

July 5, 2002

Françoise Huneault  
Deputy Registrar  
Office of the Registrar  
Recourse Branch  
Public Service Commission of Canada  
L'Esplanade Laurier Building, West Tower  
300 Laurier Avenue West  
Ottawa, ON K1A 0M7

**BY FAX: (613) 996-7029**

Dear Ms Huneault:

**Re: Department of Fisheries and Oceans – Corrective Measures  
National Competition for Staffing PM-04 (Field Supervisors) and PM-05  
(Conservation Supervisors)**

I write to you in response to your letter of July 4, 2002, to George DaPont, Assistant Deputy Minister, Human Resources, Fisheries and Oceans.

In my capacity as National President of the Environment Component, PSAC and on behalf of Environment Component, PSAC represented employees of the Department of Fisheries and Oceans, I am writing to express my serious concerns with the course of action proposed in your July 4, 2002, letter.

Your letter is alarming for several reasons.

Since 1998, candidates for the positions of Field Supervisor and Conservation Supervisor have been subject to a selection process rife with uncertainty, delay, inconsistency and a lack of transparency.

It has been the position of the Environment Component, PSAC that the only way to rectify the myriad defects in these selection processes is to initiate a new national competition and employ different selection tools.

For example, in the vast majority of cases, eligibility lists have expired or are close to expiring. In some cases, appointments were made. Yet, your letter states that candidates in the original competitions (where no appeals were filed) are being re-marked on the BEI results using the new marking scheme, and resulting in new eligibility lists.

This measure has the effect of reviving expired eligibility lists, re-marking candidates on the basis of an assessment that is over two years old, and has the potential to prejudice incumbents to positions for which no appeals were filed under section 21 of the *PSEA*.

In our view, this approach is unlawful; it is contrary to the *Public Service Employment Act and Regulations*, is wholly inconsistent with merit, and cannot be in the best interests of the public service at large.

In addition, the Department and the Public Service Commission are well aware that there remain a series of outstanding allegations relating to other defects in the selection process. A competent authority has not heard and rendered a decision on these yet. Nevertheless, the nature and scope of these allegations must form part of the PSC's present investigation.

In short, even at best, the PSC's order to implement corrective measures is premature; it will not address more systemic defects in the selection process or the possibility of further appeals under subsection 21(4) of the *PSEA* in response to corrective measures. Indeed, by taking this action in the context of an investigation, the current PSC investigation has the potential to circumvent or deny the right of employees to file appeals under the *PSEA*.

We are extremely concerned at this result.

Finally, this letter serves as notice to the Public Service Commission that the Environment Component, PSAC in its representative capacity, intends to make representations to the PSC Investigator assigned to this matter. However, we have provided our immediate concerns to the PSC in order to both facilitate and expedite the resolution of this extremely important issue.

Indeed, the Environment Component, PSAC challenges the PSC to do the only thing consistent with merit; to accept that the current selection processes are beyond repair and initiate a new selection process with new selection tools.

Yours truly,

William Pynn  
National President  
Environment Component, PSAC

cc Bob Kingston, Mark Power and Mike Arseneault  
Local Presidents/Secretaries  
National Executive  
National and Regional Equal Opportunity Representatives  
George DaPont, ADM, Fisheries and Oceans