

UNION-MANAGEMENT CONSULTATION COMMITTEE FRAMEWORK

BETWEEN:

**Health Canada and the Public Health Agency of Canada
(*"Management"*)**

-and-

**Canadian Association of Professional Employees (CAPE)
Professional Institute of the Public Service of Canada (PIPSC)
Public Service Alliance of Canada (PSAC)
Association of Canadian Financial Officers (ACFO)
International Brotherhood of Electrical Workers (IBEW)
(*"Employee Representatives"*)**

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1. Preamble

The UMCC members are committed to fostering a collaborative relationship and as such, recognize the advantage of establishing a joint consultation committee to provide a forum for the free exchange of information between Management and Employee Representatives on matters of common interest, and for the resolution of issues affecting employees.

2. Purpose of UMCC

The purpose of consultation is to provide an officially recognized, flexible and open forum for the exchange of information and perspectives between Management and Employee Representatives on policies, programs, procedures, and conditions of employment.

The intent of joint consultation is to allow Management to give careful consideration to the views, concerns, and suggestions put forward by Employee Representatives. The committee will seek to reach a consensus on the resolution of issues or problems brought to its attention; however, to consult does not imply unanimous or majority agreement.

The objective of joint consultation is to have an open exchange of views, concerns, and suggestions while recognizing legal and procedural limitations. Some of the more specific objectives are to:

- establish a vehicle for productive and positive dialogue between Management and Employee Representatives;
- build relationships through transparency, open dialogue and participation;
- maintain a sense of purpose in working towards common goals; and
- provide a forum to discuss ideas, issues, concerns and other contentious situations that have not been resolved, in advance (or in lieu) of formal recourse.

These guidelines are not intended to be restrictive, and may be amended as required. They are intended to provide a framework within which the committee can operate effectively and purposefully.

3. Guiding Principles

(a) Commitment

The Deputy Heads, the Branch Heads, and the Union Representatives commit themselves to being leaders for union-management consultation and to demonstrating their interest and support for consultation on an ongoing basis.

Management will involve the union representatives early in the discussions and/or development of, or changes to, a policy or an operational initiative that may affect the working conditions of employees.

Management encourages the active participation of employees who are union representatives in the union-management consultation process.

The Treasury Board definition of consultation (see Annex B) will be used by all union-management consultation committees (UMCC).

(b) Accountability

To ensure the effectiveness of UMCC's, union and management representatives must be accountable for the effectiveness of the process and have the authority to make decisions within their respective jurisdiction on the matters that are brought forward.

Depending on the topic and the impact, the subject will be tabled at the appropriate level of UMCC for either consultation or information-sharing. As a principle issues will be raised at the lowest level possible.

The various consultation committees have no authority to amend the provisions of the collective agreements or other regulations affecting employees' terms and conditions of employment.

(c) Consultation

The consultation process between Management and Employee Representatives will be guided by the following principles:

- Utilizing the principle of early engagement;
- Resolving problems at the lowest level possible;
- Recognizing and respecting each other's roles, interests and accountabilities;
- Communicating openly with each other in ways that promote common understanding, effective problem solving and continued enhanced and respectful relationships;
- Working to earn and sustain trust;
- Exchanging information and views to the fullest extent possible;
- Using a collaborative approach to problem solving and decision making;
- Cooperating and participating as equals in the process, and sharing the responsibility for making consultation work so that problems are prevented or solved, and opportunities are identified and developed;
- Honouring the agreements reached between management and employee representatives; and
- Giving all parties the benefit of the doubt.

4. Scope of Consultation

(a) Scope

Consultation is not intended to interfere with, or limit, either Management's authority and obligation to manage, or the Employee Representatives' legal rights established by the *Federal Public Sector Labour Relations Act* and/or the applicable collective agreement.

This process does not preclude the normal day-to-day communication between the parties to discuss current problem areas. Similarly, consultation is not intended to interfere with:

- the Employee Representatives' responsibility to represent the best interests of its members;
- rights as established under any legislation or the applicable collective agreement provisions, and
- the regulations governing the Terms and Conditions of Employment.

(b) View of the Consultative Process

Consultation should promote mutual understanding, problem prevention and problem solving. It should reduce conflict and stress and should lead to improved understanding and learning in the context of enhancing the relationship.

Information disclosure during consultation shall be subject to the restrictions specified by the *Access to Information Act* and the *Privacy Act*.

(c) Co-Development

It is important to note that co-development is separate and distinct from consultation, but a key element of collaborative union-management relations. Co-development is addressed in [TBS' Co-Development Guidelines](#), and is a useful mechanism to allow the parties to work together in developing an initiative to respond to a question or a need that promotes continuing improvement in the workplace. The results of co-development can take many forms, such as a directive, a policy, a set of procedures, a method of implementation, or a jointly identified project. HC and PHAC are committed to co-development with the bargaining agents, where the specific initiative would benefit from this collaboration.

5. Committee Membership

(a) Composition and alternates

Management and Employee Representatives will identify their regular members and any alternates to replace them in the event of absence at the outset of each calendar year. To provide consistency in representation, members and alternates must be named.

(b) Replacement of Members

Where members are to be replaced on a permanent basis for any reason, the co-chairs and meeting coordinator must be advised in advance and provided with relevant contact information.

(c) Committees

Although a core group of representative is identified below, other participants including union officials and staff, senior managers, etc. may be invited, depending on the agenda, to ensure adequate representation at the UMCC meetings.

All UMCCs can establish sub-committees where it is determined that a subject requires in-depth study.

	National Union Management Consultation Committee (NUMCC) <i>**Separate meetings for HC and PHAC, unless a joint meeting is agreed to by both parties</i>	Branch Union Management Consultation Committee (BUMCC)	Regional / Local Union Management Consultation Committee (LUMCC) <i>** Where established, requested and endorsed by both the unions and the most senior local management* representative (*management shall consult with Labour Relations)</i>	Human Resources Union Management Committee (HRUMCC) <i>** Joint meeting for HC/PHAC</i>	Co-Development Committee <i>** Ad hoc, where an initiative would benefit from co-development with the bargaining agents.</i>
Purpose	To discuss national, organization-wide issues and initiatives.	To discuss issues and initiatives of significance to the Branch.	To discuss issues and initiatives of significance to a particular region or workplace.	To discuss Human Resources issues and initiatives.	To co-develop a specific initiative/program/project/deliverable.
Management	<ul style="list-style-type: none"> Deputy Minister / President Associate Deputy Minister / Chief Public Health Officer Branch Heads (Assistant Deputy Ministers or Vice Presidents or equivalent from respective branches) and/or delegate Ombudsman Executive Director (ex officio) 	<ul style="list-style-type: none"> Branch Head Senior management team reporting directly to the Branch Head (excluded and unrepresented employees only) 	<ul style="list-style-type: none"> Senior management team (excluded and unrepresented employees only) 		<ul style="list-style-type: none"> TBD, based on the focus of the co-development
Unions	<ul style="list-style-type: none"> UHEW President, and/or delegate ACFO Agent Representative, and/or delegate CAPE Agent Representative, and/or delegate PIPSC National Consultation Team President, and/or delegate IBEW Agent Representative, and/or delegate 	<ul style="list-style-type: none"> UHEW Agent Representative, and/or delegate ACFO Agent Representative, and/or delegate CAPE Agent Representative, and/or delegate PIPSC Agent Representative, and/or delegate IBEW Agent Representative, and/or delegate 	<ul style="list-style-type: none"> UHEW Agent Representative, and/or delegate ACFO Agent Representative, and/or delegate CAPE Agent Representative, and/or delegate PIPSC Agent Representative, and/or delegate IBEW Agent Representative, and/or delegate 	<ul style="list-style-type: none"> UHEW President and Agent Representative, and/or delegate ACFO Agent Representative, and/or delegate CAPE Agent Representative, and/or delegate PIPSC Agent Representative, and/or delegate IBEW Agent Representative, and/or delegate 	<ul style="list-style-type: none"> UHEW President, and/or delegate ACFO Agent Representative, and/or delegate CAPE Agent Representative, and/or delegate PIPSC National Consultation Team President, and/or delegate IBEW Agent Representative, and/or delegate
HR Management Team	<ul style="list-style-type: none"> Director General of Human Resources Executive Director, Labour Relations National Director, Labour Relations Operations 	<ul style="list-style-type: none"> Director, Client Services Labour Relation Advisors 	<ul style="list-style-type: none"> Excluded members from the human resources team Labour Relation Advisors 	<ul style="list-style-type: none"> Director General, Human Resources Executive Directors, HRSD National Director, Labour Relations Operations 	<ul style="list-style-type: none"> TBD, based on the focus of the co-development
Frequency	The Committee meets a minimum of twice a year. Additional meetings may be called by the chair or at the request of a union representative.	Each Branch Head will endeavour to hold 2 meetings a year, with the option of deferring, canceling or adding meetings as required.	As and when required / requested.	The Committee meets twice a year. Additional meetings may be called by the chair or at the request of a union rep.	Ad Hoc.

6. Committee Structure

(a) Co-Chairs

There will be co-chairs for each committee; management and the employee representatives will each designate a co-chair for their respective group. The co-chairs will jointly chair all meetings. In the absence of an appointed co-chair, the member's named alternate will assist in chairing the meeting.

(b) Management

Management's designated co-chair will be employed in a managerial or confidential capacity and have appropriate authority to make and apply decisions.

(c) Meeting Coordinator

Management will provide a Meeting Coordinator to receive agenda items, prepare the meeting agenda and take minutes. This person will have no participation and/or decision-making status with respect to issues tabled for the committee. Generally speaking, Labour Relations will provide Secretariat services for these meetings.

(d) Employee Representatives and Invited Guests

Individuals may be invited by mutual agreement of the Management and Employee Representative co-chairs for the purpose of providing specialized or technical advice and information with respect to an agenda item. These parties will not participate in any discussions other than the topic(s) for which they were invited.

Guests, presenters and observers may attend committee meetings for the purpose of employee development, subject to the advance notice and approval by the co-chairs.

7. Agenda

(a) Development

The process of establishing the agenda is intended to be collaborative and consultative and liaison may be required to ensure:

- Resolution of the issue(s) has been attempted at the appropriate management level,
- The correct forum (Local, Regional, Branch or National) is proposed for the issue (subject and/or authority),
- Issues relating to an individual such as grievance cases must not be discussed in a way that would breach confidentiality.
- determine who should participate,
- ensure that adequate research on all items is done prior to the meeting,
- guarantee efficient use of everyone's time spent, and
- ensure the effectiveness of all meetings.

The parties endeavor to prepare and exchange subjects for consultation in advance of meetings, to permit the parties to make the necessary preparations for discussion. (As a best practice, a form for potential agenda items is attached in appendix D.)

Originators of agenda items shall indicate the corresponding objective (decision-making, information, consultation, co-development etc.) for each agenda item submitted and shall indicate if a specific person is required to be in attendance in order to respond to a particular subject.

Originators are responsible for providing all background information and related documentation to the meeting coordinator at the time the agenda item is submitted, or as soon as it is available before the meeting date, in order to allow all members adequate time for review.

The co-chairs will approve the agenda and the meeting coordinator will be responsible for distributing the approved agenda to members and named alternates.

The party proposing an agenda item shall introduce the topic at the meeting.

Items not on the agenda may be brought forward at the meeting for discussion with the approval of the co-chairs to amend the agenda. When the context on issues is not provided prior to the meeting and when last-minute items or emergency issues are brought forward at the meeting, it is understood by both parties that the right people may not be able to attend the meeting and that some further research may be required after the meeting before a full response can be provided.

8. Meeting Schedule and Logistics

(a) Meeting schedule

Each committee will be held twice annually during regular work hours. Members agree that whenever possible, meetings will not be cancelled or re-scheduled unless urgent circumstances require this.

Local, Branch and National UMCC meetings will be scheduled and in a sequence which allows each level to feed into the next. When possible, meetings will be scheduled in consultation with all parties and in a manner that will facilitate planning and full participation.

Informal consultation meetings are strongly encouraged and may be convened at all levels on an as-required basis to discuss and resolve emerging issues in a timely fashion.

(b) Joint ad-hoc or sub-committee meetings

Ad-hoc meetings may be conducted any time there is a need to address a specific, complex or urgent issue, for the purpose of project or sub-committee work. (e.g. Staffing sub-committee, Workforce adjustment sub-committee, etc...), or for the purposes of co-development.

Where issues are specific to one union, consultation may occur between management in functional areas and a specific union. Should the issue become pertinent to other member groups, then it should be referred back to the appropriate committee (e.g. RUMCC, HRUMCC, etc...)

(c) Meeting location

The management co-chair is responsible for providing a suitable meeting location, and for arranging all required security clearances for participants.

(d) Language of meetings

Meetings shall be conducted in accordance with the provisions of the *Official Languages Act* of the Region.

9. Minutes of Meetings

The draft minutes will be prepared in a timely fashion. Issues discussed, decisions or follow-up action and consensus or disagreement by the parties should be reflected in the minutes. The draft minutes will be distributed to all committee members for comments and approval. Nil response to draft minutes indicates approval by parties.

Final versions of the minutes will be approved by the co-chairs and be made available to any member of the respective organizations upon request.

Each LUMCC and BUMCC is responsible for determining the best method to communicate minutes/decisions of their respective meetings to their organization.

10. Referral of Issues

Unresolved issues from the local/regional or branch levels/departmental committees or issues requiring authorization by a higher level, may be raised to the National level only after all efforts have been made to resolve them at the lower levels in the UMCCs. Conversely, issues may be referred to lower levels where this is appropriate to resolving specific issues.

The HRUMCC (and related sub-committees) should be conducted prior to the NUMCCs, to ensure a better efficiency between UMCCs. Human resources topics of discussion should be addressed during the HRUMCC.

11. Amendments to this Document

This document will be reviewed annually by the committee during the last NUMCC of the fiscal year as an agenda item. The document may be amended at any time by mutual consent of management and the unions.

12. Approval

These terms of reference were approved by senior management and employee representatives and signed:


Simon Kennedy
Deputy Minister – Health Canada

AUG 10 2018

Date



Siddika Mithani
President – Public Health Agency of Canada

AUG 08 2018

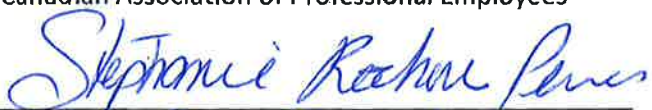
Date


Todd Panas
Union of Health and Environment Workers, Public
Service Alliance of Canada

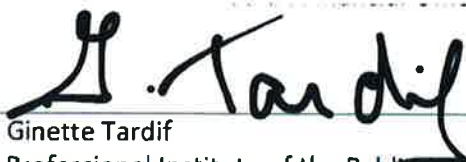
Sept 05, 2018
Date


Nick Giannakoulis
Canadian Association of Professional Employees

Sept - 5 / 2018
Date


Karen Brook
Association of Canadian Financial Officers

Dec 7, 2018
Date


Ginette Tardif
Professional Institute of the Public Service of Canada

03/10/2018

Date

Paul Cameron
International Brotherhood of Electrical Workers

Date

APPENDIX A

Checklist for a Successful UMCC

- The Terms of Reference are up-to-date and all UMCC members have a copy.
- New members to the UMCC receive an orientation on the Committee and its work.
- Resolution of the issues has been attempted at the lowest level possible.
- Agendas are developed jointly (management and union) and shared beforehand along with the background information, when possible, to allow both sides to prepare for the meetings.
- Agenda items are managed between management and union representatives, in such a manner that they are submitted to the right committee/ decision making authority level (local/ regional/ branch/ national).
- Individuals with decision making authority are at the table and are committed to regular attendance.
- Management and union representatives participate equally in the meetings.
- Global issues are discussed rather than individual cases.
- Meetings are held regularly and the schedule is determined well in advance to maximize participation.
- Minutes agreed to by the parties are issued in a timely fashion.
- An UMCC tracking tool at the departmental level is in place to ensure that all items are actioned and that future items are recorded.
- A process is in place to ensure staff/ members are aware of the UMCC and its activities.

APPENDIX B

Treasury Board Definition of Consultation

Consultation is a process for seeking and providing information and advice, exchanging views, and discussing issues, at a level (e.g., national, regional, local, or specific occupational group) appropriate to addressing and/ or resolving issues, in an atmosphere of mutual respect and trust. To be effective, the process must be based on an honest and open commitment, by both parties, to the sharing of information and to listening to each other's opinions, observations, and recommendations, prior to decisions being taken. This allows each party to understand the full implications of decisions and actions on their legitimate interests. However, some limitations must be respected. They include:

- The rights of management and the bargaining agent must not be compromised, encroached upon, or diminished;
- The provisions of collective agreements and statutes, and their intent, must be adhered to;
- Matters for which other formal channels have been established (e.g., Occupational Health or Safety, National Joint Council matters) must normally be addressed in those fora; and
- Issues relating to an individual such as grievance cases must not be discussed in a way that would breach confidentiality. Note: Grievance cases may be discussed in a generic way if such discussions provide a means to identify trends or underlying causes that would help in resolving the problem.

As a general rule, matters should be discussed at a level (e.g., national, regional, local, sectorial or specific occupational group) appropriate to the resolution of the issue or the problem. In some cases it is helpful to discuss matters that are being addressed in depth at a different level. For example:

- To provide information on the matter;
- To explain or define the application of a policy related to the matter;
- To discuss problems related to the matter with a view to reducing tension and promoting understanding between the parties concerned; and
- To communicate information when appropriate to other levels of management.

UMCC representatives throughout the organization should ensure they have a common understanding of this approach prior to addressing issues. This can include discussing the process or joint training.

TBS Policy on Meeting location, time and costs

Committee meetings should be held on the employer's premises and at times determined by mutual agreement of the parties. Meetings should be scheduled during working hours. Some participants may not have the resources or information required to participate and financial assistance or other support may be needed for their representation to be assured. This could include leave with pay for preparation or follow-up from the meeting and travel costs associated with meeting. In all cases, collective agreement provisions and/ or applicable terms and conditions of employment regarding travel-time and leave for union business must be adhered to. Representatives on the committee or other employees who are invited guests shall be protected against any loss of regular pay due to attendance at meetings.

UMCC members should be permitted to remotely attend through teleconference.

Meetings must be conducted in accordance with the Treasury Board Official Languages policy.

APPENDIX C

Mapping of Issues

Following is a list of all UMCC levels and the items that should be addressed at each forum:

Regional and/or Local (LUMCC)	<ul style="list-style-type: none">• All issues that are specific to a region and/or local.
Branch (BUMCC)	<ul style="list-style-type: none">• All issues that are specific to a branch and that are national in scope.• All issues that were not resolved at the regional or local level.
Human Resources (HRUMCC)	<ul style="list-style-type: none">• All issues that are specific to human resources and that are national in scope.• All issues that were not resolved at the regional, local, or branch level.
National (NUMCC)	<ul style="list-style-type: none">• All issues that are national in scope.• All issues that were not resolved at the regional, local, branch, or HR level.

APPENDIX D

Union-Management Consultation Committee / Comité de consultation syndicale-patronale Submission of Agenda Items / Soumission sujet de discussion

Agenda Item / Sujet pour l'ordre du jour:	
Issue (Outline Issue) / Problématique (Description de la problématique):	
Scope of Issue:	<input type="checkbox"/> National <input type="checkbox"/> Branch <input type="checkbox"/> Regional / Local
Issue Raised at Other UMCC / Sub-Committee / Problème soulevé à d'autres CCSP / Sous-comité :	
<input type="checkbox"/> National UMCC <input type="checkbox"/> Branch UMCC <input type="checkbox"/> Regional and/or Local UMCC <input type="checkbox"/> Human Resources UMCC <input type="checkbox"/> Sub Committee - please identify: _____	
Background / Historique:	
Desired Outcome / Résultat escompté:	
Lead /Responsable:	
Time required / temps requis:	
Presentation Material to Submit (Y/N) / Matériel de présentation à soumettre (O/N) :	