



ESTIMATES

Canada Industrial Relations Board

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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Canada Industrial Relations Board

2001-2002
Estimates

Report on Plans and Priorities

Approved:

Honourable Claudette Bradshaw
Minister of Labour

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Section I: Messages

1.1 Message from the Chairperson

In last year's Report on Plans and Priorities, the recently established Canada Industrial Relations Board (CIRB) had identified a number of measures to improve its ability to cope with an increasing workload, to become further responsive to the needs of the industrial relations community and to renew its antiquated technology.

In the first half of the current fiscal year, the CIRB has already received 502 new cases, representing a projected increase of almost 35% over the annual average for the four years preceding its establishment. In terms of the Board's performance during the same period, the Board disposed of 460 cases (representing a projected annual total of 920 cases), which compares favourably with the four-year annual average of 681. The total files received and disposed of represent the highest workload levels on record, and show no sign of abating. While the Board has responded to the caseload increase and reduced its processing time, it is beginning to develop serious problems because of this steady growth. In light of these significant workload pressures, resource levels must be reviewed to permit greater use of mediation, thus eliminating costly hearings, and to adjudicate cases more promptly.

In the autumn of 2000, CIRB received supplementary funding to initiate the upgrading of its information technology infrastructure. As a result of this, the CIRB has been able to upgrade its internal communication software and provide - for the first time - external e-mail access. Notwithstanding this important initial investment, CIRB continues to face resource pressures. Additional funding would allow CIRB to update critical case management systems and provide electronic services over the Internet.

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

1.2 Management Representation Statement

MANAGEMENT REPRESENTATION

Report on Plans and Priorities 2001-2002

I submit, for tabling in Parliament, the 2001-2002 Report on Plans and Priorities (RPP) for the Canada Industrial Relations Board.

To the best of my knowledge, the information:

- Accurately portrays the Board's mandate, priorities, strategies and planned key results of the organization;
- Is consistent with the disclosure principles contained in the *Guidelines for Preparing a Report on Plans and Priorities*;
- Is comprehensive and accurate;
- Is based on sound underlying departmental information and management systems.

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

The Planning and Reporting Accountability Structure (PRAS) on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

J. Paul Lordon
Chairperson
February 22, 2001

Section II: Departmental Overview

2.1 Mandate, Roles and Responsibilities

The *Constitution Act, 1867*, provides that provincial jurisdiction extends over "Property and Civil Rights", meaning that the negotiation of collective agreements containing terms and conditions of employment for employees is regulated by the provinces. The Constitution, however, assigns exclusive jurisdiction to Parliament over specific sectors of the economy, and as such, it has seen fit to enact laws regulating employment matters within those sectors that have constitutionally been reserved to it. The laws governing the federal jurisdiction are contained in the *Canada Labour Code*, which is divided into three parts:

- Part I- Industrial Relations
- Part II- Occupational Safety and Health
- Part III- Labour Standards

Part I of the *Code* sets out the terms under which trade unions may acquire the legal right to represent employees in the negotiation of collective agreements with their employer. It also delineates the process under which collective bargaining takes place and provides remedies to counter infractions committed by any party subject to the *Code's* provisions.

Part I of the *Canada Labour Code* had remained virtually unchanged since 1972. However, with the coming into force on January 1, 1999 of Bill C-19, an *Act to amend the Canada Labour Code (Part I)*, R.S. 1998 C. 26, significant changes were made to the *Code* in an effort to modernize it and improve the collective bargaining process for federally regulated industries. The *Act* replaced the Canada Labour Relations Board with the Canada Industrial Relations Board as an independent, representational, quasi-judicial tribunal responsible for the interpretation and application of Part I, Industrial Relations, and certain provisions of Part II, Occupational Safety and Health, of the *Canada Labour Code*.

*The Canada Industrial Relations Board's **mandate** is to contribute to and promote effective industrial relations in any work, undertaking or business that falls within the authority of the Parliament of Canada.*

In support of its mandate, the Board established the following vision and values.

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

In the discharge of its mandate and the exercise of its powers, the Board aims to be progressive and innovative, efficient and effective and accountable. The working environment at the Board promotes learning and development, harmony, teamwork and respect.

The Board's **role** is to exercise its powers in accordance with the Preamble to the *Code*, which states that Parliament considers "... the development of good industrial relations to be in the best interests of Canada in ensuring a just share of the fruits of progress to all ... ". To that end, the Board aims to be responsive to the needs of the labour relations community across Canada in all aspects of delivering its program.

- **Organization and Program Composition**

The Board is currently comprised of the Chairperson, four full-time Vice-Chairpersons, six full-time Members and six part-time Members (representing employees and representing employers). The appointment of the part-time members was done on May 29, 2000. All are appointed by the Governor in Council: the Chairperson and the Vice-Chairpersons for terms not to exceed five years, the Members for terms not to exceed three years.

The Chairperson is the Chief Executive Officer of the Board. The provisions of the *Canada Labour Code* assign to the Chairperson supervision over and direction of the work of the Board, including:

- the assignment and reassignment to panels of matters that the Board is seized of;
- the composition of panels and the assignment of Vice-Chairpersons to preside over panels;
- the determination of the date, time and place of hearing;
- the conduct of the work of the Board;
- the management of the Board's internal affairs; and
- the duties of the staff of the Board.

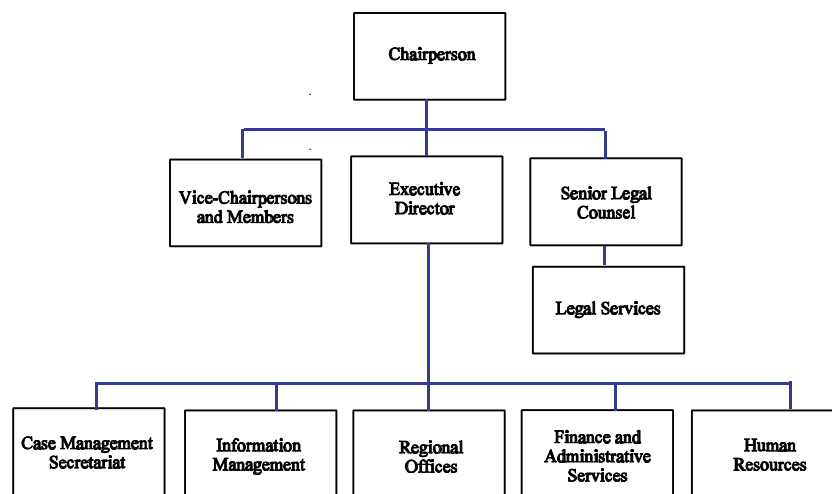
2.2 Departmental/Program Objective

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

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

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

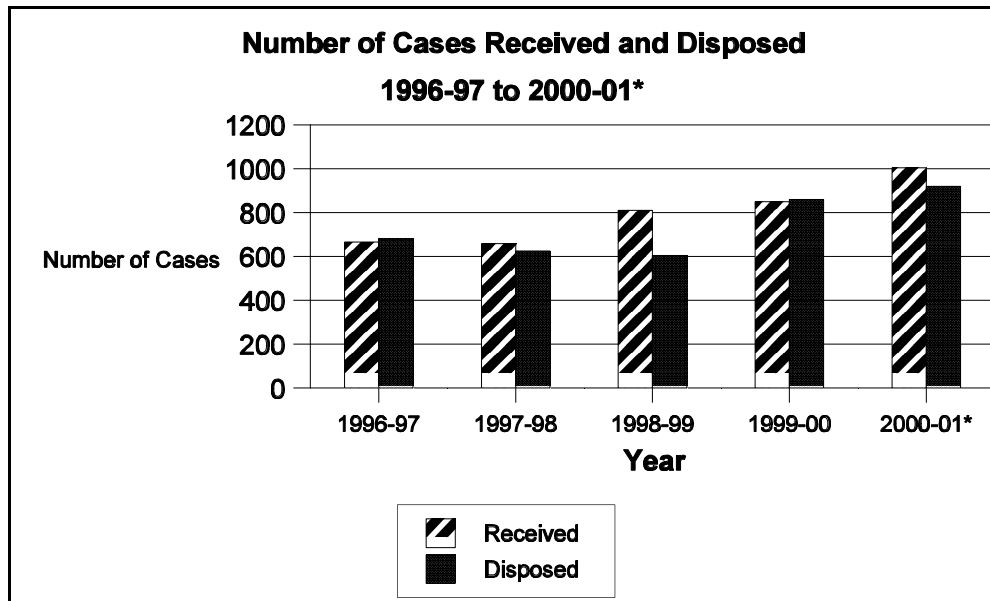
Organization Chart



2.3 Planning Context

Since its inception on January 1, 1999, the CIRB has experienced a significant and steady increase in the volume of its workload. While the Board has responded to the caseload increase, the growth is presenting significant challenges. Although processing time has also been significantly reduced, some of the gains achieved in the past two years are beginning to erode. Additional resources would permit greater use of mediation and allow the larger caseload to be heard more promptly.

Chart I



*Projected data, based on first 6 months (April to September 2001)

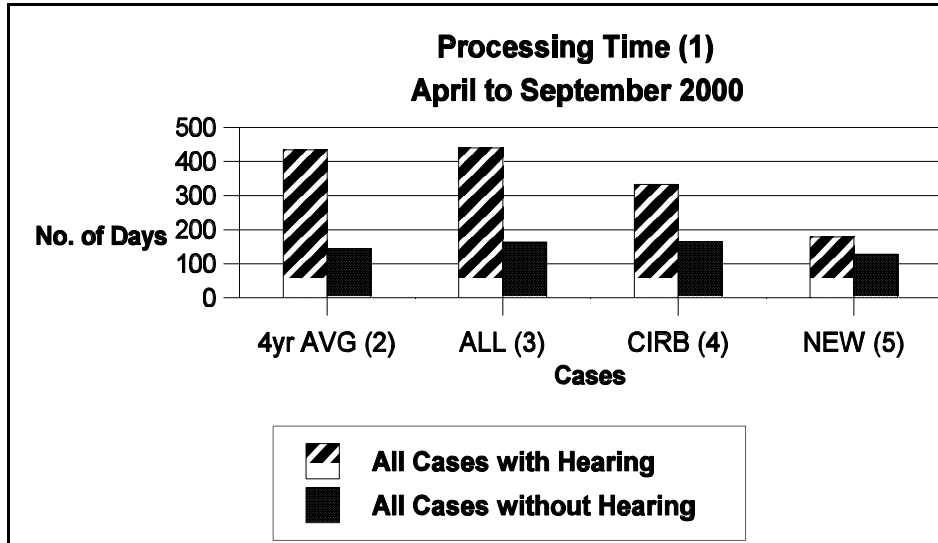
In the half year from April to September 2000, the CIRB received 502 new cases. It is expected that the total number of cases received in fiscal 2000/2001 will exceed 1,000, about one third above the 4-year annual average of 741 cases received by the predecessor Board (see Chart I above).

In terms of the Board's performance during the first six months of this year, the CIRB disposed of 460 cases (representing a projected annual total of 920 cases), which compares favourably with the annual average of 681 cases over the previous 4 years.

The total files received and disposed of represent the highest workload levels on record, and show no sign of abating. Unless the Board can further increase the number of cases processed, there is concern that a backlog may develop.

Chart II

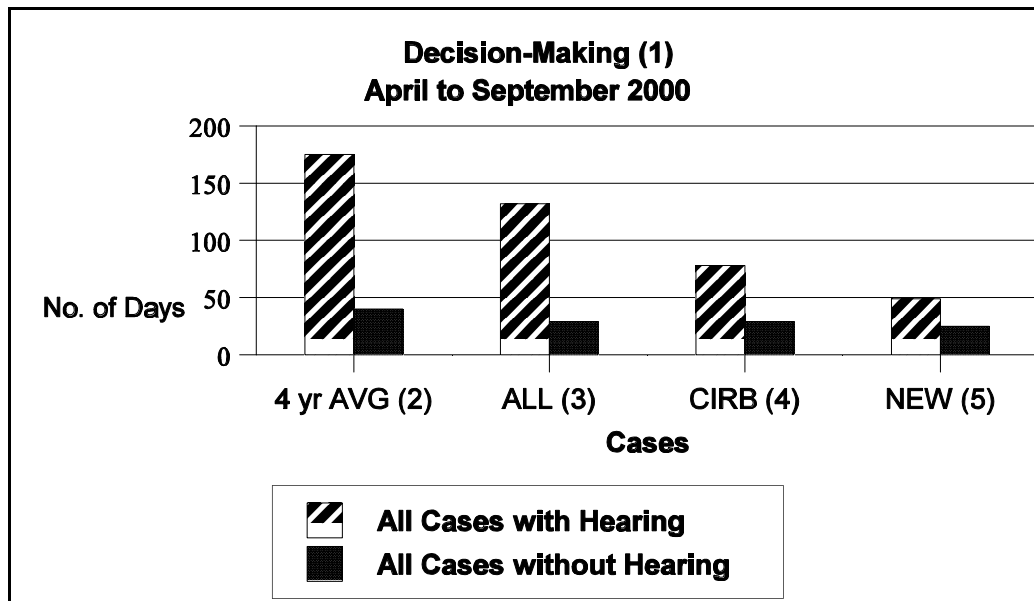
Notwithstanding the increasing caseload, the Board has been able to significantly reduce the time it takes to process its files. Chart II shows the processing time for all cases from initial receipt at the regional offices to their resolution.



- (1) average number of days from received to disposed
- (2) 4yr average is based on data from 1995-96 to 1998-99, the last 4 years of the CLRB
- (3) refers to all cases disposed of by CIRB and CLR panels
- (4) refers to cases disposed by CIRB panels, but transferred from CLR
- (5) refers to all cases received after CIRB's inception and disposed of by CIRB panels

Processing time represents the period required to complete a file - time spent investigating, mediating, holding hearings where required, and rendering decisions. The CIRB took an average of 333 days to dispose of all cases that were heard. This represents an improvement of almost 4 months over the average of the last four years of the previous Board, including cases taken over from the CLR. Cases received by the CIRB after its inception took an average of 179 days from receipt to disposition, a further improvement of over 2½ months.

Chart III



- (1) average number of days from last hearing day or ready date to disposition
- (2) 4yr average is based on data from 1995-96 to 1998-99, the last 4 years of the CLRB
- (3) refers to all cases disposed by CIRB and CLRB panels
- (4) refers to all cases disposed by CIRB panels, but transferred from CLRB
- (5) refers to all cases received after CIRB's inception and disposed by CIRB panels

The Board's own disposition time - from the time it reserves its decision (generally the last day of hearing), or from the time a case is presented to the Board for consideration in cases where hearings are not held, to the time it renders its decision - has also been improving. Disposition times for certifications, complaints and all other new files received by the CIRB since January 1, 1999 continue to be the fastest on record (see Chart III above). The CIRB managed to improve by 3 months its decision-making time for cases involving hearings, and by 20 days the time it takes to decide on cases without a hearing. Additional resources would allow further improvements in case management.

It is important to note that all cases which former CLRB Vice-Chairpersons were seized of have been completed or transferred to the CIRB.

In addition to its ongoing caseload of applications for certification and complaints of unfair labour practice or related bargaining issues, the following examples illustrate the types of issues that are creating new pressures for the CIRB.

Mergers and Acquisitions: The changing landscape of the Canadian economy has generated a number of large-scale corporate mergers and take-overs in recent months. Circumstances have led to significant structural changes in major federal employers. These mergers have involved the Board in a consideration of complex and fundamental labour relations issues affecting tens of thousands of workers. In this context, the CIRB

has been engaged in adjudicating and assisting parties in resolving such issues as new bargaining unit structures, representation rights, the applicability of collective agreements, and seniority structures.

Public Health and Safety: The 1999 amendments to the *Canada Labour Code* included new provisions aimed at protecting the safety and health of the public in the event of labour disputes. The CIRB subsequently has adjudicated a significant number of disputes respecting the levels of workers required in the interests of public health and safety, including the number of workers required to remain at work during potential strikes.

Illegal Strikes and Lockouts: Throughout the year, the CIRB has responded in situations where illegal work stoppages have had significant impact, or potential impact, on the Canadian public and the Canadian economy.

Over the past year, the CIRB has been asked to intervene in circumstances where the relations between the parties have been particularly acrimonious. The parties have frequently adopted antagonistic and complex strategies in disputes over such primary issues as the acquisition of bargaining rights. This, in turn, has generated an increasing number of complaints of unfair labour practices and illegal work stoppages, and a myriad of related legal challenges. In this challenging context, the CIRB has been required to expend significant time and resources addressing matters that are both urgent and sensitive in nature, and that are fundamental to the establishment and improvement of bargaining relationships.

With the enactment of a number of statutory amendments to the *Canada Labour Code* in January 1999, certain provisions allowed the CIRB to operate more economically, efficiently and expeditiously than its predecessor. A number of changes which the Board has already introduced to its internal processes have resulted in immediate and tangible results by reducing the time taken to review files, schedule hearings and issue decisions. The Board proposes to concentrate further efforts at improving its pre-hearing case management processes in order to resolve more matters without litigation and ensure that the time allocated to formal hearings is most effectively utilized. Other important changes include the complete review of the Board's financial management policies and practices, the establishment of specific performance measures and the increased use of technology.

Nonetheless, with the continuing pressures resulting from the significant increase in the Board's workload and the complexity of cases, it is becoming increasingly difficult to sustain the improvements in performance levels achieved to date. The CIRB is currently operating with fewer full-time adjudicative personnel than the predecessor CLRB and with the staff resource levels of January 1999. Significant overtime work is required on a continual basis. In his latest report, the Auditor General of Canada commented on the Board's increasing workload. A key Board priority is additional resources to permit closer management of case processes and more use of alternate dispute resolution mechanisms including mediation.

While the CIRB has received some initial funding to allow it to commence the upgrading of its information technology infrastructure, additional funding would allow it to address its outdated but critical case management system. An independent study commissioned by the Board has established at approximately \$ 1 million the cost of replacing this outdated system.

Despite the statutory changes allowing most matters before the Board to be dealt with by telecommunications, the internal infrastructure does not support videoconferencing. The accessibility of Board services to its clientele, particularly remotely and through regional offices, will require further attention. In light of current information technology environment and capabilities, it will be a significant challenge for the CIRB to meet the Government's commitment to provide access to all government services and information on-line by 2004.

Finally, pursuant to the recent Devinat decision issued by the Federal Court of Appeal requiring that all Board decisions be issued in both official languages, the CIRB will face significant resource constraints to comply fully with the newly defined requirements of the Official Languages Act.

2.4 Departmental Planned Spending

| (\$ thousands) | Forecast Spending 2000-2001* | Planned Spending 2001-2002 | Planned Spending 2002-2003 | Planned Spending 2003-2004 |
|---|------------------------------------|---|----------------------------------|----------------------------------|
| Budgetary Main Estimates (gross) | 8,992.0 | 9,108.0 | 9,108.0 | 9,108.0 |
| Adjustments** | 2,165.0 | -- | -- | -- |
| Net Planned Spending | 11,157.0 | 9,108.0 | 9,108.0 | 9,108.0 |
| Less: Non-responsible revenue | (8.0) | (8.0) | (8.0) | (8.0) |
| Plus: Cost of services received without charge | 2,251.5 | 2,383.2 | 2,413.2 | 2,453.2 |
| Net cost of Program | 13,400.5 | 11,483.2 | 11,513.2 | 11,553.2 |
| Full Time Equivalents | 94 | 97 | 97 | 97 |

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

** **Adjustments are to accommodate approvals obtained since the Main Estimates exercise and include Budget initiatives.**

Section III: Departmental Plans, Results, Activities and Resources

3.1 Business Line Details

Business Line - Administration of the *Canada Labour Code*

Business Line Objective

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

Business Line Description

The Board has a single business line - the administration of the *Canada Labour Code*. To achieve this business line, the Board has three major service lines: adjudication, mediation and information/communication.

When differences arise between bargaining agents and employers that cannot be resolved by the labour relations officers (LROs) in the regional offices, these differences are referred to the Board for adjudication. A large majority of all matters before the Board are decided based on the parties' written submissions and on the detailed investigation reports filed by the regional offices. The remainder are decided after the holding of public hearings at which the parties submit evidence and argument 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.

Mediation services are provided through the regional offices in an effort to resolve applications and complaints quickly and efficiently. Labour relations officers and case management staff at the Board's regional offices are responsible for the processing and investigation of applications, complaints and referrals filed by the Board's clients. The LROs hold informal discussions and mediation sessions with the parties in order to resolve contentious issues. Settling complaints and disputes at the regional level eliminates the need for costly public hearings, accelerates the decision-making process, and in some instances, can avoid the unlawful shutdown of important services. Solutions arrived at between the parties contribute to greater harmony in the workplace.

Information/communication services are provided on an ongoing basis by the Board, management and staff who continue to be active in the labour relations community, through direct consultation with clients, by responding to *ad-hoc* enquiries, and through presentations by Board members and staff. Information concerning the Board's jurisprudence and activities is made available through the publication and distribution of *Reasons for Decision*, newsletters and information circulars. The CIRB

also provides information through its Web site and is currently developing its new Regulations and practice notes following extensive consultations with its clients throughout the country.

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

| Key Results Commitments | Planned Results | Related Activities | Resources | |
|---|--|---|-----------|-----|
| | | | (000) | (%) |
| effective industrial relations in any work, undertaking or business that falls within the authority of the Parliament of Canada | decisions on applications and complaints provided in a fair, expeditious and economical manner | <ul style="list-style-type: none"> • intake and investigative services • case management activities • Board deliberations, public and in-camera hearings • production, translation, and dissemination of Board decisions • legal and research services in support of Board deliberations and court proceedings • information management services and the development of mechanisms to make the Board's activities more accessible and less costly | 5,966.7 | 66 |
| | successful resolution of applications and complaints through alternative dispute resolution mechanisms | <ul style="list-style-type: none"> • alternative dispute resolutions services | 1,157.4 | 13 |
| | an involved and well-informed labour relations community | <ul style="list-style-type: none"> • publication and distribution of <i>Reasons for Decisions</i>, newsletters, information circulars • direct consultations with clients • response to <i>ad-hoc</i> inquiries from the public • public access to a resource center on industrial relations and administrative law • enhancement of CIRB web-site • presentations by Board members and staff to the industrial relations community | 1,015.6 | 11 |

| Key Results Commitments | Planned Results | Related Activities | Resources (000) (%) | |
|------------------------------------|--|---|--------------------------------|-----------|
| | effective regulations and practices, pursuant to the revised <i>Canada Labour Code</i> and the establishment of the CIRB | <ul style="list-style-type: none"> client consultations, publications, and distribution of Regulations and Practices | 177.5 | 2 |
| | | | 8,317.2 | 92 |

Note:

- Financial, Administrative and Human Resources services in support of Key Results Commitments represent 8%.
- Resources reported for fiscal year 2001-2002 are identical to those currently projected for the two subsequent fiscal years.

Section IV: Financial Information

Table 4.1: Source of Non-Respendable Revenue

| (\$ thousands) | Forecast Revenue 2000-01 | Planned Revenue 2001-02 | Planned Revenue 2002-03 | Planned Revenue 2003-04 |
|---|--------------------------------|--|-------------------------------|-------------------------------|
| Photocopies of decisions and material related to cases such as transcripts for hearings | 8.0 | 8.0 | 8.0 | 8.0 |
| Total Non-Respendable Revenue | 8.0 | 8.0 | 8.0 | 8.0 |

Table 4.2: Net Cost of Program for the Estimate Year

| | |
|---|--|
| (\$ thousands) | Canada Industrial Relations Board |
| Planned Spending | 9,108.0 |
| <i>Plus: Services Received Without Charge</i> | |
| Accommodation provided by Public Works and Government Services Canada (PWGSC) | 1,925.4 |
| Contribution covering employees' share of employees' insurance premiums and expenditures paid by Treasury Board Secretariat | 457.8 |
| | <hr/> |
| | 2,383.2 |
| Less: Non-Respendable Revenue | (8.0) |
| 2001-2002 Net Program Cost | 11,483.2 |
| Full Time Equivalents | 97 |

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

Section V: Other Information

Statutes and Regulations currently in force

| | |
|--|--|
| <i>Canada Labour Code (Part I - Industrial Relations)</i> | R.S.C. (1985), c. L-2, as amended by S.C. 1998, c.26 |
| <i>Canada Labour Code (Part II - Occupational Safety and Health)</i> | R.S.C. (1985), c. L-2, as amended by S.C. 2000, c. 20 |

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Publication

Canada Industrial Relations Board Annual Report

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