



Customs and Immigration Union  
Syndicat des Douanes et de l'Immigration

**BY EMAIL**

March 17, 2011

**RE: Investigation request - FB-06 Selection Process 10-BSF-IA-IND-HQ-PQP-FB-9003**

Dear Sisters and Brothers,

As you are all aware the Canada Border Service Agency (CBSA) has decided not to investigate the above staffing process as we had requested and eventually appoint from the pool it created.

Once a proposed appointment or an appointment is made, the next step is for each unsuccessful candidate that believes they were unsuccessful because the selection board members abused their authority, to file a complaint with the *Public Service Staffing Tribunal* (PSST). The PSST must receive the complaint within 15 days of the appointment or propose appointment. You can find answers to most of your questions in the *Public Service Staffing Tribunal Procedural Guide* that can be found on the web at the following link: <http://psst-tdfp.gc.ca/cmslib/general/Procedural%20Guide-FINAL-%20June21.07.pdf>

The guide explains clearly how to file a complaint and the timelines for each step in the process.

It is important to note that a complaint of abuse of authority must be demonstrated by the complainant. Abuse of authority is not defined in Section 2 of the *Public Service Employment Act* other than to provide that it includes bad faith and personal favouritism. You will find the PSST definition of abuse of authority in the *Tibbs v. Deputy Minister of National Defence et al. 2006 PSST 0008*, that can be found at the following link: <http://psst-tdfp.gc.ca/article.asp?id=3735>

Please note that the union may decide not to provide representation on a complaint before the PSST if we cannot demonstrate an abuse of authority. However, you can proceed with a complaint as per Section 77 of the *Public Service Employment Act* without the union's consent.

If you need any assistance in filing your complaint, please contact your union representative.

In Solidarity,

Michelle C. Tranchemontagne B.A., LL.B., C.Med.  
Office Director/Legal Counsel

c.c.: CIU Branch Presidents