



# **Telework in the Federal Public Service**

## **A Guide for Union Members**

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## 1. Introduction

Telework has become a critical component of the federal public service, offering members the flexibility they need to better balance work and personal life. The decision to increase workplace attendance has sparked widespread anxiety among our members. Implemented haphazardly across departments, it has left employees feeling unsupported and ill-equipped to perform their duties effectively. Several bargaining agents at home and abroad have gathered significant evidence showing the increase in productivity and work-life balance remote work provides. Its application varies and can sometimes raise challenges.

While recent changes to the Telework Directive removed some of the more explicit environmental goals, it is still recognized that telework contributes to sustainability goals by reducing commuting, traffic congestion, and overall environmental impact. Members can still use this benefit to argue the positive effects of telework in reducing their personal carbon footprint and aligning with broader government sustainability initiatives.

This guide aims to explain how telework works, encourage members to take action to assert their rights, and serve as a precursor to a potential grievance campaign on telework.

## 2: How Telework Works in the Federal Public Service

According to the [Direction on Prescribed Workplace Presence](#), as of September 9, 2024, employees in the core public administration are generally required to work on-site at least three days per week, or 60% of their regular work schedule on a weekly or monthly basis. While this guideline establishes expectations for in-person work, telework arrangements remain governed by the [Directive on Telework](#), which provides a comprehensive framework to ensure fairness, equity, and flexibility.

The Directive on Telework outlines key principles that ensure telework arrangements respect individual and organizational needs. This framework provides critical support for members seeking telework and forms the basis for grievance arguments challenging overly rigid workplace policies.

The Directive on Telework now applies to a broader range of employees, including students, casual workers, and part-time employees. This expansion ensures that these employees have access to telework options where operationally feasible, and the same principles of fairness and individualized evaluations apply to them as to full-time employees.

## A. Leveraging the Directive on Telework

It is important to recognize that blanket policies requiring all members to return to the office fail to align with the principles of the Directive on Telework, which emphasizes case-by-case evaluations based on individual roles and circumstances. A 'one-size-fits-all' return to office requirement risks disregarding the varied needs of members and undermining the goal of fostering an inclusive and supportive work environment.

The Directive on Telework contains essential clauses to guide decision-making and safeguard members rights. These include:

- **Work-life Balance (Clause 3.2.1)**
  - Members can reduce stress, achieve work–life balance and meet performance expectations.
- **An Inclusive Public Service (Clause 3.2.2)**
  - Telework is used where appropriate, including as a means to ensure an inclusive public service and a safe and healthy work environment where employees have access to flexible work arrangements.
- **Environmental Impacts (Clause 3.2.3)**
  - The public service contributes to reducing emissions from transportation, traffic congestion and air pollution, in accordance with the Greening Government Strategy.
- **Voluntary Nature of Telework (Clause 4.1.1 and 4.2.1)**
  - Telework must be mutually agreed upon between the employer and the member. This underscores that telework arrangements cannot be unilaterally revoked or denied without valid justification.
  - The voluntary nature ensures that members have the right to initiate telework requests, which must be evaluated fairly and in good faith by managers.
- **Case-by-Case Evaluation (Clause 4.2.4)**
  - Every telework request must be assessed individually, considering the specific duties of the position and operational requirements.
  - The absence of formal weighting or standardized criteria in the Direction on Prescribed Presence in the Workplace undermines the ability to ensure fair and objective evaluations as required by the directive.
  - It is essential that telework requests are not only evaluated on operational needs but also on individual member circumstances, including those

related to health, caregiving responsibilities, or accessibility needs, ensuring equitable access to telework opportunities.

- **Annual Review Process (Clause 4.1.6 and 4.2.12)**

- Telework agreements must be reviewed annually to ensure they remain relevant to changing circumstances. This creates an opportunity for members to challenge decisions, advocate for adjustments, and propose extensions or alterations to their telework arrangements.
- Grievances can highlight situations where this process has been bypassed or misapplied.

- **Balancing Operational Needs and Member Rights (Clause 4.2.3)**

- The directive stresses that telework should balance operational efficiency with member well-being. An operational requirement is a legal concept that differs from a managerial preference. Blanket rules, such as requiring all members to be on-site without accounting for individual circumstances can be seen as contravening this principle.

## B. Leveraging the Direction on Prescribed Presence in the Workplace

Applied in accordance with existing Legislation, Policies and Directives

- **Policy on People Management**

- The policy provides Deputies with foundational support in developing and sustaining a high-performing workforce that ensures good governance and service to Canadians, and an inclusive, safe, barrier-free workplace that embodies public service values including respect for people, respect for democracy, integrity, stewardship and excellence in its actions and decisions.

- **Directive on the Duty to Accommodate**

- Provides direction to managers and heads of HR on their obligations with respect to duty to accommodate, with the objective of developing an inclusive, barrier-free workplace in which all persons have equal access to opportunities in the core public administration.

- **Canada Labour Code**
  - Part II (Occupational Health and Safety) of the Code which includes Workplace Harassment and Violence Prevention. Health and safety mean both physical and psychological safety.
- **Accessible Canada Act**
  - The purpose of this Act is to benefit all persons, especially persons with disabilities, through the realization, within the purview of matters coming within the legislative authority of Parliament, of a Canada without barriers, on or before January 1, 2040, particularly by the identification and removal of barriers, and the prevention of new barriers

### C. Intersection Between Directive on Telework and Direction on Prescribed Presence in the Workplace

The Direction on Prescribed Workplace Presence sets baseline expectations for physical attendance, but it lacks the nuance provided by the *Directive on Telework*. For instance:

- The Directive on Telework allows operational managers to consider unique role requirements and member specific needs, while the *Direction on Prescribed Workplace Presence* focuses solely on standardization. **(Clause 4.2.3)**
- The absence of formal weighting or defined criteria under the Direction on Prescribed Workplace Presence creates opportunities for inconsistent application, violating the transparency required by the Directive on Telework.

### D. Supporting Grievances

CAPE members can utilize these elements of the Directive on Telework to support their grievances. Key arguments include:

- **Lack of Formal Evaluation Framework:** Decisions based solely on the Direction on Prescribed Workplace Presence fail to consider the nuanced, case-by-case assessments required under the Directive on Telework. **(Clause 4.2.4)**
- **Misalignment with Operational Flexibility:** The Directive on Telework acknowledges that some roles are more conducive to telework than others. **(Clause 4.2.3 & 3.2.2)** Blanket policies do not align with this recognition.
- **Undermining Member Rights:** The voluntary and individualized nature of telework arrangements as stated in the Directive on Telework highlights that

unilateral policies violate its intended balance of operational and member needs.  
(**Clause 4.1.1 & 4.2.1 & 4.2.4**)

## E. Proposed Application and Additional References

Members seeking to challenge denials of telework requests should:

- **Reference Directive Clauses:** Identify specific directive sections that emphasize evaluation, fairness, and employee rights. (**Clause 4.2.3 & 4.2.4 & 4.1.1**)
- **Request Documentation:** Ask for a documented rationale detailing how the decision aligns with both the prescribed presence guidelines and the telework directive. (**Clause 4.2.4**)

Refer to CAPE's [FAQ](#) on Return to Office for more details.

## 3. How to Request Telework

Requesting telework should be a straightforward process where members and managers collaborate to create a mutually beneficial agreement. However, many members may face uncertainty or pressure when navigating this system.

In line with the updated Telework Directive, members should be aware that while the employer is responsible for providing necessary equipment to support telework (e.g., laptops, software, etc.), members may be required to cover some incidental costs, such as utilities and internet services. It is important to clarify these responsibilities upfront in any telework agreement to avoid confusion and ensure that financial obligations are fair and transparent.

Members should never feel coerced into accepting telework arrangements that do not align with their personal or professional needs. Any instance where members feel pressured to agree to telework under unfavorable terms, or threatened with punitive measures (such as being mandated to work five days in the office), should be immediately reported to CAPE for further action.

### A. Understanding Your Rights in the Telework Process

Telework is voluntary and must be agreed upon by both the member and employer. Members should never feel coerced into signing agreements that do not align with their needs. It is essential to know that:

- You can request telework at any time, regardless of whether you currently have an agreement, or it has been previously rejected. There is no restriction on submitting updated or revised proposals.
- Agreements must be fair and based on clear, operationally grounded criteria. Managers cannot arbitrarily refuse a request without providing justification. Managers are required to assess telework requests on a case-by-case basis and must ensure decisions are fair, consistent, and in compliance with the Directive on Telework. This includes providing clear reasoning and demonstrating how telework would negatively impact operational needs. Additionally, managers are responsible for reviewing telework agreements annually and ensuring employees are aware of safety policies, security measures, and telework expectations
- Coercion is not acceptable. Members cannot be threatened with punitive measures, such as being mandated to work five days in the office, for not agreeing to unfavorable terms. Any undue pressure should be reported to CAPE immediately.

## B. Steps to Request Telework

### i. Prepare a Comprehensive Request

Begin by drafting a formal written telework request to your manager. To ensure your request is thorough, include the following details:

- Clearly outline how telework is compatible with your tasks, providing examples of duties that can be effectively performed remotely.
- Highlight how telework increases your productivity, such as by reducing commuting time, enhancing focus, or leveraging remote tools effectively.
- Explain how telework supports department goals or addresses operational challenges (e.g., space limitations, improved response times, or business continuity).

### ii. Submission and Manager Evaluation

After submission, the manager must evaluate the request and provide a response. The decision-making process includes:

- Managers review how the role's duties align with telework capabilities and any specific departmental requirements.
- Requests should be evaluated on a case-by-case basis without favoritism or inconsistent standards. If no formal weighting or evaluation framework exists, members may question the decision and seek additional clarification.



In the event of rejection:

- The manager must provide a written response detailing the specific reasons for denial.
- Members have the right to contest the decision.

### **iii. Negotiating and Signing a Telework Agreement (or Employee Work Agreement)**

If approved, both parties will finalize a telework agreement that includes:

- Specify where and when you will work, ensuring these align with organizational requirements and personal circumstances.
- Agree on communication expectations (e.g., regular check-ins, availability during core hours) to avoid misunderstandings.
- Confirm access to all resources necessary for successful remote work (e.g., laptop, VPN access).

Members should carefully review the agreement, suggest any needed changes, and request CAPE's guidance if unclear or unfavorable terms are included.

### **iv. Requesting Modifications or New Agreements**

Telework agreements are dynamic and can be modified as needed. Members should feel comfortable to submit requests for updates at any time, whether due to personal circumstances, changes in job duties, or adjustments in organizational policies. For instance:

- If a prior agreement was signed under coercion or no longer reflects your needs, propose new terms.
- If operational needs evolve (e.g., a project requiring in-office collaboration concludes), advocate for a re-evaluation.

### **v. Annual Review Process**

Agreements must be reviewed annually to assess their relevance and ensure they remain suitable for both member and organizational needs. Members should proactively prepare for these reviews by documenting:

- Successes in meeting performance metrics while teleworking.
- Any challenges experienced under the existing arrangement and suggested adjustments.

### C. Proactive Tips to Maximize Approval Likelihood

- Open dialogue about telework well before formal requests can ease the process and align expectations.
- Leverage the Directive on Telework, focusing on clauses supporting equity, fairness, and operational adaptability, as this strengthens your case.
- Be prepared to discuss compromises, such as hybrid options or phased implementations, if this increases feasibility for your manager.
- Keep copies of requests, responses, and agreements in case you need to escalate issues.

## 4. Telework Refusals and Grievances: How to Respond

Occasionally, telework requests may be denied, but members have options to respond effectively. Knowing the steps to take, how to escalate matters, and how to leverage policies and rights is key to securing a fair resolution.

### A. Common Reasons for Telework Refusal

Employers commonly cite the following reasons for declining telework requests:

- **Operational Needs:** Claiming a specific physical presence is required to maintain departmental efficiency or address essential tasks.
- **Job Responsibilities:** Arguing that a member's tasks are inherently incompatible with telework due to their reliance on on-site resources or collaboration.

Members have the right to challenge these refusals by requesting clear, written explanations from the employer that outline the following:

- Specific operational needs or task requirements that justify the denial of telework.
- If members are already working remotely part-time, employers must explain why increasing telework would disrupt operations.
- Data or examples showing why additional telework would prevent members from meeting expectations or fulfilling responsibilities.

## B. Exceptions and Special Considerations

Not all positions or situations fit into rigid workplace presence requirements. Recognizing exceptions and leveraging them in a refusal response is critical:

- **Legacy Telework Agreements:** Members with telework arrangements pre-dating 2020 may be entitled to retain those agreements unless operational needs have demonstrably changed.
- **Geographical Exceptions:** Members who reside over 125 km from their designated workplace may qualify for telework due to logistical considerations.
- **Cultural Considerations:** Indigenous members may raise cultural or personal grounds to support telework requests, aligning with commitments to inclusivity.
- **Medical or Accommodation Needs:** Members with documented health issues or family responsibilities tied to human rights grounds can request telework as a formal accommodation.

**Tip:** If you fall into one of these categories, mention this explicitly in your telework request.

## C. Occasional Travel to a Designated Worksite

For members with full-time telework agreements, occasional travel to the designated worksite may be required. However, eligibility for travel status and reimbursement depends on specific conditions outlined in the Interim Standard on Occasional Travel to a Designated Worksite (Appendix B).

## D. Travel Status and Eligibility

Members may qualify for travel status under the National Joint Council Travel Directive if they:

- Reside 125 km or more from their designated worksite; and
- Have a full-time telework agreement that meets one of the following conditions:
  - Signed after March 2020 with written authorization to move at their own expense;
  - Signed before March 2020 and remains in effect; or
  - Signed after March 2020 for a position that would have normally required relocation at Crown expense.

Additionally, a deputy head may grant travel status to members who live within 125 km but must rely on commercial transportation (e.g., ferry) costing more than \$150 per round trip.

## E. Travel Frequency and Cost Considerations

Deputy heads determine how often members must travel to their designated worksite, balancing operational needs with travel costs. Members should seek written confirmation of travel expectations and reimbursement eligibility before making arrangements.

## F. Reporting and Enforcement

Departments must monitor and report on the application of this policy semi-annually. If a member is required to travel without compensation despite meeting the criteria above, they should contact their labour relations officer.

## G. Responding to a Telework Refusal

### **Request a Formal Written Explanation**

If a telework request is denied, members should immediately request detailed reasons in writing. Specifically, members should:

- Ask why operational needs cannot be addressed through partial or expanded telework.
- Highlight existing telework practices (e.g., if working two days from home has been effective, why can't this be extended?).
- Request a documented evaluation showing how their specific duties necessitate on-site presence.

**When requesting a written explanation, members should also ask whether their employer has:**

- Considered telework as part of an accommodation process.
- Reviewed their telework request against the latest updates to the Directive on Telework, Direction of Prescribed Presence in the Workplace including policies on security, costs, and responsibilities.
- Ensured that the refusal aligns with case-by-case evaluation requirements.

## Informal Discussion with Managers

- Engage your manager in a constructive discussion to clarify the reasons for refusal.
- Provide counterarguments, such as examples of how your work has been successfully conducted remotely. Suggest trial telework arrangements to address concerns and offer flexibility in your proposed schedule.

## Seek CAPE Support

- Work with your CAPE representative to evaluate the employer's justification and identify any inconsistencies.
- Union representatives can request clarification from management.

## Filing a Grievance

If informal resolution efforts are unsuccessful:

- **Timeline:** File a grievance within **25 working days** of receiving the refusal.
- **Content of the Grievance:** Clearly outline:
  - How your request aligns with telework policies and criteria (e.g., your tasks are compatible with remote work).
  - Any inconsistencies in the employer's reasoning (e.g., insufficient evidence to support their claims about operational needs).
  - Supporting documents, such as prior agreements, correspondence with management, or data about the effectiveness of your telework setup.
- **CAPE Involvement:** CAPE can challenge refusals on operational grounds or human rights-related issues.

## Telework Panels

- The telework panels are established through a Letter of Agreement that stems from the last round of negotiations between CAPE and the employer. Each department will establish their panel with CAPE, governed by their own set of Terms of Reference.
- To address dissatisfaction with a decision resulting from the application of the Employer's Directive on Telework and Direction on prescribed presence in the workplace.
- Does not negate any grievance rights outlined in the FPSLRA, the Collective Agreement, and relevant regulations.

- If no settlement has been reached prior to the final step of the grievance procedure prescribed in the collective agreement, the employee may refer the grievance to the panel established for this purpose, at which point the grievance will be held in abeyance pending the completion of the review by the panel.
- The panel will review the submissions presented by the parties and submit a recommendation to the Deputy Head or its delegate for decision making.

### Grievance Review and Appeals

- Ensure your grievance:
  - Includes comprehensive documentation of discussions, reasons for your telework request, and precedents in your department.
  - Highlights the employer's failure to meet the collaborative spirit outlined in the Directive on Telework.

### H. When Refusals Involve Human Rights Issues

Members with telework requests tied to disability or other grounds covered under the [Canadian Human Rights Act](#) (CHRA) can escalate their grievances differently. Key points include:

- **Medical Accommodations:** If supported by medical documentation, telework should be considered a reasonable accommodation.
- **Family Obligations:** Caregiving responsibilities tied to protected grounds under CHRA can support a telework request.
- For more information about CAPE's position on the Duty to Accommodate, please consult the [DTA Guide](#).

If such grievances arise, request CAPE's involvement early to ensure the grievance follows the appropriate process.

### I. Best Practices to Ensure a Strong Telework Case

- **Document Everything:** Keep all correspondence regarding your telework request, including meeting notes, emails, and written refusals.
- **Be Specific in Your Proposal:** Highlight how telework will meet organizational and operational needs. Include examples of previous successes.
- **Know the Policy:** Familiarize yourself with the Directive on Telework and Direction on Prescribed Presence in the Workplace to reference them accurately in discussions or grievances.

## 5. Why Take Action?

Simply understanding the mechanisms of telework is not enough. The goal is to empower each member to be proactive. Here are concrete steps to take:

- Stay informed about your rights and learn about your department's telework policy and make sure your conditions are being respected.
- Act quickly if your request is denied. Do not wait too long to respond if your telework request is denied or overlooked.
- If you feel your rights have been violated, don't hesitate to contact your union representative.

This guide is not just a presentation of the telework process, it is designed to empower members with the knowledge and tools to take appropriate action when their telework requests are unfairly denied. While this telework guide encourages collective awareness and participation, it does not solicit grievances. If a pattern of unjust telework refusals becomes evident, CAPE will explore collective solutions, including potential grievance campaigns, to address systemic issues in alignment with the collective agreement, employer directives and established procedures.

## 6. Organizing for a Grievance Campaign: Defending Our Telework Rights

As telework remains a cornerstone of work-life balance for CAPE members, unfair denials of telework requests can undermine this balance and erode trust in workplace policies. A successful organizing effort to launch and sustain a grievance campaign can amplify CAPE members' collective voice, hold employers accountable, and secure fair access to telework options.

### A. What is a Grievance Campaign?

A grievance campaign is a structured, collective effort to challenge systemic violations of members' rights, often involving breaches of the collective agreement or employer policies. When telework requests are unfairly denied or when managers fail to adhere to established criteria, organizing a grievance campaign allows members to address these issues systematically while demonstrating unity and strength.

Key aspects of such a campaign include:

- Identify and collect evidence of unjust denials of telework requests or systemic failures to comply with the Directive on Telework.
- Educate members about their rights and empower them to taking collective actions.
- Organize collective actions that send a powerful message to employers about the need for fairness and equity.

## B. Organizing an Effective Grievance Campaign

### **Educate and Empower Members**

- Equipping members with clear, accessible information about their telework rights, including key points from the Directive on Telework, *or* the Direction on Prescribed Presence in the Workplace. Ensuring members understand the grievance process and how to use it effectively.
- Facilitating engagement through local organizing committees, which can hold interactive sessions where members share their experiences with telework challenges and grievance successes. These sessions will help identify patterns of systemic issues and inspire collective action.

### **Build and Demonstrate Solidarity**

- Fostering a visible, unified message by encouraging campaign participants to show their support with tools such as:
  - Coordinated displays of solidarity, such as wearing campaign colors, setting collective virtual backgrounds during remote meetings, or participating in workplace rallies.
- Organizing members to file grievances where appropriate, emphasizing the shared nature of the issue and amplifying the call for systemic change.
- Encouraging members to engage in national days of action or other symbolic gestures to raise awareness.

### **Strengthen and Sustain Communication**

- Keeping members informed through regular updates, using newsletters, social media posts, and email communications. Transparency around the campaign's progress, grievance outcomes, and upcoming actions will be essential for sustaining engagement.
- Showcasing success stories with concise, impactful stories of how grievances have been resolved and how these victories can serve as a blueprint for others.



- Leveraging modern communication methods, such as hashtag campaigns on social media, short-form video testimonials, and member Q&A sessions, to reach a broader audience and foster deeper connections.

### **Inspire Action Through Training**

- Providing organizing workshops and training sessions for local organizing committee representatives, equipping them with tools for campaign coordination and organizing.
- Training members on how to recognize improper telework denials and document these instances effectively, ensuring grievances are well-supported and impactful.

## **C. Campaign Goals**

Ultimately, this grievance campaign aims to:

- Ensure all members who meet telework criteria have fair access to these options.
- Hold employers accountable for abiding to the Directive on Telework, pushing for corrective actions where needed.
- Create a legacy of systemic improvements in telework implementation, such as better fairer application of policies.
- Foster an environment for stronger collective agreement language

By organizing members through a grievance campaign, CAPE will not only defend the rights of individual members but also strengthen the collective resolve to secure fair, equitable workplace practices.

## **D. How Does This Protect Members?**

The goal of an organizing effort tied to a grievance campaign is not only to win individual cases but to:

- Push the employer to correct systemic issues, comply with directives, and address injustices in the application of the Directive on Telework.
- Advocate for policies that eliminate bias in telework decisions, ensuring fairness for all members.
- Build a culture of empowerment by helping union members see the direct impact of collective action.

- Create momentum for lasting policy improvements, such as clear telework standards.

### E. Call to Action: Get Involved Today!

Organizing is the driving force behind fair workplace practices. Every member has a role to play:

- Sign up with your local organizing committee and encourage your coworkers to do the same.
- Attend workshops and become familiar with telework policies to support grievances effectively.
- Speak out against unfair practices, and share your story with CAPE, it strengthens our collective case.

## Conclusion: Act Together to Defend Our Rights

The right to telework is essential to fostering a more equitable and balanced federal public service, and it must be defended with solidarity. By familiarizing yourself with this guide, you're taking the first step toward understanding the grievance process and being ready to act immediately if your telework request is unjustly denied.

Remember, you're not alone in this journey. Together, as CAPE members, we have the strength and tools to protect each other's rights. Stand with your coworkers, participate in CAPE's initiatives, and amplify your voice in the fight for fairness.

Let's move forward united, showing our strength and commitment to creating workplaces where all members receive the respect and treatment they deserve. Together, we can pave the way for a federal public service that values equity, balance, and the well-being of all.



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