



Canada Industrial  
Relations Board

1999-2000  
Estimates

Report on Plans and Priorities

## **The Estimates Documents**

The Estimates of the Government of Canada are structured in several 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 previous Part III of the Estimates has been split into two documents: a spring report "*A Report on Plans and Priorities*" and a fall report "*Departmental Performance Report*."

*A Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

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# Canada Industrial Relations Board

1999-2000  
Estimates

Report on Plans and Priorities

Approved:

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Honourable Claudette Bradshaw  
Minister of Labour



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## **Section I: Messages**

### **A. Message from the Chairperson**

It gives me great pleasure to present the first annual Report on Plans and Priorities of the newly proclaimed Canada Industrial Relations Board. Eagerly anticipated since Bill C-19 received Royal Assent on June 19, 1998, the Canada Industrial Relations Board came into being following the proclamation of Bill C-19 on January 1, 1999.

It is a new beginning. The legislation, mindful of the recommendations of our labour relations community, has changed who we are and how we function. We are using this opportunity to refocus our energy toward better serving our clientele. We are adjusting our services and the manner in which they are provided to make them more effective and efficient and we are creating ample opportunity for increased involvement and communications with our labour relations community.

We are committed to providing fair, expeditious and economical services and we have made significant changes to improve on our performance. Our efforts to successfully resolve labour relations problems through mediation will continue since success at this stage in the process saves both time and money. We have implemented new case management practices to improve on the assignment and scheduling of cases. The priorities by which cases are assigned and scheduled will reflect labour relations interests. Block scheduling will be used when it is most economical and practical. Single member panels will be utilized, in accordance with the provisions of the *Code*, and where appropriate, in consultation with the clients.

The Canada Industrial Relations Board is accountable to the labour relations community for the quality and timeliness of its decisions and for the efficiency, fairness and effectiveness of its process. It is our intention to communicate and consult with our clients through presentations at public forums, through the publication and distribution of our decisions, information circulars, newsletters, our Annual Report, the Report on Plans and Priorities, and the Departmental Performance Report and through special consultations on specific issues such as the Regulations.

Our mandate is to provide Canadians with effective industrial relations in any work, undertaking or business that falls within the authority of the Parliament of Canada and we shall. Our business is to process, hear and determine applications and complaints fairly, expeditiously and economically and we shall. We will introduce measures to capture the results of our performance on Canadians, examining the extent to which our interventions produced the timely, positive results that are expected.

Finally, I would like to thank our predecessors in the Canada Labour Relations Board; they helped to give direction, shape and focus to the relations between employees and employers throughout Canada over the past fifty years. Without the foundation their significant efforts provided, we could not look forward to the future with the confidence that we do.



## **B. Management Representation Statement**

### *MANAGEMENT REPRESENTATION*

#### *Report on Plans and Priorities 1999-2000*

I submit, for tabling in Parliament, the 1999-2000 Report on Plans and Priorities (RPP) for the Canada Industrial Relations Board.

To the best of my knowledge, the information:

- C Accurately portrays the Board's mandate, plans, priorities, strategies and expected key results of the organization;
- C Is consistent with the disclosure principles contained in the *Guidelines for Preparing a Report on Plans and Priorities*;
- C Is comprehensive and accurate;
- C 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 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 15, 1999

## 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 as a general rule, 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. These laws 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* applies to approximately 700,000 employees and their employers across Canada. This includes interprovincial or international rail, road, and pipeline transportation, shipping and related services, air transportation, interprovincial and international telecommunications, radio and television broadcasting, banks and federal Crown Corporations. Also included are industries declared to be for the general advantage of Canada, such as uranium mining, nuclear power installations, flour and feed mills, and grain elevators. Finally, all private works, undertakings, and businesses in the Yukon, the Northwest Territories and the soon-to-be created Nunavut Territory are under federal jurisdiction.

The enactment, in 1972, of Part V, now Part I, of the *Canada Labour Code* established the Canada Labour Relations Board as an administrative tribunal vested with quasi-judicial powers to enforce its provisions, and certain provisions of Part II of the *Code*.

New legislation referred to as Bill C-19, which came into force on January 1, 1999 brought significant changes to Part I of the *Code* in an effort to modernize it and improve the collective bargaining process for federally regulated industries. Under Bill C-19, amendments established 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*. Further amendments of the *Code* addressed: accelerating the certification and

decertification process, encouraging the parties to reach agreement on issues before the Board, ensuring that the Board has appropriate remedial powers, protecting employee rights where there is a change from provincial jurisdiction, making existing structures more flexible and adaptable to the changing environment, improving the bargaining cycle, clarifying the rights and obligations of the parties during legal strikes and lockouts and ensuring that work stoppages do not endanger public health or safety and maintaining grain exports during work stoppages involving port operations.

*The 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.*

Its **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.

### **C Organization and Program Composition**

The Board consists of a full-time Chairperson and two or more full-time Vice-Chairpersons, each appointed by the Governor in Council to five-year terms, and not more than six other full-time representational Members, each appointed to three-year terms. The Board sits in three-person panels chaired by the Chairperson or a Vice-Chairperson to decide applications and adjudicate unfair labour practice complaints that are properly before it. Single member panels, chaired by either the Chairperson or a Vice-Chairperson, may also make a determination. The exercise of the Board's powers and duties under the *Code* constitutes its sole program.

The Chairperson is the Chief Executive Officer of the Board. The provisions of Bill C-19 assign to the Chairperson supervision over and direction of the work of the Board, including:

- C the assignment and reassignment to panels of matters that the Board is seized of;
  - C the composition of panels and the assignment of Vice-Chairpersons to ~~provide~~ panels;
  - C the determination of the date, time and place of hearing;
  - C the conduct of the work of the Board;
- 
- C the management of the Board's internal affairs; and

C the duties of the staff of the Board.

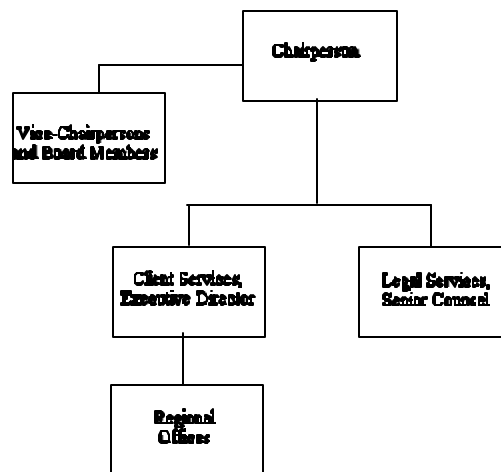
The administration of the *Canada Labour Code* is primarily a two-stage process, involving first staff labour relations officers and then the Board. Labour relations officers working out of the Board's regional offices in Dartmouth, Montréal, Ottawa, Toronto and Vancouver, with a sub-office in Winnipeg, 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 without third-party intervention contribute to greater harmony in the work place.

When differences arise between bargaining agents and employers that cannot be resolved by the labour relations officers in the regional offices, these differences are referred to the Board for adjudication. A large majority of all matters decided by the Board are adjudicated on the basis of the parties' written submissions and detailed investigation reports filed by the regional offices. 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 and when the reasons for decision are issued, they are subsequently published in both official languages for the benefit of the labour relations community at large.

The Board's Headquarters is located in the National Capital Region. Support to the program is provided by Client Services and Legal Services, both reporting directly to the Chairman of the Board. The Client Services Branch provides services in the following areas: case management, informatics, finance, communications, human resources, information management and research and reference. 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

Figure 2



## **B. Objectives**

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

- C 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;
- C to conduct its activities in a timely, fair and consistent manner;
- C to consult its clients on its performance and in the development of its regulations, policies and practices;
- C to promote an understanding of its role, processes and jurisprudence; and
- C 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.

## **C. Operating Environment**

The Canadian workplace - and the environment for industrial relations - continues to change and adapt. Unions and employers are addressing the implications - for their workplaces and for their relationships - of global economic pressures, increased competition and rapid technological change. The movement of government operations to the private sector and the implementation of alternative service delivery mechanisms often move employees into or out of the federal labour jurisdiction. The growth and/or consolidation of bargaining units pose additional labour relations challenges, and makes dispute resolution a more elaborate and intricate process.

The creation of the Canada Industrial Relations Board is part of - and a response to - the evolving environment for labour relations. The new legislation expands the Board's responsibilities, while better enabling it to satisfy the requirements of its clientele. As a representational Board, it can be more responsive and move closer to the community that it serves. The CIRB is committed to communicating and consulting with its clients in order to be able to recognize and respond to this changing environment in a positive manner.

## D. Financial Spending Plan

(\$ thousands)	Forecast Spending 1998-99*	<b>Planned Spending 1999-00</b>	Planned Spending 2000-01	Planned Spending 2001-02
<b>Gross Program Spending:</b> Administration of the <i>Canada Labour Code</i>	8,906	<b>8,658</b>	8,658	8,658
<i>Less:</i> Revenue Credited to the Vote	0	<b>0</b>	0	0
<b>Net Program Spending</b>	8,906	<b>8,658</b>	8,658	8,658
<i>Less:</i> Revenue Credited to the Consolidated Revenue Fund	5	<b>5</b>	5	5
<i>Plus:</i> Cost of Services Provided by other Departments	2,593	<b>2,572</b>	2,572	2,572
<b>Net cost of the Department</b>	11,499	<b>11,225</b>	11,225	11,225

\* Reflects best forecast of total planned spending to the end of the fiscal year. The forecast spending includes the last nine months of the Canada Labour Relations Board and the first three months of the Canada Industrial Relations Board, which came into being on January 1, 1999.

## Section III: Plans, Priorities, Strategies and Expected Results

### A. Summary of Priorities and Expected Results

The Canada Industrial Relations Board is committed to providing Canadians with effective industrial relations.

#### Key Results Commitments

To provide Canadians with:	To be demonstrated by:
Effective industrial relations in any work, undertaking or business that falls within the authority of the Parliament of Canada	<p>Decisions on applications and complaints provided in a fair, expeditious and economical manner;</p> <p>Successful resolution of labour relations problems through mediation and alternative dispute resolution mechanisms;</p> <p>An involved and well informed labour relations community.</p>

By providing assistance to parties in resolving their labour relations disputes and, where necessary, rendering reasoned judicial decisions in a timely and fair manner, the Board will contribute to

- C providing equitable access to collective bargaining rights;
- C fostering harmonious labour relations in the work place; and
- C minimizing the possibility of labour unrest, which could result in disruption to the Canadian economy.

### B. Program and Business Line Plans

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 Board intends to measure its contribution to effective industrial relations, both qualitatively and quantitatively. In his message in this report, the Chairman spoke of the Board's commitment to consultations with the client community. The Board will listen and respond to what our clients are saying about:

- C the timeliness and effectiveness of our mediation efforts;
- C the timeliness and fairness of our decisions; and
- C the accessibility of the process.

We will, on an anecdotal basis, analyze and report on several specific instances of client involvement. These cases will examine the results achieved from the standpoint of both clients and Canadians and let us know what is working well and what is not.

The Board within its overall business line of administration of the *Canada Labour Code* has identified three major service lines - mediation, adjudication and communication. For each of these service lines, the Canada Industrial Relations Board, only in existence since January 1 of this year, is in the process of establishing key performance measures that individually and collectively will provide information on the overall performance of the Board. The Board will analyze its performance in several ways - relative to previous performance, against predefined targets and through client consultations.

Mediation services are provided through the regional offices in an effort to resolve contentious labour relations issues quickly and efficiently. Mediation services successfully provided will allow the parties to resolve their differences without the need for third part intervention. Targets have been established for successful complaint resolution and performance will be measured and analyzed in relation to these targets. Current speed of service measures will continue but will be expanded to address the new types of applications permitted under Bill C-19. Cost of service measures will be implemented, where appropriate. Client consultations will be used to provide a measure of the quality of mediation services provided by the regional offices, regardless of whether or not the complaint was successfully resolved.

Adjudicative services are provided by the Board. Adjudicative decisions can be provided with or without the holding of public hearings. The provision of these decisions by both methods will be measured for quality and speed. Quality of services will be examined based on the volume and results of applications for judicial review and reconsideration. Quality of services will also be reviewed during client consultations. Timing is critical in the rendering of decisions. Speed of service will continue to be measured but specific targets will be established, based in part on the requirements of the legislation, in part on the results of consultation with the client community. Cost of service measures will be developed and implemented to ensure that the economies and efficiencies of the new case management process, including block scheduling and single member panels, are achieved and maintained.

Communication services are provided primarily by the Communications Directorate. The Directorate is responsible for a variety of services and products - the web page, the publication and distribution of the official Reasons for Decision of the Board, the Focus Newsletter,



information kits for clients, the 1-800 phone line for general enquiries. In addition, the regional offices often respond to general and specific questions about the *Canada Labour Code* and the role of the CIRB. The products and services will be measured to the extent they contribute, in a cost-effective manner, to providing the labour relations community with up-to-date and reliable information.

The Board intends to communicate and consult with its clientele. The Chairman, the Executive Director, and members of the senior management of the Board will be active in the labour relations community providing, through speeches, presentations and other forums for discussion, information on the Board, its role, responsibilities, processes and jurisprudence. These occasions will also afford clients with the opportunity to provide information on Board performance and the manner in which services were provided as well as their own changing requirements. Discussions with the client communities will be initiated with a view to the creation of more formal mechanisms to promote two way communication.

The resources available to deliver these services are set out in the Planned Spending table below.

#### **Administration of the *Canada Labour Code* Business Line**

##### ***Planned Spending***

(\$thousands)	Forecast* Spending 1998-99	<b>Planned Spending 1999-00</b>	Planned Spending 2000-01	Planned Spending 2001-02
<b>Gross Expenditures</b>	8,906	<b>8,658</b>	8,658	8,658
<i>Less: Revenue Credited to the Vote</i>	0	<b>0</b>	0	0
<b>Total Net Expenditures</b>	8,906	<b>8,658</b>	8,658	8,658

\* See footnote to Table D, page 8.

### **C. Consolidated Reporting**

The Board has no major initiatives that are of a broad government-wide nature and that are of a concern to a number of departments and agencies.

## Section IV: Supplementary Information

### Supplementary Information

Table 1: Spending Authorities (*Extract from the Board Summary table in Part II*)

#### Personnel Information

Table 2.1: Organization Structure

Table 2.2: Planned Full Time Equivalents (FTEs) by Program and Business Line

**Capital Projects Information** (The Board has no capital projects)

Table 3.1: Capital Spending by Program and Business Line - Not Applicable

Table 3.2: Capital Projects by Program and Business Line - Not Applicable

Table 3.3: Status of Major Crown Projects - Not Applicable

#### Additional Financial Information

Table 4: Summary of Standard Objects by Expenditure

Table 5: Program Resources by Program and Business for the Estimates Year

Table 6: Transfer Payments by Program and Business Lines - Not Applicable

Table 7: Revenue by Program

Table 8: Net Cost of Program for the Estimates Year

Table 9: Revolving Fund - Not Applicable

Table 10: Loans, Investments and Advances - Not Applicable

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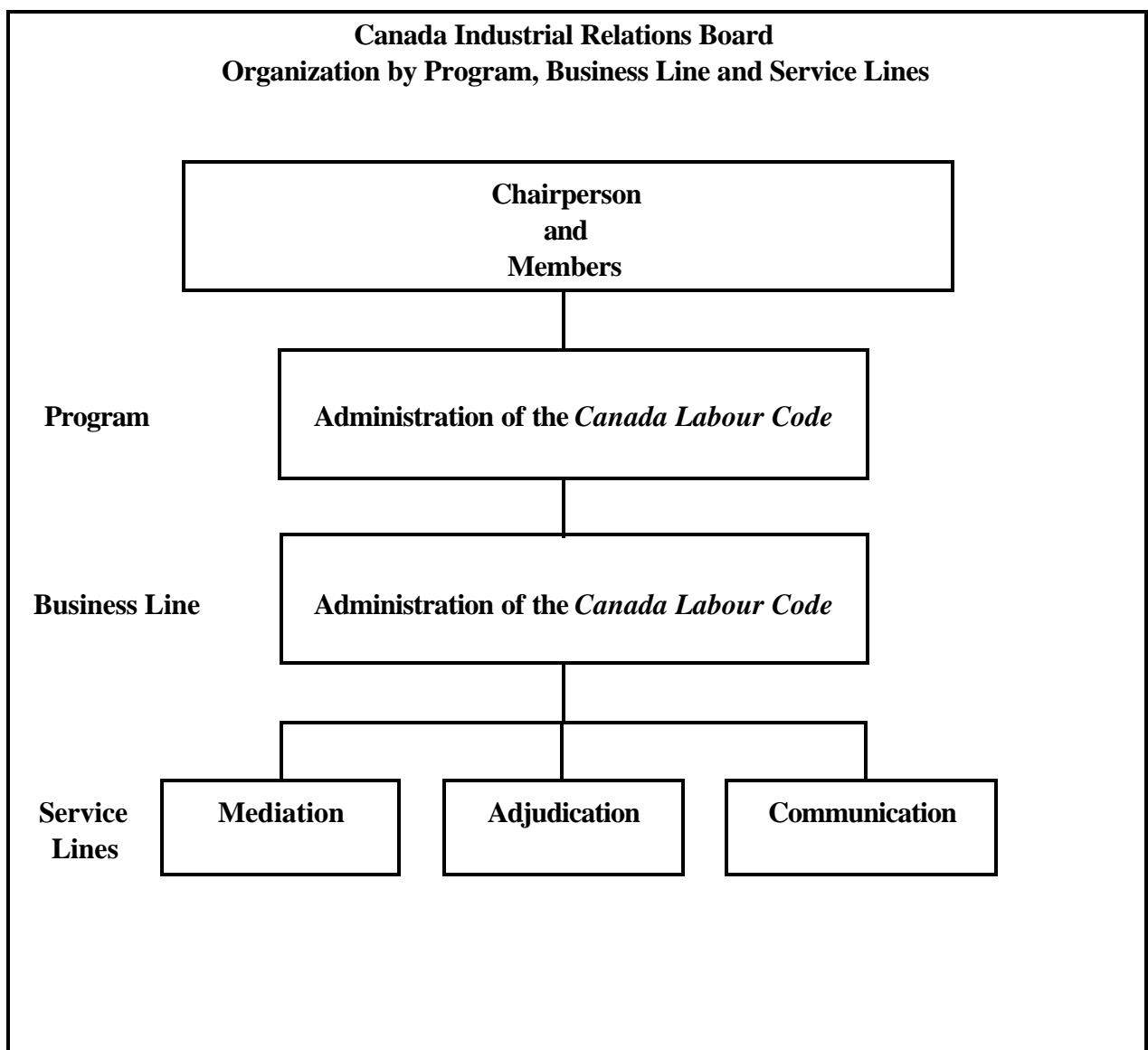
Table 13: References

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**Table 1: Spending Authorities - Ministry Summary Part II of the Estimates**

Vote	(thousands of dollars)	1999-00	1998-99*
		Main Estimates	Main Estimates
25	Operating expenditures	7535	7728
	<i>Total Program</i>	7535	7728
(S)	Contributions to employee benefit plans	1123	1178
	Total budgetary	8658	8906
	<i>Total Program</i>	8658	8906
	Total Department	8658	8906

\* See footnote to Table D, page 8.



**Table 2.1: Organization Structure**

**Table 2.2: Planned Full Time Equivalents (FTEs) by Program and Business Line**

	Forecast* 1998-99	<b>Planned 1999-00</b>	Planned 2000-01	Planned 2001-02
<b>Administration of the <i>Canada Labour Code</i> (Program and Business Line)</b>	97	<b>97</b>	97	97
Departmental Total	97	<b>97</b>	97	97

\* See footnote to Table D, page 8.

### **Capital Projects Information**

**Table 3.1: Capital Spending by Program and Business Line - *not applicable***

**Table 3.2: Capital Projects by Program and Business Line - *not applicable***

**Table 3.3: Status of Major Crown Projects - *not applicable***

**Table 4: Departmental Summary of Standard Objects of Expenditure**

(\$ thousand)	Forecast* 1998-99	<b>Planned 1999-00</b>	Planned 2000-01	Planned 2001-02
<b>Personnel</b>				
Salaries and wages	5,608	5,617	5,617	5,617
Contributions to employee benefit plans	1,178	1,123	1,123	1,123
	6,786	6,740	6,740	6,740
<b>Goods and services</b>				
Transportation and communications	950	828	828	828
Information	35	35	35	35
Professional and special services	780	700	700	700
Rentals	100	100	100	100
Purchased repair and maintenance	60	60	60	60
Utilities, materials and supplies	170	170	170	170
Other subsidies and payments	19	19	19	19
Minor capital	6	6	6	6
	2,120	1,918	1,918	1,918
Total Operating	8,906	8,658	8,658	8,658
<b>Capital</b>	0	0	0	0
Gross budgetary expenditures	8,906	8,658	8,658	8,658
Less: Revenues credited to the Vote	0	0	0	0
Net budgetary expenditures	8,906	8,658	8,658	8,658
Non-budgetary (LIAs)	0	0	0	0
Total	8,906	8,658	8,658	8,658

\* See footnote to Table D, page 8.

**Table 5: Program Resources by Program and Business Line for the Estimates Year**

(\$ thousands)	Budgetary						Gross Planned Spending	Less: Revenue Credited to the Vote	Net Planned Spending
	FTE	Operating*	Capital	Transfer Payments	Planned Spending	Plus: LIAs			
Administration of the <i>Canada Labour Code</i>	97	8,658	0	0	8,658	0	8,658	0	8,658
<b>Total</b>	<b>97</b>	<b>8,658</b>	<b>0</b>	<b>0</b>	<b>8,658</b>	<b>0</b>	<b>8,658</b>	<b>0</b>	<b>8,658</b>

\* Includes contributions to Employee Benefit Plans

**Table 6: Details of Transfer Payments by Program and Business Line - not applicable**

**Table 7: Details of Revenue by Program - not applicable**

**Table 8: Net Cost of Program(s) for 1999-2000**

(\$ thousands)	Administration of the Canada Labour Code	<b>Total</b>
Gross Planned Spending	8,658	<b>8,658</b>
Plus:		
<i>Services Received without Charge</i>		
Accommodation provided by Public Works and Government Services Canada (PWGSC)	2,263	<b>2,263</b>
Contributions covering employees' share of insurance premiums and costs paid by TBS	309	<b>309</b>
Employee compensation payments provided by Human Resources Canada	0	<b>0</b>
	<u>2,572</u>	<u><b>2,572</b></u>
Total Cost of Program	11,230	<b>11,230</b>
Less:		
Revenue Credited to the Vote	0	<b>0</b>
Revenue Credited to the CRF	5	<b>5</b>
	<u>5</u>	<u><b>5</b></u>
Net Cost of Program	11,225	<b>11,225</b>
1999-2000 Estimated Net Program Cost	11,225	<b>11,225</b>

**Table 9: Revolving Fund Financial Statements - not applicable**

**Table 10: Loans, Investments and Advances by Business Line - not applicable**

**Table 11: Tax Expenditures - not applicable**



## Other Information

### Table 12: Listing of Statutes and Regulations

#### 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 Occupation Health and Safety)</i>	R.S.C. (1985), c. L-2

### Table 13: References

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