

**GOVERNMENT OF THE NORTHWEST TERRITORIES**

**RESPONSE**

**COLLECTIVE BARGAINING**

**With**

**THE UNION OF NORTHERN WORKERS**

On May 11, 2016 the Union of Northern Workers provided the GNWT with a new proposal that consolidates the outstanding UNW and GNWT proposals, both monetary and non-monetary. The UNW's proposal is not complete; the UNW has not yet provided its position on salaries and northern allowance.

In the GNWT May 10<sup>th</sup> proposal we identified that the vast majority of the remaining UNW proposals are monetary. While the UNW has not provided us with monetary proposals on some of the more potentially costly areas of salary and northern allowance, the GNWT has calculated the cost of the UNW monetary proposals that were included in its proposals. These monetary proposals alone would result in an increased cost of \$18 million dollars for the first year.

The GNWT identified at the start of collective bargaining that it is facing a range of significant economic challenges that will continue to impact the GNWT in coming years. The GNWT's fiscal reality is such that we are unable to provide any form of monetary increases in the first two years of the new Collective Agreement. Should we be able to reach a Collective Agreement longer than two years, we are prepared to discuss very modest monetary increases for the third and subsequent years.

The UNW proposes that it would be prepared to discuss certain GNWT proposals (Articles 47 and 48) if the GNWT is prepared to talk about the UNW Article 48 proposals, which include a new leave fund which equals 1% of total UNW payroll. It would not be prudent to discuss any monetary proposals with the UNW until the GNWT receives the full UNW monetary proposal, and knows the full extent of the UNW's monetary requests.

With no financial resources in the first two years and limited resources available in subsequent years to deal with UNW demands, we want to ensure that we are focusing on the highest priority areas. To do so requires a full review of all the UNW's monetary proposals. It is for these reasons that the GNWT cannot at this time discuss those monetary proposals which the UNW has provided.

The UNW has also proposed that it will agree to the GNWT proposal requiring a return of service commitment when a new employee is moved to their place of work within the NWT, on the condition that the GNWT withdraw its proposals on relief workers.

One of the concerns raised by the UNW is that by agreeing to the GNWT proposals on relief workers, full time employees would be replaced by relief workers. This is not the case.

When the GNWT and the UNW agreed to create the category of relief worker in the Collective Agreement, hundreds of former casual employees were converted to indeterminate relief workers. With this conversion casual employees became eligible for a range of new benefits including health care, dental, medical travel, maternity and parental

leave. They can apply for education leave. In addition, the current Collective Agreement includes a provision that specifically states that “The Employer shall ensure that a series of relief employees will not be employed in lieu of establishing a full-time position or filling a vacant position.”

### Article 33 Lay Off

The UNW has provided the GNWT with changes to article 33 which the UNW said reflects the “10 principles around workforce reduction” that the UNW provided previously. In some cases the UNW proposal asks for even more than what was set out in the 10 principles.

The GNWT position has not changed.

For the reasons set out in the GNWT response on April 1, 2016, the GNWT cannot accept the UNW proposal.

No decisions have been made as to whether there will be position reductions. The final decision on any position changes will not occur until the approval by the Legislative Assembly of the 2016-2017 *Appropriations Act*. In keeping with our past practice to inform employees before information becomes public, if there are position reductions in the Main Estimates, employees in impacted positions will be informed before the Main Estimates are tabled.

If there are position reductions, the GNWT will follow established guidelines laid out in the Staff Retention Policy and the negotiated provisions of the Collective Agreement.

### Article 35 Employee Performance Review and Employee Files

The GNWT in its opening proposal wanted to discuss the current provisions of Article 35.01 in light of ePerformance. After a number of discussions the UNW said it would agree with the GNWT proposals only if the GNWT agreed to the UNW’s Letter of Understanding which has both monetary implications and significantly alters the performance evaluation process. In response, the GNWT withdrew its proposals on Article 35.

In the UNW May 11<sup>th</sup> proposal it attempts to introduce its previous position on Article 35, suggesting that the introduction of a new performance management system is a change that allows the UNW to propose new proposals in response to the change.

ePerformance is not a change at the workplace level. The GNWT advised the UNW of the introduction of ePerformance at Senior Joint Consultation on March 28, 2014. A further update was provided to the UNW at Senior Joint Consultation on February 6, 2015.

The GNWT does not agree that the UNW can table this new proposal at this time.

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE GOVERNMENT OF THE NORTHWEST TERRITORIES AND  
THE UNION OF NORTHERN WORKERS

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Mental Health

1. The Government of the Northwest Territories and the Union of Northern Workers recognize that the Northwest Territories, with its many and diverse cultures, has a distinct work environment which brings with it unique challenges related to mental health in the workplace. The multi-generational trauma arising out of the Residential School experience has had a lasting impact on the mental health and well-being of many of our employees; not only for the residential school survivors themselves, but their spouses, children, and families.
2. The Union and the GNWT recognize the importance of ensuring a workplace culture which promotes and improves the psychological health and safety of all employees in the workplace. The Union and the GNWT have the common interest of promoting and enhancing a working relationship consistent with the principles of mutual respect, confidentiality and cooperation.
3. The GNWT and the Union shall:
  - (a) Reinforce the development and sustainability of psychologically healthy and safe workplace environments;
  - (b) **Jointly** establish key objectives toward continual improvement of psychological health and safety in the workplace;
  - (c) Lead and influence workplace culture in a positive way;
  - (d) Engage employees to:
    - a. Be aware of the importance of psychological health and safety;
    - b. Be aware of implications of tolerating psychological health and safety hazards; and
    - c. Identify workplace needs regarding psychological health and safety
4. The GNWT shall ensure its senior managers:

- a. Support and reinforce front-line management in the promotion of a psychologically healthy and safe workplaces; and
  - b. Ensure that psychological health and safety forms part of organizational decision making processes.
5. The Union shall ensure its officials:
  - a. Support and reinforce the promotion of a psychologically healthy and safe workplace; and
  - b. Ensure that psychological health and safety forms part of organizational decision making processes.
- 6. The parties agree that within 30 days of the ratification of the Collective Agreement effective April 1, 2016 a Committee comprised of three representatives selected by each party will be formed.**
- 7. The Committee and its representatives are encouraged to develop a workplan to promote psychologically healthy and safe workplaces.**
- 8. The responsibilities of the Committee include but may not be limited to;**
  - a. Identifying ways of reducing and eliminating the stigma in the workplace that is too frequently associated with mental health issues;**
  - b. Identifying ways to better communicate the issues of mental health challenges in the workplace and tools such as existing policies, legislation and directives available to support employees facing these challenges;**
  - c. Considering the unique challenges and barriers that impact mental health and mental health service delivery to employees of the GNWT, including a vast geographic area, small remote communities, diverse cultures and the impact of the Residential School experience on survivors, their families and communities; and**
  - d. Reviewing practices from other jurisdiction and employers that might be instructive for the GNWT.**

*The GNWT has considered the UNW proposal setting out the responsibilities of the Committee. The GNWT still leaves it to the Committee to determine exactly the steps to be taken.*