

Public Service Employment Act and the Employer

Get Ready Sessions
May-June, 2005

Purpose

- To brief staffing officers about the employer's approach to its new responsibilities under a new PSEA re:
 - Deployments (*PSEA 26(1)(a)*)
 - Promotion (*PSEA 26(1)(b)*)
 - Periods of Probation and Notice Periods (*PSEA 26(1)(c)*)
 - Rate of Pay on Appointment (*PSEA 60*)
 - Qualification Standards (*PSEA 31(1)*)

Background

New *PSEA* Employer authorities:

- In recognition of the Employer's broader human resources management (HRM) responsibilities
- To complement current authorities for other HRM responsibilities
- Are consistent with the general accountability of the Government for more effective, results-oriented performance

Guiding Principles for Consultations

Employer direction and any proposed changes must:

- Respect new *PSEA* provisions
- Enhance service-wide transparency, consistency, fairness and mobility, at minimum risk
- Not negatively impact on, nor alter, the provisions of collective agreements nor terms and conditions of employment
- Be clear and simple to understand and operate

Wide Array of Consultations

- PSHRMAC-Interdepartmental Working Group
- PSC Advisory Committee Working Group on *PSEA* Modernization
- Human Resources Council
- National Joint Council
- National Staffing Council
- Staffing Modules I (June), II (September) & III (November) in partnership with PSC and Canada School of the Public Service
- Separate Agencies
- Heads of HR

Deployments – Update

- Grievance process now replaces staffing recourse
- Adjudication by *PSLR* Tribunal only when employee deployed without his/her consent
- Need to still retain the Deployment Policy?
 - No change to deputy head authority to deploy to and within their organizations “in the manner directed by TB”
 - TB Policy on Deployment issued in early 1990’s directed deputies on how authority would work
 - Deployment managed well
 - No risk issues have surfaced to date
 - Current policy is redundant

Deployments – Direction

- Rescind current TB Non-EX Deployment Policy
- Retain current TB Deployment Policy for EX’s (addresses exceptions)
- Provide PSHRMAC guidelines on deployment and a template for department-specific policies
- Include new direction in CSPS modules

Inter-Group Deployments - Update

- Current *PSER*: permits inter-group deployments, except to CA, MM and EX Groups
 - Successful candidates for CA/MM Programs are *appointed* to positions in CA/MM groups
 - Successful candidates to EX Group are *appointed* because no EX selection (qualification) standards and need to manage entry
- New *PSEA*: permits inter-group deployments unless excluded by TB regulations.
- Need to reflect new HRM world:
 - flexibility of selection processes
 - focus on qualification standards
 - devolution of EX-01 to –05 staffing to deputies.

Inter-Group Deployments - Direction

- Rescind Section 6 of the *PSER*.
- No need for new TB regulations if:
 - EX Qualification Standards in place
 - Definition of promotion and qualification standards guide entry options
- Amend Salary Administration Policy for EX’s
- Provide guidance to departments (e.g. webpage; CSPS)

Separate Agency Deployments - Update

- New *PSEA* permits inter-group deployments to the core public administration from separate agencies if PSC approves their staffing system
- Inter-group deployments guided by definition of promotion and qualification standards
- No issues raised to date
- Future issues may concern different classification and compensation systems (e.g. broad bands)

Deployments from Separate Agencies - Direction

- No policy required at this time
- Use the current definition of promotion and qualification standards for deploying individuals from separate agencies to organizations under the *PSEA*
- Provide guidance to departments and separate agencies
- Continue to consult with separate agencies and monitor variances in systems

Definition of Promotion- Update

- Two current definitions of promotion:
 - Section 2 of *PSEER* (staffing)
 - Sections 22 to 26 of TB Terms and Conditions of Employment Policy (compensation)
- To what extent can they be harmonized since will be in the same portfolio?
 - Different wording for “substantive”
 - “Assigned” versus “appointed”
 - Regional pay rates
 - Priority entitlements
 - Impact on deployment

Definition of Promotion- Update

- To what extent can the definition be changed?
 - Extensive study by PSC in 2001: Inconclusive results
 - Harmonized rates of pay now due to occupational regrouping
 - Stakeholders interested in reviewing and streamlining formula
- Multi-disciplinary working group established in May 2005:
 - Comprised of Human Resources Council, TB, PSHRMAC and PSC senior representatives
 - To review and recommend new approach to definition of promotion

Promotion - Direction

- Revoke Section 2 of *PSEER*
- Enact Regulations in December 2005 that:
 - Maintain current terminology for definitions of “promotion” and “substantive” level
 - Maintain smallest increment pending review of impacts and costs of moving to 4%
 - Retain exception to the definition
 - Eliminate separate definition for priorities
- Working group: options and recommendations that may result in revisions to new regulations

Probation - Update

- *PSEA* limits probation to initial appointment from outside the PS
- Schedule 2 of *PSEER* currently in force
- Overall stakeholder satisfaction with status quo
- Questions from a small %:
 - Application to internal appointments?
 - Deputy head delegation?
 - 12 months-plus for Apprenticeship and Professional Training Programs?
 - Harmonize notice period for end of term employment?

Probation – Direction

- Rescind Schedule 2 of *PSEER*
- Minor changes in new Employer regulations:
 - Status quo for periods of probation and notice
 - 12 months
 - Probation for the duration of apprenticeship or training programs
 - Streamlining text
- Decision not to align term notice periods
- Support to departments outside of regulation or policy (e.g. web page, CSPS)

Rate of Pay on Appointment - Update

- New *PSEA* authority transferred to Employer from PSC
- No policy issued by PSC: referral to definitions in Sections 22 – 26 of TB T&CEP
- General support for status quo
- Principle focus from some: alter the *Policy on Pay Above the Minimum on Appointment from Outside the Public Service (PPAMAOPS)*?
 - Revisit criteria
 - Apply provisions to federal public administrators

Rate of Pay on Appointment – Direction

- No need to duplicate Sections 22 to 26 of T&CEP in another employer policy
- Status quo for T&CEP provisions
- Promotion working group to review options re the PPAMAOPS
- Support/guidance from Employer outside of policy/regulation

Qualification Standards - Update

- Need to create minimum standards that deputy heads must respect when establishing essential or asset qualifications
- Link to current and future needs and Integrated HR and business planning process
- Desire to link with classification standards and competency profiles

Qualification Standards - Direction

- Current group specific selection standards will become qualification standards on transition
- Link to classification standards
- Future revisions on an as-required basis

Next Steps

- Justice Canada to draft probation and promotion regulations for TB approval by a date coincident with the coming into force of *PSEA 2003*
- Working group to conclude study
- Develop supporting tools
- Integrate into CSPS training products
- Implement communication strategy
- Annual report to Parliament