В

Bargaining Units, 9

- definition, 9
- jurisdictional organization, 9

Canadian Labour Congress, 32

С

CAP, *see* Enforcing Standards, corrective action plan.

Collective Agreement Boundaries, 39–40, *see also* Management Rights

- framework of agreement, 39–40
- management rights, recognized, 40
- ten characteristics, 40

Common Law Boundaries, 19–28, *see also* Management Rights

- background, 19
- contracts, law of, 20-23
- •• bargain, 20–21
- ••• form of, 21
- • indefinite v. defined term, 21-22
- • mitigation of damages, 22–23
- • termination of employment, 22
- damages, bad faith, 26-28
- • Keays clarification, 27–28
- • reasonable notice, 26–27
- • Wallace decision, 27

- non-unionized employees, 20
- compensatation for damages, 20
- reasonable notice period, 20, *see also* Wallace Damages
- torts, law of, 23-26
- •• damages, 24, 25
- •• definition, 23
- • disclaimer, 25–26
- duty of care, by representative, 24
- future requirements, 24–25
- · unionized employees
- no application to, 19
- wrongful dismissal, 19-20, 22

Communicating Expectations, 48–49,

- 65–72., *see also* Human Resource Management
- active listening
- ten suggestions, 72
- front-line supervisors, 66-69
- • consistency, 66, 68–69
- • decision-making authority, 67
- follow the framework, 66, 67–68
- practice active listening, 71–72
- higher level management, 65-66
- • involved in serious situations, 66
- practice active listening, 71–72
- removal from day-to-day, 65-66
- other workplace players, 71

Effective HR Management in a Union Environment

Communicating Expectations (*cont'd*) • union, 70–71

- • outside representation, 70–71
- • stewards, 70
- workers, 69–70
- • distribution of paper, 69–70
- individual and situational communication, 70
- • informal communication, 70
- operations-wide training and communications, 70
- • work group training and communications, 70

Confidential Staff, 13

• non-union, 13

Ε

Employee Organizations and Representatives, 13–15

- employee association, 13–14
- • operating like a union, 14
- individual employee representatives, 14–15
- • work groups, 15
- social organizations, 14
- trade union, 13

Encouraging Suggestions and

Complaints, 50–51, 93–104, *see also* Human Resource Management

- arbitration
- • final and binding, 95
- formal legal proceeding, 95, 97
- • onus
- ••• PING-PONG-ping, 97, 98–100
- ••• with employer for discipline or dismissal, 97

- ••• with union in all other cases, 97
- • unavailable in non-union, 95–96
- stages
- ••• argument, 99–100
- ••• evidence, 98–99
- •••• cross-examination, 99
- •••• examination-in-chief, 99
- •••• re-examination, 99
- ••• opening statements, 98
- ••• preliminary, 97–98
- •••• bifurcation, 98
- •••• objections, 97–98
- avoid unnecessary complaints, 103–104
- complaints
- first step, 94
- • normal, 93–94
- grievances
- issues, 100–101
- ••• importance of front-line supervisor, 101
 - •• W5 rule, 101
- limit, 94–95
- open-door policy, limited effect, 94
- • procedure, 94–97
- ••• grievance form, 96, 97
- ••• grievance meetings, 96
- ••• time frames, 96
- ••• union carries, 95
- introduction, 93
- responses and resolutions, 101–103
- • compromises, 102
- •• guidelines, 102–103
- initial or second stange, 101

Encouraging Suggestions and Complaints (*cont'd*)

- • later stages, 101–102
- • retreat, 102

Enforcing Standards, 49–50, 73–92, see also Human Resource Management

- corrective action plan (CAP), 77-89
- basic levels, 80–82
- ••• dismissal, 81–82
- • • last chance agreement, 82, 83–84
- ••• oral counseling, 80
- ••• suspension without pay, 81
- ••• written warning, 80–81
- • decision to discipline, 84
- • double jeopardy, 87–88
- • fundamentals, 78–80
- ••• minimum force, 78
- ••• sample form, 79–80
- ••• typical plan, 78–79
- guidelines, 88–90
- • investigation, 84–86
- ••• key points in process, 85–86
- ••• W5 rule, 85, 101
- mitigating circumstances, 86-87
- ••• prior record of corrective action, 87
- •• purpose, 77–78
- when corrective action appropriate
- ••• consistency, 83
- ••• investigation of facts, 83, 84–86
- ••• last chance agreement, 83–84
- dismissal scenarios, 89-91
- •• just cause, 89

- •• lack of ability, 91
- non-performance/absenteeism, 89–91
- ••• frequent short-term absences, 90–91
- •••• three-step process, 90–91
- ••• illness or injury, 89–90
- •••• two-step process, 90
- introduction, 73
- merit pay, 75-77
- • additional considerations, 76–77
- classification structure, 75
- • union resistance, 75
- •• wage grid, 75-76
- performance evaluations, 73–75
- • annual, 74
- employee self-evaluation, 74
- explanation of, 74–75
- •• goal setting, incorporating, 74
- monitoring program, 74
- • probationary employees, 73–74
- settlements, 92

F

- Framework, Creating a, 47, 53–63, *see also* Human Resource Management
- buy-in, 60–63
- implement suggestions, 60–61
- input before finalization, 60
- maintaining control
- ••• HRP drives process, 61
- ••• incorporating input, 62
- • manage input process, 62–63
- ••• ultimate decision-maker, 61–62
- promotion of framework, 61

Effective HR Management in a Union Environment

Framework, Creating a (cont'd)

- comparison, other organizations, 55–56
- • what to consider, 55–56
- • where to compare, 56
- improve framework, 56-59
- categorize employees, 57
- • ongoing process, 56–57
- resultant suite of materials, 59
- review employment terms and conditions, 57
- • review principal policies, 57
- review procedures, 57–58
- review rules, 58–59
- introduction, 53
- self-audit, 54-55
- • knowledge repositories
- ••• general workplace documents, 54
- ••• people
- •••• supervisors, 54–55
- •••• union leaders, 55
- •••• workers, 54
- ••• personnel files, 54

Front-line Supervisors, 9-11

- bridge, 10-11
- collective agreement, application of, 10
- economic power
- • discipline, 9–10
- •• hire and fire, 9
- HR lessons, 11
- HR, day-to-day, 10
- non-union, 10

G

Group Leaders, Lead Hands, 8

Н

Higher Level Management, 11–12

- challenges, 11–12
- one step removed, 11
- union involvement, 11
- **HRP**, *see* Human Resources Professional

Human Resource Managment, 47–52

- building blocks
- communicating expectations, 48–49, 65–72, *see also* Communicating Expectations
- ••• excellence, strive for, 48
- •• two-way street, 48, 71–72
- complaints, 50–51, 93–104, see also Encouraging Suggestions and Complaints
- ••• arbitration, 50
- ••• effective complaint procedure, 50–51
- ••• grievance, 50
- continuous renewal and change, 51–52, 105–110, *see also* Renewal and Change
- • calendar system, 51–52, 106
- correcting, 49–50, 73–92, *see also* Enforcing Standards
- ••• absenteeism
- ••• culpable, 49
- ••• innocent, 49, 49–50
- ••• inadequacy, 49
- • poor behaviour, 49
- creating a framework, 47, 53–63, *see also* Framework, Creating a

Human Resource Managment (cont'd)

- ••• objectives, overall, 47
- ••• requirements, 47

Human Resources Professionals, 12

- policy development, 12
- role, 12

I

Internal Responsibility System, 34

Introduction

- · HR management
- • balance, 1
- • consistency, 3–4
- • ongoing risks, 4–5
- • positive results, 4
- mixed workplaces, 3-4
- non-union v. union, 1–3
- practical approach, 17

IRS, *see* Internal Responsibility System

Κ

Keays Decision, 20, 27–28

L

Last Chance Agreement, 82, 83–84, *see also* Enforcing Standards

Μ

Managament Rights, 17–45

- boundaries, 19
- collective agreement, 39–40, see also Collective Agreement Boundaries
- common law, 19–28, *see also* Common Law Boundaries

- self-imposed, 40–45, *see also* Self-imposed Boundaries
- •• statutory law, 28–39, *see also* Statutory Boundaries
- limitless, within boundaries, 17
- overview, 17–19
- visual context, 17–18

Ρ

Professional Workers, *see* Skilled Employees

R

- Renewal and Change, 51-52,
- 105–100, *see also* Human Resource Management
- calendar system, 106
- continuous improvement, 110
- ongoing process, 105-106
- training, 106-1010
- two approaches
- ••• leader, 109–110
- ••• vision, 107–108

S

- Self-imposed Boundaries, 40–45, see also Management Rights
- culture and history
- change in the workplace, 44–45
- ••• advance notification to union, 45
- ••• buy-in, 44
- leadership, changes of, 43–44
- • workplace communities, 43
- · key concepts
- • policies, 41
- practices, 41

Effective HR Management in a Union Environment

Self-imposed Boundaries (cont'd)

- • procedures, 41
- •• rules, 41–42
- observations about, 42–43

Skilled Employees, 8–9

- non-managerial professionals, 8
- office setting, 9
- trades, 8

Statutory Boundaries, 28–39., see also Management Rights

- areas, significant, 28-29
- • employment standards, 28, 29–30
- • basic standards, 29
- ••• minimum wage, 30
- health and safety, 29, 34–35
- ••• co-operation, opportunity for, 34
- ••• employer responsibility, 34–35
- ••• internal responsibility system (IRS), 34
- • human rights, 29, 38–39
- ••• discrimination, 38
- • harrassment, 38–39
- ••• supervisory and managerial staff
- •••• reprisal, 39
- •••• solicitation, 39
- ••• union obligations, 39
- labour law, 28–29, 30–34
- ••• bargaining rights
- •••• collective, 32–34
- ••••• drop-dead point, 33
- ••••• neutral adjudicator, 34
- strike or lockout, 33–34
- •••• techniques, negotiating, 32–33

- •••• establishing, 30–32
- •••• membership drive, 31
- •••• obtaining legal counsel, 31
- •••• terminating, 32
- •••• units, 30–31
- •• certification of union, 30
- workers' compensation, 29, 36–38
- ••• modified work or hours, 36–37
- ••• permanent accommodation, 37
- •• reporting, 37–38
- ••• balancing interests, 38
- workplace harrassment and violence, 35–36
- ••• definitions, 35
- ••• risk assessment, 36
- background, 28
- jurisdictions, 28

Т

The Players, 7–15, *see also* Communicating Expectations

- bargaining units, 9, *see also* Bargaining Units
- confidential staff, 13
- employee organizations and representatives, 13–15, *see also* Employee Organizations and Representatives
- front-line supervisors, 9–11, *see also* Front-line Supervisors
- group leaders, 8
- higher level management, 11–12, see also Higher Level Management
- human resources professionals, 12, see also Human Resources Professionals
- professional workers, see Skilled Employees

The Players (cont'd)

- skilled employees, 8–9, *see also* Skilled Employees
- third parties, 13, *see also* Third Parties
- workers, 7-8, see also Workers

Third Parties, 13

• definition, 13

W

Wallace Damages, 20, 26-28

Workers, 7–8

- employment relationship, 8
- manufacturing plant

- • blue-collar, 7
- • white-collar, 7
- office setting, 7
- students, 7
- terms and conditions, 7-8
- Workplace Safety and Insurance, see Statutory Boundaries, workers' compensation