

## **ACKNOWLEDGEMENTS**

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Finally, we thank the joint steering committee for their strategic guidance during this study. We also thank Barbara Smith for her assistance throughout the course of our work. And lastly, a special thanks to the respective union and CCRA organizations who have made the joint working committee's participation possible: P.S.A.C.; the Union of Taxation Employees (UTE); the Customs Excise Union Douanes Accise (CEUDA); CCRA's Resourcing & Career Management Division; Atlantic Region; Assessment & Collections; Prairie Region; Northern Ontario Region; St. John's Tax Centre; TSO Estrie/Mauricie; and Customs Saskatchewan District.

## **PREFACE**

The Joint Public Service Alliance of Canada/Canada Customs and Revenue Agency Committee is pleased to present the findings and recommendations of the Joint P.S.A.C./CCRA Term Employment Study.

This report stems from an agreement reached by the Public Service Alliance of Canada (P.S.A.C.) and the Canada Customs and Revenue Agency (CCRA). Under the agreement, a Joint Committee made up of an equal number of P.S.A.C. and Employer representatives was formed to review the use of term employment and the treatment of term employees in the Program Delivery and Administration Services bargaining units.

Since its inception, our Joint Committee – made up of six employee representatives from P.S.A.C., of which three were current term employees, and six employer representatives – has believed that studying term employment in the Agency means consulting with the people affected. As a result, we traveled the country to meet many P.S.A.C. term employees, Agency managers and other stakeholders. In addition, we studied the report of the August 2002 Joint P.S.A.C./TBS Term Employment Study, which detailed findings from extensive consultations with term employees and managers, and provided 26 recommendations on term employment across the federal Public Service. As a result of our travels, meetings, and other research, we gained a better understanding of the issues related to term employment in general and to CCRA's programs. At the same time, we were able to evaluate the options for addressing the challenges faced by term employees and managers in various sections of the Agency.

This report presents our findings and recommendations.

## **EXECUTIVE SUMMARY**

This report stems from an agreement reached by the Public Service Alliance of Canada (P.S.A.C.) and the Canada Customs and Revenue Agency (CCRA) in March 2002 during the last round of collective bargaining. Under the agreement, a Joint Committee made up of an equal number of P.S.A.C. and Employer representatives was formed to review and produce recommendations on the use of term employment and the treatment of term employees in the Program Delivery and Administration Services bargaining units.

### ***Background***

The CCRA became an agency and independent employer on November 1, 1999. Staffing Program and Directives also came into effect at that time. The Agency structure translated into greater freedom to develop new ways of meeting customer needs and doing business with Canadians. It also allowed the CCRA to move out from under the umbrella of the federal government's human resource management system and create its own human resource policies and practices.

As part of CCRA's new staffing program, a new policy on term employment was implemented, including provision for a senior management review of term situations after three years. This provision was developed to ensure that longer term situations were monitored on an ongoing basis, that proper human resources planning was conducted, and that competent individuals were appointed permanently in the Agency.

### ***Term profile***

Current data shows that term employees constitute nearly one quarter of the CCRA population. The average age of term employees is 38 years old, 53.6% are located in Ontario and Quebec, 70% work in Assessment and Collection programs, 56% are CRs (Clerical and Regulatory), and 75.4% are women.

### ***Research***

The Joint Committee initiated a consultation process to allow current and former term employees, employees currently in rehire pools, and managers to: a) share their views on the use of term employment and the treatment of term employees in CCRA, and b) suggest solutions and recommend changes.

To validate existing research and gather a comprehensive sample of opinions and experiences, the Joint Committee employed a variety of research tools, consulting with approximately 3,000 term employees and managers. Through an interactive Web site, 1,245 term employees and 248 managers responded to an online survey and hundreds of comments and suggestions were collected.

Members of the Joint Committee also conducted conference calls and visited over 30 work locations where they met with small groups of term employees and managers to discuss the main

themes of the study and to gather additional input. In order to ensure that employees currently in rehire pools had an opportunity to participate in the consultation process, a special mailing was done through each tax centre and the Ottawa Technology Centre inviting employees currently in rehire pools to visit the study's Web site and to attend town hall meetings, which were held in the National Capital Region and in the cities where the taxation centres are located. In total, approximately 850 employees attended 9 town hall meetings. At the conclusion of the consultation process, the co-chairs of the study also met with Customs and Assessment and Collections functional branches to explore some of the suggestions and ideas raised during the consultations.

The participation of term employees and managers provided a much richer, more complete foundation for developing recommendations related to term employment in the Agency.

## ***Key findings***

### **Use of term employees**

- The majority of term employees are hired to respond to recurring seasonal or program work, mostly in Tax Centres, also in Tax Services Offices; many are rehired each year for the same work, with service breaks between contracts.
- A number of term employees move between work flows, resulting in extended periods of employment.
- There are a number of term employees who have had continuous employment for more than three years.
- Term employees are also hired for year-round functions due to temporary lateral moves, the need to backfill acting positions or replace employees on annual leave, etc.
- Term employees are sometimes hired for permanent work on trial basis or retained as term employees to avoid workforce adjustment situations.

### **Treatment of term employees**

- Although there were some differences, term employees generally felt they were treated similarly to permanent employees.
- Term employees are generally positive about their work and benefits.
- Many term employees want a permanent job in the Agency but do not feel they have sufficient opportunities.
- Many term employees must regularly compete for their own jobs.
- Term employees do not consistently have access to higher level opportunities, lateral moves to other work units, etc.
- Some differences in treatment were identified in areas such as education leave, training, and pay issues; others feel they are held to a higher standard of performance than permanent employees.

## **Application of the 3-year review policy**

- The true intent and provisions of the policy are not well understood by many managers.
- Managers are divided on the issue of automatic roll-over; term employees support automatic rollover after one to five years.
- Term employees experience significant insecurity as a result of their temporary status.
- Significant concerns were expressed with the processes for rehire, term extensions, and permanent hires, e.g., lack of transparency on who is selected and why.

## ***Recommendations***

With the research, consultations, tested solutions, in hand, the Joint Committee achieved consensus on 26 recommendations to address the issues highlighted by term employees and management during the consultation phase. The complete list of recommendations can be found in Section 5.0 of the report.

There were two issues, however, that were found to be important by both parties, but for which consensus on the recommended solutions could not be achieved. The management and union positions on these issues can be found at the end of Section 5.0.

## 1.0 INTRODUCTION

During the last round of collective bargaining in March 2002, an agreement was reached by the Public Service Alliance of Canada (P.S.A.C.) and the Canada Customs and Revenue Agency (CCRA) to review the use of term employment and the treatment of term employees in the Program Delivery and Administration Services bargaining units. This agreement was inspired in part by the Joint P.S.A.C./TBS Term Employment Study, tabled in August 2002.

While there are legitimate reasons for the use of term employment in the Canada Customs and Revenue Agency – fluctuating workloads are a major factor in the Agency, and distinct seasonal workload peaks characterize several of the Agency's key functions such as processing income tax returns – the extent to which term employment is used and how term employees are treated within the Agency required further exploration.

Throughout the study process, the Joint P.S.A.C./CCRA Committee was committed to balancing short-term workload requirements with fair treatment of the employees hired to meet those needs. This led to consultations with term employees, managers, and key stakeholders.

The recommendations in this report are based on:

- A review and analysis of research from CCRA and the Joint P.S.A.C./TBS Term Employment Study to gain a fuller understanding of term employment issues. At the same time, the Joint P.S.A.C./CCRA Committee gathered extensive information on the Agency's business lines and how CCRA uses term employment to meet its business needs. This preliminary research helped the Joint Committee identify information gaps and establish new areas of focus for the subsequent consultation process.
- 2,619 P.S.A.C. term employees and 490 managers provided input to the study through a Web site survey, town hall meetings, discussion groups, and worksite visits. Their input helped validate the existing research findings and shape potential solutions.
- To further validate findings, the Joint Committee used the information gathered through both research and employee/manager consultation in a round of consultation with Customs and Assessment and Collections functional branches.

This multi-step process helped the Joint Committee develop viable recommendations on the use of term employment and treatment of term employees, and the related CCRA policies.

## 2.0 BACKGROUND

This section provides an overview of the Canada Customs and Revenue Agency's transition from a government department to an Agency, as well as the impact on the term employment policy. It also provides an overview of the use of term employment within the Agency.

### 2.1 *Agency background*

In 1996, the Government of Canada announced its intention to create a national Agency to carry out customs and border services, and collect provincial and federal revenues.

The CCRA became an agency and separate employer on November 1, 1999. The Agency's long-standing mission – to promote compliance with Canada's tax, trade, and border legislation, and regulations through communication, quality service, and responsible enforcement, thereby contributing to the economic and social well-being of Canadians – remained after transition. The Agency option also allowed the CCRA to develop its own human resource policies and practices.

Today, the Agency employs some 53,000 people across nearly 750 service centres in Canada. CCRA's employees provide protection at Canada's borders, administer federal and provincial taxes, deliver social and economic benefits on behalf of the federal and provincial governments and administer trade agreements.

CCRA has five business lines that operate based on the belief that most people will voluntarily comply with the law when given the opportunity. To promote compliance, the Agency uses a mix of service and enforcement strategies, all of which are backed by sound risk management. The five business lines are:

- 1) **Customs Services**, which ensure that Canadians' health, safety, security, and business interests are protected, and Canada's economic growth is supported, through responsible border and trade management;
- 2) **Tax Services**, which ensure that Canadians pay their fair share of taxes, and that the tax base is protected;
- 3) **Benefit Programs and Other Services**, which ensure Canadians receive their rightful share of entitlements;
- 4) **Appeals**, which ensures that Canadians receive an impartial and timely review of contested decisions through our redress system; and,
- 5) **Corporate Management and Direction** whose expected outcome is that performance of our business services and operations is maximized through modern and innovative management approaches.

## **2.2 Term employment policy**

As an Agency, a new policy on term employment was implemented. One of the provisions was for a senior management review of term situations after three years. Where a permanent need was identified, managers had the options of a) conducting a selection process or b) using the new change in tenure provision that was developed to assist in regularizing lengthy term situations. Where a permanent need was not identified, managers had the discretion of extending term situations. The intention of this provision was to ensure that long-term term employment situations were monitored on an ongoing basis, that proper human resources planning was conducted, and that competent individuals were appointed permanently within the Agency.

The policy is governed by eight staffing principles: competency, productiveness, transparency, fairness, non-partisanship, representativeness, efficiency, and adaptability.

## **2.3 Term employment use within the Agency**

The following is an overview of term employment needs within the Agency.

### **2.3.1 Tax Services**

Tax services are offered through Tax Services Offices (TSOs), Tax Centres (TCs), the Ottawa Technology Centre (OTC), and the International Tax Service Office (ITSO).

Tax Services Office employees represent 42.6% of the CCRA workforce; 14.7% of which are term employees. TSOs generally offer services related to Tax and Benefit Programs requiring contact with the public – collections, audit, client services, and investigations. There are forty-seven TSOs in Canada, and they are mostly located in the country's largest cities.

Term employees in the TSOs are used to backfill acting appointments, temporary lateral moves, and annual leave. Those needs are usually year-round. The largest number of term employees in TSOs is found in the Client Services program. Client Services follows the ebb and flow of seasonal programs like T1, GSTC, and monthly Child Tax Benefits. A large number of term employees are used during peak periods around the T1 season, and other monthly or quarterly programs.

Many of the Agency's TSOs also house call centres. While calls are received throughout the year, there are peak periods. More than 100 million public enquiries are answered by the Agency each year, a large portion of these come through the call centres, and are answered by term employees.

Tax Centre employees represent 16.3% of the CCRA workforce; 61.5% of which are term employees. A large number of Tax Centre employees' role is to process returns accurately, efficiently, and in a timely manner, to encourage participation and shorten the time between filing and the receipt of taxes owing or distribution of funds. In addition, Tax Centre employees help ensure benefit payments are made in the right amount and at the right time for the millions of Canadians that rely on them.

The use of term employment is prevalent in Tax Centres and the Ottawa Technology Office where most programs are of a seasonal nature. The variety and overlapping nature of programs is also conducive to longer-term employment for term employees. For example, some term employees can be employed for as many as 10 consecutive months. Tax Centre term employees are generally hired on an annual basis to fill recurring needs related to T1 processing and other programs.



The International Tax Services Office (ITSO) provides tax processing, enquiries, benefit payment, withholding and counter services to over 350,000 clients annually from around the world. International Tax Services Office employees represent 1% of the CCRA workforce; 62% of which are term employees. ITSO provides service to clients filing income tax returns or information returns as non-residents, factual residents, deemed residents, newcomers to Canada, emigrants from Canada and Canadians posted abroad

### 2.3.2 Customs

More than 7,400 Customs employees – 14.7% of which are term employees – work across Canada in 147 land border offices, 67 inland alternate service sites, 13 major airports, 15 rail border sites, and 76 vessel clearance stations. The large majority of term employees are Customs inspectors.

Term employees in Customs are used to backfill temporary vacancies such as acting, temporary lateral moves, leaves, and during peak periods, which vary depending on location. Those needs are usually year-round. Customs officers are also hired as term employees until they complete the Customs Inspector Recruit Training Program (C.I.R.T.P.).

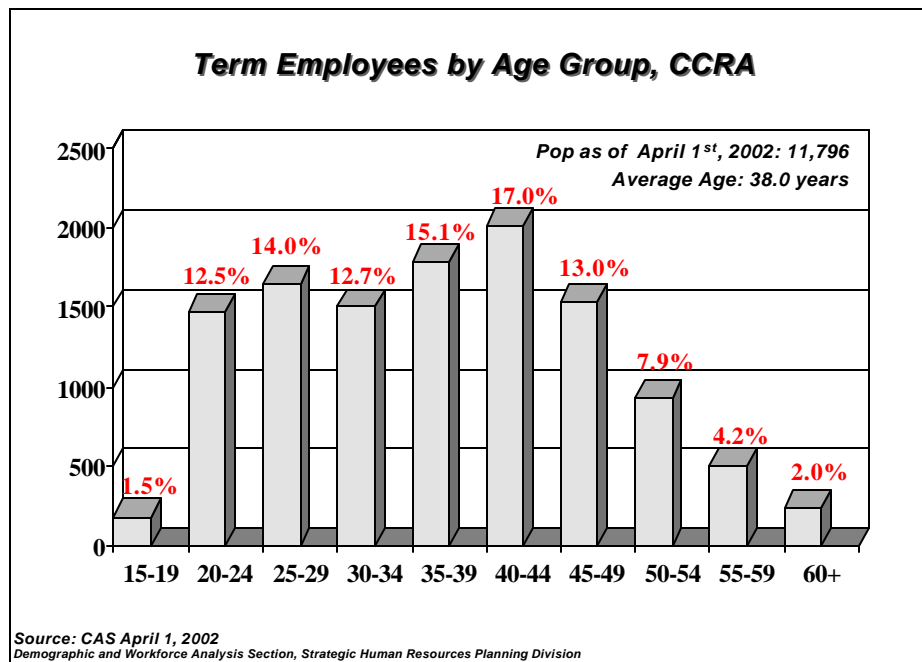
### 2.3.3 Headquarters

Headquarters represents 16.4% of the Agency's workforce; 10.2% of those are term employees. Term employment is used to backfill acting, temporary lateral moves and annual leave; it is also used to staff special projects and delays created by reorganizations.

## 3.0 TERM POPULATION PROFILE

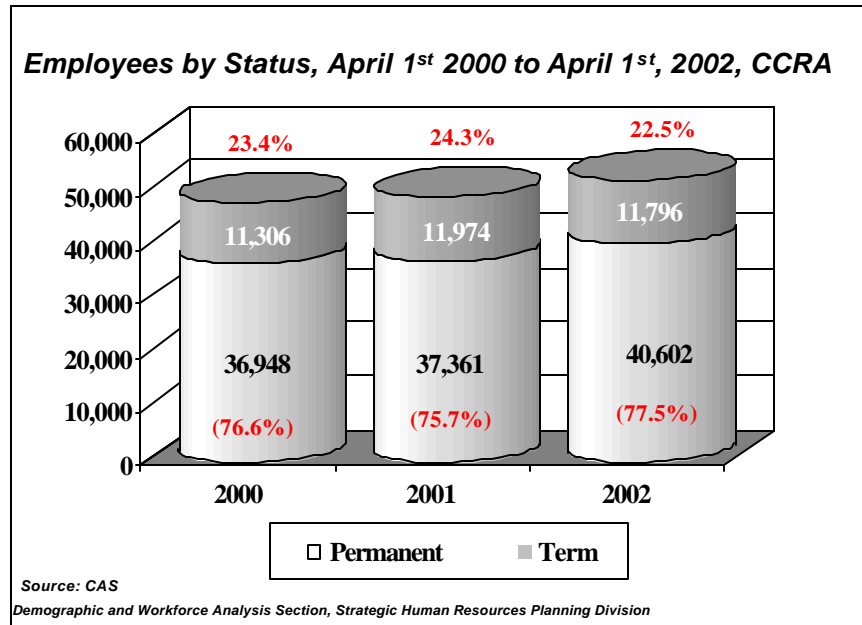
### 3.1 Term employees by age group

The average age of term employees in the Agency is 38 years old. Close to one third of term employees are between the ages of 35-44.



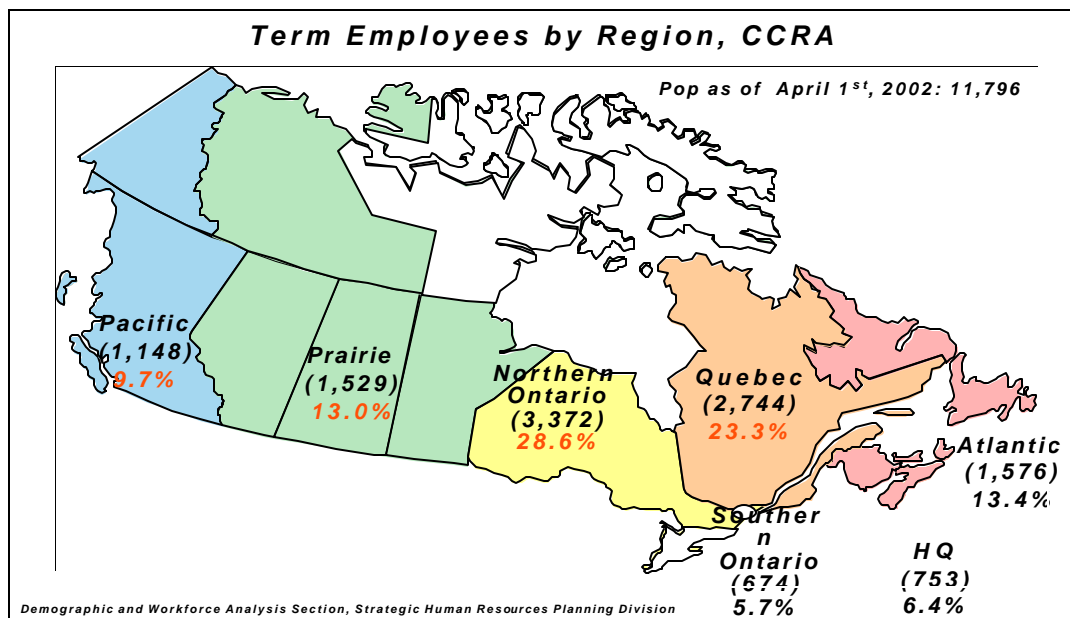
### 3.2 CCRA employees by status

Although there are slight annual variances, the term population remains stable between 22% and 24% of the total CCRA employee population during peak employment periods.



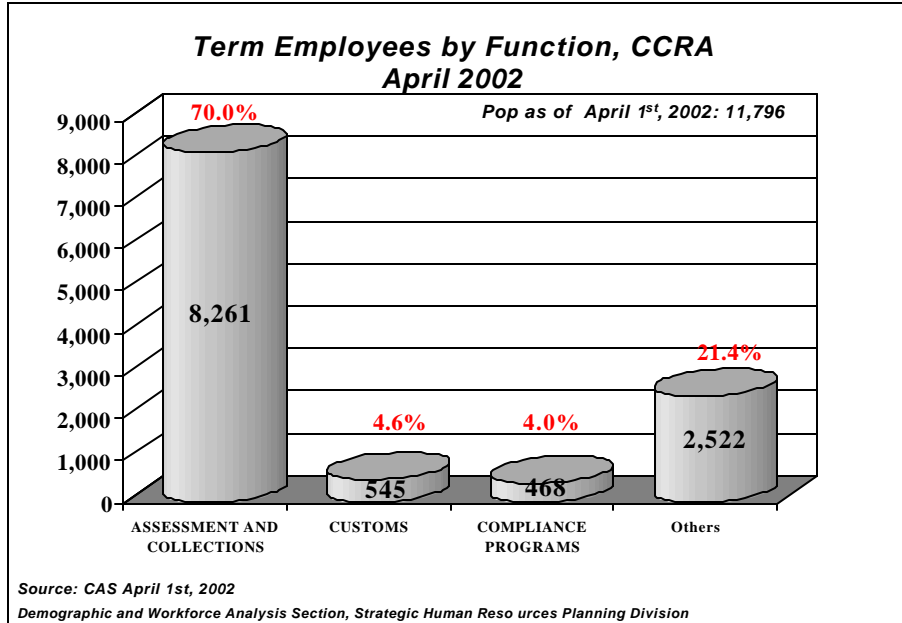
### 3.3 Term employees by region

As shown in the following chart Northern Ontario and Quebec have the largest term populations and the Prairies and Atlantic Canada follow closely.



### 3.4 Percentage of term employees by functions, April 1, 2002

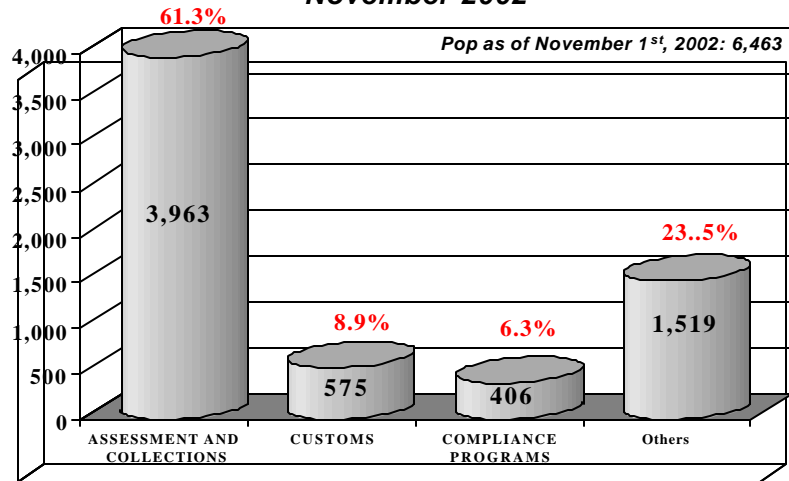
The majority of term employees work in the Assessment and Collection programs. On April 1, 2002, they represented 70% of the total term population, while 21.4% of term employees worked in other areas such as Finance and Administration.



### 3.5 Percentage of term employees by functions, November 1<sup>st</sup>, 2002

The majority of term employees are still found in the Assessment and Collection programs during non peak periods as demonstrated by the following chart.

### Term Employees by Function, CCRA November 2002

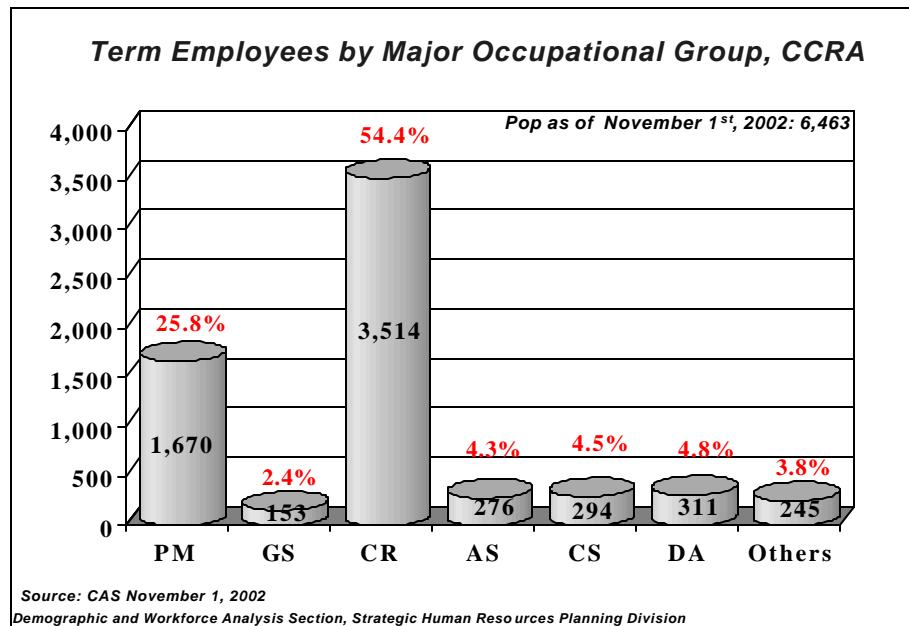
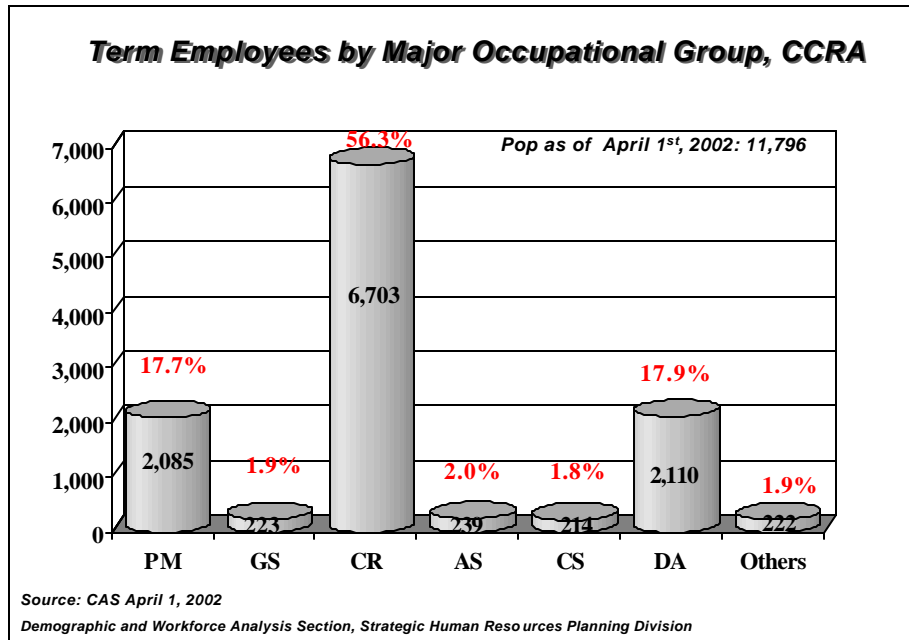


Source: CAS November 1st, 2002

Demographic and Workforce Analysis Section, Strategic Human Resources Planning Division

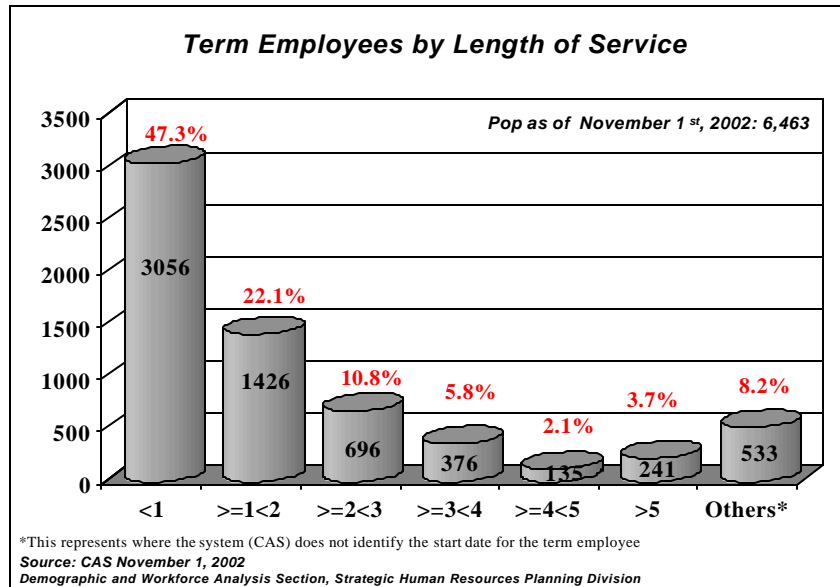
### 3.6 Term employees by major occupational groups

The majority of term employees are found in the CR (clerical and regulatory) group as demonstrated in the charts below. In non peak periods the CR group still represents 54% of the total term population.



### 3.7 Length of service: term employees over 2 years

Note: It should be noted that length of service is defined according to the current policy as continuous employment without a break in service greater than 60 days. As a result, some term employees have had longer employment in the Public Service than illustrated in the chart below due to breaks in service. These 'long-term' term employees could be included in any of the categories below.



### 3.8 Distribution of designated groups in CCRA

This data is included to demonstrate whether the survey results are representative of the Agency Employment Equity Term population.

## **Representation of Designated Groups in Term Population**

**Distribution of term and indeterminate employees  
within CCRA by Designated Group  
As of April 1st, 2002**

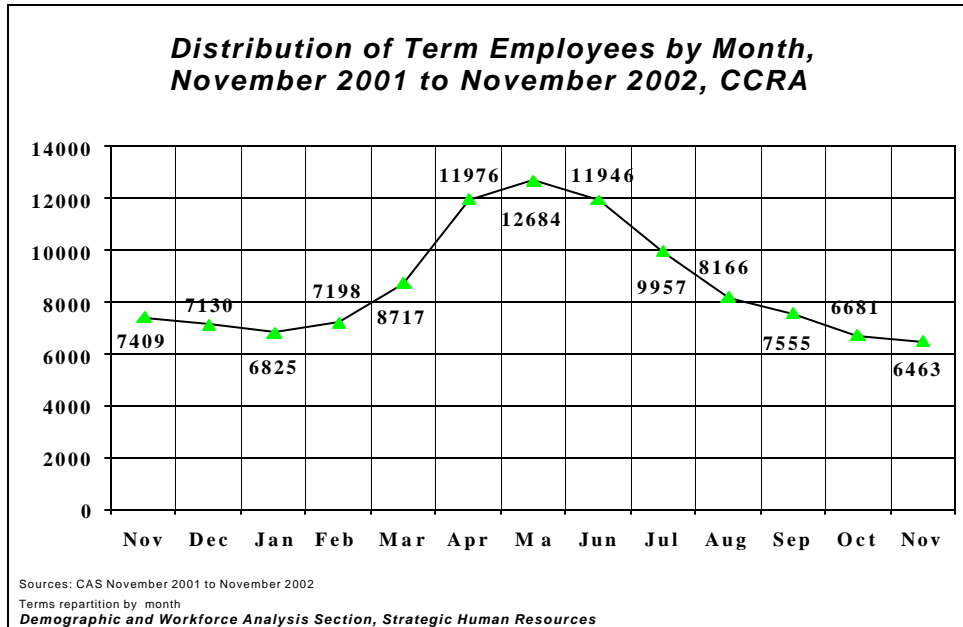
Employment Status	Number of Employees	Women		Visible Minorities		Persons with Disabilities		Aboriginal Peoples	
		#	%	#	%	#	%	#	%
<b>Indeterminate</b>	40,604	22,009	54.2%	3904	9.6%	2172	5.3%	784	1.9%
<b>Term Employees</b>	11,798	8,890	75.4%	654	5.5%	321	2.7%	182	1.5%
<b>Total</b>	<b>52,402</b>	<b>30,899</b>	<b>59.0%</b>	<b>4558</b>	<b>8.7%</b>	<b>2493</b>	<b>4.8%</b>	<b>966</b>	<b>1.8%</b>

Source: Data from CAS, April 1, 2002

The total for these four sub-populations is not illustrated since some employees belong to more than one designated group.  
For example, an Aboriginal (or visible minority) employee could be female and/or have a disability.  
Including the Executive Group.  
Percentage is a share of each designated group out of the total for each employment status.  
Include indeterminate employees and all term employees excluding student and seasonal employees

### 3.9 Distribution of term employees by month

Due to the nature of the work at CCRA and the fact that most of the term population is hired to perform in the Assessment and Collections programs, the number of term employees peaks between the months of April and June when T1 processing is also cresting. The total number of term employees declines by close to 6,000 between May and November.



### 3.10 Source of recruitment

**Term to Permanent Fiscal Year 1999-2000 to 2001-2002**

Fiscal Year	1999-2000		2000-2001		2001-2002	
<b>Term to Permanent</b>						
Total New Permanent ( all new permanent (includes external appointments and term to perm)	2,168		2,194		4,953	
Total Term to Permanent appointments resulting from all selection processes (not necessarily linked to conversion of lengthy terms)	1,216	56%	1,445	66%	2,572	52%
Total Term to Permanent appointments without a selection processes (change in tenure)*	176	14%	346	16%	190**	4%
*Regional data ** Number confirmed with regions Sources: PMIS, April 1999 to September 1999 and CAS, October 1999 to April 2002						

Demographic and Workforce Analysis Section, Strategic Human Resources Planning Division



## **4.0 EMPLOYEE AND MANAGER CONSULTATIONS**

### **4.1 Introduction**

The Joint Committee initiated a consultation process to allow employees, managers, and union representatives to share their views on the use of term employment and the treatment of term employees in CCRA, suggest solutions and recommend changes. To validate existing research and gather a comprehensive sample of opinions and experiences, the Joint Committee employed a variety of research tools, including Web site surveys for term employees and managers, work site consultations, conference calls and town hall meetings. Using these various research tools, the Joint Committee consulted with approximately 3000 term employees and managers.

This section provides information on:

- The research methodology;
- Key findings on the application of the term employment policy, the use of term employment and the treatment of term employees at CCRA; and,
- Conclusions based on these findings that led to specific recommendations.

### **4.2 Methodology**

#### **4.2.1 Research**

In order to determine the main objectives of the study and identify areas on which new research should be focused, the Joint Committee reviewed a substantial amount of studies related to term employment and data on the use of term employment within the Agency. The Joint P.S.A.C./Treasury Board Secretariat Term Employment Study was a good source of information on issues related to term employment in the federal public service and also led the Joint Committee to review literature from a variety of sources including: the Public Service Commission, the Auditor General, the Committee of Senior Officials (COSO), the Conference Board of Canada and the Canadian Council on Social Development.

This review allowed the members of the Joint Committee to gain a deeper understanding of the issues, to identify areas which required more exploration and to focus on issues that were of particular significance for the Agency.

#### **4.2.2 Web site surveys**

To reach as many stakeholders as quickly as possible, the Joint Committee developed an interactive Web site to allow CCRA term employees (including former term employees and term employees currently in a rehire pool) and managers to share their opinions on term employment and propose improvements. The Joint Committee developed the survey based on a similar survey conducted by the P.S.A.C./Treasury Board Study, and adapted it to reflect CCRA business (e.g., seasonal nature of programs). To encourage maximum participation, the Joint Committee publicized the survey through both the P.S.A.C. and CCRA sites, as well as through bookmarks, posters, and other avenues. The survey was active from October 25, 2002 to November 29, 2002, inclusive; 1245 term employees and 248 managers responded.

In addition to the survey, the Web site contained information on the nature and origins of the study, the makeup of the Joint Committee, the schedule of town hall meetings, and also provided a template to allow respondents to send their opinions and recommendations directly to the Joint Committee. Approximately 200 individuals used this template to communicate their views.

### **4.2.3 Work site consultations**

Between October 12 and November 15, 2002, the Joint Committee members met with groups of term employees and managers in 30 work sites across Canada. Work site selection was based on factors such as the volume of term employees, and the need for a nationally representative sample of offices by business lines, e.g. small, medium and large Tax and Customs offices. The term employees who participated in the discussion groups were jointly selected by local union representatives and management and this selection was based on a series of criteria including a good representation of the various business lines, a mix of long term and short term employees and employment equity group representation. Conference calls were also used to reach Customs employees and managers in remote locations.

In total, 518 term employees and 242 managers participated in the discussion groups.

In all cases, a discussion guide helped focus the consultations on: the use of term employment; the current three-year review policy; treatment of term employees; positive and negative elements in the use and treatment of term employees; and suggested solutions.

### **4.2.4 Town hall meetings**

The Joint Committee recognized the importance of gathering input from Tax Centre and Ottawa Technology Centre term employees, who represent the highest proportion of term employees and are usually employed for peak periods. Since this was a non-peak period, the Joint Committee launched a series of evening town hall meetings to reach term employees in rehire pools, former term employees, and others, in the Ottawa Technology Centre and in each tax centre location: Surrey, British Columbia; Winnipeg, Manitoba; Sudbury, Ontario; Ottawa/NCR; Shawinigan, Quebec; Jonquière, Québec; Summerside, Prince Edward Island; and St. John's, Newfoundland. In each of these locations a special mailing was done to all term employees currently in rehire pools advising them that a study on term employment was being conducted and inviting them to attend the town hall meeting in their location. 856 employees participated.

A moderator's guide was developed to direct the dialogue and to keep the discussion focused on the use of term employment, the treatment of term employees and related CCRA policies.

### **4.2.5 Findings validation and feasibility input**

Following these consultations, the P.S.A.C./CCRA Joint Committee co-chairs met with directors in Customs and with the Assessment and Collections Senior Management Committee to obtain input on the feasibility of various changes to address them.

## **4.3 Findings**

### **4.3.1 Introduction**

This section reviews the findings of the Web site survey and consultations concerning the use of term employment in CCRA, treatment of term employees, and application of the Agency's term employment policy. A snapshot of the key findings in each area is followed by more detailed discussion.

### 4.3.2 Use of term employment in CCRA

#### Highlights

- **The majority of term employees are hired to respond to recurring seasonal or program work, mostly in Tax Centres, also in Tax Services Offices; many are rehired each year for the same work, with service breaks between contracts**
- **A number of term employees move between work flows, resulting in extended periods of employment**
- **There are a number of term employees who have had continuous employment for more than three years.**
- **Term employees are also hired for year-round functions due to temporary lateral moves, the need to backfill acting positions or replace employees on annual leave, etc.**
- **Term employees are sometimes hired for permanent work on trial basis or retained as term employees to avoid workforce adjustment situations**

#### Where and why term employees are hired

Use of term employment in the Agency is strongly related to program line. Not surprising, the majority of term employees are hired to handle recurring seasonal or program work, typically in the Tax Centres, and to a lesser extent in the Tax Services Offices and in Customs.

Of those term employees who responded to the Web site survey, 51% said they were hired for recurring seasonal/program work in the Tax Centres, and CCRA employment statistics support this (see chart 3.4). In many cases, term employees are hired for specific periods of time according to program cycle, and are rehired every year for the same work with breaks in service between contracts.

Some term employees move between work flows, accumulating extended periods of employment in the process. For example, employees in certain TCs have developed skills that enable them to move from work flow to work flow. This allows some to extend their employment regularly for as much as seven to 10 months, while others work year-round by moving between work flows.

In TSOs and many parts of headquarters (especially in the National Capital Region), managers hire term employees for continuing, year-round functions to deal with short-term needs, such as backfilling for permanent employees who are on prolonged acting or other assignments. In some instances, managers find it easier to hire temporary help agency employees and subsequently appoint them to term positions.

The findings also indicated that some managers hire term employees in permanent positions to:

- Manage budget-related issues (e.g., late funding allocation, allocation on a temporary or project basis, etc).
- Test the suitability of individuals for permanent employment. In this sense, term employment has become an indefinite probationary period, giving managers a chance to evaluate employees without a long-term commitment and to terminate their employment more easily than if they were permanent;
- Respond to organizational restructuring; and,
- Work on short-term projects.

The way term employees are used in CCRA has resulted in many having had continuous employment for several years. (see chart 3.7).

### **What term employees are told at time of hire**

Both the Web survey and consultation process showed that:

- Managers indicate to new term hires that there are opportunities for permanent positions;
- Managers communicate their performance expectations to term employees;
- 87% of managers who responded to the survey reported offering initial term appointments of more than three months, but report that extensions are generally for three months or less, especially in the TCs and Call Centres.

Forty-seven percent of managers who responded to the survey said they had known from the outset that a term extension would be required. However, many term employees reported that the notice period for extensions was usually very short; in some cases, notice was only provided after the term had expired.

### **4.3.3 Treatment of term employees**

#### **H i g h l i g h t s**

- **Although there were some differences, term employees generally felt they were treated similarly to permanent employees**
- **Term employees are generally positive about their work and benefits**
- **Many term employees want a permanent job in the Agency but do not feel they have sufficient opportunities**
- **Many term employees must regularly compete for their own jobs**
- **Term employees do not consistently have access to higher level opportunities, lateral moves to other work units, etc.**
- **Some differences in treatment identified in areas such as education leave, training, pay issues; others feel they are held to a higher standard of performance than permanent employees**

### **Workplace morale**

Through both the Web site survey and the consultations, participants said they felt that term and permanent employees are treated more or less equally. In fact, in areas such as rewards and

recognition, and participation in social events, a majority of consultation group participants and survey respondents said they are treated the same as permanent employees (although some questioned why they do not have access to awards for long service). Sixty-nine percent of term employee survey respondents indicated that they receive adequate recognition from their managers; 90% said they know what their managers expect of them, and 91% said that their colleagues treat them with respect.

Furthermore, term employees feel that their benefits are good, they enjoy their work, would recommend term employment as an entry into the Agency, and are interested in permanent employment with CCRA.

### **Reported differences**

While most term employees are positive about working with the Agency, there are areas in which they believe they are treated differently from permanent employees.

#### *Retention*

Many term employees are actively seeking permanent positions at CCRA, and believe they have the necessary qualifications. However, the majority of them do not feel they have sufficient opportunities for further term work or for permanent employment. As a result, some term employees report difficulty in making a commitment to an organization that has not been willing to make a commitment to them.

#### *Re-applying for their own jobs*

Term employees dislike having to compete regularly for their own jobs, term extensions, rehires and permanent opportunities, noting that this requirement creates a very competitive and stressful environment potentially leading to loss of employment. In particular, those who had been term employees for many years questioned why they should have to regularly re-qualify for their positions -- often having to take standardized written tests -- when they had satisfactorily performed the same duties for more than 20 years in some cases.

#### *Pay/benefits*

Term employees generally feel they receive the same benefits as permanent employees. At the same time, many said they do not have access to direct deposit, and noted long delays in receiving their initial pay cheques (the practice of holding back the initial two weeks pay), regardless of the number of term appointments they had already worked with the Agency. Managers also reported spending a lot of time sorting out pay-related issues because the pay system is not responsive in dealing with high volumes of transactions.

On other benefits-related issues, some managers said that they purposely offered term appointments of less than three months to avoid having the collective agreement apply. Term employees felt that not having access to leave with income averaging was a disadvantage of term employment, while others said they used their annual leave before the end of the term appointment, only to have the appointment extended later on.

#### *Access to employment opportunities*

The findings demonstrate that term employees do not consistently have access to opportunities such as higher level positions or lateral moves to different work units. At the same time, many term employees felt that when they were hired they had been led to believe that permanent opportunities would be available to them.

Many also indicated that managers often hire externally before considering term employees with long service and make little effort to find term employees other work when their appointments conclude. In addition, term employees reported that permanent job opportunities are often posted at non-peak periods when most term employees are not on staff and therefore not eligible to apply through internal staffing processes.

#### *Performance standards*

The consultations revealed clear inconsistencies in how term employee performance is assessed. In some cases, term employees are subject to a completely different assessment process than permanent employees.

A number of term employees feel they are held to a higher standard of performance than permanent employees. Many reported being reluctant to use sick leave and family-related leave for fear it would negatively affect their assessment and reduce their chances of being re-hired. By the same token, many term employees said they were afraid of speaking up or seeking union representation because of the uncertainty of their employment. Others expressed resentment about the performance bonuses managers receive because they believe these bonuses result in pressure to produce more, faster, while their managers reap the rewards.

#### *Training/Education assistance*

Overall, it appears that most term employees receive learning plans (81% of survey respondents acknowledged receiving these plans.) However, there exist some differences in access to training and educational assistance. Consultations indicated confusion over the provisions of the Education Assistance Guidelines.

In Customs, input to the Web survey from term employees showed that these employees frequently experience delays in receiving the training (through the Customs Inspector Training Recruitment Program, or CITRP) that is a condition for permanent employment. As a result of these delays, term employees who have been performing satisfactorily for several years are subjected to a pass or fail training program which may result in them losing their jobs.

#### *Customs uniforms*

Customs term employees identified inconsistencies in the allotment of uniforms. In particular, term employees do not receive the same number of uniforms, and sometimes, different equipment than permanent employees do. In addition, instances were reported of students receiving equipment and clothing for which term employees are not eligible.

#### *Insecurity*

The Web survey and the consultations consistently showed that the uncertainty of term appointments means that term employees suffer a heightened sense of insecurity, find it extremely difficult and stressful to plan their personal lives, finances and careers, and are reluctant to make major purchases such as a house or car.

### **4.3.4 Application of the three-year review policy and staffing**

#### **H i g h l i g h t s**

- **The true intent and provisions of the policy are not well understood by many managers**

- **Managers are divided on the issue of automatic roll-over; term employees support automatic rollover after one to five years**
- **Term employees experience significant insecurity as a result of their temporary status**
- **Significant concerns expressed with the processes for rehire, term extensions, and permanent hires, e.g., lack of transparency on who is selected and why**

#### *Current three-year review policy*

Manager surveys indicated that they were generally aware of the Agency policy that requires a review of term situations after three years. Discussion groups, however, showed that many managers were unaware of the existence of the policy. For those aware of it, there appears to be considerable confusion over the intent and provisions of that policy. From their perspective, term employees feel there is a lack of management accountability in the three-year review, and few of them knew whether a review had been conducted in their work place.

While efforts have been made to regularize long-term situations, findings suggest that most managers are not making use of the new Agency change in tenure provision. Consequently, longer-term term employees feel at a disadvantage compared with inexperienced term employees or permanent employees at lower levels who may perform better on the written standard tests but lack the job-specific experience. They also feel that managers do not sufficiently value their experience and training.

Overall, managers are divided on the issue of automatic roll-over. Many feel that the current policy should be strengthened or guidelines developed. A majority of term employees feel there should be automatic roll-over after one to five years, but most term employees expressed that a two or three year automatic roll-over was reasonable and fair. Term employees felt that at a minimum, managers should be held accountable for a serious review of term situations.

#### *Staffing*

The processes for rehiring term employees, extending term appointments and filling permanent positions sparked significant concerns, according to both the Web surveys and the consultations.

For example, some term employees feel that the staffing requirements are too restrictive. Many feel that managers do not clearly communicate selection criteria, and reported instances in which term employees applied for a permanent position and qualified, only to be offered a term appointment. In some locations, term employees have concerns that the use of availability is limiting their opportunities including the possibility to extend their employment.

## **5.0 RECOMMENDATIONS**

With the consultation and research results in hand, the Joint Committee achieved consensus on 26 key issues and recommendations. There were two issues, however, that were found to be important by the union and by management, but for which consensus on possible solutions could not be achieved. The union and management positions on these two issues can be found at the end of this section in point 5.27.

The following are the Joint Committee's final recommendations.

## **5.1 Uniform policy**

### Issue:

The current policy makes a distinction between the allotment of uniforms and equipment for term and indeterminate employees.

### Recommendation:

The current uniform policy that applies to customs officers should be reviewed. The allotment of uniforms and equipment should be based on operational needs and there should be no distinction based on tenure of employment.

## **5.2 Training**

### Issue:

There are inconsistencies in access to job specific training offered between term and indeterminate employees.

### Recommendation:

Employees should have equal access to job related training regardless of their tenure of employment. If term employees are denied job related training opportunities, the reasons should be based on operational requirements and should be clearly communicated to the employee (s) concerned.

## **5.3 Reasons for term hiring**

### Issue:

There is inconsistent application of the policy regarding the use of term employment. For example, there are instances where managers are hiring term employees as a probation period where there is a permanent need.

### Recommendation:

Term employment should be used for its intended purpose.

Where indeterminate needs exist, staffing should be done on an indeterminate basis and term employment should not be used as a substitute for the probationary period.

## **5.4 Long service awards**

### Issue:

There are inconsistent practices regarding long service awards for term employees.

### Recommendation:



The “Guide for Administering the Recognition Program in the CCRA,” states that continuous service of term employees, including those hired for seasonal programs, counts towards the long service awards. It goes on to suggest that local offices can also recognize those individuals who return Program after Program. The Guide should be updated to strengthen the recognition that term employees are valuable to the Agency.

## **5.5 Pay issues**

### Issue:

The current pay system is not responsive to term hiring and results in differences in treatment. For instance, two weeks salary is withheld from term employees upon hiring and rehiring, there is inconsistent access to direct deposit for term employees, there is an inability of the pay system to quickly capture varying hours of work and levels, there are delays in pay resulting in recovery of overpayments, etc.

### Recommendation:

The Agency’s pay system should be more responsive to the nature of term employment and the needs of term employees. Term employment should be considered in the current re-engineering of pay process and the following issues should be addressed: direct deposit for term employees, the practice of withholding pay at the beginning of a term assignment, practices related to the recovery of overpayments and the challenges related to frequent changes in hours of work and changes in levels.

## **5.6 Performance bonuses for managers**

### Issue:

Term employees perceive that managers are rewarded, through performance bonuses, for employees’ production rate. There is a perception that term employees produce more, therefore, that there is no incentive to make term employees permanent.

### Recommendation:

The performance pay provisions and process for managers should be clearly communicated to all employees.

## **5.7 Performance objectives**

### Issue:

Some term employees feel that they are held to a different standard of performance. The consequences of not meeting standards are perceived to be higher for term employees.

### Recommendation:

Performance objectives should be consistent between term and indeterminate employees.

## **5.8 Rehire process**

Issue:

There is an inconsistent use of the rehire process in relation to the consideration of performance and experience, i.e. administration of tests to qualify for rehire.

Recommendation:

Rehire decisions should be based on performance, as stipulated in the current Directive on Re-hire of Term Employees. Term employees should not be subjected to standardized tests nor should they have to re-compete for their own position. In consultation with the union, clear and consistent guidelines should be developed on the application of performance in the rehire process and particular attention should be given to defining the assessment of dependability.

Issue:

Employees do not know on what basis term employees will be rehired and/or extended and perceive that the criteria for selection changes.

Recommendation:

Efforts should be made to have more transparency in rehire decisions. Rehire criteria should be communicated to term employees at the beginning of their assignment and, consistent with the current directive, term employees should be advised of their chances of being rehired at the end of their contract.

Issue:

There is a feeling that experience is not properly valued in the re-hire process.

Recommendation:

Experience and performance will be the critical factors used in making rehire decisions.

## **5.9 Breaks in service**

Issue:

There are situations where there are arbitrary breaks in service of term employees over 60 days.

Recommendation:

Given the current policy, there is no basis to have arbitrary breaks in service. Term employees should not be subject to breaks in service that are not related to operational requirements.

## **5.10 Fear of reprisals**

Issue:

Term employees' fear speaking up, accessing union representation, etc...

Recommendation:

Term employees are valuable to the Agency and their input is important. The Agency should ensure a work environment where term employees do not fear reprisals for speaking up. Consistent with the current collective agreement provisions, there should be an orientation session for employees that includes a joint union-management communication of processes, rights and entitlements.

### **5.11 Notice periods**

Issue:

Term employees are not afforded sufficient notice of term extensions. This leads to a sense of uncertainty regarding their continued employment, an inability to plan ahead, and pay implications.

Recommendation:

In order to minimize the stress and uncertainty term employees experience and to avoid needless interruptions in pay, every effort should be made to ensure that term employees are provided the maximum amount of notice possible regarding term extensions. Managers should also better plan their human resources needs to minimize the number of short-term extensions.

### **5.12 Duration of term**

Issue:

Term employees are often hired for short periods of time when workloads would indicate that a longer period is required. There were situations where short-term periods were offered to avoid the benefits associated with the collective agreement.

Recommendations:

The duration of term contracts should reflect the full period of work anticipated at the outset.

### **5.13 Access to acting opportunities**

Issue:

Term employees feel they are not given equal access and consideration for acting opportunities.

Recommendation:

Access to and consideration for higher level (acting) opportunities should not be based on tenure.

### **5.14 Seasonal indeterminate**

Issue:

There are term employees who return every year for the same program period and who still do not have any job security. This situation causes the following problems: need to recompetete every year, limited access to benefits and union representative, uncertainty and insecurity.

Recommendation:

The committee recognizes that seasonal indeterminate employment is one of the viable alternatives to term employment in the Agency.

The committee recommends that further analysis of seasonal indeterminate employment be conducted with a view of implementing this form of employment in the Agency. This analysis should include the identification of areas and types of positions where this option would be practical and efficient, a cost benefit analysis, and consideration of other employment related issues such as benefits, outside employment, etc.

## **5.15 Budgets**

### Issue:

There are negative impacts of the budget process on the hiring of term employees, extension of term employees, duration of contracts, etc. (Such as late allocation, in-year adjustments, functionalization, cycle, and sunset provisions).

### Recommendation:

Integrate financial, business and HR planning more effectively.

Modify financial management practices to allow for multi-year funding, more stable funding, earlier budget allocations and financial risk management at a broader level.

Develop longer term vs. short term resourcing, recruitment and succession planning strategies.

## **5.16 Educational reimbursement**

### Issue:

There is an inconsistent treatment of reimbursement of educational assistance for term employees.

### Recommendation:

Term employees should be treated in accordance with the current policy and have equal access to the reimbursement of educational assistance. Furthermore, the current policy should be amended to provide more discretion to managers to allow for the approval of exceptions that are in the best interests of the Agency.

## **5.17 Movement of term employees**

### Issue:

Term employees feel they do not have the ability to move to other areas. If greater mobility existed between areas this would permit lengthening of their periods of employment.

### Recommendation:

The creation of some generic job descriptions is one of the viable alternatives dealing with the issues regarding the current use of term employment. Implementation will allow for more mobility and the opportunity to extend periods of employment and/or create indeterminate positions, instead of term positions, where there is a demonstrated need.

## **5.18 C.I.R.T.P.**

### Issue:

Long-term term customs inspectors (CI) and some managers are concerned that the structure of the current C.I.R.T.P. program (pass-fail course) does not provide adequate recognition of term employees' experience and job performance. They may have significant on the job experience and yet lose their job if they fail the course.

### Recommendation:

The committee recommends that the Agency continue with the current strategy to finalize the training of all current CIs in the shortest possible timeframe.

The current process should also be reviewed to ensure the final pass-fail decisions take into consideration both the performance at C.I.R.T.P. and on the job performance as confirmed through regional-local management who have observed or been aware of the employee's performance.

## **5.19 Long-term term employees**

### Issue:

Issues were identified with the management of long-term term employees in the Agency. There were a number of long-term term situations that had not yet been addressed and where there appeared to be an ongoing need. The current policy provisions regarding the review of long-term term employees were not well known nor were they consistently applied across the Agency.

### Recommendations:

The term employment policy needs to be better communicated and understood by managers and term employees.

The policy should contain a statement to the effect that term employment is a legitimate form of employment and provides the flexibility the Agency needs to meet its goals and objectives. This statement should also outline the circumstances where the use of term employment is appropriate such as: backfilling temporary vacancies resulting from indeterminate employees on leave, acting/development assignments, short-term projects, seasonal and fluctuating workloads. The current review period should be changed to two (2) years. Furthermore, the reviews of long-term term situations should be conducted annually and linked to the staffing planning process.

The policy should outline a clear and transparent process that should be used to conduct the 2-year review. This process should clearly specify who is responsible for conducting the review and both employees and the union should be advised that a review has been conducted and the results of the review.

The policy should contain a provision stating that, where there is an ongoing need, a decision either to undertake a change in tenure or a selection process must be taken.

The policy should contain a clear statement to the effect that the change of tenure mechanism is the preferred outcome of the 2 year review in order to more effectively resolve long term situations where there is in fact an ongoing need.

The policy should include provisions which clearly outline the circumstances where a decision not to use the change of tenure provisions is appropriate.

The policy should clearly define any situations that do not constitute an ongoing need, such as leave replacements, sunset programs (evaluate), and the parameters for their use.

The policy should include provisions for ongoing and rigorous monitoring and reviews at the national and regional levels. These provisions should also include union participation.

The effective management of term employment and the equitable treatment of term employment should be part of managers' performance agreements.

The tools that exist when conducting selection processes to value the experience of long-term term employees should be clarified and communicated to managers and employees to ensure that they are used when appropriate.

Consistent with the current policies and practices in the Agency, the policy should contain a process through which employees who have not been placed as a result of the review are informed of the reasons for this decision and have an opportunity to have this decision reviewed.

## **5.20 Actings**

### Issue:

Extended acting assignments are significantly impacting the management of term employees. Lengthy acting assignments result in an inability to staff the substantive positions on a permanent basis. Term employees are being extended for lengthy periods where there is an ongoing need.

### Recommendation:

Managers should be more effectively managing the issue of lengthy acting situations. The policy regarding acting situations should be reviewed to provide for an annual review of acting situations to ensure that appropriate staffing measures are taken.

## **5.21 Term extensions**

### Issue:

Term employees are often required to re-compete for term extensions within the same position.

### Recommendation:

Term employees should not have to compete for term extensions. When a selection is required, it should include the consideration of performance, rather than the administration of tests.

### Issue:

Managers are letting term employees go while hiring externally. The existing policy regarding consideration of internal employees prior to conducting external recruitment is not being applied consistently.

### Recommendation:

The current policy should be clearly communicated to both managers and employees. Prior to conducting external recruitment, managers should be considering qualified term employees who are on strength and who are approaching the end of their term assignment. Where applicable, the reasons for choosing to recruit externally are to be communicated to term employees on strength.

## **5.22 Area of selection**

### Issue:

Term employees are sometimes excluded from being considered for selection processes for indeterminate positions.

### Recommendation:

Term employees should not be excluded from consideration for indeterminate staffing solely on the basis of their tenure.

## **5.23 Management of staffing pools**

### Issue:

Term employees have been precluded from opportunities as a result of the use of availability, particularly in TCs.

### Recommendations:

Employees should be entitled to be considered in multiple pools.

Unless program delivery would be jeopardized, term employees, or those eligible for rehire, should not be denied access to opportunities based on their availability. Managers should consider employees' career aspirations, fair access to a higher level of pay and providing opportunities for continued employment when making placement and rehire decisions.

## **5.24 Timing of staffing processes**

### Issue:

Term employees not on strength are not able to compete for selection processes that are advertised outside peak periods.

### Recommendation:

To provide fair access, timing of processes should not be used simply to exclude term employees.

## **5.25 Access to leave and benefits**

### Issue:

Term employees felt that they should have access during the off season to benefits such as dental plan, vision care, extended health care, pension, carry over of sick leave, leave with income averaging, etc.

Recommendation:

These issues would be more appropriately dealt with and explored within the context of collective bargaining.

## **5.26 Issues related to implementation**

Recommendations:

In consultation with the union, a policy, action plan and implementation strategy should be developed, including identification of responsible authorities, within six months of the approval of these recommendations.

Where there are no policy implications, develop a communication strategy to reinforce appropriate practices.

Communication, training and education on policy changes should be conducted jointly.

The implementation of these recommendations should be costed and appropriately funded.

Conduct ongoing monitoring of policy implementation and application.

A review process should be conducted within three years to determine if desired results are being achieved.

## **5.27 Outstanding issues**

While the issues of Automatic Conversion and the Customs Inspector Recruit Training Program were found to be important by the union and by management, consensus on possible solutions could not be achieved. Because of these issues' importance, the Joint Committee has agreed to include both the union and the management positions in the Recommendations section of the report.

### **Automatic conversion**

Union position

The union representatives of the Joint Term Employment Study are gravely disappointed that we were unable to reach consensus on meaningful and substantial improvements to the way term employment is used and how term employees are treated within the Agency. While we have reached consensus on a number of issues and recommendations which, if implemented, could improve the conditions of term employees in the Agency, we have failed to address the most important issue for term employees; a fair and equitable way to achieve indeterminate status.

This is even more disappointing in light of the fact that Agency employees will now be treated significantly differently from the rest of the Federal Public Service. During the course of the Joint Committee's deliberations, the Treasury Board Secretariat unveiled a new term employment policy



that not only reiterated the principle of automatic conversion, but reduced the period of continuous employment required to be converted to indeterminate status. Furthermore, the Government of Canada has decided to enshrine this principle in law through the series of legislative amendments proposed in Bill C-25.

The question of automatic conversion was one of the central themes explored during the joint study. As indicated in section 4.2 of the report, the discussion guide prepared for the work site consultations and the moderator's guide prepared for the town hall meetings addressed this issue. The web site surveys also specifically asked questions related to respondents' thoughts on the idea of automatic conversion and the number of years of service they thought term employees should have before they were converted to permanent status.

The study has revealed that there is widespread support for the idea of automatic conversion within the Agency. Furthermore, automatic conversion is supported by both managers and employees. Not surprisingly, the majority of term employees favour automatic conversion (86% of survey respondents), but the survey also revealed that 54% of managers who were surveyed felt that term employees should be automatically converted after a set number of years and 46% felt that the automatic conversion should occur after 3 years or less of continuous service. There were 248 managers who responded to the online survey, which in our view is a representative sample of the views of managers in the Agency and is also consistent with what the Joint Committee heard from the 242 managers who participated in the workplace consultations.

One of the arguments against automatic conversion, which was raised by some managers who participated in the workplace consultations and by management representatives on the Joint Committee was that some managers would arbitrarily break employees' service in order to circumvent the automatic conversion process. While this possibility exists, the union representatives on the Joint Committee believe that most managers respect and implement the Agency's policies and that there are vehicles to deal with abuses of the employers policies.

The study also revealed that the Agency's current policy on term employment does not adequately address the problems related to term employment. One of the study's main findings was that many managers were unaware of the existence of the Agency's policy and for those who were, there was considerable confusion over the intent and provisions of that policy. In fact some managers believed that the provisions of the Treasury Board policy were still in effect and that automatic conversion still applied. The lack of knowledge of the policy is further confirmed in chart 3.10, which demonstrates that the policy's change in tenure provisions are not frequently used. Furthermore, we do not believe that the issue of long-term term employees will be substantially addressed unless a new policy on term employment, which includes a provision for automatic conversion, is implemented.

One of the Joint Committee's main objectives was to conduct a study that reflected the realities of the Agency. Research tools were developed that addressed the specific uses of term employment, including the seasonal nature of much of the Agency's work and every business line was extensively consulted. While certain parts of the Agency do use term employment in a unique way, the study has not uncovered any financial or operational reason that would prevent the Agency from implementing a policy of automatic conversion. With the exception of Taxation Centres, term employment is used for the same reasons as it is in other government departments and agencies. Even in Taxation Centres, where the fluctuating volume of term employees and the work flow is unique, the seasonal nature of the work is not. Other government departments and agencies also hire employees on a seasonal basis and in some cases where the work is seasonal and recurrent these employees are considered indeterminate employees. It should also be noted that an automatic conversion policy was in effect prior to the creation of the Agency and that operations have not changed so significantly since then to render such a policy inoperable.

#### Management position

The management and P.S.A.C. representatives agree that significant issues exist relating to CCRA's management of its term workforce. The CCRA is committed to taking strong measures to address term employment issues and to ensuring that its term employees are treated fairly as demonstrated by the number of recommendations reached jointly in the sessions.

There are only two areas where the views of management and PSAC representatives differ. The first is on the manner in which to address long-term term situations. It is our belief that a strengthened policy and accountability framework rather than an automatic process of conversion is a more effective solution to address the issue of long term terms in the Agency, and is in tune with the nature of the business of the Agency, its status as a separate employer, its on-going need for business re-engineering and its commitment to continued fiscal responsibility. The CCRA's use of term employment is unique in the public service. Many of the CCRA's term employees move between jobs in response to specific needs which peak in different areas at different times during the year. This movement results in extended periods of term employment that benefit some employees

The CCRA's current policy on term employment focuses on principles, good planning and management accountability. We have been successful in converting many term employees to indeterminate status every year, through the channels currently available to managers, without having to implement automatic conversion. However, while the intents and foundations of the current policy are sound, consultations have shown us that the policy is not always understood properly, nor is it applied consistently.

It is the position of the management representatives that strengthening the current policy as well as considering other recommendations such as examining the use of seasonal employment, presents a comprehensive solution to improving the management of term employment. This would allow us to better manage and balance continuing employment needs without negatively affecting existing permanent employees, e.g. through any potential WFA situations. This strengthened policy could include a rigorous process of review of all terms with 2 years of service or more, thereby generating greater transparency and accountability. For example, employees who are not placed as a result of the review would be informed of the reasons for the decision and would be provided with an opportunity to have their concerns addressed. We want to ensure that term employees have a better understanding of the decisions that affect their continued employment.

The recommendations arrived at by the Joint Committee will effect many positive changes for term staff in CCRA. We believe that by looking at all of the recommendations as part of a comprehensive solution we will be able to effectively balance the needs of our employees with the business needs of the CCRA.

## **Customs Inspector Recruit Training Program**

### Union position

The union representatives of the Joint Committee believe that term Customs Inspectors who performed their duties for 12 months or more should be exempt from the pass/ fail requirement of the C.I.R.T.P or alternatively, be given the opportunity to be re-tested in the areas they did not pass. To subject term employees to these requirements after they have passed their probationary periods and their performance has been assessed as satisfactory is onerous and could represent significant costs to the employer if they do not successfully complete the program and their employment is terminated. After a year, the employer has invested considerably in developing these employees and in turn these employees have shown a commitment to the Agency which should be

acknowledged. Exempting these employees from the pass/fail requirement would not only be fair and equitable, it would also provide an ongoing incentive for the employer to provide timely training. The union representatives also believe that a coaching process should be developed to address any difficulties these employees encounter during the program.

The union representatives also considered the option of providing a re-test scenario. It was felt that the option of determining and developing areas of weakness, accompanied by coaching as outlined in the use of force training offered by the Agency to Customs Inspectors would have helped to address this problem. Unfortunately, the management representatives were unwilling to consider this option.

#### Management position

The second area where management and P.S.A.C. representatives did not reach agreement was on the issue of whether long-term term employees who do not pass the C.I.R.T.P. program should be exempt from the pass/fail requirements or, alternatively, have the opportunity to be re-tested on those parts. We do not believe either exemption from the pass/fail requirements or re-testing is the solution and are concerned that it could lead to a reduction in the quality and integrity of the Customs Inspector Training program. Recruits receive extensive coaching throughout the training, have the opportunity to request additional help, and are in fact offered additional help if required. Also, given that the skills being evaluated are behavioural in nature, we would not expect any significant change in the outcome following a re-test. Furthermore, the attendance of long-term terms at the college should be greatly reduced, if not eliminated in the very near future given that the backlog associated to Customs Inspectors will be addressed during this fiscal year.

Another recommendation, which we have agreed to is to strengthen consideration of performance prior to making the decision on failure on the CIRTP for long-term terms and believe that this should effectively address this concern.

## ANNEX - CCRA Staffing Program

### **4.6 Hiring of Term Employees**

#### **4.6.1 Management of Term Employees**

**P4.6.1-1** Term employees refers to any employee (excluding students) hired for a specified period of time.

**P4.6.1-2** Authorized Persons shall hire term employees for work that is temporary in nature only.

**P4.6.1-3** Where it is known that work is permanent in nature, a process should be conducted for permanent appointment.

**P4.6.1-4** A review of lengthy term situations will be mandatory after 3 years by an Authorized Person.

**P4.6.1-5** Authorized Persons may make permanent appointments of long-term term employees (change in tenure), either via a selection process or without a selection process, where it is in the best interest of the CCRA, and in accordance with the Staffing Principles.

**P4.6.1-6** Authorized Persons are accountable for making decisions on term extensions based on business needs.

**P4.6.1-7** Recourse in the form of Individual Feedback is available upon request for employees in the work unit for staffing decisions regarding extension of term employees.

**P4.6.1-8 For changes in tenure, Individual Feedback followed by Decision Review is available for employees in the area of selection.**

#### **4.6.2 Rehire of Term Employees**

**P4.6.2-1**The rehire of former employees involves considering the rehiring, based on business requirements, of experienced term employees **who were hired under the CCRA Staffing Program.**

**P4.6.2-2**This process is intended to meet the needs for recurring types of work (e.g., Tax Centres, collections, others).

**P4.6.2-3** Past performance will be taken into consideration when determining whether an individual would be considered eligible for rehire.

**P4.6.2-4** Authorized Persons are accountable for ensuring that rehire is conducted in accordance with the CCRA's Staffing Principles.

**P4.6.2-5** Recourse in the form of Individual Feedback is available upon request to address questions regarding rehire decisions.

#### **4.9.2 Term to Permanent Appointments**

**P4.9.2-1** Authorized Persons can make permanent appointments of term employees when in the best interest of the CCRA, without having to run selection processes.

**P4.9.2-2** Term employees appointed permanently, without selection process, must meet the applicable staffing requirements (e.g., Minimum Educational/Occupational Certification Standards, and established competencies/qualifications).

**P4.9.2-3** Recourse in the form of **Individual Feedback followed by Decision Review** is available upon request to employees in the area of selection.

## **Annex H – Directive on Rehire of Term Employees**

### **Program Statements:**

- The rehire of former employees involves considering the rehiring of experienced term employees based on business requirements.
- This process is intended to meet the needs for recurring type of work (e.g., Tax Centers, collections, others).
- Past performance will be taken into consideration when determining whether an individual would be considered eligible for rehire.
- Authorized Persons are accountable for ensuring that rehire is conducted in accordance with the Agency's Staffing Principles.
- Recourse in the form of Individual Feedback is available upon request to address questions regarding rehire decisions.

### **Directive Statements:**

#### **Eligibility for rehire:**

- For recurring type of work situations and based on business requirements, Authorized Persons are encouraged to give consideration to rehiring experienced contract employees deemed eligible for rehire, before proceeding to external recruitment. Once Authorized Persons have hired term employees, through the rehire process, they may move them to different jobs in order to meet business requirements. (Prior consent for lateral moves would have been included in the Offer of employment.)
- Authorized Persons will be responsible for informing employees at the end of their contract whether they are eligible for rehire based on their work performance.
- Work performance could take into consideration such factors as qualifications, competencies, productivity standards, error rates, work samples, reliability, etc.
- Contract employees must be informed at the outset of their employment that work performance will be taken into consideration for determining their eligibility for rehire.

- Contract employees eligible for rehire are responsible for informing the Agency of any changes to their personal information (i.e. address, phone number).

### **Selection:**

- Authorized Persons should select from among individuals eligible for rehire based on business needs and staffing requirements, which may include job related experience, competencies, qualifications, past performance, language, employment equity, availability, day or evening shift preference, reliability (security), area of selection, special skills, etc. This allows Authorized Persons to take immediate needs into account and to value special skills and experience.
- Based on business requirements and operational needs, consent for subsequent lateral moves could be included as a condition of employment in the employment contract.
- Normally, an employee would be rehired to a similar position/level to the one they last occupied, with similar qualifications/competencies.

### **Sources of information:**

- Schedule of Delegation for Staffing Authorities
- Directive on External Recruitment
- Entitlements as per PSSRA and Collective Agreements