



Termination of Employment of Public Service Employees Due to Alternative Delivery Situations

Published: Jul 16, 1996

© Her Majesty the Queen in Right of Canada,
represented by the President of the Treasury Board, 1996

Published by Treasury Board of Canada, Secretariat
90 Elgin, Ottawa, Ontario, K1A 0R5, Canada

Catalogue Number: BT43-175/1996E-PDF
ISBN: 978-0-660-20431-4

This document is available on the Government of Canada website, Canada.ca

This document is available in alternative formats upon request.

Aussi offert en français sous le titre : Licenciement de fonctionnaires dû à la diversification des modes
d'exécution

Termination of Employment of Public Service Employees Due to Alternative Delivery Situations

Effective Date

This document sets out the policy approved by the Treasury Board on July 10, 1996, with effect from July 16, 1996.

Preface

A new termination of employment authority has been added to the *Financial Administration Act (FAA)* as paragraph 11(2)(g.1). Under this authority, Treasury Board may provide for the termination of employment of an employee to whom an offer of employment is made as the result of the transfer of any work, undertaking or business from a portion of the Public Service specified in Part I of Schedule I of the *Public Service Staff Relations Act* to any body or corporation that is a separate employer or that is outside the Public Service. Section 29 of the *Public Service Employment Act* continues to provide the authority for lay-off as a result of lack of work, discontinuance of function or transfer of function not provided for under the new authority.

Policy objective

To facilitate the transfer of staff to new employers in the case of alternative delivery initiatives in a fair and open manner reflecting the operational requirements of the organizations involved.

Policy statement

Terminations of employment shall be undertaken in a manner that will:

- a. ensure the operational requirements of the government organization which is transferring the function and those of the receiving organization are the basis on which employees are selected to receive job offers;
- b. keep employees and their representatives informed on a regular basis and involved in consultations where possible;
- c. result from open and transparent processes.

Application

This policy applies to the departments and agencies listed in Part I, Schedule I of the *Public Service Staff Relations Act*.

Policy requirements

Deputy heads must:

- establish corporate human resources principles and guidelines for the treatment, identification and termination of employment of departmental employees affected by the transfer of any work, business or undertaking;
- ensure that a formal decision to transfer any work, undertaking or business has occurred prior to offers of employment being made to employees;
- ensure that employees who are significantly involved with the transferring work, undertaking or business are considered for employment opportunities with the receiving organization;
- give regard to employees' interests and preferences, subject to operational requirements;
- exercise authorities under this policy in accordance with the terms of the Work Force Adjustment Directive in place at the time of transfer.

Authorities

Delegation

Deputy Heads and their equivalents:

- are authorized, under paragraph 12(1) of the *FAA*, to exercise the power to terminate the employment of employees pursuant to the *FAA* 11(2)(g.1);
- have the power to deem an employee to have accepted a job offer under paragraph 11(2.02) of the *FAA*;
- are responsible and accountable for exercising these authorities in accordance with the provisions of this policy; and
- may vary or rescind such decisions as may be required.

Sub-delegation

Deputy heads may sub-delegate the above authorities to one or more persons under their jurisdiction.

Implementation

Interim arrangements

Employees, affected by the transfer of work or business, declared surplus prior to the effective date of this policy are subject to lay-off under the provisions of section 29 of the *Public Service Employment Act*.

Monitoring

The Secretariat will monitor the administration of this policy in the context of its ongoing monitoring of the Work Force Adjustment Directive.

References

Authority

This policy is issued pursuant to the *Financial Administration Act*, paragraphs 11(2)(g.1) and 11(2.02).

Relevant Legislation and Directives

Financial Administration Act

Public Service Employment Act

Public Service Staff Relations Act

Work Force Adjustment Directive

Enquiries

Please direct enquiries about this policy to the responsible officers in departmental headquarters who, in turn, may seek interpretations from:

Employment Adjustment and Alternative Delivery Group
Labour Relations and Human Resources Management Division
Human Resources Branch
Treasury Board Secretariat
(613) 957-2672