

PAFSO Tentative Agreement-Entente de principe à l'APASE



Foreign service workers reach tentative agreement with federal government

Deal ends longest strike in public service history



Foreign service officers rally on Parliament Hill in July. Photograph by: Julie Oliver , Ottawa Citizen

By Kathryn May, **Ottawa Citizen** September 26, 2013

OTTAWA — After staging the longest strike in public service history, Canada’s diplomats have reached a compromise with the Conservative government, bringing an end to a dispute that battered the country’s economy and its reputation abroad and may forever change the job action tactics of striking public servants.

The two sides reached an agreement after highly secretive talks this week to resolve the often acrimonious six-month strike, which is estimated to have cost the Canadian economy, particularly the tourism industry and universities, close to \$1 billion.

Neither side caved — or as Treasury Board President Tony Clement said during the strike, “folded like a \$3 suitcase” — but they did bend.

In a statement, Clement said the agreement is “consistent” with those reached with other unions and reflects the government’s “commitment to reaching fiscally responsible settlements that are fair to Canadian taxpayers and to employees.”

The Professional Association of Foreign Service Officers (PAFSO) didn’t get the wage increase it wanted to put the country’s 1,350 officers on the same level as their colleagues, but it struck a deal that got them more than halfway there.

The tentative agreement was signed Thursday afternoon and the union immediately stopped all strike and work-to-rule action around the world.

PAFSO president Tim Edwards said the union is “satisfied” and will now seek the approval of its members in a ratification vote.

Foreign service officers — who work for the Department of Foreign Affairs, Trade and Development, Citizenship and Immigration Canada and the Canada Border Services Agency — have been without a contract since June 2011.

“This agreement was reached through compromises on both sides,” Edwards said. “We salute the spirit of constructive engagement which our employer brought to our latest discussions. This deal is a victory for free and fair bargaining in the federal public service.”

Despite the deal, many say the fact the strike outlasted some of the legendary postal worker disputes signals that the Conservatives are prepared to play hardball as all federal unions gear up for the next round of bargaining in 2014.

The diplomats were the first public servants to square off against the Conservatives since they came to power in 2006. The union’s perseverance surprised many, with newly-minted president Edwards matching Clement’s stubbornness with a persistence and tact that some say should become a model for all other federal unions.

The strike began over pay but quickly turned into a battle for respect and recognition, a tack that seemed to keep members’ support from flagging. It was also about dispelling the outdated stereotype of the high-living diplomat, one at odds with the reality of a post-9/11 world in which foreign service officers are often posted to conflict areas.

In fact, Edwards said the image of the coddled diplomat that Treasury Board tried to perpetuate in its communications strategy during the strike only “heightened the determination and unity” among members.

But the heart of the strike was the growing wage gap between foreign service officers and other professionals doing the same work in the same office, both at home and abroad.

There are four levels of foreign service officers and, depending on their level, they are paid between \$3,000 and \$14,000 a year less than economists, commerce officers, policy analysts and lawyers.

Until now, the government refused to pay beyond the “pattern settlement” of a 5.2-per-cent raise given to all other employees over three years. It argued that foreign service officers were well-paid, received generous perks and said the pay couldn’t be that bad because it had no shortage of people lining up for jobs.

PAFSO said the government could have settled much earlier, claiming agreements had been reached with other unions that put more money into the pockets of employees such as lawyers, prison guards, engineers and architects than the “pattern settlement.”

The compromise the two parties finally reached is worth about \$2.5 million over the life of the contract, \$1.7 million less than a proposal the union said would wipe out the wage gap.

PAFSO is the second-last of 18 federal unions to settle with the government since a contentious round of bargaining to take away severance pay for voluntary departures began several years ago. Only the border guards, a traditionally militant bunch, have yet to settle.

Other federal unions see Clement’s hardball position against the diplomats as a sign of what’s to come in the next round of bargaining in 2014; the flashpoint of this round will be the government’s plan to replace the existing sick leave regime with a new short-term disability plan.

Union leaders are girding for a battle and they say the foreign service strike has hardened their resolve to work together. This stance partly led to an unprecedented meeting in Montreal several weeks ago to develop a common strategy when they face off against Treasury Board next year.

Lisa Blais, president of the Association of Justice Counsel, said the strike will be a case study and model for all unions.

“Hats off to PAFSO, I think they did a wonderful job ... The way they rallied their members and kept them united was done with class and discretion and they took the high road on doing whatever they had to do,” she said.

The strike also made law. The Public Service Labour Relations Board rapped the government for bargaining in bad faith in a ruling that will set a precedent for future complaints involving the duty to bargain in good faith. In addition, another ruling on the union’s use of the department’s email system to e-picket sets new boundaries for unions using electronic job action.

PAFSO is one of the smallest and least militant of the federal unions. It had been on strike only once before, in 2002, and didn’t even have a strike fund until the year before that.

But this strike was a long time coming, and the issues that drove workers off the job have been festering for years. Various studies in the early 2000s found that foreign service officers were the lowest-paid professionals in the public service and that their pay lagged way behind their American counterparts.

The union dramatically shifted its tactics in 2001 when it hired Ron Cochrane, a longtime union negotiator for the Public Service Alliance of Canada, who led members on their first strike. Cochrane has since become the dean of the federal labour movement and is the first union employee, rather than union leader, to co-chair the joint union-management National Joint Council.

The union made some gains but the wage controls imposed by the Conservatives after they came to power further widened the wage gap.

The strike began on April 2 with members employing “soft tactics,” such as staging e-pickets and lunchtime information pickets, refusing to use their BlackBerrys after hours and dressing down at work.

But slowing down the processing of visas proved the most effective and disruptive tactic. Rather than a mass walkout, the union sporadically withdrew services at embassies in such cities as Beijing, Hong Kong, Shanghai, New Delhi, Chandigarh, Manila, Mexico City and Sao Paulo.

The move worked because under the Public Service Labour Relations Act, the government can't lock out workers. The unpredictable temporary strikes disrupted service and wreaked havoc because managers didn't know where services would be withdrawn.

The Tourism Industry Association of Canada begged the parties to settle before the summer holiday peak and likened the dispute to retail clerks striking at Christmas. It predicted the visa backlog would cost the tourism industry \$280 million.

Similarly, Canada's universities and colleges said the delays would jeopardize the arrival of thousands of foreign students who need visas to study in Canada and pump billions into the economy during their stays.

The strike also left relations strained. Clement came out swinging from the start, portraying foreign service officers as a pampered and privileged class. The union discovered Foreign Affairs officials were monitoring its emails to members and the department ultimately blocked the union's messages to members' work addresses. Foreign Affairs threatened to discipline and even fire employees who used federal email systems to e-picket.

Management refused to go to PAFSO's awards banquet to honour the work of outstanding foreign service officers. The department pulled temporary workers — who typically fill in abroad during peak times or to cover vacations — out of their postings and sent them home if they participated in the strike. Most recently, PAFSO urged its members to make donations directly to the United Way rather than make the department and its executives look good by taking part in the workplace campaign.

While the tentative agreement resolves some pay issues, many expect the slew of allowances foreign service workers and all other public servants receive when they are posted abroad will be on the table when they are reviewed this fall. PAFSO is braced for another fight if the

government presses to reduce the allowances, which could water down the monetary gains the union won for members in this week's agreement.

Colin Robertson, a former diplomat and one-time PAFSO president, said the strike dragged on longer than necessary because the government wanted to show the other unions "they mean business" when the next round of collective bargaining begins.

But he argued a big outstanding issue remains after the settlement — what kind of foreign service the government wants. He said the strike, led by "the most white-collar of the unions," showed that "government may respect individual foreign officers, but after seven years, there is not a lot of confidence in the service, which is unfair and unfounded."

Ian Lee, a professor at Carleton University's Sprott School of Business, said the strike was as much about the Conservative party positioning itself as the defender of the ordinary Canadian in the next election.

He said the prolonged strike was "a gift from heaven" for the Conservatives to get out their message that they will be tough on unions and will rein in the costly benefits and pensions of public servants.

The government deliberately exploited the image of foreign service officers as the pampered elite of a privileged public service who enjoy pensions and benefits that are the envy of most Canadians, he said.

"I think PAFSO played into the hands of the Conservatives. No matter how legitimate their cause, the outside observer still sees the stereotype that they lead the life of Riley, living in exotic places, highly educated, hobnobbing with the powerful. Ordinary Canadians see the public service as an elite, and the foreign service is the elite of the elite," said Lee.

"They are facing a tough year in 2014 for collective bargaining and they will play real hardball. They couldn't cave on their demands because that would undermine the message they want in the bargaining and lead-up to the 2015 election. It's a policy-driven and politically driven message, but it's part of their philosophical outlook. They feel public servants have to be reined in because their benefits and wages are superior to the rest of Canadians."

The logo for LeDroit, featuring the word "LeDroit" in a bold, red, serif font. The "L" and "D" are significantly larger than the other letters. The logo is set against a light grey rectangular background.

Fin de la grève chez les diplomates canadiens



Une entente de principe est survenue en fin d'après-midi, jeudi, entre l'Association professionnelle des agents du service extérieur (APASE) et le Conseil du Trésor. Étienne Ranger, Archives, LeDroit

Le Droit, 26 septembre, 2013

Une entente de principe est survenue en fin d'après-midi, jeudi, entre l'Association professionnelle des agents du service extérieur (APASE) et le Conseil du Trésor.

L'APASE estime que cette entente de principe «constitue une victoire marquante» pour les diplomates canadiens. Les syndiqués obtiennent notamment l'ajout d'un nouvel échelon de rémunération pour réduire l'écart salarial entre certains employés selon un document obtenu par LeDroit.

Cette entente est le fruit de plusieurs jours de négociation entre le syndicat des diplomates et le Conseil du Trésor après que celui-ci eut manifesté son désir de régler le conflit.

«Cette entente de principe témoigne de l'engagement du gouvernement de parvenir à des règlements prudents sur le plan financier, qui sont équitables pour les contribuables canadiens et pour les employés. Le règlement est le fruit des efforts déployés par les deux parties pour parvenir à une entente qui correspond à ce qui a été accepté par d'autres employés des secteurs public et privé», a déclaré le ministre Tony Clement.

Toutes les mesures de grève sont suspendues jusqu'à l'adoption de l'entente de principe par les membres de l'APASE. Leur convention collective était échue depuis juin 2011.

Striking diplomats make pay gains in tentative deal

Foreign service officers end strike after reaching tentative agreement with government



Canada's foreign officers are halting their job action after reaching a tentative deal, both sides confirmed today, effectively ending one of the longest strikes in the federal public service. (Charles Dharapak/Associated Press)

By Susana Mas, Laura Payton, **CBC News** September 26, 2103

Canada's striking diplomats have moved closer to the pay equity they wanted, according to details of the tentative agreement provided to CBC News.

The agreement between the union representing foreign service officers and the Treasury Board effectively ends one of the longest strikes in the federal public service. Both sides announced the news on Thursday afternoon.

The agreement, which still needs to be ratified by union members before it can be put in place, moves the union members much closer to salaries equal to other civil servants who do similar work and who sometimes take the place of foreign service officers on postings abroad.

The deal is expected to cost \$2.5 million, about 60 per cent of the \$4.2 million sought by the union.

Tim Edwards, president of the Professional Association of Foreign Service Officers (PAFSO), posted the news on Twitter, saying that the two sides had reached a settlement, adding that all strike measures would cease immediately.

"Good news for free collective bargaining," Edwards said.



Treasury Board President Tony Clement, right, posted this "selfie" photo on Instagram after he and PAFSO president Tim Edwards, left, "signed a deal that is good for taxpayers & FSOs." (Instagram)

In a written news statement, Treasury Board president Tony Clement said he was pleased to announce the two sides had reached a deal.

“The settlement represents the efforts of both parties to reach an agreement that is aligned with what was accepted by other public- and private-sector employees,” Clement said.

“This is the same balanced and consistent approach which has allowed the government to settle 26 of 27 collectively bargained agreements in the core public administration.”

Salaries would increase

A Facebook message posted privately to union members and obtained by the CBC lays out the proposed agreement.

New pay steps have been added to two of the salary bands, or ranges, with another band having the lowest two steps deleted, so employees in that band start at a higher wage.

Pay steps are gradually increasing pay rates within a salary range.

The wage gap between the more junior FS-02 level of foreign service officers and the same level of commercial officers, who had been earning more, is eliminated, with two new pay steps added. Those workers will get 4.5 per cent increases per step up through the pay scales, rather than four per cent.

The gap between the FS-02s and two competing groups, the commercial officers and economic officers, is small enough "to be considered 'at equivalent level,'" the union said to its members.

The wage gap between the more senior FS-04 level and the most junior level of public service executives is eliminated with the addition of one new pay step, the union told its members, putting the foreign service officers \$875 higher at their maximum level.

The mid-range FS-03 level of foreign service officers are losing their two lowest pay steps in the range, bringing the new starting rate for the salary band to \$86,604.

The high end of the FS-03 salary range will be almost \$110,000 under the new agreement.

Union recommends deal

The F3-03 level is a particular irritant between the union and the government, because there hasn't been a competition to enter that level for several years, leaving many diplomats frozen at the lower FS-02 level as younger colleagues catch up to the same level.

All foreign service officers will get raises of 1.75 per cent, 1.5 per cent and two per cent over the next three years of the contract, in line with other public service settlements. The total 5.25 per cent includes a 0.75 per cent increase to compensate for the loss of severance pay available to public servants who resign or retire.

The contract expires June 30, 2014.

In an interview with CBC News, PAFSO member Chrystiane Roy said: "We are elated. We are very very happy that this is finally over."

Roy said that Treasury Board officials approached the union last week wanting to reach a deal.

She said Clement hosted them today and they signed the agreements together. Roy said PAFSO will recommend the deal to its members and hopes to have a ratification vote within 10 days.

Labour board ruling spurs action

NDP Foreign Affairs critic Paul Dewar welcomed the news, adding that the dispute could have been avoided if the Conservatives had negotiated in good faith.

"Canada's international presence depends on the patriotic dedication of our talented foreign service officers. Our diplomats take on personal risk and hardship in being posted abroad — they deserve our respect and gratitude for their service to our country," Dewar said in a written statement.

The Public Service Labour Relations Board ruled two weeks ago that the federal government had been bargaining in bad faith in its negotiations with striking diplomats.

The government "violated its duty to bargain collectively in good faith and make every reasonable effort to enter into a collective agreement," concluded the board in its 27-page decision.

Roy said PAFSO believes that ruling helped spur the government to come back to the table.

The federal government signalled its intent to appeal the ruling with the Federal Court, as a way "to preserve all available options."

Foreign service officers were in a legal strike position since April 2.

The union representing the striking diplomats maintained there was a wage gap of up to \$14,000 between diplomats and other government professionals.



PAFSO Press Release

26 September 2013 - Canada's Foreign Service Officers Reach Tentative Agreement with Federal Government

The Professional Association of Foreign Service Officers is pleased to announce that a tentative agreement has been reached with the Treasury Board of Canada to end our six-month labour dispute.

"PAFSO is satisfied with this deal," said PAFSO President Tim Edwards. "This agreement was reached through compromises on both sides," continued Edwards. "We salute the spirit of constructive engagement which our employer brought to our latest discussions. This deal is a victory for free and fair bargaining in the federal public service."

With the signing of this tentative agreement PAFSO has ordered an immediate suspension of all strike measures and work to rule. The agreement requires ratification by the PAFSO membership and approval by the full Treasury Board. PAFSO's Executive Committee and Treasury Board president Tony Clement have agreed to recommend acceptance of the offer.

"We are pleased that the Government has recognized the tremendous value and dedication which Foreign Service Officers provide to Canadians and their elected representatives," said Edwards. "It has been a hard-fought battle and I would like to salute the unity, resolve, and stamina of our members in securing a fair and equitable deal. We're excited to get back to doing the work we love, promoting and protecting Canada's values and interests abroad."

The 1,350 Foreign Service Officers have been without a contract since July 1, 2011 and in a legal strike position since April 2, 2013. This agreement concludes the longest federal public service strike since the introduction of collective bargaining in 1967.

Communiqué de presse de l'APASE

26 septembre 2013 - Les agents du Service extérieur du Canada concluent une entente de principe avec le gouvernement fédéral

L'Association professionnelle des agents du Service extérieur (APASE) est heureuse d'annoncer qu'une entente de principe a été conclue avec le Conseil du Trésor du Canada. Cet accord met fin à un conflit de travail qui dure depuis six mois.

« L'APASE est satisfaite de cette entente, » a déclaré le président de l'APASE, Tim Edwards. "Cet accord a été conclu grâce à des compromis des deux côtés," a poursuivi M. Edwards. « Nous saluons l'esprit d'engagement constructif dont notre employeur a fait preuve pendant ces discussions finales. Cet accord est une victoire pour le principe de négociation libre et équitable dans la fonction publique fédérale ».

Avec la signature de cette entente de principe, l'APASE a ordonné la suspension immédiate de toutes les mesures de grève et la grève du zèle. L'accord doit être ratifié par les membres de l'APASE et approuvé par l'ensemble du Conseil du Trésor. Le Comité exécutif de l'APASE ainsi que le président du Conseil du trésor se sont entendus pour recommander l'adoption de cette entente.

« Nous sommes heureux que le gouvernement ait reconnu l'immense valeur et le dévouement que les agents du Service extérieur offrent aux Canadiens et à leurs représentants élus, » a déclaré M. Edwards. « Cela a été une dure bataille et je tiens à saluer l'unité, l'endurance et la détermination de nos membres afin d'obtenir un accord juste et équitable. Nous sommes très heureux de reprendre ce travail que nous aimons, soit de promouvoir et protéger les valeurs et les intérêts du Canada à l'étranger. »

Les 1350 agents du Service extérieur sont sans contrat de travail depuis le 1^{er} juillet 2011 et en position de grève légale depuis le 2 avril 2013. Cet accord conclut la plus longue grève de la fonction publique fédérale depuis l'introduction de la négociation collective en 1967.

Statement by the Honourable Tony Clement, President of the Treasury Board – Professional Association of Foreign Service Officers Tentative Agreement

For immediate release
September 26, 2013

Ottawa – On September 26, 2013, the Honourable Tony Clement, President of the Treasury Board, made the following statement:

"I am pleased to announce that today, Tim Edwards, President of the Professional Association of Foreign Service Officers (PAFSO), and I have signed a tentative agreement.

"This tentative agreement reflects the Government's commitment to reaching fiscally responsible settlements that are fair to Canadian taxpayers and to employees.

"The settlement represents the efforts of both parties to reach an agreement that is aligned with what was accepted by other public- and private-sector employees.

"This is the same balanced and consistent approach which has allowed the Government to settle 26 of 27 collectively bargained agreements in the core public administration."

Déclaration de l'honorable Tony Clement, président du Conseil du Trésor – Entente de principe avec l'Association professionnelle des agents du service extérieur

Pour diffusion immédiate
Le 26 septembre 2013

Ottawa – Le 26 septembre 2013, l'honorable Tony Clement, président du Conseil du Trésor, a fait la déclaration suivante :

« Je suis heureux d'annoncer que Tim Edwards, président de l'Association professionnelle des agents du service extérieur (APASE), et moi avons signé aujourd'hui une entente de principe.

« Cette entente de principe témoigne de l'engagement du gouvernement de parvenir à des règlements prudents sur le plan financier, qui sont équitables pour les contribuables canadiens et pour les employés.

« Le règlement est le fruit des efforts déployés par les deux parties pour parvenir à une entente qui correspond à ce qui a été accepté par d'autres employés des secteurs public et privé.

« Il s'agit de la même approche équilibrée et cohérente qui a permis au gouvernement de conclure 26 des 27 conventions collectives dans l'administration publique centrale. »