

# **Canada Industrial Relations Board**

## **2008–2009 Estimates**

### **Report on Plans and Priorities**

Approved:

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Honourable Jean-Pierre Blackburn  
Minister of Labour and Minister of the Economic Development  
Agency of Canada for the Regions of Quebec



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## **SECTION I—OVERVIEW**

### **1.1 Message from the Chairperson**

I am pleased to present to Parliament and to Canadians the 2008–09 Report on Plans and Priorities for the Canada Industrial Relations Board (CIRB or Board). As the newly appointed Chairperson of the Board, I feel very privileged to have been given the opportunity to lead an organization that has such an important role in the workings of the Canadian labour relations system, and on the relationship between employees and employers in the federally regulated sector.



The number of applications/complaints received by the Board is expected to increase slightly in 2007–08, but should remain significantly lower than the levels that prevailed in the 2000–01 to 2005–06 period. Given the uncertain economic climate, particularly the possibility of a recession in the United States and the effects of the recent strength of the Canadian dollar against its U.S. counterpart, it is difficult to predict what the volume of cases received may be in 2008–09. More cases have been disposed of than were received in 2007–08, and as a result, the number of backlog cases is expected to drop to 611 as of March 31, 2008, the lowest level since 1997–98. Further concerted efforts will be made during 2008–09 to significantly reduce this backlog.

It is my intention to continue the good work initiated by my predecessor, and to actively encourage the settlement of labour-management disputes. My personal priority is to find ways to accelerate the reduction of the number of backlog cases that remain on the Board's books, and to ensure that the Board achieves its mandate of contributing to and promoting a harmonious industrial relations climate in the federally regulated sector as effectively and efficiently as possible.

I look forward to leading the CIRB in the achievement of its goals in 2008–09. I am confident that the Board members and staff remain strongly committed to renewing their efforts in the year ahead to make the CIRB more responsive to its constituency, and to find new opportunities that will increase its productivity and gain greater efficiencies.

Elizabeth E. MacPherson  
Chairperson

## **1.2 Management Representation Statement**

I submit for tabling in Parliament, the 2008–09 Report on Plans and Priorities for the Canada Industrial Relations Board.

This document has been prepared based on the reporting principles contained in the *Guide to the Preparation of Part III of the 2008–09 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

- it adheres to the specific reporting requirements outlined in the Treasury Board of Canada Secretariat guidance;
- it is based on the department's strategic outcome(s) and program activity that were approved by the Treasury Board;
- it presents consistent, comprehensive, balanced and reliable information;
- it provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- it reports finances based on approved planned spending numbers from the Treasury Board of Canada Secretariat.

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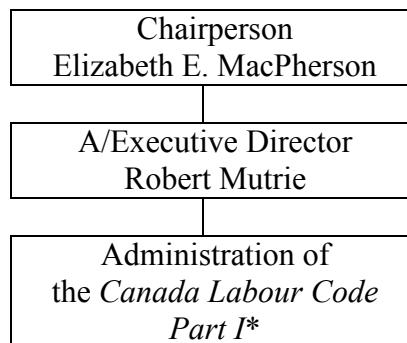
Elizabeth E. MacPherson  
Chairperson

### 1.3 Raison d’être

The mandate of the Canada Industrial Relations Board is to contribute to and promote a harmonious industrial relations climate in the federally regulated sector through the impartial, effective and appropriate administration of the rules of conduct that govern labour and management in their representational and bargaining activities. In achieving this strategic outcome, the Board provides effective industrial relations solutions for the Canadian labour relations community in a fair and timely manner.

### 1.4 Organizational Information

#### Accountability



\*The Board also administers certain provisions of Part II, Occupational Health and Safety.

The Canada Industrial Relations Board is an agency operating under the Minister of Labour’s portfolio.

Information on the Board members can be found at:

[http://www.cirb-ccri.gc.ca/about/members/index\\_e.asp](http://www.cirb-ccri.gc.ca/about/members/index_e.asp)

### 1.5 Context and Background

The Canada Industrial Relations Board (CIRB) is an independent, representational, quasi-judicial tribunal responsible for the interpretation and application of the *Canada Labour Code* (the *Code*), Part I, Industrial Relations, and certain provisions of Part II, Occupational Health and Safety. It was established in January 1999, to replace the previous Canada Labour Relations Board (CLRB), through amendments to Part I of the *Code*.

The adjudicative team of the Board is currently composed of the Chairperson, four full-time and four part-time Vice-Chairpersons, and six full-time and three part-time members—all of whom are Governor in Council (GIC) appointments. The *Code* requires that the Chairperson and Vice-Chairpersons must have experience and expertise in industrial relations, and that members are to be appointed by the Minister of Labour, after consultation with the organizations representative of employees or employers.

The CIRB has jurisdiction in all provinces and territories with respect to federal works, undertakings or businesses in the following sectors:

- Broadcasting
- Chartered banks
- Postal services
- Airports and air transportation
- Shipping and navigation
- Inter-provincial or international transportation by road, railway, ferry or pipeline
- Telecommunications
- Grain handling and uranium mining and processing
- Most public and private sector activities in the Yukon, Nunavut and the Northwest Territories
- Band Councils and some First Nations undertakings
- Certain Crown corporations (including, among others, Atomic Energy of Canada Limited and the national museums).

This jurisdiction covers some 800,000 employees and their employers, and includes enterprises that have an enormous economic, social, and cultural impact on Canadians from coast to coast. The variety of activities conducted by the federally regulated sector, as well as its geographical spread and national significance, contribute to the uniqueness of the federal jurisdiction and the role of the CIRB, and pose particular challenges for the Board's work.

The Board has established a series of strategic objectives in support of its mandate, which include to:

- seek solutions to labour relations problems by determining the cause and nature of conflict and by applying the appropriate dispute resolution mechanism, including fact finding, mediation and adjudication;
- conduct its activities in a fair, timely and consistent manner;
- consult its clients on its performance and on the development of policies and practices;
- promote an understanding of its role, processes and jurisprudence through client contact and a variety of information dissemination methods; and
- conduct its business and 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 of government.

## 1.6 Program Activity Architecture

### Canada Industrial Relations Board–Program Activity Architecture (PAA)

**Agency**

Canada Industrial Relations Board

**Strategic Outcome**

Harmonious industrial relations climate in the federally regulated sector through the impartial, effective and appropriate administration of the rules of conduct that govern labour and management in their representational and bargaining activities

**Program Activity**

Administration and interpretation of Part I (Industrial Relations) and certain provisions of Part II (Occupational Health and Safety) of the *Canada Labour Code*

## 1.7 Voted and Statutory Items Displayed in the Main Estimates

Voted or Statutory Item (\$ thousands)	Truncated Voted or Statutory Wording	2008–2009 Main Estimates	2007–2008 Main Estimates
10	Program expenditures	11,018	10,887
(S)	Contributions to employee benefit plans	1,490	1,550
	<b>Total Agency</b>	<b>12,508</b>	<b>12,437</b>

## 1.8 Planned Spending and Full-time Equivalents (FTE)

(\$ thousands)	Forecast Spending 2007–2008	<b>Planned Spending 2008–2009</b>	Planned Spending 2009–2010	Planned Spending 2010–2011
Labour Relations Resolution Program	12,437	<b>12,508</b>	12,508	12,508
<b>Total Main Estimates*</b>	12,437	<b>12,508</b>	12,508	12,508
<i>Adjustments:</i>				
Supplementary Estimates				
Operating budget carry forward	533			
Other				
Funding requirements for new collective agreements and other adjustments to terms and conditions of service or employment of the Public Service	131			
Employee Benefit Plan (EBP)	-61			
Public Accounts Operating budget lapse	-300			
<i>Total Adjustments</i>	<i>303</i>	<i>0</i>	<i>0</i>	<i>0</i>
<b>Total Planned Spending</b>	12,740	<b>12,508</b>	12,508	12,508

Total Planned Spending	12,740	<b>12,508</b>	12,508	12,508
Plus: Cost of services received without charge	3,025	<b>3,187</b>	3,031	3,030
<b>Total Departmental Spending</b>	15,765	<b>15,695</b>	15,539	15,538

<b>Full-Time Equivalents</b>	103	<b>110</b>	110	110
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\* The total main estimates for 2008-2009 and subsequent years is approximately \$70,000 more than in 2007-2008, and represent adjustments in salary and benefits prescribed by collective agreements or by Treasury Board policy.

## 1.9 Summary Information

### Financial Resources

2008–2009	2009–2010	2010–2011
(\$ thousands)	(\$ thousands)	(\$ thousands)
12,508	12,508	12,508

### Human Resources

2008–2009	2009–2010	2010–2011
FTEs	FTEs	FTEs
110	110	110

## 1.10 Departmental Plans and Priorities–Summary

### Program Priorities

Activity/Initiative	Type
<b>Deliver on the Board’s statutory mandate under the <i>Canada Labour Code</i></b>	Ongoing
<b>Accelerate reduction in the number of backlog cases</b>	Ongoing
<b>Reduce average case disposition time</b>	Ongoing
<b>Review new duty of fair representation complaint process</b>	Ongoing
<b>Review the Board’s Performance Measurement Framework</b>	New
<b>Client consultations</b>	Ongoing

Details on the Board’s plans and priorities are provided in section II below.



## **SECTION II—CIRB OPERATING ENVIRONMENT AND PLANS AND PRIORITIES (Analysis of Program Activities by Strategic Outcome)**

### **2.1 Operating Environment**

The Canadian labour relations environment has undergone significant developments and has faced many challenges in recent years. On the international front, the globalization of markets has resulted in heightened competition, corporate mergers and technological change, and has led employers to seek productivity improvements, including the redefinition of bargaining units in some instances, in order to remain competitive. These pressures have recently increased with the strong appreciation of the Canadian dollar against its U.S. counterpart and concerns over a potential recession in the U.S. On the national front, a relatively tight labour market, with unemployment rates at their lowest levels in thirty years, and the impending retirement of sizeable proportion of the workforce may put pressure on both sides of the bargaining table. These forces have all had an effect on Canadian employers, employees and the union-management relationship, and are expected to continue to have an impact on them in the foreseeable future.

Those pressures are particularly evident in the federally regulated sector where the degree and rate of change has been largely unprecedented. Many of the industries, such as telecommunications and air transport to name but two, have gone from highly regulated monopolistic or semi-monopolistic structures to a form that is more unregulated and competitive. Also, many services that were once provided by the federal government, such as security and boarding at airports, have been commercialized. These profound changes associated with a workforce that is largely unionized have led to a situation where the Board is being increasingly called upon to resolve high profile and complex issues between bargaining parties, with substantial economic and social implications for the broader Canadian public.

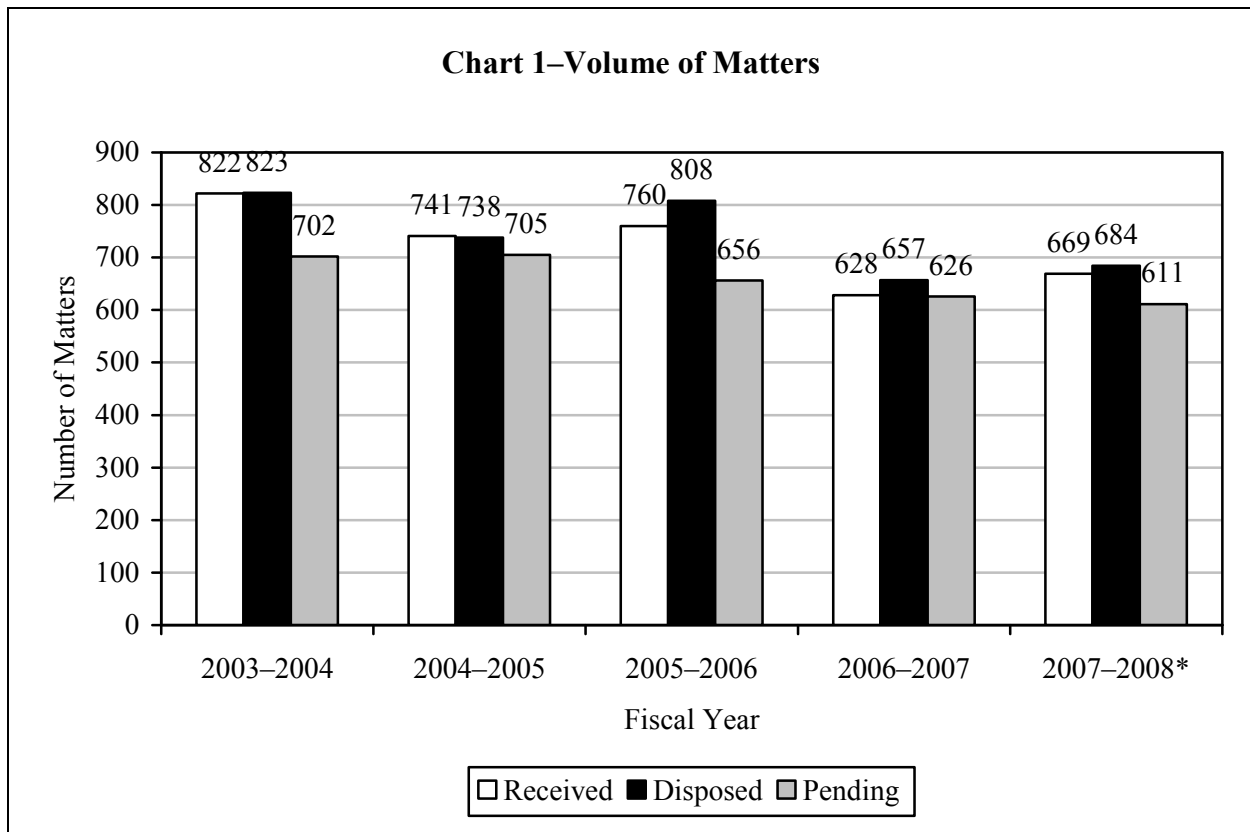
Typical issues of continuing concern to the Board include:

- the acquisition and exercise of free collective bargaining rights, and the promotion of sound labour-management relations in a fair and transparent manner;
- the need to ensure that collective bargaining between employers and unions is conducted fairly and in good faith;
- the scope of the duty of fair representation in respect of minority groups of employees;
- the determination of the levels of services required to be maintained during a work stoppage to ensure the protection of the health and safety of the Canadian public, particularly in such enterprises as airports, atomic energy production, and the air navigation system;
- the prompt consideration of situations in which illegal work stoppages are alleged; and
- the need to assist companies and unions in resolving the labour relations implications of corporate mergers and take-overs—including the determination of bargaining unit structures and representation rights.

The complexity and implications of the issues facing federally regulated employers and unions require the Board to judiciously apply a wide range of knowledge and skills in industrial relations, labour law and administrative law in diverse contexts. The stable economic environment over the past few years has been reflected in a modest decrease in cases coming before the Board, but current uncertainty is expected to produce increased demand for the Board’s services. Furthermore, the commitment of the Board to promote the joint resolution of issues by the parties, wherever possible, along with clients’ demands for the Board’s assistance in mediating unresolved issues as an alternative to litigation, entails increasing demands on the Board’s resources. Accordingly, the Board will continue to place emphasis on augmenting both its skill and resource levels to meet the needs of its clients.

### 2.1.1 Volume of Matters

In the five years following the 1999 amendments to the *Code*, which widened the scope of matters the CIRB could hear, the number of applications/complaints received by the Board rose considerably, averaging 924 matters per fiscal year over the 1999–00 to 2003–04 period, compared to 740 in the five years preceding the *Code* amendments. Since then, however, the number of applications/complaints has dropped steadily to less than 700 in the last two fiscal years (see Chart 1).



\* Projection based on the first eight months (April to November 2007)

The reasons for this decline are numerous, and would certainly include the solid jurisprudence that the Board has established since its inception. The Board has always maintained that the larger number of applications/complaints received by the CIRB in the years following the 1999 amendments to the *Code* were in part due to the lack of jurisprudence on the new *Code*

provisions, since parties were more likely to litigate given the uncertain interpretation of the new *Code* provisions. However, the most important factor in the decline of incoming matters may be the state of the economy, which has been doing quite well in recent years. The rate of growth has been relatively robust and the level of unemployment has dropped to 5.9% in December 2007, a more than thirty-year low. Historically, when the economy is doing well, there are fewer frictions on the industrial relations front. This can be seen by a lower incidence of strikes and lockouts, a trend to longer-term collective agreements, and also by fewer applications/complaints to the Board.

This appears to be borne out by the CIRB’s statistics. Unfair labour practice (ULP) complaints, which represent approximately 40% or more of incoming matters in any given year, and are an indicator of the labour relations climate, are down by almost 40% on average in the last two fiscal years (representing 96 fewer complaints per year) compared to the previous five years. Excluding duty of fair representation (DFR) complaints, which are complaints by union members against their union, and which are less sensitive to the state of the economy, the decline in ULP complaints would be much more pronounced at 90%. There were also significantly fewer applications for reconsiderations (-68%).

With respect to the disposition of matters, while the Board was able to improve its rate of matter disposition in the years following the 1999 amendments—it disposed of 855 matters per year on average over the five fiscal year period of 2001–02 to 2005–06 compared to an average of only 756 matters in the previous five fiscal years—its rate of disposition is expected to decline to 684 matters in 2007–08 (see Chart 1).

Notwithstanding the lower level of matter disposition, the number of pending matters is projected to fall to 611 by the end of 2007–08 (see Chart 1), the lowest level since 1997–98.

### 2.1.2 Complex Cases

The CIRB’s workload continues to be largely affected by the greater incidence of more complex matters as a result of the changes to the *Code*. Complex cases, which typically involve numerous sections of the *Code* as well as *Charter* issues, are both lengthier to process and require more of the Board’s resources for their disposition. Table 1 indicates that complex cases have generally accounted for 90 or more matters disposed a year over the last five fiscal years, and are expected to represent 94 matters in 2007–08 or close to 14% of all disposed cases.

**Table 1—Number of Complex Matters Disposed**

	2003–2004	2004–2005	2005–2006	2006–2007	2007–2008*
Review of Bargaining Unit Structure	17	21	19	9	24
Single Employer	12	20	20	13	18
Sale of Business	33	34	34	25	38
Maintenance of Activities	28	19	23	16	14
<b>Total</b>	<b>90</b>	<b>94</b>	<b>96</b>	<b>63</b>	<b>94</b>

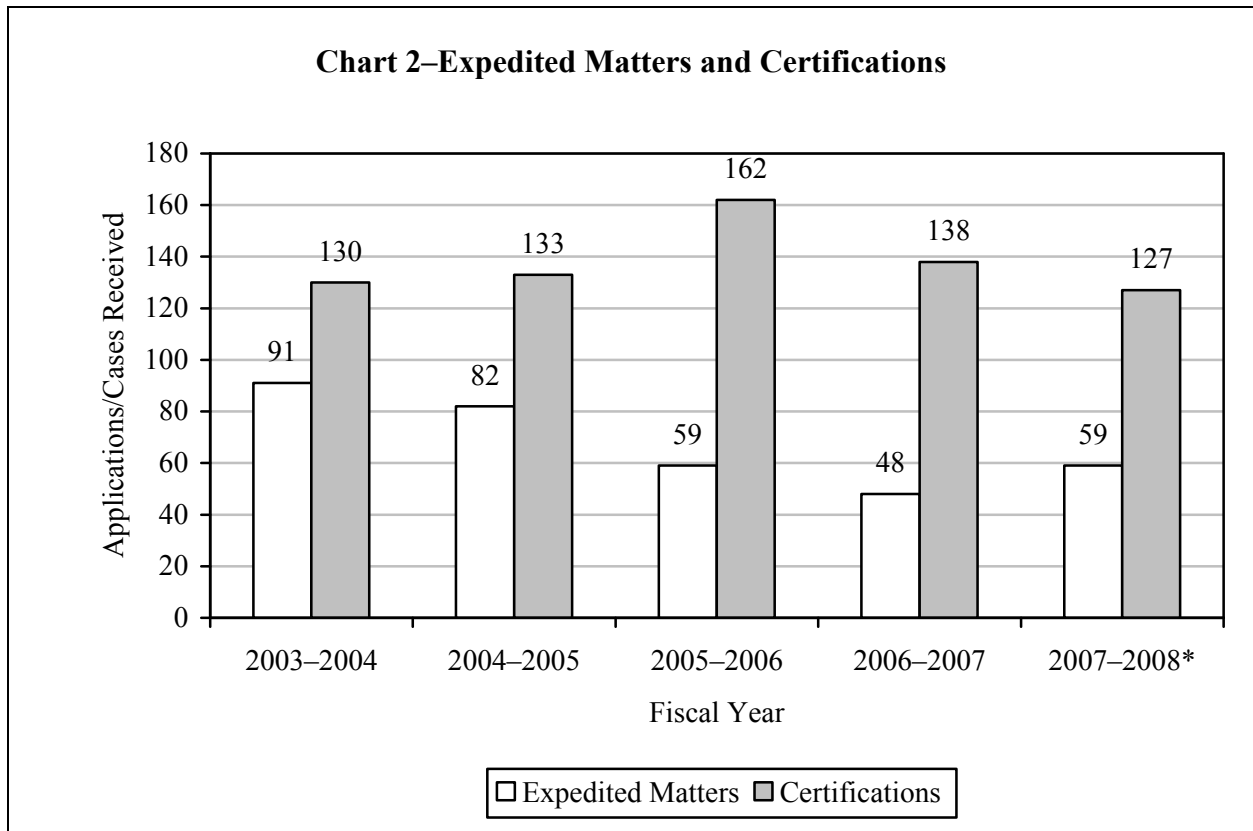
\* Projection based on the first eight months (April to November 2007).

### 2.1.3 Expedited Matters

In addition to more complex cases, the *Canada Industrial Relations Board Regulations, 2001* (the *Regulations*) stipulate that certain types of matters require priority attention. These cases include requests for an interim order/decision, requests to file Board orders in Court, referrals to the Board by the Minister of Labour relating to the maintenance of activities during a legal work stoppage, applications alleging an invalid strike or lockout vote, applications for a declaration of unlawful strike or lockout, and unfair labour practice complaints alleging the use of replacement workers or dismissals for union activities. Such matters are scheduled, heard and decided in priority to other elements in the Board’s caseload. Priority is also given to the processing and consideration of applications for certification, and to any other matter in which there appears to be a significant potential for adverse industrial relations consequences if there is a delay in its resolution.

The setting of priorities inevitably results in the deferral of less urgent matters. Scheduling pressures, consequent upon the volume and priority setting, can make very lengthy or complex matters—the kind of matters that are now typically scheduled for oral hearing at the Board—difficult to resolve expeditiously.

Chart 2 sets out the volume of expedited matters and certifications from 2003–04 to 2007–08.



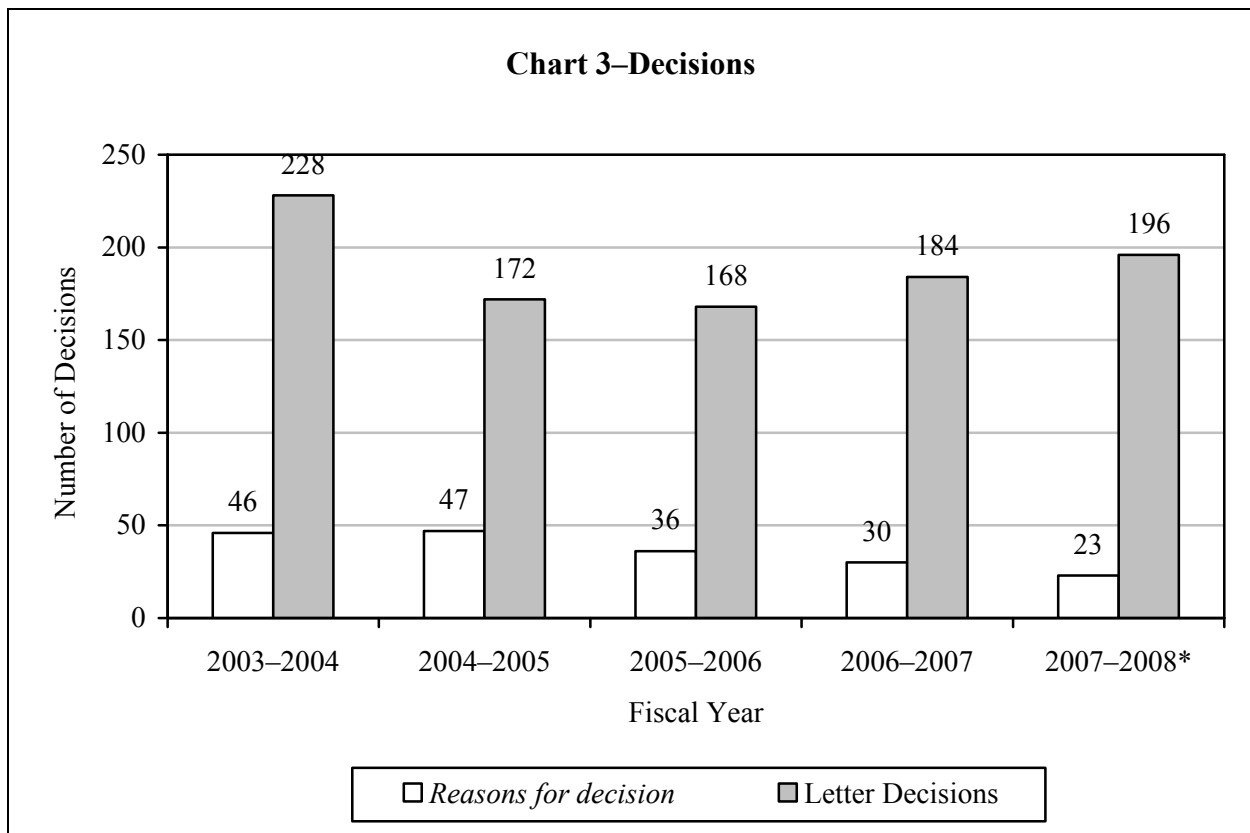
### 2.1.4 Written Decisions

Another factor affecting the CIRB’s adjudicative output has been the increased emphasis on providing detailed written *Reasons for decision*. Uncertainties resulting from the new legislative

provisions introduced in 1999, and the lack of jurisprudence in interpreting and applying them, have resulted in a situation where parties have been more prone to litigate many contentious matters. Furthermore, the disposition of more complex cases, which have increased as noted earlier, also frequently require more detailed decisions given their nature<sup>1</sup>.

Together, these two factors have led to an increase in the need for the Board to interpret and apply the *Code* in matters involving provisions that were revised and/or added, which, in turn, is reflected in a significant increase in Board jurisprudence. These decisions serve both to resolve the issues relevant to complex circumstances and to clarify the way the *Code* will apply in evolving circumstances. In this respect, the Board strives to provide timely, good, consistent and legally sound decisions in order to establish strong and clear jurisprudence, which in turn should reduce the likelihood of demands for reconsideration, as well as reducing the likelihood of applications to the Federal Court of Appeal for judicial review.

The Board’s experience in issuing *Reasons for decision* and letter decisions in the last five fiscal years is reflected in Chart 3. On average, the CIRB has issued 37 of the more detailed *Reasons for decision* each year over the last five years, and 190 letter decisions, for a total of 226 written decisions on average. In 2007–08, the Board is expected to produce 196 letter decisions and 23 *Reasons for decision*. The balance of matters are either settled, withdrawn or disposed of by orders.



\* Projection based on the first eight months (April to November 2007).

<sup>1</sup> The Board issues detailed *Reasons for decision* in matters of broader national significance and/or significant precedential importance. In other matters, more concise letter decisions help expedite the decision-making process, thereby providing more timely industrial relations outcomes for parties.

### **2.1.5 General Government Environment**

Other than the business operational pressures described above, the Government of Canada has adopted a number of resource management initiatives and reviews that require serious attention from all departments and agencies. Initiatives such as the Public Service Renewal, Management Accountability Framework, improved internal audit and evaluation functions, and the Management, Resources and Results Structure require an increasing amount of both human and financial resources to implement and complete.

Unlike larger departments, small agencies like the CIRB have negligible non-discretionary financial resources that can be reallocated to the additional activities, and often do not have sufficient in-house expertise to undertake and develop initiatives. Consequently, resources that are directed towards these initiatives are usually taken from existing operational budgets, thereby reducing capacity to meet service delivery pressures.

## **2.2 Plans and Priorities**

The Canada Industrial Relations Board has one key program activity—to administer and interpret Part I (Industrial Relations) and certain provisions of Part II (Occupational Health and Safety) of the *Canada Labour Code*.

By carrying out this activity, the Board fulfills its sole strategic outcome which, as stated in section 1.6, is to contribute to and promote a harmonious industrial relations climate in the federally regulated sector through the impartial, effective and appropriate administration of the rules of conduct that govern labour and management in their representational and bargaining activities. In achieving this strategic outcome, the CIRB provides effective industrial relations solutions for the Canadian labour relations community in a fair and timely manner.

### **2.2.1 Program Priorities**

The Board's foremost priority remains the efficient and effective delivery of its statutory mandate as set out in the *Canada Labour Code*, while being both transparent and accountable in its decision-making process. All other priorities are discretionary and dependent on whether it has the necessary resources to carry them out.

Within this context, however, the main priority for the Board in the upcoming years continues to be the improvement of the timeliness of its decisions, and in particular, the significant reduction of the number of backlog cases that has persisted over the last few years.

To deliver on this priority, the Board will continue to focus its efforts on reviewing the broad issues of current organizational effectiveness, and in particular, the operational and case management processes used in delivering its services. The aim of these reviews will be to simplify and/or shorten case processing measures in order to increase the number of matters that can be disposed of with a given adjudicative capacity. The exact nature of these reviews remains to be determined with the newly appointed Chairperson and with the yet to be appointed Executive Director (the two most senior positions at the Board).

### **Duty of Fair Representation Complaints**

One of the reviews that has been undertaken in the last two years, following consultations with stakeholders, concerns its case processing practices with respect to duty of fair representation complaints (DFR). These are complaints made by a member alleging that his/her union has acted in manner that is arbitrary, discriminatory or in bad faith. Because DFR complaints are not usually the type of matters that require urgent attention, they are often deferred in favour of other more important matters. However, the number of DFR complaints is significant and they thus have an important impact on the Board's overall processing performance and backlog of cases. Indeed, DFR complaints represent almost 23% of all applications/complaints received in the last five fiscal years, and since they are more likely to be deferred, they represent only 20% of disposed matters. As a result, the number of pending DFR complaints has steadily grown in the last five years and represents 244 (40%) of the 611 pending matters that are expected to remain unresolved at the end of 2007–08.

A new more expeditious process for handling DFR complaints was developed and implemented in early 2006. Subsequent experience revealed issues that needed to be reconsidered, and additional refinements will be made in early 2008. However, DFR complaints continue to absorb a significant proportion of the Board's resources.

### **Client Consultations**

Formal and informal consultations with clients continue to be important for the CIRB. A client consultation committee is in place and has been particularly helpful in recent years. In particular, these client consultations have contributed to the identification of specific case management process reviews that have been undertaken in the last two to three years. The structure and mandate of the client consultation committee will be reviewed by the Chairperson and Executive Director in early 2008–09.

## **2.2.2 Management Priorities**

### **Modern Management Agenda**

The Board is committed to continually improving its management framework and infrastructure in order to effectively support its legislative mandate, ensure accountability and set out a shared vision of expected results.

At the top of the list of priorities related to management initiatives in the new fiscal year is the review of the Board's Management, Resources and Results Structure (MRRS), and in particular, its performance measurement framework. Although the Board currently tracks many operational performance indicators, which are reported upon in the Board's annual Departmental Performance Report (DPR), the MRRS policy requires a performance measurement framework that clearly links resources to expected results, outputs and the Board's strategic outcome. Although the Board already possesses all of the elements required to meet this requirement, it needs to consolidate them in a tightly knitted framework that meets the new MRRS policy.

The Board's modern management agenda for the upcoming year also includes the continued improvement of its revamped strategic and operational planning cycle, including the integration of human resources planning into the cycle. The latter will identify key risks, challenges, and key actions to be taken in this area, and will address the human resources needs and capacity of the CIRB to deliver on its plans and priorities. Together, these elements should foster an improved

mutual understanding of the CIRB's direction between its staff, management and Board members.

### **Human Resources**

The CIRB has a number of strategic priorities with regard to human resources. As mentioned above, these include continuing the development and implementation of the human resources plan, of a Performance Planning and Review Framework, of a Learning Framework and of a Succession Planning Framework.

The Board is also continuing to fine tune its action plan following the results of the 2005 Public Service Employee Survey, which were released in the latter half of 2006. Overall, the survey results indicate that the Board generally fares favourably compared to the overall public service, and to a lesser extent, to other small organizations. Succession planning and employee retention are at the heart of the action plan, as more than 40% of CIRB employees have indicated that they would be leaving the public service in the next five years, most due to retirement. This is significantly higher than the 30% response for the public service in general.

### **2.2.3 Other Supporting Activities**

In addition to the main activities highlighted above, the CIRB is or will be involved in a number of other activities in support of its mandate.

#### **Office Relocation**

The Board has been planning and negotiating the move of its Vancouver office to a new locale for some time, due to non-renewal of the lease. Some details still need to be worked out but, barring unforeseen circumstances, the move will be completed in 2008-09. Public Works has advised the Board that leases for its Headquarters office in Ottawa as well as its Montréal office will not be renewed. As a result, the Board will need to plan for the relocation of both these offices, the latter in mid 2008-09, and the former possibly in 2009-10.

#### **Information Technology**

Our plans and efforts are to continue the implementation of the MITS initiative introduced by Treasury Board, which aims at ensuring the security of information and information technology at the CIRB, and to improve the overall effectiveness of the Board's information technology apparatus. In this respect, the Board continues with its internal initiatives to improve the way it manages and shares information, and to communicate more effectively in order to better serve its clients.

The main elements of this initiative are:

- The continued enhancement of the Case Management System, the Board's core business system, particularly with respect to reporting;
- The implementation of secure remote access (SRA) to Board systems and databases, thereby allowing Board members to continue working during extensive periods of travel;
- The continued development of the Board's Internet site, in order to provide clients with an increasing range of pertinent information and online services.

**Information Circulars/Practice Notes**

One of the major outcomes of discussions with major client groups was agreement on the development and dissemination of information circulars and practice notes. The purpose of practice notes and information circulars is to help communicate, to its clients and to the public, the Board's procedures and practices in relation to the *Code* and the *Regulations* adopted by the Board in December of 2001. Practice notes and information circulars are meant to increase the accessibility and transparency of Board processes by providing common language instructions respecting the interpretation and application of the *Code* and *Regulations*. It is expected that these will make the Board's processes easier for clients to understand and manage, and ensure that the substance of matters can be more easily and quickly addressed. They are also expected to encourage pre-hearing procedures that reduce the time required in the hearing process, by ensuring that pre-hearing information discovery processes are as effective as possible and that preparation for all matters scheduled for hearing is as complete as possible. The development of information circulars and practice notes will be an ongoing process.



## SECTION III–SUPPLEMENTARY INFORMATION

### 3.1 Organizational Information

#### 3.1.1 Mandate, Role 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 primarily 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. 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 Health and Safety
- Part III–Labour Standards

Part I of the *Canada Labour Code* establishes the framework for collective bargaining, the acquisition and termination of bargaining rights, unfair labour practices and protection of the public interest in the event of work stoppages affecting essential services.

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 Health and Safety, of the *Code*.

*The Canada Industrial Relations Board’s mandate is to contribute to and to 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, open 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 and provisions of the *Code*, which state 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 industrial relations community across Canada.

### **3.1.2 Departmental Organization**

The Board, as provided for in the *Code*, is comprised of the Chairperson, two or more full-time Vice-Chairpersons, not more than six full-time Members (of which not more than three represent employers and not more than three represent employees) and any other part-time Members (representing, in equal numbers, employees and employers) necessary to discharge the responsibilities of the Board. 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. (Information on Board Members can be found at [http://www.cirb-ccri.gc.ca/about/members/index\\_e.asp](http://www.cirb-ccri.gc.ca/about/members/index_e.asp).)

The Chairperson is the chief executive officer of the Board. The provisions of the *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 Board's work;
- the management of the Board's internal affairs;
- the duties of the staff of the Board.

The Board's headquarters are located in the National Capital Region. Support to the Board is provided by the Executive Director, reporting directly to the Chairperson. The Executive Director is responsible for regional operations, case management, client and corporate services, financial services and human resources. The Legal Services Branch provides legal assistance as required by the Board headed by a General Counsel who reports directly to the Chairperson of the Board.

The Board also has five regional offices in Dartmouth, Montréal, Ottawa, Toronto and Vancouver, with a satellite office in Winnipeg. These offices are staffed by labour relations professionals and case management teams. Each regional office is headed by a regional director, who reports to the Executive Director in Ottawa.

### 3.1.3 To Contact the Board

Toll-free: 1-800-575-9696

People who use TTY should place calls with the assistance of a Bell Relay Service operator at: 1-800-267-6511

Email: [info@cirb-ccri.gc.ca](mailto:info@cirb-ccri.gc.ca)

Web Site: <http://www.cirb-ccri.gc.ca>

Further information on how to contact the regional offices can be found at:

[http://www.cirb-ccri.gc.ca/contact/index\\_e.asp](http://www.cirb-ccri.gc.ca/contact/index_e.asp)

## 3.2 Financial Performance Summary and Summary Tables

**Table 1: Program Activities by Strategic Outcome**

(\$ thousands)	Planned Spending			Contributes to the following priority
	2008–2009	2009–2010	2010–2011	
<b>Strategic Outcome:</b>	<b>To resolve labour relations issues in federally regulated sectors, submitted to the Canada Industrial Relations Board, in a timely, fair and consistent manner</b>			<b>Income security and employment for Canadians</b>
<b>Program Activity Title:</b> Labour Relations Resolution Program	<b>12,508</b>	<b>12,508</b>	<b>12,508</b>	

**Table 2: Services Received Without Charge**

(\$ thousands)	2008–2009
Accommodation provided by Public Works and Government Services Canada (PWGSC)	<b>2,506</b>
Contributions covering employer's share of employees' insurance premiums and expenditures paid by Treasury Board of Canada Secretariat (excluding revolving funds)	<b>681</b>
Salary and associated expenditures of legal services provided by the Department of Justice Canada	<b>4</b>
<b>Total Services received without charge</b>	<b>3,187</b>

**Table 3: Green Procurement**

<b>Green Procurement</b>	
1.	How is your department planning to meet the objectives of the <i>Policy on Green Procurement</i> ?
	The Canada Industrial Relations Board is planning to carry out/follow the <i>Policy on Green Procurement</i> by reducing environmental impact of its operations and by promoting responsible integration of environmental performance considerations, when applicable. This will be achieved by analyzing and evaluating the total life cycle of goods and services to be purchased.
2.	Has your department established green procurement targets?
	In progress
3.	Describe the green procurement targets that have been set by your department and indicate the associated benefits anticipated.
	<p>(a) Consider and implement the reduction, reuse and recycling possibilities throughout the life cycle, from as early as the contracting planning phase to the disposal phase</p> <p>(b) Evaluate potential suppliers' ability and/or capacity to satisfy the environmental performance criteria.</p> <p>(c) Carry out asset disposal in the most environmentally responsible way, such as waste minimization and/or diversion.</p> <p>It is anticipated that the benefits of the Policy on Green Procurement, as it applies to the CIRB will reduce waste, while carrying out reuse and recycling programs, making better use of assets, prolonging life of goods and ensuring that the goods and services procured are less damaging to the environment.</p>

**Table 4: Internal Audits**

<b>Name of Internal Audit</b>	<b>Internal Audit Type</b>	<b>Status</b>	<b>Expected Completion Date</b>	<b>Electronic Link to Report</b>
Management and Control Practices in Three Small Entities	Audit of controls for acquisition cards, contracting, executive travel, hospitality, executive compensation, and selected areas of human resources management.	Completed	October 2007	<a href="http://www.oag-bvg.gc.ca/dominoreports.nsf/html/20071002c_e.html">http://www.oag-bvg.gc.ca/dominoreports.nsf/html/20071002c_e.html</a>
<b>Electronic link to internal audit and plan:</b>				
<a href="http://www.oag-bvg.gc.ca/dominoreports.nsf/html/20071002c_e.html">http://www.oag-bvg.gc.ca/dominoreports.nsf/html/20071002c_e.html</a>				