



May 13, 2020

Nancy Chahwan
Chief Human Resources Officer
OCHRO, Treasury Board Secretariat
219 Laurier, Ottawa ON K1P 5J6
By email: nancy.chahwan@tbs-sct.gc.ca

Dear Ms. Chahwan,

On May 7, 2020 the Professional Institute and other National Joint Council bargaining agents were informed by the Treasury Board that it is developing guidelines regarding whether or not Code 699 can be used by federal employees scheduled to return to work in provinces where schools and child care services have, or will soon, reopen.

Like thousands of parents, our members are understandably worried about sending their children back to these facilities. Many have indicated they will not do so at this time, and plan to use authorized leave to continue caring for their children until they are assured that it is safe to let them return to school or day care. The situation in Québec this week amply demonstrates the extent of their unease.

The Treasury Board guidelines we were presented would only allow Code 699 to be used when medical reasons prevent a child from returning to school or day care. "Management discretion" is to be used where there is no "identifiable risk" to the child. Yet I think we can all agree that the COVID-19 pandemic is a clearly identifiable risk.

The Treasury Board's approach is unacceptable to us. "Management discretion" is not an appropriate determining factor when the health of Canadians is at stake. As you know, throughout the pandemic bargaining agents have had to deal with a number of cases where local managers have denied Code 699 leave for their staff despite a clear Treasury Board directive on this issue. We are therefore legitimately concerned about the inconsistent and inequitable application of "management discretion" in the current context. Our members should not be forced to make an anxiety-provoking choice between their jobs and their children's well-being simply because their supervisors do not believe there is a health risk in their area.

In addition, please keep in mind that millions of women across the country are disproportionately bearing the brunt of pandemic-related employment impacts. The Treasury Board's approach can only add another layer of distress for mothers, often the primary caregivers for their families.

The guidelines proposed by the Treasury Board also demonstrate little appreciation for the flexibility our members have demonstrated throughout this crisis, and their willingness to find the right balance between continuing to serve Canadians from home and taking care of their young children. I find this aspect of the situation particularly disappointing.

Finally, the proposed guidelines are setting a precedent across the country, whereby provincial authorities are driving the Government of Canada's response to the needs of its employees.

We are therefore calling on the Treasury Board and separate employers to consult with bargaining agents to find a suitable solution allowing Code 699 to be used by our members until a safe and reasonable path forward is established.

I appreciate and thank you for your immediate attention to this critical matter.

Sincerely,

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

Debi Daviau
President
The Professional Institute of the Public Service of Canada