

Supporting a positive workplace...

Labour Relations at work

LABOUR RELATIONS AGENCY
ANNUAL REPORT

2010-2011



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Message from the Minister



In accordance with Government's commitment to transparency and accountability and as the Minister responsible for the Labour Relations Agency, I hereby submit the Annual Performance Report for 2010-11. The Agency was part of government's October 2011 restructuring and now falls under my mandate as Minister of Environment and Conservation. My signature below is indicative of my accountability for the actual results reported.

This document presents outcomes of the Agency's objectives and highlights its achievements. The Report also focuses on future opportunities that will continue to support the Agency's work in promoting positive employment relations in the province.

In 2010-11, the Labour Relations Agency supported a number of significant Government undertakings which directly responded to my strategic direction of a stable employment relations climate conducive to economic growth. These undertakings included the achievement of

Government's overall commitment to increase the minimum wage to \$10.00 per hour with the result that on July 1, 2010, Newfoundland and Labrador had the second highest provincial minimum wage rate in the country. Significant progress was also made in finalizing a marketing campaign to profile the programs and services of the Labour Relations Agency and to facilitate increased awareness of effective employment relations amongst its various clients.

In addition to these milestones, important amendments to the *Fishing Industry Collective Bargaining Act* were brought forward during the Fall 2010 legislative sitting that provided for improvements to the fish price-setting model and benefited the collective bargaining process for the fishery overall. In late March 2011, Government also introduced Bill 10 – *An Act to Amend the Labour Relations Act* in the House of Assembly. This legislation embodied the consensus-based proposals of the Employment Relations Committee of the Strategic Partnership Council where government, business and labour representatives collectively agreed on specific improvements to support the collective bargaining processes within the private sector.

Despite this success, the long standing labour dispute between Vale Newfoundland and Labrador and the United Steelworkers persisted throughout much of 2010-11. The challenges and concerns associated with this strike prompted Government to appoint an Industrial Inquiry Commission to examine and provide recommendations regarding the dispute. As the findings of this report were provided to Government in the 2011-12 fiscal year, Government will consult further with affected stakeholders and assess whether additional measures are required.

Looking ahead to the coming year and the beginning of a new planning cycle for 2011-2014, I hope to build on the Agency's success, working in collaboration with labour and employer stakeholders to facilitate effective employment relations in Newfoundland and Labrador.

A handwritten signature in black ink that reads "Terry French".

TERRY FRENCH
MHA, District of Conception Bay South
Minister

Labour Relations Agency - Overview

MANDATE

The Labour Relations Agency supports and promotes positive employment relations in the province, administers minimum terms and conditions of employment, and provides workplace dispute resolution services.

These goals are pursued through the effective administration and enforcement of applicable legislation administered under the powers and duties of the Minister.

VISION

The Labour Relations Agency's vision is of an optimal employment relations climate contributing to economic growth, competitiveness and prosperity.

MISSION

The Labour Relations Agency's mission is: By 2011, the Labour Relations Agency will have enhanced the employment relations framework in the areas of legislation, employment relations data, and education.

The Agency has made significant progress in advancing the mission for the 2008-2011 planning cycle, as noted in this Report's "Highlights and Accomplishments," "Report on Mission" and "Report on Performance" sections.

VALUES

The Labour Relations Agency's ability to promote effective employment relations requires that stakeholders have a high level of trust and confidence in the independence of the Agency's staff, and in the quality of the services they deliver. To this end, the Agency's organizational culture promotes three key values: professionalism, respect and partnership.

LEGISLATION

The legislation administered by the Agency establishes the rights and responsibilities of employers and employees in Newfoundland and Labrador. In addition, it provides context for the Agency's policy and planning activities. This legislation includes the following:

1. *Labour Relations Act and Regulations*
2. *Labour Standards Act and Regulations*
3. *Shops Closing Act and Regulations*

4. *Public Service Collective Bargaining Act and Regulations (Consolidated Orders)*
5. *Fishing Industry Collective Bargaining Act and Regulations*
6. *Interns and Residents Collective Bargaining Act*
7. *Teachers' Collective Bargaining Act*

LINES OF BUSINESS

In delivering its mandate, the Labour Relations Agency provides services to its clients in the areas of labour standards, labour relations, and policy and planning.

Labour Standards

The Agency's Labour Standards Division administers the province's *Labour Standards Act*, which mandates minimum terms and conditions of employment. The Division also administers the *Shops Closing Act* which sets the observance of holidays when shops must be closed. This is achieved by:

- Ensuring compliance with Labour Standards and Shops Closing legislation through investigation and enforcement;
- Investigating and mediating disputes between employees and employers;
- Offering public education and awareness seminars and consultative programs to communities and organizations, educational institutions, and various business sectors; and,
- Consulting with employees and employers on workplace matters.

Labour Relations

The Agency's Labour Relations Division is responsible for serving 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. Services include:

- Providing conciliation, preventive mediation and interest-based negotiation services to employees and employers;
- Assisting employee and employer groups with an emphasis on building constructive relationships;
- Facilitating the appointment of sole arbitrators or nominees to arbitration boards, when requested; and,
- Providing training in dispute resolution.

Policy and Planning

The Agency's Policy and Planning Division is responsible for the provision of information and research related to the employment relations climate of the province and for the review and enhancement of the Agency's policies, programs and services. This is also pursued indirectly through the effective administration of provincial labour legislation. Divisional services include:

- Analyzing, maintaining and providing statistical information relating to the Agency's core lines of business, objectives, programs and activities;
- Researching labour relations and labour standards issues;
- Providing information and research services with respect to the province's employment relations environment;
- Facilitating the evaluation and continuous improvement of policies, programs and services;
- Providing support and advice to the Agency Executive and to the Minister responsible for the Labour Relations Agency;
- Updating and monitoring the Agency's Strategic Plan and Annual Reports;
- Ensuring the Agency's participation in initiatives both Government-wide and with other federal/provincial/territorial governments; and
- Developing and maintaining partnerships with relevant provincial and national organizations and Ministries of Labour.

STAFF

The Labour Relations Agency employs 28 employees in its various divisions and locations (15 female, 13 male). There are 24 staff in St. John's and 3 in Corner Brook. (See the Agency's organizational structure, page 5)

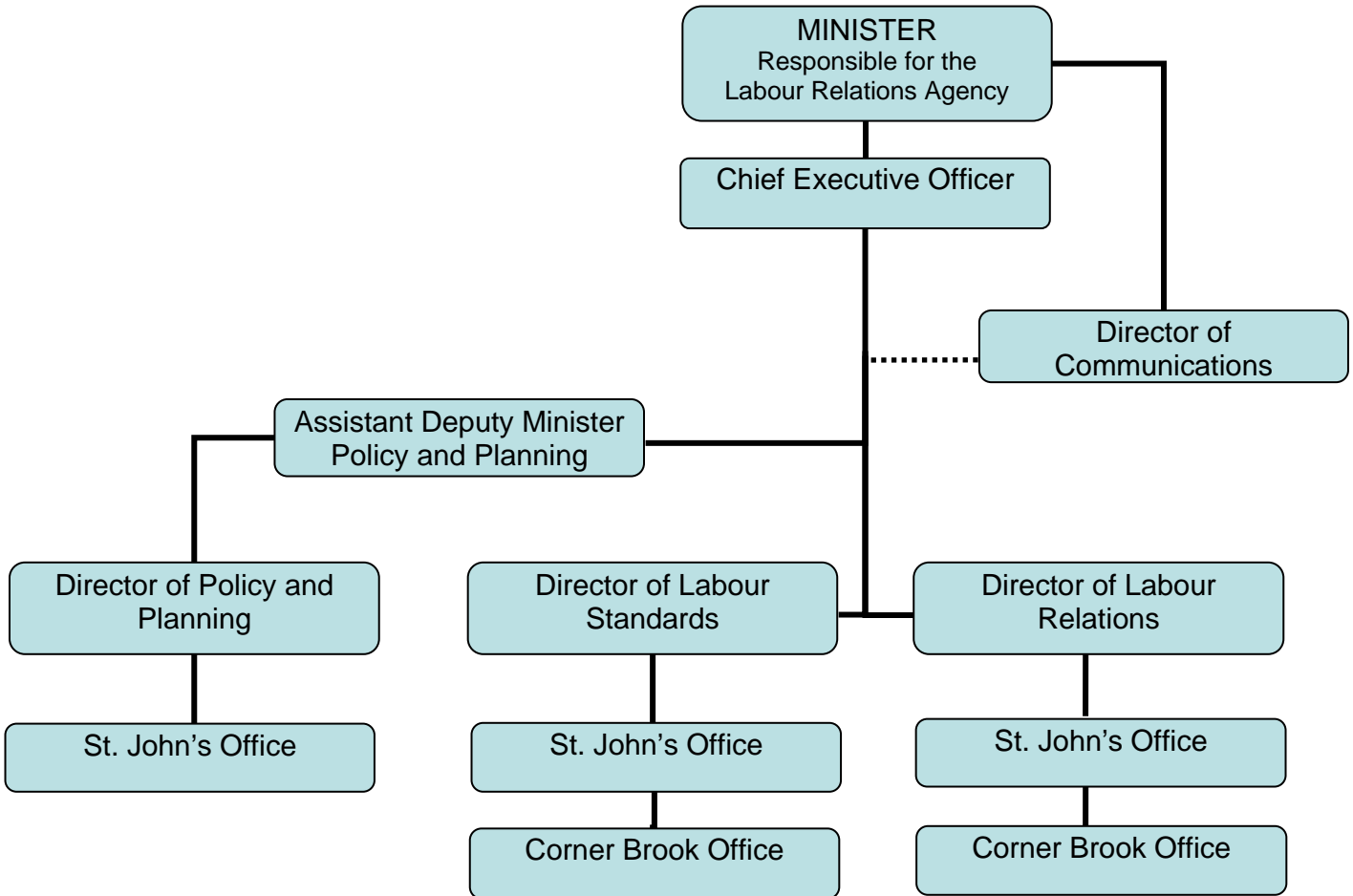
OFFICES

The Labour Relations Agency has offices located in St. John's and Corner Brook.

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Labour Relations Agency – Organizational Structure



Shared Commitments

The Labour Relations Agency is committed to both realizing its own goals and objectives, and providing significant contribution and support to Government-wide initiatives. In 2010-11, the Agency continued its involvement as an active participant and partner in the Strategic Partnership Council, a collaborative forum including representatives of business, labour and government, supporting the introduction of several amendments to the *Labour Relations Act*. Another primary highlight during this reporting period was Agency work with various internal and external stakeholders to enact legislative improvements to the collective bargaining framework for the provincial fishing industry. Each of these initiatives responds directly and contributes to the Minister's strategic direction of a recognized stable employment relations climate conducive to economic growth.

Strategic Partnership Council

Since 2008, the Agency has chaired the tripartite Employment Relations Committee (ERC) of the Strategic Partnership Council, a unique, dynamic partnership of business, labour and government dedicated to reviewing and addressing issues and concerns affecting employment relations in Newfoundland and Labrador.

In 2010-2011, the primary aim of the ERC was to continue its review of the *Labour Relations Act* and other provincial labour legislation and to recommend legislative improvements to our employment relations framework. In the past reporting year, the Labour Relations Agency chaired meetings of the ERC, and led the process of finalizing several proposed legislative amendments. Government advanced the amendments recommended by the ERC, which were designed to improve the collective bargaining process when parties are negotiating their first collective agreement and to improve labour relations over the duration of a collective agreement. The key provisions of the new amendments are:

- In instances of new bargaining relations, the parties will have direct access to the Labour Relations Board. Once the Board advises that a collective agreement will be imposed, the right to strike or lock-out will cease and the duration of the agreement to be imposed will be for a minimum of 18 months to a maximum of 36 months. This provides additional time for the parties to develop positive relationships; and,
- During the life of a collective agreement, at their joint request, parties will be provided with access to expedited arbitration and grievance mediation. The removal of the requirement that the parties need to agree on the individual appointed as the single arbitrator will also aid in quicker resolution of disputes.

In March 2011, the LRA supported Government's tabling of Bill 10, which included the consensus-based amendments to the *Labour Relations Act*.

Consultation and Legislative Improvements: *Fishing Industry Collective Bargaining Act*

In Summer/Fall 2010, the Labour Relations Agency facilitated Government's review of the *Fishing Industry Collective Bargaining Act* (FICBA) and supported stakeholder consultations on

possible approaches to enhance the collective bargaining regime for the fishing industry. Following this, Government introduced amendments to FICBA and the *Fishing Industry Collective Bargaining Regulations* in December 2010 and January 2011, respectively. These legislative changes are positive from a labour relations perspective as they were drafted following consultation with key stakeholders. In developing the amendments, discussions were held with the Fish, Food and Allied Workers' Union, the Association of Seafood Producers, the Seafood Processors of Newfoundland and Labrador, and the Standing Fish Price-Setting Panel.

These amendments refined the price-setting model in order to provide further stability for the fishing industry, ensured that prices will be established early in the season and reinforced the responsibility of the parties to engage in collective bargaining. They also include a new regulation-making authority for the minister responsible for the Labour Relations Agency that will support a more efficient reconsideration process. These amendments reaffirmed that the process for setting fish prices in Newfoundland and Labrador is secure.

Highlights and Accomplishments

The Labour Relations Agency works with employees and employers to support and foster positive employment relations throughout Newfoundland and Labrador. By working with our partners, the Agency helps to create a climate which is conducive to economic growth, competitiveness and prosperity. This is accomplished through programs and services provided to unionized and non-unionized employees and employers, including the protection of basic labour rights; assistance in resolving workplace issues and in arriving at collective agreements; and the creation of partnerships. Highlights of activities in 2010-11 include:

Industrial Commission of Inquiry: Voisey's Bay

In October 2010, Government announced the appointment of an Industrial Inquiry Commission to investigate matters tied to the ongoing labour dispute between Vale Newfoundland and Labrador Limited and United Steelworkers Local 9508 at Voisey's Bay. The appointment of an Industrial Inquiry Commission was a rare and significant step, demonstrating Government's concern regarding the effects of the long labour dispute on the people of Newfoundland and Labrador and on the overall labour relations climate of the Province.

The first report of the Industrial Inquiry Commission was submitted to Government on December 22, 2010. In this report, the Commission focused on the resolution of the labour dispute, addressing the positions of the parties in relation to outstanding collective bargaining issues, and presenting options for the parties to reach agreement, including proposed terms of settlement. The parties subsequently returned to the bargaining table, and achieved a collective agreement by late January 2011.

The second and final report of the Commission was released after the reporting term of this Annual Report, on May 11, 2011. The substance of this Report will be assessed by the Labour Relations Agency during 2011-12 and further discussions with stakeholders will occur as a part of that process.

International Labour Issues

The Labour Relations Agency is responsible for reviewing and coordinating the provincial position on international labour issues, including requests made by the International Labour Organization (ILO). This process is undertaken in consultation with provincial departments and agencies that are responsible for, or affected by, issues addressed in a particular request. To support the province's ongoing efforts to advance Canada's work in international labour affairs, the Agency collaborates with other provincial governments and the federal Department of Human Resources and Skills Development Canada.

In 2010-11, the Agency responded to seven (7) requests from the ILO and participated in a

number of intergovernmental consultations and meetings with the Government of Canada on various international labour matters, including: the federal Temporary Foreign Worker Program, administration and inspection, domestic workers, employment policy, HIV-AIDS, and social security.

Through the Canadian Association of Administrators of Labour Legislation (CAALL), the Agency continued to work with federal/provincial/territorial (F/P/T) counterparts to assist in the implementation of the final year of a three-year strategy, where F/P/T jurisdictions assessed various international labour priorities, including the review of a number of ILO conventions. In 2011, F/P/T governments endorsed the continuation of the ILO strategy for a further three-year period, running from 2011-2013, and agreed to continue to work collaboratively to consider whether the ratification of further ILO conventions may be possible.

As part of its review activities, in 2010-11 the Agency completed its review of ILO conventions relating to forced labour (Convention 29) and occupational health and safety (Convention 187), and provided advice to Government on the implications of Canada's ratification for the Province. In June 2010, Newfoundland and Labrador formally endorsed Canada's ratification of these two conventions.

Labour Relations Agency's Education and Outreach Activity

In 2010-11, the Labour Relations Agency continued its commitment to education and outreach programs. Education and outreach was identified as an operational priority within the Agency's 2008-11 Strategic Plan and is a critical area of focus for the Agency in following its strategic direction of a recognized stable employment relations climate conducive to economic growth.

In 2010-11, the Agency's Labour Standards Division completed 78 speaking engagements with 1355 participants, which constitutes an increase in both presentations and attendance when compared to 2009-10 numbers. The Division also completed 253 preventive workplace interventions with over 4,000 persons affected, which was also an increase over 2009-10 levels. Preventive Interventions occur when Labour Standards Officers visit workplaces to meet with employees and employers to discuss their respective rights and responsibilities under labour standards legislation.

In addition to quantitative increases in its outreach activity, the Labour Standards Division continued its focus on providing information to new entrants to the workforce. Providing education and assistance to immigrants, temporary foreign workers, youth and the service sector remained a high priority. Some highlights included sessions with the Association for New Canadians, student leaders from the Canadian Federation of Students, as well as various secondary and post-secondary institutions. Working with the Office of Immigration and Multiculturalism, the Labour Standards Division also provided labour standards information in five different languages. Strong outreach and education also continued to the employer community, with highlights including training sessions for the Newfoundland and Labrador Employers' Council.

The Labour Relations Division continued its efforts to offer increased education and outreach services during the 2010-2011 reporting period. Conciliation officers promoted the Preventive Mediation Program (PMP), through consultations with unionized employers and employees throughout the year. The PMP assists management and labour to work together, by encouraging workplace parties to improve communications, increase co-operation and resolve issues through joint problem solving with the aid of a neutral, third party mediator. As the components of the PMP are informal and flexible, parties in the unionized workplace can choose particular components to tailor the program to their specific needs. The PMP requires commitment and participation by both labour and management, such that both parties share the work and the benefits. Through collaboration and dialogue on issues, parties to the PMP can implement positive changes in the workplace and improve overall collective bargaining relations.

In 2010-11, the Labour Relations Division increased the offerings of the Joint Problem Solving Training (JPST) component of the PMP. The JPST is a one day training seminar in communications, joint problem solving, and consensus decision making. It provides an opportunity for parties to understand and respect the other's point of view and build a constructive relationship. During the reporting period, conciliation officers delivered 35 sessions on JPST to members of the public service, providing training to a total of 566 participants; a nominal increase in the number of attendees, but a 25 percent increase in the number of sessions. The training sessions were offered in St. John's, Corner Brook, Grand Falls-Windsor and Marystown.

Report on Mission

MISSION: *By 2011, the Labour Relations Agency will have enhanced the employment relations framework in the areas of legislation, employment relations data, and education.*

The 2010-2011 annual report represents the first opportunity for the Labour Relations Agency to report on the progress and success it has achieved in responding to its 5-year mission which was pursued between the 2006-08 and 2008-11 planning cycles. This mission has served to guide the actions of the Labour Relations Agency over the last 5 years, and has helped to provide it with a framework or context to formulate its overall goals and strategies. The Agency has made significant progress in responding to its mission over the last two planning cycles and has demonstrated quantifiable progress in responding to its indicators. Indeed, while this mission covers a 5-year period, progress and achievement on the associated measures and indicators can be found throughout the 2006-2011 period and much of this progress has been identified in earlier performance reports. However, as 2010-11 represents the end of this planning cycle, it is opportune to revisit this performance, consider the progress achieved and contemplate how this mission has influenced and informed the work of the Agency.

The measures and indicators tied to the mission are reproduced below and are followed by explanatory paragraphs which highlight accomplishments.

Measure 1: Improved Employment Relations Legislation

Indicators:

- Revision of collective bargaining legislation.
- Revision of labour standards legislation.
- Implementation of red tape initiatives to make legislation more user-friendly.
- Increased effectiveness of the grievance arbitration process.
- Number of reform initiatives involving employer and employee collaboration and consultation.

Throughout the 2006-2011 planning period, the Labour Relations Agency has made significant and measurable progress in supporting Government's efforts to improve employment relations legislation. This progress has been achieved through a variety of approaches, including our collaborative efforts with business, labour and government representatives in the Employment Relations Committee (ERC) of the Strategic Partnership Council, as well as through other cooperative efforts outside of that forum. While more detailed analysis of these legislative and regulatory improvements can be reviewed in the appropriate annual reports, highlights of the noted legislative changes between 2006-07 and 2010-11 are as follows:

2006

- December 2006: Bill 55 – *An Act to Amend the Labour Relations Act* to enhance the operation, rules and procedures governing the Labour Relations Board.
- December 2006: Bill 68 – *An Act to Amend the Public Service Collective Bargaining Act* to enhance the operation, rules and procedures governing the Labour Relations Board.
- December 2006: Bill 69 – *An Act to Amend the Fishing Industry Collective Bargaining Act* to provide authority for the Standing Fish Price-Setting Panel to reconsider decisions.

2007

- February 2007: New *Fishing Industry Collective Bargaining Regulations* articulating the method of arbitration to be used by the Standing Fish Price-Setting Panel.
- May 2007: Amendment to the *Labour Standards Regulations* to enhance provincial job protection for workers who wish to access the federal compassionate care benefit to provide care for terminally ill family members.

2008

- March 2008: Bill 1 – *An Act to Amend the Labour Standards Act* to Provide Leave for Reservists and provide job protection for military reservists.
- April 2008: Bill 23 – *An Act to Amend the Labour Relations Act* providing for the establishment of a Labour Management Arbitration Committee to ensure employers and labour representatives have access to a high quality dispute resolution system for arbitrations and collective agreements.
- October 2008: Repeal Order under the *Labour Relations Act* to repeal expired Special Project Order Regulations associated with the former Hibernia, Terra Nova, and Voisey's Bay projects in response to the Labour Relations Agency's Red Tape Reduction Plan.
- December 2008: Amendment to the *Labour Standards Regulations* providing for four \$0.50 per hour increases to the provincial minimum wage between January 1, 2009 and July 1, 2010 thereby increasing it from \$8.00 per hour to \$10.00 per hour.

2009

- January 2009 – *Labour Management Arbitration Regulations* under the *Labour Relations Act*. New regulations which identified the Newfoundland and Labrador Business Coalition and the Newfoundland and Labrador Federation of Labour as the employer and labour organizations from which the arbitration committee shall be constituted.
- April 2009: Bill 7 – *An Act to Amend the Workplace Health, Safety and Compensation Act (WHSCA)*. Various legislative improvements in response to Government's April 2008 Action Plan to the 2006 Statutory Review of the WHSCA and other enhancements in response to the Red Tape Reduction Initiative.
- April 2009 - *Vale Inco Long Harbour Processing Plant Special Project Order Regulation* under the *Labour Relations Act*. Specific regulation that ensures labour relations stability for the duration of the project by removing the potential for strikes or lock-outs for the life of the project.

2010

- December 2010: Bill 45 - *An Act to Amend the Fishing Industry Collective Bargaining Act*.

Changes to provide improvements to the fish price-setting model to further articulate the rules surrounding the arbitration model.

2011

- January 2011: Amendment to the *Fishing Industry Collective Bargaining Regulations* to clarify, or establish rules regarding, the authority of the Standing Fish Price-Setting Panel during the reconsideration of price decisions.
- March 2011: Bill 10 – *An Act to Amend the Labour Relations Act*. Amendments to the employment relations framework designed to improve the collective bargaining process when parties are negotiating their first collective agreement and to improve labour relations during the life of an agreement. These amendments also allow parties, at their joint request, to be provided with access to expedited arbitration and grievance mediation. The removal of the requirement that the parties need to agree on the individual appointed as the single arbitrator will aid in quicker resolution of disputes.

These significant improvements to Newfoundland and Labrador’s employment relations framework have provided concrete enhancements to collective bargaining legislation that is of direct benefit to employers and employees operating in unionized workplaces. In addition, further advancements have been made to improve labour standards legislation so as to enhance the minimum terms and conditions of employment and ensure protections are in place. A number of red tape reduction initiatives have been brought forward to clarify the framework and to eliminate out-of-date provisions, while grievance arbitration processes have been made more effective as a result of the March 2011 legislative proposals to amend to the *Labour Relations Act*. Over the past 5 years, the Labour Relations Agency has worked in concert with employers, employees and worker representatives to advance reform initiatives to improve the employment relations framework. Each of the 15 legislative and regulatory reform initiatives noted above represents a practice of collaboration and consultation between the Labour Relations Agency, other public entities and government departments, and workplace stakeholders. The Agency is proud of this achievement and looks forward to further partnerships.

Measure 2: Increased Access to High Quality Employment Relations Data

Indicators:

- Increased use of statistical methods to evaluate and communicate data.
- Increased level of requests for employment relations data.
- Enhanced inventory of indicators to assess the effectiveness of the labour relations framework.
- Enhancements and additions to the search engines currently available to access data.
- Positive feedback from users of employment relations data on the quality of indicators provided by the Agency.
- Incorporation of the employment data availability sources into educational campaigns.

Leading up to this 5-year reporting period, the Labour Relations Agency recognized that its current employment relations data collection practices were not effectively portraying the

complexity of Newfoundland and Labrador's employment relations climate. As has been noted previously, data that was collected, while important from a macro-economic perspective, had generally not provided a sufficient level of detail to provide users with an understanding of the employment relations profile of individual industries, nor did it allow for easy reference with comparable data from other jurisdictions in Canada. During the first three years of this cycle, the Agency placed significant efforts on reforming its data collection practices.

As reliance upon this data has grown in importance, the Agency has increasingly turned to the use and application of statistical methods to evaluate and calculate data. This has been particularly so in the communication of work stoppage information to internal and external clients. Work stoppage data remains a benchmark in Canadian society that can demonstrate the health of employer and worker relations. On a weekly, monthly and annual basis, the Labour Relations Agency develops work stoppage reports which are forwarded to the Department of Human Resources and Skills Development Canada to support national data collection efforts. In addition, more sophisticated representations of work stoppage data have been considered by the Labour Relations Agency. One example of this is in the use of broader workplace indicators such as information on days lost per worker. This data moves beyond days lost information strictly tied to labour disputes, and includes all unscheduled absences that may occur in the workplace, such as illness or disability, caring for own children, caring for elder relative, other personal or family responsibilities, labour dispute (strike or lockout), temporary layoff, and weather. This kind of data more closely illustrates the complexity and sophistication of Newfoundland and Labrador's workplaces and can be of immense value to internal and external groups seeking a detailed understanding of the provincial workplace.

While informal analysis of requests for employment relations data would suggest that interest in this information is of growing importance to both internal and external clients, the Agency has not yet implemented a formal procedure to track these requests. Further efforts to establish a mechanism will be pursued as database enhancements are considered and resources are reallocated within the Agency to support increased oversight of evidence-based analysis.

As reported in its 2007-08 Annual Report, the Agency enhanced its collection and publication of employment relations indicators to include current industry specific data that allowed for national comparison. This new approach has been applied to information pertaining to rates of unionization (includes industry specific data), minimum wage rates, average weekly earnings, work stoppages by sector (public and private sector), and average hourly wage rates (union and non-union). As staffing issues are addressed and new capacities allotted in this area, efforts will continue to ensure that this information remains current and is improved.

In its efforts to improve stakeholder access to valuable employment relations information, the Labour Relations Agency launched a new collective agreement archive on its website in 2010 which improved stakeholder access to provincial collective agreements (<http://www.gov.nl.ca/lra/collective/index.html>). Under this new system, users can review and compare collective agreements, catalogued by industry, using the North American Industrial Classification System (NAICS). This new system permits clients to easily retrieve specific

agreements, and compare them to others within the same industry in Newfoundland and Labrador. In August 2010, clients and other stakeholders were advised in writing about this new system and positive feedback from users has been received.

The final element of progress that the Agency has made in this area has been in incorporation of the sources for employment data into educational campaigns. Both the Labour Relations and Labour Standards Divisions already undertake extensive outreach activities and meet with employers, workers, unions, as well as other groups such as students and new Canadians to inform them about their rights and responsibilities in the workplace, and to direct them to the programs and services available through the Agency. In 2010-11, the Agency finalized a promotional and marketing campaign for Government's consideration that will target these clients even further and use online tools, advertising and social media to ensure even greater access to valuable employment relations data to support their needs.

Measure 3: Enhanced Public Education and Awareness

Indicators:

- Increased awareness of effective employment relations by employers and employees engaged in collective bargaining.
- Increased awareness of rights and responsibilities by employees and employers covered by labour standards.
- Increased awareness of employers and employees regarding the roles and responsibilities of the Labour Relations Agency.
- Increased utilization of employment relations programs and services.

In its 2008-11 Strategic Plan, the Labour Relations Agency indicated that optimum employment relations require that employers and employees have access to information about the proactive services available to assist in addressing workplace issues, as well as knowledge of the broader characteristics of high quality employment relations. A fundamental component in addressing this aspect of the Agency's mission has been a process leading to a new promotional and marketing campaign. This has been a multi-year process which has involved the following milestones:

1. creation of a marketing plan to promote awareness of Agency programs and services, and to support awareness of effective employment relations in 2008-09;
2. implementation of the marketing plan and the hiring of an external consultant to develop a visual identity template and promotional theme "supporting a positive workplace", and developing select collateral and promotional materials using this marketing framework in 2009-10; and,
3. development of a broad-based marketing campaign to increase Agency clients awareness in 2010-11 through online promotional tools, advertising and social media in 2010-11.

In 2010-11, the Agency finalized a promotional and marketing campaign. Included within the campaign are various tools and measurements, such as a Google analytics counter and online

feedback component that will track client awareness of effective employment relations, as well as employer and employee rights, roles and responsibilities in the workplace.

In the interim, the Labour Relations Agency will maintain existing mechanisms to facilitate an understanding of stakeholder awareness that will supplement this campaign. These mechanisms include two survey instruments piloted in 2008-09 to assist in collecting baseline data on stakeholder awareness of employment relations issues. In addition to a focus on client satisfaction with Agency programming, the survey posed three questions pertaining to awareness of services. Overall, 82% of respondents stated they were aware of the programs and services, 100% stated they would use the programs and services again, and would recommend the services of the Agency, while 100% felt that their knowledge of the programs and services of the Agency has increased.

A more generic Google analytics counter has also been attached to the Labour Relations Agency's website and staff members are able to monitor and evaluate public visitation and utilization of online news, program information and services. Over the last year, evidence gathered from this process has shown a growing client interest in labour standards information and supports, details on significant labour disputes, such as the Voisey's Bay strike, and basic information about Newfoundland and Labrador's labour laws. In addition, a review of questionnaires provided to participants in training sessions offered by the Labour Relations Division shows 93% recorded an increase in their awareness of labour relations matters following training in 2009-2010, and 95% identified increased awareness of labour relations issues following the sessions in 2010-2011. These collective indicators support the Agency's mission and demonstrate an improved environment where client awareness of effective employment relations, workplace rights and responsibilities, and the roles and responsibilities of the Labour Relations Agency has increased. With the further utilization of the Agency's marketing campaign, the positive outcomes associated with these indicators should continue in the future.

Ensuring employees and employers have a broad understanding and awareness of the value of effective employment relations will enable greater participation in proactive initiatives and promote stability and productivity in the workplace.

Report on Goals and 2010-2011 Performance

The Labour Relations Agency outlined two primary strategic issues in the 2008-2011 Strategic Plan as the most significant matters to be considered in promotion of a positive employment relations environment: 1) increasing stakeholder awareness of effective employment relations by enhancing education and marketing practices; and 2) supporting optimum employment relations by enhancing labour legislation. Although these issues have been reviewed in previous sections of this report, a more comprehensive description of the Labour Relations Agency's performance in these areas for the 2010-11 year is outlined below.

Issue 1: Increased Awareness of Effective Employment Relations

Significant changes are taking place in the nature of work, and the demographics of the workforce in Newfoundland and Labrador. While the Province has witnessed impressive economic growth over the past several years, the global economic recovery can present challenges for workplace stakeholders.

The Labour Relations Agency recognizes that the continued evolution of work, economic and demographic pressures makes the provision of employment relations information critically important to stakeholder participants looking for guidance as to their rights and responsibilities. By undertaking a proactive approach to the education of employers and employees about their rights and responsibilities in the workplace, the Labour Relations Agency seeks to enhance stakeholder awareness, thereby facilitating legislative compliance and the promotion of positive employment relations.

To enhance public education and awareness, the Agency developed a marketing plan in 2008-09 to promote and encourage understanding of its programs and services, and to support awareness of effective employment relations. In 2009-2010, the Agency successfully implemented the marketing plan, hiring an external consultant to develop a visual identity template and promotional theme "supporting a positive workplace", and developing new collateral and promotional materials using this marketing framework. The Agency again engaged the services of an outside consultant in 2010-2011 to develop a broad-based promotional campaign and collateral materials, building on the visual identity and promotional theme. The promotional campaign is anticipated to launch in Fall 2011.

Goal 1: By 2011, the Labour Relations Agency will have increased awareness of effective employment relations through the development of a marketing plan and increased education and outreach activities.

Measure: Increased awareness of target audiences in the area of effective employment relations.

INDICATORS**ACCOMPLISHMENTS**

Increased awareness by employers and employees of workplace rights and responsibilities.

- Through a variety of measurement tools, including Google analytics, piloted client satisfaction surveys and post-training feedback forms, employers and employees have indicated increased awareness of Agency programs and services.
- As Agency programs and services describe and support clients in the conduct of employment relations and requirements of provincial labour laws, increased awareness of workplace rights and responsibilities is a natural consequence of engaging Agency programs and services.

Increased utilization of problem solving training, preventive mediation and workplace intervention services and programs.

- Given increased emphasis and outreach activity associated with the Agency's workplace intervention services and programs, client utilization of the Joint Problem Solving Training component of the Preventive Mediation Program (PMP) increased by 25% between 2009/2010 to 2010/2011, while broader activity of the PMP increased by 8% over the same period.
- Outreach efforts were undertaken in various regions of the province where training activity had been lower in the prior year. These areas included the Burin Peninsula, Gander, Corner Brook and Labrador.

Implementation and evaluation of employment relations marketing plan.

- Following its development in 2009, implementation of the Agency's marketing plan occurred in 2010.
- Evaluation of the plan and the associated creative designs, including the Agency's visual identity and promotional campaign, occurred with stakeholders, including the Canadian Federation of Students – Newfoundland and Labrador, Newfoundland and Labrador Employers' Council, Newfoundland and Labrador Federation of Labour and government representatives in 2010 and 2011.

INDICATORS	ACCOMPLISHMENTS
Increased awareness of the Labour Relations Agency.	<ul style="list-style-type: none"> • As noted above, client awareness of the Agency’s programs and services has increased. • The programs and services of the Agency are the instruments used by clients to gain awareness of the Agency. • This increase has been measured through a variety of tools, including Google analytics, piloted client satisfaction surveys and post-training feedback forms.

2010-11 Objective: By 2011, the Labour Relations Agency will have measured an increased awareness of effective employment relations by select target audiences.

Measure: Increased awareness of effective employment relations by select target audiences.

INDICATORS	ACCOMPLISHMENTS 2010-11
Implementation of a promotional campaign to increase stakeholder awareness of positive employment relations and workplace rights and responsibilities.	<ul style="list-style-type: none"> • To ensure the effectiveness of the promotional campaign in raising stakeholder awareness, the Agency consulted with the primary client groups targeted by the campaign, including the Newfoundland and Labrador Federation of Labour, the Newfoundland and Labrador Employers’ Council, and the Canadian Federation of Students – Newfoundland and Labrador, reviewed responses and adjusted marketing strategies further to their input. • Promotional campaign and collateral materials were developed and finalized. • While finalized, the scope of the promotional campaign and the extent of discussions held with stakeholders and the external consultant supporting this campaign required more time to complete than originally anticipated. Therefore the promotional campaign was finalized, but not implemented, within the 2010-2011 fiscal year.

INDICATORS**ACCOMPLISHMENTS 2010-11**

Increased delivery and stakeholder utilization of employment relations services.

- While this promotional campaign was not implemented by the end of March 2011, it was determined that implementation would take place later in 2011-2012.
- Within the Labour Relations Division, Preventive Mediation Program activity increased by 8% from 2009/2010 to 2010/2011. With respect to the number of offerings of the Joint Problem Solving Training component of the PMP, a 25% increase was observed over the same period. Outreach efforts were undertaken in various regions of the province where training activity had been lower in the prior year. These areas included the Burin Peninsula, Gander and vicinity, Corner Brook and vicinity and Labrador.
- In 2010-11, there was an increased delivery and stakeholder utilization of employment relations services. As noted in the statistical overview on page 27, within the Labour Standards Division, upward trends were marked for issuance of clearance certificates, Preventive Intervention activities and speaking engagements between 2009-10 and 2010-11. Also, with respect to the speaking engagements, an increased number of stakeholders were reached by the Labour Standards Division in 2010-2011.

Client awareness of Agency programs and services measured.

- Representatives of business, labour, government and youth/student groups were consulted throughout the development of the promotional campaign materials, and provided valuable input regarding the creative concept and substance of the campaign, in an effort to develop materials that were accessible and useful for the various client groups served by the Agency.
- In 2010-11, the Agency introduced the use of Google Analytics to measure client utilization and awareness of Agency programs and services and employment relations information available on the corporate website.

Evaluation of Agency marketing plan in consultation with labour and employer stakeholders.

- The Agency sought and evaluated input from the Canadian Federation of Students – Newfoundland and Labrador, Newfoundland and Labrador Employers' Council, Newfoundland and Labrador Federation of Labour and government representatives throughout the creative process associated with the development of promotional campaign materials. The results of these discussions have positively affected the approaches and concepts of the marketing campaign.

Issue 2: Enhanced Labour Relations and Labour Standards Legislation

Effective employment relationships are founded on the framework of labour relations statutes which govern the interaction of government, employers and employees in Newfoundland and Labrador. These laws outline a fair and balanced set of rights and responsibilities for parties to the employment relationship, and are designed to enhance employment relations stability. Also, in the event of disagreement between parties to an employment relationship, the legislation outlines procedures to address and resolve these disputes so that employment relations between the parties remain positive and productive.

The Labour Relations Agency consults regularly with employer and labour stakeholders to ensure the labour relations legislative framework is responsive to the mutual needs, rights and responsibilities of participants in the modern workplace. The Agency considers the Employment Relations Committee (ERC) of the Strategic Partnership Council to be an effective vehicle to engage these diverse client groups, and to encourage fruitful discussion of employment relations matters. The collaboration among representatives from different stakeholders in the workplace demonstrates the utility of the ERC as a useful mechanism to improve employment relations legislation and policy, and promote positive labour relations throughout Newfoundland and Labrador. A modern and effective legislative framework is a key component of a healthy employment relations climate and the collaborative efforts of the ERC and the Labour Relations Agency to bring forward legislative proposals responds directly to the Minister's strategic direction of a recognized stable employment relations climate conducive to economic growth.

In 2009-10, the ERC developed several proposed amendments to the *Labour Relations Act* and submitted them for consideration by Government. In 2010-11, Government brought forward proposed legislative improvements, which were designed to streamline the collective bargaining process when parties are negotiating their first collective agreement, and to enhance labour relations over the term of a collective agreement. Bill 10 was tabled in the House of Assembly on March 28, 2011, and subsequently enacted into law.

Goal 2: By 2011, the Labour Relations Agency will, in partnership with stakeholders, have prepared changes to legislation that support optimum employment relations.

Measure: Proposals for enhanced employment relations legislation are prepared.

INDICATORS	ACCOMPLISHMENTS
Stakeholder needs and perspectives acquired through consultation.	<ul style="list-style-type: none"> Over the past 5 years, the Labour Relations Agency has worked in concert with employers, employees and worker representatives to advance reform initiatives to improve the employment relations framework. Extensive consultations to determine stakeholder needs and perspectives were undertaken between April 1, 2006 and March 31, 2011 to support 15 separate legislative and regulatory reform initiatives, of which 3 were brought forward during the 2010-11 fiscal year. As noted elsewhere in this Report, this process of stakeholder engagement represents an impressive practice of collaboration and consultation between the Labour Relations Agency, other public entities and government departments, and workplace stakeholders.
Consensus-based proposals for legislative change prepared.	<ul style="list-style-type: none"> Consensus-based proposals for legislative change to the <i>Labour Relations Act</i> were prepared by business, labour and government representatives on the Employment Relations Committee. In March 2011, legislation was introduced into the House of Assembly giving effect to these consensus-based proposals.
Increased understanding between employer and employee stakeholders in areas of mutual interest and concern.	<ul style="list-style-type: none"> The model of dialogue and collaboration developed by employer, employee and government representatives through the Employment Relations Committee has increased understanding and partnership between stakeholders in areas of mutual interest and concern.

INDICATORS	ACCOMPLISHMENTS
	<ul style="list-style-type: none"> This understanding and partnership has been reflected in the preparation of consensus-based amendments to provincial labour laws, dialogue and assistance provided on a marketing campaign for the Labour Relations Agency, and joint attendance at an international academic conference.
<p>Increased effectiveness of the grievance arbitration process.</p>	<ul style="list-style-type: none"> In March 2011, Government brought Bill 10 – <i>An Act to Amend the Labour Relations Act</i> which included provision to allow parties, at their joint request, to be provided with access to expedited arbitration and grievance mediation. This consensus amendment, recommended by the Employment Relations Committee, removes the earlier requirement that parties needed to agree on the individual appointed as the single arbitrator and thus now aid in the quicker resolution of disputes.
<p>Number of reform initiatives involving employer and employee collaboration and consultation.</p>	<ul style="list-style-type: none"> The Labour Relations Agency has participated in three broad initiatives involving employer and employee collaboration as follows: Attendance at the Canadian Industrial Relations Association and the Interuniversity Research Centre on Globalization and Work (CIRA/CRIMT) Conference in 2010 with representatives of the Employment Relations Committee of the Strategic Partnership Council. The conference provided information on models of stakeholder collaboration and cross-jurisdictional approaches to various aspects of labour policy and legislation. Consultation and feedback on the Agency’s new promotional campaign and marketing materials; between 2010 and 2011; and The development of 15 separate legislative and regulatory improvements to the Province’s labour relations framework between April 1, 2006 and March 31, 2011, of which 3 were brought forward during the 2010-11 fiscal year.

2010-11 Objective:

By 2011, the Labour Relations Agency will have evaluated the partnership model used to prepare proposals for legislative change and its impact on employment relations.

Measure:

Evaluation of the partnership model completed.

INDICATORS	ACCOMPLISHMENTS 2010-11
Number of initiatives involving employer and employee collaboration and consultation through the Employment Relations Committee compiled.	<ul style="list-style-type: none">• The Labour Relations Agency participated in three primary initiatives involving employer and employee collaboration and consultation through the ERC: 1) attendance at the Canadian Industrial Relations Association and the Interuniversity Research Centre on Globalization and Work (CIRA/CRIMT) Conference, 2) consultation on the promotional campaign and collateral materials, and 3) development of legislative improvements to the labour relations framework.• In June 2010, business, labour and government representatives from the ERC attended the CIRA/CRIMT Conference on Employee Representation in the New World of Work.• During the Winter of 2011, the Agency consulted with the ERC on the development of the promotional campaign and collateral materials, to ensure their accessibility and utility with representatives of client groups.• With respect to legislative enhancements, the Agency notes that of the fifteen legislative improvements to the employment relations statutory framework made from April 1, 2006 to March 31, 2011, five were made in consultation with the ERC, including the proposed amendments to the <i>Labour Relations Act</i> introduced by Government into the House of Assembly in March 2011.
The view of employer and labour representatives solicited on the value of the partnership model.	<ul style="list-style-type: none">• The Labour Relations Agency has sought input from employer and labour representatives on the value of the partnership model since the beginning of the planning cycle in 2008-2009, and

INDICATORS**ACCOMPLISHMENTS 2010-11**

again in 2010-2011. Views of all parties were solicited during regular scheduled meetings of the ERC in 2010-2011.

- The Labour Relations Division has initiated a program that would meet everyday labour relations needs of human resource professionals and union representatives. The Division developed a “Special Topics Seminar”, a half-day session addressing commonplace issues in labour relations, with facilitated discussion among participants. The Division consulted with a Steering Committee, including labour and management stakeholder participants in the ERC, for input on this approach. The Steering Committee recommended the use of a fictitious workplace scenario to guide the discussion, and thereafter, reviewed the seminar learning tools. The Labour Relations Agency received positive feedback from all involved, and aims to offer the Special Topics Seminar to clients in 2011-2012.
- Evaluation of the partnership model was completed during 2010-11; however, additional analysis of the ERC is also planned for June 2011, so as to coincide with a broader review and evaluation of the effectiveness of the Strategic Partnership Council as a whole.

Cross jurisdictional comparison of social dialogue models completed and opportunities to enhance the ERC model identified.

- Social dialogue models are used in only a few provinces/territories, such that other jurisdictions are tracking the progress of the ERC to assess the utility of the model as a best practice.
 - The CIRA/CRIMT Conference was international in scope, and therefore afforded representatives of the ERC an opportunity to compare social dialogue models across jurisdictions, and to review both theory and case studies from North America and around the world. In light of the ERC priority to introduce further consensus-based enhancements to provincial labour legislation in 2010-2011, the completion of the cross-jurisdictional comparison was deferred by the Agency to a future point in time.
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Opportunities and Challenges Ahead

Government Review and Response to Recommendations of the Industrial Inquiry Commission

The Industrial Inquiry Commission released its final report on the labour dispute between Vale and United Steelworkers on May 11, 2011. This report contains a series of recommendations to improve existing labour relations legislation and practice, and to create and enhance new policy tools designed to address the impacts of challenging labour disputes. The Labour Relations Agency will consult with stakeholder groups affected by the Industrial Inquiry and will undertake a full review and analysis of Commission recommendations to support Government's future decision-making on this important file.

Special Project Order for the Hebron Development Project

A Special Project Order (SPO) is issued under the authority of the *Labour Relations Act*, and intended to provide labour relations stability for a major construction project at a specific geographic site of at least three years in duration. Special Project designations have proven to be useful mechanisms for establishing site-specific labour relations regimes, and Government has issued SPOs in relation to several major construction projects, including construction of the Vale Processing Plant at Long Harbour, and commissioning of the Terra Nova Floating Production Storage and Offloading vessel at Bull Arm. In 2011-2012, the Labour Relations Agency anticipates that employer and labour organizations for the Hebron Development Project will submit a joint request to Government for approval of an SPO for construction activities at the Bull Arm Site relating to construction and fabrication of the gravity-based structure, topsides and platform hook-up. The Agency will work in partnership with industry and labour to facilitate the timely review of this application to commence construction activities relating to the Hebron Development Project.

Statistical Overview

Labour Relations Division

Fiscal Year (April 1, 2010 - March 31, 2011)

Conciliation	2008-09	2009-10	2010-11
# of Requests	42	83	58
Requests carried over	21	10	39
Total Conciliation Requests	63	93	97
Conciliation Settlements	53	59	78

Other Services	2008-09	2009-10	2010-11
Appointment of Arbitrator	78	35	36
Interest-Based Negotiation	1	5	2
Preventive Mediation Requests	56	75	81
Mediator Appointments	0	0	1
Special Projects	4	0	1

Labour Standards Division

Fiscal Year (April 1, 2010 - March 31, 2011)

	2008-09	2009-10	2010-11
Cases Assigned	102	74	49
Cases Concluded	118	59	70
Early Resolutions	426	341	350
Certificates of Clearance Issued	3,738	3,073	3394
Preventive Interventions	158* (completed)	234 (completed)	253 (completed)
Speaking Engagements	37 (completed) 1,269 (participants)	56 (completed) 854 (participants)	78 (completed) 1355 (participants)

* The Labour Relations Agency Annual Report for 2008/09 reported 155 Preventive Interventions were conducted. Reconciliation of database has occurred and numbers have been adjusted upwards to 158. During Preventive Interventions, Labour Standards Officers visit workplaces to meet with employees and employers to discuss their respective rights and responsibilities in relation to labour standards legislation.

Other Employment-related Statistics

Work Stoppages	2008-09	2009-10	2010-11
Number of Work Stoppages	1*	6	9**
Number of Employees Involved	52	484	527
Number of Person-Days Lost	743	51,420	71,728

* 1 work stoppage from 2007-08 was settled early in April 2008 and is not counted.

**4 of these work stoppages carried over from the 2009-10 year.

Work Stoppages by Selected Industry 2008-09 to 2010-11

Industry		2008-09	2009-10	2010-11
Construction	Number of Work Stoppages	0	0	0
	Employees	0	0	0
	Person-Days Lost	0	0	0
Manufacturing	Number of Work Stoppages	0	1	2
	Employees	0	125	106
	Person-Days Lost	0	313	15,116
Mining	Number of Work Stoppages	0	1	1
	Employees	0	205	125
	Person-Days Lost	0	35,582	27,321
Accommodations and Food Services	Number of Work Stoppages	1	2	1
	Employees	52	125	65
	Person-Days Lost	743	11,625	14,996
Health Care and Social Services	Number of Work Stoppages	0	1	1
	Employees	0	15	15
	Person-Days Lost	0	1,470	2,595
Other Services	Number of Work Stoppages	0	1	3
	Employees	0	14	330
	Person-Days Lost	0	2,430	11,411
Public Administration	Number of Work Stoppages	0	0	0
	Employees	0	0	0
	Person-Days Lost	0	0	0

Industry		2008-09	2009-10	2010-11
Motor Vehicle Sales, Repairs and Parts	Number of Work Stoppages	0	0	1
	Employees	0	0	12
	Person-Days Lost	0	0	288

ADDITIONAL INFORMATION

For additional statistical information about the Agency's programs and services, contact the Labour Relations Agency at:

Phone: (709) 729-2711/2742 (St. John's) (709) 637-2367 / 2364 (Corner Brook)

Fax : (709) 729-5905 (St. John's) (709) 637-2592 (Corner Brook)

E-Mail: labour@gov.nl.ca

Website: <http://www.gov.nl.ca/lra/>

Contact the Labour Standards/ Labour Relations/ Policy and Planning Divisions toll-free at 1-877-563-1063.

FINANCIAL INFORMATION

Summary of Expenditure and Related Revenue For the Year Ended March 31, 2011 (Un-Audited)

Summary of Expenditure and Related Revenue For the Year Ended March 31, 2011				
Activity		Actual Expenditure \$	Amended Budget \$	Original Budget \$
7.1.01	Executive Support	747,239	762,800	413,200
7.1.02	Administration and Planning Less: Revenue - Provincial	825,231 -	983,200 (78,000)	591,300 (78,000)
		825,231	905,200	513,300
7.1.03	Labour Relations and Labour Standards Less: Revenue - Provincial	1,220,764 (64,679)	1,224,100 (70,000)	1,277,300 (70,000)
		1,156,085	1,154,100	1,207,300
	Total	2,728,555	2,822,100	2,133,800

Expenditure and revenue figures included in this document are un-audited and based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for the Year Ended 31 March 2011. Audited financial statements are a requirement at the Government level and are made public through the Public Accounts process; however, the Labour Relations Agency is not required to provide a separate audited financial statement.

These figures do not reflect allocations assigned to the Labour Relations Board, the Standing Fish Price-Setting Panel or the Workplace Health, Safety and Compensation Review Division as these entities report their financial information within their own annual reports.

The following is a presentation of the program funding summary for fiscal year 2010-11.

Labour Relations Agency Budget

