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Services Agency

Agence des services
frontaliers du Canada

Canada

Evaluation of the Recourse Program



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Evaluation of the Recourse Program

Final Report

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Program Evaluation Division, Internal Audit and Program Evaluation Directorate

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Program Overview

The Canada Border Services Agency's (CBSA or "the Agency") **Recourse Program** ("the Program") is responsible for providing the Agency's external clients with access to a redress mechanism and a fair and impartial review of decisions and actions taken by the CBSA under applicable policies, acts, and regulations. The Program acts as the instructing client to the Department of Justice (DOJ) in hearings before various courts and tribunals, and provides a harmonized national litigation management function for the Agency. The Program also manages the triage and response to public complaints, comments, and compliments related to Agency service and program delivery, and employee conduct.

Program outcomes

Immediate outcomes:

- Travellers and the business community have access to redress mechanisms that are timely.
- The Recourse Directorate provides timely reports to the CBSA's senior managers for the management of litigation risks and liabilities.
- Programs and operations (e.g., Travellers Branch [TB], Commercial and Trade Branch [CTB], Intelligence and Enforcement Branch [IEB], and the regions) have access to information related to the quality of the service, decisions and actions of their programs/officers.

- Complaints from the public are processed within Recourse in a timely manner.

Intermediate outcomes:

- Feedback from Recourse decisions on appeals results in improvements to service and program delivery, leading to more consistent enforcement actions, trade and program decisions and compliance related to the enforcement of the laws administered by the CBSA.

Ultimate outcomes:

- Travellers and businesses have confidence that the CBSA is providing its services in a timely, efficient, fair, and transparent manner.

Organizational Structure

The Program is managed by the Recourse Directorate, under the Recourse, Standards and Program Integrity Branch (RSPIB) as of October 2024.¹ Previously, and during the conduct of this evaluation, the Recourse Directorate was located in the Finance and Corporate Management Branch (FCMB).

There are three divisions within the Program:

- **The Enforcement Appeals and Litigation Division (EALD):** Reviews and renders decisions on appeals related to enforcement actions taken under border legislation such as the *Customs Act*, *Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLTFA)*, *Agriculture and Agri-Food Administrative Monetary Penalties Act*, or to the Trusted Traveller Programs (TTP). This division is also responsible for managing litigation before various courts, providing instructions to the DOJ and representing the Agency before review bodies such as the Canadian Human Rights Commission (CHRC) and the Canada Agricultural Review Tribunal (CART).
- **The Trade Appeals and Litigation Division (TALD):** Reviews and renders decisions on appeals related to trade, commercial and anti-dumping decisions, including trade and commercial-related enforcement actions such as Administrative Monetary Penalties, seizures, ascertained forfeitures of goods, and third party appeals. This division is also responsible for providing instructions to the DOJ on related litigation (external appeals to courts and tribunals). Outside of national headquarters, three regional trade appeals offices located in Toronto, Hamilton, and Montreal report to the TALD.
- **The Public Complaints and External Review Division (PCERD):** Triages complaints from the public related to service and program delivery and/or employee conduct. If the complaint is deemed to be within the scope of the public complaints process, the PCERD assigns it to an Office of Primary Interest (OPI) within the Agency, who then responds to the complainant. More recently, the PCERD has begun conducting quality assurance (QA) of OPI responses to complaints (fiscal year 2023 to 24).

¹ The branch was created to bring together the Recourse Directorate with the Professional Standards and Integrity Directorate, which were a part of FCMB. Under this new branch, a new directorate was established: Quality Assurance and Support, which includes the External Review Division, from the Strategic Policy Branch.

Evaluation Scope and Methods

Scope

The evaluation focused on the following key themes:

- Effectiveness
 - The extent to which the Program has achieved its immediate outcomes.
 - The extent to which the Program is achieving the intermediate outcome of providing feedback from Program appeals decisions that results in improvements to service and program delivery, leading to more consistent enforcement actions, trade and program decisions, and compliance related to the enforcement of the laws administered by the CBSA.
 - The extent to which the Program is ready for the implementation of the external review body, which received royal assent on October 31, 2024.
 - The extent to which the Program impacts individuals within and outside the Agency differently depending on various gender and diversity identity factors.
- Efficiency
 - The extent to which the organizational and funding models of the Program contribute to its efficiency.

The following areas were out of scope (refer to Appendix C for more details):

- An assessment of relevance (fully out of scope) as this topic was assessed in the previous 2017 evaluation.
- Litigation management and efficiency of processes (partially out of scope).

Methods

The evaluation used a blended approach, including elements of outcome-based (i.e., summative) and developmental approaches to program evaluation, examining data for the period from fiscal years 2018 to 19 to 2023 to 24.

The following lines of evidence were used:

- Interviews with 85 CBSA employees from:
 - Business line branches, for example, CTB, TB, and IEB (35 interviewees)
 - Pacific (PAC), Greater Toronto Area (GTA), and Southern Ontario regions (27 interviewees)
 - The Program (23 interviewees)
- Review of financial, operational and human resources data
- Document review

Overall Findings

Overall, the Program achieved its intended immediate outcomes. The Program undertook several business optimization processes, which generally improved Program efficiency. As a result:

- The reorganization of the Recourse Directorate and its 2020 Lean Six Sigma exercise contributed to process efficiencies in the EALD and the TALD.
- Generally, the Program met its service standards for timeliness in processing appeals and public complaints, with some exceptions.
- Most key performance indicators (KPI) in the program's performance information profile (PIP) met specific, measurable, achievable, relevant, and time-bound (SMART) criteria.
- While there are some opportunities for improvement, the Program contributed to efforts to improve the Agency's program and service delivery by engaging Agency stakeholders through meetings, dashboards, and other mechanisms, and by providing feedback.

The evaluation made three recommendations to address the following areas of improvement:

- Ensuring that performance measurement tools, such as the logic model and performance indicators, provide complete coverage of the Agency's appeals and public complaints functions and account for the Program's reliance on internal partners for the achievement of its objectives, in line with the Program's accountability for the Agency's management of appeals and public complaints.
- Providing clarity to Agency stakeholders on the lens through which the Program undertakes and provides oversight for appeals processes, and ensuring that related feedback and information is easily accessible and consistently provided to relevant stakeholders.
- Providing guidance to branches and regions to ensure that roles and responsibilities for responding to public complaints are clear and well-understood.
- Considering opportunities to consistently apply a Gender-based Analysis Plus (GBA Plus) lens to data on concluded appeals and public complaints to meet *Canadian Gender Budgeting Act* and Treasury Board policy and reporting requirements to report on the gender and diversity impacts of the Program.
- Reviewing the Program's existing resource strategy to ensure appropriate support is available to respond to changing case file volumes and business processes, evolving appeals complexity, and changes to the public complaints process.

Recommendations and Summary of Associated Findings

Information-sharing and feedback related to appeals decisions

Refer to findings 1 and 2 for more detail.

The Program uses a variety of mechanisms to share feedback on appeals decisions with appellants (clients) and Agency stakeholders.

Internally, certain challenges have affected the use, and perceived usefulness, of the feedback that the Program provides on its appeals decisions:

- The current distribution of feedback on appeals decisions may not reach all relevant Agency stakeholders. There is a need to increase awareness of available feedback and to develop a centralized repository for feedback on appeals decisions to improve its use.
- Agency-wide inconsistencies in the understanding of the Program’s roles and responsibilities in rendering decisions on appeals have affected the Program’s ability to achieve its intermediate outcome that “feedback from Recourse decisions on appeals results in improvements to service and program delivery.” There is a need for the Program to ensure that accountabilities, processes, and key considerations in appeals processes are clearly documented and communicated.

Recommendation 1:

The **Vice-President of RSPIB** should:

- Engage with Agency stakeholders to establish and implement best practices for sharing information and feedback (for example, type and format) that meet stakeholder needs while respecting the procedural fairness of the Recourse function;
- Centralize the storage of, and widely communicate, existing feedback products on appeals decisions to improve stakeholder awareness and ease of access; and
- Contextualize appeals decisions by ensuring the Program and internal stakeholders have a common understanding of the Recourse Directorate’s roles, responsibilities, and operational requirements in rendering and providing feedback on appeals decisions.

Accountabilities and responsibilities in the Program PIP

Refer to findings 2, 5, and 6 for more detail.

The Program PIP does not currently reflect the Program’s role as the functional manager for the appeals and public complaints functions, which leaves a gap in accountability for the management of these functions. Additionally, the PIP does not specify accountabilities and responsibilities for public complaints-related KPIs and service standards, some of which are the responsibility of other CBSA OPIs. To ensure support for the achievement of results, the Program’s logic model should clearly reflect its functional manager accountabilities and include, as relevant, outcomes related to the associated work of internal partners. These components would help to ensure that the information reported accurately reflects the Agency’s management of appeals and public complaints.

The Program does not currently conduct GBA Plus systematically. GBA Plus considerations are sometimes included in the feedback that it provides to internal partners on appeals files and public complaints. To meet *Canadian Gender Budgeting Act* and Directive on Results requirements, there is a need to incorporate GBA Plus into the Program’s regular performance measurement mechanisms. There is also a need to complete a GBA Plus of the Program.

Recommendation 2:

The **Vice-President of RSPIB** should:

- Review and revise the PIP to ensure it fully captures the responsibilities of the Recourse Directorate and internal partners for the appeals and public complaints processes, in consultation with the Vice-Presidents of CTB, TB, and IEB;

- Ensure that related KPIs are supported by regular and systematic measurement and reporting tools; and
- Conduct a GBA Plus of the Program and develop a strategy to ensure that the Program's GBA Plus reporting requirements are met, including an outline of how GBA Plus-specific indicators will be incorporated into the Program's PIP.

Accountabilities and responsibilities for the public complaints function

Refer to findings 3, 5, and 7 for more detail.

Legislation establishing the Public Complaints and Review Commission (PCRC), an enhanced independent review body for the Royal Canadian Mounted Police (RCMP) and the CBSA, received royal assent on October 31, 2024. The Program is the single point of contact within the Agency for the PCRC and is the functional manager for the Agency's public complaint mechanism.

Changes were made to the public complaints process in 2022 to prepare for the PCRC, and many aspects of the current public complaints process will remain unchanged. However, further improvements are required to enable the Agency to successfully transition to the full implementation of the PCRC as increased public scrutiny of the CBSA's responses to public complaints makes it critical to have oversight for the internal processes for responding to public complaints, and to ensure that these processes are efficient and timely.

While the regions provided responses to public complaints within service standards as a result of their well-defined internal processes, improvements are needed within the business lines to ensure that roles and responsibilities for responding to public complaints are clear and well-understood. The evaluation found that many business lines did not provide timely responses to public complaints, due in part to a lack of clear internal processes. As the functional manager, it is the Program's responsibility to ensure that business lines have internal processes that enable the Agency to provide timely service to the public.

Recommendation 3:

To improve the Agency's readiness for the planned PCRC, the **Vice-President of RSPIB** should, **in consultation with all branches and regions**, clearly define and communicate accountabilities, roles and responsibilities, and associated processes and procedures for responding to public complaints.

Consideration Related to Resource Allocation

Refer to findings 7 and 8 for more detail.

The operational context for the Program evolved over the evaluation period of fiscal years 2018 to 2019 to 2023 to 2024, including changes in case file volume and complexity, which highlighted the need to address key impacts through a comprehensive resource strategy. These issues included: insufficient staff for providing feedback to Agency stakeholders and maintaining internal tools within EALD and TALD; and insufficient resource allocation to support increasing volumes of commercial-related enforcement appeals.

The recruitment of officers to work on trade appeals is, in particular, challenging due to the depth of knowledge and expertise required, and the number of officers occupying these positions decreasing from fiscal years 2018 to 2019 to 2023 to 2024.

Consideration:

In reviewing the findings of this evaluation, as well as the analysis conducted for the Lean Six Sigma review, the Vice-President of RSPIB should consider developing a resource strategy that considers recruitment and the number of positions that need to be filled to conduct key activities for the Program (which comprises appeals and public complaints) to ensure that human resources are proportionate to the volume and complexity of work.

Detailed Findings and Supporting Evidence

What is the Program's role and approach in the appeals process?

Recourse officers in the TALD and the EALD conduct de-novo reviews of CBSA trade and enforcement decisions and actions, when appealed. **De-novo reviews**² are conducted in accordance with relevant legislation³ where Recourse officers consider new information that may be provided after the initial determination was made in rendering their decisions.

Recourse officers rely primarily on legislation and jurisprudence in their analysis, because they seek to apply the same legalistic context that a court or tribunal would consider when rendering decisions on appeals. This differs from how border services officers (BSO) make their determinations, as they rely primarily on CBSA policy and must prioritize efficient decision making in the operational context.

While CBSA policy is rooted in legislation, a BSO will not often refer to jurisprudence (past court or tribunal decisions) when making an initial determination in order to make an efficient and expedient decision. A decision on an appeal can differ from a BSO's original decision, even if that decision was in line with Agency policy, given the new information that is available.

Recourse officers also apply the principles of **natural justice** and **procedural fairness** throughout their reviews of appeals cases.

- **The principle of natural justice:** The decision-maker will gather all evidence (from the issuing office and claimant), share with claimants all information to ensure they know the case to meet, weigh the evidence on the balance of probabilities, and issue an unfettered decision (i.e., made independently).⁴

² A de-novo review looks at a decision as though it were a new case and then makes a decision based on the evidence presented. In a CBSA context, this means that Recourse officers are considering evidence presented by the Agency stakeholder and the appellant simultaneously, rather than exclusively considering the evidence available to the border services officer (BSO) at the time of the initial determination.

³ Sections 60, 129, and 138 of the *Customs Act*, section 25 of the PCMLTFA, section 12 of the *Agriculture and Agri-Food Administrative Monetary Penalties Act*, and section 23 of the *Presentation of Persons (2003)* regulations.

⁴ Sections 60, 129, and 138 of the *Customs Act*, section 25 of the PCMLTFA, section 12 of the *Agriculture and Agri-Food Administrative Monetary Penalties Act*, and section 23 of the *Presentation of Persons (2003)* regulations.

- **The principle of procedural fairness:** The decision-maker has an obligation to make decisions in a procedurally fair and transparent manner. At a minimum, this includes the claimant’s right to an unbiased decision-maker, notice (i.e., enough information about the matter and the decision), be heard (i.e., reasonable opportunity to present their points and have their arguments considered), timeliness, and reasons (i.e., an explanation of the decision).

Finding 1: The Program makes information and feedback on appeals outcomes available to appellants, business lines, enabling branches, and regions according to their role within the appeals process. There are opportunities to improve the awareness and accessibility of internal feedback on appeals decisions and to apply Program best practices across appeals functions.

According to the Program logic model, Program activities relevant to this finding include the analysis of appeals outcomes and the communication of outcome trends to inform CBSA decision-making through outreach and other mechanisms.

The Program provides external clients with information on how to submit appeals through the CBSA website

The Program has published information explaining how clients can submit appeals related to trade and enforcement actions. However, it does not have a publicly accessible generic email inbox, meaning questions related to the appeals process are, at times, submitted to other CBSA units, including through the public complaints mechanism and to other branches.

Information on how to request an update on an existing appeal is not available on the CBSA website. The Program shares this information with appellants in an acknowledgement letter sent after an appeal is submitted (by email if appeal submitted electronically or by registered mail if appeal submitted by mail). Since March 2022,⁵ two trade and eight enforcement appeals clients have used the Agency’s public complaints mechanism to seek updates on their appeal files, as the correct process was not clear to them.⁶

Upon closure of an appeal, the Program also provides the appellant with a notice of reasons for decision (NRD) by email or registered mail.

The Program uses a variety of mechanisms to distribute feedback to internal stakeholders

Appeals dashboards and pivot tables: Several dashboards and pivot tables are available, including an enforcement dashboard (EALD) and a trade dashboard (TALD). These dashboards are stored in the Agency’s corporate repository or Microsoft PowerBI, and are distributed twice a year at minimum. Pivot tables contain

⁵ Complaints Information Processing System complaints data, available as of March 2022. This document is only available on an internal Government of Canada network.

⁶ In 2023, Recourse stopped the practice of producing a preliminary decision for trade appeals filed after April 1, 2023 to reduce workload. The preliminary decision provided the appellant with the Recourse officer’s preliminary assessment of the appeal, and prompted the appellant to contact the Recourse officer or to provide additional evidence if they did not agree with the preliminary decision. At the time, industry members expressed concern with this decision; however, they were informed that clients can still communicate with Recourse as needed. The evaluation was unable to determine the impact of this decision on the availability of information to clients, but this change may explain why some clients have sought updates on their appeals through the public complaints process, as it’s possible they were now unsure of how to contact the Recourse officer having not been prompted by the preliminary decision letter.

data on each appeal, such as time stamps, the location of the original decision, commodity type under appeal, and the outcome of the decision.

According to the Program’s PIP, EALD and TALD appeals decision pivot tables should be posted to the CBSA Wiki on the 15th day of each new quarter. While pivot tables were available, the EALD pivot table was not consistently released each quarter and the time period covered by each table was inconsistent.

In addition, the Program Wiki is no longer being updated, as the Agency has discontinued the use of this internal information management tool.

With respect to EALD and TALD dashboards, notifications of their release were sent by email to a limited distribution list within the Agency.⁷ There was no central location where appeals dashboards were saved, making them difficult to find without a direct link. This could explain why some interviewees suggested that feedback was not available consistently.

Though some interviewees appreciated the format of the dashboards (particularly PowerBI), a few interviewees from CTB, GTA, and PAC noted that the EALD and TALD dashboards (PowerBI and PIVOT) had limited use given their quantitative nature and lack of contextual information.

The Program provides information related to the quality of the Agency’s service, decisions, and actions through its dashboards. ⁸	
EALD Dashboard	TALD Dashboard
Includes information on completed enforcement and TTP appeals files by: program; outcome; reasons for the appeal decision; and region; as well as litigation outcomes. Also includes identification of issues and trends, and associated next steps.	Includes information on completed trade and commercial-related enforcement appeals files, by: outcome; reasons for the appeal decision; and region; as well as litigation outcomes. Also includes identification of issues and trends, and associated next steps.

NRDs: Written and distributed by Recourse officers to appellants (with Agency stakeholders copied) following the closure of an appeal. NRDs consist of the outcome of a Program decision, reasons for the decision, details of the associated appeal (e.g., timeline of events), legal considerations, the analysis informing the Recourse officer’s decision, and potential next steps for the appellant.

For TTP, enforcement, and commercial-related appeals, NRDs are provided to the original Agency decision-maker and to the appellant (client), regardless of the outcome of the appeal. The level of detail provided in each section of the NRD varies depending on the nature of the decision. For example, more detail is provided on areas pertinent to the appellant if the decision was not made in their favour.⁹

⁷ The trade dashboard is sent to the CTB Vice-President, trade-related Directors General and managers, all Regional Directors General, and their support staff. The enforcement dashboard is sent to all Vice-Presidents, Regional Directors General, and their support staff.

⁸ The PIP indicator for this outcome is that “Recourse feedback reports are distributed to stakeholders twice a year.” 2022 to 2023 Performance Information Profile: Recourse Program. This document is only available on an internal Government of Canada network.

⁹ If an initial determination is upheld by the Program, a detailed explanation of the outcome is provided to the appellant with details sufficient to withstand the scrutiny of the courts. However, less detail is provided to the Agency stakeholder

A few regional interviewees who had received and reviewed individual NRDs in the past noted that having access to EALD NRDs was useful. Based on the contents of the NRDs, these interviewees had developed a training plan and worked with program managers to create and distribute functional guidance documents for BSOs in order to fill the officer knowledge gaps identified through trends in enforcement appeals. A few regional interviewees felt it would be helpful to have more information to be included in the NRDs, regardless of the appeal outcome, as information on either outcome was considered valuable.

A few Agency stakeholders noted that having a central repository of all NRDs would improve access and allow them to assess trends and learn from appeals decisions that are relevant to their work, even when they were not the original decision-maker on the file.

A note on distribution: NRDs are sent to the regions by email through the regional tasking inboxes or the Corporate Programs and Integration Management Division, depending on the region's tasking protocol.

It is then the email recipient's responsibility to determine to whom the NRD should be distributed. For this reason, NRDs may not always reach the intended audience, and access to them can differ between regions.

Meetings: These meetings are used to discuss ongoing appeals and data trends, and to provide an opportunity to pose questions. Some business line and regional interviewees reported that stakeholder-requested, ad hoc, and standing meetings with the EALD and the TALD were useful.

EALD and TALD also conducted standing meetings twice a year with representatives from the regions and business line programs. Topics of discussion included ongoing appeals and data trends. Meetings also provided an opportunity to pose questions. A few regional interviewees expressed appreciation for these meetings.

Finding 2: Inconsistencies across the Agency in understanding the intended function of the Program in rendering appeals decisions and providing feedback may impact perceptions of the usefulness of the feedback provided.

An inconsistent understanding of the Program's role has affected perceptions of feedback on appeals decisions

Agency stakeholders held diverging opinions on the usefulness of feedback on appeals decisions. Some interviewees were reluctant to consider feedback from the Program because they disagreed with the decisions it rendered.

A few business line interviewees believed that when the Program overturned decisions that were in line with CBSA policy, it undermined the policy and negatively impacted Agency initiatives and strategies. There was also a perception among some business line and many regional interviewees that decisions on appeals of a similar type were not consistent across appeals.

A few business line interviewees explained that the outcome of some appeals on decisions, arising from new policies or legislation, could establish precedent, and could influence future enforcement, trade, and appeals

(that is, BSO, Senior Officer(s) of Trade Compliance, etc.) in the post-script portion of these NRDs, and is limited to the information needed to understand what had led to the original decision being upheld.

decisions. The business lines would like to be consulted by the Program in these cases. However, this is not possible due to the principle of natural justice. On an ad hoc basis, the Program meets with the business lines to discuss trends in enforcement and trade appeals after appeals decisions have been made.

Additional engagement with Agency stakeholders may be beneficial to ensure a common understanding of the role of the Program

Inconsistent understanding of the Program's role has resulted in perceptions of an adversarial relationship between the Program and internal stakeholders. Calibrating the needs and expectations of the Program and internal stakeholders, and clearly defining internal relationships, could better support the Program in achieving its objectives.

Having a better understanding of Recourse officers' approach to appeals decisions (that is, the de-novo review process and jurisprudence) may improve the perception of the Program's appeals function and feedback throughout the Agency.

In the past, the Program undertook educational initiatives focused on improving awareness of the Program's function among internal stakeholders, such as in-person and online outreach and information sessions. However, interviewees suggested that these efforts stopped in recent years due to resource constraints and competing priorities.

Recourse officers' de-novo review allows them to consider undue hardship in enforcement and TTP appeal decisions,¹⁰ which may result in apparent inconsistencies in decision making as undue hardship is not a factor in a BSO's initial determination.

Example of Recourse officer discretion: A common reason for overturning a TTP membership cancellation or suspension is discretion based on compassionate grounds, whereby an adjudicator found that the cancellation or suspension caused undue hardship on the member, as their membership was a condition of employment.

Other factors limiting the use of the Program's feedback on appeals:

- According to interviewees, resource constraints and competing priorities affected the likelihood of making program or policy changes based on Program feedback.
- Balancing, and the tolerance for, legal risk.

What is the Program's role and approach in the public complaints process?

Changes to the public complaints process and readiness for the PCRC

Legislation establishing the PCRC, an enhanced independent review body for the RCMP and the CBSA, received royal assent on October 31, 2024. Updates to the public complaints process will be made to reflect new legislative requirements related to the PCRC. This work will not take place until the coming into force of the PCRC.

¹⁰ Undue hardship is a legal term referring to circumstances that partially or fully exempt a person or organization from a legal obligation, to avoid an unreasonable or disproportionate burden or obstacle.

At the time of this evaluation, the PCRC was not yet in place. For that reason, the evaluation assessed the effectiveness of the current public complaints process, which was updated in 2022 in preparation for the implementation of the new review body.

The PCERD consists of two units:

- The **Public Complaints Unit (PCU)** manages the Agency's public complaint mechanism through the implementation of and adherence to the National Complaints Policy and Public Complaints Management Guide; provides functional guidance to CBSA employees on public complaints; reports on complaints trends; and is responsible for the maintenance of the Complaints Information Processing System (CIPS).
- The **External Review Unit** is the single point of contact for the PCRC and related issues, and conducted preparatory work for the implementation of the PCRC.

The process for managing public complaints in the Agency is described in the **Public Complaints Management Guide**, including the intake of public complaints, triage, assigning complaints to OPIs, how to investigate a complaint, disposition of complaints, and the PCERD's QA process.

Once a public complaint is received, the PCU triages and assigns public complaints to an OPI within the Agency.

Once assigned, an OPI will identify relevant Offices of Secondary Interest (OSI), which are stakeholders implicated in the original public complaint, to assist and contribute to formulating a response. The OPI investigates and responds to the public complaint.

Once public complaints are closed, the results are logged in CIPS by the OPI. Periodically, the PCU will conduct QA activities, and provide information on public complaints trends to internal stakeholders.

Finding 3: The process for responding to public complaints is not consistently understood amongst internal stakeholders.

Triaging public complaints

Reasons a complaint may be deemed out of scope at the triage phase, according to the Public Complaints Management Guide, include instances where it is trivial, frivolous, vexatious, made in bad faith, threatening, profane, or discriminatory. If a complaint is deemed to be out of scope by the PCU, it is dismissed and is not tasked to the implicated OPI for a review or a response. This process screened out 38% of public complaints received in fiscal year 2023 to 2024 (an increase from 24% screened out in fiscal year 2019 to 2020).¹¹

A few regional interviewees reported that they were still asked to respond to inappropriate complaints (including rude and disrespectful comments) despite this process. Some business line and regional interviewees also said that they received some complaints that they considered trivial and should not have required a response (e.g., a passport not scanning the first time at a NEXUS kiosk).

Assigning public complaints to an OPI

¹¹ 2023 to 2024 PCERD Annual Summary. This document is only available on an internal Government of Canada network.

Some interviewees from the PCERD noted that it can be difficult to identify the correct OPI for a public complaint when the subject matter cuts across multiple business lines.¹²

Program senior management highlighted that an OPI's level of understanding of the complaints process was related to the volume of complaints they received. This is reflected in an analysis of the average number of days for an OPI to issue a final response to a public complaint.

- Some business line interviewees felt the roles and responsibilities of OPIs and OSIs in the public complaints process were not clear. The Public Complaints Management Guide contains limited information concerning the role of OSIs in reviewing and responding to complaints.
- Regional interviewees felt that the public complaints process was clear and that the Public Complaints Management Guide was a useful tool.
- Regions responded to more public complaints than most business lines, and consistently responded within service standards.

Many aspects of the current public complaints process will not change following the implementation of the PCRC. Improvements to the current process to establish and communicate processes for responding to public complaints would enable the Agency to be prepared for the PCRC.

Finding 4: The Program makes information on trends in public complaints available to internal stakeholders, and has begun developing its capacity in providing QA of responses to public complaints.

Quality assurance

In fiscal year 2023 to 2024, the PCERD established an internal QA framework to examine closed cases, identify inconsistencies, identify gaps in the public complaints process, and revise national guidelines, user guides, and instructional documents as needed.¹³ Since first being introduced, QA activities have continued to evolve.

In December 2023, the PCERD began conducting targeted QA reviews. These QA reviews assessed public complaints for compliance with specific areas of concern (for example, whether communications with a complainant occurred in their preferred official language), using a template which defined the methodology and criteria for the review, and established an action plan for any issues identified through the QA process.

As of December 2024, five activity (QA) reviews had been completed. These reviews have led to improvements, such as providing feedback to OPIs which resulted in improved CIPS data entry, and the implementation of a template for first contact letters to improve compliance with the service standard. The PCERD no longer conducts targeted QA reviews and has shifted toward the QA of all closed public complaints.

¹² The 2023 Evaluation Study of the Functional Management Model identified a need to clarify accountabilities and authorities throughout the Agency, particularly for programs and activities that cut across multiple business lines. Work currently being conducted in response to recommendation 2 of this evaluation study may resolve these concerns around identifying the correct OPI to respond to a given complaint. This study report is only available on an internal Government of Canada network.

¹³ Public Complaints Quality Assurance Framework. October 2023. This document is only available on an internal Government of Canada network.

As of February 2024,¹⁴ PCERD reviews all closed cases in CIPS in order to identify issues with data entry, reviews all letters of disposition, and provides feedback to the OPI in order to improve the closure and investigation of future complaints.

QA may become an important process with the implementation of the PCRC, as the CBSA's responses to public complaints may garner more scrutiny through this external review body.

Information-sharing on public complaints

The PCERD used public complaints dashboards (monthly, quarterly, and annual), providing updates on the legislation for the PCRC, complaints volumes, the "top five allegation types," service standard performance by region, and trend observations. As of May 2024, this information (with the exception of trend observations) was shared through a PowerBI dashboard, and the PCERD began updating the dashboard on a weekly basis. The dashboard is sent to the CBSA's President, Executive Vice-President, as well as Vice-Presidents and Regional Directors General (RDG).

Interviewees noted that the public complaints dashboards were well-received, contained the right level of detail, and were distributed at the appropriate intervals.

Finding 5: Generally, the Program's performance indicators were found to meet SMART criteria and to support the measurement of Program performance. There were gaps in measuring the extent to which appeals and public complaints responses are timely, and to which feedback and information from the Program results in improvements to service and program delivery.

Outcomes:

- Immediate outcome 1: The Recourse Directorate provides timely redress mechanisms to travellers and the business community.
- Immediate outcome 2: Complaints from the public are processed within Recourse in a timely manner.
- Intermediate outcome 1: Feedback from Recourse decisions on appeals results in improvements to service and Program delivery, leading to more consistent enforcement actions, trade and program decisions, and compliance related to the enforcement of the laws administered by the CBSA.

Most KPIs in the PIP¹⁵ met SMART criteria. Some gaps were identified:

- The PIP indicates that a survey would be used to measure internal stakeholder satisfaction with the feedback that the Program provides. This was not done.
- The first immediate outcome is measured through workable time (number of days a file can be worked on by a Recourse officer¹⁶). This does not capture total time elapsed for processing appeals. Including a measure of non-workable or total cycle time or similar measures could support the Agency in measuring and accounting for the timeliness of the service provided to the public.

¹⁴ Monthly Complaints Community Forum: Meeting Summary – March 13, 2024. This document is only available on an internal Government of Canada network.

¹⁵ Recourse Directorate. PIP Update to the Performance Measurement and Evaluation Committee for January 2022. This document is only available on an internal Government of Canada network.

¹⁶ There are various reasons why a Recourse officer may not be able to work on a file. This is considered "non-workable time." Reasons may include waiting for a related tribunal or court decision, at an appellant's request, or waiting for a decision or information from another area within the CBSA.

- The Program’s second immediate outcome on timeliness relates to public complaints and specifies the timeliness of processes within Recourse, despite the Program being responsible for reporting on the rate at which all service standards for replying to complaints are met, which includes the time the OPI takes in responding to the complaint.¹⁷ This leaves a gap in accountability for the overall timeliness of the public complaints process, which should be resolved by the Program’s PIP, as the Program is the functional manager for this process, from a Functional Management Model perspective.
- The Program’s intermediate outcome refers specifically to “appeals” only, which leaves a gap for reporting on internal information and feedback sharing related to public complaints.

The Program would benefit from restructuring its PIP to ensure that the intended outcomes reflect the Program’s contributions and the Agency’s overall management of appeals and public complaints, while KPIs capture the distinct roles of the Program and of internal partners.

Finding 6: While the Program conducts some ad hoc GBA Plus on public complaints and makes appeals data available to business lines to support their conduct of GBA Plus, the Program did not meet *Canadian Gender Budgeting Act* or Directive on Results requirements for reporting on its gender and diversity impacts.

The Program is not currently meeting GBA Plus reporting requirements

To meet the *Canadian Gender Budgeting Act* requirements, all Government of Canada programs must make available to the public an analysis of their impacts in terms of gender and diversity.

In addition, the Treasury Board Directive on Results requires that PIPs include “Government-wide policy considerations such as gender-based analysis and official languages, where relevant.”¹⁸

The program’s submissions for the departmental supplementary information tables in fiscal years 2022 to 2023 and 2024 to 2025 do not explain how data is or could be used to report on the gender and diversity impacts of the Program. There are no GBA Plus-related indicators in the Program’s PIP.

The Program participated in a pilot with the Agency’s GBA Plus Centre of Responsibility (called the Centre of Excellence at the time of report publication) and drafted some indicators that could be used to report on the impact of the Program on gender and diversity.

Some Program interviewees did not understand the linkage between GBA Plus and the Program, and expressed concerns that collecting demographic data could give the appearance of biasing the outcomes of appeals.

The Program does some internal GBA Plus reporting, which if conducted more systematically could meet reporting requirements

The Program’s draft submission for the fiscal year 2022 to 2023 GBA Plus supplementary information table outlined how the Program provides raw appeals data to business lines for their use in conducting GBA Plus.

¹⁷ Recourse Directorate. PIP Update to the Performance Measurement and Evaluation Committee for January 2022. This document is only available on an internal Government of Canada network.

¹⁸ Treasury Board [Directive on Results](#). Effective July 1, 2016.

The Program has also provided GBA Plus-related feedback on specific cases, for example when lessons learned can be applied following human rights complaints.¹⁹

The PCU provides regular GBA Plus-related feedback to the Human Resources Branch through regular reports on public complaints related to discrimination, and presented a GBA Plus to the Agency's Director General Steering Committee on public complaints from the Indigenous community and on official language use in responding to public complaints.

Once race-based data is available in the Agency, the Program could realistically and more comprehensively measure the impact of trade and enforcement appeals using common identity factors. Demographic data could be hidden from decision-makers so as not to influence decisions.²⁰

Finding 7: Generally, the Program met its service standards for timeliness in processing appeals and public complaints, with some exceptions.

The evaluation observed certain improvements in the timeliness of appeals processing and the mitigation of certain challenges, supported by the Recourse Directorate's 2020 Lean Six Sigma exercise and the implementation of its multi-year strategy in the EALD and TALD. Service standards are reported on by the Agency and are updated each fiscal year in accordance with the Policy on Service and Digital.

EALD: The proportion of EALD decisions rendered within service standards increased from fiscal years 2021 to 2022 and 2023 to 2024 and the EALD often exceeded its service standard. 88% of enforcement appeals decisions were rendered within service standards in fiscal year 2023 to 2024 (target: 70%), and 85% of TTP appeals decisions were rendered within service standards in fiscal year 2023 to 2024 (target: 70%).

TALD: The proportion of TALD decisions rendered within service standards decreased between fiscal years 2021-22 and 2023-24 for trade appeals, and increased for commercial Administrative Monetary Penalties System (AMPS) appeals linked to trade decisions.²¹ 65% of trade appeals decisions were rendered within service standards in fiscal year 2023 to 2024 (target: 70%), while 82% of commercial AMPS appeals linked to trade decisions were rendered within service standards in fiscal year 2023 to 2024 (target: 70%). 49% of other, commercial-related enforcement appeals decisions were rendered within service standards in fiscal year 2023 to 2024 (target: 70%).

PCERD: The current public complaints process was implemented in March 2022, which limited data on the current process to a two-year period. For this reason, the evaluation could not assess trends over time for the current process. The Agency did not meet all service standards (as tracked and reported by the PCERD to the public on overall timeliness): 56% of clients were contacted within 14 calendar days of submitting their complaint in fiscal year 2023 to 2024 (target: 85%), and 90% of clients were provided a final, written response within 40 calendar days of submitting their complaint in fiscal year 2023 to 2024 (target: 90%). The PCERD met

¹⁹ Recourse Directorate's draft submission for the 2022-23 supplementary information table. This document is only available on an internal Government of Canada network.

²⁰ The Chief Data Office, within the Strategic Policy Branch, is developing a strategy to collect race-based data from travellers on a voluntary basis.

²¹ During the evaluation period, TALD supported the development of the CBSA's Assessment and Revenue Management system, which may have impacted the Program's ability to meet service standards.

its internal service standard, and tasked 99% of public complaints to the OPI within one business day in fiscal year 2022 to 2023 (target: 95%).

Finding 8: The Program did not have an established plan to ensure that resourcing needs are met efficiently within divisions and to mitigate the risks associated with resource gaps.

The 2023 Recourse Directorate reorganization and the overall resource context

The Recourse Directorate's dedicated policy unit was divided and integrated into its three divisions: the EALD, the TALD, and the PCERD. Policy work includes providing feedback on trends in appeals and public complaints, and maintaining tools for internal use (e.g., NRD templates, standard operating procedures, and learning materials). The reorganization reduced duplication and streamlined approvals by aligning policy work with its related appeals work.

Interviewees within EALD and TALD suggested that resource constraints have led to insufficient staff to achieve intended outcomes related to providing feedback to internal stakeholders. This was exacerbated by competing priorities (for example, TALD staff supporting the development of the CBSA's Assessment and Revenue Management [CARM] system).

Recruitment and retention challenges, along with overall resource constraints, could be mitigated through a directorate-wide plan to address human resources challenges.

Recruitment

In April 2023, as part of the Recourse Directorate's reorganization, six employees were transferred from EALD to TALD to work on commercial-related enforcement appeals. As these additional employees were offset by the TALD's average annual external attrition rate of 8% during this time, the number of TALD employees working on appeals files decreased from 30.5 in fiscal year 2018 to 2019 to 28.3 in fiscal year 2023 to 2024.²²

It was reported that recruiting staff to fill positions within the TALD is challenging due to the depth of knowledge and expertise required to process trade appeals. In the past, a key source of recruitment for the TALD were Senior Officers of Trade Compliance.

As of October 2024, 12.5% of EALD and 23.9% of TALD indeterminate employees would be eligible to retire without penalty in the next five years.

Learning and knowledge transfer

Knowledge transfer for Program employees working on appeals and public complaints relies on the availability of directorate mentors and up-to-date internal tools. The demands of Recourse officers' appeals work reduces the time available to perform learning and knowledge transfer activities, particularly within the TALD, where the number of full-time equivalents (FTE) has decreased as file volumes have increased.

²² Corporate Administrative System attrition data provided by Human Resources Branch. Pulled September 12, 2024. This document is only available on an internal Government of Canada network.

Workload and overtime

Generally, the Program met its service standards related to appeals.

Within EALD, an annual average of 0.8 FTEs in overtime was worked from fiscal years 2018 to 2019 to 2023 to 2024.

Within the TALD, an annual average of 0.3 FTEs in overtime was worked over the same period.

Changes in processing commercial-related enforcement appeals affected the Program's ability to meet service standards

As part of a reorganization in April 2023, the responsibility for processing commercial-related appeals moved from the EALD to the TALD.²³ As part of the reorganization, six Recourse officers were transferred from the EALD to the TALD.

During this time, the volume of these files increased, as did the backlog of undecided appeals. Processing times slowed and the proportion of decisions rendered within service standards decreased. In fiscal year 2023 to 2024, the average processing time (workable and cycle time) of commercial-related enforcement appeals increased.

Table 1: Fewer commercial-related enforcement appeals were decided in fiscal year 2023-24 than in previous years (with the exception of fiscal year 2020-21)

Fiscal Year	Beginning of year inventory (previous year backlog)	Additional commercial-related enforcement appeals received	Commercial-related enforcement appeals decided	Backlog (beginning of year inventory PLUS additional received MINUS decided)	Percentage of commercial-related enforcement appeals decided within service standards
2018 to 2019	N/A	753	759	N/A	87%
2019 to 2020	N/A	574	667	N/A	85%
2020 to 2021	N/A	426	290	136	48%
2021 to 2022	136	656	725	67	57%
2022 to 2023	67	503	468	102	76%
2023 to 2024	102	754	381	475	49%

Source: Recourse Information Management System extract, 2024-05-27 and 2024-10-23

Levels of decision-making authority within the Program differ depending on appeals types

²³ This decision was made to align with the Functional Management Model by grouping activities related to commercial and trade, and to centralize employees who would be impacted by CARM. As CARM was not yet functional during the data collection period for this evaluation, interviewees did not comment on whether this approach was effective. Within the TALD, commercial-related enforcement appeals were initially processed by the regional trade units, before moving to their own unit (Trade Appeals, Processing, and Policy) in August 2023.

Within **EALD**, FB-06 officers review all EALD decisions in addition to conducting their own investigations and rendering decisions, with the following exception: the EALD assigns decision-making authority to FB-04 officers for third party claims under section 138 of the *Customs Act*.

Within **TALD**, FB-06 officers review all TALD decisions, in addition to conducting their own investigations and rendering decisions, with the following exception: the TALD assigns decision making authority to FB-04 officers for commercial-related enforcement appeals.

As of September 2023, in response to increasing appeal volumes, FB-04 Recourse officers were granted the ability to render decisions for commercial-related enforcement appeals without the review of an FB-06, as was done previously. While FB-04s are delegated the authority to render appeal decisions under the *Customs Act*, they were not previously assigned this work. This measure was intended to mitigate rising volumes. A few interviewees expressed concern that the FB-04s did not have the knowledge or experience to render these decisions. This also differs from the process for rendering decisions on other appeals types, where FB-06s review the work of FB-04s before a final decision is made. For example, an FB-06 in the EALD reviews final decisions on seizures and ascertained forfeitures (from travellers), while an FB-04 in the TALD renders decisions on these same appeals (but from trade chain partners) without an FB-06 review.

The PCERD

The Agency's public complaints process was revised in March 2022. Due to limited historical data and ongoing changes in the division, the evaluation did not assess human resources or the efficiency of core activities, such as the PCU's triage function. As the PCERD increases its QA activities, it would be useful to measure the number of public complaints per FTE, to determine if resources are sufficient for the volume of work.

Efficiency of the public complaints process

Since 2022, the PCERD made certain process changes to the public complaints mechanism to improve efficiency. For example, the PCERD highlighted how they changed to tasking regions directly, rather than via business line Vice-Presidents for regional public complaints, as an improvement in efficiency. Other process improvements in the PCU included the development of a QA framework and developing and updating the Public Complaints Management Guide and supporting documents.

The resolution time for certain types of allegations, such as those related to CARM²⁴ and discrimination, was higher than other types of allegations. More common/frequent allegation types were more likely to be processed within service standards.

As the functional manager for the public complaints process in the Agency, providing additional oversight to branches and regions could help to improve the timeliness of responses to clients.

Other factors that impact public complaint processing times include: shift work of BSOs (as BSOs may not be working for multiple days after a complaint is received, and their input is needed in order to fully investigate the

²⁴ In October 2024, CARM became the official system to assess and collect duties and taxes for commercial goods imported into Canada. Prior to this, work done on the development of CARM was led by CTB.

complaint); and, depending on the severity of the allegation, the levels of review and sign-off required to respond to a public complaint.

Allegations (which are assigned to public complaints by the PCERD) are categorized into three tiers, with responses to the top tier needing to be approved by an RDG or Director General before it is sent to the client.

The highest tier allegations are related to specific categories of employee conduct including “improper conduct/verbal abuse” and “improper use of force.”

Recommendations and Management Response and Action Plan

Recommendation 1: Information-sharing and feedback related to appeals decisions

The Vice-President of RSPIB should:

- Engage with Agency stakeholders to establish and implement best practices for sharing information and feedback (for example, type and format) that meets stakeholder needs while respecting the procedural fairness of the Recourse function;
- Centralize the storage of, and widely communicate, existing feedback products on appeals decisions to improve stakeholder awareness and ease of access; and
- Contextualize appeals decisions by ensuring the Program and internal stakeholders have a common understanding of the Recourse Directorate’s roles, responsibilities, and operational requirements in rendering and providing feedback on appeals decisions.

Management response: Management is in agreement with the recommendation as it is in line with the ongoing efforts of the Program.

Table 2: Management Response and Action Plan to recommendation 1

Management Action Plan	Completion Date	Lead	Support
1. Communicate the Recourse landing page in PowerBI (which centralizes the storage of existing feedback products on appeal decisions) to all regions and business lines, at the senior management and working levels.	April 2025	Recourse Directorate	Business lines and regions
2. Establish and implement a plan for engaging regularly with business lines and regions to discuss trends, foster a common understanding of roles, responsibilities, and operational requirements. <ul style="list-style-type: none"> a. Take stock and document various Recourse feedback products within the program. b. Consult with Agency stakeholders to identify best practices for sharing information and feedback. c. Update information-sharing products as needed. d. Implement a plan for information sharing with business lines and regions, aligned with stakeholder and program requirements. 	December 2025	Recourse Directorate	Business lines and regional management

3. Update the service level agreements between Recourse and the business lines and regions, and explore the development of a “Responsible, Accountable, Consulted, and Informed” (RACI) tool to clarify roles and responsibilities in both review and feedback processes.	March 2026	Recourse Directorate	Business lines and regional management
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Recommendation 2: Accountabilities and responsibilities in the Program PIP

The Vice-President of RSPiB should:

- Review and revise the Program PIP to ensure it fully captures the responsibilities of the Recourse Directorate and internal partners for the appeals and public complaints processes, in consultation with the Vice-Presidents of CTB, TB, and IEB;
- Ensure that related KPIs are supported by regular and systematic measurement and reporting tools; and
- Conduct a GBA Plus of the Program and develop a strategy to ensure that the program’s GBA Plus reporting requirements are met, including an outline of how GBA Plus-specific indicators will be incorporated into the Program’s PIP.

Management response:

- We agree with the recommendation to review and revise the Program PIP in order to capture the Program’s accountability role and monitoring of internal partners to ensure that the Agency meets service standards for appeals and public complaints.
- The Recourse PIP will be reviewed to ensure it reflects the changes stemming from the *Public Complaints and Review Commission Act (PCRC Act)*, and any other new Recourse functions will be reflected in the update/review.
- Recourse will continue to work with the Chief Data Office (CDO) and the GBA Plus Centre of Expertise in following Agency approach to data collection, and exploring an exemption from the GBA Plus reporting requirements in the interim. Should the exemption not be granted, RSPiB will continue working with the Strategic Policy Branch (SPB) and the CDO to explore other avenues related to the reporting requirements in order to establish a satisfactory strategy.

Table 3: Management Response and Action Plan to recommendation 2

Management Action Plan	Completion Date	Lead	Support
1. Review and update the Recourse PIP to: <ul style="list-style-type: none"> a. include performance measures and outcomes that reflect the roles of the Recourse Directorate, the branches and the regions related to appeals and public complaints, and identify which group is responsible for each of the related activities and KPIs in the PIP; and, b. to consider the implementation of the PCRC in consultation with functional branches 	July 2026 (post-implementation of the PCRC)	Recourse Directorate	Enterprise Planning, Risk and Results Division in FCMB
2. <ul style="list-style-type: none"> a. In consultation with SPB’s GBA Plus Centre of Expertise and the CDO, RSPiB will explore 	March 2026	Recourse Directorate	GBA Plus Centre of Expertise and

<p>opportunities to obtain an exemption from the GBA Plus reporting requirements.</p> <p>b. If an exemption is not received, the RSPIB will align its approach to meeting GBA Plus requirements with the Agency's approach, in consultation with SPB's GBA Plus Centre of Expertise and the CDO.</p>			the CDO in SPB
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Recommendation 3: Accountabilities and responsibilities for the public complaints function

To improve the Agency's readiness for the planned PCRC, the Vice-President of RSPIB should, in consultation with all branches and regions, clearly define and communicate accountabilities, roles and responsibilities, and associated processes and procedures for responding to public complaints.

Management response: Agreed. This has already been taking place for several years, and the tempo, with clear timelines and deliverables, has increased with the royal assent of *PCRC Act* on October 31, 2024.

Table 4: Management Response and Action Plan to recommendation 3

Management Action Plan	Completion Date	Lead	Support
1. Outreach to all CBSA programs impacted by the <i>PCRC Act</i> in order to identify all programs and activities across the Agency that will require updates once the PCRC comes into force.	March 2025	Recourse Directorate, PCERD	Business lines
2. Update the Public Complaints Management Guide with all changes related to responding to public complaints as per the <i>PCRC Act</i> .	April 2026 (or the date on which the <i>PCRC Act</i> comes into force)	Recourse Directorate, PCERD	Communications, Parliamentary and Public Affairs Branch (CPPAB)
3. To ensure all changes to accountabilities, roles and responsibilities, and associated processes and procedures for responding to public complaints as a result of the PCRC, are communicated to all impacted audiences: <ul style="list-style-type: none"> a. develop a communications plan that includes all groups identified through action one (1) above; and b. implement the communications plan following the PCRC coming into force. 	June 2025 April 2026 (or the date on which the <i>PCRC Act</i> comes into force)	Recourse Directorate, PCERD	CPPAB

Appendices

Appendix A: Acronyms

AMPS	Administrative Monetary Penalties System
BSO	Border Services Officer
CARM	CBSA Assessment and Revenue Management
CART	Canada Agricultural Review Tribunal
CBSA	Canada Border Services Agency
CDO	Chief Data Office
CHRC	Canadian Human Rights Commission
CIPS	Complaints Information Processing System
CPPAB	Communications, Parliamentary and Public Affairs Branch
CTB	Commercial and Trade Branch
DOJ	Department of Justice
EALD	Enforcement Appeals and Litigation Division
FCMB	Finance and Corporate Management Branch
FTE	Full-Time Equivalent
GBA Plus	Gender-based Analysis Plus
GTA	Greater Toronto Area Region
IEB	Intelligence and Enforcement Branch
KPI	Key Performance Indicator
MRAP	Management Response and Action Plan
NRD	Notice of Reasons for Decision
OPI	Office of Primary Interest
OSI	Office of Secondary Interest
PAC	Pacific Region
PCERD	Public Complaints and External Review Division
PCMLTFA	<i>Proceeds of Crime (Money Laundering) and Terrorist Financing Act</i>
PCRC	Public Complaints and Review Commission
PCRC Act	<i>Public Complaints and Review Commission Act</i>
PCU	Public Complaints Unit
PIP	Performance Information Profile
QA	Quality Assurance
RCMP	Royal Canadian Mounted Police
RDG	Regional Director General
RSPIB	Recourse, Standards and Program Integrity Branch
SMART	Specific, Measurable, Achievable, Relevant, Time-bound
SPB	Strategic Policy Branch
TALD	Trade Appeals and Litigation Division
TB	Travellers Branch
TTP	Trusted Traveller Programs

Appendix B: Program Logic Model

Table 5: Program logic model

Core Responsibility	Border management: the CBSA assesses risk to identify threats, manages the free flow of admissible travellers and commercial goods into, through and out of Canada, and manages non-compliance.
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Program Outcomes	Ultimate	Travellers and businesses have confidence that the CBSA is providing its services in a timely, efficient, fair and transparent manner.			
	Intermediate	Feedback from Recourse decisions on appeals results in improvements to service and Program delivery, leading to more consistent enforcement actions, trade and program decisions and compliance related to the enforcement of the laws administered by the CBSA.			
	Immediate	The Recourse Directorate provides timely redress mechanisms to travellers and business community.	The Recourse Directorate provides timely reports to CBSA's senior managers for the management of litigation risks and liabilities.	Programs and operations have access to information related to the quality of the service, decisions and actions of their programs/officers.	Complaints from the public are processed within Recourse in a timely manner.
Outputs	<ul style="list-style-type: none"> Ministerial decisions (enforcement appeals). Presidential decisions (trade appeals). 	<ul style="list-style-type: none"> Guidance and instructions to the DOJ. Cases are prepared to be presented before the CHRC, the Canadian International Trade Tribunal, and the CART. Harmonized litigation management processes. 	<ul style="list-style-type: none"> Feedback report to programs (informal/formal). 	<ul style="list-style-type: none"> Referrals for actions (compliments, complaints [investigations by the OPI], comments), logged results (forms). 	
Activities	<ul style="list-style-type: none"> Review appeals of CBSA-issued enforcement actions/decisions. Review requests for redetermination and further redetermination under the <i>Customs Act</i>. 	<ul style="list-style-type: none"> Work with litigation partners and stakeholders. Represent CBSA before various courts and tribunals. Prepare expert witnesses, briefings and case material in 	<ul style="list-style-type: none"> Analyze appeal outcomes. Communicate outcome trends to inform CBSA decision-making through outreach and other mechanisms. 	<ul style="list-style-type: none"> Task, coordinate and log CBSA's complaints responses, comments and compliments. 	

		partnership with DOJ. <ul style="list-style-type: none"> • Render further redetermination on trade matters on the recommendation of the Office of the Auditor General of Canada or giving effect to court decisions. 		
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Appendix C: Evaluation Scope

The evaluation excluded or partially excluded several topics, based on consultations with Program partners and document review.

Table 6: Elements fully out of evaluation scope

Elements fully out of scope	
Topic	Justification
An assessment of relevance	The relevance of the Program was assessed in the previous 2017 evaluation. The most significant change since this evaluation was the proposed external review body, the PCRC. It was too early to determine the impact of the external review body on the relevance of the Program, given the specific roles and responsibilities of the PCRC had not yet been defined, at the time of the evaluation.
e-Portal	The Program's e-portal implementation was delayed and the portal was not yet available at the time of the evaluation. The delivery of the e-Portal is also dependent on Shared Services Canada. For this reason, the evaluation did not assess the e-Portal.

Table 7: Elements partially out of evaluation scope

Elements partially out of scope	
Topic	Justification
The effectiveness of the new public complaints process	The evaluation assessed the effectiveness of the current public complaints process to the extent possible given available data. Since the complaints process and organizational model had been recently updated, a full assessment of the process was limited. The focus of the assessment was on how the current complaints process was readying the Agency for the implementation of the proposed external review body.
Litigation management	An assessment of litigation management within the Agency, including the Program Litigation Management Unit, may be the subject of a future

	evaluation or study. However, this evaluation’s assessment of the feedback loop includes learning from the outcome of litigation.
Impact of CARM on the Program	Given CARM was not fully implemented at the time of this evaluation, it was too early to assess the impacts of CARM on the Program. However, this evaluation assessed the extent to which the organizational and funding models of the Program contributed to the efficiency of the Program, which included considerations on the impacts of CARM on the Program.
Efficiency of processes	The 2019 Lean Six Sigma review included an assessment of the Program’s processes for responding to trade and enforcement appeals. The majority of recommendations from the review were reported as “completed” as of 2021. Given the relatively recent implementation of recommendations from the Lean Six Sigma review, and the size and complexity of the current evaluation scope, only certain elements of this topic were considered (that is, efficiency of the current organizational model).

Appendix D: Interview Analysis Grid

Table 8: Interview analysis grid

Number in interview group	None (0%)	A few (1-24%)	Some (25-49%)	Many (50-74%)	Most (75-99%)	All (100%)
3	Always answer using X out of X interviewees unless it’s ALL or NONE					
4	Always answer using X out of X interviewees unless it’s ALL or NONE					
5	Always answer using X out of X interviewees unless it’s ALL or NONE					
6	0	1	2	3-4	5	6
7	0	1-2	3-4	5	6	7
8	0	1-2	3-4	5-6	7	8
9	0	1-2	3-4	5-6	7-8	9
10	0	1-2	3-5	6-7	8-9	10
11	0	1-2	3-5	6-8	9-10	11
12	0	1-2	3-5	6-8	9-11	12
13	0	1-3	4-6	7-9	10-12	13
14	0	1-3	4-6	7-10	11-13	14
15	0	1-3	4-7	8-11	12-14	15
16	0	1-3	4-7	8-11	12-15	16
17	0	1-4	5-8	9-12	13-16	17
18	0	1-4	5-8	9-13	14-17	18
19	0	1-4	5-9	10-14	15-18	19
20	0	1-4	5-9	10-14	15-19	20