

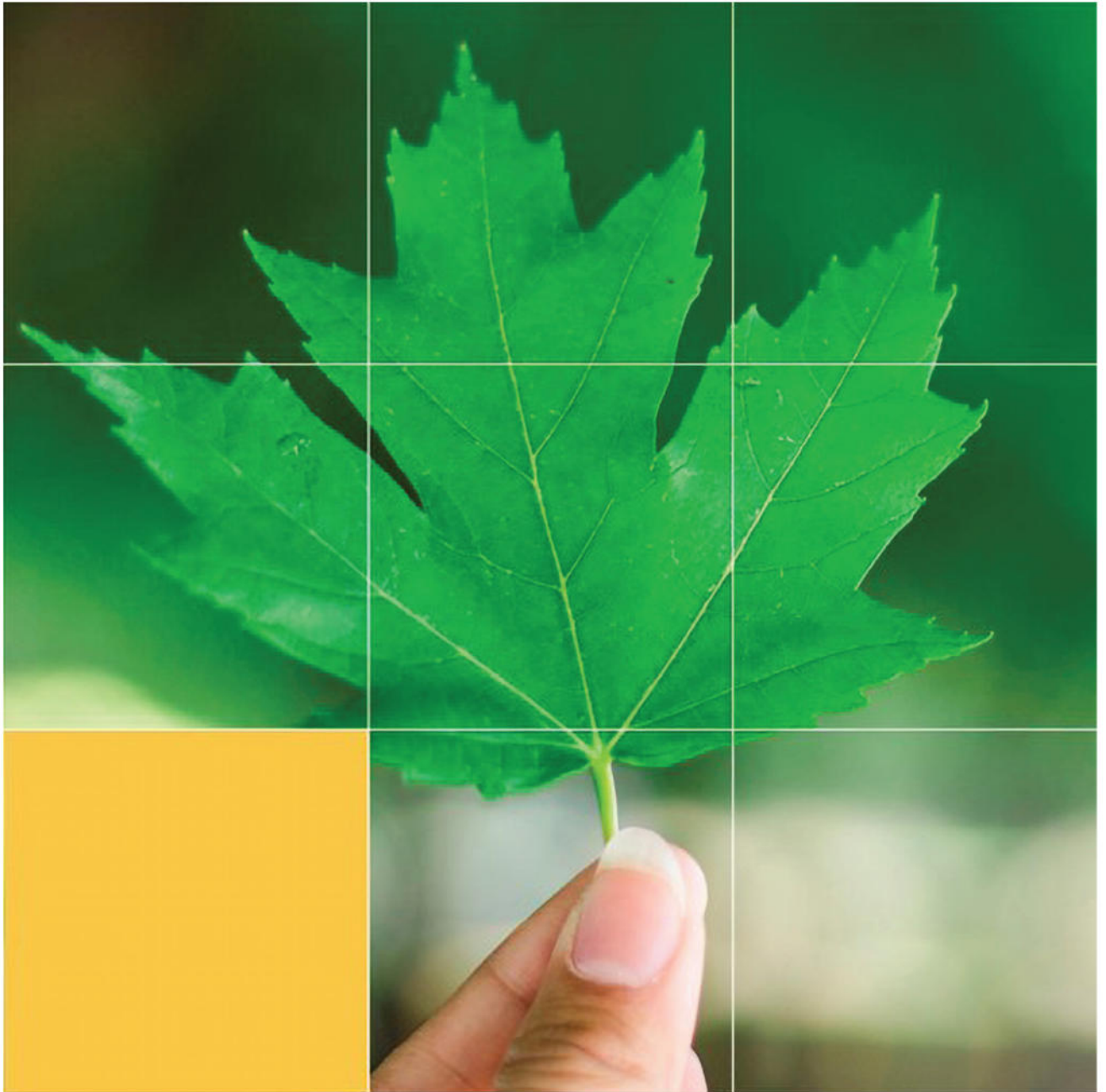


Canada Energy  
Regulator

Régie de l'énergie  
du Canada

# Transition Binder for Chief Executive Officer

July 2020



# Sections

- 1 - Letter from Chair
- 2 - Governance Manual
- 3 - Organizational Chart
- 4 - Biographical - Contact Information
- 5 - Overview of Key Changes
- 6 - Departmental Plan
- 7 - Departmental Results Framework and Internal Services Framework



Canada Energy  
Regulator

Régie de l'énergie  
du Canada

Board of Directors

Conseil d'administration

Suite 210  
517 Tenth Avenue SW  
Calgary, Alberta  
T2R 0A8

517, Dixième Avenue S.-O.  
bureau 210  
Calgary (Alberta)  
T2R 0A8

6 July 2020

Gitane De Silva

████████████████████ s.19(1)

Dear Ms. De Silva:

On behalf of the Board of Directors, I want to welcome you to the Canada Energy Regulator (CER). We look forward to working with you to advance key strategic work underway. We are confident that, with your wealth of knowledge and expertise, you are well placed to oversee the implementation of the organization's strategy, run its day-to-day business and affairs, and lead the CER's exceptional staff.

It has been nearly one year since the CER was established in August 2019. The *Canadian Energy Regulator Act* (CER Act) gave the organization an expanded mandate and modern governance structure that provides a clear separation of roles of its Board of Directors, CEO and Commission. Every day, the CER carries out its mandate to ensure projects are constructed, operated and abandoned in a safe and secure manner that protects people, property and the environment.

These are exciting times at the CER as the organization continues to implement the CER Act, building an energy regulatory system that inspires trust and public confidence on the part of Canadians. The Board of Directors believes that the CER will successfully meet this challenge when the organization fully realizes the commitments of the CER Act to enhance Canada's global competitiveness and achieve reconciliation with First Nations, the Métis and the Inuit.

Katherine Murphy, Chief of Staff, will be in touch to arrange initial introductory meetings, including with myself and the Board of Directors, and with Damien Côté, Lead Commissioner. In this binder you will find several documents to support your onboarding, including:

- our Board of Directors Governance Manual
- an organization chart
- biographical/contact information for the:
  - i. Board of Directors;
  - ii. Commissioners; and
  - iii. Senior Management Committee
- a CER Act overview of the key changes
- the CER's 2020-21 Departmental Plan
- the Departmental Results Framework and Internal Services Framework



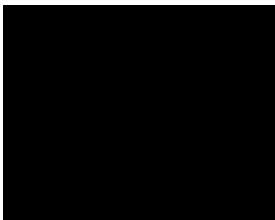
There are also a few additional important items of note at this time:

- Your appointment may generate media interest, and our media team is standing by to assist you with any media requests you receive. Please reach out through Katherine as may be needed.
- You will require formal security clearance to access many of the CER facilities and documents. The Executive Office will be in touch to help facilitate this process.
- I understand that you are aware that you are subject to federal conflict of interest and other legal requirements under the CER Act and the *Conflict of Interest Act*. You may wish to discuss these further with Alex Ross, Executive Vice-President, Law and General Counsel. Katherine will arrange a meeting with Alex in the near term.
- Jacqueline Vanhouche, your Executive Administrator, will contact you to discuss administrative matters. She can be reached at [Jacqueline.Vanhouche@cer-rec.gc.ca](mailto:Jacqueline.Vanhouche@cer-rec.gc.ca) or (403) 630-7781.

If you have any questions, please don't hesitate to contact myself or Katherine at [Katherine.Murphy@cer-rec.gc.ca](mailto:Katherine.Murphy@cer-rec.gc.ca) or (403) 919-6996.

On behalf of the organization, I want to thank you for choosing to join the CER and accepting this important responsibility. I look forward to working with you.

Yours sincerely,



s.19(1)

Cassie J. Doyle  
Chairperson of the Board of Directors





# Board of Directors Governance Manual

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Last updated: June 2020





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## Board of Directors Governance Manual

# Part 1: Legislation

Hyperlinks have been provided to <https://laws-lois.justice.gc.ca>





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# Board of Directors Governance Manual

## Part 2: Bylaws





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# Canada Energy Regulator Board of Directors By-law # 1





## Interpretation

1. The following definitions apply to all by-laws and resolutions of the Board of Directors.

"Act" means the *Canadian Energy Regulator Act*.

"Regulator" means the Canada Energy Regulator established by subsection 10(1) of the Act.

"Board" means the Board of Directors of the Regulator established by section 14 of the Act and includes the Chair, Vice-Chair, and three to seven other Directors.

"Board Plan" means a plan recommended by the Chair, approved by the Board before the beginning of the fiscal year if possible, and incorporating, as a minimum, in respect of that fiscal year, the following elements:

- a. schedule of Regular Meetings of the Board; and
- b. schedule of Regular Meetings for all Committees;

"Chair" means the Chairperson of the Board appointed under section 15 of the Act.

"CEO" means the chief executive officer of the Regulator appointed under section 21 of the Act. The CEO is responsible for the management of the Regulator's day-to-day business and affairs, including the supervision of its employees and their work.

"Chief of Staff" means the Chief of Staff of the Regulator or such other Regulator official whose role includes that of corporate secretary to the Board.

"Committee" means any committee of the Board.

"Consensus" means the general agreement of all Board members on a course of action. Consensus does not require concurrence on every point but rather broad agreement on the general approach and a willingness to accept the overall course of action.

"Days" means business days of the Regulator.

"Directors" means the Chair, Vice-Chair and other directors of the Board appointed under section 15 of the Act.

"Fiscal Year" means the period extending from April 1 of a given year to March 31 of the following year.

"Governance Manual" means the manual prepared and maintained on an ongoing basis by the Chief of Staff containing legislation, by-laws, policies and other documents relevant to the mandate and operations of the Board.

"Lead Commissioner" means the Lead Commissioner designated under section 37 of the Act.

"Minister" means any member of the Queen's Privy Council for Canada to be designated the Minister under section 8 of the Act.

"Official Document" means:

- a. minutes of Board and Committee meetings, and any reports prepared by or on behalf of the Board or any Committee;
- b. documents duly authorized committing the Board to act or witnessing any right or obligation the Board may have, including, without limiting the generality of the foregoing, by-laws and resolutions of the Board; and
- c. memoranda of understanding, letters of intent and any other document the Board may add to this list by resolution.

"Regular Meeting" means a scheduled Board or Committee meeting as identified in the Board Plan.



“Special Meeting” means a Board or Committee meeting not in the Board Plan that is called to address an urgent or important matter that must be considered by the Board or a Committee prior to the next Regular Meeting.

“Vice-Chair” means the Vice-Chairperson of the Board appointed under section 15 of the Act.

## Mandate of the Board

2. The Board shall exercise all the powers and perform all the duties and functions granted to it under the Act, which powers shall be exercised and duties and functions performed in accordance with its by-laws and the resolutions the Board may make from time to time

## Chair of the Board

3. Subject to the provisions of this By-law, the Chair shall:
  - (1) ensure the Board fulfills its legislated mandate and responsibilities in a transparent manner;
  - (2) call, determine the agenda for, and preside over Board meetings;
  - (3) oversee the application of sound governance practices;
  - (4) after consultation with the Board, nominate Directors to serve as chair and members of each Committee, to be appointed on an annual basis, or as otherwise required, by resolution of the Board;
  - (5) represent the Board and appear on its behalf at official functions and engagement events, and have prime responsibility for interaction, on behalf of the Board, with the Minister, Lead Commissioner, CEO, Regulator officials, and external officials, parties or bodies, having regard to the Board's mandate;
  - (6) be an ex-officio, non-voting member of all Committees; and
  - (7) perform all other duties and functions as may be assigned by resolution of the Board.

## Vice-Chair

4. The Vice-Chair shall, in the absence of the Chair:
  - (1) preside over Board meetings;
  - (2) act as the main point of contact between the Board and the CEO between Board meetings;
  - (3) if and as required, fulfill the other responsibilities of the Chair, consistent with Board by-laws, policies and other applicable documents; and
  - (4) perform any other duties and functions as may be assigned by resolution of the Board.





## Directors

5. The Directors of the Board shall:
  - (1) act in accordance with the Act and with Board by-laws, policies and other applicable documents as contained in the Governance Manual;
  - (2) make every reasonable effort to prepare for, attend and actively participate in Board and Committee meetings;
  - (3) immediately advise the Chief of Staff in the event that they become unable to attend a Board or Committee meeting;
  - (4) participate in Committees in accordance with appointments made under subsection 3(4) of this By-law;
  - (5) as a condition of their appointment as public office holders, comply with the requirements of the *Conflict of Interest Act*, the *Ethical and Political Activity Guidelines for Public Office Holders*, and section 16 of the Act; and
  - (6) perform all other duties and functions as may be assigned by resolution of the Board.

## Chief of Staff

6. The Chief of Staff, in their corporate secretary to the Board function, shall:
  - (1) receive requests for Special Meetings of the Board or a Committee and notify Directors accordingly;
  - (2) record and keep all decisions, and keep minutes of all Board and Committee meetings;
  - (3) provide Directors with the agenda, the minutes of all Committee meetings, and all other relevant documents, notices and information as may be required for all Board and Committee meetings;
  - (4) prepare and recommend to the Chair the Board Plan;
  - (5) keep records of Official Documents, and make them available upon request to any Director;
  - (6) upon request, ensure that certified copies of Official Documents and other documents are issued;
  - (7) sign Official Documents and such other documents as the Board may determine by resolution;
  - (8) act in accordance with directions of the Board; and
  - (9) perform all other duties and functions as may be assigned by resolution of the Board.

## Committees

7. The Board may from time to time establish any Committee, as it deems necessary or appropriate for such purposes and, subject to the Act, assign it such powers as the Board shall see fit. Any such Committee may formulate its own rules of procedures, subject to such policies or directions as the Board may from time to time make.



8. No Committee shall have the power to act for or on behalf of the Board or otherwise commit or bind the Regulator to any course of action. Committees shall only have the power to make recommendations to the Board as the Board may from time to time direct.
9. Each Committee established by resolution of the Board shall draft a Committee terms of reference and submit it for approval at the next Board meeting. Committee terms of reference will be reviewed by the Board annually.

## Board Meetings

10. The Board shall hold at least four Regular Meetings a year and also may hold Special Meetings as needed.
11. The quorum for any Board meeting shall be a majority of the Directors, including the Chair, holding office at that time.
12. Persons who will be present at Board meetings shall be the Directors, the CEO, the Chief of Staff, General Counsel, and any such other persons who are required under any provision of the Act, Board by-laws or Board policy to be present at the meeting. Any other person may be present at Board meetings on the invitation of the Chair.
13. The CEO shall be a non-voting participant at Board meetings.
14. Unless otherwise required by Board by-law, every question before the Board shall be decided by reaching Consensus or, in the absence of reaching Consensus, by a majority of votes of the Directors present at any Board meeting.
15. The Board may adopt, amend or repeal by-laws by the affirmative vote of not less than two-thirds of the Directors present at any Board meeting.
16. A Director, in respect of a resolution passed or action taken at a Board meeting, may request that their vote be recorded in the minutes.
17. (1) Subject to subsection (2) of this By-law, Regular Meetings of the Board shall be held at the time and place specified in the Board Plan.  
(2) Any Regular Meeting of the Board may be held at such other time or place as may be determined by the Board to be appropriate, provided that notice of such change is communicated in writing to the Directors no less than 15 days before the date specified in the Board Plan.  
(3) Every Regular Meeting of the Board shall have an agenda which includes:
  - a. for approval, the minutes of the previous Regular Meeting of the Board and of all Special Meetings of the Board held since the last Regular Meeting;
  - b. a call for declaration of conflicts of interest;
  - c. for information, the minutes of all Committee meetings held since the last Regular Meeting of the Board;
  - d. a report by the CEO on any significant activities of the Regulator since the last Regular Meeting of the Board, which shall include any reported non-compliances of the Regulator with relevant legislation or binding policy or directives;
  - e. an update by the Lead Commissioner on any significant activities of the Commission since the last Regular Meeting of the Board. The Board shall not give direction or advice with respect to any particular decision, order or recommendation made by the Commission; and





- f. an *in camera* session with the CEO present and an *in camera* session without the CEO present.
18. (1) Special Meetings of the Board may be called by the Chair to address an urgent or important matter that must be considered by the Board prior to the next Regular Meeting of the Board, or at the written request of at least one third of the Directors holding office at that time.
- (2) Special Meetings of the Board shall be held within ten working days after the Chief of Staff has received a request for such a meeting, on five-days notice to the Board.
- (3) Any Special Meeting of the Board may be deemed to have been a Regular Meeting of the Board upon unanimous consent of all Directors in attendance at that meeting.
- (4) In the event the Chairperson considers it not practicable or warranted for a Special Meeting to be convened, any resolution of the Board may be passed by affirmative email received by the Chief of Staff from each and all of the Directors entitled to vote on that resolution. Such a resolution is as valid as if it had been passed at a Regular or Special Meeting of the Board.

## Remote Participation

19. If the Regulator chooses to make available a telephonic, electronic or other communication facility that permits all participants to communicate adequately with each other during a Board or Committee meeting, one or more persons entitled to attend such meeting may participate in the meeting by means of such telephonic, electronic or other communication facility. A person participating in a meeting by such means is deemed to be present at the meeting. Any Director participating in a Board or Committee meeting pursuant to this section who is entitled to vote at that meeting may vote by means of any telephonic, electronic or other communication facility that the Regulator has made available for that purpose.
20. If the Directors call a Special Meeting of the Board, those Directors may determine that the meeting shall be held entirely by means of a telephonic, electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting.

## Committee Meetings

21. Regular Meetings of Committees shall take place at the time and place specified in the Board Plan, or at such other time and place as may be determined by the chair of the Committee with the concurrence of the Chair of the Board provided that notice of such change is communicated in writing to the Committee members no less than 15 days before the date specified in the Board Plan.
22. Special Meetings of a Committee may be called by the Chief of Staff at the request of the Chair of the Board or the chair of the Committee to address an urgent or important matter that must be considered by the Committee prior to the next Regular Meeting of the Committee. Such meetings shall be held within ten working days after the Chief of Staff has received the request, on three-days notice to the members of the Committee.
23. A majority of Committee members shall constitute a quorum of the Committee.



## General

24. The Regulator shall keep at its headquarters a record of Board and Committee members and of all Official Documents.
25. All books and records of the Regulator relevant to the mandate of the Board may be inspected by any Director.
26. This By-law shall come into force on the date it is enacted by resolution of the Board.
27. This By-law shall be reviewed annually by the Board and updated as may be required.



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Board of Directors Governance Manual

# Part 3: Guidance, Terms of Reference, Policies, and Procedure





# Governance of the Canada Energy Regulator Mandate, Roles and Responsibilities

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# 1.0 Introduction

This document is a governance tool that provides guidance to Directors, Commissioners, the Chief Executive Officer (CEO), and staff of the Canada Energy Regulator (CER) regarding their roles and responsibilities in supporting the effective delivery of the CER's mandate. It is also intended to serve as a summary and guide for members of the public regarding the governance structure of the CER.<sup>1</sup>

The document will be posted on the CER public website and otherwise made available to members of the public on request. This document will be reviewed no less than annually by the Board and updated as may be required.

Wherever the terms "Regulator" or "CER" are used in this document, it refers to the CER in its entirety, including the Board, Commission, CEO, and staff.

This document must be understood in the broader context of the legal framework applicable to the CER, as well as the CER's role within the Government of Canada, of which it is part. This document is not intended to and does not interfere with the CER's exercise of its legislated mandate, including the independence of the Commission when acting in its adjudicative capacity.

## 2.0 Mandate

### 2.1 Legislative Mandate

The CER is a departmental corporation and agent of the Crown established under the CER Act. Other statutes pursuant to which the CER exercises powers or functions, or that otherwise apply to the CER include but are not limited to the:

- *Canada Oil and Gas Operations Act*
- *Canada Petroleum Resources Act*
- *Impact Assessment Act*
- *Access to Information Act*
- *Privacy Act*
- *Canada Labour Code*
- *Financial Administration Act*

The CER's overarching legislated mandate is found in section 11 of the CER Act:

*The Regulator's mandate includes:*

- (a) making transparent decisions, orders and recommendations with respect to pipelines, power lines, offshore renewable energy projects and abandoned pipelines;*
- (b) overseeing the construction, operation and abandonment of pipelines, interprovincial power lines and international power lines and overseeing work and activities authorized under Part 5 as well as abandoned facilities;*
- (c) making orders with respect to traffic, tolls and tariffs and overseeing matters relating to traffic, tolls and tariffs;*
- (d) making decisions and orders and giving directions under Part 8 with respect to oil and gas interests, production and conservation;*
- (e) advising and reporting on energy matters;*
- (f) providing alternative dispute resolution processes;*

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<sup>1</sup> A CER governance diagram is attached at Appendix 1.

- (g) exercising powers and performing duties and functions that are conferred on the Regulator under any other Act of Parliament; and*
- (h) exercising its powers and performing its duties and functions in a manner that respects the Government of Canada's commitments with respect to the rights of the Indigenous peoples of Canada.*

The CER's mandate should be understood in the broader context of the CER Act's preamble, and its purpose as set out in section 6:

- 6. *The purpose of this Act is to regulate certain energy matters within Parliament's jurisdiction and, in particular,***
- (a) to ensure that pipelines and power lines as well as facilities, equipment or systems related to offshore renewable energy projects, are constructed, operated and abandoned in a manner that is safe, secure and efficient and that protects people, property and the environment;*
  - (b) to ensure that the exploration for and exploitation of oil and gas, as defined in section 2 of the Canada Oil and Gas Operations Act, is carried out in a manner that is safe and secure and that protects people, property and the environment;*
  - (c) to regulate trade in energy products; and*
  - (d) to ensure that regulatory hearings and decision-making processes related to those energy matters are fair, inclusive, transparent and efficient.*

Where a 'designated project'<sup>2</sup> contains activities regulated under the CER Act, an integrated impact assessment between the Impact Assessment Agency of Canada and the CER is required, which involves coordination and collaboration between the two organizations. The impact assessment meets the requirements of both the *Impact Assessment Act* (IA Act) and the CER Act. It is undertaken by a review panel, at least one member of which is appointed by the Agency from a roster of CER Commissioners, on the recommendation of the Lead Commissioner. The Lead Commissioner is consulted by the Minister of Environment and Climate Change on the review panel's terms of reference.

The CER's mandate should also be understood in the context of the CER's Departmental Results Framework, including its Core Responsibilities of Energy Adjudication, Safety and Environment Oversight, Energy Information, and Engagement, as well as the CER's organizational values, as reflected in the *Code of Conduct for CER Employees* and the *Values and Ethics Code for the Public Sector*.

The general powers, duties and functions of the Commission (which is part of the CER) as an adjudicator and court of record, together with the scope of its jurisdiction, are set out in sections 31 through 36 of the CER Act.

## 2.2 Government of Canada Policy

The CER is subject to broader Government of Canada policy, as applicable and respecting the Commission's independent adjudicative authority. This includes policies and management requirements of the Treasury Board. The CER regularly works with other government departments and agencies in the interest of policy development and delivery of its legislated mandate.

The Governor in Council and the Minister, as applicable, may provide policy guidance and direction to the CER on matters of general application in a variety of ways, including but not limited to regulation, directions of general application on broad policy matters section 13 of the CER Act, other written policies of general application, and correspondence. For example, communications may pertain to matters such

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<sup>2</sup> The *Physical Activities Regulations*, made under the *Impact Assessment Act*, establish the criteria for which projects are 'designated', meaning that they require an impact assessment.



as the applicability of government priorities or policies to the CER, or the establishment as appropriate of objectives for the CER.

The CER also has a specific mandate under sections 80 through 84 of the CER Act to provide policy advice and recommendations to the Minister, both at the Minister's request (mandatory) and at its own initiative (discretionary). Further, the CER may, on request, provide advice to another federal, provincial or territorial department or agency (s.84). In support of this aspect of its mandate, the CER is required to maintain a broadly-based study and review of matters relating to the energy sector in Canada and abroad as well as the safety and security of regulated facilities. CER officials supporting the advisory mandate bear in mind the requirement to make use of data and information from Government of Canada sources whenever possible (s.86), as well as the confidentiality of advice to the Minister, which may not be published without the Minister's prior approval (s.83(2)).

## 3.0 Roles and Responsibilities

### 3.1 The CER within the Government of Canada

The CER is part of the Government of Canada, and its employees are part of the federal public service. As a Board-governed departmental corporation it operates with a level of day-to-day independence from the Minister. However, the CER is ultimately accountable to the Minister of Natural Resources and supports the Minister's accountability to the Prime Minister and to Parliament for the CER's overall performance.

A distinctive responsibility of the CER is the adjudicative role exercised by the Commission, which is intended to ensure the independence of individual decisions. The assurance of this independence is central to the CER's mandate.

The CER is part of a ministerial portfolio. In practice, most of the CER's routine dealings with government are conducted through the Deputy Minister and other departmental officials. The CER's role within the broader government framework is guided by the principles set out in *Open and Accountable Government: A Guide for Ministers*.

### 3.2 Minister of Natural Resources

The Minister responsible for the CER is the Minister of Natural Resources. The Minister is the principal locus of government authority with respect to the CER but does not engage in the routine work of the CER, which is under the governance of the Board and the day-to-day management of the CEO.

However, the Minister has residual authorities with respect to the CER, either directly or through recommendations to the Governor in Council, on matters such as appointments, time limit extensions and directives to ensure timeliness of recommendation reports, approval of certain regulations, entry into agreements with Indigenous governance bodies under section 77 of the CER Act, and energy policy of general application.

The Minister is accountable to the Prime Minister and to Parliament for the overall effectiveness of the CER in delivering on its mandate, and accordingly has responsibility and authority for communicating broader government policy and priorities to the CER in a manner consistent with its statutory independence.

In practice, ministerial responsibilities for portfolio organizations are largely exercised through officials from the Minister's office and department. The Minister may exercise substantial discretion regarding the extent of personal engagement with the CER, and also regarding the role of the portfolio deputy, but

in all cases communication with the senior leadership of the CER, specifically the Chairperson of the Board and the CEO, is important. The Minister consults with the Board on the appointment of the CEO.

The Minister receives the annual reports of the Regulator (submitted by the Board) and of the Commission and introduces these reports in the House of Commons and the Senate within 15 sitting days (of the respective chambers) of receipt.

The Minister is accountable to the Prime Minister and Parliament to ensure that the CER discharges its statutory powers, duties and functions in a manner that fulfils its mandate and is consistent as appropriate with government policy. The Minister's accountability to Parliament for the CER includes, in addition to submission of reports as required by statute, responding to questions raised in Parliament (e.g., in Question Period or through parliamentary returns) and appearing before committees as required. The CER supports these responsibilities of the Minister.

### 3.3 Deputy Minister

The Deputy Minister of Natural Resources is a key link between the CER and the Minister. The Deputy Minister works with the Chairperson and CEO, as appropriate, respecting the development and implementation of, for example, applicable policies; CER business planning and reporting; and budget and resource-related matters. The Deputy Minister may play an active role in any general portfolio coordination initiatives under the direction of the Minister.

In practice, much of the senior level communication between the CER and the government takes place between the CEO and Deputy Minister level counterparts at other departments and agencies, including Natural Resources Canada, Environment and Climate Change Canada and the Impact Assessment Agency of Canada.

### 3.4 Board of Directors and Chairperson

#### 3.4.1 Board of Directors

The CER's Board is comprised of between five and nine directors, including the Chairperson and Vice-Chairperson of the Board. At least one of the directors is required to be an Indigenous person. All members of the Board are appointed by the Governor in Council to serve part-time, at pleasure, for a term of up to five years, with the possibility of renewal for additional terms of up to five years. No one serving as a Commissioner, CER employee or the CEO may be appointed as a Director. In discharging their responsibilities, Directors must act in the best interests of the CER and without conflict of interest. The Board makes decisions and exercises its authorities collectively, and by consensus where possible.

Under the CER Act, the Board is responsible for the governance of the entire Regulator, and its governance functions include providing strategic direction and advice to the CER. As part of this role, the Board approves Regulator reports to Parliament, including the Annual Report of the Regulator. In governing the Regulator, the Board must not give directions or provide advice with respect to any particular decision, order or recommendation that is made by the Commission or a Commissioner.

Accordingly, the Board oversees the CER at the level of governance and strategic advice and direction, and is focused on results and outcomes. It does not normally engage in routine operations, which are the purview of the CEO, and it operates at a high, directional level in matters of management and staff.

However, the Board, under the leadership of the Chairperson, is ultimately accountable to the Minister for ensuring that the CER delivers effectively on its mandate and is appropriately aligned with government policy. In meeting this accountability, the Board:



- Ensures sound governance and high ethical standards and accountability throughout the CER;
- Provides that appropriate systems and practices are in place to ensure the CER is well managed;
- Provides strategic advice and direction on, for example:
  - CER alignment with Government of Canada policy as applicable;
  - CER performance management, risk management and financial management;
  - Succession planning for Directors and senior management;
  - Opening and closing of CER offices outside of Calgary; and
  - CER regulations and overarching policies of broad application to the entire Regulator.
- Submits an annual report on the Regulator's activities to the Minister, and may submit other reports on the Regulator's activities if it considers it appropriate to do so.

The Board works closely with the CEO, who provides the Board with the information needed to discharge its responsibilities. The Board does not appoint the CEO, however it is consulted by the Minister on the CEO's appointment. The Board also contributes to the assessment of the CEO's performance.

The Board may make bylaws respecting the conduct of its meetings and the general conduct of its activities. The Board may conduct the majority of its work through standing or ad hoc committees.

### 3.4.2 Chairperson and Vice-Chairperson

The Chairperson and Vice-Chairperson of the Board are appointed by the Governor in Council to serve part-time, at pleasure, for a term of up to five years. The Chairperson presides over meetings of the Board, and performs duties or functions that are assigned to him or her by the Board. The Vice-Chairperson acts as Chairperson in the event that the Chairperson is absent, unable to act, or if there is a vacancy in that office.

The Chairperson leads the Board to ensure effective delivery of the Board's legislated mandate and responsibilities. The Chairperson:

- Ensures the Board fulfills its legislated mandate and responsibilities in a transparent manner;
- Oversees the application of sound governance practices;
- Presides over Board meetings;
- Acts as the main point of contact between the Board and the CEO between Board meetings;
- Represents the Board and appears on its behalf at official functions and engagement events, and has prime responsibility for interaction, on behalf of the Board, with the Minister, Lead Commissioner, CEO, Regulator officials, and external officials, parties or bodies, having regard to the Board's mandate;
- As a governance tool, works actively with the CEO and Lead Commissioner to develop appropriate and effective mechanisms of communication, consultation and alignment such as regular trilateral meetings;
- Works with the CEO to develop appropriate and effective mechanisms of communication with the Minister and Deputy Minister;
- After consultation with the Board, nominates Directors to serve as Chairperson and members of each Board Committee;
- Is an ex-officio, non-voting member of all Board Committees;
- Maintains a competency matrix for the Board and leads the Board in succession planning for Directors;
- Leads an annual performance evaluation process for the Board and the CEO;
- Ensures that new Directors receive effective orientation and ongoing training opportunities; and,
- Performs all other duties and functions as may be assigned by the Board.

### 3.5 Chief Executive Officer

The CEO is appointed by the Governor in Council on the recommendation of the Minister following consultation with the Board. The CEO serves full-time, at pleasure for a term of up to six years, and may be reappointed but may serve a maximum of 10 years in total.

The CEO is responsible for the management of the CER's day-to-day business and affairs, including the supervision of its employees and their work, and has all the responsibilities of a deputy head. However, he or she does not give directions with respect to any particular decision, order or recommendation that is made by the Commission or a commissioner. The CEO works closely with the Board and provides the Board with the support needed to carry out its responsibilities.

As a Governor in Council appointee and deputy head of a departmental corporation, the CEO has multiple accountabilities – to the Board, the Minister, and other bodies such as the Treasury Board and the Public Service Commission. As the Accounting Officer for the CER under the *Financial Administration Act*, the CEO is responsible to appear before committees of the House of Commons and Senate regarding his or her stewardship of the CER.

The CEO leads the external engagement activities of the CER and also serves as the authoritative CER spokesperson, although the Chairperson and other Directors may also have responsibilities in these areas as circumstances warrant. The CEO's day-to-day responsibility for the CER also means that he or she conducts most of the ongoing engagement with the Minister and Deputy Minister.

The CEO is responsible for providing the support services and the facilities that are needed by the Commission to exercise its powers and perform its duties and functions in accordance with the rules that apply to its work. This support is provided in such a way as to ensure the independence of the Commission's adjudicative role.

### 3.6 Commission and Lead Commissioner

#### 3.6.1 Commission

The Commission is comprised of up to seven full-time Commissioners, including the Lead Commissioner and Deputy Lead Commissioner, who are appointed by the Governor in Council, and hold office on good behaviour for renewable terms of up to six years (for a maximum total service of 10 years). The Commission may also include a complement of part-time Commissioners. At least one full-time Commissioner must be an Indigenous person. Generally, three members of the Commission constitutes a quorum.

The Commission makes regulatory decisions as set out in the CER Act and other legislation. In its adjudicative role, it ensures adherence to the purpose and provisions of the CER Act, s. 35 of the *Constitution Act, 1982*, Part III of the *Official Languages Act*, the rules of natural justice, and other applicable legislation and binding policy direction.

The Commission makes adjudicative decisions and recommendations independently. The Commission's independence is a key element of the CER's mandate. Pursuant to the CER Act, the Board of the CER is not permitted to give directions or provide advice with respect to any particular decision, order or recommendation of the Commission. On these matters, the CEO may provide advice, but not direction.

The Commission is part of the CER and, although its adjudicative role is independent, it contributes to the overall effective delivery of the CER's mandate and Departmental Results Framework, in particular

the CER's Core Responsibilities of Energy Adjudication and Safety and Environment Oversight. The Commission is responsible for ensuring continuous improvement and effectiveness in the areas in which it works.

The Commission is a court of record. Among its responsibilities and authorities, it may adjudicate (including on its own initiative) on any matter where a person has done or failed to do anything required by the CER Act, and may also inquire into any accident involving a pipeline or other CER-regulated facility. The Commission has the power to make orders and prohibitions for the enforcement of its decisions.

The Commission may make rules for carrying out its work and managing its internal affairs vis-à-vis adjudication, including rules respecting the powers, duties and functions of Commissioners, its procedures and practices, its sittings and its decisions, orders and recommendations.

The Commission must submit an Annual Report on its activities to the Minister. The Commission may also submit other reports on its activities to the Minister if it considers it appropriate to do so.

### 3.6.2 Lead Commissioner and Deputy Lead Commissioner

The Lead Commissioner is responsible for the business and affairs of the Commission. For integrated impact assessments between the Impact Assessment Agency and the CER, the Lead Commissioner is consulted by the Minister of Environment and Climate Change on the review panel's terms of reference. At least one member of the review panel is appointed by the Agency from a roster of CER Commissioners, on the recommendation of the Lead Commissioner.

The Deputy Lead Commissioner acts as the Lead Commissioner in the event that the Lead Commissioner is absent, unable to act, or if there is a vacancy in that office.

The Lead Commissioner leads the Commission to ensure effective delivery of the Commission's legislated mandate and responsibilities. The Lead Commissioner:

- Ensures the Commission fulfills its legislated mandate and responsibilities in a transparent manner;
- Apportions the Commission's work among the Commissioners and establishes panels of at least three Commissioners to exercise the powers of the Commission;
- Works with the CEO to ensure that the Commission has the resources necessary to discharge its responsibilities in a manner that ensures the independence of the Commission's adjudicative role;
- Presides over meetings of the full Commission;
- Acts as the main point of contact between the Commission and the CEO and Board;
- Represents the Commission and appears on its behalf at official functions;
- Works actively with the CEO and Chairperson to develop appropriate and effective mechanisms of communication, consultation and alignment, such as through regular trilateral meetings;
- Maintains a competency matrix for the Commission, which may be used to inform succession planning for Commissioners; and,
- Ensures that new Commissioners receive effective orientation and ongoing training opportunities.

### 3.6.3 Designated Officers

Pursuant to section 54 of the CER Act, the Governor in Council may make regulations that specify powers, duties and functions of the Commission that are technical or administrative in nature and may be exercised or performed by designated officers. The circumstances under which designated officers may exercise such responsibilities, and the procedures and processes applicable to their exercise are also set out in regulation. The CEO is responsible for apportioning work among the designated officers,

who are employees of the CER.

### 3.7 Indigenous Advisory Committee

The preamble to the CER Act states that the Government of Canada is committed to achieving reconciliation with First Nations, the Métis, and the Inuit through renewed nation-to-nation, government-to-government and Inuit-Crown relationships based on recognition of rights, respect, cooperation and partnership. The CER exercises its powers and performs its duties in a manner that respects and furthers this commitment.

Consistent with the above commitment, section 57 of the CER Act provides that the CER must establish an advisory committee (Indigenous Advisory Committee) for the purpose of enhancing the involvement of the Indigenous peoples of Canada and Indigenous organizations in respect of CER-regulated facilities. Membership of the Indigenous Advisory Committee must include at least one person recommended by each of an Indigenous organization that represents the interests of First Nations, an Indigenous organization that represents the interests of the Inuit, and an Indigenous organization that represents the interests of the Métis.

The Indigenous Advisory Committee is part of the CER's governance structure and will play a key role in enhancing the CER's performance and effective delivery of its mandate. The Board will, on behalf of the CER, oversee the establishment of the Indigenous Advisory Committee and endorse its Terms of Reference. Once established, the Indigenous Advisory Committee will liaise directly with and provide its advice to the Board for the benefit of the entire CER.

## 4.0 Internal CER Communications

The roles and responsibilities of the Board, CEO and Commission are distinct, and independence in carrying out those roles must be respected. However, it is essential that the Chairperson (on behalf of the Board), the CEO, and the Lead Commissioner (on behalf of the Commission) communicate and collaborate with one another on matters of shared interest and impact to the entire CER. Such communication and collaboration fosters internal CER cohesiveness and a shared sense of purpose, while respecting the Commission's adjudicative independence.

In practice, most communication and collaboration occurs bilaterally between the CEO and Lead Commissioner; and between the CEO and Chairperson. Less frequently, the Lead Commissioner and Chairperson may communicate directly, through correspondence and reports, bilateral meetings, trilateral meetings with the CEO, or attendance by the Lead Commissioner at Board meetings.

Examples of areas that may require communication and collaboration amongst the Chairperson, CEO and Lead Commissioner include:

- Continual improvement in CER processes, including through incorporation of learnings, engagement feedback, and best practices;
- Building meaningful relationships with Indigenous peoples and stakeholders over the full lifecycle of CER-regulated infrastructure;
- CER regulations and overarching policies of broad application;
- Identifying and addressing systemic issues within the regulated industry to prevent harm;
- Effective management of urgent issues or emergencies within the CER or with respect to CER-regulated infrastructure;
- Communication and transparency of CER activities and decisions;
- Efficient and effective use of human and financial resources in support of all CER activities; and,

- CER alignment with government policies of broad application, including binding policy direction issued under section 13 of the CER Act.

## 5.0 Conduct Standards

The CER expects all of its senior officials and staff members to adhere to the highest standards of ethical conduct for the public sector.

### 5.1 Governor in Council Appointees

As Governor in Council appointees, Directors (including the Chairperson and Vice-Chairperson), the CEO, and Commissioners (including the Lead Commissioner and Deputy Lead Commissioner) are subject to statutory conduct standards as well as other conduct standards that are terms and conditions of appointment. These include the *Conflict of Interest Act* and the relevant annexes of *Open and Accountable Government*, such as those pertaining to ethical guidelines and political activity guidelines for public office holders. Sections 16, 22 and 29 of the CER Act specify certain circumstances that constitute a conflict of interest for purposes of the *Conflict of Interest Act* for Directors, the CEO and Commissioners respectively.

### 5.2 Conduct Standards for CER Employees

CER employees are subject to the behavioral standards applicable to the federal public administration, including the *Public Service Disclosure Protection Act* (PSDPA), and the *Values and Ethics Code for the Public Sector* established by the Treasury Board pursuant to that Act. These instruments set out conduct standards (both principles and expected behaviours) and provide mechanisms for seeking remedies or redress for wrongdoing.

As required by the PSDPA, the CER has its own *Code of Conduct for CER Employees* which incorporates the *Values and Ethics Code for the Public Sector* in a way that is reflective of the CER's unique mandate. The conduct of CER employees must align with the values of Respect for Democracy, Respect for People, Integrity, Stewardship and Excellence, and the guiding principles of the Prevention of Harm and Adjudicative Independence.

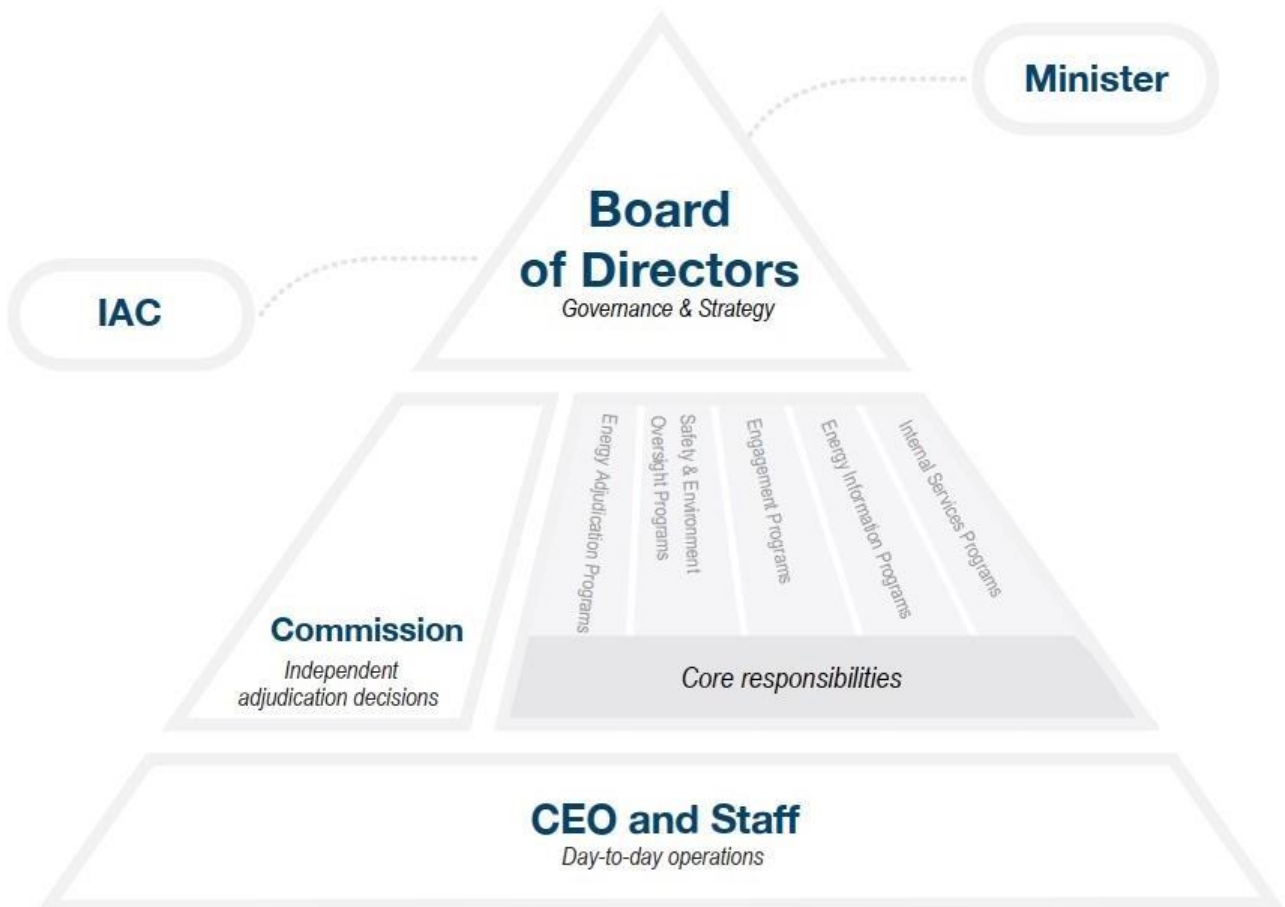
Public servants should respect the elements of *Open and Accountable Government*. Conventions and practices of Canada's system of government pertaining to the independence of administrative tribunals, which are set out in *Open and Accountable Government*, have distinctive relevance to the CER.

Finally, public servants are subject to the political neutrality provisions of the *Public Service Employment Act*, which is administered by the Public Service Commission of Canada.

## Appendix 1: CER Governance Diagram

The following diagram depicts governance of the CER, which is the accountability of the Board of Directors. It demonstrates CEO and staff support provided to the Commission and the corporate management system. The Board of Directors provides the strategic direction to the whole of the organization as well as a governance connection to the Minister. The Board also receives advice, on behalf of the CER, from the Indigenous Advisory Committee.

The Governance diagram does not represent reporting or functional relationships. This diagram does support a shared understanding of how each area works with, and relies upon the others, to achieve organizational outcomes.





# Terms of Reference

## Governance Committee

### I. Purpose

The primary function of the Governance Committee (“the Committee”) is to ensure that:

- A. Board governance of the CER is well managed, including the Board’s own operations, structures and guidance;
- B. the performance evaluation and succession planning of the Board of Directors and CEO receives appropriate strategic advice and direction from the Board; and
- C. the Indigenous Advisory Committee (IAC) is operating as an effective part of the governance structure of the organization, including providing advice to the Board.

### II. Composition and Operations

- A. As per Board By-law #1, section 3(4) the Chair of the Board after consultation with the Board, nominate Directors to serve as chair and members of each Committee, to be appointed on an annual basis, or as otherwise required, by resolution of the Board.
- B. As per Board By-law #1, section 7, the Committee may formulate its own rules of procedures, subject to such policies or directions as the Board may from time to time make.
- C. The Chief Executive Officer will be a non-voting participant at Committee meetings.
- D. The Chief of Staff shall act as a resource for the Committee and will attend Committee meetings in that capacity, along with the CEO, and any other staff members approved by the Chair of the Committee. The Chief of Staff will serve as secretary to the Committee.
- E. The Committee will meet at least two times each year.
- F. The Chair (or designate) of the Committee will provide a written report of each Committee meeting to the Board and/or an oral report at the next regular meeting of the Board.
- G. From time to time, as deemed required by the Committee and in consultation with the Chair of the Board, the Committee may retain independent advice regarding governance or other relevant issues.





### **III. Delegated Authorities**

As per Board By-law #1, section 8, the Committee has no power to act for or on behalf of the Board or otherwise commit or bind the Regulator to any course of action. The Committee only has the power to make recommendations to the Board as the Board may from time to time direct.

### **IV. Duties and Responsibilities**

Subject to the powers and duties of the Board, the Committee will perform the following duties:

- A. To satisfy itself that the CER is being effectively governed through a sound and efficient governance framework. Strategic advice is to be provided by the Committee to the full Board on decision-making, roles and responsibilities within the organization. Materials to be reviewed by the Committee on an annual basis include:
  - i. Governance of the CER Mandate, Roles and Responsibilities
  - ii. Board By-laws
  - iii. Board competency matrix
  - iv. Board Committee structure and associated terms of reference
  - v. Governance Manual
  - vi. Board policies and guidance, including recommendations of any new additions.
- B. To satisfy itself that the composition and performance of the Board is appropriate and that the CEO is performing to meet the strategic objectives of the organization. The Committee will:
  - i. Guide annual Board performance evaluation
  - ii. Maintain CEO performance framework and lead annual evaluation
  - iii. Provide strategic advice on Director and CEO recruitment as well as advice on succession planning for those individuals and senior management
- C. To serve as a liaison between the Board and the IAC, in a manner that aligns with the Terms of Reference for the IAC (once established), ensuring the organization benefits from the strategic advice of the IAC.
- D. Undertake other duties as assigned by the Board.







# Terms of Reference

## Corporate Performance Committee

### I. Purpose

The first key function of the Corporate Performance Committee (“the Committee”) is to ensure that:

- A. the organization is performing at optimal levels, meeting its strategic objectives as defined in its corporate performance framework, to achieve the mandate set out in legislation and the policy of the Government of Canada;
- B. corporate risks are identified and appropriately mitigated;
- C. the organization’s human resources are strategically managed; and
- D. the finances of the organization are managed responsibly and in accordance with accepted professional standards of financial management.

The second key function is to ensure that the Board of Directors is adequately informed with respect to the CER’s performance against expected results and Areas of Focus, the status of financial and human resources, and the identification and management of risks, such that the Board is able to exercise its oversight responsibilities effectively.

### II. Composition and Operations

- A. As per Board By-law #1, section 3(4), the Chair of the Board after consultation with the Board, nominates Directors to serve as chair and members of each Committee, to be appointed on an annual basis, or as otherwise required, by resolution of the Board.
- B. As per Board By-law #1, section 7, the Committee may formulate its own rules of procedures, subject to such policies or directions as the Board may from time to time make.
- C. The Chief Executive Officer will be a non-voting participant at Committee meetings. The Chief Financial Officer and Chief Human Resources Officer shall act as resources for the Committee and will attend Committee meetings in that capacity, along with the CEO, Chief of Staff, and any other staff members approved by the Chair of the Committee. The Chief of Staff will serve as secretary to the Committee.
- D. The Committee will meet at least two times each year.



- E. The Chair (or designate) of the Committee will provide a written report of each Committee meeting to the Board and/or an oral report at the next regular meeting of the Board.
- F. From time to time, as deemed required by the Committee and in consultation with the Chair of the Board, the Committee may retain independent advice regarding financial and/or accounting issues.

### **III. Delegated Authorities**

As per Board By-law #1, section 8, the Committee has no power to act for or on behalf of the Board or otherwise commit or bind the Regulator to any course of action. The Committee only has the power to make recommendations to the Board as the Board may from time to time direct.

### **IV. Duties and Responsibilities**

Subject to the powers and duties of the Board, the Committee will perform the following duties:

#### Corporate Performance Responsibilities

- A. To satisfy itself that the Board of Directors receives accurate, timely and useful corporate performance information in meeting the strategic objectives of the organization. Corporate performance materials to be reviewed by the Committee include:
  - i. Departmental Plan
  - ii. Departmental Results Report
  - iii. Departmental Results Framework, including any proposed updates
  - iv. Quarterly performance reports against the Departmental Results Framework
  - v. Quarterly performance reports against Areas of Focus
  - vi. Annual Corporate Performance Assessment framework
  - vii. Annual audit and evaluation plan, and audit and evaluation reports

#### Risk Responsibilities

- B. To satisfy itself that management has developed a risk management process that is effective and efficient.



- C. To ensure that adequate measures are being taken to identify major risks likely to face the organization, that the Board is aware of these risks, and that appropriate action is being taken to address these risks.

#### Human Resources Responsibilities

- A. To consider and advise the Board on the organization's policy direction, strategic workforce planning and performance measurement in relation to human resources matters.
- B. To satisfy itself that the Board of Directors receives adequate information to confirm:
- i. CER human resources policy and practices are in compliance with the minimum standards legislation, statutory health and safety requirements and human rights laws
  - ii. Appropriate discharge of compensation and staffing policy, practice, compliance and audit recommendations
  - iii. Appropriate identification of organizational critical positions and succession planning for critical positions and senior management
  - iv. Management and Union bargaining strategy and labour relations practice is in alignment with Treasury Board Secretariat (TBS) directives
  - v. Adherence to ethical standards within the organization, including with respect to the development and application of the Code of Conduct for CER Employees, the Values and Ethics Code for the Public Sector, and the *Public Servants Disclosure Protection Act*

#### Finance Responsibilities

- D. To satisfy itself that the Board of Directors receives accurate, timely and useful financial information on the affairs of the organization. Financial materials to be reviewed by the Committee to include:
- i. Quarterly financial statements and full year forecast
  - ii. Budget proposals and allocations
  - iii. CEO travel expenses, on an annual basis
- E. To consider and advise the Board on the organization's internal financial control systems and the method and standard of their application.
- F. Undertake other duties as assigned by the Board.



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# Guidance for Collaboration and Alignment between the Board of Directors, Commission and CEO

## Purpose

This document is a CER governance tool and is approved by the Board of Directors (Board), in consultation with the Commission and CEO. It provides guidance on, and describes internal mechanisms designed to facilitate effective collaboration and strategic alignment between the Board, Commission and CEO. The guidance expands on the CER's foundational governance tool - 'Governance of the CER: [Mandate, Roles and Responsibilities](#)' (Roles and Mandate Document).

The processes and mechanisms described in this guidance promote:

- exemplary governance
- accountability in achieving the CER's legislative mandate
- strategic alignment, a shared sense of purpose, and learning across the governance structure
- fulfillment of the Board's responsibility to provide strategic direction and advice to the CER
- protection of the Commission's adjudicative independence (i.e., when making specific adjudicative decisions)

This document will be reviewed no less than annually and updated as may be required.

## Summary of roles and responsibilities

This section contains a summary of the roles and responsibilities of the Board, Commission and CEO as relevant to this guidance.

The **Board of Directors** is responsible for the governance of the CER, including its core responsibilities of Energy Adjudication, Safety and Environment Oversight, Energy Information and Engagement.<sup>1</sup> The Board is accountable to the Minister of Natural Resources for ensuring that the CER delivers effectively on its mandate and is appropriately aligned with government policy. The Board sets the CER's strategic direction and priorities across all core responsibilities. The CER's strategy is expressed through, for example, the Departmental Results Framework, Departmental Plan and Areas of Focus.

In setting strategic direction for the CER, the Board is guided by the [Canadian Energy Regulator Act](#) (CER Act), including its preamble reflecting Canada's commitments to:

- safety, security and protection of people, property and the environment
- enhancing Canada's global competitiveness through predictability, timeliness and innovation

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<sup>1</sup> This includes oversight and strategic advice and direction on expected results, outcomes and associated metrics, and performance against those metrics



- achieving reconciliation with Indigenous peoples and implementing the United Nations Declaration on the Rights of Indigenous Peoples
- decision-making informed by best available scientific information and data, and Indigenous knowledge
- transparency, diversity and inclusion

The Board works with the CER's Indigenous Advisory Committee (IAC) for the benefit of the entire CER. The IAC is part of the CER's governance structure and advises the Board on how best to enhance the involvement of Indigenous peoples and organizations in respect of CER-regulated infrastructure and other matters. Establishment of the IAC is a key part of the CER's commitment to reconciliation. The IAC advises the Board on the CER's strategy with respect to developing a new relationship with Indigenous peoples and transforming how the CER works as a regulator.

The **Commission** is responsible for making adjudicative decisions and recommendations pursuant to the CER Act and other legislation. The Commission is part of the CER and contributes to the overall effective delivery of the CER's mandate. The Commission's adjudicative independence is a key element of the CER's mandate. In carrying out its adjudicative role, the Commission adheres to the CER Act, informed by its preamble, s. 35 of the *Constitution Act, 1982*, Part III of the *Official Languages Act*, and the rules of natural justice.

While the Commission does not set the CER's strategic direction or priorities, the Commission is consulted and provides input into the Board's strategic planning and decision-making, as appropriate. As part of this, the Commission may identify and communicate to the CEO and Board broader requirements or improvement initiatives that would support the effective delivery of the Commission's adjudicative mandate.

The **CEO** is responsible for managing the CER's day-to-day business and supervision of CER staff and for providing the support services and facilities needed by the Commission to exercise its powers and perform its duties and functions. The CEO is also accountable for ensuring IAC advice is communicated throughout the organization, meaningfully considered and responded to by CER management and staff, and implemented as required.

The CEO has the rank and the powers of a deputy head. This means that the CEO has multiple accountabilities – to the Board, the Minister, and other bodies such as the Treasury Board and the Public Service Commission. Among other things, the CEO is the accounting officer for the CER under the *Financial Administration Act*, is accountable for management of CER finances, human resources and labour relations, and for compliance with various Treasury Board policies and directives, such as those relating to risk, asset management and acquired services, information management and technology, people management, security, and official languages.

In exercising his or her role, the CEO leads external engagement activities of the CER and serves as the authoritative CER spokesperson. The CEO leads and oversees the implementation of the Board's strategic direction, as expressed through, for example, the Departmental Plan and priority Areas of





Focus<sup>2</sup>. The Board's strategic direction informs the CEO's leadership and how all CER staff carry out their work. CER staff, including management, under the supervision of the CEO, supports both the Board and Commission in carrying out their roles. The CEO ensures that the Commission has been consulted and its input is reflected as appropriate into proposed strategies presented to the Board.

The primary roles of the **Chief of Staff** and **Secretary of the Commission** are to provide support to the Board and CEO, and Commission, respectively. The Chief of Staff and Secretary report to the CEO and work together to promote the functioning of and strategic alignment across the CER governance structure. They facilitate the collaboration and alignment mechanisms described in this guidance.

## Shared interests

While the Board of Directors, Commission and CEO have unique roles and responsibilities,<sup>3</sup> they are interdependent. Communication, consultation, and collaboration is necessary in areas of shared interest to achieve strategic alignment and effective delivery of the CER's mandate. Working in a manner that is misaligned, inconsistent or at cross-purposes gives rise to material organizational risk.

Examples of areas of shared interests are listed below. It is important to note that, while the Board, Commission and CEO have a shared interest and contribute to varying degrees towards achieving positive outcomes in these areas, the roles and accountabilities of each within these areas are different and do not conflict.

- exemplary governance, CER performance and accountability
- continual improvement in CER processes, including through incorporation of learnings, engagement feedback, and best practices
- building meaningful relationships with Indigenous peoples and stakeholders over the full lifecycle of CER-regulated infrastructure
- Providing clarity on how the CER's mandate is to be exercised
- CER regulations and overarching policies of broad application
- identifying and addressing systemic issues within the regulated industry to prevent harm to people, property and the environment
- effective management of urgent issues or emergencies within the CER or with respect to CER-regulated infrastructure
- communication and transparency of CER activities and decisions
- efficient and effective use of human and financial resources in support of all CER activities
- CER alignment with government policies of broad application, including binding policy direction issued under section 13 of the *Canadian Energy Regulator Act*<sup>4</sup>
- Consideration, response and implementation of advice received from the IAC

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<sup>2</sup> Currently (in 2020-21), the CER's Areas of Focus are Reconciliation with Indigenous Peoples, Data Transformation, and People

<sup>3</sup> Governance of the CER: Mandate, Roles and Responsibilities, <https://www.cer-rec.gc.ca/bts/whwr/gvrnnc/mndtrlsrpsnblts/index-eng.html>

<sup>4</sup> *Ibid*, Section 9





## Collaboration and alignment mechanisms

The following mechanisms are in place to assist the Board in ensuring exemplary governance, CER performance, and accountability. Specifically, these mechanisms allow the Board, Commission and/or the CEO to regularly collaborate towards strategic alignment and effective delivery of the CER's mandate.

- The delivery of a **Lead Commissioner Update** at quarterly Regular Board Meetings: enables communication of updates, issues, and areas of concern to the Commission and/or Board; collaboration on areas of shared interest; and issue resolution
- Approximately monthly **trilateral meetings** between the Lead Commissioner, Chairperson of the Board, and CEO: enables ongoing collaboration on areas of shared interest; and issue resolution
- Approximately weekly **bilateral meetings** between the Lead Commissioner and CEO, and between the CEO and Chairperson, as well as occasionally between the CEO and individual Commissioners: enables ongoing collaboration on areas of shared interest; and issue resolution
- Quarterly **Commission Regulatory Update Meetings**: enables collaboration between the Commission, the CEO and CER staff on areas of mutual interest, updates and consultation on CER activities
- Annual or semi-annual **Board-Commission Learning and Strategy Meetings**: held as necessary to enable direct communication and collaboration between the full Board and Commission on areas of mutual interest, and to support Commission input into the Board's strategic planning, continuous learning and improvement

## Ensuring adjudicative independence

The Commission's adjudicative independence is central to the CER's governance structure. The Commission, Board, CEO and CER staff all have a positive obligation to protect, support and promote that adjudicative independence. In addition, neither the Board, the CEO nor CER staff may give direction with respect to any particular decision, order or recommendation that is made by the Commission or a Commissioner. The Commission relies on advice from the CEO and CER staff for the purpose of discharging its mandate and for use at the Commission's discretion.

The collaboration and alignment mechanism discussed in this Guidance provide opportunities for the Board to communicate to the Commission the Board's general strategic advice and direction for the CER (which is focused on results and outcomes). The Board's strategic advice and direction informs all aspects of the CER's work, including how the CEO and staff, including management, may support the Commission on adjudicative matters.

Similarly, and in providing the support services and facilities needed by the Commission to exercise its powers and perform its duties and functions, the CEO may also communicate using the collaboration and alignment mechanisms. In addition, the CEO may regularly engage with the Commission directly, verbally and/or in writing, and indirectly, via CER staff who are supporting the Commission. In engaging with the Commission on specific adjudicative matters, the CEO is guided by the same behavioral expectations as CER staff, described below.



As with the CEO, CER staff and management must not provide direction to the Commission. However, as described in Section 6 of the CER's Code of Conduct (Measures to Protect Adjudicative Independence), CER staff and management may provide impartial and candid advice:

The role of an employee supporting or otherwise directly involved in an adjudicative process is to provide impartial and candid advice to the decision-maker. This advice must be based on the employee's general professional experience and expertise; matters of broad public knowledge; and information that is on the record of the adjudicative process. Employee advice may include summaries of, or commentary on, evidence and submissions made during the adjudicative process. CER decisions and recommendations always rest with the decision-maker identified by legislation, regulation, or lawful delegation of authority.

In order to protect adjudicative independence, employees must:

- a) Avoid behaviour that could give rise to a perception of preferential treatment;
- b) Respect and comply with CER adjudicative processes, including pre-application, consultation and hearing processes, and not take steps in relation to an adjudicative matter outside of those processes;
- c) Avoid discussing specific substantive matters at issue in an adjudicative process with any external party (this can be contrasted with matters of a broad and general nature that fall within the CER's mandate);
- d) Avoid substantively coaching or guiding any external party with respect to their involvement in an adjudicative process;
- e) Avoid providing information or advice to decision-makers that could inappropriately influence their decision, such as specific evidence that is not on the record;
- f) Avoid explaining (beyond appropriate summaries or communications materials), justifying, or opining externally on CER decisions or recommendations;
- g) Avoid opining externally on parties or specific issues that have come, may come, or are currently before the CER; and
- h) Remove themselves where possible from any situation where the employee, exercising good judgement consistent with our values and guiding principles, believes that adjudicative fairness or independence could be negatively affected by their continued involvement.

The following formal mechanisms exist for the CEO and CER staff, including management, to support and provide advice to the Commission on specific adjudicative matters in writing and/or verbally.

- **Weekly Commission Planning Meetings:** enables planning and scheduling of Commission adjudicative business<sup>5</sup>. Attended by the Lead Commissioner, Deputy Lead Commissioner, CEO, Executive Vice-Presidents, Secretary of the Commission, and Chief of Staff.
- **Weekly Commission Meetings:** enables the conduct of Commission business, and specifically adjudicative decisions not otherwise assigned to a Panel. Attended by the Commission, CEO<sup>6</sup>, Executive Vice-President Regulatory, General Counsel, Secretary of the Commission, and other

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<sup>5</sup> For example, a review of upcoming adjudicative matters requiring Commission attention, and decisions by the Lead Commissioner as to whether items should proceed by way of a weekly Commission Meeting, via 'walkaround', or be assigned to a Panel

<sup>6</sup> The CEO does not attend every Commission Meeting, depending on the matter being considered and scheduling considerations



relevant members of senior management and CER staff (depending on the items being considered).

- Commission **Panel Meetings** for the purpose of making adjudicative decisions related to matters assigned to a Panel. Attended by Panel Members and relevant CER staff.<sup>7</sup>

The above formal mechanisms are described in this guidance for the purpose of transparency and are illustrative - not exhaustive. The Commission, CEO and CER staff work together cooperatively and full-time to enable delivery of the CER's adjudicative mandate, including Commission public hearing processes and decisions. This entails regular communication and exchange of advice, whether formally or informally.

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<sup>7</sup> Project Working Groups made up of CER staff from a variety of disciplines are generally assigned to support, and work directly with, Panels. Project Working Groups are typically led by a Hearing Manager or Technical Coordinator and may include Regulatory Officers, lawyers, engineers, economists, socio-economic specialists, environmental specialists, Process Advisors, etc.



# Engagement Guidance Document for GIC Appointees

## PURPOSE

To provide information on the Canada Energy Regulator's (CER) engagement approach to new Governor in Council (GIC) appointees.

This document outlines how the CER defines engagement and the desired outcomes of engagement activities. It recommends specific types of engagement activities to be undertaken to enhance the effective governance of the CER. It also defines the roles and responsibilities held by staff, the Chief Executive Officer (CEO), Chairperson of the Board of Directors (Chair), other members of the Board of Directors, the Lead Commissioner and other Commissioners have related to engagement.

The document also defines primary and secondary owners of the relationships that must be maintained by the CER so that it can deliver on its mandate to Canadians. Defining ownership of key relationships helps the organization manage them more effectively by clarifying who is responsible for ensuring that the CER has direct and positive interactions with the assigned individual or group. The primary relationship owner is expected to have the most frequent interactions with the assigned individual or group, followed by the secondary relationship owner. Other GIC appointees and staff may also interact with key organizational stakeholders on a less frequent and as needed basis.

The document does not refer to meetings or events such as hearings arranged to facilitate the exchange information between the CER and external parties conducted through other programs. It also does not refer to communications activities, which are undertaken to increase awareness of our mandate and work, such as delivering speeches or professional development activities such as participating in conferences.

## BACKGROUND

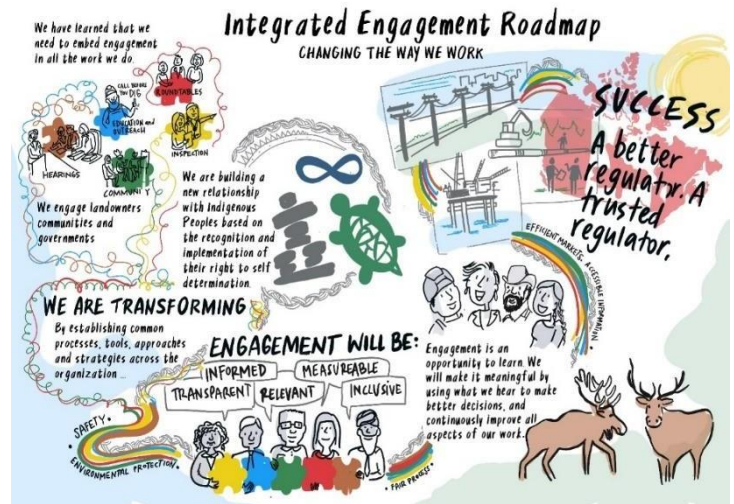
The Canadian Energy Regulator Act enshrines the importance of inclusive public engagement and greater Indigenous participation in legislation. The CER has incorporated the spirit of the Act in its mission and vision statement, management system and Departmental Results Framework (DRF). The organization is committed to engaging and building meaningful relationships with Indigenous Peoples and stakeholders and seeking input in order to enhance learning and increase our understanding of the issues that are important to the public we serve.



## WHAT IS ENGAGEMENT

Engagement occurs through planned meetings, events and activities designed to create two-way dialogue in order to identify and understand issues and opportunities for performance improvement. Engagement is enhanced when the parties involved have access to similar information and have a pre-existing relationship with each other.

The CER is in the process of transforming the way it conducts and integrates engagement activities across its programs and business unit lines.



## CER ENGAGEMENT PRINCIPLES

The CER has established seven engagement principles that are based on the [Public Engagement Principles of the Government of Canada](#), along with the Public Sector Values. These principles outline the spirit and intent in which all engagement activities will be conducted on behalf of the CER.

- **Transparent:** We communicate with Canadians about engagement opportunities. We let Canadians know the purpose of engagement and how their input will be used.
- **Relevant:** We listen and talk to interested and affected Canadians about issues that matter to them. When we convene participants, we are clear about what will be discussed and the scope of change possible.
- **Inclusive:** We engage with people who have a range of views and perspectives that reflect the diversity within Canada. We reduce barriers to participation, whether physical, cultural, geographical, linguistic, digital, or other. We offer a variety of channels and methods through which to engage.
- **Accountable:** We commit to sharing what we hear from participants. We explain our decisions including how input was used.
- **Reconciliation:** We recognize the unique culture, knowledge and history of Indigenous Peoples, and endeavour to reflect a renewed nation-to-nation relationship based on recognition of rights, respect co-operation and partnership.
- **Advocacy:** We will not advocate for an interested party or project outcome. We will advocate for public engagement in the regulatory lifecycle.
- **Meaningful:** We will approach engagement activities as an opportunity to learn. We will coordinate, share, track and report information and input received in a way that allows us to make better decisions and enables us to pursue continuous improvement in all aspects of our work.

The Government of Canada's public sector values include: respect for democracy; respect for people; integrity; stewardship; and, excellence.



## WHY WE ENGAGE

The CER seeks input from diverse stakeholders and groups in order to enhance our learning and increase our understanding of the issues that are important to the public we serve. The CER values the relationships built through engagement activities because the knowledge gained through them influences our decisions and work in meaningful ways that improve our programs and services to Canadians - making us a better regulator.

We also engage to achieve the specific results and outcomes identified in the DRF:

- Input provided by Indigenous Peoples and stakeholders influences our decisions and our work;
- Engagement with Indigenous Peoples and stakeholders is meaningful;
- Engagement reflects the diversity of views of stakeholders across the country;
- The issues of stakeholders are identified and addressed; and
- The unique rights and interests of Indigenous People are acknowledged and reflected in the CER's processes and programs.

## WHO CONDUCTS ENGAGEMENT ON BEHALF OF THE CER

### ***Staff:***

Staff conduct the majority of engagement activity on behalf of the organization. All CER staff (up to and including the Executive Vice Presidents) participate in engagement activities in a manner reflective of their role in the organization and technical expertise.

### ***CEO:***

The CEO regularly conducts external engagement activities on behalf of the CER to maintain the key organizational relationships to which they have been assigned as primary relationship owner (see Appendix A).

The CEO also participates in strategic engagement activities in order to support resolution of systemic issues where direct involvement of the leader and public face of the organization is beneficial or necessary to achieve the desired outcome.

### ***Chairperson of the Board of Directors:***

The Chair regularly conducts external engagement activities on behalf of the CER to which they have been assigned as primary relationship owner (see Appendix A).

The Chair may also participate in select engagement activities with the CEO or other staff members where participation of the Chair would increase their understanding of the organization's external environment, strategy and or management of key risks.





### ***Members of the Board of Directors:***

Directors are not generally expected to participate in external engagement activities on behalf of the CER, unless requested by the Chairperson. Arrangements will be made for Indigenous groups and stakeholders to meet with the Board collectively at scheduled meetings, as requested by the Chair, to aid in understanding of the organization's external environment, strategic issues and key risks.

Given the Board of Director's unique role as the governing body of an arms-length agency of the Government of Canada and a quasi-judicial regulatory body, members must hold themselves to a high standard of care when interacting with the public. If a Board Member receives a request to participate in an engagement event they are requested to inform the CER Chief of Staff for handling.

### ***Role of the Lead Commissioner:***

The Lead Commissioner regularly meets with the CEO and Chairperson of the Board to enable efficient and effective functioning of the organization.

The Lead Commissioner is not generally expected to participate in external engagement activities on behalf of the CER to avoid the potential for any real or perceived breaches in procedural fairness or bias with respect to discharging the CER's decision making and adjudicative processes.

### ***Commissioners:***

Commissioners are not expected to participate in external engagement activities on behalf of the CER to avoid the potential for any real or perceived breaches in procedural fairness or bias with respect to discharging the CER's decision making and adjudicative processes. If a Commissioner receives a request to participate in an engagement event they are requested to inform the Secretary of the Commission for handling.

## **WHO WE ENGAGE WITH**

The CER primarily engages with people and organizations that are impacted by and/or interested in its regulatory activities and mission. It also engages with groups who have a shared interest and role in improving public safety and environmental protection, creating market efficiencies or energy information.

### ***Groups with a Unique Relationship with the CER***

The CER regularly engages with three groups because of their unique and interconnected relationship with the CER.

- Governments and representatives of Indigenous Peoples (First Nations, Métis and Inuit) who live and have traditional territory in proximity to CER-regulated facilities.
- Regulated Companies— Companies who are directly regulated by the CER and are required to comply with CER's legislation and regulations.





- Government of Canada – The CER is accountable for delivering on its mandate to parliament and Canadians through the Department of Natural Resources (NRCAN), and works closely with the Department as well as other federal departments to achieve a coordinated federal approach to Engagement.

### ***Groups Directly Impacted by the CER's Regulatory Decisions and Oversight***

- Landowners and residents – individuals that live on or near land that supports previous, existing or planned energy infrastructure.
- Landowner organizations that represent the interests of broad groups of landowners.
- Communities – community associations, businesses, interest groups, and recreational groups.
- Governments – municipal, provincial, territorial and international governments.
- Industry associations that work with regulated companies.
- Groups with a Common Interest in the Work Done by the CER
- Peer regulators – other regulators with similar responsibilities for energy regulation.
- Standards groups and associations - organizations that develop and set industry standards and codes of best practices.
- Educational institutions – groups or individuals with interest and expertise in energy, economics and regulation.
- Environmental non-government organizations – groups that participate in the energy policy debate.
- Supranational organizations – organizations such as the Organization for Economic Cooperation and Development (OECD), the World Bank, the United Nations (UN), and others that have an interest in energy issues and the ability to influence energy decisions.
- Thought leaders and influencers – individuals, think tanks, safety experts, and nongovernmental organizations with interest and influence in the field of energy regulation.

## **OTHER CONSIDERATIONS**

### ***Impartiality and Procedural Fairness***

The CER's ability to engage with Indigenous peoples and stakeholders is impacted by its role as a quasi-judicial regulatory body. Care must be taken so that the engagement activities do not create a legal risk to the Commission's regulatory decision-making function.

Engagement activities should not be undertaken in relation to substantive or procedural matters at issue in an active regulatory proceeding. Collecting information through non-public meetings with select parties and use of that off-the-record information could raise a concern regarding lack of independence regarding the ability of the Commission to make a decision or create a breach of procedural fairness.

Precautions are generally not required when the CER is engaged in "administrative" or "legislative" functions. This includes the creation of regulations, and when the NEB engages with Indigenous peoples and stakeholders on general issues related to the regulatory system and program delivery.



## APPENDIX A

### ORGANIZATIONAL RELATIONSHIPS BY TYPE

The CEO's day-to-day responsibilities also means that he or she is typically the primary owner and manager of organizational relationships on behalf of the CER. The Chairperson of the Board also maintains a select number of relationships. Primary and Secondary relationship ownership is assigned by position according to the tables in this appendix.

Organizational Relationship	Desired Outcome from Relationship	Primary Relationship Owner	Secondary Relationship Owner
<b>AGENCY MANAGEMENT</b>			
Chairperson of the Board	Effective governance	CEO	Chief of Staff
Vice-Chairperson of the Board	Effective governance	CEO	Chief of Staff
Lead Commissioner	Effective delivery of adjudicative decisions	CEO	Secretary of the Commission
Chairperson - CER Indigenous Advisory Committee	Incorporation of Indigenous Rights and Interests	Chairperson of the Board	CEO
Minister of Natural Resources	Strategic alignment and agency support	Chairperson of the Board	CEO
Deputy Minister of NRCAN	Strategic alignment and agency support	CEO	EVP Regulatory
Associate Deputy Minister of NRCAN	Strategic alignment and agency support	CEO	EVP Regulatory
Secretary - Treasury Board	Appropriate financial resources	CEO	CFO
Deputy Secretary – Privy Council Office	Appropriate human and technical resources (appointments)	CEO	CHRO
Commissioner of Official Languages	Appropriate human and technical resources	CEO	EVP TSE
President – PIPSC CER	Appropriate human and technical resources	CEO	CHRO



Organizational Relationship	Desired Outcome from Relationship	Primary Relationship Owner	Secondary Relationship Owner
<b>MANDATE DELIVERY</b>			
Deputy Minister - Crown-Indigenous Relations & Northern Affairs Canada	Effective crown consultation and Northern regulatory oversight	CEO	EVP TSE
CEO/Chair of the Inuvialuit Regional Corporation	Effective crown consultation and Northern regulatory oversight	CEO	PL North
Chief Statistician – StatsCan	Effective Energy Reporting	CEO	VP IEIA
US Energy Information Administration (EIA)	Effective Energy Reporting	CEO	VP IEIA
President – Impact Assessment Agency	Effective Integrated Project Reviews	CEO	EVP Regulatory
Deputy Minister – Environment & Climate Change Canada	Effective Integrated Project reviews	CEO	EVP Regulatory
President of CEPA	Effective Pipeline Oversight	CEO	EVP Regulatory
President/CEO of CAPP	Effective Pipeline Oversight	CEO	EVP Regulatory
President/CEO of Enbridge	Effective Pipeline Oversight	CEO	EVP Regulatory
President/CEO of TC Energy	Effective Pipeline Oversight	CEO	EVP Regulatory
President/CEO of Trans Mountain	Effective Pipeline Oversight	CEO	EVP Regulatory
President/CEO of TNPI	Effective Pipeline Oversight	CEO	EVP Regulatory
President/CEO of Canadian Electricity Association	Effective Powerline Oversight	CEO	EVP Regulatory
Co-Chairs TMX IAMC	Incorporation of Indigenous Rights	CEO	EVP TSE (CER IAMC member)
Co-Chairs Line 3 IAMC	Incorporation of Indigenous Rights	CEO	VP Projects (CER IAMC member)
National Chief - Assembly of First Nations	Incorporation of Indigenous Rights	CEO	EVP TSE





Organizational Relationship	Desired Outcome from Relationship	Primary Relationship Owner	Secondary Relationship Owner
<b>REGULATORY COHERENCE</b>			
President of Canadian Nuclear Safety Commission	NRCAN Portfolio Coordination	CEO	Chief of Staff
Chair/CEO – Canada Newfoundland Offshore Petroleum Board	NRCAN Portfolio Coordination	CEO	EVP Regulatory
CEO CNSOPB	NRCAN Portfolio Coordination	CEO	EVP Regulatory
CEO, Alberta Energy Regulator	Upstream Regulatory Coherence	CEO	EVP Regulatory
CEO – BC Oil and Gas Commission	Upstream Regulatory Coherence	CEO	EVP Regulatory
CEO - BC Utilities Commission	Downstream Regulatory Coherence	CEO	EVP Regulatory
CEO – Ontario Energy Board	Downstream Regulatory Coherence	CEO	EVP Regulatory
NWT Minister – Regulator of the NWT Office of the Regulator of Oil and Gas Operations	Upstream Regulatory Coherence	CEO	EVP Regulatory
Administrator of US Pipeline & Hazardous Materials Safety Administration (PHMSA)	Downstream Regulatory Coherence	CEO	EVP Regulatory
Organization for Economic Cooperation and Development (OECD)	International Regulatory Best Practice	CEO	EVP TSE



# Time Billing Guidance for Board of Directors

## PURPOSE

The purpose of this guidance is to support a consistent, appropriate and predictable approach to time billing and entry for the Canada Energy Regulator (CER) Board of Directors. It endeavours to recognize the valuable time that Directors contribute to the CER and support efficient time reporting administration.

This document outlines expectations for the number of hours to be billed by Directors as well as information on how time is entered.

## BACKGROUND

Directors work on a part-time basis. Directors will be present at Regular Meetings (approximately quarterly), and Special Meetings as needed, as per Board of Directors By-law #1. Directors will also be present for Committee Meetings they are involved with, as identified in the Board Plan<sup>1</sup>.

All travel related to Board Meetings will be in compliance with the National Joint Travel Directive<sup>2</sup>.

## EXPECTATION OF TIME

The table below outlines the general expectations of time billing for each activity. Subject to the circumstances, Directors will align their work with these expectations.

Activity	Expectation of time
Maintain situational awareness <ul style="list-style-type: none"> <li>Includes miscellaneous activities in the normal course (e.g. reviewing media, generally staying apprised of external environment and context, reviewing emails)</li> </ul>	15 hours per month  Hours will be entered by the Executive Administrator to the Board without further instruction from Directors on a monthly basis.
Meeting Preparation <ul style="list-style-type: none"> <li>Includes reading meeting material</li> </ul>	15 hours per quarter for regular and special Board and Committee material  Hours will be entered by the Executive Administrator to the Board without further instruction from Directors and will generally be

<sup>1</sup> An Annual Board Plan is approved by the Board of Directors and identifies the quarterly schedule for Regular Board and Committee Meetings

<sup>2</sup> <https://www.njc-cnm.gc.ca/directive/d10/en>



	<p>entered in the week prior to Board and Committee meetings.</p> <p>Meeting preparation hours will be entered regardless of attendance at meetings (see below), as Directors are expected to review all materials even if they unable to attend a meeting or part thereof.</p>
Meeting Time	<p>Hours entered will be based on the agendas of Board and Committee meetings. However, if a Director does not attend a meeting or departs a meeting early, hours entered will be accordingly adjusted downward.</p> <p>Hours will be entered by the Executive Administrator to the Board without further instruction from Directors.</p>
<p>Board Committee Chair(s)</p> <ul style="list-style-type: none"> <li>Includes planning of Committee meeting agenda and related activities</li> </ul>	<p>7.5 hours per month</p> <p>Hours will be entered by the Executive Administrator to the Board without further instruction from Directors on a monthly basis.</p>
Travel Time	<p>Number of hours spent travelling to and from Board and Committee meetings.</p> <p>After each trip, Directors are required to promptly provide their total travel time to the Executive Administrator to the Board for entry.</p>

For the Chair of the Board, there is an expectation that additional time, and travel when necessary, will be consistently used for engagement activities and meetings outside of the Board meetings. This aligns to expectations set out in By-law 1 section 3(5).

## TIME CODING

Board of Directors will provide travel time and receipts, as required by the National Joint Travel Directive, to the Executive Administrator to the Board of Directors.

If there are circumstances that may require additional time to be billed (e.g., a conference or an external CER engagement event), Directors will check and confirm with the Chief of Staff in advance. Directors will then note the additional time in their CER Outlook calendar on the date worked including a description of the activity.

If a Director uses materially less time for meeting preparation, they will inform the Chief of Staff and the Executive Administrator to the Board so that time entry can be adjusted accordingly.

The Executive Administrator to the Board enters all time for Directors into the CER TIME system; Directors do not enter time directly.



The Chief Executive Officer approves all time entries of Directors within the CER TIME system, in a manner consistent with this Guidance.

The Chief of Staff provides a monthly report to the Chair of the Board on time billed.





Commissioners  
*Lead Commissioner:  
Damien Côté*

Chief Executive Officer  
(CEO)

Board of Directors  
*Chairperson: Cassie Doyle*

Chief of Staff and  
Corporate Secretary  
*Katherine Murphy*

Secretary of the  
Commission  
*Jean-Denis  
Charlebois (a)*

EVP, Regulatory  
*Sandy Lapointe*

VP,  
Performance & Results  
and CFO  
*Mark Power*

VP, People &  
Workforce Supports /  
Chief HR Officer  
*Alexis Williamson*

EVP, Transparency  
and Strategic  
Engagement  
*Tracy Sletto*

EVP, Law and  
General Counsel  
*Alex Ross*

Technical  
Excellence  
Team

VP, Projects  
*Jon Timlin*

VP, Energy  
Adjudication  
*Paula  
Futoransky*

VP, System  
Operations  
*Barb van Noord*

VP, Field  
Operations  
*Chris Loewen*

Technical  
Excellence  
Team

VP,  
Communications  
& Engagement  
*Amy Jarek*

VP, Integrated  
Energy  
Information &  
Analysis  
*Jim Fox*

VP, Data and  
Information  
Management  
*Ryan Hum*

Associate  
General  
Counsel  
*Asad  
Chaudhary (a)*

PL Economics and  
Chief Economist  
*Darren Christie (a)*

PL Engineering  
and Chief Engineer  
*Iain Colquhoun*

PL Safety and  
Chief Safety  
Officer  
*Keith Landra*

PL Environment and  
Chief Environment  
Officer  
*vacant*

PL Northern  
Engagement  
*Brian Chambers*

PL Communications  
*Tom Neufeld*



## 4. Biographical/Contact Information

### I. Board of Directors



**Cassie Doyle** | Chairperson

████████████████████ s.19(1)

Cassie Doyle has had a distinguished career in the public service, where she served at the executive level in all three levels of the Government in Canada, including as Deputy Minister of Natural Resources Canada. She has gained a deep understanding of natural resource and environmental governance and management and has a strong track record of effective partnerships with non-governmental organizations, industry, First Nations, governments and academia. Ms. Doyle was recently the Chair of the Expert Panel on Integrated Natural Resource Management conducted by the Council of Canadian Academies and a Board Member of the Alberta Energy Regulator.



**George Vegh** | Vice-Chairperson

████████████████████ s.19(1)

Mr. Vegh is the Head of McCarthy Tétrault's Toronto energy regulation practice and co-leader of the firm's national energy regulatory practice. Mr. Vegh is an Adjunct Professor of energy law and regulation at the Munk School of Global Affairs and Public Policy as well as the University of Toronto Law School, Mr. Vegh was previously General Counsel at the Ontario Energy Board.



**Alain Jolicoeur** | Director

████████████████████ s.19(1)

Alain Jolicoeur has served as a temporary member on the National Energy Board since 2016. He has more than 30 years of experience as an executive in the federal public service, including as the former President of the Canada Border Services Agency. Mr. Jolicoeur holds a Master of International Law and Customs from the University of Canberra, as well as degrees in Physics Engineering and Meteorology. He also holds an Institute of Corporate Directors Certificate from the Rotman School of Management.



**Ellen Barry** | Director

████████████████████ s.19(1)

Ellen Barry is a former Deputy Minister with the Province of New Brunswick. As a career public servant she served as Deputy Minister with the Departments of Tourism & Parks, Wellness, Culture and Sport and the Department of Human Resources. Previous to these assignments, she served as Assistant Deputy Minister in the Department of Natural Resources and Finance. Her public service experience has provided her the opportunity to work extensively with multi-stakeholder groups. Since her retirement, Ms. Barry has worked on consulting assignments in New Brunswick as well as with the Institute of Public Administration (IPAC). She is a graduate of the University of New Brunswick.



**Melanie Debassige** | Director

████████████████████ s.19(1)

Melanie Debassige has over 20 years of experience in Indigenous Economic Development and is a certified corporate director. She is currently employed as the Executive Director of the Ontario First Nations Technical Services Corporation and serves on the Board of Directors of the Ontario Clean Water Agency. She previously served as Chief of Staff for the British Columbia Assembly of First Nations and was an elected official with the M'Chigeeng First Nation. Ms. Debassige holds a Master of Business Administration from Cape Breton University and is a graduate of the Directors Education Program at the Institute of Corporate Directors and Rotman School of Management.

## II. Commissioners



**Damien Côté** | Lead Commissioner

████████████████████ s.19(1)

Damien A. Côté was appointed as a temporary member of the National Energy Board (NEB) in October 2016 and reappointed in April 2019. He has a wealth of expertise related to Indigenous and regulatory law and more than seven years of senior executive leadership, many of which were spent in the Canadian Arctic. He holds a Juris Doctor and a Licentiate of Laws from the University of Ottawa, a Master of Arts (Economics) from the University of Toronto, as well as a Bachelor of Engineering (Environmental) and a Bachelor of Arts (Economics) from Carleton University.



**Kathy Penney** | Deputy Lead Commissioner

████████████████████ s.19(1)

Kathy Penney was a permanent member of the Canadian Nuclear Safety Commission until her appointment as a Commissioner. She has over 25 years of regulatory, environmental, health and safety (HSE) experience in the public and private sectors, in Canada and Australia. Ms. Penney has expertise in environmental assessments, HSE assurance and compliance processes, the development of regulatory frameworks, quasi-judicial and federal government project hearings, and Indigenous consultation. She holds a Master of Science from the University of British Columbia and a Bachelor of Science from the University of Toronto. Ms. Penney is a Pearson College scholar and holds an Executive Management Certificate from Queen's University.





**Trena Grimoldby | Commissioner**

[s.19\(1\)](#)

Trena Grimoldby has extensive experience in the energy and regulatory sectors, including administrative tribunal practice and procedure, regulatory law, environmental law, Indigenous matters, occupational health and safety, litigation, employment law, and privacy law. She most recently served as in-house counsel for PETRONAS Canada and Public Chairperson at the Insurance Councils Appeal Board of Alberta until her appointment as Commissioner. Prior to that, she served as in-house counsel to Pembina Pipeline Corporation, Shell Canada Limited, and as Board Counsel at the Alberta Energy Regulator (then the Energy and Utilities Board and subsequently the Energy Resources Conservation Board). She holds a Juris Doctor and Bachelor of Laws from the University of Alberta and a Bachelor of Arts with a specialization in English from the University of Alberta.



**Wilma Jacknife | Commissioner**

[s.19\(1\)](#)

Ms. Wilma Jacknife served as a temporary member of the NEB until December 31, 2018. She has almost 20 years of experience in practicing law, both in private practice and as legal counsel for Cold Lake First Nation in Alberta. She specializes in First Nations governance, consultation and negotiation of impact benefits agreements, business development, administrative law and employment and estates law and law-making. Ms. Jacknife also has extensive experience working with various First Nations organizations across Canada. Ms. Jacknife holds a Doctor of Juridical Science in Indigenous Peoples Law and Policy and a Master of Laws in Indigenous Peoples Law and Policy from the University of Arizona – College of Law and a Bachelor of Laws from the University of British Columbia and two Bachelor of Art degrees from the University of Alberta.



**Stephania Luciuk | Commissioner**

████████████████████ s.19(1)

Stephania Luciuk has extensive experience in the energy sector, including in oil and gas industries on a broad range of matters, among them environmental, labour, First Nations and employment and human rights issues. Ms. Luciuk has been in legal practice for over 20 years and previously served as in-house counsel for Imperial Oil, where she oversaw a legal team that successfully completed the regulatory process for the Kearl Oil Sands project and negotiated with First Nations groups and government regarding the Mackenzie Gas project hearings. In 2017, Ms. Luciuk was appointed as an assistant professor at Mount Royal University. Ms. Luciuk holds a Juris Doctor from York University and a Master of Laws in international environmental law from Dalhousie University.



**Mark Watton | Commissioner**

████████████████████ s.19(1)

Mark Watton was first called to the bar in Ontario and practiced as a litigator in the Toronto office of Fasken Martineau DuMoulin. He left private practice, relocating to Calgary to join the National Energy Board (NEB) where he was legal counsel for seven years, advising on multiple major project applications. Before his appointment as Commissioner with the CER, he held the position of Senior Legal Counsel, Commercial and Canadian Regulatory Law for TC Energy's Liquids Division.

Prior to practicing law, Mark worked in executive and policy advisory roles for numerous cabinet ministers in several federal government departments, and in the office of the Prime Minister.

Mark holds an LL.B. from Dalhousie University Law School with specializations in Marine Law and Business Law, and a Bachelor of Social Sciences (Political Science) from the University of Ottawa.

### III. Senior Management Committee



**Alex Ross** | Executive Vice-President, Law and General Counsel  
[Alex.ross@cer-rec.gc.ca](mailto:Alex.ross@cer-rec.gc.ca) | [REDACTED] s.19(1)

Alex Ross became Executive Vice-President, Law and General Counsel in July 2018. He joined the regulator in August of 2001 where he has served as Associate General Counsel for seven years and counsel for ten years. Between being called to the Bar in 1997 and starting at the organization, he worked as a lawyer at Dentons Canada LLP (formerly, Fraser Milner Casgrain LLP). His career has focused on energy regulation (including aboriginal, environment, energy and natural resources management issues), and associated public and administrative law.



**Sandy Lapointe** | Executive Vice-President, Regulatory  
[Sandy.lapointe@cer-rec.gc.ca](mailto:Sandy.lapointe@cer-rec.gc.ca) | [REDACTED] s.19(1)

Sandy Lapointe became Executive Vice President, Regulatory in May 2011. Prior to this, she was Vice President, Operations from August 2007 and Vice President, Applications from July 2002. She joined the regulator in 1992 as an Environmental Specialist and has held various positions. Prior to joining the regulator, she worked for an environmental consulting firm in Edmonton.





**Tracy Sletto** | Executive Vice-President Transparency & Strategic Engagement

[Tracy.sletto@cer-rec.gc.ca](mailto:Tracy.sletto@cer-rec.gc.ca) | [REDACTED] s.19(1)

Tracy Sletto joined the regulator in 2011 with extensive experience in strategic planning, policy development, strategic communications, and public administration. She served as Vice-President, People and Communications Services before joining the Energy Adjudication Business Unit. Before joining the organization, she worked with the federal department of Western Economic Diversification Canada in Calgary. Previously, she worked with the Government of Saskatchewan in a variety of leadership roles.



**Alexis Williamson** | Vice-President People & Workforce Supports and Chief Human Resources Officer

[Alexis.williamson@cer-rec.gc.ca](mailto:Alexis.williamson@cer-rec.gc.ca) | [REDACTED] s.19(1)

Alexis Williamson joined the regulator in October 2016, after working with the British Columbia provincial oil and gas regulator. She has over 20 years' experience working in senior leadership positions both in the private and public sector. Her primary focus of work has been dedicated to strategy and employee engagement, program design, change management, recruitment and hiring, compensation, learning and leadership development, workforce planning and executive coaching.



**Jean-Denis Charlebois** | Secretary of the Commission

[Jean-denis.charlebois@cer-rec.gc.ca](mailto:Jean-denis.charlebois@cer-rec.gc.ca) | [REDACTED] s.19(1)

Jean-Denis Charlebois joined the regulator in 2006. He has led the analysis for a number of tolls and facilities hearings as well as public engagement initiatives. As a Director in the organization, he led various multidisciplinary teams focused on public hearings, tolls and tariff matters and regulatory policy. As Chief Economist, he oversaw the technical work of the organization related to financial and economic regulation, and market analysis. Previously he worked at the Department of Finance in Ottawa and the Canadian International Development Agency.



**Katherine Murphy** | Chief of Staff

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Katherine Murphy joined the regulator in July 2012, became Associate General Counsel in October 2017, and Chief of Staff in July 2019. She has practiced law in the energy regulatory and litigation fields for 10 years, in both government and private practice. While at the NEB and CER, Ms. Murphy has worked in legal and policy roles, serving as counsel to the Board for numerous proceedings, as well as various policy initiatives. Her experience includes governance matters, administrative law, Aboriginal law, and environmental law. Prior to joining the organization, she practiced at Osler, Hoskin & Harcourt LLP and Borden Ladner Gervais LLP in Calgary, Alberta



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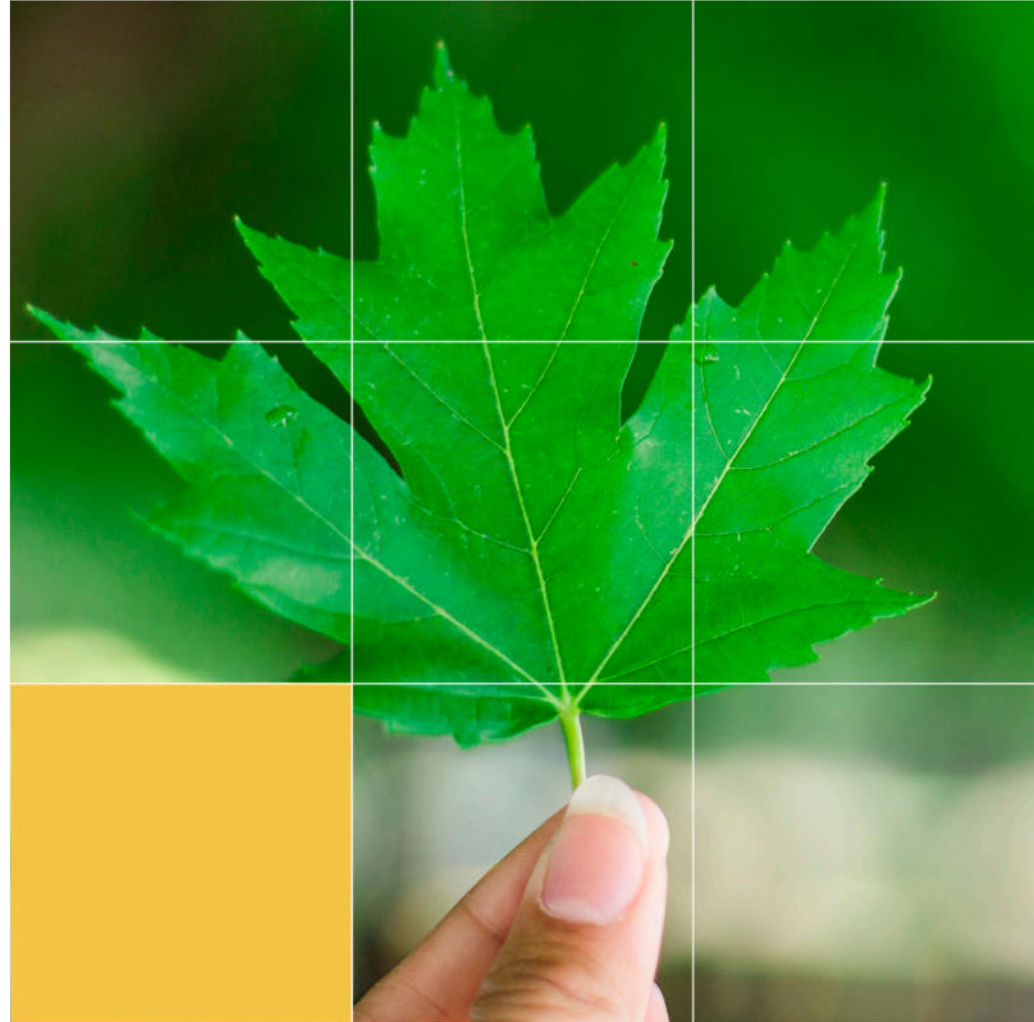
Régie de l'énergie  
du Canada

# The Canada Energy Regulator

## - *key changes arising from the CER Act*

Alex Ross, EVP, Law and  
General Counsel  
March 2020

Canada





# ***Canadian Energy Regulator Act***

- *Canadian Energy Regulator Act, and Impact Assessment Act*
- Canada Energy Regulator, established 28 August 2019
- Impact Assessment Agency
- Bill C-69, the journey



# Key changes

1. Preamble, Purpose & Mandate
2. More specific (modern) governance roles
3. Categories of projects, and assessments
  - Expanded list of factors to be considered
  - Timelines (predictable, efficient processes)
4. Significantly enhanced Indigenous engagement and participation
5. More inclusive public participation
6. Strengthened safety and environmental protection
7. Other significant new authority





## Preamble, Purpose & Mandate

- Significant new contextual guidance
- Preamble reflects Canada's commitments
  - Safety, security and **environmental** protection
  - Reconciliation with **Indigenous** Peoples, UNDRIP
  - Transparent and **inclusive processes**, early engagement
  - Enhancing **Canada's global competitiveness**, predictable and timely decisions, carrying out sound projects
- Tension amongst preambular provisions
- Purpose and Mandate prescribed



## More specific (modern) governance roles

- Board of Directors (Chairperson and Vice-Chairperson)
  - governance of the Regulator, including strategic direction and advice
- Commission (Lead Commissioner and Deputy Lead Commissioner)
  - adjudicative functions
- CEO
  - management of day-to-day business and affairs of the Regulator (leading the organization)
- Designated Officers
  - authorized by CER Act and Regulation, to make technical or administrative decisions





# Categories of projects, and assessments

- International & interprovincial power lines, largely unchanged
- Small pipeline projects (40km pipeline or less)
  - CER is final decision maker, by exemption Order
- Medium pipeline projects (> 40km pipeline, but not designated)
  - CER makes certificate recommendation to Cabinet
- Large pipeline projects (> 75km of new ROW)
  - “designated” under IA Act, *Physical Activities Regulations*
  - subject to “integrated review”, led by the IA Agency



## Expanded list of factors to be considered

- CER Act prescribes the following, additional factors for project reviews
  - Environmental effects, including cumulative effects
  - Safety and security of persons and the protection of property and the environment
  - Health, social and socio-economic effects, **including with respect to intersection of sex and gender with other identity factors (GBA+ analysis)**
  - Interests and concerns of Indigenous peoples, including their use of lands and resources for traditional purposes
  - Effects on the rights of Indigenous peoples
  - **Extend to which effects hinder or contribute to Canada's ability to meet its environmental obligations and climate commitments**
  - Regional or strategic assessments under the *Impact Assessment Act*



## Timelines (predictable, efficient processes)

- “Predictable and timely” and “efficient” process emphasis (preamble and purpose)
- Pipeline and IPL orders to be issued within 300 days (10 months)
  - shortened from 15 months under NEB Act
- Certificates to be issued within 450 days (15 months)
  - no change in time limit
- Timeouts more limited than in *Impact Assessment Act*



# Significantly enhanced Indigenous engagement and participation

- Board of Directors and Commission, Indigenous representation
- Indigenous Advisory Committee
- Broad authority to establish collaborative processes (Regulator)
- Ministerial arrangements with Indigenous governing bodies
  - authorize Indigenous governing bodies to exercise powers and functions under the CER Act (GiC regulations required)
- Authority to include Indigenous monitors in inspections



# Significantly enhanced Indigenous engagement and participation, contd.

- Expanded hearing, engagement and participant funding authority
- Protection of Indigenous knowledge
  - confidential treatment, subject to exceptions (requiring consultation)
- Consideration of effects on Indigenous rights / interests / knowledge
  - must consider adverse effects on Indigenous rights in all decision making
- Preamble reference to UNDRIP (FPIC), reconciliation, renewed nation-to-nation relationships





## More inclusive public participation

- “Inclusive” and “efficient” process emphasis (Preamble and Purpose)
- Removal of standing test; “meaningful” public engagement required
- Requirement that any member of the public may make representations on certificate applications
- Expanded participation funding program to facilitate participation in hearings, including steps leading up to hearings
- Alternative Dispute Resolution, a legislated requirement
- Land Matters Advisory Service (LMAS) – centralized, one-window approach to access land-related services





# Strengthened safety and environmental protection - Inspection Officers

- More robust inspection officer ordering authority
  - expanded purpose for issuing Orders, express NNC authority
  - new authority to condition, make interim, vary and rescind Orders
- Expanded scope of entry
  - entry to “any place”, including private property
- Enhanced authority on entry
  - to have persons accompany
  - ability to control access, issue directions to any person, etc.
- Duty to assist, now applies to “every person in the place”
- Prohibition on obstruction, false statements



## Strengthened safety and environmental protection, contd.

- Designated Officer authorized to designate and take actions regarding a pipeline where company insolvent, or officers cannot be located
- Orphan pipeline account established



## Significant new authority

- Adjudication of land compensation disputes
  - no longer private arbitrations, but Commission decision-making
- Potential cost apportionment for facility crossings and ground disturbance (damage prevention)
- Certificate variance, no automatic requirement for GiC approval
- Expanded cost recovery authority, denied or withdrawn applications
- Offshore renewable energy projects and offshore power lines



# New CER Act guidance

- Interim Filing Guidance, for expanded factors
- Early Engagement Guide
- Regulations
  - excluding periods from time limits
  - miscellaneous amendments
  - damage prevention, power lines and pipelines



# Commission Decisions

- Three proceedings with “continued” NEB Member
- Numerous other applications “taken up by Commission” under NEB Act
- Expeditious Commission decision making (Enbridge, NGTL Tariff)
- Major decisions & recommendations issued by Commission to date



## Reflections, thus far

- Extraordinary, cross-organization effort;
- Unexpected timeframes
  - Royal assent, coming into force, appointments
- New energy & authorities, fresh perspectives
- Significant further opportunity





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# Canada Energy Regulator

2020–21

## Departmental Plan

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C. Peter Watson, P.Eng., FCAE  
CEO  
Canada Energy Regulator

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The Honourable Seamus O'Regan, P.C., M.P.  
Minister  
Natural Resources

Canada

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## Message from the Chairperson

It is an honour to share this inaugural Departmental Plan on behalf of the Canada Energy Regulator (CER) for 2020-21. This Departmental Plan documents the work of the CER to fulfill our mandate as set out in the *Canadian Energy Regulator Act (CER Act)*<sup>1</sup>.

Since being appointed to chair the CER in August 2019, I have been very impressed by the dedication and commitment of the CER's employees. It is clear that they are highly motivated to keep energy moving safely and efficiently through our country's pipelines and power lines on behalf of all Canadians. Their expertise allows them to share a wealth of energy data and information, and enforce some of the strictest safety and environmental standards in the world, while also enhancing Canada's global competitiveness.



The new CER Act establishes the foundation for a modern, world-class regulator that is trusted and carries the confidence of Canadians. The legislation introduced a modern governance structure that provides a clear separation between the strategic, operational and adjudicative functions of the organization. The Board of Directors is focused on providing strategic advice and direction to the organization and ensures high-level results. The CEO is responsible for management and daily operations. The CER's Commission is responsible for independent adjudicative decisions.

The CER Act contains key commitments:

- ensuring safety, security and environmental protection;
- enhancing Canada's global competitiveness;
- increasing transparency, diversity and inclusion;
- advancing reconciliation with Indigenous Peoples; and
- driving innovation.

Work is well underway at the CER to advance all of these commitments. I am particularly encouraged by the concerted effort being carried out by the CER to meaningfully engage with Indigenous Peoples – contributing to the Government of Canada's overall commitment to advancing reconciliation.



The Board of Directors looks forward to guiding this important work and seeing continued growth towards a sustainable future.

Cassie Doyle

Chairperson

Board of Directors of the Canada Energy Regulator

## Message from the CEO

As Chief Executive Officer, I am proud to lead over 500 passionate employees in delivering the regulation of pipelines, energy development and trade on behalf of Canadians in a way that protects the public and the environment while supporting efficient markets.



The CER operates in a changing external environment where Canadians are deeply engaged in, and hold a wide range of perspectives on, energy and environmental issues. It is incumbent on the CER to be open, transparent, and incorporate Canadians' diverse views and ideas into our work to achieve improved regulatory outcomes.

Over the next year, as outlined in this Departmental Plan, the CER will deliver on our Core Responsibilities of Energy Adjudication, Safety and Environment Oversight, Energy Information, and Engagement. In support of this, we will focus on three key enterprise-wide areas. These will fulfil the commitment of the CER Act to be a trusted, world-class regulator that enhances competitiveness.

- Supporting reconciliation with Indigenous Peoples through open dialogue, sharing perspectives, collaboration and co-development. Transforming how we work with Indigenous Peoples will help us be a better regulator, improve safety and environmental outcomes, and deliver a more predictable, coherent, and transparent regulatory environment.
- Investing in our people so they can meet the evolving demands of our work and better serve the people of Canada. The benefits that come from having an engaged workforce – high productivity, leading edge quality work, innovation and safe working environments – will benefit our stakeholders, partners, the industry we regulate, and Canadians.
- Using our expansive data to gain insights and better protect people and the environment, and making our data more accessible, open and easier to understand so people can use it to make better decisions about energy. Innovation in data management, engagement, and analytics will unlock higher performance and improved service to the public.

Our job as a regulator has evolved beyond making decisions on individual projects. We are leaders in understanding the national energy system, and we thoughtfully analyze system-wide matters. We work with communities and regulated companies to ensure our own understanding of Canada’s energy landscape. I am confident that 2020-21 will be the start of a new and exciting future for the CER and the stakeholders and citizens we serve.

C. Peter Watson, P.Eng., FCAE

CEO

Canada Energy Regulator

## Plans at a glance

The CER is Canada’s new federal energy regulator. We work for the people in Canada to keep energy moving safely through our country’s pipelines and powerlines. We confidently enforce some of the strictest safety and environmental standards in the world and use the best available science and data, robust processes and Indigenous knowledge when making our decisions.

Canadians are more passionate about energy issues than ever before. Our tools, structures, and governance enable us to develop deep and enduring relationships with Indigenous Peoples, stakeholders and all Canadians affected by energy development. We seek new ways to work openly and share data and information so people can understand our work and make the best decisions for themselves.

We are also committed to making predictable and timely decisions. Providing certainty in our processes to stakeholders and investors drives innovation and enables sound projects to be built that create jobs for Canadians.

Our portfolio is a complex one, touching the lives of everyone in Canada and igniting passionate discussion. To successfully deliver on our mandate in this environment, and in support of the [Minister’s mandate](#)<sup>ii</sup>, we are focussing our work on three complementary areas:

### **Reconciliation with Indigenous Peoples**

We are committed to the ongoing process of Reconciliation, building a new relationship with Indigenous Peoples based on recognition of rights, respect, cooperation and partnership. Transforming how we work with Indigenous Peoples and incorporating Indigenous knowledge into our work will help us improve safety and environmental outcomes.

We recognize that reconciliation with Indigenous Peoples is an ongoing journey. Our work is guided by the [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#)<sup>iii</sup>, the [Calls To Action](#)<sup>iv</sup> of the [Truth and Reconciliation Commission](#)<sup>v</sup>, and the

### **Governance at the CER**

There is a clear separation between the organization’s adjudicative and management functions. The new and modern CER governance structure reflects best practices and includes:

A Board of Directors, led by a Chairperson, governs the CER and provides strategic oversight to the organization.

A Chief Executive Officer, who is responsible for managing the day-to-day business and affairs of the CER and has the responsibilities of a deputy head.

A Commission headed by a Lead Commissioner, responsible for independent adjudicative decisions.



*Principles respecting the Government of Canada's relationship with Indigenous Peoples<sup>vi</sup>.*

In 2020-21, our strategy is based on a firm belief that in order to work differently with Indigenous communities, we must deepen our understanding. A shared cultural awareness is key to establishing strong and trusting relationships, and it is only through these relationships that we can co-develop approaches that work for everyone. We are improving our Indigenous cultural competency by training employees to understand more about Indigenous history, culture and contemporary issues facing Indigenous Peoples in Canada. We invite Indigenous communities to be more involved, not just in our hearings, but also in our oversight work throughout the life of a pipeline project. New structures like the Indigenous Advisory Committee will root Indigenous perspectives into our overall strategy setting and program development across CER.

**People and Workforce**

The CER supports an agile, inclusive and equipped workplace outlined in the [Beyond2020<sup>vii</sup>](#) framework. We are guided by values of Respect for People, Integrity, and Excellence.

We have an engaged, skilled workforce that produces leading edge, quality work using innovative approaches and skills, benefitting our stakeholders, the industry we regulate, and all Canadians. We encourage our employees to take the lead in finding ways to improve how we work. We believe an empowered team of people, rooted in diversity, drives innovation and improves the outcomes we are seeking to achieve for Canadians.

In 2020-21, we will continue to develop our leaders throughout the organization, implement a renewed employee performance management system, support a psychologically healthy workplace, and enhance our official language capacity.

**Data Transformation**

We are transforming how we leverage and unlock information and data to better serve Canadians. We are able to draw on over 60 years of information and data related to energy project regulation, including the economics of how we move energy, and how projects and infrastructure impact the environment and communities.

New digital technologies enable us to analyze our data so we can proactively spot trends and quickly take action to prevent harm to people and the environment. New technologies also improve our efficiency and reduce errors by automating and streamlining our processes.

In 2020-21, the CER will make investments in data science training and recruitment, modernize IT systems, use data to automate our manual processes, promote open science, and create new ways for people to easily access and engage with energy-related information and data.

For more information on the Canada Energy Regulator’s plans, priorities and planned results, see the “Core responsibilities: planned results and resources” section of this report.

Corporate risks and related response strategies affecting the delivery of the CER’s outcomes can be found on our [website](#)<sup>viii</sup>.





## Core responsibilities: planned results and resources

### Energy Adjudication

#### Description

Making decisions or recommendations to the Governor in Council on applications, which include impact assessments, using processes that are fair, transparent, timely and accessible. These applications pertain to pipelines and related facilities, international power lines, offshore renewable energy, tolls and tariffs, compensation disputes resolution, energy exports and imports, and oil and gas exploration and drilling in certain northern and offshore areas of Canada.

#### Planning highlights

Our hearings and decisions must be fair, inclusive, transparent and efficient. We are committed to making decisions in a timely and predictable way, providing certainty in our processes for stakeholders and investors, so that sound projects can proceed. Our processes go further to support reconciliation with Indigenous Peoples and provide the opportunity to participate in a meaningful way.

The new CER Act allows for any member of the public to participate in public hearings. Our hearings provide for and describe the different participation paths available so everyone interested in a project can share their views without impacting the timeliness of decisions.

The new CER Act also enables us to establish processes to engage meaningfully with Canadians, and in particular Indigenous Peoples, in our public hearings. We are committed to reconciliation and are evolving our hearings to make it easier for Indigenous Peoples to participate in ways that work best for them. We are meeting with Indigenous Communities that could be impacted by an energy project earlier to better understand their concerns. We also consider the impact our work has on Indigenous rights and including Indigenous knowledge when we make our decisions, pursuant to the CER Act.

#### CER early engagement

A more robust early engagement and planning phase helps us work together to identify issues related to a project, facilitate dialogue and find resolution earlier in the process. This process also helps determine which issues need to be addressed during a hearing and which issues will be looked at during another phase of the project.

Identifying and, where possible, resolving issues ahead of the review process, will improve timeliness, efficiency and predictability of project assessments. It will also help us improve how we work by informing hearing process or related program design.

To support the Energy Adjudication core responsibility in 2020–21, we will:

- Provide clear and timely processes that allow any members of the public to express their views during a hearing.
- Consider gender-based analysis, climate change commitments and impacts to Indigenous rights in our impact assessments.
- Act as the Agent of the Crown for all CER-led projects and post-approval for integrated reviews with the new [Impact Assessment Agency](#)<sup>ix</sup>.
- Set out clear filing requirements and expectations for assessment processes so applicants, Indigenous Peoples and stakeholders know what to expect.
- Work with the new Impact Assessment Agency to effectively deliver the first integrated review for the [Gazoduq project](#)<sup>x</sup>.

### **Gender-based analysis plus**

- There are GBA+ requirements for assessment in the CER Act. Section 183.2 (c) of CER Act outlines what factors need to be considered in Commission recommendations to the Minister such as health, social and economic effects, including with respect to the intersection of sex and gender with other identity factors. Filing guidance has been issued on assessing GBA+ requirements in applications and staff have started assessing applications using this guidance. These actions support the [Minister's mandate](#)<sup>xi</sup> to apply GBA+ in decision-making.
- The CER's Socio-Economic Specialists focus on ensuring that public participation in the CER's adjudicative processes respond to the needs of Canadians, including GBA+ matters.

### **Experimentation**

- The [REGDOCS](#)<sup>xii</sup> system is a collection of publically accessible regulatory documents, and is the most visited location on the CER website. The system requires an upgrade to become a more user-friendly digital platform. We will continue our partnership with [Code for Canada](#)<sup>xiii</sup>, a not-for-profit organization that connects government innovators with the technology and design community, to update REGDOCS. The upgrades will make it a user-centered site with advanced search capability and downloadable, open-information datasets. This will give interested Canadians easier and better access to the many reports, environmental assessments, transcripts and decisions kept in this database.
- The CER will create analytical metrics to identify potential gaps between Information Requests (IRs), conditions imposed and the regulatory guidance provided in the [Filing Manual](#)<sup>xiv</sup>. This work will form the basis for potential use of artificial

intelligence in predicting types of IRs and standardized conditions on future project submissions.

### Planned results for Energy Adjudication

Departmental result	Departmental result indicator	Target	Date to achieve target	2016–17 actual result <sup>(a)</sup>	2017–18 actual result <sup>(a)</sup>	2018–19 actual result <sup>(a)</sup>
Energy adjudication processes are fair.	Percentage of adjudication decisions overturned on judicial appeal related to procedural fairness.	At most 0%	March 2021	0%	0%	0%
Energy adjudication processes are timely.	Percentage of adjudication decisions and recommendations that are made within legislated time limits and service standards.	At least 100%	March 2021	100%	100%	100%
Energy adjudication processes are transparent.	Percentage of surveyed participants who indicate that adjudication processes are transparent.	At least 75%	March 2021	79%	88%	73%
Energy adjudication processes are accessible.	Percentage of surveyed participant funding recipients who agree that participant funding enabled their participation in an adjudication process.	At least 90%	March 2021	92%	94%	100%

(a) National Energy Board actual results.

## Planned budgetary financial resources for Energy Adjudication (dollars)

2020–21 budgetary spending (as indicated in Main Estimates)	2020–21 planned spending	2021–22 planned spending	2022–23 planned spending
19,870,310	19,870,310	20,094,039	19,380,574

## Planned human resources for Energy Adjudication (full-time equivalents)

2020–21 planned full-time equivalents	2021–22 planned full-time equivalents	2022–23 planned full-time equivalents
108.2	108.5	106.8

Financial, human resources and performance information for the Canada Energy Regulator's Program Inventory is available in the [GC InfoBase](#)<sup>xv</sup>.



## Safety and Environment Oversight

### Description

Setting and enforcing regulatory expectations for regulated companies over the full lifecycle - construction, operation and abandonment - of energy-related activities. These activities pertain to pipelines and related facilities, international power lines, offshore renewable energy, tolls and tariffs, energy exports and imports, and oil and gas exploration and drilling in certain northern and offshore areas of Canada.

### Planning highlights

Preventing harm is the foundation of how we keep people safe and protect the environment. We enforce some of the strictest safety and environmental standards in the world, but our oversight goes beyond simple compliance. We expect companies to adopt new technologies and innovative approaches to improve the effectiveness of their management systems. We also expect them to adapt to the evolving expectations people have for energy companies and work with Indigenous Peoples to protect the environment.

We expect the same evolution and innovation from ourselves. We are expanding the Indigenous Monitors program and integrating Indigenous perspectives into all of our work so that more CER-regulated infrastructure projects can benefit from Indigenous knowledge when they are being built and operated. This supports our focus on reconciliation and enhances our oversight so we can better protect people, the environment and property.

We are experimenting with our vast data library to understand trends and risks that might otherwise be missed. When we look at the data altogether, we can efficiently detect the areas where we could improve outcomes, like worker safety and preventing damage to pipeline infrastructure. Better use of our data allows us to drive change in our work and in the industry as a whole.

Finally, we are strengthening our influence in the area of [Safety Culture](#)<sup>xvi</sup>. We are analyzing human and organizational factors in new ways to better understand where we

#### Modern Tools for a New Regulator

The CER Act provides a modern and comprehensive suite of powerful tools to keep people safe and the environment protected including:

- compliance assessments
- inspections
- investigations
- audits
- administrative monetary penalties.

These tools allow us to prevent unsafe activities from occurring and take decisive action if they do occur.



should focus our oversight. We will share what we learn and best practices with industry, other regulators and other safety associations to improve industry-wide performance and prevent accidents from happening.

In support of the Safety and Environment Oversight core responsibility in 2020-21, the CER will:

- Identify and implement the changes necessary to achieve the goal of zero worker safety incidents, especially during construction.
- Deploy our full spectrum of tools to provide efficient oversight during the construction of the [Trans Mountain Expansion Project](#)<sup>xvii</sup>. In addition to mandatory compliance with regulations, our oversight will focus on work safety and the use of Indigenous Monitors and perspectives.
- Acquire more detailed data from companies on Unauthorized Activities, Remediation Activities and other critical safety requirements to support proactively addressing matters such as changing population densities near existing pipelines.
- Create a new fund that sets aside funding and take action to safely stop operation of a pipeline if the owner cannot be located or is in receivership, insolvent, or bankrupt.
- Improve web-based tools for the public, such as the [Trans Mountain Interactive Condition Compliance web tool](#)<sup>xviii</sup>, by drawing on our expanded data systems.

#### **Gender-based analysis plus**

- Safety and oversight activities are not expected to negatively impact Canadians from identifiable groups. Specific conditions placed on an applicant relating to GBA+ matters in the application assessment process will be enforced in subsequent safety oversight activity and the CER will assess the need to address data gaps related to gender disaggregated data.
- The CER conducts a GBA+ analysis pursuant to the [Cabinet Directive on Regulation](#)<sup>xix</sup> for its regulation development projects. The CER will strengthen its regulatory framework by assessing the impact that proposed regulations could have on Canadians from identifiable groups.
- Communications with regulated industry will use gender-neutral terms and promote gender-neutral terminology.

#### **Experimentation**

- The CER will develop methods to extract environmental and socio-economic data and images from various regulatory filing submissions (such as reclamation reports, construction progress reports, and environmental and socio-economic assessments) to help the regulator and communities - including Indigenous communities - better monitor and gain insights to prevent harm to people and the environment.

## Planned results for Safety and Environment Oversight

Departmental result	Departmental result indicator	Target	Date to achieve target	2016–17 actual result <sup>(a)</sup>	2017–18 actual result <sup>(a)</sup>	2018–19 actual result <sup>(a)</sup>
Harm to people or the environment, throughout the lifecycle of energy-related activities, is prevented.	Number of serious injuries and fatalities related to regulated infrastructure.	At most 0	March 2021	4	7	13
	Number of incidents related to regulated infrastructure that harm the environment.	At most 0	March 2021	12	12	13
	Percentage of unauthorized activities on regulated infrastructure that involve repeat violators.	At most 15%	March 2021	13%	12%	18%

(a) National Energy Board actual results.

## Planned budgetary financial resources for Safety and Environment Oversight (dollars)

2020–21 budgetary spending (as indicated in Main Estimates)	2020–21 planned spending	2021–22 planned spending	2022–23 planned spending
17,875,000	17,875,000	18,449,404	16,228,045

## Planned human resources for Safety and Environment Oversight (full-time equivalents)

2020–21 planned full-time equivalents	2021–22 planned full-time equivalents	2022–23 planned full-time equivalents
114.0	114.3	103.3

Financial, human resources and performance information for the Canada Energy Regulator's Program Inventory is available in the [GC InfoBase<sup>xx</sup>](#).

## Energy Information

### Description

Collecting, monitoring, analyzing and publishing information on energy markets and supply, sources of energy, and the safety and security of pipelines and international power lines.

### Planning highlights

We produce neutral and fact-based energy analysis to inform the energy conversation in Canada. Providing access to relevant, accurate and timely energy data and information gives Canadians tools they need to do their own research, make decisions and understand

#### Community Specific Information

Canadians have told the CER that they are interested in information about energy infrastructure that is near to their communities. Energy Information provides significant resources about infrastructure at an aggregate and company level.

Our existing interactive pipeline and incident map is just a starting point. We are committed to providing community-specific knowledge that goes even further in the year to come.

the energy landscape around them. By increasing energy literacy and awareness, we are supporting Canada’s global competitiveness in energy markets.

We know that energy impacts people where they live and are focused on incorporating community-level information in our energy products to increase their value to the public. We will also solicit feedback on our products and how we share them, to improve accessibility and relevance for stakeholders and Indigenous Peoples.

The CER will build on strategic relationships with other energy information-related agencies, such as the International Energy Agency and the U.S. Energy Information Agency, and collaborate with federal and provincial bodies to enhance energy data and information in Canada.

Budget 2019 announced funding for the [Canadian Centre for Energy Information \(CCEI\)](#)<sup>xxi</sup>. We will contribute to the creation of a virtual “one-stop-shop” for energy data and analysis. The CCEI will

create a partnership to amalgamate energy data from various sources into one user-friendly website. The project will ultimately enable the agencies involved in this initiative to address current gaps in data and provide new energy information products.

In support of the Energy Information core responsibility in 2020–21, the CER will:

- Shape and strengthen the CER’s contributions to the new Government of Canada energy information initiative, the CCEI.

- Enhance the CER’s energy trade data holdings, collaborating with Statistics Canada and Canada Border Services Agency.
- Innovate our energy modelling, data and analysis toolsets to better reflect the ongoing evolution of Canada’s energy production, transmission, and consumption.

### Gender-based analysis plus

- Energy Information products are designed not to discriminate. We will ensure our energy information products meet all Government of Canada accessibility guidelines.

### Experimentation

- Energy Information will integrate planning and communications to make products more accessible and relevant for Indigenous Peoples and stakeholders. Additionally, through initiatives like the CCEI, we will focus on deeper collaboration with other organizations to enhance energy information and data available to Canadians.
- Energy Information will leverage our new investments in data, analytics and information management systems to improve the accessibility of information about energy systems in Canada and the energy infrastructure regulated by the CER.

### Planned results for Energy Information

Departmental result	Departmental result Indicator	Target	Date to achieve target	2016–17 actual result <sup>(a)</sup>	2017–18 actual result <sup>(a)</sup>	2018–19 actual result <sup>(a)</sup>
Canadians access and use energy information for knowledge, research or decision-making.	Number of times the energy information is accessed.	At least 750,000	March 2021	729,506	986,347	1,216,873
	Percentage of surveyed web users who agree that energy information is useful for knowledge, research or decision-making.	At least 75%	March 2021	Not available <sup>(b)</sup>	84%	90%



Canadians have access to community-specific regulated infrastructure information.	Increased information specific to regulated infrastructure in communities.	At least 5 <sup>(c)</sup>	March 2021	7	5	15
Canadians have opportunities to collaborate and provide feedback on Canada Energy Regulator information products.	Number of opportunities that Canadians have to collaborate and provide feedback on energy information products.	At least 80	March 2021	Not available <sup>(b)</sup>	76	105

(a) National Energy Board actual results.

(b) These indicators for the Energy Information Core Responsibility were developed as part of the transition to the Departmental Results Framework. A baseline was established in 2017–18.

(c) For example, five postings or data sets.

#### Planned budgetary financial resources for Energy Information (dollars)

2020–21 budgetary spending (as indicated in Main Estimates)	2020–21 planned spending	2021–22 planned spending	2022–23 planned spending
4,459,939	4,459,939	4,554,897	4,466,668

#### Planned human resources for Energy Information (full-time equivalents)

2020–21 planned full-time equivalents	2021–22 planned full-time equivalents	2022–23 planned full-time equivalents
29.0	29.1	29.2

Financial, human resources and performance information for the Canada Energy Regulator's Program Inventory is available in the [GC InfoBase](#)<sup>xxii</sup>.

## Engagement

### Description

Engaging nationally and regionally with Indigenous Peoples and stakeholders through open dialogue, asking questions, sharing perspectives, and collaboration. These activities pertain to all decisions and actions related to our legislated mandate.

### Planning highlights

We are committed to listening to what people have to say and sharing the unique information we have as a regulator. We engage to improve our regulatory outcomes and

#### Cultural Competence

Cultural competence brings together cultural knowledge, awareness and sensitivity - and adds operational effectiveness. Cultural competence is a dynamic and ongoing process.

The CER strives to be a culturally competent organization working effectively in cross-cultural settings. This will produce better outcomes for staff as well as everyone the CER engages with while carrying out its work.

to better understand what is important to Canadians as individuals and their communities.

What we learn helps us make better decisions and recommendations that support safety and environmental protection, regulatory efficiency, energy literacy and transparency across every aspect of our work. We strive to earn the confidence of Canadians by engaging effectively, involving people meaningfully in decisions that affect them, and acting on the advice and feedback we receive.

Our country is large and diverse. Each region has unique interests and challenges and our work impacts people in different ways. We are exploring how we can make sure that we

understand regional perspectives and are equipped to engage effectively and empathically.

We understand our decisions may impact Indigenous rights and interests. The Indigenous Cultural Competency Framework was developed to reflect the importance of improving Indigenous knowledge and skills across our workforce. Increasing our awareness of Indigenous history and practices as well as overall cultural competence is included as required learning for everyone at the CER.



We are tracking issues from both a regional and national perspective, so we can be more responsive to the things that are important to Canadians. Improving the management of our engagement information will help us to meaningfully respond to concerns quicker.

In support of the Engagement core responsibility in 2020–21, the CER will:

- Build cultural competence throughout the CER and deliver advanced targeted training based on function and job family.
- Enhance our understanding of regional issues and further expand the CER’s regional expertise across the country.
- Invest in systems, tools and practices that help us identify and address issues, so we can spot trends, and identify emerging issues, across all CER programs.

### **Indigenous Advisory Committee**

The CER Act specifies the establishment of an Indigenous Advisory Committee to provide expert advice to the Regulator, via the CER Board of Directors. We will make it a priority to work with national Indigenous organizations to design this committee to enhance the involvement of Indigenous Peoples and Indigenous organizations in the full lifecycle of energy projects (pipelines, power lines, and offshore renewable energy).

As set out in the CER Act, the Advisory Committee will include First Nations, Inuit, and Métis members to help ensure unique interests and rights of Indigenous Peoples are represented.

### **Gender-based analysis plus**

- The CER will assess how groups of women, men and gender-diverse people may experience engagement policies, programs and projects differently. The CER seeks to understand and build better and more enduring relationships with Indigenous Peoples and stakeholders, and will continue to build its capacity to collect and test feedback from engagement efforts to support its GBA+ approach. This work will be carried out in a respectful manner, ensuring that the privacy of Canadians is protected.

### **Experimentation**

- The CER will explore and expand use of mobile technology and data-mining techniques to help us better identify and share information at the community level, so that we have the right information when meeting with Indigenous communities and stakeholders about community-specific issues.
- Design and pilot engagement intelligence data reports using the functionality of the Customer Relationship Management system to better identify emerging issues.

## Planned results for Engagement

Departmental result	Departmental result indicator	Target	Date to achieve target	2016-17 actual result	2017–18 actual result <sup>(b)</sup>	2018–19 actual result <sup>(b)</sup>
Input provided by Indigenous Peoples and stakeholders influences our decisions and our work.	Evidence that input from Indigenous Peoples and stakeholders influences our decisions and our work.	N/A <sup>(a)</sup>	March 2021	Not available.	Not available.	Not available.
Indigenous Peoples and stakeholders provide feedback that engagement with the Canada Energy Regulator is meaningful.	Percentage of participants in engagement activities who indicate that the engagement was meaningful.	At least 75%	March 2021	Not available.	Percentage of surveyed stakeholders who engaged with the National Energy Board who indicate that the engagement was meaningful: 76%	Percentage of surveyed stakeholders who engaged with the National Energy Board who indicate that the engagement was meaningful: 84%
					Percentage of surveyed Indigenous Peoples who engaged with the National Energy Board who indicate that the engagement was meaningful: 80%	Percentage of surveyed Indigenous Peoples who engaged with the National Energy Board who indicate that the engagement was meaningful: 80%

(a) New qualitative (narrative) indicator; results not available for prior years.

(b) National Energy Board actual results for second indicator. Results not available for 2016-17 as Engagement Core Responsibility was not yet in place.

## Planned budgetary financial resources for Engagement (dollars)

2020–21 budgetary spending (as indicated in Main Estimates)	2020–21 planned spending	2021–22 planned spending	2022–23 planned spending
7,898,891	7,898,891	7,843,943	7,006,488

## Planned human resources for Engagement (full-time equivalents)

2020–21 planned full-time equivalents	2021–22 planned full-time equivalents	2022–23 planned full-time equivalents
39.3	39.4	35.0

Financial, human resources and performance information for the Canada Energy Regulator's Program Inventory is available in the [GC InfoBase](#)<sup>xxiii</sup>.

## Internal Services: planned results

### Description

Internal Services are those groups of related activities and resources that the federal government considers to be services in support of Programs and/or required to meet corporate obligations of an organization. Internal Services refers to the activities and resources of the 10 distinct services that support Program delivery in the organization, regardless of the Internal Services delivery model in a department. These services are:

- Management and Oversight Services
- Communications Services
- Legal Services
- Human Resources Management Services
- Financial Management Services
- Information Management Services
- Information Technology Services
- Real Property Management Services
- Materiel Management Services
- Acquisition Management Services

### Planning highlights

Internal Services will support the identification and implementation of actions within three important focus areas for the CER: People and Workforce, Data Transformation, and Reconciliation with Indigenous Peoples, discussed earlier in this report.

The CER will promote the mindsets and behaviours among staff, to ensure we are:

- Agile: mobilizing resources and people to key priorities, empowering our workforce, and embracing uncertainty and learning through experimentation;
- Inclusive: creating an environment where individuals are safe to express themselves, expanding partnerships and removing barriers to collaborate, co-create and bring different perspectives to the table; and,
- Equipped: designing work environments to optimize performance, making learning a fundamental part of jobs, and exploring technology and tools to help employees be more effective in their roles.

Internal Services undertakes and delivers initiatives that enhance effectiveness across the organization. In 2020-21, the CER will:

- Prepare for the transition to SAP as our financial and material management system.
- Invest in the organization's capacity to transform our use of data as a strategic asset, including via academic partnerships, to support all of the CER's programs.



- Strengthen existing security controls to ensure information assets remain protected from emerging cyber security threats.

### **Gender-based analysis plus**

- A diverse workforce that mirrors the community, strengthens the CER and plays a critical role in the attraction and retention of talented employees. The CER's Employment Equity and Diversity approach recognizes the need to embrace diversity in a proactive way.
- The CER conducts GBA+ as part of all Treasury Board submissions, Budget Proposals and Memorandum to Cabinet in compliance with the evolving expectations from central agencies.
- As required under the Government of Canada's Policy on Communications and Federal Identity, the CER will communicate information in multiple formats to accommodate the diverse needs of Canadians and ensure it is equally accessible to all audiences, including Indigenous, ethno cultural and official language minority communities. To ensure we meet the information needs of all Canadians, we will:
  - Apply the policies and regulations of the *Official Languages Act*<sup>xxiv</sup>;
  - Ensure that communications materials depict the diverse nature of Canadians in a fair, representative and inclusive manner, including a balance of gender and ethnicity; and
  - Adhere to the Standard on Web Accessibility and provide published information on request that is equal for a diverse audience and those with disabilities.

### **Experimentation**

- Explore the use of Near Field Communication technology<sup>1</sup> to expand reach and two-way communication to make data exchange happen when and where it is needed.
- Collaborate with [Mitacs \(Canadian Science Policy Fellowship\)](#)<sup>xxv</sup> to explore delivery of a digital platform that bridges gaps in the Canadian energy dialogue, enabling an information exchange between the CER and Indigenous Peoples, stakeholders, academia, landowners and Canadians.

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<sup>1</sup> A set of protocols enabling communication between two electronic devices by bringing them within 4 centimeters of each other. One of the devices is usually a portable device such as a smart phone.



## Planned budgetary financial resources for Internal Services (dollars)

2020–21 budgetary spending (as indicated in Main Estimates)	2020–21 planned spending	2021–22 planned spending	2022–23 planned spending
29,445,190	29,445,190	29,096,036	28,328,705

## Planned human resources for Internal Services (full-time equivalents)

2020–21 planned full-time equivalents	2021–22 planned full-time equivalents	2022–23 planned full-time equivalents
162.5	161.7	162.7

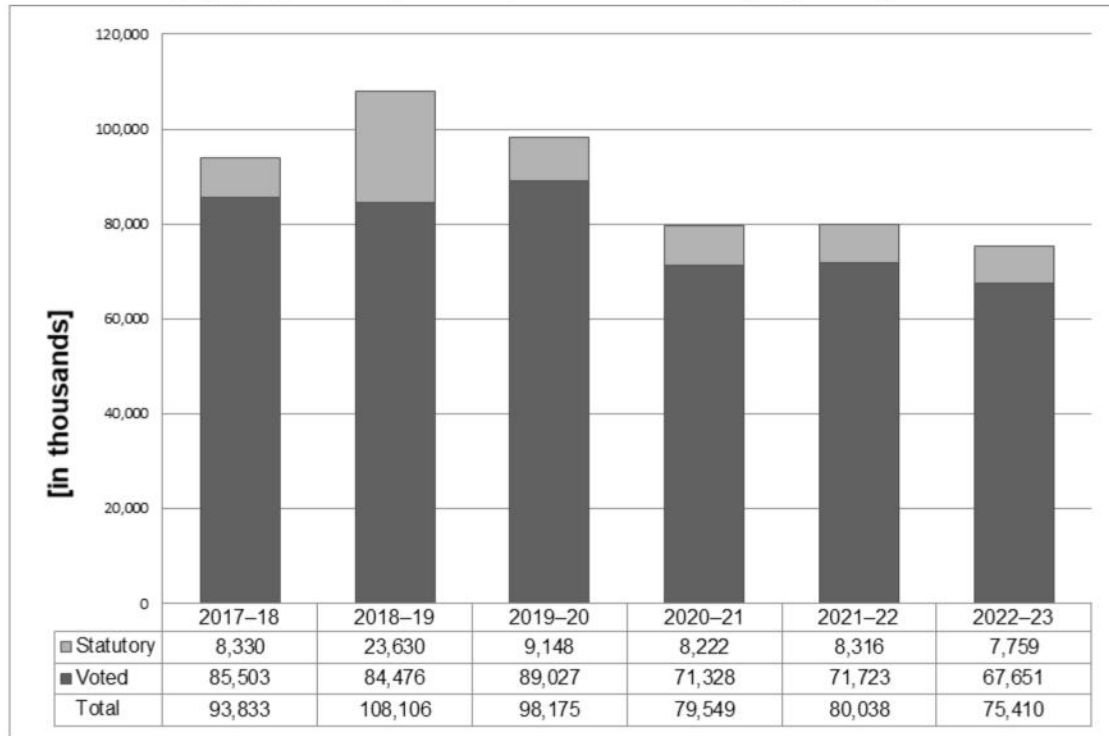


## Spending and human resources

### Planned spending

Departmental spending 2017-18 to 2022-23

The following graph presents planned (voted and statutory) spending over time.



Budgetary planning summary for core responsibilities and Internal Services (dollars)

The following table shows actual, forecast and planned spending for each of the CER's core responsibilities and to Internal Services for the years relevant to the current planning year.

Core responsibilities and Internal Services	2017–18 expenditures <sup>(a)</sup>	2018–19 expenditures <sup>(a)</sup>	2019–20 forecast spending <sup>(b)</sup>	2020–21 budgetary spending (as indicated in Main Estimates)	2020–21 planned spending	2021–22 planned spending	2022–23 planned spending
Energy Adjudication	24,293,849	23,372,250	21,240,882	19,870,310	19,870,310	20,094,039	19,380,574
Safety and Environment Oversight	23,004,346	22,648,545	24,616,508	17,875,000	17,875,000	18,449,404	16,228,045
Energy Information	10,444,458	9,554,137	8,840,227	4,459,939	4,459,939	4,554,897	4,466,668
Engagement	4,898,235	5,811,773	11,173,666	7,898,891	7,898,891	7,843,943	7,006,488
<b>Subtotal</b>	<b>62,640,888</b>	<b>61,386,705</b>	<b>65,871,283</b>	<b>50,104,140</b>	<b>50,104,140</b>	<b>50,942,283</b>	<b>47,081,775</b>
Internal Services	31,192,102	32,009,262	32,304,156	29,445,190	29,445,190	29,096,036	28,328,705
Internal Services – GIC Remission Levy <sup>(c)</sup>	0	14,710,000	0	0	0	0	0
<b>Total</b>	<b>93,832,990</b>	<b>108,105,967</b>	<b>98,175,439</b>	<b>79,549,330</b>	<b>79,549,330</b>	<b>80,038,319</b>	<b>75,410,480</b>

(a) National Energy Board expenditures.

(b) 2019-20 forecast spending includes National Energy Board forecasted spending to 27 August 2019.

(c) In December 2018, the Governor in Council (GIC), on recommendation of the Minister of Natural Resources and the Treasury Board, pursuant to subsection 23(2.1) of the *Financial Administration Act*, issued an Order in Council remitting the amount of \$14,710,000 to Northern Gateway Pipelines Limited Partnership.

An increase of \$14.3 million from 2017-18 expenditures to 2018-19 expenditures is primarily due to:

- an increase of \$14.7 million related to Governor in Council’s remission of levy to the Northern Gateway Pipeline project;
- an increase of \$2.6 million Participant Funding Program mainly related to Trans Mountain Expansion Project Reconsiderations as well as Budget 2018 Transition to New Impact Assessment and Regulatory Processes;
- a net decrease of \$1.3 million mainly for communication and professional services; and
- a net decrease of \$1.7 million personnel costs as a result of collective agreement renewal signed in 2017-18.

A decrease of \$9.93 million from 2018-2019 expenditures to 2019-20 forecasting spending is primarily due to the following:

- a decrease of \$14.71 million related to a levy remission to Northern Gateway Pipelines Limited;
- a decrease of \$1.14 million related to Trans Mountain Expansion Project Reconsiderations;



- an increase of \$3.67 million related to Budget 2019 Canada Energy Regulator Transition Costs; and
- a net increase of \$2.25 million mainly related to Budget 2018 transition to new impact assessment and regulatory processes.

The 2020-21 planned spending is \$18.63 million lower than the 2019-20 forecast spending primarily due to:

- a decrease of \$13.3 million related to Budget 2015 Energy Transportation Infrastructure;
- a decrease of \$5.3 million related to Budget 2017 Pipeline Safety Lifecycle Oversight;
- a decrease of \$0.6 million related to Budget 2017 Communication and Access to Information Capacity;
- a decrease of \$3.7 million related to Budget 2019 Canada Energy Regulator transition costs;
- a decrease of \$0.34 million related to Budget 2017 Indigenous Advisory and Monitoring Committee;
- a decrease of \$0.24 million related to Budget 2018 transition to new impact assessment and regulatory processes;
- a decrease of \$0.22 million related to Trans Mountain Expansion Project Reconsiderations;
- a decrease of \$3.2 million related to Operating Budget Carry Forward; and
- a decrease of \$2.08 million related to employee benefit plan; and
- an increase of \$10.35 million related to compensation adjustments made to terms and conditions of service or employment of the federal public administration.

The 2022-23 planned spending is \$4.6 million lower than the 2021-22 planned spending primarily due to:

- a decrease of \$1.7 million in funding related to Budget 2017 Indigenous Advisory and Monitoring Committees;
- a decrease of \$1.0 million in funding related to Budget 2018 transition to new impact assessment and regulatory processes; and
- a decrease of \$1.9 million related to compensation adjustments made to terms and conditions of service or employment of the federal public administration.



The CER will be seeking renewal of this temporary funding in future budgets. If the funding is not renewed, the organization would need to make adjustments to its programs and expected results.

The CER is funded through parliamentary appropriations. The Government of Canada recovers approximately 98 percent of the appropriation from the industry the CER regulates. All collections from cost recovery invoices are deposited to the account of the Receiver General for Canada credited to the Consolidated Revenue Fund.

Pipeline and power line companies regulated by the CER (authorized under the CER Act) are subject to cost recovery. Applications before the CER or new facilities are not subject to cost recovery until the facility is placed into service, unless the company does not have any prior facilities regulated by the CER in which case a one-time levy is assessed following the authorization of construction.

Cost recovery<sup>xxvi</sup> is carried out on a calendar year basis.

## Planned human resources

The following table shows actual, forecast and planned full-time equivalents (FTEs) for each core responsibility in the CER's departmental results framework and to Internal Services for the years relevant to the current planning year.

### Human resources planning summary for core responsibilities and Internal Services

Core Responsibilities and Internal Services	2017–18 actual full-time equivalents <sup>(a)</sup>	2018–19 actual full-time equivalents <sup>(a)</sup>	2019–20 forecast full-time equivalents <sup>(b)</sup>	2020–21 planned full-time equivalents	2021–22 planned full-time equivalents	2022–23 planned full-time equivalents
Energy Adjudication	125.8	103.9	119.3	108.2	108.5	106.8
Safety and Environment Oversight	124.5	120.2	161.0	114.0	114.3	103.3
Energy Information	55.5	47.8	33.9	29.0	29.1	29.2
Engagement	24.0	34.0	26.1	39.3	39.4	35.0
<b>Subtotal</b>	<b>329.7</b>	<b>305.9</b>	<b>340.3</b>	<b>290.5</b>	<b>291.3</b>	<b>274.3</b>
Internal Services	151.6	170.6	168.7	162.5	161.7	162.7
<b>Total</b>	<b>481.3</b>	<b>476.5</b>	<b>509.0</b>	<b>453.0</b>	<b>453.0</b>	<b>437.0</b>

(a) National Energy Board full-time equivalents.

(b) 2019-20 forecast full-time equivalents include National Energy Board forecasted full-time equivalents to 27 August 2019.

The increase in planned full-time equivalents from 2018-19 to 2019-20 is due to Budget 2018 Modernization funding in hiring technical specialists to assist the organization to implement the proposed CER Act.

The decrease of 16 full-time equivalents from 2022-23 planned full-time equivalents in comparison to the 2021-22 planned full-time equivalents is mainly attributed to the:

- decrease of 10 full-time equivalents related to Budget 2017 Indigenous Advisory and Monitoring Committees for energy infrastructure projects; and
- decrease of 6 full-time equivalents related to Budget 2018 Transition to new impact assessment and regulatory processes.

## Estimates by vote

Information on the CER's organizational appropriations is available in the [2020–21 Main Estimates](#)<sup>xxvii</sup>.

## Condensed future-oriented statement of operations

The condensed future-oriented statement of operations provides an overview of the CER's operations for 2019–20 to 2020–21.

The amounts for forecast and planned results in this statement of operations were prepared on an accrual basis. The amounts for forecast and planned spending presented in other sections of the Departmental Plan were prepared on an expenditure basis. Amounts may therefore differ.

A more detailed future-oriented statement of operations and associated notes, including a reconciliation of the net cost of operations to the requested authorities, are available on the [CER's website](#)<sup>xxviii</sup>.

Condensed future-oriented statement of operations  
for the year ending March 31, 2021 (dollars)

Financial information	2019–20 forecast results <sup>(a)</sup>	2020–21 planned results	Difference (2020–21 planned results minus 2019–20 forecast results)
Total expenses	115,420,832	96,794,722	(18,626,110)
Total revenues	0	0	0
Net cost of operations before government funding and transfers	115,420,832	96,794,722	(18,626,110)

(a) 2019-20 forecast results include National Energy Board forecasted results to 27 August 2019.

The CER's planned results for 2020-21 is \$18.63 million less than the 2019-20 forecast results. This is primarily due to the following items:

- a decrease of \$13.3 million in funding related to Budget 2015 Energy Transportation Infrastructure;
- a decrease of \$6.39 million related to Budget 2017 (Pipeline Safety Lifecycle Oversight, Communications and Access to Information Capacity and Indigenous Advisory and Monitoring Committees);
- a decrease of \$3.7 million related to Budget 2019 Canada Energy Regulator Transition Costs;
- a decrease of \$3.2 million related to Budget 2018-19 Operating Budget Carry Forward;
- an increase of \$7.27 million related to compensation adjustments made to terms and conditions of service or employment of the federal public administration; and
- a net increase of \$0.69 million mainly related to employee benefit plan.



## Corporate information

### Organizational profile

**Appropriate minister(s):** The Honourable Seamus O’Regan, P.C., M.P.

**Institutional head:** C. Peter Watson, P.Eng., FCAE

**Ministerial portfolio:** Natural Resources

**Enabling instrument(s):** *Canadian Energy Regulator Act (CER Act)*<sup>xxxix</sup>

**Year of incorporation / commencement:** 2019

**Other:** The CER Act came into force on 28 August 2019.

### Raison d’être, mandate and role: who we are and what we do

“Raison d’être, mandate and role: who we are and what we do” is available on the [CER’s website](#)<sup>xxx</sup>.

For more information on the department’s organizational mandate letter commitments, see the “[Minister’s mandate letter](#)”<sup>xxxix</sup>.

### Operating context

Information on the operating context is available on the [CER’s website](#)<sup>xxxii</sup>.

### Reporting framework

The CER has incorporated wording updates to some Core Responsibility descriptions to reflect new CER legislated responsibilities. The CER has also updated some departmental result and indicator wording to reflect CER legislation and improvements.

The CER’s approved Departmental Results Framework and Program Inventory for 2020-21 are as follows:

	Core Responsibility 1: Energy Adjudication		Core Responsibility 2: Safety and Environment Oversight		Core Responsibility 3: Energy Information		Core Responsibility 4: Engagement		
Departmental Results Framework	Departmental Result: Energy Adjudication processes are fair.	Indicator: Percentage of adjudication decisions overturned on judicial appeal related to procedural fairness.	Departmental Result: Harm to people or the environment, throughout the lifecycle of energy-related activities, is prevented.	Indicator: Number of serious injuries and fatalities related to regulated infrastructure.	Departmental Result: Canadians access and use energy information for knowledge, research or decision-making.	Indicator: Number of times the energy information is accessed.	Departmental Result: Input provided by Indigenous Peoples and stakeholders influences our decisions and our work.	Indicator: Evidence that input from Indigenous Peoples and stakeholders influences our decisions and our work.	Internal Services
	Departmental Result: Energy Adjudication processes are timely.	Indicator: Percentage of adjudication decisions and recommendations that are made within legislated time limits and service standards.				Indicator: Percentage of surveyed web users who agree that energy information is useful for knowledge, research or decision-making.			
	Departmental Result: Energy Adjudication processes are transparent.	Indicator: Percentage of surveyed participants who indicate that adjudication processes are transparent.			Departmental Result: Canadians have access to community-specific regulated infrastructure information.	Indicator: Increased information specific to regulated infrastructure in communities.			
	Departmental Result: Energy Adjudication processes are accessible.	Indicator: Percentage of surveyed participant funding recipients who agree that participant funding enabled their participation in an adjudication process.			Indicator: Number of incidents related to regulated infrastructure that harm the environment.	Indicator: Percentage of unauthorised activities on regulated infrastructure that involve repeat violators.			
Program Inventory	Program: Infrastructure, Tolls, and Export Applications		Program: Company Performance		Program: Energy System Information		Program: Stakeholder Engagement		
	Program: Participant Funding		Program: Management System and Industry Performance		Program: Pipeline Information		Program: Indigenous Engagement		
			Program: Emergency Management						
			Program: Regulatory Framework						



## Supporting information on the program inventory

Supporting information on planned expenditures, human resources, and results related to the CER's Program Inventory is available in the [GC InfoBase<sup>xxxiii</sup>](#).

## Supplementary information tables

The following supplementary information tables are available on the [CER's website<sup>xxxiv</sup>](#):

- ▶ Departmental Sustainable Development Strategy
- ▶ Details on Transfer Payment Programs
- ▶ Gender-based analysis plus

## Federal tax expenditures

The CER's Departmental Plan does not include information on tax expenditures that relate to its planned results for 2020–21.

Tax expenditures are the responsibility of the Minister of Finance, and the Department of Finance Canada publishes cost estimates and projections for government-wide tax expenditures each year in the [Report on Federal Tax Expenditures<sup>xxxv</sup>](#). This report provides detailed information on tax expenditures, including objectives, historical background and references to related federal spending programs, as well as evaluations, research papers and gender-based analysis. The tax measures presented in this report are solely the responsibility of the Minister of Finance.

## Organizational contact information



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[@CER\\_REC](https://twitter.com/CER_REC)



<https://www.linkedin.com/company/cer-rec>



<https://www.youtube.com/c/CanadaEnergyRegulator>



<https://www.facebook.com/CER.REC/>

## Appendix: definitions

### **appropriation (crédit)**

Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

### **budgetary expenditures (dépenses budgétaires)**

Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

### **core responsibility (responsabilité essentielle)**

An enduring function or role performed by a department. The intentions of the department with respect to a core responsibility are reflected in one or more related departmental results that the department seeks to contribute to or influence.

### **Departmental Plan (plan ministériel)**

A report on the plans and expected performance of a department over a 3-year period. Departmental Plans are tabled in Parliament each spring.

### **departmental priority (priorité ministérielle)**

A plan or project that a department has chosen to focus and report on during the planning period. Departmental priorities represent the things that are most important or what must be done first to support the achievement of the desired departmental results.

### **departmental result (résultat ministériel)**

A consequence or outcome that a department seeks to achieve. A departmental result is often outside departments' immediate control, but it should be influenced by program-level outcomes.

### **departmental result indicator (indicateur de résultat ministériel)**

A factor or variable that provides a valid and reliable means to measure or describe progress on a departmental result.

### **departmental results framework (cadre ministériel des résultats)**

A framework that consists of the department's core responsibilities, departmental results and departmental result indicators.

### **Departmental Results Report (rapport sur les résultats ministériels)**

A report on a department's actual accomplishments against the plans, priorities and expected results set out in the corresponding Departmental Plan.

**experimentation (expérimentation)**

The conducting of activities that seek to first explore, then test and compare, the effects and impacts of policies and interventions in order to inform evidence-based decision-making, and improve outcomes for Canadians, by learning what works and what doesn't. Experimentation is related to, but distinct from innovation (the trying of new things), because it involves a rigorous comparison of results. For example, using a new website to communicate with Canadians can be an innovation; systematically testing the new website against existing outreach tools or an old website to see which one leads to more engagement, is experimentation.

**full-time equivalent (équivalent temps plein)**

A measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

**gender-based analysis plus (GBA+) (analyse comparative entre les sexes plus [ACS+])**

An analytical process used to assess how diverse groups of women, men and gender-diverse people experience policies, programs and services based on multiple factors including race, ethnicity, religion, age, and mental or physical disability.

**government-wide priorities (priorités pangouvernementales)**

For the purpose of the 2020–21 Departmental Plan, government-wide priorities refers to those high-level themes outlining the government's agenda in the 2015 Speech from the Throne, namely: Growth for the Middle Class; Open and Transparent Government; A Clean Environment and a Strong Economy; Diversity is Canada's Strength; and Security and Opportunity.

**horizontal initiative (initiative horizontale)**

An initiative in which two or more federal organizations are given funding to pursue a shared outcome, often linked to a government priority.

**non-budgetary expenditures (dépenses non budgétaires)**

Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

**performance (rendement)**

What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.



**performance indicator (indicateur de rendement)**

A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

**performance reporting (production de rapports sur le rendement)**

The process of communicating evidence-based performance information. Performance reporting supports decision-making, accountability and transparency.

**plan (plan)**

The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

**planned spending (dépenses prévues)**

For Departmental Plans and Departmental Results Reports, planned spending refers to those amounts presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their Departmental Plans and Departmental Results Reports.

**program (programme)**

Individual or groups of services, activities or combinations thereof that are managed together within the department and focus on a specific set of outputs, outcomes or service levels.

**program inventory (répertoire des programmes)**

Identifies all of the department's programs and describes how resources are organized to contribute to the department's core responsibilities and results.

**result (résultat)**

An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.



**statutory expenditures (dépenses législatives)**

Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

**strategic outcome (résultat stratégique)**

A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

**target (cible)**

A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

**voted expenditures (dépenses votées)**

Expenditures that Parliament approves annually through an Appropriation Act. The vote wording becomes the governing conditions under which these expenditures may be made.

## Endnotes

- i. Canadian Energy Regulator Act, <https://laws-lois.justice.gc.ca/eng/acts/C-15.1/index.html>
- ii. Minister of Natural Resources Mandate Letter, <https://pm.gc.ca/en/mandate-letters/minister-natural-resources-mandate-letter>
- iii. United Nations Declaration on the Rights of Indigenous Peoples, <https://www.un.org/development/desa/indigenoupeoples/declaration-on-the-rights-of-indigenous-peoples.html>
- iv. National Centre for Truth and Reconciliation, Calls to Action, [http://trc.ca/assets/pdf/Calls\\_to\\_Action\\_English2.pdf](http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf)
- v. National Centre for Truth and Reconciliation, Truth and Reconciliation Report, <http://www.trc.ca/>
- vi. Department of Justice, Principles respecting the Government of Canada’s relationship with Indigenous Peoples, <https://www.justice.gc.ca/eng/csjsjc/principles-principes.html>
- vii. Government of Canada, Public Service Renewal: Beyond2020, <https://www.canada.ca/en/privy-council/services/blueprint-2020/beyond-2020.html>
- viii. Canada Energy Regulator, 2020-21 Departmental Plan, <http://www.cer-rec.gc.ca/bts/pblctn/dprtmntlpln/2020-2021/index-eng.html>
- ix. Impact Assessment Agency, <https://www.canada.ca/en/impact-assessment-agency.html>
- x. Canada Energy Regulator, Gazoduc Project, <http://www.cer-rec.gc.ca/bts/nws/whtnw/2019/2019-10-22-eng.html>
- xi. Minister of Natural Resources Mandate Letter, <https://pm.gc.ca/en/mandate-letters/minister-natural-resources-mandate-letter>
- xii. Canada Energy Regulator, REGDOCS, <https://apps.cer-rec.gc.ca/REGDOCS/Home/Index>
- xiii. Code for Canada, <https://codefor.ca/about-us/>
- xiv. Canada Energy Regulator, Interim Filing Guidance and Early Engagement Guide, <https://www.cer-rec.gc.ca/bts/ctrg/gnnb/flngmnl/index-eng.html>
- xv. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- xvi. Canada Energy Regulator, Fact Sheet: Safety Culture, <http://www.cer-rec.gc.ca/bts/nws/fs/sftyctr-eng.html>
- xvii. Canada Energy Regulator, Trans Mountain Pipeline ULC – Trans Mountain Expansion Project, <http://www.cer-rec.gc.ca/pplctnflng/mjrpp/trnsmntnxpnsn/index-eng.html>
- xviii. Canada Energy Regulator, Project Conditions, <https://www.cer-rec.gc.ca/pplctnflng/mjrpp/trnsmntnxpnsn/prjctndrns-eng.html>
- xix. Treasury Board of Canada Secretariat, Cabinet Directive on Regulation, <https://www.canada.ca/en/treasury-board-secretariat/services/federal-regulatory-management/guidelines-tools/cabinet-directive-regulation.html>
- xx. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- xxi. Natural Resources Canada, Canadian Centre for Energy Information, <https://www.nrcan.gc.ca/science-data/data-analysis/energy-data-analysis/canadian-centre-energy-information/21946>
- xxii. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- xxiii. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- xxiv. Official Languages Act, <https://laws-lois.justice.gc.ca/eng/acts/O-3.01/index.html>
- xxv. Mitacs (Canadian Science Policy Fellowship), <https://www.mitacs.ca/en/programs/canadian-science-policy-fellowship>
- xxvi. Canada Energy Regulator, Cost Recovery, <http://www.cer-rec.gc.ca/bts/cstrecvr/index-eng.html>
- xxvii. 2020-21 Main Estimates, <https://www.canada.ca/en/treasury-board-secretariat/services/planned-government-spending/government-expenditure-plan-main-estimates.html>
- xxviii. Canada Energy Regulator, 2020-21 Departmental Plan, <http://www.cer-rec.gc.ca/bts/pblctn/dprtmntlpln/2020-2021/index-eng.html>
- xxix. Canadian Energy Regulator Act, <https://laws-lois.justice.gc.ca/eng/acts/C-15.1/index.html>
- xxx. Canada Energy Regulator, 2020-21 Departmental Plan, <http://www.cer-rec.gc.ca/bts/pblctn/dprtmntlpln/2020-2021/index-eng.html>
- xxxi. Prime Minister of Canada, Mandate Letters, <https://pm.gc.ca/en/mandate-letters>

- xxxii. Canada Energy Regulator, 2020-21 Departmental Plan, <http://www.cer-rec.gc.ca/bts/pblctn/dprtmntlpln/2020-2021/index-eng.html>
- xxxiii. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- xxxiv. Canada Energy Regulator, 2020-21 Departmental Plan, <http://www.cer-rec.gc.ca/bts/pblctn/dprtmntlpln/2020-2021/index-eng.html>
- xxxv. Report on Federal Tax Expenditures, <http://www.fin.gc.ca/purl/taxexp-eng.asp>



Core Responsibility	Energy Adjudication	Safety and Environment Oversight*	Energy Information*	Engagement	Internal Services
<p><b>Core Responsibility Description</b></p>	<p>Making decisions or recommendations to the Governor in Council on applications, which include impact assessments, using processes that are fair, transparent, timely and accessible. These applications pertain to pipelines and related facilities, international power lines, offshore renewable energy, tolls and tariffs, compensation disputes resolution, energy exports and imports, and oil and gas exploration and drilling in certain northern and offshore areas of Canada.</p>	<p>Setting and enforcing regulatory expectations for regulated companies over the full lifecycle— construction, operation and abandonment— of energy-related activities. These activities pertain to pipelines and related facilities, international power lines, offshore renewable energy, tolls and tariffs, energy exports and imports, and oil and gas exploration and drilling in certain northern and offshore areas of Canada.</p> <p><i>*Please note: this program has submitted DRF changes in the 2021-22 DRF Amendment Cycle. Refer to RDIMS 1236000 for details</i></p>	<p>Collecting, monitoring, analyzing and publishing information on energy markets and supply, sources of energy, and the safety and security of pipelines and international power lines.</p> <p><i>*Please note: this program has submitted DRF changes in the 2021-22 DRF Amendment Cycle. Refer to RDIMS 1236000 for details</i></p>	<p>Engaging nationally and regionally with Indigenous Peoples and stakeholders through open dialogue, asking questions, sharing perspectives, and collaboration. These activities pertain to all decisions and actions related to our legislated mandate.</p>	<p>Internal Services refer to the activities and resources of the distinct services that support program delivery in the organization:</p> <ol style="list-style-type: none"> <li>1. Management and Oversight</li> <li>2. People and Workforce</li> <li>3. Finance and Acquisition Management</li> <li>4. Information Management</li> <li>5. Information Technology</li> <li>6. Communications</li> <li>7. Real Property and Material Services</li> <li>8. Legal Services</li> </ol>
<p><b>Departmental Result</b></p>	<p>R1. Energy adjudication processes are fair. R2. Energy adjudication processes are timely. R3. Energy adjudication processes are transparent. R4. Energy adjudication processes are accessible.</p>	<p>R5. Harm to people or the environment, throughout the lifecycle of energy-related activities, is prevented.</p>	<p>R6. Canadians access and use energy information for knowledge, research or decision-making. R7. Canadians have access to community-specific regulated infrastructure information. R8. Canadians have opportunities to collaborate and provide feedback on Canada Energy Regulator information products.</p>	<p>R11. Input provided by Indigenous Peoples and stakeholders influences our decisions and our work.  R12. Indigenous Peoples and stakeholders provide feedback that engagement with the Canada Energy Regulator is meaningful.</p>	<p>Internal Services are those groups of related activities and resources that the Federal Government considers to be services in support of programs and/or required to meet corporate obligations of an organization as per Section 6.2 of the Guide on Recording and Reporting of Internal Services Expenditures.</p>
<p><b>Result Indicators</b></p>	<p>I1. Percentage of adjudication decisions overturned on judicial appeal related to procedural fairness. I2. Percentage of adjudication decisions and recommendations that are made within legislated time limits and service standards. I3. Percentage of surveyed participants who indicate that adjudication processes are transparent. I4. Percentage of surveyed participant funding recipients who agree that participant funding enabled their participation in an adjudication process.</p>	<p>I5. Number of serious injuries and fatalities related to regulated infrastructure. I6. Number of incidents related to regulated infrastructure that harm the environment. I7. Percentage of unauthorized activities on regulated infrastructure that involve repeat violators.</p>	<p>I8. Number of times the energy information is accessed. I9. Percentage of surveyed web users who agree that energy information is useful for knowledge, research or decision-making. I10. Increased information specific regulated infrastructure in communities. I11. Number of opportunities that Canadians have to collaborate and provide feedback on energy information products.</p>	<p>I15. Evidence that input provided by Indigenous Peoples and stakeholders influences our decisions and our work.  I16. Percentage of participants in engagement activities who indicate that the engagement was meaningful.</p>	<p><a href="#">Internal services programs outcomes and results on page 7.</a></p>

<b>Program Inventory</b>	<ol style="list-style-type: none"> <li>1. Infrastructure, Tolls and Export Applications</li> <li>2. Participant Funding</li> </ol>	<ol style="list-style-type: none"> <li>1. Company Performance</li> <li>2. Management System and Industry Performance</li> <li>3. Emergency Management</li> <li>4. Regulatory Framework</li> </ol>	<ol style="list-style-type: none"> <li>1. Energy System Information</li> <li>2. Pipeline Information</li> </ol>	<ol style="list-style-type: none"> <li>1. Stakeholder Engagement</li> <li>2. Indigenous Engagement</li> </ol>	
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<p><b>Programs and Program Performance Indicators</b></p>	<p><b>Infrastructure, Tolls and Export Applications</b>                  The Canada Energy Regulator (CER) makes decisions and recommendations, which include impact assessments, on applications to construct, operate, decommission, and abandon pipelines, offshore renewable energy, and international and designated interprovincial power lines. The CER also makes decisions on applications for pipeline tolls and tariffs so that they are just and reasonable, applications for compensation disputes resolution, applications related to oil and gas exploration and drilling activities and infrastructure in certain northern and offshore areas of Canada, and applications for the export of oil, natural gas liquids, electricity and the export and import of natural gas. Participants in program processes include the applicant, interveners and commenters, or in the case of formal complaints received by the CER, all parties to the complaint.</p> <p><b>Outcomes :</b></p> <p>1. <b>(O1) Adjudication processes are supported by outreach activities.</b></p> <p><i>Measured by:</i> (N1) Percentage of facility hearings where outreach activities meet commitments.</p> <p>2. <b>(O2) Land matter complaints are resolved in a timely manner.</b></p> <p><i>Measured by:</i> (N2) Percentage of land matter complaints resolved within established service standards.</p>	<p><b>Company Performance</b>                  The Canada Energy Regulator (CER) holds its regulated companies accountable for meeting regulatory requirements and project-specific conditions to prevent incidents and provide for the safety of Canadians and the protection of the environment during the construction, operation and abandonment phases of a project lifecycle. This includes requirements for companies to have adequate funds for abandonment. The CER undertakes <b>risk-based</b> Compliance Verification Activities to determine company compliance with regulatory requirements in the technical areas of security, environmental protection, pipeline integrity, safety management, damage prevention, rights and interests, and financial regulation.</p> <p><b>Outcomes:</b></p> <p>1. <b>(O6) Regulated companies operate facilities in compliance with regulatory requirements and project specific conditions throughout the full lifecycle.</b></p> <p><i>Measured by:</i> (N7) Percentage compliance with conditions attached to facility authorizations.</p> <p><i>Measured by:</i> (N8) Percentage of non-compliances and corrective actions implemented within timelines.</p> <p><i>Measured by:</i> (N9) Percentage of financial compliance audit findings addressed within timelines.</p> <p>2. <b>(O7) The CER learns from non-compliances and all incidents and uses this information to drive company performance through <b>risk-informed</b> compliance verification activities (based on incident root cause analysis, company performance and consequence modelling).</b></p> <p><i>Measured by:</i> (N10) Percentage of incident reviews closed within timelines.</p>	<p><b>Energy System Information</b>                  The Canada Energy Regulator (CER) studies energy systems to inform its regulatory decisions and share energy market information with the public. The scope of CER energy market reporting is diverse and includes traditional oil, gas and electricity information, as well as renewable energy, the role of emerging technologies, and the links between energy, economic, social, and environmental issues.</p> <p><b>Outcomes:</b></p> <p>1. <b>(O16) Energy system information is useful, accurate, neutral, and reflects the diversity of relevant energy issues in Canada.</b></p> <p><i>Measured by:</i> (N33) Percentage of stakeholders and website users surveyed who agree that CER energy system information is useful, accurate, neutral, and reflects the diversity of relevant energy issues in Canada.</p> <p><i>Measured by:</i> (N34) Number of errors in published CER energy information identified through external queries.</p> <p><i>Measured by:</i> (N35) Number of external queries related to CER energy information.</p> <p>2. <b>(O17) Energy data visualizations, social media, and other tools are used to make energy system information accessible and interactive.</b></p> <p><i>Measured by:</i> (N36) Percentage change over previous years of energy information</p>	<p><b>Stakeholder Engagement</b>                  Canada Energy Regulator (CER) engages with landowners, municipalities and other orders of government, industry, non-governmental organizations, and others to inform our decisions and improve our work.</p> <p><b>Outcome:</b></p> <p><b>(O22) Engagement reflects the diversity of views of stakeholders across the country</b></p> <p><i>Measured by:</i> (N49) Number of engagement events.</p> <p><i>Measured by:</i> (N50): Percentage of targeted stakeholders engaged as part of annual plans.</p> <p><b>(O23) The issues of stakeholders are identified and addressed.</b></p> <p><i>Measured by:</i> (N51): Percentage of issues identified by stakeholders that are addressed.</p>	<p><b>Programs objectives and performance will be detailed under the Internal Services Framework, based on Treasury Board guidance and adapted for the CER needs.</b></p>
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	<p><b>3. (O3) Shippers receive pipeline services that meet their needs.</b></p> <p><i>Measured by:</i> (N3) Percentage of shippers that rate the overall quality of pipeline’s services offering and delivery at three or higher on a five- point scale.</p>	<p><i>Measured by:</i> (N11) Percentage of non-compliances that are determined to be repeat.</p> <p><i>Measured by:</i> (N12) Percentage of risk-informed compliance verification activities targeted towards key incident trends.</p> <p><b>3. (O8) Regulated companies have adequate funds to pay for pipeline abandonment.</b></p> <p><i>Measured by:</i> (N13) For companies using trusts, the percentage of trusts where the amount set aside is at least 90% of the targeted balance.</p> <p><i>Measured by:</i> (N14) For companies using a letter of credit or surety bond, percentage of companies maintaining a letter of credit or surety bond that covers Abandonment Cost Estimate.</p>	<p>website indicators.</p> <p><i>Measured by:</i> (N37) Percentage change in social media interactions related to CER energy system information.</p> <p><i>Measured by:</i> (N38) Increased amount of CER energy system data and information published each fiscal year conveyed through interactive visualizations.</p>		
	<p><b>Participant Funding</b> The Canada Energy Regulator (CER) Participant Funding Program provides funding to facilitate the participation of interveners — and, in particular, the Indigenous Peoples of Canada and Indigenous organizations — in eligible public hearings and any steps leading to those hearings. O4/N4 - removed <b>Outcome:</b> <b>(O5) Program delivery is timely and efficiently managed.</b></p> <p><i>Measured by:</i> (N5) Percentage of Participant Funding Program service standards met.</p> <p><i>Measured by:</i> (N6) Percentage of applicants who are satisfied with the service provided by the CER in its administration of the Participant Funding Program.</p>	<p><b>Management System and Industry Performance</b> The performance of the regulated industry results in energy infrastructure that is systematically reliable and safe for people, the environment, and property. The Canada Energy Regulator (CER) requires companies to continually evaluate and improve the effectiveness of their management system and to implement corrective actions to prevent incidents. Where required, the CER investigates and enforces regulatory requirements to prevent harm and acts to compel learnings for further system improvements. The CER requires companies to promote a positive safety culture to effectively manage threats to worker health and safety, and process safety. Information acquired from this work is used by the CER to continually improve its regulations and practices.</p> <p><b>Outcomes:</b> <b>1. (O9) Regulated companies comply with regulatory requirements to have a management system that identifies and controls hazards and risks.</b></p> <p><i>Measured by:</i> (N15) Percentage of audit findings where</p>	<p><b>Pipeline Information</b> The Canada Energy Regulator (CER) provides Canadians with information on pipelines including safety and environment issues in which the public is interested.</p> <p><b>Outcomes:</b> <b>1. (O18) Pipeline information is useful and up to date.</b></p> <p><i>Measured by:</i> (N39) Increased amount of pipeline information posted on the CER website.</p> <p><i>Measured by:</i> (N40) Percentage of pipeline information users surveyed who agreed that the information is useful and up to date.</p> <p><b>2. (O19) Pipeline maps, visualizations, social media, and other tools are used to make pipeline information accessible and interactive.</b></p> <p><i>Measured by:</i> (N41) Percentage change over previous years of pipeline information website indicators.</p> <p><i>Measured by:</i> (N42) Percentage change in</p>	<p><b>Indigenous Engagement</b> The Canada Energy Regulator (CER) uses a cooperative and respectful approach, based on the recognition of the right to self-determination to engage with Indigenous Peoples in all aspects of its regulatory oversight.</p> <p><b>Outcome:</b> <b>(O24) The unique rights and interests of Indigenous Peoples are acknowledged and reflected in the CER’s processes and programs.</b></p> <p><i>Measured by:</i> (N52): In accordance with Truth and Reconciliation Commission’s Report – Call to Action 57 - percentage of staff who have received skills based training in intercultural competency.</p> <p><i>Measured by:</i> (N53): Percentage of targeted Indigenous groups engaged as part of annual plans.</p> <p><i>Measured by:</i> (N54): Percentage of issues identified by Indigenous Peoples that are addressed.</p>	

		<p>the company implemented corrective actions within timelines.</p> <p><i>Measured by:</i> (N17) Percentage of incidents where the company reported implementing management system preventative actions.</p> <p><b>2. (O10) CER regulatory actions are management system focused and are informed by results of incident root cause, trending and analysis of pipeline performance information, and leading indicators, research, technology and industry best practices.</b></p> <p><i>Measured by:</i> (N18) Trend of incident or incident type linked to CER regulatory actions.</p> <p><b>3. (O11) Regulated companies demonstrate an improved commitment to mitigating human and organizational threats, including those related to safety culture.</b></p> <p><i>Measured by:</i> (N21) Percentage of regulated companies that have allocated resources to promote safety culture advancement.</p>	<p>interactions on social media related to CER pipeline information.</p> <p><i>Measured by:</i> (N43) Increased amount of CER energy pipeline data and information published each fiscal year conveyed through interactive tools.</p>		
		<p><b>Emergency Management</b></p> <p>Through its Emergency Management program, the Canada Energy Regulator (CER) holds its regulated companies responsible for anticipating, preventing, managing and mitigating conditions during an emergency and for cleaning up and remediating contamination to CER requirements and expectations. This also includes requirements for companies to have financial resources to pay for spill costs and damages. The CER promotes the effectiveness of the broader response through mutual agreements and information sharing with all levels of government, including municipalities and First Responders.</p>			



		<p><b>Outcomes:</b></p> <p><b>1. (O12) Regulated companies are prepared for emergencies.</b></p> <p><i>Measured by:</i> (N23) Percentage of companies’ emergency procedures manuals in compliance with CER regulatory requirements on emergency management.</p> <p><i>Measured by:</i> (N24) Number of incidents where the CER takes over the company emergency response.</p> <p><i>Measured by:</i> (N25) Percentage of regulated companies that are in compliance with the form and amount of financial responsibility set out in the Canadian Energy Regulator Act and regulations, or orders of the Commission or a designated officer as required by the polluter pays principle.</p> <p><i>Measured by:</i> (N26) Percentage of companies that have emergency procedures manuals publicly available.</p> <p><i>Measured by:</i> (N27) Percentage of companies that have Emergency Management Program information publicly available.</p> <p><b>2. (O13) Spills are cleaned up and contamination remediation is conducted in an efficient and effective manner.</b></p> <p><i>Measured by:</i> (N28) Percentage of spills where remediation is proceeding in accordance with the Remediation Process Guide.</p> <p><i>Measured by:</i> (N29) Percentage of spills where monetary impacts are tracked and reported by the CER.</p> <p><b>3. (O14) First Responders and municipalities have the information they need to respond to emergencies.</b></p> <p><i>Measured by:</i> (N30) Percentage of companies with</p>			
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		<p>effective liaison activities and continuing education programs (s.34 and 35 <i>Onshore Pipeline Regulations</i>).</p>			
		<p><b>Regulatory Framework</b>                  The Canada Energy Regulator's (CER) regulatory framework applies to all core responsibilities and is comprised of applicable Acts, regulations, guidance materials, documents, as well as certificates, orders and other regulatory instruments used to regulate the industry. The CER develops and communicates regulations, guidance materials, and related processes to regulated companies and the public. The CER adopts a continual improvement approach and updates elements of its framework based on policy shifts, best practices, and input from stakeholders.</p> <p><b>Outcome:</b>  <b>(O15) CER's regulatory framework is robust, current and regulatory requirements and expectations are clear and publicly available.</b></p> <p><i>N31 and N32 suspended pending the conclusion of program evaluation in 2019-20</i>  <i>Measured by: (N31) Percentage of recommendations following the program effectiveness review implemented within timelines.</i></p> <p><i>Measured by: (N32) Percentage of surveyed stakeholders that agree that regulatory requirements and expectations are clear.</i></p>			



# Canada Energy Regulator's Departmental Results Framework

## Internal Services Programs

Management and Oversight Program Official: CEO; VP P&R: Delegate	People and Workforce	Finance and Acquisition Management	Data and Information Management	Information Technology	Real Property and Material Management	Communications	Legal Services
<p>CER demonstrates the Public Sector Values and Ethics, regulatory excellence, exemplary leadership, and continuous improvement in achievement of its Mission/Mandate.</p> <p><b>Measured by:</b></p> <ul style="list-style-type: none"> <li>MO1: % of DRF and ISF targets met</li> </ul> <p><b>Measured by:</b> MO2: Aggregate results from Public Opinion Research Questions:</p> <ol style="list-style-type: none"> <li>To what extent do you have confidence in the Canada Energy Regulator to make decisions on energy development that are in the public interest?</li> <li>To what extent do you have confidence in the Canada Energy Regulator to effectively regulate energy infrastructure like pipelines in a way that protects Canadians and the environment?</li> </ol>	<p>CER has an agile, inclusive and equipped workforce (Agile in delivering results; Inclusive in developing ideas and making decisions; Equipped for excellence.)</p> <p><b>Measured by:</b></p> <p><b>Agile in delivering results:</b> PW1: Aggregate results from PSES</p> <ul style="list-style-type: none"> <li>I feel the quality of my work suffers because of too many approval stages</li> <li>I am encouraged to be innovative or take initiative in my work</li> </ul> <p><b>Inclusive in developing ideas and decision making:</b> PW2: Aggregate results from PSES</p> <ul style="list-style-type: none"> <li>I think that my department respects individual differences (e.g. culture, work styles, ideas).</li> <li>My department implements activities or practices that support a diverse workplace.</li> <li>Employees who experience harassment from authority figures by being ignored.</li> <li>I feel I would be supported by my department if I proposed a new idea.</li> <li>I have opportunities to provide input into decisions that affect my work.</li> </ul> <p><b>Equipped for excellence:</b> PW3: Aggregate results from PSES</p> <ul style="list-style-type: none"> <li>My department does a good job of raising awareness of mental health in the workplace.</li> <li>I know how my work contributes to the achievement of my department's goals</li> <li>I get the training I need to do my job.</li> </ul>	<p>CER resource management maximizes the delivery of its mandate and is compliant with the Financial Administration Act.</p> <p><b>Measured by:</b></p> <ul style="list-style-type: none"> <li>FM1: Significant findings in financial audits.</li> <li>FM2: % of budget lapsed at year-end.</li> </ul>	<p>CER data and information is trusted and used to guide problem-solving and decision-making.</p> <p><b>Measured by:</b></p> <ul style="list-style-type: none"> <li>DM1: X% of Executive decisions (based on briefing notes) informed by data analysis using established datasets.</li> </ul> <p><b>CER data is used to improve regulatory efficiency and effectiveness.</b></p> <p><b>Measured by:</b></p> <ul style="list-style-type: none"> <li>DM2: # of CER processes that are automated.</li> <li>DM3: # of data-driven projects that target improvements to core responsibilities and management processes.</li> </ul>	<p>CER integrated IT infrastructure provides and enables an agile digital business environment. (Agile defined as relevant, responsive and innovative.)</p> <p><b>Measured by:</b> The adoption of Cloud Service:</p> <ul style="list-style-type: none"> <li>IT1: Expenditures in Cloud Services as a percentage of overall IT expenditures</li> <li>IT2: X% of CER's production business applications supported by cloud services</li> <li>IT3: The average score from post-project satisfaction surveys completed by business clients.</li> </ul>	<p>CER work space and material assets are maintained and managed for optimal use.</p> <p><b>Measured by:</b></p> <ul style="list-style-type: none"> <li>RM1: % of material assets declared surplus</li> <li>RM2: Utilization of general purpose office space as measured by average rentable square meters per FTE.</li> <li>RM3: % of issues pertaining to work space resolved per year.</li> </ul>	<p>CER operates transparently and shares information to create awareness and understanding of the work we do and the regulatory process.</p> <p><b>Measured by:</b></p> <ul style="list-style-type: none"> <li>CS1: Aggregate of polling questions that measure awareness of the CER as an organization as well as adjudication, SEO, EI and Engagement work by region across the country on an annual basis.</li> </ul>	<p>CER decision-making is legally sound and is upheld by the courts.</p> <p><b>Measured by:</b></p> <ul style="list-style-type: none"> <li>LS1: % of litigation in which the CER is successful in the final result</li> </ul>



# Canada Energy Regulator's Departmental Results Framework

Management and Oversight Program Official: CEO; VP P&R: Delegate	People and Workforce	Finance and Acquisition Management	Data and Information Management	Information Technology	Real Property and Material Management	Communications	Legal Services
<p><b>CER's management system delivers timely and effective corporate direction and drives achievement of core results and outcomes.</b></p> <p><b>Measured by:</b></p> <ul style="list-style-type: none"> <li>MO3: % of identified corporate risks mitigated</li> <li>MO4: Three year integrated (resources, financial, regulatory) business plan developed, launched and fully executed</li> <li>MO5: Management System maturity of 4/5 or higher (composite measure)</li> </ul> <p><b>Confidence in senior leadership:</b></p> <p>MO6: Aggregate results from PSES</p> <ul style="list-style-type: none"> <li>Senior managers in my department lead by example in ethical behaviour.</li> <li>I have confidence in the senior management of my department</li> <li>Senior management in my department makes effective and timely decisions</li> </ul>	<p><b>The CER is appropriately staffed with skilled and engaged people to support programs.</b></p> <ul style="list-style-type: none"> <li>PW4: # of leadership training sessions completed</li> <li>PW5: # of employees that participated in language training</li> <li>PW6: # staff who are Bilingual "CBC"</li> <li>PW9: % of staff recognized through formal recognition programs (kudos, instant awards, annual awards ceremony)</li> <li>PW10: % of leave compared to Government of Canada statistics (sick, cert sick, other paid leave, LWOP)</li> <li>PW11: Average length of time to complete staffing actions (successful/ unsuccessful)</li> <li>PW12: % of clients indicating satisfaction with BU team service</li> </ul>	<p><b>Financial information and support is accessible, accurate, and relevant for program management.</b></p> <ul style="list-style-type: none"> <li>FM3: # of exceptions reported quarterly to CFO (s. 32, 34, and contracts)</li> <li>FM4: # of significant findings in Core Control Audits</li> </ul> <p><b>Budgets are effectively planned and allocated.</b></p> <ul style="list-style-type: none"> <li>(FM-O2): Number of days elapsed before the department or agency managers at the lowest level got access to their approved budget relative to the start of the fiscal year. <i>(mandatory)</i></li> <li>FM5: % of Cost Centre Managers that update forecasts prior to RMC discussions.</li> <li>FM6: % of clients indicating satisfaction with service <i>(measure to be developed)</i></li> </ul>	<p><b>Public and staff are able to use and interact with the CER data and information they need.</b></p> <p><b>Measured by:</b></p> <p>DM4: % of data products that are user tested prior to launch.</p> <p><b>Data and information is managed as valuable assets through streamlined tools and processes.</b></p> <p><b>Measured by:</b></p> <p>DM5: % of data entered once and automatically integrated into broader CER system.</p> <p><b>Staff is more competent with CER data and digital systems.</b></p> <p><b>Measured by:</b></p> <p>DM6: % completion of data literacy and software trainings (basic and advanced streams).</p>	<p><b>CER IT network, systems and equipment are stable, secure and functional.</b></p> <p><b>Measured by:</b></p> <p>Resiliency and vulnerability testing:</p> <ul style="list-style-type: none"> <li>IT5: Results from quarterly disaster recovery testing</li> <li>IM6: Results from quarterly vulnerability testing</li> <li>IT7: % incidents reported to the Service Desk that are resolved during first point of contact.</li> <li>IT8: Solved serious security incidents affecting IT infrastructure.</li> <li>IT9: Adoption of Globally Accepted Information Technology Infrastructure Library Framework</li> <li>IT10: % of clients indicating satisfaction with service</li> </ul>	<p><b>Cost-effective management of work space.</b></p> <p><b>Measured by:</b></p> <ul style="list-style-type: none"> <li>RM4: % of facilities projects completed within +/- 10% of budgeted cost.</li> <li>RM5: % of clients indicating satisfaction with service.</li> </ul>	<p><b>The public can quickly and easily find the information they want and need about the CER.</b></p> <p><b>Measured by:</b></p> <ul style="list-style-type: none"> <li>CS2: Total number of Unique Page views on CER website.</li> <li>CS3: Total number of Unique Page views on CER website.</li> <li>CS4: Penetration of CER messages in media content (as per Meltwater statistical analysis)</li> <li>CS5: Percentage of major incidents communicated publicly within three hours of incident or EOC being stood up.</li> </ul> <p><b>Efforts undertaken by the organization and its leadership to communicate with staff increase awareness, foster connection, encourage collaboration and build community within the workplace.</b></p> <ul style="list-style-type: none"> <li>CS6: % of clients indicating satisfaction with service <i>(as per common measure to be developed)</i></li> <li>CS7: Composite measure from selected PSES questions.</li> <li><i>I know how my work contributes to the achievement of my department or agency's goals.</i></li> <li><i>My department of agency does a good job for communicating its visions, mission and goals.</i></li> </ul> <p><b>Staff have information they need to do their jobs and make decisions.</b></p> <p>CS8: Composite measure from selected PSES questions (Target: Upper quartile national PSES results*).</p> <ul style="list-style-type: none"> <li>Essential information flows effectively from senior management to staff.</li> <li>My supervisor keeps me informed about the issues affecting my work.</li> </ul>	<p><b>CER decision-making is informed by risk-based legal advice.</b></p> <ul style="list-style-type: none"> <li>LS2: % of surveyed CER leaders who indicate that their decision-making is appropriately informed by risk-based legal advice</li> </ul>

### Revision log

#### CEO approved changes

16 Nov 2016	Original as per TBS approval	
12 Sep 2017	Changes recommended at PMEC on 23 August 2017	Reference: RDIMS <a href="#">1040151</a>
22 Mar 2018	Changes recommended at PMEC 9 March 2018	Reference: RDIMS <a href="#">1073659</a>
19 Nov 2018	Changes recommended at PMEC 13 Nov 2018	Reference: RDIMS <a href="#">1114469</a>
5 June 2019	Changes recommended at PMEC 21 May 2019	Reference RDIMS <a href="#">1158780</a> ; <a href="#">1168973</a>
17 June 2019	Added Internal Services Framework based on SMC decision on 10 June 2019	Reference: RDIMS <a href="#">1124981</a>
19 Dec 2019	Updated with CER changes to core responsibilities and programs description and with indicator changes pending approval	
29 May 2020	Updated with all approved outcome and measure changes for 2020-21 fiscal year. Does not yet include proposed changes for 2021-22 fiscal year.	