

Labour
Relations
Agency

Annual Report 2014–15

Supporting a positive workplace...

LabourRelations
at work



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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 am pleased to submit the entity's Annual Performance Report for the 2014-15 fiscal year. This report was prepared under my direction, and I am accountable for the results it contains herein.

The Agency's 2014-17 Strategic Plan focuses on two goals: improved delivery of service to clients and effectively managed legislative, regulatory, and policy frameworks. This Annual Performance Report presents outcomes of the related objectives as well as highlights of the Agency's achievements over the past year.

During the 2014-15 fiscal year, the Agency continued its efforts as it relates to service delivery excellence through improved outreach, information management, and alignment of operational processes to legislative requirements. In particular, the Agency focused on information required by the public, making it more accessible and responsive to client needs as well as providing it in a timely fashion. These continuous improvements allow the Agency to keep up with the changing pace at which people access, receive, and expect information.

Internally, the Agency focused on its existing legislative framework to ensure it is streamlined, modern, and balanced which is critical for the protection of basic labour rights and effective workplace relations. This past year, efforts were focused on potential legislative and associated operational mechanisms designed to enhance the protection of vulnerable foreign workers in this province. The Agency looks forward to continuing this work in 2015-16.

The Labour Relations Agency is committed to maintaining a positive labour relations climate in Newfoundland and Labrador to help maximize employment relations stability, thereby optimizing job creation and economic benefits. The Agency's work contributes to the economic and social well-being of all employees and employers in Newfoundland and Labrador. I look forward to continuing to work in partnership with stakeholders to help provide a stable employment relations climate in the province.

A handwritten signature in blue ink, appearing to read 'Keith Hutchings', written in a cursive style.

KEITH HUTCHINGS, M.H.A.

District of Ferryland

Minister Responsible for the Labour Relations Agency

OVERVIEW OF THE LABOUR RELATIONS AGENCY

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. These include:

- protection of the basic labour rights of all employees and employers;
- assistance with resolving workplace issues and negotiating collective agreements;
- creation of partnerships to promote the currency and relevance of the employment relations regulatory framework (i.e. statutes, regulations, policies); and
- provision of education, training, and support programs to stakeholders.

The Labour Relations Agency services all employees and employers in Newfoundland and Labrador that fall under provincial jurisdiction.¹ The Agency provides:

- employees with information and support respecting their employment rights and responsibilities, such as minimum wages, overtime pay, various forms of leave (e.g. annual, parental, compassionate care, reservist), rest periods, and statutory holidays;
- employers with information regarding their employment rights and responsibilities, as well as support in developing policies and practices that promote effective employment relations; and
- both employees and employers with professional mediation and conciliation, and workplace intervention services to maintain a productive workplace.

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.

The Agency works closely with organizations such as:

- Standing Fish Price-Setting Panel;
- Workplace Health, Safety and Compensation Commission;
- Workplace Health, Safety and Compensation Review Division;
- Labour Relations Board;
- Provincial Employer and Labour organizations;
- Department of Advanced Education and Skills;
- Employment and Social Development Canada; and
- Canadian Association of Administrators of Labour Legislation.

¹ A number of sectors of the provincial economy, such as telecommunications, banking, interprovincial transportation, are subject to federal labour legislation (i.e. the *Canada Labour Code*).

MANDATE

The mandate of the Labour Relations Agency is to encourage effective relationships between employees and employers through:

- the regulation of employment relations;
- the regulation of the minimum terms and conditions of employment through labour standards; and
- the provision of workplace dispute resolution services.

This mandate is pursued through the effective administration and enforcement of applicable legislation administered under the powers and duties of the minister.

VISION

The vision of the Labour Relations Agency is of an optimal labour relations climate contributing to economic growth, competitiveness, and shared prosperity.

The Agency's vision statement articulates its sense of purpose and provides direction towards achieving its mandate.

MISSION

By March 31, 2017, the Labour Relations Agency will have improved labour relations supports conducive to positive workplace relations.

The Agency's complete mission, along with the measure and indicators, can be located in its [Strategic Plan 2014-2017](#).



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*.

Professionalism

The Agency's staff is highly trained and committed to providing a quality service in support of positive employment relations in Newfoundland and Labrador. Employees are encouraged to engage in learning and development opportunities to support professional growth throughout their careers.

Respect

The Agency's employees are committed to ensuring the views of our clients are clearly understood and represented in a fair, neutral, and dignified manner.

Partnership

The Agency's staff is committed to building collaborative and constructive relationships with all stakeholders. Employees engage the Agency's partners in decisions that affect them, in an effort to build consensus regarding the most effective ways of fostering a positive employment relations climate.

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

The Agency also provides policy support for the Workplace Health, Safety and Compensation Commission (WHSCC) and the Workplace Health, Safety and Compensation Review Division (WHSCRD) in relation to the *Workplace Health, Safety and Compensation 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. Executive functions of the Agency are coordinated by the Chief Executive Officer and the Assistant Deputy Minister.

Labour Standards

The Labour Standards Division administers the province's *Labour Standards Act*, which establishes the minimum terms and conditions of employment, and the *Shops' Closing Act*, which sets the observance of holidays when shops must be closed. Services include:

- providing front-line service delivery with jurisdiction over minimum wage, working hours, minimum age, various forms of leave, and recovery of unpaid wages;
- ensuring compliance with the Acts through investigation and enforcement;
- investigating and mediating disputes between employees and employers;
- offering public education, awareness seminars, and consultative programs to communities, organizations, educational institutions, and various business sectors; and
- consulting with employees and employers on workplace matters.

Labour Relations

The 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;
- providing training in dispute resolution;
- providing administration and human resource support to the Standing Fish Price-Setting Panel (SFPSP); and
- providing a labour relations liaison role regarding Special Project Orders for the Muskrat Falls Project.

Policy and Planning

The 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, services and legislative framework. 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;
- providing policy and budgetary support as well as support and advice to Executive and ministers responsible for the following entities: WHSCC, WHSCRD, and SFPSP;
- 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;
- developing and maintaining partnerships, and representing provincial interests, with relevant provincial, national, and international organizations and Ministries of Labour; and
- monitoring judicial decisions and best practices in relation to labour to assist with the provision of strategic policy advice.

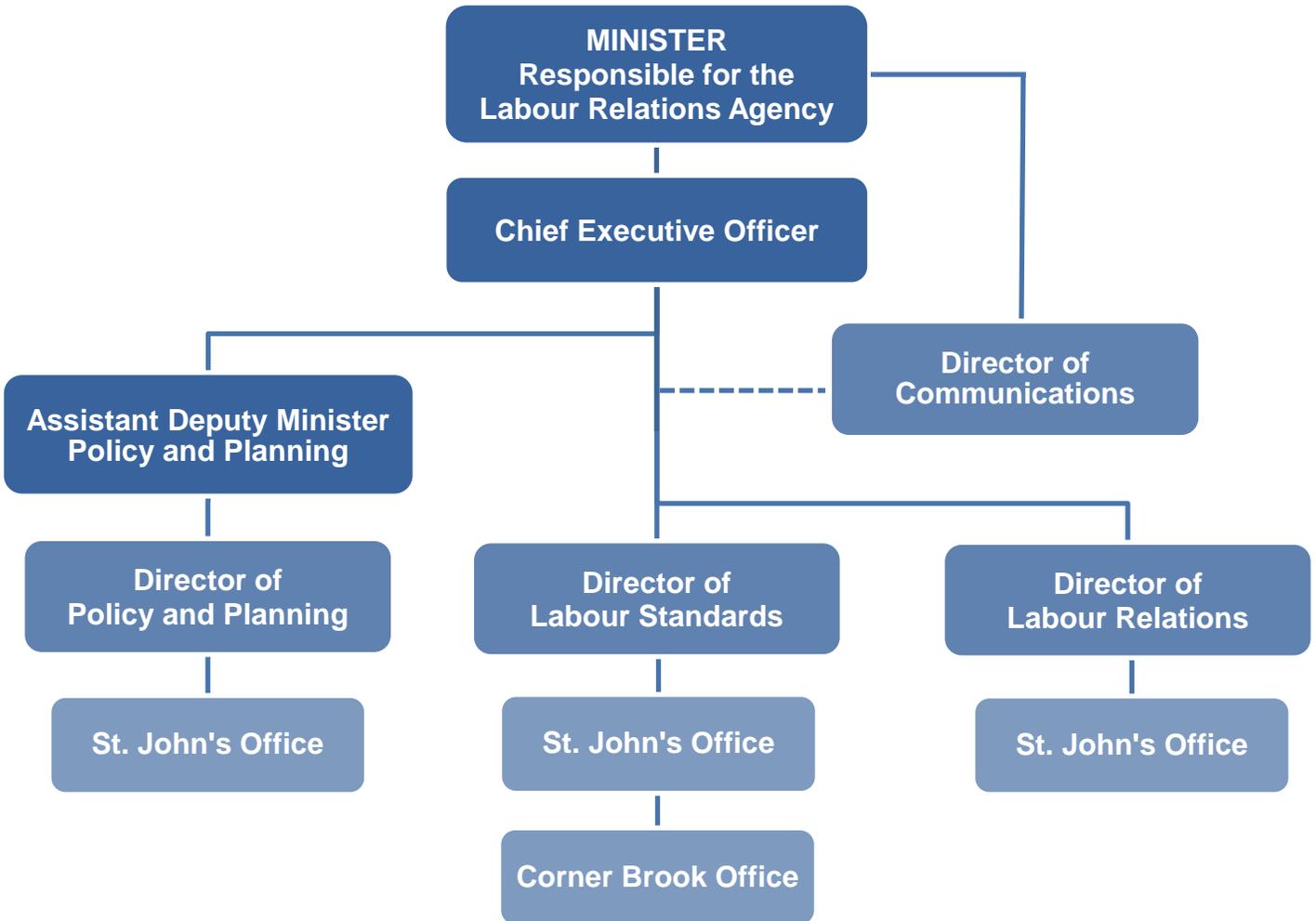
OFFICES

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

STAFF

As of March 31, 2015, the Labour Relations Agency employed 24 staff in its various divisions and locations (17 female, 7 males). There were 22 employees in St. John's and 2 in Corner Brook (please refer to the Agency's organizational structure on page seven). Please note these numbers do not include the Directors of Communications for the Agency, the WHSCC, and the WHSCRD, as they are employees of the department of Municipal and Intergovernmental Affairs and the department of Child, Youth and Family Services.

ORGANIZATIONAL STRUCTURE OF THE LABOUR RELATIONS AGENCY



SHARED COMMITMENTS

Each year, the Labour Relations Agency strives to focus its work on addressing its goals and objectives and is committed to collaborative efforts with stakeholders and government partners to advance its priorities. The Agency provides policy support and direction to the Workplace Health, Safety and Compensation Commission (WHSCC) and provides advice to the Minister Responsible for WHSCC. As part of this role, every five years the Agency leads government's response to a statutory review of the legislation and operations of the Commission. During 2014-15, the Agency led an interdepartmental committee which undertook an analysis of the Statutory Review Committee's recommendations outlined in its report, entitled "Working Together: Safe, Accountable, Sustainable" (Report). The Agency consulted with stakeholders throughout this process.

The Agency is also the lead of an interdepartmental committee regarding foreign workers and has researched potential frameworks for forthcoming worker recruitment and protection legislation. Considerable efforts were invested in policy support for our related entities and additional horizontal initiatives. These activities directly contribute to the Agency's strategic component of research and information. Additionally, this proactive engagement with stakeholders directly responds to the minister's strategic direction of a stable employment relations climate and is aligned with the Agency's Mission to improve labour relations supports conducive to positive workplace relations.

STATUTORY REVIEW OF THE WORKERS' COMPENSATION SYSTEM

In accordance with the *Workplace Health, Safety and Compensation Act* (WHSCA), in 2012 government appointed a Statutory Review Committee to complete a two-phase review of the workers' compensation system. In Phase One (Legislative Review), the Committee completed a comprehensive examination of the WHSCA to identify areas for improvement and modernization. In Phase Two (Policy Review), the Committee completed consultations to consider the broader workers' compensation system. On January 17, 2014, government received the Report of the Statutory Review Committee and on February 14, 2014, government released the Report publically and welcomed input on the recommendations.

With the support of an interdepartmental / interagency working group, the Labour Relations Agency undertook a full analysis and costing of the Report's 42 policy recommendations. In addition, key stakeholders were provided further opportunity to meet and address pertinent recommendations. The Agency will continue this work in 2015-16 with a focus on the over 90 legislative recommendations in the Report, including a call for the WHSCA to be rewritten.

WORKER RECRUITMENT AND PROTECTION LEGISLATION

On May 14, 2014, the provincial House of Assembly adopted a Private Members' Resolution calling for the implementation of provincial worker recruitment and protection legislation that would require an employer registration process as well as a licensing requirement for recruiters. The resolution focused on foreign workers.

The Temporary Foreign Worker Program (TFWP) is a federal program enabling Canadian employers to hire foreign workers on a temporary basis to meet immediate labour market demands, provided that Canadians/permanent residents are not readily available to fill the jobs. Although the TFWP is a federal program, temporary foreign workers employed in provincially-regulated industries are subject to provincial legislation, including the *Labour Standards Act*, the *Occupational Health and Safety Act*, and the *Workplace Health, Safety and Compensation Act*.

In Newfoundland and Labrador, responsibility for temporary foreign workers is shared across several departments: Advanced Education and Skills (Workforce Development Secretariat and Office of Immigration and Multiculturalism); Service NL (Occupational Health and Safety); Workplace Health, Safety and Compensation Commission; and the Labour Relations Agency. Each has a different mandate in providing services and protections to these workers. An established interdepartmental committee, led by the Agency, worked collaboratively on matters related to foreign workers, specifically potential forthcoming worker recruitment and protection legislation. Further work in this area will continue during 2015-16.

POLICY SUPPORT FOR RELATED ENTITIES

The Labour Relations Agency provides policy and budgetary support as well as support and advice to Executive and ministers responsible for the following entities: the Workplace Health, Safety and Compensation Commission (WHSCC); the Workplace Health, Safety and Compensation Review Division (WHSCRD); and the Standing Fish Price-Setting Panel (SFPSP). Each entity also holds Plans and Reports independent from the Agency.

The WHSCC and WHSCRD deal with legislation pertinent to workers in Newfoundland and Labrador. The WHSCC is an employer-funded, no fault insurance system that promotes safe and healthy workplaces, provides return-to-work programs, and offers fair compensation to injured workers and their dependents. The WHSCRD is responsible for the review of the decisions of the WHSCC and it is the final level of review within the workers' compensation system in the province. The Labour Relations Agency provides additional insight into labour legislation and balancing the rights and interests of workers and employers, in particular as it relates to relevant government policy.

The SFPSP is a three-member panel mandated to identify on an annual basis, in consultation with the stakeholders, particular fish species for collective bargaining, and to ensure that binding collective agreements containing price and conditions of sale are in place by the date established by the Minister of Fisheries and Aquaculture. Panel facilitation, administrative support, and funding are provided by the Labour Relations Agency.

During the 2014-15 fiscal year, support provided by the Agency included required legislative changes, required reports under the *Transparency and Accountability Act*, budgetary support, and support for appointments to Agencies, Boards, and Commissions. Additionally, the Labour Relations Agency, in conjunction with the WHSCRD and in consultation with related stakeholders, undertook a review of the WHSCC appeals process.

ADDITIONAL HORIZONTAL INITIATIVES

The Labour Relations Agency also participates in horizontal initiatives with other levels of government. The Agency remains an integral partner with these initiatives, providing valuable insight from a labour relations perspective relevant to the particular issues. These additional horizontal initiatives include, but are not limited to:

- Government Greening;
- Open Government;
- Population Growth Strategy;
- Poverty Reduction Strategy; and
- Violence Prevention Initiative.

The Agency is also a member of the Working Group on Human Trafficking, led by the Serious and Organized Crime Division of Public Safety Canada.

HIGHLIGHTS AND ACCOMPLISHMENTS

The Labour Relations Agency works in partnership with employees and employers to support and foster positive employment relations throughout Newfoundland and Labrador. While consensus may not always be possible in the workplace, proactive engagement and dialogue can enhance understanding of issues and help create and maintain an environment where positive relations can grow. Highlights of activities in 2014-15 are outlined below.

CAALL LABOUR STANDARDS COMMITTEE ANNUAL GENERAL MEETING

The Labour Relations Agency hosted the Annual General Meeting (AGM) of the Canadian Association of Administrators of Labour Legislation (CAALL) Labour Standards Committee (LSC) during 2014-15.

The main focus of the LSC's work is to identify common issues and problems that impact labour standards matters across Canada and to work collaboratively on solutions. Attendees of the AGM enjoyed a robust agenda consisting of jurisdictional reports, work plan updates, and future work planning. There were also several informative presentations on such matters as proactive enforcement of the Ontario *Employment Standards Act, 2000*, enforcement of psychological harassment legislation, and an update on relevant activities in the United States.

The LSC, and the AGM, is an important vehicle for jurisdictions to share information about the administration and enforcement of labour and employment standards legislation across Canada. It is also conducive to building cooperative relationships which foster collaborative solutions.

SPECIAL PROJECT ORDER PROTOCOL

The Special Project Order (SPO) Protocol formalizes unwritten policies, outlines legislative requirements for the issuance of a SPO, distinguishes the two types of SPOs, and provides an overview of the application process.

In December 2011, the Minister Responsible for the Labour Relations Agency appointed James Oakley to conduct a review of the SPO provisions of the *Labour Relations Act*.

In response to the report, a number of legislative amendments were introduced during the Spring 2012 sitting of the House of Assembly. At that time and further to one of the report's recommendations, government made a public commitment to develop a SPO Protocol.

The Labour Relations Agency engaged internal and external stakeholders in the development of the Protocol, which was implemented in 2014-15 and published on the Agency's website in June 2014.

NATIONAL ACADEMY OF ARBITRATORS (CANADIAN REGION) ANNUAL MEETING

The National Academy of Arbitrators is a not-for-profit honorary and professional organization of arbitrators in the United States and Canada. The Academy's purposes are educational and fraternal. It works cooperatively with government agencies, professional organizations, and other institutions involved in the field of labour management and employment relations.

The Academy holds an annual meeting featuring speakers who are labour-management and employment relations practitioners, arbitrators, government officials and law school and university professors.

In August 2014, the Canadian Region of the Academy hosted the annual meeting in St. John's, Newfoundland and Labrador. The meeting was attended by arbitrators from across Canada and the United States. The three day agenda included a variety of relevant topics.

The Director of Labour Relations participated in a three person panel of government labour relations representatives who provided provincial perspectives on labour relations issues. The Director of Mediation Services with the Alberta government and the Assistant Deputy Minister of Policy and Dispute Resolution Services with the Ontario Ministry of Labour were the remaining panel members. The panel was moderated by an Arbitrator/Mediator from Ontario.

LABOUR MANAGEMENT ARBITRATION COMMITTEE ARBITRATOR TRAINING PROGRAM

The Agency's Labour Relations Division ensures the continued management and function of the Labour Management Arbitration Committee (LMAC), as established by the *Labour Relations Act*. The LMAC is responsible for promoting, establishing, and maintaining high quality and effective arbitration processes.

The LMAC is composed of nine members: three persons who represent labour; three persons who represent employers, including one person who represents government as an employer; two persons who represent arbitrators; and one person who represents government in an unofficial capacity (i.e. the Director of Labour Relations).

The powers and duties of the LMAC are to establish educational and experience standards for arbitrators; oversee qualification and training processes; establish and maintain a roster of persons, who, in the opinion of the Committee, are qualified to conduct arbitrations; and other actions that promote the effectiveness and quality of arbitrations.

During the 2014-15 fiscal year, the LMAC planned and developed an Arbitrator Training Program to be offered in 2015-16 with a view to expanding the roster of available arbitrators in Newfoundland and Labrador. The Arbitrator Training Program is intended to develop knowledge and skills of individuals with experience as labour relations practitioners. A limited number of participants were accepted into the program, which is anticipated to be offered early in 2015-16.

MINIMUM WAGE INCREASES

In November 2013, the Minister Responsible for the Labour Relations Agency announced the provincial minimum wage would increase by 25 cents to \$10.25 per hour on October 1, 2014. This will be followed by another 25 cent increase on October 1, 2015. These increases continue the province's progressive approach towards minimum wage that will benefit many lower income earners in Newfoundland and Labrador while considering the ability of employers to pay these wages to their employees, thereby contributing to a stable employment relations climate.

By October 2015, the minimum wage rate in the province will have increased by 75 per cent in just 10 years. The minimum overtime wage rate will continue to be fixed at 1.5 times the minimum wage, rounded to the nearest cent. As a result of these increases, the Agency amended the *Labour Standards Regulations*, issued a news release, and updated its *Employment Standards in Newfoundland and Labrador* information booklet and website accordingly.

REPORT ON PERFORMANCE

In its 2014-17 Strategic Plan, the Labour Relations Agency (LRA) identified two primary strategic issues which have the greatest impact on its efforts to promote a positive labour relations environment: 1. service excellence; and 2. effective workplace relations. In this Annual Report, the Agency will report on its objective results for 2014-15.

ISSUE 1: SERVICE EXCELLENCE

The provision of robust programs and services and the maintenance of a modern and progressive labour relations framework represent the cornerstones of the Labour Relations Agency's work. We are always cognizant of demographic changes in the workplace as well as expectations that workplace services are provided in an accessible manner.

The Agency's 2014-17 Strategic Plan noted the changing dynamics of the workplace in Newfoundland and Labrador. The pace at which people access, receive and expect information has also changed. One of the challenges facing the Labour Relations Agency is ensuring that its services continue to meet the evolving needs of stakeholders and promote a stable employment relations climate. The response to this issue was focusing on service excellence and improving service delivery to the Agency's clients, which is aligned with government's strategic direction and includes the focus area of education and awareness.

Optimum employment relations require employers and employees have access to information and services available to them. Considerable engagement and collaboration are also required. These activities promote positive employment relations through better decision making, increased knowledge and greater participation in proactive initiatives, and promote stability and productivity in the workplace. As outlined below, during the past year, the Agency has made a concerted effort in these areas.

The Labour Relations Agency has reviewed its internal service delivery capacity by investigating arbitration database options, exploring options to improve outreach and supports for newcomers, investigating new language needs of clients, and assessing opportunities to improve information management.

Objective Results for 2014-15

Goal: By March 31, 2017, the Labour Relations Agency will have improved delivery of service to clients to ensure information is current and services are responsive to client needs.

Objective: By March 31, 2015, the Labour Relations Agency will have reviewed internal service delivery capacity.

Measure: Reviewed internal service delivery capacity

Indicators:

- Investigated arbitration database options
- Explored options to improve outreach and supports for newcomers
- Investigated new language needs of clients
- Assessed opportunities to improve information management

Indicators	Performance for 2014-15
<p>Investigated arbitration database options</p>	<ul style="list-style-type: none"> • The LRA investigated several options for an arbitration database and consulted with the Office of the Chief Information Officer (OCIO). During 2014-15, six decades of arbitration documents were digitized and entered into a new database, backed-up on a removable hard-drive. The arbitration database is searchable and includes hyperlinks to the appropriate documents. Duplicate files were removed and a standard naming convention was established. The new dataset has improved information management and client access to arbitration decisions. The LRA can now respond to requests for arbitration decisions within one business day, compared to extended delays or previously irretrievable information. This is a substantial improvement; however, throughout the planning process, a searchable arbitration database was deemed to be the optimal format. A scoping document was developed and finalized in 2014-15, in consultation with the OCIO. The LRA will continue to work with the OCIO on the implementation of this initiative in 2015-16.
<p>Explored options to improve outreach and supports for newcomers</p>	<ul style="list-style-type: none"> • During 2014-15, the LRA completed a detailed cross-jurisdictional scan of worker recruitment and protection initiatives across Canada, to help identify and analyze potential operational and legislative mechanisms and/or frameworks that may be utilized to help protect vulnerable foreign workers in this province. This included consultation with jurisdictions with existing worker recruitment and protection legislation. The LRA also engaged the Office of Public Engagement to explore several options for potential consultations with both internal and external stakeholders regarding the potential forthcoming legislation. This work will continue into the 2015-16 fiscal year. This is closely connected with Issue 2, indicator 5, as the LRA's primary focus in 2015-16 will be potential worker recruitment and protection legislation which will form part of the overall labour standards legislative framework.
<p>Investigated new language needs of clients</p>	<ul style="list-style-type: none"> • During 2014-15, based on a review of publicly available statistical data, the LRA determined that multi-lingual fact sheets outlining highlights of the <i>Labour Standards Act</i> for employees and employers should be available in the predominate Aboriginal languages. The information was translated into Innu-aimun and Inuktitut dialect and posted to the Agency's website. These fact sheets are now available in nine languages: English, French, Chinese (simplified and traditional), Innu-aimun, Inuktitut, Punjabi, Tagalog, and Thai. There is also a direct link to the fact sheets on the NL Provincial Nominee Program website.

Assessed opportunities to improve information management

Throughout 2014-15, an Information Management (IM) Action Plan was developed based on prioritizing recommendations included in an IM Capacity Assessment Tool (IMCAT) review. The LRA was then able to move into the implementation phase earlier than anticipated. A dedicated resource was hired and retained until the end of the fiscal year. There was significant progress in this area, as achievements were made beyond planned results. Activities for the 2014-15 fiscal year included:

- Obtained approval and completed the Legal and Regulatory Framework and the Governance Matrix.
- Received approval from the Government Records Committee to implement C-RIMS. Obtained approval from the Government Records Committee for the Retention and Disposition Schedules (RRDSs).
- Developed an IM Procedure Manual to ensure consistency and continuity of IM initiatives, with all processes, decisions, challenges and updates recorded for future reference.
- Required all employees to complete the online IM training (IM@WORK) available through OCIO and completion of training was confirmed through email.
- Presented on IM initiatives to all employees and outlined their roles and responsibilities to implement and maintain new procedures.
- Held a successful clear-out day during the fiscal year and all employees were actively engaged in this process.
- Made updates and changes to the Agency's website to create a more user-friendly interface, including addition of a new section regarding the Labour Management Arbitration Committee (LMAC) and related PDF forms, and revision of headings and subdivision of FAQ pages for increased clarity. Designated staff also received training for Web Expression software, allowing approved changes/updates to the website to be made internally, resulting in more timely updates.
- Contacted all Labour groups for updated Collective Agreements and Union Constitutions, with positive response. A new Collective Agreements dataset was developed, including hyperlinks to the appropriate documents. Duplicate files were removed and the database was sorted into current/expired agreements and subdivided by the North American Industry Classification System (NAICS) code. Standardized protocols regarding the dataset were established. The database is also distributed to the Labour Relations Division quarterly to ensure Labour Relations Officers have access to the most current information when performing their duties. The dataset is available online, assists with client retrieval requests, and has improved our response time to clients.

Objective for 2015-16

Objective: By March 31, 2016, the Labour Relations Agency will have initiated select improvements to service delivery.

Measure: Initiated select improvements to service delivery

Indicators:

- Worked with OCIO on development of new searchable arbitration database for clients
- Developed and distributed revised *Employment Standards in Newfoundland and Labrador* information booklet and poster, in both electronic and print formats
- Implemented further updates to the Agency's website specific to end user supports

ISSUE 2: EFFECTIVE WORKPLACE RELATIONS

The Labour Relations Agency is committed to maintaining a positive labour relations climate in Newfoundland and Labrador to help maximize employment relations stability, as per our strategic direction, thereby optimizing job creation and economic benefits. This requires a strong employment relations framework as well as robust administrative policies, programs and processes to address evolving workplace dynamics. This includes a balanced approach to modern laws responsive to the needs of stakeholders. The Agency continually reviews these components to ensure opportunities for improvement are acted upon and invites input from stakeholders to achieve a balanced framework.

In its 2014-17 Strategic Plan, the Labour Relations Agency committed to effectively managing legislative, regulatory and policy framework(s) to support effective workplace relations. Ensuring the framework is streamlined, modern, and balanced is critical to supporting the protection of basic labour rights and establishing an environment where stakeholders maximize opportunities for the negotiation of collective agreements and the resolution of workplace disputes.

The Labour Relations Agency also takes very seriously its responsibility for reviewing and coordinating the provincial position on international labour issues. This includes requests made by the International Labour Organization (ILO), the United Nations agency which promotes social justice and formulates minimum international standards for basic labour rights and work-related issues. This process is undertaken in consultation with provincial departments and agencies that are responsible for, or affected by, the particular issue addressed. The Agency makes a concerted effort to respond to all requests it receives, both mandatory and optional, to support the province's ongoing efforts to advance Canada's work in international labour affairs.

The Labour Relations Agency has identified effective workplace relation needs by hosting an F/P/T Labour Standards Conference, consulting with government partners on ratification of ILO Conventions, researching and analyzing best practices and cross-jurisdictional trends, engaging stakeholders for input, and initiating a preliminary examination of labour standards legislation. During 2014-15, the Agency focused its efforts on moving towards ratification of two ILO instruments, as outlined in the performance indicators. There was also considerable work completed regarding relevant research, analysis, and stakeholder engagement.

Objective Results for 2014-15

Goal: By March 31, 2017, the Labour Relations Agency will have effectively managed legislative, regulatory and policy framework(s) to support effective workplace relations.

Objective: By March 31, 2015, the Labour Relations Agency will have identified effective workplace relation needs in the province.

Measure: Identified effective workplace relation needs

Indicators:

- Hosted Federal/Provincial/Territorial (F/P/T) Labour Standards Conference
- Consulted with government partners on ratification of International Labour Organization (ILO) Conventions
- Researched and analyzed best practices and cross-jurisdictional trends
- Engaged stakeholders for input
- Initiated preliminary examination of labour standards legislation

Indicators	Performance for 2014-15
<p>Hosted F/P/T Labour Standards Conference</p>	<ul style="list-style-type: none"> • The LRA hosted the Annual General Meeting (AGM) of the Canadian Association of Administrators of Labour Legislation (CAALL) Labour Standards Committee (LSC) during 2014-15. The main focus of the LSC's work is to identify common issues and problems that impact labour standards matters across Canada and to work collaboratively on solutions. Attendees of the 2014 AGM enjoyed a robust agenda consisting of jurisdictional reports, work plan updates, and future work planning. There were also several informative presentations on such matters as proactive enforcement of the Ontario <i>Employment Standards Act, 2000</i>, enforcement of psychological harassment legislation, and an update on relevant activities in the United States. The LSC, and the AGM, is an important vehicle for jurisdictions to share information about the administration and enforcement of labour and employment standards legislation across Canada. It is also conducive to building cooperative relationships which foster collaborative solutions.
<p>Consulted with government partners on ratification of ILO Conventions</p>	<ul style="list-style-type: none"> • During 2014-15, the LRA consulted with all departments and agencies to ensure provincial practices, policies, and legislation were consistent with the Minimum Age Convention (C138) and sought confirmation of support for ratification of the Convention. The aim of this Convention is to set age standards for admission to employment. Generally, it is Canada's practice to require support from all provinces and territories prior to ratification of any ILO instrument. Based on the consultations, in conjunction with a technical review completed in 2011, no barriers to support for ratification were identified and the Province will be able to use the flexibilities and exclusions included in C138 to support Canada's ratification of the Convention without any legislative amendments. The Province's official position on C138 will be brought forward for review and approval in early 2015-16 and formal correspondence to the Federal Government will follow.

	<ul style="list-style-type: none"> • During 2014-15, the LRA also consulted with all departments and agencies to complete a technical review of the Protocol to the Forced Labour Convention (P29) and to seek confirmation of support for ratification. The Forced Labour Convention was ratified by Canada in 2011 and it aims to eliminate the use of forced labour. As the Convention was originally adopted in 1930, a supplementary Protocol was negotiated and adopted by the ILO in June 2014. The aim of P29 is to supplement the Forced Labour Convention by addressing implementation gaps related to prevention, protection, and compensation measures. No barriers to support for ratification were identified. The Province's official position on P29 was brought forward for review and approval in 2014-15. Formal correspondence to the Federal Government providing provincial support for ratification is anticipated for early 2015-16. • The LRA also responded to 12 additional requests from the ILO and participated in a number of intergovernmental consultations and meetings with the Government of Canada.
<p>Researched and analyzed best practices and cross-jurisdictional trends</p>	<ul style="list-style-type: none"> • The LRA researched and analyzed best practices and cross-jurisdictional trends in several areas during 2014-15. This included, but was not limited to, the following: <ul style="list-style-type: none"> ○ available web-based user supports; ○ minimum wage rates and review mechanisms; ○ Workers' Compensation appeals processes; and ○ worker recruitment and protection initiatives (please refer to Issue 1, indicator 2 for additional information).
<p>Engaged stakeholders for input</p>	<ul style="list-style-type: none"> • The Agency focused considerable efforts on participating in relevant events, conferences, sessions, and opportunities for dialogue to engage stakeholders and the community at large as appropriate. This networking provided an opportunity for the Agency to engage with stakeholders and to solicit feedback on a continuing and regular basis. This helps to promote positive employment relations in Newfoundland and Labrador and profile the interests of the Agency at inter-governmental and external settings with both internal and external stakeholders. Examples for 2014-15 included, but were not limited to, the Atlantic Canada Construction Labour and Employee Relations Forum, the Building Trades Council, the Canadian Federation of Independent Business, the Canadian Institute for the Administration of Justice, the National Academy of Arbitrators (Canadian Region), the NL-Fish Harvesting Safety Association, the Placentia Bay Industrial Showcase, the Resource Development Trade Corporation, and Women in Resource Development.

	<ul style="list-style-type: none"> The Agency's Labour Relations Division ensures the continued management and function of the Labour Management Arbitration Committee (LMAC), as established by the <i>Labour Relations Act</i>. The LMAC is responsible for promoting, establishing, and maintaining high quality and effective arbitration processes. Comprised of internal and external stakeholders, the LMAC is also responsible for establishing criteria for placement of persons on Minister's roster of arbitrators. During the 2014-15 fiscal year, in conjunction with the LRA, the LMAC planned and developed an Arbitrator Training Program to be offered in 2015-16 with a view to expanding the roster of available arbitrators in NL. A limited number of participants were accepted into the program, anticipated to be offered early in 2015-16.
<p>Initiated preliminary examination of labour standards legislation</p>	<ul style="list-style-type: none"> A scan of issues and concerns identified in relation to the <i>Labour Standards Act</i> was developed in 2014-15, with a view to identifying priority areas. Work will continue during 2015-16 and priority amendments will be advanced as required. This is closely connected with Issue 1, indicator 2, as the LRA's primary focus in 2015-16 will be potential worker recruitment and protection legislation which will form part of the overall labour standards legislative framework.

Objective for 2015-16

Objective: By March 31, 2016, the Labour Relations Agency will have begun to address needs identified.

Measure: Initiated activities to address identified needs

Indicators:

- Continued consultation with government partners on ratification of specific ILO Conventions and continued participation in CAALL
- Identified and advanced priority issues in relation to labour standards legislation
- In partnership with the LMAC, offered the Arbitrator Training Program
- In consultation with the LMAC, developed and implemented a relevant evaluation activity for the Arbitrator Training Program

FUTURE OPPORTUNITIES AND CHALLENGES

On May 14, 2014, the provincial House of Assembly adopted a Private Members' Resolution calling for the implementation of provincial worker recruitment and protection legislation that would require an employer registration process as well as a licensing requirement for recruiters. The resolution focused on foreign workers. An established interdepartmental committee, led by the Agency and including Advanced Education and Skills (Workforce Development Secretariat and Office of Immigration and Multiculturalism); Service NL (Occupational Health and Safety); Workplace Health, Safety and Compensation Commission, continues to work collaboratively on matters related to foreign workers, including forthcoming worker recruitment and protection legislation. Further work in this area will continue during 2015-16. This is an opportunity to work collaboratively with provincial departments and agencies to develop legislation to protect vulnerable foreign workers. The challenge will be to introduce legislation that is both practical and enforceable.

The Labour Relations Agency is committed to ensuring a robust and responsive employment relations legislative framework that is both balanced and responsive. The challenge is to continually evaluate the legislation for potential improvements while at the same time managing competing priorities. There are also challenges associated with responding to emerging and national trends as well as changes to federal programs (e.g. the Temporary Foreign Worker Program) and legislation (e.g. the *Canada Labour Code*). The Agency looks forward to both the opportunities and challenges as we continue to work towards fulfilling our mandate and achieving our goals and objectives.

STATISTICAL OVERVIEW

LABOUR RELATIONS DIVISION

Service	2012-2013	2013-2014	2014-2015
Conciliation Requests	51	46	54
Requests Carried Over	19	25	8
Total Conciliation Requests	70	71	62
Conciliation Settlements	50	62	45
Request for Appointment of Arbitrator	41	31	41
Interest Based Negotiation	2	2	0
Preventive Mediation Requests	76	168	87
Special Project Orders Issued	0	4	0
First Agreement Mediators	2	7	4

LABOUR STANDARDS DIVISION

Service	2012-2013	2013-2014	2014-2015
Requests for Service	12,000 (approx.)	11,498	12,448
Cases Assigned	62	100	96
Cases Concluded	50	84	142
Early Resolutions	377	336	320
Certificates of Clearance	3,316	2,944	2,775
Preventive Interventions*	294	225	251
Speaking Engagements	50 (834 Participants)	65 (1,264 Participants)	56 (1,142 Participants)

*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

Work Stoppages	2012-2013	2013-2014	2014-2015
Work Stoppages	2*	1	2
Employees Involved	88	44	183
Person-Days Lost	640	9,680	2,809

* One legal work stoppage carried over from 2011-12.

Work Stoppages by Selected Industry

Industry	Work Stoppages	2012-2013	2013-2014	2014-2015
Fishing	Work Stoppages	1*	0	0
	Employees Involved	48	0	0
	Person-Days Lost	480	0	0
Manufacturing	Work Stoppages	0	1	0
	Employees Involved	0	44	0
	Person-Days Lost	0	9,680	0
Other Services	Work Stoppages	1	0	0
	Employees Involved	40	0	0
	Person-Days Lost	160	0	0
Public Administration	Work Stoppages	0	0	2
	Employees Involved	0	0	183
	Person-Days Lost	0	0	2,809

* Legal work stoppage carried over from 2011-12.

FINANCIAL INFORMATION

EXPENDITURE AND RELATED REVENUE

Fiscal Year Ended March 31, 2015				
Activity		Actual Expenditure* \$	Amended Budget \$	Original Budget \$
1.1.01	Executive Support	355,940	413,700	413,700
1.1.02	Administration and Planning less: Revenue - Provincial	544,372 (0)	700,700 (50,000)	700,700 (50,000)
		544,372	650,700	650,700
1.1.03	Labour Relations and Labour Standards less: Revenue - Provincial	1,174,456 (138,569)	1,285,900 (160,000)	1,285,900 (160,000)
		1,035,887	1,125,900	1,125,900
Total		1,936,199	2,190,300	2,190,300

Expenditure and revenue figures included in this document are unaudited and based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for Fiscal Year Ended 31 March 2015. 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 or the Standing Fish Price-Setting Panel, as these entities report their financial information within their own annual reports.



Labour Relations Agency

St. John's Office

P.O. Box 8700, 3rd Floor, Beothuck Building,
20 Crosbie Pl, St. John's, NL, A1B 4J6

Telephone: 709-729-2742 / 2743

Fax: 709-729-3528

Corner Brook Office

P.O. Box 2006, 7th Floor, Sir Richard Squires Building,
Mount Bernard Ave, Corner Brook, NL, A2H 6J8

Telephone: 709-637-2367

Fax: 709-637-2592

Toll Free: 1-877-563-1063

E-Mail:

Policy and Planning – infoLRA@gov.nl.ca

Web Site: www.gov.nl.ca/lra