2017-2018 to 2018-2020 Business Plan

# Crown Employees Grievance Settlement Board 2017-2018 to 2018-2020 Business Plan

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## **Executive Summary**

This is one of two business plans which present the strategy of the Public Service Appeal Boards, the Crown Employees Grievance Settlement Board and the Public Service Grievance Board, to fulfill their mandates required by legislation, to ensure the highest possible level of customer service, and to set standards of excellence in relation to the Boards' overall efficiency, economy and effectiveness.

The GSB is classed as an adjudicative agency accountable to the legislature through the Minister of Labour.

The Board has a signed Memorandum of Understanding that sets out the roles and responsibilities and accountability and reporting relationship between the GSB and the Ministry of Labour.

The Chair of the Grievance Settlement Board is a part-time position appointed by Order in Council. The Vice Chairs are also appointed by Order in Council. The Registrar is the most senior full-time civil servant at the GSB and reports to the Chair. The Registrar is directly responsible for all administrative matters and the day-to-day operation of the Board. The Chair and the Registrar are jointly responsible for policy matters.

The GSB has a partnership agreement with its client group to fully implement the requirements of the *Crown Employees Collective Bargaining Act*. Some of the aspects of its operations are decided at Governance Council meetings. The Chair and the Registrar are accountable to the client group regarding GSB administration and policy issues.

The Grievance Settlement Board is viewed by its clientele to have integrity and neutrality. The GSB's integrity is preserved by its physical location, separate from other government agencies other than the PSGB and by the fact that the GSB utilizes the services of adjudicators who are prominent and well respected in the private sector labour relations community.

The GSB is seeking to further aid its clientele to develop a constructive relationship in matters related to labour relations in the public sector. The Board provides expertise in dispute resolution and adjudication through the supply of services, research material and jurisprudence relevant to the public sector. When third party intervention is needed, the Board provides mediation or in the alternative, diverse, expeditious, and inexpensive methods of adjudication and dispute resolution.

The overall objective of the Board is to provide dispute resolution services and improve labour relations within the Ontario Public Service. This promotes harmony and stability in the workplace that are vital for a prosperous and productive economy. The Board educates its clientele on the interpretation of collective agreements by providing timely, clear, concise decisions. The Board also provides advice and guidance to the parties in relation to various dispute resolution methods. In addition, the Board conducts seminars and training for its Vice Chairs and client group.

The Crown Employees' Grievance Settlement Board is funded as a budget item of the Ministry of Labour. The Crown employers and the trade unions representing Crown employees each share the costs of the GSB with the Crown employers paying one half and the trade unions paying the other half. The GSB has consistently recovered all of its expenditures since 1996. The GSB staff provides services to the PSGB and expenditures made on behalf of the PSGB are recovered and refunded to the GSB.

The GSB is linked to the government's priority: to promote jobs and economic growth by providing effective and cost-efficient resolution of disputes within the OPS, which contributes to a modern, efficient and effective workplace.

# **GSB Mandate**

The Grievance Settlement Board (the "Board") was established by section 20 of the *Crown Employees Collective Bargaining Act, 1972, S.O. 1972, c.67* and is continued by section 46 of the *Crown Employees Collective Bargaining Act, 1993, S.O. 1993, c.38*, as amended by S.O. 1995, c. I (CECBA). It is composed of a Chair; one or more Vice Chairs and an equal number of members representing the Crown employees that are represented by a trade union and members representing the Crown in right of Ontario. 1993, c. 38, s. 47 (2) The Board exercises the powers and performs the duties conferred upon it by the CECBA. Subsection 7(3) of the CECBA provides that:

**7.** (3) Every collective agreement relating to Crown employees shall be deemed to provide for the final and binding settlement by arbitration by the Grievance Settlement Board, without stoppage of work, of all differences between the parties arising from the interpretation, application, administration or alleged violation of the agreement including any question as to whether a matter is arbitral. 1993, c.38, s. 7 (3).

# **GSB Mission Statement**

To provide expeditious and appropriate dispute resolution services for grievances arising under the collective agreements between Crown employers and Unions representing Crown employees in order to resolve disputes and promote harmonious labour relations in the Ontario Public Service.

# **GSB Strategic Direction**

In a 100% cost recoverable environment the Board promotes and builds harmonious labour relations in the Ontario Public Service through a variety of services. The agency resolves disputes in a timely, cost efficient manner to enhance productive relationships in the workplace. The Board also provides information and educational services.

The Board will meet monthly with the parties to schedule mediation, mediation/arbitration and arbitrations. The agency will provide timely, clear, concise decisions on the interpretation of the collective agreements. Each quarter stakeholder meetings will be held. The GSB will continue to work with the stakeholders to provide detailed information about grievances, caseload, and work to assist them with alternative dispute resolution methods and educational services to bring about a harmonious labour relations environment in the Ontario Public Service.

### **Overview of Programs and Activities**

The Grievance Settlement Board provides dispute resolution services to the Crown Employers and its unionized employees represented by the following unions: Ontario Public Service Employees Union (OPSEU), Association of Management Administrative and Professional Crown Employees of Ontario (AMAPCEO), Professional Engineers Government of Ontario(PEGO), Canadian Union of Public Employees, Local 1750 (CUPE), Amalgamated Transit Union, Local 1587 (ATU), Labourers' International Union of North America, Local 506 (LIUNA), United Steelworkers (USW), Workers United Canada Council (WUCC), Canadian National Federation of Independent Unions, Local 3033 (CNFIU), International Association of Machinists and Aerospace Workers, District Lodge 78, Unite Here, Local 75.

The part-time Chair and Vice Chairs, all of whom also practice in the private sector, along with the full-time Registrar and staff, provide services that are shaped by and are responsive to the changing needs of the parties they serve.

This stage of the Grievance Settlement Board's history is marked by a dramatic and fundamental change in the way that it does business. In the past, the primary method of dispute resolution was through arbitration, with mediated settlements being the exception. At the present time, it is the exceptional case that is resolved through traditional arbitration, with the vast majority of cases being resolved through mediation.

The mediation skills of its Vice Chairs are evidenced by the fact that consistently over 80 per cent of cases closed are resolved through mediation.

The key core process employed at the Grievance Settlement Board is "Appropriate Dispute Resolution Process" (ADR) as distinguished from Alternative Dispute Resolution. The Board employs three methods of dispute resolution:

- mediation
- mediation/arbitration
- arbitration

The Board's administrative processes have been designed to facilitate the Board's appropriate dispute resolution efforts. Each of the following processes is integral to the ADR process by which the Board fulfills its mission statement and mandate.

	OVERVIEW OF PROGRAMS & ACTIVITIES ADR PROCESS											
	Work Processes	Client Benefit/Impact	Strategic Outcome									
Mediation and/or Mediation/ Arbitration (Med/Arb)		Promotes cooperation and early resolution of grievances/disputes. Eliminates or reduces the need for adjudication and reduces costs. Provides consistent, timely advice and guidance to both parties in the settlement of specific disputes. Provides positive suggestions to both parties with respect to the appropriate resolution methods to be used in any given circumstance.	Reduced costs. Improved use of resources. Improved labour relations.									
	Mediation by Institution/Warehouses: • Addresses active caseload by scheduling multiple institutions over a 2 day period with a single Vice Chair to mediate numerous grievances.	Multiple cases can be scheduled on any given day. Saves time, money and resources. Provides for a flexible method of resolving grievances without precedent or prejudice. Utilizes the high level of labour relations expertise possessed by the Vice Chairs.	Reduced costs. Improved use of resources. Improved labour relations.									

	Work Processes	Client Benefits/Impact	Strategic Outcome
Arbitration	<ul> <li>Grievances disposed of by:</li> <li>Arbitration in formal hearing;</li> <li>The issuing of a decision.</li> </ul>	Provides impartial and independent adjudication of disputes, consistent with the principles of natural justice. Provides timely, clear, concise decisions on the interpretation of the collective agreements.	Sets precedents on the interpretation of the collective agreements. Guides the parties on the application and administration of the collective agreements. Improved labour relations. Final and binding resolution of grievances.
Information and Education	<ul> <li>Information &amp; Educational Services provided by:</li> <li>The dissemination of information and decisions by electronic or other means.</li> <li>Seminars and workshops.</li> <li>Providing timely, clear, concise decisions and advice.</li> </ul>	As the repository of labour relations grievance history in the Ontario Public Service, the Board provides access as required to a valuable library of information to all interested parties. Guidance to the parties on the application and administration of their collective agreements. Information and educational opportunities regarding dispute resolution. A resource of arbitral jurisprudence. Statistical information that improves case management. Training and educational opportunities for staff and Vice Chairs.	A knowledgeable client group. Improved case management. Improved labour relations.

# **Stakeholder-Third Party Report**

Subsection 47(1) of the Crown Employees Collective Bargaining Act states that; "Subject to the specific requirements in this section, the composition and administration of the Grievance Settlement Board shall be determined by the agreement of the Crown in right of Ontario and the trade unions representing Crown employees...". For this purpose the Crown and the trade unions have entered into an agreement known as the "Partnership Agreement to Facilitate the Governance of the Grievance Settlement Board", hereinafter referred to as the "Governance Agreement".

The Governance Agreement establishes a framework for the operation of Governance Council. The Chair of the Board serves as Chair of the Governance Council. The Governance Council, in accordance with CECBA, exercises the authority as provided for in the Governance Agreement. The Governance Agreement also establishes a sub-committee known as the Financial Advisory Committee to consider and review the financial and administrative costs of the Board (See the attachment titled, "Partnership Agreement ..." for the role of the Governance Council).

Quarterly meetings are scheduled to select and renew Vice Chairs, review issues, review policies, funding and scheduling of special events such as educational seminars.

## **Environmental Scan**

#### **Internal Factors:**

- Discussions continue with regards to the TBS proposal for GSB restructuring
- The continued need to improve the overall efficiency, effectiveness and economy in the resolution of disputes through:
  - The use of technology to achieve administrative efficiency, effectiveness and economy.
  - A desire to manage the case load and deliver services electronically.
  - Electronic reporting of information.
  - Improving administrative efficiency.
- The GSB is available to assist unions and Crown employers to better manage their caseload and prevent a backlog of grievances.
- The Institutions/Jails/Warehouses active case load is managed via the unique roadshow process driven by the parties needs/resources:
  - Scheduling is done a year in advance using dedicated Vice Chairs
  - Multiple institutions/jails/warehouses are selected for each month
  - 2 days of mediation per organization are scheduled
  - Mediations are long days typically 10-12 hours
  - Multiple grievances are dealt with each day
- The dispute resolution method of choice continues to be mediation/arbitration rather than adjudication. However, different and flexible methods of ADR are continually explored to maintain and increase efficiency, effectiveness and economy.
- The case management system continues to:
  - Increase staff productivity through a drastic reduction in paperwork.
  - Increase response time in scheduling continuations and follow-up.
  - Increase integrity and accuracy of information.
  - Enable the Board to share information between clients' computer systems and to compare records/study trends/activities of grievances in regions/ministries.
  - Provide numerous reports to clients in a flexible delivery format including html and Excel.
- The Government requirement to report performance measures annually that ensures efficiency, effectiveness and economy.
- As a result of changes to the payment policy Vice Chairs are no longer willing to travel, the exception being to address any special circumstances such as an accommodation or the need to take a view of a location. Also all matters relating to hearings held at MCSCS/CYS/LCBO institutions/Jails/Youth Facilities/Warehouses will continue to be held at those locations.

### **External Factors:**

- Changing expectations of the client group:
  - The clients expect the Board to be more of a dispute resolution agency rather than simply an adjudicative agency.
- The GSB is working closely with the high volume clients of the Board to effectively manage their caseload; sharing data between all parties to develop strategies for effective and efficient management of grievances.
- The client group considers economics of case resolution.
  - A user pays system affects the user's approach to dispute resolution before and after the case is filed with the Board because of the impact on their internal budgets.

### **Key Strategies**

#### **Board Goals and Objectives**

To enable vital public services to be delivered to Ontarians through effective independent resolution of disputes, thereby promoting harmony and stability in the workplace which contributes to a productive, efficient and accountable workplace. The following specific goals and objectives of the Board have been identified:

To provide the necessary environment and tools to encourage harmonious labour relations between the Ontario Public Service (OPS) and its Unions by reducing the number of grievances between the parties. This would be accomplished by:

Providing timely, clear, concise decisions;

Providing consistent, timely advice and guidance to both parties in the settlement of specific disputes;

Providing positive suggestions to both parties as to the appropriate dispute resolution methods to be used in any given circumstance;

Providing employers with immediate notice of grievances, as they are received, to encourage resolution, if possible;

Providing timely statistical information to both parties regarding grievance activity to help identify emerging trends and enable the parties to better deal with labour relations issues.

To reduce costs and improve financial reporting to the Client Groups, Ontario Shared Services and the Ministry of Labour by:

Monitoring, reviewing and adjusting GSB processes to ensure efficiency, effectiveness and economy.

Managing the caseload and deliver services electronically.

As the repository of labour relations grievance history in the Ontario Public Service, to provide access as required to this valuable library of information to all interested parties through electronic means. Providing education and training opportunities for staff and Vice Chairs that contribute to efficiency, effectiveness and expeditious resolution of disputes between the parties by:

Enhancing skills of the Vice Chairs to meet the changing expectations of the client group.

Enhancing skills of the staff to meet the required administrative efficiency, effectiveness and economy.

Providing educational opportunities to the client group to promote cooperation, shared values and a mutual commitment to constructive labour relations through:

Seminars and workshops.

Providing timely, clear, concise decisions and advice.

To be cognizant of the potential for program/mandate review and restructuring of the Grievance Settlement Board in planning.

Identified Risk	Agency Mandate/Objective	Likelihood / Impact	Overall Risk Level	Mitigating Strategies	Mitigation Lead	Target Date
Risk Category: OPERATIONAL	Changes to the Agency's payment policy effective April 1, 2013 continues to impact the agency's scheduling practices.	High; the change to the payment policy has impacted the Board's ability to schedule out of town hearings. <u>Impact</u> : Increase to hearings at GSB, pressure on hearing space, increase to active case load; loss of Vice Chairs and more limited availability of Vice Chairs.	High	Engage other organizations for additional hearing space; Review GSB processes and look for efficiencies and improvements.	Caroline Goodwin Susan Stewart	On going monitoring
Risk Category: ACCOUNTABILITY/ GOVERNANCE	Canada Revenue Agency ruling on CPP apparently means that the Board had an obligation to contribute itself to CPP for its "employees"	Possibility that there will be an obligation to make past CPP contributions	High	Assess costs to parties if it is determined that the Employer is to pay.	Susan Stewart	On going monitoring with MOL

# Agency Strategic Plan Implementation and Risk Assessment

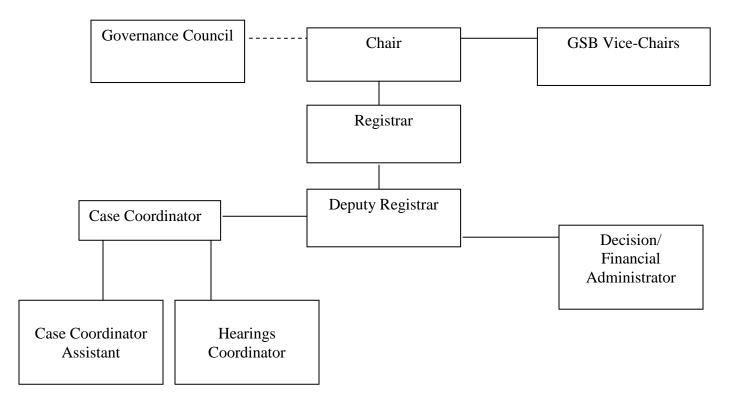
### 2017-18 Human Resources Plan

The Chair of the Grievance Settlement Board is a part-time position appointed by Orderin-Council (OIC). The Board also has thirty-two OIC appointed Vice Chairs who are also part-time. The Registrar is the most senior full-time civil servant at the GSB and reports to the Chair. The Registrar is directly responsible for all administrative matters and the dayto-day operation of the Board. The GSB has four support staff that report to the Registrar through the Deputy Registrar. The following organizational chart provides a complete breakdown of the organizational structure of the Board.

The Grievance Settlement Board has a workforce of two managers and four support staff.

The delivery of more services by electronic means will require additional skills. This may include extra training for the present staff, which will be handled within the Board's current budget.

### **Organizational Chart - GSB**



### Human Resources Issues for the GSB

### Recruitment

• The GSB's staff is currently at full complement. All staff are cross-trained and each position has a current job description. All staff have up to date job procedures manual at their workstations.

### Training/Learning

The Grievance Settlement Board has developed learning plans with each of its employees. The strategic objective is to establish an environment in which there is shared commitment among the staff for continual, competency driven learning, based on business objectives of the GSB. The Board presently uses learning opportunities such as cross-training, mentoring, developmental opportunities, project teams and formal training for its full-time staff. Learning opportunities are also created for the OIC appointed Vice Chairs.

In 2017-18 the GSB will:

- Continue to develop individual learning plans with each full-time employee to promote individual growth and address identified skill gaps.
- Provide training for the current staff in regard to the case management system enhancements.
- Provide learning opportunities for the OIC appointed Vice Chairs.

#### Retention

The strategic objective of this priority will be to remain the employer of choice with a positive and supportive workplace environment, one which models the key elements of the GSB's mandate, where staff are motivated to excellence and recognized for their contributions.

In 2017-18 the GSB will:

- Reinforce change management strategies with staff as the Board continues to review and enhance the case management system.
- Through discussion with the staff, reconfirm the values of the organization.
- Promote employee recognition as a means of reinforcing the contributions of our staff.
- Establish effective orientation as a critical employee first experience exercise.

### Related Strategies for the GSB Human Resources

#### **Organizational Design**

The GSB faces ongoing pressure to continually review and re-align its services in keeping with the changing expectations of its client group and its ability to deliver these services by more efficient, effective and economical methods.

The strategic objective is to respond in a timely and effective manner to the client group, the fluctuating caseload and internal needs for organizational change.

In 2017-18 the GSB will:

- Continue to map its processes for the purposes of defining workflow, evaluation and review.
- Provide an effective organizational response to the design and continued enhancements to the case management system.
- Respond to the fluctuating workload through the automation of tasks within the case management system.
- Provide an effective organizational response to the changing requirements of the client group by continuing to consult with them on their needs and respond appropriately.

#### **Performance Management**

In order to ensure consistency in quality of service provided by the staff, the Board needs to be confident in the performance of its staff. Performance that is reviewed and measured is a tool for gauging how well the organization is providing service to its clients.

The strategic objective is to require all staff to undertake an annual review of their performance based upon expectations that are tied to the performance of their position.

In 2017-18 the GSB will:

- Conduct a performance review with each employee.
- Develop and implement practical performance targets for each position.
- Link performance reviews to individual learning plans.
- Incorporate the operational requirements into the performance review process.

### **Electronic Service Delivery Plan**

The GSB continues to utilize technology to improve its customer service and meet the needs of its client group through the case management system by:

Managing the case load and delivering services electronically;

Providing employers with faster notice of new grievances received at the Board to allow for early resolution, if possible;

Providing timely statistical information to parties regarding grievance activity. This will enable the parties to better deal with labour relations issues, improving labour relations in the OPS;

Reducing costs and improving financial reporting to Client Groups, Ontario Shared Services and the Ministry of Labour;

Fulfilling the Board's role as the repository of labour relations grievance history in the Ontario Public Service, to provide access as required to this valuable library of information to all interested parties.

The GSB is well on its way to implementing its strategy for delivering service through increased use of technology.

To date the Board;

Maintains a website which provides online information about the Board and links to our stakeholders;

Releases its decisions in PDF format to its client group by e-mail, which reduces costs and speeds up services to the clients;

Publishes its decisions and judicial review information each Monday to a newsgroup and its Vice Chairs to ensure that the current jurisprudence of the Board is available to the users of the GSB;

Publishes its decisions on DVD;

Has implemented a case management system, scanning of incoming case related documents, electronic notifications to parties and Vice Chairs, and electronic delivery of reports in various formats including excel or word;

Received all OPSEU grievances electronically, drastically increasing efficiencies for staff data processing.

Implemented a Wi-Fi environment for its clients attending the Board to allow for the efficient use of at hand resources.

Offers WebEx to provide remote location access to Board arbitration/mediation processes.

Refined and designed business processes with descriptions of the activities within each process step, and identified an I/T enabler for these activities.

Provides financial information to its client group and Ontario Shared Services in electronic format for the convenience of its client group and to expedite the recovery of its expenditures.

The Board will continue to exploit the benefits of the case management system (electronic case processing), continued publication of the Board's decisions by electronic means, providing financial information in electronic format.

# **Communications Plan**

The GSB will continue to communicate with its clients and stakeholders through the Governance Council and other methods as required.

# Appendix A Resources

### **GRIEVANCE SETTLEMENT BOARD**

Appendix A - Multi-Year Preliminary Planning Base

			FY 2017-18 (\$000)									
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL	
Grievance Settlement Board	6.0	426.8	63.5	176.4	1,766.0	23.2	1,965.6		2,455.9	(1,271.1)	1,184.8	
Program Sub-total	6.0	426.8	63.5	176.4	1,766.0	23.2	1,965.6	-	2,455.9	(1,271.1)	1,184.8	
Lease					298.6		298.6		298.6		298.6	
NET TOTAL	6.0	426.8	63.5	176.4	2,064.6	23.2	2,264.2	-	2,754.5	(1,271.1)	1,483.4	

			FY 2018-19 (\$000)									
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL	
Grievance Settlement Board	6.0	426.8	63.5	176.4	1,766.0	23.2	1,965.6		2,455.9	(1,271.1)	1,184.8	
							-		-		-	
							-		-			
Program Sub-total	6.0	426.8	63.5	176.4	1,766.0	23.2	1,965.6	-	2,455.9	(1,271.1)	1,184.8	
Lease					298.6		298.6		298.6		298.6	
NET TOTAL	6.0	426.8	63.5	176.4	2,064.6	23.2	2,264.2	-	2,754.5	(1,271.1)	1,483.4	

			FY 2019-20 (\$000)								
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
Grievance Settlement Board	6.0	426.8	63.5	176.4	1,766.0	23.2	1,965.6		2,455.9	(1,271.1)	1,184.8
							-		-		-
							-		-		-
Program Sub-total	6.0	426.8	63.5	176.4	1,766.0	23.2	1,965.6	-	2,455.9	(1,271.1)	1,184.8
Lease					298.6		298.6		298.6		298.6
NET TOTAL	6.0	426.8	63.5	176.4	2,064.6	23.2	2,264.2	-	2,754.5	(1,271.1)	1,483.4

# Ministry of Labour Multi-year FTE Cap

Agency/Organization:

GRIEVANCE SETTLEMENT BOARD

Position Title	Job Code	Compensation Group	Head Count March 31, 2017	Change	Head Count March 31, 2018	Change	Head Count March 31, 2019	Change	Head Count March 31, 2020	Comments for Change
Registrar/Secretary	AG A22	MCP	1.0		1.0		1.0		1.0	
Deputy Registrar	AGA18	MCP	1.0		1.0		1.0		1.0	
Case Co-ordinator	120AD	OPSEU	1.0		1.0		1.0		1.0	
Decision/Financial Admin	100AD	OPSEU	1.0		1.0		1.0		1.0	
Case Coordinator Asst	090AD	OPSEU	1.0		1.0		1.0		1.0	
Hearings Coordinator	090AD	OPSEU	1.0		1.0		1.0		10	
					2					
Total Head Count			6.0	0.0	6.0	0.0	6.0	0.0	6.0	

# **Appendix C Performance Measures**

