



January 31, 2025

To: Regional Vice-Presidents
Branches & Facilities

ANNUAL LEAVE

There have been numerous complaints and negative feedback from many units across the country regarding this year's leave consultations. Fair access to leave is a contractual entitlement and a necessary component of a healthy workplace and healthy workers. Attempts by management to limit or reduce such access to address understaffing are a violation of the collective agreement and misguided. In an environment where service continuity relies to such a large degree on employee cooperation, and a willingness to forego days off, it is not hard to foresee how these efforts to reduce access to leave will undermine predictability and reduce the uptake of overtime in the operation. In other words, the attempt at better service delivery will foreseeably have the opposite impact, as well as an erosion of goodwill among workers.

To be clear, many units have followed the well-established and effective pattern of meaningful local consultations without adherence or reference to arbitrary limits defined in "national leave guidelines". Historically, cooperative and collaborative discussions have proven to be the most reliable assurance of attaining a leave program that balances employee and employer needs and fosters the cooperation that is indispensable under the current circumstances and prescribed by the collective agreement.

NAV should be warned that deviations of that approach will not serve us well in our attempts to provide the best possible service to our customers.

For Branch Chairs, the following principles should be considered and referenced in your ongoing leave consultations. RVP's should be contacted to assist in cases where the management obligations are not met.

1. "Every Reasonable Effort" Obligation:

The collective agreement (Articles 27.06 and 28.03) requires NAV Canada to make "every reasonable effort" to schedule vacations and lieu leave in a

manner acceptable to employees, subject to operational requirements. This places a clear obligation on the employer to prioritize employee preferences when feasible.

2. Consultation Process:

Article 27.06(b) stipulates that local union representatives must be given the opportunity to consult on vacation schedules. The union can argue that meaningful consultation requires addressing union concerns, sharing relevant data, and collaboratively exploring alternatives to meet both operational and employee needs.

3. Historical Precedent and Past Practices:

Past practices where leave allocation processes provided flexibility, including rounded-up calculations and overlap days should serve as benchmarks to advocate for accommodation of employee preferences in negotiating policies.

4. Employee Impact and Flexibility:

Employees have highlighted frustrations with limited leave options generally, and in particular during preferred periods and with a lack of flexibility in ad hoc leave scheduling. This underscores the importance of creating policies that better align with employee needs while maintaining operational efficiency, especially during this period of severe understaffing when employee cooperation is paramount to assuring service delivery continuity.

5. Overarching Management Responsibilities:

While management retains the right to direct operations (Article 4.01), the most recent arbitration recognizes that this right is limited by obligations under the collective agreement to consult and accommodate employees' preferences within operational constraints. Achieving the right balance is not just legally binding but practically beneficial in the pursuit of workplace harmony. Justification for reduced leave slots (operational efficiency), even when mathematically justified, must be balanced against employee dissatisfaction and expectations. Policies that equitably manage both priorities are always preferable.

6. Transparency and Data Sharing during consultation:

Failure to provide all requested data and information during the consultation process weakens trust and sense of legitimacy in the process. CATCA supports

greater transparency and information-sharing to ensure fair and informed decision-making.

7. Ad Hoc Leave and Seniority:

Ad hoc leave scheduling practices cause uncertainty and anxiety for employees, particularly when decisions are influenced by changing policies or miscommunication (e.g., the withdrawal of approved leave, or excessive approval delays). Clear rules and consistent application under similar circumstances balanced with reasonable flexibility should help alleviate this.

8. Employee Expectations:

Historical reliance on agreements and local practices has created employee expectations regarding leave allocation. Future policies should respect these established norms or provide adequate justification and alternatives when changes are proposed based on demonstrable circumstances and meaningful consultation.

Please note: The full arbitration decision can be read on our website by accessing the 'resources' tab.

On behalf of the Executive Board,

Nick von Schoenberg
President

Scott Loder
Executive Vice President