

2020/21 Public Service Commission Annual Report

Centre for People, Culture and Talent | Treasury Board Secretariat

Message from the Chair of the Public Service Commission

I am honoured to have been appointed as Chair of the Public Service Commission (PSC). As a past member of the PSC, I am committed to promoting the Commission's excellence in setting goals, objectives and strategic direction for managing human resources.

I would like to acknowledge the dedicated efforts and resiliency demonstrated by the Ontario Public Service (OPS) throughout fiscal year 2020-21 in responding to a global pandemic while charting the path towards recovery. We faced ever-increasing demands and new challenges, and together were tested to develop greater resiliency, strength and flexibility in order to deliver critical services for the people of Ontario.

Effective management and strategic direction for human resources planning, policies and programs are critical for achieving the commitment to be an innovative, responsive and accountable public service that counts on highly skilled, diverse and engaged employees to deliver excellence for Ontarians.

As we demonstrate the ability to embrace change to respond effectively to new challenges, we remain focused on building a diverse, equitable, inclusive, anti-racist, and accessible public service of the future. The OPS has sought new ways of working virtually through innovation and collaboration, with many working remotely, while many others served on the front lines to provide the high-quality service the OPS is known for.

This year, the PSC made progress against the 2020/21-2022/23 PSC Business Plan and remained committed to the principles of fostering a positive and inclusive workplace culture, engaging innovative leaders, and promoting effective and fair HR practices in everyday business across the public service. Application of risk management was critical in ensuring the PSC is prepared to embrace opportunities with mitigation strategies for effective decision-making.

The OPS is focused on the goal of achieving parity between the diversity of leadership teams and the Ontario labour force by 2025. A diversity of identities, experiences, perspectives and skills at all levels will result in more responsive and equitable policies, programs and services. The OPS emphasizes workplace practices that create a barrier-free, diverse, equitable, inclusive, anti-racist and accessible organization.

The PSC is proud of the public service, the quality of policy advice to government, and delivery of programs and services to the people of Ontario.

I am proud to be part of the OPS and PSC and progress towards recovery in 2021/22.

Deborah Richardson

Chair, Public Service Commission

Purpose of the Report

The purpose of this report is to detail annual progress made against priorities, measures and targets outlined in the 2020/21 to 2022/23 Public Service Commission Business Plan.

Agency Description

The Public Service of Ontario Act, 2006 (PSOA) established the PSC. The PSC is assigned authority under the PSOA to establish terms and conditions of employment for employees in ministries and Commission public bodies. Authority covers appointments to the public service, discipline, investigations, dismissals, post-service conflict of interest and conflict of interest financial declarations.

The PSC issues directives and policies to establish principles and requirements to fulfil statutory obligations, and to set expectations for effective management of public servants. To optimize efficiency and reinforce management accountability, the PSC delegates most decision-making authority relating to human resource management to deputy ministers for employees in ministries and to prescribed delegates for employees in Commission public bodies. In addition, Management Board of Cabinet (MBC) sub-delegates power to PSC as it relates to creation of positions, determination of salary or wage ranges and other terms and conditions of employment. Limits on sub-delegation are set where appropriate and the PSC retains the right to make (or overrule) decisions should it so choose.

As defined by the Agencies and Appointments Directive, the PSC is a *Non-Board-Governed Regulatory Agency*. A memorandum of understanding (MOU) between the President of the Treasury Board (Minister, Treasury Board Secretariat (TBS)) and the PSC Chair outlines the government's expectations of the PSC. The PSC is accountable to the TBS Minister through the MOU. The 2020 PSC membership list is outlined in the appendix.

Mandate

The PSOA grants most human resource authorities to the PSC and others to the MBC. The MBC, under the PSOA, can also establish terms and conditions of employment by directive.

The mandate of the PSC, under Part III of the PSOA, is to ensure:

- Effective management and administration of human resources in relation to public servants that the PSC or its delegates appoint to employment by the Crown.
- Non-partisan recruitment and employment of public servants that the PSC, or its delegates, appoint to employment by the Crown.

Financial Statement and Total Annual Remuneration

The PSC does not require a budget or staff, and commissioners are not remunerated to serve on the PSC. However, the Centre for People, Culture and Talent in TBS provides secretariat services with one staff resource (equal to half a full-time equivalent). Funding for the PSC's administrative operations is provided by TBS.

Performance Measures and Annual Targets

PSC performance in 2020/21 is assessed against targets set in the 2020/21 to 2022/23 Public Service Commission Business Plan for the following activities:

- HR strategy
- Policy development
- Public service talent and leadership
- Conflict of interest
- Administration and reporting

HR Strategy

PSC ensures the effective management and administration of human resources in relation to public servants it appoints by way of reviewing and approving annual reporting of progress on the enterprise-wide HR strategy (*OPS HR Plan 2015-2020: Building on our Strengths – Leading Change for the Future*). The OPS HR plan provides a roadmap for strategic human resource planning so that the OPS is positioned to attract and retain the best employees. The multi-year plan is evidence-based and drives activity around three priorities:

- Fostering a positive and inclusive workplace culture
- Developing engaged and innovative leaders
- Implementing effective and fair HR practices

The performance measurement framework for the OPS HR Plan 2015-2020 assigns a performance score for each strategic priority comprised of an aggregation of key performance indicators. The key indicators were selected to identify progress towards end-state outcomes and are derived from several data sources, including corporate surveys, Workforce Information Network and data from HR program areas.

2015-2020 OPS HR Plan Performance Measurement Framework

Priority Index	Baseline	Year One	Year Two	Year Three	Year Four
Positive and Inclusive Workplace Culture Index	66.5	70.8	71.1	66.3	73.6
Engaged and Innovative Leaders Index	66.6	72.7	72.1	65.4	67.1
Effective and Fair HR Practices Index	66.1	67.8	66.4	63.4	66

This year's results provided valuable insights to the organization on timely issues, specifically how the pandemic had an impact on employee experience. The workforce faced ever-increasing demands and new challenges in the past year, and we are proud to see an increase in areas of employee engagement and inclusion, while remaining focused on delivering critical services.

Scores in Year Four increased after last year's decline, with the annual Employee Experience Survey capturing the highest participation rate in a decade (63%), an increase of 6% over the previous year. Progress was demonstrated in all areas, specifically in positive and inclusive workplace culture, engaged and innovative leaders, and effective and fair HR practices.

The results show that the workforce is proud to work for the OPS and feelings of inclusion in the workplace are increasing overall; however, experiences of inclusion vary across different socio-demographic groups. Employees with disabilities and Black, Indigenous and non-binary/trans/Two-spirit employees report experiencing the lowest levels of inclusion in the organization. Ensuring a diverse, accessible, anti-racist, inclusive, safe and respectful workplace is a priority, and the data helps to measure progress against goals to diversify senior leadership and remove systemic employment barriers.

The PSC looks forward to monitoring progress in achieving the strategic priorities of the new OPS HR strategy ("The OPS People and Culture Strategy"), following launch in 2021/22, to improve employee experience, develop future-ready talent and equip the OPS to deliver exceptional public services in the pivotal years ahead.

Policy Development

The PSC confirmed the HR policy review agenda for 2020/21, which is aligned with the OPS HR Plan commitment for effective and fair HR practices through regularly reviewed and up to date HR policies. Through systematic reviews and evaluation of HR policies, the PSC has assurance that critical direction is provided to ministries and Commission public bodies that is current, relevant and reflective of best practices.

The updated policy development and review agenda (2020/21 to 2022/23 Public Service Commission Business Plan) capture changes in practice and emerging opportunities, and create conditions to enable government priorities.

Priority Area	Policy/Initiative
Mandated Policy Reviews required under <u>Occupational Health and Safety Act</u> .	Respectful Workplace Policy
Mandated Policy Reviews required under <u>Occupational Health and Safety Act</u> .	Workplace Violence Prevention Policy
Mandated Policy Reviews required under <u>Occupational Health and Safety Act</u> .	Occupational Health and Safety Policy
Public Service Excellence–Fostering an inclusive, responsible and skilled workforce.	Socio-demographic Data (WIN)
Public Service Excellence–Fostering an inclusive, responsible and skilled workforce.	Third Party Review of Inclusive Workplace Policies and Programs*
Public Service Excellence–Fostering an inclusive, responsible and skilled workforce.	Ethical Framework Program
Government Priorities–Delivering on key commitments.	Veterans Access to OPS Employment
Government Priorities–Delivering on key commitments.	Span of Control Guideline and Reporting
Government Priorities–Delivering on key commitments.	Hiring Freeze Guidance and Reporting
Workforce of the Future Strategic initiatives that create conditions for a flexible, innovative and skilled workforce.	FutureSpace–Queen’s Park Reconstruction Project Workforce Strategy
Workforce of the Future Strategic initiatives that create conditions for a flexible, innovative and skilled workforce.	OPS HR Strategy Renewal

Priority Area	Policy/Initiative
Foundations–internal / public reporting, innovations in workforce analysis, employee engagement.	Foundations–internal / public reporting, innovations in workforce analysis, employee engagement.

*Review to inform updates to Respectful Workplace Policy and whether further updates to policies such as the Policy on Preventing Barriers in Employment and Disability Accommodation Policy are required.

In 2020/21, 100% of non-compensation HR policies that were part of the PSC-endorsed annual HR policy review agenda were reviewed, including three policies where legislation prescribes an annual review (under *Occupational Health and Safety Act*).

Non-compensation HR policies are reviewed and evaluated approximately every five years. Non-substantive updates and ad hoc reviews occur as needed within the five-year cycle. Priority for the policy review agenda is driven by legislative requirements (e.g. annual reviews of health & safety policies), length of time since last review, accuracy (e.g. organizational changes, designations, responsibilities), and program and service delivery feedback.

Public Service Talent and Leadership

PSC provided critical oversight of executive talent through approval of appointments to Executive 3 or Executive 4 classes of positions (assistant or associate deputy minister or equivalent). PSC ensured appropriate executive capacity to respond to the pandemic and lead the OPS to recovery.

Ontario is home to an increasingly diverse population and public service. Representation within senior leadership in the OPS has not kept pace with evolving demographics in Ontario. As such, diversifying leadership teams is a top priority, with the goal of reaching parity with the socio-demographic makeup of the Ontario labour force by 2025. The [OPS strategy to diversify senior leadership](#) is focused on creating access to coaching and mentoring, leadership development programs, succession plans and recruitment and selection processes for underrepresented groups in the OPS.

PSC promoted accountability for annual progress on diversifying senior leadership through analysis of sociodemographic respondent information of PSC appointments to Executive 3 or 4 (or equivalent) classes of positions. Analysis was used to identify potential barriers in the appointments process and help underrepresented groups achieve equal opportunity for senior leadership roles.

The sociodemographic snapshot provides analysis of 2020-21 PSC Executive 3 and Executive 4 appointments based on responses to a voluntary survey. Generally, survey results suggest that appointments are beginning to reflect the Ontario labour force. PSC must increase the proportion of appointments for members of underrepresented groups, with a focus on advancing employees with disabilities, if the OPS is to close gaps in leadership representation.

Ontarians expect their government to deliver inclusive policies and accessible services and a more diverse public service leadership is needed to meet those expectations.

The sociodemographic snapshot provides analysis of 2021-21 PSC Executive 3 and Executive 4 appointments based on responses to a voluntary survey.

Sociodemographic category	2016/2017 Ontario labour force	2021 OPS overall	2021 Executive 3-4 cadre	2021 Executive 3-4 appointments
Women	48.3%	60.6%	53.8%	49.3%
Francophone	4.0%	6.9%	4.5%	1.5%
LGBTQ+	2.7%	12.2%	11.3%	6.0%
Persons with Disabilities	16.7%	13.2%	8.9%	4.5%
Indigenous	2.5%	2.6%	3.5%	4.5%
Racialized	28.3%	25.4%	16.3%	29.9%
Margin of error	N/A	<1%	3%	8%

PSC retains authority to appoint senior executives in Executive 3 and Executive 4 classes of positions and monitors trends.

2020/21 Appointment Statistics

123

Executive 3 and Executive 4 appointments including extensions

29%

lateral moves

46%

promotions

7%

sourced from external organizations

70%

temporary assignments

30%

permanent assignments

Conflict of Interest

PSC is the ethics executive for former public servants who worked in a ministry other than in a minister's office. A former employee is obliged to request a conflict of interest (COI) determination if they plan to engage in activities that could create a conflict with their former employment. Requests for a post-service COI determination are submitted to the PSC, which is responsible for making a determination and issuing directions to the former employee.

In 2020/21, 41 requests were received for post-service conflict of interest determinations, and one request was received for additional clarification on a previous determination. Forty-nine per cent of determinations were made within 60 days of receiving the request.

Typical reasons for delays include:

- Delays in Deputy Minister Offices receiving the request from former employees.
- Delays in Centre for People, Culture and Talent receiving additional information from the ministry necessary to make a determination.
- Requests requiring input from multiple ministries.

The average number of days required for the request for a post-service COI determination to reach Centre for People, Culture and Talent was 64. Once the case is received, the average number of days to make a determination was 25. The Centre for People, Culture, and Talent has reviewed the intake process and identified opportunities to improve efficiency in making determinations to former OPS employees. Procedures introduced in the second quarter of 2021/22 will improve compliance. There were no cases where PSC had to act due to non-compliance with direction, however one employee did request clarification and received a follow-up determination.

The PSC maintains a list of ministry employees in positions who routinely work on one or more matters that might involve the private sector and have access to confidential information about those

matters. Individuals identified through this process are required to submit either a financial declaration to the Integrity Commissioner or a previous declarant attestation to Centre for People, Culture and Talent (if they had previously submitted a financial declaration that remains current). With the COVID-19 pandemic, a focus was placed in 2020-21 on following up with ministry employees identified as part of the 2019-20 financial declarations process to help ensure compliance. Three reminders were issued to outstanding employees between March 2020 and January 2021. Ninety-six per cent of identified employees completed a declaration or attestation. A new financial declarations cycle for 2021-22 is underway.

Administration and Reporting

Centre for People, Culture and Talent completed a review of PSC business processes to identify opportunities to optimize efficiency, which was approved by the PSC in May 2020. Business process changes included transitioning to a virtual environment, and granting deputy ministers latitude to appoint and extend individuals for six-month temporary assignments in Executive 3 (or equivalent) positions, pending completion of a recruitment process.

Risk Assessment and Mitigation

Acting within the authorities granted to it under the PSOA, as well as those delegated to it by the MBC, the PSC makes decisions with respect to several potentially high-risk matters:

- Policy direction for management of public servants.
- Appointments of senior executives in Executive 3 and Executive 4 classes of positions.
- Dismissals of employees in Executive (levels 2 to 4) classes of positions.
- Determinations of conflict of interest.

In the 2020/21-2022/23 PSC Business Plan, the PSC identified strategies and key risk indicators to mitigate potential risks to the PSC's execution of mandate:

- Approving policy direction that creates conditions for building and sustaining a skilled, diverse and engaged workforce and preserves a non-partisan, diverse, inclusive and anti-racist employer of top talent that is representative of the people of Ontario.
- Reviewing and updating policy direction so it remains current, relevant and enabling of government direction.
- Seeking advice from TBS Legal Services Branch on matters for which there are significant legal risks (e.g. dismissals; ethical behaviour).
- Composing PSC membership with the Secretary of the Cabinet and Deputy Minister, TBS as permanent members and a cadre of rotating deputy ministers, which provides the PSC with the benefit of diverse OPS workplace perspectives when considering strategic human resource proposals, and helps the PSC be cognizant of public policy impact of decisions that it renders.

Application of risk management and deployment of the defined mitigation strategies was instrumental to ensure that PSC was well informed and prepared for timely and effective decision-

making during the global pandemic. Specifically, ensuring that strategic planning was evidence-based, future-focused and enabling of government and organizational priorities is an accomplishment of which the PSC is proud.

Future Considerations

The PSC is pleased with the progress made in achieving results for the 2021/22-2023/24 PSC Business Plan, particularly during the unprecedented year of pandemic response. The PSC played a pivotal leadership role in steadying the organization and will be called upon to lead the OPS to recovery. This report on progress against 2020/21 priorities will be tabled in the Legislative Assembly in accordance with the Treasury Board/Management Board of Cabinet timelines.

Looking ahead, the 2021/22-2023/24 Business Plan will feature launch of the new OPS People and Culture Strategy to improve the employee experience, develop future-ready talent and equip the OPS to deliver exceptional public services as measured against priorities related to service, adaptation, inclusion and leadership.

Chair, Public Service Commission

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