



**Submission to the  
House of Commons Standing Committee  
on Government Operations  
and Estimates**

**on**

**Bill C-25**

*The Public Service Modernization Act*

by

**The Association of Professional  
Executives of the Public Service of  
Canada**

Ottawa, March 20, 2003

- First, we would like to thank you for this opportunity to speak to you on behalf of the Association of Professional Executives of the Public Service of Canada.
- APEX is the national association of federal government executives and is dedicated to advancing management excellence and professionalism within the public service.
- There are some 3,400 executives in the Public Service and approximately 45% of them are members of the Association.
- Executives wear two hats. They are employees, with expectations about how they will be hired, treated, compensated, developed, promoted and released. At the same time, they manage others, and are concerned about the working environment and working conditions provided for their staff.
- APEX has been interested in HR modernization for many years and more formally involved in the push for legislative change for at least the past five years. We have consulted widely across the country and with a broad range of executives, managers and young public servants. We have done work on behalf of the Quail Task Force and have produced a position paper on which my remarks to you today are based. (and which is available to you)
- Overall, we are very pleased with Bill C-25 – it is an elegant, well-constructed and comprehensive piece of legislation, which will help create a public service which is better able to take on the challenges of the 21<sup>st</sup> century.
- Our position paper can be summarized in ten principles for a modernized HR management regime. Let me quickly take you through them:
  1. the system must be based on values;  
  
*We are pleased to see that the preambles to the new legislation contain statements of values and that values are seeded throughout the entire bill. This is an important step in the right direction and should produce a new era of values-based human resources management.*
  2. full responsibility for all staffing, classification, training and labour relations activities must be delegated to deputy ministers and from them to managers, along with clear accountability mechanisms;  
  
*Ever since the Glassco report of the early 1960's, “let the manager manage” has remained an elusive goal. We truly believe that to achieve a more efficient and people-centred public service, executives and managers must be given the tools and the responsibility to manage, plan and develop their human resources. We would prefer direct legislated delegation for staffing to DMs, rather than the model of delegation via the Public Service*

*Commission as proposed by C-25. Nonetheless, what really matters to executives and managers is that they have clear guidelines, appropriate flexibility and the tools and support to do their jobs within a clear accountability framework. We expect that these goals can still be achieved under the proposed legislation, as long as Deputy Heads are given most of the authority to establish these guidelines and are able to adapt staffing processes to the realities of their departments.*

3. protection of a modernized merit principle must be assured by an independent oversight body reporting to Parliament, such as the Public Service Commission;

AND

4. simpler, faster and more responsive recruiting, selection, promotion and termination processes must be adopted, based on competencies and values;

*Let's be clear. What executives want, is to be able to hire — with as little delay as possible — someone who is fully qualified to do the work! Executives expect to be assessed on how well they do this. It makes sense for them to ensure the processes they use are fair, transparent and equitable. Otherwise they will be appealed. The occasional misstep can be corrected with a good recourse mechanism within a clear accountability framework. So how would this work? An executive who needs to fill a position would identify all the educational, knowledge and experience qualifications that he or she must have in that position in order to meet their mandate. These would constitute the core qualifications and would be published. It is against these criteria that candidates would be judged. The top candidates would be put into a pool. The executive then has to identify any additional qualifications which would be important to have on his or her team at that particular point in time. The executive might be looking for special abilities like highly developed writing skills, particular technical experience or other capacity in order to round out or complement the balance of skills in the team. The executive will then look within the pool and make the selection on the basis of these additional qualifications. In all likelihood, an executive would have discussed these with his or her existing team. A modernized merit principle allows the executive the flexibility to proceed in this manner. The idea that greater flexibility in the selection process would mean that people are going to hire their brother-in-law is nonsensical. Suggestions of rampant bureaucratic patronage in the Public Service are exaggerated, insulting and misleading. We feel this legislation has more than sufficient checks and balances to ensure we identify and correct any practices that contravene the values that underpin it.*

*Releasing an employee should be a simpler, less onerous process, based on competency and demonstration of values. The proposed legislation goes a long way to better balance the rights of employees with those of the employer. Executives think that managers might be less risk-averse in their staffing decisions if moving an employee (at any level) who does not contribute to the organization's objectives were made easier. The bottom line is that the human resources management system must respect those who perform well, by dealing effectively with those who do not.*

*Under the current system, an executive has to prove that an employee is incompetent in order to release them. This is almost impossible to do. Now, the onus will be on proving that the person cannot perform the duties of the job and that every effort has been made to find an appropriate fit for that employee.*

5. executives and managers must be evaluated on how well they manage people in addition to what results they deliver;

*Executives understand that with new authorities and flexibilities come new accountabilities. APEX is on record as saying that executives' performance pay should not only be based on whether objectives were met (as it is now), but in addition, on how the objectives were met and how the individual executive manages people. This is not an issue discussed in the legislation, but the framework allows us to pursue this position in the course of implementation.*

6. mobility at all levels within the broader federal Public Service must be ensured;

*Every since Program Review and the creation of new agencies, there have been increased barriers to mobility of employees. As we mentioned earlier, in an age where we have to compete for human talent, having access to the broadest possible pool of experience and knowledge is essential. We are pleased that this legislation will allow greater mobility between the core and broader public service.*

7. recourse must be simplified and limited;

*APEX believes there are sufficient recourse mechanisms, third party reviews and checks and balances in the system to ensure fairness in the staffing process. We support the emphasis in the legislation on streamlining the recourse process and on keeping it informal and treated to the extent possible within the department. For example, in the current staffing system if an inconsistency is flagged, the process has to be aborted or continued and appealed. The new process will allow for adjustment at any stage. This is a much more flexible and responsive*

*system. Let's put this in perspective and look at some of real examples with regards to staffing actions. According to the PSC's annual report for fiscal year 2001-2002: 102,557 hiring and staffing activities were performed of which roughly 70,000 were appealable. Of these cases, 1,432 were appealed — and of those, just 123 were allowed. Yes, there are problems, but they are not widespread and we catch them and correct them. The new process will do this also but it will be quicker.*

8. APEX has long advocated improved co-operation with the unions at the national and local levels, but we have recommended putting special emphasis on improving relationships locally;

*APEX applauds the provisions in the legislation which require each DM to create a labour-management committee within his or her agency. This will result in greater dialogue between executives, managers and unions at all levels and ensure that our labour relations become more collaborative and less confrontational.*

*During all our conversations across the country whether with executives, managers, unionized employees or young public servants, we heard strong desire and willingness to increase the dialogue between management and unions, at the shop level, in regions and in work units.*

9. all corporate human resources activities and programs should be housed in a single organization;
10. all learning programs should be grouped into one single organization;

*APEX thinks that the employer (TBS) should be clearly mandated to be the HR policy and planning centre for the Public Service of Canada. This would deliver very clear accountability in PS human resources management: a Public Service Commission as the parliamentary agency engaged in oversight of the regime — a Treasury Board Secretariat (the Employer) engaged in corporate policy, planning and coordinating functions — all training grouped under one roof and the application of the values and policies clearly resting with Deputy Ministers, their executives and managers*

### **In conclusion:**

- this legislation is a definite step in the right direction.
- the success of this initiative rests on its implementation. APEX plans to play a key role to ensure the required culture change takes place, so that we can move away from a rules-based system to one in which values, respect and flexibility are paramount.