



NATIONAL JOINT COUNCIL AND THE NJC GRIEVANCE PROCESS

The National Joint Council (NJC), established in 1944, is a consultative body bringing together representatives of management and public service unions. The NJC was designed to establish uniform employment practices, working conditions and benefits across the federal government workforce.

The union and employer members of the NJC meet on a quarterly basis. Between these meetings, a Secretariat of employees working under a General Secretary carries out the mandate and work of the Council. Joint working committees on individual matters meet on an ongoing basis according to need.

As our bargaining agent, the Public Service Alliance of Canada (PSAC) represents the interests of Agriculture Union members at the NJC. Issues of specific concern to the Agriculture Union and its members are brought forward by the PSAC on our behalf.

The wide range of matters under the NJC's authority includes:

- Public Service Health Care Plan;
- Disability Insurance Plan;
- Public Service Dental Care Plan;
- Public Service Travel Benefit and Emergency Travel Assistance Benefit;
- Health and Safety Directives;
- Travel Directive;
- Isolated Posts and Crown-Owned Housing Directives;
- Work Force Adjustment Directive; and
- Official Languages Directive.

NJC Policies and Directives are arrived at through a co-development process – a joint problem-solving process where representatives of the parties work to reach consensus on terms and conditions of employment and on policies that have application across the broad federal public service. Once adopted, they are administered through joint union-management committees.

A process of 'cyclical review' keeps the Policies and Directive up-to-date and pertinent. A new review schedule, which lasts three to five years (or even longer) depending on the particular Directive or Policy, is established each year.

The NJC General Secretary issues an 'input call' to both the employer and bargaining agent to identify subjects and items that they wish to include in the cyclical review. Specific proposals for amendment of the Directives or Policies are thus passed on to the joint working committee that carries out the review.

When a consensus is reached, the proposed new Directive or Policy is submitted to the Executive Committee and to Council for approval. Following approval, all participating members sign the new directive indicating that it henceforth forms part of their respective collective agreements.

The Public Service Health Care Plan Partners Committee is a good example of the useful work carried out by both sides of the National Joint Council. This collaborative forum is mandated to ensure the Plan remains stable, cost-effective and capable of delivering sustainable benefits. To accomplish these goals, the Committee monitors, analyzes and makes joint recommendations on all aspects of the Plan – its design, governance, administration, usage, cost-management, technological advancements and demographic change.

PSAC/Agriculture Union Procedure for submitting proposals for amendment to directives (Note: All proposals for Dental and Health Care plans must be submitted by this process).

Co-development of directives and policies is the central activity of the National Joint Council. NJC co-development is a joint problem-solving process where representatives of the parties work to reach consensus on terms and conditions of employment and on policies that have application across the Public Service.

For co-development of NJC directives, the By-Laws of the National Joint Council outline the following process:

- Each year, Council establishes a schedule for the review of directives. The cycle for reviewing individual directives may vary from 3 years to 5 years, or sometimes longer. Well in advance of the target date for co-developing revisions to a particular directive, the General Secretary issues a call for input to both the Employer and Bargaining Agent Sides (By-law 8.1.1). By the established input date, the parties through their respective Side Secretaries identify the subjects and items that they wish to include in the cyclical review, and may submit specific proposals for amendments to the directive (By-law 7.3.1(e)).
- NJC issues a call for input to both the employer and bargaining agent representatives. PSAC National President issues an input call to all Components and also posts the input call on the PSAC website. The Agriculture Union forwards the call for input to Council and to all Locals with a clearly defined

deadline. Proposals are reviewed by Agriculture Union and submitted to PSAC National President. Proposals received by PSAC are submitted to the NJC Negotiating Team for final review along with other NJC Unions. A final package is prepared by NJC Unions to be tabled with the employer. “

For a complete list of NJC policies, please refer to your collective agreement or the NJC website (<http://www.njc-cnm.qc.ca/index.php>).

THE NJC GRIEVANCE PROCESS

A significant breakthrough occurred at the National Joint Council in the late 1970s with agreement on a grievance procedure for settling disputes on the interpretation of NJC Policies and Directives.

This grievance process is a highly successful example of what is known as ‘alternate dispute resolution’. An employee who feels aggrieved by the interpretation or application of an NJC Directive or Policy must process his/her grievance through the NJC process.

Grievances must be supported by the bargaining agent concerned. If a grievance is not resolved through the NJC process, the employee, with the agreement and support of the PSAC, may proceed to adjudication under the *Public Service Labour Relations Act (PSLRA)*.

Employees in excluded positions do not have the right to grieve through the NJC procedure.

The NJC procedure differs from the normal grievance procedure in three ways:

- the NJC procedure involves only three steps regardless of the department or agency of the grievor;
- the third step of the procedure is the NJC Executive Committee. The Executive Committee consists of three Employer side members and three Bargaining Agent side members; and
- grievances are decided on the basis of the intent of the directive or policy concerned and are not decided by strict consideration of the wording of the directive or policy.

Grievance Levels

The **first** level of the NJC grievance procedure is the same as the first level of a standard grievance procedure.

The **second** level of the procedure is the Departmental Liaison Officer (DLO) or Agency Liaison Officer, who is appointed by the deputy head.

Grievances processed to the **final** level of the procedure are submitted to the National Joint Council General Secretary.

Who better to determine the intent than the parties who were responsible for the directive in the first place? At a final level NJC hearing, committee members from the management and bargaining agent sides who co-developed the directive weigh whether or not the directive has been applied as was intended.

While there is sometimes disagreement between the parties about intent, much more often both sides reach consensus about how an employee should have been treated. This process is very different from conventional final level grievance hearings, where only one side hears and decides the issue.

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