

**Fisheries and Oceans Canada
NATIONAL UNION MANAGEMENT CONSULTATION COMMITTEE**

**December 16, 2015
12:00 – 4:00 pm EST**

**Ottawa, Ontario
(BCC Boardroom, 200 Kent Street)**

MINUTES

The Associate Deputy Minister, Leslie MacLean, chaired the meeting in the absence of Deputy Minister Matthew King.

AGENDA ITEM #1: OPENING REMARKS AND REVIEW OF AGENDA

(Chair, Leslie MacLean, Associate Deputy Minister)

New members to the Committee were introduced by way of a round-table.

Changes to the Agenda were proposed by management and the bargaining agents. The Agenda topics were re-ordered and the updates on the Public Service Employee Survey and Performance Management were removed.

The unions raised two concerns, which were:

- 1) The proposed end time of the meeting not respecting the previously agreed time; and
- 2) The documents in French were not provided in advance of the meeting.

A commitment was made to end the meeting by 4:00 pm and that in future, all documents would be provided in both official languages in advance of the meetings.

AGENDA ITEM #2: REVIEW OF MINUTES AND FOLLOW-UP ITEMS FROM THE PREVIOUS MEETING

(Diane Orange, Assistant Deputy Minister, Human Resources and Corporate Services)

The May 28, 2015, National Union Management Consultation Committee (NUMCC) meeting minutes were approved. A commitment was made that the minutes from the December 16, 2015, meeting would be sent to the participants as soon as possible in the new year.

FOLLOW-UP ITEM #1 – OPENING REMARKS AND REVIEW OF AGENDA

The sponsor for standing agenda items has been removed.

FOLLOW-UP ITEM #2 – TRACKING TOOL

The one page tracking tool was finalized and submitted it to the Committee members in September 2015. The bargaining agents used the tool to submit their NUMCC agenda items.

FOLLOW-UP ITEM #3 - GOVERNANCE

The spelling of the Union of Canadian Transportation Employees (UCTE) has been corrected and the proposed amendments were made. The guidelines were distributed to the parties and reviewed. The Professional Institute of the Public Service of Canada (PIPSC) requested that the Purpose of the Committee, Legislative Requirements, include Sections 9, 10 and 11. The proposal was accepted and the guidelines were approved.

FOLLOW-UP ITEM #4 – ORIENTATION

The orientation checklist has been posted on the DFO intranet site. Management offered the unions the opportunity to comment.

The Union of Environment Workers (UEW) noted that although Section 3.9 involved acquainting employees with their terms and conditions of employment, employees are not currently provided a link to the bargaining agents' contact information. In the alternate, the Department could provide the unions a list of new hires. The Canadian Association of Professional Employees (CAPE) agreed with UEW's comments but proposed that the union contact information be provided in the letters of offer. UCTE requested the opportunity to meet and speak with employees on their first day during in-person orientation. PIPSC proposed that the Local Union Management Consultation Committees (LUMCC) and Regional Union Management Consultation Committees (RUMCC) receive a list of new employees.

Management confirmed the orientation program is online and committed to ensuring that the program (specifically Section 4.1 of the Orientation Check List) is aligned to meet the requirements and that the communication is clear. The unions' suggestions will be considered in determining the best way-forward.

FOLLOW-UP ITEM #5 - DEMOGRAPHICS

The discussion was deferred.

FOLLOW-UP ITEM #6 – LETTERS OF EXPECTATIONS

The guidelines on the use of letters of expectations are in the final stages of being drafted. A copy of the drafts will be provided to the unions before the end of the fiscal year for their review and comments.

PIPSC felt the guidelines would not be required in light of the commitment made by the Deputy Minister (DM) at the May NUMCC meeting and the fact that any concerns would be addressed through performance management. Management re-iterated the DM's position that letters of expectations may still be issued. The letters of expectations will have a duration of six months, in accordance with the DM's commitment.

FOLLOW-UP ITEM #7 – PUBLIC SERVICE EMPLOYEE SURVEY 2014

UEW had committed to share Environment Canada's Action Plan with the meeting participants. UEW advised that they had sent the Action Plan to the Department and that it could be shared with the table.

PIPSC advised that they were not pleased with the way the Public Service Employee Survey (PSES) results have been handled and are ready to discuss once they are convinced that management takes their concerns seriously.

FOLLOW-UP ITEM #8 – FISHERY OFFICER NATIONAL MODEL WORK DESCRIPTION

A draft business case on the Fishery Officer national model work description has been prepared following consultation with a number of departments. The business case proposes a whole of government approach to resolve the concerns. Next steps involve consultation with the unions and a few remaining departments, finalizing the business case and submitting the business case to Treasury Board.

FOLLOW-UP ITEM #9 – COMPENSATION WEB APPLICATION FOR RADIO OPERATORS

UNIFOR and DFO Human Resources (HR) discussed the matter following the May NUMCC meeting.

UCTE was concerned that this subject continues to be discussed off-line as there remain issues with Articles 24 and 25 of the collective agreement. UNIFOR confirmed that if the system is not aligned to the collective agreement, issues will continue to be raised.

HR remains available to discuss and resolve any remaining concerns.

FOLLOW-UP ITEM #10 – SEA LAMPREY CONTROL CENTRE

In August 2015, Regional Labour Relations and management, Corporate Labour Relations, and UEW met to discuss the ongoing concerns and a way-forward.

UEW requested the interpretation that the Treasury Board Secretariat (TBS) provided to DFO. UEW recognized that DFO had provided a response previously, but felt that they still required the original question and the answer. Management confirmed that if there are concerns with how the information was disseminated, it will be addressed.

UEW anticipates that DFO's case management initiative will improve interpretations and discipline across the country. UEW requested that the general topic of grievances is brought to the Union Management Consultation Committee (UMCC) to resolve issues outside of the formal grievance process. Management agreed to include a discussion on grievances on the agenda and to determine if this would be helpful.

FOLLOW-UP ITEM #11 – PERFORMANCE MANAGEMENT

A copy of the results to date for the 2015-16 fiscal year was provided. The 2014-15 fiscal year results will be forthcoming.

PIPSC enquired about the discrepancies in the results, the use of learning plans and the use of work plans in the context of performance management. Management confirmed that the discrepancy would occur if the manager has signed the agreement but the employee has not. Learning plans are mandatory and employees are encouraged to complete the form. To ensure effective performance management, steps continue to be taken to improve the process and ensure that individuals have the tools they need.

FOLLOW-UP ITEM #12 – UPDATE ON BI JOB DESCRIPTIONS

The Organization and Classification Centre of Expertise (OCCOE) has started reviewing the draft national model work descriptions. Due to an unanticipated period of extended leave, OCCOE has reprioritized the file to ensure its completion by the end of March 2016.

FOLLOW-UP ITEM #13 – IT SERVICES (HR&CS)

PIPSC advised that this topic is connected to the sector level and does not need to be addressed in this forum.

FOLLOW-UP ITEM #13 – AEDs

The discussion was deferred.

AGENDA ITEM #3: RESPECT IN THE WORKPLACE

(Trevor Swerdfager, Assistant Deputy Minister, Ecosystems and Oceans Science; Jeffery Hutchinson, Deputy Commissioner, Operations, Canadian Coast Guard)

An overview of the national initiative and proposed efforts to improve respect in the workplace was provided. A deck with the details relating to the initiative was provided and reviewed. Feedback was sought from the unions whether they will participate on a committee.

UEW was supportive of the initiative and would like DFO to consider approaches taken by other departments (Environment Canada, NRCan), such as joint committees, partnerships with all unions and including respect in the core competencies for all employees. UCTE will not participate on the committee believing that the Employer has not demonstrated its commitment. CAPE committed to engaging local representatives to participate on the committee. PIPSC was supportive of the initiative, but acknowledged UCTE's concerns.

Management committed to move the matter forward, in partnership with the unions.

AGENDA ITEM #4: ADMINISTRATIVE INVESTIGATIONS FRAMEWORK AND STANDARD

(Jeff Foster, Director, Safety, Security and Emergency Services)

The Administrative Investigations Framework and Standard was approved this summer, following extensive socialization and consultation including the unions. It provides step-by-step direction on how to properly conduct administrative investigations and ensures that sectors do not pursue an investigation without first consulting the appropriate functional areas. With respect to oversight, the Departmental Security Officer (DSO) is responsible for reviewing and approving all terms of reference for administrative investigations. The National Case Management Committee (NCMC) is advised of all high-risk investigations, and provides advice to the delegated manager. The Committee also examines overall trends.

PIPSC requested that a) the Framework and Standard be clear that employees have the right to have a union representative present during the investigation; b) investigations are completed expeditiously; c) employees are provided a fair opportunity to respond (proposal supported by the Association of Canadian Financial Officers (ACFO)); d) employees are provided the specific reason for the investigation (proposal supported by ACFO); e) the duty to accommodate is respected, where appropriate; and f) clarification is provided about when witnesses should be interviewed. UEW expressed that it is essential that all participants understand that they are required to co-operate in investigations. UCTE requested that a) participants be made aware that their comments are subject to the *Access to Information and Privacy Acts*; b) locations for the interviews are carefully selected to maintain confidentiality; c) careful consideration is made with regard to the witnesses to be interviewed; and d) the Framework and Standard include a reference to the appropriate procedure for

recording the interview (i.e., requesting permission as well as providing the employee the opportunity to record).

AGENDA ITEM #5: VIOLENCE IN THE WORKPLACE

(Todd Panas, National President, UEW)

In July 2015, DFO renewed its Violence in the Workplace Policy. UEW noted that it was not consulted and requested time to review the policy and provide comments. Management confirmed that both Regional and National Occupational Health and Safety (OHS) committees, which include UEW, were consulted. Management requested that comments be provided by no later than December 24, 2015. A commitment was made to provide an electronic copy of the policy to the unions. UEW expressed that in future, they would appreciate that policies of this magnitude not only be consulted through the OHS committees, but also through the NUMCC.

UEW asked that the Department train employees on violence in the workplace.

Management confirmed that training for employees and managers would be provided beginning in January 2016 through the OHS Advisors. UCTE requested that the bargaining agents receive seats in the training in January. UNIFOR advised that it would be available to participate in the training in January.

UEW indicated strong support for pursuing violence in the workplace complaints over the harassment complaint process given their view that harassment falls under the definition of violence. Management confirmed that this discussion would continue off-line.

AGENDA ITEM #6: PERSONNEL SECURITY SCREENING

(Todd Panas, National President, UEW)

This topic was discussed at the Internal Services UMCC. UEW confirmed that it does not need to be discussed further. However, UEW has requested that if there are any changes to the relevant Act, that they are provided by briefing. Management agreed to the request.

AGENDA ITEM #7: AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)

(Jeff Foster, Director, Safety, Security and Emergency Services)

The Department will be implementing a risk-based Automated External Defibrillators (AED) program for DFO workplaces and shore-based Coast Guard employees. The program has been approved by the Departmental Management Committee (DMC), will be well-governed and will be rolled-out early in the new fiscal year. All employees were advised by way of email the week of December 7, 2015. The risk-based approach carefully considers other departments' approaches and lessons learned, as well as best practices provided by TBS. Financial viability is not a determining factor whether a location will get an AED or not. If the need exists and the location meets the risk criteria, options will be examined to provide the AED.

AGENDA ITEM #8: MENTAL HEALTH PEER SUPPORT PROGRAM*(Todd Panas, National President, UEW)*

UEW would like DFO to implement an employee-driven mental health peer support program, like that of other departments (such as Department of National Defence). UEW asked management to consider participating in such an initiative. Management advised that the feedback about the Joint Learning Program (JLP) was positive and encouraged UEW to follow-up with the appropriate contact about the program. Conservation and Protection (C&P) in the Gulf Region also has a program that is comprehensive and includes peer delivery, which could be delivered outside of C&P. A commitment was made to provide information about the program in the Gulf Region.

UCTE advised that the west coast program is excellent. UCTE also suggested that DFO consult NavCanada about their program. UCTE offered to provide Tom Balfour with contact information for NavCanada.

AGENDA ITEM #9: REPORT ON USE OF CASUALS AND TEMPORARY HELP*(Tom Balfour, Director General, Human Resources)*

The report on the use of casuals and temporary help shows a decrease in the use of term employment and an increase in the use of casual employment. The total number of employees for the Department has decreased, as a result of the budget reduction exercises.

UEW requested that this topic be a standing agenda item until the situation stabilizes. Concerns were raised regarding the increased use of casuals. UEW would like to see the numbers decrease and hopes that management will take more risk by balancing A-base funding with B-base. UEW would also like casuals to be migrated to term positions and that the “stop the clock” provisions are ended. UCTE shared concerns about the use of casuals and terms as it takes away work from the seasonal indeterminate employees in their low seasons. CAPE viewed that the use of casuals has an impact on engagement of employees in the workplace. PIPSC advised that the use of casuals is a form of contracting work out and that B-base programs are the root cause of the problem. PIPSC felt that there are better ways to manage this matter that do not involve temporary labour.

Management committed to including this topic as a standing item on the agenda until such time as the unions advise that it is no longer of interest. Furthermore, management committed that further discussions on this topic outside of this forum may be a possibility dependent on the parties’ availability.

AGENDA ITEM #10: TRANSITION FUND*(Daryl Hoelke, Executive Assistant, UEW)*

Cheque processing has transferred to the Public Service Pay Centre in Miramichi, NB. To avoid any delays in processing salary payments for new employees or deployments from an Agency, UEW proposed that DFO create a temporary fund that can be accessed, as appropriate, for exceptional circumstances, to avoid having to address the issue through the Pay Centre. Management advised that clear procedures are in place to obtain emergency salary advances from the Pay Centre and that they are not currently aware of any issues. The Pay Centre has a 48-hour service delivery standard for emergency salary requests. Management is examining whether a temporary fund can be established in case there are issues when the remaining accounts are transferred to the Pay Centre, however, no

decision has been made. A compensation liaison officer function will be established following the transfer of all accounts to Miramichi to address concerns. The unions will be advised once the position is established.

UEW confirmed that the concerns related to the delays in processing payments (such as for overtime) is another issue. UCTE and PIPSC raised concerns with respect to the time it takes to get the employee back on strength once they have been struck-off-strength. UEW is concerned with the inconsistent application of Articles 13 and 14 of the TC collective agreement (leave with or without pay for union duties) and the provisions of Article 59 of the agreement (leave with or without pay – other reasons). Management agreed of the importance to be consistent in the application of leave provisions.

AGENDA ITEM #11: STEWARD APPRECIATION

(Thomas Landry, President, National Consultation Team, PIPSC)

PIPSC proposed that union stewards be recognized and celebrated by the Department. While some Deputy Ministers have apparently written letters to their stewards, PIPSC believes that recognition could be broadened to increase the visibility of stewards' work, which would in turn assist the unions recruit and retain stewards. UEW supported PIPSC position on this topic and worries that some members may not become stewards for fear of reprisal. Management recognized that when the union works with management and the employee to revolve issues at the lowest possible level, this is an accomplishment for everyone.

AGENDA ITEM #12: GENDER NEUTRAL WASHROOMS

(Christine Collins, National President, Union of Canadian Transportation Employees)

UCTE proposed that the NUMCC begin the discussion about creating a positive space, through the implementation of gender neutral washrooms and change rooms, where and when possible, claiming that this topic relates to the most basic of human rights and is a very serious issue for trans-gendered people. UCTE acknowledged that while there may be barriers to implementing gender neutral washrooms, they are seeking a commitment from management to provide washrooms for those who are transitioning or those who have transitioned. It was suggested that a simple solution would be to designate single room washrooms for those with a disability as a positive space washroom. UCTE believes that the Canadian Coast Guard has an employee who is trans-gendered and there may be others as there is no requirement to self-identify. UEW was in support of UCTE's proposal and requested that the washroom be provided at the earliest possible time. ACFO proposed that this matter should be approached carefully, to avoid segregating a group of individuals, while trying to include others.

Management was not aware of any employees transitioning but reasserted a commitment to ensuring that accessibility and accommodation standards be met. Management remains amenable to this matter and will respond as it moves forward.

AGENDA ITEM #13: ROUND TABLE AND CLOSING REMARKS

(Chair, Leslie MacLean, Associate Deputy Minister)

The participants on video conference noted some microphone problems. Participants were asked to speak clearly into the microphones for future meetings.

UCTE requested a list of the essential services and designated members, broken down by region, with employee names and position numbers. In the alternate, an organizational chart was requested. Management confirmed that this information will be provided.

The Associate Deputy Minister noted that a message would be sent to all DFO employees requesting interest in participating in the efforts to process Syrian Refugees. If employees are interested, they need to speak with their manager to have their request approved.

The Associate Deputy Minister thanked the committee members for their participation and wished everyone a wonderful holiday season.

Approved by:

Leslie MacLean
Associate Deputy Minister
Chair for Meeting of December 16, 2015

IN ATTENDANCE**Fisheries and Oceans Canada Representatives**

Leslie MacLean	Associate Deputy Minister
Mario Pelletier	Deputy Commissioner – Operations, Canadian Coast Guard
Jeffery Hutchinson	Deputy Commissioner – Vessel Procurement, Canadian Coast Guard
Philippe Morel	Assistant Deputy Minister, Ecosystems and Fisheries Management - Operations
Diane Orange	Assistant Deputy Minister, Human Resources and Corporate Services
Marty Muldoon	Assistant Deputy Minister and Chief Financial Officer
Tom Rosser	Senior Assistant Deputy Minister, Strategic Policy
Trevor Swerdfager	Assistant Deputy Minister, Ecosystems and Oceans Science
Stephen Sharzer	Senior General Counsel, Legal Services
Angela Bate	Regional Director Policy, Pacific Region
Dave Burden	Regional Director General, Central & Arctic Region
Patrick Vincent	Regional Director General, Quebec Region
Morley Knight	Regional Director General, Maritimes Region
Lily Abbass	Regional Director General, Newfoundland and Labrador Region
Wendy Watson-Wright	Regional Director General, Gulf Region
Roger Girouard	Assistant Commissioner, Western Region, Canadian Coast Guard
Wade Spurrell	Assistant Commissioner, Atlantic Region, Canadian Coast Guard
Julie Gascon	Assistant Commissioner, Central & Arctic Region, Canadian Coast Guard
Tom Balfour	Director General, Human Resources
Mathieu Giroux	National Team Leader, Corporate Labour Relations
Alyson Maynard	Senior Labour Relations Advisor, Corporate Labour Relations
Jeff Foster	Director, Safety, Security, and Emergency Services
Hélène Leblanc	Director, Learning and Recognition

National Union Representatives

Todd Panas	National President, Union of Environment Workers
Daryl Hoelke	Executive Assistant, Union of Environment Workers
Jeff Irwin	National Vice President, Union of Environment Workers
Christine Collins	National President, Union of Canadian Transportation Employees
Emmanuelle Tremblay	President, Canadian Association of Professional Employees
Anita Bangericenge	Canadian Association of Professional Employees
Wayne Fan	Canadian Association of Professional Employees
Thomas Landry	President, National Consultation Team, Professional Institute of the Public Service of Canada
Judith Leblanc	Vice President, National Consultation Team, Professional Institute of the Public Service of Canada
Sarah Godwin	National Employment Relations Officer, Professional Institute of the Public Service of Canada
Joy Thomson	National Secretary Treasurer, Canadian Merchant Service Guild
Nicolas Brunette-DSouza	Labour Relations Advisor, Association of Canadian Financial Officers
Allan Hughes	President, UNIFOR– Local 2182

NOT IN ATTENDANCE**Fisheries and Oceans Canada Representatives**

Matthew King	Deputy Minister
Jody Thomas	Commissioner, Canadian Coast Guard
Kevin Stringer	Senior Assistant Deputy Minister, Ecosystems and Fisheries Management
Rhonda Walker-Sistie	Director General, Communications
Rebecca Reid	Regional Director General, Pacific Region

National Union Representatives

Paul Cameron	Assistant Business Manager, International Brotherhood of Electrical Workers
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