



Return-to-Office

Frequently Asked Questions

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Section 1: Return-to-office direction

1.1 CAPE's role and position on return-to-office (RTO)

A. What are CAPE's long-term goals regarding RTO?

CAPE aims to establish flexible, sustainable work arrangements prioritizing member well-being, enhancing productivity, and fostering an inclusive, equitable and collaborative work environment.

B. How does CAPE ensure inclusivity and work-life balance in RTO policies?

CAPE advocates for policies that remove barriers and promote work-life balance, such as flexible work hours and hybrid or full-time telework models for all members, while highlighting the protected needs of equity-deserving members including members with disabilities and those with caregiving responsibilities.

C. What steps is CAPE taking to negotiate the best possible RTO arrangements?

CAPE is actively engaged in discussions with the employer, gathering feedback from members, and advocating and organizing for fair and flexible solutions that support members' rights and well-being.

D. How does CAPE work to ensure that RTO policies are applied consistently across departments and agencies?

CAPE advocates for fair and consistent application of RTO policies across all departments and agencies through consultation and formal processes. Any inconsistencies should be reported to your CAPE [representative](#) for resolution.

E. How will CAPE address issues of equity in RTO policies?

CAPE is committed to advocating for equitable RTO policies that ensure all members have access to the same opportunities and resources, regardless of individual circumstances.

1.2 Accommodations and exceptions

A. What is the difference between an accommodation and an exception in the context of RTO?

An **accommodation** refers to adjustments or modifications made to enable individuals to perform their work duties effectively, especially when they face barriers due to health conditions, disabilities, or personal circumstances. Accommodations aim to create an inclusive work environment by providing necessary support, such as flexible work hours, modified job responsibilities, or remote work options.

An **exception** under the Direction on the prescribed presence in the workplace is a formal release from a specific requirement or rule that typically applies to all employees.

B. What exceptions apply to the RTO requirements?

Exceptions to the mandate are laid out in the [direction](#):

Approval at the assistant deputy minister (ADM) level:

- Employees hired to work remotely prior to March 16, 2020.
- Indigenous public servants whose location and ability to work from their communities is critical to their identity.
- Employees who, with the permission of their ADM, are working remotely 125 kilometers or more from their designated worksite.
- Exceptional exemptions on a case-by-case basis, on a time-limited or longer-term duration (for example, short-term operational requirement or extenuating circumstances).

C. What should I do if my request is denied?

If your request is denied, you should receive a written explanation. If you do not receive one, ask your manager to provide it in writing. You should also get in touch with your local or your labour relations officer.

1.3 Compliance and discrepancies in RTO

A. What did Treasury Board President Anita Anand mean by encouraging “flexibility” for managers in her direction?

It’s unclear what specific flexibility was meant, as no criteria were provided. CAPE supports flexibility but finds it conflicts with the strict three-day in-office mandate.

B. What should I do if colleagues or managers aren’t following the RTO policy?

While the policy applies to everyone, some may have approved accommodations or fall under specific exceptions. If you observe unfair application of the requirements in your workplace, please let your local and labour relations officer know.

C. How many departments are exempt from the three-day office mandate?

A few departments have temporary exemptions due to space limitations. CAPE is monitoring the situation and will inform members as details emerge.

1.4 Grievances and legal considerations

A. What might happen if CAPE’s policy grievance and unfair labour practice complaint are successful?

If successful, the employer may be found to have violated its obligations, but this is unlikely to result in a reversal of the RTO policy. The focus will be on improving future consultations.

B. How long will it take for the policy grievance and unfair labour practice complaint to be resolved?

These processes can take several months.

1.5 Employer's justifications for RTO

A. Why is the RTO policy being implemented now?

The employer cites the need for enhanced collaboration, team cohesion, and operational effectiveness. CAPE acknowledges the success of remote work during the pandemic and continues to pressure the employer to ensure that RTO policies reflect best practices developed during this period.

B. Was the RTO policy updated because employees weren't following the two-day requirement?

No, this was not the reason provided. However, it is important to comply with the guidelines, as non-compliance could affect future discussions around flexible work arrangements and could make you subject to progressive discipline for insubordination.

C. Does the Treasury Board recognize how this policy could affect recruitment and retention?

Recruitment and retention are long-standing issues in the federal public sector, and the new RTO mandate may exacerbate these challenges. CAPE remains concerned about the impact on these factors.

D. Is there a chance employees will be required to work four or five days in the office like executives?

At present, there isn't enough office space to accommodate all employees full-time. There's no indication that this shift will happen anytime soon.

Section 2: Health, safety, and workplace protections

2.1 Ensuring a safe return to the office

A. How does CAPE plan to address health and safety concerns related to RTO?

CAPE is dedicated to ensuring that health and safety protocols are strictly followed. We advocate for improved ventilation, regular cleaning and disinfecting,

access to hand sanitizers, and physical distancing where necessary, prioritizing the well-being of our members.

B. What if I have concerns about my health or safety when returning to the office?

If you have concerns, contact your CAPE representative to discuss your situation. We are committed to ensuring all members work in a healthy and safe environment and will assist in addressing any health or safety issues.

C. What should I do if I'm not comfortable with the proposed safety measures in the office?

If you feel uncomfortable with the safety measures, reach out to your local or labour relations officer. We will advocate for enhanced protections to ensure your comfort and right to a safe workplace.

2.2 Support for vulnerable members

A. Are there policies in place to support members who are immunocompromised?

Yes, CAPE will advocate for accommodations that prioritize the health and safety of immunocompromised members, ensuring their specific needs are met in the workplace.

B. What actions should I take if I am compelled to return to the office but have health concerns?

While employers can request your return, they are obligated to safeguard your health and safety. If you believe the conditions don't meet safety standards, first discuss your concerns with your manager to explore alternative work arrangements. Your CAPE representative can assist if needed.

2.3 Addressing workplace harassment and incidents

A. What should I do if I experience harassment in the office after returning?

If you experience harassment, document the incidents and report them to your supervisor, the employer's designated recipient, or your CAPE labour relations

officer immediately. We are committed to supporting you and ensuring a harassment-free workplace.

2.4 Understanding the role of the Office of the Chief Human Resources Officer (OCHRO) in the RTO mandate

A. What reason has OCHRO given for adding an extra office day?

OCHRO cited “maximizing workplace presence benefits” and promoting fairness and consistency. CAPE believes the motivation is more political, likely to support local businesses in Ottawa and Gatineau.

B. Who at OCHRO decided to increase the in-office mandate?

Treasury Board President Anita Anand has stated it was a “public service decision,” but no specific senior official has taken responsibility.

C. Could OCHRO reverse this decision before it’s fully implemented?

While it is possible, success depends on how strongly employees push back. CAPE continues to pressure for better consultations with bargaining agents to create a fair hybrid work model.

Section 3: Workspace arrangements

A. What steps should I take if I have specific needs or concerns about returning to the office?

Members should communicate any specific needs related to medical accommodations, caregiving responsibilities, or mental health accommodations to their manager. Your labour relations officer can help facilitate the accommodation process and ensure that your rights are upheld.

B. What are the expectations for in-person meetings under RTO?

CAPE encourages minimizing in-person meetings where possible and suggests utilizing virtual meetings to ensure members’ comfort and safety.

C. What should I do if my role has changed significantly due to remote work?

If your role has evolved due to remote work, discuss the changes with your supervisor and seek clarity on any new expectations, your work description or classification. Your CAPE representative is available to support you in navigating these discussions.

**D. What should I do if there's no desk available when I arrive at the office?
Can I go home?**

If no desk is available, inform your manager that you are prepared to work. It is the employer's responsibility to provide a workspace. If they instruct you to work from home, confirm whether this is voluntary unless you have a telework agreement. If working from home is mandatory, consult your CAPE representative for advice on filing a grievance, as your home cannot be treated as your default workplace without your consent.

E. Do I need to make up missed in-office days due to leave, holidays, or compressed schedules?

While departmental policies may vary, CAPE's stance is that you should not be required to make up in-office days missed due to vacation, sick leave, statutory holidays, or compressed work schedules. Clarify the situation with your manager, and if necessary, consult with your CAPE representative.

F. Can I request a dedicated desk or locker at the office?

Dedicated desks or lockers are generally offered to employees working full-time at the office, though this is at the employer's discretion. A dedicated desk can also be granted as an accommodation. If your unassigned desk is unsafe or ergonomically improper, report it as an occupational health and safety concern. CAPE encourages you to prioritize your health and safety and seek assistance to resolve these issues.

G. My letter of offer states that my work location is Ottawa, but my employer is requesting that I work in Gatineau. Is this allowed?

Yes, your employer can change your work location within the "Headquarters Area," which spans 16 kilometers and can include locations across the Ottawa-Gatineau boundary. If the location exceeds 16 kilometers, you may be entitled to benefits under the [NJC Relocation Directive](#).

H. My telework agreement requires me to work in the office two days a week until March 31, 2025. Can I refuse to change this to three days a week?

Unfortunately, no. Telework agreements must be updated to reflect the RTO mandate requiring three days of in-office work per week, as per the Treasury Board direction.

I. If my telework agreement has an expiration date later than September 9, 2024, will it still be valid?

As of September 9, 2024, any telework agreement not including at least three in-office days per week is no longer valid, regardless of its expiration date.

J. What should I do if asked to sign a revised telework agreement requiring three days in the office per week?

You will need to sign a new telework agreement in compliance with the new three-day requirement. CAPE is actively challenging this mandate through a policy grievance and advocacy efforts. You may also be able to file an individual grievance. Please speak to your [CAPE representative](#).

K. If telework is at the discretion of the employer, can my manager decide not to enforce the new direction?

While managers may want flexibility to reduce the in-office requirement, the Treasury Board Secretariat (TBS) has the authority to enforce a minimum number of in-office days for all managers.

L. Will the mandate affect staffing, particularly outside the National Capital Region (NCR)?

It is uncertain how staffing will be impacted, but the policy may limit hiring flexibility outside the NCR, missing an opportunity to attract talent from across Canada.

M. Are there options for hybrid work models available?

CAPE encourages discussions with management about hybrid work models that allow members to balance remote and in-office work effectively.

N. What are my options if I refuse to return to the office?

The employer has the right to request your presence at the office. CAPE advises following the "work now, grieve later" approach. If you believe the return-to-office direction is unfair, or a violation of your rights, comply and then consult your CAPE representative to explore recourses.

O. What should I say to my manager about the possibility of continuing to work remotely?

If you wish to continue working remotely, start by discussing your concerns with your manager. This conversation is especially important if:

- You were promised remote work in the future, and you relocated based on that.
- Most teams in your department have hybrid or remote options, and your team is excluded without explanation.
- You are the only employee denied remote or hybrid work without justification.
- There are insufficient workspaces available at the office.
- You have a valid telework agreement specifying the number of in-office days.

Section 4: Communication and collaboration

A. How can I provide feedback on the RTO process?

Members can provide feedback through CAPE's communication channels, including email, surveys, or direct contact with locals, local organizing committees, labour relations officers, or through other committees.

B. How can I stay connected with colleagues while working remotely?

CAPE encourages members to utilize virtual communication tools and platforms to maintain connections with colleagues and foster team collaboration.

C. How will CAPE handle conflicts arising from RTO expectations?

CAPE will facilitate discussions between members and management to resolve conflicts regarding RTO expectations and ensure a collaborative approach to solutions.

D. Will there be opportunities for team-building activities during RTO?

CAPE encourages team-building activities to foster collaboration and cohesion among team members during RTO.

E. What is CAPE doing to inform the public about the negative impacts of returning to the office?

We are working with other unions, including PSAC, PIPSC, and ACFO, to raise public awareness of the downsides of returning to the office, such as increased traffic and environmental impacts. Our multimedia campaign on these issues has been launched. In the meantime, you can support our efforts by visiting our [#RemoteWorks webpage](#) for resources on how you can get involved.

Section 5: Travel and commuting

A. Will I be compensated for increased commuting or parking expenses related to RTO?

CAPE is advocating for fair compensation for any additional expenses incurred due to RTO, including commuting and parking costs. Members should track their expenses and report any financial burdens to CAPE.

B. Can my employer require me to work in the office if I'm sick but able to work remotely?

If you're ill but capable of working from home, your right to sick leave under the collective agreement still applies. If a medical condition prevents you from working in the office, discuss accommodations with your manager and seek assistance from your CAPE representative. You are not obligated to return to the office if remote work is justified by your illness.

C. What if I have difficulty commuting due to health issues?

Members who are experiencing difficulties with their commute due to a health issue should contact their CAPE representative to discuss accommodations that can help ease their commute, including flexible start times.

D. Has there been any discussion about the inequity in travel and parking costs between remote and office workers?

This inequity predates the pandemic, as some offices offered free parking while others did not. CAPE continues to advocate for fairness through collective bargaining, including addressing remote versus office-based work disparities.

E. Can regional employees who report to the NCR request a new telework agreement for an exemption?

No, the new RTO policy applies uniformly to all employees, regardless of whether they report to a different region or location. This situation highlights why CAPE supports purposeful, rather than blanket, in-office presence.

Section 6: How CAPE is taking action

A. How will CAPE keep members informed about RTO developments?

CAPE will provide ongoing updates through our website, newsletters, and member communications. Members are encouraged to [register and keep their contact information updated](#), and reach out to their CAPE representatives with specific inquiries.

B. Will CAPE negotiate retroactive pay increases due to RTO not being included in the last collective agreement?

No, CAPE will not pursue retroactive pay increases related to RTO. While telework was discussed during the last round of bargaining, the Treasury Board did not have the mandate to include it in the collective agreement. As a result, CAPE focused on securing the best possible compensation for members within the scope of what was negotiable at that time.

C. Will remote work be a major issue in future collective bargaining, and could it lead to a strike?

Yes, remote work is expected to be a central issue in future negotiations. If an agreement cannot be reached, CAPE may consider a strike or binding arbitration, based on membership input.

D. Why wasn't telework negotiated into the last collective agreement?

Telework was a priority, but the Treasury Board did not have the mandate to include it in the agreement. CAPE signed a letter of agreement with TBS, committing to future work on hybrid models.

E. Why is CAPE pushing back more strongly against the additional in-office day?

CAPE was disappointed by the initial two-day mandate but accepted it. However, when the government unilaterally increased the requirement to three days without proper consultation, CAPE escalated its response due to the breach of good-faith negotiations.

F. Is CAPE advocating for the complete elimination of in-office work or just a return to the two-day model?

CAPE values the benefits of in-office work when it is purposeful. It is not advocating for 100% remote work for everyone. CAPE's position would be to return to the two-day in-office model while collaborating with the employer and other unions to develop a hybrid work approach that meets the needs of as many employees as possible.

G. What is CAPE doing to ensure that regional employees are considered for positions in the NCR?

While CAPE has no control over the staffing process, we are committed to advocating for fair consideration of our regional members for NCR positions. We encourage regional members to apply for assignments or deployments via the CT Job Connect service, which may offer remote opportunities.

H. What would be the impact if everyone reported to the office five days a week? Would this highlight space issues?

The employer is fully aware that their current office space is insufficient to accommodate all employees full-time. CAPE is not advising members to report to the office other than on days they are required to do so by the employer.

I. Has CAPE ceased consultations with TBS regarding the Directive on Telework, similar to other unions?

Yes, CAPE has opted out of these consultations for several reasons:

- We will not engage in discussions about the impacts of a direction that was imposed by the employer without consultation, which is now subject to both an unfair labour practice complaint and a policy grievance from CAPE.
- Genuine consultations should occur before any decisions are made, not afterwards, and we will not participate in discussions that take place post-implementation.
- The employer cannot arbitrarily decide when to consult with unions.
- The failure to consult with bargaining agents beforehand is disrespectful and demonstrates bad faith.
- This appears to be a transparent attempt to remedy the flaws in the original decision.

J. What can I do to help fight the three-day in-office mandate?

Here are some immediate actions you can take:

- Report to the office on the required days and comply with the current mandate to avoid any claims of non-compliance.
- Participate in a [telework rights working group](#).
- Sign your [departmental petition](#) calling on your deputy minister to grant a mass exemption to the in-office mandate.
- Use our template to write letters to your MP, Minister Anand, and Prime Minister Trudeau.
- Share your personal story about how the new mandate affects you or your family.
- Participate in any future collective actions organized by CAPE and other unions if further escalation is needed.

K. If I sign the inter-union petition against the three-day RTO mandate, will I face any negative consequences?

No, you should not encounter any negative consequences for signing the petition. You can do so confidently, as it does not violate the Treasury Board's Code of Values and Ethics and cannot be grounds for disciplinary action. Signing the petition is your right as both an individual and an employee. Should you face any repercussions, please contact your CAPE representative.

L. Should I avoid patronizing downtown businesses in the NCR?

If you wish, you could opt to bring your lunch from home and consider carpooling to reduce parking and transit costs. This strategy has been a topic of discussion within CAPE, but it is essential to recognize that revitalizing downtown Ottawa is not the responsibility of federal employees.

Section 7: Contacting your CAPE representative

A. What should I do if I feel the RTO expectations in my department are unreasonable?

Document your concerns and contact your CAPE representative. We will work to address these issues and ensure RTO requirements are fair and justifiable.

B. What if my supervisor is not receptive to my concerns about RTO?

If your supervisor is unresponsive to your concerns, escalate the issue to your CAPE representative. We will ensure that your voice is heard and advocate on your behalf.

C. What should I do if I experience anxiety about returning to the office?

Reach out to your CAPE representative or a mental health professional for support.

D. What if I have personal commitments that conflict with RTO requirements?

Discuss your personal commitments with your supervisor and your CAPE representative. We will work together to find solutions.

E. How can I reach my CAPE representative for further questions about RTO?

You can contact your CAPE representative through the contact information provided on the CAPE website.

F. How will the employer track whether I'm following in-office requirements?

Employers may use various methods, such as security card swipes, network logs, desk reservation systems, or manager verification, to track in-office attendance. These methods are not flawless. CAPE encourages transparency with your manager. If disputes arise, contact your CAPE representative for assistance. CAPE is also assessing those various methods to ensure the employer complies with their privacy obligations.

G. What should I do if my RTO situation causes conflicts with my manager?

If conflicts arise over RTO requirements, document the situation and seek support from your CAPE representative. They can help mediate and advocate for fair resolutions.

H. Can I file a grievance if I believe the RTO policy is being unfairly applied?

Yes. If you feel the RTO policy is being applied unfairly, CAPE can assist you in filing a grievance. Contact your local or your CAPE representative to start the process.



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