

**Public Service Grievance Board**

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**2019-2020 to 2020-2022**

**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 Ministry of Labour. 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 Minister of Labour.

The PSGB's Chair and its four Members are appointed by Order-in-Council 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 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.

## **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 workplace relations in the Ontario Public Service 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 workplace relations environment in the Ontario Public Service.

## **Overview of Programs and Activities**

The PSGB operates within the Public Service Appeal Boards umbrella organization which also houses the GSB. Both agencies have co-existed for over 30 years. The two boards share all resources including staff, who are allocated to the GSB for budget purposes, hearing space, information technology, and all matters necessary to run both organizations with savings for both boards through their co-existence. The proportion of costs of staff, space and other shared resources incurred by the PSGB are fully recovered from the employers/ministries.

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.

In addition to the obvious savings realized through their co-existence the two boards have traditionally held a biannual conference for their stakeholders and clients, with the goal of increasing the knowledge base and effectiveness of participants in the dispute resolution process.

## ***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.

## **Environmental Scan**

### **Internal Factors:**

- The continued need to maintain 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 maintain administrative efficiency and cost-effectiveness.
  - Managing the caseload and delivering services electronically.
  - Electronic hearings and reporting of information, as appropriate.
  - Improving administrative efficiency.
  - Access to cost efficient hearing rooms.
- Prevention of a backlog of complaints.
- 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.
  - Decrease 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.
- The addition of two new members to the Board's complement in 2017 has increased the Board's capacity to schedule cases in a timely fashion, and to serve the province more easily outside Toronto, where appropriate.

### **External Factors:**

- Changing expectations of the client group.
- Government initiatives regarding pay and other terms and conditions of employment for the excluded group affect the Board's workload, increasing or decreasing it, depending on how the initiatives are perceived by the affected employees.
- Given the experience of the past few years, more attention from the public on the Board's processes is expected, especially as to access to information, which will increase the Board's attention to privacy and open-court principles.

## **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 ministry and Crown employers and refunded to the GSB.

The Chair's Remuneration and Administrative and Travel Costs (if any) are costs directly related to the Chair's role in administering the agency. These amounts are fully recovered from all OPS ministries. Costs for dispute resolution services provided by the Chair are recovered through filing fees as with other cases.

The PSGB charges the affected ministry and Crown employers a \$300 filing fee for each complaint filed at the Board to cover the agency's administration costs such as staff salaries and IT/communication.

## **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 at least a full statutory complement of the Chair and two Members.
2. To provide the necessary environment and tools to encourage harmonious workplace 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 workplace relations issues.
3. To control costs and improve financial reporting to the client groups, Ontario Shared Services and the Ministry of Labour 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 workplace 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 workplace relations through:
- a. Encouraging attendance at seminars and workshops, as available.
  - b. Providing timely, clear and concise decisions and advice.



## Agency Strategic Plan Implementation and Risk Assessment

Key Information	Risk Score	Risk Description	Risk Mitigation Plan
<b>1. Risk Title</b> Communication	<b>Impact</b> Low (1)	Media Interest	Careful monitoring of what should be public or not.
<b>Category</b> Accountability/ Governance	<b>Likelihood</b> Low (1)		Mitigation Lead is the Registrar
<b>Age of Risk</b>	<b>Speed of Onset</b>		Ongoing monitoring
<b>Timeframe to Manage Down</b>	<b>Total Risk Score</b>		

## Human Resources Plan

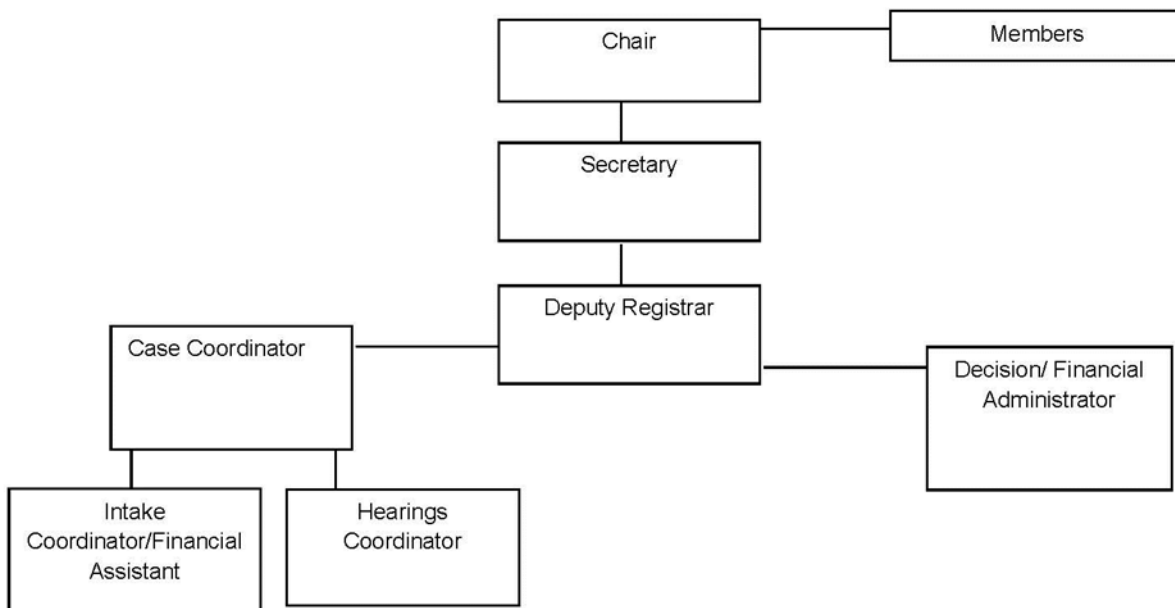
### Summary

The Chair of the Public Service Grievance Board is a part-time position appointed by Order-in-Council (OIC) and carrying a fixed stipend. The Board also has four OIC-appointed Members who also serve on a part-time basis. The Secretary reports to the Chair. The Secretary is directly responsible for all administrative matters and the day-to-day operation of the Board. 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

Organizational Chart -PSGB



### Recruitment

The Board completed a recruitment process in 2017 for two new part-time Members, and further recruitment for part-time Members of the Board is not planned at this time.

The PSGB is currently supported by staff shared with the Grievance Settlement Board. 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.

## **Training/Learning**

The PSGB has learning plans in place for all staff who support the PSGB. 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. Learning opportunities are also created for the OIC part-time appointed Members.

The PSGB will:

- Provide training for the current staff in regard to the case management system and any upgrades.
- Provide learning opportunities for the OIC appointed Members.

## **Retention**

The focus of this priority is to implement a suite of initiatives to bolster staff morale, improve the workplace environment, and eliminate indicators of staff 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 who provide support to the PSGB 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 staff recognition as a means of reinforcing the contributions of the staff.
- Establish effective orientation as a critical staff first experience exercise.

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

## **Organizational Design**

The PSGB is committed 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 case management system.
- Respond to the fluctuating workload through the automation of tasks within the 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 who support the PSGB, the Board needs to be confident in their performance. 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 undertake an annual review of their performance based upon the expectations that are tied to their responsibilities to the PSGB.

The PSGB will:

- Conduct a performance review.
- Develop and implement practical performance targets.
- 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 workplace relations issues, improving labour relations in the OPS;
- c. Control 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 case management system to ensure efficiency and cost-effectiveness;

- e. Fulfil the Board's role as the repository of workplace complaint history and decisions for excluded employees in the Ontario Public Service, 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;
- 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 USB and on CanLII;
- 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.
- h. 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 WebEx.

The Board will continue to develop its plan for electronic service delivery in conjunction with the efforts of MOL and the business cluster. With the upgrade to FileMaker16 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.

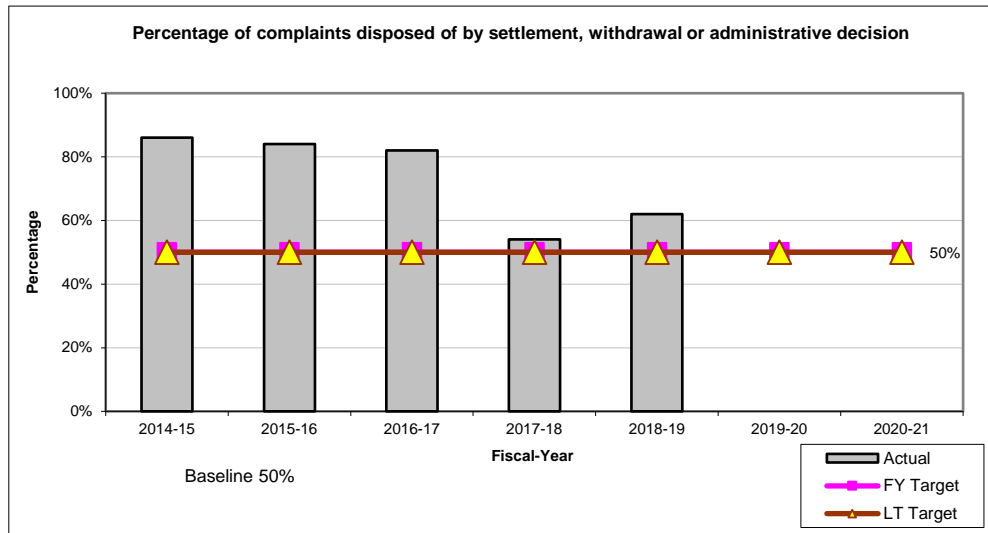
## Performance Measures

Measure	2018-19 Target	(As at Oct.31, 2018 ) 2018-19 Achievements	2019-2022 Commitments
Elapsed time to acknowledge receipt of complaint	100% of complaints 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.
Elapsed time from receipt of PSGB application forms to offering dates: Form 1: Dismissal for Cause/ Discipline/Working Conditions and Terms of Employment; or Form 1a: Political Activity/ Disclosing and Investigating Wrongdoing	100% of complaints will be offered dates for scheduling within 30 days of receipt of Form 1 or 1A.	100% of complaints have been offered dates for scheduling within 30 days of receipt of Form 1 or 1A.	100% of complaints to be offered dates for scheduling within 30 days of receipt of Form 1 or 1A.
Percent of complaints disposed of by settlement or withdrawn *or administrative decision	50% of complaints disposed of by settlement or withdrawn or administrative decision.	62% of complaints disposed of by withdrawal or settlement or administrative decision.	50% of complaints disposed of by settlement or withdrawn or administrative decision.
Timeliness of decisions released by the PSGB	Achieve 80% of decisions released within 90 days of completion of hearing.	The Board released 19 decisions with 17 meeting the commitment of a 90 day release, achieving 89%.	Achieve 80% of decisions released within 90 days of completion of hearing.

\*Table 1 Performance measure for percentage of complaints disposed of was changed in 2015 to reflect the impact of administrative decisions that close complaints.

## Appendix A Performance Measures

Performance Measure: Percent of complaints disposed of by settlement, withdrawal or administrative decision.



### Agency Contribution

- Through the retention of highly skilled Mediator-Arbitrators and the proactive work of the PSGB with its clientele in resolving disputes through mediation rather than arbitration. And through efficient and cost effective case management measures.

### Program/Activity Spending Measured

- Provides effective and cost-efficient resolution of disputes within the OPS, which contributes to a productive, efficient and accountable workplace.

### What does the graph show?

- The graph shows that for the 2018-19 fiscal (as at **October 31, 2018**) 62% of complaints disposed of by settlement, withdrawal or administrative decision.
- The DATA Source is from the Case Management System.

### 2019-20 Commitment and Long-term Target

- Maintain a commitment of 50% of closed cases resolved by settlement, withdrawal or administrative decision.