

# ADVISORY SERVICE FOR EXECUTIVES

2015-2016  
ANNUAL REPORT

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ASSOCIATION OF PROFESSIONAL EXECUTIVES  
OF THE PUBLIC SERVICE OF CANADA

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## EXECUTIVE SUMMARY

Executive clients have expressed to the Advisor that they want their stories to be told. They want to know that their voices have been heard by those who can change the public service. The Senior Advisor for Executives collects this very important data while preserving the full confidentiality of the individuals and the files. Through its advocacy role, APEX communicates general issues and concerns raised by Executives during regular meetings with Deputies, Central agencies and partners, offering support and help in developing tangible and practical ideas and solutions. APEX generalizes information gathered by the Advisor in developing services it provides to its membership.

The Advisory Service for Executives (ASE) is a confidential service available to all Executives in the federal Public Service, across Canada and abroad. The Senior Advisor for Executives (the Advisor) is the sole provider of this service and provides support via telephone, e-mail, Skype, and in person.

During the period from April 1, 2015 to March 31, 2016, three hundred and sixteen (316) clients used the service, an increase of 49% from 212 clients in 2014-2015. Although most were Executives, 18% (57) were comprised of a mix of Deputy Heads, GIC appointments, non-EX "Directors", non-unionized EX-minus 1s and retired Executives. There continued to be a solid representation of departments, with Executives from 68 organizations contacting the ASE – compared with 62 in 2014-2015. Of the 316 clients, 24% (76) were from various federal agencies, tribunals, commissions and crown corporations, who were not part of the core public administration.

The total number of client interactions/sessions was 820. This represents an increase of 114% over the 382 client sessions that were conducted during 2014-2015. In total, 142 clients accessed the service more than once this year, whereas 99 clients did so in 2014-2015. Fifty-five percent were one-time only meetings; 27% sought the service 2-3 times; 16% used the service 4 to 11 times during the fiscal year, and 2% needed the service 12 or more times. The reasons for the higher than normal demand for service are likely three-fold: 1) an increase in complex situations that often require a disproportionate number of client interactions (i.e. harassment complaints and dismissals); 2) referrals from satisfied clients; and 3) increased marketing to highlight the services of the ASE.

Although there are 19 categories why Executives seek out the Advisory Services, the top 8 reasons this year were: (1) career management; (2) relationship with their superior; (3) harassment; (4) health; (5) retirement; (6) performance management; (7) terms and conditions of employment; and (8) Dismissals.

Ninety-nine clients indicated that they were experiencing difficulty with their supervisor. In addition, the Advisor assisted 94 clients with cases of Harassment this year, which represents more than one third of all clients who visited the ASE. Of those, 73% were women Executives who felt harassed by their superior. The increase in harassment complaints, and issues surrounding an unhealthy or toxic workplace, may be the result of statements by both the current and previous Clerks of the Privy Council, Deputy Heads, Senior leaders in business, the media, unions and politicians who have all collectively voiced the need to create positive workplaces, free from harassment and bullying – and that it is a top priority. The 2015-2016 corporate commitment to "show leadership in workplace health by building a healthy, respectful and supportive work environment", may have encouraged Executives to come forward to talk about their situations. This attention to the issue may have created the environment that allows employees, at all levels,

to speak about their experiences in the workplace. Although fear of reprisal still exists, Executives who are closer to retirement may feel compelled to raise their concerns and speak up for those they leave behind.

The Clerk's 23<sup>rd</sup> Annual Report to the Prime Minister on the Public Service of Canada stated: "To do their best for Canadians, public servants need to work in a healthy environment that is characterized by respect, that embraces differences and diversity, and that supports with compassion individuals struggling with mental health challenges". The ASE saw 71 clients who indicated that they were experiencing health-related issues which they believed were directly attributed to a toxic work environment – 49 of these clients (or 69%) were women. Furthermore, 68 Executives sought advice on retirement – of which 60% of these clients were women. Many of these clients said they were considering retirement as a means to escape from a difficult work situation. If "Mental health and wellness in the workplace is a key priority", as the Clerk recently said, then the public service is in need of some serious changes before we can create "a workplace where wellness is nourished and cherished".

## INTRODUCTION

The Advisory Service for Executives (ASE) was established in 2003, after Deputy Ministers recognized the need for a discreet and confidential single window for Executives to seek advice and referral to specialized services. This service complements other services that are offered in some Departments, such as Ombudspersons and Informal Conflict Management. The ASE provides a free service to Executives of approximately 130 Departments and separate agencies in the broader federal public service. There has been a consistently high demand for this service and many satisfied clients recommend it to their colleagues. The ASE has a reputation of being an independent and neutral third party who provides advice, offers a safe place where Executives can tell their story and get insight into their personal situation, and where clients can receive access/referral to expert resources when needed.

The services are provided by a sole Senior Advisor for Executives (the Advisor), who is a Visiting Executive at APEX, and whose salary is supported by the Deputy Head community. Deputy Heads view the service provided by the Advisor as an important part of APEX's mandate. The data collected by the Advisor, which is presented in this report, provide a unique perspective on the needs, issues and concerns of federal public service Executives.

Many Executives, when they first approach the Advisor, indicate that they feel as though they have been set adrift by their departments and are completely alone when faced with problems or when they require information. Often clients were unaware that APEX offers this service and state that they "wish they had known about this service sooner" or that the "ASE is the best kept secret in government." Many times, Executives are reluctant to approach their Departmental Ombudsperson, their HR's Executive Services, Employee Assistance Program (EAP), or Informal Conflict Management Service (ICMS), for fear that these services are not confidential and that information may be leaked or find its way back to their superiors. APEX promotes the ASE to its membership generally, and reminds Deputy Ministers, the human resources community and other relevant groups of the availability of this service. At the 2016 APEX Symposium (held after the period for this Annual Report), the Clerk of the Privy Council reminded the 700 Executives in attendance of this service as part of his keynote speech:

*"APEX also plays a role in a very practical way. So I'm sure you've had some of the commercials and some of the announcements but let me just stress that APEX itself has an advisory service for executives that you should make use of if you're running into personal situations and circumstances, and it's a terrific vehicle for peer support and peer learning. So please make full use of the organization, which is a very important partner to us".*

*In order to raise greater awareness of the ASE, Deputy Heads may wish to consider placing the ASE contact information on every Departmental intranet site along with EAP contact information, as a resource that Executives can avail themselves of for support.*

## CONTEXT

Public Service Executives are navigating in a more globalized and complex environment, where the speed of change is described as astounding, yet operating budgets are shrinking. “Deliverology” emphasizes a greater need for the public service to be nimble and flexible and to be able to mobilize resources quickly to accomplish goals (as with Canada’s response to the Syrian refugee crisis). There is also a drive to hire more millennials into the public service, however, this generation tends not to gravitate to bureaucracies that are dominated by rules, red-tape, hierarchy and that are generally risk-averse. There is a need to support a respectful and civilized culture. Both the former and the current Clerks of the Privy Council have recognized the requirement to create a healthy, respectful, resilient and high-performing public service – and, to do so, there can be no place for harassment or bullying, as it is a symptom of an unhealthy workplace. The Advisor commends the work of the Technical Committee of the Joint Task Force on Mental Health in the Workplace, of which APEX was a member, and supports the recommendations contained therein.

*In 2015, APEX commissioned two white papers, authored by Craig Dowden, Ph.D.: **Civility Matters: An evidenced based-review on how to cultivate a respectful federal Public Service**; and, **Maximizing Employee Engagement Within the Federal Public Service – An Evidence-Based Perspective**. The Advisor strongly encourages Senior Leaders to consider distributing these two papers widely and to foster a dialogue on how to adopt some of the practical strategies contained therein. An APEX deck presenting the key findings has also been developed and posted on the APEX Website for general use by the federal Public Service. The APEX paper and deck are designed to help Executives in their achievement of the corporate commitment stated in their 2015-16 Performance agreement to “show leadership in workplace health by building a healthy, respectful and supportive work environment.”*

## CONFIDENTIALITY AND DATA COLLECTION

Confidentiality is a key principle of the ASE and is crucial to the success of the service. In order to ensure privacy, the names of clients and case notes are destroyed at the end of each fiscal year (or at any time upon the client's request). Key demographic data, such as gender, language and classification level are collected, kept in a secure database and used solely to prepare the Annual Report. In order to maintain confidentiality, the Advisor does not have administrative support, nor does anybody else have access to her phone messages, emails, database or files.

APEX has established a monitoring and evaluation framework for the ASE that allows for the collection of aggregate data and enables regular reporting on the extent to which clients use the service and for what purpose. The Advisor collects basic information on clients: their gender, official language of choice, region, level, the nature of the requests for advice, the frequency of contact, and the clients' home organizations. Requests for advice are classified under 19 headings and the ASE Annual Report provides more detailed analysis on the top eight reasons for contacting the service. Because an individual client often seeks advice for more than one reason, the support provided may cover more than one topic and take different forms. For example, helping a client deal with a harassment situation may require advice on career management, conflict resolution, and/or referral to legal counsel, EAP, a coach or information on Terms and Conditions of Employment, Interchange and/or retirement.

Since its inception in 2003, the ASE has used this data collection method to identify and assess the needs of Executives. This approach enables APEX to identify trends that can assist in developing policy recommendations to Treasury Board Secretariat. The information is also used by APEX to establish priorities, to develop measures that best support and broadly serve the needs of Executives and it helps inform the APEX Work and Health Survey. The Annual Report of the ASE is posted on the APEX website and is shared with the Clerk of the Privy Council and with Deputy Heads.

## CLIENT SATISFACTION

The Advisor receives feedback from clients throughout the year regarding the ASE services. Executives continue to express their appreciation for this "safe space", where they obtain objective and confidential service.

Clients often say they learned about the ASE from a colleague or human resources specialist, from the APEX website or through APEX outreach activities. Some say they were already familiar with the service because they are members of APEX, or have used the service in the past. One hundred and twenty-two (122) Executive clients took the time to provide written thank you emails for the service they received. Not one written complaint was received this year by the ASE. The few verbal complaints received from clients were about the fact that the Public Service did not support them enough by providing someone to accompany them to formal harassment investigation meetings and that no mechanism exists to pay for an Executive's legal fees when, after an investigation, the complaint against them is deemed to be unfounded.

## CLIENT SERVICE STANDARDS

This year, the Advisor piloted a Client Service Standard for the first time. Although the Advisor strives for same-day service delivery, the client service standard was to respond to all client phone calls and emails within one business day, even if it is simply to say that their message has been received and they will be contacted as soon there is a window of opportunity. When an Executive is facing a crisis situation, they do not want to be left feeling isolated and alone. Just knowing that somebody is there to support them gives them a sense of reassurance and comfort. The Advisor met this service standard 99.6% of the time.

The following chart sets out the number of clients and volume of client interactions over the last twelve years.

Increased APEX efforts to remind the executive community of the availability of the ASE likely contributed to the higher-than-normal volume of clients this past year. Satisfied clients also referred other colleagues to the Advisor. In addition, some law firms recommended the ASE to their Executive clients.

It is important to note that, although the Client Service Standard pilot was clearly a success, a continued increase in demand will make meeting the one day service delivery standard unsustainable by one Advisor. Accordingly, APEX is finding ways to mitigate this surge in demand, by developing and posting on our website short Info APEX information sheets on a variety of topics that APEX members can read before deciding if they need to contact the Advisor.

YEAR	2015-2016	2014-2015	2013-2014	2012-2013	2011-2012	2010-2011	2009-2010	2008-2009	2007-2008	2006-2007	2005-2006	2004-2005
# of clients	316	212	202	306	232	227	225	251	226	199	187	196
# of sessions	820	382	302	440	324	335	—	—	—	—	—	—

— : Data not available



### SAMPLE OF FEEDBACK RECEIVED

*Thank you for all of your help, advice and guidance throughout this process. It was invaluable and was the kind of support I could not find anywhere else. — (EX-02)*

...

*Mille mercis encore une fois pour notre rencontre! Ceci m'a donné beaucoup d'énergie et d'espoir! — (EX-01)*

...

*Thank you for our discussion. I found it helpful, relevant and insightful. — (EX-03)*

...

*It is always a treat to talk to you. I'm so glad we have you in our corner as EXs. You bring such compassion and care to the job that folks immediately feel safe talking to you. — (EX-01)*

...

*I appreciate the ideas and advice you shared with me, as it will certainly help me to sort out next steps. — (EX-03)*

...

*You were absolutely right... Your advice was perfectly timed and you were removed enough from the situation to be impartial and yet also supportive. — (EX-03)*

...

## ASE AND MENTAL HEALTH

Workplace affects mental health and mental health affects the workplace. The ASE is often the first responder to Executives facing crisis situations related to harassing or abusive work environments. As such, the Advisor has been trained in mental health first aid to assist Executives through extremely difficult and emotional situations. If unable to provide the required specialized help, the ASE refers clients to specialists who are better qualified to address the issues at hand – such as health care practitioners, Employee Assistance Programs, etc. There were times this year where Executives spoke openly about suicidal thoughts and, in several instances, the Advisor had to intervene to ensure that they sought professional help without delay. She often follows up with Executives who indicate that they are depressed, stressed, anxious, or are “feeling sad” to make sure that they are OK and/or to see if they sought help. The following is an excerpt of what one client wrote:

*“...Everyday was a struggle and I thought of all the support and encouragement that I got from you that helped me to continue with my head held high and not give in to the negative thoughts. I honestly believe that I would not have survived without your constant encouragement and support. You were there for me whenever I needed someone to talk to and helped me get through the most difficult period of my professional life. ... I know I must have tested your patience by going over and over the same things trying to understand the reason for all that was happening to me but you never expressed any impatience. On the contrary, you actually followed up regularly to check to see if I needed to talk. I am quite certain that I would not have survived with my sanity intact if I did not have you to talk to in confidence through this difficult period.”*

Toxic work environments, and continued unrelenting stress, can have longer term negative effects on the brain. When people suffer from a significant stress response, their ability to remain calm, rational, positive, and to think creatively is diminished. Harassment by a superior can fundamentally affect the judgment and the ability of an Executive to make decisions for themselves, as they begin to second-guess all of their actions. Executives have expressed to the Advisor that they “feel mentally and emotionally battered and bruised”. These are normally very experienced, capable, intelligent, professional individuals, whose toxic work environments may have caused or contributed to clinically diagnosed depression, anxiety, PTSD or trauma. The public service needs to find the root cause of the toxicity.

It is equally important that Executives develop the skills that will enable them to be resilient and to cope with and to survive negative experiences in the workplace. *Public servants, especially Executives, may benefit from resiliency training. For example, there is a short newsletter article by Dr. Travis Bradberry - How Emotionally Intelligent People Handle Toxic People, which provides some concrete advice: <http://www.talentsmart.com/articles/How-Emotionally-Intelligent-People-Handle-Toxic-People-1028629190-p-1.html> Dr. Bradberry can be followed on social media (LinkedIn)*

Clients appreciate that the ASE is able to provide some arms-length, big picture, perspective on matters that have shaken them to the very core of their being. Clients derive comfort in knowing that they are not alone – that others have suffered in similar ways but have managed to overcome difficult situations in the workplace and have survived.

Clients have expressed that the stigma associated with mental health, and the fear that it will diminish their prospects for career advancement, often precludes them from admitting that they are suffering from a mental health issue. Yet, the Mental Health Commission of Canada has reported that almost 50% of disability claims are for mental health issues. Depression should be an issue of concern. Executives have raised that the use of “bad fit” labels in organizations and their subsequent isolation has contributed to their mental health issues, which are very real and complex. Far too often, Executives who return to work after mental health absences have complained that they have not been accommodated and are frequently made to feel unwelcome upon their return. This too needs to be addressed in a compassionate and humane manner.

## CONSULTATION AND OUTREACH

Communicating the concerns of Executives to central agencies continues to be a priority for the ASE and is done with the view of meeting the needs of the Executive community. The Advisor has regular exchanges with senior officials from the Office of the Chief Human Resources Office (OCHRO) and the Public Service Commission (PSC). The purpose of these discussions is to create an awareness of systemic or emerging issues and to find ways to mitigate adverse situations. The Advisor also draws on the expertise of the Executive Management Policy group at OCHRO and the Priority Administration group at the PSC to obtain up-to-date information. Individuals from these two groups routinely respond expeditiously to questions, and their continued availability and support is greatly appreciated. Working in partnership with central agencies helps everyone serve Executives better.

Outreach activities include promoting the ASE at APEX events, such as the annual Executive Induction Ceremony and the APEX Symposium, meetings with organizational representatives and events hosted by departments. Information about the service is also posted on the APEX website.

## PROFILE OF CLIENTS SERVED

One Hundred and forty-six clients (or 46%), who sought advice in 2015-16, were EX-01s, compared to 138 (or 65%) in 2014-15. Fifty-one (or 16% of clients) were EX-02s (compared to 38 – or 18% – who were EX-02s last year). Nineteen percent of clients were EX-03 to 05, which represents an increase of 73% over the previous year (62 vs. 36 in 2014/15). Eighteen percent of clients were comprised of Deputy Heads, GIC appointments, non-EX “Directors”, non-unionized EX-minus 1s and retired Executives. Eighteen percent of clients were from outside the NCR or Canada, compared to approximately 27% of the federal public service who are employed in regions outside the NCR.

More women (60%) used the service than men (40%) – women represent 46.2% and men 53.8% of executives in the federal public service. Those who used the ASE were fairly representative of the Executive community with respect to language of choice. In 2015-2016, 68% of clients requested service in English and 32% of clients requested service in French. These percentages mirror the overall linguistic profile of Executives in the federal public service, which is currently 68% English and 31% French.

## CLIENT ISSUES AND OBSERVATIONS

The chart below shows, in descending order, the top eight reasons why clients contact the ASE, with number one being the most frequently cited category. In meetings with the Advisor, clients frequently raise more than one issue. This past year, they did so approximately two-thirds of the time; whereas in 2014-15, only half the clients raised more than one issue.

	2015-2016	2014-2015	2013-2014	2012-2013
1.	Career management	Career management	Terms and Conditions	Terms and Conditions
2	Relationship with a superior	Relationship with a superior	Career Management	Career Transition
3.	Harassment	Health (not including re-entry\duty to accommodate)	Career Transition	Relationship with a superior
4.	Health (not including re-entry/duty to accommodate)	Performance Management	Health (including re-entry/duty to accommodate)	Health (including re-entry/duty to accommodate)
5.	Retirement	Terms and Conditions	Relationship with a Superior	Career Management
6.	Performance Management	Career transition	Harassment	Investigations
7.	Terms and Conditions	Staffing	Performance Management	Harassment
8.	Dismissals	Retirement	Retirement	Staffing

Compared with 2014-15, the Advisor saw two troubling changes - namely, the significant increases in cases dealing with harassments and dismissals. Neither of these were on the top eight in 2014-15. A total of 94 clients sought help for situations of harassment and 46 contacted the ASE because they felt they were being 'dismissed' - involuntarily removed from their positions and told to find something else. These types of situations take a negative emotional and physical toll. An Executive who is being harassed, accused of harassment, having difficulties with their superior or employee, being performance managed or dismissed, usually wants to leave their workplace as quickly as possible. In such instances, the Executives may also seek out advice on other options available to them, including deployments, sick leave, retirement and interchange as possible ways to escape a difficult situation.

1. **CAREER MANAGEMENT** remained the top reason why Executives seek out the services of the ASE, with 152 clients seeking such advice. Women represent 65% of those seeking help in this category, with 3% self-identified as being Aboriginal. Career Management encompasses the entire spectrum of career-related issues. It includes advice on how to draft a résumé, job search tactics, networking strategies, professional and career development, how to navigate 'the system', and looking at pros and cons of whether to stay or leave the public service. At times, Deputy Heads and Heads of HR, have sought out the ASE in the capacity of a "job matchmaker" or "head-hunting" service. The Advisor also refers clients to other resources such as the PSC Executive Counselling Services or other specialized firms. Unfortunately, clients do not always receive funding from their home organizations to pursue other avenues, so they rely solely on the services provided by the ASE.

Frequently, the need for career advice is directly linked to a client trying to find a way to escape a poor relationship with a supervisor, a toxic workplace or an untenable situation. This often leads to an Executive wanting advice and help with career management. Executives express a desire for quick deployments; however, unfortunately, the Advisor has heard that it has become more difficult to deploy to other organizations because of recent efforts at delayering and a preference for organizations to tap into their own internal talent pool. Talent Management may work reasonably well for high flyers, but not so well for those who are looking for deployments. It is understandable that poor performers may need to be weeded out – but not everyone falls into that category. Sometimes people do not do well in one area, but thrive in another. If a superior wants an Executive to leave, it would work best if it were a joint responsibility to help facilitate the move. The onus should not rest entirely with the Executive who is being asked to leave.

There is also a perception that 'talent management' is being done behind closed doors – and Executives receive little feedback from that process. Executives generally find it difficult to locate information on and/or assistance in identifying positions for which they might be qualified. *There seems to be a need for a central repository of positions that people can deploy into. Senior leaders may wish to consider ways to help Executives find opportunities for horizontal movement "at level". There appears to be a need for a true employee-employer partnership for career development and career management of all Executives, not just one which appears to be tailored to high flyers.*

**a) Newly Appointed Executives:**

This year a number of newly-appointed Executives wanted to know how to be demoted, as they found the Executive culture difficult. Some found it to be inhospitable and not supportive of work-life balance. Many of the new EXs believe flexible work arrangements should be an inherent right rather than one subject to operational requirements. They expressed that they were unprepared for how difficult the transition to the EX cadre would be on themselves, their lifestyles and their families. They found that the demands were excessive, that they were not accustomed to the expectations and they felt that the long hours were excessive. This might be an inter-generational anomaly, as there was an equal number of older boomer Executives who mentioned they were frustrated that they were being asked to carry more of the workload while their usually younger DGs and ADMs would leave work early.

### b) Challenges Experienced by Mid-Career Recruits:

Another issue that was raised is that sometimes talented individuals external to the public sector are fast tracked into senior positions with the hope that they will quickly adapt and thrive in their new environment. Unfortunately, that doesn't always occur. Although worthwhile, the integration of Executives from the private sector into the public sector can be difficult. Several clients of the ASE were accomplished Executives in the private sector, who were brought into the public service for their unique expertise. Their transition, however, was difficult at best and ultimately they were told they did not fit and were asked to leave. Even with orientation courses, often these new senior recruits are unprepared for, and underestimate, the web of public service rules. Most, who sought out the help of the ASE, have ultimately left the public service. Trying to navigate the unique public service rules, while adjusting their own expectations vis-à-vis private vs. public sectors, would be disconcerting to just about anyone – let alone a senior Executive who is expected, by their staff and superiors, to lead as soon as they arrive. Often, these Executives concede that they themselves do not have the networks to help them avoid minefields. *Accordingly, departments may wish to consider providing these private sector executives with mentors or coaches for their first year or two, to include them in networking events and to expose them to senior level meetings as a way to indoctrinate them into decision making process of the federal public service.*

2. **RELATIONSHIP WITH SUPERIOR** continues to be a perennial problem. Ninety-nine clients reported that they were treated with disrespect, isolated and/or subjected to disrespectful or uncivil behaviour, often as a result of personality conflicts or a clash of values. Executives expressed frustration over their inability to overcome the relationship issues with their superiors. Clients say they feel there is no person or confidential service, other than ASE, where they can go when faced with inappropriate behaviour from a more senior Executive.

There should be no place in the public service where disrespectful behaviour and bullies can thrive. This simply leads to stress, reduced performance and eventually sick leave – not to mention dysfunctional or toxic work cultures for all employees. Where possible, the Advisor encourages Executives to avail themselves of informal conflict management services (ICMS) or mediation. It is incumbent on those involved in dispute resolution, to listen carefully, to try and understand both perspectives, and to remember that there are always two sides to every story and that the truth is often somewhere in between. Those hearing complaints must be mindful not to jump to conclusions nor to rely on hearsay, but rather to look at fact-based, reliable and verifiable evidence before deciding what to do. Sometimes it is simply a matter of two good executives who do not get along. As part of this, we must accept that irreconcilable differences happen. Sometimes, when a new leader assumes a new position, they receive information about employees and rely solely on the information provided to them by their predecessor. The new leader needs to rely on their own experiences with employees instead of accepting the words of someone else. What may not have been a good fit between two individuals may prove to be a perfect fit for the new Executive.

We are doing a disservice to the Public Service if we do not do something concrete to stem abusive behaviour in the workplace. *A suggestion might be to use an emotional intelligence (EI) test as a screening or assessment tool for public servants at all levels who supervise/manage people.*

Those in leadership roles set the tone and expectations for their organization, and the behaviours that are acceptable. People who are promoted must exhibit exemplary people skills. Without these skills, it is difficult to create a healthy work environment. It has been said that when workplaces are toxic, employees avoid risk taking and often operate in a fight or flight mode –which is not particularly conducive to creativity and innovative thinking. *Self-awareness by senior leaders is crucial. Consideration could be given to having Executives undergo periodic 360 feedback exercises as part of the talent management process. This may be helpful in ensuring that excellent people managers are promoted into positions where they can create positive and exemplary work environments.*

Another perennial frustration that has been raised by Executive clients occurs when one leader is a micro-manager and the employee supervised by that Executive is not. *A good rule of practice is that once a specific deliverable is agreed upon, implementation should rest with the individual who is delegated to do the job. They should be permitted to get from A to Z without being dictated how to get there. Periodic check-ins with superiors on how things are going are perfectly legitimate; but encouraging employees to find the way to best achieve the desired result is always preferable.*

- 3. HARASSMENT** – In the 2014 Public Service Employee Survey (PSES), nearly one in five public servants reported having felt harassed in the workplace during the previous two years. Harassment includes offensive remarks, yelling, rudeness, abuse of authority, being ignored, excluded or isolated, and other types of inappropriate behaviour. Executives suffering from harassment generally do not speak out for fear of reprisal/retribution. The more harassment is tolerated, the more it becomes normalized and part of an accepted culture within an organization. The Advisor saw 94 cases of alleged Harassment this year, which represents more than one third of all clients who visited the ASE. Of these, 73% were women Executives who complained that they experienced harassment from their superior.

Executives against whom harassment complaints were laid, expressed that they felt abandoned by their organizations and did not know where to turn to for support. They feel alone and isolated. Many take sick leave and begin to feel victimized themselves. There is a sense that colleagues and others at work avoid them. They feel that complaints are not adequately screened and that investigations are an immediate knee jerk reaction to address a situation. Some of the harassment complaints against Executives were in excess of 150 pages, which is daunting for both the accused and the Advisor to respond to.

Where harassment is concerned, the pendulum has now swung in a different direction. In the past, often an alleged harasser was quietly moved to another position. Now that workplace wellbeing is a top priority, when Executives are formally accused of harassment, deputies are compelled to take swift and visible action. Clients have expressed that they feel like the laws of natural justice are often not applied and they are effectively presumed guilty until proven innocent. These



Executives are often forced to seek out legal help to protect themselves. *Increased consideration must be given to the reimbursement of an Executive's legal fees, if a formal investigation exonerates them; especially in cases where an investigation determines that the allegations against an Executive were unfounded or vexatious.*

Publicity surrounding harassment has likely contributed to an increase in visits to the ASE. Harassment complaints have become more pronounced now that both the previous and current Clerks of the Privy Council made creating respectful workplaces a top priority. The Advisor was also told that there seems to be a reluctance on the part of some ADMs and Deputy Heads to deal with informal complaints. Senior leaders are leaving themselves vulnerable if they do not take informal complaints seriously, as we saw recently in the media when Executives in large corporations were publicly terminated for not doing so. Media attention also contributed to an anomaly this year where five harassment cases, which required the Advisor's help, were sexual in nature. This is not common at the ASE.

It is important to note that according to the Treasury Board's Harassment Policy, isolation is identified as an example of harassment. The Advisor saw many Executives who felt they were being harassed because they were removed from their jobs for what they considered to be no valid reason. They were simply told they don't "fit", told to find another job, summarily removed from their jobs and were then completely isolated – often moved into offices away from their colleagues, and removed from all distribution lists. This practice is generally considered to be an abuse of authority and is known to contribute to mental health and stress issues – including clinically diagnosed PTSD, trauma, depression and anxiety. Inclusiveness is such an important part of a person's emotional wellbeing. When an individual is isolated, peers and subordinates see the abuse and realize that this too could happen to them. This practice establishes a culture of fear and puts employees on edge. It also results in further isolation of the person in question, as people no longer socialize with the ostracized individual for fear that, by associating with someone who has lost favour, it might negatively impact their own chance for advancement.

The Advisor received many requests to accompany Executives to meetings with investigators – that is not the role of the Advisor. The Advisor received numerous complaints to the effect that it was "unconscionable that the Public Service cannot support Executives by accompanying them during their investigations and hearings". *Consideration should be given for assistance for both Executives and excluded employees so that they can be accompanied to investigation hearings.*

Mobbing is a troubling new phenomenon that the Advisor has heard from some clients. It is an extreme form of bullying and psychological violence in the workplace. It is a passive-aggressive form of harassment, based on ostracizing the target – similar to what is frequently seen in school yards. Research shows that those who are somehow different (e.g. race, religion, transformational leaders) frequently become targets. Essentially a number of employees gang up on their superior and file harassment complaints in an effort to rid the office of that person. Although it is difficult to prove, there is usually a ring-leader who deliberately sets out to humiliate and drive the intended target out of the workplace. This can result in severe psychological injuries especially when the victim is then immediately and deliberately shunned by their Superiors and peers, removed from their position, sent home or isolated in an office on a 'special project'. In many



cases, the allegations are ultimately deemed to be unfounded, but the accused's reputation is affected and occasionally their psychological state of mind has been harmed throughout the process. Many spiral into depression, post-traumatic stress disorder, trauma, anxiety, sometimes resulting in the suicidal thoughts or attempts. Many find themselves out of pocket for legal expenses which they incurred to defend themselves against the allegations. Cases of 'group bullying' take an enormous amount of time, energy and resources to conduct an investigation into the facts. *It is important to recognize these kinds of behaviours exist and that there are always two sides to every story, so it is imperative not to jump to any conclusions without having all the facts. Senior leaders may wish to consider doing something in cases where an allegation is deemed to be unfounded – especially where there appears to be malicious intent on the part of the accusers. Rarely is there any consequence for making false accusations or for spearheading a mobbing campaign.*

Workplace challenges for “transformational leaders”, such as mobbing, may be something worth exploring, given that transformation is critical to the future of the public service.

4. **HEALTH** is recorded as an issue by the Advisor only when the client clearly articulates that their mental and/or physical health is a concern to them and/or they are under the care of a physician. The Advisor met with 71 clients who were experiencing health related issues; 49 of these clients (or 69%) were women. These same Executives tended to be high performers, perfectionists, with high standards who have achieved much during their careers. When they find themselves in a toxic work environment, some start to exhibit signs of depression and burnout. In these cases, the Advisor refers clients to EAP, counselling, psychologists or their family physician. Some clients are in denial and do not realize that the symptoms being manifested are due to stress. It is disheartening that so many Executives find themselves ill because of a workplace situation, especially when they have given the best of their professional lives to serving the public.

Occasionally, an Executive, when attempting to return to work after an extended leave, finds it difficult to re-integrate into the workplace, especially when organizations are not willing to accommodate their needs. Some Executives report feeling unwelcome and unable to function 'normally'. Two Executives, who returned to the workplace after an extended leave this year, found themselves reporting to empty buildings – they had not been informed that their entire office had moved to another location – one to a different City. When they finally arrived at their new office, they felt as though they are “nobody's priority” - there was no office, no phone, no computer and no assistant for them. An employee who is returning from extended leave needs to be treated with compassion and respect, not like a lesser or problem employee, or an afterthought. Frequently, rather than accommodating and welcoming these Executives back, they return to the office only to be encouraged by their superiors to leave the Public Service. *To make the workplace more humane, the best thing that people can do when employees return from an extended medical leave, is to show support, patience and empathy. Conflict is often avoided when employees receive a customized approach to re-integrating them back into the workplace.*

There also appears to be a gap in the system with respect to Long Term Disability. Doctors and lawyers often admit that it is very difficult, if not impossible, for an Executive to be authorized for Long Term Disability (LTD) if the cause is a mental health issue brought on by a workplace

situation. Furthermore, there is no place an Executive can go to get information about the likelihood that their claim for LTD will be accepted.

APEX's upcoming Health Survey in 2017, the fifth in twenty years, will allow for a deep dive into the health of Executives and will inform future APEX initiatives.

5. **RETIREMENT** has consistently remained on the list of top eight reasons why Executives ask to meet with the Advisor (68 requests in 2015-16 v. 22 requests in 2014-2015) – 60% of these clients were women. A number of clients indicated to the Advisor that they retired as a means to escape a difficult work situation. Most had not thought of retirement before, but felt that they were being forced in that direction. When Executives near the age of retirement without penalty, there is a very real sense that their organizations are trying to covertly, and sometimes more overtly, hasten their exit from the workforce. After years of loyal service to the Public Service, this is perceived as being very disrespectful. Often the Executive does not want to leave; unfortunately, there is a sense from clients that ageism appears to be present in the system. Many have had to leave the public service with a reduced pension many years before they wanted to retire. This is a great loss to the Executive but also to the public service which sees the departure of a wealth of expertise and talent. *The Advisor has frequently heard that if the public service wishes to change the age demographic of its Executive community, then perhaps it might consider waiving pension penalties for those who fall between 50 and 59 years of age, and who are otherwise ineligible to retire.*

The Advisor has heard many requests from retiring EXs who would like to have a confidential third-party exit interview, but their departments do not offer it. In an era where we are promoting continuous improvement, an exit interview could provide a wealth of information on the health of an organization and its leadership. Not having exit interviews is a missed opportunity to mine for useful information. *Conducting confidential exit interviews with Executives could be carried out by an anonymous third party so that unbiased information is captured. This data could then be rolled up and relayed to a department twice a year.*

Executives also seek out information with respect to post-employment rules and the cooling-off period, and how to obtain or maintain their security clearance. ADMs have consistently confided to the Advisor their dissatisfaction that their five year post-retirement restrictions amount to an unfair and perhaps illegal cooling-off period, whereas with EX-01s to EX-03s, the time is only one year.

6. **PERFORMANCE MANAGEMENT** – The Advisor met with 58 Executives regarding Performance Management issues. Implementing a strong performance management system is a priority and, if well executed, will ultimately improve the public service. Yet, Executives say that a sub-standard rating comes as a complete shock to them, as they never received feedback over the course of the year that their performance was lacking. They indicated that they had no guidance or opportunity for making improvements. Clients were hurt by the label and the stigma that was attached to their 'succeeded minus' or 'did not meet' – especially if they had always been perceived to be a high performer. Many saw a succeeded minus as being the death knell for their career. Usually they were at a loss for why they received the rating and their supervisors

were unable to provide them with an explanation. If an individual is lacking in an area or a competency, there should be concrete evidence as to where the person is not performing and a discussion should take place as early as possible. A final rating should never be a surprise. Yet, Executives are often not provided with the details of how an organization came up with their rating and they have little recourse to challenge the rating other than via a grievance, which is considered to be career-limiting. The Advisor offers her clients emotional support, advice on possible options and how to manage the situation.

Administrative law is about fairness of a process. Accordingly, it serves to reason that the Performance Management Process (PMP) Framework should also be fair, open and transparent. Although the Advisor cannot judge whether an Executive received an appropriate rating commensurate with their effort and performance, it is possible to observe the lack of due process that appears to be in the system. Some Executives said that they did not have a single meeting to discuss performance nor were they informed of ways to mitigate any of their perceived shortcomings. The Action plans that the Advisor saw appeared to have very few, if any, real performance indicators. Many Executives believed that their Action Plans were deliberately disguised as a way to set the Executive up for failure and to pave the way for their demotion or termination. *Comprehensive Action Plans need to be developed which will assist an Executive in meeting expectations. It would be helpful if Action Plan templates and examples of success stories are shared throughout the EX community as a learning opportunity.*

Clients say the PMP is sometimes used as a means to remove people who no longer 'fit' with their superior or an organization. Many times, the Advisor heard about senior leaders threatening Executives by saying: "if you do not leave your position or your organization, we will performance manage you". This is bullying and a form of psychological violence that causes all sorts of health issues. There need to be tools in place that ensure a fairness of process and that minimize the risk of reprisal. Occasionally, an Executive will allege that their PMP ratings were applied as a disciplinary measure. Procedural fairness in common law allows for the right of an individual to be heard. If an Executive Committee decides on a rating, but does not permit that Executive to be heard and to present their case if they do not agree, then the process is flawed. Many Executives have expressed dissatisfaction with the current Talent Management Process because things are written about them and submitted to OCHRO and yet they have never been privy to the information. That amounts to no due process. There is a common law duty to provide reasons for their decisions, especially if the decision is highly important to a person's career or if a decision imposes a penalty (which in effect a poor PMP rating does because financial compensation is withheld).

When the new Directive on PMP was rolled out in 2014/15, Executives and Managers were told that they would receive support if they received grievances or harassment complaints against them based on their managing the poor performance of an employee – yet the ASE clients complain that, when this happens, they have been left without any support or assistance from their organizations. Labour Relations generally does a phenomenal job at supporting Executives working through the quagmire of performance management issues, but the minute there is a harassment complaint, they inform the Executive they can no longer assist them. The Executives

find themselves out of pocket for the legal expenses they paid to help them manage the harassment allegation. This sends the wrong message and is what people feared would happen when the new Directive was introduced.

7. **TERMS AND CONDITIONS.** The Advisor received 56 requests for information concerning Terms and conditions of employment, whereas there were only 28 such requests in 2014-2015. This increase is likely attributed to the complexity of "dismissal" cases brought forward by clients where they want to know whether what is being done to them is contrary to the terms and conditions of employment. Clients seek information on their rights and entitlements under various policies, including those related to performance management, interchange, compensation, leave and retirement. Clients report that they turn to the ASE for information and guidance because they do not receive the information from their department or are not confident that they can raise their questions in complete confidence. Although this information is readily available on websites of departments and central agencies, many Executives would rather someone else find the information for them and synthesise the content. APEX is developing a variety of information sheets this year to help clarify terms and conditions for Executives. They will be posted on the APEX website in due course for members to refer to.
8. **DISMISSALS** – Informal dismissals seem to be on the rise, with 46 clients seeking out help to deal with this issue. Executives are being told that they no longer 'fit' in the organization or they have lost the confidence of senior managers. Usually, no examples are given to substantiate these comments and the Executive is set adrift. The ASE is witnessing a significant increase in allegations of "constructive dismissal" - effectively where the employer unilaterally changes a fundamental term of the employment relationship with the employee without explicitly terminating the person's employment. At times, the action is identified as a reorganization casualty, or, as mentioned in a previous section, superiors threaten to "performance manage" the Executive – which is code to get rid of them. Although there may be very legitimate reasons for an organization to encourage an Executive to seek employment elsewhere, or there is a bona fide reason to alter the work of an Executive, the experience of the ASE is that many times it is a personality issue or poor fit that causes an organization to 'force' an Executive to leave rather than due to issues of competence. Seldom do departments provide transition packages. Instead, the Executives are removed from their jobs and told to find something else, without adequate explanation or support. In the process, the Executive is completely isolated and is left to find their own way through the job search. Executives describe their experiences as "dehumanizing", "disrespectful" and "there is a lot of nastiness in the system right now". Often these "dismissals" come as a complete shock. They have been having consistently good performance reviews, then a new boss arrives and tells them to go find another job.

With the recent increase in "dismissals" of Executives, the public service is putting itself at an increased risk for legal action. In the recent 2015 *Potter v. New Brunswick Legal Aid Services Commission decision*, the Supreme Court of Canada raised the issue of constructive dismissal. The Employer should pay careful attention to procedural fairness when considering any decision

to administratively suspend an employee. Employers should ensure they maintain a basic level of communication with the employee, as information that is withheld from employees can become a subject of scrutiny in a future legal claim. An administrative suspension must be both reasonable and justified. An employer cannot simply withhold work, as being gainfully employed is a large component of a person's sense of self-worth. When work is arbitrarily removed, situations can ensue where mental health issues develop. One could argue that this reasoning could equally apply to when Executives are removed from their substantive positions, moved into a small office, taken off distribution lists and told to find other employment. This is both morally and legally wrong. These practices cause angst, fear and toxicity in the workplace and do not create an atmosphere of trust, creativity and innovation. In fact, it completely stifles innovation and risk taking, but rather breeds a culture of disengagement, cynicism and disrespect.

Although technically EX 1-3s cannot be forced to deploy to other positions, at times the Advisor encourages such a move – as it is better to go somewhere where you are wanted than to stay in a situation that is not a good one. Nobody benefits if a situation becomes adversarial – not the Executive, their employees, their Superior or their colleagues. However, if an Executive must leave, then it should be with the support and assistance of the organization. *If there is a disconnect or a wrong fit, then open and honest communication should take place and help ought to be provided to move the Executive somewhere where they might be happy to go. It is a matter of treating people with respect. Often we see someone who does not fit in one culture, who flourishes and thrives in a new environment.* We are doing ourselves a disservice, if we 'dismiss' people simply because they think or act differently. Diversity of opinion is something that should be encouraged, not casually dismissed. We invest an incredible amount of resources in training employees to become Executives to simply relieve ourselves of them if a personality conflict is at play.

*Finally, many Executives have noted that consideration could be given to returning to a probationary period on promotion to provide time for an assessment in each new job.*

## CONCLUSION

Having arrived at a key milestone in the Federal Public Service, where innovation and striving for excellence are laudable catalysts for change, we need to recognize that the future of the public service depends on its people. Without strong, vibrant, enthusiastic employees and respectful workplaces, innovation cannot take hold and flourish. Fundamentally, positive relationships drive engagement, a commitment to change and a “can do” attitude. In spite of the desire to usher in a new era of civility in the public service, it is truly disheartening that so many Executives have felt the need to avail themselves of this service and that the demand has been steadily increasing. How we treat our workforce has a direct influence on our capacity to attract and retain talent. If we want engagement at all levels in the public service we need to capture people’s minds and hearts. Only then will we be able to have an enthusiastic, optimistic, innovative, risk-taking and passionately engaged public service.

Finally, on behalf of the Association, we wish to thank Pierre Rochon for supporting the ASE from 2013 to 2015 and for providing Executives with the guidance and help they needed to make informed decisions. It is also important to thank those who have assisted the ASE in striving for excellence in providing the best client service possible: esteemed colleagues at APEX, the vast network of advisors at the Office of the Chief Human Resources Officer, Treasury Board Secretariat, the Public Service Commission, the Canada School of Public Service, an array of coaches, consultants, private sector lawyers, health and human resource professionals. Without a comprehensive approach to client case management and collegial cooperation, it would have been difficult to provide well rounded advice and support to the ASE clients. Also, on behalf of the entire Executive community, it is imperative that a sincere thanks be extended to all the Deputy Heads who, for the good of the entire public service, have been financially supporting the work of the ASE over the last thirteen years.



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