



Canada Industrial Relations Board

2000-2001
Estimates

Part III – Report on Plans and Priorities

Canada

The Estimates Documents

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament. The Estimates, which are tabled in the House of Commons by the President of the Treasury Board, consist of three parts:

Part I – The Government Expenditure Plan provides an overview of federal spending and summarizes both the relationship of the key elements of the Main Estimates to the Expenditure Plan (as set out in the Budget).

Part II – The Main Estimates directly support the *Appropriation Act*. The Main Estimates identify the spending authorities (votes) and amounts to be included in subsequent appropriation bills. Parliament will be asked to approve these votes to enable the government to proceed with its spending plans. Parts I and II of the Estimates are tabled concurrently on or before 1 March.

Part III – Departmental Expenditure Plans which is divided into two components:

- (1) **Reports on Plans and Priorities (RPPs)** are individual expenditure plans for each department and agency (excluding Crown corporations). These reports provide increased levels of detail on a business line basis and contain information on objectives, initiatives and planned results, including links to related resource requirements over a three-year period. The RPPs also provide details on human resource requirements, major capital projects, grants and contributions, and net program costs. They are tabled in Parliament by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*. These documents are to be tabled on or before 31 March and referred to committees, which then report back to the House of Commons pursuant to Standing Order 81(4).
- (2) **Departmental Performance Reports (DPRs)** are individual department and agency accounts of accomplishments achieved against planned performance expectations as set out in respective RPPs. These Performance Reports, which cover the most recently completed fiscal year, are tabled in Parliament in the fall by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*.

The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of public funds.

© Her Majesty the Queen in Right of Canada, represented by
the Minister of Public Works and Government Services, 2000

Available in Canada through your local bookseller or by mail from
Canadian Government Publishing (PWGSC)
Ottawa, Canada K1A 0S9

Telephone: 1-800-635-7943
Internet site: <http://publications.pwgsc.gc.ca>

Catalogue No. BT31-2/2001-III-28

ISBN 0-660-61164-3

Canada Industrial Relations Board

2000-2001
Estimates

Report on Plans and Priorities

Approved:

Honourable Claudette Bradshaw
Minister of Labour

Table of Contents

Section I: Messages

- A. Message from the Chairperson 1
- B. Management Representation Statement 2

Section II: Departmental Overview

- A. Mandate, Roles and Responsibilities 3
- B. Departmental/Program Objectives 5
- C. External Factors Influencing the CIRB 6
- D. Departmental Planned Spending 8

Section III: Plans, Results and Resources

- A. Planned Spending 9
- B. Business Line Objective 9
- C. Business Line Description 9

Section IV: Horizontal Information - N/A

Section V: Financial Information

- Table 5.1: Source of Respendable and Non-Respendable Revenue 13
- Table 5.2: Net Cost of Program for the Estimate Year 13

Section VI: Other Information 15

Index

Section I: Messages

A. Message from the Chairperson

In last year's Report on Plans and Priorities for the newly established Canada Industrial Relations Board (CIRB), a series of measures were described that would be undertaken to improve the Board's effectiveness, manage its caseload more expeditiously and become more responsive to the needs of the industrial relations community.

Much progress has already been made. The Board case management practices have been revised to increase their efficiency and effectiveness. A detailed strategic planning process was implemented to address the complex issues likely to arise during the transition from the Canada Labour Relations Board to the CIRB. Financial practices were revised and updated and a shared financial services agreement entered into with the PSSRB, thus establishing an independent but less costly auditing and control function. The Board facilities have been completely renovated, resulting in a significant reduction of space requirements, while improving the facilities used by clients. Additional performance measures for adjudicative, mediative and investigative functions are being developed. Consultations with our clients throughout the country with respect to our Regulations and rules of practice have just been completed.

Although these accomplishments are encouraging, it is important not to underestimate the challenges that await us in the coming year. Our operating pressures remain significant. Board workload has increased by 20%. Clients have expressed the need for a stronger regional labour relations officer presence to allow increased use of mediation to facilitate the settlement of disputes, thus eliminating costly hearings. The Board technological environment is outdated and requires an extensive, and most likely costly, upgrade in order to meet the demands of increasing workload and the timeframes for issuing decisions set out in our enabling legislation.

During the second year of operation the Board will have to face these challenges. I have no doubt that given the appropriate level of resources, the coming year will be even more successful than the last.

B. Management Representation Statement

MANAGEMENT REPRESENTATION

Report on Plans and Priorities 2000-2001

I submit, for tabling in Parliament, the 2000-2001 Report on Plans and Priorities (RPP) for the Canada Industrial Relations Board.

To the best of my knowledge, the information:

- Accurately portrays the Board's mandate, priorities, strategies and planned key results of the organization;
- Is consistent with the disclosure principles contained in the *Guidelines for Preparing a 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's production.

The Planning and Reporting 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.

J. Paul Lordon
Chairperson
February 28, 2000

Section II: Departmental Overview

A. Mandate, Roles and Responsibilities

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* replaced the Canada Labour Relations Board with 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*.

*The Canada Industrial Relations 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.

- decisions on applications and complaints provided in a fair, expeditious and economical manner
- successful resolution of labour relations problems through appropriate dispute resolution mechanisms
- an involved and well-informed labour relations community
- effective Regulations and practices developed through consultation with clients

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.

- **Organization and Program Composition**

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* assign to the Chairperson 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.

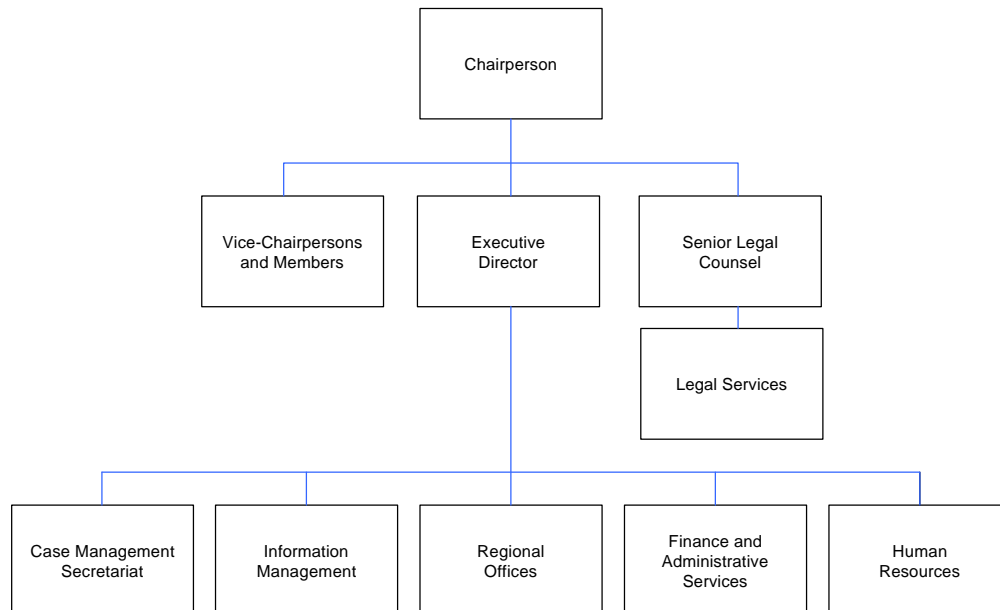
B. Departmental/Program Objectives

The Board has established a series of strategic objectives in support of its mandate:

- to seek solutions to labour relations problems by determining the cause and nature of conflict and by applying the appropriate dispute resolution mechanism, including fact finding, mediation and adjudication;
- to conduct its activities in a timely, fair and consistent manner;
- to consult its clients on its performance and in the development of its regulations, policies and practices;
- to promote an understanding of its role, processes and jurisprudence; and
- to conduct its business and to manage its resources in a manner that is fiscally sound in accordance with the *Financial Administration Act* and the policies and directives of the Central Agencies.

The Board's Headquarters is located in the National Capital Region. Support to the program is provided by the Executive Director and the Senior Legal Counsel, both reporting directly to the Board's Chairperson. The Executive Director is responsible for regional operations, case management, information management and information technology, financial and administrative services and human resources. The Legal Services Branch provides legal assistance, as required by the Board, and acts as the Board's legal counsel in most judicial review proceedings.

Organization Chart



C. External Factors Influencing the CIRB

The Canada Industrial Relations Board was established on January 1, 1999, following an exhaustive consultation process which led to the enactment of Bill C-19, *An Act to amend the Canada Labour Code*. The consultations were held in the context of the Sims Task Force Review of Part I of the *Code*, the first such review to be conducted in nearly 25 years.

As a result of these consultations and of the recommendations contained in the Sims Task Force Report, *Seeking A Balance*, the Canada Industrial Relations Board was established to replace the Canada Labour Relations Board.

In January 1999, the Federal Minister of Labour, the Honourable Claudette Bradshaw, announced the coming into force of amendments to Part I of the *Canada Labour Code*, stating that the newly established Canada Industrial Relations Board “... will be a great asset to both labour and management in the federally regulated sector”.

The new legislation that abolished the Canada Labour Relations Board and created the Canada Industrial Relations Board contains provisions designed to allow the CIRB to operate more expeditiously and economically than its predecessor board. The legislative amendments which have had, to date, the most positive impact on the efficiency of the Board’s operations, in terms of timeliness and costs of hearings, are undoubtedly those clarifying the powers of the Chair to assign and reassign cases, and those allowing for the assignment of certain cases to single-member panels, rather than three-member panels.

These legislative amendments were the foundation for a complete reorganization of the Board’s case management structure and practices during the first year of the CIRB’s operations. They resulted in immediate, tangible results by reducing the time taken to schedule hearings, review files, and issue decisions.

The recent statutory amendments provide the legislative framework through which the Board’s economy, efficiency and expeditiousness could be further enhanced:

- the potential appointment of part-time members and vice-chairs, on a regional basis, thus reducing travel costs and increasing the Board’s capacity to provide expeditious hearings;
- the potential for increased use of technology (teleconferencing and video conferencing) to reduce hearing costs;
- the ability to determine matters on the basis of the parties’ written submissions, without holding a public hearing;

- the requirement that decisions be issued within 90 days from when the panel reserved its decision;
- the power to mediate the settlement of a case at any stage of a proceeding, thus also reducing hearing costs and contributing to more effective industrial relations.

It is clear, after one full year of operation, that the CIRB cannot take full advantage of these opportunities, to meet the needs of its clients and to realize fully the intent of the recent statutory changes, without enough additional members to allow tripartite hearings to be promptly scheduled, additional operational resources and a complete upgrade of its information management and information technology infrastructure.

In addition to responding to specific statutory changes and client demands, the Board must also respond to the Government's general priorities. The *Speech from the Throne* of October 12, 1999 noted that:

“The Government will become a model user of information technology and the Internet. By 2004, our goal is to be known around the world as the government most connected to its citizens, with Canadians able to access all government information and services on-line at the time and place of their choosing.”

There is a very wide gap between this government commitment, and the CIRB's present information technology resources. Despite the recent statutory changes to allow most matters to be dealt with by telecommunications, the internal infrastructure does not allow us to do so. The accessibility of Board services to its clientele, particularly remotely and through the regional offices, does not meet the expectations of the statute and of the Board's own strategic planning process. Our clients cannot communicate with us electronically, because we do not have Internet e-mail. We are unable to receive important central agency communications electronically because we do not have access to the Government Intranet. And yet, both Parliament and our clients have set out expectations that can only be met through additional resources and a complete upgrade of our electronic environment.

In addition, clients have expressed the requirement for more mediation and front-line assistance from the Board's labour relations officers. These demands and expectations, in conjunction with the increased volume of cases being submitted to the Board, are creating significant resource pressures and potential limitations on the Board's capacity to expeditiously deliver the services required by the industrial relations community.

D. Departmental Planned Spending

(\$ thousands)	Forecast Spending 1999-2000*	Planned Spending 2000-2001	Planned Spending 2001-2002	Planned Spending 2002-2003
Budgetary Main Estimates (gross)	8,658.0	8,992.0	8,992.0	8,992.0
Adjustments**	2,022.2	--	--	--
Net Planned Spending	10,680.2	8,992.0	8,992.0	8,992.0
Less: Non-respendable revenue	(10.0)	(10.0)	(10.0)	(10.0)
Plus: Cost of services received without charge	2,579.0	2,215.9	2,215.9	2,215.9
Net costs of Program	13,249.2	11,197.9	11,197.9	11,197.9
Full Time Equivalents	94	97	97	97

* Reflects the best forecast of total planned spending to the end of the fiscal year.

** **Adjustments are to accommodate approvals obtained since the Annual Reference Level Update (ARLU) exercise and to include Budget initiatives.**

Section III: Plans, Results and Resources

Business Line - Administration of the *Canada Labour Code*

A. Planned Spending (\$ thousands) and Full Time Equivalents (FTE)

Forecast Spending 1999-2000	Planned Spending 2000-2001	Planned Spending 2001-2002	Planned Spending 2002-2003
13,249.2	8,992.0	8,992.0	8,992.0
94	97	97	97

B. Business Line Objective

To contribute to and promote effective industrial relations in any work, undertaking or business that falls within the authority of the Parliament of Canada.

C. Business Line Description

The Board's single business line - administration of the *Canada Labour Code* - is its program. As a result, the plans, priorities, strategies and the intended results for the business line are identical to those of the program. The business line is delivered through three major service lines: adjudication, mediation and information/communications.

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 Board's critical and essential function. When differences arise between bargaining agents and employers, which cannot be resolved by the regional labour relations officers, these differences are referred to the Board for adjudication. A large majority of all matters decided by the Board are based on the parties' written submissions and on the detailed investigation reports filed by the regional labour relations officers. 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. The reasons for decision are subsequently published in both official languages for the benefit of the labour relations community at large. The Board may consist of a three-member 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.

The administration of the *Canada Labour Code* is primarily a two-stage process, first involving mediation and investigation work of the labour relations officers, and then

the Board. Labour relations officers working out of the Board's regional offices in Dartmouth, Montréal, Ottawa, Toronto and Vancouver, with a sub-office in Winnipeg, are responsible for the processing and investigation of applications, complaints and referrals filed by the Board's clientele. The labour relations officers hold informal discussions and mediation sessions with the parties in order to resolve contentious issues. 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. Solutions arrived at between the parties contribute to greater harmony in the workplace.

Information/communication services are provided on an ongoing basis by the Board, management and staff who continue to be active in the labour relations community, through direct consultation with clients, by responding to *ad-hoc* enquiries, and through presentations by Board members and staff. Information concerning the Board's jurisprudence and activities is made available through the publication and distribution of *Reasons for Decision*, newsletters and information circulars. The CIRB also provides information through its web-site and is currently developing its new Regulations and practice notes following extensive consultations with its clients throughout the country.

Key Results Commitments, Planned Results, Related Activities and Resources

Key Results Commitments	Planned Results	Related Activities	Resources	
			(000)	(%)
effective industrial relations in any work, undertaking or business that falls within the authority of the Parliament of Canada	decisions on applications and complaints provided in a fair, expeditious and economical manner	<ul style="list-style-type: none"> • intake and investigative services • case management activities • Board deliberations, public and in-camera hearings • production, translation, and dissemination of Board decisions • legal and research services in support of Board deliberations and court proceedings • information management services and the development of mechanisms to make the Board's activities more accessible and less costly 	6,027.5	66
	successful resolution of applications and complaints through alternative dispute resolution mechanisms	<ul style="list-style-type: none"> • alternative dispute resolutions services 	1,187.2	13

Key Results Commitments	Planned Results	Related Activities	Resources	
			(000)	(%)
	an involved and well-informed labour relations community	<ul style="list-style-type: none"> • publication and distribution of <i>Reasons for Decisions</i>, newsletters, information circulars • direct consultations with clients • response to <i>ad-hoc</i> inquiries from the public • public access to a resource center on industrial relations and administrative law • enhancement of CIRB web-site • presentations by Board members and staff to the industrial relations community 	1,004.6	11
	effective regulations and practices, pursuant to the revised <i>Canada Labour Code</i> and the establishment of the CIRB	<ul style="list-style-type: none"> • client consultations, publications, and distribution of Regulations and Practices 	182.7	2
			8,402.0	92

Note: Financial, Administrative and Human Resources services in support of Key Results Commitments represent 8%.

Section V: Financial Information

Table 5.1: Source of Non-Respendable Revenue

(\$ thousands)	Forecast Revenue 1999-00	Planned Revenue 2000-01	Planned Revenue 2001-02	Planned Revenue 2002-03
Photocopies of decisions and material related to cases such as transcripts for hearings	10.0	10.0	10.0	10.0
Total Non-Respendable Revenue	10.0	10.0	10.0	10.0

Table 5.2: Net Cost of Program for the Estimate Year

(\$ thousands)	Canada Industrial Relations Board
Planned Spending	8,992.0
<i>Plus: Services Received Without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	1,877.8
Contribution covering employees' share of employees' insurance premiums and expenditures paid by Treasury Board Secretariat	338.1
	<hr/>
	2,215.9
Less: Non-Respendable Revenue	(10.0)
2000-2001 Net Program Cost	11,197.9
Full Time Equivalents	97

* Reflects the best forecast of total planned spending to the end of the fiscal year.

Section VI: Other Information

Statutes and Regulations currently in force

<i>Canada Labour Code (Part I - Industrial Relations)</i>	R.S.C. (1985), c. L-2, as amended by S.C. 1998, c.26
<i>Canada Labour Code (Part II - Occupational Safety and Health)</i>	R.S.C. (1985), c. L-2

Canada Industrial Relations Board
C.D. Howe Building
4th Floor, West Tower
240 Sparks Street
Ottawa, Ontario K1A 0X8

Telephone: 1-800-575-9696
Facsimile: (613) 947-5407
E-mail: cirbccri@istar.ca
Internet Site: www.cirb-ccri.gc.ca

Publication

Canada Industrial Relations Board Annual Report

Index

•departmental overview	3
•mandate	2-5
•objectives	5
•performance measures	1
•plans	1, 2, 9
•priorities	1, 2, 7, 9
•program	4, 5, 8, 9, 13
•publication	10, 11, 15
•responsibilities	3
•role	3, 4, 5
•roles and responsibilities	3
•strategies	2, 9