

LABOUR RELATIONS AGENCY

Strategic Plan

Fiscal Years
2006-07 and 2007-08




Newfoundland
Labrador



Message from the Minister

As the Minister responsible for the Labour Relations Agency, I am pleased to submit the Performance-Based Plan that will guide the Agency for the fiscal years 2006-07 and 2007-08.

The Labour Relations Agency works with employers and employees to encourage a positive employment relations climate, including improved competitiveness and increased productivity. As Minister, I want to ensure the province has the most stable employment relations climate possible, and that this is recognized by employees, employers, and prospective employers. This is conducive to economic growth and can support important policy directives of Government. Given the Agency's role in promoting effective relationships between employers and employees, I have chosen employment relations as the strategic direction of the Agency. The Agency will have lead accountability for this direction. To achieve this, action will be taken towards achieving results in such areas as education, legislation and standards, and labour-based analysis.

As outlined in this plan, there are some new initiatives that the Labour Relations Agency will embark upon. Labour legislation will be updated and a framework for collecting more useful data will be developed.

In accordance with the Government's commitment to accountability, this plan outlines direction and outcomes for the Labour Relations Agency over the next few years. Under the Transparency and Accountability Act, the Agency is classified as a Category One Entity, requiring planning that focuses on our goals and what we are seeking to accomplish.

I am accountable for the preparation of this plan, and the achievement of the goals and outcomes outlined for the Labour Relations Agency over the next two fiscal years. As the Agency embarks on achieving the outcomes listed herein, I am pleased with the level of accountability. I look forward to seeing these proposed outcomes become a reality.

A handwritten signature in black ink that reads "Paul Shelley". The signature is written in a cursive, flowing style with a large loop at the end of the last name.

PAUL SHELLEY, M.H.A.

Minister of Human Resources, Labour and Employment

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Plan at a Glance

VISION

The Vision of the Labour Relations Agency is of an optimal labour relations climate contributing to economic growth, competitiveness and prosperity.

MISSION

By 2011, the Labour Relations Agency will have strengthened the employment relations framework in the areas of collective bargaining, employment relations data, and education.

Goal 1:

By 2008, the Labour Relations Agency will have prepared changes to collective bargaining legislation that support optimum employer and employee relations.

Objectives

1. By 2007, the Labour Relations Agency will have completed a review of the Labour Relations Act.
2. By 2008, the Labour Relations Agency will have identified priorities for revisions to collective bargaining legislation pertaining to other sectors.

Goal 2:

By 2008, the Labour Relations Agency will have improved the quality and availability of information regarding the province's employment relations climate.

Objectives

1. By 2007, the Labour Relations Agency will have established the new data collection framework.
2. By 2008, the Labour Relations Agency will have improved access to employment relations information.

Overview

The Labour Relations Agency works with employees and employers to support effective employment relations throughout Newfoundland and Labrador. By working with our partners, the Agency helps to create an economic climate that improves the province's productivity.

Core Business

Agency staff provides a number of services to unionized and non-unionized employees and employers throughout the province. These include:

- protection of the basic labour rights of all employees and employers;
- assistance in resolving workplace issues and collective agreements; and
- creation of partnerships to promote the currency and relevance of the employment relations regulatory framework (i.e., legislation, regulations, policies).

Divisions

There are three staffing divisions in the Agency. These are the Labour Standards Division, the Labour Relations Division, and the Policy and Planning Division.

Partners

The Agency also works closely with partner agencies and organizations such as:

- Business and Labour organizations;
- Workplace Health, Safety and Compensation Commission (WHSCC);
- Canadian Association of Administrators of Labour Legislation (CAALL); and,
- International Labour Organization (ILO).

Staff and Budget

The Labour Relations Agency employs approximately thirty employees; eighteen female and twelve male staff located in offices in St. John's and Corner Brook. It has an annual budget of approximately \$2,000,000.

Legislation and Regulations

The legislation administered by the Labour Relations Agency includes:

1. Shops Closing Act and Regulations;
2. Labour Standards Act and Regulations;
3. Labour Relations Act and Regulations;
4. Public Service Collective Bargaining Act and Regulations;
5. Fishing Industry Collective Bargaining Act;
6. Interns and Residents Collective Bargaining Act; and,
7. Teachers' Collective Bargaining Act.

Mandate

The mandate of the Labour Relations Agency is to encourage effective relationships between employees and employers through:

- the regulation of employment relations;
- the regulation of the terms and conditions of employment and labour standards; and,
- the provision of workplace dispute resolution services.

Core Business

In delivering its mandate, the Labour Relations Agency provides services to its external clients in the areas of labour standards, labour relations, and policy and planning. These include:

Labour Standards

- Ensures compliance with Labour Standards and Shops Closing legislation through investigation and enforcement.
- Investigates and mediates disputes between employees and employers.
- Offers education seminars and consultative programs to communities and organizations, educational institutions and various business sectors.
- Consults with employees and employers on workplace matters.

Labour Relations

- Offers conciliation, mediation and alternative dispute resolution services to employees and employers who operate within the framework of the collective bargaining system.
- Provides assistance to both union and management groups with an emphasis on building constructive relationships.
- Facilitates the appointment of sole arbitrators or nominees to arbitration boards when requested.

Policy and Planning

- Analyzes and maintains statistical information relating to the Agency's core lines of business, objectives, programs and activities.
- Researches labour relations and labour standards issues.
- Provides information and research services with respect to the province's employment relations environment.
- Facilitates the review and reform of policies, programs and services.

Values

The Labour Relations Agency's ability to promote effective employment relations requires that stakeholders have a high level of trust and confidence in the independence of the Agency's staff and in the quality of its services. To this end, the Agency's organizational culture promotes three key values: professionalism, respect and partnership. The following statements speak to how these values are reflected in the conduct of staff:

Professionalism

Employees believe in providing services with high professional standards and attitudes. This is achieved by maintaining and enhancing their technical knowledge and by focusing on good faith and objectivity in their behaviour and interactions with others. Employees will provide quality services in a timely and responsible manner. We will demonstrate our professionalism by:

- providing services that are free from personal feelings and influence;
- promoting staff development throughout the Agency by having staff who have been supported in attending conferences share the results with their colleagues; and,
- providing a timely response to clients by ensuring Labour Standards enquiries receive a response within twenty four hours of receipt.

Respect

Employees will treat all people with courtesy and tolerance. Employees are committed to ensuring the views of the Agency's clients are fairly represented in a neutral and dignified manner. We will demonstrate this respect by:

- promoting an environment free of harassment by ensuring all management staff have completed the Respectful Workplace Program;
- ensuring that a gender-based analysis is undertaken in relation to all programs and policy changes within the Agency; and,
- supporting all frontline staff in receiving any requested training on effective conflict resolution.

Partnership

Employees are committed to building collaborative and constructive relationships with all stakeholders. Employees engage partners in decisions that affect them in an effort to build consensus regarding the most effective ways of fostering a positive employment relations climate. We will demonstrate our value of partnership by:

- consulting with stakeholders regarding legislative changes;
- exploring the potential for using stakeholder partnerships in the delivery of alternative dispute resolution training; and,
- consulting with targeted sectors in an effort to increase compliance with labour standards.

The People We Serve

The Labour Relations Agency serves all employees and employers in the province.

The Agency provides:

- employees with information and support respecting their employment rights and responsibilities, such as overtime pay, various forms of leave (e.g. annual, parental, compassionate leave), rest periods, and statutory holidays;
- employers with information regarding their employment rights and responsibilities, as well as with support in developing policies and practices that promote effective employment relations; and,
- both employees and employers with professional mediation and conciliation services in order to maintain a harmonious and productive workplace.

The work of the Agency contributes to the economic and social well-being of all employees and employers in the province, given that a positive employment relations climate makes a significant contribution to future economic growth.

Vision

The Vision of the Labour Relations Agency is of an optimal employment relations climate contributing to economic growth, competitiveness and prosperity.

Mission Statement

The mission statement identifies the priority focus area of the Minister over the next two planning cycles. It represents the key longer-term result that will be the primary focus of the Minister and the Labour Relations Agency. The statement also identifies the measures and indicators that will assist both the entity and the public in monitoring and evaluating success.

The Labour Relations Agency is mandated to foster effective relationships between employers and employees. The Agency supports this relationship through the regulation of employment relations, the regulation of the terms and conditions of employment and labour standards, and the provision of workplace dispute services. While the Agency is continually monitoring these areas, we recognize that improvements can be made to benefit all stakeholders.

In Newfoundland and Labrador, profound changes are taking place in the economy, the nature of work, and the demographics of the workforce. Employment related to offshore oil and gas and mineral development has experienced growth while there has been a reduction of employment related to the fishing and forest industries. The growth of employment in the service sector (e.g. retail, hotel and food service industry) has increased part-time, seasonal and contractual work arrangements. Our aging population and our out-migration will likely contribute to skill shortages in certain occupations which will impact collective bargaining by increasing wage and benefit expectations. The growth of self-employment, contractual and flexible work arrangements (such as telecommuting) are challenging traditional views of employment.

These changes will continue and affect the nature of the issues that arise between employers and unionized and non-unionized employees. The Agency must ensure it is prepared to anticipate and to respond to evolving employment relations needs in the interest of supporting current and future economic development. While this poses a challenge, it is also an opportunity to move ahead in the right direction.

Over the next five years, the Labour Relations Agency will be focusing on enhancing the employment relations framework to create a more effective and collaborative environment for employees and employers. In our province, labour relations are guided by a series of laws and regulations that protect both the employer and employee. These “rules of conduct” form what we refer to as our employment relations framework. We now need to evolve our framework to ensure it reflects change and provides a solid foundation to support growth. The Agency recognizes that enhancing the employment relations framework is essential for the province in responding to changing needs, building a stronger economy, and competing in an increasingly global market. Collaborative employee and employer relationships also make an important contribution to the health and well being of individuals, family, and friends. By addressing the issues and enhancing the framework today, we will be well prepared to confidently embrace our exciting future.

Enhancing the framework is a proactive first step. The Labour Relations Agency will work collaboratively with stakeholders to focus on making improvements that will prepare the

province for social and economic development opportunities. Key areas to be addressed include collective bargaining legislation, employment relations data, and education. Following the period covered by this mission statement, the Agency will be diligently monitoring and evaluating the application of these changes to ensure that improvements to the employer/employee relationship are maximized.

By 2011, the Labour Relations Agency will have enhanced the employment relations framework in the areas of collective bargaining, employment relations data, and education.

Measure 1: Improved Collective Bargaining Legislation

Indicators:

- Revision of the current arbitration system.
- Revision of labour management legislation.
- Implementation of red tape initiatives to make legislation more user-friendly.
- Increased utilization of alternative dispute resolution programs.
- Number of reform initiatives involving employer and employee collaboration and consultation.
- Increased efficiency of the grievance arbitration process.

Measure 2: Increased Access to High Quality Employment Relations Data

Indicators:

- Increased use of statistical methods to evaluate and communicate data.
- Increased level of requests (in province and outside) for employment relations data.
- Enhanced inventory of indicators to assess the effectiveness of the employment relations framework.
- Enhancements and additions to the search engines currently available to access data.
- Positive feedback from the business community on the quality of data provided by the Agency.
- Incorporation of the employment data availability sources into educational campaigns.
- Number of young people who have access to information regarding employee and employer rights and responsibilities.

Measure 3: Enhanced Public Education and Awareness

Indicators:

- Increased level of participation in community events, trade shows, etcetera.
- Increased presence in schools.

- Regular annual schedule of school visits.
- Commitment of funds in budget for educational materials.
- Increased volume of public requests.
- Increased employer and employee awareness regarding the roles and responsibilities of the Labour Relations Agency.

Strategic Issues, Goals, Objectives, and Performance Measures

Strategic issues identify the most significant issues that the Labour Relations Agency will be working to resolve over the next two years in order to move closer to realizing our Mission and Vision. The goals, objectives, and performance measures provide a clear description of the specific changes the Agency will make to address these strategic issues. Clear statements describing what we want to achieve, why it is important, when we will have it completed, and how it will be measured are critical to fulfilling the Agency's accountability requirement.

The goals and objectives in this plan will address two strategic issues:

1. Supporting optimum employer and employee relations through improving collective bargaining legislation.
2. Improved accuracy and usefulness of employment relations data.

1. Optimum Employer and Employee Relations

Legislation has a role to play in promoting positive employment relations in the province which, in turn, can contribute to productivity and economic growth by supporting a resolution of issues without disruptions in operations. Optimum employer and employee relations occur when the legislative and regulatory structures that support their interactions are current and reflect a balance between their mutual needs, rights and responsibilities.

The province's collective bargaining legislation establishes the rules that govern how employees and employers form collective agreements and how disputes over the meaning of existing collective agreements can be settled. There are five pieces of legislation that govern collective bargaining. The Labour Relations Act is the legislation with the most extensive scope given that it outlines the "rules of conduct" that apply broadly to all employment sectors in our province. There are four pieces of collective

bargaining legislation in this province that apply to particular employment sectors i.e. fishery, public service, interns and residents, and teachers.

While provincial labour legislation has undergone many amendments over the years, and is generally viewed as current, most of these amendments were in response to a specific event of one kind or another. Through discussion with stakeholders, the Agency has identified that change is required in the province's collective bargaining legislation in order to ensure optimum relationships between employers and employees. Given that the collective bargaining legislation impacts the relationship between employers and employees, the Agency is committed to ensuring that these parties are involved in developing proposed improvements to the legislation. The Agency believes that employment relations can benefit from the process of working in a partnership with employers and employees to identify shared concerns and potential legislative solutions.

The first year of this plan will focus on working with stakeholders to identify possible changes to the Labour Relations Act. This is the Agency's starting point because this is the piece of collective bargaining legislation with the broadest scope. Further, employer and employee stakeholders have indicated an interest in working together to create improvement. An assessment of opportunities for streamlining the collective bargaining legislation pertaining to specific sectors will occur in year two of this plan.

Goal 1

By 2008 the Labour Relations Agency will have prepared changes to collective bargaining legislation that support optimum employer and employee relations.

Performance Measure	Indicators
Prepared legislative changes required to support optimum employer and employee relations.	<ul style="list-style-type: none"> • Stakeholder needs and perspective acquired through consultation. • Creation of a priorities document that accurately represents stakeholder views. • Increased understanding between employer and employee stakeholders in areas of mutual interest and concern.

Objective 1.1

By 2007, the Labour Relations Agency will have completed a review of the Labour Relations Act and Regulations.

Performance Measure	Indicators
Review of the Labour Relations Act completed and priority changes identified.	<ul style="list-style-type: none"> • Consultation with employers and labour organizations completed. • Labour relations practices that have been proven successful in addressing key employment relations issues are identified.

Objective 1.2

By 2008, the Labour Relations Agency will have identified priorities for revisions to collective bargaining legislation pertaining to other sectors.

2. Perception of employment relations climate.

Labour disputes generate significant public and media attention while good news stories regarding settlements and healthy labour management relationships are rarely reported. The perception that Newfoundland and Labrador has a poor employment relations climate has been cited as an obstacle in negotiations for potential business and development opportunities. Given that an important part of our Vision relates to economic growth, competitiveness and prosperity, it is important that there is an accurate understanding of the province's employment relations climate.

While every jurisdiction experiences labour relations challenges, different approaches to data collection and reporting contribute to this province appearing to have a more challenging labour relations climate than is actually the case. The Agency recognizes that current data collection is not effectively portraying our strengths. Improving the province's reputation will require that all stakeholders have access to accurate and relevant information regarding the province's employment relations climate.

The Agency plans to improve data collection by making changes in areas such as types of data collected, reliability of our sources, and variety of our methods. We want to provide data to potential employers and other stakeholders that is of the highest quality and perceived as helpful because it answers the questions that are important to their industry and geographical area. We also want to ensure that quality information is also available regarding the contribution the Agency's services make to the creation of positive employment relations (e.g. preventing work stoppages). The improvements we make to the overall data collection framework will prepare us for refining measurement of the Agency's outcomes in the future.

Year one of the plan will focus on developing an inventory of the data that stakeholders need and that can be reliably captured. During year two of this plan, the Agency will work with stakeholders and find the most effective means of promoting and making this information available in a form that is useful and that is perceived as an improvement.

Goal 2

By 2008, the Labour Relations Agency will have improved the quality and availability of information regarding the province's employment relations climate.

Performance Measure	Indicators
Increased quality and availability of employment relations data.	<ul style="list-style-type: none"> • Employment relations data will be collected and reported in a way that meets the identified needs of stakeholder groups. • There will be an increase in utilization of employment relations data by government and stakeholders. • Employment relations data will be available in a format that allows comparison to other jurisdictions. • Potential employers will have access to industry specific employment relations data.

Objective 2.1

By 2007, the Labour Relations Agency will have established the new data collection framework.

Performance Measure	Indicators
New data collection framework established.	<ul style="list-style-type: none">• Stakeholder opinion regarding employment relations data they need assessed through consultation.• Assessment of the validity and value of the data that is available to the Labour Relations Agency through a variety of sources.

Objective 2.2

By 2008, the Labour Relations Agency will have improved access to employment relations information.

Appendix One

A. STRATEGIC DIRECTIONS

Strategic Directions

Strategic directions are the articulation of desired physical, social or economic outcomes and normally require action by more than one government entity. These directions are generally communicated by Government through platform documents, Throne and Budget Speeches, policy documents, and other communiqués. The Transparency and Accountability Act requires departments and public bodies to take into account these strategic directions in the preparation of their performance-based plans. This action will facilitate the integration of planning practices across Government and will ensure that all entities are moving forward on key commitments.

The Minister of Human Resources, Labour and Employment is the Minister responsible for the Labour Relations Agency. The Minister has established one strategic direction.

Given the Labour Relations Agency's role in promoting effective relationships between employees and employers, the Agency has lead accountability for the Minister's Employment Relations strategic direction. The following table illustrates this strategic direction, the desired outcome, areas of focus that will support the outcome and at what level of planning the direction will be addressed. These focus areas will be addressed through the various planning processes of the Department.

As indicated in the table below, some have been addressed in this plan while others are addressed in the operational and/or work planning processes.

Employment Relations

Outcome Statement: *Recognized stable employment relations climate conducive to economic growth. This outcome supports a policy direction of government and requires systemic intervention in the areas of:*

Components of Strategic Direction	Applicable to Other Entities Reporting to the Minister	This Direction is addressed:		
		in the entity's strategic plan	in the entity's operational plan	in the branch/divisional work plans of the entity
1. Employment relations		x		
2. Education and promotion			x	
3. Legislation and standards		x		
4. Labour-based analysis				x

