

## **JACFA General Assembly Minutes**

January 18, 2006 at 5:30 p.m. — Penfield 204

John Abbott College

General Assembly President: Jim Leeke

### **1. Adoption of the Agenda**

Moved by Larry Weller

Seconded by Doris Miller

Adopted unanimously.

### **2. Adoption of the Minutes**

Moved by Peter Henbury

Seconded by Larry Weller

Adopted unanimously.

### **3. Announcements**

*Michel Milot:* Nine teachers from John Abbott are leaving for Caracas next week to attend the 6<sup>th</sup> World Social Forum which takes place from January 24 to 29, 2006. We were funded by FPDC up to 750\$. FNEEQ is bringing a delegation of 42 members.

#### **1.0 Financial Motions**

**VOTE**

**– 2006 Faculty Series / Simon Kevan Lecture - \$500.00**

***Motion: Be it resolved that JACFA contribute \$500.00 to the 2006 Faculty Lecture Series / Simon Kevan Lecture. — Moved by S. Stephenson, seconded by R. Haughey.***

*Sandra Stephenson:*

We originally asked the executive of JACFA to give us 750\$. We are planning two events; a Lecture and a Play developed by a Theatre Troup and are doing it for free. This theatre event is a “social” production and it was strongly suggested by some Faculty who saw it that we do it here at John Abbott.

*Jim Leeke:* There is a procedural problem here. I will accept to put the motion to 750\$.

Are there any questions on this issue?

*Peter Solonysznyj:*

I have no problem with the validity of what you are doing and the Lecture series, but my problem is with the JACFA finances at this point. We have to watch our expenses at the moment. The strike pay brought down our finances so we are trying to bring our expenses down.

*Paul Jones:* We have to assume the mistakes that we make. We knew that we were going to go on a 4-day strike. With the firing of Joel Hartt this lecture goes well with the Kafka ambience that exists at the College and will this 250\$ really going to make or break the finances of our union?

*Larry Weller:* Has the college put in any funds at all?

*Sandra Stephenson:*

Through the Peace Studies budget, they are giving money.

*Larry Weller:* The 250\$ could be given out by some other fund from the college rather than JACFA.

*Sandra Stephenson:*

Usually the money from JACFA goes for food but this year we will not be giving out any food and it will exclusively go to creating and making possible these two events.

*Larry Weller:* Could you try to get the money from other sources than JACFA and then try to give back the money to JACFA if you do find other sources?

**Stephen Bryce moved to amend the motion to reduce the amount to 500\$.**

Mike Turner seconded this motion.

*Stephen Bryce:* We have been spending a lot of money in the past year. We have reduced our strike fund from 240,000\$ to about 60,000\$. What are those funds for really? We have to look ahead now and four years from now we will be looking at a new contract... It's harder for us to accumulate a surplus now as CSN is taking a flat percentage of our dues. Of course we can afford this donation, but should we? Four years from now we should be in a position to do the same thing as we did last semester and be able to pay strike pay for our members. And if we approve everything that is asked, we will not have much of a strike fund later on.

*Thomas Monahan:*

I don't even know why we had strike pay and why we went on strike? I think that we have to protect our rights and we are arguing on a lecture that will cost us 250\$. I will personally fund the other 250\$ if the motion is defeated.

*Endré Farkas:*

We should continue to fund this lecture series, 250\$ is really nothing especially when the actors are doing it for free. This is not going to bankrupt our finances.

*Michel Milot:* Personally I am against strike pay as an individual; we should be able to do it for free. I do not think that the role of the Union is to do that. I would vote against the amendment and vote for the 750\$.

*John Serrati:* Can you tell me, it's not a lecture and it's a play? What is happening with the money?

*Sandra Stephenson:*

350\$ goes for the production. The Simon Kevan lecture series was originally made for matters of interest to us and across disciplines. Why theatre this year? We lost a faculty member under the most undue conditions and we are worried about certain social issues and wish to highlight these issues. We have never in the past sold tickets and have always offered this show free of charge.

*Andy Cuk:*

It is ironic that as a union we are supporting a troupe of “non-union actors” performing for free. I would be happier if you could try to get more money somewhere and pay the actors.

Steve Orlov called the question.

Seconded by Bill Tierney.

*Jim Leeke:*

How many people are in favor of voting for the amendment to the motion?

11 in favor

Majority are opposed, amendment defeated.

Motion was adopted with majority.

## **2.0 Decree – Agreement in Principle**

**VOTE**

### **FNEEQ Motion :**

**Whereas** the government of Quebec has passed legislation decreeing the salaries and working conditions of public sector employees;

**Whereas** the government has shown blatant disregard for the legal obligation of an employer to bargain in good faith;

**Whereas** FNEEQ has reached an agreement that limits some of the negative aspects of Law 142;

***Be it resolved that JACFA receive the Agreement in Principle signed on December 16, 2005 between FNEEQ-CSN and the Comité patronal de négociation des collègues (CPNC).***

***Be it further resolved that JACFA condemn both the imposition of a decree on public sector workers by the Quebec government, and the government’s odious and disgraceful behaviour in this matter.***

*Peter Solonysznyj:*

We are not exactly where we thought that we would be at this moment. I will try to start with the positive issues.

- The problem is that we had the wrong government, the government decided to use its legislative power to decree. It was originally a collective bargaining process, we were in a legal strike position, and everything was done as it should have been done.

- On Dec. 14 we were negotiating and the CPNC told the negotiators that there was supposed to be a decree the next day. They had had until 6:00 p.m. on that day to negotiate so it was Kafkaesque. On the Volet 1 issues, job security for non perms, chair release the CPNC did not want to negotiate. Then after hard negotiations and at the last minute, FNEEQ was able to have a separate agreement. This was the context that the negotiating teams were encountering. Here is the Agreement in principle and here is a motion to receive it.

**FNEEQ AGREEMENT IN PRINCIPLE:  
A CASE OF DAMAGE CONTROL**

On December 16, 2005, the National Assembly of Québec passed, using closure, Law 142 which determines the working conditions of employees in the Québec public sector until March 31, 2010. The law allows for the possibility of sectoral agreements between the employers and unions concerned to modify certain of its provisions. In an attempt to limit the damage caused by this nefarious decree, FNEEQ, along with several other public sectors union federations, managed to reach an agreement in principle before the legally-imposed deadline.

The JACFA General Assembly on Wednesday, January 18, 2006 will vote on a FNEEQ motion to receive the FNEEQ Agreement in principle. The JACFA Executive believes that, faced with the “choice” imposed on us by Law 142, the FNEEQ Negotiation Committee did the best it could to try and obtain some minimal improvements for our membership. In order for the modifications contained in the Agreement to take effect, FNEEQ must obtain a double majority of its member cegep unions (18/35) and of members voting. With a double majority, these provisions will take effect on February 1, 2006.

It is important to note the core provisions of Law 142 will still apply to us, no matter what we decide. Our new working conditions and salaries will not have been freely agreed to by the negotiating parties; they will have been imposed by government legislation. Law 142 also contains severe punitive measures preventing any stoppage, slow-down, reduction, or alteration of normal work activities. Penalties, including financial sanctions, are specified against unions, union officers, and individual union members. Learning from the past, the Charest Liberals have managed to show their competence in at least one area: repressive legislation.

On the next page, we compare the Agreement in Principle with the relevant provisions of Law 142 which would apply if the Agreement does not obtain the double majority.

	<b>Agreement</b>	<b>Law 142</b>
Salary	Dec 1, 2006 2% Oct 1, 2007 2% Aug 15, 2008 2% June 1, 2009 2%	Dec 1, 2006 2% Dec 1, 2007 2% Dec 1, 2008 2% Dec 1, 2009 2%
Pensions	status quo	status quo
Allocation	+122 FTEs in Volet 2 (≈2 FTEs for JAC)	0
Dept. Coordination Release	pay by CI calculation after 10 days guaranteed	status quo
Suppléance	pay by CI calculation after 10 days guaranteed	status quo
Withdrawal of Hiring Priority	grievable after either 1.5 years	status quo: not grievable before 3

	seniority, or 50% workload over two semesters, or full-time for 1 year	years seniority
Arbitration	Accelerated arbitration & mediation, loser pays arbitration costs, (except for disciplinary actions), effective Feb 1, 2006	loser pays arbitration costs in all cases, includes current grievances
Job Security	higher priority for MEDs due to program closure; new category of "voluntary" MEDs who can move outside the zone, non-perm priority after 9 years	absolute priority for MEDs over all non-perms

Allocation: Teaching jobs. In the law, = 0. In the Agreement they got 142 and there will be a fixed number that will be divided up by all of the FNEEQ colleges that will be assigned specifically for Volet 2 and JAC should receive about 2.

Chair release: In the Law it specifically says that it takes away the guarantee for chair release. What the agreement does is that it brings it down from 90% to 72%. At Gérald Godin they have programs only, no departments therefore no chair release.

Withdrawal of priority:

This is an improvement. In the agreement a new teacher, non permanent can grieve withdrawal of priority after 1-1/2 years.

Arbitration: When we file grievances, in the Law arbitration costs would be loser pays in all cases, including current grievances. This substantially increases Union costs. However in the Agreement we got an improved process to solve grievances and we do not have to pay.

Job Security: Meds and the costs of job security. What happens if you become a MED or Mise en Disponibilité. You have a guarantee of 80% of your salary until you retire. The actual costs are quite low, about 0,5%. In Law 142 they talk about college meds and meds will have absolute priority over non perms in any situation. You have to be placed someplace where you can do something. If you are a Med because they closed your program, after 2 years, they can send you out of your zone and force you to move. In the Agreement there is a higher priority in Meds when the programs close. There is also a new term called Voluntary meds. If there is a post somewhere, if you want to you can move, this is a voluntary med. For the government this helps them keep down their costs. Priorities of non-perms are if you have 10 years seniority and the Med does not have 10 years, you stay ahead of that Med.

I am not trying to sell this agreement to you, it is lousy, but it is better than Law 142.

*Michel Milot:* I will show you on acetate how repressive the measures are with Law 142.

**Bill 142 Division IV  
Obligation regarding the continuity of public services**

## Administrative measures

Articles	
<b>22-23</b>	at 00:01 Dec 16 work resume without stoppage, reduction, slowdown or alteration of normal activities
<b>28-29</b>	No person may, by <b>omission or otherwise</b> , in any manner prevent or impede the resumption or <b>maintenance (until 2010)</b> of the normal services of a public sector body or the performance of work related to such services by employees, <b>or directly or indirectly</b> contribute to slowing down, altering or delaying the performance of such work.
<b>25-26</b>	Union (JACFA) shall make sure that its members comply to section <b>22-23</b> and not contravene to <b>28-29</b>
<b>27</b>	CSN makes sure that JACFA makes sure that.....
<b>30</b>	When a public sector body notes that its employees are not complying with 22-23, it shall suspend collecting Union dues for 12 weeks ( <b>For each day or part of day where 22-23 are violated</b> ).
<b>31</b>	Despite any clause, employees are not obliged to pay their dues.
<b>32-34</b>	<b>For each day or part of day</b> where a public sector body notes that 22-23 are violated:  <b>Everyone: 2 days pay cut</b>  If JACFA calls for a strike or a concerted action contravening 25 (thus 22-23).  <b>Executive: 12 weeks pay cut</b>
<b>36</b>	<b>If 22-23 are violated</b> The government may replace, amend, strike out any clause of the Coll. Agr. and to hire scabs

## PENALTIES

<b>39</b>	<b>For each day or part of day</b> where a public sector body notes that 22-23 are violated: <b>Members: \$100-\$500</b> <b>Executive: \$7,000-\$35,000</b> <b>Union: \$25,000-\$125,000</b>
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### And finally; 42

Is also guilty of an offense, every person who helps or by encouragement, an advice, a consent, an authorization or an order any person to commit an offense under the present division.

### Question period:

*Doris Miller:* I have not seen anything in the news about this. This is unbelievably repressive and needs to be exposed; the Executive should bring this to the newspapers.

*Steven Orlov:* This is to prevent further action. What is different about this decree?

*Peter Solonysznyj :*

This is a variation on other laws. The punitive parts of Laws 142 seem to be taking into account court decisions and court rulings that have happened with the other laws. The lawyers are looking at the Law on the basis of challenging this. What is constitutional? There is no obvious problem constitutionally. The intent was to make it very effective and hit people where it hurts. It specifically outlaws any kind of boycott of extracurricular work, let's say that we boycott Open House, the Law says that JACFA cannot tell its members to boycott.

*Paul Jones:* There is more ambiguity on the Legal front. There are other fronts that this can be challenged on. There is a political battle. We need to confront Boisclair and see how he would apply it. It should be a priority to fight this unacceptable attack on trade union rights. I am not quite clear on what we are doing with this motion. FNEEQ had a mandate to negotiate on our behalf, am I wrong in thinking that we are basically telling FNEEQ that we agree with what they are doing? We are supporting FNEEQ on this?

*Peter Solonysznyj :*

Yes we are in effect approving something that has already happened. If we do not get the double majority, we get Law 142.

*Doris Miller:* Could you take your pension until 2010? Could you take one sick day until 2010? This is slavery.

*Violaine Arès:* How will this be implemented? Do we have a dress code? If I fall sick, am I breaking that law? How can Charest claim that he is taking his responsibilities by doing something like this? Traditionally the PQ has been friendly with Unions.

*Larry Weller:* The PQ has never been a friend to Unions. In 1982-83 we were torn apart in just the same fashion. The whole idea that there is a friendlier party is a joke and it is a seduction to vote for the other party.

*Michel Milot:* On the PQ issue Louise Harel and Diane Lemieux were really speaking against Law 142. And the next day they did not say a word, Boisclair must have said something. He knows that he will get the vote from the Union people; he wanted to get the other votes.

*Daniel Gosselin:*

I feel that we are almost out of order. I do agree that it is important that we get this info and I feel that this entente... I cannot imagine that I will vote for this entente, I cannot agree with half of an entente... it is almost insulting.

*Jim Leeke:* We need to concentrate on the motion that is there, or not receive it. Address yourself to this issue.

Peter Henbury called the question.

Seconded by Rémi Cardinal

2 opposed.

Majority agrees. The question has been called.

All those in favor? 36

Opposed: 9

Abstain: 1

The motion has been adopted.

*Jim Leeke:* Is there a motion to adjourn the meeting?  
The majority voted for ending the meeting.

/Jane Hannah, secretary.

/January 18, 2006 at 7:05 p.m.

/Revised February 11 , 2006