



Neil R. Wilson  
President and Chief Executive Officer  
NAV Canada  
77 Metcalfe Street Ottawa ON K1P 5L6  
By email: wilsonn@navcanada.ca

September 20, 2020

Dear Mister Wilson,

I am writing today to express my grave concerns regarding the upcoming layoffs of Professional Institute of the Public Service of Canada (PIPSC) members that I am informed are scheduled to be announced on Tuesday September 22, 2020.

I have discussed these layoffs with senior PIPSC representatives who have been involved in discussions with NAV Canada over the past few months. The process by which they are to be effected is clearly in violation of the terms of our Collective Agreement. Please note the following specific issues:

1. This past May, PIPSC and NAV Canada agreed in a Memorandum of Understanding (attached) that in the event of layoffs the least senior employees would be selected. In addition, it would be impossible for an employee who was offered the ERI to be surplus if they refused.
2. Our Consultation Team President subsequently requested on multiple occasions the scheduling of consultation meetings to come to an understanding/interpretation of Articles 39 and 43 (in particular how seniority clauses were to be applied). His requests were declined every time.
3. On September 1<sup>st</sup>, a consultation was finally held with your Labour Relations representative Kristie Faasen to go over Article 43. Both sides were left with different interpretations of the language.
4. On September 11<sup>th</sup>, PIPSC received official notice of the layoffs as per Article 43.
5. On September 15<sup>th</sup>, our representatives met with Pam Tricco and Kristie Faasen to review the HR transition plan and provide feedback on the list of affected employees. The principal feedback we received, which affects some 20 out of 51 employees represented by PIPSC, was that NAV Canada would not apply the seniority provisions outlined in Article 43. In addition, 6 employees who had been previously offered the ERI were now to be declared surplus. This is a violation of the intent of the ERI program.
6. At that meeting, we also proposed exploring the possibility of job sharing and leaves of absence. We were rebuffed and told instead that layoffs were imminent. When we then asked about "job swapping", the response was that it is almost impossible - but that NAV Canada would look into it if PIPSC could identify such opportunities.

7. On September 17<sup>th</sup>, another consultation was held to discuss your response to PIPSC's feedback on the previous meeting. This was not a productive meeting. We were informed of your position to the effect that the Collective Agreement is silent on how seniority works in relation to job security, and that NAV Canada has the right to select employees in this regard. We were also told that the company must keep 2 Term employees at a time when it plans to let go 51 Full Time employees - many of whom are certainly qualified to remain with NAV Canada. We were also informed that you need to keep 2 contractors on because "they are just the best in the world". Their contracts are scheduled to end on March 22, 2021, at the same time as our members are officially discharged from the company. While we agree on the matter of the contractors, Full Time employees should be retained over Term employees.

8. On September 18<sup>th</sup>, we learned that a competition for a CS-03 Business Analyst position was completed on September 10<sup>th</sup> with a start date of September 21<sup>st</sup> (the day before our affected members are to be informed). The successful candidate is a member of another bargaining agent who had been in a Management Development Assignment but who has now been declared surplus. It is clear the position was created specifically for this individual knowing that other PIPSC members were about to be laid off.

These actions on NAV Canada's part clearly demonstrate a penchant for favouritism as well as a total disregard for the Collective Agreement and the recent MOU. They are completely unacceptable and the layoff process must be immediately suspended until these issues are resolved. Until now PIPSC and NAV Canada have enjoyed a collaborative relationship leading to a harmonious workplace. It would be a shame to put our relationship at risk and to force our hand on more formal, conflict-based actions to protect our members' negotiated rights.

This critical matter requires your immediate attention and I wish to discuss it with you as soon as possible on Monday the 21<sup>st</sup>. My staff will shortly be in contact with your office in this regard.

Sincerely,

A handwritten signature in black ink, appearing to read 'Debi Daviau', written in a cursive style.

Debi Daviau, President