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Public Service  
Staff Relations Act

Before the Public Service  
Staff Relations Board

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BETWEEN

**Graham F. Jarvis, Michel J.M.E. Brouillette, Jean-Pierre Brunelle, Robert Delisle,  
Raymond Diotte, François T. Dufresne, Réjean Dupuis, Claude Foisly,  
Marcel Fournier, André Gagné, Roger Gaspé, Benoit Montpetit, Jean-Pierre Naud,  
Bernard Pagé, Daniel Simon, Norman Tatlock, Louise Tremblay**

Grievors

and

**Treasury Board  
(Industry Canada)**

Employer

***Before :*** [Jean-Pierre Tessier, Board Member](#)

***For the  
Grievors :*** Rachel Dugas, Public Service Alliance of Canada

***For the employer:*** Guy A. Blouin, Counsel

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Heard at Montreal, Quebec,  
February 12 to 16, 2001.

## DECISION

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[1] Each of the seventeen (17) grievors filed a grievance alleging that the employer had not provided him or her with a complete statement of his or her duties and responsibilities, contrary to Article M-32 of the Master Agreement between the Public Service Alliance of Canada and the Treasury Board. The grievors are covered by the agreement for the Technical Services Group and work as Compliance Officers for Industry Canada.

[2] The hearing of the grievances started in September 2000 and was adjourned in light of the parties' availability during the week of February 12 to 16, 2001.

[3] The corrective action sought by these grievances is to obtain a complete statement of duties and responsibilities, including in particular information pertaining to offering courses, health and safety and certification, counsel for the grievors having withdrawn the request regarding the granting of a higher classification (letter of September 6, 2000) given that this was not within the adjudicator's jurisdiction.

[4] The parties agreed that the evidence adduced in one case would apply to all grievances.

[5] The evidence was filed at the hearing in three stages. The first stage involved the Weights and Measures Section for the Montreal office, with the second stage pertaining to Mr. Jarvis of the Toronto office.

[6] The third part concerned the Electricity and Gas Section.

[7] I must note that the hearing took place with simultaneous interpretation, the evidence in the Jarvis case having been presented in English for the most part.

### Evidence of Grievors with regard to Weights and Measures Section and to Mr. Jarvis

[8] The first witness, Marcel Vézina, is a Senior Compliance Officer (inspector) for Industry Canada. He explained that one of the objectives of his work is to ensure accuracy and equity within the market. He is responsible for verifying whether traders report accurate measurements. Measuring devices must accurately reflect the quantities weighed.

[9] The witness went on to explain the various types of inspection a Compliance Officer may have to perform. Depending on the type of measuring device, there may

be inspections at the manufacturer's premises. With larger devices, inspections (accuracy checks) may take place in the field, as in the case of scales for railway cars.

[10] Mr. Vézina also talked about inspections ordered by the laboratory managers in Ottawa. In some cases equipment is granted conditional approval on the basis of plans and specifications. The manufacturer indicates where the equipment is set up and there is an initial inspection, after which the laboratory issues permanent approval if applicable.

[11] The witness also explained that follow-up inspections are carried out in the field in order to check whether the equipment is properly maintained and always accurate.

[12] The witness then went back to the issue of approval. There are initial full approvals, initial conditional approvals, and tentative approvals where experimental equipment is involved. In some cases, inspectors check equipment in operation and conduct tests at the laboratory's request.

[13] According to the witness, there are also approvals by class. They are granted to qualified companies that hold a patent to produce this type of equipment. Inspections may consist in inspecting the equipment on site, which is equivalent to an initial inspection.

[14] Mr. Vézina went on to explain that the inspector (Compliance Officer) also conducts investigations and inspections following complaints from consumers. In cases of inaccuracy, if there is no fraud or if the discrepancy is minimal, the inspector files a report. The trader may receive a letter of reprimand in cases where the equipment is measuring improperly or shows non-compliance. The equipment will be inspected again on a return visit.

[15] In some cases the measuring device is seized. If the inspector observes any irregularities, he may suggest legal proceedings. In such cases he must gather evidence. He may be asked to communicate with counsel in the proceedings and to be a witness at the hearing.

[16] Another part of the testimony referred to calibration. The laboratory issues calibrators (measurement weights) of various sizes, such as 50 pounds. In each district in Canada there are certified calibrators that are used to check other standards (weights) owned by traders. Inspectors issue certificates for calibrators held by traders

on the basis of the reference standard. There is a variety of calibrators, from 1 gram up to 1,250 kilograms. There are also standards for heavier weights, such as test cars weighing 20 to 40 thousand pounds.

[17] The witness also noted that inspectors receive and give training.

[18] The Phase I course is designed to inform inspectors about the Act, the Regulations, and the forms they will be required to use. They are also taught about the practical applications of certain sections of the Act, such as the fact that blocks of cheese are sold by weight.

[19] Phase II covers the design of the parts that make up devices, how they can be used and what must be inspected and tested. This phase involves specialized information on merchandise and "on-the-job training". An inspector may serve as tutor or resource person for a colleague. In other cases, inspectors communicate information to their colleagues or to industry partners on such matters as volume measurement, gravimetric analysis of linear or cubic measurement.

[20] In relation to section 3 of his job description, the witness explained that inspectors instruct company employees to move equipment or to place weights (calibrators) on scales at a particular spot.

[21] With regard to physical effort, the witness noted that inspectors carry several 20-kilo weights to inspect the equipment at businesses. Companies also have calibrators weighing 500 kilos checked at the office and inspectors are required to push them on carts.

[22] Concerning health and safety, Mr. Vézina observed that it was necessary to take into account the weights to be handled, outdoor work, and the dangers of plant inspections and flammable materials, particularly in the case of gas and electricity. Inspectors must be in good physical condition.

[23] The witness completed his testimony by re-addressing a number of points. He indicated, for example, that when he gave courses he had to add examples to the basic document prepared by the employer and had also redone some of the questionnaires. He stated that the inspector's report has an impact on whether equipment is approved or rejected.

[24] The witness stated on cross-examination that approval comes from the laboratory managers but is based on the accuracy report (for the equipment) provided by the inspector. The witness confirmed that he is not part of the group of grievors.

[25] The second witness, Michel Brouillette, was one of the grievors. He works in the Weights and Measures Section as a Compliance Officer (inspector) and is classified as a TI-4.

[26] Mr. Brouillette said he had to prepare and offer a technical training course at the Phase I and Phase II levels. He emphasized that inspectors must be familiar with a number of pieces of legislation. They may be called upon to use the legislation pertaining to consumer products, seeds or fertilizers or, although not often, measurements of wood.

[27] The witness indicated he had given a course on legal action. He confirmed on cross-examination, however, that the course outline was prepared by the employer and that supervision of the course was Mr. Garant's responsibility of who is classified as a TI-6.

[28] The third witness, André Gagné, is a Compliance Officer whose position is classified TI-4. He identified the various types of inspection: initial, compliance and by class designation, observing that the class inspection requires more vigilance on the inspector's part. Also, in cases of conditional approval the laboratory managers approve a blueprint but the inspector must perform on-site tests, as in the case of railroad scales weighing a moving train.

[29] Mr. Gagné indicated that inspectors serve as expert witnesses in legal proceedings. He went on to refer to Exhibits F-5 and F-6, noting that his appointment certificates attest to the various pieces of legislation he must apply.

[30] In closing, he provided additional explanations on Exhibit F-8 (work description F-2 annotated by Mr. Gagné).

[31] The fourth witness was Jean-Pierre Naud. Mr. Naud has been working as a Compliance Officer for the past four years and is classified TI-4. He commented on Exhibit F-10 prepared by the employer, which sets out the objectives he is expected to attain for 2000-2001.

[32] He explained that he is required to be involved in the training of new inspectors, who accompany him to workplaces. During an inspection he must ensure his own safety and that of the people who are with him.

[33] The second stage of the grievors' evidence pertained to Mr. Jarvis' duties. Given that specific evidence was filed concerning Mr. Jarvis' duties, the documents filed at the hearing by the grievor were marked U (Union), while those filed previously were marked F (Fonctionnaire) [Employee]. The documents adduced by the employer were marked E (Employer).

[34] Mr. Jarvis was called as a witness. He indicated he has been working as a Compliance Officer for 27 years.

[35] Because of his experience, Mr. Jarvis gave courses to his colleagues at the Phase I and II levels. He also prepared some of the information presented in a Phase III course.

[36] Mr. Jarvis maintained that he transmits more than technical information and that he covers legal aspects. For example, in his courses he explains that, when the legislation requires that equipment be inspected once a year, it cannot be inspected again after 10 months. It would be illegal to do so because it would mean the equipment would have been inspected twice during the same year. He also teaches how to serve a summons.

[37] With regard to the complexity of his work, Mr. Jarvis stated that he has to design measurement methods when new measuring instruments (prototypes) have to be inspected. According to Mr. Jarvis, he is involved in the approval of equipment since he forwards his inspection report to the laboratory in Ottawa and makes comments. On this subject, Mr. Jarvis commented on Exhibits U-2 to U-10, which consisted of e-mail messages that Mr. Jarvis had sent to the Ottawa laboratory or e-mails he had received from Mr. Maranda, who is in charge of approvals (Technical Coordinator) at the Ottawa laboratory.

[38] Mr. Jarvis noted that in Exhibit 2 Mr. Maranda wrote that he had received the results of the test performed by Mr. Jarvis and could thus issue a new notice of approval or withdraw the existing one.

[39] Referring to Exhibits U-5 and U-8 in particular, Mr. Jarvis noted that he had recommended that approval be limited to a certain level. Mr. Jarvis also observed that in this correspondence Mr. Maranda thanked him for his cooperation, which would make it possible to confirm approval of the equipment.

[40] The other part of Mr. Jarvis' testimony related to the work he performs on railroad scales and test cars. According to the witness, this type of inspection requires working closely with laboratory managers. Such measuring equipment for railways, trains and cars is approved conditionally on the basis of specifications but must be inspected on site. Final approval is issued further to the tests that are carried out.

[41] Concerning railway test cars, Mr. Jarvis noted that the margin of error that is tolerated is minimal. According to him, any error could have serious consequences since it entails trade with the United States.

[42] Finally, Mr. Jarvis commented on Exhibit U-14, in which his name appears on the calibration certificates. Cars that have been certified can be used by private companies to weigh other cars.

[43] In cross-examination, counsel for the employer asked Mr. Jarvis to confirm the fact that in 1998 and 1999 he had filled in for a TI-5 and TI-6 position. Mr. Jarvis confirmed that he had in fact temporarily performed these level TI-5 and TI-6 duties during that period, when some of the correspondence (Exhibits U-2 to U-10) had been sent. However, he was still performing his own duties classified TI-4 when he carried out the inspections (tests).

[44] Counsel for the employer also questioned Mr. Jarvis concerning the delegation of authority enabling him to sign calibration certificates (Exhibit U-19).

#### Evidence of Employer with regard to Weights and Measures Section and to Mr. Jarvis

[45] The employer summoned Michel Maranda as its first witness. Mr. Maranda has been working for Industry Canada since 1983. He started as an inspector (TI-3 and then TI-4) and then took on the position of Senior Technologist (TI-5). Since 1992, he has served as Technical Coordinator at the Ottawa laboratory (TI-6).

[46] Mr. Maranda explained that he coordinates activities at the laboratory. For instance, he authorizes projects, verifies test reports produced by technologists and

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recommends approval of equipment to the laboratory Director, René Magnan, whose name appears in Exhibit E-2.

[47] Mr. Maranda noted that tests are performed by technologists (TI-4 or TI-5), either in the laboratory or in the field. When equipment is inspected on site in other cities, he asks a manager from a regional office to conduct the tests. He generally contacts a manager at the TI-6 level, who either conducts the test himself or asks a technologist at the TI-4 level to do so. The report is then sent to the laboratory in Ottawa so that Mr. Maranda can either recommend or not recommend approval of the equipment. The Ottawa laboratory asks a senior employee from the regions to inspect equipment approximately five or six times a year.

[48] Commenting on Exhibits U-2 to U-10, Mr. Maranda explained that the messages he had sent to the Toronto office related to equipment that had already been approved but for which the company was requesting an amendment. It was therefore necessary to conduct tests following such amendments. Regarding the correspondence filed as Exhibit U-9, this involved a conditional approval, and in this case the employee who performed the inspection had to refer to the conditional approval number. The correspondence with Mr. Jarvis filed as U-10 concerned important equipment for which approval is only valid for two years. It is thus necessary to conduct an inspection (test) every two years to maintain approval. In document U-10, Mr. Jarvis communicated the test results and Mr. Maranda asked him to forward all of the results to the laboratory in order to confirm approval before the scheduled expiry at the end of the second year. ("It is a must to recommend or deny full approval after the NOCA has expired.")

[49] Regarding Exhibit U-11, Mr. Maranda explained that the purpose of Mr. Jarvis' message had been to ask the laboratory manager to extend the expiry date for the conditional approval so that the equipment could be inspected.

[50] In cross-examination, counsel for the grievors asked Mr. Maranda whether Mr. Jarvis took part in project approval. The witness replied that, when a piece of equipment is still in the development stage, tests have to be carried out and he could be asked then to communicate through the Toronto regional office, and sometimes to communicate directly with Mr. Jarvis, to have a test carried out. The laboratory would subsequently issue the required approval on the basis of the project specifications and the test results.



[51] The employer's second witness, Mr. Kennedy, is currently Regional Manager at the Toronto regional office and his classification is TI-7. He confirmed that, during the period when documents U-4 and U-5 had been exchanged between Mr. Maranda of the Ottawa laboratory and Mr. Jarvis, Mr. Jarvis had been performing TI-5 and TI-6 duties on an acting basis.

[52] Mr. Kennedy confirmed on cross-examination that test cars are used for the purposes of trade with the United States. He admitted that the inspections (tests) conducted by Mr. Jarvis are complex. For some inspections there are no pre-established procedures and it is up to the inspector to develop techniques for inspecting the equipment or specific aspects of the measuring equipment.

[53] According to Mr. Kennedy, although Compliance Officers make observations in their inspection reports, it is the laboratory alone that issues approvals. According to the witness, this cooperation with the laboratory is not specifically referred to in the work description but relates to the various specifications regarding communication and contact with others that appear in the "Work Description" document (Exhibit U-1).

[54] The third witness summoned by the employer was André Lauzon, who holds the position of District Manager. He said he compared documents E-5 and F-8. The document he prepared (Exhibit E-5) is in fact the version filed by the grievors during Mr. Gagné's testimony (F-8), which he had annotated.

[55] According to the witness, Compliance Officers lead inspections, which is different from supervising, since this term suggests evaluating and monitoring the person being supervised. Regarding the training offered by some Compliance Officers, it is largely based on technical matters. In his view, this could not be legal training but rather information on aspects of the legislation and the problems arising from its application, as employee trainers use manuals previously prepared by the employer.

[56] Commenting on Exhibit E-5 (annotated version of grievors' request F-8), the witness did not agree with the claim appearing in paragraph 6 of page 2 to the effect that Compliance Officers write legal documents. On that point, Mr. Lauzon referred to Exhibit E-7 (twelve forms) and stated that inspectors fill out pre-prepared forms such as inspection certificates, notices of compliance, goods/services inspection reports, calibration certificates, etc. The witness completed his testimony by commenting on the various remedies sought by the grievors.

[57] Further to the testimony presented earlier, the employer stated that his case was closed and Mr. Jarvis presented a rebuttal regarding the period during which he had performed the inspections referred to in Exhibits U-2 to U-10.

Evidence of Grievors with regard to the Electricity and Gas Section

[58] The third stage of the hearing pertained to the description of duties for employees working in the Electricity and Gas Section. The testimony was consistent on the whole with that of those working in the Weights and Measures Section. During this part of the hearing, the documents adduced by the grievors were marked as S (Syndical) [Union] and those adduced by the employer as P (Patronal) [Management].

[59] The grievors' first witness, Roger Gaspé, indicated that he was required to inspect meters at private homes, industries and large gas distribution companies. Regarding such companies, the witness explained that he has to "supervise" gas company employees when he asks them to adjust regulators.

[60] When the company (the supplier) is accredited to conduct its own meter inspections the witness is required to conduct sporadic inspections and may do so using samples.

[61] The witness added he must work in a noisy and sometimes dirty environment and must handle very heavy meters weighing approximately 110 pounds. In some cases a ladder has to be used to access the facility. The employee (Installation Officer) must work in a squatting position when the regulators are close to the ground. In the winter some facilities are covered in snow.

[62] Roger Gaspé explained that he had to produce documents for senior management, including a report on inequities, at the request of the President of Measurement Canada.

[63] The witness admitted on cross-examination that he had a positioning table on site to handle the meters but he explained that it cannot be lowered any more than five inches from the ground and that the meter has to be installed manually. The witness gave a vague response to the fact that he was able to receive assistance from employees of the company (Gaz Métropolitain, for example).

[64] The other witness for the grievors was Benoît Montpetit. He explained that he has to conduct sampling. He performs inspections of rotating and turbine meters.

[65] In the case of distributors of propane gas for vehicles, the *Transportation of Dangerous Goods Act, 1992* can come into play.

[66] Regarding the training he was asked to give, the witness stated that he gives practical examples of the application of the Act and Regulations governing electricity and gas. For example, he has prepared a module filed as Exhibit S-13. The witness explained, however, that he had not created anything on his own and that he applied the information he received in training. He gave training on sampling and explained why a batch of meters would have to be rejected.

[67] The witness stated that the employee (Installation Officer) plays an important role in the event of a challenge regarding a meter that has been changed (tampered with) by the user. The Installation Officer is the only one who can break the seal on a meter. Mr. Montpetit has had to act as a witness six times in two years.

[68] Referring to Exhibit S-16, the witness indicated that the diagram he uses, which appears on page 26 of document S-16, is legal in nature.

[69] Regarding the issue of supervision, the witness provided further information in noting that, in the case of vehicles using propane gas, clients ask him what type of adjustment they must make to the equipment.

[70] In cross-examination, Mr. Montpetit confirmed to counsel for the employer that he does not hold a law degree and has not received any legal training. When questioned about the interpretation of subsection 23(4) [of the *Electricity and Gas Inspection Act*], he was unable to comment on the meaning of "the decision of the director...is final and conclusive."

[71] The next witness, Louise Tremblay, explained that she supervises Gaz Métropolitain employees when, for example, they have to turn a meter by 45 degrees. The witness nonetheless admitted that the operation is simple, given that it is simply a matter of moving the nut, since the meter can be moved to a number of pre-set positions (e.g. 0° or 90°) only.

[72] The grievors' last witness, Robert Delisle, explained that he sometimes has to write reports attached to the forms, although generally the forms prepared by the employer apply to most cases. In cases where there is a challenge or a meter has been altered or changed, the preparation of reports is more complex.

[73] Regarding the work environment, Mr. Delisle noted that sometimes the measuring chamber is adjacent to but outside the plant in a small isolated area.

[74] The witness stated on cross-examination that, in his view, the addition of comments to a legal document was the same as drafting a legal document.

#### Evidence of Employer with regard to the Electricity and Gas Section

[75] To present its case, the employer summoned Robert Martineau, District Manager at Revenue Canada since 1992, as its first witness. Relying on Exhibits P-3 and P-4, the witness stated that in his view most of the changes the grievors are asking for are already included in the work description produced by the employer as Exhibit P-3 (work description of Robert Delisle). The witness observed that he had annotated the request for changes filed by the employees (Exhibit P-4 - summary of changes) so as to indicate in which paragraph of the work description produced by the employer (Exhibit P-3) there is a similar or corresponding reference.

[76] According to the witness, the grievors' request that a reference to "highly developed sense of smell" be added to the section on sensory and motor skills could not be acceptable because mercaptan is added to natural gas, creating a strong odour in the event of a leak.

[77] Regarding the wearing of equipment, the witness admitted that the employees must wear protective eyewear and sometimes gloves. He stated that because the work description indicates the employee works in an industrial environment this confirms that it is a type of environment that is difficult because of the heat and humidity.

#### Arguments of Parties

[78] Counsel for the grievors referred to document F-8 (requested changes) to present the remedies sought by the grievors. In order to not forget about the remedies sought, counsel for the grievors provided with her argument two documents that have been retained in the file as document A and document B.

[79] The grievors' claims (corrective action) can be broken down into three major areas. The first referred to the lack of important information in their work descriptions. On this point, the grievors maintained that reference should be made to the fact they give legal training, supervise inspections and also draft legal documents.

[80] The second area was health and safety. The grievors noted, for example, that the risks inherent in their handling of heavy objects are not reflected in the health and safety section of their work descriptions. In their view, other references regarding the workplace and the wearing of equipment should be added.

[81] The third area addressed by the grievors pertained to such things as clarifications in the text and the different wording used. In addition, and in Mr. Jarvis' case in particular, the grievors maintained that in some cases they work closely with the laboratory and approve devices.

[82] The grievors referred to the Universal Classification Standard and maintained that the format of the work description they received did not reflect that of the standard description proposed in the Work Description Writing Guide, version 1.0, catalogue No. BT41-3/2-1998, ISBN 0-660-60652-6.

[83] For its part, the employer asserted that the work description is complete. It contested the grievors' claim that they give legal training and maintained they lead inspections rather than supervise employees, which, in the employer's view, entails an element of continuity and staff evaluation.

[84] In response to the second area, that of health and safety, the grievors are asking for additions, whereas the employer has replied that all of the information regarding health and safety is contained in the description as a whole, in particular under physical effort.

[85] Regarding the third area, the employer responded that a number of the requested changes and additions are set out in other words in the work description given to each of the grievors. To that end, the employer referred to Exhibits E-5 and P-4, which contain cross-references between the grievors' requests and the corresponding wording in the description submitted by the employer. Lastly, regarding the approval of measuring devices, the employer noted that the managers at the Ottawa laboratory are the only ones who sign approvals and that the inspection report forwarded by the Compliance Officer (T-4) merely confirms that the device performed appropriately in the weight test or in the flow rate test conducted on a gas meter.

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Reasons for Decision

[86] For a better understanding of the grievors' requests (corrective action) and the reasons behind any potential changes to the work description issued to each of them, I have reproduced the essence of their testimony and that of the employer's witnesses.

[87] I must begin by noting that I adopt the two elements of statements set out by adjudicator Young in *Taylor* (Board file 166-2-20396):

...

*a) the statement may not be incomplete in the sense that it omits to make reference to a particular duty or responsibility which the employee is otherwise required to perform.*

...

*b) It does not, however, mean that the statement must spell out in infinite detail every possible variation, combination or permutation of how a function is performed.*

[The two paragraphs were divided by the undersigned]

[88] My decision is also based on the fact that nothing in the collective agreement obliges the employer to use a specific form or a standard format for the preparation of work descriptions.

[89] Regarding the first area submitted by the grievors to the effect that they give legal training and draft legal documents, there is nothing in the evidence to convince me that such is the case. Exhibit E-7 (Forms in a bundle) clearly shows that the Compliance Officer completes the form and in some cases adds comments in the appropriate box. In my view, there is a difference between drafting a pleading and completing an infraction form noting that the seal of a meter has been altered.

[90] With respect to training courses, the testimony and the documents filed did not satisfy me that the grievors give legal training. Furthermore, witness Brouillette stated that the course outline was prepared by the employer and that supervision of the courses was Mr. Garant's responsibility. The other witnesses gave a few examples of how to apply the legislation. Finally, Mr. Montpetit confirmed that he did not hold a law degree and had not received any legal training.

[91] Again in this area, the grievors maintained they supervise inspections, or rather company employees during inspections. The employer used the term [translation] "leads inspections". I believe that this term accurately describes the role played by the grievors. The evidence provided by the grievors indicates that they ask a company employee to move a particular meter or dial. I do not consider this to be supervision.

[92] Concerning the second area addressed by the grievors, health and safety, the evidence adduced by the union witnesses indicates to me that certain information does not appear in the work description issued by the employer. On that point, as I stated earlier, there is nothing in the collective agreement that forces the employer to write the work description using a specific format.

[93] However, in this case the employer's work description is divided into a number of different sections. The physical effort section may coincide with that of health and safety. In setting out various points under health and safety, the employer runs the risk of limiting the way the information can be applied. It is obvious that a number of the points referred to by the grievors relate to terms that appear in the physical effort section. However, it was the employer itself who chose the format of the work description. Accordingly, for the description to be complete, and in order to reflect the physical effort and the wearing of equipment, wording similar to the following would have to be added to the section on health and safety.

*Certain risks inherent in the activities referred to with regard to physical effort at the workplace.*

*The work may require the wearing of light safety equipment (such as goggles and gloves).*

[94] Nevertheless, in this regard, I cannot allow the grievors' requests with regard to the consequences of exposure to heat and humidity or the risk of being struck by objects when they work in plants or factories. I have no evidence that this constitutes a special type of risk and I cannot conclude that the suggested reference to risks inherent in the workplace would cover this reality in such a way as to describe in detail the function performed by the grievors. At the same time, carrying weights comes under the category of risks inherent in physical effort.

[95] Regarding the third area raised by the grievors, which pertains to specific information relating to tests and to different or more specific wording, the evidence did not convince me that the work description issued by the employer did not describe

in detail the duties performed by the grievors. As I have previously stated, the collective agreement does not require any specific form or format for describing the duties. Some of the terms used could be different, but it is not the adjudicator's role to correct the wording or the expressions that are used.

[96] Furthermore, with regard to this area, the grievors testified that they were closely involved in approving devices. The evidence reveals that the approval system comes under the managers at the Ottawa laboratory and that the inspectors' reports constitute only one of the elements considered in issuing approvals. In fact, the inspector (Compliance Officer) tests devices and issues accuracy reports, which is different from approving devices.

[97] Having said this, the fact remains nonetheless that, as Mr. Jarvis indicated, he works closely with the managers at the Ottawa laboratory, particularly in cases involving the approval of more specialized devices such as scales for railway cars. When questioned on this matter, the employer's witness was unable to clearly identify the part of the work description in which this fact was mentioned.

[98] It seems obvious that all of the Compliance Officers are not required to communicate directly or to provide the laboratory managers with comments. In his testimony Mr. Jarvis agreed that he and two other officers elsewhere in Canada had to conduct test inspections on railway scales or test cars. The same does not hold true for calibration certificates, which merely represent the results of a test of compliance between the reference standard and the calibrator examined. Accordingly, the employer should add a statement similar to the following to its work description.

*May be asked to work closely with laboratory managers in the case of more specialized devices.*

[99] The grievors also referred to the Universal Classification Standard and to version 1.0 of the Work Description Writing Guide. As I said earlier, the employer is not bound by any particular form or format for work descriptions. I thus cannot take into consideration this element invoked by the grievors. The employer's only obligation is that which appears in Article M-32 of the Master Agreement.

*M-32.01 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.*



[100] For these reasons, I allow in part the grievances filed by the grievors.

[101] I note that on certain points the work description given to the grievors is not complete. Information to cover physical effort, health and safety and the need to work with laboratory managers on occasion should therefore be added.

[102] To complete its work description, the employer should add a statement similar to the following with regard to health and safety:

*Certain risks inherent in the activities referred to with regard to physical effort at the workplace.*

*The work may require the wearing of light safety equipment (such as goggles and gloves).*

[103] Moreover, to complete its work description, the employer should take into account the fact that certain officers are required to work more closely with laboratory managers. The employer must complete its work description by adding wording similar to the following:

*May be asked to work closely with laboratory managers in the case of more specialized devices.*

[104] The employer must accordingly issue to the grievors a work description that includes wording similar to that set out in the above paragraphs. I retain jurisdiction to determine the exact wording to be added in the event the grievors consider that the employer has not added wording similar to that set out in the above paragraphs.

**Jean-Pierre Tessier,  
Board Member**

OTTAWA, August 3, 2001

Certified true translation

Maryse Bernier