|  |
| --- |
| **Labour Program Union-Management Consultation Committee (LPUMCC)** |
| **Minutes**  **Meeting of December 4, 2017** |

**Management Representatives:**

**Gary Robertson** for Lori Sterling**,** Assistant Deputy Minister, Compliance, Operations and Program Development, Labour Program

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

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

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

**Mary Donaghy**, Director General, Regional Operations and Compliance Directorate, Labour Program

**UNION REPRESENTATIVES:**

**Kevin King,** 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

**Amy Awad,** Secretary-Treasurer, CAPE local 514

**Andrew Gibson,** Steward, CAPE local 514

**LPUMCC SECRETARIAT:**

**Guy Cyr,** Director, Labour Relations

**Serge Viens**, Manager, Labour Relations

**Line Leblanc,** Administrative Assistant, Labour Relations

**José Vasquez**, Advisor, Labour Relations

**Patricia Hinse,** Senior Labour Relations Advisor

**GUESTS:**

**Stéphane Michaud,** Executive Director, Accommodation Facilities, CFO

**Kathleen Tremblay**, A/Manager, Labour Relations

**Brenda Baxter,** Director General, Workplace Directorate, Labour Program

**Jennifer Hamilton**, Director, Compensation

**REGRETS:**

**Michel Daoust,** Labour Relations Officer, CAPE

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

**Lori Sterling**, Deputy Minister, Labour Program

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

|  |  |  |
| --- | --- | --- |
| **ITEM** | **SUBJECT** | **ACTION / DECISION** |
| **1.** | **Opening Remarks and Approvals** |  |
|  | **Opening Remarks**  The co-chairs welcomed the committee members to the meeting.  **Agenda Approval**  The Agenda of the meeting was approved by the members.  **Minutes of Previous Meeting Approval:**  Gary Robertson asked members if the minutes of the June 28, 2017 meeting could be approved. Luc Provost and Andrew Gibson suggested that the left column of the document be approved but not the right column (Action/Decision) as some actions were not detailed enough.  **Business Arising – June 28, 2017**  Andrew Gibson raised three items from last meetings that were not followed-up to CAPE satisfaction:   * Roll up of workplace 2.0 in Phase II * Accessibility to Wellness rooms in Phase II * Problems with showers accessibility in Phase I-II   Tony Giles and Stéphane Michaud indicated the following for each item:   * Roll-up of workplace 2.0 in Phase II: one slide was presented indicating the NCR Real Property projects for fiscal year 2017-18.  Right now, the focus is on space optimization and delivering ESDC Interior Design Standard (IDS) workstations to accommodate departmental growth. As such, only some floors are optimized. A second slide was presented showing the 10-year NCR re-fit plan. * Wellness Rooms: The Department follows PSPC standards as boardrooms and meeting rooms should be seen as multifunctional rooms. They have to be seen more as activity based workplace. They can be reserved via the departmental Boardroom Booking Services. People cannot leave material in those rooms. Accommodations are trying to change some furniture and be more flexible (ex: folding tables). * Showers: In Phases I-II there are no ESDC shower facilities. The existing shower is owned by Industry Canada and is not part of ESDC lease. Phase IV showers are accessible to employees with a membership. Accommodations are working with PSPC and TBS in reviewing their policies as it is not an obligation currently to provide showers in the workplace. * Andrew Gibson recognizes management efforts but indicated not being entirely satisfied with the answers provided and would like to look at the best way to continue these discussions. * Gary Robertson indicated that discussions could continue with Accommodations. Also, it was suggested that the union refer these issues to the national forum (NLMCC) as there are not specific to the Labour Program. * Anthony Giles indicated that he would like to continue to be part of the discussions. | To provide more clarity around some actions, ie, item 3.3 - Rating on PMA & Policy on completing PMA's Update: Verify if Lyne Pépin received an answer from TBS. |
| **2.** | **Business Items** |  |
| **2.1** | **Identification Card Update (Annik Wilson)**  Annik Wilson indicated that she is currently working with key managers across the country and employees identified by UNE to propose new identification options for the Labour Affairs Officers (LAOs), based on best practices in the regulatory world. The options will consider whether there should be different identifiers in the business lines of Occupational Health and Safety and Labour Standards. She mentioned that they are looking for easily recognizable ID cards/badges that are acceptable to all – industry standards. The working group will come up with a proposal and the aim is for the product to be purchased by end of fiscal year. An update will be provided at next LPUMCC.  Linda Koo asked if it would apply to all the LAO's? Annik answered that the needs of all TI's (TI-05 and TI-06) will be addressed. Annik also advised that ERO’s (PM-02s) doing pro-active work may also get cards too.  Kevin King indicated that other federal organizations with compliance and enforcement responsibilities have specific identifications. Having a brand easily recognizable and appreciated by all will be key for employees. | Annick (Mary Donaghy) to provide an update to committee at next meeting |
| **2.2** | **ILS Update (UNE) (Frances McCormick)**  Frances McCormick updated the committee on the Integrated Labour System (ILS). She presented, in a deck, an overview of the implementation timeline which contains 5 releases. She explained that release 1, which focusses on the Employer's Annual Hazardous Occurrence Report is currently in testing and that 20 to 40 employees are targeted for training in the coming weeks. She indicated that ILS will benefit employees as it represents a real investment in them. The new system will reduce administrative burden with a more strategic approach in using data and pulling metrics. She specified that there were no planned job losses. it is about having a more focused/strategic approach. She then explained that they had identified ambassadors who are (will be) trained on toolkits and who will support employees through the change that will cover the next two years. The training is online and every training has an evaluation form that will apply to future sessions.  Linda Koo asked if they were planning to provide cheat sheet, one pager, FAQ's to help employees? Frances responded they were being developed.  Andrew Gibson asked if there were any consideration for in-person training. Frances indicated that depending on the situation, it would certainly be considered and that employees can always have web-ex sessions and one-on-one in NHQ.  Linda Koo mentioned that DTA requirement could be one-on-one, as well as require different formats. Frances answered that as they collaborate with colleagues in the regions, they will make sure that DTA is asked. |  |
| **2.3** | **LP Employee Survey – Working group (UNE)** (**Lyne Bourget)**  Lyne Bourget provided an update on the 2016 LPES. The response to the 2014 PSES results was relatively formal and structured. Results were discussed at the Labour Program Managers' Meeting, and shared and discussed with employees. Specific and local actions plans were developed with regular reporting that complemented Labour Program wide efforts (Annual Town Hall, Café Entre-nous, regional visits, learning sessions, Mental Health Fairs, etc).  The 2016 LPES was piloted to see if the program was heading in the right direction as a result of its efforts since the 2014 PSES and pending the PSEAS.  Results showed some improvements:  •Increased trust in senior management;  •Individuals felt their overall well-being improved at work;  •Individuals felt recognition for the work accomplished.  Areas still requiring attention:  •Increase in individuals who felt they do not have proper material, equipment to do their job;  •Still high perception of harassment and discrimination in the workplace;  •Lack of information sharing from supervisors to employees.  In the fall 2016, managers were tasked with discussing the LPES results with employees and taking appropriate action. It was left to each area to determine their own approach and action (based on size and culture of groups). One region chose to form a working group while others used mechanisms already in place (ie: staff/team meetings, WD Employee Engagement Committee, etc.). Results of both surveys were discussed at LPUMCC and the DM reached out to union heads. Employee engagement and well-being, anti-harassment and discrimination continues to be a priority for the Labour Program and we are looking forward to the 2017 PSEAS results which should be released in the spring.  Gary Robertson stressed that the perception of harassment and discrimination is an area that is very important for the Program. Annik Wilson indicated that her current mandate until the end of the fiscal year is to look at what are the real issues and present a report before April 2018. She will go to the sixteen (16) sites, hold meetings of ten (10) persons or less and prepare recommendations for actions.  Linda Koo asked if the report will be presented at LPUMCC. Gary Robertson agreed. He also stated that they are genuinely concerned by this issue. Over the last thirty (30) months they increased the resources, empowered management and have equipped employees with better tools. They want to ensure that the employees are healthy.  Micheal O'Donnell indicated that DRAP is still being felt and a lot is still coming from that. |  |
| **2.4** | **National Capital Region vs the rest of the country (UNE) (Luc Provost)**  Luc Provost expressed his concerns that career opportunities are far more present in the NCR that in the regions. ESDC should be more flexible in its HR approach, as most job postings are only open to the employees working in the NCR and often exclude regional employees from even being considered.  Mr. Provost states that:   * Management needs to find ways to allow employees from the regions to have a better chance of career progression, including within the organization. * The merit of a candidate shouldn’t be based solely on where they are working geographically at this moment in time. * Management should take advantage of the regions’ expertise and technologies to shoulder the NCR’s workload (as it’s already the case in some instances) and allow employees to work for the NCR but most of the time from their own region. * Our Minister’s mandate states that they must “promote flexibility in federally-regulated workplaces”; * We have to do something and take action about selection board committees that “exclude” PSEs from their process when they find or figure out they’re PSEs from outside the NCR.   He finally talked about Transport Canada putting in place a database of talents’ network for acting and short-term opportunities.  Annik Wilson specified that in the last year, for 25 short-term assignments, most came from the regions. However, talent is across Canada and the Program could encourage such talent management practice. Mr. Provost acknowledges that there has been some progress, but that we are still far from where we could or should be. Gary Robertson echoed what Annik said indicating that a constant assessment of our practices needs to be done and that there is definitely room for improvement.  Kevin King stated that talent management is not new and has existed for a long time (although called differently). He made a parallel with the priority entitlement system stating: "we need talent pools! If you build it, they will come.”  Michael O'Donnell specified that the new Regional Director of Ontario region built a list of employees to pull from by creating an excel spreadsheet this could be done in other regions as well. | Mary Donaghy will circulate the initiative |
| **2.5** | **New Compliance and Enforcement Regime (Brenda Baxter and Annik Wilson)**  Brenda Baxter and Annik Wilson presented the second update on the compliance and enforcement new regime. Referring to a chart, they indicated what the legislative changes were, what was accomplished so far (milestone successes):   * Treasury Board submissions and resource confirmation completed; * Internal Information consultation sessions held in Head Quarters (HQ) and regions in September 2017; * Internal consultation information session for extended jurisdiction conducted in October 2017; * Internal consultations with HQ and Regional stakeholders conducted in November 2017.   They also presented the next steps which could be summarized as getting feedback on consultation sessions and documents and holding other rounds of consultations in the new year with external stakeholders.  Annik Wilson mentioned that employees are very excited about this important work since it reflects recommendations brought forward by the field. She explained that employees had been consulted and had been made aware of the changes when she and Gary Robertson visited the regions.  Andrew Gibson asked if there were additional resources to implement the changes. Brenda Baxter and Gary Robertson explained that a Treasury Board submission was done and that they should get additional resources in the second half of this fiscal year. Also, they are working on a future policy proposal with the hope to get permanent funding to address the Labour Standards backlog- more officers "tiger team". At this time, the backlog funding is temporary for 18 months.  Kevin King asked if the committee thought about a penalty scheme for repeating offenders and consequently, how to guide the officers to deal with these situations in full and not only a piece meal approach? Gary Robertson indicated that they aimed at changing the behaviour in a progressive way, as for example with fines and the ability to publically ‘name and shame’ those who willfully do not comply under Parts II and III of *the Code*. They are also developing a suite of measures/products to increase compliance (ex.: self-audit where employers have to report themselves to the Labour Program).  Linda Koo asked how these changes fit with the classification review. Brenda Baxter and Annik Wilson commented that, although the legislation passed in June 2017, there are many steps that need to be taken before the changes come into force. For example the development of regulations, training and the development of guidance material for officers who have to apply Parts II and III of the Code and for the stakeholder the changes apply to. In terms of classification, the organization review started a year ago but the impacts of these new changes are not sufficiently defined yet to be included in work descriptions. The Program has until 2020 to implement changes with the current focus on the additional legislative work, then the regulatory work and operational considerations to ensure all are ready and prepared for smooth implementation. This includes management’s commitment to capturing and recognizing these changes in the work of our employees.  Kevin King mentioned that different organizations in the air, rail and marine industries have already this type of legislation in place. As such, he suggested looking at those places, especially the ones who have a collective agreement with the TC group.  Linda Koo questioned how the different stakeholders will self-audit? Gary Robertson indicated that it would be initiated by the Program based on information gathered from complaints (for example, if they see a trend, they may request the employer to self-audit).  Tony Giles mentioned that the transferring of the adjudication functions to the Canada Industrial Relations Board (CIRB) is underway. They have met with employees and it will be their choice to stay or go with CIRB. He specified that only seven (7) or eight (8) employees will be affected by the move and that it is not a workforce adjustment exercise. He also indicated that he would be happy to address any concerns with the union if need be. |  |
| **3** | **Human Resources Initiatives** |  |
| **3.1** | **Labour Program Code of Professional Conduct (Annik Wilson)**  Annik Wilson mentioned that the program is undertaking a review of the Labour Program Code of Professional Conduct because the existing guidelines are out of date (ex: no mention of social media) and they have to consider all the changes affecting the Labour Program. Consequently, the working group will refresh the questions & answers section and will have to consider the impact of the implementation of Administrative Monetary Penalties (AMPs). As such, with the help of UNE, five (5) employees and two (2) managers have formed a working group to revamp the Code. Time was set aside for employees to support this initiative. |  |
| **3.2** | **Phoenix Pay System Update (Jennifer Hamilton)**  Jennifer Hamilton presented an update on the Phoenix Pay System:  As of December 4, 2017, a new directorate called the Compensation Directorate was created to consolidate all the pay-related functions. The new DG is David Swol and Jennifer is the director. Jennifer indicated that the pay issues in the Department are significant:   * 70% of all ESDC employees have open cases with PSPC that are over 30 days old.  Most common issues are: acting pay, terminations and overpayments; * To date, 5,500 emergency salary advance (ESA) were issued for a total of $ 8 million; * 10 compensation advisors have been hired within ESDC to address priority issues. Another 10 advisors will be hired in a near future; * The Department is not able to address all pay issues, but has been able to make an impact on extreme hardship cases. Contrary to PSPC, ESDC is looking at all the issues the employee has at the same time; * OCHRO is looking at initiating more training modules for employees and managers.  ESDC will make them available via SABA.   Tony Giles indicated that many pay problems are small but annoying.  Aside from not being paid, what priority issues should they send directly to Jennifer in order to get some help. Jennifer Hamilton explained that they have to rely on the managers and employees to determine the importance of the issue. The same issue may be seen quite differently depending of individual’s perspective. When the manager feels the impact on the employees is important she encourages them to contact her.  Linda Koo indicated that pay issues stemming from leave without pay returns are important and should be considered as a priority phoenix pay issue, so that the situation is corrected as quickly as possible for employees to receive their proper pay. Also, the situations with incorrect T4 are priorities as well.  Kevin King indicated that with PeopleSoft 9.1, the sequence of inputting the information is really important. Consequently, anything the department can do internally to help resolve a situation before PSPC takes action is critical.  Luc Provost indicated that it is difficult to validate on the pay stub if the retroactive payments cover the right period of time or the correct amount paid out because there is not enough information or detail issued to the employee on their pay stub to understand what the payment represents, if the amount is correct, if it covers the whole retro period, etc. Yet employees are being given little time to determine if the retro-pay amount that they received is correct.  Andrew Gibson indicated that for next updates it would be appreciated getting some documentation that would show what the department is really doing and what kind of progress its making (i.e., how many cases have been resolve within a specific period, get absolute numbers, %, etc).  Jennifer responded she will look at that.  Michael O’Donnell asked when the TI’s can expect the retroactive payments related to the application of Appendix DD of the TC collective agreement ($3,000 annual allowance). Jennifer Hamilton indicated that PSPC is responsible for the collective agreements implementation but she will look to find a response. | Jennifer Hamilton to prepare documents for next update  Jennifer to verify with PSPC |
| **4.** | **Round Table and closing Remarks (All)**  Luc Provost indicated that it was difficult to find information on the Labour Program web site (ex: forms).  Luc Provost indicated that it was difficult for employees to find the LPUMCC minutes and is wondering where they are stored and if employees have access to them.  Andrew Gibson indicated that the Department seems to not follow clause 8.05 of the EC collective agreement on the opportunity to have an employee representative introduced to new employees as part of the orientation program.  Andrew Gibson indicated that for next meeting, CAPE would like that the application of the departmental two-sided printing default be discussed. |  |