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## Chairperson's Message and Management Representation Statement

### Chairperson's Message

As Chairperson for the Canadian Forces Grievance Board (CFGB), I hereby present the fourth Report on Plans and Priorities for the Canadian Forces Grievance Board (CFGB), for the period 2004-2005 to 2006-2007.



It has been my good fortune that for the last three years I have been able to participate in the implementation and development of a unique organization. My vision for the Board can best be summarized: To ensure that the progress the Board has made is not in vain and that its work remains relevant for members of the Canadian Forces.

In order to plan effectively for the future, Board management has used its past experience in developing the organizational focus for the next three years. Our key objective for part of this planning period, following the elimination of our backlog of grievance cases, remains to reach a steady-state of operation that will permit the review of grievances in the timeliest manner possible. Another key objective is to secure the resources that support a steady-state operation.

The operational strategy adopted in late 2003 has already placed the Board on the path towards this goal. For instance, it will, amongst other things, allow it to complete its staffing and successfully streamline its grievance process. The Board will also be finalizing its corporate infrastructure and management frameworks in order to operate more efficiently and effectively as an administrative tribunal in the future.

Stability is key to the success of any organization, and as the Board ushers in a new era of maturity and confidence, the focus of the aforementioned activities will be to help it attain and sustain a level of stability. This means having the requisite amount of Board Members and other human resources, and a secure annual reference level. Adding to that, given the cooperation we have received in the past, and owing much to our talented employees and Members, I am confident that we will arrive.

The Board also intends to continue to be active in the on-going review of Bill C-25, as well as strengthening its external communications. Our activities have reached a productive rhythm and it is our responsibility to see that they remain purposeful.

Diane Laurin  
Chairperson

## Management Representation Statement

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I submit, for tabling in Parliament, the 2004-2005 Report on Plans and Priorities (RPP) for the Canadian Forces Grievance Board.

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This document has been prepared based on the reporting principles and disclosure requirements contained in the *Guide to the preparation of the 2004-2005 Report on Plans and Priorities*:

- It accurately portrays the organisation's plans and priorities.
- The planned spending information in this document is consistent with the directions provided in the Minister of Finance's Budget and by TBS.
- Is comprehensive and accurate.
- Is based on sound underlying departmental information and management systems.

The reporting structure on which this document is based, has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Name: Diane Laurin  
Chairperson

Date:

## The Canadian Forces Grievance Board - Raison d'être

### Contributing to Public Policy Values

The Canadian Forces Grievance Board is an independent, administrative tribunal that was created through amendments to the *National Defence Act* enacted on December 10, 1998.

Its strategic ultimate outcome is: "contribution to the effectiveness of the grievance review process within the Canadian military administrative justice system." The Board's day-to-day role is to review individual grievances on issues related to conditions of work in the Canadian Forces (CF), and submit findings and recommendations (F&R) to the Chief of the Defence Staff (CDS). However, its role in support of the public good is much broader in scope. The creation of the Board demonstrates the Government of Canada's desire to put in place the most efficient and transparent grievance process possible in order to contribute to improved conditions of work in the Canadian Forces.

### Exercising Powers in Accordance with the Public Interest

The role of the Board is to conduct an expeditious, objective and transparent review of grievances with due respect for each individual member of the Canadian Forces, regardless of rank or position. The Board has powers of a quasi-judicial nature: it can summon civilian or military witnesses, as well as order the production of documents. Any hearings by the Board would normally be held in private, unless the Chairperson deems that a public one would benefit either the persons participating in the hearing and/or the public interest.<sup>1</sup>

The Board is accountable to Parliament by way of annual reporting tabled through the Minister of National Defence. It consists of a full-time Chairperson and Vice-Chairperson, a part-time Vice-Chairperson and part-time Members. All are appointed by Governor-in-Council for terms not exceeding four years. Experts in the fields of labour relations, administrative law and military law support the Board in its work.

### Work of the Board

The Canadian Forces Grievance Board officially opened its doors and began operations on June 15, 2000, when it received its regulatory authority. The importance of its role is highlighted by the fact that the Canadian Forces, with operations in Canada and abroad, has the largest number of employees among all government departments and agencies.

Prior to the amendments to modernize the *National Defence Act* (NDA), there could have been up to seven levels of review in a grievance process. The *Act* now provides for only two levels of authority in reviewing grievances, thus making the whole process simpler and shorter. The first level is the Initial Authority, who is in a position to review the grievance and grant redress. Any grievor who is not satisfied with this initial decision may submit an application for review to the Chief of the Defence Staff, who represents the second and final level in the grievance process.

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<sup>1</sup> *National Defence Act* 29.26 (2)

The CDS must refer to the Board any grievance relating to the following:

- a) administrative action resulting in the forfeiture of, or deductions from, pay and allowances, reversion to a lower rank or release from the Canadian Forces;
- b) the application or interpretation of Canadian Forces policies relating to expression of personal opinions, political activities and candidature for office, civil employment, conflict of interest and post-employment compliance measures, harassment or racist conduct;
- c) pay, allowances and other financial benefits;
- d) the entitlement to medical care or dental treatment; and
- e) grievances concerning a decision or an act of the CDS.

The CDS may also decide to refer other types of grievances to the Board for review.

The CFGB makes findings and recommendations to the CDS regarding grievances that are referred to it but the final decision rests with the CDS. However, while the recommendations do not bind the CDS, if he or she decides to not follow them, the reasons for not having done so must be provided.

## Planning Overview

### Mission

To review grievances in order to render fair and impartial findings and recommendations in a timely and informal manner to the CDS and the grievor.

### Strategic Outcome

Measurable positive change, over time, in the number and type of grievances related to conditions of work in the Canadian Forces.

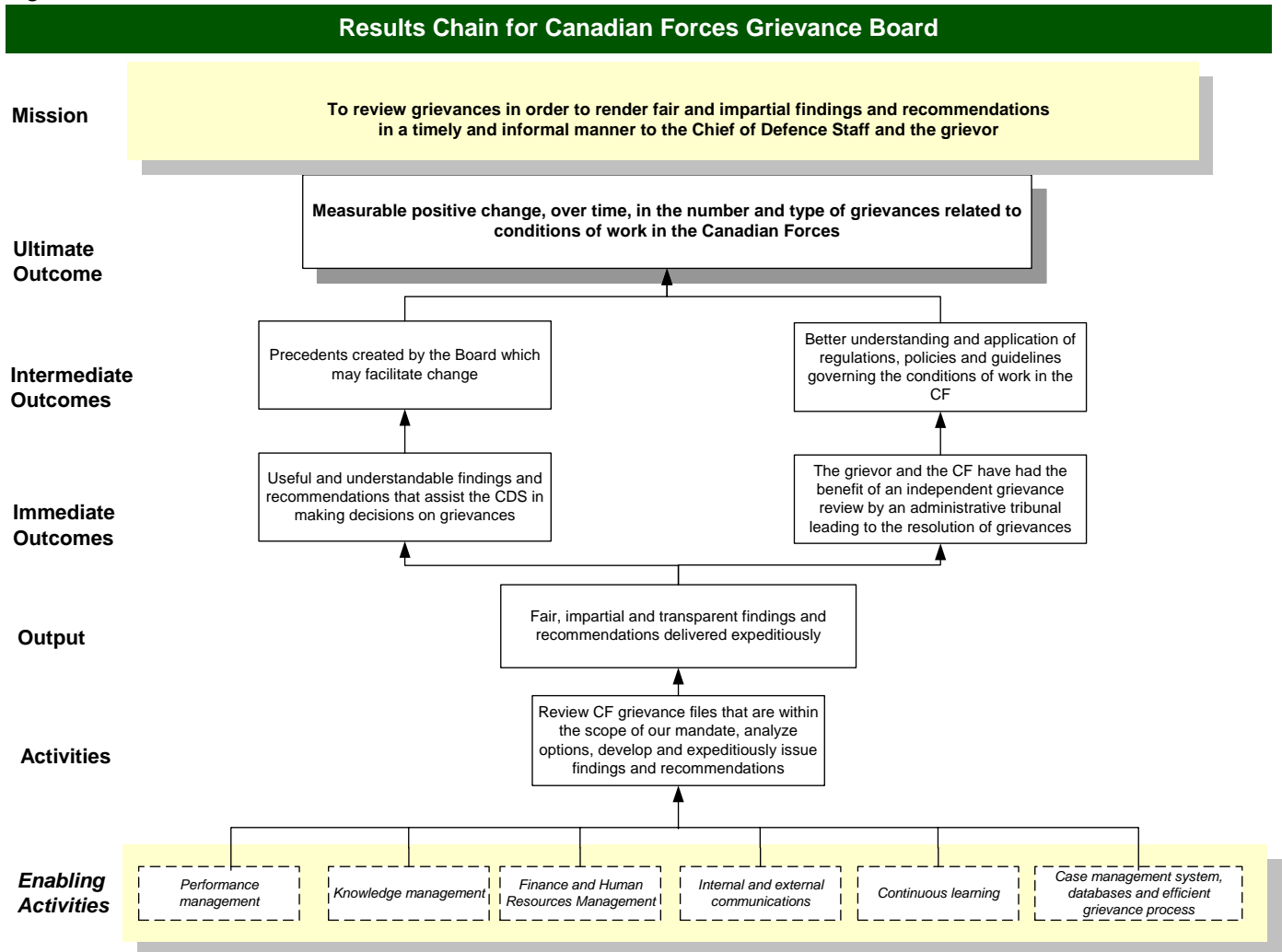
### Results

1. Useful and understandable findings and recommendations that assist the CDS in making decisions on grievances.
2. The grievor and the CF have had the benefit of an independent grievance review by an administrative tribunal leading to the resolution of grievances.
3. Precedents created by the Board, which may facilitate change.
4. Better understanding and application of regulations, policies and guidelines governing the conditions of work in the CF.

The Board's original Results Chain was prepared when the organization was still very much in its infancy. In the fall of 2003, senior management participated in a strategic planning session, which included a review of its existing Results Chain. With more than three years of experience behind it, the Board undertook to redefine its mission and objectives. The outcome is an adjusted Results Chain, one in which the Board's activities are more accurately reflected and which is in keeping with the same results-based approach to grievance review.

# Results Chain

Figure 1



The Board's Results Chain shown at [Figure 1](#) demonstrates how each of the items contributes to the fulfilment of the Board's mission and the achievement of its ultimate outcome. Each of the lines in the diagram is described briefly as follows:

➤ **ULTIMATE OUTCOME**

The strategic outcome reflects the enduring results for Canadians consequential to the Board's work, and it is the very reason why the Board was created.

➤ **INTERMEDIATE OUTCOMES**

These are the strategic outcomes that the Board expects to achieve over the long term. They will also demonstrate progress towards achieving the Board's ultimate result.

➤ **IMMEDIATE OUTCOMES**

The immediate outcomes of the Board's work are findings and recommendations that assist the CDS in making decisions on grievances. Above all, the findings and recommendations submitted by Members of the Board must be seen by both parties to be impartial, fair, transparent and delivered in a timely manner. These are the benefits of a review conducted by an independent administrative tribunal.

➤ **OUTPUT**

The Board's output is the submission of findings and recommendations to both the CDS and the grievor on those grievances referred by the CDS.

➤ **ACTIVITIES**

These are the key business activities that must be carried out in order to deliver the Board's output to its clients, that is the CDS and the members of the military who have filed a grievance, which was referred to the Board in accordance with the NDA and Chapter 7 of the *Queen's, Regulations and Orders* (QR&O)

➤ **ENABLING ACTIVITIES**

These are the key organizational activities that enable the Board to achieve its planned results and ultimate outcome, and they are all part of sound management.

## Major Factors Influencing the Board and Key Relationships

The management team analyzed both the external and internal factors that could impact on the Canadian Forces Grievance Board.

### ***The external factors are as follows:***

- ◆ The appointments of Board Members, whether they be full or part-time.
- ◆ The unknown number of grievances that could be filed by members of the military in any given year.
- ◆ Delays at any point in the process, either before or subsequent to the CFGB having received a grievance and sending its findings and recommendations to the CDS, can negatively impact on the Board's image and credibility. Many grievors do not make a distinction as to where a grievance is in the review process.
- ◆ Continuing confusion, at large, about the different players at Department of National Defence /Canadian Forces (DND/CF) overseeing the same or similar matters on behalf of the military, such as the Director General, Canadian Forces Grievance Authority (DGCFGA), the Conflict Management Program (CMP) and the Office of the Ombudsman.
- ◆ Revisions to the *National Defence Act* resulting from the legislative review completed by the Right Honourable Antonio Lamer, former Chief Justice of the Supreme Court, tabled on November 5, 2003. [http://www.forces.gc.ca/site/Reports/review/index\\_e.htm](http://www.forces.gc.ca/site/Reports/review/index_e.htm)
- ◆ Having a judicial review by the Federal Court on a grievance or grievances that had been reviewed by the Board.
- ◆ Any new, unfunded central agency initiatives that could emerge for example, the recent passage of Bill C-25, the *Public Service Modernization Act*. As in the case of many small organizations, while delivering against its mandate the Board must also comply with various central agency initiatives and reporting requirements; these take up valuable time and consume scarce resources.

### ***The internal factors are:***

- ◆ The vacant positions at the Board Member's level (full-time and part-time) could affect the capacity of the Board to review grievances in a timely manner.
- ◆ The Board has implemented an operational plan aimed at significantly reducing the backlog of cases by December 2004. A major challenge will be to complete the review of all outstanding grievances while simultaneously treating the incoming grievances for 2004.
- ◆ The organization requires knowledge workers with highly developed skills and abilities, and recruiting and retaining these highly sought resources has proved to be an ongoing challenge.
- ◆ The Board's present baseline-funding (A-base budget) established in early 2000 may be insufficient to sustain a viable and reasonable level of operations beyond March 2005.

### ***Risk Assessment***

In 2003-04, the Board participated in an inter-agency project on the subject of risk management in small agencies. As part of the objectives of this project, the Board developed its formal risk profile. This was done by calculating both the level of impact and the probability of occurrence for each risk that was identified, based on the mean score the management team awarded to each risk. This resulted in identifying four major areas of risk. They are:

1. Difficulties experienced in recruiting and retaining employees. Skilled, professional workers are the organization's most important resource.
2. The fact that the organization's perceived effectiveness is very much tied to the CDS' response regarding the Board's F&R constitutes another key corporate risk. For example, if the Board recommends systemic changes and these are not implemented, this could impact on the Board's credibility.
3. Not securing an increase in its permanent annual reference level could compromise the Board's future operations.
4. Continuing confusion regarding the different players involved in matters affecting the well being of members of the military is another area of risk that requires attention.

## ***Stakeholders***

There are a number of external stakeholders with a vested interest in the operations of the CFGB. First are: the CDS; members of the military and the Parliamentarians representing all Canadians. Next are the Director General, Canadian Forces Grievance Authority, who has a key administrative role in the formal grievance process; the Judge Advocate General; the DND Conflict Management Program and the Ombudsman. And finally, other interested stakeholders include: former members of the military; veterans' associations; the families of both former and current members of the military; the Department of Justice; other quasi-judicial tribunals; the central agencies in government; specialized media and military opinion leaders.

As stated previously in the context section of this report, the Canadian Forces has the largest number of employees among all government departments and agencies. It is thus easy to understand the significance of the CFGB's role not only for individual grievors in the military, but for the Canadian Forces overall and their family.

## ***Administrative Collaboration***

The Board's relationship with the Canadian Forces is one that is based on the legal requirements set out in the NDA. Although the Board is an independent, quasi-judicial administrative tribunal, it does not work in isolation. It works in a cooperative fashion with the Department of National Defence and especially with the Canadian Forces by sharing information and best practices in order to improve the overall grievance review process for members of the Canadian Forces.

## Plans and Priorities

### The Strategic Priorities for the Planning Period

Taking into consideration the Board's external and internal environment and its corporate risk profile, the Board has identified six strategic priorities that extend beyond fiscal year 2004-05 and they are:

<b>Priority #1.</b>	Increase the Board's operational performance - Ongoing Priority
<b>Priority #2.</b>	Develop and implement a human resource strategy and plan in order to mitigate its number one corporate risk – New Priority
<b>Priority #3.</b>	Participate in the legislative review of the <i>National Defence Act</i> - New Priority
<b>Priority #4.</b>	Continue to implement its external communications strategy in order to better inform Board stakeholders about its role within the grievance review process - Recurring Priority from RPP 2003-04
<b>Priority #5.</b>	Continue to implement its Management Improvement Action Plan, in keeping with the government's framework for modern comptrollership – Recurring priority from RPP 2003-04
<b>Priority #6.</b>	Validate the Board's baseline-funding requirement for future years – New Priority

## The Rationale Behind the Priorities

### ***Priority #1 Increase the Board's operational performance.***

When the Board officially opened its doors and began operations on June 15, 2000, it inherited a backlog of cases from the former system, and has tried to deal with this situation as effectively as possible, taking into consideration that it had to review new grievances at the same time. On September 2, 2003, the Board instituted an operational plan to review by December 31, 2004, all outstanding grievances received by December 31, 2003. The Board estimates that it will meet its obligation to substantially eliminate the backlog and achieve a steady state of operation by then, provided that it continues to streamline its business processes and key Member positions of the Board are renewed or filled. Also, in order to ensure that the Board meets its productivity targets and achieves its planned results, a key requirement will be to implement a performance measurement and reporting strategy.

### ***Priority #2 Develop and implement a human resource strategy and plan in order to mitigate its number one corporate risk.***

Given that the Board is a knowledge based organization, its employees are both the organization's engine and key resource. In order to do its grievance review work effectively, the Board's hiring and training programs must reflect the Board's professional skills sets requirements. Moreover, the acquisition, sharing, use and retention of knowledge are key to both continuous learning and the development and maintenance of expertise in a knowledge based organization. The Board reviews grievances in a military context, and this requires a very specialized expertise which is hard to find. Therefore, the Board's strategy will include training and professional development, succession planning and knowledge management.

### ***Priority #3 Participate in the legislative review of the National Defence Act.***

On November 5, 2003, the Minister of National Defence tabled the Lamer Report that included 88 recommendations, of which 19 deal with the Canadian Forces Grievance Process and the Canadian Forces Grievance Board. While many of the proposed recommendations may require changes to the *National Defence Act*, progress has already been made regarding some of the proposed reforms. In particular, a working group has been organized to study the recommendations involving the more complex issues while the Department of Justice and the Department of National Defence have started to examine changes that would implement some of the recommendations relating to military justice. The CFGB will have to be involved in the legislative consultations and initiatives regarding the grievance review process.

***Priority #4 Continue to implement its external communications strategy in order to better inform Board stakeholders about its role within the grievance review process.***

External communications continues to be a priority for the Board. The results of an environmental analysis shows that there continues to exist a degree of confusion concerning the different players who deal with the same or similar matters on behalf of the military. The CFGB has been working to implement its external communications strategy and remains aware that its contribution to the overall grievance process is not as well known or understood as it should be among members of the military and various stakeholders. The Board will continue, therefore, to pursue various outreach activities.

***Priority #5 Continue to implement its Management Improvement Action Plan, in keeping with the government's framework for modern comptrollership***

When the Board was created, it embraced the government's modern comptrollership initiative aimed at improving management practices across government. It began by conducting a capacity assessment, wherein its strengths and weaknesses on seven management dimensions were identified. The Board subsequently tabled a Management Improvement Action Plan with the Treasury Board Secretariat and has been implementing this plan since February 2003. It will continue to do its utmost, within its available resources, to further develop and improve its management practices, in accordance with the Management Accountability Framework established for government departments and agencies.

***Priority #6 Validate the Board's baseline-funding requirement for future years.***

The Treasury Board submission that established the annual reference level for the Board had been submitted prior to when the Board actually began operations. After three years of existence, the Board has now sufficient operating history, as well as the capacity to monitor its resource allocation utilizing its enhanced Case Management and Tracking systems. The Canadian Forces Grievance Board will validate during fiscal year 04-05, its baseline-funding requirement levels and will seek an increase in funding if necessary.

## ***Assessing Performance***

In 2003, as part of its Management Improvement Action Plan, the Board drafted a Results-based Management Accountability Framework (RMAF). An RMAF is comprised of four key components, i.e., governance, performance measurement and reporting, and program evaluation. The Board's draft RMAF is currently being revised in light of recent changes made to its Results-Chain, shown at [Figure 1](#) in the Planning Overview. At the time of writing this report, the proposed performance indicators and measures for the Board were being re-assessed in order to reflect these recent changes. Prior to commencing the new fiscal year, the Board will have revised and finalized the component parts of its RMAF, and performance indicators and measures related to its output and planned results will be ready for implementation in 2004-05. Also, in light of the fact that the Board has now been in existence for a few years, in 2004-05 it will be conducting a mid-term evaluation, in accordance with the Treasury Board Evaluation Policy requirement regarding the evaluation of new government programs or initiatives.

Several mechanisms will be used to evaluate and/or measure performance, in the context of sound performance management at the Board.

Results will be monitored using the following mechanisms:

- Determine the number of CFGB findings and recommendations supported by the CDS;
- Review reasons provided when CFGB findings and recommendations are unsupported by the CDS;
- Obtain feedback from members of the Canadian Forces whose grievances have been reviewed by the Board;
- Obtain views from other members of the Canadian Forces;
- Review any Federal Court decisions regarding grievances that had been reviewed by the CFGB;
- Follow-up on changes made to conditions of work of CF members as a result of the Board's work.

## Organization

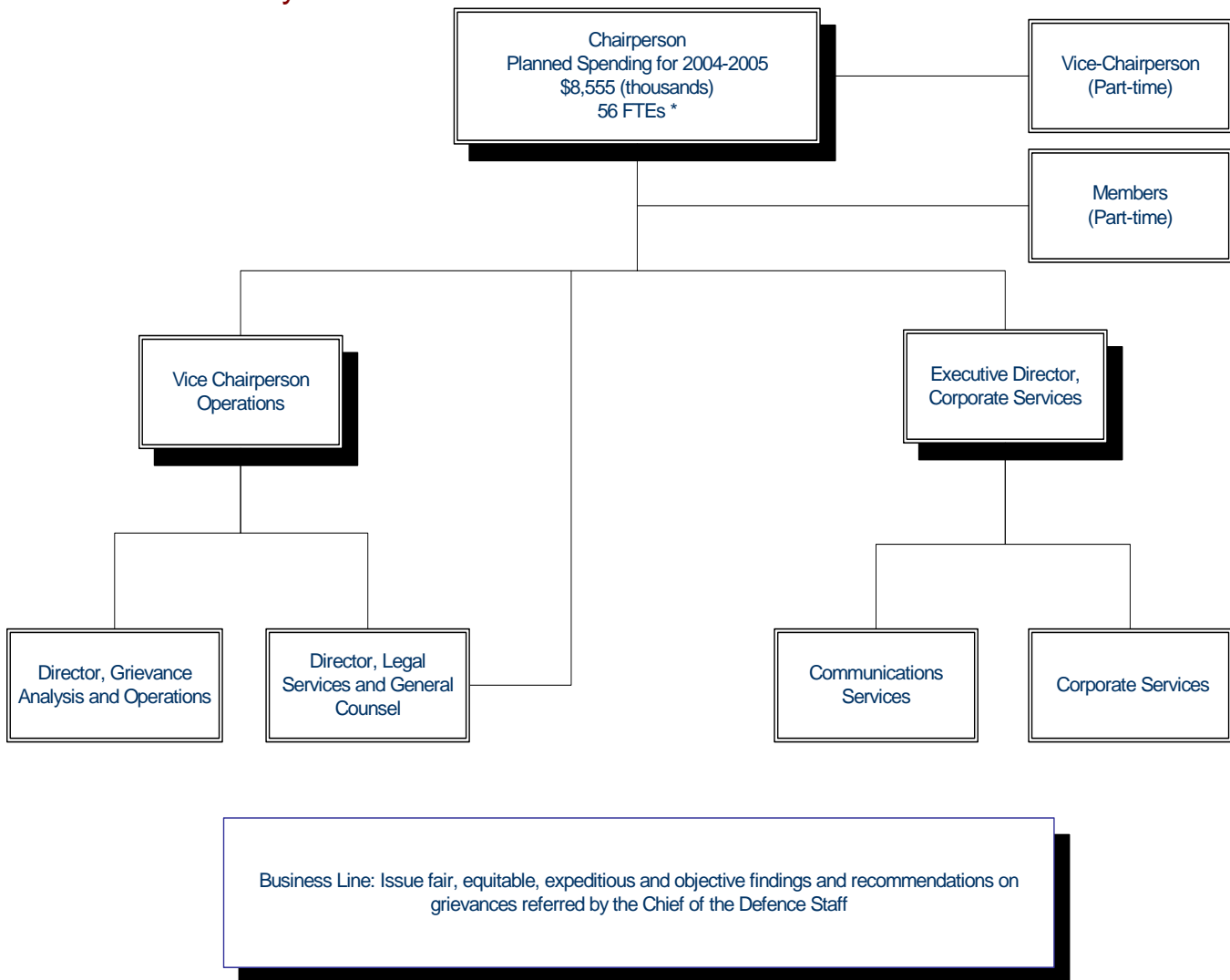
### Strategic Outcome and Business Line

The Board has one strategic outcome and one business line for a total of \$8,555 (in thousands)

	<b>Strategic Outcome</b>	<b>(\$ thousands)</b>
<b>Business Line</b>	Measurable positive change, over time, in the number and type of grievances related to conditions of work in the Canadian Forces	Total
Issue fair, equitable, expeditious and objective findings and recommendations on grievances referred by the Chief of the Defence Staff	\$8,555	\$8,555

Note: Prior to being allocated supplementary funding for fiscal year 2004-05, as shown in the Departmental Planned Spending table which follows at [Figure 2](#), the Board's annual reference level was \$6,246.

## Accountability



\* Includes full-time Board Members

The Chairperson is ultimately accountable for the work carried out by the Members of the Board. The Chairperson, the Vice-Chairperson and other Board Members are primarily supported in their work by the Director, Grievance Analysis and Operations. Grievance officers review individual grievances and seek legal input and advice when conducting their research. In addition to providing legal advice to grievance officers and Members of the Board, legal counsel led by the Director, Legal Services and General Counsel, also provide legal opinions to the Chairperson and the Vice-Chairperson on a wide range of issues. The Executive Director is responsible for providing corporate services to support the operations, including strategic business planning and performance reporting, in addition to communications, finance, administration, information technology and human resources services.

## Departmental Planned Spending

The total of all planned spending is in direct support of the Board's strategic outcome:  
 "Measurable positive change, over time, in the number and type of grievances related to conditions of work in the Canadian Forces."

Figure 2

( \$ thousands)	Forecast * Spending 2003-2004	<b>Planned Spending 2004-2005</b>	Planned Spending 2005-2006	Planned Spending 2006-2007
<b>Business Line:</b> Issue fair, equitable, expeditious and objective findings and recommendations on grievances referred by the Chief of the Defence Staff				
Budgetary Main Estimates (gross)	6,147	<b>8,555</b>	6,239	6,239
Non-Budgetary Main Estimates (gross)	-	-	-	-
Less: Respendable Revenue	-	-	-	-
<b>Total Main Estimates</b>	6,147	<b>8,555</b>	6,239	6,239
Adjustments ** ( <i>Planned Spending not in Main Estimates</i> )	974	-	-	-
<b>Net Planned Spending</b>	7,121	<b>8,555</b>	6,239	6,239
Less: Non-respendable revenue	-	-	-	-
Plus: Cost of services received without charge	260	<b>333</b>	240	240
<b>Net Cost of Program</b>	7,381	<b>8,888</b>	6,479	6,479
<b>Full Time Equivalents ***</b>	45	<b>56</b>	46	46

\* Reflects the best forecast of total net planned spending to the end of fiscal year

\*\* Adjustments are to accommodate approvals obtained since the Main Estimates and are to include Budget Initiatives, Supplementary Estimates etc.

\*\*\* Includes full-time Board Members

The Board's annual reference level for future years is \$6,239, however it has been allocated \$8,555 for 2004-05 to increase its funding to a steady state level on a temporary basis. The planned spending columns for 2005-06 and 2006-07 reflect the Board's currently approved annual reference level, but this level of funding is insufficient to meet the Board's on-going needs. See the [rationale behind the priorities](#), under the Plans and Priorities section, Priority #6, for an explanation.

## Annex A - Financial Information

### Net Cost of Program for the Estimates Year

(\$ thousands)	Total
Net Planned Spending (Total Main Estimates plus Adjustments as per the Planned Spending table)	8,555
Plus: Services Received without Charge	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	-
Contributions covering employees' share of employees' insurance premiums and expenditures paid by TBS (excluding revolving funds)	333
Worker's compensation coverage provided by Human Resources Canada	-
Salary and associated expenditures of legal services provided by Justice Canada	-
Less: Non-respendable Revenue	-
<b>2004-2005 Net cost of Program</b>	<b>8,888</b>

## Annex B – Other Information

### Contacts for Further Information and Web Site

For further information on the CFGB, visit the CFGB Web site at <http://www.cfgb-cgfc.gc.ca/> or contact the Communications Services at (613) 995-5120.

#### **Canadian Forces Grievance Board**

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(613) 995-8201

(613) 992-6979

### Statutory Annual Reports and Other Board Reports

The following documents can be found on the Board's Web Site:

#### **Reports on Plans and Priorities**

 [Report on Plans and Priorities 2003-2004](#)  [Report on Plans and Priorities 2002-2003](#)

 [Report on Plans and Priorities 2001-2002](#)

#### **Annual Reports**

 [2002 Annual Report \(PDF\)](#)  [2001 Annual Report \(PDF\)](#)

 [2000 Annual Report \(PDF\)](#)

#### **Performance Reports**

 [Performance Report for period ending Mar 31, 2002](#)

[Performance Report for period ending Mar 31, 2003](#)