



Direction on prescribed presence in the workplace

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Direction on prescribed presence in the workplace

Purpose

- This direction sets out the requirement for deputy heads to implement a minimum requirement of 2-3 days per week in the workplace for all public servants.
- To ensure flexibility for operational reasons and job types, it is also acceptable to require a minimum of 40%-60% of employees' regular schedule on a weekly or monthly basis.
- Workplaces vary from one organization to the other; Deputy heads to use discretion and adapt to their operational requirements.

Objectives

- Deliver service to Canadians and strengthen their confidence in the public service.
- Establish a consistent approach to hybrid to ensure coherence and equity across the public service.
- Continue to encourage hiring the best talent across Canada.
- Align with and support our diversity, inclusion, and accessibility objectives. It is imperative that our workplaces are barrier free and inclusive.

- Continue to build an evolving public service culture of excellence and modernize our business models.

Implementation timelines

- Implementation continues for Departments that have communicated and established a minimum attendance requirement in line with this Direction.
- For those Departments that have not yet implemented a minimum attendance requirement:
 - **Implementation to begin by January 16, 2023.**
 - **Full implementation in place no later than March 31, 2023.**
Could be extended for exceptional operational reasons in consultation with the Office of the Chief Human Resources Officer (OCHRO).

Guiding principles

- Applied in accordance with existing Legislation, Policies and Directives:
 - the *Policy on People Management*, the *Directive on Telework* and the *Directive on the Duty to Accommodate*, and *Canada Labour Code*.
- Applied in accordance with existing Collective Agreements and other existing terms and conditions of employment.
- Implemented in a manner that creates a barrier-free public service according to the requirements under the *Accessible Canada Act* and its Regulations.
- Implementation plans must be developed by departments and shared for information with joint departmental union-management committees.

- The Public Service Occupational Health Program guidance is available to support deputy heads in ensuring safe workplaces. OCHRO continues to encourage departments to discuss occupational health and safety (OHS) considerations at their appropriate departmental OHS Committee as required under Part II of the *Canada Labour Code*.
- Implemented in a manner that upholds the Values and Ethics Code for the Public Sector as a condition of employment.
- Continued efforts to learn from our hybrid experience and strengthen our approaches accordingly.

Application

- Applies to all Core Public Administration employees (indeterminate, full time, part time, term), students and casual workers (Schedule I and IV of the *Financial Administration Act*).
- It is strongly recommended that separate employers (Schedule V of the *Financial Administration Act*) adopt a similar strategy, to ensure a coherent approach for the whole public service.
- Revised telework agreements may be required to reflect the minimum on site requirement.
- Application will ensure employees are equipped to succeed both on site and off site. The GC Workplace Accessibility Passport can serve as a tool to document barriers and solutions.

Exceptions

Approval at the Deputy Head level

- In exceptional cases, if a relevant business case demonstrates a measurable increase in efficiency for the delivery of an operation or a

specific function (e.g., call centers). These exceptions are granted in consultation with the Office of the Chief Human Resources Officer (OCHRO).

- The Office of the Chief Information Officer (OCIO) will be communicating guidance on IT specific areas where exceptions make sense for recruitment and retention. Exceptions will be applied consistently and would require review from OCIO (e.g., IT Developers).
- If a business model has been previously established and not influenced by the remote-by-default COVID-19 management (e.g., Canadian Digital Service).
- These exceptions are not intended to apply to internal and enabling services.

Approval at the ADM level

- Employees hired to work remotely prior to March 16, 2020.
- To allow Indigenous public servants whose location is critical to their identity to work from their communities.
- Employees - with the permission of their ADM - who are working remotely 125km or more from their designated worksite. Over time Public Services and Procurement Canada (PSPC) will work to expand our network of coworking sites to ensure all employees can benefit from on-site presence.
- Exceptional exemptions on a case-by-case basis, on a time-limited or longer-term duration (e.g., illness, short-term operational requirement, extenuating circumstances).

Departmental verification

- Deputy heads assume responsibility for implementing verification regimes and maintaining human resources data for their department/agency.
- Onsite presence could be measured using turnstile data, existing attendance reports and/or IP login data to collect aggregated departmental data.
- Departmental ADM level compliance and coherence committees should be in place to:
 - monitor data trends
 - ensure coherence in deeming exceptions
- Treasury Board Secretariat to adjust the required Standard Personal Information Banks, in consultation with the Privacy Commissioner, to add verification as a consistent use for common departmental internal systems.

Compliance

- The employer has the exclusive management right to designate the location of work and to require employees to report to their designated workplace.
- Prior to the implementation, managers should proactively discuss with employees any barriers they may encounter including those linked to accessibility, harassment, and discrimination and define solutions that will help address these barriers in the hybrid workplace.
- Managers should ensure that individual circumstances are considered on a case-by-case basis, including human rights obligations, such as the duty to accommodate, or whether an employee has a reasonable explanation for absences from the designated workplace, such as

illness, family care obligations, or compliance with COVID-19 self-isolation protocols.

- Managers seeking to ensure compliance have tools available to them, including several administrative actions. Managers should discuss with their labour relations teams and ensure that individual circumstances are considered on a case-by-case basis.

Related links

- [Common hybrid work model for the Federal Public Service](#)
- [Hybrid workforce: Telework](#)

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