

**REPORT
OF THE
NATIONAL DIRECTOR FOR REGULATORY ENFORCEMENT
Jeff Irwin**

As I am retiring, this will be my final report to the UHEW National Council as the out-going National Director Enforcement Affairs. This report contains a brief outline of what I have been addressing, what the future holds and in this report, I will recommend a successor to this position.

Since the establishment of this office, subsequent to the 2017 Triennial Convention in Toronto, the Enforcement file has been very busy between Environment & Climate Change Canada and Fisheries & Oceans Canada. Unfortunately, little contact has been established with the Inspection and Enforcement people at Health Canada. I will accept the majority of that responsibility as I did not make the appropriate in-roads through the National Council but, in my defense, there were no issues brought to my attention demanding action, for which our National President had not already addressed. I suspect that Health Canada Inspection and Enforcement will have a busy time going forward as cannabis has now been legalized. My own home province of New Brunswick is currently under investigation, by Health Canada, for possible violations of advertising and marketing rules surrounding cannabis on its CannabisNB website.

At Fisheries & Oceans, Conservation & Protection Branch, the Fishery Officers have been disrespected in serious fashion as the C&P Management has refused to pay benefits negotiated into the previous contract under Appendix K of the TC Collective Agreement (transfer at Sea Allowance) and in discussions obfuscated and delayed until negotiations commenced once again and there is now nothing to be done. National grievances were launched, then placed in abeyance until the issue could be discussed. UHEW set as deadline which was missed and the grievances were re-activated.

Management had agreed to standardize and make consistent interpretations, from Region to Region, of various elements of Appendix C (Off Shore and Aerial Surveillance Units and shore based Fishery Officers assisting) and then, after a three day workshop at which agreement was reached on most, if not all, of the issues, management refused to ratify and there are still serious incidents of differing interpretations of various aspects of the Appendix being applied and people are being denied proper compensation.

Up until July of 2018, there had been little movement by management to include the Appendix Z Enforcement Allowance for Fishery Officers, a \$3000.00 annual pensionable Allowance, retro-active to June 22, 2016.

I am pleased to report, that even on my last day at work, October 17, an officer contacted me to thank me for the fact he had finally received the bi-weekly amount and the retro-pay he was owed. This was delayed due to the incompetence of management in taking the proper initiative, which is their responsibility, to properly implement the pay procedures for this benefit through the Phoenix Pay system. Thankfully, most, if not all Fishery Officers are now in receipt of this long overdue allowance.

There has been no credible movement on the Classification issue, and recently management moved to arbitrarily change the recruitment process to eliminate the initial GT-02 stage for one Region and that has created an unfair pay / Work Description / Classification Grievance by current GT-2's in the FOCPP system.

There continues to be incidents of bullying and intimidation, which, in some areas, seems to be condoned, across all Regions. There are Fishery Officers and C&P civilian employees who are being denied WFA provisions and yet their positions no longer appear on the C&P Org charts for the respective Regions.

Most recently, C&P engaged myself and President Todd Panas on the development of an internal "Safety Policy/ Directive" for the legalization of cannabis, which, 48 hours prior to introduction - on a weekend - was arbitrarily changed to what appears to be a total prohibition for consumption of cannabis, but does not address alcohol in the same fashion and now both are legal substances to consume by the citizens.

UHEW agreed that no one, under any circumstance, should report for duty while under the influence of any intoxicating substance, nor even show up with a hangover that may interfere with a person's ability to exercise sound reason and judgement and be able to react to the most serious of threats of danger, but the C&P Management decided that a requirement to abstain for 28 days prior to reporting for duty is required to mirror the RCMP approach.

There are several flaws in that logic, but too detailed to delve into in this report.

As a result of this and some other issues that President Panas is aware of, all grievances in abeyance for Work Descriptions, Classification and any denials of compensation under the various Articles of the Collective Agreements have been re-activated. IN addition, the UHEW notified the Deputy Minister that the UHEW is stepping back from the National Fishery Officer UMCC process as there seems no avenue, nor interest by C&P Management to achieve resolution of the issues of national concern and as such all issues will be brought forth to the National DFO UMCC to be heard by the Deputy Minister.

At the writing of this report, it is the stated intention of the National President to have me come to address the next National DFO UMCC and relate these and other issues directly to the Deputy Minister.

At Environment & Climate Change Canada, similar issues face the Wildlife and Environment Officers of the ECCC Enforcement Branch and now, the recently announced departure of the current National Director for the Enforcement Branch will compound the issue of trying to have a new person come in to understand the nature of the issues going forward.

The much-touted North Gate Report was released and, after being told by senior management it would address the serious issues which create differences between the Wildlife and Environment Officers, the results only seemed to exacerbate the issues and further drive a wedge into the organization.

The issue of the requirement for separate work descriptions was a key concern that needed to be addressed and yet nothing was done. The Officers had agreed to await the results before pushing for the implementation of the partial upholding of their grievance filed in 2014, in which management agreed there were serious issues of classification and the distinguishment of requirements between wildlife and environment.

Credit here has to be given to Sister and Acting RVP Rubin Kooner who has taken a very positive lead role in this file.

There is discussion, ongoing, at Treasury Board, with DFO in particular, but also with ECCC, Parc Canada, CBSA, Corrections and others regarding a look at the development of a National Enforcement Officer Classification and Standard. That is being discussed looking down the road at the completion of the PA Group Specific Review and the TC Groups Specific Review.

It was related to me that DFO is pushing this and its agenda is to eliminate the difference between the ECCC enforcement staff and the C&P Enforcement staff in the short term.

Please bear in mind that certain technical inspectors, who deal with process and protocol based inspection and enforcement procedures (i.e., grain, rail, shipping) and have no investigative roles, are paid much more than the Wildlife, Fishery Officer, and Environment members of UHEW-STSE, who apply all aspects of policing and prosecution to the regulatory enforcement work they perform.

There continues to be issues of harassment, bullying and intimidation within the Enforcement Branch. It is my interpretation that the most recent incidents of which prevented Wildlife and Environment officers from across Canada from attending an ECCC National Enforcement Branch UMCC, in Ottawa, with the National Director. One field-based officer showed up and did an admirable job representing their issues in front of the National Wildlife Director and the National Environment Director, as well as the National Director General for the Enforcement Branch.

Once again, thank you to Sister Rubin for her leadership role on this aspect of the file.

We have had some successes at DFO, recently I intervened, with President Panas' support, with the Deputy Minister to resolve a pressing issue around travel approvals for the Fishery Officers, who had been selected, to attend the National Peace Officer Memorial Parade and Ceremony on Parliament Hill, on Sept. 30, 2018. Within an hour of my e-mail being sent, the approvals for travel were granted and Conservation & Protection Fishery Officers were well represented in the parade and ceremony. I was honoured and humbled to have had my travel paid for by UHEW-STSE and held myself proudly as a Unionist marching to honour the Peace and Police Officers who have fallen in the line of duty while serving Canadians. There are six names of Fishery Officers engraved on the memorial on Parliament Hill.

I was particularly honoured and proud to be there as this year's six honourees included the two Fredericton City Police officers killed in August, both of whom I had a personal connection with.

As to the future for the person you, as the UHEW Council, will ratify into this position, I see a very busy schedule. There are still region-specific issues, in Quebec and Pacific, as well as with the Off Shore and Air Surveillance Units as they expand and develop into new roles and use new equipment.

The restrictive cannabis use policy and potential for arbitrary and false accusations as well as the resulting fall-out, will be a big issue to try and deal with over the coming months, if not years. That will spill over into the Health Canada enforcement area as the roles of HC Inspectors develop and expand to monitor the suppliers and marketers of the various forms that cannabinoids will be made available to Canadians.

There will be the definite requirement for UHEW-STSE participation in the development of any short-term or long-term restructuring of the DFO C&P group or the ECCC Enforcement Branch which will harmonize the field levels. Not forgetting the development of the National

Enforcement Officer Classification and Standard, which, God knows, could encompass a wide range of regulatory enforcement groups currently under several existing Collective Agreements.

Which brings me to the recommendation of a person to fulfill the requirements of the role of UHEW National Director for Enforcement Affairs. There are various considerations to be made here, not the least of which is the fact the person is dealing with several federal departments, on a national basis, that have similar, yet diverse, requirements. The person needs to be an enforcement experienced individual who has an inherent knowledge of what the roles are within each of the departments. In order to maintain our standing of respect with each of the departments, the individual needs to be the type who is measured and prepared prior to going before a Deputy Minister, National DG, ADM, Regional Director or whomever. Knowing the subject matter is the key and knowing the Contract and how it is interpreted and applied is essential. Good interpersonal skills, speaking ability and the self-confidence to speak in front of all manner of persons is a must. Research and preparation are the ground rules. Finally, not being tied to a personal agenda, but having the desire to represent the greater good of the whole enforcement community across the three departments shows the leadership that is needed to fill the role.

Having considered enforcement officers from ECCC and DFO, as well as a couple of people, while not being directly enforcement officers are well acquainted with the issues, I strongly recommend that Brother Rae McCleave, a Fishery Officer and Vice-President of UHEW Local 80016 of Nova Scotia, be the person to take on this role. Brother McCleave has an excellent track record of representation, not only of enforcement officers, but of a wide variety of our membership over many years. He takes the time required to be prepared and asks the questions as he considers approaches. He has an excellent way with people and he is not afraid to stand up to poor management decisions and actions. Brother McCleave is well spoken in both official languages, and is well respected by his colleagues and managers. . He has dealt with our Service Officers on matters of local and of national concern and enjoys a good reputation with them for asking the tough questions and demanding the best advice and jurisprudence to go forward with.

In my humble opinion, Brother McCleave will do a great credit to UHEW as its next National Director for Enforcement Affairs and further solidify our reputation as THE Union that truly supports its members.

Finally, once again, I wish to express my deepest and sincerest thanks to the UHEW National Council and to President Panas and Vice-President Fayad, for the unswerving support you have shown for the enforcement community within UHEW-STSE.

We have made some steps forward, the membership wants giant leaps, but they do appreciate the fact that government wheels turn very slowly unless it is their idea on some foolish re-organization or some such money grubbing policy change. Your support has made the difference in changing the mind-set towards the role the Fishery Officer and the ECCC Enforcement Officers play in supporting our Canadian Society and has led to avenues opening that have advanced the plight of all enforcement officers.

Thank you also for the support you have shown me as I have tried to work towards that greater good for all the members of the UHEW.

I wish you all the very best and much success in the future, and please, if there is anything I can ever do to help any one of you, do not hesitate to ask.