

Labour Program Union-Management Consultation Committee (LPUMCC)

Record of Discussions and Decisions

Meeting of October 31, 2016

MANAGEMENT REPRESENTATIVES:

Lori Sterling, Deputy Minister, Labour Program

Anthony Giles, Assistant Deputy Minister, Policy, Dispute Resolution and International Affairs, Labour Program

Gary Robertson, Assistant Deputy Minister, Compliance, Operations and Program Development, Labour Program

Lyne Bourget, Director General, Strategic Integration and Governance Directorate, Labour Program

Annik Wilson, Director General, Regional Operations and Compliance Directorate, Labour Program

Kim Cunha Bellem, Chief of Staff and Advisor to Deputy Minister

UNION REPRESENTATIVES:

Doug Marshall, National President, UNE – PSAC

Linda Koo, Labour Relations Officer, UNE – PSAC

Luc Provost, President, Local 10259, UNE – PSAC

Michael O'Donnell, President, Local 70263, UNE – PSAC

Lionel Saurette, Labour Relations Officer, CAPE

HRUMCC SECRETARIAT:

Jennifer Hamilton, Director, Centre of Expertise – Corporate Labour Relations

Serge Viens, Manager Policy/Programs, Centre of Expertise – Corporate Labour Relations

José Vasquez, Advisor, Centre of Expertise – Corporate Labour Relations

Line Leblanc, Administrative Assistant, Centre of Expertise – Corporate Labour Relations

Nadine Labelle, Senior Labour Relations Advisor, Centre of Expertise – Corporate Labour Relations

GUESTS:

Brenda Baxter, Director General, Workplace Directorate, Labour Program

Wesley Grant, Policy Analyst, Compliance Operations & Program Development, Labour Program

Batoul Squalli, Program Officer, Compliance, Operations & Program Development, Labour Program

REGRETS:

Stan Buday, President, National Consultation Team for ESDC, PIPSC

Claude Vézina, Director of Professional Services, CAPE

Emmanuelle Tremblay, National President, CAPE

| ITEM | SUBJECT | ACTION / DECISION |
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| 1. | Opening Remarks and Approval | |
| | <p>Lori Sterling and Doug Marshall welcomed members to the meeting</p> <p>Agenda Approval</p> <p>The agenda of the meeting was approved by the members. Luc Provost indicated that he will comment on the Employee Survey during the round table.</p> <p>Minutes of Previous Meeting Approval:</p> <p>The minutes of the meeting of April 25, 2016 were approved by members.</p> | |

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| 2. | OSH Audit Update (Gary Robertson) | |
| | <p>The objective of this audit was to provide assurance that the OHS program and its service delivery model support the provisions of the Canada Labour Code, Part II, and to assess the effectiveness and efficiency of program activities.</p> <p>Overall, the audit concluded the OHS program and related service delivery model support the provisions of the Code. Opportunities exist to improve program planning, monitoring and reporting. There are five (5) key findings:</p> <ol style="list-style-type: none"> 1. Develop a strategic framework for data gathering and analysis to improve program monitoring and reporting. 2. Integrate its various planning and reporting processes and clearly define accountabilities between the Workplace Directorate (WD) and the Regional Operations and Compliance (ROC) Directorate and between ROC and its regional offices to deliver program activities in a more efficient manner. 3. Develop service standards, including indicators to measure the on-going effectiveness of key OHS processes. 4. Develop a comprehensive service delivery standard to formalize regular activities and improve quality assurance. 5. Review the Complaint tools, especially in regards to fines and penalty to enforce compliance with the regulatory regime. <p>Linda Koo (UNE) asked if this was an internal audit and if the report was available. Gary Robertson replied that this was an internal audit and that the report was available for all Canadians on the Department's internet site: http://www.esdc.gc.ca/en/reports/audits/2016/health_safety.page#h3.2</p> <p>Michael O'Donnell (UNE) asked about the timeframe for the implementation of the fifth element. The Program committed to keeping the union informed of the progress on this work.</p> | ✓ |
| 3. | Labour Program Visible Minority Network Update (Brenda Baxter, Wesley Grant and Batoul Squalli) | |
| | <p>A presentation deck entitled "Visible Minorities Network (VMN)" was provided to the Committee members. The VMN is composed of thirty (30) participants and was established on June 2, 2016 to identify and address issues, concerns and challenges facing members of visible minorities within the Labour Program.</p> <p>The VMN mandate is to:</p> <ul style="list-style-type: none"> • Raise awareness of inclusion, employment equity, and diversity; • Build a more welcoming, inclusive, and representative Labour Program; • Break down barriers that inhibit the full participation of VMN within the Labour Program. <p>The VMN will address the following three key priorities:</p> <ul style="list-style-type: none"> • Visible Minority Workplace engagement • Workplace Inclusion; and • Visible Minority Recruitment, Retention and Advancement. | |

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| | <p>Brenda Baxter spoke about specific tools developed by the Labour Program. The Labour Program has identified the following mandatory training to be taken by all employees, including managers: The Richness of our Differences (employees) and Find the Right Fit Using an Objective Eye (managers).</p> <p>To ensure that assessment boards are diverse and unbiased in the hiring processes, the Labour Program developed the Assessment Board Pool. The pool can be used by any individual managing a hiring process. It is a list of diverse employees who have taken the mandatory diversity training and as a member of an assessment board can contribute to providing diverse perspectives.</p> <p>Lionel Saurette (CAPE) agreed with the mandatory training. He asked about specific data for the Economics and Social Sciences Services Group (EC) and if any measures have been put in place to integrate young employees in the workplace.</p> <p>Batoul Squalli responded that the VMN do not have data for specific groups of employees but is inclusive for all age groups even if this is not its primary mandate.</p> <p>Doug Marshall (UNE) welcomed the introduction of the mandatory training and asked whether the Labour Program, in addition to meeting the requirements of the <i>Employment Equity Act</i>, also asked whether the average rate of pay of the members in each equity group was equal to that of non-members.</p> <p>Lori Sterling and Brenda Baxter mentioned that the Labour Program exceeds its representation of Visible Minorities. However, it would be interesting to obtain specific data on the level of representation in connection with the following factors:</p> <ul style="list-style-type: none"> • Metropolitan region versus other regions. • Entry level positions versus management level. | ✓ |
| 4. | <p>Operational Issues (Doug Marshall-UNE)</p> | |
| | <p>Doug Marshall raised eight (8) operational issues and commented briefly about each one.</p> <p><u>French/English versions of IPGs:</u></p> <p>Too often, the French and English versions are not the same and some translations were of poor quality. The union asked if the Labour Program is using the service of a translator to ensure that both versions are exact.</p> <p>The Program is exploring the possibility of having a competent and dedicated person to do translation from the translation bureau. The Program will get back to the union with an update on this issue at the next meeting and will provide a progress report afterwards.</p> <p><u>Performance Management rating system:</u></p> <p>The union raised concerns about the performance management rating system not being applied fairly and uniformly. For example, employees who had been given an acting position were criticized for not completing the normal level of work in their substantive position. In other words, employees doing additional work received poor</p> | |

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| | <p>performance ratings as a result.</p> <p>Management indicated the issue has been raised and discussed with Gail Johnson, Assistant Deputy Minister, Human Resources Services Branch in order to develop a uniform departmental approach.</p> <p>Management will provide the union with an update on this issue at the next meeting and will continue to provide progress report afterwards. If a communiqué is sent out to all supervisors and managers, the unions will be copied on same as an update on this issue.</p> <p><u>Employer Annual Hazardous Occurrence Report system:</u></p> <p>The union expressed concerns that important information is not available to employees in the region, even though this information may be available at NHQ.</p> <p>Work is currently being done to resolve the issues.</p> <p>Management will provide the union with an update at the upcoming meeting and will provide a progress report afterwards.</p> <p><u>Delineation between duties of TA/PA/TI-05/TI-06:</u></p> <p>The union expressed concerns regarding the specific role and duties among TA/PA/TI-05/TI-06 as it seems it can be confusing for some employees and asked for an explanation.</p> <p>As an update, a comparison of duties and responsibilities table will be sent out to all committee members.</p> <p><u>Encrypted USB sticks:</u></p> <p>The union advised management that some employees had difficulty in obtaining an encrypted USB stick for work.</p> <p>The Program has fifty (50) USB sticks ready for distribution to the employees who need one. The union requested that employees be notified that they were available.</p> <p>The Program will notify all employees of the availability of these sticks and who a request for same should be sent to.</p> <p><u>Acting appointments:</u></p> <p>The union expressed concerns that acting opportunities were not fairly distributed among qualified employees and more accessible for employees working in Labour Standards rather than in OSH program.</p> <p>Gary Robertson indicated that statistics are available on the subject. These statistics will be distributed and shared at the next meeting.</p> <p><u>Staffing and Workload:</u></p> <p>The union stated that given the reduction in staffing and the lack of training of new</p> | <p>✓</p> <p>✓</p> <p>✓</p> |
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| | <p>employees, the workload is getting heavier. Even though the situation has improved following some hiring, the situation is still difficult as new employees are on training mode. Furthermore, many TI-05 employees have been hired on the promises that they would benefit from flexible work conditions, which is not the reality.</p> <p>Management acknowledged that this is an issue and that the Labour Program is currently trying to minimize the impact of the Red Tape reduction exercise. New hiring such as casual employees helped reduce the workload. Both the Mobile Work Directive and the Leave and Special Working Arrangements Directive allow the employees to benefit from flexible work conditions._</p> <p><u>Compatibility of templates and LA2000 database:</u></p> <p>The UNE outlined some of the difficulties and unnecessary additional work that employees faced in using templates and the database.</p> <p>Management agreed that the database is old and ineffective. The program is currently revisiting this issue and will prepare a presentation on the subject which will be provided at an upcoming meeting.</p> | |
| 5. | <p>Labour Affairs Officer (LAO) sign off on reports (Annik Wilson)</p> | |
| | <p>Doug Marshall (UNE) stated that some LAOs had to sign a report that had been changed by others, even if they did not agree with its content. Among other things, this raises questions about values and ethics. Linda Koo (UNE) mentioned that employees should not be faced with the fear of reprisal if they do not sign off on changes being made to their reports.</p> <p>Annik Wilson explained that there have been some changes to the Canada Labour Code less than two (2) years ago. Although it modified the delegated powers, duties and functions previously conferred to health and safety officers, the sign-off procedure remains the same.</p> <p>National Headquarters (NHQ) works with Program Advisors, Senior Investigators and managers to review directions with national implications. As LAOs are required to testify in Court, they should never sign off on a report that they do not agree with its content.</p> <p>Doug Marshall asked that all LAOs and their supervisors and managers be informed that they are not required to sign a report where they do not agree with its contents.</p> | |
| 6. | <p>Update on the Phoenix Pay System (Jennifer Hamilton)</p> | |

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| | <p>Jennifer Hamilton recognized that a number of employees have been impacted and incurred out of pocket costs. October 31, 2016 was the target deadline to solve all priority 3 cases. Despite continuous and concerted efforts to address the pay issues, the deadline could not be met.</p> <p>She explained the Escalation Process and specifically the involvement of the Pay Centre’s Departmental Liaison Office (DLO) for resolution. A process for out-of-pocket expenses was put in place and it was communicated broadly to the employees.</p> <p>Doug Marshall (UNE) asked how many cases have not been resolved within the Labour Program. Jennifer Hamilton responded that thirteen (13) cases were escalated and are waiting to be resolved.</p> <p>Doug Marshall (UNE) asked if any transaction such as acting and overtime payments are not being processed given the current situation. Jennifer Hamilton responded that no transactions are being held back.</p> <p>Lionel Saurette (CAPE) asked if there were any pay issues with employee returning to the workplace after a period of absence. Jennifer Hamilton explained that employees who are not getting paid following an initial appointment or re-appointment following a period of extended leave without pay are taken very seriously and are to request an emergency Salary Advances (ESA) which is issued within a 48-72 hours period.</p> <p>Lori Sterling indicated that managers should sit down with employees returning to the workplace and explain them the different options /avenues available should they experience compensation issues.</p> | |
| 7. | <p>Round Table</p> | |
| | <ul style="list-style-type: none"> • Lionel Saurette (CAPE) mentioned that management should not hesitate to use the services of professional translators in their communication. • Luc Provost (UNE) shared his personal comments, as an employee perspective, on the Labour Program Employee Survey. He said that more employees would have responded to the survey if it had been confidential. He asked if the action plan would be developed at the national, regional or local level. He also asked if management would collaborate with the employees to develop an action plan. • Lori Sterling thanked Mr. Provost for his comments on the survey and indicated she was agreeable to work at all three levels when applicable. She added that progress was being made from different angles in the Labour Program but they were not always being reflected statistically. | |