Staffing and Recourse Directive (Staffing Program)

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1. Effective date

The Staffing and Recourse Directive (Staffing Program) received approval by the Assistant Commissioner, Human Resources Branch, on September 23, 2013, and is in effect as of November 1, 2013.

All staffing started prior to November 1, 2013, will be completed in accordance with the 2007 Staffing Program.

See section 12 for the version history of this document.

This directive replaces the following:
- Delegation of Staffing Authorities and Accountabilities (dated March 9, 2006)
- Directive on Area of Selection (dated November 1, 1999)
- Directive on Minimum Education Standards (dated October 1, 2012)
- Directive on the Selection Process (dated January 31, 2008)
- Directive on the End-State Pre-Qualification Process (dated July 31, 2009)
- Directive on Assessment Methods (dated November 1, 1999)
- Directive on Lateral Moves (dated July 30, 2009)
- Directive on External Recruitment (dated November 1, 1999)
- Directive on Student Employment (dated July 10, 2007)
- Directive on Apprenticeship Programs (dated November 1, 1999)
- Directive on Employment Equity (dated November 1, 1999)
- Directive on Staffing of Bilingual Positions (dated May 19, 2005)
- Directive on the Management of Term Employees (including rehires) (dated September 2006)
- Directive on Preferred Status (dated September 4, 2007)
- Directive on Recourse for Assessment and Staffing (dated January 31, 2008)

- Directive for Independent Third-Party Review for Staffing Situations (dated October 31, 2011)

2. Application

This directive applies to employees, candidates, and individuals with preferred status who are involved in staffing at the Canada Revenue Agency (CRA), as well as any other individuals required to comply with CRA policy by virtue of a contract or a memorandum of understanding (MOU). It does not apply to executive cadre staffing.

The Code of Ethics and Conduct highlights the expected standard of conduct for all CRA employees and the required adherence to CRA policy instruments. Employees must abide by the CRA values when staffing. Compliance with CRA corporate directives is mandatory.

3. Related corporate policy instruments

This directive flows from the Staffing Program Policy.

This directive is supplemented by the Procedures for Staffing (Staffing Program), the Procedures for Recourse on Staffing (Staffing Program) and the Guidelines for Staffing (Staffing Program).

See also References.

4. Introduction

The Canada Revenue Agency Act gives the CRA authority in matters related to human resources management including the authority to develop its own staffing and staffing recourse program to meet business requirements.

This directive identifies requirements related to staffing and staffing recourse and helps managers make decisions, using staffing principles and CRA values.

The CRA is committed to excellence in its workforce and employee performance is a key factor in staffing decisions.

5. Objective and outcomes

5.1 Objective: To staff a workforce to carry out the CRA's mandate.

5.2 Outcomes
- 5.2.1 The program supports merit-based appointments.
- 5.2.2 The program supports the CRA's business requirements.
- 5.2.3 The program is adaptable, efficient, fair, productive, and transparent.
- 5.2.4 The workforce appointed is competent, non-partisan and representative.
- 5.2.5 Employee concerns related to arbitrary treatment during staffing are promptly addressed.

6. Requirements
This section states what must be done in order to achieve the objective.

6.1. Staffing principles

6.1.1. The staffing principles guide managers in building an effective workforce through a successful staffing program. Managers can choose from various options relating to staffing. Managers must determine the relative importance of the staffing principles and apply them when making a decision.

6.1.2. Staffing principles related to a successful staffing program:
- Adaptability: Staffing is flexible and responsive to the changing circumstances and to the unique or special needs of the organization.
- Efficiency: Staffing is planned and carried out taking into consideration time and cost, and it is linked to business requirements.
- Fairness: Staffing is equitable, just and objective.
- Productiveness: Staffing results in the required number of competent people being appointed to conduct the CRA's business.
- Transparency: Communications about staffing are open, honest, respectful, timely, and easy to understand.

6.1.3. Staffing principles related to an effective workforce:
- Competence: The workforce possesses the attributes required for effective job performance.
- Non-partisanship: The workforce and staffing decisions must be free from political and bureaucratic influence.
- Representativeness: The composition of our workforce reflects the labour market availability of designated group members.

6.2. Delegation of staffing authorities

6.2.1. Before exercising their staffing authority, managers must:
- have successfully completed the Delegation of Staffing Authority training;
- have the appropriate management level in accordance with the Delegation of Human Resources Authorities; and
- have financial delegation, if needed.

6.2.2. To maintain their staffing authority, managers must respect the requirements of the Staffing Program Policy, the Staffing and Recourse Directive, and other related corporate staffing policy instruments.

6.3. Staffing process

6.3.1. A staffing process is a series of activities and decisions taken by managers to appoint a candidate to or retain a candidate in a position. A staffing process normally involves the following four stages: planning, screening for prerequisites, assessment, and appointment.

6.3.2. Planning a staffing process

6.3.2.1. Managers must refer to their respective [branch or regional workforce plan](#) when planning a staffing process.

6.3.2.2. If a staffing strategy exists, managers must comply and appoint candidates in accordance with that strategy.

6.3.2.3. Managers must plan a staffing process by identifying the staffing requirements, the source of candidates, communication activities, and the operational planning of the staffing process. They must be able to explain their principles-based staffing decisions.

Staffing requirements

6.3.2.4. Staffing requirements are the attributes of a position that are used to determine candidates for appointment and are linked to business requirements.

6.3.2.5. Managers must tell the source of candidates which staffing requirements will be used at the screening for prerequisites and assessment stages, as applicable.

6.3.2.6. Managers must decide which staffing requirements are essential and which are discretionary, and which will be used at:
- the screening for prerequisites stage, and;
- the assessment stage (to identify candidates for appointment).

6.3.2.7. Managers must specify the minimum staffing requirements for the positions being staffed. These are:
- education (with respect to the CRA minimum education standards);
- language;
- performance level; and
- level of personnel security screening.

6.3.2.8. Managers can also identify other staffing requirements as needed.

6.3.2.9. Managers must ensure that staffing requirements are not discriminatory based on the prohibited grounds under the *Canadian Human Rights Act*. Otherwise, before a staffing requirement can be recognized as a *bona fide* occupational requirement (BFOR), managers must make every effort to accommodate the needs of individuals to the point of undue hardship to the CRA considering health, safety, and cost.

Source of candidates

6.3.2.10. Managers must determine the source of candidates; that is, which individuals or groups are eligible for a staffing process.

6.3.2.11. In accordance with the Canadian Charter of Rights and Freedoms, the Agreement on Internal Trade, and the S*ocial Union Framework Agreement*, managers cannot restrict a source of candidates based on provincial or territorial boundaries.

6.3.2.12. For staffing processes where the source of candidates includes the general public, managers must use a national source of candidates in accordance with the Agreement on Internal Trade and the *Social Union Framework Agreement.* Certain exceptions are specified in the Procedures for Staffing.

6.3.2.13. Managers can restrict a source of candidates to one or more employment equity designated group(s) in accordance with the Employment Equity Act*.*

6.3.2.14. This directive supports the mobility of CRA and public service employees for staffing, in accordance with subsections 55(1) and 55(3) of the *Canada Revenue Agency Act.*

Communication

6.3.2.15. Managers must identify if the staffing process will be conducted with or without solicitation. If managers request applications or solicit interest for the job being staffed, it is staffing with solicitation. If managers do not request applications or solicit interest for the job being staffed, it is staffing without solicitation*.*

6.3.2.16. Managers must also identify how they will communicate with the source of candidates.

Operational planning

6.3.2.17. Managers must identify what they need to efficiently conduct their staffing process.

6.3.3. Conducting a staffing process

6.3.3.1. Managers must conduct a staffing process to determine the extent to which candidates meet the staffing requirements. Conducting a staffing process normally involves the screening for prerequisites and assessment stages.

6.3.3.2. Managers must give priority for appointment to individuals with preferred status except in certain situations specified in the Procedures for Staffing. Individuals with preferred status must be appointed at a level equivalent or lower to their substantive or former

substantive position. They need to meet only the minimum staffing requirements of the positions.

6.3.3.3. Throughout a staffing process, managers must:
- provide accommodation to candidates to the point of undue hardship, considering health, safety, and cost, in accordance with the Canadian Human Rights Act;
- protect personal information about candidates, in accordance with Privacy Act and the Employment Equity Act;
- protect information about standardized assessment tools, in accordance with the Privacy Act and section 22 of the Access to Information Act;
- assess candidates in their official language of choice except when assessing a candidate's language proficiency for staffing unilingual positions, in accordance with the Official Languages Act and the Treasury Board of Canada Secretariat's Policy on Official Languages; and
- address errors, fraud or improper conduct and take appropriate action, up to and including revoking a permanent appointment. Impersonation and other fraudulent practices are offences under the Criminal Code. Candidates could be subject to disciplinary measures in accordance with the Discipline Policy.

6.3.4. Appointment

6.3.4.1. When appointing, managers base their decisions on staffing requirements. Managers must obtain employee consent for appointment except in certain situations specified in the Procedures for Staffing.

6.3.4.2. The duration of an appointment can be permanent or temporary; a permanent appointment has no end date and a temporary appointment specifies an end date.

6.3.4.3. An appointment can be a promotion or at an equivalent or lower level.

- Promotion – If the maximum pay rate of the new position is more than the maximum pay rate of the substantive position by:
  - an amount equal to the lowest pay increment for the new position (if there is a scale of rates); or
  - an amount equal to 4% of the maximum rate of the new position (if there is only one rate).

- Equivalent level – If the difference between the maximum pay rate of the new position and, if applicable, the substantive position does not exceed:
  - the amount equal to the lowest pay increment for the new position (if there is a scale of rates); or

- o the amount equal to 4% of the maximum rate of the new position (if there is only one rate).

- Lower level[1] – If the maximum rate of pay of the new position is lower than the maximum pay rate of the substantive position by:
  - o an amount higher than the lowest pay increment for the new position (if there is a scale of rates); or
  - o an amount higher than 4% of the maximum rate of the new position (if there is only one rate).

6.4. Post-appointment

6.4.1. This subsection applies to staffing activities that occur after the effective date of appointment.

6.4.2. Probation

6.4.2.1. Managers must respect the probation period established by the CRA. Probation is a period during which a manager determines if an employee is suitable for continued employment in the position he or she was hired for. Managers must actively monitor and evaluate an employee's suitability during their probation period.

6.4.2.2. The probation period is 12 months except in certain situations specified in the Procedures for Staffing. Managers can extend the probation period if suitability could not be determined because of a leave-related or full-time language training absence, or other reasons deemed necessary.

6.4.2.3. At any time during the probation period, managers can reject an employee on probation for employment-related reasons.

6.4.2.4. If managers reject an employee on probation, they must provide notice or pay in lieu of notice to the employee.

6.4.3. Managing term employees

6.4.3.1. The CRA is committed to managing term employees responsibly to meet business requirements.

Mandatory review

6.4.3.2. Managers must review term employee appointments to determine if there is a need for a permanent appointment. A review must be done when a term employee has two years of cumulative service and every year after.

Five-year administrative conversion

6.4.3.3. Managers must convert a term employee's appointment to a permanent appointment when the employee has completed five years of cumulative service with the CRA. The conversion must be at the

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[1] Only applies to staffing and is not reflective of situations related to WFA.

employee's substantive position or at an equivalent level and the employee must meet the minimum staffing requirements.

    6.4.3.4.   The CRA can implement a moratorium on administrative conversions if a potential work force adjustment situation is identified.

Early end of employment for term employees
6.4.3.5.   If managers end the employment of a term employee earlier than the date specified in the offer of employment (other than for disciplinary reasons), they must provide notice or pay in lieu of notice to the term employee. Tax centres and call centres, which have recurring and fluctuating workloads, do not have to provide notice to term employees with cumulative service of less than 12 months.

6.4.4. Preferred status
6.4.4.1.   This is a temporary status granted to CRA permanent employees and laid-off persons that gives them priority for appointment when positions are being staffed. Managers must administer preferred status in accordance with the Procedures for Staffing.

6.4.5. Change in language requirements
6.4.5.1.   If there is a change to a position's language requirement or linguistic profile, and the employee does not meet the new language requirement or linguistic profile of the position, they may remain on their position without meeting. The manager must take administrative measures to ensure that the functions and duties of the position are carried out in both official languages.

6.5. Recourse for staffing
6.5.1. The purpose of recourse is to address an employee's concerns of arbitrary treatment as a result of a staffing decision or voluntary assessment. It is not on the evaluation of other employees. Arbitrary is defined as:

> In an unreasonable manner, done capriciously; not done or acting according to reason or judgment; not based on rationale or established policy; not the result of a reasoning applied to relevant considerations; discriminatory, i.e. as listed as the prohibited grounds of discrimination in the [Canadian Human Rights Act](#).

6.5.2. Employees must be informed of the recourse available.

6.5.3. There are three types of recourse: individual feedback, decision review, and independent third-party review.

- Individual feedback is a review of an employee's concerns of arbitrary treatment. It must be completed before requesting either decision review or independent third-party review, if available.

- Decision review is a review of an employee's concerns of arbitrary treatment following individual feedback. Decision review, if available, is conducted by a decision reviewer and can be requested only after individual feedback is completed.

- Independent third-party review is also a review of an employee's concerns of arbitrary treatment, following individual feedback. It is reserved for permanent promotions. This review is conducted by a third party outside of the CRA and can be requested only after individual feedback is completed.

6.5.4. The type of recourse available corresponds to the staffing decision, as identified in Appendix A of the Procedures for Recourse on Staffing (Staffing Program).

6.5.5. Information must be disclosed in accordance with the Access to Information Act and the Privacy Act. Each request for disclosure is considered on a case-by-case basis.

6.5.6. If arbitrary treatment is identified, corrective measures are taken.

6.5.7. Recourse decisions are binding but do not set precedent.

6.5.8. There is no recourse for staffing processes if the source of candidates includes the general public.

6.6. Exceptions

6.6.1. The Assistant Commissioner, Human Resources Branch, has the authority to approve exceptions to the Staffing and Recourse Directive (Staffing Program).

6.6.2. The Assistant Commissioner, Human Resources Branch, cannot make exceptions related to the delegation of staffing authorities.

7. Roles and responsibilities

7.1. Commissioner and Chief Executive Officer
- Oversees the coordination and direction of how this directive is administered.
- Fosters an organizational culture that supports compliance with this directive.
- Approves amendments to the staffing authorities set out in the Delegation of Human Resources Authorities.

7.2. Assistant Commissioner of the Human Resources Branch
- Coordinates and directs how this directive is administered.
- Monitors and reports on the success of this directive.
- Recommends to the Commissioner amendments to the staffing authorities set out in the Delegation of Human Resources Authorities.
- Monitors adherence to the requirements of this directive and, in instances of non-compliance, may direct a manager not to exercise their staffing authority.

7.3. Assistant commissioners or branch heads
- Accountable for the staffing activities and decisions within their branch or region.
- Foster branch or regional culture that supports compliance with this directive.
- Takes appropriate actions to address instances of non-compliance.

7.4. Director General, Employment Programs Directorate, Human Resources Branch
- Oversees the development and administration of this directive and related corporate policy instruments.
- Oversees the assessment and review activities related to this directive.
- Oversees the functional direction and guidance on matters related to this directive.

7.5. Director of Resourcing, Human Resources Branch
- Provides strategic direction and guidance on how this directive and related corporate policy instruments are applied.
- Coordinates, directs, and administers the development of this directive and its related corporate policy instruments.
- Oversees the development of communication and learning products related to this directive and its related corporate policy instruments.
- Assesses and monitors activities related to this directive and related corporate policy instruments.
- Assesses staffing and staffing recourse issues identified that have no other mechanism for resolution and takes action to address the issues.

7.6. Managers
- Accountable for staffing activities and decisions within their area of responsibility that are guided by the staffing principles, CRA values, and the [Code of Ethics and Conduct](#).
- Create and maintain staffing process files for monitoring and reporting purposes.
- Actively support compliance with this directive and related policy instruments.

7.7. Resourcing advisors
- Accountable for providing direction, advice, and guidance to managers on how to apply this directive, corporate policy instruments, and relevant recourse.
- Actively support compliance with this directive and related corporate policy instruments.
- Support and participate in monitoring and reporting on the effectiveness and compliance with this directive and related corporate policy instruments (such as, actively support managers in maintaining staffing process files and collect staffing process files from managers for monitoring and reporting purposes).

7.8. Candidates and individuals with preferred status
- Participate in and be prepared for staffing activities.

7.9. National Conflict Resolution Office
- Administers the independent third-party review process and ensures that all parties comply with this directive and related corporate policy instruments.
- Monitors the performance of independent third-party reviewers and takes appropriate action.

7.10. Decision reviewer
- Conducts decision reviews in accordance with this directive and related corporate policy instruments.

7.11. Independent third-party reviewer
- Conducts independent third-party reviews in accordance with this directive and related corporate policy instruments.

8. Assessment and review
The Director of Resourcing, Human Resources Branch, is responsible for the scheduled review of this directive every five years, as well as for ad hoc reviews deemed necessary.

To support the review process, the Human Resources Branch is also responsible for identifying and undertaking monitoring and assessment activities that will help it determine if the directive's objective remains relevant and achievable and its requirements are adhered to.

9. Definitions
See the glossary for more information.

10. References
The Staffing and Recourse Directive (Staffing Program) Directive is based on the authorities set out in the legislation listed below. The directive must be administered and implemented in conjunction with the other references listed below:

Legislation
- Access to Information Act
- Canada Revenue Agency Act
- Canadian Charter of Rights and Freedoms
- Canadian Human Rights Act
- Criminal Code
- Employment Equity Act
- Official Languages Act
- Privacy Act
- Public Service Labour Relations Act

CRA policy instruments
- Competency Directive

- [Discipline Policy](#)
- [Directive on Delegation of Financial Authorities for Agency Activities](#)
- [Employment Equity Policy](#)
- [Personnel Security Screening Policy](#)
- [Guideline on Accommodation for Designated Group Members](#)
- [Organization and Classification Policy](#)
- [Policy on Official Languages](#) (Treasury Board of Canada Secretariat)
- [Relocation Policy](#)
- Staffing Program Policy
- Procedures for Staffing (Staffing Program)
- Procedures for Recourse on Staffing (Staffing Program)
- Guidelines for Staffing (Staffing Program)

The following Web or intranet pages provide more information related to this directive:

Web or intranet pages
- [Delegation of Human Resources Authorities](#)

11. Enquiries
Questions about this directive should be directed to a [resourcing advisor](#).

12. Version history table

Version #	Change(s)	Reason for change(s)	Area responsible	*Major change* - Approved by: *Minor change*- Sign-off by: (*name and title*)	Approval date	Effective date
1.0	New CPI	n/a	Employment Programs Directorate, Human Resources Branch	Assistant Commissioner, Human Resources Branch	July 5, 2013	November 1, 2013
1.1	Revised	Clarification required as a result of a change in business direction.	Employment Programs Directorate, Human Resources Branch	Assistant Commissioner, Human Resources Branch	September 23, 2013	November 1, 2013

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