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File: 567-02-74

Citation: 2014 PSLRB 38



*Public Service
Labour Relations Act*

Before an adjudicator

BETWEEN

PUBLIC SERVICE ALLIANCE OF CANADA

Bargaining Agent

and

**TREASURY BOARD
(Department of Employment and Social Development)**

Respondent

Indexed as

Public Service Alliance of Canada v. Treasury Board (Department of Employment and Social Development)

In the matter of a group grievance referred to adjudication

REASONS FOR DECISION

Before: Paul Love, adjudicator

For the Bargaining Agent: Amarkai Laryea, Public Service Alliance of Canada

For the Respondent: Karen Clifford, counsel

Heard at Victoria, British Columbia,
December 11 and 12, 2013.

REASONS FOR DECISION

I. Group grievance referred to adjudication

[1] On October 30, 2008, the Public Service Alliance of Canada (PSAC) filed this grievance on behalf of Rachel Anderson and the others listed in the Appendix to this decision, who were all support clerks classified CR-03 (“the grievors”), grieved the failure of the Treasury Board (Department of Human Resources and Skills Development, now referred to as the Department of Employment and Social Development) (“the respondent”) to provide them with a complete and current statement of duties and responsibilities, in violation of article 54 of the collective agreement between the Treasury Board and the PSAC for the Program and Administrative Services Group; expiry date, June 20, 2007 (“the collective agreement”; Exhibit G-2). It is noted that the Group Grievance Presentation Form (*PSLRA* s. 215) refers to Mandi Schubert, though the bargaining agent refers to the grievance with Rachel Anderson as the lead or representative grievor in its correspondence.

[2] All the grievors work in the mailroom at the Victoria, British Columbia, office of Service Canada - Western Region Processing and Payment Services CPP/Foundational Services for the respondent, known as “foundation services.” The grievors provide program support services for the Canada Pension Plan (CPP) and the Old Age Security pension (OAS) in Victoria. Depending on staffing levels, there are 65 to 85 staff in the Victoria office.

[3] Their work deals with receiving, opening and sorting mail. Various sorts are used to ensure that the documents go to the right places for processing. The “client service result” in the work description (Exhibit G-1, Tab 1, page 1) states that a CR-03 “[p]erforms clerical services in support of the delivery of the department’s programs and services for clients.” The key activities are described as follows:

Receives, screens, classifies, sorts and/or registers initial mail/client information for various departmental programs and services within prescribed procedures and requirements.

Verifies and authenticates client information and supporting documentation for legibility, accuracy and completeness with prescribed procedures and requirements; requests missing or supporting information from clients or departmental officers, or redirects to the appropriate authority.

Screens observations from computer-based data/match programs to determine if case can be put in order or directed to appropriate level for further review.

Maintains and updates databases and tracking systems: working files, statistical records, reports and correspondence.

Obtains, inputs, maintains and extracts data and documentation related to applications and claims.

Operates various types of office equipment e.g. postage meters, high-speed printers.

[4] The grievance relates to a work description for the CR-03 support clerk position, National Occupational Classification code (“NOC”) 1411, with an effective date of September 14, 2006 (Exhibit G-1, Tab 1). Under the heading of “Management of Human Resources,” the description presently reads as follows:

The work involves:

No continuing responsibility for human resources. The work is carried out in a team environment, where each member of the team contributes to the achievement of the work unit's goals. Each member of the team is responsible to provide work demonstrations and guidance to new and existing employees on work practices and procedures, e.g. processing of applications/documents, handling of classified records, use of computerized tracking systems or office production equipment, and to contribute to the improvement of the team through the provision of constructive feedback. This responsibility is shared amongst all team members.

[Emphasis added]

[5] At the hearing, the sole issue for determination was whether “training and coaching and mentoring of fellow members” should be added to that job description as a key activity. In their grievance, the grievors requested that they be provided with a current and complete statement of duties. The original grievance related to a request to add 5 key activities and 13 duties.

II. Hearing

[6] I heard from Patricia Martin, Service Delivery Clerk, on behalf of the grievors. On behalf of the respondent, I heard testimony from Molly Sullivan, Team Leader, and Kate Compton, Acting Service Manager.

[7] A joint book of documents (Exhibit G-1) was filed, which contains many of the procedures the support clerks are required to follow in carrying out their job duties.

I note that incoming documents have to be organized and transmitted in a uniform way; otherwise, the respondent cannot deliver its programs and services to Canadians.

III. Summary of the evidence

[8] The support clerk position is the entry-level clerical position with the respondent. Over time, new staff are hired. Thus, some support clerks are more experienced than others. This grievance primarily relates to the interaction of existing support clerks on strength with newly hired support clerks (“new hires”). New hires have to be brought up to speed to become fully competent in their job duties. There is no doubt that helping the new hires places some burden on the more experienced support clerks.

[9] The tasks assigned to the support clerks require them to act in a consistent way, according to common procedures. I was provided examples of the procedures, including the “CPP/OAS Processing Centre Mail Manual” (Exhibit G-1, Tab 8, page 12), extracts of the file search procedure (Exhibit G-1, Tab 9), a description of where to send incoming documents (Exhibit G-1, Tab 10), a document entitled “How to Sort Application Combinations” (Exhibit G-1, Tab 11), a manual for the “Work Item Inventory Delivery (WIID) System” (Exhibit G-1, Tab 12), and various instructions for creating files and carrying out filing duties (Exhibit G-1, Tabs 13 to 15), among others. There is little scope for creativity in the tasks, but they require significant attention to detail. No doubt, it takes a while for new employees to become fully competent and comfortable with all the clerical tasks.

[10] All support clerks report to team leaders, classified at the PM-03 level, who are located near where they work and who report to the service manager.

[11] The respondent provided the work description for the team leader, NOC code 1228, effective September 14, 2006 (Exhibit E-2). The team leader position is a supervisory position. The work description reads in part as follows: “. . . Team Leaders may be required to provide training on tools or systems that are not covered by more formal training (e.g. training new staff to use e-mail, client tracking system, inter/intranet, etc.).”

[12] Ms. Martin testified on behalf of the grievors. She commenced her career in August of 2007 with a different part of the federal government. She is presently

employed with the respondent's Service Canada section in the Canada Pension and Old Age Security Processing Centre, in Victoria as a service delivery support clerk, classified CR-04. She became employed with foundational services as a support clerk in March of 2008. She remained in that position until she became a lead hand, classified CR-04, in January of 2009. She is the president of the PSAC local.

[13] Ms. Martin explained in some detail a support clerk's duties with respect to the mailroom and the WIID. She said until 2012, when the support clerks were assigned desks, they worked in an open space in the mailroom. The mail was sorted by support clerks and was then fine sorted by support clerks in the WIID unit. These were different functions originally but were merged some time in 2011. Ms. Martin worked both as a CR-03, and later as a CR-04. The CR-04 position was referred to as a "lead hand", before it was re-named. I note that Ms. Martin used the word senior CR-03 or senior support clerk in her testimony. This is not a separate classification of employees, but simply a reference to a more experienced support clerk. Rather than use the words more experienced support clerk I have referred to the more experienced support clerks in the language used by Ms. Martin.

[14] As a CR-03 and a CR-04, Ms. Martin was involved in updating some of the document handling procedures - for example, the CPP/OAS Processing Centre Mail Manual (Exhibit G-1, Tab 8). She said that a team leader would assign new staff members to her when she was a CR-03 and that generally, she would work with them for two to three months, until they were fully trained in various sorts of incoming correspondence and documents. She said at one point, when she was a lead hand, she created a document at her team leader's request that was used to track training and to verify when it was completed. Ms. Martin said that she would be involved in double-checking new hires' work in terms of opening mail, checking whether it was sorted correctly and checking whether things were going to the right areas in the WIID. She would explain to the new hires the implications of what would happen if a file were lost. When she felt a new hire could perform the work, she signed off a sheet. She said that three or four senior support clerks were responsible for training new hires. She never received any special training in how to train employees; nor did she receive any evaluation or feedback for training others. She said that when she was a lead hand, she would become involved in training if no trainers were available. In cross-examination, Ms. Martin testified that there were procedures to follow in opening mail, bar-coding mail for tracking purposes, and sorting and processing mail. Support

clerks were expected to know the materials in the various manuals. She testified that in her lead hand (CR-04) position, she held morning meetings with the support clerks, set out the priorities as directed by the team leader or manager, moved people to positions as needed, answered questions, and wrote reports. She admitted that the CR-04 position title was changed to "WIID Coach and Mentor". Ms. Martin recalled that she had training on the WIID that was not given by a support clerk. She also testified that she was not involved in formal performance appraisals for other support clerks; or in adding anything to an employee's personnel file or learning activity sheet (Exhibit E-1). Ms. Martin stated that she was aware that currently, support clerks receive more formalized training from the respondent's Business Expertise Unit.

[15] In re-examination, Ms. Martin testified that the WIID was implemented and that she was trained on it in 2010. She said that at that time, the mail and WIID sections were separate.

[16] Ms. Sullivan, the acting service manager at the time of the hearing, joined the respondent as a support clerk in March of 2006 in the Victoria office. After about 2.5 months, she became a service delivery agent, classified CR-04, adjudicating CPP benefits. She then worked as a benefits officer, dealing with OAS matters. She became a team leader, classified PM-03, in June of 2008 and started acting as a service manager in July of 2010. She is familiar with support clerk duties and was involved in writing certain procedures. She said that the delivery structure is still the same as it was in the fall of 2008 but that the names of many of the persons involved have changed.

[17] Ms. Sullivan testified that in the Victoria office, none of the support clerks acts in a team leader capacity. When she was working as a service delivery agent, she was a 10-second walk from the mailroom. A team leader is about a 30-second walk from the mailroom. She interacts with team leaders countless times each day. In her current position as the service manager, she has frequent contact with support clerks, but the team leader provides the day-to-day direction.

[18] Ms. Sullivan explained that when a support clerk is taken on strength, a team leader develops a schedule and will take that clerk to the various work areas and show him or her what to do and how to do it. All support clerks have electronic access to the various manuals and procedures, and hard copies are kept in the mailroom as well as in the offices of the team leader and WIID coach. A new hire is never alone; other staff

are always near. The team leader gives the new hire written instructions, is available for questions and will check on him or her often. The new hire can also ask questions of experienced staff members. Special training sessions are put on by the Business Expertise Unit in group classroom sessions.

[19] Ms. Sullivan commented on Ms. Martin's testimony about training. Ms. Sullivan indicated that the process has changed. Ms. Sullivan said that when she was trained, she was given a manual, was given sort duties and was told whom she could ask questions of on that day. She opened and sorted mail. Every time she asked a question, she was referred to the manual. She worked on different sorts each week.

[20] Ms. Sullivan said that a support clerk's work is easily verified because each employee has an individual stamp containing a date and a unique number that is applied to documents. She stated that if she made a mistake, it would be brought to the team leader's attention, who would speak to her about it.

[21] Ms. Sullivan testified that between 2010 and 2012, each new staff member had a buddy assigned to answer questions.

[22] In 2012, the respondent established a WIID coach/mentor position. This is a position at the CR-04 level. The person in that position instructs large numbers of staff and answers detailed procedural questions. Currently, the training consists of two days on mail and two days on the WIID, in a classroom setting. The WIID coach/mentor also conducts special searches and quality control searches.

[23] Ms. Sullivan said that the team leaders have a very interactive role with the support clerks and that they provide constant daily advice and answer procedural questions.

[24] Ms. Sullivan disagreed with characterizing support clerks as trainers. The respondent has never referred to them as trainers. They are not responsible for ensuring that other support clerks know their job; the team leaders are.

[25] Ms. Sullivan contrasted the duties of a support clerk with those of a team leader (Exhibit E-2). The following are team leader duties, not support clerk duties:

- they lead and coach teams as one of the client service results in their job description; and

- their key activities include supervising a work team, assigning and monitoring work and implementing corrective action, fostering the team's learning and development, supporting and monitoring employee performance, and implementing improvements.

[26] In cross-examination, Ms. Sullivan explained the buddy system as ensuring a new hire has someone nearby to answer his or her questions. When she worked as a support clerk, she was often simply referred to the manual by a nearby employee. She said that her training experience was nothing like the description given by Ms. Martin. She admitted that as a benefits officer, she had some contact with people in the mailroom, but that she had no knowledge of training for support clerks, unless she had a friend in the mailroom. She said that as a benefits officer, she had a specific workstation, that she dealt with matters by social insurance number and that she did not have much contact with other employees, other than in the mailroom, where she went every day to drop off mail and documents for filing. She was not able to speak to training practices put in place after she left her support clerk role and before she returned as a team leader.

[27] Ms. Compton testified that she was the service manager in the Victoria office from September 2008 to December 2010. She stated that when she arrived, a form was in use. She expected that the team leader would initiate and train new staff. When she first came to the Victoria office, there was a lead hand position, classified CR-04. She considered that the CR-04 position needed changing to a coach/mentor position. Her view was that a coach/mentor could provide added knowledge to a new support clerk so that he or she would not have to rely on more senior colleagues.

[28] Ms. Compton stated that while the support clerk job is complex, it is a skill, and its knowledge component comes from reviewing resource material that is clear and comprehensive. She has never seen a document requiring a senior support clerk to sign off on a new hire's work. She had seen a form which listed all the tasks that a fully trained support clerk was expected to perform.

[29] In cross-examination, Ms. Compton stated that the buddy system was in place when she arrived and that it was a common practice at the clerical level, at which there was no formal training program. The new hire could ask questions of more senior employees that worked in the general vicinity. She testified that the senior person was not a trainer.

IV. Summary of the arguments

A. For the grievors

[30] The grievors submitted that they bore the burden of establishing that the statement of duties was not complete or current. They relied on clause 54.01 of the collective agreement, which reads as follows:

54.01 Upon written request, an employee shall be provided with a complete and current statement of the duties and responsibilities of his or her position, including the classification level and, where applicable, the point rating allotted by factor to his or her position, and an organization chart depicting the position's place in the organization.

[31] The grievors stated that the work description (Exhibit G-1, Tab 1) does not provide a complete and current description of duties.

[32] The grievors referred to *Jennings and Myers v. Treasury Board (Department of Fisheries and Oceans)*, 2011 PSLRB 20, at para 52, and stated that the question to decide was whether the national generic job description was complete and current, and if not, what words should be added to make it complete and current.

[33] The grievors stated that it is important to examine the meanings of the words “training,” “coaching” and “mentoring.” The following are different duties that are not encompassed within the work description: “Each member . . . is responsible to provide work demonstrations and guidance to new and existing employees”

[34] The grievors referred to the following definitions, taken from the online version of the *Merriam-Webster Dictionary*:

. . .

training . . .

: a process by which someone is taught the skills that are needed for an art, profession or job

. . .

coach . . .

: a person who teaches and trains an athlete or performer

: a person who teaches and trains the members of a sports

team and makes decisions about how the team plays during games

: a private teacher who gives someone lessons in a particular subject

...

mentor . . .

: someone who teaches or gives help and advice to a less experienced and often younger person

...

[35] The grievors submitted that the link between all those concepts is the element of teaching someone with lesser skills or experience.

[36] Those definitions should be contrasted with the definitions of “demonstration” and “guidance,” which are in the work description. Those definitions are as follows (also from the online *Merriam-Webster Dictionary*):

demonstration . . .

: an act of showing someone how something is used or done

: an event in which people gather together in order to show that they support or oppose something or someone

: an act of showing or proving something

...

guidance . . .

: help or advice that tells you what to do : the act or process of guiding someone or something

: the process of controlling the flight of something (such as a missile)

[37] The distinction that the grievors made between training, coaching, mentoring and demonstrating is the teaching or the “how” and “why” of doing something.

[38] Ms. Martin’s testimony explained that new hires in CR-03 positions were partnered with more experienced employees. She explained the various aspects of a form that existed at the time that would be initialed to show that the employee had been trained in certain tasks, which was then used for scheduling purposes.

[39] Ms. Martin said that she was one of three or four employees who did most of the new employee training. These “trainers” received no formal training on how to conduct the training, but it was a skill and ability that they learned from the day-to-day performance of their jobs.

[40] Ms. Martin’s testimony was that the work description was incomplete as it did not capture her training new hires.

[41] Ms. Sullivan, the respondent’s witness, worked only briefly in a CR-03 position and could not speak to the practices in place between 2008 and 2010.

[42] Ms. Sullivan stated that the CR-03 employees were consulted in the process under which training packages were created in 2012.

[43] Ms. Compton testified that she remembered that a form was used but did not remember that a CR-03 signed it. She also spoke about pairing new hires with more experienced clerks, similar to a buddy system described by Ms. Sullivan. The grievors relied on *Public Service Alliance of Canada v. Treasury Board (Department of Human Resources and Skills Development)*, 2012 PSLRB 86, at para 10 and 11, in which a distinction between guidance and on-the-job training is drawn in the evidence of the grievors. There is a difference between written guidance and on-the-job training through a buddy system, and the system in place at the relevant time resembled a buddy system.

[44] The grievors argued that the buddy system is different from that in the work description under “Management of Human Resources.” That section’s focus is on teamwork and daily collaboration, which is different from slightly more formalized on-the-job training with a buddy who shows, demonstrates and guides the new hire as to what to do and teaches and explains the “why” of the job’s tasks.

[45] The manuals used by support clerks are very large. New hires require something more than being handed hundreds of pages of materials.

[46] The more formalized training testified to by Ms. Sullivan and the coaching and mentoring provided by the WIID coach/mentor occurred sometime after 2010. Ms. Sullivan’s testimony did not accurately reflect the training of new hires, particularly between 2008 and 2010 where a more senior support clerk was paired with a new hire for on-the-job training.

[47] The grievors referred to the general principles in *Jennings and Myers* and stated as follows:

- the work description does not accurately reflect pairing or the buddy system in place to train new employees;
- the words “demonstration” and “guidance” do not accurately reflect the role of CR-03 employees with respect to training new hires;
- on-the-job training and guidance are distinct and different duties; and
- the fact that CR-03 employees no longer performed the training duties after 2010 in the same manner as they did does not mean that “training”, “coaching” and “mentoring” should be excluded from the job description, which was dated September 14, 2006.

[48] An employer may not use broad or vague language that does not fully describe an employee’s work in order to avoid its obligation to provide a complete statement of duties; see *Carter v. Treasury Board (Department of Fisheries and Oceans)*, 2011 PSLRB 89.

[49] In *Public Service Alliance of Canada*, the buddy system was recognized as part of a coaching role, and the adjudicator ordered that it be added to a generic job description for client services officers employed at the Office of the Commissioner of Review Tribunals and with the CPP and OAS.

B. For the respondent

[50] The respondent submitted that the buddy system is encompassed within the words “work demonstrations and guidance.” The fact that Ms. Martin might have gone beyond the duties of a CR-03 and done the work of a CR-04 coach/mentor or a PM-03 team leader should be the subject not of a work description grievance but of an acting-pay grievance.

[51] A support clerk’s job is mostly scripted; nothing is left to chance. For example, in the CPP/OAS Processing Centre Mail Manual (Exhibit G-1, Tab 8, page 12), employees are told where to put certain pieces of paper and how to create or jacket a file, and if there is something out of the ordinary, they are instructed to ask questions of their

team leader. References throughout the various manuals refer support clerks to the team leader for questions. The evidence showed that the team leaders and support clerks worked in close geographic proximity, just steps from each other.

[52] There is no convincing evidence in this case that the job description lacks the necessary elements. The adjudicator should not tinker with it simply because three or four out of a very large number of support clerks were buddies in 2008. There is a temporal context to the grievance. The wording in the job description must apply to all support clerks, not just to a small number of them.

[53] The respondent distinguished *Public Service Alliance of Canada* on the basis that the tribunal employees' work description required them first to seek assistance from fellow employees, while the support clerks in this case were instructed to seek assistance from their team leaders.

[54] The respondent also distinguished *Carter* on the basic facts of that case — involving firearms — which are more specialized than a tool.

[55] Assisting junior colleagues in a buddy system is so common and basic a task that it does not require a specific mention in a work description; see *Taylor v. Treasury Board (Revenue Canada - Customs & Excise)*, PSSRB File No. 166-02-20396 (19901221). Showing new colleagues the ropes does not elevate it to the level of training; it is giving demonstrations and guidance. The support clerks are not trainers. The existing wording in the work description is sufficient to describe what takes place in the workplace.

[56] The respondent submitted that the burden of proving that the job description is not a current and complete statement of duties rests with the grievors. Two recent cases summarize the law: *Wilcox v. Treasury Board (Department of Human Resources and Skills Development)*, 2013 PSLRB 145; and *Suric v. Treasury Board (Department of Human Resources and Skills Development)*, 2013 PSLRB 44. An adjudicator should not correct a work description as long as it broadly describes the relevant duties; see *Bowen et al. v. Treasury Board (Correctional Service of Canada)*, 2013 PSLRB 87. *Belliveau and Sinnesael v. Treasury Board (Department of Agriculture and Agri-Food)*, 2013 PSLRB 69, contains a definition of “current” as being near the time frame of the grievance. The respondent says that there are temporal challenges in this case as the grievance filed in 2008 references the 2006 description, but the evidence is presented

in 2013. The respondent says that the temporal argument rests in part on the form that Ms. Martin used which was not in existence at the time of the filing of the grievance and is not used now. The principle argument is whether the buddy system used goes beyond the wording in the national generic description. The respondent says that the buddy system is covered by the words demonstration and guidance to new and existing employees.

[57] The respondent's book of authorities contains further cases that were not particularly referred to but appear to contain general principles or examples. They are *Fedun and others v. Treasury Board (Revenue Canada - Taxation)*, PSSRB File Nos. 166-2-28278 to 28288 (19980611); *Hughes v. Treasury Board of Canada (Natural Resources Canada)*, 2000 PSSRB 69; *Jaremy et al. v. Treasury Board (Revenue Canada - Customs, Excise & Taxation)*, 2000 PSSRB 59; *Kerswill v. Treasury Board (Natural Resources Canada)*, 2000 PSSRB 91; and *Parker et al. v. Treasury Board (Department of Human Resources and Skills Development)*, 2009 PSLRB 109.

C. Grievors' rebuttal

[58] With respect to the respondent's argument that an acting-pay grievance should have been filed, the grievors stated that training was part of a CR-03's job duties and that it should be recognized in a job description.

[59] Some of the documents referred to by the respondent — particularly the roles of team leaders and the WIID coach/mentor — refer to interaction with ongoing employees as being distinct from the special training requirements of new hires.

V. Reasons

[60] The onus in this case rests on the grievors to establish their case on a balance of probabilities. There was a nuance in the testimony of Ms. Martin and Ms. Sullivan about on-the-job training and I am asked by the bargaining agent to reject the testimony of Ms. Sullivan. I decline to do so. All the witnesses appeared to do their best to answer questions carefully. I have no credibility or reliability concerns about any of their testimonies. In essence whether it was Ms. Martin's or Ms. Sullivan's testimony the task of a new CR-03 involved exposure to the mail sorts, highly prescribed tasks without the exercise of creative thought or judgement and the ability to ask questions whether it was a question to the lead-hand, WIID Coach and Mentor, Team Leaders or a more

experienced employee also performing the same work. I note that there was some blurring in the testimony of Ms. Martin between her lead hand and support clerk duties. I note that she testified as to her duties as a support clerk and a lead hand, but it is clear that she was only a support clerk from March of 2008 to the end January of 2009, when she became a lead hand.

[61] A key piece of the testimony related to a form which Ms. Martin said a more experienced support clerk would use to check off the training of a more junior support clerk. I note that the form that Ms. Martin said was used was not filed as an exhibit. There was some discussion in the evidence that the Team Leaders used the form for scheduling purposes to ensure that the support clerks scheduled for a sort had training to do the sort. The form was not one that was in use when Ms. Sullivan was a support clerk, nor was it in use when Ms. Sullivan became a team leader in 2010.

[62] It must be recalled that Ms. Martin said that she created the form on the instructions of her team leader when she was a lead hand. This means that the form was created by her at some point after January 2009. I note that the grievance was filed on October 29, 2008. At the time of the filing of the grievance the form was not in use for the training for the support clerks. Ms. Martin must have been using the form therefore in her role as a lead hand and not as a support clerk training other support clerks.

[63] The law in this area is uncontroversial, but I note that its application can lead to difficulties. The relevant principles, as set out in *Jennings and Myers*, at para 52, are the following:

- a work description must contain enough information to accurately reflect what the employee does;
- it must not omit a reference to a particular duty or responsibility that the employee is otherwise required to perform;
- a job description that contains broad and generic descriptions is acceptable as long as the fundamental requirements are satisfied; and
- a job description need not contain a detailed listing of all activities performed under a specific duty or the manner in which the activities are performed.

[64] I must decide whether the 2006 national generic job description contains a complete and current statement of duties for the grievors and describes the interaction of new hires with existing employees.

[65] I note that “current” implies a temporal element and the recent jurisprudence of the PSLRB suggests that “current” must be read in relation to the time at which the work description request was made: *Belliveau and Sinnesael*. The temporal element is important for the parties for different reasons. The bargaining agent argues that the grievor is entitled to the description even if the duties have changed and the respondent in essence focusses on the time at which the grievance is heard. It seems that the respondent’s training methods have changed over time, from more of a focus on on-the-job training and later in time classroom training, mentoring by a team leader or WIID coach and mentor; but there is an essential commonality over time – team members help team members. This is clearly demonstration and guidance. As mentioned in my reasons above, I note that there is some temporal blurring in the evidence of Ms. Martin as she talks about the use of a form which she created after the grievance was filed, which is no longer in existence or used by the employer and was not in evidence before me. This is a key part of the bargaining agent’s case.

[66] The description reads as follows:

...

No continuing responsibility for human resources. The work is carried out in a team environment, where each member of the team contributes to the achievement of the work unit’s goals. Each member of the team is responsible to provide work demonstrations and guidance to new and existing employees on work practices and procedures, e.g. processing of applications/documents, handling of classified records, use of computerized tracking systems or office production equipment, and to contribute to the improvement of the team through the provision of constructive feedback. This responsibility is shared amongst all team members.

[Emphasis added]

[67] In my view, the wording is a complete and accurate description. The mail function is important. These employees work as part of a team. Members of a team help each other, and often, longer-term employees are helpful to new hires. In my view, the job is quite scripted and detailed, and an employee may need to ask questions. There are a multitude of questions involved in the sorting function of the position.

[68] Currently, a WIID Coach and Mentor is available, as well as team leaders, to handle most questions; however, the practical reality is that a new employee may very well ask questions of a more senior employee who works nearby. The grievors may perceive that assisting a more junior team member amounts to training, coaching or mentoring. From an objective perspective, however, in my view, being asked questions does not elevate the provider of answers to the role of trainer, coach or mentor; nor does giving answers mean that a more experienced support clerk is training, coaching or mentoring a new hire.

[69] According to Ms. Compton's testimony the respondent created the WIID Coach and mentor position which, together with the ability to access a team leader provides for the training, coaching and mentoring of new hires. Ms. Compton testified that there was, in her view, the need for a more focussed coach/mentor position at the CR-04 level. In the past that was reflected in parts of the functions of the team leader and lead hand. For example, Ms. Martin testified that part of her function as a lead hand was to answer questions and acknowledged that the position was changed to that of a coach/mentor. Ms. Sullivan testified that the team leaders were a 30-second walk from the mailroom. Although Ms. Compton acknowledged that the WIID Coach and mentor would offset reliance on senior colleagues, I do not take her evidence to mean that the work of the CR-04 coach/mentor and the senior support clerks were one and the same. Ms. Compton noted that the extent of the work of the CR-03 involved a buddy system, where the new hire could ask questions of more senior employees that worked in the general vicinity. She also testified that the senior support clerks were not trainers. As noted earlier in my reasons, she also noted that, while a form was in use, she had never seen a document requiring a senior support clerk to sign off on a new hire's work. There was also consistent evidence from both parties on the fact that the CR-03 support clerks who were more experienced were not involved in formal performance appraisals for other support clerks, or in adding anything to their personnel files or learning activity sheets.

[70] The grievors submitted that "the fact that CR-03 employees no longer performed the training duties after 2010 in the same manner as they did does not mean that "training", "coaching" and "mentoring" should be excluded from the job description, which was dated September 2006". I do not accept that argument. That submission presupposes that the wording of the grievors' work description was insufficient before 2010 and that their work was not properly described by it. There is

no evidence to suggest that the wording of the work description did not accurately describe the work of the CR-03 support clerks.

[71] In the *Public Service Alliance of Canada* decision referred to by the grievors, the work description did not include any description of the knowledge sharing role played by the grievors (see para 16). The employer also conceded that the generic job description was not accurate on the issue of the requirement to act as an *ad hoc* coach (see para 64). The adjudicator found that the work description was incomplete due to this and other gaps. This is not the situation in the present case. The adjudicator found that the realities of the grievors' work exceeded the limited generic descriptions.

[72] It is also important to note that the circumstances of that case pertained to a significantly different workplace with significantly different responsibilities. In *Public Service Alliance of Canada* the facts involved the work of a Client Services Officer (CSO) in the Office of the Commissioner of Review Tribunal, Canada Pension Plan (CPP) and Old Age Security (OCRT) who was responsible for "administering the appeal process and appropriate legislation" (see para 4). The CSO was the primary contact for appellants or their counsel on scheduling and gave advice on the evidence or other form of proof required. The position required some knowledge of various medical conditions and how this could impact on case processing. (see para 5) It took four to six months to learn the job basics and a new CSO could progress to "buddy status" within nine months on the job and it took two to three years to learn the law applying to the position. (See para 12). The CSO was also involved in adjudicating requests for postponements. The CSO was expected to look to the buddy for information and as a first contact before approaching management.

[73] The job of a CSO working in the OCRT is a far more complex job than that of a support clerk working in Foundational Services. In saying this I do not wish to minimize the importance of the work of the support clerk as without properly sorted and organized documents the respondent could not provide effective service for Canada Pension Plan or Old Age Security claims or payments. The task is one, however, that is entry level, routine and highly scripted. Ms. Martin may have felt that, as a CR-03 support clerk, she was training, coaching and mentoring of fellow members. The labour relations reality however is that she was providing work demonstrations and guidance to a new employee.

[74] From the evidence before me, I appreciate the minutiae of the tasks involved in support clerk's responsibilities, and do not disagree with the grievors' argument that simply reading the manual would not be enough to do the job. Helping other employees of a team, however, does not elevate the helper to the role of trainer, coach or mentor regardless of whether the person who is a buddy is a more experienced employee. The grievors have not provided sufficient evidence on the balance of probabilities to establish that the work description has fallen short in capturing the depth of the responsibilities involved with the descriptors in the current job description.

[75] The following words in the current job description, "[e]ach member . . . is responsible to provide work demonstrations and guidance to new and existing employees . . ." are sufficiently broad to encompass a more senior buddy showing a more junior buddy what to do and why to do it. As the wording "...work demonstrations and guidance to new and existing employees . . ." suffices to cover this work, there is no specific new wording that needs to be added to the generic description.

[76] For all of the above reasons, I make the following order:

(The Order appears on the next page)

VI. Order

[77] The grievance is dismissed.

March 26, 2014.

**Paul Love,
adjudicator**

APPENDIX

List of Grievors

Rachel Anderson
Mandi Schubert
Colleen MacCormac
Carmen Doyle
Sandra L. Sims
Serafina Melita
Free Deresse
Lisa Liu

Sheena Smirl
Patricia Martin
Krista Karo
Zoe MacDonald
Jennifer Paget
German Ebert-Correa
Parmjit Birk
Daniela Dickson
Ashley Clark