



Performance Management

Collective Agreement Requirements

PIPSC collective agreements all provide some parameters around performance assessments.

- Performance assessments should only be conducted by an employer representative who has observed or been aware of the employee's performance for at least one-half of the period being evaluated.
- An employee must be given an opportunity to sign the performance appraisal confirming only that it is been read (and not concurrence).
- An employee must have the right to present written counter arguments for the appraisal which, at request, must be attached to the assessment/appraisal.
- Employees must be given the form in advance.
- Employees must have access to any instructions provided to the individual conducting the review.

The New Treasury Board Directive on Performance Management

Treasury Board has created a new directive on performance management for all employees in the core public administration under the Schedule I and Schedule IV of the FAA.

- The directive came into effect April 1, 2014.
- PIPSC was **NOT** consulted on this directive.
- The Directive has come with much hyperbole and negative insinuations about civil servants' performance.
- For many employees, very little will change as they have always undergone performance management appraisals. Now however, all employees will be regularly appraised by the same means.

The Objective Structure of the Performance Management Program

- Sets out the responsibilities of deputy heads, managers, and supervisors regarding the administration of “a consistent approach to performance management” in their organizations
- Promotes a **shared commitment to “sustaining a culture of high performance in the public service”**

Reference: <https://www.tbs-sct.gc.ca/tou/pmc-dgr/intro-eng.asp>

Structure of the Performance Management Program

- Performance agreements are required for all employees.
- Agreements include: a) three to six work objectives linked to Government of Canada priorities and the organization b) core competencies c) functional and technical competencies and d) a learning and development plan.
- Mid-year reviews will be undertaken with each employee (other than those on probation) in the form of *informal* conversations to review accomplishments, adjust commitments, feedback and so forth.
- Review panels to survey performance and review performance appraisals for those employees who receive the lowest and highest ratings (this is not an appeal body).
- Cases of unsatisfactory performance are expected to be identified at the earliest opportunity possible (the time between identification of unsatisfactory performance and termination of employment should not normally exceed 18 months).

Core Competencies within the Performance Management Program

- demonstrating integrity and respect
- thinking things through
- working effectively with others
- showing initiative and being action-oriented

<http://www.tbs-sct.gc.ca/tou/pmc-dgr/pmmsg-grggs-eng.asp#toc8>

Rating of Objectives

- 5 – **Surpassed.** Performance is outstanding. The employee makes an **exceptional** contribution to strategic organizational goals and objectives and consistently surpasses position requirements.
- 4 - **Succeeded +.** Performance **exceeds** expectations and consistently generates strong results above those required of the position.
- 3 – **Succeeded.** Performance **fully meets** all expectations. The employee has effectively achieved all of his or her work objectives.
- 2 - **Succeeded -.** Performance **meets some** but not all expectations. The employee demonstrates the potential and motivation to achieve his or her work objectives; however, occasional lapses have been observed during the performance management cycle.
- 1 - **Did not meet.** Performance **did not meet** expectations. Performance results were **well below** expected performance indicators or standard defined for the work objectives and/or **hampered** the achievement of organizational goals and objectives.

Rating of Competencies

- 5 – **Surpassed.** While delivering on work objectives, the employee **almost always** or **always** demonstrated effective behaviours. The employee is a role model.
- 4 – Succeeded +. While delivering on work objectives, the employee **very often** demonstrated effective behaviours.
- 3 – **Succeeded.** While delivering on work objectives, the employee **frequently** demonstrated effective behaviours.
- 2 – **Succeeded --** . While delivering on work objectives, the employee **sometimes** demonstrated effective behaviours.
- 1 – **Did not meet.** While delivering on work objectives, the employee **rarely** or **never** demonstrated effective behaviours.

Creating an overall rating

	1	2	3	4	5
5	2	3	4	4	5
4	2	3	3	4	4
3	2	2	3	3	4
2	1	2	2	3	3
1	1	1	2	2	2

- Employees with an overall rating of “one”, or “two” where one of the ratings was “one”, must have an action plan.
- Employees with an overall rating of “five”, or “four” where one of the ratings was a “five”, should have a talent plan considered.

Key Concerns

As the performance management program is rolled out, there are a number of emerging concerns that stewards should be aware of:

- performance management and discipline – some core competencies manage disciplinable behaviour
- duty to accommodate and performance management
- withholding of pay increments
- virtual teams and supervision
- performance being tied to tracking and measuring file output (i.e. auditors, medical adjudicators, help-desk)
- no right to union representation throughout performance management
- rating scales are non-sensical
- “informal” mid-term review process should be documented

Behaviours subject to discipline should not be performance managed

Protection - Discipline is associated with a number of protections for employees. For instance, discipline is subject to progressive response and rights of representation.

Record of offence - Performance appraisals will be kept on file for five years from their last administrative use whereas discipline records have a two year sunset provision.

Ability to review - Performance appraisal adjudications only look at whether there has been bad faith. The employer's choice of consequence for poor performance (i.e. demotion versus termination) is not reviewable. Adjudications for discipline review whether discipline was warranted (just cause) and the appropriateness of the discipline imposed.

Double jeopardy – The employer may not impose more than one penalty for the same misconduct. Subjecting an employee to both discipline and a poor performance rating for the same conduct could constitute double jeopardy

Rating scales make no sense

- It will be virtually impossible to distinguish between ratings without comparing employees. However, evaluations are not meant to be comparative.
- The rating scale gives disproportionate weight to behavioural competencies.
- It is unconscionable that such scales will be used to force action plans and then possible other consequences on employees.

What can you do?

- Inform employees of the importance of identifying objectives clearly and updating these throughout the year.
- Encourage members to document (through an email or personal diary entry) the “informal” mid-year discussion and any other performance related discussions.
- Advise employees to ensure they have access to training and tools listed in their learning plan and otherwise required for them to meet their objectives.
- Ensure employees clearly and fully document all concerns with their performance review on the performance agreement.
- Be aware of “disguised discipline” in performance appraisals, especially via “core competencies” (expected behaviours).
- Review action plans for reasonableness and clarity in objectives, timelines, etc. Consider grieving when appropriate.
- Refer to your Employment Relations Officer cases where a pay increment may be withheld or demotion or termination is possible.

Tip #1

Prepare for the new regime

- Read the performance management guidelines produced by Treasury Board and each department
- Participate in departmental training; members should notify steward if not permitted to participate in training
- Follow PIPSC for updates

Tip #2

Ensure that work objectives are clearly identified in the performance agreement.

- Objectives must be reasonable, attainable and measurable
- Objectives are to be narrower than those in a job description but broader than a listing of specific tasks
- Three to six work objectives will be listed. Employees may provide one of these objectives (subject to approval by the manager)
- Objectives must have a performance indicator or standard. This is important because it will be used to measure whether and how an employee has met the identified work objectives.
- Ensure that objectives are updated throughout the year if and when necessary. This does not need to wait until the mid-year review.
- *Clearly defined work objectives are a means for employees to hold managers accountable!*

SMART Objectives

Objectives that meet the SMART approach are:

Specific: A clear, observable action or achievement

Measurable: Quality, quantity, cost and time

Attainable: Achievable, i.e., neither out of reach nor below standard performance

Relevant: Meaningful objectives that are consistent with the employee's role in the workplace

Trackable/time-bound: Set a time limit for achievement

Reference: <https://www.tbs-sct.gc.ca/tou/pmc-dgr/intro-eng.asp>

Tip #3

Ensure core competencies (expected behaviours) do not broach on discipline

- Performance should not assess behaviour normally deemed “culpable” or disciplinable. Culpable or blameworthy behaviour is when an employee is unwilling to meet the required standard of job performance versus “non-culpable” behaviour where an employee is unable to meet the required standard of job performance.
- If a member is concerned that they are being misevaluated or are subject to “disguised discipline”, encourage them to discuss the issue with you and an Employment Relations Officer.
- If a member has been disciplined about behaviour, it should not also be used against them in a performance review (“double jeopardy” applies).

Tip #4

Raise and document duty to accommodate issues that might affect performance

- Members should be encouraged to provide supporting documentation for accommodation requirements (disability, religious, and family). Specific details of a disability, etc. need not be in the performance agreement. Remember the performance agreement may be viewed quite broadly by managers.
- Members should be contact PIPSC if there are any concerns that performance issues relate to the prohibited grounds which are: race, national or ethnic origin, color, religion, age, sex, sexual orientation, marital status, family status, disability, conviction for an offence for which a pardon has been granted

Tip #5

Take learning plans seriously!

- Employees have the right to the appropriate training and tools required to do their jobs.

Tip #6

Ensure your Collective Agreement is respected

- Manager undertaking performance assessment must be familiar with employee's performance.
- Performance assessments should only be conducted by an employer representative who has observed or been aware of the employee's performance for at least one-half the period being evaluated.
- Employee must be given an opportunity to sign the performance appraisal confirming only that it has been read (and not concurrence).
- An employee must have the right to present written counter arguments for the appraisal, which upon request, must be attached to the assessment/appraisal.
- Employees must be given the form in advance.

Tip #7

Document performance related discussions

- For example, through email or personal diary, document performance related discussions, accolades etc. at the mid-year and any other time they occur

Tip #8

Comment thoroughly on Performance Appraisal and Objectives

- Employee's comments will be the only input available to a review panel or other person seeing the appraisal.
- It is important that comments are written and attached if warranted, and that they are thorough.

Tip #9

If one is required, contribute to the development of an action plan. Employees should:

- consult steward or Employment Relations Officer if they are required to have an action plan;
- ensure the time period for completion of the plan is realistic;
- ensure objectives are clear and easily measured;
- meet frequently with supervisor to monitor progress;
- ensure they are given the tools and training to succeed;
- identify impediments to success and;
- where appropriate contest the plan or part of the plan - a grievance may be filed.

Tip #10

Members should contact steward/ERO/Consultation Team if:

- there is any discussion of withholding next scheduled pay increment, demotion or termination.
- there are emerging issues/trends that PIPSC should be aware of and;
- if they have any other questions or concerns.

Recourse Mechanisms

Depending on the circumstances, employees can consider a number of recourse mechanisms.

1. Informal discussion with supervisors with or without steward support.
2. Informal conflict management resources (coaching, mediation, large group facilitation)
3. Grievances: A grievance may be filed for example when the performance agreement may be interpreted as disguised discipline; the assessment was unreasonable; the process was not fair (for example, the supervisor reviewing performance has not supervised member for required time, member not allowed to add comments; performance agreement unreasonable and/or there is perceived bad faith or discrimination)
4. Through Consultation teams where broader, systemic issues arising in a section, division, or department can be addressed

What is PIPSC Doing?

- PIPSC sits on a recently convened Treasury Board/Bargaining Agent “consultation” group discussing templates, documents, guides etc. being produced to implement the Directive
- PIPSC negotiators are looking at what, if any, changes should be made to PIPSC collective agreements to address rising concerns
- PIPSC participates in a Bargaining Agent NJC Working Group considering bargaining proposals in light of the Directive
- PIPSC has filed two policy grievances over the potential loss of pay increment and the addressing of behaviour through performance management (ie. disguised discipline)
- PIPSC will provide updates to stewards and members as information becomes available. A dedicated performance management web page has been developed.

Important Reference Performance Management Website

The Performance Management website by the Office of the Chief Human Resources Officer (OCHRO) contains links to a number of information documents :

- Performance Management Program Guide
- Performance Management: Manager's and Supervisor's Guide
- Performance Management: The Employee's Kit
- The Public Service Performance Agreement and Instructions

Although these documents are still subject to review, the main substance within is unlikely to change.

Reference: www.tbs-sct.gc.ca/tou/pmc-dgr/intro-eng.asp

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