

Public Service Labour Relations Board

**2008-2009
Estimates**

Report on Plans and Priorities

**The Honourable Josée Verner
Minister of Canadian Heritage,
Status of Women and Official
Languages**

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SECTION I: OVERVIEW

Chairperson's Message

As Chairperson of the Public Service Labour Relations Board, I am pleased to present the Board's Report on Plans and Priorities for 2008–2009.

The Board is a quasi-judicial tribunal that administers the collective bargaining and grievance adjudication systems in the federal public service and Parliament and, as such, is one of the few bodies of its type in Canada to combine both adjudication and labour relations functions.

Through its role in adjudicating grievances, complaints and applications, mediating disputes, supporting the collective bargaining process, and performing compensation analysis and research, the Board helps foster harmonious labour relations between public servants and their employers. This benefits Canadians by supporting productive and effective workplaces that provide government programs in the public interest.



The Board's recently reaffirmed vision will serve as a beacon to guide it in the years ahead. As an independent tribunal established under the *Public Service Labour Relations Act (PSLRA)*, the Board remains committed to neutrality, impartiality and fairness. It aims to provide timely services and functions in a manner that is responsive, proactive and consultative. Its goal is to assist in the resolution of workplace differences and provide tools, training and information that support labour relations processes. Finally, it strives to offer its own employees and Board members a fulfilling and challenging workplace — one that emphasizes continuous learning, strong team work, and sound management.

The Board fully recognizes the importance of its mandate and the consequences of the decisions it renders to the thousands of public servants it serves directly and indirectly. It is with this sense of responsibility to those who appear before it, and to all those who count on it to uphold the integrity and fairness of the decision-making process, that it undertakes the plans and priorities presented in this report.

The Board has identified three main priorities for 2008-2009. Working towards these will serve to strengthen and target its ongoing efforts to give expression to its vision. This report outlines plans to improve the Board's adjudication and mediation services, manage a caseload that continues to increase in volume and complexity, reduce the backlog, actively promote its mediation services and determine our potential to be a centre of expertise in mediation. In addition, the Board will deliver compensation data and analysis in time for negotiations and continue to develop its infrastructure and human resources to support the capacity to respond effectively to an evolving operational environment with emerging opportunities and risks.



Finally, I would like to reiterate my ongoing concern about the lack of a permanent funding base needed to provide the Board with the stability it needs to fulfill its responsibilities under the *PSLRA*. Adequate funding is needed on a consistent basis to fully deliver the Board's obligations under the new Act. I am hopeful that efforts in 2008-2009 will yield a funding solution that supports full implementation of the *PSLRA* in the years ahead.

Casper Bloom, Q.C., Ad. E.
Chairperson
Public Service Labour Relations Board



Management Representation Statement

I submit, for tabling in Parliament, the 2008-2009 Report on Plans and Priorities for the Public Service Labour Relations Board.

This document has been prepared based on the reporting principles contained in the *Guide for the Preparation of Part III of the 2008-2009 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

- It adheres to the specific reporting requirements outlined in the Treasury Board Secretariat guidance;
- It is based on the Board's Strategic Outcome and Program Activity Architecture that were approved by the Treasury Board;
- It presents consistent, comprehensive, balanced and reliable information;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved planned spending numbers from the Treasury Board Secretariat.

Casper Bloom, Q.C., Ad. E.
Chairperson
Public Service Labour Relations Board



Raison d'être

The Public Service Labour Relations Board (the Board) is an independent quasi-judicial tribunal responsible for administering the collective bargaining and grievance adjudication systems in the federal public service and the institutions of Parliament (the House of Commons, Senate, Library of Parliament and the Office of the Conflict of Interest and Ethics Commissioner).

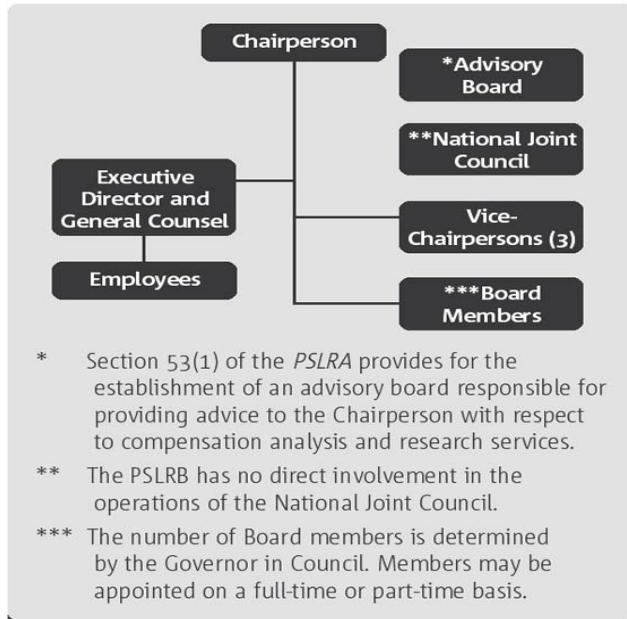
The Board provides three main types of service:

- adjudication – hearing and deciding grievances, complaints and other labour relations matters;
- mediation – helping parties reach collective agreements, manage their relations under collective agreements, and resolve disputes without resort to a hearing; and
- compensation analysis and research – conducting compensation comparability studies and providing information that can be used in the negotiation and settlement of collective agreements.

The Board benefits Canadians by supporting a harmonious relationship between federal public servants and their employers, which improves the ability of the public service to serve the public interest.

Organizational Information

Public Service Labour Relations Board



As a quasi-judicial statutory tribunal, the Board is independent of the government of the day. It is responsible to Parliament through a designated Minister, who is not a member of the Treasury Board. The designated minister is currently the Minister of Canadian Heritage, Status of Women and Official Languages.

As per Section 44 of the *PSLRA*, the Chairperson is the Board's Chief Executive Officer and has overall responsibility and accountability for managing the work of the Board.

The Executive Director and General Counsel is responsible for providing direction and supervision of the day-to-day operations of the PSLRB. He reports to the Chairperson and is supported by five directors who have direct responsibility and accountability for establishing priorities, managing the work and reporting on performance of their specific unit.

Full-time and part-time Board members are responsible for administering the *PSLRA* by conducting hearings throughout Canada and rendering decisions. They are appointed by the Governor in Council for terms of no longer than five years. They may be reappointed any number of times.

Voted and Statutory Items Listed in Main Estimates

| (\$ thousands) | | | |
|------------------------|---|------------------------------------|-----------------------------|
| Voted & Statutory Item | Public Service Labour Relations Board | 2008-2009 Main Estimates | 2007-2008 Main Estimates |
| 85 | Program expenditures | 5,996 | 10,617 |
| (S) | Contributions to employee benefit plans | 760 | 788 |
| | Total Agency | 6,756 | 11,405 |

The decrease of \$4.7M between the current and the previous Main Estimates is mainly attributed to a decrease of temporary funding received from a reprofiling of funding for compensation analysis and research activities (this funding sunsets in March 2008).

As noted elsewhere, the Board is seeking a permanent adjustment to its reference levels in order to deliver its expanded mandate and to address workload pressures of the National Joint Council.



Planned Spending and Full-time Equivalents

| (\$ thousands) | Forecast Spending 2007-2008 | Planned Spending 2008-2009 ¹ | Planned Spending 2009-2010 ² | Planned Spending 2010-2011 ² |
|--|-----------------------------------|---|---|---|
| | | | | |
| Adjudication, mediation, and compensation analysis and research | 11,405 | 6,756 | 6,756 | 6,756 |
| Total Main Estimates | 11,405 | 6,756 | 6,756 | 6,756 |
| Adjustments: | | | | |
| Supplementary Estimates (A) | | | | |
| Funding to carry out the Public Service Labour Relations Board's expanded mandate under the <i>Public Service Labour Relations Act</i> | | 2,549 | | |
| Operating budget carry forward | 854 | | | |
| Other | | | | |
| PSMA Funding - Frozen Item | (1,003) | | | |
| Adjustment entry to reconcile to best estimate of forecast spending | (1,900) | | | |
| Total Adjustments | 500 | - | - | - |
| Total Planned Spending | 11,905 | 6,756 | 6,756 | 6,756 |
| Plus: Cost of services received without charge | 2,298 | 2,191 | 2,191 | 2,191 |
| Net Cost of Program | 14,203 | 8,947 | 8,947 | 8,947 |
| Full-time Equivalents | 88 ³ | 104³ | 104 ³ | 104 ³ |

¹ Reflects the best forecast of cash expenditures to the end of the fiscal year.

² Does not include incremental funding that is being requested by the Board to deliver its new functions mandated by the *PSLRA*.

³ Includes new positions already staffed or being staffed on an indeterminate basis to deliver the new legislative framework.

The decrease of \$4.7M between 2007-2008 and the 2008-2009 Main Estimates figures is mainly attributed to a decrease of temporary funding received from a re-profiling of funding for compensation analysis and research activities (this funding sunsets in March 2008).



Summary Information

Financial Resources*

| 2008-2009 ¹ | 2009-2010 ¹ | 2010-2011 ¹ |
|------------------------|------------------------|------------------------|
| 6,756 | 6,756 | 6,756 |

***(**\$ thousands)

Human Resources

| 2008-2009 ² | 2009-2010 ² | 2010-2011 ² |
|------------------------|------------------------|------------------------|
| 104 FTEs | 104 FTEs | 104 FTEs |

1 Does not include incremental funding that is being requested by the Board to deliver its new functions mandated by the *PSLRA*.

2 Includes new positions already staffed or being staffed on an indeterminate basis to deliver the new legislative framework.

Priorities by Strategic Outcome and Program Activity

| STRATEGIC OUTCOME: HARMONIOUS LABOUR RELATIONS IN THE FEDERAL PUBLIC SERVICE AND PARLIAMENT | | | | | |
|---|-------------|---|--------------------|--------------------|------------------|
| Priority | Type | Planned Spending (\$ thousands) | | | 2010-2011 |
| | | 2008-2009 | 2009-2010 | 2010-2011 | |
| 1) Continue to improve the delivery of mediation and adjudication services and explore possible outreach opportunities for the Board's mediation services. | new | 5,330 ¹ | 5,330 ¹ | 5,330 ¹ | |
| Expected outcome: All cases under the former <i>PSSRA</i> have been closed, no cases are older than two years, the Board's performance measurement framework has been implemented, a decision has been made about whether to establish a client advisory committee, and appropriate measures are in place to respond to the results of the 2007 client satisfaction survey. Outreach opportunities for the Board's mediation services have been explored. | | | | | |



| | | | | |
|---|---------|--------------------|-----------------------------|-----------------------------|
| 2) Deliver compensation data and analysis. | ongoing | 2,190 ² | Pending approval of funding | Pending approval of funding |
| Expected outcome: Data are released for focused compensation comparability surveys and a national compensation survey is well under way. | | | | |
| 3) Continue to develop the Board's infrastructure and human resources. | ongoing | 240 ² | - | - |
| Expected outcome: New case management system is operational, meets client requirements and provides performance data; short-term accommodation issues are resolved; relocation planning is under way, learning plans are in place for all employees and Board members; and human resources planning has been integrated into strategic planning. | | | | |

1 Planned spending partially funded from existing reference levels; balance included in the funding that will be requested by the Board to pursue its mandate.

2 Planned spending included in the funding that will be requested by the Board to pursue its mandate.

Plans and Priorities

Operating environment and context

On April 1, 2005, a new labour relations regime was introduced in the federal public service when the *Public Service Labour Relations Act (PSLRA)* came into force. This new regime was part of a larger set of human resource management reforms in the federal public service aimed at supporting healthy and productive public service workplaces.

The *PSLRA* covers some 230,000 federal public servants who belong to 86 bargaining units represented by 22 bargaining agents. It applies to some 24 different employers in the federal public service including departments named in Schedule I of the *Financial Administration Act*, the other portions of the public service named in Schedule IV, and the separate agencies named in Schedule V.

The Public Service Labour Relations Board (the Board) received an expanded mandate under the new *PSLRA*, which now includes the delivery of compensation analysis and research services in addition to adjudication and mediation functions that were well established under the former regime. The Board's expanded mandate has introduced certain complexities to its administration, including the requirement to manage cases filed under two legislative regimes at the same time.

Employees of the federal public service deliver a vast array of programs and services that Canadians rely on. A labour relations environment that supports increased collaboration between employers and employees can improve the ability of the public service to serve and protect the public interest.



Conditions in the prevailing public service environment affect how the Board sets its priorities. For example, the current round of collective bargaining results in increased demand for the Board's mediation services and limits the resources available within its Dispute Resolution Services division to mediate adjudication cases. This is expected to extend into 2008-2009 as negotiations continue.

Issues in the collective bargaining environment can sometimes impact on the Board's adjudication function. Bargaining agents have in the past filed larger numbers of grievances as part of a strategy to press for solutions to common problems experienced by their members. Such a strategy can result in a large volume of similar grievances being referred over a very short period of time, such as several hundred in the course of one week. These groups of cases can and have been withdrawn without formal Board intervention once the matter has been resolved during collective bargaining or elsewhere.

The Board's adjudication services are very much influenced by the availability of resources devoted to labour relations cases by the parties appearing before it. When employers and bargaining agents experience reduced capacity to deal with the existing volume of grievances and complaints — as they have in recent years — requests for postponements increase, which introduce delays in the processing of cases by the Board.

Adjudication services are also affected by the growing complexity of cases being referred, including those involving human rights and duty-to-accommodate issues. Furthermore, the Board continues to witness a rising number of individuals who are represented, not by bargaining agents or counsel, but by themselves. These cases generally require more time on the part of the Board's employees and adjudicators.

The decision of the Supreme Court of Canada with respect to **Health Services and Support – Facilities Subsector Bargaining Assn. v. British Columbia, 2007 SCC 27** (<http://scc.lexum.umontreal.ca/en/2007/2007scc27/2007scc27.html>) recognized for the first time in Canadian history that collective bargaining is a constitutional right protected under the *Canadian Charter of Rights and Freedoms*. This decision has the potential to result in changes to the context of applications before the Board — for example, the questioning of the constitutional validity of some aspects of the existing labour relations framework, in areas such as the scope of bargaining, certification procedures, the right to unionize etc.

The environment in which the Board's new compensation analysis and research function must operate is somewhat complex, given that the needs and interests of the parties using compensation data are diverse and sometimes divergent. The Board must ensure that it addresses these varied requirements within tight deadlines with the added complexity of contracting with various service providers for the development and application of the relevant methodologies and tools.

Additional human and financial resources have been required to carry out the Board's new mandate. In particular, the delivery of compensation analysis and research services has necessitated that the Board establish a new division and recruit additional employees. A key risk faced by the Board remains the uncertainty regarding its funding base to continue to deliver its new statutory functions.

The Board relies on Board members who are Governor in Council appointees to adjudicate cases and render decisions. Delays in appointing individuals to fill Board vacancies and in re-



appointing current Board members diminish its ability to function expeditiously. Cases can only be heard and decided by full- and part-time Board members, thus a reduced complement of members lowers the number of cases that can go to hearing.

2008-2009 plans and priorities

The Board has one program activity: the provision of adjudication, mediation and compensation analysis and research services as mandated by the *Public Service Labour Relations Act (PSLRA)* and the *Parliamentary Employment and Staff Relations Act*.

The delivery of its statutory mandate remains the first priority of the Board. In addition, the Board plans to pursue three specific priorities in an effort to achieve the results outlined below by March 31, 2009.

PRIORITY 1: CONTINUE TO IMPROVE THE DELIVERY OF MEDIATION AND ADJUDICATION SERVICES AND EXPLORE POSSIBLE OUTREACH OPPORTUNITIES FOR MEDIATION SERVICES

Improve service delivery

Given its commitment to the continuous improvement of its services, the Board will undertake a number of related initiatives in 2008-2009. The Board seeks to close all cases filed under the former *Public Service Staff Relations Act (PSSRA)*, ensure that no cases are older than two years and address opportunities to enhance services that received less than satisfactory ratings in the 2007 Client Satisfaction Survey. It will also consider establishing a client advisory committee to obtain stakeholder feedback on Board processes and discuss service improvements, and operationalize its new performance measurement framework by commencing data collection and monitoring.

High-quality mediation and adjudication services are timely, fair, neutral, proactive, expert, responsive, courteous, transparent, and efficient, among other things. Adjudication services must also be rendered in accordance with the law and principles of natural justice.

For a number of years now, the Board has been concerned that its growing adjudication caseload has affected its ability to handle cases in a timely manner. The total number of cases before the Board, which includes new cases and cases carried over from previous years, continues to increase every year. In 2006-2007, the total volume of open cases stood at 5928. A significant proportion of these cases have been in process for several years.

Grievances referred for adjudication account for 5211 (88%) of the Board's cases. This high number is a holdover from the large increases in grievance cases that have been referred to the Board in recent years. During this period, many of the Board's clients — employer groups and bargaining agents — have had internal capacity issues resulting in more requests to postpone cases, which adds to the time required to close them, and keeps them on the caseload.

In the past few years, the Board's efforts to deal with the caseload have primarily focused on the analysis of the caseload and bilateral discussions with stakeholders to identify strategies. In 2008-2009, the Board will focus on more directive case management, the active promotion of mediation (particularly to self-represented grievors), the close monitoring of key cases, more careful scrutiny of requests for postponement, use of screening practices that allow similar cases to be grouped together, and greater use of pre-hearing conferences. The Board will also



continue its practice of consulting closely with the parties (employers and bargaining agents) to discuss options for accelerating the processing of cases.

When the *PSLRA* was enacted on April 1, 2005, employees were still able to refer grievances to adjudication under the former *PSSRA* if the events grieved happened before that date, or if the grievance had been presented but not finally dealt with before that date. In 2006-2007, 926 (74%) new grievances were filed under the new Act while 325 (26%) were filed under the former *PSSRA*. Although the number of grievances referred under the former Act is declining, it still represented one quarter of all grievances referred to the Board in 2006-2007. In 2008-2009, the Board will make it a priority to close all cases referred to adjudication under the former *PSSRA*.

In order to continue to track the degree to which clients are satisfied with its services and help improve service quality, the Board conducted its Client Satisfaction Survey in late 2007, the fourth of its kind since 1998. The survey generates reliable information on client satisfaction and client concerns. Clients include representatives of bargaining agents, representatives of employers, outside counsel representing bargaining agents or employers, and individuals representing themselves.

A priority for 2008-2009 will be to analyze the survey findings with a view to identifying and addressing opportunities to enhance the Board's services. The Board is considering the establishment of an advisory committee composed of clients to support the Board in identifying and implementing focused improvements.

The introduction and implementation of the new performance measurement framework in 2008-2009 will prove to be a key tool for monitoring and reporting on the Board's services. The framework clearly indicates the results expected by the Board as well as sets out performance indicators and targets for the provision of its services. This framework, which is reproduced later in this report, will guide the collection of quantitative performance information that will support both decision making and reporting.

Explore possible outreach opportunities for mediation services

Mediation and conflict resolution are key elements of the Board's statutory mandate under the new *PSLRA*. Mediation contributes directly to harmonious labour relations in the public service as it is generally preferable to resolve disputes early on and at the lowest possible level than to resort to adversarial processes such as adjudication to settle them. Mediators provided by the Board are impartial third parties with no decision-making power who intervene in a dispute to help parties reach their own mutually acceptable solutions voluntarily.

When the Board receives a reference to adjudication or a complaint, it gives priority to exploring options for resolving the matter voluntarily through mediation. The Board's mediation services also include preventive mediation, which is aimed at resolving disputes even before an application is filed. This can help reduce the number of cases brought before the Board.

In 2006-2007, the Board provided mediation services in 279 cases. This includes 223 cases in which a grievance or complaint had been filed and 56 cases of preventive mediation. Parties were successful in resolving 247 (89%) of those cases with the assistance of Board-appointed mediators.

In recent years, the demand for the Board's mediation services has grown in tandem with the large volume of grievance adjudication cases submitted to it. There have also been new



requests for mediation assistance from employers stemming from the requirements in the *PSLRA* for departments and agencies to put in place labour-management consultation committees and informal conflict management systems.

Given that the Board has already established a strong reputation for its mediation services, it is well positioned to play a stronger role in helping departments implement ICM systems and providing mediation support to departments to help resolve workplace disputes. In the longer term, these strategic efforts could reduce the number of grievances going forward to adjudication.

The Board also assists parties in their collective bargaining efforts through its mediation, conciliation and arbitration services. In providing these services, the Board either helps parties reach agreements or establishes mechanisms by which disputes between the parties can be resolved by an independent third party, thus avoiding potential labour disruptions that could adversely affect the provision of government services to Canadians. With the launch of a major round of public service collective bargaining in 2007-2008, the Board began to see an increased demand for its services that will only accelerate into 2008-2009.

Given the potential for mediation to reduce the number of cases going through lengthy and demanding adjudication processes, the Board has promoted its services to the parties involved in adjudication cases over the past several years, and will continue to do so in 2008-2009. However, the more vigorous promotion of the Board's preventive mediation services throughout the entire federal public service could elevate demand to such a point that it could not be met with existing resources.

Given all these factors, one of the Board's key priorities in 2008-2009 will be to consider the desirability of expanding its mediation services. A mechanism will be established to study and explore additional ways to promote the provision of these services within the federal public service.

PRIORITY 2: DELIVER COMPENSATION DATA AND ANALYSIS

With the enactment of the new *PSLRA*, the Board gained a new responsibility — compensation analysis and research — and created a new unit to carry it out.

The Board's Compensation Analysis and Research Services (CARS) contribute to the promotion of harmonious labour relations in the federal public service and in Parliamentary institutions by:

- supporting the parties to collective bargaining in the federal public service in their discussions and negotiations over compensation issues by providing them with accurate, timely and impartial information; and
- assisting arbitration boards and public interest commissions in carrying out their dispute resolution activities by providing relevant comparative analyses of compensation data.

Over the past few years, the Board has made important progress in establishing CARS and laying a solid foundation for its future work, including staffing the unit and holding extensive consultations with the parties to bargaining in the federal public service and with provincial governments.



To date, CARS activities have been carried out by a small core organization that directs and oversees research projects and contracts with external service providers to develop survey tools and conduct field work. Following the experience of the surveys being undertaken this year, CARS intends to review its organization and business model to ensure that it remains responsive to the needs of the parties.

The Board's first priority for 2008-2009 is to deliver compensation data and analysis from two compensation comparability studies launched in 2007-2008 to support the parties' collective bargaining efforts in 2007 through 2009. These studies involve a broad survey of current wages and benefits offered by employers in other public and private sectors for jobs comparable to technical services occupations in bargaining units represented by the Public Service Alliance of Canada and health-related occupations represented by the Professional Institute of the Public Service of Canada.

The Board's second priority is to ensure that a national compensation survey of a wider range of federal public service occupations is well under way in 2008-2009. The Board has been piloting various methodologies and tools for the development of a national survey. CARS has also been working closely with Statistics Canada, to benefit from that agency's expertise in identifying and resolving methodological and process issues related to conducting a survey on a national scale.

Work will include the identification of benchmark occupations and the development of the survey sample, parameters and data collection and reporting processes. A preliminary set of survey results is scheduled for release in the fall of 2009.

PRIORITY 3: CONTINUE TO DEVELOP THE BOARD'S INFRASTRUCTURE AND HUMAN RESOURCES

In an effort to enhance its efficiency and effectiveness as an organization, in 2008-2009, the Board will sustain its existing initiatives to develop its infrastructure and human resources, as well as undertake new ones.

The development of a new case management system has been in progress since 2005-2006. The new system will allow the Board to manage case information electronically from initial intake to the distribution and posting of the decision. After intensive planning and design work, the system will become operational in early 2008-2009, thus giving employees and Board members more efficient, up-to-date and integrated tools for managing cases. The system will also facilitate more detailed reporting in support of the Board's new performance measurement framework. As the system starts being used by employees, it will likely require further developmental work to meet all requirements.

To support its compensation analysis and research function, the Board requires technology to receive, store, analyze and report compensation data. In 2008-2009, work will continue on the identification of requirements and the implementation of related databases and systems.

The Board's growth and new responsibilities require it to have adequate and suitable space for its employees and modernized facilities for its adjudication function, such as hearing rooms that make better use of technology. Now that the Board has outgrown its current arrangements, it will identify and address shortcomings through both short-term and long-term measures.



Over the short term (2008-2009) the Board will seek to resolve pressing issues by refitting its accommodation within its current space allocation with the assistance of Public Works and Government Services Canada (PWGSC). Over the long term, the Board envisages relocating to new space, and will work toward this end with PWGSC in 2008-2009 to develop a plan that meets its needs.

In today's competitive labour force environment, organizations that are committed to remaining effective are placing increased emphasis on succession planning, workforce development and revitalization, and strong human resources planning integrated with business planning. As a small organization, the Board must be creative and proactive in meeting the challenges of recruiting, retaining and training a skilled work force.

In 2008-2009, the Board will ensure that individual and group training plans are developed for all employees and Board members. By the end of this period, the Board intends to have fully integrated its human resources planning into its strategic and business planning. The goal is to have the right number of people with the right skills, experience and competencies in the right jobs at the right time at the right cost.

Link to the Government of Canada Outcome Areas

As a federal quasi-judicial tribunal operating in the area of labour relations, the Public Service Labour Relations Board is aligned to the "Government Affairs" Outcome area in the Government of Canada's whole-of-government framework described in more detail in *Canada's Performance Report 2006-07: The Government of Canada's Contribution*. The resources allocated to the Board contribute to supporting a "public service that reflects excellence and leadership" as set out in this framework.



SECTION II: ANALYSIS OF PROGRAM ACTIVITY BY STRATEGIC OUTCOME

Detailed Analysis by Program Activity

The Board has one strategic outcome and one program activity, under which fall three distinct areas of service: adjudication services, mediation services and compensation analysis and research services. The Board's program and services are carried out in support of harmonious labour relations in the federal public service and in the institutions of Parliament.

Description of Program Activity

Adjudication services

Board members render decisions on complaints and labour relations applications, and act as adjudicators in grievance hearings under the *PSLRA* and the *PESRA*.

Grievances (individual, group or policy) cover:

- interpretation of collective agreements and arbitral awards;
- disciplinary action resulting in termination, demotion, suspension or financial penalty;
- demotion or termination for unsatisfactory performance or for any other non-disciplinary reasons; and
- deployment without an employee's consent.

Complaints cover:

- unfair labour practices; and
- reprisal actions taken for raising an issue under Part II of the *Canada Labour Code*.

Applications cover:

- certification and revocation of certification;
- determination of successor rights;
- determination of managerial or confidential positions;
- determination of essential services agreements;
- review of prior PSLRB decisions; and
- requests for extensions of time to present grievances or to refer grievances to adjudication.

Mediation services

The Board provides a range of mediation services, which include:

- assisting parties through conciliation and arbitration in the negotiation and renewal of collective agreements;
- assisting parties in handling issues arising from the implementation of collective agreements;



- helping parties work together to resolve grievances and complaints and thus avoid a formal adjudication hearing.

The Board offers a two-and-a-half-day interactive training session at the national level on interest-based negotiations and mediation, which is geared specifically to labour relations in the federal public service. The high demand for such training, along with the joint union-management approach used, makes this training program a unique and critical activity for the Board's clients.

Compensation analysis and research services

The Board is charged with establishing and delivering a compensation analysis and research function that will generate compensation data to be used by parties engaged in the collective bargaining and compensation determination processes in the federal public service as well as by other public and private organizations and individuals.

Specifically, the PSLRB will collect, analyse and disseminate impartial, accurate and timely information on rates of pay, employee earnings, conditions of employment, benefits and related practices prevailing in the public and private sectors to meet the needs of bargaining agents and employers in the Public Service of Canada. The survey and research results, aggregated to protect the confidentiality of respondents, will be disseminated to the more than 50 parties to the collective bargaining process in the federal public service, as well as to other public sector institutions, private sector organizations and the general public.

Other services

As required by the *PSLRA*, the Board provides physical and administrative support services to the National Joint Council (NJC), an independent consultative body of employer and employee representatives. The NJC exists to determine public service-wide issues that do not lend themselves to unit-by-unit bargaining. The Board houses the NJC but plays no direct role in its operation.

Under an agreement with the Yukon government, the Board administers the collective bargaining and grievance adjudication systems under the *Yukon Education Labour Relations Act* and the *Yukon Public Service Labour Relations Act*. When performing these functions funded by the Yukon government, the Board acts as the Yukon Teachers Labour Relations Board and the Yukon Public Service Labour Relations Board, respectively.



Performance Measurement Framework

The Board's performance measurement framework was developed and finalized in 2007-2008. Data sources to measure performance will include the triennial Client Satisfaction Survey, the new case management system, service-specific databases and manual data collection. Initial data collection will begin in 2008-2009 and will be developed in the years ahead, as the new case management system expands the potential for automated data collection.

The measures related to client satisfaction will be measured in 2010 with the next Client Satisfaction Survey (CSS) and be reported in 2011.

| PROGRAM ACTIVITY: ADJUDICATION, MEDIATION, AND COMPENSATION ANALYSIS AND RESEARCH | |
|--|---|
| Expected results | Key performance indicators, targets and dates to achieve targets |
| Harmonious labour relations in the federal Public Service and Parliament | Performance indicator: Based on CSS survey data, percentage of clients who are satisfied with the Board's ability to improve labour relations in the federal public service and Parliament through impartial and open processes and the quality of assistance, reports and educational tools it provides. Target: 75% Date to achieve target: 31/03/2011 |
| Parties before the Board receive a timely and fair resolution of their case | Performance indicator: Based on CSS survey data, percentage of clients who are satisfied with the Board's services with respect to timeliness and fairness Target: 75% Date to achieve target: 31/03/2011 |
| Dispute-related issues are fully or partially resolved through mediation interventions | Performance indicator: Percentage of mediation efforts (grievance or complaint cases and collective bargaining) where issues are partially or fully resolved Target: 80% Date to achieve target: 31/03/2009 |
| The Board's compensation data improves the process of collective bargaining | Performance indicator: Percentage of Board interventions with respect to collective bargaining (mediation, public interest commissions, arbitration boards) that use the Board's compensation data, when such data is available Target: 80% Date to achieve target: 31/03/2010 |



| Outputs | Performance indicators, targets and dates to achieve targets |
|--|--|
| Decisions on applications, complaints and grievances | <p>Performance indicator: Percentage of decisions issued within four months of the last day of the hearing or other proceeding Target: 75% Date to achieve target: 31/03/2009</p> <p>Performance indicator: Among decisions sent for judicial review, percentage of challenges upheld in relation to the total number of decisions issued over a five-year period Target: 2% Date to achieve target: 31/03/2009</p> |
| Management of cases | <p>Performance indicator: Compliance rate with service standards for case management Target: 80% Date to achieve target: 31/03/2009</p> <p>Performance indicator: Percentage of adjudication cases closed during a year over the total number of new cases received during the same year Target: 10% Date to achieve target: 31/03/2009</p> |
| Mediation in the negotiation and renewal of collective agreements, the management of relations resulting from the implementation of collective agreements, and in relation to grievances, complaints and other proceedings | <p>Performance indicator: Percentage of parties involved in a grievance or complaint case who agree to proceed with mediation efforts Target: 60% Date to achieve target: 31/03/2009</p> <p>Performance indicator: Percentage of collective bargaining issues resolved by mediation interventions Target: 50% Date to achieve target: 31/03/2009</p> <p>Performance indicator: Success rate of preventive mediation (not related to an adjudication case before the Board) Target: 85% Date to achieve target: 31/03/2009</p> |
| Training sessions on interest-based negotiation and mediation | <p>Performance indicator: Number of registrations per year Target: 500 Date to achieve target: 31/03/2010</p> <p>Performance indicator: Percentage of training sessions with a full house Target: 80% Date to achieve target: 31/03/2010</p> <p>Performance indicator: Percentage of participants satisfied with quality of training Target: 80% Date to achieve target: 31/03/2010</p> |



| Outputs | Performance indicators, targets and dates to achieve targets |
|---|--|
| Conciliation and arbitration services | <p>Performance indicator: Percentage of public interest commissions and arbitration boards that are initiated within five days of receiving all appropriate documentation</p> <p>Target: 100%</p> <p>Date to achieve target: 31/03/2009</p> |
| Data on compensation prevailing in the public and private sectors | <p>Performance indicator: Percentage of time that compensation information is available in time for negotiations</p> <p>Target: 100%</p> <p>Date to achieve target: 31/03/2010</p> |
| | <p>Performance indicator: Percentage of errata issued in relation to the number of reports issued over a three-year period</p> <p>Target: 5%</p> <p>Date to achieve target: 31/03/2010</p> |
| | <p>Performance indicator: Percentage of clients that indicate data meets their needs</p> <p>Target: 80%</p> <p>Date to achieve target: 31/03/2011</p> |
| | <p>Performance indicator: Percentage of clients that are satisfied with methodology</p> <p>Target: 80%</p> <p>Date to achieve target: 31/03/2011</p> |
| | <p>Performance indicator: Percentage of clients that are satisfied with consultation and processes</p> <p>Target: 80%</p> <p>Date to achieve target: 31/03/2011</p> |
| Outreach material | <p>Performance indicator: Percentage of clients that are satisfied with outreach material produced by the Board</p> <p>Target: 85%</p> <p>Date to achieve target: 31/03/2011</p> |
| | <p>Performance indicator: Percentage increase in visits to Board's website in relation to benchmark year (2007-08)</p> <p>Target: 5%</p> <p>Date to achieve target: 31/03/2009</p> |



SECTION III: SUPPLEMENTARY INFORMATION

Link to the Government of Canada Outcomes

| 2008-2009 | | | | |
|--|-----------|----------------------|--|------------------------|
| (\$ thousands) | Budgetary | Total Main Estimates | Adjustments (planned spending not in Main Estimates) | Total Planned Spending |
| | Operating | | | |
| Strategic Outcome: Harmonious labour relations in the federal public service and Parliament. | | | | |
| Program Activity: Adjudication, mediation and compensation analysis and research. | \$6,756 | \$6,756 | - | \$6,756 |
| Total | \$6,756 | \$6,756 | - | \$6,756 |

The strategic outcome and program activity of the Board contribute to the achievement of the Government of Canada's "Government Affairs" outcome and contributes to the smooth operation of the Government of Canada.

APPENDIX A: OTHER INFORMATION

Statutes and Regulations Administered by the Public Service Labour Relations Board

Public Service Labour Relations Act, S.C. 2003, c. 22, s. 2

Public Service Labour Relations Board Regulations, SOR/2005-79

Public Service Staff Relations Act, R.S.C. 1985, c.P-35 (repealed as of March 31, 2005)

P.S.S.R.B. Regulations and Rules of Procedure, 1993, SOR/93-348 (repealed as of March 31, 2005)

Parliamentary Employment and Staff Relations Act, R.S.C. 1985, c. 33 (2d Supp.), as amended.

P.E.S.R.A. Regulations and Rules of Procedure, SOR/86-1140, as amended.

Sections 133 and 145 of Part II of the *Canada Labour Code*, R.S.C. 1985, c. L-2

Education Labour Relations Act, (Yukon), R.S.Y. 2002, c. 62 (amended by SY 2004, c.8)

Yukon Teachers Staff Relations Board Regulations and Rules of Procedure, O.I.C. 1992/95

Public Service Labour Relations Act, (Yukon), R.S.Y. 2002, c. 185 (amended by SY 2004, c.8)

YPSSRB Regulations and Rules of Procedure, C.O. 1970/226



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