

ANNUAL REPORT

2018-19

Public Service Commission



Message from the Chairperson

In accordance with the requirements of a Category Two entity under the **Transparency and Accountability Act** and Section 17 of the **Public Service Commission Act**, I am pleased to present the 2018-19 Annual Report for the Public Service Commission (PSC). This report was prepared under my direction and outlines the PSC's many achievements and our progress towards fulfilling our commitment to government's strategic directions, as outlined in our 2017-20 Business Plan. On behalf of the PSC, I am accountable for the results reported therein.

This report coincides with the second year of the PSC's 2017-20 business planning cycle. The PSC has responsibility to ensure promotion and protection of the merit principle, which it undertakes through the provision of oversight and policy for merit-based appointments. In 2018-19, the PSC implemented process improvements to further enhance the merit-based appointment process for government's agencies, boards, and commissions (ABCs). The PSC works collaboratively with the Independent Appointments Commission (IAC) and remains committed to advancing the merit-based appointment process and ensuring that it remains one of the most open and accessible appointment processes in Canada.

The PSC also supported and contributed to the implementation of the new Harassment-Free Workplace Policy by way of services offered through the Employee Assistance and Respectful Workplace Division. The Respectful Workplace Program (RWP) is a viable option in the resolution of harassment complaints. The PSC implemented several process improvements to RWP in support of the Harassment-Free Workplace Policy.

As outlined in our 2018-19 Annual Report, the PSC has made significant progress in support of government's strategic direction of improving governance and oversight of the public service and government entities. Many achievements have been made and work continues in the following key focus areas:

- Enhancing merit-based ABC appointment processes;
- Supporting and advising the IAC;
- Improving promotion of ABC opportunities; and
- Promoting efficiency and innovation in our programs and services.

As we move into the final year of the 2017-20 business planning cycle, we look forward to building upon our accomplishments to date, while also focusing our efforts towards evaluation and ensuring our goals and objectives are being met effectively. I would like to express my sincere gratitude to my fellow Commissioner and the staff of the PSC for their dedication, commitment and outstanding achievements thus far.



George Joyce, Chair and Chief Executive Officer

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Public Service Commission Overview

The Public Service Commission (PSC) is one of the key accountability entities within the Government of Newfoundland and Labrador. Governed by the **Public Service Commission Act** (PSC Act), the principal statutory role of the PSC is to act as an arms-length agency tasked with the promotion and protection of merit in public service hiring and in appointments to agencies, boards, and commissions (ABCs). The PSC is also responsible for ensuring the existence of a professional, non-partisan public service and provincial ABC representation.

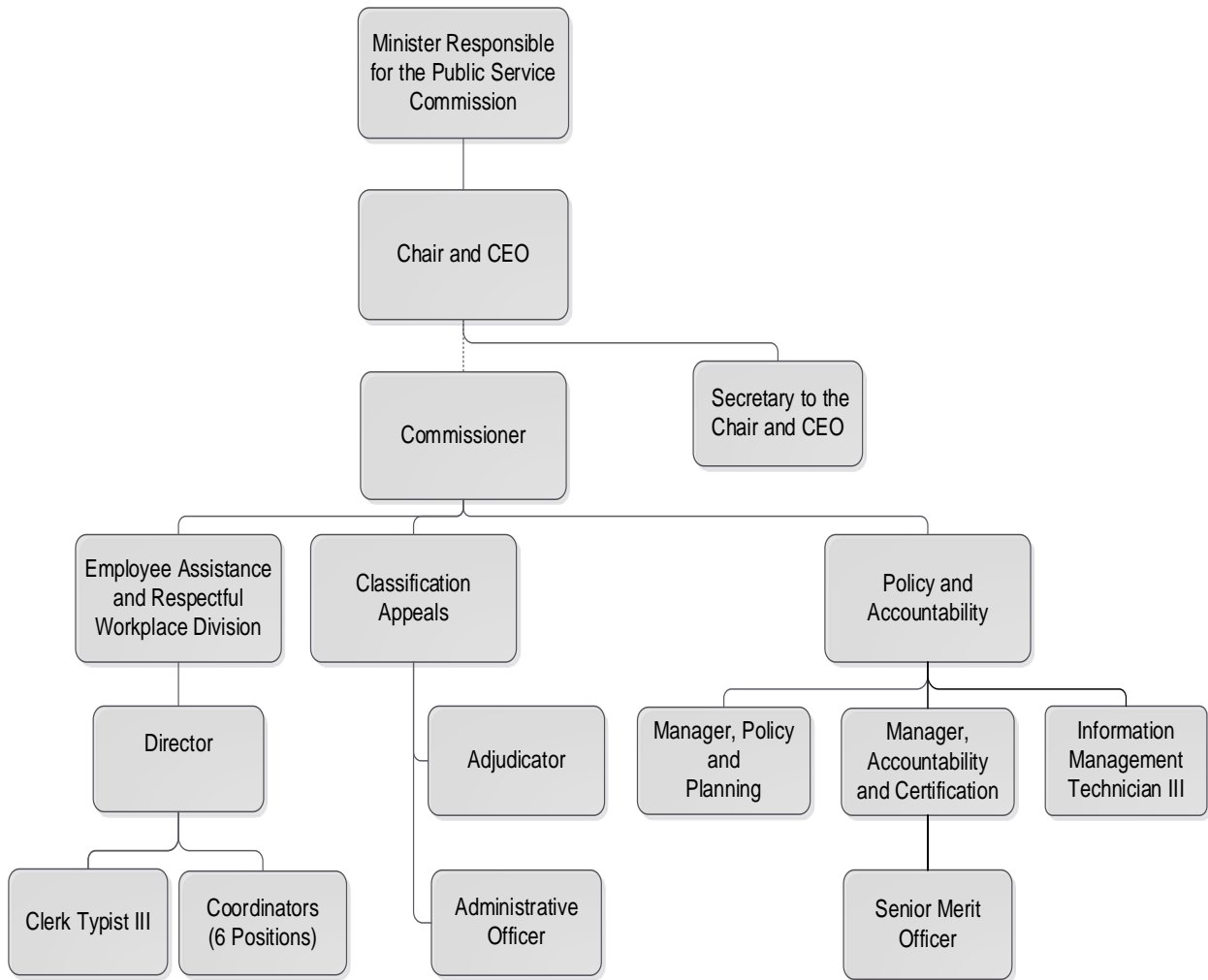
The core functions of the PSC include:

- Establishing staffing policies;
- Certifying Selection Board Chairs;
- Monitoring, conducting and hearing appeals of staffing actions;
- Providing Employee Assistance and Respectful Workplace Programs (EARWP) to public sector employees;
- Supporting the adjudication process designed to provide third-party resolution to matters pertaining to classification appeals;
- Leading and supporting the Conflict of Interest Advisory Committee under the **Conflict of Interest Act**;
- Applying a merit-based appointment process to generate recommendations for ABC appointments; and,
- Supporting and advising the Independent Appointments Commission (IAC).

The integrity and impartiality of these programs is enhanced by the neutral and independent nature and reputation of the PSC.

For more information about the PSC, please visit www.psc.gov.nl.ca/psc/.

Organizational Structure



Staff and Budget

The PSC includes Commissioners appointed by the Lieutenant-Governor in Council. The Lieutenant-Governor in Council designates one Commissioner as Chairperson. The Chairperson is the Chief Executive Officer of the PSC and has Deputy Minister status. The Chairperson directs and supervises the administrative and technical activities of the PSC.

As of March 31, 2019, the PSC employed 17 people, including the Executive members. Of the 17, there are 12 females and five males.

The PSC is located at 50 Mundy Pond Road, St. John's, Newfoundland and Labrador and serves all regions of the province from this location.

The PSC does not collect revenues. Our expenditures for fiscal year 2018-19 were \$2,154,329 as determined in the budget process, voted on, and approved in the House of Assembly. The detailed financial information is located in the [Financial Information](#) section of this report.

Division	# of Employees	Budget
Executive Services	9	\$794,061
Employee Assistance and Respectful Workplace Division	8	\$1,360,268

Highlights and Partnerships

In addition to the achievement of its objectives, as outlined in the Report on Performance section of this report, the PSC was also involved in a broad range of other activities and experienced many accomplishments throughout the year. Our partnerships are essential to operating efficiently, effectively and continuing to build upon our prior achievements. The PSC works closely with departments, ABCs, and collective bargaining agents in developing and providing a variety of supports and services to public service employees.

Accountability and Certification

In fulfilling its role of protecting merit in public service staffing, the PSC completed a compliance review in fiscal year 2018-19 of agencies with delegated staffing authority including the House of Assembly, Municipal Assessment Agency, Office of the Auditor General, and the Provincial Information and Library Resources Board. A sample of recruitment files for each of the certified Selection Board Chairs with those agencies was reviewed. Overall, the review proved that the agencies are compliant with the PSC's merit principles. An action plan was put in place to address any minor issues identified and to ensure that appropriate communication and training was provided to further support Selection Board Chairs with those agencies.

In addition, the PSC investigates and responds to inquiries and formal concerns relating to recruitment actions. In the previous year, there were 16 requests for formal staffing reviews and 15 requests were completed and closed. This represents 1.4 per cent of staffing actions for the same period, which is a positive indicator that demonstrates adherence to policy, practice and the protection of merit. The PSC is committed to continuous quality improvements and as such, information arising from staffing reviews is analyzed for the purpose of auditing and compliance, informing policy, and training and supporting Selection Board Chairs. Our efforts to date have promoted efficiency and innovation in our programs and services, which is one of our key focus areas supporting the strategic direction of improved governance and oversight of the public service and government entities.

The PSC shares a commitment with government entities to ensure that merit, fairness and transparency are upheld in competitive processes within the public service, as well as adherence to the PSC's staffing policies. The PSC and the Human Resources Secretariat (HRS) have a shared responsibility for the training and certification of Selection Board Chairs. The Strategic Staffing Division of HRS is responsible for the training and mentoring of new and provisional Selection Board Chairs guiding them through the certification process. Upon receiving a certification request, the PSC will complete a provisional review to determine if the candidate is qualified to be granted Selection Board Chair certification. In addition to the certification request, performance of Selection Board Chairs is reviewed through compliance reviews or in response to staffing related complaints.

Merit-Based ABC Appointment Process

As a part of government’s commitment to establish a new merit-based appointment process for ABCs, the **Independent Appointments Commission Act (IAC Act)** was given Royal Assent on May 24, 2016 and the IAC was established on May 25, 2016. The IAC has the responsibility to apply a merit-based process to generate recommendations for approximately 30 Tier One ABCs. The PSC and IAC jointly administer the process for Tier One entities and the PSC supports and advises the IAC in its role. The PSC is also responsible for applying a merit-based process to generate recommendations for over 120 Tier Two ABCs. Tier One entities are set out in the Schedule to the IAC Act while Tier Two entities are listed in Schedule C to the PSC Act.

In 2018-19, 52 new requests were received to fill vacancies in addition to the 35 requests carried forward from the previous year for a total of 87 Tier One and Tier Two recommendation requests. The number of recommendations issued for those requests was 54. The PSC also conducted recruitment processes for seven executive opportunities. Further statistics are provided in the table below:

Merit-Based ABC Appointments Statistics	Tier One	Tier Two
Requests received for recommendations (carried forward from 2017-18)	8	27
Requests received for recommendations	16	36
Recommendations issued	12	42

* Please note that an ABC can have multiple requests for recommendations and a request can include more than one vacancy.

Employee Assistance and Respectful Workplace Programs

The EARWP services are often the first point of contact for employees in need of mental health services. The EARWP Division provides professional counselling and advisory services to government departments, ABCs scheduled to the PSC Act, and as well to several public serving entities through specific memorandums of understanding. The total number of eligible employees exceeds 13,500, which does not include family members and retired employees who are entitled to EARWP for one-year post retirement. The Division operates from a model of independence and services are established to be non-biased, neutral, and confidential.

The Employee Assistance Program (EAP) provides counselling and consultation supports to employees and managers for issues that are either affecting or have the potential to affect work performance. Services are provided in-house by professional

coordinators, supplemented with the support of professional counsellors, conflict coaches, and mediators from across the province. Services under EAP include the following:

- Early intervention, assessment, counselling, and referral;
- Mental health awareness and education for departments and teams;
- Psychological First Aid (responding to individual employees and groups where there has been exposure to a critical or traumatic workplace event that leaves employee(s) feeling overwhelmed or vulnerable);
- Workplace related stressors;
- Managing workplace changes and transitions;
- On-site support during workplace job reductions, employee terminations, and departmental restructuring. Debriefings and support as needed are provided to the impacted employee as well as the human resources and management personnel involved in the notification process; and
- Consultation and advisory services to human resources and senior managers in relation to mental health concerns involving employees.

The PSC established the Respectful Workplace Program (RWP) recognizing that productivity and quality of work directly impact psychological health and safety in the workplace. The RWP is aligned with and referenced throughout government's Harassment-Free Workplace Policy as an option under that policy. The RWP staff work closely with government departments, ABCs, and unions from a capacity-building model. Services under RWP include the following:

- Consultation and advisory services to employees, managers, and departments engaged in conflict;
- Constructive and informal resolution options for individuals and work groups;
- Conflict coaching, mediation, and facilitated discussions;
- Conflict resolution and respectful workplace training for employees, managers, and shop stewards; and
- Workplace intervention and resolution services.

The utilization rate for 2018-19 reflects a slight decrease by 0.2 per cent. Additional statistics are provided in the following table.

EARWP Division Statistics			
	2017-18	2018-19	Increase/Decrease
Eligible employees who accessed services	1795	1753	-42
Utilization rate (based on 13,500 eligible employees)	13.2%	13%	-0.2%
EARWP workshops delivered	55	66	+11

The EARWP Division worked closely with HRS in the development of the Harassment-Free Workplace Policy, which launched in June 2018. As a part of that launch, the EARWP Division participated in the training offered to Executive employees outlining the role of RWP under the policy. Additionally, the Division worked collaboratively with HRS' Centre for Learning and Development, in creating and launching an e-learning training module on conflict resolution skills. The Division also met regularly with the Harassment-Free Workplace Manager to share ideas on procedures and practices for complainants and respondents interested in resolving disputes informally through RWP.

Under EAP, the Division worked closely with the Employee Relations Division and the Integrated Disability Management Program providing assistance to employees. Services included providing on-site support and follow up to employees involved in employee relations disputes and also, to employees off work or at risk of being off work due to mental health issues.

Classification Appeals

The Classification Appeal Adjudicator is an independent position situated within the PSC. The Adjudicator hears appeals for bargaining unit employees classified under the Job Evaluation System (JES). The implementation of JES began on April 15, 2015, and there are approximately 32,000 bargaining unit public sector employees classified on this system. The PSC provides administrative and logistical support to the Adjudicator. JES appeal procedures were finalized on March 14, 2019 for bargaining unit public sector employees. As of March 31, 2019, there were 1097 outstanding JES appeals and decisions on appeals are ongoing.

The Management Classification Appeal Board (MCAB) hears appeals of decisions made by the Classification and Organizational Design Division of the HRS for public sector employees classified in accordance with the Hay Classification System. The MCAB is chaired by the Chair and CEO of the PSC and comprised of senior level public sector employees appointed by Government. New members were appointed to the MCAB on May 17, 2018 and the membership also increased at that time from 23 to 25 members. Statistics are provided in the following table.

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Management Classification Review Committee						
	Appeals carried forward	New appeals received	Appeals decided			Balance (March 31, 2019)
			Confirmed	Changed	Withdraw / No Review Conducted	
2018-19	187	30	10	24	22	161
2017-18	240	2	8	37	10	187

Conflict of Interest Advisory Committee

Throughout 2018-19, 14 formal requests for advice were received by the Conflict of Interest Advisory Committee and all of those requests were closed by year-end. Informal consultation services were provided in response to six enquiries.

Report on Performance

The second year of the 2017-20 business planning cycle proved to be another successful year as the PSC staff continued to work diligently making significant progress towards the commitments outlined in our business plan. The following section provides an overview of our accomplishments in 2018-19.

Issue 1: Application of Merit-Based Processes to Agency, Board, and Commission Appointments

The PSC is mandated to apply a merit-based process to generate recommendations for ABC appointments pursuant to the PSC Act and the IAC Act. The PSC is responsible for the application of a merit-based process for over 120 Tier Two ABCs and together with the IAC, administer the merit-based process for approximately 30 Tier One ABCs. Throughout 2018-19, the PSC implemented continuous quality improvements to the merit-based appointment process. Such efforts enhance ABC appointments; allow for continued support and advice to the IAC; and, improve promotion of ABC opportunities, which are key focus areas of the overall strategic direction of improved governance and oversight of the public service and government entities.

Goal: By March 31, 2020, the Public Service Commission will have improved the merit-based processes applied to recommendations for appointments to agencies, boards, and commissions.

Objective 2: By March 31, 2019, the Public Service Commission will have implemented merit-based process improvements applied to agency, board, and commission appointment recommendations.

Indicators	Accomplishments
Implemented recommendations regarding the conversion of internal paper processes to electronic processes to gain efficiencies. Specific areas included file sharing and final approval processes.	<ul style="list-style-type: none"> In 2018-19, the PSC converted file sharing and final approval processes from a manual paper process to an electronic process in HPE Records. This conversion has allowed for increased efficiency in the merit-based ABC appointment process.
Increased presence on social media platforms to enhance communication and engagement with existing applicants as well as continuing efforts to promote awareness and appealing to more residents of the province interested in serving on our provincial ABCs.	<ul style="list-style-type: none"> Throughout 2018-19, the PSC increased its presence on Twitter by consistently posting at least once per week with regard to current and upcoming opportunities. The PSC has seen a steady increase of followers and currently there are 396.

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	<ul style="list-style-type: none"> • The PSC has also expanded its targeted outreach program by reaching out to a broader group of professional and community stakeholders in promoting ABC appointment opportunities.
<p>Completed a review of all entities currently scheduled to the IAC Act and the PSC Act to ensure the referenced legislation is specific to board positions that are open to the public.</p>	<ul style="list-style-type: none"> • In 2018-19, the PSC completed a review of all entities and statutory appointments scheduled to the IAC Act and the PSC Act to ensure the referenced legislation is specific to board positions that are open to the public. The PSC will consult with relevant government departments and entities to seek further clarification and to finalize the proposed amendments.
<p>Implemented other continuous quality improvements to the merit-based appointments process as needed.</p>	<ul style="list-style-type: none"> • Enhancements to the News section of the IAC website include detailed information on all Tier One and Tier Two appointments that have been made for those entities scheduled to the IAC Act and the PSC Act. • The IAC's Rules of Procedures have been added to the IAC website and are now accessible to the public.

Results achieved for Objective 2:

The PSC was successful in satisfying all of the indicators associated with the 2017-18 annual objective. The PSC worked diligently to improve the merit-based process applied to generating recommendations for ABC appointments. In 2018-19, the PSC gained efficiencies from converting to electronic file sharing and final approval processes. The PSC continued to focus its efforts on enhancing communication and engagement with existing and potential applicants by increasing its social media presence on Twitter and expanding its targeted outreach program to a broader group of stakeholders. The PSC also completed a review of all entities and statutory appointments scheduled to the IAC Act and the PSC Act to ensure the referenced legislation is specific to board positions that are open to the public. The PSC will consult with relevant government departments and entities to seek further clarification and to finalize the proposed amendments. The PSC remains committed to continuous quality improvements and in 2018-19, enhancements were made to the IAC website, which also promoted increased transparency in government's merit-based appointment process.

Annual objective for 2019-20

The 2019-20 objective is provided below. The indicators associated to the objective are based upon our progress to date.

Objective 3: By March 31, 2020, the Public Service Commission will have evaluated merit-based process improvements applied to agency, board, and commission appointment recommendations.

Indicators:

- Evaluated the electronic file sharing and final approval processes for efficiency.
- Evaluated PSC presence on social media platforms for increased awareness of the merit-based appointment process.
- Evaluated the review findings and feedback obtained from the relevant government departments and entities with regard to the entities and statutory appointments scheduled to the IAC Act and the PSC Act.

Issue 2: Support of the Harassment-Free Workplace Policy through the Delivery of the Respectful Workplace Program

The protection of individuals from harassment in the work environment is of paramount importance. The Harassment-Free Workplace Policy promotes awareness, prevention, and resolution of allegations of harassment. Employees can access confidential support and guidance on how to constructively respond to situations of harassment and/or conflict to explore avenues of resolution through RWP. Assistance through RWP may be in the form of consultation, personal support, conflict coaching, mediation, problem solving or a discussion about the conflict resolution choices available to the individual.

The PSC implemented RWP process improvements to support and better align with the Harassment-Free Workplace Policy. Such improvements promote efficiency and innovation in our programs and services, which is a key focus area of the overall strategic direction of improved governance and oversight of the public service and government entities.

Goal: By March 31, 2020, the Public Service Commission will have promoted the Respectful Workplace Program as a viable option available under the new Harassment-Free Workplace Policy.

Objective 2: By March 31, 2019, the Public Service Commission will have implemented Respectful Workplace Program process improvements in support of the Harassment-Free Workplace Policy.

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Indicators	Accomplishments
Supported HRS in the delivery of training specific to RWP and the Harassment-Free Workplace Policy.	<ul style="list-style-type: none"> In May 2018, the EARWP Division worked collaboratively with HRS to provide education and training to government executive members on the role of RWP under the Harassment-Free Workplace Policy. The training was mandatory and occurred over a three-day period.
Launched the Conflict Resolution Training e-learning module in partnership with the Centre for Learning and Development, HRS.	<ul style="list-style-type: none"> In August 2018, the EARWP Division worked in partnership with the Centre for Learning and Development, HRS to launch the new e-learning module, "Conflict Resolution Skills." The module was specifically tailored to align with the Harassment-Free Workplace Policy and referenced informal resolution options under that policy. The Conflict Resolution Skills training is mandatory for all government employees and approximately 50 per cent of public sector employees have completed it.
Implemented RWP process improvements as needed.	<ul style="list-style-type: none"> Throughout 2018-19, the EARWP Division held regular meetings (every 6 weeks) with the Harassment-Free Workplace (HFW) manager. The meetings focus on the referral process and updating the HFW manager on the status of referrals that are currently in the process of resolution. An intake tracking system for new mediation referrals was developed.

Results achieved for Objective 2:

The PSC has worked diligently promoting RWP as a viable option available under the Harassment-Free Workplace Policy. All of the indicators associated to the 2018-19 annual objective were accomplished including education and mandatory training provided to government executive members on the role of RWP; the launch of the new e-learning module, "Conflict Resolution Skills"; and, implementation of RWP process improvements. The PSC looks forward to continuing to support the Harassment-Free Workplace Policy through the delivery of RWP services.

Annual objective for 2019-20

The 2019-20 objective is provided below. The indicators associated to the objective are based upon our progress to date.

Objective 3: By March 31, 2020, the Public Service Commission will have evaluated the Respectful Workplace Program process improvements in support of the Harassment-Free Workplace Policy.

Indicators:

- Evaluated the Conflict Resolution Training e-learning module.
- Evaluated the effectiveness of the new process put in place with the Harassment-Free Workplace (HFW) manager to discuss and provide updates.
- Evaluated the implementation of the intake tracking system for new mediation referrals.

Opportunities and Challenges

Employee Assistance and Respectful Workplace Division

The Director of the EARWP Division and the Commissioner of the PSC participate in meetings with the Harassment-Free Working Group, comprised of government stakeholders, with the goal of providing ongoing feedback regarding the Harassment-Free Workplace Policy and its application. These meetings also focus on measuring initiatives that would proactively promote a respectful workplace and prevent harassment within the public service.

The EARWP Division also provided RWP training sessions specific to conflict resolution skills and a respectful workplace to government executive members and to the staff of the Newfoundland and Labrador Association of Public and Private Employees (NAPE). These types of training sessions create an opportunity for the EARWP Division to increase awareness and promote to NAPE, the largest public sector union in the province, the benefits of using informal conflict resolution approaches as an alternative to the formal complaint process.

As a part of the provincial government, “Towards Recovery: A Vision for a Renewed Mental Health and Addictions System for Newfoundland and Labrador” initiative, the Director of the EARWP Division was asked to co-chair an interagency working committee addressing compassion fatigue, stress, and burnout among staff who provide professional services to vulnerable client groups and members of the public. The Staff Wellness Working Group met several times throughout 2018-19 and provided monthly reports outlining their achievements to the Mental Health Division, Department of Health and Community Services. The Committee has developed terms of reference and a long-term action plan creating an opportunity to improve staff wellness and psychological health and safety.

The EARWP Division also focused on promoting employer engagement in addressing psychological health and wellness to employee occupational groups at the greatest risk of exposure to vicarious trauma and psychological injury. These information sessions increase awareness on the symptoms and effects of trauma exposure; ways the employer can offer support; and, promote services available to the impacted employee. The response has been positive as an increasing number of management employees are reaching out to their staff to offer support and the assistance of EAP when faced with adverse workplace events. These information sessions create an opportunity to increase awareness, which reduces the stigma associated with seeking help.

Merit-Based ABC Appointments

The merit-based process used to generate recommendations for ABC appointments is one of the most open and accessible appointment processes in Canada. The PSC continues to implement quality improvements and remains committed to advancing the ABC merit-based appointment process.

Two additional members were appointed to the IAC on resolution of the House of Assembly in March 2019, thereby increasing the membership to seven. Given the legislative requirement of a three-member panel to develop recommendations, the IAC can now operate more efficiently with capacity for two panels to operate concurrently thereby generating recommendations in a timely manner. The increase in membership also reduces the overall time demands on volunteer members.

Financial Information

PUBLIC SERVICE COMMISSION Statement of Expenditure and Related Revenue (Unaudited) FOR THE YEAR ENDED 31 MARCH 2019

	Estimates		
	Actual	Amended	Original
	\$	\$	\$
EXECUTIVE AND SUPPORT SERVICES SERVICES TO GOVERNMENT AND AGENCIES CURRENT 1.1.01. SERVICES TO GOVERNMENT AND AGENCIES			
01. Salaries	1,436,755	1,442,700	1,457,800
Operating Accounts:			
Employee Benefits	255	9,400	9,400
Transportation and Communications	38,320	79,800	79,800
Supplies	5,976	8,600	8,600
Professional Services	655,183	673,000	658,000
Purchased Services	18,443	32,800	32,800
Property, Furnishings and Equipment	2,861	2,900	2,800
02. Operating Accounts	721,039	806,500	791,400
02. Revenue - Provincial	(3,465)	0	0
Total: Services to Government and Agencies	2,154,329	2,249,200	2,249,200

Expenditure and revenue figures included in this document are based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for Fiscal Year Ended 31 March 2019 (Unaudited). The Public Service Commission is not required to provide a separated audited financial statement.

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