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**Proceedings of the Standing Committee on
Social Services**

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Labour Relations Agency

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Honourable Tom Osborne, MHA

SOCIAL SERVICES COMMITTEE

Labour Relations Agency

Chair: Lisa Dempster, MHA

Vice-Chair: Tracey Perry, MHA

Members: Paul Davis, MHA
Carol Anne Haley, MHA
Paul Lane, MHA
Betty Parsley, MHA
Scott Reid, MHA
Gerry Rogers, MHA

Clerk of the Committee: Lorna Proudfoot

Appearing:

Labour Relations Agency

Hon. Perry Trimper, MHA, Minister
Glenn Branton, Chief Executive Officer, Labour Relations Board
Robyn Hayes, Departmental Controller
Ian Murphy, Executive Assistant
Emily Timmins, Director, Communications
Geoff Williams, Chief Executive Officer, Labour Relations Agency

Also Present

Barry Petten, MHA
Derek Bennett, MHA
Megan Drodge, Researcher, Official Opposition Office
Ivan Morgan, Researcher, NDP Office

The Committee met at 9:07 a.m. in the Assembly Chamber.

Pursuant to Standing Order 68, Derek Bennett, MHA for Lewisporte – Twillingate, substitutes for Lisa Dempster, MHA for Cartwright – L'Anse au Clair.

CHAIR (Reid): Okay, if everyone's ready we're going to get started now.

Lisa was unable to make it today, so I'm filling in for her. I'm Scott Reid, the MHA for St. George's – Humber.

First thing we'll do is we'll get everyone to introduce themselves. We'll start with the minister and his officials and then we'll move around the room.

MR. TRIMPER: Thank you very much, Mr. Chair.

On my starboard side is Glenn Branton. He's the CEO of the Labour Relations Board. The port side to my left is Geoff Williams – just staying with the nautical theme – is the CEO for the Labour Relations Agency. To his left is Robyn Hayes, the departmental controller. Behind me is Ian Murphy – he's my executive assistant – and Emily Timmins, a very capable communications director, right behind me.

That's our team.

CHAIR: Okay.

MR. MORGAN: Ivan Morgan, Researcher, NDP caucus.

MS. DRODGE: Megan Drodge, Researcher, Official Opposition caucus.

MR. PETTEN: Barry Petten, MHA for CBS and Labour Relations critic.

MS. HALEY: Carol Anne Haley, MHA, Burin – Grand Bank.

MR. BENNETT: Taking up the stern, I guess, Derek Bennett, MHA, Lewisporte – Twillingate, filling in for Lisa Dempster.

MR. LANE: Paul Lane, MHA, Mount Pearl – Southlands.

CHAIR: Before we get started, I just wanted to remind everyone, just for the records because we don't have a video record, to state your name before you respond for the Hansard people so we're able to keep track of that.

I guess we just start calling the first subhead.

CLERK (Ms. Proudfoot): Subhead 1.1.01.

MR. TRIMPER: Mr. Chair, if I could, could I take a few minutes just perhaps to – I have a couple of prepared paragraphs just on what the agency and the board does, if people are interested I could read that. Is that okay?

CHAIR: Sure.

MR. TRIMPER: First of all, the Labour Relations Agency supports and promotes positive employment relationships in the province, administers minimum terms and conditions of employment and provides workplace dispute resolution services.

The agency provides a number of services to unionized and non-unionized employees and employers throughout the province that fall under provincial jurisdiction. The agency has 21 staff under the direction of a chief executive officer and has three lines of business: Labour Standards, Labour Relations and Policy and Planning. These services include: protection of the basic labour rights of all employees and employers throughout the administration and enforcement of the *Labour Standards Act* which establishes the minimum terms and conditions of employment and the *Shops Closing Act* which sets the observance of holidays when most shops must be closed.

Another service is the supports for employees and employers who operate within the framework of the collective bargaining system, as set out in the province's *Labour Relations Act* and other collective bargaining legislation; provides conciliation, preventative mediation and interest-based negotiation services to employers and employees creating partnerships to promote the currency and relevance of the employment relations legislation.

Finally, it's the administrative and human resource support to the Standing Fish Price Setting Panel and policy and budgetary support for related entities.

The work of the agency contributes to the economic and social well-being of all employees and employers in the province, given that a positive employment relations climate makes a significant contribution to future economic growth.

It's just an interesting note that last year there was not a single strike of legal lockout position. We hope to maintain that record but we're not sure.

Just to comment on the Labour Relations Board, the Newfoundland and Labrador Labour Relations Board, represented by Glenn here beside me, is an independent quasi-judicial body which contributes to and promotes harmonious labour relations in the province by adjudicating and mediating in a variety of employment and labour relations matters under 10 statutes.

In addition to the above, the board will have the responsibilities under the Act to Amend the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act when proclaimed.

The primary mandate of the board is to resolve labour relations and employment disputes in accordance with its jurisdiction. The board meets regularly to review and determine – it's not limited to – applications for certification, applications for revocation, unfair labour practices, successor rights, common employer, imposition of first collective agreements, complaints related to the duty of fair representation, appeals of the occupational and safety orders, review of labour standards determinations, discriminatory action under the *Occupational Health and Safety Act*, designation of essential employees, unfair labour practice complaints and other issues within its jurisdiction.

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 employs seven staff with

the direction of a chief executive officer, with budgetary support provided in conjunction with the Labour Relations Agency.

CHAIR: Thank you very much.

We'll proceed with the line-by-line stuff. I think this is a fairly small number of items in this Estimates section so maybe we can do them all at the same time. That will give you the flexibility to – after the first subhead.

Okay, we'll do the first subhead and then we'll do the rest in one go.

OFFICIAL: Yeah.

CHAIR: Okay, so the first subhead has already been called, I think.

MR. PETTEN: Thank you, Mr. Chair.

Minister, as we did last week, I was wondering if you mind if I ask some general questions that pertain to all your line items and I'll go through some line items after.

MR. TRIMPER: Sure.

MR. PETTEN: Okay. Thanks.

I have a salary report here. You say you have 21 employees presently with the agency and seven with the board. How is this compared to last year's numbers? Is there any change?

MR. TRIMPER: I'll pass over to Geoff Williams.

MR. WILLIAMS: In terms of the number of staff from last year, there's one less person this year.

MR. PETTEN: What's the reason for that?

MR. WILLIAMS: That was a vacant ADM position. The position still exists but the person finished in January of 2016.

MR. PETTEN: And it hasn't been filled?

MR. WILLIAMS: That's correct.

MR. PETTEN: Okay.

Would I be right in assuming there are no positions lost through *Budget 2016*?

MR. TRIMPER: That's correct.

MR. PETTEN: Okay. Also, the same thing would apply with attrition, nothing through attrition.

The Standing Fish Price Setting Panel; they're not listed in your salary report but they're listed in the Estimates, subhead 1.1.04. There is nothing listed in there. I'm just wondering why they're not listed in a salary report yet they're listed on the line item. What's the reason?

MR. WILLIAMS: I'm sorry, could you just – I want to make sure I understand the question.

MR. PETTEN: I'm looking at your salary of all your positions.

MR. WILLIAMS: Yes.

MR. PETTEN: There is nothing listed there for the Fish Price Setting Panel positions. I'm just wondering why they're not on the salary report yet they're listed in our line items.

MR. WILLIAMS: I believe that position appears under the salary listings for the Labour Relations and staff under Labour Relations Agency. I'm not sure if I fully understand the question. I'm sorry about that.

MR. PETTEN: No, that's fine. The Standing Fish Price Setting Panel is listed here in Salaries and operational monies and that. You're saying the position is listed in the salary report?

MR. WILLIAMS: Yes, there's an industrial relations specialist who was assigned to the Standing Fish Price Setting Panel. I'm sorry I didn't know if that was –

MR. PETTEN: Okay, got ya. Thank you.

One of those industrial relations specialists is with the Fish Price Setting –

MR. WILLIAMS: That's correct.

MR. PETTEN: Okay. Thank you very much.

Another general question, too, I want to ask is all the staff for the agency and the board is located in St. John's, correct?

MR. WILLIAMS: There's one staff member, a Labour Standards officer in Corner Book.

MR. PETTEN: Okay, otherwise the rest are in St John's.

MR. WILLIAMS: That's correct, yes.

MR. PETTEN: Okay.

It's ironic, we just had a sidebar on this, but right now the agency is located in the Beothuck Building. Have there been any discussion or any plans on moving it into a government building to save money?

MR. TRIMPER: Certainly we were looking at space and efficiencies, so that is under review.

MR. PETTEN: Right now that's rented.

MR. TRIMPER: Yeah, that's a rented space.

MR. PETTEN: Do you have an idea of what the cost of rent is for that building, what you pay for rent?

MR. WILLIAMS: Approximately \$260,000 a year for the lease costs.

MR. PETTEN: Wow. Rent is not cheap, is it?

I have some line-by-line items now, some general questions.

The subhead that was called, I guess, 1.1.01, under Executive Support, I just have one question for that. What are the Purchased Services used for?

MR. WILLIAMS: In terms of Purchased Services there, we would use those for such things as if there was any employee development ongoing. As well, if there was a requirement for the Standing Fish Price Setting Panel to have a market report prepared, that cost could be allocated from Purchased Services there.

MR. PETTEN: Okay. So the savings that we see here, it's not a big amount, but are we doing less – what are we doing less of I should say?

MR. TRIMPER: The decrease there in the \$7,200 versus the \$10,200, that's a rightsizing based on historical costs.

MR. PETTEN: Okay.

MR. TRIMPER: (Inaudible) rolling it back of what we typically incur.

MR. PETTEN: Okay. No problem.

Okay. That's all I have up to 1.1.01.

CHAIR: Does anyone else have any questions on that section?

Okay, shall –

MR. PETTEN: Mr. Chair, sorry, just one second. I just noticed something on this.

Why the decrease in Salaries from last year's budget to this year?

MR. TRIMPER: We do have a vacant ADM position and the continuance payout will end in October of this year.

MR. PETTEN: Okay.

It's not a lot though, \$38,000. I'm just looking and it's not a big amount, right, \$38,000?

MR. TRIMPER: It's about \$37,700 less based on that person's continuance ending in October.

MR. PETTEN: Okay, starting as of April 1, right?

MR. TRIMPER: Yes, that's correct.

MR. PETTEN: Okay.

Mr. Chair, yes, I'm good for that section.

CHAIR: Okay, seeing no further questions, shall subhead 1.1.01 carry?

All those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: All those against?

Carried.

On motion, subhead 1.1.01 carried.

CLERK: Subhead 1.1.02 to subhead 1.2.01 inclusive.

CHAIR: Shall they carry?

Any questions?

MR. PETTEN: I've got questions on the next section.

CHAIR: Yes.

MR. PETTEN: 1.1.02, Administration and Planning, under Salaries there's not a big amount, but there was some savings last year again. Why was the revised amount less than what was budgeted? And now it's gone up again this year, though.

MR. TRIMPER: Sure. The savings, first of all, incurred in last year's budget was due to an unpaid leave for one employee that was laid off for part of the year.

MR. PETTEN: Okay.

MR. TRIMPER: And the slight increase of \$17,000 more over the previous year's budget for Salaries, that's the JES or just progression along the GNL pay scales.

MR. PETTEN: Okay.

MR. TRIMPER: There are no additional folks added there.

MR. PETTEN: Okay.

MR. TRIMPER: They're just getting better at their jobs and we're paying them for it.

MR. PETTEN: Transportation and Communications, there's a substantial drop in that line item. Have any operations changed?

MR. TRIMPER: That represents a net decrease of \$26,100 – \$25,000 of which was a line by line rightsizing based on a historical review. The additional \$1,100 is the result of a Transportation and Works initiative just to reduce on telephone expenditures and blue page advertising through government.

MR. PETTEN: Lots of savings you can make, isn't it?

MR. TRIMPER: Yes, just looking around.

MR. PETTEN: Yes, really.

Purchased Services has been decreased by \$30,000. What's the reason for that? What are we doing less of?

MR. TRIMPER: I'm going to give Robyn that question, because she was here with me last week and we didn't give her a single question.

MR. PETTEN: Didn't I? You took them all, see; you answered them all.

MR. TRIMPER: I promised her a question. We're going to give her this one in case you don't have any more.

MS. HAYES: Thank you, Minister.

That was just, again, our line-by-line reduction where we looked at our historical costs over the years. So there's no reduction in services there.

MR. PETTEN: So you're saying there was too much budgeted – so there's always leftover money, hey?

MS. HAYES: Yes.

MR. PETTEN: It says Revenue – Provincial is \$50,000; where does that come from? What is that?

MS. HAYES: That comes from Workplace NL, formerly the Workplace Health, Safety and Compensation Commission. They provide us some funding toward some of the salaries for the Labour Relations Agency.

MR. PETTEN: Oh, is that right?

MS. HAYES: For policy support, mostly.

MR. PETTEN: Okay.

1.1.03, Labour Relations and Labour Standards, again these are small but worth asking too I guess. The increase in Salaries was \$20,000. Is that JES too? I guess it is, is it?

MR. TRIMPER: First of all the decrease over last year's activity, that \$36,800 was due to some delays in filling some positions and maintaining a staff vacancy. This year's projection is slightly up – yes, absolutely, it's the job evaluation pay scale alignment and progression along pay scales.

MR. PETTEN: Okay.

Again the Transportation and Communications line is less; was that another rightsizing?

MR. TRIMPER: First of all the decrease last year was just less travel than they had anticipated. This year we have an increase of \$2,200 over what we actually incurred last year. Purchased Services expenditures during travel status or outside regular hours that were reimbursed through the travel claim system – Robyn, any other comment on that?

MS. HAYES: For the Purchased Services?

MR. TRIMPER: Yeah.

MS. HAYES: Is it Transportation you were looking for?

MR. TRIMPER: Yeah, I'm sorry, I gave you Purchased Services.

MR. PETTEN: Transportation.

MR. TRIMPER: Transportation and Communications, the \$20,400 dropped over last year and this year we have just rightsized that.

MR. PETTEN: Rightsizing?

MR. TRIMPER: Yes, based on historical costs. Sorry, I just skipped a line.

MR. PETTEN: I guess now we can go to Purchased Services.

MR. TRIMPER: Let's do that.

MR. PETTEN: I should have left you alone on that one.

MR. TRIMPER: Yes.

MR. PETTEN: There is only one item there in the middle and there is no budget. It was a one-time thing, was it?

MR. TRIMPER: Go ahead.

MR. WILLIAMS: The issue with that was that was an amount charged for meeting rooms when one of the conciliators was out of the office and it got incorrectly put through the travel claim system. So it got charged to an account for which there was no funds. That should have been really charged to Purchased Services. That's why it shows up there as an anomaly. It should have been charged to Admin and Planning. But when it got put through, the individual, it wasn't caught and it got put through a travel claim. That's why that amount shows up there.

MR. PETTEN: Okay, makes sense.

The Revenue line, again where does this come from? We see an increase in revenue from what was revised last year so –

MR. TRIMPER: We had an increase of some \$35,000 over the previous year. It's relating to a fee increase. We went from \$50 to \$75. That's one of our little fee announcements per clearance certificate. That revenue comes from the Labour Standards Clearance Certificate request. It's just a reflection of what's going on in the real estate market and that level of activity.

MR. PETTEN: When you say a clearance certificate, I'm not familiar with the board. What does that entail?

MR. WILLIAMS: Essentially, if someone's looking primarily with the sale of real property, it's a fee to verify that an individual or company is in good standing with the Labour Standards Division so there's no complaint or investigation outstanding. That fee is generally one that

lawyers would incur on behalf of their clients if you're looking to purchase real property.

That fee came about in 1998. That's when it was introduced.

MR. PETTEN: Okay. It's amazing; there are fees for everything, isn't it? No price is ever final.

The next section, 1.1.04, Standing Fish Price Setting Panel; how much is paid per meeting or annually to each member of the board? How does that break out?

MR. TRIMPER: It works on a per diem basis. The chair receives \$1,000 per day and a \$5,000 annual retainer. The regular members are \$600 per day with a \$3,000 annual retainer. It's a three-person panel. So we also have an alternate available in the event someone's not there.

Timelessness is really important with this particular entity. So the alternate is paid \$600 a day but if they're not active, they're not paid. There's no retainer.

MR. PETTEN: I was going to say if you got paid and you didn't have to – they'd be a line up for that.

MR. TRIMPER: A pretty good gig, yes.

MR. PETTEN: I got a few people who want that.

You say there are three members on the board and we have one alternate, right?

MR. TRIMPER: Yes.

MR. PETTEN: When do their terms end?

MR. TRIMPER: They are three-year appointments. I can give you the names of the folks and their expiry dates now if you'd like them. I have it in the binder and I'll give you a copy.

MR. PETTEN: Okay, that's fine.

MR. TRIMPER: They're three-year terms.

The long-standing chair, Joe O'Neill, just recently passed. This had been his role, so we've had to move people into new positions here.

MR. PETTEN: Okay. I know the name. Thank you.

Now, I'm going to 1.2.01, Labour Relations Board. There's a decrease in Salaries of about \$60,000 from Budget 15-16 revised. It went down, then it was gone back but it's still \$56,000 less than what was budgeted last year. It went down by some \$60,000 in the revised figures. What is the reason –?

MR. TRIMPER: The decrease over last year was about \$64,300. They were maintaining a staff vacancy. The decrease over the forecasted down to \$680,700, that's a decrease of \$55,900. It's just planned savings to meet budgetary requirement as per our salary plan.

Glenn, I don't know if you have anything further.

MR. BRANTON: Yes, it's a reflection of maintaining a vacancy throughout. I guess the numbers for the upcoming year is just a reflection of that adjustment.

MR. PETTEN: Okay.

That's going to be maintained though, is it, that amount? There will be no fluctuation?

MR. BRANTON: Yes.

MR. PETTEN: Okay.

I'm not sure if you said it, forgive me if you did. Are there any positions actually eliminated with the board, no?

MR. BRANTON: Sorry?

MR. PETTEN: There was no elimination of any positions was there?

MR. TRIMPER: Geoff Williams is going to –

MR. WILLIAMS: I was just looking for an appropriate spot to clarify a previous response.

In terms of positions eliminated, in April of this year there was a position eliminated from the Labour Relations Board as part of the attrition program. I think you had provided the summary a little earlier in terms of no other positions. There was a position in April of this year eliminated through attrition from the Labour Relations Board.

MR. PETTEN: Okay.

Is that reflective then – that salary dropped there, is that the reason for that?

MR. BRANTON: Correct.

MR. PETTEN: Okay. That's what I was trying – we'll get it together eventually.

I should've asked my third questions first.

Purchased Services, a lot of money, yet it was cut in half. What's the reason for that?

MR. TRIMPER: First of all, the decrease over last year was just less than they used; then they had anticipated. So based on that and looking back over previous years, it's just an historical rightsizing.

We're just budgeting now as per what we typically incur for that line item.

MR. PETTEN: Okay.

I'll take it back to the Fish Price Setting Panel. I have a couple of other questions I had misplaced there, 1.1.04.

Which line item does the payment come out for the board, for those members? Is that out of Salaries as well or is it Purchased Services?

MR. TRIMPER: Do you want to take that, Robyn?

MS. HAYES: That comes from the Professional Services line.

MR. PETTEN: Professional Services, I meant to say.

I suppose a generic question: Is there an appeal process relating to the decisions? Is there any

appeal mechanism in place on the decisions they make, the board?

MR. WILLIAMS: No, there wouldn't be an appeal right per say, other than an appeal through the court.

MR. PETTEN: Okay, so you have to go to the Supreme Court for appeals.

MR. WILLIAMS: Yes, it's meant to be a final and binding decision on the parties.

MR. PETTEN: Okay.

Professional Services, I want to know why that budget was decreased.

MR. TRIMPER: First of all, the decrease over last year represents \$33,000. There was just less activity than we had been anticipating. That was actually deferred into this fiscal year and then the rightsizing; pulling it down about \$30,000 just based on historical costs for that same line item.

MR. PETTEN: You're getting off easy today because that's all of my questions.

MR. TRIMPER: I owe you one.

MR. PETTEN: You need that today.

CHAIR: Okay. Are there any further questions?

We'll move forward with calling those subheads.

Shall subheads 1.1.02 to 1.2.01 inclusive carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, subheads 1.1.02 through 1.2.01 carried.

CLERK: Subheads 1.1.01 to 1.2.01 inclusive.

CHAIR: Shall the totals carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, Labour Relations Agency, total heads, carried.

On motion, Estimates of the Labour Relations Agency carried without amendment.

CHAIR: Also, we have to approve the minutes from last meeting. The minutes have been circulated I believe. Can we have a motion?

MR. LANE: So moved.

CHAIR: So moved.

On motion, minutes adopted as circulated.

CHAIR: I think that's everything.

Can we get a motion to adjourn?

MR. LANE: Moved.

MR. TRIMPER: We have binders for both parties.

CHAIR: Okay.

Thank you, everyone.

On motion, the Committee adjourned.