



City of Richmond

Report to Committee

To: General Purposes Committee

Date: November 2, 2011

From: Mike Pellant
Director, Human Resources

File: 05-1400-01/2011-Vol
01

Re: Labour Relations Conversion and Amendment Interim Bylaw

Staff Recommendation

That Council consent on behalf of the electors to the Labour Relations Conversion and Amendment Bylaw by adopting the following resolution:

"The Council of the Municipality of Richmond consents on behalf of the electors to the adoption of *The Greater Vancouver Regional District Labour Relations Conversion and Amendment Bylaw* No. 1166, 2011."

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

FOR ORIGINATING DEPARTMENT USE ONLY		
CONCURRENCE OF GENERAL MANAGER 		
REVIEWED BY TAG 	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
REVIEWED BY CAO 	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

Staff Report

Origin

On June 24, 2011, the Metro Vancouver (GVRD) Board resolved to pursue an 'autonomy model' for Labour Relations. The Regional Advisory Committee (RAAC) was requested to develop this model for implementation.

The Labour Relations Bureau decided to stand down, other than for statutory duties, as this new direction did not contemplate the Labour Relations Bureau continuing the role had previously played.

RAAC established a subcommittee to fulfill the Board's request. The sub-committee wishes to spend more time resolving the details of an autonomy model, particularly the scope, governance and funding.

In light of this, Metro Vancouver staff has, with the support of the RAAC sub-committee, prepared the attached interim bylaw. This bylaw essentially extinguishes the previous function and its associated Letters Patent and their ramifications. In their place it establishes a structure of a labour relations service as envisioned in the work done on the autonomy model. It provides for 'base services' which are minimal – essentially research and distribution of relevant information and facilitating strategic discussions by participating members – and additional optional services to be provided on a fee for service basis.

The interim bylaw provides no authority for 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 involvement in local bargaining, compensation, job evaluation, etc. It thus satisfies the wish of those who desire full autonomy.

At the same time, it enables Metro Vancouver to provide bargaining, compensation and other services to municipalities for whom this would be a benefit. The interim bylaw does not prevent voluntary alliances between willing municipalities who wish to establish common policy or bargaining strategies.

The Metro Vancouver Board has respectfully requested Council include this item on the agenda of their next Council meeting. In order to meet the timelines required to process the documentation and approvals by the GVRD Board on November 25th, Richmond Council is requested to communicate their decision by November 18, 2011.

Analysis

The City of Richmond previously served notice of withdrawal (2002) from the Labour Relations function and we have been considered a non-participating municipality with no vote at either the Labour Relations Bureau or HRAC tables. Under current provisions, Richmond has continued to pay an annual service fee of approximately 25% of fully participating members.

Under this interim bylaw, Richmond will not pay any levy for 2012 as all costs for participating and non-participating members will be covered by the current surplus within the GVRD Labour Relations department. We will continue to be able to access the base services of labour relations strategic discussions and research on compensation, benefits and labour negotiations.

Participation in the 'autonomy' model makes sense for Richmond. We do willingly participate in strategic labour relations discussions and do avail ourselves of the research services provided.

Financial Impact

For 2012, a cost savings of \$44,950 will exist as Richmond's 25% non-participant levy will be covered by the GVRD using the accumulated reserves of the labour relations function.

Membership in 2013 will be dependent on the as-yet-undetermined costs associated with the 'autonomy model' for the services in which Richmond may wish to participate.

Conclusion

That Council consent on behalf of the electors to the Labour Relations Conversion and Amendment Bylaw by adopting the following resolution:

"The Council of the Municipality of Richmond consents on behalf of the electors to the adoption of *The Greater Vancouver Regional District Labour Relations Conversion and Amendment Bylaw No. 1166, 2011.*"



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

MP:mp

GREATER VANCOUVER REGIONAL DISTRICT

LABOUR RELATIONS CONVERSION AND AMENDMENT BYLAW NO. 1156, 2011

A bylaw to convert and amend the Labour Relations Function of the Greater Vancouver Regional District to a Labour Relations Service

WHEREAS:

- A. The Greater Vancouver Regional District was incorporated by Letters Patent issued pursuant to the provisions of the *Municipal Act* on June 29, 1967;
- B. Supplementary Letters Patent dated December 13, 1973, as amended by Supplementary Letters Patent dated November 22, 1982, granted the Greater Vancouver Regional District the authority to provide labour negotiations and ancillary services;
- C. Pursuant to section 774.2(3) of the *Local Government Act* a regional district may convert the labour negotiations service to a service exercised under the authority of an establishing bylaw and may in the same bylaw amend the power to the extent that it could if the power were in fact exercised under the authority of an establishing bylaw;
- D. The Board of the Greater Vancouver Regional District wishes to convert the labour negotiations service to a labour relations service exercised under the authority of an establishing bylaw and to amend the service established thereby;
- E. The consent of all of the participants has been obtained in accordance with section 802.3 of the *Local Government Act*.

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 Conversion and Amendment Bylaw No. 1156, 2011".

2. CONVERSION

- 2.1 The function of labour negotiations and ancillary services as granted to the Greater Vancouver Regional District by Supplementary Letters Patent dated December 13, 1973, and amended by Supplementary Letters Patent dated November 22, 1982, is hereby converted, amended and established as a local service to provide labour relations and ancillary services.

3. TERM OF SERVICES

- 3.1 The local service to provide labour relations and ancillary services shall expire on December 31, 2012 unless the GVRD Board of Directors extends the service beyond that date by a majority weighted vote of those directors present representing participating municipalities.

4. SCOPE OF SERVICES

- 4.1 It shall be the function of the Greater Vancouver Regional District ("the Regional District") to undertake and carry out for all members the following base services:
- a) Assisting and undertaking strategic discussions on labour negotiations and labour relations issues amongst the members; and,
 - b) Providing research on compensation, benefits and labour negotiations; ("Base Services").
- 4.2 On a fee for services basis member municipalities may retain the Regional District to provide one or more of the following additional services:
- a) Labour negotiations and collective bargaining services;
 - b) Compensation and job evaluations and related research;
 - c) Customized training program;
 - d) Human rights complaint investigations and human rights training; and,
 - e) Benefits services including education and training on usage patterns and assessing, managing and controlling benefits costs; ("Additional Services").
- 4.3 On a fee for services basis the Greater Vancouver Regional District may provide Base Services and Additional Services to other public bodies. For the purposes of this section, other public bodies include, without limiting the generality of the foregoing, school boards, health boards, library boards, police boards, museum boards, parks and recreation commission, community associations and other municipalities outside the Greater Vancouver Regional District.

5. COST RECOVERY

- 5.1 For the year 2012, the annual cost attributable to providing the Base Services to participating members shall be paid out of the accumulated reserves of the labour negotiations function as they existed immediately before the adoption of this bylaw.

- 5.2 The costs attributable to providing the Additional Services shall be charged on a fee for services basis, except that during 2012, participating members who were previously members of the Labour Relations function and had not served notice to leave that function may have bargaining, compensation and job evaluation services provided and the costs paid out of accumulated reserves of the labour relations function as they existed immediately before the adoption of this bylaw so long as funds remain in those accumulated reserves sufficient for that purpose.
- 5.3 If the Labour Relations Service is extended beyond 2012, the annual costs for the Base Services shall be recovered by:
- (a) The imposition of fees and other charges that may be fixed by a separate bylaw;
 - (b) Property value taxes imposed in accordance with Division 4.3 of the *Local Government Act*;
 - (c) Revenues raised by other means authorized under the *Local Government Act* or another Act; or,
 - (d) Revenues received by way of agreement, enterprise, gift, grant or otherwise.
- 5.4 The costs of the Base Services after deducting the revenues (if any) raised or received under subsections 5.3(a), (c) and (d) above, shall be apportioned among all of the Participating Areas on the basis of the proportion that the net taxable assessment of each participating member bears to the total net taxable assessment of all participating members.

6. PARTICIPATING AREA

- 6.1 The Regional District and each member municipality of the Greater Vancouver Regional District, excluding the City of Abbotsford, is a participating area for the purposes of the Base Services (each a "**Participating Area**").

7. SERVICE AREA

- 7.1 The service area for the Base Services is the area within the boundaries of all of the Participating Areas (the "**Service Area**").

8. MAXIMUM REQUISITION

- 8.1 In 2012 the accumulated reserves of the Labour Negotiations Function shall be applied to the costs of the Base Services and the Additional Services in accordance with the provisions of sections 5.1 and 5.2. The maximum amount that may be requisitioned for the Labour Relations Service in 2012 is \$0.00.

- 8.2 If the Board approves the extension of the service past December 31, 2012, the maximum amount that may be annually requisitioned for the Labour Relations Service is \$ 2.0 million.

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this _____ day of _____, 2011.

RECONSIDERED, PASSED AND FINALLY ADOPTED by an affirmative vote this _____ day of _____, 2011.

Paulette a. Vetleson
Secretary

Lois E. Jackson
Chair