



Customs and Immigration Union
Syndicat des douanes et de l'immigration

Report of the National President CIU 16th Triennial National Convention October 2011

Preamble

It is with pride and pure honour that I present to you this, my very last Report as Customs and Immigration Union (CIU) National President. It gives me great pleasure to welcome all of you to Ottawa for CIU's 16th Triennial Convention. This report endeavours to account on some of the key activities and issues that have retained the Union's attention since our last Convention, which was held in October of 2008. Since the 2008 Convention, we have witnessed such things as massive and unprecedented movement on the collective bargaining front; Canada Border Services Agency's (CBSA) so called Strategic Review which remains an ongoing concern; shady attempts by CBSA at implementing its Accommodation Strategy which included the related follow-up to the Third Party '*Grounds Report*'. Some of the other substantial issues which persist in keeping us busy include the fact that CBSA continues to move forward in a fairly meaningful way on the doubling-up and arming initiatives; these two (2) initiatives, in and of themselves, continue to generate many sub-issues requiring the Union's sometimes immediate attention; while fundamental training and other implementation concerns persist, on the positive side, a growing number of these concerns are being addressed and, though a commitment to fully arm Airport Officers still hasn't been achieved, even that objective has seen noticeable forward movement.

We have witnessed a virtually unprecedented amount of activity in the months immediately following our October 2008 Convention which included a devastating economic downturn, a federal election, and of course the fact that the work aimed at achieving new collective agreements for CBSA workers belonging to each of our bargaining units was completed. While I will be making general collective bargaining comments through this report, the more detailed reporting on past and current negotiations will be made through the CIU National Vice-President responsible for CIU's Collective Bargaining Portfolio, Brother Steve Pellerin-Fowlie.

As mentioned above, resisting CBSA's proposed approach to accommodations in relation to arming and Use-of-Force continues to be a major priority given many of the fundamental legal challenges we have formally raised and which have been confirmed by the Federal Court remain outstanding in spite of the participation of a Third Party Reviewer. I wish to thank Sister Karen Church as well as the other members of the CIU Equal Opportunity Committee for their related work thus far; as well as for setting up the Duty-to-Accommodate panel discussion session which took place during our April 2011 meeting of the CIU National Board of Directors. You will be pleased to learn that the Public Service Alliance of Canada (PSAC) Attorney specializing in Human Rights, Sister Lisa Addario, has accepted to address this Convention with updates on our many ongoing files.

As you know, collectively, we also continue to lobby very aggressively on many fronts which includes our sustained push for a CBSA led Border Patrol as well as for a better Frontline Lookout System. While much work remains ahead of us, the border patrol file has nonetheless

seen colossal movement with the 2009 launch of the Lacolle area border patrol pilot project. For its part, the Lookout System file is also currently seeing considerable attention and movement with the litigation of a case involving Sister Gina Martin-Ivie, as well as via numerous media articles, all of which tend to categorically support our position that the CBSA Lookout System is in urgent need of an overhaul.

Meetings and Field Visits

A list of the meetings and field visits I have undertaken since our last Convention is attached to this report under Appendix "A".

PSAC Regional Conventions

During the past months, I have had the privilege of attending and meeting with the CIU delegates who were attending their respective PSAC Regional Conventions; I was able to attend each of these except the PSAC North Regional Convention, that was being held in Iqaluit during the June 2011 Air Canada strike, which we of course supported by suspending all air travel.

PSAC Equity Conferences

During this cycle, I had the privilege and pleasure of either attending or, at minimum, meeting with the CIU delegates who were attending the following PSAC Equity Conferences:

- National Pride Conference – March 2010 – Toronto
- National Access Conference – June 2010 – Ottawa
- National Women's Conference – October 2010 – Ottawa
- National Aboriginal People's Conference – September 2011 – Yellowknife

Regrettably, due to a previous commitment, I was not able to make my way to the Vancouver National Racially Visible Member's Conference in April of this year; I want to thank the CIU Equal Opportunity Representative, Sister Karen Church, for having accepted to attend this event on my behalf.



I appear here with the CIU delegation at the Toronto Pride Conference; the CIU delegates who attended this conference were (alphabetically): Sisters Karen Church, Julie Kelly, Kendy Michaloski, Leanne Shirkey, Tara Simpson, Pam Smith, Brothers Alexander Bishop, Mark Cosford, Brett Evans, Timothy Hunt, and Steve Pellerin-Fowlie; also appearing in the picture is PSAC National Vice-President and CIU member, Sister Patty Ducharme.

NJC Seminar and Visit of Northern Worksites

At the end of September 2009, I attended the National Joint Council (NJC) Seminar on behalf of the PSAC. Many do not realize that the NJC is the oldest federal public service joint process through which employer and employee representatives try to find middle-ground on such things as the medical & dental plans, the Travel Directive, the Relocation Directive, etc. The NJC actually predates collective bargaining which for its part began in 1966. The seminar was held in Whitehorse that year, with the theme of the conference being the challenges faced in the North, focusing on such things as the NJC Isolated Post Allowance provisions. The conclusion, from both the Treasury Board (TB) and employee representative sides of the table, was that much work is ahead of us given the formulas being used for calculating such things as isolation expenses and compensation are archaic to the point of no longer adequately serving the purpose for which they were created.

Given already being in the North represented a rare opportunity; I remained in the Yukon for a few extra days following the NJC conference and tried to meet with as many CIU members from the North as possible. Unfortunately, between the time I planned these visits and the time I was actually there, we were informed that the port of Little Gold was closing earlier that year due primarily to insurmountable Officer housing issues on the US side as well as repeated failures with the satellite telephone system. When you look at the geography involved you can see that not being able to access Alaska via Little Gold made it impossible for me to visit as many crossings as I would have wanted to during the short time I was there. Nonetheless, I was able to meet with members from Whitehorse, Beaver Creek, Dawson City, Little Gold and Fraser BC. Though it was my second time visiting northern worksites and/or meeting with Northern members, it remained as eye-opening as the first time I visited the North with Brother George Scott many years back. While many of the issues which interest these members are common to all of us (arming, an improved pension plan, improvements to the collective agreement, etc.), these members are confronted with many other challenges specific to their work location. Imagine for example having to drive six (6) hours for your groceries (Beaver Creek to Whitehorse); that's the equivalent of me having gone to Toronto for groceries. Many of the issues raised by these members confirmed the conclusions of the NJC Seminar in that the formulas currently being used by TB to compensate those working in isolated locations are outdated and in desperate need of fundamental modifications.

I've included a few pictures from these field visits:





Picture 1: (left to right) Brothers Dan Robitaille (Whitehorse), Dan Robinson (Beaver Creek), Gary Knickle (Fraser), and National President Ron Moran await a CanPass flight in Whitehorse which is to be cleared by Brother Robitaille.

Picture 2: Sister Alyson Feeney poses with Brother Moran at Dawson City Airport.

Picture 3: (left to right) Brother Ron Moran, Brother Gary Knickle, Sisters Dena Lomano and Suzanne Tremblay at the Port of Fraser BC.

National Office Operations

Specific information relating to National Office Operations, including finances, will be provided to you through the report of the National Vice-President responsible for the National Office Operations portfolio, Brother Jean-Pierre Fortin.

Since our last Convention, we have seen a lot of movement in the CIU National Office staff. Sisters Mireille Sabbagh, Isabelle Legault and Chantal Prud'homme have left CIU for new horizons, while Sisters Jacqueline Rioux, Cécile Ventura-Fornos, Diane Meagher, and Brothers Erik Lupien, and Hector Melzner have for their part all joined our team. I know you all join me in wishing those who have departed CIU nothing but the best in all of their future endeavours, and in extending the warmest of welcomes to those joining the CIU National Office family.

June 23, 2010 Earthquake

As a result of the aforementioned seism, the CIU National Office suffered considerable damage and had to be closed for six (6) business days following the earthquake. The good news is that nobody was hurt and that our building has not been structurally compromised. The damage included pieces of brick and cinder-blocks from the top of the building's inner-wall becoming detached and falling through the suspended ceilings; suspended ceiling tiles becoming detached, many drywall cracks, and large pieces of equipment in the utility penthouse, including the furnace's boiler, snapping from their bolted retainers and moving by as much as six (6) inches.

In terms of insurance coverage, while we are insured for 'acts of God', which is apparently uncommon for commercial buildings, the deductible for this type of coverage is \$100,000. In other words and while we did try to find a way around this aspect of our insurance contract, we ended up having no choice but to eat the cost of the related emergency repairs.

I am including a few pictures which will give you an idea of the damages.





Grievance Administration in the National Office

I am pleased to report that the grievance database enhancements we undertook during this term are now complete, as is the development of our new Grievance Administration Tracking System (GATS). Though, as expected, tweaking is ongoing and will continue during the implementation period, I am pleased to report that the overall performance of the GATS is nothing short of impressive; I have absolutely no doubt this System will provide dividends to CIU for decades to come, and may well also generate interest from other Unions.

As announced in NO-Memo 36-10, the National Office began using the GATS this January 2011. We are now at the stage where we are working on the last related outstanding issues including: the capacity to group grievances without compromising their individuality, identifying which existing grievance files to input in the GATS and how to input them (the GATS will accommodate files mid-stream, which is good since most of our current grievance files are of course already in play); completion of employee training on the use of the GATS; finalizing the Standard Operating Procedures for grievance administration in the National Office; and monitoring, adjusting, and fixing bugs in the GATS during implementation.

Also new, and incorporated to be part of the GATS, is the development of a new Grievance Report (GR). The GR is an enhanced grievance précis; LRO's have been asked to use the GR to summarize grievances, outline their analysis, and record their recommendation to proceed with or close a grievance file. The CIU National Office Director has accordingly been asked to record her decision to proceed with or close a file on the GR.

Attached to this report as Appendix "B" are two (2) reports, which were generated from the CIU grievance database. The first report provides the current national snapshot of open grievance records in our database and speaks to the workload ahead. The second report provides an overview of actions taken and outcomes obtained for grievances received and administered by the National Office during the past 12 months, broken down on a month by month basis. I provide these for your information as well as to show you examples of the many different reports now available to us through our new system.

As a next step, we are moving towards developing an application similar to the GATS to help us manage Public Service Staffing Tribunal (PSST) complaints. Preliminary work has been done to configure our grievance database so that it can be used to gather data for PSST complaints however this still requires refinement.

Please note that, in the spirit of providing enhanced service to our members, National Office Labour Relations Officers have been asked to call and speak with either the Branch Representative or the Grievor about a grievance before the LRO can make his/her recommendation to close our file and/or withdraw the grievance.

Finances / Budget

- At the end of the past three (3) year budget cycle ending July 31, 2011, revenue had exceeded budget by \$814,122, expenditures were \$331,532 over budget, and appropriations were within budget for a total positive variance of \$482,590.
- The bigger portion of exceeded expenditures during the cycle was attributable to non-budgeted spending, which included the hiring of an additional Labour Relation Officer and the development of the GATS (Grievance Administration Tracking System). Even with those non-budgeted expenses, CIU would nonetheless end its three (3) year cycle increasing its surplus by \$253,476.
- During the same period, the investment portfolio has performed at 13.10%. The interest received and the unrealized gains and losses were \$41,270 for this period, meaning the value of CIU's long-term investment portfolio has accordingly increased bringing the new total of this portfolio to \$1,857,002. As an alternative liquid investment, a GIC (Guaranteed Investment Certificate) was placed at RBC Bank for \$250,000 due to exceeding cash for operations in fiscal-year 2011.
- Most areas of the budget were performing as expected, with variances effectively explained in the notes to the financial statements, found in the Report of Brother Jean-Pierre Fortin, CIU's 1st National Vice-President, who is responsible for the Union's Finance Portfolio.

CIU Holdings Ltd.

- The financial statements for CIU Holdings Ltd are attached as Appendix "C".
- CIU Holdings Ltd is performing within annual budget having an actual negative operating income of \$7,470 due to unexpected maintenance and repairs on the National Office's

HVAC system. It is important to note, however, that due to the adoption of the new IFRS (International Financial Reporting Standards) rules by Canada in 2010, it is now mandatory to use amortization standards in not-for-profit organizations (including Unions). As a consequence, the capital assets have been amortized for a total of \$7,378 during the fiscal year 2011, with a negative net accounting result of \$14,849.

Staff and AEU Meetings

Over the course of the past three (3) years, Brother Fortin and I continued to meet regularly with Alliance Employees Union (AEU) representatives as well as with all National Office staff. We did so in the spirit of better planning our workload, working proactively to address issues that arise in National Office operations, and in an effort to maintain transparent lines of communication and good working relations with our staff and their Union.

Collective Bargaining

As mentioned in the preamble to this report, the beginning of the 2008-2011 cycle was marked by the completion of the worked aimed at achieving collective agreements for all CBSA workers represented by CIU. I would suggest all of us were very pleased with the outcome of that round of collective bargaining. What's remarkable is that this came at a time when every developed country and every industry was being hit by a recession; job loss was rising at an alarming pace, and Canadians were in the midst of seeing their pension fund and/or other investments dwindle disastrously.

While the yearly percentage wage increases on their own were certainly modest, bargaining units have made considerable advancements in other areas such as classification conversion, pensionable lump-sum payments, or with the elimination of pay zones, the latter of which had been sought for over thirty (30) years by the GL/GS (blue collar) workers represented by CIU.

What was pleasantly surprising to all of us is the fact that these gains were attained without any form of strike or labour dispute. The reality is that the high-end majority of CBSA's current workforce wouldn't remember this ever happening to them in the past.

While it didn't represent all of what we had hoped for, those of us belonging to the FB Bargaining Unit nonetheless saw what can only be described as an appreciable wage adjustment. When the Union was successful at obtaining a separate FB Bargaining Certificate from the Labour Relations Board, most had no appreciation for what this really meant. The announcement of this victory came at the same time the Union was also announcing it had successfully lobbied the government into arming and doubling-up the country's front-lines; understandably, arming and doubling-up overshadowed the FB Certificate announcement at the time.

To the average member, the fact that the Union had been successful at establishing a separate bargaining unit for those CBSA workers who perform law-enforcement duties didn't mean much; that is, until the FB tentative agreement was reached. The first FB collective agreement made it crystal clear what can be achieved when negotiating at a separate table. And the advancements weren't only noticeable in the area of wages, but also in contractual language improvements, which included seniority rights and arming implementation job security rights. What is now also clear in everyone's mind is that negotiating at a distinct table is certain to continue generating dividends in future rounds of collective bargaining; and this for generations of workers to come.

While I have the privilege of orchestrating the processes which lead to such results, there is no way such accomplishments could even come close to being possible without the hard work of many Union Officers and Union Activists. Many thanks are owed to CIU and PSAC elected

Officers and staff as well as to the members of every bargaining team including of course the members of our own FB Team. A special tip of the hat goes out to the FB Negotiator, Brother Morgan Gay, who took on his role with unprecedented dedication and passion and who took the time to familiarize himself with CBSA operations by meeting with many of you at your worksites.

However, by far, what is most important to remember is that it's to those of you who had begun mobilizing that these gains are owed. Let there be no doubt in anyone's mind that with the precarious state of Canadian politics at the time and with the Olympics literally around the corner, the last thing the government needed was the likes of us acting up; the engine of our steam-roller was clearly running and that had everything to do with the achieved results.

The 2010 Expedited Round of Bargaining

For their part, the more recent fast-tracked attempts at negotiating tentative deals which took place outside the legislated collective bargaining process at the end of 2010 were without any form of precedent. Given the extremely divisive results thus generated, I suspect and certainly hope we will never witness such an approach to collective bargaining again.

The current Round

As you know, the FB and TC Bargaining Teams respectively turned down the employer's offers during the expedited round, preferring to stick with the legislated process. These two (2) collective agreements expired in June 2011 and, as you well know, the current round of bargaining is well on its way. Most of us on the CIU National Board of Directors, along with over 60 additional FB activists, attended the FB Bargaining Conference here in Ottawa at the end of this January 2011. The conference was the perfect forum for finalizing the FB Package of Demands and establishing the strong mobilization strategy, which will be key for what is shaping up to be an extremely confrontational round of bargaining.

I am always extremely proud to be at the helm of our organization, but, as I told the group attending the FB Conference, never more so than when I find myself in the same room with those who, by every definition, '*are the Union*'. In my address to them, I reminded CIU's front-line activists that they truly are '*la crème de la crème*'; their ability to mobilize and bring the ranks together when it counts most has been the key to our countless achievements thus far. It is this solid and unwavering approach that will make the difference in the current battle, and those to come. The next bargaining dates are November 15-18, 2011 and December 6-9, 2011.

Essential Service Agreements

Unlike the designations process where a ratified bargaining settlement ended the process of identifying positions to be 'designated' in the event of a strike, the *Public Service Labour Relations Act* (PSLRA) now obligates the parties to reach Essential Services Agreements (ESAs) after notice of essential services has been filed and irrespective of the status of current bargaining. ESAs then remain in effect unchanged unless major workload re-organizations take place, and they must be in place for any bargaining unit to be in a legal strike position. Accordingly, given outstanding ESAs are now before the Public Service Labour Relations Board (PSLRB), the absence of an ESA for the FB Group may well end up hindering the collective bargaining process should we reach impasse prior to this ESA being in place. PSAC and the various employers governed by the PSLRA will continue negotiating/addressing ESAs until either signed agreements are reached, or PSLRB rulings are handed down. The Chair of CIU's National Collective Bargaining Portfolio, Brother Steve Pellerin-Fowlie, will be providing you with a more detailed ESA update.

Predominating Issues

CBSA Strategic Review

CBSA's so-called Strategic Review has monopolized much of our respective time, energy and resources since it was announced on June 28, 2010. CIU National Vice-Presidents have been assisting affected Branches in addressing many of the related workforce adjustment situations arising from this initiative in the regions, though many workforce impacts remain undefined.

On August 3, 2010, I wrote to Ministers Stockwell Day and Vic Toews in their respective roles as Ministers of Treasury Board (TB) and Public Safety to express some of CIU's key concerns regarding CBSA's Strategic Review Initiative. Minister Day had quickly replied indicating the specific nature of the Review is for Minister Toews to respond to. For his part, Minister Toews, insultingly, took almost eight (8) months to get back to us and did so using nothing more than generic CBSA text which concluded by asking that we actually support Strategic Review. His response didn't even refer to, let alone comment on, the questionable CBSA expenditures, nor on the alternative areas of potential saving, which we had underscored to him and which would produce savings much more appreciable than those making up Strategic Review. In my swift follow-up letter to him, I advised Minister Toews of our profound disappointment with his response; referring to the generic CBSA text he had used and, which was virtually identical to the text that had been provided to us by CBSA eight (8) months prior, I went on to state that... *"Frankly, while we have come to not expect any better from CBSA management, as Minister you are entitled to much better.....which would require informed questioning. Assisting in that process has always been the goal of our communications with you and your predecessors"*. I concluded this letter by making it clear that he could **not** count on our support towards this initiative.

We have continued to actively lobby key stakeholders and Members of Parliament speaking against many aspects of this initiative and have been encouraging all of you to do the same. These included meetings with then Party Leaders Michael Ignatieff, and Gilles Duceppe, as well as then TB Minister Day. We also testified before the Standing House of Commons Committee on Public Safety and National Security.

In an unprecedented move, I was asked to join a delegation of Border Caucus Members of Parliament who were heading to Washington on a lobby mission against the announced land-border point-of-entry closures. Needless to say, I enthusiastically accepted this invitation and took advantage of this opportunity to also raise other questionable aspects relating to Strategic Review. The mission took place on March 3, 2011, and allowed me to meet nine (9) US Congressmen, Congresswomen, Senators and/or the head of their staff, all of whom had been targeted as having a direct interest in these unilateral Canadian decisions.

Johnstone Decision – Discrimination Based on Family Status

On August 6, 2010, the Canadian Human Rights Tribunal found that employers cannot discriminate against their employees should they choose to become parents. Fiona Johnstone, one of our own Border Services Officer members from Toronto, convinced the Tribunal that she was a victim of discrimination based on family status. The CBSA refused to accommodate her request for more regular hours so she could arrange for proper child care. The CBSA told her that the only way she could care for her kids was to work part-time. Fiona Johnstone was unable to obtain child care because she and her husband both worked rotating shift schedules at Pearson International Airport.

The Tribunal found that the conduct of the CBSA was willful and reckless in depriving Sister Johnstone of her employment opportunities. The Tribunal ordered the CBSA to pay her for lost

wages and pension benefits, as well as damages totaling \$35,000. This is a victory for all working Canadian parents who want to give their children the care they need and at the same time progress in their careers. Employers have the obligation to find workable solutions on a case-by-case basis so that workers like Fiona Johnstone can balance work and family.

The Tribunal criticized the CBSA for maintaining systemic policies and practices that deprived Sister Johnstone and other similar individuals of employment opportunities due to their family status. As a result, the Tribunal ordered the CBSA to develop a plan to prevent further incidents of discrimination based on family status, and develop policies to address family status accommodation requests. Sister Johnstone indicated she was happy and relieved by the decision of the Canadian Human Rights Tribunal since she can now move on with her career and with raising her family.

In 2004, Fiona Johnstone filed a complaint against the CBSA arguing that its policy violates the Canadian Human Rights Act by discriminating against her based on her family status. While not every childcare need gives rise to an employer obligation to accommodate, Johnstone argued that her complicated and unpredictable schedule made it impossible to care for her children. She said the employer had not proven that accommodating her with a more suitable shift would amount to undue hardship.

Joint Learning Program (JLP) Anti-Harassment Training Workshops

It was with great pleasure that I informed the members of the CIU Board in April 2010 that the colossal work aimed at making the aforementioned workshops happen had finally come to fruition. CIU, CBSA, and the JLP reached a formal agreement which saw the roll-out and delivery of these JLP workshops begin across CBSA in the fall of that year. Over the course of the next four (4) years or so, every CBSA employee will have been given the opportunity to attend one of these fundamentally important workshops. CIU continues to encourage all of its members to take advantage of this initiative by attending a workshop at the earliest opportunity; and we also invite all interested to become facilitators for these workshops. The JLP principle is that all modules are delivered by an equal number of management and employee representatives. While members of the Professional Institute of the Public Service of Canada are not a part of the JLP initiative, its CBSA members are nonetheless invited to these CIU/CBSA/JLP workshops.

Arming and Joint-Force Initiatives

As the National President of our union, part of my job was to point out when members of CBSA management weren't doing theirs. Depending on the issue and who's occupying what chair at a given time, the frequency and forum of those, shall we say, pointed observations can vary as members who've followed our battles can attest.

During the summer of 2010, I gave an interview in a story that ran in the Ottawa Citizen where I described how CBSA's policy to refuse our officers to be armed while performing duties away from a port of entry was unreasonable, unjustified, and unlawful. I cited a Montreal case which was before the Occupational Health and Safety Review Board where we were representing members who are seeking an end to this clearly dangerous and unjustifiable practice.

These days the CIU even being in the news seems to get under the skin of certain management types who aren't exactly used to dealing with unions that actually speak up and are out to defend their members, so a reaction from 191 Laurier was certainly not unexpected when the story ran. To my surprise and pleasure however, I am pleased to announce that CBSA's then Executive V.P., Monsieur Luc Portelance, wrote to the national media to point out that the case

in question dealt with Officers assisting police agencies but not on CBSA related actions. Mr. Portelance went on to note,

“The safety and security of our officers is one of the Canada Border Service Agency's (CBSA) highest priorities. As is clearly stated in the agency's policy, when the CBSA takes an active role in Joint Force Operations with other agencies, CBSA armed officers are authorized to carry their firearms.”

Sadly, on Christmas Eve 2010, CBSA announced that it would no longer assist the rest of the law enforcement community in any type of non-CBSA operation. Make no mistake, we will do whatever it takes to continue underscoring the ill-advised nature of this decision, as we will do whatever it takes to ensure authorization such as outlined above by Mr. Portelance be extended to Officers in police assistance situations. That said, we were nonetheless extremely glad to see CBSA completely, unequivocally, and publicly acknowledging CBSA Officers are fully and lawfully empowered to perform mandate duties, while armed, away from designated points-of-entry. This has been the CIU's position for years so it was truly good to see we now had a management partner agreeing with us. So....let's talk about that Border Patrol project, Luc...

C-11: AN ACT TO AMEND IRPA

Background - The CIU has maintained an ongoing interest in the issues relating to refugee determination and removals as a result of its memberships' duties relating to refugees. This has included third party discussions with the Minister of Citizenship and Immigration regarding improving the process of refugee determination and safely expediting the removal of failed refugee claimants from Canada. As a result the CIU was aware that these kinds of changes were being contemplated and that further improvements consistent with Officer and public safety (and our Lookout System recommendations) regarding Immigration screening and enforcement may be forthcoming so the Bill in no way came as a surprise to us.

The Purpose of Bill C-11 is to expedite the refugee determination process by creating professionally (public servant) staffed refugee determination and appeal bodies that are to be aided by:

- Defined and dramatically reduced timelines for decision making (8 days to schedule hearing and 60 days thereafter for the hearing) with anticipated appeal decision within four months.
- An initial IRB meeting to help prepare cases for first hearing within 8 days.
- Reduced avenues of appeal for denied applicants especially in relation to discretionary relief (bar on access within one year during which the removal is anticipated).
- Designation of presumptive 'safe' countries for expedited refugee claim consideration (criteria to be set by regulation) and reduced appeal access (to Federal Court but not new Refugee Appeal Division).
- Better informed initial decision making and administrative appeal with a single judicial (Federal Court) appeal in addition (whether such multiple judicial appeals can be removed is a potential issue).
- Creation of a Toronto based pilot program whereby 'incentives' for departure will be offered (plane fare and 're-settlement' funding on departure).

C-11 has already created the need for new Immigration Inland Enforcement Officers. There is also an intended reduction in the numbers of failed/abandoned refugee claimants who have disappeared which has been calculated to be in the 38,000 range by the Government. This will create additional investigative and case preparation work for CIU members. Additionally, given the anticipated shorter decision and appeal process, it is recognized that this may mean more detentions in custody or, as CIU has previously recommended, enhanced supervision and Officer safety measures such as using electronic monitoring on select deportees as they await removal.

These changes are supportive of enhanced screening mechanisms at Points-of-Entry to prevent the return of inadmissible or fraudulent (false identity) refugee claimants. This also supports other CIU initiatives relating to an enhanced Lookout System available at Points-of-Entry. Expedited decision making and removals for failed refugee claimants is also supportive of a broader policy reform to expedite the removal of persons who are inadmissible on criminality or security grounds. If successful, C-11 should produce significant cost savings in the immediate and long term which will then permit funding for other desired measures as noted by CIU. It is reported that C-11 will be accompanied by \$540M over five years with \$85M of that to cover faster decisions and removals.

Bill C-11 received Royal Assent June 29, 2010; CIU will continue monitoring the success or lack thereof with respect to removals; we will also track the expenditure results of the Bill and will closely monitor CBSA's implementation of C-11 as their initial presentation incorrectly defines refugee inadmissibility by not referencing serious criminality and criminality.

Elected Officers Supplementary Pension Plan

While I am the first to appreciate the sensitive nature of the aforementioned subject matter, and also how communications surrounding this issue were completely fumbled by the Union, it was nonetheless very disappointing that a lot of important information and details have clearly been intentionally omitted by those from within the Union who have chosen to turn this into a disgraceful and profoundly damaging public debate.

Contrary to what has been suggested by some conspiracy theorists, it is not even possible for the PSAC or any of its Components to have a hidden agenda with matters of this nature given anything affecting Union finances in such a manner needs to be budgeted and, ultimately, adopted by the respective Conventions. So that no ambiguity exists on how I voted on the related motion during the February 2011 PSAC NBOD meeting, please note that I voted in support of allowing that the option being advanced by the PSAC in this matter be available as a solution given Treasury Board's decision to renege on the related reciprocal pension transfer agreement.

In April of this year, the members of the CIU National Board of Directors were provided with all of the related information which included the actuarial calculations specific to CIU. This was achieved through a very insightful independent presentation, and the members of the CIU Convention Finance Committee have asked that the same independent Actuary Consultant along with the PSAC Pension Officer be invited to this Convention and basically make the same presentation. As a result, all Convention delegates will have the same information and, from there, will be able to have a well-informed debate on the issue with all of the pertinent information on hand.

CR/AS Classification Campaign

Like yourselves, I look forward to hearing through the report of the CIU National Vice-President responsible for the Union's Human Resources Portfolio, Brother Carmen Filice, on the aforementioned given this file has seen considerable movement with CBSA committing to prioritize this initiative by finally updating all CR and AS job descriptions within a respectable timeframe. As with all CBSA projects directly affecting the membership, this initiative has been rolled out in a manner, which in many cases, has created more frustration than it has eliminated. The objective of this project is to review and update 126 work descriptions by the end of 2011; with each job description written in the required Treasury Board format. These are to serve as a starting point for discussions between management and the affected employees, and will allow the moving forward of the many outstanding job-content and classification grievances on file.

Front-Line Recruitment Levels

During the fall of 2009, we became aware and particularly concerned by the fact that CBSA had chosen to reduce its Front-Line Officer recruitment intake by more than three quarters compared to the 2008/2009 fiscal year. During the 2008/2009 intake period, 1,155 recruits were invited to the College (with 923 making it through); CBSA's plan for the fiscal year of 2009/2010 was to only invite 284 recruits to the College. When you subtract the 107 recruits, which were coming in through the dedicated doubling-up initiative funding that year, this left only 177 recruits for all other categories (keeping in mind the ongoing high failure rate). CBSA has since maintained similar Front-Line Officer intake levels; they attribute these drastic reductions to the requested cuts expected by all Departments, to the economic slow-down which has affected the Agency's business volumes, as well as to the fact they are expecting Officers will now want to stick around longer at retirement age to improve their pensions in light of the FB conversion pay raises. In our view, this phenomenal intake reduction remains a train wreck in the making given the economy is prudently yet steadily on its way up and given the reduction is taking place simultaneous to the elimination of the student program at marine and land-border points-of-entry. If the CBSA was the vibrant proactive law enforcement organization that it should be, the expectation that many Officers would actually want to keep working for sustained periods of time once eligible for full pension would be realistic; however given the current reality.....

Public Service Health Care Plan

The new contract with Sun Life for the administration of the Public Service Health Care Plan (PSHCP) took effect on November 1, 2010. The introduction of the PSHCP Benefit Card was one of the final steps in the implementation of the Memorandum of Understanding signed in 2006 between the Treasury Board Secretariat, the bargaining agents of the public service, and the pensioners represented by the Federal Superannuates National Association (FSNA). Some of you will have had a chance to witness firsthand how the introduction of the PSHCP Benefit Card has also changed the way prescription drugs and certain medical supplies are now being processed affecting such things as supply limits. The Plan administrator has published a related online Bulletin which I encourage you to read; it covers these and many other aspects of the Plan including the new contribution rates for pensioners, the generic drug substitution, and the link between the PSHCP and the provincial drug plans, to name a few. The Bulletin can be found online at:

<http://www.pshcp.ca/english/bulletins/bulletin25.pdf>

Pay Modernization Initiative

On February 17, 2011, I participated in a PSAC Centre meeting which aimed to update Component Presidents and other PSAC leaders and staff on what the Union has learned so far regarding the employer's Pay and Benefits centralization to Miramichi, NB.

Implementation will be in phases; the first phase, which is expected to take place over the upcoming four (4) years, does not include CBSA. Nonetheless, we ask that all of you monitor the situation very closely within your respective Branches and that you report any and all related movement to the National Office. It will also be important to circulate all pieces of related PSAC Communications amongst the affected members given questions will only grow in numbers as anxiety levels will rise within the Pay and Benefits community. Please work towards obtaining personal e-mail addresses for every affected member and forward these to membership@ciu-sdi.ca. The e-mail addresses will be entered into the PSAC membership system; this will allow direct communication with them at crunch time. Please also identify and/or recruit representatives from within this community if none currently exist, and identify these to us.

Taxable Benefits – Parking

On February 10, 2011, I participated in a Union/Management briefing regarding the aforementioned; during this meeting management confirmed the related changes which now make parking a taxable benefit when provided by the employer, even in situations where parking is offered at a discounted rate. Management described the impact on CBSA employees as being minimal with only 231 employees affected, many of whom are not Union members; this would be primarily due to the fact that most CBSA employees either do not have parking provided to them, or they work in a shift-work environment, which excludes them from the related provision of the *Income Tax Act*.

This initiative was initially announced to CBSA employees in June of 2010. In situations of discounted parking rates, the difference of the amount paid for parking versus the Market Value Rate (as established by Public Works and Government Services Canada (PWGSC)) will become the taxable portion. As an example, monthly parking paid at \$120 when the Market Value Rate is \$150 makes the \$30 difference become a taxable benefit.

A breakdown of all 231 affected CBSA employees was provided as follows:

- Headquarters (Non EX) – 129
- EX's – 89
- Atlantic – 1
- Quebec – 5
- Northern Ontario Region/ Southern Ontario Region – 6
- Prairies – 1

CIU Lobbying

As mentioned in previous sections of this report, CIU has been active on the lobbying front in areas, which include opposition to CBSA's Strategic Review. Our lobby efforts also continue to take aim at the establishment of an effective Front-Line Lookout System as well as at a CBSA-led Border Patrol. The CIU campaign to gain alternate work arrangements for Trade workers has now made its way back to the bargaining table while the newest campaign, insisting that CBSA provide up to date job descriptions and fair classification levels for CRs and AS's, is also high on the CIU lobbying list. CIU is also committed to sustaining an aggressive campaign for a fair classification level for Immigration Inland Enforcement Officers, a battle which began even before these officers joined our Union's ranks. While the details surrounding the Canada/US Perimeter agreement remained nebulous at the time of writing this report, CIU has nonetheless already lobbied intensely in this file, and remains poised to continue doing so. We continue to effectively advance our many issues by using the media at every opportunity, as this approach has a proven track record for CIU.

SCONSAD and other Parliamentary Committee Appearances

During this term of Office, we have continued this Union's long-standing and highly effective practice of appearing before Parliamentary Committees as they are reviewing or looking into issues directly affecting our membership. One such appearance took place on June 22, 2009 when Brother Fortin and I testified before the Standing Senate Committee on National Security and Defense (SCONSAD). Our presentation and Brief aimed to update CIU's *Secure Border Action Plan* (SBAP), the latter of which we had presented to Minister Day as well as to SCONSAD in November of 2006. Our presentation and Brief also focused on a series of new issues. The SBAP portion of our presentation/Brief offered updates under the following headings: Point-of-Entry Connectivity, Point-of-Entry Lookout System, Port Runners, Border Patrol, Pre-Border Clearance, The Arming Initiative, and Ending Work-alone. The new issues which made up our presentation/Brief were under the headings: Staffing Concerns, The Auditor General's 2008 Report, Seaport Security Issues, and Corporate CanPass. All in all, our appearance went very well with the Senators asking very pertinent questions as is always the case. The working relationship CIU has maintained with SCONSAD and other Parliamentary Committees over the years has been extremely productive to say the least. Our appearances have featured presentations of specific factual circumstances as well as offered improvement suggestions and areas meriting inquiry, which the Committees have, more often than not, followed up with CBSA management and others.



Picture with Senator Colin Kenny during a September 26th, 2011 meeting.

Cornwall

We keep paying close attention to the media coverage regarding the location of the Port of Cornwall, the latest of which suggests significant consideration is being given to relocating this Canadian crossing to the American side of the river. Many political and technical obstacles stand in the way of this option, not the least of which would be the required legislative changes. Needless to say, if this move were to actually materialize, a countless number of new

challenges would emerge including travel patterns to and from work given there is no way Officers would accept to drive through the Reserve to get to work and, particularly not, when transporting arrested individuals.

I wish to thank all of you who continue to lobby aggressively on behalf of the organization for the Cornwall Border Crossing to remain exactly where it is currently set up, on the Canadian mainland away from the Akwesasne Native Reserve, which has been the Union's position for well over two (2) decades. We have ramped-up our concerted lobby efforts with organizations such as the National Coalition Against Contraband Tobacco. In partnership with the Coalition, I have personally met Cornwall Conservative MP Guy Lauzon, as well as with the Mayor of Cornwall, Bob Kilger. The appalling underlying reality, which has become evident is the fact that Cornwall's business community, led by no less than its Chamber of Commerce and others who should really know better, clearly seem to see Cornwall's illegal tobacco trade as a victimless crime, which provides a positive and welcome boost to the region's local economy. Even Mayor Kilger was quoted in a Toronto Star article making a comment underscoring this underlying notion; though he did later suggest he had been "misquoted". If we do not act against such a crime as a society, we avert our eyes from an illegal activity that harms young people, reduces tax revenues, hurts First Nations, hurts the credibility of law-enforcement, harms our health care system, harms the health of the population, hurts small business, and hurts the very integrity of our borders. This illegal activity enriches criminal biker networks, illegal manufacturers, terrorists, prostitution, and illegal drug networks. These are networks that use illegal arms to prey upon and, when necessary, simply eradicate citizens who stand in their way. If we permit all of this to happen, we are saying that the rule of law - fundamental to how a democracy balances freedom and order - is actually negotiable, or worse, a side-car afterthought. If the illegal importation, sale, financing, manufacture, distribution and export of tobacco is not addressed, as a society, what other illegal acts are we, by extrapolation, also tolerating? Are we tolerating such things as the illegal smuggling of children for prostitution; the illegal importation of counterfeit pharmaceuticals; the illegal violation of copyright laws established to protect intellectual property?

Membership

As you will see by the below 2009-2011 'yearly variance' membership chart, in spite of the cuts repeatedly being announced by the employer, CIU has so far only seen an actual decrease of 26 deductees during the course of these three (3) calendar years. Also noteworthy is the fact that because in 2009 we saw an increase of 466 deductees, we have accordingly increased our membership by 440 deductees since the 2008 National Convention.

CIU Membership											
2009 to 2011											
	2009			2010			2011			Total	
	Deductees	Var	%	Deductees	Var	%	Deductees	Var	%	Var	%
Membership *	11,334	466	4.29%	11,292	-42	0.37%	11,308	16	0.14%	440	4.05%
* Yearly Variance											

I am also including a membership chart which breaks down the total number of deductees by month. It captures the period from July 2010 to July 2011. You will notice that during this period, the number of deductees went up by a total of 16. The final figures at the end of July 2011, which represents the most recent figures available at the time of writing this report, were 11,308 made up of 10,850 signed members and 458 Rands.

**CUSTOMS AND IMMIGRATION UNION
TOTAL OF MONTHLY DEDUCTEES - AS OF JULY, 2011**

MONTH	FULL	RANDS	TOTAL	MONTHLY GAIN OR LOSS OF REVENUE @ \$21.40		Y-T-D GAIN OR LOSS OF REVENUE @ \$21.40	
JULY 2010	10,761	531	11,292				
AUGUST	10,615	575	11,190	-102	-2,182.80	102	-2,182.80
SEPTEMBER	10,743	580	11,323	133	2,846.20	31	663.40
OCTOBER	10,736	572	11,308	-15	-321.00	16	342.40
NOVEMBER	10,742	531	11,273	-35	-749.00	-19	-406.60
DECEMBER	10,723	585	11,308	35	749.00	16	342.40
JANUARY 2011	10,756	536	11,292	-16	-342.40	0	0.00
FEBRUARY	10,735	468	11,203	-89	-1,904.60	-89	-1,904.60
MARCH	10,825	447	11,272	69	1,476.60	-20	-428.00
APRIL	10,837	470	11,307	35	749.00	15	321.00
MAY	10,861	524	11,385	78	1,669.20	93	1,990.20
JUNE	10,925	478	11,403	18	385.20	111	2,375.40
JULY	10,850	458	11,308	-95	-2,033.00	16	342.40
Component Dues S/2 & S/3: \$251,426.74 Local Dues S/2 & S/3: \$35,908.44				Year-to-date Gain		368	\$342.40
				Year-to-date Loss		352	
				Net Gain		16	

Communications

The last three (3) year cycle has represented a very challenging mandate from a communications perspective, which began with the Union's change in name no less. More than just letters on our front door, this fundamental change marked an extraordinary milestone in the history of our organization. This transformation started with the reassessment of how we now see ourselves as an organization. Administratively, the name change involved a tremendous amount of work given all of our banking and other financial accounts had to be modified, along with the name of the Union's Holdings Company. All the suppliers had to be notified, and our stationeries, documents, and signs all had to be changed. We also had to make new arrangements with the PSAC as well as advise the medias and all of our other partners. All of the National Office Staff brilliantly collaborated in achieving this humongous task.

Following the change in name, we not only revamped the CIU website but actually undertook its entire reconstruction. The site went from a website that had served us well but which dated back to the early days of the internet, to a new Web 2.0 Content Management System (CMS) that brought us into the 21st century with a much more interactive website now fully linked to social networks and, which better reflects the image of our modern Union. The CIU website is not only built to accommodate our present needs, it also provides us with a platform designed to accommodate and easily adapt other currently available and future web features and technologies.

We took advantage of the change in name to also change the look and layout of our magazine. Its new format is more modern, concise, diversified with recurrent sections where readers can be educated, informed, and entertained. From the eyes of the publisher, the magazine has now got the look of a subscription magazine compared to that of a newsletter. Being available both in paper and electronic format gives us a better flexibility to archive and for readers to access from work or home. The new philosophy of the magazine is to give more space to our members and partners by publishing their submitted texts and pictures. Ultimately, the goal of the magazine is to be by the members for the members.

CIU's communications continue to play a key role in the organization's lobbying efforts. We have had dozens of very successful campaigns and our communications have been leading the way. We have maintained remarkable media relations, which have led to me alone having participated in literally hundreds of media interviews. In July 2009, we updated our *Secure Border Action Plan*, which has become a highly respected reference and consultation tool, as we keep on addressing and marching forward on the issues, which most concern and affect CIU members.

Health & Safety

I continue to fully monitor and even maintain direct involvement in some of the work generated by the current health and safety issues. Early in the term, I stepped down as a full member of the Policy Health & Safety Committee (PHSC), giving way to the involvement of another member of the CIU NBOD Occupational Safety & Health Committee to take part in the PHSC. After the CIU London/Kitchener District Branch President, Brother Mike Matuzic, chose to step down from this committee, we were pleased that the CIU Nova Scotia Branch President, Brother Brett Evans, accepted to be appointed to the PHSC as he brings quite a varied perspective to the table linked to the work he performs in the Halifax marine Unit. With this change, your current Union members on the PHSC are Brother Evans, the CIU Victoria & Island Branch President, Sister Leanne Hughes, and the Union Co-Chair is the CIU National Vice-President responsible for the Union's Health & Safety Portfolio, Brother Jason McMichael.

CBSA Name Tag Issue

Brother Jason McMichael, as the CIU National Vice-President responsible for the Union's Health & Safety Portfolio, has been actively working on our objections to the aforementioned CBSA initiative and will of course be reporting on it as well as on many of the other health and safety issues he has been working on. I nonetheless wanted to thank all of the members and activists who have taken the time to transmit their very encouraging words of appreciation for the two (2) related letters I have sent to the CBSA President.

Overview of The Canada-US Joint Border Threat Risk Assessment

This high level threat risk assessment touches on several specific border related enforcement issues, which is why I felt it necessary to mention in this report. The announcement of it being undertaken had come in May 2010 and the actual assessment appears to have been completed in July 2010 but not released until March 10, 2011.

The Review is useful as a confirmation from the Governments of Canada and the United States of certain general border security and enforcement issues. It also offers specifics in a couple of areas that may well prove useful in the future. The Review provides very specific detail and summaries, particularly in the area of cross-border organized crime activities.

The Review describes itself as an assessment that will “...provide U.S. and Canadian policymakers, resource planners, and other law enforcement officials with a strategic overview of significant threats along the 5,525-mile/8,891-km international boundary between the United States and Canada.” The threats are categorized under national security; organized crime; migration; agriculture; and health.

Interestingly, while the expected broad spectrum of agencies on both sides of the border are noted as having contributed to the Review, only CBP, CBSA, and the Royal Canadian Mounted Police are described as having prepared it. The relevance and importance of CBSA in all border issues, including between ports of entry, is clear from this as well.

PSAC NBOD Duties

As a member of the PSAC National Board of Directors, I attended the three (3) yearly meetings of the Board. As a committee member, I also participated in meetings of the PSAC NBOD Health & Safety and Collective Bargaining Committees. I further continued representing all PSAC Components on the PSAC Pension Committee, which is the committee that governs and plays an actuarial oversight role for the Union employee's pension fund.

Conclusion

I would like to take this opportunity to thank all of you, the Union's activists, for your sustained involvement and participation in Union mobilization, representation, and training at all levels; without all of you, there would simply be no Union. You have made me extremely proud to be your leader all these years, and it is thanks to your hard work that I can leave the presidency glowing with pride, fuelled with a sense of accomplishment.

I also want to thank the members of the CIU National Office staff for all of their sustained hard work; we are truly fortunate to have such a qualified and dedicated team working for us and I know you all join me in expressing thanks and appreciation towards each of them.

This report of course can only cover a fragment of the issues we have been involved in during the past three (3) years, I will be happy to answer questions on these reported items, or on any other matter CIU is or has been involved with.

Respectfully submitted for your consideration,

A handwritten signature in black ink, appearing to read 'Ron Moran', written in a cursive style.

Ron Moran
National President

APPENDIX "A": Field Activities

APPENDIX "B": Grievance Workload Reports

APPENDIX "C": CIU Holdings Ltd. Financial Statements