

Summary

for

Denis Bilodeau

Director General, Investigations Directorate
Legal Affairs Branch, Public Service Commission

at the

Fortieth Regular Session of the Organization of American States
Hemispheric Conference against Corruption
“Transparency and Merit in the Hiring of Public Servants”

Lima, Peru

June 3-4, 2010

RDIMS: 245996 v1

Transparency and Merit in the Hiring of Public Servants

The federal public service plays a vital role in the Canadian democratic system of government; it provides impartial policy advice to the elected government and delivers important programs and services in a professional and non-partisan manner. A non-partisan public service ensures peaceful and orderly political transition from one government to another. Furthermore, a professional and competent public service plays an essential role in an increasingly competitive global economy.

Canada has a long history of protecting merit and non-partisanship, which has been the foundation of its professional and politically impartial public service. For more than one hundred years, the Public Service Commission (PSC) of Canada has served as the guardian of merit and non-partisanship. In 1908, the Canadian Parliament created the first permanent commission, an independent agency reporting to Parliament, which had the power to make appointments without political influence or ministerial interference. Through the years, the mandate of the PSC has remained unchanged, but it has adapted to important changes. The latest reforms involve the most comprehensive changes to human resource (HR) management in 35 years.

New legislation to modernize HR management in the public service came into force in 2004-2005. The modernized *Public Service Employment Act* (PSEA) set out provisions for a values-based staffing system. Under modernization, staffing has been delegated to

deputy heads and their managers, who now have greater flexibility and discretion to make staffing decisions along with greater accountability.

The PSC has a continuum of accountability and oversight mechanisms to hold deputy heads accountable for the way they exercise their delegated authorities. The Commission monitors and assesses the way deputy heads implement these authorities and set out indicators for measuring their staffing performance. As soon as problems arise, the PSC works with organizations to resolve them. It also conducts audits to examine organizational staffing actions and system-wide issues in more detail. When needed, it can take action, for instance, place restrictions on the delegated authorities or revoke individual appointments.

Another area that has undergone important changes in the process of modernization is recourse. A new feature, informal discussion with hiring managers, is of direct benefit to employees to help them obtain answers about areas of improvement they need to work on. This feature also gives a chance to deputy heads to correct possible errors or omissions. Investigations, as part of the PSC's oversight, are mostly conducted in external appointments, or in cases involving possible political influence, fraud or improper political activities.

Transparency is critical when the PSC reports on the overall health of the public service staffing system and the non-partisanship of the public service. Each year, the Commission submits a detailed report on overall staffing performance as well as its oversight

activities and findings. In 2009, it reported that the core values of merit and non-partisanship were generally being respected across Canada's public service and it raised areas of concerns needing added vigilance to preserve the non-partisan character of the public service. Continuous improvement is also very important. Based on five years of experience with the new legislation, the PSC is now conducting an assessment to determine whether further improvements to the staffing system are needed and whether the concept of non-partisanship in the public service needs to be modernized.

Canada's experience also demonstrates the importance of finding the right balance between delegation and oversight, especially the challenge of achieving effective oversight while minimizing the administrative burden on hiring managers. Lastly, the significance of having the staffing authority "vested in an agency whose independence is guaranteed by statute" cannot be overstated.

Hiring and staffing the right people, with the right skills, is critical in maintaining a professional public service that can respond to the challenges of the 21st century.