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*Federal Public Sector  
Labour Relations and  
Employment Board Act and  
Federal Public Sector  
Labour Relations Act*



Before a panel of the  
Federal Public Sector  
Labour Relations and  
Employment Board

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BETWEEN

**DANIEL BOISVERT, DANIEL DALPÉ, RENÉ DUFOUR, GIUSEPPE GAROFALO,  
SIMON HOULE, AND MICHEL RAHAL**

Grievors

and

**TREASURY BOARD  
(Correctional Service of Canada)**

Employer

Indexed as

*Boisvert v. Treasury Board (Correctional Service of Canada)*

In the matter of individual grievances referred to adjudication

**Before:** Renaud Paquet, a panel of the Federal Public Sector Labour Relations and  
Employment Board

**For the Grievors:** Kim Patenaude, counsel

**For the Employer:** Laetitia Bonaparte Auguste, counsel

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Heard by videoconference,  
October 24 and 25, 2022.  
[FPSLREB Translation]

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**REASONS FOR DECISION**

**FPSLREB TRANSLATION**

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**I. Individual grievances referred to adjudication**

[1] Between January 8 and February 5, 2014, Daniel Boisvert, Daniel Dalpé, René Dufour, Giuseppe Garofalo, Simon Houle, and Michel Rahal (“the grievors”) each filed two grievances to contest their job descriptions and pay levels. They all held positions in the GL-MAN-07 group and subgroup and worked for CORCAN, a special operating agency within the Correctional Service of Canada (“the employer” or CSC).

[2] CORCAN is a special operating agency that gives inmates employment opportunities and vocational training for employability skills while incarcerated in federal penitentiaries. CORCAN’s five business lines are manufacturing, textiles, construction, services, and agriculture.

[3] When the grievances were filed, each grievor held a position in CORCAN’s construction section (“CORCAN Construction”). CORCAN Construction provides different construction services to the CSC and other clients. CORCAN Construction employees manage construction in CSC institutions and train offenders and supervise their work during construction projects.

[4] On December 19, 2013, John Sargent, CORCAN’s chief executive officer, notified the grievors that after a national classification review of the GL group, their positions were classified down from the GL-MAN-08 group and level (general labourer) to the GL-MAN-07 group and level (maintenance assistant). They then each filed their two grievances. The employer dismissed the grievances at each level of the internal grievance process. The grievors then referred the grievances to adjudication with their bargaining agent’s support.

[5] At the beginning of the hearing, the grievors withdrew their pay grievances. For adjudication purposes, they were numbered 566-02-11804, 566-02-11807, 566-02-11809, 566-02-11811, 566-02-11813, and 566-02-11815. Those files will be closed. Therefore, the hearing dealt with only the six other grievances, which are about the grievors’ job descriptions. The grievance statements read as follows: “[translation] I am filing a grievance because I disagree with the content of my job description ... which does not represent my job.”

[6] The applicable collective agreement was between the Treasury Board and the Public Service Alliance of Canada for the Operational Services group and expired on August 4, 2014 (“the collective agreement”). The grievances refer specifically to 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.*

[7] On November 1, 2014, the *Public Service Labour Relations and Employment Board Act* (S.C. 2013, c. 40, s. 365) was proclaimed into force (SI/2014-84), creating the Public Service Labour Relations and Employment Board to replace the former Public Service Labour Relations Board as well as the former Public Service Staffing Tribunal. On the same day, the consequential and transitional amendments contained in ss. 366 to 466 of the *Economic Action Plan 2013 Act, No. 2* (S.C. 2013, c. 40) also came into force (SI/2014-84). Pursuant to s. 393 of the *Economic Action Plan 2013 Act, No. 2*, a proceeding commenced under the *Public Service Labour Relations Act* (S.C. 2003, c. 22, s. 2) before November 1, 2014, is to be taken up and continue under and in conformity with the *Public Service Labour Relations Act* as it is amended by ss. 365 to 470 of the *Economic Action Plan 2013 Act, No. 2*.

[8] On June 19, 2017, *An Act to amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and other Acts and to provide for certain other measures* (S.C. 2017, c. 9) received Royal Assent, changing the name of the Public Service Labour Relations and Employment Board and the titles of the *Public Service Labour Relations and Employment Board Act* and the *Public Service Labour Relations Act* to, respectively, the Federal Public Sector Labour Relations and Employment Board (“the Board”), the *Federal Public Sector Labour Relations and Employment Board Act*, and the *Federal Public Sector Labour Relations Act*.

## **II. Summary of the evidence**

[9] A few days before the hearing, I held a pre-hearing conference with the parties. I asked them to restrict their evidence to the “Client Service Results”, “Key Activities”, and “Responsibility” sections of the job description. I also informed them that if I were to allow the grievances and order the employer to change the content of one or more

of those sections, I would give it a reasonable amount of time to adjust the job description's other sections, if necessary.

[10] The grievors called Simon Houle as a witness. He is one of the grievors who filed a grievance. He currently holds a position entitled, “[translation] Carpenter for CORCAN Construction”. He has been working for the employer since 2010. When he was hired, he had a competency certificate from the Commission de la construction du Québec (CCQ) as a carpenter-joiner. The employer had already accepted the suggestion of the grievors' representative that only Mr. Houle would testify on behalf of the grievors. The employer called Pierre Carmona as a witness, who has been CORCAN Construction's national director since September 2018. He has worked for CORCAN since its creation in 1995-1996. As of the grievances in 2013-2014, Mr. Carmona was the director of CORCAN's Corporate Services.

[11] The parties submitted a few hundred pages of documents as evidence, including the job descriptions challenged by the grievors, their former job descriptions, the job description of the position to which they report, which is the construction supervisor, and carpenter and mason job descriptions.

[12] To keep the text brief, I will not reproduce the contents of those job descriptions, except for the grievors', which appears at paragraph 30. However, I note that the carpenter and mason job descriptions refer to specialized work in carpentry and masonry. I also note that the construction supervisor job description includes the following: “[translation] Plan, organize, direct, and control the completion of construction programs' work in the region under CORCAN Construction's responsibility.”

[13] Mr. Houle testified about the work he carried out when he occupied the GL-MAN-07 position. At that time, he worked at the employer's facilities in the Laval and Ste-Anne-des-Plaines penitentiary complexes located in Montréal's northern suburbs. Those complexes include minimum-, medium-, and maximum-security penitentiaries.

[14] Mr. Houle testified that his daily work consisted of educating inmates in different construction trades, to facilitate their eventual return to society. At the start, his duties consisted of receiving the inmates in the morning, ensuring that they were all there, and verifying with security whether he could bring tools to the workplace. According to him, the work requires considerable preparation and organization. The

number of inmates that he supervised on a project could vary greatly. One day, he had 3 with him, and then on another day, it was 7 or 8. Large projects could involve as many as 10 inmates.

[15] Mr. Houle said that the work of training inmates consisted of “[translation] explaining”, “[translation] demonstrating”, “[translation] getting the work done”, and “[translation] making comments to encourage and improve”. On that, Mr. Carmona said that he agreed with Mr. Houle.

[16] Mr. Houle testified about the work that he carried out on a project in Cell Block “A” at Ste-Anne-des-Plaines’s inmate reception. It consisted of adding maximum-security cells to a sector using minimum-security inmates under his supervision. According to him, it consisted of demolishing everything and then rebuilding cells based on provided plans. Once the project began, Mr. Houle realized that the plans were not suitable for the required work and that changes were needed. In such circumstances, he had to notify his supervisor, to obtain new plans. And the work had to be coordinated with the trades workers, such as plumbers and electricians, so that they could be involved at the appropriate times. A private-sector mason was hired to carry out the masonry work, for whom Mr. Houle had to “[translation] take responsibility”. Mr. Houle then showed the inmates how to mix the cement and cut the blocks of it that the mason required. Finally, Mr. Houle testified that for that project, he had to paint and install hardware with the inmates under his supervision.

[17] Mr. Houle testified about the work completed on the “Aboriginal Initiative” project at Ste-Anne-des-Plaines, which included building a corridor 10 feet wide by 15 feet long to temporarily connect two trailers to an existing building. It involved designing and building a roof, walls, and floor; insulating everything; installing the exterior cladding; installing the necessary hardware; and coordinating the work with an electrician. Mr. Houle testified that he also calculated the amount of material needed. He carried out the project with one or two inmates under his supervision.

[18] Mr. Houle testified about the work completed on a door-replacement project at Archambault Institution. First, the existing doors, which were large, steel, and set into concrete, had to be removed. The work then consisted of installing the new ones. Mr. Houle said that he proposed adding steel plates. Among other things, the work consisted of setting forms, pouring concrete, and then removing the forms. The doors

also had to be painted, and door cylinders had to be installed. The work was done with one or two inmates under Mr. Houle's supervision. He also explained the security challenges of replacing doors at a penitentiary as doing so required some planning with a correctional officer.

[19] Mr. Houle testified about the work done to replace windows at the Inmate Intake Centre. At that time, approximately 2000 windows had to be replaced with tempered-glass ones. He and the inmates under his supervision had to remove the mouldings and sealant, install the new windows, and reinstall the mouldings. Every day of the project, in addition to carrying out the work or "[translation] getting the job done", Mr. Houle had to calculate the number of windows that would be installed, bring the correct number of them to the site, plan which equipment to use, prepare and pick up the scaffolds at the end of the day, and plan the tools to use.

[20] Mr. Houle testified about the work carried out to build a training room at the Ste-Anne-des-Plaines shooting range. It was a new building, of about 3000 square feet. He and the inmates under his supervision had to carry out finishing work, including the insulation, installing drywall, treating joints, painting, installing suspended ceilings, and setting acrylic on the foundations. At different stages of the project, Mr. Houle had to plan when trades workers would be involved when their services were required.

[21] Mr. Houle testified that his work was construction and not maintenance as suggested by the GL-MAN-07 position title, which is "[translation] Maintenance assistant for CORCAN Construction buildings". According to him, every day, he paints, installs drywall panels, treats joints, builds forms, builds concrete reinforcements, makes roofs, and handles metal and masonry work. He has to teach inmates how to carry out all that work without supervision from a trades worker or his supervisor. He also testified that he is responsible for the tools used, for inventorying and storing them, and for ensuring their proper function. Finally, he has to follow correctional officers' instructions and requests who may, for security reasons, require putting away the tools and returning the inmates to their cells. He also has to maintain the tools, change blades as needed, or change oil in equipment.

[22] In cross-examination, Mr. Houle testified that his current work as a carpenter is not much different from his earlier a maintenance assistant work. In both roles, the

construction supervisor supervises him. In both roles, he must instruct the inmates about the work to be done. Mr. Houle also testified that a maintenance assistant may work with a carpenter or other trade worker on the same project. He testified that projects more specific to carpentry are entrusted to carpenters. According to him, the level of skill expected of a carpenter is higher than that expected of a maintenance assistant. As a carpenter, the employer will not ask him to paint or remove concrete forms. However, it will ask him to build the forms, which requires more expertise than removing them.

[23] In cross-examination, Mr. Houle testified that the supervisor carries out a project's planning work, although, according to him, it may depend on the project's scale. In addition, he disagreed with the employer's position, according to which a maintenance assistant's work is "unskilled". According to Mr. Houle, a maintenance assistant must necessarily be qualified, to instruct inmates on how to carry out certain construction tasks.

[24] Mr. Carmona has no direct relationship with the maintenance assistants or trades workers. They report to a construction supervisor, who reports to a regional manager (provincial), who reports to Mr. Carmona, who is the Canada-wide director of CORCAN Construction. Mr. Carmona is involved in large-scale projects. The regional manager, in conjunction with the construction supervisors involved, makes important decisions for other projects. The supervisors begin implementing projects, and then, the trades workers prepare the lists of required materials and perform the work according to their fields of skill. As for maintenance assistants, they help with certain tasks but are not expected to manage construction projects. According to Mr. Carmona, CORCAN Construction employs a total of between 70 and 75 maintenance assistants, but he did not know how many of them work in Quebec.

[25] Mr. Carmona explained that the trades workers are masters of their disciplines. They need certification that attests that the work is done according to trade practices. Then there are unskilled workers, such as the GL-MAN-07 maintenance assistants, who do not need a trade certification to carry out their jobs. For example, the carpenter performs specialized carpentry work, and the maintenance assistant may help the carpenter during a carpentry project. Another example is that a painter will choose the type of paint and bases to use, and the maintenance assistant may apply the paint.

[26] In 2013-2014, during the period in which the grievances were filed, Mr. Carmona had no reporting relationship with the construction supervisors, let alone the maintenance assistants. He testified that he did not necessarily know the construction projects that were underway at the time or how many specialized workers worked on them.

[27] The job description identifies the construction domains in which maintenance assistants are called to be involved, “[translation] ... such as carpentry, plumbing, sheet-metal work, painting, and electricity.” According to Mr. Houle, there are other fields, such as masonry. Mr. Carmona acknowledged that there may be other fields, but adding them to the job description would make the text needlessly cumbersome.

[28] The grievors’ former job description referred to “[translation] construction, renovation, or repair”, while the job description that is the subject of the grievances refers to “[translation] construction and maintenance” work. Mr. Carmona testified that the employer wanted to keep the context generic and that the term “construction” encompasses all this.

[29] Mr. Carmona acknowledged that the job description that is the subject of the grievances does not properly reflect the nature of the grievors’ positions. However, it mentions unskilled work, which means that competency certificates are not required to carry out the job, even if those hired as maintenance assistants must have experience working on a construction site.

[30] The sections “Client Service Results”, “Key Activities”, and “Responsibility” read as follows:

[Translation]

...

***Client Service Results***

*Deliver unskilled construction and maintenance services in the fields of carpentry, plumbing, sheet-metal work, painting, and electricity to clients of CORCAN Construction (i.e., the Correctional Service of Canada, other federal departments, other governments, and/or non-profit organizations).*

*Instruct and develop offenders’ employability skills in general work while providing limited to constant supervision, to monitor them and help them reintegrate into the community on behalf of the Correctional Service of Canada.*



**Key Activities**

*Plan, coordinate, and facilitate the acquisition of offender skills through general work activities, to improve their reintegration potential; create and maintain a positive work environment, which is done through open and honest dialogue with offenders about programs, activities, attitudes, and behaviour, as well as encourage pro-social behaviour and involvement in the different employment fields offered.*

*Assess offenders' work performance in all areas of developing skills, core competencies, staff management, and teamwork for entry into the Offender Management System; prepare written and verbal reports for other correctional personnel, to help them make decisions.*

*Plan, organize, supervise and instruct inmates, to ensure the efficient, effective, and economical delivery of unskilled construction and maintenance services; to facilitate construction and maintenance activities, provide training and orientation to offenders, and to advise them on equipment use and care and on the safe and appropriate use of hand and portable tools related to the responsibilities of the trade; control offender behaviour and movement.*

*Carry out unskilled construction and maintenance tasks in fields such as carpentry, plumbing, sheet-metal work, painting, and electricity. Assume responsibilities that include preparing and cleaning workplaces; moving equipment and material; moving furniture; verifying, replacing, and installing new locks; framing and installing doors; performing preventive maintenance work according to a timetable; removing snow; building forms and other small wooden structures; and replacing electrical components, etc.*

*Use different electrical tools, specialized equipment, hand tools, and motorized vehicles; control and manage workshop tools in accordance with guidelines.*

*Recommend ordering the material, supplies, tools, or services required for the team's operating duties.*

*Promote workplace safety; fire protection; a positive work environment; a fair, equitable, and harassment-free environment; cleanliness; and sustainable development strategies for offenders.*

*Conduct daily safety checks, take the attendance of inmates participating in vocational training programs, and ensure the safety of areas under their responsibility.*

*The incumbent of this position has the title of peace officer.*

...

**Responsibility**

*Continually assess offenders' performance against the three pillars of employability skills, personal development, and teamwork; recommend pay adjustments, both regular and for*

*encouragement; and provide positive feedback to offenders about their vocational skills, the quality of their work, safety practices, and their attitude and behaviour. Offenders are assessed on their real performance based on community employers' expectations.*

*Prepare reports for the supervisor on the time, material orders, and work performed. Prepare and draft different reports on inmate behaviour, discipline, diligence, and vocational skills.*

*Provide advice and guidance to offenders on behaviour and attitudes to help them function better in their work environment and prepare to reintegrate into society.*

*Provide information to the supervisor about breaches of security with respect to procedures, equipment failures, or questionable inmate behaviour.*

*Perform security-related activities, such as searching the workplace and inmates for contraband, illicit substances, weapons, and other items; checking tools, equipment, and locks; and assessing the moods of one or more inmates and intervening if necessary.*

*Ensure that occupational health and safety standards are met. Notify the supervisor, colleagues, and offenders of health and safety problems that arise when performing tasks so that action is taken.*

*Take inventory of hand tools, workshop tools, equipment, and materials.*

[Emphasis in the original]

### **III. Summary of the grievors' arguments**

[31] According to the grievors, the maintenance assistant job description does not constitute a complete and current statement of their duties and responsibilities.

[32] Mr. Carmona's evidence demonstrated his understanding of the grievors' work, which is very limited. More weight must be given to Mr. Houle's testimony; he performed a maintenance assistant's work before being promoted to carpenter.

[33] The position's title does not reflect the work that the grievors do, which Mr. Carmona admitted to. The grievors are handymen. They are versatile workers. Moreover, it was their former job description's title. They are not maintenance assistants.

[34] The job description mentions delivering unskilled services. GL-MAN-07s are important members of the CORCAN Construction team. Their work requires a certain

expertise that cannot be called “unskilled”. In addition, supervisors are not always at the worksites; nor are trades workers when problems arise that must be solved.

[35] The job description refers to construction and maintenance work. Mr. Houle’s evidence demonstrated that renovation and repair work is also involved, along with demolition work. That should be included in the job description, which is incomplete. In addition, according to Mr. Houle’s evidence, the list of construction fields included in the job description is incomplete. It should include masonry work.

[36] The job description is limited to “[translation] performing construction tasks”. It should include “[translation] planning and organizing tasks”.

[37] Maintenance assistants must maintain tools, which the job description does not mention; nor does it not mention using and maintaining worksite equipment.

[38] The job description should mention the grievors’ responsibilities with respect to the custody of inmates. Finally, the “Responsibility” section of the job description makes no mention of the responsibility to coordinate certain construction projects that rests with the maintenance assistant.

[39] The grievors referred me to the following decisions: *Currie v. Canada (Customs and Revenue Agency)*, 2006 FCA 194; *Aphantitis v. Treasury Board (Department of Justice)*, 2014 PSLRB 85; *Jennings v. Treasury Board (Department of Fisheries and Oceans)*, 2011 PSLRB 20; *Maillet v. Treasury Board (Department of Employment and Social Development)*, 2014 PSLRB 16; *McKenzie v. Treasury Board (Correctional Service of Canada)*, 2017 FPSLRB 15; and *Public Service Alliance of Canada v. Treasury Board (Department of Human Resources and Skills Development)*, 2012 PSLRB 86.

#### **IV. Summary of the employer’s arguments**

[40] The grievors might have felt devalued by their new job description, which changed the classification of their positions from GL-MAN-08 to GL-MAN-07. However, a grievance challenging a job description is not the appropriate way to solve such a problem.

[41] A job description does not describe the qualifications of a position’s incumbent; rather, it describes the expectations of the incumbent. On that point, the grievors did not prove that the current job description does not constitute a complete and current

statement of their duties and responsibilities. In addition, the case law points out that a job description does not have to include every task to be deemed complete. The employer has no obligation to describe and list everything, which would simply make the text more cumbersome.

[42] The adjudicator's role is to determine whether the job description meets the collective agreement's requirements, which does not mean rewriting it by making changes here and there as the grievors request.

[43] The term "unskilled", which is used in the collective agreement, is appropriate. It implies that the incumbents of maintenance assistant positions do not have to hold vocational certifications or qualifications as do carpenters or other trades workers.

[44] According to the employer, it would not be appropriate to add terms like "repair", "renovation", or "demolition" because those duties are already covered by the use of the terms "construction" and "maintenance". It would also be useless to add other fields to the list in the job description, which is not comprehensive, especially since it begins with the words, "[translation] such as".

[45] Mr. Carmona testified that the employer did not expect the grievors to maintain the tools. For his part, Mr. Houle testified that sometimes, he changed a blade or oil. Doing those things does not require changing the job description.

[46] The tasks of planning and organizing worksites rest with the construction supervisor. They cannot be added to the maintenance assistant job description. Although maintenance assistants organize and plan the inmates' work, they do not organize worksites or plan projects.

[47] Mr. Houle's examples of those issues are isolated cases that do not accurately reflect the reality of a maintenance assistant's work.

[48] According to the employer, even if the GL-MAN-07 position job description, challenged by grievance in January 2014, has effect retroactively to April 2007, the adjudicator's order could come into force no sooner than 25 days before the grievances were filed.

[49] The employer referred me to the following decisions: *Jennings; Maillet; (Canada) National Film Board v. Coallier*, [1983] F.C.J. No. 813 (C.A.)(QL); *Hughes v. Treasury*

*Board of Canada (Natural Resources Canada)*, 2000 PSSRB 69; *Jaremy v. Treasury Board (Revenu Canada - Customs, Excise & Taxation)*, 2000 PSSRB 59; and *Suric v. Treasury Board (Department of Human Resources and Skills Development)*, 2013 PSLRB 44. The employer also referred me to the *Financial Administration Act* (R.S.C., 1985, c. F-11).

## V. Reasons

[50] Clause 54.01 of the collective agreement requires the employer to, on request, provide employees with a complete and current statement of their duties and responsibilities. According to the employer, the sections of the grievors' job description noted earlier constitute such a statement. The grievors claimed that that is not so. That is the dispute I must decide.

[51] Many times, the Board has ruled on what constitutes a complete and current statement of an employee's duties and responsibilities. The parties submitted many decisions to me that are relevant to this issue. However, on its own, paragraph 52 of *Jennings* summarizes the important and relevant factors and reads as follows:

*[52] What is a complete and current statement of the duties and responsibilities of an employee? The parties and the arbitral authorities on which they rely agree that 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 which the employee is otherwise required to perform"; see Taylor v. Treasury Board (Revenue Canada - Customs & Excise), PSSRB File No. 166-02-20396 (19901221). A job description that contains broad and generic descriptions is acceptable as long as it satisfies that fundamental requirement. In Hughes v. Treasury Board of Canada (Natural Resources Canada), 2000 PSSRB 69, at para 26, the adjudicator wrote the following: "A job description need not contain a detailed listing of all activities performed under a specific duty. Nor should it necessarily list at length the manner in which those activities are accomplished." See also Currie et al. v. Canada Revenue Agency, 2008 PSLRB 69, at para 164; Jaremy et al. v. Treasury Board (Revenue Canada - Customs, Excise & Taxation), 2000 PSSRB 59, at para 24; and Barnes et al. v. Canada Customs and Revenue Agency, 2003 PSSRB 13. The employer is not required to use any particular form of wording to describe the duties and responsibilities of an employee and "...it is not the adjudicator's role to correct the wording or the expressions that are used," so long as they broadly describe the responsibilities and the duties being performed (see Jarvis et al. v. Treasury Board (Industry Canada), 2001 PSSRB 84, at para 95; and see Barnes, at para 24.*

[52] Therefore, a job description must satisfy the following criteria to be considered a complete and current statement of an employee's duties and responsibilities:

- it must contain enough information to precisely reflect what the employee does; and
- it must not omit mentioning a duty or responsibility that an employee is otherwise required to perform.

[53] However, a job description need not contain a detailed list of every activity carried out or describe down to the smallest detail how they are carried out. Finally, the employer is not required to use a particular wording as long as the wording used describes the responsibilities and functions performed. In that sense, the adjudicator's role is not to correct the wording if it describes the responsibilities and duties performed.

[54] Based on the adduced evidence and the *Jennings* criteria, my view is that the job description is not a complete and current statement of the grievors' duties and responsibilities. However, I do not believe that it is necessary to make all the grievors' requested changes for it to meet the collective agreement's requirements.

[55] According to the grievors, the title of their position does not adequately reflect their work. The issue of my jurisdiction to rule on a position's title was not discussed at the hearing. The grievors seemed to take it for granted. The employer did not present me with anything to oppose it. There is no doubt in my mind that the title of a complete statement of a position's duties and responsibilities is an important part of that statement. It summarizes the duties and responsibilities in a few words. That said, I agree with the grievors that their position's title does not adequately reflect their work. Even the employer's witness was aware of it. The title used is simplistic and does not match the grievors' assigned tasks. The title "[translation] general labourer" that the grievors proposed seems much more appropriate to me. They are workers and are called on to work in different construction fields. In that sense, they are general. They are also workers who, like their carpenter or mason colleagues, "instruct" the inmates.

[56] I have no reason to doubt the veracity of Mr. Houle's testimony, which was certainly contradicted in part by that of Mr. Carmona. I explain these differences by the fact that on one hand, Mr. Houle performed tasks that were not necessarily his, no doubt because he has more specialized skills than were required. On the other hand, Mr. Carmona does not necessarily know what happens in the daily reality of the

grievors' work. In fact, when the grievances were filed, the grievors were not under Mr. Carmona's line authority. Furthermore, he has been CORCAN Construction's national director since September 2018. Therefore, he is quite far hierarchically from the grievors' work.

[57] The grievors do not agree with the employer on the use of the term "unskilled services" to describe their work. On this matter, the tasks included in Mr. Houle's examples to describe the grievors' work certainly require certain construction qualifications. According to the employer, the term "unskilled" was used to distinguish the work of those who do not have to hold a vocational qualification or certification, like carpenters or other trades workers.

[58] The evidence revealed that the grievors must be qualified to perform their tasks. How can one paint, change doors and windowpanes, or carry out basic carpentry or masonry work without being qualified? The employer is certainly correct in stating that the grievors' work does not require vocational certification, as does that of trade workers, but the work they do cannot be described as "unskilled". Rather, it is "unspecialized" construction work or general construction work as opposed to the specialized work of carpenters, plumbers, masons, or those in other construction trades.

[59] According to the grievors, their job description must include renovation, repair, and demolition work in addition to the construction and maintenance work that is already included. According to the employer, the terms "construction" and "maintenance" already cover the grievors' proposed additions. The evidence that they presented did not convince me that renovation, repair, and demolition duties are not part of construction and maintenance. The term "construction" is generic and can be interpreted as encompassing all activities in that field.

[60] However, the job description lists a series of construction fields in which the grievors are called on to work. I recall the wording: "[translation] ... such as carpentry, plumbing, sheet-metal work, painting, and electricity." The grievors propose adding masonry to it, while according to the employer, the list need not be comprehensive since it begins with the words, "such as". In his testimony, Mr. Houle explained the work that he has carried out, using five projects on which he had worked. However, two of the five projects involved unspecialized masonry work. That evidence was not

contradicted. It is true that the list of fields begins with “such as”, but that does not justify omitting an important field of activity on that basis alone. The employer chose to include a list of construction fields in the job description. The list need not include exceptional situations, but it should at least mention the fields of regular activity. Based on the evidence, this is so for masonry work.

[61] The grievors requested adding to the job description “[translation] planning and organizing tasks” with respect to construction as it mentions only performing those tasks. The employer does not agree with that addition, since the planning and organizing duties rest with the construction supervisor. On that point, I agree with the employer. The grievors’ role is to plan and organize the inmates’ work, but the supervisors plan and organize construction projects. I rely on Mr. Carmona’s testimony; without detailed knowledge of it, he has an overall view of each grievor’s role in CORCAN Construction’s structure. Furthermore, the construction supervisor job description includes the following: “[translation] Plan, organize, direct, and control the completion of construction programs’ work ...”.

[62] The grievors suggested adding maintaining tools and equipment at worksites to the job description. The evidence adduced did not convince me to order adding it. The job description already states that the grievors use tools and equipment and that they must inspect and manage them. That necessarily means that they must ensure that they work properly. Nothing in the evidence suggested that they repair defective items.

[63] The grievors also proposed changes to the “Responsibility” section of the job description. They suggested adding responsibilities for inmate custody and coordinating construction projects. I do not agree with those additions. Nothing in the evidence leads me to conclude that the job description’s current wording does not sufficiently cover inmate-custody activities. As for coordinating construction projects, the construction supervisor is responsible to “[translation] [p]lan, organize, direct, and control the completion of construction programs’ work ...”.

[64] According to the case law, the employer is not required to use a particular wording, but the wording must at least describe the responsibilities and duties being performed. In addition, the adjudicator’s role is not to correct the wording used. Obviously, I agree with those principles. However, the issue of knowing whether the issue is unskilled or unspecialized tasks or even whether masonry tasks, for example,



must be added are not simple wording issues. Rather, they are part of an employee's right to receive a complete statement of his or her duties and responsibilities. In this case, I opted for concrete proposals for changes to resolve the parties' dispute. For example, I could have simply ordered the employer to change the position title to better reflect its nature. I ruled out that approach as it would risk displacing instead of settling the dispute.

[65] Relying on *Coallier*, the employer alleged that my order may come into force no sooner than 25 days before the grievances were filed. I agree with that position, especially since the grievors did not present me with anything that contradicted it. According to the collective agreement, they had 25 days to file their grievances to dispute their new job description, which they did. Therefore, the changes that I order for the employer will be retroactive to 25 days before the grievances were filed.

[66] For these reasons, the Board allows the grievors' grievances and makes the following order:

*(The Order appears on the next page)*

## VI. Order

[67] I allow the grievances.

[68] I order the employer to make the following changes to the grievors' job description:

- Change the job description's title to "General Labourer".
- In the "Client Service Results" and "Key Activities" sections of the job description, replace the word "unskilled" with either the word "unspecialized" or the word "general", whichever the employer chooses.
- Add "masonry" to the list of fields specified in the job description so that the list reads as follows: "[translation] such as carpentry, plumbing, sheet-metal work, painting, electricity, and masonry".

[69] I order the employer to revise the "Skill", "Effort", "Working Conditions", and "Additional Information" sections of the grievors' job description to reflect, as appropriate, any changes that may be required due to the changes ordered to the "Client Service Results" and "Key Activities" sections.

[70] I will remain seized of the grievances to resolve any dispute that may be brought to my attention within 120 days of my decision.

November 10, 2022.

FPSLREB Translation

**Renaud Paquet,  
a panel of the Federal Public Sector  
Labour Relations and Employment Board**