

ENVIRONMENT AND CLIMATE CHANGE CANADA LABOUR-MANAGEMENT CONSULTATION COMMITTEE (ECCCLMCC)
MEETING MINUTES – November 26, 2020

REPRÉSENTANTS PATRONAUX | MANAGEMENT REPRESENTATIVES

T. Christine Hogan	Sous-ministre Deputy Minister
Martine Dubuc	Sous-ministre déléguée Associate Deputy Minister
Carol Najm	SMA, Services ministériels et finances (DGSMF) ADM, Corporate Services and Finance (CSFB)
Diane Campbell	SMA, Service météorologique du Canada (DGSMC) ADM, Meteorological Service of Canada (MSCB)
Jacqueline Gonçalves	SMA p.i., Sciences et technologie (DGST) A/ADM, Science and Technology (STB)
John Moffet	SMA, Protection de l'environnement (DGPE) ADM, Environmental Protection (EPB)
Abigail Lixfeld	SMA p.i., Affaires publiques et autochtones et services ministériels (DGAPASM) A/ADM, Public and Indigenous Affairs and Ministerial Services (PIAMSB)
Matt Jones	SMA, Bureau de la mise en œuvre du Cadre pancanadien (DGBMOCP) ADM, Pan-Canadian Framework Implementation Office (PCFIOB)
Hilary Geller	SMA, Politique stratégique (DGPS) ADM, Strategic Policy (SPB)
Catherine Stewart	SMA, Affaires internationales (DGA) ADM, International Affairs (IAB)
Niall O'Dea	SMA, Service canadien de la faune (DGSCF) ADM, Canadian Wildlife Service (CWSB)
Donald Walker	Directeur général, Application de la loi en environnement, remplaçant la responsable de la mise en application de la loi (RMAL) Director General, Environmental Enforcement, replacing Chief Enforcement Officer (CEO)
Sylvain Paradis	Dirigeant principal de la gestion des ressources humaines (DPGRH) Chief Human Resources Management Officer (CHRMO)

SOUTIEN ADMINISTRATIF | SECRETARIAT SUPPORT

Patrick Vachon	Directeur général, Services de développement des employés et mieux-être Director General, Workforce Development and Wellness Services
Julie Bourbonnais	Directrice adjointe p.i., Relations de travail DGRH A/Assistant Director, Labour Relations, HRB
Marilyne Boulay	Gestionnaire p.i., Relations de travail ministérielles DGRH A/Manager, Corporate Labour Relations, HRB
Virginie Martel	Conseillère principale, Relations de travail ministérielles Senior Advisor, Corporate Labour Relations
Colleen Weston	Conseillère principale p.i., Relations de travail ministérielles A/Senior Advisor, Corporate Labour Relations
Amélie Larouche	Étudiante, Relations de travail ministérielles Student, Corporate Labour Relations

REPRÉSENTANTS SYNDICAUX | LABOUR REPRESENTATIVES

Waheed Khan	IPFPC (Président, équipe nationale de consultation) PIPSC (President, National Consultation Team)
Bill Sukloff	IPFPC (Vice-président, équipe nationale de consultation) PIPSC (Vice-President, National Consultation Team)
Shimen Fayad	STSE-AFPC (Présidente nationale) UHEW-PSAC (National President)
Rubin Kooner	STSE-AFPC (Vice-présidente régionale) UHEW-PSAC (Regional Vice-President)
Benoît Thibault*	STSE-AFPC (Vice-président national) UHEW-PSAC (National Vice-President)

Greg Phillips	ACEP (Président national) (absent) CAPE (National President) (absent)
Karen Brook	ACEP (Agente des relations de travail) CAPE (Labour Relations Officer)
Kate McKerlie	ACEP (Représentante locale) CAPE (Local Representative)
Vivian Gates	ACAF (Conseillère en relations de travail) (absente) ACFO (Labour Relations Advisor) (absent)
Paul Cameron	FIOE (Gérant d'affaires) (absent) IBEW (Business Manager) (absent)

* Attended as observer. New alternate for UHEW-PSAC.

The following notes reflect the order of the original agenda provided before the meeting, and not necessarily the order of discussions.

1. Opening Remarks

The Deputy Minister (DM), T. Christine Hogan, presented the co-chair for the meeting, Waheed Khan (PIPSC), and welcomed members of the Committee. She informed the Committee of management membership updates: she thanked Sue Milburn-Hopwood, Nancy Hamzawi and Dominique Blanchard who left their respective ADM role and were replaced by Niall O'Dea, Jacqueline Gonçalves and Abigail Lixfeld, respectively. The DM subsequently asked members to introduce themselves followed by her acknowledgement of unions' roles in mental health, diversity and inclusion committees during these challenging times.

In his opening remarks, Mr. Khan seized the opportunity to acknowledge the territorial rights of Indigenous peoples. He expressed his privilege to co-chair this meeting with the Deputy Minister, on behalf of the Bargaining Agents. He invited everyone to be kind and respectful to each other, while being candid about issues, and focusing on a constructive dialogue and solutions.

2. Review and Approval of Agenda

The agenda was co-developed and approved by the Committee members.

3. Follow-Up Actions from Last Meeting

a) Action Items

The action items document from the last meeting of December 5, 2019 was sent to the members prior to the meeting.

The DM reviewed the follow-up action items. Sylvain Paradis (CHRMO) indicated there were six (6) action items, most in progress, because resources were diverted in March 2020 to deal with the COVID-19 pandemic and the departmental Business Continuity Plan.

b) LMCC Frequency

Mr. Khan (PIPSC) acknowledged the impact of COVID-19 on the review of the LMCC structure. Recalling the discussion from the December 5, 2019 ECCCLMCC, he explained the request of Bargaining Agents for management to consider the reinstatement of the NCRLMCC, similar to other regions, in order to raise NCR issues at a lower level rather than this one (ECCCLMCC). He explained that it would help reduce the need for LMCCs with small Branches that are NCR based. Shimen Fayad (UHEW) indicated her agreement

with Mr. Khan. The CHRMO requested time to look at this issue and to consult as ECCC is no longer under a regional structure, thus the reason for abolishing the NCRLMCC when the structure changed to a national one.

3. b) ACTION: Management to consider the reinstatement of the NCRLMCC and continue the consultation process for the review of the LMCC departmental structure.

b) i) Union-Management Consultation

Mr. Khan (PIPSC) indicated that the PIPSC members continue to raise concerns with the staffing processes, and the Respect Bureau is hearing the same concerns. Ms. Fayad (UHEW) stated the same for their members, feeling a lack of transparency and fairness. Ms. McKerlie (CAPE) agreed and stated concerns particularly with acting pay.

The DM stated it was a recurring item on the agenda of the staffing sub-committee. Mr. Khan (PIPSC) indicated that unions were not looking for additional meetings, but for direction from the DM to senior management on these issues.

The CHRMO stated that HRB will look at different models to address staffing issues in a more efficient manner and reminded Committee members that the staffing delegation of authority allows for flexibility in decision-making. He further stated that complaints investigated by the Public Service Commission (PSC) show that the staffing processes were followed correctly and were in compliance with the staffing values.

PIPSC indicated they want to help members better understand the staffing process and believe that the staffing values are not met. The CHRMO reiterated that the staffing sub-committee can explain the process, but cannot make staffing decisions on behalf of management.

Karen Brook (CAPE) indicated that the staffing values go beyond any particular staffing action. She asked if the Committee also brought a broader oversight for Diversity and Inclusion, and Employment Equity and if this was shared with the decision-makers. The CHRMO acknowledged that this is part of the guidance and advice provided by the Staffing Advisors to managers.

3. b) i) ACTION: HRB is looking at a model for the bargaining agents to bring forward staffing complaints received from their members.

c) December 5, 2019 ECCCLMCC Minutes

The minutes from the December 5, 2019 ECCCLMCC were sent to the members for their comments and approved secretarially. They were subsequently published on the intranet.

4. Staff Development and Effectiveness

a) National Respect Day

Mr. Khan (Union Co-champion for Mental Health) reported that the 6th Annual National Respect Day webcast was a great success, in spite of COVID-19 restrictions. About 1,000 employees participated in the webcast. PIPSC hopes budget constraints will not limit next year's activities. PIPSC also noted that ECCC was the first department to celebrate a National Respect Day in 2015, and subsequently create a Respect Bureau.

Diane Campbell (Management Co-Champion for Mental Health) appreciated working with Mr. Khan and the respect he models. She continued by stating adjustments made to combine mental health and respect into one advisory committee. She also noted it would be beneficial to have more time during next year's webcast to address a greater number of employee questions. Mr. Khan acknowledged the work of HRB's Mental Health Team.

The Associate DM thanked the Wellness Center for a job well done [referring to Respect webcast] during these difficult times of COVID-19. The DM noted the Respect Bureau is resourced appropriately.

Respect Bureau

The DM introduced guests Corinne Boudreault and Sylvie Richard from the Respect Bureau and invited them to provide an update.

Ms. Richard gave a brief overview of the work accomplished this fiscal year at the Respect Bureau: more than 200 visitors, 13 facilitated discussions, 14 training sessions, 50 meetings with management across the Department to raise issues, 100 meetings with other partners including unions, central agencies and ombudsmen from 22 other departments, HRB, CSFB and network committees. She spoke of the positive points (such as feedback from management, technological support, improved communication with employees and flexibility in the use of code 699) as well as the challenges (such as mental health issues and increase in workload for all employees and stress at the manager level due to the pandemic). Ms. Richard also promoted the Respect Bureau services and tools to assist both employees and managers.

Ms. McKerlie (CAPE) thanked the Respect Bureau for their neutrality and positive training. PIPSC acknowledged the contributions of Todd Panas, Mike Beale and Nancy Hamzawi in the creation/support of the Respect Bureau and past National Respect Days. CAPE further stated members still have many questions on official recourse mechanisms available to them and asked for a reference tool explaining the differences. Ms. Boudreault reminded the Committee of the recourse placemat created years ago. The link is available on the ECCC Values and Ethics page and the Respect Bureau intranet page. She added that perhaps the location of the link is not intuitive, since employees still have questions.

PIPSC acknowledged the key role played by Associate Deputy Minister Martine Dubuc and the excellent work of the Department to establish the Respect Bureau reporting directly to the Associate Deputy Minister, also stating it is good for employees to have an office they can go to without the fear of reprisal.

The DM also thanked the Respect Bureau for their work and guest attendance at this meeting.

4. a) ACTIONS:

- HRB will re-send the recourse mechanisms placemat to Committee members.
- The Respect Bureau to look at location of link on their webpage for prominence.

b) Harassment, Violence in the Work Place and Fear of Reprisal

(i) Projet de loi C-65 / Bill C-65

Ms. Fayad (UHEW) requested this item remain on the standing agenda and acknowledged the great work that has been done and continues to be done by the Department. She reminded members that Bill C-65 takes effect on January 1, 2021. UHEW encouraged managers and employees to get familiar with the Bill, which focusses on prevention rather than reaction to situations. Employees are afraid that a staffing complaint will lead to reprisal and be a career-limiting move.

PIPSC echoed UHEW's statement and indicated that the unions work with all members facing harassment/violence. However, while it is not widespread, ECCC is a department that addresses these types of incidents. Bill C-65 supports a better process to deal with these matters. PIPSC noted that unions are happy to be part of the working group and proposed that it be co-chaired by Ms. Fayad, representing all the bargaining agents.

CAPE expressed thanks and noted the need to ensure support to restore the work place following an incident of harassment or violence, since these events are traumatic and repair work may still be needed. CAPE suggested we prepare our managers for these situations.

The CHRMO thanked the bargaining agents and the ADMs, acknowledged that the work will be demanding, and accepted Ms. Fayad as co-chair on the Bill C-65 working group. Mr. Paradis recommended holding a special meeting to discuss fear of reprisal.

Ms. Fayad thanked Mr. Paradis and indicated that the first meeting was held that same morning. She shared resources obtained from other departments and mentioned that meetings will take place twice a week until the end of December.

4. b) i) ACTION: HRB to organize a meeting to discuss fear of reprisal and possible departmental approach.

c) Diversity, Inclusion and Employment Equity

PIPSC stated that the unions were glad this is a departmental priority and sees an increased focus due to the current global situation. There are still important topics our system is not currently addressing. The Department has some good programs, but there is room for improvement. Members find the staffing process difficult; in particular, persons with disabilities and visible minorities.

CAPE expressed thanks for the report that was shared and although progress has been made, gaps regarding persons with disabilities still exist.

Hilary Geller (Co-champion) provided an update on Diversity, Inclusion and Employment Equity to members. She also introduced Naina Sloan, Associate Regional Director General for West and North located in Vancouver, who has taken on the role of Co-Champion for Diversity and Inclusion in replacement of Matt Jones. Ms. Geller indicated that consultation is currently underway for a new departmental Diversity, Inclusion and Employment Equity Action Plan. Ms. Sloan expressed that it was an honour to take over as Co-champion and stated her appreciation for the comments she has heard.

The DM indicated that the Associate DM, Martine Dubuc, and herself have been meeting with the various networks across the Department as well as with the Leadership Council. A Diversity, Inclusion and Employment Equity campaign was recently launched to encourage employees to self-ID, which will result in more accurate data to support the networks. Furthermore, she recognized Ms. Geller's and Ms. Sloan's work on this topic.

d) Career Development and e) Promotion of Official Languages

Kate McKerlie (CAPE) spoke of an event that took place in 2018 regarding the EC professional development program, which resulted in good recommendations. Ms. McKerlie noted concerns with the program, including long delays and probation spread over many years, until program graduation.

Mr. Khan (PIPSC) indicated the allocation of language training continues to be an issue for employees. The CHRMO stated that language training is branch specific, and referenced HRB's language training process as a best practice. Mr. Khan (PIPSC) stated that, in the interest of time, the bargaining agents will pull together suggestions via email for management's consideration.

4. e) ACTION: Bargaining agents to provide language training suggestions via email for management's consideration.

5. Business Transformation

a) Email Migration

Carol Najm (ADM) spoke about email migration. She informed members that the Department will be returning to the @ec.gc.ca email at the request of Shared Services Canada (SSC). The transition is anticipated for June 2021. More to come in the new year on this topic.

Mr. Khan (PIPSC) was happy to hear about the return to the @ec.gc.ca email address structure and the plans for next summer's migration. He felt the move to the @canada email structure and the 2GB limit was an issue for members and also hoped the return to @ec.gc.ca will eliminate the numbered email addresses that currently exist with @canada.ca. He suggested focus groups before full roll-out and a phased approach to avoid overloading our Service Desk.

Ms. McKerlie (CAPE) appreciated that the email migration has been pushed back for better timing considering all of the technology changes – GCdocs, .pst files, ECollab, MS Teams. CAPE supports PIPSC's idea of focus groups and increased behind-the-scenes system automation to reduce employee stress.

Ms. Najm stated more information would be available in the new year. Ms. Hogan reminded everyone that some of these decisions are beyond the control of ECCC as they fall under the responsibility of SSC.

Mr. Khan (PIPSC) took the opportunity to acknowledge the work of the CS group members enabling these technological tools.

b) Implementation of Collective Agreements

Mr. Khan (PIPSC) stated that collective agreements are negotiated between the Employer and the Bargaining Agent, and both must demonstrate commitment to fully implement them. He spoke about the domestic violence leave, a new clause available in the collective agreements resulting from the most recent round of bargaining. PIPSC stated this is a significant development because the employer acknowledged it has a role to play to support employees. He said that there is a need to clarify the process for use of domestic leave while still respecting the privacy and dignity of employees. Ms. Fayad (UHEW) indicated they are receiving enquiries from members regarding this leave, for ex. what leave code to use. Ms. Brook (CAPE) stated some departments are using 699 for domestic violence.

The CHRMO indicated that TBS did create a leave code for this type of leave, but that it is not currently available in the system for confidentiality reasons. He indicated that the Department will work with the unions to address this topic and on the best way to report usage of this leave. He cautioned members not to use code 699 (other leave with pay) for domestic violence, as there is a specific leave code and clause for this type of leave.

PIPSC requested the review of the ECCC departmental event plan, which may not be aligned with the RE Group Collective Agreement, with respect to conference attendance. TBS has clearly stated that departmental processes and guidelines must respect the provisions of collective agreements. He stated that the process imposes time restrictions that may prevent employees from participating in certain events. The employer is required to establish selection criteria and shall consult with the unions; PIPSC requested management's commitment to ensure this is done. The CHRMO expressed his interest in learning the magnitude of issues (re: conference attendance).

5. b) ACTIONS:

- HRB to look into tracking and reporting of domestic violence leave based on TBS recommendations.
- ADM, STB to look at departmental event plan and alignment with RE collective agreement on conference attendance.

c) Implementation of the Scientific Integrity Policy

PIPSC appreciated this Department's leadership on announcing the Departmental Scientific Integrity Policy in December 2018, and the appointment of the Departmental Science Advisor but asked for activities to increase awareness of this policy, outside of the scientific branches, which could be helpful to prevent policy breaches. Jacqueline Gonçalves (A/ADM) indicated that they could work with the Departmental Science Advisor to include awareness into the communications plan.

5. c) ACTION: A/ADM, STB to ask the Departmental Science Advisor to include Scientific Integrity Policy awareness into their communications plan.

d) Phoenix Pay System

Mr. Khan (PIPSC) acknowledged the progress made on pay issues, noting that retroactive pay resulting from the recent Collective Agreements was handled much better than the previous round. He highlighted the challenges faced by the MT shift workers, particularly in situations of Designated Paid Holidays overpayment recoveries. Mr. Khan noted these system issues are now rectified preventing further errors, and proposed that the DM override these overpayment recoveries.

The CHRMO reminded all that the authority regarding overpayment matters rests solely with Public Services and Procurement Canada (PSPC). In addition, the CHRMO mentioned that, in this specific case, employees were made aware of the issue and of the possibility of an overpayment being generated following the system update. Our DM cannot override PSPC's authority.

Ms. Najm indicated the whole recovery process is the responsibility of PSPC and that all recoveries are made in an equitable manner across the government.

UHEW and PIPSC stated they want to support their members. PIPSC further clarified they want these issues resolved in a manner that is fair to everyone and suggested pay resources be made available to support the more complex pay issues of MT shift workers. Although they recognize the considerable resources the Department already devotes to pay issues, cases dating back to 2016 still exist and should be given priority.

UHEW stated that claims for Phoenix damages are not as high as they expected and suggested that perhaps employees may not be aware of the process. The CHRMO indicated that information is shared with employees who enquire about the claims process and will share the information link with the unions.

The DM noted we all work very hard to resolve pay issues. The CHRMO reminded bargaining agents to review the Pay Dashboard to realize the significant drop in the number of pay issues. The PSPC Pay Centre works on simple files first. Complex files take weeks to resolve and require specialized expertise. He further reminded to bring specific cases to HRB's attention.

5. d) ACTIONS:

- MSC management to consider options available for dedicated resources for MT shift workers files.

- HRB to resend link and statistics on Phoenix claims process to bargaining agents.

e) COVID-19

Mr. Khan (PIPSC) thanked and acknowledged everyone for their collaboration and great work. PIPSC has advocated for years to support flexible work arrangements including working from home and further suggested that going forward, all pending telework requests should be approved unless the work cannot be performed from home. He recognized the work the Department has done to quickly expand VPN and introduce new IT tools. Ms. McKerlie (CAPE) echoed this recognition, particularly HR, OHS and Ms. Najm's team. She further stated the financial limit on equipment [for remote work] is not sufficient and believes the employee should have the option of using a work smart phone, and should not be asked to use their personal phone.

PIPSC stated concern with the new 699 guidance, and noted that PIPSC and other unions have filed policy grievances against the new guidelines. Mr. Khan felt there is no misuse and that requests should not be unduly denied. He asked the Department to continue showing flexibility in the use of this leave code. He also requested the Department revisit the use of Zoom, which is the platform of choice for domestic and international conferences and allowed by several Departments. He noted that because of departmental restrictions, he is using his personal laptop to attend international and interdepartmental Zoom meetings. He also mentioned expenses of working from home for employees and requested that the business part of these expenses be supported by the Department, including signing the Canada Revenue Agency (CRA) T2200 form for employees.

The DM reminded all participants that the Department continues to operate under the Business Continuity Plan (BCP), which presents an operational reality. She highlighted the tremendous success of VPN and work achieved by our colleagues in SSC and ECCC to support the technology.

Ms. Najm reminded all participants that the restrictions surrounding Zoom come from TBS and SSC. The restrictions are being reconsidered, but the decision is not up to ECCC. She indicated that further guidance is expected from TBS and CRA on the use of the T2200 form.

The CHRMO stated that the use of code 699 has decreased, and is still available as per TBS instructions. The direction is for employees to use their available leave first prior to management considering the specifics of each case. He reassured the members that managers will continue supporting their employees considering various factors, such as family situation.

The DM thanked everyone for their approach today and expressed her sincere thanks to all during this challenging situation. Mr. Khan, co-chair, also thanked the group. Both co-chairs wished everyone Happy Holidays!

Meeting ended at 4:23 pm.