



Customs and Immigration Union
Syndicat des Douanes et de l'Immigration

November 17, 2010

Ms. Camille Therriault-Power
Vice-President, Human Resources Branch
Canada Border Services Agency
99 Metcalfe Street, 3rd Floor, Room 302
Ottawa, Ontario K1A 0L8

By email: camille.therriault-power@cbsa-asfc.gc.ca

Re: Duty to Accommodate

Dear Ms. Therriault-Power:

It has come to our attention that CBSA has sent a letter to CIU members advising them that "you therefore must undertake and/or maintain CDT and/or arming proficiency in order to perform the duties of these positions..." and further that "In the coming days, employees will be contacted by their managers and steps will be taken toward finding them alternate employment opportunities."

I remind you of the following:

Appendix F to the collective agreement clearly requires that the only participants to firearms training are those who have volunteered and those for whom completion of the training is a condition of employment. Appendix F then goes on to establish a protocol for relocation for employees who have volunteered to take the firearms training and who did not qualify.

As such, there is to be no discussion about alternate employment opportunities - and hence the relocation - of any other employees in the context of arming proficiency until after February 1, 2011, and after February 1, 2011 only in consultation with us.

In any event, the roll out period for the Arming Strategy is two years from November 10th, 2010. The CBSA Accommodation Strategy for Arming and Control and Defence Tactics dated July 2007 described an implementation period of eighteen months duration. This timeframe is not superseded by the Minutes of Settlement in the Coupal complaint; in fact, the Settlement incorporated this timeframe for implementation and bound the employer to a hiatus from implementation of an additional six months.

In light of this, the directive captured in CBSA's communication of November 12, 2010 is a violation of both the collective agreement and of the Minutes of Settlement in the Coupal complaint and must therefore be rescinded. I am available at any time should you wish to discuss this matter further.

Sincerely,

Jean-Pierre Fortin
Acting National President

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