



Wildland Firefighters Representatives Videoconference

June 25, 2020

The National Union of Public and General Employees (NUPGE) is a family of 11 Component and 3 affiliate unions. Taken together, we are one of the largest unions in Canada. Most of our 390,000 members work to deliver public services of every kind to the citizens of their home provinces. We also have a large and growing number of members who work for private businesses.

Larry Brown, President

Bert Blundon, Secretary-Treasurer

Wildland Firefighters Representatives
Videoconference
June 25, 2020
1:00 pm EDT

Participants

BCGEU/NUPGE

Paul Finch
Rob Davis

SGEU/NUPGE

Earle Cook
Barry Nowoselsky
George McLeod
Matthew Charles
Bonnie McRae

MGEU/NUPGE

Michelle Gawronsky
Kurt Henry

OPSEU/NUPGE

Len Sedore

NBU/NUPGE

Norman Bourque

NSGEU/NUPGE

John Cook

NUPGE

Bert Blundon, Secretary-Treasurer
Michael Temelini, National Representative

Welcome and Introductions

Michael Temelini welcomed participants to the call.

Lobbying Update:

Pension Reform—*Income Tax Act* (Paul Finch, BCGEU)

Paul Finch (BCGEU/NUPGE) participated at the beginning of the meeting. He talked about NUPGE's ongoing lobby effort on pensionable earnings and pension accrual reform, specifically the inclusion of wildland firefighters under the Public Safety Occupation provisions of the federal *Income Tax Act*.

Finch explained that this issue of pension accrual reform was something that arose in discussions among BCGEU/NUPGE members. But it's an issue that is broadly applicable across the country.

The impetus behind this campaign has to do with the fact that a large portion of the salaries for wildland fire fighters is overtime, which is not included as a pensionable service. The BCGEU contacted the BC pension board to ask that overtime be included, but they refused. One of the things the BCGEU will do is raise this at the next round of bargaining, and put some proposals forward to correct the situation.

But Finch explained that there is another option to fix this, which will benefit all wildland firefighters across Canada: to amend the federal *Income Tax Act* and its regulations.

2 key aspects of this issue: the retirement age, and the pension accrual rate.

Finch explained that pension plans are governed by legislation at both levels of government: provincial legislation in each province, and the federal *Income Tax Act*.

Under the *Income Tax Act*, there are rules set out for

- a. how much a worker can accrue towards their pension plan (pension accrual rate)
- b. how early a worker is allowed to retire (the retirement age)

For normal occupations, the retirement age (the earliest you can draw on your pension plan) is at age 55. And the pension accrual rate (the maximum you can accrue towards that pension) is 2% per year.

But there's an exemption made in the act for 5 categories of work deemed Public Safety Occupations (PSO). In the tax regulations, a PSO [is defined as](#) "the occupation of a firefighter, police officer, corrections officer, air traffic controller, commercial airline pilot, or paramedic." An individual working under one of those exempted categories can have a 2.33% accrual rate and can retire at age 50.

The categories listed under PSO designation are broad, but under the act, the federal minister of finance is given power to determine who actually qualifies or fits under the categories named in the legislation. In our case, wildland firefighters are not considered

to have this PSO designation, and so the issue is that wildland firefighters cannot accrue at a higher rate, nor retire at an earlier age.

The strategy we want to pursue is to get wildland firefighters to qualify as PSO. This way, they can retire at 50, and they would also get a higher accrual rate. This would mean that, even if a smaller portion of their wages is calculated toward their pension (because their wages come mostly from overtime), they are accruing at a higher rate. This would offset the fact that the greater portion of their wages is going to overtime and can't accrue to their pension. It would fix that issue.

July 2019 Meeting with Ministry of Finance

In 2019, the NUPGE national office set up a meeting between Finch and officials in the federal Ministry of Finance in Ottawa. Finch asked those officials to commit to expanding the definition of PSO under the *Income Tax Act*, so that wildland firefighter is considered a public safety occupation.

The advice Finch received was that in order to pursue this further, NUPGE needed to bring this to the attention of officials in other relevant ministries (such as Ministry of Justice and Public Safety Canada) and get their support, and then return to the Ministry of Finance with recommendations from these other federal departments.

Accordingly, Finch explained that he will propose a national campaign on the issue. There are 3 parts to this campaign, a 3-pronged strategy:

1. **Public recognition** and mobilization during fire season to bring our members and the public to support our position.
2. **Lobbying officials** in other relevant ministries (such as Ministry of Justice and Public Safety Canada) to get their support. Then lobby the Minister of Finance who has authority under the *Income Tax Act* to change the *Income Tax Regulations* to redefine the "Public Safety Occupation" designation to include wildland firefighters.
3. **Outreach** to all political parties.

CIFFC Strategy Session

The meeting then turned to its primary focus: a strategy session for a possible future meeting with the Canadian Interagency Forest Fire Centre (CIFFC).

The chair of the meeting, Michael Temelini, asked participants what our talking points should be.

Participants were in general agreement about the following strategy, which was articulated in NUPGE President Larry Brown's April 2 letter to the CIFFC board of directors:

The WFX-FIT Test

It was agreed that the CIFFC should comply with the 2015 Saskatchewan arbitration

ruling, the 2018 Saskatchewan Court of Appeal ruling, and the 2019 Supreme Court of Canada ruling. Under those decisions, it was ruled that the WFX-FIT had a potential discriminatory adverse impact on females and older males. The arbitrator criticized 2 aspects of the test:

1. The key aspect is the cut score. The arbitrator ruled that the test “is not a bona fide occupational requirement because the cut score has a potential discriminatory adverse impact on females and older males.”
2. A critical aspect of the cut score specifically singled out as discriminatory is the requirement to carry a hose pack over the ramp 50 times. The arbitrator ruled that this demand for high-aerobic exertion was one of the reasons it was discriminatory.

Accordingly, there was general agreement that the position of NUPGE should be that the CIFFC WFX-FIT test should be abandoned and replaced, for the following reasons:

1. CIFFC Cut Score

- a. The CIFFC cut score is lower than the score ruled discriminatory in Saskatchewan.
- b. The CIFFC WFX-FIT test continues to require applicants to carry a hose pack over a ramp 50 times, which is a health and safety hazard resulting in numerous injuries.

2. Injuries

Firefighters are getting injured doing the test.

3. Inconsistent rules: Interprovincial, Provincial, and Contractual

It makes no sense to have a different standard: one for exporting firefighters to other provinces, and another for firefighters within provinces (and yet another standard for firefighters on contract who don't even have to do the test).

4. Double standard: Canadian and International Firefighters

Another double standard is that some other countries don't even use the WFX-FIT. So, some foreign firefighters can fight fires in Canada, but Canadians can't if they fail the test.

Discussion and Strategy Session about Proposed Meeting with CIFFC

There was a general agreement that the meeting with CIFFC should adhere to the following:

1. All provinces should be represented.
2. There should be wildland firefighters present to allow the perspective of people with actual experience.
3. There should be a spokesperson who is able to express the position of the wildland firefighters.
4. There should be a brief submitted before the meeting to summarize our demands.



NATIONAL UNION OF PUBLIC AND GENERAL EMPLOYEES

- B. C. Government and Service Employees' Union (BCGEU)
- Health Sciences Association of British Columbia (HSABC)
- Health Sciences Association of Alberta (HSAA)
- Saskatchewan Government and General Employees' Union (SGEU)
- Manitoba Government and General Employees' Union (MGEU)
- Ontario Public Service Employees Union (OPSEU)
- Canadian Union of Brewery and General Workers (CUBGW)
- New Brunswick Union of Public and Private Employees (NBU)
- Nova Scotia Government and General Employees Union (NSGEU)
- PEI Union of Public Sector Employees (PEI UPSE)
- Newfoundland & Labrador Association of Public and Private Employees (NAPE)

The National Union of Public and General Employees is an affiliate of the Canadian Labour Congress and a member of Public Services International.

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