

Conseil fédéral– November 28, - Quebec City

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***Application Guide for the 2015-2020 College Professionals Collective Agreement<sup>1</sup>***

**The Labour Relations Committee**

Document prepared by:  
The FPPC (CSQ)<sup>2</sup>  
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**THE LABOUR RELATIONS COMMITTEE**

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<sup>1</sup> This guide is meant to be a tool summarizing some subjects of the collective agreement to facilitate understanding. It is therefore important to remember that you need to consult the actual provisions of the 2015-2020 Collective Agreement for the official text, and to contact the FPPC Union Advisor for advice.

<sup>2</sup> The original version of this document was produced by **Chantal Kelly** for the 2010-2015 Collective Agreement. Melissa Twedell, Michelle L'Heureux, Suzanne Tousignant, Philippe Beaudouin-Martin and Frédéric Lussier-Cardinal helped with this update which is largely inspired by the original version.

## Table of Contents

<b>1. The Collective Agreement</b> .....	3
CRT Representatives (4-2.03).....	3
<i>Convocation of a CRT</i> .....	3
<i>Subjects that Require CRT Consultation</i> .....	3
<i>The Minutes</i> .....	4
<i>What is Consultation?</i> .....	5
<b>2. How to Behave at a CRT</b> .....	5
<i>Before a CRT: preparation</i> .....	5
<i>During a CRT: the actual meeting</i> .....	6
<i>Be careful</i> .....	7
<b>Appendix 1 CRT Consultation</b> .....	8
<b>Appendix 2 Subjects that Require CRT Consultation</b> .....	9

## THE LABOUR RELATIONS COMMITTEE

The Labour Relations Committee (CRT) is a union-management committee provided for in the collective agreement. It is the privileged place of exchange on everything related to labour relations.

### 1. The Collective Agreement

- CRT Representatives (See clause 4-2.00)

The collective agreement specifies that, to represent all professionals on a committee, only the Union may appoint one or more professionals (clause 2-2.06). This clause generally applies to all committees. For the CRT specifically, each party, the Union and the College, must choose three representatives (6 people in total). The College and the Union must subsequently inform each other of their representatives in writing.

*The College may not, at any time, choose a professional to sit on a committee when that person has a mandate to represent all professionals.*

- Convocation of a CRT

A CRT may be convened by college representatives or by the union president or his or her substitute. Written notice of the convocation must be sent indicating the subjects to be discussed, accompanied by any documents deemed to be relevant to the discussion.

*The College **and** the union may convene a CRT.*

- Subjects that Require CRT Consultation

Clause 4-2.06 of the collective agreement stipulates an obligation to consult the Union before the College can make any decision on the following subjects:

- ✓ a trainee (stagiaire) project (duties and supervision);
- ✓ the non-rehiring of a regular professional (5-1.01);
- ✓ the abolition of any position (5-3.00);
- ✓ any plans to abolish a position that is filled (5-4.00);
- ✓ a transfer (5-3.00 and 5-14.00);
- ✓ any changes in administrative structures (5-10.00);
- ✓ any exception to the exclusivity of a professional's services during his/her regular working hours;
- ✓ substantial modifications in tasks assigned to a professional;

- ✓ the provisional assignment of a professional to an administrative (5-8.00) or professional (5-3.06) position;
- ✓ the scheduling of holidays (8-3.00);
- ✓ a leave without pay under article 8-7.00;
- ✓ a leave without pay to assume public office under article 8-9.00;
- ✓ travel expenses (8-15.00);
- ✓ assignments of more than six (6) months for professionals on availability;
- ✓ conditions related to parking (8-18.00);
- ✓ the staffing plan (5-4.00);
- ✓ temporary assignment of a professional to a vacant position as stipulated in clause 5-3.01.

In addition to the subjects specifically enumerated in clause 4-2.06, there is an obligation to consult the Union for any inter-college exchange (article 5-11.00) and for technological changes (article 5-12.00).

The parties to the collective agreement, the Union and the College, also recognize that any agreement or discussion on an issue relating to the application or interpretation of the collective agreement, or on any issue likely to sustain, improve or develop labour relations, must be done in the CRT.

However, we must remember that:

- no agreement may have the effect of modifying, adding or subtracting anything from the collective agreement;
- an agreement that respects the above-mentioned criteria is binding for the professional, the Union and the College.

In summary, the CRT is the privileged forum for discussions between the College and the Union. Don't hesitate to use it.

- *The Minutes*

It is important to share roles at the CRT: union representatives choose a spokesperson; the others take notes. The minutes will be written later and must reflect what was said at the meeting. When you disagree with a position taken by the College, do not hesitate to express it clearly and ensure that it is recorded in the minutes.

***Important***

Sign the minutes only **when you are in total agreement** with the contents.

Once the minutes are adopted, we suggest you send them to all the members of your Union to keep them informed of what is being discussed in this committee. As executors of General Assembly mandates, the members are entitled to know how issues are being handled, subject to the confidentiality aspects of certain topics.

Note that CRT minutes are adopted and signed by the parties (Union and College) at the following meeting (article 4-2.10).

▪ *What is Consultation?*

According to **arbitration jurisprudence**, three essential elements are needed to validate the consultation process:

1. The information relevant to the consultation must be provided to everyone involved;
2. A reasonable amount of time must be given to the people being consulted to examine the information provided, thus making it possible to form an opinion on the subject of the consultation;
3. The consultation should allow the people being consulted to express their views on the subject of the consultation and to have these views recorded before a decision is taken.

So, the notion of consultation is above all a question of **authenticity**; it implies that the person being consulted will be given a real opportunity to form and express an informed opinion, with the aim of actually influencing the normal process in which a decision is eventually made.

***It might be helpful to the CRT employer representatives a quick reminder of:***

- What constitutes consultation according to jurisprudence<sup>3</sup>;
- The list of consultation topics that appears in the collective agreement (4-2.06)<sup>4</sup>.

## **2. How to Behave at a CRT**

▪ *Before a CRT: preparation*

Do not take CRT meetings lightly. The employer party is usually well prepared for these meetings. Its members are often trained in human resources management and informed of arbitration decisions, and it is often they who initiate these meetings; preparation is therefore essential. Here are some questions that will help you prepare.

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<sup>3</sup> See Appendix 1 - CRT Consultation

<sup>4</sup> See Appendix 2 – Subjects that Require CRT Consultation

- What subjects will be discussed?
- Have we taken all the required steps and done our research to deepen our knowledge and understanding of these subjects?
  - o collective agreement;
  - o arbitration decisions;
  - o labour laws;
  - o what the members think;
  - o the position of the FPPC or the CSQ.
- What position are professional members taking on these subjects?
- Should we consult our members at a General Assembly?
- How important is this subject to our members?
- What are our objectives for this CRT?
- What are our chances of getting what we want (realistically speaking)?
- Can we envisage any compromise proposals?

It is advisable to hold a meeting of the Executive before each CRT meeting. These Executive “pre-CRT” meetings make it possible to prepare for the CRT taking into account the opinions of all members of the Executive.

▪ *During a CRT: the meeting itself*

Only the spokesperson should intervene, the other representatives should take as many notes as possible on what is happening and what is being said. Obviously, if all the representatives take part in the discussion, your message will dissolve in the cacophony! A CRT is no place for improvisation. When a meeting is not going as planned or whenever you feel the need, don’t hesitate to request a break for a union caucus.

Take, for example, a CRT where both the Union and the College have placed items on the agenda. The notice has been sent in writing, the topics to be discussed are on the agenda and relevant documents have been exchanged. At the meeting, it is important for both sides to:

- ✓ *explain the objectives being sought;*
- ✓ *attempt to really understand mutual concerns;*
- ✓ *evaluate what the other side is requesting;*
- ✓ *analyze the issues;*
- ✓ *have a positive attitude;*
- ✓ *prepare proposals to submit (if possible);*
- ✓ *be creative;*
- ✓ *maintain credibility;*
- ✓ *agree on whatever can be agreed upon;*
- ✓ *not be afraid to express disagreement;*

✓ *withdraw from the CRT, when necessary, to caucus.*

The meetings must be conducted in a respectful way, keeping in mind that they are not friendly meetings and that the employer representatives are acting in their own interests, not yours.

*Be careful*

- Union CRT representatives are mandated to represent the Union, i.e., all the professional members and not their own personal interests or those of a small group.
- Don't be afraid to upset the employer party.
- The employer party is not your friend. This doesn't mean you are enemies either.
- Do not engage in personal attacks, make threats or refuse to discuss (this can work against you).
- And to add to the last element: We must remain respectful!

## **APPENDIX I**

### **CRT Consultation**

The duty to consult necessarily implies respect for the following elements: the rules of natural justice and the solicitation and the holding of genuine consultation prior to making a decision.

#### **1. Respect for the rules of natural justice**

These rules can be summarized as follows: attentive listening and a genuine opportunity to present one's point of view, which can include correcting or contradicting any affirmation or any document presented by the organism or decision-making body that has the duty to consult.

#### **Consultation before a decision is made**

The very concept of consultation implies that the thing being submitted for consultation has not already been firmly and finally decided. This would make the consultation meaningless.

#### **3. The legal obligation to solicit an opinion**

The existence of consultation provisions in the collective agreement means that the College has a legal obligation to consult, i.e., to solicit the opinion of the Union before taking a decision.

#### **4. Conducting a genuine consultation**

The consultation must be conducted honestly. It must be genuine, providing a full and valid opportunity for those being consulted to make their points of view known, providing those making the decision with as much insight as possible.

#### **5. Disclosure of relevant information**

The party being consulted must at all times be given the opportunity to obtain the relevant information and documents deemed necessary to verify the authenticity of the reasons being given in support of the proposed decisions.

Jurisprudence clearly states that when faced with evidence of a violation of one of the above-mentioned components of the right of participation and consultation, the courts have the power to declare a decision void.

**APPENDIX II**  
**Subjects that Require CRT Consultation**

Clause 4-2.06 of the collective agreement stipulates an obligation to consult the Union before the College can make any decision on the following subjects:

- ✓ a trainee (stagiaire) project;
- ✓ the non-rehiring of a regular professional (5-1.01);
- ✓ the abolition of any position (5-3.00);
- ✓ any plans to abolish a position that is filled (5-4.00);
- ✓ a transfer (5-3.00 and 5-14.00);
- ✓ any changes in administrative structures (5-10.00);
- ✓ any exception to the exclusivity of a professional's services during his/her regular working hours;
- ✓ substantial modifications in tasks assigned to a professional;
- ✓ the provisional assignment of a professional to a an administrative (5-8.00) or professional (5-3.06) position;
- ✓ the scheduling of holidays (8-3.00);
- ✓ a leave without pay under Article 8-7.00;
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- ✓ travel expenses (8-15.00);
- ✓ assignments of more than six (6) months for professionals on availability;
- ✓ conditions related to parking (8-18.00);
- ✓ the staffing plan (5-4.00);
- ✓ temporary assignment of a professional to a vacant position as stipulated in clause 5-3.01.