

Public Service Staffing Tribunal

2011–12

Report on Plans and Priorities

The Honourable James Moore, P.C., M.P.
Minister of Canadian Heritage
and Official Languages



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Chairperson's Message



As Chairperson of the Public Service Staffing Tribunal, I am pleased to present this Report on Plans and Priorities.

Established on December 31, 2005 with the enactment of the *Public Service Employment Act* (PSEA), the Tribunal is an independent, quasi-judicial body with a mandate to consider and dispose of complaints related to internal appointment and lay-off processes in the public service.

The Tribunal provides a number of opportunities to resolve complaints. In assisting the parties resolve their differences through informal means, the Tribunal continues to play a key role in upholding the staffing values contained in the PSEA, namely: effective dialogue; respect for employees; and recourse aimed at resolving appointment issues. Since the Tribunal's establishment, over 90 per cent of all complaints received have been resolved without having to hold an oral hearing.

At the beginning of fiscal year 2010–2011, two pilot projects were launched: the settlement conference pilot project and the telephone and video conferencing mediation pilot project. In early 2011–2012, we will be analyzing the results of these pilot projects and expect to integrate these tools into our normal business process. We believe that these new tools will prove to be helpful to our clients across Canada in resolving complaints while optimizing both our human and financial resources as well as those of our clients.

Through its decisions, the Tribunal will continue to contribute to an understanding of fair and transparent staffing practices in the public service. The Tribunal will also continue to refine its complaint process and related internal procedures and strive to deliver efficient services that meet client needs.

Finally, as the legislative review of the *Public Service Modernization Act* continues, the Tribunal will be following developments closely and respond accordingly, if required.

I am proud of our accomplishments to date and I look forward to the opportunities and challenges that lie ahead to ensure that all Canadians continue to benefit from a public service that is based on merit and able to deliver services of the highest quality in both official languages.

Guy Giguère
Chairperson and Chief Executive Officer



Section I

Departmental Overview

Raison d'être

The Public Service Staffing Tribunal ("the Tribunal") is an independent, quasi-judicial body established under the *Public Service Employment Act* (PSEA) to deal with complaints related to internal appointments and lay-offs in the federal public service. The Tribunal conducts hearings and provides mediation services in order to resolve complaints.

Responsibilities

The Tribunal derives its mandate from the PSEA and is responsible for the impartial and timely consideration and disposition of complaints submitted under the Act with respect to internal appointment and lay-off processes in the Government of Canada.

By providing transparent, impartial and sound decision-making for complaints as well as the support necessary to help parties resolve staffing disputes as informally as possible, the Tribunal is both accessible and responsive to its stakeholders – namely, deputy heads, human resources specialists, bargaining agents and public servants – and contributes to the effective management of human resources to the benefit of federal public service departments and agencies, managers, employees and Canadians at large.

Strategic Outcome and Program Activity Architecture (PAA)

Strategic Outcome	Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada
Program Activity	Adjudication and mediation of complaints filed under the <i>Public Service Employment Act</i>
Expected Results	<ul style="list-style-type: none"> • Tribunal decisions are timely, sound and well reasoned • Optimal utilization of Tribunal's dispute resolution services by parties
Outputs	<ul style="list-style-type: none"> • Complaints processed • Mediation sessions conducted • Mediation training courses delivered

Planning Summary

Financial Resources (\$ thousands)

2011–12	2012–13	2013–14
5,482	5,482	5,482

Human Resources (Full-Time Equivalent)

2011–12	2012–13	2013–14
37	37	37

Strategic Outcome: Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada

Performance Indicator	Targets
Percentage of complaints referred to judicial review on the grounds that the Tribunal failed to observe a principle of natural justice, procedural fairness or other procedure	3%

Program Activity	(\$ thousands)				Alignment to Government of Canada Outcomes
	Forecast Spending 2010–11	Planned Spending			
		2011–12	2012–13	2013–14	
Adjudication and mediation of complaints filed under the <i>Public Service Employment Act</i>	3,500	3,891	3,891	3,891	The Tribunal's activities are aligned with the "Government Affairs" outcome. The resources allocated to the Tribunal contribute to supporting a public service that reflects excellence and leadership.
Total Planned Spending		5,482	5,482	5,482	

Internal Services	Forecast Spending 2010–11	Planned Spending		
		2011–12	2012–13	2013–14
Internal Services	1,500	1,591	1,591	1,591

Contribution of Priorities to Strategic Outcome

Operational Priorities	Type	Links to Strategic Outcome	Description
Timely issuance of decisions	Ongoing	Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada	The Tribunal has set a goal of 80% of reasons for decision issued within four months of the hearing. In order to achieve this high service level standard, the organization will review the internal practices and process for issuing decisions; perform a gap analysis to identify areas of improvement and further streamline its internal process.
Efficient and simplified processes	Ongoing	Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada	The Tribunal will seek opportunities to work with other Government of Canada organizations to plan, develop and implement a new case management system. After final analysis of the results of the two pilot projects, the Tribunal will seek to incorporate into its normal business process settlement conferences and mediations conducted over the telephone or via videoconference.

Management Priorities	Type	Links to Strategic Outcome(s)	Description
A workplace where people feel valued and know the importance of their contribution	Ongoing	Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada	The Tribunal understands that its workforce is crucial to meeting its business goals and delivering on its mandate. Therefore the Tribunal will continue to ensure effective integration of new team members; offer learning opportunities; continue to improve internal communications, sharing of information and knowledge transfer; and conduct a values and ethics exercise to further engage employees.

Risk Analysis

The Public Service Staffing Tribunal is faced with both internal and external risks. To minimize the impact of these risks, the Tribunal has put in place some ongoing strategies and will seek opportunities to continue to improve how we do business.

In 2011–2012, the risks that the Tribunal must deal with include the unpredictability of its caseload, an aging case management system that does not meet our needs, the likelihood of greater turnover in its staff after five years of operation, the current review of the PSMA and the reporting burden.

Unpredictability of caseload

As is the case with most administrative tribunals, the unpredictability of the Tribunal's caseload represents a constant challenge. Although the caseload has remained fairly steady in the last three years, there will likely be an increase in the number of cases received in 2010–2011. This trend could continue in 2011–2012 due to economic circumstances. Also, an increase in the use of collective staffing actions could result in an increase in the number of complaints received.

The Tribunal offers a number of opportunities to resolve complaints without having to proceed to a formal hearing. The various steps in the complaint process such as the exchange of information, mediation and the pre-hearing conference allow the parties to discuss the issues related to the complaint informally. This discussion of the issues by the parties often results in a withdrawal of the complaint. With the settlement conference pilot and the mediation via telephone/videoconference pilot well underway, the Tribunal expects to integrate these new means of resolving a complaint informally into its toolkit in the coming year.

Providing such opportunities for the informal resolution of complaints has proven to be quite successful in that less than 10 per cent of all complaints have proceeded to an oral hearing by the Tribunal since its establishment in 2005. Resolving complaints through informal means not only contributes to improved dialogue between the parties, but also allows the Tribunal to reduce the number of hearings held which in turn translates into reduced costs for travel, hearing rooms, interpretation and translation.

Case Management System

It is crucial that the Tribunal implement a new case management system (CMS) within the next two to three years. The present CMS is obsolete and will no longer be supported by the intellectual property owner. A new CMS will provide the Tribunal with access to information and reports in order to better manage its decision-making and performance reporting. The Tribunal will continue to ensure knowledge transfer and sharing of best practices with other like organizations. The Tribunal has endeavoured to leverage the lessons learned from other organizations that have sought to implement CMSs.

To mitigate this risk, the Tribunal may have the opportunity to work in collaboration with another organization and the Treasury Board Secretariat on a pilot project that aims to develop a CMS that could be used by other quasi-judicial agencies. If that project does not proceed, the Tribunal will continue on its own to seek out the best “off the shelf” solution.

Human Resources

Since its establishment, the Tribunal has seen a low turnover rate among its staff. As with many micro agencies, the Tribunal is faced with challenges in recruiting and retaining employees, in part due to retirements and career development.

In order to mitigate this risk, the Tribunal has an integrated human resources and business plan and is committed to engaging employees and creating a workplace of choice. The Tribunal will continue to ensure effective integration of new team members and offer learning opportunities.

Review of the *Public Service Modernization Act*

The *Public Service Modernization Act* (PSMA) was enacted in 2003 as part of the Government of Canada’s strategy to modernize human resources management. It included a restructured PSEA which came into force on December 31, 2005 and established the Public Service Staffing Tribunal. It also contained a provision that calls for a review of the Act and its administration and operation to be conducted five years after its coming-into-force. The review is currently well underway. Discussions arising from the review exercise are likely to continue in the coming year. Results may impact the Act and the Tribunal’s mandate and operations.

The Tribunal has presented recommendations to the review team and is awaiting a final report. The Tribunal will continue to monitor and analyze any emerging issues to minimise impact on its program and services to ensure that we are well prepared to manage change if required.

Planning and Reporting

As in other micro-agencies, the added demands of certain government-wide initiatives continue to pose a challenge to the Tribunal’s limited resources. In order to fulfill its obligations related to these demands, the Tribunal has developed a strategic plan for the next three years, strengthened its performance measurement framework and increased its information management capacity.

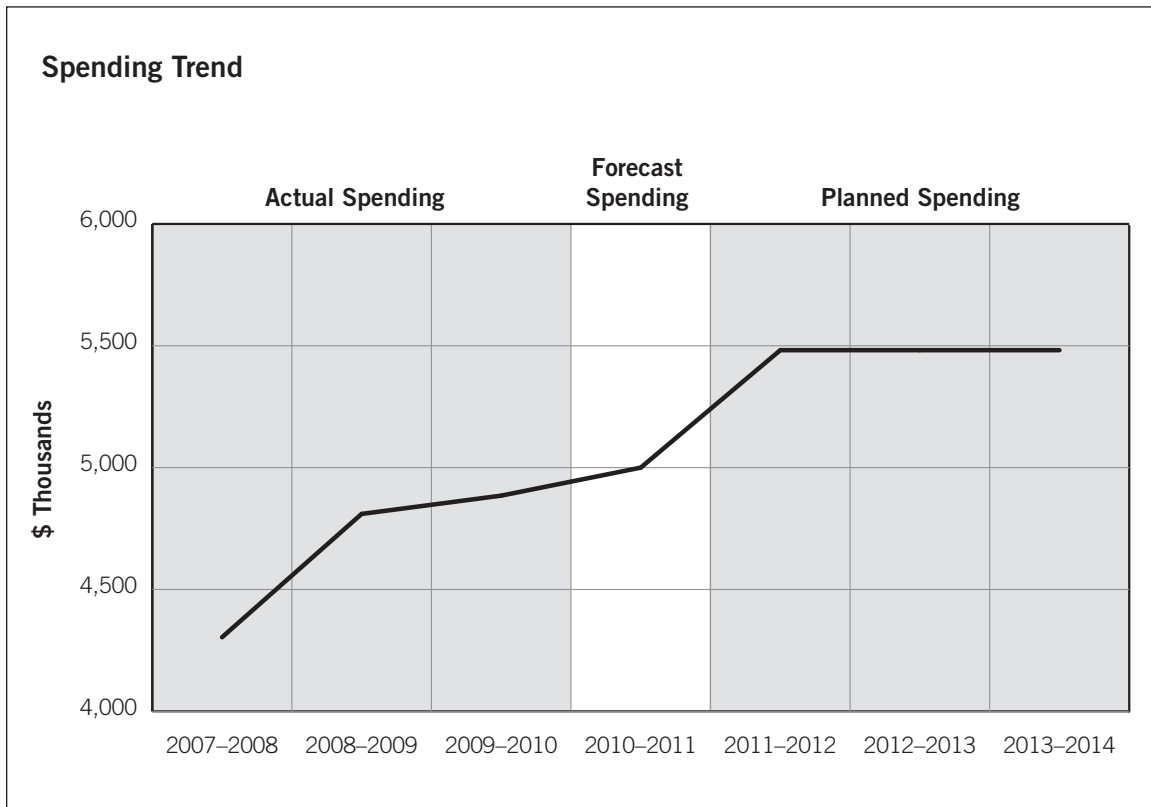
In conclusion, the Tribunal will continue to seek innovative, cost efficient ways of addressing risks. The Tribunal will also continue to look for opportunities to work in collaboration with other Government of Canada organizations to achieve efficiencies to deliver on its business goals. This is aligned with the Government of Canada's priority of reducing the fiscal deficit as announced in Budget 2010 “Leading the Way on Jobs and Growth”.

Expenditure Profile

In 2011–12, the PSST plans to spend \$5.4 million to meet the expected results of its program activity and contribute to its strategic outcome. In 2009–10, through Budget 2009, the PSST was provided with permanent funding and more recently, received approval from the Treasury Board of an adjustment to a previous funding transfer enabling it to more effectively fulfill its mandate requirements.

Departmental Spending Trend

The figure below illustrates the Tribunal's spending trend from 2007–2008 to 2013–2014. For the 2007–2008 to 2009–2010 periods, the total spending includes all Parliamentary appropriation sources: Main Estimates, Supplementary Estimates, transfers from Treasury Board Votes and also includes carry forward adjustments. For the 2011–2012 to 2013–2014 periods, the total spending corresponds to the planned spending.



Estimates by Vote

For information on our organizational votes and/or statutory expenditures, please see the 2011-12 Main Estimates publication. An electronic version of the Main Estimates is available at <http://www.tbs-sct.gc.ca/est-pre/20112012/p2-eng.asp>.



Section II

*Analysis of Program Activities
by Strategic Outcome*

Strategic Outcome

Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada

Performance Indicator

Percentage of complaints referred to judicial review on the grounds that the Tribunal failed to observe a principle of natural justice, procedural fairness or other procedure

Target

3%

Program Activity by Strategic Outcome

Program Activity: Adjudication and mediation of complaints filed under the <i>Public Service Employment Act</i>					
Human Resources (FTEs) and Planned Spending (\$ thousands)					
2011–12		2012–13		2013–14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
27	3,891	27	3,891	27	3,891

Program Activity Expected Results	Performance Indicators	Targets
Tribunal decisions are timely, sound and well reasoned	• Percentage of decisions where reasons are issued within four months of the hearing	80%
	• Percentage of Tribunal decisions upheld on judicial review	95%
Optimal utilization of Tribunal's dispute resolution services by parties	• Percentage of mediations resulting in withdrawal of complaint	70%

Program Activity: Internal Services					
Human Resources (FTEs) and Planned Spending (\$ thousands)					
2011–12		2012–13		2013–14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
10	1,591	10	1,591	10	1,591

Planning Highlights

The Tribunal has identified the following operational priorities for the coming three years:

1. Timely issuance of decisions – Eighty per cent of Reasons for Decision issued within four months of the hearing

Due to a reduced number of members in 2009–2010 the Tribunal is still working towards its goal of rendering 80 per cent of its Reasons for Decision within four months of the hearing. In 2011–2012, with a full complement of members, the Tribunal intends to further reduce the time it takes to render a decision after a hearing by:

- Leveraging information from the case management system to monitor the time for issuing decisions and perform a gap analysis; adjusting internal procedures for issuing decisions on an ongoing basis to ensure the best use of resources; ensuring knowledge transfer for Tribunal members and legal counsel; ensure all employees are aware and understand the objective in the strategic plan and how they contribute to its achievement.
- Continuing to offer innovative, informal resolution of complaints such as mediations held via the telephone or videoconferencing and settlement conferences, completed in person, via telephone or videoconferencing. A resolution by the parties is usually timely and cost efficient as there is no requirement for Reasons for Decision and results in additional time for members to write their decisions.

2. Efficient and simplified processes

In order to identify and achieve efficiencies, the Tribunal will continue to review its internal processes and update as necessary.

In the coming year, it is expected that the two pilot projects will be integrated in the Tribunal's normal business process. Settlement conferences, which can also be conducted via the telephone or videoconference, offer parties an additional opportunity to resolve a complaint informally.

The Tribunal's experience to date with mediations via the telephone or videoconference has generally been positive. As part of the pilot project, 25 per cent of mediations were completed over the phone or via videoconference with results comparable to those of mediations done in person. Following an analysis of all results, the Tribunal will determine what percentage of mediations will be completed in person or via other means.

By adding settlement conferences to its toolkit and by conducting phone or videoconference mediations, the Tribunal has aligned itself with the Government of Canada's new *Directive on the Management of Expenditures on Travel, Hospitality and Conferences* wherein departments are asked to maximize effectiveness in meeting their organizational mandate while minimizing costs and getting value for money.

Technology and web 2.0 tools will continue to be leveraged to facilitate the Tribunal's operations. Enhancements to the Tribunal's information available on the internet, in compliance with the Common Look and Feel Guidelines 2.0, will be implemented such as a more responsive Hearing Schedule and most frequently used forms fillable on-line.

As well, the Tribunal has completed a needs analysis of its case management system. The Tribunal expects to take part in a multi-departmental pilot project in the coming year. An enhanced case management system would provide management, staff and members with quality data and lead to better decision making and planning.

Based on consultation with its main stakeholders, the Tribunal will continue to be innovative and develop new tools (e.g. a tool-kit for unrepresented complainants) or revise existing ones (e.g. the Procedural Guide) in order provide value added information to our clients regarding the complaint process.

The following management priority has been established by the Tribunal:

1. A workplace where people feel valued and know the importance of their contribution

To achieve this objective, the Tribunal plans to continue to ensure appropriate and timely communications; provide learning opportunities across all sectors; ensure all employees and members have a sound knowledge of the Tribunal's mandate and role within the Government of Canada; and engage employees and members in updating the Tribunal's values statement.

Benefits for Canadians

Through the fair and impartial resolution of complaints filed under the PSEA, Canadians continue to benefit from a public service that is characterized by fair, transparent employment practices, based on merit. Through the use of technology and innovation, the Tribunal further optimises the use of its resources and that of client departments demonstrating sound stewardship on behalf of Canadians.



Section III
Supplementary Information

Financial Highlights

The future-oriented financial highlights presented within this Report on Plans and Priorities are intended to serve as a general overview of the PSST's financial position and operations. These future-oriented financial highlights are prepared on an accrual basis to strengthen accountability and improve transparency and financial management. The complete set of future-oriented financial statements can be found on the PSST's website at: <http://psst-tdfp.gc.ca/article.asp?id=3486>

Future-oriented Condensed Statement of Operations

For the Year (Ended March 31)

(\$ thousands)

	% change	Future-oriented 2011–12	Future-oriented 2010–11
Expenses			
Total Expenses	9.4%	6,315	5,769
Revenues			
Total Revenues		–	–
Net Cost of Operations	9.4%	6,315	5,769

Supplementary Information Tables

All electronic supplementary information tables found in the 2011–12 Report on Plans and Priorities can be found on the Treasury Board of Canada Secretariat's web site at: <http://www.tbs-sct.gc.ca/rpp/2011-2012/info/info-eng.asp>

- Policy on Green Procurement
- Horizontal audits

The Tribunal will be working collaboratively with the Office of the Comptroller General on three horizontal internal audits: Effectiveness and Efficiency of Information Management, Integrated Business and Human Resources Planning and Analysis, and Performance Management.