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## First General Assembly

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**Tuesday  
October 4  
at 5:30 p.m.**

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Well, it is good to be healthy again and back at work, though my enthusiasm about returning to Abbott has been tempered by the tragic passing of one of our dear colleagues, Kirk MacGeachey of the Geoscience department. Kirk lit up many a faculty night, with his gentle choruses, evocative music, and mellow vocals. He will be sadly missed by the members of the faculty association.

No less disturbing were the recent events at Dawson College. I have a close friend who teaches there and was holed up in her office with several students and teachers, while gun shots ricocheted around them. It was a harrowing experience that I know we all hoped would never happen in a Quebec college environment. I know many of you have been similarly unnerved by stories told by family members and friends. Please rest assured that the Executive will be discussing this issue with the College's Health and Safety Committee and the Psychological Harassment and Violence in the Workplace Committee. If you have any specific concerns that you would like us to address, please call me at 5505.

### Evaluation of Teaching

On the agenda for our first General Assembly on Wednesday, October 4, is a vote on the local agreement on the Evaluation of Teaching. You received a copy of the College's policy and the local agreement on the Evaluation of Teaching in your mailbox on September 5. Information sessions are being held before the General Assembly and the last one is on September 26 in P-176 at 5:30. We need your feedback, senior and junior teachers alike.

### Make-up Days for Strike Days

You may remember filing complaints after our strike days last year because the College imposed pay cuts and make-up days for strike day. In case

you were not aware, the CRT (Commission des relations de travail) ruled last May 17, that Colleges were complying with the law and the Government's budget rules when they imposed pay cuts and make-up days for the strike days in 2005, FNEEQ deplores this judgement and is appealing it.

### Pay Equity Resolution

On a better news note, the pay equity dispute between the unions and the government was resolved last June. It was a long battle and it demonstrates Quebec unions' commitment to ensuring equality in the workplace for women. The settlement resulted in a pay increase for primary and secondary school teachers. Since our union federation, FNEEQ, effectively argued that we are not the same job category as primary and secondary school teachers and must be paid more than them, Cegep teachers should also receive a pay increase. The intervals between levels 17 and 20 will be adjusted so that they are equal in size, with no increase at level 20. Of course, everyone will receive our decreed 2% pay increase on December 1.

Details on all of the above issues can be found if you read on. You'll also find other items of interest concerning our new insurance plan, Fondaction (our labour-sponsored RRSP) and the last FNEEQ meeting. We are still analyzing the results of the JACFA Omnivox survey and we will be presenting them later in the semester. We have also included a short bio on our newest

Executive member, Clea Notar of the Creative Arts department. She has very quickly become a member of the JACFA team, and has already organized an interesting celebration of World Teacher's Day on October 5. Please join us then in the Faculty Lounge between 10 and 2 for lunch and much more!



# *Evaluation of Teaching Coming to JAC*

by Jim Leeke

At the JACFA General Assembly on October 4, the JACFA Executive will propose a local agreement on the formative evaluation of teaching in accordance with Annex VIII-3 of the 2005-2010 decreed collective agreement. On October 24, the Director General will propose approval to the JAC Board of Governors of a college policy on the evaluation of teaching performance. All faculty were sent written copies of these two documents on September 5, as well as a schedule of consultation meetings for faculty on September 18 and September 26 in advance of the general assembly. The proposed local agreement and college policy affect all faculty and particularly new faculty with less than 1.5 years of seniority. Therefore, new faculty are especially encouraged to attend the consultation meetings and the general assembly.

## **Why is evaluation coming up now?**

The College has not had a policy on teacher evaluation since the 1970s. Since then, periodic attempts to come to an agreement between the faculty and administration have not been successful. In the last few years, the impetus for a policy on faculty evaluation has come from the requirements of the Commission d'évaluation de l'enseignement collégial (CEEC). The college must have policies to evaluate all its employees.

## **Why are there two policies: a proposed local agreement and a proposed college policy?**

### **The local agreement**

The local agreement covers formative evaluation and is based on Annex VIII-3 of the new collective agreement. The purpose of the agreement is to motivate teachers to pursue teaching excellence without fear of sanctions. Based on the local agreement, the administration cannot remove a teacher's hiring priority or apply disciplinary measures.

### **The college policy**

The college policy refers to the local agreement on formative evaluation but also includes two types of administrative evaluation, which may lead to sanctions

against a teacher. The college policy is based on the rights of an employer to evaluate the performance of its employees. However safeguards have been built into the college policy to protect the rights of teachers.

## **Are permanent and non-permanent teachers treated differently?**

Teachers with the same seniority are treated in the same way by the proposed local agreement and the college policy. All permanent and non-permanent teachers, with 1.5 years of seniority or more, will undergo a formative evaluation process every 5 years. The formative evaluation will be conducted by the administration. Only the teacher being evaluated and the program dean will have access to the evaluation results. The information is otherwise confidential and the results cannot be used to withdraw hiring priority or to apply disciplinary measures.

## **What about teachers with less than 1.5 years of seniority?**

The proposed college policy treats them as probationary teachers until they have accumulated 1.5 years of seniority.

In their first semester, their teaching will be evaluated by a formative process with the results being confidential to the teacher involved and a departmental colleague chosen by the teacher. In their second semester, their teaching will be evaluated through a formative process and the results will be reviewed by the program dean with the teacher. The dean may propose changes or courses of action in writing. Hiring priority cannot be withdrawn and disciplinary action cannot be taken based on the second semester evaluation results, except if prejudice has been caused to the College, which by its nature and gravity requires immediate action. If a teacher is found to have serious pedagogical or other problems during the second-semester evaluation, the teacher will be informed in writing of the corrective measures to be taken and that special attention will be focused on these problems in the third-semester evaluation. If the results of the third-semester evaluation show that the problems have not been remedied, disciplinary measures may be applied or the hiring priority of the teacher may be removed. Evaluations continue in each semester until

*(continued on page 3)*

# *Evaluation of Teaching*

(cont'd from page 2)

the teacher has accumulated 1.5 years of seniority. The administration must provide professional assistance and a reasonable time delay to new teachers whose evaluations reveal serious problems, so that they can improve themselves.

## **What about Continuing Education?**

A standardized student questionnaire will be administered in all teachers' sections in each semester. For teachers with 1.5 years of seniority or more, the confidential results may be reviewed with the teacher by the Dean of Continuing Education for formative purposes. Hiring priority cannot be withdrawn and disciplinary action cannot be taken based on the evaluation results.

For teachers with less than 1.5 years of seniority, the evaluation process is similar to that described above for regular day teachers with less than 1.5 years of seniority.

## **What are the two types of administrative evaluation in the college policy?**

By definition, administrative evaluation can lead to disciplinary measures, the removal of hiring priority, and the requirement of corrective measures.

An administrative evaluation will be applied to teachers with less than 1.5 years of seniority in their third and subsequent semesters, as explained above.

In addition, an administrative evaluation may be applied to all teachers in exceptional circumstances, such as serious student complaints or for another reasonable cause.

## **How will the evaluation instruments be created?**

A parity committee of an equal number of members from the faculty and the administration will have the mandate to devise the standardized student questionnaire and any other evaluation instruments.

# *World Teacher's Day*



## *October 5: Quality Teachers for Quality Education*

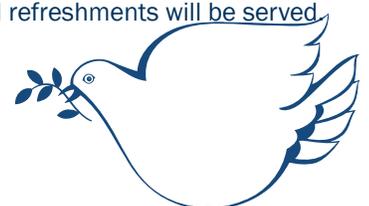
The United Nations Educational, Scientific and Cultural Organization initiated World Teachers' Day in 1994. It commemorates the signing of the "Recommendation Concerning the Status of Teachers" by both UNESCO and the UN's International Labour Organization, who see the role of teachers not only as fundamental to education, but also to the development of just societies.

Education International, which represents over 29 million educators across the globe, operating in 166 countries, along with 348 accompanying organizations is marking UNESCO's World Teachers' Day with celebrations and activities worldwide.

This year JACFA is participating in this global celebration by offering a social space where we can meet, share lunch — and the proverbial apples for the teachers (this year, organic) — and celebrate our skills as Quality Teachers for Quality Education. Viewing and reading material will be on site highlighting teachers and teachings from around the globe.

Please come and join us in the Faculty Lounge on Thursday, October 5 from 11:00 to 2:00. Lunch and refreshments will be served.

Clea Notar



Setting up a

# Registered Retirement Savings Plan (RRSP)

**Right Here at Abbott: Fondaction RRSP-CSN** by Michel Milot

Fondaction, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi, is an investment fund mainly intended to lend financial aid to Québec businesses in order to maintain or create jobs, to stimulate the economy, to contribute to the training of Quebec workers, and to promote their participation in the development of such enterprises. Fondaction was created by the CSN in 1996. It invests 60% of its assets in Quebec. Up to now, these investments have created as many as 4,200 new jobs in the province. Fondaction works with emerging, as well as established companies, concerned about environmental issues and committed to sustainable development.

As you may know, it is possible to contribute to Fondaction's RRSP through payroll deductions (PD) here at John Abbott. PD gives you an up front tax reduction of approximately 70%. For example, should you wish to contribute \$2,500 in your RRSP per year, your net bi-weekly pay will be reduced by only \$30.41. This calculation is based on a \$50,000 salary and 26 pay periods.

## Why a 70% return?

Usually, you get a 40% tax reduction for regular types of RRSPs. Fondaction, like the Fond de Solidarité FTQ, is a workers fund and it offers an extra 30% in tax credits (15% from the Quebec and 15% the Canadian governments).

## Will my funds be locked in long term?

Fondaction RRSP redemption is more difficult than regular RRSPs. However, there are now several criteria that allow you to cash in your fund: a return to full-time studies for you or your spouse, the need for capital to start a new business, emigration expenses, a critical financial situation, a home buyer's plan and, of course, retirement or gradual retirement.

## Who should buy Fondaction RRSPs?

If you do not like investing in companies whose business projects conflict with your values, if you like to know where your money is going, if you are close to retirement, if you are starting your career and plan to buy a house, or if you have trouble saving money, then Fondaction might be something to look at.

Often, at the end of February, we do not have enough money set aside to invest in our RRSP. One way to avoid this scenario is to have deductions made on your bi-weekly pay cheque, 26 times a year. This way, you will avoid the end-of-February RRSP crunch. You can also contribute by lump sums or direct withdrawals. However, one word of caution: two years ago, the provincial Liberal government introduced a cap of \$80 million for contributions in workers funds (Fondaction-CSN, Fond de Solidarité FTQ). Last year, the shares were all gone by the end of January... so don't wait too long.

Should you need more information or if you are interested in contributing to Fondaction, please contact me. (Michel Milot, phone 5803, email [michel.milot@johnabbott.qc.ca](mailto:michel.milot@johnabbott.qc.ca).) You may also call at Fondaction directly at 514-525-5505 or consult their website : <http://www.fondaction.com>.



# Report from the *Regroupement Cegep Meeting*

## **A little background for new teachers:**

The John Abbott College Faculty Association (JACFA) is a member of the Fédération Nationale des Enseignants-tes du Québec (FNEEQ-CSN). FNEEQ includes teachers from 36 cegeps and 29 private institution, as well as chargés-ées de cours from 10 universities. Twice a year, the FNEEQ delegates meet at the federal council. However, about 10 days per semester, FNEEQ's cegep delegates meet to discuss college issues and to adopt common positions. This year, the JACFA delegates to the regroupement are Michel Milot and Stephen Bryce. Please feel free to contact them at any time. Please note that the various documents distributed at these meetings are always available in the JACFA office.

On September 7 and 8, the first regroupement cégep was held in Montmagny. For the past two years, the first regroupement has been held at a regional college suffering declining student enrollment. Last year, it was in Shawinigan.

We will try to keep you up-to-date on the various issues that are discussed and debated during these meetings.

## **Will Edouard-Montpetit leave FNEEQ?**

College Edouard-Montpetit in Longueuil is facing a notice of motion to reconsider their affiliation to FNEEQ. The notice of motion was tabled in 2003 until the end of negotiations. It was put back on the agenda at their last general assembly. The executive wanted to table the motion *sine die*, but that was defeated. Edouard-Montpetit is the largest union in FNEEQ.

## **CSN political debate this autumn**

CSN is launching a political debate this autumn to question the neo-liberal agenda of our governments. The idea is to set up discussions inside and outside unions to reach the maximum number of citizens. To achieve this, 100 public assemblies will be organized in various towns and they will focus on issues and topics endangered by the current government: environment, education, health, private-public partnerships, etc. FNEEQ's awareness-raising campaign is in the same vein..

## **FNEEQ meets FAC (outlined opposite)**

In June 1988, 100 delegates from 14 ex-FNEEQ-CSN unions met in Rimouski to found a new federation of teachers, the Fédération autonome du collégial (FAC). Recently, FAC met with the FNEEQ executive and various issues were discussed. FAC representatives proposed to set meeting dates to explore the creation of a federation of all cegep teachers in the province. The premise of these discussions will be the question of independent unionism. FNEEQ is open to talks but it is clear that belonging to a multi-sector confederation (like CSN) offers many benefits to its members in the education sector. Recent events have shown that independent teachers' unions (such as FAC, FIQ) have limited power.

## **New Modifications to the RREC? (General and Vocational Colleges Act)**

The Ministère de l'Éducation, du Loisir et du Sport (MELS) is beginning a consultation about various modifications to the College Act. The modifications could be at six different levels: admission criteria, exit profiles, new diplomas, decentralized competencies, calendars and general education (again!). The first three modifications (which FNEEQ would be in favor of) would mean that students could be accepted into cegep under certain conditions (missing 6 DES credits) or they could be accepted upon recognition of work experience. Also a new one-year specialized DEC might be implemented (DSET). It could be taken after a student completes a three-year technical program. Finally, the ministry would let colleges offer a general pre-university DEC with no specialization.

Where FNEEQ disagrees with the MELS is over the decentralization of competencies for technical programs (déjà vu?). Also we fear that the Minister would like colleges to have more than two semesters per year. Finally, FNEEQ is opposed to the revision of general education courses so that they address issues dictated by business sector.

## **FNEEQ's Awareness-raising Campaign**

You may have read in the news that we are about to propagandize our students. It is amusing to see the various media speak about this campaign before any teachers knew about it. This sensitization campaign is an attempt to reach as many cegep students in Quebec through the distribution and discussion of documents prepared by cegep teachers from various colleges in FNEEQ, FAC, and FEC-CSQ. Thus it will not be a CSN document. The signed texts will focus on various social issues: living in a democracy, the commercialization of culture, public finances, our common good, our aging population, etc. There will not be any watchword coming from the FNEEQ Executive since Law 43 (Bill 142) forbids any concerted action that could alter or slowdown normal activities in the colleges. How students will be reached in the various colleges is up to each local union.

*By Michel Milot*

# Pay Equity: Resolution

by Stephen Bryce

You probably saw the news headlines and have read the billboards along the highways – the government and the unions settled the long-standing pay equity dispute in June.

First some history: the Quebec pay equity law came into effect in 1997 with the goal of removing and redressing discriminatory differences in salaries for predominantly female job categories. You may remember that in November 2001, the CSQ primary and secondary school teachers reached a partial settlement with the government, agreeing to a 17-level single salary scale, and the removal of recognition of doctoral degrees for salary purposes.

FNEEQ argued that we are not the same job category as the primary and secondary teachers, as our professional autonomy is greater and many of our teaching positions require postgraduate degrees as minimum qualifications. The Treasury Board accepted this, and recognized Cegep teachers as a mixed job category whose salaries have been affected by the discrimination against the predominantly female primary and secondary school teachers, as we shared the same salary scales with them since Cegeps began. The government also agreed to maintain recognition for Ph.D.s (given up by the primary and secondary teachers) and to add recognition for Master's degrees as three more levels on top of the 17-level scale for primary and secondary teachers. Our scales were adjusted between 2003 and 2005, with retroactive pay from 1996 to 2001 for teachers with lower levels of scholarship and experience.

Pay equity negotiations continued until the final settlement was reached in June. It is for the predominantly female job categories in the public service. The primary and secondary school teachers accepted a 2.35% pay adjustment to the top of the scale. The gaps between the 17 levels will be adjusted to maintain similar percentage gaps between intervals, and there will be retroactive pay back to November 2001. The settlement is now being posted for comments until October, when it will be finalized.

## What's in it for us?

In the post-decree contract “negotiations” last spring, FNEEQ and the CPNC agreed to add an annex to our collective agreement with two important points regarding pay equity. First, Cegep teachers will not be paid less than primary and secondary teachers with the same scholarship and experience. As a result, we expect that as of November when the new salary scales come into effect in the school boards, that Cegep teachers in level 17 will also receive a 2.35% pay increase, and lower levels will also be adjusted. Second, the annex states that the inter-level gaps between levels 17 and 20 will be adjusted so that they are equal in size, with no increase at level 20 – the government's position is fixed on this latter point, as they hold that a Ph.D. is not required to teach at Cegep. As a result, the gap should shrink from about \$1,500 to \$1,000 between levels 17 and 20.

FNEEQ and the Treasury Board will be meeting soon to discuss these “technical” adjust-



# In Sight?

ments, and also whether there will be retroactive pay adjustments back to November 2001.

FNEEQ's position is, of course, that there should be retroactive payments, otherwise we will have been paid less. The government has proposed to pay retroactive pay only back to the start of the 2003-2004 academic year, when the partial settlement went into effect. Retroactive pay will be unlikely to be received before January, and will be made in possibly as many as eight payments.

When these negotiations are completed, the next phase will be to discuss the "pay relativity" of our mixed category relative to the primary and secondary teachers. In particular, FNEEQ wants increases in levels 18 to 20 of approximately the same magnitude that level 17 received, to maintain the recognition of our different job category.

It is also clear that CARRA will be adjusting all pension calculations for both already retired and current public service employees.

This simulation assumes that our salary scales are adjusted as follows in November:

- a 2.35% increase for level 17
- levels 1 to 16 adjusted to equalize level intervals
- levels 18 and 19 adjusted to an equalize intervals between 17 to 20
- level 20 staying the same

On December 1, we will receive our 2006 2% pay increase as well. You can see a simulation of how the JACFA Executive believes our scales will be affected (see Table).

Level	Now	November	December 1
<b>1</b>	<b>33 695</b> (start scholarship <17, no experience)	<b>33 695</b>	<b>34 369</b>
<b>2</b>	<b>34 945</b>	<b>35 009</b>	<b>35 709</b>
<b>3</b>	<b>36 196</b> (start scholarship 17, no experience)	<b>36 204</b>	<b>37 031</b>
<b>4</b>	<b>37 635</b>	<b>37 848</b>	<b>38 604</b>
<b>5</b>	<b>39 131</b> (start scholarship 18, no experience)	<b>39 456</b>	<b>40 245</b>
<b>6</b>	<b>40 687</b>	<b>41 133</b>	<b>41 956</b>
<b>7</b>	<b>42 338</b> (start scholarship 19, no experience)	<b>42 882</b>	<b>43 739</b>
<b>8</b>	<b>44 090</b>	<b>44 704</b>	<b>45 598</b>
<b>9</b>	<b>45 914</b> (start scholarship 19 + PhD, no experience)	<b>46 604</b>	<b>47 536</b>
<b>10</b>	<b>47 813</b>	<b>48 585</b>	<b>49 557</b>
<b>11</b>	<b>49 792</b>	<b>50 650</b>	<b>51 663</b>
<b>12</b>	<b>51 854</b>	<b>52 803</b>	<b>53 859</b>
<b>13</b>	<b>54 000</b>	<b>55 048</b>	<b>56 149</b>
<b>14</b>	<b>56 229</b>	<b>57 387</b>	<b>58 535</b>
<b>15</b>	<b>58 557</b>	<b>59 827</b>	<b>61 023</b>
<b>16</b>	<b>60 982</b>	<b>62 369</b>	<b>63 617</b>
<b>17</b>	<b>63 527</b> (top for no Masters or PhD)	<b>65 020</b>	<b>66 320</b>
<b>18</b>	<b>65 053</b> (top for Masters)	<b>66 085</b>	<b>67 407</b>
<b>19</b>	<b>66 616</b>	<b>67 151</b>	<b>68 494</b>
<b>20</b>	<b>68 216</b> (top for PhD)	<b>68 216</b>	<b>69 580</b>

Please note: this is the only the JACFA Executive's interpretation. Stay tuned for further (and more definitive) news...



# *CRT Ruling on Pay Cuts & Make-up Days for 2005 Strike Days*

by Pierre Gauthier

The *Proulx c. Syndicat des professeures et professeurs du Collège Édouard-Montpetit (SPPCEM)*, 2006 QCCRT 253 (IIJCan) case : a comment on the May 17, 2006 CRT ruling on Labour Code complaints.

Did the Colleges, in imposing pay cuts and make-up days for strike days, take reprisals against their employees for exercising their rights under the Labour Code? No, ruled the CRT (*Commission des relations de travail*) on May 17, 2006: the Colleges were only complying with the law and had no intention of interfering with their employees exercising their rights under the Labour Code or taking reprisals against them for exercising these rights.

Teachers as plaintiffs and Unions as applicants had presented formal complaints before the CRT against the Colleges, invoking sections 15 and following and 12 of the Labour Code.

The May 17 narrow ruling by the CRT avoided the real issue: did the Colleges, by forcing the professors to teach make-up days to compensate for legal strike days and by imposing pay cuts, in fact interfere with their employees fundamental legal right to strike, a guaranteed right under the Charters? The Colleges forced the teachers to teach additional days to compensate for the strike days. These make-up days should be paid overtime as they are an addition to the teachers' regular workload.

The limited scope of this recent CRT (an administrative tribunal) ruling deciding on these complaints will not affect or influence the outcome of the Charter challenge of Law 142 by the CSN before the Québec Superior Court.

Here, the CRT decided that pay cuts for legal strike days did not constitute reprisals or interference by the Colleges against their employees exercising their rights under the Labour Code. The CRT rejected the complaints because the Colleges proved they did not intend to interfere or take reprisals against their employees, but were merely complying with the law.

The CRT received the first complaints in May 2005. The first hearing occurred on October 11, 2005 and the last hearing on March 20, 2006. The parties agreed to proceed with *Cégep Édouard-Montpetit* and *Cégep Ahuntsic* as test cases and apply the ruling to similar cases, including the John Abbott College complaints.

The complaints invoked sections 15 and following and 12 of the Québec Labour Code dealing with reprisals or unfair practices by employers against their employees exercising their rights under the

Labour Code (sections 15, 16 and 17) and with interference against employees exercising their rights under the Code (section 12). Sections 15, 16, 17 and 12 of the Code read:

15. Where an employer or a person acting for an employer or an employers' association dismisses, suspends or transfers an employee, practises discrimination or takes reprisals against him or imposes any other sanction upon him because the employee exercises a right arising from this Code, the Commission may

(a) order the employer or a person acting for an employer or an employers' association to reinstate such employee in his employment, within eight days of the service of the decision, with all his rights and privileges, and to pay him as an indemnity the equivalent of the salary and other benefits of which he was deprived due to dismissal, suspension or transfer.

That indemnity is due in respect of the whole period comprised between the time of dismissal, suspension or transfer and that of the carrying out of the order, or the default of the employee to resume his employment after having been duly recalled by his employer.

If the employee has worked elsewhere during the above mentioned period, the salary which he so earned shall be deducted from such indemnity;

(b) order the employer or the person acting for an employer or an employers' association to cancel the sanction or to cease practising discrimination or taking reprisals against the employee and to pay him as an indemnity the equivalent of the salary and other benefits of which he was deprived due to the sanction, discrimination or reprisals.

16. The employees who believe that they have been the victim of a sanction or action referred to in section 15 must, if they wish to avail themselves of the provisions of that

(continued on page 9)

## CRT Ruling...

*The first day of the appeal took place two weeks ago and it looks like the judgement may be overturned.*

section, file a complaint at one of the offices of the Commission within thirty days of the sanction or action..

17. If it is shown to the satisfaction of the Commission, on being referred the matter, that the employee exercises a right arising from this Code, there is a simple presumption in his favour that the sanction was imposed on him or the action was taken against him because he exercised such right, and the burden of proof is upon the employer that he resorted to the sanction or action against the employee for good and sufficient reason.

12. No employer, or person acting for an employer or an association of employers, shall in any manner seek to dominate, hinder or finance the formation or the activities of any association of employees, or to participate therein.

No association of employees, or person acting on behalf of any such organisation, shall belong to an association of employers or seek to dominate, hinder or finance the formation or activities of any such association, or to participate therein. (emphasis added by JACFA)

The Unions pleaded that pay cuts and make-up days interfered with their right to strike since it became very difficult to obtain a strong strike vote from union members faced not only with pay cuts, but also with the obligation to work additional make-up days.

The Colleges pleaded that they had to resort to these administrative measures to comply with the law. This was not an intentional act of reprisal or interference. The Colleges had good and sufficient reason to act in this manner: complying with the law and the Government's budget rules. The CRT summarized the Colleges' position:

[19] Les intimés prétendent qu'il ne s'agit pas d'une mesure de représailles à l'encontre d'une grève légale, mais d'une mesure administrative qui découle des obligations qui leur sont imposées par l'article 18 du *Règlement sur le régime des études collégiales* et par l'article 1 de l'annexe F091 adopté en vertu du régime budgétaire et financier.

The CRT cited a past ruling of a labour commissioner where he rejected the complaints because he agreed that the Colleges had merely complied with the Ministry's directives in the *Papale c. Collège Régional de Champlain* CM8911S183, 1992-04-27 case.

The CRT also cited the related and parallel CRT ruling of May 25, 2005, rejecting an application for a provisional order of safeguard ordering the Colleges to immediately reimburse the pay cuts for strike days in the *Sabourin c. Cégep Édouard-Montpetit*, 2005 QCCRT 300 (IIJCan) case. The CRT cited with approval paragraphs 13, 14 and 15 of the May 25 ruling in the *Sabourin* case, cited above, and found the

Colleges had acted without malice:

[13] Or, force est de constater qu'ils n'ont invoqué aucune violation apparente de la convention collective. Ils ont bien cherché quelque appui dans la décision rendue par l'arbitre Jacques Dupont dans l'affaire du *Syndicat des professeurs du Collège de la région de l'Amiante c. Collège de la région de l'Amiante*, SAE 5191, 1990-08-03. Mais, dans cette affaire, après qu'il eut conclu que le Collège avait le « droit indiscutable » d'effectuer une coupure de salaire pour les jours de grève, le droit et « même le devoir » de faire en sorte que les cours annulés pendant la grève soient repris, l'arbitre n'a que décidé que le Collège devait rémunérer ses enseignants en heures supplémentaires pour quatre des six jours de cours repris lors de jours fériés prévus à la convention collective. Et il a conclu de la sorte uniquement après avoir fait toutes les distinctions qui s'imposent avec d'autres situations où il n'y avait eu aucune violation de la convention collective.

[14] Certes, il n'est pas nécessaire d'invoquer une violation de la convention collective pour bénéficier de la présomption d'illégalité d'une mesure contestée par plainte soumise en vertu de l'article 16 du Code. Dans l'exercice de ses droits de direction, un employeur peut fort bien prendre une décision conforme à la convention, en apparence neutre, mais qui cache une soif de représailles. Aussi, lorsque les conditions de travail ou d'exercice du travail sont modifiées, faut-il toujours s'interroger sur la motivation réelle de l'employeur.

[15] Cela étant, dans le cas qui nous occupe, les collèges intimés ont fait valoir non seulement qu'ils avaient agi selon une pratique constante mais aussi que la loi les obligeait à agir de la sorte, ce qui ne fut pas contesté. Dans ces circonstances, à première vue du moins, il est difficile de concevoir que les plaintes soumises en vertu des articles 15 et suivants du Code ne soient pas vouées à l'échec. (emphasis added by JACFA).

# Meet the Executive:

## Jim Leeke — Labour Relations



I grew up in Saint-Jean-sur-Richelieu. Except for the time I spent at the University of Waterloo, I have, by choice, lived in Quebec. My parents were Scottish Catholics who immigrated to Quebec in 1948. Typically, they came to pursue a better economic life. I think I get my resilience from my mother who often preached not to let anybody get the better of you.

I have a M.A. in Political Science with a focus on political philosophy. My master's thesis dealt with the philosophical moral underpinnings of the capitalist system from John Locke to the corporate ethic of the twentieth century. I have always been intrigued by the moral bases of systems and communities.

I came to John Abbott when it opened in 1971 to teach Political Science as a long haired, bearded product of the sixties. Of the 80 teachers hired in the first year of the college, I was one of the few with prior CEGEP teaching experience. I had already taught a full workload for a year in Cont. Ed. at Dawson College at the old Selby campus. My original thought was that I would stay for a few years at JAC, save money and then go to law school. I got such satisfaction from teaching and building our community in the College that I never left.

Contrary to what some people believe, I have not always been on the JACFA Executive. I was only recruited for the executive in 1974! In my time on the executive, I have at one time or another, occupied most of the positions on the executive: president, vice-president and treasurer. I sometimes wonder how I have been able to do it all these years. The CEGEP system has been put through many crises: the declassification of teachers, salary freezes and rollbacks, decreed working conditions, draconian legislation, proposed non-sensical curriculum upheavals and threats of abolition. What has sustained me is my passion for the struggle to achieve the fair and generous treatment of individuals. In that respect, the union does make us strong.

Service on the executive has been very rewarding. I hope the College is better for it. I know I am. I have made profound friendships. I have gotten to know many of my fascinating colleagues from other departments whom I might not have even met. I have learned a tremendous amount and have had engrossing experiences. I urge you to consider volunteering to run for the executive or to serve the college community by becoming a member of Academic Council or one of its committees.

My main responsibility is labour relations. This includes the application and interpretation of the collective agreement and grievances. I coordinate our representation at the Labour Relations Committee (CRT). Please contact me if you have problems or want more information.



## Clea Notar — Social How I Got Here

Today I took the train. The longer explanation, esteemed colleagues, involves some trans-Atlantic adventures and an earlier career in CBC radio and print journalism, interspersed with bouts in the world's oldest profession — waitressing.

My first teaching job was about fifteen years ago when I was living in England. A six-form college had been looking for someone to teach a new course on the curriculum called Media Studies. In the eight years I lived in England, I taught Media Studies at college level, Film Studies in an art college, Creative Writing in a minimum security men's prison and I worked for the NFB (checking film reels!) in London, and I wrote freelance on film and literature.

I've done a million other things too, mostly all related to the arts, writing and film: working for the Festival du Nouveau Cinema in Montreal, producing Canada's longest running punk fanzine (back in the day: June 18, 1980 to be exact), editing and writing for the Montreal Mirror, teaching English as a Second Language to new Canadians, many of whom were war refugees, programming film for a nursing home, and teaching journalism in a cancer support center.

Since returning to Montreal four years ago and being hired at Abbott soon afterwards, I mostly try to mind my own business and do my job teaching in a windowless classroom in the basement of Penfield. I do get great delight from screening films that drive students to the extreme limit of their understanding or tolerance, not just for the sake of it, but rather to expand their understanding of the medium. *My Dinner with Andre*, anything by Lars von Trier and *Un Chien Andalou* are the highest scoring in this category so far.

I'm honored to be involved with JACFA, to learn about our shared place of employment from this new angle and to be available to contribute to our community at this level.

## 60 Units of CI?

Check your other teaching as you could become full time If non-permanent teachers reach 60 units of CI in their day division courses, then they can use all other teaching (suppléance, continuing education, summer courses, etc.) to bring their CI up to 80 units and become full-time teachers (Art. 5-1.03d). If teachers become full-time, not only will they receive credit for one year of seniority, but they should also be paid as full-time teachers, i.e. 100% of the full-time salary, according to the salary scales. Normally, at the end of the winter or summer semester, when teachers reach a CI of 80, the College is obliged to pay them the difference between the amount they were paid and the full-time salary. Even if the collective agreement clause is crystal clear on this issue, the College has only recently recognized that it must pay the full time salary under 5-1.03d). JACFA had disputed the Administration's interpretation of this clause, and several cases were resolved in favour of the teacher through a local agreement. To reach 60 units of CI during the day division, a teacher would have to have an average 75% contract over two semesters: e.g. 75% in the Fall, 75% in the Winter; or, 100% in the Fall, 50% in the Winter, etc. JACFA will try to verify the workloads of teachers to see if this provision of the contract is applicable to our non-permanents, but it is advisable to verify for yourself if you qualify. Do not hesitate to contact us for help. We are here to see that your rights are protected.

## What is the Sick Bank Leave (Article 5-5.00)?

At the beginning of each academic year, teachers receive a letter from Human Resources stating their Sick Bank Leave. Full-time teachers in their first year of employment with the College are credited with a total of 13 sick leave days. In each subsequent contractual year, a full-time teacher is credited on September 1 with an additional seven sick leave days. The College will credit you with hours, not days, i.e.  $6\frac{1}{2}$  hours x 7 days = 45.5 hours. These hours have no monetary value if unused and are not cumulative. However, if a teacher has 13 days or less in his or her sick leave bank on June 30, the unused balance of these sick leave days credited on the previous September 1 is added to his or her non-monetary sick leave bank. Part-time teachers are credited with sick leave days in proportion to their contractual status as fulltime equivalents. MED teachers are credited in proportion to the salary they receive. The sick leave bank is used to pay your full salary for up to the first five consecutive working days missed as a result of illness, and then the salary insurance plan pays for 85% of your salary for up to 52 weeks and 66  $\frac{2}{3}$ % for up to an additional year. After the expiration of these benefits, if you are not covered by the optional long-term disability group insurance plan, you may extend your paid sick leave by using the balance of days in your sick leave bank. If non-permanent teachers reach 60 units of CI in their day division courses, then they can use all other teaching (suppléance, continuing education, summer courses, etc.) to bring their CI up to 80 units and become full-time teachers (Art. 5-1.03d).

## Pension Information

For those of you who are thinking of taking your pension there is a new link on the CARRA website entitled "**Pension Estimator**".

Go to the following address:

<http://www.estnrente.carra.gouv.qc.ca/estnrente/>

This Pension Estimator will provide an estimate of the amount of the pension you could be entitled to on the date you plan to retire from your job, on the basis of the information that you enter. It is a good idea to have your statement of contributions at hand, even if it is not recent. If you wish, you can apply to CARRA for your statement of contributions with the "Applications for Statement of Contributions" form. If you are interested in receiving more detailed information than what the Pension Estimator gives you, you can drop by the JACFA office and ask Louise Samoissette for a very detailed estimate.

## New Faculty Guide

There is an updated version for New (and not so new) Faculty that has been posted on the JACFA website.

Go to the following address:

<http://www2.johnabbott.qc.ca/~jacfa> and click on the **Syndical Guide** link.

You will find answers concerning:

- The structure of JACFA;
- Daycare;
- List of definitions;
- Work Organization;
- CRT;
- Hiring and Contracts;
- Insurance Issues;
- Leaves;
- Remuneration;
- Teacher's Tasks;
- Grievance and Arbitration;
- Pension and Retirement.



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Fédération nationale des  
enseignantes et enseignants  
du Québec

## *Your JACFA Executive*



*From left to right:*  
Stephen Bryce, Faye Trecartin, Jim Leeke, Clea Notar, Michel Milot, Jane Hannah, Pierre Gauthier

# *Mark these dates in your calendar...*

**you will find more information at the JACFA office.**

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**First  
General  
Assembly**

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**Tuesday  
October 4  
2006**

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Date	Where	What
September 26	Stewart Boardroom at 5:30 p.m.	Consultation Meeting on Evaluation of Teaching
October 4	P-204 at 5:00 p.m.	Next JACFA General Assembly
October 5	Faculty Lounge from 11:00 to 2:00	World Teachers' Day