



2020

## Managers' Guidebook on Member Labour Relations in the RCMP



RCMP Member Labour Relations  
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**It is advisable to view this document electronically as it contains electronic links to other resources.**

**This document is updated regularly. Please ensure you are using the most recent version of the Guidebook.**

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## INTRODUCTION

As the RCMP transitions to a new labour relations regime, the employment framework for members will change. As managers, this is your opportunity to establish good relationships with the bargaining agent representatives in your divisions. A healthy unionized environment can assist employees to feel that their concerns are being heard and addressed; it can also help to ensure consistent and equitable treatment of employees across the country.

Since May 1<sup>st</sup>, 2020 all represented members have been advised to contact their bargaining agent for any workplace assistance and representation. While bargaining agents will be advocating for their members, managers should remember that they should be advocating for the interests of RCMP management and the employer. In order to ensure smooth workplace resolutions in this newly unionized environment, members who have workplace issues should first raise them with their front line supervisor or manager.

Managers require a new system of support in dealing with a variety of workplace issues involving members and their bargaining agents. In the interim, this guidebook aims to provide you, as managers supervising regular and civilian members, with information on who to contact about various workplace issues, and easy reference to applicable policies, guidelines, handbooks, etc. to help you navigate the changing workplace environment. If you manage public service employees and have questions about public service labour relations, please contact [Public Service Labour Relations \(PSLR\)](#) or your [PSLR divisional contact](#).

This guidebook is an evergreen document, which will be updated regularly by Member Labour Relations (MLR); the most up-to-date version of the guidebook will be available via an auto reply email on the MLR page on the InfoWeb.

This guidebook was developed by MLR in consultation with Collective Bargaining, PSLR, the Professional Responsibility Sector, and managers in senior HR positions in the divisions. If you have any comments and/or suggestions with respect to the guidebook, please do not hesitate to contact the [MLR](#) unit.

If you are unsure as to how to manage a MLR issue, please visit the [Member Labour Relations website](#), or contact the MLR unit by [email](#) or telephone, at 1-833-583-4657.

Please note: this guidebook does not address deeming. For any questions related to deeming, please see the [Categories of Employee \(COE\) InfoWeb page](#) or contact the COE team directly at [COE\\_CDE@rcmp-grc.gc.ca](mailto:COE_CDE@rcmp-grc.gc.ca).



## MANAGING IN A UNIONIZED WORKPLACE

### Definitions

**Bargaining Agent**- means an employee organization (e.g. union, employee association/federation) that is certified by the Federal Public Sector Labour Relations and Employment Board (FPSLREB) as the bargaining agent for the employees in a bargaining unit.

**Bargaining Unit**- means a group of two or more employees that is determined by the FPSLREB to constitute a unit of employees appropriate for collective bargaining.

**Collective Agreement**- means an agreement in writing, entered into under Part 1 of the *Federal Public Sector Labour Relations Act* (FPSLRA) between the employer and a bargaining agent, containing provisions respecting terms and conditions of employment and related matters.

**Employee Organization**- an organization of employees that has as one of its purposes the regulation of relations between the employer and its employees.

**Federal Public Sector Labour Relations and Employment Board (FPSLREB)**- an independent tribunal that administers the collective bargaining and grievance adjudication systems for the federal public sector, Parliamentary employees, and RCMP members and reservists.

**Union**- an organization of employees that seeks/has the authority to represent employees in certain occupational group(s). Upon becoming certified, unions are commonly referred to as bargaining agents.

**Union Steward**- (also referred to as a bargaining agent representative or a shop steward), is an RCMP employee who is normally elected by members of the bargaining unit to represent their interests in various workplace matters. This is done on a voluntary basis and in addition to their duties/responsibilities as an RCMP employee.

### Management Rights

Within a unionized setting, managers retain the right to manage, make decisions and take action, as long as such action does not contravene legislative/policy requirements or a negotiated agreement with a certified bargaining agent such as terms outlined in a collective agreement or memorandum of understanding. Within this framework, your management decisions must also be reasonable, not arbitrary, and made in good faith.

Generally speaking, “management rights” are defined as a range of discretion for managers to manage the organization. Management rights are typically comprised of **core rights** (such as determining the organization’s mission, budget, strategy and **operational rights** (such as assigning, directing, hiring and discharging). In accordance with this concept, management is generally expected to make decisions, subject only to the constraints placed on it by the collective agreement, which may oftentimes include various Memorandums of Agreement. In the absence of a specific provision in the collective agreement (prescribing or limiting the exercise of authority on any specific aspect of the workplace), management retains the right to make and implement decisions, policies and conditions. This concept is referred to as **residual rights**.


In the federal public service, key management authorities are laid out in the *Financial Administration Act* (FAA). The *RCMP Act* expands on the FAA by specifically granting the Commissioner further legal authorities more closely aligned to the oversight of the Force and its operations. The *FPSLRA* also contains a high-level clause (7.1) that serves to protect to Commissioner's authority to ensure the effectiveness of police operations.

## Engagement with Bargaining Agents

Regardless of the Employer's/RCMP's perspective on management rights (be they legal or residual), one thing is clear – bargaining agents want to be meaningfully engaged on matters that they feel impact their members.

The engagement spectrum is as follows:

No Engagement	Consultation	Negotiation	Development
<ul style="list-style-type: none"> <li>• Maintain full Employer/RCMP control</li> <li>• All decisions unilateral</li> <li>• Subject/Ts&amp;Cs remain in Employer/RCMP policy</li> <li>• Information sharing only (no consultation)</li> </ul>	<ul style="list-style-type: none"> <li>• Willingness to meaningfully consult</li> <li>• Decision making authority still resides with the Employer/RCMP</li> <li>• Subject/Ts&amp;Cs still remain in Employer/RCMP policy</li> <li>• Commitment to consult could be made via an MOA and included in the collective agreement</li> </ul>	<ul style="list-style-type: none"> <li>• Willingness to bargain in good faith during negotiations</li> <li>• Recognize that arbitration could result in an unfavourable language in the agreement</li> <li>• Recognize that grievances can go to to 3<sup>rd</sup> party adjudication</li> </ul>	<ul style="list-style-type: none"> <li>• Willingness to co-manage</li> <li>• All decisions made by both parties</li> </ul>



Even on subjects that the RCMP views within the full authority of the Commissioner, management should look for opportunities (whenever permitted and whenever feasible) to proactively and openly share relevant information with the bargaining agents.

With respect to consultation, although the premise is information sharing, it is primarily aimed at obtaining feedback, advice, and suggestions on planned policies or activities. Consultation can lead to changes, but does not preclude the Employer/RCMP from making the final decision.

Consultation is intrinsic to good labour-management relations and should occur at the initial stages when an activity/decision is contemplated. The outcome of consultation should not be pre-determined and consultation should not be used to simply communicate management decisions.

Labour management consultations committees (either at the local or national level) can be a useful vehicle to engage bargaining agents.

Effective consultation will not always lead to agreement or advice being accepted. Consultation should, however, lead the parties to a better understanding of each other's interests and to why decisions were taken.

At least until such time as a collective agreement is in place with each bargaining agent, **all considerations for bargaining agent engagement, including topics considered to be under the full authority of the Commissioner, must be referred to Member Labour Relations** as it may be determined that certain subjects, or sub-elements of certain subjects, could have an impact on collective bargaining.

## Certification

In accordance with the FPSLRA, applications for certification/representation rights of bargaining agents can occur in two different ways.

Once the FPSLREB receives an application for certification, the FPSLRA requires that all terms and conditions (T&Cs) of employment in effect at the date of application be frozen.

Certification is granted by the FPSLREB for an indeterminate period and is valid until another employee organization is certified or the certification is revoked by the FPSLREB.

For additional details on the certification process, please visit the FPSLREB webpage on [Certification, Revocation of Certification and Successor Rights](#), or contact [Member Labour Relations](#).

### 1) Section 54 Applications

Normally filed by a bargaining agent new to the federal government (example CUPE PO occupational group and NPF RM/Reservists occupational groups).

NOTE: Under this section, a certification vote is required.

### 2) Section 58 Applications

Normally filed by a bargaining agent who already represents occupational group(s) elsewhere in the federal government and who is seeking representation rights to represent other employees in similar occupational groups, who are not currently represented (example PSAC currently represents the AS (PSE) occupational group and has applied to represent the ADM (CM) occupational group).

NOTE: under this section, a certification vote is not required.



## Difference between “Union”, “Employee Organization” and “Bargaining Agent”

A **union** is an organization of employees that has been created to represent employees (as a collective) for the purpose of negotiating terms and conditions of employment with management. Once certified by a labour relations board (in the RCMP’s case, the FPSLREB), it may also represent employees on an individual basis with regard to the administration of their employment. “Union” is the term commonly used when referring to the employee side in labour relations issues.



The FPSLRA does not mention “union” anywhere in the Act. Instead, the FPSLRA uses the terms “employee organization” and “bargaining agent”. The FPSLRA defines an **employee organization** as “...an organization of employees that has as one of its purposes the regulation of relations between the employer and its employees...” and defines a **bargaining agent** as “...an employee organization that is certified by the Board as the bargaining agent for the employees in a bargaining unit.”

A union can be both an employee organization and a bargaining agent and may be used interchangeably with those terms.

## Bargaining Agents and the RCMP

It is beneficial to all involved – employees, bargaining agents and management – that a collaborative and constructive labour-management relationship be developed and maintained. The Commissioner has identified this as a key priority and indicated that she wants the RCMP to be the envy of employers and police forces across the country in this regard.

## Organizational Structure

In general, a bargaining agent’s local organizational structure is comprised of some executive, regional representatives, and bargaining agent representatives (stewards). Please see our [bargaining agents’ websites](#) for specific details on organizational structure for that bargaining agent.

Bargaining agent representatives (stewards) may provide members support or representation in various redress and PRS processes (such as conduct, grievances, harassment, etc.). Please [contact MLR](#) if you have questions on who may attend meetings of this nature, and what the role of the bargaining agent representative can be (see section on [Meetings with Bargaining Agent Representatives](#)).

## Current Situation (as of September 18 2019)

There are currently **8** bargaining agents representing the various PS occupational groups within the RCMP (ACFO, AJC, CAPE, CMSG, CUPE, IBEW, PIPSC, and PSAC [USJE]). Some of these bargaining agents have also been certified to represent CMs, while others have applications pending before the FPSLREB. The certified bargaining agents for CMs are ACFO, CAPE, CMSG, CUPE, IBEW, and PIPSC. A decision regarding PSAC’s application for certification is pending. (Please check the list of [CM bargaining agents](#) to confirm if the CM occupational group you supervise is currently represented).

The National Police Federation (NPF) was certified to represent RMs and Reservists on July 12, 2019.

## Bargaining Agents and Management Committees

Legislation requires that the RCMP establish a policy health and safety committee (the National Occupational Health and Safety Committee) as well as a consultation committee for RCMP senior management and the bargaining agents to exchange of information and to obtain views and advice on issues relating to the workplace that affect employees (the National Labour Management Consultation Committee).

Where committees or joint working groups are struck in order to consider issues affecting employees' terms and conditions of employment, management may wish to consult with the appropriate certified bargaining agent(s) and include them on the committee or working group. If a bargaining agent comes to you and requests that you consult with them on a particular issue affecting employees' terms and conditions of employment, you may grant this request if you deem it reasonable. (Note: it is not appropriate to include bargaining agents on committees where financial or HR decisions are made). If you are unsure whether or not you should consult with the bargaining agent, please consult [MLR](#).

## Meetings with Bargaining Agent Representatives

Communication between management and bargaining agents is key for a harmonious labour-management relationship. Labour Management Consultation Committees are ideal for discussing crosscutting issues that affect all members (and all bargaining agents). Management and the bargaining agents should work jointly to resolve these issues and keep employees informed. Collective bargaining or a dedicated joint working group may be better venues to address more specific terms and conditions of employment or particular issues affecting employees.



When a certified bargaining agent represents members, they have a right to representation in certain circumstances (which are usually laid out in a collective agreement). Under the RCMP Act, members may identify a representative to represent them in a grievance, before a conduct board, and in an appeal. It is recommended that Employees be advised of this right in advance of any meeting where they are entitled to representation. Although bargaining agent representatives (stewards) may be afforded slightly more leeway when advocating for their members, all parties' behavior should remain respectful. Unprofessional behavior does not need to be tolerated; you have the right to request that the bargaining agent representative (steward) leave and/or end the meeting should this occur.

Members may wish to seek advice and guidance from their bargaining agent representatives (stewards). You may find it beneficial to have a bargaining agent representative (steward) be present in certain discussions/meetings. Unless otherwise specified in a PRS process or in a collective agreement, with your permission, a bargaining agent representative (steward) may attend meetings with you and the member in a support role. Their primary role in these cases is to support the member, not speak on the member's behalf unless invited to do so by you.

Whenever an employee wishes to meet you with his/her bargaining agent representative (steward), your Labour Relations Advisor should accompany you.

If you have general questions regarding meeting with bargaining agent representatives, please contact [Member Labour Relations](#). For questions related to specific Professional Responsibility Sector processes, please contact the applicable policy center.

## Collective Bargaining

### Notice to Bargain

Once a bargaining agent has been certified, notice to bargain can be served by either the Employer or the bargaining agent. The bargaining agent will in turn develop bargaining proposals in consultation with their members and the Employer (as represented by the Treasury Board of Canada Secretariat) will do the same in consultation with the RCMP.

### Negotiations

Once in formal bargaining, the expectation is that both sides will meaningfully negotiate terms and conditions of employment with the common goal of reaching an agreement at the table. Should collective bargaining become difficult, either party may request the assistance of a mediator. Either party may request the assistance of the mediator in an effort to bring the parties closer to a solution.



### Impasse & Dispute Resolution (Binding Arbitration and Conciliation/Strike)

At the outset of each round of bargaining, bargaining agents must notify the Federal Public Sector Labour Relations and Employment Board (FPSLREB) of their chosen dispute resolution process – either binding arbitration or conciliation/strike. This is the process that the bargaining agent would avail themselves of should an impasse be declared (i.e. the parties are unable to reach a settlement at the bargaining table). Please note that with respect to RMs and Reservists, the legislation sets out that binding arbitration is the dispute resolution process. Furthermore, if a bargaining unit is designated as over 80% essential for the safety and security of Canadians, then the group can also only be on the binding arbitration route. That said, CUPE 104 (who represents Telecoms Operators and Intercept Monitors) has chosen conciliation/strike, which was accepted by the FPSLREB.

When the chosen resolution process is conciliation and the parties have bargained in good faith but are unable to reach agreement, either party may request conciliation in respect of any term or condition of employment that may be included in a collective agreement. Upon receiving a request for conciliation, the FPSLREB establishes a public interest commission that will endeavor to assist the parties and provide a recommendation on how to resolve the dispute. This recommendation is non-binding, meaning that it cannot be forced on either party. In the event that the impasse is not resolved through the conciliation process, a bargaining agent could exercise a form of job action (e.g. work to rule) or strike.

When the resolution process is binding arbitration and an impasse is declared, the FPSLREB will establish an arbitration board that will render a binding decision that must consider a number of factors such as recruitment and retention, internal relativity, external comparability and the state of the Canadian economy. In addition to this, the legislation requires that the board take into account the impact of their decision on the operational effectiveness of the RCMP. An arbitral award would be a binding decision on the Employer/RCMP, the bargaining agent, and the employees in the bargaining unit.

## Terms and Conditions

The current terms and conditions of employment (Ts&Cs) governing Regular Members, Reservists and Civilian Members are found in a cross-section of legislation, regulations, standing orders, policy, manuals and in some situations collective agreements. The FPSLRA states that the collective agreement must not alter or eliminate (directly or indirectly) any existing term and condition of employment or establish a new term and condition of employment that would require the enactment or amendment of any legislation. As such, collective bargaining cannot force a change to the RCMP Act, however the broader subjects covered by the Act are still eligible to be bargained.



Common T&Cs of employment that may be included in a collective agreement include hours of work (including overtime, call back, stand by, shift work, designated paid holidays), leave, salary, and establishing conditions related to the bargaining agent such as time off for bargaining agent business, union dues check off, and use of employer facilities. As previously stated, once a notice to bargaining has been received, all current T&Cs of employment are frozen. For more information on the freezing of T&Cs, refer to [Freeze on terms and conditions of employment](#) below.

## Excluded Positions

A managerial or confidential exclusion is one which, due to the nature of the duties being performed, meets the criteria established by the [FPSLRA](#) for exclusion from a bargaining unit.

The criteria for exclusion are listed in section 59(1) of the FPSLRA. According to that section, a “managerial or confidential position” means a position that is:

- (a) confidential to a statutory officer;
- (b) classified in the executive equivalent group;
- (c) the occupant of which provides advice on labour relations, staffing or classification;
- (d) involved in the formulation and determination of policies and programs;
- (e) i) with substantial management duties, or; ii) step in the grievance procedure;
- (f) involved in the collective bargaining on behalf of the employer;
- (g) the occupant of which is in conflict of interest, or has other duties;
- (h) with staff relations confidentially to (b), (c), (d) or (f).

**A position must be encumbered when proposed for exclusion:** It is important to remember that it is the position that is excluded, not the employee.

If the incumbent leaves an excluded position to carry out other duties, the exclusion status remains with the excluded position and its future incumbent will be excluded. It is also important to note that being



privity to confidential and top secret documents in itself does not warrant an exclusion. The Oath of Secrecy and the security clearance process are mechanisms that address those circumstances. When looking at exclusion, it is the confidentiality of the relationship that matters as well as the conflicting loyalties between one's employer and bargaining agent.

An employee occupying a confidential or managerial position or a proposed position for exclusion is prohibited from discriminating against, participating in, or interfering with the formation or administration of an employee organization or the representation of employees by such an organization.

**Following a reclassification and/or a change in reporting relationship:** The exclusion status must be reviewed and validated as the duties may have changed to the extent that the exclusion can no longer be substantiated. MLR will work with Organization & Classification to facilitate these changes, however, please inform [Member Exclusions](#) when there is a reclassification and/or a change in reporting relationship for an excluded position in your unit.

When a position no longer meets the criteria for exclusion, it must be returned to the bargaining agent for the collection of union dues.

Management has the responsibility to identify the positions in the organization that need to be excluded, to provide information, documentation and rationale when proposing a position for exclusion, and to testify as a witness should the proposal be objected to and the case proceeds before the FPSLREB.

If you have a position in your unit that you believe should be excluded, please contact [Member Exclusions](#). The Member Exclusions Coordinator will guide you through the next steps of the exclusion process.

**Note:** vacant positions cannot be considered for exclusion. There must either be an active staffing process (the staffing process number will have to be provided), or an incumbent of the position.

## Essential Services

The Government of Canada must ensure that Canadians have access to essential services in the event of a strike. The [FPSLRA](#) defines an essential service as: "a service, facility or activity of the Government of Canada that is or will be, at any time, necessary for the safety or security of the public or a segment of the public."



**Note:** As essential service positions are only needed where employees may go on strike, at this time, only managers of PIPSC and CUPE employees may need to participate in the essential services exercise.

RM's and Reservists are restricted from striking under the FPSLRA.

Services should be identified as essential where there are reasonable grounds for accepting the probability, or even possibility, that human life or public safety would suffer if a work stoppage interrupted the duties of those employees performing these services.

The RCMP will be required to identify/review positions it deems to be an essential service as per the definition prior to each new round of collective bargaining.

The FPSLRA requires that the employer negotiate essential services agreements with the bargaining agents. Some bargaining agents may wish to negotiate on a national level whereby TBS would seek a list of proposed positions as essential services from each department and then negotiate on the department's behalf. Other, larger bargaining agents (e.g. PSAC) normally negotiate at the local level and directly with the department.

The FPSLRA defines an "essential service agreement" as an agreement between the employer and the bargaining agent which identifies:

- "Inconvenience to the public" is not a valid consideration in determining which services are essential.
- The term "public" is to be given a broad meaning. It includes employees and inmates.
- Employees who maintain equipment/facilities that may contribute to safety perform duties that are necessary for safety or security of the public.

When establishing essential services agreements, the following principles should be kept in mind:

- The types of positions in the bargaining unit that are necessary for the employer to provide essential services;
- The number of those positions that are necessary for these purposes; and
- The specific positions that are necessary for that purpose.

In situations where only part of an employee's duties relate to a service that is necessary for safety or security, the parties could agree that a lower complement of employees than in normal operations is necessary to provide the level of essential services. This is done by assigning employees to work full-time on duties relating to safety or security of the public. The following example illustrates this concept: if 20 employees normally spend 50% of their time on duties necessary to provide an essential service, then 10 of these employees could, during a strike, spend 100% of their time on those duties, allowing the others to exercise their right to strike.

## Internal Process

MLR is working with divisional representatives to identify positions that should be proposed as essential. When contacted by their divisional representative, managers, with the advice of the representative, should:

- Determine the level at which an essential service is to be provided;
- Review the positions within their organizations and identify the number of positions that are necessary for the provision of an essential service;
- Provide the rationale for these decisions;
- Possibly provide any documentation required to support these decisions which may include a current organizational chart and work descriptions.

Prior to each new round of collective bargaining, the employer will complete a review of designated essential positions previously identified for that bargaining unit and provide the bargaining agent with

any revisions, updates or changes to the list. It is to be noted that the employer however may designate a position or revoke a designation at any time.

Once the RCMP has signed an Agreement in Principle (AIP) with the bargaining agent, the final list of designated positions along with the signed AIP is sent to TBS. Should TBS negotiate on behalf of the RCMP and sign a Memorandum of Understanding (MOU) with the bargaining agent, TBS will send the list of designated positions to the RCMP. In both cases, the RCMP will be responsible for informing the employee by letter (hard copy or electronically) that the position he/she occupies has been determined to provide an essential service and he/she is prohibited from participating in a strike.

If you have any questions regarding designation of essential service positions or to request that a position be designated as essential, please contact [Member Labour Relations](#).

## Freeze on Terms and Conditions of Employment

Section 56 of the [FPSLRA](#) states that when an employee organization files an application for certification as bargaining agent, the T&Cs applicable to the employees in the proposed bargaining unit cannot be altered without the consent of the FPSLREB. In other words, the T&Cs are “frozen.” The freeze remains in effect until 30 days after the bargaining agent is certified by the FPSLREB. Statutory freezes also come into effect after a certified bargaining agent serves notice to bargain.

The purpose of a statutory freeze is to ensure good faith negotiation of a collective agreement by preventing the employer from unilaterally making changes to the T&Cs prior to those T&Cs being negotiated at the bargaining table. Breaching the freeze can result in an unfair labour practice complaint being filed with the FPSLREB by the bargaining agent.

Once a collective agreement is signed, the T&Cs included in that collective agreement apply and are in effect for the length of the term of the collective agreement. For civilian members recently **affiliated with a bargaining agent**, their T&Cs remain unchanged until agreements are reached with their bargaining agents. For a new collective agreement, as will be the case for telecommunications operators, intercept monitors, and regular members and reservists, all T&Cs that could be included in a collective agreement (as per the examples provided above), remain unchanged until a first collective agreement is signed.

While there are certain flexibilities under the FPSLRA to change T&Cs outside of the scope of bargaining, it could be a very lengthy and drawn out process. As the employer, Treasury Board would need to seek approval for any changes from the FPSLREB. Attempting to make these changes could also negatively affect the relationship between the Treasury Board and the bargaining agent(s).

Although a freeze may be in effect, the RCMP does not lose its right to manage its business and employees. However, from the time the statutory freeze is in place, the RCMP must manage as it did or would have done before the freeze began. It may not be readily apparent whether a particular administrative decision contravenes the freeze.

If you are contemplating a course of action that may alter members' T&Cs or may change a process, please seek advice and direction from [Member Labour Relations](#).

In your communication to MLR, please include the following information:

- 1) How the proposed change will affect members'/employees' terms and conditions of employment;
- 2) When consideration for the change was initially formulated;
- 3) When management authorization for the change was received (e.g.: SEC, SMT, CO etc.);
- 4) Whether the proposed changes were communicated to employees and if so, how the communication was carried out (e-mail, broadcast, verbally) and when;
- 5) Whether the proposed change(s) are part of the normal functioning of management decision making and whether this has been done in the past and how often (if known); and
- 6) Reasons for the necessity of the proposed changes being implemented during the freeze period, e.g. negative operational or administrative effect on the Force or significant personal impact on employees.

## Leave for Bargaining Agent Business

Members of certified bargaining agents who are involved in bargaining agent business may require leave for bargaining agent business.

While being paid by the RCMP, bargaining agent representatives are subject to management authority. There are different factors to consider when considering such leave requests. CMs who are represented by bargaining agents who were certified through section 58 applications to the FPSLRB fall under the leave provisions in their bargaining agents' respective existing PSE collective agreements. If you manage a CM who is represented by PIPSC, CAPE, IBEW, ACFO, or CMSG, please consult their applicable collective agreement and/or your labour relations advisor for specific leave for bargaining agent business entitlements. The following are some guidelines that can assist you in managing leave for bargaining agent business requests, whether your represented employees have collective agreements

**NOTE: where there is a difference between these guidelines and the collective agreement, follow the collective agreement.**

or not.

## Notice to the Manager

In order to effectively manage operational requirements, it is essential for the bargaining agent representative to submit their request for leave with as much advance notice of the requirement as possible. Any necessary travel time should be included. The date of employer-sanctioned meetings is normally scheduled well in advance. Advance notice should assist in ensuring that you have sufficient time to make any required amendments to shift schedules or cover-off with minimal impact on the representative's co-workers. However, representation related meetings such as grievance/conduct hearings may be scheduled with much shorter notice. Regardless, the request should include the purpose for their attendance, the date(s) and duration (including travel time) away from the workplace. It may also be beneficial for you to request that the bargaining agent representative report back when they have returned from their bargaining agent business where appropriate (e.g. notify their manager when they have returned from a grievance meeting, so that temporary cover-off can cease). While you may refuse the request due to operational requirements, any denial should be on



an exceptional basis. In general, every effort should be made to allow employees to participate in such meetings.

**Employer Sanctioned Meetings (e.g. employer hosted such as a National Labour Management Consultation Committee meeting, a Health and Safety Committee meeting, employer provided training sessions, etc.)**

***On Scheduled Day of Work***

When a member of the bargaining agent executive (who is not on full time leave without pay) or a bargaining agent representative (steward) attends an employer-sanctioned meeting, a request to participate is required, however a formal leave request is not required. Approval by the manager of such requests are always subject to operational requirements. The RCMP is not responsible for funding any travel or expenses incurred by the employee in these situations, unless the RCMP has formally indicated that in-person attendance at the meeting is mandatory. The normal RCMP practice for participation in such events is via video or teleconference.

***On Scheduled Day of Rest***

When a member of the bargaining agent executive (who is not on full time leave without pay) or a bargaining agent representative (steward) attends an employer-sanctioned meeting, a request to participate is required, however a formal leave request is not required. Once the request to participate is received, subject to approval based on operational requirements, the manager should amend the representative's day of rest schedule to be "on shift" the day of the employer-sanctioned meeting. The RCMP is not responsible for funding any travel or other expenses incurred by the employee in these situations, unless the RCMP has formally indicated that physical attendance at the meeting is mandatory (as opposed to video or teleconference participation).

**Employee Meetings (e.g., complaints, grievance meeting, conduct, harassment, other workplace issues)**

***On Scheduled Day of Work***

When a member of the bargaining agent executive (who is not on full time leave without pay) or a bargaining agent representative (steward) is assisting/representing employees on their scheduled day of work, a request to attend is required, however a formal leave request for these short term periods is not required. Approval by the manager of such requests is always subject to operational requirements. The RCMP is not responsible for funding any travel or other expenses incurred by the steward in these situations.

***On Scheduled Day of Rest***

Every effort should be made to schedule these kinds of meetings during the bargaining agent representative's regular work schedule. However, when a member of the bargaining agent executive (who is not on full time leave without pay) or a bargaining agent representative (steward) chooses to represent employees on their scheduled day off work, the RCMP does not pay them. The RCMP is also not responsible for funding any travel or other expenses incurred by the representative in these situations.

Conducting Other Bargaining Agent-Related Business (e.g. bargaining agent hosted training, collective bargaining sessions, membership conferences, hearings, etc.)

### *On Scheduled Day of Work*

When a member of the bargaining agent executive (who is not on full time leave without pay) or a bargaining agent representative (steward) is participating in such activities on a scheduled day of work, the employee must request special leave without pay for bargaining agent business in accordance with the [National Compensation Manual ch. 3.2.9. Leave Without Pay](#). Approval by the manager of such requests is always subject to operational requirements. The RCMP is not responsible for funding any travel or other expenses incurred by the employee in these situations.

### *On Scheduled Day of Rest*

When a member of the bargaining agent executive (who is not on full time leave without pay) or a bargaining agent representative (steward) is participating in such activities on a scheduled day off, the RCMP does not pay them. The RCMP is not responsible for funding any travel or other expenses incurred by the employee in these situations.

As indicated previously, leave for bargaining agent business is generally negotiated between the employer and the bargaining agent and provisions for it are set out in members' respective collective agreements. For specific information on leave for bargaining agent business, please refer to National Compensation's [Special Leave Without Pay Policy](#), or consult with [Member Labour Relations](#) to determine if a memorandum of understanding regarding leave for bargaining agent business has been established (as is the case for PIPSC, CAPE, CUPE, IBEW, ACFO, and CMSG).

## Process (SOP) on Leave for Bargaining Agent Business for PIPSC, CAPE, CUPE, IBEW, ACFO, and CMSG Members

**\*APPLIES TO PIPSC, CAPE, CUPE, IBEW, ACFO and CMSG MEMBERS\***

PERFORMED BY	STEPS	DETAILS
Bargaining Agent  (for ease of reference referred to as <u>Union</u> in this document)	Complete and send a signed Union Authorization Letter (UAL) to the RCMP union representative (CM)	<ul style="list-style-type: none"> <li>Ensure the following information is included in the letter: <ul style="list-style-type: none"> <li>name of CM participant</li> <li>TAN number (if applicable)</li> <li>dates of conference/union event (e.g. training, collective bargaining, conferences)</li> <li>dates/hours for travel (if applicable)</li> <li>union identifier code</li> <li>union billing address</li> </ul> </li> </ul>
Civilian Member (CM)	When a Union Authorization Letter (UAL) is received, determine the appropriate leave request to be submitted to the manager.	<ul style="list-style-type: none"> <li><b>RCMP Management Request – Leave code 640</b> If participation is requested by the RCMP Management (e.g. union presence at RCMP committee meetings such as the National Labour/Management Consultation Committee, RCMP-hosted labour relations training, etc.). In this case the CM's leave is not cost recoverable from the union and the applicable HRMIS Leave Code is 640. Teleconference presence is the standard for bargaining agent representatives who reside out of town, however, should an</li> </ul>

	<p><b>NB:</b> For RCMP Management Requests (leave code 640) a UAL is not always provided. If no UAL is provided, managers shall request a copy of the scheduled meeting invitation.</p>	<p>exception of physical presence be requested by RCMP management, costs associated with travel/accommodation may be at the expense of the RCMP</p> <ul style="list-style-type: none"> <li>• <b>Union Request – Leave code 641</b></li> </ul> <p>Use this code if participation is requested by the union (e.g. union-led training, activity, conferences, bargaining meetings/sessions, etc.). In this case the CM's leave will be cost recoverable and the applicable HRMIS Leave Code is 641. Costs associated with travel/accommodation are at the expense of the union.</p> <p>NOTE: Neither Leave Code 640 nor 641 are applicable to urgent one-on-one client meetings, such as attending conduct meetings, or discussing complaints. While absence from work is not required to be formally reported and/or recorded in such cases, the CM must seek their manager's approval based on operational requirements. Such requests shall not be unreasonably withheld when investigation of the complaint is of an urgent nature, to meet with local management for the purpose of dealing with grievances, to provide support during conduct meetings, or to attend meetings called by management. Otherwise, such meetings should occur outside of scheduled work hours. Costs associated with travel/accommodation is at the expense of the union.</p>
<b>PROCEDURE FOR HRMIS LEAVE CODE 640 (Other Paid Leave Union)</b>		
CM	Informally request leave from manager	<ul style="list-style-type: none"> <li>• Submit informal Leave for Union Business request via internal email to manager to attend RCMP management hosted meeting.</li> <li>• Include the main purpose, dates and all time required to be absent from work (including travel), along with an electronic copy of the Union Authorization letter (if provided) or a copy of the scheduled meeting invitation.</li> </ul>
Manager of CM	Approve or deny Leave for Union Business	<ul style="list-style-type: none"> <li>• Review request to ensure all pertinent details are included in the Union Authorization Letter or meeting invitation</li> <li>• Decide whether leave request is approved or not based on operational requirements.</li> <li>• If approving the request, instruct the CM to submit a HRMIS leave request using Leave Code 640 via HRMIS self-service.</li> <li>• If denying the request, advise the CM, providing reasons. A denial of the request will conclude the Leave Code 640 request process.</li> </ul>
CM	If leave is approved, submit HRMIS leave request	<ul style="list-style-type: none"> <li>• Submit a formal leave request via HRMIS self-service, select Leave Code 640.</li> </ul>
Manager of CM	HRMIS leave request approval	<ul style="list-style-type: none"> <li>• Approve the leave request via HRMIS Manager self-service verifying that Leave Code 640 was used. Retain a copy of the informal request (UAL or meeting invitation) for your records.</li> </ul>

<b>PROCEDURE FOR HRMIS LEAVE CODE 641 (Other Paid – Union Cost-Recovery)</b>		
Union	Complete and send a signed Union Authorization Letter (UAL) to the CM RCMP union representative (i.e. whomever is attending the union business)	<ul style="list-style-type: none"> <li>Ensure the following information is included in the Union Authorization Letter: <ul style="list-style-type: none"> <li>name of CM participant</li> <li>TAN number (if applicable)</li> <li>dates of conference/union event (e.g. training, collective bargaining, conferences)</li> <li>dates/hours for travel (if applicable)</li> <li>union identifier code</li> <li>union billing address</li> </ul> </li> </ul>
CM	Informally request leave from manager	<ul style="list-style-type: none"> <li>Submit informal Leave for Union Business request to manager via internal email, along with an electronic copy of the Union Authorization Letter signed by the union authority. Ensure the main purpose, dates and all time required to be absent from work (including travel) is included in the UAL.</li> </ul>
Manager of CM	Approve or deny Leave for Union Business request	<ul style="list-style-type: none"> <li>Review request for accuracy and eligibility.</li> <li>Decide whether leave is approved or not, based on operational requirements.</li> <li>If travel time is required, ensure details are outlined in the Union Authorization Letter.</li> <li>NOTE: Under Leave Code 641, leave can only be granted for periods of up to 3 months of continuous leave per year. The leave cannot exceed the employee's scheduled work hours per day.</li> <li>If approving the request, instruct the CM to submit a Leave Code 641 request via HRMIS self-service.</li> <li>If denying the request, advise the CM, providing reasons. A denial of the request will conclude the Leave Code 641 request process.</li> </ul>
CM	If leave is approved, submit HRMIS leave request	<ul style="list-style-type: none"> <li>Submit a formal leave request via HRMIS self-service, select Leave Code 641.</li> </ul>
Manager of CM	HRMIS leave request approval	<ul style="list-style-type: none"> <li>Approve the leave request via HRMIS Manager Self-Service verifying that Leave Code 641 was used.</li> </ul>
Manager of CM	Send UAL to PS	<ul style="list-style-type: none"> <li>Send an electronic copy of the signed UAL via internal email to PS Labour Relation NHQ/Relations de travail FP DG</li> </ul>

	Labour Relations	(RCMP/GRC)
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## Process (SOP) on Leave for Union Business for RCMP Regular Members and Reservists (NPF)

PERFORMED BY	STEPS	DETAILS
Bargaining Agent  (for ease of reference referred to as <u>Union</u> in this document)	Complete and send a signed Union Authorization Letter (UAL) to the RCMP union representative (RM/reservist)	<ul style="list-style-type: none"> <li>Ensure the following information is included in the letter: <ul style="list-style-type: none"> <li>name of RM/reservist participant</li> <li>TAN number (if applicable)</li> <li>dates of conference/union event (e.g. training, collective bargaining, conferences)</li> <li>dates/hours for travel (if applicable)</li> <li>union identifier code</li> <li>union billing address</li> </ul> </li> </ul>
Regular Member (RM) or reservist	<p>When a Union Authorization Letter (UAL) is received, determine the appropriate leave request to be submitted to the manager.</p> <p><b>NB:</b> For RCMP Management Requests (leave code 640) a UAL is not always provided. If no UAL is provided, managers shall request a copy of the scheduled meeting invitation.</p>	<ul style="list-style-type: none"> <li><b>RCMP Management Request – Leave code 640</b> If participation is requested by the RCMP Management (e.g. union presence at RCMP committee meetings such as the National Labour/Management Consultation Committee, RCMP-hosted labour relations training, etc.). In this case the RM/reservist's leave is not cost recoverable from the union and the applicable HRMIS Leave Code is 640. Teleconference presence is the standard for bargaining agent representatives who reside out of town, however, should an exception of physical presence be requested by RCMP management, costs associated with travel/accommodation may be at the expense of the RCMP</li> <li><b>Union Request – Leave code 641</b> Use this code if participation is requested by the union (e.g. union-led training, activity, conferences, bargaining meetings/sessions, etc.). In this case the RM/reservist's leave will be cost recoverable and the applicable HRMIS Leave Code is 641. Costs associated with travel/accommodation are at the expense of the union.</li> </ul> <p>NOTE: Neither Leave Code 640 nor 641 are applicable to urgent one-on-one client meetings, such as attending conduct meetings, or discussing complaints. While absence from work is not required to be formally reported and/or recorded in such cases, the RM/reservist must seek their manager's approval based on operational requirements. Such requests shall not be unreasonably withheld when investigation of the complaint is of an urgent nature, to meet with local management for the purpose of dealing with grievances, to provide support during conduct meetings, or to attend meetings</p>

		called by management. Otherwise, such meetings should occur outside of scheduled work hours. Costs associated with travel/accommodation is at the expense of the union.
<b>PROCEDURE FOR HRMIS LEAVE CODE 640 (Other Paid Leave Union)</b>		
RM/reservist	Informally request leave from manager	<ul style="list-style-type: none"> <li>• Submit informal Leave for Union Business request via internal email to manager to attend RCMP management hosted meeting.</li> <li>• Include the main purpose, dates and all time required to be absent from work (including travel), along with an electronic copy of the Union Authorization letter (if provided) or a copy of the scheduled meeting invitation.</li> </ul>
Manager of RM/reservist	Approve or deny Leave for Union Business	<ul style="list-style-type: none"> <li>• Review request to ensure all pertinent details are included in the Union Authorization Letter or meeting invitation</li> <li>• Decide whether leave request is approved or not based on operational requirements.</li> <li>• If approving the request, instruct the RM/reservist to submit a HRMIS leave request using Leave Code 640 via HRMIS self-service.</li> <li>• If denying the request, advise the RM/reservist, providing reasons. A denial of the request will conclude the Leave Code 640 request process.</li> </ul>
RM/reservist	If leave is approved, submit HRMIS leave request	<ul style="list-style-type: none"> <li>• Submit a formal leave request via HRMIS self-service, select Leave Code 640.</li> </ul>
Manager of RM/reservist	HRMIS leave request approval	<ul style="list-style-type: none"> <li>• Approve the leave request via HRMIS Manager self-service verifying that Leave Code 640 was used. Retain a copy of the informal request (UAL or meeting invitation) for your records.</li> </ul>
<b>PROCEDURE FOR HRMIS LEAVE CODE 641 (Other Paid – Union Cost-Recovery)</b>		
Union	Complete and send a signed Union Authorization Letter (UAL) to the RM/reservist RCMP union representative (i.e. whomever is attending the union business)	<ul style="list-style-type: none"> <li>• Ensure the following information is included in the Union Authorization Letter: <ul style="list-style-type: none"> <li>○ name of RM/reservist participant</li> <li>○ TAN number (if applicable)</li> <li>○ dates of conference/union event (e.g. training, collective bargaining, conferences)</li> <li>○ dates/hours for travel (if applicable)</li> <li>○ union identifier code</li> <li>○ union billing address</li> </ul> </li> </ul>
RM/reservist	Informally request leave from manager	<ul style="list-style-type: none"> <li>• Submit informal Leave for Union Business request to manager via internal email, along with an electronic copy of the Union Authorization Letter signed by the union authority. Ensure the main purpose, dates and all time required to be absent from work (including travel) is included in the UAL.</li> </ul>

Manager of RM/reservist	Approve or deny Leave for Union Business request	<ul style="list-style-type: none"> <li>Review request for accuracy and eligibility.</li> <li>Decide whether leave is approved or not, based on operational requirements.</li> <li>If travel time is required, ensure details are outlined in the Union Authorization Letter.</li> <li>NOTE: Under Leave Code 641, leave can only be granted for periods of up to 3 months of continuous leave per year. The leave cannot exceed the employee's scheduled work hours per day.</li> <li>If approving the request, instruct the RM/reservist to submit a Leave Code 641 request via HRMIS self-service.</li> <li>If denying the request, advise the RM/reservist, providing reasons. A denial of the request will conclude the Leave Code 641 request process.</li> </ul>
RM/reservist	If leave is approved, submit HRMIS leave request	<ul style="list-style-type: none"> <li>Submit a formal leave request via HRMIS self-service, select Leave Code 641.</li> </ul>
Manager of RM/reservist	HRMIS leave request approval	<ul style="list-style-type: none"> <li>Approve the leave request via HRMIS Manager Self-Service verifying that Leave Code 641 was used.</li> </ul>
Manager of RM/reservist	Send Authorization Letter to MLR	<ul style="list-style-type: none"> <li>Send an electronic copy of the notification letter signed by the union authority via internal mail to PS Labour Relations NHQ / Relations de travail FP DG (RCMP/GRC), cc to <a href="#">Member LR / RT - membres (RCMP/GRC)</a></li> </ul>

For questions relating to this issue, please contact [Member Labour Relations](#).

## Use of Employer Facilities for Bargaining Agent Business

- As bargaining agent activities such as collective bargaining ramp up, we expect that NPF requests to use RCMP facilities for meetings with their members will become more frequent
- Some reasonable use of our facilities is acceptable and can help establish a positive relationship with the NPF and other bargaining agents
- However, there are certain parameters that must also be respected
- Most collective agreements contain provisions on the use of employer facilities and this is a topic that can be subject to negotiation



- The recently established Memorandum of Agreement between the Treasury Board Secretariat and the NPF provides limited access to assist in the resolution of a complaint or grievance and to attend meetings called by management and NPF represented members
- In these cases, permission to enter the premises must be obtained from management and should not be unreasonably denied
- The current language does not permit the NPF to use our facilities to conduct certain bargaining agent activities such as bargaining preparation and this is generally not considered an acceptable practice in other government organizations
- As a general rule, when the request falls outside of what is included in the Memorandum of Agreement, bargaining agent representatives would not be granted access to our facilities
- And these types of meetings should not occur during work hours
- Members who wish to participate in bargaining agent meetings other than those covered by the MOA should submit a leave request if the meeting is scheduled during their work hours
- A bargaining agent representative who wishes to use an RCMP boardroom should contact the divisional PSLR Advisor until divisional MLR Advisors are in place

A policy on bargaining agent access to employer facilities is being developed; it will provide managers, employees, and bargaining agent's additional information and guidance on this issue. Guidance on this issue may also eventually be found in members' collective agreements.

For questions relating to this issue, please contact [Member Labour Relations](#).

## **Bargaining Agent Representatives and Development Opportunities**

If you are considering employees for development opportunities, such as short-term acting assignments or secondments, a member's role as a bargaining agent representative should not preclude him or her from being considered for the opportunity. However, the nature of the assignment (such as acting in an excluded position) may require the member to cease performing his or her bargaining agent duties for the duration of the assignment.

## **COMMUNICATING CHANGE**

As a manager, you should work towards establishing two-way communication channels with the bargaining agent representatives. Disputes should be addressed as early as possible and in a collaborative manner that embraces fairness, respect and dignity. There should also be respect and acknowledgement of each other's roles:

- The employer and management must respect the role of the bargaining agent as the exclusive representative for employees.
- The bargaining agent must respect the employer's and management's exclusive right to manage its operations and its workforce.

As a manager, you should avoid expressing personal opinions or making comments that might shed a negative light on the bargaining agent's role. Try to remain objective, open and neutral when addressing questions or discussing issues related to unionization during meetings, get-togethers, or discussions with your employees.



The [RCMP's Internal Communications Toolkit](#) is an excellent resource for managers to use when communicating change to members. It provides employees with helpful information on how to communicate effectively and create an engaged environment. The toolkit is divided into four sections: Initiate Conversation, Build Dialogue, Engage, and Engage in times of Change. Other sections provide tips, templates, tools and information to help you foster open, two-way dialogue.

## CONCLUSION



The RCMP is in a period of transition as it adjusts to operating and managing in a more unionized environment. As a manager, and in the spirit of Vision150, the best practice during this period and moving forward is to familiarize yourself with the T&Cs of employment of the employees you supervise (whether they be found in collective agreements, policies, or directives) and apply them consistently.

By ensuring meaningful communication with your employees and bargaining agents, you can help to set a strong foundation for the future labour-management relationships within the RCMP. The RCMP recognizes the role that you play in these relationships and is relying on you to empower your employees, trust their judgement, recognize and reward behaviours the RCMP values, communicate your decisions and the reasons behind them, hold yourself and each other accountable, and value each other's expert input.

## MANAGEMENT RESOURCES – A QUICK REFERENCE

### Compensation & Benefits

#### Pay and Allowances

If members have questions about their pay or allowances, please refer to the relevant collective agreement or to the terms and conditions of employment contained in policy. Members are encouraged to contact their bargaining agent or [pay office](#) for questions regarding pay, allowances, and other benefits.

#### Insurance

The Insurance Program is responsible for the oversight of the RCMP Group Life Insurance Plans, Public Service Health Care Plan, Public Service Dental Care Plan, Pensioner Dental Care Plan, and British Columbia Medical Services Plan, as well as the administration of the RCMP Disability Insurance Plan. The Insurance Program facilitates issue resolution, acts as a liaison between National Pay Operations, TBS, and the various insurance underwriters, and supports Pay Operations by providing policy interpretations, advice and guidance on the various insurance plans.

If members have questions or concerns regarding the RCMP Group Life Insurance Plans, they may visit [Your Group Benefits Site](#) for more information or contact Morneau Shepell, the RCMP Insurance Administrator, at 1-800-661-7595.

#### Leave With and Without Pay

Leave with and without pay policies can be found in the National Compensation Manual at the following links: [Leave with pay](#) and [Leave without pay](#).

If you have questions on the application of leave policies, please consult the applicable collective agreement, or contact the [Pay Operations Office](#).

#### Pensions

For information on Pensions, visit the [Government of Canada Pension Centre](#). If further clarification is required, you should advise your member to contact the Government of Canada Pension Centre directly at 1-855-502-7090. If the member is an EX-01 or C/Supt and above, they should call Executive Services at 1-855-502-7088.

## Professional Responsibility Processes

There are many resources available to assist you with the professional responsibility processes.

### Conduct

[Divisional Conduct Advisors](#) (DCA) are available to provide advice and guidance to managers, including conduct authorities.



Contact with DCAs should occur at the earliest opportunity when it appears to you that a member has contravened a provision of the Code of Conduct, prior to mandating an investigation or, where an investigation is unnecessary, prior to proceeding to a conduct meeting. DCAs will be able to provide up-to-date advice to management regarding the role of the bargaining agent in the conduct process following certification.

In addition to seeking assistance from DCAs, the Professional Responsibilities Sector has plenty of resources available on the Infoweb. You can visit the [Member Conduct webpage](#) where you can access information on the Member Code of Conduct, obtain copies of the national guidebook, the annotated Code of Conduct, process maps and the conduct measures guide. There are also awareness posters available to print (see the *available by email* section).

### Public Complaints

National guidebooks, process maps and guides on the public complaints process are available via the [Public Complaints webpage](#). For specific questions regarding public complaints, please contact your [Divisional contact](#).

### Respectful Workplace and Harassment

A respectful workplace is one where **all employees** feel valued, supported and trusted. Establishing and maintaining a respectful workplace is a priority for the RCMP. It is the responsibility of all employees to ensure a respectful workplace. The [Respectful Workplace website](#) provides fundamentals of a respectful workplace along with suggestions for related training to increase your knowledge. Respectful Workplace Advisors may be contacted in some divisions and can provide support and guidance with respect to establishing and maintaining a respectful workplace and to help address or prevent workplace conflict.

If you believe that harassment is occurring within your workplace, as a supervisor, you are expected to attempt to resolve these behaviours, whether or not a formal complaint has been filed. You may wish to review the policy on [Investigation and Resolution of Harassment Complaints](#), the Commissioner's Standing Orders (Harassment) and the National Guidebook – Investigation and Resolution of Harassment Complaints, in order to educate and familiarize yourself with the harassment complaints process. A guidebook and a process map are also available from the Professional Responsibilities Sector [website](#).

Each division has a [Harassment Advisor](#) who can provide advice and guidance with respect to harassment, addressing a formal harassment complaint, and/or restoring the workplace once the Investigation and Resolution of Harassment Complaints process has been initiated.

Further assistance and guidance is available through the Office for Coordination of Harassment Complaints (OCHC) at National Headquarters; the Office can be contacted by writing to: [ochc-bcph@rcmp-grc.gc.ca](mailto:ochc-bcph@rcmp-grc.gc.ca) or by calling 613-843-3600.

Please be advised that due to the pending implementation of Bill C-65, expected in the near future, current directives may change to reflect the amended legislation (*Canada Labour Code*).

## Employment Requirements

Employment Requirements processes are the processes governing the stoppage of pay and allowances and administrative discharge and demotion for members for reasons other than conduct. Information about employment requirements can be found on the [InfoWeb](#).

Further assistance and guidance is available from your Divisional Employment Requirements Advisor and from the [Employment Requirements Policy Centre](#).

## Grievances and Appeals

As a manager or supervisor, you may receive a grievance or an appeal from one of your members. You could also be identified as the respondent to a grievance as a result of a decision you or your predecessor has made. A respondent is defined as: the RCMP employee who made the decision, act or omission being grieved, his or her replacement, or the person designated by an adjudicator. The Professional Responsibility Sector is responsible for administering and adjudicating grievances under Part III of the RCMP Act, and appeals, including conduct under Part IV of the RCMP Act. Information regarding the grievance process is available on the [Grievance](#) webpage; a list of subject matters eligible for appeal and an overview of the appeal process can be found on the [Appeals](#) webpage. Information on grievances and appeals is also available in the [RCMP Administration Manual AM – ch.11.3. Grievances and Appeals](#).

The Professional Responsibility Sector has created guidebooks and process maps on these processes; electronic copies of these documents are available via its [website](#).

Once a collective agreement is ratified, managers should consult the relevant collective agreement for guidance when addressing a grievance.

You may contact the [Office for the Coordination of Grievance and Appeals](#) with questions regarding grievance and appeal processes.

## Professional Ethics

Information about ethics within the RCMP is available on the [Professional Ethics page](#) of the InfoWeb. Questions about ethics can be sent to the [Ethics Office](#).

Information about the [Public Servants Disclosure Protection Act](#) (which applies to members of the RCMP) can also be found on the [InfoWeb](#).

## Human Rights

As a federal government department, the RCMP is subject to the [Canadian Human Rights Act](#) (CHRA). The purpose of the CHRA is to protect people from discrimination in their employment or in receiving services from federally regulated organizations. As a general rule, human rights legislation will prevail over other laws due to its quasi-constitutional status.

The CHRA protects people against discrimination (including harassment) when based on one or more of the 13 grounds of discrimination listed in the CHRA.

Specific questions about human rights may be sent to the [National Human Rights Policy Centre](#).

The CHRA requires an employer to ensure that people are treated equally, which sometimes involves changing the work environment or employee duties to enable their full participation. This is called the duty to accommodate and applies only to needs that are based on one of the 13 grounds of discrimination and is limited to the point of undue hardship. For more information on the duty to accommodate, please see the section on [duty to accommodate](#).

## Employee Recognition

Information about RCMP employee recognition programs/awards can be found on the [InfoWeb](#).

For specific questions about honours and recognition, contact your [Divisional Honours and Recognition Office](#) or the [Honours and Recognition Policy Centre](#).

## Disability Case Management and Return to Work

The RCMP must meet a number of obligations to support ill, injured, and disabled members. Commanders, throughout the entire period of a member's illness or injury, and in consultation with Occupational Health Services, retain administrative authority for a member who is absent on sick leave. Each Division has an [Occupational Health & Safety Services Office](#) that can provide further support and guidance on this matter. Relevant RCMP policies related to disability management include: [Disability Management and Accommodation Program Manual](#), [Sick Leave](#), and [Occupational Health Services](#).

The RCMP Disability Management and Accommodation Program supports ill or injured members by providing:

- early intervention;
- proactive case management;
- return-to-work planning; and,
- if needed, a workplace accommodation.

The program is founded on a collaborative, *team-based approach* with a goal to support an ill or injured member to remain at work, or to facilitate a safe and timely return to work.

**Full-time Disability Management Advisors (DMAs)** are located in each division and are the primary point of contact for ill or injured members and their supervisors. DMAs work collaboratively with members, supervisors, Occupational Health Teams and other supporting players to coordinate case management activities. To locate a Disability Management Advisor in your division, visit the [Info Web](#).

The *Disability Management and Accommodation Training for Supervisors* is available on [Agora](#). The course educates supervisors on their roles and responsibilities for supporting members in the area of disability management and accommodation.

More information on the Disability Management and Accommodation Program is available on the [Info Web](#).

## Duty to Accommodate

The Duty to Accommodate is a legal principle that requires employers to identify and change any rules, practices, expectations or procedures that have or may have a discriminatory impact based on the CHRA prohibited grounds. As a manager, your role is to work with your member up to the point of undue hardship, in order to identify a reasonable accommodation option for their specific needs. All accommodation requests based on any of the prohibited grounds of discrimination should be formalized in writing using the Plan for Workplace Accommodation for Members, [form 6470](#).

The [Disability Management and Accommodation Program Manual](#) provides information and guidance on accommodation within the RCMP.

Should difficulties be encountered when trying to find a reasonable accommodation option, the Divisional Employee & Management Relations Officer (EMRO) is available to provide line officers and unit commanders with advice and guidance on accommodation issues.

For policy questions or additional assistance on issues of accommodation, please contact the [National Policy Centre for Disability Management and Accommodation](#). The policy centre's [website](#) includes useful information on accommodation issues. TBS' website on the duty to accommodate- [Duty to Accommodate: A General Process for Managers](#) - provides additional information.

## Member Safety

Part II of the *Canada Labour Code* imposes obligations on the employer (managers/supervisors) regarding the safety of employees in the workplace. The [RCMP Info Web site](#) has information on workplace safety, including specific information on employee and employer rights, hazardous occurrences, violence in the workplace, occupational health and safety (OHS) committees, along with a

section on useful tools and links. The RCMP has its own [Occupational Safety Manual](#) and a [Manager's Guide to the Canada Labour Code, Part II](#) (can be requested from the hyperlink), which can provide guidance on OHS issues. Each division also has [Occupational Health and Safety Services Offices](#) where you can contact a certified safety professional for guidance and support.

## Critically Injured & Fallen Members

Consult the [Critically Injured and Fallen Member Guide](#), which also includes contact information for Division Warrant Officers, should you have the need for assistance.

## Staffing Concerns

Your first stop for advice on all staffing related matters is the Career Development & Resourcing Advisor (CDRA) responsible for your area; contact information for CDRA's may be available on your divisional website.

The policy centre in charge of staffing is the [National Staffing Program Policy Centre](#) at National Headquarters.

## Unsatisfactory Performance

There are two types of unsatisfactory employee behavior: culpable and non-culpable.

**Culpable behavior** is both deliberate and within the control of the employee. It occurs when the employee knows what is expected and is capable of performing his or her duties but refuses. This type of behavior is considered misconduct and is addressed through the conduct process. It should not be addressed through performance management.

**Non-culpable behavior** is due to factors outside the employee's control such as lack of skill, ability or training. This type of behavior is considered unsatisfactory performance and should not be addressed through the conduct process. Members' employment for non-culpable deficient work performance may only be terminated where management has established that the employee's shortcomings are such as to undermine the employment relationship and when it has been established that the situation is unlikely to improve; in these cases, the employment requirements process would be followed.

The RCMP is committed to dealing with employees experiencing performance issues in a fair and equitable manner; focusing on assistance and development. Members should be provided with every opportunity to improve their performance to the required level.

Members should be made aware of the performance expectations in their role and should be provided with reasonable assistance, guidance and supervision in the course of their employment. As managers and supervisors, you are responsible for monitoring, documenting and discussing performance with your employees.

Should performance of an employee become unsatisfactory, you should appropriately document and discuss the performance issue with the employee and explore ways to assist the employee in their development. If performance does not improve to the requisite level, you should seek guidance from



your Unit Commander. Additional support to Unit Commanders may be made available from divisional resources.

Further information on unsatisfactory performance can be found in [CMM 2.J](#). The Agora Course “Guide to Enhancing Performance” is an available resource as well as the RCMP’s leadership developmental programs (Field Coaching, Supervisor Development Program, Manager Development Program and Executive/Officer Development Program).

## Assistance/Advice for Managers

While members will turn to their bargaining agent or [Support Advisor](#) (depending on whether they are represented) for assistance/advice in their employment matters, managers (at this time) can turn to Public Service Labour Relations Advisors, Disability Management Advisors, Professional Responsibility Advisors, and the Member Labour Relations Policy Centre for assistance/advice in dealing with management issues. To determine who you should contact for assistance with your issue, please see below:

### Public Service Labour Relations Advisors

PSLR Advisors are available to assist you with:

- Leave management
- Collective agreements
- Grievances
- Disability management
- Misconduct and discipline
- Strike management
- Performance management
- issues related to values and ethics, honours and recognition, occupational health and safety, among others

### Disability Management Advisors (DMAs)

DMAs are available to assist you when you are supervising a member who is dealing with a disability, whether the member is on full-time medical leave or on a gradual return to work.

### Professional Responsibility Sector (PRS) Advisors

PRS Advisors are available to assist you with:

- Grievances
- Conduct
- Public Complaints
- Human Rights
- Harassment
- Employment Requirements



## Member Labour Relations Policy Centre

The MLR Policy Centre is available to provide advice and guidance to you and to the various Advisors when a face-to-face meeting is not required. MLR will be:

- Working with the divisions on standardising training for all managers
- Working with the divisions to identify excluded and essential positions
- Negotiating collective agreements with CMs' and RMs and Reservists' certified bargaining agents

**Note:** The MLR Policy Centre's role is evolving and will incorporate more functions in the future.

## RESOURCES

### Mental Health

Information about resources and programs to assist people dealing with mental health issues is available on the RCMP's [Mental Health website](#). It includes information on how to improve mental health, what to do if you need immediate assistance as a manager, and fact sheets on what action managers should take if they believe a member is suffering from a mental health issue. There is also a [Toolkit for Managers](#) to assist managers in speaking to employees about mental health.



### Employee Assistance Services

The [Employee Assistance Services](#) (EAS) is an external provider of free, confidential, short term counselling, assessment and referral services. The service is paid for by the employer. These services are available to managers, supervisors, employees and their dependents.

A user can receive up to a maximum of eight counselling hours per issue (issue expected to be resolved within the EAS short-term mandate) as assessed by the mental health professional. The actual number of sessions will vary depending on the nature, the severity and urgency of the problem, whether it is a short-term or long-term issue, and will be determined in consultation with the Case Management Team. E-counselling and telephone counselling is also available.

All RCMP employees and their dependents can call **1-800-268-7708** or **1-800-567-5803** for persons with a hearing impairment) to access the EAS Program.

### Peer to Peer Program

The RCMP's [Peer to Peer system](#) provides all categories of RCMP employees with access to internal Peer to Peer Coordinators. Whether it's a work-related or personal issue, Coordinators can provide information on the services offered through [Health Canada's Employee Assistance Services \(EAS\)](#), as well as resources within the RCMP that could help address the situation. The Peer to Peer [website](#) provides additional information as well as contact information for Peer to Peer Coordinators.

## Informal Conflict Management Program (ICMP)

The ICMP National Policy Centre is the authority for all Informal Conflict Management Services; it establishes qualifications for conflict management practitioners in the RCMP and provides informal conflict management skills training in the RCMP. The program has full-time Informal Conflict Management Practitioners who are experienced in conflict management processes and skills training. Visit the [ICMP website](#) for additional information on the ICMP, for guidance on managing conflict in the workplace, or to contact an Informal Management Conflict Practitioner.



## Support for Operational Stress Injury (SOSI) Program

The SOSI Program provides confidential Operational Stress Injury (OSI)- specific peer support to current RCMP employees and retired members.

An OSI is a non-clinical term used to describe a persistent psychological difficulty resulting from service including anxiety, depression, PTSI, substance abuse, or any condition that interferes with one's daily functioning.



The SOSI Coordinators bring a wealth of knowledge and understanding of what life is like for those living with OSI; many themselves are living with an OSI. Coordinators do not provide clinical advice or therapy. Their role is to listen, evaluate and refer employees to existing support services in the community.

Coordinators provide:

- one-on-one OSI peer support;
- information and resources to build resiliency and locate necessary support services;
- connection to others in the organization who are living similar “shared experiences”; and
- facilitation of group discussions.

The long-term goal of the program is to reduce stigma and the effects of an OSI; empowering those who live with OSIs to return to work and improve their overall quality of life.

Contact information to locate SOSI Coordinators in select divisions is available on the Infoweb at: <http://infoweb.rcmp-grc.gc.ca/hr-rh/health-sante/ment/support-soutien/sosi-sbsp-eng.htm>

For further information contact [RCMP.SOSI-SBSO.GRC@rcmp-grc.gc.ca](mailto:RCMP.SOSI-SBSO.GRC@rcmp-grc.gc.ca).

If you are unsure of how to manage a member labour relations issue, please visit the [Member Labour Relations website](#), or contact the Member Labour Relations unit by [email](#) or at 1-833-583-4657.



## Abbreviation Glossary

ACFO – Association of Canadian Financial Officers

AJC – Association of Justice Counsel

CAPE – Canadian Association of Professional Employees

CMSG – Canadian Merchant Service Guild

COE – Category of Employee

CUPE – Canadian Union of Public Employees

FPSLRA – Federal Public Sector Labour Relations Act

FPSLREB – Federal Public Sector Labour Relations and Employment Board

IBEW – International Brotherhood and Electrical Workers

MLR – Member Labour Relations

PIPSC – The Professional institute of the Public Service of Canada

PRS – Professional Responsibility Sector

PSAC – Public Service Alliance of Canada

PSLR – Public Service Labour Relations

TB – Treasury Board

TBS – Treasury Board Secretariat

T&Cs – Terms and Conditions of employment

USJE – Union of Safety and Justice Employees