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—
Chair

The Honourable Diane Marleau

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•(1105)

[English]

The Chair (Hon. Diane Marleau (Sudbury, Lib.)): I call the meeting to order. We have a quorum, and I notice that our guests are here.

Before we deal with the guests, I have received a notice of motion.

[Translation]

It reads as follows:

That the Committee, during the next two weeks, in accordance with article 108(3) (c) of the Standing Orders, examine in detail the budget cuts announced by Treasury Board on September 25, 2006.

We received this Notice of Motion today.

Ms. Thibault.

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, BQ): Thank you, Madam Chair.

Now that the motion has been tabled, I would like to ask Committee members for their unanimous consent to deal with it, with all due respect for Ms. Barrados. If I have unanimous consent, I would be prepared to postpone that discussion until 11:40 a.m. That is my first request of colleagues.

Do I have unanimous consent?

I will gladly read it to you.

[English]

I will even read it to you in English:

That the committee, during the next two weeks, in accordance with article 108(3) (c) of the procedure, examine in detail the budget cuts announced by Treasury Board on September 25th, 2006.

[Translation]

As you can see, colleagues, the goal it sets out is extremely important. I'm sure you have all reviewed the budget cuts that are being proposed in key sectors and that amount to some \$1 billion over a two-year period. A committee such as ours has a duty to discuss these budget cuts and hear from witnesses on the subject.

I am moving that we discuss that possibility as early as today. I am therefore requesting your unanimous consent.

[English]

The Chair: We need unanimous consent to move on this motion today. Otherwise it will go to Thursday because it was deposited just today.

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): I'd like to discuss the matter with the Treasury Board president to see when he's available and whether we can work with—

The Chair: No.

Mr. Raymond Bonin (Nickel Belt, Lib.): All we're doing is agreeing that we will do this at the next meeting.

The Chair: We will debate the motion at the next meeting.

The only problem here is that you needed unanimous consent.

•(1110)

[Translation]

Ms. Louise Thibault: I would like the record to show that only Conservative colleagues were opposed to dealing with this motion today.

The Chair: Thank you.

[English]

We'll now move to our guest, Madam Barrados, who is the President of the Public Service Commission of Canada.

You did not get a copy of the report prior to this meeting because it has just been deposited in the House of Commons. So you've now been given a copy of the report.

We've asked Madam Barrados to appear before the committee because that is the tradition. She deposits the report and comes before our committee to give us an overview and answer our questions.

Madam Barrados.

Ms. Maria Barrados (President, Public Service Commission of Canada): Thank you very much, and good morning.

I have with me, from the Public Service Commission of Canada, Linda Gobeil, senior vice-president, policy; Mary Clennett, vice-president, audit; and Donald Lemaire, vice-president, staffing and assessment services.

[Translation]

I am here today to discuss the Public Service Commission's 2005-2006 Annual Report, and three audits, tabled today in Parliament.

The Public Service Commission, or PSC, is an independent agency, reporting to Parliament, which is mandated to safeguard the integrity of the public service staffing system and the political neutrality of the public service.

This is the first Annual Report published under the new Public Service Employment Act. Our report presents the results of the PSC's oversight of staffing activities within federal departments and agencies covered by the Public Service Employment Act.

[English]

Interest in public service jobs remains high. Over three-quarters of a million applications were received last year. We have seen an increase in new hires and staffing in the public service. Overall, the commission continues to have confidence in the integrity of staffing in the public service and its foundation of merit. That is not to say that the public service staffing system is perfect. We have some areas of concern.

[Translation]

This past year, we saw the coming into force of the new Public Service Employment Act, or PSEA, on December 31, 2005. Our oversight activities confirmed that the essential elements were in place to delegate significant staffing authorities to deputy heads. However, three particular challenges will need to be addressed: improve HR planning; develop the community of HR professionals; and ensure reliable and timely information to support management decisions and accountability.

[English]

With the new PSEA, there is a renewed emphasis on the importance of a non-partisan public service. Overall, the commission continues to find little direct political influence in the staffing system, although there is some cause for concern. We are concerned that the unmonitored movement of public servants to and from ministers' offices will have an impact on perceptions of non-partisanship.

In our report we describe the results of two investigations that found improper use of the staffing system by public servants working in ministers' offices, involving appointments to phantom positions. The appointments were revoked. We would like the movement of public servants working in ministers' offices to be monitored and controlled through legislation or policy.

There are other areas where we are taking action or increasing monitoring to address our concerns. To broaden access to public service jobs, effective April 1, 2006, the mandatory use of the national area of selection was extended to all officer-level job postings open to the public in the national capital region. To support managers in implementing a national area of selection, we have provided them with technological tools to reduce the number of applications that need to be manually screened. We are on track to broaden access to all other officer-level jobs open to the public across Canada by April 2007. In December 2007, following a positive impact assessment, the national area of selection will be established for all other occupational groups and levels.

We are modernizing our second language tests to respond to concerns expressed by candidates and other stakeholders. This includes a second language oral interaction test. We expect to have the new test in place by 2007-08.

We continue to be concerned about those getting into the public service through casual employment. A total of 17% of new public

service employees appointed to term and indeterminate positions in 2005-06 had a recent history of casual employment.

• (1115)

[Translation]

Overall, the composition of the public service reflects the workforce availability for three of the four employment equity groups: women, persons with disabilities and Aboriginal peoples. There has been an increase in the numbers of visible minorities in the public service, but a gap persists with a representation as of March 31, 2005 of only 8.1%, despite their workforce availability of 10.4%.

Now, let's turn to the audits. Audits are tools that will help us maintain an accountable, representative, and non-partisan public service. This year, three audits have been tabled with our Annual Report.

In 2004, we conducted an audit of the Military Police Complaints Commission (MPCC). We found that there were serious deficiencies in staffing practices and policies. Our follow-up audit found that the Complaints Commission has made improvements in its staffing systems and practices over the last two years. We concluded that the organization has adequately responded to recommendations made in our 2004 Audit Report. The PSC has removed the remedial measures it imposed in 2004 and has put in place a standard delegation agreement.

[English]

In our audit of readiness for the new Public Service Employment Act, we found that organizations have met the essential elements for the coming into force of the new PSEA. However, there are significant challenges for a successful implementation. They include ongoing training and communication as well as the putting in place of monitoring systems. The PSC will work with others to establish timelines for moving forward.

In our audit of executive positions held on a temporary basis, we found that holding a higher-level executive position, even on a temporary basis, increased the chance of promotion. Of individuals holding these positions, 38% received subsequent promotions.

We also found that few were made through a competitive process, and 91% of the files reviewed did not contain the required rationale or justification for the appointment. Our audit also found poor practices in documenting these transactions. Deputy heads audited have agreed to take corrective measures to ensure compliance to the PSEA. We will also increase our monitoring for compliance.

Our mandate uniquely combines staffing-related authorities with oversight functions that we exercise on Parliament's behalf. The ultimate purpose of the PSC's independent oversight is fostering a competent, professional, and representative public service that is appointed on merit and free from political and bureaucratic favouritism. The commission again points to changes that we feel would strengthen our independence—the ability to table special reports to the Speaker and to have a greater review of our budgets by Parliament.

In closing, I will say that the 2005-06 fiscal year was an eventful period for Canada's public service. The implementation of the new PSEA demands a cultural change in the way departments and agencies approach staffing, a transformation that will not happen overnight. It will take united leadership and support of deputy heads, departments, agencies, managers, and public service employees.

Thank you. My colleagues and I would be happy to answer any questions you may have at this time.

● (1120)

The Chair: Thank you.

We'll go to Mr. Bains.

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Thank you very much. Thank you very much for your opening remarks. There is a lot of reading to do. I just got the report right now. We understand it's common practice. I wasn't completely aware of that, so my questions will be a bit based on the opening remarks you presented.

When we talk about the Public Service Employment Act and the way it has been implemented, a great deal has been downloaded now to the departments and agencies for hiring practices. According to your remarks, there seem to be some challenges, as you diplomatically put it. I haven't read the report, but I anticipate there are some problems with respect to that for HR planning, and you indicated a need to develop a community of HR professionals and so forth.

Is there also an issue with respect to funding? Is that an issue in terms of the challenges as well? More importantly, in relation to hiring practices, you indicated four targeted areas in your opening remarks, one of them being the underrepresentation of visible minorities. Is that an issue the departmental-level agencies are aware of? Specifically, do they have an action plan to address that issue?

Ms. Maria Barrados: Thank you for your question.

The issue of funding is not an issue we looked at directly, but in fact we raise it indirectly. The comment about not having sufficient systems is actually a funding-related issue. In order to modernize the systems that support HR, there will be a requirement for new funding. That will take Treasury Board decisions.

What we have done at the Public Service Commission in response to the issue of the delegation—what we have seen is that functions and activities that were done centrally are now going to departments—is to maintain our service function, headed by Mr. Lemaire. Departments can still come to us, but it is a discretionary service instead of a required service. We are still there to support them. In terms of moving forward, I view that one of the objectives

for the commission has to be to support the system as much as possible.

It is a big change that is being requested of departments while a lot of other things are changing. It is moving from a transactional approach to staffing to one that is much more strategic and involves planning and looking ahead.

On your issue of underrepresentation, this is an issue that remains a concern for me. I feel we all want a public service that is representative of the Canadian population, and when you look at the labour force availability and the actual representation in the public service, we have this gap.

In the past, the old act required a plan. Under the new act, this is going to be an important element that should be in the HR plan for each department.

I would suggest that when the committee is having discussions with departmental heads about their plans, you might in fact ask how they are doing on this element of HR planning.

At the commission, we've set up—and we talked about that—a special pool to recruit pre-qualified people who are ready for executive positions. We looked inside and outside of the government, and we identified 41 people from visible minority groups as executive-ready. We're doing very well in placing those people into executive positions.

I think that's another part that's important. You have to have the representation in the leadership.

Hon. Navdeep Bains: My understanding is that at the entry level the representation of visible minorities is reasonably good compared to senior positions.

You indicate that certain departments have been challenged to put forth a plan to indicate a strategy for increasing representation. Is there any timeline associated with that? Has there been any response after your audits where they've said that they recognize this as an issue—which is not a surprise because it's an issue that has existed for many, many years—and that it would be in the foreseeable future, in three to five years? Do they have certain timelines associated with reaching these targets?

Ms. Maria Barrados: On the entry level, we have done better. But we still have this phenomenon that we talk about in the report as “drop-off”. In terms of applications to the public service—and I mentioned there are high numbers of applications, there's a lot of interest—we're seeing a higher proportion than you would expect from visible minorities. When it comes to actually seeing what appointments take place, we have a lower proportion than expected.

I'm preoccupied with this drop-off. A lot of this is actually done through automated systems. We are undertaking a really detailed examination of that, and we should be able to report next year as to why that's happening.

If there are barriers that are part of our system, we have to change it.

• (1125)

Hon. Navdeep Bains: The institutional barriers.

Ms. Maria Barrados: That's right, or it's how we pose the questions or do the screening. If those things are occurring, we have to remove them.

With respect to targets, the government had a target of bringing in one in five visible minorities. This was a catch-up target. We've seen an increase, but there has not been this “one in five”, both in entry into the public service and entry into the executive group.

In terms of plans and targets, the regime has changed. In the old regime, I could require deputy ministers to give me a plan, and I challenged all executive appointments and I requested plans. Under the new legislation, this has to be part of the HR plan that is put in place by the department.

We're in transition. When I start seeing those plans, I will be asking about it.

Hon. Navdeep Bains: Excellent.

I have a specific case to talk about with respect to second language training. You alluded to it as well, and it's on page 4 of your opening remarks.

I have a specific case. Someone came to my office and gave an example of an individual he knew of who had limited French—very intermediary French, speaking, writing, and oral abilities—and wanted an executive position. He realized that in order to do this he needed to get second language training, but there was a two-year backlog. I found this difficult to believe, but he said that was the case. Then he had his assessment done from the House of Commons, but the oral component was not accepted by the Public Service Commission.

First, for clarification, is there a two-year backlog? Second, is it also true that the assessment conducted by the House of Commons for oral French-speaking skills, or second language skills, is not accepted by the Public Service Commission?

Ms. Maria Barrados: In terms of the backlog in training, I'm no longer responsible for training. The Public Service Commission was at one time; it is now the Canada School of Public Service. I understand there is quite a backlog. I'm not sure exactly—

Hon. Navdeep Bains: Two years is what I've been told. I'm not sure if there's truth to this, but that's a substantially lengthy time.

Ms. Maria Barrados: It's pretty close.

But there are alternatives. You can get training through the Canada School, but your department can also send people out to private schools.

If I can't get people in my own organization through the Canada School, I send them to private schools or have in-house tutors. So it's not the only way to get the training.

On the issue of other tests, I think that is correct. We've been rather fussy about that, and I have been subject to some criticism, but I'll tell you why. One of the requirements defined in the job is the level of bilingualism, so it is set as one of the skills you need to have for the job. Not all jobs require it, and 60% are English only. But if it is required as a skill, we want to make sure we have one norm and one standard, so that everybody is assessed fairly and equally. So we insist on our tests.

The Chair: Thank you.

Madame Thibault.

[*Translation*]

Ms. Louise Thibault: Thank you, Madam Chair.

Ms. Barrados, I want to thank you and your colleagues for being with us once again, because for some time now, I have had the pleasure of sitting on this committee.

I will obviously read your report with great interest, because the Commission is a central agency that plays a critical role. It is very important that we be aware of what you have to say and any comments you may wish to make with respect to follow-up action. The last time we met with you, all Committee members were concerned, rightly so, about the non-performance of a specific agency. We were pleased to note that you had taken corrective measures, including withdrawing a delegation. After all, when an organization is given a delegation, it is expected to be accountable.

In that connection, I have a question about senior executive positions. Although this is understandable to a certain point, why is it that some acting appointments turn into indeterminate appointments? The rules surrounding competitions apply to everyone. It is important that from the top down — I don't really like that expression, but the fact remains that there is a hierarchy — employees get the message that the rules have to be followed and that no group is exempt. They must know that it's not enough to be in the right place at the right time to be appointed without competition.

One of the requirements that has bothered me for a long time has to do with bilingualism. Unilingual, or quasi-unilingual individuals — functional illiterates from a linguistic standpoint, I suppose you could say — are regularly appointed to positions to the detriment of the management team and the organization. While I don't doubt the skills they may have in their particular field, I would like to know whether senior executives are still being appointed to acting positions, in spite of the fact that they do not meet the language requirements? That is my first question.

I'm going to ask all my questions at once, and when I'm done you will have an opportunity to answer all of them at the same time.

My second question is this: I am sure you're aware of the difficulties that some organizations are experiencing at the present time, particularly Public Works and Government Services Canada, as regards an essential and fundamental function — namely, pay processing. I recently met with union representatives, and people are very concerned. Some people are not receiving their basic pay, their acting pay, or their overtime for very extensive periods of time. We're not talking about two or three weeks here.

Although this is not one of your direct responsibilities, do you know whether these organizations are having problems with recruitment, training or retention of staff? Did they not plan for the time when employees would be retiring at the age of 55? Given that the public service is a central organization, are you responsible for staffing, or is that function entirely delegated to the Commission?

You were here when I tabled a Notice of Motion. The Government has just announced two years of cuts amounting to more than \$1 billion. Some of them are aimed at greater efficiency; another — which some of us may even find rather amusing — has to do with abolishing non-essential training. When I read that, I found myself thinking that it was rather strange that people would be given non-essential training and that it would then be decided to cancel the program. I can't believe that people have been given training that wasn't essential.

Is the Public Service Commission affected by these efficiency measures or is the intention to go through a budget exercise in order to achieve that? That's my third question.

Ms. Barrados, I just want to thank you in advance for your answers.

• (1130)

Ms. Maria Barrados: Thank you very much for your comments, Ms. Thibault.

I am going to ask Linda to help me with the technical questions regarding EX positions that require bilingualism.

It is possible that people are being appointed to acting positions who do not meet all the requirements of the position, including those relating to bilingualism. These appointments are for periods of four months or less and are carried out in order to ensure that operational requirements can be met. There are also other circumstances under which this is allowed; for example, for someone in language training. In such cases, another type of compensation is requested.

We expect people to meet the requirements of their position. If the position requires of the incumbent that he be bilingual, he must be bilingual. Otherwise, there must be a compensation.

The report refers to a mechanism for monitoring standards that enables us to determine when people do not meet bilingualism requirements. That mechanism also ensures that the exemptions system is properly used and that there is follow-up.

This is in response to a question Mr. Sauvageau has often asked us. Last year, we identified 600 cases of incumbents that did not meet the requirements of their position. At the present time, there are more than 800. These cases do not all involve all EX positions. I am not aware of the numbers for the EX category, but specific requirements and processes have been established.

It is possible to obtain an exemption for an upcoming position in order to ensure that operational requirements can be met. For example, some individuals may be exempted for two years, but after a specific period of time, a new position must be found for them. It is our intention to monitor the situation very closely. We have requested plans. We have a case tracking system that will allow us to resolve this issue.

Do you have anything to add, Linda?

• (1135)

Ms. Linda Gobeil (Senior Vice-President, Policy Branch, Public Service Commission of Canada): Just on the last point made by the President, we track positions where standards are not being met. After an incumbent has occupied a bilingual position for two years, an exemption must be requested.

Some cases have been resolved. Of the 600 cases reported last year, 200 or 300 have now been resolved. However, this year's survey shows that others have been added.

We have asked the departments to provide plans. Every department submitted an action plan over the course of the summer. The President personally wrote to every single deputy minister asking why these cases continue to arise.

Ms. Louise Thibault: A generation is spread over 20 or 25 years. The process began in the best years, back in the 1970s. But we're now in 2006. Thirty-six years have gone by, which corresponds to a generation and a half. At the beginning of the process, people said the next generation would be bilingual, since people who are 50, 60 or 70 years old don't or can't learn another language, and so on.

Our workforce includes people who entered the public service at the age of about 20 or 25. Now they are 30 or 40 years of age, but they are still unilingual and have no desire to learn the other language. That is unacceptable, because bilingualism has been a requirement for these positions for years now. The Government's policies and procedures have been modified *ad nauseum*. This has to stop. People must comply with the language requirements of their position.

Ms. Linda Gobeil: Absolutely.

I would just like to come back to the matter of senior executives who are at levels 4 and 5...

Ms. Louise Thibault: You mean EX-4 and 5 positions?

Ms. Linda Gobeil: Yes. People must be bilingual in order to access these positions, except where the positions are staffed through an external process, but they are in the minority.

As for level 1 and 3 positions, as a general rule, incumbents are required to be bilingual, except in certain places. The Treasury Board determines which positions are to be designated bilingual. That gives you somewhat of an overview of the situation.

The Chair: Thank you very much.

Ms. Maria Barrados: I didn't answer the other questions.

The Chair: Perhaps you can do that with the next speaker, while addressing another point.

Mr. Kramp.

[English]

Mr. Daryl Kramp: Thank you very much. I would like to welcome our guests here today.

Just from the tone and tenor of my colleagues on both sides of the table, I think there may be a consideration we all might give a little thought to. It's certainly not the fault of anybody, but with the timing of the report—just out, and now here we are with the witnesses—none of us has had any time to evaluate seriously and in depth the entire report. In recognition that the public service is the direct link between government operations and the public, serving that crucial point where all of the activity and the interaction meet—government responsibilities, procedures and policies, the implementation, and/or the public use or misuse and/or availability.... It's crucial.

When we see the thousands and thousands of positions that are filled and the amazing level of responsibilities you have to administer this entire program, I really believe we cannot, in the space of an hour or two here today, do justice to the many concerns and/or points of interest that I think this committee should thoroughly evaluate. I'd just note that.

At the outset I can go to a dozen points I'd love to be able to run with and get some real feedback from you on right now, but I believe we should bring our witnesses back when we've had some time to digest some of this information and are able to follow it up to get some definitive answers. I'll just touch on two or three now.

I'd like to throw this out just to have my colleagues think about it, so that we might consider bringing our witnesses back when we've had more time to thoroughly see what's in here. I know Madame Thibault has, just on one issue alone, a great number of lingering concerns about why, after a generation, we have not made progress.

Let me just deal with a couple of points. On page 3 you made mention of "phantom" positions. That's really disturbing; of course, we've seen it before. On page 83 you elaborate a little on the phantom positions.

I think this is just absolutely wrong. What took place there was morally wrong. It shouldn't happen; it's not the way business should operate. I see that you have taken corrective action, and I commend you for that corrective action.

What I would like to know is where we stand now, so that this type of thing never happens again. As a matter of fact, I'd like to follow up on this, but maybe my colleagues will undertake it.

What are your thoughts on this?

• (1140)

Ms. Maria Barrados: Thank you. I'm happy to come back to the committee at any time, and I'm prepared to come on short notice, to talk about any of these issues, so just keep me on your list if you want to follow up with something. If I'm not available, my staff would certainly be available to you.

Concerning phantom positions, we are very concerned too. What we have in Bill C-2 is a tightening up of the kind of flow you see between ministerial exempt staff and the public service. But what you did in Bill C-2 was reduce the ability of exempt staff to go into the public service on a priority basis. In other words, they have to compete, and they can compete in internal competitions. I was comfortable with that proposition.

What we didn't look at was the flow the other way. Over the last eleven years we've had about 250 people come from the exempt staff on a priority basis into the public service, but we've also had 100 public servants work in exempt staff status; we've had that kind of movement as well.

So I believe we've dealt with part of it. We haven't dealt with the other part.

Mr. Daryl Kramp: In your investigation, did you deal directly with the ministers involved? Did you hear testimony directly from the ministers involved with this?

Ms. Maria Barrados: In the investigation we dealt with all the people who had comments to make on the transaction itself. So we dealt with exempt staff, with deputies, with departmental officials. What we had is pressure from exempt staff and action taken by bureaucrats, so we had to look at the bureaucratic behaviour as well.

Mr. Daryl Kramp: Okay. Were you able to positively identify the areas of influence or pressure?

Ms. Maria Barrados: We came close enough to be concerned about them and to revoke those appointments.

Mr. Daryl Kramp: Thank you. Was there any recommendation that has come to this House to reprimand individuals involved who were effectively trying to put in place people who maybe did not meet the qualifications necessary?

Ms. Maria Barrados: The way the system is currently set up... what we did was investigate those appointments, and we revoked the appointments. All the players knew of our concerns, and I feel satisfied that we've done enough about those two particular cases. I am not satisfied that we've dealt with it in a general way, so I feel there's a policy solution or a legislative solution, and being statutory, I favour the legislative solution, obviously.

● (1145)

Mr. Daryl Kramp: Okay. So what you're basically saying then is we have a responsibility, as a committee and as a Parliament, to help put in place guidelines to ensure that this type of thing...so that it gives you some protection as well, so that you have a clearer set of parameters to draw from. Is that what you're saying?

Ms. Maria Barrados: It would be very helpful. It's part of what happened under the new Public Service Employment Act. There was new responsibility for protecting non-partisanship for the Public Service Commission. So we're into a new area, and it's part of exercising this new area and looking at what it is we need to have in place. If this committee wants to do more on this area, it would be very helpful to me.

Mr. Daryl Kramp: Thank you. On page 6, you finished off the one paragraph, and you say, "Our audit also found poor practices in documenting these transactions." That's regarding the competitive process and the failure to basically have justification for a number of these appointments.

I am concerned with the fact that there is no documentation. Is there no documentation or has it just not been reported?

Ms. Maria Barrados: I'll ask Mary Clennett to expand on that because she's responsible for audits.

When the auditors go and look in the files, they expect to see the material there. The way you posed me the question, is it anywhere in the department some place, I can't be sure because we expect it to be in the files.

I don't want to sound overly bureaucratic here in terms of what we expect, but these are transactions. This involves people's pay, this involves demonstrating that the requirements for the job are met, and this requires some demonstration as to why there wasn't a competitive process. And it's allowed. You don't always have to have a competitive process, but there has to be a rationale for why.

Mary, do you want to add to that?

Ms. Mary Clennett (Vice-President, Audit Branch, Public Service Commission of Canada): Sure.

On the "without competition" files that we looked at, we found that in 91% of the cases we did not see the justification on the file. You would have expected to see it on the file. It's not reasonable that it would have been somewhere else. But then we looked at other areas where we looked at other documentation that you expect to see on file, like security clearance, language requirements, letters of offer. On security clearance, we did find areas of non-compliance, but in those cases we've talked to the department and it's reasonable to believe there is documentation that would have existed elsewhere in the department. But you are responsible for putting it on the file.

Mr. Daryl Kramp: Thank you. Your comment that 91% are non-compliant, for lack of a better word, is just astounding. How would

this compare to the private sector? As an example, if you're running your own business, you just can't do it. Is this just a laissez-faire approach from the bureaucracy, and with a system and the lack of rules and regulations that have been implemented and are proposed by Parliament? Or is this management and/or personal lack of oversight? What do you think?

Ms. Maria Barrados: I don't think we lack for rules. I think we have plenty of rules. You'll notice that I'm not recommending more rules. We have lots of rules. I think we see here sloppiness, and I think we haven't had enough oversight in changing the Public Service Commission. Having the new interest of Parliament in the work of the Public Service Commission, and us doing these kinds of audits, I think thereby we are raising and increasing the amount of oversight, and that should all help move it in the right direction.

Mr. Daryl Kramp: I recognize that any time you go through transition or change it's difficult, and you are going through an enormous change in your process. Maybe part of that process and change is illustrating some of the errors or weaknesses. My concern is not what was wrong, but where are we going in the future? Have you set any internal goals on this for departmental...such as, as an example, that 91%, should it be down to a 9% level of acceptance rather than 91%? Can you give us any thought on that?

Ms. Maria Barrados: I haven't set any goals, but if you asked me to set a goal, I'd say I expect it to be 100%. These are transactions that involve people's careers, pay, and other important factors within the public service. So I'm looking for 100%.

As part of the change in the new Public Service Employment Act, we've done a lot of training, much more training than in the past. I speak on every platform that will give me a chance to lay out what the expectations are. There is now greater awareness than in the past. I'm willing to give people the chance under the new legislation, but we have really increased the amount of monitoring and the oversight.

• (1150)

The Chair: Madame Nash.

Ms. Peggy Nash (Parkdale—High Park, NDP): My questions deal with public servants and the political process. You state in your report that neutrality of the public service is a cornerstone of Canada's parliamentary system. You say there needs to be a balance in the public service between democratic participation and non-partisanship. You state that under the new rules, under the new Public Service Employment Act, there has been only one election, so we don't have a long history to guide us. You express concerns about the unmonitored movement of public servants to and from ministers' offices.

Because we received the Public Service Commission report only as we entered the committee meeting this morning, we haven't had a chance to read it and understand fully what you are referring to. You mention that there were two investigations of improper staffing by public servants. You talk about appointments to "phantom" positions that were later revoked. Then you talk about the need to monitor this through legislation or policy.

Can you describe more fully, taking into account that we haven't had time to read the report, the actual situations that were the subject of investigations?

Ms. Maria Barrados: Yes. In regard to some of your preamble, I can quickly make a couple of comments.

Under the new legislation the Public Service Commission is the only part of government that can give permission for people to be candidates for federal, provincial, and now municipal elections. And with all the municipal elections coming up, we've been very busy with that process. We've already had one court case that has reminded us of what kinds of processes we have to follow. So it's actually a big area—giving permission to be a candidate.

We're very much driven by the Osborne decision in the early nineties that said public servants have some rights to be politically active. It's an issue of balancing those rights either to be a candidate in an election or to be active in an election campaign. It has a lot to do with the kind of job you're doing and the profile of that job.

Your question on the phantom positions issue relates much more to the conduct of public servants, and a cornerstone for the Public Service Commission is that there should not be any political interference in staffing. The reason the Public Service Commission was created the way it was, without the direction of a minister—so out from underneath a minister—yet holding executive authority, was so that you would not have ministerial direction on appointments.

In this case, we saw two individuals who had come to the commission and made the inquiry of whether they had priority access to jobs in the public service under the ministerial priority, because they were public servants who had gone to work in a minister's office. Now, the way you can come back into the public service under the existing legislation, until Bill C-2 comes in, is that you can say, "I am working for a minister's office in an exempt staff position. I can come in through the priority system." And I do have reports on the priority system.

The priority system means you are in a queue. If you are ministerial priority, you're behind people who've been declared surplus. You have to have a job that meets your skills, and you have to be qualified. If you want to go to an executive position, you would have to come to the Public Service Commission...because I think this is sort of risky, and I have a pretty clear standard on how that's to apply.

These two individuals could have gone through that priority system. But what was done instead was that from their positions in the minister's office, they had department officials create for them what we call "special assignment positions". These positions can be created by a deputy minister. They're there for people who are end-of-career or in transition. The idea is that you have some flexibility in the system, both in terms of classification and pay.

These positions were created for these individuals sitting in exempt staff to allow them to not have to go through the priority system but directly into a public service job. The positions were created. They never occupied those positions. They never carried out any of the tasks of those positions.

Our conclusion was that these weren't real positions for these people, because there was no work done; hence, the term "phantom positions". We felt this was not correct use of the staffing system. It certainly had all the appearance of political interference, if not absolute perception of political involvement. Hence, we revoked those positions.

• (1155)

Ms. Peggy Nash: The positions were phantom positions, but the people were not phantom people. I'm wondering if you can tell us who those two individuals are.

Ms. Maria Barrados: I can't because of the privacy of the individuals. I had some discussions with the Privacy Commissioner on what was appropriate.

My point is that I believe we have dealt with the two individuals. They had those positions revoked. I've had discussions with the deputy ministers involved. So I believe we have dealt with those cases and there's nothing to be gained by naming the individuals.

But the cases are very important for me in terms of the general point. As I said, in the past eleven years we've had a hundred people flowing back and forth like this. We've already had some in this government—and it's something we've seen in the way ministers' offices are staffed.

So I felt it was not in the public interest for me to have further discussions with the Privacy Commissioner to reveal the names. I think the point is being made that we have a bit of a gap in the system in terms of where we monitor.

Ms. Peggy Nash: Can you tell us which ministers were involved?

Ms. Maria Barrados: Yes. They're named in the report—Health Canada and Public Works and Government Services.

The Chair: Thank you.

Ms. Peggy Nash: Since my time is up, I'll have to wait until the next round. Thank you.

The Chair: Mr. Alghabra.

Mr. Omar Alghabra (Mississauga—Erindale, Lib.): Thank you, Madam Chair, and thank you all for coming here. Good to see you again, Madame Barrados.

I'm interested in the issue of foreign credentials. I think the previous government and the current government have certainly recognized, and the whole nation has recognized, that we have a big gap, or that we have not been able to manage new immigrants with foreign credentials or give them recognition for their accreditation. In your report, in your audit, in your examination, have you seen a procedure or a pattern, or any kind of indication of how foreign credential applicants are examined or given the opportunities?

Ms. Maria Barrados: No, that's not something we looked at directly in our report, but I have a suspicion that it may be something that will come up in our drop-off study, which is a study where I have a higher proportion of visible minorities applying, and then by the time we go through the screening, they're not getting the appointments. It will be one of the issues that we would look at in that process.

The way the system is set up, the requirements for a job—what the credentials are, what the language requirements are—are set by management; they are not set by the commission. Our job is to make sure, then, that this is properly applied. So I don't really have a responsibility in terms of foreign credentialing and equivalency unless I am asked by management to give advice.

• (1200)

Mr. Omar Alghabra: Typically, and correct me if I'm wrong, if a scope of a job is posted or outlined, usually it mentions the level of education that is necessary, but it doesn't say if it's domestic or foreign. Do you think it would be prudent to have some type of procedure or any kind of recommendation on how to deal with an applicant with foreign credentials who may, on paper, seem to be appropriate for the job but is not given the time or the consideration they deserve?

Ms. Maria Barrados: I know there's an issue with professional credentials, and we're not involved in that. Medicine is an example. You raise the area of equivalency for things like secondary education or post-secondary education. There, in fact, I have the psychology assessment centre that does get involved in some of that equivalency. Perhaps Mr. Lemaire can speak to some of that.

Mr. Donald Lemaire (Vice-President, Services Branch, Public Service Commission of Canada): Usually when you do submit your...we ask for your post-secondary requirement. There is a pretty straightforward way to see the equivalency, if it's a university degree

or a college degree. Our challenge now, and we're working on it, is when we do automated...the process screening. We discovered, for example, to use our local example, that our system didn't pick up CEGEP as a college.

We have to be aware when we do those automated selection processes that we have good translations and equivalents, and that's what we're paying attention to now to make sure that our automated processes do capture those equivalences. From a general perspective, this is not a major concern. If an individual raises it, identifies that it is equivalent to a post-secondary education, and that's the requirement, then it's pretty straightforward to assess that equivalency, which is not in the very specialized...as the president mentioned, doctors or lawyers. That is quite different.

Mr. Omar Alghabra: When you say it's not a major concern, do you mean you don't think that people who have foreign credentials are treated differently from those with local credentials? Is that what you mean when you say it's not a major concern? Or is it that not too many people apply with foreign credentials?

Ms. Maria Barrados: It's our job to apply these things. I don't think we're in a position to really give an opinion as to whether sufficient work has been done on that equivalency, because that's not our area.

I don't have an opinion on whether we should be giving status to medical doctors trained in some other countries, for example.

Mr. Omar Alghabra: Again, I'm not referring to professionals, because that is a designation looked after by the professional associations. I'm more concerned about the economists, the political scientists, the other types of jobs in the public service.

Mr. Donald Lemaire: We didn't get any indication that there was.

Ms. Maria Barrados: I read all my letters, and I haven't heard that there is really an issue. We have run into some things as we're trying to automate. But if there's any specific area where there has been a problem, I would be happy to hear about it and look at our systems to make sure we're not unfairly screening out people.

Mr. Omar Alghabra: Do I have time for one more question?

•(1205)

The Chair: A short one, yes.

Mr. Omar Alghabra: In the amount of time left, when you say “improve HR planning”, can you elaborate on that please? What do you mean exactly by that?

Ms. Maria Barrados: What we're looking for is something that's integrated with the business planning in departments, and that's sort of looking forward. Based on the demographics, based on what you know and the pattern of your people's movement, we would expect that hiring processes are put in place before you actually need the person. In our acting executive audit, we use as an example Statistics Canada. They never use acting positions. The reason they don't use acting positions is because they do a very good job of planning. They know what the turnover is, they do the pre-qualification, they know who their executive-ready people are, so when there's an opening they're screened, they're ready to go, and they're put in the job.

The Chair: Thank you.

Mr. Albrecht.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Thank you, Madam Chair, and my thanks to the witnesses who have come again today.

Before I get to my question, I have two comments I'd like to make along the line of timing. I find it unfortunate that we're expected to come and discuss this report with any degree of intelligence when it was placed on our desks as we arrived. I was wondering what the rationale is for having witnesses take up their morning prior to the committee being given at least a few minutes to talk about it.

The second comment I'd like to make is regarding the phantom positions. I think there's something to be said for the principle of deterrence. It would seem to me that at some point this committee and the Canadian public needs to have some names mentioned that will make sure this practice is stopped at this point.

My question relates to the national area of selection. I'm wondering if you could describe that briefly for me and also identify what types of positions you are describing at officer level. Who does that include? Is it deputy ministers, ADMs, and so on? At what level is this criteria put into place?

Ms. Maria Barrados: May I make a couple of comments on your introductory comments?

On the basis of timing, I'm happy to come to this committee, and we have been exploring the best way to do this. I have to table this report in Parliament. Last year we tried to brief the committee in camera, but then we never had a meeting on the record. Meetings on the record are extremely important for me because they give messages about what members of Parliament are concerned about in the management of the public service. People watch these things, and it matters a lot. The fact that I had an in camera meeting and not a meeting on the record meant I didn't have a record of these very important messages.

When I discussed this with the chair, we thought we would try it this way. I'm at the disposal of the committee. I am happy to come back, and I'm happy to take a different approach to doing it.

Mr. Harold Albrecht: It's certainly not a criticism of any person here. It's simply a matter that we are elected to represent the Canadian public and hold all of the public service accountable, and I don't know if we can adequately do that if we haven't had time to even look at the material.

Ms. Maria Barrados: I'd be happy to consider this a briefing and come back to answer any of your questions.

On the phantom positions, I am reluctant to give names. If you put me in camera and tell me to give you the names, I will give you the names. I am here to serve you.

On the national area of selection part of your question, the way the current legislation stands, it gives discretion to the Public Service Commission to allow a geographic limit on a competition. That means you can hold a competition and you can say you will accept applications only from a certain geographic area. Members of Parliament have been very concerned about that. The reason it is there is to try to manage volume. I have gotten the message. This is not something that people, certainly on the Hill, like to have, although for public servants it's a lot easier for them to manage their processes.

What we have done is to incrementally put in place a broadening out of this area of selection by saying, “No, you can't limit it geographically; it must be for all of Canada.” That has been the case for all executive positions: the assistant deputy ministers, directors general, directors, and one or two levels under that. Now we've taken it down for the national capital area. There was a lot of concern about the jobs in Ottawa.

When we say “officer level” we are excluding the clerical and labouring-level jobs. We've started with the officer level in the national capital. Next April we'll be doing it for all across the country. We hope to have all the national area of selections done by December 2007.

Mr. Harold Albrecht: Currently it's only the national capital area?

Ms. Maria Barrados: Currently it's all EXs, all executives, the two levels under executives, and now the officer level in the national capital area. On April 1, 2007, it's going to be all officer level positions across the country.

The problem is volume. I was telling you that we have three-quarters of a million applications. We have to have a mechanism to handle the volume appropriately and fairly, because we don't want to impose a set of rules or new requirements on people and not have them really follow them, or work around them and slow down the hiring process. We have the systems in place to support managers to do this. We're moving to the first round of screening being electronic, so we can reduce the numbers. When we have a smaller number of applicants, obviously that's no longer electronic.

• (1210)

Mr. Harold Albrecht: Could you just briefly describe what the electronic screening would involve?

Ms. Maria Barrados: It's a computer system.

Mr. Harold Albrecht: I understand that, but what are the other criteria?

Ms. Maria Barrados: We had to do a fair bit of work, because there are things like Monster.com and these big systems. We couldn't actually use something like that. What we ask managers to do is create a series of questions that tell about the kind of job, the skills, and the interests and aptitudes they're looking for. Then this is put into an electronic questionnaire. People log on and answer the questions. Based on the answers, you're screened in or out.

The Chair: We're moving to five-minute questions and answers. We'll go to Mr. Bains.

Hon. Navdeep Bains: Thank you very much, Madam Chair.

I have just a few questions. Continuing with my earlier discussion with respect to the Employment Equity Act, specifically when we set targets—a level of accountability with respect to deputy ministers—in terms of being able to hold them accountable for reaching these targets eventually down the road, would you have any recommendations of how we do that, based on your experiences? How do we ultimately hold them accountable for reaching these targets with the aboriginal community, women, and visible minorities? We set these targets and we continue not to hit them, especially in one area we identified. How do we hold deputy ministers or government officials accountable for reaching these targets on a going-forward basis? How do you make concrete accountability, as opposed to criticizing them? Then they say, yes, they'll make commitments. Again, we criticize them, and yes, they'll make commitments, and so on. How do we avoid that pattern on a going-forward basis?

Ms. Maria Barrados: We've done pretty well on three out of four.

Hon. Navdeep Bains: Correct.

Ms. Maria Barrados: I have to say that overall, in the case of aboriginals, we've met the target of workforce availability—remember, that's what we're saying. It's not any other kind of target but getting them up to workforce availability. In the case of aboriginal people, there was a commitment to have a 50% representation in Indian and Northern Affairs, which came out of one of the human rights commission settlements. In terms of workforce availability for aboriginal people, they're there. In terms of the commitments made for the department, they're not there.

Regarding your question about how do we make this work, I don't have a magic bullet. I think the questions of a committee like this are very good. If you're ever in front of Senator Oliver, he certainly

makes you feel that this is an issue of importance. So that's a very important part of this process.

What I've committed to do is look at the plans people have and challenging them. In all the work I do, I raise this issue.

For example, regarding our temporary executive positions, the reason we worry about limiting how you get into those is that it's all right for the people you happen to know, but it doesn't give opportunity for people you don't know. If you look at the numbers, the effect is that you don't give visible minorities a chance. Once they get in, they perform as well as everyone else, but they're just denied that access. This is one I'm pushing on.

I think we have to have a systematic approach. I'll borrow the term from my friend, Sheila Fraser: nagging. We really have to work on the system.

Hon. Navdeep Bains: It's the art of nagging.

Ms. Maria Barrados: Yes.

I believe the other thing we have to do is have a role at the Public Service Commission to make pools of people available. The response is, "Well, I'm sorry, we just don't have anybody who can do this job." Well, I have a pool of people who can do this job for you.

I'm getting a good response. So it's not that people don't want to do it; my sense is that they have so many other priorities, they're not putting the extra effort into it.

Hon. Navdeep Bains: Based on your insight and experiences, when do you think we'll be able to close the gap? Two or three years? Can you estimate the time?

Ms. Maria Barrados: I'd have a hard time giving you that, but I'll keep it in mind. If you ask me again in a little while, I'll be able to give you an answer.

•(1215)

Hon. Navdeep Bains: That sounds fair. Like anyone in your position, you have targets and you want to eliminate these gaps. That's why I asked the question.

With respect to audits and your ability to perform them, I'd like some clarification. For 2006-07, on a going-forward basis, how many audits are currently under way and how many do you conduct each year?

Ms. Maria Barrados: I'm going to ask Mary to give the specific numbers.

I would like to have more audits than I have. Mary can tell you that we're aiming for about three or four. My issue on the audit side is not a lack of funding, because I've managed to reallocate within my organization. But when I put audits in front of you, I want to make sure they meet rigid standards. My standards are the same as those of the Office of the Auditor General, and I have a bit of a curve in training auditors.

Mary, do you want to talk about your plans?

Ms. Mary Clennett: I'd like to be able to give you a better answer than I can right now. We're currently doing our plan for the next fiscal year. One of our challenges, which we alluded to, is getting qualified auditors. It's the training. There is a shortage of skilled auditors and HR professionals, so resourcing is a challenge for us. We have a couple of audits under way, and I'm confident that with current resources we will be able to put out audits again. I'd like to put out two to three audits in the spring, then three in the fall. Our ultimate goal is to get more—six to ten audits a year.

Hon. Navdeep Bains: Then you are about halfway to your goal.

Ms. Mary Clennett: Yes, we've been doing capacity-building and focusing on it. We also want to produce audit reports as we go along.

The Chair: Monsieur Nadeau.

[*Translation*]

Mr. Richard Nadeau (Gatineau, BQ): Thank you, Madam Chair.

Good morning, Ms. Clennett, Ms. Barrados, Ms. Gobeil and Mr. Lemaire.

The matter of the public service is one that affects me directly since my riding is next to Ottawa and, by that very fact, many of my constituents are federal public servants. Having said that, I do have quite a few questions to ask, although I will try to do so in such a way that you have an opportunity to answer them.

First of all, there is the matter of civil servants getting involved in politics. The Public Service Commission has new procedures in that regard. In Ontario, the municipal election process is now underway. I presume that in various parts of the Province of Ontario, many civil servants are taking an interest. In that kind of situation, federal civil servants have to follow one of the procedures you've put in place. There could also be provincial elections in another province.

Do you have the necessary staff to enforce the rules that have now been implemented?

When a civil servant has the Commission's approval, he is required to take leave without pay for the two weeks preceding his nomination. Once the election has been called, that civil servant goes on leave without pay. In a specific case that I'm aware of, a review was carried out but the civil servant only had three days to submit his nomination papers. Fortunately, he had no competitors. But had it been the opposite, things might have been a little more complicated.

My second question has to do with political appointments. I believe you addressed that subject earlier. Here, I am thinking of ministerial staff who all of a sudden end up back in the public service because someone is trying to shield them from scandal — for example, the sponsorship scandal. These people know nothing, or practically nothing, about the work they are expected to perform wherever they happen to have been parachuted in, and yet they end up being in charge of a group of civil servants who are very familiar with the particular area in which they work.

Are political appointments still a problem? Will Bill C-2 still allow these kind of appointments to go ahead? Is this still a thorn in our side?

What exactly do you audit in terms of non-partisanship? If, in a given riding, a federal civil servant puts a lawn sign out supporting a Conservative candidate, is that enough for him to be deemed partisan? Are ranking, salary level and responsibilities decisive factors? These questions all relate to the first area I'd like you to address.

Now I'd like to turn to another topic, specifically, recruitment. Some of my constituents have been telling me that they occasionally get contract work, but are unable to obtain a full-time job. According to them, the job description is passed on to the individual they're interested in hiring. That person then develops his resume based on what it says in the job description. In cases like that, even though the position is available to everybody or at least everyone in the public service, the situation is far from being fair for everyone.

My other question has to do with employment equity. Within the departments, there has to be, from a statistical standpoint, equitable representation of people with disabilities, visible minorities, First Nations or, in some areas, women. Yet in some cases cutbacks may mean that the number of people in these categories no longer reflects employment equity rules. What is the procedure in such cases? Is competency the most important factor? I'd be interested in hearing your comments on that.

Finally, the Federal Government has long fingers that get into a little bit of everything. It also has a great deal of money. With the fiscal imbalance, we have seen that it seriously interferes in areas of provincial jurisdiction. Under certain agreements — and we saw this in Quebec as regards occupational training - federal civil servants have ended up becoming provincial civil servants as a result of the transfer of certain responsibilities.

Is this the case in all the provinces? When responsibility for certain issues is transferred to the province, does that mean that a federal civil servant can end up being a provincial civil servant in Ontario or Nova Scotia?

• (1220)

The Chair: We will have to get very quick answers. I did say that speaking time included both the questions and the answers.

Ms. Maria Barrados: How many minutes do I have?

The Chair: You have one minute.

Ms. Maria Barrados: I can try to answer, but these are very complex questions.

In answer to your question about whether we have enough staff to deal with requests to get involved in elections, I can tell you that our system of regulations requires people to submit their application form 30 days in advance. When that deadline is met, we do have enough time.

Unfortunately, many people are unaware of the requirements of that system, and that's why we receive a great many requests at the last minute. We don't want to punish people, and we have tried to answer their requests. What we can say is that when everything comes in at the last minute, we clearly do not have enough staff. On the other hand, if people meet the 30-day deadline, our staff is adequate to handle these requests.

We are under a lot of pressure from people wanting to be candidates in municipal elections. I'm not talking only about Ontario; there are other provinces as well. We receive approximately 25 requests at the last minute. It's difficult. We have a process to follow. For now it is more a matter of being in transition than it is a staff issue.

As regards recruitment in the public service, under the priority system, all candidates, even if they come from a minister's office, must be qualified for the job. We have taken certain steps inside the public service to provide additional clarification with respect to job qualifications and requirements. All applications must be reviewed based on these requirements.

As regards audits relating to non-partisanship, we want to move more slowly, because this is an area where there are no clear rules. We proceed more on a case-by-case basis. We want to gain greater experience in this area. At the present time, the system is based on complaints, guidelines and general directives.

• (1225)

The Chair: Thank you, Ms. Barrados.

We move now to Mr. Warkentin.

[*English*]

Mr. Chris Warkentin (Peace River, CPC): Good morning, and thank you for coming.

On page 83 of the report you have a little bit of an explanation of the appointment to these phantom positions. If it says what I think it says, I'm outraged, but I'm not sure if I'm reading it correctly. I'm wondering if you could just explain a little bit better to me this process, or what went on. My understanding is if there are phantom positions being created, more than just the person who was involved

in this would know about it. Maybe you would explain the process of a phantom position—how a phantom position comes available. Without naming names, explain just how that might happen and who would have to be involved in order for a phantom position to be created.

Ms. Maria Barrados: Very simply, it's the department that has to create the position, so obviously people in human resources would have some knowledge, and it's the deputy minister who had to approve these.

Mr. Chris Warkentin: All of a sudden we have the administrative side, the deputy minister, all complicit in breaking the law.

Ms. Maria Barrados: In my opinion, it was inappropriate. In their opinion, they felt it was justified at the time.

Mr. Chris Warkentin: Were these phantom positions at any point run through the payroll system?

Ms. Maria Barrados: That's a good question. It would have been set up to be paid, because it would have to be when you create a position. But these people were not receiving two paycheques, if that's where you're going.

Mr. Chris Warkentin: No, I hope not; otherwise I think we'd be even more outraged.

Ms. Maria Barrados: I would be more outraged too.

Mr. Chris Warkentin: I'm outraged already, knowing that not only do we have one person trying to deceive the system, but we have everybody else in compliance.

How far does this go? Are we talking about the deputy minister? Are we talking about possibly the minister knowing about this? In your investigation, was there any possibility that the minister would have been aware of what was going on?

Ms. Maria Barrados: In the investigative process that we ran, we talked to all the people who we felt could explain to us how the position was created.

Mr. Chris Warkentin: Were the previous ministers ever interviewed?

Ms. Maria Barrados: We did not speak to the ministers.

Mr. Chris Warkentin: In your inquiry, did anybody indicate that the minister was aware of the situation?

Ms. Maria Barrados: Without going back through all those records, I cannot honestly say that I actually have that kind of—

Mr. Chris Warkentin: Would you go through the records and report back to this committee? I think it's the will of this committee that we know if the minister was compliant.

An hon. member: Absolutely.

Ms. Maria Barrados: We will go back and check the kind of evidence we have. We did not, as I say, speak to ministers. I was reluctant to bring forward anything that I thought was hearsay, so we will go back and check to make sure there was more than hearsay.

Mr. Chris Warkentin: Where would we go next? How would we proceed with an investigative process that would lead to the previous ministers being interviewed? Would we have to bring them to this committee? Would that be an appropriate measure?

Ms. Maria Barrados: That's really up to the committee to decide.

Mr. Chris Warkentin: Okay, but it's possibly appropriate.

• (1230)

Ms. Maria Barrados: I think that's entirely up to the committee.

Mr. Chris Warkentin: Okay. So we have these false positions that everyone was complicit in organizing, and then we had them transferred to the ministers' offices. I don't understand completely. Anyway, we don't need to get into all that, but if it took a change in government to bring two examples to our attention, then anywhere in your investigation, did you uncover the possibility that this was an ongoing practice in other departments, possibly, or within these departments?

Ms. Maria Barrados: Just to explain the kind of position, it's almost like having a holding pattern. You're working in a minister's office, and instead of taking your chances through the priority system, you have a place where you can directly start the next day once you leave the minister's office. That's what these things were. They were good, solid insurance policies for people.

Mr. Chris Warkentin: Some people would call it insurance, but I'd call it fraud, possibly. Certainly, for all these other people who were supposed to be in the order of precedence, all of their rights were violated.

Ms. Maria Barrados: I agree with you, and that's why I revoked them.

Mr. Chris Warkentin: Certainly you don't have the capacity to go into all departments to ensure that this never happened before, but is there any indication from your interviews that this was an ongoing and common practice?

Ms. Maria Barrados: We did two things. We took a look at what kind of movement we had. We can do that through the pay system, because we have a pay system that's matched and allows us to look at where people move. So this was my comment. There were about a hundred public servants who had moved, at various times, between the public service and the ministers' offices without any kind of break in the system.

Mr. Chris Warkentin: So from that, you would then possibly assume that maybe not all, but a good percentage of those would have been involved in this type of process?

Ms. Maria Barrados: No, not necessarily.

Mr. Chris Warkentin: But possibly, if there's no break.

Ms. Maria Barrados: I have no way of knowing that, so I can't go there.

The other thing we did was look at that same pay system to see if we saw any of this flipping back and forth that was a bit of a pattern in some of these. These two stood out. In examining the systems, I didn't see anything else that would make me say I must take more—

Mr. Chris Warkentin: And what disciplinary action now will be taken against the deputy ministers and all those people who were involved and complicit in this practice?

Ms. Maria Barrados: I don't have any role in disciplining deputy ministers.

Mr. Chris Warkentin: Okay. Is there some type of discipline that should be put in place, even to go back retroactively, in your opinion, to ensure that this practice does not continue into the future?

Ms. Maria Barrados: I wrote to the deputy ministers involved and I had conversations. The person who disciplines deputy ministers is the clerk.

Mr. Chris Warkentin: In your opinion, is a letter as good as a pay cut or possibly being let go?

Ms. Maria Barrados: You're talking about a range of punishments to people.

Mr. Chris Warkentin: Maybe we should discuss the possibilities of something more than a letter.

The Chair: I think we've gone far enough on that point.

You wanted one quick answer, Madame Barrados.

Ms. Maria Barrados: I'm satisfied that we've done what we should do here and that people were not happy about this. People were quite embarrassed about this. We've done a lot of briefing.

Mr. Chris Warkentin: It's all the people below that position that I'm concerned about.

The Chair: That's enough now.

Ms. Maria Barrados: But I am more concerned about addressing this in a systemic way so that we don't have the possibility for this.

Mr. Chris Warkentin: Thank you.

The Chair: Thank you.

We're going to go to Mr. Alhabra.

Mr. Omar Alhabra: Thank you, Madam Chair.

Before I ask my next question, I just want to echo my colleague's concerns about these types of practices and say that we are grateful for the commission doing its job in auditing the practices and highlighting things like that, so that we not only do something about them but make sure they don't happen again.

My question is about the expansion of the area of selection of the public service, especially officer-level job postings. You talk about it briefly. Again, not having the opportunity to go through the report, I'm wondering if you could tell us how that is going. I know you're in a transition period now. How is that going so far, and how are you finding the progress?

Ms. Maria Barrados: It's very early to tell, actually. We started that on April 1, so that process is now under way. We have an evaluation going on, and we hope that by November we'll be in a position to say, yes, this is working the way we anticipate and we don't have any unanticipated problems.

I look a lot at the kinds of complaints I'm getting. We don't have too many complaints on the national area of selection, that part of it, but I am getting some complaints about the electronic screening, and we are having to make some adjustments on that.

• (1235)

Mr. Omar Alghabra: And the screening is part of this expansion process, right? It's actually what's making it more efficient.

Ms. Maria Barrados: It's actually what allows us to do it, because the volume is very high.

There was an earlier question about whether we have a recruitment problem in the public service. Overall, we do not have a recruitment problem. We have a lot of interest in public service jobs. That's not to say we don't have areas where we have some shortfalls. You've heard my colleague talk about auditors and pay clerks as being one area where we hadn't planned or anticipated filling those gaps.

Mr. Omar Alghabra: Besides the issue of this electronic screening process, do you want to share with us some of the challenges—and I'm sure there are some challenges in this process—you're facing in this expansion?

Ms. Maria Barrados: As to my biggest challenge—and this is something I said to the Senate committee when they were discussing Senator Ringuette's bill to eliminate the flexibility to allow geographic limits on external competitions—my biggest concern is that I get workarounds and that the legislation allows managers to go for non-advertised processes if they have someone with a unique skill or they need that flexibility. There is a provision that allows that. So that's what I'm going to be watching very closely. I don't expect people to say “Well, that's too difficult; I'm going to go this route.”

Mr. Omar Alghabra: Thank you

The Chair: Mr. Blaney.

[*Translation*]

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Thank you, Madam Chair.

Ms. Barrados, distinguished guests, thank you so much for being with us this morning.

As a former member of the federal public service, I am one of the statistics you referred to in your report. Indeed, I took a leave of absence that allowed me to run in a federal election. I have a few questions for you.

In the documents that have been provided by researchers with the Commission, it is mentioned that the budget grew by 26% in the last year. To begin with, I would like you to explain the reasons for that increase. This is the first time I've had a chance to look at a report from the Public Service Commission, and just out of curiosity, I was wondering why it provides no information with respect to the size and growth of the public service. If that information is already in there, perhaps you could show me where it is.

Finally, we are aware of the fact that we're now entering a period where the available workforce is declining significantly. Job applications and offers number 750,000, which shows that the Commission is still very active in this area. However, I am

wondering what steps you intend to take, if a labour shortage does materialize, to ensure that you have highly qualified people working in the civil service.

Ms. Maria Barrados: Perhaps you could clarify something for me. You talked about a budget increase. Are you referring to the PSC's budget?

Mr. Steven Blaney: I got that information from a document provided by our researchers. It states the following:

For the 2006-2007 fiscal year, the PSC plans to spend a total of \$112.02 million.

And a little further on, it says:

Overall, the PSC's estimates for the current fiscal period are up 26.6% over the previous period total of \$88.5 million.

Ms. Maria Barrados: Most of the increase we received was for computer systems. For us, they are the only way of expanding our capacity. This is an amount that is not part of the base. It will be renewed with every Treasury Board approval.

Mr. Steven Blaney: So, in order to allow all potential candidates, all across Canada, to apply for jobs, you have to implement a selection system. That's the reason why the budget has been increased.

• (1240)

Ms. Maria Barrados: We have another explanation as well, but the most significant amount was for this particular system. I hope we will continue to receive money for that system, because it is meeting our goals. On the other hand, it is not connected to the other systems; we have to have what is known in English as a patch. It works adequately, but it doesn't allow us to move forward.

If the Committee would like, I can provide a more detailed explanation in writing with regards to the 26% budget increase.

As for the size of the public service, there is data with respect to appointments on pages 43 and 53 of our report, and the total population for the public service is given on page 44. We were very anxious to find out whether there had really been an increase.

For the year ending March 31, 2006, there are two different numbers. If the Canada Border Services Agency is included, the increase is more significant. However, if the Canada Border Services Agency is not included, the population only increased by 1.5%, which corresponds to the actual increase. So, there really isn't much change there.

In answer to your third question, I would say that, in my opinion, we do not have trouble attracting people to the public service, even though we have shortages in a few places. In such cases, we have to take special initiatives to recruit people. As well, we need a better human resources planning system, as well as a plan that will allow us to identify the areas where major shortages will occur. In that way, we will be in a better position to take special recruitment initiatives.

The Chair: Thank you, Ms. Barrados.

Ms. Thibault.

Ms. Louise Thibault: Thank you, Madam Chair.

Ms. Barrados, I want to take this opportunity to come back to my two previous questions. I obviously talked too much and used almost all the time allocated, which meant that you didn't have a chance to answer.

Ms. Barrados, I asked you and your colleagues a question earlier about pay officers. Having listened to the discussion and had a chance to start reading your report, I note that it will be quite a challenge finding experienced human resources professionals. I know that you have made major recruitment efforts in that area.

Is there currently a pandemic affecting the pay processing sector? To your knowledge, is this happening only at Public Works and Government Services Canada? Do you have any involvement in recruitment?

When you advise people, what do you tell them about retention of staff? As I understand it, pay processing officers are leaving Public Works and Government Services Canada to go and work elsewhere, where they'll be a little happier. I intend to have direct discussions about this with the people involved.

Are there any problems that you are aware of? Do you have the authority to help the departments ensure that public servants are given the same decent treatment as everyone else and receive their acting pay or overtime pay?

Ms. Maria Barrados: Thank you for your questions.

This is a very important matter for all of us. We all receive pay cheques. But the short answer to your question is that there is currently no recruitment problem on the administrative support side of the public service. Nor is there any problem retaining staff. However, there may be shortages in some cases.

Donald can probably provide you with additional information about our involvement in that regard.

•(1245)

Mr. Donald Lemaire: The problem with respect to pay processing officers and professionals is a fairly complex one, because it is linked to classifications and specific rules. So, these are systemic issues for the employer.

As regards recruitment initiatives *per se*, we are working with the Public Service Human Resources Management Agency of Canada on what we call group recruitment. That is what we did to recruit experts in human resources. In that context, we identified certain characteristics that reflect the type of expertise required for pay processing. That is what we are doing with the departments and with the Agency.

In practice, we have learned that it is important to involve departments very early on, so that they agree on the process and can then select someone whose name is on the list. It is important for them to believe that if they select someone whose name is on the list, they will be satisfied, since that candidate meets and even exceeds the basic requirements.

We have had some success with that practice in the HR sector for PEs. Indeed, more than 100 candidates were appointed across a number of departments through that process.

A significant investment was needed in the initial period, but the system is much more reliable and easier to sustain over the long term. For every community, if we can call on pay processing specialists or FIs in this way, we can develop specific strategies to deal with the current situation.

Having said that, I would like to make one comment about something that is not part of my responsibilities. It has to do with policies, rules, and I don't know how many hundreds of conditions. As long as that has not been resolved, process automation will be somewhat hindered by that whole reality.

Ms. Louise Thibault: Thank you very much, Mr. Lemaire.

Ms. Barrados, my next question has to do with the motion I tabled with my colleagues earlier. I would like to talk about recent cuts that were announced on September 25. Is the Public Service Commission of Canada directly or indirectly affected, for reasons of efficiency or otherwise, by the \$1 billion worth of cuts announced over a two-year period?

This was the other question you didn't have time to answer earlier.

Ms. Maria Barrados: We are not affected by the most recent cuts. The only unknown impact could be some interruption in the procurement system. They are currently trying to determine what amount of money will be returned. In our case, I don't get the sense that it will be a significant amount.

Ms. Louise Thibault: When the Government says it can predict that between 300 and 400 jobs are going to disappear, we're obviously talking about targeted jobs. There won't be any indirect effect on you there either. These are highly targeted jobs at Health Canada, Canadian Heritage, the Canada Council for the Arts or Natural Resources. So, because these are occurring elsewhere, they will have no effect on your resources in your organization. Is that correct?

Ms. Maria Barrados: Yes, exactly.

Of course, it could affect 30 or 50 people. In that case, it might have an effect on us, and on our work, because we are responsible for managing the priority system. But otherwise, we will not be affected by these cuts.

The Chair: Thank you, Ms. Barrados.

We are going to begin the final round of questioning.

You have five minutes, Ms. Nash.

[English]

Ms. Peggy Nash: Thank you, Madam Chair.

On the issue of the phantom positions, how long were they kept open for people who didn't work in them? Were they both for the same time period? How long were these jobs set out for?

•(1250)

Ms. Maria Barrados: Special assignments can be created at any time and are usually set up for a period of time. Once we revoked those positions I no longer followed those jobs, because it's fully within the discretion of a deputy head to create them. They could fill them with someone else, as long as that person had something to do and was doing it.

Ms. Peggy Nash: Were they just created in January?

Ms. Maria Barrados: No, they were created in... Yes, that's right. They were created at that time. I'm not sure if it was December or January when they were created. If it matters exactly when they were created, I'll have to come back to you on the exact dates.

Ms. Peggy Nash: I'm just trying to get a sense of the timeframe.

Ms. Maria Barrados: It was the end of last year.

Ms. Peggy Nash: So no pay was ever received for those positions?

Ms. Maria Barrados: People weren't paid twice.

Ms. Peggy Nash: Right. Okay.

Mr. Chris Warkentin: Were they paid under the phantom? If they weren't paid twice, were they paid only for the job they were doing, or for the other job?

Ms. Peggy Nash: Mr. Warkentin, under your time you can ask that question.

Ms. Maria Barrados: They were paid in the job, their substantive job, which was in the minister's office.

Ms. Peggy Nash: Page 83 of the report says that one of the jobs was requested by the individual himself or herself, but the other job was a direct request from an individual in the minister's office. Can you tell us which ministry that request came from?

Ms. Maria Barrados: No, I can't.

Ms. Peggy Nash: Are you unaware of which one it was?

Ms. Maria Barrados: Well, the detailed files would have that in them. I didn't include that in this report, and I get really nervous about the extent to which I'm going to be divulging information that's going to finger individuals. I'm reluctant to go much further than what is—

Ms. Peggy Nash: So you may be aware, but you're not comfortable to share it?

Ms. Maria Barrados: I actually don't know it off the top of my head, but I know it is in my files.

Ms. Peggy Nash: Okay.

Someone said earlier that this was an insurance plan for people. It was a nice parachute, I guess, if you were facing insecurity, but it does impact on the rights of other people who might expect these kinds of positions. Were the positions that would have been affected and the ripple effect as it went down, if other people could have bid into these jobs, have affected people who were part of a bargaining unit?

Ms. Maria Barrados: The impact on other people is really from how you're avoiding the priority system. These special assignments are not the kinds of jobs that you see posted or are competed for, but if you were to come back into the public service through the priority system, you would have to take your place in the priority system and follow that process. By having these jobs, these individuals were not going that route, so that's where the impact on others was.

Ms. Peggy Nash: Could it affect other people, people who are in a bargaining unit?

Ms. Maria Barrados: Only if they were surplus.

Ms. Peggy Nash: So if someone was facing a layoff and wanted to be in one of these priority jobs, it would potentially affect that person?

Ms. Maria Barrados: There are two different things going on here. You have the priority system; that is the way these people should have come through. If you were laid off, you would then have an entitlement, as a person laid off in the public service, to go through the priority system. Then there's a bit of a ranking among those.

Usually we do the surpluses first and then the ministerial priority. If we have a job that looks as though it meets your skills, we say, "This meets your skills" and turn it over to the managers. Before we say you can go ahead and hire someone, you have to have gone through the priority system.

So it's in that way that other people could be affected.

In terms of creating these special assignments, there's quite a bit of discretion on those, and I don't think it was denying somebody else something in the system.

Ms. Peggy Nash: So you don't think someone would have been negatively impacted by not having this position created, because there could have been two or three or four other positions created in a similar fashion?

Ms. Maria Barrados: That's right.

The Chair: Thank you.

Ms. Peggy Nash: Oh, that went very quickly.

In wrapping up, I'll just say that this is a big report. We got it only this morning. Personally, I've only had the chance to ask about one subject area, and it would be really helpful, Madam Barrados, if you and your team could come back so that we could ask further questions.

•(1255)

The Chair: Thank you.

I'm going to go to Mr. Kramp for one question. We're awfully close to our time.

Mr. Daryl Kramp: I'll ask a small question, then, on what I would call a rural-urban imbalance.

Presently, right now, let's just take a city such as Kingston. A large number of public service employees work there. If you want a job and you live in a rural area.... A lot of these rural people drive 100 to 200 kilometres a day, one way, to work in various areas. But they need not apply to Public Works because they live outside a geographic catchment area with a 100-kilometre range or a 50-kilometre range. Well, that is right out of touch with reality. These people drive those miles daily to work—that's the nature of a rural economy—yet they need not apply to the federal government because they're just too far outside the catchment area.

Don't you think that is wrong?

Ms. Maria Barrados: I do, and we've put the policy in place to change this. Our policies have the force of the legislation behind them, so they have the strength of a legislative policy and direction.

I agree with you. We are trying to open it up to everyone by December 2007, as long as we have a system that we can continue to function efficiently with.

Mr. Daryl Kramp: I really appreciate hearing that we're making some progress on that.

And thank you very much for being forthcoming and objective, as you always are. It's a pleasure to have witnesses who actually just answer questions instead of discriminating.

Thank you very much.

The Chair: Thank you, Madam Barrados.

Ms. Maria Barrados: Thank you, and I'd be happy to be available to the committee at any time.

The Chair: Okay.

Before we conclude the meeting, I'd like to remind everyone that there was a request that we have hearings on the procurement process.

We know that the Bloc Québécois has submitted lists of people they thought we might have from the private sector. So if you have people from the private sector that you would like us to hear from on this subject—as well as the minister—please submit the names. We'll then have a meeting and go through them and try to balance them to have things equal for everyone. Okay?

The next—

Mr. Harold Albrecht: Madam Chair, can I make a statement regarding the previous—

The Chair: Just a second.

The next meeting is on Thursday and it's on accrual accounting. The Canadian Institute of Chartered Accountants will be here at that time.

If you wish to have Madame Barrados return, we can try to have her put on the list where we are. If you'd like that, we'll consider how we can fit her in over the next little while, because she's willing to come back. And you want...yes?

Mr. Harold Albrecht: I want to make a comment regarding the motion that was put forward at the beginning of our meeting.

The Chair: Yes.

Mr. Harold Albrecht: When we constituted our committee in the fall, we agreed to a notice of motion process of 48 hours—

The Chair: Yes, that's true.

Mr. Harold Albrecht: —and it's clear, Madam Chair, that the members of this committee, other than those in the Conservative Party, were aware of this motion coming forward. I think it's only fair that it be noted as well.

Hon. Navdeep Bains: Madam Chair, I just want to make a—

The Chair: I'm sorry, I don't want to start a whole debate—

Hon. Navdeep Bains: Yes, but I was not made aware of it at all.

The Chair: I don't want to have a debate on this.

No one was aware of this. It was put on my place this morning—

Mr. Harold Albrecht: Absolutely not.

Hon. Navdeep Bains: All the more reason to reject it then.

The Chair: —but you asked for unanimous consent.

Hon. Navdeep Bains: It was on record that all the Conservatives voted against the motion.

The Chair: That's quite normal. Unanimous consent was denied, so that's it.

Oui, madame.

[*Translation*]

Ms. Louise Thibault: Pardon me, Madam Chair.

Mr. Albrecht, when someone accuses me... I would like to respond, if you don't mind.

No one was in fact aware of it until I came down the hall at five minutes to the hour, at which point I provided copies to the clerk. So, before you make accusations, I would kindly ask that you check to see whether those allegations are founded.

[*English*]

The Chair: It's quite normal to ask for unanimous consent, and with that you don't need to have the 24 to 48 hours. Okay?

The meeting is adjourned.

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