

HANSARD

NOVA SCOTIA HOUSE OF ASSEMBLY

COMMITTEE

ON

HUMAN RESOURCES

Tuesday, December 6, 2016

COMMITTEE ROOM

**Hiring Practices &
Appointments to Agencies, Boards and Commissions**

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STANDING COMMITTEE ON HUMAN RESOURCES

Mr. Chuck Porter (Chairman)

Ms. Joyce Treen

Mr. Gordon Wilson

Mr. Stephen Gough

Mr. David Wilton

Mr. Eddie Orrell

Ms. Karla MacFarlane

Ms. Marian Mancini

Ms. Lisa Roberts

[Ms. Karla MacFarlane was replaced by Mr. John Lohr]

In Attendance:

Ms. Judy Kavanagh
Legislative Committee Clerk

Mr. Gordon Hebb
Chief Legislative Counsel

WITNESSES

Public Service Commission

Ms. Laura Lee Langley - Commissioner
Clerk of the Executive Council

Mr. Rollie King - Senior Executive Director



House of Assembly
Nova Scotia

HALIFAX, TUESDAY, DECEMBER 6, 2016

STANDING COMMITTEE ON HUMAN RESOURCES

10:00 A.M.

CHAIRMAN
Mr. Chuck Porter

MR. CHAIRMAN: I'll call this meeting to order. Good morning everyone, and thanks for being with us. I'm going to start with introductions.

[The committee members introduced themselves.]

MR. CHAIRMAN: Thank you. I will come back to our witnesses momentarily. We're going to move right into the one appointment that we have under the ABCs.

For the Department of Labour and Advanced Education, Ms. Treen, would you like to take that this morning?

MS. JOYCE TREEN: I move that Sophie Helpard be approved as a member and employee rep of the Minimum Wage Review Committee.

MR. CHAIRMAN: Is there any discussion on the appointment? Hearing none, I'll call for a vote.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

We'll now go right to our witnesses and welcome them this morning and ask them to introduce themselves.

[The committee witnesses introduced themselves.]

MR. CHAIRMAN: Do either of you have opening comments you'd like to make before we move forward? Please feel free.

MS. LAURA LEE LANGLEY: I do, thank you very much. I do have a few minutes, I hope, so you can feel free to give me a sign if it's taking too long.

I'd like to thank you, Mr. Chairman, and good morning to the members of the committee. My name is Laura Lee Langley and it's my pleasure to be here today in my capacity as the Public Service Commissioner. With me today is Rollie King, the Senior Executive Director of the Public Service Commission. We're pleased to speak about and to answer questions regarding the hiring process for civil servants and personal services contracts and how they are used.

I'd like to begin this morning by giving you a bit of background information that might be of interest to the committee. As many of you might be aware, the civil service has just a little over 10,000 full-time equivalent positions for the fiscal year 2016-17. About 75 per cent of those are bargaining unit employees and 25 per cent would be non-bargaining unit, or excluded employees - that is how we refer to them.

About 87 per cent of our employees in government are in permanent positions and the other 13 per cent of those employees are in non-permanent positions. What that would mean is casual positions, term positions, and so on.

The Public Service Commission helps facilitate the recruitment and selection of about 1,800 positions every year, and in a few moments, I'll explain the recruitment process in more detail. It's important to note that the decision to fill a position rests with the department's hiring manager and approval by the department's deputy minister. Our role is to provide support and guidance through the recruitment and selection process. About 80 per cent of the competitions held each year are for bargaining unit positions and the other 20 per cent are for non-bargaining unit positions.

I'll now move on to talk about the hiring process. The Public Service Commission's role is to support departments in their recruitment and selection efforts, and like all organizations, we use a variety of tools to hire individuals. In our case, we are guided first and foremost by legislation, through the Civil Service Act - regulations, policy, and collective agreements throughout the hiring process.

The types of positions we may assist in recruiting are permanent, temporary, casual, term, personal services contracts, and seasonal positions. Those are primarily the positions we would recruit for. We also handle relief positions as well. As discussed earlier, the PSC supports our department clients with the hiring process, and I'm going to walk you through it because I think this is of interest to the committee today.

The process always begins with the department's hiring manager, the person who supervises the position that is going to be hired - and either a vacancy or a desire to create a position to cover off specific identified duties. At this stage, they might need to develop a job description or update one. That process is grounded in understanding what the hiring manager wants the duties of that position to cover. Developing a job description involves the hiring manager, human resources support from the Public Service Commission, and almost always involves consulting with employees.

Then our classification section assists with the process to ensure all the questions regarding the duties of the position are answered and the position is appropriately rated. Our province subscribes to the Hay Group system of classification for excluded positions. That is a scoring method to place job classifications appropriately. Our system uses a series of agreed-to benchmarks that are specific to our sector from across our system so that the ratings are relative to positions across a policy area, for example, so that positions would be consistent. For bargaining unit positions, we look at how the job best fits within the negotiated classification system, and we work with our colleagues at the NSGEU and CUPE on these items.

Also through this process, the hiring manager confirms that they have the necessary funding and they have an FTE number for that position. You can't just hire if you don't have a full-time equivalent position to fill. You can't invent those. You have to have them. The request to fill the position is then approved by the deputy minister of the department in question. They would contact the PSC to begin the recruitment and selection process. Our human resources business partners are the folks who really are on the front lines handling that process.

Once those approvals are in place, the PSC may assist with preparing the job posting. The department determines whether or not it will post internally or externally. On bargaining unit positions, the decision to post internally is guided by our collective agreements, our legislation, and policy guidelines.

For bargaining unit competitions, you might be aware, as per the collective agreement, we first do an expression of interest internally to the specific department where the job lies. If we're not successful in finding an internal candidate, we then move to an external posting. I want to note that once we move to an external posting, internal bargaining unit candidates from across other government departments are still given priority consideration for that position.

For non-bargaining unit positions, hiring managers determine the scope of the job and how it will be competed, whether through a posting internal to a unit, a division, a department, the broader civil service, or a full external recruitment. The Civil Service Act gives hiring managers latitude in this regard, and we treat this in a way that mirrors the expression of interest process for our bargaining unit employees.

Current excluded employees are treated in a similar manner to bargaining unit employees when it comes to opportunities. This means if there are internal candidates with the skills required, often those competitions are held internally. This is particularly important in cases where we have restructurings, so employees who are already in place have an opportunity to land before opening the competition to external candidates, or in an effort to offer development opportunities, for example, to existing staff, who may be given the first opportunity to compete.

The hiring manager may also choose to post the position within government only or have a full external competition open to the public. All external postings, whether they are bargaining unit or an excluded position are posted on the government website, presently through CareerBeacon, and in some cases, positions are advertised more broadly. It really depends on what they are: if you need a specific area of expertise or you think you're going to have trouble recruiting. From time to time, we might use a recruitment firm, depending, again, on the position.

Once the posting is closed, resumé's are shared with the hiring manager. They are screened against the qualifications for the posting. From there, the candidates who meet the criteria are offered an opportunity to participate in an assessment process. The selection process consists of an interview generally with questions that are based on the competencies that are outlined in the posting and job description. The panel may also decide to ask for a presentation or participation in a pre-screening test such as a writing test or an accounting test, something that is applicable to the job so the hiring manager might better understand the candidate's skills and have an opportunity to get the best match for that job.

Once a candidate is selected, the recommendation then would go again to the deputy minister as a "recommendation to hire". We would prepare a letter of offer that places the employee on the salary scale that is based on their years of experience and qualifications. There really is a sophisticated assessment of where an employee should be on a salary scale.

Finally, the employee goes through an on-boarding process, where they would fill out the appropriate paperwork, receive the appropriate orientation, and they're informed of their benefits and so on. That's really in a nutshell how the hiring process works.

I've also been asked today to address personal services contracts and so I will briefly talk about them. A personal services contract is an agreement that establishes an employment relationship between an individual and a department, an office, or a government agency. They are primarily used when the nature of the work or the employment circumstances don't warrant the creation of a civil service position or if the work is considered project work requiring unique skills, knowledge or qualifications, or if the work is considered a very short-term piece of work.

For all intents and purposes, individuals employed with the province through personal services contracts are employees of the province, and we treat them as such in every way for the duration of the contract. They must abide by the same code of conduct. They must perform all the duties of a civil servant. They are treated like civil servants in terms of the hours of work, the benefits they're entitled to, vacation, and various other things. The only exception is that their work has an end date when they have a personal services contract.

Personal services contracts are also often used for positions including deputy or associate deputy ministers, CEOs, executive assistants to members of the Executive Council, personnel in the Office of the Premier, staff in all your political caucus offices, and your constituency assistants. Having said this, they are not exclusive to political staff members.

Where a government agency wishes to engage the services of a person through a personal services contract, documentation must be prepared and approvals obtained in accordance with the policy requirements established to have legal force and effect.

There are also approval thresholds in the engagement of a personal services contract. Those between \$75,000 and \$120,000 in total compensation require the sign-off of the deputy minister of the department, but also require the additional sign-off of the Deputy Minister of Finance and Treasury Board, plus the Public Service Commissioner. Those contracts that are over \$120,000 require Treasury Board and Cabinet approval.

I want to note just before I wrap up a few recent updates to our personal services contracts. We've included a section to ensure contract employees know and understand their obligations to protect personal and confidential information. This is in response to recommendations that were made by the Information and Privacy Commissioner.

As you might be aware, our use of personal services contracts was examined in the October 2016 Auditor General's Report. The Auditor General's team looked at our current list of contracts and concluded that they met all financial regulation and policy requirements.

In addition, we recently asked our Internal Audit division of government to look at executive compensation, which had been recommended again by the Auditor General in November 2015. The recommendation was to look at executive compensation and how it is handled, in an effort to identify areas of inconsistency and risk areas and consider mitigation measures that might be required. We have done this and we are currently considering bringing recommendations to government that would as much as possible standardize the terms of employment for our executive employees through the potential use of personal services contracts - when I say that I mean deputy ministers and associate

deputy ministers primarily - regardless of whether the appointment is from inside or outside of government.

Finally, I think it's important to share with the committee that since my specific appointment to multiple portfolios in early June, I sought governance advice to ensure that there is oversight, particularly insofar as hiring transactions that involve the areas for which I have authority. This is to ensure that there are independent eyes on the interactions between the Public Service Commission, the Executive Council Office, and Communications Nova Scotia, and to ensure there is no conflict of interest or perceived conflict of interest in how recruitment and hiring is handled between those three offices.

Because of that advice, an advisory team has been established to oversee and audit items that the Public Service Commissioner would normally give advice on with respect to the Executive Council Office in particular. The advisory team consists of the Comptroller, who is also the Associate Deputy Minister of Finance and Treasury Board; the Associate Deputy Minister of Labour and Advanced Education; and the Executive Director of Legal Services at the Department of Justice.

They are also supported by the Senior Executive Director of the Public Service Commission in an ex-officio capacity. They have the means to be able to seek outside council and support, should they feel it's appropriate. They are asked to scrutinize and oversee the activities between all the offices I mentioned, and I have confidence they will use their best judgment and give good advice on the items that come before them.

As I end my opening statement, I want to say that I have the great privilege of serving and I do not take that privilege for granted. I'm very proud of the Public Service; I'm very proud to be part of it. I take the matter of making sure we have a capable and impartial Public Service very seriously and I take my role very seriously. On that note, I'm really happy to answer the questions that you might have for me today.

MR. CHAIRMAN: Thank you, Ms. Langley, for that presentation. Mr. Wilton, we'll begin with you and, as per previous meetings, I will pretty well manage it the same way - one question and one follow-up, in an effort to give everybody ample opportunity as we go around this morning.

MR. DAVID WILTON: Thank you for your presentation. I'm just wondering, the assessment process you use for determining job salary - what is that process?

MS. LANGLEY: We have job description writing guidelines; that's where it really starts. It starts with having an updated and complete job description. There is really quite a comprehensive guide to help hiring managers work with the Public Service Commission - and as I mentioned, oftentimes employees - to make sure that the job description captures everything that it needs to capture, before it goes for assessment.

Once it goes for assessment we have a unit at the Public Service Commission which is called a Classification Unit, where we have a number of professionals. Their job is to look at those job descriptions and assess them in a number of ways.

I mentioned the Hay Group assessment tool that is used by many public sector jurisdictions. It actually looks at various competencies, levels of work, the kind of sophistication in the work, the impact and influence of the work, and various other things. They actually apply a score to each of those areas based on their professional judgment and the guidance of the Hay system. The score is then applied to the job and then the job would be plotted accordingly on our pay bands. With excluded positions for example, we would have up to 17 different pay bands and it would be - depending on the score again - applied to one of those pay bands.

For the bargaining unit, it's a little bit more complicated because we have pre-determined assessments already in place with the NSGEU. A job would be assessed and applied to one of those areas, whether it's technical or professional or those various other areas.

It's a pretty sophisticated process, it's meant to provide accountability. It's also meant so that you don't have people all over government doing similar functions but being paid all over the place, so there is a relativity check that goes when those jobs are assessed, to ensure we have some consistency and some integrity across the rating process.

MR. WILTON: And do you use other provinces also to guide the rate itself, or do you go into more detail?

MS. LANGLEY: We do have our own - sometimes we do market research when we are feeling like we're having difficulty recruiting or when we're feeling like maybe it's time to re-examine our benchmarks. We will sometimes do what's called market assessments, where we'll look at what other public sector organizations are offering in other provinces. We might look across the country - we may look at the federal government and what they're offering and the municipal governments, so that we've got some relative comparators. If we feel there is a need to re-examine our benchmarks and perhaps look at moving the entire benchmark up, we would do that.

Mostly we apply to that Hay system because it is very consistent and it is actually meant to work in concert with the benchmarks we have established. Those benchmarks were actually established using other public sector ratings across similar size provinces. For example, we wouldn't compare well with Alberta or British Columbia or Ontario or the federal system, and we know that, so we have to right-size those evaluations to what we can afford to pay in our province.

MR. CHAIRMAN: Thank you, Mr. Wilton. Mr. Orrell.

MR. EDDIE ORRELL: Thank you for your presentation, Ms. Langley. When you started your presentation on Page 2, you said that “. . . through this process, the hiring manager confirms that they have the necessary funding and they have an FTE number for that position.” You added in there that you can’t invent the position.

Back when Ms. Marilla Stephenson was hired, she went from a position of an 18-month term to a position of Managing Director of Corporate and External Relations, and I’m sure the full-time equivalents and the money were there.

She had the opportunity to add to the job description, to help write the job description and she was the only person who applied for that. I guess what I want to know is, how often does this happen within the Public Service Commission that a potential candidate gets to add in writing their own job description and they are the only one who gets to apply for that job internally? Until it’s clarified, it almost sounds like that person was the one who was getting the job, the job was tailored to her position, and she was the only one qualified for it. Can you explain to me how many times that happens and how it happens?

MS. LANGLEY: Sure. Let me just back up, and if you don’t mind, I’ll deal with your question in sections, and if I miss something, please direct me back. When I said you can’t invent a position, I certainly didn’t mean that you can’t create a new position. What I meant is that you must have an FTE, you must have a space for that position, that’s what I meant. You can certainly create new positions.

In this particular instance, the hiring manager of the day saw a need in the Executive Council Office to have a position that really connected the dots, if you will, across areas of policy. I think what the hiring manager of the day realized and what she saw as a gap was that there wasn’t really a position that looked across the policy landscape, across government departments and made those connections and then helped articulate that policy direction externally. It’s a Managing Director of Corporate and External Relations is the name of that job.

I think you will all recognize that when we work in the Westminster system, we work in a department-based system where departments are siloed and there can be really good work happening in departments but the dots aren’t connecting across departments sometimes and there are lots of examples of that.

I think what was recognized at the time by the hiring manager was that they had a desire to create a position that would look at drawing those lines or recognizing those common themes in priority areas of policy development on the policy side and then use the communication skill set to do some outreach with stakeholders and others in the community on a couple of fronts: one is when we are moving in a positive direction to make sure we have good exchanges on that with stakeholders and special interests on the

outside; the other part of that is when we were getting it wrong or we're hearing from our stakeholders that we're getting it terribly wrong, to be able to then connect back in to those policy advisers and government. That was the impetus for this position.

When the job description writing actually began to happen, it really was going to be a blend of some of the skills of the Communications Nova Scotia managing directors, some of the existing policy jobs that were already in Executive Council. What was really missing and I think what caused the deputy minister of the day to really look and consider this position was what had been happening with the One Nova Scotia Commission. What happened with the One Nova Scotia Commission was that there was some really good work happening that brought all three parties together. We had business, we had non-government organizations, and we had connections in the community. There were very good connections and very good outreach into the community.

When we were writing that job description, when I actually wrote the job description, it took in some Communications Nova Scotia job descriptions which had been recently rated and updated so I really didn't need to consult with anybody on that. I knew what the policy position job description was because they are pretty standard. What was missing was what was happening with this One Nova Scotia Commission because while the person in question was hired as a policy and outreach adviser to serve the One Nova Scotia Commission, the functions had actually evolved through the process of the One Nova Scotia Commission and I didn't know what they were, so I wrote the job description based on the information that I had.

Then I consulted back with the hiring manager, who was the deputy at the time and Ms. Stephenson, because she was the one who was doing that function; she didn't write the job description, she did not add to the job description, she simply verified that I had captured accurately the functions that were being performed in that part of the job which was the One Nova Scotia Commission. I think that addresses a couple of parts of your question.

Now in terms of she being the only one who applied, the decision was made to post that job by the hiring manager within the Executive Council Office. There are over 30 employees in that office, and they all might have applied for that job.

The small portion of that job which dealt with the One Nova Scotia Commission work was indeed a small portion of that job. There were great sections of that job description that were around policy development and analysis, and there were a number of people in the organization who had those competencies as well. There are any number of folks who would have been eligible.

We had no way of knowing at the time, sir, that she would have been the only person who would have applied, although that's how it turned out. There were any number of people in the Executive Council Office who were not only qualified and eligible, but who could have applied for that job.

MR. ORRELL: That would have been a step up for a lot of people in an office to apply for that job, I would think - \$106,000 salary would probably be a lot more than most people would be making in that area. It just seems odd that because of the One Nova Scotia part of it being one of the parts of the job, that only one person would have that requirement and would have that skill set, because she was put into that job to do that. It just seems rare that no one else would apply for it, especially if you limited it to within one department in the civil service.

If they had opened it up to a number of departments in the civil service, I think a lot more people would have applied for it, which would have been much more fair to everybody involved because we had a lot of people saying things like, I could have done that job, it would have been a big raise for me, it could have been this, it could have been that, but they didn't have that opportunity. It just seems like that's a rarity to happen.

How often does that happen, where that one person who does do that gets to consult on the job itself, or approve some of the positions of the job?

MS. LANGLEY: She didn't approve anything that had to do with the job, she was consulted - the job description was sent back for consultation to see if we actually captured the duties she had been performing with the One Nova Scotia Commission, so I would like to put that on the record.

I would also like to say that in the Executive Council Office and amongst our policy advisers, in fact, because of the nature of their work, those positions are all EC 12, 13, 14, and 15. They are high-rated jobs because of the complexity of the work and because of the nature and the impact and influence they have. When you understand what those policy advisers do, they bring in submissions from all over government that will be going to Cabinet and Treasury Board and they are assessing them. While it might seem as though that's a very high salary - and it is - but in that section and for that work, it's actually probably in the midstream.

I want the committee to know that it went through an appropriate assessment by the Public Service Commission. The job was rated for what it was intended to do and the incumbent was placed based on the level of experience she had in that role.

Indeed, the hiring manager would have had a number of options to post that job across government, a full civil service posting - in their own division, in their own unit, or in an excluded position. It could have gone any way. The hiring manager makes those decisions. Some of the factors that would go into that decision might be, are there people in this organization who could do this job? Because they had just gone through a transition,

frequently after a transition, we will do internal competitions so we can be sure that people who got moved around in the transition have an opportunity to apply for the jobs that are left.

That's what happened in this case, I believe. I can't speculate on why the hiring manager chose to only open the position in the Executive Council Office. I can say that my role as the Public Service Commissioner is to ensure that the options are laid out and that the options chosen are appropriate.

It happens in government - I would say that we do internal competitions for excluded positions anywhere between 30 and 40 times a year. Sometimes within departments, positions are used as development opportunities or opportunities for micro-missions so that employees can develop. In fact, in our recent employee survey, one of the things that employees pointed out to us was a desire to have more opportunities to move around internally so they can develop laterally and develop skills that would allow them to move up.

MR. CHAIRMAN: Thank you. Mr. Wilson.

MR. GORDON WILSON: I certainly thank you, Ms. Langley and Mr. King, for being here today. I cannot stress enough how important it is for everybody to understand the complexities and the nuances of the hiring practices. I was a civil servant myself for 30 years, both on the collective bargaining side and on the excluded side in management, and participated in a number of hiring practices and reviews. It is a tremendous piece of policy and guidelines that we have that we follow.

Before I ask my questions, I would also like to thank all the civil servants that we have out there. We are blessed with a tremendous group of people right across the board who work for us, each and every one of them. Being part of that, I certainly lived that.

With over 10,000 FTEs across all the departments, the complexities of the competencies, the salary scales, and the positions ever moving - I believe it was in 2009 that there was a complete review right across all of government. I was part of that and actually not only wrote my own position description, by the way, but participated in overseeing staff who wrote their position descriptions. It was a tremendous process. It reset the bar in a lot of ways right across government.

I'm curious about how we keep our eye on the ball. I know as we create new positions, we're constantly challenging those positions on where they set. But across the whole spectrum of government, how do we ensure that the playing field is level in regard to competencies and salaries matching up where they should be across all departments?

MS. LANGLEY: That's a very good question. We've done a lot of work on this. We actually have a leadership competency dictionary. It looks at the various competencies that are appropriate for Public Service jobs. It is put together in conjunction with the Hay Group, but it is specific to the competencies that we identify as important to us in our jobs and our benchmarks in Nova Scotia. I actually have it here - it's called the Behavioural Competency Dictionary for the Government of Nova Scotia.

If you look through the clusters of competencies in this dictionary, you'll see that it actually outlines the competencies for every single level. For example, if you're in an entry-level administrative position, it will identify the level of competency that you would require to hold that position, no matter where you are in government. The level of competency gets increasingly more complex and more demanding the higher the level of the position is.

When we moved to competency-based hiring, which our employees actually love - they can look through this. They can understand the competency level they need to have. We have coaching available at the Public Service Commission which will help people understand what they need to do to develop those competencies. If people come to us from outside, from external to government, we offer them the same kinds of opportunities to speak to people about how to develop these competencies, what kind of skills and examples they need to show, and what kind of experience they have.

What that does is, it gives everybody a level playing field, but it also allows us to have that consistency across the system.

MR. GORDON WILSON: You touched on an important part. With all the employees that we currently have at the Province of Nova Scotia, there is a process where they can reach out or find this information. Is that proactive, or is that reactive? Do we actively go out and engage them as a province and say, here's the best way for you to understand exactly where you fit? Or is it just tucked away in a manual somewhere?

MS. LANGLEY: We have an actual online platform called MyHR. It's available to all employees of government and their managers as well. MyHR is actually an online tool that allows people to go in, and there are development opportunities on MyHR. There are these kinds of dictionaries. There are actually people that they can engage with, ask questions to back and forth around development. This is a place where people can use it right now as their own - it's like a library for information around hiring, competencies, training, our policies, our guidelines, the Civil Service Act, any number of things where you can log in and it's available to all employees in a place.

We also push out every year our - during the learning and development season to all public servants, so I would send a memo out or the director of our learning and development operation would send out memos and our calendar of things, development opportunities for people, whether they're in the leadership development series, a certificate series, or whether you just want to come in and understand Microsoft, for example.

MR. CHAIRMAN: Mr. Lohr.

MR. JOHN LOHR: Thank you for your presentation. Certainly, in your description of the whole process, I realize there are many acronyms and many parts of that that I fail to understand.

I do want to go back to the Marilla Stephenson hire. What I understand - and I hear what you're saying, but Marilla Stephenson had the opportunity to review the job description. It was posted for six days within the executive branch. There was no outside competition for the job. Marilla, to say the least, is a very well-known Nova Scotian. There is a perception that this was a political hire. I guess I would like you to maybe address that perception. Did that perception damage the PSC, in your opinion? I think I heard you already answer that that perception is not justified. I expect you'll say that, but did this damage the perception of the government?

MS. LANGLEY: Thank you for the question. It was very difficult going through that because understanding what truly happened and understanding how it was being portrayed was difficult for many of us.

Ms. Stephenson was not a political hire. Ms. Stephenson was brought on by the One Nova Scotia Commission through the Office of Priorities and Planning. The One Nova Scotia Commission had all three Parties at the table with business and community members and was supported through the Office of Priorities and Planning, Communications Nova Scotia, as a way to resource the One Nova Scotia Commission without having too much stress on it financially.

That was not a political appointment. The hiring at the Executive Council Office - again it was not a political hire. It was a civil service hire. I consulted her on the job description. I would say to the committee, that is not an unusual practice. It is, in fact, in our job description writing guidelines, if you look at Section 4, you will see that it explicitly states that hiring managers doing job descriptions may consult with employees specifically when they have to make sure that they are capturing the functions and the duties that need to be in the job description.

So, in fact, I understand how a string of emails made it appear, but I can tell you that it happens frequently that we consult with employees on job descriptions in the public sector. It is specifically because they are the ones on the front lines performing the duties.

In this instance, the reason she was the only person consulted is because we had good information on the communications aspect of the job. We had very good information on the policy aspect of the job. The one area that we just needed to be sure we had right was - and this was the hiring manager, of course, who was very taken with the work that

was done with the One Nova Scotia Commission, not with the candidate specifically, but with the work and we needed to just make sure we had that. It was as simple as that.

MR. LOHR: I appreciate what you're saying. I think I have to beg to differ with the analysis simply because - and as we all know, Marilla Stephenson was an extraordinarily effective critic of the previous government through her writing at *The Chronicle Herald* so she's not an ordinary citizen. In fact, early in the government's term she was critical of the Glennie Langille hire. She was seen as a person who was very accountable to the ethics of the government and government action, and for this all to suddenly go this way, the optics of that were extremely damaging to the government.

Would the government not have been aware of how the public would receive this and not take more significant effort to make sure that the hiring of a person for this position - who had this reputation or this background - be more carefully done than simply having no competition, a six-day opening, and giving her the opportunity to review the job description? All those things, it just seems very political-looking from our point of view. Would you agree with that?

MS. LANGLEY: I would say that at the time of this posting this candidate had been working for government for 18 months on the One Nova Scotia Commission. I would also say that when we look at hiring, we look at merit, it's merit-based. Merit means that you look at the competencies that the person brings to the job and you assess it against the job description accordingly.

The fact that the person might have had another job or what they might have done in another life, through reference checking, you can tell if somebody has been a poor performer, you can tell if somebody isn't a good match, and you can tell if somebody's interpersonal propensities would make them a problematic hire. When you talk about meritorious hiring, it really is about what that person brings and assessing it against what the needs of the position are. This person had already been working for 18 months. Government could have renewed the contract she was on already; they could have done that. They created a position and it wasn't necessarily intended for this individual. This individual applied and this individual had the competencies. When we did the meritorious check and the assessment against the competencies, it matched. It worked.

I understand how you might feel it looked, I certainly understand that, but I can say that this happens in other hires across government many times. In our bargaining unit expression of interest - we do about 1,000 of those a year - 200 to 300 of those a year have one candidate in them, and those candidates are usually successful because under meritorious hiring, they have the qualifications for the job. It doesn't happen as often in excluded positions but sometimes it does, and this is just about that balance.

MR. CHAIRMAN: Thank you. Ms. Treen.

MS. TREEN: Thank you very much for your presentation. My question is a little different than where a lot of people are going. As our society progresses and we become more aware and more sensitive to people, for diversity and inclusion, my question is around that. What's the government doing to make this workplace more diverse and more inclusive, for people who are already in the civil service and for those who would like to join government?

MS. LANGLEY: Very good, I'm really happy you asked this question. This is something that for me is a bit of a passion and something that I think we certainly aren't good enough yet at doing what we need to do, but we're working really hard. I'll spend a couple of minutes telling you about some of the things we've done, some of the programs that are in place, and some of our hopes for how we might be able to affect this in a more positive and more aggressive way in the future.

One of the things that I think is really important for us is understanding where we are, what does it look like for us right now - what does a snapshot of the Public Service look like? In our "How's Work Going?" survey we have found that people are very reticent about self-identification for many reasons, and I think that until you walk a mile in someone's shoes, you don't fully understand all those reasons.

Recently we did a workforce census last Spring called "Count Yourself In!" and it was truly an anonymous census - well it's always anonymous. It really encouraged people to please stand up and identify, particularly if you're from an under-represented group or you feel you're from a diverse population because we really need to know what we have before we know the kinds of programming we can do.

We have the results of that survey - I'm not sure if we brought copies for you, but I can see that the committee members get them. It showed us a number of things; we certainly have a lot of work to do in some areas, but in fact, in other areas we're doing a little bit better than we thought. It doesn't mean we would rest on our laurels, and we have a lot to do, but we were pleasantly surprised in the uptake in the survey around African Nova Scotians. We also were surprised to see that we have more disabled employees, persons with disabilities, than we thought we had.

We were sad to note that we're doing miserably in our employment of Aboriginals in Nova Scotia. In areas like LGBTQ, we have a lot of people who are identifying and stepping out, feeling as though they are more accepted and that there are safer places for them, but again, a lot of work to do there - so that has helped us.

We are moving now to try to designate positions. That means we actually post them, and in order to qualify as a candidate, you must come from one of the equity groups. That's easier to do in the excluded positions at this point, but I will say that I've had some conversations with the President of the NSGEU, Jason MacLean. He's newly elected and he is really quite keen to have more aggressive discussions about what we might be able to do together on diversity, which I think is very promising for us.

We've also introduced Pathways to Advancement. Pathways to Advancement is a new development program, because what we're hearing from people from diverse populations across the civil service is, it's not that I can't apply for jobs but I'm not really getting the development I need; you're not enabling me to have the kinds of competencies and requirements that I need for the job. Pathways to Advancement is for employees who self-identify and then what we are doing with them is targeted, tailored development to suit their interests and their aspirations in the Public Service. We're working with their deputy ministers and their managers so there's an understanding that we're going to put some training into this individual so that they can move in our organization.

We've also introduced the diverse hiring panel program. We've always promised that we would have diverse hiring panels as much as we can. What we found was that we had a handful of people who sat on hiring panels, and their supervisors were getting a little bit miffed with us because we were taking them out of the workplace way more often than we should have. Right now, we are currently compiling a list - we want 50 self-identified individuals from across the Public Service who would agree to sit on hiring panels and who we can train on recruitment and selection, so that's another thing we're doing.

We have a diversity conference every two years; we just had our second one in October which was standing-room-only. We had 300 public servants at that conference; it was amazing. Dr. Marie Wilson from the Truth and Reconciliation Commission came and did the keynote. It was a wonderful day of development and sharing and heightening our awareness around diversity.

We have our employee networks that we support. These are employee-led networks that are championed by senior executives in government. They include the African Canadian Women in Public Service; there is one for First Nations employees; we have one for persons with disabilities; we have one for newcomers, primarily immigrants; and we have one for LGBTI. All those groups sit at the diversity round table so they help inform policy direction and decision, and give us feedback on where we're doing well and where we're failing - and believe me, we get the feedback.

We're also developing a curriculum-based approach to cultural competencies, so it's not just as you join the Public Service that you come in and you do diversity training and then that's it. This is a full suite of programs that we'd like to have. It's a curriculum on cultural competencies that extends way beyond a morning session on diversity so we're quite pleased about that.

We added cultural and diversity competency to the Behavioural Competency Dictionary and to the leadership competencies so that our leaders are expected to have some understanding of the importance of diversity and equity and their responsibility in making all these other things work.

That's just a thumbnail sketch of some of the things we're doing and I think we are making progress. It's never fast enough, it's never enough in terms of volume, but I'm quite excited about some of the things that we're doing.

MS. TREEN: I would like to have a copy of the survey that you were speaking about.

MS. LANGLEY: I'll make sure everybody can get it, yes.

MS. TREEN: Okay, you have these inside committees, which are great and you've added things to your manual there. Who else does the department go to - like outside sources - to use for reference, to use to help them to decide, how can we make this better, how can we do a better job? Are there outside groups that you go to, to ask for this help? Because there are a lot of them out there that do know and they really understand all those moving parts that are actually amazing when you start talking to them - like you didn't think about that, I didn't think about that. Are there any of those groups that you go to?

MS. LANGLEY: We do - probably not often enough though, I would like to share with the committee. Frequently we do meet with the Council on Mi'kmaq Education. As a matter of fact, we just had a meeting about three weeks ago, a very good discussion about treaty education - and not just inside government, but how we can do outreach in the school system, in government in particular. It was really quite a nice meeting and we've agreed to continue to consult back and forth with them - not just sit down and meet twice a year in a round table like this one, so that was good.

We meet as well through ANSA with groups across the province. I would say that from time to time, but not regular enough, the Black Business Initiative has been quite helpful with us. We have the Disabled Persons Commission, which helps us quite a lot and is quite a good support with the network around persons with disabilities.

There are some groups that we meet with, but I would say that is an area where we could do better and we could put more of a focus on engaging with those outside who will tell us, for example, how can we recruit better from some of these communities? Because maybe they don't go on CareerBeacon or maybe they don't come to the government website. So how can we reach out so that we're using better recruiting practices and so on?

MR. CHAIRMAN: Ms. Mancini.

MS. MARIAN MANCINI: I would like to start with just a bit of a preamble. I'm kind of interested in talking to you a little bit about conflict of interest here this morning. In the legal community, in the world of justice, there is an old, well-standing principle: "Not only must Justice be done; it must also be seen to be done." That has been clarified a little bit over the years by suggesting that that means the reasonable person - not a person with legal expertise, but the reasonable person - the average citizen who has taken some time to consider the issue is satisfied that there has not been an injustice.

I think that when I look at this, the Conflict of Interest Policy says it "may be real, apparent or perceived." - and it's the word "perceived" that I think is crucial, because a real conflict of interest is not a difficult thing to ascertain. It's pretty clear. It's as close as we can get to black and white, but perceived is not. We get into very grey areas here.

In this day and age, in our duties as MLAs and individuals in the Public Service, I think we have to adhere to a very high standard and I think that the public expects that of us, and I think that the public in this day and age is not very happy with many of us. There is a perception out there that things aren't going well, that maybe we're not adhering to high enough standards.

I look at this situation with Marilla Stephenson. It appears that she wrote the job description. You say she was consulted about it, but we FOIPOP'd and there was an email where you asked her to take a crack at writing a job description. I'll ask you to address that; that's what I understood happened. You do find out at a certain point that she's the only applicant. There are red flags here, whatever it was: her being consulted, then the only applicant, and then having her personal services contract retroactively renewed to make her eligible for the position. To me, there are three glaring things here that could really make Nova Scotians shake their heads about this hiring; in fact, I think they did.

I guess my question to you is, do these things - at least at a minimum - not make us perceive a conflict of interest?

[10:55 a.m. Ms. Joyce Treen took the Chair.]

MS. LANGLEY: I understand how it may have appeared. But I would submit to the committee, and I say this with tremendous, tremendous respect for my former colleagues who work in the media - I was a journalist for a good long time - what happened was, there was a string of emails that somebody extrapolated or made a story from without really having or really wanting the fullness of what happened here. I will say that - and I'm not throwing my media colleagues under the bus. They have what they have to work with, and they've got to make do with what they have to get their stories done on time, and I get that.

The email that I sent to Catherine Blewett and Marilla Stephenson said, take a look; Catherine Blewett has to sign off on the email. It wasn't for her to take a crack at writing the job description. I wrote the job description. It was to ask, did I get it right? That's what that email was. The fact that she was the only applicant could never have been foreseen. There were 30 people who could have applied for that position. I cannot speculate around why they did not, but the fact that we only had one applicant is something that I can't speak to.

I understand what you're saying, and I understand what it may have appeared to be. We have hirings that are almost identical to this one; they don't get the kind of scrutiny that this one got, and I'm not sure why that is. I would not want the committee to think that I don't understand how this appears, but I do want the committee to understand how it happened and it was my duty to make sure that the pieces were done okay as the Public Service Commissioner. I was not the hiring manager and I didn't make those decisions about that. I certainly would say that in spite of how it might appear, there was nothing untoward about how this hiring occurred.

MS. MANCINI: I accept your answer. I guess the problem for me is that when you do find out these things, when you realize there's only one applicant, then you have to look at that perception very directly and say, wait a minute, we need to revisit this, because this does not look good. It has the potential to throw the whole civil service into lowering the standards and lowering the perception and the quality of the work that people do.

Also, I guess I'm just wondering if you could say to us, did you not consider, when you did consult with her, that she might be applying for the job? If you didn't, did you ask her if she might be considering applying for the job?

MS. LANGLEY: No, I did not ask her if she would be applying for the job, but I certainly thought that she might apply for the job, as others might have.

I would also like to say this to you about the one applicant. We frequently have competitions where there is only one applicant. Our duty then is to see if that one applicant is qualified. If the one applicant is qualified and we assess them against the competency, we offer them the position. If the one applicant is not qualified, then we would reissue or repost the position. That's what happens.

In our expression of interest for our bargaining unit employees - and I mentioned we have about 1,000 of them a year, but 200 or 300 of those a year would have one applicant. What we typically do then is look to see if that applicant meets the minimum qualifications of the job. Under our collective agreement, if they do, they get the job.

It's a similar concept when we have excluded positions that are internally competed and if they meet the minimum qualifications, our duty is to see if the competencies matched and they get offered the job. If they don't match, we would then go outside and do it again.

MADAM CHAIRMAN: Mr. Wilson.

MR. GORDON WILSON: I'm also interested in the area of government. I know the challenges out there on recruiting and hiring people. I hear a lot of challenges, certainly in the private sector it's huge. Rural Nova Scotia versus the urban area, it's a challenge different also for government. In rural Nova Scotia, these government jobs are prized in the ability to recruit. When you post one of them, you have a lot of applicants. It's probably a little different in some of the more competitive areas where you're seeking professionals certainly in Halifax and Sydney and places like that.

I know it's about striking a balance also. We don't want to be poaching from the private sector, but in saying that, we want the best people we can get every day. How do we strive to be the employer of choice in that diverse world we have where we're competing all the time? How do we continually manage the expectations of our fiscal plan around that to do that, with our packages? How do we keep competitive and ensure that we keep getting the best people we can?

[11:01 a.m. Mr. Chuck Porter resumed the Chair.]

MS. LANGLEY: Being an employer of choice brings a lot of elements to bear. What I go to immediately is looking at some of the drivers of engagement. These are the things that will actually attract and keep people in the workplace.

In government, I think we are fairly well paid, compared to others in the private sector, I would submit, although we lose people sometimes to higher-paying jobs. That sounds like a contradiction in terms but in fact I think we are well paid, by and large it's secure, and yet we still have a challenge with being able to attract and keep people sometimes.

Some of the things we try to do are keep our finger on the pulse of what people are looking for. For example, the learning and development that I started talking about earlier, we took a really good look at that just over the last year. In our 2015 employee survey, when people talked about opportunities and hiring, what they were telling us was it wasn't really the fact that they didn't have opportunities to apply for jobs but they weren't having opportunities in their minds to have access to development. We took a look at our learning and development centre and thought, how can we do this?

We've changed our leadership and development program so that it's more curriculum-based, so that aside from some mandatory things, courses that you must take at each level, employees would have an opportunity to tailor their leadership development, based on the areas of work that they're doing and their strengths and their aspirations in the Public Service. We're getting some tremendous feedback on this.

We also have more on-ramps to the learning and development in the leadership program which I think gives people more opportunities to decide that they want to try something new or they want to develop stronger competencies in an area where they're already working. That has been great.

We've also introduced certificate programs so people can apply to do a certificate in communication for example, community development for example, or employee relations - some of these things that can really add to their suite or their portfolio, if you will, as they grow their careers.

We have also been piloting the opportunities for flexible work options, and to some really good success. Flex work, or Flex NS, as we're calling it, offers people who might have young children or people who are caring for aging parents, the opportunity to work with their supervisor - with operational requirements in mind of course, but the chance to maybe look at adjusted work hours, maybe working from home a day or two a week if we can do that, opportunities to maybe be connected technologically to the workplace, like inspectors, for example, who are operating out and around the community all the time. They are connected by phone and they don't have to be anchored to an office. Things like that, that would allow our employees a better quality of life and work/life balance. These are some of the attractive things that we are trying to do to offer ourselves up as an employer of choice.

Attention to diversity and equity is a big deal because we want to attract people from diverse backgrounds, and so creating a welcoming workplace where people can be safe and bring their whole selves into the workplace is an important part of that as well. Am I missing anything?

MR. ROLLIE KING: Do you want to talk about the balance, internal/external?

MS. LANGLEY: The balance around keeping your workplace - I guess, giving opportunities for people to move around inside the Public Service and move up, but also balancing that with attracting new people.

We are finding that we have a focus right now on trying to bring young people into the Public Service and it has really revitalized some of our office settings in a way that you can't even imagine. We launched a program last November called Youth in the Public

Service, and it was geared towards being very specific about hiring people under 35. It has been a tremendous boost and addition to our civil service, I think. It's going very well.

MR. CHAIRMAN: Just before I move on, we're only on one question this round and subsequent rounds - Mr. King, feel free, if you wish, as a witness at the table, you can jump in in addition or add to if you like. You don't have to deal with her and back to us, feel free to speak freely there. Mr. Orrell.

MR. ORRELL: If I may, I would like to go back to the hiring of Marilla Stephenson. In a former life, I worked in the health care system and had the opportunity at one time to be in a management role, and had the opportunity to be involved in the hiring process. We were hiring a physiotherapy assistant and in the physiotherapy assistant description they were looking for someone with a water/pool type of therapy experience - not normally done if it's a program or whatever.

We had one lady who had been doing a temporary position with us who was ineligible to apply for that job because the skills she gave in the temporary position would have given her an advantage over the people who would have been applying for the job, so they disallowed that. That was done through the HR department who consulted with other people within the government and so on and so forth. That happens, and quite frequently they don't know the answer.

So it would seem that in this job - a political appointment at the time - Ms. Stephenson went to the One Nova Scotia Commission as a political appointment for a 15-month period, three months was added to the program. How long would this job have been in the works of creating - and it seems like the position was extended three months so that the person would have the skills, would still be employed, and would just move into the new job, if that was the only person applying.

I guess, with only a week of posting for the position, it almost looks like the person knew who was going to apply for the job and if the 30 other people didn't have the skills of the One Nova Scotia experience, it seems like the job would have been tailored to that. I understand what you've said so far and I appreciate that, but we as politicians and people who are into my office thinking that I would love to have applied for that job, but I couldn't because I didn't have those skills, and previously that was the case.

Can you explain to me, if that was the case, how long that job would have been in the development stage? It seems to me the job was extended for Ms. Stephenson because of a job that was in the makes and it was being tailored for that person.

I'm not denying that Ms. Stephenson might have been the best person. Maybe she's doing a good job, but there are perceptions out there that this was the case. So if that job was being tailored and wasn't ready and this was extended - can that be explained to me, I guess is the best question.

MS. LANGLEY: First I'd like to say one more time that Marilla Stephenson was not a political appointment. She was engaged by the Office of Priorities and Planning as a policy and outreach employee who was assigned to the One Nova Scotia Commission, which was an all-Party effort. She was not a political appointment, I would say.

To answer the other part of your question on the extension of her contract, I wasn't a party to the extension of her contract, I don't know how that came about. I do know that the functions she was performing because of - what she was working on was budget at the time, they needed hands-on budget. There was also some business planning work she was doing - she was actually the author of the government business plan at the time and she was doing some work on labour relations.

At the time, you may recall we were working with doctors to try to come to some agreement and she was doing some support to the team that was working on that file. I know there was work there that she was doing but I don't know, because I wasn't there, the manner with which her contract was extended. I've lost the other part of your question.

MR. ORRELL: I was asking the time frame to develop this new job.

MS. LANGLEY: Oh, when they came, right. I'm having a hard time remembering when I was actually called and asked to write this job description or when I first became aware that the deputy of that department had conceived of this position. It was shortly, though, after there was a reorganization of the Office of Priorities and Planning and the Executive Council Office. Those offices were brought together and I think it might have been in January or February of that year, but it would have been later than that that I was phoned and asked to help write this job description.

Mr. Orrell, I have no issues whatsoever to go back and look at my notes in my office to try to determine when exactly I was called and brought into it, because I don't want to give the committee a wrong answer. But I can answer you in terms of when I was actually engaged to do that.

MR. ORRELL: Thank you, I appreciate that.

MR. CHAIRMAN: Mr. Lohr.

MR. LOHR: I guess there is, and maybe you can clarify this, as I understand it there are the political staff which would have personal services contracts and there are the civil servants who are permanent and would stay after a government goes. It was my understanding that Marilla Stephenson was part of that political staff, she was on a personal services contract, and then through this process that we are discussing, went on to become part of the civil service.

I guess I would just like you to confirm that. Was she not working in a personal services contract prior to getting this full-time civil service job?

MS. LANGLEY: Yes, sir, she was working on a personal services contract, but I would remind the committee that the personal services contracts are not exclusively used for political hires. I think I explained in my opening remarks that the reasons we use personal services contracts are for short-term work, project-based work, work for which we require specific expertise, as well as for caucus offices, constituency assistants, and political staff that would belong to the Premier's Office.

This personal services contract was for short-term work that was associated with the One Nova Scotia Commission. It wasn't of a political nature; it was an effort to staff the One Nova Scotia Commission through the Office of Priorities and Planning. It wasn't a political personal services contract.

MR. LOHR: So how do you know if a political contract is . . .

MR. CHAIRMAN: Thank you, Mr. Lohr. You can come back to your question when we get done.

MS. LANGLEY: I'll hold the thought.

MR. CHAIRMAN: Ms. Mancini.

MS. MANCINI: Since we're on personal services contracts, this question relates to Bernie Miller. As I understand it, he has one of the top civil servant positions in the province - he's the Deputy Minister of the Office of Priorities and Planning. He has been allowed to be paid through a personal services company, and as a result of that, he would pay less in taxes.

I actually remember - it was Maureen MacDonald at the time - the Premier was being questioned in Question Period and he suggested that because of this arrangement that Mr. Miller is kind of less of a burden to the taxpayers. I'm assuming he meant because he wasn't paying any benefits, which I felt was quite a slight to the civil service, especially when you think that he will be paying less in taxes. But my question is, is this type of arrangement a standard practice?

MS. LANGLEY: Mr. Miller's contract was a professional services contract, not a personal services contract. In fact, that arrangement ended in January 2016, I think; I can double-check that date. Mr. Miller ceased to be a deputy minister at that time, and he is currently a special adviser to the Premier. He is contracted through McInnes Cooper Business Solutions. He is contracted through a company at this moment.

MR. CHAIRMAN: Mr. Gough.

MR. STEPHEN GOUGH: Thank you very much for your presentation and most definitely the responses to the questions that are being asked. More and more today, we hear a lot about mental health and mental health awareness. I'm just wondering, what is the government doing to create a workplace that promotes and protects employees' mental health? Also, is this approach effective?

MS. LANGLEY: I would say that we are extremely proud of our work in psychological health and safety. We are in very, very early stages, but I would say that Nova Scotia was the first province to sign on to the psychological health and safety standards that were created by the Canadian Mental Health Association. That national voluntary safety standard was created for workplace psychological health and safety in 2013. In 2014, we signed on with 43 other organizations in Canada, including the NSGEU and what at the time was the Capital Health District.

We've done a lot of work on destigmatizing mental health in the workplace. We've trained over 2,000 people in a program called The Working Mind. The Working Mind is really intended to help people recognize their own mental health triggers or mental illness triggers, depending on how you want to frame it. They are also trained to recognize when a colleague might be going through a period where they might need a helping hand or they might need somebody to assist them. We're working very hard on that.

We've also got mental health first aid training that has gone on across the Public Service. We have had some very good engagement with the Nova Scotia Government and General Employees Union on partnering on mental health programming, particularly in areas where we see it in a more pronounced way. I would say, for example, in corrections with the Department of Justice, and our caseworkers in Community Services, just to name a couple of areas where we would like to see some concentrated effort on helping with mental illness.

We also have - through our engagement with Morneau Shepell, through our Employee and Family Assistance Program - been able over the last couple of years to really get a good handle on the incidence of mental illness in our workplace. I would say that we have all been quite staggered by what we're seeing in terms of the number of individuals taking short-term leave to get help and also those who are ending up on long-term disability. The NSGEU and the Public Service Commission is working with the long-term disability fund board on what we can do to actually get at helping our employees in a more aggressive and robust way. While this sounds quite alarming and concerning at the moment, I would say that we feel as though we have everything we need to move forward in a really aggressive way so that we can be helping our employees.

MR. CHAIRMAN: Ms. Treen.

MS. TREEN: My question is about advertising, posting, for these job opportunities. I've heard CareerBeacon, but could you elaborate on what methods you use to advertise these job positions? Are we thinking about going down another road so that people are aware that these jobs are out there?

MS. LANGLEY: Currently, all our external job postings are posted on the government website, and you'll find them on CareerBeacon as well. There is a very odd time when we'll use newspapers to advertise, in other jurisdictions perhaps, depending on what we're looking for. That's really how jobs get out. We also, I think through Communications Nova Scotia, sometimes use social media and LinkedIn to be able to get certain jobs out there. Sometimes that's a very productive way to get things going.

I'll say that in January, we're looking to launch a new platform called Success Factors. We're really quite excited about it because Success Factors is a broad platform that would be used across the entire Public Service. I think education has already signed on, the education sector, and health, so we're signing on as well. Success Factors is a hire-to-retain program. People can actually set up profiles in Success Factors. Whether you're inside of government or outside of government, you can set up a profile that tells the system what kind of jobs you're interested in, what kind of skill sets you have, where you live, whether you'll move, and what kind of development you have. People can update their profiles just the same way as they can on LinkedIn.

Advertisements, job postings, will be pushed out based on the profile that a person sets up. For example, I want to know about every policy job that is posted for the Province of Nova Scotia. Whether you're inside or outside, they will be pushed out to you. It allows you to manage your career throughout your entire career. We're quite excited about that. I think the panel would be interested to know that no matter where you live, there's actually a map as part of this platform where you can click on your community, and it will show the jobs that are available in your community or in the surrounding area so that you and your constituents would know at any time what opportunities are available for them. That's called Success Factors. We're quite excited about it. I think it will really, really help us recruit beyond some of the typical means.

MR. CHAIRMAN: Mr. Wilson, one question.

MR. GORDON WILSON: A follow-up to my previous question - I guess that's the way we can get our follow-ups in. I had an experience recently with my son, an audio engineer, a brilliant young fellow. He gave up a job with a very well-established company mainly because it was just too structured of a job. It just wasn't a fit.

I know how we're experiencing the challenges of recruiting doctors. The differences of these younger - I don't know if it's Generation X or what generation we're talking here. That group of people, their work-life balances are huge. What they want to experience when they go to work for us is not what my values were.

What are we doing? I know you mentioned the flex work options and things like that. I know it's also difficult in our workplace to sometimes accommodate all these things. What are we doing within the civil service to try to move as that expectation and that bar moves for those younger people to go back to making us the employer of choice? That flexibility is a lot easier in the private sector than it is in the public sector.

MS. LANGLEY: What we're noticing about younger workers is that they aren't afraid to leave. I can remember in my day, when you got a job, you held on to it for dear life. They're not afraid to leave.

Aside from the flexibility and the flexible work options, what we really want to offer them in the Public Service is mobility. We have 20 government departments and agencies. We have opportunities with mentoring, with micro-assignments, and with development opportunities through secondments and various other things to allow some movement inside the Public Service. That's what we're hearing that they like and enjoy. It allows them to expand the scope of their career or the suite of tools that they have in their tool kit. That's primarily what we're doing.

The other thing is that young people want to be part of the decision-making process. In bureaucracies and particularly in the Westminster model, it's very hierarchical. Decision-making goes up and down. Young people feel as though they have great ideas, innovative ideas, and they like to be invited into the conversation. So more and more we are trying to encourage managers and supervisors and others to make sure that's part of the diversity at our table - when we're at decision-making tables - that we're inviting some of those younger voices in to be part of the conversation.

MR. CHAIRMAN: Mr. Lohr.

MR. LOHR: I'm just looking at your website on fair hiring guidelines and I noticed that it says here that "Employees and members of the public must be provided with reasonable access to notification of career opportunities within the Government of Nova Scotia." I see three exceptions to that. One is in the event of departmental restructuring, which I understand was not the case here. Clearly, Marilla Stephenson was not part of a bargaining unit already and she was not a current civil servant. She was not in the civil service. It was a personal services contract, be it political or not political. I guess I'm still interested in that issue - was it political or not, how do you determine that?

I'm just saying that in my opinion, just quickly reading your site, none of these guidelines were followed and advertising was not done for this position for Marilla Stephenson. I'm just wondering, can you tell me, why did you not follow your guidelines?

MS. LANGLEY: In fact, the guidelines were followed. This was a case of a restructuring. There was a restructuring of the Office of Priorities and Planning that was transitioned in with the Executive Council Office. When that restructuring occurred was when the deputy minister of the day realized there was a gap in making the connection across the areas of policy from the Executive Council Office to Communications Nova Scotia and to the public.

It was a result of a restructuring and Ms. Stephenson as a personal services contract employee - and I think I might have said in my opening remarks that personal services contract employees are treated as civil servants in every way. The difference is that they have an end date to their contract, but they're treated like civil servants in terms of the expectations of the hours they keep, their vacation time, their access to benefits, their requirement to follow the civil service code of ethics, and various other things. She was eligible to apply for the position and it was the case of a reorganization.

Even on top of that, we do internal postings across the Public Service dozens of times in the year. I mentioned that our bargaining unit - it's hundreds of times. So once again I would like to stress to the committee that there was nothing untoward about the ways that this hiring occurred.

MR. CHAIRMAN: Ms. Mancini.

MS. MANCINI: I'd like to go back to the question I did have about Mr. Miller. You indicated it was a professional contract as opposed to a personal services contract. I'm not aware - at least at this point I'm not aware of the differences there, but I would submit that the bottom line on it is that it's a variation from the standard practice of hiring a civil servant, particularly in this position and would likely not be a standard practice.

I'm wondering if you can answer this for me: is it not a double standard for one civil servant to be treated in the way that he was compared to the way everybody else is treated? Maybe this is the reason why he's no longer there.

MS. LANGLEY: Mr. Miller's contract was a professional services contract, not a personal services contract. It was with his company and he was not a civil servant; in fact, it might surprise you that deputy ministers are not technically civil servants. They're Order in Council appointments.

On that note, I think that professional services contract was struck between a former clerk and Mr. Miller, and it was with Mr. Miller's company. I think that was explored quite aggressively in the press at the time. I'm not as familiar with that as I perhaps should be,

except to say that I know that contract ended and Mr. Miller's appointment as a deputy minister ended and he is now a special adviser under a different arrangement.

MR. CHAIRMAN: Mr. Wilton.

MR. WILTON: I wonder if you'd just go back a little bit to CareerBeacon. You mentioned younger people, trying to keep them in the province and you're opening the door to some government opportunities. They tell me that they go to CareerBeacon, they apply, they get a number, and they wait. What is the process between CareerBeacon and the province? If 200 or 300 or 400 people apply, do you go through every one of those applications?

Some people will come back to me and say, is there a different approach I should have taken when I'm applying for these online? Can you maybe talk a little on that?

MS. LANGLEY: I can. We hear this too. We hear that it's very frustrating for Nova Scotians - whether they're young, whether they're mid-career, or whether they're older workers - to apply for positions and not hear anything. We're trying to fix that so that at least you get some kind of a "we got your application" response. No matter how many applicants we get, they are screened - every single one of them.

When you have 200 or 300 young people apply or 200 or 300 people apply for anything, it's really quite difficult to get back to them all. I would say that it's because we have very limited resources in terms of being able to actually go through those 200 or 300, and they're put on a screening grid and so on. Having said that, I think we can do better in terms of contacting people back, I don't think we do a good job of that. I do know that people wait for a really long time, clinging to hope that they're going to get that call for that interview, and when it doesn't happen it's quite disappointing. I would say that's one that I can tell you we are working on.

I'll tell you that when we did the youth employment call last year, we actually had about 83 positions altogether. We started with 70 and departments kept coming forward with younger positions. We had over 5,000 applications for 70 jobs. We had a team that worked through Christmas so that every single application was vetted. As far as I know, we asked that every single person who applied be contacted back and we had a team that did that. I was really quite proud of the work they did.

On our younger worker initiative we really do try to make contact back but we have to do that across all our applications, I think.

MR. CHAIRMAN: Ms. Mancini.

MS. MANCINI: My question is related to the fair-hiring practices. It relates to the hiring of the Chief Protocol Officer immediately after the general election in 2013. There were concerns about whether this government used the principles of merit when hiring a Chief Protocol Officer. The fair-hiring policy of the Government of Nova Scotia states: "Hiring activities in the Government of Nova Scotia are based on the principles of merit, and guided by public service values that include respect, integrity, diversity, accountability and the public good."

There were some concerns raised. The position was given to the Premier's former communications director who had also run as a candidate in the 2013 election. I don't think that someone having been previously involved with the Premier or a governing Party should be precluded from working in government, but documents we got through FOIPOP application requests raised the question of whether this was a hire on merit or was it patronage.

Just two days before the Premier was sworn in, this person sent an email to the Premier's chief of staff and said, "Here is a resume, I really don't think it works for the purpose you requested. I am trying to get it [re-jigged]." Then 11 days later the person emailed the chief of staff, saying it would be helpful if she had a contact person in the government to address benefits and other transition issues. All this and yet at this point she hadn't even received a job description.

I guess my question to you is, was the hiring of the Chief Protocol Officer based on merit?

MS. LANGLEY: I think I might have addressed this particular hiring here at another sitting. At the time, I remember stressing to the committee that there is really a suite of tools available that affect hiring - personal services contracts, temporary assignments, we have expressions of interest, and we have full hiring.

What merit-based hiring means is that if the person is actually qualified for the position, and in this instance, I believe that the personal services contract was the mechanism used. The test would have been to see if that particular candidate had the qualifications or the competencies for that position.

Unfortunately, I wasn't around at the time that the hiring occurred, or was just perhaps taking on this role and I was not involved in it. My understanding was that the person met the test and was given a personal services contract for that position. In using personal services contracts, the test was met.

MR. CHAIRMAN: Mr. Lohr.

MR. LOHR: I guess in sort of a twist here on this whole thing, I'd like to quote an article written by Marilla Stephenson on February 7, 2014, about the Glennie Langille hire. She said:

But that, sadly, is not the point. The integrity of the public service - access to which is supposed to be based on merit, not patronage - is damaged when a premier feels compelled to remove a job from its jurisdiction in order to reward a good friend and political loyalist.

The premier declared in December that he was being "up front" about the appointment, and in almost the same breath defensively said Langille's resume was the only one to land on his desk.

That was from Marilla Stephenson. Here we have two cases where there was only one resumé. In my opinion, this damages the Public Service Commission and the Premier, that things are being done this way. I would like to hear your comments on that.

MS. LANGLEY: Well I guess it's safe to say that Ms. Stephenson certainly didn't take any sides when she was a journalist, that's for sure.

Look, we have 1,800 hires a year. In this instance, we had a hiring manager who conceived of a job. We had a job description - we followed the job description writing guidelines to the letter, getting that job description done. The job description was rated by the classification unit at the Public Service Commission, using the Hay method, and it was scrutinized.

The hiring manager had options around how she wanted to have that job posted. She chose to have the job posted just for her Executive Council employees. That is perfectly legitimate and acceptable, it happens in the Public Service. There were 30 people who could have been eligible to apply. The fact that only one did, I can't speculate, but there could have been any number of factors.

It might have been that some of the people at the Executive Council Office are in jobs that are rated higher, so would have been paid higher. It may have been that one of the requirements of that job was to be available 24/7, on holidays and on weekends, I'm not sure. I do know that one person applied and we assessed her competencies against the job requirements and she was offered the position. That is not unlike we handle hirings in any other area of government.

MR. CHAIRMAN: Mr. Wilson.

MR. GORDON WILSON: Actually you could consider this my third follow-up on my original around employer choice. It's something that I can remember very clearly as a manager within the civil service and I'm sure it's even more challenging now. When you made the comment - and that was the decision that my son made - they'll quickly leave. They'll go, no fear whatsoever. It's around engagement of the workforce and I can always remember to make sure that they were feeling their work was valued and their work was fruitful - some wanted input back, some didn't.

I know we do a lot of 360s and those kinds of things within the civil service, but with the changing dynamics that we're seeing out there of our employees, how does government keep that workforce engaged?

MS. LANGLEY: Actually, the inter-jurisdictional Public Service Commissioners group has a working team on employee engagement. I don't know if I'm happy or sad to share with you that every jurisdiction is having the same struggles around really engaging employees as we do. In fact, we're not even unlike the private sector. The benchmarks around engagement say that if you've got a 60 per cent engagement mark, your employees are engaged. I would like to see that be a lot higher, but we do meet the threshold for engagement.

The thing that I think we need to realize, and that we work on quite strenuously with departments, each having an engagement strategy - every single department has to have an engagement strategy. At the Public Service Commission that strategy drills in, but we also have the responsibility for trying to provoke engagement in a corporate sense, so we have a corporate engagement strategy. It's called Pride in the Public Service. What we're trying to do is create conditions or corporate approaches to being able to engage people.

We know from our research - and it's not unlike in other jurisdictions - that mid-managers and people who are mid-career are amongst the most disengaged because they don't see that there is promise for them and they don't see opportunity for themselves. They kind of feel like they're stuck in the middle, there are programs for young people, and older people are engaged because they're excited about getting out the door sometimes.

We actually now have somebody focused on mid-managers and we've got a few people looking at how we engage our mid-managers in government, because if you have a disengaged manager, chances are your employees are going to be disengaged.

We do take the data that we get out of that workforce survey quite seriously. We drill into it and we try to understand the aspects of some of the things that are not scoring high for us - the aspects of it that we have to focus on.

I mentioned to you around hiring opportunities and we found out that it wasn't that they didn't feel they had opportunities - it was that they felt they weren't enabled. They felt they couldn't connect in.

On leadership practices, we found out that what we thought was trust and respect, we felt it was an interpersonal manifestation, and really what employees interpret as trust and respect is: give me autonomy in my work and trust that I'll do it well, so don't be over my shoulder. There are some really interesting aspects of it that you don't realize unless you drill in.

I would like to give the committee some confidence that we don't just do that survey every couple of years and then put it somewhere. We are actively working on where we need to drill in and we require every single department - because every department has a different personality and a different culture and they have different needs and different benchmarks, and they even have things that are different in terms of their results, so we require that they are looking at it all the time. Deputy ministers have that as one of their targets: to ensure that they are working on their employee engagement.

MR. CHAIRMAN: I think we have enough time for one more question from each caucus if they would like. Mr. Lohr.

MR. LOHR: I'm interested in maybe just a brief description of your role as Public Service Commissioner. Would it be your responsibility if you saw a hire that was done offside or if you saw something that was a conflict of interest, much like the Auditor General would have the role of speaking out about something like that, would that be part of your role? Would it be your responsibility to call the government to account on something that was not done correctly in a hire in the system?

MS. LANGLEY: Yes, that would be part of my role. Part of my role is to be accountable to and to take a leadership role in ensuring that the legislation, the policies, and the various guidelines and applications of the things that hold us accountable are executed in an appropriate manner.

I would step in if I thought - and so would my staff. I have extraordinarily competent managing directors and human resources business partners. They are all keenly aware of their accountabilities in all these respects. If they see something that's not appropriate, they are quick to bring it to my attention and I am quick to step in.

Sometimes it happens in a very innocent way - usually it's hiring managers that just aren't as familiar with what the protocols are. One of the reasons why we have MyHR is in an effort to be able to train and educate hiring managers because sometimes people don't hire all the time. They might hire once every year or two or six months, and they might not understand what those protocols are. I would say that it doesn't happen very often, but

when it does, it would be my job, and I would hold all my team members accountable. Part of what we do at the Public Service Commission is ensure that there is integrity in the system.

MR. CHAIRMAN: Ms. Mancini.

MS. MANCINI: I don't want to beat this to death, but I have one last question on the Marilla Stephenson thing. When I originally raised it to you, it's my view that there were some serious issues regarding perception and around conflict of interest issues. One aspect of that - and if you answered it already, I apologize, but I don't think I heard the answer to this. It's my understanding that in order to be eligible for that position, you had to be a current employee or on a current contract. Ms. Stephenson's personal services contract was retroactively renewed at the time. Is that correct? You may have said it was extended, but whatever the language is, can you explain what happened?

MS. LANGLEY: I wasn't part of extending her contract. If you're on a personal services contract, your contract can be extended quite easily if the paperwork hadn't caught up, or there was an intention to do that. That happens sometimes. I don't think that there was anything here that was suspicious in that she was actively doing work on budget and business planning. I thought that her contract had been looked after by March 31, 2016, if I recall. I don't think that it was retroactive, but I could check that for you. Even so, she was doing work, and sometimes you roll those contracts over. I'm not familiar with it being retroactively extended. She was actively working throughout the process.

At the end of the year, sometimes what happens - and this is something that we at the Public Service Commission through our database of personal services contracts, sometimes contracts and terms and appointments come up on March 31st and sometimes it's a problem on our end that things aren't extended in a timely manner. I'm not saying that that's what happened in this case, but sometimes that is what happens when we're quite busy. We now, I think, have built-in systems to raise the alarm when something is going to expire so that we don't allow it to do so.

MR. CHAIRMAN: Ms. Treen.

MS. TREEN: I know we touched on this a little bit earlier, but I'm wondering if you could maybe name some specific things that the Public Service Commission does, how they play into developing the employees and help them succeed and progress in their careers. Could you just name some specific things?

MS. LANGLEY: Sure. In our learning centre we have - well, you know about the suite of development programs that we have. We have a learning calendar that comes out where employees can sign up and take any kind of development.

We also actually have a career counsellor at the Public Service Commission, and that is somebody that any public servant can come and sit with. She will help them do career path planning and help them with resumé development. That person also meets with people from outside, those who maybe have trouble, they can't get screened in, or they don't know how to write their resumé - we do have tools online for that as well. That career counsellor can also make recommendations around what kind of learning or training is required. She also helps with career path planning, and there are a number of staff in the learning and development centre who would help people with resumé writing.

We would do interview coaching. If you applied for a job, and you hadn't been interviewed in a very long time, or you were nervous about the interview, or you didn't feel confident that you could bring out the competencies during an interview setting, we have people there who will actually help you with that. Again, we also make that available to people from outside of the Public Service so that we can be fair.

MR. CHAIRMAN: With only about 10 minutes left, Ms. Langley and/or Mr. King - you've been very quiet - if you would like to make some closing statements, that would be fine. Again, we as a committee want to thank you for being here on a very important topic. Although Mr. Wilson may have thought I cut him off short, we did get 28 questions in this morning on this great topic. Please, if you will, some closing comments.

MS. LANGLEY: I don't really have any kind of a closing speech but I would say I really welcome the opportunity to come here. I think it's really important to share with you some of the good things that we're doing and I also think it's very important to be challenged on some of the things that perhaps might cause people to question what we're doing and how we're doing it. I think you actually are afforded opportunities to improve when you're challenged and you're pressed on the items that perhaps might provide folks inside the system and outside the system to pause and look.

I want to say that one of the reasons why I felt it was very important to put in place a committee that would oversee the transactions between the Executive Council Office and the Public Service Commission is precisely because I do think that not only can there not be a conflict of interest but there should not be a perception that there would be a conflict of interest, particularly as I occupy, I have so many hats at the moment. I think that's very important and I was quite pleased to have the opportunity to share with the committee that that safeguard is in place.

I want you to know that I have a tremendous privilege in leading the Public Service Commission. We have expert staff, they work around the clock. We have an excellent Public Service and anybody who thinks that these people aren't hard-working and don't show up every day in an effort to serve the citizens of this province in the best possible way, I think would be mistaken. I am so proud of them, and as head of the Public Service, the opportunity to state that on the record is rare and so I welcome it here today.

I would also like to say to the committee that if any of you ever have any questions, please feel free to reach out and I will do my very best to get you the answers that you need and that you want and that you deserve as elected members, so thank you so very much.

MR. CHAIRMAN: Do you have anything to add, Mr. King?

MR. KING: Thank you very much, Mr. Chairman.

MR. CHAIRMAN: Thank you both very much. I guess our next meeting, to committee members, is January 31, 2017, where we will have with us the Department of Labour and Advanced Education on student employment programs, and our witness will be Mr. Duff Montgomerie. We will see you on January 31st, if not before. Thank you very much, and Merry Christmas to each person.

The meeting is adjourned.

[The committee adjourned at 11:53 a.m.]