

## AGREEMENT IN PRINCIPLE REGARDING SETTLEMENT OF PAY EQUITY COMPLAINTS



- *Settlement of complaints following the pay equity maintenance exercise carried out by the Conseil du trésor in 2010 and 2015.*
- *This settlement is not part of the agreement in principle for the renewal of the collective agreement.*
- *Discussions have taken place on the margins of the negotiation with the Conseil du trésor under the Pay Equity Act – an exclusive table with the FSSS-CSN.*

# CLASS 2 — Pay Equity Audit Complaints



- *Under the current provisions of the Pay Equity Act, the FSSS-CSN is the majority organization for most class 2 and 3 job titles and no settlement is valid without the FSSS-CSN's agreement. This is clearly specified in the Pay Equity Act and in our agreement in principle.*
- *The FSSS-CSN spearheaded this battle, as well as discussions with the Conseil du trésor.*
- *Members of other union organizations reap the benefits of the FSSS-CSN's battle as the majority organization.*



## 3215 – Senior pharmacy technical assistant

- Increase from rank 8 to 9, retroactive to December 31, 2010
- Adjustment of **3.82% as of December 31, 2010**
- At the top of the scale, this represents a pay increase varying from \$0.77 per hour retroactive to December 31, 2010 to \$1.00 per hour as of April 2, 2019 + interest (5%)
- Added to that are the new pay parameters (e.g. the pay of \$23.22 per hour as of April 2, 2019 becomes \$26.00 per hour as of April 1, 2022)
- Example: estimated retroactive pay at the top of the scale (36.25 hrs/week)  
**+ \$17,000.00 + interest**

## 3588 – Health and social services aide

- Increase from rank 7 to 8, retroactive to December 31, 2010 and 8 to 9, retroactive to April 1, 2020 (single rate)
- Adjustment of **3.72% as of December 31, 2010** and **2.80% as of April 1, 2020**
- At the top of the scale, this represents a pay increase varying from \$0.72 per hour retroactive to December 31, 2010 to \$0.87 per hour as of April 2, 2019
- Additional adjustment of \$0.65 per hour as of April 1, 2020
- Added to that are the new pay parameters (e.g. the pay of \$22.35 per hour as of April 2, 2019 becomes \$25.63 per hour as of April 1, 2022)
- Example: estimated retroactive pay at the top of the scale (36.25 hrs/week)  
**+ \$14,700.00 + interest**



## 3588 – Health and social services aide

- Contrary to the FTQ's announcement, health and social service aides will not be rank 9 when the agreement in principle is signed, i.e. in mid-2021, **but retroactive to April 1, 2020, including payment of interest to that date.**



## **3481 – Medical device reprocessing attendant**

- The 2010 and 2015 complaints are ongoing and the FSSS-CSN continues to make representations to the CNESST to win its case.

At the same time, the FSSS-CSN and the Conseil du trésor have agreed to continue discussions quickly to try to reach an agreement for this job title, if possible.

## 3224 – Class "B" technician

- The parties have agreed to a change in the scoring, as demanded by the FSSS-CSN, but this does not result in a change in rank.



## 6335 – Housekeeping attendant (light work)

- Increase from rank 2 to 3, retroactive to March 20, 2016
- Adjustment of **2.07% as of March 20, 2016**
- This represents a pay increase varying from \$0.37 to \$0.38 per hour retroactive to March 20, 2016 as of April 1, 2019 and \$0.32 per hour as of April 2, 2019 + interest
- Added to that are the new pay parameters (e.g. the pay of \$19.37 per hour as of April 2, 2019 becomes \$21.58 per hour as of April 1, 2022)
- Example: estimated retroactive pay (36.25 hrs/week)  
**+ \$3,300.00 + interest**



## 3480 – Beneficiary attendant

- Increase from rank 7 to 8, retroactive to March 20, 2016 and 8 to 9, retroactive to April 1, 2020 (single rate)
- Adjustment of **3.91% as of March 20, 2016** and **2.80% as of April 1, 2020**
- At the top of the scale, this represents a pay increase varying from \$0.81 per hour retroactive to March 20, 2016 to \$0.87 per hour as of April 2, 2019
- Additional adjustment of \$0.65 per hour as of April 1, 2020 + interest
- Added to that are the new pay parameters (e.g. the pay of \$22.35 per hour as of April 2, 2019 becomes \$25.63 per hour as of April 1, 2022)
- Example: estimated retroactive pay at the top of the scale (36.25 hrs/week)  
**+ \$7,600.00 + interest**



## 3505 – Attendant in a northern institution

- Increase from rank 7 to 8, retroactive to March 20, 2016 and 8 to 9, retroactive to April 1, 2020 (single rate)
- Adjustment of **3.61% as of March 20, 2016** and **2.80% as of April 1, 2020**
- At the top of the scale, this represents a pay increase varying from \$0.75 per hour retroactive to March 20, 2016 to \$0.87 per hour as of April 2, 2019 + interest
- Additional adjustment of \$0.65 per hour as of April 1, 2020 + interest
- Added to that are the new pay parameters (e.g. the pay of \$22.35 per hour as of April 2, 2019 becomes \$25.63 per hour as of April 1, 2022)
- Example: estimated retroactive pay at the top of the scale (36.25 hrs/week)  
**+ \$7,300.00 + interest**



## **3223 – Physiotherapy and/or occupational therapy attendant**

- Increase from rank 6 to 7, retroactive to March 20, 2016
- Adjustment of **3.66% as of March 20, 2016**
- At the top of the scale, this represents a pay increase varying from \$0.73 per hour retroactive to March 20, 2016 to \$0.80 per hour as of April 2, 2019
- Added to that are the new pay parameters (e.g. the pay of \$21.55 per hour as of April 2, 2019 becomes \$24.13 per hour as of April 1, 2022)
- Example: estimated retroactive pay at the top of the scale (36.25 hrs/week)  
**+ \$7,400.00 + interest**

# CLASS 3 — Pay Equity Audit Complaints



- *Settlement of complaints following the pay equity maintenance exercise carried out by the Conseil du trésor in 2010 and 2015.*
- *This settlement is not part of the agreement in principle for the renewal of the collective agreement.*
- *Discussions have taken place on the margins of the negotiation with the Conseil du trésor under the Pay Equity Act – an exclusive table with the FSSS-CSN and the FEESP-CSN.*



## 2101 – Administrative technician

- Increase from rank 13 to 14, retroactive to December 31, 2010
- Adjustment of **2.21% as of December 31, 2010**
- At the top of the scale, this represents a pay increase varying from \$0.57 per hour retroactive to December 31, 2010 to \$1.41 per hour as of April 2, 2019 + interest
- Added to that are the new pay parameters (e.g. the pay of \$29.05 per hour as of April 2, 2019 becomes \$32.32 per hour as of April 1, 2022)
- Example: estimated retroactive pay at the top of the scale (35 hrs/week)  
**+ \$15,200.00 + interest**



## 1206 – Librarian

- Increase from rank 20 to 21, retroactive to December 31, 2010
- Adjustment of 0% as of December 31, 2010, since this job class was above the pay curve
- However, there will be an adjustment of **5.07% as of April 2, 2019**
- At the top of the scale, this represents a pay increase of \$2.08 per hour retroactive to April 2, 2019 + interest
- Added to that are the new pay parameters (e.g. the pay of \$40.98 per hour as of April 2, 2019 becomes \$45.70 per hour as of April 1, 2022)
- Example: estimated retroactive pay at the top of the scale (35 hrs/week)  
**+ \$7,700.00 + interest**



**5289 – Library assistant**

**3251 – Reception attendant**

- The parties have agreed to a change in the scoring of these two job titles, as demanded by the FSSS-CSN, but this does not result in a change of rank.



**Administrative officer (classes 1 to 4)**

**Executive assistant**

**Assistant, university teaching**

**Medical secretary**

**Purchaser**

**Legal secretary**

- The 2010 and 2015 complaints are ongoing and the FSSS-CSN continues to make representations to the CNESST to win its case.

At the same time, the FSSS-CSN will continue discussions quickly to try to reach an agreement for these job title, if possible.

- The 2010 and 2015 complaints are ongoing and the FSSS-CSN continues to make representations to the CNESST to win its case, particularly for the following job classes (non-exhaustive list):

Group of physiotherapist job titles

Medical records archivist (team leader)

Dietician/Nutritionist

Dental hygienist

Speech therapist-audiologist

Neuropsychologist

## TERMS AND CONDITIONS OF THE AGREEMENT IN PRINCIPLE



# AGREEMENT TERMS AND CONDITIONS



- The FSSS-CSN undertakes to inform all of its members of this agreement and to champion it. Therefore, if employees do not wish to be bound by the agreement, the FSSS-CSN agrees not to represent them before the CNESST or any other body that must make decisions regarding their complaint.
- The increase in rankings set out in this agreement does not change the echelon held by affected employees nor the length of time they must remain in that echelon in order to move up the scales.
- **Retroactivity:** The amounts owing will be paid in a single payment, including interest at the statutory rate, by **December 1, 2021**.
- Time frames may be longer in certain cases, e.g.: people who have moved or have left their jobs.

# AGREEMENT TERMS AND CONDITIONS



Employees affected by a pay adjustment are entitled to retroactive pay in accordance with their length of service of an amount equal to the difference between:

- the pay they received for the period covered from the effective date of the new rates and scales that have been adjusted, with the exception of premiums, supplements and lump sum payments (these exceptions include premiums and lump sums paid as a result of ministerial orders due to the public health crisis).

**AND**

- the pay they should have received for that period through application of the new rates and scales.

**Within 60 days of signing of the agreement**, the pay rates and scales for the job classes or titles covered by a pay adjustment will be amended and included in the List of job titles, in accordance with this agreement.

# AGREEMENT TERMS AND CONDITIONS



- Within 90 days, the employer must give the union a list of employees who have left their jobs since the date of the pay adjustment affecting them, as well as their last known address.
- Employees whose jobs ended between the date of the start of retroactivity and the retroactive payment will have three years, as provided in the Civil Code, to request payment from their former employer to have the amounts paid to them.
- Following a request in writing from the employee, the employer must make payment within the prescribed time frame or within 60 days of receiving the request.

# AGREEMENT TERMS AND CONDITIONS



- The right to receive amounts owing to an employee can be exercised by the employee's successors, as the case may be.
- Subject to the amendments in this agreement, all other provisions of the collective agreement continue to apply.
- The remuneration rights and benefits set out in the collective agreements and that are the employer's financial responsibility will be adjusted as though the pay rates and scales had been applied on the dates they should have been.
- In accordance with the *Pay Equity Act*, pay adjustments made as part of the pay equity exercise form an integral part of the collective agreement.

## QUESTIONS AND ANSWERS







## **Retroactivity and deductions**

- Retroactivity refers to pay that employees have not received as of the date the pay adjustments are applied.
- Employees will therefore have the usual deductions that apply to that pay:  
Income tax (provincial and federal), contributions to Employment Insurance, CNESST, RREGOP, union dues, etc.

## **Retroactivity and disability insurance**

- For those who have received disability benefits, the employer must recalculate the amounts and if there is an adjustment, payment will be retroactive.

## **Retroactivity and the pension plan**

- For those who have retired, Retraite-Québec will recalculate the pension, and if there is an adjustment, payment will be retroactive;
- For all others, retroactive amounts will be taken into account when you retire;
- You don't have to do anything – the union and the FSSS-CSN will make sure the adjustments are submitted by employers.

- Anticipated date of posting: December 20, 2020
- Request for more time from the Conseil du trésor
- Main reason: to finalize the investigations of 2010 and 2015 complaints
- The CNESST agreed to the postponement until June 30, 2021
- Second request for a postponement from the Conseil du trésor
  - The FSSS-CSN opposed the new postponement
  - The CNESST has made no decision as of yet
- No invitation from the Conseil du trésor to meet with the unions as stipulated by the *Pay Equity Act*

## Ongoing work:

- Analysis of the survey of members and unions
- Analysis of the "events" taking place from January 1, 2016 to December 31, 2020 (legislative amendments, modification of workloads and responsibilities, job-related risks, change in qualifications, etc.)
- Representations as part of the 1<sup>st</sup> posting (June 30, 2021)
- Evaluation following 1<sup>st</sup> posting
- Representations as part of the 2<sup>nd</sup> posting expected September 28, 2021

It is important to note that since the last amendments to the Pay Equity Act, it is now possible to retroact to the date of the event.