

# Public Service Commission

## 2022-23 Annual Report

Centre for People, Culture and Talent | Treasury Board Secretariat

# Contents

|                                                               |    |
|---------------------------------------------------------------|----|
| Land Acknowledgement .....                                    | 3  |
| Message from the Chair of the Public Service Commission ..... | 3  |
| Purpose of the Report .....                                   | 5  |
| Agency Mandate and Description.....                           | 5  |
| Financial Statement and Total Annual Remuneration .....       | 6  |
| HR Strategy.....                                              | 6  |
| Policy Review.....                                            | 7  |
| Public Service Talent and Leadership .....                    | 8  |
| Conflict of Interest .....                                    | 10 |
| Administration and Reporting .....                            | 11 |
| Risk Assessment and Mitigation.....                           | 11 |
| Future Considerations.....                                    | 12 |
| Appendix: Public Service Commissioners and Secretariat.....   | 13 |

## 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.

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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 2022-23 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.

In July 2022, the deputy ministers experienced a moving swearing-in ceremony at Queen's Park, which set the tone for a productive year of implementing strategic human



resources initiatives and a renewed commitment to the [OPS Leadership Pledge](#). As senior leaders we are committed to create an inclusive, diverse, equitable, anti-racist and accessible workplace that is free from discrimination and harassment. While we still have much more to

do, I am excited by the progress we have made on important initiatives, like the [OPS People Plan](#), the public service's human resources strategy.

PSC will oversee and monitor progress in achieving OPS People Plan commitments to modernize work, grow and develop talent and cultivate a culture of belonging to optimize public service. This year we welcomed Chief Talent Officer, Nosa Ero-Brown, to the PSC as Strategic Advisor where she has provided expert advice on a wide range of HR issues before PSC.

The 2022-23 Public Service Commission Annual Report presents several accomplishments that advance public service excellence for Ontarians. The annual report showcases improvements in representation of executives that identify as racialized or with a disability.

While the past several years have been absorbed by pandemic response, I am happy to report that on May 5, 2023, the World Health Organization announced that COVID-19 is no longer a public health emergency of international concern. Public Service Commission is prioritizing strategic direction that builds the workforce of the future and creates conditions for a flexible, innovative and skilled workforce with capacity to maintain steady focus on service excellence. PSC is proud of the public service, quality of policy advice to government, and service delivery to the people of Ontario.

As always, it is a privilege to serve as Chair. I look forward to leading PSC over the coming year.

In friendship,

Deborah Richardson

Chair, Public Service Commission

# Purpose of the Report

The purpose of this report is to detail the 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 Public Service Commission (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 2022-23 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 [OPS People Plan \(2023-2036\)](#) was released in 2023 and is the human resources strategy for the OPS. The PSC will oversee and monitor progress in achieving the OPS People Plan's strategic priorities and goals to modernize work, grow and develop talent and cultivate a culture of belonging to optimize public service.

The PSC will also approve human resource management directives, policies and programs to shape a non-partisan, professional, ethical, competent, healthy and safe, diverse, accessible, anti-racist, inclusive and respectful public service, and mitigate workforce risks. PSC will oversee policy change recommendations that may result from the leadership pledge commitments associated with the third-party review of OPS inclusive workplace policies and programs.

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 2022-2023 non-compensation HR 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 required under <a href="#">Occupational Health and Safety Act</a>                                  | Respectful Workplace Policy                 |
| Mandated policy review required under <a href="#">Occupational Health and Safety Act</a>                                  | Workplace Violence Prevention Policy        |
| Mandated policy review required under <a href="#">Occupational Health and Safety Act</a>                                  | Occupational Health and Safety Policy       |
| Public Service Excellence – Fostering an inclusive, responsible, and skilled workforce.                                   | OPS Leadership Pledge – Implementation      |
| Public Service Excellence – Fostering an inclusive, responsible, and skilled workforce.                                   | Disability Accommodation Policy             |
| 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                                                                                                     | Hiring Freeze Guidance and Reporting        |
| Workforce of the Future – Strategic initiatives that create conditions for a flexible, innovative, and skilled workforce. | OPS Flexible Work Strategy/Remote Work      |

| Priority area                                                                                                            | Policy initiative                                                              |
|--------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Workforce of the Future – Strategic initiatives that create conditions for a flexible, innovative and skilled workforce. | OPS People Plan                                                                |
| Foundations: reporting, innovations in workforce analysis, employee engagement                                           | Foundations: reporting, innovations in workforce analysis, employee engagement |

In 2022-2023, 100% non-compensation HR 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). PSC deploys executive capacity to respond to the priority work.

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 underrepresented groups.

In 2022-23, coaching clients increased by 158% from the previous year, with 65% of internal coaching clients identified as belonging to an underrepresented group. To contribute towards senior leadership diversification, “Level Up” interview clinics were delivered to leaders from underrepresented groups identified as director-level successors to support them in the executive recruitment process. To build leader-as-coach skills, executive leaders attended Executive Coaching Program to facilitate

problem-solving, encourage employee development, and to be coached on how to adapt to constantly changing environments.

The OPS Employee Experience Survey creates opportunity for employees to share valuable insights on how 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. The next Employee Experience Survey is targeted for early 2024.

| Index      | 2019             | 2021 | 2022 |
|------------|------------------|------|------|
| Engagement | 66.2             | 70.9 | 69.2 |
| Inclusion  | 68.4             | 71.1 | 73.2 |
| Leadership | N/A <sup>1</sup> | 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 underrepresented 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.

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<sup>1</sup> The Leadership Index was revised in 2021, hence 2019 comparator is not available. Benchmark has been updated to the OPS Overall from the 2022 Employee Experience Survey Canadian Survey on Disability data will not be available until December 2023

| Socio-demographic category | 2016-2017 Ontario labour force | 2021 Ontario labour force <sup>2</sup> | 2022 OPS Overall | 2022 Executive 3-4 and above | 2021-22 Executive 3-4 appointments | 2022-23 Executive 3-4 appointments |
|----------------------------|--------------------------------|----------------------------------------|------------------|------------------------------|------------------------------------|------------------------------------|
| Women                      | 48.3%                          | 48%                                    | 60.6%            | 52.4%                        | 74.1%                              | 61.86%                             |
| Francophone                | 4.0%                           | n/a <sup>3</sup>                       | 6.8%             | 3.8%                         | 3.7%                               | 3.09%                              |
| 2SLGBTQIA+                 | n/a                            | n/a                                    | 6.9%             | 7.7%                         | 13.6%                              | 14.43%                             |
| Persons with Disabilities  | 16.7%                          | n/a <sup>4</sup>                       | 13.3%            | 8.6%                         | 9.9%                               | 12.37%                             |
| Indigenous                 | 2.5%                           | 2.6%                                   | 2.7%             | 2.6%                         | 1.2%                               | 1.03%                              |
| Racialized                 | 28.3%                          | 34.8%                                  | 26.2%            | 19.6%                        | 29.6%                              | 32.99%                             |

## 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 received 63 post-service COI determinations in 2022-23. PSC's service standard for providing a determination is within 60 days of an employee or former employee submitting a post-service COI determination request. PSC strives to respond within this timeline 85% of the time.

- PSC made determinations within 60 days in 45 of 63 (71%) cases. Prior to developing and implementing a new process with significant performance improvements mid-year of 2021-2022, PSC met the service standard 49% of the time. While there was a

<sup>2</sup> Ontario labour force data is from Statistics Canada. 2016 Canadian Census data was used except for persons with disabilities data which is from the Canadian Survey on Disability, 2017. There is no Ontario labour force data from the 2016 Canadian census that is inclusive of all sexual orientations under the 2SLGBTQIA+ umbrella. As such, 2SLGBTQIA+ is marked as "n/a" under Ontario Labour Force 2016/17 and 2021. Representation of 2SLGBTQIA+ employees in OPS Overall from the 2022 OPS Employee Experience Survey is used as the benchmark. 2SLGBTQIA+ is the aggregate of persons who responded to the "What is your sexual orientation" in the Employee Experience Survey either alone or in combination: Asexual; Bisexual or Pansexual; Gay; Lesbian; Queer; Questioning; Two-Spirit.

<sup>3</sup> Data from Statistics Canada will be available in late 2023

<sup>4</sup> Data from Statistics Canada will be available in December 2023

significant (91%) improvement in meeting the service standard following implementation of the new process this year, additional effort is required to meet the standard.

- PSC took more than 60 days to make a determination in 18 of 63 (29%) cases
  - Submissions that missed timelines were most often under review by the relevant ministry for longer than anticipated (e.g. greater than 30 days)
  - 12 of 18 missed deadlines were in Q4, and the decrease in compliance may have resulted from a reduced meeting frequency delaying release of some determinations

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

The PSC has an obligation under regulation to maintain 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 CPCT (if they had previously submitted a financial declaration that remains current).

In October 2022, requests for declarations or attestations were sent to 225 employees on the list maintained by PSC. As appropriate, PSC may issue follow up reminders to ensure those employees are aware of their compliance obligations.

## Administration and Reporting

The [2021-22 Public Service Commission Annual Report](#) and the 2023-24 to 2025-26 Public Service Commission Business Plan are posted in accordance with the requirements under the [Agencies and Appointments Directive](#). The PSC Chair submitted all necessary accountability documents to the President of the Treasury Board who is the minister responsible for PSC.

## 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 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 Public Service Commission Business Plan](#), PSC identified strategies and risk indicators to mitigate potential risks to 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
- Introducing renewed strategic direction through the OPS People Plan, which prioritizes future of work, employee development and culture of belonging.
- 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 defined mitigation strategies were instrumental for informing and preparing PSC to make timely and effective decisions 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 Public Service Commission Business Plan](#). HR divisions have been on a journey of transformation to future-proof public service delivery through talent management, leadership development, productive relationships with collective bargaining partners, and employee experience. The 2022-23 annual report will be tabled in the Legislative Assembly in accordance with Treasury Board/Management Board of Cabinet timelines.

Looking ahead, the [2023-24 to 2025-26 Public Service Commission Business Plan](#) will set commitments for the OPS future direction to attract, develop and retain skilled and diverse talent to meet the needs and expectations of Ontarians in the years to come.

# Appendix: Public Service Commissioners and Secretariat

[\*Public Service Commissioners\*](#) (as of March 31, 2023)

## Chair, Public Service Commission

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