



# **RCMP External Review Committee**

## Performance Report

For the period ending  
March 31, 1998

Canada

## **Improved Reporting to Parliament Pilot Document**

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*.

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## Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis what was known as the annual *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*.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

This year, the Fall Performance Package is comprised of 80 Departmental Performance Reports and the government's "*Managing For Results*" report.

This *Departmental Performance Report*, covering the period ending March 31, 1998, provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's *Part III of the Main Estimates* or pilot *Report on Plans and Priorities* for 1997-98. The key result commitments for all departments and agencies are also included in *Managing for Results*.

Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government

The government continues to refine and develop both managing for and reporting of results. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

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

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## Key Results

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**To provide Canadians with:**

Assurances of the protection of RCMP members' rights, by way of civilian oversight of the RCMP in certain matters pertaining to labour relations within the RCMP.

**To be demonstrated by:**

Impartial, useful and timely recommendations to the 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, as supported by:

**Achievement reported in:**

Departmental Performance Report

- a high percentage of Committee's recommendations endorsed by the RCMP Commissioner; page 6

- the RCMP members' confidence in the Committee's work, as shown by client satisfaction surveys and percentage of members making use of the Committee; page 7

- the proportion and nature of changes made to legislation and RCMP policy resulting from the Committee's findings and recommendations; page 7

- an increasing number of cases processed within 120 days. page 6

## **Section I: The Chair's Message**

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The RCMP External Review Committee is a civilian organization overseeing Canada's federal police force with respect to its labour relations. It is mandated to provide the RCMP Commissioner with an impartial review of grievances and appeals from members who feel that they have been treated unfairly. The Committee's review process is designed to provide RCMP members with the opportunity to have their concerns listened to and addressed in a transparent and objective manner. At the same, police administrators retain ultimate control over labour relations matters as the Committee does not have the authority to require that its recommendations be given effect.

During 1997-98, the Committee continued to play that role effectively and efficiently. Efforts to reduce the amount of time taken to review grievances and appeals will continue, through a complete re-examination of the Committee's business processes. The Committee will retain the objective of providing a thorough review of all relevant issues in the matters before it, but also recognizes that the perceived effectiveness of this redress mechanism is very much tied to the issue of how quickly matters can be resolved, be it by submitting findings and recommendations to the Commissioner or by facilitating negotiations between the parties so that they can themselves resolve outstanding issues. The Committee plays a major leadership role with respect to labour relations in the RCMP and it will continue to strengthen its role through innovative approaches to dispute resolution.

As a result of taking the initiative, in 1992, of proposing and then implementing a 50% reduction in its resources, the Committee now operates as one of the smallest agencies in the federal government. With a total budget of a little under \$800,000, and a staff of five employees, the Committee's work provides Canadians with a relatively inexpensive system considering that it serves to reassure them that their federal police force (over 20,000 members) is well managed from a labour relations viewpoint.

Philippe Rabot  
Acting Chair

## **Section II: Committee Overview**

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### **A. Mandate, Vision and Mission**

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 Chair of the Committee reviews all matters referred to it. Where the Chair 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 Chair is satisfied with the original disposition, he 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 indicated by the *RCMP Act* is followed. In each case, the interests of the individual grievor/appellant of the Force are balanced against those of RCMP management, of other RCMP members, and members of the Canadian public.

## **B. Operating Environment**

### **Position in the Government and Co-delivery Partners**

The Committee is a component of the Ministry of the Solicitor General of Canada, and reports annually to Parliament. Its stakeholders are the members of the Royal Canadian Mounted Police.

### **Objective**

The Committee's main objective is to provide Canadians with assurances of the protection of RCMP members' rights, by way of civilian oversight of the RCMP in certain matters pertaining to labour relations within the RCMP.

### **Strategic Priorities**

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

## Challenges

- *Committee's lack of control of the number and nature of referrals*

The Committee does not control the number or the nature of cases referred to it. The number of referrals depends, in part, on the members' decision as to whether they should submit their case to Level II, and on the Force's interpretation of the *RCMP Regulations* which establish the Committee's jurisdiction. In fact, just as the Committee is not involved in the decision as to whether a matter should be referred to it, neither is it possible for the Committee to monitor, of its own motion, whether certain grievances were not referred to it which ought to have been. Section 36 of the *RCMP Regulations* provides that grievances relating to a number of matters are to be referred to the Committee. While sub-paragraph 36(b) through (e) are specific, this is not so with sub-paragraph 36(a) - the Force's interpretation and application of government policies that apply to government departments and that have been made to apply to members of the RCMP. Whether or not a matter is referable to the Committee under this provision requires an interpretation in each case. While the vague wording of sub-paragraph 36(a) only affects this one paragraph, it has disproportionate effects given that it accounts for a large part of the Committee's grievance referrals.

- *Legislative and Policy changes*

Any specific legislative and policy initiatives undertaken by the RCMP in the area of labour relations could potentially have a significant impact on the Committee's workload.

- *Ever-increasing complexity of cases referred to the Committee*

Grievances involving matters such as basic policy interpretation are becoming relatively less frequent as the Committee's workload shifts to more complex and sensitive matters such as discipline and discharge, and analysis of *Charter of Rights* issues.

## **C. Committee's Organization**

### **Business Line Description**

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

### **Organizational Structure**

The legislation provides for a full-time Chair, a Vice-Chair 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). During the year 1997-98, the Committee operated with two members : the Vice-Chair who acted as Chair and another part-time member. The Vice-Chair is authorized by the Solicitor General (pursuant to subsection 26(2) of the *RCMP Act*) to exercise the powers and perform the duties of Chair. The Committee reports annually to Parliament. Case review and administrative support are provided by a staff of five who report to the Chair through the Executive Director. The Committee's offices are located in Ottawa.

### Section III: Committee's Performance

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<b>RCMP External Review Committee</b>	
Planned Spending	\$788,000
<i>Total Authorities</i>	<i>\$819,042</i>
<b>1997-98 Actuals</b>	<b>\$620,239</b>

#### A. Performance Expectations

The following represents the Committee's performance expectations as reported in the 1997-98 *Report on Plans and Priorities* (Part III of the Main Estimates):

- coping effectively and efficiently with the workload;
- adapting to the new RCMP environment; and
- undertaking further cost-saving initiatives where possible.

#### B. Performance Accomplishments

Coping effectively and efficiently with the workload continued to be a priority for the Committee during 1997-98. While the Committee still has some progress to make in order to achieve its primary objective of processing all cases without unusual complexities within 120 days, it has taken measures to ensure that cases which have a significant impact on a member's career or involve significant amounts of money are reviewed on a priority basis, and this, without affecting the quality of its recommendations to the RCMP Commissioner, who continues to agree with the Committee in the vast majority of cases, for example, in 88 % of the grievance cases.

Specific initiatives were implemented to assist the Committee in clearing up the backlog of cases which had accumulated over the years; most of the backlog has now been cleared. As a result, cases identified as urgent can now be reviewed as soon as they are received.

While reducing the time frame for reviewing cases was an important objective of the Committee, it also undertook a number of key initiatives. Foremost among them are a review of its grievance related mandate, undertaken in 1996 at the initiative of the Committee. A joint working group was established composed of representatives of

RCMP management, RCMP members, and the Committee. The working group completed its report and is currently preparing specific proposals which will soon be put forward to the RCMP Commissioner, the Chair of the Committee, and the Executive of the Staff Relations Divisional Representatives. The objective of the review is to clarify the Committee's mandate with respect to the categories of grievances that it has jurisdiction to consider.

Proactively adapting to the new RCMP environment has also been one of the Committee's priorities during the year. The RCMP has, over the last few years, undertaken several initiatives aimed at cultural transformation, addressing morale issues, improving internal communications, and making the grievance process more efficient and effective. One of its major initiatives in this regard is the Alternate Dispute Resolution program which has implemented early interest-based approaches to resolution of disputes. The Committee has been very supportive of this initiative and has taken a proactive approach by encouraging negotiation and facilitating discussion between the parties. Greater use of alternative dispute resolution processes by the RCMP is expected to have a positive impact on labour relations within the Force by fostering a climate of trust, understanding and respect. The Committee will therefore be able to focus more attention on issues that have major repercussions within the RCMP.

Maintaining effective communications with its stakeholders has also been part of the Committee's key plans and strategies. In that respect, it continued to pursue certain key initiatives aimed at reinforcing positive relationships between the Committee and all levels of the RCMP, for example by maintaining regular contacts with RCMP management and members' representatives, meeting all new member representatives, addressing recruits at their training centre in Regina, issuing bi-monthly *Communiqués*, participating in activities surrounding the 125<sup>th</sup> anniversary of the RCMP, and working towards the establishment of an electronic data base of the Committee's Findings and Recommendations which will eventually be available to all members of the Force.

Preparedness for Year 2000 has represented another challenge for the Committee. Significant progress has been achieved in this area (i.e.: updating or modifying all of its computer systems and data bases). The Committee is confident that it will be ready for Year 2000.

There are two areas where there has been little progress during 1997-98. The first one is with respect to the client satisfaction survey referred to in the Chart of Key Results Commitments; the committee simply did not have the time or resources to proceed with this initiative and has chosen to postpone it until 1998-99. The second one relates to the identification of changes made to RCMP policies as a result of the Committee's work; the Committee is in the midst of developing an electronic data base which will help it attain this objective.

## Section IV: Financial Performance

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### Financial Table 1

#### Summary of Voted Appropriations

<b>Authorities for 1997-98</b>			
<b>Financial Requirements by Authority (thousands of dollars)</b>			
<b>Vote</b>	<b>1997-98 Planned Spending</b>	<b>1997-98 Total Authorities<sup>1</sup></b>	<b>1997-98 Actual</b>
<b>Program: Case Review</b>			
45 Operating expenditures	738	769	<b>570</b>
(S) Contributions to the Employee Benefit Plan	50	50	<b>50</b>
<b>Total</b>	<b>788</b>	<b>819</b>	<b>620</b>
<sup>1</sup> Total Authorities are main estimates plus operating budget carry-forward from the previous fiscal year.			

## Financial Table 2

### Comparison of Total Planned Spending to Actual Spending

<b>Planned versus Actual Spending by Business Line (thousands of dollars)</b>									
<b>Business Line (Case Review)</b>	<b>FTEs</b>	<b>Operating</b>	<b>Capital</b>	<b>Voted Grants &amp; Contri- butions</b>	<b>Subtotal: Gross Voted Expendi- tures</b>	<b>Statutory Grants and Contri- butions</b>	<b>Total Gross Expendi- tures</b>	<b>Less: Revenue Credited to the Vote</b>	<b>Total Net Expendi- tures</b>
<b>Program</b>									
<b>Expenditure</b>									
Planned	5	788	-	-	-	-	788	-	<b>788</b>
<i>Total Authorities</i>	<i>5</i>	<i>819</i>	-	-	-	-	<i>819</i>	-	<i>819</i>
<b>Actuals</b>	<b>5</b>	<b>620</b>	-	-	-	-	<b>620</b>	-	<b>620</b>
<b>Other Expenditures</b>									
<b>Cost of services provided by other departments</b>									
Planned									<b>88</b>
<i>Total authorities</i>									<i>88</i>
<b>Actuals</b>									<b>88</b>
<b>Net Cost of the Program</b>									
Planned									<b>876</b>
<i>Total authorities</i>									<i>907</i>
<b>Actuals</b>									<b>708</b>
<b>Note:</b> Numbers in italics denote Total Authorities for 1997-98 (Total Authorities are main estimates plus operating budget carry-forward from the previous fiscal year). Bolded numbers denote expenditures/revenues in 1997-98									

### **Financial Table 3**

#### **Historical Comparison of Total Planned Spending to Actual Spending**

<b>Departmental Planned versus Actual Spending by Business Line (thousands of dollars)</b>					
<b>Business Line</b>	<b>Actual 1995-96</b>	<b>Actual 1996-97</b>	<b>Planned Spending 1997-98</b>	<b>Total Authorities<sup>1</sup> 1997-98</b>	<b>Actual 1997-98</b>
Case Review	671	644	788	819	<b>620</b>
<b>Total</b>	<b>671</b>	<b>644</b>	<b>788</b>	<b>819</b>	<b>620</b>

<sup>1</sup> Total Authorities are main estimates plus operating budget carry-forward from the previous fiscal year.

#### **Financial Tables 4 to 15:**

These tables are not applicable to the RCMP External Review Committee.



## **Section V: Other Information**

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- **Legislation administered and associated Regulations**

The RCMP Act and Regulations

- **Statutory annual reports and other reports**

The RCMP External Review Committee Annual Report