

New System: Recourse (Internal Appointments)

- After the assessment, unsuccessful candidates are notified and provided with an informal discussion; a second notification is provided when an appointment is to be made or is being proposed
- Unsuccessful candidates can lay complaints
- The Public Service Staffing Tribunal (PSST) hears and resolves complaints
- Grounds for recourse limited to abuse of authority and failure to assess in the official language of candidate's choice
- The new recourse process will focus on the treatment of the complainant in the process
- Human rights issues (discrimination) are integrated in the PSST process

New Staffing Tribunal

An independent body to review questions of

- Abuse of authority in establishing or applying merit criteria
- Abuse of authority in choosing between an advertised and a non-advertised internal appointment process
- Failure to assess the complainant in the official language of his/her choice
- Abuse of authority, regarding decision to revoke an appointment or the lay-off of an employee

Revocation and Corrective Action

The Deputy Minister

- Will have authority to revoke and take corrective action on internal appointments
- Must be satisfied that an error, omission or improper conduct affected the selection for appointment
- May only revoke nomination after investigation
- Will provide persons affected with an opportunity to be heard

- May appoint person revoked to another position if they meet the essential qualifications and
- Only PSC can investigate/revoke cases of political interference, fraud or external processes

Importance of HR Planning

"The Commission has regard to:

30(2)(b)(iii) Any current or future operational requirements of the organization that may be identified by the deputy head."

HR Planning

- Determine organizational requirements
- Analyze the environment
- Analyze gaps
- Set HR priorities to promote achievement of objectives/leads to staffing plans
- Measure, monitor and report on progress

Informal Discussion

"Where a person is informed by the Commission (the Manager), at any stage of an internal appointment process, that the person has been eliminated from consideration for appointment. The Commission (the Manager) may, at that person's request, informally discuss its decision with that person." (s. 47). This discussion involves:

- Open-transparent communication
- Explanation and clarification
- Correction of errors or oversights

This means knowing your rationale and being able to articulate decisions based on merit criteria, values and HR Plan