



The union for financial professionals.
Le syndicat des professionnels de la finance.

VIA EMAIL

Director.directeur@fpslreb-crespg.gc.ca

May 8th, 2024

Federal Public Sector Labour Relations and Employment Board
C.D. Howe Building
West tower, 6th floor
240 Sparks St.
Ottawa, Ontario

Re: Complaint Under Section 190 of the FPSLRA - Unfair Labour Practice Complaint

Good afternoon Registrar,

The Association of Canadian Financial Officers (ACFO-ACAF) hereby files a complaint under Section 190 of the *Federal Public Sector Labour Relations Act*. Enclosed is Form 16 and Appendix "A" for this purpose.

Please contact Scott Chamberlain, ACFO Director of Labour Relations (schamberlain@acfo-acaf.com) to schedule an unfair labour practice hearing at the earliest opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dany Richard', is written over a horizontal line.

Dany Richard, President
Association of Canadian Financial Officers
193 ch Richmond Road, Ottawa, ON
Telephone: 613-728-0695 / Toll free: 1-877-728-0695

Encl.
c.c.: schamberlain@acfo-acaf.com;



Federal Public Sector Labour
Relations and Employment
Board

Commission des relations de
travail et de l'emploi dans le
secteur public fédéral

F.P.S.L.R.E.B. File Number
(FOR OFFICE USE ONLY)

Form 16

Section 57

of the Federal Public Sector Labour Relations Regulations

COMPLAINT UNDER SECTION 190 OF THE ACT

Federal Public Sector Labour Relations Act

Notice: (1) It is the complainant's responsibility to inform the Board of any changes to his/her mailing and electronic addresses or telephone numbers.

(2) Information relating to these proceedings is subject to the Board's *Policy on Openness and Privacy*. In accordance with this policy, the Board conducts its hearings in public, save for exceptional circumstances. It also provides public access to case files and posts its decisions electronically on its website. The Board's *Policy on Openness and Privacy* is posted on the Board's website.

1. Complainant information:

Last Name *(print in block letters)*:

First Name *(print in block letters)*:

Mailing address:

Apartment *(if applicable)*:

Number and street:

City:

Province or Territory:

Postal code:

Telephone numbers *(where we can reach you)*:

Home:

Office:

Fax numbers *(where we can reach you)*:

Home:

Office:

Email address:

Name of authorized representative *(if applicable)*:

Mailing address *(if different from above)*:

Apartment *(if applicable)*:

Number and street:

City:

Province or Territory:

Postal code:

Telephone number:

Fax number:

Email address:

2. Respondent information:

Name:

Mailing address:

Apartment *(if applicable)*:

Number and street:

City:

Province or Territory:

Postal code:

3. Paragraph of the *Federal Public Sector Labour Relations Act* on which the complaint is based:

- 190(1)(a) Failure to comply with section 56 (duty to observe terms and conditions).
- 190(1)(b) Failure to comply with section 106 (duty to bargain in good faith).
- 190(1)(c) Failure to comply with section 107 (duty to observe terms and conditions).
- 190(1)(d) Failure to comply with subsection 110(3) (duty to bargain in good faith).
- 190(1)(e) Failure to comply with section 117 (duty to implement provisions of the collective agreement) or 157 (duty to implement provisions of the arbitral award).
- 190(1)(f) Failure to comply with section 132 (duty to observe terms and conditions).
- 190(1)(g) Unfair labour practice within the meaning of section 185.

4. Concise statement of each act, omission or other matter giving rise to the complaint:

5. Date on which the complainant knew of the act, omission or other matter giving rise to the complaint (dd/mm/yyyy):

Complete sections 6 and 7 only if the complaint alleges an unfair labour practice prohibited by paragraph 188 (b) or (c) of the Federal Public Sector Labour Relations Act and if the employee organization has established a grievance or appeal procedure.

6. If the employee organization has provided the complainant with a copy of the decision with respect to the grievance or appeal, the date on which they received the decision (dd/mm/yyyy):

7. If the complainant did not receive a copy of the decision with respect to the grievance or appeal, the date on which a grievance or appeal was presented in accordance with any procedure that has been established by the employee organization (dd/mm/yyyy):

8. Steps that have been taken by or on behalf of the complainant for the resolution of the action, omission or other matter giving rise to the complaint:

9. Corrective action sought under subsection 192(1) of the *Federal Public Sector Labour Relations Act*:

10. Other matters relevant to the complaint:

11. Do you agree to participate in mediation?

Mediation is a voluntary, confidential process in which an impartial third party, the mediator, facilitates communication between the parties with a view to assisting them to reach a mutually acceptable outcome to the dispute.

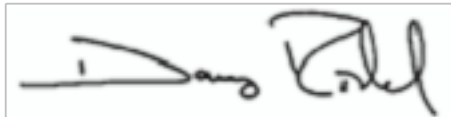
yes

no

I, the undersigned, (duly authorized representative of the complainant,) hereby file this *Complaint under Section 190 of the Act*.

Date (dd/mm/yyyy):

(Signature of complainant or authorized representative):

A handwritten signature in black ink, appearing to read "D. K. Patel", is written over a horizontal line.



The union for financial professionals.
Le syndicat des professionnels de la finance.

APPENDIX "A"

This unfair labour practice complaint is hereby filed by the Association of Canadian Financial Officers ("ACFO") pursuant to Section 190 of the *Federal Public Sector Labour Relations Act* alleging that the Employer:

1. Failed to comply with s. 106 (duty to bargain in good faith) due to the lack of notification and consultation with the bargaining agent when it introduced a change of fundamental importance by prescribing a minimum requirement of three days per week presence in the workplace for all public servants, implementing the *Directive on Prescribed Presence in the Workplace*.
2. Failed to comply with s.106 (duty to bargain in good faith) by intentionally misleading the bargaining agent as to the employer's commitment to consult on remote work thereby inducing the bargaining agent to rely on that promise and to withdraw its bargaining demands in favour of a Letter of Understanding the employer has breached repeatedly.
3. Interfered with the administration of the bargaining agent and its representation of employees pursuant to s. 186, by failing to notify and consult prior to implementing a prescribed presence and minimum requirement of three days per week in the workplace for all public servants, implementing the *Directive on Prescribed Presence in the Workplace* and unilaterally imposing changes to telework arrangements under the *Directive on Telework*.
4. Interfered with the administration of the bargaining agent and its representation of employees pursuant to s. 186, by negotiating directly with represented employees regarding their workplace.
5. Failed to notify and consult through joint union-management committees as provided for in Division 3 of the *Federal Public Sector Labour Relations Act* and engaged in a pattern of behaviour that has fundamentally eroded labour relations and breached past practice.

Corrective Action:

ACFO is seeking the following:

- i) a declaration that the Employer has contravened Division 3, sections 186 and 106 of the FPSLRA;
- ii) an order that the Employer consult with the bargaining agent regarding the implementation of a prescribed presence and minimum requirement of three days per week in the workplace for all public servants and more specifically the adoption of the *Directive on prescribed presence in the workplace* and other changes to telework arrangements under the *Directive on Telework*;
- iii) an order directing the Employer to rectify the act;
- iv) a declaration that the Employer cannot order any employee to work from their home or negotiate directly with represented employees the location of their workplace without the consent of the bargaining agent;
- v) an order rescinding the *Directive on Prescribed Presence in the Workplace* and all other policies, directives and practices that apply;
- vi) an order that the Employer compensate members for all harms experienced as a result of the implementation of the prescribed presence and minimum requirement of three days per week in the workplace;
- vii) An order the parties reopen the collective agreement for the purposes of negotiating provisions regarding remote work;
- viii) to be made whole; and
- ix) other remedies deemed just in the circumstances.