



# **LABOUR RELATIONS BOARD**

## **ACTIVITY PLAN**

**Fiscal Years 2008 - 2011**

# Message from the Chairperson

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As the Chair of the Newfoundland and Labrador Labour Relations Board I am very pleased to submit the Multi-Year Activity Plan for the activities of the Board for the fiscal years 2008-09, 2009-10 and 2010-11. This Plan is prepared in compliance with the *Transparency and Accountability Act* pursuant to which the Board has been categorized as a category 3 government entity and which requires the Board to prepare a performance-based activity plan. The Board is accountable for the preparation of this plan and for the achievement of its objectives.

In developing this Plan the Board has considered the strategic direction of the Minister of Human Resources, Employment and Labour and can contribute to the Minister's strategic direction on employment relations (see Appendix A for more information), in light of the Board's mandate.

The Board is an independent, quasi-judicial body which has the function of adjudicating labour relations matters and employment matters pursuant to the *Labour Relations Act* and several other pieces of legislation. The Board meets regularly to review and determine applications for certification; applications for revocation; unfair labour practices; successor rights; imposition of first collective agreements; complaints related to the duty of fair representation; and other issues within its jurisdiction. The Board may make decisions based on its review of the investigation reports and written submissions of the parties or it may determine that a hearing is necessary for the purpose of making decisions.

The Board's primary objectives are the fair and efficient processing of applications and the rendering of decisions which are clear, consistent and in accordance with legal principles. The Board is fortunate to have highly dedicated and professional staff to assist in the achievement of these objectives and to assist in the administration of the legislation.

I would like to thank the Vice-Chairpersons and Board Members for their excellent diligence. I would like to also thank the Chief Executive Officer, Board Officers and Staff for their continued outstanding dedication and contribution to the Board. I am extremely pleased and honoured to be in the position of full-time Chair and I look forward to our collective efforts in 2008-09, 2009-10 and 2010-11.

Valerie L. Marshall, Q.C.  
Chairperson

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# 1.0 Overview

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The Labour Relations Board is an independent, representational, quasi-judicial tribunal responsible for the interpretation and application of certain provisions of the following labour relations statutes: *Labour Relations Act*; *Public Service Collective Bargaining Act*; *Fishing Industry Collective Bargaining Act*; *Teachers' Collective Bargaining Act*; *Interns and Residents Collective Bargaining Act*; *Labour Standards Act*; *Occupational Health and Safety Act*; *Smoke-Free Environment Act, 2005* and *House of Assembly Accountability, Integrity and Administration Act*.

The Board is established under the *Labour Relations Act*. The Board is composed of the Chairperson, Vice-Chairpersons, employer and employee representatives; all of whom are appointed by the Lieutenant-Governor in Council. The appointees are from various regions across Newfoundland and Labrador. The Act contains provisions outlining the labour relations rights and responsibilities of employers, trade unions and employees. The Act guarantees employees the right to seek collective bargaining with their employers and establishes a framework for employees to make this choice freely.

The Act confers on the Board the authority over many important aspects of labour relations, including the certification of unions to represent employees, the revocation of certification upon application by interested parties where certified unions no longer have the support of a majority of bargaining unit members, unfair labour practices, successor rights determinations, common employer applications, first collective agreement applications, duty of fair representation complaints, essential employee declarations, discriminatory action under the *Occupational Health and Safety Act* and appeals of labour standards determinations. The Board has the exclusive authority to exercise the power conferred upon it and to determine all questions of fact or law that arise. It also has the power to reconsider any of its decisions and a privative clause in the Act limits the scope of judicial review. It is also entitled to determine its own practices and procedures and to make rules prescribing the procedures to be followed in respect of the administrative functions of the Board.

Critical areas of the Board's mandate are the resolution of labour relations matters as well as educating the labour relations community and workers generally about the legislation, rules, policies and procedures of the Board. The main focus areas or objectives identified in this Plan, such as processing and considering applications that come before the Board; communicating decisions and circulation of publications contribute to the strategic directions identified by the Minister as being relevant to the Board. The fair and efficient processing of applications by the Board fosters harmonious workplace relations and the communication and circulation of decisions and publications through the Board's searchable decision system and website ensure that the public and parties appearing before the Board have ready access to the Board's policies and decisions.

The administrative staff of the Board comprises a Chief Executive Officer, three Labour Relations Board Officers and two support staff. The offices of the Board and hearings facilities are located in the Beothuck Building, St. John's, NL. Board hearings are also conducted in other regions of the province.

The annual budget (excluding lease payments) of the Board for 2008-09 is \$753,900.

## 2.0 Mandate

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The Labour Relations Board's primary mandate is to resolve labour relations and employment matters in accordance with its jurisdiction as conferred by the *Labour Relations Act* as well as several other statutes as follows: *Public Service Collective Bargaining Act*; *Fishing Industry Collective Bargaining Act*; *Teachers' Collective Bargaining Act*; *Interns and Residents Collective Bargaining Act*; *Labour Standards Act*; *Occupational Health and Safety Act*; *Smoke-Free Environment Act, 2005*; *House of Assembly Accountability, Integrity and Administration Act*.

The Board administers and interprets the provisions of these statutes applicable to the Board.

## 3.0 Lines of Business

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In fulfilling its mandate, the Labour Relations Board offers the following services to its primary clients:

### 1. Resolution of labour relations matters:

- the processing, investigation and adjudication of applications made to the Board by unions, employers, organizations and individual employees, or referrals made pursuant to the legislation;
- the mediation of differences in attempts to limit the extent and need for formal adjudication and to reinforce the ability of the parties to resolve their own disputes.

### 2. Education:

- the education of the Provinces' labour relations community in the interpretation of the legislation, the Board's rules, policies and procedures.

## 4.0 Values

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In order for the Labour Relations Board to fairly and efficiently administer the legislation it oversees, it is imperative that stakeholders have a high level of trust and confidence in the independence of the Board, its staff and the quality of its services. To this end, the Board promotes four key values: independence, professionalism, respect and objectivity. The action statements below speak to how these values are reflected in the conduct of the Board and its administrative staff.

### *Independence*

It is important that the Board maintain and be perceived by its clients to have complete independence in making its decisions, which are quasi-judicial in nature, having regard to the legislation and jurisprudence on the issues being decided.

### *Professionalism*

The Board and its staff believe in providing services with high standards by maintaining and enhancing their knowledge base and exhibiting a competent, conscientious and impartial manner in their dealings with all clients. Staff also provides quality services in a timely, responsible, business-like manner.

### *Respect*

The Board and its staff will continue to exercise good judgement in the treatment of the public and other employees. The staff of the Board is committed to ensuring the positions of its clients are fairly represented in a transparent, neutral and proper manner.

### *Objectivity*

The Board and its staff will continue to provide services to the public with integrity and fairness. There exists in the workplace a commitment to dealing with all clients in an equitable and unbiased manner.

## 5.0 Primary Clients

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The Labour Relations Board serves employers, organizations, employees and unions in Newfoundland and Labrador covered by the legislation administered by the Board and primarily oversees the acquisition and exercise of collective bargaining rights and the promotion of sound labour relations in a fair and transparent manner.

## 6.0 Vision

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The vision of the Labour Relations Board is of fair and equitable application of the provisions of labour and employment legislation pursuant to which the Board has jurisdiction.

## 7.0 Mission (2011)

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The mission of the Labour Relations Board is to continue to administer and interpret the legislation with regard to applications brought before the Board. This Board has been in existence for over 50 years and has, like other Labour Boards in Canada, acquired expertise both in its administration and adjudication and considerable effort is expended by the Board and its staff in maintaining a high level of expertise which culminates in a high level of service to its primary clients.

**Measure:** Administration and interpretation of the legislation

**Indicators:**

- Processed or commenced processing of applications filed with the Board with a view to resolution by adjudication or mediation
- After full consideration of matters by the Board at Board meetings, either hearings are scheduled or decisions may be made and communicated to relevant parties
- Reasons for decision, where issued, are communicated to relevant parties and made public through publication onto the Board's internet-based decision system

## 8.0 Objectives

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This plan for the Board covers three fiscal years; 2008-09, 2009-10 and 2010-11. Pursuant to the *Transparency and Accountability Act*, we have identified four main areas of focus for the Board. They are:

- a) Processing Applications
- b) Considering Applications
- c) Communication
- d) Circulating Publications

For each year of this plan, the following objectives have been identified which represent the focus of the Board and include performance measurement information (i.e., measures and indicators) to assist both the entity and the public in monitoring and evaluating success. For each fiscal year of this plan, the Board will report on the achievement of each of these objectives. The Board performs two functions – administrative and adjudicative. The Chief Executive Officer and staff fulfill the administrative function which generally entails the processing of applications; the Chair and members of the Board fulfill the adjudicative function. The objectives are designed to achieve these functions.

### **ISSUE: PROCESSING APPLICATONS**

**Objective 1:** The Labour Relations Board will have commenced processing or processed all applications filed with the Board. (Processed means completed steps necessary to bring applications before the Board at regular board meetings).

**Measure:** All applications commenced or processed

**Indicators:**

- Number of applications received
- Number of applications in process
- Number of applications completed

**ISSUE:           CONSIDERING APPLICATIONS**

**Objective 2:** The Labour Relations Board will have considered all processed applications which are put before the Board at its meetings, but will not have necessarily made a final determination with respect to these applications. (Decisions of the Board are evidenced in the form of orders).

**Measure:**       All processed applications are considered

**Indicators:**

- Number of orders made by the Board at its meetings
- Number of applications referred to the hearing process
- Number of hearings scheduled
- Number of applications considered and deferred

**ISSUE:           COMMUNICATION**

**Objective 3:** The Labour Relations Board will have communicated the results of decisions and orders to relevant parties.

**Measure:**       Communication

**Indicators:**

- Number of orders issued and number communicated to parties
- Number of reasons for decision issued and number communicated to parties
- Number of reasons for decision uploaded to the Board's internet-based decision system

**ISSUE:           CIRCULATING PUBLICATIONS**

**Objective 4:** The Labour Relations Board will have circulated publications, as necessary, related to board processes and procedures.

**Measure:**       Circulated publications

**Indicators:**

- As necessary, number of information bulletins and policy circulars distributed and placed on Board's website
- Annual Report filed and placed on the Board's website

## 9.0 Appendix A: Strategic Directions

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Strategic directions are the articulation of the desired physical, social or economic outcomes and normally require action by more than one government entity. The *Transparency and Accountability Act* requires departments and public bodies to take into account these strategic directions in the preparation of their performance-based plans.

The strategic directions relevant to the entities reporting to the Minister responsible for the Labour Relations Board were considered and those relevant to the Labour Relations Board are identified below. Each strategic direction is comprised of a number of components, or focus areas. Those focus areas that are relevant to the Labour Relations Board will be addressed through various planning processes, which are indicated in the table provided.

### 1. Employment Relations

**Outcome Statement:** Recognized stable employment relations climate conducive to economic growth. This outcome supports a policy direction of government and requires systemic intervention in the areas of:

Strategic Direction Component (Focus Area)	Not Applicable – to be addressed by other entities reporting to the Minister	This strategic direction component is addressed in the ...		
		Activity Plan	Operational Plan	Work Plans of Divisions/Sections within the Organization
Workplace relations		√	√	
Education and promotion		√	√	
Legislation and standards	√			
Labour-based analysis	√			