



Canadian Forces Grievances Board

2002-2003
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 tabled in the spring 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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Canadian Forces Grievance Board **Comité des griefs des Forces canadiennes**

Canadian Forces Grievance Board

**2002-2003
Estimates**

A Report on Plans and Priorities

Approved

The Honourable Art Eggleton, P.C., M.P.
Minister of National Defence

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Chairperson's Message and Management Representation Statement

Chairperson's Message

I am pleased to submit the Canadian Forces Grievance Board's *Report on Plans and Priorities*, for the period 2002-2003 to 2004-2005.

The Board was created as a result of legislation introduced to modernize the military justice system. Thus, a key role for the Board is to help raise the confidence of both the members of the Canadian Forces and the public in the principles of impartiality, integrity and equity that underlie the military justice system.

We can do this best by professionally fulfilling our mission on a daily basis, which is to review grievances fairly, impartially, in a timely manner, and as informally as possible, in order to contribute to an improved grievance resolution process in the Canadian Forces.

The Board's vision was developed with the full involvement of its employees and I firmly believe that if we attain the goals expressed in our vision statement, we will have fulfilled our mission to the outmost of our abilities, with positive and enduring results for the Canadian Forces and consequently, the public that it serves.

Our vision will be realized when the principles of integrity and fairness guiding the Board create a climate of confidence in members of the Canadian Forces; when the members of the Canadian Forces are confident that the Board's findings and recommendations are objective, timely, fair and impartial; when the work of the Board has a positive impact on the conditions of work for military personnel and contributes to a better understanding and application of the regulations, policies and guidelines governing these conditions within the Canadian Forces; and when other public agencies, in Canada and abroad, consult the Board regarding their own grievance management review and processes.

The work of the Board contributes to the public policy values of equity, transparency and fairness for all. The powers we are accorded as an administrative tribunal; to hold public hearings, for example, are exercised in accordance with the public interest. The fact that we are a quasi-judicial body ensures that the full weight of existing labour jurisprudence in Canada is brought to bear, when we submit grievance findings and recommendations to the Chief of the Defence Staff (CDS). This best demonstrates the principles of impartiality and fairness to both the grievors and their leaders within the Canadian Forces, reinforcing the principles that underlie the military justice system.

Last summer we held a session for all employees of the Board where I outlined the strategy we would follow, to achieve the results articulated in our vision. I began the session with a well-known dictum that there are no favourable winds, if you do not know where you are going,

The Board's strategic plan, outlined in this year's *Report on Plans and Priorities*, consists of five key thrusts, namely professional development, knowledge management, effective leadership, communications and sound performance management. The implementation of the plan should, with time, place the Canadian Forces Grievance Board at the grievance review forefront, nationally.

Exercising effective leadership includes holding stewardship over public funds. In a completely independent organization in government, this is a solemn obligation. I rely on strong leadership and good management throughout the organization to effectively deliver against our mission, while respecting the principles of modern comptrollership.

We have set lofty goals for ourselves and we face challenges ahead, but we have a vision and we are steering in that direction.

The men and women of the Canadian Forces carry out their duties courageously and faithfully by helping Canadians in times of domestic crisis and contributing to international peace and security. As the Board's Chairperson, I feel that if the work that we do enhances troop morale in any way, we will have made an important contribution to Canadian society.

Paul-André Massé

Chairperson

Management Representation Statement

Management Representation

I submit, for tabling in Parliament, the 2002-2003 Report on Plans and Priorities (RPP) for the Canadian Forces Grievance Board

To the best of my knowledge the information in this document:

- Accurately portrays the organisation's plans and priorities
- Is consistent with the reporting principles contained in the *Guide to the preparation of the 2002-2003 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 production.

The reporting structure, on which this document is based, has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Denis Labrie
Executive Director

Date: _____

The Canadian Forces Grievance Board (CFGB) - Raison d'être

Contributing to Public Policy Values

The CFGB is an independent, arms-length organization that was created through amendments to the *National Defence Act* (NDA) approved by Parliament on December 10, 1998. The need for such an organization was spawned over nearly two decades, beginning in 1980, when the Supreme Court of Canada affirmed the need for a separate parallel system of justice to meet the unique requirements of military discipline. In 1997 the tabling of two reports on the Code of Service Discipline, coupled with the Somalia Commission of Inquiry report, clearly confirmed the need to separate, on an institutional basis, the military's system of investigative, prosecutorial, defence and judicial functions. This happened at a time when growing media coverage on military discipline issues was no doubt seen to be compromising the government's public policy values of equity, transparency and fairness for all.

While the Board's day-to-day role is to review individual grievances and submit findings and recommendations to the Chief of the Defence Staff (CDS), its role in support of the public good is much broader in scope. The creation of the Board demonstrates the Government of Canada's desire to put in place the most efficient, transparent and humane grievance process possible in order to contribute to improved conditions of work in the Canadian Forces.

The amendments that were made to the NDA were aimed at modernizing and strengthening the military justice system, making the whole grievance review process simpler and shorter for members of the Canadian Forces. Prior to the amendments, the grievance review process was perceived as involving too many levels of review, leaving the perception that it was slow and unresponsive. In addition, the process was seen as being too closely linked to the chain of command and lacking any external input.

Exercising Powers in Accordance with the Public Interest

The role of the Board is to conduct an expeditious, objective and transparent review of grievances with due respect to fairness and equity for each individual member of the Canadian Forces, regardless of rank or position. The Board has the powers of an administrative tribunal to summon civilian or military witnesses, as well as order testimony under oath, and the production of documents. Hearings are held in-camera, in the interests of individual privacy. Nonetheless, the Chairperson could decide to hold public hearings when it is deemed the public interest is at stake.

Administrative tribunals provide a mechanism outside the court system for the speedy resolution of complex matters. Acting independently of the government, they have the power to make recommendations or decisions through enabling statutes of Parliament. Such powers permit a tribunal to determine the scope of rights and obligations in a particular field of expertise. Further, these powers must be exercised in accordance with the public interest and the specific

circumstances prevailing in the tribunal's area of activity. As is the case with other independent organizations that operate at arms-length, CFGB operations cover a very specific area of jurisdiction.

As a public body, the CFGB must be transparent to the public but above all to the CDS and military personnel, as it addresses Canadian Forces' grievances. The Board is accountable to parliament through annual reporting.

The Board is made up of a Chairperson, a full-time Vice-Chairperson, a part-time Vice-Chairperson and two part-time Members. All are appointed by Governor-in-Council, for terms not exceeding four years. The Board is supported in its work by experts in the fields of labour relations, human resources and law.

Work of the Board

The Board officially opened its doors and began operations on June 15, 2000, when it received its regulatory authority. The importance of the role of the Board can best be understood by knowing that the Canadian Forces is the single largest employer nationally (close to 80,000 members, including the reserves), with operations in Canada and abroad.

Prior to the amendments to modernize the NDA, there could have been up to seven levels of review in a grievance process. The Act now provides for only two levels of authority in reviewing grievances, thus making the whole process simpler and shorter. The first level is the initial authority in a position to review the grievance and grant redress. Any grievor who is not satisfied with this initial decision may submit an application for review to the CDS, who represents the second and final level in the grievance procedure.

Any officer or non-commissioned member of the Canadian Forces who has been aggrieved by a decision, act or omission in the administration of the affairs of the Canadian Forces is entitled to submit a grievance before the effective date of his/her release from the Canadian Forces.

All grievances referred for CDS adjudication are sent to the Director, Canadian Forces Grievance Administration (DCFGA). The DCFGGA office is within the chain of command and is responsible for referring to the adjudicating authority all grievances related to performance appraisals, promotions, postings, training and other career issues. The DCFGGA is required to refer to the CFGB all other grievances, described in the following paragraph.

The CFGB deals with any grievance relating to deductions from pay and allowances; reversion to a lower rank or release from the Forces; the application or interpretation of policies relating to the expression of personal opinions, political activities, and candidature for office, civil employment, conflict of interest and post-employment compliance measures, harassment or racist conduct; pay, allowances and other financial benefits; the entitlement to medical care and dental treatment and grievances concerning a decision or an act of the CDS.

The CDS may also decide to refer other types of grievances to the Board for recommendation. The CFGB makes findings and recommendations to the CDS regarding grievances that are referred to it but final decision power rests with the CDS. However, while the recommendations do not bind the CDS, if he or she decides to not follow them, a written explanation must be provided.

Justice based on Law

The Board plays a unique role in regard to the Canadian Forces' grievance review process. Unlike other organizations, there are no unions or employee associations in the military. While the Board considers fairly the rights of military personnel, it must maintain complete objectivity and impartiality, protecting and balancing the rights of both the grievors and that of the Canadian Forces.

Labour law in the military context is entirely different from what experts in labour law would normally face in the civilian world. The conditions of employment in the Canadian Forces are unilaterally set by regulations and subject to the authority of the CDS and, to a certain extent, may involve the exercise of Royal Prerogative.

Since the very notion of applying the general principles of labour relations within the military context is a new one, and the Board has only been in existence for a relatively short time, there is little existing jurisprudence on which the Board can base its findings. Therefore, the Board has had to undertake original research into the law set by courts and the precedents established by other quasi-judicial bodies, with a view to adapting these to the unique military context.

The Board brings to bear the full weight of related laws and jurisprudence when submitting its findings and recommendations on grievances to the CDS. These findings and recommendations will, at times, lead to amendments to existing regulations or other systemic changes affecting many individuals in the Forces.

It is expected that, with time, the legal precedents established by the Board will have a positive impact on the conditions of work for all military personnel, enhancing their pride in the work that they do on behalf of their fellow Canadians.

Strategic Outcomes

- **Contribution to increased confidence among members of the Canadian Forces and the public that the principles of fairness and integrity underlie the military justice system and contribution to improved conditions of work in the Canadian Forces, through the fair and impartial review of grievances.**

The Board was created in the context of strengthening the oversight and review of grievances and clarifying the roles and responsibilities of the principal actors in the military justice system. Since the Board is a relatively recent creation, one of the essential requirements over the next few years is to develop confidence among both the CDS and members of the Canadian Forces in the role that is played by CFGB in the resolution of grievances. This can be achieved by demonstrating that it can indeed deliver against its mandate.

Conditions of work in the Canadian Forces are essentially regulated and not negotiated, therefore, prior to the amendments to modernize the National Defence Act, no external mechanism existed to ensure that the grievors' rights, with respect to conditions of work, were being considered in a fair and impartial manner. While the Board considers fairly the rights of military personnel, it must maintain complete objectivity, protecting and balancing the rights of both the grievors and that of the Canadian Forces when reviewing grievances. Because the Board researches Canadian labour jurisprudence, in order to recommend appropriate courses of action to the CDS, a certain harmonization will occur in the conditions of work for military personnel with those existing in the Canadian labour force at large. Therefore, it can be expected the Board will contribute to improved conditions of work for members of the Canadian Forces.

Since the creation of the Board is a direct result of the government's desire to modernize the military justice system, it follows that one of the objectives of the Board is to help raise confidence among members of the Canadian Forces and the public that the principles of fairness and integrity underlie the military justice system.

Results

1. The CDS and members of the Canadian Forces are confident that the Board's findings and recommendations are objective, timely, fair and impartial.
2. The work of the Board has a positive impact on the conditions of work for military personnel and contributes to a better understanding and application of regulations, policies and guidelines governing the conditions of work in the Canadian Forces.
3. Members of the Canadian Forces and the Canadian public express confidence in the principles that underlie the military justice system.

Major Factors Influencing the Board and Key Relationship

There are internal and external factors impacting on the Board's strategies.

The external factors are as follows:

- As a new organization in government, expectations exist regarding the Board's performance.
- There likely exists a degree of skepticism among members of the military that the Board will actually make a positive difference in the resolution of grievances.
- Opinion leaders on military affairs have expressed some cynicism about the Board's usefulness in the grievance resolution process.
- There exists a certain degree of confusion, at large, about the different players overseeing the same or similar matters, i.e., the Canadian Forces Grievance Administration, the Ombudsman, the Military Police Complaints Commission and the Alternate Dispute Resolution process.

The internal factors are:

- The Board's mandate contains an inherent challenge that is not easy to reconcile, i.e., the requirement to act expeditiously yet fairly, in presenting findings and recommendations on grievances.
- The organization requires knowledge workers, with highly developed skills and abilities and recruiting and retaining these scarce and highly sought resources has proved to be a challenge.

The Board is a completely independent, quasi-judicial organization whose **relationship** with the Canadian Forces is one that is based on the legal requirements set out in the Act that governs them both. It is important that a separation be seen to exist between the two, not only organizationally but also in fact.

The major challenges facing the Board are to be able to develop a climate of confidence in the role played by the Board; to sway the opinion of the media and military opinion leaders and to distinguish its role from that of other players involved in the arena of improving relations within the military.

The Board was created, as part of the modernization of the government's military justice system, to be an independent, impartial organization conducting fair, transparent and expeditious reviews.

Risk assessment statement: If the Board is not perceived to be meeting the expectations established regarding its role in the review of grievances, this could shake public confidence in the government's reform of the military justice system.

It is important to note that with the many players involved in the Canadian Forces' grievance review process and the military justice system, not all factors are within the sole control of the Board to achieve the strategic outcomes it has established. However, the Board can not let this deter it from steering toward its vision and from contributing to results for Canadians.

One of the strongest opportunities in favour of the Board is that it is still relatively new and both Board Members and staff are well prepared to face the challenges placed before it. By choosing and following appropriate organization strategies, it can fulfill its mission and vision with positive results for the Canadian Forces, thus better serving the Canadian public.

Plans and Priorities

Rationale for Strategic Thrusts

There are no substantive changes from the Board's Report on Plans and Priorities presented last year. The Board's strategic thrusts remain those that were articulated in the 2001 Annual Report to Parliament, namely sound performance management, knowledge management, effective leadership, communications and professional development.

Annual Report: http://www.cfgb-cgfc.gc.ca/publications/ann-rpt/2001/index_e.html

RPP: http://www.cfgb-cgfc.gc.ca/publications/plans-priorities/2001-2002_e.pdf

The reasons for these particular strategies follow:

1. Professional Development

In a knowledge-based organization, employees are both the organization's engine and key resource. Such is the case for the CFGB. In order to do its grievance review work effectively, the Board's hiring and training programs must reflect the Board's professional skills sets requirements.

2. Knowledge management

The acquisition, sharing, use and retention of knowledge is key to both continuous learning and the development and maintenance of expertise in a knowledge-based organization.

3. Communications

The Board is a new organization whose mandate and work needs to be communicated in order to develop confidence in the role it plays and to help raise confidence among members of the military and the Canadian public in the military justice system.

4. Effective leadership

An organization is only as good as the way it is led and managed. To operate effectively and deliver results to Canadians efficiently, the principles of modern comptrollership must prevail at the Board.

5. Sound performance management

In order to demonstrate that the Board is effectively serving the CDS, members of the military and the Canadian public, means of assessing the Board's performance must be in place on several fronts.

The priorities for the year 2002-03 are:

1. To provide findings and recommendations to the CDS on both new grievances received at the Board and those outstanding grievances from the previous system.
2. To ensure a) that the Board's staffing is completed and that a training and development curriculum is developed and implemented and b) that a knowledge management process is fully established at the Board.
3. To develop and implement a communications strategy and plan for the Board.
4. To implement a means of assessing performance on three fronts, i.e., the use of a Balance Scorecard for priorities against operational plans; performance measurement criteria for outputs, i.e., grievances reviewed and establishment of a performance appraisal system to ensure employees are meeting operational goals.

The rationale behind the priorities is as follows:

- The Board's first priority is to review grievances in a fair, impartial and timely manner. Therefore the costs of having salaried personnel on staff, as well as related operating and maintenance (O&M) costs, constitute the major spending priority for the three-year horizon covered by the plan. For the coming year, there will be more employees on staff to help clear the remaining outstanding grievances from the former system.
- In order to conduct its work with the necessary degree of professionalism, the Board must hire staff with the requisite skill sets and ensure that they receive the required on-going training and development.
- Since the Board is a knowledge-based organization, it is necessary to ensure that a process for acquiring, sharing, using and retaining knowledge is in place, so that the organization's expertise can be developed and maintained.
- Communications are critical in a new organization, particularly when a change in perceptions and attitudes is involved. In order to demonstrate that the Board provides value-added in the grievance review process and to help increase confidence in the military justice system, it will be necessary to communicate the benefits of the work conducted by the Board.

- To determine if an organization is performing well, it must assess or measure its performance, against established objectives, on several fronts. The organization has to monitor progress in relation to its spending priorities and operational plans. It has to assess employees' performance in achieving operational goals and it has to have some means of measuring its outputs. Finally, monitoring mechanisms must be in place in order to assess whether or not the organization is attaining its established strategic outcome and results.

The principles underlying the framework for modern comptrollership in government underpin all of the above priorities and constitute an integral part of effective and efficient management at the Board on a daily basis.

The estimated costs for the priorities listed represent the following percentage of the Board's 2002-03 budget.

Priority one: Salaries, employee benefits and associated O&M – **85%**

Priority two: Staffing, training & development and knowledge management – **9 %**

Priorities three and four: Communications and performance management – **6 %**

Priority spending will be adjusted to some degree in the following years, i.e., 2003-04 and 2004-5, however, salaries and associated O&M costs will constitute the major spending priority and the Board's strategic thrusts will continue to guide its spending over the three year planning horizon.

Assessing Performance

As previously discussed, several mechanisms will be used to evaluate and/or measure performance, in the context of sound performance management at the Board.

1. Progress against priorities and operational plans will be monitored using a Balance Scorecard.
2. Outputs, i.e., grievances reviewed will be measured using performance indicators.
3. Outcome and results will be monitored through the following means:
 - Determine the number of CFGB findings and recommendations supported by the CDS
 - Review reasons provided when CFGB findings and recommendations are unsupported by the CDS
 - Obtain feedback from Canadian Forces' members whose grievances have been reviewed

- Obtain views from other members of the Canadian Forces
- Review any Federal Court decisions regarding grievances that had been reviewed by the CFGB
- Follow-up on changes made to conditions of work as a result of the Board's work
- Conduct public opinion survey

It should be noted that certain monitoring mechanisms will not be implemented until the last year of this plan (2004-05), since some strategic results will not be fully evident until the Board has been operational for a few years.

Organisation

Strategic Outcomes and Business Lines

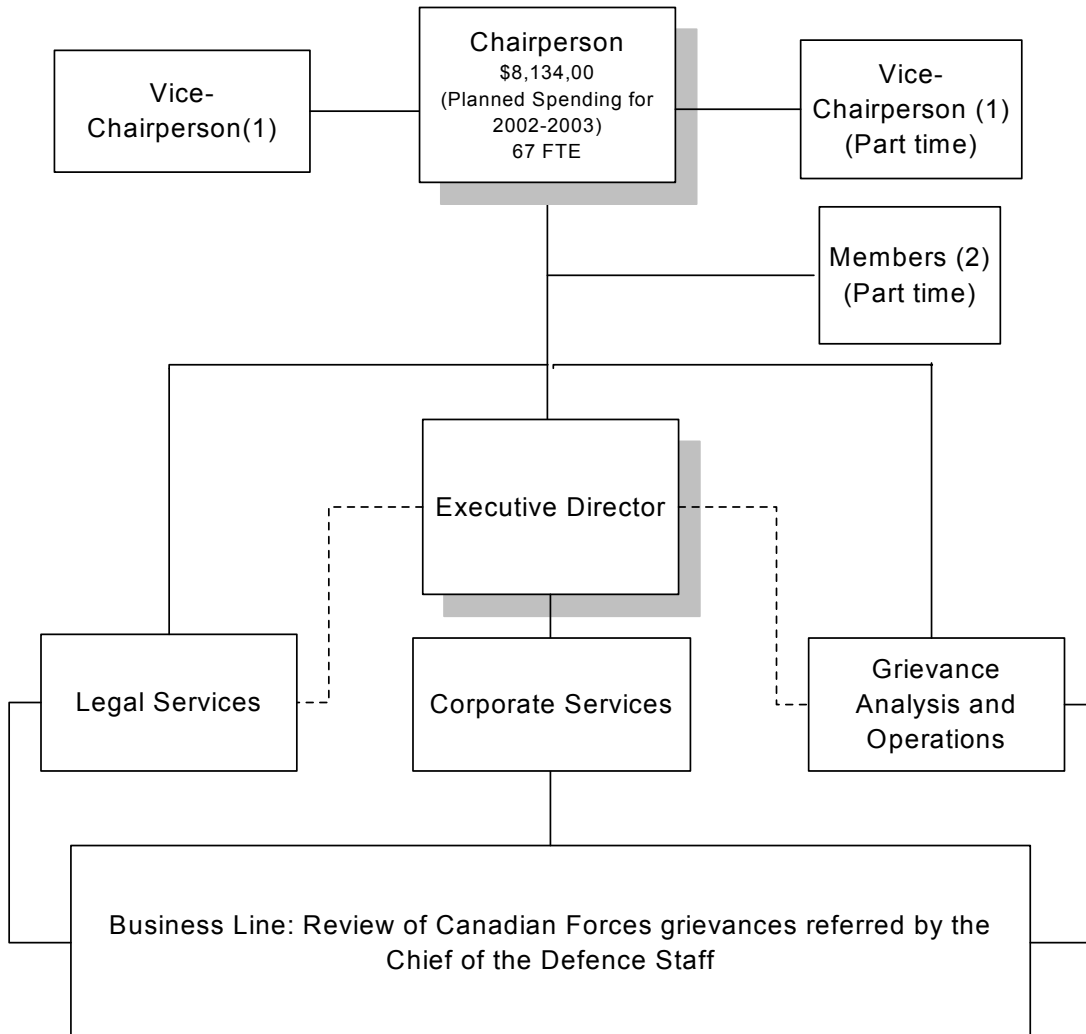
Business Line Title

The Canadian Forces Grievance Board has just one line of business, described as "The review of grievances submitted by members of the Canadian Forces and referred by the Chief of the Defence Staff" in accordance with the *Act* and related regulations.

Business Line	Strategic Outcome	(\$ thousands)
	Contribution to increased confidence among members of the Canadian Forces and the public that the principles of fairness and integrity underlie the military justice system and contribution to improved conditions of work in the Canadian Forces, through the fair and impartial review of grievances.	Total
Review of Canadian Forces grievances referred by the Chief of the Defence Staff	\$8,134	\$8,134

Accountability

CANADIAN FORCES GRIEVANCE BOARD



Departmental Planned Spending

	Forecast ** Spending	Planned Spending	Planned Spending	Planned Spending
(\$ thousands)	2001-2002	2002-2003	2003-2004	2004-2005
Review of Canadian Forces grievances referred by the Chief of the Defence Staff				
Budgetary Main Estimates (gross)	9,043	8,134	6,134	6,134
Non-Budgetary Main Estimates (gross)				
Less: Respendable Revenue				
Total Main Estimates	9,043	8,134	6,134	6,134
Adjustments **	(2,000)			
Net Planned Spending	7,043*	8,134	6,134	6,134
Less: Non-respendable revenue				
Plus: Cost of services received without charge	221	325	211	211
Net cost of Program	7,264	8,459	6,345	6,345
Full Time Equivalents	48	67	46	46

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

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

Annex - Financial Information

Net Cost of Program for the Estimates Year

(\$ thousands)	Total
Net Planned Spending (Total Main Estimates plus Adjustments as per the Planned Spending table)	8,134
<i>Plus: Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	—
Contributions covering employees' share of employees' insurance premiums and expenditures paid by TBS (excluding revolving funds)	325
Workman's compensation coverage provided by Human Resources Canada	—
Salary and associated expenditures of legal services provided by Justice Canada	—
	8,459
<i>Less: Non-respendable Revenue</i>	
2002-2003 Net cost of Program	8,459