

# Employment Transition Policy:

A guide for PSAC members  
at the Canadian Food Inspection Agency

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*August 2025*



Public Service Alliance of Canada  
Alliance de la Fonction publique du Canada

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# Introduction

Losing a job or facing relocation are stressful experiences for employees. When job loss appears inevitable, employees have the Employment Transition Policy (ETP) to rely on for critical protection. The policy provides important protection, which bargaining teams aim to improve during every round of collective bargaining.



This guidebook is designed to help you understand your rights and protections if your job is threatened. If you are reading a printed version, **scan the QR code** to access additional resources linked throughout this guide.

## Overview of the Employment Transition Policy

The Employment Transition Policy (ETP) is the most important job protection document PSAC has negotiated with the federal government.

It outlines the obligations of the employer, the union, and employees when the employer decides that the services of one or more indeterminate employees will no longer be required beyond a specified date. This could be due to a lack of work, the discontinuance of a function, and a relocation in which an employee does not wish to participate.

The ETP is a result of collective bargaining and is included in Appendix B of your collective agreement.

A similar process also appears in the collective agreements for PSAC members of Treasury Board, Parks Canada and the Canada Revenue Agency, however it is referred to as workforce adjustment. The workforce adjustment appendices in these collective agreements are very similar to the CFIA Employment Transition Policy but do differ in some important respects.

The ETP consists of six main parts and one annex. While it is the primary document for job protection, it is connected to other legislation and guidelines, including:

- Other parts of your collective agreement
- [Canadian Food Inspection Agency Act](#)
- [National Joint Council Directive on Relocation](#)
- [National Joint Council Travel Directive](#)
- [Directive on Terms and Conditions of Employment](#)
- [Public service pension options](#)

The following policies are also connected to the ETP and can be found on CFIA's employee-facing intranet site:

- CFIA Priority for Appointment Policy
- CFIA Policy on the Staffing Program
- CFIA Directive on Staffing

## How the ETP protects employees

Bargaining teams work hard to negotiate protections that minimize the negative impact of workforce changes on our members. This means ensuring that changes to government priorities or service delivery are implemented with minimal job loss and, where possible, through redeployment without relocation.

### The employer is obligated to:

- **Support skill development:** Employees must be as skilled as possible to increase placement prospects and job security.
- **Proactively plan human resources:** The employer must review existing work practices and discontinue reliance on contractors, temp agencies, and consultants before considering cuts to indeterminate employees.
- **Explore all options to avoid layoffs:** Voluntary departure and alternation programs should be fully utilized.

The ETP ensures employees are fully and clearly informed of their options during workforce changes. The employer is responsible for providing this information and ensuring employees understand the process.

While the ETP helps ensure that employees are treated equitably and in a consistent manner, there is room for improvement to strengthen equity and fairness.

Perhaps the biggest issue to be addressed is the process for determining which employees are laid off and which are retained. The federal government and CFIA have refused to negotiate this critical part of the layoff process, insisting legislation prevents the parties from doing so.

As a result, it is entirely at management's discretion to determine which employees are laid off and which keep their jobs during downsizing. The process is carried out with little transparency, leading to arbitrary and inconsistent decisions. This process lacks fairness, accountability, and meaningful mechanisms for complaints. It causes undue stress to employees and allows for management biases in making these decisions critical to our members' lives and livelihoods.

PSAC remains committed to strengthening equality measures in the ETP and continues to advocate for a seniority-based process that equitably determines layoffs

# The role of joint employment transition committees

Article 1.1.3 of the ETP states:

*“The Agency shall establish joint Union/Management employment transition committees, where appropriate, to advise and consult on employment transition situations within the Agency. Terms of reference of such committees shall include a process for addressing alternation requests.”*

Union-Management employment transition committees play a critical role in ensuring the employer meets its obligations to employees who face employment transition situations.

Joint standing employment transition committees should be established proactively at the highest levels of the union, and no later than when an employment transition situation is announced. By taking proactive measures, we can help the employer find less disruptive alternatives to workforce changes.

Joint employment transition committees develop strategies for all potentially affected employees — not just those who may lose their jobs or be forced to decide whether to accept a different job.

## The goals of these strategies include:

- Supporting learning, training, and development
- Promoting employee mobility and placement
- Enhancing employability

## Committees are responsible for:

- Gathering and reviewing relevant information about the employment transition situation from all available sources.
- Identifying employment opportunities.
- Learning from success stories where employees received training and transitioned to new jobs.
- Developing plans to help employees transfer to new roles.
- Creating policies and strategies to support effective career transitions.
- Consulting with employee organizations and central agencies.
- Ensuring strategies are effective, equitable, and consistently applied.
- Monitoring the implementation of transition initiatives, including voluntary departure and alternation programs.
- Establishing regional or local employment transition committees as needed.
- Facilitating communication between national and regional committees.
- Providing employees with information and counseling sessions related to employment transition issues and specific issues impacting surplus employees.

# Understanding the Employment Transition Policy

The ETP is organized around key decision points. Some sections may apply to your employment transition situation, while others may not.

There are many additional rights outlined in the ETP, so it's important to read it carefully. Visit PSAC's [CFIA Employment Transition landing page](#) for more information, including a glossary, flowchart, and frequently asked questions.

Once the employer determines that an individual or group will be subject to employment transition, the following three questions must be addressed:

- What are the employer's obligations?
- What are the employee's responsibilities?
- Which parts of the ETP apply to the situation?

## Employer responsibilities

CFIA has a range of responsibilities under the ETP, including:

- Advise and consult with the union as soon as possible.
- Maximize employment opportunities for indeterminate employees.
- When possible, provide alternative employment opportunities and give employees every reasonable opportunity to continue their careers in the public service.
- Treat employees equitably.
- Establish employment transition committees.
- Review the use of consultants, contractors, temp agencies, term employees, and all other non-indeterminate employees and, where practical, avoid re-engaging them to facilitate the appointment of surplus or laid off employees.
- Identify opportunities for retraining to help employees continue their careers in the public service.
- Notify employees in writing about their status and any changes to it.
- Establish voluntary departure programs for all employment transition situations involving five or more affected employees working at the same group, level, and work unit.
- Maximize employment opportunities and prioritize internal placement.
- Assign a counsellor to all affected employees who have not secured indeterminate employment.

*Additional details on employer obligations are available in Part I of the ETP.*

# Employee responsibilities

Employees facing employment transition must take a proactive approach to exploring other potential employment opportunities within CFIA.

Once it's clear that an employment transition situation is inevitable, you should:

- Collaborate with human resources to find new roles.
- Gather information about your entitlements under the ETP.
- Provide resumes or other relevant information that can assist the employer in securing new work for you.
- Ensure you can be contacted easily.
- Consider training and job opportunities.
- Be aware of timelines and proactively consider your options when decisions are required.





# The Employment Transition Policy: Parts I to VI

The ETP is applicable when there is a **lack of work** or **discontinuance of function** as a result of expenditure constraints, new legislation, program changes, reorganization, technological change, productivity improvement, elimination or reduction of programs or operations in one or more locations, relocation, or decentralization.

The ETP may apply to individuals, groups, or entire work units.

## What to expect during an employment transition situation

In most cases, the President must notify employees in writing that they are affected.

Affected status means an employee is subject to employment transition and may become surplus, but it does not guarantee that they will be.

Before engaging in a selection process, the employer must establish voluntary departure programs for all employment transition situations involving five or more affected employees within the same group, level, and unit.

When multiple employees of the same occupational group and level, who are either employed in similar positions or performing similar duties, are affected, and the employer needs some employees to remain employed, the employer selects those who will remain. The process for selecting employees for retention is not a staffing process, but the process used is very similar. The CFIA Staffing Policy and Staffing Directive outline the staffing values relevant to the process.

If a work unit is being relocated, affected employees can choose to move with the unit or be subject to employment transition processes. Employees have six months to decide. Relocation is a move from one place of duty to another place of duty, beyond what, according to local custom, is a normal commuting distance. A normal commuting distance will depend on the locations involved, however, this is generally considered to occur when a workplace moves at least 40 kilometers from its original location and from an employee's home.

## Guarantee of a reasonable job offer

If an employee is affected and declared surplus, they may receive a guarantee of a reasonable job offer, which they can accept or reject.

The definition of a reasonable job offer is: *"an offer of indeterminate employment within the Agency, normally at an equivalent level but could include lower levels. Surplus employees must be both trainable and mobile. Where practicable, a reasonable job offer shall be within the employee's headquarters as defined in the National Joint Council Travel Directive."*

A reasonable job offer is also an offer from another public service employer, providing that:

- The appointment is at a rate of pay and an attainable salary maximum not less than the employee's current salary and attainable maximum that would be in effect on the date of offer.



- It is a seamless transfer of all employee benefits including a recognition of years of service for the definition of continuous employment and accrual of benefits, including the transfer of sick leave credits, severance pay, and accumulated vacation leave credits.

A reasonable job offer is defined by specific parameters in the ETP. If employees receive a guarantee of a reasonable job offer, they are given surplus priority and paid until the employer fulfills their guarantee of a job. If required, they must be willing to be trained and they must be mobile.

A reasonable job offer should normally be at an equivalent level, but could include lower levels. An employee who receives a reasonable job offer at a lower level is salary-protected at the rate of their former substantive position until they are appointed into a position with a maximum rate of pay that is equal to or higher than the maximum rate of pay of their former position. This employee also holds reinstatement priority status for appointment to a position at their former higher level as per the CFIA Priority for Appointment Policy (found on the employee intranet).

If employees refuse a reasonable job offer, they will be laid off one month after refusal, but not until six months after being declared surplus.

Once laid off, employees are placed on layoff priority for up to 12 months, during which time the Agency and the employee attempt to find them a job, ideally at their previous classification and level.

## Options for employees without a reasonable job offer

If an employee is declared surplus and does not receive a guarantee of a reasonable job offer, they become an opting employee and must choose one of the following three options within 120 days:

- A. Surplus priority status for 12 months:** During this period, the agency is required to try to find them a job. If they don't receive a job equivalent to their old job within that period, they will be laid off.
- B. Transition support measure:** Employees receive a cash payment based on their years of service (as outlined in Annex A of the ETP) but must resign without priority rights.
- C. Education allowance:** Employees receive the transition support measure payment, along with up to \$17,000 for reimbursement of receipted educational expenses. They may either resign immediately (option i) or take leave without pay for two years allowing access to self-funded benefits while they attend school and then resign (option ii).

All opting employees are entitled to up to \$1,200 for counselling services to support their potential re-employment or retirement. These services may include financial counseling and job placement assistance.

## Voluntary departure programs

Voluntary departure programs (VDPs) seek to eliminate involuntary layoffs by providing incentives to those wishing to leave the public service voluntarily. When the government cuts public service positions, there are usually some employees who would like to leave their jobs to pursue other employment or educational opportunities or to retire. The VDP allows them to do so by giving them the following options found in 6.4.1 of the ETP:

**Option B:** Transition Support Measure (TSM) and resignation

**Option C(i):** Education allowance, TSM and resignation

**Option C(ii):** Education allowance and TSM and up to 2 years of leave without pay

The Agency must establish voluntary departure programs for all employment transition situations involving five or more affected employees working at the same group and level and in the same work unit, unless they can provide all employees with a guarantee of a reasonable job offer. Employees are given a minimum of 30 calendar days to decide whether they wish to participate.

VDPs must take place after affected letters have been delivered to employees but before the Agency makes any decisions about the selection of employees for retention.

Volunteer programs may not be used to exceed job reduction targets. And if, the number of volunteers is larger than the required number of positions to be eliminated, volunteers will be selected based on seniority (total years of service in the public service, whether continuous or discontinuous).

## The alternation process

Employees opting for surplus status may have the opportunity to alternate positions with a non-affected, indeterminate employee who wants to leave the Agency. Alternation is available from the start of the 120-day decision period until the end of the one-year surplus period. The alternation must result in the permanent elimination of the employee's position, and management has final approval. Alternation can take place between employees in the same group and level or equivalent positions, as long as salary discrepancies do not exceed six percent.

## Pension waiver

While a pension waiver is not part of the ETP, it is an important tool to help older workers transition out of the workplace, if they elect to do so. A pension waiver is a special provision to waive an annual allowance reduction under the *Public Service Superannuation Act* (PSSA) for employees aged 55 to 59 (Group 1: hired on or before December 31, 2012) or 60 to 64 (Group 2: hired on or after January 1, 2013) who have at least 10 years of public service employment and who are declared surplus.

It removes the normal reduction to an annual allowance that would otherwise be applied because the individual, at termination, did not meet the age and service thresholds to receive an immediate annuity.

To qualify for the early pension waiver, **you must be within five years of the age of eligibility for a pension**, have two or more years of pensionable service, and have been employed in the public service for one or more periods totaling at least 10 years.

The President must certify that:

- You are a surplus employee because of a WFA situation.
- You meet the age and tenure requirements.
- You have not received an educational allowance, guarantee of a reasonable job offer, or reasonable job offer.

If all these conditions are met, the President does not have the authority to deny waivers.

For more information on pension waivers, visit the federal government's [public service pension options page](#). If you became a member on or before December 31, 2012, choose the "Pension Eligibility at Age 60" page. If you joined on or after January 1, 2013, select the "Pension Eligibility at Age 65" page.

## Selecting employees for layoffs

Due to existing legislation, when the employer makes changes to the workforce, including job cuts, management determines who is retained and who is laid off rather than negotiating this process with unions like in most other workplaces in Canada.

Management has unilateral discretion to determine the process for deciding which employees retain their substantive positions. Unfortunately, there is limited recourse to this process which lack transparency and accountability and PSAC is challenging its legality.

PSAC has long advocated for an equitable, seniority-based process to reduce some of the stress caused by layoffs while maintaining gains in employment equity. We will continue to fight for fair and transparent processes that account for seniority and equity when layoffs occur.

Employment transition committees must critically examine the criteria used by management to determine who is selected for retention and layoff in an employment transition situation and actively advocate for transparency and fairness.





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