



RCMP External Review Committee

Performance Report

For the period ending
March 31, 2003

The Estimates Documents

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament.

The Estimates 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 results to Parliament and citizens on behalf of ministers. Departments and agencies are encouraged to prepare their reports following principles for effective performance reporting (provided in the *Guide to Preparing the 2003 Departmental Performance Report*: http://www.tbs-sct.gc.ca/rma/dpr/02-03/guidance/gl-ld_e.asp). 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 outcomes - benefits to Canadians and Canadian society - and describes the contribution the organisation has made toward those outcomes. It sets the department's performance in context, associates performance with earlier commitments, explains any changes, and discusses risks and challenges faced by the organisation in delivering on these commitments. Achievements realised in partnership with other governmental and non-governmental organisations are also discussed. Supporting the need for responsible spending, it 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 and agencies 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 reports of organisations according to the established principles, and provide comments to departments and agencies to help them improve in their next planning and reporting cycle.

This report is accessible 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:

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RCMP External Review Committee

Performance Report

**For the period
ending on
March 31, 2003**

A handwritten signature in cursive script, reading "Wayne Easter", positioned above a horizontal line.

Hon. Wayne Easter, P.C., M.P.
Solicitor General of Canada

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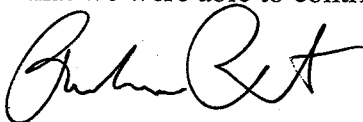
Part I: The Chair's Message

This is the *Performance Report* of the Royal Canadian Mounted Police External Review Committee for 2002-2003. In this report, you will get an overview of the work the Committee has accomplished during the course of the fiscal year and the extent to which the Committee has met its strategic objectives.

Created by Parliament through the *Royal Canadian Mounted Police Act*, the Committee is responsible for the civilian oversight of certain matters pertaining to labour relations within the RCMP. In fulfilling its legislative mandate, the Committee pursues two strategic objectives: to ensure the impartial review of cases and to promote information sharing.

During 2002-2003, the number of cases referred to the Committee has increased. Beyond the volume of cases, however, is the fact that very significant legal issues were aired before the Committee. Grievances regarding the payment of legal fees and instances of harassment were considered by the Committee during the year. In addition, some difficult disciplinary appeals were considered, including a complex case on the disclosure of confidential information by a member invoking a "whistleblowing" defence.

Recently, the RCMP has undertaken a review of the grievance process and the Committee has had discussions with various stakeholders, including management and staff representatives, on the implementation of these changes. Efficiencies are expected through an emphasis on early resolution of disputes and stricter time lines for both grievors and grievance respondents. At the RCMP's request, the Committee provided training to the adjudicators who will be part of this new process. I received much positive feedback on the contribution of the Committee to this training exercise and I am pleased that we were able to contribute to this evolving process.



Philippe Rabot
Chair

Part II: Context

The mandate of the RCMP External Review Committee is to ensure the civilian oversight of various labour relations issues within the RCMP. The Committee seeks to ensure the transparency and fairness of the disciplinary process and, in specific cases, the grievance process.

The Committee is independent and impartial: it is neither an advocate of RCMP members nor a representative of management. Reporting directly to Parliament through the Solicitor General, it is publicly accountable for its work in the same manner as other administrative tribunals and independent agencies of the Government of Canada.

In the case of the RCMP, management of labour relations is somewhat more complex than it may be in other settings because RCMP members are not unionized and terms of employment are not set out in a collective agreement. Many Treasury Board policies that apply to public servants also govern working conditions of RCMP members but, in addition, RCMP members are bound by requirements that are unique to the Force, such as a *Code of Conduct* that is set out in the *RCMP Regulations*.

Members of the RCMP can grieve decisions or actions that affect them personally. In certain cases, these grievances must be referred to the Committee before a final decision is taken by the Commissioner of the RCMP. Appeals of Adjudication Board decisions on disciplinary matters are also referred to the Committee for review prior to being adjudicated by the Commissioner. While he is not bound by the Committee's findings, the *RCMP Act* compels him to provide written reasons for his decision should he disagree with the Committee's findings and recommendations.

This impartial review mechanism aims to provide an unbiased and independent perspective on major issues that affect the quality of working relationships between RCMP management and its members. The Committee's primary objectives are to ensure that policies, and rules, are applied in a consistent, fair and logical manner across the country and over time.

There is a wide array of issues that the Committee may be called upon to address. In some instances, monetary considerations are involved, such as in the case of travel entitlements. However, many issues that come before the Committee involve non-monetary considerations that are nonetheless critically important to ensuring harmonious working relations. All of the Committee's findings are summarized in the quarterly *Communiqué*, available on the Internet at <http://www.erc-cee.gc.ca>.

Part III: Performance



Strategic outcome 1: Ensure an impartial review of cases

Strategic Outcome

The Committee's only line of business is to independently review certain cases referred by the RCMP Commissioner in accordance with the provisions of the *RCMP Act*. The key strategic outcome of the Committee is to ensure that this review of cases is done in an impartial manner that reflects the current state of the law and the factual circumstances of each case. This outcome is fundamental to fostering transparency and public confidence in the management of labour relations within the RCMP.

Key Partners

In pursuing its key objective, the Committee and its staff endeavour to keep abreast of all significant legal developments that are relevant to its work, in particular labour law and administrative law. Key partners in this regard are: colleagues in other independent government agencies and tribunals; other civilian oversight agencies; members of the bar involved in administrative and labour law issues.

Committee staff also maintain ongoing liaison with RCMP stakeholders. With respect to disciplinary appeals, staff meet periodically with Member Representatives and Appropriate Officer Representatives, who are lawyers acting respectively for members and for management in disciplinary proceedings. As for grievances, discussions and exchanges take place regularly with Staff Relations Representatives, who are elected by RCMP members to defend their interests.

Key Targets and Overall Results

A key target for this strategic outcome is to release findings and recommendations that are fair, well-reasoned and reflect the current state of the law on the matter. It can be somewhat difficult to assess the extent to which the Committee is succeeding in meeting these objectives. The fact that the Commissioner may or may not accept the Committee's findings and recommendations is not in itself a reflection of how well the Committee is performing. It is extremely rare that the Commissioner's decisions are subject to judicial review, providing even fewer opportunities for the Courts to comment upon the soundness of the Committee's findings and recommendations.

Of significant interest is the fact that parties before Adjudication Boards regularly refer to the findings and recommendations of the Committee in presenting their arguments in disciplinary cases. Indeed, Adjudication Boards often rely on the findings and recommendations of the Committee when setting out their reasons for decision in any disciplinary matter.

Finally, the Commissioner of the RCMP has acknowledged shortcomings in certain policies of the Force, as pointed out by the Committee, and taken corrective action on specific points. The development of a new policy on the duty to accommodate members with a disability, for instance, is illustrative of the deference afforded to Committee recommendations.

In terms of output, a total of 14 cases were pending before the Committee on April 1st 2002: four disciplinary cases and 10 grievances. These were cases referred to the Committee during the latter part of 2001-2002. They were all finalized in the early part of 2002-2003.

During the course of 2002-2003, 48 cases were referred to the Committee: five disciplinary matters, one case of administrative discharge and 42 grievances. Over the year, average processing time for grievances was of eight months. Disciplinary appeals and administrative discharge cases took, on average, less than eight months to finalize.

When possible, disciplinary appeals and administrative discharge cases are treated on a priority basis by the Committee, especially where the implications include possible termination of employment with the Force.

Program, resources and results linkages

The Committee's only line of business is the impartial review of cases. Most of the resources are allocated to the duties that are directly related to that function. Apart from research and writing, Committee staff members endeavour to keep their knowledge up to date by participating in conferences and in training workshops that address issues which are relevant to the Committee's work. This entails some travel, accommodation and registration costs.

In general, the Committee spends 90% of its time on case review. Committee Chair and staff wages amounted to \$516,504 for the year and operating expenses to \$172,644.

Management Practices

The Committee continues to work toward the full implementation of the modern comptrollership initiative. In collaboration with two comparable small agencies, the Committee completed an assessment of its modern management capacities and is now working on the development of an action plan with the help of outside experts. The plan will address the findings of the capacity assessment in such areas as integrated risk management; external reporting; operating information and management tools and techniques. The plan is expected to be finalized in 2003-2004 and will include an implementation schedule.

In the interim, certain measures have been adopted to allow the Committee to continue its focus on the impartial review of cases. This includes the adoption of a human resource plan that has led to key staffing action during the course of the year. This, in turn, has provided the Committee Chair with the level of support required to discharge his legislative mandate.



Strategic outcome 2: Promote exchanges of information

Strategic Outcome

Civilian oversight of the RCMP ensures public confidence in the management of the Force. In the context of labour relations, this is particularly important since the working conditions of RCMP members are not set out in a collective agreement and the public needs to have a high degree of confidence in the manner in which workplace disputes are addressed. For that reason, the dissemination of information to the public is an important objective.

Equally important is the exchange of information between members of the RCMP and the Committee. In pursuing this objective, the Committee seeks to ensure that members and management are aware of their rights and obligations. They must have current information on applicable policies and regulations, the relevant case law as well as on the findings and recommendations of the Committee on issues that may resurface from time to time.

Since its inception, the Committee has summarized its cases in a quarterly publication entitled *Communiqué*. This publication is sent out to all RCMP detachments and to various stakeholders in the area of labour relations and is available on the

Committee's Internet site: <http://www.erc-cee.gc.ca>. Our web site also offers tools for detailed searches of the Committee's findings and recommendations on any given subject.

Key Partners

In addition to the Commissioner and his key managers, the Committee works closely with Member Representatives and Appropriate Officer Representatives (on disciplinary issues) and with Staff Relations Representatives (on grievance issues). The Committee also maintains open lines of communication with regional managers and individual members, through means of publications, telecommunications, the Internet, and occasional site visits.

Key Targets and Overall Results

The key target in achieving this objective is to ensure a wide dissemination of information related to the work of the Committee, in a format that is readily accessible.

These resources are valuable for both members and management of the RCMP in dealing with ongoing labour issues. They are also used regularly by Staff Relations Representatives (who are elected by RCMP members and who provide advice and assistance on various work-related issues) as well as Member Representatives and Appropriate Officer Representatives, who are lawyers representing the parties in disciplinary and other specific cases.

In addition to these resources, Committee staff serve as points of contact to provide information to management and members of the RCMP in the areas of expertise of the Committee. This exchange of information contributes to a better understanding of the respective obligations of members and management of the Force which, in turn, can lead to early resolution of disputes.

In March 2003, in preparation for a new grievance process being launched in 2003-2004, the RCMP brought together all the adjudicators that will administer the grievances under new Commissioner's Standing Orders. At the request of the RCMP, Committee staff gave part of the training to the adjudicators and others who will be involved in the new grievance process. This was particularly beneficial in terms of ensuring a better understanding of the types of issues that are important to the Committee in its review of cases.

On a more strategic level, the Chairman of the Committee maintains liaison with the Commissioner and his staff on emerging issues of policy or law that relate to the Committee's mandate.

Program, resources and results linkages

Through *Communiqué*, the Committee has published summaries of all of its findings and recommendations. The publication 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 occasionally published for information purposes. One such example during the year was an article entitled *Case Law on the Duty of Loyalty of Public Servants* summarized the status of the law in this important area.

Committee staff continued to participate in discussions with RCMP managers on emerging issues within the RCMP, including the new grievance process and a proposed policy on the duty to accommodate members with a disability. As was done in previous years, the Committee held an information session for newly appointed Staff Relations Representatives, to sensitize them to the work of the Committee and the procedures for the referral of grievances.

The Committee's *Annual Report* for 2001-2002, presented to Parliament in the Summer of 2002, offered a full review of the Committee's activities for that year.

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 Chairman 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 \$60,000.

Management Practices

A key management practice that has furthered the objective of information sharing has been a dynamic approach to monitoring the Committee's website, in keeping with the *Government on line* initiative. Committee publications are made available on the website at the same time as they are released in written format. Committee findings and recommendations are included in the database of cases, available for online searches, as soon as they are released. Finally, the Committee has done work to publish its 2002-2003 *Annual Report* on CD-ROM in the Summer of 2003, which will allow easier access to online resources.

APPENDIX A

Table 1 - Summary of Voted Appropriations

Financial Requirements by Authority (thousands of dollars)				
		2002-2003		
Vote		Total Planned Spending	Total Authorities	Total Actual Spending
	RCMP External Review Committee - Case Review			
45	Operating Expenditures	832	899	822
	Capital Expenditures	-	-	-
	Grants and Contributions	-	-	-
(S)	Minister - Salary and motor car allowance	-	-	-
	Total Department	832	899	822

Table 2 - Comparison of Total Planned to Actual Spending

Departmental Planned versus Actual Spending (thousands of dollars)			
	2002-2003		
RCMP External Review Committee - Case review	Planned Spending	Total Authorities	Actual Spending
FTEs	6	6	6
Operating	832	899	822
Capital	-	-	-
Grants and Contributions	-	-	-
Total Gross Expenditures	832	899	822
Less:	-	-	-
Respendable Revenues*	-	-	-
Total Net Expenditures	832	899	822
Other Revenues and Expenditures	-	-	-
Non-respendable Revenues **	-	-	-
Cost of services provided by other Departments	103	103	103
Net Cost of Program	935	1002	925

*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)					
			2002-2003		
Case Review	Actual 2000-2001	Actual 2001-2002	Total Planned Spending	Total Authorities	Total Actual Spending
RCMP External Review Committee	592	698	832	899	822
Total	592	698	832	899	822

APPENDIX B

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