



Labour Relations Board

2020-23 Activity Plan

For more information, please contact:

Labour Relations Board

Phone: 1-709-729-2707

Fax: 1-709-729-5738

Email: lrb@gov.nl.ca

Available in alternate formats upon request.

Table of Contents

Chairperson’s Message.....	1
Overview	3
Mandate.....	4
Vision.....	4
Issues.....	5
Issue 1: Processing Applications	5
Issue 2: Considering Applications.....	6
Issue 3: Communication of Results of Decisions and Orders	6
Issue 4: Circulating Publications	7
Issue 5: Enhancing Information Management Practices	7

Chairperson's Message

I am pleased to submit the multi-year Activity Plan (the Plan) of the Labour Relations Board (the Board) for the fiscal years 2020-21, 2021-22, and 2022-23. This Plan has been prepared in compliance with the **Transparency and Accountability Act**. The Board is categorized as a category three government entity and it is required to prepare a performance-based activity plan. The Board is accountable for the preparation of this Plan and the achievement of its objectives. In developing this Plan, the Board has considered the strategic directions of the Provincial Government.

The Board meets regularly to review and determine applications for certification or revocation, unfair labour practice complaints, successor rights applications, imposition of first collective agreements, complaints related to the duty of fair representation, and other issues within its jurisdiction. The Board may make decisions based on its review of investigation reports and written submissions of the parties, or it may determine a hearing is necessary for the purpose of making decisions.

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

The Board has adapted its practices, procedures and policies in light of the continuing COVID-19 pandemic. This includes receiving documents in an electronic format, avoiding in-person meetings and conducting certification votes through mail ballot. The Board will continue to review and adapt its information management and protection practices during the COVID-19 pandemic.

Activity Plan 2020-23

I would like to thank the Vice-Chairpersons and Board Members for their diligence. I would also like to thank the Chief Executive Officer, Board Officers and staff for their continued dedication and contribution to the Board. I look forward to our collective efforts in 2020-21, 2021-22, and 2022-23.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Conway", is positioned above the printed name.

David G. Conway
Chairperson

Overview

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

The Board is established under the **Labour Relations Act** (the Act) and is composed of the Chairperson, Vice-Chairpersons, and employer and employee representatives, all of whom are appointed by the Lieutenant-Governor in Council. The appointees are from across Newfoundland and Labrador.

The Act contains provisions outlining the labour relations rights and responsibilities of employers, trade unions, and employees. The Act guarantees employees the right to seek collective bargaining with their employers and establishes a framework for employees to make this choice freely. The Act confers on the Board authority over many important aspects of labour relations, including certification of unions to represent employees, revocation of certification upon application by interested parties where certified unions no longer have the support of a majority of bargaining unit members, unfair labour practices, successor rights determinations, common employer applications, first collective agreement applications, duty of fair representation complaints, discriminatory action under the **Occupational Health and Safety Act**, and appeals of labour standards determinations among others. Authority is also conferred on the Board for essential employee declarations under the **Public Service Collective Bargaining Act**. The Board has exclusive authority to exercise the power conferred upon it and to determine its own practices and procedures, and to make rules prescribing the procedures to be followed in respect to the administrative functions of the Board.

Activity Plan 2020-23

Critical areas of the Board's mandate are the resolution of labour relations matters, as well as educating the labour relations community and workers in general about the legislation, rules, policies, and procedures of the Board. The main focus areas or issues identified in this Plan, such as processing and considering applications submitted to the Board, communicating decisions, and circulating publications, contribute to the Board's efforts to support workforce stability. The fair and efficient processing of applications by the Board fosters harmonious workplace relations, and the communication and circulation of decisions and publications through the Board's searchable decision system and website ensure that the public and parties appearing before the Board have ready access to the Board's policies and decisions. Additional details of these topics can be found on the Board's [website](#).

The Board's administrative structure is comprised of a Chief Executive Officer, a Deputy Chief Executive Officer, two Labour Relations Board Officers and two support staff. The office of the Board is located in the Natural Resources Building, 50 Elizabeth Avenue, St. John's, NL. Board hearings may be conducted at a location in St. John's or in other regions of the province. The mailing address for the Board is P.O. Box 8700, St. John's, NL, A1B 4J6. Telephone: (709) 729-2707; Fax: (709) 729-5738; Email: lrb@gov.nl.ca.

The annual budget of the Board for 2020-21 is \$763,000.

Mandate

The Board's primary mandate is to resolve labour relations and employment matters in accordance with its jurisdiction.

Vision

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

Issues

This Plan for the Board covers three fiscal years: 2020-21, 2021-22, and 2022-23.

Through the work to be performed over the next three years, the Board will be supporting workforce stability. The Board has identified five main focus areas:

1. Processing Applications
2. Considering Applications
3. Communication of Results of Decisions and Orders
4. Circulating Publications
5. Enhancing Information Management Practices

For each year of this Plan, the following objectives have been identified that represent the focus of the Board and include performance indicators to assist the Board and the public in monitoring and evaluating success. For each fiscal year of this Plan, the Board will report on the achievement of each of these objectives and indicators.

The Board performs two functions – administrative and adjudicative. The Chief Executive Officer and staff fulfill the administrative function, which generally entails the processing of applications and information management; the Chair and members of the Board fulfill the adjudicative function. The objectives are designed to achieve these functions.

Issue 1: Processing Applications

The processing of applications includes administrative and adjudicative functions. The administrative branch receives the application and initiates the process before presenting the application to the adjudicative branch for completion. The following objective applies to all three years of this Plan.

Objective 1

By March 31 of 2021, 2022, and 2023, the Labour Relations Board will have initiated the processing of all applications filed with the Board.

Indicators

- Number of applications received;
- Number of applications in process; and
- Number of applications completed.

Issue 2: Considering Applications

The adjudicative branch considers an application after the administrative branch provides it with the information on record. When considering an application, the Board may decide the matter and issue an order, order a hearing, or defer the matter pending receipt of additional information. The following objective applies to all three years of this Plan.

Objective 2

By March 31 of 2021, 2022, and 2023, the Labour Relations Board will have considered all processed applications which are put before the Board at its meetings.

Indicators

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

Issue 3: Communication of Results of Decisions and Orders

Decisions of the Board could impact future applications to the Board. The availability of the Board's decisions allows for the use of this information in future applications that come

before the Board. The following objective applies to all three years of this Plan.

Objective 3

By March 31 of 2021, 2022, and 2023, the Labour Relations Board will have communicated the results of decisions and orders relevant to parties.

Indicators

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

Issue 4: Circulating Publications

The circulation of publications allows the Board to educate and inform the labour relations community as to current practices and procedural changes. The following objective applies to all three years of this Plan.

Objective 4

By March 31 of 2021, 2022, and 2023, the Labour Relations Board will have circulated necessary publications related to Board processes and procedures.

Indicators

- Number of reports, information bulletins and policy circulars distributed.

Issue 5: Enhancing Information Management Practices

Information management and protection are of vital importance to the Board. The Deputy Chief Executive Officer position has recently been reinstated, and this position is responsible for reviewing the Board's information management practices. As this issue involves activities that work towards the enhancement of the Board's information management practices, the objectives are different for each year of the plan. Indicators

Activity Plan 2020-23

for the final two years of the plan will be presented in the respective annual reports for 2020-21 and 2021-22.

Objective 5: 2020-21

By March 31, 2021, the Labour Relations Board will have commenced activities towards enhancing its information management practices.

Indicator

- Commenced review of the Board's information management practices and requirements.

Objective 5: 2021-22

By March 31, 2022 the Labour Relations Board will have further developed activities towards enhancing its information management practices.

Objective 5: 2022-23

By March 31, 2023, the Labour Relations Board will have implemented enhanced information management practices.

