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A Legislative Map of the Federal Public Service

Chapter Summary

This chapter provides an overview of the federal public service in Canada, specifically examining the legislation that governs the federal government as an employer. The author identifies three specific legislative statutes – the *Financial Administrative Act* (FAO), the *Public Service Labour Relations Act* (PSLRA), and the *Public Service Employment Act* (PSEA) – that describe employment terms and conditions at the federal public service level. The importance of this legislation and other statutes, such as the *Canadian Human Rights Act*, the *Public Servants Disclosure Protection Act*, the *Official Languages Act*, the *Privacy Act*, and the *Public Service Superannuation Act* all speak to the influence of legislative power on the executive branch of government and public servants in Canada.

This chapter begins by posing the question, "What is the federal public service?" In response to this question, the author delineates on four key sections of the federal public sector: the core public administration, separate agencies, departmental corporations, and crown corporations. The first two sections are grouped under the domain of the federal public service. The section on "departmental corporations" provides an in-depth look at these separate agencies, which can be both within and also external (as a separate corporate entity) to the federal public administration. Finally, a discussion on crown corporations seeks to examine the significance of these corporations which are owned by the Crown, but remain semi-independent from Treasury Board. They are unique within the public administration model, as they can derive their revenue from business transactions and follow the same labour and employment standards as the private sector.

The second section of this chapter, Collective Bargaining and Terms and Conditions of Employment, offers a historical overview of the changing role of collective bargaining over the past century for federal public service workers in Canada. Since the establishment of the National Joint Council (NJC), and even with the advent of collective bargaining for the federal public service in 1967, the NJC has existed to identify issues of importance to all public service employees irrespective of their individual collective bargaining units.

The next three sections – staffing, legislative protection of fundamental freedoms of public servants, and pensions – complete the discussion on the federal public service as an employer. In particular, a discussion on the role of the *Public Service Employment Act* (PSEA), which created the Public Service Commission (PSC) of Canada, outlines the legal parameters of employment within the federal public service.

Annotated Weblinks

- 1) <http://laws-lois.justice.gc.ca/eng/acts/P%2D31.9/page-1.html>

The *Public Servants Disclosure Protection Act* provides for the process of disclosing any wrongdoings at the federal level as well as offering protection to those employees who disclose the wrongdoing.

- 2) <http://laws-lois.justice.gc.ca/eng/acts/P%2D33.01/page-1.html>

The *Public Service Employment Act* (PSEA) outlines the conditions and principles that are applicable to public service employees; specifically that employment is based on merit and non-partisanship.

- 3) <http://laws-lois.justice.gc.ca/eng/acts/P-33.3/page-1.html>

The *Public Sector Labour Relations Act* (PSLRA) outlines the importance of labour-management relations in the federal government, including the collective bargaining process and the opportunity to achieve effective human resource management issues.

- 4) <http://laws-lois.justice.gc.ca/eng/acts/F-11/page-1.html>

The *Financial Administrative Act* (FAO) outlines the financial administration of the Government of Canada and the governance of crown corporations.

- 5) <https://www.canada.ca/en/public-service-commission.html>

The Public Service Commission website outlines the role of the public service commission, which is to oversee the recruitment of employees in the federal sector as well as to list public service job opportunities.

- 6) <http://laws-lois.justice.gc.ca/eng/acts/P-35/page-1.html>

The *Public Service Staff Relations Act* outlines the employee relations in the government of Canada.

- 7) <http://laws-lois.justice.gc.ca/eng/acts/P%2D36/page-1.html>

The *Public Service Superannuation Act* outlines the established superannuation or pension fund or plan for employees of the government of Canada.