

Office of the Public Sector
Integrity Commissioner
of Canada



Commissariat à l'intégrité
du secteur public
du Canada

Office of the Public Sector Integrity Commissioner of Canada

2010-11

Report on Plans and Priorities

The Honourable Stockwell Day
President of the Treasury Board of Canada

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Commissioner's Message

As Canada's Public Sector Integrity Commissioner, I am pleased to present the Report on Plans and Priorities for 2010-11.

Since the creation of my Office in 2007, our priorities have largely focused on informing the public sector about our role and mandate, establishing effective investigation procedures and internal processes, as well as working in collaboration with key partners to promote a culture of integrity in the workplace.

During 2010-11, my Office will continue establishing itself as an organization with a strong sense of governance and accountability. This will be achieved by:

- providing an efficient, safe and confidential disclosure mechanism and protecting against reprisals disclosers and those who participate in investigations;
- continuing to inform public servants and Canadians about the role and mandate of the Office;
- promoting a workplace culture in the federal public service that is open to disclosure and protects from reprisals;
- establishing a management infrastructure that is solid and consistent with federal government standards; and
- implementing management practices aimed at fostering a culture that reflects the values of integrity, respect, fairness and professionalism.

Since 2007, we have reached important milestones that attest to our strong commitment to our mandate. These include a comprehensive Strategic Plan, an in-depth review of our investigation processes under the *Public Servants Disclosure Protection Act*, a Corporate Risk Profile, and a Risk-based Internal Audit and Evaluation Plan. The Office is also preparing for its legislated five-year independent review, and is re-examining its strategic outcome, program activities and performance management framework.

Many of our strategic priorities require an ongoing commitment, such as leading-edge training for our investigators, continuous liaison with our multiple stakeholders, and sharing best practices with the public sector, our provincial counterparts and our international partners. The Office also continues to strengthen the impact of its work by analysing key risk areas and addressing systemic vulnerabilities.



Promoting integrity, preventing wrongdoing and protecting disclosers against reprisals does not rest solely with my Office – it is a shared responsibility. In fact, it is only together that we can see real change occur.

Christiane Ouimet
Public Sector Integrity Commissioner of Canada

Section I: Overview

Raison d'être and Responsibilities

The Office of the Public Sector Integrity Commissioner of Canada ("the Office") derives its mandate from the *Public Servants Disclosure Protection Act* ("PSDPA") which came into force in April 2007. The Office is mandated to establish a safe, confidential process for public servants or members of the public to disclose potential wrongdoing in the public sector. The Office is also responsible for receiving reprisal complaints from public servants, investigating such complaints, and protecting public servants from reprisal relating to disclosures of wrongdoing or participating in investigations.

In addition to its legislated mandate, the Office emphasizes prevention of wrongdoing, and informal case resolution. The Office is guided at all times by the public interest and ensures integrity, respect, fairness and professionalism in its procedures.

The Office is headed by a Commissioner who is appointed by Order in Council as an Agent of Parliament, and the appointment is approved by resolution of both Houses of Parliament. The Commissioner reports directly to Parliament, and has the rank, powers, authorities and accountabilities of a deputy head of a department or agency.

The Commissioner has jurisdiction over the entire public sector, including separate agencies and parent Crown corporations. However, the Commissioner does not have jurisdiction over the Canadian Security Intelligence Service, the Communications Security Establishment and the Canadian Forces, each of which is required under the PSDPA to establish its own internal procedures for disclosure of wrongdoing and protection against reprisal. The Commissioner's mandate covers approximately 400,000 public servants. In addition, the PSDPA specifies that members of the public can come forward with information about a possible wrongdoing in the federal public sector.

The Commissioner conducts independent reviews and investigations of disclosures of wrongdoing and complaints of reprisal in a fair and timely manner. She issues findings and makes recommendations to chief executives for corrective action. The Commissioner also exercises exclusive jurisdiction over the review, conciliation and settlement of complaints of reprisal. This includes making applications to the Public Servants Disclosure Protection Tribunal to determine if reprisals have taken place and to order appropriate remedial and disciplinary action.

The Commissioner has authority to provide public servants and any Canadian who may be considering making a disclosure of wrongdoing, access to legal advice valued up to \$1,500 and up to \$3,000 in exceptional circumstances. Access to legal advice may also be extended to public servants who are considering making a complaint of reprisal to the Commissioner, and any person who is involved in an investigation or proceeding under the PSDPA.

The Commissioner submits an annual report to Parliament, and also reports to Parliament on cases of founded wrongdoing. She may also submit special reports at any time to Parliament, Ministers or Boards of Directors of Crown corporations.

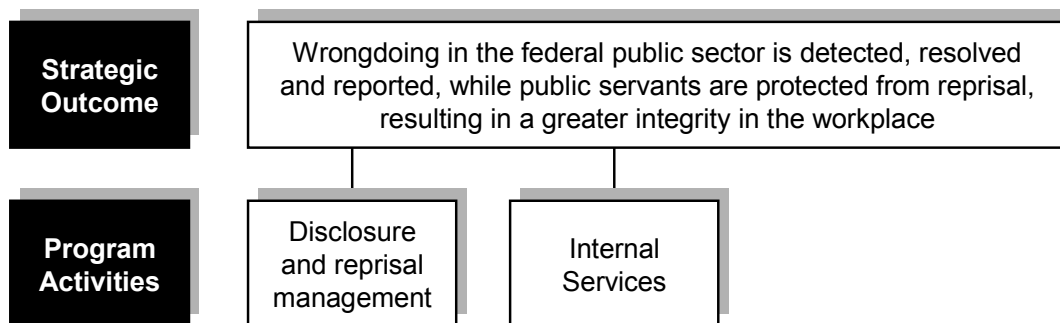
It should be noted that promoting integrity and protecting public servants who disclose wrongdoing are shared responsibilities. Success in applying the PSDPA and achieving the Office's strategic outcome will come from the efforts of a large number of people working together. It is only if everyone, the Office, Ministers responsible, Parliamentarians, central agencies, deputy heads, union leaders and all public servants play their part that success will be achieved.

The Treasury Board Secretariat is responsible for establishing a code of conduct applicable to the entire public sector. In addition, every chief executive is responsible for establishing a code of conduct for the portions of the public sector under their authority. Each chief executive must also establish internal disclosure procedures and designate a senior officer responsible for receiving and dealing with disclosures made under the PSDPA by their employees (unless the chief executive has claimed an exception under Section 10 (4) of the PSDPA in which case all of their employee disclosures are to be managed by the Office). With the exception of Section 10 (4) notices, public servants have the option to make a disclosure within their own organization, or make a disclosure to the Office. Members of the general public may also disclose information with the Office.

More information about the Office's mandate, roles, responsibilities, activities, statutory reports and the PSDPA can be found on its website at www.psic-ispcc.gc.ca.

Strategic Outcome and Program Activity Architecture

The Office has one strategic outcome that guides the pursuit of its mandate and reflects the long-term benefits sought for Canadians as demonstrated in the following chart. The Office will review its strategic outcome, program activity architecture and performance management framework during 2010-11.



Planning Summary

Financial Resources (\$ thousands)

2010–11	2011–12	2012–13
6,538	6,838	5,638

Human Resources (Full-Time Equivalent—FTE)

2010–11	2011–12	2012–13
34	34	34

Strategic Outcome:

Wrongdoing in the federal public sector is detected, resolved and reported, while public servants are protected from reprisal, resulting in a greater integrity in the workplace.

Performance Indicators	Targets
Inquiries and investigations are conducted efficiently and in accordance with the PSDPA	<ul style="list-style-type: none"> ▪ Review of current practices and establishment / refinement of all processes and procedures
Public servants and Canadians are aware of the role and mandate of the Office	<ul style="list-style-type: none"> ▪ Reach out to all federal public servants ▪ Reach out to the general public
Recognition of disclosure as a pro-social behaviour	<ul style="list-style-type: none"> ▪ Develop tools and best practices ▪ Implement the Prevention Strategy

Program Activity	Forecast Spending 2009-10* (\$thousands)	Planned Spending (\$thousands)			Alignment to Government of Canada Outcomes
		2010-11	2011-12	2012-13	
Disclosure and Reprisal Management	2,234	4,191	4,888	3,771	Government Affairs
Internal Services	2,048	2,347	1,950	1,867	Government Affairs
Total	4,282	6,538	6,838	5,638	

* Please refer to Section II Expenditure Profile for explanations relating to Forecast Spending in comparison with Planned Spending for future years.

Contribution of Priorities to the Strategic Outcome

The Office has one strategic outcome, and all of the following operational and management priorities contribute to the achievement of the strategic outcome.

Operational Priorities	Type	Description
Provide an efficient, safe and confidential disclosure mechanism, and protect against reprisals disclosers and persons who participate in investigations	Ongoing	<p>Why this is a priority:</p> <p>Public servants continue to be afraid of coming forward with disclosures. Concerns mostly relate to the potential impact on careers, the negative perceptions relating to disclosures, the possibility of long and costly steps, the negative impact on peers and the organization, and the potential for public exposure. The Office must be seen as an efficient and trusted avenue for making disclosures and seeking protection against reprisal.</p> <p>Plans for meeting the priority:</p> <p>The Office plans to continue to improve the efficiency and timeliness of case processing, and continue to strengthen quality control mechanisms and confidentiality measures aimed at ensuring the safety and confidentiality of cases. Internal expertise for the resolution of cases will also be further developed and more relationships with external experts will be established. Specific initiatives relating to this operational priority are listed in Section II.</p>
Inform public servants and Canadians about the role and mandate of the Office	Ongoing	<p>Why this is a priority:</p> <p>For wrongdoing in the federal public service to be properly reported, public servants and Canadians must be aware of the role and mandate of the Office and the avenues available to them for reporting wrongdoing. Creating an awareness among public servants and Canadians about such avenues is an ongoing challenge.</p> <p>Plans for meeting the priority:</p> <p>The Office plans to increase its visibility with public servants and Canadians. Outreach initiatives, communication channels and partnerships will be developed and implemented. Specific initiatives relating to this operational priority are listed in Section II.</p>
Promote a workplace culture in the federal public service that is open to disclosure and protects from reprisal	Ongoing	<p>Why this is a priority:</p> <p>Organizational culture plays a fundamental role in influencing whether and how a person discloses suspected wrongdoing. Embedding the principles of the PSDPA in departmental operations and organizational culture however takes time and requires ongoing effort and commitment. Promoting a workplace culture that is open to disclosure is very much part of the prevention role of the Office.</p>

Operational Priorities	Type	Description
		<p>Plans for meeting the priority:</p> <p>The Office plans to continue to promote ethics and the prevention of wrongdoing within the public service. The Office will continue to engage senior executives and managers in informing employees on the PSDPA and creating an open dialogue on ethics. Systemic issues, and the measures to address them, will also be identified. Specific initiatives relating to this operational priority are listed in Section II.</p>
Management Priorities	Type	Description
Establish a management infrastructure that is solid and consistent with federal government standards	Ongoing	<p>Why this is a priority:</p> <p>It takes approximately five years for public institutions to fully mature and become efficient at all operational levels. The Office needs to continue to solidify its internal management policies, practices, processes and systems in a manner that is consistent with federal government standards and that reflects best practices.</p> <p>Plans for meeting the priority:</p> <p>The Office plans to further develop its internal policies and management frameworks relating to finance, human resources management, information management and technology, procurement, security, access to information, risk management, external reporting, etc. Processes and controls will also be examined as a result. Specific initiatives relating to this management priority are listed in Section II, including initiatives relating to human resources.</p>
Implement management practices aimed at fostering a culture that reflects values of integrity, respect, fairness, and professionalism	Ongoing	<p>Why this is a priority:</p> <p>The Office seeks to enhance confidence in public institutions and those who serve Canadians. It is guided at all times by the public interest and ensures integrity, respect, fairness and professionalism in its procedures. The Office must lead by example and be seen as a model organization that embraces its values of integrity, respect, fairness and professionalism.</p> <p>Plans for meeting the priority:</p> <p>The Office plans to increase organizational capacity and develop competencies and skills in strategic areas. Ongoing learning and growth will be promoted through the alignment of personal goals with organizational goals. The Office will also improve communication practices to better reflect its values, establish its own employee code of conduct in alignment with the Values and Ethics Code for the Public Service, and encourage open dialogue and a respectful environment. Specific initiatives relating to this management priority are listed in Section II.</p>

Risk Analysis

The Office has a highly visible profile due to the sensitivity of its mandate. As an Agent of Parliament, the Office operates in a highly dynamic environment that includes new and evolving expectations. The Office is addressing these challenges while continuing to provide effective services. A corporate risk profile has been developed. It identifies and assesses risks of strategic importance. Risk mitigation actions have also been identified, and these are being integrated with business planning and day to day program activities.

Information Security

Information security is critical in the context of disclosures, investigations and the need for preserving confidentiality. Sensitive or private information must be protected from potential loss or inappropriate access in order to avoid potential litigation, damaged reputation and further reluctance in coming forward. The Office has implemented many practices aimed at ensuring the security of information, which include briefing and confidentiality agreements, random information security checks within premises, controlled access for the storage of sensitive information, and a "threat risk assessment" of information management and information technology security was conducted. A new Case Management System will also be implemented, resulting in strengthened access and security features.

Awareness of the Office's Mandate

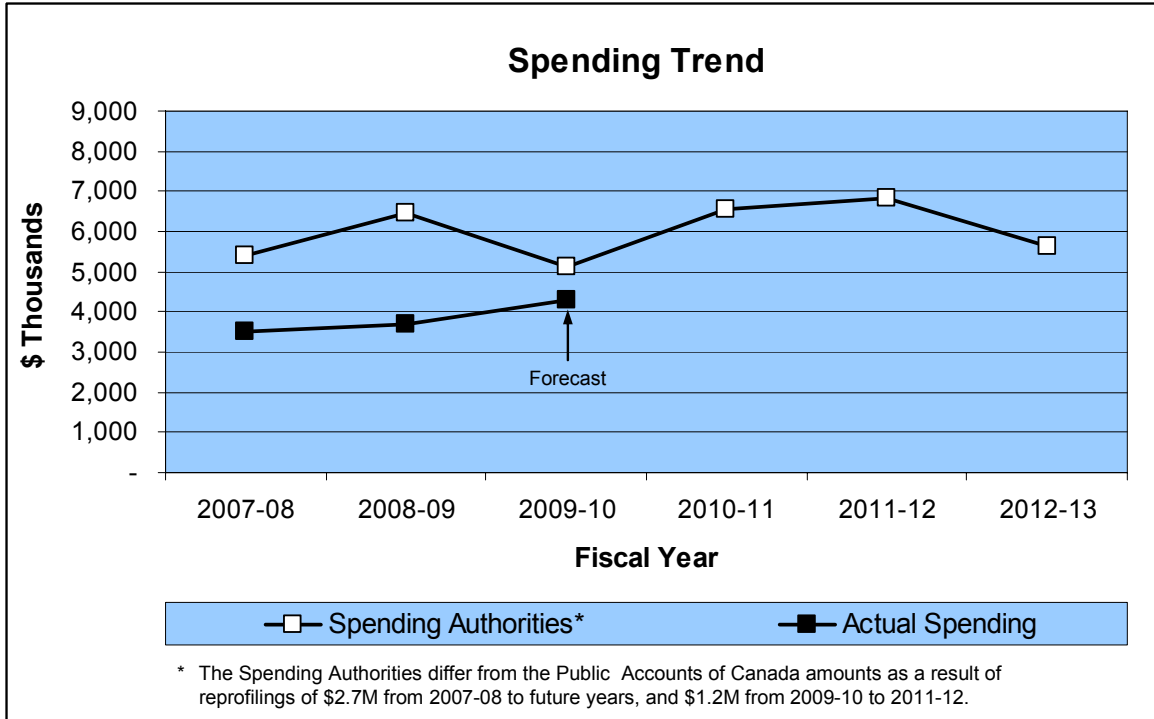
Public servants and Canadians may be unaware of services provided by the Office, or may be reluctant to use such services. Limited awareness and trust, in particular among public servants, can directly impact the Office's ability to achieve its mandate. Public servants are less likely to make disclosures if they do not have a clear understanding of the services available or if they lack trust that they will be adequately protected. To continue to create mandate awareness and further develop confidence, the Office is increasing its visibility using multiple communication channels, outreach initiatives, and partnering with key stakeholders and experts.

Internal capacity

Maintaining human resources, namely through attraction, development and retention of employees with adequate competencies, skills and experience is a demanding management responsibility. The high mobility of skilled professionals and the greater impact of turnover on small organizations can create challenges for knowledge transfer, succession planning and corporate memory. To ensure that human resources are maintained and further enhanced, the Office is reviewing its positions and classifications, and conducting a gap analysis of competencies and skills in relation to operational requirements. Results of the review and gap analysis will be incorporated in the human resource management plan. New procurement mechanisms may also be implemented for facilitating the use of external contractors, thereby resulting in enhanced organizational capacity and flexibility.

Expenditure Profile

For the 2010-11 fiscal year, the Office has spending authorities of \$6.5M to meet the expected results of its program activities and contribute to its strategic outcome.



Explanations Relating to the 2009-10 Fluctuation in Spending Authorities

An amount of Spending Authority totalling \$1.2M was reprofiled from 2009-10 to 2011-12, which explains the decrease in Spending Authority for 2009-10 and the corresponding increase in Spending Authority for 2011-12 from previously reported amounts. This \$1.2M reprofile represents expenditures that will materialize at a later time than initially anticipated. These expenditures include additional office space, the implementation of a new Case Management System, and costs related to preparation for the independent review that will be conducted five years after the PSDPA came into effect, which was April 1, 2007.

Explanations Relating to Actual Spending Lower than Spending Authorities

The Office has spent less than initially anticipated since its creation in April 2007. Differences between spending authorities and actual spending are mainly due to the complexities of trying to estimate resource requirements, program expenditures and case volumes in the context of a newly established organization. Spending authorities were allocated on the basis of a fully established organization from the onset, whereas the Office was established on a more gradual basis than perhaps initially anticipated. It is never possible to accurately predict volumes of enquiries and caseloads upon establishing a new organization. Moreover, the Office has achieved efficiencies through shared

service arrangements for many of its management processes and systems, namely financial, human resources and information technology.

Actual spending should increase in future years, as the Office continues to deal with inquiries and disclosures, and places greater emphasis on increasing awareness of its mandate through outreach and communication initiatives, implementing various components of a prevention strategy relating to wrongdoing, and determining possible measures for addressing systemic issues that could give rise to wrongdoing in the federal public sector as well as reprisal protection issues. These and other planned initiatives will contribute to fostering a public service culture open to disclosure, and strengthening the Office's management practices and reputation as a trusted avenue for making disclosures and seeking protection from reprisal. It should be noted that the PSDPA, as well as the Office's administration and operations will be reviewed as part of the independent review that will be conducted five years after the PSDPA came into effect, which was April 1, 2007.

Voted and Statutory Items

Vote Number or Statutory Item (S)	Truncated Vote or Statutory Wording	Main Estimates (\$ thousands)	
		2009-10	2010-11
50	Program expenditures	6,033	6,033
(S)	Contributions to employee benefit plans	505	505
Total		6,538	6,538

Section II:
Analysis of Program Activities
by Strategic Outcome

Strategic Outcome

Wrongdoing in the federal public sector is detected, resolved and reported, while public servants are protected from reprisal, resulting in a greater integrity in the workplace.

Program Activity: Disclosure and Reprisal Management

Human Resources (FTEs) and Planned Spending (\$ thousands)					
2010–11		2011–12		2012–13	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
24	4,191	24	4,888	24	3,771

Expected Results	Increased confidence in Canadian federal public institutions.
Performance Indicators	Targets
Inquiries and investigations are conducted efficiently and in accordance with the PSDPA	<ul style="list-style-type: none"> ▪ Review of current practices and establishment / refinement of all processes and procedures
Public servants and Canadians are aware of the role and mandate of the Office	<ul style="list-style-type: none"> ▪ Reach out to all federal public servants ▪ Reach out to the general public
Recognition of disclosure as a pro-social behaviour	<ul style="list-style-type: none"> ▪ Develop tools and best practices ▪ Implement the Prevention Strategy

Program Activity Summary

Disclosure and Reprisal Management involves providing advice to federal public sector employees and members of the public who are considering making a disclosure, and to accept, investigate and report on disclosures of possible wrongdoing. In addition, the program activity involves exercising exclusive jurisdiction over the review, conciliation and settlement of complaints of reprisal, including making applications to the Public Servants Disclosure Protection Tribunal to determine if reprisals have taken place and to order appropriate remedial and disciplinary action.

The program activity also includes initiatives for education and the prevention of wrongdoing in the workplace. Discussions and comparative analysis are also conducted with other jurisdictions and leading experts from time to time, in order to develop leading-edge thinking on disclosure regimes, and share best practices and lessons learned.

Although it is not possible to forecast volumes of enquiries, caseload and average processing times for a given year, the Office does report actual volume information in its Annual Report. A total of 55 disclosures and 20 complaints of reprisal were received by the Office during 2008-09, as reported in the latest Annual Report. During 2010-11, the Office will define improved performance indicators and targets that better reflect the contribution of its program activities to federal government. Targets relating to processing time effectiveness may be developed based on prior year experiences.

Planning highlights

In order to achieve the expected results of the Disclosure and Reprisal Management program activity, and to maintain focus on the operational priorities outlined in Section I, the Office proposes to undertake the following initiatives, which are listed in relation to each of the operational priorities outlined in Section I:

Provide an efficient, safe and confidential disclosure mechanism, and protect against reprisals relating to disclosures and participation in investigations

- Carry on efforts for improving the effectiveness, efficiency and timeliness of internal procedures related to the handling of disclosure and reprisal protection files, including triage, intake, investigations, etc.
- Complete an update of the Office's strategic outcome(s) and program activities.
- Continue research and development of the Office's performance measurement strategy, in alignment with the updated strategic outcome(s) and program activities.
- Finalize lists of potential experts and investigators who can provide support on a contractual basis in order to help deal with high volumes or complex files.

Inform public servants and Canadians about the role and mandate of the Office

- Undertake outreach initiatives aimed at creating awareness and understanding of the Office's role and mandate among Members of Parliament and Senators.
- Organize a workshop in order to help create awareness with organizations and key individuals involved with disclosure legislation and practices.

Promote a work-place culture in the federal public service that is open to disclosure and protects from reprisal

- Implement various components of the Office's Prevention Strategy, including development of a decision-making model for potential disclosures that will help improve case management practices.
- Maintain liaison with key stakeholders within the federal public sector (such as unions, senior officers responsible for internal disclosure, senior officials for values and ethics, etc.) to discuss actions aimed at promoting desirable workplace culture.

- Continue to exchange ideas with Canadian and international advocacy groups that support disclosers.
- Determine possible approaches for addressing systemic vulnerabilities in the federal public sector previously identified with the assistance of key partners.

Benefits for Canadians

The Disclosure and Reprisal Management program activity aims to enhance confidence in federal public institutions and in those who serve Canadians. It helps to build effective and credible organizations where public servants and citizens can, in good faith and confidence, raise their concerns about wrongdoing. It assists federal government organizations in preventing wrongdoing in the federal public service workplace and in promoting integrity. It also contributes to increasing Canada's reputation as a leader in terms of disclosure regimes. It is in the public interest to maintain and enhance public confidence in the integrity of public servants.

Program Activity: Internal Services

Human Resources (FTEs) and Planned Spending (\$ thousands)					
2010–11		2011–12		2012–13	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
10	2,347	10	1,950	10	1,867

Expected Results	Support to program needs and corporate obligations.
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Performance Indicators	Targets
The Office will be updating its performance management framework during 2010-11, at which time performance indicators and targets relating to Internal Services may be communicated.	

Program Activity Summary

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. In the context of the Office, these groups include:

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

Planning highlights

In order to achieve the expected results of the Internal Services program activity, and maintain focus on the management priorities outlined in Section I, the Office proposes to undertake the following initiatives, which are listed in relation to each of the management priorities outlined in Section I:

Establish a management infrastructure that is solid and consistent with federal government standards

- Review and improve the governance and organizational structure of the Office, in alignment with the updated strategic outcome(s) and program activities.
- Develop and implement an information management strategy.

- Review workplace health and safety standards for creating a better workplace and ensuring compliance with applicable federal government policies and requirements of the Canada Labour Code.

Implement management practices aimed at fostering a culture that reflects values of integrity, respect, fairness, and professionalism

- Finalize development of an integrated human resources management plan for the Office, including strategies relating to staffing and retention, temporary or contractual help, succession planning, learning and growth, performance agreements, etc.
- Implement mechanisms for facilitating internal communications, the sharing of information and the transfer of knowledge among employees of the Office.
- Develop a code of conduct for employees of the Office that is consistent with the Values and Ethics Code for the Public Service.

Benefits for Canadians

The Internal Services program activity contributes to the effectiveness and efficiency of program operations, the appropriate management of resources, the safeguarding of public assets, the reporting of reliable and timely information, and the compliance of activities with applicable legislation, regulation, policies and delegated authorities. It also contributes to the promotion of public service values and the creation of a healthy work environment.

Section III: Supplementary Information

Supplementary Information Tables

Green Procurement

Although the Office is not a materiel or asset intensive organization, every effort is made to procure supplies and equipment that are considered to be environmentally friendly. During 2010-11, the Office will enquire about green procurement strategies and training methods used by federal government departments and agencies, and will ensure that such practices are implemented where applicable.

Planned Audits and Evaluations

The Office is completing an Internal Audit and Evaluation Plan, which will be submitted to its Departmental Audit and Evaluation Committee for review and recommendation to the Commissioner for approval. Subject to the review and approval process, it is expected that some internal audits or evaluations will be conducted during 2010-11 and future years.

In accordance with provisions of the PSDPA, an independent review of the *Act* and its administration and operation will be conducted five years after it came into effect, which was April 1, 2007. A report on the review will be tabled before each House of Parliament within the first 15 days on which that House is sitting after the review is completed.

Other Items of Interest

Departmental Audit and Evaluation Committee

The Office has a Departmental Audit and Evaluation Committee composed of four members external to federal government, one of which chairs the Committee. Ex-officio members include the Commissioner and the Senior Financial Officer.

The Committee ensures that the Commissioner has independent and objective advice, guidance, and assurance on the adequacy of management and accountability processes. For this purpose, the Committee exercises active oversight over key areas of management control and accountability, including values and ethics, risk management, internal control, internal audit and evaluation, financial statements, public accounts, and other statutory reports such as the Annual Report, the Report on Plans and Priorities, and the Departmental Performance Report. The Committee meets at least four times per year.

Annual Audit of Financial Statements

Financial statements of the Office have been audited by the Office of the Auditor General on an annual basis since 2008-09. A re-assessment of internal controls over financial management and reporting will be conducted early in 2010-11 to ensure that the Office continues to maintain appropriate management practices in these areas. Annual financial statements of the Office are published as part of its Departmental Performance Reports.

Shared Service Arrangements

The Office has shared service agreements with the Canadian Human Rights Commission and Status of Women Canada, who provide administrative services to the Office on a contractual basis. These arrangements supplement internal resources of the Office and allow the pooling expertise in specific management areas. Shared service arrangements contribute to lowering costs relating to internal services.

The Canadian Human Rights Commission provides services in the areas of financial management (namely transaction processing and reporting), security clearances and building security arrangements, procurement and contracting, telecommunications, information management, information technology and human resources information systems. Status of Women Canada provides services in the areas of human resources management, namely planning, staffing, classification, labour relations, policies and procedures, and human resources reporting requirements to central agencies.