

# **Joint Learning Program**

## **Union- Management Consultation Workshop**

**June 5 & 6, 2007**

Canada Border Services Agency

**JLP Facilitators: Angelo Mangatal (NRCan)**

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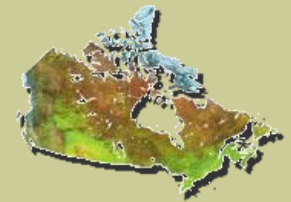


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# List of Participants



Management	Union



## Role of the Facilitator:

- To “facilitate” means to make easier, assists a group in discovering its own insights and knowledge.
- guides the process and balances pre-planned goals and objectives with spontaneously occurring needs.
- Facilitators guide learners through a series of exercises that promote participation, discussion, reflection, critical analysis and problem solving.

# JLP Background



- **day-to-day relationships between union and management rarely gets the regular attention of the parties' representatives - it develops as an accumulation of the parties' experiences together and their attitudes towards each other.**
- **JLP learning events are based on the methods and methodology of experiential learning.**
- **learners are encouraged to think for themselves and discover their own answers to issues and problems, the focus is on “learning” rather than “teaching”.**

# Purpose (JLP)



- to improve relations and strengthen the parties' capacity to **influence** the evolution of better workplaces and healthier working environments.
- union-management consultation provides an opportunity for the parties to critically analyze the existing union management relationship, **agree on where it needs to go and determine how**
- a critical step, significant opportunity, to clarify (and build mutual respect for) common and divergent interests,, **improve the knowledge and skills for working jointly, develop core principles and guidelines for the working relationship**



- **Passage of Bill C-25**
  - **Adoption of the Official Languages Action Plan**
  - **Publication of public service code of values and ethics**
  - **Creation of Management Accountability Framework**
  - **Publication of guidance to Deputy Ministers**
  - **Launch of expenditure and management reviews on both departments and horizontal issues**
- **One key change introduced by the *Public Service Modernization Act* (November 7, 2003) was a new *Public Service - Labour Relations Act (PSLRA)* which came into force on April 1, 2005.**



- The **PSLRA** provides for the establishment of **consultation committees** and co-development of workplace improvements
- 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



# Introductions



**Form - pairs (.) one U (.) one M**

**- if possible, depending on how many in the group**

- Name, years in the FPS**
- One of your very 1st jobs (paid/unpaid)**
- One thing learned in that job that has served you well**
- Etc. -afterwards - introduce each other**

**On the Q card in your JLP folder also write down something that can be shared with the group about yourself that others may not necessarily know – this will be shared at a later date. (Guess who?)**

# Group Norms/Guidelines



## How to create a safe environment for discussion:

- **Respectful of each other**
- **Open minded**
- **No judgments - No negative remarks look at the issue not the person**
- **Courtesy – No sidebar conversations - Do not interrupt – Be on time**
- **Mutual Respect for opinions -Non-judgmental**
- **No repercussions in the workplace for speaking your mind**
- **Open and honest - Remain objective – Participation**
- **“safe” environment - Trust**



## **Mandate**

- **The Agency is responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants, that meet all requirements under the program legislation.**
- **Mission**
- **To ensure the security and prosperity of Canada by managing the access of people and goods to and from Canada.**
- **Values**
- **Integrity, Respect and Professionalism**

# Federal Public Service Goals



- **To improve union-management relations and strengthen the parties' capacity to influence the evolution of better workplaces and healthier working environments.**
- **Trying new ideas and challenging the status quo in order to enhance labour relations are at the core of the JLP.**

# Federal Public Service Values



## Public Service Values

Through their actions, departmental leaders continually reinforce the importance of public service values and ethics in the delivery of results to Canadians (e.g. democratic, professional, ethical and people values).

### Governance and Strategic Directions

The essential conditions — internal coherence, corporate discipline and alignment to outcomes — are in place for providing effective strategic direction, support to the minister and Parliament, and the delivery of results.

#### Policy and Programs

Departmental research and analytic capacity is developed and sustained to assure high quality policy options, program design and advice to ministers.

#### People

The department has the people, work environment and focus on building capacity and leadership to assure its success and a confident future for the Public Service of Canada.

#### Citizen-focussed Service

Services are citizen-centred, policies and programs are developed from the "outside in", and partnerships are encouraged and effectively managed.

#### Risk Management

The executive team clearly defines the corporate context and practices for managing organizational and strategic risks proactively.

#### Stewardship

The departmental control regime (assets, money, people, services, etc.) is integrated and effective, and its underlying principles are clear to all staff.

#### Accountability

Accountabilities for results are clearly assigned and consistent with resources, and delegations are appropriate to capabilities.

### Results and Performance

Relevant information on results (internal, service and program) is gathered and used to make departmental decisions, and public reporting is balanced, transparent, and easy to understand.

## Learning, Innovation and Change Management

The department manages through continuous innovation and transformation, promotes organizational learning, values corporate knowledge, and learns from its performance.



**What does this say about us as a Committee?**

➤ ...

**What are our learning Goals and expectations over the next two days?**

➤ ...

**See annex 4**

# Exploring Consultation



## What is consultation?

– **IS...**

- **conferring, deliberating, considering;**
- **two-way communications;**
  - **full discussion to determine the full implications of particular issues and decisions upon the interests of both parties;**
  - **an opportunity to consider and integrate different perspectives an opportunity to achieve consensus but this might not always be the case.**

# Exploring Consultation cont'd



## **- IS NOT...**

- **a one-way information giving or briefing session;**
- **communicating a decision after it is made;**
- **dialogue on every issue;**
- **giving in to preserve the peace or the relationship;**
- **about diminishing the right and responsibility of managers to manage or union representatives to provide representation;**
- **joint decision making unless the parties make it so.**



# CBSA Consultations



- CBSA will be conducting ongoing consultations with the public and stakeholders
- **Border Commercial Consultative Committee** - CBSA officials and commercial stakeholders forum for dialogue on border operations
- **Canada Border Services Advisory Committee** - Provides independent advice, serves as a sounding board on major trends and developments that may affect the management of Canada's border, as well as the priorities, business and operations of the CBSA
- **Fairness Initiative** - consultation process to ensure that Canadians and visitors to Canada are treated fairly and can expect to receive the best possible service when crossing the border and in all other dealings with the CBSA.

# Generic UMCC Terms of Reference



## Structure of TOR (Generic)

- **Objective**
- **Membership**
  - **Management**
  - **Human Resources**
  - **Bargaining Agent**
  - **Secretariat**

## Chairperson/Co-Chairs

- **Jurisdiction**
- **Meetings**

\*Refer to TBS guidelines on Guidelines for Labour-Management Consultation Committees (<http://www.tbs-sct.gc.ca>)

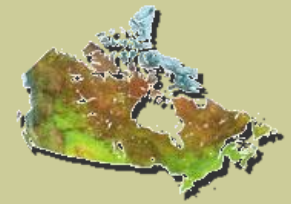


**The purpose of the National Labour Management Consultation Committee is to provide a forum for consultation between the employer and bargaining agent representatives where information can be exchanged and views and advice on national workplace issues obtained.**

**All matters may be subject to consultation except those which could modify acts, collective agreements or regulations governing terms and conditions of employment or those for which other formal channels of redress have been established. Union-management Consultation committees deal only with items within the scope of their established area of jurisdiction.**



- **Do your current TOR reflect the definition of consultation previously developed today?**
- **Is there consensus, based on the TBS and other definitions looked at today, that the national or regional TOR reflect the correct spirit of the PSMA?**
- **Next steps? ...**



- **...What additional work has to be done?**
- **...assign to a working group to develop?**
  
- **See Annex 5 Draft TOR**

# When is Consultation Mandatory?

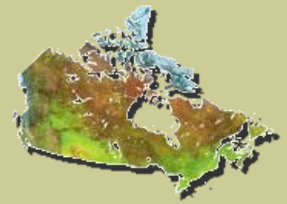


- **IS CONSULTATION MANDATORY? HOW SO?**
- **WHICH SPECIFIC COLLECTIVE AGREEMENT REFERENCES DIRECT THE PARTIES TO CONSULT?**
- **WHICH ONES ENCOURAGE THE PARTIES TO CONSULT ;OR**
- **WHAT ARE SOME OF THE CONDITIONS THAT TRIGGER THE OBLIGATION TO CONSULT?**



## Is Consultation Mandatory?

- **National Joint Council, Joint Learning Program and Joint Term Study - the preamble sets a tone of cooperation and collaboration through sustained communication and dialogue.**
- **The amendments also require mandatory consultation at the level of the deputy head.**
- **Consultation has long been a feature of the parties' relationship - at all levels.**
- **The spirit of the revised legislation supports the parties' efforts to achieve more successful models of collaboration.**



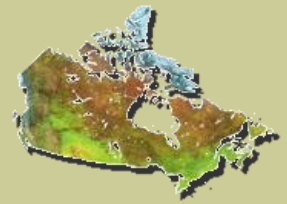
## Word puzzle:

**“Good Union Makes Good Management”**

**“Management deserves the Union it gets”**

- **What do these statements mean to you?**
- **Did you have difficulty agreeing on the arrangement of the words?**
- **What would be the effect of switching “union” and “management” in each of these statements?**





## Union Management Roles

- **Form one Group of union and one group of management**
  - **Describe your role in the context of the UMCC**
  - **Pick five most important roles and organize in order of importance**
  - **What color , weight, smell, temperature, shape and taste**
  - **Explain metaphors- How do you see your role in the U/M relationship**

# Southern Alberta CBSA U/M Roles



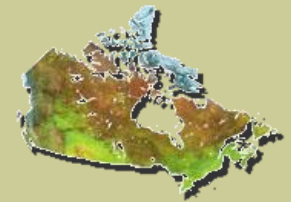
## Role of the Union .....

- 1. Represent Members**
- 2. Protect Rights of employees**
- 3. Communication of decisions to members**
- 4. Work with management to find solutions to issues**
- 5. Improve workplace conditions**

## Role of Management.....

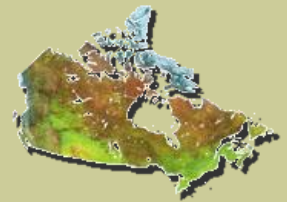
- 1. To meet needs of the organization and stakeholders**
- 2. Create a healthy positive work environment**
- 3. Manage organization mandate and budget**
- 4. Leadership – managing the unmanageable**
- 5. Prioritizing and sound decision-making**

# Role Reversal



- **WHAT DID YOU DISCOVER AS YOU WERE DEVELOPING RESPONSES ABOUT THE ROLE OF THE OTHER PARTY?**
- **WHAT'S YOUR REACTION TO HOW YOUR COUNTERPARTS DESCRIBE YOUR ROLE? IN YOUR VIEW, HOW ACCURATE ARE THE PERSPECTIVES OF YOUR COUNTERPARTS?**
- **DID THE EXERCISE GENERATE PERSPECTIVES ABOUT**
- **ROLES OR HOW THOSE ROLES ARE PLAYED OUT IN PRACTICE? HOW SO?**
- **WHAT DOES ALL THIS MEAN?**

# Debrief Role Reversal



- **HOW DIFFICULT WAS THE EXERCISE? FOR EXAMPLE, IS “YOUR ROLE” SOMETHING YOU’RE OFTEN THINKING ABOUT OR REMINDED OF BY SOMEONE ELSE? HOW SO?**
- **WERE THERE ANY SURPRISES WITHIN YOUR OWN TEAM AS YOU WERE CLARIFYING YOUR ROLE?**
- **WHAT ARE SOME EXAMPLES? AS YOU LOOK AT BOTH LISTS, WHAT STANDS OUT THE MOST?**
- **WHAT STRIKES YOU AS INTERESTING ABOUT THE FIVE ROLES, OR THEIR ORDER, OF YOUR COUNTERPARTS?**
- **DO UNION AND MANAGEMENT, IN REALITY, HAVE THE SAME ROLES AT THE WORKPLACE? WHY DO YOU SAY THAT?**

# Debrief Role Reversal



- **WHICH UNION AND MANAGEMENT ROLES ARE IN CONFLICT, OR LIKELY TO BE IN CONFLICT? WHY?**
- **IS THAT A BAD THING? WHY/WHY NOT?**
- **WHICH ROLES ARE, OR CAN BE, COMPLEMENTARY? HOW?**
- **WHY IS IT IMPORTANT TO BE CLEAR ABOUT OUR OWN ROLES AND THOSE OF OUR COUNTERPARTS?**
- **WHAT ISSUES DO WE NEED TO FLAG FOR FUTURE DISCUSSION OR WORK?**



## Values-based Leadership and Organizational Culture

- **Public Service leaders embody public service values and ethics and foster a culture of integrity and respect in their organizations, as measured by:**
  - **Organizational performance for each family of Public Service values, as defined in the Values and Ethics Code for the Public Service**
  - **Extent to which leaders foster a culture of respect and integrity**
  - **Extent to which the organization maintains and promotes appropriate, accessible avenues for disclosure of wrongdoing**

# MAF IS...



## **A vision for good management.**

- **It defines the conditions that need to be in place to ensure government is well-managed and to promote management excellence.**

## **A process.**

- **This process includes annual MAF assessments of most departments and agencies, engagement between deputy heads and TBS/PSHRMAC where warranted, joint agreement on specific management improvement action plans and ultimately public reporting on the state of management.**

## **An analytical tool.**

- **The government uses MAF assessments to identify management strengths and weaknesses in individual departments and agencies and ultimately on a government wide basis.**



## ➤ Workplace

- a fair workplace;
- an enabling workplace; and
- a healthy and safe workplace

## ➤ Workforce

- a productive workforce;
- a principled workforce;
- a sustainable workforce; and
- an adaptable workforce



# PSMA Requirements



1. HR plans sufficiently **integrated with overall business plans** to ensure that workforce has the talent to meet objectives (PAA) ?
2. Management and other development programs deliver what you require to meet changing priorities.
3. Ensure **succession plans** provide the needed current and future talent **for critical leadership positions**.
4. Implement **healthy workplace initiatives** that will result in better performance, improved employee satisfaction and commitment, and staff retention.

# Healthy Workplace Indicators

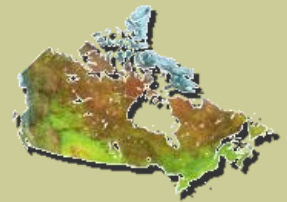


## Indicators of a Healthy Workplace:

- respect
- interesting and meaningful work
- opportunities for skill development
- work-life balance and good communications.

## Leadership

- Improving the “how” we work together as an everyday challenge to leadership in promoting teamwork
- Coaching focused on commitment to understand the power of language in the workplace “changing the conversation in the public service”



- **TBS recognizes that labor-management relations are essential to good human resources management**
- **Senior officials of both management and bargaining agents are committed to continuously improve the process**
- **Consultation builds relationships and is not limited to formal meetings between the parties**
- **Legislation (PSMA – PSLRA section 8)**

# Day 2 Opening Statements



- **Identify “One useful thing about yesterday was...”**
- **let’s make the most of the day ahead**
  - **Arming initiative – sidebar discussion for information purposes – Al Cody and Donna Gagnon**
- **Participants share successful/ positive U/M experiences and what made them so**
- **use of term “partnership” is in the consultation framework ....explore it’s meaning**
- **Can partnership exist given the roles defined yesterday**

# Trust Quotes



- ***A person who trusts no one can't be trusted ...Jerome Blattner***
- ***Trust men and they will be true to you; treat them greatly, and they will show themselves great...Ralph Waldo Emerson***
- ***Creativity comes from trust. Trust your instincts. And never hope more than you work...Rita Mae Brown***
- ***Set your expectations high; find men and women whose integrity and values you trust; get their agreement on a course of action; and give them your ultimate trust... John Akers***
- ***You may be deceived if you trust too much, but you will live in torment if you do not trust enough... Frank Crane***

# Trust Statements



- **Trust is difficult to establish yet easy to lose.**
- **Always speak the truth.**
- **Don't take ownership of someone else's doing.**
- **Listen beyond the words to what is important to people.**
- **Do what you say you'll do and get back to people.**
- **Apologize when you hurt someone, even when it's unintentional.**
- **If a mistake has been made, acknowledge it.**
- **Take responsibility for your own mess.**
- **Acknowledge people's contribution.**
- **Respect other people's time.**
- **Foster a climate of trust.**
- **Walk the talk...practise integrity at all times, even when no one is watching**

# Trust Cont'd



➤ ***If opportunity doesn't knock, build a door... Milton Berle***

➤ ***In organizations, real power and energy is generated through relationships. The patterns of relationships and the capacities to form them are more important than tasks, functions, roles, and positions...Margaret Wheatley***

➤ ***Trust... the oil that keeps things going when the going gets hot...Dianne Loy Ferri***

➤ ***Few things help an individual more than to place responsibility upon him, and to let him know that you trust him...Booker T. Washington***

➤ ***Our distrust is very expensive...Ralph Waldo Emerson***

➤ ***Put more trust in nobility of character than in an oath... Solon***

# Trust cont'd



- ***It is better to suffer wrong than to do it, and happier to be sometimes cheated than not to trust... Samuel Johnson***
- ***A promise made is a debt unpaid... Robert Service***
- ***Friendship, trust and empathy cannot develop between those who do not understand one another... Jovette Marchessault***
- ***Instead of talking in the hope that people will listen, try listening in the hope that people will talk...Dr. Mardy Grothe***

**Trust Proverbs: *False in one respect, never trustworthy...Latin....Never trust people who tell you all their troubles but keep from you all their joys... Jewish***

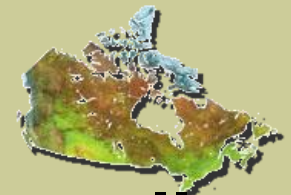


# Relationship Continuum



- **conflict • extreme distrust • dislike**
- **containment/aggression • distrust • antagonism • adversarial behaviour**
- **accommodation limited trust • limited acceptance • courteous relations**
- **transitional • cooperation experimentation • test new ways of working on common concerns • risk-taking • degree of trust • openness**
- **collaboration • very positive relationship • acceptance of legitimacy of respective roles and responsibilities • high degree of trust • conscious striving for mutually satisfying solutions**

# Listening Skills



- **Listening is an activity that comes naturally - we all know how to listen.**
- **Listening and hearing are different things.**
- **Good communicators listen more than they talk.**
- **Good listening means focusing entirely on the words being spoken.**
- **Are you listening??**

# Listening Story



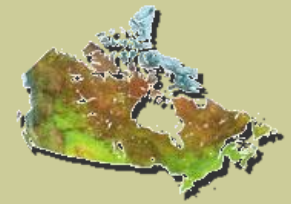
## Estelle and Rajit

Estelle faced many challenges as a new supervisor, but this one had her perplexed. It wasn't that Rajit had a reputation as a poor performer or had a negative attitude towards his work. In fact, the contrary was true.

Despite being on staff for just three years, he had earned the respect of his peers and had received excellent appraisals for the first two years.

Lately, he's been taking a lot of sick leave and Estelle noticed a pattern of absences involving Fridays and Mondays.

# Listening Story



When she brought it to Rajit's attention, he became non-communicative and the meeting ended without her becoming any the wiser.

She didn't know what to make of it and wondered if their Cultural differences had anything to do with what transpired.

When she received a Call from the union steward who asked for a meeting concerning Rajit, it only served to increase her confusion and anxiety over the situation and how she had handled it.



## **CBSA wants to move and be seen as a workplace of choice...**

- **Implementing effective labour-management committees necessitates a culture change for the parties involved.**
- **The development of relationships based on trust and mutual respect and the sharing of information and views proves advantageous to both parties.**



## Decision Making Competencies

- **Fast moving, high stress conditions need split second decision making - rapid cognition is a function of training, rules and rehearsal (e.g. Basketball)**
  
- **A) Skills and competencies**
- B) Learning, training and development**
- C) Employment type and resourcing**
- D) Separation**
- E) Organization structure**
- F) Employment equity**
- G) Official languages**
- H) Workplace well-being**
- I) Values and ethics**



## Natural Resources Canada: Essential Competencies

- Flexibility/Adaptability
- Strategic Thinking
- Analytical thinking
- Achievement Orientation

## Important Assets

- Relationship Building
- Visioning & Alignment
- Problem Solving
- Creativity and Innovation
- Teamwork

**What about CBSA? What are the essential competencies?  
Now? Future?**

# Annex 3



## TBS Definition: Consultation

- **process for seeking and providing information and advice, exchanging views, and discussing issues, at a level (e.g., national, regional, local, sectoral or specific occupational group) appropriate to addressing 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;**



## Annex 3 - TBS definition cont'd



- **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, sectoral or specific occupational group) appropriate to the resolution of the issue or the problem.**

## Annex 3- TBS definition cont'd



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;**
- **To communicate information when appropriate to other levels of management.**
- **LMCC 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.**

# Annex 4 – Goals and Expectations



- 1. Improve on our weaknesses**
- 2. Identify our roles and responsibilities and communicate them to the employees**
- 3. Come to a better understanding of the challenges faced by both**
- 4. Different Expectations # 34 on Q &A**
- 5. Lack of trust common to both – more negatives than positives**
- 6. Communication – not a surprise – need for education – on processes/outside processes**

# Annex 4 cont'd Expectations



- 7. Communications both ways and taking responsibility**
- 8. Agree that we are dysfunctional**
- 9. Numbers are closer than first thought**
- 10. A lot of work ahead of us**
- 11. Middle of the road about everything**
- 12. Common issues – communication –lack of trust**
- 13. Better understanding of roles and responsibilities and pressures**

# Annex 5 TOR Overview



## GUIDELINES

The guidelines established herein shall serve as the basis for joint consultation proceedings at each level. **Timing of consultation** – to be most effective, consultation takes place prior to decisions being made or as soon as there is a reasonable likelihood that change will take place.

## STATEMENT OF COMMITMENT

This Committee is an important vehicle for facilitating the constructive exchange of information, ideas and views to support informed decision-making and problem solving. Members are committed to working together cooperatively to ensure a healthy, safe, productive and respectful working environment.

## COMMITTEE VALUES

**Trust** - collaborating in a “safe” environment

**Mutual Respect** - respect for individual differences, roles and lines of authority to gain better understanding of each member’s position. Each member’s view and opinion is valued.

**Partnership** – Committee members cooperate and participate as equals in the process and share in the responsibility for making consultation work to prevent problems identify opportunities for solutions and resolution to issues.

# TOR cont'd



**Equal Representation** – A balanced representation from each party is maintained to ensure the equality of Union and Management status.

**Good Faith** – The committee is a partnership based on the belief in the integrity of the parties. Members are committed to enhancing trustworthiness by following up on all commitments made. They avoid actions that might place other members in a compromising position.

**Honesty** – Committee members exchange information and views to the fullest extent possible.

**Communication** – Committee members strive to maintain open lines of communication and use shared information in a manner that promotes positive working relationships. Members seek opinions and advice and ensure that they understand and are understood by the other party.

**COMPOSITION OF COMMITTEE: Union representation:** the executive steward, the chief steward, if necessary, an immigration steward (since many of the immigration issues are unique), as well as an invited VP Branch executive will attend regular UMC meetings.

# TOR cont'd



**Management Representation:** the District Director, the Chief of Operations, and one superintendent will attend the regular UMC meetings. Both sides agree that there is some flexibility to invite other union members or management reps while discussing specific topics relating to them.

**Sub-Committees:** Where the parties agree, sub-committees composed of both management and union representatives may be established to carry out detailed investigations of problems and make recommendations to the committee for resolution. Sub-committee reports will be submitted to the appropriate consultation committee.

When forwarding minutes of consultation meetings to the next level, each party will include any sub-committee reports.

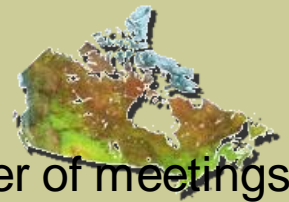
## **JURISDICTION OF COMMITTEES**

All matters may be subject to consultation except those which could modify acts, collective agreements or regulations governing terms and conditions of employment or those for which other formal channels of redress have been established.

## **CHAIRPERSON: Co- Chaired**

Union Representative and Management Representative

# TOR cont'd



**FREQUENCY OF MEETINGS:** It is recommended that the number of meetings per year be at least Two (2). Additional meetings should be convened when urgent matters of significant consequence are raised by either party.

**LOCATION AND SCHEDULING:** Meetings will normally be held on the employer's premises and scheduled during normal working hours.

**AGENDA:** Administrative procedures governing the agenda and order of business will be determined by the committee members within the district.

**MINUTES:** The committee recording secretary will be provided by the management side and will prepare the minutes of the meeting. The minutes shall include major issues raised, follow-up actions required and decisions made.

**AMENDMENTS:** These Terms of Reference shall be reviewed every three years and may be amended at any time by consent of the parties concerned.

The next regular Union Management Committee meeting will be held in the....Location and date..... All agenda items to be submitted to name person....insert date