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**Staffing Appeals**

**Committee of the Whole—2016-2017 Operating Budget Review**

**Dept. of Human Resources—June 3, 2016**

**MR. O'REILLY:** What I find difficult in this process is we've already been through the business plans, there has been some really good discussion back and forth, and then we get a completely different document that I guess is not really as detailed or well laid out as the business plans, but we're trying to probe and get some issues onto the table. It's not always clear to me where they arise in the main estimates, so that might be an observation I offer in my reply to the budget address. The issue of staffing appeals, it's my understanding that staffing appeals, the numbers have been going down, but also the length of time that an appeal can be filed has also been reduced in regulations.

There's a whole number of reasons why people are excluded from even appealing a staffing action, so I guess the issue is one of fairness. And how is the department looking at the issue of fairness in staffing appeals, particularly by parties how many not be government employees because I think we want to make sure that we have a robust system of hiring folks and that people don't feel that there's bias in any way in the hiring process. But if you're not even eligible to file appeal or you have a very restricted right to file an appeal, people start to lose, or could lose, confidence in the hiring process itself. So I'm wondering if the Minister can just tell me how the department has considered these issues in the context of staffing appeals. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you, Mr. O'Reilly. Mr. Minister.

**HON. GLEN ABERNETHY:** Thank you, Mr. Chair. Staffing appeals give candidates with appeal rights an opportunity to be heard if they feel that a procedural error has been made during the competition process that might negatively affect how they were considered as a candidate. With respect to independence, the staffing appeals are reviewed by an independent staffing review officer who is appointed by the Minister of Human Resources and is not a government employee. Amendments made by the staffing appeal regulations which are outlined in the Public Service Act clearly on page one of appendix -- well it's on page one of the regulations, they clearly outline who is eligible and who is not eligible for appeal rights. These amendments to the staffing appeal regulations came into force on July 15<sup>th</sup>, 2015.

The changes were expected to improve the timeliness and efficiency of the staffing process and previous timelines in the staffing process allowed I think it was 10 days response time when a candidate was notified by email or fax. Due to the immediate nature of emails or faxes, candidates can immediately receive or respond to staffing appeals. Changes to the regulations now require candidates to appeal rights within five days instead of 10 days recognizing technology and the ease of communications. Amendments were also provided to provide additional clarity on if and when a staffing review officer may actually dismiss an appeal, but the changes did not affect an individual's ability to appeal. So GNWT employees who are applying to GNWT jobs have the right to appeal, Indigenous Aboriginal candidates have the right to appeal; it isn't just GNWT employees. There's a few other criteria that I can't remember off the top of my head.

**CHAIRPERSON (Mr. McNeely):** Thank you, Mr. Minister. Mr. O'Reilly.

**MR. O'REILLY:** Thank you, Mr. Chair. And I appreciate the explanation. I'm all for efficiency, but I don't want that at the expense of fairness. It's my understanding is that the grounds and who can actually file an appeal are very, very limited which I think can lead to issues of credibility of our hiring process. So what is the department doing in terms of the fairness of staffing appeals to ensure that we can maintain credibility and confidence in our staffing processes? Thanks, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you, O'Reilly. Mr. Minister.

**HON. GLEN ABERNETHY:** Thank you, Mr. Chair. Mr. Chair, the parties who have appeal rights include any person eligible for priority consideration under the Affirmative Action Policy and any current GNWT employee. There are some scenarios where appointments to positions may not be appealed under regulations and those are clearly outlined within the policy and regulations. That's a person with a staffing priority status under the Staff Retention Policy, any position considered an executive position as determined by the job evaluation system, and teacher and/or principal jobs. With respect to fairness, I mean we want to be fair, we want to be open. Anybody can apply on jobs, but there are some limitations on who can appeal. And I mean we'll certainly continue to look at this to make sure that it's fair and reasonable, and I'd certainly like any insight the Member might have, but at this time, I mean we weren't going to do any additional review of the appeal process given that a review was done in the last assembly and came into force in July 2015.

**CHAIRPERSON (Mr. McNeely):** Thank you, Mr. Minister. Mr. O'Reilly.

**MR. O'REILLY:** Thank you, Mr. Chair. I'll take the Minister up on his offer and put together some thoughts on this and pass those back to him because I think there are ways that we could ensure that we can maintain confidence in our staffing process by ensuring that we have a fair appeal process. So thank you, Mr. Chair, and thanks to the Minister for being so open and transparent.

**CHAIRPERSON (Mr. McNeely):** Thank you, Mr. O'Reilly. Mr. Minister.

**HON. GLEN ABERNETHY:** I'm looking forward to that conversation, but in light of that conversation I will point out that most of the employers throughout Canada, in fact many places throughout the world, don't have appeal rights at all. This is something that we felt was appropriate given things like our Affirmative Action Policy and our desire to work with Northerners to employ Northerners. Most employers don't have an appeal mechanism at all for job competitions, and we have I think in many ways gone quite a distance to work with residents of the Northwest Territories. We're always looking for ways to improve obviously, and I look forward to that conversation.