



Customs and Immigration Union
Syndicat des Douanes et de l'Immigration

RECOURSE OPTIONS FOR MEMBERS

Reference sheets detailing redress channels and topics such as:

Grievance • Job Content and Job Classification • Personal Harassment and Workplace Violence • Discrimination • Health and Safety • Staffing • Privacy • Whistleblower • Professional Standards • Security Clearance • Fraud Prevention Hotline

Note: In some instances, it may be necessary to seek redress through multiple channels for the same incident(s):

- Harassment incident by manager resulting in use of leave/loss of pay and/or damages: file grievance within timelines, report to NICE, report to PSI (code of conduct violation).
- Harassment incident by manager on prohibited grounds resulting in use of leave/loss of pay: file grievance within timelines, report to NICE, report to PSI (code of conduct violation), open file with CHRC.



RECOURSE OPTIONS FOR MEMBERS

GRIEVANCES

ISSUE	<p>You suffered a loss, pain, damages, and want to be made whole; e.g.</p> <ul style="list-style-type: none">▪ Breach of collective agreement▪ Loss of income▪ Pain and suffering▪ Damages of any kind <p>(only way to recoup lost pay/time for a WPV incident is through a grievance)</p>
1ST STEP	<p>File an individual grievance seeking, as redress, recovery of any lost leave, and any damages.</p>
TIME LIMIT	<p>25 working days after you become aware of the event(s) that give rise to the grievance</p>
HOW	<ul style="list-style-type: none">▪ File in writing on a grievance form.▪ A grievance may be filed at the same time as a Notice of Occurrence for personal harassment or violence in the workplace.▪ A grievance may be filed at the same time as a Human Rights Complaint for discrimination.
HUMAN RIGHTS	<p>A Human Rights Complaint alleging discrimination may be filed in tandem with a grievance. There is a 1-year time limit. The CHRC must be contacted ASAP after the intent to allege discrimination arises.</p>
WHERE	<p>CIU union representative</p>
WHO RESPONDS	<p>CBSA management, after the union consults them and/or CBSA labour relations</p>
HOW IS IT DEALT WITH	<p>CIU consults CBSA using the grievance procedure outlined Article 18 of the collective agreement.</p>
ANONIMITY	<p>–</p>
REPRISAL	<p>–</p>
REPORT / OUTCOME	<ul style="list-style-type: none">▪ CBSA replies to grievance may: allow, deny, or settle.▪ Grievor may withdraw.
APPEAL	<ul style="list-style-type: none">▪ Federal Public Sector Labour Relations and Employment Board.▪ Application for judicial review may be filed with Federal Court of Appeal
AUTHORITY	<p>Collective Agreements</p>
MORE INFO	<ul style="list-style-type: none">▪ CIU Local Steward or Branch Executive▪ CIU National Office Labour Relations Officer▪ PSAC Regional Office



RECOURSE OPTIONS FOR MEMBERS

JOB CONTENT and JOB CLASSIFICATION

ISSUE	You think you aren't being paid enough for the work you are being asked to do.
1ST STEP	Look at your job description to see if it's missing any duty the employer is asking you to do. Look for major elements. Job descriptions don't need to mention every micro task.
TIME LIMIT	That a job description is not "complete and current" can be grieved anytime. That a job was not properly classified can be grieved within 35 working days of when it was classified.
HOW	<ul style="list-style-type: none"> ▪ File in writing on a grievance form. ▪ Job content requires its own grievance. ▪ Classification requires its own grievance. ▪ Do not file 1 grievance for both job content and classification.
HUMAN RIGHTS	A Human Rights Complaint alleging discrimination may be filed in tandem with a grievance. There is a 1-year time limit. The CHRC must be contacted ASAP after the intent to allege discrimination arises.
WHERE	Job content: CIU union representative. Classification: CIU union representative, or you alone.
WHO RESPONDS	CBSA management, after the union consults them and/or CBSA labour relations.
HOW IS IT DEALT WITH	<ul style="list-style-type: none"> ▪ Job content: CIU consults CBSA labour relations using grievance procedure in Article 18 of the collective agreement. ▪ Classification: presented by PSAC to a management classification grievance committee.
ANONIMITY	–
REPRISAL	–
REPORT / OUTCOME	Job content: CBSA may add missing duty (duties), or deny. Classification: CBSA may reclassify up, down, or stay at level.
APPEAL	<ul style="list-style-type: none"> ▪ Job content: FPSLREB ▪ Classification: none ▪ Application for judicial review may be filed with Federal Court of Appeal
AUTHORITY	Job content: Collective agreement Classification: Directive on Classification
MORE INFO	<ul style="list-style-type: none"> ▪ CIU Local Steward or Branch Executive ▪ CIU National Office Labour Relations Officer ▪ PSAC Regional Office



RECOURSE OPTIONS FOR MEMBERS

PERSONAL HARASSMENT and WORKPLACE VIOLENCE

ISSUE	You experienced: 1. Personal harassment 2. Violence at work
1ST STEP	<ul style="list-style-type: none">▪ File a Notice of Occurrence▪ Note: Personal harassment is a form of violence in the workplace.
TIME LIMIT	There is no time limit to provide a Notice of Occurrence, except if it involves a former employee.
HOW	File either verbally or in writing. Notice of Occurrence must include: <ul style="list-style-type: none">▪ name of the Principal Party▪ name of the Responding Party, if known▪ date of the occurrence▪ detailed description of the occurrence
HUMAN RIGHTS	A Human Rights Complaint alleging discrimination may be filed in tandem with a workplace violence complaint. There is a 1-year time limit. The CHRC must be contacted ASAP after the intent to allege discrimination arises.
WHERE	CBSA's National Integrity Centre of Expertise (NICE)
WHO RESPONDS	Canadian Human Rights Commission
HOW IS IT DEALT WITH	<ul style="list-style-type: none">▪ Most of the stages in the complaints process involve written correspondence exchanged through email and telephone conversations.▪ If a complaint goes to mediation, it can take place virtually over Zoom or Microsoft Teams.
ANONIMITY	–
REPRISAL	–
REPORT / OUTCOME	Canadian Human Rights Tribunal decision.
APPEAL	No appeal process. Application for judicial review may be filed with Federal Court of Appeal
AUTHORITY	<i>Canadian Human Rights Act</i>
MORE INFO	<ul style="list-style-type: none">▪ chrc-ccdp.gc.ca/en/complaints/complaint-faqs▪ chrt-tcdp.gc.ca/resources/guide-to-understanding-the-chrt-en.html▪ CIU Human Rights Representative



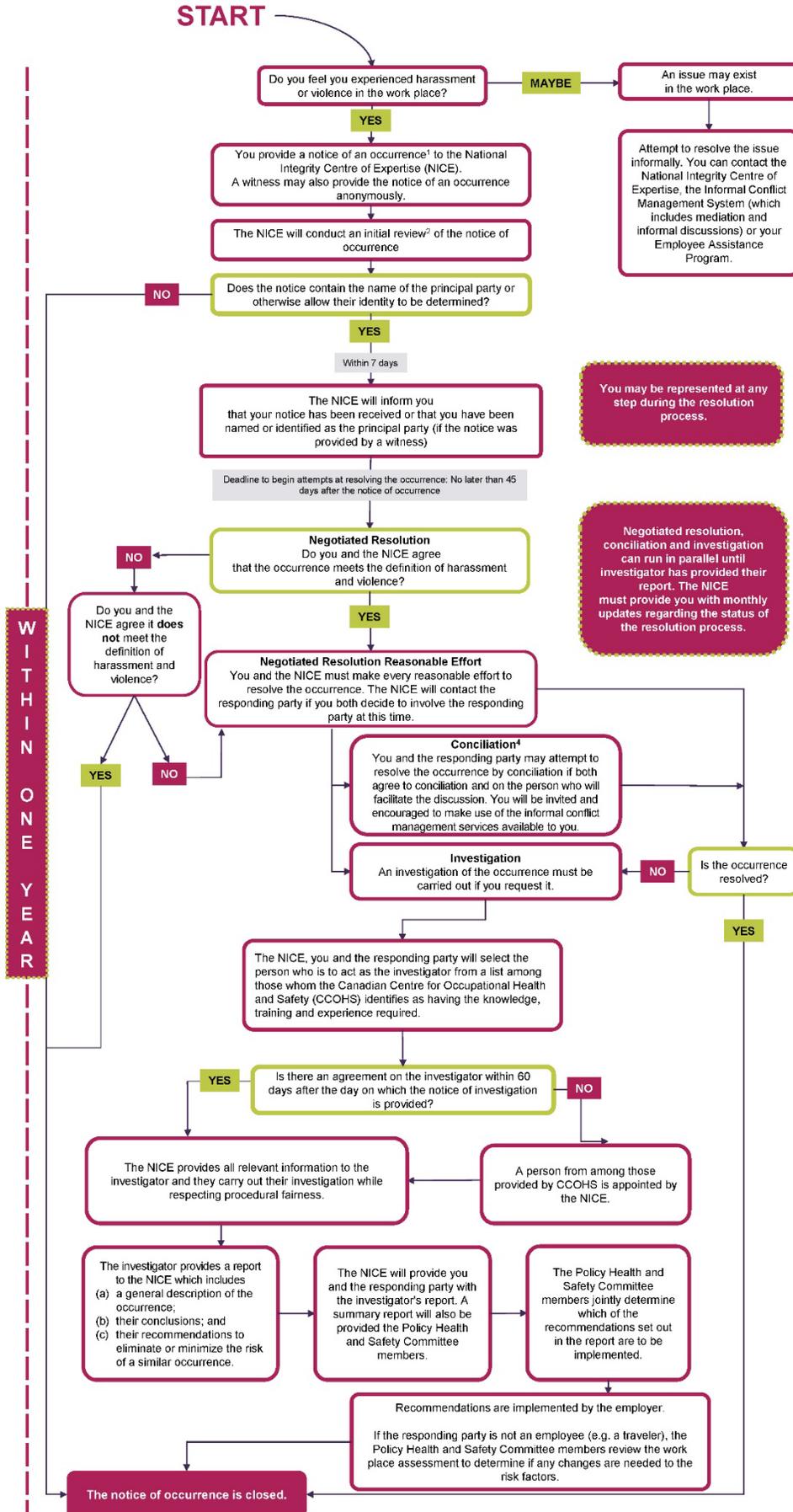
RECOURSE OPTIONS FOR MEMBERS

DISCRIMINATION

ISSUE	One (or more) of these prohibited grounds of discrimination was used against you in a way that adversely affected you: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, a conviction for which a pardon has been granted or a record suspended.
1ST STEP	File a Human Rights complaint (together with a grievance, within 25 days), which will sit in abeyance until the grievance is dealt with.
TIME LIMIT	1 year
HOW	<ul style="list-style-type: none">▪ Call the Canadian Human Rights Commission.▪ You must show you have a reasonable basis for believing that there is a connection between the adverse treatment you want to complain about and how one or more of the prohibited grounds of discrimination was(were) the reason(s) for the adverse treatment.▪ If Commission accepts complaint, they will send you forms to file your complaint.
HUMAN RIGHTS	–
WHERE	Canadian Human Rights Commission
WHO RESPONDS	–
HOW IS IT DEALT WITH	Initial review may lead to: <ul style="list-style-type: none">▪ negotiated resolution▪ conciliation▪ investigation An investigation of occurrence must be carried out if requested.
ANONIMITY	–
REPRISAL	–
REPORT / OUTCOME	Investigator's Summary Report provided to complainant and respondent, and to the Policy Health and Safety Committee. Allegations are found to be one of the following: Founded, Not founded, Inconclusive.
APPEAL	–
AUTHORITY	<i>Canada Labour Code, Part II</i>
MORE INFO	<ul style="list-style-type: none">▪ Canada Labour Code▪ Workplace Harassment and Violence Prevention Regulations (WHVPR)▪ NICE flowchart and definitions document (attached)▪ CBSA Workplace Harassment and Violence Prevention Policy▪ BSF 820: Allegation of Discrimination and Harassment Form▪ BSF 859: Witness Form/Notice of Occurrence of Harassment and Violence Form▪ BSF 860: Notice of an Occurrence of Harassment and Violence Form/Principal Party

NATIONAL INTEGRITY CENTRE OF EXPERTISE

Harassment and Violence Notice of Occurrence Resolution Process – Principal Party



NATIONAL INTEGRITY CENTRE OF EXPERTISE

Harassment and Violence Notice of Occurrence Resolution Process

Applicable Partners means a union representative on to the policy committee. For the purpose of this policy, the Applicable Partners are union representative members of the Policy Health and Safety Committee (Customs and Immigration Union, Professional Institute of the Public Service of Canada, Canadian Association of Professional Employees).

⁴Conciliation means an informal, confidential process where a neutral person (the conciliator) will help the parties find a satisfactory resolution. Conciliation of an occurrence of harassment and violence can only proceed if both the Principal Party and Responding Party agree to it and agree on who will facilitate conciliation.

Designated Recipient means a work unit in a work place or person that is designated by an employer under section 14 of the Work Place Harassment and Violence Prevention Regulations. For the purpose of this policy, the Designated Recipient is the National Integrity Centre of Expertise.

Harassment and violence means any action, conduct or comment, including of a sexual nature that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.

²Initial Review means a review to determine whether the notice of occurrence contains the name of the Principal Party and the Responding Party (if known), the date of the occurrence, and a detailed description of the occurrence, and to eliminate any notices that do not contain the name of the Principal Party or otherwise allow the identity of the Principal Party to be determined.

³Negotiated Resolution means a form of informal resolution in which the Principal Party meets (either virtually or in-person) with the National Integrity Centre of Expertise to discuss the occurrence, clarify the information that was submitted in the notice of an occurrence, make a joint determination as to whether the occurrence meets the definition of harassment and violence, and if it is the case attempt to reach resolution.

¹Notice of Occurrence of Work Place Harassment and Violence means a notice provided orally or in writing containing the following information: (a) the name of the Principal Party and the Responding Party, if known; (b) the date of the occurrence; and (c) a detailed description of the occurrence.

Occurrence means an occurrence of harassment and violence in the work place.

Principal Party means an employee who is the object of an occurrence. This person is the one who has concerns or feels they are the target or victim of the action, conduct or comment from another person.

Responding Party means the person who is alleged to have been responsible for the occurrence in notice of an occurrence provided. This person is the one who may have made the offending action, conduct or comment.

Witness means a person who witnessed an occurrence or is informed of an occurrence by the Principal Party or Responding Party. In the Harassment and Violence Notice of Occurrence Resolution Process, a witness may provide notice of an occurrence anonymously.

Work Place Harassment and Violence means any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.

Work Place means any place where an employee is engaged in work for their employer. This is not limited to the building and facilities provided by their employer. An employee's work place follows them wherever they are performing work for their employer. This can include public spaces, third-party premises, or the employee's residence if the employer has allowed them to work-from-home.

Work Place Assessment means the identification of risk factors, internal and external to the work place, that contribute to harassment and violence in the work place, and the development and implementation of preventive measures.



RECOURSE OPTIONS FOR MEMBERS

HEALTH and SAFETY

ISSUE	You notice a violation of the Canadian Labour Code Part II Health and Safety.
1ST STEP	Report the violation to your immediate manager. 127.1(1) CLC
TIME LIMIT	No time limit.
HOW	File either verbally or in writing. 127.1(1.2) CLC
HUMAN RIGHTS	–
WHERE	<ul style="list-style-type: none">▪ If violation resolved: Complaint ends. 127.1(2) CLC▪ If complaint unresolved at first level (immediate manager) then the complaint is elevated to the local OSH committee. 127.1(3) CLC
WHO RESPONDS	Person who investigated the violation. 127.1(4)
HOW IS IT DEALT WITH	Immediate manager investigates, and if agrees, resolves violation at this level. If manager disagrees, elevate to the local OSH committee for investigation.
ANONIMITY	–
REPRISAL	Section 147 of the CLC prohibits an employer's reprisal for exercising rights conferred under the CLC Part II
REPORT / OUTCOME	Local OSH committee investigates, if the investigation concludes a violation occurred, the investigator will give the employer recommendations on how to rectify the situation.
APPEAL	While there is no "appeal" there are situations in which the complaint can be elevated to Labour. These are the two that an employee can elevate: (b) where the employer has failed to inform the persons who investigated the complaint of how and when the employer intends to resolve the matter or has failed to take action to resolve the matter; and (c) where the persons who investigated the complaint do not agree between themselves as to whether the complaint is justified This would be where the local committee cannot agree, not immediate manager and employee.
AUTHORITY	<i>Canada Labour Code Part II</i>
MORE INFO	–



RECOURSE OPTIONS FOR MEMBERS

STAFFING

ISSUE	<ul style="list-style-type: none">▪ You suspect an abuse of authority by a manager in a staffing process; i.e., with an appointment.▪ You must be someone who was not appointed or proposed for appointment in a staffing process and have an interest in the job, to file the complaint.
1ST STEP	–
TIME LIMIT	<ul style="list-style-type: none">▪ Within 15 calendar days (not working days) of the date on which the notice of the appointment or proposed appointment was posted.
HOW	<ul style="list-style-type: none">▪ Fill out <i>Form 1 (Staffing) Complaint Form</i>, on the FPSLRB website
HUMAN RIGHTS	<ul style="list-style-type: none">▪ A Human Rights Complaint alleging discrimination may be filed in tandem with a staffing complaint. At any time during the process. The Board and CHRC must be notified ASAP after the intent to allege discrimination arises.
WHERE	<ul style="list-style-type: none">▪ Email Form 1 to director.directeur@fpslreb-crtespf.gc.ca
WHO RESPONDS	<ul style="list-style-type: none">▪ A member of the FPSLRB (the Board)
HOW IS IT DEALT WITH	<ul style="list-style-type: none">▪ The Board will hold a hearing.
ANONIMITY	–
REPRISAL	–
REPORT / OUTCOME	<ul style="list-style-type: none">▪ The Board renders its decisions in writing, providing its reasons in a clear, concise and logical manner, together with any accompanying orders arising from its reasons for decision.▪ Decisions are final and binding.
APPEAL	<ul style="list-style-type: none">▪ No appeal process.▪ Application for judicial review may be filed with Federal Court of Appeal
AUTHORITY	<ul style="list-style-type: none">▪ Public Service Employment Act
MORE INFO	<ul style="list-style-type: none">▪ Procedural Guide for Staffing Complaints▪ Public Service Staffing Complaints Regulations



RECOURSE OPTIONS FOR MEMBERS

PRIVACY

ISSUE	<ul style="list-style-type: none">▪ You feel your right to privacy was breached.▪ Do not grieve an alleged breach of privacy. Only grieve if you suffered a loss related to the breach.▪ You may grieve other related matters if, for example, you suffered a loss of some type.
1ST STEP	<ul style="list-style-type: none">▪ Addressing issue with CBSA first is encouraged.▪ If not addressed at CBSA, file a complaint online with Office of Privacy Commissioner (OPC).
TIME LIMIT	No time limit to file a complaint.
HOW	To address with CBSA: DG and Chief Privacy Officer 333 North River Road 14th Floor Tower A Vanier, Ontario K1A 0L8 Telephone: 343.291.7021 To file complaint with OPC, submit complaint online .
HUMAN RIGHTS	–
WHERE	https://plainte-complaint.priv.gc.ca/en/register-pa
WHO RESPONDS	CBSA, or OPC
HOW IS IT DEALT WITH	If CBSA fails to address, OPC may investigate.
ANONIMITY	–
REPRISAL	–
REPORT / OUTCOME	OPC is an ombudsman, and cannot issue any orders and, as a result, cannot force a government institution to take any specific action. Recommendations are limited to achieving compliance with the <i>Privacy Act</i> .
APPEAL	–
AUTHORITY	<ul style="list-style-type: none">▪ Privacy Act
MORE INFO	<ul style="list-style-type: none">▪ Filing a complaint about CBSA▪ What to expect with a OPC Investigation



RECOURSE OPTIONS FOR MEMBERS

WHISTLEBLOWER

ISSUE	<ol style="list-style-type: none">1. Contravention of federal or provincial law2. Misuse of public funds or assets3. Gross mismanagement in public sector4. Act or omission that endangers life, health, safety of people or environment5. Serious breach of a code of conduct6. Being told to commit any of the above
1ST STEP	Disclose wrongdoing (misconduct or a violation of the Code of Conduct)
TIME LIMIT	No time limit to file a complaint.
HOW	Disclose in writing.
HUMAN RIGHTS	A Human Rights Complaint alleging discrimination may be filed in tandem with whistleblowing. There is a 1-year time limit. The CHRC must be contacted ASAP after the intent to allege discrimination arises.
WHERE	<ul style="list-style-type: none">▪ Your manager▪ Senior Officer of Internal Disclosure for CBSA▪ Office of the Public Sector Integrity Commissioner
WHO RESPONDS	Senior Officer for Internal Disclosure
HOW IS IT DEALT WITH	SOID may: <ul style="list-style-type: none">• launch an investigation (if serious wrongdoing or reprisal for disclosing wrongdoing)• refer the matter to a more appropriate mechanism decline to investigate
ANONIMITY	<ul style="list-style-type: none">▪ May disclose anonymously.▪ Your identity and other information regarding a disclosure is protected and not disclosed, even after an investigation is completed.
REPRISAL	<ul style="list-style-type: none">▪ The person who discloses is protected against any possible reprisal actions as a result of their disclosure.▪ A reprisal complaint can only be made to the Office of the Public Sector Integrity Commissioner of Canada
REPORT / OUTCOME	The SOID and CBSA President are privy to the report. A summary will be shared with the discloser and a preliminary report will be shared with the alleged wrongdoer(s) concerning findings on their allegations.
APPEAL	No appeal process. Application for judicial review may be filed with Federal Court of Appeal.
AUTHORITY	<i>Public Servants Disclosure Protection Act</i> (also known as the Whistleblower Act)
MORE INFO	<ul style="list-style-type: none">▪ youtube.com/@PSIntegrity/videos▪ psic-ispcc.gc.ca/en/deciding-make-disclosure



RECOURSE OPTIONS FOR MEMBERS

PROFESSIONAL STANDARDS

ISSUE	Any wrongdoing under the Code of Conduct.
1ST STEP	Disclose wrongdoing
TIME LIMIT	–
HOW	Disclose in writing.
HUMAN RIGHTS	A Human Rights Complaint alleging discrimination may be filed in tandem with a report to PSI. There is a 1-year time limit. The CHRC must be contacted ASAP after the intent to allege discrimination arises.
WHERE	<ul style="list-style-type: none">▪ Manager▪ Director of Security and Professional Standards Directorate▪ Professional Standards (PSI) generic email inbox
WHO RESPONDS	<ul style="list-style-type: none">▪ Tier 1: local managers▪ Tier 2: local managers, assistance from PSI▪ Tier 3: PSI Senior Investigator
HOW IS IT DEALT WITH	Investigation
ANONIMITY	May disclose anonymously.
REPRISAL	–
REPORT / OUTCOME	<ul style="list-style-type: none">▪ Investigative Report▪ Vetted copy provided to the respondent
APPEAL	–
AUTHORITY	<i>CBSA Code of Conduct</i>
MORE INFO	<ul style="list-style-type: none">▪ CBSA Guidance on Administrative Investigations into Alleged or Suspected Employee Misconduct (Apollo)▪ CBSA Policy on Administrative Investigations into Alleged or Suspected Employee Misconduct (under review) (Apollo)



RECOURSE OPTIONS FOR MEMBERS

SECURITY CLEARANCE

ISSUE	<ul style="list-style-type: none">▪ You were dismissed, demoted or transferred, or denied a promotion or transferred, because your security clearance was denied or revoked.▪ Section 42 of the <i>CSIS Act</i> applies.▪ You may also grieve and file a Human Rights complaint.
1ST STEP	Almost all complaint cases begin as inquiries to the Security Intelligence Review Committee (SIRC), either in writing or by phone.
TIME LIMIT	30 days from the date when you received a letter notifying you that your security clearance was denied or revoked.
HOW	Fill out Form 42 and sent it to SIRC.
HUMAN RIGHTS	If the CHRC receives a complaint that relates to the security of Canada, the CHRC may refer the matter to SIRC. Upon receipt of such a referral, SIRC carries out an investigation and reports its findings to the CHRC, the respondent, and the complainant.
WHERE	Mail SIRC at P.O. Box 2430, Station "D" Ottawa, ON K1P 5W5 Phone: 1.833.890.0293
WHO RESPONDS	Once SIRC received your complaint, SIRC will contact you to follow up on the information you provide.
HOW IS IT DEALT WITH	SIRC will write to CSIS to obtain and review info. If unresolved, a SIRC hearing,
ANONIMITY	–
REPRISAL	–
REPORT / OUTCOME	You may get a report if CSIS reviews file. If a SIRC hearing happens SIRC will set out its findings and any recommendations in a report to the Minister, the Director of CSIS and CBSA Deputy Head.
APPEAL	CIRB Application for judicial review may be filed with Federal Court of Appeal
AUTHORITY	Section 42 of the CSIS Act
MORE INFO	<ul style="list-style-type: none">▪ Complaints Investigations – Processes for the investigation of complaints under sections 41 and 42 of the CSIS Act▪ Security clearance and reliability status are distinct. This section does not apply to the latter. For reliability status, redress is to file a grievance.



RECOURSE OPTIONS FOR MEMBERS

FRAUD PREVENTION HOTLINE

ISSUE	<p>You suspect:</p> <ul style="list-style-type: none">▪ Off duty conduct▪ Financial management and fraud▪ Asset misappropriation <p>You don't feel comfortable reporting to your manager or supervisor. The hotline offers a safe and secure way for you to report your concerns anonymously.</p>
1ST STEP	<p>Call: 343.291.5310 Email: cbsa-asfc_professional_integrity-integrite_professionnelle@cbsa.asfc.gc.ca</p>
TIME LIMIT	–
HOW	<p>Leave a voice recorded message or send email at any time. Helpful info to report:</p> <ul style="list-style-type: none">▪ What happened?▪ Who was involved?▪ When did it occur? Include dates and times.▪ Was there more than one incident?▪ Where did the event occur?▪ How did you learn about the incident?
HUMAN RIGHTS	–
WHERE	–
WHO RESPONDS	–
HOW IS IT DEALT WITH	–
ANONIMITY	Anonymity will be protected.
REPRISAL	–
REPORT / OUTCOME	–
APPEAL	–
AUTHORITY	–
MORE INFO	–