
*Department for Government
and Labour Law and Administration
Document No. 2*

Labour Administration in Canada (Ontario)

John Dingwall
Nigel Chippindale

(Winwaed Consulting)

International Labour Office Geneva

Preface

The ILO Department for Government and Labour Law and Administration (GLLAD) has just published a book entitled “The new forms of labour administration: Actors for development”, which examines labour administration in the present context of change and globalization, and describes and analyses 27 cases of innovative practice in this field.

To write this book a number of specific studies were carried out during the course of 1999 and 2000, the publication of which may be of use to the constituents of the ILO. These texts describe different systems set up for specific purposes or in response to particular situations, such as the separation of jurisdiction between the federal and provincial governments of Canada, the importance of assessment in the United Kingdom and Finland’s new public administration.

These four texts will be published separately.

We wish to extend our sincere thanks to Mr. Jason Heyes, author of the text on the United Kingdom, Mr. Jean Bernier (Québec), Mr. Nigel Chippindale and Mr. John Dingwall (Ontario), authors of the text on Canada, and Mr. Markku Temmes and Ms. Helinä Melkas (revision), who were responsible for the publication on Finland.

All publications were edited by Mr. Normand Lécuyer.

Jean Courdouan,
Director,
Department for Government
and Labour Law and Administration.

Table of Contents

Preface	iii
Table of Contents	v
1. Introduction	1
Introduction et methodology	1
Principal Agents	3
Distribution of Responsibilities	4
Recent Changes and Reforms	5
Combined Impact of Changes	6
Recent Evolution of the Ontario System	6
Political Developments	6
Labour Legislation: Framework and Changes	6
2. Functions, Objectives and Organization	11
Introduction	11
Responsibilities	11
Ministry of Labour	12
Ontario Labour Relations Board	13
Workplace Safety and Insurance Board	13
Workplace Safety and Insurance Appeals Tribunal	14
Office of the Employer Adviser	14
Office of the Worker Adviser	14
Pay Equity Commission	14
Grievance Settlement Board and Public Service Grievance Board	14
Human Rights Commission	14
Ministry of Training, Colleges and Universities	15
Objectives and Strategies	16
Government-Wide Procedures and Initiatives	16
Summary by Organization	17
Organization and Management	22
Human Resources	22
Financial Resources	27
Logistics	30
Internal Coordination and Governance	32
3. Services Provided	35
Introduction	35
Details of Services Provided	35
Labour Relations	35

Employment Rights and Responsibilities	37
Occupational Health and Safety	39
Pay Equity	42
Labour Market information and Research	43
Economic Development and Adjustment	45
Employment-Related Services	47
Vocational Training and Apprenticeship	48
Policy Development and Standard-Setting	50
Workers Not Covered	52
 4. Relations with Other Actors	 55
Introduction	55
Representation of Users and Stakeholders	55
Employers and Business Associations	55
Workers' Organizations	56
Other Users and Stakeholders	57
Participation of Users and Stakeholders	57
Regular Consultations	57
Representation in Boards and Commissions	57
Consultations on Policy and Legislation	58
Ontario Jobs and Investment Board	58
Local/Regional Economic Development and Adjustment	58
Other Local Initiatives	59
Implementation by Third Parties	59
Administration by the Parties Involved	59
Advisory Committees	60
Coordination with Ministries and Agencies	60
Coordination with Ministries	60
Coordination between Boards, Commissions and Tribunals	61
Central Coordination	62
 5. Evaluation	 63
Introduction	63
External Evaluation	63
Introduction	63
Central Agencies	63
Quality Service Initiative	64
Task Force on Agencies, Boards and Commissions	64
Agency Reform Commission	65
Red Tape Commission	65
Provincial Auditor of Ontario	66
Ontario Ombudsman	66

Judicial Review	67
Evaluation and Review of Individual Organizations	67
Internal Evaluation	68
Institutions for Internal Evaluation	68
Methods of Evaluation	69
Evaluation: Consequences and Follow-up	72
Organizational Restructuring and Focusing	72
Changes in Governance Arrangements	73
Changes in Management Methods and Organizational Processes	73
Changes in Budgets and Resources	73
Changes in Personnel and Leadership	74
Summary by Organization	74
Ministry of Labour	74
Ontario Labour Relations Board	75
Workplace Safety and Insurance Board	75
Workplace Safety and Insurance Appeals Tribunal	75
Office of the Employer Adviser	76
Office of the Worker Adviser	76
Pay Equity Office	76
Pay Equity Hearings Tribunal	76
Human Rights Commission	76
Grievance Settlement Board	76
Ministry of Training, Colleges and Universities	76
6. Innovative Practices	79
Summary by Types of Innovative Practices	79
Mediation and Conciliation	79
Systems Approach	79
Partnerships, Collaboration and Self-Reliance	80
Process Approaches	80
Case Management	81
Knowledge-based «Smart» Approaches	81
Prevention, Proactive Approaches and Timely Action	81
Services: Accessibility, Information and Education	82
Services: Quality, Improvement and Integration	82
Clients and Stakeholders: Consultation and Communication	82
Human Resources	83
Administration and Logistics	83
Technology, Systems and Communications	84
Combined Effects	85
Innovative Practices: Organizations	85
Ministry of Labour	85

Ontario Labour Relations Board	86
Workplace Safety and Insurance Board	86
Workplace Safety and Insurance Appeals Tribunal	87
Office of the Employer Adviser	87
Office of the Worker Adviser	87
Pay Equity Office	88
Pay Equity Hearings Tribunal	88
Human Rights Commission	88
Grievance Settlement Board	88
Ministry of Training, Colleges and Universities	88
7. Conclusions	89
Introduction	89
Services to Users	89
Safety	89
Fairness	90
Process Improvement	91
Harmonious Workplaces	91
Economic Development, Employment and Training	92
Policy Coherence	93
Focus on Citizens and Clients	93
Governance	93
Future Challenges	94
International Significance	95
Diversity of Institutions	95
Systems Approach	95
Process Improvement	95
Applications of Technology	96
Success Factors	96
Annexes:	
Ontario Labour Administration:	
Key Facts and Figures	97
Interviewees and Reviewers	99
Organization Charts	101
Structure of the Ontario Report	103
Federal Role in Canadian Labour Administration	104
Legal Framework, Responsibilities and Services	104
Organization and Planning	105
Human Resources Development Canada	105
Labour Programme	106
Regional Organization	106
Federal-Provincial Coordination	106
Conclusions: The Federal Role	108
Bibliography	109

1. Introduction

Introduction et methodology

This report is one of a series of reports being prepared for the International Labour Office as part of a comparative study of labour administration in 30 countries. Input from this and other reports are being used as a basis for the more general and comparative study which aims to identify institutional arrangements and best practices for labour administration internationally.

Of the ten Canadian provinces, Ontario has the largest population and the largest economy. Ontario has 11.4 million people¹ (35% of the Canadian population) and a Gross Domestic Product of \$347 billion (Canadian).²

The labour administration system in Ontario has undergone important changes in recent years. These result both from specific changes in labour policy and from an overhaul of government administration more generally. On all counts, Ontario is an interesting and important subject for an international labour administration study.

For this study, the available documentary sources were reviewed and interviews were carried out with senior personnel in the various ministries, boards and commissions involved in labour administration in Ontario.³

This report on Ontario labour administration is built on the standard framework provided by the International Labour Office.

- Chapter 1 is the current **Introduction**.
- Chapter 2 provides a brief but comprehensive overview of the **functions, objectives and organization** of the Ontario labour administration system in the areas of labour, industrial relations, employment and vocational training and research and information on labour matters. It discusses responsibilities, tasks and mandate of the various components, as well as objectives and strategies. Also outlined are organization and management issues, including budgets, human resources and administrative services, plus internal coordination and management structures.
- Chapter 3 discusses the **services** provided in areas such as standards, protection, working conditions and labour relations and collective bargaining. The focus here is on procedures and practices that improve service delivery and administration and which contribute to efficient and effective provision of services to users.
- Chapter 4 outlines **relations with other actors** in the labour administration system (e.g. unions, employer associations and other organizations) with respect to representation, participation, cooperation and funding.
- Chapter 5 concerns **evaluation and accountability**, focussing on operating practices and procedures.
- Chapter 6 deals with **innovative practices**, areas of excellence and contributions to innovation.

¹ 1998, Statistics Canada CANSIM 6373

² 1997, Statistics Canada CANSIM 9020

³ See Annex A for a list of interviewees and Annex B for a bibliography.

-
- Chapter 7, **Conclusions**, briefly reviews the state of labour administration in Ontario in light of the general terms of reference of the study.

The report includes a selected bibliography as well as annexes showing sources consulted, presenting various summary facts and figures and providing organization charts for the Ontario labour administration system.

Organization of the Labour Administration System in Ontario

Principal Agents

In the Ontario government, the Ministry of Labour has the primary responsibility for labour-related matters. It has identified three “core businesses”:

- Labour Management Relations;
- Employment Rights and Responsibilities; and
- Occupational Health and Safety.

Within these areas, and more generally across the spectrum of labour-related matters, the Ministry of Labour has particular responsibilities for policy advice and for setting and enforcing standards and mediating settlements.

In the Ontario system, there is heavy reliance on autonomous or independent agencies, boards and commissions¹ – particularly for any functions involving adjudication or appeals (deciding between the conflicting positions and interests of different parties). In most cases, these bodies are accountable to the Minister of Labour, who provides overall strategic direction, typically through the strategic planning and budgeting process, but who does not become involved in individual cases.² In addition, the Ministers of Citizenship and of Training and Colleges have specific responsibilities within the system of labour administration.

The following boards and commissions are responsible to the Minister of Labour:

- The **Ontario Labour Relations Board** (OLRB), which handles a wide range of adjudicative and decision-making functions under the *Labour Relations Act, 1995*, and other legislation.
- The **Workplace Safety and Insurance Board** (WSIB), by far the largest body, with close to 4,000 employees and a budget of \$2.7 billion.
- The **Workplace Safety and Insurance Appeals Tribunal** (WSIAT).
- The **Office of the Worker Adviser**, which represents non-unionized workers in appeals and other dealings with WSIAT and the WSIB.
- The **Office of the Employer Adviser**, which represents small businesses in appeals and other dealings with the WSIB.
- The **Grievance Settlement Board**, which handles grievances involving Crown employees.
- The **Pay Equity Commission**, which includes the **Pay Equity Office** and the **Pay Equity Hearings Tribunal**.

Issues related to human rights (e.g. discrimination and harassment) are the responsibility of the **Human Rights Commission**, reporting through the Minister of Citizenship.

The **Ministry of Training, Colleges and Universities**³ is responsible for post-secondary education and for policy, programmes and standards in the area of skills training.

¹ Often known as the “ABC organizations.”

² Annex C provides organization charts for the Ontario labour administration system.

³ The former Ministry of Education and Training was restructured in 1999 to become the Ministry of Education and the Ministry of Training, Colleges and Universities.

In addition, a number of important roles are played by the Ontario Region of **Human Resources Development Canada (HRDC)**, the federal department responsible for labour-related matters and for a wide range of other matters involving employment and human development in areas of federal jurisdiction.

Distribution of Responsibilities

In Ontario, the provincial government has jurisdiction over labour-related matters for some 90% of the workforce. The federal government has jurisdiction over the federal public service and those who work in federally-regulated industries, such as airlines, banks, broadcasting, telecommunications and interprovincial transport, all of which account for close to 10% of the work force.

In the areas of economic development, job creation and employment-related services, both the federal and provincial governments are involved. For example, the federal government has responsibility for policies and programmes in areas such as international trade, national macroeconomic policy and unemployment insurance. Provinces are responsible for corresponding issues within their own areas of jurisdiction. Most social responsibilities, including health, social assistance and education, are matters assigned to provinces under the Constitution.¹

Education and training, an area of special importance for labour administration, illustrates the complex roles and relationships of the two senior orders of government. Under the Constitution, the provinces have legislative jurisdiction with respect to education at all levels, including university. However, the federal government, through its “spending power,” has long provided various forms of support to learning-related matters, particularly for post-secondary education, student aid, university research and labour market training.

Much of the funding for training and related “active labour market measures” is provided from the federally administered Employment Insurance Account, which is generated through contributions by workers and employers. In most provinces, federal-provincial Labour Market Development Agreements have been developed to enable responsibility for these measures to be devolved to provinces. In the case of Ontario, the agreement is still under development.

In recent years, federal and provincial governments have worked together to clarify their respective roles and to develop improved means of coordination and cooperation. In 1999, the federal government and all provinces except Quebec entered into a new agreement to provide social policy “ground rules” within which to address national priorities while respecting the unique circumstances and challenges of each province. The *Framework to Improve the Social Union for Canadians* proposes a modern vision of governance based on management of interdependence, citizen engagement, intergovernmental cooperation and ongoing learning, including exchange of information and monitoring of results.

This report focusses primarily on the role of the provincial government, with attention to the federal role in areas where both levels of government are involved. In Ontario, as in the rest of Canada, Labour administration for federally-regulated industries is a responsibility of the federal Labour Minister, whose responsibilities form part of the mandate of Human Resources Development Canada. Such industries are therefore not covered in this report.

¹ Most comments on provincial responsibilities also apply to the three territories (including Nunavut, created April 1, 1999).

Recent Changes and Reforms

The Progressive Conservative government of Premier Mike Harris, elected in 1995 and re-elected in 1999, was from the beginning committed to an extensive reform of labour legislation. It moved quickly to put in place a new *Labour Relations Act, 1995*, following this up with a series of related measures, the results of which are only now being fully implemented.

The major administrative developments and implications of the reforms introduced since 1995 can be summarized as follows:

Budgets and Staff

The commitment of the new government to reviewing and reducing the role of government directly affected labour administration. Funding cutbacks in the range of 30% were applied to most government organizations, both through general reductions and through targeted programme reductions, including the elimination of non-core functions. These budgetary reductions were generally accompanied by staff reductions.

Service

At the same time, the government was committed to improving service, by reducing backlogs and waiting time, for example. A Quality Service initiative was put in place across all ministries and agencies.¹

Self Reliance and the Role of Government

As a matter of policy, the role of the provincial government in Ontario was reduced, with certain tasks being transferred to the private sector, other non-governmental actors, or local governments. For example, some labour functions have been transferred to private sector arbitrators and in the enforcement of employment rights and responsibilities, unionized workers must now seek recourse through their collective agreements rather than the Ministry of Labour.

Systems and Processes

More and more, services are being seen “horizontally,” in terms of systems which span different ministries and departments. The key aim is to address the problem of “gaps and overlaps” – to rationalize the roles of the different organizations in the system so that overlaps are minimized and to focus attention on areas which previously were not adequately covered by any agency.

Agencies and departments are also giving more attention to managing the processes by which they work; this may entail reducing or eliminating some tasks, focussing on those which provide the maximum “value added” in terms of meeting objectives and serving clients. For instance, in dispute settlement, more use is being made of mediation, while the adjudicative process is more tightly managed in terms of scheduling and preparation. In particular, better tools and methods are being developed for “case management,” as is explained in the later section on innovative practices.

¹ The Ontario Public Service recently won the Gold Award for Service and Innovation of the Commonwealth Association for Public Administration and Management (CAPAM).

Evaluation, Accountability and Agency Reforms

Questions of process improvement – along with broader questions of evaluation, accountability and performance – have been considered by the Agency Reform Commission, which has done extensive studies in these areas, with particularly interesting recommendations on ways of improving performance measurement. (On this, please see Chapter 5, Evaluation.)

Combined Impact of Changes

All in all, ministries and agencies have been under intense pressure to do more with less. In responding to this situation, they have had to review their ways of working and to introduce a wide variety of changes. The pressures are likely to continue, since the government has now been elected to a second four-year term of office. Moreover, the Premier, Mike Harris, has stated that the process of change is not yet complete and that he believes that there may be scope for further rationalization in the Ontario Public Service.

Recent Evolution of the Ontario System

Political Developments

There are three main political parties in Ontario: Progressive Conservative, Liberal and New Democratic Party (NDP). Over the past 15 years, each of the three main parties has formed the government for at least one term.

The 1995 election of a Progressive Conservative government had profound implications for labour administration in Ontario. The previous NDP government had taken a broadly pro-union approach, introducing, for example, legislation to ban the use of replacement workers in strikes. The Progressive Conservative government has rewritten labour legislation from standpoint more favourable to business. Moreover, as will be clear from this report, reductions in government spending since 1995, combined with a different view of the way in which services should be delivered, have resulted in major restructuring of the approach to labour administration.

Labour Legislation: Framework and Changes

This section summarizes the main items of legislation, along with recent and planned changes, relevant to labour administration in Ontario. In cases where the legislation has been introduced or amended since 1995, the year of the amendment is indicated in parentheses.

Labour Relations Act, 1995

The *Labour Relations Act, 1995*, sets out the basic framework and rules for labour relations in Ontario. The Act had been updated and amended a number of times in recent years. Significant amendments had been introduced by the previous NDP government, taking effect in January 1993. A key provision introduced at that time was a ban on the use of replacement workers during a strike.

The *Labour Relations Act, 1995* restored the right of employers to use replacement workers during a strike. It also changed the certification procedures. Certification of bargaining agents is now done not on the basis of membership evidence, but rather through a vote: upon receipt of evidence that the union has the support of at least 40% of the prospective members of a bargaining unit, the Ontario Labour Relations Board will, within

five days, direct a secret ballot in which the union must win more than 50% of the votes in order to be certified as the bargaining agent. Similar procedures apply for decertification: at least 40% to initiate the procedure and more than 50% of the votes to make the change. Votes are now required for strikes and collective agreements as well: strikes require a majority vote in a ballot conducted not more than 30 days before the beginning of a strike and collective agreements also require a majority vote for ratification.

The *Labour Relations Act, 1995* also repealed the *Agricultural Labour Relations Act* of 1994, which had conferred collective bargaining rights on employees in the agricultural and horticultural sectors.

Workers' Compensation and Occupational Health and Safety Amendment Act (1995)

Amendments in 1995 introduced a number of administrative changes to improve the functioning of the Workers' Compensation Board (WCB). For example, recipients of benefits were required to notify the Board of any material changes in their circumstances; in particular, people who had recovered from their injuries were obligated to report this to the WCB.

In addition, changes affecting planning and governance were introduced, such as a provision requiring the WCB to enter into a Memorandum of Understanding with the Minister of Labour. As well, the WCB was required to submit a strategic plan (covering 5 years) and to provide annual statements of priorities and of investment policies and objectives.

Further changes were made to the Workers' Compensation system in 1997 (see below).

Job Quotas Repeal Act (1995)

This repealed the *Employment Equity Act* (1993), which had required employers to develop employment equity plans based on target numbers of persons in designated groups, including women, persons with disabilities and visible minorities. This act also repealed amendments to other legislation which had allowed discriminatory hiring in the public sector for the purposes of achieving employment equity.

Savings and Restructuring Act (1996)

This legislation was concerned with public sector restructuring more generally (especially municipal restructuring). It also affected public sector labour relations, particularly for interest arbitration and the *Pay Equity Act*.

It stipulated that arbitrators must take a number of criteria into account when making decisions for the broader public sector, such as school boards, hospitals and municipalities. These criteria include factors such as: the employer's ability to pay; impact on public services and taxation levels; and the economic situation in Ontario.

The *Pay Equity Act* was amended to discontinue use of the proxy comparison method,¹ but this amendment was subsequently declared unconstitutional by the courts.

¹ A method used in the public sector. See Chapter 3, Services for further details.

Employment Standards Act (1996)

The 1996 amendments to the *Employment Standards Act* (ESA) were an interim set of changes, pending larger-scale revisions (which may be introduced soon).

Certain of the provisions clarified or strengthened the rights of employees. For example, as a result, vacation pay is required to be not be less than 4% of wages and seniority must accrue while people are on parental leave.

Other changes concerned the administration of the ESA and had the effect of limiting the options of employees. Under the amendments: (a) employees cannot pursue both a civil suit and a complaint under the ESA, but must choose one route or the other; (b) in most cases, a \$10,000 limit is set on the amount that an employment standards officer can award an employee; and (c) in cases where the employee has a remedy under a collective agreement, the matter must be pursued by the union (not by the Ministry) through the grievance process (in which the arbitrators will in effect enforce the ESA).

Workers' Compensation Reform Act (1997)

Important additional changes were made to the Workers' Compensation system in 1997. In particular, new priorities were set: the focus is first on prevention of workplace injury and illness, second on facilitating the return to work, third on encouraging re-entry into the labour market and finally on compensation and other benefits.

Changes in the compensation system included a tightening of provisions for mental stress and chronic pain. In addition, the income replacement rate was reduced to 85% of net earnings from 90% and the inflation adjustment factor was reduced. Many other significant changes were introduced by this legislation.

This act also incorporates the *Workplace Safety and Insurance Act* (1997).

Fire Protection and Prevention Act (1997)

Under this legislation, firefighters are not permitted to strike, nor employers to lock out firefighters; instead, arbitration is used to resolve disputes.

Public Sector Transition Stability Act (1997)

This legislation comprises two schedules: (A) The *Public Sector Dispute Resolution Act*, which contains changes to the existing interest arbitration systems in the police, fire and hospital sectors where strikes and lockouts are not permitted. Changes include: providing for alternative dispute resolution processes such as mediation-arbitration or final offer selection; requiring arbitrators to consider certain criteria (e.g. the ability to pay); and providing for expedited procedures to ensure prompt resolution of disputes. (B) The *Public Sector Labour Relations Transition Act*, which addresses labour relations issues arising from amalgamations of municipalities, school boards, hospitals and other broader public sector entities. The Act provides for the determination of bargaining units, bargaining agents, seniority and the process for negotiating new collective agreements.

Education Quality Improvement Act (1997)

This legislation made major changes to the education system in Ontario. For collective bargaining purposes, it put teachers under the provisions of the *Labour Relations Act, 1995* (e.g. the provisions for strike votes with mediation being done by the Ministry of Labour). It also specified some working conditions which previously had been items bargained between the parties, such as preparation time and class size. It also stipulated that

school principals were to be considered as management rather than as part of the bargaining units.

Economic Development and Workplace Democracy Act (1997)

Previous to this legislation, the Ontario Labour Relations Board (OLRB) had the power to override the results of a secret ballot and to certify automatically a bargaining agent when it judged that there had been a contravention by the employer. The OLRB's powers are now limited to ordering another representation vote.

In the industrial, commercial and institutional sector of the construction industry, this legislation creates a framework allowing local unions and employers to enter into project agreements with terms and conditions which vary from the province-wide collective agreements. This legislation also provides that employers who are not primarily in the construction business (e.g. school boards and municipalities) would not have to be governed by the special construction provisions of the *Labour Relations Act, 1995*.

2. Functions, Objectives and Organization

Introduction

The purpose of this chapter is to describe the basic configuration and functioning of the Ontario labour administration system. The assignment of responsibilities among the various organizations that contribute to the system is explained briefly, after which the chapter explores means by which objectives and strategies are developed and implemented, including the allocation of resources to priorities. Information is then provided on the organization and management of the components of the system. Finally, the approach to coordination and governance across the system is described. First, however, it is necessary to provide some background on the legislative context and the change mechanisms that have affected the organization of labour administration in Ontario.

The Government of Ontario is responsible for labour administration affecting nearly 90% of the workers within the province.¹ The legal framework for labour administration in Ontario is provided by an extensive set of laws, including the *Labour Relations Act, 1995*, the *Employment Standards Act*, the *Occupational Health and Safety Act*, the *Industrial Standards Act* and the *Workers' Compensation Reform Act*, as well as a number of other laws dealing with matters such as collective bargaining for employees in the provincial government and the broader public sector.

Labour legislation has seen many changes in recent years, particularly since 1995 when a new government was elected with a commitment to make wide-ranging changes in several areas, including labour legislation.

Missions and mandates have also changed as a result of a business planning process which was introduced in 1995 and took effect in 1996. In this process, ministries, boards and commissions were directed to review their programmes and activities in order to identify “core businesses” to be retained, and over time strengthened, as opposed to “non-core businesses,” which were to be reduced, divested or performed by others. Some of the results of this process are discussed in the section on Objectives later in this chapter.

A further source of change in recent years has been agency reform and consolidation. The government set up complementary mechanisms for this purpose, including a Task Force on Agencies, Boards and Commissions, which focussed on restructuring and an Agency Reform Commission, which focused on improving business processes. One recommendation that resulted from the work of these bodies was to consolidate organizations in cases where different clients were being served by the same or similar functions or processes provided by different organizations. For example, both the College Relations Commission and the Education Relations Commission were concerned with labour relations in the post-secondary education sector – and following the review, their work was transferred to the Ontario Labour Relations Board.²

Responsibilities

This section examines very briefly the tasks entrusted to the various ministries and other bodies involved in labour administration and their policy orientations, as well as the relation of these to their activities.

¹ The exceptions are workers in federally regulated industries, including banks, broadcasting, railways, interprovincial trucking and the federal government itself.

² The work of these bodies is discussed further in Chapter 5, Evaluation.

Ministry of Labour

Central to the administration of labour in Ontario is the Ministry of Labour, whose mission is “to advance, safe, fair and harmonious workplace practices which are essential to the social and economic well-being of the people of Ontario.”

The Ministry has recently reviewed its mission and mandate, in the context of its Business Plan, and has identified three main lines of business:

- Labour Management Relations;
- Employment Rights and Responsibilities;
- Occupational Health and Safety.

The Ministry also has other related responsibilities, including policy and research as well as administrative support.

Labour Management Relations

Under the *Labour Relations Act, 1995*, the Ministry has the responsibility of ensuring that the collective bargaining process is as smooth and harmonious as possible. It has set the target of ensuring that at least 95% of collective agreements are negotiated without a strike or lockout.

There are three main units in the Labour Management Services Branch: the Office of Mediation (which facilitates the collective bargaining process), the Office of Arbitration (which handles a range of arbitration duties, including grievance arbitration)¹ and the Office of Collective Bargaining Information, which maintains a database and library of over 10,000 collective agreements, accessible to all who are interested.

Employment Rights and Responsibilities

The Ministry of Labour has the responsibility of setting, communicating and enforcing standards under the *Employment Standards Act* (ESA) and the *Industrial Standards Act*, in areas such as hours of work, vacations, severance pay and minimum wages.

It does this through education and awareness, investigations, mediation and (if necessary) the issuance and enforcement of orders.²

Occupational Health and Safety

The Ministry of Labour is responsible for setting, communicating and enforcing health and safety standards under the *Occupational Health and Safety Act*. It does inspections and investigations, and it issues orders pursuant to these.³ Its role in this area has also been shaped by the *Workers' Compensation Reform Act* (1997), under which activities involving prevention and education became primarily the responsibility of the Workplace Safety and Insurance Board.

¹ See, for example, sections 48 and 49 of the *Labour Relations Act, 1995*.

² The Ontario Labour Relations Board adjudicates appeals relating to employment standards.

³ The Ontario Labour Relations Board adjudicates appeals for orders involving Occupational Health and Safety.

Policy Research, Analysis, Advice and Coordination

Within the Ontario system of labour administration, it is the Ministry of Labour which provides policy advice to the Minister and conducts studies and consultations related to policy. The Ministry also provides advice and coordination, as necessary, for intergovernmental and international meetings and negotiations.

Administration and Infrastructure

The Ministry of Labour provides administrative support and infrastructure support in areas such as information technology, both for itself and for several other organizations. Further information on this support is provided in the section on Organization and Management later in this chapter.

Other Responsibilities

Outside the scope of ILO Convention No. 150 and Recommendation No. 158, which define the ILO concept of and approach to labour administration, the Ontario Ministry of Labour has several additional responsibilities, including the maintenance of laboratories which undertake workplace-related testing (of elevator cables, for example).

Under the new business planning system, these have been identified as “non-core” activities for the Ministry of Labour and for other labour administration agencies, boards and commissions. As a result, the Ministry has already divested itself of its general laboratory, while its two specialized laboratories are to be transferred to the private sector at the earliest opportunity. Clients have indicated that they want assurances that high quality service will be maintained on a continuing basis at a reasonable price; some observers have suggested that this may be difficult to achieve unless there are competing suppliers.

Ontario Labour Relations Board

The Ontario Labour Relations Board (OLRB) is an independent tribunal with a wide range of adjudicative and decision-making functions in matters of collective representation, certification of bargaining units and the handling of grievances and appeals. It operates primarily under the authority of the *Labour Relations Act, 1995*, but it also has responsibilities under other legislation.

Recently, the OLRB has acquired further responsibilities as a result of new legislation. It now handles adjudication for the *Employment Standards Act* and the *Occupational Health and Safety Act* (appeals from decisions and orders of inspectors from the Ministry of Labour). It also handles labour relations (collective bargaining, certification and grievances) for teachers, a task which previously was handled by the Education Relations Commission.

Workplace Safety and Insurance Board

Until recently, the Workplace Safety and Insurance Board (WSIB) was known as the Workers' Compensation Board, reflecting the traditional focus on compensation for workplace injuries and illnesses. Under the *Workers' Compensation Reform Act* of 1997, there is now a much stronger focus on the prevention of workplace-related injury and illness and the WSIB is responsible for carrying out and funding a wide variety of activities related to safety and prevention. The mission of the WSIB is to create safe and healthy workplace and to provide a comprehensive and viable support and insurance system for injured workers and employers.

Workplace Safety and Insurance Appeals Tribunal

Operating under the authority of the *Workplace Safety and Insurance Act* (1997), the Workplace Safety and Insurance Appeals Tribunal (WSIAT) adjudicates and decides appeals from decisions made by the WSIB. Decisions of the Workplace Safety and Insurance Appeals Tribunal are final and are not subject to further appeal (although they are subject to judicial review for “reasonableness”). Under the legislation, WSIAT must take into account the policies of the WSIB in making its decisions.

Office of the Employer Adviser

The Office of the Employer Adviser provides information, advice and assistance to small businesses (fewer than 100 employees) on matters relating to the Workplace Safety and Insurance Board. The Office of the Employer Adviser is an independent agency, funded by WSIB premiums as a legislated obligation of the WSIB under the 1997 legislation.

Office of the Worker Adviser

The Office of the Worker Adviser provides education, advice and representation to non-unionized workers on matters related to workers’ compensation and workplace safety and insurance and on appeals before the Workplace Safety and Insurance Board and the Workplace Safety and Insurance Appeals Tribunal. The Office of the Worker Adviser is an independent agency, funded by employer premiums paid to the WSIB, as a legislated obligation under the *Workplace Safety and Insurance Act* (1997).

Pay Equity Commission

The Pay Equity Commission consists of two components: a Pay Equity Office (which provides information, advice and assistance on pay equity matters) and a Pay Equity Hearings Tribunal, which adjudicates pay equity cases.

Grievance Settlement Board and Public Service Grievance Board

The Grievance Settlement Board operates under the authority of the *Crown Employees Collective Bargaining Act* (CECBA). The Board arbitrates grievances under collective agreements involving unionized Crown employees. Grievances involving management and excluded employees are considered by the Public Service Grievance Board, pursuant to Part V (Grievance Procedure) of Regulation 977 of the Public Service Act. With the exception of the Chairs, both organizations share the same administration.

Human Rights Commission

The Ontario Human Rights Code provides comprehensive coverage, with protection against discrimination on the basis of race, ethnic origin, age, sex, religion, disability, marital and family status, sexual orientation and several other categories. The Human Rights Code is administered and enforced by the Human Rights Commission, through education and awareness, investigation and mediation.

Cases requiring orders come before a Board of Inquiry (which is independent of the Human Rights Commission). Decisions of a Board of Inquiry can in turn be appealed to the

Divisional Court. The Commission reports to the Minister of Citizenship, Culture, and Recreation.

Ministry of Training, Colleges and Universities

In Canada, education comes under provincial jurisdiction: elementary and secondary schools, colleges and universities are generally public institutions operating under provincial legislation. The federal government, through the general spending power, provides support at the vocational and post-secondary level in areas such as research, student financial assistance and training, in addition to its major fiscal transfers to provinces under the Canada Health and Social Transfer.

Training

A major portion of the occupational training for workers, including the classroom portion of apprenticeship programmes, is financed from the federally-managed Employment Insurance fund, into which both workers and employers contribute. Since 1996, the federal government has developed Labour Market Development Agreements under which provinces can take over the administration of training and other active labour market measures. Such agreements have been developed with all provinces except Ontario, where discussions were continuing as of the summer of 1999. Consequently, for the time being, the federal government is still directly involved in the administration of training in Ontario, in cooperation with the Ontario Ministry of Training, Colleges and Universities.

In some sense, most areas of education and training make an important contribution to preparation for the labour market. Hence it is difficult to draw a precise line to define which areas of education and training are specifically related to labour administration. Within the Ontario Ministry of Training, Colleges and Universities, it is the Training Division (headed by an Assistant Deputy Minister) which has responsibility for the programmes and activities most closely related to labour administration. They include programmes of preparation for employment which seek to aid the transition of young people from school to work, as well as those supporting workplace learning and counselling. These programmes offer benefits to both workers and employers.

The Ministry of Education also funds colleges, boards of education and community agencies to provide literacy and basic skills training for persons over the age of 19 who are out of school and without the skills necessary to find and keep a job.

Employment Preparation

Employment preparation services (aimed primarily at young people) are delivered through a third party contract system by organizations such as colleges and community groups. These services provide counselling and training in work-finding and work-preparation skills. Summer jobs are also provided for students by third parties, primarily community groups.

Literacy and Basic Skills

The Ministry also provides funding for literacy and basic skills programmes (including writing and basic mathematics), which are delivered by colleges, school boards and community agencies. The literacy programmes are assisted by a network of over 10,000 volunteers.

Workplace Support Services

Workplace support services include vocational training and apprenticeship. While the primary responsibility for apprenticeship training rests with the employer, the Ministry of Training, Colleges and Universities provides training consultants (for programme coordination and advice and assistance to students) and it funds the costs of training in the theoretical component of trades at community colleges and other educational institutions. (This programme has been under review recently, with new legislation expected to be introduced soon.)

Workplace support services also include adjustment advisory services for workers receiving notice of layoff, as in the event of a large-scale downsizing, with a view to ensuring that they receive the training and retraining that they need for successful transitions.

In addition, there is a sector initiatives fund which helps in providing or co-ordinating the training that firms in different sectors of the economy need to stay competitive, recognizing that the primary responsibility is with the firms themselves.

Labour Market Policy, Planning and Research

Within the Training Division of the Ministry of Training, Colleges and Universities, the Labour Market Policy Planning and Research Branch includes: Labour Market Information/Research; Labour Market Policy Development and Intergovernmental Relations; Local Boards Liaison/Community Relations; Planning and Evaluation; and Policy Coordination. In this branch, the labour market information/research function is integrated with the policy planning and coordination function.

Objectives and Strategies

This section considers strategic planning, government priorities and the alignment of resources in response to strategic planning and government priorities, first in a general sense (across the government) and then for the individual organizations involved in labour administration.

Government-Wide Procedures and Initiatives

At the government-wide level in Ontario, the structures, processes and factors adopted in recent years that have major implications for strategic planning include:

- Introduction of a Business Planning system linked to the Estimates and budgeting process. Each ministry and agency is required to prepare a Business Plan for review by Management Board.
- Increased emphasis on accountability and performance. This has involved more use of performance measures, as recommended, for example, by the Agency Reform Commission.¹
- A government commitment to budgetary reductions, downsizing and restructuring of the Ontario Public Service (with general coordination provided by a Restructuring Secretariat operating out of the Cabinet Office). This was coupled with a commitment to redefine the role of government through a sharper focus in missions and mandates and through a

¹ See Chapter 5, Evaluation.

requirement to focus on core businesses while divesting or cutting back in other areas. In addition, there was a concern to avoid or minimize future expenditures in each area.

- Introduction of new legislation setting new strategic directions. For example, the *Workers' Compensation Reform Act* of 1997 put a strong focus on prevention of workplace injury and illness.
- The Quality Service Initiative, a government-wide effort to improve performance on several dimensions of service, including timeliness.¹ This has been combined with a concern to reduce and eliminate backlogs in service to the public, particularly for the adjudicative boards and commissions.

On a government-wide basis, the planning cycle is as follows: (1) spring: Throne Speech (statement of general directions), government budget and estimates; (2) summer: Cabinet priorities and planning meetings, economic and fiscal outlook and senior Ministry planning session; (3) fall: economic statement and fiscal strategy, issuance of government-wide business planning guidelines; (4) winter: Management Board and Cabinet approval of business plans.

Summary by Organization

Ministry of Labour

The Ministry has an integrated planning process, covering both the short-term (less than one year) and the longer term (one to five years). Integrated planning includes the following components: policy and legislation; budgets; human resources; strategic learning; and information management and technology.

The Ministry's planning cycle can be summarized briefly:

- (1) spring: conduct environmental scanning and research on issues and trends, with a view to identifying "options and drivers";
- (2) summer: conduct analyses and assessments and identify impact of key government priorities;
- (3) fall: develop Ministry policy agenda and priorities, identify strategies, develop operational plans and conduct client surveys and quality assessment;
- (4) winter: build business plan (including strategies, quality improvement, communications, IM/IT, human resources and accommodations) and finalize performance measures.

The cycle for implementing the plans is as follows:

- (1) spring: develop fiscal and operational plans, set budgets and finalize performance contracts for the current fiscal year; report and assess achievements against commitments for the previous year;
- (2) summer: communicate and implement the business and operational plans and conduct stakeholder consultations;
- (3 and 4) fall and winter: further implement the business and operational plans, assess the previous quarter's results against the commitments and take corrective action as necessary.

¹ See Chapter 5, Evaluation.

In its planning, the Ministry considers factors such as the expectations of the public, the results of previous consultations and recent experience with programme administration. Extensive consultations are held within the Ministry and include a “planning day” which involves all managers down to the Director level. A key concern is to co-ordinate the Ministry’s plans with those of the relevant agencies, boards and commissions (through an “alignment of strategies”), with a view to identifying and resolving any gaps or overlaps and ensuring that resources are focussed on the top priorities.¹

The Ministry also carries out consultations with clients and stakeholders. Currently, it is circulating a discussion paper on *The Future of Work in Ontario*.² It should also be noted that the Ministry of Labour is a pilot ministry for the Quality Service Initiative.

Some of the main features of the strategic planning process for each of the core business areas of the Ministry of Labour are as follows:

Labour Management Relations

Much of the workload for Labour Management Relations is driven by the number of cases in the system, i.e. by external demands which are beyond the control of the Ministry. However, it is possible to predict demand with fair accuracy, for example by keeping track of the collective agreements which are coming up for renewal. This is done by the Office of Collective Bargaining Information.

Recent cutbacks in the context of the planning process have had two main consequences for the Labour Management Services Branch. First, preventive mediation has been discontinued. Under this process, which sought to improve union/management relations, a company and its union would come to the Branch for assistance in improving their general relationship, with a view to reducing grievances and improving collective bargaining. Second, the Branch no longer undertakes grievance mediation. This process involved a settlement officer trying to mediate a resolution to a specific grievance when either party had requested expedited grievance arbitration and the Ministry had appointed an arbitrator.

Employment Rights and Responsibilities³

Much of the work for Employment Rights and Responsibilities is reactive, driven particularly by employee complaints which require investigation by the Ministry. However, an increasing proportion of the work is proactive. Here, the planning is done according to both sectors and regions. The Ministry decides which economic sectors or industries it will target for enhanced enforcement in a given year, based on past records of compliance. It also decides on the total number of proactive inspections which it will carry out. It then determines how many inspections will be conducted in each region for the priority sectors and industries. In turn, the regional directors decide how many inspections will be conducted for each of the priority sectors within the overall total for their region.

For Employment Rights and Responsibilities, one important result of the planning and budgeting process (in combination with amendments to the *Employment Standards Act*) has been that employment standards officers no longer deal with cases that are covered by collective agreements. These are left to the unions, to pursue through the grievance process.

¹ For more on this point, please see the discussion of “Coordination with Ministries and Agencies” in Chapter 4.

² See the listing in the attached bibliography.

³ It should be noted that pay equity comes under employment rights and responsibilities, but this is covered in a separate section on the Pay Equity Commission..

Occupational Health and Safety

The planning procedures for Occupational Health and Safety are similar in principle to those for Employment Rights and Responsibilities. In addition to work done in response to complaints received, there is an important proactive (and preventive) component: this involves targeting areas of potential non-compliance on the basis of both sector and region, taking into account the past history of compliance.

The planning is done on the basis of wide consultation and discussion, taking into account the work of the Safe Workplace Associations (in which employers and employees are represented) and the Sector Interagency Groups, or SIGs (which comprise government officials, the Safe Workplace Associations and the Workplace Safety and Insurance Board officials involved for the different sectors). The SIGs play an important role in the targeting of enforcement efforts.

The targeting is done on the basis of both region and sector, taking into account the past history of compliance; hence the firms with the worst records in the sector will be priority targets for inspections. In addition, the Ministry may focus on certain types of hazard (e.g. unsecured equipment) and on certain types of accident or injury (e.g. falls) and make a concerted effort to reduce problems in these areas.

For Occupational Health and Safety, recent budget cutbacks, combined with the decision to focus on areas of core business, have had several implications. First, the Ministry of Labour is no longer substantively involved in education, facilitation and preventive responsibilities related to workplace health and safety; this is now the responsibility of the Workplace Health and Safety Insurance Board (since the 1997 amendments to its legislation). Instead, for the Ministry, the focus is now on setting, communicating and enforcing standards.

The Ministry of Labour is also in the process of divesting its laboratories, which are responsible for testing related to health and safety. The main laboratory has already been privatized, while two specialized laboratories (Radiation Protection and Materials Testing) are to be privatized at the earliest opportunity. The policy now is to rely on outside laboratories and private businesses to provide the necessary services.

In a further change, engineers from the Ministry of Labour no longer review work, such as engineering designs, for compliance with standards. This change came about as a result of large backlogs in this area; the decision was that a system of audit and monitoring would be preferable to *ex ante* controls.

Ontario Labour Relations Board

Much of the work of the Ontario Labour Relations Board (OLRB) is responsive, depending on the number and types of cases which come before the Board. However, the OLRB is able to do some advance planning, based on past experience and on projections of the numbers of collective agreements coming up for renewal. Like other agencies and boards, the OLRB prepares a Business Plan as input into the Estimates process.

More and more adjudicative functions, such as Employment Standards appeals, have been concentrated in the Ontario Labour Relations Board. The OLRB is a centre of expertise on managing the adjudicative process and has made substantial improvements in the processing of the many cases referred to it.

Workplace Safety and Insurance Board (WSIB)

The WSIB manages according to an annual business plan that fits within the framework of a five-year strategic plan. The current Strategic Plan, covering the period

from 1998 through 2003, sets out nine strategic goals, which can be summarized as follows: (1) motivating and supporting workplaces to become more self-reliant in preventing injury and illness; (2) supporting timely provision of quality health care for injured and ill workers to restore them to the maximum function possible; (3) facilitating early and safe return to work (or re-entry into the labour force); (4) ensuring fair, correct and timely compensation and benefits for workers and survivors; (5) eliminating the unfunded liability and ensuring full and equitable participation in the insurance plan; (6) listening and responding to the needs of clients and staff; (7) efficiency and effectiveness; (8) setting the example as a safe workplace; and (9) creating a collaborative environment, focussed on excellence.

These goals are grouped under three broad strategic priorities. These are:

- **Prevention of workplace injury and illness.** The current goal of the government (especially since the 1997 legislation) is to reduce lost-time injury and illness by at least 30% over the five-year period from 1995 to 2000. The vision of the WSIB is to eliminate all workplace injury and illness in Ontario.
- **Improved financial accountability,** with a focus on eliminating the Board's unfunded liability, which is currently a \$7 billion problem (down from \$11.5 billion at its peak in 1994). The aim is to eliminate the unfunded liability by 2014.
- **Improved service:** The WSIB is in the process of implementing a new service delivery model which involves major changes in job design and work organization¹.

Workplace Safety and Insurance Appeals Tribunal

In recent years, the Workplace Safety and Insurance Appeals Tribunal (WSIAT) has faced difficult workload challenges, with the volume of cases increasing each year:

1994 – 2,200; 1996 – 3,600; 1997 – 5,100; 1998 – 11,000.

It should be noted, however, that the number of cases in 1998 is inflated by some 4,000 “bookmarks” or place-holders. These result because new legislation passed in 1997 stipulated that any appeals would have to be filed within six months; thus many appeals are now filed just to create the possibility of an appeal in the future.

Even when allowance is made for “bookmark” appeals, WSIAT has still faced a substantial increase in its caseload. At the same time, it has been concerned to maintain the quality of its decisions, so it has not been in a position to make substantial reductions in the time and resources required for making decisions. As a result, it has had problems with backlogs, and a top priority has been to find ways to reduce them.

Office of the Employer Adviser

The potential client base for the Office of the Employer Adviser (OEA) consists of 160,000 small employers (with fewer than 100 employees each). The OEA provides advice and representation services upon request and also has a proactive programme of education and awareness.

Like other organizations in the Ontario Public Service, the OEA has recently had to reduce its staff and budget by some 30%. As an economy/efficiency measure, it has also eliminated its stand-alone regional offices, instead equipping its personnel with home

¹ See Ch. 2, “Human Resources: Innovations.”

offices. It has also streamlined its educational services, providing shorter, more focussed sessions (at the suggestion of its clients); these include breakfast workshops or half-day sessions.

Office of the Worker Adviser

In recent years, the Office of the Worker Adviser (OWA) has had to cope with rising caseloads and the build-up of backlogs. By the mid-1990s, there were 32,000 new requests per year for service and the waiting list had grown to 5,000.

In 1997, a new *Workers' Compensation Act* was passed, under which unionized workers had to go to their unions, rather than to the Office of the Worker Adviser, for advice and representation in WSIB cases. This has resulted in a decrease in the workload of the Office of the Worker Adviser, to about 20,000 cases per year. Currently, the OWA has no backlog (the waiting list is less than 100), and response times have improved.

Pay Equity Office

The Pay Equity Office responds to complaints it receives, and has no control over them. Planning is also affected by developments in applicable pay equity methodologies. An example is the reinstatement of the proxy comparison method, discussed in the Pay Equity section of Chapter 3 of this report. Planning is done through the regular business planning cycle, with coordination through the Ministry of Labour.

Pay Equity Hearings Tribunal

The workload for the Pay Equity Hearings Tribunal is determined by the number of cases coming up from Review Services at the Pay Equity Office. It is difficult to predict the number of appeals cases which will be received, but the number generally varies between 25 and 100 cases per year.

Human Rights Commission

The workload of the Human Rights Commission is determined by the number of complaints it must look into. The challenge for the Human Rights Commission is to meet a heavy workload and to find ways of reducing its backlogs, for example through more use of mediation. The Human Rights Commission is now in the final year of a three-year Case Management Plan, aimed at reducing backlogs and clearing off any longstanding cases.

Grievance Settlement Board

The workload of the Grievance Settlement Board is driven by the number of grievances filed each year. In addition to the normal business planning, as discussed in Chapter 4, policy issues, mediator/adjudicator appointments and business improvements are discussed and coordinated through a Governance Council that includes the management of the Grievance Settlement Board and representatives of the Crown employers and of unions representing Crown employees. In addition to the annual business planning cycle, there are monthly meetings to consider the lists of grievances to be scheduled and the form of the proceedings (i.e. mediation, mediation/arbitration, or formal arbitration).

Ministry of Training, Colleges and Universities

Strategic direction is provided by the Minister and specific developments may be included in the Throne Speech and/or the Ontario Budget speech.

The focal point for Ministry planning is the Business Plan, in which training is identified as one of three “core businesses,” the other two being elementary/secondary education and post-secondary education. For the Training Division, the core business is “establish a training system that meets the needs of individual and employers and helps Ontarians find and keep jobs in an increasingly competitive global economy.”

There are targets/standards and commitments for each of the main programmes.¹ For example, for the Job Connect programme, the target is for 75% of the participants to find employment or return to school, at the same time that the cost per participant is reduced by 30% from the 1995/1996 baseline. Other targets for this programme concern favourable feedback, with the objective being that 75% of both the employers and the participants will indicate that the participants have gained skills from the programme and are therefore more employable.

In addition, there are ministry-wide targets/standards and commitments related to the provision of quality service. Here, two general commitments are mentioned: 75% level of satisfaction on the part of customers and service delivery partners with the accuracy, speed, consistency, clarity and ease of access for information provision; and 90% level of satisfaction for clients of the Training Hotline.

Organization and Management

Human Resources

In Ontario, human resource policies, arrangements and systems operate across the government, so human resource questions will first be discussed on a government-wide basis and then for individual organizations.

Status of Employees and Trends in Employment

Most of the employees of ministries, agencies, boards and commissions are full-time civil servants, with the following exceptions:

- Chairs and members of boards and commissions are usually Order-in-Council appointments (with the appointment decisions being made at the political level).
- Increasing use is being made of people who are working part-time, on contract, or in the private sector. An example is the use of private sector arbitrators who are on an approved list drawn up by a board or agency in consultation with organizations and with representatives of both business and workers.

In the past, a civil service job implied job security. Recently, however, there has been substantial downsizing in Ontario, both from general reductions and from the elimination of particular units and functions. Many people have had to leave the civil service, but the impact of the reductions has been mitigated to some extent by an early retirement programme. For example, in 1996/97, a total of 6,924 people left the Ontario Public Service: this represented close to 10% of the total number of employees.² Of these, 1,919 retired and 3,924 were released (the number released representing 5.5% of the total civil service in that year).

¹ See Chapter 3, Services, for an explanation of the programmes.

² The total number of employees was 64,536 at the end of fiscal 1996/97.

Overall, the staffing reductions to the Ministry of Labour over the past several years have amounted to some 30%. At this point in time, most of the downsizing appears to be completed, although it is always possible that the government may opt for further reductions; in a recent public statement, Premier Harris indicated that there might be scope for further rationalization of the government, but did not mention any specific targets.

Qualifications of Staff

In general, the level of qualification of the staff involved in labour administration varies according to the proportions of the different professions in each organization. It is worth noting that in recent years, the proportion of administrative staff has declined, reflecting a commitment on the part of the government to reduce the administrative component by 30% across the Ontario Public Service. This has the effect of increasing the proportion of professionals, an effect which is particularly noticeable in some of the smaller boards and tribunals.

The qualifications required for some of the most important positions and functions for professional and managerial staff are as follows:

- **Chairs and Vice Chairs** (in boards, commissions and tribunals) typically have a bachelor's degree (e.g. B.A. or B.Comm.) and a graduate or professional degree (e.g. M.A., L.L.B., or L.L.M.) and years of experience in labour relations. A high proportion also have extensive university or college teaching experience and a record of publications.
- **Board Members** (e.g. at the Ontario Labour Relations Board) representing labour do not usually have university degrees, but do have many years of experience in labour matters such as negotiations, grievances, mediation and arbitration. Board members representing management are more likely to have university degrees, usually at the bachelor's level, but sometimes at the graduate level.
- **Labour Relations Officers** (e.g. mediators) tend to have diverse backgrounds, the common factor being that most of them have many years of relevant experience. Those who have joined recently are more likely to have a university degree, but those with a background in labour unions are generally less likely to have university degrees.

Staff Training and Development

There is an ongoing need to train people who are new to the organization, who come from diverse backgrounds. Moreover, as the knowledge and skill requirements for various positions change, training and development are increasingly necessary for those already within the organization. Major areas of training include:

- Mediation and alternative dispute resolution more generally.
- Technology, such as training in the use of computerized case management systems.
- "Multi-skilling," i.e. training in a range of skills to cover diverse responsibilities. (An example is the Workplace Safety and Insurance Board, which has broadened the responsibilities of many of its staff in order to consolidate service to clients).
- Policy developments, new legislation and recent relevant cases ("case law").

- Specific skills and functions relevant to the work, e.g. for investigation and casework.
- Customer service approaches and techniques.
- Team training, e.g. for cross-functional teams (with a view to integrating service for clients).

Training and learning programmes are provided through means such as the following:

- In-house training units.
- Contracting between ministries: for instance, the Ministry of Labour has contracted with the Ministry of Natural Resources to provide certain training services.
- External contractors and private sector suppliers.
- Professional associations and organizations such as the Society of Ontario Adjudicators and Regulators (SOAR).
- Self-directed learning, assisted by technology.

The co-location of several boards and tribunals has helped in providing training space, such as classrooms and meeting rooms.

One large organization which has recently been focussing on training is the Workplace Safety and Insurance Board, which provides upwards of 100 hours of training per year per staff member.

As one of the pilot organizations for the government's Quality Service Initiative, the Ministry of Labour has put a strong emphasis on learning and training related to service quality. For example, it has been identifying the areas of competency needed for improving service quality and has developed a strategic learning plan as part of its integrated planning process.

Innovations

It is difficult to identify any one type of job into which or from which innovations have been introduced. Efforts have been made – within organizations and across the government – to introduce innovations on a wide-ranging basis. Jobs where innovations have been introduced include the following:

- Adjudicators and others involved in the hearings process (e.g. counsel) are being supported by case management systems and by improvements in the hearings process.¹
- Labour relations officers and employments standards officers are being supported by portable technology (e.g. laptop computers with connections to networks), which helps to keep them current on relevant developments, particularly when they are on assignments in the field (see section on "Logistics" below).
- Administrative personnel are now more likely to work in teams and also more likely to use shared or compatible systems, which facilitates the exchange of relevant information. An example is the use of a scheduling team for co-ordinating hearings. Teams also help in spreading the

¹ See Chapter 6, Innovative Practices.

workload, providing service on a more continuous basis, as well as faster response and more efficient service.

Innovation in job design and work organization is now occurring on a large scale in the Workplace Safety and Insurance Board (WSIB), in connection with the move to a new service delivery model. More than 1,200 staff have been moved into new business units which use cross-functional teams to provide improved client service. For example, 13 small business and 17 industry sector units were established, along with specialized services and teams to handle complex claims. These teams comprise:

Adjudicators: Previously, a claim might be handled by as many as five different adjudicators. With consolidated decision-making, workers and employers now have a single contact person and adjudicators get to know the clients and the issues much better.

Nurse Case Managers: There are now more than 200 Nurse Case Managers, who liaise with health care providers to co-ordinate care and to help workers achieve optimum recovery and a safe return to work (while keeping employers informed of progress and working with them to prevent similar injuries or illnesses).

Customer Service Representatives: Working mostly through telecommunications, these staff provide services related to registration, classification, account management and the provision of pertinent and timely information.

Account Managers: Sent directly into workplaces, they work on-site with larger employers and their workers to answer questions and provide advice.

Summary of Human Resources by Organization

This section summarizes some key points and provides basic data concerning human resources in the individual organization. For some organizations, additional information is provided concerning any innovative or interesting practices. All numbers listed are for 1999-2000, unless otherwise indicated.

Ministry of Labour

Based on the 1998-99 Business Plan, staff allocations are as shown in the table below. The total of 1,385 for the Ministry represents close to 2% of the total for the Ontario Public Service.

Ontario Ministry of Labour Human Resources (full-time equivalents)		
	1997-98 (actual)	1998-99 (approved)
Labour Relations	209	257
Employment Rights and Responsibilities	258	268
Occupational Health and Safety	651	693
Ministry Administration	153	167
Total Ministry of Labour	1 265	1 385

Ontario Labour Relations Board

The Board currently has a staff of 117.

Workplace Safety and Insurance Board

The most recent WSIB Annual Report shows that as of December 31, 1998, the total number of Board employees was 4,057, up 1.5% from the previous year's total of 3,966. (The WSIB staff are not included in the total for the Ontario Public Service.)

Workplace Safety and Insurance Appeals Tribunal

Staff of 175 including 59 adjudicators – 16 full-time and 43 part-time.

Office of the Employer Adviser

Staff of 32.

Office of the Worker Adviser

Staff of approximately 100.

Pay Equity Office

Staff of 33.

Pay Equity Hearings Tribunal

Staff of 10.

Human Rights Commission

There are 12 commissioners and a staff of 140 (full-time equivalents).

Grievance Settlement Board

The Board uses outside arbitrators and has 7 full-time staff.

Ministry of Training, Colleges and Universities

The Training Division of the Ministry has a staff of 415 (1998-99).

The Ministry of Training, Colleges and Universities relies heavily on third party service providers, including colleges, school boards and community groups, and is actively considering options for “alternative service delivery.” For instance, in connection with its apprenticeship reform initiatives, the Ministry is considering whether the administrative and programme functions, which are currently carried out by its own staff, might better be performed by other means.

Financial Resources

Introduction

There are two sources of funding: budgetary and non-budgetary. Budgetary resources are voted by the Ontario legislature, while non-budgetary resources typically come from the contributions of workers and employers.¹

Budgetary funding is provided through the Estimates and Business Planning process, which basically involves four steps:

- (1) ministries, boards and commissions which are budget-funded prepare Business Plans, taking into account any instructions received from the Management Board of Cabinet (or from other central sources, e.g. general policy directions from Cabinet committees);
- (2) the Business Plans are subject to ministerial approval;
- (3) the Business Plans (and any other supporting documentation) are considered by central agencies (particularly Management Board) in preparing the proposed Estimates;
- (4) the Estimates are considered and approved by the Legislature.

In recent years, there have been substantial reductions in budgetary funding for ministries, boards and commissions in Ontario. In setting the overall budgets, the process has been very much “top down,” with decisions being made by the government to reduce budgets by predetermined amounts (e.g. a cutback of 30% in general administrative expenditures, along with other more targeted cutbacks reflecting government priorities). The key consideration here has been affordability and the commitment to meet a set of overall reduction targets.

Non-budgetary funding is provided primarily through the premiums which the Workplace Safety and Insurance Board charges on wages and salaries; these premiums are paid by the employers at an average rate of 2.42% of the assessable payroll. The assessment rate varies according to the provincial income and the requirements of the WSIB (as determined by the volume and magnitude of claims and liabilities). If the requirements are stable and the provincial income increases, then there is scope to reduce the assessment rate.

Aside from WSIB premiums, other sources of revenue have been minimal. Cost-recovery is not done on a large scale for labour administration in Ontario. The general practice is that fees from cost-recovery are deposited into the Consolidated Revenue Fund and are not available for re-spending by ministries, boards and commissions.

Summary of Financial Resources by Organization

All the numbers listed here are for 1998-99, unless otherwise indicated. Organizations which are funded from budgetary sources are shown first, followed by those which rely primarily on premiums.

The main components of financing of the labour administration system are: direct spending by the Ministry of Labour (\$111 million), spending from budgetary allocations to various boards and commissions (\$55 million), spending by the Training Branch of the Ministry of Training, Colleges and Universities (\$278 million) and current expenditures of the Workplace Safety and Insurance Board and related organizations (\$2.8 billion, non-budgetary). In total, the funding amounts to approximately \$0.45 billion from budgetary sources and \$2.8 billion from premiums paid by workers and employers.

¹ In order to consolidate the discussion of budgetary matters and to save space, the sources of funds are considered here rather than in Chapter 4 (Relations with Other Actors).

² In fact, the rate was reduced from 2.85% in 1997 to 2.42% in 1998 – a proportionate reduction of 15% in the rate.

Ministry of Labour

For the Ministry of Labour, the most recent budget figures are shown in the table below.

Ontario Ministry of Labour: Funding for Labour Administration (\$ millions (Canadian))		
	1997-98	1998-99
Labour Relations	18 \$	22 \$
Employment Rights and Responsibilities	38 \$	30 \$
Occupational Health and Safety ¹	39 \$	39 \$
Ministry Administration	19 \$	20 \$
Total direct spending by the Ministry of Labour	114 \$	111 \$

The total Ministry of Labour expenditure of \$111 million in 1998-99 represented 0.2% of the \$57 billion in overall spending by the Government of Ontario.

In comparison, the total spending by boards, commissions and tribunals (excluding the Workplace Safety and Insurance Board) was \$55 million in 1998-99. This amounts to a further 0.1% of the total spending by the Government of Ontario.² (The Workplace Safety and Insurance Board, with a total budget of \$2.8 billion, is discussed separately.)

Ontario Labour Relations Board

The Ontario Labour Relations Board is budget-funded through a separate item. Its Business Plan is prepared in consultation with the Ministry of Labour and is approved by the Minister of Labour. The total budget was \$9.6 million for 1998-99.

Human Rights Commission

The Commission's annual budget is \$11.9 million (1998-99). This is provided through a separate budget item.

Pay Equity Commission

The budget of the Pay Equity Office was \$3 million, and that of the Pay Equity Hearings Tribunal \$1.2 million for 1998-99.

¹ Includes funding from the Workplace Safety and Insurance Board to cover the administrative cost of the *Occupational Health and Safety Act*. The rest of the Ministry's funding is from regular voted Estimates.

² It would not be meaningful to list the proportion of the government budget for each of the boards, commissions and tribunals (other than the WSIB) as the individual amounts involved are too small.

Grievance Settlement Board

The budget of the Grievance Settlement Board (GSB) is \$2.1 million, but it usually spends only about \$1.6 million of this. While the GSB receives its spending authority through a vote item contained within the Ministry of Labour's budget, it recovers this funding through the collection of revenues from the unions (primarily from the Ontario Public Service Employees' Union) and the employer, on a 50:50 basis.

In the case of the Public Service Grievance Settlement Board (which handles grievances for non-unionized employees), the employer pays 100% of the fees.

Ministry of Training, Colleges and Universities

The Training Branch of the Ministry has a budget of \$278 million (1998-99 operating expenditures). This amounts to 0.5% of the total government budget.

In connection with the proposed changes in the apprenticeship system,¹ some new financial arrangements are being considered, including cost-recovery for administration of the programme. Tax credits have also been introduced for employers of apprentices.

Workplace Safety and Insurance Board and related organizations (non-budgetary)

The Workplace Safety and Insurance Board (WSIB) is funded through premiums paid by employers, rather than through the provincial budget.

Employers with particularly good or bad records of injury and illness may be rewarded or penalized through the "experience rating" system, under which premiums fall or rise depending on the claims history. The WSIB is using this system as a tool to encourage employers to prevent and minimize injury and illness.²

The employer payments include two components: the premiums for current expenses and a surcharge for gradually paying down the unfunded liability of the Board.

It should be noted that the unfunded liability (currently \$7 billion, down from \$11.5 billion in 1994)³ has been a major concern both for the WSIB and for the government. The government is committed to eliminating the unfunded liability entirely by the year 2014, through measures such as the following: (1) imposing a special employer surcharge directed solely to reducing the unfunded liability; (2) reducing long-term compensation to workers from 90% to 85% of previous earnings; (3) reducing the indexing formula for many injured workers; and (4) investing WSIB funds more aggressively, through professional money management.

In 1998 (the most recent figures available), the WSIB took in \$1,722 million from assessments and \$997 million from investments, for a total of nearly \$2.7 billion. Its total expenses were \$2,229 million in benefits, \$336 million in administrative and operational expenses⁴ and \$125 million in "legislated obligations" (payments to other organizations involved in workplace health and safety), for a total of some \$2.7 billion.

The benefits expenses of the WSIB, while not budgetary items, are equivalent to 4.1% of the total government budget, while the administrative and operational expenses are equivalent to 0.6% of the total government budget.

¹ See Chapter 3, Services.

² On this point, see: *Safety Groups in Ontario: Consultation Paper* (Best Practices Branch and Revenue Policy Branch, Workplace Safety and Insurance Board, February 1999.)

³ The unfunded liability is the present value of the future obligations minus the total current assets.

⁴ These included \$42 million in restructuring costs for that year.

The legislated obligations include payments to the Ministry of Labour for the Occupational Health and Safety component of its programme. They also include payments to the following organizations:

- **Workplace Safety and Insurance Appeals Tribunal:** \$16 million annually.
- **Office of the Employer Adviser:** \$2.8 million annually.
- **Office of the Worker Adviser:** \$8.6 million annually. Of this, \$1.25 million provides transfer payments to injured worker groups and to labour organizations, including \$0.65 million to the Ontario Federation of Labour, \$0.23 million to the Provincial Building and Construction Trades Council of Ontario and \$0.37 million to injured worker groups. The remaining operating budget is \$7.33 million.

Logistics

Logistics related to labour administration covers two broad categories: (1) offices and physical facilities; and (2) communications, networking, technology and documentation.

Offices and Physical Facilities

The main offices for all organizations concerned with labour administration in Ontario are located in downtown Toronto. Efforts have been made to ensure that the offices of related organizations are co-located to the maximum possible extent (subject to the constraints of price and availability of office space). For example, most of the Toronto offices of the Ministry of Labour are in the same building, while there is also co-location of some of the boards and commissions. For instance, the Ontario Labour Relations Board (OLRB) and the Workplace Safety and Insurance Appeals Tribunal (WSIAT) and the Pay Equity Hearings Tribunal are all co-located. This makes it possible to share facilities and administrative services. For example, they share a library - the Ontario Workplace Tribunals Library - along with reception, support services, and meeting rooms.

Larger organizations, including the Ministry of Labour, the Workplace Safety and Insurance Board and the Ministry of Training, Colleges and Universities, maintain an extensive network of regional offices. Certain of the smaller organizations (such as the Office of the Worker Adviser) also have a regional presence, while others (such as the Pay Equity Commission, the Pay Equity Hearings Tribunal and the Workplace Safety and Insurance Appeals Tribunal) operate from Toronto.

With cutbacks in budgets, organizations have been looking for ways to reduce the costs of regional offices. One option is for staff to work mostly from Toronto, using telecommunications (telephone, fax and the Internet) and travelling as necessary. Typically, boards and tribunals involved with hearings and appeals tend to work mostly from Toronto, travelling to regional centres as necessary. For instance, the Workplace Safety and Insurance Appeals Tribunal holds hearings in Ottawa, Hamilton, Windsor and a number of other cities around the province. In appeals proceedings, it often occurs that counsel for both sides are in Toronto (especially where high level specialized expertise is required) and there are instances where cases as far away as Thunder Bay (900 km) have been heard in Toronto.

The Office of the Employer Adviser (OEA) provides an interesting example of how the costs of regional offices can be controlled while still maintaining regional services to

clients. Previously, the OEA had its own regional offices. As a cost-cutting measure, these were closed and the OEA equipped its regional personnel to set up home offices, providing them with computers, printers, fax and copying machines, desk and filing cabinet; staff can also obtain administrative support and use office space in the local Ministry of Labour offices (e.g. for meetings).

Another example of consolidation (this time within Toronto itself) is the Human Rights Commission, where the three Toronto-area offices were consolidated into one at the head office, which now specializes in investigation and mediation.

Across the Ontario government, the basic allocations for office space are determined using a pre-set formula which is meant to ensure consistency and equity.

Communications, Networking, Technology and Documentation

Telecommunications and networking are becoming increasingly important for providing accessible services at a reasonable cost.

For access to services, call centres (with a toll-free telephone number) are increasingly utilized. They provide a central access point from which basic information and advice can be provided, with more complex cases being referred to specialists. There is some internal contracting within the Ontario government to provide call centre service (e.g. the Ministry of Finance provides call centre services for employment standards information).

In addition, the Internet is being used more and more to provide information on services. An example is the use of “plain language” explanations of employment standards, posted on the Web site of the Ministry of Labour. As yet, the Internet is being used mostly for inquiries and the distribution of information (including guides and discussion papers). One interesting application is the use of Adobe Acrobat (*.pdf) files for disseminating legal decisions; these files are read-only, so they retain the original information without alteration. Comprehensive collections of cases and decisions are provided by a private sector firm, QL Systems, which maintains 1,100 legal databases for governments across Canada. This service is provided to law firms for as little as \$200 to \$300 annually.

So far, the Internet has not been used to any great degree for electronic transactions, such as the electronic filing of grievances, but this is under active consideration and will probably be implemented as soon as a Public Key Infrastructure (PKI) is in place (to provide for digital signatures, verification and encryption). A number of experiments are currently under way in Ontario and other parts of Canada to adapt electronic information technologies to court systems; these can be expected to assist the development of a labour administration application.

Mobile technology is now having a major impact on the work of field officers, such as labour relations and employment standards officers. They are equipped with laptop computers, cellular phones and even portable printers, enabling them to set up mobile offices. With a connection both to the Internet and to the Ministry of Labour intranet, they can obtain up-to-date information pertaining to their work, such as news items on the companies they are dealing with and policy directives from the Ministry.

At the same time, officers in the field and at headquarters have increasing access to case management systems which provide information on specific firms and individuals, thus helping in the investigation of complaints and claims and in the tracking of appeals cases. So far, these systems have been developing on separate, parallel paths; there is now

a need to bring them together so that information can be exchanged more widely. There is discussion about developing shared systems for case management.

Efforts are being made to rationalize, streamline and co-ordinate the different systems as much as possible.¹ The main responsibility for developing and maintaining the computer systems is with the ministries; thus the Ministry of Labour provides computer services for a number of the boards and commissions, such as the OLRB.

It is worth mentioning that despite automation, a great deal of the documentation is still in paper form, and even when it exists in electronic form, many people still prefer to work from a printed version, particularly when conducting hearings and appeals. This situation seems likely to continue, partly because many clients lack computers. Examples of good management of paper-based documentation can still be found. For instance, WSIAT still maintains a library² and an extensive paper-based filing system.³

Internal Coordination and Governance

In terms of internal coordination and governance, there are two basic types of organization: (1) ministries, and (2) boards and commissions.

Ministries

Ministries are headed by a civil service Deputy Minister reporting to a Minister - an elected member of the provincial legislature, who is ultimately in charge. In practice, issues of general policy are referred to the Minister (with recommendations from the Deputy Minister), while issues of administration, personnel and the detailed adaptation and application of policy are decided at or below the level of the Deputy Minister, with the Minister being kept informed and consulted as necessary on any significant developments.

Typically, the Deputy Minister is assisted by a management committee. Such committees usually operate through a process of consultation, discussion and consensus – but ultimately, it is the Deputy Minister who has the decision-making authority (subject to any arrangements for further approval which the Deputy Minister may have worked out with the Minister). This model is in place for both the Ministry of Labour and the Ministry of Training, Colleges and Universities.

In Ontario, for line operations, the ministries are divided into divisions, each headed by an Assistant Deputy Minister. The divisions are subdivided into branches, each headed by a Director. For central and corporate functions, such as strategic planning, certain Directors may report directly to the Deputy Minister.

In ministries, the distribution of authority and decision-making is hierarchical with much of the authority delegated to Assistant Deputy Ministers and other levels of management through a formal or informal agreement specifying the tasks, responsibilities and objectives for which these managers will be held accountable through a process of monitoring and appraisal.

Boards and Commissions

¹ An example is the standardization of the software for E-mail, correspondence and memoranda. Here, an integrated solution is being implemented.

² The Ministry of Labour eliminated its library as a cost-saving measure and transferred its collections to Ryerson Polytechnic University.

³ The libraries of WSIAT, OLRB, and the Pay Equity Hearings Tribunal were consolidated into one Ontario Workplace Tribunals Library.

Boards and commissions have decision-making powers independent of the Minister: this is especially true for adjudicative boards and commissions, which decide between conflicting rights and interests. In fact, the main purpose in setting up such boards and commissions is to ensure that decision-making in individual cases is independent of the Minister and the political process.

While boards and commissions have independence in deciding on individual cases, they are still accountable to the Minister on matters of general planning and policy. For example, the strategic plans and business plans go to the Minister for approval of the budgets and general directions. On matters of administration, the boards and commissions work closely with the appropriate officials in the ministries (and with the Deputy Minister, although most administrative matters are decided below this level).

Decisions in boards and commissions are made or ratified by the board or commission, which comprises the members, the vice-chairs and the chair. The board or commission operates as a collectivity in which decisions are made by a majority of the board or commission (and preferably by consensus). While the chair may have a strong influence, the key point is that the decisions are made by the group and not individually by the chair. This is quite different from the situation of the Minister and Deputy Minister in a ministry or department. The relationship between the chair and the board is more collegial than hierarchical: the chair may be first among equals, but does not have sole decision-making authority.

Boards and commissions are supported by secretariats, which in turn are headed by a Director or Registrar, who handles matters related to administration, personnel, logistics and operations. Matters of policy are decided by the boards and commissions, although for the most part these bodies are preoccupied with decision-making in their main areas of responsibility, e.g. in adjudicating the cases that come before them. Administrative, personnel and operational matters are generally left to the Director or Registrar, with the board or commission being informed and consulted as necessary and providing approval on the general directions and major decisions. Another option is to refer more specific or detailed matters, such as those concerning technology or finance, to a subcommittee of the board or commission.

3. Services Provided

Introduction

This chapter focuses on the ways in which labour administration in Ontario identifies and meets user needs and expectations in the following areas:

- labour relations
- employment rights and responsibilities
- occupational health and safety
- human rights
- pay equity
- labour market information
- economic development and adjustment
- employment-related services
- vocational training and apprenticeship
- policy development and standard-setting.

The first three services listed above have been identified as “core businesses” by the Minister of Labour. In Ontario, the trend is to see the provision of such services in terms of systems. The aim is to break down the barriers between ministries and agencies and to manage across organizational boundaries. Key terms used to describe the desired outcome include “seamless service,” “single window service,” “integrated service,” “clusters of service,” and “horizontal coordination.”

Consequently, a number of the services involve several organizations. For example, the Occupational Health and Safety system involves six different ministries, boards and agencies in the provision of its services.

It should be noted that there are several government-wide initiatives which affect the provision of services. These include initiatives related to accessibility (how people access the service and obtain information about it) and communication with clients with clients and stakeholders (e.g. surveys, focus groups, etc.). In these areas, practices and principles are being developed on a government-wide basis, through service standards for example. As a priority, the government is implementing a Quality Service Initiative, which involves systematic attention to ways in which service can be improved.

This chapter on Services focuses on the individual services, rather than on government-wide initiatives. Such broad initiatives are discussed in Chapter 5, Evaluation and Chapter 6, Innovative Practices. Finally, the chapter discusses services to workers not fully covered under the labour administration system.

Details of Services Provided

Labour Relations

Included in labour relations are the following:

- Collective representation and bargaining rights, e.g. certification and decertification of unions.
- Facilitation of the collective bargaining process.
- Application and enforcement of collective agreements, e.g. through the grievance process.

The aim is to ensure fair and harmonious labour relations. For example, the Ministry of Labour has the goal of ensuring that over 95% of collective agreements are settled without a strike or lockout.

Labour relations services are provided by:

- **The Ministry of Labour**, which has labour relations as one of its three “core businesses.” The Labour Management Relations division of the Ministry comprises the Office of Mediation, the Office of Arbitration and the Office of Collective Bargaining Information.
- **The Ontario Labour Relations Board (OLRB)**, which handles adjudication in matters such as certification.
- **The Grievance Settlement Board**, which handles grievances for Crown employees who are unionized; and the **Public Service Grievance Board**, which covers Crown employees who are not unionized (management or excluded).

Identifying and Meeting Needs and Expectations

The legislation specifies procedures that must be followed, and the use of labour relations services is part of the legislated process, in areas such as the following:

- **Certification:** For certification and decertification of bargaining agents, there must be a vote, open to all those who would be represented by the bargaining agent and conducted by the Ontario Labour Relations Board.
- **Collective Agreements, Strikes and Lockouts:** For negotiation and renewal of collective agreements, the parties involved are encouraged to settle voluntarily, between themselves. If this is not possible, then the Ministry of Labour becomes involved. Before a legal strike or lockout can occur, the Ministry’s conciliation services must first have been utilized; the legislation specifies the time frames and procedures for this. While conciliation is compulsory, mediation is voluntary and can occur at any point in the process (before or during a strike or lockout).
- **Grievances:** For grievances, arbitrators are appointed. For instance, the Grievance Settlement Board (for unionized Crown employees) will appoint an arbitrator from a list that been agreed upon by a Governance Council representing both employers and employees.

For situations and services such as these, the parties generally know the procedures and the standard channels from previous experience and from their knowledge of the legislation. User expectations of the services are shaped in considerable part by the legislation itself. For example, the *Labour Relations Act, 1995*, specifies that a certification vote must be held by the OLRB within five days of the receipt of the application.

Strategies and Practices for Improving Service

It is a challenge to handle the workloads involved within the prescribed time frames. The basic method is to use mediation and conciliation to the greatest extent possible, both at the outset and at subsequent points in the process.

In addition to the maximum use of conciliation and mediation, the following initiatives and practices have been used to maintain and improve services in a time of resource constraint:

-
- Concentrating adjudicative services in the Ontario Labour Relations Board. Previously, several agencies and boards had provided the same or similar services to different clients or sectors. (An example is the Education Relations Commission, most of whose functions were transferred to the OLRB and the Ministry of Labour.)
 - Increasing use of single arbitrators rather than panels. In many cases, it was found that the main function of the “sides” people¹ in a three-member panel was to temper the decision of the Vice-Chair. However, if the Vice-Chair was chosen from a mutually agreed list of arbitrators with a reputation for reasonable and objective decisions, then little more would be added by having a tripartite panel.
 - Use of “process management” approaches to streamline the hearings process (e.g. through ensuring that as many matters as possible are dealt with informally and in advance, rather than at a formal hearing).²
 - Use of case management systems and technology, for tracking and managing what needs to be done at each point in dealing with individual cases.³
 - Use of mobile technology (e.g. laptop computers and portable printers) for labour relations officers.

Employment Rights and Responsibilities

One of the three “core businesses” of the Ministry of Labour is to set, communicate and enforce employment standards and conditions of work in areas such as vacations, minimum wage and hours of work. The purpose of this service is to ensure fairness in the workplace.

The *Employment Standards Act* is administered and enforced by the Employment Standards Branch of the Ministry of Labour. Appeals under the legislation are handled by the Ontario Labour Relations Board (OLRB).

Identifying and Meeting Needs and Expectations

The most basic way in which needs for enforcement of the legislation are identified is through complaints by employees. The Employment Standards Branch receives the complaint through one of several possible channels, such as written submission or telephone, investigates it, and issues an order if this is deemed appropriate.

Another approach is through proactive investigations, initiated by the Employment Standards Branch. These are targeted on the basis of both regions and industries or sectors. Each region is assigned a quota of proactive investigations, but then has discretion about how to meet that quota.

In cases where employers or employees disagree with the decision of an employment standards officer, they have the right to appeal the decision. Appeals are now handled by the Ontario Labour Relations Board (OLRB).

¹ Panel members chosen to ensure that the points of view of the two sides are represented.

² On process management, see Chapter 6, Innovative Practices.

³ On case management, see Chapter 6, Innovative Practices.

In cases where employees have a remedy under a collective agreement, they do not have the option of making a complaint through the Ministry of Labour, but instead must pursue the matter under the collective agreement, e.g. through the grievance process.

Improvements in Service

The following approaches are being used to improve service:

- **Proactive approach:** More emphasis on a proactive approach, targeting both sectors and regions. Regional directors have discretion about which sectors to target in their region. They have an overall quota of proactive inspections for their region, which they can then allocate among sectors, according to the situation in that region.
- **Information:** Better collection of information enabling risk assessment and targeting (e.g. better information on patterns of compliance and non-compliance).
- **Communications materials:** Development of materials which explain – in plain language – the rights and obligations of employees and employers under the *Employment Standards Act*. Materials are also being prepared in languages other than English and French, e.g. Chinese.
- **Communications channels:** Development of a variety of channels for communication with clients and stakeholders. These include the following:
 - (1) the Ministry of Labour has contracted with the Ministry of Finance to set up a call centre (with a toll-free telephone number) to handle basic inquiries, such as those seeking information on employment standards and to provide referrals as necessary;
 - (2) the Internet is also being used to provide information on employment standards and on how they are enforced;
 - (3) explanatory materials are also available on CD-ROM;
 - (4) the Ministry employs students during the summers to visit employers in order to provide them with information and make them more aware of employment standards;
 - (5) the Ministry works in partnership with the private sector to collect and provide information related to employment standards. For example, a comprehensive manual is published by Carswell Publishers and a comprehensive database of cases and rules is maintained by QL Systems (primarily for access by law firms).
- **Technology:** Field officers are being equipped with laptop computers in order to provide them with information needed for their investigations and to enable them to connect with the Ministry of Labour network. (This is also expected to help in maintaining case management systems, both by making them more useful for field officers and by enabling them to update the systems from the field, rather than waiting until they return to the office where they will have many other tasks to do.)

It should be noted that the Ministry of Labour is currently consulting with clients and stakeholders on possible changes to the *Employment Standards Act*, with a view to introducing a comprehensive set of amendments at the earliest opportunity.

Occupational Health and Safety

The Ministry of Labour has the responsibility of setting, communicating and enforcing standards for health and safety in the workplace. This is one of three “core businesses” for the Ministry of Labour. The goal is to reduce lost-time injuries by 30% over the five-year period 1995 to 2000.

The Workplace Safety and Insurance Board (WSIB) plays a central role both in preventing workplace injury and illness and in providing compensation. Appeals from decisions of the WSIB are handled by the Workplace Safety and Insurance Appeals Tribunal (WSIAT).

In their dealings with the WSIB and in pursuing any appeals, non-unionized workers are assisted by the Office of the Worker Adviser, which provides advice, assistance and representation at no cost to the workers. Workers who are in unions are represented in these matters by their unions.

Similarly, small employers (under 100 employees) are advised, assisted and represented in these matters (at no cost) by the Office of the Employer Adviser. Larger employers make their own arrangements (at their own cost) for advice, assistance and representation.

The system can be described under the headings of Prevention, Investigation and Enforcement and Compensation.

Prevention

In the first instance, the prevention of workplace injury and illness is the responsibility of employers and employees, working together within an Internal Responsibility System (IRS). Each workplace with more than 20 employees is required to have a Joint Health and Safety Committee, with equal representation from employers and employees. This committee meets regularly and establishes, monitors and reviews the appropriate health and safety practices and procedures for the workplace.

On the government side, prevention activities are funded and co-ordinated by the Workplace Safety and Insurance Board. Under new legislation (the *Workers' Compensation Reform Act* of 1997), prevention of workplace injury and illness became a top priority of the Workplace Safety and Insurance Board.

Employers, employees and the government all work together with the context of Safe Workplace Associations (SWAs), with a view to improving workplace safety in particular sectors (with some coordination between sectors as well). The SWAs are involved in a wide range of activities, such as: (1) training and education, including seminars and conferences; (2) provision of information; (3) audit and consultation services; and (4) in some cases, research.

In addition, the Ministry of Training, Colleges and Universities is involved in education for workplace health and safety, through incorporating elements of the Injury Prevention Strategy in the school curricula.

Investigation and Enforcement

The Ministry of Labour is responsible for setting, communicating and enforcing standards for workplace health and safety.

Inspection activities are both reactive and proactive. On the one hand, inspection visits are made in response to complaints, fatalities and work refusals that cannot be

resolved internally.¹ On the other hand, proactive, targeted inspections are also done on the basis of high injury rates, targeting the poor performers, taking into account factors such as records of past compliance with health and safety standards. The focus of inspections is also shifting more to small employers, as large employers are expected to be self-reliant.

Decisions on these matters are made through the planning process² and also in consultation with Sector Interagency Groups (SIGs) which are focussed on improving compliance for health and safety in particular sectors. For example the Sector Interagency Group for Transport has identified the 100 firms with the worst safety records.

Inspections are done by inspectors from the Ministry of Labour.³ Upon arriving at a work site, the inspector meets with the Joint Health and Safety Committee (verifying that it does indeed exist and that it is operating effectively, with regular meetings) and inquires into the workings of the Internal Responsibility System. The inspector does a thorough inspection of the workplace and is authorized to issue orders on the spot for remedying any health and safety problems which are in contravention of the standards.

Appeals from these orders are adjudicated by the Ontario Labour Relations Board.

Compensation

The Workplace Safety and Insurance Board administers a large compensation system, with an annual budget of \$2.7 billion, based on premiums collected from employers.⁴ This is done under the authority of *Workers' Compensation Reform Act* (1997).

The system basically functions like a standard insurance programme: claims are initiated by the workers or their representatives; the claim then goes to the WSIB, which investigates; WSIB then makes a determination on whether the claim is eligible for payment and, if so, how much it will pay.

Appeals from the decisions of the WSIB are handled by the Workplace Safety and Insurance Appeals Tribunal (WSIAT).

As noted earlier, in their dealings with the WSIB and in pursuing any appeals through WSIAT, non-unionized workers can use (at no cost to them) the services of the Office of the Worker Adviser. In most cases, unionized workers are represented by their unions, but workers can also be represented by lawyers, consultants, or anyone they choose.

In their dealings with the WSIB and with the appeals process, small employers (with less than 100 employees) can choose to be represented (at no cost to them) by the Office of the Employer Adviser.

Strategies and Practices for Improving Service

A major reason for adopting the systems approach to occupational health and safety in Ontario was to ensure safety through better coordination of the efforts of all concerned. The government of Ontario seeks to have the participants cooperate through the use of co-ordinating mechanisms such as the Safe Workplace Associations and the Sector Interagency Groups.

¹ Employers are required to report critical injuries promptly to the Ministry.

² See section on "Objectives" in Chapter 2.

³ Inspections need not be done in all cases. Where the internal responsibility system is working well, the inspector may request a report from the Joint Health and Safety Committee.

⁴ About 30% of this is for paying down the unfunded liability.

⁵ This is stated clearly and developed extensively in the paper on *Preventing Injury and Illness: A Better Health and Safety System for Ontario's Workplaces*.

A related priority is to improve the linkages and incentives within the system. One approach is to tie insurance premiums more closely to claims experience and prevention efforts.

As noted, the mandate of the Workplace Safety and Insurance Board (WSIB) was changed recently to put a greater focus on prevention. The WSIB plays an important role in funding and co-ordinating prevention activities and occupational health and safety more generally, through a category of expenditures called “legislated obligations,” which totalled \$125 million in 1998.

Another important way of improving occupational health and safety is through building up relevant and useful information and knowledge, e.g. through research and computer systems which can track records of compliance. This information and knowledge can then be used by the Ministry of Labour, the WSIB and the Sector Interagency Groups to target enforcement efforts more precisely.

Enforcement is targeted in several ways:

- By industry and sector, e.g. the transportation sector.
- By region.
- By type of hazards; for instance, inspectors may give particular attention to making sure that machinery is properly secured.
- By type of injury; for example, a coordinated effort is being made to reduce injuries from falls.

In addition to targeting the poor performers for enforcement, efforts are also made to identify the best performers, with a view to using them as examples or models. The Ministry is developing a mentoring programme in which exemplary firms share their expertise with other firms.

As noted, the internal responsibility system is the foundation for occupational health and safety. In further developing the internal responsibility system, the WSIB is focussing on young workers, before or as they enter the labour force. In addition to developing a Young Worker Awareness Programme, the WSIB is working with the Ministry of Education to ensure that workplace safety has a place in the new Grade 9 curriculum. A key concern is to develop and strengthen a culture of safety in the workplace and to drive home the concept that safety is everyone’s responsibility. The WSIB and the Ministry of Labour are also promoting the concept that safety is good business, e.g. by pointing out that firms which invest in health and safety realize a rate of return as high as 400% through reduced claims and higher morale and productivity.

Human Rights

Ontario has had a Human Rights Code since the 1960s (with amendments as recently as 1997). This provides protection against harassment and discrimination on the basis of race, ethnic origin, age, sex, religion, disability, marital and family status and sexual orientation.¹

The Code is administered and enforced by the Human Rights Commission, which handles complaints. If orders are necessary, they are issued by a Board of Inquiry (which is merged with the Pay Equity Hearings Tribunal); its decisions may in turn be appealed to the Divisional Court.

¹ Certain other categories are also covered, e.g. discrimination in employment on the basis of a record of prior offenses.

Identifying and Meeting Needs and Expectations

The Human Rights Commission has recently restructured its process of handling complaints concerning infringements of human rights.

Initial inquiries are handled by a call centre (with a toll-free telephone number). An Inquiry Service Representative will answer questions, handle any referrals and, if necessary, arrange for follow-up by sending out an intake package. The latter occurs in approximately 10% of the cases, with the complainant filling out an intake questionnaire and returning it to the Commission. An intake team handles the completed questionnaires, identifying any issues or problems, ensuring that all the necessary information is provided (with follow-up as required) and working to draft and serve complaints as necessary. Approximately 30% of the completed questionnaires will proceed to formal complaints.

When a formal complaint has been made, mediation is normally the first approach proposed. If mediation is not successful or not accepted, the complaint is referred to investigation. If the complaint is not settled during the investigation process and if the Commission determines that there is sufficient evidence to warrant a hearing, then the matter is referred to the Board of Inquiry, with the Human Rights Commission retaining “carriage of the complaint.” Depending on its decision, the Board of Inquiry may then issue an order (e.g. for the complainant to be reinstated by the employer or to receive financial compensation). Either party then has the option of appealing the decision of the Board of Inquiry to Divisional Court.

In cases which it considers to be of strategic significance, the Human Rights Commission may initiate a complaint on its own behalf and it may also act as an intervener in other cases, such as those going to the Supreme Court, which are likely to have a significant human rights impact.

Strategies and Practices for Improving Service

In recent years, the Human Rights Commission has had problems with delays and backlogs, as noted in the report of the Ontario Ombudsman (see Chapter 5, Evaluation).

To improve service while keeping costs down, it has restructured its operations, using the following principles and practices:

- Maximum use of telecommunications, with initial calls being directed to a centralized call centre.
- Specialization of functions, with initial inquiries being handled by Inquiry Service Representatives and with intake questionnaires being handled by Intake Officers.
- Use of teams, as in the case of the Intake Officers.
- Use of mediation services to resolve complaints (introduced in 1997).
- Use of a Case Management Information System (CMIS), which tracks the cases and which also provides access to case law and other relevant information.
- Consolidation of offices; e.g. the Toronto area offices were consolidated into one central office which specializes in investigation and mediation.

Pay Equity

Under the *Pay Equity Act*, women and men in Ontario are to receive equal pay for work of equal or comparable value. To achieve this, employers are required to put a pay

equity plan in place. It is a complex task to make the necessary comparisons and to determine the appropriate rates of pay.

The *Pay Equity Act* is administered by the Pay Equity Commission. The Commission has two components: the Pay Equity Office which undertakes education, investigation and enforcement activities; and the Pay Equity Hearings Tribunal, which handles appeals.

Meeting and Identifying Needs and Expectations

The process is largely complaints-driven. People come forward to the Pay Equity Office with a complaint; the Office then investigates; and, if necessary, it issues an order. In practice, less than 7% of the cases are settled with an order, since mediation is used at each step of the process, with the result that negotiated solutions are reached in most cases. It is the responsibility of the employer (and the employees) to come up with a pay equity plan; self-reliance is assumed and encouraged.

Once an order is issued or a notice of decision is given, or once it becomes apparent that the parties involved have made the fullest possible use of the Review Services of the Pay Equity Office, the case can be appealed to the Pay Equity Hearings Tribunal. About 25 to 100 cases per year are appealed.¹

In addition to responding to complaints, the Pay Equity Office monitors compliance with the legislation.

Strategies and Practices for Improving Service

Both the Pay Equity Office and the Pay Equity Hearings Tribunal make use of mediation at every point in the process, with a view to resolving as many cases as possible through mutual agreement. For its part, the Pay Equity Hearings Tribunal uses mediators who have previously decided comparable cases and who are therefore able to provide expert advice on what is likely to be approved or rejected by their colleagues. This approach leads to a high rate of mediated settlements.

As noted, the priority is for pay equity plans to be put into place through self reliance and negotiated solutions, by the parties themselves. However, the methodologies for pay equity can be complex; hence education and training in their use has proved to be very helpful in improving compliance with the *Pay Equity Act*. Once the pay equity plans have been put in place, it is important for the Pay Equity Office to monitor compliance.

Labour Market information and Research

In Ontario, the main provincial provider of labour market information is the Labour Market Information and Research Unit, in the Training Division of the Ministry of Training, Colleges and Universities. The Ministry works in cooperation with the federal government (Human Resources Development Canada) to produce, exchange and disseminate labour market information. In addition, within the Ministry of Finance, the Office of Economic Policy's Labour Economics Branch conducts macro-economic research primarily to support the government's budgets and broad economic policies. The branch divides labour economics into Income, Employment and Demographic Issues and (2) Labour and Skills.

¹ Recently, the caseload has increased because of the reinstatement of the proxy method of comparison. This method (used in the public sector) involves comparisons with similar functions in other organizations. The current government had repealed the use of this method, but the courts overturned the new legislation, saying that without the proxy method, certain groups of employees would lack the same rights and protections as others.

Individuals need this information for making career choices, planning education and training and developing strategies for finding employment. Organizations need this information for planning education and training programmes and for matching them to the requirements of the workplace.

One of the main users of labour market information is the Ministry of Training, Colleges and Universities itself. The responsibility for labour market information and research is within the Labour Market Policy Planning and Research Branch (part of the Training Division). This branch also includes: Labour Market Policy and Intergovernmental Relations; Local Board Liaison and Community Relations; Planning and Evaluation; and Policy Coordination.

Identifying and Meeting Needs and Expectations

For individuals, labour market information can be accessed directly through written reports and especially through the Internet. A great deal of information is available through various sites on the Internet, which are in turn linked with each other. The Ministry's main listing of Internet sites shows 22 sites from the provincial and federal governments and the private sector.

Individual clients also obtain labour market information through guidance counsellors, employment counsellors and training counsellors, who can provide advice on a personalized basis, taking into account both the relevant labour market information and the needs, skills and interests of the individuals.

The Ministry provides not only data and information, but also research and analysis. A good example of this is the Ontario Job Futures report, produced jointly by the Ministry and HRDC (Ontario Region). This study provides a great deal of useful information and analysis for 157 occupations under the following headings: description and duties; education and training; outlook and demand; and characteristics of the occupation (working environment, earnings, proportion of self-employed, male/female ratio and distribution across industries and regions).

One point which emerges from this report is the high degree of concentration in the Toronto area of employment in certain occupations. This has obvious significance for those planning a career, but it also has implications for labour administration. In the latter regard, a relevant consideration is that 62% of the lawyers in Ontario work in the Toronto area, making it possible for boards, commissions and tribunals to centralize many activities such as hearings and appeals.

Strategies and Practices for Improving Service

Cooperation between levels of government is central to producing high-quality labour market information and analysis. Consequently, there is a federal-provincial Labour Market Information committee.

In point of fact, there is a wealth of high-quality labour market information and a key challenge is to disseminate this information to those who need it in forms that they can best use.

For this, the Internet is well-suited. It is becoming more accessible and easier to use, with more resources on it every day. With further developments in technology, there are prospects for customizing the information and the services still further, e.g. on the basis of user profiles and the areas of interest (such as region and sector). On the other hand, there will always be a need for more personalized services provided by counsellors, who can offer advice based on experience and judgment. To the extent that the clients can obtain

relevant information through self-service, the counsellors can provide further service on the basis of better information.

Another initiative for improving cooperation is the Local Training and Adjustment Boards (formerly known as Local Labour Market Development Boards – see next section). These make substantial use of labour market information which is channelled to them.

Economic Development and Adjustment

Included in economic development and adjustment are both a service component and a policy component: service and policy are intertwined in the development of strategies, initiatives and programmes to promote economic development and to respond to problems created by downsizing and layoffs. It has been a government priority to promote economic development through both service and policy (e.g. by facilitating cooperation and by streamlining regulations).

Within the Ontario government, it is the Ministry of Training, Colleges and Universities which has had responsibility in this area, in partnership with Human Resources Development Canada, municipal and local governments, educational institutions, employers, unions and community groups. The key service is the provision of education and training.

Identifying and Meeting Needs

Sector Initiatives Fund

Through the Sector Initiatives Fund, the Ministry of Training, Colleges and Universities provides support for training initiatives which benefit organizations and individuals across an entire sector. The fund is intended to: facilitate sector-wide research and planning to address skills gaps; encourage accreditation for skills training; promote the development of provincial and national standards; and support the development of training materials and programmes.

Adjustment Advisory Programme

Through the Adjustment Advisory Programme (AAP), the Ministry of Training, Colleges and Universities helps those most affected deal with the impact of plant closures and downsizing and anticipate future changes in the labour market. The programme works on the basis of collaboration among all the affected groups, who work together in committees which plan and implement the activities. The costs of running the committees are shared by the Ministry and the groups involved – and in many cases, Human Resources Development Canada is also a partner. The Ministry also provides advisors who act as resource persons, providing support and guidance and acting as a broker of other government programmes and services. Information on setting up a committee is obtained by sending an e-mail inquiry or by calling the Training Hotline (a call centre which can be accessed toll-free across the province).

Assistance is provided to four groups of clients: individuals; communities; organizations; and individuals.

- Individuals are provided with services such as counselling on financial, vocational, educational and training issues, as well as assistance in finding a job or starting a small business.

-
- Community adjustment committees (with representatives from community groups) bring together services for displaced workers and engage in community-wide strategic planning.
 - For organizations, labour-management committees are involved in activities to promote quality and productivity, e.g. through organizational reviews, strategic planning and human resource planning.
 - Sectoral committees assist in identifying goals, co-ordinating resources and facilitating strategic and human resource planning across a sector or industry.

Local Training and Adjustment Boards

The Ministry of Training, Colleges and Universities is also a partner in supporting and funding Local Training and Adjustment Boards, of which there are now 25 across the province. The Boards are jointly funded by the Ministry and by Human Resources Development Canada (HRDC), which also cooperate in providing advice, training and resource materials to the Boards, particularly to the leaders.

The Boards bring together equal numbers of representatives from employers and unions. While together these must constitute a majority, the Board can also include representatives of Francophones, racial minorities, people with disabilities, and women may also be included, as may educational and training institutions. The purpose of the Boards is to assist in the planning and delivery of training programmes with a view to making them more accessible, effective and responsive to local needs. In this sense, they play both a service and a policy role.

Other Local Initiatives

There are a number of other local/regional initiatives for promoting economic development and adjustment. These include:

- Initiatives for marketing, networking, professional/skills development and investment promotion. Examples include the Greater Toronto Marketing Alliance, the “Smart Toronto” initiative and the Ottawa Centre for Research and Innovation.
- The Guelph Millennium Project, a community-wide initiative for promoting development and reducing poverty in the city of Guelph.

Initiatives such as these are funded by local and regional governments, business firms and (in varying proportions) the provincial and federal governments.

Strategies and Practices for Improving Service

The most important way in which service can be improved in this area is through enhanced coordination and collaboration between those involved. The use of multi-stakeholder boards and committees has been very helpful in this respect.

For the boards and committees to be effective, it is important to encourage wide participation and to promote leadership development. This is done by providing support and advice for the boards and committees in the form of honoraria for the members and chairpersons, funding for consultants, and information and advice from HRDC and the Ministry of Training, Colleges and Universities.

As for coordination between governments, the federal government has followed a policy of co-location, making sure that where possible, its offices are co-located with or located close to the provincial offices.

Employment-Related Services

Employment-related services are provided by the Ministry of Training, Colleges and Universities and include services related to employability, preparation for employment and finding employment. In general, the services are delivered by third parties (e.g. colleges, school boards and community groups), under contract to the Ministry of Training, Colleges and Universities.

Through the “active measures” component of the federal Employment Insurance programme, Human Resources Development Canada (HRDC) has traditionally been involved in supporting training and other employment-related services. However, these functions are to be transferred to the provinces through a Labour Market Development Agreement which provide funding for provincial administration of the services. An agreement between the federal government and Ontario is currently being negotiated, but had not yet been reached as of the time of this study. It should be noted that HRDC also runs a self-employment assistance programme.

Identifying and Meeting Needs and Expectations

In the Ontario government, employment-related programmes are the responsibility of the Ministry of Training, Colleges and Universities, Workplace Preparation Branch.

Initial access to these programmes is provided in most cases through the Training Hotline, a province-wide toll-free number connected to a call centre staffed by counsellors who provide information and initial advice, including referrals to the relevant programmes and services.

Information is also readily available on the Internet, and prospective clients can send e-mail inquiries to the Ministry. In addition, information on employment-related services is provided through referrals from community groups and educational institutions.

Job Connect

The Job Connect service assists individuals in career and employment planning and preparation. It provides information, counselling and on-the-job training, through a network of community-based organizations.

The intended clients are people who are out of work, out of school, and not receiving Employment Insurance or Workers’ Compensation payments. The services are available to young people across the provinces and to adults in some cities (especially for people on welfare).

The programme provides:

- An information and referral service (provided on a self-directed “walk-in” basis), with information on careers and occupations, the local job market, skills in demand, training opportunities and job search strategies. Employment planning and preparation services help people to assess their skills and establish goals and career action plans. The programme also provides advice on job search strategies and workplace expectations, along with some coaching on life skills such as personal budgeting).

-
- On-the-job training, in which clients are hired as trainees, with the employer being eligible to receive a training incentive. The programme provides orientation to the workforce and training in job skills relevant to specific careers; and it also supports secondary school upgrading (for obtaining a diploma or a grade level that qualifies them for apprenticeship training).

Literacy and Basic Skills

The Ministry of Education also funds colleges, boards of education and community agencies to provide literacy and basic skills training for persons over the age of 19 who are out of school and without the skills necessary to find and keep a job.

Training is provided through a variety of methods: classes, small groups and tutoring (with assistance from volunteers). Training is provided in the evening or on weekends, as well as during the day.

Strategies and Practices for Improving Service

One important means of improving employment-related services is to ensure that they are linked as closely as possible to relevant and accurate labour market information – one reason why it is the Ministry of Training, Colleges and Universities which has the responsibility for labour market information.

Another means of improving employment-related services is to link and co-ordinate the relevant services of all levels of government through, for example, mutual referrals and Internet links. A great deal is also being accomplished through linkages and partnerships at the local level, which in turn are facilitated by co-location of offices and staff from different departments and levels of government.

Central to any improvement of employment-related services is a client-centred approach, in which the different levels of government and other partners (third party service providers) take an integrated view of the clients, trying to understand their needs and potentials in a general sense¹.

Vocational Training and Apprenticeship

This section begins with a brief discussion of vocational training generally before focussing on the apprenticeship system, the component of the system which is most closely tied to labour administration.

Vocational Training

It is difficult to draw the boundaries of what constitutes “vocational training.” The knowledge and skills provided by general education at the elementary and secondary levels constitute the foundation for virtually all jobs as well as for specific vocational training. Likewise much of the education provided in universities and colleges has general value in vocational terms or represents preparation for a specific occupation (e.g. law, medicine and engineering). Thus, to some extent, virtually all learning activities have vocational relevance.

Ontario’s education system has been undergoing major change as a result of Bill 160, the *Education Quality Improvement Act* of 1997. At the secondary school level, there

¹ For further information on this approach, please see the CCMD/Citizen-Centred Service Network publications listed in the bibliography.

has been a compression of the programme from 5 years to 4 years (with the elimination of Grade 13), accompanied by the introduction of a new curriculum in which students have a choice of taking courses from an “academic” or an “applied” perspective.¹ It should be noted that co-operative programmes (involving alternating periods of work and study) are an increasingly popular choice for many students.

After completing secondary school, students who pursue post-secondary studies then have a choice of university, college, or apprenticeship. Ontario has a large and comprehensive system of community colleges, known as Colleges of Applied Arts and Technology (CAAT), providing education for a wide range of specific vocations and occupations. The colleges are playing an increasingly large role in training students for technology-related occupations such as programming, systems administration and movie animation.

Students in college programmes have the option of transferring to university programmes (with some carry-over of courses), depending on their grades. In recent years, many university students have moved to college programmes (either part-way through their university studies, or upon completion of university), in order to obtain qualifications specifically related to their occupations of choice.

Apprenticeship

The apprenticeship programme involves a combination of practical on-the-job training (90% of the programme) and classroom training to teach the theory of the trades (10% of the programme, usually in a community college).

In Ontario, apprenticeship training is primarily the responsibility of the Ministry of Training, Colleges and Universities, working in partnership with employers. There is also involvement on the part of Human Resources Development Canada, through the Employment Insurance system.

Identifying and Meeting Needs and Expectations

In the first instance, people interested in pursuing an apprenticeship programme must find an employer (or sponsor) who is interested and who has the capability of offering an apprenticeship programme. This can often be arranged through guidance services for students who are still in high school. In fact, there is an Ontario Youth Apprenticeship Programme which allows high school students to work on their diplomas while also working at an apprenticeship for co-operative education credits. (Ontario has recently announced that the number of students in this programme will be doubled.)

As noted, the employers provide close to 90% of the training in the form of practical experience and on-the-job instruction, while 10% of the training is publicly funded and delivered through educational institutions which teach the theory of the trades being learned. The educational institutions comprise community colleges, school boards, some universities and some trade unions. This instruction is provided to apprentices on a tuition-free basis.

The classroom component of the programme has been funded equally by the provincial and federal governments. However, as part of a more general policy change, the federal government is withdrawing from direct funding of such programmes. In response,

¹ The distinction between “academic” and “applied” is intended to provide a means of tailoring the programme to different learning styles, rather than to indicate the degree of rigour with which the subjects are studied.

Ontario has announced that it will introduce tuition fees for these programmes (as a means of offsetting the cost), but will also be providing financial assistance on an as-needed basis.

Apprentices also receive some income support through the Employment Insurance system. In effect, while they are in school studying the theory of their trades they are considered to be employees who are eligible for Employment Insurance payments. However, they are eligible for EI only in cases where they are pursuing their studies full-time over several weeks, as opposed to a part-time (e.g. one day per week).

Both the employers and the employees have a strong voice in the programme, through their equal participation in Provincial Advisory Committees. There are 27 such committees, covering 40 trades, which develop and validate training standards, classroom curricula and exams.

The apprenticeship system has recently been the subject of much study and consultation, with a view to introducing new legislation (the last comprehensive overhaul of the legislation was in 1964). A new bill, the *Apprenticeship and Certification Act*, was introduced in 1998, but was not passed by the Legislature before the election of June 1999. It will need to be reintroduced in order to be reconsidered.

Strategies and Practices for Improving Service

In the consultations over the reform of the apprenticeship, the priority has been to increase self-reliance and “ownership” of the programme by the participants.

Under the proposed new legislation, the Provincial Advisory Committees will move beyond being advisory committees (and will be renamed accordingly) to acquire responsibilities for setting standards for entire programmes, including guidelines for prerequisites, duration of training, wage levels, ratios of apprentices to journey-persons, assessment of prior learning experience and assessment of the capacity of an employer to sponsor an apprentice. The Ministry will also sponsor conferences of committee chairs and co-chairs to address cross-trade issues and priorities.

Apprenticeship reform will also focus on strengthening the links between apprenticeship training and post-secondary training, e.g. by making it easier to transfer between institutions and between apprenticeship and college and university courses. Another priority is to facilitate more mobility between provinces, by providing for mutual recognition of standards. In addition, there are various Canada-wide coordination mechanisms, such as the Red Seal programme, which ensures that apprenticeship credentials are portable between provinces. These efforts are supported by the federal government through HRDC.

Policy Development and Standard-Setting

The setting of standards in areas such as employment conditions is very much a policy question, since standards are ultimately set through legislation or through decisions by the Minister or Cabinet.

Within the Ontario system, it is the ministries which are involved in policy questions and which have the capabilities for policy research and development. The boards and commissions can provide useful feedback on experience with the existing policies and they can also provide high-level advice (upon request), but their primary role is to implement the existing policies.

Policy-related services of the ministries include the following:

- Policy-related research, studies and analyses.

- Consultations including surveys, focus groups, and feedback from discussion papers.
- Policy coordination, ensuring that the views of different clients, stakeholders and government organizations are reflected in the policies.
- Providing advice on all aspects of policies, based on in-depth knowledge and expertise, plus a sense of judgment and balance.

Identifying and Meeting Needs and Expectations

The requirements for policy research and development have been increasing in recent years, particularly since there have been many legislative changes requiring policy work to be done. The requirements in terms of information and knowledge are constantly increasing, as more consultations are conducted and as more time is taken at each stage of the legislative process (to allow for a fuller discussion and expression of viewpoints).

An example is the approach taken to the proposed reform of the apprenticeship system. For this, the Ministry of Training, Colleges and Universities provided a discussion paper to 2,500 participants across the system (employers, apprentices, colleges, industry associations, etc.). As a result, 450 responses were received. In addition, 16 meetings were held with representatives of different groups involved in apprenticeship and a survey was conducted of 1,200 apprentices, skilled workers and people who had left the programme before completing their training. Additional consultations will be conducted in the course of the legislative process.

Consultations on a similar scale have recently been launched by the Ministry of Labour in connection with changes in the *Employment Standards Act*. These have as their focal point a Ministry paper on *The Future of Work in Ontario*.

There is also a requirement for policy work in the coordination of systems and clusters of service. For example, the Occupational Health and Safety System, which requires the coordination of many different actors around a common strategy, has been developed through extensive consultation. As a framework, the Ministry of Labour has produced a policy paper on *Preventing Injury and Illness: A Better Health and Safety System for Ontario Workplaces*, and the ministry also participates in a number of associations and working groups. For instance, the Sector Interagency Group for Transport involves not only the provincial government but also the federal government (since interprovincial transportation is a federal responsibility).

Policy work on clusters of service (related services grouped around particular types of client) is co-ordinated by the Restructuring Secretariat of the Cabinet Office, in partnership with the ministries concerned.

There are additional requirements for policy work in the areas of review, evaluation and accountability, e.g. performance indicators and “value for money.” For this, the work of the Agency Reform Commission has provided a focal point (see Chapter 5, Evaluation).

All in all, the expectations and requirements for policy-related information and knowledge have been increasing in recent years in terms of timeliness, quality and accuracy.

Strategies and Practices for Improving Service

High-quality discussion papers can serve as the focus for policy studies and consultations. For example, the paper on *Preventing Injury and Illness* is very useful for providing a perspective on the occupational health and safety system and a sense of how the roles of the different organizations fit together.

It is especially important to co-ordinate and integrate policy research and development across the different ministries and other organizations which have relevant information and knowledge. This is essential for “horizontal,” cross-cutting issues such as the school to work transition.

Federal-provincial coordination is also important on many issues and there are a number of committees and working groups for policy coordination and for policy-relevant information, research and analysis. Some of these operate on a government-to-government level (for example, the Canada-Ontario Working Group on Labour Market Information), while others operate at a local level (e.g. federal-provincial coordination in the context of the Local Training Boards). There is also a Forum of Labour Market Ministers which brings together federal, provincial and territorial ministers to discuss issues of pan-Canadian scope. The Council of Ministers of Education, Canada provides a means of addressing education-related issues among provinces and territories.

Workers Not Covered

“Workers not covered,” generally means those not covered (or only partially covered) by the *Employment Standards Act* (ESA).

In Ontario, the ESA covers the following main areas: minimum wage, hours of work, overtime pay, paid public holidays, vacation with pay, and termination notice and pay. With the exception of some construction employees, the provisions for termination notice and pay apply to all employed workers. However, there are several categories of worker who are not covered by other provisions of the law.

Those who are covered only by the termination notice/pay provision and by no other provisions include:

- companions who care for aged, infirm, or ill members of a household (if employed by the householder);
- baby-sitters who work 24 hours or less per week;
- farm employees employed in the primary production of eggs, milk, seeds, fruit, vegetables, livestock, poultry, honey, maple products and tobacco;
- commercial fishers;
- real estate agents;
- commissioned sales persons who sell away from the employer’s office or plant;
- Ontario government employees and other crown employees;
- qualified professional employers (teachers, doctors, lawyers, accountants, etc.) and students training for professions.

In addition, there are certain other categories of employee who covered by only two or three of the six parts of the law (with the pattern of coverage varying). These include:

- apartment building supervisors and caretakers who live in the building;
- domestic employees (live-out) who work 24 hours or less per week;
- agricultural/horticultural workers other than those previously listed.

It should be noted that the *Employment Standards Act* only applies to persons who can be considered as employees. For example, it does not apply to people who are self-employed.

The question of who is or is not an employee can be difficult to answer in practice. For instance, there are cases of employers trying to circumvent the law by claiming that their employees are self-employed and working on contract.

While the above categories of workers are not covered under various parts of the ESA, it should be noted that all workers are covered by the Human Rights Code and that some categories of workers (e.g. Crown employees) are covered by collective agreements which provide equivalent or greater protection than the ESA. Professional employees tend to be protected by a high market demand and rate of pay for their work.

Employees who lack the protection of the ESA or of a collective agreement, and who are not in a strong market position, include those who work in homes, or on farms, or in sales (outside the employer's premises).

However, people in these categories can benefit from other services such as Employment-Related Services or Vocational Training and Apprenticeship, which can provide them with a wider range of choice. Other services such as those related to Labour Market Information and Economic Development and Adjustment help to create a stronger labour market with an expanded range of choices, which in turn can benefit workers in these categories. This said, it should be noted that the scope of coverage of the ESA is a point of debate in Ontario, with the unions arguing that there should be universal coverage, strongly enforced.¹

For the future, it will be important to give increased attention to the rise of knowledge-based employment – the “new economy.” Given the conditions of global competition, especially in knowledge-intensive high-technology areas, there will be increasing pressure for more flexibility in employment standards, with some arguing that traditional approaches do not take sufficient account of the new challenges. For instance, in the new economy, more of the work is short-term and project-based; people may work intensely for the duration of the project, with lulls of varying durations between projects. More of the workers are professionals, not covered by most of the ESA. Similarly, contracting and outsourcing arrangements are being used increasingly. All of these questions are currently being considered by the Ministry of Labour in its consultations on revisions to the ESA. These consultations have as a focal point a Ministry paper on *The Future of Work in Ontario*.

Education and training will be of increasing importance in dealing with the challenges of the knowledge economy. Those who have knowledge and skills that are in demand are in a much stronger position. For instance, a highly paid computer programmer who can readily find contract assignments is in a very different position from someone who is forced to take low-paying, part-time contract work because of the lack of alternatives.

Services directed at helping people become more knowledgeable, more highly skilled and more “marketable” can do much to help people adapt to the “new economy.” One challenge is to equip people with the knowledge and skills needed to enter a profession or vocation. Another challenge is to ensure that people keep learning and to recognize that “knowledge work” involves not only “billable time,” but also time spent learning.

All of this implies a central role for the Ministry of Training, Colleges and Universities, in partnership with other organizations. Integrated solutions will be needed. For example, one solution that is often suggested is to establish registered education

¹ See, for example: *The Future of Work in Ontario: Discussion Paper*, Submission by the Ontario Federation of Labour (March, 1999).

savings plans for training, upgrading and retraining: these in turn would require tax incentives (which would involve Revenue Canada and the Ontario Ministry of Finance).

4. Relations with Other Actors

Introduction

In the brief space available for this chapter, it is not possible to discuss each individual organization in any detail. Instead, the focus here will be on more general arrangements applying across different organizations, with some discussion of interesting or innovative arrangements for particular organizations.

Note that funding sources are dealt with in Chapter 2, under Organization and Management, rather than here. This saves space and enables financial and budgetary questions to be covered together, thereby allowing for a more integrated treatment of these questions.

Representation of Users and Stakeholders

Employers and Business Associations

While larger employers may be in a position to represent their own interests and concerns, industry and sector associations have been established in many areas to represent the interests of their members on questions related to trade, competitiveness and profitability. Typically, these specialized associations have modest resources and very limited capacity for research or analysis.

Umbrella organizations, however, such as the Chamber of Commerce and the Canadian Federation of Independent Business, which speak for large numbers of businesses, are generally large enough to have their own research and analysis capacity. There are also research institutes such as the Conference Board of Canada, the C.D. Howe Institute and the Fraser Institute, which are largely funded by the private sector; these organizations hold conferences and conduct research and analysis on issues of public policy.

Typical expectations of employers and business associations *vis-à-vis* the government can be summarized as follows:

- Good economic management achieving low inflation, a balanced budget, declining debt levels, steady economic growth, low and stable interest rates, lower tax rates and favourable tax treatment of stock options and capital gains.
- Few new or enhanced spending programmes for government; continued restraint on government spending (perhaps with further reductions); streamlining and rationalization of government programmes and structures; maximum use of privatization and alternative service delivery; and maximum use of technology (both to reduce costs and to increase access).

Their main expectations concerning labour administration tend to include the following:

- Stability and harmony in labour relations (with minimal disruptions).
- Flexibility in setting, interpreting and applying employment standards on matters such as hours of work¹.

¹ In fact the *Employment Standards Act* is currently under review and a proposed new version is expected to be tabled soon. Employers are seeking changes which will give them increased flexibility, especially in hours of work. For example, the limit of 48 hours of work per week (without a special permit from the Ministry) is seen to be a problem

- A targeted approach to enforcement, with self-regulation for those with good records of compliance and with enforcement focussed on those with a poor record of compliance.
- In occupational health and safety, a focus on prevention and on minimizing premiums.

Workers' Organizations

In Ontario, approximately 35% of the labour force is unionized. While unions cover a broad spectrum of the economy, they are especially important in the following areas:¹

- Large industrial sectors (e.g. autoworkers and steelworkers).
- The public sector, where the Ontario Public Service Employees' Union (OPSEU) plays a key role.
- The broader public sector, particularly education and health care, where employees tend to be represented by professional associations (e.g. teachers' associations).

Umbrella organizations and federations include the Ontario Federation of Labour and the Canadian Labour Congress. Research and analysis are done by these wider organizations and by institutes such as the Centre for Policy Alternatives, with links to the universities.

Workers' organizations typically have views such as the following with respect to government policies:

- On economic issues, a policy of economic growth with a focus on creating and maintaining jobs, combined with opposition to any substantial or immediate tax cuts or tax breaks. (The concern is that tax cuts would reduce government revenues and lead to reductions in government support for education and health care in particular, as well as to cutbacks in government services and personnel more generally.)
- On the size and scope of the government, labour organizations are particularly concerned about downsizing, reductions in government programmes and spending and transfer of government programmes to other sectors (through privatization and alternative service delivery).

Their expectations concerning labour administration include the following:

- Consistent, rigorous and pro-active enforcement of employment standards, with the aim that these standards not be bargainable and that they should be extended to categories of workers not currently covered.
- Consistent, rigorous and pro-active enforcement of health and safety standards, with a focus on prevention, but with benefits maintained for compensation for workplace injury and illness. The preference is for an across-the-board enforcement effort, rather than a targeted approach.

Unions are concerned about transfer of labour administration responsibilities from the government to the themselves, with resultant increases in costs and potential liability for the latter.² One particular area of concern is employment standards; in cases where there

for people involved in Year 2000 compliance work in information technology.

¹ For a comprehensive listing of labour organizations, please see: Human Resources Development Canada, Workplace Information Directorate, *Directory of Labour Organizations in Canada*, 1998.

² Please refer to the Ontario Federation of Labour paper listed in the Bibliography.

is a remedy under a collective agreement, the Ministry of Labour does not act but advises that the matter be pursued through the grievance process under the collective agreement.

Other Users and Stakeholders

While the primary users of labour administration services are the two sides in the employer/worker relationship, there are clearly many other interested parties. Indeed, the society as a whole is dependent upon the successful functioning of the labour administration system. Among those having a particular interest are the following:

- Local/municipal and regional governments, which are concerned with economic growth and development and wish to avoid any major conflicts or disruptions in labour relations. In recent years, there has been substantial restructuring and amalgamation at this level, with many labour relations questions arising as a result on matters such as the application of different collective agreements.
- Organizations in the broader public sector, including school boards, universities and hospitals. In recent years, there has been considerable restructuring and consolidation of organizations (e.g. through the Health Care Restructuring Commission and the *Fewer School Boards Act*), which in turn has raised questions about funding, as well as many labour-related issues.
- Stakeholders for particular programmes and issues. These include, for example, groups involved in education, training and workplace safety. Employers and employees concerned with the reform of the apprenticeship system are an example of such a group.

Participation of Users and Stakeholders

Given their interest in the labour administration system, users and stakeholders increasingly expect to be consulted on policies or, better still, to be involved directly in decision-making. Channels and procedures for involving them in governance and in developing and implementing policies and programmes include the following:

Regular Consultations

A basic means of involving users and stakeholders is for staff and the Minister to consult with them on a regular basis. For example, the Minister of Labour frequently and regularly meets with groups representing workers, employers, unions and associations in areas such as Occupational Health and Safety, Employment Standards, Pay Equity and Labour Relations. Similarly, the Minister of Training, Colleges and Universities frequently meets with users and stakeholders.

Representation in Boards and Commissions

One important way of representing users and stakeholders is for them to be included in boards and commissions, such as the Ontario Labour Relations Board (OLRB) which handles a very large number of cases requiring adjudication. The OLRB includes two types of Board members: (1) Vice Chairs, not identified with business or labour and with a background in law and/or university teaching; and (2) Board members representing labour and management in equal proportions.

The same principle is followed in other boards, commissions and tribunals. For example, the Grievance Settlement Board has a Governance Council which represents unions and employers in equal proportions.¹

The general principle is that of balanced representation of users and stakeholders in boards, commissions and tribunals. In some cases (e.g. the OLRB), this involves equal representation from employers and employees. In other cases, a multi-stakeholder approach is used. An example of this is the Human Rights Commission, which includes representatives and advocates for women, francophones, black people, religious groups, people with disabilities and immigrant groups (e.g. from East Asia, South Asia and the Middle East).

Consultations on Policy and Legislation

The Ministries of Labour and of Training, Colleges and Universities seek input from clients and stakeholders, both formally and informally, for major legislative and regulatory reviews and studies.

The current practice can best be seen from the examples given earlier of consultation in support of recent changes to the *Workers' Compensation Reform Act* (1997) and the *Apprenticeship and Trades Qualification Act* (1999, ongoing).²

Currently, there are consultations on possible changes to the *Employment Standards Act* (and on other possible changes). For these, the Ministry of Labour has circulated a paper on *The Future of Work in Ontario*.

Ontario Jobs and Investment Board

The Ontario Jobs and Investment Board is a high-level, multi-stakeholder board which provides advice to the government on questions relating to economic growth, job creation and enterprise development. The advice is given directly, since the Board comprises three senior Ministers.

Local/Regional Economic Development and Adjustment

Across the province, 25 Local Training and Adjustment Boards³ have been put into place, with a mandate to undertake studies and consultations, develop strategic plans and make recommendations on priorities and approaches for education and training in support of local and regional economic development and adjustment. The boards are funded and supported (with advice, information and training) by the Ministry of Training, Colleges and Universities and by Human Resources Development Canada. Membership on Local Boards must consist of an equal number of representatives from employers and unions, who must

¹ There are 12 members of the Governance Council, six from the employer (Management Board) and six from the unions.

² For details on the apprenticeship reform consultations, please see the section "Policy and Standards" in Chapter 3, Services.

³ The function of the Local Boards is described as follows: "[they] will collect and distribute labour market information, analyze the effectiveness of programmes and services, provide advice to . . . both levels of government (HRDC and MET), develop plans to address local labour market needs, direct the purchase of training or services, advocate the value of life-long learning, ensure equity and access in all training programmes and promote the adoption of national and provincial standards." See website <http://www.localboards.on.ca> for details.

together constitute a majority. Francophones, racial minorities, people with disabilities, women and education and training institutions may also be represented.¹

In addition, there are a number of organizations at the local and regional level which are involved in networking and marketing, with the aim of facilitating economic development, creating opportunities and promoting their localities and regions as good places in which to work and invest – especially in the high technology sector. Examples include: the Greater Toronto Marketing Alliance; “Smart Toronto;” and the Ottawa-Carleton Centre for Research and Innovation. Each of these organizations are funded by both business and government. Participation tends to be on an informal “networking” basis, with professionals and “knowledge workers” being particularly active. (These organizations tend to be as inclusive as possible, to build a wide base of support for local and regional development.)

Other Local Initiatives

Another local-level initiative is the Safe Communities Incentive Programme (SCIP), under which the WSIB treats the insurance costs of participating small business employers as if they were one large firm. The group is then eligible for a 75% refund on any savings from reductions in injury and illness. This provides an incentive for the small businesses to work together; in addition, WSIB provides expert advice and training. SCIP, run in partnership with Canada’s Safe Communities Foundation, currently includes 14 communities and 1,200 businesses.

Implementation by Third Parties

Another way of representing users and stakeholders is through programme implementation by third parties (e.g. community groups and non-profit organizations) which themselves have balanced representation (or elected representatives) on their governing boards. For example, programmes involving education and training are typically delivered by educational institutions and community and non-profit groups.

In point of fact, programmes are often delivered by clusters or networks of such organizations, linked together through mutual referrals. This provides further options for users, who may have a choice between service providers.

Administration by the Parties Involved

Some programmes (or components of some programmes) may be administered by organizations which directly bring together users and stakeholders in a balanced way. Examples from the area of occupational health and safety include:

- **Safe Workplace Associations (SWAs)**, which bring together employees, employers and government personnel to improve safety in particular sectors. There are 12 industry-based SWAs, funded by the Workplace Safety and Insurance Board.
- **Joint Health and Safety Committees** (with equal representation from employees and employers): These committees are mandated by the *Occupational Health and Safety Act* and are central to the operation of the Internal Responsibility System for workplace health and safety.

¹ On Local Boards, see the section on “Economic Development and Adjustment” in Chapter 3, Services.

Advisory Committees

There are several types of advisory committee, including:

- Advisory committees for **organizations**: For instance, the Pay Equity Office has a multi-stakeholder advisory committee which provides advice to the Office on a range of issues.
- Advisory committees for **priorities and funding**: For example, the Workplace Safety and Insurance Board has a Research Advisory Council (with representatives from employers, workers, researchers, health and safety agencies and the Ministry of Labour).¹ This Council advises the WSIB directors on research initiatives and the allocation of grants and it also involves end users in planning and implementing research projects.
- Advisory committees on **programmes** more generally: for example, there are 27 Provincial Advisory Committees for the apprenticeship programme, covering 40 different trades. These committees comprise equal numbers of employers and employees, with others, such as educators and government personnel, involved as resource persons. These committees currently provide advice on curricula and examinations. Under apprenticeship reform legislation, they will become much more than advisory and will play a key role in governing the apprenticeship programme.²

Coordination with Ministries and Agencies

Structures and processes for cooperation and coordination within the government include:

Coordination with Ministries

On matters of general policy and priorities, boards and commissions and tribunals report to a Minister (frequently the Minister of Labour), who is accountable in the Legislature on matters ranging from basic policy to backlogs and waiting times. It is important to emphasize that the Minister does not become involved in decision-making on individual cases.

There is also a great deal of coordination on a day-to-day, informal basis, involving the staff and managers of the boards, commissions and tribunals. For example, an appeals tribunal will co-ordinate with the board or commission from which the appeals originate in order to plan its workload and to exchange relevant information.

On matters of administration and corporate services, including human resources, finance and logistics such as information technology, the boards, commissions and tribunals work closely with the Ministry. For example, the Ministry often provides computer and other services.

Business plans from agencies, boards and commissions are coordinated through the Ministry of Labour. Their business and operating plans are first submitted informally to the Ministry's Agency Co-ordinator, who reviews them in detail with staff in the Business

¹ The WSIB provides \$3.5 million in research funding and has also given \$4.5 million to the Institute for Work and Health.

² For further information, please see the section on "Vocational Training and Apprenticeship" in Chapter 3, Services.

Planning Section. The review ensures that the business plan is fully consistent with the Ministry Business Plan (which includes the Mission, Vision, Key Strategic Directions and Priorities, Quality Improvement Plan, Information and Information Technology Plan, Human Resources Plan, Accommodation Plan, Communications Plan and key performance commitments, by core business.) The Ministry reviews the performance measures and standards (targets) of the agencies, boards and commissions, as well as their performance commitments. In some cases, the Ministry will provide advice and support in developing and implementing action plans. Detailed feedback and recommendations are provided; these in turn are incorporated into the final product, which is then officially submitted to the Ministry.

On a quarterly basis, the Ministry monitors the implementation of the business/operating plan for agencies, boards and commissions. The Ministry provides assistance and support, where needed, to ensure that they fully implement the strategies and action plans and that they meet and, if possible, exceed their performance commitments.

For the Workplace Safety and Insurance Board (WSIB), a key instrument of coordination – in addition to the five-year Strategic Plan and the annual Business Plan – is the Memorandum of Understanding (MOU) which the WSIB negotiates with the Ministry of Labour and which is signed by the Minister. The MOU establishes guidelines for the WSIB's working relationship with the Ministry, setting out basic principles, legislative and regulatory requirements, provisions for information exchange and provisions for co-ordinating initiatives related to prevention and research. The MOU recognizes the WSIB's mandate and commitment to work with the Minister to: (1) support workplace self-reliance in occupational health and safety; (2) target enforcement on those with poor safety records; and (3) evaluate Ontario's occupational health and safety performance.

Coordination between Boards, Commissions and Tribunals

There is also administrative coordination between the boards, commissions and tribunals. For instance, the Ontario Labour Relations Board is co-located with the Pay Equity Commission and the Workplace Safety and Insurance Appeals Tribunal, with whom it shares meeting rooms and a library, as well as support services.

It is general government policy that there should be sharing of administrative services. The Agency Reform Commission¹ has also recommended that boards, commissions and tribunals should be administratively co-ordinated among themselves and should share facilities and administrative resources to the maximum extent possible, even suggesting that there should be an administrator to act on behalf of all such organizations, helping to co-ordinate and consolidate administrative resources where possible and representing the interests of this community to the government more generally.

By sharing resources, these boards, commissions and tribunals can increase their efficiency while maintaining their independence of the ministries. One organization which helps in this is the Agency Reform Working Group, which was formed in response to the Agency Reform Commission. In addition, there is informal coordination (plus study and consultation) through the Society of Ontario Adjudicators and Regulators, which includes a "Circle of Chairs" for heads of boards, commissions and tribunals.

¹ See Chapter 5, Evaluation.

Central Coordination

A key organization for government-wide coordination is the Management Board Secretariat, which plays a central role in the business planning process.

Through the Quality Service Initiative (please see Chapter 5, Evaluation), the Cabinet Office also plays an important role in ensuring consistency and coordination between services provided by different government organizations. For example, it sets standards and promotes “single window” initiatives such as Ontario Business Connects.

Coordination within Sectors

There are also some co-ordinating mechanisms across the government for particular sectors. For example, in the area of occupational health and safety, general coordination between ministries, boards and agencies is provided by the Sector Interagency Groups (SIGs),¹ comprising representatives from the Ministry of Labour, the WSIB and organizations concerned with health, safety and the prevention of injury and illness. In a specific instances of this approach, the SIG for Manufacturing developed an inter-agency plan to reduce falls (a leading cause of injury in industrial settings), the Transportation SIG has developed ways of targeting employers with the worst safety records and the Construction SIG is developing a prevention strategy for small and new contractors.

Federal-Provincial Coordination

The Canadian Association of Administrators of Labour Law (CAALL) is a useful mechanism for federal-provincial coordination. There are meetings at both the level of Ministers and Deputy Ministers. (The Deputy Ministers meet twice a year.) CAALL discusses a wide range of labour issues and it also includes working groups which engage in discussion and research on issues of mutual interest in industrial relations, labour standards and occupational health and safety.

¹ The Sector Interagency Groups were first established in 1998.

5. Evaluation

Introduction

In Ontario in recent years, developments in internal evaluation have been driven in large part by developments in the external evaluation framework, which ensures accountability to Ministers, the Legislature and the public. For example, service standards (an internal evaluation matter) are being developed pursuant to a government-wide Quality Service Initiative, and performance measures for agencies, boards and commissions are being developed within a framework set out by the provincial Agency Reform Commission.

The topics addressed in this chapter are:

- (1) external evaluation;
- (2) internal evaluation;
- (3) consequences of evaluation;
- (4) analysis by ministries and agencies, looking at internal evaluation, the implications of external evaluation and the consequences of evaluation for each of the organizations concerned.

External Evaluation

Introduction

For some years, but particularly since 1995, the Ontario government has been reviewing not only the arrangements for labour administration, but also the wider system of ministries, agencies, boards and commissions.

The following institutions and initiatives have been involved in this process:

- Central Agencies: Cabinet Office, Management Board of Cabinet, and Finance Ministry
- Quality Service Initiative
- Agency Reform Commission
- Task Force on Agencies, Boards and Commissions
- The Red Tape Commission
- Provincial Auditor of Ontario
- The Ontario Ombudsman
- Judicial review of the quality of decisions
- Reviews of specific organizations, e.g. reviews of the Workers' Compensation Board, the Pay Equity Commission, the Office of the Worker Adviser and the Office of the Employer Adviser.

Central Agencies

Central agencies include the Office of the Premier and the Cabinet Office, the Management Board Secretariat and the Ministry of Finance. The Restructuring Secretariat of the Cabinet Office has been especially important.

Central agencies play a key role in initiating and co-ordinating reviews and evaluations, sometimes providing the secretariats to support them. They are also central to managing the system of business planning and strategic planning: they provide guidelines

and directives (e.g. to reduce expenditures by a certain proportion, or to identify and focus on “core businesses”).

Quality Service Initiative

The Quality Service Initiative is co-ordinated from the Cabinet Office and involves initiatives such as the following:

- Co-ordinating across the Ontario government the development of service standards (e.g. on timeliness) against which the services are evaluated.
- Integrating and co-ordinating services, through, for example, development of “single window” initiatives and “clusters” of related services.
- Improving “horizontal coordination” and ensuring seamless delivery of services that involve two or more ministries or agencies.

Labour administration is not specifically targeted under the Quality Service Initiative, but the Ministry of Labour is a pilot ministry for this initiative.

Closely associated with the Quality Service Initiative is the Citizen-Centred Service Network, which draws together over 200 senior service delivery officials from all three levels of government – federal, provincial and municipal. This network has sponsored a large-scale investigation, the “Citizens First” survey, which provides comparative rankings of services, along with information on priorities for improvement.¹

Task Force on Agencies, Boards and Commissions

The Task Force on Agencies, Boards and Commissions (headed by Progressive Conservative MPP Bob Wood, London South) had the mandate of reviewing the whole set of agencies, boards and commissions under three main groupings – advice-giving organizations, operational organizations, and regulatory and adjudicative organizations (comprising agencies, boards and commissions involved in labour administration).

A key point was that the system of agencies, boards and commissions had grown up over a long time through a series of *ad hoc* decisions and responses to specific problems and situations. It was now time to review the mandate and functions of these organizations with a view to streamlining and simplifying the whole system.

The Task Force made recommendations under the following categories:

- Eliminating organizations whose mandate was considered to be obsolete.²
- Eliminating organizations whose functions could be performed elsewhere (e.g. by a Ministry).³ For labour administration, these included: the Grievance Settlement Board, the Public Service Grievance Board, and the Pay Equity Commission.
- Consolidating organizations with others performing the same or similar functions. For example, the Task Force recommended that the Education Relations Commission and the College Relations Commission (which handled labour relations for the education/college sector) be consolidated

¹ For details, please see: Erin Research, *Citizens First* (Ottawa: Citizen-Centred Service Network and Canadian Centre for Management Development, 1998).

² Here, the recommendation was to eliminate the Ontario Public Service Labour Relations Tribunal, which had become obsolete because of amendments to the *Crown Employees Collective Bargaining Act*.

³ However, specific suggestions on where these functions should be performed were not provided for the individual organizations concerned.

with the Ontario Labour Relations Board. This has been done. The Task Force also recommended that the functions of the Pay Equity Hearings Tribunal should be consolidated, but this tribunal continues as a independent organization.

- Retain the organization in its current form or in a restructured form. The Workplace Safety and Insurance Appeals Tribunal fell into this category.
- Defer decision pending outcome of a broader policy review. The Human Rights Commission was listed as one of three organizations in this category.

Agency Reform Commission

The Agency Reform Commission (comprising 5 Members of Provincial Parliament) was set up in May, 1997, “to advise the government on changes to the way all regulatory and adjudicative agencies in Ontario do business” and to make recommendations on “what specific changes should be implemented to achieve consistent reform across all agencies.”

The commission made recommendations in the following areas:

- “The public face of agencies,” including accessibility and the hearings process.
- “Behind the scenes:” use of case management and information technology for improving the efficiency of the administrative and decision-making process.
- “The people who make it work:” the appointments process and staff development and training.
- “Accounting for results:” accountability and performance management.
- “Sharing and coordination:” ways of improving efficiency and giving smaller agencies access to a wide range of resources.

Specifics of these recommendations (as they are relevant to labour administration) are discussed in Chapter 6, Innovative Practices.

Red Tape Commission

The “Red Tape Commission” comprised 11 Progressive Conservative MPPs (Members of the Provincial Parliament) with a mandate to examine the regulatory burden on the private sector and to consider whether laws, regulations and procedures could be simplified or streamlined or made more flexible. “Red tape” is defined as “any government requirement that stands in the way of job creation or that wastes taxpayers’ time and money.”²

The recommendations of the Red Tape Commission cover the whole spectrum of government activities. For labour administration, there are recommendations in the areas of Employment Standards, Occupational Health and Safety, Pay Equity and Labour Relations. The recommendations are quite detailed. For example for Employment Standards, the Commission has recommended lengthening the maximum work week by 2 hours per week and streamlining the process for obtaining permits to go above the maximum hours of work.

¹ Until October, 1997, the Commission included the Hon. Jim Flaherty, then Minister of Labour.

² Red Tape Review Commission, *Executive Summary*, p. 1.

Provincial Auditor of Ontario

The Provincial Auditor is a parliamentary agency, independent of the government and reporting to the Ontario Legislature. The Provincial Auditor verifies that government funds have been spent as intended and provides an annual report to the Legislature on the operations of the government and the use of funds. The Provincial Auditor also does studies relating to cost-effectiveness and “value for money” for government ministries and agencies. The Provincial Auditor has also proposed that the *Audit Act* should be amended to enable “value for money” audits of self-governing entities receiving government funds, i.e. third party service providers. (In total, there are 7,000 self-governing entities which receive government funds.)

Each year, the report of the Provincial Auditor contains a number of in-depth studies of particular programmes or ministries. In recent years, two of these studies have concerned labour administration: one was on the Ontario Training and Adjustment Board and the other was on the Occupational Health and Safety System.

The Ontario Training and Adjustment Board (OTAB) was set up by the previous government with a budget of close to \$400 million to handle functions such as vocational training. The audit of OTAB basically concluded that the organization had not overcome a variety of start-up problems and had not developed a fully functioning set of capabilities and procedures. For example, it was found to have no adequate means of ensuring accountability and performance on the part of third party delivery agents (to cite a specific instance, OTAB did not have reliable data on the drop-out and success rates for apprenticeship programmes.) As the audit was being completed, the new government announced its intention to abolish OTAB and to transfer a number of its functions to the Ministry of Training, Colleges and Universities.¹

The review of the Occupational Health and Safety system proved to be useful in a number of respects, particularly as it led to:

- Viewing health and safety as a system in which it is necessary to have improved coordination of all the organizations involved.
- Shifting the focus from payment of benefits to prevention of work-related injuries and illnesses.

These views were reflected in the 1997 amendments in *Workplace Safety and Insurance Act*, which specified that prevention was a key part of the mandate for the Workplace Safety and Insurance Board. In addition, a policy/strategy paper was drafted by the Ministry of Labour on the occupational health and safety system, looking at ways of further implementing the systems concept with a view to reducing lost-time injury and illness by 30%.

Ontario Ombudsman

Citizens who have a problem in dealing with government ministries and agencies have the option of making a complaint and taking the problem to the Ombudsman.

In her 1997-98 report, the Ombudsman mentioned three organizations involved in labour administration, as follows:

- The Employment Practices Branch of the Ministry of Labour had been the subject of previous complaints about timeliness in service delivery, but was now found to be taking adequate measures to address these issues.

¹ At that time the Ministry of Education and Training.

-
- The Ontario Human Rights Commission (HRC) had been investigated by the Ombudsman in three separate years in relation to claims of inadequate timeliness. The finding was that there were a large number of cases two years and older which had not yet been referred for decision and that the time taken to investigate complaints was unacceptable.
 - The Workplace Safety and Insurance Appeals Tribunal (WSIAT) had also been investigated with respect to timeliness. The finding was that the median time taken to close a file was 340 days and that the time taken to process appeals was unacceptable.

For both the HRC and WSIAT, the Ombudsman noted that the caseloads had increased and that the lack of resources available had a direct impact on the capacity to process the cases in a timely manner. For both organizations, the recommendation was “to take all necessary steps, including requesting additional resources” to ensure timeliness, with a requirement to report back in 6 months and again in one year on the measures being taken.

Judicial Review

For adjudicative boards and tribunals, judicial review (or the prospect of judicial review) is an important means of external evaluation and a strong incentive to produce high-quality decisions.

Typically, the boards and tribunals have the power of final decision and decisions cannot be appealed.¹ However, the decisions can be judicially reviewed, to determine whether they are reasonable. It is extremely rare for a decision not to pass judicial review, but the possibility does exist. It is rare because boards and commissions take a great deal of care to ensure that their decisions will be of high quality, including extensive written explanations of the reasons for the decisions.

Ensuring the quality of decisions (as indicated by their success in passing judicial review) is a major concern for managers and chairs of boards and tribunals such as the Workplace Safety and Insurance Appeals Tribunal. However, preparation of comprehensive, closely-reasoned and often lengthy written decisions can take a great deal of time and effort. This can slow down client service and lead to backlogs. Achieving the right balance between speed of service and quality of decisions is a constant concern for boards and tribunals.

Evaluation and Review of Individual Organizations

In recent years, there have been several reviews and evaluations of individual organizations. These include:

- A review of the Workers’ Compensation Board, prior to the introduction and passage of the *Workers’ Compensation Reform Act* of 1997.
- The “Read Report” on the Pay Equity Commission, which recommended that the functions of the Pay Equity Commission be absorbed into the Ministry of Labour.

¹ An exception is the decisions of the Boards of Inquiry (for Human Rights), which can be appealed to the Divisional Court.

-
- The “Prial Report” on the Office of the Worker Adviser and the Office of the Employer Adviser, which concluded that these two organizations should continue to exist as separate, independent entities.

Internal Evaluation

Institutions for Internal Evaluation

Across the government, the general institutions and arrangements for internal evaluation and accountability include:

Management and Governance

In the first instance, internal evaluation is the responsibility of the managing and governing bodies of organizations, which need to track and manage that which is meaningful for performance and accountability. For example, boards and tribunals must be able to follow the cases with which they are dealing in order to monitor the time taken, the percentage resolved at each stage, and so on.

This has been a priority for the Human Rights Commission in its response to the report of the Ombudsman, as noted above under “External Evaluation.” The Commission has created the position of Registrar, with responsibility for tracking and managing the cases; in this, the Registrar is supported by a Case Management Information System.

Strategic Planning and Business Planning

Evaluation is a key component of strategic planning. It is important to be able to step back and determine the degree to which the organization has been successful and then to plan the steps and measures which will enhance success in the future. In many organizations, this is done in planning meetings and retreats.

While organizations do their own strategic planning on their own schedule and with their own arrangements, they must also ensure that their strategic planning system matches up with the government’s business planning system more generally.

In the Ontario government, there is a business planning system, linked to the budget/estimates process. This requires the use of evaluation, at least in a general sense, as organizations must consider their “core businesses” and identify priorities for improvement.

The business plans (which are quite brief, usually only about 12 pages) contain the following components:

- (1) a message from the Minister stating recent highlights and key goals;
- (2) a vision statement;
- (3) an annual report on key achievements and commitments;
- (4) identification of core businesses;
- (5) a listing of key strategies;
- (6) a listing of key performance measures under the headings of goals/outcomes, measures, targets/standards and commitments for the upcoming year;
- (7) a listing of expenditures by core business area.

Internal Evaluation, Review and Audit

Most organizations have arrangements for internal evaluation, review and audit. In smaller organizations, these arrangements may be relatively informal, or the internal audit function may be contracted out. In larger organizations, there may be a separate unit for internal audit. Examples of this would include the Workplace Safety and Insurance Board (which has an internal audit unit) and the Ministry of Training, Colleges and Universities (which has an Audit Services Branch). The Ministry of Labour used to have its own internal audit unit, but this was eliminated in the cutbacks which began in 1996. The current arrangement is that the Ministry of Labour contracts with the Ministry of Finance for internal audit services: this enables the Ministry of Labour to tap into a large, professional internal audit capability.

Human Resource Policies and Systems

Human resource management – including the use of personnel evaluations and performance contracts – is governed by policies and systems which apply across the Ontario Public Service (those who are involved in labour administration are public servants, even if they are working in agencies, boards and commissions). There are human resource policies, such as appraisal policies, which apply across the system and there are human resource systems and units which are responsible for ensuring that these policies and procedures are applied.

Methods of Evaluation

The general methods and approaches used internally for evaluation and accountability include the following:

Service Quality: Standards and Features of Service

In Ontario, organizations across the government are expected to develop service standards which specify the required features of the service in terms of measures such as timeliness.¹ For example, staff are expected to answer the telephone by the third ring. Basic service standards are shared across the government, but service standards may also be adapted to the situation of a particular organization, generally to provide a higher level of service in certain respects. Organizations are expected to track and measure their services against the service standards and to meet those standards.

Within the general requirements for standards of service, there may be particular requirements and priorities, such as the recent requirement to take effective action to reduce and eliminate backlogs.

Client Feedback

Client feedback, the key measure of the quality of services, is gathered in a number of ways. These include: customer surveys of both the general public and particular client groups, as well as focus groups and feedback from front line service providers.

As a government organization, the Ministry serves:

- (1) citizens, who are primarily interested in the societal outcomes of programmes;
- (2) taxpayers, who focus on accountability and value-for-money;

¹ This is part of the Quality Services initiative, described further in the section on External Accountability.

-
- (3) service recipients or “customers.” Service recipients interact with Ministry staff to obtain publications, receive advice from an Employment Standards Officer, have their workplace inspected by an Occupational Health and Safety Inspector, etc.

In the Ministry of Labour, efforts are being made to take feedback from clients into account in evaluations of staff and managers. Staff and manager evaluations are based on a review of their performance contract, which may or may not include responsibility for managing or delivering services.

The Ministry is currently implementing a formal “customer feedback” process. This will enable all service recipients to provide feedback on the service they received at every service interaction. All feedback will be reviewed and, if applicable, incorporated into the Ministry’s business practices to improve service.

Performance Measurement and Reporting

Recently, the Ontario government has given considerable attention to the question of performance reporting, particularly for agencies, boards and commissions – especially through the work of the Agency Reform Commission, which recommended that the following eight goals be used as the basic for performance measurement:¹

- **Fairness:** provision of service in an impartial, lawful, unbiased and just manner.
- **Accessibility:** providing information and services that are easy to use.
- **Timeliness:** performance within established time frames based on reasonable expectations.
- **Quality and Consistency:** the production of accurate, relevant, dependable, understandable and predictable information and results, with no errors in law and fact.
- **Transparency:** policies and procedures that are clear and understandable to everyone involved.
- **Expertise:** skill, knowledge and technical competence.
- **Optimum Cost:** provision of services at a cost that is based on best practices and is cost effective for everyone involved.
- **Courtesy:** respect for those who come into contact with the agency.

The performance measures suggested by the Agency Reform Commission have been applied to the Ministry of Labour and to the agencies, boards and commissions coming under the Minister of Labour.

Personnel: Evaluation and Performance Contracts

At the individual level, public servants are expected to work to a set of objectives and goals which are specified (at least in a general way) in their performance appraisals and in some cases in performance contracts, annual agreements and memoranda of understanding.

Currently, there is performance-based compensation for senior managers and pay-for-performance incentives for other managers. Performance pay is also being introduced

¹ Agency Reform Commission, *Everyday Justice*, p.18.

for professionals; for example, in February 1999, the Professional Engineers and Architects of Ontario (PEAO) ratified an agreement with a pay-for-performance provision.

For members of the Ontario Public Service Employees Union (OPSEU), the government proposed that employees not at the top of their salary range should be eligible for increases on a sliding scale of up to 5% annually based on performance (as compared with a general and automatic increase of 3% annually, which is the current arrangement). This proposal was resisted by OPSEU and was not included in the most recent contract which was ratified in March 1999.

Results: Outputs and Outcomes

One important dimension of evaluation is accountability for results and for “deliverables.” Results-based accountability is especially important with respect to third party delivery organizations, such as community groups, colleges and businesses.

This requires that there be some means of tracking the system outputs and also some means of relating them to meaningful outcomes. An example is programmes of learning and training, where what is learned is an output and where a certain level of competence is an outcome.

Resource Utilization

Another important form of accountability is accountability for the use of resources. This can occur at several levels, or in several ways:

- Accountability for meeting specified expenditure levels, including meeting the reduction targets for budgetary cutbacks. This is simply a question of working within the available budget levels.
- Ensuring cost-effectiveness and “value for money,” with a combination of economy, efficiency and effectiveness. An example is keeping unit costs under control.
- Relating cost control and resource management to process management, e.g. through activity-based costing and better awareness of the costs of processes and the costs of different steps in the processes. An example is better awareness of the costs of postponing a hearing.

In all cases, it is important to have the necessary accounting and tracking systems.

Case Management

For adjudicative boards and tribunals, it is particularly important to handle individual cases well, throughout the whole cycle or process of each case. Cases should be processed quickly and efficiently and users should be able to know the status of their case. Case management may involve the use of mediation and alternative dispute resolution, as one way of moving the case along and obtaining resolution. A key part of the case management system is being able to report progress along the way.

At the same time, it is important to ensure the quality of decisions: this can be a constraint on the speed of the process and may limit the use of quick methods. Ultimately, the decision must be arrived at expeditiously, yet be able to stand up to judicial review.

Tracking Compliance and Coverage

In systems such as Employment Standards and Health and Safety, it is important to track and manage both the level of coverage and the level of compliance (e.g. rates of

compliance and history of compliance). This is fundamental in order to provide the data needed for risk management and to target enforcement efforts.

Evaluation: Consequences and Follow-up

The following types of consequence and follow-up can be identified.

Organizational Restructuring and Focusing

Organizational restructuring includes the creation and elimination of organizations, as well as consolidations and mergers; it also includes major structural changes within organizations. As noted in the section on External Evaluation, organizational restructuring has been recommended by the Task Force on Agencies, Boards and Commissions, for a number of labour administration organizations.

Restructuring is being done on a major scale in the Workplace Safety and Insurance Board, which is carrying out the largest public sector re-engineering effort in Ontario. As noted above,¹ 1,200 staff at the WSIB were moved into teams and new business units designed to provide improved and integrated service for clients. In addition, the WSIB has created a Prevention Division to move forward with its new legislative mandate of focussing on the prevention of workplace injury and illness.

For boards and commissions more generally, there has been some consolidation of functions. In particular, the responsibilities of the Ontario Labour Relations Board (OLRB) have been expanded by transferring in the functions from smaller organizations doing similar work for different clients (e.g. the Education Relations Commission) and by expanding the scope of the OLRB to handle appeals related to employment standards and occupational health and safety.

One reason for these changes is that the OLRB has well-established dispute resolution processes in place and is able to resolve a high proportion of disputes through mediation (which is offered at each step in the process).

Other recommendations for consolidation and restructuring have not been implemented to the same degree. For example, the Pay Equity Commission continues as a separate entity, as does the Grievance Settlement Board. In these cases, the benefits of consolidation may not be as readily apparent, particularly when no systematic justification has been presented in any public documents (e.g. the Read Report on the Pay Equity Office has not yet been released to the public.)

In addition, some of the organizations involved are quite small (fewer than 100 staff), so any efficiencies and savings from consolidation may be minimal – especially in cases where the organizations have already been downsized in the general government cutbacks. An example is the Grievance Settlement Board (GSB). It had a staff of 13 before downsizing and it now has a staff of 7. This does not leave much scope for any further savings from transferring the functions of the GSB elsewhere. A further point is that in cases where the organizations have established a balanced set of relationships with the different users and stakeholders (e.g. through advisory committees and governing councils), the transfer of the functions elsewhere could change the balance.

¹ Please see the section on “Human Resources: Innovations,” in Chapter 2.

Changes in Governance Arrangements

Even without restructuring between organization, changes in governance arrangements, combined with restructuring within organizations, can have a substantial impact over time. An example is the Grievance Settlement Board, where a Governance Council was successfully implemented (with balanced representation from employers and employees), while the management and administration of the organization was restructured at the same time.

Changes in Management Methods and Organizational Processes

Changes in management methods and organizational processes have been recommended by the following:

- The Quality Service Initiative, in combination with the Restructuring Secretariat (in the Cabinet Office). The key point here is to shift to a “citizen-centred” approach in which related services are grouped together for clients through “single window” service and clustering of services.
- The Agency Reform Commission, which has recommended improvements in service levels, processes (e.g. for hearings) and performance measurements.

Implementing such changes can be a long process, requiring sustained attention and discipline. Success factors apparent so far include:

- Initial broad-based study of the issues (as has been done for service quality and agency reform).
- Development of a set of general recommendations and principles (e.g. service standards applicable across the Ontario Public Service).
- Institutions at the centre which are both high-level and ongoing (e.g. the Restructuring Secretariat in the Cabinet Office).
- Institutions linking those involved in the ministries, boards and commissions, e.g. the Citizen-Centred Service Network (at the federal-provincial level) and the Agency Reform Working Group. These “horizontal linking mechanisms” are particularly useful in sharing best practices and examples of what has worked.
- Development of performance and accountability mechanisms to ensure follow-up (e.g. performance pay on the basis of meeting service standards).
- Systematic study of questions related to systems and processes and the development of practical recommendations and guides to action based on such studies. Examples include studies of the occupational health and safety system and attention to the hearings process.
- A willingness to make the necessary investment in staff and systems, either through new funds or through reallocation and a stronger sense of focus.

Changes in Budgets and Resources

In Ontario in recent years, considerable practical use has been made of evaluation (often on an informal basis) in deciding on budgetary changes (usually reductions). These changes require evaluation with respect to a set of criteria, in the context of decisions on budget levels. Such reviews have occurred particularly in the business planning process,

where ministries, boards and commissions were required to identify their core businesses and also to consider what might possibly be transferred to other sectors (e.g. to non-profit groups or the private sector). This timetable was often tight, with decisions taken just prior to the start of the fiscal year being implemented in the first few months of the new year.

This process applied across the Ontario Public Service more generally, with substantial reductions (e.g. 30% or more) being made in many ministries, boards and commissions. In some cases, the reduction targets were met through efficiencies, e.g. by sharing of administrative and corporate services through consolidation, co-location and contracting between ministries. In other cases, service reductions were involved; hence some reductions may need to be re-evaluated, with a view to ensuring that key functions are performed well. An example is the Labour Management Relations branch of the Ministry of Labour, which eliminated preventive mediation for grievance arbitration as a cost-cutting measure, on the understanding that this function would be performed by the private sector. It may be necessary at some point to ascertain whether this function has indeed been taken up by the private sector, whether clients are being well-served and whether any savings from the downsizing are not outweighed by having more cases proceeding to arbitration in the absence of preventive mediation by the Ministry.

Changes in Personnel and Leadership

Changes in personnel and leadership constitute another form of follow-up from evaluations. In labour administration in Ontario, there are some examples of leadership changes in which the mandate is to restructure or implement extensive changes in the organization. One example is the Grievance Settlement Board.

Summary by Organization

Ministry of Labour

In line with a general policy of using contracting to improve the cost-effectiveness of corporate services, the Ministry of Labour has eliminated its own internal audit unit and has contracted with the Ministry of Finance to provide audit services: this arrangement provides the internal audit function with more “critical mass” and more professional experience.

In the spring of 1998, a large-scale client survey was carried out by the research firm Pollara. The study was useful in providing baseline data for future comparisons and in identifying gaps and problems where efforts should be made on a priority basis to improve service.

As noted, the Ministry of Labour is a pilot ministry for the Quality Service Initiative and is very much involved in setting service standards and participating in other related efforts to improve service. As one of the first five pilot ministries for the Quality Service Initiative, the Ministry of Labour carried out (in 1998-99) a full-scale organizational assessment.

This was undertaken with reference to the Ontario Public Service “Quality Cornerstones.” These included:

- **Leadership** (effective management, establishing a culture of excellence, setting direction and building responsibility and accountability for improvement throughout the organization).

-
- **Customer/citizen focus** (identifying client needs, understanding public service responsibility and improving services on that basis).
 - **People focus** (ensuring that human resource policies and practices support excellent public service).
 - **Planning** (strategic and operational plans supporting the vision and the core business, with staff and client understanding and input).
 - **Processes** (design, monitoring, analysis, review and improvement of processes for providing service).
 - **Partners and suppliers** (applying principles of customer service to relationships with partners and suppliers, e.g. in contracting and communications).

The assessment included: focus groups; interviews with staff and employees; and the use of client and employee surveys. Priority areas for improvement were identified and a quality plan was developed, as an integral part of the business planning process.

For staff involved in functions such as employment standards and occupational health and safety, the Ministry of Labour uses employment contracts, annual agreements and working from objectives “from the DM on down.” There is a system of “cascading objectives,” in which higher level or more general objectives are set at the level of the whole function (e.g. employment standards generally) and are then broken down by sector and region and, ultimately, by individual inspectors.

Ontario Labour Relations Board

The Ontario Labour Relations Board (OLRB), through its Annual Report, provides extensive information on the management of its caseload. This covers factors such as processing time and the number and proportions of cases resolved at different points in the process (including cases resolved through mediation).

The OLRB has a case management system for tracking the progress of the cases and for ensuring that they are dealt with as quickly as possible.

Pursuant to the evaluation work done by the Task Force on Agencies, Boards and Commissions, the OLRB has acquired additional responsibilities as the functions of smaller commissions doing similar work have been transferred to the OLRB. (An example is the transfer of the work done by the Education Relations Commission.)

Workplace Safety and Insurance Board

The Board has an internal audit unit and also a unit for sharing best practices related to workplace safety. A study of the WSIB was completed prior to the new legislation of 1997.

Workplace Safety and Insurance Appeals Tribunal

The Workplace Safety and Insurance Appeals Tribunal (WSIAT) has been affected by the pressure to reduce backlogs and improve the timeliness of service. At the same time, the decisions of WSIAT are subject to judicial review for reasonableness and WSIAT goes to considerable lengths to ensure that its decisions will withstand such scrutiny. It is difficult to ensure timeliness and high-quality, fully-reasoned decisions at the same time.

Office of the Employer Adviser

As noted above, the Office of the Employer Adviser was reviewed recently by the Prial Report (1999), which recommended that the OEA be continued. A follow-up review is to be done by mid-2001. The report also recommended that the OEA place an even stronger emphasis on its central mandate of serving small businesses (less than 100 employees).

Office of the Worker Adviser

The Office of the Worker Adviser was also reviewed in the Prial Report, which recommended that the Office be continued. A follow-up review is to be done by mid-2001. As in the case of the OEA, the report recommended that the OWA emphasize its central mandate, serving non-unionized workers.

Pay Equity Office

The transfer of the functions of the Pay Equity Office to some other organization (notably the Ministry of Labour) was recommended both by the Task Force on Agencies, Boards and Commissions and by the Read Report. So far, no action has been taken on these recommendations, and the Read Report is now two years old.

Pay Equity Hearings Tribunal

The Task Force on Agencies, Boards and Commissions also recommended that the functions of the Pay Equity Hearings Tribunal be transferred elsewhere, but did not provide specifics.

It should be noted that the Pay Equity Hearings Tribunal also provides the Board of Inquiry for appeals in human rights cases (i.e. appeals from the Human Rights Commission), so there already is some consolidation in the area of “category-related protection.”

Human Rights Commission

The Human Rights Commission has been criticized by the Ombudsman for large numbers of pending cases and slow response. It has recently been making considerable efforts to clear its backlogs and to reduce response time, despite high caseloads.

Grievance Settlement Board

The Task Force on Agencies, Boards and Commissions recommended that the functions of the Grievance Settlement Board be transferred elsewhere, but did not provide specifics. However, the Board has recently been downsized and restructured (with a Governance Council on which employers and employees are equally represented). The general sense appears to be that the current arrangements are working well.

Ministry of Training, Colleges and Universities

As noted above, the training programmes of the Ministry of Training, Colleges and Universities were studied in some detail by the Provincial Auditor in a report on the Ontario Training and Adjustment Board (OTAB) – an organization which was subsequently eliminated, with its programmes and functions being transferred to the Ministry. While

OTAB no longer exists, the comments of the auditor on individual programmes (such as vocational training and apprenticeship) are still worth reading.

Apprenticeship, in particular, has been the subject of further study since then and the Ministry has been involved in an apprenticeship reform project in preparation for the introduction of new legislation – the first apprenticeship reform legislation since the 1960s

It is essential to note that most of the programmes of the Ministry for Education and Training are delivered by third parties, through contracts and contributions. This has drawn attention to the importance of developing evaluation and accountability arrangements for third party delivery agents (such as school boards, community groups and colleges). For example, there is the question of ensuring that the third party delivery agents will consistently meet the service standards set out by through the Quality Service Initiative. It is not easy to develop such arrangements for hundreds of third party delivery agents.

As noted, the Provincial Auditor has drawn attention to the need for better accountability arrangements in this area, e.g. for obtaining better information both on results and on comparative costs. Here, a key question is whether the Provincial Auditor will receive legislative authority to conduct “value for money” on third party delivery agents (which the Provincial Auditor refers to as “self-governing entities”). Currently, the Provincial Auditor can only check on questions of procedure and probity related to the use of funds – a much more limited mandate. “Value for money” audits of self-governing entities would require changes to the *Audit Act* – changes which have strong support in the Legislature, but which have not yet been written into legislation.

¹ Please see the section on “Vocational Training and Apprenticeship” in Chapter 3, Services.

6. Innovative Practices

Summary by Types of Innovative Practices

A number of interesting and innovative practices for labour administration have been developed in Ontario by government ministries and agencies seeking to maintain and enhance service in the face of reduced budgets and increased demands. In this chapter, these are considered, first in terms of basic principles and approaches and then according to the ministries, boards and commissions involved.

Basic principles and practices followed in Ontario include:

- (1) mediation and conciliation;
- (2) a systems approach;
- (3) a combination of partnerships, collaboration and self-reliance.

Mediation and Conciliation

Across a wide range of organizations and activities – especially those which involve adjudication and dispute resolution – the use of mediation and conciliation is the practice that makes the most difference in terms of meeting client needs, handling caseloads, reducing backlogs, enforcing standards and regulations and arriving at mutually agreeable solutions that can be more easily implemented.

The general practice is to offer mediation at each step of the process. It is most cost-effective when it succeeds at an early point but is still worthwhile when it succeeds later in the process.

Mediation is especially effective when the mediators can claim in-depth knowledge of the system, to the point where they can anticipate likely decisions by adjudicators and can tell both sides whether a given approach is likely to be acceptable.

Systems Approach

A systems approach to service involves “horizontal coordination” across a wider system (e.g. across different ministries, boards and commissions), clarity on who plays what role (with a view to reducing gaps and overlaps) and a sense of how the different parts of the system interact and affect each other.

The systems perspective can be seen most clearly in the occupational health and safety system, where there has been a great deal of attention to this approach.

While informal coordination is important for such systems, it also helps if there are established co-ordinating mechanisms (e.g. the Sector Interagency Groups for the occupational health and safety programme). It is important to have the appropriate structures for coordination and governance, such as boards and steering committees.

The systems approach is used not only for occupational health and safety, but also for other programmes such as economic development and adjustment, particularly where there is coordination at the local and regional levels.

Partnerships, Collaboration and Self-Reliance

Closely related to a “systems approach” is the use of partnerships, collaboration and self-reliance, in which non-governmental actors carry as much of the load as possible, with the government often playing a supporting role in acting as a catalyst, e.g. providing advice and a share of the funding. It is important to encourage self-reliance – but for self-reliance to reach its full potential, it is necessary to have collaboration, partnership and mutual assistance.

An example is the occupational health and safety system, in which each workplace is to have an Internal Responsibility System for health and safety. However, while these systems work well on their own in many instances, there are other cases where government monitoring and enforcement are necessary.

One programme for strengthening the health and safety system is a mentoring programme (run by the Ministry of Labour and the Workplace Safety and Insurance Board) in which businesses that have excellent performance in health and safety provide advice to companies which need to improve their systems.¹ The programme is called “Safe Workplaces, Sound Business.”

Process Approaches

In addition to systems and partnerships, process-centred approaches show considerable potential for improving both service and cost-effectiveness. A good example is the hearings process, which has been studied extensively by the Agency Reform Commission.

The hearings process is being improved in a number of ways (with potential for further improvements in the future). One way to increase the efficiency of the process is to group the hearings by issue, or sector, or company. It is also very important to resolve as much as can be resolved at an early point in the process. For example, it is important to capture as much information as possible, when the original application is made, since it will be costly or time-consuming to obtain this information later. In general, the parties involved should have provided all the necessary information and documentation in advance. It will always be much more expensive and time-consuming to address these matters during the hearings themselves, when more people are present. Once the hearing is ready to proceed, it is important to take a hard line on requests for adjournment that result from a lack of preparation or that could have been avoided by more careful attention to the requirements for the preceding steps.

Similar principles can also be followed for dealing with requests for services, such as complaints about employment standards which will require investigation. For example, these can be separated into simpler and more complex streams for processing, with standard or streamlined methods being followed for the simpler, more routine cases, while experts handle the more complex cases.

¹ The high-performing firms have rates of workplace injury and illness that are a fraction of those experienced by their competitors.

Case Management

Within the general parameters of whatever process is in place for managing and “routing” the cases, organizations involved in labour administration are improving their management of the individual cases.

On the one hand, case management can involve giving responsibility to one person (or one team) for handling a particular case, thereby avoiding a complex and time-consuming series of hand-offs between different people involved with particular aspects of the case.

Case management usually involves the development and use of computer systems for tracking the particulars of each case for each client. Such systems are currently being used or tried for most of the organizations involved with labour administration in Ontario.

Knowledge-based «Smart» Approaches

Knowledge-based “smart” approaches involve collecting and exchanging relevant information and knowledge about clients, services and processes. For example, in occupational health and safety, it is important to collect and exchange information concerning inspection reports, records of compliance and safety hazards, with a view to identifying which firms present the greatest risks in terms of health and safety, so that enforcement efforts can be targeted on them. For instance, the Sector Interagency Group for Transport has identified the 100 worst offenders among in that sector and is targeting inspection efforts accordingly.

On the one hand, these approaches involve the systematic collection and management of information (e.g. using databases and document repositories). On the other hand, they also involve meetings and regular communication between those concerned, e.g. in the context of the Sector Interagency Groups.

The case management systems can be helpful in this. They can be designed to pick up and interrelate a great deal of information about cases and clients, thereby allowing for cross-analysis. This facilitates a more complete and holistic view of clients and their needs and also contributes to better management of both cases and processes, e.g. through better grouping of cases requiring similar processing.

Prevention, Proactive Approaches and Timely Action

To the maximum extent possible, it is important to take timely action in identifying possible problems at an early point and taking preventive action or early action. This is obviously important for occupational health and safety, e.g. finding and removing safety hazards before problems occur. This can be done much better if those involved are thinking in terms of systems and processes and if a careful analysis has been made of points where early intervention can and should occur.

An increased focus on prevention was a key principle behind Bill 99, which reshaped the mandate of the Workplace Safety and Insurance Board to put primary emphasis on the prevention of workplace injury and illness. Similarly, more emphasis is being put on proactive inspections by the Ministry of Labour, both in employment standards and in occupational health and safety.

Services: Accessibility, Information and Education

Pursuant to the Quality Service Initiative and as a matter of general policy, the Ontario government has taken a number of steps to make government services more accessible and to convey information about services and about what clients and citizens have a right to expect. This includes information about their rights, under the Human Rights Code, for example. These methods include:

- The use of call centres and general toll-free numbers for initial contacts with the government.
- The use of “single window” services or “clusters” of service, with interconnected services in which clients can readily access one service from another, or from an initial contact point.
- Increased use of the Internet, e.g. for providing information about the services.
- Providing clients with “plain language” materials concerning services, laws, rules, etc.
- Carrying out public education and outreach activities, e.g. through seminars and presentations.

Services: Quality, Improvement and Integration

Through the Quality Service Initiative, in particular, the Ontario government has been identifying dimensions of service which are particularly important for clients (as indicated by surveys) and has established standards in the most important areas.

Service standards are being set in areas such as timeliness (e.g. answering the telephone on the third ring). This is being done across the Ontario Public Service; in addition, departments and agencies may set their own standards that are higher.

Service integration is another priority of the Quality Service Initiative. In this, the focus is on the broader needs of the clients and on how these needs can be met through the provision of coordinated or integrated services. An example is the provision of various services to improve the employability of the clients. These services could include literacy, basic skills, job-finding skills and vocational training and apprenticeship.

Efforts to integrate such services are proceeding particularly at the local and regional level, where a number of success stories can be cited. Co-location of offices and personnel has been helpful in these initiatives. Scope for action at the regional and local levels has also been helpful. For example, if the local and regional directors have the authority to act, then they can more readily agree among themselves without having to wait upon a higher-level agreement. The general rule is that the closer they are to the client, the more easily they can agree among themselves to take coordinated action on behalf of the clients.

The concept here is one of focusing the services on the citizen, e.g. by grouping related services and by co-ordinating services between ministries and agencies.

Clients and Stakeholders: Consultation and Communication

Consultation and representation of clients have become basic principles of government policy development. For new legislation, the standard practice now is to consult very widely, usually on the basis of a discussion paper and to seek feedback from

many sources and through different channels, including meetings, telephone calls, written briefs and testimony. This new approach means that legislation is now taking longer to move through the legislative process.

As for client representation and participation, much use is being made of advisory committees and working groups in areas such as for health and safety, and some use is being made of governance arrangements which involve an equal balance between employers and employees (e.g. the Governance Council of the Grievance Settlement Board), or their participation in a multi-stakeholder board (as in the case of Local Boards, which involve business, labour, educational and training institutions, and various interest groups, plus government).

Attention is being given to a variety of channels through which feedback can be obtained from clients (and stakeholders), including the increased use of surveys, focus groups, consultations, dialogue and feedback from front-line service providers.

The following developments can be identified in communication with clients and stakeholders:

- The use of a **variety of channels** (telephone, fax, letters, personal contact, the Internet, etc.); this parallels the multiple channels used for making services more accessible.
- The use of a **variety of methods** for gathering client feedback (surveys, focus groups, consultations, feedback from front line personnel, etc.).
- Efforts to build a **two-way learning relationship** with clients, as in the case of collaborative work on health and safety through Safe Workplace Associations.

Human Resources

The following approaches have been used in human resource management:

- Continued support for **training**, e.g. for learning new technologies and a broader range of skills, as well as for greater depth in one's field (e.g. mediation and alternative dispute resolution).
- In some cases, an increased use of **teams**.
- An increased focus on **values and ethics**. Here, the lead has been taken by the Human Rights Commission, which has adopted an approach involving: a new mission statement (developed in consultations across the Commission), a statement of values and principles (concerning quality service, consultation and valuing employees); and a code of ethics. Indications are that this approach may be followed by other organizations in the future, as a means of strengthening commitment to the values and principles of public service.

Administration and Logistics

A number of innovative practices have been developed in responding to large-scale cutbacks in resources for administration (in the order to 30% to 40%):

- **Contracting between ministries** for administrative services. For example, the Ministry of Labour uses this approach for internal audit (across the Ministry) and for payroll services (in its northern offices).

- **Co-location** of offices and **sharing of facilities and administrative support** services. For example, since the OLRB is co-located with the Pay Equity Tribunal and with WSIAT, they are all able to share both WSIAT's library and a set of meeting rooms (for hearings).
- Use of **mobile technology and home offices** (as described in Chapter 2).

The government's policy is to continue with the development of shared services.

Technology, Systems and Communications

Within the context of the practices outlined above, technology, systems and communications can play an important role. They should be considered as a "general enabler" for the practices and approaches described above and not as something applied in isolation from them.

In applying technology, it is important to keep a sense of balance and perspective - and in this area, best practices can also be identified. A case in point is the balance between paper and electronic documentation. While electronic documentation is becoming more and more important, paper will always be important and it is essential to have (and to retain) good systems for managing the paper as well as the electronic documents.¹ A good example of this is WSIAT, the Workplace Safety and Insurance Appeals Tribunal: WSIAT has kept both its library and its paper filing systems, noting that most of the appellants who file cases with it do not have access to computers.

A number of innovative practices can be identified in the application of technology. In part, they involve communications technologies, but they also involve planning, organization, management and attention to the quality of communications.

The basic problem here is how best use information in the service of clients, either by managing information needed for the service or by providing information to clients. This requires an integrated approach, involving components such as the following:

- Building and maintaining the necessary repositories of information (e.g. in databases and Web sites). Electronic repositories have been helpful and partnerships with the private sector have also been useful.²
- Providing basic information at low cost and quickly. Here, call centres and Web sites have been helpful.³
- Providing comprehensive and detailed information for customized service in more complex and difficult cases, e.g. to assist mediators in labour negotiations, or inspectors in employment standards and occupational health and safety enforcement. Here, laptop computers, connected to the Ministry of Labour network, have been very helpful. (Mediators can receive a large amount of relevant, up-to-date information in this way.)

¹ This is a key tenet of the federal government's RDIMS initiative (Records, Documents and Imaging Management System) - a shared systems initiative which is being co-ordinated by Treasury Board and the National Archives and which may eventually be deployed across 100,000 workstations in the federal government.

² For example, QL (Quick Law) Systems has maintained comprehensive collections of decisions and Carswell (a Thomson publishing firm) has also been helpful in putting together comprehensive books and manuals on key subjects such as Employment Standards.

³ The Ministry of Finance runs a call centre which is available on contract to other ministries.

-
- Another important way of serving clients with information is to put the information into a form that they can use and understand. More and more use is being made of “plain language” materials, which help people to understand their rights and obligations under the relevant legislation (e.g. the *Employment Standards Act*). This information is available in both English and French and some of it is also being made available in other languages (including Chinese).

Combined Effects

Innovative practices have their strongest effects when they are linked together. For example, a good process management system can be the foundation for a case management system, which turn can collect information which needed for developing more knowledge-intensive approaches (such as the grouping of cases and analysis across cases to determine relative risk for purposes of targeting). The case management system can be made available to officers who can access the information using laptop computers hooked into the Ministry network, thereby enabling them to serve clients more effectively.

In all this, it is important to identify key components of the system. For example, case management systems were tried before, without success – but now, with mobile technology, the prospects are much better. Previously, the problem was that mediators or inspectors who were on the road or out on client sites were unable to put information into the case management systems (even though they had spare time). Once back in the office, they had to deal with their backlogs – and they did not have time to update their case records. With mobile technology, they now have an opportunity to update their case records while they are out of the office, and they can also access their messages and reply to them, thereby easing the workload once they return to the office.

Innovative Practices: Organizations

Many of the innovative practices outlined above have been applied by the organizations involved in labour administration in Ontario, as the following highlights illustrate.

Ministry of Labour

Innovative practices in the Ministry of Labour include the following:

- **Contracting out:** On the administrative side, faced with a requirement to downsize internal administration by 30% to 40%, the Ministry has adopted a practice of contracting with other ministries to provide corporate services. For example, internal audit has been contracted out to the Ministry of Finance; payroll in the northern offices is handled by the Ministry of the Environment; and training services are provided by the Ministry of Natural Resources.
- **Mobile technology:** The Ministry is equipping its field officers in areas such as labour relations and employment standards with laptop computers, cellular phones, portable printers and network connections to enable them to stay in touch and even to set up mobile offices while on assignment. This provides them with the means of accessing important information and of

dealing with e-mail, thereby avoiding a build-up of work. Mobile technology also helps in supporting case management systems, both by enabling access to the systems while officers are on field assignments and by enabling them to keep the systems up to date whenever they have time on their assignments.

- **Self-reliance:** In the area of self-reliance and mutual help (as applied to occupational health and safety), the Ministry is supporting a mentoring programme which businesses with excellent systems for preventing injury and illness are sharing their expertise with other firms.
- **Systems approach:** The Ministry has been promoting a systems approach to occupational health and safety, to identify and clarify roles, to improve coordination, to reduce or eliminate gaps or overlaps and to focus on priority areas, such as areas of low compliance and high hazard.

Ontario Labour Relations Board

- The Ontario Labour Relations Board (OLRB) makes substantial use of mediation at each point in the adjudicative process and is able to resolve a high proportion of the cases through mediation.
- For some time, the OLRB has been refining its processes for hearings, streamlining them where possible and making sure that they proceed on schedule (while minimizing the number of postponements).
- The OLRB shares administrative and corporate services with other boards and tribunals. For example, it is co-located with the Workplace Safety and Insurance Appeals Tribunal (WSIAT) and it uses WSIAT's library. It also shares hearing rooms with other tribunals: OLRB accounts for much of the usage of these rooms, given the sheer volume of its caseload.

Workplace Safety and Insurance Board

The Workplace Safety and Insurance Board (WSIB) has undertaken a variety of initiatives in support of the new prevention mandate which it was given by legislation on January 1, 1998:

- Formation of a Prevention Division within the WSIB.
- Formation of Sector Interagency Groups to co-ordinate safety strategies with government ministries/agencies and others involved in each sector (e.g. the transportation sector), with a view to setting priorities and targeting inspection efforts.
- Sponsorship of safety-related research, co-ordinated through a Research Advisory Council.
- Sharing of best practices through the "Safe Workplaces, Sound Business" mentoring programme for business executives.
- Provision of incentives for safety through the Safe Communities Incentives Programme and through adjustments in the "experience rating" component of premiums.

-
- Focus on safety education for young people, both through the new Grade 9 curriculum and through a Young Worker Awareness Programme, including a website at www.yworker.com.

The WSIB has also given high priority to improving service. This involves:

- Adoption of a new service delivery model, with increased service customization, particularly to meet the needs of firms with fewer than 20 employees.
- Enabling workers and employers to speak with the same WSIB contacts every time they interact with the WSIB.
- Forming integrated teams comprising: Adjudicators (who provide consolidated decision-making and a single point of contact); Nurse Case Managers (who co-ordinate care for recovery and return to work); Customer Service Representatives (particularly for service to small business); and Account Managers (who provide field services to larger employers and their workers).
- Use of Return to Work Advisers and Return to Work Mediators.

Workplace Safety and Insurance Appeals Tribunal

- The Workplace Safety and Insurance Appeals Tribunal (WSIAT) makes substantial use of mediation.
- While staying tuned to the possibilities offered by digital technology, WSIAT is alert to the fact that much of the documentation will continue to be kept on paper and that good paper-based systems will continue to be necessary – especially in light of the fact that most of its clients (appellants in WSIB cases) are not equipped with the latest technology - and most do not have computers at all.

Office of the Employer Adviser

- In an effort to increase the cost-effectiveness of its regional operations, the Office of the Employer Adviser has eliminated its stand-alone regional offices and has equipped its regional staff with home offices (which include computers, fax machines, cellular phones, printers and filing cabinets). In addition, the regional staff also have the option of using local Ministry of Labour offices as required, e.g. for meeting rooms and additional filing space.

Office of the Worker Adviser

- In dealing with its substantial caseload, the Office of the Worker Adviser (OWA) encourages self-reliance. Where workers are deemed able to carry their own claims forward, the OWA provides summary advice and detailed, issue-specific self-help kits and other written information that the workers can use in pursuing their claims. In addition, the OWA encourages and enables others to represent workers, e.g. through providing advocacy resources and advice. There are also education services geared to local communities.

-
- The OWA is also active in implementing the government-wide Quality Service Initiative. For example, the OWA makes use of client/stakeholder surveys. It also sets performance standards and targets in the areas of self-reliance, effective dispute resolution and client satisfaction.

Pay Equity Office

- In applying the *Pay Equity Act*, the working assumption is that there should be self-reliance on the part of those involved, i.e. that both sides should work together to develop a negotiated solution and to put a mutually agreeable pay equity plan in place. When complaints do come before the Pay Equity Office, a high proportion of them are resolved through mediation.

Pay Equity Hearings Tribunal

- The Pay Equity Hearings Tribunal makes substantial use of mediation, particularly by those who have heard similar cases before and who are in a position to tell the parties what “may or may not fly” when the case comes to a decision.

Human Rights Commission

- The Human Rights Commission also makes substantial use of mediation, resolving a high proportion of its cases in this way.

Grievance Settlement Board

- The Grievance Settlement Board has a Governance Council which provides balanced representation for both the employers and the unions. The Governance Council approves the list of grievance arbitrators. This helps in building confidence in the impartiality and competence of the arbitrators.
- Single arbitrators are already used for close to two-thirds of the cases and the proportion is increasing.
- Cases for both the Grievance Settlement Board and the Public Service Grievance Board (the equivalent for management and excluded employees) are arranged by a scheduling team, which helps to speed up the processing of the cases while using fewer staff.

Ministry of Training, Colleges and Universities

- The Ministry of Training, Colleges and Universities has a “training hot line” (a toll-free number) which takes in many of the initial calls; cases involving further follow-up are then handled by training consultants.
- The Ministry is a sponsor of 25 local and regional boards across the province, which draw together stakeholders from business, labour, education and the government to develop strategies for local and regional economic development and adjustment, particularly through targeted training.

7. Conclusions

Introduction

This chapter looks at the recent evolution of the Ontario system of labour administration, focussing on some general themes and key features. After looking at developments in service provision and policy coherence, it considers future challenges and the question of what aspects of the Ontario system may be of more general interest internationally. The focus is on the more general elements of interpretation which are likely to be of interest to the ILO: the logic of the system, best practices, success factors, the contribution of labour administration in promoting development, a sense of responsibility on the part of those involved, autonomy and self-reliance, and good governance.

First, it is helpful to consider what the current government has sought to do with labour administration and what, in general, has been achieved.

In the wake of a severe recession in the early 1990s, the focus of the new government elected in 1995 was on economic growth and development. In labour policy, this meant attracting investment and creating jobs. In labour administration, a key goal was to “do more with less” – to cut back on expenditures (in line with more general government budget reductions), while maintaining a strong but targeted enforcement effort and ensuring stable relations in the workplace.

In general, these objectives have been attained. The Ontario economy has recovered, is growing rapidly and is leading the country in job creation. Changes in labour policy, while not universally applauded, have sent the message that Ontario is “open for business.” Expenditures on labour administration (and for administration across the government) have been cut substantially and enforcement efforts are being more precisely targeted, with an increasing emphasis on proactive approaches and the prevention of problems. Labour relations have been sufficiently good to meet the government’s target of 95% of contract disputes settled without work stoppages.

For labour administration, the main problem areas and points of controversy concern funding, backlogs and the coverage and enforcement of standards.

Services to Users

For the Ministry of Labour, the objectives are to ensure safe, fair and harmonious workplaces and the “core businesses” are Occupational Health and Safety, Employment Rights and Responsibilities and Labour Management Relations. In addition to these three areas, it is also important to consider services provided or funded mostly through the Ministry of Training, Colleges and Universities in the general area of economic development, employment and training.

Safety

For Occupational Health and Safety, the overall goal is to make Ontario’s workplaces the safest in the world and the current goal is to reduce lost-time injuries by 30% over the 5-year period from 1995 to 2000.

Ontario is generally on track for meeting this goal. Lost-time injuries from mild to moderate are being reduced on schedule, while more serious injuries are showing a longer, slower decline with some annual variability.

In recent years, a key change has been the passage of new legislation which focuses the mandate of the Workplace Safety and Insurance Board (WSIB) on prevention of workplace injury and illness and which channels a portion of the WSIB insurance premiums into the funding of the entire health and safety system. This is done through the “legislated obligations” portion of the WSIB’s budget, currently amounting to \$125 million per year.

Other organizations in the system have been reviewed and the decision has been to keep the existing structure of institutions, with the main change being that the Ministry of Labour now focuses on setting, communicating and enforcing health and safety standards, with WSIB being responsible for activities related to prevention and education, as well as compensation.

It should be emphasized that self-reliance and employer-employee cooperation (through the Joint Workplace Safety Committees and the Internal Responsibility System) are the basis for the health and safety system. A key part of the role of government is to support these systems. This is done not only through inspection and enforcement, but also through consultation and cooperation (e.g. through the Safe Workplace Associations). In addition, the government is sponsoring a programme of mutual self-help – a mentoring programme in which firms with exemplary safety records help other firms.

For inspection and enforcement, much attention has been given to ways in which efforts can be targeted have the maximum impact on improving safety and reducing injuries and illness. This has involved the systematic collection and analysis of data on a range of variables and consultations, as well as discussions on the most effective approaches to targeting. The targeting is done by region, by sector, by type of hazard, by type of injury and by firm. As the methods for collection and analysis improve, the effectiveness of the targeting should improve still further.

Another approach to improving compliance is to link it to financial incentives. The premium for workplace insurance can vary up or down according to “experience ratings” based on the firm’s history of claims and compensation. The challenge will be to adjust the system to reflect better the full differences between firms.

Fairness

A key goal is to ensure that workplaces are fair and that rights are respected and enforced. This includes both legislated and negotiated rights, i.e. under both legislation and collective agreements.

Fairness is ensured through a variety of services, including those relating to employment standards, pay equity and human rights and involving organizations such as the Ministry of Labour, the Pay Equity Commission and the Human Rights Commission.

Ontario has a comprehensive system, developed over many years, for ensuring fairness and enforcing rights. In particular, there is an appeals process involving separate organizations such as the Labour Relations Board (for appeals involving employment standards and occupational health and safety), the Pay Equity Hearings Tribunal, Boards of Inquiry (for human rights cases) and the Workplace Safety and Insurance Appeals Tribunal (to ensure fairness and objectivity in workplace compensation insurance decisions). Beyond this, there is the possibility of judicial review of the reasonableness of decisions of the tribunals. In addition, the Office of the Worker Adviser and the Office of the Employer Adviser help non-unionized workers and small employers who lack the means of representing themselves in workplace insurance cases.

Services related to rights and fairness involve investigation and enforcement. This needs to be done in a thorough and objective manner, with attention to any precedents that may be set and with a view to ensuring that any decisions will withstand appeal or judicial scrutiny. A key concern is to ensure procedural fairness and balanced decisions. Where rights and fairness are concerned, there is always a question of achieving balance within a wider context.

All of these concerns tend to slow down the process of investigating complaints and making decisions. The result has been, in some cases, the build-up of substantial backlogs, as noted by the Ontario Ombudsman.

There has been great pressure to clear off the backlogs and to speed up the services, but at the same time, there has been a concern to maintain the fundamental features of the system (e.g. to maintain separate organizations for handling appeals and to maintain judicial review) and not to streamline the safeguards out of the system.

Process Improvement

In recent years, there has been increased use of remedies available under collective agreements. For example, in cases where there is a remedy under a collective agreement, complaints about employment standards cannot be filed with the Ministry of Labour, but must instead be handled under the collective agreements.

Various initiatives have been taken to ensure a more proactive approach to improving compliance. For instance, the Ministry of Labour has increased the number of its proactive inspections (for employment standards) and has also targeted these more precisely, based on information concerning compliance rates.

Success in enforcing rights and ensuring fairness is difficult to measure. The improvement of timeliness is important and has been the object of considerable effort within the system, but compliance rates are more difficult to assess: it will be necessary to develop the appropriate measures and to establish some baselines for comparison.

Harmonious Workplaces

The basic goal here is to settle 95% (or more) of contract disputes without a strike or lockout. This goal has been achieved.

Other related goals include a general improvement in labour relations and harmony in the workplace and the strengthening of a spirit of cooperation in the workplace with a view to ensuring that productivity is high and that jobs are created and maintained in Ontario. Here, the basic service is one of resolving and preventing disputes in areas such as the certification of bargaining agents and the negotiation of collective bargaining process.

Related to meeting the 95% goal is ensuring timely completion of steps in the process. This has been driven in large measure by legislated deadlines. For example, certification votes must be held within five days of an application, and there is also a legislated timetable for the conciliation process in the period leading up to a work stoppage.

The key to much of the success in this area has been the use of mediation at every possible point in the process. Mediation is quicker and far less expensive (for all concerned) and it leads to a negotiated settlement on the basis of mutual agreement.

Another key to success has been the use of balanced arrangements for governance. For example, for the OLRB, there is a balance between Board members from management

and those from the employees. Likewise, at the Grievance Settlement Board, there is a Governance Council with equal representation from both the unions and the employers. These balanced arrangements provide assurance that the processes will be fair and that it can, overall, achieve a balanced and objective viewpoint. For example, balance has helped in obtaining agreement to the use of single arbitrators, rather than panels, with the result that the cases can be processed more rapidly, at a lower cost and with higher satisfaction on the part of the clients.¹

Partnership and collaboration arrangements (facilitated by the governance arrangements) have also been helpful. For example, the Grievance Settlement Board is currently working in partnership with the Ontario Public Service Employees Union (OPSEU) to clear off a large backlog of grievances.

Technology has also been helpful in meeting the workloads and in managing and applying knowledge which is relevant to the work. The use of portable computers, cellular telephones and other devices has expanded rapidly, enabling labour relations officers and others to link with the home office when travelling to deal with cases.

Economic Development, Employment and Training

For economic development, employment and training, there is a close linkage between service and policy. Employment levels and job possibilities are influenced greatly by economic development and in turn by economic policy. The effort to introduce improvements in this area needs to address both service and policy questions.

On the service side, a basic strategy has been to provide as much information and as many services as possible through automated means such as the Internet, making maximum use of self-service and self-reliance. Beyond this, client needs are addressed through personal contact; typically this involves training counsellors employed by third parties such as community groups and educational institutions.²

It is important to ensure that there is a good match between the jobs to be filled and the skills which individuals acquire. Labour market information plays a vital role in supporting the decisions of both organizations and individuals. In collecting and delivering this information, computer systems and the Internet have been indispensable. For the future, there are many possibilities for applying technology and systems, with a view to providing information and services which are increasingly customized to the needs of the users. The possibilities will increase as access to technology becomes more widespread with more computer ownership, more connections to the Internet and more use of community access points such as libraries, community centres and educational institutions.

On the policy side of economic development, employment and training, the main improvements will continue to come from greater policy coherence and improved coordination between the parties concerned.

¹ For example, the Grievance Settlement Board now settles over two-thirds of its cases through single arbitrators.

² The Ministry of Training, Colleges and Universities has only a limited involvement in the direct service delivery (mostly for Labour Market Information and Apprenticeship).

Policy Coherence

There are a number of ways of ensuring policy coherence. In the Ontario system, two are particularly important: (1) focus on citizens and clients; and (2) mechanisms for governance.

Focus on Citizens and Clients

A key principle in achieving coherence both for policy and services is to focus on citizens and clients. In this perspective, services are oriented around clients, their needs and the relevant public purposes. The aim is to provide the various services in an integrated manner so that they support each other. This approach goes with making services more generally accessible through a variety of means, such as telephone, Internet, kiosks and personal contact.

In addition, since the focus is on citizen-clients and not just on clients in the commercial sense, the clients have a role to play in the system. They are expected to be self-reliant to the maximum extent possible and to increase their degree of self-reliance as time goes on (e.g. as they become more proficient in using Internet services). Examples include labour market information and employment listings.

It is important to note that the concept of focussing on clients extends not only to individuals, but also to organizations. For example, more integrated services are now being provided to businesses, again on the understanding that they have the responsibility to be as self-reliant as possible.

Governance

In Ontario, the basic mechanism for achieving policy coherence is the Cabinet. Of course, Ministers and the Cabinet have always been the decision-makers on policy questions, and in matters of labour policy, the government has been very active in recent years, with a wide-ranging programme of new legislation and new policies. From the viewpoint of labour administration, a significant development is that the Cabinet has taken a strong interest in matters of administration and service and has drawn parliamentarians into the process. In line with this, there have been a number of political initiatives to study and improve administration, as explained earlier.

In policy development, there can be a trade-off between policy coherence on the one hand and representation and consultation on the other hand. When the current government first came to power, it had a clear and coherent agenda, and it moved rapidly to put key elements in place, with the result that initial legislation such as the *Labour Relations Act, 1995*, moved through the system very quickly, with limited opportunities for consultation. However, with each subsequent piece of legislation, there has been more consultation, and this has been reflected in the longer time frames for moving bills through the system. The current practice is to consult very widely with as many different clients and stakeholders as possible.

In Ontario, it has been traditional to have representation at the working level in implementing policies and programmes and in delivering services. This “working level governance” has been reflected in the composition of boards and commissions; for example the Ontario Labour Relations Board has equal numbers of Board members representing employees and management. This approach has been extended further in recent years.

This approach is being followed particularly for education and training. One example is the Local Training and Adjustment Boards, which provide strategic advice and guidance on training related to economic development and adjustment. Another is the proposed apprenticeship reform legislation, where the Provincial Advisory Committees would in effect become governance committees for the apprenticeship programmes.

Future Challenges

The main challenge in the near future is to move ahead with the existing initiatives for improving service and ensuring policy coherence.

In the first instance, this involves continuing high-level attention to questions of administration and service – something which is often difficult to sustain. For example, it will be important to continue with the work of the Agency Reform Commission and the Quality Service Initiative. There is considerable potential for achieving more with these initiatives, if the momentum can be maintained and if there is continued high-level support.

It will also be important to follow through at the level of individual ministries, boards, commissions and tribunals. In many cases, there have been interesting and significant management initiatives, such as those aimed at improving the hearings and appeals process and targeting inspection and enforcement efforts.

Performance measurement, evaluation and business planning play a key role in linking the initiatives and efforts at the centre of the system with those of the individual organizations. The Agency Reform Commission has made some useful recommendations for performance measurement and these will require follow-up. In doing evaluations, it will be important not only to look at existing institutions and longstanding arrangements, but also to examine some of the recent changes to see if they are working as intended.

In business planning and budgeting, a key challenge is maintain stable funding for high-priority programmes and to take a longer-term “investment approach” in matters of funding. This is an approach which is already being used in the area of Occupational Health and Safety, where WSIB premiums constitute the basic source of funds. If the prevention and enforcement activities funded by the WSIB succeed in bringing down the rate of lost-time injuries, then money will be saved later, through a reduction in the requirements for compensation payments.

More generally, there are many challenges connected with globalization, the knowledge revolution and the rise of the new economy. All of these influences appear likely to reduce job security), through their impact on employment levels, employment standards (and coverage) and types of work and careers. This is an area in which the Ministry of Labour is currently consulting widely, using its discussion paper, on *The Future of Work in Ontario*.

International Significance

In considering the international significance and potential applicability elsewhere of what has been done in Ontario, it is helpful to look at the system more generally and to abstract some of its key features.

Diversity of Institutions

In Ontario, there is an “ecosystem” of institutions – both governmental and non-governmental – concerned with various aspects of labour administration. Each has its own role to play and there are good reasons for keeping them separate, e.g. to ensure independence in decision-making and to keep a tight focus on their respective missions.

Systems Approach

The various organizations work together within a wider system. There has been increasing attention to the ways in which the system can be managed and in which horizontal coordination can be achieved. These approaches include:

- (1) a focus on clients and their needs, with a view to grouping and integrating the services around the needs of the clients in ways that cross organizational boundaries;
- (2) business planning, with a focus on defining “core businesses” and with a concern to eliminate gaps and overlaps;
- (3) working-level coordination mechanisms between the various organizations involved, both governmental and non-governmental;
- (4) central initiatives for reviewing the workings of the system as a whole.

It should be mentioned that this approach involves the social partners, notably employers, unions and non-governmental organizations, in working-level coordination and governance to achieve service provision and policy implementation.

Process Improvement

Once it is clear who does what within a wider system, the basic processes which are involved in doing the work can be addressed, either through redesign or through incremental improvements. An example is improvements in the processes involved in hearings and appeals. These involved settling as much as possible in pre-hearing meetings, minimizing any rescheduling of the hearings and, especially, making maximum use of mediation at each point in the process.

Boards and tribunals, such as the Ontario Labour Relations Board (OLRB), have given considerable attention to process improvements, with the result that they are able to handle more cases more quickly, while maintaining quality. When functions have been transferred to it from other organizations (as part of more general consolidation initiatives), the OLRB has been able to make improvements in the processes.

It is important to note that in Ontario, the first priority has been to “get the system right” and only then to focus on the processes. For example, the Task Force on Agencies, Boards and Commissions considered the question of which organizations should perform which roles and where there might be opportunities for consolidation or elimination of organizations. Subsequently, the Agency Reform Commission has been examining, in some detail, the processes through which these organizations do their work.

Applications of Technology

Technology has great potential but in most cases it is essential to look carefully at systems and processes – at “who does what” and “how should it be done” – before making serious investments. For example, case management systems are potentially very useful, but

first it is necessary to define how the cases will be processed and to consider how information can be exchanged among the organizations involved.

Success Factors

A key ingredient in the success of the approach taken in Ontario has been high level involvement and interest within the political system. Examples include the Agency Reform Commission, at the Parliamentary level and the Quality Service Initiative, at the level of the Cabinet Office.

Ontario Labour Administration: Key Facts and Figures

Ontario

Population: 11 400 000 habitants (35% of the Canadian total)

Area: 1,06 million square kilometres

GDP: 347 billion \$CAN

GDP per person: 30 440 \$CAN

Labour force: 6 049 700

Labour force participation rate: 66,3% (overall); 73,3% (men); 59,7% (women)

Unemployment rate: 7,2% (overall); 7,1% (men); 7,4% (women)

Recent Initiatives Affecting Labour Administration

The Quality Service Initiative for improving service to clients, stakeholders, and the general public (e.g. by providing faster and more integrated service) was launched in 1995. The Ministry of Labour is one of five pilot organizations in this initiative.

Structures and processes for regulatory and adjudicative agencies have been studied by the Agency Reform Commission, which has recommended numerous improvements to streamline and speed up the adjudicative processes while ensuring equity (e.g. through mediation).

In Occupational Health and Safety, a strong emphasis has been placed on prevention of workplace injury and illness, with an interim goal of a 30% reduction over five years, and an ultimate goal of total elimination.

Use of a systems approach to Occupational Health and Safety, in which organizations in the public, private and non-profit sectors work together. For example, Safe Workplace Associations and Sector Inter agency Groups co-ordinate prevention efforts and set priorities and targets for improvement.

Widespread application of information technology to improve efficiency of service delivery.

Accomplishments

Occupational Health and Safety

The goal is to reduce lost-time injury and illness by at least 30% over the five-year period from 1995 to 2000 (6% per year). The government is on track to meeting this goal.

Financially, a key goal is to eliminate the unfunded liability of the Workplace Safety and Insurance Board by 2014. This currently stands at \$7 billion, down from \$11.5 billion at its peak in 1994.

The Ministry of Labour conducts 50,000 field visits annually to enforce workplace health and safety standards, an increase of 63% over the past two years.

Labour Management Relations

The goal is to settle 95% (or more) of contract disputes without a strike or lockout. This goal has been achieved.

Employment Rights and Responsibilities

In 1999, the Ministry of Labour is conducting 1,000 proactive inspections to enforce employment standards.

In 1999, the Pay Equity Office is conducting 150 proactive investigations to monitor the rate of compliance with the Pay Equity Act.

Education and Training

The Job Connect programme helps 94,000 people annually (90% of whom are youth) increase their employability and find jobs.

Literacy and basic skills programmes help close to 65,000 people annually. Some 10,000 volunteers contribute to these programmes.

In 1999, 38,000 students were helped in finding summer jobs.

Ontario Labour Administration System: Resources 1999-2000		
	Staff	millions \$
Ministry of Labour		
Labour Relations	257	22
Employment Rights and Responsibilities	268	30
Occupational Health and Safety	693	39
Ministry Administration	167	20
MOL Total	1385	111
Ontario Labour Relations Board	117	9.6
Grievance Settlement Board	7	2.1
Workplace Safety and Insurance Board		
Administration + Operations	4 057	336
Workers' Compensation	NA	2 229
WSIB Total	4 057	2565
Workplace Safety and Insurance Appeals Tribunal	175	16
Office of the Worker Adviser	100	8.6
Officer of the Employer Adviser	32	2.8
Pay Equity Office	33	3
Pay Equity Hearings Tribunal	10	1.1
Ontario Human Rights Commission	140	11.9
Ministry of Training, Colleges, and Universities	415	278
Total	4 671	3 009

Interviewees and Reviewers

We would like to thank the following persons who contributed to this study through interviews and the provision of comments and corrections on the text of the draft report.¹

Initial contacts with the Ministry of Labour and with the Ministry of Training, Colleges, and Universities were made through the respective Assistant Deputy Ministers responsible for policy:

Dr. Ron Saunders
Assistant Deputy Minister
Policy and Communications Division
Ministry of Labour

Joan Andrew
Assistant Deputy Minister
Training Division
Ministry of Training, Colleges and Universities

Ministry of Labour
Planning and Issues Management
Fadia Mishrigi
Director, Planning and Issues Management

Dr. Om Malik
Director, Occupational Health and Safety Branch

Len Marino
Acting Director, Planning and Issues Management

Gordon Vala-Webb
Director, Workplace Insurance, Health, and Safety Policy

Patti de Graaf
Manager, Business Planning

John Vander Doelen
Prevention Strategy Co-ordinator
Occupational Health and Safety Branch

Employment Rights and Responsibilities
Paul Evans
Provincial Specialist
Policy, Interpretation, and Appeals
Employment Practices Branch

Robert Kusiak
Occupational Health and Safety Branch

Labour Management Relations
Reg Pearson
Director, Labour Management Services

Michael Kanter
Employment and Labour Policy Branch

Occupational Health and Safety

¹ In some cases, the persons have moved on to other positions since the research was done. The listings here show positions when the research was done.

Ontario Labour Relations Board

Esther Foorer
Client Services Coordinator

Voy Stelmaszynski
Solicitor

Pay Equity Commission

Rhoda Matlow
Director, Pay Equity Programmes

Pay Equity Hearings Tribunal
Margaret Leighton
Counsel

Grievance Settlement Board

Larry Stickland
Registrar

Workplace Safety and Insurance Board

Linda Jolley
Vice President, Policy and Research

Workplace Safety and Insurance Appeals Tribunal

Doug Jago
Tribunal Director and General Manager

Office of the Worker Adviser

Alec Farquhar
Director

Cindy Trower
Acting General Counsel and Manager
Central Client Services Unit

Office of the Employer Adviser

Allison Rickaby
Manager, Employer Services

Ontario Human Rights Commission

Prabhu Rajan
Policy Analyst

Ministry of Training, Colleges, and Universities

Bruce Baldwin
Director
Labour Market Policy, Planning and Research
Training Division

Robert Dupuis
Project Head
Communications and Stakeholder Relations
Labour Market Policy, Planning, and Research
Training Division

Human Resources Development Canada

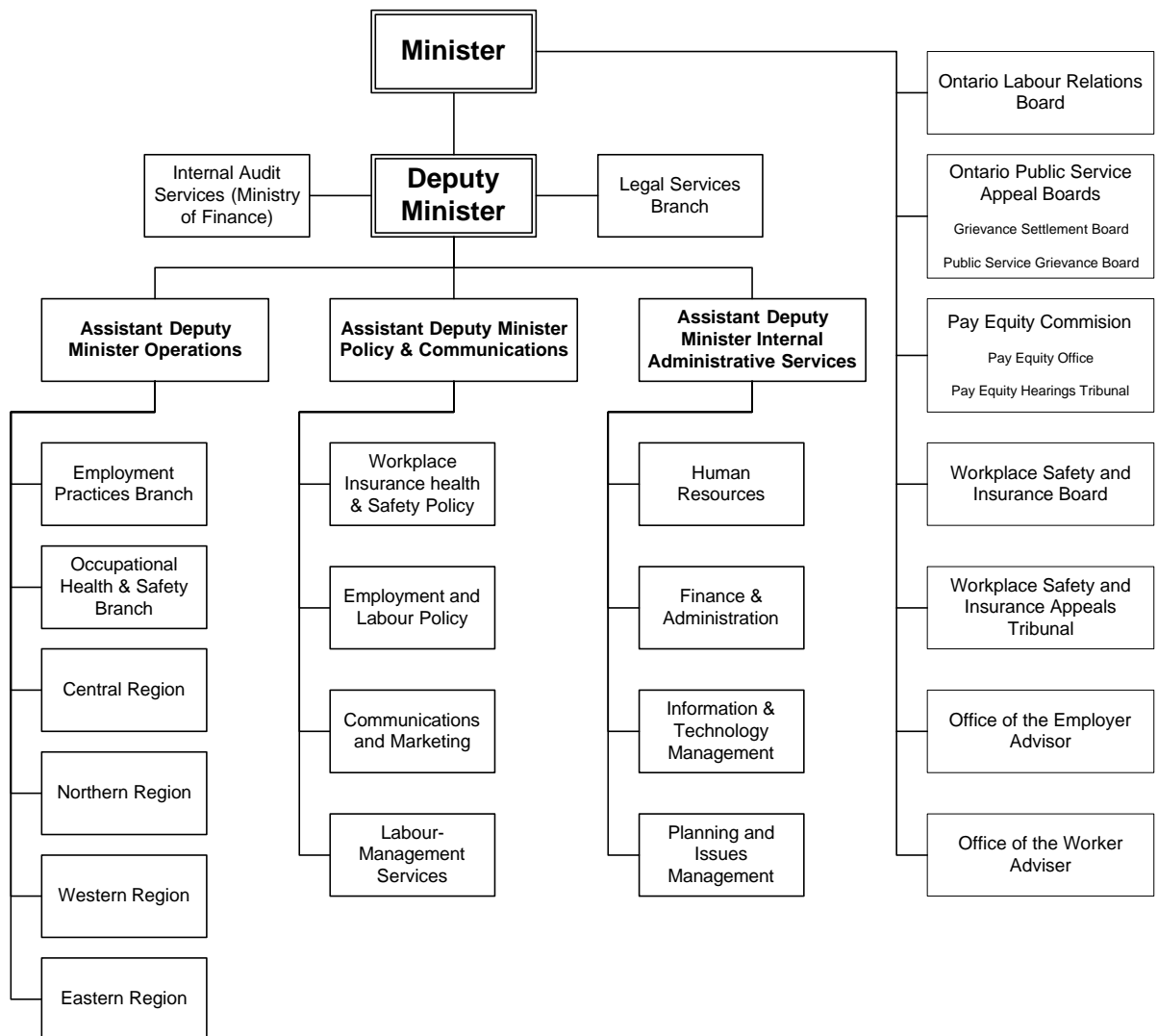
Robert Woodworth
Director General, Ontario Region

Robert Howsam
Director, Labour Canada
Ontario Region

Debra Robinson
Director, International Labour Affairs
National Headquarters

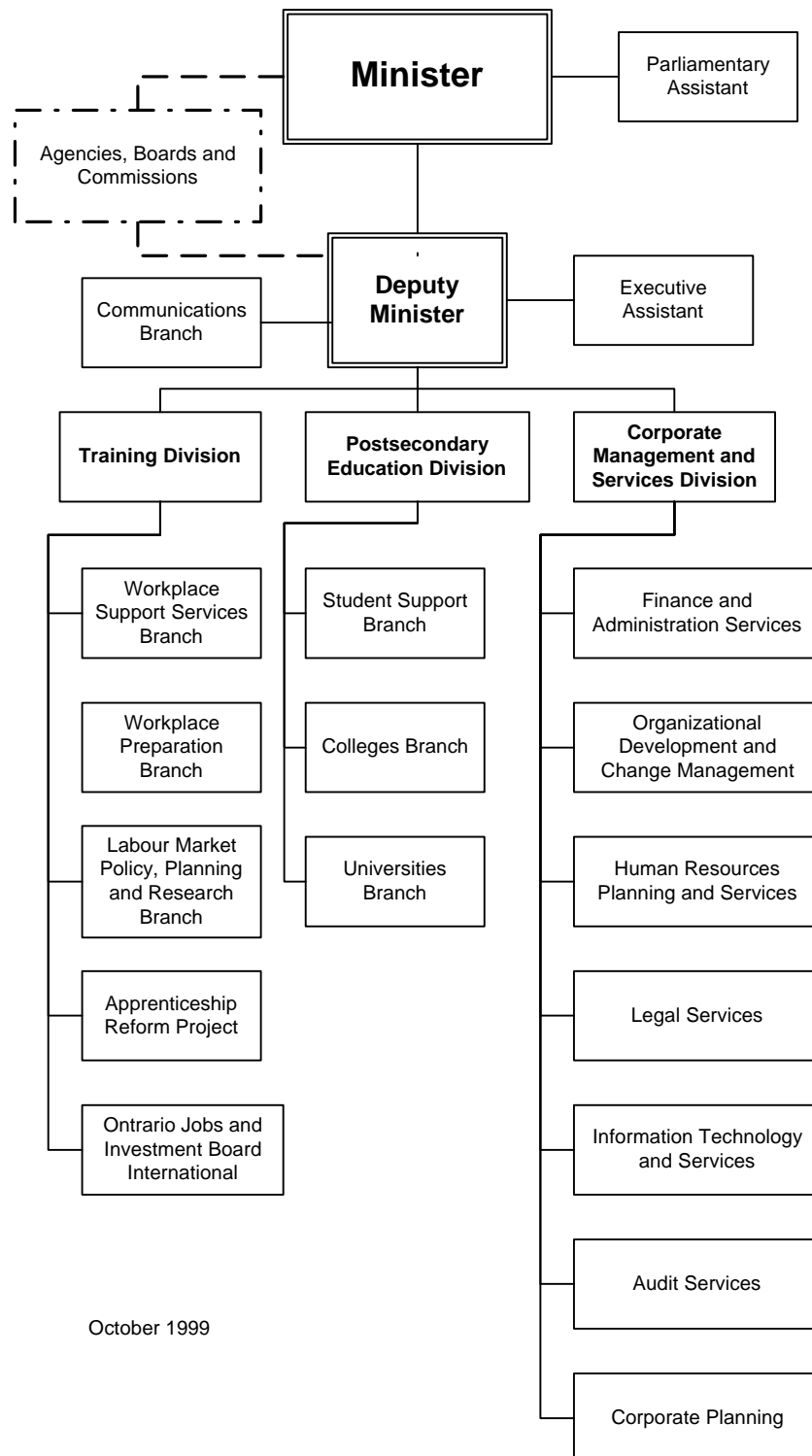
Organization Charts

Ontario Ministry of Labour



October 1999

Ontario Ministry of Training, Colleges and Universities



October 1999

Structure of the Ontario Report

The ILO provided as a model for the Ontario study the report on labour administration in Quebec prepared by Professor Jean Bernier of Université Laval. The current report therefore follows as closely as possible both the overall ILO specifications and the detailed structure of Prof. Bernier's paper. Within this overall structure, some adaptations were necessary to take account of the specific situation of the system of labour administration in Ontario.

First, given the number and magnitude of the recent changes in the Ontario system, it was necessary to include additional analysis in the introductory portion of each section, as well as in many of the subsections of the report.

It was also necessary to adopt a somewhat different internal structure for the section on "Services Provided" from that used by Prof. Bernier. The paper on Quebec divides this section by organization, explaining the services provided by each. In Ontario, where recent changes place a strong emphasis on a systems approach to service delivery, it appeared more appropriate to focus first on the services (and the systems for providing them) and only then to discuss the organizations involved.

An example is Occupational Health and Safety. The Ontario government sees this system as providing services related to the prevention of work-related injury and illness.¹ It involves a considerable number of ministries and agencies and boards (including the Ministry of Labour, the Ministry of Training, Colleges and Universities, the Workplace Safety and Insurance Board, the Workplace Safety and Insurance Appeals Tribunal, the Office of the Worker Adviser and the Office of the Employer Adviser). The approach taken in the Ontario paper, therefore, is to present the system first and then to explain the roles of participants within that context.

¹ This perspective is developed in the Ministry of Labour's paper, *Preventing Injury and Illness: A Better Health and Safety System for Ontario Workplaces*.

The Federal Role in Canadian Labour Administration

Legal Framework, Responsibilities and Services

Under the Canadian Constitution, responsibility for labour administration is shared between the federal government and the provinces and territories. The federal government has responsibility for labour relations involving its own employees (i.e. those of federal ministries, agencies and Crown corporations), as well as for those who work in federally regulated industries (including broadcasting, airlines, railways, and interprovincial trucking). The federal jurisdiction covers approximately 10% of all workers; provincial and territorial governments are responsible for the rest of the workforce.

The legislative framework for the federal government's labour responsibilities includes the Canada Labour Code and legislation specifically governing labour relations for public servants.

The federal government, through Human Resources Development Canada, is also involved in the provision of Employment Insurance which has been a federal responsibility since the 1930s. More generally, the federal government provides substantial income support, notably pensions and supplemental income for the elderly. Such income security benefits, which include Canada Pension Plan¹ benefits and Old Age Security benefits, are designed to maintain and improve the financial security of seniors, people with disabilities and their dependant children, and survivors.

Partly as an extension of its involvement in employment insurance, the federal government has long been involved in programmes which help to increase the employability of Canadians, primarily through adult training and skills acquisition. Under the Constitution, provinces are responsible for education, but the federal government's general spending power and economic responsibilities enable it to become involved in assistance to individuals through, for example, the provision of training allowances to employment insurance recipients under the "active measures" component of the Employment Insurance programme. The Employment Benefits and Support Measures under this programme have two overriding goals: getting people back to work and producing savings to the Employment Insurance account.

In recent years, the federal government has withdrawn from its former direct role in purchasing training and related labour market services on behalf of individuals. It has instead negotiated a series of Labour Market Development Agreements, under which provinces and territories take responsibility for active employment measures funded through the Employment Insurance account, delivering active re-employment benefits and support measures. They also have the option of taking responsibility for labour market services

¹ It should be noted that Quebec has its own separate pension plan.

currently delivered by the Government of Canada, such as screening and employment counselling, and local labour market development. Such Labour Market Development Agreements have been negotiated with all provinces except Ontario, where discussions continue.

The provision of labour market information is an increasingly important federal role. Such information describes occupations, job seekers, industry sectors, and the changing nature of the world of work. Demand-side information includes a number of perspectives, notably industrial, occupational and geographic, while supply side information includes characteristics of the labour force in terms of age, gender, ethnicity, educational attainment, and the characteristics of employed and unemployed workers. Information on the operations of the labour market addresses the labour exchange function (recruitment, offers of employment, hiring, separations), and other activities that bring about a better match between the demand and supply sides of the market. Labour market imbalances are an important dimension of the labour market on which information is needed for the development and planning of training programmes.

Organization and Planning

Human Resources Development Canada

Within the federal government, responsibility for labour-related matters rests with Human Resources Development Canada (HRDC), a large department which was created in 1993 through the merger of several functions and organizations, including Labour Canada (which had formerly been a separate department).

HRDC has some 20,000 employees across Canada and an annual budget of \$60 billion.¹ The fundamental objectives of Human Resources Development Canada are to:

- help Canadians prepare for, find and keep work, thereby promoting economic growth and adjustment;
- assist Canadians in their efforts to provide security for themselves and their families, thereby preventing or reducing poverty among Canadians; and
- promote a fair, safe, stable, healthy, co-operative and productive work environment that contributes to the social and economic well-being of all Canadians.

The stated mission of HRDC is “to enable Canadians to participate fully in the workplace and the community.” Planning is done across the whole department, with a focus on certain key principles and initiatives which are stated in HRDC’s vision. These include²:

- taking an integrated approach to human development goals, wherever possible integrating and co-ordinating services on the basis of a holistic view of clients and their needs;
- enabling people to manage transitions in their lives, by encouraging them to become self-reliant, invest in themselves, and become more adaptable; and

¹ Including some \$23 billion for Income Support programmes, \$15 billion for Employment Insurance and \$19 billion for the Canada Pension Plan (1999-2000).

² For HRDC’s mission and vision, please see: Human Resources Development Canada, *Report on Plans and Priorities, 1999-2000 Estimates (Part 3)*, p. 4.

-
- emphasizing preventive measures such as lifelong learning and the use of workplace and labour market information.

Labour Programme

The Labour Programme within Human Resources Development Canada has its own Minister and an annual budget of some \$100 million. Its objective is to promote a fair, safe, healthy, stable, co-operative and productive work environment that contributes to the social and economic well-being of all Canadians. It is responsible for the Canada Labour Code, the legislation governing employers and employees under federal jurisdiction.

In addition, the Labour Programme provides a full range of workplace information for both provincial/territorial and federal jurisdictions, including collective bargaining, current labour relations developments and innovative workplace practices. Information is available on issues such as: negotiated wage adjustments, benefits and working conditions, innovative workplace practices, major changes in collective agreements, pension plans, strikes and lockouts in Canada, and unions and other labour organizations in Canada.

Under the Labour Programme are five lines of business:

- (1) The Government Employees' Compensation Act (administered by the Injury Compensation Unit of HRDC);
- (2) Part 2 of the Canada Labour Code (Occupational Safety and Health);
- (3) Part 3 of the Canada Labour Code (Labour Standards);
- (4) Fire Protection Engineering Services;
- (5) Employment Equity.

Regional Organization

HRDC manages its programmes on both a national and regional basis. There is a substantial infrastructure for programme delivery at the local and regional levels, with a total of 5,000 staff working in the Ontario region. The numbers of HRDC staff are high for Ontario relative to other provinces because, unlike in other provinces, no staff have yet been transferred to the province under a Labour Market Development Agreement.

In programme planning and implementation, there is considerable scope for regional autonomy and initiative. This enables the regions to react flexibly to emerging issues and problems. Within the regions, local directors can move quickly to make alliances and move resources to where they are needed.

Federal-Provincial Coordination

In an area of shared jurisdiction, it is important for the federal and provincial governments to co-ordinate their activities effectively, with a view to providing a consistent and integrated set of services. All in all, there is a good working relationship between the federal and provincial governments on matters related to labour administration.

Particular areas in which coordination is required include the following: •

The transportation sector (e.g. trucking), where the provincial government is responsible for transportation within the province, while the federal government is responsible for interprovincial transportation.

-
- The nuclear industry, where the facilities are run by a provincial crown corporation, but where regulation of health and safety is done by the federal government.
 - Workers' compensation, where the provincial government runs the compensation system,¹ but does not have jurisdiction over federally regulated industries or the federal public service.² Federal government employees are covered under the (federal) Government Employees Compensation Act.

Cooperation is also needed on issues affecting status Aboriginal persons,³ where the federal government has overall responsibility, but where the provincial government may be involved on questions such as training, education and social services.

Another important area of cooperation is on policy and programmes related to emerging industries and to economic development more generally, where there is an increasing need for coordination between economic and social policy. In Ontario, coordination between the federal and provincial governments is ensured through the following:

Agreements

In addition to the Labour Market Development Agreements, there are a number of Memoranda of Understanding on specific subjects, including a number between HRDC and the Ontario Ministry of Labour.

Management Coordination

HRDC managers are in regular contact with their colleagues in the Ministry of Labour (and also in the Workplace Safety and Insurance Board), even to the point of attending meetings of the Ministry's Executive Committee.

Associations

The Canadian Association of Administrators of Labour Legislation (CAALL) is a useful mechanism for exchanging views and information and for facilitating coordination, e.g. on questions such as safety and labour standards. All jurisdictions are represented, and there are subgroups or subcommittees for particular areas.

Working Groups

Working groups are used particularly in the area of health and safety, where agencies work together in "SIGs" (Sector Interagency Groups), which are funded by the Workplace Safety and Insurance Board. An example would be the Trans SIG group which looks at safety in the transportation sector, particularly in the trucking industry. Trans SIG has identified the 100 firms with the worst safety record in this sector, and the federal and

¹ In Ontario, through the Workplace Safety and Insurance Board.

² Some of the questions are complex, e.g. federally regulated employers cannot be charged levies to fund the Ontario Safe Workplace Associations.

³ Indians and Inuit registered under the Indian Act.

provincial governments are jointly making sure that these firms are visited by safety inspectors.

Co-Location and Coordination of Services

HRDC has found it very helpful to co-locate its offices with those of provincial and territorial agencies, thus ensuring not only better coordination of services but also, in many cases, a single window of access for the public to a wide range of services provided by federal and provincial/territorial governments (and possibly by local government and voluntary agencies in the community).

In Ontario, a number of such arrangements have been made with the Ministry of Labour. For example, the Ottawa office of the Ontario Ministry of Labour and that of the HRDC Labour Programme share accommodation, as do the offices in Hamilton. In some cases, integrated services are delivered by inter-jurisdictional teams. There have also been discussions between HRDC and the Ministry of Labour concerning a common call centre to handle telephone inquiries for both orders of government in this field, but further work is necessary before this can go forward.

Conclusions: The Federal Role

The federal government, through the Labour Programme of HRDC, has ongoing responsibilities for approximately 10% of the labour force, including those in the federal public service and in federally regulated industries such as broadcasting and interprovincial transport.

In addition to its labour-related responsibilities, the federal government also provides income support and promotes the human development for the population more generally. Traditionally, the federal role has involved the provision of income support for vulnerable groups such as seniors and the unemployed. In recent years, the federal government has adopted two basic policies in this field. First it has shifted its support towards more use of “active measures,” such as training, as opposed to passive income support; the aim is to encourage self-reliance and to promote employability, human development and community development. Second, it has devolved much of the responsibility for the delivery of such measures to the provincial level. Given the primary provincial roles in education and training, this will allow closer coordination of services. In most provinces, the training functions financed by the “active measures component” of the Employment Insurance programme have already been transferred to provincial administration. In Ontario this has yet to occur, but there has been considerable cooperation at the local and regional levels.

For the future, the federal role is likely to be particularly important in “knowledge-based” functions such as labour market information (where there is close cooperation with provinces). Delivery of knowledge-based services, such as those related to employability and job-finding, will also be an important area. It appears that closer integration of services through networks will become increasingly important as a way of delivering federal services. This means both computer networks and “people-based” networks. An example of the latter is the Citizen-Centred Service Delivery Network, which recently won the gold award from the Institute of Public Administration of Canada.

Bibliography

Ministry of Labour

Ministry of Labour: 1997-98 Business Plan.

www.gov.on.ca/MBS/english/press/plans/lab.html

Ministry of Labour: 1998-99 Business Plan.

www.gov.on.ca/MBS/english/press/plans98/lab.html

The Future of Work in Ontario (Aug., 1998) www.gov.on.ca/LAB/es/fwoe.htm

Employment Rights and Responsibilities

Employer's Guide to the Employment Standards Act. Queen's Printer for Ontario: July, 1998. Also at: www.gov.on.ca/lab/es/tablee.htm

Three Year Plan - Operations Division: 1998-2000 Employment Standards.

(Employment Practices Branch, Ministry of Labour)

Employment Standards: Fact Sheets. (Aug, 1998) (Employment Practices Branch, Ministry of Labour)

Employment Standards: Sector Plan: 1999/2000. (April, 1999) (Employment Practices Branch, Ministry of Labour)

Employment Standards FAQ. www.gov.on.ca/lab/es/esfaq.htm

ES -OPS Plan 99/00. (Employment Practices Branch, Ministry of Labour)

Occupational Health and Safety

Preventing Illness and Injury: A Better Health and Safety System for Ontario

Workplaces (Jan., 1998) www.gov.on.ca/lab/ohs/wsibmole.htm

Labour Management Services

Office of Collective Bargaining Information. www.gov.on.ca/lms/ocbie.htm

Labour Management Services. www.gov.on.ca/lab/lms/lmse.htm

Labour Management Services: Frequently Asked Questions.

www.gov.on.ca/LAB/lms/lmsfaq.htm

Ontario Labour Relations Board

Ontario Labour Relations Board: Annual Report, 1994-95.

Ontario Labour Relations Board: Annual Report, 1995-96.

Ontario Labour Relations Board: Annual Report, 1996-97.

Misra, Gail, and Peter Gallus, "Mediation and Adjudication in Employment Standards Appeals." In: *What's New in Employment Standards?* Toronto: Insight Press; September, 1997, pp. 77-94.

Workplace Safety and Insurance Board

Best Practices Branch (Prevention Division) and Revenue Policy Branch (Policy and Research Division), *Safety Groups in Ontario: Consultation Paper*. Feb., 1999.

Annual Report, 1997. Toronto: Communications Division, WSIB (416-344-4200)

Annual Report, 1998. Toronto: Communications Division, WSIB (416-344-4200)

Workplace Safety and Insurance Appeals Tribunal

Annual Report, 1997. Publications Department, WSIAT (416-314-9280)

The Web site has two main sections (each with a set of relatively short documents), as follows:

Case Management Plan. www.wsiat.on.ca/news.htm

The Tribunal and the Appeals Process. www.wsiat.on.ca/engindex.htm

See, in particular: *The Early Resolution Process*. www.wsiat.on.ca/earlyres.htm

Offices of the Employer Adviser and Worker Adviser

Prial, Richard, *A Review of the Office of the Employer Adviser and the Office of the Worker Adviser*. Ministry of Labour: Dec., 1998.

www.gov.on.ca/LAB/ohs/oea-owae.htm

Office of the Employer Adviser

What Is the Office of the Employer? www.gov.on.ca/lab/oea/what.htm

Appeals. www.gov.on.ca/lab/oea/appeals.htm

Office of the Worker Adviser

Main Web site is at: www.gov.on.ca/LAB/owa/about.htm

Pay Equity Commission

About the Commission. www.gov.on.ca/lab/pec/aboute.htm

The Pay Equity Act. www.gov.on.ca/lab/pec/acte.htm

Pay Equity: The Proxy Comparison Method. www.gov.on.ca/lab/pec/facts/proxye.htm

Re-Implementation of Proxy. www.gov.on.ca/lab/pec/faqse.htm

Pay Equity: Public Sector Restructuring. www.gov.on.ca/lab/pec/facts/restruce.htm

Pay Equity: Sale of Business. www.gov.on.ca/lab/pec/facts/businesse.htm

Pay Equity Hearings Tribunal

About the Pay Equity Hearings Tribunal. www.gov.on.ca/labpex/peht/tribe.htm

Pre-Hearing Guidelines. www.gov.on.ca/pec/peht/preheare.htm

Pay Equity Office

Pay Equity Office. www.gov.on.ca:80/LAB/pec/peoe.htm

Review Services. www.gov.on.ca/lab/pec/reviewe.htm

Ontario Human Rights Commission

Report on Complaints Resolution: 1998-99.

www.ohrc.on.ca:80/english/press_releases/e_newsletter1b.htm

The Complaint Process. www.ohrc.on.ca/text_only/t_complaint_process_page.htm

A Guide to Mediation Services.

www.ohrc.on.ca/text_only/english/publications/mediation_guide_eng.htm

Human Rights Code. www.ohrc.on.ca/text_only/english/code/codeeng.htm

If You Receive a Human Rights Complaint: A Respondent's Guide.

www.ohrc.on.ca/text_only/english/publications/respondents_guide.htm

If You Have a Human Rights Complaint: A Complainant's Guide.

www.ohrc.on.ca/text_only/english/publications/complainants_guide.htm

Annual Report, 1997-98. www.ohrc.on.ca/index2.htm

A Guide to Mediation Services. www.ohrc.on.ca/index2.htm

Case Management Process. www.ohrc.on.ca/index2.htm

Ministry of Training, Colleges, and Universities

Business Plan, 1998-99 www.gov.on.ca/mbs/english/press/plans98/edu.html

Training Overview. www.edu.gov.on.ca/eng/training/tr_overview.html

Apprenticeship

The main Web site for Apprenticeship Training is:

www.edu.gov.on.ca/eng/training/apprenticeship/appren.html

See, in particular:

A New Act for Apprenticeship Training.

www.edu.gov.on.ca/eng/document/nr/98.01/apprbg6.html

A New Funding Model for Apprenticeship Training.

www.edu.gov.on.ca/eng/document/nr/98.01/apprbg4.html

A Strong Role for Industry in Apprenticeship.

www.edu.gov.on.ca/eng/document/nr/98.01/apprbg3.html

Facts About Apprenticeship Training.

www.edu.gov.on.ca/eng/document/nr/98.06/fact.html

Summary Report on Apprenticeship Reform Consultations. (September, 1997)

www.edu.gov.on.ca/eng/document/reports/appsumm.html

Economic Development and Adjustment

Adjustment Advisory Program. www.edu.gov.on.ca/eneng/training/aap/aapeng.html

Employment-Related Services

About Job Connect. www.edu.gov.on.ca/eng/training/cepp/aboutjc.html

Local Boards

Local Training Boards. www.edu.gov.on.ca/eng/training/localbd/localbd.html

Human Resources Development Canada

Human Resources Development Canada: Estimates: Part 3: Report on Plans and Priorities, 1999/2000.

Human Resources Development Canada: Estimates: Part 3: Performance Report, 1997/1998.

Documents for Local Boards in Ontario: Guide to Labour Market Information.
Federal-Provincial Labour Market Information Committee: April, 1996.
www.on.hrdc-dhrc.gc.ca/english/partner/localb/docs/lmigd_e.html

One Stop Access in Huron County.
www.on.hrdc-dhrc.gc.ca/english/hrdcnews/hilite/huron_e.html

Working Together in Orangeville.
www.on.hrdc-dhrc.gc.ca/english/hrdcnews/hilite/orange_e.html

Ontario Job Futures. www.ont.hrdc-dhrc.gc.ca/english/lmi/eaidd/occ.info/ojf/job_e.html

Central and Parliamentary Agencies

Agency Reform Commission

A Consultation on Reform of Ontario's Regulatory and Adjudicative Agencies (Sept., 1997) www.gov.on.ca:80/MBS/english/press/agency/consult.html

Background Paper: Business Practices and Technology for Improving Service Delivery (Sept., 1997) www.gov.on.ca/MBS/english/press/agency/back1.html

Background Paper: Improving Performance and Accountability (Sept., 1997)
www.gov.on.ca/MBS/english/press/agency/back3.html

Background Paper: Improving Tribunal Hearing Procedures (Sept., 1997)
www.gov.on.ca/MBS/english/press/agency/back2.html

Background Paper: Sharing Services - The Restructuring of Agency Service Delivery (Sept., 1997) www.gov.on.ca/MBS/english/press/agency/back4.html

Everyday Justice: Report of the Agency Reform Commission on Ontario's Regulatory and Adjudicative Agencies (April, 1998)
www.gov.on.ca:80/MBS/english/MBS/press/mbs/arc/report.pdf

Cabinet Office

Bain, Lois, "An Outside-In Approach to Quality Service". *Canadian Government Executive Magazine* (1999, #4, pp. 7-9)

Civil Service Commission

Annual Report, 1996-97. www.gov.on.ca/MBS/english/mbs/civil_s/1996_97.html

Management Board Secretariat

Building the OPS for the Future: A Framework for Action

www.gov.on.ca/MBS/english/press/restruct/report.html

Management Board Secretariat: Business Plan, 1998-99.

www.gov.on.ca/MBS/english/press/plans98/mbs.html

Business Plans Re-Shape Government, Save Costs.

www.edu.gov.on.ca/eng/document/nr/96.04/reshape1.html

Ministry of Finance

Open and Accountable Government. 1996 Ontario Budget, pp. 100-113.

Ontario Ombudsman

The following documents are available at: www.ombudsman.on.ca

1998-99 Annual Report.

1997-98 Annual Report.

Appendix to the 1997-98 Annual Report: Own-Motion Investigations of Timeliness in Service Delivery.

Provincial Auditor of Ontario

1998 Provincial Auditor's Report. www.gov.on.ca/opa/en/e98t.html

1997 Provincial Auditor's Report.

www.gov.on.ca/opa/en/r97.html

1996 Provincial Auditor's Report. www.gov.on.ca/opa/en/96table.htm

(See Chapter 3.16, "Ministry of Labour: Occupational Health and Safety Program".)

Red Tape Commission

Cutting the Red Tape Barriers to Jobs and Better Government: Final Report

www.gov.on.ca/MBS/english/press/redtape/table.htm

Government-Wide Recommendations.

www.gov.on.ca/MBS/english/press/redtape/part4.html

Red Tape Commission Urges Key Amendments to Ontario Employment Statutes.

www.emond-harnden.com/redtape.html

Task Force on Agencies, Boards, and Commissions

Background. www.gov.on.ca/MBS/english/press/abc/back4.html

Report on Restructuring Regulatory and Adjudicative Agencies. (February, 1997)

www.gov.on.ca/MBS/english/press/abc/report1.html

Summary of Task Force Recommendations on Restructuring Regulatory and

Adjudicative Agencies. www.gov.on.ca/MBS/english/press/abc/back6.html

Associations and Institutes

Society of Ontario Adjudicators and Regulators (SOAR)

Principles of Administrative Justice: A Proposal (March, 1995)

www.instantweb.com/~soar/princip.htm

Service Equity Policy (1995) www.instantweb.com/~soar/servequ.htm

Performance Management: Towards Improving the Quality of Adjudication: SOAR Recommendations for Performance Management in Ontario's Administrative Justice Tribunals (June, 1995) www.instantweb.com/~soar/perfmgmt.htm

Institutes

Coming to Grips with the New Realities of Bill 7: PC Labour Law Reform: The First Union/Management Symposium Under the New Era of Labour Relations. Toronto: The Canadian Institute, 1996.

Advisory Organizations

Ontario Jobs and Investment Board

Update from the Ontario Jobs and Investment Board (Aug, 1998)

<http://204.101.2.101/jobgrow/ovalmain.html>

Law Firms

Jesin, Norman L., "Certification Procedures After Bill 7: From Membership Cards to Mandatory Votes." In: *Coming to Grips with the New Realities of Bill 7: PC Labour Law Reform*. Toronto: The Canadian Institute, 1996. (Union-management symposium)

Koester, C. Elizabeth, "Current Issues in Employment Standards: An Overview." In: *What's New in Employment Standards?* Toronto: Insight Press; September, 1997, pp. 1-17.

Luborsky, Gordon F., John C. O'Reilly, Gordon B., Manning, and Andrew James, *Labour Laws in Transition*. Scarborough: Carswell, 1998.

Ontario's New Public Sector Transition Stability Act, 1997.

www.emond-harnden.com.lableg.html

An Update on Mediation – Mandatory and Otherwise – in Ontario Labour Disputes. www.fasken.com/LabSem98/Mediation.html

Sommer, Neal B., and Stewart D. Saxe, *Understanding the Labour Relations Act*. Aurora (Ont.): Canada Law Book Inc., 1998.

Universities

Hale, Geoffrey E., "Administrative Justice Reform in Ontario." Paper for Presentation to the Council of Canadian Administrative Tribunals (Ottawa: June 1, 1998).

www.simgroup.com/CCAT/Halepaper.htm

MacNeil, Michael, "Pay and Employment Equity in Ontario and the Federal Jurisdiction: Reflections on Recent Developments." Prepared for Presentation at the

Canadian Association of Law Teachers Annual Conference (Ottawa: June, 1998)
www.carleton.ca/~mmacneil/calt.htm

Unions

Ontario Federation of Labour

The Future of Work in Ontario (Discussion Paper): Submission by the Ontario Federation of Labour. (March, 1999) www.ofl-fto.on.ca/library/index.htm

Submission by the Ontario Federation of Labour to the Standing Committee on Resources Development: Bill 49: Employment Standards Improvement Act, 1996. (August 19, 1996) www.ofl-fto.on.ca/esao1.txt