

MEETING MEMBER'S NEEDS: NEGOTIATING FAMILY CARE

Achieving a balance between work and family life is becoming more and more of a struggle for our membership. Caring for both children and an elderly family member is in itself a full-time job; members are looking for ways to balance their work life with their family care obligations. Helping members find this balance should be as much a priority for employers as it is for unions. This paper will examine both the need and options for negotiating family care. When discussing family care in this paper, a broad definition of family is being considered, that can include children, the elderly, adult children with special needs, aunts, uncles, and grandchildren. By taking a leadership role on this issue, unions can be both proactive in the lives of the membership, and can help shape public policy to improve conditions for all workers.

The Current Situation

As has been documented in recent studies¹ stress levels are on the rise due to the competing priorities of work and home. Increases in workload due to downsizing, technological change and restructuring are clashing with increased family demands brought about by cuts to social, educational and health services. Our members are caught in the middle, resulting in stress, increased use of leave, and increases in unplanned absences. As a union, we need to look at ways of helping to alleviate this pressure, and assist the membership in balancing work and family care obligations.

The need for family care has been evolving for decades; the result of demographics, women's increased participation in the workforce, government policy changes and cuts to social, health and education programs. It has been more than thirty years since the Royal Commission on the Status of Women recommended a national child care plan. In 1967, the year of Canada's centenary, approximately one in six mothers with preschool children were in the workforce. A third of a century later, the equivalent statistic reveals that seven in ten mothers with young children are in the workforce². Over this same period, three successive federal governments have committed themselves to a national childcare policy. Canadians are still waiting. In the meantime, demand for quality childcare far outpaces the number of spaces available.

¹ The most recent being Health Canada's *2001 National Work-Life Conflict Study*, co-authored by Dr. Linda Duxbury and Dr. Christopher Higgins.

Human Resources and Development Canada (HRDC) has also developed a website dedicated to work/life balance and the aging population: <http://labour-travail.hrdc-drhc.gc.ca/worklife/>

² Krashinsky, Michael, "Are we there yet? The Evolving Face of Child Care Policy in Canada" in *Transitions Magazine*, (Winter 2001, Vol. 31, No.4)

If this pressure were not already enough, many of our members face the additional challenge of caring for an elderly member of their family. The 2001 Census revealed that the fastest population gain was amongst seniors. Between 1991 and 2001 the numbers of Canadians aged 80 and over soared 41.2%, and this group is expected to increase an additional 43% from 2001 to 2011, during which time it will surpass an estimated 1.3 million people. By comparison, the population of Canada grew only 4% between 1996 and 2001, one of the smallest census-to-census growth rates ever recorded³. Many more seniors are living alone or with another family member(s), as the numbers of seniors residing in health care institutions is on the decline.⁴

Moving Public Policy Forward

This demographic crunch and the ensuing demands on Canadians have been highlighted in the research of Linda Duxbury and Christopher Higgins. The latest release of the Duxbury / Higgins National Work-Life Conflict Study made the following recommendations on how government could take a leading role in helping Canadians achieve a balance between their work and family obligations:

- »»» *Become best-practice employers in work-life balance by introducing appropriate policies and enacting forward-thinking legislation;*
- »»» *Develop and implement a national elder-care program;*
- »»» *Implement a national child-care program that addresses the needs of children of all ages;*
- »»» *Ensure that labour legislation includes specific language around long-term leave for the care of a parent;*
- »»» *Make it financially easier for family members who wish to stay home to care for their children or elderly dependents;*
- »»» *Ensure that public policy reflects changes in longevity, divorce, remarriage, and non-traditional family structures.⁵*

Making any of the above happen will take a coordinated approach, working with sister unions, community organizations, and action groups to effectively lobby and create social and political change. This will take time, membership support, education and mobilization. While one of the avenues for pursuing work-family balance is collective bargaining, it is not the only solution to a problem that touches all Canadians. Like with pay equity, we need to set new ground in the area of work-family balance and demand that government enact family-friendly policies and legislation.

³ Statistics Canada, *Profile of the Canadian Population by Age and Sex: Canada Ages* (July 16, 2002)

⁴ Statistics Canada, *Profile of Canadian Families and Households: Diversification Continues* (October 22, 2002)

⁵ Duxbury, Linda, Higgins, Christopher and Coghill, Donna, *Voices of Canadians: Seeking Work-Life Balance* (HRDC, January, 2003)

The Government Response

While there remains a need for significant improvement in the area of federal family care policy, there have been some positive signs of change. The 2002 Speech from the Throne contained a commitment to significantly increase the National Child Benefit for poor families, to work with government partners to increase access to early learning opportunities and to quality child care, particularly for poor and lone-parent families. There was also a pledge to put in place targeted measures for low-income families caring for severely disabled children, to help meet the needs of the child and of the family. The Throne Speech also contained a commitment to modify existing programs to ensure that Canadians can provide compassionate care for a gravely ill or dying child, parent or spouse without putting their jobs or incomes at risk.⁶

This commitment follows up on the 2000 Federal/Provincial/Territorial Early Childhood Development (ECD) Agreement, which provided \$2.2 billion over five years to provincial and territorial governments to support the four areas of the ECD agreement. They are: prenatal and postpartum care, parenting services, pre-school and child care, and community supports. As monies are not earmarked for specific services, provinces and territories have the ability to choose where to place the money. And for the most part, this federal money has gone into children's health and other services, an area that falls under the purview of the provinces.

While the federal government boasts that \$300 million dollars was transferred to the provinces/territories in 2001-2002 to support early childhood development, the crisis in child care continues. In 2001, 82% of children under the age of six did not have access to a regulated child care space⁷. At present, there is regulated child care to serve only 1 in 10 children under the age of twelve.⁸

The Québec Model

While many provinces have made only modest increases in the number of available child care spaces, Québec has initiated a program that provides regulated child care for which parents pay just five dollars a day. In 1997 Québec's *Act Respecting Childcare Centres and Childcare Services* came into effect, which stipulated that every child is entitled to receive good, continuous personal childcare until the end of primary school.⁹ Since 1997, the province has opened 15,000 subsidized places a year. The 120,000 places created so far still can't keep pace with the demand; the province plans to have 200,000 new spaces created by 2005. In terms of dollars, of the \$1.89 billion invested in regulated child care across Canada in 2001, 57% was spent by Québec.

⁶ *The Canada We Want: Speech from the Throne to Open the Second Session of the Thirty-Seventh Parliament of Canada* (September 30, 2002)

⁷ Campaign 2000, *Diversity or Disparity? Early Childhood Education and Care in Canada* (October, 2002)

⁸ Canadian Council on Social Development, *Checklist of Key Commitments in the Speech from the Throne* (September 27, 2002)

⁹ Government of Québec, *An Act Respecting Childcare Centres and Childcare Services*, (Editeur officiel du Québec, 1997), Paragraph 2

Some daycare centres are now open twenty-four hours, to accommodate shift workers, family illness, or other emergency situations. The cost remains at five dollars per shift. Québec's program is extremely popular; demand continues to out-pace supply and it is being considered as a model for other provinces and countries. It has also created the spin-off effects of creating more jobs in child care and raising the role and profile of child care providers in the province.¹⁰

The Romanow Commission

The Commission on the Future of Health Care in Canada, chaired by Roy Romanow, had the mandate to review Canada's health care system, engage Canadians in a national dialogue on its future, and make recommendations to enhance the system's quality and sustainability. The Commission released its final report *Building on Values: The Future of Health Care in Canada* in November 2002 and completed its mandate on December 31, 2002.

Chapter 8 of the report, "Home Care, The Next Essential Service", contained some powerful observations on home care, resulting in Recommendation 35, which states:

Human Resources Development Canada, in conjunction with Health Canada should be directed to develop proposals to provide direct support to informal caregivers to allow them to spend time away from work to provide necessary home care assistance at critical times.¹¹

The Commission heard how:

- 85 to 90% of home care is provided by family and friends;
- informal caregivers provide a critically important role in providing ongoing care, support, and advocacy for people with physical disabilities;
- caregivers play an essential role in the delivery of home care services and in the health and care of family and friends;
- and the Canadian Association for Community Care reports that currently there are three million informal caregivers in Canada, ranging from teenagers to seniors.¹²

While many informal caregivers are happy to provide care and support to their loved ones, the reality is that caregiving is becoming an increasing burden on many in our society, especially women. As the population ages, and the cuts to social and medical services result in more downloading to families, the need for home care is expected to increase in the coming years.

¹⁰ For an analysis of the Québec model, see: Tougas, Jocelyne, *Reforming Québec's early childhood care and education: The first five years* (Childcare Resources and Resource Unit, University of Toronto, Occasional Paper 17, March, 2002)

¹¹ Commission on the Future of Health Care in Canada, *Building on Values: The Future of Health Care in Canada* (November, 2002), p.183

¹² Commission on the Future of Health Care in Canada, *Building on Values: The Future of Health Care in Canada* (November, 2002), p.184

The substantiation for Recommendation 35 put the onus on the federal government to recognize home care in a more formal fashion:

To acknowledge the important role of informal caregivers, various forms of support are possible from direct remuneration to tax breaks, job protection, caregiver leave, and respite. In the Commission's view, informal caregivers should be able to take time from their jobs to provide the necessary care at home. The most direct way of providing this support would be through Employment Insurance benefits. People should be granted time off for informal caregiving at home for family members and loved ones at critical times. While the specific eligibility criteria should be developed by the federal government, it should be possible to introduce this new benefit within the resources that are currently available in the Employment Insurance program.¹³

Treasury Board and Child Care

While not accessible to all union members, there are two policies of Treasury Board that are worthy of mention. In 1994, Treasury Board issued the *Information and Referral Services for Child Care* which had the stated objective of assisting employees in obtaining information on child care options that will help them manage work and family responsibilities. As the policy states, employers benefit from providing access to child care in the forms of:

- improvements to employee productivity;
- decreases in tardiness, illness and absenteeism;
- increased employee loyalty;
- increased savings (from reduced employee time away from work), and
- enhanced recruitment and image.¹⁴

Recognizing that there existed a need for on-site child care, Treasury Board issued the *Workplace Day Care Centres* policy in 2001, which was intended to "assist employees who are parents and need day care to pursue careers in the Public Service".¹⁵ Treasury Board has begun to make the link between recruitment, retention and work-family balance, and how the costs of providing accessible quality child care are far outweighed by the savings incurred in reduced absenteeism, reduced staff turnover, and increased employee morale.

But there remains more to be done. These Treasury Board policies do not replace a national child care plan. There are also concerns about workplace child care centres being used by employers to justify longer working hours and tying employees to their

¹³ Commission on the Future of Health Care in Canada, *Building on Values: The Future of Health Care in Canada* (November, 2002), p. 184

¹⁴ Treasury Board of Canada Secretariat, Chapter 4-3 – *Information and Referral Services for Child Care* (1994-10-06). Available on the TBS website at: http://www.tbssct.gc.ca/pubs_pol/hrpubs/tb_85a/chap4_3_e.asp

¹⁵ Treasury Board of Canada Secretariat, *Workplace Day Care Centres* (2001-10-11). Available on the TBS website at: http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/tb_85a/CHAP4_2_e.asp

jobs, reducing their mobility and career advancement.¹⁶ Members inside and outside of Treasury Board also need progressive public policy and legislation that addresses the larger issue of family care. This is a national issue that demands a national response for all working families.

The Union Response

Unions, along with social groups, family and health care activists, have been pushing the federal government to realize a national child care program, to place more monies into early childhood education and care, and to stop the cuts to education, healthcare and social services. These cuts to our social safety net have resulted in our members shouldering an increased burden for the care of their family members. Unions continue to make the case with employers and governments that worker's lives don't begin and end at work. Support for working families is a shared responsibility.

The Public Service Alliance of Canada (PSAC) has been successful in negotiating leave provisions to assist with the balancing of work and family care. Many of these leaves are novel, and the PSAC is seen as a leader in this area. They include:

- Enhanced maternity and parental leave;
- Maternity-related reassignment or leave;
- Leave for medical appointments for pregnant employees;
- Leave for the care of immediate family (formerly known as leave for the long-term care of a parent and care and nurturing of pre-school aged children);
- Marriage leave (also known as Spousal Union leave);
- Family-related responsibilities leave;
- Personal needs leave;
- Leave for the relocation of spouse;
- Bereavement leave;
- Education and Career Advancement leave;
- Personnel Selection and Examination leave;
- Personal and Volunteer leave days;
- Improvements to sick and vacation leaves;
- Leave with income averaging;
- Other leave with or without pay;
- Flexible work arrangements such as telework, compressed schedules and flex hours.

Some unions have been able to negotiate child care into their collective agreements. As early as 1980, child care was a priority issue for the Canadian Union of Postal Workers (CUPW). In 1991, CUPW and Canada Post Corporation created a jointly administered child care fund. This initial fund saw the Corporation placing \$200,000 into the fund every three months, with the fund capped at \$2 million. The fund was to be used for

¹⁶ For a review of workplace child care centres, see: Barbeau, Carole, *Work-Related Child-Care Centres in Canada – 2001* (HRDC Labour Program, 2001)

projects to provide child care services to postal worker families, child care information programs, needs assessments and child care research.

In 1995, CUPW won full control of the fund, and since then, has been able to make further enhancements to its application and scope¹⁷. By 1999 the Union of Postal Communications Employees (UPCE) a component of the PSAC, had negotiated their own Child Care Fund, initially consisting of a one-time payment of \$200,000, along with additional monies equal to 10% of the quarterly funding received by CUPW each year. In 2000, UPCE approached CUPW about joining the funds, and working together on furthering the child care initiative. The 2002 round of negotiations saw UPCE achieving \$250,000 in start-up funds to create a child care center in Fredericton, New Brunswick; the location being chosen due to the high demand for childcare and the lack of spaces available, especially for shift workers.¹⁸

Now members of CUPW and UPCE enjoy the same access to all Child Care Fund projects. The Child Care Fund now covers projects in all regions, and includes a Special Needs Project. Services provided through the projects are subsidized by the Fund, and all projects accommodate children with special needs and include at least one of the following:

- Child care services at non-profit child care centres that accommodate irregular hours of work;
- Supervised child care in the member's home or licensed care in the home of a caregiver to accommodate early morning starts, evening, or night shifts;
- Short-term, emergency child care for members whose child care arrangements break down unexpectedly;
- After school and summer care for school aged children;
- Summer camps;
- Child care information, referral and resources;
- A project across Canada for parents of children with special needs. This Special Needs project is believed to be the only one in North America, and perhaps the world. For the purposes of CUPW / UPCE, special needs refers to disabilities, delays, or health disorders that significantly increase the difficulty of getting and keeping adequate child care and/or child care related services.¹⁹

The Fund provides subsidies to offset the cost of childcare, as well as linking qualified caregivers with families, for children up to twelve years of age or nineteen years for children with special needs. The goal is to make quality child care available and accessible to the membership.

¹⁷ The actual contract language of the CUPW Child Care Fund is attached as Appendix A

¹⁸ The current UPCE Child Care Fund contract language is attached as Appendix B

¹⁹ For more information on the Special Needs Project, see: *Moving Mountains, Work, Family and Children with Special Needs* (CUPW, 2002)

The Child Care Fund is proving to be a huge success. Members are proud that their unions have taken leadership on this important issue; there is demand for both more child care, as well as broadening the use of the Fund. To that end, CUPW is looking to expand the Child Care Fund via their current round of negotiations to include projects for adult children with special needs, the addition of elder care and increased funding to enhance current programs. CUPW sees this as an important role of the union:

The Union's goal is to secure the social and economic well-being of the members. We want CUPW parents to be able to work with peace of mind so that they can stay in the workforce. This is an important family support and the right thing to do, to express solidarity with our members whose family situations are really challenging.²⁰

Negotiating Family Care

In order to move the family care agenda forward, we need to take this issue to the bargaining table. We need to lead by example, and push the employer to move family care from limited policy to contract language that everyone can use. By making gains at the bargaining table, we will help other workers and perhaps influence public policy and legislation.

Some of the actions that we can take at the bargaining table are:

- **Expanding our current leave provisions** to provide for more flexible use of leave, increased vacation quantum, more time off for family and personal needs, and facilitating access to flex hours, compressed schedules, telework, and other alternate work arrangements.
- **Enlarging the definition of family** to allow more flexible use of leave. Some collective agreements allow for grandparents to access Family Related Responsibilities leave for the care of their grandchildren. With the increased demands of family care, our collective agreements need to address a broader concept of the definition of family.
- Negotiating a **shorter work week**, as seen in some European countries.
- Negotiating a **Family Care Fund**, based on the CUPW / UPCE model. The Employer would pay into the fund, which could be overseen by a joint union/employer committee, or simply by the union. Before getting started, it would be prudent for a joint union/employer committee to perform a needs assessment survey, research the various family care options available, and create the terms of reference for the Family Care Fund. There is no one-size-fits-all answer to family care, so a number of options would need to be considered. Optimally, this fund could be used to provide family care subsidies, create accessible child-care facilities, and

²⁰ Denis Lemelin, CUPW Second National Vice-President, as quoted in: *Moving Mountains, Work, Family and Children with Special Needs* (CUPW, 2002)

top-up allowances for members on leave. Most importantly, this fund would be available to address a myriad of member's needs, including (but not limited to) child care, elder care, care for adult children with special needs, and respite care.

- Negotiate a **top-up to 93% of salary** for members accessing Employment Insurance for long-term leave of a family member. If Recommendation 35 of the Romanow Commission is made law, possibly as early as the upcoming Budget to be tabled in the House of Commons in February 2003, the Supplementary Unemployment Benefit Plan will only cover a portion of a member's salary. As we have done for Maternity and Parental Leave, we would need to negotiate that a member's salary be topped-up to 93% for the period of the family leave.

Conclusion

In order for improvements to family care to become reality, we need to make this issue a priority, both at the bargaining table, and in our lobbying and community activism. This is an issue that can affect everyone, as sooner or later we will have a family member in need of care and assistance. An important first step is re-thinking our definition of family, and how we can enhance our collective agreements to address the demands placed upon members by their family obligations. Changing legislation takes time and perseverance; therefore we need to make gains in our collective agreements that assist members with their work-family balance. Success in this area would be a great benefit to our members and could help in the advancement of national family care program.

We hope that this information is useful. For any comments or suggestions, please communicate with Kate Rogers or Bonnie Bates - negotiations section of PSAC in Ottawa.

APPENDIX A – CUPW CHILD CARE FUND LANGUAGE

Agreement between Canada Post Corporation and the Canadian Union of Postal Workers, Expiring January 31, 2003

1. The Corporation and the Union recognize the need for good quality affordable child care services for all employees. Consequently, the Corporation agrees to contribute to a child care fund and the Union agrees to administer this fund in accordance with the following provisions.
2. The Fund is used exclusively for the following purposes:
 - (a) establish and support information programs dealing with child care;
 - (b) conduct analyses and research to assess child care needs and the methods used to meet these needs;
 - (c) establish or assist in establishing child care facilities and oversee their operation;
 - (d) pay subsidies for child care services;
 - (e) reach agreements with child care facilities or other institutions to provide or facilitate child care;
 - (f) hire staff or reimburse the salary of bargaining unit employees on Union leave for the above-mentioned purposes.
3. In principle, only those employees in the bargaining unit and their children may benefit from admission in a child care facility and be eligible for a subsidy.

However, insofar as other places remain available, they are offered by preference to other employees of the Corporation and their children. However, the fund shall not assume the costs of these services.
4. The trust fund that is already established to receive the monies from the Corporation shall be maintained. Withdrawals or cheques drawn on this account shall require the signature of two (2) persons specifically designated for this purpose by the Union. This requirement shall be reproduced in the banking arrangement documents between the financial institution and the Union.
5.
 - (a) Starting April 1st, 2000, the Corporation shall deposit in the trust fund the amount of two hundred and twenty-five thousand dollars (\$225,000) within fifteen (15) days after each quarter-end.
 - (b) Starting April 1st, 2001, the Corporation shall deposit in the trust fund the amount of two hundred and thirty-five thousand dollars (\$235,000) within fifteen (15) days after each quarter-end.
 - (c) Starting April 1st, 2002, the Corporation shall deposit in the trust fund the amount of two hundred and fifty thousand dollars (\$250,000) within fifteen (15) days after each quarter-end.

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6. Subject to paragraph 7 below, the Corporation shall also deposit in the trust fund, within fifteen (15) days after the Corporation's Annual Report is tabled in the House of Commons, an amount equal to three tenths (3/10) of one percent (1%) on the Income from Postal Operations value described in the Annual Report.
7.
 - (a) Starting April 1st, 2000, the sum of the amounts deposited in the fund under paragraphs 5(a) and 6 shall not exceed one million three hundred thousand dollars (\$1,300,000) in any fiscal year.
 - (b) Starting April 1st, 2001, the sum of the amounts deposited in the fund under paragraphs 5(a) and 6 shall not exceed one million three hundred and forty thousand dollars (\$1,340,000) in any fiscal year.
 - (c) Starting April 1st, 2002, the sum of the amounts deposited in the fund under paragraphs 5(a) and 6 shall not exceed one million four hundred thousand dollars (\$1,400,000) in any fiscal year.
8. At no time shall the fund balance exceed two million dollars (\$2,000,000). Should a quarterly payment or an annual payment cause the fund to exceed two million dollars (\$2,000,000) then that payment shall be reduced such that the payment plus the fund balance prior to the payment shall not exceed two million dollars (\$2,000,000). If within sixty (60) days subsequent to the date of the reduced payment, the fund balance is reduced as a result of normal disbursements consistent with the mandate of the fund then all, or a portion, of the funds withheld shall be paid such that the fund balance is reinstated to a maximum of two million dollars (\$2,000,000). After sixty (60) days, the amount of the funds withheld shall no longer be available.
9. All interest income shall accrue to the fund.
10. The Union shall maintain financial records of monies received by and monies disbursed from the fund. The Union shall ensure that arrangements are made to have all financial records and transactions audited by a firm of chartered accountants. The Corporation shall be authorized to question the specifics of an expenditure and the Union shall ensure that all disbursements from the fund conform to the purpose described in paragraph 2 above, failing which all obligations under this appendix shall terminate.
11. Within thirty (30) days of the end of the fund accounting year, the Union shall provide the Corporation with a financial statement certifying that all expenditures made from the fund were in accordance with the purpose of the fund and used exclusively for such purpose.

APPENDIX B – UPCE CHILD CARE FUND LANGUAGE

Agreement between Canada Post Corporation and
the Public Service Alliance of Canada, expiring October 31, 2004

LETTER OF UNDERSTANDING
BETWEEN
CANADA POST CORPORATION
AND
THE PUBLIC SERVICE ALLIANCE OF CANADA / UNION OF POSTAL
COMMUNICATIONS EMPLOYEES

RE: CHILD CARE FUND

By copy of this letter to the Canadian Union of Postal Workers, this is to advise that the Corporation agrees to the following conditions to facilitate one Child Care Committee mandated to provide the same child care facilities or subsidies for CPC employees represented by UPCE/PSAC and CUPW:

1. The Corporation shall pay into the trust fund an additional amount of one tenth (1/10) of the monies payable to the trust fund pursuant to the Corporation's agreement with CUPW on the Child Care Fund. Payment will start upon written confirmation that the CUPW have agreed to the inclusion of UPCE/PSAC in the Child Care Fund. Effective the signing of the collective agreement and when CPC is in receipt of the written confirmation, these monies shall be paid to the Fund within fifteen (15) days after each quarter-end.
2. For further clarity, the Corporation agrees that the amount of monies paid into the Fund on behalf of PSAC shall be 10% of the formula identified in paragraphs 5, 6 and 7 of the Appendix on the Child Care Fund of the CPC and CUPW collective agreement.
3. * The Corporation agrees to pay into the Child Care Fund two hundred and fifty thousand (\$250,000.00) dollars as a one-time start-up amount for the Fredericton, New Brunswick child care centre fifteen (15) days after the signing of the collective agreement.
4. The Corporation further agrees to increase the maximum of the Fund balance as set out in paragraph 8 of the Appendix on the Child Care Fund of the CPC/CUPW collective agreement by ten (10%) percent.