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File: 166-2-31428

Citation: 2003 PSSRB 117



Public Service Staff  
Relations Act

Before the Public Service  
Staff Relations Board

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BETWEEN

GUY LAJOIE

Grievor

and

TREASURY BOARD  
(Solicitor General Canada - Correctional Service)

Employer

**Before:** Jean-Pierre Tessier, Board Member

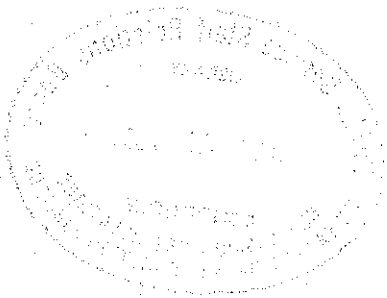
**For the Grievor:** Céline Lalande, UCCO-SACC-CSN

**For the Employer:** Karl Chemsî, Counsel



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Heard at Montréal, Quebec,  
September 2 and 3, 2003.



## DECISION

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[1] Guy Lajoie is an employee of Correctional Service Canada and has been working at Archambault Institution since 1985.

[2] Since 1988, he has been the clerk in a visits and correspondence position, which is classified as AC-I (currently CX-01). Previously, Mr. Lajoie held a position with a classification of AC-II (CX-02).

[3] On July 23, 2000, Mr. Lajoie filed a grievance alleging that his employer was not paying him equitably with respect to other employees performing the same duties he does.

[4] The grievance was referred to adjudication in July 2002 and the case was heard on September 2 and 3, 2003.

[5] At the start of the hearing, the employer objected to the adjudicator's jurisdiction since, in its opinion, the case is a classification issue. This objection was taken under consideration.

[6] During his testimony, Mr. Lajoie explained that, in 1988, five people worked in the visits and correspondence service. Since 1992, three employees have worked there, namely, Mr. Lajoie (AC-I; currently CX-01) and two other employees (AC-II; currently CX-02).

[7] Mr. Lajoie explained that, in 1990, there was a service restructuring. At that time, he obtained information as to his status (Exhibit F-2). On May 3, 1990, the Deputy Commissioner, Jean-Claude Perron, confirmed that employees in the visits and correspondence sector would not be declared surplus. Positions would be eliminated by attrition and, therefore, if an employee did not want to be transferred to another position, he could remain in his current position as long as he wanted (Exhibit F-3).

[8] A letter of September 4, 1990 (Exhibit F-4), confirms the fact that Mr. Lajoie could remain in his position.

[9] In practice, Mr. Lajoie is the only one to retain his position because the Institution's program involves a rotation of employees through all positions, with about six months in each position. However, in the case of the visits and correspondence service, a "slow rotation" is applied, which means an employee stays there for two years.

CX-02 and who work within the framework of a two-year slow rotation at the visits and correspondence service.

[25] It could be claimed that this is a temporary assignment and that the employees in a CX-02 position cannot be paid less when they perform the duties in the visits and correspondence service. In such a case, we must ask ourselves why employees, like Luc Querry, who hold a CX-01 position are paid at a CX-02 salary level when they are replacing someone in the visits and correspondence service.

[26] It was shown that Mr. Lajoie performs duties similar to those of employees holding positions classified as CX-02. The only difference is the fact that Mr. Lajoie is not subject to position rotation. This situation arises from a decision by the employer who gave him this guarantee of stability.

[27] Furthermore, in the letter of July 22, 1999 (Exhibit F-2), the employer himself admits that the duties of the clerk in the visits and correspondence service have been significantly expanded for several years. The system put in place by the employer stipulates that employees in CX-02 positions perform a two-year slow rotation in this service.

[28] Mr. Lajoie trains new arrivals at the visits and correspondence service and performs the same tasks they do; he should, therefore, in an acting capacity, receive the same pay as required by article 48.07 of the collective agreement.

[29] In light of the above, I allow the grievance and instruct the employer to pay Mr. Lajoie a salary equivalent to a CX-02 position held in an acting capacity beginning 25 days prior to the grievance of July 15, 2000.

**Jean-Pierre Tessier**  
Board Member

OTTAWA, December 22, 2003.

P.S.S.R.B. Translation