



Public Service Human Resources
Management Agency of Canada

APEX/NMC Briefing
Public Service Labour Relations Act /
Financial Administration Act Amendments



Recourse

- You asked for it:
 - Redesigned recourse should be to achieve satisfactory resolution of issues quickly to return organization to health state ASAP
 - Single system of recourse with multiple access points
- Address recourse system
 - Multiplicity of recourse should be reduced
 - New recourse should have two stages, every effort should be made to resolve complaint, in exceptional cases, have third party intervention.



Recourse

- You asked for it:
 - Mandatory use of early intervention and ADR
 - For unions to raise collective concerns – recourse system should be for individual complaints



Recourse

- You got it:
 - Informal Conflict Management System
 - Policy and Group Grievances
 - Discrimination Grievances
 - Deployment Grievances (CIF of PSEA)



Recourse

Make the Most of It

- Informal Conflict Management System
- Prior to or during a formal grievance/complaint
 - Manager recognizes that there is a work place issue, example: two employees are having relationship difficulties:
 - Managers can access ICMS for advice/support
 - Coaching and training on early conflict resolution
 - If necessary, intervention by neutral, e.g. mediator
 - Tool for resolving issues internally and close to the workplace



Recourse

- Policy Grievance
 - Bargaining agent and/or employer can file grievance re: collective agreement interpretation
 - One step (Treasury Board)
 - Resolves differences of interpretation quickly and consistently



Recourse

- Policy Grievance

- Example: New leave provision of PA Collective agreement – 5 day provision
- BEFORE: Prior to adjudication - Employee grieves in department (three levels). Decision applies only to grievor
- NOW: Prior to adjudication – bargaining agent grieves – Treasury Board responds. Decision applies public service wide



Recourse

- Group Grievance
 - Bargaining agent submits grievance on behalf of group of employees re: interpretation of collective agreement (same issue)
 - Three step procedure – possible acceleration
 - Efficient resolution of several grievances in the department
 - Consistent application across department



Recourse

- Group Grievance
 - Example: Application of overtime clause on second day of rest
 - BEFORE: Employees submitted individual grievances. Response on an individual basis. Potential for inconsistent application.
 - NOW: One grievance – one response. No inconsistency.



Discrimination

- Employees can grieve issues of discrimination
 - holistic treatment of grievances
 - dealt with internally and closer to the work place
 - Dealt with in a timely manner



Recourse

- **Discrimination Grievances**
 - Example: Demoted for unsatisfactory performance – employee claims discrimination
- **BEFORE:** Canadian Human Rights Commission (CHRC). Sent to Deputy Minister for separate redress
- **NOW:** Managers can address discrimination issues in grievance process. PSLRB will decide grievance and may grant awards and interest
- **NOTE:** Employees can still access CHRC



Recourse

- Deployment Grievances
 - Reduction of redress mechanism - when PSEA comes into effect
 - No longer deployment complaint by PSC
 - Managers deal with issue internally through the grievance process



Improved Labour- Management Relations

- You asked for it:
 - Seek a more cooperative labour-management relationship
 - HR regime built on values of trust, transparency and respect
 - Talking to unions at departmental or local level
 - Two-tiered system



Improved Labour-Management Relations

- You got it:
 - Preamble sets out values and principles
 - Mandatory Labour-Management Consultation Committees (LMCC)
 - Co-development
 - Two-tier bargaining



Improved Labour-Management Relations

- Make the most of it:
 - Preamble (new)
 - Guides the parties to improve dialogue for a healthier workplace for employees
 - Encourages partnership and efficient resolution of workplace issues



Improved Labour-Management Relations

Consultation

- compliments formal LMCC structure
- improves relationship and mutual understanding
- valuable input on behalf of employees
- easier and timely implementation of decision
- avoid future grievances
- can lead to co-development opportunities
- encourages consultation at closest level to the workplace



Improved Labour-Management Relations

- **Make the Most of It:**
 - Be pro-active in contacting the union when contemplating changes that affect the workplace
 - Bring them in early in the process
 - See consultation as an opportunity for success
 - Ultimately everyone – employees, managers and unions benefit



Improved Labour-Management Relations

- Example: Reorganization resulting in change of work....
 - Prior to speaking to employees and final decision, meet with union representative(s)
 - Listen – their input may assist your decision-making
 - Could ultimately save time in implementation and may ease employee apprehension



Improved Labour-Management Relations

Co-development

- does not mean co-management
- joint approach for effectively addressing workplace issues
- encourages consultation at closest level to the workplace
- valuable input on behalf of employees
- easier and timely implementation of decision
- avoid future grievances



Improved Labour-Management Relations – Co-development

Make the most of it:

Be open to opportunities to co-develop

Example:

- Change in work processes (focus on e-service delivery) – will involve re-skilling
- Could co-develop learning approach and material



Improved Labour-Management Relations – Two-Tiered Bargaining

Two-tiered bargaining:

- department, Treasury Board and union agree to participate
- allows flexibility for tailoring to unique departmental needs

Example: DFO Officers and Coast Guard



HR Management

- You asked for it:
 - Greatest possible delegation to DMs
 - Releasing an employee should be simpler, based on competency and demonstration of values
 - Department should set policies which affect their work environment
 - Simplify mechanisms for removing employees from a position



HR Management

You Got It:

- FAA direct authorities to DM
- Terminate or demote for unsatisfactory performance
- Disciplinary Demotions
- Forced Deployment (CIF – PSEA)
- ICMS



HR Management

You Got It:

- Terminate or demote for unsatisfactory performance

BEFORE: Termination or demotion for “incompetence”. Adjudicator can substitute opinion for that of the Employer.

NOW: Termination or demotion for “unsatisfactory performance”- deputy head’s opinion. Adjudicator cannot substitute opinion unless it was unreasonable



HR Management

Disciplinary Demotions

- managers have flexibility to demote for disciplinary reasons

BEFORE: Choice was suspension or termination

NOW: Additional option of demotion

Example: Misconduct by a manager which leads to inability to continue managing



HR Management

Forced Deployment (CIF – PSEA)

- managers will be able to deploy without employee's consent, if after investigation, DH finds that person has harassed another person

BEFORE: Choice was suspension or termination

NOW: Additional option of forced deployment



Essential Services

- Employees duties are essential to the safety and security of the public during a strike
 - Managers are expected to be more involved in negotiations with bargaining agents
 - Once initial ESA is negotiated, there should be savings in time during successive rounds of negotiation



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