



To: General Purposes Committee

Date: December 10, 2012

From: Mike Pellant
Director, Human Resources

File: 05-1400-01/2012-Vol
01

Re: Metro Vancouver Labour Relations Service Bylaw No. 1182, 2012

Staff Recommendation

That Richmond City Council consent to the terms and conditions of withdrawal of the Greater Vancouver Regional District Labour Relations Service Bylaw No. 1182, 2012 and approve the adoption of the Greater Vancouver Regional District Labour Relations Service Bylaw No. 1182, 2012 by providing consent on behalf of the electors.

Mike Pellant
Director, Human Resources
(604-276-4092)

Att.

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER	
REVIEWED BY SMT SUBCOMMITTEE	INITIALS:
REVIEWED BY CAO	INITIALS:

Staff Report

Origin

The Labour Relations Function has been going through changes due to the withdrawal of a number of Municipalities over the period from 2008 onwards. The issue of local autonomy had been a focus of attention since the withdrawal by the City of Richmond in 2001, but became more acute with withdrawal notices from Burnaby, Vancouver, Delta, West Vancouver and North Vancouver District.

By 2011 there had been a review of the Labour Relations Function by an external labour relations expert and with the assistance of a consultant, a further review conducted by senior staff in the Municipalities. These reviews led to the recommendation for a new approach to the delivery of LR Services – the Autonomy Model.

On January 13, 2012 the GVRD Labour Relations Conversion and Amendment Bylaw No. 1156 was passed by the Board. This interim Bylaw extinguished GVRD Supplementary Letters Patent which included the Labour Relations Bureau, which had been the political board of directors for the LR Function. The Bylaw removed the administrative and executive functions from the Bureau which previously allowed them to set regional mandates and approve other Municipalities' Collective Agreements.

The interim Bylaw will expire on December 31, 2012, and the Metro Vancouver Board has now passed a new bylaw (Labour Relations Service Bylaw No. 1182, 2012) which has been sent to all the Municipalities for approval. The new Bylaw includes a revised funding formula that establishes how each Employer – Municipality or related Board will pay for LR services if they opt to utilize those services (see attached Appendix). Before the Bylaw can be finally adopted however, sections 800.2(1)(d) and 800.2(3) of the *Local Government Act* require all participating municipalities to provide consent to the terms and conditions of future withdrawal from the bylaw and also provide approval to the bylaw pursuant to section 801 of the *Act*.

Analysis

The *Labour Relations Service Bylaw No. 1182, 2012* establishes the "Autonomy Model" for Metro Vancouver and participating areas for years 2013 and beyond.

The "Autonomy Model" is based on a philosophy of "Principle of Common Interest and Trust" among member Municipalities. The expectations on member Municipalities are to develop an awareness of each other's circumstances and issues, strive to achieve a broad consensus on common bargaining issues, and obtain access to Base Services which include research, information and administrative services. Payment for these services will be on the basis of population size with annual adjustments as endorsed by RAAC and approved by the Metro Vancouver Board.

This new Bylaw recognizes that each Municipality is autonomous and is able to decide their own direction on any labour relations matter. The Bylaw provides no authority to Metro Vancouver in any form over local municipal bargaining, compensation, job evaluation, or any other aspect of labour relations, nor does membership in the service carry with it any implication that Metro Vancouver staff or elected officials will have any uninvited involvement in local bargaining, compensation, or job

evaluation. It thus satisfies the wish of Richmond and others who desire full autonomy.

The Bylaw also permits Metro Vancouver to provide collective bargaining, job evaluation, compensation, and other services to Municipalities who desire these services and allows for voluntary alliances between willing Municipalities who wish to establish common policy or bargaining strategies or a tighter bargaining structure. Membership participation in the willing group of employers may or may not change for each round of bargaining. Richmond will avail itself of the Basic Services providing research and strategic discussions on labour relations issues, compensation, benefits, economic trends and labour negotiations; collective bargaining and job evaluation services are not required by Richmond as internal resources are presently used.

The provision of collective bargaining and/or job evaluation services are based on the number of collective agreements, the number of unionized employees and the number of job evaluation requests processed by the Function over a 5 year period. The withdrawal from these services is covered by the bylaw: after January 1, 2014 the participating area may withdraw from Base, Collective Bargaining or Job Evaluation services by providing notice and such withdrawal will become effective 24 months after date of notice. As indicated in attached Schedule A, Richmond would continue to utilize Base Services, but not avail itself of either Collective Bargaining or Job Evaluation services. Future acquisition of unused services is available by notification to Metro Vancouver's Labour Relations Department; future cost for such requests would then become effective based on the aforementioned parameters of collective agreement and unionized employee numbers, etc.


The costing model allocates the costs of Base Services to the Municipalities and the cost of collective bargaining and job evaluation services to those Municipalities that have opted to use the LR Function to deliver those services. It also uses the same formulas to establish costs for related Boards and Commissions that opt to use the LR Function for collective bargaining and job evaluation.

Financial Impact

Support of the "Autonomy Model" will increase the City of Richmond levy to \$81,438 for 2013 over the amount for the 2010 adjusted requisition (\$58,098). This is an increase of \$23,340 of which \$14,388 is for the costs of collective bargaining and job evaluation services utilized by the Richmond Public Library. The increased amount will be recovered through the municipal tax requisition that is included in the property tax notice and collected by the City of Richmond on behalf of Metro Vancouver.

Conclusion

That City Council consent to the terms and conditions of withdrawal of the Greater Vancouver Regional District Labour Relations Service Bylaw No. 1182, 2012 and approve the adoption of the Greater Vancouver Regional District Labour Relations Service Bylaw No. 1182, 2012 by providing consent on behalf of the electors.

Mike Pellant 
Director, Human Resources
(604-276-4092)

MP:mp



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File: CR-07-01

DEC 05 2012

Mayor Malcolm Brodie and Council
City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1

Dear Mayor Brodie and Council:

Re: Labour Relations Service Bylaw No. 1182, 2012

The Metro Vancouver Board of Directors introduced and gave three readings to the *Greater Vancouver Regional District Labour Relations Service Bylaw No. 1182, 2012* at its November 30, 2012 meeting. The purpose of the *Bylaw* is to provide for the provision of labour relations services to participating members. Attached is a detailed financial schedule providing the proposed 2013 cost allocation model for participants. The *Bylaw* and its terms were approved unanimously by the Regional Administrators Advisory Committee.

Before the *Bylaw* can be finally adopted the following terms must be agreed to:

1. provide participating area consent to the terms and conditions of withdrawal pursuant to sections 800.2(1)(d) and 800.2(3) of the *Local Government Act*; and,
2. provide participating area approval to the bylaw pursuant to section 801 of the *Act*.

Section 801(2)(c) of the *Act* applies to participating area approval and therefore a council may give participating area approval by consenting on behalf of the electors to the adoption of the bylaw (s. 801.4).

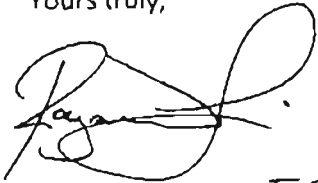
A council may pass two resolutions addressing each of the requirements set out above or may roll both into a single resolution. A sample resolution is set out below for your convenience:

"The Council of _____ consents to the terms and conditions of withdrawal of the *Greater Vancouver Regional District Labour Relations Service Bylaw No. 1182, 2012* and approves the adoption of the *Greater Vancouver Regional District Labour Relations Service Bylaw No. 1182, 2012* by providing consent on behalf of the electors."

We respectfully request that you include this item on the agenda of your next council meeting. Following receipt of all members' consents the *Bylaw* must be forwarded to the Inspector of Municipalities for approval before it is sent back to the GVRD Board for final adoption at its first meeting of 2013. Your approval by **January 11, 2013**, would be greatly appreciated in order to meet these timelines.

All Council consents should be forwarded to Paulette Vetleson, Corporate Secretary, at Paulette.Vetleson@metrovancover.org or via facsimile to 604-451-6686.

Yours truly,

A handwritten signature in black ink, appearing to read 'Greg Moore', with a large, stylized flourish extending from the end of the signature.

FOR
Greg Moore
Chair, Metro Vancouver Board

GM/PV/lb

cc: CAOs/City Managers, Metro Vancouver members
Municipal Clerks, Metro Vancouver members

Attachments:

1. Labour Relations Service Bylaw No. 1182, 2012
2. 2013 Cost Allocation model

GREATER VANCOUVER REGIONAL DISTRICT

LABOUR RELATIONS SERVICE BYLAW NO. 1182, 2012

**A bylaw to establish the Labour Relations Service of the
Greater Vancouver Regional District**

WHEREAS:

- A. Subject to the limitations and conditions set out in the *Local Government Act* 1996 R.S.B.C. c. 323, a regional district may, pursuant to section 796(1) of the *Act*, operate any service that the board considers necessary or desirable for all or part of the regional district;
- B. In order to operate a service, the board of a regional district must first adopt an establishing bylaw for the service as provided for by section 800(1) of the *Local Government Act*;
- C. The board of the Greater Vancouver Regional District (the "**Board**") considers it desirable to provide labour relations services to its member municipalities and Tsawwassen First Nation;
- D. As required by subsections 800.2(1)(d) and 800.2(3) of the *Local Government Act*, each participant has approved the terms and conditions for withdrawal from the services established by this Bylaw; and
- E. In accordance with sections 801(2)(c) and 801.4 of the *Local Government Act*, each participating area has approved this service establishing Bylaw.

NOW THEREFORE the Board in open meeting assembled enacts as follows:

1. CITATION

- 1.1. This bylaw may be officially cited for all purposes as the "Greater Vancouver Regional District Labour Relations Service Bylaw No. 1182, 2012".

2. DEFINITIONS

"**Collective Bargaining Service Recipient**" means the Regional District and those Participating Areas and Schedule "A" Entities that have retained the Regional District to provide Collective Bargaining Services;

"**Job Evaluation Service Recipient**" means the Regional District and those Participating Areas and Schedule "A" Entities that have retained the Regional District to provide Collective Bargaining Services;

"**Population**" means, for each Participating Area, the population of that Participating Area as recorded in the most recent British Columbia population statistics available from BC Stats within the Ministry of Labour and Citizens' Services, or its successor;

"**Unionized Employees**" means, for each Collective Bargaining Service Recipient, the number of full time equivalent unionized employees that were employed by the Collective Bargaining Service Recipient on the date of its most recent calculation of full time equivalent unionized employees; and

“**Schedule “A” Entity**” means each public body listed in Schedule “A” of this Bylaw.

3. DEFINITION OF PARTICIPATING AREA

3.1. The Greater Vancouver Regional District (“**Regional District**”), the Tsawwassen First Nation and each member municipality of the Regional District, excluding Electoral Area “A”, is a participating area for the purposes of the Base Services (each a “**Participating Area**”).

4. SERVICE AREA

4.1. The service area for the Labour Relations Services is the area within the boundaries of all of the Participating Areas (the “**Service Area**”).

5. SCOPE OF SERVICES

5.1. The Regional District will undertake and carry out for all Participating Areas the following services (the “**Base Services**”):

- a) Assisting and facilitating strategic discussions amongst Participating Areas on labour relations issues including compensation, benefits, economic trends and labour negotiations; and
- b) Researching, collecting data and distributing information to Participating Areas on labour relations issues including compensation, benefits, economic trends and labour negotiations.

5.2. If a Participating Area has retained the Regional District to provide Base Services it may also retain the Regional District to provide collective bargaining and labour negotiation services (“**Collective Bargaining Services**”).

5.3. If a Participating Area has retained the Regional District to provide Base Services it may also retain the Regional District to provide compensation, job evaluation and related research (“**Job Evaluation Services**”).

5.4. The Regional District may provide Collective Bargaining Services or Job Evaluation Services to any Schedule “A” Entity by entering into a contract for service containing the same terms regarding apportionment and withdrawal as are applicable to Participating Areas.

5.5. On a fee for services basis the Regional District may provide Collective Bargaining Services or Job Evaluation Services to other public bodies. For the purposes of this section, other public bodies include school boards, health boards, library boards, police boards, museum boards, parks and recreation commission, community associations and other municipalities outside the Regional District other than Schedule “A” Entities.

6. COST RECOVERY

- 6.1. As provided in section 803 of the *Local Government Act*, the annual costs for providing the Base Services, Collective Bargaining Services and Job Evaluation Services (collectively, the "**Labour Relations Services**") shall be recovered by one or more of the following:
- (a) property value taxes imposed in accordance with Division 4.3 of the *Local Government Act*,
 - (b) parcel taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*,
 - (c) fees and charges imposed under section 363 of the *Local Government Act*,
 - (d) revenues raised by other means authorized by the *Local Government Act* or another Act; or
 - (e) revenues received by way of agreement, enterprise, gift, grant or otherwise.

7. COST APPORTIONMENT

- 7.1. The total annual costs of the Labour Relations Services, after deducting from the total annual cost of providing the Labour Relations Services the revenues, if any, raised or received under subsections 5.5, shall be apportioned on the basis of whether they will be incurred for Base Service, Collective Bargaining Services or Job Evaluation Services.
- 7.2. The Regional District's total budgeted cost of providing the Base Services shall be apportioned among all Participating Areas on the basis of the proportion that each Participating Area's Population bears to the total Population of all Participating Areas.
- 7.3. For the purposes of calculating the Regional District's apportionment pursuant to section 7.2, the Regional District's population is deemed to be equal to the average population of the City of Burnaby, the City of Richmond, the City of Surrey and the City of Vancouver.
- 7.4. The Regional District's total budgeted cost of providing the Collective Bargaining Services, after deducting anticipated revenues raised or received under subsection 5.5, will be apportioned as follows among the Collective Bargaining Service Recipients:
- (a) One half apportioned on the basis of the proportion that the total number of each such Collective Bargaining Service Recipient's Unionized Employees bears to the total number Unionized Employees of all such Collective Bargaining Service Recipients; and
 - (b) One half apportioned on the basis of the proportion that the total number of collective agreements entered into by each such Collective Bargaining Service Recipient bears to the total number of collective agreements of all such Collective Bargaining Service Recipients.

7.5. The Regional District's total budgeted cost of providing the Job Evaluation Services, after deducting anticipated revenues raised or received under subsection 5.5, will be apportioned among the Job Evaluation Service Recipients on the basis of the proportion that each Job Evaluation Service Recipient's average annual number of requests for Job Evaluation Services for the most recent five year period bears to the total average annual number of requests for Job Evaluation Services for the most recent five years period requested by all such Job Evaluation Service Recipients.

8. WITHDRAWAL FROM BASE SERVICES AND ADDITIONAL SERVICES

8.1. After January 1, 2014 a Participating Area may withdraw from Base Services by providing notice in writing to the Regional District's Corporate Secretary and such withdrawal shall become effective 24 months after the date that notice was provided to the Regional District's Corporate Secretary.

8.2. After January 1, 2014 a Collective Bargaining Service Recipient may withdraw from the Collective Bargaining Services by providing notice of such intention in writing to the Regional District's Corporate Secretary and such withdrawal shall become effective 24 months after the date that notice was provided to the Regional District's Corporate Secretary.

8.3. After January 1, 2014 a Job Evaluation Service Recipient may withdraw from the Job Evaluation Services by providing notice of such intention in writing to the Regional District's Corporate Secretary and such withdrawal shall become effective 24 months after the date that notice was provided to the Regional District's Corporate Secretary.

9. MAXIMUM REQUISITION

9.1. The annual maximum amount that may be requisitioned for the Labour Relations Services is the amount equivalent to \$0.03425 for each \$1,000.00 of net taxable value of land and improvements included in the service area.

READ A FIRST TIME this 30th day of November, 2012.

READ A SECOND TIME this 30th day of November, 2012.

READ A THIRD TIME this 30th day of November, 2012.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this _____ day of _____, 2012.

RECONSIDERED, PASSED AND FINALLY ADOPTED by an affirmative vote this _____ day of _____, 2012.

Paulette A. Vetteson
Secretary

Greg Moore
Chair

Schedule "A"

Burnaby Public Library
Coquitlam Public Library
Delta Police Board
New Westminster Police Board
New Westminster Public Library
North Vancouver City Public Library
North Vancouver District Public Library
Port Moody Police Board
Richmond Public Library
Surrey Public Library
Vancouver Public Library
Vancouver Police Board
West Vancouver Police Board
West Vancouver Library Board

PROPOSED COST MODEL - LABOUR RELATIONS FUNCTION

Cost Allocation Method ^{1,4,5,6,7}	Population	# of EE's & CA's	% of Reviews				
	2010 Adjusted Requisition ¹	Base Contribution 2013	Collective Bargaining 2013	JE Services 2013	Sub Total By ER 2013	Total By Muni 2013	Difference In \$ from 2010
Burnaby²	\$302,456	\$77,851			\$77,851	\$77,851	-\$224,605
<i>Burnaby Pub. Lib.</i>							
Coquitlam	\$137,970	\$43,354	\$33,918	\$73,041	\$150,313	\$158,519	\$20,548
<i>Coquitlam Pub. Lib.</i>			\$6,674	\$1,532	\$8,206		
Delta	\$132,360	\$33,959	\$31,787	\$29,625	\$95,371	\$127,073	-\$5,287
<i>Delta Pol. Board</i>			\$17,400	\$14,302	\$31,702		
Langley City	\$28,940	\$8,881	\$12,946	\$6,640	\$28,447	\$28,447	-\$493
Langley Twp.	\$133,123	\$35,877	\$26,655	\$71,508	\$134,041	\$134,041	\$917
Lions Bay	\$3,148	\$478	\$5,304		\$5,782	\$5,782	\$2,634
Maple Ridge	\$67,300	\$26,260	\$21,104	\$39,330	\$86,694	\$86,694	\$19,395
New Westminster	\$62,165	\$23,030	\$30,960	\$33,711	\$87,701	\$102,386	\$40,221
<i>New West Police Bd.</i>			\$8,654		\$8,654		
<i>New West Pub. Lib.</i>			\$6,031		\$6,031		
North Vancouver City	\$72,345	\$17,331	\$19,833	\$42,905	\$80,069	\$105,524	\$33,180
<i>NVC Pub. Lib.</i>			\$6,026	\$12,769	\$18,796		
North Vancouver Dist.	\$127,370	\$30,086	\$27,352	\$33,200	\$90,638	\$130,880	\$3,510
<i>NVD Pub. Lib.</i>			\$6,760	\$17,877	\$24,637		
<i>Northlands Golf</i>			\$5,616		\$5,616		
<i>NVRC - 60/40⁸</i>			\$11,541	\$5,108	\$16,649		
Pitt Meadows	\$17,224	\$6,227	\$11,942	\$4,086	\$22,256	\$22,256	\$5,032
Port Coquitlam	\$11,642	\$19,558	\$19,047	\$7,151	\$45,755	\$45,755	\$34,113
Port Moody	\$36,628	\$11,701	\$15,871		\$27,572	\$39,920	\$3,292
<i>Port Moody Pol. Bd.</i>			\$12,347		\$12,347		
Richmond	\$58,098	\$67,051			\$67,051	\$81,438	\$23,340
<i>Richmond Pub. Lib.</i>			\$7,748	\$6,640	\$14,388		
Surrey	\$84,344	\$160,556		\$0	\$160,556	\$160,556	\$76,213
<i>Surrey Public Lib.</i>							
Vancouver	\$1,060,573	\$220,882			\$220,882	\$328,282	-\$732,292
<i>Van. Pub. Lib.</i>							
<i>Van. Police Board</i>			\$67,559	\$39,840	\$107,400		
West Vancouver	\$118,310	\$14,961	\$30,527	\$26,560	\$72,048	\$97,284	-\$21,026
<i>West Van. Pol. Bd.</i>			\$13,261	\$511	\$13,771		
<i>West Van Lib. Bd.</i>			\$6,357	\$5,108	\$11,465		
White Rock	\$24,664	\$6,552	\$13,273	\$18,388	\$38,213	\$38,213	\$13,549
Metro Vancouver	\$187,108	\$131,585	\$41,831	\$37,286	\$210,702	\$210,702	\$23,594
Others⁹	\$7,200	\$11,344			\$11,344	\$11,344	\$4,144
TOTALS	\$2,672,969	\$947,503	\$518,326	\$527,119	\$1,992,947	\$1,992,947	

Notes:

1. For purposes of the above the 2010 requisition has not been adjusted down based on other revenue in the budget which included money from surplus and other sources. These requisitions are higher than those actually assessed.
2. For 2010 it is assumed that Burnaby was in for the full year even though they withdrew in the last quarter
3. The 2013 budget figure for the 'Municipal Levy' was used for cost allocations.
4. Base Services are Admim., Research, 50% of Central Services, and 10% of each of Collective Barg. and JE.
5. JE (Compensation) budget reduced by moving 0.5 FTE cost of Administrator to Research.
6. Both CB and JE have been allocated 25% of the Central Service costs.
7. Each of the 4 programs have been credited with 25% of the other revenues in the 2013 Budget - \$82,930 total.
8. Costs for North Vancouver Recreation Commission (NVRC) are split 60%/40% between the District and City of North Vancouver.
9. Others include Anmore, Belcarra, Bowen Island, Electoral areas and the Tsawwassen First Nation.