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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

BETWEEN

JUSTIN COOKE AND OTHERS

Grievors

and

**TREASURY BOARD
(Department of the Environment)**

Employer

Indexed as

Cooke v. Treasury Board (Department of the Environment)

In the matter of a group grievance referred to adjudication

Before: Bryan R. Gray, a panel of the Federal Public Sector Labour Relations
and Employment Board

For the Grievors: Jean-Rodrigue Yoboua, Public Service Alliance of Canada

For the Employer: Mathew Yaworski, counsel

Decided on the basis of written submissions,
filed August 16, September 17, October 2, and December 2, 2024.

REASONS FOR DECISION

I. Summary

[1] The Public Service Alliance of Canada (“the bargaining agent”) filed this group grievance on behalf of 36 grievors (“the grievors”) on April 23, 2015, and referred it to adjudication on June 1, 2020. It alleges that Environment Canada, as it was then known (“the employer”) failed to provide a complete and current statement of duties and responsibilities (in the 2011 version) as required by clause 57.01 of the Technical Services (TC) collective agreement between the Treasury Board and the grievor that expired 11 years ago on June 21, 2014 (“the collective agreement”).

[2] The grievors belong to the employer’s Enforcement Branch (EB) and include wildlife enforcement officers. The employer argues that the grievance was allowed, in part, at the first level of the internal grievance process and that in the years following the grievance’s filing, the employer has altered the later versions of the job description. And due to these changes, the (impliedly) valid concerns in the grievance have been rendered moot, and the other contested issues in its view have been subsumed in other aspects of the amended job description.

[3] The grievor views the employer’s acknowledgement that many of its allegations have been remedied as an admission that its grievance is valid. It refutes the employer’s reasons for contesting those aspects of the grievance that it states have not been adopted into the subsequent job descriptions.

[4] The employer’s assertion of mootness is incorrect. Those matters that it acknowledged required revision and that were revised in the subsequent job descriptions are ordered included in the 2011 version of the job description.

[5] The employer did not lead evidence or challenge that the actual duties changed after this grievance was filed and the subsequent revisions were made to the job description.

[6] The grievance is allowed in part.

II. Background

[7] The employer provided a witness statement from (since retired) Sheldon Jordan, who at the relevant time was the director general of the employer’s EB, Wildlife

Enforcement Directorate (WED). He had direct involvement and knowledge of the matters related to the job description at issue. His witness statement provided the following background to the development of the organization and the job description.

[8] The Department of the Environment (DOE) was created in 1971 through combining a number of science and regulatory functions from across the federal government. Among these was the management of federally regulated wildlife, in particular migratory birds, as well as water pollution. In the 1970s and the 1980s, the enforcement of the *Migratory Birds Convention Act; 1994* (S.C. 1994, c. 22; “the *MBCA*”) and the *Canada Wildlife Act* (R.S.C., 1985, c. W-9; “the *CWA*”), the only two existing wildlife-related Acts administered by the then-new department, was done by the Royal Canadian Mounted Police (RCMP) and had been since the late 1920s and early 1930s. The DOE was responsible for inspections of pollution laws.

[9] Under the federal government’s “Green Plan” of the late 1980s and early 1990s, the enforcement functions were gradually transferred from the RCMP to DOE and were placed in the Canadian Wildlife Service (CWS) of the then-named Environmental Conservation Branch (ECB). This coincided with the development of a wildlife trade regulation function with the adoption of the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (S.C. 1992, c. 52; “the *WAPPRITA*”), which broadened the enforcement function to include, for example, import-export enforcement of the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES).

[10] The adoption of the *Canadian Environmental Protection Act, 1988* (S.C. 1988, c. 22) and the *Canadian Environmental Protection Act, 1999* (S.C. 1999, c. 33; “the *CEPA*”), along with regulatory powers with respect to the pollution of fish-bearing waters under the *Fisheries Act* (R.S.C., 1985, c. F-14) being transferred from the Department of Fisheries and Oceans to the DOE in the 1970s, required developing a second, standalone enforcement program specializing in chemical substances (pollution) that was within the Environmental Protection Branch (EPB). The two enforcement functions saw growth in the 1980s and 1990s in response to new legislation being passed, increased regulatory actions and the *CEPA*, and new protected areas being created.

[11] Until fiscal year (FY) 2005-2006, regional enforcement operations under the CWS and EPB reported up their separate program lines to 5 regional directors general, who

were responsible for all DOE program delivery in their geographical areas — from law enforcement to applied sciences to weather forecast modelling. Enforcement policy functions and support were run from DOE headquarters in Gatineau, Québec. This model *de facto* resulted in 12 different enforcement delivery models, each with its own structures, priorities, practices, and varying allotted financial and human resources, all reporting up a non-enforcement management chain.

[12] To streamline management and accountability, in summer 2005, the new EB was created. It combined the enforcement functions of the CWS and EPB into a single-line organization that led from field officer to a newly created chief enforcement officer (CEO), who in turn reported directly to the deputy minister. This new EB also created a degree of separation between the regulators in the EPB and CWS, who often worked directly with stakeholders and regulatees, and the enforcement function, which is independent in its decision making.

[13] The EB, as originally created in 2005-2006, comprised three directorates: the Environmental Enforcement Directorate or EED (pollution law-enforcement functions from the former EPB), the WED (wildlife law-enforcement functions from the CWS), and the Enforcement Services Directorate or ESD (training, policy, and cross-cutting functions). Amalgamating the enforcement programs into one branch presented challenges. One very important issue was the significant lack of consistency in job descriptions and classifications across regions.

[14] Depending on the region, (approximately 50) former CWS (who became WED) officers were classified at the PM-04, PM-03, or GT-04 groups and levels, with multiple job descriptions. EED staff (approximately 120, formerly EPB) included inspectors of whom the majority were classified at the GT-05 group and level (which had higher pay than PM-04), while minority cohorts of EG, ENG, and PC officers were spread throughout regions. EED investigators at that time under a separate job description were classified at the lower-salary PM-04 group and level.

[15] Intelligence officers and analysts in both the EED (the former EPB) and WED (the former CWS) were classified PM-04 in the regions. Their job functions also included all the inspection and investigation duties of enforcement officers, over and above their specific criminal-intelligence functions. During the 1990s and 2000s, most intelligence staff regularly carried out patrols, inspections, and investigations.

[16] In addition, EED enforcement had a career development program from its previous time in the EPB that hired enforcement officers at the GT-02 group and level and trained and promoted them to the GT-05 level over a period of several years. In the late 2000s, this program was found not compliant with the Treasury Board's standards and was cancelled, resulting in the so-called "stranding" of a large number of staff in lower-paying GT-02, GT-03, and GT-04 positions without the possibility of automatic promotion upon the completion of the requirements to the next level and eventually to GT-05, as planned.

[17] The wide variety of classifications and job descriptions proved difficult to manage from the early years following the EB's creation. It was often a subject of discontent among staff, particularly WED officers, EED investigators, and all intelligence staff, who were paid lower than most EED officers (also WED managers, most of whom were at a lower classification than their EED counterparts). The need to harmonize structures and job descriptions, particularly for those carrying out the roles in what is now the enforcement officers' job description in the WED and EED, was placed under greater urgency by the announcement in the federal government's "Budget 2007" of a 50% increase in officer positions (an additional 106 full-time-equivalent positions).

[18] A second announcement in the federal government's "Budget 2008", brought an additional 45 specialized support positions to the EB. Most were staffed in FYs 2008-2009 and 2009-2010. EB management decided to harmonize the job descriptions and classifications to the extent possible in the EED and WED.

[19] During the 2008-2009 job-description revision and harmonization process, management requested that the Human Resources Branch classification team analyze the draft job descriptions for all field enforcement officer and non-executive management positions (not including Intelligence officers). It specified a preference for a single occupational job group, to provide consistency along with a clear developmental and hierarchical path for employees.

[20] The GT (General Technical) group was preferred for harmonization and consolidation. It was seen at the time as advantageous, as it had eight levels (more than the PM (Program Administration) group, at six levels) and would allow for a clear

track from recruit to middle manager. As well, a large proportion of EED officers were already classified in this group.

[21] Shortly after the FY 2008-2009 job-description harmonization process, management undertook a second, more detailed review process for the enforcement officer positions in the WED and EED in 2010-2011.

[22] In 2011, a committee co-chaired by an EED regional director and a WED operational manager developed a new suite of generic “Enforcement Officer” job descriptions for the GT-03 to GT-05 group and levels, building on and combining the 2009 versions. In 2011, the senior working level enforcement officer (GT-05) position was implemented and then grieved by approximately one-third of WED officers as well as two EED officers, as I recall. The bargaining agent and management agreed to place the grievances in abeyance.

[23] Changes to existing laws and new legislation resulted in increasing similarities between WED- and EED-enforced legislation. For example, a then-new prohibition was added against introducing substances harmful to migratory birds (polluting substances) under s. 5.1 of the *MBCA* in 2005 (WED administered) that very closely resembled the existing prohibition against introducing substances deleterious to fish in fish-bearing waters under s. 36(3) of the *Fisheries Act* (EED enforced). Import-export provisions in the *CEPA* and *WAPPRIITA* differed in the goods regulated, but functional processes and deliverables were similar. Management also looked into the advantages of designating some officers under all Acts, regardless of wildlife or pollution focus, as what were called “non-specialist first responders”, to deal with a situation under any departmental legislation not limited to wildlife or pollution-related specialties, particularly in small locations.

[24] The aptitudes and competencies required of officers to deliver enforcement functions between the EED and WED were found overwhelmingly similar during the 2008-2009 review. Where they differed was in the regulated goods and some activities. WED and EED enforcement officers require similar levels of knowledge, skills, contacts, and decision making to inspect, investigate, and ensure compliance with the laws that they specialize in.

[25] In 2015, the grievors and management agreed to remove the grievances filed in 2011 from abeyance and immediately transfer them to the second level. In the

response on behalf of WED and EED management, dated July 16, 2015, the grievances were allowed in part, and a commitment was made that a job-description review would take place. The development of the new job description following the 2015 grievance hearing and decision took place over a period of several years.

[26] Shop steward and enforcement officer Justin Cooke began his career with the employer in 2008 and provided additional background. He stated that presently, the grievors' job title is enforcement officer - senior working level, per the job description received in 2011, which was effective as of November 1, 2011 ("the 2011 job description").

[27] The job description has two occupation codes: one that applies to those who protect wildlife and enforce legislation that primarily relates to wildlife conservation (Wildlife - 2224: conservation and fishery officers), and one that applies to those who protect the environment and enforce environmental legislation (Environmental - 2263: inspectors in public and environmental health and occupational health and safety).

[28] He explained that the job description also has two separate job numbers (Wildlife: 015451, and Environmental: 015452). Environmental enforcement is conducted in a separate directorate under separate management and under a different mandate — the EED. He stated that the grievors perform duties that relate primarily to wildlife enforcement in the WED and that their positions are responsible for enforcing legislation that the department oversees that relates to wildlife. This is normally done through planning, leading, and conducting the following:

...

- *Inspections*
- *Investigations*
- *Gathering intelligence*
- *Surveillance*
- *Undercover investigations*
- *Plan, lead and conduct inspections and investigations*

...

[29] Under the previous job description, which had an effective date of September 1, 2005 ("the 2005 job description"), the grievors' positions were titled wildlife officers - senior working level. The 2005 job description focused primarily on the wildlife

protection duties. When the employer created the 2011 job description that is the subject of the present grievance, it merged two job descriptions that previously belonged to two separate positions — the wildlife officer (in the WED) and the enforcement officer (in the EDD) positions — into the current generic job description.

[30] Mr. Cooke also stated that the duties assigned to the WED and EED did not change; only the position title for the WED and the job description's wording were changed. While the job description is generic, it does identify sections as "Wildlife Only" and "Environmental Enforcement Only". Mr. Cooke opined that the job description's title is inaccurate. Mr. Cooke stated that despite the new title of enforcement officer - senior working level, it is not used publicly.

[31] Mr. Cooke also stated that WED officers are explicitly identified as "Wildlife Officers" in situations that require facing the public. By way of example, the wildlife officer title is used in the following items:

...

- *Official Uniform*

- *Vehicles*

- *Business cards*

- Appendix "I", Items which Identify the grievors as Wildlife Officers*

- *Provincial designation cards*

- *Government Electronic Directory Services*

- Appendix "N" Justin Cooke GEDS entry.*

- *Government publications*

- Appendix "O", Wildlife Enforcement Directorate Annual Summary 2014-2015 (page 5, 6, 14)*

- Appendix "P", Wildlife Enforcement Directorate Annual Summary 2016-2017 (page 8, 19)*

...

[32] Mr. Cooke stated that it is also important to note that in the course of the grievors' duties, they frequently interact with the public and as such must identify themselves in a way that matches the information available to the public. As such, when they interact with the public and other law enforcement agencies, they identify themselves as wildlife officers.

[33] He also stated that he fears that a mismatch between how the grievors identify themselves verbally and their uniforms could confuse members of the public, especially in enforcement situations. The “Enforcement Officer” title was not used to refer to WED officers internally in the past. The term “Enforcement Officer” is the position title that has historically applied to individuals who job in the EED.

III. The grievance

[34] The 2011 job description is at issue. It was in effect when this grievance was filed in 2015. Two revised job descriptions were issued in the intervening decade. Both parties relied upon them at certain points in their submissions. The grievor points to the employer adopting changes in later job descriptions that it states prove its argument that those text revisions were missing in the 2011 job description. The employer points to the revised descriptions to argue that the grievance is moot.

[35] The grievor carries the burden of proof in this matter to adduce clear and compelling evidence to establish upon a balance of probabilities that the employer violated the collective agreement by failing to provide a current and complete job description (during the period 2011 to 2015).

IV. Submissions on jurisprudence

[36] The grievor noted that the job description must reflect the realities of the employees’ job situations since so many aspects of their rights and obligations in the workplace are bound to their job description (see *Currie v. Canada (Customs and Revenue Agency)*, 2006 FCA 194 at para. 26).

[37] The grievor also submitted that a job 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” (*Taylor v. Treasury Board (Revenue Canada - Customs & Excise)*, PSSRB File No. 166-02-20396 (19901221)).

[38] The employer noted that a job description that contains broad and generic wording 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 v. Canada Revenue Agency*, 2008 PSLRB 69 at para. 164; *Jaremy v. Treasury Board (Revenu Canada - Customs, Excise & Taxation)*, 2000 PSSRB 59 at para. 24; and *Barnes v. Canada Customs and Revenue Agency*, 2003 PSSRB 13.

[39] And the employer noted that it is not required to use any particular form of wording to describe an employee’s duties and responsibilities. It added that “... it is not the adjudicator’s role to correct the wording or the expressions that are used ...”, as long as they broadly describe the responsibilities and the duties being performed (see *Jarvis v. Treasury Board (Industry Canada)*, 2001 PSSRB 84 at para. 95; and *Barnes*, at para. 23).

[40] The employer noted in its submissions of law on this matter that job descriptions are the cornerstone of the employment relationship (see *Jennings v. Treasury Board (Department of Fisheries and Oceans)*, 2011 PSLRB 20 at para. 51).

[41] It argued that Parliament has established clear authority for management to assign duties and job descriptions under its powers of determining terms and conditions of employment under s. 7(1) of the *Financial Administration Act* (R.S.C., 1985, c. F-11).

[42] And it argues in this case that as it has previously, job descriptions are not individualized but are generic for a reason. Commonality plays a valuable role by maintaining consistency across the country and improves efficiency by reducing the number of specific or particularized job descriptions. See the employer’s submissions in *Jennings*, at para. 42.

[43] The employer noted that in *Hughes*, at para. 26, the Board found this: “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.”

[44] The employer agrees with the bargaining agent that the following references from *Jennings* are applicable:

...

[51] ... a work description “...must reflect the realities of the employee’s work situation since so many aspects of the employee’s

rights and obligations in the workplace are bound to his or her Work Description.” ...

...

[52] ... 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” ... A job description that contains broad and generic descriptions is acceptable as long as it satisfies that fundamental requirement... 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

...

[45] The employer quoted the following from *Duffield v. Treasury Board (Department of Employment and Social Development)*, 2016 PSLREB 7:

[69] ...

... 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 Thom, at para. 85, citing Jarvis v. Treasury Board (Industry Canada), 2001 PSSRB 84, at para. 95).

[46] The employer also relied upon the Board’s decision in *Jennings* cited in *Duffield*:

[69] ...

(a) Job descriptions ... may be written in fairly broad language

(b) The statement of duties need not spell out in infinite detail every possible variation, combination, or permutation of how a function is performed

...

(e) 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

[47] For additions to be made to a job description, a grievor must show that truly, something is missing *Wilcox v. Treasury Board (Department of Human Resources and Skills Development)*, 2013 PSLRB 145; *Boisvert v. Treasury Board (Correctional Service of Canada)*, 2022 FPSLRB 92; *Public Service Alliance of Canada v. Treasury Board*

(Department of Human Resources and Skills Development), 2012 PSLRB 86; and *Thom v. Treasury Board (Department of Fisheries and Oceans)*, 2012 PSLRB 34).

[48] To focus my task of determining whether the employer provided a current and complete 2011 job description, I will summarize the helpful authorities just noted. Clearly, the employer has the management authority to write job descriptions. The Board's duty is not to reconsider and replace the wording of these documents based upon its own or the grievors' sense of preferred drafting and prose but rather to look for material errors or omissions in the clear and compelling evidence that the grievors provided and ensure that the description contains enough information to accurately reflect what the employee does without delving into minutiae.

V. Allegations and analysis

A. The job description's title

[49] The grievor argues that the "Enforcement Officer" title does not adequately reflect the grievors' duties. It states that the title is essentially a term that was applied exclusively in the EED until the 2011 generic job description was created, when it was applied to both directorates.

[50] Despite the new job title, the public-facing information continues to identify the grievors as wildlife officers and not enforcement officers. The grievors also continue to identify themselves as wildlife officers, which matches the public-facing information. They are also concerned about using a different title when interacting with the public, which could create some confusion.

[51] Mr. Cooke stated the following:

...

This is not a mere technicality. The grievors hold a position which requires facing the public in a multitude of situations such as providing training sessions and awareness sessions, investigations and arrests, and during use of force situations. In each of these situations, properly identifying oneself is important. As such, to maintain their credibility with the public, the grievors must make sure that the way in which they identify themselves matches the information available to the public.

...

[52] The grievors note that in the *Boisvert* decision, the grievors were reclassified from GL-MAN-08 positions with the “General Labourer” title to GL-MAN-07 positions with the “Maintenance Assistant” title, even though they continued to perform the same duties. The grievors grieved their new job description, including the title. The Board concluded:

[55] ... 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.

[53] The grievors argue that *Boisvert* mirrors this case because, when it created the new generic job description, the employer relied on the “Enforcement Officer” title, which had never been applied to the position previously yet still required the grievors to be identified as wildlife officers when dealing with the public. As such, the title of their job description is inaccurate, and the appropriate title should be wildlife officer - senior working level, because that one is still effectively used.

[54] The employer submits that the term “Enforcement Officer” is generic, that it can be applied to officers working in environmental or wildlife enforcement, and that it is used in numerous laws that it administers.

[55] It noted that the Federal Court of Appeal has made it clear that it is not uncommon for employees who have a common job description to have different duties and responsibilities. So long as those different duties and responsibilities all fall within the general language of their common job description. (see *Currie v. Canada (Customs and Revenue Agency)*, 2006 FCA 194, at para. 1).

[56] In *Jennings*, Adjudicator Richardson found that an employee has a right to a statement of duties and responsibilities but not to a particular title for those duties and responsibilities (see paragraph 74).

[57] I agree with those two authorities. A job's title falls within the rights ascribed to the employer to manage the workplace. The Board has clearly stated that the collective agreement rights related to a job description do not extend to the title.

[58] The grievor noted that the Board intervened in *Boisvert* when it found that the title did not reflect the actual duties. I interpret that to mean that the title was virtually erroneous. The evidence before me does not support reaching the same conclusion.

B. Enforcement of provincial legislation

[59] Mr. Cooke noted that the job description does not reference the fact that the grievors are mandated to enforce provincial wildlife legislation, such as the Ontario *Fish and Wildlife Conservation Act, 1997* (S.O. 1997, c. 41).

[60] The evidence of grievor, Mathew Burke, demonstrates that WED officers can and are appointed as wildlife officers under s. 68(2) of *The Wildlife Act* (CCSM, c. W130) of Manitoba and that they can exercise the duties and powers associated with this designation.

[61] For greater clarity, s. 68(2) states the following under the heading "Appointment of officers": "The minister may appoint officers for the purpose of carrying out the Act and the regulations." And s. 69 states the following under the heading "Authority of officer": "For the purposes of this Act, an officer is, and has and may exercise the powers and authority of, a police constable or peace officer."

[62] The grievor argues that the duty to enforce provincial legislation is clearly missing from the 2011 job description, which primarily focuses on the duty to enforce federal legislation.

[63] The employer replied that that is properly captured in the updated job description in the "Skill" section, which reads in part as follows as follows:

...

Enforcement of wildlife conservation legislation:

Knowledge and understanding of, and skill and experience in enforcing and applying an extensive body of federal Acts, Regulations, policies and directives, including Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRITA), Wildlife Animal and Plant Trade Regulations, Migratory Birds Convention Act 1994(MBCA),

Migratory Bird Regulations, Migratory Bird Sanctuary Regulations, Canada Wildlife Act and Regulations (CWA), Species at Risk Act (SARA) and associated orders, Antarctic Environmental Protection Act, Convention on International Trade in Endangered Species (CITES), EVAMPA, United States Lacey Act, and provincial wildlife legislation, and relevant jurisprudence to interpret and apply this legislation during significant sensitive investigations and inspections, and to provide advice to prosecutors to ensure successful prosecution of alleged violators.

...

[64] In its rebuttal submission, the grievor concedes that as the employer pointed out, the 2011 job description does indeed state in the “Skill” section that the job requires knowledge of “... provincial wildlife legislation, and relevant jurisprudence to interpret and apply this legislation during significant sensitive investigations and inspections, and to provide advice to prosecutors to ensure successful prosecution of alleged violators.”

[65] After it made that concession in its rebuttal submission, the grievor then requested that the skill related to provincial wildlife legislation be added to the “Client Service Results” section.

[66] The “Client Service Results” section is composed of three-and-a-half lines of text that summarize the results of the officers’ job and include no detail about knowledge of provincial legislation.

[67] Elevating one of the many knowledge skills that the officers require to be included in this summary statement makes no sense. This particular skill is clearly included in the 2011 job description. As such, it is not the Board’s role to intervene, edit, and add repetition.

C. The requirement to carry a sidearm

[68] The grievors note that they are required to carry a sidearm in the course of their duties. They submit that the purpose is to defend themselves in life-threatening situations. They are required to carry it whenever they conduct enforcement activities. As such, every enforcement-related task that they perform is affected by the enormous responsibility and decision making that comes with carrying a sidearm.

[69] While the job description does reference the application of lethal force, the grievors argue that the wording is vague and that it could apply to any tool or physical

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method that is capable to killing or harming a suspect. The *Carter v. Treasury Board (Department of Fisheries and Oceans)*, 2011 PSLRB 89, decision established the importance of firearms and how they stand out from other types of tools as follows:

...

21. On the other hand, the employer may not avoid its obligations by using vague or general wording that does not fully describe an employee's work. It may also not omit information in a statement of duties because it applies to only some of the time the employee spends performing his or her duties.

...

26. As for skills, I agree with Mr. Carter that handling and using a firearm constitutes a specific skill important and distinct enough to be mentioned in the "Skills" section of the statement of duties. As the employer argued, it is true that a firearm is a work tool, but that tool is substantially different from a fishing rod, a net or a launch. Canadian laws require firearm users to take a firearm handling course and to acquire a licence to possess or use one. Mr. Carter is required to have those qualifications and skills to perform his work. That should be reflected properly in the "Skills" portion of his statement of duties. It is of little importance that Mr. Carter uses a firearm for only a few weeks per year. He must always possess those skills or qualifications.

...

[70] The grievors submit that in this case, they are required to have the appropriate training to carry a sidearm. It is also important to note that in contrast to *Carter*, the grievors are required to carry a sidearm to defend themselves from other people, as opposed to animals. This further highlights the significance of sidearms for WED officers and why this aspect of their position should be adequately reflected in their job description. The "Client Service Results" section already references generalities about the position, such as it having peace officer status. It is equally important to highlight in this section the fact that the position is armed.

[71] The employer argues that it addressed this issue during the job-description review process. It argues that the treatment of firearms is properly captured in the updated job description in the "Skill" section as follows:

...

Knowledge of the principles and techniques of the Incident Management/Intervention Model (Use of Force Theory) to ensure officer safety, involving the application of appropriate

force, including lethal force, for the purposes of protection while enforcing the legislation under which the officer is designated.

...

[Emphasis in the original]

[72] It also notes that firearms are included in the “Communication” part of the “Skill” section, as follows: **“Skills and hand-eye coordination are required to safely handle and use firearms and / or other defensive weapons for personal protection and / or protection from predators”** [Emphasis in the original].

[73] And in the “Technical” part of the “Responsibility” section, this is noted: **“The work requires the custody, use and maintenance of vehicles, boats and personal issue enforcement equipment items (e.g. firearms (when issued), batons, OC spray, two-way radios, personal protective clothing, etc.)”** [Emphasis in the original].

[74] The employer also notes this from the “Psychological” part of the “Working Conditions” section: “There is a requirement to carry defensive weapons [*sic*] the performance of enforcement duties.”

[75] The employer argues that a firearm is a defensive tool, which, along with pepper spray, a baton, handcuffs, two-way radios, and soft body armour, are available to enforcement officers for carrying out enforcement activities. The requirement to carry and possibly use a firearm as a defensive tool does not elevate carrying it to a key activity or warrant including it in the “Client Service Results” section, as the grievors proposed in their written submissions.

[76] In its rebuttal submission, the grievors state that the employer’s acknowledgement of added text in the “Skill” and “Responsibility” sections of the revised job description supports its claim that firearm use is notable and deserving of being included in the “Client Service Results” section. It notes that the term “Peace Officer” is in the both the “Client Service Results” and “Responsibility” sections.

[77] In my analysis of this issue, I conclude that it is not a valid answer for the employer to state that the matter of enforcement officers carrying a gun has been better reflected by changes to the job description since this grievance was filed. This grievance adjudication is focused solely upon the 2011 job description.

[78] However, in both its submission on the merits of the matter and its rebuttal, the grievor asks only that the officers being armed be reflected in the “Client Service Results” section. I decline this request for the same reasons noted in the previous section, about the provincial legislation. Carrying a sidearm is not a client-service outcome.

D. Surveillance, and undercover investigations

[79] The grievors argue that the terms “surveillance” and “undercover investigation” are missing from the “Key Activities” section. While this section does mention “intelligence collection”, they allege that that term is too general to identify what the grievors do. It can include several less-demanding activities, such as online research and contacting other law enforcement agencies, which are covered in *Directive 4-6-9 Open-source Information Collection*, in the part about consulting other law enforcement agencies.

[80] The grievors submit that in contrast, surveillance and undercover investigations are substantially different from computer-based intelligence-gathering activities because they are stressful, require specific training, and are potentially life threatening. As stated in the *Carter* decision, a duty that is considerably different should be adequately reflected in the job description.

[81] The grievors also note that the 2021 (the employer refers to this as the 2020 job description) job description specifically references surveillance and undercover investigation in the “Key Activities” section. The grievors state that the term “surveillance” is missing from the first bullet of the “Efforts” section, despite all the other key activities being referenced. Therefore, it should also be included in this section.

[82] The employer replied that this item is properly captured as follows in the updated job description, in the “Key Activities” section:

...

[30] ...

Conduct search warrants, collect and analyze searches and seizure of evidence gathered; prepare court briefs, conduct surveillance, undercover operations, and forensic interviewing; take witness statements, perform arrests and detentions under oath.

[31] Surveillance and undercover investigations are short-term techniques used to gather information on suspect(s) and are occasionally used to advance investigations and intelligence files. They are infrequent and tightly controlled.

[32] As specified in the Skills section of the updated job description, Enforcement Officers require some knowledge of surveillance and undercover investigations: "Knowledge of the use of, and techniques pertaining to, surveillance, informant handling, undercover operations, and computer forensics." However, only a small number receive training to perform as a covert operator, cover officer or mobile surveillance team member when required.

...

[83] I agree with the grievors' statement in its rebuttal that it is no answer to this adjudication about the 2011 job description for the employer to state that this concern was remedied in the 2020 revised version of the job description.

[84] Given the employer's admission that revision on this point was required in 2020, and given that it did not contest that the enforcement officers' job related to this point is essentially the same as it was in 2020, I conclude that the 2011 job description, as it relates to surveillance and undercover investigations, is lacking and order that it be revised by adding the same text in the same section as was done in the 2020 version of the job description.

E. Management does not review all the grievors' enforcement responses

[85] The grievors argued that as evidenced by the decision matrix, they do not require management's approval to conduct certain enforcement responses. The way this duty is written in the "Key Activities" section diminishes the level of independence that they exercise. And it suggests that all their enforcement actions are subject to management's approval. As such, clarifying that some duties are not subject to management's approval would be more accurate.

[86] The employer replied that the level of independence afforded to enforcement officers in the current job description is appropriate. For example, the "Client Service Results" section states that they plan, lead, and conduct inspections and investigations for the enforcement program, to ensure that damages and threats to the natural environment are minimized through the enforcement of legislation for the benefit of all Canadians and the international community.

[87] In its rebuttal on this point, the grievor clarified that it is simply arguing that officers carry out certain enforcement actions without the need for prior management approval.

[88] As noted in the employer's submission on this point, the 2011 job description clearly states this at the beginning of the "Client Service Results" section:

Client Service Results ...

Plan, lead and conduct inspections and investigations in the Region for the enforcement program, to ensure that damages and threats to the natural environment, its ecosystems and biodiversity, are minimized through enforcement of EC administered legislation for the benefit of all Canadians and the international community.

Note: This is the fully functioning officer that operates under minimal supervision. They plan, lead and conduct inspections and investigations without needing to seek guidance on every step but still know when to report on what they are doing and seek advice related to the direction the Branch wants to go. They routinely deal with other agencies and work in partnership as required. They can participate in regional and national working groups and even lead these groups as required.

...

[89] Having reviewed the language of this brief section of the 2011 job description, I am not convinced by the grievor's submissions that its concern that the independent conduct of some job is not reflected in the description's language is supported by the actual text at issue.

[90] I read the text as stating that the enforcement officers do indeed have the freedom to carry out many self-directed tasks that do not require management's oversight. But as in any job, the officers must know when some direction is required, when to report on what they are doing, and when to seek advice related to the direction of the Branch.

[91] The grievor failed to provide clear and compelling evidence and establish on a balance of probabilities that a complete and current statement of duties has not been provided as related to this issue of management not reviewing all enforcement responses.

F. Firearms training

[92] The grievor submitted that WED officers can also be designated basic firearms instructors (“BFIs”), train new recruits on the use of firearms, and recertify them. While the 2011 job description does mention that WED officers “... train or mentor other officers on enforcement duties ...”, the grievors argue that this reference is too vague to include training as dangerous as firearms training, which is not like any other type of training.

[93] The grievors argue that *Carter* highlights the fact that in general, firearms are not a simple tool and that they should be appropriately referenced in the 2011 job description.

[94] The employer replied that this item is properly captured in the updated job description as follows in the “Skill” section:

...

Knowledge of the principles and techniques of the Incident Management/Intervention Model (Use of Force Theory) to ensure officers safety, involving the application of appropriate force, including lethal force, for the purposes of protection while enforcing the legislation under which the officer is designated.

...

[95] It is also in the “Physical” part of the “Effort” section, as follows:

...

There is a requirement to be trained for and to use force to arrest or use self-defense [sic] techniques to protect officers and persons under their care and control from harm. This is physically demanding and may result in injury or death. There is also requirement to train in, recertify and practice these techniques.

...

[96] And it appears in the “Health & Safety and Care of Individuals” part of the “Responsibility” section, as follows:

...

Responsible for ensuring occupational health and safety of self, partners, team members, new enforcement officers, etc. during enforcement activities by conducting appropriate and ongoing risk assessments, using appropriate personal protecting equipment,

briefing others on potential sources of danger, and planning and implementing safety and emergency measures. This is a shared responsibility.

...

[97] The employer argues that the grievors have overemphasized the importance of firearms training. Firearms are considered a tool, with training and standards that the enforcement officers must follow. However, they must be trained on a variety of other tools for their safety. All enforcement officers are trained, and must regularly requalify on, the use of force, which includes legal authorizations, verbal de-escalation and control techniques, self defence, and defensive equipment, including soft body armor, a collapsable baton, pepper spray, weapons of opportunity (e.g., a tree branch or rock).

[98] In rebuttal on this point, the grievors simply stated again that their submission was focused upon trainers and not trainees.

[99] In *Carter*, the Board addressed the matter of a job description properly noting the important fact that the officers' defensive toolset includes a firearm. And it has already been addressed in this decision.

[100] Adding the role of some officers acting as trainers, which would include firearm training, is not necessary. Any such specific firearms training duties of an officer are implied within the text cited in this section.

G. First-responder duties

[101] The grievors submit that first-responder duties are missing from their job description. Those duties relate to intervening in accidents and detaining suspects when policing offences are discovered during an investigation.

[102] The grievors note that WED officers can temporarily act as first responders when they arrive at the scene of an accident involving vehicles or vessels and also that WED officers are required to intervene at the scene of an accident, including those in which they are not involved. This intervention can include securing the scene and providing first aid while specialized services are on their way. WED officers are also paid an annual first-aid allowance.

[103] The grievors note that the WED's annual summary for 2013-2014 also highlights the fact that WED officers were required to assist civil authorities rescuing stranded individuals in Calgary.

[104] The grievors argue that even if those duties are not strictly related to wildlife protection, the employer's directives and policies clearly lay out the expectations for what the grievors are required to do in these situations. Despite this, they are not included in the job description. Further, the case law clearly states that a job description must not omit a reference to a particular duty or responsibility that an employee is required to perform.

[105] The employer replied to this submission and stated that this item is properly captured within the updated job description in the "Health & Safety and Care of Individuals" part of the "Responsibility" section, which states that all enforcement officers are required to do the following:

...

Ensure the safety and well-being of individuals for whom the officer is legally accountable and responsible as a result of specific law enforcement circumstances, related to ECCC's mandate, such as: during the course of arrests, during periods of detention, during the course of cautioned interviews.

Ensure the safety and well-being of all passengers while operating enforcement patrol vehicles and vessels in support of departmental programs.

Give first aid if needed, or arrange transportation to a medical establishment in case of accident or injury.

...

[Emphasis added]

[106] The employer further submitted that at page 8, the grievors' written submissions reference first-responder duties relating to intervening in accidents and detaining suspects when policing offences are discovered during an investigation.

[107] The employer noted that in the grievors' submissions, at Appendix B, they proposed adding, "Wildlife Officers will act as first responders at the scene of accidents if required and when other offence types that are not mandated by EC be discovered during investigations" as a new key activity. It stated that these amendments are not required.

[108] It also submitted that treating enforcement officers as first responders has risks if they act outside their authority. In some instances, they could not qualify for legal assistance and indemnification policies or compensation under the *Government Employees Compensation Act* (R.S.C., 1985, c. G-5).

[109] Protections and expectations for enforcement officers as first responders differ across the provinces. Enforcement officers can provide first aid at an accident if they have received first-aid training. For detaining suspects when policing offences are discovered, apart from special circumstances ordered by a police organization for a specific situation, enforcement officers are expected to call the police immediately for assistance if they discover violations outside the EB's mandate.

[110] I note that Mr. Cooke's written statement, states that WED officers are required to intervene at the scene of an accident, including those in which they are not involved. This intervention can include securing the scene and providing first aid while specialized services are on their way (at paragraph. 44). The employer's submissions confirm this submission by stating, "Enforcement Officers can provide first aid at an accident if they have received first aid training" (at paragraph. 38).

[111] In conclusion on this point, I find that the first-aid aspect of the officers' job is adequately captured in the 2020 version of the job description. Given the fact that there are no submissions that it was newly introduced to the officers' job in 2020, I find that this text is missing from the 2011 job description and order that it be added.

H. Knowledge of foreign countries' legislation

[112] The grievors submit that the 2011 job description mentions that they require knowledge of international trade acts and conventions, as well as *The Lacey Act* (16 U.S.C. 3371 et seq.) of the United States. But they allege that it fails to mention that the grievors are required to have knowledge of the wildlife legislation of other countries, excluding the United States. Recognizing only the knowledge of United States legislation — although it is a major source of imported wildlife — does not paint an adequate picture of the knowledge required of the grievors.

[113] The employer replied that this item is properly captured as follows within the updated job description in the "Skill" section:

...

Knowledge of relevant international agreements (e.g., Basel, trade agreements, and Montreal Protocol, CITES, Mutual Legal Assistance Treaties, UN Convention on Transnational Organized Crime) as well as the roles and responsibilities of the U.S. Environmental Protection Agency, US Fish and Wildlife, and state governments, and other international partners, to allow cooperative work with them on inspections, investigations and intelligence gathering/sharing.

...

Enforcement of wildlife conservation legislation:

Knowledge and understanding of, and skill and experience in enforcing and applying an extensive body of federal Acts, Regulations, policies and directives, including Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRITA), Wildlife Animal and Plant Trade Regulations, Migratory Birds Convention Act 1994 (MBCA), Migratory Bird Regulations, Migratory Bird Sanctuary Regulations, Canada Wildlife Act and Regulations (CWA), Species at Risk Act (SARA) and associated orders, Antarctic Environmental Protection Act, Convention on International Trade in Endangered Species (CITES), EVAMPA, United States Lacey Act, and provincial wildlife legislation, and relevant jurisprudence to interpret and apply this legislation during significant sensitive investigations and inspections, and to provide advice to prosecutors to ensure successful prosecution of alleged violators.

...

[Emphasis in the original]

[114] I conclude on this point that this aspect of the grievors' job is adequately captured in the 2020 version of the job description. Given the fact that the employer provided no submissions on this matter being newly introduced to the officers' job in 2020, I find that this text is missing from the 2011 job description and order that be added.

I. Knowledge of recreational activities, such as hunting, fishing, boating, and the online trading of pets

[115] The grievors submit that they require knowledge of recreational activities, such as hunting, fishing, boating, and pets being traded online, to be effective in their duties. In his written statement, Mr. Cooke states that knowledge of hunting, fishing, and boating allows the grievors to locate, identify, safely approach, and investigate such activities. Knowledge of the online pet trade allows them to detect unusual activity and investigate the provenance of animals being sold online. They argue that

this knowledge is completely missing from the knowledge section of the 2011 job description.

[116] The employer replied by stating that hunting, fishing, and boating are regulated activities and that the online pet trade is a commercial activity. It argues that this item is properly captured in the updated job description in the general “Client Service Results”, as follows:

...
Plan, lead and conduct inspections and investigations for the enforcement program, to ensure that damages and threats to the natural environment, its ecosystem and biodiversity, are minimized through enforcement of ECCC legislation for the benefit of all Canadians and the international community
...

[117] It also notes this from the “Key Activities” section:

...
Assists in the development and delivery of training and/or mentoring other officers on enforcement activities. Develop and deliver training, promote program acceptance and program delivery strategies to effectively and efficiently deliver the enforcement program.
...

[118] And it notes this from the “Skill” section:

...
Knowledge of the operations of commercial activities such as international and interprovincial trade, natural resource extraction, wildlife harvesting and habitat protection, commercial transport, pipelines, mining exploration, etc., which are subject to environmental legislation and regulations, in order to conduct inspections, investigations, and intelligence, and to provide subject matter expertise.
...

Enforcement of wildlife conservation legislation:

Knowledge and understanding of, and skill and experience in enforcing and applying an extensive body of federal Acts, Regulations, policies and directives, including Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRITA), Wildlife Animal and Plant Trade Regulations, Migratory Birds Convention Act 1994(MBCA),

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

Migratory Bird Regulations, Migratory Bird Sanctuary Regulations, Canada Wildlife Act and Regulations (CWA), Species at Risk Act (SARA) and associated orders, Antarctic Environmental Protection Act, Convention on International Trade in

Endangered Species (CITES), EVAMPA, United States Lacey Act, and provincial wildlife legislation, and relevant jurisprudence to interpret and apply this legislation during significant sensitive investigations and inspections, and to provide advice to prosecutors to ensure successful prosecution of alleged violators.

...

Trends and developments in the fields of enforcement, endangered species protection, and international criminal activities, to target individuals and companies for investigation, and effectively conduct enforcement activities such as inspections, investigations, and intelligence.

The operations of regulated facilities, locations and activities, which are subject to regulation, to conduct compliance inspections, and provide subject matter expertise to partners.

...

[Emphasis in the original]

[119] Finally, it notes this from the “Effort” section:

...

Investigate or inspect specific incidents and cases of suspected non-compliance with legislation and regulations, and establish the causes and whether or not due diligence was exercised, considering relevant precedents, before arriving at a decision to prosecute.

...

[120] In conclusion on this issue, I find that as the employer noted, the updated job description does adequately include knowledge that the grievors allege is missing. However, these references must also be included in the 2011 job description.

J. Specialized vehicle-operation skills

[121] The grievors argue that they are required to have specialized skills to operate motor vehicles, snowmobiles, boats, and ATVs. Mr. Cooke stated that they operate these vehicles in all sorts of weather conditions, both at night and during the day. He also stated that they receive training on how to operate them and on how to safely close distance to suspects in such a vehicle. They are required to use the “Incident Management Intervention Model” in such situations. The grievors who perform mobile surveillance also receive tactical-driving training.

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

[122] Mr. Cooke added that operating those vehicles does not in and of itself require specialized skills. Doing so in a law-enforcement context requires additional training that goes beyond what an average person might receive. As such, both the knowledge to operate the vehicles and the skills required to operate them in a law-enforcement context should be reflected in the job description.

[123] In their rebuttal submission on this point, the grievors noted Mr. Jordan's written statement to support their arguments that specialized skills should be featured in the job description. He stated as follows:

...

[97] Surveillance, like undercover, is a technique used to gather information on a suspect and / or associates. It is not an end unto itself. During surveillance, officers will conceal their identity by not wearing a uniform and by driving an unmarked vehicle, but do not interact with the suspect. There are three principal methods used: mobile surveillance (usually in a vehicle or on foot), static (stationary) surveillance and drive-by verification of a location. Mobile surveillance requires specific training and operations [sic] required Regional Director approval during my time with EB; static and drive-bys did not. During the 2010s, I recall two of five WED regions and one EED region were trained and used mobile surveillance as a technique to advance investigations and intelligence probes. As with any sub-specialized activity, only some officers were trained.

...

[99] Within EB, there are many specialized skills and roles that are done on a part-time basis by Enforcement Officers as well as by Intelligence staff and some Operational Managers. This is common in regulatory law enforcement organizations. Most of these require specific training and skills upkeep; they are not done by all officers. Some EB examples are: undercover operator, ATV / snowmobile instructor, mobile surveillance, toxic substances sampling instructor, firearms instructor, breathing apparatus instructor, computer forensics extraction, venomous reptile handling, and high-speed vessel operator. This is not unlike a medium-sized police service which may have a part-time diver team and an as-needed crowd intervention team, where officers train and participate on an [sic] low-frequency, as-needed basis.

...

[124] Relying on that statement, the grievors argue that they seek to define their skills as "Specialized" because the maneuvers that they perform (such as closing the distance and mobile surveillance) require a set of skills that an average driver does not

have. It is true that the grievors are not expected to act dangerously. However, they still use specialized skills when performing these maneuvers, even if they are not dangerous. Further, the grievors receive extensive training on operating different vehicles and must apply the Incident Management Intervention Model while operating them.

[125] The employer replied by stating that this item is properly captured in the updated job description in the “Communication” part of the “Skill” section, as follows:

...

Skills are required to safely operate and maintain different types of motorized terrestrial and aquatic vehicles, such as cars, off-road trucks, all-terrain vehicles, snowmobiles, boats, vessels, fast rescue craft, and airboats, as well as specialized navigation equipment, such as radar, FLIR, marine charts, and plotting.

[42] Enforcement Officers receive training on vehicle operation which requires them to demonstrate and possess normal operating skills. Chasing vehicles and boats are not permitted; Enforcement Officers are not expected to act unsafely nor in dangerous situations. At all times, Officers must also respect road rules and regulations.

...

[126] In conclusion on this point, I am unconvinced by the grievors’ statements and arguments that the job description is deficient or erroneous in any way. I find that the training on and use of job vehicles is adequately described in the job description.

K. Firearms knowledge

[127] The grievors allege that the job description does not reference the knowledge of non-ECCC weapons, such as hunting rifles, shotguns, prohibited firearms, and restricted firearms, even given the following:

...

- *have multiples [sic] different components;*
- *are trained to handle them;*
- *are required to inspect them; and*
- *are required to adequately store them as evidence.*

Written Statement of facts of Justin Cooke, paras. 79-80

Written Statement of facts of Phaeton Melis, paras. 11-14

...

[128] The grievors note that the *Carter* decision highlights the fact that firearms are not simple tools, as they are dangerous. As such, the knowledge required to safely inspect and store them should be adequately referenced in the job description. The employer replied that this topic is properly captured in the updated job description in the “Communication” part of the “Skill” section, as follows: “Skills and hand-eye coordination are required to safely handle and use firearms and / or other defensive weapons for personal protection and protection from predators.”

[129] And it noted that the “Technical” part of the “Responsibility” section states this: “The work requires the custody, use and maintenance of vehicles, boats and personal issue enforcement equipment items (e.g. firearms (when issued), batons, OC spray, two-way radios, personal protective clothing, etc.)” [emphasis in the original].

[130] In the grievor’s written submissions, at page 9, it relies on *Carter* to highlight that firearms are not simple tools and that the knowledge required to safely inspect and store them warrants identification in the job description. The employer submits that *Carter* does not stand for that proposition. It was premised on Mr. Carter’s allegation that he was required to use firearms when performing his job and that nothing to that effect appeared in his statement of duties. This is distinguishable from the case at bar.

[131] Enforcement officers are expected to be fully comfortable handling the firearms that the EB uses. There is no expectation for them to know how to handle all types of firearms. For other types of hunting firearms, they are taught to ask hunters to put aside their firearms or to carefully discharge them before proceeding with an inspection.

[132] In conclusion on this allegation, I rely upon the statement of Jonathan Campagna, Executive Director of Operations, who submitted this:

...

10. Clarification on section 13- firearms knowledge): It is true that officers encounter different types of firearms when they are doing MBCA patrols and hunter checks. Employer expectation is that officers are fully comfortable to handle EB firearms (duty pistols and shotguns). For other type of hunter firearms, what is taught by BFIs is to ask hunters to put aside their firearms or to carefully

*discharge them before officers will proceed to the inspection. EB is not expecting that officers know how to handle all types of firearms. Manipulation of different firearms is not taught on [sic] the same depending on the region officers are working and their ease with them. **Experience, background and mentoring are helping officers to be more familiar with manipulation of hunting firearms.***

...

[Emphasis added]

[133] I note with interest in that statement of Mr. Campagna where I have added emphasis, confirms that the grievors are apparently required to have familiarity with manipulating hunting firearms. This fact is lacking in the “Skill-Knowledge” section of the job description. Those words from Mr. Campagna’s statement must be added to those sections of the 2011 job description.

L. Communication with Indigenous peoples

[134] The grievors point to the “Written Statement of Facts” of grievor Steven Allan which states that the grievors communicate with Indigenous peoples on issues related to land claims, trades, and sales. They also job with Indigenous peoples in the context of employer’s Guardian Program, the details of which are not relevant to this decision. While this skill is not referenced in the 2011 job description, it is referenced in the 2021 job description.

[135] The employer replies and acknowledges that communications with Indigenous peoples was added to a later job description and argued that therefore, this issue is moot.

[136] I disagree. This grievance is about the 2011 job description. Given the lack of any evidence or argument from the employer that this matter was not part of the grievors’ job in 2011, I must conclude that therefore, it is missing from the 2011 description and order that new text about this in the later description be added to the 2011 version.

M. Communication skills to present evidence to and seek warrants from a justice of the peace

[137] The grievors submit that the job description in the “Skill” section mentions that they are required to have the skills necessary to do the following:

- *develop the information to obtain a warrant*
- *execute the warrant; and*
- *reporting the result to a justice*

[138] They argue that the job description is silent on the fact that the grievors apply for warrants before justices of the peace and must justify their applications. The state that this is an important part of the warrant process and should be adequately reflected in the job description. The employer replied that this item is properly captured in the updated job description. An enforcement officer appearing before a justice of the peace is part of the process for obtaining a warrant and is captured in the “Skill” section as follows:

...

Knowledge of the methods and techniques of collecting evidence, including the development and swearing of an [sic] information to obtain a warrant or production order, executing the warrant, securing the evidence, and reporting to a Justice the results of the warrant.

...

[139] I conclude on this point that the job description is not deficient as alleged, given the fact that it includes swearing information, which can be interpreted include an appearance and communication with a justice of the peace.

N. Financial resources

[140] The grievors submit that a revised job description referenced the use of credit cards only under “Financial Resources”. However, they argue that the duties related to tracking and forecasting expenses are not mentioned and should be added to the job description. The employer submits in reply that this item is properly captured in the updated job description in the “Financial” part of the “Responsibility” section, as follows:

Estimate and track costs, identify and report on milestones to effective and efficient use of allocated resources related to enforcement projects.

Uses government issued acquisition cards, and travel credit cards for authorized business purposes.

[141] In conclusion on this allegation, I note Mr. Cooke's following statement that addresses cost tracking:

...

[49] This item is properly captured in the updated job description in the Responsibility section, Financial subsection:

Estimate and track costs, identity [sic] and report on milestone to effective and efficient use of allocated resources related to enforcement projects....Uses government issues [sic] acquisition cards, and travel credit cards for authorized business purposes.

...

[142] This evidence that the grievor relied upon in its argument on this point lacks any reference to whether cost tracking was part of the grievors' duties in 2011. Given the significant passage of time between 2011 and cost-tracking's addition to the 2020 job description, I am not open to infer that as I have done in other sections of this decision, this duty was necessarily part of the grievors' duties during the time at issue in this matter. This is unlike the revised text about Indigenous peoples communications, about which I was able to infer that necessarily, in 2011, the grievors' job duties included this important task.

[143] For the reasons that I have stated earlier in this decision, the grievance is allowed in part.

[144] For all of the above reasons, the Board makes the following order:

(The Order appears on the next page)

VI. Order

[145] I order the 2011 job description that is subject of this grievance amended in a manner consistent with the conclusions stated throughout this decision.

August 28, 2025.

**Bryan R. Gray,
a panel of the Federal Public Sector
Labour Relations and Employment Board**