



Pocket Guide on Consultation

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OTHER USEFUL PIPSC DOCUMENTS

Guide for Members
Membership Benefits pamphlet
Professional Institute By-Laws and Regulations
Professional Institute Policy Manual
Steward Manual
Manual for Elected Officials
Pocket Guide for Elected Officials
Pocket Guide for Stewards
Mentorship Guide for Stewards
Pocket Guide on Occupational Safety and Health



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WHAT IS CONSULTATION?

Union-management consultation (UMC), sometimes also called labour-management consultation (LMC), is a forum where issues can be discussed in an effort to develop and maintain sound and harmonious union/management relations. Through communication and sustained dialogue between management and bargaining agents, consultation can contribute to the enhancement of the relationships between the parties. It is a means of seeking and exchanging information, advice and opinions between management and unions. It provides an informal yet official channel of communications between management and unions in which matters of concern can be freely discussed and in which mutually acceptable solutions may be reached. Consultation is essential in building relationships; it is an on-going process not limited to formal meetings between the parties.

Consultation serves an important role in resolving workplace problems and is often the best approach to achieving sound union/management relations at the local level. At the national level, it is used in establishing appropriate procedures and regulations on subjects which have wide application to the public service.

LEGISLATIVE FRAMEWORK

Before collective bargaining was introduced, various forms of consultation were often the main method by which the Professional Institute made its views known to the employer. In fact, prior to the passage of the *Public Service Staff Relations Act* in 1967, consultation was a more frequently used process for problem solving than it has been since collective bargaining became the main focus of public service staff associations/unions.

On April 1, 2005, with the advent of the *Public Service Labour Relations Act*, as promulgated by the *Public Service Modernization Act*, provisions were put in place whereby deputy heads must, in consultation with the bargaining agents, establish a consultation committee for the purpose of exchanging information and obtaining views and advice on workplace issues (PSLRA, Section 8).

The legislation also refers to issues that may be subject of consultation including among others, harassment in the workplace, the disclosure of information concerning wrongdoing in the public service and the protection from reprisal of employees who disclose such information.

Under this new legislation, “co-development of workplace improvements” was also introduced (PSLRA, Section 9 and 10). This means consultation between the parties on workplace issues. The parties jointly identify workplace problems and develop mutually agreed to solutions.

GUIDING PRINCIPLES FOR CONSULTATION TEAMS

- Consultation teams must reflect the composition of their membership.
- Consultation Teams must be accountable to the members they represent.
- Departmental Consultation Networks must be structured in a manner which is conducive to meaningful consultation with the employer.

LEVELS OF CONSULTATION

Generally speaking, there are various levels of consultation, such as:

1. The **local** level where issues concerning the members in a specific work site are brought to light and discussed.
2. The **regional** level where issues of concerns in many work sites in a region are dealt with or where issues left unresolved at the local level are discussed.
3. The **sectoral** level also exists in certain instances where issues of concern to a specific sector of the organization are discussed (e.g.: human resources, science and technology, etc).
4. The **national** level where issues of concerns to the majority of the members in the department/ agency are discussed or where issues left unresolved at the regional level are dealt with.

WHO ATTENDS CONSULTATION MEETINGS?

Consultation meetings at the local and regional levels are attended by union and management representatives. Members of other unions are also usually present.

At the national level, PIPSC representatives normally include the President, and/or the Vice-President, the Director or any other person responsible for the departmental file (as decided by the Board of Directors). Representatives also include the chair and a few members of the national level team. The list of PIPSC consultation portfolios is updated periodically and is available on the PIPSC Web site. Employer representatives usually include the Deputy Minister and high level officials.

At the local, regional or sectoral levels, Institute representatives normally consist of PIPSC stewards who are members of a consultation team. Institute Employment Relations Officers provide them with assistance and advice. Employer representatives are usually senior managers.

WHAT CAN BE DISCUSSED AT CONSULTATION?

Union-management consultation is the forum to raise issues, share information, advice and concerns about programs, policies and procedures, with a view to resolving issues.

Generally speaking, any issue of general (not personal) interest can be discussed. Topics for consultation could include work environment issues, performance appraisal processes, workload distribution, employer policies and directives, reorganization and workforce adjustment, appointment processes and area of selection, staffing of vacant positions, recruitment and retention, career development and training, job classification, employee assistance programs, use of employer e-mail, etc.

If classification, reorganization and/or workforce adjustment are put on the agenda of a consultation meeting, ensure that advice is sought from the appropriate staff member prior to the meeting. Depending on the nature of the issue, it may be necessary to involve a staff member on an ongoing basis. No commitment or agreement is to be made on behalf of the Institute on these issues without consulting staff.

It cannot be used to discuss ongoing grievances or personal issues, although 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. Consultation cannot be used to modify the terms of a collective agreement or engage in collective bargaining.

HOW OFTEN ARE CONSULTATION MEETINGS HELD?

National level consultation meetings are usually held twice a year. Frequency of meetings of consultation teams at other levels varies from one employer to the other but should be based on the number and importance of issues that need to be addressed.



WHERE ARE CONSULTATION MEETINGS HELD?

Consultation meetings should be held on employer premises. They should be scheduled during work hours at times that are mutually agreeable to all parties.

WHAT TYPE OF LEAVE IS ALLOWED FOR STEWARDS ATTENDING CONSULTATION MEETINGS?

Most collective agreements contain clauses dealing with leave for union related business. Check your collective agreement. However, as consultation is now mandatory, the employer should allow leave with pay for members to attend consultation meetings.

WHO PAYS FOR EXPENSES TO ATTEND CONSULTATION MEETINGS?

Since consultation is now mandatory, the employer should assume all costs associated with the meeting itself. However, some teams choose to meet the day before a national consultation meeting to prepare for the meeting and these costs may be borne by the Institute. If your agreement entitles you to leave without pay for union business, then the Institute will reimburse your salary for that extra day.

WHO SELECTS MEMBERS OF THE PIPSC CONSULTATION TEAMS?

The stewards of a department usually select the members of their national consultation team. This is done through a consultation team building exercise which should be held every few years. This team building exercise can be open to all stewards in the department or only to stewards who take part in the consultation process. Each team chair, in cooperation with PIPSC staff, will decide which scenario is more appropriate to their specific case.

The Chair of the national consultation team will be elected according to the terms of reference developed for that particular department/agency/ employer. Wherever feasible, all stewards in that department/agency/employer will be eligible to run and vote. The term of office of the Chair shall not exceed three years.

Members of the national consultation team are selected according to the agreed-upon terms of reference so as to be representative and accountable to the members they represent. The terms of office shall be reviewed every five years.

Members of regional/sectoral/local consultation teams, including the chair, are selected according to the agreed-upon terms of reference. Their term of office shall also be specified in the terms of reference.

Consultation teams at all levels must be accountable to the members they represent. Consequently, members of the teams will be selected so as to be representative of the members they represent. Significant effort will be made to ensure appropriate regional and occupational representation.

Please note that the following resolution was passed at the **2002 PIPSC AGM**:

“In an effort to continue to build strong and efficient consultation teams in departments and separate employers, it is resolved that only Institute stewards and/or Institute staff will represent the Institute at formal consultation at any level.”

WHAT SHOULD BE THE SIZE OF THE CONSULTATION TEAM?

Although there is no size limitation for a consultation team, the Institute suggests that meetings at the national level be attended by the Board of Directors’ representative, the chair of the consultation team and the designated staff resource person. However, this may be adjusted in some cases to reflect the geographic distribution of the department.

WHO RECEIVES NOTIFICATION OF THE MEMBERS ON A CONSULTATION TEAM?

The Institute sends the list of all departmental consultation representatives to the Chair once a year (usually in January) for revision. Once approved, the list is sent to the department for their information. This ensures that only recognized stewards are taking part in the consultation process and precludes the employer from selecting employees of choice to take part in the process.

WHAT ARE THE ROLES OF THE CONSULTATION TEAM MEMBERS?

The following list is not exhaustive. It is merely a sampling of responsibilities.

The Chair :

- coordinates activities between team members, the department and the Institute;
- attends national consultation team meetings and is the spokesperson in the absence of a PIPSC political lead such as a Vice-President or Director;

- reports to the rest of the team after meetings and distributes any documentation provided;
- is the official representative at the PIPSC Advisory Council;
- ensures a newsletter is sent out to the membership following each meeting;
- ensures items of concern are placed on the meeting agendas;
- ensures that minutes are forwarded for publication on the Institute Web site;
- consults with staff on technical issues where guidance is required.

The team members :

- act as official Institute representatives at various consultation committees;
- keep abreast of Institute positions on employer policies;
- ensure that unresolved issues at one level are placed on the agenda of the next level;
- ensure that they receive/obtain input from the members on issues of concerns;
- ensure that members are kept informed on the discussions held at consultation meetings.

HOW DO TEAM MEMBERS PREPARE FOR A CONSULTATION MEETING?

- Review the minutes of the previous meeting, check if there are any follow-up items that need to be addressed.
- Suggest and review agenda items and prepare comments/arguments.
- Determine questions and prepare supporting documentation.
- Determine the speaker for each agenda item.

WHAT IS THE ROLE OF STEWARDS AND MEMBERS IN THE CONSULTATION PROCESS?

The success of a union-management consultation committee (UMCC) depends on communications: the input the steward gathers from the members in the workplace, and the credibility and persuasiveness of the steward as a spokesperson for the members and the Institute, as well as the reporting back to members following the meeting.

IS THERE A LIST OF PIPSC CONSULTATION TEAM MEMBERS?

The list of the PIPSC representatives of each team that has been formalized can be found on the PIPSC Web site, on the appropriate departmental page.

HOW CAN PIPSC MEMBERS SUPPORT THEIR CONSULTATION TEAM?

Consultation teams are strengthened by the active involvement of members as they are the closest to workplace issues and they have a vested interest in achieving resolution. Members are encouraged to bring forward concerns that might be addressed through consultation with full confidentiality assured.

HOW CAN STEWARDS BECOME INVOLVED IN THE CONSULTATION PROCESS?

Stewards interested in taking part in the consultation process should contact the Chair of their respective consultation team or their PIPSC regional office. A listing of each consultation team can be found on the PIPSC Web site under the appropriate department.

TRAINING

While this topic will be broached in the basic Steward training course, more detailed training is available through the Institute. For more information, please contact the Chair of your national consultation team.

OTHER PERTINENT DOCUMENTS

PIPSC Policy on Consultation

PIPSC Guidelines on Consultation

PIPSC National Consultation Team Model Terms of Reference

Treasury Board Guidelines for Labour-Management Consultation Committees

PIPSC Steward Manual