Federal unions, including CMSG, approve agreement on Phoenix "damages"

Late last week, federal public service unions and employer representatives reached a tentative agreement to provide "**damages**" to public service workers in light of the ongoing Phoenix payroll debacle. This tentative agreement was two years in the making. Today, the undersigned unions have announced that they have signed on to this deal.

It's important to recognize that this agreement in no way absolves the employer of its obligations to pay out any outstanding monies owed to the hundreds of thousands of public servants who continue to face issues with their pay, nor does it remove the employer's obligation to stabilize the current payroll system and continue work to find its replacement as quickly as possible. That work will continue.

What this agreement does, though, is:
1. provide immediate compensation to every public servant represented by these unions; and
2. create a process by which additional costs can be reimbursed and additional compensation / damages can be awarded to those affected by payroll errors.

Specifically, this agreement:

*   provides as a starting point, 16 hours of annual leave for Ships' Officers employed in the public service in 2016-17 and 8 additional hours of annual leave for those employed in 2017-18, 2018-19 and 2019-20, for a total of 40 hours for those employed since Phoenix was deployed, regardless of if or how they were affected by Phoenix;

*   establishes a process by which those who are no longer employed in the public service but were during the timeframe above can apply for reimbursement equal to that amount of leave;

*   extends the existing process for claiming out-of-pocket expenses incurred as a result of Phoenix problems;

*   creates a process for claiming additional costs including losses incurred as a result of having to cash in investments as a result of pay issues; losses associated with deferred RRSP contributions; costs associated with delayed severance or pension payments; or interest on loans, mortgages, credit cards or other forms of debt;

*   allows for the reimbursement of sick leave for members who took such leave because of Phoenix;

*   allows for payment of interest on delayed severance payments and pension entitlements or missing pay;

*   does not preclude additional damages being sought for claims alleging discrimination including issues related to maternity, parental or disability leave;

*   allows for claims related to consequences of lost occupational capacity, lost security clearances, bankruptcy or significant impacts on credit ratings; and

*   creates a process for claims related to mental anguish and trauma or other personal hardship.

We have also secured a commitment from the employer that should a bargaining agent secure additional compensation outside of this settlement, all signatory unions will receive the same compensation.

The ongoing Phoenix debacle is unprecedented in the scope and scale of harm caused to employees across the public service. While no amount of compensation could ever begin to provide full redress, it is our opinion that this agreement -- in addition to the employer's commitment to fully resolve outstanding pay issues and the steps being taken to mitigate the impact on tax filing errors and defer collection of overpayments -- represents recognition of the frustration and anguish felt by every public servant.

More details on the implementation of this agreement, including timelines, will be made available in the coming weeks.

The following unions have signed on to this agreement:

ACFO-ACAF
Association of Justice Counsel
Canadian Air Traffic Control Association
Canadian Merchant Service Guild (CMSG)
Canadian Federal Pilots Association
Canadian Military Colleges Faculty Association
Federal Government Dockyard Chargehands Association
Federal Government Dockyard Trades and Labour Council (East)
Federal Government Dockyard Trades and Labour Council (West)
IBEW 2228
PIPSC
Professional Association of Foreign Service Officers
Research Council Employees Association
UCCOSAC-CSN
Unifor