



NATIONAL OFFICE MEMORANDUM

NO-13-2010

DATE	May 22, 2010	PRIORITY	4. For your information
TO	National Board of Directors		
RE	Care and Nurturing Accommodation		

Sisters and Brothers,

Recently a decision from a Public Service Staff Relations Adjudicator ruled that there was no reason for the Employer to refuse a member a four (4) month leave of absence for care and nurturing. The member first submitted a leave request for four (4) summer months to care for her children. This leave was denied citing the necessity to maintain continued service delivery. The Employee then submitted a care and nurturing leave request for a one (1) year period which was granted by the employer. After six (6) months leave, the employee requested to return to work and did so. While off, the Employer did not replace the Employee.

In their submissions, the Employer stated that annual and personal leave have preference over care and nurturing leave. This, the Adjudicator found, to be verging on discrimination due to family status. The ruling states that the Employer cannot consider care and nurturing leave as a kind of second class type of leave. Continued service delivery was wrongly used as a motive for denying the grievance. As noted, the Employer did not have to replace the Employee while off. It was ruled that the Employer violated the collective agreement.

For a full text reading of this decision, it is on the PSLRB website at http://pslrbcrtfp.gc.ca/decisions/summaries/2010-59_e.asp . The file number is 166-02-36781. The citation number is 2010 PSLRB 59. The case is Gardner-Costa versus Treasury Board (Canada Border Services Agency).

In Solidarity,

Karen Church
CIU Equal Opportunity Representative