



**THE PROFESSIONAL ASSOCIATION
OF FOREIGN SERVICE OFFICERS
L'ASSOCIATION PROFESSIONNELLE
DES AGENTS DU SERVICE EXTÉRIEUR**

BY EMAIL

(carole.bidal@tbs-sct.gc.ca)

April 10, 2024

Ms. Carole Bidal
Associate Assistant Deputy Minister Employee Relations
and Total Compensation Treasury Board of Canada
219 Laurier Ave Ottawa, ON K1A 0R5

Dear Ms. Bidal,

**Re: Policy Grievance (Pursuant to Section 220 of the FPSLRA)
Agreement Between the Treasury Board and The Professional Association of
Foreign Service Officers (Group: Foreign Service, Expiry date: June 30, 2026)**

The attached Policy Grievance is hereby submitted by the Professional Association of Foreign Service Officers (PAFSO).

POLICY GRIEVANCE STATEMENT:

This is a policy grievance hereby filed by the Professional Association of Foreign Service Officers (PAFSO) pursuant to Section 220 of the Federal Public Sector Labour Relations Act.

DETAILS OF THE GRIEVANCE:

PAFSO grieves the Employer's conduct in transferring administration of the Public Service Health Care Plan ("PSHCP" or the "Plan") from Sun Life to Canada Life and its subcontractor MSH International, in violation of the collective agreement by:

- Implementing the transition without due regard for the rights of all members to a functioning health care plan, as required by the incorporation of the Public Service Health Care Plan Directive in the collective agreement.
- Implementing the transition in a manner that has caused adverse impacts on grounds protected by the Canadian Human Rights Act ("CHRA") and the applicable non-discrimination of the Collective Agreement, including disability, family status, age, sex, and gender identity or expression.
- Violating the provisions of Article 3 of the Collective Bargaining Agreement, which requires the Employer to "make all reasonable provisions for the health and safety of its employees."

BACKGROUND:

Sun Life became Plan administrator on July 1, 1996.¹ Its contract was renewed in 2009.² On August 31, 2020, a Request for Proposal (“RFP”) was issued for a new Plan administrator.³ On December 1, 2021, Treasury Board announced that the contract was awarded to Canada Life and that, effective July 1, 2023, Plan administration would move to Canada Life, promising a “seamless transition”.⁴ In March 2023, Treasury Board informed members that, although they were already enrolled with Sun Life, they were required to take positive steps to complete a new enrolment process with Canada Life before claims could be processed.⁵ The contract with Canada Life allowed for a grace period of six months in which Service Level Standards were not enforced.

On July 1, 2023, administration of the Plan transitioned from Sun Life to Canada Life. Almost immediately following the transition, members and their families at home and abroad began experiencing significant issues, including, but not limited to:

- Interruptions in benefits, pending manual re-enrollment.
- An inability to reach agents at both Canada Life and MSH International, or long delays in reaching an agent.
- Long delays in processing claims
- An increased administrative burden
- Arbitrary and erroneous denials of claims These issues continue to impact members.
- Inability to confirm coverage, including in urgent or life-threatening situations abroad, especially in the US, which has resulted in delays in treatment and care.

The situation has impacted members across the country and overseas. Those serving Canada abroad have been hit hard, as they lose access to their provincial health insurance for the duration of their assignments and must rely heavily on the insurance provided by the Crown. The situation has been particularly egregious in the United States, where the lack of a public health care system means that members and their families are dependent on the Public Service Health Care Plan as their primary insurance provider.

Members have experienced stress, aggravation, and pain and suffering by being subject to a Plan that is dysfunctional. The situation has particularly impacted members who experience socio-economic precarity, as these members cannot afford to pay for medical bills out-of-pocket or to carry bills for significant periods of time. Some of these members have delayed necessary treatment or incurred interest on credit card bills.

The dysfunction in the Plan also causes adverse impacts on prohibited grounds. By the nature of a health care plan, the most severely impacted are those individuals with protected—and often intersecting—characteristics, including disability, family status, age, sex, and gender identity or expression.

CORRECTIVE ACTION:

PAFSO is seeking the following:

- a) a declaration that the Employer has contravened the provisions of the Collective Agreement.
- b) an order that the Employer compensate members for all harms experienced since the administration of the Plan was transferred to Canada Life, on the following terms:
 - i. General damages for all employees for stress, aggravation, and pain and suffering.
 - ii. Damages for impacts to individuals who experienced financial losses.
 - iii. Damages under the CHRA for adverse effects experienced on the basis of prohibited grounds.
 - iv. to be made whole.
 - v. Other remedies deemed just in the circumstances.

Please contact Monique Poonai, Labour Relations Advisor, should you wish to discuss the matter further and/or to discuss the next steps in the grievance process.

Monique Poonai can be reached at:

Professional Association of Foreign Service Officer (PAFSO)
 412-47, Clarence St.
 Ottawa, ON, K1N 9K1
 Tel.: (343) 588-0762
 Email: monique.poonai@pafso.com

Yours truly,



Pamela Isfeld
 President

c.c.: Bertrand Myre, General Manager
 Monique Poonai, Labour Relations Advisor

