

# **Public Service Grievance Board**

## **2014-2017 Business Plan**

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## Executive Summary

This business plan of the Public Service Grievance Board (PSGB or Board) presents its strategy to fulfill its legislative mandate by improving customer service through setting standards of excellence in relation to the overall efficiency and cost-effectiveness of its operation.

The PSGB is classified as an adjudicative agency accountable to the legislature through the President of the Treasury Board. It is one of the Public Service Appeal Boards, the other being the Grievance Settlement Board (GSB). The PSGB has a signed Memorandum of Understanding that sets out its roles and responsibilities and the reporting relationship between the Chair of the PSGB and the President of the Treasury Board.

The PSGB's Chair and its Members are appointed by Order in Council (OIC) on a part-time basis. The Chair is paid on a per diem basis for administrative duties and dispute resolution services, and the Members are paid on a per diem basis for dispute resolution services.

The Secretary is directly responsible for all administrative matters and the day-to-day operation of the Board. The Chair and the Secretary are jointly responsible for policy matters relating to the administration of the Board.

The PSGB must be viewed by its clientele as having independence and neutrality. The PSGB's decision-making integrity is preserved by its physical location (i.e., it is physically separated from other government agencies other than the GSB) and by the fact that the PSGB strives to use mediators/adjudicators who are prominent and well respected in the broader labour relations community.

The overall objective of the Board is to provide neutral dispute resolution services between management/excluded Crown employees and the government as their employer (these parties are commonly referred to as the Board's "client group"). When third party intervention is needed, the Board provides mediation or, in the alternative, diverse, expeditious and inexpensive methods of adjudication and dispute resolution. The Board also makes available relevant research material and jurisprudence to interested parties, and it publishes rules on the conduct and management of its affairs.

The PSGB is linked to the government's priority: "A More Prosperous Ontario" by providing effective and cost-efficient resolution of disputes within the Ontario Public Service (OPS), which contributes to a productive, efficient and accountable workplace.

## **PSGB Mandate**

The PSGB is an independent, adjudicative agency that provides dispute resolution services in respect of disputes between certain members of Ontario's public service who are excluded from collective bargaining and their employers. It is composed of a Chair and at least two other members. The PSGB exercises the powers and performs the duties conferred upon it by the *Public Service of Ontario Act, 2006*, S.O 2006, c.35, Sched. A, sections 21 to 27, and O. Reg. 378/07.

## **PSGB Mission Statement**

To provide appropriate dispute resolution services to management/excluded employees and their employers in a fair, impartial and expeditious manner and promote harmonious labour relations in the OPS.

## **PSGB Strategic Direction**

The Board promotes and builds harmonious labour relations in the OPS through a variety of services. The agency resolves disputes in a timely, cost efficient manner to enhance productive relationships in the workplace.

The agency will provide timely, clear, concise decisions on disputes arising between management/excluded employees and their government employer. The PSGB will continue to work with the stakeholders to provide detailed information about grievances, caseload, and work to assist them with alternative dispute methods to bring about a harmonious labour relations environment in the OPS.

## **Overview of Programs and Activities**

### **Core Business:**

#### *Hearings*

In keeping with its statutory mandate, the core business of the PSGB is to hear and decide disputes arising between management/excluded employees and their government employer. In promotion of its core business, and to increase access to its processes and decisions, the Board has published:

- PSGB Rules and Practice Notes
- A Quick Overview of the Arbitration Process – PSGB

The [Board's website](http://www.psab.gov.on.ca) (URL: [www.psab.gov.on.ca](http://www.psab.gov.on.ca)) provides 24 hour access to information about the agency, the Board's rules, an overview of the arbitration process, downloadable complaint applications and searchable access to the Board's decisions.

#### *Mediation*

In order to make better use of limited hearing resources and to assist the parties in coming to a settlement, the Board offers a confidential mediation session to the parties. The mediation process is designed to explore the possibility of settlement of some or all of the issues in dispute between the parties.

### **Third Party Initiatives:**

The PSGB operates within the Public Service Appeal Boards umbrella organization which also houses the GSB (Ministry of Labour). Both agencies have co-existed for over 30 years. The two boards share all resources including staff, hearing space, information technology, and all matters necessary to run both organizations with savings for both boards through their co-existence. All costs for the PSGB flow through the Ministry of Labour budget and then journals are used to charge back the costs to each individual Ministry for the costs associated with the PSGB. In addition to the obvious savings realized through their co-existence the two boards jointly hold a biannual conference for their stakeholders and clients.

## **Environmental Scan**

### **Internal Factors:**

- The continued need to improve overall efficiency and cost-effectiveness in the resolution of disputes through:
  - The retention of skilled and experienced Members.
  - The use of innovative dispute resolution procedures.
  - The use of technology to achieve administrative efficiency and cost-effectiveness.
  - A desire to manage the caseload and deliver services electronically.
  - Electronic hearings and reporting of information.
  - Improving administrative efficiency.
  - Access to cost efficient hearing rooms.
- Prevention of a backlog of complaints.
- The dispute resolution method of choice continues to be mediation/arbitration rather than adjudication. However, different and flexible methods of Alternative Dispute Resolution are continually explored to maintain and increase efficiency and cost-effectiveness.
- The case management system continues to:
  - Increase staff productivity through a drastic reduction in paperwork.
  - Increase response time in scheduling continuations and follow-ups.
  - Increase integrity and accuracy of information.
- The Government requirement to report performance measures annually to ensure efficiency and cost-effectiveness.
- Ongoing program evaluation.
- Need to increase Member complement for greater regional representation and one current OIC is nearing the 10 year tenure.
- Agency's lease will be expiring in 2015. Discussions with MOL have started and may impact the Agency's location.
- MOL has implemented an updated space standard which will impact this agency.

### **External Factors:**

- Changing expectations of the client group.
- Any changes to service delivery, dispute resolution practices, or terms and conditions of appointees at the GSB have the potential to impact the PSGB. Treasury Board Secretariat (TBS) continues to keep the Chair of the PSGB and the delegated agency contact at TBS apprised of any relevant developments at the GSB.

## PSGB Resources

The PSGB receives its funds through an allocation from the GSB, which is funded as a budget item of the Ministry of Labour. Expenditures made on behalf of the PSGB are recovered from the Employer and refunded to the GSB.

The PSGB charges the Employer a \$300 filing fee for each complaint filed at the Board along with the Chair's per diem, administrative and travel costs.

The attributable costs reflect those costs incurred by the Employer, which are directly related to the hearing of a particular case, as well as the costs of using a hearing room at the Board.

The Chair Per Diem and the Chair's Administrative and Travel Costs are costs directly related to the Chair's role in administering the agency. These amounts are fully recovered from all OPS ministries.

Attributable costs include the per diems, travel and accommodation costs incurred by Members related to hearings. Also included in these costs are the travel and accommodation costs of the Chair when acting as a case Member.

Administrative/Filing Fees costs are fully recovered from the OPS ministry which the complaint originated.

<b>Public Service Grievance Board</b>			
	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
Chair Per Diem (annual)	56,440.00	56,440.00	49,368.40
Chair Administrative and Travel Costs	505.79	322.08	3,153.28
Attributable Costs	39,925.02	48,694.77	56,778.44
Administrative/Filing Fees ( # of cases filed x \$300)	15,300.00	41,100.00	37,500.00
Hearing Rooms at the Board	4,400.00	10,200.00	10,200.00
<b>Total:</b>	<b>\$ 116,570.81</b>	<b>\$ 156,756.85</b>	<b>\$ 157,000.12</b>
<b>Number of Cases filed</b>	<b>53</b>	<b>148</b>	<b>112</b>
<b>Average Case Cost [total costs/# of cases filed]</b>	<b>\$ 2,199.45</b>	<b>\$ 1,059.17</b>	<b>\$ 1,401.79</b>

Note: Difference between # of cases filed and billed is due to a shorter cut off time for March year end billings. Therefore grievances filed after cut off are billed in next fiscal year (hence the slight difference).

## PSGB Resources

Status	Year 2012-13	Year 2013-14	Year 2014-15 as at December 31, 2014
Files Carried Forward	32	135	170
Filed	148	112	119
Files Re-opened	0	1	5
Decisions Released*	4	14	12
Settled*	35	53	21
Withdrawn*	3	7	10
Dismissed without Hearing*	3	3	89
Duplicate Files	0	1	0
<b>*Represents cases disposed during period</b>	<b>45</b>	<b>78</b>	<b>132</b>

## Active Files Status

Status	Year 2012-13	Year 2013-14	Year 2014-15 as at December 31, 2014
Decisions Pending	2	2	9
Adjourned Sine Die	0	113	108
To Be Scheduled	99	12	20
Settlement Pending	3	4	0
Schedule Continuation	5	17	12
Scheduled	26	22	13
<b>Total Active Cases</b>	<b>135</b>	<b>170</b>	<b>162</b>



## **Key Strategies**

### **PSGB's Goals and Objectives**

Consistent with the broad goal of promoting harmony and stability in the workplace through effective, independent resolution of disputes so that vital public services will be delivered in a manner that promotes a productive, efficient and accountable workplace and a prosperous and productive economy, the following goals and objectives of the Board have been identified:

1. To provide effective and independent resolution of disputes through the expertise of experienced and skilled mediators/adjudicators. This would be accomplished by maintaining a full complement of the Chair and at least two Members.
2. To provide the necessary environment and tools to encourage harmonious labour relations between the OPS and its management/excluded Crown employees by reducing the number of complaints between the parties. This would be accomplished by:
  - a. Providing timely, clear and concise decisions.
  - b. Providing consistent, timely advice and guidance to both parties in the settlement of specific disputes through mediation.
  - c. Providing positive suggestions to both parties as to the appropriate dispute resolution methods to be used in any given circumstance.
  - d. Providing employers with immediate notice of complaints as they are received for early resolution, if possible.
  - e. Providing timely statistical information regarding complaint activity. This would enable employers to better deal with labour relations issues.
3. To reduce costs and improve financial reporting to the client groups, Ontario Shared Services and the President of the Treasury Board by:
  - a. Monitoring, reviewing and adjusting our processes to ensure efficiency and cost-effectiveness.
  - b. Managing the caseload and delivering services electronically.
4. As the repository of labour relations complaint history and decisions for excluded employees in the OPS, to provide access, as required, to this valuable library of information to all interested parties through electronic means.

5. Providing education and training opportunities for staff, the Chair and Members that contribute to efficiency, effectiveness and expeditious resolution of disputes between the parties by:
  - a. Enhancing the skills of the Chair and Members to meet the changing expectations of the client group.
  - b. Enhancing the skills of the staff to meet the required administrative efficiency and cost-effectiveness.
6. Providing educational opportunities to the client group to promote cooperation, shared values and a mutual commitment to constructive labour relations through:
  - a. Seminars and workshops.
  - b. Providing timely, clear and concise decisions and advice.

## Agency Strategic Plan Implementation and Risk Assessment

Identified Risk	Agency Mandate/Objective	Likelihood / Impact	Overall Risk Level	Mitigating Strategies	Target Date
Risk Category: STRATEGIC	The Agency is an inward service provider.	Low	Low		TBD
Risk Category: ACCOUNTABILITY/ GOVERNANCE	Agency payment policy in relation to its schedule of payment for mediation. Won't be able to schedule cases in locations of significant travel.	Likely: Fewer out of town hearings, increased need for hearing space at PSGB	Medium	Utilize space on 22 <sup>nd</sup> floor.	TBD
Risk Category: OPERATIONAL	Agency payment policy changes affect the travel of our Members. Reducing the travel to locations of significant distance.	Cases will be scheduled at Board, Kingston, Ottawa.	Medium	Increase Members to include possible Northern or Western area Vice Chairs.	TBD

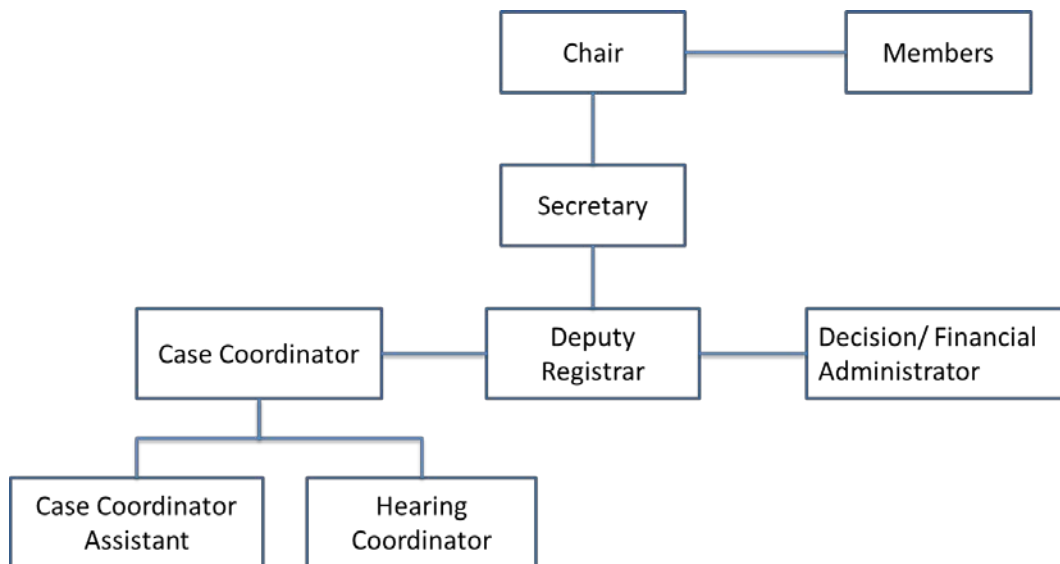
## Human Resources Plan

### Summary

The Chair of the PSGB is a part-time position appointed by OIC and carrying a fixed stipend. The Board also has three OIC-appointed Members who also serve on a part-time basis. The Secretary is the most senior full-time civil servant at the PSGB and reports to the Chair. The Secretary is directly responsible for all administrative matters and the day-to-day operation of the Board. The PSGB has four support staff who report to the Secretary through the Deputy Registrar. The following organizational chart provides a complete breakdown of the organizational structure of the Board.

The staff are employees of the Ministry of Labour, who provide support to the PSGB.

### Organizational Chart – PSGB



The delivery of more services by electronic means will require the Board's staff to acquire additional skills. This may include extra training for the present staff, which will be handled within the Board's current budget.

The fluctuating workload and a new case management system will require continued organizational review, a change in skills and abilities and additional training.

## **Recruitment**

- The PSGB's staff is currently at full complement although we do anticipate the retirement of 2 staff sometime in 2015. All staff are cross-trained and each position has a current job description. All staff have an up to date job procedures manual at their workstations.
- We are reviewing the 2 positions that will be vacated and assessing the job descriptions and starting to lay the ground work for recruitment.

## **Training/Learning**

The PSGB has developed learning plans with each of its employees. The strategic objective is to establish an environment in which there is shared commitment among the staff for continual, competency-driven learning, based on business objectives of the PSGB. The Board presently uses learning opportunities such as cross-training, mentoring, developmental opportunities, project teams and formal training for its full-time staff. Learning opportunities are also created for the OIC appointed Members.

The PSGB will:

- Continue to develop individual learning plans with each full-time employee to promote individual growth and address identified skill gaps.
- Provide training for the current staff in regard to the new case management system.
- Provide learning opportunities for the OIC appointed Members.

## **Retention**

The focus of this priority is to implement a suite of initiatives to bolster employee morale, improve the workplace environment, and eliminate indicators of employee dissatisfaction.

The strategic objective of this priority will be to remain the employer of choice with a positive and supportive workplace environment, one which models the key elements of the PSGB's mandate, where staff are motivated to excel and recognized for their contributions.

The PSGB will:

- Reinforce the methods previously learned by the staff to cope with change as the Board implements an upgraded case management system.
- Reconfirm the values of the organization through discussions with the staff.
- Promote employee recognition as a means of reinforcing the contributions of the staff.
- Establish effective orientation as a critical employee first experience exercise.

Organizational design and performance management are two key areas that will continue to affect human resources through the evolution and enhancements to the case management system and the delivery of more services by electronic means.

### **Organizational Design**

The PSGB faces ongoing pressure to continually review and realign its services in keeping with the changing expectations of its client group and its ability to deliver these services by more efficient, effective and economical methods.

The strategic objective is to respond in a timely and effective manner to the client group, the fluctuating caseload and internal needs for organizational change.

The PSGB will:

- Continue to map its processes for the purposes of defining workflow, evaluation and review.
- Provide an effective organizational response to the design and continued enhancements to the new case management system.
- Respond to the fluctuating workload through the automation of tasks within the new case management system.
- Provide an effective organizational response to the changing requirements of the client group by continuing to consult with them on their needs and respond appropriately.

### **Performance Management**

In order to ensure consistency in the quality of service provided by the staff, the Board needs to be confident in the performance of its staff. Performance that is reviewed and measured is a tool for gauging how well the organization is providing service to its clients.

The strategic objective is to require all staff to undertake an annual review of their performance based upon the expectations that are tied to their positions.

The PSGB will:

- Conduct a performance review with each employee.
- Develop and implement practical performance targets for each position.
- Link performance reviews to individual learning plans.
- Incorporate the operational requirements into the performance review process.

## **Electronic Service Delivery Plan**

The PSGB continues to require enhanced technologies to improve its customer service and meet the needs of its client group through the case management system to:

- a. Manage the caseload and deliver services electronically;
- b. Provide timely statistical information regarding complaint activity. This will enable the employer to better deal with labour relations issues, improving labour relations in the OPS;
- c. Reduce costs and improve financial reporting to the client group, Ontario Shared Services and the President of the Treasury Board;
- d. Provide appropriate training in regard to the new case management system to ensure efficiency and cost-effectiveness;
- e. Fulfil the Board's role as the repository of labour relations complaint history and decisions for excluded employees in the OPS, and to provide access (as required) to this valuable library of information to all interested parties.

The PSGB is well on its way to implementing its strategy for delivering service by using technology.

To date the Board;

- a. Developed a website providing 24/7 access to the Board's rules and guidelines, decisions, applications, and links to relevant legislation and our client groups;
- b. Releases its decisions in pdf format to its client group by e-mail, which reduces costs and speeds up services to the clients;
- c. Publishes its decisions each Monday to a newsgroup and its Members to ensure that the current jurisprudence of the Board is available to the users of the PSGB;
- d. Publishes its decisions on DVD;
- e. Has implemented a case management system, scanning of incoming case-related documents, electronic notifications to parties and electronic delivery of reports in various formats (i.e., pdf, Excel or Word);
- f. Has refined and designed its business processes with descriptions of the activities within each process step, and identified an information technology enabler for these activities; and
- g. Provides financial information to its client group and Ontario Shared Services in electronic format for the convenience of its client group and to expedite the recovery of its expenditures.

The Board will continue to develop its plan for electronic service delivery in conjunction with the efforts of TBS and the business cluster. With the upgrading to FileMaker 10 the Board will continue to exploit the benefits of the case management system (electronic case processing), continuing the publication of the Board's decisions by electronic means, providing financial information in electronic format and continuing to enhance its website.

Implemented a wi-fi environment for its clients attending the Board to allow for the efficient use of at hand resources.

Investigating a vision to provide remote location access to Board hearing/mediation processes through the use of technology such as Skype.



## Performance Measures

<b>Measure</b>	<b>Target</b>	<b>2012-13 Achievements</b>	<b>2013-14 Commitments</b>	<b>2013-14 Achievements</b>	<b>2014-15 Commitments</b>
Elapsed time to acknowledge receipt of complaint	100% of complaint received to be acknowledged within 30 days.	100% of complaints received were acknowledged within 30 days.	100% of complaints received to be acknowledged within 30 days.	100% of complaints received to be acknowledged within 30 days.	100% of complaints received to be acknowledged within 30 days.
Elapsed time from receipt of Form 1A to offering dates	100% of complaints will be offered dates for scheduling within 30 days of receipt of Form 1A.	100% of complaints were offered dates for scheduling within 30 days of receipt of Form 1A.	100% of complaints will be offered dates for scheduling within 30 days of receipt of Form 1A.	100% of complaints will be offered dates for scheduling within 30 days of receipt of Form 1A.	100% of complaints will be offered dates for scheduling within 30 days of receipt of Form 1A.
Percent of complaints disposed of by settlement or withdrawn	50% of complaints disposed of by settlement or withdrawn.	79% of complaints disposed of by settlement or withdrawn	50% of complaints to be disposed of by settlement or withdrawn.	78% of complaints disposed of by settlement or withdrawn	50% of complaints to be disposed of by settlement or withdrawn.
Timeliness of decisions released by the PSGB	Achieve 80% of decisions released within 90 days of completion of hearing.	Achieved 78% of decisions released within 90 days of completion of hearing. The Board released 9 decisions with 7 meeting the commitment of a 90 day release and 2 falling outside the 90 day commitment.	Achieve 80% of decisions released within 90 days of completion of hearing.	The Board released 12 decisions with 8 meeting the commitment of a 90 day release and 4 fell outside the 90 day commitment.	Achieve 80% of decisions released within 90 days of completion of hearing.