

PAFSO UPDATE – Summer 2010

It's been a busy past few months, and PAFSO has been hard at work on a wide range of issues affecting our members. Although there's no collective bargaining currently underway, the staff, Executive Director, and Executive Committee have been hard at work on Citizenship issues, EC-Co pooling, the PAFSO Awards Dinner, a photo contest and more. See below for the latest updates.

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Collective Agreement – Back pay has been issued

Since the time for issuance of back pay under the collective agreement has long passed, you should all have received your payments by now. This includes payment for time spent as *ab initio* on official language training. If you have not, we suggest you contact your pay adviser to find out what has happened. If you have any problems, please contact PAFSO (at info@pafso.com).

Progress in removing “second class” citizenship from FS Grandchildren

PAFSO took part in a press conference on April 20 organized by Ms. Bolduc of the Canadian Expatriate Association, regarding making our children born abroad "second class citizens". The text of our presentation is available at http://pafso.com/news_releases.cfm?newsID=100.

Parliamentarians Olivia Chow, Mauril Bélanger and Senator Jim Munson also spoke about their interest in the loss of citizenship for those working abroad. At his request PAFSO followed up with Mr. Bélanger to provide further information. The issue received reasonable (though not entirely accurate) coverage in the National Post (<http://www.nationalpost.com/scripts/story.html?id=2930925>) and various Sun papers (<http://www.torontosun.com/news/canada/2010/04/20/13658026-qmi.html> and <http://www.edmontonsun.com/news/canada/2010/04/20/13658151-qmi.html>).

Perhaps not coincidentally, the Government has recently introduced legislation that in our preliminary analysis would solve this problem for FS (and other public servants abroad). The Citizenship and Immigration website description is probably easier to understand at <http://www.cic.gc.ca/english/departement/media/backgrounders/2010/2010-06-10.asp> (last paragraph). The text of the Bill (C-37) is at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?Docid=4611208&file=4> , and a news release announcing introduction of the Bill on June 10 is at <http://www.cic.gc.ca/english/departement/media/releases/2010/2010-06-10.asp>

PAFSO will follow the progress of Bill C-37 and actively push to support its passage.

PAFSO Pushes to amend the Employment Insurance Act to avoid discrimination against spouses

PAFSO wrote a letter to Stockwell Day, head of the Treasury Board, on March 10, 2010 on the issue of EI discrimination against spouses of employees posted abroad. (see http://pafso.com/news_releases.cfm?newsID=97). The letter's contents were picked up by an article in the National Post (see <http://www.nationalpost.com/news/canada/Diplomats+Harper+military+benefits/2688142/story.html>). We received a reply dated April 30 saying Stockwell Day would forward a copy of our letter to Minister Finley. We have not yet received a response from Minister Finley.

In a somewhat related vein, Bill C-13, "An Act to amend the Employment Insurance Act" has passed the House of Commons passed on June 28th (see <http://www2.parl.gc.ca/Sites/LOP/LEGISINFO/index.asp?Language=E&Session=23&query=6977&List=toc>). The Bill defers parental leave benefits for military personnel required to return to duty, capping the extension at 104 weeks. While the Bill does not assist Foreign Service spouses, it does at least establish a precedent for amending the EI Act to address unfairness related to public service, an issue noted in comments by Liberal Sen. Sharon Carstairs, who said the Bill "only corrects one of many unforeseen "anomalies" in the Employment Insurance Act." – see article at <http://www.torontosun.com/news/canada/2010/06/29/14556551.html>

DFAIT proposal for pool management of CO and EC employees

In May DFAIT held a series of consultations on a proposal to pool CO and EC employees in the department. This proposal includes a suggested change to the assignment guidelines so that all employees managed in pools would be able to apply for all pooled

positions at equivalent levels (based on pay scales), including assignments abroad. In short, EC and CO employees at equivalent level would be able to apply for FS positions on an equal footing, and would also have precedence in assignment processes over pooled employees (including FS) who had qualified in promotional exercises but not yet been assigned to a position at level. Other elements of the proposal would also have a substantial impact on the FS group.

PAFSO strongly objected to this proposal in its initial form and aggressively raised the issue with senior DFAIT management both during and after the consultation period. We are confident that the department has taken our concerns to heart, and expect a favourable outcome when the final recommendations are released by the deputies.

Acting Pay for FSDP employees in FS-02 Positions

PAFSO would like to remind FSDP employees currently acting in FS-02 positions that they could be eligible for acting pay. Although DFAIT has claimed that FSDPs must wait 12 months before applying for acting pay, our Collective Agreement clearly states that employees performing at level are immediately eligible for acting pay upon assumption of the position. The department has yet to provide any written policy to the contrary. If you find yourself in this situation, we encourage you to raise the issue with your manager or with a PAFSO representative.

PAFSO Awards Dinner

The annual PAFSO Awards dinner took place on June 10, 2010. We would like to again offer our congratulations to the four winners: Patrice Nectoux, Jordan Reeves, Bushra Saeed, and Jean-Philippe Tachdjian. Full details are available at http://pafso.com/news_releases.cfm?newsID=101.

Photo Contest Results

We're pleased to announce the results of PAFSO's 2010 Photo Contest, "The World Through Canadian Eyes." The contest was a big success, with 125 entries from all over the world demonstrating the creativity and talent of PAFSO members.

This year's winner is Cindie-Eve Bourassa-Braun, who is currently posted in Abu Dhabi. The panel of judges (Daniel Marchand, Bernard Nguyen, and Jennifer MacNeil) were impressed by "A Perfect Life in the Desert" creativity, composition, perspective, and visual impact, and felt that the image best captured the experience of life in the Foreign Service. You can see Cindie-Eve's winning entry, accompanied by other superb photos submitted by our members, in the Summer edition of *bout de papier*.

Upcoming review of the Public Service Labour Relations Act and the Public Service Employment Act

The *Public Service Employment Act* and the *Public Service Labour Relations Act* were introduced in April 2006 with a requirement for a 5 year review. Bargaining agents have an opportunity this year to provide any comments or concerns with respect to these 2 Acts, which includes comments relating to the Public Service Staffing Tribunal.

PAFSO intends to provide comments focusing on problems some of our members have experienced some issues with the staffing process and the PSST. If you have any thoughts, please provide them to us (at info@pafso.com) We would particularly appreciate any specific thoughts you have about how those Acts could be improved.

CIC National Labour-Management Consultative Committee (NLMCC)

The Committee met on 31 March 2010. Among the subjects covered were the ongoing fiscal challenges facing the government and by extension departments, including CIC. The Deputy Minister reiterated that there are no plans for any workforce reductions in the FS group at CIC. Thus far the only workforce reduction action has been non-renewal of some term employees at CPC-Sydney. The next meeting is planned for July and will include a presentation on CIC's continuous learning and professional development opportunities and processes, and the opportunity for bargaining agent representatives to raise issues on this topic. Your PAFSO representatives currently plans to raise a couple of issues: the FS group's exclusion from the Careers Rendez-Vous Carrières program (successor to the Career Assignment Program or CAP), and the issue of limited access to training which imparts knowledge required for qualification in staffing processes (eg. to qualify as an FS-3 you need to meet the technical knowledge competency which includes "Uses corporate knowledge of management and HR theories and principles", but formal training on this subject is only normally available to officers in FS-3 positions, which seems to create a catch-22). If you have other issues to raise on this subject at CIC, please forward them to PAFSO or to sean.morency@cic.gc.ca. Records of decisions of the NLMCC are available via the Labour Relations intranet site on CIC Connexion at <http://cicintranet.ci.gc.ca/connexion/hr-rh/tools-outils/labour-travail/index-eng.aspx>

CIC Service Declaration and Standards

At the 31 March 2010 NLMCC meeting, CIC Deputy Minister Yeates informed bargaining agents of the upcoming release of the CIC Service Declaration, which would debut for FY 2010-11 and include specific service standards the department has publicly undertaken to meet and to be held publicly accountable for. The complete details are available online at CIC internet site at <http://www.cic.gc.ca/english/department/service->

[declaration.asp](#) . Of most interest to PAFSO members will be the commitment to finalize 80% of priority Family Class applications within 12 months of being received at CPC-Mississauga. Management has said this is the “low-hanging fruit” for the initial rollout of the service standards since it is already known to be within the department’s grasp, so there should not be additional work pressures on members at missions. Additional service standards will be developed taking into account CIC’s performance and experience in meeting the first standards. Important to note is the fact that individual employees will not be held responsible for meeting service standards.

Public Service Health Program Overseas (PSHP)

It has come to PAFSO’s attention that CIC is withdrawing its Medical Officers from participation in delivery of PSHP services overseas. PAFSO wrote to the Manager of the PSHP asking some additional questions about the effect of that decision on our members (see letter to Health Canada and response http://pafso.com/news_releases.cfm?newsID=102).

Pensions for PAFSO Members

There has been much discussion in the media about potential changes to the pension plans of Canadian civil servants. On February 15, 2010 we urged you to sign on to PSAC’s petition on this issue (see http://www.pafso.com/news_releases.cfm?newsID=96).

In response to that invitation we received a number of useful comments, some of them refining or taking issue with elements of petition and the associated “7 Myths of Public Sector Pensions”. We won’t seek to address those comments other than to say that while we may agree or disagree with elements of the PSAC petition, PAFSO believes that there is value in showing a united front on this issue.

We also see value in constructive dialogue with the government on this issue. Indeed, Ron Cochrane (in his role as Chair of the National Joint Commission, not solely representing PAFSO) has met with new Treasury Board President Stockwell Day to discuss concerns.

Pensions:

At his meeting with Minister Day he spoke about public service pensions and the employees concerns flowing from the C.D. Howe Institute report quoted in the newspapers that suggested the government should contemplate changes to the Public Service Superannuation Act {PSSA}. He cautioned Minister Day against looking at changes to the Act as part of a government stimulus package or deficit reduction. He noted that the pension issue was broader than the represented employees in the core public administration; it also touched the unrepresented public service, the military, the RCMP, the judiciary, members of parliament etc. He noted that the provinces and the

municipalities all had defined benefit pension plans and changes to the federal pension plan could send the wrong message to the employers both public and private about the funding of those plans. He noted any major change to the plan would not be taken lightly by the plan participants and could very well spark a negative reaction from those covered by it, leading to, productivity, morale, recruitment, loyalty, and retention issues.

As it stood then and now the government has not made any official statement on the Howe Institute Report indicting a view one way or another, so it would help immensely if the government would make a public statement, so the unions could stop shadow boxing and the employees anxiety levels could hopefully be reduced. Minister Day thanked Ron for his comments and indicted he would take them under advisement.

Other issues discussed at the meeting included: Public Service Health Care upcoming negotiations; PSMA Review; Program Review (decentralization of TBS policies to departments; Citizenship – second generation grandchildren; and Employment Insurance EI Benefits for returning spouses.

Treasury Board President Day heard these concerns courteously and agreed that an objective of the government is better pensions for all Canadians.

We will continue to follow up with Treasury Board and within our Departments on these issues. We invite you to make your personal views known to them (and to your member of Parliament) as well. If you have any specific suggestions for strategy or tactics on this issue, please address them to info@pafso.com.

FSD Update – New Policy on Relocation of Household Effects

DFAIT introduced a new policy with respect to shipment/relocation of household effects under FSD 15 – at <http://intranet.dfait-maeci.gc.ca/news-nouvelles/2010/03/0311-ACM-PostingChanges.aspx?lang=eng>. Except for 18 posts which are “all air” shipment posts, the change significantly reduces the ability to have an air shipment, unless it can be justified on an individual case basis.

PAFSO was not consulted on the change in policy, which we believed did not reflect the intent of the directive. It also appeared that TBS had not been consulted.

We note that FSD 15.01(d), requires that:

“In any relocation, the aim should be to relocate the employee in the most efficient fashion – that is, at the most reasonable cost to the public, and with minimal inconvenience to the employee and family.”

At the April meeting of the NJC Committee on Foreign Service Directives, the PAFSO representative raised our concerns that the new Policy did not reflect the intent of the

directive. In the subsequent discussion, it was noted that the Policy could be interpreted in a number of ways. DFAIT confirmed that the intent of the Policy was not to change the intent of the directive. It was agreed that the PAFSO Representative would submit suggested wording to DFAIT to clarify the Policy and Policy Notice.

In June, the PAFSO representative met with the author in DFAIT responsible for the drafting of the Policy on Relocation of Household Effects and discussed our concerns in detail. It was agreed that the Policy would be clarified as discussed and PAFSO would be consulted prior to publication to ensure that our concerns were addressed.

Essentially, where excess baggage and/or an air shipment is/are necessary and justified because of particular circumstances, this will be authorized, when the request is made in advance of the relocation.

What's on your mind?

If there's an issue that you feel PAFSO should be addressing, or news that would be of interest to our members, please don't hesitate to let us know! We'd be glad to hear from you at info@pafso.com.