



# **RCMP External Review Committee**

## **Performance Report**

For the period ending  
March 31, 2002

**Canada**

## 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 of results through ministers to Parliament and citizens. Departments and agencies are 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 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 and discusses risks and challenges faced by the organisation in delivering its commitments. The report also associates performance with earlier commitments as well as achievements realised in partnership with other governmental and non-governmental organisations. 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 of the organisation 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.

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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:

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**For the period  
ending on  
March 31, 2002**

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

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

I am pleased to present the *Performance Report* of the Royal Canadian Mounted Police External Review Committee for 2001-2002.

The role of the Committee is to review certain labour relation cases that are reviewable under the *Royal Canadian Mounted Police Act*. In fact, that is its only area of activity. To that end, the Committee pursues two strategic objectives, namely, to ensure the impartial review of cases and to promote information sharing.

These two strategic objectives allow the Committee to fulfil its legislative mandate and contribute to the transparency of the disciplinary process and the resolution of certain grievances within the RCMP. This year, I had the opportunity to discuss the issues addressed by the Committee with several members of the RCMP at all levels. My team and I met with the newly elected division representatives to explain the Committee's functions, summarize recent grievance decisions and answer related questions. Other meetings allowed us to discuss the changes made with respect to discipline and those planned for the grievance process.

During the year, the Committee dealt with a particularly difficult issue, namely, the RCMP's duty to accommodate the needs of regular RCMP members with a disability. Considering the evolution of Court decisions in this area, it seems that the RCMP is facing significant challenges with respect to the current process for assessing the skills of members with a disability. The Committee has already received other files raising issues related to those dealt with throughout the year concerning medical discharge. Therefore, it is an issue that will again be the subject of future recommendations.

During the year, I had the privilege of being appointed as Chair of the Committee for a five-year mandate after having been Acting Chair for three years. It is fascinating work, with a vast range of issues to be dealt with and the legal aspects that they raise are most interesting. The team around me puts a lot of heart and energy into the work and I am grateful to them.

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>.

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 exchange of information.



## **Strategic outcome 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 a number of municipalities and aboriginal communities throughout the country. Its members are called upon to work in various conditions, 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 and because RCMP members are not unionized, 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 or that are the subject of a grievance 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 with RCMP management and RCMP members 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 amounted to \$435,831 for the year and operating expenses to \$200,396.



## Results

At the beginning of the year, 3 disciplinary files and 3 grievances that were received in the preceding year were being reviewed by the Committee. In 2001-2002, the Committee received 16 grievances and 5 disciplinary files. In the majority of cases, the processing time was less than 3 months for grievances and 6 months for disciplinary files. One of the grievances received during the year was returned to the RCMP because it was not part of the types of grievances that can be referred to the Committee, pursuant to section 36 of the *Royal Canadian Mounted Police Regulations*.

The Committee finalized recommendations in 12 cases during the year, namely, 4 disciplinary appeals and 8 grievances. With respect to the grievances, the Committee reviewed 4 dealing with the RCMP's interpretation and application of government policies. One grievance dealt with the interpretation and application of the *RCMP Relocation Directive*. Three grievances dealt with the rather complex issue of medical discharge. In one of these three grievances, the Committee recommended that the grievance be denied because the member had not presented any evidence at all in support of the grievance. As for the two others, the Committee found that the grievances should be allowed. The Committee reviewed the evolution of the jurisprudence in this area, particularly the Supreme Court of Canada's decision in *British Columbia (Public Service Employee Relations Committee) v. BCGSEU*, [1999] 3 S.C.R. 3. According to the Committee, it is up to the RCMP to demonstrate that it would suffer an undue hardship if it had to accommodate the grievor. The RCMP presented no such evidence. In conclusion, the Committee indicated that the RCMP did not fulfil its obligations toward members with a disability, particularly for the purpose of finding alternate employment within the organization.

As for the disciplinary files, one file raised a significant procedural issue and the Committee thought it advisable to proceed to a hearing. This file dealt with the evidence established by the certificate signed pursuant to subsection 43(9) of the *RCMP Act*. This certificate normally establishes that the disciplinary procedure was instituted within the time limit prescribed. The Committee noted that when evidence to the contrary is presented, the certificate may be questioned. According to the Committee, any credible evidence is admissible that establishes that the appropriate officer was likely made aware of the events in question on a different date than that which appears on the certificate.

Two other disciplinary files dealt with, among other things, the abusive use of a service weapon. In one of these files, for example, the Committee indicated that the sole fact that the member tried to influence the behaviour of his son, who was 15 years old at the time, by using his service weapon, was enough to terminate his employment. Finally, a fourth file dealt with the importance of the principle of parity of sanctions.

In all the cases, an in-depth review of the circumstances allowed the Committee to make clear and impartial findings and thus submit recommendations to the RCMP Commissioner that reflect the primary strategic objective of the Committee. It should be noted that no members requested that their case *not* be referred to the Committee, which testifies to the confidence that RCMP members have in the Committee.



## **Strategic outcome 2: Promote exchanges of information**

### Context and history

Ever since the Committee was struck, information sharing has always been an important objective. 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 and to various stakeholders in the area of labour relations.

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 Chairman 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 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 \$50,000.

### Results

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 published throughout the year. For example, the article entitled "Medical Discharge and the Duty to Accommodate in the RCMP" summarized the status of the law in this important area.

During the year, the RCMP conducted an internal review of its grievance process. The Committee staff participated in discussions with the managers responsible for this project at the RCMP during which they presented the Committee's perspective on the matter. The Committee held an information session for division representatives, and individual meetings were held with RCMP managers at Headquarters and in the regions. These exchanges encouraged the sharing of information on grievances and discipline.

### **Part III: Financial Performance**

For 2001-2002, the Committee had a budget of \$866,000 and expended a total of \$721,214. This amount includes salary expenses (\$435,831) and employee benefit planning contributions (\$84,987).

The Committee directly pays the cost of most of the goods and services it uses. Operating costs amounted to \$200,396. Some services are shared with or provided by the Solicitor General's Department; informatics, staffing and some financial services are cases in point. Some costs—e.g., office space leases—are borne by other Departments; these total about \$104,000/year, without cost for the Committee (Table 2).

## **APPENDIX A**

**Table 1 - Summary of Voted Appropriations**

<b>Financial Requirements by Authority (thousands of dollars)</b>				
		<b>2001-2002</b>		
<b>Vote</b>		<b>Planned Spending</b>	<b>Total Authorities</b>	<b>Actual</b>
	<b>RCMP External Review Committee - Case Review</b>			
45	Operating Expenditures	820	866	721
	Capital Expenditures	-	-	-
	Grants and Contributions	-	-	-
(S)	Minister - Salary and motor car allowance	-	-	-
	<b>Total Department</b>	820	866	721

**Table 2 - Comparison of Total Planned Spending to Actual Spending**

<b>Departmental Planned versus Actual Spending by Business Line (thousands of dollars)</b>			
	<b>2001-2002</b>		
<b>RCMP External Review Committee - Case review</b>	<b>Planned Spending</b>	<b>Total Authorities</b>	<b>Actual Spending</b>
FTEs	6	6	6
Operating	820	866	721
Capital	-	-	-
Grants and Contributions	-	-	-
Total Gross Expenditures	820	866	721
Less: Respendable Revenues*	-	-	-
Total Net Expenditures	820	866	721
Other Revenues and Expenditures	-	-	-
Non-respendable Revenues **	-	-	-
Cost of services provided by other Departments	89	89	104
Net Cost of Program	909	955	825

\*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**

<b>Historical Comparison of Departmental Planned versus Actual Spending (thousands of dollars)</b>					
			<b>2001-2002</b>		
<b>Case Review</b>	Actual 1999-2000	Actual 2000-2001	<b>Planned Spending</b>	<b>Total Authorities</b>	<b>Actual</b>
RCMP External Review Committee	599	578	820	866	721
<b>Total</b>	599	578	820	866	721

## **APPENDIX B**

### **Resource Person**

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