

February 11, 2009

TO: Locals - DOE
National Executive
National and Regional E.O. Representatives

RE: **DOE HRLMCC - JANUARY 13, 2009**

DOE convened a meeting of the National HRLMCC on January 13, 2009. Brothers William Pynn, National President, Daryl Hoelke, Executive Assistant, and Jim McDonald, Service Officer, attended. Below is a summary of discussions that took place.

The meeting opened with a review of items that were discussed at the last HRLMCC; i.e.,

Sunset Terms: UEW continues to receive reports stating that there are situations where managers would like to retain certain long-term terms; however, information has been provided by the Locals that indicates that actions taken do not support the Department's stated position. Corporate Human Resources will look into this further.

Orientation of New Employees: DOE confirmed that it does not have a personal orientation program for new hires but has developed an orientation information site on the HR website. In addition, UEW is being provided with the names and coordinates of new hires at the union's local level.

Duty to Accommodate: In response to comments received from Locals, UEW sought and received an explanation as to why the employer limits its "duty to accommodate" only to persons with disabilities. Some UEW members feel that the employer's obligation should extend to "accommodation" for other arrangements such as "telework", "flexible work schedules", and "job sharing", etc.

The employer's obligations to "duty to accommodate" are governed by a law that stems from human rights legislation which is specific to persons with disabilities. DOE has no legal obligation to "accommodate" other types of situations; however, DOE will continue to deal with "alternate work arrangement" requests on a case-by-case basis as per its current practice.

Time off and costs to perform union-related duties: A preliminary draft of a "guideline" that is intended for use by managers for the granting of leave for employee union representatives to prepare, attend and follow-up on their respective LMCC/OSH Committee meetings was reviewed. Based on comments received, the document will be revised with input from UEW. In addition, the employer's suggestion that all such leave be recorded was discussed. More discussion will be required.

Harassment Complaint Process: UEW conveyed concerns that were received from Locals about this process and in particular, the length of time it takes to complete the process.

UEW's believes that the employer remains legally obligated to investigate and resolve any "harassment" situations that come to its attention and that this obligation would apply to any complaints that have been withdrawn/abandoned. DOE will look into this further.

UEW also strongly advocated that the JLP “harassment” training be given to DOE’s managers at all levels. UEW will advocate participation in this JLP training session to all its local and regional representatives. DOE will consider UEW’s position(s) and its suggestions.

Delegation of Authority: Grievance Procedure: UEW remains concerned that some managers and HR advisors still do not understand the Union’s reason(s) as to why bargaining unit employees should not be representing management at grievance hearings/LMCCs/OSH Committees. DOE confirmed that it has communicated this to managers previously. UEW feels it is important that affected bargaining unit employees be informed of the reasons why bargaining agents feel so strongly about this.

Term Employees – PNR: UEW requested a copy of the report on the use of term/casual employees in the PNR that was requested by Associate Deputy Minister Andrew Treusch during a visit to Saskatoon. UEW hopes this information will be used with the intention of identifying work requirements and “risk managing” term employees.

Informal Conflict Management System (ICMS): UEW conveyed comments and concerns about the ICMS that were expressed by UEW Locals from different parts of the country. A common concern is with regard to the length of time it takes to complete an ICMS intervention. Another common perception is that senior management with decision-making authority does not participate in the ICMS process. As a result, there is no one with authority to “resolve” the “problem”. For example, if it is concluded that the “problem” originates with the manager, there is no higher authority to “deal” with the “problem”.

In addition, some Locals believe the OCM/ICMS itself is “pro-management”. These bad perceptions overshadow any good experiences other Locals may have had. This leaves the UEW very reluctant to endorse or participate in the ICMS Program. However, UEW has also received reports from some who have had very good experience(s) with the ICMS and have had good results from using the ICMS.

ESB/CWS Approach to the Management of Overtime: UEW presented copies of the document entitled “*Environment Canada - Canadian Wildlife Service - Departmental Overtime Policy and Guidelines*” which was dated September 2008. UEW believes this document contravenes the collective agreement.

The Department committed to contacting ESB/CWS and will have this document reviewed in light of the information provided by UEW.

Should you have any comments or concerns regarding the foregoing, please do not hesitate to communicate with the national office.

Yours fraternally,

William Pynn,
National President,
Union of Environment Workers.