



ESTIMATES

# RCMP-External Review Committee

2001-2002  
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.

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**RCMP  
EXTERNAL REVIEW  
COMMITTEE**

**2001-2002  
Estimates**

**Report on Plans and Priorities**

Approved

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Solicitor General of Canada

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## Section I: Messages

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### *Chair's Message*

I am pleased to present the 2001-2002 Report on Plans and Priorities for the RCMP External Review Committee. With the continued emergence of difficult issues within the RCMP, the complexity of the work of the Committee is expected to increase. Cases coming for review will likely include issues of family violence, post-traumatic stress disorder, sexual gestures and harassment in the workplace. The Committee expects to continue its research and analysis in these difficult areas and to publish articles on such issues.

Also of interest is the question of when inappropriate conduct by RCMP members outside work interferes with their duties as police officers, and can be subject of disciplinary actions by the Force. The Committee has been called to study this question and, given its import, similar cases may yet come forward. The conduct of proceedings before RCMP adjudication boards, where cases of serious disciplinary misconduct are tried, is also coming under increasing scrutiny. The Committee has provided guidance to RCMP adjudication boards on how best to ensure that their procedures are not only fair and equitable but also perceived as such by both parties. The Committee hopes to continue providing advice of a general nature whenever this may improve existing processes.

Looking to new or emerging processes, the Committee was pleased to examine, at the suggestion of the Commissioner of the RCMP, the recourse to dispute resolution techniques to resolve cases of serious transgressions of the *Code of Conduct*. The Committee issued a preliminary report and has since been pursuing discussions with key stakeholders. Over the course of the next year, the Committee plans to issue a final report on the subject. An important focus of the Committee will be to determine how to ensure the public interest is safeguarded while the RCMP aims to streamline its internal processes.

I am confident that the discussions on these important issues will yield valuable suggestions for improved dispute resolution mechanisms, thereby reducing the need for more onerous review and appeal procedures.

Philippe Rabot  
Acting Chair

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***Management Representation Statement***

I submit, for tabling in Parliament, the 2001-2002 Report on Plans and Priorities (RPP) for the RCMP External Review Committee.

To the best of my knowledge, the information :

- Accurately portrays the Committee's mandate, priorities, strategies and planned 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 information and management systems.

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

The reporting structure, 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.

Norman Sabourin  
Executive Director and Senior Counsel

January 31, 2001

## **Section II: Departmental Overview**

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### **2.1 *What's New***

Acting on a suggestion from the Commissioner of the RCMP, the Committee is studying the important issue of disciplinary mechanisms. The Committee has prepared a discussion paper for circulation amongst interested RCMP members and will report its findings to all interested parties. This process is expected to encourage more fulsome discussions amongst stakeholders and foster the development of the best possible policy proposals in the area of disciplinary processes. Depending on the success of this initiative, the Committee may decide to conduct further studies related to its mandate, with the aim of helping establish policies that help avoid disputes or, if they arise, solve them in the fairest, most efficient manner possible. This approach is in keeping with the Committee's aim of fostering public confidence in the methods used within the RCMP to maintain discipline and manage its workforce fairly, in accordance with the law.

### **2.2. *Mandate, Roles and Responsibilities***

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 section 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* specifies the grievances which the RCMP Commissioner is obliged to refer to the Committee, namely grievances respecting:

- a) the Force's interpretation and application of government policies that apply to government departments and that have been made to apply to members;
- b) the stoppage of pay and allowances of members made pursuant to subsection 22(3) of the *RCMP Act*;
- c) the Force's interpretation and application of the Isolated Posts Directive;
- d) the Force's interpretation and application of the RCMP Relocation Directive; and
- e) administrative discharge on the grounds of physical or mental disability, abandonment of post, or irregular appointment.

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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.

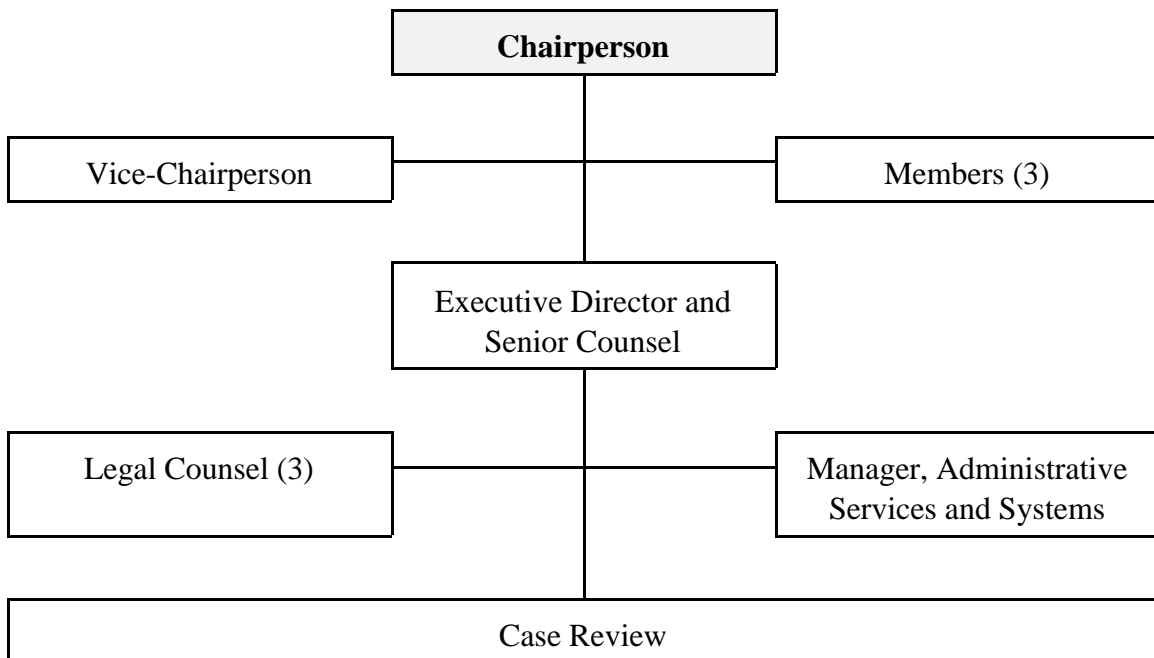
The Chair of the Committee reviews all matters referred to it. Where the Chair is not satisfied with the RCMP's disposition of the matter he or she may

- a) advise the RCMP Commissioner and the parties of his Findings and Recommendations resulting from his review; or
- b) 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 Chair is satisfied with the original disposition, he 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 for so doing.

In conducting its review of matters referred to it, the Committee attempts to achieve a balance amongst the many complex and different interests involved while ensuring that the principles of administrative and labour law are respected and the remedial approach indicated by the *RCMP Act* is followed. In each case, the Committee must consider the public interest, ensure respect for the right of RCMP members to fair treatment in accordance with the spirit of the Act and of the Public Service's internal regulations, and ensure that RCMP management is in a position to manage its labour relations in such a way as to maintain public confidence.





### ***2.3 Departmental/Program Objective***

To provide external review of appeals of formal discipline, appeals of discharge or demotion, and certain types of grievances referred to it by the Royal Canadian Mounted Police.

### ***2.4 Planning Context***

Owing to its special regime of labour relations, the RCMP faces unique challenges in the management of its workforce. The Committee is affected by this in two ways: first, the number or nature of cases referred to the Committee is unpredictable; second, ongoing changes to management practices within the RCMP affect the global context within which case review and analysis takes place. The Committee must therefore keep abreast, through consultations and research, of emerging trends and practices within the Force.

The body of case law relevant to the Committee's work is also in constant evolution. Since April 2000, three RCMP members or ex-members have applied for review by the Federal Court, of the Commissioner's decision of a disciplinary appeal or a grievance. One other ex-member has applied to the Supreme Court of Canada for leave to appeal a Federal Court of Appeal decision confirming the Commissioner's denial of a disciplinary appeal. These court

proceedings inevitably lead to a focus on the Committee's recommendations made in the particular cases. The initiation of these applications is a reminder of the Committee's obligation to make rigorous analysis of the facts and well-reasoned findings.

In this environment, the Committee's expertise is often sought on general issues pertaining to the Committee's mandate. This includes requests for advice or information on general matters of discipline and grievances, as well as requests for feedback or analysis on horizontal issues affecting the management of the Force. To that end, the Committee and its legal counsel engage in discussions with lawyers, managers, members of the RCMP and other interested parties.

## 2.5 Departmental Planned Spending

(thousands of dollars)	Forecast Spending 2000-2001	<b>Planned Spending 2001-2002</b>	Planned Spending 2002-2003	Planned Spending 2003-2004
Budgetary Main Estimates (gross)	811	<b>820</b>	820	820
<b>Total Main Estimates</b>	811	<b>820</b>	820	820
Adjustments	0	<b>0</b>	0	0
<b>Net Planned Spending</b>	811*	<b>820</b>	820	820
Plus: Cost of services received without charge	80	<b>89</b>	89	89
<b>Net Cost of Program</b>	891	<b>909</b>	909	909
<i>Full Time Equivalents</i>	5	<b>5</b>	5	5

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

## **Section III: Departmental Plans, Results, Activities and Resources**

### **3.1 Business Line Details**

#### **Business Line Title**

The RCMP External Review Committee has one business line: *Case Review*.

#### **Business Line Objective**

To provide external review of appeals of formal discipline, appeals of discharge or demotion, and certain types of grievances referred to it by the Royal Canadian Mounted Police.

#### **Business Line Description**

The RCMP External Review Committee, which reports annually to Parliament, is a neutral third party providing an independent and impartial review of cases referred to it by the RCMP. The Committee may institute hearings, summon witnesses, administer oaths and receive and accept such evidence or other information as the Committee sees fit. The Findings and Recommendations of the Chairperson, or Committee, are sent to the parties and the RCMP Commissioner.

### **3.2 Key Results Commitments, Planned Results, Related Activities and Resources**

**L** **Key Result Commitment # 1** - *A greater protection of RCMP members' rights through the provision of independent reviews of matters referred to the Committee, and timely and useful recommendations to the RCMP Commissioner*

#### **Planned Results**

- The provision of well reasoned findings and recommendations, consistent with the evidence, relevant policy and the law;

- 
- RCMP members' confidence in the Committee's work, as shown by the number of members making use of the Committee and feedback received from members;
  - the processing of 60% of grievances within 3 months and the processing of 60% of discipline and discharge matters within 6 months.

### **Related Activities**

- The implementation of specific plans designed to further increase awareness of the Committee's role within the RCMP and the dissemination of information throughout the RCMP about important principles established by the Committee since its creation;
- the provision of research, best practices studies and advice on specific issues affecting labour relations within the RCMP;
- the maintenance of regular contacts with all levels of the Force;
- the maintenance of a web page which includes all of the work the Committee has achieved since its beginning.

## Section IV: Financial Information

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**Table 4.1: Net Cost of Program for the Estimates Year**

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(thousands of dollars)	<b>Total</b>
<b><i>Net Planned Spending</i></b> (Gross Budgetary and Non-budgetary Main Estimates plus Adjustments)	<b>820</b>
<hr/>	
<i>Plus: Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	<b>65</b>
Contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS	<b>24</b>
Workman's compensation coverage provided by Human Resources Canada	<b>0</b>
Salary and associated expenditures of legal services provided by Justice Canada	<b>0</b>
	<hr/>
	<b>89</b>
<i>Less: Non-Respendable Revenue</i>	<b>0</b>
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<b><i>2001-2002 Net Cost of Program</i></b>	<b>909</b>

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## Section V: Other Information

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### Statutes and Regulations Currently in Force

Parts II, III, IV and V of the <i>Royal Canadian Mounted Police Act</i> .....	(R.S.C., 1985, c. R-10), as amended
<a href="http://canada.justice.gc.ca/en/laws/R-10/82272.html">http://canada.justice.gc.ca/en/laws/R-10/82272.html</a>	

### References

RCMP External Review Committee P.O. Box 1159, Station B 60 Queen Street, Room 513 Ottawa, ON K1P 5R2  Tel: (613) 998-2134 Fax: (613) 990-8969 Web Site: <a href="http://www.erc-cee.gc.ca">www.erc-cee.gc.ca</a> E-mail: <a href="mailto:org@erc-cee.gc.ca">org@erc-cee.gc.ca</a>	RCMP External Review Committee Annual Report  RCMP External Review Committee <i>Communiqués</i>
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