



# **Public Service Staff Relations Board**

## **Performance Report**

For the period ending  
March 31, 1998

Canada

## **Improved Reporting to Parliament Pilot Document**

The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

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## Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis what was known as the annual *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*.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

This year, the Fall Performance Package is comprised of 80 Departmental Performance Reports and the government's "*Managing For Results*" report.

This ***Departmental Performance Report***, covering the period ending March 31, 1998, provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's *Part III of the Main Estimates* or pilot *Report on Plans and Priorities* for 1997-98. The key result commitments for all departments and agencies are also included in *Managing for Results*.

Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government

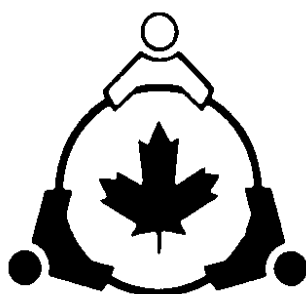
The government continues to refine and develop both managing for and reporting of results. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

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

Comments or questions can be directed to the TBS Internet site or to:

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



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## EXECUTIVE SUMMARY

The Public Service Staff Relations Board is an independent, quasi-judicial statutory tribunal responsible for administering the collective bargaining and grievance adjudication systems in the federal Public Service. The Board also provides mediation and conciliation services to help parties resolve differences without resorting to a formal hearing.

### **BENEFITS TO CANADIANS**

***The Public Service Staff Relations Board benefits Canadians by promoting and supporting a harmonious and regulated relationship between public servants and their employers. The Board's activities contribute to minimizing the possibility of labour unrest which could lead to disruption in the delivery of government programs***

This Performance Report outlines the Board's mandate and mission, reports on the commitments made to Parliament in the 1997 Treasury Board President's Report and the plans outlined in its 1997-98 Part III of the Estimates document.

The Board developed performance measures and the mechanisms for reporting on them. The Board achieved a high rate of compliance with all of the standards set to measure performance. A Client Satisfaction Survey conducted in 1998 found that, generally, clients reported a high level of satisfaction with Board services.

Following consultation with its clients, the Board decided to embark on a grievance mediation pilot project using full-time Board members as mediators. In anticipation of the pilot project, scheduled to take place in the fall of 1998, the Board sponsored a joint training session in the art of dispute resolution.

In an effort to enhance service delivery through the use of technology the Board launched its Website and assessed the feasibility of using video conferencing in the hearing process.

Collective bargaining resumed on a broad scale in 1997-1998. Conciliators were appointed to assist the parties in 39 cases. In addition, the establishment of one conciliation board was requested. A factfinder, appointed pursuant to amendments to the Act of 1993, was named in one case. It is anticipated that several more conciliation boards will be established prior to the end of the 1998 calendar year.





The obligatory use of the conciliation strike process forced the employer and the bargaining agents to devote much time and energy to the designation process for essential services which was amended in 1993. During the course of the year the Board worked closely with the parties to facilitate the process of designating positions the duties of which are necessary in the interest of the safety or security of the public.

## CHART OF KEY RESULTS COMMITMENTS

The Public Service Staff Relations Board		
to provide Canadians with:	to be demonstrated by:	achievement reported in:
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	* timeliness, fairness and openness of Board processes	DPR page 9
	* client satisfaction	DPR page 11
	* guidance to the parties	DPR page 12
	* quality of Board decisions	DPR page 13

## **SECTION I: CHAIRPERSON'S MESSAGE**

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. After thirty years, the applicability and usefulness of collective bargaining in the federal public sector can no longer be in doubt. Such a system, in order to be effective, requires at its very core the existence of an impartial and neutral agency.

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 Public Service Staff Relations Board (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.

Following an operational review of its Mediation and Legal Services completed in the fall of 1997 and discussions with its clients, the Board has decided to embark on a grievance mediation pilot project using full-time Board Members as mediators. In this regard a joint training session in the art of dispute resolution has already taken place. The grievance mediation pilot project itself will commence in earnest in the fall of 1998.



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

In February 1998, using an independent agency, the Board conducted a client satisfaction survey covering such topics as Operations, Mediation, and Library services as well as Adjudication and Board Hearings. The survey results, compiled in March 1998 by Consulting and Audit Canada indicated that, generally, the clients of the Board report high levels of satisfaction with Board Services.

From its beginning in 1967, collective bargaining in the federal public sector was structured to meet the particular needs of its constituents. *The Public Service Staff Relations Act* provides alternative methods of dispute resolution. The interest dispute between the parties may be referred to binding arbitration or to a conciliation board with the eventual right to strike.

The temporary removal in 1996 of the binding arbitration route of dispute resolution, particularly after a 6 year freeze in collective bargaining has created, in some cases, additional tensions between the parties. Furthermore, the obligatory use of the conciliation strike process has forced the employer and the bargaining agents to devote much time and energy to the designation process for essential services.

That the designation process has gone on fairly well in the present round of bargaining without serious intervention by the Board is a reflection of the goodwill and collaboration brought by the parties to this important exercise. The fact remains that the provisions dealing with the designation process are ambiguous, cumbersome and incomplete. Unnecessary problems lie ahead if the designation process is not amended at the earliest possible opportunity.

Yvon Tarte  
Chairperson

## SECTION II: BOARD OVERVIEW

### Mandate and Mission

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 Board also administers the *Yukon Public Service Staff Relations Act* and Part 10 of the *Yukon Education Act*.



**Our Mission:** The Public Service Staff Relations Board is the impartial federal Public Service labour relations organization. We are committed to promoting and supporting harmonious employer-employee relations in the Federal Public and Parliamentary Service.

#### **We Shall:**

- Assist the parties, where possible, to resolve their own differences
- Ensure that all processes are impartial and open
- Make quality Board and adjudication decisions that are issued expeditiously
- Consult with the parties to facilitate and improve the Board's processes
- Educate and inform clients and the public on the Board's role, services and jurisprudence
- Promote a work environment that fosters the development of a knowledgeable and co-operative staff
- Ensure efficient and effective use of our resources

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.

## Operating Environment

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 re-organisation 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 recent jurisprudence extending the broad parameters of human rights principles to labour relations matters continue to result in more lengthy and complex proceedings before the Board.

The decision by the Government to reconfigure certain of its operations has resulted in an increased workload for the Board in the areas of certification, managerial or confidential exclusions and successor rights.

After a freeze of more than 6 years, the resumption of collective bargaining has resulted in increased activity by the Board. Since its inception the Board has been responsible for responding to requests for both conciliation and arbitration as part of the process for resolving collective bargaining disputes. The suspension of arbitration, for a three year period, in 1996, as a means of dispute resolution in the Public Service, but not under the PESRA, will not diminish the workload of the Board. Increased requests for the appointment of conciliators and the establishment of conciliation boards will be the inevitable result.

There had been some collective bargaining activity prior to 1997-1998, despite the freeze, in the cases of the Staff of the Non-Public Funds, which was exempt from the freeze and newly certified bargaining units which were negotiating their first collective agreements. Five arbitration boards had been established whose mandate carried over into 1997-1998. An award was issued in one case. The others were settled by the parties without the intervention of the arbitration board.

Collective bargaining resumed on a broad scale in 1997-1998. Conciliators were appointed to assist the parties in 39 cases. In addition, the establishment

of one conciliation board was requested. A factfinder, appointed pursuant to amendments to the Act of 1993, was named in one case. It is anticipated that several more conciliation boards will be established prior to the end of the 1998 calendar year.

The year also saw the continuation of the process, set up by the 1993 amendments to the Act, of the designation of positions the duties of which are necessary in the interest of the safety or security of the public. Designation review panels were established throughout the year, met with the parties and when unable to assist them in settling disputed positions, issued reports and recommendations to the parties.

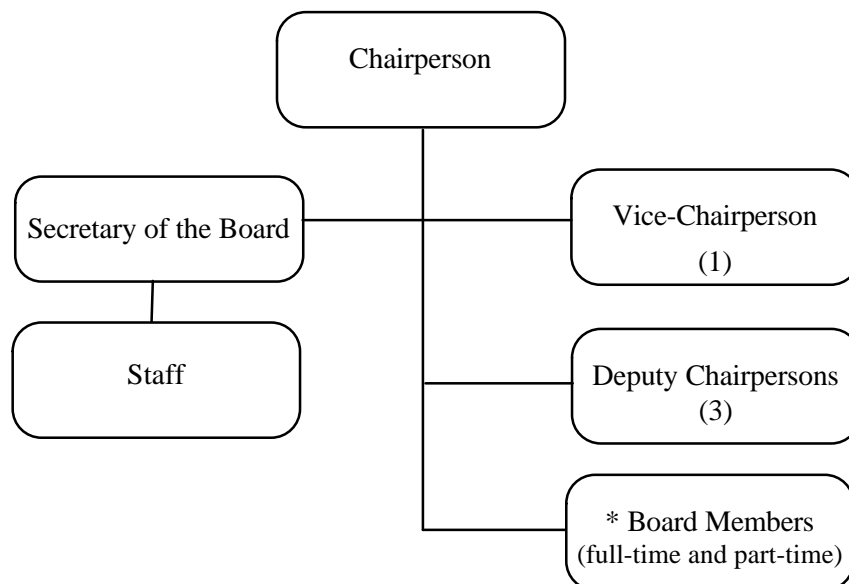
## Departmental Organization

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



### SECTION III: BOARD PERFORMANCE

#### Performance Expectations

##### **Public Service Staff Relations Board**

Planned Spending	5,556,000
<b><i>Total Authorities</i></b>	<b><i>5,558,227</i></b>
<b>1997-98 Actuals</b>	<b>5,125,847</b>

Note: 1) Included in the Public Service Staff Relations Business Line is .5 M and 8 FTEs allocated to the National Joint Council Secretariat (NJC). In addition, the administrative support provided to the NJC is estimated at 174 person days.

2) Numbers in italics denote Total Authorities for 1997-98 (main and supplementary estimates and other authorities). Bolded numbers denote actual expenditures in 1997-98.

The 1997-98 expenditures are 8% or .4 million lower than the 1997-98 budget. This lapse is primarily due to:

- a) Vacant Board member positions (4 vacancies out of normal complement of 11)
- b) Staff turnover

**In its Part III of the Estimates for 1997-98 the Board identified the following performance expectations:**

- ◆ Developing performance measures and the mechanisms for reporting on them as set out in its Planning, Reporting and Accountability Structure (PRAS)

- ◆ Encouraging the parties to jointly focus on a dispute before and after it is referred to the Board
- ◆ Encouraging 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
- ◆ Maximizing the use of technology in establishing electronic communication links with our clients

## Performance Accomplishments

### ◆ Development of Performance Measures

The Board has identified timeliness, fairness and openness of Board processes; client satisfaction; guidance to the parties; and quality of Board decisions as significant and meaningful performance measures and has established the mechanisms by which to track them.

#### ● **Timeliness, Fairness and Openness of Board Processes**

In accordance with the rules of natural justice the Board has set the following 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 1997-98 (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 1264 cases processed by the Board 91% 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 a random sample of more than 25% of cases, 90% complied with the standard.  The rate of compliance has been affected by the parties lack of resources to cope with the scheduling of cases.
Scheduling of termination cases	Cases involving termination of employment are to be scheduled within 3 months from date of receipt.	Of 108 cases involving termination of employment 38% complied with the standard, 40% were scheduled within 5 months, and the remaining 22% scheduled within 7 months or held pending at the request of the parties.  The rate of compliance has been affected by the parties lack of resources to cope with the scheduling of cases.
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 a random sample of more than 25% of cases, 88% of the Notices of Hearing were issued in compliance with the standard. The remaining 12% were issued at least 27 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 361 decisions issued, 97% complied with the standard. Of the remaining 3%, 1% exceeded the standard as a result of lengthy hearings.
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 361 decisions issued by Board Members, 99% 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.	94% of decisions issued complied with the standard. Variance with the standard was largely due to efforts to reduce mailing costs.

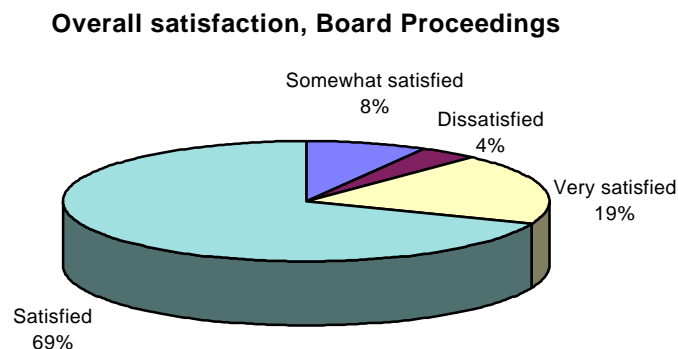
The Board monitors issues of fairness and openness through any written complaints received from its clients. During fiscal year 1997-98 no written complaints were received.

- **Client Satisfaction**

Given the adversarial nature of the hearing process, it is unlikely that both parties in any given case will be pleased with its outcome. Accordingly, 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.

In addition a client satisfaction survey was conducted by Consulting and Audit Canada early in 1998 to provide client feedback with respect to the Board's services. Additionally, the survey will provide baseline data to allow comparative analysis with future reviews.

The survey, in which a substantial number of the Board's clientele participated, revealed a high level of satisfaction with all components of the PSSRB service delivery, including the hearing process (see the chart reproduced below). In view of the fact that virtually all the Board's decisions can be characterized as "win/lose", the results of the survey are very gratifying. However, there were some issues that were identified with respect to individual service areas. These include concerns with time frames and scheduling of hearings; differences in the rigour in the hearing process and the approach and style of the adjudicator; the need for a greater use of mediation services coupled with a need to improve the administration of the services; and the lack of electronic access to Board decisions.



The Board is in the process of analysing the survey results with a view to improving service delivery. Specific initiatives will be reported on in the next performance report.



An operational review of the Board's Legal and Mediation Services was conducted in September of 1997 by Consulting and Audit Canada (see p. 15) and an internal study was prepared on the feasibility of video conferencing (see p. 15). The findings were distributed to the Board's major clients for review and discussion with the Chairperson. As a result of those discussions the Board sponsored a joint training session in the art of dispute resolution. A grievance mediation pilot project using full-time Board members is scheduled to begin 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 principal 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 1997-98 both volumes were produced within the established 6 month time frame.

***PSSRB Website***

***With the launching of the Board's Website in January of 1998, clients can now electronically access the PSSRB Decisions publication as well as the Board's annual reports, major statutes, and a document entitled Status of Negotiations which is updated monthly. The high number of 'hits' recorded on the Website during its first three months of operation has been encouraging***

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 1997-98, 97% of decisions were downloaded within the established time frame. This significant improvement over last year's compliance rate (78%) was due to the elimination of bottlenecks identified by a review of internal processes.

The Board now also provides its decisions to its major clients on diskette as well as in hard copy. This facilitates the dissemination of Board decisions throughout the Public Service.

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 6 month period during 1997-98 showed

91% compliance rate. The compliance rate concerning 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 2 months prior to the hearing date. A review of files of unrepresented individuals over a 6 month period during 1997-98 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 under the *Public Service Staff Relations Act* and the *Parliamentary Employment and Staff Relations Act*. The figures for the last 3 fiscal years are not complete as not all the judicial review applications filed in those years have made their way through the Court system.

#### Synopsis of applications for judicial review of decisions rendered in the five fiscal years beginning April 1, 1993, and ending March 31, 1998

	Decisions rendered on merits <sup>1</sup>	Number of applications	Applications dismissed	Applications allowed	Applications withdrawn <sup>2</sup>	Applications pending <sup>3</sup>	Appeals of applications pending <sup>4</sup>
YEAR 1 (April 1, 1993 to March 31, 1994)	193	22	11	2	9	0	0
YEAR 2 (April 1, 1994 to March 31, 1995)	162	16	9	3	4	0	0
YEAR 3 (April 1, 1995 to March 31, 1996)	134	21	12	0	3	3	3
YEAR 4 (April 1, 1996 to March 31, 1997)	131	12	5	1	2	1	3
YEAR 5 (April 1, 1997 to March 31, 1998)	170	19	1	2	2	12	2
<b>TOTAL</b>	<b>790</b>	<b>90</b>	<b>38</b>	<b>8</b>	<b>20</b>	<b>16</b>	<b>8</b>

<sup>1</sup> Decisions rendered on merits do not include cases settled or withdrawn or dealt with under the expedited adjudication process

<sup>2</sup> Refers to originating applications and does not include appeals withdrawn

<sup>3</sup> 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

<sup>4</sup> Results of appeals disposed of have been integrated into statistics in this table



**◆ Encouraging the parties to jointly focus on a dispute before and after it is referred to the Board**

The Board is taking initiatives in expanding the availability of grievance mediation to the parties to enable them to resolve grievances without recourse to adjudication. In addition to the grievance mediation program of the Board's Mediation Services, the use of Board members in mediating grievances is being actively pursued. The Board also offers a preventive mediation program which assists parties in improving working relationships and consultation mechanisms. The Board's Mediation Services have also been involved in the facilitation of Interest Based Bargaining, a negotiation process more oriented to long-term problem solving than traditional forms of negotiation.

**◆ Encouraging the parties to utilise, where appropriate, a system of expedited adjudication**

In 1994-95 the Board piloted an alternative system of dispute resolution called expedited adjudication. Expedited adjudication enables the parties and the Board to save time and resources by dealing with certain grievances without resorting to the formal hearing process. During 1997-98, the pool of Board members available to hear expedited adjudication cases was broadened to include any Board member with a minimum of 3 years' experience and its availability was expanded to the regions. During the past year a total of 8 sessions of expedited adjudication hearings, each normally lasting no more than one half day, were held resulting in the disposition of 27 cases which otherwise would have required a minimum of 27 hearing days.

**◆ Working closely with the parties to facilitate the process of designating positions necessary in the interest of the safety or security of the public**

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. This revised process first used in 1996-97 continued through 1997-98.

The Board continued to consult with the parties in an effort to facilitate the designation process, in particular the mechanisms for informing incumbents of designated positions. While the parties continued to settle the majority of designation proposals submitted, there were, nevertheless, 24 Designation Review Panels established. The panels were successful in assisting the parties to resolve their dispute in the majority of cases. Only 3 disputes were submitted to the Board for determination.

Because of the brief time delays between steps in the designation process embodied in the legislation, requests for extensions of time were received and granted in the overwhelming majority of designation cases.

**◆ Maximizing the use of technology in establishing electronic communication links with our clients**

In January of 1998 the Board launched its Website. Clients can now electronically access *PSSRB Decisions* which contains a digest of decisions issued in the previous year, the Board's annual reports, major statutes, and a document entitled *Status of Negotiations* which is updated monthly.

In addition the Board now provides its decisions to its major clients on diskette as well as in hard copy. This facilitates the dissemination of Board decisions throughout the Public Service.

The Board conducted a feasibility study on video conferencing as a means of reducing operating costs associated with transportation and accommodation as well as increasing the number of cases that can be heard as a result of less time spent in travel. The conclusion reached was that video conferencing is only cost effective for short hearings in limited circumstances. The study was distributed to the Board's clients who were informed during follow-up discussions with the Chairperson that the Board would be amenable to using the technology in appropriate cases on a trial basis.

## Key Reviews and Audits

- **Operational Review of Legal and Mediation Services**

Consulting and Audit Canada (CAC) was contracted to examine the operation and structure of Legal and Mediation Services in order to determine appropriate service



and structural requirements for the future. CAC mainly reviewed the legal and mediation functions from the perspective of clients and stakeholders. Board members, employers, unions, staff and potential external suppliers were interviewed. CAC found that Legal Services handles a normal workload and that the current reporting relationships are appropriate at this time.

The review found that while clients hold Mediation Services in high regard, there is a perceived need for more mediators to respond to the workload of the Board. With respect to the grievance adjudication process clients were particularly interested in having a formal opportunity to mediate a grievance prior to a Board hearing. Clients also expressed the need for training in dispute resolution. In response to these findings the Board sponsored a joint training session in dispute resolution and in the Fall of 1998 will be embarking on a grievance mediation pilot project using Board members as mediators.

The review also identified a need to revamp the administrative functions of Mediation Services to allow the staff to focus on the process of mediation. As a result the tracking and administrative management of Mediation cases has been assumed by Operations Services and incorporated into the central case management system.

- **Client Satisfaction Survey**

A Client Satisfaction Survey was conducted in early 1998 to provide client feedback with respect to the Board's services. The survey revealed a high level of satisfaction with all components of PSSRB service delivery. It also reinforced the findings of the operational review of Legal and Mediation Services with respect to a need for a greater use of mediation services coupled with a need to improve the administration of mediation services.(see Client Satisfaction p. 11).

- **Internal Audit**

It is the Board's policy to conduct independent and objective internal audits on a regular basis of all major functions, systems and organizational units performing significant responsibilities. To this end the Board has contracted with Consulting and Audit Canada (CAC) to provide internal audit services. CAC prepares an annual audit plan and periodically updates the Board's Long Term (3 year) Audit Plan as required. Audits are carried out in accordance with the Internal Auditing Standards in the Government of Canada as issued by the Treasury Board.

- **Finance Audit**

An audit of Finance was completed in 1997. The findings showed deficiencies in the segregation of duties with respect to the exercise of spending and payment authorities on some transactions; the need for a greater documentation of policies, practices and procedures; and the need for backup with respect to payroll processing. The Board accepted all of the recommendations set out in the audit report and developed an action plan with specific accountabilities and time frames to deal with the issues identified.

## Year 2000 Readiness

In 1997 the Public Service Staff Relations Board developed an action plan to address the Year 2000 (Y2K) Readiness issue.

Under that plan, an inventory was made of all software and hardware components that would require assessment and certification for Y2K compliance. The Staff Relations System (SRS), a case management application, which was developed specifically for the Board is Y2K compliant. All other applications considered mission critical to the Board have been certified compliant by their originators. Most major network components which could cause a Y2K problem have been tested and/or replaced. The Board is on track with respect to certification and testing of the remaining components of its software and hardware inventory. Non-IT items (access control system, telecommunication system, etc.) that are date sensitive have been identified and are either certified compliant or will be prior to the millennium.

While the Board is not responsible for any government wide mission critical systems, it is dependent on three government shared systems (Common Departmental Financial System (CDFS), Human Resource Information System (HRIS) and On-line Pay. Accordingly, the Board must rely on the assurance given by Public Works and Government Services Canada that these shared systems are Y2K compliant.

A Departmental Year 2000 Readiness Survey Update conducted by the Treasury Board in late 1997 indicated that there were no specific concerns with respect to the Public Service Staff Relations Board's Y2K readiness.

## Volume of Cases

The Board processed 1,244 new matters during the year under review, an increase of 35% over the previous year. These cases were filed under the *Public Service Staff Relations Act* (PSSRA) and the *Parliamentary Employment and Staff Relations*





Act (PESRA) and include: grievance adjudication, certification, complaints relating to unfair labour practices and collective bargaining matters.

Grievance adjudication under the PSSRA 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 1997-98 the adjudication workload under the PSSRA totalled 1,359 cases comprising 724 new cases received during the fiscal year and 635 cases carried over from fiscal year 1997-98. 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, other tribunals or courts of law. The number of adjudication cases disposed of during 1997-98 was 551, thus leaving 808 cases carried over to 1998-99.

There had been some collective bargaining activity prior to 1997-1998, despite the freeze, in the cases of the Staff of the Non-Public Funds, which was exempt from the freeze and newly certified bargaining units which were negotiating their first collective agreements. Five arbitration boards had been established whose mandate carried over into 1997-1998. An award was issued in one case. The others were settled by the parties without the intervention of the arbitration board.

Collective bargaining resumed on a broad scale in 1997-1998. Conciliators were appointed to assist the parties in 39 cases. In addition, the establishment of one conciliation board was requested. A factfinder, appointed pursuant to amendments to the Act of 1993, was named in one case.

The Board continued to consult with the parties in an effort to facilitate the designation process, in particular the mechanisms for informing incumbents of designated positions. While the parties continued to settle the majority of designation proposals submitted there were, nevertheless, 24 Designation Review Panels established. The panels were successful in assisting the parties to resolve their dispute in the majority of cases. Only 3 disputes were submitted to the Board for determination.

## SECTION IV: FINANCIAL PERFORMANCE

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 centres across Canada, implementation of a policy dealing with the granting of postponements, streamlining of the case management process and piloting an expedited adjudication process. Through its action plan initiated in 1995-96 the Board has met all Program Review targets. The use of part-time Board members, recently commenced by the Board, is expected to contribute to greater cost effectiveness in the area of adjudication. All of these initiatives have enabled the Board to maintain its workload at reduced costs while maintaining a satisfactory level of service to its clients.

**Financial Table 1**

<b>Authorities for 1997-98</b>				
<b>Financial Requirements by Authority (\$ thousands)</b>				
<b>Vote</b>	<b>Program Name</b>	<b>1997-98 Planned Spending</b>	<b>1997-98 Total Authorities</b>	<b>1997-98 Actual</b>
35	Operating expenditures	4 988.0	4 988.0	4 557.8
(S)	Contributions to employee benefit plans	568.0	568.0	568.0
	<b>Total Agency</b>	<b>5 556.0</b>	<b>5 556.0</b>	<b>5 125.8</b>
Total authorities are main estimates plus supplementary estimates plus other authorities				



## Financial Table 2

### Departmental Planned versus Actual Spending by Business Line (\$ thousands)

Business Line	FTE	Operating	Capital	Voted Grants and Contri- butions	Subtotal: Gross Voted Expendi- tures	Statutory Grants and Contri- butions	Total Gross Expendi- tures	Less: Revenue Credited to the Vote	Total Net Expendi- tures
<b>Public Service Staff Relations</b>									
Public Service Staff Relations - Planned spending	59.0	5 556.0	-	-	5 556.0	-	5 556.0	-	5 556.0
<i>Total Authorities</i>	<i>59.0</i>	<i>5 558.2</i>	-	-	<i>5 558.2</i>	-	<i>5 558.2</i>	-	<i>5 558.2</i>
<b>(Actuals)</b>	<b>50.0</b>	<b>5 125.8</b>	-	-	<b>5 125.8</b>	-	<b>5 125.8</b>	-	<b>5 125.8</b>
Other Revenues and Expenditures									
Cost of services provided by other departments									1 252.0
<i>Total authorities</i>									<i>1 252.0</i>
<b>(Actuals)</b>									<b>1 252.0</b>
Net Cost of Program - Planned Spending									6 808.0
<i>Total authorities</i>									<i>6 810.2</i>
<b>(Actuals)</b>									<b>6 377.8</b>

Notes: Numbers in Italics denote total authorities for 1997-98 (main and supplementary estimates and other authorities)

Bolded numbers denote actual expenditures in 1997-98

### Financial Table 3

#### Historical Comparison of Total Planned Spending to Actual Spending

##### Departmental Planned versus Actual Spending by Business Line (\$ thousands)

<b>Business Line</b>	<b>Actual 1995-96</b>	<b>Actual 1996-97</b>	<b>Planned Spending 1997-98</b>	<b>Total Authorities 1997-98</b>	<b>Actual 1997-98</b>
Public Service Staff Relations	5 549.5	4 681.0	5 556.0	5 558.2	5 125.8
Total Agency	5 549.5	4 681.0	5 556.0	5 558.2	5 125.8
Total Authorities are main estimates plus supplementary estimates plus other authorities					

### Financial Table 6

#### Revenues Credited to the vote by Business Line (\$ thousands)

	<b>Actual 1995-96</b>	<b>Actual 1996-97</b>	<b>Planned Revenues 1997-98</b>	<b>Total Authorities 1997-98</b>	<b>Actual 1997-98</b>
Spending of proceeds from the disposal of surplus Crown assets	<b>0</b>	<b>0</b>	<b>0</b>	<b>2.2</b>	<b>0</b>
Total Revenues Credited to the Vote	<b>0</b>	<b>0</b>	<b>0</b>	<b>2.2</b>	<b>0</b>



## Other Financial Tables

<b>Financial Table Number</b>	<b>Financial Table Title</b>	<b>Remarks</b>
4	Crosswalk between Old Structure and New Structure	Table 4 is not applicable to the Public Service Staff Relations Board
5	Comparison of 1997-98 Planned Spending, and Total Authorities to Actual Expenditures by Organization and Business Line	Table 5 is not applicable to the Public Service Staff Relations Board
7	Revenues Credited to the Consolidated Revenue Fund by Business Line	Table 7 is not applicable to the Public Service Staff Relations Board
8	Statutory Payments by Business Line	Table 8 is not applicable to the Public Service Staff Relations Board
9	Transfer Payments by Business Line	Table 9 is not applicable to the Public Service Staff Relations Board
10	Capital Spending by Business Line	Table 10 is not applicable to the Public Service Staff Relations Board
11	Capital Projects by Business Line	Table 11 is not applicable to the Public Service Staff Relations Board
12	Status of Major Crown Projects	Table 12 is not applicable to the Public Service Staff Relations Board
13	Loans, Investments and Advances by Business Line	Table 13 is not applicable to the Public Service Staff Relations Board
14	Revolving Fund Financial Summaries	Table 14 is not applicable to the Public Service Staff Relations Board
15	Contingent Liabilities	Table 15 is not applicable to the Public Service Staff Relations Board

## **SECTION V: CONSOLIDATED REPORTING**

### **Special Travel Policies**

The PSSRB Travel Policy reflects the Treasury Board Travel Directive in its application to all PSSRB staff, as well as to Board Members who are Governor in Council appointees (GIC's). In the case of its GIC's the Board generally adheres to the GIC Special Travel Authorities Directive (which forms part of the Treasury Board Travel Directive) with restrictions on meals and accommodations. The PSSRB Travel Policy, in its entirety, is available upon request.



## SECTION VI: 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)
- Operational Review of Legal and Mediation Services
- Public Service Staff Relations Board - Client Satisfaction Survey

### B. Contacts for Further Information

Public Service Staff Relations Board  
C.D. Howe Building  
240 Sparks Street  
West Tower, 6th Floor  
P.O. Box 1525, Station B  
Ottawa, Canada  
K1P 5V2

Tel: 990-1800

General:	Fax: 990-1849
Operations Services:	Fax: 990-3927
Mediation Services:	Fax: 990-6685
Website:	<a href="http://www.pssrb-crtfp.gc.ca">www.pssrb-crtfp.gc.ca</a>

E-mail Address:

X-400: /c=ca/a=govmt.canada/p=gc+pssrb.crtfp/s=courrier/g=mail

Internet: [mail.courrier@pssrb-crtfp.x400.gc.ca](mailto:mail.courrier@pssrb-crtfp.x400.gc.ca)

## C. 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





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