



April 28th, 2012

Joel A. Oliver
Acting Assistant Deputy Minister, Management Sector
Department of Justice
284 Wellington Street
Ottawa, Ontario
K1A 0H8

Dear Mr Oliver,

Re: AJC's Requests for Information Related to WFA Notice and Term Employees

This letter is further to our meeting on April 25th, 2012, and subsequent email exchanges over the impending workforce adjustment notices, which are scheduled to be delivered to 95 of AJC's members on Monday, April 30th, 2012. At the conclusion of our meeting, I indicated that the Association would have a number of questions in light of the workforce adjustment situation which has now descended on the Department.

Appendix A to this correspondence sets out, by sub-heading, our detailed requests for information. We will require your response as soon as possible so we may support our members to the best of our ability.

We wish to add, at the outset, that April 30th, 2012 will indeed mark an unfortunate low point for the Department. The ramifications of the relentless cuts we have been forced to endure –which amount to 15% since 2009-- will be felt for years to come. No one should seriously doubt this. The 2012 Budget cuts will have a rippling effect among our members, their families, and indeed, across the entire administration of justice. I hope there will come a day when, not too long from now, we restore the pride and high morale that once filled our people and the important roles they play in protecting the public interest.

I repeat once more that the requests for information which follow are critical to the Association's ability to serve its members. We therefore look forward to scheduling a meeting with your office to hold further discussions at the earliest opportunity, which we hope will be both comprehensive and constructive, as we make our way through this challenging period.

Yours truly,

Marco Mendicino
President



Appendix A:
AJC Requests for Information Related to WFA Notices and Term Employees

1) *Timelines for “Affected” and “Surplus” Status, and Possible Removal from WFA Notice List*

You advised that all 95 of AJC members are presently deemed “affected” under the WFA Directive, which means, according to the definition of that term, that “they are [an] indeterminate employee who has been informed in writing that his or her services may no longer be required because of a work force adjustment situation”.

Please provide an estimated timeline as to how long AJC members will remain in “affected” status, and when you think the Department will be in a position to determine whether they will transition to “surplus” status, or be removed from the WFA notice list altogether.

2) *No Guarantee of Reasonable Job Offers*

You advised that the Department would not be in a position to provide a guarantee of a reasonable job offer should any AJC member eventually be deemed “surplus”, as provided under the “Objectives” section of the WFA Directive.

Please describe the steps taken by the Department in arriving at its determination that no reasonable offers will be made to “surplus” members, and whether there will be any periodic re-evaluation of the operational requirements of the core public administration, which might otherwise permit guaranteed reasonable job offers to be reinstated.

3) *Remaining LAs in Affected Portfolios*

As requested during our April 25th, 2012 meeting, please disclose the remaining LAs who will not be receiving a WFA notice, broken down by each of the three affected portfolios (ie. Aboriginal, Legislative Services Branch, and Management Sector).

4) *Other Vacancies Within the Department*

In order to get a sense of what employment prospects our “affected” members will be facing following April 30th, 2012, we would like to know the following:



- a. *What is the current total number of vacant LA positions?*
- b. *What is the current total number of vacant LA acting assignment positions?*
- c. *What is the current total number of vacant LA indeterminate positions?*
- d. *What is the current total number of vacant LA term positions?*
- e. *What is the current total number of vacant LA casual positions?*
- f. *What is the total number of indeterminate LA positions which are expected to be eliminated between 2012-2015?*
- g. *What is the total number of term LA positions which are expected to be eliminated between 2012-2015?*

In addition to receiving the total numbers, we would like all of these questions broken down by LA classification.

We are also formally requesting that the Department provide the Association with quarterly reports, updating the statistics derived from the questions above.

5) Priority Placement Unit

Along the lines of the last question, you advised that the Department has created a Priority Placement Unit ("PPU"). The PPU was referred to as a management tool. In rough terms, you explained that it would function as a job bank for members who are "affected" pursuant to the WFA Directive.

The PPU would appear to be an important component to your "mitigating strategy", aimed at protecting employment opportunities internal to the Department. If management is sincere about wanting to support "affected" members, however, then the Association requires more than the brief oral summary of the PPU provided during the April 25th, 2012 meeting.

To enhance our understanding of the PPU, and structure further discussions, we request the following information:

- a. *What is the purpose and objective of the PPU?*
- b. *Where does the PPU derive its authority for staffing appointments?*
- c. *Who (ie. which deputy head) is responsible for the PPU?*
- d. *What staffing actions or other powers are available under the PPU?*
- e. *Who decides what staffing actions may be taken under the PPU?*
- f. *What is the basic process for the PPU?*
 - i. *Are WFA notified members automatically eligible and registered, or must they opt in?*
 - ii. *Are WFA notified members eligible once deemed "affected", or "surplus"?*



- iii. *Are WFA notified members entitled to compete for, or dispute staffing actions under the PPU?*
- g. *What procedural and decision-making guidelines have been established for the PPU?*
- h. *Will PPU submit routine reports, available to the AJC and other bargaining agents?*
- i. *Will the PPU be responsible for applying Public Service Commission policy and guidelines for the selection of employees for retention and lay-off?*
- j. *What training will you provide on PPU?*

6) *WFA Employee Guide*

You advised that the Department has written an employee guide to assist those who will be deemed affected or surplus under the WFA. Given the fiscal landscape, we can only infer that management has been working on this guide for some time.

It is regrettable that management did not see fit to consult AJC, nor to our knowledge any of the other bargaining agents, in the preparation of a guide related to workforce adjustment. When our members' employment hangs in the balance, could there be a more vital subject matter?

Kindly provide us with a copy as soon as possible.

7) *Estimated "Savings" Attributable to WFA Notices and Non-conversion of Term Employees After Three years*

We reassert here, as we did during the April 25th, 2012 meeting, that the Department is obliged to disclose the estimated amount of "savings" attributable to this round of WFA notices and the termination of applying Treasury Board's *Term Employment Policy*, which would otherwise permit term employees to convert to indeterminate status once they achieved three years of continuous service.

It is untenable for you to suggest, as you initially did, that it is "impossible" to link this exercise to an estimated figure. One of the primary purposes of this exercise is to reduce the Department's expenditures, in accordance with the 2012 Budget and itinerant Economic Action Plan, which means by logical extension, that this wave of notices must have been subjected to a rigorous budgetary and financial analysis. To imply otherwise would mean the process has been arbitrary, or alternatively, misleading.



8) Notice of Non-Renewal of Term Employees

Pursuant to the *Term Employment Policy*, we hereby request that you disclose to us a list of any term employee members whose contracts will not be renewed (including articling students) no less than 30 calendar days before the expiry of their term employment.

9) Future WFA Notices

Please indicate whether or not you anticipate future WFA notices to be delivered to our members, and if so, what will the timeline for those future notices be.