



Canadian Forces Grievance Board

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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Available in Canada through your local bookseller or by mail from

Canadian Government Publishing — PWGSC

Ottawa, Canada K1A 0S9

Catalogue No. BT31-4/86-2002

ISBN 0-660-62087-1



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.

This report is accessible electronically from the Treasury Board of Canada Secretariat Internet site:
<http://www.tbs-sct.gc.ca/rma/dpr/dpre.asp>

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Canadian Forces Grievance Board



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For the period ending
March 31, 2002

The Honourable John McCallum, P.C., B.A., Ph.D.
Minister of National Defence

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Message from the Chairperson

I am pleased to submit the Canadian Forces Grievance Board's (CFGB) first Performance Report, for the period ending March 31, 2002. The report outlines the Board's key accomplishments during its first full fiscal year of operations.

When the Vice-Chairperson and I started our new jobs with the Board, two cell phones constituted our prime office equipment. We spent the first several months of our work discharging the complex myriad of tasks that needed to be completed in order to have a functioning organization in place. When we agreed to the assignment of establishing a completely independent new organization in government, we could not have fully envisioned the tremendous challenge that lay ahead of us.

I look back now with amazement that we were able to get the Board up and running as soon as we did and that we were reviewing grievances within six months of the organization's official launch in June 2000. It took the concerted effort of many people, working together diligently and with great dedication, to make it happen.

When we developed our business strategy, articulated in our 2001-02 Report on Plans Priorities (RPP), we had an ambitious three-year plan. We soon saw that the best-laid plans require constant adjustments along the way. In our 2001 Annual Report to Parliament, we talked about the challenges we faced during our first eighteen months of existence and some of them have been shared with you again in this report.

I am particularly proud of what we have been able to accomplish, in spite of the demands we faced and it is a reflection of the dedication of Board Members and staff that as of March 31, 2002 we had delivered 435 findings and 259 recommendations on 123 grievance cases to the Chief of the Defence Staff.

I am also proud of the fact that, from the outset, we took steps to institute modern management practices in the overall administration of the CFGB. I am a firm believer in the government's modernization agenda and I have been grateful for the tools, assistance and funding provided to us by the Treasury Board of Canada Secretariat, which allow us to better pursue our strategy of effective leadership in managing the Board's affairs.

Board management recognized, when we developed our first RPP, that it would take at least three years to fully establish the organization. Healthy organizations continuously improve and I have no doubt that after we have passed the three-year mark, we will continue to be in a state of evolution, always striving to do better, in order to achieve results.

The Canadian Forces Grievance Board made substantial progress during its first year and a half of existence. We will continue to pursue the strategies shared with you in this report and we will measure our performance against our planned results. The management team intends to improve upon the good rate of progress already shown by the Board, thus ensuring that our constituents are well served, namely, members of the Canadian Forces, the Chief of the Defence Staff and the Canadian public.

Paul-André Massé
Chairperson, Canadian Forces Grievance Board

Section I – Background, Context and Strategies

Contributing to Public Policy Values

The CFGB is an independent, arms-length organization that was created through amendments to the *National Defence Act (NDA)* approved by Parliament on December 10, 1998. The need for such an organization was spawned over nearly two decades, beginning in 1980, when the Supreme Court of Canada affirmed the need for a separate parallel system of justice to meet the unique requirements of military discipline. In 1997, the Special Advisory Group on Military Justice and Military Police Investigation Services, chaired by the late Right Honourable Brian Dickson, clearly confirmed the need to separate, on an institutional basis, the investigative, prosecutorial, defence and judicial functions within the military. This happened at a time when growing media coverage gave the impression that military discipline issues were compromising the government's public policy values of equity, transparency and fairness for all.

While the Board's day-to-day role is to review individual grievances and submit findings and recommendations to the Chief of the Defence Staff (CDS), its role in support of the public good is much broader in scope. The creation of the Board demonstrates the Government of Canada's desire to put in place the most efficient, transparent and humane grievance process possible in order to contribute to improved conditions of work in the Canadian Forces.

The amendments that were made to the *NDA* were aimed at modernizing and strengthening the justice system within the military, and this included making the whole grievance review process simpler and shorter for members of the Canadian Forces. Prior to the amendments, the grievance review process was perceived as involving too many levels of review, leaving the impression that it was slow and unresponsive. In addition, the process was seen as being too closely linked to the chain of command and lacking any external input.

Exercising Powers in Accordance with the Public Interest

The role of the Board is to conduct an expeditious, objective and transparent review of grievances with due respect to fairness and equity for each individual member of the Canadian Forces, regardless of rank or position. The Board has the powers of an administrative tribunal to summon civilian or military witnesses, as well as order testimony under oath, and the production of documents. Hearings are held in-camera, in the interests of individual privacy. Nonetheless, the Chairperson could decide to hold public hearings when it is deemed the public interest is at stake.

Administrative tribunals provide a mechanism outside the court system for the speedy resolution of complex matters. Acting independently of the government, they have the power to make recommendations or decisions through enabling statutes of Parliament. Such powers permit a tribunal to determine the scope of rights and obligations in a particular field of expertise. Further, these powers must be exercised in accordance with the public interest and the specific circumstances prevailing in the tribunal's area of activity. As is the case with other independent organizations that operate at arms-length, CFGB operations cover a very specific area of jurisdiction.

As a public body, the CFGB must be transparent to the public but above all to the CDS and military personnel, as it addresses Canadian Forces' grievances. The Board is accountable to parliament through annual reporting.

The Board is made up of a Chairperson, a full-time Vice-Chairperson, a part-time Vice-Chairperson and two part-time Members. All are appointed by Governor-in-Council, for terms not exceeding four years. The Board is supported in its work by experts in the fields of labour relations, human resources and law.

CFGB organization charts, showing key work relationships, can be found at Annex A.

Work of the Board

The Board officially opened its doors and began operations on June 15, 2000, when it received its regulatory authority. The importance of the role of the Board can best be understood by knowing that the Canadian Forces is the single largest employer nationally (close to 80,000 members including the reserves), with operations in Canada and abroad.

Prior to the amendments to modernize the *NDA*, there could have been up to seven levels of review in a grievance process. The *NDA* now provides for only two levels of authority in reviewing grievances, thus making the whole process simpler and shorter. The first level is the initial authority in a position to review the grievance and grant redress. Any grievor who is not satisfied with this initial decision may submit an application for review to the CDS, who represents the second and final level in the grievance procedure.

Any officer or non-commissioned member of the Canadian Forces who has been aggrieved by a decision, act or omission in the administration of the affairs of the Canadian Forces is entitled to submit a grievance before the effective date of his/her release of the Canadian Forces.

All grievances referred for CDS adjudication are sent to the Director, Canadian Forces Grievance Administration (DCFGA). The DCFGA office is within the chain of command and is responsible for referring to the adjudicating authority all grievances related to performance appraisals, promotions, postings, training and other career issues. The DCFGA is required to refer to the CFGB all other grievances, described in the following paragraph.

The CFGB deals with any grievance relating to deductions from pay and allowances; reversion to a lower rank or release from the Forces; the application and interpretation of policies relating to the expression of personal opinions, political activities, and candidature for office, civil employment, conflict of interest and post-employment compliance measures, harassment or racist conduct; pay, allowances and other financial benefits; the entitlement to medical care and dental treatment and grievances concerning a decision or an act of the CDS.

The CDS may also decide to refer other types of grievances to the Board for recommendation. The CFGB makes findings and recommendations to the CDS regarding grievances that are referred to it but final decision power rests with the CDS. However, while the recommendations do not bind the CDS, if he or she decides to not follow them, a written explanation must be provided.

Justice Based on Law

The Board plays a unique role in regard to the Canadian Forces' grievance review process. Unlike other organizations, there are no unions or employee associations in the military. While the Board considers fairly the rights of military personnel, it must maintain complete objectivity and impartiality, protecting and balancing the rights of both the grievors and of the Canadian Forces.

Labour law in the military context is entirely different from what experts in labour law would normally face in the civilian world. The conditions of employment in the Canadian Forces are unilaterally set by regulations and subject to the authority of the CDS and, to a certain extent, may involve the exercise of Royal Prerogative.

Since the very notion of applying the general principles of labour relations within the military context is a new one, and the Board has only been in existence for a relatively short time, there is little existing jurisprudence on which the Board can base its findings. Therefore, the Board has had to undertake original research into the law set by courts and the precedents established by other quasi-judicial bodies, with a view to adapting these to the unique military context.

The Board brings to bear the full weight of related laws and jurisprudence when submitting its findings and recommendations on grievances to the CDS. These findings and recommendations will, at times, lead to amendments to existing regulations or other systemic changes affecting many individuals in the Forces.

It is expected that, with time, the legal precedents established by the Board will have a positive impact on the conditions of work for all military personnel, enhancing their pride in the work that they do on behalf of their fellow Canadians.

Major Factors Influencing the Board

There are external and internal factors impacting on the Board's strategies.

The external factors are as follows:

- ⇒ As a new organization in government, expectations exist regarding the Board's performance.
- ⇒ There likely exists a degree of skepticism among members of the military that the Board will actually make a positive difference in the resolution of grievances.
- ⇒ Opinion leaders on military affairs have expressed some cynicism about the Board's usefulness in the grievance resolution process.
- ⇒ There exists a certain degree of confusion, at large, about the different players overseeing the same or similar matters, i.e., the Canadian Forces Grievance Administration, the Ombudsman, the Military Police Complaints Commission and the Alternate Dispute Resolution process.

The internal factors are:

- ⇒ The Board's mandate contains an inherent challenge that is not easy to reconcile, i.e., the requirement to act expeditiously yet fairly, in presenting findings and recommendations on grievances.
- ⇒ The organization requires knowledge workers with highly developed skills and abilities, and recruiting and retaining these scarce and highly sought resources has proved to be a challenge.

The Board is a completely independent, quasi-judicial organization whose relationship with the Canadian Forces is one that is based on the legal requirements set out in the *Act* that governs them both. It is important that a separation be seen to exist between the two, not only organizationally but also in fact.

The major challenges facing the Board are to be able to develop a climate of confidence in the role played by the Board; to sway the opinion of the media and military opinion leaders and to distinguish its role from that of other players involved in the arena of improving relations within the military.

The Board was created, as part of the modernization of the government's justice system within the military, to be an independent, impartial organization conducting fair, transparent and expeditious reviews. Risk assessment statement: If the Board is not perceived to be meeting the expectations established regarding its role in the review of grievances, this could shake public confidence in the government's reform of the administrative justice system within the military.

It is important to note that with the many players involved in the Canadian Forces' grievance review process and the administrative justice system within the military, not all factors are within the sole control of the Board to achieve the strategic outcomes it has established.

One of the strongest opportunities in favour of the Board is that it is still relatively new and both Board Members and staff are well prepared to face the challenges placed before it.

Strategic Outcomes

- ❖ Contribution to increased confidence among members of the Canadian Forces and the public that the principles of fairness and integrity underlie the administrative justice system within the military and contribution to improved conditions of work in the Canadian Forces, through the fair and impartial review of grievances.

Results

1. The CDS and members of the Canadian Forces are confident that the Board's findings and recommendations are objective, timely, fair and impartial.
2. The work of the Board has a positive impact on the conditions of work for military personnel and contributes to a better understanding and application of regulations, policies and guidelines governing the conditions of work in the Canadian Forces.
3. Members of the Canadian Forces and the Canadian public express confidence in the principles that underlie the administrative justice system within the military.

Strategies

The Board finalized its first Report on Plans and Priorities in February 2001, covering the years 2001-02 to 2003-04. It was based on five key strategic thrusts to achieve results. They are: effective leadership, communications, knowledge management, professional development and sound performance management. The reasoning behind the chosen strategies is as follows:

❖ Professional Development

In a knowledge-based organization, employees are both the organization's engine and key resource. Such is the case for the CFGB. In order to do its grievance review work effectively, the Board's hiring and training programs must reflect the professional skills sets it requires.

❖ Knowledge Management

The acquisition, sharing, use and retention of knowledge are key to both continuous learning and the development and maintenance of expertise in a knowledge-based organization.

❖ Communications

The Board is a new organization whose mandate and work needs to be communicated in order to raise confidence among members of the military and the Canadian public in the role that it plays.

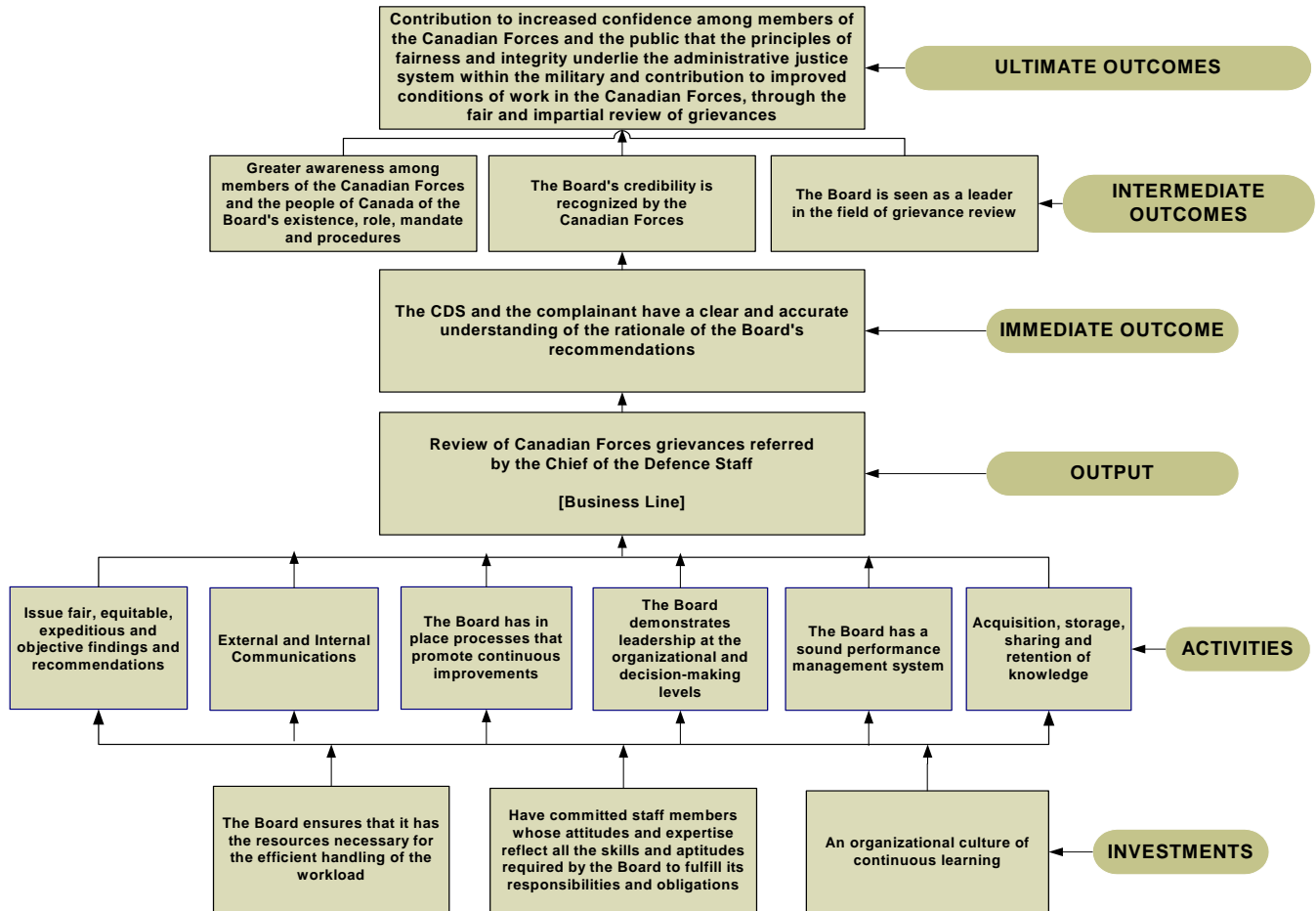
❖ Effective Leadership

An organization is only as good as the way it is led and managed. For the Board to operate effectively and deliver results to Canadians efficiently, the principles of modern comptrollership must prevail.

❖ Sound Performance Management

In order to demonstrate that the Board is effectively serving the CDS, members of the military and the Canadian public, means of assessing the Board's performance must be in place on several fronts.

Section II – Results Chain and Utilization of Resources



The CFGB prepared the above results chain, based on the commitments made in its 2001-02 RPP, so that readers of this performance report can readily understand the logical relationship between the Board's activities, outputs and outcomes.

❖ INVESTMENTS

As can be seen in the results-based Logic Model, the Board could not operate without the necessary investments, namely funding to operate as a quasi-judicial administrative tribunal and professional workers, supported by an enabling organizational culture.

❖ OUTPUT

The Board's output is "the review of grievances submitted by members of the Canadian Forces and referred by the Chief of the Defence Staff".

❖ IMMEDIATE OUTCOME

The immediate outcome of the Board's work is that the complainant and the CDS have a clear and accurate understanding of the rationale of the Board's recommendations. Most importantly, the findings and recommendations submitted by Members of the Board must be seen by both parties to be impartial, fair and transparent.

❖ INTERMEDIATE OUTCOMES

The intermediate outcomes of the Board's work will be realised over a five-year horizon. The CFGB is a new organization and awareness and credibility will not be achieved overnight.

❖ ULTIMATE OUTCOMES

Its strategic outcomes reflect the long term enduring results for Canadians that should be expected, given the context in which the Board was created.

The Board spent the first several months of its existence establishing the necessary infrastructure to operate as an administrative tribunal. In addition to reviewing grievances, its first full fiscal year of operations was spent on activities considered critical to its success. Preliminary steps were taken to build a performance information database, however, as of March 31st, 2002, insufficient data existed from which the Board could draw any "lessons learned". The CFGB is still in the process of establishing a new organization. Once it has a reasonable period of existence behind it, Board management will be in a position to use integrated performance information in order to make adjustments and to take action as necessary.

Given the foregoing explanations provided in this section, the performance discussion in the next section of this report will be on the activities and outputs that reflect the Board's commitments in its 2001-02 RPP.

The Board spent slightly more than \$7,063 million of the \$9,043 million dollars it had been allocated for 2001-02. The main expenditures were for salaries, benefits and professional services fees to hire grievance analysts and lawyers to do the work of the Board. These costs also include those associated with corporate services support. They account for 60% of the Board's expenditures.

Approximately 6% was spent on special projects and one time start-up costs associated with establishing the Board's operations. To provide just one example of the latter; the establishment of the human resources management framework required a significant one time major investment, in part to have all the job descriptions written, classified and translated and to develop the competency profiles for all the core operations' jobs.

Operations and maintenance costs reflect 34% of expenditures.

It was planned to have the equivalent of 67 full-time employees in 2001-02, however, for the reason provided in the next paragraph, the Board finished the fiscal year having had the equivalent of only 48 full-time employees on staff.

The Board did not expend all of the monies it had been allocated in its 2001-02 budget, mainly because of difficulties experienced in recruiting and retaining qualified personnel during its first year of operations. This impacted on the Board's ability to review the outstanding grievances from the former review process that had been in place prior to the Board's existence. In order to allow the Board to continue to make progress in its review of outstanding grievances, two million dollars was re-profiled to fiscal year 2002-03, in the Annual Reference Level Update.

The financial tables can be found in Section V of this report.

Section III – Performance Discussion

Effective Leadership

The Chairperson's annual message, contained in the Board's 2001 report to Parliament contained the following words:

“Attending to all of our management obligations takes time and energy, however, I think we were fortunate to be entering the Public Service as a new organization, just as the government's reforms were underway. We have been able to take advantage of the various initiatives launched by the central agencies, allowing us to establish a solid management framework from the outset”.

Results for Canadians and the Treasury Board Secretariat's Human Resources Management Framework provide key direction and guidance regarding modern management practices.

Using these as guideposts, the Board pursued its 2001-02 agenda by providing strategic leadership, ensuring shared values and initiating management practices consistent with rigorous stewardship and clear accountabilities. Furthermore, important human resource initiatives were undertaken to ensure a productive and sustainable workforce.

Exercising effective leadership meant that certain preliminary organizational imperatives had to be dealt with first. Key among these was the adoption of the Board's mission, vision and values, which were developed in full consultation with employees (Annex B). The values adopted clearly demonstrate that the Board embraces an enabling work environment by providing a supportive culture that shows respect for the individual and that fosters open communication and teamwork.

Sustainable Workforce

An essential first task accomplished by the Board was to define its operating structure; determine the types of jobs needed to perform both line and staff functions; write all the job descriptions and classify them and establish the number of positions needed in the short, medium and longer term. By May 2001 this task had been completed and the Board's staffing action plan was approved.

Another important achievement was the adoption of an integrated, competency-based human resource management framework, linked to the Board's mission, vision and values. Through a process involving employee participation, the first task completed in this regard was the identification of the corporate competencies needed by all employees at the Board. This was the initial step in developing comprehensive competency profiles that will be used to select employees to meet both current and future human resource needs. The profiles will also be used to establish training and development requirements and to identify any gaps in employee performance. In addition, they will be utilized to establish performance agreements with employees.

Enabling Work Environment

Communications underpin everything that needs to be achieved in organizations. Board management recognizes the importance of internal communications: trust and commitment are built through continuous, open and transparent communications. In June and September 2001, two major sessions for employees were held where the primary objective was the two-way exchange of views and information. In addition, Public Service union representatives were consulted and informed of the Board's activities affecting the welfare of its employees. During the June session, the Chairperson promulgated the organization's mission, vision and values and he also shared the Board's strategic and operational plans.

Continuous Improvement and Knowledge Management

The Canadian Forces Grievance Board is comprised of professionals whose work requires them to read and comprehend complex material. They need to have highly developed analytical and problem-solving skills, in addition to being able to write coherently and communicate verbally with clarity. They must also remain current with the growing body of knowledge in their field of work. Recognizing that the quality of work produced by the Board is dependent on the acquisition, sharing and use of knowledge, a member of the Executive was appointed to champion continuous learning in the organization.

Several learning initiatives were launched in the past year. Regular meetings are held where line staff discuss and share their experiences concerning grievances, thus augmenting the level of knowledge throughout the organization. A database of internal and external precedents is currently being developed and a library of primarily electronic legal reference documents, related to the Board's mandate, is being constructed.

Business process improvement and knowledge management are key strategies in the effective management of the Board.

Performance Management

Several of the components required to establish a comprehensive performance measurement and management system were instituted at the Board. A workflow chart of the grievance review process was completed, allowing staff to clearly identify where it could be streamlined and refined. Consequently, the Board's grievance review process is now more efficient. A software-based case management and tracking system was implemented that allows the Board to monitor the workload and see where a grievance file is at any given time. In addition, with a view to implementing activity-based cost management and performance monitoring, employees are required to record the time that they spend on each of the various activities when working on grievance files. Finally, Quality Assurance Guidelines for the review of grievances were also drafted. Thus, important elements of the performance measurement trio of cost, time and quality were initiated.

Operational Challenges

An important objective contained in the Board's 2001-02 Report on Plans and Priorities was to finish reviewing the grievances from the former system, i.e., those that had been received prior to April 1, 2001, by March 31, 2002. With a full year of operations behind it, the Board now recognizes that this was an ambitious objective. In the early optimism of building a new organization in the Public Service, from the ground up, the time and effort required to do so is often not fully appreciated and largely underestimated at the outset. It is not simply a matter of executing a mandate; in parallel, important organization development work needs to be accomplished. Management cannot focus on any one part of their obligations at the expense of another.

For instance, in order to obtain the best that employees have to offer, they have to be involved in matters affecting them, and their views on matters concerning different aspects of the organization have to be sought. In the knowledge-based environment that exists at the Board, the contribution of employees is an essential part of the building process.

Three different areas of involvement consumed more time and effort than had been originally envisaged. These were: building the organization, that is, attending to everything that surrounds and supports the actual delivery of the mandate; public service-wide initiatives and obligations and the challenges of grievance case management. In particular, finding and retaining qualified, experienced personnel proved to be especially demanding. A more detailed discussion can be found in Chapter Three of the Board's 2001 Annual Report to Parliament.

Seeing to all of the above proved to be an organizational challenge requiring creativity, flexibility and time on the part of the Board Members, management and staff.

Breaking New Ground

The Canadian Forces Grievance Board is conscious of the importance of its findings and recommendations at this early stage of its existence and the necessity to ensure that they are solid and credible. Since the very notion of applying general principles of labour relations within the military context is a new one, there was no existing jurisprudence on which to base its findings. Therefore the Board has had to undertake original research into the law set by courts and the precedents established by other quasi-judicial bodies across Canada, as well as the practices of other organizations, with a view to adapting these to the unique military context.

When the Board reviews a particular grievance, it must also consider any broader implications that may call for systemic changes. It bears in mind that future decisions affecting the Canadian Forces may very well take into account the precedents now being established by the Board. This makes it essential that the Board take the time necessary to ensure that its findings and recommendations regarding each grievance are fully explained in writing and understandable to all parties.

Strong and convincing reasoning in the Board's findings and recommendations can lead to institutional changes that will help improve labour relations within the military.

Factors Impacting on the Review of Grievances

The Canadian Forces Grievance Board's grievance caseload is, of course, at the core of its work and its first full year of dealing with grievance files has illustrated to the Board that a variety of factors affect the level of effort involved in reviewing grievances.

Unlike many other bodies that deal with staff relations' matters, the Board has to assume multiple roles in the grievance review process. Because its objective is to seek a resolution that is fair to all parties, and military personnel are not represented by a union or employee association, the Board must ensure that it carries out thorough and balanced research and analysis for both sides of a grievance. In order to make impartial findings and recommendations on the issues, the Board's expertise in labour relations and military law is applied equally to both sides. These different roles place demands on the Board that substantially increase the level of effort required, as compared to other organizations doing similar work inside and outside government.

The cases received by the Board at the second grievance level are complex and rarely easy to resolve. For Board staff, whether they are Grievance Officers, Legal Advisors or Board Members, this means that the research, analysis and deliberation required to reach a conclusion on complicated issues are significant. These steps are particularly important in the Board's early stages where principles are being established and precedents are being set.

Grievance cases are frequently more complex than they initially appear. Questions that seem to be straightforward involve other complicating factors that only come to light during the process of analyzing the grievance. And cases that begin as one type of grievance often evolve into something different. It is, for example, not at all uncommon for a grievor to perceive deterioration in the work environment after a grievance has been filed, leading to additional grievances on other issues. The complexity of the case has an impact on the research and analysis required, and the scope of factors to be considered in developing fair findings and recommendations.

The Board has found that some cases place high demands on staff's time. The age of a grievance file can make it especially difficult to gather information, verify facts and reach findings. The Board's caseload included grievance files that were transferred from the Canadian Forces, some of which originated nearly ten years ago.

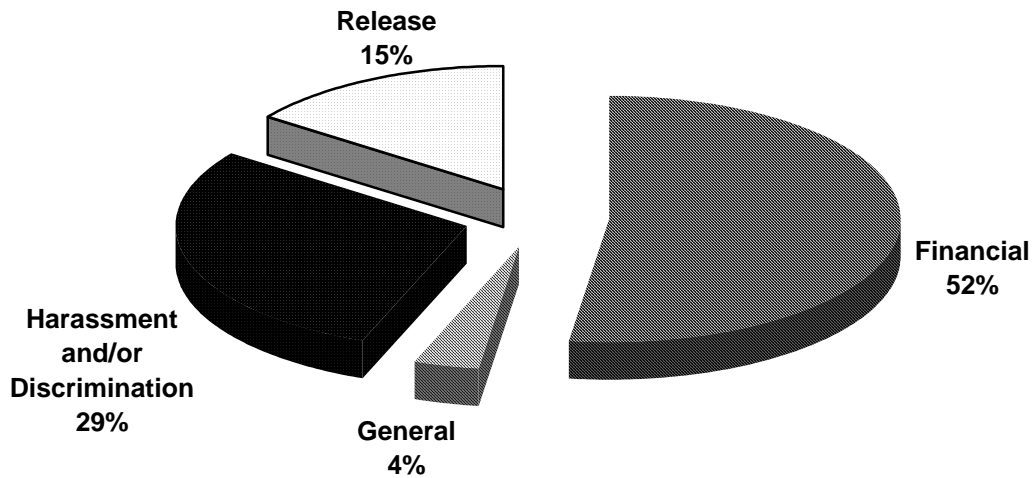
In other cases the magnitude of the documentation provided by the parties demands more than the usual resources. For example, harassment cases, which account for 29 per cent of the Board's caseload, often require more than one Grievance Officer to review the associated voluminous amounts of documentation before preparing an in-depth analysis of the case.

The time required to review a grievance also depends on the promptness of the parties in providing relevant information. The Board must allow reasonable timeframes for this to occur. It may, in addition, rely on other sources for clarification of questions raised in a grievance. The challenge for the Board is to respect the principles of procedural fairness, allowing all parties the opportunity to submit their views on the matters in question, while at the same time attempting to complete a review as expeditiously as possible.

Grievances Reviewed in 2001-2002

Since the Board began operations, up to March 31st, 2002, it rendered 435 findings and 259 recommendations, related to 123 grievance cases. At fiscal year year-end, 236 grievance cases were still under review at the Board. The total number of grievances at the Board, in various stages of the review process during the time period being discussed, was 359.

Of that total, 187 dealt with financial matters; 105 with harassment and discrimination; 54 with releases; and 13 with general matters (medical/dental, reversion in rank, termination of service, etc.). More specific detail on the nature of these grievances can be found in Annex C.



Section IV – Toward Its Vision

The Board as an Instrument of Change

The following quote is an extract from the Board's 2001 Annual Report to Parliament. Ms. Diane Laurin, Vice-Chairperson responsible for Operations stated that:

“Recommendations based on jurisprudence and proposed by a quasi-judicial body demonstrate impartiality and fairness to both the grievors and their leaders within the Canadian Forces. This is made transparent when both parties receive the Board's findings and recommendations. The Board is thus on solid footing when it sends its recommendations to the Chief of the Defence Staff (CDS).”

When we do our work, we have to look at the underlying causes of grievances in order to propose changes aimed at preventing the recurrence of similar grievances in future. In the past year, the CDS acknowledged that broader issues merited further consideration within the Canadian Forces, as a result of the Board's findings and recommendations. The recommendations calling for systemic change were on matters such as relocation entitlements, financial benefits and transfers from the reserve force to the regular force.

The Board sees itself as an instrument of change in bettering the lives of the men and women of the Canadian Forces and our first full year's work has confirmed to us the contribution we can make in this regard.”

The Board reviews all grievances in an impartial manner, balancing the rights of both parties in a dispute. This supports the Board's strategic outcome regarding the confidence members of the Canadian Forces can have that the principles of fairness and integrity underlie the administrative justice system within the military. Recommendations made by the Board calling for systemic changes are ones that directly support the strategic outcome aimed at improving the conditions of work in the Canadian Forces.

The Road Ahead

The Board plans to achieve a desired degree of organization stability in the coming year. In addition to completing the staffing of its organization, all personnel will be co-located under one roof, for the first time since the creation of the Board. Feedback, provided to management during the June 2001 forum for employees, indicates that both these actions should have a positive impact on the organization as a whole.

In addition, the many corporate initiatives currently underway, that were essential to establishing a new organization in the Public Service, will be mostly completed. This includes the finalization and promulgation of a number of human resources, financial and administrative policies and the completion of other various corporate undertakings, consistent with modern comptrollership, which is part of the government's Results for Canadians agenda.

Rigorous stewardship and integrated performance information will take an important place in the Board's management agenda for the coming fiscal year.

With its vision, mission and values always in mind, the Board's strategies interrelate to drive a cohesive plan of action for results. Board management is committed to having a qualified workforce in place; to ensuring that its employees are properly trained and inspired to continually learn and to improving employee and organization performance through the application of appropriate performance criteria.

The implementation of the Board's strategic plan is aimed at achieving the vision it has set for itself in support of its strategic outcomes. The Board, through the fair and impartial review of grievances, can make an important contribution to strengthening the administrative justice system within the military and improving the conditions of work in the Canadian Forces.

Section V – Financial Tables

Table 1 - Summary of Voted Appropriations

Financial Requirements by Authority (\$ thousands)				
		2001-2002		
Vote		Planned Spending	Total Authorities	Actual
	Canadian Forces Grievance Board			
15	Operating expenditures	9,043	9,043	7,063
	Capital expenditures	-	-	-
	Grants and Contributions	-	-	-
(S)	Salary and motor car allowance	-	-	-
(S)	as required	-	-	-
	Total for the Board	9,043	9,043	7,063

The Board did not expend all of the monies it had been allocated in its 2001-02 budget, mainly because of difficulties experienced in recruiting and retaining qualified personnel during its first year of operations. Consequently, two million dollars was re-profiled to fiscal year 2002-03, in the Annual Reference Level Update. During fiscal year 2001-2002, CFGB received an additional \$62,875 from the Treasury Board for the Modern Comptrollership initiative.

Table 2 - Comparison of Total Planned Spending to Actual Spending

Departmental Planned versus Actual Spending (\$ thousands)			
	2001-2002		
	Planned Spending	Total Authorities	Actual Spending
Review of Canadian Forces grievances referred by the Chief of the Defence Staff			
FTEs	67		48
Operating	9,043	9,043	7,063
Capital	-	-	-
Grants & Contributions	-	-	-
Total Gross Expenditures	9,043	9,043	7,063
Less: Respendable Revenues	-	-	-
Total Net Expenditures	9,043	9,043	7,063
Other Revenues and Expenditures			
Non-respendable Revenues	-	-	-
Cost of services provided by other departments	389	389	223
Net Cost of the Program	9,432	9,432	7,286

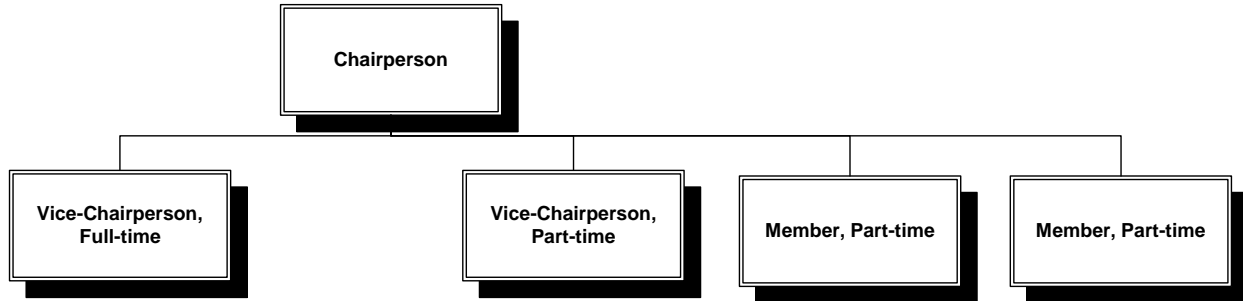
It was planned to have the equivalent of 67 full-time employees in 2001-02, however, due to difficulties experienced in recruiting and retaining staff, the Board finished the fiscal year having had the equivalent of only 48 full-time employees on staff.

Table 3 - Historical Comparison of Total Planned Spending to Actual Spending

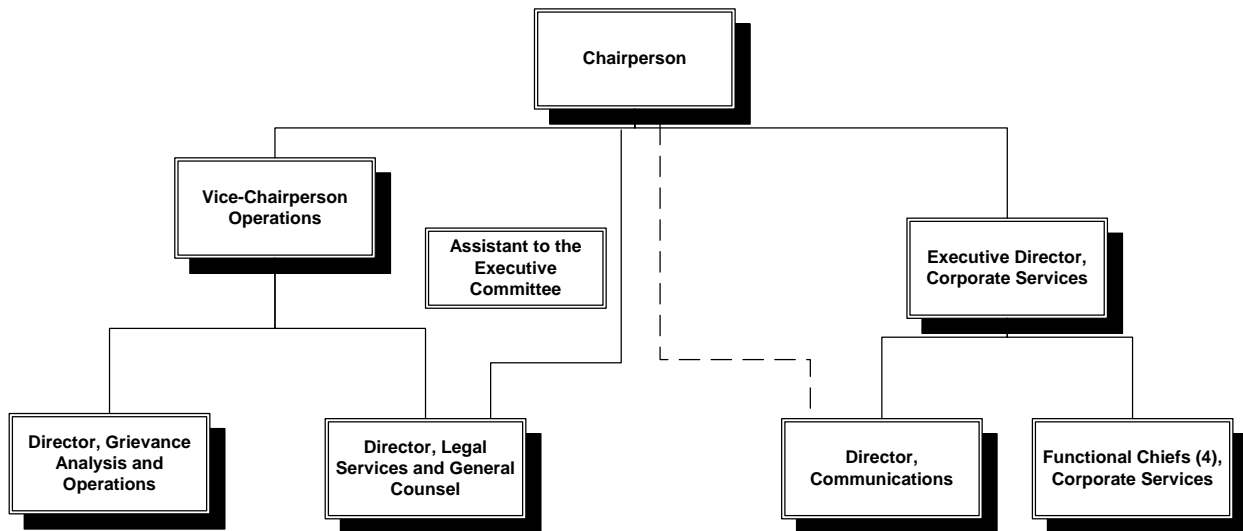
Historical Comparison of Departmental Planned versus Actual Spending (\$ thousands)					
			2001-2002		
	Actual 1999- 2000	Actual 2000- 2001	Planned Spending	Total Authorities	Actual
Review of Canadian Forces grievances referred by the Chief of the Defence Staff					
Canadian Forces Grievance Board	-	-	9,043	9,043	7,063
Total	-	-	9,043	9,043	7,063

Annex A – CFGB Organization Charts

Board Members



The Management Team



Annex B – Mission, Vision and Values

Mission, Vision and Values of the Canadian Forces Grievance Board

Mission

To review grievances fairly, impartially, in a timely manner, and as informally as possible, in order to contribute to an improved grievance resolution process in the Canadian forces.

Vision

The Board's grievance review skills and expertise will be recognized through the quality of its findings and recommendations.

This will be realized when:

- ❖ The principles of integrity and fairness guiding the Board create a climate of confidence in members of the Canadian Forces;
- ❖ Members of the Canadian Forces are confident that the Board's findings and recommendations are objective, timely, fair and impartial;
- ❖ The work of the Board has a positive impact on the conditions of work for military personnel and contributes to a better understanding and application of regulations, policies, and guidelines;
- ❖ Other public agencies, in Canada and abroad, consult the Board regarding their own grievance management and review processes.

Organizational Values

- ❖ Provide efficient quality service that is impartial and fair;
- ❖ Treat individuals with respect and professionalism;
- ❖ Establish a learning environment while ensuring accountability and creativity;
- ❖ Value its personnel;
- ❖ Promote open communication, teamwork and a spirit of collegiality with a view to achieving a common goal;
- ❖ Respect the role and contribution of the military to Canadian society.

Individual Values

- ❖ Carry out work with integrity, professionalism, and loyalty;
- ❖ Promote communication, teamwork and respect for others;
- ❖ Respect the principles regarding confidentiality and absence of conflict of interest;
- ❖ Seek to develop knowledge and skills.

Annex C – Breakdown of Grievance Files by Category

Cases received June 15, 2000 to March 31, 2002.

Financial	Total
Allowances	62
Benefits	65
Pay	18
Pension	8
Various (e.g., severance pay, reimbursement of tuition fees, etc.)	34
Financial Total	187
General	
Reversion to lower rank	2
Termination of an appointment	1
Medical-Dental	2
Various (e.g., career action, smoking in the Mess, etc.)	8
General Total	13
Release	
Medical	5
Universality of Service	12
Unsatisfactory service	10
Wrongful dismissal	1
Service completed	8
Medical and abuse of authority	1
Unsatisfactory service and abuse of authority	1
Misconduct	1
Various other reasons	15
Release Total	54
Harassment/Discrimination	
Age discrimination	1
Racial discrimination	1
Discrimination against sexual orientation	2
Abuse of authority	31
Cases with multiple instances	28
Handling of a harassment complaint	1
Various (e.g., promotion deferral, denied promotion, etc.)	41
Harassment/Discrimination Total	105
Grand Total	
	359

Annex D – Other Information

Contacts for Further Information and Web Site

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Statutory Annual Reports and Board Reports

The following documents can be found on the Board's Web Site:

[Annual Report : 2001](#)

[2002-2003 Estimates: A Report on Plans and Priorities](#)

[Annual Report : 2000](#)

[2001-2002 Estimates: A Report on Plans and Priorities](#)

[Canadian Forces Grievance Board Rules of Procedure \(Review of a Grievance by Way of a Hearing\)](#)