**Minutes**

**Human Resources Union Management Consultation Committee (HRUMCC)**

**Meeting held on December 3, 2013**

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| **In Attendance** | |
| **CO-CHAIRS** | |
| Peter Larose (HRSB) - Chair | Steve McCuaig (CEIU) |
| **MANAGEMENT REPRESENTATIVES** | **UNION REPRESENTATIVES** |
| Sandra Webber (HRSB) | Sebastian Rodrigues (CEIU) |
| Brenda Marcoux (HRSB) | Lionel Saurette (CAPE) |
| Annick Langlois (HRSB) | Mark Kohli (PIPSC) |
| Carolina Giliberti (SC) | Stan Buday (PIPSC) |
| Patrick Amyot for Alain P. Séguin (CFOB) | Raoul Andersen (ACFO) |
| Sylvain Patenaude (HRSB) | Luc Pomerleau (CEIU) |
| Charles McColgan for Charles Nixon (IITB) | Rose Touhey for Jim McDonald (UNE) |
| Cathy McLaughlin (HRSB) |  |
| Annick Wilson (ROC – LP) |  |
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| **REGRETS** | |
|  | Jacques Perrin (CEIU) |
|  | Richard Ballance (UNE) |
| **PRESENTERS AND INVITEES** | |
| Albert Tshimanga, Director, Values & Ethics | |
| Julie Metcalfe, Director, People Management Strategy | |
| Julie Lalonde-Goldenberg, DG, Partnerships and Service Offerings | |
| **HUMAN RESOURCES UNION-MANAGEMENT SECRETARIAT** | |
| Sabrina Evans | |

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| **ITEM** | **SUBJECT** | **ACTION / DECISION** |
| **1.** | **WELCOME, REVIEW AND APPROVAL OF AGENDA AND MINUTES** |  |
|  | Steve McCuaig, Chair, welcomed members to the meeting.  The minutes of the September 17, 2013 meeting were approved with the following change:  Amend the minutes to show that the following item remains a future follow-up action.  “An information/exchange session to be organized for bargaining agents on the Code of Conduct Implementation Audit and related management action plan.” | **Amend September 17, 2013 minutes accordingly** |
| **2.** | **FOLLOW-UP ACTIONS FROM THE PREVIOUS MEETING** |  |
|  | **Terms of Reference:**  Sandra Webber noted that an updated version will be circulated with additional comments received from unions and management incorporated. | **Circulate revised Terms of Reference** |
| **3.** | **UPDATES** |  |
|  | **3.1 Pay in Arrears: Cathy McLaughlin**  Cathy McLaughlin explained that Pay in Arrears will be implemented in April 2014. Existing employees will receive a transition payment which will make the change seamless for them as well as for employees returning from a period of leave without pay. Employees, who are hired from April 2014 onward, will be paid under Pay in Arrears. They will earn pay after they complete the work and will see their first pay about 4 weeks after their start date given pay cycles.  **3.2 Duty to Accommodate Guidelines – Sandra Webber**  Sandra Webber explained that the ESDC Duty to Accommodate guidelines have been in place for several years. These guidelines outline a structured process for employees and managers to follow when accommodation is requested. With increased requests for family status accommodation, changes to the ESDC Duty to Accommodate guidelines have been drafted to bring added clarity in this area. A draft of these changes was shared with Bargaining Agents about a year ago. ESDC has shared these draft amendments with the Canadian Human Rights Commission and awaits their feedback before moving forward to finalize the update to the existing ESDC Duty to Accommodate guidelines. Sandra Webber agreed to inform bargaining agents when CHRC comments are received.  On a separate but related note, Lionel Saurette noted that the information requested in Duty to Accommodate situations is sometimes/often requested twice. Carolina Giliberti explained that a doctor’s certificate may be required twice in order to more clearly identify the specific accommodations required in the workplace. Sandra Webber also noted that certain accommodations are time bound and require periodic review / update as the situation changes. It was acknowledged that information should only be requested when needed to facilitate workplace accommodations. Efforts should be made to reduce the need for multiple requests by being clearer upfront.   * 1. **a) Manager’s Guide on Grievances: Sandra Webber**   Sandra Webber thanked committee members for their feedback on the draft guide previously circulated. A new version with the requested changes will be circulated in the new calendar year. Once the revised version is circulated to members, the secretariat will set up a meeting to seek any final comments/feedback.   * 1. **b) Policy on use of Electronic Network: Sandra Webber**   Sandra Webber clarified that the item was incorrectly titled on the agenda. It should have read: “Use of the Department Electronic Network by Union Representatives”  Following previous circulation of the draft to bargaining agents, no comments have been received and the information note will be finalized and sent to managers and bargaining agents early in the new calendar year. The purpose is to provide added clarity on when union representatives can use the employee electronic network to distribute information to members as well as the procedures to follow. This was requested to avoid confusion/simplify procedures. | **New version of the guide on Grievances to be circulated to bargaining agents.**  **A teleconference to discuss final feedback to be arranged once the revised guide is circulated.** |
| **4.** | **Human Resources programs, poLicies, Guidelines and tools** |  |
|  | **4.1 Performance Management: Review of the TBS Directive on Performance Management and ESDC Readiness for 2014-2015: Julie Metcalfe**  Julie Metcalfe highlighted the requirements of the new Directive noting for example mid-year reviews and training for managers are mandatory. The mandatory training is offered by the Canada School of Public Service through an online module and knowledge test which must be completed by March 31, 2014.  Mark Kohli asked whether Managers starting on or after March 31st be able to access the required training. Julie Metcalfe confirmed that CSPS intends to make the training available to new managers after March 31 as well. Julie also noted that the mandatory course would be supplemented with additional Webex and in-person training. TBS have developed a course and offer train the trainer for Departments.  Lionel Saurette inquired as to how the trainers will be selected. Julie Metcalfe explained that someone from Service Canada College would coordinate the identification of trainers seeking content and teaching expertise.  Lionel Saurette also noted that the Collective Agreement states that prior to an evaluation, employees are to receive the information that the manager will be using to assess them. Julie Metcalfe explained that the department will refine its rating guide based on Treasury Board’s guide and will circulate with members.  Carolina Giliberti added that employees will be evaluated similarly for similar positions.  Steve McCuaig asked whether mitigating factors will be taken into account when assessing performance (e.g absences due to illness, etc). Peter Larose explained that managers and employees need to discuss in such situations to clarify expectations/adjustments.   * 1. **Employment Equity (EE) Three Year Action Plan: Albert Tshimanga**   Albert Tshimanga provided an update with regard to ESDC’s *2013-2016 Diversity and EE Action Plan.*  Before doing so, he spoke briefly about the Canadian Human Rights Commission’s (CHRC) recent assessment of our departmental EE situation. As part of their cyclical review process, the CHRC assesses departmental workforce analysis and EE program information to determine whether that organization will be subject to a full EE compliance audit.  Given the results of their assessment, the CHRC confirmed that ESDC would not be subject to a full EE compliance audit. The CHRC’s Status Report of ESDC notes that the Department should be proud of its accomplishments and that overall representation of the four designated groups is greater than the labour market availability of these groups – “a very good EE result”. The CHRC did note, however, that ESDC should undertake measures to address the under-representation of Aboriginal peoples in the Executive Category (which is currently at –7).  As he had mentioned during his last presentation in September, Albert Tshimanga explained that the 2013-2016 Diversity and EE Action Plan builds on the progress and achievements of the 2010-2013 Plan and sets new objectives to address remaining areas of focus and support continued efforts to foster an inclusive, high performing organization. The 2013-2016 Action Plan activities are grouped into three themes – Positive Policies and Practices; Leadership and Accountability; and, Recruitment and Retention.  A request for official endorsement of the 2013-2016 Diversity and EE Action Plan will be presented at the December 18, 2013 Corporate Management Committee meeting. Albert Tshimanga indicated that he is looking forward to having a dialogue with bargaining agents in early 2014 regarding how they can contribute to the successful implementation of the Action Plan activities.  Lionel Saurette (CAPE) questioned why the under-representation of women by –41 in the EC group was not of concern to the Department.  Sandra Webber explained that since women are well-represented in the other occupational groups within the Scientific and Professional category (most notably the NU group), the –41 gap in the EC group (which falls within the same category) is compensated for.  Sébastian Rodrigues asked whether the department was looking at closing the gap with the Aboriginal Peoples in particular with the EX category as shown in the July 1/2013 breakdown of gaps in representation. Albert Tshimanga confirmed that this is being looked at and said that further information would be given once it is available.  Sebastian Rodrigues also enquired as to who the Union Representatives are at the Regional Diversity and Employment Equity (EE) Committees. He also asked if there is a National Diversity and Employment Equity Committee. Sebastian expressed interest in joining either the National or a Regional Committee.  **4.3 Linguistic Requirements in Designated Bilingual Offices: Julie Lalonde-Goldenberg**  Julie Lalonde-Goldenberg noted in 2010, the Commissioner of Official Languages observed there was no standardized language profile for front line Service Canada personnel in designated bilingual offices. He recommended that Service Canada define the language profile required to perform the work for employees who serve the public in all service channels.  ESDC is moving forward with a standard linguistic profile for Citizen Service Officers (PM-01), Citizen Service Specialist (PM-02) and Team Leaders (PM-03) positions in Service Canada Centers. Other positions which serve the public will be addressed in subsequent phases.  A working group studied these positions, the work descriptions and actual tasks. The analysis determined that the linguistic profile for bilingual positions was C (written comprehension), B (written expression) and C (oral competency).  Linguistic profiles will be changed for positions where there will be no impact on employees. Regions will have 5 years to align the profiles of the bilingual positions. As part of Service Canada’s language training national investment plan, it will support this initiative by aligning training priorities with implementation objectives.  Lionel Saurette asked whether this will impact employees wanting to act in a position where they do not meet the linguistic profile. Julie Lalonde-Goldenberg explained that employees who act in a position are not required to meet the linguistic profile of that position if the acting is for four months less a day as the acting will not constitute an appointment under the Public Service Employment Act. Notwithstanding, management must ensure administrative measures are in place to unsure bilingual service. For acting appointments over four months, employees must meet the requirements of the position for merit to be met.  Julie Lalonde-Goldenberg noted that an analysis has begun to see how Passport Canada’s linguistic profiles align with this approach. | **Albert Tshimanga to host a dialogue session on the Three Year Employment Equity Action Plan for bargaining agents in the new calendar year.** |
| **5.** | **ROUNDTABLE** |  |
|  | Mark Kohli asked if there is a departmental standard/direction regarding Alternative Work Arrangements (AWA). In some regions, employees are reportedly being told that they cannot have access to AWA. Peter Larose asked for specific case details to assist in a follow up with the regions to clarify as there is no blanket departmental direction.  Luc Pomerleau asked if the guide on Managing Paid Sick leave which was sent out was the final one. Sandra Webber confirmed that it was and that it incorporated past feedback received from bargaining agents as much as possible. It was acknowledged that several bargaining agents did not support the need for such a guide; however, ESDC continues to see the need for such guidance and has issued the guide to managers.  Steve McCuaig informed members that new security procedures are in place at Phase IV, Place du Portage for meeting rooms. Members who are not employees of the department must present themselves at the Commissionaires desk in order to be signed in and must be accompanied by an ESDC employee to the meeting room.  Steve McCuaig, on behalf of bargaining agents asked if the HRUMCC minutes could be circulated for review and comment within one month of meetings. Sandra Webber agreed to do so moving forward. Peter Larose also requested that revised minutes be circulated for approval prior to the next meeting so that, only by exception, would minutes be reviewed at future meetings. This was agreed by members.  The meeting was adjourned at 2:30. |  |