



# RCMP External Review Committee

## Performance Report

For the period ending  
March 31, 2000

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 the *Part III of the Estimates* document for each department or agency into two separate documents: a *Report on Plans and Priorities* tabled in the spring and a *Departmental Performance Report* tabled in the fall.

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.

The Fall Performance Package is comprised of 83 Departmental Performance Reports and the President's annual report, *Managing for Results 2000*.

This *Departmental Performance Report*, covering the period ending March 31, 2000 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 *Report on Plans and Priorities* for 1999-00 tabled in Parliament in the spring of 1999.

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 its management systems and performance framework. 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/rma/dpr/dpre.asp>

Comments or questions can be directed to the TBS Internet site or to:

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# **RCMP External Review Committee**

## **Performance Report**

**For the  
Period ending  
March 31, 2000**

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

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## Section I: The Chair's Message

### **The Chair's Message**

I am pleased to report that the External Review Committee has made significant strides in the past year in providing more timely responses to matters that come before it and has developed new communications strategies to reach its target audience.

The 1999-2000 fiscal year, like several preceding years, began with a substantial backlog of cases being carried-over. Due to the changes in work methodologies, reports on the backlog cases, as well as all but one of the new cases received before January 1, 2000, were issued by March 1, 2000. Despite the significant improvement in the processing time, I intend to further reduce it for both grievances and appeals. The turnaround time for grievances in the current fiscal year is three months, rather than four. The appeal cases, which are generally more complex than the grievance matters, require more resources for proper review.

To fulfil the role assigned to it by Parliament, it is important that the External Review Committee's work be familiar to members of the RCMP across Canada, particularly those managers who have the responsibility of exercising personnel and financial management authority. We seek a pro-active approach that avoids disputes to begin with, rather than just resolving them when they occur. One of the primary means of communication is the Committee's "*Communiqué*", issued four times per year, that provides information on case reviews and articles on topics related to grievances and discipline. It has also been important to me that I make the effort to become intimately familiar with the RCMP, in all its facets and across the country. I have taken the opportunity during the year to visit many RCMP detachments and hear from members about the important work they are performing and some of their important concerns. These contacts have been very instructive for me and I have also been impressed by the dedication, openness and candour of everyone that I have met.

I also consider myself very fortunate at the Committee to be surrounded by a very talented and dedicated group of employees who are playing an instrumental role in making the External Review Committee more relevant to the day-to-day work of the RCMP.

Philippe Rabot  
Acting Chair



## **Section II: Committee's Performance**

### **A. Performance Expectations**

The key results that were initially set by the Committee in 1997 included one that aimed at achieving a high level of acceptance, by the Commissioner of the RCMP, of the Committee's recommendations. Further evaluation of this objective has led to change. The revised key result is: well reasoned findings and recommendations that are consistent with the evidence relevant policy and the law. The current turnaround time for the review of grievances had also been changed by reducing it from four to three months.

The current key results objectives are:

### **KEY RESULTS COMMITMENTS**

#### **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:**

The provision of 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:

- well reasoned findings and recommendations, consistent with the evidence, relevant policy and the law;
- the RCMP members' confidence in the Committee's work, as shown by the number of members making use of the Committee and feedback received from members;
- the changes made to RCMP policy and practice due to the Committee's findings and recommendations; and
- the processing of 60% of grievances within 3 months and the processing of 60% of discipline and discharge matters within 6 months.

#### **Achievement reported at page:**

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## **B. Performance Accomplishments**

### **Well-reasoned Reports**

The Committee aims to produce well-reasoned reports. This means that the best test of the quality of the Committee's findings and recommendations is rigorous scrutiny of the way it applies law and policy to the facts of each case. The well-reasoned recommendations are produced through:

- assessment of all issues presented by the parties as well as important issues not identified by them;
- thorough assessment of the RCMP adjudicators' decisions;
- clear and logical analysis of all facts;
- sound interpretation of relevant law and policy;
- knowledge of the RCMP adjudication procedures and practices; and
- appreciation of potential response to findings and recommendations.

Previous Committee performance reports indicated that the goal was to achieve a high level of endorsement, by the Commissioner of the RCMP, of the Committee's recommendations. After further consideration of this objective, the Committee concluded that producing well-reasoned reports is a more meaningful goal because the Committee seeks to provide a completely independent perspective on the issues that come before it.

### **Confidence in the Committee's Work**

RCMP members have frequently sought assistance from the Committee. The Committee answers queries and satisfies most of these requests. In some instances, however, RCMP members have wanted advice on how to prepare a grievance application. In these cases the Committee has declined to provide advice, since provision of this type of assistance would compromise the neutral status that the Committee must maintain.

The Committee publishes quarterly newsletters containing summaries of Committee findings and recommendations, Commissioner's decisions and judicial review decisions, as well as articles on issues related to grievances and disciplinary appeals. Feedback received from recipients of this newsletter shows that RCMP members want to continue receiving it. Partly in response to this feedback, the Committee recently widened the distribution of the newsletter.

### **Changes to RCMP Policy and Practice**

During the year under review, three of the Committee's reports to the Commissioner caused change to RCMP policy or practice. In one of these cases, the grievor's discontent arose from the

fact that he was not reimbursed for meal expenses incurred when he travelled about 80 kilometres in order to participate in a promotion examination. In recommending that the grievance be granted, the Acting Chair of the Committee pointed out that the RCMP policy-makers should avoid creating circumstances that might dissuade good candidates for promotion from participating in the promotion evaluations. The Acting Commissioner agreed that the policy on reimbursement of meal expenses was unfavourable to some candidates for promotion, and directed that this policy be reviewed.

Two disciplinary appeals raised the question of whether the proceedings had been initiated within the period prescribed by the *RCMP Act*. The Acting Chair of the Committee concluded that the prescribed time period of one year had passed before action was taken to appoint adjudication boards to hear the allegations, and recommended that the findings of the two boards and the sanctions imposed be quashed. The Commissioner accepted this recommendation and ordered an administrative investigation into the delays that had occurred in these two cases. After the investigation was completed, the Chief Human Resources Officer gave guidance to commanding officers relating to the prevention of excessive delay in disciplinary matters.

### **Time Taken to Complete Reviews**

The Committee's 1999-2000 objective in regard to turnaround time was:

- a) 60% of disciplinary appeal reviews completed within six months; and
- b) 60% of grievance reviews completed within four months.

The Committee met the specified time-frame in three of eight appeal cases and in eight of twenty-four grievances. The factors leading to the short-fall in both areas were:

- a) the number of backlog cases carried over from the previous year (five disciplinary appeals and thirteen grievances); and
- b) the turnover of personnel.

Since November, 1999, ten of thirteen grievance reviews have been completed within four months and eight in less than three months. For the current fiscal year the Committee changed its grievance turnaround time to three months. Three appeal reports issued since November 1999, have taken slightly more than six months to complete. The turnaround time objective for discipline appeals remains at six months.

## C. Financial Information

### RCMP External Review Committee

Planned Spending <sup>1</sup>	\$799,000
<i>Total Authorities</i> <sup>2</sup>	<i>\$851,034</i>
<b>1999-00 Actuals</b> <sup>3</sup>	<b>\$599,359</b>

- 
- <sup>1</sup> what the plan was at the beginning of the year;
- <sup>2</sup> what additional spending Parliament has seen fit to approve for departments to reflect changing priorities and unforeseen events; and
- <sup>3</sup> what was actually spent.

### **Section III: Consolidated Reporting**

#### **Transfer Payments**

The Committee did not make any grants, contributions or other transfer payments during the year.

#### **Special Travel Policies**

The only travel policy applied by the Committee during the year was the TBS Travel Directive.

#### **Material Management**

The Committee receives financial services from the Secretariat of the Solicitor General's department. The introduction of the Financial Management System has not presented any problems to the Committee.

#### **Statutory Annual Report**

Section 30 of the *RCMP Act* obliges the Committee Chairman to submit, to the Solicitor General, an annual report within three months of the end of each fiscal year. In view of this provision of the *RCMP Act* and the provisions of the Financial Administration Act, along with the proposed process for consolidated reports, the Committee does not intend to initiate consolidation of the annual report and the performance report.



**Section IV: Financial Performance**

**Financial Table 1**

**Summary of Voted Appropriations**

<b>Financial Requirements by Authority (thousands of dollars)</b>			
<b>Vote</b>	<b>1999-00</b>		
	<b>Planned Spending</b>	<b>Total Authorities<sup>1</sup></b>	<b>Actual</b>
<b>RCMP External Review Committee - Case Review</b>			
45 Operating expenditures	739	791	599
(S) Contributions to the Employee Benefit Plan	60	60	60
<b>Total Committee</b>	799	851	659
<sup>1</sup> <i>Total Authorities are Main Estimates plus Supplementary Estimates plus other authorities.</i>			

## Financial Table 2

### Comparison of Total Planned Spending to Actual Spending

<i>Departmental Planned versus Actual Spending (in thousands of dollars)</i>			
<i>RCMP External Review Committee - Case Review</i>	<i>1999-00</i>		
	<i>Planned</i>	<i>Authorized</i>	<i>Actual</i>
<i>FTE's</i>	5	5	5
Operating	799	851	599
Capital	-	-	-
Voted Grants & Contribution	-	-	-
Sub-total: Gross Voted Expenditures	-	-	-
Statutory Grants & Contributions	-	-	-
<b>Total Gross Expenditures</b>	<b>799</b>	<b>851</b>	<b>599</b>
<b>Less:</b>			
<b>Respendable Revenues<sup>1</sup></b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Net Expenditures</b>	<b>799</b>	<b>851</b>	<b>599</b>
<b>Other Revenues and Expenditures</b>			
<b>Non-respendable Revenues<sup>2</sup></b>	<b>124</b>	<b>124</b>	<b>124</b>
<b>Cost of services provided by other departments</b>			
<b>Net Cost of the Program</b>	<b>923</b>	<b>975</b>	<b>723</b>
<sup>1</sup> These revenues were formerly called "Revenues Credited to the Vote". <sup>2</sup> These revenues were formerly called "Revenues Credited to the "CRF".			

### Financial Table 3

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

<b>Historical Comparison of Departmental Planned versus Actual Spending (thousands of dollars)</b>					
	<b>Actual 1997-98</b>	<b>Actual 1998-99</b>	<b>1999-00</b>		
			<b>Planned Spending</b>	<b>Total Authorities<sup>1</sup></b>	<b>Actual</b>
<b>RCMP External Review Committee</b>	<b>620</b>	<b>710</b>	<b>799</b>	<b>851</b>	<b>599</b>
<b>Total</b>	<b>620</b>	<b>710</b>	<b>799</b>	<b>851</b>	<b>599</b>
<sup>1</sup> Total Authorities are Main Estimates plus Supplementary Estimates plus other authorities.					





## **Section V: Committee Overview**

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

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 section 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* specifies the grievances with the RCMP Commissioner is obliged to refer to the Committee, namely grievances respecting:

- the Force's interpretation and application of government policies that apply to government departments and that have been made to apply to members;
- the stoppage of pay and allowances of members made pursuant to subsection 22(3) of the *RCMP Act*;
- the Force's interpretation and application of the Isolated Posts Directive;
- the Force's interpretation and application of the RCMP Relocation Directive; and
- 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 not satisfied with the RCMP's disposition of the matter, he may

- advise the RCMP Commissioner and the parties of his Findings and Recommendations resulting from his review; or
- 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 for so doing.

In conducting its review of matters referred to it, the Committee attempts to achieve a balance amongst the many complex and different interests involved while ensuring that the principles of

administrative and labour law are respected and the remedial approach indicated by the *RCMP Act* is followed. In each case, the Committee must consider the public interest, ensure respect for the right of RCMP members to fair treatment in accordance with the spirit of the Act and the Public Service's internal regulations, and ensure that RCMP management is in a position to manage its labour relations in such a way as to maintain public confidence.

## **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.

## C. Committee's Organization

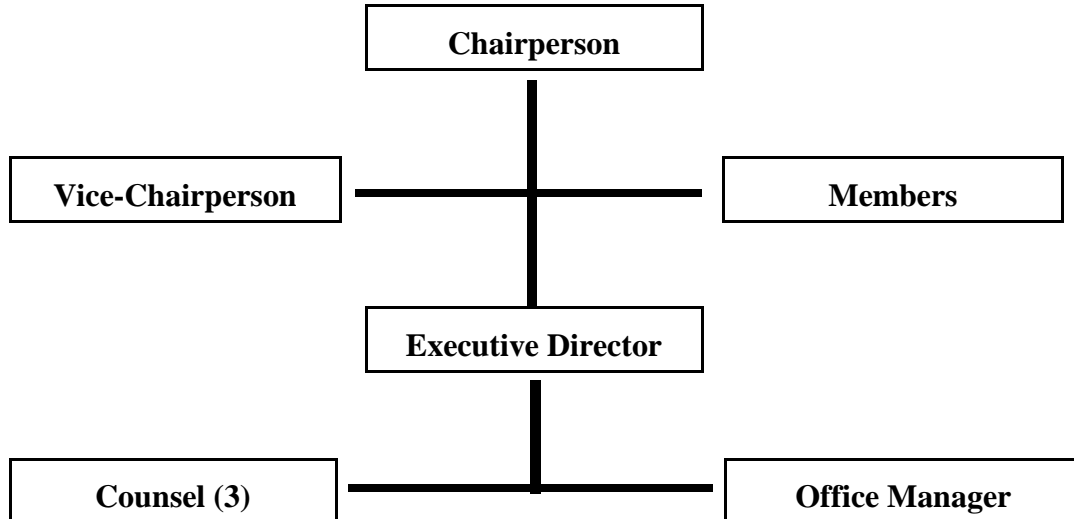
### Business Line Description

The RCMP External Review Committee has only one business line - *Case Review*.

### Organizational Structure

The Committee is a component of the Solicitor General portfolio. Under the legislation, the Committee is composed of 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 the work (e.g.: hearings). Currently, however, the Committee operates with only one member, the Vice-Chair, who is authorized by the Solicitor General (pursuant to subsection 26(2) of the *RCMP Act*) to perform the duties of the 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. The Committee's partners, which include the RCMP Public Complaints Commission and the Ministry of the Solicitor General, lend premises or equipment, or provide services the Committee would otherwise have to finance from its own resources.

### Organizational Chart





## **Section VI: Other Information**

### **A. Contacts**

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### **B. Legislation**

The Solicitor General is responsible to Parliament for the *RCMP Act*, the primary legislation governing the External Review Committee. The Committee has responsibility for the regulations governing Committee procedures.