

**Ministry of Labour and Citizens' Services
2005/06 Annual Service Plan Report**

**Labour
Performance Methodology Report**

July 17, 2006

Introduction

The performance measures in this Methodology Report are those included in the Labour component of the 2005/06 Annual Service Plan Report. The Annual Service Plan Report provides a description and rationale for each of the measures, along with baseline and target information. This Methodology Report provides additional details on each of the measures that reported 2005/06 results against target, the data sources that were used and (where applicable) additional information on how to interpret the measures or any limitations on the measures.

Goal 1 – Fair and balanced employment standards that promote mutually beneficial relationships between employees and employers

Objective 1: Enhanced prevention and early intervention functions of the Employment Standards Branch

Number of complaints received by Employment Standards Branch

Description:

This measure shows the total number of complaints received by the Employment Standards Branch over the twelve-month period from April 1, 2005 to March 31, 2006. A complaint is registered with (and is thus considered received by) the Branch when an individual completes and submits a Complaint and Information Form that alleges a contravention of the *Employment Standards Act*. In most cases, the individual is required to complete a Self-Help Kit, and to attempt to resolve the complaint with his or her employer before a complaint can be filed with the Branch.

Data Source:

Employment Standards Branch internal data

Number of speaking engagements, training sessions and seminars

Description:

This measure shows the total number of training and public education awareness events that the Employment Standards Branch has sponsored, organized, or participated in over the twelve-month period from April 1, 2005 to March 31, 2006. This measure identifies the number of unique events over this time period, and does not track the total number of participants.

Data Source:

Employment Standards Branch internal data

Average monthly Employment Standards Branch website hits

Description:

This measure shows the total number of times that members of the public have accessed the Employment Standards Branch website (<http://www.labour.gov.bc.ca/esb/>) over the twelve-month period from April 1, 2005 to March 31, 2006.

Data Source:

Ministry of Labour and Citizens' Services – Labour Intranet Website Trends

Percentage of workforce working in industries covered by sector specific initiatives

Description:

This measure is calculated by dividing the total number of British Columbians working in the restaurant and food services industry, the primary agricultural production sector, the film industry and the garment manufacturing sector by the total number of paid employees in British Columbia.

Data Source:

Statistics Canada, *Labour Force Survey*, April 2006

Number of contraventions within industries covered by sector specific initiatives

Description:

This measure shows the total number of contraventions over the April 1, 2005 to March 31, 2006 period in the restaurant and food services industry, the primary agricultural production sector, the film industry and the garment manufacturing sector. A finding of a contravention occurs when the Employment Standards Branch director or a designate issues a determination against an employer stating that the employer has violated one or more sections of the *Employment Standards Act*.

Data Source:

Employment Standards Branch internal data

Objective 2: Employment standards disputes resolved prior to adjudication

Number of Self-Help Kit downloads

Description:

This measure shows the number of times the Employment Standards Branch's dispute resolution tool-kit was accessed and downloaded by members of the public over the twelve-month period from April 1, 2005 to March 31, 2006.

Data Source:

Ministry of Labour and Citizens' Services – Labour Intranet Website Trends

Proportion of cases closed prior to adjudication

Description:

Complaints registered with the Employment Standards Branch may be resolved in one of two ways: 1) through adjudication, which can lead to the issuance of a formal determination and a finding of a contravention of the *Employment Standards Act*; or 2) through the use of alternative dispute resolution, such as mediation. This measure shows the percentage of all complaints resolved without having to resort to adjudication over the period April 1, 2005 to March 31, 2006.

Data Source:

Employment Standards Branch internal data

Objective 3: Ensure the quality and consistency of determinations issued by the Employment Standards Branch, thereby reducing the number of decisions overturned by the Employment Standards Tribunal

Determinations upheld by the Employment Standards Tribunal

Description:

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 Branch's original finding. This measure is calculated by dividing the number of Branch decisions that have been upheld by the Tribunal by the total number of decisions that have been issued.

Data Source:

Employment Standards Tribunal internal data

Objective 4: The Employment Standards Tribunal continues to provide timely, consistent and quality decisions

Days lapsed from appeal or reconsideration to disposition (average)

Description:

This measure shows the average number of days from when an appeal has been registered with the Tribunal until a decision has been issued. This measure is calculated by dividing the total number of days lapsed for decisions issued between April 1, 2005 and March 31, 2006 by the number of decisions.

Data Source:

Employment Standards Tribunal internal data

Per cent of cases decided within 90 days of date of appeal

Description:

This measure is calculated by dividing the total number of cases decided within 90 days of appeal by the total number of cases decided over the April 1, 2005 to March 31, 2006 period.

Data Source:

Employment Standards Tribunal internal data

Per cent of decisions received within 20 days of assignment to a Member of the Tribunal

Description:

Appeals filed with the Employment Standards Tribunal are assigned to a member of the Tribunal for a decision when all information that is required to adjudicate the appeal has been received. This measure is calculated by dividing the total number of cases decided within 20 days of assignment by the total number of cases decided over the April 1, 2005 to March 31, 2006 period.

Data Source:

Employment Standards Tribunal internal data

Per cent of reconsideration request decisions that confirm the original appeal decision

Description:

Under the *Employment Standards Act*, the Employment Standards Tribunal may reconsider any decision of the tribunal, and either confirm, vary or cancel the decision or refer the matter back to the original panel or another panel. This measure is calculated by dividing the number of reconsiderations that upheld the original decision by the total number of reconsiderations over the April 1, 2005 to March 31, 2006 period.

Data Source:

Employment Standards Tribunal internal data

Goal 2 - Promote good relationships in the labour relations community from which productive and competitive workplaces can be developed

Objective 1: Encourage confidence in the Labour Relations Board

Number of Labour Relations Board website hits

Description:

This measure shows the total number of times members of the public have accessed the Labour Relations Board website (<http://www.lrb.bc.ca/>) over the twelve-month period from April 1, 2005 to March 31, 2006.

Data Source:

Ministry of Labour and Citizens' Services – Labour Intranet Website Trends

Objective 2: Increased number of Labour Relations Code applications that are resolved prior to adjudication

Number of applications and complaints disposed of

Description:

This measure shows the total number of applications and complaints addressed by the Labour Relations Board over the April 1, 2005 to March 31, 2006 period.

Data Source:

Labour Relations Board internal data

Percentage of disputes settled without formal decisions, order or declaration

Description:

Applications and complaints filed with the Labour Relations Board may be resolved in one of two ways: 1) through adjudication, which can lead to the issuance of a formal decision, or 2) through the use of alternative dispute resolution, such as mediation. This measure shows the percentage of all complaints resolved without having to resort to adjudication over the period April 1, 2005 to March 31, 2006.

Data Source:

Labour Relations Board internal data

Objective 3: Increase collective bargaining mediation success rate

Percentage of mediation applications settled (ss. 55 and 74)

Description:

Section 55 of the *Labour Relations Code* provides for the appointment of a mediator in the context of a dispute or potential dispute arising from a newly certified bargaining agent attempting to negotiate a first collective agreement. Section 74 provides for the appointment of a mediator in any other dispute or potential dispute arising from the negotiation of a collective agreement. This measure is calculated by dividing the number of disputes or potential disputes that were successfully resolved through mediation by the total number of mediator assignments.

Data Source:

Labour Relations Board internal data

Number of mediator appointments

Description:

This measure shows the total number of mediator appointments that were made over the period April 1, 2005 to March 31, 2006.

Data Source:

Labour Relations Board internal data

Objective 4: Issue decisions in a timely manner

Average number of backlog cases

Description:

A case is considered to be part of the backlog if it has been assigned for more than 90 days and no hearing has been held, or where a hearing has been completed and more than 45 days have passed without a decision. This measure is calculated by dividing the sum of the number of backlog cases at specified intervals over the April 1, 2005 to March 31, 2006 period by the number of intervals.

Data Source:

Labour Relations Board internal data

Goal 3 – Safe and healthy workplaces and a workers’ compensation system that is responsive to the needs of employees and employers alike

Objective 1: Better compliance with the Workers Compensation Act and the Occupational Health and Safety Regulation by providing responsive, independent and expert advice, assistance and representation to workers and employers

Inquiries responded to by Workers’ Advisers Office

Description:

This measure shows the total number of inquiries responded to by the Workers’ Advisers Office over the April 1, 2005 to March 31, 2006 period. This measure refers to documented brief service advice, and does not include general inquiries.

Data Source:

Workers’ Advisers Office internal data

Number of Workers’ Advisers Office Self-Help Kits distributed

Description:

This measure shows the total number of Workers’ Advisers Office Self-Help Kits distributed to clients over the period April 1, 2005 to March 31, 2006.

Data Source:

Workers’ Advisers Office internal data

Workers' Advisers Office public education seminar participation

Description:

This measure shows the total number of participants in Workers' Advisers Office training sessions over the April 1, 2005 to March 31, 2006 period. These sessions are focused primarily on individuals who provide assistance to injured workers, and include injured workers, worker representatives, constituency assistants, and other public groups.

Data Source:

Workers' Advisers Office internal data

Employers' Advisers Office information and skills development seminar participation

Description:

This measure shows the number of individual participants in Employers' Advisers Office Information and Skill Development seminars over the April 1, 2005 to March 31, 2006 period.

Data Source:

Employers' Advisers Office internal data

Objective 2: Increase efficiency of appeal system

Employers' Advisers appeals intervention closures

Description:

This measure tracks the number of appeals or potential appeals that Employers' Advisers have recommended to employers not proceed in the appeal system over the period April 1, 2005 to March 31, 2006.

Data Source:

Employers' Advisers Office internal data.

Backlog of appeals acquired from old system at implementation of Workers' Compensation Appeal Tribunal

Description:

Amendments to the *Workers Compensation Act* came into effect in 2003 that reduced the number of appeal bodies from three to two and that established the Workers' Compensation Appeal Tribunal (WCAT) as the final appeal body. Upon its creation, WCAT inherited a backlog of 22,446 appeals as of March 31, 2003 that had not been disposed of under the old appeal system. WCAT's goal was to eliminate this backlog by March 31, 2006. This measure shows the number of backlog appeals that had yet to be resolved as of March 31, 2006.

Data Source:

Workers' Compensation Appeal Tribunal internal data