

Labour Relations Board 2017-2020 Activity Plan



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Labour Relations Board

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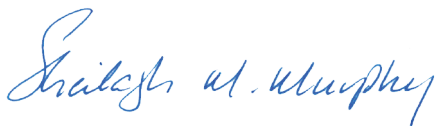
Message from the Chairperson

I am pleased to submit the multi-year Activity Plan of the Labour Relations Board for the fiscal years 2017-18, 2018-19 and 2019-20. This Plan is prepared in compliance with the Transparency and Accountability Act. The Board has been categorized as a Category 3 government entity and required to prepare a performance-based activity plan. The Board is accountable for the preparation of this plan and achievement of its objectives. In developing this Plan, the Board has considered the strategic directions of government.

The Board is an independent, quasi-judicial body having the function of adjudicating labour relations and employment matters pursuant to the 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 meets regularly to review and determine applications for certification and or revocation, unfair labour practice complaints, successor rights, imposition of first collective agreements, complaints related to the duty of fair representation, and other issues within its jurisdiction. The Board may make decisions based on its review of 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.

I would like to thank the Vice-Chairperson and Board Members for their diligence. I would also like to thank the Chief Executive Officer, Deputy Chief Executive Officer, Board Officers and Staff for their continued dedication and contribution to the Board. I look forward to our collective efforts in 2017-18, 2018-19 and 2019-20.



Sheilagh M. Murphy, Q.C.
Chairperson

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LABOUR RELATIONS BOARD

1.0 Overview

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

The Act confers on the Board 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, essential employee declarations, discriminatory action under the Occupational Health and Safety Act and appeals of labour standards determinations among others. The Board has exclusive authority to exercise the power conferred upon it and to determine all questions of fact or law that arise. It also has the power to reconsider any of its decisions. A privative clause in the Act limits the scope of judicial review. It is also entitled to determine its own practices and procedures and to make rules prescribing the procedures to be followed in respect of the administrative functions of the Board.

Critical areas of the Board's mandate are the resolution of labour relations matters, as well as educating the labour relations community and workers generally about the legislation, rules, policies and procedures of the Board. The main focus areas or objectives identified in this Plan, such as processing and considering applications 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

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through the Board's searchable decision system and website ensure the public and parties appearing before the Board have ready access to the Board's policies and decisions. Additional and complete details of the topics outlined above can be found on the Labour Relations Board's website.

The Board's administrative staff is comprised of a Chief Executive Officer, Deputy Chief Executive Officer, two Labour Relations Board Officers and two support staff (3 males, 3 females). The offices of the Board and hearings facilities are located in the Beothuck Building, St. John's, NL. Board hearings are also conducted in other regions of the province.

The 2017-18 budget of the Board is \$751,100.

2.0 Mandate

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

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

3.0 Lines of Business

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

1. Resolution of labour relations matters:
 - Processing, investigation and adjudication of applications submitted to the Board by unions, employers, organizations and individual employees, or referrals made pursuant to the legislation;
 - Mediation of differences in an attempt to limit the extent and need for formal adjudication and to reinforce the ability of the parties to resolve their own disputes.

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2. Education:

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

4.0 Values

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

Independence

The Board will maintain complete independence in making its decisions, which are quasi-judicial in nature, having regard to the legislation and jurisprudence on the issues being decided.

Timeliness

The Board and its staff will provide quality service in a timely and responsible manner.

Professionalism

The Board and its staff will provide services with high standards by maintaining and enhancing their knowledge base and exhibiting a competent and conscientious approach in their dealings with all clients.

Trust

The Board and its staff will continue to implement measures that provide clients with confidence in the work of the Board.

Respect

The Board and its staff will continue to exercise good judgment in the treatment of the public and other employees in accordance with government policies with respect to same.

Objectivity

The Board and its staff will continue to provide services to the public with objectivity and continue their commitment to dealing with all clients in an equitable and unbiased manner.

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5.0 Primary Clients

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

6.0 Vision

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

7.0 Objectives

This plan for the Board covers three fiscal years: 2017-18, 2018-19 and 2019-20. Through the work to be performed over the next three (3) years, the Board will be supporting workforce stability. Pursuant to the Transparency and Accountability Act, the Board has identified four main focus areas:

1. Processing Applications
2. Considering Applications
3. Communicating Results of Decisions and Orders
4. Circulating Publications

For each year of this plan, the following objectives have been identified which represent the focus of the Board and include performance measurement information (i.e. indicators) to assist both 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; the Chair and members of the Board fulfill the adjudicative function which generally entails making decisions on all matters before the Board. The objectives are designed to achieve these functions.

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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.

Objective 1:

By March 31 of 2018, 2019 and 2020, 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 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.

Objective 2:

By March 31 of 2018, 2019 and 2020, the Labour Relations Board will have considered all processed applications.

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 deferred.

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ISSUE 3: COMMUNICATING 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 the information in future applications.

Objective 3:

By March 31 of 2018, 2019 and 2020, the Labour Relations Board will have communicated the results of decisions and orders to relevant parties.

Indicators:

- Number of orders issued and number communicated to parties;
- Number of reasons for decision issued and number 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/or procedural changes.

Objective 4:

By March 31 of 2018, 2019 and 2020, 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.

