

LABOUR PROGRAM UNION MANAGEMENT COMMITTEE (LPUMCC)

Record of discussion and decisions

Date:	December 10, 2018	Venue:	Haythorne Boardroom, Portage II, 11 th Floor, Gatineau
Chair:	Anthony Giles and Andrew Shaver	Time:	1:00 pm to 3:15 pm
Secretariat: UMCC Secretariat			
ESDC Participants		Union Participants	
<p>Anthony Giles, Assistant Deputy Minister, Policy, Dispute Resolution and International Affairs, Labour Program</p> <p>Gary Robertson, Assistant Deputy Minister, Compliance, Operations and Program Development, Labour Program</p> <p>Lyne Bourget, Director General, Strategic Integration and Governance, Labour Program</p> <p>Renée Roussel, Senior Director, National Operations on behalf of Mary Donaghy, Director General, Regional Operations and Compliance Directorate, Labour Program</p> <p>Kathleen Tremblay on behalf of Guy Cyr, Director, Labour Relations, Workplace Management Directorate, Human Resources Services Branch</p>		<p>Andrew Shaver, National Executive Vice-President, Union of National Employees, Public Service Alliance of Canada</p> <p>Linda Koo, Labour Relations Officer, Union of National Employees, Public Service Alliance of Canada</p> <p>Luc Provost, President, Local 10259, Union of National Employees, Public Service Alliance of Canada</p> <p>Karen Brook, Labour Relations Officer, Canadian Association Professional Employees</p> <p>Andrew Gibson, Steward, Local 514, Canadian Association Professional Employees</p>	
Guests			
<p>Sylvain Girouard, Director, Governance, Engagement and Management Services, Strategic Integration and Governance Directorate, Labour Program</p> <p>Jennifer Hamilton, Executive Director, Compensation Directorate, Human Resources Services Branch</p> <p>Barbara Moran, Director General, Strategic Policy, Analysis and Workplace Information Directorate, Policy, Dispute Resolution and International Affairs, Labour Program</p> <p>Brenda Baxter, Director General, Workplace Directorate, Compliance, Operations and Program Development, Labour Program</p> <p>Véronique Tremblay, Acting Director, Harassment Centre of Expertise, Workplace Management Directorate, Human Resources Services Branch</p>			
UMCC Secretariat			
<p>Kathleen Tremblay, Manager, Labour Relations, Workplace Management Directorate, Human Resources Services Branch</p>			

LABOUR PROGRAM UNION MANAGEMENT COMMITTEE (LPUMCC)

Record of discussion and decisions

Agenda Item	Discussion and Action Items
1.1 Opening Remarks	<p>Discussion Anthony Giles welcomed all members and underscored the importance of this consultative forum, and encouraged the use of both official languages. Andrew Shaver appreciated the opportunity to share information in a collaborative and respectful environment. Special thanks were given to those having travelled to attend the meeting.</p>
1.2 Introduction of the new Deputy Minister, Labour Program	<p>Discussion Anthony Giles introduced Chantal Maheu, Deputy Minister, Labour Program. Ms. Maheu stated that she has enjoyed great support from management and personnel and emphasized the importance of working together at this table on files that touch everyone in their daily activities. She supports the unions' recommendation that harassment be tabled as a Standing Item, and recognized the courage of those faced with filing formal complaints. Employees are to be reassured that management will provide due process and follow-up. She thanked all participants in the work performed at this forum.</p> <p>Actions No action item identified.</p>
1.3 Approval of minutes for meeting of September 18, 2018	<p>Discussion Minutes were previously provided to all for comments. They were approved as submitted.</p> <p>Actions No action item identified.</p>
1.4 Status of outstanding action items from meeting of September 18, 2018	<p>Discussion Anthony Giles informed members that management had completed the action items as per the last LPUMCC and inquired if there were any concerns or questions.</p> <p>Andrew Shaver indicated that, while they would not be resolvable today, the question of Staffing in the NCR vs other Regions, Workforce Adjustment, as well as the Mobile Work Framework, are continuing subjects of interest and should benefit from a longer timeline, similar to that utilized for Workforce Adjustment. Anthony Giles agreed and stated that Staffing in the NCR/Regions is now a Standing Item and added that Renée Roussel would provide an update on the Mobile Framework review.</p> <p>Actions No action item identified.</p>

LABOUR PROGRAM UNION MANAGEMENT COMMITTEE (LPUMCC)

Record of discussion and decisions

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<p>1.5 Revision of Terms of Reference</p>	<p>Discussion Anthony Giles said that management is poised to approve the Committee’s Terms of Reference and inquired whether there were any concerns before approval.</p> <p>Andrew Shaver and Kathleen Tremblay worked together on this item and he informed that feedback will be provided offline. Anthony Giles requested that, no matter how minor changes are, the reviewed Terms of Reference are to be recirculated to members prior to approval.</p> <p>Actions Terms of Reference to be reviewed, prepared for signatures and recirculated if warranted.</p>
<p>2.1 Identification Card Update</p>	<p>Discussion Renée Roussel identified that a Working Group was formed in November 2017 to review and enhance Labour Affairs Officers’ (LAO) ID cards for a more professional and efficient means of identification. In consultation with the Federal Identity Program (FIP), Security officials, Communications, Privacy and Legal representatives, a concept model was created and Security is currently evaluating the technological aspects of obtaining secure holographic and other necessary identifiers. The name of the officer and title will appear on the new cards.</p> <p>Further consultation will take place with the Working Group in early 2019 and the final product and associated procedures to standardize communications with clients are anticipated for March 2019. Implementation is currently proposed for April 1, 2019.</p> <p>Actions No action item identified.</p>
<p>2.2 Code of Professional Conduct</p>	<p>Discussion As indicated with Mary Donaghy at the last LPUMCC meeting, a consultative Working Group was formed to review the Code of Professional Conduct to bring it more in line with the current standards in the workplace.</p> <p>Renée Roussel provided a short summary of the review which aims to reflect current realities faced by LAOs in their daily activities, expand guidelines to all Labour Program employees, and support the workforce of the future.</p> <p>CURRENT STATUS</p>

LABOUR PROGRAM UNION MANAGEMENT COMMITTEE (LPUMCC)

Record of discussion and decisions

Agenda Item	Discussion and Action Items
	<ul style="list-style-type: none"> - Comments received from the consultation indicated that there were several duplications in the language and intent of the draft Code of Conduct; - There would be a need to keep the links to the various reference documents up to date, creating a risk for duplication and/or misinterpretation; - Conditions of employment, values and ethics and other key elements of the Code of Conduct have been introduced through ESDC and do not require further consideration by the Labour Program. <p>NEXT STEPS</p> <ul style="list-style-type: none"> - A gap analysis is being done to reference all existing documents which support the intent of the current Code of Professional Conduct; - Further work will be done to determine if there are any elements that may require some guidance and prepare appropriate communication tools where required; - Current timelines for the gap analysis is March 31, 2019. <p>Andrew Gibson recommended if when there is a requirement to reach out to the union that it could be done to the members of this table.</p> <p>Actions: No action identified</p>
<p>2.3 Business Transformation (Standing Item)</p>	<p>Discussion</p> <p>Brenda Baxter provided an update on the Labour Program Integrated Labour System (ILS) to consolidate and standardize the functionality of six Labour Program data systems into a single solution. Release 2b, the Federal Mediation and Conciliation Service (FMC) front-end application, is scheduled for March 2019.</p> <p>Phase 1 of the Compliance and Enforcement Legislative changes is targeted for April 2019, concentrating on changes to Canada Labour Code (CLC) Part III (Labour Standards). A consultative paper is being developed on the Administrative Monetary Penalty Regime and Naming of Non-compliant Employers, and will be available on the Labour Program’s website in early winter.</p> <p>Barbara Moran provided a detailed update on the changes that are being proposed to the Bill C-86, the Budget Implementation Act, 2018, No. 2, that was introduced on October 29, 2018; it is currently at the report stage, awaiting third</p>

LABOUR PROGRAM UNION MANAGEMENT COMMITTEE (LPUMCC)

Record of discussion and decisions

Agenda Item	Discussion and Action Items
	<p>reading in the House of Commons. It is expected to be passed by the Senate before the end of December 2018. A communication package of educational materials for employers, employees and inspectors will be developed to enhance understanding of labour standards obligations related to the new legislation.</p> <p>Brenda Baxter mentioned that a new position (Head, Compliance and Enforcement (HOCE)) will also be created under Bill C-86, to improve client service and reduce wait times in the handling of complaints. Under the new designated HOCE, the HOCE would exercise powers for the day-to-day administration and enforcement of the Code (Parts II, III and IV) and will have the authority to delegate powers, duties and functions to any qualified persons, which includes officers, managers, regional directors and DGs. The effect in the field will be a similar delegation approach to Part III that currently exists in Part II. A Treasury Board submission will be prepared to obtain the funding and resources identified in the BIA to implement the legislative and regulatory requirements. Karen Brook was assured that planning activities will continue pending TB submission drafting and approval process.</p> <p>Andrew Gibson asked for details on the penalty scheme being developed. Brenda Baxter explained that the target date for coming into force of the AMPs regime is early 2020, allowing sufficient time to develop regulations, guidance, training and awareness tools to ensure a successful implementation.</p> <p>Mr. Gibson asked who will be responsible for exercising compliance to violations and Ms. Baxter stated that penalties will be based on the degree of severity and issuing of the penalty will vary depending upon that severity. -Gary Robertson emphasized that officers will not be issuing penalties but, however, will be taken seriously in the exercise of their functions.</p> <p>At Linda Koo's request, Brenda Baxter agreed to provide a breakdown of the number of resources, including level of classification, to be requested in the upcoming TB Submission.</p> <p>Action: Brenda Baxter will prepare and provide resource requirements breakdown to Committee members.</p>
<p>2.4 Labour Program Crisis Management Team (CMT)</p>	<p>Discussion</p> <p>As a follow-up to the previous LP UMCC meeting, Lyne Bourget and Sylvain Girouard provided an update on the involvement of the LP OHS Committee with regard to the LP Crisis Management Team. Lyne Bourget explained that the Labour Program Crisis Management Team is still relatively new and that work is still ongoing with regard to the Standard Operating Procedures. She reiterated that the Labour Program is committed to the health and safety of its employees in all situations, whether day to day or in an emergency situation. Sylvain Girouard then explained that discussions took place with the</p>

LABOUR PROGRAM UNION MANAGEMENT COMMITTEE (LPUMCC)

Record of discussion and decisions

Agenda Item	Discussion and Action Items
	<p>Emergency Management and Business Continuity Team of ESDC, and also with the Employer Representative of the Labour Program OHS Committee. The LP OHS Committee sees its role more in terms of providing advice and guidance to the LP CMT when it is developing plans or other documents, as well as briefing the CMT on incidents that occurred during the implementation of emergency measures, so that the CMT could take them into account in its future activities. The health and safety components will always be taken in consideration of the resolution and response of emergencies.</p> <p>Linda Koo appreciated the responses provided and emphasized that the union should be more involved and that LP OHS Employee co-chairs should also be consulted, as she sees the LP OHS Committee play a bigger role than what was explained. She further proposed that best practices should be looked into, and suggested that management provide an update to the co-chairs at the next LP UMCC meeting.</p> <p>Lyne Bourget also mentioned that a presentation on OHS obligations was made at a recent Departmental Corporate Management Committee, and that some gaps were identified. The LP will be working with its LP OHS Committee to address those gaps. This item will be further updated and discussed at a next scheduled meeting.</p> <p>Action: To be placed on the next LPUMCC agenda.</p>
2.5 Mobile Framework Review	<p>Discussion</p> <p>Members were briefed on the Mobile Work framework by Renée Roussel. The framework applies to Labour Affairs Officers, Senior Investigators and Technical Advisors. Mobile Work is defined as any work performed outside the designated workplace, and maximizes a flexible, engaged, and responsive workplace.</p> <p>The provisions of the agreements include:</p> <ul style="list-style-type: none"> . Start and end the day from home based on the client/assignment . Presence in the designated workplace – 1 day per week . Presence at workplace meetings – 2 per month . Access to equipment and tools . Outlook calendar and work plans kept up to date. <p>The agreement specified that biannual reviews would be conducted of the effectiveness and consistency of the application of the framework to LAOs and SIs.</p>

LABOUR PROGRAM UNION MANAGEMENT COMMITTEE (LPUMCC)

Record of discussion and decisions

Agenda Item	Discussion and Action Items
	<p>A survey was sent out to the users on March 13, 2018. The survey highlighted some key findings:</p> <ul style="list-style-type: none"> • Of the 138 respondents, 122 (or 90%) were aware of, and understood the framework and its eligibility criteria. • 64% have worked from home at least one day per week in the last year. Of those who did not, 42% said it was a personal choice. • 65% of employees did not believe the framework provided enough flexibility to achieve goals such as a high-performing organization, and work-life balance. • The findings suggest that only 46% of respondents are utilizing the framework as it was designed. A larger percentage (76%) of respondents believe that it can be more beneficial to provide additional days to work from home. <p>In October 2018, a working group on mobile work was established, recognizing that there had been a broad transition on the management side.</p> <p>On November 23, 2018, the UNE representatives submitted their proposal for review and consideration by the working group. The Labour Program is currently assessing the proposal. Consideration is also being taken with respect to the work being done on the Telework provisions with ESDC.</p> <p>Karen Brook indicated that flexible work arrangements may be harder to arrange for personnel in need of accommodations. Andrew Shaver indicated that ‘mobile work’ does not replace the need for accommodation and Renée Roussel confirmed that distinctions were made by the Working Group on the duty to accommodate and telework requirements as part of the mobile work framework.</p> <p>Kathleen Tremblay said that authority to approve telework as per a Duty to Accommodate is with the director and not ADM.</p> <p>Action: No action identified.</p>
<p>3.1 Phoenix Pay System Update (Standing Item)</p>	<p>Discussion</p> <p>A presentation providing an enterprise-wide and ESDC update on pay and an update on POD Plus was provided to committee members. Jennifer Hamilton brought members’ attention to slides 3-4 which shows the enormity of the backlog and stated that 74% ESDC employees have a current issue, may it be large or small.</p>

LABOUR PROGRAM UNION MANAGEMENT COMMITTEE (LPUMCC)

Record of discussion and decisions

Agenda Item	Discussion and Action Items
	<p>Slide 5 describes that ESDC and PSPC collaborated on a POD plus initiative and that 50 PSPC dedicated pay resources will be assigned to the ESDC portfolio. The objective is for employees' issues to be looked at 'as a whole', thus aiming for a high level of service to staff. So far, there were positive results and some critical cases were resolved.</p> <p>Jennifer Hamilton emphasized that some issues will, however, take months to resolve in spite of the degree of efforts displayed. Ms. Hamilton considers employee representatives as partners in this endeavour and strongly encouraged them to help their members in identifying the criticality of their files and reach out to HR to escalate any issue causing hardship to employees.</p> <p>Intranet address: http://iservice.prv/eng/hr/cmp/tpics/pay/pay_escalation_process.shtml</p> <p>Andrew Shaver suggested that written communications to employees focus on the transmission of key information in plain language so that critical information does not get overlooked. Jennifer Hamilton agreed and will put together a basic one-pager on the escalation process for the unions.</p> <p>Andrew Gibson thanked Jennifer Hamilton for this encouraging update and feels that a timeline of progress accomplished and updates which would be useful. He further inquired if other approaches other than the 'ticket' method had been considered.</p> <p>Building on Andrew Gibson's comment, Luc Provost felt that too much documentation was going on as opposed to actions taken against the ticket.</p> <p>Linda Koo asked how determination of criticality is affected and indicated that she has access to personnel who could look at these issues in order to assist in their resolution.</p> <p>Jennifer Hamilton responded that things are stabilizing and that the appropriate service models are being implemented. The ticketed approach is working well for general inquiries but agrees that other methods could be examined (ex.: 1-800 number). In the meantime, employees are encouraged to persevere with the HR portal.</p> <p>In response to Linda Koo's concern, Jennifer Hamilton agreed that some actions – such as the transfer of employees – are complicated to manage as part of POD Plus. She reiterated that employee representatives are to get in touch with her when pay actions cause undue hardship on employees.</p> <p>In closing, Jennifer Hamilton reminded members that, because of the limitations of Phoenix, the timeliness of transactions at all levels is crucial. For example, it is suggested that employees provide their time sheets/overtime statements and other pay</p>

LABOUR PROGRAM UNION MANAGEMENT COMMITTEE (LPUMCC)

Record of discussion and decisions

Agenda Item	Discussion and Action Items
	<p>questions early to their managers to ensure that action is taken expeditiously. Andrew Shaver indicated that PSAC has a protocol in place if hardship is related to union dues and said he could be contacted as well for the resolution of any pressing issues.</p> <p>Action: A one-pager on escalation process will be prepared and shared with employee representatives.</p>
<p>3.2 Staffing NCR vs other regions</p>	<p>Discussion This item is further to Luc Provost’s request at the last LPUMCC meeting that the question of LP staffing opportunities opened to regional offices be examined. Renée Roussel mentioned that about 25% of all processes were open to regions. Several factors are considered when determining an area of selection to establish a reasonable pool of candidates and while challenges exist, LP is open to efforts that hopefully will translate into more opportunities for the regions to apply for permanent positions and hiring managers will be asked to consider more consistently the inclusion of regions in the area of selection when conducting recruitment processes. She added that this aspect will be looked at when tabling the LP Operational Staffing Plan or other staffing actions at PMC and the area of selection could be added to the forms to be completed by hiring managers along with other factors of consideration.</p> <p>LP will also continue to provide regions with temporary work opportunities in NHQ so that employees can be exposed to these positions and gain the necessary experience/develop the required skills. This will in turn broaden the pool of potential candidates that can be considered.</p> <p>Action: Form to be amended and presented at the next LPUMCC meeting.</p>
<p>3.3 Harassment (Standing Item)</p>	<p>Discussion Anthony Giles opened the discussion and stated that harassment would now be treated as a Standing Item to this committee. He gave a short overview of the Clerk of the Privy Council report that detail 14 recommendations and supports a zero tolerance policy against harassment in the workplace. Véronique Tremblay was introduced as Director of the new Centre of Expertise on Harassment, which divide their work in three pillars: 1. Prevention 2. Resolution 3. Restoration. Ms. Tremblay announced that an Awareness Campaign will be organized for the winter 2019 and will provide information detailing methodology to be employed in interventions, and encourage proactiveness in preventing and dealing with harassment in the workplace. Ms. Tremblay is based in the Québec Region and will provide a more detailed presentation via videoconference at the next LPUMCC.</p>

LABOUR PROGRAM UNION MANAGEMENT COMMITTEE (LPUMCC)

Record of discussion and decisions

Agenda Item	Discussion and Action Items
	<p>Karen Brook inquired as to whether the restitution process will include such topics as reimbursement of sick leave to employees. She further asked if employees will be required to file grievances to gain back time spent because of proven harassment. Ms. Brook emphasized the difficulty for employees to file a grievance after being subjected to harassment. Véronique Tremblay responded that Memorandum of Understanding will be used to restore leave to employees and that restorative actions should be done as of Day 1. In all cases, there will be a review as to whether leave is restorable or not and a progressive action plan will be developed and followed during the process. The impact of harassment on teams will also be examined, leading to training and team building activities to be conducted.</p> <p>Andrew Shaver recommends an action plan c/w deliverables for future discussion at this committee.</p> <p>Véronique Tremblay recommends that employees approach her team prior to filing a complaint in order to benefit from the Center of Expertise’s advice and guidance in completing the forms.</p> <p>Gary Robertson indicated that statistical reports, including the level of severity of harassment cases, will be maintained.</p> <p>Action: A detailed presentation to be provided at the next LPUMCC.</p>
<p>Roundtable and Closing Remarks</p>	<p>Discussion</p> <p>In response to Andrew Gibson’s concerns on upcoming construction work limiting accessibility to Portage II washrooms, Lynne Bourget indicated that this item was being watched closely in concert with accommodation representatives. Appropriate protocols will be put in place and key messaging issued to employees.</p> <p>Andrew Shaver thanked participants and interpreters, and reminded that representatives are to share items of concern if they wish for them to be brought to this level of consultation.</p> <p>Co-chairs wished everyone a Merry Christmas.</p> <p>There being no further business, the meeting was adjourned.</p>