



Public Service
Staffing Tribunal

Tribunal de la dotation
de la fonction publique

Public Service Staffing Tribunal

2006-2007



Report on Plans and Priorities Approved

The Honourable Beverley J. Oda
Minister of Canadian Heritage and Status of Women

Canada



Table of Contents

- I. Overview 1**
 - A. Chairperson’s Message 1
 - B. Management Representation Statement 3
 - C. Summary Information 4
 - D. Plans and Priorities. 6

- II. Analysis of Program Activities by Strategic Outcome 11**
 - A. Management of hearing processes 12
 - B. Mediation 14
 - C. Corporate Services. 14

- III. Supplementary Information 15**
 - A. Organizational Information 15
 - B. Financial Tables 16

- IV Other Items of Interest 17**
 - Contact for Further Information and Web Site 17
 - Legislation Governing the Work of the Public Service Staffing Tribunal. 17



A. Chairperson's Message

I am pleased to present the 2006-2007 *Report on Plans and Priorities* for the Public Service Staffing Tribunal ("the Tribunal"). This report outlines the Tribunal's intended direction for the next three years based on its strategic plan for the same period.

The new Tribunal was established through the *Public Service Modernization Act* which enacted a new *Public Service Labour Relations Act* and a new *Public Service Employment Act* (the PSEA or the Act). The new PSEA came into force on December 31, 2005 and is designed to modernize staffing in the federal public service while preserving the core values of merit, excellence, non-partisanship, diversity and Canada's linguistic duality. The Act includes a new definition of merit and creates new arrangements for the resolution of complaints related to appointments and lay-offs, one of which is the Tribunal.

The mandate of the Tribunal is to consider and dispose of complaints related to internal appointments, lay-offs, the implementation of corrective measures ordered by the Tribunal and revocations of appointments. In considering whether a complaint against an appointment or lay-off is founded or not, the Tribunal may interpret and apply the *Canadian Human Rights Act*. The Tribunal may provide mediation services at any stage of a proceeding in order to resolve a complaint.

In fiscal year 2006-2007, the Tribunal will ensure that the following essential elements are in place in order to hear complaints and offer mediation services: a complaint registry and information management system; a procedural guide for use by the Tribunal's clients and their representatives; and external training programs tailored to the needs of the Tribunal clients. As well, the Tribunal will develop an internal human resources system, including plans, tools and policies and training programs adapted to the different needs of its employees and members. These elements will be closely monitored and adjusted as necessary to ensure that the Tribunal fulfils its mandate in a highly professional and efficient manner.

The Public Service Staffing Tribunal is committed to: maintaining its impartiality, transparency and independence; providing professional, respectful and timely service to its clients and stakeholders; assisting parties in resolving their disputes as informally and as expeditiously as possible through full and meaningful exchange of information, mediation pre-hearing and settlement conferences, as appropriate, and ensuring that its decisions are fair, consistent and well reasoned. The goal of this work is to ensure that Canada continues to benefit from a public service that strives for excellence, is based on merit and non-partisanship, is representative of Canada's diversity and is able to serve Canadians with integrity and in their official language of choice.

B. Management Representation Statement

I submit for tabling in Parliament, the 2006-2007 Report on Plans and Priorities (RPP) for the Public Service Staffing Tribunal.

This document has been prepared based on the reporting principles contained in *Guide for the Preparation of Part III of the 2006-2007 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

- It adheres to the specific reporting requirements outlined in the Treasury Board Secretariat guidance;
- It is based on the department's approved Program Activity Architecture structure as reflected in its Management Resources and Results Structure;
- It presents consistent, comprehensive, balanced and accurate information;
- 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 in the RPP.

Guy Giguère
Chairperson and Chief Executive Officer
March 20, 2006

C. Summary Information

Mandate

The new Public Service Staffing Tribunal has been established through the new *Public Service Employment Act* to deal with complaints related to internal appointments and lay-offs. The role of the Tribunal is to provide employees and employers with a fair, efficient and independent resolution of employee complaints. The *Public Service Modernization Act*, which substantially came into force in November 2003, enacts a new *Public Service Employment Act* (the "Act") designed to modernize staffing in the Canadian public service while preserving the core values of merit, excellence, non-partisanship, diversity and Canada's linguistic duality. The Act gives a new meaning to merit and creates new arrangements for recourse, one of which is the Public Service Staffing Tribunal. The Act came into force in December 2005.

The Tribunal will consider and dispose of complaints related to internal appointments, lay-offs, implementation of a corrective measure ordered by the Tribunal, and revocation of an appointment. A complaint related to an internal appointment may be submitted to the Tribunal on one of the following grounds: abuse of authority in the application of merit; abuse of authority in the choice of appointment process; and failure to assess a person in the official language of his or her choice. In the case of revocation, a complaint may be made on the grounds that the decision to revoke the appointment was unreasonable. The basis for a complaint against a lay-off or the implementation of a corrective action is abuse of authority. In considering whether a complaint based on an appointment or a lay-off is founded, the Tribunal may interpret and apply the *Canadian Human Rights Act*.

The Tribunal headed by Guy Giguère, Chairperson, is in place in order to receive complaints now that the new Act has come into force.

Mission

The mission of the Tribunal is to contribute to a competent, non-partisan and representative public service through impartial and timely disposition of disputes related to the internal staffing and lay-off processes in the government of Canada. This will include:

- Rendering decisions that are sound and well reasoned.
- Ensuring all parties are treated fairly.
- Processing complaints in a timely manner.
- Assisting the parties to resolve disputes through alternative dispute resolution mechanisms.
- Ensuring that all processes are fair and transparent.
- Providing stakeholders user friendly access to Tribunal services and information.
- Educating and informing clients and the public on the Tribunal's role, services and jurisprudence.
- Promoting a work environment that fosters the development of a knowledgeable and client centered staff.

Benefits to Canadians

By providing transparent, impartial and sound decision-making and support to help parties resolve staffing disputes, the Tribunal will be accessible and responsive to stakeholders, and contribute to the effective management of human resources to the benefit of federal public service departments and agencies, managers, employees and Canadians at large.

The Tribunal benefits Canadians by promoting and supporting a competent, non-partisan and representative public service through impartial and timely disposition of disputes related to the internal staffing and lay-off processes in the government of Canada.

Resources and priorities

Financial Resources (in thousands of dollars)

2006-2007	2007-2008¹	2008-2009¹
\$5,244	–	–

Human Resources

2006-2007	2007-2008	2008-2009
33 FTEs	33 FTEs	33 FTEs

¹ Does not include the funding that will be requested by the Tribunal to pursue its mandate.

In 2006-07, the Public Service Staffing Tribunal will address the priorities listed in the following table.

Departmental Priorities (in thousands of dollars)

	Planned Spending	
	Type	2006-2007
Be ready to hear complaints	New	654
Be ready to mediate	New	825
Ensure tools are in place for HR management	New	245
Establish registry and information management systems	New	398
Establish internal and external communications	New	256
Establish corporate and management practices	New	431

D. Plans and Priorities

Working environment

Overall, there is an expectation that staffing will be improved with the coming into force of the new *Public Service Modernization Act* (PSMA). Expectations of stakeholders of the Tribunal include:

- The timely resolution of complaints. The Tribunal will be conscious of the need to minimize the length of time required to render decisions.
- A user-friendly accessible process.
- Sound and consistent procedural and substantive decision-making.
- Availability of Alternative Dispute Resolution (ADR)—so that parties are better able to resolve disputes informally.
- Transparency, impartiality, and independence of the Tribunal.
- A Tribunal that is results-driven.

In meeting the above expectations of stakeholders, the Tribunal will need to address some key challenges:

- **Unpredictability of the volume of the caseload.** The Tribunal's caseload is externally generated. It has no ability to predict or affect the volume of its intake of cases. Given that the Tribunal is still at its beginning stages, predicting caseload is all the more challenging. An underlying concern is that the resources of the Tribunal may not be sufficient to handle a higher caseload than expected, or a sudden increase in the number of complaints or demand for mediation services. This could affect the ability of the Tribunal to process complaints or provide mediation services in a timely manner.
- **Uncertainty amongst stakeholders.** As with any major change, the Tribunal expects that there will be some apprehension amongst stakeholders and resistance to change to the new staffing process. For example, the parties have some concerns over the interpretation of the new legislation in specific areas such as abuse of authority. At these early stages of the establishment of the Tribunal, it will be critical for the Tribunal to maintain ongoing communications with stakeholders, do outreach, and provide training to stakeholders where appropriate.
- **Uneven awareness of the Tribunal.** There is a need to create greater awareness of the Tribunal in the public service at large, and to dispel at the outset any misunderstandings that may exist about its role.
- **Ensuring the Tribunal is ready to receive complaints.** This means finding staff with the required skills and abilities, training staff, and establishing new processes and systems.
- **Obtaining long term funding.** Obtaining stable and adequate funding for the Tribunal in the long term. At this moment, funding has only been allotted up to 2006-2007.

At the same time, the environment in which administrative tribunals are operating is also changing:

- **Increased use of case management.** Tribunals are increasingly being proactive in pursuing specific strategies such as pre-hearing discussions and settlement conferences in order to resolve cases more expeditiously. The Public Service Staffing Tribunal plans to do the same in close collaboration with the parties.
- **Prevalence of electronic communications.** Increasingly parties (and their representatives) appearing before the Tribunal expect to be able to interface with it electronically, as they now do with the courts and other tribunals. This includes the ability to submit applications and supporting documentation electronically; to access case information electronically; and to be able to communicate with the Tribunal and the other parties electronically and securely. This will require that the Tribunal have sound information management practices in place, and be supported by a robust case management system.
- **Case management systems.** CMS are being used to automate the processing and handling of cases as much as possible, and to facilitate e-filing and electronic access. The Tribunal is establishing a case management system to meet its requirements, using technology that will be shared with the Public Service Labour Relations Board (PSLRB).
- **Shared services between Tribunals.** Tribunals are sharing services so as to reduce support costs related to corporate services, information technology, hearing and meeting rooms, and library services. With a view to containing costs, the Tribunal is sharing services with other tribunals such as the PSLRB, Canada Industrial Relations Board and Canadian Artists and Producers Professional Relations Tribunal.

Stakeholder Expectations

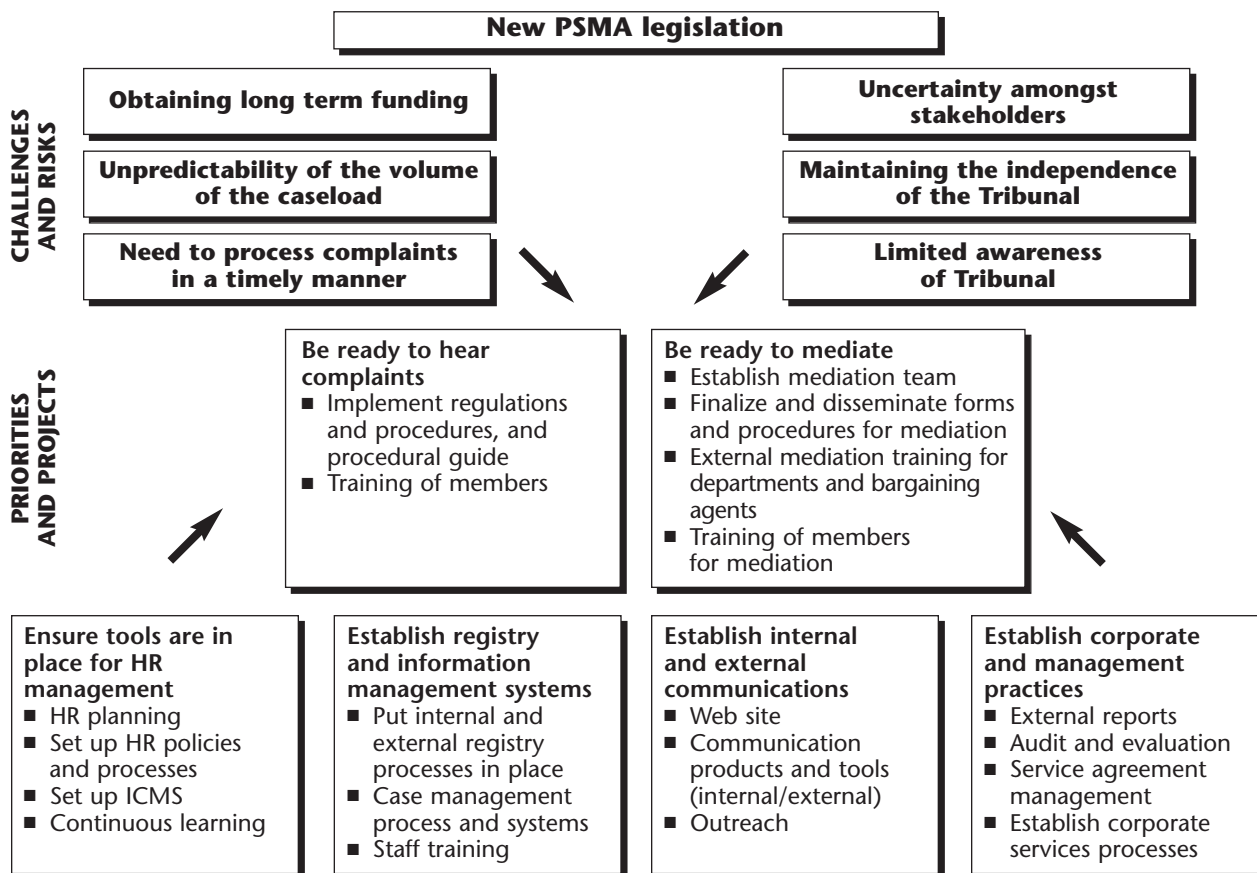
The Tribunal will need to meet the expectations of a wide range of stakeholders, including:

- **Departments and agencies**—This group includes Deputy Heads, delegated managers, and Human Resource professional advisors. They will be looking for a user-friendly and transparent process, the timely resolution of complaints, impartiality of the Tribunal, consistent and well reasoned decisions, and increased ability to resolve disputes informally. The Tribunal also needs to be conscious of the service needs of clients at the regional level.
- **Public Service employees, bargaining agents, and other employee agents**—They will have many of the same expectations as the departments and agencies. Employees will also want information on their process rights, and will expect to be able to seek recourse.
- **Central agencies**—Agencies with specific interests such as the Public Service Commission, the Public Service Human Resources Management Agency of Canada will want to be kept informed of areas of concern in the staffing process, and will want to be consulted on major issues affecting the implementation of the new legislative framework.
- **Other interested tribunals and groups**—The Canadian Human Rights Commission will want a proper determination of issues involving discrimination allegations, as well as consistency with *Canadian Human Rights Act* and jurisprudence. Similarly, human rights groups will be expecting fair treatment of complaints.
- **Public**—At the highest level, Parliamentarians and Canadian citizens will want information on the application of the merit principle and its impact on the federal public service. The media will want information on specific decisions made by the Tribunal.

Plans and Priorities

Given that the Tribunal is still in the process of being established, its key priorities are to be ready to mediate and hear complaints. The other priorities of the Tribunal are associated with putting the supporting infrastructure in place, more specifically, the registry and information management systems, human resource management tools, internal and external communications, and corporate and management practices. These priorities, and the tasks to be carried out under each priority, are summarized in the chart below and discussed in further detail in the text that follows.

Priorities of the Tribunal



Be ready to hear complaints

Having the people and processes in place to hear complaints will be the key concern of the Tribunal during 2006-2007. Tasks will include:

- Implement regulations and procedures, and procedural guide—Disseminating the regulations that have been developed to administer the new legislative framework, preparing a guide, preparing forms and procedures for hearings, and providing information sessions to stakeholders.
- Training of employees and members—Training on the role of the Tribunal, the Tribunal processes for issuing decisions, the objectives of the PSMA and the PSEA, legal issues and precedents, and Tribunal administrative procedures.

Be ready to mediate

In carrying out its mandate, the Tribunal will strongly encourage parties to resolve their concerns through ADR processes, and will actively promote the use of ADR mechanisms. The Tribunal must carry out a number of tasks to establish this capacity to provide mediation services:

- Establish mediation team—Putting the organization in place, staffing positions, and orientation and training of staff.
- Finalize and disseminate forms and procedures for mediation—Including policies and procedures, standard contracts and agreements for mediation services.
- External mediation training for departments and bargaining agents—Providing training in mediation on complaint mediation, mediation agreements, and the roles and responsibilities of the parties.
- Training of members in mediation—Advanced mediation training will be provided to the members.

Establish registry and information management systems

A key concern of the Tribunal will be to provide employees and members with the tools and support they need to do their work. This will involve:

- Put internal and external registry processes in place—For example, processes related to receiving and processing complaints and disputes, arranging for mediation services, translating decisions, issuing decisions, answering requests for information, managing the Case Management System, the dissemination of decisions/case summaries, and scheduling and managing logistics with members.
- Case management system and processes—The Tribunal will need to document its case management processes, and will over the next 18 months be implementing a new case management system through a shared service arrangement (with the PSLRB).
- Staff training—Providing staff training in registry processes, case management system workflows, Tribunal procedures for hearings and mediation, and client service.

Ensure tools are in place for HR management

The Tribunal has begun to develop its overall vision and operating principles. The Tribunal wishes to ensure it has the right skill sets to foster staff and member training, create meaningful jobs, and look for people who are adaptable and multi-disciplinary. This will require a strong focus on human resources. Key tasks will include:

- HR planning—The development of HR plans, and resource policies and requirements, in close integration with business plans.
- Set up HR policies and processes—The development of the HR infrastructure, including classification, staffing, staff relations, performance management, and employee assistance.
- Set up an Informal Conflict Management System (ICMS) and Labour-Management Committee—Including the development of processes, roles and responsibilities, and communication to staff.
- Continuous learning—Competency profiling, development of individual learning plans, assessing organizational-wide needs, and developing a Tribunal learning plan.

Establish internal and external communications

Externally, the Tribunal will use its web site to provide value added information to its clients (e.g., access to jurisprudence); use Tribunal mediation services and training (e.g., as part of departmental training programs) to foster better relationships with departments and bargaining agents; and be visible through conferences, and participation in joint committees, while maintaining its independence. Internally, the Tribunal will foster communications through regular monthly staff meetings, joint member and staff meetings together to report on activities, the Intranet, and committees such as a Health and Safety Committee and Labour-Management Committee. Key tasks will include:

- Web site development—Includes design of web site, development of content, interface with stakeholders, and in the long term, establishing the linkages with e-filing and the Case Management System.
- Development of communication products and tools—Includes communications plan and strategy, corporate branding, and development of communications products and tools.
- Outreach—Identification of messages, key vehicles and responsibilities, as well as the overall outreach strategy and plan, recognizing that all members and staff will have a critical role to play in doing outreach.

Establish corporate and management practices

The Tribunal will undertake a number of tasks to establish its corporate and management practices. These include:

- Audit and evaluation—Developing an audit program and plan. The plan is to conduct one audit every second year. The focus will be primarily on audit as opposed to evaluation at this time.
- Establish corporate services processes—Including development of policies and procedures for finance, contracting, travel, security, inventory management, and other administrative procedures.
- External reports—Developing the Tribunal's performance measurement framework and performance indicators, and establishing a process for producing external reports.
- Service agreement management— Ensuring that shared service arrangements with other tribunals meet the expectations of PSST managers and staff. For example, the Tribunal has concluded a shared service agreement with the PSLRB to obtain corporate support for its information technology, and remuneration and compensation.

Analysis of Program Activities by Strategic Outcome

The Tribunal has a single strategic outcome:

Contribute to a competent, non-partisan and representative public service through impartial and timely disposition of disputes related to the internal staffing and lay-off processes in the government of Canada.

The results to be achieved in support of this strategic outcome are:

- Tribunal decisions are sound and well reasoned
- Complaints are processed in a timely manner
- Timely results of ADR interventions
- Access to Tribunal services and information

The Tribunal has one activity—*Processing of complaints relating to the appointment, revocation and lay-off provisions under the Public Service Employment Act*; and three sub-activities—*Management of hearing processes, Mediation, and Corporate Services*.

Financial Resources (in thousands of dollars)

2006-2007	2007-2008 ¹	2008-2009 ¹
\$5,244	–	–

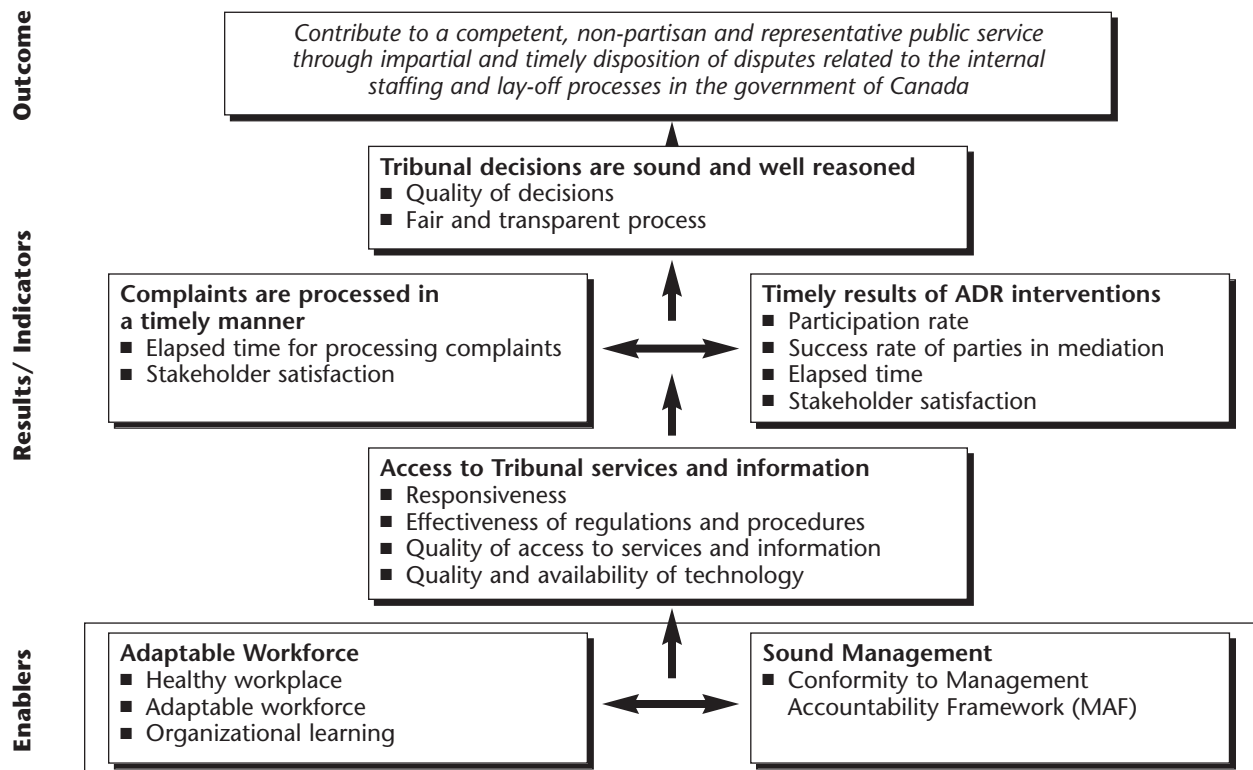
Human Resources

2006-2007	2007-2008	2008-2009
33 FTEs	33 FTEs	33 FTEs

¹ Does not include the funding that will be requested by the Tribunal to pursue its mandate.

Preliminary performance indicators for each of these results are identified in the chart below. The performance measurement framework of the Tribunal also includes performance indicators related to a Productive Workforce and Sound Management. The results and performance indicators will need to further be developed and refined during 2006-2007 and future years.

Preliminary performance measurement framework of the Tribunal



We describe below in greater detail the expected results, the performance objectives that the Tribunal is striving to achieve based on the performance measurement framework, and how the plans and priorities of the Tribunal discussed earlier support these performance objectives.

A. Management of hearing processes

The management of hearing processes will include case management, registry services, issuing decisions, translation of decisions, dissemination of decisions and case summaries, and scheduling and managing logistics with members. Legal and policy support will also be provided, as well as orientation and training to members.

Result: Tribunal decisions are sound and well reasoned

This result is the ongoing primary concern of the Tribunal. Key performance objectives include:

- **High quality of decisions.** The Tribunal will need to be able to issue sound decisions that provide effective recourse and are of high quality. An important measure of quality will be the number of legal challenges of decisions that are submitted to the Federal Court and then dismissed.

-
- **Fair and transparent process.** The Tribunal will need to ensure all parties are treated fairly, that all processes are fair and transparent, and that the Tribunal maintains its impartiality and independence. This indicator will be monitored by the number of challenges to the Federal Court, as well as by stakeholder feedback and complaints.

Result: Complaints are processed in a timely manner

A key challenge for the Tribunal will be to minimize the length of time to render decisions. Key performance indicators include:

- **Stakeholder satisfaction.** The Tribunal intends to periodically conduct client satisfaction surveys and/or conduct evaluations after each training session in order to obtain client feedback. An important element of quality of service will be to provide a client centered service that is courteous, respectful, efficient and timely.
- **Elapsed time for processing complaints.** The Tribunal will be establishing service standards for processing complaints and will monitor actual elapsed times in relation to these standards, with the goal of avoiding a backlog of complaints.

Result: Access to Tribunal services and information

This result applies to both the management of hearing processes as well as mediation. Key performance objectives include:

- **Maintain high level of responsiveness.** For example, in acknowledging complaints or requests for mediation received from clients, responding to requests for information, or in scheduling training sessions.
 - **Effective regulations and procedures.** The effectiveness of Tribunal regulations, procedures, guidelines and guide in supporting the processing of cases and ADR interventions. This will be monitored through periodic consultations with stakeholders.
 - **Quality of access to services and information.** The Tribunal plans to use technology to the extent possible. Over time, this will mean using the web as a key tool to provide information to clients (e.g., decisions, training, forms, etc.), automating scheduling and other administrative matters with the parties, linking the web to the case management information system so that clients can look at their individual files, gradually moving to e-filing, and linking the case management system to the performance management system.
 - **Quality and availability of technology.** To ensure that the technology used by the Tribunal (software, systems, equipment and infrastructure) meets the requirements of the Tribunal and users. Users can be both internal (e.g., members, staff), and external (e.g. complainants, bargaining agents, delegated managers, human resources professional advisors, Public Service Commission, lawyers).
-

B. Mediation

The mediation at the Tribunal includes the mediation of complaints, mediation training, and other ADR processes.

Result: Timely results of ADR interventions

Key performance objectives include:

- **A high participation rate.** The Tribunal will strive to increase the use of ADR mechanisms to help resolve complaints, both at the Tribunal as well as within federal departments and agencies. To help achieve this objective, the Tribunal plans to provide ADR training to departments and agencies as well as members of the Tribunal.
- **High success rate of parties in mediation.** The Tribunal will strive for a high success rate in mediation whereby the parties are successful in reaching a mutually satisfactory resolution to the dispute.
- **Stakeholder satisfaction.** The Tribunal intends to periodically conduct client satisfaction surveys and/or conduct evaluations after each mediation or training session in order to obtain client feedback.

C. Corporate Services

Corporate Services includes responsibility for human resources management, finance, administrative services, material management, information technology/information management, library services, audit/evaluation, security, and includes any shared service arrangements.

Result: Adaptable workforce

Key performance objectives include:

- **Healthy workplace.** The Tribunal wishes to foster a work environment that puts a priority on teamwork, communications, and respect. It will do this by offering staff opportunities to provide input to decision-making, by fostering good internal communications, and by recognizing staff and members for taking initiative.
- **Adaptable workforce.** The Tribunal will emphasize career development, continuous learning, and the creation of meaningful jobs. It will maintain generalist positions as much as possible, avoid too much specialization, look for people who are adaptable and multi-disciplinary, and provide staff with the opportunity to work on challenging projects. Jobs will be designed to enable the Tribunal to attract and retain qualified staff (e.g., interesting jobs, knowledge based, and high level job content).
- **Organizational learning.** The Tribunal will provide employees and members with the appropriate tools and support needed, promote sharing of information and knowledge within the Tribunal, document policies, operating procedures and guidelines in order to help retain corporate knowledge, and put an organization-wide learning strategy and plan in place.

Result: Sound management

The Tribunal will ensure that its management practices are aligned with the Management Accountability Framework (MAF), and carry out periodic assessments of its management practices against the MAF.

Supplementary Information

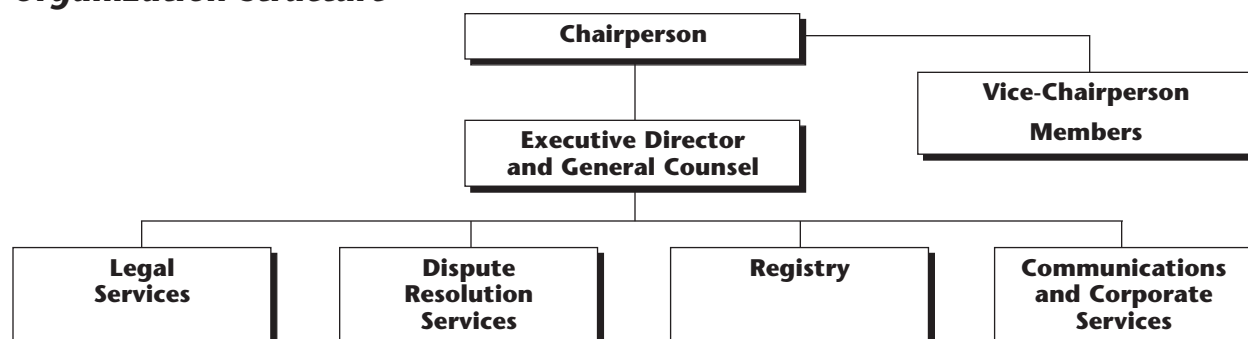
A. Organizational Information

The Tribunal is an independent quasi-judicial administrative tribunal that reports to Parliament through the Minister of Canadian Heritage. The Tribunal will include between five and seven permanent members, including the Chairperson and Vice-Chairperson, as well as an unfixed number of temporary members. Permanent members are appointed by the Governor in Council for a term not exceeding five years.

The Members of the Tribunal are supported by a permanent staff which has a present complement of 17 people. The principal work units are:

- **Executive Director and General Counsel**, ultimately responsible for the management of hearing processes, mediation, legal and policy support, managing relationships with stakeholders, and corporate services.
- **Legal Services**, responsible for the provision of legal services to the Members and staff of the Tribunal.
- **Dispute Resolution Services**, responsible for mediating disputes, mediation training, and other ADR interventions.
- **Registry**, responsible for case management, registry services, translation, dissemination of decisions and case summaries, and scheduling and managing logistics with the members.
- **Communications and Corporate Services**, responsible for external and internal communications, the development of the web site and communications products, and corporate services such as human resources management, finance, administrative services, material management, information technology/information management, library services, audit/evaluation, security, and shared service arrangements.

Organization Structure



B. Financial Tables

Table 1: Departmental Planned Spending and Full Time Equivalents

(\$ thousands)	Forecast Spending 2005-2006 ¹	Planned Spending 2006-2007	Planned Spending 2007-2008 ²	Planned Spending 2008-2009 ²
Processing of complaints relating to the appointment, revocation and lay-off provisions under the <i>Public Service Employment Act</i>	4,113	5,244		
Total Main Estimates	4,113	5,244	–	–
<i>Adjustments:</i>				
Adjustment entry to reconcile to best estimate of cash expenditures	(2,000)			
<i>Total Adjustments</i>	(2,000)			
Total Planned Spending	2,113	5,244	–	–
Plus: Cost of services received without charge	176	447		
Net cost of Program	2,289	5,691	–	–
Full Time Equivalents	10	33	33	33

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

2 Does not include the funding that will be requested by the Tribunal to pursue its mandate.

Table 2: Voted and Statutory Items listed in Main Estimates

(\$ thousands)	2006-2007		
Vote or Statutory Item	Public Service Staffing Tribunal	Current Main Estimates	Previous Main Estimates
105	Program expenditures	4,710	3,776
(S)	Contributions to employee benefit plans	534	337
	Total Voted and Statutory Items	5,244	4,113

Table 3: Services Received Without Charge

(\$ thousands)	2006-2007
Accommodation provided by Public Works and Government Services Canada	236
Contributions covering employers' share of employees' insurance premiums and expenditures paid by Treasury Board of Canada Secretariat	211
2006-2007 Services received without charge	447

Other Items of Interest

Statute and Regulations

Public Service Employment Act
Public Service Staffing Tribunal Regulations

S.C. 2003, c. 22, ss. 12 and 13
SOR/2006-6

Contact Information

Public Service Staffing Tribunal
240 Sparks Street
6th Floor West
Ottawa, Ontario K1A 0A5

Telephone: (613) 949-6516 or 1-866-637-4491
Facsimile: (613) 949-6551
E-mail: Info@psst-tdfp.gc.ca
Web site: www.psst-tdfp.gc.ca

Publications and Other Relevant Documents

Public Service Staffing Tribunal Procedural Guide, 2006

Statutory Responsibilities

The *Public Service Employment Act* requires or permits the Tribunal to undertake the following activities:

1. consider and dispose of complaints presented to the Tribunal [subs. 88(2)];
 2. in the case of a founded complaint involving a lay-off of an employee, set aside the decision of a deputy head to lay off the employee and order the deputy head to take any corrective action that it considers appropriate, other than the lay-off of another employee [subs. 65(4)];
 3. in considering whether a complaint against a lay-off is substantiated, interpret and apply the *Canadian Human Rights Act*, other than its provisions relating to the right to equal pay for work of equal value [subs. 65(7)];
 4. in the case of a founded complaint involving a revocation of an appointment, order the Public Service Commission or the deputy head to set aside the revocation [s. 76];
-

5. in the case of a founded complaint involving an internal appointment, order the Public Service Commission or the deputy head to revoke the appointment or not to make the appointment and to take any corrective action that it considers appropriate [subs. 81(1)];
6. in considering whether a complaint against an internal appointment is substantiated, interpret and apply the *Canadian Human Rights Act*, other than its provisions relating to equal pay for work of equal value [s. 80];
7. in the case of a complaint involving a corrective action ordered by the Tribunal, order the Public Service Commission or the deputy head to revoke the appointment made as a result of the implementation of the corrective action, or not to make the appointment, and give the Commission or the deputy head any directions that it considers appropriate with respect to the implementation of the corrective action [s. 84];
8. provide mediation services at any stage of a proceeding in order to resolve a complaint [subs. 97(1)];
9. summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath in the same manner and to the same extent as a superior court of record [par. 99(1)(a)];
10. order that a hearing be conducted using any means of telecommunication that permits all persons participating to communicate adequately with each other [par. 99(1)(b)];
11. administer oaths and solemn affirmations [par. 99(1)(c)];
12. accept any evidence, whether admissible in a court of law or not [par. 99(1)(d)];
13. compel, at any stage of a proceeding, any person to produce any documents and things that may be relevant [par. 99(1)(e)];
14. subject to any limitations that the Governor in Council may establish in the interests of defence or security, enter any premises of an employer where work is being or has been done by employees, inspect and view any work, material, machinery, appliances or articles in the premises and require any person in the premises to answer all proper questions relating to a complaint [par. 99(1)(f)];
15. summarily dismiss any complaint that, in its opinion, is frivolous or vexatious [subs. 99(2)];
16. decide a complaint without holding an oral hearing [subs. 99(3)];
17. render a decision on a complaint and provide a copy of it, including any written reasons, and any accompanying order to the Public Service Commission and to each person who exercised the right to be heard on the complaint [s.101];
18. make regulations respecting complaint time limits and procedures, procedures for the hearing of complaints, time limits and procedures for notices and other documents, notice of an issue to the Canadian Human Rights Commission and the disclosure of information [s.109];
19. prepare and submit an annual report to Parliament through the Minister of Canadian Heritage regarding activities during the fiscal year [subs. 110 (1)].
20. use any services and facilities of departments, boards and agencies of the Government of Canada that are appropriate for the operation of the Tribunal [subs. 93(2)].