

TERMS OF REFERENCE

for

**The Canada Revenue Agency and PSAC-UTE's
Panel on Virtual Work Agreements**

CONTEXT

The Canada Revenue Agency and PSAC-UTE's Panel on Virtual Work Agreements (hereinafter "Panel") has been created as a result of the *Letter of Agreement between the Canada Revenue Agency (CRA) and the Public Service Alliance of Canada – Union of Taxation Employees (PSAC-UTE) with respect to the Directive on Virtual Work Arrangements*.

The purpose of the Panel is to help address dissatisfaction with decisions resulting from the application of both the [Directive on Virtual Work Arrangements](#) (hereinafter "the Directive") and the [Requirement for on-site presence at the CRA](#), which may be amended from time to time.

OBJECTIVE

This document is intended to clarify roles and procedures for the operation of the Panel.

GUIDING PRINCIPLES

Panel meetings will be conducted in an atmosphere of mutual respect and trust.

The Panel members are committed to:

- Sharing information and having frank discussions;
- Being open to the ideas of others and different points of view; and,
- Being constructive, fair, sensitive, courteous and professional.

COMPOSITION OF PANEL

The Panel will be composed of six (6) members, with equal representation from the Employer and the PSAC-UTE.

The Panel members are:

For the Employer:

Natalie Waples
Director General,
Workplace Relations and Compensation
Directorate

For PSAC-UTE:

Shane O'Brien
Senior Labour Relations Officer

Heather DiPenta
Director General,
Leadership and Learning Directorate

Daniel Camara
Executive Assistant to the National President

Frank Pagnotta
Director General,
Partnerships Directorate

Kristina Cooke
Labour Relations Officer

Alternate members:

Kira Sherry
Director General, Contact Center Services
Directorate

Wael Afifi
Senior Labour Relations Officer

The parties agree that the Terms of Reference will not need to be reopened to add, remove or otherwise change the members of the Panel.

MEETINGS

Meetings will be convened monthly, unless otherwise agreed to by the Panel members. The specific time and dates of the meetings will be mutually agreed upon and will normally be scheduled during working hours.

QUORUM

The Panel will require equal representation from both sides for a meeting to be called to order. At a minimum, there must be two representatives of the Employer and two representatives of the union in attendance.

NOTIFICATION

The Panel Secretary will endeavour to send the notices of upcoming meetings, agenda items, and any other necessary documentation to all Panel members, at least two (2) weeks prior to the meeting.

LANGUAGE

Meetings will be conducted in accordance with the provisions of the Official Languages Act.

MINUTES

Minutes will be prepared by the Panel Secretary which will reflect the date, time and attendees at the meeting, as well as the cases which were deliberated during the meeting.

ROLES AND RESPONSIBILITIES

Panel Members

- To hear and evaluate the submissions presented by the Union representative and the Labour Relations Advisor , to pose clarification questions, as required, and to review all documents in good faith.

Co-Chairs

- To act as a facilitators, to determine and explain procedures and to ensure that the representatives of the parties are accorded a full and fair opportunity to make their respective cases.
- To ensure that the results of the Panel's review of the case and recommendation are reported accurately and fairly.

Panel Secretary

- To co-ordinate and schedule the grievances which will be discussed by the Panel and ensure that any documentation required is received from the parties and provided to the Panel members in advance of the meetings.
- To prepare minutes of the Panel meetings and record case recommendations.

Union Representative and Employer Representative

- To co-operate in the scheduling of Panel meetings, and to ensure that copies of written submissions and all supporting documentation of the representative's position are provided in advance of the meeting.
- To present their case in a clear and concise fashion, as necessary before the Panel, and to answer clarification questions posed by Panel members.

PROCESS

Representations to the Panel

- Requests for accommodation that fall under the *Canadian Human Rights Act* will continue to follow the normal CRA procedures and processes.
- Requests for exceptions to the Requirement for on-site presence at the CRA will continue to follow the normal CRA procedures and processes.
- Once the grievance has been referred to the final step of the grievance process, the employee or union may refer the grievance to the Panel, at which point the grievance will be held in abeyance pending the completion of the review by the Panel.
- Representations can be made orally or via written submissions, depending on the agreement reached by the representatives. Should one or both representatives decline to make a presentation, the Panel may make its recommendation based on the information that is available. Employees should not present their cases at the panel discussions.
- Ahead of the meeting, Panel members will be provided with a copy of the grievance presentation form and decisions rendered by management at each previous grievance level. The Panel will also receive any original requests made by the employee for accommodation and/or for an exemption to the Requirement for on-site presence at the CRA, as well as management's response thereto.
- Oral and written submissions are normally made in the official language in which the grievance was presented by the employee.

Conduct of the Meeting

- The Panel's review of the grievance occurs outside of the grievance process, after the grievance has been transmitted to the final level of the grievance process. During the review process, the grievance shall remain in abeyance.
- Strict rules of procedure and of evidence do not apply, witnesses are not called, and exhibits are not formally admitted. The process should be flexible with the aim of obtaining and discussing the information needed to arrive at a recommendation. The Panel has a fundamental obligation to give each of the representatives a full and fair opportunity to present their respective cases. Due caution should be exercised where evidence is presented without clear foundation (e.g., as in the case of hearsay).

- The co-chairs determine procedures for the review and decides all procedural issues that arise. As a general guideline, the following process is recommended:
 - i. The co-chairs introduce all attendees, outline the purpose of the meeting, determine the procedure to be followed, and whether there are any preliminary issues to address.
 - ii. The Union representative makes their oral presentation, if this is the method chosen. Panel members pose clarification questions.
 - iii. The Employer representative makes their oral presentation, if this is the method chosen. Panel members pose clarification questions.
 - iv. The Employer representative is offered an opportunity to comment on the grievor's case.
 - v. The Union representative is offered an opportunity to comment on the employer's case.
 - vi. The Panel members pose final clarification questions.
- Should written submissions be the chosen method to review the case, they will be provided in advance of the Panel meeting. Members should come prepared to discuss the case.
- Following the conclusion of the presentations, the representatives will leave the meeting so that Panel members may deliberate. The representatives should remain available for a short period, in case the Panel wishes to pose additional questions. In exceptional cases, the Panel may request further information from the representatives in writing or request that they reappear before the Panel. Whenever further information is requested in writing, both representatives must be given the opportunity to comment on the information provided, either in writing or in person, as determined by the Panel.
- Deliberations are based on evidence submitted by the parties. It is not appropriate during deliberations for Panel members to introduce information specifically related to the grievance beyond what has been presented by the representatives. If Panel members feel that other pertinent information should be made available, a request for this information should be made to the representatives.
- During the deliberation phase, the Employer and Union members of the Panel may caucus to discuss the grievance.
- While there may be disagreements between the parties during discussions, the parties should try to reach consensus on the recommendation.

RECOMMENDATION

The Panel will endeavor to provide a recommendation within 60 days or less from the date of the meeting where the grievance was presented to the Panel, unless the parties mutually agree to extend the timelines.

The Panel will submit a non-binding recommendation to the Assistant Commissioner, Human Resources Branch and Chief Human Resources Officer, for their consideration as the delegated authority for final level grievances.

Two essential elements appear in the Recommendation:

1. A statement regarding the conclusion reached by the Panel, confirming whether or not the employee was treated in accordance with the provisions of the Directive or the Requirement for on-site presence at the CRA; and
2. The reasons why the Panel reached this recommendation, including which specific provision(s) of the Directive and/or the Requirement for on-site presence at the CRA was examined.

If consensus is not reached, the Panel will provide a summary of the main arguments for the consideration of Assistant Commissioner, Human Resources Branch and Chief Human Resources Officer, in their role as the delegated authority for final level grievances.

The union chairperson may present additional independent recommendations to the Assistant Commissioner Human Resources Branch and Chief Human Resources Officer, which will be presented at the same time as the recommendations of the Panel.

A recommendation from the Panel is not considered binding for the Assistant Commissioner, Human Resources Branch and Chief Human Resources Officer. The grievance response will detail the delegated authority's decision and any corrective measures granted, as applicable.

REFERENCES

[Directive on Virtual Work Arrangements](#)

[Requirement for on-site presence at the CRA](#)

[Letter of agreement on virtual work arrangements between the CRA and the PSAC-UTE](#)

DURATION

The Panel will proceed on a trial basis for the duration of the Letter of Agreement, which expires on October 31, 2025.

By the signing of this document by the representatives of the Employer and PSAC-UTE indicated below, these Terms of Reference have been approved, on December 20, 2024.

Sonia Côté

Assistant Commissioner,
Human Resources Branch
and Chief Human Resources Officer

Marc Brière

Marc Brière

National President,
Public Service Alliance of Canada –
Union of Taxation Employees