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Guidelines for Labour-Management Consultation Committees

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Guidelines for Labour-Management Consultation Committees

1. Introduction

It is recognized that good labour-management relations are essential to good human resources management. Consultation, through communication and sustained dialogue between management and bargaining agents, can contribute to the enhancement of the relationships between the parties. Accordingly it is essential that the senior officials of both management and bargaining agents be committed to continuously enhancing and improving the process. Consultation is essential in building relationships; it is an on-going process not limited to formal meetings between the parties.

Implementing effective labour-management committees necessitates a culture change for the parties involved. Nonetheless, the development of relationships based on trust and mutual respect and the sharing of information and views proves advantageous to both parties. Common understanding of the role and the intent of consultation as defined in these guidelines is essential at all the levels of the process to achieve its goal.

The purpose of these guidelines is to provide a framework for the establishment and operation of LMCC's that assists the parties to function in an efficient and effective manner in order to improve their working environment.

2. Legislative base

The [Public Service Labour Relations Act](#) (PSLRA, Section 8), as promulgated by the [Public Service Modernization Act](#), contains a provision 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.

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.

3. Application

These guidelines apply to departments and agencies listed under Schedules I and IV of the [Financial Administration Act](#) for which the Treasury Board is identified as the Employer. (i.e. the [core public administration](#)).

4. Terminology

The definitions of various terms (e.g., bargaining agent, bargaining unit, board (PSLRB), employee, employer) used throughout these guidelines are found in the [PSLRA](#).

5. What is 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, 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;
- 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. 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.

6. Composition and structure of committees

The structure of the committee is to be established in consultation with bargaining agents. The primary LMCC normally is to be established at the national level between management and all representing bargaining agents. The parties may agree to establish separate LMCCs for certain bargaining agents. Sub-LMCCs may be established where a subject requires in-depth study or with just those bargaining agents, where a specific issue only pertains to their members. When establishing an LMCC, the parties should strive to achieve equitable participation (i.e., balanced representation). This includes, for instance, the nomination of chairs from both parties.

The representatives should include individuals with the appropriate managerial authority to make decisions and to speak to the issues of concern. A more elaborate LMCC structure may be required for an organisation that could include a number of different committee levels that reflect the operational environment of the organizations involved, (e.g., national, regional, local, sectoral or specific occupational group). The parties, at the national level, should examine organizational needs and determine what committee structure and/or sub-structure is appropriate.

By mutual agreement, the committee may invite additional persons to attend meetings for the purpose of providing advice or information pertaining to a particular subject on the agenda or establish sub-committees where a subject requires in-depth study. Consultation should take place with the relevant managers and Human Resources officials on issues where their expertise is needed.

Management provides administrative support (i.e., a committee secretary) to the committee.

The use of substitutes or alternates at a given LMCC meeting should be kept to the minimum. Stability in participation is part of the commitment made when joining an LMCC and will serve to ensure continuity of relationships and issue management.

7. Protocols

7.1 Terms of Reference

LMCC Terms of Reference should be jointly developed and can include a provision that allows the parties to introduce amendments from time to time. They should include details about the following protocols as well as committee composition and structure. A sample is found in Annex A to these guidelines.

7.2 Meeting schedules

Consideration should be given to conducting at least two meetings each year at the national level, be they formal or informal, although the committee may wish to meet more often when either party raises matters of significant consequence. Depending on a given department/agency or bargaining agent structure or size and the level (e.g., national, regional, local, sectoral or specific occupational group) of LMCC, meetings could take place more frequently. The formality of meetings may vary depending on the level of the LMCC or size of the workplace, but this should be mutually agreed upon.

7.3 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.

LMCC members should be permitted to remotely attend through teleconference.

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

7.4 Agendas

The co-chairs discuss and prepare the agenda, in conjunction with input from the other committee members and as required from local, regional, sectoral, or specific occupational group sub-committees, in advance of each meeting. Additional items may be added at the meeting with agreement of the parties and urgent issues may be added to the agenda at any time.

The Committee members who submit agenda items to the committee secretary should also provide explanatory notes and/or pertinent documentation. The scope of the items for discussion should reflect the level of consultation (e.g., national vs. regional vs. local). The agenda and any related documents should be produced in both official languages in accordance with Treasury Board Official Languages policy.

Meeting agendas, including time and place, should be issued with as much advanced notice as possible. If there is documentation or literature that should be read prior to the meeting, sufficient time should be allocated in the notice period to ensure LMCC members have the appropriate opportunity to do so.

7.5 Minutes of meetings

The LMCC Secretary ensures that minutes are produced and distributed as soon as possible after each meeting. Issues discussed, decisions or follow-up actions and consensus or disagreement by the parties should be reflected in the minutes, which are approved by the co-chairs. Committee members are responsible for discussing any matters of interest or action items resulting from the meetings with their respective colleagues, so that any action flowing from the meeting can be taken expeditiously. Deadlines or target dates should be fixed for any actions items to ensure follow-up and progress reports are provided to the LMCC members.

Any written material to be released or publicized as a result of consultation must be with the consent of the committee members. They must be made available in both official languages.

8. Assessment of meaningful consultation and of its results

It is highly recommended that the parties periodically undertake an assessment of how well an LMCC or any of its sub-committees is functioning. The following are some of the success indicators that could be used in measuring performance:

- Consultation committees are in place and are operating in a meaningful manner (e.g., they are well-attended and productive);
- Consultation and dialogue are ongoing and not restricted to formalized meetings;
- Consultation is constructive. Participants feel they can raise issues and have them addressed positively. Participants feel their involvement is valued;
- Discussions are genuine and both parties have a sense of accomplishment;
- There is an improvement in labour-management relations, (i.e., there is a building of mutual respect and trust between the parties, working on attitudes and skills that foster meaningful consultation); and
- There is an improvement to the overall work environment, discernable in the periodic survey of public servants.

A tool to assist the various LMCC's in measuring their performance has been developed and is found in Annex B to these guidelines.

9. Best practices

Certain departments already have in place, LMCCs that seem to be functioning well. Current examples include National Defence, Industry Canada, Fisheries and Oceans, Passports, and Natural Resources Canada. Their consultation process deals with the consultation structure, the preparation and operation of meetings, the composition and the members of the committee, as well as process evaluation initiatives. Details regarding their efforts can be obtained from their corporate Human Resources officials.

10. References

- [*Public Service Modernization Act*](#)
- [*Public Service Labour Relations Act*](#)
- [*Financial Administration Act*](#)
- [*Official Languages Act*](#)
- [*Canadian Human Rights Act*](#) (particularly pertain to accommodate)
- [*Policy on the Duty to Accommodate Persons with Disabilities in the Federal Public Service*](#)
- [*Public Service Labour Relations Board Regulations and Rules of Procedure*](#)
- Working Together in the Public Interest (a.k.a., Fryer Report, June 2001)

11. Bibliography

The following publications provide for interesting reading on the subject of LMCC's and could be useful to those organizations establishing initial committees or to those who wish to improve on the performance of their existing committees.

- Jonathan Brock and David B. Lipsky, Eds, *Going Public: The Role of Labor-Management in Delivering Quality Government Services*, Industrial Relations Research Association, University of Illinois at Urbana-Champaign, 2003.
- Fisher, Ury and Patton, *Getting to Yes*, Penguin Books, 1983.

12. Enquiries

Enquiries should be directed to departmental human resources officers who, in turn, may direct enquiries to:

Labour Relations Sector
Treasury Board of Canada, Secretariat

13. Annexes

- A. Sample Terms of Reference
 - B. Assessment Tool (to be developed)
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Annex A - Sample LMCC Terms of Reference

(Name of Department)

(Name of Bargaining Unit)

Labour-Management Consultation Committee

Terms of Reference

Introduction

This document outlines the protocols mutually agreed to by the parties to this agreement for the establishment and operation of the Labour-management Consultation Committee (LMCC) required under Section 8 of the *Public Service Labour Relations Act*.

These terms of reference may be amended from time to time at any regular or special meeting of the LMCC. All committee, sub-committee or working group members will adhere to them.

Purpose of the LMCC

Consultation is a 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.

The purpose of the LMCC is to provide a forum for meaningful consultation between employer and bargaining agent representatives where information can be exchanged and views and advice on workplace issues obtained.

(List of activities, if desired.)

Composition and Structure

The LMCC will be structured as follows:

		<ul style="list-style-type: none">• Deputy Minister• Assistant Deputy Ministers• Chief Executive Officers• Other members of the departmental executive cadre who may be affected by the items on the agenda• Head of HR
National Level:	Employer Representatives:	
	Bargaining Agent Representatives:	<ul style="list-style-type: none">• National President• National Vice-presidents• (others to be determined by the bargaining agent)
	Resource Persons:	<ul style="list-style-type: none">• secretary• executive assistants• Head of LR• Technical or specialist advisors• Others, as determined required by parties.
	Employer Representatives:	<ul style="list-style-type: none">• Regional Director General• Regional Directors• Regional Head of LR
Regional Level (as appropriate):	Bargaining Agent Representatives:	<ul style="list-style-type: none">• Regional Vice-presidents• (others to be determined by the bargaining agent)

Local Level (as appropriate):	Resource Persons:	<ul style="list-style-type: none"> • Secretary • Others, as determined required by parties.
	Employer Representatives:	<ul style="list-style-type: none"> • Senior departmental representative • Senior line managers • Senior HR official
	Bargaining Agent Representatives:	<ul style="list-style-type: none"> • As determined by the bargaining agent
	Resource Persons:	<ul style="list-style-type: none"> • Secretary • Others, as determined required by parties.

Sub-committees and/or working groups may be established, by mutual agreement, to study particular topics or issues in detail.

(Add section on roles and responsibilities, if desired.)

Meeting Schedules

The recommended number of meetings per year is as follows:

- National level: (add number and specifics as required)
- Regional level: (add number and specifics as required)
- Local level: (add number and specifics as required)

Additional meetings may be scheduled should urgent matters requiring consultation arise that must be dealt with prior to the regularly scheduled LMCC meeting.

Seminars may also be organised to allow for broader consultation and dialogue. (Add note on the frequency of seminars and required participation.)

Meeting Location, Time and Costs

LMCC meetings will be held at (add address) on (add time, e.g., the first Monday of February and September).

Committee representatives will be protected against any loss of regular pay due to attendance at the meetings. (Add details as desired.)

Agendas

LMCC members are responsible for providing agenda items to the committee secretary in sufficient time to permit for the distribution of the agenda and any supporting documentation at least one week in advance of the scheduled meeting. Items not on the agenda may be discussed at the meeting with the approval of the parties.

Meeting Minutes

The LMCC secretary will keep accurate records of all matters that come before the committee. Meeting minutes will be prepared and distributed as soon as possible after the meeting. (Add specifics as desired.)

Language

Meetings shall be conducted in accordance with the Treasury Board Official Languages Policy.

Approval

These terms of reference were approved by the LMCC at _____ (location), on _____ (date).

Employer Co-chair

Bargaining Agent Co-chair