



June 17, 2025

**To: Regional Vice-Presidents
Branches and Facilities**

Forced Overtime

With the arrival of summer and the constant reminder of the short staffing situations in many units across the country we wanted to take the opportunity to remind you of your rights and responsibilities as a license holder when faced with situations when you are directed to work overtime.

Rights and responsibilities to work overtime are defined by the Canada Labour Code (CLC) and related documents and our Collective Agreement (CA). Subject to certain limitations *the company has the right to direct employees to work overtime*. Article 20 of our collective agreement deals specifically with overtime and limits that work to a maximum of 12 hours in a day or 9 days in a row except in emergency situations. An **emergency** under the CLC framework typically refers to:

- A **sudden, unforeseen situation** that poses an **immediate threat** to health, safety, or life.
- Circumstances requiring **urgent action** to prevent injury, illness, or significant damage.
- Situations where **standard procedures may be bypassed** temporarily to protect people or property, but only with justification.

Short staffing in itself does not constitute an emergency. Further clarification can be found in the IPGs at this link: [Interpretations, Policies and Guidelines \(IPGs\)](#)

Article 20.03 states that NAV CANADA will endeavour to keep overtime work to a minimum and shall assign overtime equitably among employees who are qualified to perform the work that is required at the location concerned. The union interpretation of the first portion of this article is that NAV must rely on voluntary overtime whenever possible.

THE VOICE OF CANADA'S AIR TRAFFIC CONTROLLERS | LA VOIX DES CONTRÔLEURS AÉRIENS DU CANADA

The Canada Labour Code does offer some limited ability for an employee to refuse an overtime assignment if certain criteria are met.

174.1 (1) Subject to subsections (2) and (3), an employee may refuse to work the overtime requested by the employer in order to carry out the employee's family responsibilities referred to in paragraph 206.6(1)(b) or (c).

Reasonable steps

(2) An employee may refuse to work overtime only if:

- (a)** they have taken reasonable steps to carry out their family responsibility by other means, so as to enable them to work overtime; and
- (b)** even though the steps referred to in paragraph (a) have been taken, they are still required to carry out that responsibility during the period of the overtime.

Again, for further clarification see the above link (IPG-095, IPG-096) and section 174.1 of the CLC.

It is our responsibility as license holders to ensure that we are always fit for operational duty. Controllers have a regulatory and ethical responsibility to decline operational duties if they are not fit for duty. Fatigue, if it rises to the level where you are unfit for duty, must be reported and you must not perform operational duties.

Ordering a controller to work should never be the solution of first resort by NAV but is permissible under some circumstances. If you are unsure of your rights or responsibilities in a given situation, please contact your local union representative or Regional Vice-President for assistance and clarification.

In Solidarity,

Nick von Schoenberg
President