

Policy on Union-Management Relations: Consultation and Co-development

Preamble

The Institute believes that, with rare exceptions, all issues that have an effect on the terms and conditions of employment of its members are properly a matter for union-management consultation.

The Institute recognizes that effective union-management relations are a cornerstone of good human resources management practices and that collaborative efforts between the parties, through regular communication and sustained dialogue, play a pivotal role in improving the working conditions of Institute members.

Effective Date

This Policy is effective as of **June 20, 2015**.

Objective

To provide a framework for consultation and co-development activities between the Institute and the employer.

Definitions

Organization: In this Policy, *Organization* means an Employer, Department, or Agency.

Staff Representative is an Institute Employee who provides representational services to members.

Policy Requirements

1. What is Consultation and Co-Development?

Consultation ¹

Union-management consultation is a forum to raise issues, share information, advice and concerns about programs, policies and procedures, with a view to resolving problems and concerns.

Consultation is a constructive exercise to promote understanding and problem solving between the Institute and the employer, at a level appropriate to resolve the issues in an atmosphere of mutual respect and trust. This means providing information and seeking opinions and advice from those affected. Consultation is essential in building relationships; it is an ongoing process not limited to formal meetings between the parties.

Consultation does not diminish the authority of the Institute or restrict its ability to make decisions and take required actions. Consultation means the Institute and the employer value each other's insights and opinions. Any exchange of views which leads to a more informed decision is productive for all parties.

Consultation has to be genuine and carried out in good faith. It has to take place before the fact, before ideas are set in individual's minds and before implementation plans are started. Both parties need to feel that they are truly part of the planning, that they are partners in developing options and in analyzing the situation, assessing advantages and disadvantages and recommending specific actions. Consultation is predicated on the willingness to listen to the other party and a determination to find mutually acceptable solutions to problems identified.

Consultation can also be an effective means of identifying issues for collective bargaining, especially those that have proven to be difficult to resolve informally across various *Organizations*. As such, consultation is another means of reinforcing the collective bargaining process, which is the primary *raison d'être* of the Institute.

Co-development

Co-development is a union-management relations process, based on voluntary participation, designed to allow the equal participation of the parties to produce a desired product. The product of co-development may be a directive, a policy, a set of procedures, or some other initiative that is jointly owned by the parties but administered by one party - the employer.²

Co-development involves both parties undertaking research and presenting background information to feed into the process of developing policies. It involves real give and take, with neither party expecting to achieve all its goals on the subject. It is a process that helps to build trust and that relies on trust to be effective. It can play a major role in ensuring that employees' voices and their preferences are heard and reflected in internal government policies.³

Co-development should not be undertaken without consultation with and approval by the Institute. Care needs to be taken to ensure that, in any particular co-development project, the Institute does not, by its participation and approval, bind its future actions on behalf of the members or compromise its ability to advocate effectively on their behalf.

2. What Can and Cannot be Discussed in Consultation

Generally speaking, any issue of general (not personal) interest can be discussed. Topics for consultation could include work environment issues, performance appraisal processes, workload distribution, employer policies and directives, reorganization and workforce adjustment, appointment processes and area of selection, staffing of vacant positions, recruitment and retention, career development and training, job classification, employee assistance programs, use of employer e-mail, collective agreement interpretation, etc.

Consultation on issues such as Classification, reorganization, collective agreement interpretation and WorkForce Adjustment should not be conducted without the advice and guidance of an Institute Staff Representative. Commitments or agreements on these issues cannot be made without the consent of the Institute.

Consultation cannot be used to modify the terms of a collective agreement, engage in collective bargaining, or to discuss ongoing grievances or personal issues. Grievance cases may be discussed in a generic way if such discussions provide a means to identify trends or underlying causes that would help in resolving the problem.

3. Levels of Consultation

Due to the varied structural models used by the organizations, consultation should be organized around the organizations structure and programs so as to be the most efficient and effective in serving our members.

Organization-wide consultation is the highest level of consultation with the *Organization*. It provides the forum where issues of concern to a large number of the members are discussed or where issues left unresolved at lower levels are dealt with.

Depending on the Organization's structure, there may be a need for lower-level consultation specific to a division of the organization or a Geographic area. (See Appendix A for samples.)

In order to be effective, consultation must be targeted to resolve issues at the lowest level possible. Only those issues unresolved at lower levels or not appropriate at lower levels should be dealt with at higher levels.

4. Terms of Reference

Terms of Reference between the organization and PIPSC must be developed so as to provide a framework for the consultation meetings. Topics to be included in the terms of reference include, but are not limited to:

- List of formal meetings
- Composition of meeting participants
- Frequency of meetings
- Location and scheduling of meetings
- Agenda creation guidelines
- Record of Decision/Minutes guidelines

5. Who Does Consultation?

Consultation meetings may involve other unions, or may be bilateral with the employer only.

The Institute conducts consultation through Consultation Teams consisting of Institute stewards assisted and advised by Institute staff. A Consultation Team is specific to an *Organization*.

Where a Consultation Team does not exist, PIPSC will endeavour to form a consultation team.

6. Consultation Team Membership

The Consultation Team in each Organization is led by a President appointed by the Institute. The Institute will consider recommendations by the Team made in accordance with the Team's internal terms of reference in making that appointment. These appointments will be reviewed every two years.

The Consultation Team consists of all Stewards conducting consultation within an *Organization*, as approved by the Team President, in accordance with the Team's terms of reference.

The members of the Consultation Team will develop a consultation model and internal terms of reference appropriate to their organization. That model and terms of reference is to be approved by the Institute before implementation.

Internal Terms of Reference

Each team is to have an internal terms of reference. The Internal Terms of Reference must include, but is not limited to the following items:

- Consultation Structure
- Consultation Meetings with Employer

- Team Composition and Roles
- Selection Method
- Annual Meeting

7. Team Communications

Communication among Consultation Team members is necessary for the purposes of preparation for consultation, post-consultation debriefing, dissemination of information, and other team business as outlined in their approved consultation model.

Communication with the *Staff Representative* is to take place on a regular basis.

The Consultation Team will communicate to *Organization* members on consultation activities at least quarterly. This is normally done electronically.

8. Budgeting

Every year, the Consultation Team will prepare a budget at the time specified by the Institute, using the templates provided. (See Appendix B)

The budget will include all anticipated costs, and will be prepared using the following assumptions:

- Consultation Teams will make effective and efficient use of Institute resources.
- Consultation Teams will have made every attempt to seek agreement with the *Organization* regarding travel costs for attending consultation meetings.
- Consultation Teams will have made every attempt to seek agreement with the *Organization* regarding paid time for consultation meeting preparation and follow-up.
- The number of people attending any meeting will be kept to the minimum necessary.
- Teams are encouraged to minimize costs by appending consultation and team meetings to other scheduled meetings whenever possible.
- Annual budgets are to be prepared based on the team structure and meetings outlined in the team's Internal Terms of Reference¹.

9. Roles and Responsibilities

Within an *Organization*, all members share responsibility for contributing to the effectiveness of consultation by informing stewards of issues within their workplace.

Stewards not involved in consultation should submit to the consultation team those issues which can be discussed and resolved in consultation.

Consultation Team members have the following roles and responsibilities:

- act as official Institute representatives at various consultation committees
- conduct themselves in a professional and respectful manner at meetings
- keep abreast of Institute positions on employer policies
- solicit input from members and Institute staff on issues of concerns
- ensure items of concern are placed on the meeting agendas
- ensure unresolved issues at one level are referred to the next level
- ensure that members are kept informed on discussions held at consultation meetings

¹ For the 2016 Budget exercise, the information will be contained in the Consultation Team's work plan.

- consult with Institute staff on technical issues where guidance is required
- maintain bilateral communications with the *Staff Representative* on agenda issues
- request travel authorization from team President for consultation activities
- report to the rest of the Team, including the *Staff Representative* after meetings, and distribute any documentation provided, as applicable

The Consultation Team President, in addition to the above:

- is accountable to the Institute for the effective operation of the Consultation Team
- is responsible for keeping the Institute informed of important issues and developments
- ensures the production and distribution of a newsletter
- enables and encourages consultation at all levels for the purpose of resolving issues at the lowest level possible.
- approves membership of the Consultation Team in accordance with the Team's internal terms of reference.
- approves which team members will act as official Institute representatives at various consultation committees
- maintains a current listing of team members and responsibilities, and submits the listing to the Institute for posting on the Institute's website
- prepares and submits for approval an annual budget for the Consultation Team
- authorizes travel within the approved budget, and submits the authorization to the *Staff Representative* for processing
- coordinates activities between team members, the *Organization* and the Institute
- is the Team's representative at the Advisory Council (applies only to Treasury Board Departmental Consultation Teams, in accordance with By-Law 10.4)
- ensures *Organization* members are kept informed on consultation activities
- chairs meetings of the Consultation Team
- carries out succession planning and capacity building within the Consultation Team

10. Mentoring and Training

Stewards experienced in consultation play a vital role in developing consultation capacity by mentoring less experienced stewards.

Introductory training on consultation is provided in the basic steward training course. More comprehensive training on consultation will be provided as necessary in conjunction with Consultation Team meetings or regional training schools in accordance with the Institute's Training Policy.

11. Occupational Health and Safety (OHS)

Employers have a legislated obligation to provide for the safety and health of all employees in the workplace. This is done in part through the establishment of workplace OHS committees, and in some cases, Policy OHS committees.

OHS committees consist of Employer members and Employee members. The Employee members are selected by the Union(s) in the workplace. Any member selected by the Institute to serve on an OHS committee is encouraged to become a steward.

OHS legislation dictates that OHS committee members are on duty when performing their OHS functions.

Where the Employer is required to have a Policy OHS committee, participation in these meetings may be by technology such as videoconferencing or teleconferencing, or may involve travel to a meeting

location. As OHS is an employer responsibility, the Institute expects the Employer to pay all costs associated with the meetings, including travel for committee members

12. Criteria for Appointment of President of Consultation Team

The following process will be conducted by an Institute staff member:

1 – A request for interested parties will be sent to all stewards in a Department or Agency. It will contain a description of expected duties and time commitment as well as expected travel and potential to be away from the job the member was doing.

2 – The Consultation Team will review the interested parties CV's and make a recommendation either as a group or individually to the Chair of the Working Group on Consultation (WGC).

3 – The Chair of the WGC will send the recommendations with his or her comments to Executive Committee.

4 - All Stewards get to express their preference on the selection by votes and these votes be tabulated and provided to the Executive Committee as part of the appointment process.

5 - Executive Committee will review the comments of the Team, the Chair of the WGC and the staff (if any) and decide to support the recommendation or to make an alternate appointment.

6 - The successful candidate and the Consultation Team will be notified of the decision of the Executive Committee (acting for the Institute) and a letter is sent to the Department or Agency Deputy Minister / President / Commissioner.

7 - The Board of Directors is informed of the appointment.

All Stewards get to express their preference on the selection and that these votes be tabulated and provided to the Executive Committee as part of the appointment process.

Where other employers have different structures for appointment of Presidents, these structures will be maintained as approved by the Institute.

Appendix A:

[Sample Consultation structures](#)

Appendix B:

[Budget Template](#)

Appendix C:

[Sample Terms of Reference, with indication of what should be considered for inclusion](#)

Appendix D:

Model agreement with the Employer regarding travel costs

Q & A:

Q: Does consultation supersede Collective Bargaining?

A: No. Collective Bargaining remains the primary determining process for all conditions of employment.

Q: Can a member who is not a steward consult with management?

A: No. A member must be a steward to consult with management, i.e., to express views on behalf of the Institute.

Q: Is there a limit to the number of consultation team members who can attend a consultation meeting or a team-building meeting?

A: The agreement with the *Organization* usually limits attendance at meetings with management. In addition, there is a limit to the funding provided by the Institute for meetings with management and team meetings. See the Funding section in the Policy.

Q: Is there a limit to the number or frequency of consultation meetings or team-building meetings?

A: No. However there is a limit to the funding provided by the Institute. See the Funding section in the Policy.

Q: How do we prepare for a consultation meeting?

A: Suggested activities are:

- gather input from members in the workplace
- review the minutes of the previous meeting to check if there are any follow-up items that need to be addressed.
- suggest and review agenda items and prepare comments/arguments
- determine questions and prepare supporting documentation
- determine the speaker for each agenda item
- communicate with the *Staff Representative* to ensure compliance with Institute Policies and positions

Q: How can stewards become involved in the consultation process?

A: Stewards interested in taking part in the consultation process should contact the President of their respective consultation team or their PIPSC regional office. A listing of each consultation team is included on the PIPSC Web site under the appropriate department.

Q: Who represents the Institute at an *Organization* -wide consultation meeting?

A: The Institute is represented by one or more members of the Consultation Team specific to that *Organization*. Normally this includes the President of the team.

Q: Are Occupational Health and Safety committee meetings considered 'union/management consultation'?

A: Strictly speaking, no. Occupational Health and Safety committees, as required by legislation, are made up of employee and employer members (rather than union and management representatives) who jointly participate in creating and maintaining a healthy and safe workplace.

Approved by the Board of Directors June 25, 2008

Amended by the Board of Directors August 20, 2010

Amended by the Board of Directors June 20, 2015

Links

1. cf Working Together in the Public Interest http://www.tbs-sct.gc.ca/report/fryer/wtpi-teip_e.asp
2. cf CO-DEVELOPMENT IN THE PUBLIC SERVICE OF CANADA, http://www.nic-cnm.gc.ca/aux_bin.php?auxid=8
3. cf Working Together in the Public Interest http://www.tbs-sct.gc.ca/report/fryer/wtpi-teip_e.asp