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TO PURSUE NEGOTIATIONS
COHESION IS IMPERATIVE

The 600 delegates of the *Fédération des infirmières et infirmiers du Québec* met in a Federal Council meeting on August 30-31 to decide on the strategy to adopt and to draw up a plan of action for the pursuit of negotiations.



In her opening address to delegates, the president of the Federation, Jennie Skene, stated: "There is only one avenue that will lead to the improvement of nurses' working conditions, remuneration and conditions of professional practice, and that is the avenue of solidarity. We must not bring

into question the collective tool that nurses gave themselves with the merger of the three nurses' Federation almost 12 years ago and which was applauded by many observers as the most intelligent thing that nurses could do for the advancement of their cause.

The mobilisation of nurses and their solidarity have enabled us until now to make headway in negotiations on various subjects. But, our collective agreement is still not signed and we are faced with anti-labour legislation and severe penalties imposed by the government. Many nurses are disappointed and angry. We must draw on the difficulties we face to build our strength.

No, nurses have not abandoned the struggle for the recognition of nurses' work at its true value and for the improvement of their working conditions. Negotiations are not over and division will lead nowhere. We will wage this battle to the end and we will succeed if we stand together, united and strong.

The promotion and the defence of Quebec nurses' interests depends on our solidarity. Cohesion is imperative ! "

To pursue negotiations
THE OPINION OF CONSULTING EXPERTS

At the July 23-24 Federal Council, delegates voted a motion asking that the Executive Committee consult experts to help the Federation revise its strategy for the pursuit of the negotiations. Consequently, the Federation called upon four consulting experts who presented their opinions to the delegation.

All four consulting experts are specialists recognised for their extensive experience in the field of labour relations and negotiations: Michel Grant, professor of labour relations at UQAM, René Beaurpré, labour relations consultant, Me Robert Gagnon and Me Claude Melançon, both lawyers specialised in the field of labour law.

These experts introduced themselves to delegates by stating that they had accepted this invitation and that they had a lot of consideration and respect for nurses as professionals and union activists. Moreover, they added that they had formulated their opinion in a spirit of independence, honesty and openness.

The consultation was conducted on the three following points : the strategy, the back-to-work protocol, and the spokesperson at the bargaining table.

*Bargaining
strategy*

According to the consulting experts, after 23 days of strike, nurses still have public sympathy, and what's more, the government knows this. By rejecting the last government offers, nurses clearly indicated that they no longer trust the government. The ball is now in the government's hands: it must improve its offers and demonstrate that it wants to settle with nurses. The very credibility of the government is at stake.

As for strong pressure tactics, such as an illegal strike, the consulting experts consider that nurses

would have nothing to win from this in the short term. Instead, the use of such a pressure tactic could cause public support, which is crucial in bringing negotiations to a satisfactory conclusion, to wither away. Nurses should draw on the effects of this summer's strike and the problems experienced in the network to heighten the awareness of the population and to demonstrate to the government that nothing is settled. If it becomes necessary to have recourse to strong action, this should be done when the right to a legal strike is acquired.

With regard to nurses' demands, the consulting experts maintain that the FIIQ must continue to focus on nurses' specificity and to remain separate from the other labour organisations, which does not exclude the possibility of co-ordination with the other groups on general wage raises and other monetary issues.

They also consider that it is important to carry out the pay relativity process in order to support our demand for repositioning. Strategically, the interim report should be tabled at the same time as the mediation report, that is towards the end of October or the beginning of November. With these two reports, nurses will be able to evaluate the government's will to come to a settlement with them in this bargaining round and to publicly express their appreciation of the recommendations contained in these reports.

Since the rejection of the agreement in principle can bring the management party to bring into question points that have been negotiated, the consulting experts warned delegates against the possible danger of putting the entire collective agreement back on the table. Thus, they stressed the importance of identifying a limited number of issues on which to continue negotiations. The credibility of the organisation depends on this, because at the present time the government and management may have doubts as to the capacity of the FIIQ of reaching a settlement. Internal cohesion is crucial and imperative.

In the opinion of the consulting experts again, it will be difficult to conclude negotiations before the medi-

ation and pay relativity reports are completed. Mobilisation during mediation should serve to rebuild internal unity and to maintain the public visibility of the FIIQ.

Back-to-work protocol

The consulting experts are of the opinion that a back-to-work protocol that would erase all the penalties imposed by Bill 160 and Bill 72 cannot be stipulated as a pre-condition to the conclusion of a satisfactory collective agreement.

The conclusion of a protocol would require amending the law, which the government cannot do without the population knowing and without this having repercussions on the negotiations with the other union organisations in the public sector. However, the consulting experts believe that we should attempt afterwards to reduce the impact of these laws by exercising political pressure.

The FIIQ spokesperson at the bargaining table

Historical memory and continuity are essential in the present context to bring the negotiations to term. The consulting experts indicated that it would not be in the FIIQ's interest to change the spokesperson at this time. It would be a sign of internal division and would hinder the cohesion of members.

The presentation of the consulting experts were highly appreciated by the delegation and a long question period followed. The comments and opinions formulated by the experts were enlightening and they influenced the motions that were adopted during the debate on the negotiation priorities, strategy, and the plan of action.

ELEMENTS OF THE GENERAL CONTEXT IN THE NEGOTIATIONS

It goes without saying that the general context has greatly evolved since June 1, when nurses everywhere in Quebec took an hour of time back. After other actions such as the watch held on May 12 and the signing by the public of cards of support, this action truly triggered the beginning of the bargaining round.

Afterwards, there were other hours of recuperation, followed by two complete days on June 15 and 17. Then, on June 26, an unlimited general strike began and lasted 23 days in all. Finally, on July 24, after the rejection of the agreement in principle by members, delegates at a Federal Council meeting in Laval, decided to call on consulting experts for an external appraisal of the conflict

and a professional opinion on how to pursue negotiations.

The general context, internal as well as external, evolved as nurses exercised pressure tactics and monopolised public attention. The delegation examined various elements to analyse this new context.

The orientations of the Bouchard government

The government does not seem to want to depart from its zero deficit policy or from its wage offers of 5% over three years. Moreover, it persists in stating that it intends to use any budgetary surplus to further reduce income taxes, rather than to give higher pay raises to

government employees. In addition to this, there is the trend to increased government disinvolvement in the field of health for the benefit of the private sector.

Public opinion

The pressure tactics exercised by nurses made the public aware of the difficult working conditions they face on

a daily basis. They also brought to light the fact that nurses' remuneration is inadequate in relation to the responsibilities they bear and which are constantly growing with the change in clientele.

Public support is strong and unwavering, even after this summer's strike. The strike demonstrated publicly how the poor management of human, financial and material resources and the absence of planning at several levels places the health-care network in an untenable situation, a situation that has had serious effects on the services offered.

The bargaining rounds of the other union organisations

The general context of negotiations will be strongly influenced by pressure tactics that will probably be exercised this fall by other union organisations, especially the CEQ-CSN-FTQ common front. Moreover, certain bargaining issues concern all union groups, for example wage raises, the pension plan and parental rights. Without excluding the possibility that there be some co-ordination as to the general orientation of these

demands, the FIIQ reiterates that it will continue to conduct its own negotiation on all negotiable matters.

Mediation

At the July 23-24 Federal Council, delegates had voted to engage in the process for a legal strike which meant requesting mediation. This mechanism is necessary in order for nurses to be able to have recourse to strike action as a legal pressure tactic. However, it is important to note that mediation applies only to non-monetary matters and not to salaries.

A first mediation meeting was held on August 25, on the day the mediator, Mrs. Therrien, was appointed. The mediator's task will not be an easy one since she will have to bring the two parties to agree on issues that have already been negotiated.

In the best interest of nurses, it is important to identify and limit the issues to be renegotiated. The objective of reaching a negotiated and satisfactory settlement is of prime importance and we must do everything we can to make these negotiations a success.

The internal union context

It is undeniable that this summer's strike did not produce the expected results. The frustrations and anger of certain members and the rejection of the agreement in principle clearly demonstrated the breach of trust between nurses and the government. Moreover, the government stubbornly refused to negotiate a back-to-work protocol of any type.

The penalties that resulted from the illegal strike are severe and important: double salary penalty, suspension of automatic checkoff of union dues, absence of paid union leaves. In addition to these penalties, at the start, several employers adopted a very firm and very harsh attitude, in their interpretation of Bill 72. Recently, however, employers softened the tone somewhat, especially with regard to union leaves because these are necessary if they want a counterpart with whom to discuss working conditions. The pressure tactics exercised throughout the month of August probably contributed to this change of attitude. These pressure tactics included the boycott of meetings, the rigid enforcement of working hours, the strict appli-

cation of professional rules for all nursing duties.

The mobilisation of nurses and our bargaining leverage

The mobilisation of nurses grew remarkably since the spring and it is the envy of many other union organisations. Nurses

leverage (the support of the population and public opinion) to reach the best possible settlement: this is why it is important to rebuild unfaltering solidarity.

While mediation follows its course and work on relativity begins, we must make sure we maintain public support and therefore beware of using pressure tactics that



surprised everyone by their strength and cohesion. It is in large part due to this mobilisation that the nurses' struggle won the attention and support of the population. For the government, this mobilising force became the major enemy because it rallied the population against it.

Disappointed at not having reached all the objectives in a satisfactory manner this summer, many nurses are now demobilised. We must avoid division among nurses which would hamper the Federation's capacity to use its bargaining

would have consequences on the public. We must demand that the government show its good faith by settling the problems faced by nurses, by proceeding on the issue of pay relativity and by highlighting the contradictions of the health-care system for which the government does not propose any solutions.



The choice of issues to be given priority

for the pursuit of the negotiations



By rejecting the agreement in principle, nurses clearly indicated that the content of the tentative agreement is insufficient. In order not to create false hopes among members, delegates identified a limited number of issues on which negotiations should pursue. To do this, they revised the content of the tentative agreement, keeping in mind that its content can be questioned by one or the other of the parties.

Remember that though this tentative agreement was rejected as a whole, it contained several elements that responded to nurses' demands. Delegates had to take this into consideration. But delegates also had to identify, at this Federal Council meeting, what was missing in the tentative agreement and that caused it to be rejected. To do this, delegates reviewed the major changes in the work context of nurses in the past years: all sorts of budget cuts, closures and mergers of institutions, mergers of centres of activities, cutbacks in positions, layoffs, bumping and transfers. In addition to all this, there was the shift to ambulatory care, patients that are more acutely ill, the hectic pace of work, new models for the delivery of care, new nursing approaches, the introduction of new technology, the absence of in-service training and updating, shortage of personnel, overtime, etc.

In this context of deteriorating working conditions, it is not surprising that many nurses chose to retire. Nor is it surprising, as a matter of fact, that the rate of psychological distress among nurses has risen above 40%!

In the light of these considerations, the Federal Council came to the conclusion that the choice of issues to be dealt with in the pursuit of the negotiations must be guided by their effects on the attraction and retention of nurses.

It is with this in mind that delegates identified the elements that should be discussed in the pursuit of the negotiations. In addition to the elements already negotiated and that respond to our objectives, delegates recommend to local general assemblies that negotiations pursue on the following issues.

For short-term IMPROVEMENTS

Nurses' response and their mobilisation demonstrate that they have had enough and that they are determined to have their working conditions improve immediately. The first step towards such improvement is the recognition of the efforts made by nurses, on a daily basis, to maintain the quality of care.

Four demands, having immediate effects, were identified:

- remuneration
- the annual vacation
- statutory holidays
- part-time leave without pay

REMUNERATION

Automatic recognition of training

For many years now, nurses have asked that their training be recognised and remunerated. Indeed, whether it be one or several certificates or a baccalaureate degree, many nurses have academic training for which they are not remunerated while the knowledge they acquired is useful to them in their daily work. This situation must be corrected, and consequently the Federal Council recommends :

that any additional academic training be recognised and remunerated.

Pay relativity

In a context where there will be work on pay relativity, we believe that it is important to maintain our demand for repositioning of nurses with university training and those with CEGEP training. To this end, the Federal Council recommends :

that a nurse with university training be repositioned at least in rank 20 (the same rank as social workers).

that the salary of a nurse with CEGEP training, at the top of the salary scale, be 85 % of the salary of a nurse with university training (rank 20).

that these adjustments be retroactive to July 1, 1998.

General pay raise

In the counter-proposal we had made on June 15, salary demands for the first and second year of the collective agreement had been revised. However,

the third year had been left open to be negotiated in fall 2000 in order to take into consideration the results of a study on pay relativity and pay equity that would be completed by then.

At this point, we believe that it is better to completely separate these issues and to determine what will be our new salary demand for the third year of the collective agreement, and to reassert what will be the demand for the first and second year. The Federal Council therefore recommends :

That the general rates for the increase of salaries, premiums and supplements be :

2,5 % on January 1, 1999

3,5 % on January 1, 2000

4,0 % on January 1, 2001

Evening premium

Work on the evening shift is the source of much dissatisfaction. The inconvenience of working on this shift should be better compensated by a higher premium. Thus, better compensation for this inconvenience could help retain personnel on the evening shift. The Federal Council therefore recommends :

That the premium for the evening shift be 8%.



ANNUAL VACATIONS

The conditions provided for in the tentative agreement for the annual vacation period raised a lot of scepticism as to the will of employers to really shorten this period.

The fifth week of annual vacation after 20 years is a form of recognition of the work accomplished and a way of retaining more experienced personnel.

Finally, it remains important to allow spouses who work in the same institution to obtain their annual vacation leave at the same time.

To this end, the Federal Council recommends :

that the normal period for taking annual vacations extend from June 15 to September 15;



that a fifth week of annual vacation be granted after 20 years of service;

that spouses be allowed to have their annual vacations on the same dates.

STATUTORY HOLIDAYS

The fact that employees who work on Christmas and New Years are paid at straight-time rate was often raised as an object of nurses' dissatisfaction with the tentative agreement. The government's refusal to pay double-time rate to an employee who works on one or the other of these days is seen as a glaring lack of recognition of the obligation which nurses have to deliver health care twenty-four hours a day and seven days a week. The Federal Council therefore recommends:

that an employee who works on Christmas or New Year's Day be paid at double rate in addition to deferring the taking of the holiday.

PART-TIME LEAVE WITHOUT PAY

Due to the frantic pace of work and the heavy workload, nurse often feel the need to reduce their working hours on a temporary basis. To this end, the Federal Council recommends :

that be introduced in the collective agreement a part-time leave without pay.

For middle-term IMPROVEMENTS

Although certain demands do not produce immediate effects, they can lead to the improvement of working conditions in the middle term. The conversion of hours of replacement into positions, as stipulated in the July tentative agreement, is a measure that will improve working conditions and the quality of life at work, although it may take some time before the effects begin to be felt.

This is why, three demands that would have middle-term effects are recommended. They are :

- access to positions
- the organisation of work
- the development of human resources

ACCESS TO POSITIONS

The draft collective agreement presented last November proposed the abolition of the job titles of Baccalaureate Nurse and Baccalaureate Assistant Head Nurse and introduced new job titles that reflect the duties performed (liaison nurse, nurse consultant, clinical nurse) and revised the method for granting these positions. All these demands are part of a demand that is important for all nurses : access to positions. The Federal Council therefore recommends :

that the demands related to the issue of access to positions included in the draft collective agreement dated November 6, 1998, be taken up.

THE ORGANISATION OF WORK

Another important element for the attraction and retention of personnel : the organisation of work. Nurses know all too well the negative impacts of poor or inadequate work organisation. It is highly important that nurses take their

place on this question. Similarly, the lack of a common instrument to evaluate the work load that would make it possible in many cases to have enough personnel to deliver care. The posting of positions with less work hours than a complete shift is often raised as a factor that contributes to work overload and maintains a large number of nurses in precarious employment situations. Finally, the fact that employers delay in making transfers when positions are granted unduly postpones the stabilisation of regular teams, which is essential for good work organisation. In order to reach these objectives, the Federal Council recommends :

that be developed and implemented a process for gaining control over the organisation of work, as defined in the draft collective agreement, dated November 6, 1998.

that the parties have recourse to a tool for the measurement of the work load in cases of work overload.

that a work day be 7 hours or 7 1/4 hours (a full shift).

that an employee who obtains a position begin duty in the new position within 30 days following the end of the posting.

THE DEVELOPMENT OF HUMAN RESOURCES

Finally, the rate at which changes are introduced in nursing practice and the constant evolution of technology make it imperative that a human resources development plan be implemented in all institutions. Such a plan should also include measures to promote motivation and gratification at work, which are essential elements for the attraction and retention of personnel. Thus, the Federal Council recommends :

that a human resources development plan be implemented in all institutions, including measures for the attraction and retention of nursing personnel.

OTHER IMPROVEMENTS

Two specific demands also retained the attention of the delegates. They are:

- Regional disparities
- The part-time employee on union leave.

REGIONAL DISPARITIES

The specific situation and working conditions, and the isolation of nurses who work at the clinic on *Île-d'Entrée (Iles-de-la-Madeleine)* is very similar to the conditions experienced by the employees in the Far North and on the Lower North Shore.

In order to correct situation, the Federal Council recommends :

that *Île-d'Entrée* be classified in Sector III, for the purpose of the clauses on regional disparities.

THE PART-TIME EMPLOYEE ON UNION LEAVE

Although the proposed tentative agreement contained improvements with regard to the recognition of the rights of part-time employees on union leave, the Federal Council recommends that this recognition be extended as follows :

that a part-time employee on union leave be considered as being at work.



Although nurses have already taken a stand on each of these demands in the context of the consultation for the draft collective agreement, Federal Council delegates felt it was important that members take a stand and unite around the negotiations that should be brought back to the bargaining table. Thus, in the coming days, nurses will be invited to take a stand on the issues identified. In addition to certain elements already negotiated, these will be the only issues on which negotiations will take place. Thus, and given the stage which the negotiations have reached, nurses will not be able to add, delete or modify the contents of this proposal; rather they will be called upon to take a stand in favour or against the proposal as a whole.

TAKING ACTION

on all fronts

In July, Federal Council delegates had decided to request mediation and a first meeting was held on Wednesday August 25. Despite the fact the mediation has hardly begun and that this period is not appropriate for pressure tactics, delegates decided that it was important to prepare a plan of action that would enable nurses to reach their objectives.

The scope and the intensity of the pressure tactics exercised made the public highly aware of our demands and won its support. Delegates as well as the experts consulted evaluated that, at this time, recourse to strong pressure tactics such as the strike would not be productive. However, delegates believe that it is important that we continue to be present on the public scene, to constantly remind the government that it must negotiate in good faith and that it must improve nurses' remuneration and working conditions.

Thus, delegates decided to present to nurses locally a plan of action which is composed of Quebec-wide actions and local actions. Nurses will be invited in local general assemblies to take a stand on the plan of action proposed for the coming weeks to pursue the guerrilla begun in July and August.

At the Quebec-wide level

Visibility campaign to maintain public awareness

- Maintain the visibility of the Federation on the public scene by organising committees composed of nurses to greet the ministers involved in the negotiations in their visits. This operation will

involve nurses in almost all regions of Quebec, depending on the visits of the ministers concerned ;

- Co-ordinate and make public the declarations of non-respect of essential services by employers. These declarations completed locally will also be sent to the *Essential Services Council*, the *Comité provincial des malades*, and the *OIIQ*.

Local level

"Union working for members" campaign

- Quickly setting up committees provided for in Bill 72 (conversion of hours and the Committee on Nursing) and use union leaves paid by the employer to this end ;
- Take the necessary measures locally to have union leaves paid by the employer and boycott meetings with the employer if he refuses to grant participants paid leaves ;
- Force employers, by the conversion of hours of replacement, to post positions to reduce job precariousness and to ensure a certain stability in replacements ;
- Have recourse as often as possible to the new mechanisms of the Committee on Nursing to force employers to increase the number of nurses on regular teams by posting permanent positions in centres of activities and to improve the organisation of work.

Campaign Enough is enough ! Let us put the pressure on employers!

- Bring the Director of Nursing (DSI) or the person in charge of Nursing (RSI) to explain her positions on the accessibility of positions by various means ;
- Establish nursing priorities and begin by performing duties that cannot be performed by the other categories of employees in order to reduce the work load.
- Strictly enforce working hours and ask for overtime for any extra time worked.
- Refuse to compile statistics or complete administrative forms, or to accomplish any other task of a related nature, in order to devote all our time to the delivery of care and services to beneficiaries.
- Present to the administrator in charge of the institution the complaints signed by the nurses concerned, regarding the obligation to work overtime.

Once adopted by members, this plan of action will make it possible not only to pursue but to win the battle begun in June. The Bouchard government will have to understand that it has no other choice but to improve its offers on working conditions as well as salaries.



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