

November 2, 2020

The Honourable Jean-Yves Duclos, PC, MP
President of the Treasury Board
90 Elgin Street
Ottawa, ON K1A 0R5

BY EMAIL

Minister Duclos,

On behalf of the bargaining agents of the National Joint Council, we are writing to ask you to undo the actions of the Office of the Chief Human Resources Officer (OHCRO) with regards to restricting access to paid leave for public servants who are affected by the pandemic and public health protocols that are so vital to ensuring the health of all Canadians.

The changes announced on October 22 and further clarified on October 30 have the effect of unilaterally adding conditions and restrictions that are not part of our collective agreements. This is an unambiguous breach of our agreements and our freedom of association under the Canadian Charter of Rights and Freedoms under the political guise of equal treatment of all Canadians.

Moreover, your department's own gender-based-plus analysis of these changes shows the impact will disproportionately affect women and members of traditionally marginalized groups. This guidance constitutes clear and distressing adverse impact discrimination on women, parents, family caregivers and those with underlying health conditions.

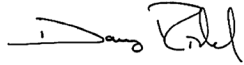
As first raised in our letter to you of August 28, 2020, we have tried to work collaboratively and proactively with OCHRO and other officials within Treasury Board Secretariat to ensure that public service workers can continue to serve Canadians while abiding by public health directives and balancing work and family responsibilities.

The actions taken by your officials are discriminatory and a gross violation of the rights of public service workers who have worked diligently to continue serving Canadians during an unprecedented pandemic. A failure to reverse course will leave us no choice but to pursue formal recourse through human rights litigation, Charter litigation, policy grievances and individual grievances – all avoidable conflict at a time we can ill afford to waste resources better used serving Canadians and caring for one another.

We urge you to instruct your officials to withdraw this updated guidance, cease violating the rights of public service workers and let us all get back to doing what we do best – serving Canadians.

Thank you for your attention to this matter,

Sincerely,



Dany Richard, MBA, CPA, CMA, ICD.D
Co-Chair
National Joint Council

On behalf of:

Public Service Alliance of Canada
Professional Institute of the Public Service of Canada
Canadian Association of Professional Employees
Union of Canadian Correctional Officers
Association of Canadian Financial Officers
Association of Justice Counsel
Professional Association of Foreign Service Officers
CUPE Local 104
Canadian Merchant Service Guild
IBEW Local 2228
Federal Government Dockyard Trades and Labour Council (West)
Federal Government Dockyard Trades and Labour Council (East)
UNIFOR Local 2182
Canadian Military Colleges Faculty Association
Canadian Federal Pilots Association
Federal Government Dockyard Chargehands Association
Canadian Air Traffic Control Association

/ cc: Nancy Chahwan, Chief Human Resources Officer
Sandra Hassan, Assistant Deputy Minister, Employment Conditions & Labour Relations