

**Employment and Social Development Canada (ESDC)  
POLICY HEALTH AND SAFETY COMMITTEE (PHSC) MEETING  
Tuesday, February 19, 2019 – 13:00 to 16:00**

<b>PRESENT</b>	<b>REGRETS</b>
<b>EMPLOYER MEMBERS</b>	
<p><b>Daniele Besner, Co-Chair</b> Director General, Workplace Management Directorate, Human Resources Services Branch (HRSB)</p>	
<p><b>Benson Gorber</b> Director General, Real Property and Regional Services, Chief Financial Officer Branch (CFOB)</p>	
<p><b>Mario Forget</b> Director, Contributions Systems, Information and Technology Branch (ITB)</p>	
<p><b>Michael Delaney</b> Senior Manager, Management Services Branch, Ontario Region</p>	
<p><b>Ian James</b> Executive Director, National Integrity Services, Atlantic Region</p>	
<p><b>Luc Tremblay</b> Director General, Internal Integrity and Security Directorate, Integrity Services Branch (ISB)</p>	
<p><b>Cam King</b> Executive Director, Integrity Services, Service Canada, Western Canada and Territories Region</p>	

**EMPLOYEE MEMBERS**  
*(selected by: Union of National Employees (UNE), Professional Institute of the Public Service of Canada (PIPPSC), Public Service Alliance of Canada (PSAC and Canada Employment and Immigration Union (CEIU))*

<p><b>Lyne Cartier, A/Co-chair (alternate to Karl Lafrenière – co-chair capacity)</b>                  Payment Services Officer, Benefits Delivery Services Branch (BDSB), Quebec Region</p> <p><b>Crystal Warner</b>                  National Executive Vice-President, CEIU</p> <p><b>Dwight McLeod</b>                  Integrity Services Investigator, Integrity Services Branch (ISB), Western Canada and Territories Region</p> <p><b>Louis-Félix Molgat-Mirecki</b>                  Policy Analyst, Skills and Employment Branch, National Capital Region</p>	<p><b>Tanisha Coultis</b>                  Medical Adjudicator Consultant, NHQ</p> <p><b>James Weatherbee</b>                  Micro Support Specialist, Information and Technology Branch (IITB), Atlantic Region</p> <p><b>Isabelle Beaudoin (alternate to Karl Lafrenière – member capacity)</b>                  Passport Officer, Citizen Services Branch, Quebec Region</p>
<p align="center"><b>PHSC SECRETARIAT</b></p> <p><b>David Zanetti</b>                  Senior Advisor, National Occupational Health and Safety Office (NOHSO)</p> <p><b>Jolee Lord</b>                  Manager, NOHSO</p> <p><b>Penny Lavigne</b>                  Director, Health, Safety and Disability Management Division</p>	<p align="center"><b>GUESTS / OBSERVERS</b></p> <p><b>GUESTS</b></p> <p><b>Hilary Flett</b>                  Director, Special Projects, Labour Program</p> <p><b>Brad Hachey</b>                  Director, Centre of Expertise, Integrity Services Branch</p> <p><b>OBSERVERS</b></p> <p><b>Luc Pomerleau</b>                  National Resources Officer, CEIU</p> <p><b>Sylvie Thériault</b>                  Senior Advisor, NOHSO</p> <p><b>Julie Willis</b>                  Senior HR Advisor, Policy and Programs</p> <p><b>Sarah Tousignant</b>                  Business Analyst</p>

ITEM	AGENDA ITEM LEAD(S)	DESCRIPTION / DELIVERABLE(S)	ACTION / DECISION
1. Opening Remarks	Daniele Besner Lyne Cartier	Daniele and Lyne called the meeting to order at 13:02. Lyne is acting employee co-chair, replacing Karl Lafreniere. Daniele welcomed new members: <ul style="list-style-type: none"> <li>• Michael Delaney, newly appointed to replace David De Felice.</li> <li>• Louis-Félix Molgat-Mirecki, newly appointed to replace Shahbaz Mir.</li> </ul>	
2. Approval of the Agenda	Daniele Besner	The agenda was adopted with no new items added.	<b>DECISION:</b> PHSC members approved the agenda.
3. Approval of October 2 <sup>nd</sup> meeting minutes	Lyne Cartier	Lyne indicated that Louis-Félix had some minor corrections to the October 2 <sup>nd</sup> minutes. Louis-Félix provided this information to the secretariat during the meeting and the necessary changes were made during the break. The meeting minutes were approved by members.	<b>DECISION:</b> PHSC members approved meeting minutes.
4. Impending Changes – Workplace Harassment and Violence (Bill C-65)	Hilary Flett	<p>Hilary provided an overview of the changes to workplace violence and harassment legislation that will be implemented under the <i>Canada Labour Code</i>, Part II.</p> <p>The regulatory framework is built on three key pillars:</p> <p><b>Prevent, Respond and Support</b></p> <ul style="list-style-type: none"> <li>• <b>Prevent:</b> Efforts to eliminate incidents of harassment / violence and hopefully decrease number of complaints.</li> <li>• <b>Respond:</b> Consultations across organizations revealed that employees felt that harassment issues raised went into a black hole and were never addressed. <ul style="list-style-type: none"> <li>○ Timeliness to early resolution, conciliation, investigation.</li> </ul> </li> <li>• <b>Support:</b> Mindful that small organizations will not have the resources to put a lot of effort into support mechanisms. <ul style="list-style-type: none"> <li>○ Support to include training for bystanders who witness incidents so that they take action.</li> </ul> </li> </ul> <p>She also highlighted the following areas that are different from the current Regulation.</p> <p><b>Training</b></p> <ul style="list-style-type: none"> <li>• Training requirements will be much more stringent and training will need to be more fulsome.</li> </ul>	<p><b>DECISION:</b> Establish a working group to scope out the key activities and provide recommendations to PHSC on the work to organize for implementation of the WVP/Harassment Regulation.</p> <p><b>ACTION:</b> Lyne and Daniele to provide names (2 minimum each) of participants to form the working group.</p>

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		<p><b>Reporting</b></p> <ul style="list-style-type: none"> <li>Organizations will need to provide aggregated report of incidents to Labour Program annually.</li> <li>Once known / divulged, organizations will need to report on whether complaints relate to any of the 13 grounds under the <i>Canadian Human Rights Act</i>. Organizations are not to inquire about this, only include the information if it is already known.</li> </ul> <p><b>Privacy</b></p> <ul style="list-style-type: none"> <li>Labour Program consultations revealed that employees feared personal information would be made available to colleagues. <ul style="list-style-type: none"> <li>Workplace Health and Safety Committees will not be part of the investigation process.</li> </ul> </li> </ul> <p>Finally, she discussed the following key elements of the proposed regulations:</p> <p><b>Timelines</b></p> <ul style="list-style-type: none"> <li>Five (5) calendar days to acknowledge complaint.</li> <li>Resolution (early resolution / facilitation) to be done within six (6) months.</li> <li>Investigation to be completed within 12 months of employer being made aware.</li> </ul> <p><b>Competent Persons</b></p> <ul style="list-style-type: none"> <li>Employers will have two (2) months to identify a competent person, if not, Labour Program will do so.</li> <li>Labour Program will be developing a roster of competent persons that they will use to provide a competent person if one is not able to be otherwise identified or decided on.</li> <li>If an organization develops its own list of competent person investigators then it needs to be compiled jointly. <ul style="list-style-type: none"> <li>Nothing prevents an organization from using internal resources to conduct a competent person investigation with support of workplace parties.</li> </ul> </li> </ul> <p><b>Policy</b></p> <ul style="list-style-type: none"> <li>Regulation will have prescribed elements that will need to be included in workplace violence and harassment prevention policy.</li> <li>Co-development is key.</li> </ul> <p><b>Family Violence</b></p> <ul style="list-style-type: none"> <li>Focus will be about giving employees a comfort zone to come forward to let the employer know, and what steps need to be taken to ensure the health and safety of that employee and their colleagues.</li> </ul>	

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		<p>The following key points and questions were raised by members:</p> <ul style="list-style-type: none"> <li>• Crystal asked who has the authority to deem an investigator as a "competent person" (and expressed concern about internal investigators being biased). Inquired what the training strategy is to ensure health and safety committees have the right knowledge and competencies. Remarkd that she is happy to see 'co-development' as part of the Regulation.</li> <li>• Mario mentioned that <i>Bill C-65</i> is a good anchor to set the stage for further work and toward understanding the impact of psychological injury in the workplace.</li> <li>• Benson and Luc T. asked for clarification around timelines to bring a complaint forward and asked what 'acknowledgement' of complaint within five (5) days means.</li> <li>• David Zanetti asked for clarification around who will be creating the Labour Program roster of competent persons.</li> </ul> <p>Hilary clarified the following:</p> <ul style="list-style-type: none"> <li>• It is advisable that the PHSC should jointly (employee [union], employer) compile a list of suitable competent persons to be used for workplace violence investigations within the department, and mentioned that the Labour Program has a position paper outlining the necessary qualifications. However, it is the parties to the incident that need to agree on the chosen investigator. Labour Program is looking to establish a sub-committee of the <a href="#">Occupational Health and Safety Advisory Committee</a> (including additional representation) to develop the list of competent persons from which Labour Program will draw.</li> <li>• With regard to the question on training, the Service Wide Occupational Health and Safety Committee is looking at closing the existing training gap.</li> <li>• For timelines, she indicated that acknowledgement response within the five (5) days would need to include messaging around support services and next steps. She also clarified that a former employee has three (3) months from time of departure to bring a complaint forward. There is no specific timelines for current employees to bring an incident forward. Employer will be expected to do something to address declared incidents from the past.</li> </ul> <p>Hilary mentioned that the legislation is expected to come into force in Spring 2019 and that we could expect to see the new Regulation by mid-April.</p>	

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		<p>Daniele proposed that a working group be established to scope out the key activities and provide recommendations to PHSC on the work to organize for implementation of the WVP / Harassment Regulation.</p>	
5. Cyclical Review	Lyne Cartier	<p>Referring to the items due for review, as found in the PHSC Cyclical Review Action Tracker, Lyne presented the following proposal for how employee members could participate in the cyclical review:</p> <ul style="list-style-type: none"> <li>Employee members take one to two months to review and consult on the document that is due for cyclical review, that they provide all comments to one central point of contact (Luc Pomerleau) for compilation and that compiled comments be send to PHSC Secretariat.</li> </ul> <p>Jolee suggested that:</p> <ul style="list-style-type: none"> <li>The National OHS Office initiate review to ensure policy / legislated needs are met;</li> <li>The program guide or document be sent to the whole committee for review, allowing one to two months for input; and</li> <li>The Secretariat send to all members, the revised guide or document for endorsement.</li> </ul> <p>Crystal indicated that the committee should prioritize on the guides of most concern to employees first.</p> <p>Benson indicated that all guidance documents should be included in the schedule (e.g., Pandemic Guide). Penny clarified that all guidance documents can be included but that legislated pieces will be looked at first.</p>	<p><b>DECISION:</b> Cyclical Review Process is endorsed.</p> <p><b>ACTION:</b> Lyne to prioritize items for review and send to Jolee.</p>
6. Update on Trespass Process	Luc Tremblay	<p>Luc provided the following update:</p> <ul style="list-style-type: none"> <li>Letters of trespass are issued to a client or other person using departmental programs / services who engages in particular behaviours such as threatening staff, assaulting an employee or a member of the public, destroying or damaging ESDC property, has no business in an ESDC office yet refuses to leave, and/or engages in disruptive behaviour and refuses to stop.</li> <li>The issue of trespassing on premises falls under provincial jurisdiction and is not transferable between jurisdictions (i.e., cannot issue a letter of trespass in the Ontario region and have it apply in the Atlantic region).</li> </ul>	<p><b>ACTION:</b> Luc to look into specific scenarios raised and provide response back for the Secretariat to share with members.</p>

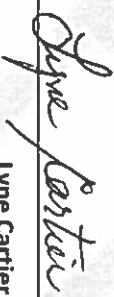
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		<ul style="list-style-type: none"> <li>• Trespass Letters are not permitted in the Quebec Region due to provincial legislations. A Court Order (CO) process must be used instead.</li> <li>• The only system that is interconnected is ATOM (an In-person operations system); however, it is used for monitoring only and does not contain client-specific information.</li> <li>• There is no common screen available where an indicator could be used to cover all of the program areas.</li> <li>• A flag function is questionable since a client who has received a Letter of Trespass may be physically present at a Service Canada Centre for a long period of time before being identified. Given the challenges, complexity and questionable value-added, the flag function may not prove to be a viable option in terms of providing additional protection to front-line employees.</li> <li>• The PPT system, which is used to process applications, is connected directly to Immigration, Refugees and Citizenship Canada; this presents issues of privacy (information sharing) when OGD partners are involved.</li> <li>• At co-locations / shared space with municipal / provincial / territorial governments the Trespass may be imposed for one government tier and not the other(s).</li> <li>• A working group of the Service Canada Union-Management Consultation Committee (UMCC) will be established to address front-end issues.</li> <li>• One of the deliverables of the Departmental Security Plan is the establishment of a Security Awareness, Training and Education Plan. As a priority, this Plan will assess the training and awareness provided to front-line employees, as well as protocols in place to ensure their protection at client-facing Service Centres.</li> </ul> <p>Dwight remarked that an Integrity Services Officer (ISO) could ask a client to present him / herself in the workplace without knowledge of that client having a No Trespass Letter. He indicated he does not have a copy of the list of clients with trespass letters for his region, nor is he aware of who is on the list.</p> <p>Crystal asked where is the gap in employees being aware of who is on the no trespass list? She also asked what the process is if you notice you have business with someone who is on the list and how does this protocol change for employees (e.g., investigators) meeting with the No Trespass clients off-site. Luc agreed to look into this and provide response back for the Secretariat to share with members.</p>	


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<p>7. Integrated Framework on Mental Health in the Workplace - Action Plan 2018-2021</p>	<p>Lyne Cartier</p>	<p>Lyne highlighted the points on the Mental Health in the Workplace Action Plan for 2018-2021 mentioned below then opened the floor for discussion:</p> <p><b>Workplace Mental Health (WMH) Survey:</b></p> <ul style="list-style-type: none"> <li>The first iteration of the WMH Survey: A report displaying and explaining the results of the first iteration of the Survey was shared with ADMs in December 2018, along with an infographic and an executive summary. ADMs were encouraged to share the results with their respective teams and hold discussions about their own workplace mental health experiences.</li> <li>The next version of the WMH Survey is expected toward the end of this winter.</li> <li>The employees' responses from the first iteration of the Survey are used as the baseline. The second iteration will help us determine if we have made progress, and identify the areas of strengths and those of concern.</li> </ul> <p><b>Communications and employee mobilization:</b></p> <ul style="list-style-type: none"> <li>The Integrated Framework on Workplace Mental Health Implementation Committee (IFWMHIC) is working on an Awareness Campaign: A low-to-no-cost, high-impact campaign that displays ESDC's existing services by exploring "The 13 Factors for Psychological Health and Safety in the Workplace" – from the 2017 WMH Survey.</li> </ul> <p>Crystal asked how the mental health survey was developed and about the involvement of employment equity groups (stated members of equity groups face a disproportionate amount of issues) and other employee networks. She also mentioned frustration around lack of training and direction on what the implementation of the Standard should look like. CEIU members will be taking Psychological Health and Safety Training from York University.</p> <p>Penny clarified that the survey design was based on a model from the Department of National Defence (DND); the survey questions were based on academic research and were used in the first iteration of the workplace mental health survey. She also explained that the National Standard was the inspiration for the survey and that various groups are participating on the IFWMHIC.</p>	



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<p>8. Update on Cumulative and Critical Incident Stress Hazard Identification and Assessment</p>	<p>Brad Hachey</p>	<p>Brad Hachey, Director with Centre of Expertise from Integrity Services Branch, provided a verbal update of the branch's progress towards a Management Action Plan (MAP) in response to the report on Hazard Identification and Assessment on Critical Incident Stress and Cumulative Stress for Jobs Involving Citizen Interactions in the Integrity Services Branch. Brad indicated that there are some measures already in place, and that ISB is working on strengthening those measures by addressing the seven recommendations found in their report, with a focus on training. The branch is still working on finalizing their MAP and Brad committed to providing the committee with further updates. Representatives from Citizen Services Branch did not attend the meeting, so there was no presentation from CSB. Crystal and Dwight both requested that the Hazard Identification and Assessment on Critical Incident Stress and Cumulative Stress reports for ISB and CSB be shared with the committee. Crystal also asked what the next steps would be. MAP will be shared with the committee once they are completed.</p>	<p><b>ACTIONS:</b>  <i>Secretariat to share ISB and CSB reports with the committee members.  Management Action Plans will be shared with the committee once completed.</i></p>
<p>9. Standing Items</p>	<p>Jolee Lord  Lyne Cartier</p>	<p>Jolee spoke about the "How Are We Measuring Up?" campaign that launched at the end of January via a message from Gail Johnson, ADM Human Resources Services Branch (HRSB), to Regional ADMs / NCR OHS Champion. There will also be an upcoming HR Info article about the campaign. Dwight asked what is being done to track the training of managers and team leaders. This information is tracked through SABA and the committee can be provided with that data. Penny mentioned that the Corporate Management Committee (CMC) has been briefed on training and recognizes the need for better training data on a regular basis. Lyne spoke about Environmental Sensitivities adding that it had been some time since the committee undertook their awareness campaign and it was a good time for an update. She explained that issues continue to come up and both management and employees are not understanding or being respectful of the issue. She mentioned that while the work already done was a good step, the progress has stalled. Mario agreed, stating that scent-free information was posted and shared at 22 Eddy, but it is no longer having an impact.</p>	<p><b>ACTION:</b>  <i>Members who want to participate in the review and refocus of materials related to environmental sensitivities to send their names to the Secretariat.</i></p>

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		<p>Crystal mentioned that CEIU does not think a Scent-Free Policy is the answer as it would not be enforceable, but agreed that they are seeing more and more issues with Environmental Sensitivities and agreed that something needs to be done.</p> <p>Penny reiterated that the PHSC was focused on awareness and that the messaging could be reviewed and refocused.</p> <p>Benson was supportive of this approach, but wants to ensure consistency in communications on this subject. Questions that require clarity are: what falls under this subject and why is there no policy? what items in particular are banned? what is acceptable / unacceptable? how will this be communicated?</p>	<p><b>ACTION:</b> Members wanting to participate on the Bill C-65 working group identify themselves to the Secretariat.</p>
<p><b>10. Round Table</b></p>	<p>All</p>	<p>Dwight mentioned that WHSCs continue to recommend that AEDs be installed. There is a grassroots movement in W/T Region to create a letter to parliament asking for greater consistency amongst departments in regards to AEDs.</p> <p>Crystal mentioned that CEIU has brought forward a proposal related to RHSACs and engaged with the employer in the hopes of having an answer ahead of the next meeting.</p> <p>Daniele requested that members wanting to participate on the <i>Bill C-65</i> working group send an email to the Secretariat identifying themselves.</p>	
<p><b>11. Closing Remarks and Next Meeting</b></p>	<p>Daniele Besner Lyne Cartier</p>	<p>Members were thanked for their participation. The meeting was adjourned at 15:48. The next meeting will be held on Tuesday, May 28, 2019.</p>	

  
 Lyne Cartier  
 Co-Chairperson, Employee Member  
 28 mai 2019  
 Date

  
 Daniele Besner  
 Co-Chairperson, Employer Member  
 28 mai 2019.  
 Date