Canadian Human Rights Tribunal

2002–2003 Estimates

Report on Plans and Priorities

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Minister of Justice

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Section 1: Messages

1.1 Chairperson's Message

There were many positive developments during the Canadian Human Rights Tribunal's third year in its restructured form. After an initial 'test drive', the Tribunal's draft Rules of Procedure appear to be working well and will soon become Regulations. Clarification has been obtained from the Federal Court on the standard of review applicable to the restructured Tribunal. Most important, the Tribunal has been able to manage a significantly increased workload.

Some things never change, however, and the issue of the independence and impartiality of the Canadian Human Rights Tribunal remains an ongoing concern. In May 2001, the Federal Court of Appeal set aside the decision of Madam Justice Tremblay-Lamer, finding that the Tribunal does indeed enjoy a sufficient level of independence from both the government and the Canadian Human Rights Commission to allow it to provide Canadians with fair and impartial hearings. The decision of the Federal Court of Appeal allowed the Tribunal to proceed with cases that had been put on hold as a result of Madam Justice Tremblay-Lamer's decision. In December, however, the Supreme Court of Canada granted Bell Canada leave to appeal the decision of the Federal Court of Appeal.

It remains to be seen what effect this most recent development in the Bell Canada saga will have on the day-to-day operations of the Tribunal. What is certain, however, is that until such time as the Supreme Court of Canada renders its decision in the Bell Canada appeal — likely some 18 months from now — questions will remain about the institutional independence and impartiality of the Canadian Human Rights Tribunal.

Canadians involved in the human rights process are entitled to have their cases heard by an independent and impartial Tribunal. As I noted in last year's message, the ongoing concerns regarding the independence of the Canadian Human Rights Tribunal can only serve to undermine the credibility of the Tribunal and public confidence in the institution. We do not know what the Supreme Court of Canada will decide in the Bell Canada matter. In the meantime, the only way to ensure that the Canadian Human Rights Tribunal is institutionally independent and impartial is through legislative action.

Anne Mactavish

1.2 Management Representation

MANAGEMENT REPRESENTATION STATEMENT

I submit, for tabling in Parliament, the 2002–2003 Report on Plans and Priorities (RPP) for the Canadian Human Rights Tribunal.

To the best of my knowledge, the information in this document:

- Accurately portrays the organization's plans and priorities.
- Is consistent with the reporting principles contained in the *Guide to the Preparation of the 2002–2003 Report on Plans and Priorities.*
- Is comprehensive and accurate.
- Is based on sound underlying departmental information and management systems.

I am satisfied as to the quality assurance processes and procedures used for the RPP production.

The Planning, Reporting and Accountability Structure (PRAS) on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Name:

Date: February 11, 2002

Section 2: Departmental Overview

2.1 *Raison d'être*

The Canadian Human Rights Tribunal (CHRT) is a quasi-judicial body created by Parliament to inquire into complaints of discrimination and to decide if particular practices have contravened the *Canadian Human Rights Act* (CHRA). Only the Tribunal may legally decide whether there has been a discriminatory practice.

The Tribunal holds public hearings to inquire into complaints of discrimination. Based on (often conflicting) evidence and the law, it determines whether discrimination has occurred. If it has, the Tribunal decides the appropriate remedy to prevent future discrimination and to compensate the victim of the discriminatory practice.

The vast majority of discriminatory acts are not malicious. Most problems arise from long-standing systemic practices, legitimate concerns of the employer, or conflicting interpretations of the statutes and precedents.

The Tribunal may only inquire into complaints referred to it by the Canadian Human Rights Commission (CHRC), usually after a full investigation by the Commission. The Commission resolves most cases without the Tribunal's intervention. Cases referred to the Tribunal generally involve complicated legal issues, new human rights issues, unexplored areas of discrimination, or multifaceted evidentiary complaints that we must hear under oath.

The Tribunal is not an advocate; that is the role of the Commission. The Tribunal has a statutory mandate to apply the CHRA based on the evidence presented and on current case law. The Federal Court of Canada may review Tribunal decisions.

In 1996, with the proclamation of the *Employment Equity Act* (EEA), Parliament expanded the Tribunal's responsibilities. In addition to acting as the Canadian Human Rights Tribunal, the Tribunal also serves as the Employment Equity Review Tribunal (EERT). Since 2000, the EERT has received seven applications for a hearing: five applications from employers and two from the CHRC. To date, no hearings have been held because in four instances the parties resolved the issue before hearing. Three cases are pending.

While the Tribunal is permitted to issue rules of procedure for the operation of this new Tribunal, we have delayed issuing any rules until a few hearings have taken place and we have a better understanding of the needs of the parties and how the Tribunal should function. Meanwhile, the Tribunal has issued a *Guide to the Operations of the Employment Equity Review Tribunal* (available at http://www.chrt-tcdp.gc.ca/english/publidoc.htm) to the parties to help them in their preparation for a hearing. To date, this preliminary guide appears to meet the needs of the parties.

The CHRT consists of two segments: the members of the Tribunal (the adjudicators) and the Registry. The Tribunal currently consists of seven members, whom the Governor in Council (GIC) appoints: the Chairperson and Vice-Chairperson, who by statute must be full-time members, two additional full-time members and five part-time members. The backgrounds of members vary but most have legal training and all must have experience, expertise and interest in — as well as sensitivity to — human rights issues. The Registry provides full administrative support services to the members and is responsible for planning and organizing the hearing process.

The Tribunal considers matters concerning employment or the provision of goods, services, facilities or accommodation. The CHRA makes it illegal for anyone to discriminate against any individual or group on the grounds of:

- race;
- national or ethnic origin;
- colour;
- religion;
- age;
- sex (including pregnancy);
- family status;
- marital status;
- disability;
- conviction for an offence for which a pardon has been granted; or
- sexual orientation.

The Tribunal's jurisdiction covers matters that come within the legislative authority of the Parliament of Canada, including those concerning federal government departments and agencies, as well as banks, airlines and other federally regulated employers and providers of goods, services, facilities and accommodation. In employment equity matters, the EEA applies only to employers with more than 100 employees.

The Registry's activities are entirely separate from the adjudication process. The Registry is accountable for the resources allocated by Parliament. It plans and arranges hearings, acts as a liaison between the parties and members, and gives members the administrative support they need to carry out their duties. It must provide high-quality, effective services to the Canadian public.

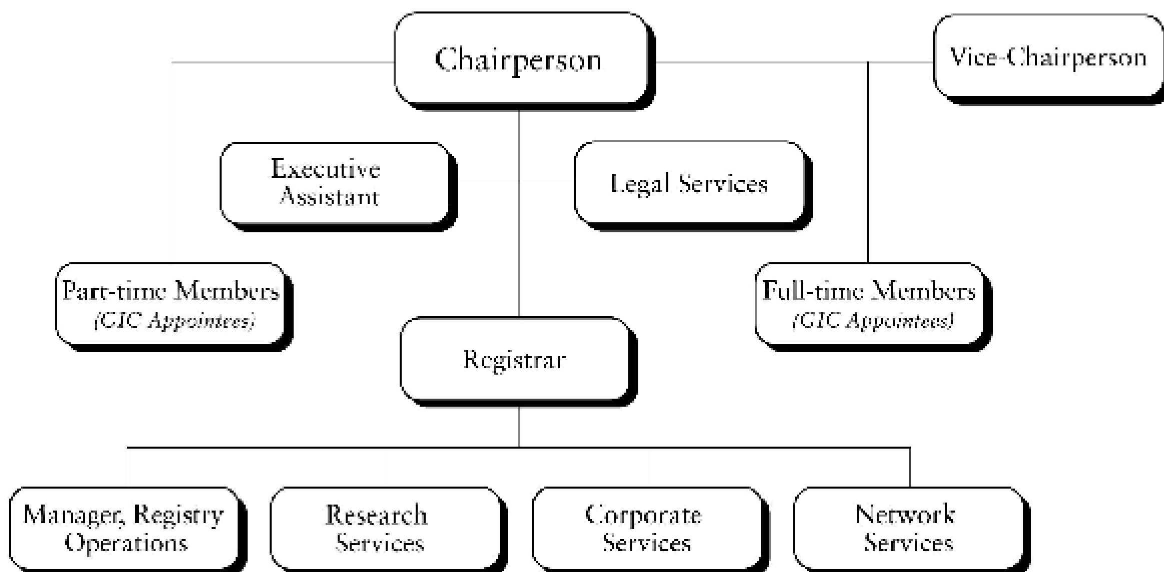
2.2 What's New

Continued Increase in Workload

In 2001, 87 new cases were referred to the Tribunal, compared with an average of 25 cases per year from 1996 to 1999. The year 2001 marks the most new Tribunals constituted since the Canadian Human Rights Tribunal came into existence in 1978. In 2000, 73 cases were referred.

Why has there been such an increase? The CHRC appears to have modified its approach to referring cases to the Tribunal. We understand that the Commission has re-examined the interpretation of section 49(1) of the CHRA, which states that the Commission may refer a case for

Figure 1: Tribunal Organization Chart



hearing “if the Commission is satisfied that, having regard to all the circumstances of the complaint, an inquiry is warranted.” The result is that the CHRC appears to be more open in its approach to referring complaints to the Tribunal. In addition, it may be that comments in the La Forest Report (*see* “La Forest Changes” below) have been a factor in sending more cases to Tribunal.

There has also been an increase in the number of disability cases referred to and heard by the Tribunal. With the recent Supreme Court rulings on disability cases and the amendments to the CHRA in 1998 on the duty to accommodate, the law on employers’ obligations to meet the needs of people with disabilities has to be re-evaluated. We therefore expect to see more disability cases referred to the Tribunal.

An increased workload has and will continue to put pressure on the Tribunal’s resources. However, as a result of a detailed submission from the Tribunal, the government has recognized our operational difficulties and has responded positively with the appointment of two new full-time members and additional financial resources. Based on information received from the Commission, we anticipate that, on average, 100 new cases will be referred to the Tribunal for hearing each year.

Table 2.1: Tribunals Created

Year	1996	1997	1998	1999	**Average 1996 to 1999**	2000	2001	2002 and 2003 projected
Number of referrals	15	23	22	37	**25**	73	87	100

Note: Includes employment equity cases

La Forest Changes

In June 2000, the *Canadian Human Rights Act* Review Panel delivered its report entitled *Promoting Equality: A New Vision*. Chaired by former Supreme Court Justice the Honourable Gérard La Forest, the Panel made a number of recommendations intended to bring the legislation into step with contemporary concepts of human rights and equality and to modernize Canada’s process for resolving human rights disputes. In particular, the Panel recommended substantial changes aimed at “ending the Commission’s monopoly on complaint processing.” The Panel recommended that the Act provide a process allowing claimants to bring their cases directly to the Tribunal with public legal assistance. In the proposed system, the CHRC would cease to investigate complaints, eliminating potential “institutional conflicts between the Commission’s role as decision maker and advocate.” Both the initial screening of claimants and the investigation phase, currently conducted by the Commission, would instead be undertaken by the Tribunal, and the Commission would cease to be a gatekeeper between complainants and the Tribunal.

The impact of such a profound change in process could be significant for the Tribunal. It would increase the Tribunal's caseload from 100 or so new cases a year to as many as 500–600 cases a year. Such a dramatic increase in workload would necessitate a larger Tribunal, one with more members and a greater research and administrative capacity. The Tribunal would also have to develop new methods of operation, including a new system of case management. Considerable work has been done over the last year with respect to the implementation of the recommendations of the *Canadian Human Rights Act* Review Panel.

Institutional Independence

On November 3, 2000, the Federal Court ruled that two sections of the CHRA compromised the Tribunal's institutional independence and impartiality. In response to an application for judicial review of an interim decision of the Tribunal, the Court ruled that the Tribunal was precluded from making an independent judgment in any class of cases in which it was bound by interpretive guidelines issued by the CHRC. In the opinion of Madam Justice Tremblay-Lamer, the fact that the Commission has the power to issue such guidelines gives it a special status that no other party appearing before the Tribunal enjoys, and means that one party to the proceedings can "put improper pressure on the Tribunal as to the outcome of the decision in a class of cases." She found that the Tribunal's decision-making power was "unquestionably fettered" by the Commission's power to issue binding guidelines interpreting the CHRA.

The Court also found that a second provision of the Act compromised the institutional independence of the Tribunal. Under subsection 48.2(2), the Tribunal Chairperson has the power to extend the term of appointment of a Tribunal member whose term expires during the course of a hearing over which he or she is presiding. "The principle of institutional independence requires that a tribunal is structured to ensure that the members are independent," said Justice Tremblay-Lamer. She stated that

> In the case at bar, the ability of a member to continue the case will depend on the discretion of the Chairperson. The difficulty is not necessarily in the manner in which the discretion is exercised but rather in the existence of the discretion itself. … In my opinion, given the high level of independence required, only an objective guarantee of security of tenure will give the necessary protection and afford the member the quietude needed to render a decision free of constraint. There exists no objective guarantee that the prospect of continuance of the tribunal member's duties after expiry of his or her appointment would not be adversely affected by any decisions, past or present, made by that member.

Finding that the two flawed provisions of the CHRA compromised the institutional independence and impartiality of the Tribunal, the Court ordered that further proceedings in the pay equity complaint against Bell Canada be suspended until the problems created by the two offending sections of the Act had been corrected.

The impact of this decision was considerable. Not only was the *Bell Canada* case put on hold, but many other cases were also adjourned indefinitely.

On May 24, 2001, the Federal Court of Appeal set aside the decision of Madam Justice Tremblay-Lamer. The Court noted that the Tribunal did not wield punitive powers, that no constitutional challenge had been made to the statute and that any guidelines passed by the Commission were subject to Parliamentary scrutiny. The Court noted that the 1998 amendments to the CHRA meant that the Commission no longer had the power to issue guidelines binding on the Tribunal in a "particular case" but only in a "class of cases." In the Court's view, the modified legislation, which has a general application, is less likely to give rise to a reasonable apprehension of institutional bias.

The Federal Court of Appeal also addressed the argument that the powers of the Commission were conflicting: that its quasi-prosecutorial role and its role in setting guidelines overlapped. In the Court's view these functions were exercised separately and apart from one another, alleviating any implications of bias.

With respect to the power of the Chairperson to extend the term of any member of the Tribunal whose appointment had expired during an inquiry until that inquiry had concluded, the Court found that this power was not fatal to the institutional independence of the Tribunal. It found that the position of Chairperson was sufficiently insulated from the government, noting that the Chairperson cannot be capriciously removed from office because of decisions made in the administration and operation of the Tribunal. Additionally, if the Chairperson were to abuse power in extending or refusing to extend the appointment of a Tribunal member for reasons wholly extraneous to the proper administration of the Tribunal, such a decision would be subject to review pursuant to section 18.1 of the *Federal Court Act*. Finally, the Court reiterated that the Tribunal's powers are remedial, not punitive, and thus the requirements of fairness are less stringent.

On December 13, 2001, the Supreme Court of Canada granted Bell Canada leave to appeal the decision of the Federal Court of Appeal. It is unlikely that there will be a final decision from the Court for at least 18 months. Needless to say, the ultimate outcome of Bell Canada's challenge is unknown. What is clear is that the Tribunal will continue to operate in an atmosphere of uncertainty for the foreseeable future. This cloud of uncertainty can only serve to undermine the credibility of the Canadian Human Rights Tribunal and does nothing to enhance public confidence in the institution.

The Tribunal is of the view that the only way to resolve the concerns with respect to the institutional independence and impartiality of the Tribunal quickly, and with certainty, is through legislative action.

Section 3: Plans and Priorities by Strategic Outcome

3.1 Plans and Priorities

With such a clear and straightforward mandate — to conduct public hearings and render decisions as a result of those hearings — the Tribunal cannot stray too far in developing plans and priorities. Consequently, we will continue to do what we do well: to provide Canadians with a fair and efficient public hearing process through the adjudication of human rights disputes. Tribunal members will provide well-reasoned decisions and, where appropriate, order suitable remedies for those who have suffered from discrimination. The Tribunal's decisions will also provide guidance and direction to employers and service providers on what is expected of their policies and practices in a human rights context.

Beyond doing business as usual, we have also established the following goals for the Tribunal, which reflect the objectives above:

- render Tribunal decisions within four months of the conclusion of the hearing 90 percent of the time;
- have hearings commence within five months of referral 80 percent of the time;
- work with the Department of Justice on possible amendments to the CHRA in response to the La Forest Report; and
- provide all clients with quality service through the provision of fair and accurate information on Tribunal procedures and practices.

To achieve our fourth objective, we have commenced a review of our service levels through customer satisfaction surveys. We should know the survey results in the summer of 2002. We are committed to responding to any weaknesses identified though the surveys. The Registry's foremost objective is to meet the needs of its clients. Service is key to doing our job. We look forward to the results of the survey, to see what we can do better. Canadians deserve nothing less.

The final objective is to successfully implement in-house financial and human resources services for the Tribunal (*see* Section 3.2).

Table 3.1: Public Hearings Expectations

	1999–2000 Actual	2000–2001 Forecast	2000–2001 Actual	2001–2002 Forecast	2001–2002 Actual (as at Jan. 31, 2002)	2002–2003 Estimated
Cases Appointed						
Commission Referrals	37	48	70	100	83	90
Employment Equity Review Tribunals	0	2	3	10	4	10
Total Appointments	37	50	73	110	87	100
Cost per Case ($ thousands)	50	40	40	45	45	45
Hearing Days						
Regular	124	200	167	300	166	200
Pay Equity	94	225	111	100	78	200
Employment Equity Review	0	20	0	20	0	20
Total Hearing Days	218	445	278	420	244	420
Cases Expected to be Resolved Through Mediation	4	25	0	15	0	0
Percentage of Cases that Settle	76.4%	—	76.4%	70.0%	81.0%	70.0%
Months to Render a Decision from Conclusion of Hearing	3.5	4.0	2.6	4.0	4.6	3.5
Months to Process a Case from Commission Referral to Rendering of Decision	7	12	9.3	8.5	8.9	8.5

The figures above show that the Tribunal workload projections for public hearings have been, for the most part, accurate. Except for the number of hearing days that were forecast for 2000–2001, the information above shows that we realized most of the stated expectations of the Tribunal.

As indicated throughout this report, the number of cases referred to the Tribunal from the Commission continues to increase. Despite the boost in the number of new cases, the Tribunal has maintained its previously stated time lines for planning and conducting hearings.

The difference between the forecast and actual days of hearings for 2001–2002 is primarily the result of two factors: the increase in the number of settlements and the decision of the Federal Court of Canada concerning Bell Canada (*see* “Institutional Independence” in Section 2.2), which resulted in most cases being suspended for part of 2001. The increase in the number of cases that are settled directly affected our projections for hearing days. As more cases settle, fewer hearing

days are needed. The Registry will closely monitor this trend and adjust its practices as required. Should settlements become less frequent, there could be delays in the processing of cases because of an increase in hearings and hearing days.

The cost of conducting each hearing remains consistent with our projections.

The time necessary to render decisions has varied, but our stated objective of four months from completion of the hearing to the issuance of the decision has been attained in most instances.

The objective concerning the time needed to process a case from referral to the rendering of the decision has also been attained. The above figure shows that the Tribunal has decreased its forecast from the previous 12-month time frame to 8.5 months for the coming years. However, we are somewhat hesitant about making this projection, since the number of settlements may have a direct impact on our forecast.

Pay Equity Cases

The three major pay equity cases — *Public Service Alliance of Canada (PSAC) v. Canada Post, PSAC v. Government of the Northwest Territories,* and *Canadian Telephone Employees' Association (CTEA) et al. v. Bell Canada* — have all been part of the Tribunal's caseload for almost a decade, requiring an enormous amount of the Tribunal's time and resources. However, as discussed earlier in this section under "Institutional Independence," the Federal Court decision in November 2000 put a stop to the hearings in the *Bell Canada* case, as well as in the *Canada Post* case. They resumed after the Federal Court of Appeal set aside that decision in May 2001. The Supreme Court has recently granted leave to appeal the Federal Court of Appeal's decision; the effect this will have on these cases is not known.

PSAC v. Canada Post is the Tribunal's longest-running case, in hearings since 1993. In 2001, the case sat for 26 days, for a total of 374 hearing days. Before its adjournment in November 2000 pending the outcome of the appeal of the Federal Court decision in *Bell Canada*, the case had proceeded into reply evidence. Hearings resumed in the summer of 2001, and the evidence should be completed in the next fiscal year.

In *CTEA et al. v. Bell Canada*, hearings had just begun in 1999 before they were suspended by the Federal Court decision of November 2000. The hearings resumed in September 2001 following the appeal decision, resulting in 22 hearing days for the year and a total of 77. Depending on the outcome of Bell Canada's appeal to the Supreme Court, hearings may proceed for another two to three years.

PSAC v. Government of the Northwest Territories had 24 days of hearings in 2001. The *Bell Canada* decision in November 2000 did not immediately stop the hearing in this instance: it was

decided by the parties to continue until the Commission and the complainant closed their cases and then adjourn at that point. As of the end of 2001, the Commission and the complainant had not closed their cases, but the Federal Court of Appeal decision in May 2001 had allowed the hearing to continue as required. Since the case's referral to the Tribunal in 1997, there have been 103 hearing days. Additional days have been scheduled for 2002.

3.2 Challenges and Risks

The immediate future of the Tribunal's role is predicated on the decisions of two other institutions: the Supreme Court and the Department of Justice. The Supreme Court has agreed to decide whether the Tribunal is fair and impartial based on the wording of two sections of the CHRA (*see* "Institutional Independence" in Section 2.2). The Department of Justice will determine whether the CHRA should be amended as recommended in the La Forest Panel Report (*see* "La Forest Changes" in Section 2.2).

The risks are clear: should the Supreme Court rule that either one or both of the sections of the CHRA creates a Tribunal that is *not* impartial or independent, we would be unable to continue to hold hearings or render decisions. The CHRA would be unenforceable. Should the Minister of Justice decide to amend the CHRA, the role of the Tribunal will be so significantly altered as to create a wholly new adjudicative body.

These are interesting times, posing interesting challenges for the Tribunal. We have no control over the outcome, but we will be asked to carry out whatever the results may dictate. The Courts and/or the Minister will determine our future and we look forward to meeting the challenges that they will set for us. We have done some preliminary evaluations and operational planning based on the various scenarios that may develop, and feel confident that we can respond to whatever eventuality is presented to us.

Our other major challenge for 2002–2003 is to establish our own units for the provision of financial and human resources services. Currently, the Office of the Commissioner for Federal Judicial Affairs provides these services by means of a contractual agreement. However, that agency has now decided it is no longer capable of continuing with the service and has advised the Tribunal that it will cancel the agreement effective May 1, 2002.

We contacted other agencies in the hope of finding another government agency to assume these vital services — but without success. Consequently, the Tribunal is now forced into establishing in-house services to meet our operational and statutory obligations. We have made progress on designing systems and organizing our work to respond to this challenge. By April 1, 2002, we expect to be able to provide the basic operating necessities for both services. Throughout the year we will enhance and expand our financial and human resources services to the level demanded by the government's central agencies.

3.3 Results Achieved for Canadians

The rendering of final decisions and interim rulings on human rights issues is the key output of this organization.

The Tribunal's decisions must be (and must be seen to be) independent and impartial, offering a fair process to all parties. Tribunal members base their decisions solely on the merits of individual complaints, the applicable legal principles and the evidence presented at the hearing.

Decisions of the Tribunal give concrete meaning to the CHRA. The Act sets out the parameters that federally regulated employers and service providers must follow related to human rights issues. Decisions are not intended to be punitive but rather remedial, with the purpose of ending discriminatory practices that could adversely affect all Canadians.

In 2001, the Tribunal rendered 18 final judgements and 26 interim rulings (available at www.chrt-tcdp.gc.ca). This is the most of any year in the Tribunal's history. Our reviewing body, the Federal Court of Canada, reviewed 11 decisions of the Tribunal with 9 being affirmed and 2 being reversed. We are pleased with these results.

On average, in 2001 the Tribunal did not quite meet its previously stated objective of releasing its decisions within four months of the close of the hearing. The average for the 18 decisions released in 2001 was 4.6 months. However, our two full-time members averaged 2.71 months to render their decisions. With the recent appointment of two additional full-time members, we are very confident that we will meet the four-month guideline in 2002.

Figure 2: Accountability Chart

3.4 Planned Spending

Table 3.2: Departmental Planned Spending

($ millions)	Forecast Spending 2001–2002*	**Planned Spending 2002–2003**	Planned Spending 2003–2004	Planned Spending 2004–2005
Budgetary Main Estimates (gross)	2.8	**3.6**	2.2	2.2
Non-budgetary Main Estimates (gross)	—	**—**	—	—
Less: Respendable Revenue	—	**—**	—	—
Total Main Estimates	2.8	**3.6**	2.2	2.2
Adjustments	1.4	**—**	—	—
Net Planned Spending	4.2	**3.6**	2.2	2.2
Less: Non-respendable Revenue	—	**—**	—	—
Plus: Cost of services received without charge	.49	**.56**	.54	.54
Net Cost of Program	4.7	**4.2**	2.7	2.7
Full-time Equivalents	19	**24**	24	24

* In 2003–2004 and 2004–2005, the decrease in planned spending is attributable to the fact that planned spending has not been approved for pay equity cases.

3.5 Lessons Learned

“Lessons learned” is a concept we feel is essential for good management and for achieving an organization’s objectives. The Registry staff and the members strive to improve the quality of service to our clients. Through the input of our clients, we learn which practices work well and

which could use some improvement. The key to providing quality service is being prepared to adjust to your clients' needs, instead of putting your own preferences before those of the client.

The Tribunal has one business line: to ensure the equitable application of the CHRA and the EEA by conducting fair and efficient public hearings.

This has been our core purpose since coming into existence in 1978. During the past 23 years we have refined and developed our procedures and policies to reflect this objective based on three criteria: legislative change, Court direction and the needs of our clients. A few examples of how we've applied lessons learned in the past are:

- the use of questionnaires to help in the planning of hearings;
- the development of a user's guide to help the non-lawyer understand how the hearings process works; and
- the provision of clarification by amending our rules to better serve the parties.

All of these lessons are intended to help us achieve our objectives of providing quality service and improved public access to the Tribunal.

Each day, lessons are learned — some substantial, some less so. Hence, we will continue to review and adjust our operating procedures accordingly if it is in the best interest of our clients and maintains the legal integrity of the process.

3.6 Performance Measurements

Throughout this report we have repeatedly stressed our commitment to quality service. We have now decided to test the level of service that we are providing. We will send questionnaires to our clients from the past three years, asking them about the level of service they feel they have received. Such a survey does create some anxiety for the staff. However, if you are committed to service, you must be prepared to deal with the findings. Our clients will identify some unknown and, most likely, unexpected weaknesses in our services. Whatever these weaknesses may be, we will address and correct them to the extent that we can within the limits of our statutory mandate.

For the specific goals set out above (*see* Section 3.1), we regularly maintain statistics on them and will continue to do so. We will report on the success of achieving those goals in our 2003 Fall Performance Report.

As with all government departments and agencies, the Tribunal is committed to the principles of Modern Comptrollership. Our first step is to complete a capacity assessment to determine where

we are and what we must do to successfully bring our management practices to the appropriate levels as defined under Modern Comptrollership. We will conduct the first step in this process during the winter and spring of 2002 and will report on the results in our next two fall performance reports.

Section 4: Annexes

4.1 Financial Information

Table 4.1: Net Cost of Program for the Estimates Year

($ thousands)	**Total**
Net Planned Spending (Gross Budgetary and Non-budgetary Main Estimates plus Adjustments)	3638
Plus: Services Received without Charge	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	474
Contributions covering employees' share of insurance premiums and costs paid by TBS	82
Workers' compensation coverage provided by Human Resources Development Canada	—
Salary and associated expenditures of legal services provided by Justice Canada	3
	559
Less: Non-respendable revenue	—
2002–2003 Net Cost of Program	4197

Calculations: Insurance Plans — 7.5% of 1,087,000 = 81,525

4.2 Other Information

Contacts for Further Information and Web Site

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Legislation and Associated Regulations Administered

The federal Minister of Justice is responsible to Parliament for the following Act:
Canadian Human Rights Act (R.S. 1985, c. H–6, as amended)

The Minister of Labour is responsible to Parliament for the following Act:
Employment Equity Act (S.C. 1995, c. 44, as amended)

Statutory Annual Reports and Other Departmental Reports

The following documents can be found on the Tribunal's Web site.

Annual Report (2000)
Report on Plans and Priorities (2001–2002 Estimates)
Rules of Procedure