

Summary of Recommendations

OGGO Briefing on the Public Service Hiring Process

ACFO-ACAF

October 4, 2018



Recommendation 1:

Move staffing into collective bargaining

Context

The staffing system in the federal public service is excluded by legislation from the collective bargaining process. This is likely a violation of the Charter of Rights and Freedoms and its protections for the right to free association, given the established precedent that employees have the right to negotiate to improve their workplace situation and goals. And it's a potential violation without any clear benefit – the system is inefficient and expensive as compared to other jurisdictions. Staffing processes take too long and the system is failing to produce its intended outcomes since people do not believe competitions are truly open and fair.

Recommendation

Make the staffing system subject to collective bargaining, as it is in almost every other jurisdiction in Canada.

Rationale

Firstly, removing the legislative exclusion of staffing from bargaining would bring Canada in line with the Charter of Rights and Freedoms. Beyond that, though, we have seen that jurisdictions that do include staffing in the collective bargaining process have systems that are more efficient, more cost-effective and – most importantly – more fair. Collectively bargained staffing systems could include the joint establishment of staffing standards and timelines, area of selection policies or systems for dispute resolution, among other things. Finally, it would ease the burden on the Public Sector Labour Relations and Employment Board, which is currently overwhelmed with a backlog of staffing complaints, by moving such complaints into the grievance process.

Recommendation 2:

Apply greater accountability standards to consultants

Context

When faced with the need to bring in additional resources, we know that many public service managers end up tendering contracts and bringing on consultants instead of staffing vacant positions, even when those skills are part of their team's core function. The staffing system is too inefficient; it's easier to contract out the work. Contractors and consultants are not subject to the

same accountability mechanisms as public servants. Specifically, they aren't subject to codes of values and ethics; their work often falls outside of the access to information regime; and they often aren't subject to or protected by the whistleblower protection regime.

Recommendation

Require that contractors and consultants abide by the same ethics and accountability rules as public servants, specifically a code of ethics, the Access to Information regime and the *Public Servants Disclosure Protection Act*.

Rationale

When the work of public servants is contracted out, there isn't just an increased cost, there's an increased risk. The rules that govern the work of public servants exist to ensure that the public interest is being served and that parliamentarians can carry out their oversight function. The use of contract workers and consultants in the place of public servants weakens those protections. It also results in the outsourcing of institutional knowledge; taxpayers end up paying to develop the skills and competencies of private corporations, not the public servants who commit their careers to serving the Canadian public.