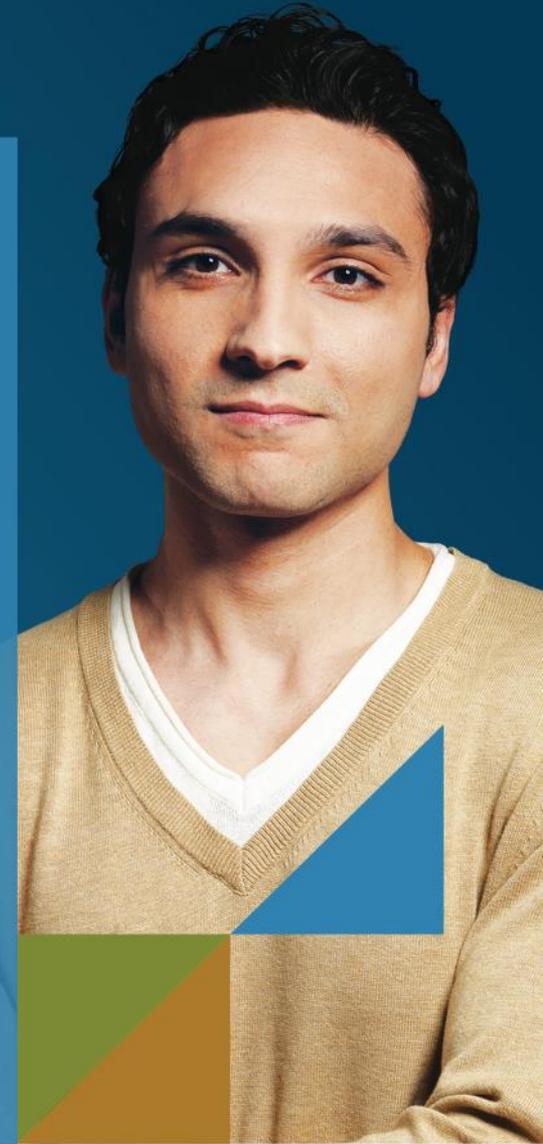


PERFORMANCE EVALUATION OF MEMBERS: HOW AND WHY?

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THE AEALT

The *Act to establish the Administrative Labour Tribunal* (the AEALT), CQLR, c. T-15.1.

- ✓ Recruitment (s. 52 of the AEALT)
 - Knowledge of the applicable legislation
 - Ten years' experience relevant to the Tribunal's functions
 - Only advocates and notaries may be assigned to the occupational health and safety division (s. 83 of the AEALT)

THE AEALT

✓ Term

- Duration: 5 years (s. 57 of the AEALT)
- Renewable (s. 58 of the AEALT)

✓ Procedures for appointment and renewal

- Established by government regulation

REGULATION RESPECTING THE RECRUITMENT PROCEDURE

Regulation respecting the procedure for the recruiting and selection of persons qualified for appointment as members of the Administrative Labour Tribunal and for the renewal of their term of office (T-15.1, r.1).

15. The selection criteria that the committee takes into account in determining a candidate's aptitude are

- 1° the candidate's personal and intellectual qualities;
- 2° the candidate's experience and the relevancy of that experience in relation to the duties of the Tribunal;
- 3° the extent of the candidate's knowledge and skills in view of the required qualifications, training or professional experience stated in the notice of recruitment;
- 4° the candidate's ability to carry out adjudicative functions;
- 5° the candidate's judgment, open-mindedness, perceptiveness, level-headedness, decision-making and expressive abilities; and
- 6° the candidate's conception of the duties of a member of the Tribunal.

REGULATION RESPECTING THE RECRUITMENT PROCEDURE

✓ Renewal

27. The committee determines whether the member still fulfils the criteria set out in section 15, **considers the member's annual performance evaluations** taking into account the needs of the Tribunal and may hold the consultations provided for in section 14 on any matter in the record.

REGULATION RESPECTING CONDITIONS OF EMPLOYMENT

Regulation respecting the remuneration and other conditions of employment of the members of the Administrative Labour Tribunal (T-15.1, r.2).

10. The annual performance evaluation of a member of the Tribunal is made by the president of the Tribunal or the vice-president designated by the president. The criteria and grades used to evaluate a member's performance, in accordance with the principle of independence in the performance of adjudicative functions, are those appearing in Schedule IV.

The annual performance evaluation of vice-presidents of the Tribunal is made by the president of the Tribunal and pertains, as regards the carrying out of their administrative office, to efficiency and effectiveness in the management of the resources put at their disposal to carry out the Tribunal's mission. If applicable, it also pertains to the exercise of their function as members and the criteria and grades used to evaluate their performance, in accordance with the principle of independence in the performance of adjudicative functions, are those appearing in Schedule IV.

The annual performance evaluation of the president of the Tribunal is made by the Minister responsible for the administration of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) and pertains exclusively to the efficiency and effectiveness of the management of the resources put at the president's disposal to carry out the Tribunal's mission. The grades used to evaluate the president's performance are those appearing in Schedule IV.

REGULATION RESPECTING CONDITIONS OF EMPLOYMENT

SCHEDULE IV

PERFORMANCE EVALUATION CRITERIA AND GRADES

The annual performance evaluation is carried out according to the following criteria:

1. Qualitative evaluation criteria: they comprise factors and standards intended to assess the knowledge, skills, attitudes and behaviours of the member in the performance of duties, particularly with regard to
 - a) the knowledge and use of statutes, regulations, evidence and procedure rules and jurisprudence using the means put at his or her disposal to master them;
 - b) the quality of the drafting of decisions, particularly with regard to clarity, precision and concision;
 - c) behaviour with the parties and their witnesses and representatives, particularly at the hearing;
 - d) compliance with the code of ethics applicable to the members of the Tribunal;
 - e) availability and dedication to work;
 - f) communications and relations with the Tribunal's management and staff;
 - g) participation in the committees and activities related to the office of Tribunal member;

Schedule IV (cont'd.)

2. Quantitative evaluation criteria: they are intended to assess the quantitative contribution of the member in the processing of records, particularly with regard to
 - a) the number of records closed following conciliation, discontinuance or an amicable settlement;
 - b) the number of records processed following investigations and hearings of parties, cases taken under advisement to assess testimonies, arguments and all the documents related to a record;
 - c) the number of decisions rendered.

THE PROCESS

- The coordinating judge asks each administrative judge to provide significant elements to be included in his or her annual review;
- The coordinating judge prepares a draft review;
- The draft review is submitted to the president, the vice-president of quality and consistency and the division's vice-president of operations for comments and completion;
- The annual review is sent to the administrative judge for signature. Any changes the administrative judge wants to make must go through the president or a vice-president. The review form provides a comments section for the administrative judge being reviewed;
- The review is sent to the government's senior positions secretariat (Secrétariat aux emplois supérieurs).

THE PROCESS

- ✓ **Availability and dedication to work:**
 - Availability to respond to the needs of the regional team, assistance to other regions and the Tribunal
 - Involvement in committees, working groups and other activities that are connected to the duties of administrative judge

THE PROCESS

✓ Quantitative performance:

The overall appreciation of the administrative judge's quantitative performance contains no numbers. The vice-presidency for which the administrative judge works and the following specific criteria are considered:

- the number of decisions rendered by the administrative judge
- the number of records involved
- the number of decisions rendered by all of the administrative judges on the team and the total number of decisions rendered by the tribunal
- the number of hearings held
- the length of the hearings
- the complexity of the cases
- the number of days the administrative judge was absent from work
- the travel time involved in hearings held away from the administrative judge's main office
- the administrative judge's additional assignments, as well as other special circumstances reported by the coordinating judge

THE PROCESS

✓ Time limits:

- Compliance with the time limits provided for in the act
- The number of matters under advisement that exceed the time limit provided for in the act, of which X [number] were extended by the president

THE PROCESS

✓ Drafting quality

- **Introductory paragraphs and substance of the contestation**
 - the introductory paragraphs of decisions are clear and complete
 - the substance of the contestation is clearly described
- **Evidence**
 - the evidence is presented clearly
 - the factual data (dates, names of the parties, etc.) are accurate
 - the evidence is reported in a concise manner
- **Reasons**
 - the applicable rule of law is identified
 - the decision is substantiated
 - the reasons are based on the evidence

THE PROCESS

✓ Drafting quality (cont'd.)

- **Conclusions**
 - the conclusions are clear, concise and enforceable

- **Drafting quality**
 - the language used is simple and straightforward
 - the medical and legal terms are used correctly
 - the basic rules of grammar, syntax and spelling are followed
 - the style guide is followed, for example, as concerns abbreviations, quoted material and references, standard wording
 - the quotes are, if applicable, brief and relevant