

Public Service Staffing Tribunal

2013–14

Report on Plans and Priorities

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Minister of Canadian Heritage and Official Languages



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Chairperson’s Message

I am pleased to submit the 2013–14 Report on Plans and Priorities for the Public Service Staffing Tribunal outlining the Tribunal’s focus on excellence in its service delivery.

The Tribunal is committed to maintaining a well-managed and efficient operation to provide opportunities for parties to resolve staffing complaints that are effective and efficient.

In 2013-14 the Tribunal will encourage greater use of technology, such as telephone and video conferences, to reduce the resources required to participate in hearings, settlement and mediation sessions.

The Tribunal will further refine its pilot project for expedited hearings to provide more expeditious adjudication of less complex cases by shortening the time required for hearings and written decisions.

As well, the Tribunal will continue to improve its management of complaint information by investing in a new case management system. This system will allow the Tribunal to leverage new technology to meet both its immediate and future information management needs aimed at making its services more accessible and responsive to parties.

As the Tribunal continues making its contribution to resolving staffing complaints in the federal public service, initiatives like these will help ensure the Tribunal’s complaint resolution processes are both well-managed and efficient in the years to come.



Guy Giguère
Chairperson and Chief Executive Officer



SECTION I:
Organizational Overview

Raison d'être

The Tribunal is an independent, quasi-judicial body established under the *Public Service Employment Act* (PSEA) to address complaints related to internal appointments and lay-offs in the federal public service. The Tribunal conducts hearings, settlement conferences and mediation sessions in order to resolve complaints.

In fulfilling its mandate, the Tribunal fosters fair and transparent staffing practices, contributes to a public service that is based on merit, embodies linguistic duality and human rights, and strives for excellence.

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.

Strategic Outcome and Program Alignment Architecture

To support its ongoing mandate and to continue delivering results for Canadians, the Tribunal has the Program Alignment Architecture structure below.

Strategic Outcome	Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada
Program	Adjudication and mediation of complaints filed under the <i>Public Service Employment Act</i>
	Internal Services

Organizational Priorities

Priority	Type	Strategic Outcome
Efficient, simplified and well-documented processes	Ongoing	Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada.
Description		
<p>Why is this a priority?</p> <ul style="list-style-type: none"> • The optimal utilization of the dispute resolution services by parties ensures that services are relevant, cost-effective and continue to respond to client needs. • Resolving complaints more efficiently for clients provides value for Canadians by reducing the human and financial resources needed for the process. <p>Plans for meeting the priority</p> <ul style="list-style-type: none"> • Develop and implement new case management system • Refine the pilot project for the expedited hearing process • Monitor and adjust new business tools to increase efficiency • Implement website modifications to increase accessibility to complaint process 		

Priority	Type	Strategic Outcome
Timely issuance of reasons for decision	Ongoing	Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada.
Description		
<p>Why is this a priority?</p> <p>The Tribunal decisions must be timely, sound and well-reasoned – overall the Tribunal has set a target of 80% of decisions rendered within four months of a hearing.</p> <p>Plans for meeting the priority</p> <ul style="list-style-type: none"> • Review and improve practices and process for issuing decisions • Refine pilot for expedited hearing process 		

Priority	Type	Strategic Outcome
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 layoffs in the Government of Canada.
Description		
<p>Why is this a priority?</p> <p>Fostering a workplace where people recognize the value of their contribution and are committed to the Tribunal's values creates a positive culture that motivates employees.</p> <p>Plans for meeting the priority</p> <ul style="list-style-type: none"> • Offer staff development opportunities • Optimize internal processes • Develop a succession strategy 		

Risk Analysis

Internal

Case Management System

The Tribunal's new case management system will adapt a central case and information system that will serve the Tribunal's case information needs, providing better access to information and reducing the need for paper reporting.

The Tribunal will develop an implementation strategy, which will include ongoing communication and training for staff, to manage the change process during the transition from the old to the new system.

Human Resources

The Tribunal is faced with challenges in turnover of employees and members, in large part due to retirements and career development.

In order to mitigate this risk, the Tribunal has an integrated human resources and business plan and will continue to recruit and ensure effective integration of new employees and members and to offer learning opportunities to engage and retain employees.



External

Caseload

The unpredictability of the Tribunal's caseload is an ongoing challenge.

As the government continues its reductions and adjustments in the public service workforce the Tribunal may have to manage an increase in the number of lay-off complaints and an increase in complaints relating to appointments.

The Tribunal has a process in place to deal with potential increases in the number and complexity of complaints, especially lay-off complaints.

Key Reports and Decisions

Canada (Attorney General) v. Kane, 2012 SCC 64

On November 23, 2012, the Supreme Court of Canada issued its first judgment regarding a Public Service Staffing Tribunal decision.

The Court affirmed the Tribunal's decision that Service Canada had not abused its authority in deciding to fill the position at issue through an internal advertised process.

In the decision, the Tribunal interpreted the notion of abuse of authority in a manner consistent with other Tribunal decisions, as originally articulated in *Tibbs v. Deputy Minister of National Defence*, 2006 PSST 0008. It is important to note that the Supreme Court did not call into question this interpretation of abuse of authority. In the Federal Court of Appeal decision that was appealed to the Supreme Court, both the majority and dissenting opinions endorsed the Tribunal's interpretation. Furthermore, the Federal Court of Canada has also explicitly approved of the Tribunal's approach regarding abuse of authority, in the case of *Canada (Attorney General) v. Lahlali*, 2012 FC 601.

Planning Summary

Financial Resources (Planned Spending — \$ thousands)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013-14	Planned Spending 2014-15	Planned Spending 2015-16
5,443	5,443	5,456	5,456

Human Resources (Full-Time Equivalents — FTE)

2013-14	2014-15	2015-16
38	38	38

Strategic Outcome	Program	Actual Spending 2010-11	Actual Spending 2011-12	Forecast Spending 2012-13	Planned Spending			Alignment to Government of Canada Outcomes
					2013-14	2014-15	2015-16	
Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada	Adjudication and mediation of complaints filed under the <i>Public Service Employment Act</i>	3,477	3,644	3,951	3,974	3,984	3,984	Government Affairs: well-managed and efficient government operations

Planning Summary Tables

Planning Summary Table for Internal Services (\$ thousands)

Program	Actual Spending 2010-11	Actual Spending 2011-12	Forecast Spending 2012-13	Planned Spending		
				2013-14	2014-15	2015-16
Internal Services	1,270	1,292	1,398	1,469	1,472	1,472

Planning Summary Total (\$ thousands)

Strategic Outcome Program, and Internal Services	Actual Spending 2010-11	Actual Spending 2011-12	Forecast Spending 2012-13	Planned Spending		
				2013-14	2014-15	2015-16
Total	4,747	4,936	5,349	5,443	5,456	5,456



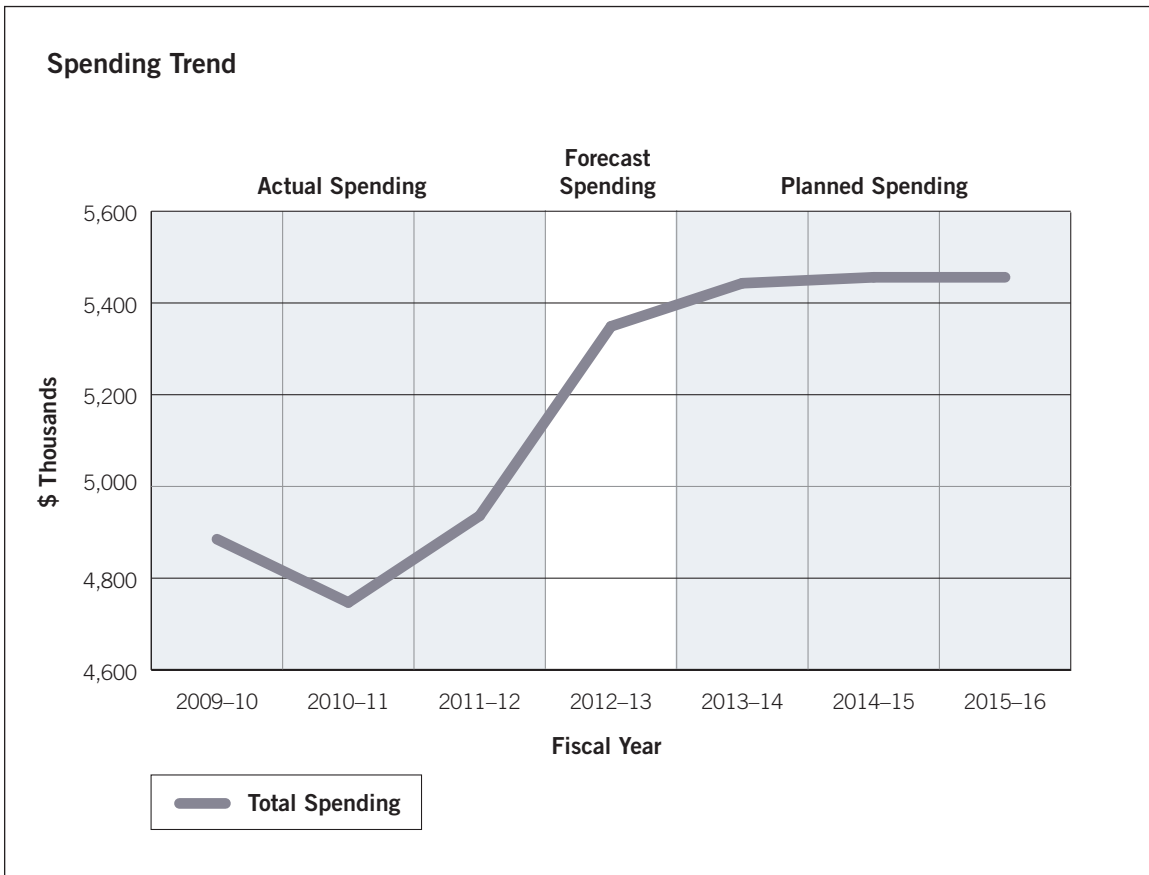
Expenditure Profile

In 2013-14, the Tribunal plans to spend \$5.4 million to achieve the expected results of its program activity and contribute to its strategic outcome.

Departmental Spending Trend

The figure below illustrates the Tribunal’s spending trend from 2009-10 to 2015-16. For the 2009-10 to 2011-12 periods, the spending amounts presented in the chart are actual results as published in the Public Accounts of Canada.

For the 2012-13 period, the total spending reflects the Tribunal’s forecast spending which is based on all Parliamentary appropriation sources including carry forward adjustments. For the 2013-14 to 2015-16 periods, the total spending corresponds to the planned spending.



Estimates by Vote

For information on the Tribunal's organizational appropriations, please see the *2013–14 Main Estimates*¹ publication.

¹ <http://www.tbs-sct.gc.ca/ems-sgd/esp-pbc/me-bpd-eng.asp>



SECTION II:
*Analysis of Programs
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	Target
Percentage of complaints referred to judicial reviews on the grounds that the Tribunal failed to observe a principle of natural justice, procedural fairness or other procedure	3%

Program

Adjudication and mediation of complaints filed under the *Public Service Employment Act*.

Program Description

The Tribunal conducts hearings and provides mediation services in order to resolve complaints.

Financial Resources (\$ thousands)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013-14	Planned Spending 2014-15	Planned Spending 2015-16
3,974	3,974	3,984	3,984

Human Resources (Full-Time Equivalent—FTE)

2013-14	2014-15	2015-16
28	28	28

Program Activity Expected Results	Performance Indicators	Targets
Tribunal's 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

Internal Services

Financial Resources (\$ thousands)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013-14	Planned Spending 2014-15	Planned Spending 2015-16
1,470	1,470	1,472	1,472

Human Resources (FTEs)

2013-14	2014-15	2015-16
10	10	10

Planning Highlights

New Case Management System

The delivery of the Tribunal's services and mandate depends on an effective and efficient case management system.

The Tribunal will move forward to design, configure and implement a new case management system that will take advantage of new technology to improve and enhance how its case information is managed.

The new system is intended to ensure the Tribunal meets its immediate and future case information management needs.

Expedited Hearing Process Pilot Project

The Tribunal will extend the 2012-13 pilot project for the expedited hearing process by refining the process with new methods to encourage parties to take advantage of this option, which aims to significantly reduce, for certain types of cases, the time for hearings and issuing written decisions.

Settlement Conference and Mediation via Telephone and Video Conferencing

Following a successful integration of the use of telephone and videoconferencing for settlement conferences and mediation in 2012-13, the Tribunal will monitor and refine this process to ensure it continues to effectively and efficiently serve to resolve complaints informally and to reduce the number of hearings needed to be held.

Human Resources

The Tribunal will continue to ensure appropriate and timely communications and to offer learning opportunities to help ensure Tribunal staff and members have a sound knowledge of the Tribunal's mandate and how they contribute to its achievement.

Internal Processes

The Tribunal will:

- Leverage information from the case management system to monitor the time for issuing decisions and adjust internal procedures to ensure the optimal use of resources;
- Implement information management strategies and systems aligned with Treasury Board Secretariat directives, standards and tools for Web applications; and
- Develop a succession strategy to include documenting processes and managing corporate records.



SECTION III:
Supplementary Information

Financial Highlights

Future-Oriented Condensed Statement of Operations and Departmental Net Financial Position For the Year (ended March 31) (\$ thousands)

	\$ Change	Forecast 2013-14	Estimated Results 2012-13
Total expenses	356	6,175	5,819
Net cost of operations before government funding and transfers	356	6,175	5,819
Departmental net financial position	191	(101)	(292)

Future-Oriented Condensed Statement of Financial Position For the Year (ended March 31) (\$ thousands)

	\$ Change	Forecast 2013-14	Estimated Results 2012-13
Total net liabilities	14	766	752
Total net financial assets	15	220	205
Departmental net debt	(1)	546	547
Total non-financial assets	190	445	255
Departmental net financial position	191	(101)	(292)

Future-Oriented Financial Statements

The future-oriented financial highlights presented within this Report on Plans and Priorities are intended to serve as a general overview of the Public Service Staffing Tribunal'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 Public Service Staffing Tribunal's website at: www.psst-tdfp.gc.ca.



List of Supplementary Information Tables

All electronic supplementary information tables found in the *2013–14 Report on Plans and Priorities* can be found on the Public Service Staffing Tribunal’s website at: www.psst-tdfp.gc.ca

- Greening of Government Operations

The Tribunal will work collaboratively with the Office of the Comptroller General on horizontal internal audits as required.

Tax Expenditures and Evaluations Report

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance publishes cost estimates and projections for these measures annually in the *Tax Expenditures and Evaluations*² publication. The tax measures presented in the Tax Expenditures and Evaluations publication are the sole responsibility of the Minister of Finance.

² <http://www.fin.gc.ca/purl/taxexp-eng.asp>