



RCMP External Review Committee

1997-98
Estimates

Part III

Expenditure Plan

The Estimates Documents

The Estimates of the Government of Canada are structured in three 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 Part III documents provide additional detail on each department and its programs primarily in terms of the results expected for the money spent.

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Expenditure Plan

Approved

Solicitor General

Preface

This document is a report to Parliament to indicate how the resources voted by Parliament have or will be spent. As such, it is an accountability document that contains several levels of details to respond to the various needs of its audience.

The Part III for 1997-98 is based on a revised format intended to make a clear separation between planning and performance information, and to focus on the higher level, longer term plans and performance of departments.

The document is divided into four sections:

- The Minister's Executive Summary
- Agency Plans
- Agency Performance; and
- Supplementary Information

It should be noted that, in accordance with Operating Budget principles, human resources consumption reported in this document will be measured in terms of employee full-time equivalents (FTEs).

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Section I
Minister's Executive Summary

The RCMP External Review Committee is, with the exception of the Court system, the only legislative mechanism available to the members of the Royal Canadian Mounted Police capable of conducting independent reviews of members' labour relations concerns. By serving as a visible agent of police accountability, the Committee is not only ensuring that the interests of members are protected vis-à-vis the RCMP; it is also balancing the interests of the Force and its members with those of the Canadian public.

I am proud to say that the Committee has maintained a consistently high standard in the quality of its work, has developed an important role in helping to maintain the Force's core mission and values, and accordingly has the trust and confidence of members. The Committee has been recognized within the federal government as a model case: it is an agency which continues to accomplish these objectives while having voluntarily undertaken several cost efficiency measures and restructuring initiatives which resulted in a downsizing of its organization and a reduction of its operating expenditures by over 50%.

Three years ago, the Committee experienced a tripling of the number of cases referred to it, and has, since then, experienced a substantial increase in the complexity of its cases. It developed strategies to deal with these challenges, and, by the end of fiscal year 1996-97, will have dealt with its backlog and hopes to be processing virtually all of its cases within a time frame of 90 to 120 days. The Committee has, in collaboration with RCMP management and members' representatives, also undertaken a study of its mandate in order to identify alternatives which will permit it to play an even more effective and efficient role.

In its role as a balancing agent, the Committee ensures that the rights and welfare of RCMP members are safeguarded, thus complementing other initiatives which preserve and maintain the integrity of the Force.

Section II Agency Plan

A. Summary

While continuing to manage within fiscal restraints, the RCMP External Review Committee will continue to provide the RCMP Commissioner with timely and quality *Findings & Recommendations* on specific cases referred to it, and advice with respect to labour relations generally within the Force. In that respect, it is committed to:

- coping effectively and efficiently with the workload;
- adapting to a new environment; and
- undertaking further cost-saving initiatives where possible.

B. Overview of RCMP External Review Committee

- Role and Responsibilities

The RCMP External Review Committee was created by Part II of the Royal Canadian Mounted Police Act, R.S.C., 1985, c. R-10, as amended, as an independent and impartial, quasi-judicial body to review appeals of formal discipline, appeals of discharge or demotion, and certain types of grievances involving regular and civilian members of the RCMP. The Committee independently reviews grievances and appeals referred to it and submits recommendations to the RCMP Commissioner. In its review, the Committee may hold hearings, summon witnesses, administer oaths and receive and accept such evidence as it sees fit.

- Program Description

The RCMP External Review Committee is a component of a two-level redress mechanism available to members of the Royal Canadian Mounted Police who are not satisfied with disciplinary actions, discharges or demotions, and with certain other Force decisions, acts or omissions which impact upon their employee rights and in respect of which no other redress process is provided by the RCMP Act or its Regulations. The Committee independently reviews grievances and appeals referred to it and submits recommendations to the RCMP Commissioner who acts as the second and last level of the review process. The RCMP Commissioner is not required to accept the recommendations of the Committee, but when he chooses not to do so, he is required to provide his reasons. His decision is final although it is subject to judicial review by the Federal Court.

Under the RCMP Act, the RCMP Commissioner refers all appeals of formal discipline and all discharge and demotion appeals to the Committee unless the member of the RCMP requests that the matter not be referred. In addition, pursuant to s. 33 of the RCMP Act, the RCMP Commissioner refers certain types of grievances to the Committee in accordance with regulations made by the Governor in Council. Section 36 of the RCMP Regulations lists the kind of grievances which the RCMP Commissioner has to refer to the Committee; they are as follows:

- i) the Force's interpretation and application of government policies that apply to government departments and that have been made to apply to members;

- ii) the stoppage of pay and allowances of members made pursuant to subsection 22(3) of the RCMP Act;
- iii) the Force's interpretation and application of the Isolated Posts Directive;
- iv) the Force's interpretation and application of the RCMP Relocation Directive; and
- v) administrative discharge on the grounds of physical or mental disability, abandonment of post, or irregular appointment.

In each case, the member may request that the matter not be referred, in which case, the RCMP Commissioner has the discretion whether to refer the matter or not.

The Chairperson of the Committee reviews all matters referred to it. Where the Chairperson is dissatisfied with the RCMP's disposition of the matter he or she may

- i) advise the RCMP Commissioner and the parties of his Findings and Recommendations resulting from his review; or
- ii) initiate a hearing to consider the matter. At the end of the hearing the Committee member(s) designated to conduct the hearing will advise the RCMP Commissioner and the parties of the Committee's Findings and Recommendations.

In practice, even when the Chairperson is satisfied with the original disposition, he or she advises the RCMP Commissioner and the parties of the reasons by means of Findings and Recommendations. The RCMP Commissioner may accept or reject the Committee's recommendations but if he rejects a recommendation, he must provide written reasons to the member involved and the Committee.

In conducting its review of matters referred to it, the Committee attempts to achieve a balance amongst the different interests referred to above while ensuring that the principles of administrative law are respected and the remedial approach taken by the RCMP Act is followed. In each case, the interests of the individual member of the Force must be balanced against those of the Force's management, of other members and of the force's clients: the public, as represented by Attorneys and Solicitors General.

- *Program Organization for Delivery*

Although the legislation provides for a full-time Chairperson, a Vice-Chairperson and three other members who can be appointed on a full-time or part-time basis, and who are available to assist with its work (e.g.: hearings), the Committee is currently operating with two members only: the Vice-Chairperson who acts as Chairperson and another part-time member. The Vice-Chairperson is authorized by the Solicitor General (pursuant to subsection 26(2) of the RCMP Act) to exercise the powers and perform the duties of Chairperson. Case review and administrative support are provided by staff who report to the Chairperson through the Executive Director. The Committee's offices are located in Ottawa.

Authorities for 1997-98 - Part II of the Estimates

Financial Requirements by Authority

Vote	(thousands of dollars)	1997-98 Main Estimates	1996-97 Main Estimates
Royal Canadian Mounted Police External Review Committee			
45	Program expenditures	738	745
(S)	Contributions to employee benefit plans	50	43
Total Agency		788	788

Votes-Wording and Amounts

Vote	(dollars)	1997-98 Main Estimates
Royal Canadian Mounted Police External Review Committee		
45	Program Expenditures	738,000

Net Cost of the Program by Business Line/Activity

1997-98 Main Estimates

Business Line/Activity	Operating	Grants and Contributions	Statutory Payments	Less: Revenue Credited to
Case Review			788	788
			788	788

and Expenditures

Consolidated Fund
by other Departments

Net Cost of the Program

C. Details of Agency Plan - Results Expectations

- **Coping effectively and efficiently with the workload**

Background

- *Lack of control on number and nature of referrals:* The Committee has little control over the number or the nature of cases referred to it. The number of referrals to the Committee depends, in part, on the members' decisions as to whether they should submit their cases to level II, and the Force's interpretation of the RCMP Regulations which establish the Committee's jurisdiction.
- *Ever-increasing complexity of cases referred to the Committee:* Relatively simple grievances involving matters such as basic policy interpretation are becoming relatively less frequent as the Committee's workload shifts to more complex and sensitive matters such as discipline and discharge.
- *Committee's backlog:* In 1993-94, the Committee volunteered a reduction of its resources (down from fifteen to five FTE's). However, during that same period, the number of cases referred to the Committee almost tripled; this, coupled with the fact that cases are increasingly becoming more and more complex, had the effect of producing a backlog - a situation which is naturally of concern to the Committee, RCMP management and membership.

Key Initiatives

- Processing cases within a period of 90 to 120 days while maintaining high standards of performance - in order to effectively and efficiently deal with the workload.
- Solidifying existing communications with RCMP management and members' representatives - in order to assist the Committee in better planning its future workload.
- Shifting staff training and development resources and activities - in order for the case review staff to gain a greater expertise in the area of discipline and discharge.

Performance Indicators

- Number of cases successfully processed within 90 to 120 days.
- Concordance rates between the Committee's recommendations and the RCMP Commissioner's decisions.
- RCMP Commissioner's observations regarding the quality of the Committee's *Findings and Recommendations* in specific cases.
- Observations collected from members' representatives.

- **Adapting to a new environment**

Background

- *Fast-changing RCMP environment:* In order to adapt to a rapidly changing world, the RCMP has recently undertaken several initiatives aimed at addressing morale issues, improving internal communications, and making the grievance process more efficient and effective. One of its major initiatives in this regard is the "Alternate Dispute Resolution" RCMP project which is implementing early interest-based approaches to resolution of disputes, and a broader system of conflict management which will institutionalize this approach in all of RCMP labour relations. Such a direction should, in the long run, have a profound and positive effect on labour relations within the RCMP and eventually could have an effect on the Committee's mandate and workload.
- *Legislative and policy changes:* Any specific legislative and policy initiatives undertaken by the RCMP in the area of staff relations could potentially have a significant impact on the members' rights.
- *Concerns about the Committee's mandate:* The Committee's mandate in matters of discipline, discharge and demotion is fully described by the RCMP Act and Regulations and has, so far, not presented any major problem of interpretation. However, its jurisdiction as it pertains to grievances has, over the years, been the subject of much discussion.

Not all grievances are referable to the Committee. In fact, the Committee is not involved in the decision as to whether a matter should be referred to it, neither is it possible for the Committee to monitor, of its own motion, whether certain grievances were not referred to it which ought to have been. Section 36 of the RCMP Regulations provides that grievances relating to a number of matters are to be referred to the Committee. While sub-paragraphs 36(b) through (e) are specific, this is not so with sub-paragraph 36(a) - the Force's interpretation and application of government policies that apply to government departments and that have been made to apply to members. Whether or not a matter is referable to the Committee under this provision requires an interpretation in each case. In the past, the decision as to which cases should be referred was made by the Commissioner's delegates at RCMP Headquarters; it is now delegated to RCMP Divisions, which makes sub-paragraph 36(a) even more subject to interpretation. As is understandable, there have been indications of inconsistent interpretation of this section; the vagueness of its wording has much to do with this. While the vague wording of sub-paragraph 36(a) affects only this one paragraph, it has disproportionate effects given that it accounts for a large part of the Committee's grievance referrals.

Key Initiatives

- Supporting and encouraging RCMP's initiatives with respect to alternative dispute resolution mechanisms such as mediation in grievances, discipline and discharge, including all subject matters referred to the Committee.
- In collaboration with RCMP management and members' representatives, re-examining the Committee's mandate in order to further improve its efficiency, openness and accountability.
- Amending the Committee's Rules of Practice and Procedure.

- Proactively monitoring and responding to legislative and policy initiatives undertaken by the RCMP.

Performance indicators

- Number and nature of legislative/policy changes made by the RCMP as a result of Committee's *Findings and Recommendations*.

- **Undertaking further cost-saving initiatives where possible**

Background

- The RCMP External Review Committee currently operates with five FTE's and a budget of half the size it was three years ago. Given the ever-increasing complexity of its workload and the further reduction of 2.5% planned by Government for 1998/99, the Committee will face challenges in continuing to manage within fiscal restraints and maintain a high quality and speedy service to its clients, the Commissioner of the RCMP and members of the Force. The Committee is, however, committed to continue implementing cost-saving initiatives which will further assist the government in its attempts to further reduce the deficit.

Key Initiatives

- Further streamlining the Committee's case review process.
- Promoting modern solutions such as recommending and facilitating mediation in some cases.
- Eliminating certain program activities which are deemed desirable but not absolutely essential.

Performance Indicators

- Number of cases referred to the Committee successfully resolved as a result of a Committee's recommendation that the case be mediated as opposed to through a full review undertaken by the Committee.
- Number of financial resources saved.

Appropriated Planned Spending

(thousands of dollars)	Main Estimates* 1996-97	Main Estimates 1997-98	Planned 1998-99	Planned 1999-00
Business Line/Activity				
Case Review	788	788	768	768
	788	788	768	768

* Does not reflect Supplementary Estimates Actual Mains Only

Section III
Summary of Agency Performance for 1995-96

While following the trends evident in Canadian labour relations cases generally, the Committee's recommendations must be relevant to the RCMP if they are to be useful. One criterion which could be used to evaluate the outcome is the fairness of the process by which files are reviewed and recommendations made. Although it is not easy to test this, an indicator of the degree to which the members of the RCMP perceive the Committee's work to be fair is the fact that to the best of the Committee's knowledge, only one member has, so far, requested that a matter not be referred to the Committee, and this was during the second year of the Committee's mandate. This can be taken as evidence that the Committee's work is perceived by members of the RCMP as being fair to them. On the other hand, the degree to which the Committee's recommendations are deemed to be fair to the RCMP can be inferred from the number of times the RCMP Commissioner accepts the Committee's recommendations. In 90% of the grievances reviewed by the Committee since its creation, the RCMP Commissioner has either agreed with the Committee's recommendations and reasons or agreed with the recommended action albeit for different reasons. This can be taken as evidence that the Committee's work is perceived by management of the RCMP as being fair.

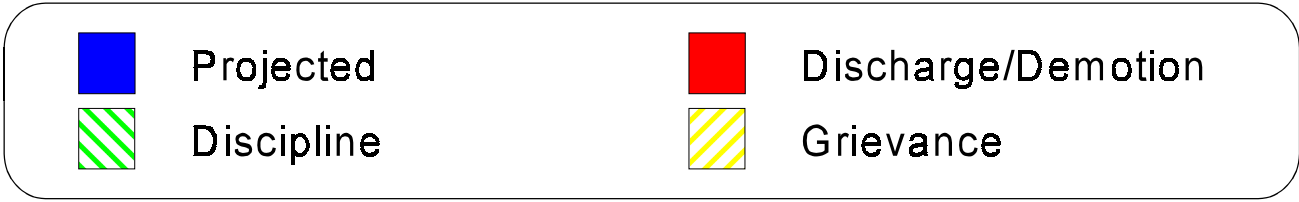
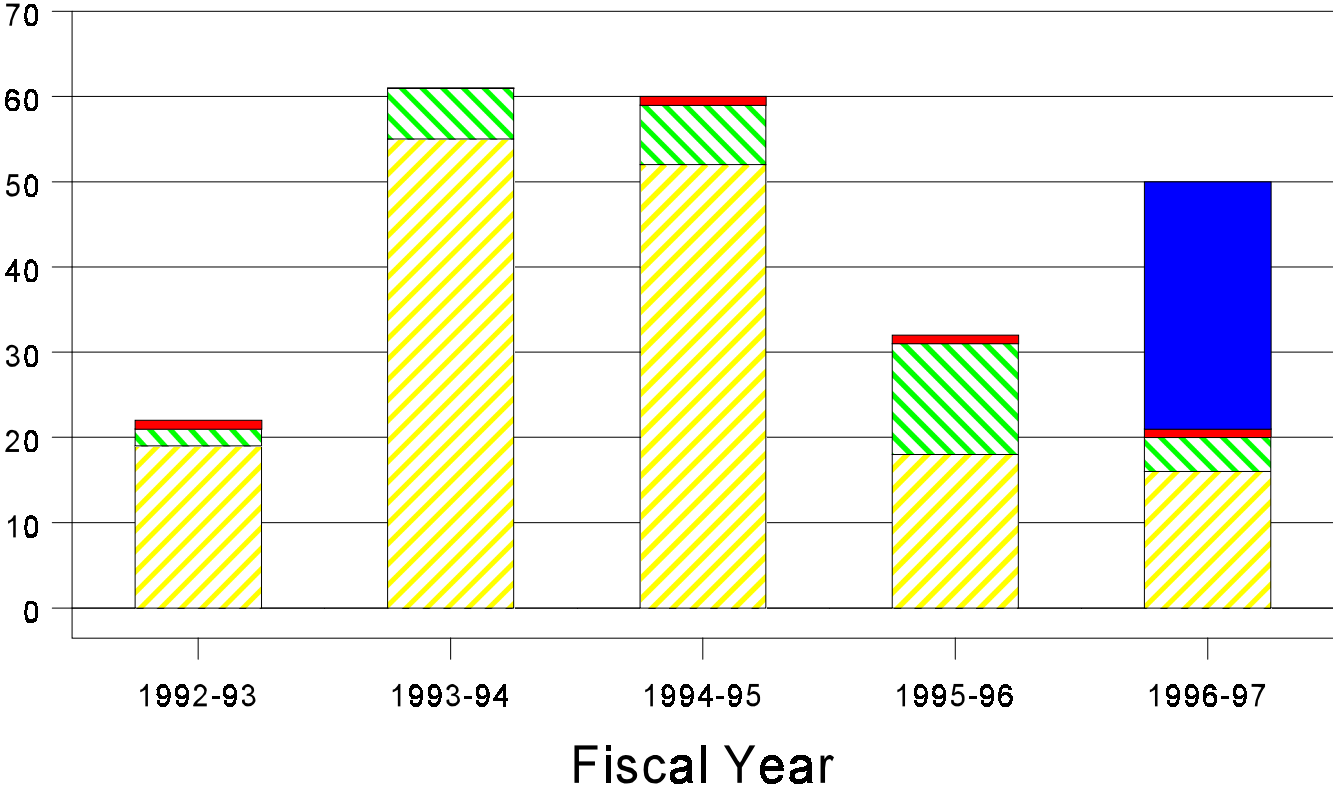
To date, the Committee has received grievances or appeals representing the direct interests of close to three hundred members of the RCMP. Furthermore, when the Committee deals with a grievance or appeal of one member, it has often resolved the concerns or questions of hundreds of other members, and some recommendations have resulted in the revision of RCMP policies and procedures. The Committee's recommendations are not limited to solving immediate problems. Hence, they can and have served the more profound purpose of influencing the RCMP as a whole in the improvement or elaboration of new human resource policies and systemic change.

During 1995-96, the Committee almost doubled its output, completing approximately twice the number of cases over the previous year. By the end of fiscal year 1996-97, the Committee will have accomplished its main output objective of processing most cases within 90-120 days while maintaining high standards of performance. Initiatives undertaken have included: temporarily shifting financial resources to allow for the hiring of temporary additional staff, a further streamlining of the case review process, an enhanced communication and planning with the RCMP, the promotion of modern solutions such as recommending and facilitating mediation in some cases, and the elimination of certain program activities which are deemed desirable but not absolutely necessary.

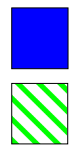
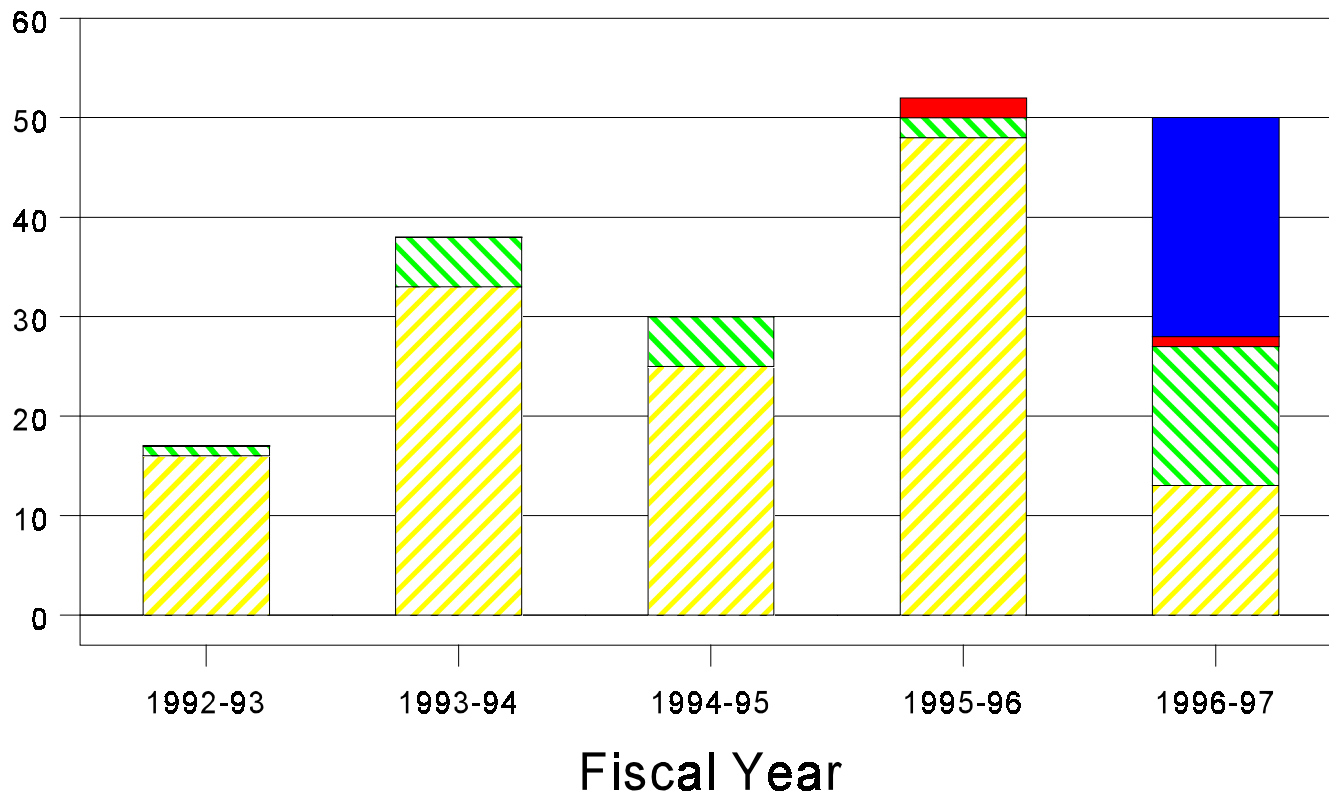
Agency Appropriated Planned and Actual Spending

(thousands of dollars)	Actuals 1993-94	Actuals 1994-95	Main Estimates 1995-96	Actuals 1995-96
Business Line/Activity				
Case Review	576	643	792	671
Total	576	643	792	671

RCMP External Review Committee Cases Received by Type and Year



RCMP External Review Committee Cases Completed by Type and Year



Projected



Discipline



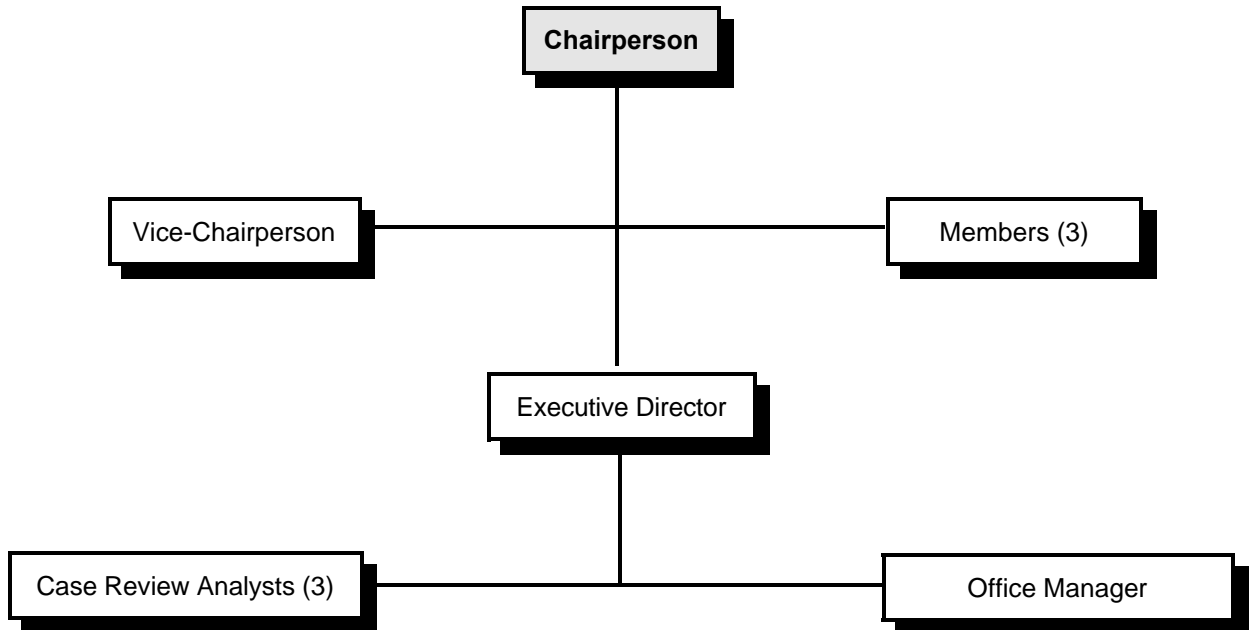
Discharge/Demotion



Grievance

Section IV
Supplementary Information

Appendix 1 - Organization



Appendix 2 - Personnel Requirements

2.1 Details of Personnel Requirements by Business Line/Activity (FTEs)

	<u>Actuals</u> <u>1994-95</u>	<u>Actuals</u> <u>1995-96</u>	<u>1996-97</u> <u>Estimates</u>	<u>1997-98</u> <u>Estimates</u>	<u>1998-99</u> <u>Planned</u>	<u>1999-00</u> <u>Planned</u>
Business Line/Activity						
Case Review	5	5	5	5	5	5
Total	5	5	5	5	5	5

Appendix 2 - Personnel Requirements

2.2 Summary by Professional Category (FTEs)

	Actuals 1994-95	Actuals 1995-96	1996-97 Estimates	1997-98 Estimates	1998-99 Planned	1999-00 Planned
Executive Group	1	1	1	1	1	1
Administrative and Foreign	3	3	3	3	3	3
Administrative Support	1	1	1	1	1	1
Total	5	5	5	5	5	5

Appendix 3 - Additional Financial Information

3.1 Expenditures

3.1.1 Statement of Financial Requirements by Object (\$000)

	Actuals 1994-95	Actuals 1995-96	1996-97 Estimates	1997-98 Estimates	1998-99 Planned	1999-00 Planned
Personnel	345	366	339	346	346	346
Transportation and communications	33	43	50	50	50	50
Information	0	3	15	15	15	15
Professional and special services 187	223	330	330	310	310	
Rentals	8	8	9	15	15	15
Purchased repair & upkeep	0	0	5	0	0	0
Utilities, materials and supplies	20	32	10	32	32	32
Other subsidies and payments	1	(4)	0	0	0	0
Internal Sources	29	0	0	0	0	0
Minor Capital 20	0	30	0	0	0	
Total	643	671	788	788	768	768

Appendix 4 - Statutes Administered by the RCMP External Review Committee

Part II, III, IV and V of the Royal Canadian Mounted Police Act

(R.S.C., 1985, c. R-10),
as amended

Appendix 5 - References

RCMP External Review Committee

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Annual Report