City of Vancouver – Labour Relations Review

Final Report

Submitted By

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Introduction

The current Mayor and Council, City Manager, and senior management of the City of Vancouver have made clear their commitment to build stronger, more positive and effective relationships between the City and its civic unions.

That commitment to change is stated in the City's Corporate Strategic Business Plan (2010 – 2020) in Goal No. 4: *OUR WORKPLACE INSPIRES EXCELLENCE IN PEOPLE* and is also clearly identified as an organizational goal in the Corporate Human Resource Strategy – *Connecting People (2010-2012)*. Under the Leadership goal, a stated objective is to achieve "increased levels of trust and improved overall relationships with our unions and associations." Consequently, and in an effort to support identified objectives aimed specifically at enhancing labour-management relations with all civic unions, as well as ensuring the organization's ability to sustain a dynamic and safe work environment that consistently attracts and retains top-quality people, and enables them to perform at their best, this Labour Relations Review was commissioned.

To assist in development of that strategy a series of interviews with senior labour and management representatives was initiated to identify, in a formal and systematic manner, the:

- State of the current relationships
- Barriers to improving labour-management relationships
- Opportunities for improving relationships

Interviews were held with over fifty people representing most civic unions, City departments, the Vancouver Board of Parks and Recreation, Vancouver Police Department, and the Vancouver Public Library. I sincerely thank all participants for their time, candor, and thoughtful comments which may provide some insight with respect to how the City and unions might proceed to improve their labour-management relations.[1]

This report is a synthesis of the detailed responses to a series of questions related to labour-management relations, and is focused on *perceptions* of the relationships between the City and its various unions (CUPE Locals 15 and 1004, and IBEW 213), the Fire and Rescue Services and IAAF 18, the Vancouver Police

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[1] Please note that representative of VACMPS were interviewed during this review, but insofar as they have presented the City with a comprehensive analysis of their members' concerns, it is redundant to repeat those concerns in this report.

Department and the VPU and VPOA, and the Vancouver Public Library and CUPE Local 391.

Governance and Bargaining Structures

The governance structure of the City of Vancouver and related common employers is relatively complex, and this has contributed to some confusion with respect to determining the appropriate decision-making authority for different labour relations matters (e.g., disposition of grievances) as they arise from time to time.[2] Both union and management participants have commented on their occasional frustration when resolutions to issues in dispute are agreed to at the department level but are rejected by the City without, in some cases, effective communications and providing clear rationale. Similarly, some union representatives have expressed uncertainty as to whether they should be discussing issues with their "employer" or the City.

The City's notice to withdraw from Metro Vancouver (labour relations function) has also created uncertainty with respect to the role that the City will play in collective bargaining between the VPD and VPU (e.g., representation, and provision of labour costing services). Furthermore, Metro Vancouver is currently responsible for maintaining the City's job classification system used for CUPE rated positions and there are concerns that the City has not yet developed the capacity to properly administer the existing system, nor has the City informed the concerned parties as to its transition plan.

Complex governance and bargaining structures have the potential for interfering with the development of more positive labour-management relations by creating confusion, frustration, and uncertainty. To the extent that it is feasible for the City to provide clarity and greater certainty regarding these issues, it is advisable to do so.

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[2] For example, the Vancouver Police Department and Vancouver Public Library are separate employers but the City has financial responsibility for collective bargaining outcomes. The Parks Board is not a separate employer of record notwithstanding its governance structure, but there are different collective agreements in place between the Vancouver Board of Parks and Recreation and CUPE Locals 15 and 1004

Perceptions and Expectations

The City has experienced a turbulent labour relations history over the last few decades including lengthy CUPE strikes in the late 1990s and most recently in 2007. There is little doubt that this history has contributed to a culture of institutional and personal conflict that constitutes a substantial barrier to improving labour-management relations.

Notwithstanding the preceding, union and management participants clearly expressed discontent with the labour relations *status quo* insofar as they recognized that their respective interests are not currently being well served. Generally, both labour and management expressed the view that improving relations would have a positive impact on their organizations.

Union participants expressed a measure of healthy skepticism with respect to the City's commitment to improving labour-management relations. Most stated that the Mayor and Council, as well as the City Manager, have demonstrated greater interest in meeting and consulting with the unions than their predecessors, which is welcome. However, they also expressed concerns that some individuals and functions (middle-management generally) have not changed their apparent attitudes or behavior.

Management participants share similar concerns that while they believe that there is a commitment at the political and senior management levels, it will be a challenge to fundamentally change the City's culture. As one manager put it, there is a "want" to change but uncertainty as to "how" to change. Finally, some exempt managers are concerned that the focus is on the traditional unions and that their (exempt management) interests have not received the same level of attention in the process.

Political and senior management commitment to improving labour-management relations are *necessary* but not *sufficient* conditions for change. A meaningful improvement in labour-management relations requires that managers and union representatives on the ground adopt more positive attitudes and behaviors. The City can encourage and reinforce the need for changed attitudes and behaviors by developing more effective communication processes (i.e., focused on timely information sharing and consultation) and greater involvement in decision-making appropriate to role, function and level.

Current State of Labour-Management Relations

When asked to characterize the elements of a "positive" labour-management relationship, both union and management participants share a common vocabulary – trust, respect, effective communications (listening, understanding, dialogue), collaborative, open, and transparent.

When asked to characterize the elements of a "negative" relationship, the comments of union and management participants *equally*, were less general and more pointed in nature (i.e., not simply the opposite of "positive" characteristics) – secretive, pig-headed, lack of consistency, posturing and grandstanding, passing the buck, paternalistic and positional, evasive, unresponsive, confrontational, "gotcha" labour relations, suspicious, dysfunctional, malicious, hidden agendas, focus on conflict, and an inability to resolve issues – lack of clear direction and control – members don't feel valued and there is a lack of effective dialogue. These negative characteristics are clearly premised on the personal experience of participants over a long period of time, and offer some insight with respect to the extent that attitudes and behaviors must change if labour-management relations are to improve.

The following table summarizes the evaluation of the current state of labour-management relations by union and management participants (where '1' is extremely negative and '10' is extremely positive).

Union Ratings		Management Ratings		GAP
CUPE 15	3.00	City – CUPE 15 (3.5 – 7.5)	5.50	**-2.50**
CUPE 1004	4.50	City – CUPE 1004 (5.5 – 7.5)	6.75	**-2.25**
IBEW 213	5.00	City – IBEW 213 (2.0 – 7.0)	3.67	**1.33**
VPU	7.50	VPD – VPU (8.0 – 8.5)	8.25	**-0.75**
VPOA	7.00	VPD - VPOA	7.50	**0.50**
IAAF 18	6.25	F&RS – IAAF 18	7.00	**-0.75**
CUPE 391 (4.0 – 6.0)	5.00	VPL – CUPE 391 (5.5 – 6.0)	5.75	**-0.75**

Note: The *average* rating is reported in cases where individuals provided different ratings – the range of ratings is reported in brackets.

Interpretation of these evaluations is highly subjective and there should be no presumption that there is a (statistically) significant difference between a rating of '6' or '8' for example. Further, in my experience, it is common for

management's ratings to be measurably higher than the union's ratings. However, focus on the general level of ratings and the gap between union and management ratings, is both appropriate and informative.

With the notable exception of the Vancouver Police Department and its unions (and to a lesser extent, Fire and Rescue Services and IAFF 18), the ratings are low and the gaps are large which suggest a relatively poor state of labour-management relations. The large gaps between management's ratings and those of CUPE Locals 15 and 1004 in particular, indicate that some managers may be more optimistic about the *status quo* than is warranted, and therefore may not readily see the need for changing attitudes and behaviors.

To gain some understanding as to why participants rated the labour-management relationship as they did, they were asked how their issues were dealt with in terms of timeliness, respect, cooperation, problem-solving, and effectiveness. In most (but not all) instances, union participants reported that management 'often' responded to their issues in a timely and respectful manner, but 'rarely' in terms of cooperation, problem-solving, or effectiveness. By comparison, management participants stated that union representatives 'frequently' responded in a timely and respectful manner, 'often' in terms of cooperation and problem-solving, and 'rarely' in terms of effectiveness.

Participant comments provide some guidance as to how the City and unions might act to improve labour-management relations. In particular, workload issues and the lack of resources are affecting the ability of both unions and management to deal with issues in a timely manner – union shop stewards and first-level managers have not received the training and support necessary to develop the aptitude or skills required for effective problem-solving and cooperation – both union and management tend to be positional and focused on conflict which limits efforts to cooperate or problem-solve issues.

It may be in the interest of both the City and unions to consider developing a joint labour relations training program that would be offered to shop stewards and first level supervisors – joint training would ensure that there is a common level of understanding regarding basic labour relations principles (e.g., "work now, grieve later"), contract administration processes that could facilitate dispute resolution before grievances are formalized or at Step 1 of the process, and might include a module on problem-solving techniques.

Labour-Management Committees

The following table summarizes union and management perceptions regarding the current effectiveness of labour-management committees where '1' is extremely ineffective and '10' is extremely effective.

Union Ratings		Management Ratings		GAP
CUPE 15	1.00	City – CUPE 15 (3.0 – 6.0)	3.50	**-2.50**
CUPE 1004	4.50	City – CUPE 1004 (3.0 – 7.0)	4.63	**-0.13**
IBEW 213	5.00	City – IBEW 213 (2.0 – 7.0)	3.00	**2.00**
VPU	7.50	VPD – VPU	8.50	**-1.00**
VPOA	8.00	VPD - VPOA	7.50	**0.50**
IAAF 18	4.00	F&RS – IAAF 18	4.50	**-0.50**
CUPE 391 (4.0 – 6.0)	4.67	VPL – CUPE 391 (5.0 – 7.0)	6.00	**-1.33**

Note: The *average* rating is reported in cases where individuals provided different ratings – the range of ratings is reported in brackets.

Labour-Management Committees are a critical forum for the conduct of labour relations. Both labour and management can take steps to improve committee effectiveness without prejudicing their respective interests, and this may help to improve the relationship between the parties generally. The comments of union and management participants offer some guidance as to how the parties might work to improve committee effectiveness. [3] It may also be helpful if both unions and management agree to conduct a formal review of all labour-management committees to determine:

1. *Is a particular committee necessary?* – In some instances committees may not have convened for a very long time which raises questions as to need. If no purpose is being served, eliminate the committee.
2. *Are the terms of reference for a committee clear?* – In some instances, committee effectiveness is compromised by a lack of clear understanding by some or all of the members regarding purpose, mandate, roles and responsibilities, and decision-making authority. Providing clarity can breathe new life into moribund committees.
3. *Whether new ground rules for the conduct of committee meetings are appropriate.* – It may be useful if committees appoint chairs (or joint

[3] The BC Labour Relations Board offers joint committee effectiveness training through its Mediation Services division.

chairs) with specific responsibility for soliciting input and setting meeting agendas, ensuring that agendas are adhered to, and that members conduct themselves in a professional manner (focused on the business at hand and respectful of other members – e.g., a ground rule that cell phones and other devices be turned off demonstrates respect for the process and other members).

Communication Processes

The following table summarizes union and management perceptions regarding the current effectiveness of current communication processes where '1' is extremely ineffective and '10' is extremely effective.

Union Ratings		Management Ratings		GAP
CUPE 15	3.00	City – CUPE 15 (3.0 – 8.5)	6.00	**-3.00**
CUPE 1004 (3.0 – 5.0)	4.00	City – CUPE 1004 (6.0 – 8.5)	7.25	**-3.25**
IBEW 213	6.00	City – IBEW 213	3.00	**3.00**
VPU	7.50	VPD – VPU	10.00	**-2.50**
VPOA	8.00	VPD - VPOA	7.50	**0.50**
IAAF 18	6.00	F&RS – IAAF 18	6.00	**0.00**
CUPE 391 (4.0 – 6.0)	5.00	VPL – CUPE 391 (5.0 – 7.0)	7.00	**-2.00**

Note: The *average* rating is reported in cases where individuals provided different ratings – the range of ratings is reported in brackets.

It should be noted that communications include both formal and informal processes, and participants generally believe that current informal processes (i.e., person to person) are relatively effective in contrast to formal processes which are viewed as being inadequate in many instances. It is noteworthy that the gap between union and management ratings is substantial in most instances, and management may not readily accept that there is a need for change.

The comments of union and management participants offer some insight as to how the parties might work to improve communication processes. In particular, while communication processes are improving in some respects, there is a perceived need to focus more on ensuring timely, open, transparent, and clear communications.

Barriers to Improving Labour-Management Relations

Some of the barriers to improving labour-management relations cited by union and management participants include: the culture of mistrust and focus on conflict rather than cooperation – the lack of time and resources paid to labour relations issues – the lack of aptitude and skills (in adopting problem-solving approaches to disputes).

Union participants identified a number of steps that they could take to improve matters including: improve training of and communication with shop stewards – more timely decision-making – greater willingness to engage in open discussion regarding processes – development of better problem-solving skills – avoidance of media battles unless necessary. Management participants believed that unions have to: look at their internal structures and processes and try to make them more effective – focus on the big issues that are critical and be more aware of the unintended consequences when some issues are taken forward – stop making "nuisance" grievances, work to engage their members in a more positive way, and avoid "grand standing" – be more open to sharing responsibility for certain issues.

Management participants believed that the City should: be more open to sharing information – develop more open, transparent, and objective processes – provide better management support in managing labour relations issues and better labour relations training to first level managers (and work with the unions in improving shop steward skills) – clarify the roles and responsibilities of employers such as the VPD and VPL relative to the City. Union participants commented that the City should: allow union access to the City's e-mail system allowing more effective communication with members – clarify roles and responsibilities of employers such as the VPD and VPL relative to the City – improve communications at all levels (e.g., to avoid "left-hand, right-hand" problems) – make more effort to engage and understand union and member concerns.

Issues Affecting Labour-Management Relations

Participants identified a number of issues and concerns that have a negative impact on labour-management relations including: job classification (i.e., the current system is obsolete and needs renewal, and it is in the interest of both parties to work on the issue now given the City's withdrawal from Metro Vancouver – labour relations function) – management exclusions – performance

management – budget impact on service levels – a failure to acknowledge that differences between departments and groups of employees exist and "one size does not fit all".

A number of options to try and resolve these issues outside of the formal collective bargaining process were noted: focus on making joint Labour-Management committees more effective – consider alternative dispute resolution (ADR) processes (e.g., expedited arbitration) and move away from positional bargaining – develop more collaborative structures and processes – demonstrate a greater willingness to follow-up on initiatives – more consultation might foster more problem-solving – change the lens regarding how we look at things so that labour and management can accept that people won't get "burnt" by changing behaviors.

Conclusion

Labour-management relations between the City and CUPE locals suffer from a difficult history and this has contributed to creating an organizational culture characterized by mistrust and a focus on conflict rather than cooperation. Given that climate, the commitment of the Mayor and Council, the City Manager, and the senior management team to improving labour-management relations is particularly critical if the City is to effect real change. Both union and management participants made clear that the labour relations *status quo* is not serving their respective interests and that there is an appetite to adopt more cooperative approaches in the labour-management relationship.

Positive steps have been taken by both parties to begin the change process. For instance, the recent initiative by Engineering Services, Parks, and CSG to engage in a problem-solving workshop with CUPE 1004 to address a long outstanding issue was well received, and participants worked very hard to find a solution that satisfied their respective needs. There are a number of problem issues that might benefit from that experience, and as more initiatives of this sort are adopted they contribute to demonstrating that meaningful change is happening "on the ground".[4]

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[4] When identifying problem issues, it is essential that most (if not all) of the prerequisite conditions for a successful problem solving session are present. Specifically:

- it must be a joint problem (i.e., the *status quo* is unacceptable to both parties)
- existing processes and approaches have failed to provide a solution
- both parties appear willing to adopt a different approach in attempting to resolve the issue

The relationship between the City and the IBEW 213 is somewhat different – given the size and nature of the bargaining unit – and there are issues relating to management expectations from the skilled trades that create tensions between the parties. However, the suggestions made regarding Labour-Management committees, developing more effective communications, and looking for opportunities to problem-solve issues still have application.

Historically, the relationship with firefighters represented by the IAFF 18 has been poor but there is a perception that there have been improvements that the parties can build on. Both union and management participants have identified the need to dedicate more effort to labour-management issues, and improving committee and communication effectiveness.

The relationship between the Vancouver Public Library and CUPE 391 has been strained by the first strike in its history (in 2007) and restructuring of library services (e.g., closure of the bindery and increasing the number of management exclusions). Further, uncertainty regarding the future of library services in the face of new technologies creates pressure on management and union members that are different in kind than those affecting other civic organizations (e.g., union concerns about de-professionalization). Again, focusing on improving committee effectiveness and communications, and looking for opportunities to problem-solve issues may assist in improving labour-management relations.

In contrast, the relationship between the Vancouver Police Department and its unions (the VPU and VPOA) is perceived as being much more positive and cooperative, and as a consequence the parties appear to be relatively effective in addressing workplace issues and disputes. Both management and union participants commented on the department's need to clarify roles and responsibilities, and decision-making authority relative to the City.

In terms of identifying opportunities for improving labour-management relations, there are some practical steps that can be taken which do not compromise the interests of either party:

- the nature of the issue is such that there are likely a number of feasible solutions that satisfy the interests of each party

Governance and Bargaining Structures

- Provide clarification (e.g., guidelines) regarding roles, responsibilities, and decision-making authority for different labour relations matters (i.e., departmental or Corporate HR authority)
- Develop a formal transition plan relating to withdrawal from Metro Vancouver that clearly identifies roles and responsibilities, and builds internal capacity for delivering services, or negotiate terms for external service providers

Perceptions and Expectations – encourage more positive attitudes and behaviors by:

- Developing more effective communications processes (i.e., focused on timely information sharing and consultation)
- Providing more labour relations training and support
- Providing greater involvement in decision-making appropriate to role, function, and level

Labour-Management Relations

- Consider offering a joint LR training program to shop stewards and first level supervisors focused on:
    - Developing a common understanding of basic labour relations principles (e.g., "work now, grieve later") and contract administration processes that would facilitate timely dispute resolution
    - Include a module on problem-solving techniques
- Build on the success of the problem-solving workshop initiated by Engineering Services, Parks, CSG, and CUPE 1004 to determine whether that process might assist in resolving outstanding issues not likely to be effectively addressed in collective bargaining

Labour-Management Committees

- Conduct a joint, formal review of all labour-management committees to determine:
    - Is a particular committee necessary?
    - Are the terms of reference for a committee clear?
    - Determine whether new ground rules for the conduct of committee meetings are appropriate

Labour-Management Communications

- Consider development of a communications protocol that would clarify when and what information should be shared with unions

In summary, it is probable that the results of this review have largely confirmed the assumptions previously held regarding the nature of the various labour-management relationships. However, having those assumptions confirmed in a formal and systematic manner has some value in itself.

Of greater importance, this review offers some insight as to how the City and unions might take positive steps to improve relationships in the short-term that are eminently practical (i.e., they can be initiated quickly, none require an undue investment of scarce resources, and the respective interests of the parties are not compromised). Finally, all of the suggested initiatives are focused on improving labour-management relationships "on the ground" and should serve to develop more positive attitudes and behaviors throughout the organization.