

# MINISTERIAL OR MLA CONTACT

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## INTRODUCTION

This policy discusses how to reply when the Minister or an MLA (including other Ministers) contacts the Board for information. This policy also applies to information requests from an MLA's staff. This policy discusses:

- key issues to consider in such contact;
- how to handle requests from the Minister;
- the format of Ministerial replies; and
- how to handle requests from other Ministers or MLAs.

## KEY ISSUES

When an MLA contacts the Board, staff should consider the following points:

- Requests for information need to be dealt with promptly, sensitively, comprehensively and accurately.
- The Board must respect individual's privacy rights under the *Freedom of Information and Protection of Privacy Act*. See: [[Protection of Personal Privacy Under FOIPP, Chapter 5\(c\)](#)].
- Contacts about cases that are before the Board can appear to others to be improper interference with the Board's independence, even if the contact is innocent.
- Certain protocols need to be observed in dealing with the Minister's office, the MLAs and in their dealings with each other.
- Staff must ensure consistency in what and what type of information is given out. When in doubt, contact the Director or Manager of Settlement, Chair or Legal Counsel.

## REQUESTS FROM THE MINISTER

The Minister is responsible for the Labour Board. Although the Board is directly accountable to the Minister, the relationship between the Minister and the Board is complex.

The Board is a quasi-judicial body that is independent in respect to the cases it hears and the discretion it exercises. At the same time, the Board is accountable for the performance of its duties through the Minister. A part of this accountability is that the Minister receives and answers questions about the Board's general policies, resources and operation. When the Minister receives such inquiries, the Minister normally contacts the Chair or, in more routine matters, Board staff members.

All Ministerial inquiries must be answered promptly, clearly and accurately. The Chair should be notified immediately of any request for information. The Chair may delegate requests to appropriate staff so they can prepare a reply. Inquiries from the Minister come in two forms:

- **Verbal requests:** Staff can answer verbal inquiries and must advise the Chair of such contacts immediately. This may include advising of scheduled hearing dates, strike vote results, giving information about forms or information bulletins, or other public and non-contentious matters. All requests about pending cases, guidance on the meaning of the Code, or similarly detailed questions should be referred to the Chair if possible or another senior staff member. This ensures consistency, accuracy and (when necessary) suitable confidentiality about pending matters.
- **Written requests:** The Minister will often ask the Chair to handle information requests or complaints. See: [[Action Requests, Chapter 14\(b\)](#)]. The Minister normally forwards all of the relevant materials to the Chair, asks for an investigation and a briefing memo. The Minister also normally asks the Chair to draft a suitable reply on behalf of the Minister or on behalf of one of the Minister's Cabinet colleagues. Such requests may also come through the Deputy Minister's office. Treat all such requests as urgent. If the Chair delegates the request to a staff member, the reply must be prepared in time for the Chair to review the reply before it is sent to the Minister.

## FORMAT OF REPLIES

Should a request come in for reply, prepare the correspondence as directed by the Chair. Print all correspondence for signature by the Minister in 12-point Times Roman. The Minister's salutation appears on all correspondence as:

Yours very truly

<Minister's Name>  
Minister of [Department]

When returning the requested reply and briefing note, send both paper and electronic copies. If major revisions are necessary, the Minister's office may return the documents to the Board's Chair.

Follow a similar format if the reply is to be signed by the Premier or another Minister. In such cases, also prepare a covering memo from the Minister to that person explaining the nature of the reply and recommending the form of reply drafted.

If the request for a reply by the Minister comes from the Deputy Minister's office, follow the same approach as above.

## **REQUESTS FROM OTHER MLAS**

When an inquiry from an MLA (including caucus research staff) is received, consider the following points:

- Staff should respond verbally to MLA requests for information of a general nature. This includes providing information on statutes and rules administered by the Board as well as information related to complaints or concerns of constituents unrelated to specific issues before the Board. Notify the Chair immediately after providing such information.
- When a request requires a written reply, involves a sensitive issue, relates to a case not yet heard or decided, or deals with interpretation of a significant Board policy or decision, ask the MLA to make their request in writing through the Chair. If the request concerns the general administration of the Code, the request should instead be made through the Minister. Notify the Chair immediately after providing such information.

In all dealings with MLAs, it is important to be as open and helpful as possible. Impartial decision-making requires that all persons be treated equally and fairly. Intervention by an MLA should do nothing more than ensure that the constituent gets the same fair and impartial treatment afforded to all parties before the Board. No MLA, individual contacting an MLA or any other party should get the feeling that the person received “special treatment” because of political intervention in an outstanding case.