

**EDUCATION PROFESSIONALS' WEEK***La Passerelle***Editorial**

Johanne Pomerleau,  
Presidente

**FOR OUR STUDENTS  
GIVE US THE MEANS**

**T**his year, Professionals' Week is in turmoil. As Christmas approaches, negotiations are advancing at a snail's pace, the strike is dragging on and the government seems to be incapable of listening to reason as it maintains its ridiculous offers and unacceptable clawbacks.

Added to this is the work overflow experienced by a number of you following the departure of your colleagues who were laid off last June. In light of all this, we might be inclined to forget to commemorate this week, but forget we must not! If the government fails to understand the importance of your work, if it can't see the connection between our demands at the sectoral bargaining table and the need to recognize the importance of our professions, we do see the connection!

The next few weeks will be crucial. It is clear that everything will be finalized by Christmas and we are doing everything in our power so that the negotiations are settled in a satisfactory manner rather than by a governmental decree. Salary structure issues are particularly important and worrisome for professionals. Rest assured that we, that is to say both the FPPE and the Unions, will do everything we can to minimize the negative impacts on individuals.

Despite this difficult period, this year's Professionals' Week should be a moment for you to give yourselves a pat on the back, to remind yourself why you are here and why you do this work in conditions that can be challenging at times. I believe that, fundamentally, we believe in the importance of giving each child the tools he or she needs to develop. Regardless of the nature of our work, as education professionals, we are all concerned by our children's futures and they are also the reasons we work so hard.

During this Professionals' Week, my wish is that you will receive many thanks for your dedication, because you deserve it. Bravo for your involvement in this work that you carry out with such passion and professionalism. Bravo as well for your involvement in the current mobilization. We are fighting for a just cause and must remain united in solidarity. Thank you for standing with us in this uphill battle.

**For the students, we do whatever it takes!**

*Have a great Professionals' Week!*

Johanne Pomerleau,  
President FPPE

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**DOSSIER  
ACTION PROFESSIONNELLE**

Sophie Massé,  
Vice-president

**D**espite investing a significant portion of our efforts in negotiations this fall, the FPPE is continuing its work on several professional action issues.

Primarily concerning the education consultant profession, the FPPE is stepping up its meetings with MEESR, the FCSQ and the various associations involved to publicize our observations and present our requests [http://www.fppe.qc.ca/action\\_pro/doc/48\\_CP\\_Rapport%20version23032015-2.pdf](http://www.fppe.qc.ca/action_pro/doc/48_CP_Rapport%20version23032015-2.pdf). The FPPE is also concerned about the situation with regard to academic and vocational guidance counselling. We wish to develop courses of action to propose to unions and members in order to improve work organization and professional recognition. To this end, we conducted a survey and a significant number of our members responded, which will allow us to conduct a more in-depth analysis of the issue. Particular focus is also being placed on the issue of professional joint actions (meetings of professionals from the same job categories and multi-disciplinary meetings). Based on the results of the previously completed survey, we are working on compiling an accurate picture of the situation in each school board, as the right to consult one another and work as a team is important to members. In our opinion, this is also one of the advantages of centralizing professional services. We urgently needed this information in order to develop arguments for negotiations and to react to the bill changing the role, structure and governance of school boards.

Thanks to all our members who have contributed to various projects and we invite you to read the results in the next Passerelle – Professional Action, which will be published soon.

**Record Media  
Exposure for  
Education  
Professionals  
this Fall**

Karine Lapierre,  
Communications Consultant  
FPPE(CSQ)

**N**ever before has there ever been so much buzz surrounding education professionals in national and local media than in 2015, particularly this fall.

In fact, the education sector is far ahead of other sectors such as health or public administration in terms of the media coverage of public sector negotiations. The "L'école à bout de bras" campaign and all of the joint mobilizations of teachers, support personnel and professionals have a lot to do with this. Although teachers naturally receive the most coverage due to their number and inherent visibility, whenever they are mentioned, the issue of the lack of professional resources is brought up.

Even though economic conditions and cuts in education are downright harmful to us in the field, they have had a positive impact on us in terms of exposure. The 250 professional jobs eliminated, which the Fédération kept track of and publicized through a major regional tour that resonated strongly at its conclusion in Montréal, became the number one example of cuts to education.

Outside support from parents, especially the Je protège mon école publique movement, the Coalition des parents d'enfants à besoins particuliers and Plus de services au Québec pour nos enfants différents, widely sustained by the impassioned involvement of the opposition critic for education, Alexandre Cloutier, greatly contributed to the credibility of our discourse.

You can see that the press reviews in August, September and October that chronicle our involvement in the media is more substantial than ever: <http://www.lapasserellefppe.com/?p=4107>.

This doesn't include the numerous times we've been mentioned by others in the media, without our involvement. Here's a partial glimpse: <http://www.lapasserellefppe.com/?p=4104>



# TOGETHER, WE CAN GO FURTHER

We are marking Education Professionals Week in the midst of negotiating our working conditions. The majority of us have experienced our second wave of strikes. For the Front Commun, the message is clear: we refuse to grow poorer "to finance tax cuts for businesses and the wealthy."



Our mobilization takes on a particular aspect, for in addition to requiring effective measures to attract and retain professional staff, it reaffirms the importance of our professions in the everyday lives of not only students but also the various actors in our school boards with whom we work and collaborate on a daily basis.

We remind management this week of the importance of our presence in ensuring the success of our students and we reaffirm loud and clear that we expect a genuine recognition of our work and of our dedication that translates into concrete actions each and every day.

Our mobilization is the best action we can take in response to the government's unacceptable proposals at the negotiating table. Let us continue to make our presence and commitment felt, alongside our negotiating team. In light of the current situation, let us remain united in defence of our public education services.

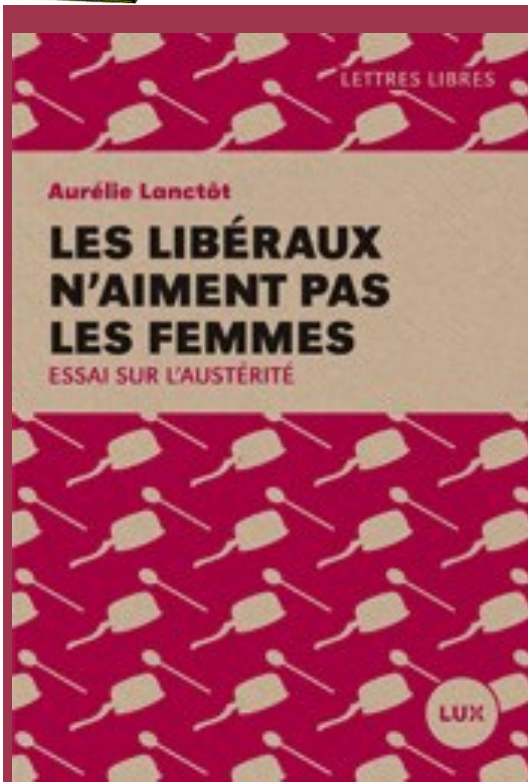


[Jean-Marie Comeau](#)  
Vice-president, FPPE (CSQ)





## Suggestion de lecture



### Les libéraux n'aiment pas les femmes

Essay on Austerity

Aurélie Lanctôt

Liberals dislike women. This is a statement that makes one wonder: are Liberals thus challenging the Conservatives for the distinguished privilege of attacking women's rights and freedoms? Such is the unfortunate conclusion of this short book. By targeting public health care, education, daycare centres and community groups, the austerity policies adopted by the Couillard government hit women harder than anyone else.

If the Liberals don't like women, it is because they govern by and for the masses. The "real issues" – reaching a balanced budget first and foremost – are testimony to a purely "economic" logic. Quantitative and relentless, this logic is imposed without hatred or contempt. The fate that austerity reserves for women is explained by this hateful indifference that, ultimately, will weigh on the population as a whole.

Aurélie Lanctôt studies Law at McGill University and holds a degree in Communications from UQAM. Taking an interest in feminist issues, she has a blog on the site of the online journal Ricochet. She collaborates with the Gazette des femmes as well as Médium Large, broadcast on Ici Radio-Canada Première.

L'Institut de recherche et d'informations socio-économiques

### Dépossession

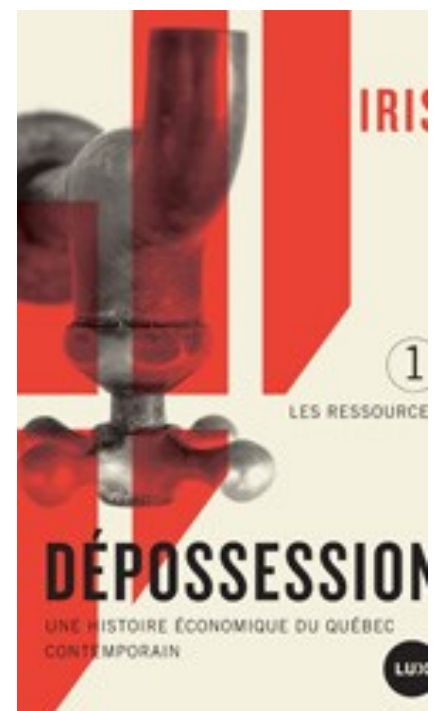
Une histoire économique du Québec contemporain. 1- Les ressources

Who benefits from Quebec's natural resources? Who controls our forests, mines and the products of our farmland? Who chooses how our hydroelectric resources are developed? Who decides the fate of our fresh water reserves? If we have truly become "masters of our own house" since the Quiet Revolution, where does this impression that our natural resources are still being plundered come from?

*Dépossession* answers these long-standing questions, attacking the idea – so cherished in the minds of Quebec citizens – by which the project of economic sovereignty of the 1960s and 70s has been realized. The history illustrated herein is that of a perversion, a corruption in the fullest sense of the term. Is it really possible that the Quiet Revolution planted the seeds of the neoliberalism that we know today?

Examining the history of our agriculture, forests, mines, energy and water, this work exposes the roots of the profound discomfort that has persisted for over forty years when it comes to our natural resources. It will be followed by a second volume on public services.

The Institut de recherche et informations socio-économiques (IRIS) is an independent and progressive think tank founded in 2000. It conducts research on today's most important socio-economic issues that go against the views upheld by the elite.





**RECENT JUDGEMENT**

## *Managing disability cases: A new approach*



Catherine Hopkins,  
FPPE union advisor and lawyer ,  
FPPE (CSQ)

**Those who have had the "opportunity" of being involved in a disability case are aware that it is not always a simple task. Indeed, we can observe that in this type of dossier, the affiliated unions are sometimes notified too late about a problem between the**

**professional and the school board. Also, due to the school board's role of insurer, we are reluctant to question the latitude that it enjoys in managing disability cases.**

A recent arbitration ruling in the field of education allows us to draw a few interesting lessons. First, the facts behind this decision involved a teacher suffering from a hyperactive-impulsive form of attention deficit hyperactivity disorder (hereafter, "ADHD") who, due to her pregnancy and the anxiety caused by her ADHD, had to withdraw from the workplace for several weeks. The school board's inappropriate management of the case will have extended the duration of the teacher's disability on three occasions as her anxiety continued to increase, creating a risk for her pregnancy. To this end, the Union filed a grievance accusing the school board of having abused its rights when handling the disability insurance case. On three occasions, the employer automatically requested a medical disability report (hereafter, MDR) at the individual's own expense and in unrealistic timeframes.

The case was referred to arbitrator Christian Brunelle to judge whether or not the automatic requirement of medical reports at the expense of members compromised the right to non-discrimination in the recognition of the right to privacy.

In our view, the MDR in question in the ruling seems to be the one used by most of our school boards. It is the "long" and detailed medical disability report that must be filled out by the physician treating the person with the disability. The request to supply such a report arises often, if not automatically, after submission of a medical note for disability completed by one's attending physician. Physicians or the medical professional consulted may charge certain fees to complete these reports. In the ruling, there was a \$20 charge per report.

Problematic aspects identified by Arbitrator Brunelle are notably the fact that the school boards are automatically turning to this form in order to assess the validity of the person's disability, that the costs incurred are never reimbursed by the employer and that, in many cases, the medical note initially provided complies with the collective bargaining agreement. School boards justify their actions by simply stating that requiring an MDR to determine whether the individual meets the definition of disability falls within the scope of their management rights, that doing so does not go against the collective bargaining agreement, and that there are even cases where a policy automatically requires staff to complete and produce an MDR in order to benefit from the advantages of the collective bargaining agreement.

In our collective bargaining agreement, relevant clauses include the definition of disability in Clause 5-10.31 and Clause 5-10.38, which mentions that the medical note must attest to the nature and duration of the disability. These clauses are in line with those of the collective bargaining agreement for teaching staff mentioned in Arbitrator Brunelle's ruling. There is also mention of Clause 5-14.01, which provides for the protection of the Quebec Charter of Human Rights and Freedoms with regard to professional staff. More specifically, Article 5 of the Charter provides for the respect of a person's privacy.

In the grounds for his ruling, Arbitrator Brunelle mentions a fundamental element: the parties themselves are the ones who, when negotiating their collective bargaining agreement, limited employers' rights in managing disability claims. To support this affirmation, he points to the definition of disability and the requirements for a medical note in Clause 5-10.34 of the collective bargaining agreement for teaching staff. For the arbitrator, the medical note shall attest to the nature and the duration of the disability to be considered valid.

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*Syndicat de l'enseignement des Deux-Rives (CSQ) and Commission scolaire des Navigateurs (Anne-Marie Houde), 2015 QCTA 612*

<sup>2</sup> *Convention collective P-2 (anglophone) : Clauses 7-01.03 pour la définition de l'invalidité, 7-01.38 pour le billet médical et 8-6.01 pour la protection de la Charte.*

*Convention collective P-3 (Crie) : Clauses 5-10.03 pour la définition de l'invalidité, 5-10.38 pour le billet médical et 5-14.01 pour la protection de la Charte.*

*Convention collective P-4 (Kativik) : Clauses 5-10.03 pour la définition de l'invalidité, 5-10.38 pour le billet médical et 5-14.01 pour la protection de la Charte.*

## RECENT JUDGEMENT (Cont.)

The arbitrator states that the school boards' habit of automatically demanding the MDR without even assessing the adequacy of the medical note runs counter to the collective bargaining agreement. Further, he adds that, in his opinion, some of the information required in the MDR goes beyond the scope of attesting to the nature and the duration of the disability.

He concludes that this may constitute an invasion of the person's privacy. He adds that the medical certificate is a declaration from a general physician, and not a specialist. The objective of the medical note is to make the employer aware of the nature of the disability, not to provide all the minor details thereof. According to the arbitrator, the nature and adequacy of the treatment plan detailed in the MDR are not indispensable to determine whether the person suffers from a disability. In order to reasonably require an MDR, the employer shall demonstrate that such a request is legitimate and important, and that it is a necessary means of assessing the disability.

The arbitrator also addresses the issue of accommodation with regard to the particular case of this teacher. Her ADHD and the anxiety generated by this condition were not taken into consideration by the school board. The arbitrator mentions that the employer should have analyzed the situation and exercised good judgement when managing the dossier. In her testimony, the teacher reported that the school board's conduct greatly contributed to the deterioration of her condition and the need to prolong the duration of her disability.



In short, what lessons should we learn from Arbitrator Brunelle's ruling on the management of disability claims?

- Professionals are entitled to respect of their privacy and dignity within the context of how their disability cases are managed.
- The terms of the agreement are clear and, this being the case, do not warrant a new interpretation. The medical note need only attest to the nature and the duration of the disability.
- The employer may demand the MDR, but only if there is a legitimate reason for doing so and it is important in order to assess the disability.

With regard to the lessons retained in the ruling of Arbitrator Brunelle, potential solutions to help you contribute to a change in your workplace include the following:

- ⇒ Inform your members that when they consult their physician and the latter prescribes a leave from work, they should ensure that the documentation is complete (i.e., that it attests to the nature and duration of the disability). Know that prior to this ruling, courts had concluded that the medical note must also include the treatment, in order to be considered complete.
- ⇒ Inform your Labour Relations Board counterparts of your intention to "break" employers' habit of automatically requiring an MDR.
- ⇒ Insist that the employer analyze the medical note received before requiring an MDR.
- ⇒ Insist that the employer demonstrate that resorting to the MDR is legitimate and necessary.
- ⇒ As much as possible, maintain a common discourse between the different unions on this issue.
- ⇒ Act to defend the privacy of your members, especially since they are vulnerable when suffering from a disability.
- ⇒ Ensure that the employer takes into account the specific condition of the member, if applicable.