

ERIC COSTEN  
AFFIDAVIT #1  
MAY 13, 2015  
No. T-2030-13

**FEDERAL COURT**

**BETWEEN:**

**NEIL ALLARD  
TANYA BEAMISH  
DAVID HEBERT  
SHAWN DAVEY**

**PLAINTIFFS**

**AND:**

**HER MAJESTY THE QUEEN  
IN RIGHT OF CANADA**

**DEFENDANT**

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**AFFIDAVIT OF ERIC COSTEN**

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I, Eric Costen, of the Town of Arnprior, in the Province of Ontario MAKE OATH AND SAY:

1. I am an employee of Health Canada, currently working as the Executive Director of the Office of Medical Cannabis. The Office of Medical Cannabis is part of the Healthy Environments and Consumer Safety Branch of Health Canada. I have been employed in this capacity since 2014.
2. As such, I have personal knowledge and have informed myself of the information sworn to in this affidavit, save and except where any of the following information is stated to be based on information and belief, in which case I state the source of the information and verily believe that information to be true.

**The Bureau of Medical Cannabis**

3. I have reviewed the affidavit of Jeannine Ritchot, sworn February 7, 2014, as evidence in this matter and for the purposes of this affidavit I adopt paragraphs

80-109 as my own. This affidavit is attached for convenience at **Exhibit "A"**, without exhibits, which are already filed with the Court.

4. At the time Ms. Ritchot swore her February 7, 2014, affidavit, she referred to the administrative implications of the repeal of the *Marihuana Medical Access Regulations* (MMAR) and the steps taken by Health Canada up to that point to dismantle the infrastructure put in place to support MMAR administration, which at that time was called the Bureau of Medical Cannabis (BMC).
5. The BMC was responsible for implementing the Marihuana Medical Access Program (MMAP); a program funded and put in place to operationalize the MMAR. At paragraph 100 of her affidavit, Ms. Ritchot states that the BMC, at the peak of operations between 2012 and 2013 employed 142 persons. In the months leading up to and following the MMAR repeal date, Health Canada began the process of dismantling the BMC by terminating or reassigning employees, where possible and appropriate.
6. Prior to the repeal of the MMAR on March 31, 2014, the BMC responsibilities included processing applications and issuing new and amended licences, which entailed reviewing and processing applications for Authorizations to Possess (ATPs), Personal-Use Production Licenses (PUPLs) or Designated-Use Production Licenses (DPPLs), as well as applications to renew or to amend existing ATPs, PUPLs or DPPLs. Details of the BMC's processes, as they existed at that time, are set out in the affidavit of Jeannine Ritchot, sworn October 6, 2010, which I adopt in its entirety, and which is attached as **Exhibit "B"**. Names of the accused and their specific details have been redacted for privacy reasons.
7. The processes described in Ms. Ritchot's October 6, 2010, affidavit were put in place to manage a program designed to operate under the defining framework of the MMAR. The MMAR provided the specific parameters for the program and guided the creation of processes designed to fulfill its mandate for a specific population, which was also defined clearly by the MMAR. This regulatory framework was the foundation for the program and guiding "compass" for the program: it dictated the parameters within which the MMAP had to function and the activities Health Canada could undertake; it set out "the rules" that processes must conformed with.
8. Ms. Ritchot's October 6, 2010, affidavit also details some of the challenges the MMAP was encountering in administering its program, including high demand for processing new and amendment applications, and incomplete or inadequate applications that required additional communication with applicants and sometimes additional written submissions (see paragraphs 108-118).
9. Ms. Ritchot's October 6, 2010, affidavit also details the staffing activities that took place over the course of a number of months, in an effort to restore service standards that could not be met in the face of increasing demand. In addition to

overtime “blitzes” for staff already in place, new staffing was authorized and undertaken. The affidavit at paragraphs 119-135 describes that planning to address the overload of work and inability to manage it with existing resources began in November of 2009, subsequent to the identification of problems in July 2009. On March 10, 2010, Jeannine Ritchot was appointed as Director of what was then known as the Marihuana Medical Access Division, and on May 7, 2010, additional staffing was authorized. It was not until September 2010, that the staffing process was complete (see paragraph 133). Training efforts were ongoing (see paragraph 134).

10. The hiring process described in Ms. Ritchot’s October 6, 2010 affidavit, where individuals were hired to assist in restoring MMAP service standards, took place in environment where a program existed. That program had a defining framework (the MMAR), and that program was funded. That program also had existing processes to meet the program’s mandates and it had staff trained and dedicated to perform the requisite work. Those existing employees were already performing the work of the BMC and could mentor and guide new staff. Despite the established nature of that program, from the time the decision was made on December 4, 2009 (see paragraph 121), to create “without delay” the position of Director of the Bureau of Medical Cannabis to develop and implement means of improving application processing time (see paragraph 123), it was not until September 2010, that training activities were conducted and additional staffing was complete. From problem identification to resolution, which began in July 2009 (see paragraph 108), 14 months passed. Despite diligent effort, making improvements to a program that was already in existence took over a year.
11. With the transition from the MMAR to the new *Marihuana for Medical Purposes* (MMPR) regime, it was clear that the nature and volume of the work at the BMC would change and then cease to exist. Tens of thousands of individual holders of ATPs, PUPLs, and DPPLs would no longer comprise a client group requiring Health Canada’s administrative services.
12. With the repeal of the MMAR, the BMC has been entirely wound-down. The administrative processes, program infrastructure, staff and expertise, which previously supported the implementation of the MMAP, no longer exist.

### **The Office of Medical Cannabis**

13. In July 2014, Hillary Geller, the Assistant Deputy Minister of the Health Environments and Consumer Safety Branch, announced the intent to create a new organization to support policy, regulatory and other activities in support of the department’s mandate the enable access to marijuana for medical purposes. In September 2014 the OMC was established. The OMC currently works closely with the Office of Controlled Substances to support the implementation of the MMPR, by:

- a. Leading policy and regulatory development
  - b. Identifying and monitoring current and emerging priorities
  - c. Engaging and providing scientific information and analysis
  - d. Building and strengthening relationships with external stakeholders
  - e. Providing litigation support for the government's defence in marijuana for medical purposes cases
14. The OMC has been created and staffed to meet the objectives of the MMPR and its mandate is unique and distinct from that of the BMC. The OMC employs staff with the corresponding skills, knowledge and abilities to meet the OMCs demands and to fulfill its functions with respect to the MMPR. These skill sets are not interchangeable with the skills required to perform the licensing functions of the BMC pursuant to previous MMAR.
15. The OMC consists of 42 individuals organized in the following units:
- a. **Policy, Regulatory & Stakeholder Engagement**
    - i. The policy, regulatory and stakeholder engagement unit is responsible for providing: policy and regulatory advice to strengthen the current regime and respond to emerging policy issues; regular market and financial analysis and forecasting; scientific information, analysis and advice to support policy development; and, ongoing engagement with a range of stakeholders, including the healthcare community, law enforcement, other levels of government, the international community and the general public.
  - b. **Operations**
    - i. The operations unit is comprised of a call centre, information management and coordination of marijuana related requests under the *Access to Information Act* and *Privacy Act*.
  - c. **Litigation Support**
    - i. The Litigation Support Office (LSO) provides administrative, financial and strategic support to address Health Canada's obligations resulting from past and current marijuana regulations. The LSO carries out its activities under the guidance of the Department of Justice in order to ensure that the Government of Canada meets its legal obligations and that it is well defended in court.
16. As a part of the operations unit, 3 FTEs (FTE refers to full time equivalent, which is defined as total hours worked, divided by average annual hours worked in full-time jobs) provide residual services in support of former MMAR licences holders who are covered by the Allard injunction.

17. I have been advised by Isabelle Skalski, Manager (Operations), and truly believe it to be true, that these services are related to: responding to requests for reprints of documents issued under the MMAR, opening and returning documents mailed to the MMAP, and responding to police queries. Ms. Skalski has researched and tabulated the volume of MMAR related mail received, licenses reprinted and application forms returned, on a weekly basis from June 7, 2013 to May 5, 2015 (the MMAR coming into force date); this information is set out in a chart at **Exhibit "C"**.
18. Ms. Skalski has also advised and I truly believe it to be true, that she has researched and tabulated the volume MMAR-related calls, including police requests received on a weekly basis from June 5, 2013 to March 28, 2015 (to capture information relevant to the MMAR coming into force date); this information is set out in a chart at **Exhibit "D"**.

### **THE SAMM II DATABASE**

19. The SAMM II database was put in place to manage the BMC's operational activities performed under the MMAR framework. In addition to being the repository for applications, issuing new and amended ATPs, PUPs, and DPPLs, SAMM II contained records of telephone calls (known as call logs), correspondence between clients and Health Canada, and notes related to file activity.
20. During its operation, this record keeping system was maintained in a manner consistent with the *Privacy Act* and the *Library and Archives of Canada Act*. The records were created and maintained as part of the usual and ordinary course of MMAP business. The record keeping system consisted of paper files and an electronic database.
21. I am advised by Kaylene Funk, Database Analyst, Healthy Environments and Consumer Safety Branch and truly believe, that the SAMM II database was comprised of three modules and that currently, these modules have the following capabilities:
  - a. Correspondence and call management: If a former MMAR client contacts Health Canada and that client has a profile in the system, a note is made in this module, to indicate the call or query was made and to indicate how it was responded to. If the caller has no existing profile in the system, none is created, no record is kept of the call or its disposition.
  - b. Application processing and license issuance: This module of SAMM II is the repository for application packages and it produced ATPs and PUPs and DPPLs once the review process was complete. This module is no longer used, in that no information is input to the system and no changes are made. The sole purpose to which this module is put is to read information on

existing ATPs PURLs and DPPLs. The information in this section can be read but it is not manipulated.

- c. Marijuana supply: This module was used for purchasing, billing, and management of the now expired Health Canada contract with its supplier. This module of SAMM II is not used.
22. While the MMAR were repealed on March 31, 2014, as a result of the *Allard* injunction order issued March 21, 2014, certain persons who held ATPs, PURLs and DPPLs have been able to continue to possess and to produce marijuana for medical purposes, under the existing terms, until this court issues its decision on the merits. As a result, these individuals, acting in accordance with the injunction order, are protected from criminal liability under Part I *Controlled Drugs and Substances Act* (CDSA). Health Canada estimates that approximately 28,000 of the 38,436 existing ATPs, PURLs and DPPLs under the MMAR were captured by the injunction order.
23. Ms. Ritchot noted in her February 7, 2014, affidavit that in anticipation of the March 31, 2014, repeal of the MMAR, BMC put into place a plan for work force adjustment, employee reassignment, space reduction, and resource reallocation. She also noted that annual maintenance and necessary improvements required to support the functionality of the SAMMII database scheduled for September 2013 were not undertaken, in anticipation of the repeal of the MMAR on March 31, 2014. Ms. Ritchot swore that while work was ongoing to allow completion of the program and the continued availability of the information stored therein, the SAMMII database was experiencing technical challenges that compromised its operation.
24. I am advised by Kaylene Funk, and truly believe, that in June 2013, \$400,000 was estimated to be required to upgrade and maintain SAMM II, and \$200,000 was provisionally budgeted at that time in order to proceed with the integral SAMM II system improvements. However, in view of the MMAP and BMC's impending redundancy upon repeal of the MMAR, these funds were subsequently de-committed and the SAMM II improvements were not undertaken.
25. I am advised by Kaylene Funk, and truly believe, that should SAMM II's re-operationalization be necessary, funding and staffing would have to be put in place to undertake diagnostic and system architecture work to determine SAMM II's functionality. Ms. Funk has also advised, and I truly believe, that SAMM II is only semi-compatible with Windows 7, the computer operating system to which Health Canada converted in March and April of 2015. In addition, SAMM II's printing component would need modification to achieve functionality. Ms. Funk advises, and I verily believe, that printing of licenses from SAMM II was made possible by a complicated and fragile piece of coding and expert involvement would be required to attempt to achieve functionality. In the past,

Ms. Funk advises and I verily believe, that this component of SAMM II has been temperamental, so enabling the printing function in Windows 7 could prove challenging.

26. Ms. Funk further advises, and I truly believe, that data constraints related to SAMM II and Windows 7 made it impossible to test a number of other SAMM II functions required for full functionality. This means, there could be unidentified bugs created by the Windows 7 conversion that could only be discovered upon conducting a complete application process from start to finish.
27. Ms. Funk advises, and I truly believe, that a re-launch of SAMM II would require a full testing environment to identify and remedy any bugs or Windows 7 related issues.
28. As Executive Director of the OMC, I can also state that SAMM II is not part of the OMC primary functions. The BMC makes limited use of SAMM II in order to support residual services for former MMAR licence holders who are covered by the *Allard* injunction. More specifically, the BMC uses SAMM II for responding to requests for reprints of documents issued under the MMAR and for responding to police queries. I am advised by Isabelle Skalski, and truly believe that reprints are copies of documents already created by SAMM II; these differ from original prints, in which SAMM II must compile information to create an authorization or license.

## **STAFFING**

29. As previously noted, the OMC is staffed with individuals who have a skill-set and experiences suited to the mandate of the organization under the new MMPR.
30. To revive activities similar to those conducted under the now-repealed MMAR, such as processing licensing changes and issuing amended or new licenses, would require the creation and staffing of what would essentially be a new program, serving a client-base that is equal to or greater than the current number of individuals covered by the *Allard* injunction order. Establishing such a program would require new funds, office space, equipment and staff to conduct these activities.
31. Hiring necessary staff to conduct activities related to the now repealed MMAR, would require that the department undertake considerable staffing actions in accordance with the *Public Service Employment Act*, and any other applicable legislation, seeking and obtaining the appropriate level of security clearance checks for these individuals, and then training successful candidates to fill the positions necessary. Past experience indicates these processes are likely to take many months to complete. Training of new employees would be further challenged because of the absence of experience former staff. It is important to

recall that employees experienced in the BMC processes sought and secured opportunities elsewhere as the BMC wound down, and then ultimately closed. There is no longer a pool of experienced staff available to provide the leadership and training necessary to bring new staff up to speed in a timely manner.

32. The Public Service Commission of Canada, in its 2013-2014 Annual Report, attached as **Exhibit "E"** to my affidavit, shows at page 30, paragraph 1.51 that the overall average time to staff indeterminate advertised positions (from both collective and distinct processes) was 5.3 months in 2013, compared to 5.5 months in 2012 and 4.5 months in 2011.
33. Following advertising, selection, security clearance, negotiation of hiring terms and timelines, and the commencement of employment, it could take at least 10 weeks to bring a new employee to the level of competence required to perform work related to administration of the MMAR (see paragraph 104 of the February 7, 2014, affidavit of Jeannine Ritchot at Exhibit "A"). The time necessary to train a new employee to competence would be related to the sophistication of the functions required by specific positions, so it is possible that some positions could require a training period of longer than 10 weeks. For example, persons in supervisory positions would require a longer training period to achieve the required performance level.
34. Staffing a reconstituted BMC to perform MMAR-type tasks could not be done by simply diverting OMC resources and reassigning OMC staff to do this work. As previously noted, OMC staff skill sets, position designations, and experience are not interchangeable with those of the former BMC. The OMC is governed by the mandate of the MMR and the nature of the OMC work is distinct from the licensing activities conducted by the former BMC. Further, the work of the OMC would be undermined if scarce resources were diverted from this program in order to re-establish the services provided under the previous MMAR.

### **OFFICE SPACE**

35. At its height, the BMC occupied several floors in three different buildings. That space has now been vacated and reassigned. Providing MMAR-type administrative activities to a larger, potentially unlimited group of persons who use marijuana for medical purposes, would require that new space be located, procured, and set up. Equipment would also need to be identified and obtained, and the information technology infrastructure would have to be re-created.

### **POLICE INQUIRIES**

36. Section 68.1 of the MMAR Authorized the Minister to communicate specified information to a Canadian police force or a member of a Canadian police force

who requests the information in the course of an investigation under the CDSA, or the MMAR, subject to that information being used only for the purpose of that investigation and the proper administration or enforcement of the CDSA or the MMAR. Part of the BMC call centre responsibilities included responding to these requests.

37. After the issuance of the March 21, 2014, Allard injunction order Health Canada recognized the importance to former MMAR authorization and license holders of continuing to disclose potentially exculpatory information to law enforcement agencies actively investigating criminal offences under the CDSA. Health Canada concluded that so long as the authorizations and licenses were being used by persons formerly authorized by the MMAR, providing limited information relating to specific authorizations and licenses would be consistent with safeguarding the rights of individuals who fell under the injunction order, while continuing to attempt to meet the objectives of the CDSA.
38. At this time, of the three FTEs providing MMAR-related support services at the OMC, there is the equivalent of 1 full-time employee within the OMC receiving and responding to calls from police at a time. We also reply to email inquiries from law enforcement. Currently, in responding to police queries, the responsible individual can read, but not manipulate the data in the SAMM II database, to provide limited information to law enforcement in the course of an active investigation, making clear that information is current to March 31, 2014, only. If a client profile already exists in SAMM II, the police inquiry is noted in correspondence and call management module.
39. I have reviewed the affidavit of Christina MacInnis, which is attached as Exhibit "A" to the affidavit of Danielle Lukiv, a legal assistant at Conroy and Company. I note that Ms. MacInnis's sole SAMM II related activity that she sets out in her affidavit at paragraphs 10-16 was to retrieve information already in existence in the SAMM II database. She did not add new information or amend existing information to the SAMM II database and she does not address these issues in her affidavit.
40. Ms. MacInnis's affidavit describes the responsibilities of the BMC under the prior MMAR regime at paragraph 4 as well as the prior record keeping system and the prior operation of the SAMM II database at paragraph 5. These descriptions are consistent with what I have set out above. Ms. MacInnis does not discuss the current limitations of the record keeping system or the difficulties of returning this system to its full functionality.
41. I have also reviewed Exhibit "B" to the affidavit of Danielle Lukiv, which is a set of minutes to a November 4, 2014, meeting of the Canadian Medical Cannabis Industry Association, at which I attended. The first bullet of these minutes states that, "The meeting commenced with an overview of the newly established Office of Medical Cannabis (OMC), as well as an overview of the division of

responsibilities (i.e. scope of authority) between the OMC and the Office of Controlled Substances (OCS). The key responsibilities of OMC are: policy and regulatory development; litigation support; stakeholder engagement, and business intelligence. The OMC also supports the wind-down of the former program, including operating the 24/7 call-centre responding to police inquiries.”

42. The responsibilities of the OMC that I described at this meeting, as recorded in Exhibit “B” to Ms. Lukiv’s affidavit are consistent with the information I have set out above.

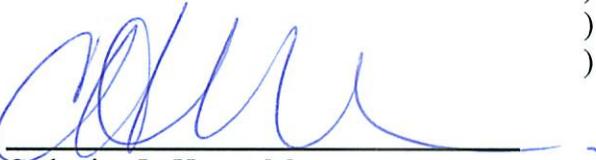
**CONCLUSION**

43. In conclusion, while Health Canada has established a new office to aid in the implementation of the MMPR (the OMC), and is continuing some minimal service in support of those MMAR license holders, including providing historic information to police inquiries, which is retrieved from the now moribund SAMM II database, these facts should not be interpreted as Health Canada readiness to easily resume the infrastructure necessary to support expanded MMAR-type services.

44. As I have explained above, if Health Canada were required to provide additional MMAR-type services to a broader, potentially unlimited client group, in addition to fulfilling its current mandate under the new MMPR, significant investment and time would be necessary, because Health Canada would have to essentially re-create a dismantled administrative regime. Health Canada would need to secure funding, locate office space, hire and train staff, create an operational infrastructure, procure technical equipment and services, and re-create processes and instructional material for staff.

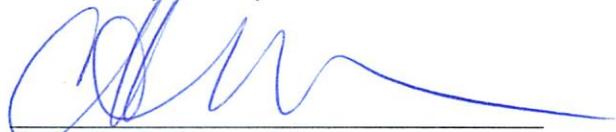
45. In summary, significant budgetary, organizational, and technical obstacles preclude Health Canada from providing additional administrative activities associated with the now repealed MMAR.

AFFIRMED BEFORE ME at the City of )  
Ottawa, this 13<sup>th</sup> day of May, 2015 )  
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Catherine L. Hayes-Murton  
A Commissioner for Taking Oaths and  
A Notary Public In and For  
the Province of Ontario

  
Eric Costen

This is **Exhibit "A"** referred to in the  
Affidavit of **ERIC COSTEN**  
Affirmed before me at the City of  
Ottawa, in the Province of Ontario,  
this 13<sup>th</sup> day of May 2015.



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Catherine L. Hayes-Murton  
A Commissioner for Taking Oaths and  
A Notary Public In and Forthe Province of  
Ontario

**FEDERAL COURT**

**BETWEEN:**

**NEIL ALLARD  
TANYA BEAMISH  
DAVID HEBERT  
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**PLAINTIFFS**

**AND:**

**HER MAJESTY THE QUEEN  
IN RIGHT OF CANADA**

**DEFENDANT**

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**AFFIDAVIT OF JEANNINE RITCHOT**

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I, Jeannine Ritchot, of the City of Ottawa, in the Province of Ontario, MAKE OATH AND SAY:

1. I am an employee of the Public Health Agency of Canada, currently working as the Senior Director of the Surveillance and Analysis Division in the Centre for Chronic Disease Prevention. At the time relevant to this affidavit, however, I was working as the Director, Medical Marihuana Regulatory Reform (2011-2013) and as Director, Bureau of Medical Cannabis (2010-2011), Office of Controlled Substances, Controlled Substances and Tobacco Directorate (CSTD), Health Canada. The CSTD is part of the Healthy Environments and Consumer Safety (HECS) Branch of Health Canada. Prior to this

position, I was Executive Advisor to the Deputy Secretary to Cabinet (Operations) at the Privy Council Office.

2. As Director of the Bureau of Medical Cannabis, my responsibilities included oversight activities related to the administration of the *Marihuana Medical Access Regulations* (MMAR). This included oversight of employees, resources and operational activities related to operations carried out pursuant to the MMAR.
3. As Director of Medical Marihuana Regulatory Reform, my responsibilities included policy development related to the reform of the MMAR and development of the *Marihuana for Medical Purposes Regulations* (MMPR). As such I am able to speak to the relevant facts set out herein. Where any of the following information is based on information and belief, I state the source of the information and that I believe the information to be true.

#### **DRUGS IN CANADA: THE LEGISLATIVE AND REGULATORY FRAMEWORK**

4. In Canada, medicines are regulated through the *Food and Drugs Act* (FDA) and the *Controlled Drugs and Substances Act* (CDSA). The FDA and its regulations provide a framework to regulate the safety, efficacy, and quality of drugs. The *Food and Drug Regulations* (FDR) set out a framework for the authorization of drugs for sale in Canada. Drug manufacturers submit evidence on the efficacy, dosage, route of administration, contraindications, side effects, and quality of a drug. Health Canada drug reviewers must conclude that the overall benefits of the drug outweighs its risks, before the product is authorized for sale in Canada.
5. The overall objective of the FDA is to protect the health and safety of Canadians by regulating drugs, medical devices, foods and cosmetics through a series of prohibitions and requirements, including establishing standards for manufacturing, labelling, licensing and advertising. Current regulations ensure that drugs will not be approved for sale in Canada if they are found to cause more harm than good or if their risk benefit ratio is not adequately known. The FDA establishes rigorous processes to ensure that drugs made available for

therapeutic use meet appropriate safety, efficacy and quality standards. The FDA contains offences and penalties for contraventions of any provisions of the FDA or FDR.

6. The overall objectives of the CDSA are the maintenance and promotion of public health and public safety. The CDSA provides the legislative framework for the control of substances that can alter mental processes and that, though they may have therapeutic benefits, also may produce harm to health and to society when diverted or misused. These controls include regulation of the prescription of, the production of, the storage of and records and reporting in relation to, controlled substances.
7. The CDSA imposes strict controls on access to substances that are liable to misuse and or diversion by prohibiting possession, production, and distribution of controlled substances, except as authorized by regulations. The CDSA also contains offences and penalties for possession, trafficking and production of scheduled drugs.
8. The CDSA is the means by which Canada fulfills its international obligations under the three UN international drug control conventions: the Single Convention on Narcotic Drugs, 1961 (as amended by the 1972 Protocol); the Convention on Psychotropic Substances, 1971; and, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (the “Conventions”).
9. The FDA and the CDSA and their respective regulations are important pillars of the legislative and regulatory framework that serves to protect the health and safety of Canadians by preventing misuses of drugs, both recreationally and therapeutically. Their objectives are interrelated and consistent. Together they are intended to support both the maintenance and promotion of public health and the safety of Canadians.
10. Both the CDSA and the FDA and the relevant regulations apply to marihuana. Marihuana is considered a drug under the FDA and a controlled substance under the CDSA. Health Canada is the federal government department with lead responsibility for the FDA and the CDSA as well as their respective regulations.

11. Drugs containing cannabis, other than dried marihuana, have been authorized for sale under the FDR and are available by prescription in Canada. These include:
  - i) Sativex®, a buccal spray containing extracts of cannabis with standardized concentrations of delta-9-tetrahydrocannabinol (THC) and cannabidiol (CBD). It is authorized to treat certain symptoms associated with multiple sclerosis. It is also conditionally authorized for pain relief in adults with advanced cancer; and,
  - ii) Cesamet®, a capsule containing nabilone, a synthetic cannabinoid. It is authorized for the management of nausea and vomiting associated with cancer therapy.
12. To sell these products in Canada, their manufacturers were required to meet the rigorous FDA and FDR requirements. Accordingly, these products are of consistent content and chemical composition, they have been manufactured using good manufacturing processes, and there is adverse event reporting and recall capacity should these drugs have unexpected negative impacts. There are also prohibitions on the labelling, packaging or selling of drugs or food in a manner that is false, misleading, deceptive or likely to create an erroneous impression regarding its character, value, merit or safety.
13. Science-based drug regulatory processes are safeguards. Current regulations ensure that drugs will not be released if the product cannot demonstrate three fundamental characteristics. First, they must have a benefit as demonstrated in clinical studies in diseased patients. Second, the drug's safety issues also demonstrated through the clinical studies can be mitigated through labelling and appropriate access for patients through a prescription if needed. Third, the drugs are manufactured under a Good Manufacturing Practices to ensure a consistent product is sold year to year. The regulatory processes also allow regulators to remove drugs from the market should new information on unacceptable safety concerns be identified. In these ways, regulatory oversight increases the probability that drugs on the market will be safe, efficacious and of the highest quality when used as recommended.

14. There has been no application to Health Canada to approve dried marihuana as a drug for sale under the FDA. Dried marihuana has never been approved as a therapeutic drug in Canada. Marihuana (Marijuana) is the common name for *Cannabis sativa* (i.e. cannabis). Information about Cannabis is available in the publication "Information for Health Care Professionals" attached as **Exhibit "A"** (see page 8), and is also available online at [http://www.hc-sc.gc.ca/dhp-mps/alt\\_formats/pdf/marihuana/med/infoprof-eng.pdf](http://www.hc-sc.gc.ca/dhp-mps/alt_formats/pdf/marihuana/med/infoprof-eng.pdf)
15. One of the aims of MMAP is to treat medical marijuana like any other drug, to the extent possible. HC plays a role in licensing manufacturers of drugs to reduce the risk of consumers receiving a drug which is poorly manufactured or adulterated. The MMAP intend to provide the same type of system to producers of marijuana, in order to protect consumers from adulterated or unsafe products.

#### **DEVELOPMENT OF THE MARIHUANA FOR MEDICAL PURPOSES REGIME**

16. Under Health Canada's Marihuana Medical Access Program (MMAP), Canadians have been able to access dried marihuana for medical purposes since 1999, at which time individuals could be authorized to possess dried marihuana or to produce a limited number of marihuana plants for medical purposes via s.56 of the CDSA. Section 56 allows the Minister to exempt any person or class of persons from the application of the CDSA or its regulations if necessary for a medical or scientific purpose or if it is otherwise in the public interest.
17. The Ontario Court of Appeal's July 31, 2000 decision in *R. v. Parker* changed that approach. In response to that decision, the Government promulgated the MMAR in 2001. The MMAR were created to provide access to dried marihuana for medical purposes in a more regulated environment, rather than via a discretionary decision to exempt an individual or class of persons from the application of the CDSA under s. 56.

18. When they were promulgated, the MMAR offered two supply options: an authorized individual could produce dried marihuana for personal use or an authorized individual could designate another person to produce it for them.
19. Over the years, the Regulations have been amended on numerous occasions. The complete regulatory history of the MMAR is appended to this my affidavit at **Exhibit "B"**, with the explanatory Regulatory Impact Assessment Statements that accompanied each set of amended regulations.

**EXPANSION OF THE MARIHUANA MEDICAL ACCESS PROGRAM UNDER THE MMAR**

20. From their inception in 2001, the MMAR attempted to achieve three goals:
  - a) to strike a balance between providing legal access to dried marihuana for medical purposes, while controlling access to a controlled substance and unapproved drug with limited available benefit and risk information;
  - b) to respect existing federal legislation, including the FDA and CDSA, as well as Canada's international obligations under the United Nations Drug Conventions; and,
  - c) to protect the individual and public health, safety, and security of all Canadians.
21. As is explained in more detail in the next section of my affidavit, these goals have been seriously compromised by the rapid expansion of the number of individuals authorized to possess and produce medical marihuana. What was originally intended to provide legal access to dried marihuana for a relatively small number of seriously ill Canadians has grown exponentially since the 2001 promulgation of the MMAR, leading to unintended consequences with respect to the administration of the MMAR, as well as to the public health, safety and security of Canadians.

22. In 2002, 477 individuals were authorized to possess marihuana for medical purposes. As of April 16, 2013, this had grown to 29, 888 individuals and I am advised by Angela Rea, Senior Policy Analyst at Health Canada, and believe that by January 8, 2014 this number had increased to 37,884. At this rate of growth, it was estimated that by the end of 2014, over 50, 000 individuals will be authorized to possess marihuana for medical purposes.
23. Of the 37,884 Program participants on January 8, 2014, I am advised by Angela Rea and believe that approximately 22% indicate they will access Health Canada's supply of dried marihuana, 66% produce their own marihuana for medical purposes under a personal use production license, and 12% designate another person to produce their marihuana for medical purposes. Many of the authorized users who indicate in their applications to Health Canada that they will buy from Health Canada, ultimately do not. Health Canada does not have access to information regarding where these authorized individuals obtain their supply of marihuana for medical purposes.
24. The charts below illustrate the escalation in participation under the Marihuana Medical Access Regulations over the years.

**Chart 1: Number of Authorizations to Possess (ATP's) Issued Under the MMAR**

<b>Year</b>	<b>Number of ATP <u>issued</u> for new and renewal applications under the MMAR</b>
2001	88
2002	453
2003	621
2004	740
2005	1,234
2005	1,674
2007	2,405
2008	3,311
2009	4,876
2010	7,858

2011	12, 829
2012	27,788
2013 up to December 11	36,797

**Note** these numbers do not include ATPs issued to accommodate amendments such as changes to address, dosage etc.

25. I am informed by Angela Rea, Senior Policy Analyst, Health Canada, and believe that on January 30, 2014, she conducted a thorough and diligent search of the data held by the Marihuana Medical Access Program, which yielded the following information about production licenses issued under the MMAR.

**Chart 2: Number of Valid Personal and Designated Person Production Licenses as of December of Each Year Under the MMAR**

Year	# Production Licenses Nationally
2001	85
2002	324
2003	483
2004	539
2005	930
2006	1218
2007	1735
2008	2472
2009	3603
2010	5749
2011	9737
2012	22,832
2013	29,719

**Chart 3: Estimated Total Number of Plants Authorized For Production (Based on Authorized Daily Amounts) Under the MMAR**

2012	291,571 daily grams	This daily amount translates into 1,418,980 plants authorized for indoor production
2013	675, 855 daily grams	This daily amount translates into 3,289,162 plants authorized for indoor production

26. I am also advised by Angela Rea, and believe, that her diligent search of data related to the administration of the MMAR indicated that on December 3, 2013, the average number of plants licensed for indoor growth was 101, while the average number of plants licensed for outdoor growth was 11.

**Chart 4: Total Number of Plants Authorized For Indoor/Outdoor Production as of December 3, 2013 Under the MMAR**

	<b>Indoor Production</b>	<b>Outdoor Production</b>
Newfoundland	2, 185	55
Nova Scotia	38, 663	2,127
New Brunswick	16, 535	1, 246
PEI	662	79
Quebec	77,723	1,103
Ontario	510,582	15, 660
Manitoba	81, 594	465
Saskatchewan	19,938	311
Alberta	150, 679	767
British Columbia	2, 073,285	17, 458
Yukon	769	19
NT/NU	159	3

27. I am advised by Angela Rea, and believe, that the average daily amount (i.e. “dosage”) has increased to a level of almost 17.7 g per day, as of December 12, 2013. A person authorized to use 18 grams of dried marihuana per day would, under a personal production license and the formula set out in the MMAR, be licensed to grow 88 plants.
28. According to ‘Information for Health Care Professionals’ at page 24 “Various surveys published in peer reviewed literature have suggested that the majority of people using smoked or orally ingested cannabis for medical reasons reported using between 10-20 g of cannabis per week or approximately 1-3 g of cannabis per day”. As noted above, the document “Information for Health Care Professionals” is attached at **Exhibit “A”**.
29. Individuals who purchase their dried marihuana from Health Canada have on average purchased between 1-3 grams per day, which is in line with daily dosages set out in the most current scientific literature referenced “Information for Health Care Professionals” ( as noted above, at Exhibit “A”).
30. The RCMP Analysis of National Cases produced for the Canadian Association of Chiefs of Police states at p. 14 that “on average, 1 gram of marihuana produces 3-5 joints”. A daily average of almost 18 grams translates into 54-90 joints or marihuana cigarettes each and every day. The RCMP Analysis is attached at **Exhibit “C”**.
31. Program participants who either produce their own dried marihuana or have designated producers produce for them generally have the highest daily amounts. Approximately 70% of those licensed under the MMAR to produce marihuana for medical purposes, are authorized to cultivate 25 plants or more.
32. Court decisions have resulted in the MMAR being amended to allow authorization of up to four production licenses to operate in the same location. Using the example above, of average numbers this could result in an average of 352 plants being grown in a single dwelling.

## **UNANTICIPATED CONSEQUENCES OF THE MMAR**

33. The rapid expansion of uptake under the MMAR has had significant unintended consequences. Exponential growth in the number of persons seeking to possess and to produce marihuana for medical purposes, the increase in amounts produced and possessed, and the increase in number of people who could grow in one location, when combined with the fact that the production of marihuana was taking place in private dwellings, has resulted in difficulties and risks not only for the administration of the MMAR, but more importantly, for the health, safety and security of individuals licensed to produce marihuana for medical purposes and for the public in general.
34. The significant increase in the number of licenses issued, combined with the co-location of up to four licenses to grow marihuana on one site and the authority to possess and to produce increasingly high amounts of marihuana for medical purposes, has resulted in large quantities of marihuana being produced in private dwellings, that are not constructed for large-scale horticultural production, and are often in locations unknown by local authorities.
35. The MMAR were never intended to permit such widespread, large-scale marihuana production and, as a result they do not adequately address the public health, safety and security concerns that accompany such production.
36. In addition, rapid expansion under the MMAR has given rise to serious practical difficulties with respect to imposing stringent quality and safety standards on production by personal producers of marihuana for medical purposes.
37. The rapid expansion has also meant that Health Canada does not have the resources necessary to conduct compliance and enforcement activities in respect of personal production in residential homes. Additionally, in the absence of a warrant, and without the

homeowner's consent, Health Canada may not enter a residence to ascertain compliance with the terms of the personal production licenses issued for that location.

38. Program participants have expressed a general dislike for the application process, and also for the fact that only a single strain of marihuana was available for purchase from Health Canada.
39. Under the MMAR, Health Canada has also experienced increases in the cost of producing and distributing dried marihuana. The existing supply contract has a value of \$16.8 million (excluding GST) for a three-year period, ending on March 31, 2013. An additional option year was built into the contract and has been exercised. It is estimated that this additional year will cost Health Canada \$9.7 million. These high contract costs exist despite that only a minority of Program participants under the MMAR choose to obtain their supply from Health Canada.
40. Finally, as the number of personal production licenses and designated grower licenses expanded under the MMAR, Health Canada became increasingly aware of the significant health and safety risks associated with residential growing operations. As I outline in the next two sections of my affidavit, Health Canada has received extensive unsolicited and solicited feedback on the MMAR. This feedback has resulted in the identification of numerous unanticipated problems with the MMAR's personal production regime, including, but not limited to:
  - a) violence, including home invasion, theft and homicide;
  - b) the presence of firearms;
  - c) diversion to the illicit market;
  - d) producing over the limit authorized by Health Canada;
  - e) mould associated with the presence of excess moisture in the homes;
  - f) fire and electrical hazards;
  - g) the presence of toxic chemicals, like pesticides and fertilizers;
  - h) the emission of noxious odours and; and

i) various risks to children living in or near the residential growing operations.

41. As outlined in the next section of my affidavit these problems have effects not only on individual producers, but also on others living at the same address, in adjacent residential units, and/or in the surrounding community, whose residents may be unaware of the existence of these risks.

### **ONGOING PUBLIC CONCERNS RELATED TO PERSONAL PRODUCTION UNDER THE MMAR**

42. Over the years, a variety of stakeholders have expressed to Health Canada concerns about the Marihuana Medical Access Program as it operates under the MMAR. While it is not possible to reproduce salient comments from all of the thousands of pieces of correspondence that have been received over the years, I have attempted to capture the primary concerns expressed to Health Canada by municipalities and first responders, homeowners, and program participants. Each of the excerpts are representative of the concerns expressed by these stakeholders and have been chosen because they encapsulate the issues raised by these stakeholders. All correspondence from which excerpts have been cited is appended collectively at **Exhibit “D”** with personal information redacted for *Privacy Act* purposes.

#### ***Municipalities & First Responders***

43. Municipalities have raised serious public health and safety concerns regarding production of marihuana in private dwellings. Under the MMAR, applicants are not required to disclose their intent to produce to local authorities. Most often, these production sites are in private dwellings that are not constructed for large-scale horticultural production.

44. One municipality in BC stated to Health Canada that: “research has shown that the incidence of fire in a “Grow Op” is 24 times more likely than a normal home.... From a

public safety perspective, the potential risks in a licenced “Grow Op” are similar to that of an unlicenced one.”

45. An Ontario municipal fire authority wrote Health Canada to express public safety concerns “that have been identified with the approval and issuance of licences to produce marihuana through the Marihuana Medical Access Division of Health Canada.” The fire authority commented that when called upon to inspect one home occupied by a family with two young children, they found: “A number of violations of the Ontario Fire Code, Electrical Safety Code and Ontario Building Code...The inspection also revealed evidence of the incipient stages of a fire with the discolouration and charring of the floor where the ballasts used in the production of the marihuana plants were placed. The combination of Fire Code violations and the manner in which the grow operation was constructed resulted in a situation where the health and safety of the family as well as emergency responders, were placed at unnecessary risk of injury or even death”.
46. Another letter from an administrative officer in a BC district requested “help with what is becoming a growing issue in one of my neighbourhoods. The residence in question is at --- -- and is rented by Mr. ----- who contends he has a legal permit to grow marihuana. This home is right in the middle of a young neighbourhood and the smell is unbearable for two of the neighbours. One of the neighbours operates a licenced day care facility...we are unsure of the [grow op’s] electrical status under the code... The neighbours have approached Mr. ----- in regard to the smell and the number of cars going in and out at all hours but he is pretty defiant and always says he has a permit. Anything you could do to help the District alleviate this problem would be helpful”.
47. A larger BC community wrote stating “While the City of ----- understands the intention behind the adoption of the MMAR, this legislation has regrettably resulted in some adverse consequences for municipalities in Canada. More specifically, we believe that our community is now at greater risk of fires from medical marihuana production sites. Further it is clear that both illegal and legal marihuana production facilities have the potential to attract crime, including violent crime...We certainly support the Federal Government’s

plan to revise the program to limit the potential for abuse and to mitigate the negative ancillary consequences associated with same.”

48. And this letter from another BC District not only indicates that “the demands for electricity from exceedingly large marihuana grow operations, some licenced and some not, have caused power outages that have left these legitimate businesses without the ability to function and meet their customers’ orders.”, but goes on to comment that “The extensive lack of regard and abuse of the [Marihuana Medical Access] Regulations makes a mockery of the federal government’s process but more importantly presents a safety risk to neighbouring residents and businesses as well as emergency response officials and is causing untold frustration and harm to our communities.”
49. Municipalities writing to Health Canada express frustration around the information sharing constraints that apply to licensed marihuana production locations. One letter stated “... having law enforcement fully apprised of the location of the medical marihuana production facilities would assist in crime prevention and promote community safety, including the safety of those individuals who have been granted licences under the MMAR”. The MMAR provide for certain information sharing with police in the course of an active investigation.
50. Law enforcement has also raised concerns that residential production activities leave the Program vulnerable to abuse, including criminal involvement and diversion to the illicit market, particularly given the attractive street value of marihuana (\$10–\$15/gram for dried marihuana) and that production in homes may leave residents and their neighbours vulnerable to violent home invasion by criminals who become aware that valuable marihuana plants are being produced and stored in the home (see RIAS at **Exhibit “G”**).
51. One Ontario police service wrote: “We have found that some of the permit holders have drug trafficking convictions on their records or some of the growing activity has been outsourced to people who have been involved previously in illegal drug activities. Although permit holders are supposed to protect the security of their plants, some plants

can and do disappear to trafficking activities and the theft cannot be proven or disproven. Some of the quantities legal growers are allowed to possess in storage strikes us as particularly large numbers... [which] allows for many ways of drug trafficking under the veil of a legal operation... Although the regulations cause us concern the issue for the ----- Police Services Board is that Law enforcement cannot determine on a pro forma basis whether a “grow operation” is legal or not and we would like a list of “legal” producers and “legal users” in our county from your Ministry on an ongoing basis. We have reasonable grounds to believe that some legal producers are growing for illicit drug trade.”

52. Firefighters have raised similar concerns around the inability to identify locations of licensed marihuana grow locations, which negatively impacts “...safety for the fire fighters and fire prevention and being aware of a potentially dangerous or health hazardous situation.”
53. Another Ontario fire service wrote that, “recently a fire occurred in a building that had obtained a licence pursuant to section 29 of the Marihuana Medical Access Regulations in the City of -----. The location that was damaged by fire had been licenced by your office and signed by Stéphane Lessard.” The ---- Fire and Emergency Services Department was not aware of the legal grow op. We have significant concerns with not knowing the locations and risks that emergency responders and other occupants have form (sic) the growing and cultivation of the product.”

### ***Homeowners***

54. Homeowners comprise another group of stakeholders who have expressed health, safety, and security concerns relating to the production of marihuana by individuals in homes and communities. A review of correspondence received by Health Canada from concerned stakeholders between 2011 and 2013 reveals that in general, community members are concerned about negative impacts related to the presence of licensed personal production of marihuana in their neighbourhoods and communities.

55. Excerpts from samples of this correspondence, set out below, express frustration, fear and anger about health, safety, and security concerns related to production of marihuana for medical purposes by individuals in their neighborhoods and communities. Typically, these letters echo the following writer's comments: "May I stress that my concern is not with Health Canada's issuing of licences but with the blatant oversight that such issuing has on the well-being of Canadians living in my ---- residential community. Residents who are not medical marihuana users are being seriously affected, by overly obnoxious smells, extensive increase in traffic and the grievous eye sore the outdoor growing activities presents".
56. Persons living in Multi-Unit-Dwellings, such as condo owners and semi-detached houses, express concerns about strong and unpleasant odors seeping through common walls and windows. One Ontario Condominium Board Director wrote Health Canada to inform them about concerns raised in relation to an individual license to produce marihuana for medical purposes in their condominium building. The director advised that the board had received, "numerous complaints, some of which I have attached for your reference in regards to multiple problems which have been created and resulted in negative impact to the 209 other unit owners in this building, visitors, employees. As well, the ability of the Board of Directors to maintain Mr. [the license holder's] unit as well as the safety and enjoyment of this property for all owners has been compromised... There are far too many negative impacts to the building relating to the overall safety and health of all residents, visitors and employees of this building for the grow op to be permitted in this unit. Although we recognize the legal rights provided by health Canada for Mr. ----- to be a licenced user ... an alternative method of supplying the marihuana for use must be arranged... Due to the severity of the complaints we have received regarding the pungent odor of the grow op at this location; many residents and guests becoming ill as well as employees of the contracted Security company losing work and claiming WSIB due to diminished health from the effect of the grow op; it must be removed immediately. We ask that you revoke the licence for growing Marihuana in this location and supply Mr. ----- with his legal amount for personal use either through assigning him a licenced grower elsewhere or directly through Health Canada's supply system."

57. Another letter related to that same condominium indicates the condominium has had to involve law enforcement to deal with suspicion of trafficking and marihuana use in the public areas of the condominium; the letter states “there is clearly improper ventilation, poor air quality, moisture control, and low security related to his unit grow op. This building is adjacent to a school which facilitates kindergarten to grade 8. The smell is quite strong in our parking lot ... all age groups vising/residing in this building are assaulted with the smell of these plants... owners are questioning their health risk, full impact related to their property value and legal responsibility to declare what they know when they sell their unit. Real estate agents and prospective buyers have experienced the odour on entering the building and are questioning what is going on and in some cases refusing to list or bring buyers to this location.”
58. The letter also includes attachments which refer to issues associated with the licensed grow in the condo unit such as “acts of vandalism to the building, different charges laid by police over the years, assaults on security guards, intimidation of Property Managers, and persons jumping over their balcony for access.” The letter further notes that, “A very hostile relationship exists between the units... Their attitude is that it is their legal right and they do not care about the impact on all who work/reside/visit the building... An employee of the security company lost 3 months off work last summer 2011 due to health issues and claimed through WSIB as a result of working with the almost continuous smell from smoking and growing of Marihuana. The board has lost its capacity to maintain the property with regards to that unit; not only to ensure the safety and health of all unit owners, but also their investments and right to a comfortable home environment.”
59. Another townhome owner complains about a licensed grow op in his townhome development saying: “We have been told by local police in ---- that they will do nothing about this situation... Not only have adjoining homes lost the value...they are subject to possible mold, fire hazards, chemicals and fertilizers and the unbearable odors. We can't even sell our homes to get away... since we have been told by a real estate lawyer that our houses are worth nothing”.

60. Another homeowner states: “We live in a beautiful townhouse complex in ----- . Our neighbour attached to us is growing marihuana in his basement with a license. A couple of weeks ago the Fire Dept. and police came to check his house. At that time the police did take out a large garbage bag ----- we only assume it was plants. The smell from this growth has been more than unbearable for us and the neighbour on the other side. We are suffering headaches and nauseated most of the time. This neighbour assumed one of us called the police to report him. In response to this he verbally assaulted myself and 2 year old granddaughter (yelled and called us very bad names) and started coming over the fence at us – I ran into the house with my granddaughter and was terrified. My husband arrived home very soon afterwards and was physically assaulted by him – he was punched in the head 5 times and had to go to the doctor. He then went after the single woman next door and threated her. The police arrived and he was taken to jail and now has a probation order to stay away from us... Marihuana should never be allowed to be grown in a townhouse complex where it interferes with adjoining neighbours. It consequently has brought our home value down – our home is our biggest investment and this does not really seem fair.”
61. In another letter, a couple with a toddler living in a semi-detached home where the resident in the other half is licensed to grow marihuana for medical purposes stated: “we are so tired of walking into our home and having to smell this. We have a 16 month old son with asthma, and his been breathing this since we moved in 13 months ago. We have to air out out (sic) home every single day and have tried many things to get rid of the smell since we moved in here. Please we just want it gone and don’t know who to turn too...WHY SHOULD WE HAVE TO RUN AWAY FROM OUR HOUSE AND THINK THAT (THAT IS THE ONLY ANSWER).” [as written]
62. A woman living in a duplex where the adjoining owner has a license to produce marihuana for medical purposes writes: “His electrical system in (sic) endangering our home with my paraplegic husband, ----- . Their electrical system is 60 amps and below code. The risk of fire is a huge concern and the risk to a paraplegic trying to escape a fire and being trapped. Their grow is right next door to our registered part wall and compromising it with molds. I

have asthma and my trigger is mold. My asthma has been dormant for 25 years and now it is back the same time as their grow op.”

63. Another homeowner’s letter begins: “We dearly love our little neighbourhood in ----- . But we have a big problem. We have been struggling to find a solution for this situation”. The writer indicates that when a new family bought into the neighbourhood, they “started an indoor marihuana grow op. This is no small operation. They are known cocaine and ecstasy dealers also. The RCMP busted them for a large quantity of marijuana and cash two years ago. They have never quit growing it because they got a doctor’s prescription for medical marijuana and started growing twice as much while they were waiting to go to court. Then they were busted again for too many medical marihuana plants in their grow op last year... We have this drug factory in a normally great neighbourhood with kids and families. One of these young families is considering moving because of the gangster activity associated with this drug house... they have young children living in the house.”
64. Another homeowner complained that, “our next door neighbour has a legal grow-op... This is a young couple with two children... now I have found out from our local police that they actually have a Health Canada certificate for ‘medical reasons’... This is ruining our quiet neighbourhood. We have all been here for over 20 years and have never had to deal with such things and the smell is just disgusting. We cannot even open our kitchen door without that smell filling our house.” Another homeowner complained that “the medical marihuana operation next door to me at ----- continues to keep me awake throughout the night and the smell from it disgusts me when I am in my driveway or backyard.”
65. One homeowner states that, “local real estate agents... have confirmed that the market value of my home could be impacted by the existence of the marihuana grow op next door, making it difficult to sell for full value”.
66. In another instance, a homeowner states that her neighbour “hides behind his [medical] licence to smoke marihuana and because of that licence, the local police as well as the RCMP cannot arrest him for his illegal activities... [despite that he] brags about his drug

exploits...” This writer states the medical marihuana grower about whom she is writing and from whose nuisance she seeks relief “has become an aggressive neighbour... we live in constant fear of what he might do to us and our properties. There have been several incidents of sabotage to people’s homes and yards in the past two years and Mr. ----- admitted to my husband that he had hired teenagers to perform one of these deeds to our elderly neighbour’s house. Some of the neighbours had to install surveillance cameras on their houses because they are afraid of what Mr. ----- and his ‘friends’ will do. We live in a very stressful environment.”

67. This home owner goes on to say that the RCMP have indicated that this medical grower’s house has become “the biggest grow op in the City of ----- “and their neighbourhood is now “polluted with the nauseating smell of skunk grass on a daily basis, not to mention the increase in traffic on our street and criminal in our area.... His illegal business has depreciated the value of every home and every honest citizen in this area. Some neighbours have tried to sell, but to no avail. Would you want to live next door to a marihuana grow op?... If you lived next door to him you would easily be able to answer that question after seeing the numerous people go quickly in and out of his dwelling during all hours of the day and night... Ever since ----- has moved into our neighbourhood, his presence has put an incredible strain on everyone. We want him to leave... We live in fear and we shouldn’t have to.”
68. Another homeowner complains about the smell from her neighbour’s home, where medical marihuana is being grown, stating: “A few weeks ago I had been in the yard with my eight year old daughter decorating our house for Christmas but had to send her inside because of the smell. The odor had gotten to the point where it can be smelled more than a block away. I can smell it from my car as I approach my house... Frankly, it is so unpleasant living next to this operation that we have considered moving. However, this is completely impractical as I cannot reasonably expect to sell my home while it is so apparent that we are neighbouring a considerable (based on odor) grow op. Nor could I, in good conscience, attempt to conceal this from prospective buyers.”

69. Still another notes, “We are homeowners in ----- and we have a ‘legal medical grow op’ in our neighbourhood.” The writer cites the challenges they have experienced as a result and asks “Who is protecting us, the respectable, honest homeowners?”
70. Another homeowner, who has lived in his home for 31 years notes he has “enjoyed my life here until Health Canada decided to allow legal marihuana grow operations. I have a neighbour who has 2 such licences, one for her and one for her son. Since the operation started I can no longer enjoy so much as sitting on my stoop or opening my windows to get some fresh air as there is no longer any such thing, As you probably know, the stench from this plants is very rank and is filtering over to my property... not only do I have to put up with the stench, we are on bad terms now and I have to suffer her foul mouth... as she says, ‘I have a licence!!’. “This grow op’s within a school zone... I have a 4 year old grandson who loves to come over and ride his bike and I don’t want him subjected to all this ...”.
71. Another homeowner writes: “the individual who lives behind me was involved in harvesting of marihuana plans (sic) in his backyard. This process was being conducted by no less that 6 people. The smell was very strong and I was forced to keep my grandchildren in the house for most of the day... When I advised the local police, they did their investigation and I was advised that this individual had a licence to grow 99 marihuana plants.”
72. And some homeowners complain of safety and security concerns, such as the writer who stated that: “The residents in our neighbourhood feel threatened by the medicinal grow op operating here. There has been extensive vandalism, attempted break – ins and we feel the threat of fire due to the size of the grow op is likely”.
73. Another homeowner wrote to tell Health Canada that “My family and I are going on our third year of having to endure the safety issues and foul emissions from a medical marihuana grow op located 25 feet from our home...because we have raised concerns on these issues, Mr. ----- has become very abusive and we have tried to get the RCMP

involved... he has yelled at us, put up numerous expletive signs and yelled profanities at us, has damaged our property and told people that I am a child molester. There are numerous reports of Mr. ----- offering to trade drugs for goods and services, selling to teenagers... They are using the system under the guise of producing medicine. Some of their customers may be medicinal users but we and others in our neighbourhood see on a daily basis indications that Mr. ----- is selling his marihuana to anybody including high school students... I feel I am gambling with my family's safety and we must move. We would not be able to sell our home for anywhere near market value with this commercial grow op next door. I estimate it will cost us approximately \$100,000 to relocate our home and business. We have offered to purchase their property for well over market value, but they have refused. To go rent and leave our home empty will cause our insurance rates to nearly double. We are out of options. This is our home we have raised our teenage children in. None of us want to leave."

74. Another homeowner speaks of the disruption caused by the "number of fans, extractors, CO2 generators and possibly other equipment that is running 24 hours a day and producing vibration and resonance inside my house and whirring and whining noises outside." This personal writes that he lives in "a very quiet area, and this constant noise has greatly (sic) detracted from my enjoyment of my property, while the droning and vibration inside my house can produce some very disturbing effects that include resonance in my head, sleeplessness and mental fuzziness." The writer indicates that the licensed grower neighbour "assured me this would be dealt with, but after almost a year the problem persists".
75. These unsolicited letters from homeowners are illustrative of concerns routinely raised to Health Canada about the unintended consequences of the marihuana medical access program. The concerns raised in these letters are consistent: reduced enjoyment of their own homes, both inside and out; negative impacts on the quality of life in their homes and neighborhoods; concerns about health and safety; and a general sense of frustration and powerlessness in the face of personal production of marihuana for medical purposes in their neighborhoods.

### ***Program Participants***

76. Program participants and their families have also written to Health Canada regarding the medical marihuana access program's impact on health and safety. One person wrote to Health Canada to express concern with respect to the grow operation in his home: "I am the father of 4 children aged 2-9 who lives with my estranged wife in our previous matrimonial home on Vancouver Island, BC; she has a licence to grow marijuana since last February at least. I feel my children are at risk due to this situation; dangers to children are well-documented." The writer indicates that his wife has "converted the basement of our 2 year old home, where she resided with our 4 children aged 2, 5, 7 & 9 to grow the marihuana plants, which I only accidentally discovered...Obviously, I was concerned about the growing of this controlled substance within the house where 4 young children reside, but also because I noted that the ventilation systems for the plants emptied into the basement space within the house and not to the outside atmosphere, which would obviously be depositing mold-laden moist air into the house living space and ductwork. Additionally, I found out that the electrical system was altered without a permit...My wife removed the marijuana plants within a few months of my discovering them. Dr -----, a local pediatrician assessed the 4 children and concluded they did have 'some respiratory inflammation'. The Bank of Montreal, who holds the house mortgage, tested the air quality and concluded that the house needed a thorough professional cleaning due to mold content, and that if we failed to do so, they would have no alternative but to involve legal counsel..."
77. Another woman writes that her husband, who is licensed to grow marihuana for medical purposes, "was and still is selling marihuana among his close friends... The destruction to the property has devalued it... He can't even smoke all that he is legally allowed to grow himself in one month. He sells the rest."
78. A couple licensed to grow marihuana for medical purposes wrote to Health Canada and stated that: "we are the owners of a designated production facility... and we are writing to

inform Health Canada of a theft of Medical Marihuana from... Plants and dried product were taken from our production facility... (approximately 35 pounds) out of the locked safe...he has now indicated he will not be returning the product... he has also indicated he has no intention of returning all of our paperwork... He has abandoned the rental house on the property... he has left no forwarding address...”

79. Another person licensed to produce his own marihuana for medical purposes advised Health Canada that: “My production and storage site... was forcibly broken into... This resulted in vandalism and theft”.

### **THE NEW MARIHUANA FOR MEDICAL PURPOSES REGIME**

80. The RIAS that accompanied the 2009 MMAR amendments weighed the option of establishing a new licensing regime at that time. This option was determined to be impractical then, however, given the policy development work and consultation that would have been required. This RIAS is attached at **Exhibit “B”**.
81. In 2011, the Government of Canada proposed changes to the regulatory framework based on concerns that had been expressed, and on June 17, 2011, the Government of Canada announced the proposed reform of the MMAR and the beginning of a public consultation period, during which stakeholder input and opinion was solicited. A copy of her announcement is attached to this my affidavit at **Exhibit “E”**.
82. One of the principles underlying this initiative was that even though it remained an unapproved drug, dried marihuana should be treated as much as possible like other drugs used for medical purposes.
83. A consultation document was posted on the Health Canada website, and stakeholders and the general public were invited to submit comments on or before July 31, 2011. In addition, between August and October, 2011 Health Canada held meetings with a broad array of stakeholders, including law enforcement, fire officials, parties potentially

interested in becoming licensed producers, physicians and their professional regulating bodies, and their associations/regulators, and municipalities, provinces and territories.

84. I attended at these consultations. Notes were taken and summarized. Summaries of consultations with representatives from firefighter organizations, law enforcement, provinces, medical associations, and municipalities are attached, along with the consultation document summarizing stakeholder input are appended to this my affidavit at **Exhibit “F”**.
  
85. During these consultations, law enforcement officials told Health Canada that: “elimination of personal and designated-person production in residential areas is seen to greatly increase safety in communities”. The feedback summary from the law enforcement consultation indicates that: “Unanimously, participants agreed that personal production should not be continued”. Reasons voiced in support of this view included the lack of ability to inspect, the vulnerability of production to organized crime, and numerous public safety concerns related to inadequate electrical systems, explosions or fires, smell and exhaust from production sites in residential areas.
  
86. During a consultation with the Canadian Association of Fire Chiefs, held September 27, 2011, all participants voiced support for phasing out “personal production of marihuana in private dwellings due to serious public safety and public health concerns.” As noted above, the Consultation Report summarizing stakeholder input is attached to affidavit at Exhibit “F”.

#### **MARIHUANA FOR MEDICAL PURPOSES REGULATIONS (MMPR)**

87. The MMPR came into force in June, 2013 and created a framework to replace the MMAR, which will be repealed on March 31, 2014. During the period between June, 2013 and March 31, 2013, both regulatory regimes are operating concurrently, creating a transition period to the new supply and distribution system for dried marihuana, which relies on commercial production of marihuana for medical purposes provided for in the MMPR. A

copy of the MMPR and the Regulatory Impact Analysis Statement (RIAS) is attached to this my affidavit at **Exhibit “G”**.

88. The RIAS published with the MMPR states that one of the objectives of the MMPR is “to reduce the risks to public health, security and safety of Canadians, while significantly improving the way in which individuals access marihuana for medical purposes.”
89. Under the MMAR, there were practical difficulties in imposing quality and safety standards on production by personal producers of marihuana for medical purposes, who may lack the capacity, knowledge or motivation to implement them. This situation poses individual health and safety risks for those seriously ill persons who consume cannabis, not knowing what kind or level of microbial or chemical contaminants it may contain, or what standards should be or have been used for products such as fertilizers or pesticides.
90. The MMPR approach to providing access to dried marihuana for medical purposes is intended to address many, if not all, of the significant negative consequences that resulted from the MMAR. At the same time, the MMPR are intended to improve access to quality dried marihuana for medical purposes, which is produced in regulated, sanitary, and secure premises. Accordingly, the new MMPR intends to:
  - Increase individual and public health and safety and security; cultivation of marihuana in individual residences under the MMAR ran contrary to these objectives;
  - Treat marihuana, to the extent possible, as much as possible like other drugs for medical use; the MMAR did not provide for good production practices, in sanitary secure premises, or require that marihuana products were labelled to show levels of THC and CBD. Under the MMAR there was no capacity to limit microbial and chemical contaminants to generally accepted tolerance limits for human consumption;
  - Facilitate access to multiple strains;
  - Eliminate government involvement in authorizing possession of marihuana for medical purposes; persons using marihuana for medical purposes will no longer need to seek Health Canada approval;

- Expand the scope of persons who may sign a medical document to include nurse practitioners, where their licensing bodies permit; under the MMAR doctors only could support an individual's use of marihuana for medical purposes;
- Streamline the medical document and eliminate categories of medical conditions; no specialist is required; under the MMPR one doctor or nurse practitioner can determine together with a patient if marihuana should be used;
- Return Health Canada to its traditional role of regulator HC will no longer be involved in selling marihuana for medical purposes or servicing individual users;
- Create a legitimate, regulated business environment in which:
  - a. dried marihuana for medical purposes will be produced and distributed under safe, secure, sanitary conditions;
  - b. production site and key personnel of the Licensed Producer must meet security standards;
  - c. standards for packaging, transportation and record keeping are required;
  - d. inspections of licensed producers can be conducted, during which compliance and enforcement activities can be carried out to the benefit individual users and the general public; and
  - e. A better balance can be achieved between providing access to dried marihuana for medical purposes and minimizing negative impacts resulting from its production in dwelling houses.

91. The MMPR authorizes the following key activities:

- possession of dried marihuana by individuals who have the support of a licensed health care practitioner to use marihuana for medical purposes;
- production of dried marihuana by licensed producers only; and
- sale and distribution of dried marihuana by licensed producers and hospitals to individuals who can possess it.

92. The MMPR also allows individuals who hold an authorization to possess under the MMAR to transition to the new framework using their authorization for up to one year after its date

of issue (unless a period of usage of less than 12 months has been indicated in the medical declaration). Individuals can also transition to obtaining their legal supply of dried marihuana for medical purposes under the MMPR by using a medical declaration issued under the MMAR to register with a licensed producer, which can then provide them with dried marihuana for medical purposes.

93. Under the MMPR, personal and designated licenses to produce dried marihuana for medical purposes issued under the MMAR will be phased out, until March 31, 2014 when the MMAR will be repealed and all personal and designated production licenses will become invalid.
94. Health Canada's website provides detailed information for persons who are interested in transitioning to the new MMPR, in using marihuana for medical purposes, or in applying to be a Licensed Producer under the new scheme: <http://www.hc-sc.gc.ca/dhp-mps/marihuana/transition-eng.php>. These materials are attached at **Exhibit "H"**.
95. The Health Canada guidelines for Licensed Producers, also available at the Health Canada website <http://www.hc-sc.gc.ca/dhp-mps/marihuana/info/guide-eng.php> . These materials elaborate, for example, Licensed Producer physical security measures and good production practices as required under the MMPR; these materials are attached at **Exhibit "I"**.
96. Health Canada has continued to accept applications for renewal of personal and designated production licenses, however, September 30, 2013 marked the deadline for submission to Health Canada of applications for new licenses to produce marihuana for medical purposes, as well as for increases to personal or designated production licenses and for changes to production sites. The rationale underlying this deadline is that applications submitted beyond the October 1, 2013 would have left inadequate time for new producers to cultivate, harvest and dry a marihuana crop prior to the repeal of the MMAR on March 31, 2014.
97. On repeal of the MMAR, Health Canada will no longer receive, process, or issue applications for authorizations to possess and licenses for personal or designated

production, or continue to produce and supply marihuana for medical purposes. The new MMAR return Health Canada to its traditional role of regulator, as with other drugs, rather than producer and service provider.

## **THE ADMINISTRATIVE IMPLICATIONS**

98. The upcoming repeal of the MMAR on March 31, 2014 has meant that Health Canada has already substantially dismantled the infrastructure put in place to support them. The winding down of the operational support of services provided under the MMAR is well underway and will be completed by March 31, 2014. Examples of these steps include workforce adjustment, employee relocation, and resource reallocation to other programs.
99. To continue to provide services under the MMAR would require recreating that infrastructure, which would be costly and disruptive to government operations, and would have implications for the other programs Health Canada provides to the Canadian public.
100. I am advised by Stéphane Lessard, the Acting Director of the Bureau of Medical Cannabis and Associate Director General, Health Canada and believe that at the peak of operations under the Marihuana Medical Access Regulations between 2012 and 2013, the Bureau of Medical Cannabis employed 142 persons. Since October 2013, staff reductions have taken place. As of January 30, 2014, 86 employees remain.
101. I am also advised by Stéphane Lessard, and believe, that during 2012 and 2013 the Authorizations and Licensing Division was managing upwards of 4,000 pieces of mail per week. At the same time Client Services Division was responding to 250 written requests, 1000 police inquiries, and 7,000 calls per month. The Production Division was processing over 1,000 orders for dried marihuana and seeds per month.
102. I am further advised by Stéphane Lessard and believe that by October 2013, after which new personal and designated production licenses could no longer be issued, demand began

to taper off. By January 2014, each division had reduced its staff, with the Authorizations and Licensing Division reducing its staffing by almost 50%.

103. Hiring temporary help from an agency takes approximately one month and hiring *via* the normal government processes could take between 1 and six months.
104. New employees must undergo an intensive training program before they are capable of performing their duties. Employees must be trained on Standard Operating Procedures, which consist of several volume of information about database operation, the regulatory regime, privacy issues, and other operational details. I am advised by Stéphane Lessard and believe that it takes 10 weeks to bring a new employee to the level of competence required to perform Marihuana Medical Access Regulations related work.
105. Annual maintenance and necessary improvements required to support the existing database's continued functionality, normally planned for in September of the fiscal year, have not been undertaken this year. I am advised by, Stéphane Lessard, and believe, that the SAMMII database is experiencing operational challenges caused by high usage and reduced storage and processing capacity that cause freezing, and other technical problems. Work is ongoing to improve this system for completion of the program and the continued availability of information after the March 31, 2014 repeal of the MMAR.
106. I am advised by Stéphane Lessard, and believe, that providing services under the Marihuana Medical Access Regulations required office space in 4 locations. Due to reduced staffing, work is in progress to consolidate all Bureau of Medical Cannabis offices in one location.
107. I am advised by Stéphane Lessard, and believe, that Health Canada has budgeted for wind-down tasks related to the MMAR, but has not budgeted for continued operations in support of the MMAR.

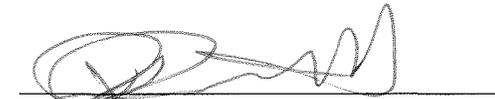
108. The MMAR are intended to address the significant health and individual and public safety concerns that arose under the old MMAR, while improving streamlined access to quality controlled marihuana for medical purposes. Health Canada is concerned that if personal production continues beyond the March 31, 2014 repeal date of the MMAR, these concerns will unabated and the unintended consequences of the old MMAR will be left unaddressed.

109. Health Canada is also concerned that continued personal production will undermine the establishment and viability of the fledgling licensed producer industry, which has been created to facilitate enhanced access to quality controlled dried marihuana for medical purposes, produced in a safe and secure environment. This industry may be undermined by reversion back to the personal production that was permitted under the MMAR.

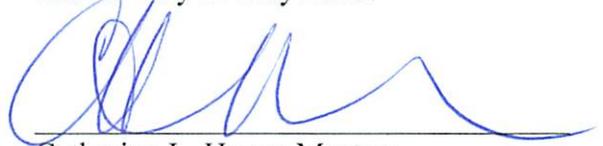
AFFIRMED BEFORE ME at the City of  
Ottawa, Province of Ontario,  
this 7<sup>th</sup> day of February, 2014.

  
A Notary Public in and for the Province of Ontario

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Jeannine Ritchot

This is **Exhibit "B"** referred to in the  
Affidavit of **ERIC COSTEN**  
Affirmed before me at the City of  
Ottawa, in the Province of Ontario,  
this 13<sup>th</sup> day of May 2015.



Catherine L. Hayes-Murton  
A Commissioner for Taking Oaths and  
A Notary Public In and Forthe Province of  
Ontario

**IN THE PROVINCIAL COURT OF NEW BRUNSWICK  
JUDICIAL DISTRICT OF WOODSTOCK**

**BETWEEN:**

**HER MAJESTY THE QUEEN**

**and**

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**AFFIDAVIT OF JEANNINE RITCHOT**

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I, Jeannine Ritchot, of the City of Ottawa in the Province of Ontario MAKE OATH AND SAY:

1. I am an employee of Health Canada, currently working as Director, Bureau of Medical Cannabis, Office of Controlled Substances, Controlled Substances and Tobacco Directorate, Health Canada, since March 1, 2010.
2. As Director of the Bureau of Medical Cannabis, as of October 4, 2010, I report to Cathy A. Sabiston, Director General, Controlled Substances and Tobacco Directorate. The Controlled Substances and Tobacco Directorate is part of the Healthy Environment and Consumer Safety Branch of Health Canada, headed by Paul Glover, Assistant Deputy Minister.
3. My responsibilities comprise the oversight of activities related to the administration of the *Marihuana Medical Access Regulations* ("MMAR"). This includes oversight of employees, resources, and activities in two divisions: the Marihuana Medical Access Division ("MMAD") and the Medical Marihuana Production Division ("MMPD"). MMAD is responsible for reviewing applications and issuing authorizations to possess and licences to produce marihuana for medical purposes under the MMAR. MMPD is responsible for ensuring a continuous supply and distribution of marihuana for medical purposes to authorized persons who choose to purchase it from Health Canada. Managers of both divisions report directly to me. As such, I have personal knowledge of the evidence sworn to in this affidavit, save and except where any of the following information is stated to be based on information and belief, in which case I state the source of the information and verily believe that information to be true.

4. I have been advised by Marjolaine Dugas, Counsel, Health Canada Legal Services, and do verily believe that on July 28, 2010, Ms. Dugas received a request from the Crown prosecutor in this matter, Len Mackay, for a Health Canada witness to testify at the trial of ██████████ regarding the processing time for the issuance of authorizations to possess and licences to produce marihuana to Mr. ██████████ and four witnesses who testified at Mr. ██████████'s trial on July 23, 2010. I understand that the trial was adjourned to provide the Crown the opportunity to respond to the information provided by Mr. ██████████ and the witnesses, as well as present information regarding Health Canada's application process.

## **MARIHUANA MEDICAL ACCESS REGULATIONS**

5. The MMAR authorize certain activities related to marihuana that would otherwise be illegal, and provide seriously ill persons with a process by which they can obtain an authorization to possess ("ATP") marihuana for medical purposes. An ATP is issued to persons ordinarily resident in Canada who, with the advice and support of their medical practitioner(s), can demonstrate medical need and who meet all the requirements outlined in the MMAR.
6. Once authorized, the holder of an ATP has three options to obtain a supply of marihuana for medical purposes: (1) he or she can purchase marihuana from Health Canada; (2) he or she can apply for a personal-use production licence ("PUPL") and produce for himself or herself; or (3) he or she can apply for a designated person production licence ("DPPL") and have another individual produce on his or her behalf. The PUPL or DPPL allows the holder of the licence to, among other things, produce marihuana in quantities up to a specified maximum. This maximum is based on the daily amount of dried marihuana, in grams, indicated in the medical declaration which is completed and signed by the applicant's medical practitioner.

## **RECORD KEEPING**

7. The MMAD maintains a record keeping system by which it tracks information, including applications, ATP and licences to produce issued under the MMAR.
8. I have been advised by Danielle N. Beaulieu, Director, Office of Business Services, Policy, Planning and Integration Directorate, Healthy Environment and Consumer Safety Branch of Health Canada and verily believe this record keeping system is maintained in a manner consistent with the *Privacy Act* and the *Library and Archives of Canada Act*. The records are created and maintained as part of the usual and ordinary course of MMAD business. The record keeping system consists of paper files and of an electronic database, the Safe Access to Medical Marihuana ("SAMM") database, which are kept up to date. The SAMM database is updated with the pertinent information kept in the paper files and provides information on all applications as well as ATP and licences to produce granted under the MMAR. The SAMM database is also used to keep a record of incoming and outbound call

logs between applicants and MMAD employees. As such, I verily believe the record keeping system to contain accurate and reliable records of all applications, ATP and licences to produce granted under the MMAR.

9. I have been advised by Francine Magnan, Senior Policy Analyst, Litigation Support Office, Controlled Substances and Tobacco Directorate and Graham Page, Senior Policy Analyst, Bureau of Medical Cannabis and do verily believe that the information provided within this, my affidavit regarding [REDACTED] and the four witnesses, [REDACTED] [REDACTED] [REDACTED] and [REDACTED] were obtained from scanning the individuals' paper files kept by MMAD and were confirmed by information contained in the SAMM database. A paper copy of the call logs of Mr. [REDACTED] and the four witnesses obtained from the SAMM database are also included as part of the information provided within this my affidavit.
10. I have been advised by Marjolaine Dugas, Counsel, Health Canada Legal Services, and verily believe that in the exhibits attached to this affidavit, best efforts have been made to sever from the exhibits, pursuant to the *Privacy Act*, third parties' personal information as well as personal information relating to Mr. [REDACTED] or the four witnesses that Ms. Dugas deemed irrelevant to the trial or issues discussed in the affidavit. Where personal information relating to third parties, Mr. [REDACTED] or the four witnesses has been severed in the exhibit, I state that personal information has been severed.

## **APPLICATION AND APPROVAL PROCESS**

### **Application forms to be submitted to obtain access to marihuana for medical purposes**

11. Different application forms are required to be submitted depending on an applicant's medical condition and the type of supply the applicant requests (see paragraph 6 of this affidavit). Not every applicant must submit every form. Applicants select and submit only the forms required to meet their specific needs.
12. On its website, Health Canada recommends that an applicant read the *Quick Guide and Information for Patients* documents first and then download the forms that are pertinent to the type of access that he or she is requesting. Attached as **Exhibit "A"** is a copy of the *Quick Guide and Information for Patients* documents. The website can be visited at the following address <http://www.hc-sc.gc.ca/dhp-mps/marihuana/how-comment/applicant-demandeur/index-eng.php>.
13. Form A must be filled out for a first time application under the MMAR or for a renewal of an ATP if there are changes since the last ATP was issued. This form contains the following information:
  - a. Applicant's personal information, including date of birth, residence, mailing address, and phone number;

- b. Identification, if the applicant so chooses, of a designated representative with whom Health Canada can share information about the application;
  - c. Identification of the preferred source by which the applicant will receive marihuana for medical purposes (see paragraph 6 of this affidavit).
14. Along with Form A, the applicant must provide two copies of current acceptable photos, such as passport photos, one of which must have the medical practitioner's signature on the back to certify that the photo accurately represents the applicant.
15. Form B1 must be completed by the medical practitioner only if the applicant suffers from category 1 symptoms listed in the MMAR. This form contains the following information:
- a. The medical practitioner's medical information, including licence number, specialization, and address;
  - b. Details of the medical condition and symptoms for which the use of marihuana for medical purposes is being requested;
  - c. The daily amount, in grams, and form of administration that the applicant intends to use, as well as the anticipated period of usage (not to exceed 12 months); and
  - d. The medical practitioner's signature.
16. Form B2 must be completed by the medical practitioner only if the applicant's medical condition is not included in the category 1 symptoms listed in the MMAR. In such cases, the form contains the same information noted in paragraph 15 of this affidavit, with one addition. The treating medical practitioner must indicate in the declaration that the applicant's case has been assessed by a specialist whose recognized area of specialization is relevant to the treatment of the applicant's identified medical condition and provide the name of the specialist, his or her area of specialization, the date of the assessment, that the specialist concurs that conventional treatments are ineffective or inappropriate for the treatment of the applicant and that the specialist is aware that marihuana is considered as an alternative treatment for the applicant.
17. Form C must be completed only by an applicant requesting a PUPL. This form must include the following information:
- a. The address of the proposed production site and whether or not the proposed production site is the applicant's ordinary place of residence, and if not, whether the applicant owns this proposed production site;
  - b. The mode of production (whether production will be indoor, outdoor, or a combination of the two);
  - c. The security measures that the applicant will put in place to ensure the security of the marihuana in his or her possession; and
  - d. The address of the proposed storage site.
18. Form D must be completed by an applicant and a designated person only when the applicant is requesting that a designated person be granted a DPPL to produce marihuana on his or her behalf. This form must include the following information:

- a. The designated person's personal information, including date of birth, place of residence and mailing address;
  - b. The address of the proposed production site and whether or not the proposed production site is the applicant's or designated person's ordinary place of residence and if not, whether the applicant or designated person owns this proposed production site;
  - c. The mode of production (whether production will be indoor, outdoor, or a combination of the two);
  - d. The security measures that the designated person will put in place to ensure the security of the marihuana in his or her possession; and
  - e. The Address of the proposed storage site.
19. For a DPPL, the designated person must provide two copies of current photos, one of which must be signed by the applicant on the back certifying that the photo accurately represents the designated person.
20. For a DPPL, the designated person must also provide a document issued by a Canadian police force establishing that, within the 10 years preceding the application, he or she has not been convicted of a designated drug offence.
21. Form E1 must be completed only by an applicant seeking to obtain a supply of dried marihuana for medical purposes from Health Canada. This form must indicate the address to which the applicant wishes to have his or her dried marihuana delivered.
22. Form E2 must be completed only by an applicant requesting to obtain a supply of marihuana seeds from Health Canada so that he or she may produce marihuana for medical purposes. Applicants seeking a first time PUPL or DPPL will often request a supply of seeds to commence their marihuana production. This form must indicate the address to which the applicant wishes to have his or her marihuana seeds delivered.
23. Form F must be completed by the property owner of the cultivation site, only if the cultivation site for a PUPL or DPPL is not the applicant's or designated person's ordinary place of residence or the applicant or designated person are not the property owner. This form must include the signed consent of the property owner to have marihuana produced on his or her property.
24. Form R- Renewal can be submitted by an applicant who wishes to renew his or her ATP only if he or she has already been authorized at least once using the complete package of new forms and only if no information has changed since the issuance of the applicant's last ATP (e.g. medical condition, medical practitioner information, daily amount, residential and production address, storage site, etc.).
25. Individuals who wish to change an element of their ATP and/or production licence (e.g. daily amount, residential and production address, storage site, etc.), must submit an application for an amendment. To do so, they must re-submit the appropriate form as

outlined above. For example, if the holder of an ATP wishes to amend his or her proposed daily amount, then he or she must resubmit the appropriate Form B (i.e. B1 or B2) completed and signed by his or her medical practitioner.

26. These forms are divided in sections and employees of MMAD will often refer to forms according to their sections. For example, a reference to Form A4 would be a reference to Form A, section 4 titled "Proposed source of marihuana".
27. Applications can be submitted by mail or fax at the address and number indicated on the guides and forms. Attached as **Exhibit "B"** is a copy of all above-mentioned application forms.

### **Processing of client telephone inquiries received by MMAD**

28. I have been advised by Isabelle Skalski, Head, Client Services Section, MMAD and Cheryle Anderson, Client Service Representative, MMAD, and verily believe that since March 2009, client telephone inquiries about the Marihuana Medical Access Program ("MMAP") are processed as follows:

#### *Inquiries received by Service Canada*

- a) A client who has an inquiry regarding the application process is directed (via the website and on all application instruction documents) to contact the MMAD toll free number. Health Canada has a service contract with Service Canada to conduct the front line call centre services including answering general questions about the MMAP and processing requests for application forms. When clients call the toll free line they are provided information by the agent. If the information requested is related specifically to an applicant's file or is not documented in the Frequently Asked Questions (FAQs), the Service Canada agent will log, in a written report, the client's contact information and forward it to MMAD for call back from a MMAD official. Service Canada does not forward calls directly to a MMAD official.

#### *Inquiries forwarded to MMAD*

- b) When MMAD receives the call back report from Service Canada, a clerk logs each call request into the SAMM database. For clients who have a record on file, the call is logged under the existing contact, the paper file is retrieved and the call back request added to the front of the file. For new clients who do not have a record in the SAMM database, a new client's contact information is entered into the SAMM database and the call log requesting a call back in the SAMM database printed. The call back request is assigned via the SAMM database to a Client Service Representative from MMAD (the "Representative") and the paper file or call log printout is brought to a secure cabinet in the Representative's office and placed in the queue in call date order. Under this system, the oldest calls are returned first.

#### *Return of calls by Representative*

- c) All calls are considered "open" in the SAMM database until a Representative is able to contact the client and close the call. When a Representative contacts the client, he or

she reviews the file and provides information as applicable. The details of the discussion between the Representative and the client are logged in the SAMM database and the Representative changes the status of the call back request to "closed".

Until April 28, 2010, for call back requests, the client's file was retrieved for review by the Representative and then returned to its original location once the call was closed. Effective April 28, 2010, paper files are no longer retrieved for call back requests. Representatives rely exclusively on the SAMM database since it will prompt the Representative who has been assigned the task that a call must be returned. Representatives also rely exclusively on the SAMM database as a source of the information to provide to the client with regards to their file. This was implemented because of the very high volume of calls and the movement of paper files became too disruptive in operations, including the review process.

### **Procedures for processing of applications**

29. The purpose of the application review process is to ensure compliance with the MMAR, to provide adequate control of a drug scheduled under the *Controlled Drugs and Substances Act* and to maintain the integrity of the regulatory regime.
30. Health Canada has worked diligently to identify and implement administrative efficiencies to the processing of applications.
31. I have been advised by Isabelle Skalski, Head, Client Services Section, Gordon Cronier, Administrative Clerk, MMAD, Sandra Toscano, Program Officer, MMAD, Christine Lindquist, Administrative Assistant, MMAD, Kristina Bond, Authorizations and Licences Clerk, MMAD and Sori Lee, Junior Authorization and Licences Officer, MMAD and verily believe that, except for the section of the process relating to the Supply Unit process, the MMAD process for review of new (first time), renewal and amendment applications as it existed between March 2009 and July 1, 2010, when Mr. [REDACTED] and the other witnesses submitted their applications was as stated below. I have been advised by Nathalie Campeau, Acting Manager, Medical Marijuana Production Division, and verily believe that the application process for supply of marijuana seeds or dried marijuana as it existed in March 2009 until now was as stated below.

#### *Retrieval of mail*

- a) Each day, a MMAD mail clerk retrieves incoming correspondence from the mail room periodically throughout the day. All correspondence received on that day is bundled together into one package using elastic bands to prevent loss, and the package is date stamped with the date the correspondence was received. The stamped bundle of correspondence is then placed in the mail clerk's secure cabinet for processing according to the first come, first served principle on the basis of the receipt date.

#### *Opening and date stamping of correspondence*

- b) The mail clerk retrieves the bundle and sets the Health Canada date stamp to match the date of receipt stamped on the bundle. The clerk opens each envelope, organizes the

forms in order (form A, B, C etc.), removes any staples, puts photographs into a plastic pouch and using a folding clamp, attaches the envelope's contents to the original envelope. The clerk then stamps the first page of the correspondence with the Health Canada date stamp set to the date received. In cases where the envelope is too large or unwieldy to keep in the official record, the envelope is photocopied and the original is shredded.

#### *Sorting of correspondence for data entry*

- c) The mail clerk then sorts the bundle of correspondence to determine whether each mail item received is related to a client for whom a MMAD file has already been created or a new client by searching the SAMM database. If a client has a record on file, the clerk notes the location of the paper file and provides that client's correspondence to the file-clerk responsible for retrieving the paper file. Once the paper file is retrieved, the correspondence is added to the front of the appropriate file, so that the data entry clerk may enter the information into the SAMM database. For new clients, the correspondence is provided to the data entry clerk to order the creation of a paper file. Once the paper files are received and retrieved by the data entry clerk, the paper files are matched with the correspondence and the correspondence is put on file.
  
- d) Once the correspondence is sorted and files are created, the data entry clerk ensures that both the paper files and the electronic files are ready for a Program Officer's review, by performing the following functions: attaches the photograph pouch to the file; logs the correspondence; enters the applicant's contact information in the SAMM database; verifies the contact information by checking the postal code on the Canada Post website; prints the search result and adds it to the paper file. When the clerk logs correspondence in the SAMM database, the "date received" field shows the date that was stamped on the correspondence in the file which is the date MMAD received the correspondence. For each piece of correspondence logged, the database automatically generates a mail number and a pre-programmed "Bring-Forward" date (calculated as 6 weeks from the date of entry). The clerk then transcribes the automatically generated mail number and bring forward date into the appropriate space in the date received stamp on the original correspondence. Once data entry is completed, the clerk brings the paper file to the Program Officer for review and assigns the file to that Program Officer in the SAMM database.

#### *Review of applications*

- e) Program Officers are responsible for reviewing applications. The basis of the Program Officer's review is to ensure compliance with all of the requirements of the MMAR so that a decision on the issuance of an ATP and/or licence to produce can be taken. For each file, the Program Officer, enters the remaining application information into the SAMM database and examines the information provided for completeness and compliance. Once the review is completed, a recommendation on the issuance of an ATP and/or licence to produce is made and documented in the SAMM database. When a file is "recommended for approval", the Program Officer prints the summary sheet including the review results and the approval sheet from the SAMM database and attaches them to the file. The printing of the approval sheet by the Program Officer

indicates that the Program Officer deems the application to be complete and in compliance with the MMAR. The approval sheet summarizes the ATP and/or licence to produce information in a format useful for identity card issuance. Where the client also requests an order of dried marihuana and/or marihuana seeds, a supply sheet summarizing the approved amounts is also produced.

- f) The approval sheet and supply sheet, if applicable, is attached to the file and the file is assigned to a clerk who produces the identity card, ATP and licence to produce. The clerk prepares an authorizations and licences routing slip which tracks the issuance of the identity cards and approval process once review by the Program officer is completed. The clerk also prepares the courier envelope for the applicant and the envelope for the medical practitioner and adds any other necessary document such as cover letter, information for ordering marihuana seeds or dried marihuana, fact sheets about possession and/or production, general instructions sheets and attachments in preparation for mail-out. Once the documents are complete they are attached to the file and the file is placed in the secure cabinet of the Section Head, Authorizations and Licences Section, MMAD to await verification by the Section Head.

#### *Verification of applications*

- g) Verification is a quality assurance measure used by MMAD to verify accuracy in the data entry, review process, and in the recommendation for approval of an ATP and/or licence to produce. The Section Head, Authorizations and Licences Section, verifies each file by reviewing the content of the file; identity card; ATP and/or licence to produce; and mailing envelopes to ensure the names and addresses are correct and that the application was reviewed correctly. Once the Section Head is satisfied with the result, the Section Head initials the authorizations and licences routing slip and the file is forwarded to either the supply unit for processing (in the case that there is a dried marihuana and/or seed application request on file) or to the Manager of MMAD for final approval and signature.

#### *Supply Unit*

- h) If the file is directed to the supply unit, the Supply Officer verifies the information provided in Forms E1 or E2, which relates to the delivery of marihuana seeds or dried marihuana (name, address, phone number). The Supply Officer then creates a Health Canada financial account in the System Analysis and Program Development (SAP) database in order for the client to pay the purchase of products. The Supply Officer initials the supply review sheet and the authorizations and licences routing slip which are kept in the client's paper file and updates the supply section of the SAMM database. In doing so, the Supply Officer indicates that the supply review is completed. The Supply Officer provides an information package to be included with the licence, i.e. instructions on how to order, the *Policy on Health Canada's Supply of Marihuana Seeds and Dried Marihuana for Medical Purposes*, Health Canada's Frequently Asked Questions on supply, and a shipment order form for dried marihuana and marihuana seeds. The supply officer sends the file to the Manager of MMAD for final approval and signature.

- i) As defined under the *Policy on Health Canada's Supply of Marihuana Seeds and Dried Marihuana for Medical purposes*, Health Canada verifies each client's eligibility prior to processing orders of marihuana for medical purposes. In addition, since November 30, 2009, Health Canada verifies and processes payment prior to submitting the purchase orders to its contracted supplier, Prairie Plant Systems Inc. (PPS), which is responsible for the production and distribution of marihuana products on behalf of Health Canada. Health Canada processing time and PPS delivery time of marihuana products may take from 5 to 14 business days, depending of the location of the delivery. PPS is responsible for delivering the marihuana products using a secure method of transportation and chain of signature, which requires the signature of the recipient at delivery.

#### *Approval of applications*

- j) The Manager of MMAD verifies the file to confirm the review recommendation and that verification took place. Once satisfied, the Manager signs the "approved by" line on the ATP and/or licence to produce, the authorizations and licences routing slip and the supply review sheet. The file is then transferred to the mail clerk's office for outbound mail processing.

#### *Mailing of ATP, licence to produce and other pertinent documentation*

- k) The mail clerk makes a copy of the signed ATP and/or licence to produce and adds the copy to the paper file for official record. The ATP and/or licence to produce, the identity card, and other pertinent documents (e.g. information for ordering seeds and/or dried marihuana, fact sheets about possession and/or production), are brought to the Canada Post outlet for mail-out. Since all ATP and licences to produce are sent by courier, at the Canada Post outlet each envelope is scanned into their system to record receipt. Upon return to the office, the mail clerk attaches the Canada Post tracking receipt and the mail out date to the authorizations and licences routing slip in the paper file. The paper file is then placed in the file room for closure. The data-entry clerk retrieves the files and updates the SAMM database to indicate the date of issuance of the ATP and/or licence, the mail-out date of the ATP and/or production licence, and to indicate that the file is now closed. The file is then put away in the file room.

#### *Non compliant applications*

- l) When an application is considered non-compliant with the MMAR or if more information is required to make a decision, a letter is drafted by the Program Officer summarizing the requirements which were not met or the information/clarification required to make a final decision. Standard letter templates are used by the Program Officers with some customization as required to fully address the issue(s) related to the file. Once a letter is finalized it is either forwarded with the file to the Section Head for review then to the Manager for approval or it is forwarded with the file to a fellow Program Officer for verification and concurrence. If directed to the Manager, once satisfied, the Manager signs the letter and brings the paper file to the mail clerk to make a copy for the official record and to complete the mail-out. If directed to another Program Officer for verification, upon concurrence, the verifying officer will bring the letter and paper file to the mail clerk to copy for the official record and to complete the

mail-out. Letters not sent by courier are brought to the Health Canada mail room for mail-out by the mail clerk. Once a letter is sent, the request and paper file are closed and returned to the file room (or returned to the Program Officer if requested) awaiting response from the client to re-initiate the review process.

Conversely, depending on the information/clarification required, the Program Officer may call the client directly to attain the required information and log the information provided by the client into the SAMM database. A copy of the call log is printed and placed in the file. If the required information is attained by phone, the review will continue following the normal process.

#### *End of life applications*

32. End of life applications are processed on a priority basis. As soon as the mail clerk opens and logs the mail, he or she checks to see if there is a Form B1, and if the medical practitioner has indicated that the use of marihuana for medical purposes is for compassionate end-of-life care. If such is the case, the mail clerk places an urgent note on the file and the end-of-life application is either placed in the priority queue or immediately assigned and brought to a Program Officer for priority review.

#### *Common problems that may increase processing time of an application*

33. Each application must be dealt with on a case-by-case basis, and processing times depend on a number of factors, including whether all the necessary information has been provided to Health Canada. When all of the required information is not provided to Health Canada, MMAD Program Officers work with the applicant to ensure that all information is received. This adds time to the review process, particularly if a written response from the applicant is required.
34. The most common problem with information received by MMAD is when the applicant submits an incomplete or inappropriate form. While this list is not exhaustive, examples of such issues include:
- a. The applicant submitted a Form B1 for a category 2 symptom, in which case he or she must resubmit the appropriate Form B2 and demonstrate that their case has been assessed by a recognized specialist in an area relevant to their medical condition;
  - b. The applicant did not provide a description of security measures for production;
  - c. The designated person did not provide an original version of the criminal record check, or the criminal record check did not clearly indicate whether or not he or she has had a conviction for a designated drug offence in the past 10 years;
  - d. The applicant does not own the production site or the production site is not his or her ordinary place of residence but neglected to provide a Form F indicating the signed consent of the property owner; or
  - e. The applicant's photo was not signed by the medical practitioner supporting their application.

- [REDACTED]
35. On October 23, 2009, MMAD received [REDACTED]'s application signed March 15, 2009, for an ATP, PUPL and seed supply. The date of receipt of Mr. [REDACTED]'s application by MMAD is confirmed by the Health Canada date stamped on the first page of the application. Mr. [REDACTED] had never been issued an ATP or PUPL and this was the first application MMAD received from him. Attached as **Exhibit "C"** to this affidavit is a copy of Mr. [REDACTED]'s application signed March 15, 2009, with personal information severed.
  36. On November 2, 2009 and November 3, 2009, Mr. [REDACTED] called MMAD to enquire about the status of the application he allegedly submitted in March. Attached as **Exhibit "D"** to this affidavit is a copy of the Call Page Log detailing the calls.
  37. On November 5, 2009, a Representative from MMAD contacted Mr. [REDACTED] and advised him that his application could not be given priority even if it had been lost in the mail back in March or April and that the processing time for the application was 6 to 10 weeks. Attached as **Exhibit "D"** to this affidavit is a copy of the Call Page Log detailing the call.
  38. On November 23, 2009, Mr. [REDACTED] called MMAD to discuss the status of his application. Attached as **Exhibit "E"** to this affidavit is a copy of the Call Page Log detailing the call.
  39. On November 24, 2009, a Representative from MMAD contacted Mr. [REDACTED] and advised him that his application was received on October 23, 2009, that it was still being processed and that new applications were taking 10 to 13 weeks to process. Mr. [REDACTED] indicated that he had sent his application in May or June 2009. The Representative advised him again that the application was received by MMAD in October and that it was to be processed from that date. Mr. [REDACTED] indicated that he believed his application was lost and that he was not pleased with the amount of time the review was taking. Attached as **Exhibit "E"** to this affidavit is a copy of the Call Page Log detailing the call.
  40. On December 11, 2009 and December 14, 2009, Mr. [REDACTED] called MMAD to discuss the status of his application. Attached as **Exhibit "F"** to this affidavit is a copy of the Call Page Log detailing the calls.
  41. On December 15, 2009, a Representative contacted Mr. [REDACTED] and advised that his application was still being processed and that he would likely receive his ATP and PUPL in February 2010 since new applications were taking 12 to 16 weeks to process. Mr. [REDACTED] was advised again that the application was received on October 23, 2009. Mr. [REDACTED] asked if he could do anything before he received his PUPL, but was told there was not anything he could do. During the same phone call, Mr. [REDACTED] handed the phone to his girlfriend to speak to the MMAD representative. His girlfriend questioned the application being received in October, indicating that she had sent it in July 2009. The Representative discussed the process further with Mr. [REDACTED]'s girlfriend and advised her that they were currently processing September applications and that the application could not be prioritized but was to be processed according to the date of receipt. Attached as **Exhibit "F"** to this affidavit is a copy of the Call Page Log detailing the call.

42. The loss, delay or misdirection of an application in the mail is beyond MMAD's control. Having reviewed Mr. ██████'s file, there is no indication that his application was sent in March, May, June or July 2009 and misplaced within Health Canada as alleged or that it was received earlier than October 23, 2009, the date of receipt stamped on the application. I have been advised by Cheryle Anderson, Client Services Representative, MMAD and verily believe that had Mr. ██████ called to obtain the status of his application before October 23, 2009 a Representative would have verified if there was a file for Mr. ██████ in the SAMM database and if not, would have verified whether there was any unopened or unlogged mail. Unopened mail would have been opened and if application forms for Mr. ██████ were still not found, a Representative would have called the applicant and advised him of this. The applicant would then have had the option of resubmitting his forms. The date of receipt stamped on Mr. ██████'s application and the fact that there are no call logs indicating that Mr. ██████ had asked for a status of his application prior to November 2, 2009 seem to support the fact that Health Canada received his application on October 23, 2009.
43. On December 30, 2009, the approval sheet for the issuance of the ATP and PUPL was printed by the Program Officer. Attached as **Exhibit "G"** to this affidavit is a copy of the approval sheet with personal information severed.
44. On January 5, 2010, the review of the application for seed supply from Health Canada was commenced. Attached as **Exhibit "H"** to this affidavit is a copy of the supply review sheet.
45. On January 5, 2010, the ATP and PUPL were prepared with an effective date of January 13, 2011 and an expiry date of January 13, 2011. On January 6, 2010, the identity card was prepared. Attached as **Exhibit "G"** to this affidavit is a copy of the approval sheet with personal information severed confirming the effective and expiry dates for the ATP and PUPL. Attached as **Exhibit "I"** to this affidavit is a copy of the authorizations and licences routing slip indicating when the identity card was prepared as well as a copy of the SAMM database Mail Page confirming when the ATP and PUPL were prepared.
46. On January 14, 2010, the seeds supply was approved until January 13, 2011 and the identity card, ATP, PUPL and seed supply instructions were sent to Mr. ██████ by registered mail. Attached as **Exhibit "G"** to this affidavit is a copy of the approval sheet indicating the seeds supply was approved. Attached as **Exhibit "I"** is a copy of the Canada Post receipt confirming mailing of the documents. Attached as **Exhibit "J"** is a copy of the documents sent to Mr. ██████; a cover letter, instructions for ordering supply of marijuana products, Mr. ██████'s ATP with personal information severed, and his PUPL.
47. From the time MMAD received Mr. ██████'s application on October 23, 2009, it took MMAD approximately 12 weeks to review, authorize, issue and mail Mr. ██████ his ATP and PUPL.

- [REDACTED]
48. On August 13, 2009, MMAD received by mail [REDACTED]'s completed application signed August 10, 2009, for a first time ATP, PUPL and supply of seeds and dried marihuana. The date of receipt of Mr. [REDACTED]'s application by MMAD is confirmed by the Health Canada date stamped on the first page of the application. Attached as **Exhibit "K"** to this affidavit is a copy of Mr. [REDACTED]'s application signed August 10, 2009, with personal information severed.
  49. On September 24, 2009, the approval sheet for Mr. [REDACTED]'s application for ATP and PUPL was printed by the Program Officer. Attached as **Exhibit "L"** to this affidavit is a copy of the approval sheet with personal information severed.
  50. On September 25, 2009, the ATP and PUPL were prepared with an effective date of October 6, 2009 and an expiry date of October 6, 2010. On September 28, 2009, the identity card was prepared. Attached as **Exhibit "L"** to this affidavit is a copy of the approval sheet with personal information severed indicating the ATP and PUPL's effective and expiry date. Attached as **Exhibit "M"** to this affidavit is a copy of the authorizations and licences routing slip indicating when the identity card was prepared as well as a copy of the SAMM database Mail Page confirming when the ATP and PUPL were prepared.
  51. On September 30, 2009, the application for supply of seeds and dried marihuana from Health Canada was approved until October 6, 2010. Attached as **Exhibit "N"** to this affidavit is a copy of the supply review sheet with personal information severed.
  52. On September 30, 2009, the identity card, ATP, PUPL and seed supply instructions were sent to Mr. [REDACTED] by registered mail. Attached as **Exhibit "M"** to this affidavit is a copy of the Canada Post receipt confirming mailing of the documents. Attached as **Exhibit "O"** is a copy of the documents sent to Mr. [REDACTED]: a cover letter, instructions for ordering supply of marihuana products, the ATP and PUPL, with personal information severed.
  53. From the time MMAD received Mr. [REDACTED]'s application, it took MMAD approximately 7 weeks to review, process, authorise, issue and mail Mr. [REDACTED] his ATP and PUPL.
  54. On February 15, 2010 and February 22, 2010, Mr. [REDACTED] called MMAD inquiring about how to proceed to increase his marihuana dosage and indicating he had his doctor's approval. Attached as **Exhibit "P"** to this affidavit is a copy of the Call Page Log detailing the calls.
  55. On March 3, 2010, a Representative from MMAD left a message for Mr. [REDACTED] advising that his medical practitioner would need to complete Form B1 and that if the daily dosage was above 5 grams, a Form A would also have to be completed. Attached as **Exhibit "P"** to this affidavit is a copy of the Call Page Log detailing the call.

56. On March 4, 2010, Mr. [REDACTED] called MMAD indicating he had received a call from MMAD but could not understand the message. Mr. [REDACTED] requested a call back. Attached as **Exhibit "Q"** to this affidavit is a copy of the Call Page Log detailing the call.
57. On March 11, 2010, MMAD received by fax a new Form B1 from Mr. [REDACTED]. The Form signed by his physician was blank in section B1-2, thus there was no indications of conditions or symptoms. Attached as **Exhibit "R"** to this affidavit is a copy of the Form B1 faxed on March 11, 2010, with personal information severed.
58. On March 16, 2010, a Representative from MMAD left a message for Mr. [REDACTED] indicating that MMAD had received Form B1 but that Mr. [REDACTED]'s medical condition was not indicated by the medical practitioner. The Representative requested that Mr. [REDACTED] have his medical practitioner clarify and re-send Form B1. Attached as **Exhibit "Q"** to this affidavit is a copy of the Call Page Log detailing the call.
59. On March 20, 2010, MMAD received by fax from Mr. [REDACTED], a cover letter and revised Form B1 for an increase in the dosage. Mr. [REDACTED]'s hand written cover page states that his physician informed him that none of the conditions specified on the form are applicable to Mr. [REDACTED]. The Form B1 remained the same as that faxed on March 11, 2010, including original date of the medical practitioner's signature. The only difference was the addition of a symbol indicating no applicable conditions or symptoms in section B1-2. Attached as **Exhibit "S"** to this affidavit is a copy of the Form B1 faxed on March 20, 2010, with personal information severed.
60. On April 6, 2010, Mr. [REDACTED] called MMAD indicating he had received a call from MMAD but could not understand the message. Attached as **Exhibit "T"** to this affidavit is a copy of the Call Page Log detailing the call, with personal information severed.
61. On April 22, 2010, a Representative from MMAD left a message for Mr. [REDACTED] advising him again, that as per the message left in March, Form B1 had been received, but that the physician had not indicated a specific condition such as the condition of severe arthritis that was indicated in the previous approval by his physician. The Representative advised that the appropriate form needed to indicate a specific condition and that the application could not be processed with the information as provided. Attached as **Exhibit "T"** to this affidavit is a copy of the Call Page Log detailing the call.
62. On April 23, 2010, Mr. [REDACTED] called MMAD requesting that his physician be contacted directly regarding Form B1. Attached as **Exhibit "U"** to this affidavit is a copy of the Call Page Log detailing the call.
63. On May 19, 2010, MMAD sent a letter to Mr. [REDACTED]'s medical practitioner seeking clarification of the condition for which the increase of dosage was requested and advising that the Form B1 would be processed under the current ATP issued under a category 1 medical condition for severe arthritis, unless advised otherwise. Attached as **Exhibit "V"** to this affidavit is a copy of the letter sent to the medical practitioner and Canada Post receipt confirming mailing of the letter, with personal information severed.

64. On June 2, 2010, a representative of MMAD left a message for Mr. [REDACTED] informing him that MMAD is in the final stages of processing his amendment request. Attached as **Exhibit "U"** to this affidavit is a copy of the Call Page Log detailing the call.
65. On June 3, 2010, the amended identity card, ATP and PUPL were prepared with an effective date of June 3, 2010 and an expiry date of October 6, 2010, the same expiry date as the original ATP. Attached as **Exhibit "W"** to this affidavit is a copy of the authorizations and licences routing slip indicating when the identity card was prepared as well as a copy of the SAMM database Mail Page confirming when the ATP and PUPL were prepared. Attached as **Exhibit "X"** is a copy of the documents sent to Mr. [REDACTED]: a cover letter, Mr. [REDACTED]'s amended ATP with personal information severed and amended PUPL which indicate the ATP and PUPL's effective and expiry date.
66. On June 14, 2010, the amended identity card, ATP and PUPL were sent by registered mail to Mr. [REDACTED]. Attached as **Exhibit "W"** to this affidavit is a copy of the Canada Post receipt confirming mailing of the documents. Attached as **Exhibit "X"** is a copy of the documents sent to Mr. [REDACTED]: a cover letter, Mr. [REDACTED]'s amended ATP with personal information severed and amended PUPL.
67. The processing of Mr. [REDACTED]'s application was delayed because Form B1 was not appropriately completed by the medical practitioner. The processing time for an application is calculated from the time the complete application is received until the ATP and pertinent documentation is mailed to an applicant. Given that Mr. [REDACTED] never provided a complete amendment application, the time taken by MMAD to process his application cannot be measured against normal standards.
68. Under the MMAR, MMAD doesn't have the obligation to contact medical practitioners to help complete required forms. The MMAD's standard practice is to deal directly with applicants requiring follow-up regarding their applications. However, on May 19, 2010, in an effort to continue processing Mr. [REDACTED]'s application, MMAD sent a letter to the medical practitioner advising that the application would be processed by relying on the original Form B1 from Mr. [REDACTED]'s previous application of August 13, 2009. From May 19, 2010, it took MMAD about 4 weeks to finalise and mail to Mr. [REDACTED] his amended ATP and PUPL.

- [REDACTED]
69. On March 5, 2010, MMAD received by mail [REDACTED]'s application signed March 2, 2010, for a first time ATP, PUPL and supply of seeds and dried marihuana. The date of receipt of Mr. [REDACTED]'s application by MMAD is confirmed by the Health Canada date stamped on the first page of the application. Attached as **Exhibit "Y"** to this affidavit is a copy of Mr. [REDACTED]'s application signed March 2, 2010, with personal information severed.

70. On May 27, 2010, Mr. [REDACTED] called MMAD enquiring about the status of his application and when he would receive his ATP, PUPL and supply of seeds and dried marihuana. Attached as **Exhibit "Z"** to this affidavit is a copy of the Call Page Log detailing the call.
71. I have been told by Cheryle Anderson, Client Service Representative, MMAD and verily believe that on July 8, 2010, she requested the file from the file room in order to call back Mr. [REDACTED]. Upon completion of a pre-review, Ms. Anderson noticed that Form C was incomplete.
72. On July 8, 2010, Ms. Anderson left a message for Mr. [REDACTED] advising that his application was received on March 5, 2010. She indicated that MMAD needed to verify the address for storage of the marihuana as this part was blank on the application. Attached as **Exhibit "Z"** to this affidavit is a copy of the Call Page Log detailing the call.
73. On July 9, 2010, Mr. [REDACTED] called MMAD enquiring about the status of his application and indicating that storage of the marihuana would be in a locked freezer in the basement. Attached as **Exhibit "Z"** to this affidavit is a copy of the Call Page Log detailing the call.
74. On July 9, 2010, a Representative from MMAD left Mr. [REDACTED] a message advising that MMAD had received his message and that confirmation of the address for storing dried marihuana was needed. Attached as **Exhibit "Z"** to this affidavit is a copy of the Call Page Log detailing the call.
75. On July 9, 2010, Mr. [REDACTED] called MMAD and indicated that the marihuana will be stored in a freezer in the basement and indicated the address where the marihuana would be stored. Attached as **Exhibit "Z"** to this affidavit is a copy of the Call Page Log detailing the call.
76. On July 12, 2010, a Program Officer reviewed Mr. [REDACTED]'s application and determined that the mode of production indicated in form C3 needed to be clarified. Attached **Exhibit "AA"** to this affidavit is a copy of the Call Page Log indicating that Form C3 needed to be clarified.
77. On July 12, 2010, a Representative from MMAD left a message for Mr. [REDACTED] advising him that they would follow up with him to get some information. Attached as **Exhibit "AA"** to this affidavit is a copy of the Call Page Log detailing the call.
78. On July 13, 2010, a Representative contacted Mr. [REDACTED] who confirmed the information required for Form C3 regarding the mode of production and the security measures taken with regard to the outdoor production of marihuana. Attached as **Exhibit "AA"** to this affidavit is a copy of the Call Page Log detailing the call.
79. On July 13, 2010, the approval sheet for the issuance of the ATP, PUPL, supply of seeds and dried marihuana was printed by the Program Officer. Attached as **Exhibit "BB"** to this affidavit is a copy of the approval sheet with personal information severed.

80. On July 14, 2010, the identity card, ATP and PUPL were prepared with an effective date of July 16, 2010 and an expiry date of July 16, 2011. Attached as **Exhibit "BB"** to this affidavit is a copy of the approval sheet with personal information severed which indicates the ATP and PUPL effective and expiry date. Attached as **Exhibit "CC"** to this affidavit is a copy of the authorizations and licences routing slip indicating when the identity card was prepared as well as a copy of the SAMM database Mail Page confirming when the ATP and PUPL were prepared.
81. On July 15, 2010, the supply of seeds and dried marihuana was approved for the coming year until July 16, 2011. Attached as **Exhibit "DD"** to this affidavit is a copy of the supply review sheet with personal information severed.
82. On July 16, 2010, the identity card, ATP, PUPL and seed and dried marihuana supply instructions were sent to Mr. [REDACTED] by registered mail. Attached as **Exhibit "CC"** to this affidavit is a copy of the Canada Post receipt confirming mailing of the documents. Attached as **Exhibit "EE"** is a copy of the documents sent to Mr. [REDACTED]: a cover letter, instructions for ordering marihuana products, the ATP and PUPL, with personal information severed.
83. From the time MMAD received Mr. [REDACTED]'s application, it took MMAD about 19 weeks to review, process, authorize and mail Mr. [REDACTED] his ATP and PUPL. Some delays occurred because Mr. [REDACTED] provided incomplete information on Form C which required follow-up before approving the application.

- [REDACTED]
84. On April 27, 2010, MMAD received by mail [REDACTED]'s application signed April 14, 2010, for a first ATP, PUPL and supply for seeds. The date of receipt of Mr. [REDACTED]'s application by MMAD is confirmed by the Health Canada date stamped on the first page of the application. Attached as **Exhibit "FF"** to this affidavit is a copy of Mr. [REDACTED]'s application signed April 14, 2010, with personal information severed.
85. On July 6, 2010, Mr. [REDACTED] called MMAD to discuss the status of his application. Attached as **Exhibit "GG"** to this affidavit is a copy of the Call Page Log detailing the call.
86. On July 12, 2010, a Representative from MMAD called Mr. [REDACTED] and left a message indicating that MMAD had received the application on April 27, 2010 but could not provide a timeline as they were experiencing a higher than normal volume of applications. Attached as **Exhibit "GG"** to this affidavit is a copy of the Call Page Log detailing the call.
87. On July 27, 2010, the approval sheet for the issuance of the ATP, PUPL and supply of seeds was printed by the Program Officer. Attached as **Exhibit "HH"** to this affidavit is a copy of the approval sheet with personal information severed.

88. On July 27, 2010, the identity card, ATP and PUPL were prepared with an effective date of July 28, 2010 and an expiry date of July 28, 2011. Attached as **Exhibit "HH"** to this affidavit is a copy of the approval sheet, with personal information severed, indicating the effective and expiry dates of the ATP and PUPL. Attached as **Exhibit "II"** to this affidavit is a copy of the authorizations and licences routing slip indicating when the identity card was prepared as well as a copy of the SAMM database Mail Page confirming when the ATP and PUPL were prepared.
89. On August 10, 2010, the supply of seeds was approved until July 28, 2011. Attached as **Exhibit "JJ"** to this affidavit is a copy of the supply review sheet with personal information severed.
90. On August 10, 2010, the identity card, ATP, PUPL and seed supply instructions were sent to Mr. [REDACTED] by registered mail. Attached as **Exhibit "II"** to this affidavit is a copy of the Canada Post receipt confirming mailing of the documents. Attached as **Exhibit "KK"** is a copy of the documents sent to Mr. [REDACTED]: a cover letter, instructions for ordering marihuana products, a notice to complete the shipment order form, the ATP and PUPL, with personal information severed.
91. From the time MMAD received Mr. [REDACTED]'s application, it took MMAD about 15 weeks to review, authorize, issue and mail Mr. [REDACTED] his ATP and PUPL.

- [REDACTED]
92. On June 1, 2010, MMAD received by mail [REDACTED]'s first time application signed May 10, 2010, for an ATP and PUPL. The date of receipt of Mr. [REDACTED]'s application by MMAD is confirmed by the date stamped on the first page of his application. Attached as **Exhibit "LL"** to this affidavit is a copy of Mr. [REDACTED]'s application signed May 10, 2010, with personal information severed.
93. On July 14, 2010, Mr. [REDACTED] called MMAD indicating that he wanted to change his production site. Mr. [REDACTED] indicated that a message should be left with Mr. [REDACTED] and provided a phone number. Attached as **Exhibit "MM"** to this affidavit is a copy of the Call Page Log detailing the call.
94. On July 30, 2010, a call from Céline Violette (sometimes referred to as Céline Levesque Violette), from the office of Mike Allen, Member of Parliament was received inquiring about the status of Mr. [REDACTED]'s application. Attached as **Exhibit "NN"** to this affidavit is a copy of the Call Page Log detailing the call.
95. On August 6, 2010, a Representative from MMAD attempted to contact Mr. [REDACTED] at the telephone number provided in his application form. The Representative was told that Mr. [REDACTED] no longer resided with the person whose phone number was provided by Mr. [REDACTED] in his form. The person who answered the phone said they 'would try to visit him

and tell him that Health Canada called.' Attached as **Exhibit "NN"** to this affidavit is a copy of the Call Page Log detailing the call.

96. The Representative also noted in the Call Page Log for August 6, 2010, that if Mr. [REDACTED] moved, new applications forms A and C would be required. Her notes also indicate that the medical information does not normally fall under Form B1 and that most likely Form B2 would be required. The storage address where the marihuana was to be stored was also missing in the application form. Attached as **Exhibit "NN"** to this affidavit is a copy of the Call Page Log detailing the call.
97. On August 9, 2010, the Representative contacted Ms. Violette advising her that the number provided was a friend's number who will inform Mr. [REDACTED] that Health Canada was trying to reach him. Ms. Violette informed the Representative that Mr. [REDACTED] would prefer to be reached by e-mail and provided his e-mail address. Attached as **Exhibit "NN"** to this affidavit is a copy of the Call Page Log detailing the call.
98. On August 25, 2010, Mr. [REDACTED] left a voice mail message for Joel Raymond, Program Officer from MMAD, asking about his application and providing a phone number where he can be reached. On August 30, 2010, Mr. Raymond transcribed Mr. [REDACTED]'s voice mail message in the SAMM database. Attached as **Exhibit "OO"** to this affidavit is a copy of the Call Page Log detailing the call.
99. I have been advised by Frederick Coyle, Briefing Assistant, Ministerial Requests, Health Canada and verily believe that on September 21, 2010, Ms. Violette contacted the Office of the Hon. Leona Aglukkaq, Minister of Health, requesting an official from MMAD to contact the office of Mike Allen concerning the MMAR.
100. I have been advised by Graham Page, Senior Policy Analyst, Bureau of Medical Cannabis and verily believe that on September 22, 2010, he listened to the messages on the voice mail of Ronald Denault, Manager, MMAD who was absent. A message from Ms. Violette requesting a return phone call to discuss a constituent's file had been left. Mr. Page tasked a Representative to return the call immediately after.
101. On September 22, 2010, Mr. Coyle sent an e-mail requesting that MMAD contact Ms. Violette regarding her call. Attached as **Exhibit "PP"** to this affidavit is a copy of the Call Page Log reproducing the e-mail from Mr. Coyle.
102. On September 22, 2010, a Representative from MMAD contacted Ms. Violette indicating that only one phone call had been received via the MMAD toll free number, in which case the number provided was not where Mr. [REDACTED] was living. Ms. Violette provided a new number for Mr. [REDACTED]. The Representative tried reaching Mr. [REDACTED] four times using the new number provided by Ms. Violette but couldn't reach Mr. [REDACTED] since the number was a cell phone number and was out of the service area. Attached as **Exhibit "PP"** to this affidavit is a copy of the Call Page Log detailing the call.

103. On September 23, 2010, a Representative from MMAD contacted Ms. Violette and informed her that MMAD had made several attempts to reach Mr. [REDACTED] and that he was unreachable. Ms. Violette provided the phone number of Mr. [REDACTED]'s mother. Attached as **Exhibit "QQ"** to this affidavit is a copy of the Call Page Log detailing the call.
104. On September 23, 2010, the Representative contacted Mr. [REDACTED]'s mother who told her that Mr. [REDACTED] would be available in 30 minutes. Attached as **Exhibit "QQ"** to this affidavit is a copy of the Call Page Log detailing the call.
105. On September 23, 2010, the Representative contacted Mr. [REDACTED] to clarify his address and production method as well as to advise on the forms needed from Mr. [REDACTED] to process his application. Mr. [REDACTED] indicated that he only required an ATP but was informed by the Representative that without a valid source of marihuana and without having submitted his change of address, MMAD could not finalise his ATP. Attached as **Exhibit "QQ"** to this affidavit is a copy of the Call Page Log detailing the call.
106. On September 23, 2010, the Representative contacted Ms. Violette informing her that MMAD had spoken to Mr. [REDACTED] and provided him with the status of his request. Ms. Violette was asked if she had an address for Mr. [REDACTED] where MMAD could send the required forms. Ms. Violette noted MMAD's address and indicated she would contact Mr. [REDACTED] to provide it to him. Ms. Violette was advised of the forms Mr. [REDACTED] needed to fill to have his application processed. Attached as **Exhibit "QQ"** to this affidavit is a copy of the Call Page Log detailing the call.
107. Mr. [REDACTED]'s application has not been processed because it is incomplete.

## **STEPS TAKEN TO ACCELERATE THE APPLICATION REVIEW PROCESS**

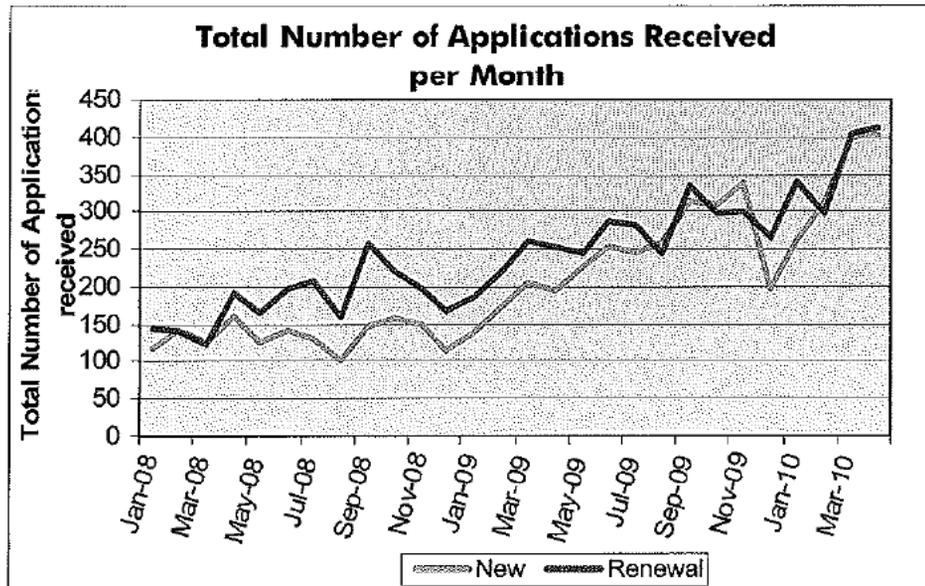
### **Continuous and significant increase in applications**

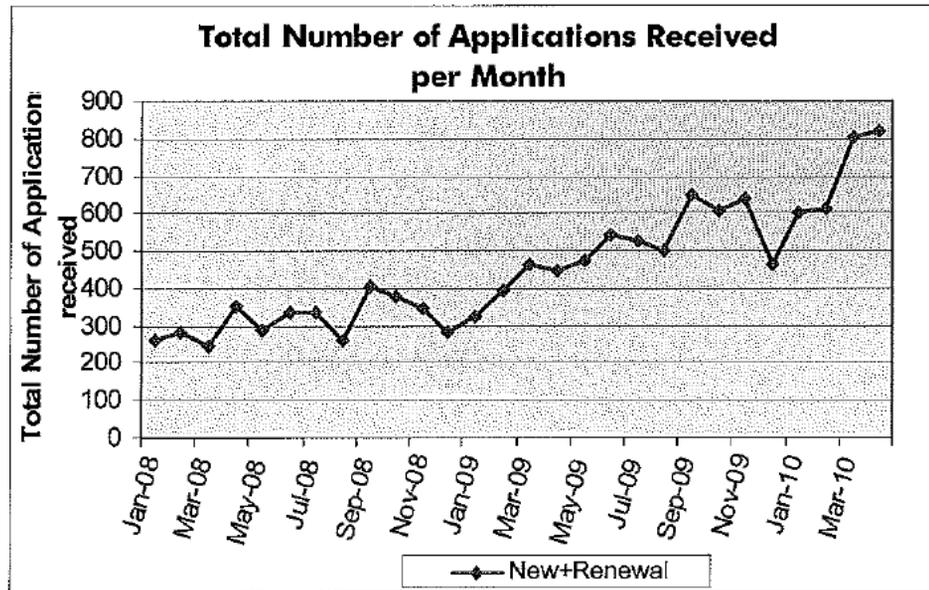
108. I have been advised by Diane Allan, Director, Office of Controlled Substances, and verily believe that around July 2009, for operational forecasting and planning purposes, Health Canada projected that the number of new and renewal applications submitted to MMAD would gradually increase and double over approximately two years based on the gradual increase of applications that had been seen until then.
109. I have been advised by Ms. Allan and verily believe that on August 21, 2009 and again on September 15, 2009, discussions were held between her and Ronald Denault, Manager, MMAD, for the purpose of identifying the demands that the projected increase of applications would have on the delivery of the Marihuana Medical Access Program (MMAP) for the next two years. Mr. Denault was asked to revise the process improvement plans, to create a table to see the trends in demand on the MMAP and to identify the anticipated operational and staffing needs for the delivery of the MMAP for the next two years.

110. I have been advised by Ms. Allan, and verily believe that Health Canada experienced, in September 2009, a sharp increase in the number of new, renewal and amendment applications. In September 2009, the sharp increase was considered an anomaly and it was not anticipated that this would be a trend resulting in an exponential increase of applications.
111. I have been advised by Ms. Allan and verily believe that by November 2009, Health Canada became concerned that the sharp increase in applications seen in September and October 2009 was not an anomaly and constituted a trend. Health Canada realized that the operational projections regarding the doubling of applications over two years would materialize earlier than anticipated and was concerned with its impact on MMAD's activities.
112. I have been advised by Hocine Abid, Head, Authorizations and Licences Section, MMAD and Sori Lee, Junior Authorization and Licences Officer, MMAD, and verily believe that since the sharp increase in applications in September 2009, the processing times for applications has gradually been increasing from Health Canada's stated service standard of eight to ten weeks. Applications for the use of marihuana for end of life conditions have always been and continue to be processed on a priority basis.
113. The time taken to process an application also increases when an applicant has not submitted sufficient information to complete an assessment, has submitted changes to the previous application that is waiting for review or submits conflicting information.
114. The recent processing time increase can be explained by the unpredictable volume of new applications, and resulting renewals and amendments, received since the fall of 2009. As can be seen from the following table, the number of new and renewal applications received has more than tripled between January 2008 and April 2010, resulting in an increase of the number of renewal applications received since ATP and/or licences to produce are renewed on a yearly basis. Consequently, every month, the number of new and renewal applications to be processed increased as per the tables below. Considering the yearly increase trend for 2010, Health Canada projects that this rapid increase in applications will continue.

		<b>New applications Received</b>	<b>Renewal applications Received</b>	<b><i>New+Renewal</i></b>
<b>2008</b>	<b>January</b>	117	144	261
	<b>February</b>	142	142	284
	<b>March</b>	125	122	247
	<b>April</b>	160	193	353
	<b>May</b>	124	165	289
	<b>June</b>	140	198	338
	<b>July</b>	131	207	338
	<b>August</b>	102	161	263
	<b>September</b>	146	259	405
	<b>October</b>	158	221	379
	<b>November</b>	150	198	348

	December	115	167	282
2009	January	138	186	324
	February	174	220	394
	March	204	260	464
	April	194	254	448
	May	227	245	472
	June	253	288	541
	July	245	283	528
	August	258	245	503
	September	314	336	650
	October	308	297	605
	November	338	301	639
	December	198	266	464
2010	January	261	341	602
	February	312	298	610
	March	399	406	805
	April	408	413	821





115. Statistics for amendment applications have not been kept on a monthly basis. However, I have been advised by Mr. Abid and Ms. Lee and verily believe that similar to the new and renewal applications, applications for amendments have also increased.

116. As can be seen from the tables, when Mr. ██████'s application was received on October 23, 2009, there was a sharp increase in the number of applications received. Consequently, the increase in the number of applications received in the fall of 2009 impacted the service standard of 8 to 10 weeks for processing applications, and in Mr. ██████'s case, added an additional two weeks to this process.

117. Further, I have been advised by and verily believe that the increase in the volume of applications received also had a significant impact on the number of inquiries, either by telephone, fax or letter to MMAD or to the Minister's office.

118. As a comparison, I was advised by Ms. Isabelle Skalaski Head, Client Services Section, MMAD, and verily believe that for the 2008-2009 fiscal year, 9,052 requests were directed to MMAD for a return of phone calls. For the 2009-2010 fiscal year, 12,678 were directed to MMAD for a return of phone calls. For the last week of April 2009, 57 calls were made to MMAD. For the same week of April 2010, 251 calls were made to MMAD.

**Creation of the Director of Bureau of Medical Cannabis position**

119. I have been advised by Ms. Allan and verily believe that in light of the sharp increase in applications and resulting pressures on MMAD's activities further discussions were held on November 5, 2009 with Cathy A. Sabiston, Director General, Controlled Substances and Tobacco Directorate, Mr. Denault and Ms. Allan on the MMAP delivery.

120. I have been advised by Ms. Allan and verily believe that in light of the discussions held on November 5, 2009 and the sharp increase in applications that further discussions were held on November 12, 2009, with Ms. Sabiston regarding the creation of a Director's position without delay to provide targeted oversight and management of the MMAP delivery. The Director's mandate would be to help improve the management of MMAD and its processes as well as to oversee MMPD. Ms. Sabiston agreed to seek the necessary approval for the creation of the position.
121. I have been advised by Ms. Sabiston and verily believe that on December 4, 2009, she met with Paul Glover, Assistant Deputy Minister, Healthy Environments and Consumer Safety Branch, who agreed to have the position of Director, Bureau of Medical Cannabis created without delay.
122. On December 22, 2010, I met with Ms. Sabiston and Ms. Allen to discuss the offer of employment as Director, Bureau of Medical Cannabis and in January 2010, I accepted the employment as Director of the Bureau of Medical Cannabis, to commence on March 1, 2010.
123. Shortly after arriving, I requested the creation of a Senior Policy Analyst position to assist me in fulfilling my mandate. The position was staffed shortly after its creation was approved. Mr. Graham Page began working in this position May 17, 2010 and has since assisted me in developing and implementing the plan to improve applications processing time.

#### **Actions taken to improve the processing time**

124. In light of the application increases, Health Canada has taken many steps to address the situation in an effort to restore processing time to its standard of eight to ten weeks.
125. On March 10, 2010, shortly after I assumed the role of Director, Ronald Denault, Manager, MMAD met with me to discuss the issue of the increase in processing time for applications. During this presentation, Mr. Denault provided me with statistics demonstrating the increase in applications received and explained for me the impact that this was having on MMAD's ability to process applications. Mr. Denault also explained that steps had already been taken to address the processing time increase, including identification of process efficiencies and an ongoing project with Health Canada's Information Management and Services Division to update and improve the efficiency of the SAMM database.
126. On May 7, 2010, I met with Ms. Sabiston to provide her with an update on the increase in processing times and to provide her with an update on measures taken since my arrival to deal with it. At this meeting, she requested that I prepare information to provide Mr. Glover with an update on the situation and an explanation of efforts undertaken to date to assist in processing a greater number of applications. At this same meeting, Ms. Sabiston authorized the hiring of eight (8) full-time term employees to help with the processing of applications.

127. The staffing process to hire the eight employees began immediately following this meeting, and all eight positions were staffed by early July 2010. These employees began their employment with MMAD on the following dates:

- Three employees started working on May 28, 2010;
- One employee started working on May 31, 2010;
- Two employees started working on June 21, 2010;
- One employee started working on July 5, 2010; and
- One employee started working on July 6, 2010.

128. I have been advised by Ms. Sabiston that in May 2010, she informed Mr. Glover of the status of the increased processing time for applications and measures that MMAD had already taken to address the situation, including :

- Ongoing efforts with Health Canada's Information Management and Services Division to update and improve the SAMM database;
- A review of the application process within MMAD in an effort to identify potential efficiencies; and
- overtime "blitzes" undertaken by employees during select weekends (e.g. an overtime blitz was held on May 8, 2010).

129. As a result of the review of MMAD's application process, in July 2010, improvements to the application review process were implemented including: reducing the number of employees reviewing in a file; issuing standard operating procedures for the employees; instead of sending a letter when information is incomplete, attempting to contact an applicant by telephone to obtain necessary information. The changes to the application review process have reduced the time required to review a file by half.

130. I have been advised by Ms. Sabiston and verily believe that Mr. Glover instructed MMAD to develop a workplan to address the increase in processing time and to restore standard processing times.

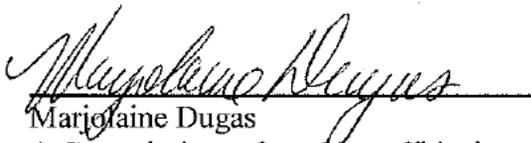
131. On July 5, 2010, I met with Ms. Sabiston to present the preliminary outline of a workplan to address the increase in processing time for applications. Based on this meeting, I was instructed to put together a document to present to Mr. Glover at a face-to-face meeting. I therefore began preparing a comprehensive action plan for presentation to Mr. Glover.

132. On July 23, 2010, I submitted this action plan to Ms. Sabiston for her review and approval. Based on her approval, on July 28, 2010, Ms. Sabiston and I, along with Graham Page, Senior Policy Analyst, Bureau of Medical Cannabis, met with Mr. Glover to present our workplan. This workplan outlined actions taken to date to reduce the time required to review an application. The workplan also requested Mr. Glover's approval to commit further resources so that MMAD could hire temporary staff to assist in processing a greater

number of applications and to restore standard processing times. Mr. Glover approved this workplan.

133. Based on Mr. Glover's approval, MMAD immediately moved to begin the hiring process of twenty (20) full-time temporary employees and three (3) full-time term employees. The three term employees began their employment with MMAD on August 30, 2010. MMAD worked with employment agencies to hire the twenty temporary employees, all of whom were hired between August 16 and September 7, 2010. Furthermore, six of the term employees hired during the spring and summer period were retained for part-time employment, all of whom began their part-time employment with MMAD between September 7 and 13, 2010.
134. During the month of September 2010, MMAD has been dedicating time to training new employees in the MMAR and in the SAMM database to ensure that they are able to process applications in a timely and accurate manner.
135. Once this training is complete, a much larger volume of applications will be processed, and Health Canada anticipates that standard processing times of 8 to 10 weeks will be restored by the end of December 2010. It should be noted that the addition of temporary resources to the MMAD Client Service Representatives team has led to MMAD successfully restoring a 3-5 day service standard for returning all calls.
136. Health Canada has been and continues to actively monitor this situation. Adjustments will be made as necessary in order to return to a standard processing time.
137. I make this affidavit in support of the prosecution of Mr. [REDACTED] and for no other illegal or improper purpose.

AFFIRMED BEFORE ME at the City of )  
Ottawa, in the Province of Ontario )  
this 6 day of October, 2010 )

  
Marjolaine Dugas  
A Commissioner for taking affidavits  
in and for the Court in Ontario

  
JEANNINE R. RITCHOT

This is **Exhibit "C"** referred to in the  
Affidavit of **ERIC COSTEN**  
Affirmed before me at the City of  
Ottawa, in the Province of Ontario,  
this 13<sup>th</sup> day of May 2015.



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Catherine L. Hayes-Murton  
A Commissioner for Taking Oaths and  
A Notary Public In and Forthe Province of  
Ontario

MMAR Correspondence Statistics (By Week)						
Date	Mail Received	Licence Reprints Sent Out	Application Forms Returned	Licences & Reprints Sent Out	Returned Information Missing	
<b>Total</b> (post March 31, 2014)	3,272	419	3,436	(not applicable after repeal of the MMAR)	(not applicable after repeal of the MMAR)	
<b>Total</b> (June 7, 2014 to March 31, 2014)	38,369	N/A	N/A	29,942	10,433	
2013-06-07	1246	-	-	1072	330	
2013-06-14	1488	-	-	2043	410	
2013-06-21	1397	-	-	848	265	
2013-06-28	1391	-	-	1624	408	
2013-07-05	1037	-	-	659	339	
2013-07-12	1391	-	-	915	534	
2013-07-19	1282	-	-	1074	400	
2013-07-26	1325	-	-	1452	365	
2013-08-02	1289	-	-	1082	384	
2013-08-09	907	-	-	664	241	
2013-08-16	1137	-	-	922	321	
2013-08-23	1418	-	-	943	288	
2013-08-30	1351	-	-	1292	327	
2013-09-06	1235	-	-	734	250	
2013-09-13	1312	-	-	1210	411	
2013-09-20	2120	-	-	1037	342	
2013-09-27	2587	-	-	1307	165	
2013-10-04	2002	-	-	806	0	
2013-10-11	775	-	-	667	202	
2013-10-18	529	-	-	676	509	
2013-10-25	757	-	-	856	897	
2013-11-01	880	-	-	872	264	
2013-11-08	794	-	-	839	311	

MMAR Correspondence Statistics (By Week)						
Date	Mail Received	Licence Reprints Sent Out	Application Forms Returned	Licences & Reprints Sent Out	Returned Information Missing	
2013-11-15	566	-	-	805	228	
2013-11-22	861	-	-	863	190	
2013-11-29	642	-	-	159	45	
2013-12-06	626	-	-	315	176	
2013-12-13	437	-	-	440	126	
2013-12-20	498	-	-	357	72	
2013-12-27	248	-	-	125	47	
2014-01-03	269	-	-	59	117	
2014-01-10	436	-	-	213	103	
2014-01-17	451	-	-	419	211	
2014-01-24	366	-	-	325	184	
2014-01-31	437	-	-	308	144	
2014-02-07	506	-	-	276	123	
2014-02-14	274	-	-	234	52	
2014-02-21	359	-	-	312	140	
2014-02-28	311	-	-	171	128	
2014-03-07	287	-	-	106	177	
2014-03-14	377	-	-	345	168	
2014-03-21	342	-	-	393	39	
2014-03-28	374	-	-	123	0	
<b>2014-03-31</b>	<b>52</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
2014-04-01	228	0	0	-	-	
2014-04-04	280	0	0	-	-	
2014-04-11	268	5	0	-	-	
2014-04-18	169	5	0	-	-	
2014-04-25	166	0	0	-	-	
2014-05-02	173	0	0	17	-	
2014-05-09	101	0	0	15	-	

MMAR Correspondence Statistics (By Week)						
Date	Mail Received	Licence Reprints Sent Out	Application Forms Returned	Licences & Reprints Sent Out	Returned Information Missing	
2014-05-23	91	0	176	-	-	
2014-05-30	95	0	930	-	-	
2014-06-06	83	34	416	-	-	
2014-06-13	70	60	172	-	-	
2014-06-20	53	17	98	-	-	
2014-06-27	86	10	98	-	-	
2014-06-30	2	1	12	-	-	
2014-07-04	38	1	37	-	-	
2014-07-11	58	24	53	-	-	
2014-07-18	71	1	31	-	-	
2014-07-25	36	0	0	-	-	
2014-08-01	41	0	22	-	-	
2014-08-08	38	9	13	-	-	
2014-08-15	49	0	52	-	-	
2014-08-22	43	13	34	-	-	
2014-08-29	45	17	37	-	-	
2014-09-05	34	3	21	-	-	
2014-09-12	52	7	53	-	-	
2014-09-19	35	20	26	-	-	
2014-09-26	35	12	76	-	-	
2014-09-30	14	3	17	-	-	
2014-10-03	26	4	10	-	-	
2014-10-10	37	12	66	-	-	
2014-10-17	26	0	54	-	-	
2014-10-24	51	0	57	-	-	
2014-10-31	25	18	79	-	-	
2014-11-03	35	0	82	-	-	
2014-11-14	16	0	121	-	-	

MMAR Correspondence Statistics (By Week)						
Date	Mail Received	Licence Reprints Sent Out	Application Forms Returned	Licences & Reprints Sent Out	Returned Information Missing	
2014-11-21	29	0	65	-	-	
2014-11-28	31	0	37	-	-	
2014-12-05	23	0	25	-	-	
2014-12-12	39	0	35	-	-	
2014-12-19	27	0	31	-	-	
2014-12-26	29	0	12	-	-	
2014-12-31	29	0	26	-	-	
2015-01-09	18	1	6	-	-	
2015-01-16	38	0	31	-	-	
2015-01-23	32	0	45	-	-	
2015-01-30	15	0	20	-	-	
2015-02-06	24	21	14	-	-	
2015-02-13	23	14	25	-	-	
2015-02-20	25	24	2	-	-	
2015-02-27	19	5	18	-	-	
2015-03-06	23	0	24	-	-	
2015-03-13	20	12	4	-	-	
2015-03-20	26	1	23	-	-	
2015-03-26	0	30	26	-	-	
2015-04-03	15	3	12	-	-	
2015-04-10	18	4	19	-	-	
2015-04-17	28	14	6	-	-	
2015-04-24	30	0	15	-	-	
2015-05-01	23	14	24	-	-	
2015-05-05	18	0	16	-	-	

This is **Exhibit "D"** referred to in the  
Affidavit of **ERIC COSTEN**  
Affirmed before me at the City of  
Ottawa, in the Province of Ontario,  
this 13<sup>th</sup> day of May 2015.



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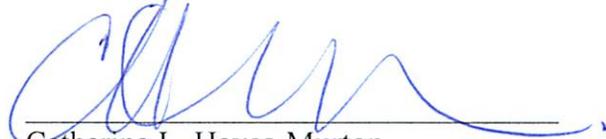
Catherine L. Hayes-Murton  
A Commissioner for Taking Oaths and  
A Notary Public In and Forthe Province of  
Ontario

<b>Police Inquiries Statistics (By Week)</b>					
<b>Year</b>	<b>Week</b>	<b>Number of Calls to OMC (MMAR &amp; MMRP)</b>	<b>Number of Police Inquiries</b>	<b>Total Calls / Police Inquiries</b>	
<b>2013</b>	Jun 5 – Jun 8	1030	400	1430	
	Jun 9 – Jun 15	2009	407	2416	
	Jun 16 – Jun 22	1981	427	2408	
	Jun 23 – Jun 29	1789	433	2222	
	Jun 30 – Jul 6	1475	415	1890	
	Jul 7 – Jul 13	1698	403	2101	
	Jul 14 – Jul 20	1715	368	2083	
	Jul 21 – Jul 27	1635	401	2036	
	Jul 28 – Aug 3	1510	557	2067	
	Aug 4 – Aug 10	1339	427	1766	
	Aug 11 – Aug 17	1636	347	1983	
	Aug 18 – Aug 24	1691	434	2125	
	Aug 25 – Aug 31	1590	380	1970	
	Sep 1 – Sep 7	1496	362	1858	
	Sep 8 – Sep 14	1940	415	2355	
	Sep 15 – Sep 21	2071	448	2519	
	Sep 22 – Sep 28	2008	427	2435	
	Sep 29 – Oct 5	2755	477	3232	
	Oct 6 – Oct 12	Data Unavailable	Data Unavailable	Data Unavailable	
	Oct 13 – Oct 19	Data Unavailable	Data Unavailable	Data Unavailable	
	Oct 20 – Oct 26	1388	363	1751	
	Oct 27 – Nov 2	1226	328	1554	
	Nov 3 – Nov 9		360	360	
	Nov 10 – Nov 16	1279	319	1598	
	Nov 17 – Nov 23	2385	312	2697	
	Nov 24 – Nov 30	1571	243	1814	
	Dec 1 – Dec 7	1288	316	1604	
	Dec 8 – Dec 14	1157	348	1505	
	Dec 15 – Dec 21	1011	305	1316	
	Dec 22 – Dec 28	334	95	429	
	<b>2014</b>	Dec 29 – Jan 4	715	197	912
		Jan 5 – Jan 11	1344	395	1739
	Jan 12 – Jan 18	1302	389	1691	
	Jan 19 – Jan 25	1292	409	1701	
	Jan 26 – Feb 1	1326	504	1830	
	Feb 2 – Feb 8	1264	642	1906	
	Feb 9 – Feb 15	1121	629	1750	

<b>Police Inquiries Statistics (By Week)</b>				
<b>Year</b>	<b>Week</b>	<b>Number of Calls to OMC (MMAR &amp; MMRP)</b>	<b>Number of Police Inquiries</b>	<b>Total Calls / Police Inquiries</b>
	Feb 16 – Feb 22	1159	754	1913
	Feb 23 – Mar 1	1257	447	1704
	Mar 2 – Mar 8	1342	357	1699
	Mar 9 – Mar 15	1318	379	1697
	Mar 16 – Mar 22	2057	347	2404
	Mar 23 – Mar 29	3925	270	4195
	Mar 30 – Apr 5	3691	168	3859
	Apr 6 – Apr 12	1282	273	1555
	Apr 13 – Apr 19	809	292	1101
	Apr 20 – Apr 26	743	285	1028
	Apr 27 – May 3	729	240	969
	May 4 – May 10	592	245	837
	May 11 – May 17	590	249	839
	May 18 – May 24	468	224	692
	May 25 – May 31	568	244	812
	Jun 1 – Jun 7	565	208	773
	Jun 8 – Jun 14	456	220	676
	Jun 15 – Jun 21	464	266	730
	Jun 22 – Jun 28	390	254	644
	Jun 29 – Jul 5	331	187	518
	Jul 6 – Jul 12	424	194	618
	Jul 13 – Jul 19	381	245	626
	Jul 20 – Jul 26	382	186	568
	Jul 27 – Aug 2	357	232	589
	Aug 3 – Aug 9	383	293	676
	Aug 10 – Aug 16	408	382	790
	Aug 17 – Aug 23	358	284	642
	Aug 24 – Aug 30	364	275	639
	Aug 31 – Sept 6	337	243	580
	Sep 7 – Sep 13	453	303	756
	Sep 14 – Sep 20	358	258	616
	Sep 21 – Sep 27	373	267	640
	Sep 28 – Oct 4	379	294	673
	Oct 5 – Oct 11	338	264	602
	Oct 12 – Oct 18	338	225	563
	Oct 19 – Oct 25	315	207	522
	Oct 26 – Nov 1	271	305	576

<b>Police Inquiries Statistics (By Week)</b>				
<b>Year</b>	<b>Week</b>	<b>Number of Calls to OMC (MMAR &amp; MMRP)</b>	<b>Number of Police Inquiries</b>	<b>Total Calls / Police Inquiries</b>
	Nov 2 – Nov 8	316	190	506
	Nov 9 – Nov 15	241	169	410
	Nov 16 – Nov 22	297	244	541
	Nov 23 – Nov 29	261	235	496
	Nov 30 – Dec 6	252	233	485
	Dec 7 – Dec 13	241	228	463
	Dec 14 – Dec 20	332	199	531
	Dec 21 – Dec 27	104	101	205
<b>2015</b>	Dec 28 – Jan 3	146	113	259
	Jan 4 – Jan 10	248	224	472
	Jan 11 – Jan 17	297	206	503
	Jan 18 – Jan 24	283	292	575
	Jan 25 – Jan 31	272	287	559
	Feb 1 – Feb 7	319	238	557
	Feb 8 – Feb 14	318	238	556
	Feb 15 – Feb 21	318	299	617
	Feb 22 – Feb 28	308	222	530
	Mar 1 – Mar 7	310	296	606
	Mar 8 – Mar 14	314	230	544
	Mar 15 – Mar 21	332	222	554
	Mar 22 – Mar 28	312	277	589

This is **Exhibit "E"** referred to in the  
Affidavit of **ERIC COSTEN**  
Affirmed before me at the City of  
Ottawa, in the Province of Ontario,  
this 13<sup>th</sup> day of May 2015.



\_\_\_\_\_  
Catherine L. Hayes-Murton  
A Commissioner for Taking Oaths and  
A Notary Public In and Forthe Province of  
Ontario



Public Service Commission  
of Canada

Commission de la fonction publique  
du Canada

PUBLIC  
SERVICE  
COMMISSION

2013-2014



# ANNUAL REPORT

Canada

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# ANNUAL REPORT

## **2013-2014**

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Minister of Canadian Heritage and Official Languages  
House of Commons  
Ottawa, Ontario K1A 0A6

Dear Minister:

We have the honour of asking you to transmit for tabling in Parliament the Report of the Public Service Commission of Canada for the 2013-2014 fiscal year.

It is submitted in accordance with section 23 of the *Public Service Employment Act*, (S.C. 2003, c. 22, ss.12 and 13).

Yours sincerely,

  
Anne-Marie Robinson,  
President

  
Susan M. W. Cartwright,  
Commissioner

  
D. G. J. Tucker,  
Commissioner



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# A MESSAGE FROM THE COMMISSIONERS

---

For more than one hundred years, the Public Service Commission (PSC) has served to promote and safeguard merit-based hiring, the foundation for a professional and non-partisan public service.

The Commission is pleased to present to Parliament its 2013-2014 Annual Report, which covers the results of activities and observations for the 2013-2014 fiscal year. We would like to highlight a few of them.

Based on our oversight and feedback mechanisms, we have concluded that, overall, staffing management continued to improve for the organizations that come under the *Public Service Employment Act* (PSEA). The staffing system is maturing, and the PSC continues to adapt its approach to better meet the needs of organizations that operate in an ever-changing environment.

The public service population is also changing. In 2013-2014, the PSEA population decreased by 2.6%; following three consecutive years of decline, this population in March 2014 was 10% lower than in March 2011. While student hiring increased by 8.6%, it represented a smaller proportion of new hires as compared to the previous year. Moreover, employees under the age of 35 represented 17% of the permanent population in 2013-2014, down from 18.4% the year before. This proportion has declined for the fourth consecutive year; in 2011, this age group accounted for 21.2% of permanent employees. The Commission is preoccupied by these trends, which have implications for the renewal and future composition of the public service.



The PSC continues to innovate by adapting its policies, processes and services in close collaboration with departments and agencies. In a maturing staffing system, the PSC is placing more emphasis on prevention to complement its robust approach to oversight. Outreach is critical to provide pertinent information and lessons learned and to share best practices in order to create a staffing system that is more responsive to the evolving needs of organizations. With that goal in mind, we are currently looking for ways to leverage our experience to better integrate our policy and oversight functions and to ensure that these are well aligned and mutually supportive.

Non-partisanship is a key pillar of the PSEA and its importance was reinforced in *Destination 2020* which reaffirmed “professional, non-partisan and works in the public interest” among the fundamental attributes of the public service. In addition to ensuring that staffing is free from political influence, the PSC is responsible for administering the provisions of the PSEA related to political activities of public service employees. In 2013-2014, we saw increased awareness among employees of their legal rights and responsibilities with respect to political activities. Seventy-five percent of respondents to the annual staffing survey indicated moderate or higher levels of awareness, up from 69% in 2011 and 73% in 2012. We will continue to communicate with employees and collaborate with deputy heads and senior managers to help sustain this momentum.

The PSC has a keen interest in Private Member’s Bill C-520, *An Act supporting non-partisan agents of Parliament*, which was introduced in the House of Commons on June 3, 2013. To contribute constructively to Parliament’s study of Bill C-520, the PSC submitted a statement outlining its concerns to the Standing Committee on Access to Information, Privacy and Ethics studying the Bill, a copy of which was posted on the PSC’s Web site.

At the time of publishing this report, the PSC remains concerned about the possible effect on the merit-based appointment system of the Bill’s requirement for every applicant for a position in the office of an agent of Parliament to, as soon as possible in the selection process, provide a written declaration stating whether or not, at any time in the 10 years before applying for the position, they occupied a politically partisan position. The fact that the PSC does not ask for information on political affiliation as part of the appointment process is, the Commission believes, essential in ensuring confidence, on the part of the public and applicants, in the impartiality and fairness of the merit-based appointment system. As a resource for both Parliament and the Government of Canada on matters related to safeguarding the merit principle and the non-partisan nature of the public service, the PSC will continue to engage as the proposed legislation proceeds through the parliamentary process.

We recognize that our responsibilities form but one of the many elements of the overall framework for people management in the public service. In order that the whole remains modern, effective and responsive, we continue to explore ways we can better perform our roles with respect to merit and non-partisanship, and we look forward to working with departments and agencies in the coming year to promote innovation and improvement. We will also continue to foster strong and collaborative relationships with Parliamentarians, bargaining agents and other stakeholders so that Canadians will continue to benefit from a professional and non-partisan public service.



# EXECUTIVE SUMMARY

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The mandate of the Public Service Commission (PSC) is to promote and safeguard merit-based appointments and, in collaboration with other stakeholders, to protect the non-partisan nature of the public service. The PSC reports on its mandate to Parliament.

Under the delegated staffing system set out in the *Public Service Employment Act* (PSEA), the PSC fulfills its mandate by providing policy guidance and expertise, as well as by conducting effective oversight. In addition, the PSC delivers innovative staffing and assessment services.

On behalf of the Commission, the President has had the opportunity to meet with Parliamentary committees to discuss the PSC's work in areas such as its main estimates, overall trends in staffing, oversight, renewal, non-partisanship, employment equity, workforce adjustment and priority administration. The Commission looks forward to continuing to engage Parliamentarians in a productive dialogue.



## Health of the staffing system

The PSC is accountable to Parliament for the overall integrity of the staffing system in the federal public service for organizations under the PSEA and it holds deputy heads accountable for how delegated authorities are exercised in their organizations. The PSC assures itself of the integrity of the staffing system through its oversight framework (comprised of monitoring, audits and investigations), as well as its regulatory authority and policy-setting function. The PSC also validates these findings and the trends it observes through ongoing dialogue with departments and agencies, as well as the studies and research it undertakes on key issues related to staffing and non-partisanship.

From this suite of oversight mechanisms, the PSC has concluded that most key elements of the staffing framework are in place. Organizational performance in staffing management continued to improve in 2013-2014, and most departments and agencies succeeded in demonstrating an acceptable level of performance in all six key areas that were assessed this year. Further information on performance is available in Chapter 4.

In areas requiring further improvements such as the effectiveness of controls within the sub-delegation process and the consistent consideration of persons with a priority entitlement for vacant positions, the PSC will assist departments and agencies through targeted support.

The PSC draws on the findings and lessons learned from its oversight mechanisms (monitoring, audits, investigations) and other sources of information, such as its studies and decisions by the Public Service Staffing Tribunal, to improve the staffing policy framework, clarify expectations and contribute to a modern and effective staffing system. Engagement with departments and agencies allows the PSC to enable hiring managers to staff efficiently while meeting the expectations set out in the PSEA.

## Ensuring a non-partisan public service and safeguarding political impartiality

Non-partisanship is essential to a professional public service, a pillar of the Westminster model of government, as well as integral to the PSEA. Under the Act, the PSC has several specific responsibilities. First, the PSC is responsible for ensuring that staffing decisions under the PSEA are free from political influence.<sup>1</sup> The PSC has the exclusive authority to investigate allegations of political influence in staffing. Information on PSC investigations in any given year may be found in Chapter 4 of this report.

The PSC also administers the provisions of the PSEA related to political activities of public service employees. However, the broad responsibility for safeguarding non-partisanship rests with all public servants, including deputy heads and senior managers. The PSEA recognizes the right of an employee to engage in any political activity, so long as it does not impair, or is not perceived as impairing, their ability to perform their duties in a politically impartial manner.

---

<sup>1</sup> This excludes Governor in Council appointments, which are made by the Governor General on the advice of the Queen's Privy Council for Canada (i.e. the Cabinet), as well as appointments in the six organizations whose enabling legislation stipulates that only the political activities provisions of the *Public Service Employment Act* apply to their employees.

To support its mandate related to political activities by public servants, the PSC plays three roles. First, the PSC provides guidance to federal public servants regarding their legal rights and responsibilities related to political activities. Second, it renders decisions regarding permission and leave of absence without pay, if applicable, for candidacy of public servants in federal, provincial, territorial and municipal elections. Third, the PSC may investigate any allegations of improper political activity by a public servant. If the investigation establishes that there was improper political activity, the Commission may take any corrective action that it considers appropriate.<sup>2</sup>

In 2013-2014, the PSC found that employees' awareness of their legal rights and responsibilities with respect to political activities continued to increase: 75% of the 2013 Survey of Staffing respondents were aware of their legal rights and responsibilities to a moderate or great extent, up from 69% in 2011 and 73% in 2012. In order to sustain this momentum, in 2014-2015, the PSC will continue to build on tools and outreach with departments and agencies to ensure employees are aware of their legal rights and responsibilities.

Because of its responsibilities related to non-partisanship, the PSC has a keen interest in Private Member's Bill C-520, *An Act supporting non-partisan agents of Parliament*, which was introduced in the House of Commons on June 3, 2013.

At the time of publishing this report, the PSC remains concerned about the possible effect on the merit-based appointment system of the Bill's requirement for every applicant for a position in the office of an agent of Parliament to, as soon as possible in the selection process, provide a written declaration stating whether or not, at any time in the 10 years before applying for the position, they occupied a politically partisan position. The fact that the PSC does not ask for information on political affiliation as part of the appointment process is, the Commission believes, essential in ensuring confidence, on the part of the public and applicants, in the impartiality and fairness of the merit-based appointment system. As a resource for both Parliament and the Government of Canada on matters related to safeguarding the merit principle and the non-partisan nature of the public service, the PSC will continue to engage as the proposed legislation proceeds through the parliamentary process.

## Hiring and staffing in the public service

The PSEA population<sup>3</sup> decreased by 2.6%, from 200 250 in March 2013 to 195 081 in March 2014. Following three consecutive years of decline, the PSEA population in March 2014 was 10% lower than in March 2011.

Notwithstanding this decrease overall, hiring to and staffing activities within the public service increased in 2013-2014, in contrast to the reductions that characterized the previous four fiscal years. Despite this increase, hiring and staffing activities in 2013-2014 remained below levels observed in 2011-2012, prior to the implementation of Spending Review 2012.

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<sup>2</sup> If an allegation of improper political activity against a deputy head is substantiated, the Commission shall report its conclusion to the Governor in Council, who may dismiss the deputy head. This does not apply to deputy heads whose removal from office is expressly provided for by an Act of Parliament.

<sup>3</sup> The *Public Service Employment Act* population includes active employees in departments and agencies under the exclusive appointment authority of the PSC (i.e. employees of departments and agencies named in Schedule I, most of Schedule IV and some agencies in Schedule V to the *Financial Administration Act*). This does not include separate agencies such as the Canada Revenue Agency, the Canadian Food Inspection Agency and Parks Canada.

Compared to 2012-2013, overall hiring to the public service increased by 16.2% in 2013-2014. The number of hires to the public service increased across all tenures:

- Indeterminate hiring increased by 31.1% compared to a decrease of 63.0% in 2012-2013;
- Specified term hiring increased by 20.8% compared to a decrease of 40.8% in 2012-2013;
- Casual hiring increased by 17.7% compared to a decrease of 11.8% in 2012-2013; and
- Student hiring increased by 8.6% compared to a decrease of 27.0% in 2012-2013.

In 2013-2014, hiring increased across the country and 76.5% of these new hires were casuals or students. Hiring in the National Capital Region increased by 29.0%, following a decline of 38.0% in 2012-2013. Hiring in the other regions increased by 7.9%, following an average decline of 20.3% in 2012-2013.

In 2013-2014, 10 386 student hires took place. This number remains below the 13 099 student hires from 2011-2012, prior to Spending Review 2012. Further, the number of employees under the age of 35 declined for a fourth consecutive year. Employees in this age group accounted for 17.0% of all indeterminate employees in March 2014, compared to 18.4% in March 2013 and 21.4% in March 2010, when the proportion reached a peak. The Commission is preoccupied by these trends, which will have an impact on the future composition of the public service.

According to the latest Survey of Staffing, in 2013 nearly three-quarters (72%) of candidates indicated that the advertised or non-advertised staffing process in which they participated was fair, an increase from 64% in 2012 and 70% in 2011. Further, this latest data show that 70% of employees agree that staffing processes within their own work unit were carried out in a transparent way, a proportion that has remained stable from year to year (71% in 2012 and 69% in 2011).

## The Public Service Commission and workforce adjustment

The PSC is responsible for administering and overseeing the provisions of the PSEA and the *Public Service Employment Regulations* regarding priority entitlements. Persons with a priority entitlement must be considered ahead of all other persons by hiring managers for positions that are being staffed and for which they may be qualified. In 2013-2014, the PSC played a key role in ensuring that persons with a priority entitlement were redeployed to vacant positions. Through the PSC's Priority Administration Program, 1 235 persons with a priority entitlement were redeployed to new positions, a 29.2% increase from 2012-2013. In this way, the Priority Administration Program helped retain skilled and competent people who have been trained and developed by the Government of Canada.

The increase in the number of surplus priorities has had an impact on the number of placements of Canadian Armed Forces (CAF) and Royal Canadian Mounted Police (RCMP) medically-released members. There were 43 priority appointments of CAF and RCMP members in 2013-2014 and 31 in 2012-2013. This appointment rate differs from the four previous fiscal years in which CAF and RCMP members had the highest success in appointment rate of all priority groups, ranging from 150 to just over 200 appointments annually.



The Minister of Veterans Affairs has brought Bill C-27, *An Act to amend the Public Service Employment Act (enhancing hiring opportunities for certain serving and former members of the Canadian Forces)*, before Parliament to address this situation. At the time of publishing this report, the Bill is in the legislative process. Should this Bill receive Royal Assent, qualified veterans who are medically released due to a service-related injury or illness would become the top statutory priority with an entitlement period of five years. The regulatory entitlement for medically released former members of the CAF whose release is not attributable to service would also be extended from two years to five years.

The Bill also contains two other mechanisms to support the hiring of veterans and current members of the CAF with at least three years of military service: a “veterans preference” provision that would facilitate the appointment of qualified veterans to jobs that are open to the Canadian public and an eligibility provision allowing veterans and current CAF members to participate in all advertised internal hiring processes of the Government of Canada.

Should Bill C-27 receive Royal Assent, the PSC would work closely with National Defence and Veterans Affairs to ensure that all those affected by these changes are aware of the new entitlements and increased access to opportunities in the public service.

## Innovation

As a leader in the development and provision of innovative staffing and assessment services, the PSC continued to enhance and modernize its services to departments and agencies. In 2013-2014, the PSC continued to build on its use of technology to offer departments and agencies efficient and cost-effective methods of assessing candidates, including e-testing and computer-generated testing.

E-testing refers to on-line assessments, administered under supervised conditions at computer facilities in the PSC or other departments and agencies. In 2013-2014, the PSC continued to expand its e-testing capacity, with over 492 facilities now available (a 23% increase from 2012-2013) and 1 972 certified public service employees qualified to administer e-tests (a 31% increase from 2012-2013). As of 2013-2014, e-testing currently represents 54% of all the tests administered by the PSC. The PSC implemented mandatory e-testing for second language evaluations and completed the implementation of computer-generated testing, which uses a large bank of established questions to create unique tests automatically and increases test security.

In 2013-2014, the PSC launched the final component of its Public Service Entrance Exam, a multi-dimensional suite of unsupervised internet tests. The exam is used by the Post-Secondary Recruitment Program and is now available to hiring managers throughout the federal public service. This type of testing allows job applicants to take the test at a location of their choosing, thus reducing the need for travel and supporting the use of National Area of Selection. In addition, it helps managers identify strong candidates early in a process and reduces the time required to staff positions.



## Outreach

In 2013-2014, the PSC increased its outreach to provide policy guidance and share key trends, lessons learned and best practices to support departments and agencies in managing their own staffing delegation effectively. Although the PSC regularly conducts outreach to departments and agencies in each region, in 2013-2014, it developed new information sessions on specific subjects. For example, in order to share information and gain insight into the issues facing students with disabilities in the employment process, the PSC partnered with Treasury Board Secretariat, Employment and Social Development Canada, and Shared Services Canada's Accessibility, Accommodation and Adaptive Computer Technology Program to conduct a pilot outreach event in March 2014 in partnership with the Paul Menton Centre for Students with Disabilities at Carleton University. The PSC is planning to expand the initiative to include other universities and community colleges in the fall of 2014.

## Conclusion

In 2013-2014, the PSC continued to deliver on its fundamental responsibilities of providing independent oversight and assurance to Parliament on the health of the staffing system and the non-partisan nature of the public service.

The PSC redesigned its delegation instrument with the goal of improving the communication and understanding of the terms and conditions of the delegation. Further, it implemented a new Staffing Management Accountability Framework with the intention of making it a more useful management tool for deputy heads and reducing the reporting requirements of departments and agencies.

Building on this work, in 2013-2014, the PSC initiated a review of its policy and oversight functions to ensure they are well integrated and serve to improve staffing across government. In 2014-2015, the PSC will consult with key stakeholders, including departments and agencies, central agencies and bargaining agents, to establish a more streamlined policy framework and oversight model, one which is supported by clear and accessible guidance and advice.

In June 2013, the Clerk of the Privy Council launched Blueprint 2020, which sets out the vision for a high-performing public service that embraces innovation, transformation and continuous renewal, as well as an engagement process for determining how to realize this vision. In May 2014, the Clerk released Destination 2020, which focuses on the action plan and implementation phase to modernize the public service. The PSC contributes to achieving the Blueprint 2020 vision by fostering innovation and ensuring that the staffing framework supports departments and agencies in managing their staffing risks against business deliverables. Destination 2020 also reinforced that there are certain fundamental attributes of the public service that must remain unchanged, one being that "the public service is professional, non-partisan and works in the public interest." The Commission encourages public servants to continue this important dialogue on how to best maintain the non-partisan nature of the public service.







# CHAPTER 1

## Staffing activity under the *Public Service Employment Act*

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## Highlights

- The population under the *Public Service Employment Act* decreased by 2.6% in 2013-2014, the third consecutive year of decline. The size of the population was reduced by 10% from March 2011 to March 2014.
- Hiring and staffing activities increased by 11.7% in 2013-2014, ending four consecutive years of decline. Nonetheless, activities this year remained below levels observed prior to the implementation of Spending Review 2012.
- The number of hires to the public service increased across all tenures compared to 2012-2013, but remained below 2011-2012 levels:
  - › Indeterminate hiring increased by 31.1% compared to a decrease of 63.0% in 2012-2013;
  - › Specified term hiring increased by 20.8% compared to a decrease of 40.8% in 2012-2013;
  - › Casual hiring increased by 17.7% compared to a decrease of 11.8% in 2012-2013; and
  - › Student hiring increased by 8.6% compared to a decrease of 27.0% in 2012-2013.
- In 2013-2014, there were 10 386 student hires, 8.6% more than in the previous year. However, this number remains below the 13 099 student hires from 2011-2012, prior to Spending Review 2012.
- The number and proportion of employees under the age of 35 continued to decline in 2013-2014, despite the increase in appointments of new indeterminate employees from this age group. Employees under the age of 35 accounted for 17.0% of all indeterminate employees in March 2014, compared to 18.4% in March 2013 and 21.4% in March 2010, when the proportion reached a peak.
- The mobility of indeterminate employees increased in 2013-2014, but remained at a level lower than that observed in recent years.
- In 2013-2014, hiring increased across the country and 76.5% of these new hires were casuals or students. Hiring in the National Capital Region increased by 29.0%, following a decline of 38.0% in 2012-2013. Hiring in the other regions increased by 7.9%, following an average decline of 20.3% in 2012-2013.
- In 2013, nearly three-quarters (72%) of candidates indicated in the Survey of Staffing that the advertised or non-advertised staffing process in which they participated was fair, an increase from 64% in 2012 and 70% in 2011.



- 1.1 This chapter provides an overview of hiring and staffing activities<sup>4</sup> in departments and agencies under the *Public Service Employment Act* (PSEA) during fiscal year 2013-2014. The review of overall hiring to the public service<sup>5</sup> is followed by a more focused review of the staffing of indeterminate positions, length of time positions are advertised, data related to National Area of Selection, previous public service work experience, use of non-advertised appointments, official languages and employment equity (EE). Completed and ongoing studies are also discussed.

## Overall public service hiring and staffing activities

- 1.2 The overall PSEA population<sup>6</sup> decreased by 2.6% in March 2014 compared to March 2013, the third consecutive year of decline. The size of the population was reduced by 10% from March 2011 to March 2014.
- 1.3 While the PSEA population declined, hiring to, and staffing activities within the public service increased in 2013-2014. This was in contrast to the reductions that characterized the previous four fiscal years. Hiring and staffing activities in 2013-2014 remained below levels observed in 2011-2012, prior to the implementation of Spending Review 2012.
- 1.4 Total hiring and staffing activities increased by 11.7% to 72 527 in 2013-2014, compared to 64 925 in 2012-2013 and 92 852 in 2011-2012. The rate of mobility of indeterminate employees to and within the public service increased to 20.6% in 2013-2014, up from 18.1% in 2012-2013, but below the 2011-2012 level of 27.1%.
- 1.5 There was an increase in external advertisements for public service jobs in 2013-2014 compared to 2012-2013. In 2013-2014, the Public Service Commission (PSC) handled 407 035 employment applications, 30.6% more than in 2012-2013, in response to 1 899 external advertisements, up 61.6%. The number of applicants also increased by 27.5%, from 179 118 in 2012-2013 to 228 417 in 2013-2014.
- 1.6 The latest data from the Survey of Staffing show that 19% of public service employees were involved in advertised or non-advertised staffing processes for term or indeterminate appointments in 2013. This proportion increased from 15% in 2012 and is below the proportion of 25% in 2011.
- 1.7 Figure 1 shows that all types of hiring increased in 2013-2014. Overall, there were 35 677 hires into the public service in 2013-2014, some 16.2% more than in 2012-2013 (30 703), but remaining below the level observed in 2011-2012 (42 828), prior to Spending Review 2012. Indeterminate hiring increased proportionally more than hiring of specified terms, casuals or students. There were 2 594 indeterminate hires in 2013-2014, 31.1% more than in 2012-2013 (1 979) but 51.5% less than

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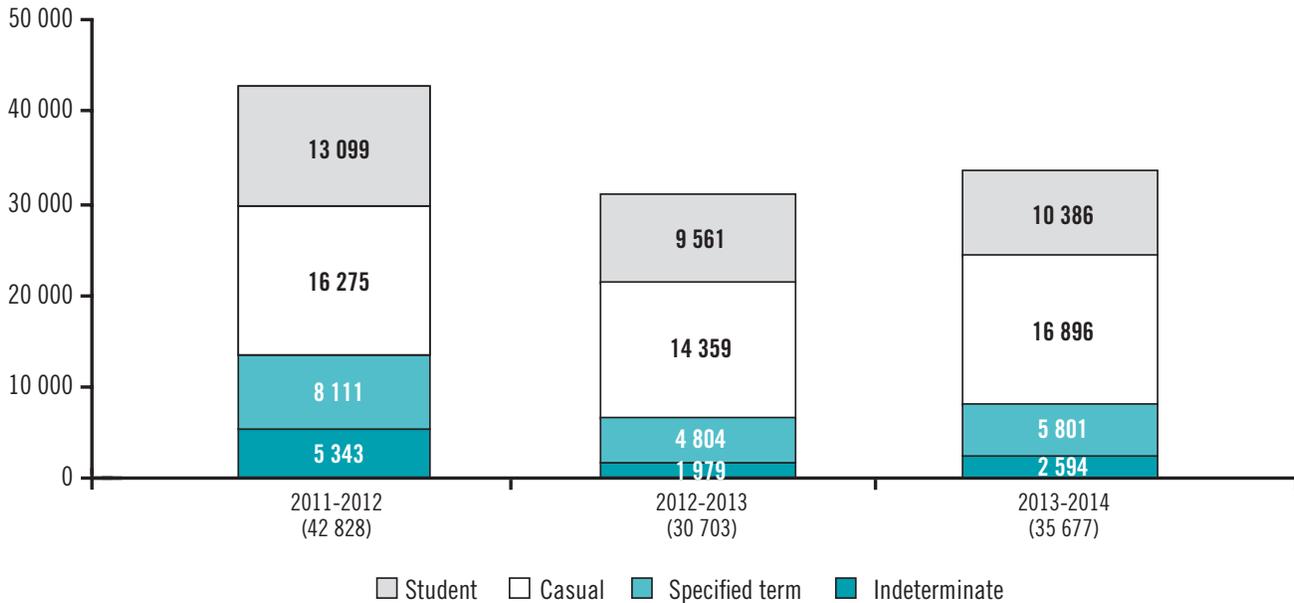
<sup>4</sup> To foster greater consistency in the interpretation of terms used by human resources advisors and managers, the PSC created an on-line glossary in 2010-2011, which can be found on the PSC Web site.

<sup>5</sup> This includes indeterminate, specified term, casual and student hiring.

<sup>6</sup> The PSEA population includes active employees in departments and agencies under the exclusive appointment authority of the PSC (employees of departments and agencies named in Schedule I, most of Schedule IV and some agencies in Schedule V to the *Financial Administration Act*). This does not include separate agencies such as the Canada Revenue Agency, the Canadian Food Inspection Agency and Parks Canada.

in 2011-2012 (5 343). Indeterminate hiring accounted for 7.3% of all hires in 2013-2014, compared to 6.4% in 2012-2013 and 12.5% in 2011-2012. Specified term hiring increased by 20.8%, from 4 804 in 2012-2013 to 5 801 in 2013-2014, its lowest level in 20 years.

**Figure 1: Hiring activities under the *Public Service Employment Act*, by tenure and fiscal year**

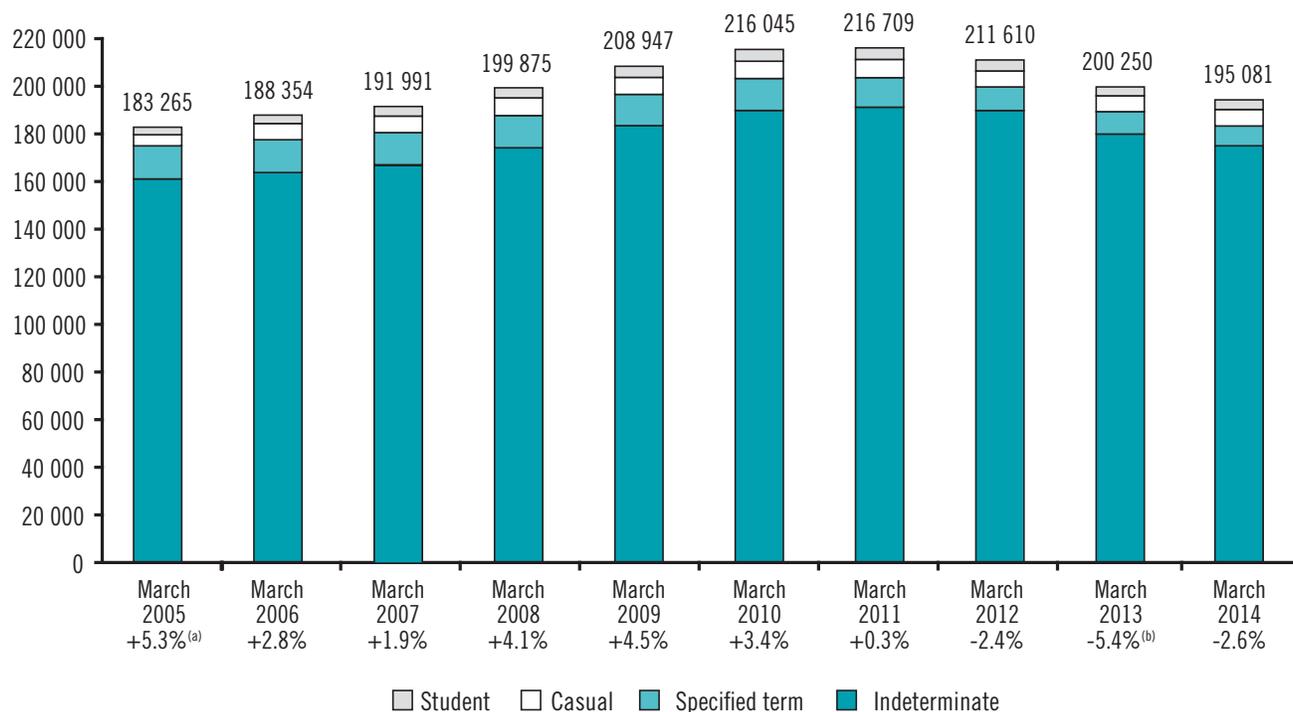


**Source:** Public Service Commission hiring and staffing activities files

- 1.8 Indeterminate employment is defined as employment of no fixed duration, whether part-time, full-time or seasonal. Specified term employment is defined as employment of a fixed duration, whether part-time or full-time. Casual employment is a short-term employment option, normally for no more than 90 days in a calendar year, and which is excluded from certain provisions of the PSEA. Students are persons appointed under the *Student Employment Programs Participants Exclusion Approval Order* and the *Student Employment Programs Participants Regulations* in a program designated by Treasury Board as a student employment program.
- 1.9 Student hiring accounted for a relatively stable proportion (29.1%) of all hiring to the public service in 2013-2014, compared to 31.1% in 2012-2013. Student hiring increased by 8.6%, to 10 386 in 2013-2014, compared to 9 561 in 2012-2013.
- 1.10 Casual hiring increased by 17.7%, from 14 359 in 2012-2013 to 16 896 in 2013-2014. Casual hiring represented 47.4% of all hiring in 2013-2014, compared to 46.8% in 2012-2013 and less than 40% in previous years.
- 1.11 As more employees left the public service in 2013-2014 than joined it, the PSEA population decreased by 2.6%, from 200 250 in March 2013 to 195 081 in March 2014. As illustrated in Figure 2, following three consecutive years of decline, the PSEA population in March 2014 was 10% lower than in March 2011.



**Figure 2: *Public Service Employment Act* population, by year, tenure and year-over-year change (%)**



**Source:** Public Service Commission hiring and staffing activities files

<sup>(a)</sup> The growth in 2005 includes the transfer of 9 507 employees from the Canada Revenue Agency to the Canada Border Services Agency. The number of employees in other organizations under the *Public Service Employment Act* (PSEA) decreased by 0.2% from March 2004 to March 2005.

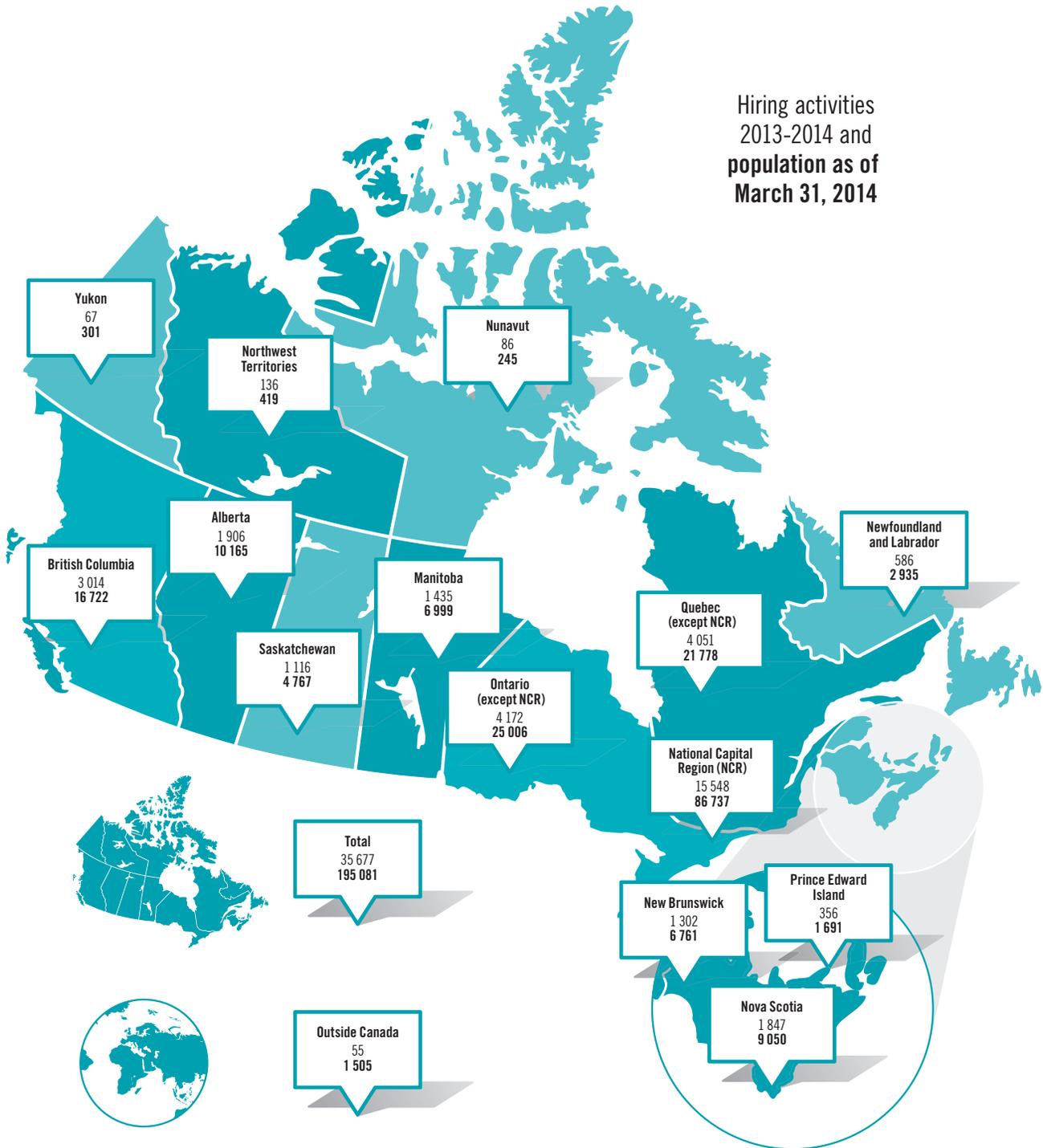
<sup>(b)</sup> The decrease in 2013 was partly offset by the transfer to Shared Services Canada of approximately 850 employees previously employed in non-PSEA organizations. Had it not been for this transfer, the PSEA population would have declined by 5.8% that year.

1.12 Hiring increased across the country in 2013-2014 and 76.5% of these new hires were casuals or students. Hiring in the National Capital Region (NCR) increased by 29.0%, following a decline of 38.0% in 2012-2013. Hiring in the other regions increased by 7.9%, following an average decline of 20.3% in 2012-2013. Hiring in the NCR accounted for 43.6% of all hiring in 2013-2014, up from 39.3% in 2012-2013, which is consistent with the average proportion observed from 2007-2008 to 2011-2012 (43.8%). Figure 3 presents hiring and population figures at provincial and territorial levels in 2013-2014.

1.13 Similar to 2012-2013, five occupational groups accounted for 44.7% of all hiring in 2013-2014: Clerical and Regulatory (CR), Administrative Services (AS), Program Administration (PM), General Labour and Trades (GL) and Engineering and Scientific Support (EG). The proportion represented by these groups was relatively stable over the last five years.



**Figure 3: Hiring activities and population under the *Public Service Employment Act*, by geographic area**



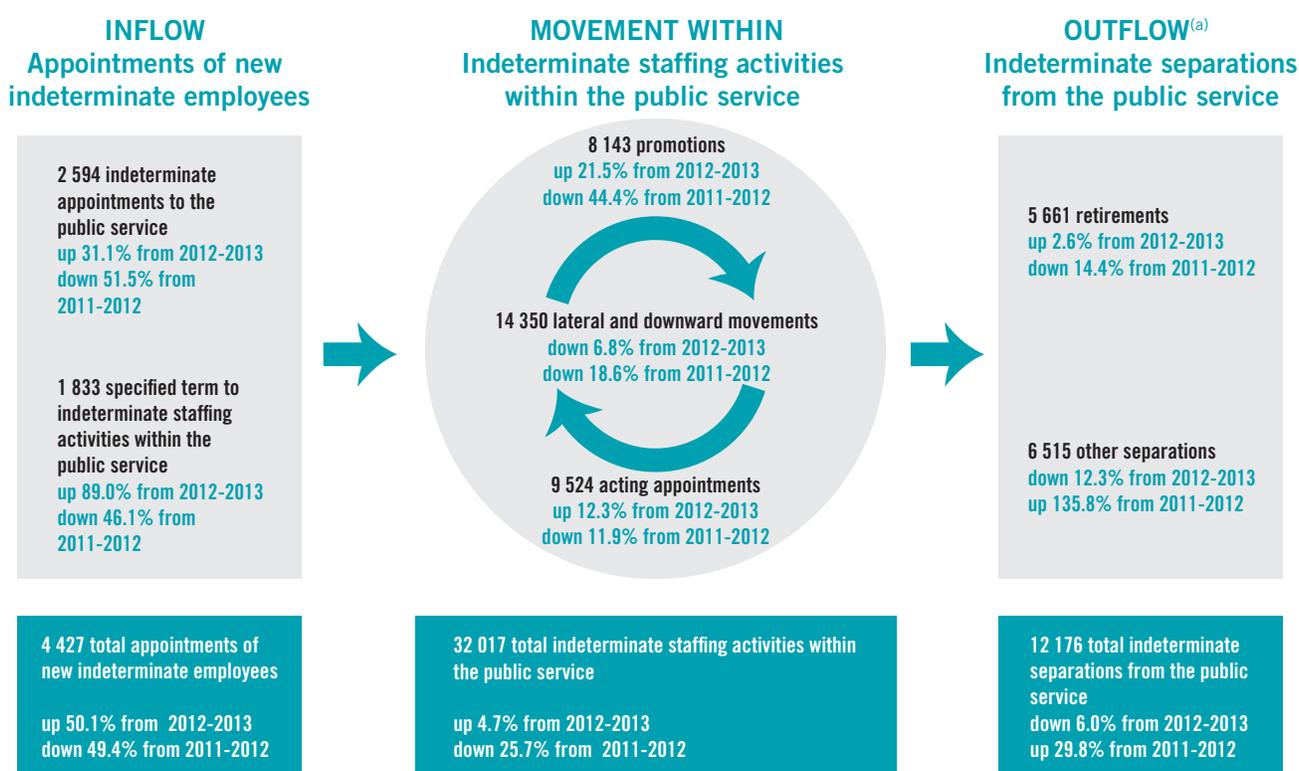
**Source:** Public Service Commission hiring and staffing activities files and population files

**Note:** Totals for hiring activities to the public service and population include indeterminate and specified term employees, as well as casual workers and students.

## Movement of indeterminate employees

1.14 Figure 4 shows an increase of movement of indeterminate employees to and within the public service in 2013-2014, and shows a decrease in the number of separations of indeterminate employees. As there were more departures than hires, the indeterminate population decreased by 7 295 (4.0%), from 180 378 in March 2013 to 173 083 in March 2014.

**Figure 4:** Indeterminate staffing activities to and within the public service and indeterminate separations under the *Public Service Employment Act*, contributing to movement of indeterminate employees for fiscal year 2013-2014



**Source:** Public Service Commission hiring and staffing activities, and separations files

<sup>(a)</sup> Individuals who left the public service as part of Spending Review 2012 are reported under other separations.

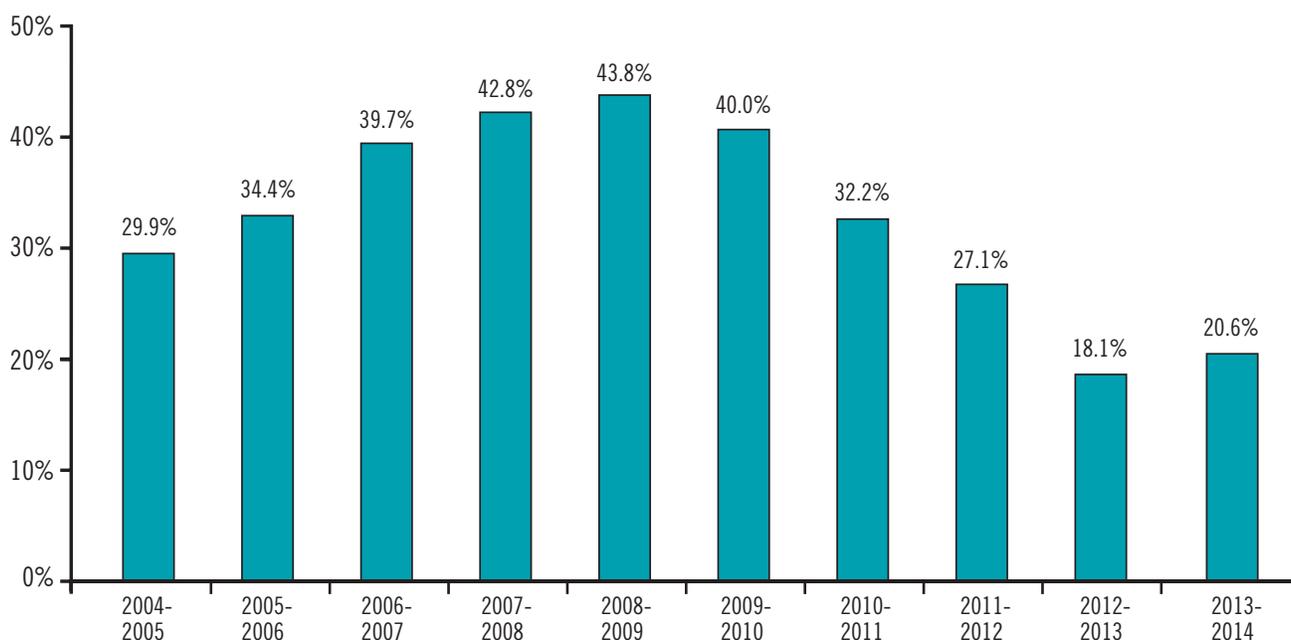
**Note:** Promotions and lateral and downward movements within the public service include appointments of persons with a priority entitlement to indeterminate positions. Lateral and downward movements include deployments and appointments of persons with a reinstatement priority entitlement that does not end the priority entitlement. Acting appointments of less than four months are excluded.

Inflow includes movements from non-*Public Service Employment Act* (PSEA) organizations such as the Canada Revenue Agency. Outflow does not include interorganizational movements within the PSEA, but does include movements to organizations outside the PSEA universe.



1.15 The mobility of indeterminate employees increased in 2013-2014 but remained at a level lower than that observed in recent years. Mobility rates are measured by relating the volume of indeterminate staffing activities to the size of the indeterminate public service population. Figure 5 shows the indeterminate mobility rate increasing to 20.6% in 2013-2014, compared to 18.1% in 2012-2013, ending four consecutive years of decline. The rate peaked at 43.8% in 2008-2009. See Appendix 3, Figure 12 for more information.

**Figure 5: Rate of movement for indeterminate appointments to, and staffing activities within, the public service, by fiscal year<sup>(a)</sup>**



**Source:** Public Service Commission (PSC) hiring and staffing activities file

<sup>(a)</sup> The mobility rate is the ratio of the total number of appointments to the public service, promotions, acting appointments and lateral and downward appointments of indeterminate employees during the fiscal year to the average of the active population at the start and end of the same fiscal year.

**Note:** The figures published in the original Study on Mobility of Public Servants were revised to include several new organizations, including Canada Border Services Agency, that became subject to the PSEA in 2005. This revision contributed to the increase in the mobility rate from 2004-2005 to 2005-2006.

## Appointments of new indeterminate employees

1.16 Figure 6 shows appointments of new indeterminate employees increasing for the first time in five years. A total of 4 427 new indeterminate employees were appointed in 2013-2014, either via external hiring (2 594) or via appointment of former specified term employees (1 833). Even though this was 50.1% more than in 2012-2013 (2 949), appointments of new indeterminate employees in 2013-2014 remained below the level observed in 2011-2012 (8 745), prior to Spending Review 2012.



**Figure 6:** Appointments under the *Public Service Employment Act* of new indeterminate employees, by fiscal year



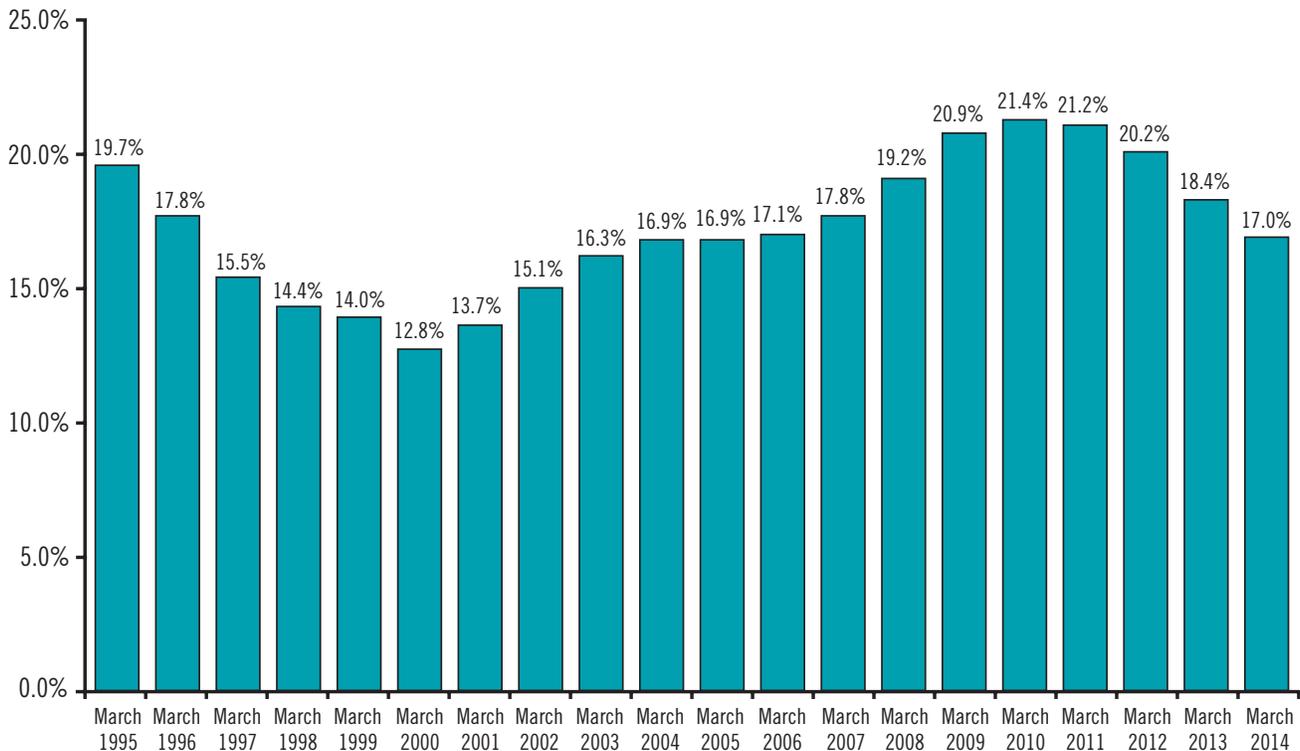
**Source:** Public Service Commission hiring and staffing activities file

1.17 From 2012-2013 to 2013-2014, the number of appointments of new indeterminate employees grew as a result of increases in both indeterminate appointments via external hiring (up 31.1%) and appointments of specified term employees to indeterminate positions within the public service (up 89.0%). As seen in previous years, a majority of new indeterminate employees (58.6%) were appointed via external hiring in 2013-2014.

1.18 Although more new indeterminate employees under the age of 35 were hired in 2013-2014 (2 286) than in 2012-2013 (1 558), the number of public service employees of this age group declined for a fourth consecutive year, from 33 221 in March 2013 to 29 402 in March 2014. As illustrated in Figure 7, employees under the age of 35 accounted for 17.0% of all indeterminate employees in March 2014, compared to 18.4% in March 2013 and 21.4% in March 2010, when the proportion reached a peak.



**Figure 7: Proportion of indeterminate employees aged less than 35 to indeterminate population under the *Public Service Employment Act*, by year**



**Source:** Public Service Commission population files

1.19 Unlike 2012-2013, when appointments of new indeterminate employees decreased more in the NCR than in other regions, the increase in the number of new indeterminate employees in 2013-2014 was larger in the NCR (66.4%) than in other regions (42.5%). This was chiefly due to a larger increase of indeterminate external hiring in the NCR (57.3%) relative to other regions (19.7%). Appointments of new indeterminate employees under the age of 35 also increased proportionally more in the NCR than in other regions in 2013-2014.

1.20 Occupational composition of appointments of new indeterminate employees varies from year to year. In 2013-2014, the Clerical and Regulatory (CR), Administrative Services (AS), and Program Administration (PM) groups accounted for 36.6% of appointments of new indeterminate employees in 2013-2014, compared to 33.5% in 2012-2013.

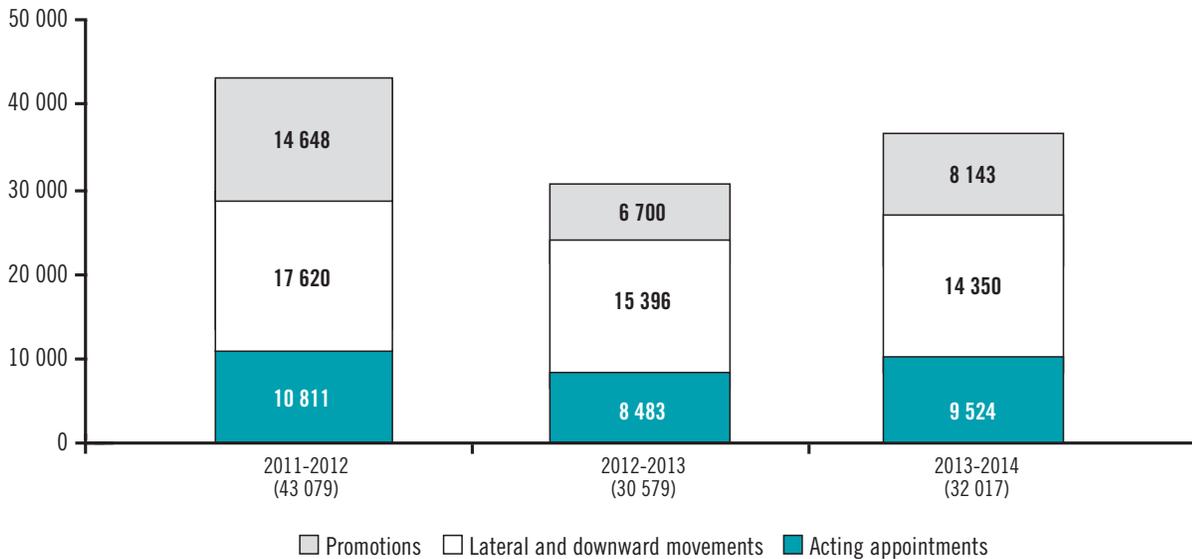
### Indeterminate staffing activities within the public service

1.21 After four consecutive years of decline, indeterminate staffing activities within the public service<sup>7</sup> increased in 2013-2014 while remaining below the level observed prior to Spending Review 2012.

<sup>7</sup> Indeterminate staffing activities within the public service include promotions, lateral and downward movements, acting appointments of at least four months, and deployments of indeterminate employees to indeterminate positions, within and across PSEA departments and agencies. Promotions and lateral and downward movements include appointments of persons with a priority entitlement to indeterminate positions. Lateral and downward movements also include appointments of persons with a reinstatement priority entitlement that does not end the priority entitlement.

A total of 32 017 indeterminate staffing activities occurred within and across PSEA departments and agencies in 2013-2014, 4.7% more than in 2012-2013 (30 579) and 25.7% (43 079) less than in 2011-2012. As indicated in Figure 8, promotions and acting appointments increased by 21.5% and 12.3% respectively, but lateral and downward movements decreased by 6.8%, declining for a fourth consecutive year.

**Figure 8:** Internal staffing activities of indeterminate employees under the *Public Service Employment Act*, by type and fiscal year



**Source:** Public Service Commission hiring and staffing activities files

**Note:** Totals include staffing activities to indeterminate positions of employees who were already indeterminate. Lateral and downward movements include deployments. Acting appointments of less than four months are excluded. Figures also include appointments of persons with a priority entitlement.

1.22 In 2013-2014, internal staffing activities for indeterminate employees increased more in the NCR (7.2%) than in other regions (2.1%). This is in contrast to 2012-2013, when activities declined more in the NCR than in the other regions.

1.23 In 2013-2014, only 12.2% of internal staffing activities involved a change of department or agency, up from 11.0% in 2012-2013. This proportion peaked at 14.4% in 2009-2010.

### Acting appointments

1.24 In 2013-2014, there was an increase in the number of acting appointments to 9 524, 12.3% more than in 2012-2013 (8 483). The increase was larger in the NCR than in other regions, both in proportionate and absolute terms. The rate of promotion following an acting appointment increased slightly to 22.9% in 2012-2013 from 22.6% in 2011-2012, but remained lower than the rate of 28.3% in 2010-2011. The duration of acting appointments ending with a promotion increased to 18.0 months in 2012-2013 from 15.0 months in 2011-2012 and 14.4 months in 2010-2011. (See Appendix 3 for more information.)



## Executive staffing activities

- 1.25 Appointments of new indeterminate Executives increased for the first time in five years (see Table 1). There were 276 such appointments in 2013-2014, 24.3% (54) more than in 2012-2013, but the numbers remained below the levels observed in 2011-2012 (422). The number of new indeterminate Executives increased by 29.2% (50) in the NCR and by 7.8% (4) in other regions.

**Table 1: Staffing activities of new indeterminate Executive employees under the *Public Service Employment Act*, by source and fiscal year**

Source of new Executive employees	2009-2010		2010-2011		2011-2012		2012-2013		2013-2014	
	No.	%								
From other occupational groups within the public service	596	88.0	519	87.7	365	86.5	198	89.2	230	83.3
Appointments to the public service	78	11.5	69	11.7	51	12.1	24	10.8	45	16.3
Appointment of term Executives to indeterminate positions	3	0.4	4	0.7	6	1.4	0	0.0	1	0.4
<b>Total</b>	<b>677</b>	<b>100.0</b>	<b>592</b>	<b>100.0</b>	<b>422</b>	<b>100.0</b>	<b>222</b>	<b>100.0</b>	<b>276</b>	<b>100.0</b>

**Source:** Public Service Commission hiring and staffing activities files

- 1.26 Despite this increase, the number of separations of indeterminate Executives exceeded their inflow, and the indeterminate Executive population decreased by 4.2%, from 4 760 in March 2013 to 4 559 in March 2014. Comparatively, the indeterminate population in the rest of the public service decreased by 4.0%. The indeterminate Executive population decreased by 3.8% in the NCR compared to 5.4% in the other regions.
- 1.27 A larger proportion (16.3%) of new indeterminate Executives were hired externally in 2013-2014 compared to an average of 11.6% from 2008-2009 to 2012-2013.<sup>8</sup> The majority (83.3%) of new Executives were appointed from other occupational groups within the public service.<sup>9</sup>
- 1.28 Casual hiring of Executives decreased for a fourth consecutive year, from 99 in 2012-2013 to 79 in 2013-2014, for a drop of 20.2%. Casual hiring of Executives peaked in 2009-2010 at 186 casual hires.
- 1.29 Indeterminate staffing activities of Executives decreased for a fourth consecutive year, declining by 9.5%, from 1 058 in 2012-2013 to 958 in 2013-2014. Acting appointments decreased by 13.0%, from 208 to 181, below the average of 195 observed in the previous five years. The number of lateral and downward movements decreased by 18.8%, from 658 to 534, below the average of 626 observed in the previous five years. Promotions among Executives increased by 26.6% to 243, compared to 192 in 2012-2013, remaining below the average of 350 promotions observed in the previous five years.

<sup>8</sup> Approximately half of these were hired from non-*Public Service Employment Act* public service departments and agencies, such as the Canada Revenue Agency, the Canadian Food Inspection Agency and Parks Canada.

<sup>9</sup> New indeterminate Executives came predominantly from the Economics and Social Science Services (EC) (23.6%), Financial Administration (FI) (9.4%) and Administrative Services (AS) (8.3%) occupational groups.

- 1.30 Relative stability of indeterminate staffing activities of Executives (EX) is the net result of decreased activities at the EX-1, EX-2, and EX-3 levels (12.8% lower than in 2012-2013) and increased activities at the EX-4 and EX-5 levels (up 42.2%). Activities decreased by 12.3% in the NCR but remained relatively stable in the other regions.

## A values-based staffing system

- 1.31 The Preamble to the PSEA states that “Canada will continue to benefit from a public service that is based on merit and non-partisanship and in which these values are independently safeguarded.” Further, “the public service, whose members are drawn from across the country, reflects a myriad of backgrounds, [... and] embodies linguistic duality.” In addition, the Preamble states that the “public service [...] is characterized by fair, transparent employment practices” and that “delegation [...] should afford public service managers the flexibility necessary to staff, to manage and to lead their personnel to achieve results for Canadians.” This provides hiring managers with flexibility to exercise discretion and design effective staffing approaches to find the required skills for the specific circumstances, while meeting the expectations set out in the Preamble to the PSEA. This is reflected in the PSC’s appointment policies.

## Access to public service jobs

- 1.32 The PSC is committed to ensuring that all Canadians have access to job opportunities in the public service. The PSC looks at a number of indicators to determine whether the value of access is respected overall, including the length of time that positions are advertised; data related to the use of National Area of Selection; the geographic origins of public servants; the proportion of Canadians with no previous public service work experience; and the use of non-advertised processes.

### *Length of time for advertising*

- 1.33 One decision a manager makes is the length of time that job opportunities are advertised. The PSC *Advertising in the Appointment Process Policy* requires that job opportunities in the federal public service be advertised for a minimum of one business day. However, PSC guidance recommends that managers advertise for one to two weeks, depending on factors such as the number of positions to be filled, the urgency of the requirement, the use of complementary advertisements such as newspapers and job fairs, variations in time zones and work schedules for potential applicants, and the expectation of accepting applications through the mail or by other means.
- 1.34 Overall, managers tended to advertise for similar periods of time in 2013-2014 and 2012-2013. Based on the Public Service Resourcing System, about 73% of external advertisements in 2013-2014 were posted for a period of one week or longer, compared to 74% in 2012-2013. In 2013-2014, about 11% of external advertisements were posted for two days or less, compared to 12% in 2012-2013. No advertisements were posted for less than one business day.



### ***National Area of Selection***

- 1.35 To ensure that Canadians from across the country, and those living abroad, have access to public service jobs, the PSC *Area of Selection Policy* requires that externally advertised employment opportunities be open nationally.

#### **The use of National Area of Selection continues to improve access to long-term and indeterminate public service jobs at both the officer and non-officer levels**

While the total number of advertisements increased in 2013-2014, the proportion of appointments of those who applied from outside the region in which the job was located grew for officer-level positions:

- 21.5% in 2011-2012
- 23.9% in 2012-2013
- 25.6% in 2013-2014

For non-officer level positions, the appointment rate from other regions decreased slightly in 2013-2014 but is still higher than 2011-2012:

- 11.7% in 2011-2012
- 17.4% in 2012-2013
- 16.5% in 2013-2014

### ***Geographic origins of the public service workforce***

- 1.36 The Preamble to the PSEA describes a public service “whose members are drawn from across the country.” The Survey of Staffing asked public service employees about the province or territory in which they last attended high school, as an indicator of where they grew up. As shown in Table 2, the comparison of survey results to the data on the Canadian labour force found within each geographic area provides a unique lens to better understand the geographic representativeness of the federal public service.



**Table 2: Geographical representativeness of the public service workforce compared to the Canadian labour force, by year**

Geographic area of residence	Origins of public service workforce <sup>(a)</sup>		Canadian labour force %
	2012 (%)	2013 (%)	
British Columbia	7.8	7.7	12.9
Alberta	4.6	4.6	12.3
Saskatchewan	3.4	3.4	3.0
Manitoba	4.2	4.3	3.5
Ontario (excl. NCR)	21.3	21.1	35.8
Ontario (incl. NCR)	36.4 <sup>(b)</sup>	34.8	38.8
National Capital Region (NCR)	20.1	20.8	3.9
Quebec (excl. NCR)	20.2	19.5	21.8
Quebec (incl. NCR)	25.2 <sup>(b)</sup>	26.6	22.8
New Brunswick	4.5	4.7	2.0
Nova Scotia	4.8	5.0	2.5
Prince Edward Island	1.0	1.0	0.4
Newfoundland and Labrador	2.7	2.7	1.3
Yukon	0.0 <sup>(c)</sup>	0.1	0.1
Northwest Territories	0.2	0.1	0.1
Nunavut	0.1	0.0 <sup>(d)</sup>	0.1
Outside Canada	5.1	5.1	N/A

**Source:** Survey of Staffing — 2012 and 2013; Statistics Canada — Population of Census Metropolitan Areas 2012; Labour Force Survey, March 2014 (71-001-X); CANSIM Tables: 282-0116, 282-0100 and 282-0054.

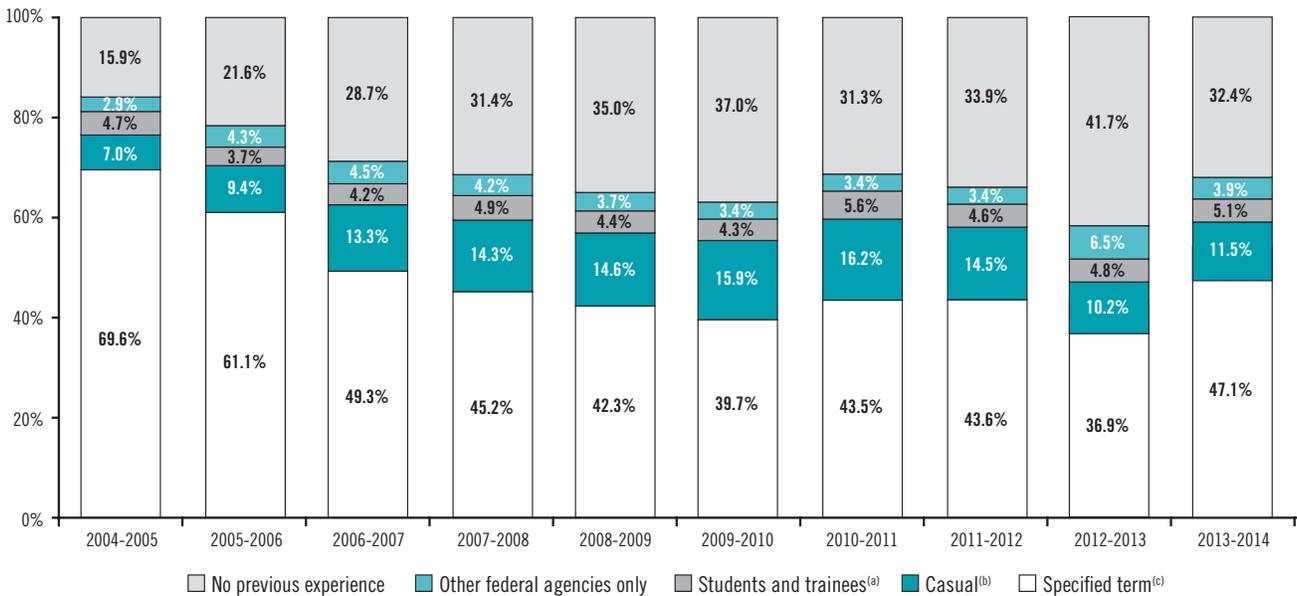
- <sup>(a)</sup> The origins of the public service workforce is a proxy measure of the geographical representativeness of the public service. It is based on a Survey of Staffing question that inquired about the province or territory in which public service employees attended high school.
- <sup>(b)</sup> This is an estimate of the breakdown of the National Capital Region between Ontario and Quebec based on the relative share of the population in each province within the Ottawa-Gatineau census metropolitan area. For 2013, the Survey of Staffing collected this information directly.
- <sup>(c)</sup> In the Survey of Staffing 2012, 39 respondents (0.04%) indicated that they attended high school in Yukon; the figure in the table (0.0%) is rounded.
- <sup>(d)</sup> In the Survey of Staffing 2013, 33 respondents (0.04%) indicated that they attended high school in Nunavut; the figure in the table (0.0%) is rounded.



### Previous public service work experience

1.37 As illustrated in Figure 9, the proportion of new indeterminate hires who had no previous public service work experience decreased from 41.7% in 2012-2013 to 32.4% in 2013-2014, compared to the five-year average of 34.5%. Appointees with specified term experience accounted for a larger proportion of hires in 2013-2014 (47.1%) than in 2012-2013 (36.9%), which is below the previous five-year average of 42.4%. The proportion of those with previous casual employment experience increased to 11.5% in 2013-2014 from 10.2% in 2012-2013.

**Figure 9: New indeterminate hires, by previous public service experience and fiscal year**



**Source:** Public Service Commission Job-based Analytical Information System

<sup>(a)</sup> Students and trainees may include previous experience in other federal organizations.

<sup>(b)</sup> Casual may include previous experience such as a student, trainee or in other federal organizations.

<sup>(c)</sup> Specified term may include previous experience such as a casual, student, trainee or in other federal organizations.

### Use of advertised and non-advertised processes

1.38 Both advertised and non-advertised processes are provided for in the PSEA. In an advertised appointment process, a manager formally solicits applications from candidates, assesses them against the merit criteria, and selects and appoints a person from the candidate pool who is qualified for the job. In a non-advertised appointment process, a manager assesses a person against the merit criteria and, if qualified, appoints the person to the job.

1.39 Managers are sub-delegated to choose either advertised or non-advertised processes.

The objective of the PSC *Choice of Appointment Process Policy* is to help organizations meet their operational and human resources needs. The choice should be consistent with the organization's human resources plan and the staffing values. There is no one-size fits-all checklist of when to use



which process because it depends on the organization's operational needs and the criteria for the choice of appointment process it has established. As always, appointments need to be based on merit and non-partisanship and the process should be transparent and fair.

- 1.40 Table 3 shows that the proportion of non-advertised processes for appointments to the public service was 23.1% in 2013-2014. For promotions, the proportion of non-advertised processes was 26.9%, and for acting appointments, the proportion of non-advertised processes was 55.3%. Due to a change in methodology,<sup>10</sup> figures from 2013-2014 are not comparable with previous years. Combining the appointments to the public service and the promotions, 74.9% of appointments were advertised processes and 25.1% were non-advertised processes in 2013-2014.
- 1.41 The PSC reviews both advertised and non-advertised appointments through its audits and monitors the use of non-advertised processes by departments and agencies. To better understand how departments and agencies and hiring managers are choosing non-advertised appointment processes, the PSC is analyzing the reasons for the choice and is improving its approach to data collection through changes to job advertisements systems.
- 1.42 The PSC notes that there are generally two types of non-advertised appointment processes. The first type includes situations where advertising was used at the outset. Examples include student bridging following participation in a student employment program and appointments upon completion of a professional development program. The second type includes situations where only one person is formally considered. Managers may choose this type of non-advertised process for a variety of reasons which may include, but are not limited to, certain reclassifications, where there are skills shortages, where there are urgent and unforeseen needs, or in situations meeting other criteria a department has established.

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<sup>10</sup> The PSC now reports student bridging as a non-advertised process rather than an advertised process as in previous years. As a result, 2013-2014 proportions of advertised and non-advertised processes for appointments to the public service as well as the total are no longer comparable to previous years.

**Table 3: Estimates of percentage of appointments under the *Public Service Employment Act* to and within the public service, by appointment type, process and fiscal year**

Appointment type <sup>(b)</sup>	2011-2012		2012-2013		2013-2014 <sup>(a)</sup>	
	Advertised (%)	Non-advertised (%)	Advertised (%)	Non-advertised (%)	Advertised (%)	Non-advertised (%)
Appointments to the public service	84.7	15.3	82.4	17.6	76.9	23.1
Promotions	70.3	29.7	62.4	37.6	73.1	26.9
<b>Subtotal<sup>(c)(d)</sup></b>	<b>76.7</b>	<b>23.3</b>	<b>71.4</b>	<b>28.6</b>	<b>74.9</b>	<b>25.1</b>
Acting appointments	33.5	66.5	37.9	62.1	44.7	55.3
<b>Total<sup>(c)</sup></b>	<b>67.4</b>	<b>32.6</b>	<b>60.2</b>	<b>39.8</b>	<b>66.1</b>	<b>33.9</b>

**Source:** Public Service Commission (PSC) hiring and staffing activities files matched to their administrative data sources

<sup>(a)</sup> In 2013-2014, due to timing and data quality issues, the PSC was able to match approximately 80% of appointments to the public service and promotions, and approximately 60% of acting appointments, with PSC administrative data sources. Ongoing efforts to improve data quality resulted in enhanced coverage of appointments in 2013-2014, particularly for appointments to the public service. The PSC now reports student bridging as a non-advertised process rather than an advertised process as in previous years. As a result, 2013-2014 proportions of advertised and non-advertised processes for appointments to the public service as well as the total are no longer comparable to previous years.

<sup>(b)</sup> Includes indeterminate and specified term appointments. Excludes lateral and downward movements, deployments and acting appointments of less than four months

<sup>(c)</sup> Year-over-year changes in the proportion of advertised and non-advertised processes reflect changes in the match rates and changes in the distribution of each of the three appointment types.

<sup>(d)</sup> Subtotal is calculated based on weighted average of appointments to the public service and promotions.

## Fairness and transparency in appointments

### *Perceptions of fairness*

- 1.43 In 2013, nearly three-quarters (72%) of candidates indicated in the Survey of Staffing that the advertised or non-advertised staffing process in which they participated was fair, an increase from 64% in 2012 and 70% in 2011. A closer examination of the data reveals that candidate perceptions of fairness vary with the outcome of the staffing process; those who were successful (i.e. who received an offer of appointment) were more likely to view the process as fair than those who were unsuccessful. In 2013, 95% of those who received an offer felt that the advertised processes in which they participated were fair, as compared to 58% of those who were unsuccessful. Between 2012 and 2013, the share of candidates who received an offer of appointment following an advertised process increased from 20% to 29%.
- 1.44 Employee perceptions of the fairness of staffing processes in their own work unit remained relatively stable over the past three years (70% in 2013, compared to 71% in 2012 and 69% in 2011).



### *Perceptions of transparency*

- 1.45 The latest data from the Survey of Staffing show that 70% of employees agree that staffing processes within their own work unit were carried out in a transparent way, a proportion that has remained the same over the past three years. In the case of EE designated groups, 57% of persons with disabilities, 61% of Aboriginal peoples, 64% of members of visible minorities and 70% of women reported that staffing processes within their own work unit were carried out in a transparent way. These proportions have remained stable over the previous year.

### *Informal discussion*

- 1.46 During an internal appointment process, the PSEA and the PSC *Policy on Informal Discussion* require that persons eliminated from consideration are to be provided with an opportunity to discuss the reasons for their elimination from the process as soon as possible after the decision is made.
- 1.47 Informal discussion promotes transparency and is intended to improve communication during the appointment process before a final decision about an appointment is made. This allows managers to quickly and effectively correct any errors or omissions in the appointment process.
- 1.48 The latest Survey of Staffing data show that 55% of managers who administered advertised processes received requests from candidates for informal discussions in 2013, compared to 57% in 2012 and 49% in 2011. As shown in Table 4, the proportion of candidates who sought an informal discussion with the hiring manager after being eliminated from the process increased slightly to 46% in 2013, from 44% in 2012, and is consistent with the proportion recorded in 2011 (46%). The share of candidates who were screened back into the process as a result of informal discussions increased to 10% in 2013, compared to 6% in 2012, and 10% in 2011. The data also show that 50% of candidates participating in an informal discussion were satisfied with the outcome, a result comparable to 2012.

**Table 4: Results of informal discussion – Candidates eliminated from consideration in advertised staffing processes, by year**

	2011 (%)	2012 (%)	2013 (%)
Percentage of candidates who participated in an informal discussion	46	44	46
Percentage of candidates satisfied with the outcome of the informal discussion	62	49 <sup>(a)</sup>	50 <sup>(a)</sup>
Percentage of candidates satisfied with the time it took to get an informal discussion	85	76 <sup>(a)</sup>	74 <sup>(a)</sup>
Percentage of candidates who participated in an informal discussion who were screened back into the process	10	6	10

**Source:** Survey of Staffing — 2011, 2012 and 2013

<sup>(a)</sup> Due to a change from a three-point answer grid to a four-point answer grid for this question in the 2012 Survey of Staffing, 2012 and 2013 estimates are not directly comparable to 2011 estimates.



### *Time to staff*

- 1.49 The PSC provides information and analysis on the time it takes to staff a position in the public service in order to assist departments and agencies in managing their own staffing processes. Data on “actual time to staff” are collected from hiring managers who administered a staffing process and who completed the Survey of Staffing. Time to staff is defined as the elapsed time between a staffing request being submitted to human resources from hiring managers and the appointee reporting to work.
- 1.50 In the course of a staffing process, a number of steps may have an impact on the time it takes to complete. Understanding the reasons for the length of each phase of the process is a first step in addressing potential challenges. For example, process delays due to security clearances will likely require a very different solution to those caused by changes in HR advisors. The length of time taken to staff may also be as a result of a comprehensive and thorough assessment of candidates for a key position in the organization. In this case, a deliberate decision to take whatever time is needed to ensure the quality of the hiring decision is likely time well spent.
- 1.51 In 2012-2013, and to some extent in 2013-2014, hiring and staffing in the public service was set against a backdrop of resource reductions stemming from Spending Review 2012; this may have influenced time to staff. For example, many departments and agencies centralized staffing decisions in order to explore multiple avenues for redeploying displaced employees and placing persons with a priority entitlement, leading to a pattern of delayed approvals that is not normally the case. The latest data from the Survey of Staffing show that the overall average time to staff indeterminate advertised positions (from both collective<sup>11</sup> and distinct processes) was 5.3 months in 2013, compared to 5.5 months in 2012 and 4.5 months in 2011 (see Table 5).
- 1.52 A collective process refers to the strategy of establishing a pool of qualified candidates from which more than one appointment, in one or more organizations, can be made over time. Table 5 shows that the time to staff for collective indeterminate advertised positions was 5.4 months in 2013, compared to 5.7 months in 2012. Collective staffing from already established pools of qualified candidates took approximately four weeks less time than those from distinct staffing processes.

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<sup>11</sup> The Survey of Staffing defines collective processes as those involving “more than one hiring manager and/or appointments within more than one work unit or location and/or in multiple departments and agencies.”

**Table 5: Time to staff indeterminate positions,<sup>(a)</sup> by process type and year**

	2011		2012		2013	
	Weeks	Months	Weeks	Months	Weeks	Months
<b>Advertised processes</b>	19.3	4.5	23.9	5.5	23.1	5.3
• Distinct	17.8	4.1	23.5	5.4	22.8	5.3
• Collective	20.4	4.7	24.8	5.7	23.5	5.4
- Staffing request before pool is created	23.5	5.4	29.4	6.8	25.7	5.9
- Staffing request after pool is created	17.8	4.1	20.9	4.8	19.0	4.4
<b>Non-advertised processes</b>	13.3	3.1	14.7	3.3	14.8	3.4

**Source:** Survey of Staffing — 2011, 2012 and 2013

<sup>(a)</sup> The methodology used to calculate time to staff changed in 2012. Previously, managers were asked to provide the number of weeks it took from the staffing request being submitted to the appointee reporting to work. In 2012, managers were asked to provide the month and year of each of these two points in time in their staffing process, from which the number of weeks were subsequently calculated. In addition, figures from 2012 onwards include those processes that took up to 18 months (78 weeks) to complete. As a result, the figures for 2011 were recalculated and, therefore, may differ from those in previous Public Service Commission Annual Reports.

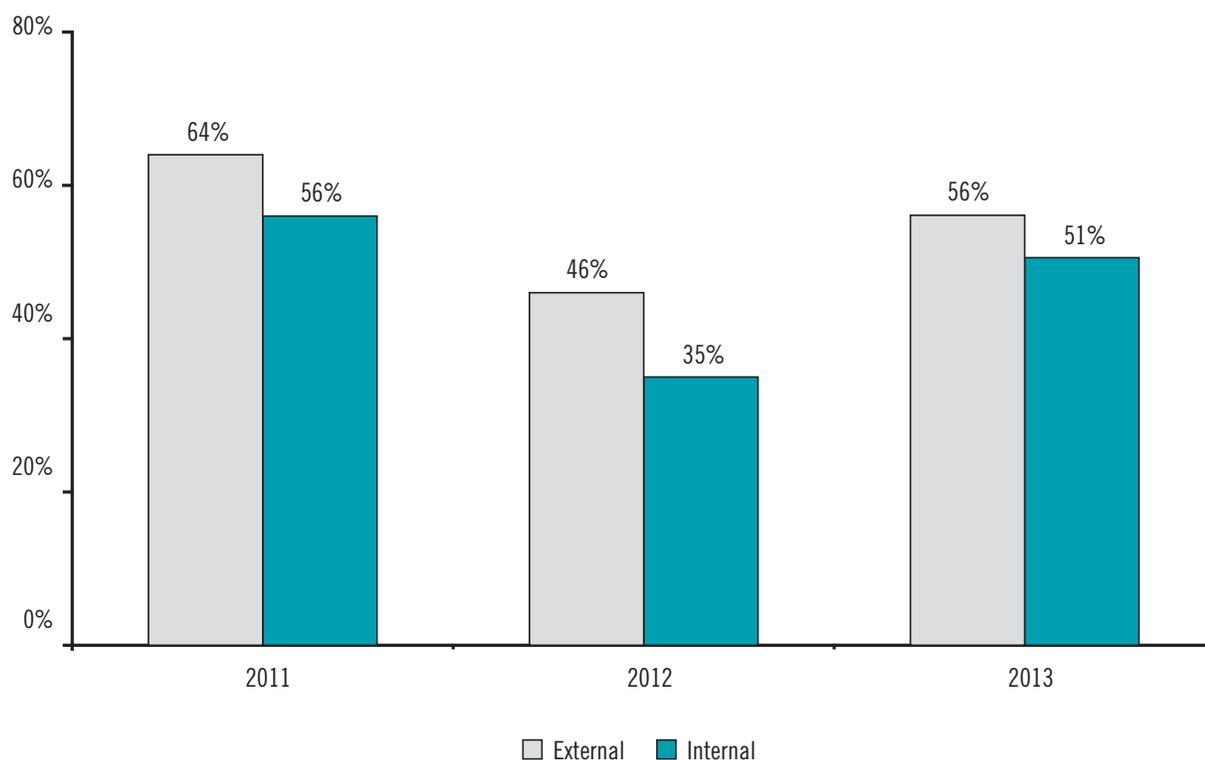
1.53 As illustrated in Figure 10, the use of collective processes increased in 2013, compared to 2012 but remained below 2011 levels. Large departments and agencies continued to make greater use of collective processes (54%) than medium departments and agencies (36%).<sup>12</sup>

1.54 The use of collective processes seems more effective when the positions to be staffed are homogeneous, and when there is a need to staff multiple positions in one or more department or agency. The 2013 Survey of Staffing data further show that managers used collective staffing processes more frequently to fill Border Services (FB), Welfare Programs (WP) and Financial Management (FI) positions. In comparison, distinct processes were used extensively to staff General Labour and Trade (GL), Commerce (CO) and Research (RE) positions.

<sup>12</sup> In the context of the Survey of Staffing, large departments and agencies are those with at least 2 000 employees, while medium ones are those with 350 to 1 999 employees.



**Figure 10: Use of collective advertised processes by hiring managers, by year**



Source: Survey of Staffing — 2011, 2012 and 2013

1.55 **Factors related to time to staff** – As part of its analysis, the PSC looked at whether certain factors were associated with time to staff. For example, the PSC found that turnover of HR personnel could be a factor in increasing the time it takes to staff a position. A relationship was established between the number of HR advisors used and the length of time to staff. It took an average of 4.6 months to complete the process if only one HR advisor was involved, 5.5 months with two advisors and 6.4 months if three or more HR advisors were involved in any staffing process.

1.56 Another factor related to time to staff can be security requirements. According to the 2013 Survey of Staffing, appointees requiring a security clearance added, on average, one week to the time to staff an advertised position, compared to approximately one month in the 2012 survey. The PSC will continue to collect this information to monitor factors related to time to staff.

1.57 The Survey of Staffing data also shows that organizational size is related to the time it takes to staff positions. Large departments and agencies took an average of 5.4 months to complete an advertised staffing process in 2013, compared to 5.1 months for medium departments and agencies.

### A representative public service

1.58 As stated in the Preamble to the PSEA, the public service must be representative of Canada's diversity and be able to serve Canadians in their official language of choice. Under the *Employment Equity Act*, the PSC, as a co-employer for the public service, is required to identify and eliminate employment barriers in the appointment system for the four designated groups



(i.e. Aboriginal peoples, persons with disabilities, members of visible minorities and women); institute positive policies and practices; and provide reasonable accommodation to achieve a representative public service.

- 1.59 The PSC collects data regarding the number of individuals who apply through the Public Service Resourcing System for advertisements open to Canadians on the PSC’s jobs-emplois.gc.ca Web site. This enables the PSC to assess employment equity (EE) trends and performance regarding the share of external applicants of EE groups, including Aboriginal peoples, persons with disabilities and members of visible minorities.
- 1.60 In 2012-2013, the PSC and the Office of the Chief Human Resources Officer worked together to address the long-standing issue of the different methodologies used to report EE information to Parliament. A common methodology was therefore developed to ensure consistent reporting of EE data across the federal public service. This methodology resulted in improved quality and completeness of information on designated groups, in addition to improving efficiencies by which departments and agencies will obtain and report on EE data. Following the implementation of this methodology, the PSC published *Appointments to the Public Service by Employment Equity Designated Group for 2012-2013 – Statistical Update*.
- 1.61 As illustrated in Table 6, the PSC found that the percentage of applicants of persons with disabilities and members of visible minorities decreased in 2013-2014 compared to 2012-2013, while the percentage of applicants of Aboriginal peoples increased. Aboriginal peoples and members of visible minorities continued to apply at a rate exceeding their workforce availability. From 2012-2013 to 2013-2014, the applicant rates of Aboriginal peoples increased from 3.0% to 5.0% while that of members of visible minorities and persons with disabilities decreased from 23.0% to 21.4%, and from 2.6% to 2.4% respectively.

**Table 6: Percentage of applicants<sup>(a)</sup> to advertised processes, by employment equity designated group and fiscal year, compared to the 2006 workforce availability**

Employment equity designated group	2006 workforce availability <sup>(b)</sup>	2011-2012	2012-2013	2013-2014
Aboriginal peoples	3.0	4.0	3.0	5.0
Persons with disabilities	4.0	2.6	2.6	2.4
Members of visible minorities	12.4	21.4	23.0	21.4
Women	52.3	N/A <sup>(c)</sup>	N/A <sup>(c)</sup>	N/A <sup>(c)</sup>

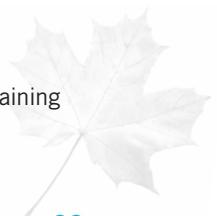
**Source:** Public Service Resourcing System (PSRS)

<sup>(a)</sup> For applicants to advertised processes, the percentages for the employment equity designated groups are based on applicants who self-declared through the PSRS.

<sup>(b)</sup> The 2006 workforce availability for the public service was provided by the Treasury Board of Canada Secretariat.

<sup>(c)</sup> Applicant data by sex cannot be reported due to a change in data capture.

**Note:** Figures include applicants who applied to external job postings containing an employment term of at least indeterminate or specified term of three months and over, and exclude applicants to external job postings containing an employment term of specified term less than three months and/or temporary only.



1.62 As shown in Table 7, in 2013-2014, three of the four EE designated groups – Aboriginal peoples, members of visible minorities and women – were appointed to the public service at a rate exceeding their respective workforce availability. Persons with disabilities were appointed at a lower rate (3.3%) than their workforce availability (4.0%). From 2012-2013 to 2013-2014, the appointment rate for Aboriginal peoples and persons with disabilities decreased from 4.9% to 4.6% and from 3.5% to 3.3% respectively. The appointment rate for women and members of visible minorities increased from 52.9% to 55.2% and 14.7% to 16.0% respectively.

**Table 7: Percentage of appointments to the public service to indeterminate positions and specified terms of three months and over, by employment equity designated group and fiscal year, compared to the 2006 workforce availability**

Employment equity designated group	2006 workforce availability <sup>(a)</sup>	2012-2013	2013-2014
Aboriginal peoples	3.0	4.9 <sup>(b)</sup>	4.6 <sup>(b)</sup>
Persons with disabilities	4.0	3.5 <sup>(b)</sup>	3.3 <sup>(b)</sup>
Members of visible minorities	12.4	14.7 <sup>(b)</sup>	16.0 <sup>(b)</sup>
Women	52.3	52.9 <sup>(c)</sup>	55.2 <sup>(c)</sup>

**Source:** Treasury Board of Canada Secretariat (TBS) Employment Equity Data Bank (EEDB) and the Public Service Commission (PSC) hiring and staffing activities files

<sup>(a)</sup> The 2006 workforce availability for the public service was provided by the TBS.

<sup>(b)</sup> The figures for these three employment equity designated groups are extracted from the TBS EEDB where a match was found in the PSC hiring and staffing activities file covering the current fiscal year. These include appointments as a result of both external advertised and non-advertised processes. They exclude appointments to separate agencies. Due to a change in methodology, figures published in fiscal years prior to 2012-2013 are not comparable with figures published since the PSC's *Statistical Update on Appointments to the Public Service by Employment Equity Designated Group for 2012-2013*.

<sup>(c)</sup> The figures for women are extracted from PSC hiring and staffing activities files. These include appointments as a result of both advertised and non-advertised processes. They exclude appointments to separate agencies.

1.63 **Students who are members of designated groups** – The PSC administers the student employment programs through which federal organizations recruit and hire students. From year to year, these programs continue to attract a diverse pool of applicants from the secondary and post-secondary cohorts. In 2013-2014, for the second time, the PSC examined the EE profile of students both as applicants and as hires.

1.64 Table 8 shows that students who are members of EE designated groups continued to be appointed at a higher rate than that at which they applied in 2013-2014. Workforce availability is not used to assess representativeness of EE designated groups' share of student employment because information on workforce availability is based on broad occupational categories rather than employment status.



**Table 8:** Percentage of student<sup>(a)</sup> applicants to advertised processes and student<sup>(a)</sup> hiring activities to the public service, by employment equity designated group and fiscal year

Employment equity designated group	2012-2013	2013-2014
<b>% of student applicants<sup>(b)</sup></b>		
Aboriginal peoples	2.1	2.1
Persons with disabilities	1.8	1.9
Members of visible minorities	18.8	19.4
Women	N/A <sup>(d)</sup>	N/A <sup>(d)</sup>
<b>% of student hires<sup>(c)</sup></b>		
Aboriginal peoples	3.2	3.0
Persons with disabilities	2.2	2.5
Members of visible minorities	19.1	20.0
Women	57.3 <sup>(e)</sup>	56.7 <sup>(e)</sup>

**Source:** Public Service Commission (PSC) hiring and staffing activities files and Public Service Resourcing System (PSRS)

<sup>(a)</sup> Includes students who applied or were hired through the Federal Student Work Experience Program and the Research Affiliate Program. Employment equity (EE) data on students who applied or were hired through the Co-operative Education and Internship Program are not available.

<sup>(b)</sup> The percentages for Aboriginal peoples, persons with disabilities and members of visible minorities are based on students who applied and self-declared through the PSRS. These figures exclude cancelled advertisements.

<sup>(c)</sup> The percentages for Aboriginal peoples, persons with disabilities and members of visible minorities are based on students who applied and self-declared through the PSRS in the preceding two fiscal years and where a match was found in the PSC hiring and staffing activities files covering the current fiscal year. These exclude appointments to separate agencies.

<sup>(d)</sup> Due to a change in data capture, applicant data by sex is not available.

<sup>(e)</sup> Numbers for women appointed to the public service are extracted from the PSC hiring and staffing activities files, which are based on the Public Works and Government Services Canada pay system. These exclude appointments to separate agencies.

**Note:** Workforce availability is not used to assess representativeness of EE designated groups' share of student employment because information on workforce availability is based on broad occupational categories rather than employment status.

## A focus on persons with disabilities

1.65 The PSC has had a particular concern about the rates of applications of persons with disabilities which continue to be below their respective workforce availability. To gain a better understanding of the issues contributing to the current rates, the PSC is engaging in outreach to students and employees with disabilities, collecting and disseminating noteworthy practices to hiring managers and conducting research.

1.66 **Outreach to students with disabilities** – As part of our ongoing work to attract more persons with disabilities to the public service, the PSC has engaged with stakeholders and partnered with other government departments and agencies to get a better understanding of the issues facing persons with disabilities in the employment process in general and in their recruitment in particular.



- 1.67 The PSC together with Treasury Board Secretariat, Employment and Social Development Canada, and Shared Services Canada's Accessibility, Accommodation and Adaptive Computer Technology Program conducted a pilot outreach event in March 2014, in partnership with the Paul Menton Centre for Students with Disabilities at Carleton University. The PSC is planning to expand the initiative to include other universities and community colleges in the fall of 2014. Also in March 2014, the PSC presented to members of the Human Resources Council on the efforts being made to increase public service representation rates in appointments and on the PSC's mandate regarding assessment accommodation for employment testing.

### **Noteworthy practices for managers to ensure appointment processes are more accessible to persons with disabilities**

The PSC has a responsibility to ensure that the appointment system is free of employment barriers for members of designated groups, including persons with disabilities. In order to ensure that processes are more accessible to persons with disabilities, hiring managers can:

- ▶ Consult persons with disabilities during the development of qualifications and assessment tools to reduce disadvantages in the evaluation of candidates;
- ▶ Respect the principle of equal opportunity by allowing all candidates to fully demonstrate their qualifications through accommodation measures, as required;
- ▶ Use multiple assessment tools to provide candidates with the opportunity to demonstrate their competencies in different ways;
- ▶ Selecting testing locations that are accessible for applicants with mobility-related disabilities (e.g. having access ramps, automated door openers, etc.);
- ▶ Include persons with disabilities as members of assessment boards to ensure a broader understanding of the ways in which persons may demonstrate their qualifications; and
- ▶ Limit or expand the area of selection to persons with disabilities or include this group as an organizational need.

- 1.68 **Study on the application and appointment of persons with disabilities** – The PSC is seeking to more fully understand the issues surrounding the application and appointment of persons with disabilities. The PSC is undertaking a study to examine in more detail the application and appointment rates of persons with disabilities relative to workforce availability and the factors that might influence these rates.
- 1.69 While our current focus has been on persons with disabilities, the PSC continues to monitor applicant and recruitment rates of the four employment equity groups with a view to identifying any barriers and developing appropriate strategies for improving their representation across all levels of the public service. The PSC works closely on these issues with those responsible for EE programs, including the Office of the Chief Human Resources Officer and deputy heads. The PSC also participates in public service-wide forums including the Joint Employment Equity Committee, the Employment Equity Champions and Chairs Committees and the Human Resources Council. Participation in these forums provide further opportunities for collaboration, dialogue and sharing of noteworthy practices.



## Noteworthy practices

Strategic commitment, integrated human resources, business and employment equity (EE) plans and monitoring, coupled with innovative strategic approaches, are all critical factors in achieving a representative public service. Correctional Service Canada (CSC)'s approach incorporates these elements and serves as an example of a noteworthy practice.

During 2013-2014, a revised Employment Equity Action Plan and Hiring Objectives were approved by the **Commissioner of the Correctional Service of Canada**. The plan sets hiring objectives higher than required to meet workforce availability, taking into account the lag in Census data, the make-up of the offender population as well as high separation rates for persons with disabilities. The Commissioner of CSC held face-to-face consultations with members of visible minorities, Aboriginal peoples and persons with disabilities. They then developed and implemented an internal and external outreach strategy supported by national and regional committees. In addition to monitoring hirings against stretch objectives, CSC monitored and regularly reported to senior management on promotions, actings and separations for EE groups.

## Official languages: Linguistic duality

- 1.70 Positions in the public service may be bilingual or unilingual. For bilingual positions, managers must identify the proficiency level required for the work to be performed and persons appointed must meet the official language proficiency requirements. The PSC monitors staffing activities as they relate to official languages in the public service.
- 1.71 The proportion of Anglophones (73.8%) who were appointed to the public service in 2013-2014 increased from 2012-2013 (72.5%). Conversely, the proportion of Francophones who were appointed to the public service decreased, from 27.5% in 2012-2013 to 26.2% in 2013-2014. The proportion of appointments to and staffing activities within the public service to bilingual positions remained stable at 43.5% in 2013-2014 compared to 43.8% in 2012-2013. Indeterminate appointments and staffing activities represented 89.5% of these and the remaining 10.5% were specified term. (See Appendix 2, Tables 41-44 for more information.)

### *Non-imperative staffing*

- 1.72 Bilingual positions may be staffed on a non-imperative basis under specific circumstances, as provided for under the Treasury Board Directive on the Staffing of Bilingual Positions. The *Public Service Official Languages Exclusion Approval Order* (the Order) and the *Public Service Official Languages Appointment Regulations* (the Regulations) are the statutory instruments that allow a person to be excluded from meeting the language requirements of a position for up to a maximum period of two years after a non-imperative appointment. Under certain limited circumstances, an extension of up to an additional two years can be granted.
- 1.73 Fewer indeterminate appointments to bilingual positions were made through non-imperative appointment processes in 2013-2014. Non-imperative processes accounted for 2.8% of indeterminate appointments to bilingual positions in 2013-2014, compared to 3.6% in 2012-2013 and 6.3% in 2009-2010. (See Table 9.)



**Table 9: Indeterminate appointments and staffing activities to all bilingual positions (including the Executive Group) under the *Public Service Employment Act*, by language requirements of position and fiscal year**

Language requirements of position		2009-2010		2010-2011		2011-2012		2012-2013		2013-2014	
		No.	%								
Bilingual imperative		28 046	93.7	23 587	94.8	19 271	96.6	11 727	96.4	12 534	97.2
Bilingual non-imperative	Employee meets requirements upon appointment or is exempted from the requirements	1 631	5.4	1 080	4.3	496	2.5	360	3.0	291	2.3
	Employee does not meet requirements upon appointment	265	0.9	203	0.8	190	1.0	79	0.6	68	0.5
	<b>Subtotal</b>	<b>1 896</b>	<b>6.3</b>	<b>1 283</b>	<b>5.2</b>	<b>686</b>	<b>3.4</b>	<b>439</b>	<b>3.6</b>	<b>359</b>	<b>2.8</b>
<b>Total</b>		<b>29 942</b>	<b>100.0</b>	<b>24 870</b>	<b>100.0</b>	<b>19 957</b>	<b>100.0</b>	<b>12 166</b>	<b>100.0</b>	<b>12 893</b>	<b>100.0</b>

**Source:** Public Service Commission hiring and staffing activities files

**Note:** Includes appointments to the public service, promotions and lateral and downward movements, but excludes acting appointments.

- 1.74 The majority of persons appointed on a non-imperative basis in 2013-2014 met the language requirements upon appointment (or were exempt from the requirements based on a medical exclusion or having submitted an irrevocable resignation within two years). The balance (0.5% of indeterminate appointments to bilingual positions in 2013-2014) were entitled to receive language training and must meet the language requirements within the maximum time period allowed by the Order and the Regulations.
- 1.75 Since the current Order and Regulations providing for non-imperative appointments came into force on December 31, 2005, there has been a decline in the number of cases that do not meet the requirements. There were six such cases as of March 31, 2014, a decrease from the 55 cases reported in 2009-2010 and the 320 cases reported in 2005-2006.

### *Second language evaluation*

- 1.76 The PSC is responsible for evaluating second official language proficiency in appointment processes through the Second Language Evaluation (SLE) standardized tests for oral proficiency, written expression and reading comprehension in both English and French. SLE volumes have increased by 11.4% since last year. (See Appendix 2, Table 45 for more information.)
- 1.77 **Pass rates** – The PSC tracks pass rates for its three second language tests which are the test of oral proficiency, written expression and reading comprehension. Some year-to-year fluctuations in pass rates are to be expected due to a range of factors that influence test results, including the changing profiles of those taking the tests, their reasons for taking the test and their demographics.



**Table 10: Pass rates for the English and French Test of Oral Proficiency, by level and fiscal year<sup>(a)</sup>**

Level	2009-2010		2010-2011		2011-2012		2012-2013		2013-2014	
	%		%		%		%		%	
	French	English	French	English	French	English	French	English	French	English
All levels (A,B,C combined)	70.1	84.5	71.4	83.6	66.6	80.6	61.8	78.5	66.1	81.4
Level B only	81.2	92.9	83.2	94.1	79.0	92.5	74.3	92.0	80.1	94.8
Level C only	52.4	63.2	53.6	59.4	45.4	54.8	44.1	53.0	46.9	58.2
Level C Executives only	62.7	70.4	62.0	sample too small	57.8	76.6	51.2	sample too small	50.2	sample too small

**Source:** Public Service Commission Test Scoring and Results Reporting System, as of March 31, 2014

<sup>(a)</sup> Pass rates reflect the number of successful tests at a given level, divided by the total number of tests for which that level is required, expressed as a percentage. Levels A, B and C correspond to basic, intermediate and advanced levels of second language proficiency.

**Table 11: Pass rates for the English and French Test of Written Expression, by level and fiscal year<sup>(a)</sup>**

Level	2009-2010		2010-2011		2011-2012		2012-2013		2013-2014	
	%		%		%		%		%	
	French	English	French	English	French	English	French	English	French	English
All levels (A,B,C combined)	58.4	71.7	55.2	77.6	58.2	80.2	59.0	79.8	60.7	86.5
Level B only	59.1	71.3	55.2	77.3	57.3	79.7	58.0	79.9	60.3	86.9
Level C only	42.8	69.9	40.3	72.0	44.9	74.0	43.9	69.4	39.1	75.6
Level C Executives only	71.4	sample too small								

**Source:** Public Service Commission Test Scoring and Results Reporting System, as of March 31, 2014

<sup>(a)</sup> Pass rates reflect the number of successful tests at a given level, divided by the total number of tests for which that level is required, expressed as a percentage. Levels A, B and C correspond to basic, intermediate and advanced levels of second language proficiency.



**Table 12: Pass rates for the English and French Reading Comprehension Test, by level and fiscal year<sup>(a)</sup>**

Level	2009-2010		2010-2011		2011-2012		2012-2013		2013-2014	
	%		%		%		%		%	
	French	English								
All levels (A,B,C combined)	72.1	84.0	72.5	89.6	76.3	93.6	75.3	90.4	78.8	90.2
Level B only	77.2	88.5	75.3	91.8	79.5	94.6	78.2	94.0	80.7	94.3
Level C only	56.2	66.6	59.3	77.6	59.7	88.1	60.5	75.8	67.3	74.3
Level C Executives only	75.0	sample too small	73.3	sample too small	73.5	sample too small	73.9	sample too small	80.3	sample too small

**Source:** Public Service Commission Test Scoring and Results Reporting System, as of March 31, 2014

<sup>(a)</sup> Pass rates reflect the number of successful tests at a given level, divided by the total number of tests for which that level is required, expressed as a percentage. Levels A, B and C correspond to basic, intermediate and advanced levels of second language proficiency.

- 1.78 **Facilitating the placement of affected employees** – As noted in its 2011-2012 Annual Report, the PSC amended its policies to allow managers to use SLE test results that are more than five years old to appoint employees facing involuntary displacement as a result of workforce adjustments to bilingual positions. These employees must obtain new SLE test results within twelve months of the appointment.
- 1.79 Since this is a temporary measure (in place until March 31, 2015), the PSC also asked departments and agencies to monitor its use and report annually. During 2013-2014, the PSC began to follow up on the cases reported to ensure that each employee had confirmed that they met the official language requirements of the position prior to the end of the twelve-month period, and to identify any problems or challenges that departments and agencies were facing. The information received shows that this measure has been effectively managed.
- 1.80 In 2012-2013, this measure allowed 257 employees<sup>13</sup> who would have been displaced to remain in the public service. Departments and agencies have addressed 245 (or 95%) of these cases. The remainder have been delayed due to long-term leaves of absence, or the employees were being deployed to positions for which they met the language requirements.
- 1.81 In 2013-2014 another 169 appointments were made using this measure, of which 51% were already addressed. The remaining cases will reach the end of their 12-month period during this fiscal year.
- 1.82 The PSC will continue to monitor the use of this measure to ensure that service to the public and language of work requirements of the *Official Languages Act* are respected.
- 1.83 As outlined in *Destination 2020*, the PSC, in collaboration with Public Works and Government Services Canada (PWGSC), is currently piloting new on-line tests to provide PWGSC employees with a general indication of their second language skill levels against the A, B, and C standards.

<sup>13</sup> Last year, the PSC reported that the SLE confirmation period measure was used 248 times in 2012-2013. In this year's reports, several organizations provided updates showing an additional nine cases, bringing the total number of 2012-2013 appointments made using the measure to 257.

These test results are for self-assessment only; they are not considered official. These tools assist employees in identifying language learning needs and contribute to building a workforce capable of managing employees and serving the public in both official languages. The PSC will explore the possibility of offering these tests to all organizations and to the general public.

## Research and studies

- 1.84 The PSC conducts research and studies to contribute to a broader and deeper understanding of various staffing issues of interest to the PSC, federal departments and agencies, other stakeholders and Parliament. These studies use statistical methods or descriptive tools to identify potential staffing issues and noteworthy practices. The PSC also undertakes study updates, which can be found in Appendix 3.
- 1.85 **Follow-up studies on members of employment equity designated groups: chances of promotion and perception of merit and fairness in staffing activities** – In 2012-2013, the PSC undertook two studies that looked more closely at how being a member of an EE designated group affects both chances of promotion and perceptions of the staffing process. As these results represent a snapshot in time, the PSC is currently updating these studies to determine whether the results might present a trend, and will report these findings in its 2014-2015 Annual Report.
- 1.86 To ensure that all those who play a leadership role in EE in the public service were aware of the preliminary findings of these studies, in 2013-2014, the PSC presented the results to the Deputy Minister Champions for Members of Visible Minorities, Persons with Disabilities and Aboriginal peoples and their members as well as to deputy heads and heads of human resources, and bargaining agents.
- 1.87 **Career progression of members of employment equity designated groups in the federal public service** – The PSC is currently examining whether differences exist between the career progression of EE designated group members and their respective comparison groups for the overall public service. Comparison groups are men and women who did not self identify as Aboriginal peoples, persons with disabilities or members of visible minorities.
- 1.88 **Study on the application and appointment of persons with disabilities** – The PSC is currently planning a study to fully understand issues surrounding the application and appointment of persons with disabilities. The study will examine in more detail the application and appointment rates of persons with disabilities to workforce availability and the factors that might influence these rates.
- 1.89 **Study on the selection of employees for retention or lay-off data from the PSC 2012 and 2013 Survey of Staffing** – The PSC is undertaking a study using survey findings and respondent comments related to selection of employees for retention or lay-off (SERLO) from the 2012 and 2013 survey cycles. The study will provide an indication of how SERLO processes have been perceived by survey respondents and help to inform hiring managers and provide PSC guidance to public service organizations.





# CHAPTER 2

## Enabling departments and agencies

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## Highlights

- The Public Service Commission (PSC) makes ongoing efforts to adapt its activities to meet the emerging needs of departments and agencies, and to achieve a modern, effective staffing system.
- In 2013-2014, the PSC increased its proactive policy guidance and support, and the sharing of key trends, lessons learned and noteworthy practices to support departments and agencies in effectively managing their staffing.
- The PSC maintained its efforts to support departments and agencies to redeploy skilled employees who were affected by workforce adjustment and to undertake targeted recruitment to ensure the public service has the skills required now and in the future.
- The PSC Priority Administration Program supported the referral and placement of an increased number of persons with a priority entitlement. A total of 1 235 employees were placed in 2013-2014, 29% more than in 2012-2013. In addition, there were 407 priority appointments to lower levels, which in turn resulted in new one-year priority entitlements to assist these persons in getting back to their previous level.
- Through student employment programs, there were 10 386 student hires in 2013-2014, 8.6% more than in the previous year. However, this number remains below the 13 099 student hires from 2011-2012, prior to Spending Review 2012.
- As noted in Chapter 1, the number and proportion of employees under the age of 35 continued to decline in 2013-2014, despite the increase in appointments of new indeterminate employees from this age group. Employees under the age of 35 accounted for 17.0% of all indeterminate employees in March 2014, compared to 18.4% in March 2013 and 21.4% in March 2010, when the proportion reached a peak. The Commission is preoccupied by these trends, which will have an impact on the future composition of the public service.
- The PSC continued to invest in technology as part of the modernization of its staffing and assessment services to enhance the quality of hiring to the public service, including a further expansion of electronic testing to reduce the overall cost of assessments.



- 2.1 The Preamble to the *Public Service Employment Act* (PSEA) sets out a vision for a delegated staffing system that provides public service managers with the authority “to staff, to manage and to lead their personnel to achieve results for Canadians.” With this in mind, the Public Service Commission (PSC) provides guidance, tools and support services while enhancing the framework that supports hiring managers to achieve a modern, effective staffing system.
- 2.2 The PSC draws on the findings and lessons learned from its oversight activities (monitoring, audits, investigations) and other sources of information, such as its studies and decisions by the Public Service Staffing Tribunal (PSST), to improve the staffing policy framework, clarify expectations and contribute to a modern staffing system. Engagement with departments and agencies allows the PSC to enable hiring managers to staff efficiently while meeting the expectations of the PSEA.
- 2.3 This chapter highlights the range of activities that the PSC has undertaken to support departments and agencies and ensure an effective staffing system, underscoring the importance of engaging and collaborating with central agency partners, bargaining agents and deputy heads, hiring managers and human resources (HR) advisors. This chapter also presents an evolution of the PSC’s services and systems, designed to increase knowledge and expertise within departments and agencies as they build a workforce to meet the current and future needs of the public service.

## Core enabling activities

- 2.4 The PSC provides departments and agencies with a policy framework, policy interpretation and guidance to ensure a clear understanding and proper application of delegated staffing authorities, and to increase organizational knowledge. In 2013-2014, the PSC refined its policies and policy instruments, assessment services and staffing and recruitment programs to respond to the current and future needs of departments and agencies in a changing environment.

## Policy guidance and outreach

- 2.5 To support departments and agencies effectively, the PSC provides information and expertise that respond to operational needs.

### Advice and guidance

In 2013-2014, the Public Service Commission responded to 727 requests for policy interpretation and over 2 800 operational questions, providing departments and agencies with timely information as they make staffing decisions. While the range of topics was broad in 2013-2014, roughly a third of policy-related enquiries were related to merit. For example, questions about assessment of qualifications and official languages each represented 13% of the total, followed by selection decisions at 7%. Discretionary decisions related to choice of appointment process were another important theme, representing roughly another 25% of the questions. The volume of questions about workforce reduction declined in 2013-2014 following Spending Review 2012.



- 2.6 The PSC undertakes regular outreach in each region. This outreach is designed to share information, consult on emerging issues, respond to questions and concerns and provide advice. In 2013-2014, 117 events were organized with functional communities, such as the Association of Professional Executives, the National Managers' Community, the Public Service Commission Joint Advisory Council, the National Joint Council, the Human Resources Council and other interdepartmental HR communities nationally and in the regions.

### Examples of outreach activities

In 2013-2014, the Public Service Commission (PSC) held numerous outreach activities. Of note, the PSC, in partnership with the Human Resources Council, developed and delivered a Staffing SmartShop to over 300 members of the human resources (HR) community, via teleconference and WebEx. The main outreach themes were strategies for assessment, the effective use of staffing flexibilities, and how to articulate appointment decisions.

The PSC also offered information sessions on effective assessment strategies to **Public Works and Government Services Canada, Library and Archives Canada, Canadian Heritage** and interdepartmental staffing councils in Quebec and Nova Scotia. These sessions were designed to inform HR advisors on standardized assessment tools available to assist them in selecting the right candidate. In addition, these sessions focused on assessment practices such as unsupervised internet tests which are designed to manage assessment volumes while enhancing the quality of appointments.

In January 2014, the PSC hosted a symposium to provide departments and agencies with information on staffing trends and recurring issues identified through the PSC's oversight activities, the new Staffing Management Accountability Framework and recent innovations in staffing assessment technology. Panel discussions with representatives from a cross-section of departments and agencies were convened to share success stories and challenges, and learn about best practices. More than 120 heads of HR and staffing advisors from departments and agencies of all sizes attended this event.

- 2.7 **Improving the policy framework** – In addition to supporting departments and agencies through policy guidance, the PSC advanced some statutory instruments, including exclusion approval orders (exclusions from the application of the PSEA) and regulations, during the reporting period (more detailed information can be found in Appendix 5).
- 2.8 In 2013-2014, the PSC initiated a review of its policy and oversight functions to ensure they are integrated and serve to improve staffing across government. Over the next year, the PSC will consult with key stakeholders, including departments and agencies, central agencies and bargaining agents to establish a more streamlined policy framework and oversight model, supported by clear and accessible guidance and advice.



## Assessment services

- 2.9 **Sharing assessment expertise** – By sharing knowledge and providing advice and guidance, the PSC supports deputy heads in maintaining and enhancing a merit-based appointment system. The PSC provides guidance to augment the effectiveness of a department or agency's assessment tools and test development practices by reviewing their assessment processes. Departments and agencies also have access to a range of standardized assessment tools, developed with the expertise of the PSC, to support merit-based appointments.

### Staffing for pay modernization

The Public Service Commission (PSC) continued its partnership with **Public Works and Government Services Canada** (PWGSC) to support their staffing of compensation advisor positions in Miramichi, New Brunswick. Through PSC advice, guidance and services, PWGSC optimized the use of standardised assessment tools. PWGSC also leveraged technology with electronic screening and the use of unsupervised internet testing.

### Competency framework and assessment tools

To support **Environment Canada** in the modernization of their Apprenticeship or Professional Training Program for Meteorological Technologists, the Public Service Commission (PSC) developed a competency-based framework for the selection and promotion of Engineering and Scientific Support (EGs) in the program. The new framework consists of eight competencies required by all EGs, as well as a number of technical competencies reflecting skills unique to specific weather monitoring networks such as lightning detection, radar and marine. The PSC also developed assessment tools related to these competencies, such as sets of structured interview questions, participant achievement records and structured reference checks. The framework and assessment tools will help Environment Canada ensure that entry into and promotion within this training program is both merit-based and efficient.

### Public Service Commission assessment expertise

Again this year, the Public Service Commission (PSC) continued to support **Correctional Service Canada's** recruitment of correctional officers. In addition to providing tests for screening purposes, the PSC completed more than 1 200 clinical assessments of candidates in 2013-2014. The clinical assessments and interviews are designed to evaluate psychological suitability for correctional officer positions and help to ensure that the individuals chosen for the job are a good fit for the demands of the work and the work environment. These assessments were supplemented by more than 600 semi-structured interviews.

- 2.10 The PSC continued to offer workshops to HR specialists and managers to expand their knowledge of assessment tools and techniques. In 2013-2014, new sessions on developing structured interviews and reviewing the fairness of assessment tools were created and delivered to eliminate potential assessment-related barriers. The PSC also delivered leadership readiness seminars to help participants better understand their leadership strengths and weaknesses.



2.11 **Staffing and assessment** – The rise in policy interpretations, requests and use of PSC assessment products and services reflects the increase in staffing activity by departments and agencies. As seen in Table 13, demand for products and services for Executive assessment increased from 290 in 2012-2013, to 377 in 2013-2014 and the use of non-Executive products more than doubled from 19 414 in 2012-2013, to 43 047 in 2013-2014.

**Table 13: Executive and non-Executive assessment volumes and change, by fiscal year**

Assessment	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	Change (over last year) %
Non-Executive assessments (excluding SLE tests)	90 216	62 064	58 723	19 414	43 047	121.7
Executive assessment (including simulations and reference checks)	1 239	954	727	290	377	30.0

**Source:** Public Service Commission Test Scoring and Results Reporting System and PSC Assessment Centre Integrated Information System, as of March 31, 2014

2.12 **Assessment accommodation** – The PSC has the policy authority for assessment, which includes the duty to accommodate individuals in order to provide an equal opportunity for all candidates to demonstrate that they meet the qualifications for a position. The choice of assessment methods is delegated to deputy heads. It is their responsibility to provide assessment accommodation to enable individuals to demonstrate their qualifications during a staffing process without being limited or unfairly restricted by a disability or functional limitation. The PSC’s policies and guidance are designed to help hiring managers provide accommodation, whether they are using in-house assessment methods or PSC-developed tests.

2.13 The PSC also provides expert information and advice on accommodation and recommends measures for organizational assessment tools. The demand from persons with disabilities or special needs for accommodation measures increased by 22% in 2013-2014 (some 1 666 requests). However, these requests as a proportion of total staffing and hiring activities have remained relatively stable.

### Public Service Commission’s assessment accommodation – Seminars and Webinars

To support departments and agencies in the development and implementation of their assessment accommodation, the Public Service Commission (PSC) provided introductory seminars and Webinars to human resources (HR) specialists and managers on assessment accommodation. In 2013-2014, 79 HR specialists and managers from 32 different organizations attended the seminars or Webinars. Participants, particularly in remote areas, took advantage of the recently developed Webinar. Furthermore, the PSC presented awareness sessions on assessment accommodation to the National Staffing Council, the Human Resources Council and the Interdepartmental Network on Employment Equity.



## Targeted recruitment

- 2.14 Although the placement of skilled employees affected by workforce adjustment continues to be a priority, external recruitment is still required in order to achieve renewal of the public service and address the demographic changes underway. The PSC administers a number of programs to support departments and agencies in their renewal efforts and to enable targeted recruitment based on the skills required for the future. These programs also provide economies of scale for departments and agencies undertaking strategic recruitment.
- 2.15 To this end, the PSC administers three student employment programs — the Federal Student Work Experience Program, the Research Affiliate Program and the Co-operative Education and Internship Program. These programs are designed to provide students with on-the-job assignments where they can develop the skills and knowledge required for entry into the workforce, while meeting the temporary needs of managers.
- 2.16 Student employment programs contribute to pools of qualified candidates for future public service appointments. Building on the skills and knowledge obtained through their study programs, students bring fresh and innovative ideas, knowledge and skills to the workplace. This supports public service renewal and helps to ensure a reasonable distribution of feeder groups across the public service.
- 2.17 There were 10 386 student hires in 2013-2014, representing an increase of 8.6% compared to 2012-2013. However, the number and proportion of employees under the age of 35 continued to decline in 2013-2014 despite the increase in appointments of new indeterminate employees from this age group. The PSC will continue to monitor the hiring of students as it is a key mechanism to realize public service renewal objectives.

**Table 14: Student employment program activities, by fiscal year**

		2011-2012	2012-2013	2013-2014
Federal Student Work Experience Program	Applications <sup>(a)</sup>	47 343	45 146	38 632
	Hires	8 305	5 835	6 198
Research Affiliate Program	Applications <sup>(b)</sup>	1 386	1 599	1 083
	Hires <sup>(c)</sup>	274	318 <sup>(d)</sup>	387
Co-operative Education and Internship Program	Placements	4 520	3 408	3 801

**Source:** Public Service Resourcing System and Public Service Commission hiring and staffing activities files

<sup>(a)</sup> The figures under Federal Student Work Experience Program include applications from the current campaign and the campaign from the previous year. A campaign occurs annually from October to October. An applicant can apply only once per campaign, but may apply to both campaigns and therefore be counted more than once in any given fiscal year. The application total for 2013-2014 is equal to the total number of applicants found in Table 46a.

<sup>(b)</sup> These figures exclude cancelled advertisements.

<sup>(c)</sup> These figures include initial hires and extensions of employment with a break in service, as well as hires occurring prior to an advertisement being cancelled.

<sup>(d)</sup> Due to a change in the methodology used to estimate the number of hires through the Research Affiliate Program in 2012-2013, figures prior to 2012-2013 are not comparable to subsequent fiscal years' figures.



- 2.18 The PSC directly supports departments and agencies in their recruitment of post-secondary graduates through two programs: Post-Secondary Recruitment (PSR) and Recruitment of Policy Leaders (RPL). Both programs target qualified university and college graduates for positions in the public service.
- 2.19 The annual PSR campaign<sup>14</sup> is developed by the PSC in consultation with departments and agencies to ensure that it will meet their recruitment needs. Based on the anticipated increase in recruitment for the upcoming year, departments and agencies posted 11 career choices for the 2013-2014 PSR campaign, more than doubling the number of career choices in 2012-2013.
- 2.20 In 2013-2014, 112 graduates from a PSR inventory or pool filled a range of indeterminate and specified term positions across the public service. This represents a decrease from the previous year and may be related to the efforts of departments and agencies to place employees affected by workforce adjustment.

**Table 15: Post-Secondary Recruitment program highlights, by fiscal year**

	2011-2012	2012-2013	2013-2014
Number of applications	36 170	3 015 <sup>(a)</sup>	18 470
Number of unique applicants	21 643	1 974 <sup>(a)</sup>	13 149
Number of tests administered	30 950	939	8 749
Number of applicants hired	836	254	112

**Source:** Public Service Resourcing System, the Public Service Commission (PSC) Test Scoring and Results Reporting System and PSC hiring and staffing activities files

<sup>(a)</sup> Unlike other fiscal years, 2012-2013 figures include applications and applicants from organization-specific inventories from the 2012-2013 campaign. The figures exclude applications and applicants from general inventories which were extended from 2011-2012.

- 2.21 The RPL Initiative, in place since 2005, recruits candidates from a wide variety of disciplines to fill middle- and senior-level policy positions in the Public Service of Canada. The unique and structured multi-stage selection process targets high-achieving professionals and graduates who have the potential to shape the future of Canada's public policy landscape. In 2013-2014, a total of 28 candidates qualified for the RPL Initiative: seven were appointed during the fiscal year, compared to 2012-2013, in which 31 candidates qualified and 11 were appointed.
- 2.22 In addition to these recruitment programs, departments and agencies can also directly appoint former student participants into the public service to specified term or indeterminate positions for which they were qualified. This mechanism is known as "student bridging". In 2013-2014, the PSC developed a new measure to estimate the proportion of indeterminate appointments made through the student bridging mechanism. This measure provides a more complete picture of the mechanisms for recruitment to indeterminate positions in the public service. Using this new methodology, it was estimated that approximately 12% of indeterminate appointments<sup>15</sup> to the public service were achieved through student bridging.

<sup>14</sup> The PSR campaign does not represent the sole means through which recent graduates enter the public service.

<sup>15</sup> The student bridging rate is based on indeterminate appointments that were matched to the PSC administrative data sources. In 2013-2014, approximately 80% of indeterminate appointments were matched to the PSC administrative data sources.

2.23 After general recruitment,<sup>16</sup> Table 16 shows that student bridging represented the largest component of indeterminate recruitment to the public service, representing 12% of the indeterminate appointments in 2013-2014. The PSR represented 3% of indeterminate appointments.

**Table 16:** Estimates of percentage of indeterminate appointments under the *Public Service Employment Act* to the public service, by recruitment mechanism for 2013-2014

Recruitment mechanism <sup>(a)</sup>	% of indeterminate appointments <sup>(b)</sup>
Post-Secondary Recruitment	3
Recruitment of Policy Leaders	0
Student bridging	12
General recruitment <sup>(c)</sup>	85

**Source:** Public Service Commission (PSC) hiring and staffing activities files matched to its administrative data sources

<sup>(a)</sup> Recruitment mechanisms are exclusive from one another.

<sup>(b)</sup> Figures are based on the percentage of indeterminate appointments from the PSC hiring and staffing activities files matched to the PSC administrative data sources (approximately 80%).

<sup>(c)</sup> General recruitment refers to appointments to the public service that were not achieved through recruitment programs or student bridging.

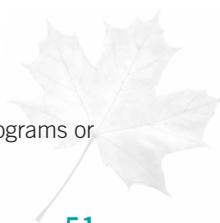
## Supporting departments and agencies in managing workforce reductions

### Selection for retention or lay-off

2.24 When some but not all positions in a work unit are eliminated, departments and agencies use a process known as Selection of Employees for Retention or Lay-off (SERLO) for selecting, out of a group of employees who perform similar duties, which employees will be retained and which will be declared surplus. SERLO allows managers to retain the skills they will need to meet current and future needs in order to enable them to deliver on their mandates.

2.25 Employees who are selected for lay-off as a result of a SERLO process have recourse to the Public Service Staffing Tribunal (PSST). The PSEA establishes the PSC as a party to each PSST complaint. This allows the PSC to ensure that the interpretation of PSC policies and guidance is correct, and it enables the PSC to understand where clarification or further guidance may be needed. In this capacity, the PSC followed each lay-off complaint submitted to the PSST in 2013-2014 and observed that assessment in SERLO processes is as important as it is in appointments. This observation has been incorporated in the PSC's review of SERLO processes.

<sup>16</sup> General recruitment is defined by appointments to the public service that were not achieved through recruitment programs or student bridging.



- 2.26 **Review of Selection of Employees for Retention or Lay-off processes** – As indicated in the 2012-2013 Annual Report, the PSC undertook a review of SERLO processes. The objectives of this review were to assess compliance of a sample of SERLO processes with the *Public Service Employment Regulations* (PSER), identify noteworthy practices to help improve the conduct of any SERLO processes held in the future, and provide learning at a government-wide level. The PSC reviewed a sample of 36 SERLO processes conducted between January 1, 2012 and December 31, 2013 in nine departments and agencies which were subject to a PSC audit during fiscal years 2012-2013 and 2013-2014. The following observations represent a snapshot of findings for the nine departments and agencies and the sample of SERLO processes reviewed. Although these findings are illustrative, government-wide generalization is limited.
- 2.27 The overall results of this review showed that all SERLO processes examined in the sample were compliant with the PSER. Specifically, the PSC found that in the 36 SERLO processes reviewed, affected employees who were assessed and retained met the criteria used to make the selection decision. The decisions for retention or lay-off were documented and affected employees who were assessed in the same SERLO process were advised of the selection decisions. The review showed that the PSC was informed, when applicable, of the names of employees to be laid-off and the proposed date of the lay-off.

### Noteworthy practices

During the conduct of the Selection of Employees for Retention or Lay-off (SERLO) review, the Public Service Commission identified noteworthy practices which may have contributed to alleviating stress, reducing uncertainty and increasing transparency in SERLO processes. These practices included the following:

- ▶ Departments and agencies engaged in efforts to proactively reduce both the number of SERLO processes and the number of affected employees prior to conducting any SERLO processes by:
  - › Soliciting volunteers for lay-off;
  - › Filling vacant positions with qualified affected employees; and
  - › Identifying affected employees willing to relocate where part of the workload was to be transferred to another region.
- ▶ Departments and agencies communicated with managers and employees through a variety of mechanisms (e.g. senior management communiqués, postings on their internal Web sites and information sessions) which contributed to widespread understanding of the impacts and approaches to be taken.
- ▶ Departments and agencies undertook a post-SERLO monitoring exercise to ensure compliance and identify any noteworthy practices and opportunities for future improvement. Monitoring makes it possible to identify issues that should be corrected, to manage and minimize risk and to improve staffing performance.

- 2.28 The PSC will continue to work with stakeholders to leverage lessons learned through consultation, analysis of the Survey of Staffing results and the SERLO Review Program, and will report on the emerging patterns and trends.



## Priority entitlements

- 2.29 Employees whose positions have been identified as surplus are given a priority for appointment for either a limited or an indefinite period of time.<sup>17</sup> They are to be considered by hiring managers for positions that are being staffed and for which they may be qualified. The PSC's policy and support services were expanded to facilitate the placement of as many persons with a priority for appointment as possible, as quickly as possible. The Priority Administration Program can help to meet staffing needs in the public service while retaining valuable knowledge, skills and experience in which departments and agencies have already invested.
- 2.30 **The PSC's Priority Administration Program** supports the referral and placement of persons with a priority for appointment in the public service, as outlined in the PSEA and the PSER. Under this legal framework, persons who meet specific conditions have a right, for a specified or indeterminate period of time, to be appointed to positions for which they are qualified (see Appendix 6 for a list of priority types). The PSC has a responsibility to ensure that these entitlements are respected and that persons with a priority entitlement are appointed to vacant positions, if qualified.
- 2.31 **Enhancements to the policy framework on priority appointments** – An enhanced policy framework (the *Priority Appointment Policy*, Priority Administration Directive and a revised resourcing model) came into effect in September 2013. Implemented after extensive consultations with deputy heads, heads of HR, managers and bargaining agents, this framework strengthens accountability and clarifies roles and responsibilities in administering priority entitlements.
- 2.32 The Priority Information Management System (PIMS) is an electronic system used to manage the referral and placement of persons with a priority entitlement. In 2013-2014, the PSC continued to make improvements to PIMS to facilitate the placement of these persons in departments and agencies. Changes were made to simplify the process of identifying qualified persons with a priority for appointment for potential job opportunities, and to ensure that the order of precedence of priority entitlements is respected when making appointments.

## Trends in priority administration

- 2.33 **Number of persons with a priority entitlement** – As persons with a priority entitlement were appointed to vacancies, their overall population decreased during the fiscal year by 23.1%. This brought the total number of active persons with a priority for appointment at year-end to 2 240<sup>18</sup> (see Appendix 2, Table 48).
- 2.34 **New registrations** decreased by 29.7%, compared to the previous year (from 3 219 to 2 263). Of these new registrations, almost one third (31.2%), were persons with a surplus priority entitlement. In 2012-2013, these persons represented almost two thirds of new registrations (63.7%).

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<sup>17</sup> Where the deputy head of an organization knows or can predict that indeterminate employment will be available for a surplus employee, the deputy head will provide a Guarantee of a Reasonable Job Offer. When it is not possible to predict employment availability, the employee will be given options, one of which is a time-limited (one-year) surplus priority entitlement to seek alternate employment in the public service.

<sup>18</sup> Of the 2 240 active persons with a priority entitlement, 532 were on a leave of absence, 467 were on leave due to relocation of a spouse and 347 were persons appointed to a lower-level position who held a one-year entitlement to re-appointment at or equivalent to their previous occupational group and level. These three groups represented 60% of all active persons with a priority entitlement.

- 2.35 The total number of new lay-off entitlements rose from 31 in 2012-2013 to 377 in 2013-2014 — in the majority of cases as a result of persons transitioning to lay-off status at the conclusion of their time-limited surplus entitlements. New reinstatement entitlements (resulting from a person with a priority entitlement accepting a position at a lower level to maintain their continuity of employment) rose from 356 in 2012-2013 to 407 in 2013-2014 (an increase of 14.3%).
- 2.36 The overall number of persons leaving the priority system increased, from 2 115 in 2012-2013 to 2 988 in 2013-2014, of these:
- 1 235 persons with a priority entitlement were appointed, a 29.2% increase;
  - 627 entitlements expired, a 53.3% increase; and
  - 230 persons with a priority entitlement retired or resigned, a 69.1% increase.
- 2.37 Indeterminate appointments require priority clearance from the PSC, meaning that available persons with a priority entitlement in the system must be considered before an appointment is made. Indeterminate hiring to the public service increased by 31.1% in 2013-2014, and indeterminate staffing activities within the public service increased by 4.7%.<sup>19</sup> The number of organizational requests for priority clearance<sup>20</sup> increased to 22 530 from 16 999 in 2012-2013 (a 32.5% increase). Total appointments of persons with a priority entitlement increased by a similar proportion, from 956 in 2012-2013 to 1 235 in 2013-2014 (up by 29.2%). In addition to the 1 235 appointments to positions at or equivalent to their former occupational group and level, there were 407 appointments of persons with priority entitlement to lower levels.<sup>21</sup>
- 2.38 The majority of priority appointments during the period (672, or 54.4% of the total) were to positions in the Administrative Services (AS), Clerical and Regulatory (CR) as well as the Program Administration (PM) occupational groups — three of the groups most affected by workforce adjustment. Two thirds (67.5%) of appointments (all priority types) were to positions in the home organization of the persons with a priority entitlement.

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<sup>19</sup> This number includes promotions, lateral and downward movements (including deployments) and acting appointments of at least four months of employees who were already indeterminate.

<sup>20</sup> Includes requests for term and indeterminate positions.

<sup>21</sup> In previous years the PSC has reported only on those appointments of persons with a priority entitlement which resulted in the person leaving the priority system. For this year, and going forward, the PSC will also be reporting on indeterminate appointments of persons with a priority entitlement to lower level positions which result in another priority entitlement for one year to try and get back to their previous level.

**Table 17: Surplus employees — New entitlements compared to appointments, by fiscal year**

	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
New entitlements	422	226	577	2 051	706
Appointments	144	240	317	683	831

**Source:** Public Service Commission Priority Information Management System

### Placement of persons with priority for appointment with a surplus entitlement

- 2.39 In 2013-2014, a decline in workforce adjustment activities in departments and agencies resulted in a decrease in the number of new surplus entitlements (from 2 051 to 706). In addition, continuing the trend from 2012-2013, the majority of these new surplus entitlements were time-limited to a one-year period (507 of 706, or 71.8%). The number of appointments of persons with a surplus entitlement as a portion of overall priority appointments declined slightly in 2013-2014, from 71.4% to 67.3%.
- 2.40 As of March 31, 2014, there were 244 employees with a one-year surplus entitlement registered in the system, down from 759 in 2012-2013. While 469 persons with a one-year surplus entitlement were priority appointed during 2013-2014, 377 saw their surplus priority entitlement transition to a lay-off entitlement over the course of the year (see Table 18).
- 2.41 In this latter situation, an employee who does not receive an indeterminate appointment within one year of their surplus entitlement is laid off from the public service. While no longer a public service employee, the individual receives a one-year lay-off priority entitlement, which takes precedence over most other priority entitlements. This individual also has the right, during that final one year, to apply as a candidate for any staffing process open to employees. Some 35 laid-off persons with a priority entitlement were appointed during 2013-2014. As of March 31, 2014, there were 311 lay-off priority entitlements registered in the system.



**Table 18: Conversion of surplus entitlements to lay-off entitlements**

*April 1, 2013 to March 31, 2014*

Priority type	Carry-over <sup>(a)</sup>	New cases	Total (carry-over + new cases)	Appointed	Resigned and/or retired	Expired	Other removal <sup>(b)</sup>	Total outflows	Active at end of period
Surplus (time-limited plus indefinite duration)	1 304	706	2 010	831	124	1	661	1617	393
Lay-off (sec. 41)	27	377	404	35	10	26	22	93	311

**Source:** Public Service Commission Priority Information Management System

<sup>(a)</sup> The number of carry-over from March 31, 2013 differs from the number of active cases at March 31, 2013 published in last year's Annual Report due to priority registrations received late in March 2013 and activated after the start of the new fiscal year. The validation of data to the Priority Information Management System may also be a factor

<sup>(b)</sup> Priority type changes are included in "Other Removal."

2.42 To provide additional support to laid-off persons with a priority entitlement, in November 2013, the PSC launched a pilot project providing them access to Publiservice, the Government of Canada Web site that lists internal job advertisements and notifications. Using a self-serve approach, the pilot project provides laid-off persons with a priority entitlement direct access to these job opportunities, enhancing their ability to secure permanent employment within the federal public service. As of March 31, 2014, 55 persons with a lay-off priority entitlement registered for access to Publiservice.

### **Support for former Canadian Armed Forces and Royal Canadian Mounted Police members**

2.43 The number of Canadian Armed Forces (CAF) and Royal Canadian Mounted Police (RCMP) medically released members entering the priority system in 2013-2014 increased, from 68 to 105. This followed three years of steady decline. The number of former members whose entitlements ended without appointment increased slightly: from 95 in 2012-2013 to 108 in 2013-2014.

2.44 From 2008-2009 to 2011-2012, the appointment of CAF and RCMP members who were medically released had the highest rate of successful appointment of all priority groups (72.3%), ranging from 150 to just over 200 appointments annually. This demonstrated a commitment by departments and agencies to place these former members, who have skills needed in the public service.

2.45 However, this changed in 2012-2013 when the overall number of appointments across the public service declined, and the majority of priority appointments were of public servants whose jobs had been declared surplus, and whose entitlement preceded all others under the PSEA (see Appendix 6 for a list of priority types).



- 2.46 The impact on former members who had been medically released was evident, with only 31 appointments in 2012-2013 of CAF and RCMP members. Similarly, in 2013-2014, there were 43 appointments of CAF members and RCMP members (see Table 19 below).
- 2.47 The Minister of Veterans Affairs has brought Bill C-27, *An Act to amend the Public Service Employment Act (enhancing hiring opportunities for certain serving and former members of the Canadian Forces)*, before Parliament to address this situation. At the time of publishing this report, the Bill is in the legislative process. Should this Bill receive Royal Assent, qualified veterans who are medically released due to a service-related injury or illness would become the top statutory priority with an entitlement period of five years. The regulatory entitlement for medically released former members of the CAF whose release is not attributable to service would also be extended from two years to five years.
- 2.48 The Bill also contains two other mechanisms to support the hiring of veterans and current members of the CAF with at least three years of military service: a “veterans preference” provision that would facilitate the appointment of qualified veterans to jobs that are open to the Canadian public, and an eligibility provision allowing veterans and current CAF members to participate in all advertised internal hiring processes of the Government of Canada.
- 2.49 Should Bill C-27 receive Royal Assent, the PSC would work closely with National Defence and Veterans Affairs to ensure that all those affected by these changes are aware of the new entitlements and increased access to opportunities in the public service.
- 2.50 In addition, enhancements made to the PSC Priority Administration Program over the previous two years, such as those to the policy framework and PIMS, will further support the referral and placement of medically released CAF personnel.

**Table 19: Medically released former members of Canadian Armed Forces and Royal Canadian Mounted Police — New entitlements compared to appointments, by fiscal year**

	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
New entitlements	301	249	206	68	105
Appointments	215	154	158	31	43

Source: Public Service Commission Priority Information Management System

## Innovation to support staffing

- 2.51 The PSC, working closely with departments and agencies, continues to modernize its staffing and assessment services. Policies, processes, tools and services are being created or enhanced to promote the effective engagement of job seekers, support HR advisors and managers and ensure the quality of appointments to the public service.



2.52 One assessment innovation is the increased application of universal test design to PSC standardized tests. Universal test design ensures that assessment tools are designed and developed from the outset to make tests accessible to a wide range of individuals. For example, tests written in plain, simple language without unnecessary linguistic complexity benefits all test-takers. Although universal design does not eliminate test accommodation, it can reduce the need.

### Universal test design

Public Service Commission (PSC) standardized tests are being developed according to the principles of universal design. New tests developed in this way by assessment experts incorporate promising new research and are piloted with a range of potential test-takers. For example, in 2013-2014, the PSC piloted 800 new second language test questions with over 40 000 test-takers representing the Canadian population. This included question formats designed to reduce the impact of potential barriers related to working memory and visual scanning and detection. By eliminating such barriers, more people can access the standard test without special accommodation. In the coming years, the PSC will examine the impacts of universal test design on the volume of requests for test accommodation.

2.53 **Expansion of e-testing, leveraging infrastructure to support departments and agencies and reduce costs** – E-testing refers to on-line assessments administered under supervised conditions at selected computer facilities in the PSC or in other departments and agencies. The PSC continued to promote e-testing capacity, with over 492 facilities now in place (a 23% increase from 2012-2013), in 88 different departments and agencies, and 1 972 certified public service employees qualified to administer e-tests (a 31% increase from 2012-2013). There has been a steady increase in online testing, which now represents 54% of all PSC tests administered (see Table 20).

**Table 20: Paper/pencil and on-line testing usage, by fiscal year**

Type of tests	2009-2010 (%)	2010-2011 (%)	2011-2012 (%)	2012-2013 (%)	2013-2014 (%)
Paper/pencil tests	62.0	59.0	55.8	50.0	46.0
On-line tests	38.0	41.0	44.2	50.0	54.0

**Source:** Public Service Commission Test Scoring and Results Reporting System, as of March 31, 2014

2.54 **Innovation in second language evaluation** – The use of the PSC’s Second Language Evaluation (SLE) tests is mandatory for appointments to bilingual positions in the federal public service that are subject to the PSEA. The PSC makes ongoing efforts to ensure that the test results accurately reflect language ability and that the test content is protected. In 2013-2014, the PSC implemented mandatory e-testing for SLE, completed the implementation of computer-generated testing, and leveraged its new approach to piloting test content.



- 2.55 Mandatory e-testing reduces the security risks related to shipping, receiving and storing paper and pencil tests. In addition, e-testing helps to meet the paperless goals of the Government of Canada. E-testing also reduces the time required to score tests and communicate test results to HR personnel and hiring managers, therefore contributing to the overall efficiency of test administration. In 2013-2014, more than 90% of the PSC's SLE tests were administered on-line, reducing the volume of paper and pencil tests shipped by 80% from 2012-2013.
- 2.56 In 2009, the PSC began development of computer-generated testing (CGT) to increase the security of its second language tests and to reduce the risk of cheating. CGT is the automated production of unique tests (with an equal level of difficulty) from a bank of test questions. CGT enhances test security by reducing the likelihood that any test-taker will receive an identical set of test questions on different occasions. It also increases the continuity of SLE testing services by allowing the PSC to change test content without interrupting the availability of its tests. In 2012-2013, the PSC implemented CGT for its Second Language Test of Written Expression followed, in 2013-2014, by the full implementation of CGT for its Second Language Test of Reading Comprehension.

### Piloting new Second Language Evaluation content

In 2013-2014, the Public Service Commission (PSC) piloted new Second Language Evaluation test content by including questions in the official tests in keeping with best practices in other professional testing organizations. This practice is efficient, cost-effective, and produces high calibre test questions in both official languages. By using this approach, the PSC has expanded its bank of test questions, the diversity of individuals trying out the pilot questions, and eliminated the need and related costs (including travel) of holding separate pilot sessions across the country.

- 2.57 **Unsupervised Internet Tests (UITs)** allow departments and agencies to identify qualified candidates early on in a staffing process and improve the quality of appointments. This faster, more cost-effective method of assessment provides hiring managers with the ability to narrow the applicant field while meeting the expectations of job seekers for more rapid decisions, and supports the shift within departments and agencies to electronic platforms. Successful applicants complete the assessment by taking a similar test in a supervised environment. The PSC offers advice and guidance to departments and agencies, including outlining the appropriate points for the use of UITs within a selection process. In 2013-2014, the PSC's UITs were administered to 21 886 job applicants.
- 2.58 In addition, the PSC offers unsupervised self-assessment tests for second language writing skills, which are seen only by the applicant. This allows applicants to gauge their proficiency prior to submitting their application for a position. In 2013-2014, the test was used in over 256 staffing processes for bilingual positions, increasing the effectiveness and the efficiency of appointment processes by providing job applicants with a greater understanding of the position's language requirements. Results of this self-assessment are not considered in the appointment process, but provide useful information to candidates about their likelihood of meeting the official language requirements of the position. A candidate must still be assessed through a supervised second language assessment prior to being appointed to a bilingual imperative position.



## The Public Service Entrance Exam

In 2010-2011, the Public Service Commission (PSC) began investing in a multi-year innovation project to develop a multi-dimensional Public Service Entrance Exam (PSEE). In 2013-2014, the PSC launched another unsupervised internet test to assess judgment in a work setting for officer-level positions. This completes the suite of unsupervised tests which make up the PSEE. The test was used by the Post-Secondary Recruitment Program (PSR) and is now available to hiring managers throughout the federal public service. PSR invited 12 429 job applicants to take the PSEE unsupervised tests in which 48% (5 941) were successful and were invited to a supervised testing session. This type of testing approach enables job applicants to take the test at a location of their choosing, eliminating the need to travel and providing more flexibility during the assessment process. For managers, it identifies potentially good quality candidates early in a process, increases the speed of assessment and helps them meet their obligations with respect to National Area of Selection.

- 2.59 In 2013-2014, the PSC continued to host standardized e-tests from other departments and agencies on its On-line Testing Facility (OLTF), including the Canadian Armed Forces Aptitude Test, the Canadian Armed Forces Trait Self Descriptive Personality Inventory and the RCMP's Police Aptitude Battery which are used for general recruitment and placement. Table 21 shows that the volume of departmental tests administered using OLTF more than quadrupled in 2013-2014, eliminating the need for departments and agencies to duplicate the testing infrastructure and reducing printing and inventory control costs associated with traditional paper-and-pencil testing.

**Table 21: Departmental tests administered using the On-line Testing Facility platform**

OLTF Platform	2011-2012	2012-2013	2013-2014
Departmental tests	1 239	3 990	17 808

Source: Public Service Commission Online Testing Facility System

- 2.60 **Improvements to the Public Service Resourcing System** – The Public Service Resourcing System is the recruitment system accessed through the federal government's *jobs.gc.ca* Web site. Designed to process large volumes of applications and facilitate timely pre-screening of applicant qualifications, the system continues to be regularly updated to ensure that all Canadians can apply to job opportunities open to the public. In 2013-2014, improvements focussed on unsupervised testing, access to internal jobs for persons with a lay-off priority entitlement, and system usability.
- 2.61 In terms of usability, the PSC analyzed information from surveys, user testing and client feedback to gain a better understanding of the user experience. Based on the results, the PSC will focus its enhancements on improving the effectiveness of its staffing systems and increasing the ease by which users navigate through the system, find vital information and perform key tasks.



# CHAPTER 3

## A non-partisan public service

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## Highlights

- The Public Service Commission (PSC) enhanced its communications and outreach activities to further increase employees' awareness of their legal rights and responsibilities related to political activities.
  - › During the one-year pilot that ended March 31, 2014, the revised Political Activities Self-Assessment Tool was used 2 300 times. Input from the anonymous user feedback questionnaires throughout the pilot identified modifications that have been implemented.
  - › The PSC developed a short animated video to explain the candidacy process by which employees request and obtain permission from the PSC prior to seeking nomination or being a candidate in an election.
- In 2013-2014, employee awareness of their legal rights and responsibilities regarding political activities continued to increase. Of employees who responded to the 2013 Survey of Staffing, 75% indicated being aware of their legal rights and responsibilities, up from 69% in 2011 and 73% in 2012.
- In 2013-2014, a total of 155 new candidacy requests for permission were submitted by public servants to the PSC. This is the highest number received in a fiscal year. All decisions rendered by the Commission respected the 30-day requirement prescribed in the *Political Activities Regulations*.



- 3.1 The Preamble to the *Public Service Employment Act* (PSEA) recognizes that Canada will continue to benefit from a non-partisan public service to which access is merit based and where these attributes are independently safeguarded.
- 3.2 Under the PSEA, the Public Service Commission (PSC) has specific responsibilities in this respect. First and foremost, the PSC is responsible for ensuring that appointments<sup>22</sup> under the PSEA are free from political influence.
- 3.3 The political activities provisions set out in Part 7 of the PSEA recognize the right of an employee to engage in any political activity, so long as it does not impair, or is not perceived as impairing, the employee's ability to perform their duties in a politically impartial manner.
- 3.4 The PSC administers the provisions of the PSEA that relate to the political activities of employees and deputy heads. Specifically, the PSC plays three roles. First, it provides guidance to employees regarding their legal rights and responsibilities related to political activities. Second, it renders decisions regarding permission to seek nomination and be a candidate in federal, provincial, territorial and municipal elections, as well as a leave of absence without pay (LWOP), if applicable. Third, the PSC has exclusive authority to conduct investigations into allegations that employees or deputy heads have engaged in improper political activity. If the investigation establishes that there was improper political activity, the Commission may take any corrective action that it considers appropriate.<sup>23</sup>
- 3.5 Upholding the non-partisan nature of the public service is the responsibility of all employees, whatever their level and duties. In particular, deputy heads play a leadership role in safeguarding non-partisanship as they oversee the conduct of their employees. The PSC, in collaboration with other stakeholders, plays a key role in ensuring that the public service remains non-partisan.
- 3.6 In its 2012-2013 Annual Report, the PSC committed to continuing to look for innovative ways to enhance communication and outreach activities throughout the year to increase employees' understanding of their legal rights and responsibilities related to political activities. This chapter describes how the PSC worked to achieve this goal in 2013-2014.

## Non-partisanship in staffing

- 3.7 A non-partisan public service is one in which appointments are based on merit and are free from political influence, and where employees perform their duties, and are seen to perform their duties, in a politically impartial manner.
- 3.8 **Political influence in staffing** – Under the PSEA, the PSC has exclusive authority to investigate any allegations of political influence in staffing. Information on PSC investigations in any given year may be found in Chapter 4 of this report.

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<sup>22</sup> This excludes Governor in Council appointments, which are made by the Governor General on the advice of the Queen's Privy Council for Canada (i.e. the Cabinet), as well as appointments in the six organizations whose enabling legislation stipulates that only the political activities provisions of the PSEA apply to their employees.

<sup>23</sup> If an allegation of improper political activity against a deputy head is substantiated, the Commission shall report its conclusion to the Governor in Council, who may dismiss the deputy head. This does not apply to deputy heads whose removal from office is expressly provided by an Act of Parliament.

- 3.9 **Mobility provision for former ministerial staff** – Ministerial staff are hired by ministers pursuant to section 128 of the PSEA. Prior to 2006, the PSEA provided certain ministerial staff with a priority entitlement for appointment. When the *Federal Accountability Act* received Royal Assent on December 12, 2006, it amended the PSEA by repealing the section related to this entitlement and adding section 35.2. This section allows that, after working as ministerial staff for three years, and once they have ceased in that capacity, such individuals can apply for up to one year to advertised internal appointment processes open to employees of the federal public service. After their eligibility period, they continue to have access to external job postings. The PSC confirms whether former ministerial staff meet the necessary criteria for mobility and provides those who do with electronic access to internal job postings throughout their eligibility period.
- 3.10 **Mobility provision for persons formerly employed in certain excluded positions at the Office of the Governor General's Secretary** – On September 23, 2010, in line with changes introduced in the *Federal Accountability Act*, the entitlement for priority appointment for persons at the Office of the Governor General's Secretary (OGGS) was repealed and replaced with a mobility provision. The provision is included in section 4.1 of *Office of the Governor General's Secretary Employment Regulations*.
- 3.11 The provision allows eligible persons at the OGGS, hired after September 23, 2010, who have been employed for at least three consecutive years in certain excluded positions, to participate in internal advertised appointment processes open to employees of the public service for a period of one year after they cease to be employed at the OGGS.
- 3.12 Similar to the approach for former ministerial staff, the PSC confirms whether the former OGGS employees meet the criteria for this mobility provision and provides those who do with electronic access to internal job postings throughout their eligibility period.
- 3.13 The appointment of former ministerial staff and OGGS individuals into public service positions, like all appointments to the public service, must respect merit.
- 3.14 Since 2006, the PSC has received a total of 39 requests to confirm eligibility for mobility for former ministerial staff and OGGS individuals, of which 28 were confirmed. In 2013-2014, the PSC received 11 requests. Of these, nine were confirmed, and two did not meet the eligibility requirement.

## Political activities by employees

- 3.15 **Overview of political activities** – The PSC is responsible for administering the political activities provisions of the PSEA. It provides advice and guidance to employees, departments and agencies about political activities and reviews requests for permission to run as a candidate in an election. The PSEA prohibits the PSC from delegating its authority for political activities to deputy heads and limits the political activity of deputy heads to voting.



- 3.16 The political activities provisions of the PSEA applied to 231 759 employees as of March 31, 2014. These provisions include deputy heads and employees in all departments and agencies to which the PSC has the authority to make appointments (187 093 employees<sup>24</sup>). They also apply to six other organizations whose enabling legislation stipulates that only the political activities provisions of the PSEA apply to their employees (including students only if the organization considers that they are employees), namely the Canada Revenue Agency, the Parks Canada Agency, the Canadian Institutes of Health Research, the Financial Transactions and Reports Analysis Centre of Canada, the National Film Board of Canada and the Public Service Staffing Tribunal (44 666 employees<sup>25</sup>).
- 3.17 **Political candidacy** – For federal, provincial and territorial elections (section 114 of the PSEA), an employee must request and obtain permission from the PSC prior to seeking nomination as a candidate before or during the election period and being a candidate before the election period. Additionally, they must request, and be granted, a LWOP to be a candidate during the election period. For municipal elections (section 115 of the PSEA), an employee must request and obtain permission from the PSC prior to seeking nomination as a candidate, or being a candidate, before or during the election period.
- 3.18 The PSC requires sufficient information and time to consider each candidacy request on its own merit, taking into consideration factors such as the nature of the election, the nature of the employee’s duties within the organizational context and the level and visibility of the employee’s position.
- 3.19 The PSC will only grant permission if it is satisfied that seeking nomination as a candidate, or being a candidate, will not impair or be perceived to impair the employee’s ability to perform their duties in a politically impartial manner.
- 3.20 An employee ceases to be an employee of the public service on the day on which they are elected in a federal, provincial or territorial election.
- 3.21 **Review of requests** – In 2013-2014, a total of 155 new candidacy requests for permission were submitted by public servants to the PSC. This is the highest number of requests ever received in a fiscal year. All decisions rendered by the Commission in 2013-2014 respected the 30-day requirement in the *Political Activities Regulations*. Table 22 provides an overview of the nature and status of the requests.
- 3.22 **Municipal elections** – In 2013-2014, fixed-date municipal elections were held in three provinces (Alberta, Quebec and Newfoundland and Labrador) and in two territories (Nunavut and the Northwest Territories). However, the PSC also received requests for municipal elections and by-elections in four additional provinces (Nova Scotia, Manitoba, British Columbia and Ontario).
- 3.23 **Municipal requests** – In 2013-2014, municipal requests represented the majority of new candidacy requests received by the PSC (125 out of 155, or 81%). A total of 105 requests (68%) were made by employees who had not previously requested permission. The majority of requests were for the Quebec municipal elections held on November 3, 2013 (73 out of 125, or 58%).

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<sup>24</sup> Includes students, but does not include casual workers, as the latter are not subject to the political activities provisions of the PSEA.

<sup>25</sup> Idem



- 3.24 The PSC may grant permission to seek nomination as a candidate, or to be a candidate, at the municipal level on the condition that employees be on a LWOP before or during the election period or, if elected, either be on a LWOP for the duration of the mandate or cease to be an employee. The full-time commitment of elected municipal office was seen to raise the activity level, profile and visibility of employees, no matter their level, such that permission is conditional on LWOP for the elected mandate. Permission could also be conditional on operational arrangements, such as not dealing with constituent files or with suppliers or contractors in the municipality
- 3.25 **Provincial and territorial elections** – In 2013-2014, elections were held in two provinces (Nova Scotia and British Columbia) and in one territory (Nunavut). No requests were received for British Columbia. Of the total of 18 requests received, one was received for Nunavut, two requests were received for Nova Scotia, six were received for the upcoming election in New Brunswick and two for elections in Ontario. The remaining seven requests were received for the Quebec provincial election held on April 7, 2014.
- 3.26 **Federal elections** – In 2013-2014, the PSC received 12 requests for candidacy at the federal level.

**Table 22: Status of requests (April 1, 2013 to March 31, 2014)**

Level of election	Carried forward from 2012-2013 Decisions rendered in 2013-2014	New candidacy requests received in 2013-2014					Total 2013-2014 new candidacy requests
		Permission granted	Permission previously granted still applies	Permission not granted	Requests withdrawn prior to PSC review	Requests pending PSC review	
Federal	0	10 <sup>(a)</sup>	0	0	0	2	12
Provincial	0	16 <sup>(b)</sup>	0	0	0	1	17
Territorial	0	1	0	0	0	0	1
Municipal	4 (granted)	112 <sup>(c)</sup>	4 <sup>(d)</sup>	0	5	4	125
<b>Total</b>	<b>4</b>	<b>139</b>	<b>4</b>	<b>0</b>	<b>5</b>	<b>7</b>	<b>155</b>

**Source:** Public Service Commission Internal Tracking System

- <sup>(a)</sup> Three requests related to a leave of absence without pay (LWOP) for campaigning activities prior to the election period.
- <sup>(b)</sup> One request was for a change of electoral district and five other requests related to LWOP for campaigning activities prior to the election period.
- <sup>(c)</sup> Eleven requests related to full-time elected municipal office. If elected, permission was conditional on the employees being on full-time LWOP.
- <sup>(d)</sup> Four requests related to an analysis of a change of the employees' public service duties.



## Non-candidacy political activities

- 3.27 The political activities provisions set out in Part 7 of the PSEA recognize the right of an employee to engage in any political activity, so long as it does not impair, or is not perceived as impairing, the employee's ability to perform their duties in a politically impartial manner.<sup>26</sup> Employees do not need permission from the PSC to undertake non-candidacy political activities such as "carrying on any activity in support of, within or in opposition to a political party" and "carrying on any activity in support of or in opposition to a candidate before or during an election period." However, employees are responsible for examining their specific circumstances to assess and make an informed decision about whether engaging in a given non-candidacy political activity would impair, or could be perceived as impairing, their ability to perform their duties in a politically impartial manner.
- 3.28 The PSC has a number of tools available, including a Political Activities Self-Assessment Tool (PA Tool) and a guidance document to help employees assess their own participation in non-candidacy political activities. In addition, employees may wish to discuss their specific circumstances with their manager, their department or agency Designated Political Activities Representative or the PSC. As the PSC's main points of contact in departments and agencies, the designated representative is provided with guidance and tools so that employees can be kept informed of their legal rights and responsibilities related to political activities.
- 3.29 **Status of the Political Activities Self-Assessment Tool** – During the one-year pilot that ended on March 31, 2014, the revised PA Tool was used 2 300 times.
- 3.30 Input from anonymous user feedback questionnaires throughout the pilot and a mid-year report were shared with stakeholders, including bargaining agents. Following this review, modifications to the tool, such as having the ability to assess more than one political activity per session and providing more social media guidance, were identified and implemented.

## Awareness and outreach

- 3.31 **Level of awareness** – For the fifth year, the Survey of Staffing collected data on questions related to political activities, including employee participation in non-candidacy political activities and their degree of awareness of, and extent to which their organization keeps them informed of, their legal rights and responsibilities regarding political activities.
- 3.32 The Survey of Staffing is sent to employees of departments and agencies that conduct their staffing in accordance with the PSEA and that had at least 350 employees on the last day of the reference period. The reference period for the 2013 Survey was from October 1, 2012, to December 31, 2013. The six organizations whose enabling legislation provides that the political activities provisions of the PSEA apply to their employees do not fall within the scope of the Survey of Staffing.
- 3.33 The 2013 Survey indicated that, during the reference period, 4% of employees who responded to the Survey of Staffing engaged in at least one form of political activity other than voting or seeking candidacy, such as fundraising for a political party or distributing campaign information for a candidate. This proportion decreased from 7% in both 2011 and 2012.

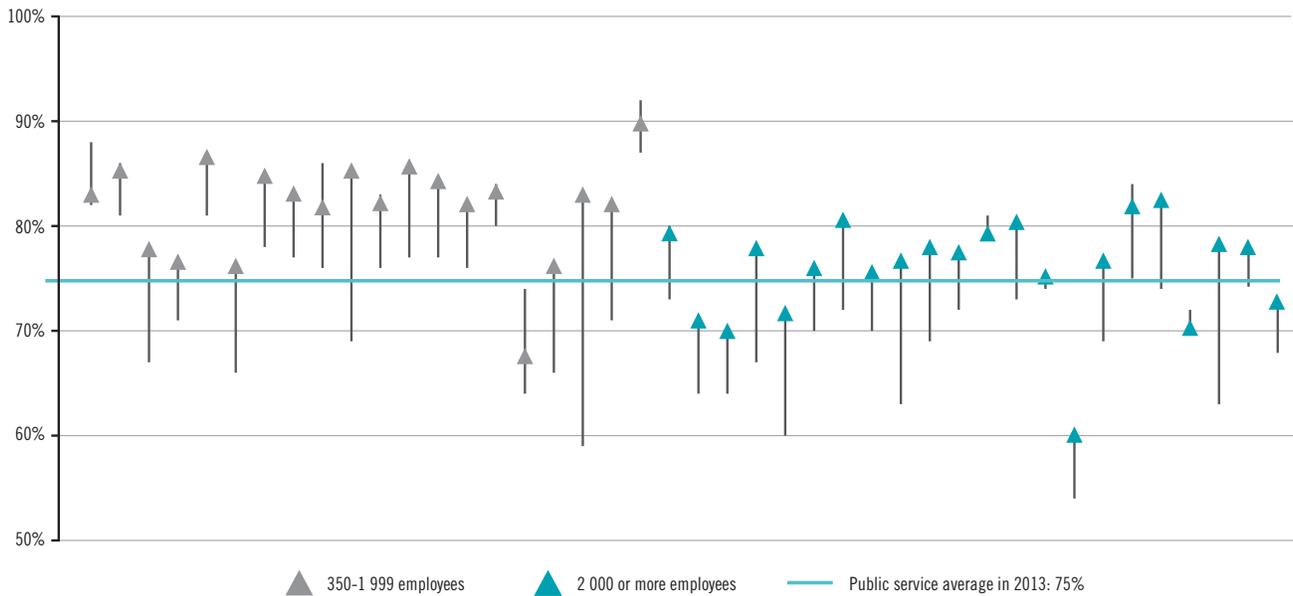
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<sup>26</sup> The PSEA limits the political activity of deputy heads to voting.

3.34 Over the years, employee awareness has continued to increase. This remains the case in the 2013 Survey of Staffing. A total of 75% of employees who responded indicated being aware of their legal rights and responsibilities, up from 69% in 2011 and 73% in 2012. In the 2013 Survey of Staffing, 76% of departments and agencies also demonstrated an increase in the proportion of their employees who were aware of their legal rights and responsibilities compared to the previous year.

3.35 In 2013-2014, the PSC introduced a new and innovative reporting tool, as illustrated in Figure 11. This tool illustrates the change in employees' reported levels of awareness of their legal rights and responsibilities regarding political activities for all PSEA departments and agencies surveyed as stipulated in paragraph 3.32 above. The triangle represents the 2013 Survey of Staffing results, and the length of the line represents the change during the past three survey reference years. This tool was provided to deputy heads as part of their feedback on their Departmental Staffing Accountability Report (DSAR) this year. Deputy heads received their department or agency specific results to allow a comparison to like-sized organizations and for adjustments, as required, to their awareness activities for employees.

**Figure 11: Employees' level of awareness of their legal rights and responsibilities with regards to political activities from 2011 to 2013**



**Source:** Survey of Staffing — 2011, 2012 and 2013

**Note:** The triangle represents the departments and agencies' 2013 results, and the length of the line represents the change during the past three reference years. A triangle below the top of the line illustrates a decrease in level of awareness in 2013, compared to 2011 or 2012.



## Awareness of legal rights and responsibilities regarding political activities

Eighty-one percent of departments and agencies surveyed were over the 2013 public service-wide average. In the 2013 Survey of Staffing, the **Canadian Radio-television and Telecommunications Commission** and the **Canadian Grain Commission** showed the greatest increase in their employees' level of awareness, with 12 and 10 percentage point increases, respectively.

- 3.36 The 2013 Survey of Staffing asked respondents to identify whether they were a manager or supervisor. Of those who responded that they were a manager or supervisor, 85% indicated being aware of their legal rights and responsibilities with respect to political activities, an increase from 78% in 2011 and 82% in 2012. As well, 68% of these managers or supervisors indicated that they felt comfortable answering questions and providing guidance to their employees regarding their engagement in political activities.
- 3.37 The 2013 Survey of Staffing data indicates that 67% of employees were informed by their respective departments and agencies about their legal rights and responsibilities with respect to political activities. This percentage has increased since 2011 (66%) and 2012 (65%). Employees were also asked to indicate all of the people or resources that they consulted concerning their legal rights and responsibilities regarding political activities. On-line and printed materials provided by the PSC continued to be the resources most frequently consulted by employees. This information will allow the PSC to continue focusing on outreach initiatives in 2014-2015.
- 3.38 **Outreach activities** – In its 2012-2013 Annual Report, the PSC highlighted the importance of continuing to look for innovative ways to enhance communication and outreach activities throughout 2013-2014.
- 3.39 As part of its communication and outreach activities, the PSC developed a short animated video explaining the candidacy process for employees to request and obtain permission from the PSC prior to seeking nomination or being a candidate in an election. The video is designed to provide a quick overview of the candidacy process in an entertaining manner and create interest for viewers to seek further information.
- 3.40 The PSC revised the Political Activities Quiz in 2013-2014. The quiz has been completed a total of 4 816 times since its launch in the fall of 2012.
- 3.41 In 2013-2014, the PSC also revised the Political Activities Brochure. The brochure is available to all departments and agencies and is used in orientation and information sessions, as well as included in new employee information packages.
- 3.42 The PSC continued to provide deputy heads and heads of human resources with information for distribution to employees regarding political activities, including information on upcoming elections. The PSC also continued to liaise with provincial and municipal election authorities and associations to provide information about federal public service employees' legal rights and responsibilities related to political activities, for use in their publications and on their Web sites.



- 3.43 In 2013-2014, all departments and agencies subject to the PSEA had to report, for the first time, on the non-partisanship/political activities indicator of the DSAR. The assessment of this indicator enabled the PSC to obtain information on ongoing initiatives related to raising employees' awareness regarding political activities. Details on the DSAR can be found in Chapter 4.
- 3.44 From these initiatives, the PSC compiled a list of best practices related to raising awareness and shared them with its community of Designated Political Activities Representatives during a learning event held on September 25, 2013.

### Learning Event on Political Activities: Best Practices for Raising Employee Awareness

During the learning event for organizational Designated Political Activities Representatives held on September 25, 2013, four out of the eight organizations which were recognized for best practices during the assessment of the non-partisanship/political activities indicator presented their practices for raising employee awareness. These practices included: creating a generic political activities e-mail account; developing their own political activities guidelines and brochure; creating toolkits for managers which incorporated political activities case studies; and ensuring managers inform their staff about political activities during performance evaluation meetings.

- 3.45 In 2013-2014 the PSC also shared the 2012 Survey of Staffing results related to their employees' awareness of their legal rights and responsibilities with respect to political activities with departments and agencies and offered assistance to those with lower averages of awareness.
- 3.46 The PSC committed to continue working in partnership with the Canada School of Public Service (CSPS) to identify additional courses in their curriculum where political activities-related information could be added or enhanced. In 2013-2014, new political activities content was added to the Authority Delegation Training courses and the Authority Delegation On-line Assessment, which are required training for managers and Executives. Political activities learning material is included in 11 courses at the CSPS. Political activities information was also published in an issue of the CSPS Facilitator's Blog.
- 3.47 Survey of Staffing findings demonstrate an increase in the level of awareness related to political activities. The PSC will continue to build on tools and outreach with departments and agencies to ensure employees are aware of their legal rights and responsibilities.

## Investigations into political activities of employees

- 3.48 **Authority** – Under the PSEA, the Commission has exclusive authority to conduct investigations into allegations that an employee has failed to comply with any of subsections 113(1), 114(1) to (3) and 115(1) of the PSEA, that is, that they engaged in improper political activity.



**Table 23: Public Service Commission investigations into allegations of improper political activities**

Number of active cases carried over from previous years	2
Number of requests received in 2013-2014	7
Total number of active cases in 2013-2014	9
Number of cases completed in 2013-2014	5
Number of cases discontinued after referral to investigation	0
Number of investigations unfounded	0
Number of investigations founded	3
Number of cases closed at intake <sup>(a)</sup>	2
Number of active cases remaining as of March 31, 2014	4

**Source:** Public Service Commission Investigations Management Information System

<sup>(a)</sup> Cases closed for reasons that include unreasonable grounds (1) and no jurisdiction (1).

3.49 Three investigations into allegations of improper political activity were completed in 2013-2014. In all cases, the allegations were founded.

3.50 **Corrective actions following founded investigations** – Following an investigation under section 118 of the PSEA, when employees fail to comply with any of subsections 113(1), 114(1) to (3) and 115(1), the Commission may take any corrective action that it considers appropriate. Corrective actions are determined on a case-by-case basis.

3.51 Since the coming into force of the PSEA in 2005, the Commission has ordered a range of corrective actions, including, but not limited to, the following: recovery of pay; requirement to attend training; requirement to obtain the Commission’s approval prior to returning from LWOP; or requirement to be placed on a LWOP.

3.52 Table 24 indicates the corrective actions ordered by the Commission over the past three years:



**Table 24: Corrective actions ordered for founded cases of improper political activity, by fiscal year<sup>(a)</sup>**

Corrective Action	2011-2012	2012-2013	2013-2014	Total
Letter sent to deputy head and placed on employee file for two years	2	2	2	<b>6</b>
Values and ethics training	2	1	0	<b>3</b>
Recovery of pay	0	1	0	<b>1</b>
3-year permission clause <sup>(b)</sup>	0	0	1	<b>1</b>
Investigation report and Record of Decision sent to deputy head	0	0	1	<b>1</b>

**Source:** Public Service Commission Investigations Management Information System

<sup>(a)</sup> The number of corrective actions may not necessarily match with the number of founded investigations as multiple corrective actions can be ordered for a single file or a file may not require corrective actions.

<sup>(b)</sup> The requirement to obtain the Commission's written approval before accepting any position or work within the federal public service for a specific period.

## Blueprint 2020

3.53 In June 2013, the Clerk of the Privy Council launched Blueprint 2020 which sets out the vision for a high-performing public service that embraces innovation, transformation and continuous renewal, as well as an engagement process for determining how to realize this vision. In May 2014, the Clerk released Destination 2020, which focuses on the action plan and implementation phase to modernize the public service. Destination 2020 reinforced that there are certain fundamental attributes of the public service that must remain unchanged, one being that “the public service is professional, non-partisan and works in the public interest.” The Commission encourages public servants to continue this important dialogue on how to best maintain the non-partisan nature of the public service.

## Bill C-520: *An Act supporting non-partisan agents of Parliament*

3.54 The PSC's mandate is to ensure that appointments to and within Canada's federal public service are based on merit and are free from political influence and that the public service is professional and non-partisan. In this context, the PSC has a keen interest in Private Member's Bill C-520, *An Act supporting non-partisan agents of Parliament*, which was introduced in the House of Commons on June 3, 2013. To contribute constructively to Parliament's study of Bill C-520, the PSC submitted a statement outlining its concerns to the Standing Committee on Access to Information, Privacy and Ethics studying the Bill, a copy of which was posted on the PSC's Web site.



3.55 At the time of publishing this report, the PSC remains concerned about the possible effect on the merit-based appointment system of the Bill's requirement for every applicant for a position in the office of an agent of Parliament to, as soon as possible in the selection process, provide a written declaration stating whether or not, at any time in the 10 years before applying for the position, they occupied a politically partisan position. The fact that the PSC does not ask for information on political affiliation as part of the appointment process is, the Commission believes, essential in ensuring confidence, on the part of the public and applicants, in the impartiality and fairness of the merit-based appointment system. As a resource for both Parliament and the Government of Canada on matters related to safeguarding the merit principle and the non-partisan nature of the public service, the PSC will continue to engage as the proposed legislation proceeds through the parliamentary process.





# CHAPTER 4

## Oversight: Monitoring, audits and investigations

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## Highlights

- The Public Service Commission (PSC) has established an oversight framework that provides information on the integrity of the staffing system by systematically examining the different parts of the system.
- Overall, results from PSC oversight activities indicate that most key elements of the staffing framework are in place. Organizational performance in staffing management continued to improve in 2013-2014. Also, most departments and agencies succeeded in demonstrating an acceptable level of performance in the six key areas that were assessed this year.
- However, a number of recurring issues continue to be identified. These include the need to strengthen the monitoring of appointment processes to determine areas for improvement and to detect and correct errors in a timely manner; to improve the effectiveness of controls surrounding the sub-delegation of staffing authority; and to improve how appointment decisions are substantiated.
- Although PSC monitoring results indicate that organizations are monitoring the management of priority entitlements, PSC audits identified some instances where persons with a priority entitlement may not have been considered appropriately.
- As the staffing system and capacity within delegated departments and agencies mature to meet requirements under the *Public Service Employment Act*, the PSC continues to refine how it undertakes oversight.
- The PSC redesigned its Appointment Delegation and Accountability Instrument (ADAI) and introduced a single, generic ADAI applicable to all delegated deputy heads. The PSC's goal is to improve the communication and understanding of the terms and conditions of delegation, and its support to organizations.
- The PSC also implemented a new streamlined Staffing Management Accountability Framework in 2013-2014 that is intended to be more useful as an internal management tool for deputy heads.
- As reported in 2012-2013, the PSC conducted an external panel review of its investigations function. The report and its 22 recommendations were received in November 2013.



- 4.1 The Preamble to the *Public Service Employment Act* (PSEA) emphasizes the importance of both delegation and accountability in successfully implementing a flexible staffing environment. The Public Service Commission (PSC) is ultimately accountable to Parliament for the overall integrity of the staffing system and holds deputy heads accountable for how delegated authorities are exercised in their organizations. As a result, both deputy heads and the PSC are responsible for the overall success of the staffing system.
- 4.2 The PSC has established an oversight framework that provides information on the integrity of the staffing system by systematically examining the different parts of that system. In addition to its regulatory authority and policy-setting function, this framework is comprised of three important oversight mechanisms: monitoring, audits and investigations.
- 4.3 One of the PSC's oversight mechanisms is the Staffing Management Accountability Framework (SMAF), which sets out the PSC's expectations for a well-managed appointment system in a delegated organization in keeping with the PSEA, and provides a framework for monitoring staffing performance at the organizational level. Through the Departmental Staffing Accountability Report (DSAR), which is provided by deputy heads, the PSC assesses organizational performance against the SMAF and provides annual feedback to deputy heads. The results of the PSC's monitoring, as well as monitoring conducted by organizations themselves, are important sources of information to help deputy heads and the PSC identify areas where action is required to improve staffing management and performance. Further actions may include assistance from a PSC advisor, PSC audits or investigations.
- 4.4 The PSC conducts audits to inform deputy heads and Parliament of whether, and how, appointments made across the federal public service respect merit. Audit results contribute to deputy heads' understanding of the staffing risks, controls and governance within their respective organizations. Where appropriate, recommendations are included in the audits to help organizations address issues and make improvements to their staffing practices. Audits also help the PSC meet its mandate to report on, and support, the integrity of the staffing system. Through a systematic approach, the audits further provide the PSC with information on staffing trends and issues, while contributing to system-wide learning and performance. Audits may also result in the identification of issues in appointment processes that warrant a PSC or organizational investigation.
- 4.5 Investigations comprise the third mechanism of PSC oversight. To protect merit and safeguard the integrity of appointment processes, the PSC conducts investigations into processes that may have included instances of error, omission, improper conduct, fraud or political influence. The PSC also conducts investigations into allegations of improper political activity by public servants in order to maintain political impartiality in the public service. In cases where PSC investigations are founded, the Commission may take any corrective action that it considers appropriate, which may include revoking an appointment or dismissing an employee, in cases of improper political activity.
- 4.6 Collectively, the integrated results of these three oversight mechanisms (monitoring, audits and investigations) allow the PSC to report to Parliament on the overall integrity of the staffing system, as well as provide feedback to deputy heads and promote learning about staffing practices to strengthen staffing performance. The PSC also uses these integrated oversight results to refine its policy framework and related guidance and to support delegated departments and agencies.



- 4.7 As the staffing system and capacity within delegated departments and agencies mature, the PSC continues to refine the way in which it undertakes oversight. In consultation with various internal and external stakeholders, the PSC has redesigned and streamlined the SMAF to make it a more effective and useful management tool for deputy heads and for the PSC, while reducing reporting requirements for organizations so they can focus their efforts on improving their staffing systems. The PSC is also undertaking consultations and exploring options regarding its approach to the conduct of audits of departments and agencies. Finally, the PSC is taking action in response to the report submitted by the external panel that conducted a review of its investigations function.

## Monitoring

- 4.8 In 2013-2014, the PSC implemented a new SMAF that closely aligns with the core expectations outlined in the Appointment Delegation and Accountability Instrument (ADAI) and the PSC Appointment Framework. The new SMAF focuses on areas of ongoing risk identified by the PSC's SMAF assessments, audits and investigations conducted in previous years.
- 4.9 The new SMAF supports a more risk-based approach that allows deputy heads and their senior management teams to take into account their organizational context, resource capacity and tolerance for operational and staffing risks. As part of this new approach, the PSC intends to have an ongoing relationship with organizations, with the aim of meeting with them regularly to provide guidance and share noteworthy practices to improve organizational staffing practices and the staffing system overall.
- 4.10 The new SMAF is designed to reduce reporting requirements and provide greater flexibility to organizations. It has one strategic outcome, one desired outcome, five elements and 12 indicators, making it simpler and more focused than the previous SMAF, which had 29 indicators and 60 measures. In addition, the new SMAF has been designed to support an approach where organizational reports would be shorter, more concise and of increased use to both deputy heads and the PSC.
- 4.11 In 2013-2014, the PSC asked deputy heads to report on their organization's performance in six of the twelve areas that are important and/or that present a risk to the overall integrity of the staffing system at this point in time.

These six key areas are:

- Staffing decisions;
- Management of priority entitlements;
- Official languages;
- Investigations into staffing;
- Political activities; and
- Ongoing improvement.



4.12 The PSC relies on two distinct sources of information for its assessments of the staffing performance of departments and agencies.<sup>27</sup> Deputy heads submit a self-assessment in the form of a Departmental Staffing Accountability Report (DSAR), in which they report on their organization’s performance and provide supporting documentation. In addition, the PSC reviews the information at its disposal, such as data on the time it takes to register and to assess persons with a priority entitlement, and incorporates the results of PSC audits and investigations into its assessment.

**Table 25: Overall Staffing Management Accountability Framework Results for 2013-2014**

Staffing Management Accountability Framework (SMAF) indicators	% of organizations with “Met” Overall public service
<b>Monitoring</b>	
• Staffing decisions	90.9 %
• Priority entitlements	95.5 %
• Official languages qualifications in staffing	91.2 %
• Investigations into staffing	100 %
<b>Ongoing improvement</b>	
Ongoing improvement	96.7 %
<b>Political activities</b>	
Raising employees’ awareness of legal rights and responsibilities regarding political activities	100 %

### Staffing decisions

4.13 As outlined in the ADAI and the PSC Appointment Framework, departments and agencies are expected to have control mechanisms in place to monitor the appropriate exercise of delegated and sub-delegated appointment authorities. They must also ensure that staffing decisions comply with the legislation and with the PSC’s Appointment Framework and the organization’s own appointment policies on an ongoing basis and report the results to senior management.

4.14 This monitoring enables deputy heads and organizations to assess staffing management and performance related to appointments and appointment processes. Monitoring makes it possible to detect and correct issues as they arise, rather than relying solely on complaints, investigations or audits to identify issues. It also makes it possible to manage risk and to improve staffing performance.

4.15 All departments and agencies assessed had an acceptable level of performance, with a few exceptions. Many of the recommendations for improvement related to monitoring the quality and compliance of appointment decisions.

<sup>27</sup> In 2013-2014, 80 departments and agencies exercised appointment authorities delegated to them by the Public Service Commission.



## Management of priority entitlements

- 4.16 In recognition of the increased number of persons with a priority for appointment in the public service as a result of workforce adjustment in Spending Review 2012, the PSC increased its expectations of departments and agencies for the effective management of priority entitlements. Organizations were expected to monitor the effectiveness of their approach to ensuring that priority clearance was obtained before initiating any other appointment process.
- 4.17 In addition, departments and agencies were expected to monitor the overall management of priority entitlements in a number of areas:
- The organization's own priority population, specifically:
    - › The time to register and/or update entitlement changes for persons with a priority entitlement in the Priority Information Management System (PIMS); and
    - › The number of their own persons with a priority entitlement that they have appointed, those that have resigned, that remain in the system, as well as those with entitlements that are about to expire.
  - All persons with a priority entitlement, specifically with regard to:
    - › The time to assess persons with a priority entitlement following referral;
    - › The number of appointments of persons with a priority entitlement relative to all of the organization's indeterminate appointments; and
    - › The number of and reasons for clearance requests cancelled following the receipt of PSC referrals.
- 4.18 Almost all organizations (95.5%) succeeded in meeting the PSC's increased expectations for effective management of priority entitlements. However, some organizations faced challenges in ensuring they had an effective approach to considering persons with a priority entitlement before choosing other options to fill vacant positions. The PSC will continue to provide support to these organizations in their efforts to meet this expectation.

## Official languages

- 4.19 The PSC expects departments and agencies to resolve all outstanding cases of non-imperative appointments where the person does not meet the level of official language proficiency required for the position within the time periods prescribed by regulations. The number of cases that do not meet the requirements continues to decline: there were six such cases in three organizations as of March 31, 2014, a decrease from the 55 cases reported in 2009-2010 and from 320 such cases in 2005-2006. In 2013-2014, organizations were also expected to monitor the use of the Second Language Evaluation confirmation period as necessary. Departments and agencies have addressed 245 (or 95%) of 257 cases, the remainder have been delayed due to long-term leaves of absence, or the employees were being deployed to a position for which they meet the language requirements. Additional information on official languages is provided in Chapter 1.



## Investigations into staffing

- 4.20 The PSC expects departments and agencies to implement corrective actions as ordered in Records of Decision for founded PSC investigations, and to manage in-house investigations and associated results. All departments and agencies assessed had an acceptable level of performance. Additional information on investigations into staffing is provided later in this chapter.

## Political activities

- 4.21 The PSC expects departments and agencies to review the results from the Political Activities section of the Survey of Staffing and to take action to raise employees' awareness of their legal rights and responsibilities as public servants with regard to political activities. All organizations assessed had an acceptable level of performance. Further information on political activities can be found in Chapter 3.

## Ongoing improvement

- 4.22 Departments and agencies are expected to improve their staffing management and performance by acting on the results of their internal monitoring, audits and investigations. As well, every year, the PSC provides each deputy head with an assessment of their department or agency's performance and feedback on areas of strength and opportunities for improvement. As a result of PSC audits, departments and agencies may also receive recommendations for the improvement of the framework, systems and practices that they have in place to manage their appointment activities and comply with the legislation and regulations, the PSC Appointment Framework and their own organizational appointment policies.
- 4.23 Departments and agencies are expected to address areas of concern that were identified by the PSC in previous years and to demonstrate improvement. The PSC supports these organizations by providing advice and guidance that is tailored to their needs and by sharing the noteworthy practices and approaches of other organizations.
- 4.24 The percentage of departments and agencies with an acceptable level of performance with respect to either having no recommendations or having implemented the PSC's recommendations was 97% in 2013-2014, compared to 80% in 2012-2013, 89% in 2011-2012, 74% in 2010-2011 and 51% in 2009-2010.
- 4.25 In 2012-2013, a total of 17 departments and agencies assessed received feedback from the PSC with recommendations or suggestions for improvement, including a number of organizations where the PSC conducted an audit. Many of the recommendations were related to the management of priority entitlements and the monitoring of, and planning for, staffing. In 2013-2014, 16 of these 17 organizations demonstrated that action had been taken and progress made in response to all of the PSC's recommendations.
- 4.26 The areas where continued improvement is required relate to the planning for staffing and assessing the actual results of their staffing strategies.
- 4.27 In line with the intent of the new SMAF and the maturation of the staffing system, the PSC will offer ongoing assistance to organizations to enable them to continue to improve their staffing management and performance regardless of whether areas for improvement were identified by the PSC or the organization.

### Special mention:

All departments and agencies audited by the PSC receive assistance in the development of action plans to address the recommendations of the audits. Through its monitoring activities, the PSC follows up and provides assistance on the implementation of the action plans.

Following the 2008 audit of the **Royal Canadian Mounted Police** and the 2010 audit of the **Parole Board of Canada**, the PSC assigned a special advisor to assist both organizations to implement audit recommendations and improve their overall staffing system. The positive findings of the 2014 follow-up audits for both organizations found that they have sustained progress in improving their appointment system and practices.

## Audits

- 4.28 Audits provide information to departments, agencies and Parliament on the integrity of the staffing system. PSC audits are an important part of the feedback loop that underpins deputy heads' understanding of staffing risks, controls and governance within their organizations.
- 4.29 A total of 50 organizational audits have been completed over the past six years on organizations under the PSEA. To ensure a balanced view of staffing in the federal public service, throughout the audit cycle, a mix of departments and agencies — selected based on size and identified risks — are audited each year.
- 4.30 The Audit Plan for 2014, published in the PSC's 2012-2013 Annual Report, identified a total of five organizational audits, three follow-up audits as well as a possible government-wide audit of eight small and micro-organizations. In 2013-2014, the PSC completed four organizational audits and three follow-up audits and began consulting and reviewing how to adapt the PSC audit methodology to the size and level of risk associated with small and micro-organizations. Information on the Audit Plan for 2014-2015 and 2015-2016 can be found in Appendix 4.
- 4.31 The organizational audits conducted in 2013-2014 are published as part of the PSC Annual Report. The PSC audit reports for 2013-2014 include the following organizations: Statistics Canada, Veterans Affairs Canada, Employment and Social Development Canada, and Public Safety Canada. In addition, the PSC conducted three follow-up audits including the Parole Board of Canada, the Office of the Commissioner of Official Languages, and the Royal Canadian Mounted Police.

## Audit observations

- 4.32 The objectives of each of the audits are to determine whether the organization has an appropriate framework, practices and systems in place to manage its appointment activities, and to determine if appointments and appointment processes in the organization comply with the PSEA, any other applicable statutory instruments, including the *Public Service Employment Regulations*, the PSC's Appointment Framework, including the ADAI, and related organizational appointment policies.



- 4.33 Similar to the findings in previous years, the 2013-2014 audits found that most of the key elements of the appointment framework were in place. However, a number of recurring issues continue to be identified in current audits, as outlined in the following section.

### *Observations on appointment frameworks*

- 4.34 **Sub-delegation of authority** – The 2013-2014 audits found that all the organizations audited had established sub-delegation instruments and had identified the conditions that hiring managers had to meet to exercise the sub-delegated appointment authority. However, weaknesses were identified among three of the four organizations audited regarding the controls surrounding sub-delegation, such as maintaining an updated list of hiring managers and ensuring that they met the conditions of sub-delegation such as mandatory training.
- 4.35 Effective controls help provide assurance to departments and agencies that conditions surrounding sub-delegation are respected. A clear and well-managed sub-delegation instrument and process are important for organizations to ensure that hiring managers meet the conditions of sub-delegation as established by the deputy head, that they are adequately trained and that they fully understand their sub-delegated authorities. The PSC will continue to work with departments and agencies to help them strengthen the controls put in place to ensure that conditions of sub-delegation of appointment authorities are respected.
- 4.36 **Planning for staffing** – The 2013-2014 audits found that two of the four organizations audited had established staffing plans and related strategies and that these plans and strategies had been communicated to employees. The other two organizations audited had undertaken significant structural re-organization, therefore the PSC did not audit their staffing plans.
- 4.37 Planning for staffing is essential, as it can increase the efficiency of staffing and improve the transparency of staffing practices for employees. The PSC will continue to work actively with organizations to strengthen their staffing plans and related strategies which are expected to set out measurable expected results or performance indicators and be communicated to employees.
- 4.38 **Monitoring of appointment decisions** – The 2013-2014 audits found that organizations had identified monitoring and control mechanisms to review appointment decisions. However, similar to previous years, the audits continue to find issues with the implementation of this monitoring. The monitoring activities were not always effective in identifying whether there was sufficient information to substantiate that the appointment was based on merit (e.g. evidence that educational or language requirements were met), whether the person signing the letter of offer was authorized to do so, and whether the appointment decision complied with the PSEA and PSC and organizational policies.
- 4.39 In all of the organizations audited, the PSC found that staffing checklists had been created to support monitoring. While a checklist may be useful in helping to ensure that important appointment-related information is available when required, the audits found that, in two organizations, these checklists were not always effective in ensuring the existence of, or the quality of, the information available to support the appointment decisions. The audits found that information was missing for some of the appointments audited, such as proof of education, the material used to assess the merit criteria and second language evaluation results. The use of a tool such as a checklist may support but often cannot be a substitute for active monitoring — through file reviews, internal audits or other means — to assess whether appointments were made on the basis of merit and to detect and correct errors and other issues in a timely manner.

4.40 Monitoring is a key business process that helps departments and agencies ensure that appointment decisions are compliant, detect and correct issues in a timely manner and support continuous improvement of staffing performance. The PSC has committed to developing additional guidance and providing assistance to departments and agencies to ensure that appropriate controls are implemented for the review of appointments, while taking into consideration the size of the organization.

### ***Observations on appointments***

- 4.41 **Merit** – The PSC and deputy heads expect hiring managers to be able and ready to articulate the basis on which they make appointment decisions. Merit was respected in the majority of appointments audited this year. However, as with previous years, the audits identified a number of appointments for which merit could not be demonstrated. The term “merit not demonstrated” is used where there is insufficient evidence to determine whether some, or all, of the merit criteria used to make the appointment have been met.
- 4.42 To support PSC and organizational learning, this year the PSC has analyzed instances where merit was not demonstrated in the appointments it has audited over the past two years. The analysis found that in a number of the appointments examined, merit could not be demonstrated because the organization was unable to provide sufficient information to demonstrate that the established merit criteria were met (e.g. proof of education), or the tools used to assess the merit criteria did not evaluate all of the criteria or were not correctly applied by the hiring managers.
- 4.43 The results of the assessment of the merit criteria must be documented and available to substantiate the decision that the person to be appointed meets merit and the reasons for the appointment decision. To assist departments and agencies in documenting their appointment decisions, the PSC is reviewing its policies, guidance, staffing file templates and other tools, and is engaging with human resources (HR) advisors and hiring managers in different ways.
- 4.44 **Consideration of priority entitlements** – The PSEA and the *Public Service Employment Regulations* provide an entitlement for certain persons who meet specific conditions to be appointed in priority to others, if qualified. As part of this year’s audits, the PSC continued to verify whether these entitlements and the PSC’s policy expectations were respected. It should be noted, however, that the scope of these audits largely preceded the implementation of measures by the PSC over the past year to strengthen the system and policies for priority entitlement and the Priority Administration Program.
- 4.45 Specifically, the audits verified whether organizations obtained a priority clearance number prior to making an appointment; whether the same criteria, such as essential qualifications and tenure that were used in the request for priority clearance were also used to make the appointment; and that persons with a priority entitlement who were referred were assessed by the hiring manager.



- 4.46 Consistent with the fact that the monitoring of the management of priority entitlements has improved, as outlined earlier in this chapter, the audits revealed that, in most appointments audited, organizations respected the requirements of the Priority Administration Program. However, in all four organizations where the PSC examined appointments this year, the PSC found situations where persons with a priority entitlement may not have received proper consideration. For example, hiring managers using a statement of merit criteria to consider persons with a priority entitlement that was different from the one used to make the actual appointment decision.
- 4.47 Across these four organizations, the PSC estimates that situations where persons with a priority entitlement may not have received proper consideration applied to 18% of appointments<sup>28</sup> for which a priority clearance was required. As a result, the PSC has included a recommendation to those deputy heads to whom concerns were identified in the audit of their organization.
- 4.48 The PSC is examining these appointments to determine if there are recurring issues which should be clarified for hiring managers and HR advisors and if further program changes are required to ensure that persons with a priority entitlement receive proper consideration.
- 4.49 The PSC will also continue to monitor actively to ensure that priority entitlements are respected and that persons with a priority entitlement are appointed to vacant positions for which they are found qualified. The new SMAF also encourages organizational monitoring of higher-risk areas in priority entitlements, and taking timely corrective action.

### **Follow-up audit observations**

- 4.50 The objective of PSC follow-up audits is to determine if the organizations had adequately responded to the recommendations made as part of a previously undertaken PSC audit. This year, the PSC conducted follow-up audits of three organizations: the Royal Canadian Mounted Police, the Parole Board of Canada, and the Office of the Commissioner of Official Languages. These organizations had been previously audited by the PSC in 2008, 2010 and 2011 respectively.
- 4.51 We found in all three cases that the organizations had adequately responded to the PSC's recommendations. Moreover, during the conduct of these follow-up audits, we found that these organizations were committed and engaged in improving their staffing management framework, including the monitoring of staffing activities.
- 4.52 Following these positive findings, the PSC was able to remove the remaining additional terms and conditions to the delegation of the Office of the Commissioner of Official Languages that were still in place.

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<sup>28</sup> Combining data from multiple audits requires adjusting for the fact that organizations vary greatly in the number of appointments they perform each year. These adjusted performance measures are weighted to reflect the overall performance across all organizations combined. Each year's findings represent only the organizations audited that year, therefore, direct year-over-year comparisons cannot be made.

## Noteworthy practice

During the audit of the **Office of the Commissioner of Official Languages**, the following noteworthy practice was observed:

The **Office of the Commissioner of Official Languages** developed an innovative electronic template for written rationales in non-advertised appointment processes. This template assists hiring managers in demonstrating which of the organization's criteria for a non-advertised process are being used and how the choice of this type of process meets the organization's criteria and is consistent with the expectations set out in the *Public Service Employment Act*. The tool helps to ensure that organizational and Public Service Commission expectations and requirements for the use of non-advertised appointments are consistently applied, and that the time necessary to undertake this type of process is optimized.

- 4.53 **Additional terms and conditions on delegation** – Depending on the conclusions drawn from an audit, the PSC may provide an organization with recommendations for improving its staffing practices and ensuring compliance with legislative, regulatory and policy requirements. Further, depending on the issues raised, the PSC may take additional action, including working collaboratively with the organization to address the issues or imposing additional terms and conditions on the delegation to these organizations.
- 4.54 The deputy heads of the departments and agencies audited this year have provided the PSC with an action plan in response to the audit recommendations. The PSC will monitor, through its regular monitoring activities, actions taken in follow-up to the audit recommendations, as applicable.
- 4.55 The PSC can also support departments and agencies by providing assistance and ongoing support in the implementation of their action plans. In 2013-2014, the PSC provided this type of assistance to nine organizations. The PSC assisted these organizations with building capacity, developing clear and comprehensive action plans further to an audit, addressing recurrent issues raised in the organizations' annual staffing reports, as well as developing, refining and implementing a staffing monitoring program, tools and other control mechanisms.

## Investigations

- 4.56 As a component of oversight, the investigations function plays an important role in the PSC's accountability to Parliament by helping to safeguard the integrity of appointments and oversee the political impartiality of the federal public service.
- 4.57 To enhance the understanding of organizations regarding their obligations to individuals in the course of an investigation, the PSC delivered two workshops to all departments and agencies on how procedural fairness is applied in the context of an investigation.



## Procedural fairness in investigations

In February 2014, the Public Service Commission (PSC) delivered two workshops to departments and agencies on procedural fairness in PSC investigations. Over 40 participants from 28 departments and agencies attended this session which was designed to enhance the understanding of departments and agencies regarding their obligations to individuals during an investigation.

The workshops looked at the legislative context for investigations as well as the definition of procedural fairness (a rule of natural justice that applies to any administrative body that renders a decision). Procedural fairness addresses the rights of individuals, such as their right to be heard or their right to be represented during an investigation. Responsibility for procedural fairness in the context of internal investigations conducted by departments under the *Public Service Employment Act* was explored in depth. Participants at the workshops had an opportunity to analyze a fictitious case study and to discuss actual situations within their own departments.

4.58 **Authority of the Commission** – Part 5 of the PSEA provides the Commission with the power to conduct investigations into appointment processes. This includes:

- Section 66: Merit and errors, omission or improper conduct in external appointment processes;
- Subsections 67(1) and (2): Errors, omission or improper conduct in internal appointment processes at the request of a deputy head, or for non-delegated appointments;
- Section 68: Suspicion of political influence in any appointment process; and
- Section 69: Suspicion of fraud in any appointment process.

4.59 **Volume of investigations** – As indicated in Table 26, the PSC's Investigations Branch received 275 new requests to investigate appointment processes in 2013-2014. This is higher than the previous year and reflects a return to higher levels of staffing activity following Spending Review 2012.



**Table 26: Public Service Commission investigations into appointment processes<sup>(a)</sup>**

	Section 66 External appoint- ments	Subsection 67(2) Internal appoint- ments – delegation	Section 68 Political influence	Section 69 Fraud	Other sections or subsec- tions of the PSEA <sup>(b)</sup>	Total
Number of active cases carried over from previous years	44	13	1	19	4	<b>81</b>
Number of requests received in 2013-2014	177	8	1	79	10	<b>275</b>
Total number of active cases in 2013-2014	221	21	2	98	14	<b>356</b>
Number of cases completed in 2013-2014	170	15	2	38	13	<b>238</b>
Number of cases closed at intake <sup>(c)</sup>	154	6	2	18	13	<b>193</b>
Number of cases discontinued	1	0	0	1	0	<b>2</b>
Number of cases resolved through Early Intervention <sup>(d)</sup>	0	N/A	N/A	N/A	N/A	<b>0</b>
Number of investigations unfounded	8	5	0	10	0	<b>23</b>
Number of investigations founded	7	4	0	9	0	<b>20</b>
Number of active cases remaining as of March 31, 2014	51	6	0	60	1	<b>118</b>

**Source:** Public Service Commission Investigations Management Information System

<sup>(a)</sup> It is possible for files to be opened under one section of the *Public Service Employment Act* (PSEA) but later be investigated under another.

<sup>(b)</sup> These other sections include section 17, subsections 67(1) and 15(3), internal appointments and cases that do not clearly fall into a specific category (other).

<sup>(c)</sup> Cases closed for reasons that include no mandate, no possibility of corrective action or other policy or regulatory considerations.

<sup>(d)</sup> Early Intervention is not offered other than for cases under section 66 of the PSEA.

### Investigations under specific authorities

**4.60 Section 66: External appointment processes (merit, error, omission or improper conduct) –**  
The largest percentage of investigation files received were related to whether merit was met or whether errors, omission or improper conduct occurred in an external appointment process.

**4.61** A total of seven files resulted in founded investigations under section 66 in 2013-2014. Corrective actions ranged from training to revocation of an appointment. Revocation was ordered in two instances. Other forms of corrective action ordered included reassessment of a candidate, suspension of sub-delegated appointment authorities and training in staffing, values and ethics.



- 4.62 **Subsection 67(2): Investigations on behalf of an organization** – Under this section of the PSEA, the PSC continues to offer its experience and expertise to departments and agencies by offering to conduct investigations on their behalf where the issues fall under the sub-delegated authority of the deputy head and where it is their responsibility to investigate before taking any necessary corrective action. In this fiscal year, nine investigations were completed by the PSC on behalf of organizations; in four cases, the allegations were founded. Investigation reports and recommended corrective actions were provided to deputy heads for further action.

### Case summary 1 (conducted under section 67(2) of the *Public Service Employment Act*)

**Improper conduct: Favoritism, inappropriate re-assessment**

**Errors: Each essential qualification was not assessed, reference checks were not considered, priority clearance was not updated accordingly**

An anonymous source provided information to the PSC indicating problems in an internal appointment process. The resulting investigation was undertaken at the request of the organization under subsection 67(2) of the *Public Service Employment Act* (PSEA). The purpose of the investigation was to determine whether the selection of this candidate for an indeterminate position was affected by an error, omission or improper conduct.

Specifically, it was alleged that the education requirement and one of the experience qualifications in the statement of merit criteria were changed to favour the candidate. Furthermore, the staffing file for this process revealed that the candidate did not initially satisfy the screening criteria, but the candidate was subsequently screened into the process upon reconsideration. Lastly, while the candidate was reinstated into the process following a reassessment of the written exam, the circumstances surrounding the reassessment were unclear. In addition, other concerns surfaced during the investigation in terms of how the request for priority clearance was handled, how the interviews for the process were conducted, and how the references were used.

The evidence gathered showed that there was improper conduct on the part of the hiring manager and the Executive Resourcing Consultant (ERC). The hiring manager's behaviour was determined to be improper because they decided to lower the education requirement for the position in consideration of the candidate's background, to screen the candidate into the process without verifying that the candidate met one of the experience criteria, and to re-assess the candidate's exam and change the candidate's score to that of a passing grade without a substantiated reason to do so. The ERC's conduct was determined to be improper because the ERC failed to fulfill their obligation to ensure that the appointed candidate met all of the essential qualifications, and to challenge the basis for reinstating the candidate's candidacy after the candidate initially failed the exam.

Errors were found to have been committed by another board member who determined that the candidate had passed the exam upon reassessment, despite the fact that the answers reviewed did not contain all of the previously identified requisite elements.



In addition, it was determined that the ERC erred in failing to establish that reference verifications were used in assessing candidates, and in failing to update the priority clearance request further to a change in the experience criterion in the statement of merit criteria. The hiring manager and the ERC both erred while conducting interviews in this process by failing to establish that each essential qualification was assessed individually and was met.

It was established that these actions and errors affected the selection and appointment of the candidate and accordingly, the PSC recommended a series of corrective actions to the organization, including:

- ▶ The revocation of the candidate's appointment;
- ▶ Values and ethics training and staffing training for the hiring manager;
- ▶ Suspension of the hiring manager's sub-delegated appointment and appointment related authorities for a period of three years; and
- ▶ Staffing training for the board member who erred.

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No corrective action was recommended in relation to the ERC as that person has retired from the public service.

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- 4.63 **Section 68: Political influence** – This section of the PSEA provides the Commission with the authority to investigate allegations of political influence in appointment processes. These investigations are an important tool to help ensure that political impartiality is respected in the system. In 2013-2014, there were no investigations into allegations of political influence in appointment processes.
- 4.64 **Section 69: Fraud** – A total of 19 investigations were completed during this period, of which nine were determined to be founded and 10 were determined to be unfounded.
- 4.65 As in previous years, the types of fraud files investigated included instances where individuals cheated or copied responses during an assessment process or failed to disclose personal relationships within the context of an appointment process. In addition, candidates who provided false educational or professional credentials, falsified or altered documentation such as language test results, continued to be of concern.
- 4.66 In 2013-2014, the number of allegations of fraud remained low (79) in the context of the over 72 000 staffing activities that took place within the federal public service. The Commission has the sole jurisdiction to investigate incidences of fraud in appointment processes. It is the expectation of the Commission that, should departments and agencies have reason to believe that fraud may have occurred in an appointment process, they refer such matters to the PSC Investigations Branch, even in instances where the process did not result in an appointment. This allows the Commission to help ensure the overall integrity of the system.



## Case summary 2 (conducted under section 69 of the *Public Service Employment Act*)

### **Fraud: Cheating while completing an online exam; assistance received from two co-workers**

This investigation, conducted pursuant to section 69 of the *Public Service Employment Act*, was to determine if a candidate cheated while completing the on-line exam for an external appointment process, as well as to determine whether two of the candidate's co-workers helped her to cheat.

According to the information received from the department, the candidate completed the on-line exam in an empty cubicle located in the offices of the department. The first page of the exam contained various instructions, including the following: "(...). Please do not discuss the examination with anyone." It is alleged that the candidate sent an e-mail to two co-workers during the exam, asking them for help.

During the investigation, the candidate admitted that she had sent an e-mail to her two co-workers, asking them for help. The evidence further showed that she copied the question in full and asked them to help her answer it.

The first co-worker denied having given the answers to the candidate. He explained that on that morning, he was near the photocopier when he heard the candidate's voice, asking him for help. He stated that he did not know what she was doing in the cubicle when he entered and that he had only helped her by re-reading the question with her. According to him, she answered the question herself. Once back in his office, he saw for the first time the e-mail that was sent earlier by the candidate. The candidate confirmed that this co-worker had not answered her e-mail. She also confirmed that she had called out to him and that is why he entered her cubicle.

The other co-worker acknowledged that he had done some research for the candidate following receipt of her e-mail. This co-worker stated, however, that he was not aware that the candidate was taking part in an appointment process, nor did the candidate believe that she had spoken to him about it.

The evidence demonstrated, on the balance of probabilities, that the candidate committed fraud by cheating on the on-line exam in the appointment process.

However, the evidence demonstrated, on the balance of probabilities, that the two co-workers did not commit fraud.

After the investigation, the Commission ordered that the following corrective actions be taken: the applicant's candidacy be eliminated from the process; for a period of one year, the candidate must obtain the Commission's written approval before accepting any position or work within the federal public service. Should she accept a term, acting or indeterminate appointment without having first obtained the Commission's approval, her appointment will be revoked; for a period of one year, should the candidate obtain work through casual employment or a student program within the federal public service without first notifying the Commission, a letter will be sent to the deputy head, along with the investigation report and the record of decision; and, the candidate must take a course on values and ethics.

## Case summary 3 (conducted under section 69 of the *Public Service Employment Act*)

### Fraud: False statement about education

This case came to the Public Service Commission's attention following one of its audits of an internal non-advertised appointment process to reclassify an indeterminate position. The audit raised concerns that a public servant in the process lacked proof of education.

The subsequent investigation was conducted under section 69 of the *Public Service Employment Act* to determine whether the public servant committed fraud by indicating in her resumé that she had a high school diploma, which was not the case.

During the investigation, the public servant admitted having indicated in her resumé that she had a high school diploma and having provided the hiring manager with her resumé as part of the appointment process. However, neither the public servant nor the provincial department of education were able to provide proof that the public servant had a high school diploma.

Moreover, during the investigation, the public servant contradicted herself when she gave two conflicting versions of the facts. In one version, she stated that she had graduated from high school, even though she never received her diploma. In another version, she provided a written statement indicating that she had received her high school diploma, but had since lost it. Her credibility was therefore called into question.

According to the evidence, the provincial department of education never issued a high school diploma to the public servant and indicated that she was missing a number of credits to meet the high school graduation requirements.

The evidence demonstrated, on the balance of probabilities, that the candidate committed fraud by indicating in her resumé that she had a high school diploma even though there was no evidence to prove that she did indeed obtain this diploma.

After the investigation, the Commission ordered that the following corrective action be taken: the public servant's appointment must be revoked; for a period of three years, the public servant must obtain written permission from the Commission before accepting any position in the federal public service; and a letter will be sent to the deputy head, along with the investigation report and the record of decision, if the candidate obtains work in the federal public service through casual employment or a student program without first notifying the Commission.



- 4.67 **Corrective actions following founded investigations** – In cases of founded investigations conducted under the PSEA, the Commission may take any corrective action that it considers appropriate, up to revocation of the appointment. Corrective actions are determined on a case-by-case basis. Some examples of corrective actions taken since the PSEA was introduced include revocations of appointment, reassessment, mandatory training and removal of staffing sub-delegation, as well as the requirement for individuals to request the Commission’s permission before accepting any position within the federal public service for a specified period.
- 4.68 In 2013-2014, corrective actions following founded investigations included the revocation of five appointments. In addition, some individuals were required to seek permission from the PSC prior to accepting any work within the federal public service for periods of one to three years, training was ordered for managers and staff, and candidates were ordered to be removed from a process or re-assessed.
- 4.69 Table 27 provides a breakdown of corrective actions ordered by the Commission during the last three years:



**Table 27: Corrective actions ordered for founded cases related to appointment processes by the PSC, by fiscal year<sup>(a)</sup>**

Corrective Action	2011-2012	2012-2013	2013-2014	Total
Revocation of appointment	8	9	5	<b>22</b>
Allow Section 73 appointment <sup>(b)</sup>	7	1	2	<b>10</b>
Candidate removed from process	3	1	1	<b>5</b>
Reassessment	4	2	1	<b>7</b>
Exam results invalidated	0	1	0	<b>1</b>
Appointment Delegation removed for 1 year	1	0	0	<b>1</b>
Appointment Delegation removed until training completed	1	0	0	<b>1</b>
Cannot exercise any responsibilities regarding any appointment process or staffing for 1 year	2	0	0	<b>2</b>
Unable to exercise any responsibilities regarding any appointment process or staffing for 3 years	0	1	0	<b>1</b>
Unable to exercise any responsibilities regarding any appointment process or staffing for 5 years	1	1	0	<b>2</b>
Deputy head not sub-delegate any appointment related authorities to the individual for 2 years	0	0	1	<b>1</b>
Deputy head not sub-delegate any appointment related authorities to the individual for 3 years	0	3	0	<b>3</b>
Deputy head not sub-delegate any appointment related authorities to the individual for 5 years	1	1	0	<b>2</b>
1-year permission clause <sup>(c)</sup>	57	6	5	<b>68</b>
3-year permission clause <sup>(c)</sup>	10	15	3	<b>28</b>
4-year permission clause <sup>(c)</sup>	0	1	0	<b>1</b>
Staffing training	10	8	4	<b>22</b>
Values and ethics training	8	13	5	<b>26</b>
Workforce adjustment training	0	2	0	<b>2</b>
Investigation report and Record of Decision sent to the Royal Canadian Mounted Police pursuant to s.133 of PSEA	8	4	0	<b>12</b>
Investigation report and Record of Decision sent to deputy head	44	3	3	<b>50</b>
Cannot use Middle Manager Simulation Exercise 757	0	0	1	<b>1</b>

<sup>(a)</sup> The number of corrective actions may not necessarily match with the number of founded investigations as multiple corrective actions can be ordered for a single file or a file may not require corrective actions.

<sup>(b)</sup> Section 73 of the *Public Service Employment Act* allows for a person to be re-appointed to another position for which they meet the essential qualifications, following revocation of their appointment pursuant to an investigation conducted under sections 66 to 69.

<sup>(c)</sup> The requirement to obtain the Commission's written approval before accepting any position or work within the federal public service for a specific period.



- 4.70 **Disclosure of investigation summaries** – The PSC may use its authority under section 19 of the *Public Service Employment Regulations* and section 14 of the *Political Activities Regulations* to disclose personal information obtained in the course of an investigation, if it determines that the public interest in disclosure outweighs the privacy interests of the individual. Summaries of investigations posted during the reporting period can be found on the PSC Website. In addition, the PSC produces anonymous summaries of selected investigations and posts them periodically throughout the year.
- 4.71 **Deputy head investigations** – The results of staffing investigations by deputy heads provide insight into the assessment of merit. In 2013-2014, a total of seven organizations completed 74 investigations, which is down from 98 investigations the previous year. The PSC supports organizations' efforts to monitor the conduct of in-house investigations and the implementation of corrective actions further to these investigations. The PSC notes that, since it began tracking these results seven years ago, about 69% of departments and agencies have reported undertaking such investigations on at least one occasion.

## Looking to the future

- 4.72 **Evolution of monitoring approach** – Over the past years, the PSC has noted that for the most part organizations have put key elements in place and their staffing management performance has continued to improve. Given the maturation of the staffing system in the public service, the PSC has and will continue to refine its monitoring approach of organizations' performance to minimize reporting requirements, while ensuring that its feedback to deputy heads helps support organizations in their ongoing improvement. The PSC is moving to a more ongoing, enabling approach in part by building generic tools that can be adapted by organizations to meet their specific needs, and providing increased guidance to organizations to meet expectations for a well-managed staffing system.
- 4.73 **Evolution of audit approaches** – With the PSC nearing the completion of its seven-year audit cycle of all departments and agencies under the PSEA, last year the PSC began a process of evolving its approach to methodology and the way it conducts audits. In addition, audit findings demonstrate that many departments and agencies have now put in place the appropriate systems and practices to implement the PSEA. The PSC is in the process of developing a more risk-based approach. This adapted approach would continue to support system-wide learning and provide assurance to Parliament on the integrity of the staffing system, as well as ensure useful and timely feedback to departments and agencies.
- 4.74 Further, as part of this review, the PSC has also committed to reviewing the approach taken to the auditing of small and micro organizations. Over the last year, the PSC has undertaken a number of consultations and discussions both internally and externally to adapt its approach to auditing small and micro-organizations. Given the nature, size and scope of departments and agencies in the federal government, the approach to auditing organizations cannot always be one-size-fits-all. Small and micro organizations often have few employees and undertake very low volumes of appointment activities. Given their size, it can be challenging for such organizations to meet reporting and other oversight requirements. Consultations are on-going with representatives of small and micro-organizations as well as with key stakeholders to determine the most effective approach.

4.75 **PSC investigations** – In April 2013, the Commission convened an external panel to conduct a review of the investigations function of the PSC. The panel’s report was submitted to the Commission in November 2013. It contains 22 recommendations and recognizes that PSC investigations are a function that works well. The PSC is taking action in response to the report and is using the recommendations as the basis for its action plan. All recommendations are being examined and where appropriate, solutions are being implemented as they are developed.



# APPENDICES

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# Appendix 1

## Staffing Management Accountability Framework

### Assessment objectives, scope and methodology

The Staffing Management Accountability Framework (SMAF) assessment has a number of mutually reinforcing objectives. These are as follows:

- ▶ Helping organizations to improve human resources processes and outcomes by measuring progress against the objectives in the SMAF and providing detailed feedback and guidance throughout the year;
- ▶ In combination with other Public Service Commission (PSC) oversight activities (e.g. audits, and investigations), providing Parliament with an annual global assessment of the health of the public service staffing system; and
- ▶ Contributing to assessments conducted by the Treasury Board of Canada Secretariat (the Management Accountability Framework).

In 2013-2014, the PSC performed 72 assessments of the staffing performance of 80 organizations.<sup>29</sup> The PSC's assessment of the performance of the public service staffing system is based on the results from 44 small, medium and large organizations.<sup>30</sup> Assessment results for organizations with less than 100 employees are not presented, as these organizations account for 0.5% of the public service population covered by Appointment Delegation and Accountability Instruments and 0.7% of the staffing activity.

The PSC relies on two distinct sources of information to complete these assessments. Deputy heads submit a self-assessment in the format of a Departmental Staffing Assessment Report in which they report on their organization's performance and provide supporting documentation as evidence of progress that has been made in addressing specific areas identified by the PSC. In addition, the PSC generates and analyzes the information at its disposal, such as data on time to register and time to assess persons with a priority entitlement referred to vacant positions, and incorporates the results of PSC audits and investigations into its assessment of performance.

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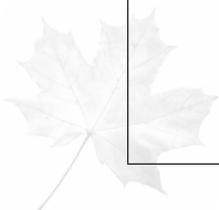
<sup>29</sup> In 2013-2014, 80 departments and agencies exercised appointment authorities delegated to them by the Public Service Commission. Eight organizations were not assessed as they were under PSC audit, thus bringing the total number of departments and agencies assessed to 72.

<sup>30</sup> Of these 44 organizations, 17 were classified as "large" (over 2 000 employees) and represented 71% of the PSEA population. Of the remaining organizations, 13 were classified as "medium" (500 to 1 999 employees) and 14 as "small" (100 to 499 employees).



# Staffing Management Accountability Framework

Strategic outcome	A non-partisan public service and a merit-based staffing system that reflects <i>Public Service Employment Act</i> values and expectations and supports business needs		
Desired outcome	Deputy heads and organizations have a staffing management framework in place that ensures the effective sub-delegation of staffing authority, active monitoring of staffing decisions and potential staffing risks and that action is taken to continuously improve staffing management and performance		
Elements	Staffing governance and infrastructure	Planning for staffing	Monitoring
Indicators	<p><b>1. Sub-delegation of staffing authority</b></p> <ul style="list-style-type: none"> <li>• A sub-delegation instrument that documents terms and conditions exists and is accessible to all employees</li> <li>• Practices are in place to ensure that all sub-delegated managers are identified to human resources (HR) staff</li> </ul> <p><b>2. Support to sub-delegated managers</b></p> <p><i>(two indicators, alternating years)</i></p> <ul style="list-style-type: none"> <li>• Sub-delegated managers have current knowledge and access to the information, tools and a HR advisor in order to exercise sub-delegated authority (2013-2014)</li> <li>• Staffing advisors have access to continuous learning and development (2014-2015)</li> </ul>	<p><b>3. Staffing plans and strategies</b></p> <ul style="list-style-type: none"> <li>• The organization has established staffing plans and related strategies that are measurable, approved and communicated to employees</li> <li>• Staffing plans and related strategies are reviewed and renewed by the deputy head on an annual basis</li> </ul>	<p><b>4. Staffing decisions</b></p> <ul style="list-style-type: none"> <li>• The organization actively monitors staffing decisions to ensure they comply with the sub-delegation instrument, statutory requirements and Public Service Commission (PSC) and organizational policies and reports the results to senior management</li> </ul> <p><b>5. Key staffing risks</b></p> <ul style="list-style-type: none"> <li>• The organization monitors potential staffing risks it has identified and reports the results to senior management</li> <li>• The organization monitors the following appointment processes and reports the results to senior management: <ul style="list-style-type: none"> <li>- acting appointments over 12 months;</li> <li>- appointments of casual workers to term or indeterminate status through non-advertised processes; and,</li> <li>- appointments to the EX Group through non-advertised processes.</li> </ul> </li> <li>• The organization monitors annually the accuracy and completeness of staffing files and reports the results to senior management</li> </ul> <p><b>6. Achievement of staffing plans and related strategies</b></p> <ul style="list-style-type: none"> <li>• The organization actively monitors and analyzes the results of its staffing plans and related strategies and any variance is reported to senior management</li> </ul> <p><b>7. Priority entitlements</b></p> <p>The organization monitors the respect of priority entitlements</p> <ul style="list-style-type: none"> <li>• The organization monitors the effectiveness of the approach they have implemented to ensure that priority clearance is obtained before initiating any other appointment process (modified from 2012-2013)</li> </ul>



## Staffing Management Accountability Framework (cont'd)

A non-partisan public service and a merit-based staffing system that reflects *Public Service Employment Act* values and expectations and supports business needs

Deputy heads and organizations have a staffing management framework in place that ensures the effective sub-delegation of staffing authority, active monitoring of staffing decisions and potential staffing risks and that action is taken to continuously improve staffing management and performance

Monitoring (cont'd)	Ongoing improvement	Political activities
<ul style="list-style-type: none"> <li>The organization monitors (by analyzing <u>and</u> reporting results and corrective measures to senior management) the management of:</li> </ul> <p><b>The organization's own priority population</b>, including:</p> <ul style="list-style-type: none"> <li>The time to register and/or update entitlement changes for persons with a priority entitlement in the Priority Information Management System and</li> <li>The number of its persons with a priority entitlement appointed, resigning, remaining in the system, <i>and with entitlements that are about to expire (new)</i>.</li> </ul> <p><b>All persons with a priority entitlement</b>, including:</p> <ul style="list-style-type: none"> <li>The time to assess persons with a priority entitlement following referral;</li> <li>The number of appointments of persons with a priority entitlement relative to all of the organization's indeterminate appointments; and</li> <li>The number and reasons of clearance requests cancelled following the receipt of PSC referrals.</li> </ul> <p><b>8. Official languages qualifications in staffing</b></p> <ul style="list-style-type: none"> <li>The organization monitors the use of the <i>Public Service Official Language Exclusion Approval Order</i> and Regulations, and the use of the Second Language Evaluation confirmation period as necessary</li> </ul> <p><b>9. Investigations into staffing</b></p> <ul style="list-style-type: none"> <li>The organization monitors the conduct of in-house investigations and the implementation of corrective actions further to in-house and PSC investigations</li> </ul> <p><b>10. Results of survey data</b></p> <ul style="list-style-type: none"> <li>The organization analyzes the results of staffing-related survey data</li> </ul>	<p><b>11. Ongoing improvement</b></p> <ul style="list-style-type: none"> <li>The organization improves its staffing management and performance by acting on the results of its internal monitoring, audits and investigations, and PSC audits, investigations and other feedback, and reports results to the deputy head</li> </ul>	<p><b>12. Raising employee awareness of legal rights and responsibilities regarding political activities</b></p> <ul style="list-style-type: none"> <li>Employees are aware of their legal rights and responsibilities as public servants regarding political activities</li> </ul>



## Appendix 2

### Information about the statistical tables

More detailed Public Service Commission (PSC) Annual Report data are available at the PSC Web site.

Due to rounding, figures in this Annual Report may not add up to the totals.

#### Hiring and staffing activities

Hiring activities refers to indeterminate and specified term appointments to the public service, the hiring of casuals as per subsection 50(1) of the *Public Service Employment Act* (PSEA) and the hiring of students under the *Student Employment Programs Participants Exclusion Approval Order*. Indeterminate and specified term appointments to the public service include appointments from the general public, including former casuals, students and employees of government organizations that are not subject to the PSEA.

Staffing activities within the public service include all promotions, lateral and downward movements and acting appointments of indeterminate and specified term employees. Deployments of employees within or between organizations that are subject to the PSEA are counted in lateral and downward movements.

Hiring and staffing activities data are derived from information received from the Treasury Board of Canada Secretariat (TBS) Incumbent File. This file is extracted from the Public Works and Government Services Canada (PWGSC) pay system. The PSC has developed a series of algorithms that are used to produce the PSC's official record of hiring and staffing activities across the federal public service, based on pay records submitted by organizations. Recruitment data for the Recruitment of Policy Leaders Initiative and the Post-secondary Recruitment Program are based on individuals who have applied to these programs through the PSC's Public Service Resourcing System (PSRS) in the last two fiscal years, and where a match was found in the PSC hiring and staffing activities files covering the current fiscal year.

#### Population

Population data refers to the number of active employees in organizations under the exclusive appointment authority of the PSC (employees of organizations named in the *Financial Administration Act* — Schedule I, most of Schedule IV and some agencies in Schedule V). This differs from numbers reported by TBS that reflect employment in organizations under the *Public Service Staff Relations Act*. In addition, a number of separate agencies are subject to Part 7 of the PSEA, which administers the political activities of public servants. They are excluded from statistics presented in this Annual Report. The population count represents the number of active employees at a specific point in time.

Population data are derived from the TBS Incumbent File. This file is extracted from the PWGSC pay system.



## Priority Administration

Priority Administration data refers to information on the number of priority entitlements registered with the PSC, the number of placements of persons with a priority entitlement and the number of removals for other reasons, by priority type.

This information is taken from the PSC's Priority Information Management System (PIMS). PIMS is the PSC's Web-based tool where organizations register their persons who have priority entitlement and that organizations must search while conducting an appointment process.

## Applicant data

Applicant data refers to information on selected characteristics (e.g. geographical area and educational profile) for applicants to externally advertised processes, via the Post-secondary Recruitment Program, the Federal Student Work Experience Program and general external recruitment advertisements of departments and agencies.

This information is captured through the PSRS each time an application is submitted. Applicants may be represented more than once if they have submitted an application for more than one position.

## Employment equity

### *Appointments to the public service*

In 2012-2013, the PSC and the Office of the Chief Human Resources Officer worked together to address a long-standing issue of different methodologies used within the public service to report employment equity (EE) information to Parliament. To address this issue, a common methodology was developed which ensures consistent reporting of EE data across the federal public service. This methodology improves the quality and completeness of information on EE designated groups, in addition to improving efficiencies by which departments and agencies obtain and report on EE data. This methodology is consistent with the measure of EE designated group representation in the population used by TBS.

### *Student hiring*

Student EE data for Aboriginal peoples, persons with disabilities and members of visible minorities are based on those who applied and self-declared through the PSRS in the last two fiscal years, and where a match was found in the PSC hiring and staffing activities files covering the current fiscal year. Students hired in the Co-operative Education and Internship Program are excluded. Data on women are derived from the TBS Incumbent File.



**Table 28: Overall hiring and staffing activities to and within the public service, by type and tenure**

April 1, 2013 to March 31, 2014

Tenure	Hiring activity to the public service		Staffing activities within the public service						Total	
			Promotions		Lateral and downward movements <sup>(a)</sup>		Acting appointments <sup>(b)</sup>			
	No.	%	No.	%	No.	%	No.	%	No.	%
Indeterminate staffing activities	2 594	7.1	8 587	23.6	15 739	43.2	9 524	26.1	<b>36 444</b>	<b>100.0</b>
Specified term staffing activities	5 801	65.9	655	7.4	1 705	19.4	640	7.3	<b>8 801</b>	<b>100.0</b>
<b>Sub-total</b>	<b>8 395</b>	<b>18.6</b>	<b>9 242</b>	<b>20.4</b>	<b>17 444</b>	<b>38.6</b>	<b>10 164</b>	<b>22.5</b>	<b>45 245</b>	<b>100.0</b>
Casual (as per PSEA ss. 50(1))	16 896	100.0	0	0.0	0	0.0	0	0.0	<b>16 896</b>	<b>100.0</b>
Student (under <i>Employment Exclusion Approval Order</i> ) <sup>(c)</sup>	10 386	100.0	0	0.0	0	0.0	0	0.0	<b>10 386</b>	<b>100.0</b>
<b>Total</b>	<b>35 677</b>	<b>49.2</b>	<b>9 242</b>	<b>12.7</b>	<b>17 444</b>	<b>24.1</b>	<b>10 164</b>	<b>14.0</b>	<b>72 527</b>	<b>100.0</b>

**Source:** Public Service Commission hiring and staffing activities files

<sup>(a)</sup> Lateral and downward movements include deployments. As the appointment process is not captured by the Public Works and Government Services Canada pay system, it is not possible to differentiate between lateral and downward appointments and deployments.

<sup>(b)</sup> Excludes acting appointments of less than four months.

<sup>(c)</sup> The *Student Employment Programs Participants Exclusion Approval Order* and *Student Employment Programs Participants Regulations* apply to participants in the Federal Student Work Experience Program, the Research Affiliate Program, the Post-secondary Co-op/Internship Program or any other student employment program established by the Treasury Board, after consultation with the Public Service Commission, who are hired by organizations whose appointments are subject to the *Public Service Employment Act*.



**Table 29: Overall hiring and staffing activities to and within the public service, by tenure and previous employment status**

April 1, 2013 to March 31, 2014

Previous employment status <sup>(a)</sup>	Tenure after hiring and staffing activities								Total	
	Indeterminate		Specified term		Casual		Student <sup>(b)</sup>			
	No.	%	No.	%	No.	%	No.	%	No.	%
Indeterminate	32 017	87.9	157	1.8	0	0.0	0	0.0	<b>32 174</b>	<b>44.4</b>
Specified term	1 833	5.0	2 843	32.3	0	0.0	0	0.0	<b>4 676</b>	<b>6.4</b>
Casual	323	0.9	1 534	17.4	0	0.0	0	0.0	<b>1 857</b>	<b>2.6</b>
Other federal agencies	239	0.7	142	1.6	0	0.0	0	0.0	<b>381</b>	<b>0.5</b>
General public	1 974	5.4	4 044	45.9	16 896	100.0	10 386	100.0	<b>33 300</b>	<b>45.9</b>
Student <sup>(b)</sup>	58	0.2	81	0.9	0	0.0	0	0.0	<b>139</b>	<b>0.2</b>
<b>Total</b>	<b>36 444</b>	<b>100.0</b>	<b>8 801</b>	<b>100.0</b>	<b>16 896</b>	<b>100.0</b>	<b>10 386</b>	<b>100.0</b>	<b>72 527</b>	<b>100.0</b>

**Source:** Public Service Commission hiring and staffing activities files

<sup>(a)</sup> Casuals and students do not have a previous employment status and are therefore reported under “General public.”

<sup>(b)</sup> The *Student Employment Programs Participants Exclusion Approval Order* and *Student Employment Programs Participants Regulations* apply to participants in the Federal Student Work Experience Program, the Research Affiliate Program, the Post-secondary Co-op/Internship Program or any other student employment program established by the Treasury Board, after consultation with the Public Service Commission, who are hired by organizations whose appointments are subject to the *Public Service Employment Act*.



**Table 30: Staffing activities by type and occupational group***April 1, 2013 to March 31, 2014*

Occupational group	Appointments to the public service		Staffing activities within the public service						Total	
			Promotions		Lateral and downward movements <sup>(a)</sup>		Acting appointments <sup>(b)</sup>			
	No.	%	No.	%	No.	%	No.	%	No.	%
AB – Indian Oil and Gas Canada	2	0.0	4	0.0	7	0.0	5	0.0	<b>18</b>	<b>0.0</b>
AC – Actuarial Science	2	0.0	0	0.0	0	0.0	1	0.0	<b>3</b>	<b>0.0</b>
AI – Air Traffic Control	2	0.0	0	0.0	0	0.0	0	0.0	<b>2</b>	<b>0.0</b>
AO – Aircraft Operations	21	0.3	19	0.2	22	0.1	12	0.1	<b>74</b>	<b>0.2</b>
AR – Architecture and Town Planning	6	0.1	8	0.1	4	0.0	6	0.1	<b>24</b>	<b>0.1</b>
AS – Administrative Services	883	10.5	1 624	17.6	3 090	17.7	2 569	25.3	<b>8 166</b>	<b>18.0</b>
AU – Auditing	5	0.1	3	0.0	13	0.1	2	0.0	<b>23</b>	<b>0.1</b>
BI – Biological Sciences	64	0.8	68	0.7	140	0.8	82	0.8	<b>354</b>	<b>0.8</b>
CH – Chemistry	23	0.3	23	0.2	27	0.2	22	0.2	<b>95</b>	<b>0.2</b>
CM – Communications	0	0.0	0	0.0	0	0.0	0	0.0	<b>0</b>	<b>0.0</b>
CO – Commerce	49	0.6	93	1.0	171	1.0	125	1.2	<b>438</b>	<b>1.0</b>
CR – Clerical and Regulatory	1 855	22.1	447	4.8	2 789	16.0	424	4.2	<b>5 515</b>	<b>12.2</b>
CS – Computer Systems Administration	215	2.6	402	4.3	1 048	6.0	457	4.5	<b>2 122</b>	<b>4.7</b>
CX – Correctional Services	238	2.8	320	3.5	773	4.4	303	3.0	<b>1 634</b>	<b>3.6</b>
DA – Data Processing	1	0.0	1	0.0	5	0.0	1	0.0	<b>8</b>	<b>0.0</b>
DD – Drafting and Illustration	2	0.0	0	0.0	4	0.0	2	0.0	<b>8</b>	<b>0.0</b>
DE – Dentistry	6	0.1	0	0.0	0	0.0	0	0.0	<b>6</b>	<b>0.0</b>
DS – Defence Scientific Service	8	0.1	54	0.6	22	0.1	0	0.0	<b>84</b>	<b>0.2</b>
EC – Economics and Social Science Services	483	5.8	922	10.0	1 170	6.7	719	7.1	<b>3 294</b>	<b>7.3</b>
ED – Education	45	0.5	18	0.2	52	0.3	14	0.1	<b>129</b>	<b>0.3</b>
EG – Engineering and Scientific Support	424	5.1	301	3.3	240	1.4	136	1.3	<b>1 101</b>	<b>2.4</b>
EL – Electronics	26	0.3	78	0.8	20	0.1	20	0.2	<b>144</b>	<b>0.3</b>
EN – Engineering and Land Survey	71	0.8	124	1.3	166	1.0	128	1.3	<b>489</b>	<b>1.1</b>

**Table 30: Staffing activities by type and occupational group (cont'd)**

April 1, 2013 to March 31, 2014

Occupational group	Appointments to the public service		Staffing activities within the public service						Total	
			Promotions		Lateral and downward movements <sup>(a)</sup>		Acting appointments <sup>(b)</sup>			
	No.	%	No.	%	No.	%	No.	%	No.	%
EU – Educational Support	1	0.0	0	0.0	2	0.0	0	0.0	<b>3</b>	<b>0.0</b>
EX – Executive	58	0.7	438	4.7	570	3.3	483	4.8	<b>1 549</b>	<b>3.4</b>
FB – Border Services	258	3.1	406	4.4	778	4.5	537	5.3	<b>1 979</b>	<b>4.4</b>
FI – Financial Administration	102	1.2	348	3.8	562	3.2	299	2.9	<b>1 311</b>	<b>2.9</b>
FO – Forestry	1	0.0	5	0.1	2	0.0	3	0.0	<b>11</b>	<b>0.0</b>
FR – Firefighters	18	0.2	16	0.2	20	0.1	10	0.1	<b>64</b>	<b>0.1</b>
FS – Foreign Services	34	0.4	54	0.6	60	0.3	144	1.4	<b>292</b>	<b>0.6</b>
GL – General Labour and Trades	302	3.6	200	2.2	216	1.2	102	1.0	<b>820</b>	<b>1.8</b>
GS – General Services	166	2.0	74	0.8	164	0.9	75	0.7	<b>479</b>	<b>1.1</b>
GT – General Technical	100	1.2	172	1.9	180	1.0	94	0.9	<b>546</b>	<b>1.2</b>
HP – Heating, Power and Stationary Plant Operation	22	0.3	38	0.4	16	0.1	14	0.1	<b>90</b>	<b>0.2</b>
HR – Historical research	4	0.0	7	0.1	3	0.0	2	0.0	<b>16</b>	<b>0.0</b>
HS – Housekeeping, Dietary/Hospital, Patient and Health Services	73	0.9	7	0.1	14	0.1	0	0.0	<b>94</b>	<b>0.2</b>
IS – Information Services	109	1.3	145	1.6	274	1.6	289	2.8	<b>817</b>	<b>1.8</b>
LA – Law	71	0.8	167	1.8	150	0.9	50	0.5	<b>438</b>	<b>1.0</b>
LC – Law Management	1	0.0	28	0.3	30	0.2	10	0.1	<b>69</b>	<b>0.2</b>
LI – Lightkeepers	30	0.4	7	0.1	13	0.1	5	0.0	<b>55</b>	<b>0.1</b>
LP – Law Practitioner	12	0.1	21	0.2	46	0.3	11	0.1	<b>90</b>	<b>0.2</b>
LS – Library Science	11	0.1	6	0.1	17	0.1	13	0.1	<b>47</b>	<b>0.1</b>
MA – Mathematics	8	0.1	17	0.2	10	0.1	0	0.0	<b>35</b>	<b>0.1</b>
MD – Medicine	16	0.2	5	0.1	6	0.0	3	0.0	<b>30</b>	<b>0.1</b>
MT – Meteorology	27	0.3	69	0.7	23	0.1	16	0.2	<b>135</b>	<b>0.3</b>
NB – National Energy Board	46	0.5	65	0.7	43	0.2	28	0.3	<b>182</b>	<b>0.4</b>
ND – Nutrition and Dietetics	5	0.1	0	0.0	2	0.0	1	0.0	<b>8</b>	<b>0.0</b>
NU – Nursing	190	2.3	148	1.6	175	1.0	60	0.6	<b>573</b>	<b>1.3</b>

**Table 30: Staffing activities by type and occupational group (cont'd)**

April 1, 2013 to March 31, 2014

Occupational group	Appointments to the public service		Staffing activities within the public service						Total	
			Promotions		Lateral and downward movements <sup>(a)</sup>		Acting appointments <sup>(b)</sup>			
	No.	%	No.	%	No.	%	No.	%	No.	%
OE – Office Equipment	0	0.0	0	0.0	0	0.0	0	0.0	<b>0</b>	<b>0.0</b>
OM – Organization and Methods	1	0.0	1	0.0	2	0.0	6	0.1	<b>10</b>	<b>0.0</b>
OP – Occupational and Physical Therapy	5	0.1	5	0.1	0	0.0	0	0.0	<b>10</b>	<b>0.0</b>
PC – Physical Sciences	76	0.9	107	1.2	182	1.0	123	1.2	<b>488</b>	<b>1.1</b>
PE – Personnel Administration	100	1.2	325	3.5	509	2.9	258	2.5	<b>1 192</b>	<b>2.6</b>
PG – Purchasing and Supply	25	0.3	235	2.5	244	1.4	150	1.5	<b>654</b>	<b>1.4</b>
PH – Pharmacy	5	0.1	3	0.0	5	0.0	0	0.0	<b>13</b>	<b>0.0</b>
PI – Primary Products Inspection	5	0.1	12	0.1	8	0.0	0	0.0	<b>25</b>	<b>0.1</b>
PL – Management Trainee Program	0	0.0	0	0.0	0	0.0	0	0.0	<b>0</b>	<b>0.0</b>
PM – Program Administration	1 070	12.7	867	9.4	2 168	12.4	1 605	15.8	<b>5 710</b>	<b>12.6</b>
PR – Printing Operations	3	0.0	0	0.0	0	0.0	0	0.0	<b>3</b>	<b>0.0</b>
PS – Psychology	16	0.2	18	0.2	46	0.3	9	0.1	<b>89</b>	<b>0.2</b>
RE – Regulatory Enforcement Group	102	1.2	71	0.8	70	0.4	25	0.2	<b>268</b>	<b>0.6</b>
RO – Radio Operations	9	0.1	3	0.0	14	0.1	8	0.1	<b>34</b>	<b>0.1</b>
SC – Ships' Crew	416	5.0	53	0.6	397	2.3	65	0.6	<b>931</b>	<b>2.1</b>
SE – Scientific Research	17	0.2	119	1.3	20	0.1	12	0.1	<b>168</b>	<b>0.4</b>
SG – Scientific Regulation/Patent Examination	27	0.3	42	0.5	59	0.3	75	0.7	<b>203</b>	<b>0.4</b>
SO – Ships' Officers	104	1.2	67	0.7	73	0.4	186	1.8	<b>430</b>	<b>1.0</b>
SR – Ships' Repairs	32	0.4	161	1.7	16	0.1	27	0.3	<b>236</b>	<b>0.5</b>
ST – Secretarial, Stenographic, Typing	4	0.0	5	0.1	13	0.1	6	0.1	<b>28</b>	<b>0.1</b>
SW – Social Work	15	0.2	32	0.3	9	0.1	2	0.0	<b>58</b>	<b>0.1</b>
TI – Technical Inspection	52	0.6	55	0.6	79	0.5	20	0.2	<b>206</b>	<b>0.5</b>



**Table 30: Staffing activities by type and occupational group (cont'd)***April 1, 2013 to March 31, 2014*

Occupational group	Appointments to the public service		Staffing activities within the public service						Total	
			Promotions		Lateral and downward movements <sup>(a)</sup>		Acting appointments <sup>(b)</sup>			
	No.	%	No.	%	No.	%	No.	%	No.	%
TR – Translation	6	0.1	6	0.1	51	0.3	21	0.2	<b>84</b>	<b>0.2</b>
UT – University Teaching	109	1.3	24	0.3	12	0.1	0	0.0	<b>145</b>	<b>0.3</b>
VM – Veterinary Science	1	0.0	1	0.0	2	0.0	0	0.0	<b>4</b>	<b>0.0</b>
WP – Welfare Programs	99	1.2	78	0.8	326	1.9	289	2.8	<b>792</b>	<b>1.8</b>
<b>Total</b>	<b>8 395</b>	<b>100.0</b>	<b>9 242</b>	<b>100.0</b>	<b>17 444</b>	<b>100.0</b>	<b>10 164</b>	<b>100.0</b>	<b>45 245</b>	<b>100.0</b>

**Source:** Public Service Commission hiring and staffing activities files

<sup>(a)</sup> Lateral and downward movements include deployments. As the appointment process is not captured by the Public Works and Government Services Canada pay system, it is not possible to differentiate between lateral and downward appointments and deployments.

<sup>(b)</sup> Excludes acting appointments of less than four months.



**Table 31: Staffing activities by type and geographic area***April 1, 2013 to March 31, 2014*

Geographic area	Appointments to the public service		Staffing activities within the public service						Total	
			Promotions		Lateral and downward movements <sup>(a)</sup>		Acting appointments <sup>(b)</sup>			
	No.	%	No.	%	No.	%	No.	%	No.	%
British Columbia	783	9.3	718	7.8	1 459	8.4	782	7.7	<b>3 742</b>	<b>8.3</b>
Alberta	662	7.9	558	6.0	781	4.5	487	4.8	<b>2 488</b>	<b>5.5</b>
Saskatchewan	414	4.9	290	3.1	424	2.4	228	2.2	<b>1 356</b>	<b>3.0</b>
Manitoba	398	4.7	276	3.0	527	3.0	290	2.9	<b>1 491</b>	<b>3.3</b>
Ontario (except NCR)	1 157	13.8	887	9.6	1 603	9.2	1 067	10.5	<b>4 714</b>	<b>10.4</b>
National Capital Region (NCR)	2 798	33.3	4 616	49.9	8 629	49.5	5 033	49.5	<b>21 076</b>	<b>46.6</b>
Quebec (except NCR)	1 059	12.6	762	8.2	2 095	12.0	1 116	11.0	<b>5 032</b>	<b>11.1</b>
New Brunswick	413	4.9	438	4.7	599	3.4	333	3.3	<b>1 783</b>	<b>3.9</b>
Nova Scotia	335	4.0	394	4.3	583	3.3	352	3.5	<b>1 664</b>	<b>3.7</b>
Prince Edward Island	35	0.4	49	0.5	183	1.0	135	1.3	<b>402</b>	<b>0.9</b>
Newfoundland and Labrador	236	2.8	98	1.1	282	1.6	144	1.4	<b>760</b>	<b>1.7</b>
Yukon	22	0.3	22	0.2	35	0.2	9	0.1	<b>88</b>	<b>0.2</b>
Northwest Territories	54	0.6	64	0.7	64	0.4	27	0.3	<b>209</b>	<b>0.5</b>
Nunavut	24	0.3	21	0.2	21	0.1	10	0.1	<b>76</b>	<b>0.2</b>
Outside Canada	5	0.1	49	0.5	159	0.9	151	1.5	<b>364</b>	<b>0.8</b>
<b>Total</b>	<b>8 395</b>	<b>100.0</b>	<b>9 242</b>	<b>100.0</b>	<b>17 444</b>	<b>100.0</b>	<b>10 164</b>	<b>100.0</b>	<b>45 245</b>	<b>100.0</b>

**Source:** Public Service Commission hiring and staffing activities files

<sup>(a)</sup> Lateral and downward movements include deployments. As the appointment process is not captured by the Public Works and Government Services Canada pay system, it is not possible to differentiate between lateral and downward appointments and deployments.

<sup>(b)</sup> Excludes acting appointments of less than four months.



**Table 32: Staffing activities by type and first official language group**

*April 1, 2013 to March 31, 2014*

First official language group	Appointments to the public service		Staffing activities within the public service						Total	
			Promotions		Lateral and downward movements <sup>(a)</sup>		Acting appointments <sup>(b)</sup>			
	No.	%	No.	%	No.	%	No.	%	No.	%
Anglophones	6 134	73.8	6 419	69.9	11 127	64.1	6 723	66.3	<b>30 403</b>	<b>67.6</b>
Francophones	2 180	26.2	2 760	30.1	6 236	35.9	3 415	33.7	<b>14 591</b>	<b>32.4</b>
<b>Total<sup>(c)</sup></b>	<b>8 395</b>	<b>100.0</b>	<b>9 242</b>	<b>100.0</b>	<b>17 444</b>	<b>100.0</b>	<b>10 164</b>	<b>100.0</b>	<b>45 245</b>	<b>100.0</b>

**Source:** Public Service Commission hiring and staffing activities files

<sup>(a)</sup> Lateral and downward movements include deployments. As the appointment process is not captured by the Public Works and Government Services Canada pay system, it is not possible to differentiate between lateral and downward appointments and deployments.

<sup>(b)</sup> Excludes acting appointments of less than four months.

<sup>(c)</sup> Unknown values are not displayed in this table, but their values are included in the totals. The percentages for first official language groups are calculated using the known first official language values as the respective denominators.



**Table 33: Staffing activities by type, first official language group and language requirements of position**

April 1, 2013 to March 31, 2014

Language requirements of position	Appointments to the public service					Staffing activities within the public service <sup>(a)</sup>					Total <sup>(b)</sup>				
	Anglophones		Francophones		Total	Anglophones		Francophones		Total	Anglophones		Francophones		Total
	No.	%	No.	%	No.	No.	%	No.	%	No.	No.	%	No.	%	No.
Bilingual imperative	785	41.1	1 127	58.9	<b>1 933</b>	7 197	42.2	9 863	57.8	<b>17 090</b>	7 982	42.1	10 990	57.9	<b>19 023</b>
<b>Bilingual non-imperative</b>															
- Met <sup>(c)</sup>	7	63.6	4	36.4	<b>11</b>	284	69.1	127	30.9	<b>411</b>	291	69.0	131	31.0	<b>422</b>
- Must meet <sup>(d)</sup>	2	100.0	0	0.0	<b>2</b>	93	91.2	9	8.8	<b>103</b>	95	91.3	9	8.7	<b>105</b>
- Not required to meet <sup>(e)</sup>	1	100.0	0	0.0	<b>1</b>	46	69.7	20	30.3	<b>66</b>	47	70.1	20	29.9	<b>67</b>
English essential	4 464	96.8	146	3.2	<b>4 650</b>	15 635	96.5	571	3.5	<b>16 291</b>	20 099	96.6	717	3.4	<b>20 941</b>
French essential	12	2.1	572	97.9	<b>585</b>	35	2.3	1 479	97.7	<b>1 516</b>	47	2.2	2 051	97.8	<b>2 101</b>
English or French essential	809	71.0	331	29.0	<b>1 159</b>	952	73.8	338	26.2	<b>1 297</b>	1 761	72.5	669	27.5	<b>2 456</b>
<b>Total<sup>(b)</sup></b>	<b>6 134</b>	<b>73.8</b>	<b>2 180</b>	<b>26.2</b>	<b>8 395</b>	<b>24 269</b>	<b>66.2</b>	<b>12 411</b>	<b>33.8</b>	<b>36 850</b>	<b>30 403</b>	<b>67.6</b>	<b>14 591</b>	<b>32.4</b>	<b>45 245</b>

**Source:** Public Service Commission hiring and staffing activity files

- <sup>(a)</sup> Lateral and downward movements include deployments. As the appointment process is not captured by the Public Works and Government Services Canada pay system, it is not possible to differentiate between lateral and downward appointments and deployments.
- <sup>(b)</sup> Unknown values are not displayed in this table, but their values are included in the totals. The percentages for language component totals (b) are calculated using the known first official language values as the respective denominators.
- <sup>(c)</sup> The person appointed met the language requirements of the position at the time of appointment.
- <sup>(d)</sup> The person appointed must attain, through language training, the language requirements of the position within two years of the date of the appointment, unless this period is extended for one or more additional periods — of not more than two years — in the circumstances prescribed in the *Public Service Official Languages Appointment Regulations*.
- <sup>(e)</sup> The person appointed is exempt from meeting the language requirements of the position for the duration of the appointment on medical grounds or as a result of their eligibility for an immediate annuity, as specified in the *Public Service Official Languages Exclusion Approval Order*.



**Table 34: Student hiring activities and appointments to the public service, by recruitment program and geographic area**

April 1, 2013 to March 31, 2014

Geographic area	Student hiring activities <sup>(a)</sup>						Appointments to the public service						Total <sup>(d)</sup>	
	FSWEP*		RAP*		CO-OP*		PSR <sup>*(b)</sup>		RPL*		General recruitment <sup>(c)</sup>			
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
British Columbia	282	4.5	9	2.3	386	10.2	0	0.0	0	0.0	783	9.5	1 460	7.8
Alberta	274	4.4	32	8.3	155	4.1	1	0.9	0	0.0	661	8.0	1 123	6.0
Saskatchewan	249	4.0	18	4.7	70	1.8	0	0.0	0	0.0	414	5.0	751	4.0
Manitoba	273	4.4	12	3.1	97	2.6	0	0.0	0	0.0	398	4.8	780	4.2
Ontario (except NCR)	765	12.3	57	14.7	443	11.7	17	15.2	0	0.0	1 140	13.8	2 422	12.9
National Capital Region (NCR)	3 058	49.3	133	34.4	2 245	59.1	83	74.1	6	85.7	2 709	32.7	8 234	43.8
Quebec (except NCR)	828	13.4	63	16.3	202	5.3	1	0.9	1	14.3	1 057	12.8	2 152	11.5
New Brunswick	164	2.6	22	5.7	30	0.8	10	8.9	0	0.0	403	4.9	629	3.3
Nova Scotia	139	2.2	5	1.3	98	2.6	0	0.0	0	0.0	335	4.0	577	3.1
Prince Edward Island	89	1.4	25	6.5	13	0.3	0	0.0	0	0.0	35	0.4	162	0.9
Newfoundland and Labrador	19	0.3	4	1.0	42	1.1	0	0.0	0	0.0	236	2.9	301	1.6
Yukon	3	0.0	0	0.0	11	0.3	0	0.0	0	0.0	22	0.3	36	0.2
Northwest Territories	6	0.1	1	0.3	6	0.2	0	0.0	0	0.0	54	0.7	67	0.4
Nunavut	5	0.1	6	1.6	3	0.1	0	0.0	0	0.0	24	0.3	38	0.2
Outside Canada	44	0.7	0	0.0	0	0.0	0	0.0	0	0.0	5	0.1	49	0.3
<b>Total<sup>(d)</sup></b>	<b>6 198</b>	<b>100.0</b>	<b>387</b>	<b>100.0</b>	<b>3 801</b>	<b>100.0</b>	<b>112</b>	<b>100.0</b>	<b>7</b>	<b>100.0</b>	<b>8 276</b>	<b>100.0</b>	<b>18 781</b>	<b>100.0</b>

Source: Public Service Commission hiring and staffing activities files and Public Service Resourcing System

<sup>(a)</sup> The *Student Employment Programs Participants Exclusion Approval Order* and *Student Employment Programs Participants Regulations* apply to participants in the Federal Student Work Experience Program, the Research Affiliate Program, the Post-Secondary Co-op/Internship Program or any other student employment program established by the Treasury Board, after consultation with the Public Service Commission, who are hired by organizations whose appointments are subject to the *Public Service Employment Act*.

<sup>(b)</sup> The figures under Post-Secondary Recruitment Program include appointments of applicants from the current and previous years' campaigns, as not all appointments are completed within the same fiscal year. They include appointments under the Accelerated Economist Training Program, but exclude appointments of post-secondary graduates made directly by organizations.

<sup>(c)</sup> Includes appointments made through the student bridging mechanism.



<sup>(d)</sup> The total 18 781 plus 16 896 casuals equals the overall hiring activity to the public service of 35 677 persons as indicated in Table 28 in Appendix 2.

**\*Legend**

**FSWEP** Federal Student Work Experience Program  
**CO-OP** Post-Secondary Co-operative/Internship Program  
**RPL** Recruitment of Policy Leaders Initiative

**RAP** Research Affiliate Program  
**PSR** Post-Secondary Recruitment Program



**Table 35: Staffing activities by type and organization***April 1, 2013 to March 31, 2014*

Organization	Appointments to the public service		Staffing activities within the public service						Total	
			Promotions		Lateral and downward movements <sup>(a)</sup>		Acting appointments <sup>(b)</sup>			
	No.	%	No.	%	No.	%	No.	%	No.	%
Aboriginal Affairs and Northern Development Canada <sup>(c)</sup>	146	15.4	194	20.5	406	42.9	201	21.2	<b>947</b>	<b>100.0</b>
Agriculture and Agri-Food Canada	261	33.4	183	23.4	167	21.4	170	21.8	<b>781</b>	<b>100.0</b>
Atlantic Canada Opportunities Agency	9	9.5	18	18.9	31	32.6	37	38.9	<b>95</b>	<b>100.0</b>
Canada Border Services Agency	375	12.1	608	19.5	1 297	41.7	831	26.7	<b>3 111</b>	<b>100.0</b>
Canada Industrial Relations Board	2	12.5	5	31.3	7	43.8	2	12.5	<b>16</b>	<b>100.0</b>
Canada School of Public Service	20	15.6	29	22.7	56	43.8	23	18.0	<b>128</b>	<b>100.0</b>
Canadian Artists and Producers Professional Relations Tribunal	0	0.0	0	0.0	0	0.0	0	0.0	<b>0</b>	<b>100.0</b>
Canadian Environmental Assessment Agency	10	13.0	6	7.8	41	53.2	20	26.0	<b>77</b>	<b>100.0</b>
Canadian Grain Commission	9	10.7	29	34.5	40	47.6	6	7.1	<b>84</b>	<b>100.0</b>
Canadian Heritage	136	29.1	51	10.9	138	29.5	143	30.6	<b>468</b>	<b>100.0</b>
Canadian Human Rights Commission	8	13.3	17	28.3	23	38.3	12	20.0	<b>60</b>	<b>100.0</b>
Canadian Intergovernmental Conference Secretariat	0	0.0	5	62.5	3	37.5	0	0.0	<b>8</b>	<b>100.0</b>
Canadian International Trade Tribunal	13	40.6	6	18.8	6	18.8	7	21.9	<b>32</b>	<b>100.0</b>
Canadian Radio-television and Telecommunications Commission	8	8.1	24	24.2	44	44.4	23	23.2	<b>99</b>	<b>100.0</b>
Canadian Space Agency	5	5.3	19	20.0	47	49.5	24	25.3	<b>95</b>	<b>100.0</b>
Canadian Transportation Agency	0	0.0	10	38.5	12	46.2	4	15.4	<b>26</b>	<b>100.0</b>
Citizenship and Immigration Canada	592	31.0	326	17.1	582	30.5	407	21.3	<b>1 907</b>	<b>100.0</b>
Commission for Public Complaints Against the Royal Canadian Mounted Police	3	25.0	1	8.3	7	58.3	1	8.3	<b>12</b>	<b>100.0</b>
Copyright Board Canada	0	0.0	0	0.0	1	100.0	0	0.0	<b>1</b>	<b>100.0</b>

**Table 35: Staffing activities by type and organization** (cont'd)

April 1, 2013 to March 31, 2014

Organization	Appointments to the public service		Staffing activities within the public service						Total	
			Promotions		Lateral and downward movements <sup>(a)</sup>		Acting appointments <sup>(b)</sup>			
	No.	%	No.	%	No.	%	No.	%	No.	%
Correctional Investigator Canada (The)	0	0.0	1	25.0	2	50.0	1	25.0	4	100.0
Correctional Service Canada	752	16.5	809	17.7	1 920	42.0	1 086	23.8	4 567	100.0
Courts Administration Service	66	49.6	12	9.0	43	32.3	12	9.0	133	100.0
Economic Development Agency of Canada for the Regions of Quebec	16	20.5	8	10.3	21	26.9	33	42.3	78	100.0
Employment and Social Development Canada	1 096	21.8	676	13.5	2 085	41.6	1 160	23.1	5 017	100.0
Environment Canada	285	18.6	504	32.9	466	30.4	279	18.2	1 534	100.0
Farm Products Council of Canada	0	0.0	0	0.0	3	60.0	2	40.0	5	100.0
Federal Economic Development Agency for Southern Ontario	10	12.3	13	16.0	32	39.5	26	32.1	81	100.0
Finance Canada (Department of)	26	10.7	88	36.2	109	44.9	20	8.2	243	100.0
Financial Consumer Agency of Canada	10	40.0	5	20.0	6	24.0	4	16.0	25	100.0
Fisheries and Oceans Canada	875	26.4	535	16.1	1 169	35.2	738	22.2	3 317	100.0
Foreign Affairs, Trade and Development Canada <sup>(d)</sup>	212	9.8	340	15.8	870	40.4	731	34.0	2 153	100.0
Hazardous Materials Information Review Commission Canada	0	0.0	0	0.0	0	0.0	0	0.0	0	100.0
Health Canada	445	21.7	420	20.5	603	29.4	583	28.4	2 051	100.0
Human Rights Tribunal of Canada	0	0.0	1	100.0	0	0.0	0	0.0	1	100.0
Immigration and Refugee Board of Canada	35	11.4	27	8.8	113	36.8	132	43.0	307	100.0
Indian Oil and Gas Canada <sup>(c)</sup>	2	11.1	4	22.2	7	38.9	5	27.8	18	100.0
Indian Residential Schools Truth and Reconciliation Commission	1	50.0	1	50.0	0	0.0	0	0.0	2	100.0
Industry Canada	116	12.8	270	29.7	347	38.2	175	19.3	908	100.0
Infrastructure Canada	5	6.0	28	33.7	39	47.0	11	13.3	83	100.0

**Table 35: Staffing activities by type and organization** (cont'd)

April 1, 2013 to March 31, 2014

Organization	Appointments to the public service		Staffing activities within the public service						Total	
			Promotions		Lateral and downward movements <sup>(a)</sup>		Acting appointments <sup>(b)</sup>			
	No.	%	No.	%	No.	%	No.	%	No.	%
International Joint Commission	1	12.5	2	25.0	5	62.5	0	0.0	8	100.0
Justice Canada (Department of)	117	15.9	153	20.7	290	39.3	178	24.1	738	100.0
Library and Archives Canada	92	29.1	56	17.7	73	23.1	95	30.1	316	100.0
Military Grievances External Review Committee	3	42.9	1	14.3	3	42.9	0	0.0	7	100.0
Military Police Complaints Commission of Canada	0	0.0	2	28.6	5	71.4	0	0.0	7	100.0
National Defence (Public Service Employees)	537	17.4	844	27.4	1 024	33.2	678	22.0	3 083	100.0
National Energy Board	46	25.3	65	35.7	43	23.6	28	15.4	182	100.0
Natural Resources Canada	141	22.2	181	28.5	175	27.6	137	21.6	634	100.0
Office of the Chief Electoral Officer	38	23.9	30	18.9	56	35.2	35	22.0	159	100.0
Office of the Commissioner for Federal Judicial Affairs Canada	1	8.3	4	33.3	7	58.3	0	0.0	12	100.0
Office of the Commissioner of Lobbying of Canada	1	14.3	0	0.0	4	57.1	2	28.6	7	100.0
Office of the Commissioner of Official Languages	7	12.3	15	26.3	31	54.4	4	7.0	57	100.0
Office of the Governor General's Secretary	7	21.2	6	18.2	10	30.3	10	30.3	33	100.0
Office of the Public Sector Integrity Commissioner of Canada	1	11.1	6	66.7	1	11.1	1	11.1	9	100.0
Office of the Superintendent of Financial Institutions Canada	92	37.9	66	27.2	64	26.3	21	8.6	243	100.0
Offices of the Information and Privacy Commissioners of Canada	9	14.1	18	28.1	21	32.8	16	25.0	64	100.0
Parole Board of Canada	31	18.7	29	17.5	75	45.2	31	18.7	166	100.0
Patented Medicine Prices Review Board Canada	2	13.3	1	6.7	10	66.7	2	13.3	15	100.0
Privy Council Office	26	15.4	31	18.3	80	47.3	32	18.9	169	100.0
Public Health Agency of Canada	101	21.2	95	19.9	148	31.0	133	27.9	477	100.0

**Table 35: Staffing activities by type and organization (cont'd)**

April 1, 2013 to March 31, 2014

Organization	Appointments to the public service		Staffing activities within the public service						Total	
			Promotions		Lateral and downward movements <sup>(a)</sup>		Acting appointments <sup>(b)</sup>			
	No.	%	No.	%	No.	%	No.	%	No.	%
Public Prosecution Service of Canada	50	18.9	91	34.3	107	40.4	17	6.4	<b>265</b>	<b>100.0</b>
Public Safety Canada	41	14.2	46	16.0	121	42.0	80	27.8	<b>288</b>	<b>100.0</b>
Public Servants Disclosure Protection Tribunal Canada	0	0.0	2	66.7	0	0.0	1	33.3	<b>3</b>	<b>100.0</b>
Public Service Commission of Canada	10	7.6	14	10.6	81	61.4	27	20.5	<b>132</b>	<b>100.0</b>
Public Service Labour Relations Board	5	29.4	3	17.6	5	29.4	4	23.5	<b>17</b>	<b>100.0</b>
Public Works and Government Services Canada	451	14.2	782	24.6	1 354	42.6	594	18.7	<b>3 181</b>	<b>100.0</b>
RCMP External Review Committee	1	25.0	2	50.0	1	25.0	0	0.0	<b>4</b>	<b>100.0</b>
Royal Canadian Mounted Police (Public Service Employees)	292	15.4	398	21.0	855	45.2	348	18.4	<b>1 893</b>	<b>100.0</b>
Registrar of the Supreme Court of Canada	40	63.5	6	9.5	10	15.9	7	11.1	<b>63</b>	<b>100.0</b>
Registry of the Competition Tribunal	0	0.0	0	0.0	0	0.0	0	0.0	<b>0</b>	<b>0.0</b>
Registry of the Specific Claims Tribunal of Canada	0	0.0	0	0.0	2	100.0	0	0.0	<b>2</b>	<b>100.0</b>
Shared Services Canada	119	9.0	205	15.4	805	60.6	200	15.0	<b>1 329</b>	<b>100.0</b>
Statistics Canada	202	23.0	315	35.9	245	27.9	116	13.2	<b>878</b>	<b>100.0</b>
Status of Women Canada	9	24.3	6	16.2	17	45.9	5	13.5	<b>37</b>	<b>100.0</b>
Transport Canada	134	14.8	208	23.0	400	44.3	161	17.8	<b>903</b>	<b>100.0</b>
Transportation Appeal Tribunal of Canada	0	0.0	0	0.0	2	100.0	0	0.0	<b>2</b>	<b>100.0</b>
Transportation Safety Board of Canada	10	22.2	12	26.7	17	37.8	6	13.3	<b>45</b>	<b>100.0</b>
Treasury Board of Canada Secretariat	55	10.9	154	30.6	219	43.5	76	15.1	<b>504</b>	<b>100.0</b>
Veterans Affairs Canada	156	21.4	100	13.7	283	38.9	189	26.0	<b>728</b>	<b>100.0</b>



**Table 35: Staffing activities by type and organization** (cont'd)

April 1, 2013 to March 31, 2014

Organization	Appointments to the public service		Staffing activities within the public service						Total	
			Promotions		Lateral and downward movements <sup>(a)</sup>		Acting appointments <sup>(b)</sup>			
	No.	%	No.	%	No.	%	No.	%	No.	%
Veterans Review and Appeal Board	0	0.0	2	28.6	4	57.1	1	14.3	7	100.0
Western Economic Diversification Canada	18	17.3	18	17.3	48	46.2	20	19.2	104	100.0
<b>Total</b>	<b>8 395</b>	<b>18.6</b>	<b>9 242</b>	<b>20.4</b>	<b>17 444</b>	<b>38.6</b>	<b>10 164</b>	<b>22.5</b>	<b>45 245</b>	<b>100.0</b>

**Source:** Public Service Commission hiring and staffing activities files

<sup>(a)</sup> Lateral and downward movements include deployments. As the appointment process is not captured by the Public Works and Government Services Canada pay system, it is not possible to differentiate between lateral and downward appointments and deployments.

<sup>(b)</sup> Excludes acting appointments of less than four months.

<sup>(c)</sup> Indian Oil and Gas Canada was previously included in this table under Aboriginal Affairs and Northern Development Canada. It is now reported as a distinct organization.

Figures include staffing activities occurring in Passport Canada, although Passport Canada became part of Citizenship and Immigration Canada and Employment and Social Development Canada in 2013-2014. Figures include staffing activities from the Canadian International Development Agency, which became part of Foreign Affairs, Trade and Development Canada in 2013-2014.

**Note:** The difference between the number of active organizations identified in this table and the number of organizations who were under an Appointment Delegation and Accountability Instrument at the end of 2013-2014 (82) is related to organizations that do not show as separate entities in the Public Works and Government Services Canada pay system. For these two organizations, the Public Service Commission cannot show hiring and staffing activities.



**Table 36: *Public Service Employment Act* population changes by organization**

*March 2013 to March 2014*

Organization	Indeterminate, specified term, casual and student population			
	March 2013	March 2014	Difference	% change over last year
	No.	No.		
Aboriginal Affairs and Northern Development Canada <sup>(a)</sup>	4 969	4 850	- 119	- 2.4
Agriculture and Agri-Food Canada	5 988	5 287	- 701	- 11.7
Atlantic Canada Opportunities Agency	589	589	0	0.0
Canada Border Services Agency	14 216	14 094	- 122	- 0.9
Canada Industrial Relations Board	81	78	- 3	- 3.7
Canada School of Public Service	656	624	- 32	- 4.9
Canadian Artists and Producers Professional Relations Tribunal	2	0	- 2	- 100.0
Canadian Environmental Assessment Agency	218	229	11	5.0
Canadian Grain Commission	622	410	- 212	- 34.1
Canadian Heritage	1 732	1 798	66	3.8
Canadian Human Rights Commission	214	198	- 16	- 7.5
Canadian Intergovernmental Conference Secretariat	22	23	1	4.5
Canadian International Development Agency	1 593	0	-1 593	- 100.0
Canadian International Trade Tribunal	67	72	5	7.5
Canadian Radio-television and Telecommunications Commission	435	428	- 7	- 1.6
Canadian Space Agency	659	619	- 40	- 6.1
Canadian Transportation Agency	239	214	- 25	- 10.5
Citizenship and Immigration Canada <sup>(b)</sup>	4 835	5 906	1 071	22.2
Commission for Public Complaints Against the Royal Canadian Mounted Police	61	66	5	8.2
Copyright Board Canada	14	12	- 2	- 14.3
Correctional Investigator Canada (The)	32	39	7	21.9
Correctional Service Canada	18 500	18 258	- 242	- 1.3
Courts Administration Service	616	607	- 9	- 1.5
Economic Development Agency of Canada for the Regions of Quebec	338	347	9	2.7
Employment and Social Development Canada <sup>(b)</sup>	20 037	21 028	991	4.9
Environment Canada	6 406	6 541	135	2.1
Farm Products Council of Canada	16	16	0	0.0



**Table 36: *Public Service Employment Act* population changes by organization (cont'd)**

March 2013 to March 2014

Organization	Indeterminate, specified term, casual and student population			
	March 2013	March 2014	Difference	% change over last year
	No.	No.		
Federal Economic Development Agency for Southern Ontario	217	223	6	2.8
Finance Canada (Department of)	753	748	- 5	- 0.7
Financial Consumer Agency of Canada	72	77	5	6.9
Fisheries and Oceans Canada	10 291	9 955	- 336	- 3.3
Foreign Affairs, Trade and Development Canada <sup>(c)</sup>	7 253	6 006	-1 247	- 17.2
Hazardous Materials Information Review Commission Canada	31	0	- 31	- 100.0
Health Canada	9 699	9 339	- 360	- 3.7
Human Rights Tribunal of Canada	19	18	- 1	- 5.3
Immigration and Refugee Board of Canada	934	894	- 40	- 4.3
Indian Oil and Gas Canada <sup>(a)</sup>	84	85	1	1.2
Indian Residential Schools Truth and Reconciliation Commission	23	13	- 10	- 43.5
Industry Canada	4 769	4 706	- 63	- 1.3
Infrastructure Canada	307	287	- 20	- 6.5
International Joint Commission	31	30	- 1	- 3.2
Justice Canada (Department of)	4 721	4 570	- 151	- 3.2
Library and Archives Canada	912	1 042	130	14.3
Military Grievances External Review Committee	36	35	- 1	- 2.8
Military Police Complaints Commission of Canada	17	13	- 4	- 23.5
National Defence (Public Service Employees)	24 930	23 138	-1 792	- 7.2
National Energy Board	402	427	25	6.2
Natural Resources Canada	4 358	4 228	- 130	- 3.0
Office of the Chief Electoral Officer	493	519	26	5.3
Office of the Commissioner for Federal Judicial Affairs Canada	65	56	- 9	- 13.8
Office of the Commissioner of Lobbying of Canada	25	25	0	0.0
Office of the Commissioner of Official Languages	161	170	9	5.6
Office of the Governor General's Secretary	152	148	- 4	- 2.6

**Table 36: *Public Service Employment Act* population changes by organization (cont'd)**

March 2013 to March 2014

Organization	Indeterminate, specified term, casual and student population			
	March 2013	March 2014	Difference	% change over last year
	No.	No.		
Office of the Public Sector Integrity Commissioner of Canada	30	27	- 3	- 10.0
Office of the Superintendent of Financial Institutions Canada	637	683	46	7.2
Offices of the Information and Privacy Commissioners of Canada	254	258	4	1.6
Parole Board of Canada	411	420	9	2.2
Patented Medicine Prices Review Board Canada	53	55	2	3.8
Privy Council Office	744	740	- 4	- 0.5
Public Health Agency of Canada	2 162	2 173	11	0.5
Public Prosecution Service of Canada	953	968	15	1.6
Public Safety Canada	1 109	1 054	- 55	- 5.0
Public Servants Disclosure Protection Tribunal Canada	9	9	0	0.0
Public Service Commission of Canada	864	735	- 129	- 14.9
Public Service Labour Relations Board	86	81	- 5	- 5.8
Public Works and Government Services Canada	12 141	11 963	- 178	- 1.5
RCMP External Review Committee	6	4	- 2	- 33.3
Royal Canadian Mounted Police (Public Service Employees)	5 971	6 065	94	1.6
Registrar of the Supreme Court of Canada	214	218	4	1.9
Registry of the Competition Tribunal	9	7	- 2	- 22.2
Registry of the Specific Claims Tribunal of Canada	10	9	- 1	- 10.0
Shared Services Canada	5 298	5 393	95	1.8
Statistics Canada	4 529	4 805	276	6.1
Status of Women Canada	99	97	- 2	- 2.0
Transport Canada	4 776	4 769	- 7	- 0.1
Transportation Appeal Tribunal of Canada	8	8	0	0.0
Transportation Safety Board of Canada	199	201	2	1.0
Treasury Board	1 855	1 774	- 81	- 4.4



**Table 36: *Public Service Employment Act* population changes by organization (cont'd)**

March 2013 to March 2014

Organization	Indeterminate, specified term, casual and student population			
	March 2013	March 2014	Difference	% change over last year
	No.	No.		
Veterans Affairs Canada	3 577	3 086	- 491	- 13.7
Veterans Review and Appeal Board	0	77	77	–
Western Economic Diversification Canada	334	317	-17	- 5.1
<b>Total</b>	<b>200 250</b>	<b>195 081</b>	<b>-5 169</b>	<b>- 2.6</b>

**Source:** Public Service Commission population files

- <sup>(a)</sup> Indian Oil and Gas Canada was previously included in this table under Aboriginal Affairs and Northern Development Canada. It is now reported as a distinct organization.
- <sup>(b)</sup> The population counts include employees of Passport Canada, which became part of Citizenship and Immigration Canada and Employment and Social Development Canada in 2013-2014.
- <sup>(c)</sup> The population counts from Foreign Affairs, Trade and Development Canada no longer include employees of Passport Canada. In 2013-2014, Passport Canada became part of Citizenship and Immigration Canada and Employment and Social Development Canada, but the population includes counts from Canadian International Development Agency.

**Note:** The difference between the number of active organizations identified in this table and the number of organizations who were under an Appointment Delegation and Accountability Instrument at the end of 2013-2014 (82) is related to organizations that do not show as separate entities in the Public Works and Government Services Canada (PWGSC) pay system. For these two organizations, the Public Service Commission cannot identify population.

The population counts are taken from the incumbent file. The incumbent file, which comes from the Treasury Board of Canada Secretariat, is an extract from the PWGSC pay system and may vary from counts maintained in organizational human resources systems.



**Table 37: Applications and appointments for nationally advertised jobs by geographic area – Officer level**

April 1, 2013 to March 31, 2014

Geographic area of work location	Advertisements <sup>(a)</sup>	Applications <sup>(b)</sup>		Appointments to the public service <sup>(c)</sup>	
	No.	No.	From other geographic areas of residence %	No.	From other geographic areas of residence %
British Columbia	151	13 323	59.0	202	18.3
Alberta	158	12 094	73.5	221	47.1
Saskatchewan	214	11 236	83.8	113	45.1
Manitoba	113	7 820	72.5	148	25.0
Ontario (except NCR)	280	52 004	29.9	465	12.7
National Capital Region (NCR)	300	56 112	41.1	1 257	27.2
Quebec (except NCR)	231	27 709	31.4	267	8.2
New Brunswick	42	6 441	54.4	216	21.8
Nova Scotia	46	3 624	53.2	113	52.2
Prince Edward Island	11	467	71.3	5	0.0
Newfoundland and Labrador	38	2 904	71.4	63	23.8
Yukon	14	738	91.3	6	50.0
Northwest Territories	33	1 880	92.6	33	42.4
Nunavut	28	2 070	92.5	17	52.9
Outside Canada	0	0	0.0	2	100.0
<b>Total</b>	<b>1 659</b>	<b>198 422</b>	<b>46.0</b>	<b>3 128</b>	<b>25.6</b>

**Source:** Public Service Commission (PSC) hiring and staffing activities files and the Public Service Resourcing System (PSRS)

<sup>(a)</sup> Advertisements with more than one work location are counted as multiple advertisements (one for each work location), which may impact geographic distribution. Excludes advertisements containing more than one group/level.

<sup>(b)</sup> An application is counted multiple times when it is received for an advertisement containing multiple work locations.

<sup>(c)</sup> This information is derived by matching the home address of the applicants (from the PSRS) to the geographic job area of those applicants who were appointed to the public service in 2013-2014 (from the PSC hiring and staffing activities files). Due to timing and data quality issues, the PSC was able to match approximately 80% of the appointments with the PSRS. Excludes specified terms of less than six months, the Executive Group and separate agencies.



**Table 38: Applications and appointments for nationally advertised jobs by geographic area – Non-officer level**

*April 1, 2013 to March 31, 2014*

Geographic area of work location	Advertisements <sup>(a)</sup>	Applications <sup>(b)</sup>		Appointments to the public service <sup>(c)</sup>	
	No.	No.	From other geographic areas of residence %	No.	From other geographic areas of residence %
British Columbia	264	21 089	47.7	179	16.8
Alberta	305	18 467	72.5	238	36.6
Saskatchewan	253	8 459	79.2	129	17.8
Manitoba	141	6 916	66.3	110	9.1
Ontario (except NCR)	258	21 386	33.9	159	6.9
National Capital Region (NCR)	53	26 770	37.4	423	19.4
Quebec (except NCR)	302	30 099	32.6	322	5.9
New Brunswick	95	5 326	66.7	73	8.2
Nova Scotia	89	5 768	63.4	70	22.9
Prince Edward Island	14	1 019	56.5	10	0.0
Newfoundland and Labrador	78	1 709	89.8	16	6.3
Yukon	16	521	90.4	4	0.0
Northwest Territories	37	767	85.1	11	36.4
Nunavut	32	81	88.9	3	0.0
Outside Canada	0	0	0.0	0	0.0
<b>Total</b>	<b>1 937</b>	<b>148 377</b>	<b>48.7</b>	<b>1 747</b>	<b>16.5</b>

**Source:** Public Service Commission (PSC) hiring and staffing activities files and the Public Service Resourcing System (PSRS)

<sup>(a)</sup> Advertisements with more than one work location are counted as multiple advertisements (one for each work location), which may impact geographic distribution. Excludes advertisements containing more than one group/level.

<sup>(b)</sup> An application is counted multiple times when it is received for an advertisement containing multiple work locations.

<sup>(c)</sup> This information is derived by matching the home address of the applicants (from the PSRS) to the geographic job area of those applicants who were appointed to the public service in 2013-2014 (from the PSC hiring and staffing activities files). Due to timing and data quality issues, the PSC was able to match approximately 80% of the appointments with the PSRS. Excludes specified terms of less than six months, the Executive Group and separate agencies.



**Table 39:** Appointments to the public service to indeterminate positions and specified terms of three months and over by employment equity designated group and sex

Employment equity designated group	2012-2013		2013-2014	
	Women %	Men %	Women %	Men %
Aboriginal peoples	58.8	41.2	68.9	31.1
Persons with disabilities	47.7	52.3	52.7	47.3
Members of visible minorities	50.5	49.5	53.5	46.5

**Source:** Treasury Board of Canada Secretariat (TBS) Employment Equity Data Bank (EEDB) and the Public Service Commission (PSC) hiring and staffing activities files

**Note:** The figures for these three employment equity (EE) designated groups are extracted from the TBS EEDB where a match was found in the PSC hiring and staffing activities file covering the current fiscal year. These include appointments as a result of both external advertised and non-advertised processes. They exclude appointments to separate agencies. Due to a change in methodology, figures published in fiscal years prior to 2012-2013 are not comparable with figures published since the PSC's *Statistical Update on Appointments to the Public Service by Employment Equity Designated Group for 2012-2013*.

Distribution by sex is extracted from the PSC hiring and staffing activities files.



**Table 40: Appointments to the public service to indeterminate positions and specified terms of three months and over by employment equity designated group and geographic area**

Geographic area	Appointments to the public service by employment equity designated group								Total <sup>(c)</sup>	
	Aboriginal peoples <sup>(a)</sup>		Persons with disabilities <sup>(a)</sup>		Members of visible minorities <sup>(a)</sup>		Women <sup>(b)</sup>			
	No.	%	No.	%	No.	%	No.	%	No.	%
British Columbia	34	5.8	21	3.6	119	20.3	289	49.3	586	100.0
Alberta	27	4.7	20	3.5	89	15.5	317	55.3	573	100.0
Saskatchewan	29	7.9	13	3.5	44	12.0	186	50.7	367	100.0
Manitoba	55	14.2	18	4.6	53	13.7	238	61.3	388	100.0
Ontario (except NCR)	34	3.6	32	3.4	239	25.5	494	52.7	938	100.0
National Capital Region (NCR)	81	3.2	77	3.0	408	16.1	1 418	56.0	2 531	100.0
Quebec (except NCR)	13	1.5	19	2.2	129	14.8	499	57.2	873	100.0
New Brunswick	15	3.9	21	5.5	26	6.8	262	68.6	382	100.0
Nova Scotia	14	5.3	7	2.7	16	6.1	112	42.6	263	100.0
Prince Edward Island	0	0.0	*	*	*	*	11	47.8	23	100.0
Newfoundland and Labrador	9	7.8	6	5.2	8	7.0	61	53.0	115	100.0
Yukon	*	*	0	0.0	*	*	15	71.4	21	100.0
Northwest Territories	*	*	*	*	*	*	30	55.6	54	100.0
Nunavut	9	37.5	0	0.0	4	16.7	11	45.8	24	100.0
Outside Canada	0	0.0	0	0.0	0	0.0	2	40.0	5	100.0
<b>Total<sup>(c)</sup></b>	<b>328</b>	<b>4.6</b>	<b>239</b>	<b>3.3</b>	<b>1 140</b>	<b>16.0</b>	<b>3 945</b>	<b>55.2</b>	<b>7 143</b>	<b>100.0</b>

**Source:** Treasury Board of Canada Secretariat (TBS) Employment Equity Data Bank (EEDB) and the Public Service Commission (PSC) hiring and staffing activities files

<sup>(a)</sup> The figures for these three employment equity (EE) designated groups are extracted from the TBS EEDB where a match was found in the PSC hiring and staffing activities file covering the current fiscal year. These include appointments as a result of both external advertised and non-advertised processes. Due to a change in methodology, figures published in fiscal years prior to 2012-2013 are not comparable with figures published since the PSC's *Statistical Update on Appointments to the Public Service by Employment Equity Designated Group for 2012-2013*.

<sup>(b)</sup> The figures for women are extracted from the PSC hiring and staffing activities files. These include appointments as a result of both external advertised and non-advertised processes.

<sup>(c)</sup> The sum of EE designated groups does not equal the total as a person may self-identify in more than one EE designated group and men are included in the total.

**Note:** The suppression of certain data cells has been applied in order to respect the confidentiality requirements of personal information. They have been replaced by the missing value indicator ' \* '.  
The figures for this table exclude appointments to separate agencies.



**Table 41: Executive indeterminate and specified term staffing activities under the *Public Service Employment Act*, by language requirements of position and fiscal year**

Language requirements of position		Executive staffing activities			
		2012-2013		2013-2014	
		No.	%	No.	%
Bilingual positions	Imperative	1 357	83.6	1 290	83.3
	Non-imperative	77	4.7	77	5.0
	<b>Subtotal</b>	<b>1 434</b>	<b>88.3</b>	<b>1 367</b>	<b>88.3</b>
Unilingual positions	English essential	158	9.7	160	10.3
	French essential	1	0.1	2	0.1
	English or French essential	31	1.9	20	1.3
	<b>Subtotal</b>	<b>190</b>	<b>11.7</b>	<b>182</b>	<b>11.7</b>
<b>Total</b>		<b>1 624</b>	<b>100.0</b>	<b>1 549</b>	<b>100.0</b>

**Source:** Public Service Commission hiring and staffing activities files

**Note:** Includes appointments to the public service, promotions, lateral and downward movements and acting appointments. Percent distributions are based on cases where language requirements of the position are known, but totals also include staffing activities where language requirements of the position are not specified.

**Table 42: Indeterminate appointments and staffing activities to Executive bilingual positions under the *Public Service Employment Act*, by language requirements of position and fiscal year**

Language requirements of position		2009-2010		2010-2011		2011-2012		2012-2013		2013-2014	
		No.	%	No.	%	No.	%	No.	%	No.	%
Bilingual imperative		1 486	92.3	1 358	90.9	1 184	96.4	949	97.2	923	96.9
Bilingual non-imperative	Employee meets requirements upon appointment or is exempted from the requirements	116	7.2	130	8.7	38	3.1	25	2.6	25	2.6
	Employee does not meet requirements upon appointment	8	0.5	6	0.4	6	0.5	2	0.2	5	0.5
	<b>Subtotal</b>	<b>124</b>	<b>7.7</b>	<b>136</b>	<b>9.1</b>	<b>44</b>	<b>3.6</b>	<b>27</b>	<b>2.8</b>	<b>30</b>	<b>3.1</b>
<b>Total</b>		<b>1 610</b>	<b>100.0</b>	<b>1 494</b>	<b>100.0</b>	<b>1 228</b>	<b>100.0</b>	<b>976</b>	<b>100.0</b>	<b>953</b>	<b>100.0</b>

**Source:** Public Service Commission hiring and staffing activities files

**Note:** Includes appointments to the public service, promotions and lateral and downward movements, but excludes acting appointments.



**Table 43:** Indeterminate and specified term staffing activities under the *Public Service Employment Act*, by language requirements of position, type of appointment and fiscal year

Language requirements of position		Appointments to the public service				Staffing activities within the public service			
		2012-2013		2013-2014		2012-2013		2013-2014	
		No.	%	No.	%	No.	%	No.	%
Bilingual positions	Imperative	1 580	23.4	1 933	23.2	15 652	45.8	17 090	46.5
	Non-imperative	24	0.4	14	0.2	667	2.0	580	1.6
	<b>Subtotal</b>	<b>1 604</b>	<b>23.7</b>	<b>1 947</b>	<b>23.3</b>	<b>16 319</b>	<b>47.8</b>	<b>17 670</b>	<b>48.1</b>
Unilingual positions	English essential	3 820	56.5	4 650	55.7	15 398	45.1	16 291	44.3
	French essential	540	8.0	585	7.0	1 323	3.9	1 516	4.1
	English or French essential	792	11.7	1 159	13.9	1 108	3.2	1 297	3.5
	<b>Subtotal</b>	<b>5 152</b>	<b>76.3</b>	<b>6 394</b>	<b>76.7</b>	<b>17 829</b>	<b>52.2</b>	<b>19 104</b>	<b>51.9</b>
<b>Total</b>		<b>6 783</b>	<b>100.0</b>	<b>8 395</b>	<b>100.0</b>	<b>34 222</b>	<b>100.0</b>	<b>36 850</b>	<b>100.0</b>

**Source:** Public Service Commission hiring and staffing activities files

**Note:** Includes appointments to the public service, promotions, lateral and downward movements and acting appointments of at least four months. Percent distributions are based on cases where language requirements of the position are known, but totals also include staffing activities where language requirements of the position are not specified. Most employees appointed on a non-imperative basis met the linguistic requirements of the position.



**Table 44:** Indeterminate and specified term appointments to the public service under the *Public Service Employment Act*, by first official language group and fiscal year within and outside the National Capital Region

Region	First official language group	2009-2010		2010-2011		2011-2012		2012-2013		2013-2014	
		No.	%	No.	%	No.	%	No.	%	No.	%
Within the NCR	Anglophones	5 633	64.1	4 191	64.0	3 866	62.4	1 225	61.4	1 828	66.2
	Francophones	3 161	35.9	2 354	36.0	2 334	37.6	769	38.6	932	33.8
	<b>Subtotal</b>	<b>8 819</b>	<b>100.0</b>	<b>6 562</b>	<b>100.0</b>	<b>6 215</b>	<b>100.0</b>	<b>2 016</b>	<b>100.0</b>	<b>2 798</b>	<b>100.0</b>
Outside the NCR	Anglophones	9 963	76.6	6 900	74.2	5 309	75.0	3 587	77.3	4 306	77.5
	Francophones	3 041	23.4	2 400	25.8	1 771	25.0	1 052	22.7	1 248	22.5
	<b>Subtotal</b>	<b>13 087</b>	<b>100.0</b>	<b>9 426</b>	<b>100.0</b>	<b>7 239</b>	<b>100.0</b>	<b>4 767</b>	<b>100.0</b>	<b>5 597</b>	<b>100.0</b>
<b>Total</b>		<b>21 906</b>		<b>15 988</b>		<b>13 454</b>		<b>6 783</b>		<b>8 395</b>	

**Source:** Public Service Commission hiring and staffing activities files

**Note:** Some numbers released previously have been revised. Percent distributions are based on cases where the first official language is known, but subtotals and totals also include staffing activities where the first official language group is not specified.

**Table 45:** Number of second language evaluation tests administered, by test and year, showing percentage change over the previous year

Assessment	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	Change (over last year) %
Reading	34 637	28 333	23 250	18 560	20 507	10.5
Written Expression	38 723	33 721	27 943	22 077	24 715	11.9
Oral Proficiency	26 308	23 336	20 725	16 589	18 506	11.6
<b>Total</b>	<b>99 668</b>	<b>85 390</b>	<b>71 918</b>	<b>57 226</b>	<b>63 728</b>	<b>11.4</b>

**Source:** Public Service Commission Test Scoring and Results Reporting System, as of March 31, 2014



**Table 46a: Applicants by recruitment program and geographic area of residence**

April 1, 2013 to March 31, 2014

Geographic area of residence	Student Programs				Graduate Recruitment Programs			
	FSWEP* (a)		RAP*		PSR* (b)		RPL*	
	No.	%	No.	%	No.	%	No.	%
British Columbia	2 607	6.7	34	4.2	898	6.8	100	6.3
Alberta	1 451	3.8	46	5.6	482	3.7	63	4.0
Saskatchewan	715	1.9	17	2.1	107	0.8	10	0.6
Manitoba	1 318	3.4	20	2.5	197	1.5	22	1.4
Ontario	19 946	51.6	410	50.3	6 284	47.8	888	56.2
Quebec	9 544	24.7	130	15.9	3 984	30.3	372	23.5
New Brunswick	1 007	2.6	47	5.8	598	4.6	16	1.0
Nova Scotia	1 072	2.8	17	2.1	221	1.7	26	1.6
Prince Edward Island	526	1.4	51	6.3	46	0.4	3	0.2
Newfoundland and Labrador	246	0.6	8	1.0	68	0.5	17	1.1
Yukon	15	0.0	0	0.0	14	0.1	0	0.0
Northwest Territories	24	0.1	0	0.0	4	0.0	1	0.1
Nunavut	6	0.0	2	0.3	1	0.0	0	0.0
Outside Canada	155	0.4	34	4.2	245	1.9	63	4.0
<b>Total</b>	<b>38 632</b>	<b>100.0</b>	<b>816</b>	<b>100.0</b>	<b>13 149</b>	<b>100.0</b>	<b>1 581</b>	<b>100.0</b>

Source: Public Service Resourcing System

(a) The figures under FSWEP include applicants from the 2012 and 2013 campaigns. A campaign cycle occurs annually from October to October. An applicant can apply only once per campaign, but may apply to both campaigns and therefore be counted more than once in any given fiscal year. The total equals the number of applications in 2013-2014 found in Chapter 2 (Table 14).

(b) These numbers exclude cancelled advertisements.

**\*Legend**                      **FSWEP** Federal Student Work Experience Program                      **RAP** Research Affiliate Program  
   **PSR** Post-Secondary Recruitment Program    **RPL** Recruitment of Policy Leaders



**Table 46b:** Applicants by recruitment program and geographic area of residence for Ontario, National Capital Region and Quebec

April 1, 2013 to March 31, 2014

Geographic area of residence	Student Programs				Graduate Recruitment Programs			
	FSWEP* (a)		RAP*		PSR* (b)		RPL*	
	No.	%	No.	%	No.	%	No.	%
Ontario (except NCR)	8 790	22.8	198	24.3	3 393	25.8	527	33.3
National Capital Region (NCR)	13 708	35.5	247	30.3	3 841	29.2	428	27.1
Quebec (except NCR)	6 992	18.1	95	11.6	3 034	23.1	305	19.3

**Source:** Public Service Resourcing System

(a) The figures under FSWEP include applicants from the 2012 and 2013 campaigns. A campaign cycle occurs annually from October to October. An applicant can apply only once per campaign, but may apply to both campaigns and therefore be counted more than once in any given fiscal year.

(b) These numbers exclude cancelled advertisements.

**\*Legend**      **FSWEP** Federal Student Work Experience Program      **RAP** Research Affiliate Program  
                   **PSR** Post-secondary Recruitment Program                    **RPL** Recruitment of Policy Leaders



**Table 47: Applicants to external advertisements compared to the Canadian Labour Force**

*April 1, 2013 to March 31, 2014*

<b>Geographic area of residence</b>	<b>Applicants to external advertisements %</b>	<b>Canadian workforce population %</b>
British Columbia	12.9	12.9
Alberta	5.4	12.3
Saskatchewan	2.0	3.0
Manitoba	3.0	3.5
Ontario	45.0	38.8
Quebec	20.3	22.8
New Brunswick	3.7	2.0
Nova Scotia	4.7	2.5
Prince Edward Island	0.9	0.4
Newfoundland and Labrador	0.9	1.3
Yukon	0.1	0.1
Northwest Territories	0.3	0.1
Nunavut	0.1	0.1
Outside Canada	0.9	N/A
<b>Total</b>	<b>100.0</b>	<b>100.0</b>

**Source:** Public Service Resourcing System and Statistics Canada March 2014 Labour Force Survey



**Table 48: Priority administration (public service total)**

Number of priority entitlements registered and number of placements and other removals, by priority type

April 1, 2013 to March 31, 2014

Priority type	Carry-over <sup>(a)</sup>	New cases	Total (carry-over + new cases)	Appointed	Resigned and/or retired	Expired	Other removal <sup>(b)</sup>	Total outflows	Active at end of period
Leave of absence (s. 41)	544	290	834	131	49	90	32	302	532
Lay-off (s. 41)	27	377	404	35	10	26	22	93	311
<b>Total – Statutory priorities</b>	<b>571</b>	<b>667</b>	<b>1238</b>	<b>166</b>	<b>59</b>	<b>116</b>	<b>54</b>	<b>395</b>	<b>843</b>
Surplus (s. 5) <sup>(c)</sup>	1304	706	2010	831	124	1	661	1617	393
Disabled employee (s. 7)	52	41	93	9	5	22	7	43	50
Medically released CF/RCMP (s. 8)	179	105	284	43	0	108	3	154	130
Relocation of spouse (s. 9)	520	336	856	127	32	66	164	389	467
Reinstatement to higher level (s. 10)	328	407	735	59	10	312	7	388	347
Surviving spouse or common-law partner (s. 8.1)	11	1	12	0	0	2	0	2	10
<b>Total – Regulatory priorities</b>	<b>2394</b>	<b>1596</b>	<b>3990</b>	<b>1069</b>	<b>171</b>	<b>511</b>	<b>842</b>	<b>2593</b>	<b>1397</b>
<b>Grand total</b>	<b>2965</b>	<b>2263</b>	<b>5228</b>	<b>1235</b>	<b>230</b>	<b>627</b>	<b>896</b>	<b>2988</b>	<b>2240</b>

<sup>(a)</sup> The number of carry-over from March 31, 2013 differs from the number of active cases at March 31, 2013 published in last year's Annual Report due to priority registrations received late in March 2013 and activated after the start of the new fiscal year. The validation of data to the Priority Information Management System may also be a factor.

<sup>(b)</sup> Priority type changes are included in "Other removal."

<sup>(c)</sup> Although the priority entitlement for surplus employees is established in the *Public Service Employment Regulation*, s. 40 of the *Public Service Employment Act* provides deputy heads with the authority to place their own organization's surplus employees before considering other priority persons. Surplus employees within their home organizations accounted for 623 of the 831 appointments in 2013-2014.

**Note:** See "Priority Administration" under Appendix 2 – Statistical Tables notes.



## Appendix 3

### Public Service Commission study updates

**Study on Acting Appointments and Subsequent Promotions in the Federal Public Service (Update)** –

This study examined whether employees in lengthy acting appointments gain an advantage in obtaining a subsequent promotion. In 2012-2013, the subsequent promotion rate following an acting appointment was 22.9%, close to the level in 2011-2012 (22.6%), below the level in 2010-2011 (28.3%) and below the level in 2002-2004 (41.3%). The duration of acting appointments ending with and without promotion lasted longer than in previous fiscal years, 18.0 months and 14.7 months respectively. The duration of the acting appointment does not affect the likelihood of being subsequently promoted. See Table 49 for more information.

**Table 49: Acting appointments and subsequent promotions by fiscal year**

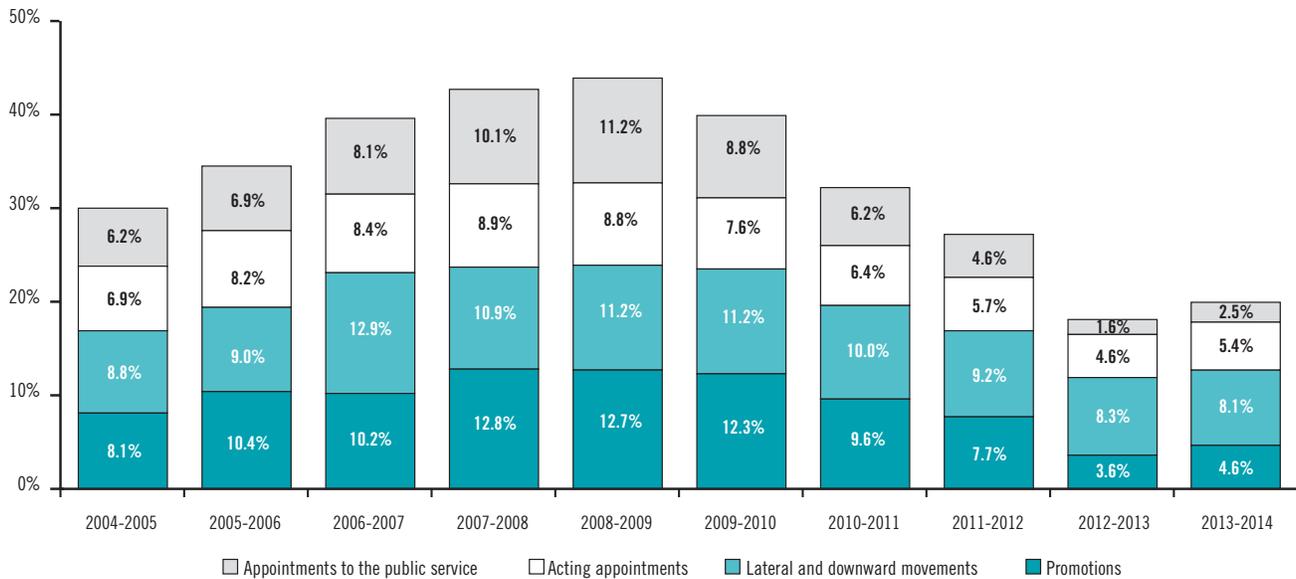
Fiscal year	Subsequent promotion rate %	Average duration (months)	
		Promoted	Not promoted
2002-2004	41.3	15.0	13.0
<b>Updates</b>			
2004-2007	41.2	15.5	13.4
2007-2009	33.5	13.5	12.5
2009-2010	31.0	12.8	13.8
2010-2011	28.3	14.4	13.0
2011-2012	22.6	15.0	13.6
2012-2013	22.9	18.0	14.7

**Source:** Public Service Commission Job-based Analytical Information System

**Study on Mobility of Public Servants (Update)** – This study examined trends in mobility and changes in its components. Indeterminate mobility rates have increased for the first time in five years, increasing to 20.6% in 2013-2014 from 18.1% in 2012-2013. Three of the four appointment types increased compared to last year’s levels: appointments to the public service increased to 2.5%, acting appointments to 5.4%, and promotions to 4.6%. Lateral and downward mobility was the only type of appointment to decrease, dropping from 8.3% in 2012-2013 to 8.1% in 2013-2014. For more information, see Figure 12.



**Figure 12: Indeterminate mobility rates in the public service by appointment type and fiscal year**



**Source:** Public Service Commission Job-based Analytical Information System

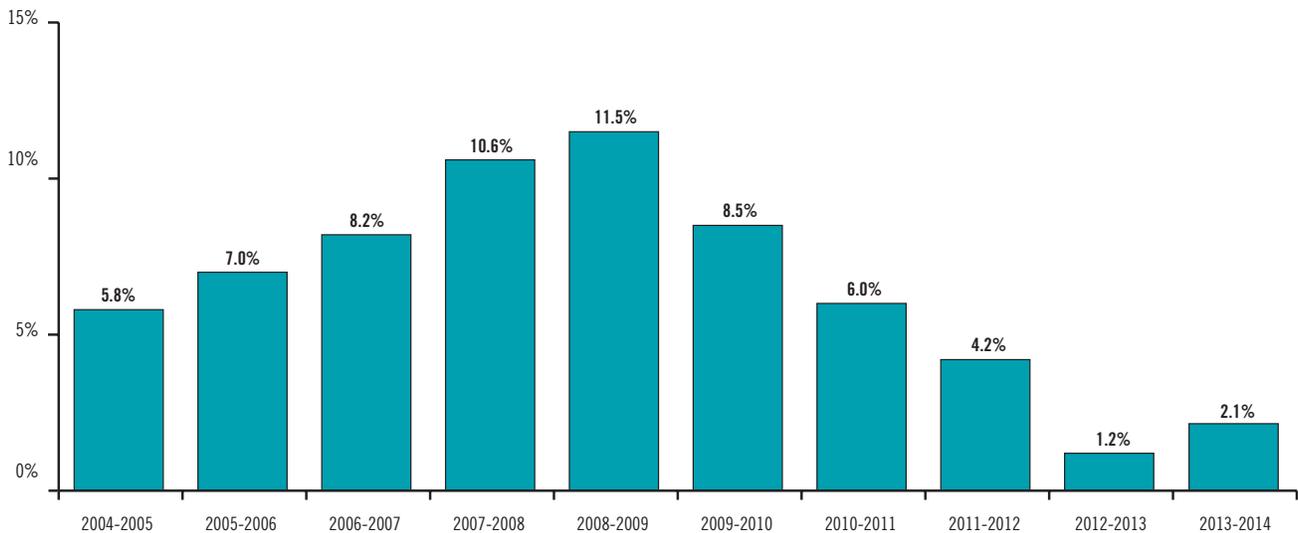
**Note:** The figures published in the original Study on Mobility of Public Servants were revised to include several new organizations, including Canada Border Services Agency, that became subject to the PSEA in 2005. This revision contributed to the increase in the mobility rate from 2004-2005 to 2005-2006.

***New Indeterminate Hires and their Previous Public Service Experience (Update)*** – The Public Service Commission has conducted a number of statistical studies analyzing trends in new indeterminate hires, especially their previous public service work experience, including *New indeterminate employees: Who are they?* (2007); *To what extent do casuals become employed under the Public Service Employment Act?* (2007); and *Appointment under the Public Service Employment Act following participation in federal student employment programs* (2008).

Figure 13 shows trends in new indeterminate hires as a percentage of the indeterminate workforce at the beginning of each fiscal year. New indeterminate hiring was as high as 10% of the indeterminate workforce in the beginning of the 2000s. The trend had slowed to 5.8% in 2004-2005 and gradually increased to its peak of 11.5% in 2008-2009. In 2013-2014, the share of new indeterminate hires grew for the first time in five years to 2.1% of the total indeterminate workforce. In 2012-2013, new indeterminate hires as a percentage of the indeterminate workforce reached a 10 year low of 1.2%.



**Figure 13:** New indeterminate hires as percentage of indeterminate workforce by fiscal year

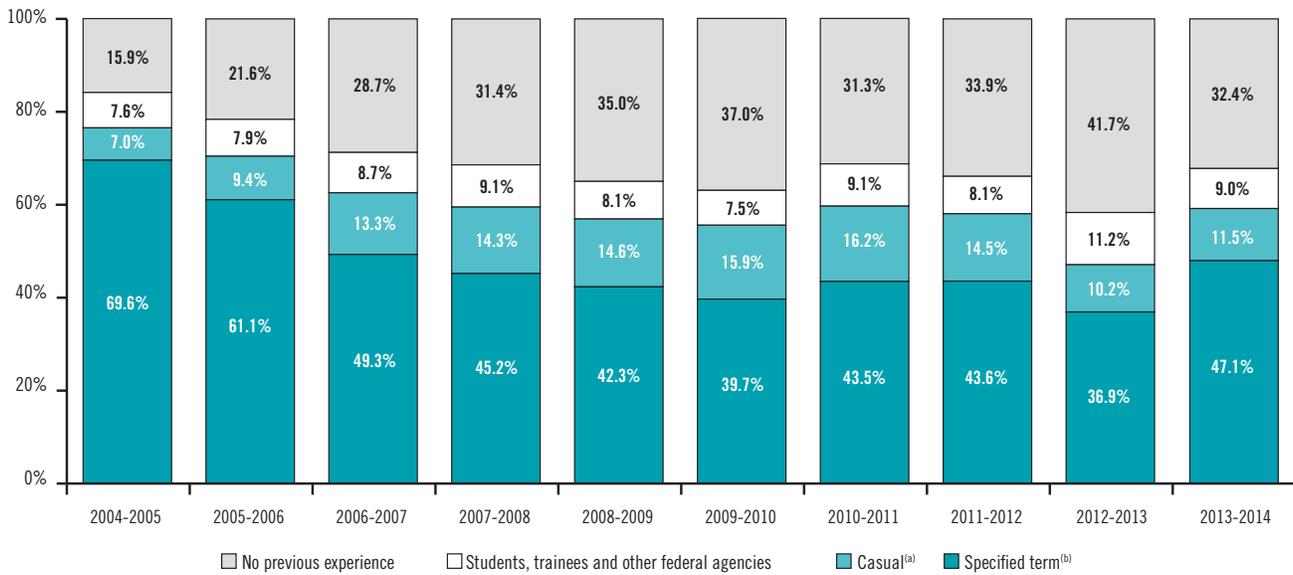


**Source:** Public Service Commission Job-based Analytical Information System

Figure 14 displays the previous work experience of new indeterminate hires.<sup>31</sup> In 2013-2014, those with no previous experience decreased to 32.4% from 41.7% in 2012-2013 and 33.9% in 2011-2012. In 2013-2014, the proportion of new indeterminate hires with specified term experience increased from 36.9% to 47.1%, and remained the main source of new indeterminate hiring consistent with previous fiscal years. New indeterminate hires having only casual experience grew from 10.2% in 2012-2013 to 11.5% in 2013-2014, and remained below the average of 14.7% over the last five years.

<sup>31</sup> New indeterminate hires have had their careers tracked back and have been grouped by their previous work experience, including those with experience as casual only, specified term with or without a casual spell, students, trainees employment in non-*Public Service Employment Act* organizations and those with no public service experience at all.

**Figure 14: New indeterminate hires by previous public service experience and fiscal year**



**Source:** Public Service Commission Job-based Analytical Information System

<sup>(a)</sup> Casual may include previous experience as a student, trainee or in other federal organizations.

<sup>(b)</sup> Specified term may include previous experience such as a casual, student, trainee or in other federal organizations.



## Appendix 4

### Audit Plan

The Public Service Commission (PSC)'s authority to conduct audits is defined in the *Public Service Employment Act* (PSEA). This authority includes all organizations that are subject to the PSC's Appointment Delegation and Accountability Instrument with the PSC and therefore are covered under the PSEA. As a result of the oversight review, the PSC implemented an audit cycle of seven years, from 2009 to 2015, to audit all organizations.

This two-year audit plan selects organizations based on a number of factors such as ensuring a balanced view of staffing risk and considering the size of an organization, as well as completing the established seven-year audit cycle to audit all organizations.

All audits and reporting periods are subject to change.

Under way or planned for 2014-2015	
Follow-up on organizational audits	Size of organization
Canada Border Services Agency	Large
Organizational audits	Size of organization
Agriculture and Agri-Food Canada	Large
Citizenship and Immigration Canada	Large
Canadian Heritage	Medium
Courts Administration Service	Medium
Treasury Board of Canada Secretariat	Medium
Federal Economic Development Agency for Southern Ontario	Small
Office of the Chief Electoral Officer	Small
Office of the Registrar of the Supreme Court of Canada	Small
Western Economic Diversification Canada	Small
Canadian Northern Economic Development Agency	Micro
Commission for Public Complaints Against the RCMP	Micro
Farm Products Council of Canada	Micro
Military Grievances External Review Committee	Micro
Office of the Commissioner of Lobbying of Canada	Micro
Status of Women Canada	Micro
Veterans Review and Appeal Board	Micro



### Under way or planned for 2015-2016

Follow-up on organizational audits	Size of organization
Environment Canada	Large
Organizational audits	Size of organization
Correctional Service Canada	Large
Public Health Agency of Canada	Large
Shared Services Canada	Large
Canada School of Public Service	Medium
Privy Council Office	Medium
Canadian Human Rights Commission	Small
Office of the Privacy Commissioner of Canada	Small
Military Police Complaints Commission of Canada	Micro
Office of the Public Sector Integrity Commissioner of Canada	Micro
Royal Canadian Mounted Police External Review Committee	Micro
Administrative Tribunals Support Service of Canada*	

**Note:** Large organizations have more than 2 000 employees, medium organizations have between 500 and 1 999 employees, small organizations have between 100 and 499 employees and micro organizations have 99 or fewer employees.

\* Legislation establishing the *Administrative Tribunals Support Service of Canada* (ATSSC) was enacted by Parliament on June 19, 2014. The ATSSC will provide registry, administrative and other support services to 11 administrative tribunals. The timing of the proposed audit of this new organization is to be determined.



## Appendix 5

### Exclusion Approval Orders and Regulations

There are several provisions in the *Public Service Employment Act* (PSEA) that provide authority for the Commission to either make or recommend the making of orders and regulations:

- ▶ Section 22 provides the Commission with the direct authority to make regulations to give effect to the provisions of the PSEA relating to matters under its jurisdiction;
- ▶ Section 20 provides the Commission with the authority to exclude positions, a person or classes of positions or persons from any or all of the provisions of the PSEA, subject to the approval of the Governor in Council (these are referred to as Exclusion Approval Orders);
- ▶ Section 21 provides that, on the recommendation of the Commission, the Governor in Council may make regulations related to how excluded positions, persons or classes thereof are to be dealt with;
- ▶ Subsection 35(4) provides that, on the recommendation of the Commission, the Governor in Council may designate portions of the federal public administration for purposes of eligibility in internal appointment processes; and
- ▶ Subsection 113(2) provides that, on the recommendation of the Commission, the Governor in Council may make regulations specifying political activities that are deemed to impair the abilities of employees to perform their duties in a politically impartial manner.

In 2013-2014, the Public Service Commission (PSC) continued its work on the following statutory instruments:

- ▶ ***Regulations Amending the Public Service Employment Regulations*** – The PSC continued to work on amendments to clarify the regulatory surplus priority and lay-off provisions, which are expected to be completed in 2014. In addition, the PSC continued to work on a comprehensive review of the other provisions of the *Public Service Employment Regulations* (PSER).
- ▶ ***Locally Engaged Staff Exclusion Approval Order and Regulations*** – The PSC is continuing work on updating this Order and these Regulations. The existing Order came into force in 1967 and applies to persons who are recruited locally outside Canada. While the existing Order excludes locally engaged staff from the entire PSEA, the proposed Order would exclude them from only certain provisions of the Act. They are being developed in consultation with the major users, namely the Department of National Defence and the Department of Foreign Affairs, Trade and Development.
- ▶ ***Royal Canadian Mounted Police Casual Employment Regulations*** – Bill C-42, *An Act to amend the Royal Canadian Mounted Police Act*, was passed in June 2013, and upon coming into force, will amend the PSEA by adding a provision for casual workers to be appointed at the Royal Canadian Mounted Police (RCMP) for more than 90 working days in one calendar year in the circumstances prescribed by the Commission's regulations. The PSC is developing these regulations in consultation with the RCMP.



- ***Designation of Certain Portions of the Public Service Order*** – The PSEA provides that persons not otherwise employed in the public service, but who are employed in any portion of the federal public administration designated by the Governor in Council, may participate in advertised internal appointment processes open to “persons employed in the public service.” This Order came into force in 1967 and includes a schedule listing several organizations whose employees are eligible to participate in internal appointment processes. Currently, the Government of Nunavut is not included on the Schedule, as the Order has not been amended since Nunavut was created in 1999. At the request of the Government of Nunavut, work is being undertaken to add it to the Schedule.
- ***Regulations Amending the Public Service Employment Regulations (sections 8 and 8.1)*** – On March 4, 2014, Bill C-27, *An Act to amend the Public Service Employment Act (enhancing hiring opportunities for certain serving and former members of the Canadian Forces)* was tabled in Parliament by the Minister of Veterans Affairs. If passed, this bill would introduce a new section 39.1 to the PSEA, which would grant Canadian Armed Forces (CAF) members, released for medical reasons attributable to service, a statutory priority entitlement for an appointment to a position in the public service. The conditions of the new entitlement, including the classes of CAF members, would be prescribed by the PSC in the PSER.

The current regulatory priority entitlement granted to CAF members released for medical reasons would be amended so that it would be granted only to CAF members released for medical reasons that are not attributable to service, with the priority entitlement period increased from the current two years to five years.

In addition, the regulatory priority entitlement granted to surviving spouses of CAF members would be amended to reflect the same classes of CAF members who would be entitled to the statutory priority.



# Appendix 6

## Priority types

At the time of publishing this Annual Report, there are nine priority types,<sup>32</sup> three of which are statutory and have precedence over other entitlements. The statutory entitlements are, in order:

1. An organization's own surplus employees;
2. Employees returning from a leave of absence whose positions have been staffed indeterminately, or the employees who replaced them, if they are displaced when the employee returns from leave; and
3. Persons who have been laid off.

The six regulatory priority entitlements found in the *Public Service Employment Regulations* follow the statutory priority types in order of precedence, but do not otherwise have an order:

- Surplus employees from other departments and agencies;
- Employees who have become disabled;
- Canadian Armed Forces (CAF) and Royal Canadian Mounted Police (RCMP) members who have been released for medical reasons;
- Employees who are on a leave of absence as a result of the relocation of their spouse or common-law partner, and whose positions have not been staffed indeterminately;
- Employees who were appointed or deployed to a lower-level position and are entitled to be reinstated to their former level; and
- Surviving spouses or common-law partners of employees or members of the CAF or RCMP whose death is attributable to the performance of duties.

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<sup>32</sup> The information found in this appendix is subject to change pending Royal Assent of Bill C-27, – *An Act to amend the Public Service Employment Act (enhancing hiring opportunities for certain serving and former members of the Canadian Forces)*.



