

Public Servants Disclosure Protection Tribunal Canada

2010-2011

Departmental Performance Report

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

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Registrar's Message

I am pleased to present the 2010-2011 Departmental Performance Report for the Registry of the Public Servants Disclosure Protection Tribunal.

A number of events outside the Registry's control had an impact on the work and performance of the organization this year, including the departure of the former Public Sector Integrity Commissioner in October and the tabling of Report of the Auditor General on the former Commissioner's conduct in December. The Tribunal was also without a Chairperson until June 2010 and without members until March 2011. As a result of these and other developments, the Registry operated at less than maximum capacity this fiscal year. It continued to function with just enough staff to provide the necessary legal and administrative support to the Chairperson and to meet its reporting obligations to central agencies. The Registry spent just over 50% of its budget again this year.

In November 2010, the Registry relocated to 90 Sparks, the building that houses the Federal Court, the Courts Administration Service and the Competition Tribunal, with a view to providing better service to the Tribunal, exploring partnership opportunities with other similar organizations and maximizing its resources.

With a new Chairperson, new members and a first case (referred to the Tribunal by the interim Public Sector Integrity Commissioner in May 2011), the Tribunal is poised to deliver on the mandate it has been given to protect public servants who disclose wrongdoing against reprisals.

Lisanne Lacroix
Registrar and Deputy Head
Registry of the Public Servants Disclosure Protection Tribunal

SECTION I: ORGANIZATIONAL OVERVIEW

Raison d'être

The Tribunal was established to protect public servants who disclose wrongdoing from reprisals.

Responsibilities

The Tribunal is an independent quasi-judicial body responsible for hearing reprisal complaints referred by the Public Sector Integrity Commissioner. The Registry provides administrative and legal services to the Tribunal.

Strategic Outcome and Program Activity Architecture (PAA)

<p style="text-align: center;">Strategic Outcome</p> <p style="text-align: center;"><i>Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.</i></p> <p style="text-align: center;">Program Activity</p> <p style="text-align: center;"><i>Reprisal Hearings Program</i></p> <p style="text-align: center;">Expected Results</p> <p style="text-align: center;"><i>Effective management of the Tribunal's hearing process</i></p>
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Organizational Priorities

Priority:	Type:	Program Activity
Hold Hearings	Previously committed to	Reprisal Hearings Program
Status: Successfully Met		
<p>The Tribunal is ready to hear reprisal complaints. Two new Federal Court judges were appointed to the Tribunal on March 3, 2011. The Registry moved to 90 Sparks, the building that houses the Federal Court, the Courts Administration Service (CAS) and the Competition Tribunal (CT) in November 2010. The move to 90 Sparks not only enables the Registry to better serve the Tribunal but also provides opportunities to work more closely with other organizations that have similar mandates. Thanks to CAS and the CT, the Registry now has access to three hearing rooms in the building and court rooms in every major city in Canada. It also has access to videoconferencing facilities and digital recording technology as well as staff with court administration experience.</p> <p>The Registry is exploring other opportunities to collaborate with CAS and the CT in order to increase efficiency and maximize resources. It is currently in discussions with the other tenants of 90 Sparks to find more suitable office space. The Registry is temporarily occupying crowded quarters on the 5th floor of the building.</p>		

Priority	Type	Program Activity
Inform interested persons, key stakeholders and Canadians	Previously committed to	Reprisal Hearings Program
Status: Not Met		
<p>Given the uncertainty over the direction the public servants disclosure protection regime would take following the Public Sector Integrity Commissioner's departure in October and the tabling of the Auditor General's report in December, the Registry adopted a low-key communications approach. It ensured that its website was up to date and continued to provide departments with communications products. Media coverage of the Office of the Public Sector Integrity Commissioner and the Tribunal may have done more to raise awareness of the regime than any actions the Registry might have taken. Public servants will be more inclined to disclose wrongdoing knowing that there exists a specialized tribunal with the mandate to protect them against reprisals.</p>		

Priority	Type	Program Activity
Monitor issues arising from the application of the Act	Previously committed to	Reprisal Hearings Program
Status: Partially Met		
<p>Although the Registry has provided legal opinions on a number of issues arising from the <i>Public Servants Disclosure Protection Act</i> to the Tribunal, it will be in a much better position to provide comments on the Act once the Tribunal acquires practical experience. Because the Office of the Public Sector Integrity Commissioner did not refer any reprisal complaints to the Tribunal in 2010-2011, the Tribunal has not yet had the opportunity to interpret and apply the Act. As a result, public servants and Canadians are unable, at this point in time, to fully assess the effectiveness of the Act.</p>		

Priority	Type	Program Activity
Management excellence	Previously committed to	Reprisal Hearings Program
Status: Successfully Met		
<p>The Registry has managed its financial resources with prudence and probity and with due regard to economy, efficiency and effectiveness. For the third consecutive year, the Registry has spent only half of its budget. The Registry operated with just enough staff to provide the necessary legal and administrative support to the Chairperson and to meet its numerous reporting obligations to central agencies. The Registry also participated in a horizontal audit on the governance challenges facing small departments and agencies led by the Office of the Comptroller General. As noted above, the Registry relocated to 90 Sparks with a view to providing better service to the Tribunal, exploring partnership opportunities with other organizations and maximizing its resources.</p>		

Risk Analysis

The Registry is operating with a minimum staffing complement. While this is a sensible approach to adopt in the absence of cases, the Registry may have to ramp up relatively quickly if the interim Public Sector Integrity Commissioner begins referring reprisal complaints to the Tribunal. Because the regime put in place to protect public servants who disclose wrongdoing has not been operating effectively, it is difficult to predict how many cases will be brought before the Tribunal once the regime is working well. Depending on the number of cases that are referred to the Tribunal next fiscal year, the Registry may need to hire additional staff. The Registry's relocation to a building where other organizations provide a full range of services to the federal courts and other administrative tribunals may provide opportunities to share human resources.

The events of this past year have heightened public interest in the regime established by the *Public Servants Disclosure Protection Act*. This and the fact that the Public Sector Integrity Commissioner recently referred the first reprisal complaint to the Tribunal will undoubtedly expose the Tribunal to greater scrutiny next year. The Registry intends to be transparent and accountable for results. It will continue to manage its financial resources responsibly with due regard to economy, efficiency and effectiveness. This said, the Registry is likely to spend a larger share of its budget next fiscal year than in previous fiscal years due to new costs associated with hearings and the management of cases. To date, the Registry has been operating with only 50% of its budget.

Summary of Performance

2010–11 Financial Resources (\$ thousands)

Planned Spending	Total Authorities	Actual Spending
1,828	1,818	940

2010–11 Human Resources (FTEs)

Planned	Actual	Difference
12	4	8

Strategic Outcome: Remedial and disciplinary actions to ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.

Performance Indicators	Targets	2010–11 Performance
Number of decisions and/or orders issued within 250 calendar days from the start of a proceeding	90% of proceedings are completed within 250 calendar days	No cases were referred to the Tribunal during the reference period.
Degree to which the evidence and the written communication filed are shared with all parties	Fewer than 10% of adjournments are granted by the Tribunal because of deficiencies in the disclosure of evidence and written communication filed	
The extent to which the parties have the information needed to exercise their rights	The procedural guide is distributed to all parties within five days after the commencement of the proceeding	

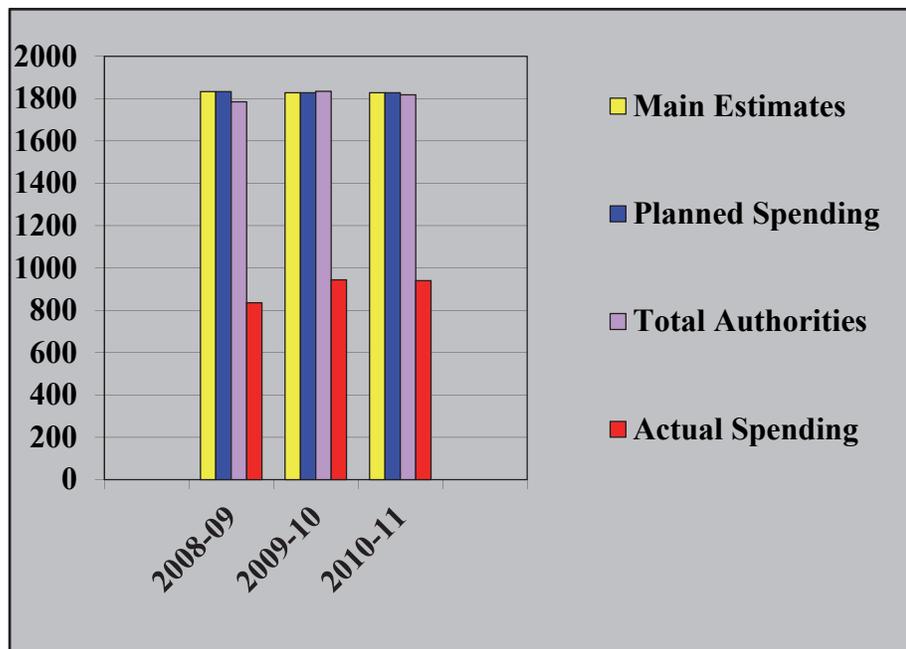
(\$ thousands)

Program Activity	2009-10 Actual Spending	2010-11				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending	Total Authorities	Actual Spending	
Reprisal Hearings Program	944	1,828	1,828	1,818	940	Government Affairs
Total	944	1,828	1,828	1,818	940	

Expenditure Profile

Departmental Spending Trend

(\$ thousands)



Estimates by Vote

For information on our organizational votes and/or statutory expenditures, please see the 2010-11 Public Accounts of Canada (Volume II). An electronic version of the Public Accounts is available at <http://www.tpsgc-pwgsc.gc.ca/recgen/txt/72-eng.html>.

SECTION II: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Strategic Outcome

Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.

Program Activity: Reprisal Hearings Program

The Registry of the Public Servants Disclosure Protection Tribunal assists the Tribunal in fulfilling its mandate by supporting the effective management of the Tribunal's hearing process. This includes receiving documents, processing cases, maintaining Tribunal records, providing logistical, legal and administrative support, organizing training sessions for Tribunal members and informing clients of Tribunal procedures and directives.

2010–11 Financial Resources (\$ thousands)

Planned Spending	Total Authorities	Actual Spending
1,828	1,818	940

2010–11 Human Resources (FTEs)

Planned	Actual	Difference
12	4	8

Expected Results	Performance Indicators	Targets	Performance Status
Effective management of the Tribunal's proceedings	Number of decisions or orders issued within 250 calendar days from the start of a proceeding	90% of proceedings are completed within 250 calendar days	No cases were referred to the Tribunal during the reference period.
	Degree to which the evidence and written communication filed are shared with all parties	Fewer than 10% of adjournments are granted by the Tribunal because of deficiencies in the disclosure of evidence and written communication filed	
	The extent to which the parties have the information needed to exercise their rights	The procedural guide is distributed to all parties within five days after the commencement of the proceeding	

Performance Summary and Analysis of Program Activity

The Tribunal pursues one strategic outcome: order remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals. The Reprisal Hearings Program is the only program activity that contributes to this strategic outcome. Three indicators have been established to measure the Tribunal's performance: the number of decisions and/or orders issued within 250 calendar days from the start of a proceeding, the degree to which the evidence and the written communication filed are shared with all parties and the extent to which the parties have the information needed to exercise their rights. The Tribunal will be in a position to assess its performance against these indicators once it begins hearing cases.

Lessons Learned

The Registry will be better able to draw lessons from its experience once it has handled a few cases.

SECTION III: SUPPLEMENTARY INFORMATION

Financial Highlights

Condensed Statement of Financial Position

As at March 31, 2011 (in dollars)

	% Change	2010-11	2009-10
Total assets	6%	136,508	128,854
Total liabilities	3%	283,741	275,240
Equity of Canada	1%	(147,233)	(146,386)
Total	6%	136,508	128,854

Condensed Statement of Operations

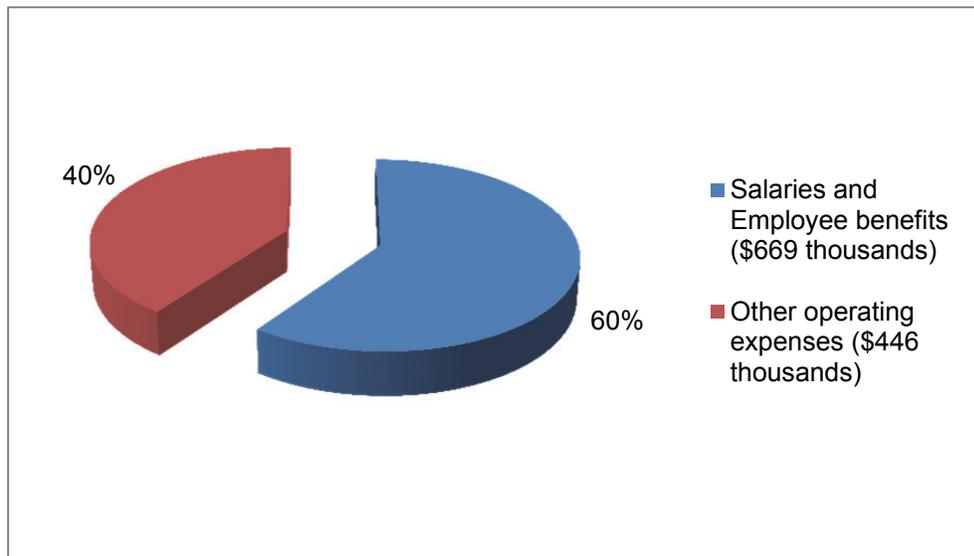
For the year ended March 31, 2011 (in dollars)

	% Change	2010-11	2009-10
Total expenses	(6%)	1,115,680	1,191,847
Total revenues	100%	30,015	-
Net cost of operations	(9%)	1,085,665	1,191,847

Financial Highlights Graph

Allocation of Cost of Operations by Expense Category

The 2010–2011 financial statements report \$1,115,680 in operating costs. Salaries and employee benefits represent 60% of operating expenses, whereas other operating expenses represent 40%.



Financial Statements

Financial statements are available on the website of the Public Servants Disclosure Protection Tribunal Canada at: <http://www.psdpt-tpfd.gc.ca>.

List of Supplementary Information Tables

All electronic supplementary information tables found in the 2010–11 Departmental Performance Report can be found on the Treasury Board of Canada Secretariat's website at: <http://www.tbs-sct.gc.ca/dpr-rmr/2010-2011/index-eng.asp>.

- Sources of Responsible and Non-Responsible Revenue

SECTION IV: OTHER ITEMS OF INTEREST

Organizational Contact Information

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