

POLICY ARENA

Canada Customs and Revenue Agency implements alternative dispute resolution

by Anna-Carolle Bougie

While others watched or waited, the Materiel Management Directorate (MMD) of the new Canada Customs and Revenue Agency (CCRA) – replacing the former government department, Revenue Canada – was fast off the mark in several areas. The agency, officially launched on November 1, 1999, was granted new freedoms to manage and direct its own affairs – particularly management of its human resources and contracting and procurement.

The MMD implemented reform in a collaborative but aggressive manner. The result was an innovative Materiel Management Framework, which served to introduce the envisioned changes and to guide the development of comprehensive guidelines and programs to ensure the successful implementation of these initiatives.

The new, approved instrument of delegation of Materiel Management Authorities will result in the granting of authorities and accountabilities to people rather than to positions (once they have completed clearly identified prerequisites to the granting of such authority). The draft program allows for creative solutions for compliance, including adapting existing training courses to meet particular needs and accepting experience as equivalents. However, there are new requirements for which it is unlikely that CCRA employees would have had previous training or experience. Some such areas are risk assessment and management in contracting, indemnification, Benefits Driven Procurement and Alternative Dispute Resolution (ADR) in contracting and procurement.

The ADR program was ready for implementation on November 1, 1999, following CCRA consultations with its supplier community, PWGSC and the Canadian International Trade Tribunal. The program consists of policies and guidelines, new clauses for inclusion in Request for Proposals and contracts, an employee and supplier handbook, a training course and an effective continuum of possible early interventions designed to identify and deal with disputes to the mutual satisfaction of all parties to the dispute. The process is fast and inexpensive, strengthens relationships and allows all participants in a dispute to remain responsible for the outcome.

The MMD priority is, at present, to prepare its own national workforce to deal with their suppliers and internal clients. The ADR course – piloted in Ottawa and following minor modifications – has been delivered one more time to Headquarters employees. It is expected to

be available shortly for delivery in all regions to all Materiel Management employees, as well as managers who exercise delegated contracting authority.

Suppliers will be encouraged to take the same training so that all participants in the contracting process will be able to deal with emerging issues in “a mutually satisfying fashion.”

Federal regulatory bodies are encouraging MMD to continue on its present course. At the same time, they are also encouraging the rest of the public service to recognize the cutting-edge leadership being demonstrated by the CCRA and to take advantage of the lessons learned as it completes its program implementation.

The training being offered is not intended to make ADR experts and practitioners out of the employees of CCRA. Rather, it is to raise awareness of what ADR is and is not. It will help employees understand what to expect and what is expected of them, from any of the possible interventions, should they find themselves involved in attempting to resolve a dispute through ADR. As an added bonus, the training should also give the participants a new set of skills, changing not only how they deal with their clients and suppliers on-the-job, but also how they deal with others in their private and professional lives. This should allow for the early detection and response to potential disputes and the reduction or elimination of disputes that grow and destroy relationships and threaten the ability to successfully complete contracts.

While onlookers may remain sceptical about any government initiative, the Materiel Management Directorate has put together all the ingredients to successfully implement these programs and remains sufficiently committed and enthusiastic to pull it off.

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