



# Agencies, Board and Commissions

## Appointments Processes: A bird's eye view

August 27, 2021

# Presentation Overview

- Context
- Non-adjudicative appointments process
- Adjudicative appointments process
- Things to keep in mind
- Questions and discussion

# Context

- Currently, there are over 650 appointees serving on 184 ABCs; many appointees receive little or no remuneration
- Approximately 200-300 appointments are made annually
- ABCs play important roles; for example:
  - Farm Loan Board
  - *Criminal Code* Review Board
  - Labour Board
  - Halifax-Dartmouth Bridge Commission
- Ministers are responsible for filling vacancies on ABCs within their portfolios
- Appointments processes are designed to be open, transparent and accessible

# Non-adjudicative appointments

- Process established by the *Non-adjudicative ABCs Appointments Procedure Manual* (approved by Cabinet in 2008)
- Current and upcoming vacancies are advertised twice a year (usually, in April/May and October/November)
- Applications are submitted through an online application, reviewed by ECO, and forwarded to departments for screening
- Departmental screening panels review the applications and provide Ministers with lists of all qualified candidates
- Ministers choose who to appoint or recommend for appointment

# Non-adjudicative appointments

- Cabinet submissions (either R&Rs or Ministerial Appointment Forms) are prepared
- Cabinet considers the proposed appointments
- The House of Assembly's Standing Committee on Human Resources reviews the appointments (but only has power to approve or not approve)
- Once approved, OICs or Ministerial Appointments are prepared for signature
- Monthly lists of appointments are posted under the **Recent Appointments** tab on ECO's ABC website:  
[https://novascotia.ca/exec\\_council/abc/](https://novascotia.ca/exec_council/abc/)

# Non-adjudicative appointments

- Departments are responsible for:
  - Ensuring ABC profiles and membership lists are complete and up-to-date
  - Advising Ministers regarding board renewal issues
  - Taking steps to deal with vacancies in a timely way
  - Establishing screening panels
  - Ensuring applications are screened
  - Updating screening information in the ABC database system
  - Providing Ministers with lists of all qualified candidates
  - Preparing necessary submissions (R&Rs or Ministerial Appointment Forms)
  - Advising appointees and ABCs that appointments have been made

# Non-adjudicative appointments

- Ministers are responsible for:
  - Approving ABC profiles
  - Consulting with Executive Assistants and others regarding qualified candidates for appointment
  - Deciding who to appoint or recommend for appointment
  - Communicating decisions to departmental staff
- EAs are responsible for:
  - Consulting with Ministers regarding proposed appointees
  - Working with departmental staff to ensure appointments are made in a timely way

# Non-adjudicative appointments

- House of Assembly's Standing Committee on Human Resources
  - Established by Rule 60 of the *Rules and Forms of Procedure of the House of Assembly*
  - Reviews and approves (or not) candidates for appointment to ABCs where the GIC or Minister has discretion in making appointments (nearly all non-adjudicative appointments)
  - Controls its own processes, including forms, and has strict deadlines
- OICs and MAs are prepared only after the Standing Committee on Human Resources approval is obtained
- Generally, OICs are signed by the LG on the Friday after the Standing Committee on Human Resources meets



# Adjudicative appointments

- Established by the *Terms of Reference for Advisory Committees on Adjudicative Boards and Selection Criteria to be used by Advisory Committees on Adjudicative Boards*
- Resulted from settlement of a human rights claim against government in 2002
- Process is similar to the non-adjudicative process except:
  - There are strict deadlines for applications
  - More detailed applications are required, and selection criteria are often more stringent
  - Screening panels are more structured
  - Reference checks are done, and candidates may be interviewed
  - Ministers are provided with an unranked short list of 3-6 candidates from which to make their selections
  - Proposed appointments are not reviewed by the Standing Committee on Human Resources

# Things to keep in mind

- Both processes involve numerous steps that take significant time; For example,
  - Paperwork must be submitted to the Standing Committee on Human Resources at least 10 days before the Committee meets
  - Submissions must be received by ECO at least three (3) weeks before the deadline for submitting paperwork to the Standing Committee on Human Resources
  - Reference checks for adjudicative appointments
- Therefore, departments should monitor membership closely and prepare submissions well in advance to ensure appointments are made in a timely way

# Things to keep in mind

- Old files can be helpful, but the templates and requirements have changed in the past few years so don't rely on them too much
- The Submissions Guide provides detailed direction on how to complete both Ministerial Appointment Forms and R&Rs
- Forms that are completed incorrectly slow the process down so, when in doubt, contact ECO for clarification
- Draft Forms can be sent to the Governance and Accountability Unit of the Executive Council Office for review and comment to assist the Departments

# Questions & Discussion

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