



SPECIAL ISSUE – JANUARY 2006

# INFO-PSC

## Message from the President

### A Fresh Start

It's a new year and a fresh start. This is especially true for those of us who manage human resources in the public service. The new *Public Service Employment Act* (PSEA) came into effect on December 31, 2005 and, with that, we are working in a brand new human resources (HR) management regime.

That's not to say that these reforms haven't been a long time coming. Over the past 40 years, there have been studies, projects, task forces – but none of the changes made were major. For the first time, we have an opportunity for significant change to how staffing is conducted in the public service. The question now is: are we going to use it?

### Organizations and transition

Many departments and agencies made great headway last fall preparing for the new regime. No doubt, organizations who prepared themselves well are making the transition to the new system more easily than those who were less prepared. But does that mean that departments and agencies who were late getting started are out of luck? Not at all. It does mean some extra effort for those organizations to position themselves to take advantage of the new Act.

The new PSEA provides the flexibility to allow your organization to design processes that work for you. Using the high-level policies, tools and guides of the Appointment Framework, your organization can tailor its staffing systems to meet its specific needs.

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"It's official!" says Maria Barrados, President of the Public Service Commission. The new *Public Service Employment Act* came into effect on December 31, 2005.

Undoubtedly, the most difficult part of this transition will be the cultural shift that must take

place. Managers must now be fully engaged in managing human resources. This takes work and investment, but the payoff is the unprecedented flexibility managers will now enjoy in hiring and managing employees. For example, the definition of merit as the “right fit,” as opposed to the “most qualified,”

allows managers to hire more efficiently, with future as well as current organizational needs in mind.

### **PSC role**

The modernized HR management regime also sets the Public Service Commission (PSC) on a new course. We have the same mission, but a different way of achieving it. We will no longer be running parts of the system. Instead, we will be overseeing it.

This does not mean that you can no longer access our services. On the contrary, the Services Branch of the PSC continues to provide a common portal for Canadians to access public service jobs.

It continues to be a centre of excellence in assessment, and it still manages national recruitment programs such as Post-Secondary Recruitment. The Services Branch also offers tailored recruitment services.

We also have a technological solution available to help organizations screen applicants. A recent change to our policy on area of selection will progressively provide Canadians across the country with greater access to public service jobs. I believe that our automated staffing tool – the Public Service Resourcing System – will be an invaluable tool for organizations as they begin managing larger volumes of applications.

### **Opportunity for change**

The key challenge for the public service at this time is to take full advantage of the opportunities presented by the modernized staffing regime. It’s up to managers to embrace the flexibilities now available to them; HR specialists will advise – and sometimes challenge – managers on how to do this the right way, in keeping with the staffing values in the Act. HR specialists and managers will work collaboratively to ensure that individual staffing actions are in line with and support a good HR plan. This is a lot of responsibility – for every player in the system – but the rewards of doing it right will make the investment worthwhile.

If we simply re-create the old system, we’ll have missed a chance to free ourselves from the rigid, rules-heavy practices that bogged the public service down for years. Let’s not rely on the old manuals; let’s use the new tools and flexibilities that are now available. ■



The PSC meets with federal councils and other stakeholders across the country to underline the continued support available under the new PSEA.

## **Political activities and the new PSEA**

While recognizing that public servants have the right to engage in political activities, the new PSEA also stresses the importance of a politically impartial public service. The PSC is responsible for overseeing the impartiality of the public service and for assessing election candidacy requests. In each organization, a political activities designate can provide guidance to employees. A PSC Web-based self-assessment tool helps employees determine if the activity they wish to engage in would potentially impair their ability to perform their duties in a politically impartial manner. For more information, please consult the political activities section on the PSC Web site at [www.psc-cfp.gc.ca](http://www.psc-cfp.gc.ca).

# Making a Smooth Transition to the Modernized Staffing Regime

The implementation of the new PSEA will have a major impact on how departments and agencies plan and implement their human resources (HR) activities. The PSC is working with departments and agencies, the Canada School of Public Service (CSPS) and the Public Service Human Resources Management Agency of Canada (PSHRMAC) to help organizations ensure a smooth, rapid transition period.

While organizations will enjoy great flexibility in managing how the transition affects their HR activities, they will all need to consider certain factors. They will want to reduce the administrative burden of maintaining parallel appointment and recourse systems. As well, to help build confidence in the new appointment system, organizations must ensure that staffing decisions continue to consistently apply the staffing values.

Both HR advisors and managers will find the PSC Web-based “*Public Service Employment Act* Transition Reference Document” very useful. It deals with such issues as appointment processes and eligibility lists; appeals and corrective measures;



Under the new PSEA, deputy heads of departments and agencies have been delegated staffing authority.

effective dates of appointment; deployments; probation; priorities; casual employment; and oaths or solemn affirmations of office and secrecy.

Additional information on these and other implementation issues may also be obtained from your PSC strategic staffing consultant, or at [www.psc-cfp.gc.ca](http://www.psc-cfp.gc.ca). ■

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This special print edition of *INFO-PSC* has been produced by the Public Service Commission to mark the implementation of the new *Public Service Employment Act*.

Publication Date:  
January 30, 2006  
Ottawa  
ISSN 1712-8749 INFO-PSC

# INFO-PSC

## VISIT US ON-LINE!

*INFO-PSC* is a Web-based newsletter, published quarterly to keep managers and human resources professionals informed of the Public Service Commission's work both in providing recruitment services to departments and agencies and in safeguarding the integrity of the appointment process in the federal public service.

You can subscribe to *INFO-PSC* to receive e-mail notification each time a new issue is published. Visit the PSC Web site at:

[www.psc-cfp.gc.ca/centres/newsletter-bulletin](http://www.psc-cfp.gc.ca/centres/newsletter-bulletin)

# The Public Service Resourcing System – A Screening Solution

On October 7, 2005, the Public Service Commission (PSC) announced changes to its policy on area of selection. As of April 1, 2006, all officer-level jobs that are open to the public in the National Capital Region will have a national area of selection. This means that all Canadians may apply to, and be considered for, these jobs, regardless of where they live.

That's great news for Canadians who want to join the public service. But what does it mean for managers and human resources (HR) professionals? For them, this policy change poses a challenge – more applications to screen. Many are questioning how they will find the time and resources

to manage these larger volumes of applications.

Certainly, the flexibility available in the new *Public Service Employment Act* (PSEA), will help. But the answer also lies with new technology. Specifically, the Public Service Resourcing System – a proven screening solution. PSRS, as it is also known, is an electronic screening system for external staffing processes. It is a user-friendly, intuitive tool that “walks” managers and HR specialists through the staffing process. Hiring managers define the requirements needed for a position at the outset. Applicants are then screened against those requirements, based on their responses to an electronic questionnaire. Thus, the number of applications that need to be screened manually is greatly reduced. The result is fewer referrals to sort through and much better candidate matches.

Since 2003, PSRS has operated on a pilot basis in two PSC regions – the National Capital and Eastern Ontario Region and the Central and Southern Ontario Region. Although PSRS does

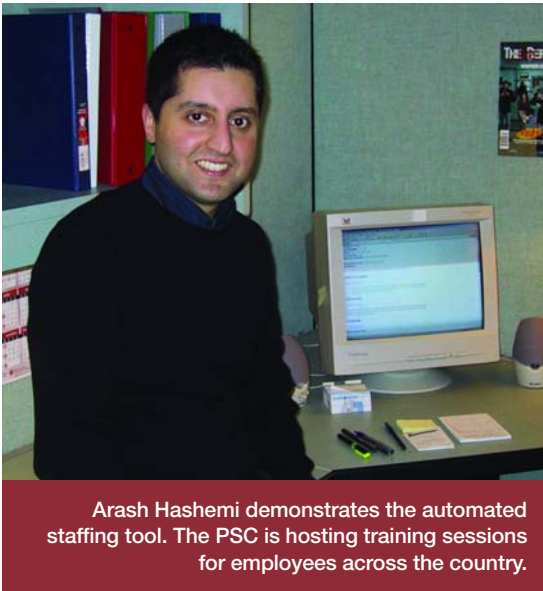
not yet have complete functionality, it successfully screened down referrals by as much as 77% compared to manual screening. Canadians who use PSRS to apply for jobs on the jobs.gc.ca Web site will find that the process is clearer, faster, more responsive and transparent.

The PSRS was introduced to federal organizations on a larger scale last fall, when it was provided to all PSC regional offices. With the coming into force of the new *Public Service Employment Act* at the end of December 2005, the PSC enhanced PSRS to address the requirements of the new PSEA. Again, this enhanced system, which has been tested to ensure that it is capable of managing new volumes of users, is available to departments and agencies through the PSC's regional offices.

Finally, in April 2006, interested departments and agencies will be given direct access to PSRS in their own organizations. But it doesn't end there. PSRS is an interim solution for external staffing. It is not perfect, but it is a much better alternative to manual screening. Expected to be the first system to come out of the Treasury Board Secretariat's *Corporate Administration Shared Services* (CASS) initiative, PSRS will help departments and agencies manage large volumes of applications, as they strive to meet the requirements of the revised policy on area of selection and take on new responsibilities under the new PSEA.

As time goes on and the needs of organizations under the new PSEA become clearer, we will continue to improve PSRS to make it the most responsive and effective screening tool available. The PSC is also working to have in place by 2008, an all-inclusive screening solution for both external and internal staffing processes.

For more information on the PSRS, which is part of the Public Service Staffing Modernization Project (PSSMP), please visit [www.psc-cfp.gc.ca/pssmp-pmdfp/index\\_e.htm](http://www.psc-cfp.gc.ca/pssmp-pmdfp/index_e.htm). ■



Arash Hashemi demonstrates the automated staffing tool. The PSC is hosting training sessions for employees across the country.

# Conducting Investigations under the New PSEA

As you may know, the implementation of the new *Public Service Employment Act* (PSEA) means that we are working in a new recourse regime. This new regime is quite different from the old one – both for organizations and the PSC. Most recourse functions are now handled by deputy heads and the newly created Public Service Staffing Tribunal. The PSC is mandated to investigate external appointments; internal appointments, if they are **not** delegated to an organization; appointments involving possible political influence; and/or appointment processes where fraud is suspected. As well, the PSC may investigate delegated internal appointments, if requested to do so by the deputy head. To better reflect these responsibilities, the PSC's Recourse Branch changed its name in the summer of 2005 to the Investigations Branch.

To prepare for its new investigative role, the PSC has established two policies. The first is the Policy on Considerations for Investigations Conducted under the new PSEA by the PSC Relating to External Appointments, Non-Delegated Internal Appointments and Appointments Involving Political Influence or Fraud. This policy sets out the conditions which the PSC may consider when it decides to investigate an appointment process related to these types of issues.

The decision to investigate is made on a case-by-case basis. The PSC may consider information received by any means, including audit findings, concerns raised by individuals, internal information and media reports. Some of the factors considered include: whether the matter falls within the PSC's jurisdiction; whether it raises the possibility of a problem in the application of the PSEA; and, whether the information indicates a possible pattern of irregularities. The PSC also considers whether there is still a possibility of correcting the situation and whether recourse is available through other avenues.

A second policy, the Policy on Investigations Conducted under the new PSEA by the Public Service Commission at the Request of a Deputy Head, outlines the conditions under which the PSC will agree to conduct an investigation at the request of a deputy head. The considerations for these investigations are

similar to the other types of PSC investigations, except that the matter must fall within the deputy head's jurisdiction under the new PSEA. When the PSC conducts an investigation for a deputy head, it still follows the PSC's standards for investigations. It also provides a copy of the report to the Commission for information and oversight purposes.

Under the new PSEA, the PSC also has an expanded mandate to investigate allegations of improper political activities by public servants. Now, any person may make an allegation to the PSC that an employee sought to be elected without proper permission or engaged in another improper political activity. The PSC recently approved regulations that identify how to file an allegation of improper political activity and how these investigations are to be carried out.

The PSC believes that it is important to provide information on our mandated investigations and investigations of improper political activities, if it serves the public interest to do so. As a result, regulations have been enacted in both the *Public Service Employment Regulations* and the *Political Activities Regulations* that deal with the disclosure of information obtained during an investigation. With these Regulations, there are a number of conditions under which the PSC may disclose personal information obtained through an investigation. For example, if the information could promote fair and transparent employment practices, political impartiality or accountability, then it may be released. Similarly, if the information could ensure that wrongdoing would be corrected or prevented, or if it would encourage the adoption or continuation of proper employment practices or political activities, then the PSC may disclose it.

These Regulations acknowledge that a balance must be struck between transparency and the rights of individuals to privacy. If the disclosure of information infringes on privacy interests, the Commission must consider whether the public interest in disclosing the information outweighs those privacy interests.

For more information on the investigations conducted by the PSC, please contact Yvette Mongeon, Vice-President of Investigations, at (613) 992-5418. ■

# The Staffing Toolkit

The new PSEA will create many changes in human resources (HR) management in the public service. For example, managers involved in staffing will have increased authority, flexibility and obligations. To benefit from these powers and tools, managers must understand the new staffing environment. The first edition of the *Government of Canada Staffing Toolkit for Managers* will help managers do just that.

A collaborative effort between the Public Service Commission (PSC) and the Public Service Human Resources Management Agency of Canada (PSHRMAC), the Toolkit is designed to be an easy-to-use, general reference for managers

and HR professionals. It provides information on how to use the new staffing tools available under the new PSEA. It also contains a glossary of terms and links to other federal government Web sites and publications with in-depth information on particular topics.

The Toolkit is the first step in helping managers staff effectively and efficiently. It is not meant to be the final word. Managers are also encouraged to talk to HR professionals in their organizations.

For more information, please consult the staffing toolkit section of the Publiservice Web site at <http://publiservice.hrma-agrh.gc.ca>. ■

## The New Public Service Employment Regulations

How does the general framework of the new *Public Service Employment Act* (PSEA) translate into practical terms?

One of the ways is through regulations. In the same way as an act, regulations have a binding legal effect and usually state general rules to be applied. Following consultation, the PSC has made the new *Public Service Employment Regulations, 2005* (PSER).

In keeping with the philosophy and flexibility of human resources management under the new PSEA, the PSC made a considerable effort to reduce the number of regulations and exclusion approval orders. Some of the content and intent of the previous PSER have been retained and only a

few measures were added to address the new appointment regime.

The new Regulations address the following issues: acting appointments, priority entitlements for appointment, lay-offs, executive group appointments, incumbent-based processes, and disclosure of information obtained during the course of PSC investigations.

The PSER 2005 came into effect at the same time as the new PSEA, on December 31, 2005.

For more information, please consult the new *Public Service Employment Regulations, 2005* at <http://canadagazette.gc.ca/partII/2005/20051116/html/sor334-e.html>. ■

### Useful Links

Public Service Commission  
[www.psc-cfp.gc.ca](http://www.psc-cfp.gc.ca)

Appointment Framework  
[www.psc-cfp.gc.ca/psea-lefp/index\\_e.htm](http://www.psc-cfp.gc.ca/psea-lefp/index_e.htm)

Political Activities  
[www.psc-cfp.gc.ca/psea-lefp/political/index\\_e.htm](http://www.psc-cfp.gc.ca/psea-lefp/political/index_e.htm)

Transition  
[www.psc-cfp.gc.ca/psea-lefp/transition\\_e.htm](http://www.psc-cfp.gc.ca/psea-lefp/transition_e.htm)

Guides and Tools

[www.psc-cfp.gc.ca/psea-lefp/implementation/guides\\_e.htm](http://www.psc-cfp.gc.ca/psea-lefp/implementation/guides_e.htm)  
Communications Resource Centre (publiservice clients only)  
[http://publiservice.hrma-agrh.gc.ca/hrmm-mgrh/psma-lmfp/centre/comm\\_e.asp](http://publiservice.hrma-agrh.gc.ca/hrmm-mgrh/psma-lmfp/centre/comm_e.asp)

*Public Service Employment Regulations*

<http://canadagazettecanada.gc.ca/partII/2005/20051116/html/sor334-e.html>

Public Service Modernization Portal  
[www.psmod-modfp.gc.ca](http://www.psmod-modfp.gc.ca)

## The Public Service Official Languages Exclusion Approval Order

In the June issue of INFO-PSC, we told you that the *Public Service Official Languages Exclusion Approval Order* (PSOLEAO) was changing. Well, the new PSOLEAO has since been approved and came into force on December 31, along with the new *Public Service Employment Act* (PSEA).

The PSOLEAO is the statutory instrument that allows, in some circumstances, appointment of unilingual Canadians to bilingual positions in the federal public service. The new Order is complemented by the *Public Service Official Languages Appointment Regulations* (PSOLAR), which set out how persons excluded under the PSOLEAO are dealt with.

The PSOLEAO and the PSOLAR have been designed to provide an appropriate balance. On the one hand, they ensure that public servants meet the official language proficiency requirements of their positions; on the other, they allow unilingual Canadians fair access to bilingual positions in the federal public service.

Broadly speaking, the provisions of the new Order are different in two ways. First, the new Order and Regulations limit distinctions between official language proficiency and other qualifications in the operation of merit. Second, there are now three circumstances, instead of seven, in which a person may be excluded from meeting the official language proficiency requirements of a bilingual position. These circumstances are exclusion as a result of an agreement to become bilingual, exclusion for medical reasons, and exclusion for persons who are eligible for an immediate annuity and submit their resignation. With these changes, the Order and Regulations are easier to interpret than before.

Canada is committed to a public service that embodies linguistic duality and continues to gain from a public service whose members are able to serve the public in the official language of their choice. The provisions of the new PSOLEAO and the PSOLAR reflect these values and, by so doing, are in keeping with the spirit and intent of the new PSEA. ■

## Ready to Meet Your Resourcing Needs!

Has the recent implementation of the new *Public Service Employment Act* (PSEA) got your organization looking for support? Do you need tools to help manage your organization's new responsibilities?

The Services Branch of the PSC can help. As your organization adjusts to its newly delegated authorities, consider allowing us to advise you in developing new resourcing and assessment strategies. As the centre of expertise in public service recruitment, executive (EX) resourcing and assessment services, we are well positioned to help you meet your new responsibilities and take full advantage of the staffing flexibilities offered by the new PSEA.

The PSC has qualified human resources specialists waiting to help in our offices across the

country. We offer an array of services to meet your current and future needs. These include access to time-saving, targeted inventories, management of the executive resourcing process, and second language testing, to name just a few. There is also our proven electronic screening solution, the Public Service Resourcing System. For a complete list, please visit our Web site at: [www.psc-cfp.gc.ca/centres/services/index\\_e.htm](http://www.psc-cfp.gc.ca/centres/services/index_e.htm).

The Services Branch of the PSC is committed to becoming the service provider of choice for departments and agencies – throughout the implementation of the new PSEA and beyond. We will continue to review our services to ensure that they remain relevant. Keep reading *INFO-PSC* for updates. ■

### The PSC has a new look!

You may have noticed that the Public Service Commission (PSC) has changed the appearance of its publications and Web site.

Our new corporate look consists of several elements which better reflect our revised mandate under the new PSEA:

- the image of the Peace Tower conveys our accountability to Parliament;
- the horizontal bar reflects the PSC's national responsibilities and services; and
- the curve, or umbrella, at the top right represents the PSC's increased focus on oversight.

Through our audit, policy and investigations activities, we protect the integrity of the appointment process and the core values of merit and non-partisanship.

While our corporate and Web site accent colour is primarily burgundy, our print products will bear other colours to help distinguish our different oversight and service roles.

We at the PSC are proud of our new look and what it stands for. Watch for it the next time you receive information from the PSC! ■

## Key Concept – Informal Discussion

Informal discussion is a concept introduced in the new PSEA. It is basically a conversation between a person who has been eliminated from consideration in an internal appointment process and the person(s) responsible for making that decision. With no set rules or format, informal discussion provides an opportunity to share information so that the person(s) responsible can explain the decision, and the person eliminated can better understand those reasons.

Informal discussion may take place at any stage during the appointment process before

a final decision is made. Its focus is on the assessment of the person who has been eliminated, rather than on the other persons in the appointment process. Informal discussion also gives the manager an opportunity to correct any errors or oversights before the decision is finalized.

Persons should be told as soon as possible of the decision to eliminate them from consideration for appointment. Informal discussion can help promote a positive work environment, and it supports the values of transparency and fairness.

Informal discussion is not recourse.

Participating in informal discussion does not affect a person's right to make a complaint to the Public Service Staffing Tribunal.

For more information, please consult the Guides and Tools section of the PSC Web site at [www.psc-cfp.gc.ca/psea-lefp](http://www.psc-cfp.gc.ca/psea-lefp). ■



Informal discussions in internal appointment processes, held between managers and employees, will promote a positive work environment.

## Key Concept – Merit

Under the new PSEA, the values of merit and non-partisanship remain the cornerstones for appointments to and within the public service, resulting in a public service that is representative and able to serve the public with integrity in the official language of their choice.

Merit is now defined in the new PSEA. Merit means that every person who is appointed must meet the essential qualifications, including official language proficiency, for the work to be performed. As well, managers may take into consideration other “merit criteria,” such as additional (asset) qualifications, operational requirements and organizational needs identified currently or in the future.

Essential qualifications are those qualifications that are absolutely necessary to perform the work. Some examples include experience, education, knowledge, skills, personal suitability, behavioural competencies, and competence in either or both official languages.

An asset qualification might, now or in the future, benefit the work or the organization. Some

examples could be experience, education, knowledge, skills, personal suitability and behavioural competencies.

Current and future operational requirements could include such elements as a requirement to travel or work shifts. Current and future organizational needs could include organizational renewal or the need to increase the representation of designated employment equity group members. Organizational needs may be identified by either the manager or the employer.

While managers must assess essential qualifications, they have the flexibility to establish and assess the other merit criteria to select the person who is the “right fit” for a particular job. In an appointment process, managers must provide, upon request, further information on the merit criteria which will be used.

For more information, please consult Assessing Merit on the PSEA Implementation Web site [www.psc-cfp.gc.ca/psea-lefp](http://www.psc-cfp.gc.ca/psea-lefp). ■