

Member

Regulatory and Adjudicative Agencies Core Competencies

COMPETENCY – PROFESSIONAL JUDGEMENT

Definition:

Professional judgement is the exercise of critical thinking, analysis and assessment of implications, identification of patterns, making connections of underlying issues, and the ownership of the outcome. Effectively exercised, it leads to fair, efficient processes and brings clarity and resolution to complex and ambiguous situations or issues.

Elements:

How the skill / attribute is demonstrated for effective performance in the position.

- > Uses professional experience to make assessments of facts, data, credibility and situations.
- > Applies professional knowledge to analyze issues, clarify positions and determine workable options or reach reasoned decisions.
- > Applies sound judgement assessing cases of conflicting verbal / written evidence or the assessment of credibility.
- > Facilitates open dialogue such that underlying issues and interests are revealed.
- > Assimilates information and applies law and legal principles to specific facts, evidence and positions. Makes clear and reasoned rulings / decisions.
- > Employs optimal timing and circumstances for either refraining from or making a decision or employing an alternative method of dispute resolution.
- > Maintains effective control over processes and keeps a steady focus on desired outcomes.
- > Hearings or reviews are conducted in accordance with the governing statute and the policies, procedures and rules of practice developed by the agency.
- > Rulings are made to ensure the proper and expeditious conduct, control and completion of hearings or reviews, which also uphold rules of natural justice.
- > Knows how to organize work and priorities in a manner that meets competing needs of due and fair process and timely resolution of matters.

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COMPETENCY – LISTENING / UNDERSTANDING

Definition:

Listening / understanding is the ability to gather facts and pertinent information to gain understanding before drawing conclusions or taking action. It involves active listening and comprehension of verbal and non-verbal signals to enhance understanding and accurately assess situations to help resolve issues, problems, conflicts and disputes. It also involves the ability to encourage others to elaborate on matters and interests.

Elements:

How the skill / attribute is demonstrated for effective performance in the position.

- > Understands that the complexities of issues are uncovered in a variety of ways including through actions, unstated interests and pressures and emotions as well as stated positions or evidence.
- > Practises active listening to comprehend interests as well as positions.
- > Employs effective questioning to elicit further information or gain greater understanding or clarity.
- > Assimilates multiple sources of information to make informed decisions that effectively uncover and address the issues.
- > Conducts hearings or reviews that set the tone for equal, active and open dialogue and information exchange.
- > Knows when it is necessary and appropriate to seek out information or interests that may be difficult to ascertain.
- > Understands the impact of one's own actions and emotions and demonstrates self-control and steady focus in situations of tension and conflict.
- > Listening and understanding is evidenced when those who appear before the agency feel they had an opportunity to express their positions and when decisions reflect concerns and resolve issues.

COMPETENCY – DECISION-MAKING

Definition:

Decision-making involves independent analysis and evaluation of data and evidence as well as reasoned thinking and application of relevant law. It requires advanced oral and written communications skills needed to explain one's position in the face of resistance, adverse reaction or tight deadlines and to articulate clearly the desired course of action or decision.

Elements:

How the skill / attribute is demonstrated for effective performance in the position.

- > Weighs all evidence and submissions thoroughly.
- > Issues clear decisions that reflect a thorough analysis of the issues, and balances perspectives and details reasons.
- > Where a panel conducts a hearing, participates in post-hearing panel discussion between co-members.
- > Decides independently, but knows when it is appropriate to consult the opinions and, where appropriate, the advice of others.
- > Clearly articulates views and defends positions on complicated and controversial issues.
- > Issues decisions in a timely manner, within the time frames established by the agency.
- > Provides reasons and demonstrates clarity in oral and written rulings such that the parties understand and carry out what is decided.
- > Makes reasoned decisions based on the evidence and interpreting and applying the relevant law to the evidence.

COMPETENCY – INTEGRITY / ETHICS / VALUES

Definition:

Integrity / ethics / values refers to the willingness to hold oneself and others accountable for acting in ways, both privately and publicly, that are consistent with stated values, principles and professional standards, even when risk is associated.

Elements:

How the skill / attribute is demonstrated for effective performance in the position.

- > Takes action based on values even when cost or risk is at stake.
- > Conducts affairs with professional integrity such that rules of engagement are known and the agency's values and expected standards of interaction are clear.
- > Sets the expectations of interactions among parties and insists on professional and respectful interactions in all proceedings.
- > Treats all who appear before the agency in a respectful manner.
- > Acts in accordance with organizational values, even when challenged or in stressful situations.
- > Maintains impartiality and objectivity in serving the public good.
- > Stands by and accounts for value-based decisions and actions even if they are unpopular or controversial.
- > Is aware of and respects social and cultural differences of all who appear before the agency.
- > Recognizes and questions own personal biases, identifies situations of power imbalance, and adopts value-based strategies to address them.
- > Complies with the agency's Code of Conduct and Conflict of Interest rules. Recognizes and discloses any potential conflict of interest in a timely manner and acts to eliminate any possible concern of bias.

COMPETENCY – PROFESSIONAL AWARENESS

Definition:

Professional awareness is the depth and breadth of the knowledge, skill and experience particular to the position. It involves knowledge of laws, practices, processes, professional skills, stakeholders and the culture specific to the agency environment.

Elements:

How the skill / attribute is demonstrated for effective performance in the position.

- > Possesses an in-depth knowledge of the relevant law, legal framework and procedures relevant to the agency's policies, protocols and rules.
- > Thoroughly understands the subject matter within the agency's jurisdiction.
- > Maintains current knowledge of the associated stakeholder communities, their issues and interests, as well as the regulatory and legal framework governing their activities.
- > Understands and applies a full array of dispute resolution practices to employ the most effective method(s) of resolving a dispute, in keeping with the governing statute.
- > Understands and effectively conducts hearings and reviews, makes clear rulings, ensures all issues are dealt with and that the parties are heard and treated fairly.
- > Manages proceedings such that all who appear before the agency understand procedures and practices and can participate equally.
- > Applies relevant laws, policies, procedures and rules.
- > Establishes work practices that deal effectively with a high volume caseload.
- > Understands government processes that pertain to agency appointees, including the independent nature of the agency's relationship with its ministry.
- > Participates in professional learning and development opportunities.

COMPETENCY – CONFLICT MANAGEMENT

Definition:

Conflict management is the knowledge and ability to anticipate, recognize and effectively resolve disputes. It includes facilitating open and constructive discussions and where possible win-win solutions, or as necessary, rendering a decision to bring resolution to matters.

Elements:

How the skill / attribute is demonstrated for effective performance in the position.

- > Sets tone of interactions that are respectful and productive.
- > Employs an array of dispute resolution techniques.
- > Maintains control and keeps a steady focus on resolution of matters.
- > Detects and addresses conflict in its early stages.
- > Diffuses stressful disagreements and hostile or emotionally charged situations.
- > Actively listens to determine common interests and considers situations from multiple perspectives.
- > Effectively restates positions and asks questions tactfully to identify key issues or values that are at the centre of the conflict.
- > Helps to identify areas of agreement and manages the process toward resolution.
- > Facilitates parties to re-think current views and beliefs and facilitates discussion of options to create mutual gain.
- > Creates an environment among parties that facilitates positive, respectful relationships.
- > Mediates between the parties' interests to discover a mutually agreeable solution.
- > Assists the parties to develop a workable course of action to implement an agreement.
- > Knows when to insist, when to effect a negotiation or compromise, how to build consensus to bring closure to a matter, and when it is necessary to render a decision.