

**RCMP
EXTERNAL REVIEW
COMMITTEE**

**1999-2000
Estimates**

Report on Plans and Priorities

Approved

Solicitor General of Canada

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Section I: Messages

A. *Chair's Message*

I had the privilege of becoming Vice-Chair and Acting Chair of the RCMP External Review Committee on July 27, 1998, at the outset of its second decade of existence. I am undertaking my new duties at a time of unprecedented attention in Canada focussed on the fundamental issue of how police forces interact with the population they serve. The existence of a healthy and harmonious work environment within an organization as large as the RCMP is of primary importance in order for them to face new challenges on the horizon at the outset of the third millennium and meet expectations which continue to evolve at a rapidly increasing pace. An organization which demonstrates respect for its members and their rights recognized by statute and case law has an enhanced ability to act in like fashion in its daily rapport with an increasingly diverse community.

The scope of the Committee's mandate is wide-ranging and impressive. From disciplinary matters arising from allegations of transgression to the RCMP's *Code of Conduct* to the adjudication of disputes concerning relocation expenses incurred by members assigned to new posts and also including such matters as classification grievances and termination of employment due to medical reasons, the Committee is called upon to consider a varied set of issues. These issues can have significant repercussions for thousands of members who are proud to be part of a national police force that is renowned across the world for its integrity and efficiency. Each file is reviewed by the Committee's analysts with a fine tooth comb. They strive to ensure that each legal or policy issue raised by the disciplinary appeals and grievances referred to the Committee receives appropriate consideration. One objective that is particularly important to me is that the Committee's reports to the Commissioner should be presented in clear and precise language and address the fundamental preoccupations of both parties.

In the first few months of my mandate, I have had the opportunity to meet many of the Committee's key stakeholders, including Divisional Staff Relations Representatives who act on behalf of RCMP members, as well as senior officers of the organization. To a T, they have assured me of their confidence in the Committee and their satisfaction with the work that we accomplish. At the same time, I received many valuable suggestions on how to improve service delivery, some of which the Committee has begun to implement. I hope to increase the frequency of such meetings during the upcoming year.

During the term of my mandate, I will endeavour to increase awareness and understanding of the Committee's work within the RCMP. It is apparent that the discomfort that the existence of a civilian oversight agency might reasonably have been expected to generate within any police force has long ago been dissipated insofar as this Committee is

concerned. In this respect, I would be remiss if I failed to note the remarkable accomplishments of my predecessor, Jennifer Lynch, whose counsel and advice were invaluable to me when I undertook my new duties.

Philippe Rabot
Acting Chair

B. Management Representation Statement

I submit, for tabling in Parliament, the 1999-2000 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, plans, priorities, strategies and expected 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; and
- 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 planning and reporting structure on which this document is based has been approved by Treasury Board Ministers and is the basis on accountability for the results achieved with the resources and authorities provided.

Bernard Cloutier
Executive Director
January 30, 1999

Section II: Departmental Overview

A. Mandate, Roles and Responsibilities

The RCMP External Review Committee is a component of a two-level redress mechanism available to members of the Royal Canadian Mounted Police who are not satisfied with disciplinary actions, discharges or demotions, and with other Force decisions, acts or omissions which impact upon their employee rights and in respect of which no other redress process is provided by the *RCMP Act* or its Regulations. The Committee may also review appeals from management in certain matters pertaining to discipline and discharge.

The Committee independently reviews grievances and appeals referred to it and submits recommendations to the RCMP Commissioner who acts as the second and last level of the review process. The RCMP Commissioner is not required to accept the recommendations of the Committee, but when he chooses not to do so, he is required to provide his reasons. His decision is final although it is subject to judicial review by the Federal Court.

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

- 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.

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 dissatisfied 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 to the member involved and the Committee.

In conducting its review of matters referred to it, the Committee attempts to achieve a balance amongst the different interests referred to above while ensuring that the principles of administrative and labour law are respected and the remedial approach indicated by the *RCMP Act* is followed. In each case, the interests of the individual grievor/appellant of the Force are balanced against those of RCMP management, of other RCMP members, and members of the Canadian public.

B. Objective

To provide impartial, useful and timely reviews of matters referred to the Committee in a manner that respects and balances the interests of the RCMP, its members, and members of the Canadian public.

C. Operating Environment

The Committee is a component of the Ministry of the Solicitor General of Canada. While the legislation provides for a full-time Chair, a Vice-Chair and three other members who can be appointed on a full-time or part-time basis, and who are available to assist with its work (e.g.: hearings), the Committee currently operates with only one member, the Vice-Chair who is authorized by the Solicitor General (pursuant to subsection 26(2) of the *RCMP Act*) to exercise the powers and perform the duties of the Chair. The Committee

reports annually to Parliament. Case review and administrative support are provided by a

staff of five who report to the Chair through the Executive Director. The Committee's offices are located in Ottawa.

A number of factors impact on how the Committee conducts its business:

- *Committee's lack of control of the number and nature of referrals*

The Committee does not control the number or the nature of cases referred to it. The number of referrals depends, in part, on the members' decision as to whether they should submit their cases to level II, and on the Force's interpretation of the *RCMP Regulations* which establish the Committee's jurisdiction. In fact, just as the Committee is not involved in the decision as to whether a matter should be referred to it, neither is it possible for the Committee to monitor, of its own motion, whether certain grievances were not referred to it which ought to have been. Section 36 of the *RCMP Regulations* provides that grievances relating to a number of matters are to be referred to the Committee. While sub-paragraph 36(b) through (e) are specific, this is not so with sub-paragraph 36(a) - the Force's interpretation and application of government policies that apply to government departments and that have been made to apply to members of the RCMP. Whether or not a matter is referable to the Committee under this provision requires an interpretation in each case. While the vague wording of sub-paragraph 36(a) only affects this one paragraph, it has disproportionate effects given that it accounts for a large part of the Committee's grievance referrals.

- *Legislative and Policy Changes*

Any specific legislative and policy initiatives undertaken by the RCMP in the area of labour relations could potentially have a significant impact on the Committee's workload.

- *Ever-increasing complexity of cases referred to the Committee*

While the Committee's workload has slightly decreased over the last couple of years, it has shifted to more complex and sensitive matters especially in the area of discipline, thus requiring more research and analysis on the part of the Committee staff.

- *Fast-changing RCMP environment*

In order to adapt to a rapidly changing world, the RCMP has, over the last two years, undertaken several initiatives aimed at a cultural transformation of its organization. One of the RCMP's major initiatives in this regard is the Alternate Dispute Resolution program which has implemented informal approaches to

resolution of disputes, and a broader system of conflict management which is resulting in an institutionalization of this approach in all of RCMP labour relations, with emphasis on conflict prevention and systemic change. Such a direction should, in the long run, have a profound and positive effect on labour relations within the RCMP and eventually could have an effect on the Committee's mandate and workload.

Technological Advances

Preparedness for Year 2000 has, similarly to other departments, represented a new challenge for the Committee. While the Committee is confident that it will be ready, some progress still has to be achieved in this area.

D. Financial Spending Plan

(thousands of dollars)	Forecast Spending 1998-99*	Planned Spending 1999-2000	Planned Spending 2000-01	Planned Spending 2001-02
Gross Program Spending				
Case Review	822	799	799	799
Net Program Spending				
Plus: Cost of services provided by other Departments	80	80	80	80
Net Cost of the Agency	902	879	879	879

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

Section III: Plans, Priorities, Strategies and Expected Results

A. Summary of Plans and Expected Results

RCMP External Review Committee	
(Plan) to provide Canadians with:	(Strategies) to be demonstrated by:
The provision of Committee leadership in adapting to the changing RCMP environment	<ul style="list-style-type: none"> · pursuing the implementation of the Committee's communications plan · completing the Committee's review of its mandate and internal review processes · supporting RCMP's initiatives in the area of alternative dispute resolution · sharing with the RCMP the Committee's electronic data base · proactively responding to RCMP legislative and policy initiatives and providing advice where appropriate · providing research, best practices studies and advice on specific issues affecting labour relations within the RCMP
An effective and efficient management of the Committee	<ul style="list-style-type: none"> · reengineering the Committee's internal review processes · enhanced communication with the RCMP to further improve planning of Committee workload · completing reviews within 120 days

B. Program and Business Line Plan

The Committee has only one program or business line: Case Review.

Planned Spending

(thousands of dollars)	Forecast Spending 1998-99	Planned Spending 1999-2000	Planned Spending 2000-01	Planned Spending 2001-02
<i>Net Expenditures</i>	822	799	799	799

Objective

To provide external review of appeals of formal discipline, appeals of discharge or demotion, and certain types of grievances referred to the Committee by the RCMP.

Key Plans and Strategies

In fulfilling its mandate, the Committee is committed to providing the RCMP with impartial, useful, and timely advice on specific cases referred to it. The Committee also participates where appropriate in the larger issues related to labour relations within the RCMP, always in a manner that respects and balances the interests of the RCMP, its members, and members of the Canadian public.

In order to achieve this objective, the Committee has identified the following key plans and strategies:

1. Providing leadership in adapting to the changing RCMP environment, by:
 - maintaining effective communications with all stakeholders to ensure that the Committee remains current in its understanding of underlying interests and the organization's culture; in that respect, it will continue pursuing certain key initiatives such as maintaining regular contacts with RCMP management and members' representatives, meeting all new member representatives, addressing recruits at their training centre in Regina, issuing bi-monthly *Communiqués*, and working towards the establishment of an Internet Web page which will contain the Committee's Findings and Recommendations and research papers which will eventually be available to all members of the Force and members of

the Canadian public;

- taking leadership in an all-party consensus-based review of the Committee's grievance-related mandate in order to continuously improve the services the Committee provides, while assuring its independence, accountability, efficiency and effectiveness;
- supporting the RCMP's initiatives in alternative dispute resolution;
- implementing on a shared basis with the RCMP, an electronic data base of the Committee's recommendations and research, thus providing fairer and more efficient access to guiding principles and jurisprudence in such specialized areas of police discipline and grievance, and natural justice;
- proactively responding to RCMP legislative and policy initiatives and advising where appropriate on matters which can lead to healthy systemic change;
- providing research, best practices studies and advice where appropriate on specific issues affecting labour relations within the RCMP;

2. Managing the Committee effectively and efficiently, by:

- encouraging the highest quality of professionalism and commitment from Committee employees;
- undertaking a targeted and continuous review of the Committee's processes, successfully developing a streamlined and timely approach to case review. Continued attention to our processes should enable the Committee to continue to meet its commitment to process most cases within 90 to 120 days;
- enhancing communication between the various sectors within the RCMP whose referral of cases can dramatically affect the Committee workload, in order to plan Committee resource needs even more successfully;

Expected Results

The implementation of the above key plans and strategies will result in maintaining the credible and valuable contribution the Committee makes to the improvement of labour relations within Canada's national police force.

Specifically, the plans and strategies will maintain and strengthen :

-
- the use of the Committee as a resource for best practices and wise counsel on issues of general importance in police labour relations;
 - RCMP management and members' trust and confidence in the Committee;
 - an improved communication amongst all stakeholders;
 - an even more efficient and effective management of the Committee, and a better service to the users of the Committee.

C. Consolidated Reporting

- *Legislative or Regulatory Initiatives*

The Committee has no current legislative or regulatory initiative.

- *Y2K Initiatives*

As indicated in the above, the Committee is confident that it will be ready for the Year 2000.

Section IV: Supplementary Information

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

Personnel Information

Table 2.1: Organization Structure

Table 2.2 Planned Full Time Equivalents (FTE's) by Business Line

Additional Financial Information

Table 3 Departmental Summary of Standard Objects by Expenditure

Table 4 Net Cost of Program for the Estimates Year

Other Information

Table 5 Listing of Statutes and Regulations

Table 6 References

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

Vote	(thousands of dollars)	1999-2000 Main Estimates	1998-99 Main Estimates
Royal Canadian Mounted Police External Review Committee			
45	Program expenditures	739	718
(S)	Contributions to employee benefit plans	60	62
Total Agency		799	780

Table 2.1: Organization Structure

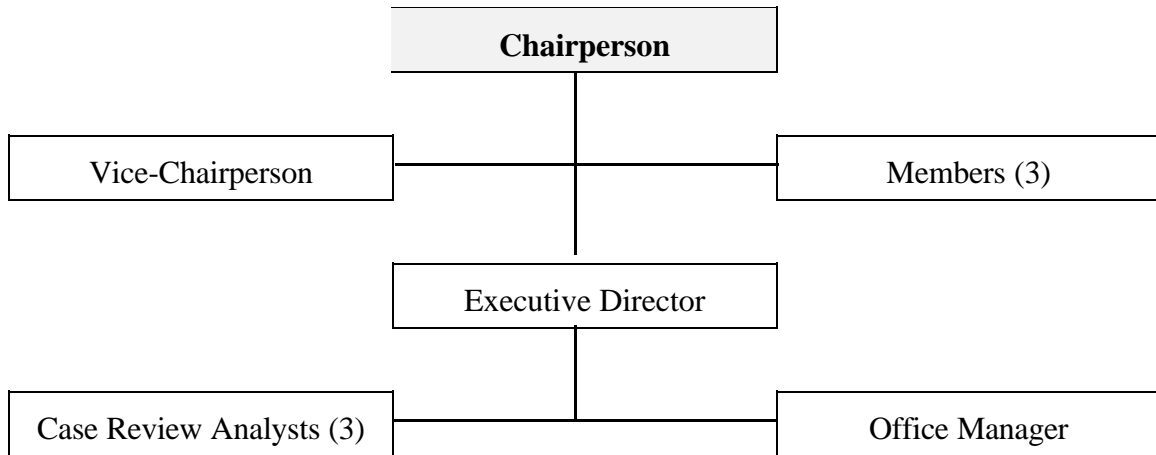


Table 2.2: Planned Full Time Equivalents (FTE's) by Program and Business Line

	Forecast 1998-99	Planned 1999-2000	Planned 2000-01	Planned 2001-02
Business Line				
<i>Case Review</i>	5	5	5	5
Total	5	5	5	5

Table 3: Departmental Summary of Standard Objects by Expenditure

(thousands of dollars)	Forecast Spending 1998-99	Planned Spending 1999-2000	Planned Spending 2000-01	Planned Spending 2001-02
Personnel				
Salaries and wages	301	301	301	301
Contributions to employee benefit plans	62	60	60	60
Goods and Services				
Transportation and communications	40	52	52	52
Information	1	10	10	10
Professional and special services	362	325	325	325
Rentals	9	9	9	9
Purchased repair and maintenance	2	2	2	2
Utilities, materials and supplies	40	40	40	40
Other subsidies and payments	0	0	0	0
Minor Capital	5	0	0	0
Net budgetary expenditures	822	799	799	799

Table 4: Net Cost of Program for the Estimates Year

(thousands of dollars)	Case Review Program	Total
<i>Gross Planned Spending</i>	799	799
<i>Plus:</i>		
<i>Services Received without Charge</i>		
Accommodation provided by Public Works and Government Service Canada (PWGSC)	63	63
Contributions covering employees' share of insurance premiums and costs paid by TBS	17	17
Workman's compensation coverage provided by Human Resources Canada	0	0
Salary and associated costs of legal services provided by Justice Canada	0	0
<i>Total Cost of Program</i>	879	879
<i>Less:</i>		
Revenue Credited to the Vote	0	0
Revenue Credited to the CRF	0	0
<i>1999-2000 Estimated Net Program Cost</i>	879	879

Table 5: Listing of Statutes and Regulations

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
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Table 6: References

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