

CONSULTATION FRAMEWORK

BETWEEN

THE DEPARTMENT OF NATIONAL DEFENCE

AND

UNIONS REPRESENTING

NATIONAL DEFENCE EMPLOYEES

PREFACE

As part of the “La Relève” initiative, the Department of National Defence (DND) developed a Union Management Consultation Framework in 1998. A key element of this framework is a national level committee co-chaired by the Deputy Minister, involving members of the Defence Management Committee and all unions representing DND employees. The DND has undergone extensive changes and reductions over the past several years. The ongoing consultation between management and unions throughout this change process has been critical to achieving the Department's goals and objectives. The purpose of this framework is to reinforce the spirit of openness and candour that currently prevails in the Department, to restate our commitment to its continued vitality, and to set out new guidelines to improve the process.

DND was already in compliance with the *Public Service Labour Relations Act* implemented 1 April 2005 (PSLRA, Section 8). As promulgated by the *Public Service Modernization Act*, the PSLRA contains a provision whereby deputy heads must, in consultation with the bargaining agents, establish a consultation committee for the purpose of exchanging information and obtaining views and advice on workplace issues.

In September 2004 a study was undertaken to examine the effectiveness of the existing National Labour-Management Consultation Framework to ensure that it continues to meet the needs of the Department and to present options for change, as deemed necessary. As such, amendments to the original framework are found herein. In 2007, the introduction of Defence Administrative Orders and Directives 5008-0 Civilian Labour-Management Relations and 5008-2 Civilian Labour-Management Consultation have clarified the framework for the consultation process within DND.

THE BENEFITS OF CONSULTATION

INTRODUCTION

Consultation and problem solving have long been the foundation of labour-management relations in the Department of National Defence (DND). It is largely as a result of this approach that we have avoided the climate of mistrust and confrontation which can be so detrimental, not only to the working environment but to productivity as well.

Collaborative efforts by union representatives and management through communication and sustained dialogue, improve the ability of the Public Service to serve and protect the public interest. The following outlines the understanding reached between management and the unions with respect to consultation as well, it reflects the changes made to federal legislation regarding human resources modernization (Public Service Labour Relations Act, April 2005, and changes to the Financial Administration Act, April 2005).

WHAT IS CONSULTATION?

Consultation is a process of seeking and providing information and advice, exchanging views, and discussing problems in an atmosphere of mutual respect and trust. To be effective, the process must be motivated by a commitment of both sides to sharing information, to listening to the opinions and observations of the other, and to working together to solve problems and resolve differences. Consultation in a labour relations context can be defined as: full disclosure, to the maximum extent possible, of contemplated actions to the representatives of the other party, prior to decisions being taken, with a view to ascertaining the full implications of those actions on the legitimate interests of the other party and resolving any problems which are identified.

ROLES AND RESPONSIBILITIES

To be effective, a policy of consultation and shared problem solving must be a constant and integral element of the philosophy of all those charged with supervisory and leadership responsibilities, whether they are civilian employees, members of the Canadian Forces or union representatives. All share the responsibility for adopting a consultative approach in all areas of their union management interactions. Each party must bring to the consultation process a willingness to listen to and respect the bona fide interests of the other and a determination to find mutually acceptable solutions to problems identified.

TIMING OF CONSULTATION

Consultation should take place, to the extent possible, prior to decisions being made on issues that affect the legitimate interests of the other party. To be most effective, consultation needs to occur as early as possible so that the results of that consultation can be incorporated in the ultimate decision. To put this in context, ideally, parties should

consult on planned changes as soon as there is a reasonable likelihood that change will take place.

FORUMS FOR CONSULTATION

Labour-management relations committees are the focal point for consultation. The guidelines, which follow, set out a framework for committees at the national, intermediate (i.e. areas, operational headquarters, and formations) and local levels. Recognizing that flexibility must be permitted to allow for regional uniqueness, and region specific issues, parties at all levels are not restricted to these formal mechanisms and are encouraged to be creative and innovative in their approaches to consultation.

GUIDELINES ON LABOUR-MANAGEMENT RELATIONS COMMITTEES

INTRODUCTION

This document outlines a framework for the establishment of labour-management consultation committees between the Department of National Defence (DND) and the unions representing its employees. It should be read in conjunction with the document "Benefits of Consultation". The principles set out in this framework shall guide all labour-management committees operating in the Department. This document may be amended from time to time at any regular or special meeting of the Union Management Consultation Committee (UMCC). All committee, sub-committee or working group members will adhere to this framework.

PURPOSE OF COMMITTEES

The purpose of labour-management relations committees is to provide a forum for the frank exchange of information, views, and advice on workplace issues, between management and employee representatives as close as possible to the workplace. The focus of the LMRC is on consultation; committees must strive to ensure that the meetings do not become simply a forum for distribution of information.

Committees function in a consultative capacity only. They do not in any way restrict management's authority, its obligation to manage, or the unions' legal rights established by the *Public Service Labour Relations Act (PSLRA)* or applicable collective agreements.

GENERAL

These terms of reference shall serve as the basis for joint consultation proceedings at each level. However, within this general framework, some flexibility may be established by mutual agreement between the parties directly concerned in order to facilitate the efficient functioning of the committee.

LEVELS OF CONSULTATION

Labour-management relations committees will operate at the national and local levels, and as deemed appropriate at the intermediate level, to ensure that matters within their respective jurisdictions are dealt with promptly by persons with direct knowledge of the issues.

SCOPE

Almost all workplace issues can be the subject of consultation. However, committees have no authority to reach agreements which are beyond their level of responsibility or

which would have the effect of amending collective agreements, Acts of Parliament, and statutory regulations.

The National Union-Management Consultation Committee (UMCC) has been established to deal with department wide policies, programs, and strategic issues. Intermediate level and local committees shall address operational and tactical issues respectively. Either party to the national committee may refer matters that cannot be resolved at the intermediate level committees. Similarly, if issues are raised at the national committee which would be more appropriately dealt with at the intermediate or local level, the issues will be referred to the relevant committee.

COMPOSITION OF COMMITTEES

Representatives should include individuals with the appropriate managerial authority to make decisions and to speak to the issues of concern.

Important note: Management representatives must be either a member of the CF, or a civilian whose position is excluded from participating in a union or bargaining group or is part of an unrepresented group. They cannot be a member of a union or bargaining group and also sit as a management representative at any level of labour management consultation committee.

NATIONAL COMMITTEE

At the national level LMCC, DND management are represented by the Deputy Minister (DM), LIs and other such management representatives designated by the DM. Bargaining agents and union representatives are represented by national union presidents and heads of unions or their delegates.

Resource Persons

DAOD 5008-2 lists a number of resources persons normally involved in the LMCC process to provide support or technical or specialist advice as required. In accordance with the directive, resource persons include DGLRC, the committee secretary and may include technical and subject matter experts and may include others as deemed appropriate by the DM.

INTERMEDIATE LEVEL COMMITTEES

In accordance with DAOD 5008-2, "since group and command structures vary across the DND, the establishment of LMCCs at the intermediate level shall be determined, subject to this DAOD, through labour-management consultation at that level."

LOCAL COMMITTEES

In alignment with DAOD 5008-2, the base or wing commander or unit commanding officer and senior officers and other management representatives designated by the base or wing commander or unit commanding officer represent DND management at local LMCCs.

Local union presidents, bargaining agents, and bargaining agent membership or delegates designated to represent employees at that level may represent the union at the local LMCC.

Resource Persons

DAOD 5008-2 lists a number of resources persons normally involved in the LMCC process to provide support or technical or specialist advice as required. In accordance with the directive, resource persons may include a committee secretary, a committee coordinator, subject matter experts (e.g. general safety officers), and a human resources officer or advisor. A representative of the ADM (HR-Civ) shall be invited to attend each meeting.

CHAIRPERSONS

In accordance with DAOD 5008-2, LMCCs shall be co-chaired at all levels by one union and one management co-chairperson who are nominated by their respective parties. The co-chairs may either act as a co-chair to each meeting or alternate as chair from meeting to meeting. The co-chairpersons, at the request and concurrence of either party, may invite persons or speakers to address the meeting on predetermined topics if necessary.

The national departmental LMCC shall be co-chaired by the DM on behalf of management and a union representative on behalf of the unions present.

FREQUENCY OF MEETINGS

The national committee will meet at least semi-annually or on an ad hoc basis at the call of the co-chairpersons.

Intermediate level and local level committees will meet in accordance with each committee's individual Terms of Reference, which will be established through consultation with the appropriate unions.

LOCATION AND SCHEDULING OF MEETINGS

Meetings will normally be held on the employer's premises during normal working hours. Committee members shall be protected against any loss of regular pay due to attendance at meetings. Every reasonable effort will be made to schedule meetings respecting work schedules of committee members.

AGENDA

Unless otherwise decided by the committee, management shall provide administrative support (i.e., a committee secretary) to the committee. Management and union representatives shall be responsible for providing agenda items and relevant background documents to the committee secretary in sufficient time to permit the agenda and supporting documents to be distributed at least one week in advance of the scheduled meeting. Items not placed on the agenda beforehand may be discussed with the approval of both parties.

RECORDS OF DISCUSSIONS

The committee secretary shall prepare agendas, keep records of discussions, and have records of discussions of each meeting signed by the chairperson and co-chairperson. Such records of discussions shall be prepared and distributed to each committee member within six weeks of the meeting. Records of discussions of the national committee will be in both official languages, those of other committees will be in the language(s) appropriate to each Base/Unit as determined by the committee. Since communication is a prime purpose, the records of discussions are expected to communicate the results of the meeting. Records of discussions will also be a means for either party to refer unresolved issues to a different level of committee.

ESTABLISHMENT OF OTHER CONSULTATIVE COMMITTEES

Sub-committees, either standing or ad hoc, may be established at any level to deal with special or complex issues, or matters that may extend over a lengthy period of time. As sub-committees to the national committee are established, their terms of reference will be appended to these guidelines.

IMMUNITY

Committee members must be free to discharge their duties without fear of reprisal, or that their relationships within the Department will be affected by action taken in good faith as a member of the committee.

ROLE OF DIRECTOR GENERAL – LABOUR RELATIONS AND COMPENSATION (DGLRC)

DGLRC will act as executive co-ordinator for the National Union Management Consultation Committee. DGLRC's responsibilities will be to assist the chairperson with the development of the agenda; to assist in the preparation of the records of discussion; and to provide labour relations advice and guidance to the management members of the committee. With respect to other levels of committees, DGLRC has overall responsibility to ensure that the consultation is taking place in the spirit of this agreement.

LANGUAGE

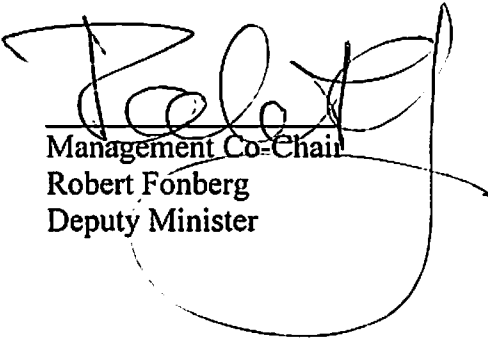
Meetings shall be conducted in accordance with the Treasury Board Official Languages Policy.

PERIODIC REVIEW OF THE FRAMEWORK

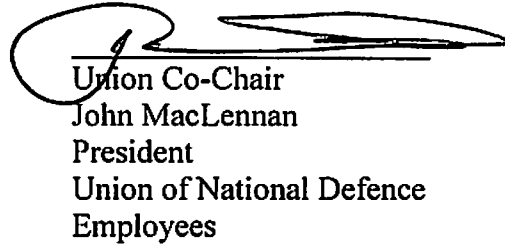
To ensure that the framework continues to be relevant for the Department, it is recommended that the executive coordinator for the national committee/Director General Labour Relations and Compensation review the Union Management Consultation Framework, every five (5) years. Amendments to the Framework will be done as required and sent to the national committee for approval.

APPROVAL

These terms of reference are approved by the UMCC at Ottawa, Ontario, on 30 November 2009.



Management Co-Chair
Robert Fonberg
Deputy Minister



Union Co-Chair
John MacLennan
President
Union of National Defence
Employees