

# **Public Service Staff Relations Board**

**2005-2006  
Estimates**

**Report on Plans and Priorities**

Approved

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**The Honourable Liza Frulla  
Minister of Canadian Heritage  
and Minister responsible for  
Status of Women**



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## SECTION I: OVERVIEW

### Chairperson's Message

The spring of 2005 will mark a new era for labour relations in the federal Public Service as the new *Public Service Labour Relations Act (PSLRA)* becomes reality. Indeed, the federal government has announced its intention to proceed with the promulgation of this new legislation along with certain other provisions of the *Public Service Modernization Act* on April 1<sup>st</sup>, 2005. Greater labour-management cooperation is at the heart of this new legislative framework. The requirement for departments to establish labour-management committees, to develop informal conflict resolution systems, and to enable co-development of workplace improvements are all meant to foster improved labour relations in the Public Service.



The *PSLRA* establishes a new Public Service Labour Relations Board building on the current Public Service Staff Relations Board, an institution that was established in 1967 with the inception of collective bargaining in the Public Service of Canada. Under the new Act, the Board is vested with an expanded mandate consisting of three major components: adjudication, mediation, and compensation research and analysis.

The expeditious handling of proceedings referred to the Board for adjudication will remain a priority, as will be the application of the fundamental rules of fairness, justice and impartiality.

The *PSLRA* recognizes mediation and conflict resolution as an integral element of the new Board's mandate and as a cornerstone of a modernized labour relations regime. The Board has already placed over the last few years significant emphasis on innovative approaches to the resolution of workplace conflict, as an alternative to the more formal and traditional rights determination processes. The Board, after consultation with parties, will develop and offer mediation services that meet expectations, requirements and needs of clients in light of the new legal framework.

The Board will also establish a compensation research and analysis function. This new function will consist of conducting market-based compensation research, compiling and analyzing compensation data, and sharing the information with the parties and the public. The success of this function is highly dependent on the establishment of a statutory Advisory Board to provide me with objective and

independent advice on compensation analysis and research issues. The Board, mindful of the high expectations from parties in regard to this new responsibility, will build on its status as a neutral and independent third-party to deliver this service in a manner that takes into account their concerns and their needs.

New Public Interest Commissions (PICs) will be established to replace the Conciliation Board process used in collective bargaining. PICs will consist of labour experts jointly agreed upon by the parties and appointed by the designated Minister, based on my recommendations.

The Board plans to distribute early in 2005-2006, as part of a strategy to communicate its new mandate to clients, an information kit describing its various services and processes.

As the Board goes through this important transition, it must also continue to deal with an unprecedented increase in the volume of new grievances referred for adjudication. Although the volume of cases over the last two years has been extraordinary, we have witnessed a steady increase in the number of grievances over the last five years. This increase is raising some concern, particularly under the new regime where Board adjudicators will be called upon to interpret and apply the *Canadian Human Rights Act*, a new legal requirement which raises complex issues and will require lengthy hearings. Over the last few years, the Board has been successful in accessing supplementary funds, albeit on an annual basis, to help address the workload pressure issues. One priority of the Board in 2005-2006 will be to secure a permanent adjustment to its A-base budget in order to finally resolve the funding issue related to its adjudicative function. The Board will also seek additional resources from the *Public Service Modernization Act* Investment Fund to support its expanded mandate.

The Board will pursue its agenda to establish a modern management framework that will support its new mandate and provide a shared vision and understanding of the expected results. Its strategy and plans to put in place the appropriate management infrastructure include the implementation of an integrated Results-based Management and Accountability Framework (RMAF) and Risk Management Framework, of a multi-year Information Technology plan, of a revised Program Activity Architecture, and of updated Terms and Conditions of Employment which will reflect results of recent negotiations in the Public Service.

I look forward to the changes that lie ahead and I am confident that, with the right resources, the PSLRB will successfully meet the challenges that are presented to it.

Yvon Tarte  
Chairperson

## Summary Information

**Mandate & Benefits to Canadians** –The Public Service Staff Relations Board is an independent, quasi-judicial statutory tribunal responsible for administering the collective bargaining and grievance adjudication systems, including mediation, in the federal Public and Parliamentary Service. When the *PSLRA* comes into effect, the Board's mandate will also include a compensation research and analysis function.

The Board benefits Canadians by promoting and supporting a harmonious relationship between public servants and their employers. Effective labour-management relations represent a cornerstone of good human resource management and contribute to minimizing the possibility of labour unrest that could lead to disruption in the delivery of government programs. Collaborative efforts between the parties, through communication and sustained dialogue, improve the ability of the Public Service to serve and protect the public interest.

## Financial Resources\*

2005-2006	2006-2007	2007-2008
\$10,570	\$6,769	\$6,311

\*(**\$ Thousands**)

## Human Resources

2005-2006	2006-2007	2007-2008
94 FTEs	97 FTEs	93 FTEs



## Departmental Priorities

(\$ Thousands)	Type	Planned Spending		
		2005-2006	2006-2007	2007-2008
<b>Administer the PSLRA framework</b>	New	9,337*	6,719*	6,261
<b>Establish the compensation research and analysis function</b>	Previously committed	1,158	Ø	Ø
<b>Address the adjudication workload pressure issues</b>	Previously committed	Ø	Ø	Ø
<b>Pursue initiatives to establish a modern management framework</b>	Ongoing	75	50	50
<b>TOTAL</b>		10,570	6,769	6,311

\*Includes supplementary funds approved until 2006-07 for NJC.

## Plans and Priorities

This section presents for the planning period the major plans and priorities of the Board that contribute to the achievement of our strategic outcome which consists of promoting harmonious labour relations in the federal Public and Parliamentary Service.

### Administer the PSLRA framework

The *PSLRA* sets a framework for improved labour relations in the Public Service based on greater labour-management cooperation. It requires departments to establish labour-management committees and informal conflict resolution systems, and promotes the co-development of workplace improvements. It also enhances collective bargaining conciliation through the appointment of Public Interest Commissions. It establishes a new and restructured Public Service Labour Relations Board, with a mandate to provide compensation research and analysis, adjudication and mediation services, and allows adjudicators to interpret and apply



the *Canadian Human Rights Act* if discrimination is an aspect of a grievance that is referred to adjudication, except for grievances related to pay equity.

The administration of this new legislative framework will be the first priority of the Board. New Board regulations that were drafted in consultation with clients, under the new provisions of the *PSLRA*, will come into effect on the same day that the government proceeds with the promulgation of the new legislation. These new regulations will be published in the Canada Gazette, posted on the Board's internet site and distributed to a wide audience of employer and bargaining agent representatives soon after their coming into effect. Ongoing training and coaching activities for Board members and employees on the interpretation and application of the new legislative and regulatory frameworks will ensure an effective transition to the new regime. As part of its outreach activities, the Board will proceed early in 2005-2006 with a wide distribution of an information kit containing fact sheets on the various services of the new Board. It will also develop practice notes on specific issues of interest to clients and launch a new website. The Board also plans to adopt within the next 12 months a more modern case management system that will be better suited to the requirements of the new legislative framework, enable integration with other Board systems and eventually accommodate e-filing of grievances, applications and complaints.

A challenge associated with this priority will be the requirement to administer two parallel legislative frameworks until such time as all cases submitted under the *Public Service Staff Relations Act* regime have been processed. This will require well-defined procedures, flexibility in the case management system, clear communications with parties and ongoing training. Another challenge will be to secure from the *Public Service Modernization Act* Investment Fund sufficient funding to support the expanded mandate on an ongoing basis.

#### Establish the compensation research and analysis function

The *PSLRA* provides for the establishment of a compensation research and analysis function at the Board. This function will require that the Board conduct market-based compensation research, compile and analyze compensation data and share the information with the parties and the public. This information will be used by parties in the collective bargaining process and will be made available to other public institutions and the private sector. A statutory Advisory Board will be established by the designated Minister to provide objective and independent advice to the Chairperson of the Board on compensation research and analysis issues.

As a first step following the selection of the Director of the new unit, the Board will proceed with an organizational design exercise to research and define the most efficient and cost-effective approach to deliver this new function, which will include the development of research and analysis methodologies, management of market research information carried out by the external service delivery partners, analysis of



the information collected, quality control, and ongoing liaison with the Advisory Board. The necessary staffing and contracting activities will then proceed, as will the development of required systems.

Expectations from parties in regard to this new responsibility are high. A challenge will be to meet what could be divergent expectations and to instill and maintain credibility in the process. The Board will build on its status as a neutral and independent third-party to achieve these objectives, in consultation with the parties. It will also rely on the objective and independent advice of the Advisory Board in determining its course of action.

#### Address the adjudication workload pressure issues

The Board reported in its 2003-2004 Performance Report that the number of grievances referred to it for adjudication during the year had increased by 126% over the previous year. Similar increases are expected in 2004-2005. Furthermore, as the Board takes on its expanded mandate which will include the interpretation and application of the *Canadian Human Rights Act* in federal workplace disputes, no relief in the number of grievances is expected in the years to come. This increase has led to an unusual backlog in the processing of cases. Although the Board was successful in obtaining supplementary funding aimed at addressing the situation, it has been limited in what it could do due to the temporary nature of funding received. The workload pressure requires the staffing of additional indeterminate positions and this can only proceed with the allocation of permanent funding. The Board will therefore proceed in 2005-2006 with a request for a permanent adjustment to its A-base budget to resolve the funding issue related to its adjudicative function.

#### Pursue initiatives to establish a modern management framework

The Board is committed to establishing a modern management framework that will support the new mandate of the Board and provide a shared vision and understanding of expected results. The Board has already delivered on its modern management agenda, with the recent development of a Results-based Management and Accountability Framework (RMAF), which includes a risk management component and takes into account the expanded mandate of the Board. Over the planning period, the Board will proceed with the integration of this framework in its day-to-day business.

The Board will also proceed in 2005-2006 with the implementation of a multi-year information technology plan developed by the organization and validated by an expert firm. The plan seeks to modernize the Board's systems and more effectively integrate the information management component. Planned activities include the implementation of a new case management system, the integration of the records management system to the case management system, the establishment of a more reliant business continuity strategy, and the purchase of

super-servers. The challenge will be to secure sufficient funding to cover this investment in systems and information management.

Finally, the Board will continue with its practice of conducting an average of two independent internal audits per year. Planned activities for the planning period include an audit of financial operations as well as a follow-up on recommendations resulting from audits carried out at the Board over the last 3 years.





## **SECTION II: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME**

### **Strategic Outcome:**

The Board has one strategic outcome: to provide Canadians with an environment that fosters harmonious labour relations in the federal Public and Parliamentary Service, thereby minimizing the possibility of labour unrest that could lead to disruption in the delivery of government programs.

### **Program Activity:**

The Program Activity Architecture approved by the Treasury Board identifies three program activities for the PSSRB: Administration of the collective bargaining and grievance adjudication systems in the federal Public and Parliamentary Service, including mediation services; Mediation Services in relation to collective bargaining negotiations and grievances and complaints; and National Joint Council. The approval took place at a time when the PSSRB was in the process of requesting the consolidation of its three activities (adjudication, mediation and National Joint Council) into one, which explains the redundancy between two of the above-noted activities. The consolidated activity will be titled: Administration of the collective bargaining and grievance adjudication systems in the federal Public and Parliamentary Service, including mediation services. As a result, PSSRB funding has been consolidated into one program activity in the Main Estimates. When the *PSLRA* comes into effect and establishes a new PSLRB, a revised PAA will be submitted to include the compensation research and analysis function under the activity.

The Board administers the collective bargaining and grievance adjudication systems in the federal Public and Parliamentary Service. Board members administer the legislation by holding formal and expedited hearings throughout Canada. The Board also provides mediation services to help parties resolve differences without resorting to a formal hearing process and thereby to assist them in reaching settlement during collective bargaining. With the coming into force of the *PSLRA*, the Board will also offer compensation research and analysis services. Finally, the Board provides physical and administrative support services to the National Joint Council, but plays no direct role in the administration and operations of this organization.

All priorities listed earlier in this report support the activity of the Board. The *PSLRA* fosters greater labour-management cooperation which aims at improved labour relations. The new compensation research and analysis function will produce credible and



applicable compensation data that can be used in the collective bargaining process, providing a benchmark that has been lacking since the abolition of the Pay Research Bureau in 1992. A stable and appropriate A-base budget will enable the Board to concentrate its efforts in the delivery of its services. Finally, a management agenda based on strong frameworks will support the Board in its decision-making and in the assessment and management of risks. It will enable the Board to better define, measure and report on results and performance.

Due to the fact that the Board was in transition between two mandates at the time of the writing of this report, performance indicators for the new Board are still under development. However, the following are used to evaluate performance of the PSSRB mandate:

- satisfaction level of clients in regard to fairness and timeliness with the adjudication services of the Board ;
- number of decisions referred to the Federal Court during the year;
- number of decisions set aside (allowed) for the year on judicial review;
- satisfaction level of clients in regard to the quality of mediation and conciliation services offered by the Board;
- number of cases resolved prior to adjudication.

The Board conducts a client satisfaction survey every three years. Results of this survey, along with internal statistics, are used to measure performance.

## Financial Resources\*

2004-2005	2005-2006	2006-2007
\$9,656	\$10,570	\$6,769

\*( \$ Thousands)

## Human Resources

2004-2005	2005-2006	2006-2007
67 FTEs	94 FTEs	97 FTEs

### **SECTION III: SUPPLEMENTARY INFORMATION**

#### **MANAGEMENT REPRESENTATION STATEMENT**

I submit, for tabling in Parliament, the 2005-2006 Report on Plans and Priorities (RPP) for the Public Service Staff Relations Board.

This document has been prepared based on the reporting principles contained in the *Guide to the Preparation of Part III of the Estimates: Report on Plans and Priorities*.

- It adheres to the specific reporting requirements outlined in the TBS guidance;
- It uses the approved program activity architecture (PAA) for the Public Service Staff Relations Board, and incorporates the new functions to be added to the Board's mandate with the impending coming into force of the *PSLRA*;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and,
- It reports finances based on approved planned spending numbers from the Treasury Board Secretariat.

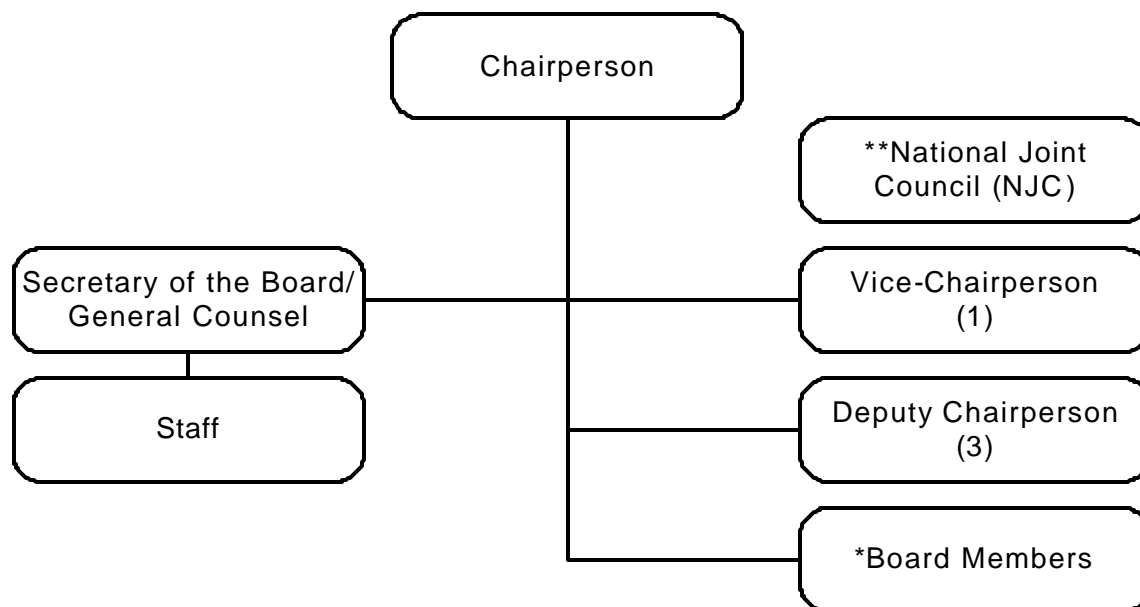
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Yvon Tarte  
Chairperson



## Organizational Information

### Public Service Staff Relations Board<sup>1</sup> (PSSRB)



\* The number of Board members is determined by the Governor in Council. Members may be appointed on a full-time or part-time basis.

\*\* The Board has no direct involvement in the operations of the National Joint Council.

The Board is responsible to Parliament through such Minister of the Crown, other than a member of the Treasury Board, as the Governor in Council may designate. The Minister of Canadian Heritage, the designated Minister, is responsible under the Act to table the Board's annual report before Parliament each year and to sign such documents as are required pursuant to the *Financial Administration Act*. The Minister is also the line of communication with the Governor in Council for purposes of appointments to the Board.

<sup>1</sup> At the tabling of the RPP, the *PSLRA* and therefore the Public Service Labour Relations Board will not yet be in effect. The organization of the Public Service Staff Relations Board is therefore provided.



**Table 1: Departmental Planned Spending and Full Time Equivalents**

(\$ Thousands)	Forecast Spending 2004-2005	<b>Planned Spending 2005-2006</b>	Planned Spending 2006-2007	Planned Spending 2007-2008
Budgetary Main Estimates	6 355	<b>10 570</b>	6 769 <sup>2</sup>	6 311 <sup>2</sup>
<i>Adjustments<sup>1</sup></i>				
Funding to modernize HR management (PSMA)	2 040			
Additional funding to address workload pressures related to collective bargaining and adjudication processes	969			
Operating budget carry forward	292			
<b>Total Planned Spending</b>	9 656	<b>10 570</b>	6 769	6 311
Plus : Cost of services received without charge	1 952	<b>2 245</b>	2 794	2 769
<b>Net cost of Program</b>	11 608	<b>12 815</b>	9 563	9 080
Full Time Equivalents	67	<b>94 <sup>3</sup></b>	97 <sup>4</sup>	93 <sup>4 - 5</sup>
<p>1- The 2004-05 adjustments accommodate the approvals obtained after the Main Estimates and include the Supplementary Estimates.</p> <p>2- Does not include the new funding that will be requested by the Board to pursue the new mandate.</p> <p>3- Includes new positions to design and implement the new legislative framework, which have been staffed on an indeterminate basis, but for which only partial funding has been guaranteed (<i>PSMA</i>). Also includes new positions to address workload issues.</p> <p>4- Includes new positions to design and implement the new legislative framework, which have been staffed on an indeterminate basis, but for which no funding has yet been guaranteed (<i>PSMA</i>). Also includes new positions to address workload issues.</p> <p>5- Reduction of FTE; The submission regarding the Program integrity for the National Joint Council (NJC) provides funding up to and including 2006-2007.</p>				



**Table 2: Program by Activity**

<b>2005-2006</b>										
<b>(\$ Thousands)</b>										
<b>Program Activity</b>	<b>Budgetary</b>						<b>Non-Budgetary</b>	<b>Total Main Estimates</b>	<b>Adjustments</b>	<b>Total Planned Spending</b>
	<b>Operating</b>	<b>Capital</b>	<b>Grants and Contributions</b>	<b>Gross</b>	<b>Revenue</b>	<b>Net Revenue</b>	<b>Loans, Investments and Advances</b>			
Administration of the collective bargaining and grievance adjudication systems in the federal Public and Parliamentary Service, including mediation services	10,570	-	-	-	-	-	-	10,570	-	<b>10,570</b>
<b>Total</b>										

**Table 3: Voted and Statutory Items listed in Main Estimates**

<b>2005-2006</b>			
<b>(\$ Thousands)</b>			
Vote or Statutory Item	Truncated Vote or Statutory Wording	<b>Current Main Estimates</b>	Previous Main Estimates
105	Operating expenditures	<b>9,269</b>	5,523
(S)	Contributions to employee benefit plans	<b>1,301</b>	832
	<b>Board's Total</b>	<b>10,570</b>	6,355

The increase in funding under current Main Estimates can be attributed to the approval of two Treasury Board submissions: one pertaining to the modernization of human resources management in the federal Public Service (\$2,040) and the other pertaining to funding to address workload pressures related to collective bargaining and adjudication processes (\$969).



**Table 4: Net Cost of Department for the Estimates Year**

<b>2005-2006</b>	
<b>(\$ Thousands)</b>	<b>Public Service Labour Relations Board</b>
<b>Total Planned Spending</b>	<b>10 570</b>
<i>Plus: Services Received without Charge</i>	
– Accommodation provided by Public Works and Government Services Canada (PWGSC)	<b>1 710</b>
– Contributions covering employer's share of employees insurance premiums and expenditures paid by TBS	<b>520</b>
– Workers compensation coverage provided by Social Development Canada	<b>-</b>
– Salary and associated expenditures of legal services provided by Justice Canada	<b>15</b>
<b>2005-2006 Net cost of Department</b>	<b>12 815</b>

## **SECTION IV: OTHER INFORMATION**

### **Statutes and Regulations Administered by the Public Service Staff Relations Board**

- *Public Service Staff Relations Act*, R.S.C. 1985, c. P-35
- *P.S.S.R.B. Regulations and Rules of Procedure*, 1993, SOR/93-348
- *Parliamentary Employment and Staff Relations Act*, R.S.C. 1985 (2d Supp.), c. 33
- *P.E.S.R.A. Regulations and Rules of Procedure*, SOR/86-1140
- Certain provisions of Part II of the *Canada Labour Code*, R.S.C. 1985, c. L-2
- *Education Staff Relations Act*, (Yukon), R.S.Y. 2002, c. 62
- *Yukon Teachers Staff Relations Board Regulations and Rules of Procedure*, O.I.C. 1992/95
- *Public Service Staff Relations Act*, (Yukon), R.S.Y. 2002, c. 185
- *YPSSRB Regulations and Rules of Procedure*, C.O. 1970/226

### **References:**

#### **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 Summaries of Decisions (a summary of decisions of the Public Service Staff Relations Board issued twice yearly)



## Contacts for Further Information

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