

Ministry of Labour

**2009/10 – 2011/12
SERVICE PLAN UPDATE**

September 2009



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Ministry of Labour
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Message from the Minister and Accountability Statement



The Ministry of Labour is committed to providing British Columbians with a stable and safe labour environment. The *2009/10 – 2011/12 Service Plan Update* explains in detail how we will achieve these goals.

A stable labour environment is key to helping maintain British Columbia's economy during the current global shift. My ministry supports such an environment with efficient and effective conflict resolution and adjudication, using alternative dispute-resolution methods where possible.

It is vitally important that where the ministry is called upon to exercise its legal authority in the workplace, it is seen to be operating with a high degree of fairness and integrity. Equally important is for British Columbia's labour laws to balance the interests of workers and employers and to promote economic prosperity.

We are equally committed to maintaining safe and healthy workplaces through WorkSafeBC, which continues to work with industry partners and workers to promote safety.

We want to ensure that the ministry's programs and services are accessible and deliver positive results, including fair treatment for workers and employers, timely resolution of disputes, encouraging positive workplace relationships and strengthening the economy.

I am grateful to all ministry staff for the dedication and professionalism they demonstrate every day. I look forward to the privilege of working with them to achieve these goals.

The *Ministry of Labour 2009/10 – 2011/12 Service Plan Update* was prepared under my direction in accordance with the *Budget Transparency and Accountability Act*. I am accountable for the basis on which the plan has been prepared. All material fiscal assumptions and policy decisions as of September 1, 2009 have been considered in preparing the plan and I am accountable for achieving the specific objectives in the plan.

A handwritten signature in black ink that reads "Murray Coell". The signature is written in a cursive, flowing style.

Honourable Murray Coell
Minister of Labour

September 1, 2009

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Purpose of the Ministry

The Ministry of Labour provides services to employees, employers, unions, and businesses in British Columbia to support a modern and stable work environment, while ensuring that all of Labour's interactions with clients and stakeholders uphold the highest standards of government-wide, citizen-centred service commitments.

The Ministry of Labour sets the framework within which effective, mutually beneficial, healthy labour and employment relationships can flourish. In this context, the Ministry of Labour has overall responsibility for British Columbia's labour and employment statutes – including the *Labour Relations Code*, the *Employment Standards Act*, and the *Workers' Compensation Act* – and for the effective administration and enforcement of those statutes. Three independent tribunals — the Labour Relations Board, the Employment Standards Tribunal, and the Workers' Compensation Appeals Tribunal — also fall within the ministry's overall responsibility in the administration and enforcement of these statutes.

The Employment Standards Branch and Labour's three administrative tribunals are involved in managing complaints and issues that have been brought before them. In all cases, timely and accurate disposition of those complaints or issues is an essential component of a fair and balanced system of labour and employment laws that is readily accessible to all stakeholders. The Ministry of Labour also actively promotes mutually beneficial relationships by seeking out alternatives to traditional adjudication and dispute resolution, where appropriate.

Educational services and initiatives, provided by the Employment Standards Branch and by the Employers' Advisers Office and Workers' Advisers Office, increase understanding of and compliance with the *Employment Standards Act* and *Workers Compensation Act* respectively.

The Ministry of Labour conducts its business in a manner that is consistent with and upholds government's vision, mission and values as identified in the Province of British Columbia's Strategic Plan.

Strategic Context

Managing staffing costs has always been one of the prime considerations in maintaining overall government affordability, and since 2001 this government has been diligent in reviewing staff spending each year. This is particularly true in these current economic times. All governments are in the similar position of having to balance spending and service levels against revenues that have declined over the past year in this extraordinary fiscal climate.

Staffing costs can be managed through removal of unfilled positions, retirements, staff efficiencies gained through coordination and collaboration across government, administrative program changes and, if necessary, a reduction in the staffing budget. In the 2010/11 budget, we will be managing staffing costs in the context of the current economic climate, examining all opportunities to continue to reduce these costs where possible. In the 2009/10 budget every effort has been made to preserve high staffing levels for frontline services.

In future years, government will continue to review its staffing budget to ensure those resources are allocated prudently, efficiently and towards government's key priorities.

The Ministry of Labour faces opportunities and challenges in the pursuit of its mandate over the next three years. The goals, objectives and strategies identified in this Service Plan will mitigate risks, maximize opportunities and address key challenges. In addition to the core services it provides as required by legislation, policy and programs, the Ministry of Labour is focused on three specific areas for 2009/10 – 2011/12: vulnerable workers; prevention¹; and labour stability and competitiveness. These themes will serve as focal points for emerging and expanding services, and define how the ministry will direct its efforts and resources for maximum effect.

Challenges

- Current economic uncertainty may place a future strain on employment relationships as industry seeks ways to decrease costs which may in turn lead to an increased risk to occupational health and safety and/or challenges for negotiations between employers and unions.
- Responses to labour shortages in British Columbia have increased access to more diverse labour pools, including temporary foreign workers and young, less experienced workers. These vulnerable workers pose an increased challenge for the Employment Standards Branch and WorkSafeBC, both of which have implemented initiatives designed to assist and protect them.

Given current economic uncertainty, the private sector now expects BC will experience slower economic growth in 2009 and 2010 than it has in previous years.

¹ Prevention is a key approach for Labour. Significant attention is focused on preventative measures and educational activities that promote a safe and productive work environment.

- Workplace fatalities and serious injuries in high hazard sectors such as forestry, construction and mining require a continued emphasis on injury prevention and occupational health and safety initiatives.

Opportunities

- The Ministry of Labour supports government's Great Goal of creating more jobs per capita than any other Canadian jurisdiction. It enables a stable labour relations climate through policies and legislation that support the development of a productive and efficient labour force, safe workplaces, and basic standards of compensation and conditions of employment. A stable labour relations climate fosters economic stability which attracts investors and employers to our great province.
- The legislative framework encompassing the *Workers' Compensation Act*, the *Employment Standards Act*, and the *Labour Relations Code* recognizes that one size does not fit all in a modern and changing work environment. It provides the foundation for a strengthened economy and diversification through fair and balanced laws and regulations.
- Citizen-centred service improvements and proactive initiatives, such as improving service timeliness and providing workers' compensation and employment standards information in multiple languages, will help lay the groundwork for ongoing labour stability and prosperity.
- A focus on prevention, including education, serves to increase compliance with laws and regulations.
- The Ministry of Labour places significant emphasis on fairness and balance, and actively promotes mutually beneficial relationships by seeking out alternatives to traditional adjudication and dispute resolution, where appropriate. The premise is that the parties are best served by making use of every available means of resolving complaints or disputes before they escalate into either complex litigation or strikes and lockouts.
- The quality of employment relationships – as measured by indicators such as days lost due to strike activity, the safety of the Province's workplaces, and how well employers and workers understand and meet or exceed the Province's minimum labour standards – remains a priority for the Ministry of Labour.



Goals, Objectives, Strategies and Performance Measures

The Ministry of Labour works to create an employment environment that meets the needs of workers, employers and unions, and fosters working relationships in safe and healthy workplaces.

Early in 2009, the Ministry developed a Strategic Business Plan to establish priorities for addressing opportunities and challenges in the 2009/10 fiscal year. The Strategic Business Plan sets out three goals to govern the Ministry's day-to-day operations:

- 1 – Balanced Law and Policy;
- 2 – Outstanding People;
- 3 – Service Excellence.

The development of the Strategic Business Plan accounts for the changes in this Service Plan Update. Goals, objectives, and strategies align with the Ministry's internal operations while maintaining the external focus critical to the organization's success in serving the public.

The objectives translate each goal into more specific desired outcomes. The strategies describe the key activities and initiatives that will be implemented in order to achieve the desired objectives. The performance measures linked to each objective are indicators of the progress being made to address a specific issue or priority.

Three-year targets have been set for each performance measure. The baseline year for the majority of measures has been set as 2004/05, as this was the first year of data collection and tracking. Internal benchmarks are used to set targets because, in most cases, national standards do not exist. While targets appear static, they nevertheless reflect the ongoing challenges being addressed by the Ministry.

Goal 1: Balanced Law and Policy

Objective 1.1: Labour laws and policies responsive to, and supportive of, the evolving world of work

The Ministry of Labour's legislation, policy and services are designed to protect the health and well-being of British Columbia's workers, foster fairness, and ensure that appropriate protections, supports and remedies are available. In order to maintain these outcomes, the law, regulations and processes must keep pace with changes in the labour and health and safety environment.

Key strategies:

- Continue the dialogue between the Ministry and stakeholders in the labour relations community so that critical labour relations issues are addressed in a timely, effective and mutually beneficial manner and in a way that promotes labour stability.

- Ensure that the principles of early intervention and prevention are applied, where necessary and appropriate, before collective agreements expire.
- Develop new initiatives and continue with existing initiatives aimed at maintaining and improving accessibility of Labour Relations Board services to all parties.
- Continue the participation in, and the provision of secretariat services for, the Interagency Committee on Forest Safety created to address the recommendations set out in the Report by the Office of the Auditor General, entitled "Preventing Fatalities and Serious Injuries in B.C. Forests: Progress Needed", 2007/2008, Report 5, January, 2008.

Objective 1.2: Clients and stakeholders have knowledge of and understand labour requirements and processes

In order to achieve our goal of labour laws and policies being responsive to and supportive of the evolving world of work, it is imperative that employers workers, and other stakeholders are knowledgeable about workplace requirements, conflict resolution processes, and how to access them.

Key strategies:

- Expand proactive educational initiatives that provide comprehensive information on employment standards.
- Continue with initiatives to provide direct workers' compensation assistance, guidance and service to workers and employers.
- Continue with training, mentoring and coaching of the labour community and employers with regard to workers' compensation issues to create safer, more effective workplaces and protect vulnerable workers.

Performance Measure 1: Percentage of employers whose employment practices resulted in no complaints being registered with the Employment Standards Branch

Performance Measure	2004/05 Baseline	2008/09 Forecast	2009/10 Target	2010/11 Target	2011/12 Target
Percentage of employers whose employment practices resulted in no complaints being registered with the Employment Standards Branch	97.7%	96.5 - 98.5%	96.5 - 98.5%	96.5 - 98.5%	96.5 - 98.5%

Data Source: Employment Standards Branch Case Management System and BC STATS.

Discussion

This performance measure is an important indicator of labour stability within the province, which reflects the ministry’s focus on prevention, labour stability and competitiveness. The performance measure is determined by dividing the total number of complaints filed with the Employment Standards Branch within a fiscal year by the total number of business establishments with employees throughout the province. A high percentage of employers without employee complaints registered with the Employment Standards Branch suggests a stable labour climate within the province, which in turn attracts investors, thus promoting continued economic growth and prosperity. While there are no specific national benchmarks for this performance measure, other jurisdictions within Canada have also adopted this measure as a means to track labour stability.

The measure is derived from two sources: Employment Standards Branch data which shows the number of employers who are the subject of one or more employment standards complaints over the course of a fiscal year; and BC STATS data on the total number of business establishments with employees over the same period.

The expectation is that educational and compliance initiatives, particularly in those sectors where vulnerable workers are most likely to be employed, will maintain the percentage of employers whose practices do not result in complaints being registered with the Branch at their current high levels.

It should be noted that the target range for this measure has not increased, as it continues to reflect an ambitious and appropriate target for labour stability in our province.

Performance Measure 2: Person-days lost due to strike/lockout activity in British Columbia relative to Canada as a whole (Three-year moving average)

Performance Measure	2004/05 Baseline	2008/09 Forecast	2009/10 Target	2010/11 Target	2011/12 Target
Person-days lost due to strike/lockout activity in British Columbia relative to Canada as a whole	0.96	0.95 - 1.05	0.95 - 1.00	0.95 - 1.00	0.95 - 1.00

Data Source: Government of Canada.

Discussion

This measure is an indicator of the relative degree of labour peace in British Columbia compared to Canada as a whole, and strongly reflects Labour’s focus on labour stability and competitiveness. The measure shows the number of person-days lost due to strikes and lockouts as a proportion of the British Columbia labour force, and compares this with the number of person-days lost across the entire country as a proportion of the Canadian labour force. The performance measure target was initially set to a national standard that would establish a labour relations climate in British Columbia that compares with the rest of Canada. The long-term objective of this performance measure is to

establish performance standards within British Columbia that can be consistently maintained at a level below the Canadian person-days lost average.

A score of 1.0 suggests that the degree of labour stability in British Columbia is on par with Canada as a whole, with a score of less than 1.0 indicating relative labour stability (fewer days lost per capita) compared with the rest of Canada and a score of greater than 1.0 indicating relative labour instability.

Goal 2: Outstanding People

Objective 2.1: Highly engaged, qualified people to deliver our services now and into the future

Key strategies:

- Increase employee engagement by building leadership and relationships.
- Support a high-performance, service-oriented culture.
- Support and promote health and wellness.
- Address expected labour market shortages by continuing with such initiatives as the Labour Relations Internship program.
- Maintain and enhance the level of expertise of staff by providing business training and development, subject to budgetary considerations.



Goal 3: Service Excellence

Objective 3.1: Accessible, reliable, and timely adjudicative services

Timely, accurate and quality decisions are critical in ensuring that a fair and effective legislative process exists and the successful delivery of Ministry services is achieved.

Key strategies:

- Continue to improve the efficiency and effectiveness of the Employment Standards Branch decision-making process through access to clear policy direction, sharing of best practices, and the development and delivery of appropriate training.
- Ensure that the Employment Standards Branch continues to meet or exceed established timeline targets for cases.

- Ensure that systems are in place to track productivity and adherence to timeline targets for administrative tribunals.
- Establish timelines for the disposition of cases before the Labour Relations Board.
- Continue with initiatives focused on ensuring the efficiency and responsiveness of the workers' compensation appeal system.

Performance Measure 3: Percentage of Employment Standards Branch determinations overturned by the Employment Standards Tribunal

Performance Measure	2004/05 Baseline	2008/09 Forecast	2009/10 Target	2010/11 Target	2011/12 Target
Percentage of Employment Standards Branch determinations overturned by the Employment Standards Tribunal	11%	<9%	<8%	<8%	<8%

Data Source: Employment Standards Branch Case Management System and Employment Standards Tribunal website

Discussion

The Employment Standards Tribunal can cancel decisions issued by the Employment Standards Branch in cases involving an error in the application of law or, in some instances, where new information becomes available after the Employment Standards Branch's original proceeding. This measure provides insight into the efficiency and effectiveness of employment standards laws and processes. The performance measure is calculated by dividing the number of Employment Standards Branch decisions that have been cancelled by the Tribunal by the total number of decisions that have been issued. The expectation is that the percentage of cancellations will decline in future years through continuing improvements in Employment Standards Branch decision-making.



Objective 3.2: Innovative early intervention processes

Early intervention and the use of alternative dispute resolution processes support the timely, effective and fair resolution of complaints and disputes, which promotes overall compliance with labour legislation and fosters stability in labour relations. Labour continues to garner the support of essential stakeholders in innovative dispute resolution processes and initiatives.

Key strategies:

- Encourage the use of early intervention and alternative dispute resolution methods such as self-help, mediation and relationship building.
- Ensure that sector-specific initiatives undertaken by the Employment Standards Branch, such as the Inter-Agency Committee on Farm Worker Protection, foster mutual co-operation between government, industry and employees, particularly as they relate to vulnerable workers.
- Use education and proactive measures to facilitate and promote the use of early intervention and alternative dispute resolution in support of the complaint resolution model for employment standards (self-help materials and mediation prior to adjudication).
- Promote use of early intervention and early dispute resolution in the workers' compensation system (including self-help materials and merit assessments).
- Offer conflict resolution programs to the labour relations community that focus on team building, joint consultation committee effectiveness, and relationship enhancement, to promote and encourage cooperative participation in resolving workplace issues between employers and unions.

Performance Measure 4: Proportion of Employment Standards Branch cases closed prior to adjudication

Performance Measure	2004/05 Baseline	2008/09 Forecast	2009/10 Target	2010/11 Target	2011/12 Target
Proportion of Employment Standards Branch cases closed prior to adjudication	78%	>79%	>79.5%	>80%	>80%

Data Source: Employment Standards Branch Case Management System

Discussion

This performance measure demonstrates the extent to which early intervention and alternative dispute resolution have been used to resolve complaints without having to resort to formal adjudication, and reflects Labour's focus on vulnerable persons, prevention and education activities. The measure is based upon Employment Standards Branch operational statistics, and is derived by dividing the number of cases resolved at the intake, education, investigation and mediation stages by the total number of cases.

The expectation is that the Employment Standards Branch will continue to focus on early intervention and alternative dispute resolution where appropriate.

Objective 3.3: Increased client and stakeholder satisfaction through open and effective communication

Increased satisfaction arises from increased understanding, trust and respect. The success of these values relies upon open and effective communication.

Key strategies:

- Continue with initiatives to provide services in other languages.
- Continue with the bi-annual Employers' Advisers Office and Workers' Advisers Office surveys, which measure overall client satisfaction.

Performance Measure 5: Percentage of client satisfaction with Employers' Advisers Office or Workers' Advisers Office

Performance Measure	2004/05 Baseline	2008/09 Forecast	2009/10 Target	2010/11 Target	2011/12 Target
Percentage of respondents satisfied or very satisfied with Employers' Advisers Office (EAO)	90%	> or = 90%	> or = 90%	> or = 90%	> or = 90%
Percentage of respondents satisfied or very satisfied with Workers' Advisers Office (WAO)	73%	> or = 80%	> or = 80%	> or = 80%	> or = 80%

Data Source: Scores from biannual surveys of the Employers' Advisers Office and Workers' Advisers Office

Discussion

This measure demonstrates how satisfied clients are with the services provided by the Employers' Advisers Office and the Workers' Advisers Office. The measure is based on client satisfaction surveys conducted biannually.

Resource Summary

Full Time Equivalents (FTE) numbers for each Ministry are currently being reviewed across government and therefore are not reported in this Service Plan Update. FTE's are routinely reported in the Public Accounts and more detailed information will now be publicly reported in a new Annual Report on the Corporate HR Plan, released each Fall. For more information, see the Budget and Fiscal Plan documentation.

Resource Summary Table

Core Business Area	2008/09 Restated Estimates ¹	2009/10 Estimates	2010/11 Plan	2011/12 Plan
Operating Expenses (\$000)				
Labour Programs	17,261	16,427	15,817	15,088
Executive and Support Services	5,486	5,204	5,097	5,009
Total	22,747	21,631	20,914	20,097
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)				
Labour Programs	3,161	1,600	711	0
Executive and Support Services				
Total	3,161	1,600	711	0

¹ Amounts have been restated, for comparative purposes only, to be consistent with Schedule A of the 2009/10 *Estimates*.

Ministry Contact Information

Department	Telephone	Website
Labour Relations Board	604 660-1300	www.lrb.bc.ca
Employment Standards Office	General Inquiries: 1 800 663-3316*; in Prince George: 250 612-4100	www.labour.gov.bc.ca/esb/
Employment Standards Tribunal	604 775-3512	www.bcest.bc.ca
Workers' Compensation Appeal Tribunal	604 664-7800	www.wcat.bc.ca
	1 800 663-2782*	
WorkSafeBC	1 888 621-SAFE (7233)*	www.worksafebc.com
	1 866 WCB-HELP (922-4357) after hours*	

Location	Employment Standards Branch Office	Employers Advisers Offices	Workers' Advisers Offices
Abbotsford		604 870-5492	604 870-5488
		1 866 870-5492*	1 888 295-7781*
Burnaby	604 660-4946		
Campbell River			250 830-6526
Dawson Creek	250 784-2390		1 888 643-0013*
Kamloops		250 828-4397	250 371-3860
		1 866 301-6688**	1 800 663-6695*
Kelowna	250 861-7404	250 717-2050	250 717-2096
		1 866 855-7575**	1 866 881-1188*
Langley	604 513-4635		
Nanaimo	250 390-6186	250 741-5500	250 741-5504
		1 866 827-2277**	1 800 668-2117*
Nelson	250 354-6550	250 354-6139	250 354-6933
		1 877 877-5524**	1 866 354-6933*
Prince George	250 565-6120	250 565-5285	250 565-4280
		1 888 608-8882**	1 800 263-6066*
Richmond		604 713-0303	604 713-0360
		1 800 952-2233**	1 800 663-4261*
Terrace	250 638-6525		
Victoria	250 952-0469	250 952-4821	250 952-4893
		1 800 663-8783**	1 800 661-4066*

* Toll-Free in B.C.

**Toll-Free in B.C. and Alberta

Additional Information

Please visit our website at: www.labour.gov.bc.ca/pubs/service_plan.htm to view the following appendices:

Glossary of Terms

List of Crowns, Agencies, Boards and Commissions

List of Legislation Administered by the Ministry