



# La Passerelle

## Editorial



**Johanne Pomerleau,**  
President, FPPE-CSQ

*Equality Without Limits* the chosen theme for International Women's Day on March 8, 2017. When you look at what's going on in the world, even very close to us in the United States, you can't help but realize that the gains made over many years are very fragile.

Even though in Quebec you may sometimes feel that equality between men and women is a done deal, it is unfortunately not the case. Women are more likely to work at the minimum wage, have atypical work hours, and work part-time (not always by choice). In addition, austerity measures are devastating public services and social programs, which places more and more social responsibility on individuals, and more specifically, on women. As for pay equity with regards to the predominantly female professional job classes, even if you agree with the Act's objective, it is hard not to question the results! If the Conseil du Trésor were to finally accept our arguments and agree to offer us a satisfactory ranking for our 2010 grievances, then we could start believing in equality and fairness. For now, I think we have the right to be skeptical.

On March 8, let us be proud of the progress made for equality between men and women, but let us not be fooled. We must not let down our guard. Indeed, despite this progress, which is more obvious in Quebec than elsewhere in the world, nothing is written in stone, and the winds of the global right wing that also blow in Quebec could bring us some nasty surprises and limit equality.

We must carry on, in spite of the winds and tides, and advance towards true, boundless equality for all women, regardless of their language, religion, colour or nationality.

**Wishing you a very happy March 8!**

### Dans ce numéro

Editorial	1
Passe-Partout Program	2
Decentralization of Budgets	2
Décisions juridiques	3



## THE PASSE-PARTOUT PROGRAM

In May 2016, members participating in the FPPE conference in Montréal adopted a resolution to document and promote the implementation of 4-year-old kindergarten to the CSQ and to decision-makers involved in the Passe-Partout program.

Due to the recognized importance of interventions starting in early childhood and of the first school transition, as well as to and the government actions taken in this regard, the upcoming years will be pivotal for Passe-Partout's future.

The FPPE, in collaboration with members of the GTPP (Passe-Partout working group), surveyed preschool education consultants and all professional staff involved with 4-year-olds and their parents. Thank you to those who responded.

We will be presenting the survey results to the Conseil Fédéral of the FPPE soon, and will be adopting an action plan. This information will be available on the FPPE website. We also want to meet with preschool education consultants at their annual conference in April.

A better understanding of the Passe-Partout program's situation and of the different forms of professional intervention with 4-year olds, particularly those that support parental competence, will allow the FPPE to promote these services and have their importance recognized.

**Sophie Massé**  
Vice-president



## Decentralization of Budgets Toward School Institutions: A Situation to Be Monitored Closely

A new measure was added this fall to the amended 2016–2017 budgetary rules: measure 30170 “Initiatives of preschool, primary and secondary education establishments.”

Each school obtains a basic amount of \$5000, to which a prorated amount is added based on the school population. Some \$23.7 M have been allocated to this one-time measure. School boards must transfer all of these funds to the institutions.

Projects that meet the following objectives could be funded by this measure:

- ◆ Provide sustained support to students at risk of dropping out in their first year of secondary school;
- ◆ Encourage reading;
- ◆ Provide students with a stimulating learning environment through the funding of concrete, innovative initiatives associated with the use of technology and digital resources for teaching and learning;
- ◆ Support the implementation of intercultural education;
- ◆ Encourage the development of collaborative actions between secondary education establishments and vocational training centres;
- ◆ Support all initiatives designed to promote physical activity and healthy lifestyles in schools;
- ◆ Increase professional development and optimize the functioning of schools.

This new budget measure must be monitored, as it is part of the government's desire to decentralize power and budgets by transferring them from the school boards to the schools.

Rather than calling on the professional services of school boards, it is feared that the decentralization of these budgets will encourage the use of external resources (for-profit or non-profit private services, foundations, community organizations) to carry out short-term local projects.

Let us emphasize that partnerships should always be a complement to and not a substitute for public services offered by the school board, and that is, particularly with community organizations.

The FPPE is keeping a close watch on this situation.

**Marie-Ève Quirion,**  
Action professionnelle Consultant



**RECENT JUDGEMENT**

## A Major Step Forward for Workers on Maternity Leave

**The Court of Appeal handed down an important judgment on January 30 that constitutes a major victory for workers on maternity leave, and which is worth highlighting as we are about to celebrate International Women's Day on March 8.**

The legal dispute involves the lawyers and notaries of the Quebec civil service, represented by the Association des juristes de l'État (hereafter "Association").

During the negotiation of their collective agreement in 2012, a 2% premium was introduced for each regular hour paid. For the year 2011, a retroactive lump sum equivalent to this 2% premium was negotiated. The Employer and the Association do not agree on the right of workers on maternity leave to receive this lump sum. Indeed, the Employer refuses to take this amount into account in the calculation of the indemnities paid to jurists on maternity leave. It is worth mentioning that the collective agreement at issue stipulates that the Employer must pay the difference between 93% of the basic weekly salary and the benefits received under the QPIP to workers on maternity leave. The Employer claims that the salary does not include the premiums paid under the collective agreement, and that this amount therefore does not have to be added when paying the compensatory allowance. As for the Association, it alleges that this practice is discriminatory, as several absences result in the payment of a lump sum, such as vacation leaves, statutory holidays and even union leaves; thus, that the refusal to pay the lump sum to jurists on maternity leave infringes the *Canadian Charter of Rights and Freedoms*.

The Court of Appeal ruled in favour of the Association and determined that the Employer's interpretation is discriminatory. The Court points out that the *Act Respecting Labour Standards* stipulates that pregnant employees are entitled to unpaid leave, but that the Employer can always agree to provide more, as in the present case. When the Employer grants social benefits to employees who are absent from work, it must ensure that application of these benefits does not constitute prohibited discrimination on grounds of sex and pregnancy. The Court of Appeal even considers it "disconcerting" that the Employer adjusts the definition of salary for certain jurists who are on paid leave, but not for others; it is therefore considered prohibited discrimination based on sex and pregnancy. It is interesting to note that, for the Court, it is irrelevant whether or not the discrimination is intentional, since only discriminatory impact must be proven, not intent.

In this matter, the clause at issue, which requires the payment of an indemnity equivalent to the difference between 93% of the salary and the QPIP benefits, is similar to the one applicable to school board professionals. This ruling could thus potentially be applied to these professionals on maternity leave who would be eligible for a premium.

Finally, let us remember that substantive equality has not yet been achieved, mainly when it comes to pregnancy. Indeed, certain seemingly neutral practices are discriminatory toward pregnant women or women on maternity leave, as demonstrated by this recent ruling. And that is not to mention the professional and financial sacrifice women who have children often make by being absent from the labour market for a more or less long period of time, and thereby sometimes delaying their access to promotions.

By Maude Lyonnais-Bourque,  
FPPE Union Advisor and Lawyer

