



Public Service  
Staffing Tribunal

Tribunal de la dotation  
de la fonction publique



# Public Service Staffing Tribunal Annual Report

*Our First Year in Review*



# 05/06

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**Public Service  
Staffing Tribunal**

**Tribunal de la dotation  
de la fonction publique**

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The Honourable Beverly J. Oda  
Minister of Canadian Heritage and Status of Women  
Gatineau, Quebec  
K1A 0M5

Dear Minister Oda:

In accordance with section 110 of the *Public Service Employment Act*, I am pleased to submit the first annual report of the Public Service Staffing Tribunal for the period April 1, 2005 to March 31, 2006, for tabling in Parliament.

Yours respectfully,

Guy Giguère  
Chairperson and Chief Executive Officer



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## Message from the Chairperson

I have the honour and privilege of submitting the first annual report of the Public Service Staffing Tribunal to Parliament. The Tribunal was established as part of the *Public Service Modernization Act* (PSMA) to hear and consider complaints related to internal appointments and lay-offs in the federal public service.

Upon my appointment as Chairperson and Chief Executive Officer of the Tribunal on March 29, 2005, I was entrusted with setting up the new Tribunal and ensuring that it was ready to deal with complaints lodged under the new *Public Service Employment Act* (PSEA) once the Act came into force on December 31, 2005.

The first few months of any new organization present many challenges, and the Tribunal was no exception. Thanks to the contributions of a professional and dedicated transition team, I am proud to say that the Tribunal has realized many important accomplishments over the past year.

Some of our first tasks were very practical ones and consisted of: staffing positions key to the Tribunal's establishment, including that of the Vice-Chairperson; securing funding for our operations; leasing office space; purchasing equipment and furniture; and developing a Web site.

Our first major undertaking was an extensive consultation process with our stakeholders in order to develop regulations regarding the procedures for the hearing of complaints by the Tribunal. The process proved to be invaluable inasmuch as the final version of the regulations reflects the feedback received. After a final review by the Department of Justice, the *Public Service Staffing Tribunal Regulations* were registered on December 23, 2005 and published in the *Canada Gazette* on January 11, 2006.

With both the coming-into-force of the new PSEA, including new arrangements for staffing recourse, and the publication of the Tribunal's *Regulations*, it was crucial to ensure that all of our stakeholders were well informed about the Tribunal's mandate and procedures. For this reason, an outreach program consisting of information sessions, discussion groups and in-depth training has been developed and will continue to be delivered across the country.



The new PSEA underscores the importance of effective communication to resolve conflict in the public service and authorizes the Tribunal to offer mediation services at any stage of a complaint proceeding. In order to familiarize our stakeholders with our approach to mediation and thus increase the effectiveness of our services, a training program explaining the Tribunal's mediation process and the role of employer and employee representatives was developed. Mediation training is to commence in April 2006 and will be offered on an ongoing basis in regions across the country.

In the coming months, the effectiveness of the Tribunal's *Regulations* and processes will be monitored through regular consultation with stakeholders. We will use technology as much as possible to maintain a high level of responsiveness, ensure efficiency and provide information to our clients. A modern and efficient case management system will track the progress of each case and ensure that there are no unnecessary delays.

One of the primary objectives of the Tribunal is to help managers and employees to resolve their differences in a way that promotes constructive dialogue throughout the complaint process and fosters improved labour-management relations over the long term.

Accordingly, we will offer many opportunities for parties to resolve complaints without having to proceed to a formal hearing. In addition to our mediation program, the Tribunal may hold pre-hearing conferences to clarify or narrow the issues and thereby accelerate the process. Settlement conferences may also provide the parties with an opportunity to reach an agreement through discussion.

If and when a complaint does proceed to a hearing, the Tribunal will ensure that all parties are treated equitably, its proceedings are fair and transparent, and its decisions, sound and well reasoned.

The PSMA has provided the framework for continuous learning, fair and transparent employment practices and effective and collaborative labour relations in the federal public service. Now, it is up to all public servants to make the Act work for them and for all Canadians.

Guy Giguère  
Chairperson



## Acknowledgements

Setting up a new organization presents numerous challenges and cannot be done without the support and assistance of many individuals and organizations. The Tribunal wishes to recognize the contributions of all those who helped us meet the challenges and ensure that we were ready in time for the coming-into-force of the new PSEA on December 31, 2005.

We would especially like to thank the following for their contribution in helping us find and build a home: Monique Boudrias, Executive Vice President, Human Resources Management Agency of Canada; Carole Swann, Associate Deputy Minister, Industry Canada; Michael Nelson (formerly Assistant Deputy Minister Comptrollership and Administration, Industry Canada) now Registrar of Lobbyists; and Howard Dudley, Director, Facilities Management, Industry Canada; Guylaine Tessier, Property and Facility Manager; Carole Tait, Client Accommodation Services Advisor; and Robert Lahaie, Property and Facility Officer, all of Public Works and Government Services Canada; Martin Audet and Kristin Cook of Profac Building Management; and Richard James of Richard James Interiors.

We would also like to thank Sharon Smith, Principal Analyst, and Maria Booth, Senior Analyst, Treasury Board Secretariat, for their expertise and support in establishing and getting our budget approved; Denise Benoit and the entire Corporate Services team of the Public Service Labour Relations Board for their advice on administrative matters; and, finally, Bruce Gale, Director General, Applications Services Branch, Industry Canada, for providing us with access to their departmental Web site development services through Linda Solari, Louise Geyer and Peter Smith.



## About the Tribunal



### History

Over the years, a number of reports on human resources management in the federal public service, such as the Royal Commission on Financial Management and Accountability in 1979 and the Report of the Auditor General in 2000, have called for public service reform and ultimately led to the introduction of Bill C-25, an *Act to modernize employment and labour relations in the public service*, by the Government of Canada.

The PSMA was the product of the Task Force on Modernizing Human Resources Management in the Public Service created by the Prime Minister in April 2001 to develop a modern legislative and institutional framework that would enable the public service to attract, develop and retain the talent needed to serve Canadians in the coming century.

One of the many recommendations made by the Task Force was the establishment of a new, independent tribunal to deal with complaints related to staffing actions in the public service. In recommending the creation of a new tribunal, the Task Force sought to highlight the neutrality of a new recourse system. By definition, a tribunal is a quasi-judicial body that hears cases and makes decisions to give effect to government policies at arm's length from the government and on an independent basis. A tribunal's independence is key to its effectiveness.

A second goal of the Task Force was to ensure that an employee's concerns were the focus of the recourse process. A 1997 Public Service Commission report entitled "Recourse Causes and Impacts" concluded that persons who lodge appeals are mainly motivated by perceived injustices such as bias, discrimination, abuse of authority or unjust treatment<sup>1</sup>. For this reason, the Task Force proposed two possible grounds for a staffing complaint:

- an alleged abuse of authority that resulted in the complainant not being selected for appointment, and
- an alleged denial of the right to be assessed in the official language of a person's choice.

<sup>1</sup> Public Service Commission, September 1997

It was also proposed that the tribunal be empowered to consider issues of discrimination as defined by the *Canadian Human Rights Act* (CHRA) if raised in the context of a staffing complaint.

Between June and September 2001, the Task Force consulted public service managers (including deputy heads and heads of agencies), employees at all levels and from all occupations and regions, Federal-Regional Councils, functional communities, bargaining agents and joint labour-management groups. The resulting framework to modernize human resources management in the public service was approved by Cabinet in late 2002. Bill C-25 was introduced in Parliament on February 6, 2003 and received Royal Assent on November 7, 2003.

The PSMA enacted a new *Public Service Labour Relations Act* and a new *Public Service Employment Act* and made significant changes to the *Financial Administration Act* and the *Canadian Centre for Management Development Act*, which was renamed the *Canada School of Public Service Act*.

The new PSEA came into force on December 31, 2005 and includes a new definition of merit, provides increased flexibility and creates new arrangements for the resolution of complaints related to appointments and lay-offs, one of which is the Public Service Staffing Tribunal.

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*The Tribunal aspires to contribute to a competent, non-partisan and representative public service through the impartial and timely disposition of disputes related to the internal staffing and lay-off processes in the government of Canada.*

### **Mandate**

The mandate of the Tribunal, as set out in the PSEA, is to consider and dispose of complaints related to internal appointments, lay-offs, the implementation of corrective measures ordered by the Tribunal and revocations of appointments. In considering whether a complaint against an appointment or lay-off is founded or not, the Tribunal may interpret and apply the CHRA. The Tribunal provides dispute resolution services and conducts hearings in order to resolve complaints.

### **Mission**

The Tribunal aspires to contribute to a competent, non-partisan and representative public service through the impartial and timely disposition of disputes related to the internal staffing and lay-off processes in the government of Canada.

### **Values**

The Tribunal is committed to:

- maintaining its impartiality, transparency and independence;
- providing professional, respectful and timely service to its clients and stakeholders;
- helping parties to resolve their disputes as informally and as expeditiously as possible;
- ensuring that the decisions it renders are fair, consistent and well reasoned;
- consulting our clients and stakeholders and keeping them informed of the Tribunal's services and jurisprudence; and
- promoting a healthy work environment that is both productive and effective.

## Milestones

April 3, 2001	The Government of Canada announces the creation of the Task Force on Modernizing Human Resources Management.
February 6, 2003	The Government of Canada introduces legislation to modernize employment and labour relations in the public service.
November 7, 2003	The <i>Public Service Modernization Act</i> receives Royal Assent.
March 29, 2005	Chairperson and Chief Executive Officer, Guy Giguère, is appointed by Order in Council.
May 2005	The Tribunal secures office space at 240 Sparks Street in Ottawa.
May 17, 2005	The Tribunal receives financial signing authority.
June 10, 2005	The Tribunal and the Public Service Labour Relations Board sign a shared services agreement.
August 19, 2005	The Tribunal moves into its Sparks Street offices.
August 29, 2005	Vice-Chairperson, Sonia Gaal, is appointed by Order in Council.
November 28, 2005	Francine Cabana, Merri Beattie and Helen Barkley are appointed permanent full-time members of the Tribunal by Order in Council.  Ken Gibson, Robert J. Giroux, Daniel Ish and Gordon Roston are appointed temporary members of the Tribunal by Order in Council.
December 23, 2005	The <i>Public Service Staffing Tribunal Regulations</i> are registered.
December 31, 2005	The new <i>Public Service Employment Act</i> comes into force.
January 11, 2006	The <i>Public Service Staffing Tribunal Regulations</i> are published in the <i>Canada Gazette</i> .
February 10, 2006	First complaint to the Tribunal is lodged.

**Members and Staff of the Tribunal**

Guy Giguère Chairperson and Chief Executive Officer	Josée Dubois Executive Director and General Counsel
Sonia Gaal Vice-Chairperson	Geoff Miller Special Advisor
Helen Barkley Permanent full-time member	Serge Roy Director, Dispute Resolution
Merri Beattie Permanent full-time member	Elizabeth Holden Director, Planning and Communications
Francine Cabana Permanent full-time member	Josée Potvin Registrar
Ken Gibson Temporary member	Carmel Doherty Registry Officer
Robert J. Giroux Temporary member	Mark McDonald Senior Legal Counsel
Daniel Ish Temporary member	Rachel Dugas Legal Counsel
Gordon Roston Temporary member	Silvia Kunz Executive Assistant and Head, Administrative Services
	Yves Duquette* System Architect
	Suzy-Anne Legault* Information Technology Specialist

\*Shared position with PSLRB

## The First Year

### Getting Started

Before the Tribunal could begin to carry out its mandate, an appropriate administrative structure had to be put in place. This involved, among other things, setting up the Tribunal's offices and finalizing a strategic plan, which set out all functions, assigned responsibilities and defined the management framework.

As the new PSEA was scheduled to come into force on December 31, 2005, the Tribunal had to be operational as of that date. The conclusion of a shared services agreement with the Public Service Labour Relations Board (PSLRB) helped considerably to ensure that financial and other services were immediately available.

In May 2005, the Tribunal secured office space conveniently located in the same building that houses the PSLRB and all other federal labour tribunals, i.e. the Canada Industrial Relations Board and the Canadian Artists and Producers Professional Relations Tribunal. This location enables the Tribunal to have access to hearing, mediation and meeting rooms at no cost.

As previously mentioned, the Tribunal and the PSLRB reached an agreement in June 2005 whereby the PSLRB provides corporate services to the Tribunal in the following areas: information technology, finance, compensation, human resources information system and library resources. This arrangement serves not only to share common administrative services, but also to reduce costs to both organizations.

The strategic plan included an organizational structure designed to be both efficient and effective. The Chairperson was appointed on March 29, 2005 and was joined soon afterwards by the Vice-Chairperson, Executive Director and General Counsel, Executive Assistant, Special Advisor and Director, Planning and Communications. In late 2005 and early 2006, the following positions were filled: Senior Legal Counsel; Legal Counsel; Director, Dispute Resolution; Registrar; Registry Officer; and Administrative Assistant.

Three permanent full-time members and four temporary members were appointed in late 2005 to coincide with the coming-into-force of the new PSEA.



### **Public Service Staffing Tribunal Regulations**

In May and June 2005, the Tribunal consulted a focus group composed of representatives from the Public Service Commission, the Public Service Human Resources Management Agency of Canada, the Treasury Board Secretariat, departments, agencies and bargaining agents with respect to a working draft of its regulations. Following consultation with the group, a revised draft was sent to all stakeholders on June 30, 2005, an information session on the draft was held on August 10, 2005 and comments were received from over 30 departments and agencies until September 15, 2005. The comments were reviewed and analyzed; further amendments to the draft were made to address the concerns identified by the stakeholders.

*The Tribunal and the PSLRB reached an agreement in June 2005 whereby the PSLRB provides corporate services to the Tribunal in the following areas: information technology, finance, compensation, human resources information system and library resources. This arrangement serves not only to share common administrative services, but also to reduce costs to both organizations.*

The regulations were drafted in keeping with the direction contained in the PSEA that the Tribunal proceed as informally and expeditiously as possible. Published on December 23, 2005, the *Public Service Staffing Tribunal Regulations* provide complainants, departments, agencies and other persons who participate in the Tribunal's proceedings with predictable and enforceable rules of practice and procedure in relation to the following: the manner in which and the time within which complaints may be made; the procedure for the hearing of complaints by the Tribunal; the time within which, and the persons to whom, notices and other documents must be given in relation to complaints and when the notices are deemed to have been sent, given or received; the manner of giving notice of an issue to the Canadian Human Rights Commission; and the disclosure of information obtained in the course of an appointment process or complaint proceeding. Appendix 3 sets out the steps and time limits within the complaint process.

### **Communications**

The Tribunal engaged in a number of activities designed to familiarize its stakeholders with the mandate and organization of the Tribunal:

- A temporary Web site hosted by Industry Canada was launched in July 2005. Work on the design of the Tribunal's own Web site began in early 2006.
- A two-hour presentation on the Tribunal and the complaint process was prepared and delivered across the country to over 1,200 HR advisors, staffing officers and bargaining agent representatives during the Public Service Commission's "Get Ready" sessions in October and November 2005.
- Over 50 presentations on the Tribunal and the complaint process were delivered to different stakeholder groups.



- A comprehensive procedural guide explaining the Tribunal's complaint process in detail was published in February 2006 and is accessible to all through the Tribunal's Web site.
- A brochure outlining the mandate and types of complaint to be heard by the Tribunal was published in February 2006 for distribution at conferences, training sessions, etc.

### **Training**

A training plan designed to prepare members to conduct mediation, hear complaints and render decisions was developed and implemented.

### **Case Management System**

The Tribunal has adopted a case management approach designed to encourage settlement of complaints at the earliest possible stage. To this end, the Tribunal has developed a case management model which will be tested over the coming year and modified as necessary.

The current model offers a number of possible steps in the process in order to assist the parties to resolve the issues at stake. These range from informal to formal and include: the facilitation of the exchange of information between the parties, mediation, settlement conferences and pre-hearing conferences. Appendix 4 depicts the range of possibilities within the complaint process.

One of the keys to success of a case management system lies in the development and implementation of an effective set of tools. In its first few months of operation, the Tribunal instituted WebCims, an electronic case-tracking system to capture complaint-related data, ensure the proper flow of information and monitor and report on the progress of cases throughout the complaint process. By the end of the fiscal year, all of the information relating to complaints received by the Tribunal had been stored in electronic format and was being monitored through an electronic assignment system.

The Tribunal continues to monitor the effectiveness of both the tools and the case management system as a whole. Further analysis will be necessary to determine the long-term requirements of the Tribunal and to develop and implement a customized case management system that will fully satisfy the needs of the Tribunal in the fulfillment of its mandate.

*One of the keys to success of a case management system lies in the development and implementation of an effective set of tools.*

### **Mediation Services**

Section 97 of the PSEA states that the Tribunal may provide mediation services at any stage of a proceeding in order to resolve a complaint. In keeping with the spirit and intent of both the PSEA and the PSMA, the Tribunal has elected to conduct mediation with respect to all complaints that come before it unless one of the parties declines mediation. In order to provide stakeholders with an understanding of the Tribunal's approach to mediation, a training program was developed and is scheduled for delivery starting in April 2006 in the National Capital Region, and in the regions throughout the rest of the year. In addition, supporting documents, including an agreement to mediate, were developed and will be made available on-line with the launch of the Tribunal's revamped Web site.

## Complaints to the Tribunal

In the first three months of its operations – that is, from January 1 to March 31, 2006 – the Tribunal received a total of 15 complaints. It is expected, however, that the volume of complaints will increase as more and more positions are staffed under the new legislation. The following table provides a summary of the complaints received during this period.



Total number of complaints received	15
Active files as of March 31, 2006	12
Complaints withdrawn as of March 31, 2006	3

### Complaint Types

Internal appointment (s. 77) – advertised process	2
Internal appointment (s. 77) – non-advertised process	13
Revocation of appointment (s. 74)	0
Failure of corrective action (s. 83)	0
Lay-off (s. 65)	0

## Spending



	<u>2005 – 2006</u>
Operating expenditures	\$ 821,384
Salaries, wages and other personnel costs	\$ 1,004,747
Total spending	<u>\$ 1,826,131</u>
Unspent*	\$ 1,949,869
Total allocation	\$ 3,776,000

\*Returned to the Consolidated Revenue Fund of the government

## Appendix 1 – Members’ Biographies

### **Guy Giguère**

#### **Chairperson and Chief Executive Officer**

A seasoned adjudicator and mediator with over 23 years of experience in the federal public service of Canada, Guy Giguère was appointed Chairperson of the Public Service Staffing Tribunal in March 2005. Mr. Giguère was first a member of the Public Service Staff Relations Board from 1998 to 2000 and became Deputy Chairperson of the Board in 2001. Mr. Giguère began his public service career in 1983 with Employment and Immigration Canada where he provided training and advice on human rights and access to information legislation. He later worked with the Office of the Privacy Commissioner, the Department of Justice and the Privy Council Office. Born in St Jérôme, Quebec, Mr. Giguère obtained a civil law degree (LL.L) from the Université de Montréal and has been a member of the Quebec Bar since 1978. Mr. Giguère is a frequent speaker on mediation and arbitration in the federal public service and gives workshops on arbitration to new members of federal administrative tribunals. He is also a regular guest lecturer at the Faculty of Law, University of Ottawa and at the Université du Québec en Outaouais.



### **Sonia Gaal**

#### **Vice-Chairperson**

Sonia Gaal was appointed Vice-Chairperson of the Public Service Staffing Tribunal in August 2005. Ms. Gaal received her civil law degree (LL.L) from the Université de Montréal and completed post-graduate studies in labour law at the University of Alberta. From 1985 to 1988, Ms. Gaal was a labour relations officer and member of the negotiating team for the City of Edmonton. She later served as a labour relations advisor with the Government of Alberta and as a government representative with the Government of Alberta during arbitration hearings and negotiations. In 1998, Ms. Gaal was appointed to the Alberta Labour Relations Board and, a year later, to the Canada Industrial Relations Board in Ottawa as a full-time member. Ms. Gaal remains an active member of the Law Society of Alberta and the Quebec Bar and holds an MA in Business Administration from Athabasca University in Alberta.





**Helen Barkley**

**Permanent full-time member**

A graduate of Queen's University (BA, Sociology), Helen Barkley commenced her public service career with the National Parole Service. In 1980, she left the public service to attend law school (LL.B., University of Ottawa, 1983), and has been a member of the Ontario Bar since 1985. On her return to the public service in 1985, she worked in several departments doing legislative review. In 1990, Ms. Barkley was appointed as an Appeal Board Chairperson with the Public Service Commission, where she conducted appeal hearings, investigations and boards of inquiry. Since 1998, she has held senior positions in recourse and policy. As part of the modernization process, she participated in the Public Service Commission Advisory Committee working group on co-development and the Deputy Ministers' working group on staffing recourse. Ms. Barkley was appointed as a member of the Public Service Staffing Tribunal in November 2005.



**Merri Beattie**

**Permanent full-time member**

Merri Beattie is an experienced human resources professional with particular expertise in labour relations and staffing. Ms. Beattie began her public service career with Supply and Services Canada and has held positions in management since 1999. Ms. Beattie served on the Privy Council's Task Force on Modernizing Human Resources Management created in April 2001 to draft a new institutional and legislative framework for human resources management in the public service. Following the adoption of the *Public Service Modernization Act*, Ms. Beattie participated in the planning of PSMA implementation across government departments and agencies. In January 2004, Ms. Beattie was named Director of Human Resources Modernization with Public Works and Government Services Canada. In this capacity, she led the design and implementation of the department's human resources policy frameworks and systems, including its response to the new Act. Ms. Beattie was appointed as a member of the Public Service Staffing Tribunal in November 2005.

**Francine Cabana**

**Permanent full-time member**

Francine Cabana was appointed as a member of the Public Service Staffing Tribunal in November 2005. Ms. Cabana began her career with the Department of Communications in human resources and later became a compensation and benefits specialist with the Canadian International Development Agency. In 1984, she became a union representative with the National Component of the Public Service Alliance of Canada (PSAC) where she argued employee grievances and complaints before various administrative tribunals and developed an expertise in alternative dispute resolution. From 1997 until her appointment to the Tribunal, Ms. Cabana was a PSAC Grievance and Adjudication Officer, representing members before provincial and federal labour relations boards, both during formal hearings and mediation sessions.



**Ken Gibson**

**Temporary member**

Ken Gibson was appointed as a temporary member of the Public Service Staffing Tribunal in November 2005. Mr. Gibson began his career as a researcher with the Science Council of Canada and later worked at the Professional Institute of the Public Service of Canada as both chief research officer and negotiator. From 1985 to 2000, he held a number of senior human resources management positions at the National Research Council, including Director of Employee Relations. Mr. Gibson has spent the last five years working as a human resources consultant with expertise in HR strategy, policy and program development, project management, labour relations and change management. Mr. Gibson holds an Honours BA in Commerce with specialization in economics and industrial relations.





**Robert J. Giroux**  
**Temporary member**

Robert J. Giroux was appointed as a temporary member of the Public Staffing Tribunal in November 2005. Before retiring as President of the Association of Universities and Colleges of Canada in March 2004, Mr. Giroux held the positions of Secretary of the Treasury Board and Comptroller General of Canada, President of the Public Service Commission of Canada, Deputy Minister of Public Works Canada, and Deputy Minister of National Revenue, Customs and Excise. He is a member of the Order of Canada and has received honorary doctorates from several Canadian universities. Mr. Giroux currently serves on the Board of Directors of the Canadian Education Centre Network, Katimavik, and chairs the Board of Directors of the Canadian Council on Learning. He is also a member of the Canada Foundation on Innovation and the Canada Millennium Scholarship Foundation and a Senior Fellow with the faculty of Social Sciences at the University of Ottawa. Mr. Giroux has a BA in Commerce and an MA in Science from the University of Ottawa.



**Daniel Ish**  
**Temporary member**

Daniel Ish was appointed as a temporary member of the Public Service Staffing Tribunal in November 2005. A graduate of the College of Law, University of Saskatchewan and Osgoode Hall Law School and established arbitrator and mediator, Mr. Ish has handled more than 300 cases related to labour, commercial and contractual matters since 1979, including numerous Indian Residential School (IRS) claims. Mr. Ish began his career as assistant Professor of Law at McGill University and is currently Professor of Law at the University of Saskatchewan and a senior adjudicator in Canada's IRS Dispute Resolution program. He has also served as a consultant to private and public organizations in the United States, the Caribbean, Taiwan, Nepal, Indonesia, the Philippines, China and Sri Lanka and published more than 60 articles, books and reports.



**Gordon Roston**

**Temporary member**

Gordon Roston was appointed as a temporary member of the Public Service Staffing Tribunal in November 2005. From 1980 to 1995, Mr. Roston served the federal public service in many capacities, including Director General, International Marketing, Tourism Canada; Minister-Counsellor, Canadian Embassy, The Hague, Netherlands; Senior Staff Advisor to the Service to the Public Task Force, Public Service 2000 and Senior Advisor, Innovative and Quality Services, Treasury Board Secretariat. Since his early retirement from the public service, Mr. Roston has pursued a particular interest in alternate dispute resolution and is a graduate and Fellow of the Canadian Institute for Conflict Resolution. As a mediator in the Ontario Civil Court Mandatory Mediation Program, he has acted in a wide variety of disputes ranging from breach of contract to harassment and has taught mediation and negotiation principles and practice. Mr. Roston has served as chairman, board member or advisor on a number of community and cultural organizations.



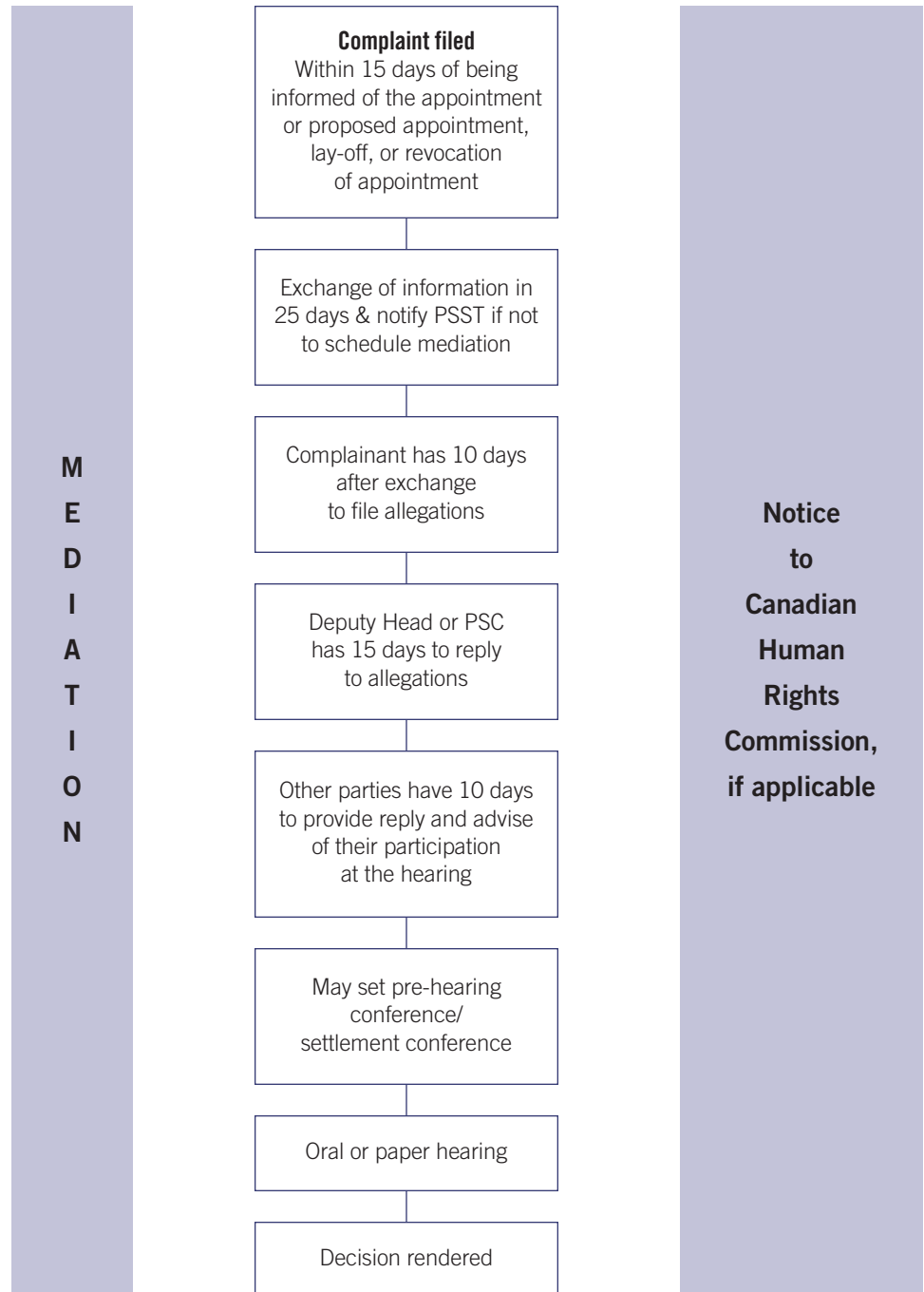
## Appendix 2 – Statutory Responsibilities

The *Public Service Employment Act* requires or permits the Tribunal to undertake the following activities:

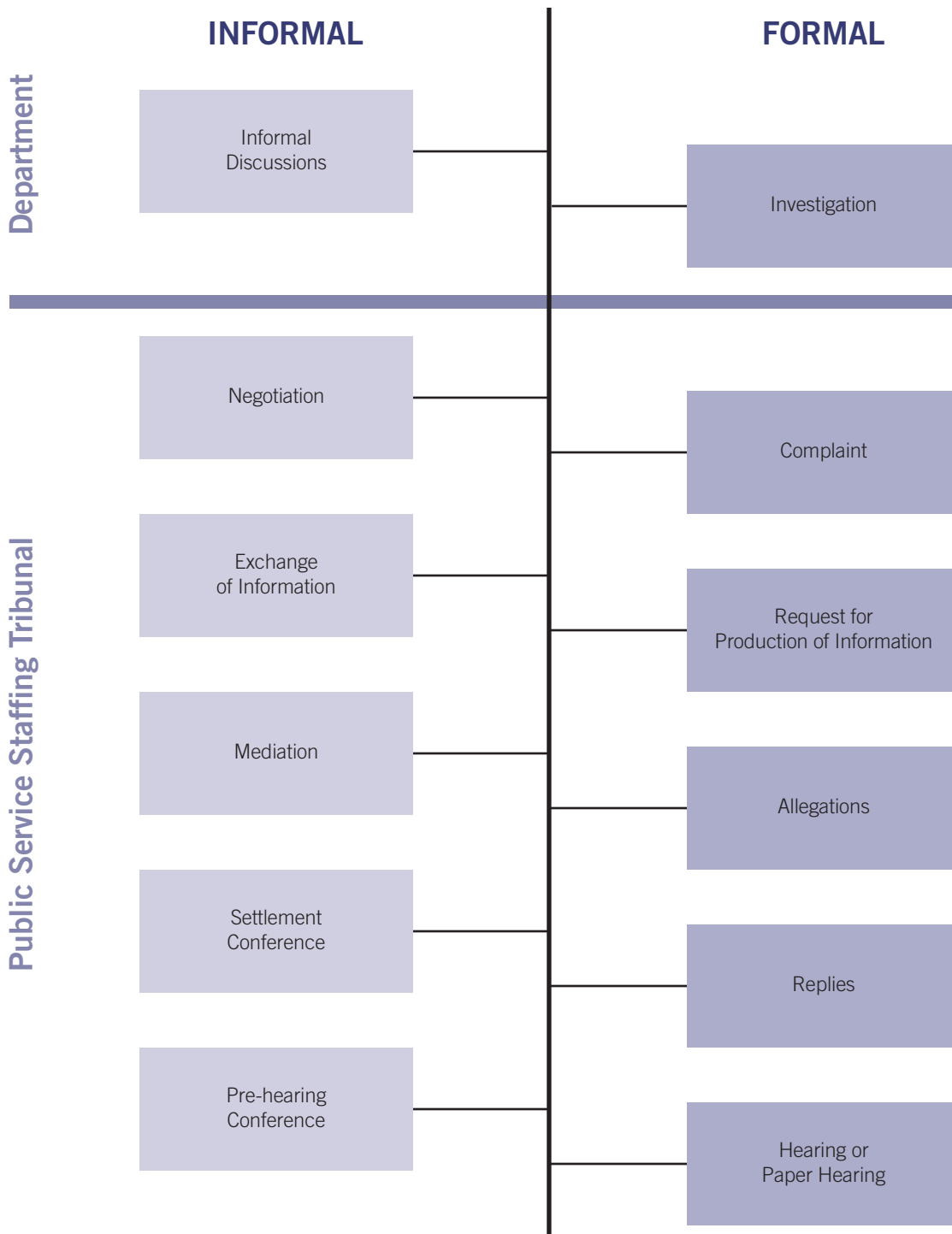
1. consider and dispose of complaints presented to the Tribunal [subs. 88(2)];
2. in the case of a founded complaint involving a lay-off of an employee, set aside the decision of a deputy head to lay off the employee and order the deputy head to take any corrective action that it considers appropriate, other than the lay-off of another employee [subs. 65(4)];
3. in considering whether a complaint against a lay-off is substantiated, interpret and apply the *Canadian Human Rights Act*, other than its provisions relating to the right to equal pay for work of equal value [subs. 65(7)];
4. in the case of a founded complaint involving a revocation of an appointment, order the Public Service Commission or the deputy head to set aside the revocation [s. 76];
5. in the case of a founded complaint involving an internal appointment, order the Public Service Commission or the deputy head to revoke the appointment or not to make the appointment and to take any corrective action that it considers appropriate [subs. 81(1)];
6. in considering whether a complaint against an internal appointment is substantiated, interpret and apply the *Canadian Human Rights Act*, other than its provisions relating to equal pay for work of equal value [s. 80];
7. in the case of a complaint involving a corrective action ordered by the Tribunal, order the Public Service Commission or the deputy head to revoke the appointment made as a result of the implementation of the corrective action, or not to make the appointment, and give the Public Service Commission or the deputy head any directions that it considers appropriate with respect to the implementation of the corrective action [s. 84];
8. provide mediation services at any stage of a proceeding in order to resolve a complaint [subs. 97(1)];

9. summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath in the same manner and to the same extent as a superior court of record [par. 99(1)(a)];
10. order that a hearing be conducted using any means of telecommunication that permits all persons participating to communicate adequately with each other [par. 99(1)(b)];
11. administer oaths and solemn affirmations [par. 99(1)(c)];
12. accept any evidence, whether admissible in a court of law or not [par. 99(1)(d)];
13. compel, at any stage of a proceeding, any person to produce any documents and things that may be relevant [par. 99(1)(e)];
14. subject to any limitations that the Governor in Council may establish in the interests of defence or security, enter any premises of an employer where work is being or has been done by employees, inspect and view any work, material, machinery, appliances or articles in the premises and require any person in the premises to answer all proper questions relating to a complaint [par. 99(1)(f)];
15. summarily dismiss any complaint that, in its opinion, is frivolous or vexatious [subs. 99(2)];
16. decide a complaint without holding an oral hearing [subs. 99(3)];
17. render a decision on a complaint and provide a copy of it, including any written reasons, and any accompanying order to the Public Service Commission and to each person who exercised the right to be heard on the complaint [s.101];
18. make regulations respecting complaint time limits and procedures, procedures for the hearing of complaints, time limits and procedures for notices and other documents; notice of an issue to the Canadian Human Rights Commission and the disclosure of information [s.109];
19. prepare and submit an annual report to Parliament through the Minister of Canadian Heritage regarding activities during the fiscal year [subs. 110(1)];
20. use any services and facilities of departments, boards and agencies of the Government of Canada that are appropriate for the operation of the Tribunal [subs. 93(2)].

## Appendix 3 – The Complaint Process



## Appendix 4 – Staffing Complaint Resolution System



## Appendix 5 – How to Contact the Tribunal

### General information

Web site: [www.psst-tdfp.gc.ca](http://www.psst-tdfp.gc.ca)  
Telephone: 613-949-6516  
1-866-637-4491  
Facsimile: 613-949-6551  
E-mail: [Info@psst-tdfp.gc.ca](mailto:Info@psst-tdfp.gc.ca)

### Mailing Address

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