



Canada Industrial Relations Board

Performance Report

For the period ending
March 31, 1999

Canada

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The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

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Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis what was known as the annual *Part III of the Estimates* document for each department or agency into two documents, a *Report on Plans and Priorities* and a *Departmental Performance Report*.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

This year, the Fall Performance Package is comprised of 82 Departmental Performance Reports and the government's report *Managing for Results - Volumes 1 and 2*.

This *Departmental Performance Report*, covering the period ending March 31, 1999, provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's pilot *Report on Plans and Priorities* for 1998-99. The key result commitments for all departments and agencies are also included in Volume 2 of *Managing for Results*.

Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government.

The government continues to refine and develop both managing for and reporting of results. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

This report is accessible electronically from the Treasury Board Secretariat Internet site:
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Canada Industrial Relations Board Performance Report

**for the period ending
March 31, 1999**

Approved by: _____

The Honourable Claudette Bradshaw
Minister of Labour

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Executive Summary

This is the Performance Report for the Canada Industrial Relations Board (CIRB) for the year ending March 31, 1999. The report, however, provides performance information on two distinct organizations for the year under review - the Canada Industrial Relations Board, which came into being on January 1, 1999 and the predecessor Board to the CIRB, the Canada Labour Relations Board (CLRB), which ceased to exist on December 31, 1998. This report details the results of both Boards, but the focus of the report is on the CIRB. The departmental overview, departmental performance, both expectations and accomplishments, the financial performance - all are examined from the perspective of the Canada Industrial Relations Board.

Much has changed in the past year. Bill C-19, an Act to amend the *Canada Labour Code*, was assented to on June 18, 1998 and came into force on January 1, 1999. Bill C-19 brought significant changes to Part I of the *Code* in an effort to modernize it and improve the collective bargaining process for federally regulated industries. It is under Bill C-19 that the Canada Industrial Relations Board was established as an independent, representational, quasi-judicial tribunal responsible for the interpretation and application of Part I, Industrial Relations, and certain provisions of Part II, Occupational Safety and Health, of the *Canada Labour Code*. The provisions of Bill C-19 established the Chairperson as the Chief Executive Officer of the Board and assigned to the Chairperson supervision over and direction of the work of the Board. Further amendments of the *Code* sought to improve the workings of the legislation in a variety of areas including the authorities and powers of the Board, the rights and obligations of the parties in certain situations, and the operational processes for dealing with certifications and decertifications.

The results of the first three months are extremely encouraging. While recognizing that there is limited reliability in any projections based on numbers obtained over so short a period of time, these early results indicate that the Canada Industrial Relations Board is responding well to the expressed needs of its clientele. At the same time, however, the increased volume of cases that clients are bringing to the CIRB will, over the longer term, require an ongoing review of the Board's resources and capacity for resolving its caseload in a thorough yet expeditious manner.

The Board is also striving to increase the involvement of its client community. In the fall, the CIRB will consult with its clients and the general labour relations community to solicit their input and suggestions on changes to the existing regulations, practices and procedures. Once these changes have been agreed upon and introduced, the Board will be in a position to develop and implement additional comprehensive and concise performance measures to help guide and monitor Board performance.

What has remained constant during this period of change is the responsibility of the CIRB to contribute and extend its support to labour and management in their cooperative efforts to develop good relations and constructive collective bargaining practices. This support is for the approximately 800,000 employees and their employers across Canada who are engaged in any "federal work, undertaking or business that is within the legislative

authority of Parliament . . . ” As the economic environment for industrial relations continues to change, as competition and pressures on employers, employees and their representatives increase due to free trade, deregulation, privatization, and mergers and acquisitions, and as questions and concerns over the application of the statutory framework for industrial relations continue to grow, the efforts of the Board in maintaining effective industrial relations become more critical than ever, not only for our constituent employers and employees but for all Canadians.

Chart of Key Results Commitments

Figure 1

Canada Industrial Relations Board		
To provide Canadians with:	To be demonstrated by:	Achievement reported in:
<p>effective industrial relations in any work, undertaking or business that falls within the authority of the Parliament of Canada</p>	<p>decisions on applications and complaints provided in a fair, expeditious and economical manner</p>	<p>Section III, Part B Pages 14 to 22 Section VI, Part D Pages 27 to 32</p>
	<p>successful resolution of labour relations problems through mediation and alternative dispute resolution mechanisms</p>	<p>Section III, Part B Pages 14, 15, 19, and 20 Section VI, Part D Page 29</p>
	<p>an involved and well-informed labour relations community</p>	<p>Section III, Part B Page 22</p>
	<p>effective regulations and practices developed through consultation with clients</p>	<p>Section III, Part B Pages 13, 14 and 22</p>
	<p>jurisprudence to help govern workplace relations</p>	<p>Section III, Part B Page 22</p>

Section I: Chairpersons Message

I am pleased to present the first annual performance report of the Canada Industrial Relations Board for the period ending March 31, 1999.

In the fall of 1998, a strategic planning framework was developed for the CIRB. The mandate and goals of the Board were established as well as its key results, vision, internal values and guiding principles. The Board's mandate, role and objectives were set out in the 1999-2000 Departmental Report on Plans and Priorities along with our key results commitments. The progress we have made against our plans and priorities and in the achievement of our results since inception on January 1, although only measured over three months, indicates to me that our direction is sound and that our performance is beyond our original expectations.

Much has changed in the past year. The *Canada Labour Code* was amended, creating a new, representational Board, the Canada Industrial Relations Board. Powers of the Board have been increased or clarified in order to better address the growing complexity of industrial relations issues. Provisions in the legislation enable the CIRB to operate more efficiently and effectively, such as: the use of single-member panels, part-time regional members, determinations based on written submissions, the power of the Board to assist parties to resolve issues in dispute at any stage in the proceeding, and a 90-day time frame for the issuance of decisions from when a panel reserves its decision.

The organization has undergone significant change as well. The transition from the CLRB to the CIRB has posed unique challenges, and is still underway. There are significant costs involved, both financial and operational, in completing this transition phase.

In addition, the volume and complexity of the workload of the CIRB is increasing substantially. Much hard work and effort will be required in the days and months ahead not only to deal successfully with cases before the Board, but also to work closely with our client communities to develop new regulations, practices and procedures for the CIRB. I believe that the organization we have established and the improved systems and processes we have installed will enable the CIRB to continue to adapt successfully to the changes we are facing and to overcome the challenges that lie ahead.

J. Paul Lordon
Chairperson

Section II: Departmental Overview

A. Mandate, Vision and Mission

The *Constitution Act, 1867*, provides that provincial jurisdiction extends over "Property and Civil Rights", meaning that the negotiation of collective agreements containing terms and conditions of employment for employees is regulated by the provinces. The Constitution, however, assigns exclusive jurisdiction to Parliament over specific sectors of the economy, and as such, it has seen fit to enact laws regulating employment matters within those sectors that have constitutionally been reserved to it. The laws governing the federal jurisdiction are contained in the *Canada Labour Code*, which is divided into three parts:

- Part I- Industrial Relations
- Part II- Occupational Safety and Health
- Part III- Labour Standards

Part I of the *Code* sets out the terms under which trade unions may acquire the legal right to represent employees in the negotiation of collective agreements with their employer. It also delineates the process under which collective bargaining takes place and provides remedies to counter infractions committed by any party subject to the *Code's* provisions.

Part I of the *Canada Labour Code* had remained virtually unchanged since 1972. However, with the coming into force on January 1, 1999 of Bill C-19, an Act to amend the *Canada Labour Code Part I, R.S. 1998 C. 26*, significant changes were made to the *Code* in an effort to modernize it and improve the collective bargaining process for federally regulated industries. The Act established the Canada Industrial Relations Board as an independent, representational, quasi-judicial tribunal responsible for the interpretation and application of Part I, Industrial Relations, and certain provisions of Part II, Occupational Safety and Health, of the *Canada Labour Code*. Further amendments to the *Code* addressed, among others, the following issues:

- the industrial relations experience and expertise required of the Chairperson and Vice-Chairpersons;
- the extension and clarification of Board powers to address complex industrial relations issues and to provide appropriate remedies to unfair labour practices;
- recognition of employers' rights to communicate with employees, subject to restrictions on unfair labour practices;
- use of replacement workers during a legal strike or lockout;
- protection of public health and safety during work stoppages;
- accelerating the certification and decertification process;
- encouraging the parties to reach agreement on issues before the Board;
- protection of the privacy and security of off-site workers; and
- maintaining grain exports during work stoppages involving other parties in port-related activities.

*The Board's **mandate** is to contribute to and promote effective industrial relations in any work, undertaking or business that falls within the authority of the Parliament of Canada.*

In support of its mandate, the Board established the following vision and values.

*The Board's **vision** is to conduct all of its activities in a timely, fair and consistent manner and in accordance with the provisions of the Canada Labour Code; to consult its clients on its performance and in the development of its regulations, policies, and practices; and to promote an understanding of its role, processes and jurisprudence.*

In the discharge of its mandate and the exercise of its powers, the Board aims to be progressive and innovative, efficient and effective and accountable. The working environment at the Board promotes learning and development, harmony, teamwork and respect.

The Board's **role** is to exercise its powers in accordance with the Preamble to the *Code*, which states that Parliament considers “. . . the development of good industrial relations to be in the best interests of Canada in ensuring a just share of the fruits of progress to all . . .”. To that end, the Board aims to be responsive to the needs of the labour relations community across Canada in all aspects of delivering its program.

The Board has the following powers:

- exercises statutory powers under Part I of the *Canada Labour Code* with respect to the acquisition, transfer, exercise or revocation of collective bargaining rights in the federal jurisdiction;
- investigates, mediates and adjudicates complaints filed by employees, unions and employers alleging contravention of the *Code*'s unfair labour practice provisions;
- establishes remedies, including reinstatement or compensation of terminated employees;
- reviews and updates certification orders in order that bargaining relationships better reflect changing social, economic and organization realities;
- issues cease and desist orders in the case of unlawful strikes or lockouts;
- reviews the decisions of safety officers under Part II of the *Code* concerning an employee's right to refuse dangerous work; and
- designates specific activities as services necessary to prevent an immediate and serious danger to public safety and health.

B. Operating Environment

The Canada Industrial Relations Board has jurisdiction in all provinces and territories with respect to federal works, undertakings or businesses in the following sectors:

- Broadcasting
- Chartered Banks
- Postal services
- Airports and air transportation
- Shipping and navigation
- Interprovincial or international transportation by road, railway, ferry or pipeline
- Telecommunications
- Grain handling and uranium mining and processing
- All activities in the Yukon, Nanavut and the Northwest Territories, including those that would normally be in provincial jurisdiction
- Undertakings of the First Nations on reserves
- Certain Crown Corporations (including, among others, Atomic Energy of Canada Ltd., Navcan, and Canada Post Corporation)

This jurisdiction covers some 800,000 employees and their employers and includes enterprises that have an enormous economic, social, and cultural impact on Canadians from coast to coast. This variety of activities, their geographical spread, and their national significance contribute to the uniqueness of the federal jurisdiction and the role of the CIRB, and pose particular challenges for the Board's work.

The sectors are not static; they are changing. For example, as a result of the government's decision to commercialize certain of its activities, such operations as the air traffic control system and airport firefighting now fall within the jurisdiction of the CIRB.

The Board's services are provided directly to its clientele. Although the Board is autonomous as a quasi-judicial agency, the Minister of Labour, the Honourable Claudette Bradshaw, is responsible for certain statutory functions related to the Board's operations.

Objectives

In support of its mandate, the Board has established a series of strategic objectives:

- conduct its adjudicative and other processes in a timely, fair and consistent manner;
- seek solutions to labour relations problems by determining the cause and nature of the conflict and apply appropriate dispute resolution mechanisms to resolve the conflict;
- consult clients on performance and in the development of regulations, policies and practices;
- promote an understanding of its role, processes and jurisprudence; and
- conduct business and manage resources in a fiscally sound manner and in compliance with the Financial Administration Act and the policies and directives of the Central Agencies.

Challenges

The Board's most significant challenges are those that we correctly forecast and set out in last year's Departmental Performance Report and upon which we further commented in this year's Report on Plans and Priorities:

- timeliness of its decision-making - the need to revamp the existing case management systems and practices - this process is well underway;
- responsiveness to client requirements - the need to establish consultation and communication mechanisms with the labour relations community;
- adequacy of current regulations - the need to develop CIRB regulations based on the amended legislation;
- level of operational effectiveness
 - to develop and undertake a complete orientation program for newly appointed Vice-Chairpersons and Members;
 - to review and adjust the organizational structure, including the possible introduction of part-time Regional Vice-Chairpersons and Members, to make it more effective;
 - to review and adjust the accommodation, tools and equipment of the Board to make it more efficient and effective;
 - to establish a professional and collegial work environment among Board Members, management and staff; and
 - to develop and implement a comprehensive performance measurement regime.

Work is underway to address all of these challenges. Progress has been made but additional work is still required. The success we have had, to date, in responding to these challenges is noted in Section III: Departmental Performance and in Section V: Financial Performance.

There are some elements of our environment we can not control. The Board responds to the demands and requirements of the labour relations community. Our clients determine the volume, complexity, and immediacy of the cases which are brought to the CIRB. While the Board strives to obtain voluntary resolutions to all cases, some require the deliberation and full decision-making authority of the Board. As a result, the nature of the cases will influence and will cause considerable variations in the time and cost required to bring them to resolution.

C. Departmental Organization

Organization and Structure of the Program

The Board is currently comprised of the Chairperson, four full-time Vice-Chairpersons, and six full-time Members (three representing employees and three representing employers). All are appointed by the Governor in Council: the Chairperson and the Vice-Chairpersons for terms not to exceed five years, the Members for terms not to exceed three years.

The Chairperson is the Chief Executive Officer of the Board. The provisions of the *Canada Labour Code* define this role as follows: supervision over and direction of the work of the Board, including:

- the assignment and reassignment to panels of matters that the Board is seized of;
- the composition of panels and the assignment of Vice-Chairpersons to preside over panels;
- the determination of the date, time and place of hearing;
- the conduct of the work of the Board;
- the management of the Board's internal affairs; and
- the duties of the staff of the Board.

The Board has a single business line - the administration of the *Canada Labour Code*. To achieve this business line there are three major service lines: adjudication, mediation and information/communication.

The certification of bargaining units, adjudicative and related services as provided for by the *Code* in response to the application of the parties, form the critical and essential function of the Board. The Regional Offices are responsible for the processing and investigation of applications, complaints and referrals filed by the Board's clientele. Once a region has completed its work, the case is forwarded to the Board for adjudication. The Board may consist of a three-person panel, one of whom must be either the Chairperson or a Vice-Chairperson or a single Member panel, either the Chairperson or a Vice-Chairperson. A large majority of all matters decided by the Board are adjudicated on the basis of the parties' written submissions and detailed investigation reports filed by the regional offices. The remainder are decided after the holding of public hearings at which the parties produce evidence and submit arguments in support of their respective positions. All Board decisions are issued in writing. When the reasons for decision are issued, they are subsequently published in both official languages for the benefit of the labour relations community at large.

Mediation services are provided when the nature of the application, complaint or other process submitted indicates they are required. These services are provided primarily through the regional offices which are located in Dartmouth, Montréal, Ottawa, Toronto and Vancouver, with a sub-office in Winnipeg. In appropriate cases labour relations officers hold mediation sessions with the parties in order to resolve contentious issues quickly and efficiently without involving the Board. Settling complaints and disputes at the regional level eliminates the need for costly public hearings, accelerates the decision-making process, and in some instances, can avoid the unlawful shutdown of important services.

Under the amended *Canada Labour Code*, 15.1 (1), mediation services can now also be provided by the Board itself and parties are encouraged to settle any issues in dispute at any stage of a proceeding.

Information/communication services are provided on an ongoing basis by management and staff. The Chairman, the Executive Director, and members of the senior management

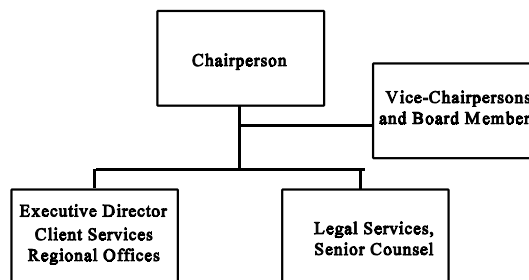
of the Board continue to be active in the labour relations community providing, through speeches, presentations and other forums for discussion, information on the *Canada Labour Code* and its functions and purposes and on the Board, its role, responsibilities, processes and jurisprudence. These occasions also afford clients the opportunity to provide information on Board performance and the manner in which services were provided as well as their own changing requirements. In addition, the regional offices often respond to general and specific questions about the *Canada Labour Code* and the role of the CIRB.

In early fall, consultations with clients and the general labour relations community on changes to the Regulations, current practices and procedures will be undertaken. These consultation sessions will include face-to-face meetings with clients, as well as invitations to provide written submissions. This consultation process will serve as an important first step in a process of greater involvement of the Board with its labour relations community.

In addition, the CIRB provides a variety of communication services and products - a web site, the publication and distribution of the official Reasons for Decision of the Board, the *FOCUS* Newsletter, information kits for clients, and a 1-800 phone line for general enquiries.

The Board's Headquarters is located in the National Capital Region. Its two branches, Client Services and Legal Services, report directly to the Chairperson of the Board. The Client Services Branch is headed by an Executive Director responsible for the following units: Regional Operations, Case Management, Informatics, Finance, Communications, Human Resources, Recorded Information Management, and the Research and Reference Centre which functions as a legal library, serving the Board, other government departments (through common services agreements) and the general public. The Legal Services Branch provides legal assistance as required by the Board and its units. The branch also acts as the Board's legal counsel in most judicial review proceedings.

Organization Chart
Figure 2



Section III: Departmental Performance

Business Line - Adjudication

Planned Spending	\$8,906,000
<i>Total Authorities</i>	<i>\$9,706,096</i>
1998-99 Actual	\$9,605,769

Note: The summary financial information presented for the Board's sole business line, adjudication, includes three figures. These figures are intended to show the following:

- *what the plan was at the beginning of the year (Planned Spending);*
- *what additional spending Parliament has seen fit to approve to reflect changing priorities and unforeseen events (Total Authorities); and*
- *what was actually spent (1998-99 Actual)*

The financial information above includes the last nine months of the Canada Labour Relations Board (April 1 to December 31) and the first three months of the Canada Industrial Relations Board (January 1 to March 31).

The total authorities granted the Board were \$800,000 more than originally planned spending. The additional authority approved was to provide for additional employee compensation, including benefits, and for additional costs related to the transition from the CLRB to the CIRB. The actual spending was 99% of the total authorities for the fiscal year. Details are provided in Section V.

A. Performance Expectations

What our clients expected was clear and unambiguous: no service disruptions brought about by the termination of the Canada Labour Relations Board and the start-up of the Canada Industrial Relations Board, the provision of our services on a more timely basis, and increased communication and consultation on matters of significance and importance to them - changes to existing Regulations, adequacy of our current practices, procedures and measures.

B. Performance Accomplishments

There were no service disruptions brought about by the termination of the Canada Labour Relations Board and the start-up of the Canada Industrial Relations Board. There is a concern with the workload on hand, including the number of cases still remaining from the CLRB but the situation is recognized and efforts are underway to reduce both the number and age of the outstanding cases. Communications have increased with our client community and a program of consultation will begin in the fall to involve our clients in the review of existing regulations, and the adequacy of current practices and procedures.

Our performance measurement system is continuing to evolve. The involvement of our clients was mentioned earlier. The Board is also soliciting input from managers and staff - activities and measures will be thoroughly considered to ensure their helpfulness in achieving departmental and personal objectives. Performance expectations will be incorporated in the performance agreements of regional directors and executives of the CIRB. New measures and standards are being considered for use and will be included in discussions with the labour relations community and with our own management and staff.

Our actions underway and planned include the following:

- analyse current workload in order to establish case categories and refine the prioritization process based on case impact and complexity (redirection of resources);
- expand existing regional performance targets and time frames and adjudicative performance standards to ensure all significant cases are completely and accurately measured;
- precisely measure backlog (based on the results of above) and determine the status, number and age of backlog cases;
- analyse existing data on the conduct of a vote in order to establish performance goals in this area;
- measure and report on compliance with the time limit set out in the legislation;
- measure the quality of casework through quality review and performance appraisals;
- establish a program of audits and reviews on the effectiveness, efficiency, economy and degree of compliance with the requirements of the central agencies for systems, processes and procedures in the areas of human resources, information management, informatics, finance and administration.

It is difficult to ascribe quantitative measures to the outcomes of the Board's work. The Board protects the freedom of association, the freedom to join the trade union or employers' organization of choice, but exercises no influence in the choice made. The Board eliminates unfair labour practices with the goal of preventing labour unrest. Although there are no mechanisms to measure accurately either the results of freedom of association or the prevention of labour unrest, these outcomes, goals and values are broadly recognized as vital elements in maintaining an equitable and democratic society, and a healthy and productive economy. The Board's contribution in the achievement of these goals and its impact on Canadians are illustrated through the following examples.

- Mediation efforts by the Board can resolve contentious labour relations issues with substantial savings in both time and cost for the parties and without disruptions in or degradations to the quality of services provided to Canadians. Industries where disputes were resolved that threatened to disrupt the quality and reliability of services included air transportation, both domestic and international, as well as provincial broadcasting and cable television.

- An illegal strike closed the ferry service between Newfoundland and Nova Scotia. Closure of this major link between Newfoundland and the mainland had an immediate impact on the movement of people and freight and prolonged closure would surely have had a negative effect on the tourist trade, a vital source of revenue for the island. The Board was immediately involved in mediation with the parties and, in a little over 12 hours, the employees returned to work and full ferry service resumed.
- A national strike effectively blacked out, over a four to five week period, the broadcasting activities in much of Canada of a major broadcaster. At the time of CIRB involvement, negotiations were stalled between the parties and conciliation had broken off. Extensive efforts by the Board led the parties to agree to resume mediation with the assistance of the Federal Mediation and Conciliation Service. Shortly thereafter a collective agreement was reached.
- The normal flow of air traffic at Canada's busiest airport was being disrupted as a result of a dispute between airport employees and airport management. Following the initial day of a public oral hearing, the parties were able to quickly resolve significant contentious issues with the assistance of the Federal Mediation and Conciliation Service, and a collective agreement was reached. Canada's busiest airport was then able to resume normal operations.
- The legislation provides every employee the freedom to join the trade union of his or her choice. In support of the legislation, the Board conducted a vote on the union of choice for some 2,000 employees in one of Canada's expanding companies in the airline industry. The Board organized the vote, by both ballot box and mail ballot, determined eligibility for voting, maintained the secrecy of the ballot, recorded and tracked the voters and answered questions and resolved disputes on the process. The vote was complicated by the fact that many of these employees lived in remote northern communities. All parties were impressed with the efficiency and professionalism of the Board throughout the exercise.

In the performance statistics that follow, the Board provides some detailed performance information on the volume of work, the speed with which it was handled and the quality of the work performed. The performance information is presented on a basis mostly consistent with that of previous years. Some minor modifications have been made to the display of information on the quality of Board decision making to render the information more meaningful. New disclosures are provided on the workload.

Performance Statistics - CIRB

The CIRB commenced operations on January 1 and the first set of tables reflects on its performance over the first three months of its existence. In these figures, the performance of the CIRB is captured separately, because the CIRB is the labour relations organization established by the *Canada Labour Code*. Commencing operations on January 1, 1999, the Board has increased powers and authorities to hear and dispose of cases, has a new and

expanded case load as a result of the amended legislation, and has revised systems and processes to manage cases more expeditiously. The second set of tables, in Section VI: Other Information, Part D, reflects the consolidated performance of the two boards over the full fiscal year and is included to enable the “books to be closed” on the predecessor Board in a manner consistent with those of the previous years.

This and subsequent performance reports will disclose the Board’s performance in reducing the number and the age of the cases on hand, including those cases inherited from the previous Board.

The workload volumes for the CIRB are set out in Figure 3. The total files represents the highest workload level since 95/96 and the second highest level of activity in the past eight years. The total disposed, on a monthly basis, represents the highest level of disposal since fiscal year 95/96. The files on hand at the end of March are the highest ever at March 31.

Figure 3 - Workload

Total Files- Certifications, Complaints and Other			
	98/99*	98/99**	Total
	Jan-Mar	Jan-Mar	
On hand (inherited)	-	539	539
Received	<u>288</u>	<u>***4</u>	<u>292</u>
Total files	<u>288</u>	<u>543</u>	<u>831</u>
Granted	5	50	55
Rejected	4	41	45
Withdrawn/resolved	<u>18</u>	<u>41</u>	<u>59</u>
Total disposed	<u>27</u>	<u>132</u>	<u>159</u>
Pending	261	411	672

* Represents the new workload received by the CIRB since January 1

** Represents the workload derived from the cases carried over from the CLRB

*** Reopened cases

The workload is a major concern. Transition, delays in both Board appointments and arrivals, an increasing workload, staff numbers at the lowest level in the past ten years - all have contributed to the significant workload on hand.

The Board has focussed the majority of its efforts on lowering the age of its workload overall, Figure 3.1, and on the reduction of the workload inherited from the previous Board, Figure 3.2. Significant positive changes have resulted, in both age and number of these cases.

With all of the full-time members of the Board in place as of August 1, with the improved case management practices and procedures, and with increased emphasis on scheduling and prioritization, and despite the increased case load, the Board is committed to aggressively manage its case load and to significantly reduce both the number and age of its cases on hand during the next fiscal year.

Figure 3.1 - Workload (by age of case)

Age from date of receipt	Number of cases December 31, 1998	% of total	Number of cases March 31, 1999	% of total
1 month	53	10	114	17
2 months	56	10	93	14
3 months	47	9	58	9
4 months	31	6	34	5
8 months	118	22	105	16
1 year	61	11	89	13
2 years	109	20	116	17
3 years	29	5	26	4
over 3 years	35	7	37	5
Total	539	100	672	100

Figure 3.2 - Cases Carried-over from CLRB (by age of case)

Age from date of receipt	"Inherited cases" as of December 31, 1998	"Inherited cases" as of March 31, 1999	Reduction	
			#	%
1 month	53	42*	11	21
2 months	56	36	20	36
3 months	47	33	14	30
4 months	31	21	10	32
8 months	118	90	28	24
1 year	61	53	8	13
2 years	109	87	22	20
3 years	29	23	6	21
over 3 years	35	26	9	26
Total	539	411*	128	24

* includes 4 reopened cases

Processing Time

Processing time is the time required to complete a file - time spent investigating, mediating, holding hearings, where required, and rendering decisions. The processing time is calculated to reflect the performance of the CIRB on its own files as well as on those files inherited from the previous Board. New workload represents files received by the CIRB since January 1; all workload represents all files processed between January 1 and March 31. Figure 4 is for files requiring hearings; Figure 5 is for files that do not require hearings.

Figure 4 - Total Processing Time for Files with Hearings

	New Workload*	All Workload**
Certification Applications		
With Public Hearing		
Number of Applications	0	6
Median Days - Received to Decision	-	667
Average Days - Received to Decision	-	584
Unfair Labour Practice Complaints		
With Public Hearing		
Number of Complaints	1	13
Median Days - Received to Decision	66	525
Average Days - Received to Decision	66	541
All Files		
With Public Hearing		
Files Disposed	8	44
Median Days - Received to Decision	51	645
Average Days - Received to Decision	43	603

* Files received by the CIRB since January 1 and completed by March 31, 1999

** All files completed between January 1 and Mar 31, 1999

For decisions rendered on all files, the speed of processing is the best ever. Emphasis was placed on the age of files on hand; from the inherited workload, the Board disposed of 6 certifications, 4 of which had been on hand almost 2 years, 13 complaints, 4 of which had been on hand over 2 years and 10 other files (single employer, sale of business, etc.) that had been on hand over 2 years.

Figure 5 - Total Processing Time for Files without Public Hearings

	New Workload*	All Workload**
Certification Applications		
Without Public Hearing		
Number of Applications	3	24
Median Days - Received to Decision	50	88
Average Days - Received to Decision	49	132
Unfair Labour Practice Complaints		
Without Public Hearing		
Number of Complaints	9	54
Median Days - Received to Decision	34	162
Average Days - Received to Decision	38	203
All Files		
Without Public Hearing		
Files Disposed	17	112
Median Days - Received to Decision	46	119
Average Days - Received to Decision	46	162

* Files received by the CIRB since January 1 and completed by March 31, 1999

** All files completed between January 1 and Mar 31, 1999

The speed of processing without hearings for all files received since the beginning of January is the best ever. While recognizing that this is just for one quarter, it reflects positively on the changes made to improve both case management and case processing. The speed of processing for all workload for certifications and complaints is about average and considerably above average for all files.

Investigation and Mediation Performance in the Regional Offices

The Regional Offices investigate applications to establish and modify bargaining rights, and mediate unfair labour practice complaints. The ability of the Regions to settle complaints eliminates the involvement of the Board and the need to hold costly and time-consuming hearings. (Hearing costs, excluding salaries, are estimated at \$2,300 per day.)

Figure 6 - Successful Complaint Resolution

Regional Performance	Target	Achieved
Withdrawal/Settlement Rate on Complaints	50%	59%

Under the amendments to the *Canada Labour Code*, parties are encouraged to settle any issues in dispute at any stage of a proceeding with the assistance of the Board. New measures will have to be developed to determine the success of the Board in providing this assistance to the parties.

Decision-making

Board performance is also measured by the length of time it takes to dispose of matters before it. A panel (comprised of the Chairperson or a Vice-Chairperson in a single member panel or the Chairperson or a Vice-Chairperson and two Members in a full panel), may decide cases on the basis of the evidence before it (file documentation, investigation reports) or decisions may be deferred until further evidence and information is gathered by way of a public hearing. Figures 7 and 8 present the disposition time for both types of decision-making. (The Board measures its disposition time for cases decided with a public hearing from the date of the last day of the hearing until the date the decision is issued to the parties. Where cases are decided without a public hearing, the disposition time is measured from the date the case is deemed to be “ready” for the Board’s consideration until the date the final decision is issued.)

Figure 7 - Disposition Time Certifications

	New Workload*	All Workload**
Certification Applications		
With Public Hearing		
Number of Decisions	0	6
Median Days - Hearing to Decision	-	98
Average Days - Hearing to Decision	-	126
Without Public Hearing		
Number of Decisions	3	24
Median Days - Ready to Decision	8	13
Average Days - Ready to Decision	6	40

* Files received by the CIRB since January 1 and completed by March 31, 1999

** All files completed between January 1 and Mar 31, 1999

Figure 8 - Disposition Time Unfair Labour Practice Complaints

	New Workload*	All Workload**
Unfair Labour Practice Complaints		
With Public Hearing		
Number of Decisions	1	13
Median Days - Hearing to Decision	3	323
Average Days - Hearing to Decision	3	326
Without Public Hearing		
Number of Decisions	9	54
Median Days - Ready to Decision	5	7
Average Days - Ready to Decision	5	30

* Files received by the CIRB since Jan 1 and completed by March 31, 1999

** All files completed between January 1 and Mar 31, 1999

Figure 9 - Disposition Time All Files

	New Workload*	All Workload**
All Files		
With Public Hearing		
Number of Decisions	8	44
Median Days - Hearing to Decision	32	189
Average Days - Hearing to Decision	30	319
Without Public Hearing		
Number of Decisions	17	112
Median Days - Ready to Decision	7	9
Average Days - Ready to Decision	9	33

* Files received by the CIRB since Jan 1 and completed by March 31, 1999

** All files completed between January 1 and Mar 31, 1999

Disposition times for certifications, complaints and all other new files received by the CIRB since January 1 have never been faster. The requirement under the new legislation that decisions be issued within 90 days from when the panel reserved its decision has been met in each instance. Again, it is recognized that this is but the performance of three months; however, the results are especially encouraging, given the significant changes the Board has undergone.

Quality of decision-making

The Board is concerned with more than the volume of its work and the speed with which it is processed. Quality of decision-making is a most critical performance measure for the Board. Dissatisfied parties may apply for judicial review of decisions of the Board. There were no judicial reviews requested of Board decisions issued on cases received after January 1, 1999.

The Board also affords parties a less expensive and more rapid review process. Parties may request a review of the decision made by a differently constituted panel of the Board. As of March 31, there were no applications for reconsideration of Board decisions issued on cases received after January 1, 1999. (Two applications have been filed on these cases after March 31, 1999.)

Information/Communication

Information and communication services are provided on an ongoing basis by management and staff. The Chairman, the Executive Director, and members of the senior management of the Board continue to be active in the labour relations community providing, through speeches, presentations and other forums for discussion, information on the Board, its role, responsibilities, processes and jurisprudence.

The CIRB provides a variety of communication services and products - its web site, the publication and distribution of the official Reasons for Decision of the Board, the *FOCUS* Newsletter, information kits for clients, the 1-800 phone line for general enquiries. The level of communication activity was high over the past year:

- the number of hits on the web page averaged 1,500 per month
- Official Reasons for Decision of the Board are distributed to about 500 organizations and individuals, including libraries, research centres, law firms, labour organizations and federal and provincial government departments and agencies (The information is available in paper, CD-ROM, or in electronic format through Quicklaw, an on-line data base.)
- 3 issues of the *FOCUS* newsletter were published; current circulation about 700
- 100 information kits provided upon request
- almost 11,000 general enquiries received on the 1-800 number

As mentioned previously, in early fall, consultations with clients and the general labour relations community will be undertaken with respect to the development of the Board's new regulations and other communications issues.

Section IV: Consolidated Reporting

A. Year 2000 Readiness

The department will be fully prepared for January 1, 2000. As of July 31, 1999, the department's single mission critical system, the Case File Management System, is fully compliant. Other areas of compliance include the department's financial system (Free Balance), records management system (Foremost 7.0), and the library management information system (Inmagic). Network servers running Novell Netware were upgraded to ensure compliance. COTS desktop softwares have been upgraded and will continue to be in order to ensure compliance.

The departmental networks and components will be fully compliant in late fall. Hardware is being made compliant as part of the normal life-cycle asset replacement process.

Section V: Financial Performance

A. Financial Performance Overview

The financial information above includes the last nine months of the Canada Labour Relations Board (April 1 to December 31, 1998) and the first three months of the Canada Industrial Relations Board (January 1 to March 31, 1999).

The total authorities granted the Board were \$800,000 more than originally planned spending. The additional authority approved was to provide for:

- additional employee compensation due to collective bargaining, \$390,000;
- employee benefits related to these additional personnel costs, \$59,000;
- authorized spending of proceeds from the disposal of surplus Crown assets, \$1,000; and
- \$350,000 for additional costs related to transitioning from the CLRB to the CIRB.

The actual spending was 99% of the authorized amounts. Not all costs of transition were incurred in 1998-99.

B. Financial Summary Tables

We have included the following financial tables:

Table 1 - Summary of Voted Appropriations

Table 2 - Comparison of Total Planned Spending to Actual Spending by Business Line

Table 3 - Historical Comparison of Total Planned Spending to Actual Spending

Financial Table 1

Summary of Voted Appropriations

Financial Requirements by Authority (\$ thousands)				
Vote		1998-99		
		Planned Spending	Total Authorities	Actual
Canada Industrial Relations Board				
25	Program expenditures	7,728	8,469	8,369
(S)	Contributions to employee benefit plans	1,178	1,237	1,237
Total Department		8,906	9,706	9,606

Financial Table 2

Comparison of Total Planned Spending to Actual Spending, 1998-1999

Departmental Planned versus Actual Spending (\$ thousands)			
Business Line: Adjudication	1998-99		
	Planned	Authorized	Actual
FTE's	97		83
Operating	8,906	9,706	9,606
Capital	-	-	-
Voted Grants and Contributions	-	-	-
Subtotal: Gross Voted Expenditures	8,906	9,706	9,606
Statutory Grants and Contributions	-	-	-
Total Gross Expenditures	8,906	9,706	9,606
Less: Respendable Revenues	-	-	-
Total Net Expenditures	8,906	9,706	9,606
Other Revenues and Expenditures			
Non-Respendable Revenues	-	-	-
Cost of services provided by other departments	-	-	1,937
Net Cost of the Department	8,906	9,706	12,199

Financial Table 3

Historical Comparison of Total Planned Spending to Actual Spending

Historical Comparison of Departmental Planned versus Actual Spending (\$ thousands)					
	1998-99				
	Actual 1996-97	Actual 1997-98	Planned Spending	Total Authorities	Actual
Canada Industrial Relations Board	8,433	8,596	8,906	9,706	9,606
Total	8,433	8,596	8,906	9,706	9,606

Section VI: Other Information

A. Contacts for Further Information

Canada Industrial Relations Board
4th Floor, West Tower
240 Sparks Street
Ottawa, Ontario K1A 0X8

Telephone: 1-800-575-9696
Fax: (613) 947-5407

E-mail: cirbccri@istar.ca
Internet site: www.cirb-ccri.gc.ca

B. Statutes Administered by the Canada Industrial Relations Board

Canada Labour Code (Part I - Industrial Relations) R.S.C. 1985, c.L-2
Canada Labour Code (Part II - Occupational Safety and Health) R.S.C. 1985, c.L-2

C. Listing of Statutory and Other Departmental Reports and Publications

Canada Industrial Relations Board Annual Report

D. Consolidated Performance Statistics - CLRB/CIRB

The following consolidated statistics are for the 1998-99 fiscal year and include the final nine months of the CLRB and the first three months of the CIRB. As mentioned earlier, there is little detailed analysis of the results achieved over the entire fiscal year because the legislation, authorities, organization, systems and processes have changed so significantly during this period. Conclusions drawn as to performance and corrective action required would be misleading at best. (Explanations of Figures are included with the earlier tables under CIRB performance; the numbering of the Figures is aligned with the numbering used for the CIRB Figures.)

Figure 3A - Workload

Total Files- Certifications, Complaints and Other					
	94/95	95/96	96/97	97/98	98/99
On hand	578	431	453	439	471
Received	<u>706</u>	<u>835</u>	<u>666</u>	<u>658</u>	<u>806</u>
Total files	<u>1284</u>	<u>1286</u>	<u>1119</u>	<u>1097</u>	<u>1377</u>
Granted	245	347	221	228	193
Rejected	324	169	192	155	136
Withdrawn/resolved	<u>284</u>	<u>297</u>	<u>267</u>	<u>243</u>	<u>276</u>
Total disposed	<u>853</u>	<u>813</u>	<u>680</u>	<u>626</u>	<u>605</u>
Pending	431	453	439	471	672

Processing Time

Figure 4A - Total Processing Time for Files with Hearings

	94/95	95/96	96/97	97/98	98/99
Certification Applications					
With Public Hearing					
Median Days - Received to Decision	225	455	270	260	595
Average Days - Received to Decision	250	462	474	290	483
Number of Applications	13	10	14	9	11
Unfair Labour Practice Complaints					
With Public Hearing					
Median Days - Received to Decision	311	316	324	246	418
Average Days - Received to Decision	332	336	336	262	510
Number of Complaints	73	55	62	46	53
All Files					
With Public Hearing					
Median Days - Received to Decision	294	322	314	259	478
Average Days - Received to Decision	431	434	449	330	560
Files Disposed	151	105	145	100	107

Figure 5A - Total Processing Time for Files without Hearings

	94/95	95/96	96/97	97/98	98/99
Certification Applications					
Without Public Hearing					
Median Days - Received to Decision	68	76	84	62	77
Average Days - Received to Decision	94	124	110	83	112
Number of Applications	144	137	129	126	107
Unfair Labour Practice Complaints					
Without Public Hearing					
Median Days - Received to Decision	140	135	121	148	155
Average Days - Received to Decision	182	155	157	169	192
Number of Complaints	232	249	220	227	229
All Files					
Without Public Hearing					
Median Days - Received to Decision	112	88	90	100	104
Average Days - Received to Decision	168	129	133	129	150
Files Disposed	702	708	534	520	494

Complaint Resolution

Figure 6A - Successful Complaint Resolution

Regional Performance	Target	Achieved
Withdrawal/Settlement Rate on Complaints	50%	65.3%

Decision-making - Disposition Time

Figure 7A - Disposition Time Certifications

	94/95	95/96	96/97	97/98	98/99
Certification Applications					
With Public Hearing Held					
Median Days - Hearing to Decision	21	95	163	188	98
Average Days - Hearing to Decision	47	139	190	144	151
Number of Decisions	13	10	14	9	11
Without Public Hearing Held					
Median Days - Ready to Decision	11	9	9	13	14
Average Days - Ready to Decision	20	29	31	27	38
Number of Decisions	149	137	129	126	107

Figure 8A - Disposition Time Unfair Labour Practice Complaints

	94/95	95/96	96/97	97/98	98/99
Unfair Labour Practice Complaints					
With Public Hearing Held					
Median Days - Hearing to Decision	68	48	80	65	147
Average Days - Hearing to Decision	129	88	152	103	240
Number of Decisions	73	55	62	46	53
Without Public Hearing Held					
Median Days - Ready to Decision	15	8	10	16	7
Average Days - Ready to Decision	84	53	57	66	66
Number of Decisions	232	249	220	227	229

Figure 9A - Disposition Time All Files

	94/95	95/96	96/97	97/98	98/99
All Files					
With Public Hearing Held					
Median Days - Hearing to Decision	64	48	97	72	147
Average Days - Hearing to Decision	180	96	163	167	297
Files Disposed	151	105	145	100	107
Without Public Hearing Held					
Median Days - Ready to Decision	17	12	10	14	12
Average Days - Ready to Decision	287	37	40	48	48
Files Disposed	702	708	534	520	494

Decision-making - Quality of decision-making

Figure 10A - Judicial Reviews

Judicial Review Applications					
	94/95	95/96	96/97	97/98	98/99
Board decisions issued*	904	918	723	626	605
Judicial reviews filed	36	24	30	24	16
Percent reviewed (%)	4.0	2.6	4.15	3.8	2.6
Reviews disposed	37	36	32	19	18
Reviews granted	2	2	1	1**	1
Reviews dismissed	24	20	17	9	9
Reviews withdrawn	11	14	14	9	7
Board success rate (%)	94.6	94.4	96.9	94.7	94.5

* "Decisions issued" are compiled based on the number of cases, not the number of files, in which a decision was issued since every individual party may apply for judicial review of a Board decision.

** This judicial review was granted in part.

Figure 11A - Reconsiderations

	Reconsideration Applications				
	94/95	95/96	96/97	97/98	98/99
Received	48	42	37	43	36
Granted	4	5	3	6	6
Rejected	47	25	34	33	31
Withdrawn	3	5	4	2	1
Disposed	54	35	41	41	46
Pending	10	17	13	16	8
Success Rate	7.4%	14.3%	7.32%	14.6%	13.1%

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