

# Evaluation of the Federal Mediation and Conciliation Service (Phase II)

**Final Report**

**June 2021**

**Evaluation of the Federal Mediation and Conciliation Service - Phase II**

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## Executive Summary

The Federal Mediation and Conciliation Service is in charge of providing dispute resolution and dispute prevention assistance to unions and employers. These unions and employers carry out federal works, undertakings or businesses. The program assists unions and employers under the jurisdiction of Part I of the *Canada Labour Code*. It supports unions and employers in negotiating collective agreements and sustaining cooperative relations during the lifespan of the agreements.

Evaluation completed phase I of the Federal Mediation and Conciliation Service evaluation in 2018. Phase II of the evaluation covers the period from 2013-2014 to 2019-2020. It assesses the effectiveness and efficiency of the Dispute Resolution Service and the Industrial Relations Advisory Service.

### **Key Findings**

**The Federal Mediation and Conciliation Service plays a significant role in helping employer and union organizations resolve collective bargaining disputes. Mediators settled the majority of cases without a work stoppage.**

Between 2013-2014 and 2019-2020, mediators<sup>1</sup> successfully settled the majority (95%) of cases without a work stoppage.

Most of the key informants and case study participants confirmed that disputes would have lasted longer without the help of a mediator. Some thought there would have been more and/or longer work stoppages if the parties had not worked with one of the program's mediators.

**Work stoppages are not always avoidable. Moreover, various factors, outside the mediators' control, influence the length and outcome of collective bargaining disputes.**

The extent to which mediators contribute to resolving disputes, regardless of the occurrence of work stoppages, is the best indication of the program's outcomes.

The evaluation revealed that work stoppages may occur despite effective conciliation. This happens namely because of multiple factors that influence collective bargaining,

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<sup>1</sup> Mediators are also called conciliators, conciliation officers or mediation officers.

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unrelated to the program's ability to help parties settle disputes. These factors may aggravate disputes or facilitate their resolution.

Since 2020, the program has taken steps to develop public opinion surveys. This will help to capture client perspectives on how mediators and conciliators contribute to resolving disputes.

**Conciliation and mediation services help maintain and improve union-management relations while assisting parties to advance negotiations and reach a deal on the collective agreement.**

Mediation and conciliation services help to resolve disputes, in several ways, including:

- ✚ providing a neutral space for parties to communicate,
- ✚ helping them achieve a better understanding of the other party's views,
- ✚ reducing the length of disputes and chance of work stoppages, and
- ✚ helping to overcome barriers to bargaining by proposing different ideas and solutions.

Mediators use different strategies to help parties reach an agreement. These strategies are consistent with conciliation and mediation best practices found in the dispute resolution literature.

**Program resources support the delivery of conciliation and mediation services. Overall, interviewees were very satisfied with the quality of the services they received. They were also satisfied with how these services were allocated.**

Several features ensure that the program assigns mediators and conciliators with appropriate expertise and experience to assist parties in reaching a settlement. These features also ensure that the program assigns mediators and conciliators to disputes in a timely manner. These features include:

- ✚ the allocation of financial and human resources,
- ✚ a decentralized structure,
- ✚ effective communications, and
- ✚ the division of roles and responsibilities among management.

**Structural program changes took place during the evaluation period. The goal was to better support the delivery of expert knowledge to the Minister of Labour**

**on industrial relations issues. These changes also better support the delivery of mediation and conciliation services.**

Prior to July 2019, the Industrial Relations Advisory Service was in charge of conducting research and analysis. It also provided advice to the Minister of Labour. These activities involved a range of labour relations issues including within the context of high-profile labour disputes.

As of that date, the Strategic Policy, Analysis and Workplace Information Directorate took over those duties. This change helped to consolidate broad policy expertise within a single Labour Program directorate. The advisory capacity also was strengthened. This is due to the existing Directorate having the required background, staff and resources to support legislative and strategic policy work.

The program also moved the Collective Bargaining and Data Management unit to the Federal Mediation and Conciliation Service. This structural change centralizes responsibility for the collection and management of data on collective agreements and work stoppages within the Federal Mediation and Conciliation Service. Key informant interviews and program documents suggest that these measures will increase efficiencies and resources including data and staff. As such, they will be better able to deliver expert advice to senior management and mediation and conciliation services.

**After the last evaluation, in 2014, the program made several changes.** A new performance measurement strategy, new tools and supporting documents were all developed. These changes ensure that data collection, storage and reporting are more consistent and streamlined.

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# 1. Introduction

## 1.1 Evaluation Scope and Objectives

The Evaluation Directorate conducted the Federal Mediation and Conciliation Service evaluation in two phases:

- Phase I, completed in 2018, covered the period of 2013-2014 to 2017-2018. Phase I of the evaluation assessed the relevance, effectiveness and efficiency of the Dispute Prevention and Relationship Development Service component.
- The current Phase II covers the period from 2013-2014 to 2019-2020. Phase II assesses the Dispute Resolution Service and the Industrial Relations Advisory Service to ensure they are relevant, effective and efficient.

Phase I of the evaluation showed that the Dispute Prevention and Relationship Development Service addresses an increasing need for support among federal organizations. The Service helped parties prevent and better manage workplace conflict and rely less on dispute resolution services. The evaluation showed the need to improve some aspects of dispute prevention services. Areas for improvement included data collection, monitoring and reporting of activities and expected outcomes. [This link](#) includes more details on the 2018 Phase I evaluation.

The Phase II evaluation drew on four lines of evidence, including:

- ✚ an administrative data review,
- ✚ a document and literature review,
- ✚ 27 key informant interviews, and
- ✚ 4 case studies.<sup>2</sup>

## 1.2 Program Overview

The core function of the Federal Mediation and Conciliation Service is to mediate between employers and unions during collective bargaining. Part I of the *Canada Labour Code* states the program's mandate. As such, the Service "*advises the Minister of Labour with respect to industrial relations matters and is responsible for fostering harmonious relations between trade unions and employers by assisting them in the*

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<sup>2</sup> See Annex B for details on each line of evidence.

*negotiation of collective agreements and their renewal and the management of the relations resulting from the implementation of the agreements”.*<sup>3</sup>

The Minister of Labour is responsible to Parliament for administering the *Canada Labour Code*. The Federal Mediation and Conciliation Service promotes cooperative labour relations between unions and employers that are subject to Part I of the *Canada Labour Code*. It provides assistance to unions and employers when they negotiate and renew collective agreements and helps maintain good relations during the term of these agreements.

The workplaces covered by Part I of the *Canada Labour Code* are federal works, undertakings or businesses.<sup>4</sup> Key industries include major airlines and airports, postal and courier services, port operations and railways. In 2019, the organizations subject to Part I of the *Canada Labour Code* employed approximately 992,000 employees (or 6.2% of all Canadian employees).<sup>5</sup> Approximately 35% of these workers were unionized and covered by a collective agreement.

During most of the evaluation period, the three main components of the Federal Mediation and Conciliation Service were as follows:

- **Dispute Resolution Service** appoints mediation and conciliation officers under sections 72 and 105 of the *Canada Labour Code* to assist in resolving collective bargaining disputes. Conciliation and mediation officers deliver services through six regional offices across Canada.<sup>6</sup> For most of the evaluation period, the Dispute Resolution Service also appointed arbitrators. The role of arbitrators is to resolve other types of disputes governed by the *Canada Labour Code* and the *Wage Earner Protection Program Act*. These disputes include:

- ✚ grievances,
- ✚ unjust dismissals, and

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<sup>3</sup> *Canada Labour Code*, 70.1 (1): DIVISION V, Conciliation and First Agreements – Federal Mediation and Conciliation Service.

<sup>4</sup> These include: navigation and shipping; railways; ferries; air transportation; radio broadcasting; banking; certain Crown corporations (such as postal services); and private-sector and municipal employers and employees in the Yukon, Nunavut and the Northwest Territories (*Canada Labour Code*, section 4).

<sup>5</sup> Calculated by the Workplace Information Directorate, Labour Program, based on Statistics Canada, Labour Force Survey, 2019; and Survey of Employment, Payrolls and Hours, 2019.

<sup>6</sup> The Pacific Region covers British Columbia and Yukon. The Northwestern Region includes Alberta, Saskatchewan, Manitoba and the Northwest Territories. The Ontario Region covers Ontario and Nunavut. The Quebec Region includes the province of Quebec, and the Atlantic Region is composed of New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador. A sixth regional office is in the National Capital Region.



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✚ wage recovery disputes.<sup>7</sup>

The Dispute Resolution Service is also in charge of appointing arbitrators under Part I, on behalf of the Minister of Labour.

- **Dispute Prevention and Relationship Development Service** helps to:

- ✚ prevent and better manage labour disputes and day-to-day workplace conflict, and

- ✚ develop and maintain collaborative working relations.

It also provides communication and relationship development workshops and services, on a case-by-case voluntary basis.

- **Industrial Relations Advisory Service** is the policy and research arm of the program. It provides advice and guidance to the Minister of Labour on industrial relations matters, as per section 70.1 of the *Canada Labour Code*. In July 2019, the Strategic Policy, Analysis and Workplace Information Directorate took over some of these responsibilities. The Federal Mediation and Conciliation Service continues to provide advice and guidance to the Minister of Labour. Advice and guidance relates to collective bargaining disputes and industrial relations matters.

- In September 2019, the Collective Bargaining and Data Management unit became part of the Federal Mediation and Conciliation Service. It was formerly part of the Strategic Policy, Analysis and Workplace Information Directorate. The unit joined in the last six months of the evaluation period and is outside the scope of this evaluation.

## Conciliation and Mediation

- When parties seek support from the Program to resolve a collective bargaining dispute, conciliation is a mandatory legislated process, while mediation is voluntary. When employers and unions who engage in direct negotiations encounter an impasse, they may:

- ✚ file a notice of dispute with the Minister of Labour under Part I of the *Canada Labour Code*;

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<sup>7</sup> In July 2019, the Canada Industrial Relations Board took over the responsibility to appoint adjudicators and referees. These resolve certain types of disputes governed by Part III of the *Canada Labour Code*. Disputes include grievances, unjust dismissal complaints and wage recovery appeals. Only grandfathered files remain with the Dispute Resolution Service.

- ✚ seek the assistance of a Federal Mediation and Conciliation Service officer to begin conciliation.

Conciliation is one of several steps required by the *Canada Labour Code* before a party may begin a legal work stoppage.

- Mediation can occur at any point in the bargaining process. However, once the conciliation period expires, the parties may choose to continue working with a mediator. Officers who assist unions and employers as conciliators can also act as mediators on the same file.
- The program's clients are federal unions and employers governed by Part I of the *Canada Labour Code*, including:
  - ✚ private sector organizations,
  - ✚ certain Crown corporation,
  - ✚ municipal employers, and
  - ✚ private sector and municipal employers/employees in the Yukon, Nunavut and the Northwest Territories.
- As per the table below (Table 1), the Program's total expenditures (\$47,480,622) were slightly above the planned budget (\$47,311,055.67). The majority of the program budget went to the regions (46%), followed by Dispute Resolution Services (29%), and the Director General's Office (9%).

Table 1. Program budget and expenditures by division, 2013-2014 to 2019-2020

Division	Salary budget and expenditures		Non-salary budget and expenditures		Share of the total budget by division
	Salary Budget	Salary Expenditures	Non Salary Budget	Non Salary Expenditures	
Director General's Office	\$2,744,855.00	\$2,797,177.79	\$1,515,775.81	\$971,361.47	9%
Regions	\$17,627,067.00	\$18,346,608.82	\$3,948,192.01	\$3,682,304.73	46%
Relationship Development Program	\$1,803,534.00	\$1,747,119.36	\$1,920,385.75	\$1,357,455.32	8%
Dispute Prevention	\$310,800.00	\$302,435.21	\$27,348.39	\$14,367.05	1%
Industrial Relations Advisory Service	\$3,486,233.00	\$3,084,137.83	\$118,702.00	\$76,216.70	8%
Dispute Resolution Service	\$4,719,523.00	\$4,881,983.39	\$9,088,639.71	\$10,219,414.48	29%
<b>Total</b>	<b>\$30,692,012.00</b>	<b>\$31,159,462.33</b>	<b>\$16,619,043.67</b>	<b>\$16,321,119.75</b>	<b>100%</b>

Source: FMCS Financial Report, 2013 to 2020.

## 2. Evaluation Findings

### 2.1 Role of Federal Mediation and Conciliation Service in settling collective bargaining disputes and preventing work stoppages

Mediation and conciliation services play a significant role in helping employers and unions resolve collective bargaining disputes. Mediators settled most of the cases without a work stoppage.

The *Canada Labour Code* requires federal mediators to assist parties during the conciliation phase of collective bargaining. The percentage of labour disputes that Labour Program officers settled under the *Canada Labour Code* (Part I) without work stoppages is one of the program's key performance indicators.

#### Characteristics of work stoppages

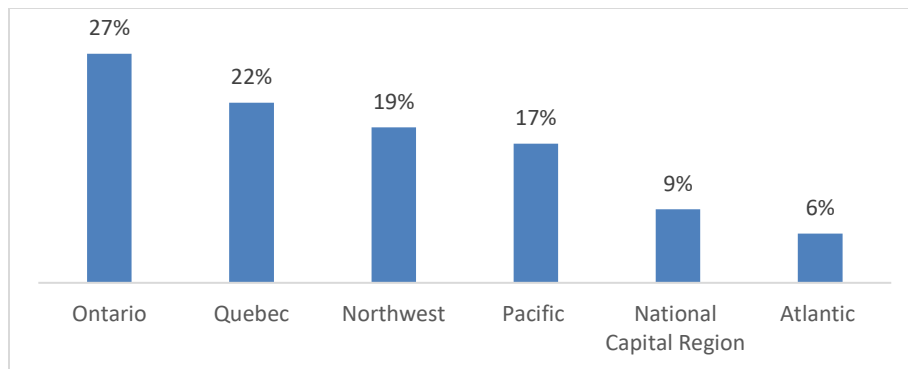
- From 2013-2014 to 2019-2020, there were 54 work stoppages (strike or lock-out) at the organizations that received conciliation/mediation services. They involved 70,096 workers. Work stoppages resulted in 475,662 person-days not worked.
- Between 2013-2014 and 2019-2020, 28% of work stoppages occurred in the Ontario region. It was followed by 22% in the Québec<sup>8</sup> region and 19% in the Northwest region (Figure 1).
- Transportation industries<sup>9</sup> made up most of the conciliation and mediation files. Between 2013-14 and 2019-20, transportation industries were involved in 63% of the disputes that the program handled. Furthermore, 41% of the 54 work stoppages occurred in these industries. They were also responsible for about 70% of the total person-days not worked during the evaluation period.

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<sup>8</sup> Most organizations eligible to use the services of the program (i.e., subject to Part I of the *Canada Labour Code*) are located in Ontario and Quebec.

<sup>9</sup> Transportation industries make up the largest share of industries covered under Part I. They include air, rail and road transportation, and shipping and navigation industries.

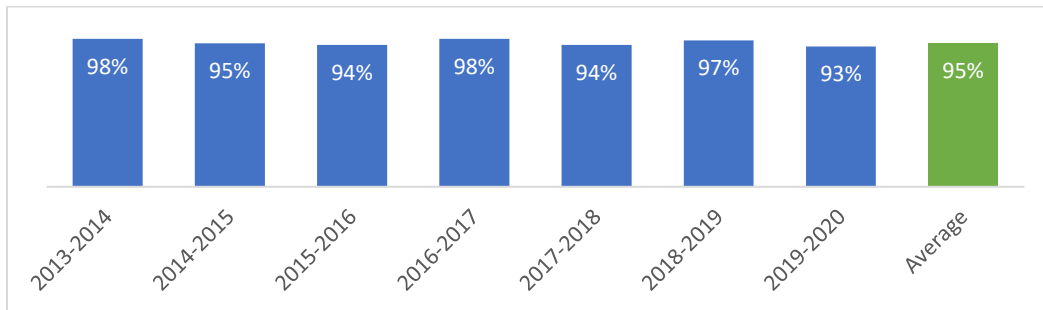
**Figure 1. Percentage of work stoppages by regional office, 2013-2014 to 2019-2020**



Source: Federal Mediation and Conciliation Service Information System.

#### Collective bargaining disputes settled by the program

- Between 2013-2014 and 2019-2020, the Federal Mediation and Conciliation Service settled 1,044 cases.
- During the same period, conciliation officers and mediators settled 42% of cases during conciliation, which is the earliest possible stage. Whereas, 58% of the cases were settled after the conciliation stage.
- Between 2013-2014 and 2019-2020, mediators settled the majority (95%) of cases, without a work stoppage (Figure 2).

**Figure 2. Proportion of disputes settled without work stoppages, 2013-2014 to 2019-2020**

Source: Federal Mediation and Conciliation Service Information System.

- Most of the key informants and case study participants confirmed that, without the help of a mediator, disputes would have lasted much longer. In addition, there would have been more frequent and/or longer work stoppages if a mediator had not been involved. For example, in three out of the four case studies, unions and employers believed that a work stoppage would have occurred if a mediator had not been involved.

Avoiding work stoppages is not always possible. Moreover, various factors outside a mediator's control can influence the length and outcome of collective bargaining disputes.

One cannot assess whether mediation and conciliation services are effective solely by looking at the number of disputes resolved without a work stoppage. The extent to which mediators contribute to resolving disputes is a better way of assessing the impact of the program, regardless of a work stoppage.

- The document and literature review revealed that work stoppages may occur despite effective conciliation. Multiple factors affect collective bargaining including factors that do not relate to the program's ability to help parties settle disputes. For example, poor relations between parties may hinder the process.
- The literature review also showed that work stoppages can have potential negative impacts on society and the economy. The Sims report notes that work stoppages in the postal, transportation or grain sectors can "have an enormous effect upon the public."<sup>10</sup> These include production losses, diminished productivity, reduced investment and foreign trade. However, the report also acknowledges that there is little evidence to support firm conclusions on economic and non-economic impacts.
- Recent Statistics Canada data showed that in August 2020, the strike at the Port of Montreal caused \$600 million in economic losses.<sup>11</sup> The Canadian Federation of Independent Business conducted a survey in August 2020. The survey showed that 40% of Quebec small and medium enterprises suffered negative impacts due to the situation.
- Despite their potential short-term negative economic effects, work stoppages are sometimes inevitable and/or are a needed step in resolving disputes.
- At the same time, the evaluation found that the program has influence over the incidence of work stoppages. This happens when mediators and conciliators help settle issues in dispute that may otherwise have led to a work stoppage. For example, assisting parties to communicate better can help avoid work stoppages.

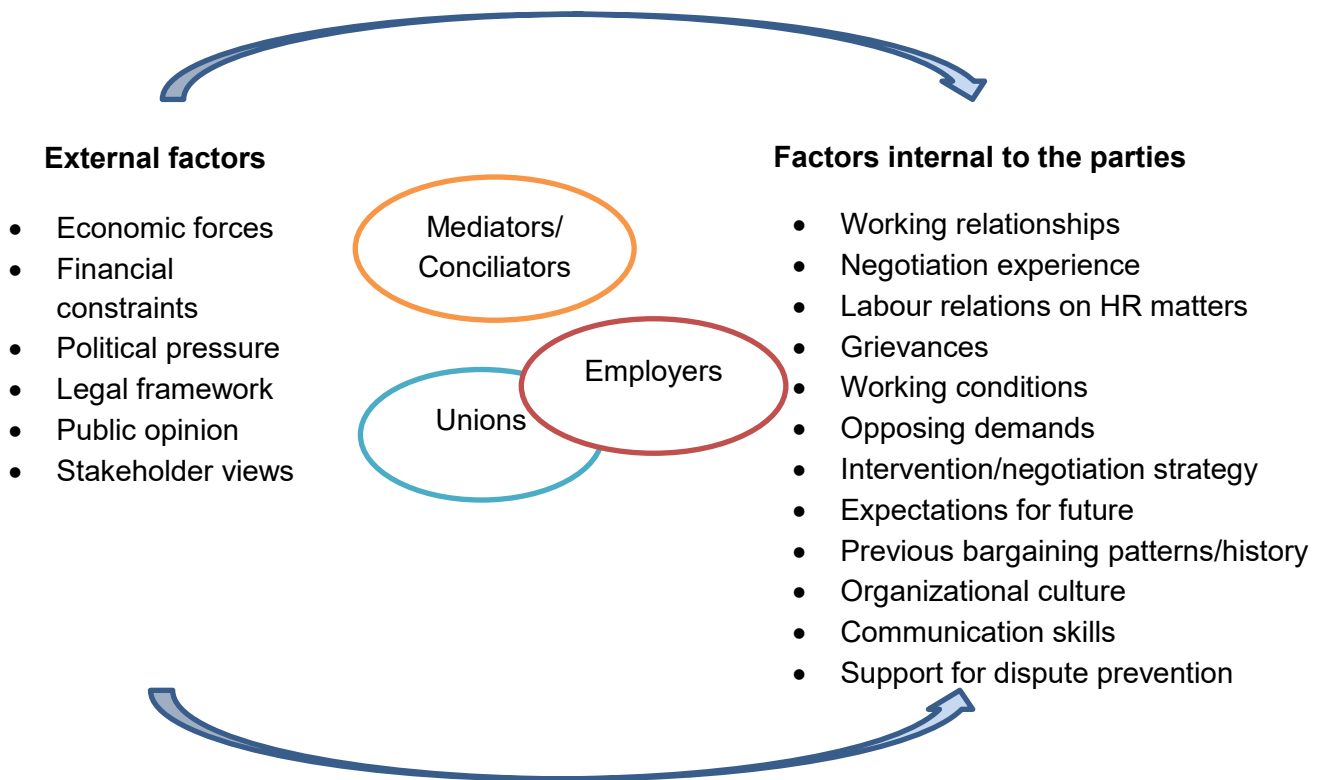
As per the *Canada Labour Code*, parties must undergo, at minimum, a 60-day conciliation period followed by a 21-day cooling off period before obtaining the right to strike or lockout. It is during this specific period that conciliators and mediators have an opportunity to influence the outcome of a dispute in order to avoid a work stoppage. Therefore, in certain cases, the program only has limited influence over the occurrence of strikes and lockouts.

<sup>10</sup> Canada. Task Force on *Canada Labour Code Part I Review*, & Sims, A. C. (1995). *Seeking a Balance: Canada Labour Code Part I Review*. Minister of Public Works and Government Services Canada.

<sup>11</sup> Statistics Canada. Wholesale trade, September 2020, available at [The Daily — Wholesale trade, September 2020 \(statcan.gc.ca\)](https://www150.statcan.gc.ca/n1/pub/2464601x/202009/00001-eng.htm).

- However, in cases where work stoppages do occur, key informant interviews revealed that conciliators and mediators remain involved and continue to assist parties with resolving the dispute.
- Figure 3 below identifies some of the factors most frequently mentioned in interviews and cited in the reviewed literature. These factors may have an impact on the collective bargaining process and/or may worsen disputes or help with their resolution.

**Figure 3. External and internal factors that may impact the collective bargaining process**



Source: Program Information Profile, literature review and interviews

Conciliation and mediation services help maintain and improve union management relations. They assist parties to advance negotiations and reach a deal on the collective agreement.



*The International Labour Organization supports the view that employers and employees can avoid or resolve disputes through:*



- 
- ✚ consensus building,
  - ✚ action among themselves, and
  - ✚ conciliation and bargaining processes with third parties.<sup>12</sup>
- The literature review showed that mediation and conciliation services are able to help labour and management representatives resolve collective bargaining disputes.<sup>13</sup> This included similar services to those offered by the program.
  - During interviews, many clients stated that mediators improved the negotiation process and working relations. Helping parties communicate better was one such example.
  - Clients consulted during the interviews and case studies mentioned several positive impacts mediation and conciliation services have on resolving disputes. As such, mediation and conciliation services:

provided a neutral platform so parties could communicate in a credible manner and have encouraging discussions

reduced the duration of the dispute and the possibility of a work stoppage

helped parties develop a better understanding of the other party's views

helped overcome barriers by proposing different ideas and/or solutions

Among those who were interviewed, there was general agreement that the role of the conciliator and mediator involved helping parties reach an agreement. This was done by using different strategies, including:

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<sup>12</sup> ILO (2013), pp. 6-7.

<sup>13</sup> See ILO (2013), Brown (2014).

- ✚ reframing issues,
- ✚ identifying potential solutions, and
- ✚ separating or convening parties (meeting parties one-on-one and in caucus).

These strategies were consistent with conciliation and mediation best practices found in the dispute resolution literature.

## 2.2 Extent to which the design and delivery of the program support the effective delivery of program activities and foster cooperative labour relations

Program resources and overall structure ensure the timely and effective delivery of conciliation and mediation services while fostering cooperative labour relations.

Financial resources are sufficient and meet the program's overall workload.

- During interviews, senior management stated that overall, the level of funding was sufficient.
- During the evaluation period, 75% of the budget went to dispute resolution. The program allocated this budget directly (funding for regions to deliver mediation and conciliation services) and indirectly (funding for managing dispute resolution) (Table 1, p 10).
- The annual amount of funding for dispute resolution is consistent with the overall yearly caseload.

Assigned human resources support the delivery of mediation and conciliation services.

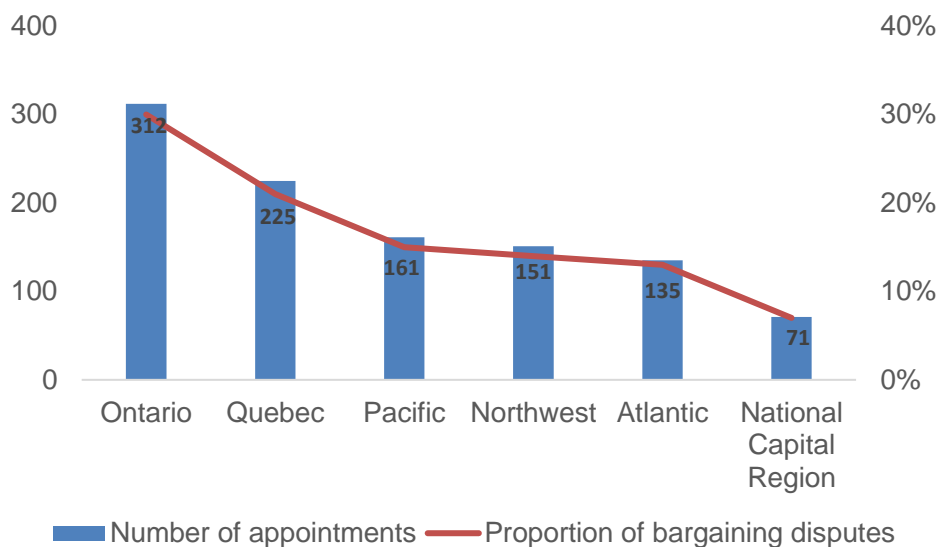
- Administrative data showed that the Dispute Resolution Service appoints conciliation officers within 15-days. This is the timeframe or service standard that is set out in the *Canada Labour Code*.
- The average number of days taken to appoint conciliation officers during the evaluation period was 9.57, which was well within the service standard.
- Between 2013-2014 and 2019-2020, the program appointed 1,055 conciliation officers to help settle disputes. Moreover, the program assigned the number of mediation and conciliation officers based on need, by region and overall caseload (Figure 4).

- Interviews revealed that mediators and conciliators were highly mobile and often provided services in other regions as needed.
- Based on the interviews, the number of conciliators and mediators who delivered services in the six regional offices addressed client needs.

*The program is “a national service where mediators live in the regions but work nationally.”*

Interview participant

**Figure 4. Number of conciliation appointments and percentage of collective bargaining disputes, by region between 2013-2014 and 2019-2020**



Source: Federal Mediation and Conciliation Service Information System

- External stakeholders and case study participants indicated that they were either satisfied or very satisfied with the quality of the services received. They also mentioned that, for the most part, conciliators and mediators were accessible and reachable, skilled and experienced as well as highly competent.
- They were of the opinion that conciliation and mediation experience mattered more than industry knowledge. Many clients noted that experienced conciliators and mediators were able to get up to speed on the various issues and dynamics regardless of industry knowledge.

The program's structure is a good way of providing mediation and conciliation services.

- Interviews revealed a strong level of team work between:
  - ✚ headquarters and regions,
  - ✚ dispute resolution, prevention, and industrial advisory services.
- They described information sharing as constant and fluid.
- As shown through the key informant interviews, the program often deploys mediators and conciliators outside their region. The reasons for doing so include their expertise in a specific industry or area.

The program's management structure is a good fit and well tailored to meet the program's needs.

- Six regional offices – most headed by regional directors – deliver mediation and conciliation services.<sup>14</sup>
- Interviews showed that the management structure helped the program achieve results. No one suggested arranging the reporting structure differently.

Communication within and across the program's different teams is effective.

- Participants did not mention any problems with communication within or across different teams. They spoke positively about how different components of the program work together. They also described information sharing between teams as constant and fluid.

Structural program changes took place during the evaluated period. The goal was to better deliver mediation and conciliation services. Another goal was to better support the Minister of Labour by providing expert knowledge on industrial relations issues.

The Industrial Relations Advisory Service was in charge of the following:

- ✚ conducting research and analysis;
- ✚ providing advice to the Minister of Labour on a range of labour relations issues including high-profile labour disputes.

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<sup>14</sup> Apart from the National Capital Region, which had a regional director until 2018 (but does not currently).

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In July 2019, the Strategic Policy, Analysis and Workplace Information Directorate took over some of its duties. The purpose was to bring together broad policy expertise within a single Labour Program directorate.

- The unit was not fully staffed during the second half of the evaluation period. Therefore, it is difficult to assess its structure and resources. However, several participants agreed the unit supported mediators. It also provided expert service to the Minister of Labour prior to its move in July 2019.
- During the second half of the evaluation period, a core group of analysts reporting to the Director General carried out the advisory function. They provided research support to conciliators/mediators and advice and guidance to senior management. They also responded to requests about current or past disputes.
- The Federal Mediation and Conciliation Service continues to play a key role in advising the Minister (as required by legislation, mainly related to specific disputes).
- Interviews showed that this change would enhance the advisory capacity of the Branch. The Strategic Policy, Analysis and Workplace Information Directorate has the background and resources to support legislative and strategic policy work. The change would also reinforce mediation and conciliation services' neutral position by removing responsibilities related to labour relations legislation from the program.

### **2.3 Recent changes made in support of effective program delivery and attaining expected outcomes**

After the last evaluation in 2014, the program made several changes to support the program achieve its objective of fostering supportive labour relations.

The program adopted a new performance measurement strategy in response to the evaluation findings. These are in accordance with the Treasury Board Policy on Results.

- The program developed a Performance Information Profile in June 2017 and updated it once again in 2020.
- In February 2019, the Evaluation Directorate assessed the program's Performance Information Profile. They found that the program informed the need to monitor and measure results.
- Current evaluation key findings showed that the occurrence of work stoppages does not solely determine the success of mediation and conciliation. Other factors, such as the relations between parties, may have played a larger role in the outcome.

- Interviews showed that mediators' and conciliators' involvement in dispute resolution was more important than the number of disputes settled without a work stoppage.
- Therefore, this evaluation showed that the main indicator used to measure the success of mediation and conciliation services<sup>15</sup> is not sufficient. It does not fully capture the impact of mediators and conciliators in helping parties resolve disputes.

New tools and supporting documents ensure that data collection, storage and reporting are consistent.

Some of the more significant changes made by the program included:

- revising the weekly reports used to capture mediation and conciliation data;
- creating training manuals to assist with data entry;
- adopting new software to extract data from the internal database used to store mediation files.

The program is also switching to a new data management system. This should reduce some of the remaining challenges.

Data collection, storage and reporting is more consistent and concise

- The 2014 evaluation of the Federal Mediation and Conciliation Service highlighted data reporting as one of the main issues. Data that was part of the internal data management system was not available in report form. Rather, it required an interface that was labour intensive.
- Although the former internal software is still in use as a database, the program adopted new software as a solution to data reporting issues. This allows the program to extract readily usable information in the form of reports, used to develop annual reports.
- The Collective Bargaining and Data Management unit became part of the Federal Mediation and Conciliation Service. This change helped the program centralize data collection relating to collective agreements and work stoppages.

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<sup>15</sup> Percentage of labour disputes settled under Part I (Industrial Relations) of the *Canada Labour Code* without work stoppages with assistance by Labour Program officers.

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## Conclusion and Consideration

Mediation and conciliation activities contribute to helping parties resolve collective bargaining disputes to a great extent. In fact, during the evaluation period, conciliators and mediators resolved most disputes without a work stoppage. However, not all work stoppages are avoidable, even with high quality mediation. Mediation may nonetheless have positive effects on reducing the scope of issues in the dispute. It may also help shorten the length or intensity of work stoppages while settling collective agreements.

Since 2020, the program has taken steps to develop public opinion surveys. The use of this information will help to better capture clients' views on how mediators and conciliators help resolve disputes.

The Federal Mediation and Conciliation Service was successful in achieving its objective of reducing work stoppages to a minimum. Furthermore, during the evaluation period, conciliators and mediators settled 1,044 cases. Of these cases, they settled 42% at the earliest possible stage (during conciliation), and 58% at the post-conciliation stage.

Key findings suggest that program resources and features ensure that conciliation and mediation services are timely and effective and foster collaborative labour relations.

The program underwent several major changes since the last summative evaluation in 2014. New performance measurement, data collection and reporting practices have improved timely monitoring and reporting of results. The program also made structural changes, such as:

- ✚ transferring the advisory service to a new directorate;
- ✚ moving the Labour Program's collective bargaining and data management team into the Federal Mediation and Conciliation Service.

The program expects these changes to continue to contribute to the delivery of mediation, conciliation and advisory services. It will be important to monitor these changes to ensure they serve the program fully.

## Annex A: Evaluation questions

### Evaluation questions and sub-questions

1. To what extent do mediation and conciliation activities contribute to settling disputes related to collective bargaining and preventing work stoppages?

- What are the main external factors that influence the outcome of collective bargaining disputes?
- To what extent does the mediator/conciliator's support help clients settle disputes related to collective bargaining?
- To what extent does the program have control over work stoppages?

2. Does the design and delivery of the program support program activities? Does the design and delivery support the program achieve its ultimate outcome of fostering cooperative relations?

- To what extent do the program's structure and resources support the delivery of mediation and conciliation services?
- To what extent do the program's structure and resources support the delivery of expert knowledge to the Minister on industrial issues?

3. Do changes made to the program support the program achieve its ultimate outcome of fostering cooperative relations?

- What did the previous evaluations recommend with regard to the dispute resolution and industrial relations advisory services?
- Has the program implemented changes in response to these recommendations? If so, how do these changes support the program achieve its objectives?
- Did the program put in place any additional changes to support the program achieve its objectives?



## Annex B: Lines of evidence, limitations and mitigation strategies

Phase II of the Federal Mediation and Conciliation evaluation drew on four lines of evidence:

- administrative data review,
- literature and document review,
- interviews with internal and external stakeholders,
- case studies.

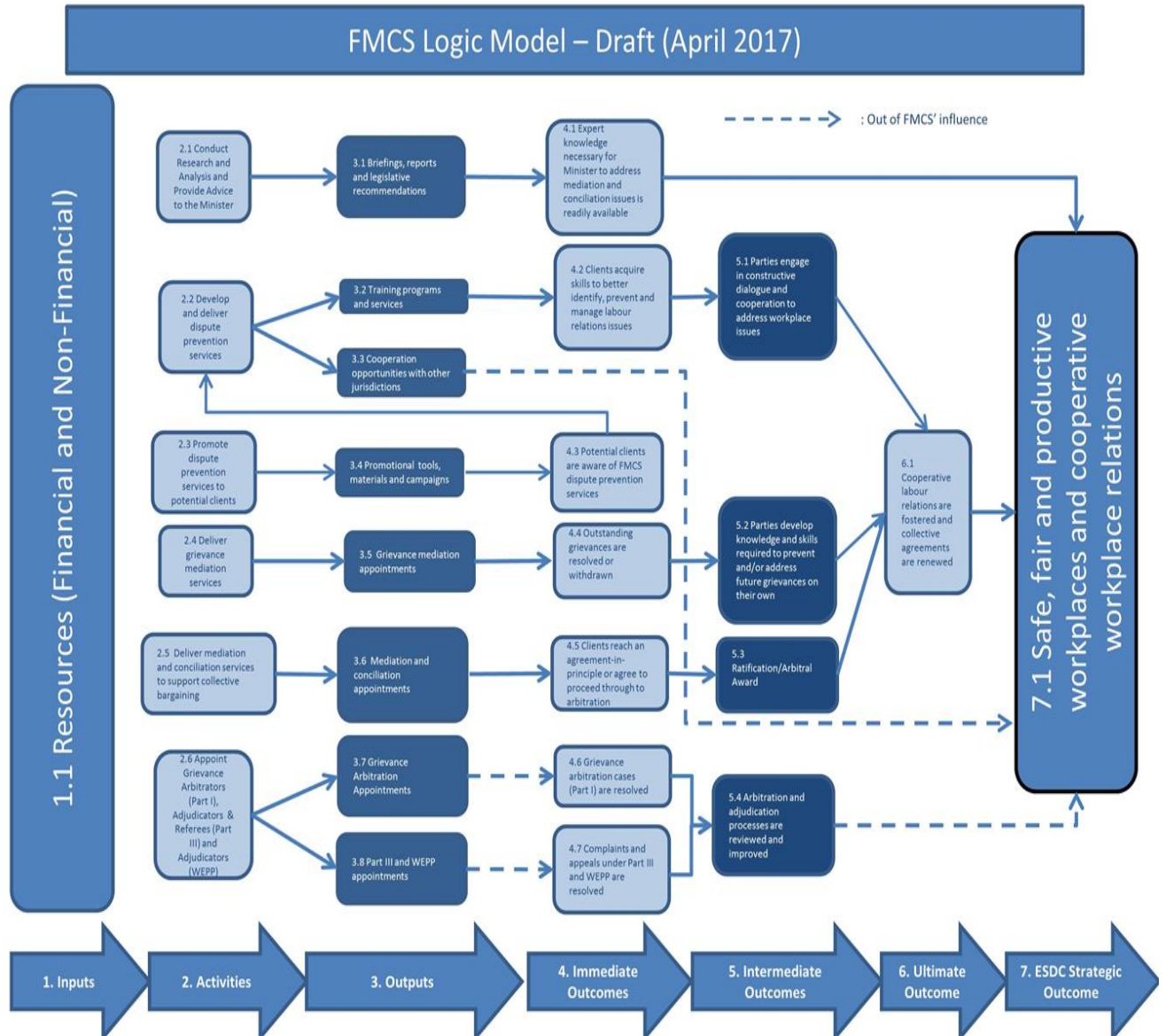
Description	
<b>Administrative data review</b>	<p>The evaluation team performed an administrative data review of Excel reports produced by Cognos to:</p> <ul style="list-style-type: none"> <li>• determine the effectiveness of the dispute resolution services;</li> <li>• assess the extent to which the program’s data management systems are supporting the program measure, monitor and report on practices.</li> </ul> <p>The administrative data review included:</p> <ul style="list-style-type: none"> <li>• Federal Mediation and Conciliation Service annual reports for the 2013-2014 to 2019-2020 period,</li> <li>• reports from the Strategic Policy, Analysis and Workplace Information Directorate on work stoppages for the same period.</li> </ul> <p><u>Limitations</u></p> <p>The evaluation team relied on:</p> <ul style="list-style-type: none"> <li>• combining data records from the Federal Mediation and Conciliation Service Information System,</li> <li>• analysis of Cognos reports,</li> </ul>

	<ul style="list-style-type: none"> <li>reports provided by the Innovation, Information and Technology Branch (IITB).</li> </ul> <p>Because of the multiple sources of data, it was a slow process for Evaluation to verify the quality and accuracy of the data.</p> <p><u>Mitigation strategies</u></p> <p>The evaluation team thoroughly reviewed each report to ensure they were consistent. In case of differences, IITB prepared new reports to verify and use in the analysis.</p>
<b>Document and literature review</b>	<p>The evaluation team reviewed a large number of documents, including program and departmental documents, academic research, government publications. Other sources included the International Labour Organization. The academic research was sourced from leading industrial relations experts with specialized knowledge related to dispute resolution systems in both Canadian and international jurisdictions.</p>
<b>Key Informant Interviews</b>	<p>Evaluation conducted a total of 27 interviews with selected internal and external stakeholders, including:</p> <ul style="list-style-type: none"> <li>senior management and Industrial Relations Advisory Service analysts (n=4)</li> <li>industrial relations analysts and program managers (n=3)</li> <li>mediation/conciliation officers (n=6)</li> <li>employer senior management (n=6)</li> <li>union representatives (n=8)</li> </ul>
<b>Case Studies</b>	<p>The evaluation team completed four case studies on specific labour disputes. For each of these disputes, the evaluators examined relevant program data and information from interviews with parties involved in</p>

	the disputes. The evaluation team conducted 12 interviews as part of the case studies.
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## Annex C: Federal Mediation and Conciliation Service Logic Model



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