EVP Report to the UNDE National Executive

May – August 2023

The culmination of more than a year of collective bargaining following the expiry of the previous collective agreement in 2021 ultimately resulted from disagreements between PSAC and the Government of Canada (represented in bargaining by the Treasury Board of Canada Secretariat) on issues related to remote work, enhanced work amenities and wage increases to compensate for inflation lead to one of the largest strikes in Canadian history from April 19 – May 1, 2023. This was not the first choice of either the membership or the union. At every level our members were greatly affected by this job action with the vast majority of us never experiencing such “last straw” job action. This created much uncertainty & confusion amongst us. The bargaining teams ultimately accepted a tentative agreement ending the strike and the tentative agreement was accepted by our membership. We now await the full implementation of the collective agreement. I participated daily in strike activities blocking entry to the Prime Minister’s office (PMO) here in Ottawa. It was at times a little contentious including being pushed by a staff member of the PMO but generally it was peaceful. To reduce potential negative interactions the PMO provided staff to communicate to the PMO’s essential and excluded employees waiting entry to their workplace. The PMO’s staff was accepting and supportive of our right to strike and waited without further incident. Additionally, outside of my mandatory 4hrs, I was able to visit several picket lines in the National Capital Region. This provided an excellent opportunity to engage with our membership and support them at this unprecedented time in public service history. Every member I engaged with was appreciative of the efforts I made to support them.

I would like to note that during the duration of the strike and even after the strike the national office was inundated with members’ questions and queries ranging from local assignments, membership numbers, local contact information, general strike related questions and local strike pay top ups. The strike had a significant impact on them, and I acknowledge their hard work.

Due to a complaint registered with the FPSLREB by the employer Treasury Board of Canada against the Federal Government Dockyard Trades & Labour Council (W) related to our national strike, UNDE, along with our other union counterparts on the HR-Civ Subcommittee, have not engaged in union management consultation and will not until the matter is resolved.

As the EVP I am responsible for trying to resolve our members’ pay issues. Since the beginning of my term pay issues have been front, center and a priority for me requiring my daily intervention. I have been extremely successful in resolving pay issues caused by the failed Phoenix pay system. In working with the DND Compensation team we have been able to escalate pay issues within the department which are actioned by a “pod” of workers imbedded in the pay center and who only work on DND pay transactions. Due to the exceptionally collaborative relationship developed between the UNDE and the DND, thousands of dollars owed to our members have been paid out and years-long pay issues have gotten resolved. Pay is the responsibility of the employer. The DND has acknowledged and accepted their responsibility and our members’ Section 34 manager or HR Connect (1-should be the first stop for our members. DND has conducted thousands of pay consultations with our members via HR Connect. They have successfully escalated our members’ pay issues, provided explanations for the cause of the overpayment, and counselled our members on actions required by them to assist with the resolution of their pay issues. Current efforts by the pay center are to recover over $1 billion in overpayments and the implementation of new collective agreements compounding the existing backlog to over 436K cases. There appears to be no end in sight and our members will continue to have pay issues for the foreseeable future. Please see attached a snapshot of the past 6 weeks with examples of pay issue successes we have achieved.

Contracting Out/Privatization at the DND has been an ongoing concern for the UNDE membership. For years the GoC/DND has continued to use contractors and privatize services usually provided by our members. It has been a long-standing issue for our members and formerly worked on off the sides of representative’s desks. We have been successful in the past in saving some of our members’ jobs while the DND continues to use contractors and award contracts to outside maintenance and service providers. This continued trend by the DND created the need to hire a Special Project Officer responsible for Contracting Out/Privatization who will concentrate their efforts on maintaining our members’ jobs and attempting to bring back jobs our members have lost over time. A successful selection process was completed, and I am happy to report that a candidate has accepted the position. Ms. Elanor Sherlock began her tenure at UNDE on August 8, 2023.

Due to the retirement of another long-term Labour Relations Officer, there was once again the need to fill another staff resource gap. A successful staffing process began and was completed in short order. We are very fortunate that Mr. Andrew Beck joined our team August 8, 2023. This stable state enables the current service workload to be addressed more efficiently & effectively. This also ensures that our current staff have the opportunities necessary to utilize their leave entitlements and get the much-needed quality breaks they deserve.

I would like to acknowledge the exceptional collaboration of the LROs who have been challenged by the staffing gaps over the past 20 months. They have proven their dedication to our members by consistently addressing our members’ needs outside what is normally expected of them.

It has been identified that we have many grievances that cannot be progressed within the grievance process due to the lack of information and requisite documentation. Significant time and efforts are spent sending requests to local Presidents, the grievor and even DND LR to obtain documents that will enable our LROs to best represent the files at the 3rd level. Even with these efforts many grievances, some of which are a number of years old, remain unheard due to the lack of necessary documentation. We have determined a way ahead to move forward in addressing the many grievances on hold due to the lack of information.

On a final note, I wanted to express my gratitude and say that it has been a privilege to have served the UNDE membership and worked with the National Executive during this extremely short term.

Respectfully submitted,

Paul Jones

UNDE Executive Vice President

**LABOUR RELATIONS OFFICERS REPORTS**

**Louis Bisson:**

**1) Staffing Complaints / Plaintes de dotation**

**Staffing complaint hearing / Audience de plainte en dotation:**

- Two BC complaints (consolidated into one case) was heard / deux plaintes de la CB (consolidé dans un cas) a été entendu.

**Decision issued from the FPSLREB / décision émise par la CRTESPF**:

- one NCR case was substantiated / un cas du RCN est fondé.

- one case (3 complaints) from Manitoba was not substantiated / un cas (3 plaintes) du Manitoba n’est pas fondé.

- one decision on a motion to dismiss – Nova Scotia (the case was not dismissed and can now proceed) / une décision à la suite d’une demande de rejet – Nouvelle-Écosse (la plainte n’a pas été rejeté et la plainte peut continuer).

**New files / Nouveau dossiers:**

British Columbia / Colombie-Britannique: 3

Saskatchewan: 2

Nova Scotia / Nouvelle-Écosse: 2

NCR / RCN: 2

Ontario: 8

Newfoundland and Labrador / Terre-Neuve-et-Labrador: 1

**Closed / Fermé:**

Closed files are marked as withdrawn on the report as the withdrawal can come from a mediation agreement, a settlement conference agreement, an informal discussion or other type of alternative dispute resolution initiative or if the complainant wishes to withdraw.

Les dossiers fermés sont indiqués comme « withdrawn » (retiré) dans le rapport et le retrait de plainte peut survenir à la suite d’une entente de médiation, entente de conférence de règlement, une discussion informelle ou autre méthode de résolution des conflits ou si le plaignant veut retirer sa plainte.

Ontario: 6

Nova Scotia / Nouvelle-Écosse: 1

NCR / RCN: 1

British Columbia / Colombie-Britannique: 2

Alberta: 3

Manitoba : 1

**2) Grievances Separate Employers at final level / Griefs Employeurs Distincts au palier final.**

**Newfoundland, Labrador and New Brunswick**

**Terre-Neuve, Labrador et Nouveau-Brunswick**

**IMP Gander:**

0 new grievance / 0 nouveaux grief

1 hearing scheduled (13 grievances) / 1 audience mise a l’horaire (13 griefs)

0 hearing done / 0 audience fait

**Serco:**

No new grievance / pas de nouveau grief

**Ontario**

**Trenton Commercial Cleaner**

No new grievance / pas de nouveau grief

**Petawawa (Dexterra or Toure)**

5 new grievances (discrimination (3), hours of work, unpaid leave) / 5 nouveaux griefs (discrimination (3), horaire de travail, congé non-payé).

1 hearing scheduled (11 grievances) / 1 audience mise a l’horaire (11 griefs).

1 hearing done (11 grievances) / 1 audience fait (11 griefs).

11 grievances referred to arbitration / 11 grief renvoyés en arbitrage.

**Saskatchewan**

**Atco:**

No new grievance / pas de nouveau grief

**Sodexo:**

No new grievance / pas de nouveau grief

**British Columbia / Colombie-Britannique**

**IMP Comox**

No new grievance / pas de nouveau grief

**Québec**

**Corporation du Fort St-Jean:**

6 grievances new grievance (discipline, seniority) / 6 nouveaux griefs (discipline, seniorite)

0 hearing scheduled because the local is in bargainng. / 0 audience mise a l’horaire car le local es ten négo.

0 hearing done / 0 audience fait

0 grievance referred to arbitration / 0 grief renvoyé en arbitrage

7 grievances sent to PSAC for referral to arbitration / 7 griefs envoyé à l’AFPC pour un renvoi a l’arbitrage

3) **Other / autre**

**NPF Alberta**:

4 new grievances at 3rd level (1 leave, 3 changes of scheduled) / 4 nouveaux griefs au palier 3 (1 congé, 3 changement d’horaire).

2 hearing scheduled (4 grievances) / 2 audience mise à l’horaire (4 griefs).

2 hearing done (4 grievances) / 2 audience fait (4 grief)

1 grievance referred to arbitration / 1 grief renvoyé en arbitrage.

1 grievance sent to PSAC for referral to arbitration / 1 grief envoyé à l’AFPC pour un renvoi a l’arbitrage.

**NPF Ottawa** :

2 new grievance at 3rd level (backpay) / 2 nouveau grief au palier 3 (paye rétroactive).

1 hearing scheduled (2 grievances) / 1 audience mise a l’horaire (2 grief).

1 hearing done (2 grievances) / 1 audience fait (2 grief).

0 grievance referred to arbitration / 0 griefs renvoyé en arbitrage.

2 grievances sent to PSAC for referral to arbitration / 2 grief envoyé a l’AFPC pour un renvoi a l’arbitrage.

**NPF Valcartier**:

1 new grievance at 3rd level (discipline) / 1 nouveau grief au palier 3 (discipline).

0 hearing scheduled / audience mise a l’horaire.

0 hearing done / 0 audience fait

0 grievance referred to arbitration / 0 griefs renvoyé en arbitrage

**NPF St-Jean**:

0 new grievance at 3rd level / 0 nouveau grief au palier 3.

0 hearing scheduled / audience mise a l’horaire.

0 hearing done / 0 audience fait.

1 grievance referred to arbitration (discrimination parental leave) / 1 griefs renvoyé en arbitrage (discrimination congé parental).

**CSE / CST**

1 new grievance at 3rd level (discipline) / 1 nouveau grief au palier 3 (discipline).

3 hearing scheduled for (7 grievances) / 3 audience mise a l’horaire (pour 7 griefs).

3 hearing done (7 grievances) / 3 audience fait (7 griefs).

0 grievance referred to arbitration / 0 grief renvoyé en arbitrage.

1 grievance resolved (discipline) / 1 grief résolu (discipline).

1 NJC grievance scheduled but postponed by the NJC / 1 grief du CNM mis à l’horaire mais remis par le CNM.

5 classification grievances previously conditionnally referred to arbitration have been withdrawn by the PSAC / 5 griefs de classification qui ont été renvoyé conditionnellement à l’arbitrage ont été retiré.

**Activities**

Continued with several conversations with a number of corporate HR representatives regarding on-going mediation talks on several files including rejection on probation and discrimination/harassment in the workplace. These types of meetings have been occupying a great deal of my time and include meetings with local representatives; meetings with corporate HR representatives as well as a combination of both.

Attended a number of monthly PSAC Component Representative Meetings during this period. The topic of recovery of overpayments by the employer was undertaken and a power point presentation provided.

Responded to numerous telephone calls and e-mail queries from the Regions including conference calls with local representatives and members regarding discrimination and harassment, pension entitlements, retirement and reimbursement of vacation leave,

Talks continue with the department in relation to Settlement Agreements for a number of files regarding discrimination and harassment.

Spent a great deal of time in discussions with various local representatives as well as occasionally with grievors, concerning workplace conflict issues and specific grievance wording or other forms of conflict resolution such as harassment complaints and designated recipients and/or violence in the workplace complaints and human rights complaints.

Continued in the preparation of notes on grievances files including extensive review and research into existing jurisprudence both at the FPSLREB, CHR Tribunals, and various levels of the courts. A great deal of research involved entitlement (or not) to personal injury damages or aggravated damages.

Continue to update the UNDE Grievance Jurisprudence Data Base.

In terms of outstanding 3rd level grievance files, the subjects include:

Harassment Discrimination

Final Investigation Reports Canadian Human Rights Issues

Rejection on Probation Recovery of Overpayments

Spent a lot of time attempting to resolve issues with the department where grievances have not yet necessarily been presented in an effort to address workplace conflicts without issue being escalated. There are a number of situations outstanding and continuing along these lines with the department.

The majority of the grievances heard during this time were all focused on discrimination allegations, pension enrollment, harassment allegations, duty to accommodate and bullying/isolation in the workplace. Several conversations have taken place with the department in relation to these members.

**Marie-Claude Chapman:**

During the period covered by this report, I continued to be very solicited for information, guidance or advice on interpretations of collective agreement articles, on grievance wording for various types of grievances as well as follow-ups about ongoing files.

Delays to schedule grievance hearings and receive 3rd level employer responses continue to be longer than desirable. It’s not clear at this time why delays continue to be an issue though some DND LR Advisor informed me this was a busier than usual period for them. I also believe there continued to be a good deal of turnover in the LR unit during this period.

 5 grievances have been presented at 3rd level upon submitting this report. This number is unusually low, but 3 of the grievances were interrelated and very complex (termination and DTA). They involved a great deal of documents and emails that had to be reviewed and included in the presentations. A hearing for another priority file was planned for the last week of July but it had to be cancelled due to the lack of response by the member, from which I needed vital information to present the grievance. I also tried to prepare at least 3 more priority files to present, but could not due to not receiving the required information requested. I was also involved as technical advisor for one of the UNDE convention committees in mid-May, and I was away on vacation the last week of June.

As usual, during the last few months, I consulted with local representatives and/or members on several active grievances to be presented and have been gathering information, doing research and preparing drafts of presentations (arguments) for outstanding grievances. As such, a good amount of time is spent per week on the phone or in Teams meeting, as well as sharing information via email.

This does not account for consultations/discussions with local representatives and/or members on various other issues such as workplace violence complaints, duty to accommodate process, medical retirement, Sun Life application for DI process and appeals, conflict of interest, investigation process, as well as several other topics. I also had consultations with PSAC colleagues for grievances at adjudication, inquiries sent to the PSAC legal team and worker’s compensation files.

Since my last report, I received approximately 25 additional grievance files, of which 13 came from the Quebec Region and 12 from the Manitoba/Saskatchewan Regions. This number excludes 6 files in the incomplete folder.

**Current status of files per region**:

**QC Region**

**Active files that remain to be heard as of August 3, 2023:**

Termination: 1

Abuse of authority: 3

Discrimination and or DTA : 6

699 Leave: 1

Phoenix/Pay issues: 7

Harassment: 2

LWOP (Vaccine): 2

Other: 14

For a total of 36, not including 3 files that are in the incomplete folder.

**Grievances Presented at 3rd level:**

Termination: 1

Discrimination and or DTA: 2

NJC (H&S): 1

Other: 1

For a total of 5 grievances presented for this region.

It should be noted that 2 grievances were withdrawn during the period covered by this report.

**Saskatchewan/Manitoba Regions**

**Active files that remain to be heard as of Nov 4:**

Abuse of authority: 1

Discipline: 1

Discrimination and or DTA: 1

Phoenix/Pay Issue: 25

For a total of 28 files, not including 3 files that are in the incomplete folder.

**Grievances presented at 3rd level:**

No grievances were presented for this region during the period covering this report. However, a grievance hearing is scheduled to present a group of 13 members/grievances with identical phoenix grievances for July 15, 2022.

It should be noted that I am currently working on an MOS with the employer that should resolve a grievance presented during the period covered by my last report.

It’s important to note that the number of grievances presented is not indicative of the total workload. A good amount of time is spent in phone calls or Team meetings. Furthermore, a considerable amount of time is spent responding to emails, most of which require some research, and therefore can be time consuming. Furthermore, preparing grievance presentations requires quite some time due to information gathering as well as researching relevant jurisprudences, policies, directives, etc.

There is also a requirement for LROs to keep up to date on recent jurisprudences as well as changes to legislation, directives, policies, etc. in general.

**Paul Dagenais:**

Classification grievances, 0, the reason, more changes with classification officers and especially those who hear grievances, as of this report I have 5 classification grievances to schedule for August 30 and 31, 2023.

In addition, I heard 3 labour relation grievances.

I have 86 L.R grievances. 31 classification grievances.

I also have 9 grievances from L.R. that have not been answered since the 2020 hearings, I am in contact with the ministry to get these answers, the difficulty is that they have changed the LROs and some of the managers.

There is a team working on L.R.'s grievances and I am in contact with them.

With respect to classification grievances, DOCC must review files before we can plan them, and the files are a mess, DOCC has also changed the team for classification grievances. Many classification officers have left the department as well.

In addition, I also provided advice and guidance on classification and labour relation grievances, mainly the difference on classification and L.R, local members and representatives, wanted to file classification grievances but disagreed on the SJD/WD, so I must explain to them the difference of the two and guide them to the right grievance.

Another question/concern of the members is, the SJD, they do not understand why they are not more explicit of their work, in other words very vague. I asked members to send me their SJD and what they do on a day-to-day basis, so I could properly explain the difference and direct them on what they should do.

All of this was done via numerous emails and conference calls, and video conferencing.

In addition, numerous meetings with members to prepare them for the LR and classification grievances.

Lastly, I responded to numerous emails and had numerous conference calls, as needed, on but not limited to topics including the interpretation of collective agreements, harassment, and discrimination.

**Lisa Greenspoon:**

Activities:

* Answered telephone calls and email queries on a daily basis from members and local representatives.
* Assisted Local reps in resolving issues at the lowest levels, often without the need to file a grievance.
* Along with Kim Brackhahn, led the general resolutions committee for the upcoming UNDE Convention.
* Consulted and exchanged ideas with colleagues.
* Consulted with analysts at PSAC Representation on several files.
* Consulted with PSAC Legal Services on several queries from Local reps.
* Prepared presentations for 3rd level grievance hearings.
* Represented members at 3rd level grievance hearings.
* Ongoing support and meeting attendance with several members requiring workplace accommodation, ODM, and management.

Grievances received for NCR and Ontario from May – July 2023:

* 25

Grievances heard from May – July 2023:

* Vaccine-related grievances = 1 (still waiting for response)
* 699 Leave grievances = 1 (grievance partially upheld)
* No Discrimination grievances (Disability/Race/Ethnic Identity) = 3 (still waiting for responses)
* Demotion grievance = 1 (still waiting for response)
* Indefinite unpaid administrative suspension grievance = 1 (still waiting for response)

Grievances to be heard for the NCR:

* Vaccine-related grievances = 8
* Leave grievances = 2
* Pay equity grievances = 3
* Discrimination/harassment/DTA = 7
* Discipline = 1
* Pay Issues/MOU = 3
* Estoppel/pay error = 1
* Rejection on probation = 1
* Resignation/violence in the workplace = 1
* RTW grievances = 5
* Phoenix grievance = 1

Grievances to be heard for Ontario:

* Vaccine-related grievances = 5
* 699 leave grievances = 16
* Discrimination/Harassment/DTA = 2
* PSPA grievances = 2

I have a number of grievances that have been heard at 3rd level for which I’m still awaiting responses well past the deadline for the Department to issue the response. They appear to be short on recourse officers and unable to manage the backlog of grievances they have.