

Public Service Commission

2021-22 Annual Report

Centre for People, Culture and Talent | Treasury Board Secretariat

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Land Acknowledgement

The Public Service Commission acknowledges that Ontario is located on the traditional territory of Indigenous peoples dating back countless generations. We respect the contributions of Indigenous peoples and recognize the role of treaty-making in what is now Ontario. We encourage the settlers reading this report to reflect on and acknowledge the Indigenous territory and unique history where you are located.



Deborah Richardson
Chair, Public Service Commission

Message from the Chair of the Public Service Commission

I am honoured to have served as Chair of the Public Service Commission (PSC) in the 2021-22 fiscal year and I am committed to maintaining the Commission's excellence in setting goals, objectives, and strategic direction for managing human resources for the Ontario Public Service.

The past year was marked by many challenges that affected the public service in numerous ways both organizationally and personally. The global COVID-19 pandemic, notably the omicron variant, tested the resiliency and courage of every public servant. The discovery of unmarked graves at many former residential schools, rise in incidents of hate, violence and racism particularly toward Black, Indigenous, Asian, LatinX, Muslim, Jewish, people with disabilities, and 2SLGBTQIA+ communities, and wars have had profound impacts on each of us and, by extension, the public service. Through it all, though, we remain a professional, resilient, caring and dedicated public service.

The Commission's role in managing human resources has been 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.

The effectiveness with which the OPS adapted to remote work at the onset of the pandemic for much of its workforce demonstrated an ability to respond to change and adapt to fast-evolving circumstances. This past year, the PSC approved a new process to improve response times against the service standard for post-service conflict of interest determinations made by the Commission. Process improvements resulted in response times shifting from under 50% compliance to 91%.

The PSC is especially focused on building a diverse, equitable, inclusive, respectful, anti-racist, and accessible public service of the future as the OPS transitions to the post-pandemic economy. The OPS Leadership Pledge is a commitment to take concrete action in response to recommendations from the Third-Party Review of Inclusive Workplace Policies and Programs. Every deputy minister, including PSC commissioners, and the Secretary of the Cabinet have signed the pledge to address systemic employment barriers, workplace discrimination and early resolution of workplace issues.

The 2021 [Senior Leadership Diversification Progress Report](#) provides an overview of the progress to close gaps in representation between senior leadership and the Ontario labour force.

The Public Service Commission is proud of the public service, the quality of policy advice to government, and service delivery to the people of Ontario.

It is a privilege to be chair of the Public Service Commission. I look forward to the journey ahead in the coming year.

In friendship,

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 [2021-22 to 2023-24 Public Service Commission Business Plan](#).

Agency Mandate and Description

Mandate

The mandate of the PSC, under Part III of the [Public Service of Ontario Act, 2006 \(PSOA\)](#), 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.

Description

[The PSOA](#) established the PSC. The PSC is assigned authority under [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 to PSC its power to make directives and rules relating to salaries within the classification series and wage ranges created by MBC 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 Minister of TBS through the MOU. The current PSC membership list is included as an [appendix](#).

Financial Statement and Total Annual Remuneration

PSC does not require a budget or staff, and commissioners are not remunerated to serve on the PSC. 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 PSC's administrative operations is provided by TBS.

Performance Measures and Annual Targets

PSC performance in 2021-22 is assessed against targets set in the [2021-22 to 2023-24 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

The COVID-19 pandemic has had an impact on organizational management priorities. The reliance on remote work arrangements for approximately half the public service demanded different leadership practices to keep the workforce productive and connected. The seamlessness with which most public services were delivered throughout the pandemic is testament to the skill and creativity of OPS leaders and staff.

Nonetheless, the change in how work was delivered, and the ongoing stress of the pandemic, has undoubtedly had an impact on the mental health and wellbeing of many public servants. Through initiatives like national Mental Health Week and internal communications channels offering advice on mental health and return to the workplace, the OPS is maintaining an open dialogue with employees on this critical issue.

The PSC looks forward to monitoring progress in achieving strategic priorities set in the new enterprise plan (*OPS Human Resources Framework*), launching in 2022-23, to equip the OPS to deliver exceptional public services by attracting the best and brightest talent, developing future-ready talent, strengthening the employee experience, and creating a modern, accessible and equitable workplace.

PSC commissioners, in their capacity as deputy ministers, have signed the OPS Leadership Pledge, a commitment to take concrete action in response to the recommendations from the Third-Party Review of Inclusive Workplace Policies and Programs. PSC will oversee policy change recommendations resulting from the Leadership Pledge commitments. Related policy review and development forms part of the policy review cycle and will be informed by engagement with anti-racism, accessibility and inclusion partners and stakeholders.

Policy Review

The 2021-22 HR non-compensation policy review agenda maintains PSC’s commitment to regularly review HR policy direction. Through systematic reviews and evaluation of policy, the PSC has assurance that critical direction is set for ministries and Commission public bodies that is current, relevant and reflective of best practices.

The updated policy development and review agenda ([2022-23 to 2024-25 Public Service Commission Business Plan](#)) capture changes in practice, emerging opportunities, and create conditions to enable shifting government priorities.

Priority area	Policy initiative
Mandated policy review: Occupational Health and Safety Act	Respectful Workplace Policy
Mandated policy review: Occupational Health and Safety Act	

Priority area	Policy initiative
Mandated policy review: Occupational Health and Safety Act	Occupational Health and Safety Policy
Public Service Excellence – Fostering an inclusive, responsible, and skilled workforce.	OPS Leadership Pledge – Implementation (Pledge commitments may also inform prioritization of HR policy reviews.)
Public Service Excellence – Fostering an inclusive, responsible, and skilled workforce.	Policy on Preventing Barriers in Employment
Public Service Excellence – Fostering an inclusive, responsible, and skilled workforce.	Ethical Framework Program
Government priorities – Delivering on key commitments.	Span of Control Reporting
Government priorities – Delivering on key commitments.	Hiring Freeze Guidance and Reporting
Workforce of the Future – Strategic initiatives that create conditions for a skilled, innovative, equitable, and service-oriented workforce.	OPS Flexible Work Strategy/Hybrid Work
Workforce of the Future – Strategic initiatives that create conditions for a skilled, innovative, equitable, and service-oriented workforce.	OPS HR Framework
Foundations: reporting, innovations in workforce analysis, employee engagement	Foundations: reporting, innovations in workforce analysis, employee engagement

In 2021-22, 100% non-compensation policies were reviewed where legislation requires an annual review.

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 strategic priorities and commitments (such as OPS Leadership Pledge), legislative requirements (annual reviews of health and safety policies), length of time since last review, accuracy (organizational changes, designations, responsibilities), and program and service delivery feedback.

Public Service Talent and Leadership

PSC provides 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). In 2021-22, PSC deployed appropriate executive capacity to respond to the pandemic and position the OPS for recovery.

Diversifying senior leadership remains a top priority for the PSC, with the goal of reaching parity with the socio-demographic makeup of the Ontario labour force by 2025. The OPS strategy is focused on creating access to coaching and mentoring, leadership development programs, succession plans and recruitment and selection processes for equity-seeking groups.

The OPS Employee Experience Survey creates opportunity for employees to share valuable insights into how effectively the OPS is achieving the goal of being an inclusive and anti-racist organization with an engaged workforce. The 2022 enterprise-level engagement, inclusion and leadership indices bode well for the future. Despite the extraordinary strain of the past two years, inclusion scores are climbing year-over-year. Engagement and leadership scores remain steady.

Index	2019	2021	2022
Engagement	66.2	70.9	69.2
Inclusion	68.4	71.1	73.2
Leadership	N/A ¹	61.9	61.9

The snapshot of 2021-22 Executive 3 and Executive 4 appointments suggests that appointments are beginning to reflect the Ontario labour force. Additional effort is required to increase the proportion of appointments for members of equity-seeking groups, especially persons with a disability. The newly formed leadership succession unit in TBS will advance leadership capacity through modern succession management practices and proactive development of diverse talent for key leadership roles.

Sociodemographic category	2016 2017 Ontario labour force	2021 22 Executive 3 4 appointments
Women	48.3%	74.1%
Francophone	4.0%	3.7%
LGBTQ+	2.7%	13.6%
Persons with Disabilities	16.7%	9.9%
Indigenous	2.5%	1.2%
Racialized	28.3%	29.6%
Margin of error	N/A	6%

¹ The Leadership Index was revised in 2021, hence 2019 comparator is not available.

Executive 3 and 4 appointments	2020 21	2021 22*
Lateral appointment	29%	27%
Promotion	46%	66%
Sourced from an external organization	7%	8%
Temporary assignment	70%	70%
Permanent assignment	30%	30%
Total appointments	123	116

* 2021-22 Numbers reported for laterals and promotions include assignment extensions

Conflict of Interest

PSC is the ethics executive for former public servants who worked in a ministry other than in a minister's office. PSC will make the determination where a former employee declares a potential conflict of interest (COI) between OPS employment and new activity, consistent with the COI rules for post-service in the PSOA and its regulations. PSC will issue direction to the former employee.

PSC has set a service standard of 60 days to provide post-service COI determinations to former employees. In the previous two years, PSC met the service standard 49% of the time. A new process with significant performance improvements was introduced in 2021-22. The average time for a determination was reduced from 89 to 47 days. PSC performance against the service standard is now 91%.

There were no cases where PSC had to act due to non-compliance with direction.

The PSC also 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 the Centre for People, Culture and Talent (if they had previously submitted a financial declaration that remains current).

For 2021-22, determinations or attestations will be requested from 225 employees in June 2022.

Administration and Reporting

Business process changes implemented in 2020-21 have been effective and will help inform how the future of work in the OPS will evolve in 2022. These changes included transitioning many employees to a virtual environment and granting deputy ministers authority through delegations to make human resource management decisions, such as appointment and extension of individuals in executive positions for up to six months, pending completion of a recruitment process.

Risk Assessment and Mitigation

Acting within the authority granted to it under [PSOA](#), as well as those delegated to it by MBC, 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 2021-22 to 2023-24 PSC Business Plan, PSC identified strategies and 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, 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 enables government direction
- Seeking advice from TBS Legal Services Branch on matters for which there are significant legal risks
- Composing PSC membership with the Secretary of the Cabinet and Deputy Minister, TBS as permanent commissioners and a cadre of rotating deputy ministers, which provides PSC with the benefit of broad OPS workplace perspectives

when considering strategic human resource proposals, and helps 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 for ensuring 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, people and 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 to 2023-24 PSC Business Plan, particularly during an unprecedented two years of pandemic response. PSC played a pivotal leadership role in steadying the organization and will be called upon to lead the OPS through to full recovery. This report on progress against 2021-22 priorities will be tabled in the Legislative Assembly in accordance with Treasury Board/Management Board of Cabinet timelines.

Looking ahead, the 2022-23 to 2024-25 Business Plan will feature direction to help OPS through economic recovery, guidance for managing the public service in a hybrid, inclusive, accessible and anti-racist work environment and priorities for building future-ready talent and for optimizing employee experience.

Appendix: Public Service Commissioners and Secretariat

[*Public Service Commissioners*](#) (as of March 31, 2022)

Chair, Public Service Commission

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Secretariat, Public Service Commission

Nosa Ero-Brown (Effective June 2022)

Strategic Advisor to the Public Service Commission

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