

THE PUBLIC SERVICE LABOUR RELATIONS ACT LABOUR-MANAGEMENT CONSULTATION COMMITTEES GUIDELINES

DEFINITION OF CONSULTATION

*as adopted by the (joint) DM Labour Relations Committee,
September 2004*

Consultation is a process for seeking and providing information and advice, exchanging views, and discussing issues, at a level (e.g., national, regional, local, sectoral or specific occupational group) appropriate to addressing or resolving issues, in an atmosphere of mutual respect and trust. To be effective, the process must be based on an honest and open commitment, by both parties, to the sharing of information and to listening to each other's opinions, observations, and recommendations, prior to decisions being taken. This allows each party to understand the full implications of decisions and actions on their legitimate interests. However, some limitations must be respected. They include:

- the rights of management and the bargaining agent must not be compromised, encroached upon, or diminished;
- the provisions of collective agreements and statutes, and their intent, must be adhered to;
- matters for which other formal channels have been established (e.g., Occupational Health and Safety, National Joint Council matters) must normally be addressed in those forums; and
- issues relating to an individual such as grievance cases must not be discussed in a way that would breach confidentiality. Note: Grievance cases may be discussed in a generic way if such discussions provide a means to identify trends or underlying causes that would help in resolving the problem.

As a general rule, matters should be discussed at a level (e.g., national regional, local, sectoral or specific occupational group) appropriate to the resolution of the issue or the problem. In some cases it is helpful to

discuss matters that are being addressed in depth at a different level. For example:

- to provide information on the matter;
- to explain or define the application of a policy related to the matter;
- to discuss problems related to the matter with a view to reducing tension and promoting understanding between the parties concerned;
- to communicate information when appropriate to other levels of management.

LMCC representatives throughout the organization should ensure they have a common understanding of this approach prior to addressing issues. This can include discussing the process for joint training.