



**Wildland Firefighters
Representatives
Videoconference
with the
Canadian Inter-Agency
Forest Fire Centre**

December 10, 2020

The National Union of Public and General Employees (NUPGE) is a family of 11 Component and 3 affiliate unions. Taken together, we are one of the largest unions in Canada. Most of our 390,000 members work to deliver public services of every kind to the citizens of their home provinces. We also have a large and growing number of members who work for private businesses.

Larry Brown, President

Bert Blundon, Secretary-Treasurer

Wildland Firefighters Representatives
Videoconference with the Canadian Inter-Agency Forest Fire Centre
December 10, 2020
Noon (EST)

Participants

BCGEU/NUPGE	Dimitri Vaisius Meghan Scott
SGEU/NUPGE	Bonnie McRae Earle Cook George McLeod
MGEU/NUPGE	Michelle Gawronsky
OPSEU/NUPGE	Jeremy Verdiel Jonathan Scott
NBU/NUPGE	Norman Bourque
NUPGE	Michael Temelini, National Representative
CIFFC	Kim Connors, Executive Director Dave Bokovay, Director of Operations

Welcome and Introductions

Michael Temelini welcomed participants to the call and thanked CIFFC Executive Director Kim Connors and CIFFC Director of Operations Dave Bokovay for taking the time to meet with NUPGE firefighters.

Statement—CIFFC Executive Director Kim Connors

Connors described the CIFFC's role as "coordinator of the standards" (such as the use of the WFX-FIT as a national exchange standard) for the member agencies responsible for wildland firefighting from 10 provinces, 2 territories (Yukon and NWT, **not** NUNAVUT), and Parks Canada. The role of the CIFFC is to coordinate. It does not have an enforcement mandate. Provincial and territorial representatives make the "final decisions" within their agencies regarding all aspects of the WFX-FIT test. The CIFFC only manages and coordinates the national exchange standard on behalf of the agencies.

In other words, the CIFFC, an incorporated private company, is accountable to representatives from the provinces, Yukon, Northwest Territories, and Parks Canada. It is not accountable to the general public or any other stakeholders.

CIFFC Position on WFX-FIT

With regards specifically to the WFX-FIT test, Connors said that the CIFFC's position regarding the SGEU grievance is that "the arbitrator did not rule against the national exchange standard but only the use of WFX-FIT within Saskatchewan." Thus,

- a. it didn't become a CIFFC issue, and
- b. the decision is non-binding outside the jurisdiction of Saskatchewan.

So CIFFC isn't having any dialogues about anything to do with the test (such as the cut score or ramp). This conversation is something that would have to happen within each province, territory, and in Parks Canada.

Having said that, the CIFFC Executive Director explained that the CIFFC is taking a leadership role on behalf of its agencies in 2 particular ways. Connors insisted that these are ongoing initiatives in their opinion, "not associated with [the] arbitrator's decision."

- a. The CIFFC is continuing to work on exploring options to modify the ramp used in the WFX-FIT test.
- b. When WFX-FIT was created 10 years ago, it was agreed that at the 10-year mark that there would be a review of the test. The CIFFC will be leading this initiative in early 2021 during the new budget year. The review is expected to be complete in 2022.

Otherwise, Connors explained that it is not in the mandate of the CIFFC to concern itself with the implementation, or potential modification, of any aspect of physical performance tests in each province or territory or Parks Canada.

Discussion and Questions

There was a thorough question period with several key questions raised:

- Why is the CIFFC continuing to coordinate a test that is clearly flawed when there are other legitimate tried and true alternatives?
- Why can't the CIFFC be proactive and take seriously the goal of modifying the test, rather than wait for all the grievances that will eventually (and inevitably) be filed?
- Why is the CIFFC not concerned with the paradox that the test potentially disqualifies Canadian firefighters who want to work abroad, or in other provinces, but in contrast with their foreign counterparts who apply to work in Canada, but who are not obligated to pass the same test?
- Does the CIFFC not recognize that the test does not reflect the work that is actually done by firefighters—the work that firefighters are doing is not reflected in the test.

The CIFFC representatives replied that essentially the organization's hands are tied regarding anything to do with the test, for example national exchange standard times.

The answers to 3 questions below are particularly significant and politically useful:

1. One question was for further information about the modification of the ramp: how will it be modified?

In reply, the CIFFC people explained that it will be modified not by lowering the ramp but in terms of developing an extra step or transition ramp. In this way, you're not coming off the flat ground directly onto a 35-degree ramp but onto a transitional ramp. This modification would reduce the angle when mounting and dismounting the ramp. The expectation is that these changes to the test would reduce potential injuries.

To design and develop the transition ramp, the CIFFC is working with its member agencies, as well as with the researchers who created the WFX-FIT test (the original group who developed the test in the first place.)

2. Question about consultations and accountability

A subsequent question was raised about the consultation process for the test modifications. The CIFFC said it is working in partnership with all the researchers and agencies in provinces and territories. A question was raised about whether the CIFFC will seek the input and participation of the worker representatives in each of those provinces—the feedback of the worker organizations that represent firefighters?

In response, the CIFFC said that they expect the member agencies to undertake that responsibility—it is not within the purview of the CIFFC to involve worker representation. Rather, it is the member agencies that should communicate and seek input, and conversely, labour unions should reach out to the agencies in their jurisdictions to make recommendations.

The CIFFC further clarified that under its auspices, these provincial and territorial agencies, and Parks Canada, work together in ongoing standing committees. The standing committee that oversees the WFX-FIT test is the resource management committee. This committee has the mandate to direct the CIFFC to undertake its 10-year review.

3. Question about conveying NUPGE's concerns

There was a question about whether the CIFFC would discuss with its member agencies the concerns expressed at this meeting. There was a commitment from the CIFFC personnel that they would relay the concerns.

Appendix

NUPGE Wildland Firefighters Representatives: Recommendation for CIFFC to Change or Replace the WFX-FIT Test

NUPGE Wildland Firefighters' Concerns about the WFX-FIT Test

The purpose of this meeting is to talk about the concerns that NUPGE wildland firefighters have regarding the validity of the WFX-FIT test currently used by the Canadian Interagency Forest Fire Centre (CIFFC). We understand that CIFFC is only able to speak to the WFX-FIT test as it relates to exchanges. CIFFC does not dictate how testing is administered within a province, territory, or in Parks Canada. Nevertheless, CIFFC continues to use a test in which certain aspects have been called into question.

Our position is that for the following reasons, the WFX-FIT test is not a bona fide test:

- Aspects of this test have been ruled discriminatory,
- The test has injured firefighters, thereby taking them out of the field and denying them the ability to carry out their duties,
- The test does not reflect what is actually required during firefighter duties,
- The test is not the same as used in other countries (like the US and Australia), so it puts Canadian firefighters at a disadvantage compared to foreign firefighters.

Therefore, we are calling on CIFFC to change the WFX-FIT test or replace it.

WFX-FIT is a pre-employment physical performance test used to determine whether an individual possesses the physical capabilities necessary to meet the demands encountered while fighting wildland fires.

In December 2015, [an arbitrator ruled](#) against the Government of Saskatchewan, and in favour of the Saskatchewan Government and General Employees' Union (SGEU), that aspects of this test are discriminatory against women and older men. In June 2018, the [Court of Appeal for Saskatchewan](#) upheld that decision (in which CIFFC was an intervenor for the government). And in March 2019, leave to appeal to the [Supreme Court of Canada](#) was denied, so the arbitrator's 2015 decision stands.

These court rulings undermine the legitimacy of aspects of the test, and clearly require further consultation on a better test design. 4 key factors call into question its legitimacy:

1. The test discriminates

First, the test discriminates. The arbitrator identified 2 aspects of the test that are discriminatory: one aspect is the cut score itself. The arbitrator ruled that the test "is not a bona fide occupational requirement, because the cut score has a potential discriminatory adverse impact on females and older males." The second critical aspect

singled out as discriminatory is the requirement to carry a hose pack over the ramp 50 times. The arbitrator ruled that this demand for high-aerobic exertion was one of the reasons the cut score is discriminatory.

2. The test injures

Second, aspects of this test are clearly dangerous and jeopardize the health and safety of firefighters. Again, the ramp is the main culprit here: there is credible and recurring evidence (there are numerous cases) in which this aspect of the test is causing serious injuries. So it must be stopped. Firefighters who are volunteering to fight fires in other provinces, and in other countries, are getting seriously injured while taking the test. Their injuries are taking them out of the field and denying them the ability to carry out their duties

3. The test does not evaluate actual duties in the field

Third, the arbitrator, and wildland firefighters, argue that aspects of the test (specifically, the ramp) do not reflect what is required during firefighter duties. Thus, having the ramp as part of the test is questionable.

4. The test puts Canadian firefighters at a disadvantage

Fourth, the test is questionable because not all countries use it—other countries use a different test. The WFX-FIT is not the only way to measure the fitness of a firefighter.

Until 2012, the international standard that was employed was the Arduous Pack Test, developed by the US Forest service. This is the test used by other agencies around the world, including the National Interagency Fire Center of the US, and fire agencies in Australia and New Zealand.

Because they use a different test in the US and Australia, the WFX-FIT puts Canadian firefighters at a disadvantage. Further, using it often creates bizarre contradictions: for example, someone from New Brunswick who fails the CIFFC test could be prevented from volunteering in Australia, where the fitness test isn't even in use, or from volunteering even in another province in Canada. But an Australian can fight fires in Canada without having to pass the test—the same test required for Canadians. Therefore, CIFFC should adopt the same test as other countries with which we share our resources, countries that don't employ the CIFFC test.

Recommendation

For all these reasons, we call on CIFFC to change or replace the WFX-FIT test. NUPGE wildland firefighters are calling on CIFFC to comply with the 2015 Saskatchewan arbitration ruling, the 2018 Saskatchewan Court of Appeal ruling, and the 2019 Supreme Court of Canada ruling.



NATIONAL UNION OF PUBLIC AND GENERAL EMPLOYEES

- B. C. Government and Service Employees' Union (BCGEU)
- Health Sciences Association of British Columbia (HSABC)
- Health Sciences Association of Alberta (HSAA)
- Saskatchewan Government and General Employees' Union (SGEU)
- Manitoba Government and General Employees' Union (MGEU)
- Ontario Public Service Employees Union (OPSEU)
- Canadian Union of Brewery and General Workers (CUBGW)
- New Brunswick Union of Public and Private Employees (NBU)
- Nova Scotia Government and General Employees Union (NSGEU)
- PEI Union of Public Sector Employees (PEI UPSE)
- Newfoundland & Labrador Association of Public and Private Employees (NAPE)

The National Union of Public and General Employees is an affiliate of the Canadian Labour Congress and a member of Public Services International.

■ 15 AURIGA DRIVE
NEPEAN, ONTARIO
CANADA / K2E 1B7

■ [613] 228-9800
FAX [613] 228-9801

■ www.nupge.ca

■ national@nupge.ca

