



RCMP External Review Committee

Performance Report

For the period ending
March 31, 2001

Canada

Improved Reporting to Parliament Pilot Document

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 of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

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 funds.

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Foreword

In the spring of 2000 the President of the Treasury Board tabled in Parliament the document “Results for Canadians: A Management Framework for the Government of Canada”. This document sets a clear agenda for improving and modernising management practices in federal departments and agencies.

Four key management commitments form the basis for this vision of how the Government will deliver their services and benefits to Canadians in the new millennium. In this vision, departments and agencies recognise that they exist to serve Canadians and that a “citizen focus” shapes all activities, programs and services. This vision commits the government of Canada to manage its business by the highest public service values. Responsible spending means spending wisely on the things that matter to Canadians. And finally, this vision sets a clear focus on results – the impact and effects of programs.

Departmental performance reports play a key role in the cycle of planning, monitoring, evaluating, and reporting of results through ministers to Parliament and citizens. Earlier this year, departments and agencies were encouraged to prepare their reports following certain principles. Based on these principles, an effective report provides a coherent and balanced picture of performance that is brief and to the point. It focuses on results – benefits to Canadians – not on activities. It sets the department’s performance in context and associates performance with earlier commitments, explaining any changes. Supporting the need for responsible spending, it clearly links resources to results. Finally the report is credible because it substantiates the performance information with appropriate methodologies and relevant data.

In performance reports, departments strive to respond to the ongoing and evolving information needs of parliamentarians and Canadians. The input of parliamentarians and other readers can do much to improve these reports over time. The reader is encouraged to assess the performance of the organization according to the principles outlined above, and provide comments to the department or agency that will help it in the next cycle of planning and reporting.

This report is accessible electronically from the Treasury Board of Canada Secretariat Internet site:

<http://www.tbs-sct.gc.ca/rma/dpr/dpre.asp>

Comments or questions can be directed to this Internet site or to:

Results Management and Reporting Directorate

Treasury Board Secretariat

L’Esplanade Laurier

Ottawa, Ontario, Canada

K1A 0R5

Tel.: (613) 957-7167 – Fax: (613) 957-7044

RCMP External Review Committee

Performance Review

**For the period
ending on
March 31, 2001**

Hon. Lawrence MacAulay, P.C., M.P.
Solicitor General of Canada

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Part I: The Chair's Message

I am happy to see that the year 2000-2001 began and ended without any backlog of work, and that this was achieved despite the complexity of the cases that were reviewed, especially in disciplinary matters. This is due in part to the limited number of cases referred to the Committee, and in part also to the efforts that have been made in recent years to reduce processing timeframes.

The Committee's sole activity is to review various labour relations cases in the RCMP in accordance with the provisions of the *Royal Canadian Mounted Police Act*. The Committee thus has two strategic objectives, the first being to ensure an impartial review of cases, and the second being to promote exchanges of information. These objectives are closely related, because it is indeed in the light of the Committee's findings and recommendations that discussions promoting information sharing with RCMP members take place.

In the past year I have had an opportunity to meet with various RCMP members at every level, and this enabled me to take part in serious dialogues about a number of important topics. One of the topics on which I focused was that of disciplinary measures within the RCMP. The former Commissioner, Mr. Murray, had suggested to me that this issue should be examined so that potential improvements could be identified. The comments that I received were collated into a report that the Committee published in February 2001.

As concerns resources, the Committee was able to keep its expenditures for the year to about 70% of its budget. Although the total allocations voted by Parliament are relatively modest, the Committee intends to continue its efforts to manage public funds in the best way possible, in accordance with the government of Canada's new management framework, *Results for Canadians*. In this regard, the Committee will be increasing its efforts to communicate with and inform the Canadian public about the work accomplished.

Philippe Rabot
Chair

Part II: Strategic Context

The RCMP External Review Committee is an independent agency that reviews various issues dealing with labour relations in the Royal Canadian Mounted Police. The Committee guarantees the transparency of the disciplinary process, and in very specific cases, the grievance process. After reviewing the cases that are referred to it, the Committee submits recommendations to the RCMP Commissioner. The Commissioner is not bound by the Committee's findings; however, he is required to provide reasons in writing for any decision that departs from them.

This impartial review mechanism aims to assure the Canadian public that work relations in the RCMP are conducted in a just, equitable manner. This is especially important in that, contrary to most federal public servants, RCMP members are not unionized and do not negotiate their conditions of employment. The Committee therefore endeavours to ensure a proper equilibrium between the interests of RCMP members and those of management, at the same time as it also considers the public interest.

The nature of the cases that are referred to the Committee is quite varied. Some problems may be purely financial, such as the reimbursement of travel expenses. Others may be highly complex, such as issues of harassment or fraud. Regardless of complexity, the consequences may be serious. For the RCMP, a financial decision in one case may lead to new obligations toward all RCMP members, with major financial burdens ensuing. For a member, a disciplinary decision may lead to loss of wages, or—the ultimate sanction—dismissal. All of the Committee's findings are summarized in the quarterly *Communiqué*, available on the Internet at <http://www.erc-cee.gc.ca>.

In addition to ruling on cases that are referred to it, the Committee may conduct research or consultations aimed at enhancing labour relations in the RCMP. For example, in 2001 the Committee published a report entitled *Disciplinary Processes and Dispute Resolution Techniques in the RCMP* which led to an in-depth discussion on this subject and which could entail major revisions to current processes.

The Committee is a small agency whose sole activity is to examine labour relations cases in the RCMP. In order to fulfil the mandate given to it by the *Royal Canadian Mounted Police Act*, in the past year the Committee has pursued two strategic objectives: one was to ensure an impartial review of cases, the other to promote exchanges of information.

L Strategic objective 1: Ensure an impartial review of cases

Context and history

The RCMP is Canada's federal police force, but it also acts as a police force for eight provinces, three territories and various municipalities and aboriginal communities throughout the country. Nearly 18,000 of its members work in Canada, in places ranging from major urban centres to tiny communities. On occasion, RCMP members participate in Canadian missions abroad. Because the RCMP's responsibilities have such a broad scope, labour relations there are more complex than they might be in other police forces.

The Committee's main function is to ensure an impartial review of the cases referred to it, whether they relate to grievances or to discipline issues. In doing so, the Committee implements provisions of the *RCMP Act* that govern external reviews of these issues. The Committee also takes into account trends in case law and changes in government policies and directives applying to the RCMP.

The cases that are being appealed are disputes between RCMP members and RCMP management. The Committee seeks to make recommendations that are properly supported in law and reflect an understanding of the RCMP's internal management, so that they will be respected and accepted by the parties. The Committee's credibility in the eyes of its clients is therefore crucial in terms of its first strategic objective. It is important not only that case reviews be impartial, but also that they be *perceived* to be impartial. The respect that the Committee thus earns from RCMP members and management translates into a better climate of confidence within that organization.

Resources

The Committee's main activity is impartial case review. Most of the resources are allocated to the duties that are directly related to review. Apart from research and writing, Committee staff members endeavour to keep their knowledge up to date by participating in conferences and in training workshops on Committee activities. This entails travel, accommodation and registration costs.

In general, the Committee spends 90% of its time on case review. Committee Chair and staff wages account for \$300,000/year, operating expenses \$152,000.

Results

In the past year, the Committee reviewed 18 cases; 13 of these were grievances, the five others disciplinary appeals. One of the grievances was sent back to the Commissioner on the grounds of lack of jurisdiction. The cases under study raised a number of complex questions, particularly in the area of discipline. Four of the five disciplinary files dealt with assault, including sexual assault, and the fifth concerned sexual touching. In its recommendations, the Committee reviewed the principle of parity of sanctions and stressed its importance. In three cases, it decided that the penalties were greater than those that had been imposed in the past for similar actions. The Committee also conducted a hearing in a case where evidence was lacking with regard to an important issue—premeditation. With regard to the grievances, nine concerned the RCMP's interpretation and implementation of government policies covering Departments and extended to RCMP members. Another grievance concerned the RCMP's interpretation and implementation of the *Isolated Posts Directive*, and two likewise concerned the RCMP's *Relocation Directive*. In three cases, the Committee looked at the standing that a member must have to submit a grievance. Three other grievances were rejected because they had not been submitted within the timeframe required at the first level.

The Federal Court handed down an important decision that concerns the duties of the Committee. This was the decision in *Girouard* dated January 22, 2001, in which the Court deals with the obligation of the RCMP Commissioner to give clear reasons for any decision not complying with Committee recommendations. In this case, the Committee had explained in detail why a new relativity study was essential to determine the classification level of a position. Here is how the Court explained its decision:

Although the Commissioner referred in his decision to the problems of quality noted by the ERC, his conclusion does not appear to address them. The many problems raised by the ERC are serious ones and, in my view, at least required consideration by the Commissioner. By dismissing all the recommendations of the ERC without really giving reasons for his decision, the Commissioner contravened s. 32(2) of the Act and arrogated to himself a jurisdiction which he did not have, thereby making his decision reviewable by this Court.

Although it does not actually mention this, the Court recognized in its decision that it is the independent, impartial decisions of the Committee that ensure the transparency of the process. This is what reassures the members of the RCMP and the public that the “rules of the game” are properly complied with in the area of labour relations.

L Strategic objective 2: Promote exchanges of information

Context and history

Ever since it was struck, the Committee has always endeavored to gather information on topics related to labour relations in the RCMP and to share this information with interested parties. In the early years of its existence, the Committee published a number of research documents detailing such areas as dismissal, discipline, occupational health and safety, and conflicts of interests.

The Committee also makes available to the public a summary of all the recommendations it has submitted to the Commissioner. This appears in the quarterly Communiqué, which is sent out to all RCMP detachments.

Committee recommendations are also summarized on the Committee's Internet site. A search engine makes it possible to pinpoint specific topics of recommendations. This is particularly useful for RCMP members who wish to know how a specific topic might have already been dealt with. Division and members' representatives, the latter of whom regularly advise members on labour relations, also use this search tool.

The Chair and the staff of the Committee also promote exchanges of information when holding meetings with stakeholders at all levels of the RCMP. These exchanges in turn enhance the transparency of the RCMP's labour relations. All of this helps to show the Canadian public that labour relations in the RCMP are conducted with justice and fairness, in compliance with policies and regulations.

Resources

Most of the expenditures that relate to information sharing are attributable to the quarterly publication of the Communiqué, to the annual report, and to the maintenance of the Internet site. In addition, the Chair and the staff spend some of their time cultivating exchanges with partners either in person or by telephone or letter. The Committee estimates that staff spent about 10% of their time on this task, and that related operational expenditures amounted to roughly \$42,000.

Results

The quarterly publication of the *Communiqué* has continued to be the Committee's main tool for disseminating information. It includes a summary of the findings and recommendations made in each case referred to the Committee. It also contains a summary of the Commissioner's decisions, and, where applicable, the Federal Court's judgments on the Commissioner's decisions. In addition to summaries of specific cases, articles written by Committee staff are published throughout the year. For example, the article entitled "Disclosure of information under subsection 31(4) of the *RCMP Act*" dealt with the extent of the RCMP's obligations toward members who wish to obtain information in support of a grievance.

The Committee held an information session for division representatives, and individual meetings were held with RCMP managers at Headquarters and in the regions.

In February 2001, the Committee published a report entitled *Disciplinary Processes and Dispute Resolution Techniques in the RCMP*. Its objective was to enable the stakeholders and the RCMP to reflect upon current conditions in the area of discipline—both strengths and weaknesses. After the report came out, consultations and discussions were held between the Committee and RCMP members at all levels. These exchanges helped to stimulate discussion on disciplinary processes and they made it possible to better publicize the need for change.

Part III: Financial Performance

For 2000-2001, the Committee had a budget of \$768,000 but kept its expenditures down to \$530,531. Employee benefit planning contributions amounted to \$47,413, making a total of \$577,943 (Table 1.).

The Committee is directly responsible for the cost of most of the goods and services it uses. In a savings mode, some services are shared with or provided by the Solicitor General's Department; informatics and human and financial resource management are cases in point. Some costs—e.g., office space leases—are borne by other Departments; these total about \$83,000/year not payable by the Committee (Table 2).

APPENDIX A

Table 1 - Summary of Voted Appropriations

Financial Requirements by Authority (thousands of dollars)				
Vote		2000-2001		
		Planned Spending	Total Authorities	Actual Spending
	RCMP External Review Committee - Case Review			
45	Operating Expenditures	750	768	531
	Capital Expenditures	-	-	-
	Grants and Contributions	-	-	-
(S)	Minister - Salary and motor car allowance	-	-	-
(S)	Contributions to the Employee Benefit Plan	61	64	47
	Total Department	811	832	578

Table 2 - Comparison of Total Planned to Actual Spending

Departmental Planned versus Actual Spending			
	2000-2001		
RCMP External Review Committee - Case review	Planned Spending	Total Authorities	Actual Spending
FTEs	5	5	5
Operating	811	832	578
Capital	-	-	-
Grants and Contributions	-	-	-
Total Gross Expenditures	811	832	578
Less: Respendable Revenues*	-	-	-
Total Net Expenditures	811	832	578
Other Revenues and Expenditures	-	-	-
Non-respendable Revenues **	-	-	-
Cost of services provided by other Departments	80	80	83
Net Cost of Program	891	912	661

*Formerly "Revenues Credited to the Vote". In some cases, respendable revenues can also include the statutory item "Expenditures pursuant to Section 29.1 (1) of the FAA."

**Formerly "Revenues Credited to the General Government Revenues" (GGR)

Table 3 - Historical Comparison of Total Planned Spending to Actual Spending

Historical Comparison of Departmental Planned versus Actual Spending (thousands of dollars)					
			2000-2001		
Case Review	Actual 1998-1999	Actual 1999-2000	Planned Spending	Total Authorities	Actual Spending
RCMP External Review Committee	710	599	811	832	578
Total	710	599	811	832	578

APPENDIX B

Resource Person

Norman Sabourin, Executive Director and Senior Counsel
RCMP External Review Committee
P.O. Box 1159, Station B
Ottawa, Ontario
K1P 5R2

Telephone: (613) 990-1860
Fax: (613) 990-8969
Email: org@erc-cee.gc.ca
Internet: www.erc-cee.gc.ca