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PAY EQUITY MAINTENANCE

In the 1990s, the Quebec government adopted the Pay Equity Act¹ (hereinafter referred to as the PEA) which aimed to correct systemic discrimination experienced by persons working jobs² that were predominantly staffed by female workers. According to the initial job evaluation conducted in 2001 using a 17 sub-factor evaluation tool, the employer (Treasury Board Secretariat, hereafter TBS) is tasked with re-evaluating these positions every five years. The purpose of this re-evaluation, which we call Pay Equity Maintenance, is to evaluate and identify events that have occurred in an enterprise (school service centres and school boards) that could modify the sub-factor score since the last pay equity assessment.

Since 2010, these parties have twice participated in a conciliation process to agree on a settlement for complaints filed by labour organizations. The FPPE and the TBS finally reached an agreement at the third conciliation. On June 14, 2010, the FPPE and the Treasury Board Secretariat reached an agreement on the settlement of complaints for the 2010 Pay Equity Maintenance in job classes where the FPPE is the majority organization (representing the most members).

For the sake of convenience, this document contains explanations and a summarization of the agreement in the form of questions and answers.

¹ [HTTP://LEGISQUEBEC.GOUV.QC.CA/FR/SHOWDOC/CS/E-12.001](http://legisquebec.gouv.qc.ca/fr/showdoc/cs/E-12.001)].

² For more information, please refer to the March 8, 2021 PASSERELLE https://www.fppe.ca/wp-content/uploads/2021/03/La_Passerelle_08_03_21_MF_EN_EQUITY.pdf

WHICH JOB CATEGORIES HAD GRIEVANCES FILED OR REPRESENTATIONS MADE FOR THE 2010 PAY EQUITY MAINTAINANCE³ ?

- Language and Hearing Correction Officer
- Rehabilitation Officer
- Librarian
- Early Childhood Education Counsellor
- Guidance Counsellor
- Pedagogical Advisor
- Academic and Vocational Counsellor
- Communications Advisor
- Academic Training Counsellor
- Rehabilitation Counsellor
- Dietician - Nutritionist
- Resource Teacher
- Speech Therapist - Audiologist
- Psychoeducator
- Translator

WHAT JOB CATEGORIES ARE COVERED BY THE AGREEMENT?

The job categories covered include those for which the FPPE is the union organization with a majority of members:

- Guidance Counsellor
- Language and Hearing Correction Officer
- Rehabilitation Officer
- Librarian
- Guidance Counsellor
- Academic Training Counsellor
- Rehabilitation Counsellor

³In order to facilitate the French version of the document, the feminine gender was used throughout; however, it is intended to include men as well as women.

THE FOLLOWING ARE THE SPECIFIC TERMS OF THE AGREEMENT BETWEEN THE FPPE AND THE SCT: CHANGES TO JOB CATEGORIES

Guidance Counsellors, Librarians, Rehabilitation Counsellors, School Training Counsellors and Language and Hearing Correction Officers are subject to a retroactive increase in rank on the dates specified in the table below.

Name of the Category	Rank on December 31, 2010
Librarian	21
Rehabilitation Counsellor	22
Language and Hearing Correction Officer	20

Name of the Category	Rank on April 3, 2019
Guidance Counsellor	22
Academic Training Counsellor	21

THE SPECIFIC TERMS OF THE AGREEMENT BETWEEN THE APTS AND THE SCT AS FOLLOWS:

Name of the Category	Rank on december 2010
Speech-Language Pathologist	23

For all professionals concerned, the increase in rankings listed above will not modify the rank held by these professionals or the length of time required for promotion in accordance with the salary scales as given in the collective agreements.

Professionals affected by a salary adjustment shall be entitled, retroactively and taking into account the duration of their service, to an amount of money equal to the difference between:

I. The salary they received;

and

II. The salary they should have received for the same period by applying the new rates and scales of pay.

More details for each category.

LANGUAGE AND HEARING CORRECTION OFFICER

Regarding job evaluation complaints, sub-factor 11 will be increased to a total of 737 points as of December 31, 2010. As a result, Speech and Hearing Therapists will move from rank 19 to rank 20 AS OF DECEMBER 31, 2010.

As the gap between the former rank 19 and the former rank 20 is less than 8.52%, there will be no retroactivity. However, on April 2, 2019, the new rank 20 is more beneficial due to salary relativities. Professionals will therefore receive retroactivity as of April 2, 2019. Note that the 2% salary increase per year⁴ will have to be added to the salary scales as of April 2020 and for the following two years. As this amount is considered part of compensation and must be taken into account for benefit plans, including the RREGOP retirement plan, they will be adjusted accordingly.

Please find below, the former rankings for 19 and 20, as well as the new ranking for 20 following the relativities.

⁴Increase from the current negotiation of the collective agreements.

LANGUAGE AND HEARING CORRECTION OFFICER

Échelon	Taux jusqu'au	Taux jusqu'au	Taux à compter du
	2019-04-01 (\$) Rangement 19	2019-04-01 (\$) Rangement 20	2019-04-02 (\$) Rangement 20
1	43 239	41 682	44 671
2	44 828	43 071	46 114
3	46 492	44 564	47 612
4	48 256	46 112	49 127
5	50 052	47 715	50 735
6	51 909	49 373	52 360
7	53 901	51 080	54 058
8	56 921	53 794	55 793
9	59 088	55 715	57 602
10	61 357	57 736	59 446
11	63 715	59 802	61 382
12	66 161	61 989	63 354
13	68 717	64 269	65 418
14	71 390	66 633	67 208
15	74 208	69 082	69 034
16	76 037	70 779	70 933
17	77 904	72 522	72 851
18	79 837	76 744	74 842

LIBRARIAN

With respect to job evaluation complaints, sub-factors 3 and 12 are upgraded for a total of 768 points as of December 31, 2010. However, with regards to sub-factor 9, since our interpretation and the interpretation of the TBS differed, in accordance with the NDA, a working committee will be formed within 90 days of the agreement to discuss the rating applicable to sub-factor 9 (responsibilities for supervising and coordinating people). Accordingly, as of December 31, 2010, librarians will move from rank 20 to rank 21.

As the gap between the former rank 20 and the old rank 21 is less than 0.03%, there is no retroactivity. However, on April 2, 2019, due to salary relativities, the new rank 21 is more beneficial. Professionals will therefore receive retroactivity as of April 2, 2019. Note that the 2% salary increase per year⁵ will have to be added to the salary scales as of April 2020 and for the following two years. As this amount is considered partial compensation, it must be taken into account for benefit plans, including the RREGOP retirement plan which will be adjusted accordingly.

The agreement also addresses 2015 maintenance complaints for the class. A detailed and rigorous analysis of the elements in the 2010 AND 2015 Maintenance have been carried out. The analysis on the likelihood of improving certain sub-factors in both the 2010 and 2015 Maintenance was inconclusive. We found that some changes did not have all the elements to justify and modify the sub-factor rating. However, for sub-factors 3 and 12 the evidence was clear.

Please find below, the former 20 and 21 ranks as well as the new rank 21 following the relativities.

⁵Improvements to the current collective agreement negotiations.

2102 LIBRARIAN

Échelon	Taux jusqu'au	Taux jusqu'au	Taux à compter du
	2019-04-01 (\$) Rangement 20	2019-04-01 (\$) Rangement 21	2019-04-02 (\$) Rangement 21
1	41 682	41 682	45 420
2	43 071	43 071	46 954
3	44 564	44 564	48 580
4	46 112	46 112	50 223
5	47 715	47 715	51 958
6	49 373	49 373	53 730
7	51 080	51 080	55 574
8	53 794	53 794	57 492
9	55 715	55 715	59 446
10	57 736	57 736	61 492
11	59 802	59 802	63 610
12	61 989	61 989	65 783
13	64 269	64 269	68 048
14	66 633	66 633	70 039
15	69 082	69 082	72 102
16	70 779	70 779	74 221
17	72 522	72 522	76 394
18	76 744	76 744	78 640

VOCATIONAL REHABILITATION COUNSELOR

Regarding job evaluation complaints, sub-factors 11 and 15 were upgraded for a total of 789 points as of December 31, 2010. Accordingly, as of December 31, 2010, Vocational Rehabilitation Counsellors will move from rank 21 to rank 22.

The discrepancy between rank 21 and rank 22 is 0.26%; therefore, the rehabilitation counsellors will receive retroactivity. The salary adjustment will be retroactive to December 31, 2010, with interest at the legal rate. As this amount is considered partial compensation, it must be considered for benefit plans, including the RREGOP retirement plan which will be adjusted accordingly. Note that the 2% salary increase per year⁶ will have to be added to the salary scales as of April 2020 and for the following two years.

⁶Increase from the current negotiation of the collective agreements.

VOCATIONAL REHABILITATION COUNSELOR

Échelon	Taux jusqu'au 2010-12-30 (\$) Rangement 21	Taux du 2010-12-31 au 2011-03-31 (\$) Rangement 21	Taux du 2011-04-01 au 2012-03-31 (\$) Rangement 21	Taux du 2012-04-01 au 2013-03-31 (\$) Rangement 21	Taux du 2013-04-01 au 2014-03-31 (\$) Rangement 21	Taux du 2014-04-01 au 2015-03-30 (\$) Rangement 21
1	37 541	37 639	37 921	38 490	39 164	39 947
2	38 969	39 070	39 363	39 953	40 652	41 465
3	40 454	40 559	40 863	41 476	42 202	43 046
4	41 996	42 105	42 421	43 057	43 810	44 686
5	43 597	43 710	44 038	44 699	45 481	46 391
6	45 272	45 390	45 730	46 416	47 228	48 173
7	47 049	47 171	47 525	48 238	49 082	50 064
8	50 212	50 343	50 721	51 482	52 383	53 431
9	52 196	52 332	52 724	53 515	54 452	55 541
10	54 261	54 402	54 810	55 632	56 606	57 738
11	56 425	56 572	56 996	57 851	58 863	60 040
12	58 682	58 835	59 276	60 165	61 218	62 442
13	61 077	61 236	61 695	62 620	63 716	64 990
14	63 535	63 700	64 178	65 141	66 281	67 607
15	66 141	66 313	66 810	67 812	68 999	70 379
16	67 769	67 945	68 455	69 482	70 698	72 112
17	69 437	69 618	70 140	71 192	72 438	73 887
18	71 173	71 354	71 889	72 967	74 244	75 729

Échelon	Taux du 2015-03-31 au 2016-03-31 (\$) Rangement 21	Taux du 2016-04-01 au 2017-03-31 (\$) Rangement 21	Taux du 2017-04-01 au 2018-03-31 (\$) Rangement 21	Taux du 2018-04-01 au 2019-04-01 (\$) Rangement 21	Taux à compter du 2019-04-02 (\$) Rangement 21
1	40 346	40 951	41 668	42 501	46 114
2	41 880	42 508	43 252	44 117	47 776
3	43 476	44 128	44 900	45 798	49 529
4	45 133	45 810	46 612	47 544	51 319
5	46 855	47 558	48 390	49 358	53 182
6	48 655	49 385	50 249	51 254	55 136
7	50 565	51 323	52 221	53 265	57 108
8	53 965	54 774	55 733	56 848	59 190
9	56 096	56 937	57 933	59 092	61 345
10	58 315	59 190	60 226	61 431	63 574
11	60 640	61 550	62 627	63 880	65 875
12	63 066	64 012	65 132	66 435	68 304
13	65 640	66 625	67 791	69 147	70 769
14	68 283	69 307	70 520	71 930	72 979
15	71 083	72 149	73 412	74 880	75 280
16	72 833	73 925	75 219	76 723	77 636
17	74 626	75 745	77 071	78 612	80 083
18	76 486	77 633	78 992	80 572	82 585

GUIDANCE COUNSELLOR

Regarding complaints about the change in predominance, guidance counsellors have changed their predominance from mostly male to female as of April 3, 2019. Additionally,

sub-factors 7 and 15 are upgraded for a total of 785 points. The GC salary rank will be increased from rank 21 to rank 22 on April 3, 2019. As of April 3, 2019, GCs will be integrated into the pay scale of rank 22, at the level held on April 2, 2019. Letter of understanding No. 11 regarding salary relativities from April 2, 2019, in the P1 Professionals collective agreement will apply⁷.

The salary adjustment will be retroactive from April 3, 2019, with interest at the legal rate. A salary increase of 2% per year⁸ will need to be added to the salary scales as of April 2020 and for the following two years. As this amount is considered partial compensation, it must be considered for benefit plans, including the RREGOP retirement plan which will be adjusted accordingly.

It should be noted that the agreement also addresses maintenance complaints 2015 for the job class. A meticulous and rigorous analysis of the elements in both Maintenance 2010 and 2015 has been carried out. The analysis on the likelihood of improving certain sub-factors in both the 2010 and 2015 Maintenance was inconclusive. We found that some changes did not have all the elements needed to justify and modify the sub-factor rating. However, for sub-factors 7 and 15 the evidence was present.

Here are four concrete examples of the agreement's application:

⁷For professionals covered by the collective agreement P2, letter of agreement No. 9. Applies.

For professionals covered by the P3 collective agreement, Appendix S applies and for those covered by the P4 collective agreement, Letter of Understanding No. 13 applies.

⁸Improvements to the current collective agreement negotiations

GUIDANCE COUNSELLOR

Échelon	Taux jusqu'au	Taux jusqu'au	Taux à compter du
	2019-04-01 (\$) Rangement 21	2019-04-02 (\$) Rangement 21	2019-04-03 (\$) Rangement 22
1		45 420	46 114
2		46 954	47 776
3		48 580	49 529
4	47 423	50 223	51 319
5		51 958	53 182
6		53 730	55 136
7		55 574	57 108
8		57 492	59 190
9		59 446	61 345
10		61 492	63 574
11	63 714	63 610	65 875
12		65 783	68 304
13		68 048	70 769
14	71 744	70 039	72 979
15		72 102	75 280
16		74 221	77 636
17		76 394	80 083
18	80 368	78 640	82 585

ACADEMIC TRAINING COUNSELLOR

Academic Training Counsellors' salary rank will be increased from rank 20 to 21 from April 3, 2019. Sub-factors 7, 11 and 15 are upgraded for a total of 766 points. As of April 3, 2019, Academic Training Counsellors will be integrated into the salary scale of rank 21, based on the rank they held on April 2, 2019. Letter of Understanding No. 11 regarding salary relativities from April 2, 2019, in the P1 Professionals collective agreement will apply.

The salary adjustment will be retroactive from April 3, 2019, with interest at the legal rate. As this amount is considered partial compensation, it must be considered for benefit plans, including the RREGOP retirement plan which will be adjusted accordingly.

The 2% salary increase per annum¹⁰ will have to be added to salary scales from April 2020 and for the following two years.

Here are four concrete examples of the agreement's application:

⁹For professionals covered by the collective agreement P2, letter of agreement No. 9. Applies.

For professionals covered by the P3 collective agreement, Appendix S applies, and for those covered by the P4 collective agreement, Letter of Understanding No. 13 applies.

¹⁰Increase from the current negotiation of the collective agreements.

ACADEMIC TRAINING COUNSELLOR

Échelon	Taux au 2019-04-01 (\$) Rangement 20	Taux au 2019-04-02 (\$) Rangement 20	Taux à compter du 2019-04-03 (\$) Rangement 21
1		44 671	45 420
2	44 004	46 114	46 954
3		47 612	48 580
4		49 127	50 223
5	49 229	50 735	51 958
6		52 360	53 730
7		54 058	55 574
8		55 793	57 492
9	58 939	57 602	59 446
10		59 446	61 492
11		61 382	63 610
12		63 354	65 783
13		65 418	68 048
14		67 208	70 039
15		69 034	72 102
16		70 933	74 221
17		72 851	76 394
18	80 368	74 842	78 640

REHABILITATION OFFICER

Rehabilitation Officers saw a rating increase for sub-factor 11 - Experience and Initiation, increased from level 4 to 5, effective December 31, 2010. This amendment does not affect the ranking that was granted in the 2010 MAINTENANCE ASSESSMENT. This means that there is no salary retroactivity for this category since the increase only modifies the ratings (score) without changing the category classification. The total points are 782.

SPEECH THERAPISTS

With respect to job evaluation complaints, sub-factors 5, 12, 14 and 15 were upgraded for a total of 825 points as of December 31, 2010. As a result, effective on December 31, 2010, Speech Therapists will move from rank 22 to rank 23.

The discrepancy between rank 22 and rank 23 is 4.99%; therefore, Speech Therapists will receive retroactivity. The salary adjustment will be retroactive to December 31, 2010, with interest at the legal rate. As this amount is considered partial compensation, it must be considered for benefit plans, including the RREGOP retirement plan which will be adjusted accordingly. Note that the 2% salary increase per year¹¹ will have to be added to the salary scales as of April 2020 and for the following two years.

While there are many Speech Therapists in the education sector, the Speech Therapists and Audiologists category is mostly in health. The APTS union represents the majority of the category in the parapublic sector.

Note that the agreement between APTS and TBS also addresses the 2015 maintenance complaints for the class. This agreement is applicable to both health and educational speech-language pathologists.

¹¹Increase in the current negotiation of collective agreements.

WHY DID THE FPPE WITHDRAW SOME COMPLAINTS?

For each of the 2010 MAINTENANCE complaints, a detailed and rigorous analysis was carried out by the FPPE resource persons in order to make an informed decision regarding the chances of success for each complaint. Unfortunately, according to an analysis of the substantial and/or significant changes in tasks, facts, and information on file between 2001 AND 2010 and case law, we were unable to meet our burden of proof for certain complaints. In several cases, the facts and data between 2001 and 2010 were few and poorly documented. At the end of the evaluation process, we found that some complaints had no serious chance of success. As a result, the EPPF withdrew some complaints.

WHICH CATEGORIES WERE SUBJECT TO COMPLAINT WITHDRAWALS?

- Pedagogical Advisor (change of predominance from mixed to female*)
- Early Childhood Education Consultant (complaint evaluation)
- School and Career Information Counsellor (complaint evaluation)
- Communications Advisor (complaint evaluation)
- Dietician - Nutritionist (complaint evaluation)
- Speech Therapists (representation regarding assessment)
- Psychoeducator (complaint evaluation)
- Translator (complaint evaluation)

* Pay Equity Act

Article 55. A job class may be considered predominantly female or male in either of the following cases:

1. It is commonly associated with women or men due to occupational stereotypes;
2. At least 60% of the employees in the jobs in question are of the same sex;
3. The gap between the representation rate of women or men in this job category and their representation rate in the employer's total workforce is considered significant;
4. The historical evolution of the representation rate of women or men in this job category, within the enterprise, reveals that it is a predominantly female or male job category.

WHAT TO DO IF I FILED AN INDIVIDUAL COMPLAINT?

If you have filed an individual complaint in your job category, in accordance with the PEA, you will have the option of accepting the terms of the agreement or, if you do not wish to be bound by the agreement, pursuing individual representations to the CNESST on your own. It should be noted that the FPPE will not represent professionals before the CNESST or any other body that must render decisions concerning their individual complaint.

WHEN AND HOW SOON WILL THE MONEY BE PAID?

The sums due shall be paid in a single instalment, with interest at the legal rate, within six months of the signing of this agreement, i.e., by December 14, 2021, at the latest.

WHAT SHOULD I DO IF I AM AFFECTED BY THE AGREEMENT BUT I AM NO LONGER EMPLOYED BY A SCHOOL SERVICE CENTRE OR SCHOOL BOARD?

Professional employees whose employment ended between the retroactive start date¹² and the payment of retroactivity shall have a period of one year following the signing of this agreement (no later than June 14, 2022) to apply to their former employer for payment of the amounts due.

Following the written request, the employer shall pay the amounts within 6 months of the agreement, i.e., by December 14, 2021, or within 60 days of receiving the request.

¹²December 31, 2010, for librarians, rehabilitation counsellors, speech and hearing therapists and April 3, 2019, for COs and school counsellors.

WHAT SHOULD MY HEIRS DO IF THE DECEASED PROFESSIONAL WAS ENTITLED TO SALARY ADJUSTMENTS?

Amounts owing to an employee under the agreement are payable to the employer. Claimants must apply within one year of the signing of this agreement (no later than June 14, 2022) in order to receive the amounts due.

