



Public Service Staff Relations Board



For the
period ending
March 31, 1997



Improved Reporting to Parliament —
Pilot Document

Canada

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Foreword

On April 24, 1997, the House of Commons passed a motion dividing what was known as the *Part III of the Estimates* document for each department or agency into two documents, a *Report on Plans and Priorities* and a *Departmental Performance Report*. It also required 78 departments and agencies to table these reports on a pilot basis.

This decision grew out of work by Treasury Board Secretariat and 16 pilot departments to fulfil the government's commitments to improve the expenditure management information provided to Parliament and to modernize the preparation of this information. These undertakings, aimed at sharpening the focus on results and increasing the transparency of information provided to Parliament, are part of a broader initiative known as "Getting Government Right".

This *Departmental Performance Report* responds to the government's commitments and reflects the goals set by Parliament to improve accountability for results. It covers the period ending March 31, 1997 and reports performance against the plans presented in the department's *Part III of the Main Estimates* for 1996-97.

Accounting and managing for results will involve sustained work across government. Fulfilling the various requirements of results-based management – specifying expected program outcomes, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and report on achievements – is a building block process. Government programs operate in continually changing environments. With the increase in partnering, third party delivery of services and other alliances, challenges of attribution in reporting results will have to be addressed. The performance reports and their preparation must be monitored to make sure that they remain credible and useful.

This report represents one more step in this continuing process. The government intends to refine and develop both managing for results and the reporting of the results. The refinement will come from the experience acquired over the next few years and as users make their information needs more precisely known. For example, the capacity to report results against costs is limited at this time; but doing this remains a goal.

This report is accessible electronically from the Treasury Board Secretariat Internet site:
<http://www.tbs-sct.gc.ca/tb/key.html>

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Public Service Staff Staff Relations Board

Performance Report

**For the
period ending
March 31, 1997**

The Honourable Stéphane Dion,
President of the Queen's Privy Council
for Canada and Minister of
Intergovernmental Affairs

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SECTION I: CHAIRPERSON'S MESSAGE

This year marked the 30th anniversary of the Public Service Staff Relations Board. The Public Service Staff Relations Act received Royal Assent on February 23, 1967 and became law the following March 13, granting in excess of 200,000 Canadian federal public servants the right to collective bargaining. I would like to take this opportunity to pay tribute to the quality of service that the Board has provided in the performance of its obligations over the past thirty years.

As long as the government engages employees to provide services to the public, it is appropriate and necessary to provide for the administration of its labour relations with those employees. In order for such a system to be effective, the perception of impartiality and neutrality is essential.

As an independent quasi-judicial statutory tribunal responsible for the administration of the systems of collective bargaining and grievance adjudication in the Public Service, the Board contributes an essential support function to all programs of the federal government which are provided in whole or in part by federal public servants.

A staff relations regime should not be founded on or provide a framework for a test of wills and economic strength between labour and management. The Board's objective, therefore, is to administer a system which assumes fairness and equity to government employees and to the Canadian public. It is within this context that the Board strives to provide a flexible and multi-faceted array of tools to assist the parties in the conduct of their labour relations.

The activity of the Board affects the public interest by promoting and supporting a harmonious and regulated relationship between public servants and their employers. The cost of the activity is mitigated by the overall benefit of enabling the government to provide its services with a minimum of disruption.

As a federal operation that deals only with employees of the federal government, the Board's functions cannot be re-aligned with other levels of government or with partnerships in the private sector.

The essential functions performed by the Board are non-discretionary in nature and must be provided at the request of the parties. The Board, nevertheless, recognizes that it is imperative that these functions be provided in the most cost effective manner.

Since 1992, the Board has introduced structural efficiencies by reducing the number of management and supervisory positions as well as matching resources with service levels and workload. Further operational efficiencies have been achieved through consolidation of hearing locations in major centers across Canada; implementation of a policy dealing with the granting of postponements; streamlining of the case management process and piloting an expedited hearing process. Through its action plan initiated in 1995-96 the Board has met all Program

Review targets. All of these initiatives have enabled the Board to maintain its workload at reduced costs without decreasing the level of service to its clients.

The Board will continue to seek ways of ensuring the effective and efficient use of resources while maintaining the integrity of its processes.

Yvon Tarte
Chairperson

SECTION II: BOARD OVERVIEW

Mandate, Roles, and Responsibilities

The mandate of the Public Service Staff Relations Board is to effectively and efficiently administer the systems of collective bargaining and grievance adjudication established under the Public Service Staff Relations Act and the Parliamentary Employment and Staff Relations Act, as well as certain provisions of Part II of the Canada Labour Code concerning occupational safety and health applicable to employees in the Public Service.

The mission of the Board is to promote and support harmonious employer/employee relations in the federal Public and Parliamentary Service.

The Board also administers the Yukon Public Service Staff Relations Act and Part 10 of the Yukon Education Act. As well, the Board provides a mediation and conciliation service to assist the parties in the resolution of their differences. This service enables many matters to be settled without resort to formal proceedings before the Board.

In addition, the Board provides physical premises and administrative support services to the National Joint Council which is an independent consultative body of representatives of employers and employees for the determination of service-wide issues that do not lend themselves to unit by unit bargaining. However, the Board has no direct involvement in the operations of the National Joint Council.

Objective

To provide the framework within which the various rights and responsibilities of participants to collective bargaining in the Public Service are to be exercised.

Strategic Priorities

In support of its mandate, and objective the Board:

- ensures that all processes are impartial and open
- ensures that quality decisions are issued expeditiously
- consults regularly with the parties to facilitate and improve its processes
- assists the parties, where possible, to resolve their own differences
- educates and informs clients and the public on its role, services and jurisprudence
- promotes a work environment that fosters the development of a knowledgeable and co-operative staff
- ensures efficient and effective use of resources

Business Line, Organization Composition, and Resource Plans

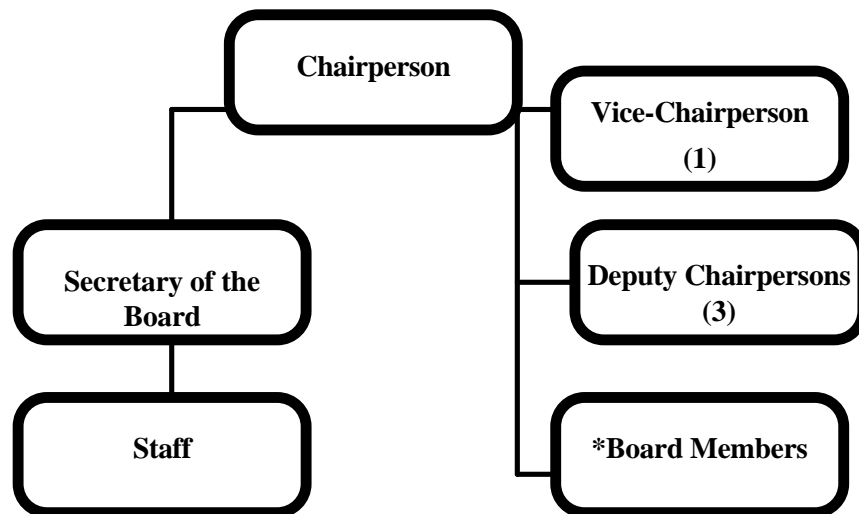
The Board has one business line: public service staff relations. It is realized by the creation of jurisprudence through the decisions of the Board and the implementation of a set of procedures to enable the employers, the bargaining agents and the employees they represent and others to exercise their rights under the Act.

The Public Service Staff Relations Act provides for a Board composed of a Chairperson, a Vice Chairperson, not less than three Deputy Chairpersons and such full-time and part-time members as the Governor in Council considers necessary to discharge the responsibilities of the Board.

The Chairperson is the Chief Executive Officer. The Secretary of the Board reports to the Chairperson and is responsible for the supervision and direction of the work and staff of the Board. The Board is responsible to Parliament through the President of the Queen's Privy Council for Canada. The Board has its offices in Ottawa.

ORGANIZATION CHART

Public Service Staff Relations Board (PSSRB)



*The number of Board members is determined by the Governor in Council.

In all Board operations the volume of work is dependent upon the demand for its services by employers, bargaining agents and individual employees. The requirement for resources is based on forecasts of the Board's workload. Predictions with respect to workload and resources are based on a review of past experience coupled with a knowledge of the economic, political and social environment in which employer/employee relationships are developing.

Ultimately, the everyday concerns of public servants normally expressed through their bargaining agents and the concerns of the Public Service employers in managing the Public Service and implementing the programs approved by the government of the day, become the factors determining the workload of the Board, both in quantity and type of dispute requiring attention. The current economic climate together with the reorganization of government operations and the general reduction in the number of employees has the potential of creating an atmosphere of uncertainty and stress in the work force. Employees in such an environment are more inclined to exercise their rights to protect their interests. This coupled with jurisprudence extending the broad parameters of human rights principles to labour relations matters have resulted in more lengthy and complex proceedings before the Board.

After a freeze of more than 5 years the resumption of collective bargaining in 1997-98 will result in increased activity in this area. The suspension of Arbitration as a means of dispute resolution and the establishment of a new process for the designation of positions deemed necessary in the interest of the safety or security of the public have increased the Board's workload. The increased workload in this area will continue at least until the end of 1998.

Our response to this environment includes:

- continuing to encourage the parties to jointly focus on a dispute before and after it is referred to the Board.
- continuing to encourage the parties to utilise where appropriate a system of expedited adjudication.
- working closely with the parties to facilitate the process of designating positions necessary in the interest of the safety or security of the public.

SECTION III: BOARD PERFORMANCE

A. Performance Expectations

Comparison of Total Planned Spending to Actual Expenditures, 1996-97 by Business Line

(\$ million)

Business Line	FTE	Operating ¹	Capital	Voted Grants and Contributions	Subtotal: Gross Voted Expenditures	Statutory Grants and Contributions	Total Gross Expenditures	Less: Revenue Credited to the Vote	Total Net Expenditures
Public Service Staff Relations	60	5.6	-	-	5.6	-	5.6	-	5.6
Public Service Staff Relations	52	4.7	-	-	4.7	-	4.7	-	4.7
Totals	60	5.6	-	-	5.6	-	5.6	-	5.6
Totals	52	4.7	-	-	4.7	-	4.7	-	4.7
Other Revenues and Expenditures									-
Revenue credited to the Consolidated Revenue Fund									-
Cost of services provided by other departments									1.2
									1.2
Net Cost of the Program									6.8
									5.9

1. Operating includes contributions to employee benefit plans.

Note: Included in the Public Service Staff Relations Business Line is .3 M and 4 FTEs allocated to the National Joint Council Secretariat (NJC). In addition, the administrative support provided to the NJC is estimated at 174 person days.

Shaded numbers denote actual expenditures/revenues in 1996-97.

The 1996-97 expenditures are 16% or \$.9 million lower than the 1996-97 budget. This lapse is primarily due to :

- Vacant Board member positions (5 vacancies out of normal complement of 11)
- Staff turnover
- The freeze on collective bargaining
- Decrease in operating costs

For more details see Financial Summary Tables p. 16

Board Planned versus Actual Spending by Business Line

(\$ million)

Business Line	Actual 1993-94	Actual 1994-95	Actual 1995-96	Total Planned 1996-97	Actual 1996-97
Public Service Staff Relations	6.4	5.6	5.6	5.6	4.7

Summary of Performance Expectations

As an independent quasi-judicial statutory tribunal responsible for the administration of the systems of collective bargaining and grievance adjudication in the Public Service, the Board contributes an essential support function to all programs of the federal government which are provided in whole or in part by federal public servants. By rendering reasoned decisions in a timely manner and providing assistance to the parties, the Board contributes to fostering harmonious labour relations in the work place and minimising the possibility of labour unrest which could result in disruption in the implementation of government programs.

The following table outlines the Board's key performance expectations.

The Public Service Staff Relations Board has a budget of \$ 5,556,000	
to provide Canadians with:	to be demonstrated by:
An environment that fosters harmonious labour relations in the federal public service workplace, thereby minimizing the possibility of labour unrest which could result in the disruption in the implementation of government programs.	<ul style="list-style-type: none"> * timeliness, fairness and openness of Board processes * client satisfaction * guidance to the parties * quality of Board decisions

B. Performance Accomplishments

This report is based on the Planning, Reporting and Accountability Structure (PRAS) being developed by the Board to replace the Operational Plan Framework on which previous Part III documents were structured. Thus the activity structure described in previous Part III's becomes the Board's single business line: public service staff relations.

This section reports on results achieved against the Board's key performance expectations as outlined in the table above as well as performance against plans presented in Part III of the Estimates for 1996-97. It also gives a brief overview of the Board's volume of cases in 1996-97.

Results Achieved against Performance Expectations

The achievement of results is measured by the efficient utilisation of the Board's resources in the administration of the legislation in a manner that earns the respect of those parties and individuals who are involved in its proceedings, and that establishes and maintains the integrity of the Board.

Within this context the following are significant and meaningful performance measures:

<i>Timeliness, Fairness and Openness of Board Processes</i>
--

In accordance with the rules of natural justice the Board has set standards for the expeditious handling of proceedings referred to it from the initial application, complaint or reference to final disposition. Letters of acknowledgement are to be issued to clients within 2 working days from the date of receipt of an application at the Board. Cases are to be scheduled for hearing within 5 months from the date of receipt, with the exception of termination cases which are to be scheduled within 3 months of receipt. Clients are to receive a notice of hearing 30 or more days prior to the hearing date except in emergency cases where notices are issued immediately. Decisions are to be completed by Board members within 2 months after the completion of a hearing and sent to the parties concerned 1 day after being signed by the Board member. Decisions are to be made available to the general public within 2 days of release to the parties.

The following table illustrates compliance with the foregoing standards during 1996-97 (figures have been rounded to the nearest percentage point).

ACTIVITY	PERFORMANCE STANDARD	COMPLIANCE RATE
Letters of Acknowledgement	Clients issued a letter of acknowledgement within 2 working days from date of receipt at the Board.	Of the 923 cases processed by the Board 87% complied with the standard. The remaining cases were group files or incomplete which require more time to process.
Scheduling of cases not involving termination	Cases are to be scheduled within 5 months from date of receipt.	Of 470 cases randomly reviewed, 79% complied with the standard. The rate of compliance has been affected by the lack of Board members.*
Scheduling of termination cases	Cases involving termination of employment are to be scheduled within 3 months from date of receipt.	Of 70 cases involving termination of employment 34% complied with the standard, 37% were scheduled within 4 months, 17% within 5 or more months, and the remaining 12% were held pending at the request of the parties. The rate of compliance has been affected by the lack of Board members.*
Notice of Hearing	Clients are to receive Notice of Hearing 30 or more days prior to the hearing date except in emergency cases where Notices are issued immediately upon receipt.	Of 293 Notices issued 93% were within the standard. The remaining 7 % were issued at least 28 days prior to hearing.
Completion of Decisions	Decisions are to be rendered by Board members within 2 months after the hearing is completed.	Of the 363 decisions issued, 97% complied with the standard.
Issuance of Board Decisions	Board decisions are to be sent to the parties within 1 day after the decision is signed by the Member.	Of the 363 decisions issued by Board Members, 98% complied with the standard.
Issuance of Decisions to the Public	Decisions are to be made available to the general public within 2 days of release to the parties.	84% of decisions issued complied with the standard. Variance with the standard was largely due to efforts to reduce mailing costs.

* In fiscal year 96/97 the Board's complement of Board members was down from 11 to 6.

The Board monitors issues of fairness and openness through any written complaints received from its clients. During fiscal year 1996-97 ten complaints were received. One complaint dealt with Board process, and nine dealt with the timeliness of decisions of one Board member.

Client Satisfaction

While it is unlikely that both parties to an adversarial process will be pleased with its outcome, it is important that the integrity of the process itself be maintained. The Chairperson provides an opportunity for discussion of any issues that may arise with respect to Board processes through meetings and exchanges with representatives of the employers and bargaining agents.

A formal client satisfaction survey is underway and will be reported on in the fall of 1998.

Guidance to the Parties

The Board ensures that its jurisprudence is available to assist individuals, the immediate parties to collective bargaining and the staff relations community at large through the publication and distribution of its decisions. The principle vehicle is a publication issued twice yearly called *PSSRB Decisions* which contains a digest of decisions issued in the previous year. A survey of clients undertaken in 1995-96 confirmed the usefulness of the publication but identified a need to accelerate the production schedule. In 1996-97 both volumes were produced within the established 6 month timeframe.

In addition, the Board makes its decisions available through Quick Law (QL) an electronic database. Decisions of the Board are to be downloaded within 1 week of the date of official release. In 1996-97 78% of decisions were downloaded within the established timeframe. Internal processes have been reviewed and bottlenecks will be eliminated to improve performance against standards.

As well, the Board has set standards for responding to its clients. Information requests are to be responded to by letter within 3 working days and telephone inquiries returned within one working day. A review of information requests to the Board's Operations Services over a six month period during 1996-97 showed an 87% compliance rate. The compliance rate for telephone inquiries to Operations Services was 100 %.

Assistance is given to unrepresented individuals by means of a letter explaining the Board's hearing procedures to be appended to the hearing notice sent two months prior to the hearing date. A review of files of unrepresented individuals over a 6 month period during 1996-97 showed a compliance rate of 100%.

Quality of Board Decisions

A major factor in determining the quality of the decisions rendered by the Board is the degree to which they are accepted by the parties and the extent to which they are set aside on judicial review. The following chart provides a synopsis of the judicial review of Board decisions over the past five fiscal years. The figures for the last two fiscal years are not complete as not all the judicial review applications filed in those years have made their way through the Court system. The synopsis is based on the substantive decisions rendered by the Board under the *Public Service Staff Relations Act* and the *Parliamentary Employment and Staff Relations Act* and does not include decisions on matters that were settled or withdrawn.

SYNOPSIS OF APPLICATIONS FOR JUDICIAL REVIEW OF DECISIONS
RENDERED IN THE FIVE FISCAL YEARS BEGINNING
APRIL 1, 1992, AND ENDING MARCH 31, 1997
(Figures updated as of August 14, 1997)

	Total number of decisions rendered	Number of applications	Applications dismissed	Applications allowed	Applications withdrawn ¹	Applications pending ²	Appeals of Applications pending ³
YEAR 1 (April 1, 1992 to March 31, 1993)	185	17	6	3	8	0	0
YEAR 2 (April 1, 1993 to March 31, 1994)	193	22	11	2	9	0	0
YEAR 3 (April 1, 1994 to March 31, 1995)	162	16	9	3	4	0	0
YEAR 4 (April 1, 1995 to March 31, 1996)	134	19	10	0	2	7	2
YEAR 5 (April 1, 1996 to March 31, 1997)	131	13	2	1	0	10	1
TOTAL	805	87	38	9	23	17	3

¹ Refers to originating applications and does not include appeals withdrawn.

² Applications that have yet to be dealt with by Federal Court. Does not include appeals pending before the Federal Court of Appeal or the Supreme Court of Canada.

³ Results of appeals disposed of have been integrated into statistics in this table.

Performance Against Plans Presented in Part III of the Estimates for 1996-97

As a result of amendments to the Act in 1993, the process for designating employees, who may not strike because their duties are necessary in the interest of the safety or security of the public, was changed in three ways. First, positions rather than individual employees are to be designated. In addition, proposed positions for designation which are in dispute between the employer and bargaining agent are to be referred to a three-person Designation Review Panel, chaired by a neutral third party, which will review the positions in dispute and make non-binding recommendations to the parties. The amendments to the Act also provide for the parties to meet and attempt to settle between themselves those positions to be designated. With the recent resumption of collective bargaining this revised process is being used for the first time. This process will result in a permanent list of designated positions which can be reviewed on a yearly basis.

In 1996-97 the Board consulted extensively with the parties in an effort to facilitate the process. The parties settled the vast majority of disputed designation proposals submitted during the year; often with the assistance of a Board mediator. In the majority of cases the Designation Review Panel was not required to either be established or to meet. By the end of the 1996-97 fiscal year only one dispute had been referred to the Board for determination.

The Board has also worked closely with the parties to make the procedures for notifying incumbents of designated positions as practical and efficient as possible.

Volume of Cases

In total the Board disposed of 1364 cases during the year under review. These cases were filed under the various Acts administered by the Board and include: grievance adjudication, certification, complaints relating to unfair labour practices and collective bargaining matters.

Grievance adjudication under the *Public Service Staff Relations Act* represents the largest single component of the Board's workload. The complexity of the cases has increased for grievances relating to harassment, discrimination, and termination for incompetence and incapacity. In such cases more time is required for hearing days and decision writing.

In 1996-97 the adjudication workload totalled 1747 cases comprising 631 new cases received during the fiscal year and 1116 cases carried over from fiscal year 1995-96. Cases can be carried over for a variety of reasons including cases that were heard and were awaiting decisions at year end, were scheduled for hearing, or were held in abeyance at the request of the parties pending discussions or other decisions from the Board or the Federal and Supreme Courts. The number of adjudication cases disposed of during 1996-97 was 1112, thus leaving 635 cases carried over to 1997-98.

In 1994-95 the Board piloted an alternative system of dispute resolution called expedited adjudication. During 1996-97 this program was expanded to include an additional

bargaining agent. A total of 11 sessions of expedited adjudication hearings, each lasting no more than one day, were held resulting in the disposition of 52 cases.

SECTION IV: SUPPLEMENTARY INFORMATION

A. Listing of Statutory and Departmental Reports

- Public Service Staff Relations Board Annual Report
- Public Service Staff Relations Board Performance Report
- *Parliamentary Employment and Staff Relations Act* Annual Report
- Yukon Public Service Staff Relations Board Annual Report
- Yukon Teachers' Staff Relations Board Annual Report
- *Access to Information Act* Annual Report
- *Privacy Act* Annual Report
- Annual Management Report on Official Languages
- PSSRB Decisions (a summary of decisions of the Public Service Staff Relations Board issued twice yearly)

B. Contacts for Further Information

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C.D. Howe Building
240 Sparks Street
West Tower, 6th Floor
P.O. Box 1526, Station B
Ottawa, Canada
K1P 5V2
Tel: 990-1800

General: Fax: 990-1849
Operations Services: Fax: 990-3927
Mediation Services: Fax: 990-6685

C. Financial Summary Tables

Summary of Voted Appropriations

Authorities for 1996-97 - Part II of the Estimates

Financial Requirements by Authority (millions of dollars - amounts under 50 thousand dollars represented as 0.0)

Vote	(millions of dollars)	1996-97 Total Authorities¹	1996-97 Actual
Public Service Staff Relations Board			
1	Operating Expenditures	5.1	4.2
(S)	Contributions to Employee benefit plans	.5	.5
Total Department		5.6	4.7

1. Main estimates plus supplementary estimates plus other authorities.

Resources Requirements By Standard Object

	1996-97 Estimates	1996-97 Actuals
Personnel		
Salaries and Wages	3.4	2.8
Contributions to employee benefit plans	0.5	0.5
	3.9	3.3
Goods and services		
Transportation and Communication	0.4	0.3
Information	0.1	0.0*
Professional and Special Services	0.7	0.6
Rentals	0.0**	0.0*
Purchased repair and upkeep	0.0**	0.0*
Utilities, material and supplies	0.2	0.2
Minor Capital	0.1	0.2
Other subsidies and payments	0.2	0.0*
	1.7	1.3
Total Operating Expenditures	5.6	4.7

Included in the Public Service Staff Relations Board Business Line is .3M allocated to the National Joint Council Secretariat (NJC) for fiscal year 96/97. In addition, the administrative support provided to the NJC is estimated at 174 person days.

	<u>Estimates**</u>	<u>Actuals*</u>
Information		\$48,240
Rentals	\$37,600	\$29,283
Purchased Repair, Upkeep	\$45,000	\$31,399
Other subsidies and payments		\$ 254

Due to rounding, columns may not add to totals shown.

Legislation Administered by Public Service Staff Relations Board

- Public Service Staff Relations Act, R.S.C. 1985, c. P-35
- Parliamentary Employment and Staff Relations Act, R.S.C. 1985 (2d Supp.), c. 33
- Certain provisions of Part II of the Canada Labour Code, R.S.C. 1985, c. L-2
- Yukon Education Act - Part 10 - Teachers Staff Relations, S.Y. 1989-90, c. 25
- Yukon Public Service Staff Relations Act, R.S.Y. 1986, c. 142