

**Record of discussions and decisions (RoDD) of the
Human Resources Union-Management Consultation Committee (HRUMCC)**

Date:	March 18, 2019	Venue:	Events and Conference Management Centre, Room Com#10, Level 0, Portage IV, Gatineau QC
Chair:	Gail Johnson	Time:	10:00 a.m. to 12:00 p.m.
Secretariat: Union-Management Consultation Committee (UMCC) Secretariat			
ESDC Participants		Union Participants	
<p>Gail Johnson, Assistant Deputy Minister, Human Resources Services Branch</p> <p>Gary Robertson, Assistant Deputy Minister, Compliance, Operations and Program Development (Labour)</p> <p>Gerard Baetens for Peter Littlefield, Chief information officer, Innovation, Information and Technology Branch</p> <p>Claire Caloren, Assistant Deputy Minister, Benefits Delivery Services Branch</p> <p>Benson Gorber for Mark Perlman, Chief Financial Officer, Chief Financial Officer Branch</p> <p>Ann Mousseau for Benoit Long, Senior Assistant Deputy Minister, Transformation and Integrated Service Management Branch</p> <p>Evelyne Power for Peter Simeoni, Assistant Deputy Minister, Citizen Service Branch, Service Canada</p>		<p>Crystal Warner, National Executive Vice-President, Canada Employment and Immigration Union, Public Service Alliance of Canada</p> <p>Jacques Perrin, National Vice-President, National Capital Region, Canada Employment and Immigration Union, Public Service Alliance of Canada</p> <p>Sebastian Rodrigues, National Vice-President Human Rights, Canada Employment and Immigration Union - Public Service Alliance of Canada</p> <p>Luc Pomerleau, National Resources Officer, Canada Employment and Immigration Union, Public Service Alliance of Canada</p> <p>Jim McDonald, Labour Relations Officer, Union of National Employees - Public Service Alliance of Canada</p> <p>Stan Buday, President, National Consultation Team for ESDC, Professional Institute of the Public Service of Canada</p> <p>Lynda MacLellan, National Vice-President For Women, Canada Employment and Immigration Union, Public Service Alliance of Canada</p> <p>Dany Richard, President and Chair of the Board of Directors, Association of Canadian Financial Officers</p> <p>Dean Corda, Vice-President, National Consultation Team for ESDC, Professional Institute of the Public Service of Canada</p>	

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HR participants	Guests
<p>Danièle Besner, Director General, Workplace Management Directorate, Human Resources Services Branch</p> <p>Gaveen Cadotte, Director General, Workforce management directorate, Human Resources Services Branch</p> <p>Guy Cyr, Director, Labour Relations, Workplace Management Directorate, Human Resources Services Branch</p>	<p>Luc Tremblay, Director General, Program Service Oversight, Integrity Services Branch</p> <p>Jennifer Hamilton, Executive Director, Compensation Directorate, Human Resources Services Branch</p> <p>Todd Burke, Director, Corporate Workforce Strategies, Workforce Management Directorate, Human Resources Services Branch</p> <p>Véronique Tremblay, Acting Director, Harassment Centre of Expertise, Workplace Management Directorate, Human Resources Services Branch</p> <p>Stephanie Tinkler, Acting Director, Office of Workplace Values, Recognition and Resolution, Workplace Management Directorate, Human Resources Services Branch</p> <p>Isabelle Côté, Director, Corporate Security Operations program, Security incident Management Unit, Internal Integrity and Security, Integrity Services Branch</p> <p>Ausama Alsousi, Manager, Office of Workplace Values, Recognition and Resolution, Workplace Management Directorate, Human Resources Services Branch</p> <p>Observer: Geneviève Jolicoeur, Manager, Centre of Expertise, Labour Relations, Workplace Management Directorate, Human Resources Services Branch</p>
UMCC Secretariat	
<p>Kathleen Tremblay, Manager, Labour Relations, Workplace Management Directorate, Human Resources Services Branch</p> <p>Glenn Crane, Senior Labour Relations Advisor, Workplace Management Directorate, Human Resources Services Branch</p> <p>Stéphanie Renaud, Project coordinator, National Union-Management Consultation Committees, Labour relations, Workplace Management Directorate, Human Resources Services Branch</p> <p>Mireille Mc Nally, Recording Secretary</p>	

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Agenda Item	Discussion and Action Items
1. Opening Remarks and Approvals	
1.1 Opening remarks	<p>Discussion Gail Johnson welcomed attendants and shared housekeeping information on interpretation services and online call procedures. In the absence of Crystal Warner, Jacques Perrin assumed union co-chair duties.</p> <p>Actions No action identified.</p>
1.2 Approval of Record of Discussions and Decisions of November 7, 2018	<p>Discussion The Record of Discussions and Decisions from November 7, 2018, meeting was approved.</p> <p>Actions No action identified.</p>
1.3 Status of Outstanding Action Items of November 7, 2018	<p>Discussion All outstanding items identified at the November 7, 2018, meeting are resolved.</p> <p>Actions No action identified.</p>
2. Updates on Standing Items	
2.1 Update on the Diversity and Employment Equity Action Plan	<p>Discussion Todd Burke provided an update on the Diversity and EE Action Plan and elaborated on where the Department is moving to ensure recruitment and retention of personnel in the four areas where improvements are deemed necessary:</p> <p>Women: The major area of concern in meeting departmental objectives has been within the EC group and HRSB is pursuing recruitment opportunities through career fairs at various universities, and targeted recruitment.</p>

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	<p>ESDC continues to see improvements and is in a position to better determine where to concentrate its efforts.</p> <p>Visible Minorities: The self-identification campaign held from October to December was successful and Mr. Burke noted that the Department is approaching 5,000 visible minority employees. In order to more accurately understand the occupational groups requiring recruitment attention, HRSB will leverage information obtained from the newly issued 2016 Labour market availability. The NU group is the only area of concern and ESDC has had success in using targeted processes to reduce the gaps that went from -90 in Q2 of FY 2017-18 to -46 in the same quarter of this FY. ESDC also has a post-secondary recruitment pool of NU candidates, which can be leveraged by using EE as an organizational need in the selection process.</p> <p>Aboriginal Peoples (Indigenous): In response to Gerard Baetens inquiry as to whether the terminology used should be ‘aboriginal peoples’ or ‘indigenous’, Mr. Burke confirmed that the word ‘indigenous’ is the preferred term and that further presentation material will reflect this. Gaveen Cadotte mentioned that the Employment Equity Act makes reference to ‘Aboriginal People’ and that official documentation still requires the use of this term. In any other case, however, the term ‘indigenous’ will be used.</p> <p>Key initiatives are taking place and by the end of March, an external and internal non-imperative selection process will be in place for indigenous persons to join the EX-group. Mr. Burke mentioned that this is one of the first in the Public Service.</p> <p>ESDC has established an Interchange Canada assignment at the EX-level with the Native Women’s Association of Canada (NWAC) to review policies and procedures and selection processes with an indigenous lens, and help the department improve on its recruitment practices.</p>

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	<p>Also, in terms of what is being done for the recruitment of students, Ms. Johnson has sent emails to Portfolio Management Board members as well as HR Infozone in February to put forth two of the priority groups (Indigenous and Persons with disabilities) that are targeted for student recruitment.</p> <p>Persons with Disabilities: Based on the recent self-identification information, this is the only EE group for which the representation of new hires at ESDC is lower than their workforce availability.</p> <p>In response to Sebastian Rodrigues' comment to that effect, Ms. Cadotte agreed that the word 'gap' used throughout the EE dashboard and associated documentation is problematic as the term does not describe the whole of the situation. One important factor is the retention of personnel and it is known that persons with disabilities have the highest early retirement rate. For that reason, gains are made but statistics become lower again as retirements occur. Thought should be given to succession planning and strategic use of staffing initiatives to address future needs.</p> <p>Ms. Cadotte further agreed with Mr. Rodrigues that numbers do not seem to grow for the reason described above. The number of persons with disabilities also increases as employees age and thus acquire new health issues which in turn can become disabilities. People self-identify as they progress during their career. These factors are taken into consideration when plans and strategies are drawn and Ms. Cadotte informed that a departmental strategy is being prepared to ensure that we can meet the 'gaps' but also recognize the particular challenges for these group of employees.</p> <p>This is an area where the Department is making major headway. Working groups with the Ontario United Way and Live-Work-Play in the Ottawa Region are working towards targeted recruitment anticipated sometime between April-May 2019. Mr. Burke mentioned that successful targeted recruitment had previously taken place for veterans and that his group will try to do the same with the recruitment of persons with physical or mental disabilities. He reminded members that there is a lot to be taken into consideration in doing so: forthright planning, job matching with these organizations, facilitation of one-on-one interviews with managers. Mr. Burke said that proactive measures are being taken for each</p>

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	<p>identified group, and that with outreach and further campaigns, issues will be identified for resolution within the Department. Efforts will be made to make new recruits feel that they are respected and to retain their services.</p> <p>Mr. Baetens recommended that James Heffernan in IITB should be consulted and Mr. Burke confirmed that his organization has benefited from his expertise on several initiatives.</p> <p>Mr. Burke further emphasized the importance of making new recruits feel that they are respected and thus retain their services.</p> <p>Action: No action identified.</p>
2.2 HR-to-Pay (Phoenix) Update	<p>Discussion</p> <p>Jennifer Hamilton provided an update on the HR-to-Pay initiative. Statistics remain stable, with three out of four employees continuing to have pay issues. Ms. Hamilton stated that we have a robust priority payment system for those employees for whom these cause hardships. Priority payments continue to be available for long-standing unpaid entitlements that create hardship (e.g. outstanding increments or acting).</p> <p>Employees are encouraged to look at their pay stubs on the Monday of pay week, to see what amounts will be deposited in their accounts on Wednesday. They can then identify any issues to their manager, Finance and HR to obtain support with an emergency salary advance payment.</p> <p>The Compensation Directorate is continuing to grow and evolve and has created a new service delivery model over the past 6 months to work and support employees and managers on pay issues. This business transformation has been built on a robust, responsive team dedicated to managing, preventing, resolving and monitoring pay issues, while being supported by a fifth stream of work to ensure alignment to corporate strategies and client engagement. As always, Ms. Hamilton recommends that employees and</p>

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	<p>managers use the dedicated pay escalation process available in the HRSB online 'Glossary' for comprehensive support for processing all pay actions:</p> <p>http://iservice.prv/eng/hr/cb/tools_and_resources/glossary.shtml</p> <p>Ms. Hamilton emphasized that employees and managers can help prevent pay issues by producing submissions and the approval of requests and documentation in a timely manner. They have centralized a group of people identified as 'Trusted Sources' to send information to the Pay Centre with only 4.2% projected rejection rate. Ms. Hamilton recognizes the work to be done but best practices are leading to positive results. Ms. Hamilton informed members that they are almost on target in building a team of 50 advisors (47 at the last count). The objective is to have a robust team that will monitor and perform data analytics that will help to better understand where there are problems in the system, where to focus more fully, and to report back on what we are doing as an organization.</p> <p>Lastly, Ms. Hamilton indicated that she has met with PIPSC colleagues to discuss pay stabilization and escalation solutions. This presentation was received positively and Ms. Hamilton indicated her willingness to meet other bargaining agents to show in more detail what is being done to support employees, and offer a walk-through of the process. This would particularly help employee representatives who do not have access to the portal as they are not ESDC employees, in order to better understand its features.</p> <p>Mr. Perrin's question on whether a separate mechanism exists for pay grievances was deferred to Labour Relations. Guy Cyr responded that as the previous CEIU agreement is no longer in place, grievances relating to pay, are to be coordinated as any other grievance as per the collective agreements and that all levels of management are aware of this. Ms. Hamilton stated that when grievances address a distinct pay issue, her group will work towards the timely resolution of the issue as they become aware of it.</p> <p>Actions: No action identified.</p>

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<p>2.3 Harassment (Investigation Process)</p>	<p>Discussion</p> <p>Véronique Tremblay provided an update on harassment complaints and the investigation process. The complaint process offers employees with a means to resolve the situation in the most informal manner possible, while still having access to a formal process. The Harassment Centre of Expertise (HCE) is a neutral entity that is committed to assembling the necessary conditions to promote productivity, the realization of personal objectives and the protection of dignity and self-esteem. The HCE support is offered to plaintiffs and managers throughout the process.</p> <p>Ms. Tremblay indicated the program’s internet page has been completely revamped with access to podcasts, blogs, and information.</p> <p>Iservice IntraWeb http://iservice.prv/eng/hr/harassment/index.shtml General Enquiry NA-HarassmentComplaint-PlainteHarcelement-GD@hrsdc-rhdcc.gc.ca</p> <p>HCE promotes its services through training on Values and Ethics and Informal Conflict Resolution. Danièle Besner mentioned that an awareness campaign was held a few months ago and that a new campaign will soon be launched. All employees will require training on the provisions of Bill C-65.</p> <p>A chart describing each step of the formal process was shared with attendees which stems from the Complaint Resolution directives of TBS. Particular attention was brought to the fact that the plaintiff can identify a support person to accompany him or her during the process. Ms. Tremblay explained the steps of the process identified in Annex A of the presentation package are derived from the TBS Policy on Harassment Prevention and Resolution and the Directive on the Harassment Complaint process.</p> <p>Questions :</p> <p>Dany Richard was pleased with the process and enquired if the department has the capacity and funds to conduct investigations in a reasonable time. He mentioned cases which have taken up to two years for resolution and that lengthy processes are stressful for their members. Ms. Tremblay responded that funding is not an issue but that the process takes time because of different factors such as case complexity,</p>

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	<p>high number of plaintiffs, multiple allegations, high number of witnesses to be interviewed, and the possibility that one of the parties takes leave, therefore ceasing all investigation during his/her absence. TBS mentions a maximum of 12 months for resolution in its directive but Ms. Tremblay recognized that it is sometimes very difficult to meet this deadline.</p> <p>In terms of capacity, Ms. Tremblay mentioned that PSPC prequalified external investigators are hard to find as all federal departments try to obtain their services. In response to Mr. Richard's suggestion, Ms. Tremblay said that there are steps being taken to develop in-house investigators and that different possibilities are being explored. She was supported in this by Ms. Besner who confirmed that consideration is given to training in-house investigators and that with Bill C-65, a list of impartial investigators must be accessible. An agreement will need to be drawn up with bargaining agents to agree on the impartiality of internal investigators. A working group has been created to take a proactive look at the implications of Bill C-65.</p> <p>Luc Pomerleau stated that the presentation material does not mention Bill C-65. Ms. Tremblay stated that regulations resulting from C-65 are not yet accessible but that HCE is aware of all information presently available and sits on all related committees.</p> <p>To Mr. Perrin's enquiry as to whether the department is keeping statistical information and tracking events (ex.: the same person alleged to have harassed others while being investigated for another issue), Ms. Tremblay mentioned that HCE does the prima facie analysis and therefore is keeping statistics and tracking trends in the Department.</p> <p>Other than the excessive delays in resolving complaints, employee representatives mentioned that some personnel are using all their leave during and after a lengthy process and that, they then try to recuperate that time upon their return.</p>

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	<p>Jim McDonald deplored that it is impossible to file a grievance and a harassment complaint at the same time. Ms. Tremblay responded that the program is bound by the TBS policies, but that the employee is informed of both mechanisms and will decide which one better suits their needs.</p> <p>Mr. McDonald further mentioned that nothing ever seems to happen to the manager but the employee ends up being punished and having to leave the workplace. He explained further that if the manager is at fault for a situation, he or she should be punished accordingly and that an employee would not file a complaint in fear of reprisals. Ms. Besner reminded members of the provisions of the departmental Discipline Grid and that the managers are aware of them.</p> <p>Lastly, Mr. McDonald is concerned that the parties will have the opportunity to determine who will be their support person (friend, colleague, union) and that the union representative will be left out. Mr. Perrin felt that HCE should consider advising the plaintiff that their union can represent them, and that a process should be put in place to ensure that unions are made aware of harassment complaints.</p> <p>Action: No action identified.</p>
3. Items Proposed for Discussion	
3.1 Law Enforcement Record Check (LERC)	<p>Luc Tremblay, accompanied by Isabelle Côté, provided information on the implementation of the 'enhanced security screening' stream to the 2014 TBS Standard on Security Screening which is conducted in limited and specific circumstances. ESDC is one of the first departments conducting this exercise.</p> <p>The Position Analysis Tool (PAT), intended to identify security requirements for any position in a consistent manner across the GoC, will not only establish the level of security (reliability, secret, top secret) but will also determine whether the new 'enhanced' stream needs to be applied as well. The PAT is based on a logic model designed to assess the risks and attributes of positions and duties against the type and level of security screening defined in the security standard. The department held a pilot on the 'enhanced' stream in April 2016 and the process analyzed 1,964 positions out of which 625 were identified as requiring</p>

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	<p>enhanced screening. The PAT exercise was more recently conducted on the SIN program where 45 positions were deemed to require the enhanced screening as well.</p> <p>Mr. Tremblay explained that the ‘enhanced’ review is required when a position is involved in national identity documents or the position requires a high degree of public trust where the incumbent is susceptible to influence or coercion, thus the SIN and Passport positions being used as part of the pilots. When PAT indicates that further screening is necessary, three additional reviews are performed: law enforcement record checks (LERC), open search check, and a security interview. The LERC is conducted by the RCMP and is a more in-depth examination of an individual’s background (conviction and non-conviction records, charges withdrawn). The LERC prevents insiders’ threats and the infiltration of organized crime and other criminal elements who may seek to further activities that may threaten the public safety or national security. The insider threat is identified by CSIS. The open source check, conducted internally, is basically the verification of everything that one does online (social media, forums, video-sharing sites, blogs, media, public data). Finally, the security interview conducted by internal employees: verification of personal activities, finances, use of illegal drugs and alcohol, use of computers and technology, online presence.</p> <p>This is a case-by-case assessment. If a position is deemed to have the new enhanced requirement, and the incumbent does not meet the criteria, a different position will need to be found for that employee.</p> <p>The next step, as described by Mr. Tremblay, will be the implementation of a phased approach, as of April 2019. Due to limited resources, 45 SIN positions will be updated to reflect the new requirement. The 625 positions in Passports will be reviewed when their security clearance comes up for renewal. The enhanced security screening will apply to new hires for both programs. The same PAT exercise will eventually be applied to every position within the department.</p> <p>Questions:</p>

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	<p>Ms. Côté assured Mr. Perrin and Mr. McDonald that this process will have no impact on employees' pay (Phoenix) as the employee will remain at the same classification level, but might only change position number.</p> <p>Mr. Baetens inquired if employees will be informed of the security screening process and the possibility of their security clearance being re-evaluated against the new standard for their position. Ms. Côté confirmed that a communication plan is foreseen for the new fiscal year.</p> <p>Mr. McDonald indicated that some employees may worry that their security clearance may be downgraded, thus preventing employability. Mr. Tremblay confirmed that the process will not invalidate employees' secret level security clearance.</p> <p>Lastly, Mr. McDonald asked why the Department is going so fast in implementing this process and Ms. Côté informed him that ESDC is one of the first departments to apply this standard as we were part of the TBS pilot. Other departments will follow suit.</p> <p>Action: No action identified.</p>
3.2 Proposed Changes to the ESDC Code of conduct	<p>Discussion</p> <p>Stephanie Tinkler, accompanied by Ausama Alsousi, presented members with the proposed changes to the 2012 ESDC Code of Conduct to be launched in August 2019. Employee representative's comments are sought by April 11th.</p> <p>The Code guides employees in their daily decisions and actions towards better programs, policies and service to clients. It also provides guidance on expected behaviours in accordance with Canadian legislation and public service regulations. In consultation with experts from corporate, audit, legal services and CRA, 12 branches and regions and DMs offices have provided input to the current draft document. Ms. Tinkler indicated the key elements of the updates:</p>

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	<ul style="list-style-type: none"> • Reinforcing the role of management in setting the “Tone at the Top”. • Clearer wording on consequences to serious offences and breaches of the Code. This includes examples of serious offences that could lead to termination of employment. • Guidance on the issue of impairment in the workplace. Employees must not report to work impaired or under the influence of alcohol, opioids, cannabis, other drugs or intoxicants. • Informing employees that violence, harassment (including sexual harassment) and discrimination in the workplace are unacceptable and will not be tolerated. • Additional clarity for the following: off-duty misconduct; supervisors must not have family and or friends officially reporting to them; it is unethical and inappropriate for supervisors to form intimate relationships with staff who report to them; and individuals at the Executive (EX) and EX minus 1 levels must complete and submit a Conflict of Interest Disclosure annually. • Additional guidance on the use of social media, mostly to caution employees that online bullying and harassment is considered a breach of the Code. Added provisions on conflict of interest for the Senior Disclosure Officer to recuse themselves from receiving allegations of wrongdoing involving themselves or their office, and to refer such allegations to the Chief Audit Executive. • Confirming the officially supported charitable initiatives within the public service: GCWCC, Royal Canadian Legion Poppy Fund, and blood donor clinics/Héma Québec. <p>Ms. Tinkler stated that focus groups will be built to include managers and employees who would receive documentation beforehand, and asked if they have areas of concern and if any improvements can be brought to the new Code. Public Affairs and Stakeholder Relations Branch (PASRB) are responsible for guiding the exercise.</p> <p>In response to Mr. McDonald’s request, Ms. Tinkler stated that unions will have an opportunity to see the Code before it is finalized and launched.</p> <p>Action: Employee representatives were asked to provide input to Ms. Tinkler by April 11th.</p>

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4. Roundtable and Closing remarks	
	<p>Discussion Ms. Johnson thanked presenters and Kathleen Tremblay and her team for organizing this meeting. Ms. Johnson was thankful for the active participation of committee members and feels it is important to continue having these meetings. Committee members were asked to provide agenda item ideas to the Secretariat.</p>