



Treasury Board of Canada
Secretariat

Secrétariat du Conseil du Trésor
du Canada

Canada

Policy on Terms and Conditions of Employment

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Policy on Terms and Conditions of Employment

1. Effective date

1.1 This policy takes effect on April 1, 2009.

2. Application

2.1 This policy applies to the core public administration as defined in section 11 of the [Financial Administration Act](#) unless excluded by specific acts, regulations or Orders in Council.

3. Context

3.1 Consistent and accurate application of terms and conditions of employment is an essential component of effective human resources management because it serves to attract, retain, motivate and renew the workforce of the core public administration. Deputy heads are accountable to their respective ministers and to the Treasury Board Secretariat for effective human resources management with respect to the administration of terms and conditions of employment within their organizations.

3.2 Terms and conditions of employment for persons appointed to the core public administration are as set out in the relevant collective agreements and other legislation and as supplemented by other related policy instruments.

3.3 This policy is issued pursuant to sections 7 and 11.1 of the *Financial Administration Act*.

3.4 Treasury Board has delegated to the president of the Treasury Board the authority to amend the following:

- [Directive on Terms and Conditions of Employment](#)
- [Directive on Leave and Special Working Arrangements](#)
- [Directive on Terms and Conditions of Employment for Certain Excluded/Unrepresented Employees](#)
- [Directive on Union Dues](#)

3.5 Treasury Board has delegated to the president of the Treasury Board the authority to issue and amend the:

- *Directive on Performance Pay Administration for Certain Senior Excluded and Unrepresented Levels (under development)*

3.6 This policy is to be read in conjunction with the following:

- [Policy on Learning, Training and Development](#);
- [Collective Agreements](#);
- [Policy on the Management of Executives](#);
- [Directive on Terms and Conditions of Employment](#);
- [Directive on Leave and Special Working Arrangements](#);
- [Directive on the Terms and Conditions of Employment for Certain Excluded or Unrepresented Employees](#);
- [Performance Pay Administration Policy for Certain Non-Management Category Senior Excluded Levels](#);
- [Performance Pay for Represented Employees in the Administrative and Foreign Service Category](#)
- [Salary Administration Plan-University Teaching Group](#);
- [Salary Administration Policy-Law Group-Department of Justice and Other Excluded Legal Officers](#);
- [Salary Administration Policy-Mediation/Conciliation Officer Sub-Group](#);
- [Defence Scientific Service Group-Pay Plan](#);
- [Terms and Conditions of Employment for Students](#);
- [Service Outside Canada](#);
- [Staff Engaged Locally Outside Canada](#)

4. Definitions

4.1 Definitions of terms used in this policy are included in the Appendix.

5. Policy statement

5.1 Objective

The objective of this policy is to ensure the sound, consistent and effective administration of the terms and conditions of employment across the core public administration.

5.2 Expected results

The expected results of this policy are as follows:

- terms and conditions of employment are administered in an equitable, accurate, consistent, transparent and timely manner; and
- persons receive monetary and non-monetary benefits consistent with their relevant terms and conditions of employment.

6. Policy requirements

6.1 Deputy heads are responsible for the application and administration of the terms and conditions of employment by:

- establishing organizational structures and allocating the necessary resources to assist deputy heads in ensuring efficient and timely delivery of the services associated with the administration and application of the terms and conditions of employment, including the departmental delegation of authorities instrument, as required;
- ensuring that departmental human resources systems are compatible and integrated with Public Works and Government Services systems and with other core public administration systems.

6.2 Monitoring and reporting requirements

6.2.1 Deputy heads are responsible for monitoring the performance of their organization with respect to the application and administration of terms and conditions of employment as follows:

- assessing the service delivery structure, resource allocation, human resources competencies, performance indicators, as well as the human resources systems, processes and procedures to respond effectively to actual and potential deficiencies;
- informing Treasury Board Secretariat of any major concerns or problems regarding the administration of terms and conditions of employment in a timely manner; and
- providing, as required, Treasury Board Secretariat with information that is considered necessary for assessing compliance with this policy, its related directives and other policy instruments; for example, information regarding specific situations pertaining to new hires, maternity leave, promotions, termination of employment and leave with or without pay.

6.2.2 Treasury Board Secretariat is responsible for assessing departmental performance with respect to the administration of the terms and conditions of employment as well as compliance with this policy and its related policy instruments as follows:

- reviewing, when required, findings of the departmental monitoring report and the resultant corrective action plan;
- monitoring departmental leave usage through reports derived from the Canada Public Service Agency information systems, such as the Leave Reporting System and Leave without Pay System; and
- monitoring reports and data derived from the Public Works and Government Services pay system, including those regarding employment information (e.g. salaries, allowances and hours of work) and pay processing data.

6.3 At the five-year mark of implementation, Treasury Board Secretariat will review this policy to determine its effectiveness and, when supported by risk analysis, will conduct an evaluation.

7. Consequences

7.1 Treasury Board Secretariat may increase the level of oversight when information gathered through relevant sources raises concerns about non-compliance with policy instruments. If the situation warrants, Treasury Board Secretariat may request special audits or reviews and may request that deputy heads take corrective action when appropriate.

7.2 Departments are required to pay any costs associated with errors or inappropriate application of the terms and conditions of employment from their existing departmental budgets.

8. Roles and responsibilities of government organizations

8.1 Treasury Board Secretariat

8.1.1 Treasury Board Secretariat supports the Treasury Board in its role as the employer responsible for the following:

- determining and regulating pay, hours of work, leave provisions and other terms and conditions of employment; and
- entering into collective agreements with a bargaining agent representing a bargaining unit.

8.1.2 Treasury Board Secretariat supports deputy heads and persons appointed within their organizations responsible for the administration of the terms and conditions of employment as follows:

- providing them with the necessary direction, guidelines and training related to this policy and its related policy instruments; and
- performing a community leadership role that promotes the sharing of information and the fostering of best practices.

8.2 Public Works and Government Services

8.2.1 Under section 12 of the [Department of Public Works and Government Services Act](#), Public Works and Government Services provides administrative and other services needed for the disbursement of pay. These services include but are not limited to the following:

- the issuance and reconciliation of Receiver General for Canada cheques and direct deposit payments;
- the development, operations, and maintenance of a pay system as detailed in the Pay Disbursement Administrative Services Order;
- the development and delivery of training on the application of the technical functions of compensation; and
- the production of official employee compensation data.

9. References

9.1 Legislation, regulations and orders

- [Financial Administration Act](#)
- [Public Service Labour Relations Act](#)
- [Public Service Employment Act](#)
- [Public Service Superannuation Act](#)
- [Department of Public Works and Government Services Act](#)
- [Garnishment, Attachment and Pension Diversion Act](#)
- [Government Employees Compensation Act](#)
- [Privacy Act](#)
- Pay Disbursement Administrative Services Order
- [Accountable Advances Regulations](#)
- [Cheque Issue Regulations, 1997](#)
- [Electronic Payments Regulations](#)

9.2 Related policy instruments

- [Foundation Framework for Treasury Board Policies](#)
- [Policy Framework for the Management of Compensation](#)
- [Public Service Collective Agreements Implementation Order](#)

10. Enquiries

Please direct enquiries about this policy to your departmental headquarters. For interpretation of this policy, departmental headquarters should contact:

Core Public Administration Compensation Management
Compensation and Labour Relations
Office of the Chief Human Resources Officer
Treasury Board of Canada Secretariat

E-mail: Interpretations@tbs-sct.gc.ca

Appendix—Definitions

As and when required (*selon les besoins*)

Is the situation whereby a person with no assigned hours of work reports when needed and usually in response to an urgent need.

Casual worker (*personne nommée à titre de travailleur occasionnel*)

Is a person employed on a casual basis pursuant to the *Public Service Employment Act*.

Core public administration (*administration publique centrale*)

Refers to the departments named in Schedule I and the other portions of the federal public administration named in Schedule IV of the *Financial Administration Act*.

Excluded employee (*employé exclu*)

Is a person who occupies a position that has been identified by the employer in accordance with the *Public Service Labour Relations Act* as not being represented by a bargaining agent because of the nature of the duties of the position.

Indeterminate (*indéterminée*)

Is the indefinite period for which a person is appointed pursuant to the *Public Service Employment Act*.

Part-time (*temps partiel*)

Is the situation whereby a person is ordinarily required to work more than one third of but less than the normal scheduled daily or weekly hours of work established for persons doing similar work.

Part-time worker (*travailleur à temps partiel*)

Is a person who is not ordinarily required to work more than one third of the normal scheduled daily or weekly hours of work established for persons doing similar work.

Persons appointed to the core public administration (*personnes nommées à l'administration publique centrale*)

Are persons occupying one of the following types of positions: indeterminate, term of three months or more, term of less than three months, casual worker, seasonal worker, as and when required, excluded, unrepresented, part-time, and part-time worker.

Public Service Collective Agreements Implementation Order (*Ordonnance d'application des conventions collectives dans la fonction publique*)

Is the instrument by which deputy heads are authorized and directed to exercise and perform such powers and functions of the Treasury Board as may be required to give effect to and administer the provisions of a collective agreement.

Relevant collective agreement (*convention collective pertinente*)

Is the collective agreement for the bargaining unit to which the person is assigned or would be assigned, were the person's position represented or not excluded. For positions classified as PE and OM, the relevant collective agreement is that applying to the Program and Administrative Services Group. For positions classified as PO-IMA and PO-TCO, the relevant collective agreement is that applying to the Technical Services Group.

Seasonal worker (*travailleur saisonnier*)

Is the term used for persons performing duties of a seasonal nature.

Term of less than three months (*période déterminée de moins de trois mois*)

Is a specified period of less than three months for which a person is appointed pursuant to the *Public Service Employment Act*.

Term of three months or more (*période déterminée de trois mois ou plus*)

Is a specified period of three months or more for which a person is appointed pursuant to the *Public Service Employment Act*.

Unrepresented employee (*employé non représenté*)

Is a person appointed to a position that is not represented by a bargaining agent.