



RECORD OF DECISION (ROD)
Human Resources Branch Union-Management Consultation Committee (HRB UMCC)
1400 Merivale Road (T3-1-351)
May 29, 2019 – 1:00 p.m. to 4:00 p.m.

1. Welcome and Opening Remarks

❖ **Chair:** Darlène de Gravina, Vice-President of Human Resources, Canadian Food Inspection Agency (CFIA)

- Darlène de Gravina welcomed all participants from the Unions and the Human Resources Management Team and reviewed the agenda and no additions were made.
- Record of Decision from November 21, 2018 was previously approved by Co-Chairs.

Review of Action Items from the November 2018 HRB UMCC:

- Chantal Seeton reviewed the status of action items from the previous meeting on November 21, 2018.
- In regard to VM Classification Decisions, a review of the Annex was discussed. Dr. Ayman Soryal indicated that there are fewer opportunities in the areas and that VM's are frustrated because there is no room for advancement. He stated that most are qualified to compete as an EX, but are always screened out. Dr. Soryal advised that VM's should be able to compete in EX processes. Chantelle Steacy indicated that conversations about encouraging managers to expand areas of selection; but there are concerns as well that those VM-03's are more often in an EX minus 2 level with a more technical role. Consideration for expanding to those VM-03's who have had experience acting at the VM-04 level. Dr. Soryal advised that he considers VM-02's as an EX minus 1 or 2 level and would close this issue if he saw that communications to managers indicated that all VM-03's and VM-04's are included in the area of selection for EX jobs. Hussien Bashah expressed that they have the same issue with the SR group and that we are communicating that managers are "encouraged", but that this is not effective and would rather see that managers have to consult with HR first. Darlène de Gravina advised that she can provide the challenge to the SMC table and the President and that the final decision is there, not just with the hiring manager; we will not declare a change to EX equivalency for all EX posters. Dr. Soryal indicated that he wanted to go back to members and give assurances that members will not always be automatically rejected in competitions for EX-01 jobs requiring EX minus 1, while at the VM-03 or 04 levels.
- In regard to the Telework Policy, Fabian Murphy indicated some concern over the inspection of homes, if that is the location of the telework arrangement. He expressed that traditionally we do not inspect homes, and rely on assurances that there is a safe workspace in the home. Chantal Seeton advised that if an accident occurred, an inspection as part of an investigation would occur by entering into an agreement to enter the home. Milton Dyck indicated that it isn't in the policy, but the messaging (online form) indicates that the employer retains the right to inspect the home workplace. Chantal advised that she would check the online form to ensure it is aligned with the

policy. Dr. Ayman Soryal indicated that generally people are okay with the policy and it will help with AWOL, but there are concerns about what "occasional" telework means. Chantal advised that occasional telework promotes all telework flexibility. Milton asked what about in the situation of unexpected or emergency situations, where people are not comfortable working from home, but asked to work from home because of an emergency. Chantal indicated that the policy is employee requested, not employer requested. In an emergency situation if employees are asked not to come to work, if they have a telework agreement in place, they can work from home; otherwise they should communicate with their managers for arrangements or take special leave, if needed.

- In regard to Lessons Learned from Grievances, Brenda Dagenais indicated that there has been a bit of a pause on this due to staff departures and shifts. She introduced Tammy Jeffery as the new National Manager of Corporate Labour Relations, taking the role over from Megan Turpin and Raghida Bitar, team lead of Quebec Area Labour Relations. Now that the team is back on its feet, Brenda has advised that Jason Bruder and Raghida Bitar have been tasked to work with Milton Dyck on Phoenix grievances, etc.
- In regard to the Speak Up, We're Listening Program, Darlène de Gravina advised that the new pulse survey, which has 10 questions on the use of Speak-Up, has been drafted and will soon be released. Milton Dyck asked how this survey will be shared with the Unions and would appreciate the questions and the results.
- In regard to the Values & Ethics Training for Executives, Chantelle Steacy indicated that they have been encouraging Executives to take the mandatory training and with data clean-up, the current rate of completion sits around 65%. Fabian Murphy expresses his concern with this rate and indicated that if this is mandatory for all employees, it should be equally mandatory for managers. Chantelle advised that they are having trouble pulling data and would be happy to provide an update at the next meeting. Jonathan Morgan agreed and reiterated that there are challenges pulling any data from CSPS and that will likely remain an ongoing challenge.

Action Item(s):

- Chantal Seeton to review messaging on the online Telework form to ensure it is aligned with the Telework Policy.
- Ann Fraser to share the pulse survey questions and results with the Unions.
- Chantelle Steacy committed to bringing Values & Ethics Training completion data to next meeting.

2. HR Org Chart Tool

- ❖ **Sponsor:** Darlène de Gravina, Vice-President of Human Resources (CFIA)
- ❖ **Presenter(s):** Jonathan Morgan, Manager, Human Resources Planning, Systems, Analytics and Learning (CFIA)

Purpose:

- To provide information on the new HR Org Chart tool available.

Key Points of Discussion:

- Jonathan Morgan advised that the development of the tool is complete and had passed gating, and that a decision to soft-launch in HR and the VP's offices before a broad release was made to get comfortable with the tool and ensure data is updated for accuracy. Darlène de Gravina indicated that there are data integrity issues in PeopleSoft, so we need to be more measured in our roll-out for managers to contact Classification for updates to org charts and position information. Milton Dyck indicated that they have a Western area meeting soon and requested all of the org charts for that area. Nancy Martel advised that producing the org charts was not an issue, but the concern is that the data may not be accurate. Milton expressed that they could deal with some degree of inaccuracy, and understands that there will be vacant positions, but that they need to have copies of the charts. Dr. Witold Wince indicated the need to know who we have, who they report to, and what the structure looks like with establishments, OGEs, etc.

Action Item(s):

- No Action items.

3. Organizational Charts

- ❖ **Item Requested by:** Fabian Murphy, President, Agriculture Union (PSAC)
- ❖ **Presenter(s):** Fabian Murphy, President, Agriculture Union (PSAC)

Purpose:

- To discuss the issues Union representatives are having getting consistent information on organizational charts from different regions.

Key Points of Discussion:

- Fabian Murphy indicated that this topic has been covered but advised that there are inconsistencies across the country and that some areas are providing information, but it is not accurate. He expressed that this issue has been ongoing for 3 years and it would be far simpler if the org charts were more accessible to the Unions.

Action Item(s):

- No Action Items.

4. Geographical Restrictions on Staffing Competitions for the NCR

- ❖ **Item Requested By:** Hussien Bashah, Interim President, CFIA National Consultation Team (PIPSC)
- ❖ **Presenter(s):** Hussien Bashah, Interim President, CFIA National Consultation Team (PIPSC)

Purpose:

- To discuss the restrictions that staff encounter out in the regions pertaining to Staffing

Competitions in the NCR.

Key Points of Discussion:

- Hussien Bashah advised that this issue has been discussed before, and confirmed that a communication had been sent to all managers regarding expanding the area of selection for staffing competitions. He indicated that when competitions come out in the NCR, that it is difficult for employees in the areas because they are not eligible to apply due to their location. He expressed that this was contributing to many employee departures and that employees are feeling frustrated and see these staffing competitions as missed opportunities. Hussien indicated that they have put forward recommendations and also advised that the National Transfer Inventory is ineffective. Darlène de Gravina expressed that we're in the midst of a culture change and there are likely more jobs that can be performed remotely, and believes that we are not always maximizing our talent inventory across the country. Nancy Martel advised that they are working on revamping the National Transfer Inventory, using automated tools to modernize and digitize. Nancy also mentioned the new Staffing Program and that HR Advisors are more involved in the staffing process and that the area of selection for staffing is now part of the checklist. She indicated that this may give options to employees whom wish to make a change, but reminded that ultimately the area of selection does remain with the manager.
- Hussien Bashah expressed frustration when people are hired from the public and/or other government departments in the NCR, when there are many employees in the areas who are eager, willing and qualified to move and/or work remotely for the job. Darlène de Gravina indicated that she would like to send another message to managers encouraging expanding the area of selection and to consider remote working arrangements/virtual teams. Fred Jamieson indicated that we are losing talent because employees feel that they have "reached peak" and there is no room for advancement and then they will leave to other government departments, etc. He indicated that younger people go with the challenges and money and see the NCR as the "mothership" and it would be good to see some of this talent here. Darlène agreed that we should be better at taking advantage of the talent and strongly encourages managers from the NCR to hire employees out in the areas, but stated that this was not an item that commitments could be made on, as the decision rests with the manager, so this is an opportunity to encourage culture change. Fabian Murphy agreed and advised that this is something we all need to support with the move towards GC Workplace and ABW, we need to work on the culture now without having to relocate employees across the country.

Action Item(s):

- Darlène de Gravina committed to sending another message to managers encouraging a review of the area of selection to be broader to consider remote working arrangements, and to be less location specific, where possible.

5. Difficulty determining which positions are declared bilingual

- ❖ **Item Requested By:** Hussien Bashah, Interim President, CFIA National Consultation Team (PIPSC)
- ❖ **Presenter(s):** Fred Jamieson, Group Team Member (S&A), CFIA National Consultation Team (PIPSC)

Purpose:

- To discuss the policy regarding the declaration of bilingual positions and how they have been designated and how employees can apply for bilingual positions.

Key Points of Discussion:

- Fred Jamieson indicated that in AskCFIA, there is a requirement that employees should work in both languages, but said that there were several employees who were unilingual. He expressed that he was having a hard time determining how positions are designated with their language requirements and has read the policy, but it was not clear. He stated that monitoring reports are supposed to be annual, but cannot find these reports on Merlin. Chantal Seeton advised that the policy on Merlin is old and outdated, and that we currently follow the TBS Policy on Official Languages. She indicated that in 2016, a decision was made to adopt the TBS Policy, which has a suite of associated directives. She committed to ensuring that the content on Merlin be updated accordingly. Chantal also stated that CFIA reports annually to Canadian Heritage, but does not post this. Moving forward, Chantal has committed to post annual Official Language reports.

Action Items(s):

- Chantal Seeton committed to having the old Official Languages Policy removed or archived on Merlin.
- Chantal Seeton committed to posting annual Official Languages reports that CFIA submits to Canadian Heritage.

6. CFIA Grievances

- ❖ **Item Requested by:** Fabian Murphy, President, Agriculture Union (PSAC)
- ❖ **Presenter(s):** Fabian Murphy, President, Agriculture Union (PSAC) and Brenda Dagenais, Director General, Collective Bargaining and Labour Relations Directorate (CFIA)

Purpose:

- To discuss outstanding CFIA Grievances.

Key Points of Discussion:

- Fabian Murphy acknowledged all the hard work that has been done, but advised that there are still some issues causing concern, specifically around the Overtime Policy, which PSAC does not feel is aligned with the Collective Agreement. Brenda Dagenais indicated that some of this relates to the Labour Relations turnover, and agreed that great work has been done on the grievances backlog. She indicated that the LR team is doing an analysis to deduce if there is a possibility for a global resolution; and if it's not possible, they will go ahead and issue the decision on the policy grievance.

Brenda committed to issue the decision by June 30, 2019, regardless of the discussions.

- Milton Dyck indicated that this is here at the table because the last discussions with Elaine Massie were in October 2018, and wants to work together and move forward. Brenda advised that there had been some ongoing discussion, and expressed that she would really rather have an agreement, than just issuing the decision. Fabian Murphy indicated that he has heard in some areas that managers are saying that a decision was made and that the OT Policy stands. Brenda stated that this was not true and that no decision had been made. Fabian indicated that it comes out of the gender neutral work and has heard that because of the upcoming PA conversion that CFIA did not want to go ahead with the work of the gender neutral committee. Brenda indicated that there was no intention to stop or defer the committee just because the core is moving to PA. She advised that CFIA has every intention of holding to the Memorandum of Understanding (MOU). Fabian asked for a clear commitment on timing. Brenda committed to confirming the committee members within 2 weeks with Milton Dyck and Ashley Bickerton being the contacts.
- Milton discussed the MOU on the Scheduling of Leave and that there are a set of grievances coming out of Québec on members taking their leave within OPS Branch. Brenda indicated that this comes from the Bernard decision, and understands that this is mainly in Québec and the West. Raghida Bitar has been identified as the lead for HR. Brenda noted that this was generally an OPS issue and expressed that we need to take a consistent approach with representation from each area, possibly someone from an EX level. Milton asked when they expected to see a meeting scheduled. Brenda asked Milton to provide the names of their representatives to schedule a meeting.

Action Item(s):

- Brenda Dagenais committed to setting up a meeting within 2 weeks with requested participants from Milton.

7. Discipline Administrative or Fact-Finding Investigation being carried out by Managers with no training

- ❖ **Item Requested by:** Fabian Murphy, President, Agriculture Union (PSAC)
- ❖ **Presenter(s):** Fabian Murphy, President, Agriculture Union (PSAC) and Brenda Dagenais, Director General, Collective Bargaining and Labour Relations Directorate (CFIA)

Purpose:

- To discuss the need for Managers who only have training to be able to carry out Administrative or Fact-Finding Investigations.

Key Points of Discussion:

- Fabian Murphy indicated that this issue was first raised out of the Atlantic area and caused employees a great deal of stress leaving them feeling accused of wrong-doing. He indicated that investigators were brought in without an unbiased opinion, and 2 people have left on stress leave. In the end, only one person was found to be culpable, even though everyone felt accused, and guilty before the investigation started. He asked if there was specific training for managers on this.

Brenda Dagenais advised that this was a unique and extenuating circumstance and that for fact-finding investigations that managers are responsible, because there were employees about to leave imminently, and therefore the fact-finding had to be conducted quickly. LR was involved, although it was found that all employees contributed to the wrong-doing, but that a manager was found to have condoned it, so only that manager was held culpable. Brenda indicated that there are varying levels of training, and not always to the same level or current. She asked if PSAC had any suggestions, and would be happy to consider them to enhance the skills and abilities of managers. Regarding this specific case, Brenda indicated that they will be inviting the Unions to meet with Jason Bruder to identify lessons learned and possible solutions for the future. Fabian reminded the table to remember that when going into a workplace for issues such as this, that it is always going to be stressful and we have to ensure that managers remember that they need to be respectful, and not to proceed with predetermined perceptions. Dr. Ayman Soryal indicated that for fact-finding investigations, people are often very stressed out, because they don't know what is going on. He stated that employees may perceive HR to be against employees and on the side of management and advised to be cognizant of the people-side of situations. Brenda advised that she is working on increasing awareness and training for managers and that we endeavour to do whatever we can as the Employer. Darlène de Gravina indicated that there are various kinds of investigations and hopes the new framework and that the Administrative Investigation Oversight Committee (AIOC) will increase uniformity and provide a balanced approach.

- Randy Olynyk indicated that as soon as we use the word investigation, people get anxious and advised that it may just be the terminology. He advised that this terminology may be confused with "discipline". Randy indicated that the more information that can be shared early on will silence rumours and speculation and productivity goes down when this level of speculation is occurring in the workplace. He asked how we could share information with employees without impacting privacy concerns. Brenda offered that we are looking at sharing more information with witnesses as part of the fact-finding to give them a greater level of comfort. Stephanie Fréchette indicated that people have to keep working in the organization where they have been impacted, but the damage is done. Darlène advised that we want every investigation to be timely while being compassionate of the parties and their sensitivities.

Action Item(s):

- No Action Items.

8. Members in CFIA-IN positions (CS) reporting to AS positions

- ❖ **Item Requested by:** Hussien Bashah, Interim President, CFIA National Consultation Team (PIPSC)
- ❖ **Presenter(s):** Houman Vafaie, Group President (IN), CFIA National Consultation Team (PIPSC)

Purpose:

- To discuss reporting structures as they pertain to classification.

Key Points of Discussion:

- Houman Vafaie advised that in the last several months, members have come to him concerned about staffing trends for CS employees, such as positions traditionally staffed at the CS-04 level are now being staffed as AS-06's and that CS-04's are also backfilled by AS-06's. He also indicated that some vacant CS-04 position functions are being conducted by an IS. Houman indicated that he recently discovered that a term EX-02 appointed to a vacant CS-05 position, but was still acting as an EX-02. He advised that this was causing morale concerns, especially for people who are currently in CS-04 and 05 pools asking why there are pools at all and that people are under the impression that for career progression, they will have to leave CFIA. Houman estimated that approximately 30 people have left in the last year and there are currently many vacant positions in the CS group. A manager asked if a vacant CS position could functionally be done by an AS-05 in the context of a \$2.5 million project; are we putting that at risk to save \$25K for an AS instead of a CS. Houman indicated that CS positions have very strict educational requirements and now feels that they are reporting to people in AS positions, who don't have the expertise or knowledge of the technology and/or the challenges. Darlène de Gravina advised that this may likely flow from a decision of the Innovation, Business and Service Development Branch (IBSDB) on the revision of position vacancies to determine if the scope of work to be completed needed to be done by a CS, or if there was an opportunity there for the work to be done at a lower level. She advised that this can happen in many areas, but can review the situation and discuss with AJ Preece.
- Fred Jamieson indicated that there are rumours in the program space that when SR-05's leave that they could be possibly replaced with AS positions, as their main function is managing people and not as a subject matter expert. This has died down recently, but is still a concern for technical competence.

Action Item(s):

- No Action Items.

9. Values Refresh

- ❖ **Sponsor:** Darlène de Gravina, Vice-President of Human Resources (CFIA)
- ❖ **Presenter(s):** Barbara Molnar, Values and Ethics Officer, Values, Integrity and Conflict Resolution Directorate, Human Resources (CFIA)

Purpose:

- To provide an update on the Values Refresh initiative.

Key Points of Discussion:

- Barbara Molnar provided a quick overview and advised that the second round of engagement has begun and that the focus is on the behaviours. She indicated that there are a lot of similarities between the early draft of refreshed values and the code for public sector. Moving forward, we need to determine if we require a CFIA specific layer for a government-wide code. We will be offering an online method of engagement and input, as face-to-face is not always feasible. She

advised that they are working with CPA and will be engaging with Diversity and the Unions. Dr. Witold Wince advised that there was a cultural component to working on third-party premises, and this could be perceived as a conflict of interest. He indicated that he would like this taken into consideration in the refresh by providing additional guidance to the affected parties. Fred Jamieson mentioned that the adoption of the TBS Scientific Integrity Policy was a great win, and asked if we could use this and the supporting sources work as a reference document. The basis of these documents and their creation could be a source of information, or potential guidance in the application of our values - great work already done there and good opportunity to align policies. Barbara indicated that we are looking at other government departments to "borrow" how they communicate with their employees and how they let their employees know where to access them. Milton Dyck indicated that values are in the eye of the beholder and talked about the agreement between employees and employers are based on being paid; Phoenix hinders this and the ethical bond is broken. He asked if employees not being paid reflected the ethics of the CFIA and stated that employees are in an unethical environment and expected to still live the values and ethics of the organization. Darlène de Gravina indicated that Senior Management often find themselves apologizing when they go out to meet employees and feels that we will see that concern reflected by employees as we move out to the next level of engagement.

Action Item(s):

- No Action Items.

10. Round Table and Closing

❖ **Presenter(s):** All

- Milton Dyck mentioned that they are currently in bargaining and will need to get together soon to look at essential services.
- Stephanie Fréchette advised that 1200 employees are still waiting for their contracts and that there is considerable concern that they do not yet have a collective agreement. Darlène de Gravina said that they are close and hopes to see this resolved.
- Dr. Krista Puddester said it has been 2 years since she was at the table, when Colleen Barnes was VP of HR. Her team was doing great work and many huge improvements and glad to see that this is continuing.
- Fred Jamieson spoke about the collective agreement still not being signed and how they are having a hard time recruiting people because the rates of pay have not been updated. He indicated that this will continue to be the challenge because the core is already bargaining the next round. We will be in a difficult position trying to be an employer of choice if we can't have pay rates comparable with other departments. Brenda Dagenais advised that they have Governor in Council approval, hoping to get Privy Council Office and Ministerial approvals by June 20, 2019.

Next meeting: November 13th, 2019

Next chair: Dr. Lina Johannson, President, CFIA National Consultation Team, PIPSC

Co-Chairs:	Darlène de Gravina Fabian Murphy Hussien Bashah
CFIA Attendees:	Chantal Seeton Brenda Dagenais Nancy Martel Jonathan Morgan for Mary Gardiner Chantelle Steacy Chantal Gauvreau (observer) Karen Trousdale (observer) Tammy Jeffery (observer) Raghida Bitar (observer) Esther Sanderson (observer) Susan Loignon (observer) Tessa Ghadban (observer)
PSAC Attendees:	Milton Dyck Randy Olynyk
PIPSC Attendees:	Stephanie Fréchette Dr. Ayman Soryal Houman Vafaie Fred Jamieson Dr. Krista Puddester Dr. Witold Wince
Secretariat:	Danielle J. Martin



Darlène de Gravina
Vice-President of Human Resources
Canadian Food Inspection Agency

2019/11/23

Date



Mr. Fabian Murphy
National President, Agriculture Union
Public Service Alliance of Canada

Sept 4, 2019

Date



Mr. Hussien Bashah
Interim President, CFIA National Consultation Team
Professional Institute of the Public Service of Canada

July 30, 2019

Date