



**CAW Local 1016 & NAV CANADA
Joint Classification System Review
Project Terms of Reference**

1. Background:

With the negotiated agreement reached in 2006 and signed later in 2007, CAW LOCAL 1016 and the employer agreed to enter into a joint project whereby a third party subject expert would design a new classification system, test it and evaluate all jobs within the bargaining unit in time for the next round of bargaining.

Letter of Understanding No. 6 outlines the process to be followed in undertaking this initiative. A copy of the LOU is attached as Appendix A. These terms of reference represent additional areas of agreement between the parties to contribute to the effective and successful running of the project.

2. Project Structure:

Working Group

Project oversight and approval of all project deliverables will be made through a Working Group. Union and employer representatives are:

Union Representatives	Employer Representatives
Shawn Wood (Union President)	Barbara Gagné (Labour Relations Ottawa)
Don Boyd (ATOS Vancouver)	François Robert (MACCO Montréal)
Christine Lizotte (ATOS Toronto)	Celeste Guse (FDAAS Ottawa)
David Ready (Flight Data Specialist, Ottawa)	Carol Adams (AIS Ottawa)
France Gingras (ATOS Montréal)	Lyne Wilson (Labour Relations Ottawa)

Within a collaborative environment and through joint decision making, the responsibilities of the Working Group will include, though not limited to, the following:

- Identify a short list of subject expert consultants in the field of classification system design and implementation. The Working Group will establish the statement of work in order to engage a consultant / consulting firm. Through a competitive contracting process, the Working Group or a designated sub-

- group, will evaluate all consultant proposals and select the consultant to work on this project;
- Provide strategic direction to the consultant/consulting firm engaged. Direction will be typically in areas of :
 - Integrating the letter of understanding commitments into the project approach and deliverables;
 - Consultants’ overall project methodology;
 - Types of factors to be included and their respective definitions (i.e., setting the design framework);
 - Site visits (where, when, purpose); and,
 - Contacts.
 - Approve project methodology and any amendments to it or the project plan;
 - Approve contractual commitments and, through the Project Office, manage the project invoicing and expenditures;
 - Review progress and meet as required with the consultants;
 - Review and provide feedback respecting all project deliverables be they originating with the consultants or from the Working Group itself;
 - Approve all project deliverables;
 - Develop and manage an on-going communication strategy, and,
 - Manage on-going solicitation / feedback from the project advisors respecting project developments at no less a frequency than established milestones.

Advisors / Advisory Committee

Both the CAW LOCAL 1016 and the employer will identify advisors to their respective working group representatives to facilitate the provision of technical, organizational and general input from the individuals who will be impacted by the outcomes of this project.

The Advisors to the Working Group are:

Advisors to CAW LOCAL 1016 Working Group Members	Advisors to the Employer
Kathy Hunt (TSS Moncton)	Frank Kratt (National Manager, Operational Training Initiatives- Ottawa)
Jocelyne Morency (TSS Montréal)	Gavin Fenton (MIT- Winnipeg)
Nancy Gulley (Sr Simulation Specialist Ottawa)	
Michel Boucher (TSS NCTI)	
Brian Wachko (Training Technology Specialist Ottawa)	
Kris McGeough (ATOS Edmonton)	
Marco Ruscitti (ATOS Toronto)	
Jim Walker (ATOS Winnipeg)	
Caroline Whereatt (ATOS Vancouver)	
Sandy Chiasson (ATOS Gander)	

The role of the advisors will be, though not limited, to:

- Represent stakeholder group(s) and provide feedback to the Working Group when requested;
- Assist the Working Group in the distribution of project information/ communications. The role extends to bringing to the attention of the Working Group any questions or areas requiring immediate clarification or attention;
- During consultant site visits act as one of the local contacts;
- Collect relevant data in order to build their knowledge base as it relates to jobs outside of their area of expertise, and,
- As required, attend Working Group meetings in the role of an observer.

Both the Working Group and Project Advisors will act as positive / constructive agents of change as it relates to the progress and ultimately implementation of the new classification system for this bargaining unit.

Observers

Observers represent any technical / subject resource brought in as required to support the Working Group. They could be one of the already identified project advisors or a resource who is consulted for a particular job, process, technology or any other area of expertise related to the project. They will be called on to provide input / context and feedback to the Working Group's deliberations. Observers do not participate in any decision making process but rather in such capacities as technical or subject advisor.

Observers may be invited to Working Group sessions but on prior notification of the other group members.

Project Office

NAV CANADA agrees to manage a project office for the purpose of:

- Providing work plans, budget summaries, project progress updates, communiqués, and other relevant documents as directed by the Working Group;
- Providing funding required for outside consultant services;
- Coordinating the receipt and distribution of job data and/or project material as may be required;
- Responding to inquiries regarding the project and submitting to the Working Group for action as necessary, and,
- Providing meeting logistical support.

3. Principles

To guide the project work, it has been agreed that members of the Working Group will respect several principles related to the project working environment as well as a number of high level system requirements for the new classification system.

Working Together

The Working Group representatives have agreed to conduct their activities such that:

- The team works in a collaborative manner minimizing any partisan or positional type behaviour;
- Communication during and between working sessions exemplifies open and constructive dialogue. Comments and/or topics raised during working sessions are not to be held against other members of the Working Group;
- Once an agreement has been reached, the Working Group representatives will stand behind it;
- All members will show respect for one another not only in their words but commitment to the work of the project;
- What is said during the course of the Working Group sessions remains confidential to the group until such time that the Working Group develops and distributes a communication bulletin; and,
- Members of the Working Group commit to providing timely feedback; making timely decisions and where necessary, holding consultations such that project timelines are not unduly challenged.

Design

The Working Group will oversee the engagement of third party subject expertise to design a new classification system that will embody at the minimum the following criteria:

- A fair and equitable classification system;
- CHRC compliant;
- Transparent;
- Understandable;
- Data capture permits consideration of workplace differences;
- Possesses a challenge or ADR process (for conversion to the new system);
- Integrates the LOU requirements (e.g., volume and consequence of error considerations);
- Ensures clarity respecting job role / job duties;
- Provides a clear classification process (how do jobs get evaluated etc); and,
- Applicable to all members of CAW LOCAL 1016.

4. Project Logistics

- In order to schedule or hold a Working Group meeting quorum must be met. It is understood that quorum is met with three persons for each team (union / management). Among those, always present must be the President of CAW LOCAL 1016 and the Manager, LR & Classification Projects, unless mutually agreed to by those two parties;
- NAV CANADA will cover the time union representatives require to be released to attend planned joint working group meetings, plus travel days, at regular pay. The attending of these meetings would be coded as NAV CANADA paid leave.

- From time to time it is anticipated that some difficulties will arise in reaching consensus decisions. The Working Group is committed to doing what it takes to resolve these hurdles and avoiding, unless no other choice, the Letter of Understanding's arbitration board solution for impasse;
- Doing what it takes will involve no less than
 - Using project resources to fullest extent
 - Consultant's expertise & facilitation skills
 - Advisory Committees
 - Observers/ subject experts
 - Failure to reach consensus as a Working Group, the President of CAW LOCAL 1016 and Manager, LR & Classification Projects will attempt to reach consensus on the unresolved issue(s)
 - Failure to reach agreement between the President of CAW LOCAL 1016 and Manager, LR & Classification Projects, the parties will bring in the Assistant Vice President, Labour & Employee Relations and the CAW National Representative for the local
 - Failure to reach agreement under any of the above avenues, the process for impasse as agreed to in the collective agreement's LOU No 6 will be followed

5. Communication

Critical to the success of any major project is the provision of timely and accurate communication. To this end the Working Group will develop and manage all project communication. This will entail defining the need for, content, timing and audience of all forms of communication related to the project's activities. When it relates to consultant communication, their work will be reviewed and approved by the Working Group prior to distribution.

At a minimum, communications will occur around established project milestones (i.e., major activity or deliverable points). When there are long periods between milestones (e.g., long analysis periods), the Working Group will ensure that mid-point updates are provided.

Project updates, important notices and/or project reports will be made available. All Working Group issued communication will be dispatched simultaneously by the Union to its website and by the Project Office (LR) for distribution to line managers. Communications will respect the requirement to publish project material in both official languages.

For the purpose of accurately reflecting the nature of this project, the project reference will be the CAW LOCAL 1016 / NAV CANADA Joint Classification System Review. Other terminology, such as reclassification will be used only under very specific contexts and never in terms of referencing the overall project.

6. CAATS

One of the activities that will set a strong foundation for realistic job evaluations is accurate and complete job data collection. As this project begins, it coincides with the phased implementation of CAATS at each ACC. The scope and nature of impact to the work of bargaining unit members, in particular TSS and ATOS, is only just being felt where there has been experience with the technology. In order for the consultants to be able to visit, audit and discuss the work requirements as they are performed and to ensure high job data quality, the Working Group has agreed that the following data collection process will be followed. This will permit taking into account the impact of CAATS and any changes in job requirements.

- 1- Collect job data based on the activities, responsibilities, scope and environment for which the job is performed at the time of the data collection phase of the project;
- 2- Evaluate the job based on job data as collected (supplemented by any necessary site visits, interviews etc);
- 3- Develop a protocol to revisit / maintain the job data and evaluations rendered between project end (i.e., receipt of consultant report / running of the ADR/ issuance of the final project report) and implementation of the new classification system following bargaining; and,
- 4- Should the implementation of CAATS extend beyond the conversion date of the new classification system, the Working Group recommends that once CAATS is fully commissioned nation wide and has been operating at all ACCs for no less than 3 months, all jobs with direct CAATS impact be reviewed to determine whether project assessments have held true. The consultants involved with the original evaluations would be brought back to perform the evaluation and present their recommendations to the Joint CAW LOCAL 1016 / NAV CANADA Working Group.

7. Consultant

As per the Letter of Understanding reached with the parties during collective bargaining, the core project work will be delivered by the use of third party expertise. Subject to further refinement during the contracting competitive bid process, the consultant / consulting firm will be responsible to:

1. Develop a proposal for conducting this review;
2. Develop an approach to design and conversion to a new classification system;
3. Incorporate an approach to building an understanding of the organization and this bargaining unit's work. Should include orientation visits to the following sites (list). To maximize the visits around peak work periods these visits should be done in August.
4. Design the system;
5. Train members, management and the Working Group on the data collection process and other areas where additional knowledge would benefit project participants;
6. Administer data collection;
7. Evaluate all jobs in the bargaining unit;

8. Facilitate the review of evaluation results;
9. Develop a banding structure (i.e., grade levels);
10. Prepare report on the hierarchy; and,
11. Lead an ADR process.

8. Amendment Clause

These terms of reference may be amended from time to time with mutual agreement of the parties.

Appendix A- Letter of Understanding No. 6

Classification

Commencing within one hundred and eighty (180) days following the date of ratification, CAW Local 1016 and NAV CANADA will meet to commence a process to establish a new classification system applicable to all positions and groups covered by this collective agreement. CAW Local 1016 and NAV CANADA agree to make all reasonable efforts to conclude this process as soon as possible.

- (i) The parties will engage an outside firm with recognized experience and expertise in the field of classification. Failing agreement, each party will nominate one firm and the successful firm shall be chosen by lot. The Employer will be responsible for the firm's fees and expenses.
- (ii) As part of its work, the firm will accept submissions from both sides concerning the criteria to be considered and measured, including but not limited to such issue as work volume, and consequence of error.
- (iii) The firm shall evaluate all positions in the bargaining unit and will produce a proposed new classification system and standards, with a target date for completion being one year after the signing of the collective agreement.
- (iv) Upon completion, the firm's report will be submitted to the parties who will apply their best efforts to agree on the report with or without amendments.
- (v) The parties will then consult in order to determine how to implement the new classification system and any associated salary adjustments.
- (vi) It is understood that employee who occupies a position at a location where the classification level is decreasing, such employee will be "green circled" so long as they occupy this position.

"Green circle" for the purpose of this letter shall mean that the employee shall continue to receive his/her current rate of pay including negotiated adjustments and increments. For clarity, the salary rate would be subject to economic and incremental increases until the employee vacates the position or the applicable maximum salary for the position under the classification system meets or exceeds the maximum of the protected salary range.

- (vii) If, within four months following receipt of the report, no agreement is reached pursuant to the preceding two subparagraphs, then either party may refer the unresolved issue or issues to a binding arbitration board (with nominees appointed by each side who would appoint a chair) which would render at a minimum, a majority decision.
- (viii) Notwithstanding subparagraphs (v) and (vi), it is expressly agreed that the new classification system shall not be implemented until the next collective agreement is signed by the parties. The parties will be left to negotiate the economic implications of any new or modified classification system in that round of bargaining. The effective date of the new classification program, once negotiated and/or arbitrated shall be July 1, 2009.