

**BEYOND COLLISION: HIGH INTEGRITY LABOUR RELATIONS**  
**NATIONAL DEFENCE/CANADIAN FORCES -- UNDE CASE STUDY<sup>1</sup>**

**Allen Ponak, Bert Painter, and Darcy Shenfield<sup>2</sup>**

The mission of the Canadian Forces (CF) is to defend Canada while contributing to international peace and security, whereas the role of the Department of National Defence (DND) is to support CF members in carrying out their mission. The CF and the DND employ approximately 100,000 Canadians (80,000 military members and 20,000 federal public service employees). The majority of those civilians (14,000) are members of the Union of National Defence Employees (UNDE), a division of the Public Service Alliance of Canada<sup>3</sup>. UNDE was formed in 1966 by a merger of the National Defence Employees Association and the Civil Service Association of Canada. Amongst this diverse, unionized workforce, the two largest groups of employees are the 2,400-member General Labour and Trades group and the 2,300-member Clerical and Regulatory group.

Bill C-25, which was introduced in 1998, amended the *National Defence Act*. The amendments aimed at modernizing the Canadian military. Modernization was a response to a number of challenges facing the CF at the time. The Conflict Management Program (also referred to as Alternative Dispute Resolution (ADR)) was launched in August 2001

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<sup>1</sup> This case study is based on interviews and employer and union documents. The DND/CF - UNDE case study is featured in the award winning documentary film “Beyond Collision: High Integrity Labour Relations” produced by Bert Painter and Allen Ponak. For film information, visit [www.moderntimesworkplace.com](http://www.moderntimesworkplace.com)

<sup>2</sup> Allen Ponak and Darcy Shenfield are respectively, Professor of Industrial Relations and doctoral student specializing in human resources and organizational dynamics at the Haskayne School of Business, University of Calgary. Bert Painter is an independent consulting social scientist and film maker in British Columbia. Queries should be directed to Professor Ponak at: [allen.ponak@haskayne.ucalgary.ca](mailto:allen.ponak@haskayne.ucalgary.ca)

<sup>3</sup> Other unions representing DND employees include Professional Institute of Public Service (PIPS) and International Brotherhood of Electrical Workers (IBEW).

following the completion of a successful three-year pilot project (described in more detail below). The ADR project was carried out to test the feasibility of implementing an informal dispute resolution system to complement the existing grievance procedures which unfortunately had lost the confidence of military members following a series of incidents that took place over the course of a decade or so.

From the outset, ADR was presented as a “complementary tool to an already existing array of options to resolve conflict”. Initially, among the array of ADR options, mediation was viewed as an effective option on a “continuum” of approaches to conflict resolution. “It does not replace a normal grievance process” says Lucie Allaire, former Director-General of the program within DND/CF. And, in the words of Peter Cormier, former Executive Vice-President of UNDE, “the grievance system works well” when the issue “has to do with management’s or union’s interpretation of the rules at the workplace.” But, he went on to say, “the problem is that grievances having to do with interpersonal relationships don’t work.” As Ms. Allaire puts it, the traditional grievance process “is not at all amenable to interpersonal conflicts because when there is a winner and there is a loser, even the winner loses in the relationship. It doesn’t get to the bottom of the issue. It doesn’t resolve anything. It renders a decision but it doesn’t actually help the parties to move on and turn the page”.

“What mediation allows”, according to Peter Cormier, “is a dialogue beyond the issues around the grievance...so that you can start dealing with the whole problem—deal with it in a holistic manner”. And, “when you’re in an ADR process, if you say anything at the table, it’s confidential, and it stays at that table.” Lucie Allaire views ADR as a process of “understanding” wherein the parties learn “what got them into this conflict in

the first place—usually misunderstandings, assumptions about other people’s intention”, and where they discover “solutions for themselves”. Thus, the hope was that the introduction of the ADR approach within the DND/CF dispute resolution system would bolster the effort to improve the work environment and how people related to each other as peers, and as superiors and subordinates.

### **Pilot Projects**

The concern was whether the ADR approach could work in an organization with a command-and-control structure. ADR was clearly a challenge to the status quo. It was introduced through the chain of command in both the management and the union. There was considerable education about the approach, and then, involvement of the stakeholders in the actual design of the program.

In the very early stages, Peter Cormier, on behalf of the union, met with the Executive Director of the program, Peter Sterne (previously responsible for the professional development programs within DND), and learned that Sterne’s “vision wasn’t conflict management--his vision was to solve problems”. What drew the union leader’s attention was the possibility that this program could help many union members who would never file a grievance but who have real “grievances”. Furthermore, the union as an organization might gain some relief from grievances over harassment and other interpersonal issues that were costing huge sums of money and time, and not getting solved.

To create momentum and illustrate what he had in mind, Peter Sterne asked union and DND/CF leaders to identify “your worst grievances” and set out to deal with them through mediation. Most of the grievances were resolved. This served as a concrete

example to both DND/CF and union leaders of how mediation could be successful in resolving conflicts that had been longstanding.

The success of these mediation cases laid the groundwork for the launching of the ADR pilot project which included design workshops to develop ground rules to initiate the project. Eventually, agreement was reached on the “Guiding Principles to the Conduct of Dispute Resolution Processes” by a Steering Committee that included representation from the major unions (UNDE, PIPS, and the IBEW), as well as workplace relations advisors, senior management, military clergy, and human resources officers. With the ground rules agreed upon, seven pilot sites were established. The unions identified work locations most open to what was treated as an experiment. The goal of the project was to test whether ADR could work in the DND/CF.

### **Mediation Process**

The process of mediation is completely voluntary and confidential. Mediation must be initiated by the individual seeking to resolve his or her issue with a peer, superior, or subordinate. Initiation occurs through one of three paths: (1) inviting the other party through the chain of command, (2) directly inviting the other party, while informing the chain of command, or (3) asking a third party to offer mediation to the other party. To maintain their neutrality, mediators are not involved in starting the process. If approached by one party, the mediator will help that person do the work themselves in inviting the other party to participate in mediation. Respecting the voluntary nature, mediation only occurs when both sides agree to the process.

Once mediation begins, it is based on the principle of self-determination. Both parties are free to creatively search for solution, but the accepted solution must be agreed

upon by both individuals. Either party can walk away from mediation at any time, prior to reaching an agreement (and if they wish, pursue the issue through the traditional grievance process, with no prejudice). Regardless of the outcome, the highly confidential process protects the privacy of all parties involved.

The mediation process consists of several steps. First, a pre-mediation meeting is held with each party to set expectations and help parties prepare for the mediation session. This helps reduce the anxiety of the participants, especially in harassment cases. Second, the mediation begins with an introductory phase where the ground rules are reviewed and the tone is set for the day. Third, each party briefly states what the issues are. Here the mediator focuses on drawing out all the underlying concerns related to those issues. Fourth, both parties and the mediator brainstorm options for settling the conflict. Fifth, the mediation is closed and if agreement is reached, both parties sign minutes of settlement to record the terms of their agreement.

Generally, mediations are arranged and concluded within a few weeks. This stands in sharp contrast to grievances, which can take several years to resolve, especially if interpersonal issues are at stake. Grievances go through three levels of internal resolution at DND, then on to an external arbitrator if resolution is not reached. According to UNDE Service Officer Pierre Lafleur, representatives in the grievance procedure often “pass the buck to a higher level to find a solution”. Therefore, in addition to avoiding a winner and a loser, mediation allows the parties to quickly return to acceptable working relations without the high costs and tensions which years of grievance proceedings can create.

An example of quick and complete resolution to interpersonal conflict is recalled by Patricia Coldrey-Lo, a Senior Mediator. The case involved a male, military member and a female, civilian contractor who had formed a very close friendship. After an explosive argument, the contractor filed a harassment complaint. After agreeing to mediation, their initial meeting was the first time they had spoken to each other since the original argument. The mediator describes the outcome this way: “After having a very frank and emotional dialogue, they were able to leave the room arm-in-arm and happy once again”.

UNDE and some of the other unions participated in the initiation and evaluation of the seven pilot projects. UNDE representatives identified a number of concerns, in particular, a sense that local union officials had not been adequately consulted. Some adjustments were made to the program, and although some union concerns remained, there was enough confidence to move to full-scale program implementation.

### **Implementation of 16 Dispute Resolution Centers**

The transition from seven pilot projects to the establishment of 16 Dispute Resolution Centres (DRCs) across the country began in 2001. The DRCs were launched with a budget of \$6,600,000 annually. The program employs 68 staff, of whom 40 are mediators. The highly trained and accredited mediators are considered a cornerstone of the program. Mediators have been trained within the organization through a professional development program, or were hired, fully qualified, from outside the organization. According to Peter Cormier, “they have set selection criteria for mediators... and the standard is very high”. Mediators are also involved in continuous learning, considered an investment by DND/CF management.

In an effort to build a representative team at the DRCs, both military members and civilian employees were assigned. Mediation can be between two military personnel, two civilian personnel, one military and one civilian, or between an employee and the organization. Therefore, the impartiality and breadth of knowledge required by mediators necessitated a partnership between civilian and military personnel.

## **Results**

Demand for ADR services, which include (besides mediation) ADR consultation, conflict coaching, facilitation and group intervention, has grown since the program's inception. Now, mediation is automatically offered to the grievor when a formal grievance is filed. Even at later stages in the grievance process, this voluntary option is sometimes accepted. During 2004-2005, 70 employees (from among all of DND-affiliated unions) took up mediation at the first step of the civilian grievance process, and 39 employees chose mediation at the second level. According to the Conflict Management Program Annual Report, however, "the potential to use ADR at the earliest opportunity for grievances... has not yet been achieved."

Use of ADR services within UNDE membership continues to evolve. UNDE's approach has been to leave the use of the ADR option as a local union decision. In the words of Peter Cormier: "We as the National Executive gave each local the right and the responsibility to decide what level of ADR they wish to use. There are some locals that, as far as they are concerned, they use it as much as possible. Other locals, the use is limited. We do have locals that do not use ADR. So, it's really local involvement [which] has meant that locals who are participating have become more and more involved in the ADR process. That is where it is being sold. It is not being sold here at

the National Office. It's being sold on the bases, between the locals [and] the Dispute Resolution Centres. So, it's something that's growing, and it's growing from the bottom up."

Statistics for the use of ADR services are not broken down by individual unions and are based on participation from persons who may belong to any of the twelve bargaining agents within DND, including UNDE. The program's Annual Report 2003-2004, reported that, across all employees, 251 mediations were concluded in the reporting year with 78% fully resolved, 11% partially resolved, and only 13% unable to reach resolution. The largest number of mediation cases involved military/military conflicts (45%), followed by civilian/civilian (29%) and military/civilian (24%). Disputes fell into the following categories: work relationships (49%), harassment (21%), grievance (15%), performance evaluation (6%), discipline (5%), and other (4%).

The Annual Report 2004-2005 indicates that the usage of ADR services in mediation, consultation, and coaching has been maintained or slightly increased, with a steady 78% of mediations fully resolved. In the three years of ADR service provision, a total of 3305 persons have sought assistance. The majority of users have been military (1905 members), although proportionately, civilians have made greater use of ADR services (1287 employees). In addition to mediation, the ADR services include ADR consultation, conflict coaching, facilitation group needs assessment and group intervention. In 2003/2004, standard and customized courses were delivered to 6,505 personnel: 71% went to military members and 29% to civilian personnel.

The experience of mediation and these other ADR services has also been assessed by senior DND/CF leaders. A CEO of one Canadian Forces' Agency describes how her



organization uses the program's services: "We use training to help, in terms of team building. We use mediation as a means of resolving conflict". She describes her approach to mediation as "not going in with any expectations, because you do not know where you are going to end up". The outcome can be one party taking a job elsewhere, an apology, financial compensation, or any other creative solution that both parties are comfortable with and to which they can agree. In terms of the quality of the mediators, the Agency CEO comments that "they are all very professional and I've never had any complaints about any of them. . . .They are open, they are respectful, they are sensitive to people's emotions on both sides, they are working towards closure on the issue, and they do their homework in advance".

The role of the union is crucial according to the Agency CEO. "The union plays a very strong role. I would say the union has been actively proposing alternative dispute resolution as a means to settle problems, as opposed to the grievance process". She sums up her feelings on mediation by saying that "it is not win-lose, it's win-win for everybody". Indeed, Lucie Allaire notes that harassment grievances have been substantially reduced, from 33% of all grievances in 2001 to 8% in 2004. In addition to the positive human impacts of mediation, "it's much more economical and efficient to run a mediation process, than to run a grievance process".

Ms. Allaire attributes the program's success to the quality of the mediation staff. DND/CF have made a significant investment in their training and professional development, including the certification of all ADR practitioners as conflict coaches. This is bolstered by a rigorous evaluation system and feedback process by the participants in mediation and coaching. This confidence and success has not led to

complacency. The attitude at Dispute Resolution Centres is that “you’re only as good as the last one you did”.

### **The Future**

Conflict coaching has emerged as the area of most rapid growth since it was added to the program in 2003. Conflict coaching is provided on a one-to-one basis, to help individuals deal more effectively with workplace conflicts. It empowers employees to take actions they deem appropriate based on what they discovered through coaching. Lucie Allaire states: “The main goal of the program is to create competency in the organization in resolving conflict. . . .We don’t want ‘repeat’ business. We don’t want to create dependency”. Ideally, competence in handling interpersonal conflict “is not something separate, it’s actually part of who you are when you are in this organization”. As Shirley Siegel, Assistant Deputy Minister of Human Resources-Civilian, sees it: “ADR isn’t a fad... If we look two years or five years into the future, the conflict resolution system will be part of how we manage within the organization”.

Some UNDE locals and some members of the National Executive remain concerned about the way that ADR has been implemented, particularly with respect to their perception of a lack of accountability and lack of follow-up to ensure that mediated agreements are respected. Nevertheless, Peter Cormier is confident that “over time, ADR is going to take hold within the department and become one of the major tools that a steward will use...not to say the only, but one of the major tools”.

### **For additional information:**

Department of National Defence, Canadian Forces (DND/CF):

<http://www.forces.gc.ca/hr/adr-marc>

Union of National Defence Employees (UNDE):

<http://www.unde-uedn.com/english/aboutunde/>