



RCMP External Review Committee



For the
period ending
March 31, 1997



Improved Reporting to Parliament —
Pilot Document

Canada

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Available in Canada through your local bookseller or by

mail from Canadian Government Publishing – PWGSC

Ottawa, Canada K1A 0S9

Catalogue No. BT31-4/69-1997

ISBN 0-660-60355-1



Foreword

On April 24, 1997, the House of Commons passed a motion dividing what was known as the *Part III of the Estimates* document for each department or agency into two documents, a *Report on Plans and Priorities* and a *Departmental Performance Report*. It also required 78 departments and agencies to table these reports on a pilot basis.

This decision grew out of work by Treasury Board Secretariat and 16 pilot departments to fulfil the government's commitments to improve the expenditure management information provided to Parliament and to modernize the preparation of this information. These undertakings, aimed at sharpening the focus on results and increasing the transparency of information provided to Parliament, are part of a broader initiative known as "Getting Government Right".

This *Departmental Performance Report* responds to the government's commitments and reflects the goals set by Parliament to improve accountability for results. It covers the period ending March 31, 1997 and reports performance against the plans presented in the department's *Part III of the Main Estimates* for 1996-97.

Accounting and managing for results will involve sustained work across government. Fulfilling the various requirements of results-based management – specifying expected program outcomes, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and report on achievements – is a building block process. Government programs operate in continually changing environments. With the increase in partnering, third party delivery of services and other alliances, challenges of attribution in reporting results will have to be addressed. The performance reports and their preparation must be monitored to make sure that they remain credible and useful.

This report represents one more step in this continuing process. The government intends to refine and develop both managing for results and the reporting of the results. The refinement will come from the experience acquired over the next few years and as users make their information needs more precisely known. For example, the capacity to report results against costs is limited at this time; but doing this remains a goal.

This report is accessible electronically from the Treasury Board Secretariat Internet site:
<http://www.tbs-sct.gc.ca/tb/key.html>

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RCMP External Review Committee

Performance Report

**For the
period ending
March 31, 1997**

Hon. Andy Scott, P.C., M.P.
Solicitor General of Canada

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Section I: The Message

The RCMP is excluded from the provisions of the *Public Service Staff Relations Act* and the *Canada Labour Code*. Its members therefore cannot bargain collectively through a union and do not have recourse to those grievance procedures available to other government employees. The RCMP External Review Committee is, with the exception of the court system, the only legislative mechanism available to the members of the RCMP and capable of conducting independent reviews of members' concerns.

The Committee's power is limited to influencing rather than altering RCMP management decisions. However, by serving as a visible agent of police accountability it is not only ensuring that the interests of members are protected vis-à-vis the RCMP; it is also balancing the interests of the RCMP and its members with those of the Canadian public.

Throughout its 10 years of existence, the Committee has been a significant participant in the labour/management conflict resolution process within the RCMP. Not only has it assisted in the resolution of hundreds of individual grievance, discipline or discharge matters which were referred to it, but it has also served the more profound purpose of influencing the RCMP as a whole in the improvement or elaboration of its human resource policies, and systemic change.

F. Jennifer Lynch, Q.C.
Acting Chairperson

Section II: Departmental Overview

Mandate, Role, and Responsibilities

The RCMP External Review Committee is a component of a two-level redress mechanism available to members of the Royal Canadian Mounted Police who are not satisfied with disciplinary actions, discharges or demotions, and with other Force decisions, acts or omissions which impact upon their employee rights and in respect of which no other redress process is provided by the *RCMP Act* or its Regulations. The Committee independently reviews grievances and appeals referred to it and submits recommendations to the RCMP Commissioner who acts as the second and last level of the review process. The RCMP Commissioner is not required to accept the recommendations of the Committee, but when he chooses not to do so, he is required to provide his reasons. His decision is final although it is subject to judicial review by the Federal Court.

Under the *RCMP Act*, the RCMP Commissioner refers all appeals of formal discipline and all discharge and demotion appeals to the Committee unless the member of the RCMP requests that the matter not be referred. In addition, pursuant to s. 33 of the *RCMP Act*, the RCMP Commissioner refers certain types of grievances to the Committee in accordance with regulations made by the Governor in Council. Section 36 of the *RCMP Regulations* lists the kind of grievances which the RCMP Commissioner has to refer to the Committee; they are as follows:

- a) the Force's interpretation and application of government policies that apply to government departments and that have been made to apply to members;
- b) the stoppage of pay and allowances of members made pursuant to subsection 22(3) of the *RCMP Act*;
- c) the Force's interpretation and application of the Isolated Posts Directive;
- d) the Force's interpretation and application of the RCMP Relocation Directive; and
- e) administrative discharge on the grounds of physical or mental disability, abandonment of post, or irregular appointment.

In each case, the member may request that the matter not be referred, in which case, the RCMP Commissioner has the discretion whether to refer the matter or not.

The Chairperson of the Committee reviews all matters referred to it. Where the Chairperson is dissatisfied with the RCMP's disposition of the matter he or she may

- a) advise the RCMP Commissioner and the parties of his Findings and Recommendations resulting from his review; or

- b) initiate a hearing to consider the matter. At the end of the hearing the Committee member(s) designated to conduct the hearing will advise the RCMP Commissioner and the parties of the Committee's Findings and Recommendations.

In practice, even when the Chairperson is satisfied with the original disposition, he or she advises the RCMP Commissioner and the parties of the reasons by means of Findings and Recommendations. The RCMP Commissioner may accept or reject the Committee's recommendations but if he rejects a recommendation, he must provide written reasons to the member involved and the Committee.

In conducting its review of matters referred to it, the Committee attempts to achieve a balance amongst the different interests referred to above while ensuring that the principles of administrative law are respected and the remedial approach taken by the *RCMP Act* is followed. In each case, the interests of the individual member of the Force must be balanced against those of the Force's management, of other members and of the force's clients: the public, as represented by Attorneys and Solicitors General.

Objective

To provide Canadians with civilian oversight of the Royal Canadian Mounted Police in certain matters pertaining to labour relations, in order to ensure a greater protection of RCMP members' rights.

Strategic Priorities

In achieving its objective, the RCMP External Review Committee is committed to providing the RCMP with impartial, useful, and timely advice on specific matters referred to the Committee, by :

- conducting its reviews in a manner that respects and balances the interests of the RCMP, its members and members of the Canadian public;
- developing and maintaining the trust and confidence of RCMP management and members that each case will receive an impartial review; and
- constantly reviewing its mandate with a view to further improving the openness, accountability and efficiency of the grievance/appeal process.

Business and Service Lines and Organization Composition

The RCMP External Review Committee has only one business line - *Case Review* - and has no service line.

The legislation provides for a full-time Chairperson, a Vice-Chairperson and three other members who can be appointed on a full-time or part-time basis, and who are available to assist with its work (e.g.: hearings). The Committee is currently operating with two members : the Vice-Chairperson who acts as Chairperson and another part-time member. The Vice-Chairperson is authorized by the Solicitor General (pursuant to subsection 26(2) of the *RCMP Act*) to exercise the powers and perform the duties of Chairperson. The Committee reports annually to Parliament. Case review and administrative support are provided by staff of five who report to the Chairman through the Executive Director. The Committee's offices are located in Ottawa.

Section III: Departmental Performance

A. Performance Expectations

Planned Versus Actual Spending Tables

Resource Requirements by Organization and Business Line

Comparison of Total Planned Spending to Actual Expenditures, 1996-97 by Organization and Business Line
(\$ millions)

Organization	Business Lines							TOTALS
	Business Line 1	Business Line 2	Business Line 3	Business Line 4	Business Line 5	Business Line 6	Business Line 7	
RCMP External Review Committee Case Review								
Case Review	.788							.788
	.640							.640
TOTALS	.788							.788
	.640*							.640*
% of TOTAL	81							81

Note: Shaded numbers denote actual expenditures/revenues in 1996-97.

* No hearings were held during the year.

Comparison of Total Planned Spending to Actual Expenditures, 1996-97 by Business Line

(\$ millions)

Business Line	FTE	Operating	Capital	Voted Grants and Contributions	Subtotal: Gross Voted Expenditures	Statutory Grants and Contributions	Total Gross Expenditures	Less: Revenue Credited to the Vote	Total Net Expenditures
Case Review	5	.788							.788
		.640							.640
Totals	5	.788							.788
		.640							.640
Other Revenues and Expenditures									
Revenue credited to the Consolidated Revenue Fund									
									.097
Cost of services provided by other departments									
									.097
Net Cost of the Program									
									.737

Note: Shaded numbers denote actual expenditures/revenues in 1996-97.

1. Operating includes contributions to employee benefit plans and ministers' allowances.

Departmental Planned versus Actual Spending by Business Line

(\$ millions)

Business Line	Actual 1993-94	Actual 1994-95	Actual 1995-96	Total Planned 1996-97	Actual 1996-97
Case Review	.576	.643	.671	.788	.640
Total	.576	.643	.671	.788	.640

Summary of Performance Expectations

RCMP External Review Committee	
to provide Canadians with:	to be demonstrated by:
Civilian oversight of the RCMP in certain matters pertaining to labour relations, in order to ensure a greater protection of RCMP members' rights	Impartial, useful and timely recommendations to RCMP Commissioner on cases referred to the Committee, in a manner that respects and balances the interests of the RCMP, its members, and members of the Canadian public

B. Performance Accomplishments

Coping effectively and efficiently with the workload was a priority for the Committee during 1996-97. Four years ago, the Committee voluntarily undertook several cost efficiency measures and restructuring initiatives which resulted in a significant downsizing of its organization and a reduction of its operating expenditures by over 50%. During the same period, it experienced a tripling of the number of cases referred to it, and has, since, experienced a substantial increase in the complexity of its cases (the workload has shifted from grievances to discipline cases). This had the effect of creating a backlog resulting in delays in the processing of certain cases. Through specific initiatives (such as the hiring of additional help, reducing the length of reports, eliminating some of the steps in the process, putting aside special projects), the Committee met the challenge and, by March 31, 1997, its backlog was cleared and processing time reduced considerably. The Committee's current plans are to ensure that cases without unusual complexities will be processed within 90 to 120 days.

While priority was being given to the elimination of the backlog and the delivery of a speedier service, the Committee continued to maintain the high quality level of services which it is particularly proud of delivering to its clients : the RCMP Commissioner and the members of the Force. Several indicators serve to demonstrate the success of the Committee in this regard, e.g.:

- since the creation of the Committee, some ten years ago, only one member chose not to have his case reviewed by the Committee;
- Divisional Staff Relations Representatives have recommended that the jurisdiction of the Committee be expanded to include more referable cases;

- the Committee's *Findings and Recommendations* are used within the Force for guidance in managerial decision-making and as precedents in the internal grievance and appeal process; they also sometimes result in changes being made to RCMP policies;
- in his decisions, the RCMP Commissioner regularly commends the Committee for its high quality work; and
- RCMP members frequently comment to the Committee on the quality and value of its work.

Section IV: Supplementary Information

A. Listing of Statutory and Departmental Reports

RCMP External Review Committee's Annual Report

B. Contacts for Further Information

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C. Financial Summary Tables

Summary of Voted Appropriations

Authorities for 1996-97 - Part II of the Estimates Financial Requirements by Authority (\$ millions)

Vote	(millions of dollars)	1996-97 Main Estimates	1996-97 Actual
	Program Case Review		
45	Operating expenditures	.738	.601
(S)	Contribution to Employee Benefits Plan	.050	.039
	Total Department	.788	.640

Legislation Administered by the Solicitor General of Canada

The Royal Canadian Mounted Police Act

Date R.S.C., 1985, c. R-10, as amended

ANNEX 1

CASES REFERRED TO ERC SINCE ITS CREATION

<i>YEAR</i>	<i>GRIEVANCES</i>	<i>DISCIPLINES</i>	<i>DISCHARGES</i>	<i>TOTAL</i>
1988-89	0	2	0	2
1989-90	6	7	0	13
1990-91	33	11	0	44
1991-92	32	3	0	35
1992-93	19	2	1	22
1993-94	55	6	0	61
1994-95	52	7	1	60
1995-96	18	13	1	32
1996-97	30	5	1	36
TOTAL	245	56	4	305