

Tracking Federal Regulatory Initiatives

Regulatory Affairs

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1.	Ministerial Orders, Approved
2.	Public Service hiring and promotion rules amended, to allow underfills in executive groups and deployments between occupational categories. 1-2
3.	Employment equity rules amended, to allow more appointments of aboriginals in the Indian and Northern Affairs Department 2-3
4.	Confederation Bridge Compulsory Pilotage zone established. 3
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Ministerial Orders Approved	Statutory Authority & Regulatory Plan Listing
<p>Public Service Employment Regulations, amendment (SOR/97-352) These amendments to the Public Service Employment Regulations, 1993 are designed to promote and support Public Service renewal and improved human resources management in the resourcing area. More specifically:</p> <ul style="list-style-type: none"> two amendments broaden the possibilities to make underfill appointments in the executive group. These amendments allow underfilling in the executive group even when the appointment is not made by competition and even if the person to be appointed is not already in the executive group. The appointment authority for executives has not been delegated to deputy heads by the PSC and that initial appointments to the EX group are subject to the usual right of appeal. 	<p>Public Service Employment Act, paragraph 35(2)(d)</p> <p>Not included in Regulatory Plan</p> <p>To be published in Canada Gazette August 6, 1997</p>

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- several amendments authorize deployments between occupational groups. The amendments place one specific condition on intergroup deployments: the employee to be deployed must meet the minimum that the PSC has established for purposes of deployment for the position to which the deployment will be made. These standards set minimum levels of competency in terms of education, training, occupational certification, satisfactory scores on aptitude or skills tests that the employee has to meet to be deployed to a position in another occupational group. These minimum levels are the same to be used whether a merit-based appointment or an intergroup deployment is to be made. Intergroup deployments will be subject to the same statutory requirements (consent of the employee to be deployed, recourse, no promotion or change in tenure, etc.) as deployments within an occupational group. Intergroup deployments will also have to meet the requirements of the Treasury Board's deployment policy. The amendments also stipulate that the deployments cannot be made to the executive group (EX) or the management trainee group (MM) where the employee to be deployed does not already occupy a position of the group concerned. The PSC considers that the admission to these groups should continue to be based on uniform criteria and standard evaluation methods.
- an amendment to subsection 19(1)(a) to stipulate that notice is deemed to be given by the Commission, where it is sent by mail, six days after the postmark. The amendment made enables departments to calculate the appeal period from the date of mailing as determined by the postage meter impression.
- an amendment to replace the words "deputy head concerned" with the words "appropriate deputy head" to make these provisions more consistent in both official languages. This amendment was recommended by the Counsel for the Standing Joint Committee for the Scrutiny of Regulations.
- one amendment corrects an error that was unfortunately made when subsection 2(3) was added on March 13, 1997 (SOR/97-142, 1997 Canada Gazette Part II, p. 839). By this amendment, the words "no greater than" are replaced by the words "equal to or greater than".
- another amendment corrects a grammatical error found in the French version of paragraph 4.1(2)a).

Contact: Régis Gaudreault, Policy Advisor, Public Service Commission, L'Esplanade Laurier, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0M7. Tel: 613-992-4530.

Indian Affairs and Northern Development Aboriginal Peoples Employment Equity Program Appointments Regulations (SOR/97-353)

These Regulations establish that priority employees who are aboriginal are not subject to the exclusions set out in the Regulations and thus may be considered for appointment under the employment equity program for aboriginal peoples.

More specifically, appointments of aboriginal peoples to positions in the Department of Indian Affairs and Northern Development under the employment equity program are excluded from the operation of subsections 29(3), 30(1) and (2) and 39(3) and (4) of the *Public Service Employment Act* (PSEA) and from the operation of any regulation made under paragraph 35(2)(a) of the Act. This exclusionary treatment does not apply to aboriginal peoples with appointment priority entitlements under subsections 29(3), 30(1) and (2) and 39(3) and (4) of the PSEA and the regulations made under paragraph 35(2)(a) of the Act.

The regulations come into effect July 16, 1997.

Public Service Employment Act, paragraph 35(2)(d)

Not included in Regulatory Plan

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At present, approximately 20% of the Department's employees are aboriginal. The Department has committed itself to ensuring that half the positions that become vacant in the coming years will be filled by aboriginal peoples under the employment equity program. It also plans to have an aboriginal representation rate of 37% by 2005. In addition, the Department intends to raise aboriginal representation in the Executive Group from 13% to 23% by 2005.

In order to facilitate attainment of these targets, the Public Service Commission, pursuant to paragraph 35(2)(d) of the Public Service Employment Act, is making these Regulations, which exclude appointments under this program from the consideration of priority persons as set out in subsections 29(3), 30(1) and (2) and 39(3) and (4) of the Public Service Employment Act and the regulations made under paragraph 35(2)(a) of the same Act. These entitlements pertain to, among others, laid-off employees, Ministers' staff, employees returning from leave whose position have been filled on an indeterminate basis and employees declared surplus.

Contact: Michel Lajoie, Project leader, Staffing Policy and Program Development Directorate, Public Service Commission, L'Esplanade Laurier, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0M7. Tel: 613-992-4530.

Canadian Chicken Marketing Agency Quota Regulations, 1990, amendment (SOR/97-354)

This amendment, which comes into force on July 17, 1997, establishes the 1997 periodic allocation for the period from July 6, 1997 to Aug. 30, 1997 for producers who market chicken in interprovincial or export trade.

The new limits are as follows:

- production subject to federal and provincial quotas (in live weight, kilograms), for Ontario, 51,680,000; for Quebec, 45,388,409; for Nova Scotia, 5,982,000; for New Brunswick, 4,238,818; for Manitoba, 6,234,686; for P.E.I., 580,794; for Saskatchewan, 3,710,699; for Alberta, 14,057,376; and for Newfoundland, 2,442,177.
- production subject to periodic export quotas (in live weight, kilograms), for Nova Scotia, 100,000; for Alberta, 489,796.

Contact: Canadian Chicken Marketing Agency, 377 Dalhousie Street, Ottawa, Ontario, K1N 9N8. Tel: 613-241-2800; Fax: 613-241-5999.

Atlantic Pilotage Authority Regulations, amendment (SOR/97-355)

The amendment establishes the Confederation Bridge Compulsory Pilotage Area under Part IV of the Schedule to the Regulations.

It defines the pilotage area as all the navigable waters within a quadrilateral commencing at a point at Latitude 46°11'00" N, Longitude 63°47'00" W, thence to a bearing of 340° (True) for a distance of 4.4 nautical miles to a position at Latitude 46°14'12" N, Longitude 63°49'12" W, thence on a bearing of 107° (True) for a distance of 4.1 nautical miles to a position at Latitude 46°14'00" N, Longitude 63°43'30" W, thence on a bearing of 157° (True) for a distance of 3.75 nautical miles to a position at Latitude 46°10'30" N, Longitude 63°41'30" W, thence on a bearing of 277° (True) for a distance of 3.9 nautical miles to the point of commencement. The regulation comes into force on October 1, 1997; it was prepublished in the Canada Gazette on March 22, 1997.

Contact: Atlantic Pilotage Authority, #1402, 1959 Upper Water Street, Halifax, Nova Scotia, B3J 1M5. Tel: 902-426-2550; Fax: 902-426-4004.

Farm Products Agencies Act, paragraph 22(1)(f)

Not included in Regulatory Plan

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Pilotage Act, subsection 21(4)

Not included in Regulatory Plan

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Canada Grain Regulations, amendment (SOR/97-356)

The amendment changes Table XXIII re Grades of Domestic Mustard Seed (Canada, to correct an error in the maximum limit of conspicuous inseparable seeds distinctly applicable to the No. 1 Canada Grade.

The tolerance is changed to read "about 0.1%" in place of "about 0.5%".

The regulation is effective August 1, 1997.

Contact: Canadian Grain Commission, 600 - 303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel: 204-983-2735; Fax: 204-983-2751.

Canada Grain Act, sub-sections 16(1) and (2)

Not included in Regulatory Plan

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Canadian Chicken Marketing Agency Quota Regulations, 1990, amendment (SOR/97-357)

This amendment establishes the 1997 periodic allocation for the period from Aug. 31, 1997 to October 25, 1997 for producers who market chicken in interprovincial or export trade.

The new limits are as follows:

- production subject to federal and provincial quotas (in live weight, kilograms), for Ontario, 51,084,000; for Quebec, 44,100,514; for Nova Scotia, 5,400,000; for New Brunswick, 4,214,820; for Manitoba, 6,166,621; for P.E.I., 597,356; for Saskatchewan, 3,832,578; for Alberta, 13,809,086; and for Newfoundland, 2,326,531.
- production subject to periodic export quotas (in live weight, kilograms), for Nova Scotia, 50,000; for Alberta, 450,000.

The Regulations come into force on August 31, 1997.

Contact: Canadian Chicken Marketing Agency, 377 Dalhousie Street, Ottawa, Ontario, K1N 9N8. Tel: 613-241-2800; Fax: 613-241-5999.

Farm Products Agencies Act, paragraph 22(1)(f)

Not included in Regulatory Plan

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