish important things, so I want to see you again next year!



WHY IS THE GOVERNMENT ATTACKING THE RREGOP?

PATRICK HALLÉ

Every time we negotiate, the government attempts to cut our RREGOP pension plan. It is not always clear what motivates governments: labour shortage, aging population, or hoped-for savings.

In 2015, the government succeeded in raising the retirement age to 61. This measure alone has saved tens of millions of dollars a year.

During the last negotiations, the government wanted to recoup the amounts paid to the Régie des rentes du Québec since the gradual increase that began in 2019. As if government employees did not have the right to benefit from this "complementary plan".

One thing is certain, the government is trying to take advantage of our members' lack of knowledge of the plan, and the fact that for many of them: retirement is far away!

There is no doubt in my mind that the RREGOP plan is an obvious advantage over a private financial product providing a guaranteed and equivalent annuity for life.

The secret is how the plan is funded. In addition to the workers' contribution, the government is matching this amount that will be paid into the fund.

These amounts are invested by the Caisse de dépôt et placement du Québec, and the average return on our investments in the Fund over the past 20 years is 6.8% per year. The compound effect of these investments is therefore the third and certainly the most important source of funding for our plan.

My friend Bob for example:

This colleague retired on his 60th birthday in 2022. His annual salary when he left was \$52,000; he had worked 34 years as a full-time employee. According to his latest RREGOP statement, he accumulated \$220,000 in principal and interest, representing an average annual contribution of \$1,700 or a total contribution of \$58,000 over 34 years. The interest portion is therefore \$162,000.

His first 5 years of annuities (\$34,000/year) will give him \$166,000, which is nearly 3 times his initial investment. The life expectancy of a man is 87 years. If he reaches this age, he will receive an additional \$484,000 for a total of \$654,000 (excluding indexation).

In addition, in the event of his death, Bob's spouse will be entitled to 50% of his pension until her death.

How is that possible? Because of the hidden sides of the regime:

1. The employer's contribution.
2. Compound returns.

Thus, the \$440,000 windfall accumulated by adding up Bob's contributions, the employer's contributions and the returns, will generate an average of \$29,000 per year in interest. This means that by the time Bob reaches age 65, his fund will have dropped to \$416,630. At an average rate of return of 6.8%, this fund will generate more than \$28,000 per year. This will leave enough leeway to pay and index the \$22,000/year pension until Bob's death and also to pay the half of the pension to his spouse as the case may be.

Obviously, this example, even if it is real, has variants that were not considered in the calculations. In order to simplify the demonstration, I rounded the figures and established averages.

¹ <https://www.retraitequebec.gouv.qc.ca/SiteCollectionDocuments/RetraiteQuebec/fr/publications/rrsp/participants/4041f-Rendements-RREGOP-2023.pdf>

Even if there may seem to be surpluses, the plan also finances certain contribution exemptions such as during absences due to illness. These exemptions are not taken into account in my example. In addition, the rate of 6.8% is the average of the last 20 years, there is no guarantee of such a return for the future. In closing, we must also consider the fact that contributions were not always at 9.39% and that Bob's salary in 1988 was far from \$50,000 per year.

Some will say that investing the same amount of money in the S&P 500 would have yielded better results. Probably! However, the advantage of our pension plan is that it represents zero risk compared to Wall Street investments.

In any case, this pension plan is beneficial for public workers. It is therefore essential to know it well and to promote it to our members, if only to preserve it!

RREGOP (Government and Public Employees Retirement Plan) is often considered one of the best pension plans for several reasons:

1. **Defined Benefits:** RREGOP is a defined benefit plan, which means that members know in advance how much they will receive when they retire, based on their years of service and their average salary of the best years.
2. **Financial security:** Benefits are guaranteed by the Government of Quebec, providing great financial security to retirees.
3. **Indexation:** Annuities are partially indexed to account for inflation, which helps maintain retirees' purchasing power over time.
4. **Flexibility:** The plan allows for early retirement options with benefit reductions, as well as service buyback opportunities to increase benefits.
5. **Additional benefits:** In addition to retirement pensions, the RREGOP plan offers death and disability benefits, which adds an extra layer of security for members and their families.

These features make the RREGOP a very valuable plan for public sector employees in Quebec.

COVID AND HUMAN RIGHTS CHARTERS

JOSÉ CARUFEL

Covid created a lot of commotion, and the courts were no exception. During this unusual period, Quebec was governed by decrees. Vaccination was promoted, especially for those working in the health and social services network. At the time, the Legault government threatened to impose vaccination for the network employees, but later on, screening was imposed by the decree. The carrot approach was favored instead of the stick option. Some premiums and benefits were given to people adequately vaccinated. The fundamental rights provided for in the various charters of human rights had to be protected and defended. Several unions challenged these principles in court.

The Canadian Union of Public Employees (CUPE) filed several grievances. These complaints involved some ministerial orders that the union felt violated certain fundamental rights protected by the human rights charters.

Key issues:

1. **Mandatory off-duty testing:** Unvaccinated employees were required to take their COVID-19 tests when off duty and were not being remunerated for the time; parking fees were not reimbursed. This could potentially go against Article 30 of the collective agreement and penalize unvaccinated employees compared to their vaccinated colleagues.
2. **No premium paid to those not vaccinated:** Ministerial orders prevented unvaccinated employees from receiving certain premiums and lump sums. The union believes that this constitutes discrimination based on vaccination status.

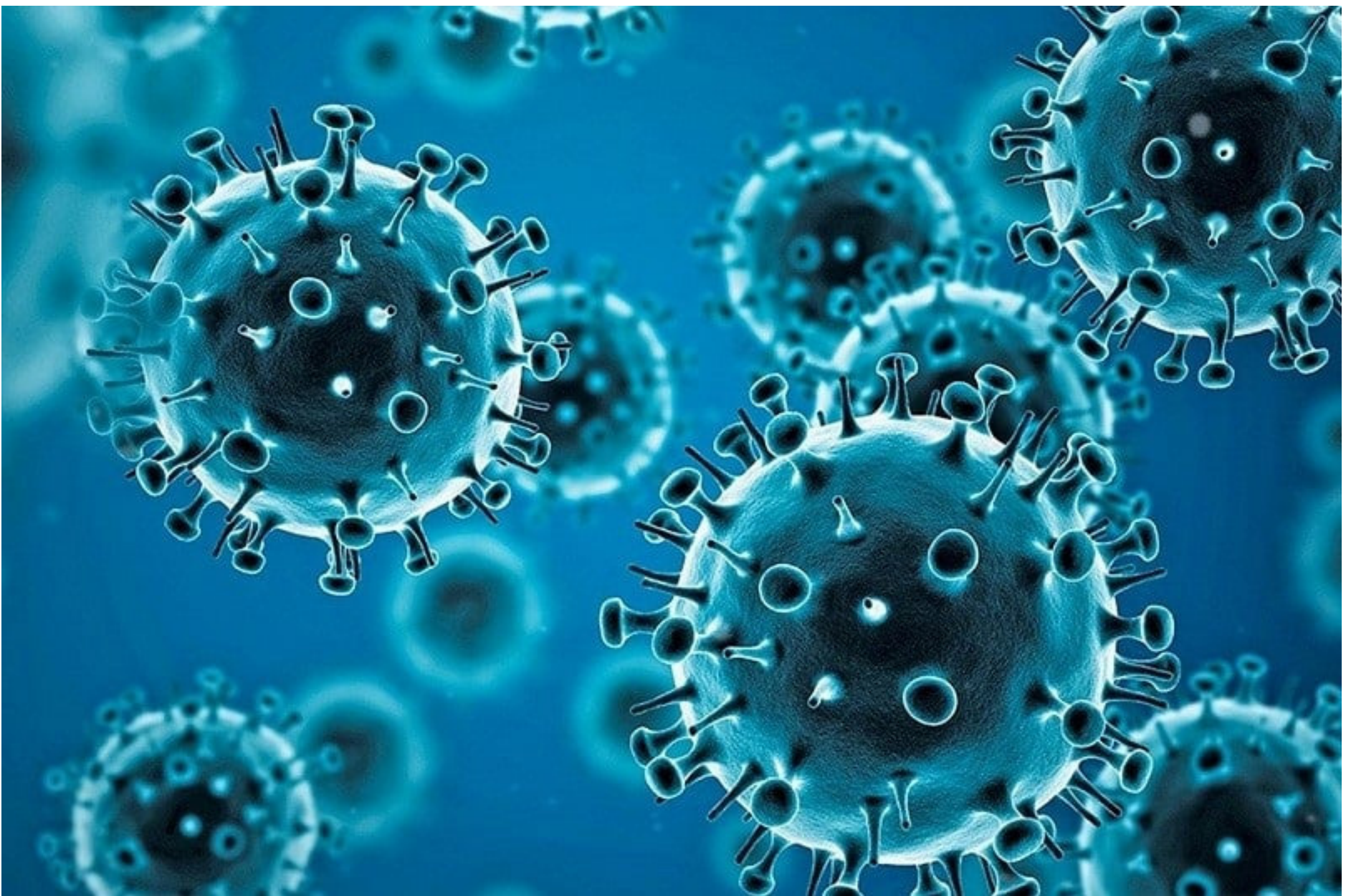
The union's legal arguments were:

Freedom of expression and belief: The union claimed that the ministerial orders violated the Charters. They felt that refusing to be vaccinated and choosing to take tests is a protected form of expression. However, the arbitrator found that these measures did not prevent employees from expressing themselves or maintaining their beliefs.

Right to life and security: The union argued that the ministerial orders infringed on employees' right to make important personal decisions, such as being vaccinated. Arbitrator Martin Racine acknowledged that the measures could have significant financial consequences but ruled that they did not violate the fundamental rights of employees, because they did not require them to be vaccinated.

Authority of the Minister of Health: The union objected to the Minister of Health having the authority to make these orders under the Public Health Act (PHA). The arbitrator found that the orders were intended to protect public health and are therefore justified.

Unreasonable working conditions: The union invoked section 46 of the Quebec Charter, which guaranteed fair and reasonable working conditions. The arbitrator ruled that this section cannot be used to invalidate ministerial orders, as they are considered to be equivalent to legislation.



Conclusion

The arbitrator dismissed the union's grievances, deciding that the ministerial orders were justified and in accordance with existing legislation. The measures are intended to protect public health and do not violate the fundamental rights of employees. The arbitrator accepts that, *prima facie*, the measures may have an effect on the autonomy of the complainants in that they constitute a significant inducement. In fact, the amount of \$1000 per month plus 4% or 8% of the annual salary significantly increases a person's income. If the plaintiffs are encouraged to be vaccinated, they are not forced to do so, although the choice they make has a significant financial consequence. The arbitrator added that these measures also protect vulnerable users and all staff.

<https://canlii.ca/t/jzxbm>

Several other decisions come to similar conclusions and others even further. In the United Steelworkers case, the Superior Court which was seized of a constitutional challenge to certain ministerial orders of the Minister of Transport of Canada that decreed mandatory vaccination in federally regulated marine, air, and rail transportation in the context of the pandemic. The consequences were severe, with refusal to be vaccinated resulting in unpaid leave or dismissal.

Here are some passages from this decision :

[197] According to the evidence, unvaccinated people represent a higher risk of developing more severe forms of the disease, with consequences on the absenteeism rate that jeopardize the proper functioning of the transport system.

[198] The measure is therefore not arbitrary.

[202] To the extent that mandatory vaccination is deemed necessary in the workplace, it ensues that the unvaccinated employee cannot work. Thus, although the impact of the measure is severe, it cannot be said that the measure is overbroad.

[211] Of course, the measure has an effect on the individual that is not trivial. As a result, the Tribunal concluded that it violated the right to liberty and security of the person. But this effect, important as it may be, remains proportionate to the objective, which is no less important.

[217] As we have seen, justifying a violation of Article 7 is not easy. But it can be considered in the context of exceptional situations such as epidemics. The COVID-19 pandemic has been recognized as corresponding to such a situation.

[246] The Tribunal concludes that the measure chosen respects proportionality in the sense that it constitutes the least intrusive measure that would have achieved the objective, considering the fact that the government has, in this context, a certain discretion in the choice of the measure.

<https://canlii.ca/t/jq3kf>

Based on these principles, there is at least the possibility that the decrees will be applied equitably for adequately vaccinated people.

An arbitration decision confirmed that the people who were entitled to the 4% and 8% premiums, who had them deducted from salary insurance benefits, were not discriminated against.

It is otherwise with an arbitral decision of arbitrator Zubrzycki. For example, a worker who was gradually returning from a bicycle accident could not have access to the so-called stairway premium. The union argued that the reason why he or she was not entitled to it was "disability". Had it not been for his or her disability, he or she would have received it.

The framework for analysis was to determine whether the effects of the decree could, directly or indirectly, be discriminatory. At first glance, the decree amending collective agreements and sectoral agreements in order to allow the payment of a "stairway" premium is neutral. It is an act that makes no distinction about a protected group.

The Union had to show that the Complainant was prima facie discriminated against. It showed that the complainant was disproportionately deprived of a benefit, being completely deprived of the premium despite working in a designated environment, because of a distinction on a ground set out in section 10 of the Charter of Human Rights and Freedoms, namely disability. This is in contrast to the members of the reference group who retained their eligibility for the premium despite an absence. They were therefore able to receive it according to the hours actually worked in a designated environment, despite absences. The loss of eligibility means that for the same benefit, the person protected for a reason provided for in section 10 is completely denied the working conditions of the comparator group, as if the benefit had a lesser value. Such exclusion destroys or compromises the right to recognition and exercise, on an equal footing, of human rights and freedoms.

This exclusion from the benefit or advantage of the "stairway" premium contributes to perpetuating stereotypes and prejudice, thereby destroying, or impairing the Complainant's right to recognition and full and equal exercise of his or her rights. The employer cannot discriminate in working conditions, which it does by excluding the Complainant from the benefits of the "stairway" premium on the grounds of his or her disability.

<https://canlii.ca/t/jw6v4>

SENIORITY WITH SANTÉ-QUÉBEC

SOPHIE BIBEAU



The mega-mergers began with the creation of CISSSs and CIUSSSs on April 1, 2015, and the premise to reduce bureaucracy, improve accountability, and increase access to care. However, in the workplace this resulted in hyper-centralization of services: recall lists, health and payroll offices... The end result? A slew of mistakes and confusing situations that were once easy to solve.

This centralization has also led to a tedious examination of different departments and services, comparisons, data entry to establish statistical tables, all this to standardize practices (leveling down) and save money ... to the detriment of quality.

As if that were not enough, Bill 15 was ratified. This law was imposed under gag order, forcing the merger of the institutions into one, Santé-Québec.

Hence, CISSSs and CIUSSSs become components of Santé-Québec regrouping more than 330,000 employees. Imagine the challenge to have a payroll error corrected in such a behemoth!

We are promised reductions in waiting times in the emergency room, a family doctor for everyone (this is no longer true) and recognition of network seniority. Life is good, in theory ...

Let us simplify for you the network seniority:

From December 1, 2024 and for a period of six months, seniority will be recognized as follows:

1. Recognition of past seniority for those who have worked in more than one establishment:

The employer recognizes all the seniority accumulated in other RSSS establishments. The employee must send a request to human resources and provide relevant documents. Seniority is recognized as long as the interruption of service in the health network does not exceed one year, even if this occurred 20 years ago! Some issues remain to be sorted out, including access to data prior to March 2018, when IT systems merged as a result of the latest mergers.

2. Recognition of seniority for staff hired from employment agencies:

The employer will recognize the seniority accumulated between March 13, 2020 and the date of hiring of those hired between February 23 and December 1, 2024, who worked in the network through a placement agency (MOI).

Changes of position and mobility between establishments:

As of December 1, 2024, an employee applying for work in a Santé-Québec unit, other than his or her own, will do so with zero seniority in the new position, as was already the case. However, following the probationary period, the person will regain his or her full seniority.

Eventually, once the merger process is over, employees will be able to apply throughout the network with their recognized seniority for their job category.

Please be aware that some questions remain unanswered, and we are closely monitoring the evolution of each situation. Do not hesitate to consult the FAQ created by Vincent Roy, VP, CPAS Public Sector.