

ACCOUNTABILITY FRAMEWORK FOR HUMAN RESOURCE MANAGEMENT



Where ideas work

All Deputy Ministers, Associate Deputy Ministers, Executives, Senior Officials, supervisors, and human resource professionals in the BC Public Service are accountable for carrying out specific human resource management functions. Everyone must meet their individual accountabilities to ensure effective human resource management within our Shared Services delivery model.

Deputy Ministers, Senior Officials and supervisors are responsible for managing their human resources within the context of applicable legislation, collective agreements, contracts of employment and the Corporate Human Resource Management Policy Framework. As well, to ensure effective accountability¹ for human resource management within the BC Public Service roles and responsibilities² should be well understood and agreed upon.

The *Accountability Framework*, below, establishes the context within which the Agency Head of the BC Public Service Agency delegates authority, under the *Public Service Act*, to Deputy Ministers, or other Senior Officials³ for human resource management.

Corporate Accountability and the Public Service Act

The Agency Head is accountable to the Minister responsible for the BC Public Service Agency for the administration of the *Public Service Act*. The Agency Head may delegate human resource management responsibilities to Deputy Ministers, or other Senior Officials, pursuant to the Act. Those to whom these responsibilities are delegated are accountable to the Agency Head for their administration of the Act. In this context, both the Agency Head and Deputy Ministers, or other delegated Senior Officials, have a shared accountability for human resource management in their organization.

Individuals who have independent statutory authorities and to whom responsibilities under the *Public Service Act* are delegated are accountable to the Agency Head for their administration of the Act.

Corporate Accountability and the Corporate Plan

The *Corporate Plan* sets out strategic context and priorities for building a strong public service. All Deputy Ministers, including the Agency Head, are accountable to the Deputy Minister to the Premier and Cabinet Secretary as Head of the BC Public Service for implementing the *Corporate Plan* and related initiatives.

¹ Accountability is the obligation to report and explain actions and decisions taken in accordance with assigned responsibility.

² Responsibility is the obligation or authority to make a decision and act.

³ A Senior Official is the head of an organization.

Individuals who have independent statutory authorities and to whom responsibilities under the *Public Service Act* are delegated are accountable to the Agency Head for their administration of the Act. These individuals share a corporate responsibility for effective human resource management.

Accountability of the Agency Head

The **Agency Head** is accountable for:

1. Establishing and maintaining effective human resource management policy;
2. Delegating human resource management responsibilities through formal delegation agreements;
3. Monitoring and providing corporate and organizational-level reporting on human resources matters;
4. Representing the employer at the corporate wide level; and
5. Ensuring that non-delegated human resource management responsibilities are carried out in a manner consistent with applicable legislation, collective agreements, *Terms and Conditions of Employment* and the *Corporate Human Resource Management Policy Framework*.

Accountability of Deputy Ministers and Senior Officials

Deputy Ministers and **Senior Officials** are accountable for human resource leadership and management within their organization, including:

1. Organizing, directing and managing the performance of staff to meet operational requirements;
2. Ensuring that human resource management responsibilities that directly flow to them through legislation or labour contracts are discharged;
3. Developing workforce plans for their organization and managing employee engagement;
4. Ensuring that human resource management responsibilities are carried out in a manner consistent with applicable legislation, collective agreements, *Terms and Conditions of Employment* and the *Corporate Human Resource Management Policy Framework*;
5. Representing the employer at the ministry level; and
6. Delegating human resource responsibilities through written agreements.

Delegation to Staff and Accountability

The Agency Head and Deputy Ministers, or Senior Officials, may assign responsibilities to staff. When they do this, they retain overall accountability. When staff are assigned responsibilities they are, in turn, accountable for their human resource management decisions.

Supervisor Accountability

Supervisors are accountable for human resource leadership and management within their business unit, including:

1. Organizing, directing and managing the performance of staff to meet operational requirements;
2. Ensuring that human resource management responsibilities that directly flow to them through legislation or labour contracts are discharged;
3. Providing regular on-going feedback to their employees on their performance and supporting employees' career paths;
4. Ensuring that human resource management responsibilities are carried out in a manner consistent with applicable legislation, collective agreements, *Terms and Conditions of Employment* and the *Corporate Human Resource Management Policy Framework*.

Individual Accountability

Employees have accountability for those responsibilities that fall to them (for example, adhering to the [Standards of Conduct](#) and reporting unsafe working conditions).

The Advisory Role and Accountability

Human resource employees who provide advisory services are accountable for the provision of sound and comprehensive advice but do not assume the responsibility of the delegated decision makers. Decision makers remain accountable for considering the advice they receive, and the final decisions they make.

Accountability for Human Resource Investigations

The employer is responsible for investigating issues regarding potential employee misconduct. Investigations are fact-finding exercises to determine what occurred and who was involved. The ability to conduct thorough and effective investigations is a key component of good human resource management.

See [Appendix A](#) for more information regarding how responsibility for human resource investigations is allocated among supervisors/managers, senior executives of line ministries and the BC Public Service Agency.

Accountability for Diversity and Inclusion

The BC Public Service has an obligation to reflect the demographic profile and values of the citizens it serves. Legislation and human resource policies reflect and support diversity and inclusion, including the Standards of Conduct and the *Public Service Act*, which states part of its purpose is to “recruit and develop a well-qualified and efficient public service that is representative of the diversity of the people of British Columbia.”

See [Appendix B](#) for more information regarding how responsibility for diversity and inclusion is allocated among supervisors/managers, senior executives of line ministries and the BC Public Service Agency.

Accountability for Health and Safety Management

Employee health and safety are essential to a strong BC Public Service. The public service has established a variety of policies, programs and services to ensure the workplace is a safe and healthy environment. In addition, mandatory procedures are required of all employers and employees in BC under the *Workers Compensation Act* and Occupational Health and Safety Regulation.

See [Appendix C](#) for more information regarding how responsibility for health and safety is allocated among supervisors/managers, senior executives of line ministries and the BC Public Service Agency.

Human Resource Management Performance Measurement and Improvement

The *Accountability Framework* is supported by human resource management performance measurement and reporting. There are two elements to this:

1. Specific reporting on performance measures set annually by the Agency Head, BC Public Service Agency.
2. Quality assurance reviews conducted to evaluate the achievement of the Core Policy Objectives and ensure continuous improvement.

The results are used to:

- Evaluate achievement of policy statements;

- Assess performance;
- Inform corrective measures that may be needed on compliance issues;
- Ensure the *Corporate Human Resource Management Policy Framework* is under continuous scrutiny; and
- Ensure improvement is an ongoing business objective.

Legislation

Employment Standards Act
Human Rights Code
Public Sector Employers Act
Public Service Act
Financial Administration Act
Information Management Act

Public Service Labour Relations Act
Public Service Benefit Plan Act
Public Sector Pension Plans Act
Workers Compensation Act
Freedom of Information and Protection of Privacy Act

Appendix A: Responsibilities of Supervisors/Managers, Senior Executives and the BC Public Service Agency for Conducting Human Resource Investigations

The purpose of this appendix is to establish a clear allocation of responsibility among supervisors/managers, senior executives in line ministries, and the BC Public Service Agency (the Agency) for conducting human resource investigations to ensure investigations:

- Are conducted in accordance with the principles of administrative fairness;
- Have a clearly articulated scope and focus, both of which are reassessed on a regular basis; and
- Have appropriate lines of reporting and a clear delineation of roles and responsibilities.

Overview of the Investigative Process

Supervisors/managers are required to notify the Agency after being made aware of allegations of employee misconduct that, if confirmed, may result in discipline. Once the Agency has been informed, an Agency representative will review the allegations with the manager to determine if an investigation is required.

Where the issue is determined to be relatively minor, the Agency will support the manager in addressing the matter without need for the Agency to be directly involved in any investigation or review that may be conducted. Where the issue involves allegations of serious misconduct, the Agency must either lead the investigation or approve the lead investigator. The process for conducting an investigation then proceeds as follows:

- Appointment of the investigative team;
- Gathering of evidence by the investigators, including interviews with individuals relevant to the case (complainant, respondent and other witnesses), and the review of any relevant documents; and
- Assessment by the investigators of the evidence to make findings of fact and determine whether the findings support or refute the allegations that prompted the investigation.

Once an investigation is concluded, the investigators will report the findings to the appropriate decision-maker in the ministry. The findings will also be shared with an Employee Relations Specialist or Senior Labour Relations Specialist in the Agency, who will analyze the investigative findings and discuss options and recommendations with the decision-maker regarding how best to proceed.

For more detailed information on the investigative process, please refer to the information sheet, [Investigations of Employee Misconduct](#). For more information on roles and responsibilities, please refer to the final section of this appendix.

Administrative Fairness

Investigations of human resource matters must be performed in a manner consistent with the principles of administrative fairness. Principles to be observed include:

The right to be informed: The respondent(s) must be provided with sufficient information regarding the allegations that led to the investigation, and be informed of their rights and responsibilities during the interview process (e.g., confidentiality).

The right to an impartial investigator: The investigation must be conducted in an impartial and objective manner by an individual who is neutral, has no involvement, is not a witness to events, and has no pre-determined hypothesis or outcome in mind.

The right to be heard and present evidence: The respondent(s) must be afforded a full opportunity to respond to any allegations, including the ability to present their version of the facts, identify witnesses and submit documentary evidence.

The right to be accompanied: The respondent(s) must be provided with the opportunity to have a support person or representative with them during interviews (e.g., a union shop steward, a lawyer if an excluded employee, a family member, etc.).

The right to a thorough investigation: The investigators must interview all relevant witnesses (as identified by respondent(s), witnesses or the investigators) and examine all relevant evidence that is uncovered or disclosed during the investigation, including potential alibis, alternate explanations, and/or mitigating circumstances.

The right to respond to all allegations: The respondent(s) has the right to address all allegations that could form the basis of disciplinary action, including any evidence or information provided by another witness that conflicts with the evidence the respondent provided.

The right to a timely conclusion: Investigations must be conducted without unreasonable delay to ensure that the respondent's rights are not prejudiced as a result of the investigation taking too long.

Confidentiality and Retaliation

Employees are expected to treat the complaint, investigation and interviews as strictly confidential. Information obtained during, or commentary about, an investigation, including the outcome, should not be shared with others at the workplace, with the exception of the employee's union representative, or support person for a non-union employee.

If information about individuals involved in an investigation were disclosed to parties that are not authorized to receive this information it could impact the integrity of the investigation and/or could unfairly cause harm to involved individuals including damage to their professional reputation.

The responsibility to maintain confidentiality in the investigative process derives from the *Freedom of Information and Protection of Privacy Act*, which restricts the disclosure of personal

information except where authorized by that Act, and from the *Standards of Conduct for BC Public Service Employees*, which obliges employees who receive confidential information during the course of their employment to not disclose, release or transmit that information to anyone other than persons who are authorized to receive the information.

No individual should be subject to indirect or direct retaliation as a result of filing a complaint, responding to a complaint or participating in an investigation. Complaints of retaliation will be fully investigated and any retaliation, once confirmed, will be addressed.

Scope and Focus

Scope and focus refers to the parameters of the investigative process that enable the employer to look into the relevant issues of concern. A clear scope and focus is crucial to ensuring all participants in the investigation understand why they are involved and what allegations are being investigated, and to ensuring human and other investigative resources are used efficiently.

Scope and focus are set out in the Terms of Reference established for all investigations of alleged serious misconduct. Specifically, the Terms of Reference:

- Articulate the purpose and scope of the investigation (e.g. to investigate allegations of a breach of the Standards of Conduct);
- Identify the investigative team (typically one investigator from the Agency and a co-investigator from the ministry);
- Identify those responsible for oversight of the investigation (typically a management representative from Employee Relations at the Agency and a senior management representative from the ministry); and
- Establish the authority under which the investigation occurs (e.g., the *Public Service Act*, *Financial Administration Act*, provisions of the Core Policy and Procedures Manual, etc.)

Importantly, where the investigators determine that evidence uncovered by the investigation does not fit within the current Terms of Reference, they must discuss such evidence with the oversight team. The oversight team will confer with the investigators and, where deemed necessary, may direct that changes be made to the Terms of Reference to ensure the investigation proceeds based on an accurate articulation of its scope and focus, or that the evidence be disregarded as outside the scope of the investigation. Where deemed out of scope, the oversight team will make a determination regarding whether the evidence requires the employer to conduct a separate review or investigation.

Key Responsibilities of Main Participants in the Investigative Process

The following key responsibilities are provided to ensure clear lines of reporting and delineation of duties among those participating in the investigative process.

Deputy Minister of the BCPSA (also referred to as Agency Head)

- Provide executive oversight of processes established by the BCPSA to conduct human resource investigations; and
- When so requested by the deputy minister of the employee being investigated, provide advice regarding the investigation process to aid the ministry in making decisions on how to proceed.

Assistant Deputy Minister, Employee Relations, BCPSA

- Assist the Deputy Minister of the BCPSA with executive oversight of processes established to conduct human resource investigations;
- When so requested by a senior executive of the organization to which the employee being investigated belongs, provide advice regarding the investigation process to aid the ministry in making decisions on how to proceed; and
- Provide direction to the Directors and Managers in Employee Relations, and to Employee Relations Specialists and Senior Labour Relations Specialists, regarding the performance of their duties.

Deputy Minister of Employee(s)

- Ensure that management employees in their organization are aware of the processes established by the BCPSA to investigate instances of employee misconduct;
- Depending on the severity of the issue under investigation, serve as ministry decision-maker regarding what action, if any, should be taken in response to the investigative findings.

Ministry Management Representative

- In cooperation with the Manager or Director, Employee Relations, provide oversight to the assigned investigators, particularly in relation to ensuring the investigation has an appropriate scope and focus as reflected in the Terms of Reference;
- Depending on the severity of the issue under investigation, serve as ministry decision-maker regarding what action, if any, should be taken in response to the investigative findings; and
- In consultation with an Employee Relations Specialist, communicate the general outcome of the investigation to the complainant(s) and respondent(s) separately.

Managers/Directors, Employee Relations, BCPSA

- In cooperation with the ministry management representative, provide oversight to the assigned investigators, particularly in relation to ensuring the investigation has an appropriate scope and focus as reflected in the Terms of Reference;
- Provide direction to Employee Relations Specialists regarding the performance of their duties (the Director, Employee Relations, will also provide direction as required to Senior Labour Relations Specialists); and
- Where the ministry management representative serves as decision-maker, and where advice is requested, provide advice regarding the investigation to aid the ministry in making decisions on how to proceed.

Employee Relations Specialist, BCPSA / Senior Labour Relations Specialist, BCPSA

- At the conclusion of an investigation, receive report from the assigned investigators;
- Analyze investigative findings set out in the report, seek clarification where required from the investigators, and discuss options and recommendations with the ministry decision-maker; and
- Assist the ministry management representative in communicating the general outcome of the investigation to the complainant(s) and respondent(s) separately.

Assigned Investigators (BCPSA representative, Ministry representative)

- Advise the respondent(s) of the allegations and the possibility of employment consequences if the allegations are substantiated;
- Advise all parties of the requirement to be truthful, to maintain the confidentiality of their evidence, and to not engage in any conduct which could impair an impartial investigation;
- Gather evidence and interview relevant parties about the complaint or concerns before them;
- Ensure the investigation has appropriate Terms of Reference, including a clearly articulated scope and focus, both at the outset of the investigation and on a regular basis thereafter;
- Where matters arise that do not fit within the Terms of Reference, seek out the direction of the oversight team (Manager/Director of Employee Relations, ministry management representative) as to whether amendments to the Terms of Reference may be required, or whether such matters should be disregarded as out of scope; and
- Maintain confidentiality and ensure that the investigation is conducted consistent with the principles of administrative fairness.

Complainants, Respondents and Witnesses

- Participate in investigation meetings when directed to do so;
- Cooperate and be honest and forthright; and
- Respect the privacy of participants and treat matters confidentially.

Supervisors and Managers

- Notify the BC Public Service Agency promptly after being made aware of allegations of employee misconduct that, if confirmed, may result in discipline;
- Cooperate with the investigation as may be required; and
- Respect the privacy of participants and treat matters confidentially.

Appendix B - Responsibilities of Supervisors/Managers, Senior Executives and the BC Public Service Agency for Diversity and Inclusion

The BC Public Service has an obligation to reflect the demographic profile and values of the citizens it serves. Legislation and human resource policies reflect and support diversity and inclusion, including the Standards of Conduct and the *Public Service Act*, which states part of its purpose is to “recruit and develop a well-qualified and efficient public service that is representative of the diversity of the people of British Columbia.” The BC Public Service supports a culture of diversity and inclusion, matched with targeted recruitment efforts.

Key Responsibilities of Main Participants in Diversity and Inclusion

Deputy Minister of the BCPSA (also known as Agency Head)

- Establish corporate vision, direction and the policy framework to achieve the purposes of the *Public Service Act* including to recruit and develop a well-qualified and efficient public service that is representative of the diversity of the people of British Columbia;
- Create safe and inclusive workplaces for all public servants; and
- Chair the Diversity and Inclusion Executive Committee.

Diversity and Inclusion Executive Committee

- Exercise oversight of all deliverables to ensure the successful implementation and integration of corporate Diversity and Inclusion initiatives across ministries.

Deputy Ministers and Senior Officials

- Provide human resource leadership and management within their organization, including implementing corporate diversity and inclusion initiatives; and
- Create safe and inclusive workplaces for all public servants.

Supervisors/Managers

- As leaders in the organization, build an inclusive culture where employees see themselves reflected and feel they have a rewarding career; and
- Implement and operationalize diversity and inclusion initiatives on the direction of their Deputy Minister.

Individual Employees

- Create and maintain respectful workplaces that are welcoming and inclusive of people regardless of their personal characteristics, and aligned with corporate Public Service Values and Standards of Conduct.

Appendix C: Responsibilities of Employees, Supervisors/Managers, Senior Executives and the BC Public Service Agency for Workplace Health and Safety Management

A healthy workforce is a key enabler for business success. It benefits employees and their families and improves the operating efficiency of government. The workplace is an ideal setting for improving health as the work environment, individual health practices and occupational safety are key drivers of health.

The BC Public Service is committed to a culture that supports employee health and safety. Employee and workplace health is a shared responsibility. The workplace can influence and make a difference in the health outcomes of employees which in turn impacts performance and organizational outcomes. The BC Public Service provides and promotes well-designed evidence-based health and safety-focused programming, education and supports.

Key Responsibilities of Main Participants in Workplace Health and Safety Management

Deputy Minister of the BCPSA (also known as the Agency Head)

- Promote a public service that values safe and healthy work practices;
- Provide policy, strategies, and guidelines that promote safe and healthy workplaces across the BC Public Service;
- Provide corporate health and safety programs and services including an effective administrative framework for short and long term benefit plan design; and
- Provide occupational health and safety strategic direction, consultation, advice, and assistance to ministries.

Deputy Ministers and Senior Officials

- Promote a public service that values safe and healthy work practices;
- Implement, support, and promote corporate health and safety programs;
- Lead a ministry culture that promotes providing modified duties and workplace accommodations, including work assignments across ministry divisional boundaries and the BC Public Service;
- Develop, implement, and maintain an Occupational Health and Safety Program appropriate to the operation of the ministry and that meets the requirements of applicable occupational health and safety legislation and regulations, and provisions of collective agreements; and
- Ensure line managers establish, maintain, and monitor safe work practices and procedures that ensure a safe and healthy workplace.

Supervisors/Managers

- Promote a culture that values safe and healthy work practices;
- Communicate employee attendance expectations to employees;
- Review Short Term Illness & Injury Plan (STIIP) leave requests for employees, approve leave, if appropriate, and initiate pay action;
- Offer timely modified duties and workplace accommodations;
- Manage routine return-to-work cases and seek early engagement and participation with the BC Public Service Agency on complex cases;
- Support and monitor return-to-work plans, and regularly communicate with employees;
- Identify and seek guidance when a health issue may be affecting an employee's capacity for productive work; and
- Establish and maintain safe work practices and procedures in accordance with WorkSafe BC legislated requirements.

Individual Employees

- Maintain health in a manner that allows attendance at work on a regular and consistent basis;
- Learn and follow safe work practices and procedures, consistent with the ministry's Occupational Health and Safety Program and applicable legislation and collective agreement provisions;
- Notify their supervisor/manager as soon as possible of any health related absence;
- Discuss options for modifying duties and/or hours when able to work in some capacity;
- Provide information as required, and follow appropriate recovery plans;
- Fully participate in and cooperate with rehabilitation activities and return-to-work plans;
- Participate in alternative employment assignments; and
- Report unsafe work practices and hazards to a supervisor/manager immediately.

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