



ESSENTIAL SERVICES

Under the old Act, this process used to be called designations. The recently enacted *Public Service Labour Relations Act* (PSLRA) provides for a process where the bargaining agent and the employer negotiate an “essential services agreement”.

Each agreement will deal with three issues:

- Identify the services that are essential;
- What level of essential service is being provided; and,
- How many employees are required to maintain that level of service.

This is a change from the previous process where even if a job description involved a small percent of the essential services, the position was designated. Under the new law, if there are 100 jobs that involve duties deemed “essential”, but only about 25% of the job relates to these essential duties, then only 25 positions will be deemed “essential”. While the union and the employer must negotiate the above three issues, the employer can unilaterally decide what level of essential service must be provided.

Another change from the previous legislation is the way that essential services are defined. It now includes “facilities” and refers to “a segment of the public” as well as the general public.

Contrary to the belief of many federal public service workers, it is the position – and not the individual – that is designated. Workers occupying designated positions are prohibited from going on strike. Designated positions typically include: Meat Hygiene Inspectors, certain positions in Laboratories, Maintenance Workers, etc.

The process for informing incumbents of designated positions has also changed with the new legislation. While the employer is still required to advise each individual of their designation status, the exact process for doing this has not, as yet, been agreed upon with the various employers whose employees are represented by the Agriculture Union. The essential services agreement remains in effect until it is renegotiated and the renegotiation can be triggered by either party.

The Agriculture Union will be involved in negotiating these Agreements with its various employers and will heavily depend on information provided by our Locals regarding the work of our members. As before, the process of negotiating essential services begins once Notice to Bargain for a bargaining unit has been served with the employer. Under the new legislation, a bargaining agent cannot call a strike until an Essential Services Agreement is in force and 30 clear days have elapsed.

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