



ESTIMATES

Public Service Staff Relations Board

**2000-2001
Estimates**

Part III – Report on Plans and Priorities

Canada

The Estimates Documents

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament. The Estimates, which are tabled in the House of Commons by the President of the Treasury Board, consist of three parts:

Part I – The Government Expenditure Plan provides an overview of federal spending and summarizes both the relationship of the key elements of the Main Estimates to the Expenditure Plan (as set out in the Budget).

Part II – The Main Estimates directly support the *Appropriation Act*. The Main Estimates identify the spending authorities (votes) and amounts to be included in subsequent appropriation bills. Parliament will be asked to approve these votes to enable the government to proceed with its spending plans. Parts I and II of the Estimates are tabled concurrently on or before 1 March.

Part III – Departmental Expenditure Plans which is divided into two components:

- (1) **Reports on Plans and Priorities (RPPs)** are individual expenditure plans for each department and agency (excluding Crown corporations). These reports provide increased levels of detail on a business line basis and contain information on objectives, initiatives and planned results, including links to related resource requirements over a three-year period. The RPPs also provide details on human resource requirements, major capital projects, grants and contributions, and net program costs. They are tabled in Parliament by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*. These documents are to be tabled on or before 31 March and referred to committees, which then report back to the House of Commons pursuant to Standing Order 81(4).
- (2) **Departmental Performance Reports (DPRs)** are individual department and agency accounts of accomplishments achieved against planned performance expectations as set out in respective RPPs. These Performance Reports, which cover the most recently completed fiscal year, are tabled in Parliament in the fall by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*.

The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of public funds.

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Available in Canada through your local bookseller or by mail from Canadian Government Publishing (PWGSC)
Ottawa, Canada K1A 0S9

Telephone: 1-800-635-7943
Internet site: <http://publications.pwgsc.gc.ca>

Catalogue No. BT31-2/2001-III-35

ISBN 0-660-61170-8

Public Service Staff Relations Board

**2000-2001
Estimates**

A Report on Plans and Priorities

Approved

Minister

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SECTION I: MESSAGES

CHAIRPERSON'S MESSAGE

As long as the government engages employees to furnish services to the public, it is appropriate and necessary to provide for the administration of its labour relations with those employees. In order for such a system to be effective it must, in fact, be impartial and neutral, and be perceived as such.

As an independent quasi-judicial statutory tribunal responsible for the administration of the systems of collective bargaining and grievance adjudication in the Public Service the Board contributes an essential support function to all programs of the federal government which are provided in whole or in part by federal public servants.

A staff relations regime should not be founded on or provide a framework for a test of wills and economic strength between labour and management. The Board's objective, therefore, is to administer a system which provides fairness to government employees and to the Canadian public. It is within this context that the Board strives to provide a flexible and multi-faceted array of tools to assist the parties in the conduct of their labour relations.

The activity of the Board affects the public interest by promoting and supporting a harmonious and regulated relationship between public servants and their employers. The cost of the activity is mitigated by the overall benefit of enabling the government to provide its services with a minimum of disruption.

The expeditious handling of proceedings referred to it in accordance with the rules of natural justice and fairness continues to be the chief priority of the Board. The essential functions performed by the Board are non-discretionary in nature and must be provided at the request of the parties. The Board, nevertheless, recognizes that it is imperative that these functions be provided in the most cost effective and timely manner.

The mediation pilot project commenced last fall will continue until September 2000 at which time its success will be formally evaluated. At this time our clients appear to be pleased with and readily accept mediation practices for most procedures before the Board

Problems associated with designations continue to arise. The difficulties that we have encountered, in attempting to administer the designation process, have forced the Board and its clients to create a framework outside the legislative scheme.

A trilogy of cases recently heard by the Federal Court of Appeal dealt with the adjudication of disputes arising under a collective agreement and involving

human rights issues. The Court ruled that existing legislation requires that human rights disputes in the federal workplace, even though they may arise out of a collective agreement, must be dealt with by the Canadian Human Rights Commission and not the Public Service Staff Relations Board. The Court recognized that having these matters dealt with under the Canadian Human Rights Act is a complex, costly and time consuming method of resolving these questions. Given that the legislation in question, section 91 of the Public Service Staff Relations Act, was enacted long before the Canadian Human Rights Commission came into existence, the issue of overlapping jurisdictions between the Human Rights Commission and our Board should be looked at. Given the importance of the statutory grievance process for all disputes arising under a collective agreement, its general availability should not lightly be set aside.

Hopefully, the Fryer Study Group, set up by the Treasury Board Secretariat to look at labour relations in the federal Public Service, will deal concretely with these issues in its eventual report.

Yvon Tarte
Chairperson

MANAGEMENT REPRESENTATION

Report on Plans and Priorities 2000-2001

I submit, for tabling in Parliament, the **2000-2001** Report on Plans and Priorities (RPP) for the Public Service Staff Relations Board.

To the best of my knowledge the information:

- accurately portrays the Board's mandate, plans, priorities, strategies and expected key results of the organization;
- is consistent with the disclosure principles contained in the *Guidelines for Preparing a Report on Plans and Priorities*;
- is comprehensive and accurate;
- is based on sound underlying departmental information and management systems.

I am satisfied as to the quality assurance processes and procedures used for the RPP's production.

The Planning and Reporting Accountability Structure on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Name: _____

Yvon Tarte
Chairperson

Date: February 2000

SECTION II: BOARD OVERVIEW

A. Mandate, Roles, and Responsibilities

The mandate of the Public Service Staff Relations Board is to effectively and efficiently administer the systems of collective bargaining and grievance adjudication established under the *Public Service Staff Relations Act* and the *Parliamentary Employment and Staff Relations Act*, as well as certain provisions of Part II of the *Canada Labour Code* concerning occupational safety and health applicable to employees in the Public Service. The Board also administers the *Yukon Public Service Staff Relations Act* and Part 10 of the *Yukon Education Act*.

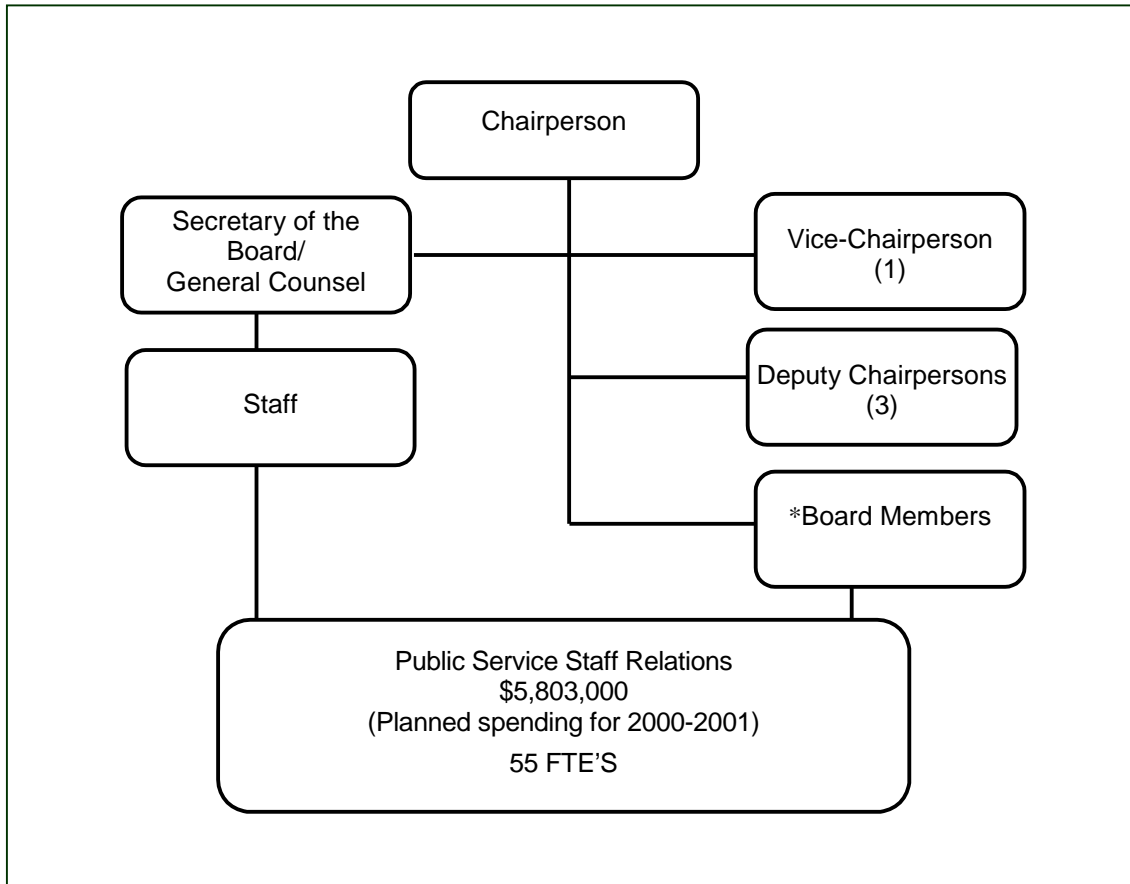
The mission of the Board is to promote and support harmonious employer employee relations in the federal Public and Parliamentary Service. In support of this mission the Board assists the parties, where possible, to resolve their own differences; ensures that all processes are impartial and open; consults regularly with the parties to facilitate and improve the Board's processes; informs clients and the public on the Board's role, services and jurisprudence; promotes a work environment that fosters the development of a knowledgeable and co-operative staff and ensures efficient and effective use of its limited resources.

The Board provides a mediation and conciliation service to assist the parties in the resolution of their differences. This service enables many matters to be settled without resort to formal proceedings before the Board.

In addition, the Board provides physical premises and administrative support services to the National Joint Council which is an independent consultative body of representatives of employers and employees created for the determination of service-wide issues that do not lend themselves to unit by unit bargaining. However, the Board has no direct involvement in the operations of the National Joint Council.

Organization Structure

Public Service Staff Relations Board (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 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. During virtually all of the years since the Board's inception, the designated Minister has been the President of the Queen's Privy Council for Canada. The Minister's responsibility under the Act is to lay 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.

B. Program Objective

The program objective is the creation of jurisprudence through the decisions of the Board and the implementation of a set of integrated procedures which enables the employers, the bargaining agents and the employees they represent and others who have entitlements, to exercise their rights under the Act.

C. External Factors Influencing the Board

Ultimately the labour relations concerns of public servants, their bargaining agents and the Public Service employers become the factors determining the workload of the Board, both in quantity and type of dispute requiring attention. The implementation of and conversion to the Universal Classification Standard has the potential of bringing about disagreement over work descriptions, pay rates and classification thereby increasing the workload of the Board. It is expected that the introduction of the Universal Classification Standard will result in a large increase in the number of grievances submitted to the Board for adjudication.

The creation of special agencies as separate employers will increase applications to the Board to determine successor rights. On application, the Board is required to determine such matters as whether one or more units are appropriate for collective bargaining, which employee organization shall be the bargaining agent for each unit and whether a collective agreement continues and, if so, for how long.

The implementation of the Universal Classification Standard will have a significant impact on bargaining in 2000-2001. When a new classification standard is introduced the new pay rates attendant on the implementation of changed classifications for employees' positions must be negotiated between the employer and the bargaining agents. This has the potential to make negotiations during the upcoming round of bargaining more difficult, resulting in increased requests for the Board's assistance and intervention.

In 1993 the Public Service Staff Relations Act was amended to provide for the designation of positions rather than employees. Under the amendments a designation that a position had, or a determination that a position did not have, safety or security duties was to remain in effect until found to be otherwise by way of the review process provided in the Act.

During the first round of bargaining under the amended legislation, the parties reviewed each position in a bargaining unit to seek agreement as to whether the position should or should not be designated. Where the parties failed to agree the Board would ultimately make a determination. Once a position was designated a notice was prepared for the employee occupying the position informing the employee that the position was designated and that as the

incumbent of the position the employee was prohibited from participating in strike action.

It was anticipated in 1993 that, after the first round of bargaining under the amended process, the issue of designated employees for all subsequent rounds of bargaining would be limited to the review of a position which, either had not been designated, but which the employer felt should be designated or which had been designated but which the bargaining agent felt should no longer be designated. In practice, however, this is not the case.

The amended provisions are ambiguous, cumbersome and incomplete. Indeed, the Treasury Board and the Public Service Alliance of Canada consider the provisions so inadequate that they have found it necessary to reach an agreement, with the acquiescence of the Board, that deals with designated positions by means of a process totally outside the provisions of the Act.

In order to accommodate their respective concerns the parties have agreed to virtually start the process anew for each round of bargaining. This includes not only compiling a new list of designated positions but also of providing another notice to all employees, including those whose positions continue to be designated. The process takes up a considerable amount of the limited resources available to both the parties and the Board and brings the process back to where it was prior to 1993, but without any legislative support. So far this arrangement has been successful in the current round of negotiations because of the co-operative approach of the parties. However, the parties cannot operate outside the scope of the legislation on such an ad hoc basis indefinitely. As has been indicated in previous reports it is most urgent that a complete review of the designation procedures contained in the PSSRA be undertaken in consultation with all concerned.

D. Departmental Planned Spending

(thousands of dollars)	Forecast Spending 1999-2000*	Planned Spending 2000-2001	Planned Spending 2001-2002	Planned Spending 2002-2003
Budgetary Main Estimates	5,661.0	5,803.0	5,703.0	5,703.0
Plus:				
Cost of services received without charge	1,231.9	1,231.9	1,231.9	1,231.9
Net Cost of Program	6,892.9	7,034.9	6,934.9	6,934.9
Full time Equivalents	52	55	55	55

*Reflects the best forecast of total planned spending to the end of the fiscal year.

SECTION III: PLANS, RESULTS AND RESOURCES

A. Business Line Objective

The Public Service Staff Relations Board has one business line: public service staff relations.

Objective

The objective of the business line is to resolve workplace disputes by the creation of jurisprudence through the decisions of the Board and the implementation of a set of integrated procedures which enables the employers, the bargaining agents and the employees they represent and others who have entitlements, to exercise their rights under the Act.

B. Business Line Description

The Public Service Staff Relations Board administers the statutory framework within which the various rights and responsibilities of participants to collective bargaining in the Public Service are to be exercised.

The Board renders reasoned decisions in a timely manner and provides assistance to the parties thereby contributing to the following goals:

- ◆ fostering harmonious labour relations in the work place
- ◆ minimising the possibility of labour unrest which could result in disruption in the implementation of government programs.

C. Key Results Commitments, Planned Results, Related Activities and Resources

Key Results Commitments	Planned Results	Related Activities	Resources
<p>An environment that fosters harmonious labour relations in the federal public service workplace, thereby minimizing the possibility of labour unrest which could result in the disruption in the implementation of government programs.</p>	<ul style="list-style-type: none"> • Maintaining a framework for the timely administration of the systems of collective bargaining, grievance adjudication and complaints in the Public Service. • Decision on using mediation as a formal step in the grievance adjudication process. • The effective and efficient processing of the expected influx of grievances related to the implementation of the Universal Classification Standard(UCS). 	<p>The expeditious handling of proceedings referred to the Board in accordance with the rules of natural justice and fairness is fundamental to maintaining the integrity and credibility of the Board. The Board has set standards for the handling of proceedings referred to it from the initial application to final disposition. The Board expects to continue to achieve a high compliance rate with performance standards related to the handling and disposition of proceedings referred to it.</p> <p>Receipt and Evaluation of the consultant's final report on the mediation pilot project by December 2000 (for further details see the Board's Website www.pssrb-crtfp.gc.ca).</p> <p>Providing administrative and operational resources required to meet increased workload effectively.</p> <p>Maintaining channels of communication open with parties to assist in the processing of UCS grievances.</p>	<p>\$5,803,000 Total Planned Spending for 2000-2001</p>

C. Key Results Commitments, Planned Results, Related Activities and Resources (Continued)

Key Results Commitments	Planned Results	Related Activities	Resources
<p>An environment that fosters harmonious labour relations in the federal public service workplace, thereby minimizing the possibility of labour unrest which could result in the disruption in the implementation of government programs.</p>	<ul style="list-style-type: none"> • Improved electronic access to Board jurisprudence and activities. • Assessment of opportunities for administrative cost savings and/or efficiencies in sharing resources with the Canada Industrial Relations Board (CIRB). 	<p>Continuing upgrades to the Board's Web site.</p> <p>A study assessing the feasibility of sharing library resources with the CIRB and assuming joint responsibility for the Labour Canada Library collection will be completed in 2000-2001.</p> <p>An agreement for shared financial services between the Board and the CIRB has recently been implemented. Discussions are also underway with respect to the provision of reciprocal back-up Human Resource services.</p>	<p>\$5,803,000 Total Planned Spending for 2000-2001</p>

SECTION IV: FINANCIAL INFORMATION**Net Cost of Program for the Estimates Year**

(thousands of dollars)	Public Service Staff Relations
Net Planned spending	5,803.0
Plus	
Services received without charge	-
Accommodation provided by Public Works and Government Services Canada (PWGSC)	1,042.2
Contributions covering employers' share of employees' insurance premiums and costs paid by Treasury Board Secretariat	189.7
	1,231.9
2000-2001 Net Program Cost	7,034.9
Full Time Equivalents	55

* Reflects the best forecast of total planned spending to the end of the fiscal year.

SECTION V: OTHER INFORMATION

Listing of 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
- *Parliamentary Employment and Staff Relations Act*, R.S.C. 1985 (2d Supp.), c. 33
- P.E.S.R.A. Regulations and Rules of Procedure
- Certain provisions of Part II of the *Canada Labour Code*, R.S.C. 1985, c. L-2
- *Yukon Education Act* - Part 10 - Teachers Staff Relations, S.Y. 1989-1990, c. 25
- Yukon Teachers Staff Relations Board Regulations and Rules of Procedure
- *Yukon Public Service Staff Relations Act*, R.S.Y. 1986, c. 142
- Regulations and Rules of Procedure of the Yukon Public Service Staff Relations Board

References

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

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