

Key PAFSO Messages

Although the FS contract and FS restructuring were both finalized more than 9 months ago, the repercussions have meant a great deal of work for PAFSO on behalf of its members. Moreover, the FS is facing several new issues that threaten our long-term viability. This PAFSO UPDATE is intended to provide members with information on several ongoing issues, as a supplement to the specific messages we have been sending to you by direct email. All PAFSO messages can be found on our website at www.pafso-apase.com. In particular, please ensure that you respond to PAFSO's questionnaire of March 30th on the Foreign Service Directives to help us determine our priorities as we join other bargaining agents and Treasury Board in a new round of FSD negotiations. As well, the November "President's Report to Members on the Challenges Facing the Foreign Service" provides more information on some of the long-term threats we face. Following is a list of PAFSO messages from the last six months:

- PAFSO 2006 Foreign Service Directives Questionnaire - important (3/30/06)
- Employees in DFAIT who were in Acting FS-2 positions prior to conversion (3/29/06)
- 2006 PAFSO Awards - deadline April 12, 2006
- Communiqué - Important Changes to the Public Service Health Care Plan (3/13/06)
- FSDP Graduation to the FS-2 Level (2/22/06)
- Important Notice for employees who were acting in DFAIT- FS positions prior to conversion (2/22/06)
- Message to current and former *ab initios* (2/2/06)
- Foreign Service Officer Killed in the Line of Duty (1/16/06)
- Urgent Deployment Exercise - Next Step (12/23/05)
- Urgent Message to Members from PAFSO President re Deployment 12/15/05
- PAFSO Letter to DMs re Lateral Entry - 12/8/05
- Executive Director's message re Lateral Entries 12/6/05
- Message on Conversion Issue - November 2005
- President's Report to Members on the Challenges Facing the Foreign Service of Canada 11/9/05

New Recruits

PAFSO would like to welcome the 99 new Foreign Service officers into Canada's Foreign Service. This year there were over 5,000 applicants and 450 candidates interviewed. Fourteen percent of the applicants were interviewed abroad which suggests many of the applicants were applying with international work experience. The average age of the new recruits is approximately 28, and includes three couples and three PhDs. The new recruits reflect Canadian society: 18% self-identified as visible minorities and 54% of the recruits are women. Two-thirds of the group will require official language training ("*ab initio* status") which they must successfully complete before they officially enter into the FS-1/FSDP program.

During your career you will face many challenges and you will work in environments where the culture, including the work culture, is very different. You will work in parts of the world which may be hazardous to your health for many reasons. You will be separated from your Canadian family and close network of friends. The work is rewarding but it isn't for everyone.

You are the survivors of a very competitive process and we wish you success, health and happiness. Soon you will receive a comprehensive PAFSO Welcome Kit with detail on PAFSO's services. Please take the time to review the Kit, ask any questions, and consider getting involved in PAFSO's activities.

Welcome to Canada's Foreign Service and the Foreign Service group.

PAFSO EXECUTIVE COMMITTEE

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***Ab initio* issues (including former *Ab initios*)**

a) **Superannuation (pension) benefits:**
In 2000, PAFSO tried unsuccessfully to include FS recruits who required official language training (“*ab initio* status” – approximately 2/3 of all recruits) as members of the FS bargaining unit. The Public Service Staff Relations Board (PSSRB) (now the Public Service Labour Relations Board (PSLRB)) decided that “*ab initios*” are not performing the duties described in the FS group definition, and therefore could not be included as part of the FS group bargaining unit, and therefore are **not** eligible for membership in PAFSO during the “*ab initio*” period. PAFSO appealed this decision to the Federal Court of Appeal without success.

Despite this decision PAFSO continues to have an interest in how you have been treated as *ab initios*. Currently we are pursuing the issue of superannuation (pension) contributions. The departments have arbitrarily decided that employees with *ab initio* status cannot contribute to the superannuation account. PAFSO’s view is that although we lost our application before the PSSRB to have you declared members of the FS group that did not mean that you were not “employees” in the truest sense of the meaning of that word. Clear indicia of an employer-employee relationship include EI and CPP deductions, employer tax deductions, and employer-controlled place and time of work and supervision.

We have recently written to the Superannuation Advisory Committee asking them to review your situation and we are awaiting a response. If we are successful the decision will affect both past and present FS officers who required official language training as a condition precedent to be accepted into the program. You will be several months, maybe even one year closer to retirement!

b) **Vacation leave and severance pay:** -
Another issue we see as important is the

counting of the period of your *ab initio* status towards the accumulation of benefits such as vacation leave and severance pay. Currently the departments have decided this is not continuous service and would not count for these benefits. We are considering a way of addressing this issue to ensure that time spent in *ab initio* status will count towards these benefits.

c) *Ab initio* rates of pay:

Earlier this year PAFSO intervened when we learned that the 80% rate of pay paid to *ab initio* candidates had not been adjusted retroactively to July 1, 2003 to account for the new FS collective agreement. This problem was corrected after our intervention. Anyone on *ab initio* status since July 1, 2003 should have received a retroactive pay increase by now. Contact PAFSO if you have not.

FS-1/FSDP issues (including former FSDP officers)

a) FS restructuring – background and repercussions:

As part of the new FS classification standard adopted on July 1, 2005 the lengthy 5-year Foreign Service Development Program (FSDP) was reduced to 3 years. During contract negotiations in the spring of 2005, the treatment of FSDP officers was one of the most important, and divisive, issues. PAFSO and Treasury Board (the employer) had directly opposing views on how former FSDP officers should be treated by the FS conversion to four levels. PAFSO proposed that all FSDP employees should have been “grandfathered”; ie: protected by leaving the 5 year program in place for them and upon successful completion of the FSDP promote them to the FS-3 level. The Treasury Board position would have imposed the new promotion rules on all FSDP, forcing them to compete for vacant FS-3 positions once they became FS-2 officers.

Independently from contract negotiations, PAFSO’s members raised their concerns, including in a group letter to

Treasury Board signed by 200 FSDP officers, that the FS conversion would create a tremendous bottleneck due to scarce opportunities to become FS-3. DFAIT ADM for Human Resources Mme. Samson-Verreault committed to at least 20 promotions each year to the FS-3 level. This was a commitment made outside the collective bargaining process and we are waiting to see if it will be honoured.

The solution reached through the collective bargaining process was a compromise. The solution requires that employees who had successfully completed three years in the FSDP on July 1, 2005 but less than five years will be promoted to the FS-2 level, and employees who successfully complete three years after July 1, 2005 will be promoted to the FS-2 level. However, for those employees who had been hired prior to January 1, 2003, once they have been at the maximum rate of pay of the FS-2 level for 12 months they will be given the opportunity to move to the FS-3 level on individual merit without there having to be a vacancy at the FS-3 level and without a competitive selection process. Employees hired after January 1, 2003 will not have the benefit of this transitional measure. Treasury Board’s rationale for demanding this distinction was that employees hired after January 1, 2003 should have been aware that the FS Group was being restructured, and thus should have been expecting that they would be subject to new rules.

b) FS-1 promotion requirements – background:

With the coming into force of the new *Public Service Employment Act* (December 30, 2005) the responsibility for occupational group training plans rests with the department unless the same occupational training plan applies to more than one department in which case Treasury Board has the responsibility. DFAIT and CIC have separate Foreign Service Development Programs so as PAFSO understands it, each department is respon-



sible for the development of their own training program. The new legislation also envisages that programs of this nature should be co-developed by the employer and the bargaining agent affected.

When the new FS classification standard was implemented on July 1, 2005 the only contemplated change to the FSDP at that time was a reduction in the length of the program from 5 years to 3 years. Any other changes to the program would at the very least require meaningful consultation and co-development if the departments were to respect the spirit of the legislation.

Despite this understanding, incredibly DFAIT management was planning substantial changes to the FSDP, without PAFSO's knowledge and without consultation. These changes came to our attention only in October 2005 when we learned that DFAIT was about to implement an exam and other new requirements for FS-1 officers that they would have to pass in order to be promoted to the FS-2 level. PAFSO's rapid inquiries were later described to us as having met the Department's consultation requirement. Concurrently our members organized a complaint letter to management signed by more than 100 FS-1/FSDP officers. In a December 2, 2005 letter to PAFSO, DFAIT ADM for Human Resources Mme Samson-Verreault noted the following with regard to the requirement to pass a test:

"2. FSDP promotion process to FS-02

This is to confirm that current participants on the FSDP who have been appointed at the FS-01 level will be eligible for promotion to the FS-02 level after completing 36 months on the program subject to fully satisfactory performance and a fully documented assessment by their current supervisor that they meet the competencies for the FS-02 level. Please note that FSDP participants who are currently ab initio will be subject to the new assessment process. With the

next intake to the FSDP program anticipated for February 2006, all the new conditions of the program, including the new promotion process utilizing the standard assessment tools, will apply to participants appointed as of that date."

PAFSO strongly disagrees that the employer has the ability to unilaterally impose new promotion requirements following the 36-month FSDP period. We are appalled with the attitude of the professional personnel staff at DFAIT who have decided to implement these new measures, ignoring the obvious need to consult the bargaining agent. PAFSO has formally written to DFAIT ADM Mme Samson-Verreault advising her that pursuant to the provisions of Article 6 of the FS collective agreement we wish to commence a consultation process with a view to reaching an agreement on a revised Foreign Service Development Program.

By way of contrast CIC has not proposed or made any changes to its FSDP.

c) Delay in promotion to FS-2 – next steps:

We have not had any complaints from CIC employees who have successfully completed their three years in the FSDP about being confirmed at the FS-2 level. However, that has not been the case with DFAIT FS-1 level employees. Some of these employees have been waiting since July 1, 2005 to be confirmed at the FS-2 level. FS-1 level employees are on probation for the length of the FSDP, which was reduced to three years July 1, 2005. It is PAFSO's strong view that unless the employee is advised in writing to the contrary prior to the completion of the 36 month period, the employee is deemed to have successfully completed their probationary period and as a result must be confirmed as an FS-2 employee. Recently, we were advised by DFAIT personnel that the issue of confirming eligible employees at the FS-2 level is being addressed and the letters confirming

their FS-2 level status are in the mail. Employees who have not been so advised and who are not receiving FS-2 salary should file a grievance claiming that they are not being paid in accordance with the pay provisions of the FS collective agreement – for more information, see PAFSO's message of February 22, 2006 at www.pafso-apase.com.

d) FSDP Acting Pay Grievance:

Almost two years ago, several former FSDP filed grievances at PAFSO's suggestion alleging you were substantially performing the duties of a higher level position (FS-2) and were denied acting pay. This was based on the failure of the Departments to eliminate the FS-1 classification, as had been the stated intention of Treasury Board at the time the FSDP was first introduced in 1998. Several FSDP officers were assigned to positions both in headquarters and abroad that was classified at the FS-1 level but that should have been classified at the FS-2 level. In other cases, some FSDP employees found that their FS-2 positions had been temporarily downgraded to the FS-1 or FS-00 level for a period which coincided with the period of their assignment - a brazen attempt to avoid acting pay because there was no substantive change in the duties. Other FSDP employees were assigned to positions classified as FS-00 which was not a recognized classification level in the old classification system. It was our common understanding with Treasury Board that unless the work these employees were performing was substantially different from others in the office they would be entitled to acting pay at the FS-2 level. However, despite this common understanding, lengthy efforts to resolve this issue globally (ie: to negotiate a resolution that would apply to all current and former FSDP, as opposed to just those who filed grievances) have not been successful, despite indications of progress at various points. We are now actively pursuing the individual grievances that have been filed.



For those of you that have filed grievances on this issue we will keep you informed of further developments.

General Concerns

a) Conversion Issues - Acting Pay:

Many of you who were in FS-2 positions on an acting basis prior to conversion and continued to act in the position after conversion had quite a shock when the departments substantially reduced your salaries. When these situations were brought to PAFSO's attention we wrote to Treasury Board explaining that the Pay Regulations never contemplated that an employee would lose money as a result of a conversion exercise. Several months later Treasury Board agreed with us and accepted our proposal that employees in these situations should be paid acting pay at the FS-3 level. CIC has implemented this decision and DFAIT is in the process of implementing it by issuing retroactive pay cheques. PAFSO's position is that employees in these situations should continue to be paid at the new FS-3 level for as long as they occupy the position on an acting basis. Subsequent assignments will be governed by the regular pay regulations.

b) Deployments:

As described in PAFSO's message of December 23, 2005 (www.pafso-apase.com), PAFSO has formally challenged in Federal Court the decision of DFAIT in December 2005 to go forward with a deployment process to potentially fill 60-80 FS positions at level 2 and 3. Despite this challenge and a vigorous effort by PAFSO and its members to ask management to re-think the deployment exercise, it proceeded unchanged. The successful candidates have been announced. PAFSO has asked members to sign onto a group complaint to the Assistant Deputy Minister and subsequently to the Public Service Commission, steps required by the Deployment Recourse Procedure under the old *Public Service Employment Act*.

The deployment exercise is another example where DFAIT did not consult with PAFSO. PAFSO's decision to file an Application with the Federal Court last December, and our encouragement of members to formally complain to Deputy Minister Harder was not done lightly. We did so only after writing to Mr. Harder expressing our concern with the process and never receiving a reply. We tried a personal intervention with him to no avail.

Never has it been our intention to suggest that employees from other occupational groups are less qualified than employees in the FS group. Yet PAFSO and its members have been accused of being "unwelcoming" and of having "a Guild mentality". PAFSO views such criticism as an attempt to deflect the merit of PAFSO's real concern with a deployment process. Simply, an inter-occupational group transfer such as the deployment process where the employer ignores the qualifications and legitimate career aspirations of employees already in the group, is both unfair and unreasonable. Many of you are acting or have acted in FS-2 and FS-3 level assignments with fully satisfactory or better appraisals yet you are not being considered for an indeterminate appointment to this level.

Some senior department officials have said PAFSO was on record of approving a lateral entry process as both necessary and desirable. That is misleading. For several years PAFSO has recognized that there is a shortage of FS officers, and said it would not oppose a lateral entry exercise provided that it is a competitive selection process (as opposed to a transfer selection process) and that FS officers who were found qualified be given a preference for appointment over employees from other occupational groups competing for these positions. This position was communicated to DFAIT on more than one occasion over the past five years. FS-1 and FS-2 officers would welcome an opportunity to compete with employees from other occupational groups for these mid-level opportunities.

Unfortunately, DFAIT has denied them that opportunity.

In the meantime we are waiting for a hearing date for our Application to the Federal Court. If the labour management environment fostered good working relationships it wouldn't come to this, but unfortunately that is where we are.

c) Classification Grievance Update:

Following restructuring of the FS group into four levels on July 1, 2005, many of PAFSO's members filed classification grievances, following advice from PAFSO, alleging that their assignment positions or their substantive level had been misclassified.

All the classification grievances filed by CIC employees have been heard by Departmental representatives at the "first level" of grievance hearing. Even though all grievors had opted for the informal process, all grievances have now been transmitted to the "final level" (the Classification Committee of Public Service Human Resources Management Agency (PSHRMAC)). Where the grievances are similar such as the grievances submitted by Migration Integrity Officers, they will be treated as a group. Grievors have been asked to work on the areas of the job description that they feel are incomplete or inaccurate. Because it is the job descriptions on which the PSHRMAC relies to arrive at the determination of classification level, it is crucial that the job descriptions accurately reflect the duties and responsibilities of the job.

PAFSO has hired a classification consultant, Stephen McDermott, to assist members with the grievances. Stephen has been working with a representative of the Migration Integrity Officers on developing a comprehensive job description. CIC has informed us that two of the grievances will be heard shortly at the final level.

To date, the only action from DFAIT has been to inform us that two grievances will be scheduled shortly to be heard at the first level.

d) PAFSO Communications – website:

In an effort to further improve communications with its members, PAFSO has been developing a complete revamp of its website, with an expected release in May. While direct email will remain the primary method of communication with members, we aim to make the website more user-friendly and a greater resource of information for FS.

e) Consultation problems with DFAIT:

It has been our experience to date with few exceptions that DFAIT has disdain for consultation and co-development of policies affecting its employees. We believe this is a view shared by all of the bargaining agents that do business with DFAIT. In a report of the findings of the DFAIT Changes Survey, Dr. Linda Duxbury from Carleton University noted that DFAIT needed to change its culture in order to be considered a “High Performance Workplace”. However, she warned that DFAIT “management behaviour does not support participation in change (employees perceive not consulted before decisions made).” By contrast the other government departments with which PAFSO does business, CIC, CBSA and CIDA all understand what it means to consult and encourage both a meaningful consultation process and a co-development process, before a draft is prepared and presented for comments.

The differences are startling. DFAIT sees consultation as a necessary step, to be accomplished as quickly and perfunctorily as possible, as opposed to a meaningful step in the process of developing directives or policies. That is evidenced by what DFAIT characterizes as consultation. A single meeting to explain a policy after it has already been approved does not meet standards of meaningful consultation. Sending a draft policy unilaterally developed by the employer to bargaining agents asking for their comments, and then calling a meeting to advise that the policy had already been approved by the Department’s Executive Committee, without meaningful changes, wouldn’t

pass the test either. These are but two examples of how the department approaches consultation.

We need to find a way to promote change, so that the problems noted by Dr. Duxbury are fixed. But change requires the support of both parties. Unfortunately, in the fall of 2005 DFAIT Human Resources withdrew its earlier support for the appointment of a mutually agreed facilitator to help repair a dysfunctional relationship. PAFSO would still welcome an initiative like this.



PAFSO AWARDS DINNER

THURSDAY, JUNE 15, 2006

**PANORAMA ROOM
NATIONAL ARTS CENTRE**

COCKTAILS : 17:30 /

DINNER : 18:30

\$35 PER PERSON/

\$25 PER PERSON FOR FS-1/FSDP

TICKETS ON SALE:

MAY 31, JUNE 1 AND JUNE 2

**DFAIT: IN FRONT OF THE
CAFETERIA, PEARSON BLDG.**

12:30 - 13:30

CIC: CONTACT

**MARTINA STVAN, 957-6970 OR
JENNIFER CARLILE 957-5816**

