



## Chapter 3 - Establishing Qualifications & Conditions of Employment

- [3.1 Sources of Information](#)
- [3.2 Policy Statement](#)
- [3.3 Values-Based Approach](#)
- [3.4 Establishing Qualifications](#)
- [3.5 Official Language Qualifications](#)
- [3.6 Statement of Qualifications](#)
- [3.7 Medical Suitability, Reliability and Security](#)
- [3.8 Establishing a Selection Board](#)

### [Chapter 3 Relevant Staffing Module](#)

---

## 3.1 Sources of Information

### 3.1.1 Legislation

- [Public Service Employment Act](#) Subsections [10\(1\)](#), [10\(2\)](#), [12\(1\)](#), [18\(2\)](#)
- [Public Service Employment Regulations, 2000](#), [Section 3](#), [subsection 5\(2\)](#)
- [Standards for Selection and Assessment](#)
- [Official Languages Act](#)
- [Public Service Official Languages Exclusion Approval Order](#)

### 3.1.2 Other References

- [Determining the Linguistic Profile for Bilingual Positions](#)
- [Policy on Official Languages for Human Resources Management](#)  
Treasury Board, [Official Languages Policy](#)

## 3.2 Policy Statement

Determining qualifications and conditions of employment specified for a position, group of positions, or a level within an occupational group is the responsibility of the Deputy Head, and must be based on the work, including the present and future context of the work. The qualifications that are established must afford a basis for selection according to merit.

It is the responsibility of the Deputy Head to establish a Selection Board, whose purpose is to assess candidates in a selection process in a manner that ensures merit is respected.

The Deputy Head may sub-delegate these responsibilities, in accordance with the Staffing Delegation and Accountability Agreement. Usually, these responsibilities are sub-delegated to managers.

### 3.3 Values-Based Approach

Managers must ensure that qualifications are established in a fair and transparent manner and that they contribute to equitable assessment of candidates and selection of competent individuals.

Managers must ensure that Selection Board members will be competent and representative, and that the assessment of candidates will be conducted in a fair, equitable, transparent and non-partisan manner.

### 3.4 Establishing Qualifications

Qualifications are established by the manager as a delegate of the Deputy Head, according to the generic and specific standards contained in the Public Service Commission's [Standards for Selection and Assessment](#). Identifying the requirements starts with a thorough understanding of the work to be performed. This means not only looking at the work description, but also the relationship between the work and the environment. The manager should ascertain whether or not the job is one of a number with the same duties, or if it is unique in the organization. The manager must also determine the kind of demands the incumbent is likely to face. All of these factors will provide the context for the development of qualifications. The manager has to decide what kind of qualifications are to be assessed and to what degree a successful candidate must possess them.

#### 3.4.1 Qualifications and Future Needs

Qualifications required for meeting the future needs of the Public Service may also be taken into consideration when establishing the qualifications for the position. Such qualifications may reflect emerging technologies or changing responsibilities affecting a position, group of positions or a level. Where it can be demonstrated that a level is a direct feeder to a higher level, the qualifications may also encompass those required at that higher level. Requirements for structured long-range development programs, such as [Apprenticeship or Professional Training Programs](#) (AFTP) should also be taken into consideration.

#### 3.4.2 Types of Qualifications

Qualifications refer to any attributes or accomplishments that equip a person for a specific job or group of jobs. There are different types of qualifications, as follows:

- Knowledge
- Abilities/Skills
- Aptitudes
- Personal Suitability
- Experience
- Education
- Occupational Certification
- Official Languages Proficiency

The [Generic Standards for Selection and Assessment](#) define each type of qualification and prescribe standards of selection applicable to all selection processes. In addition, specific standards with respect to abilities/skills, aptitudes, education, and occupational certification are prescribed for certain groups and levels.

The manager must ensure that the qualifications, collectively, cover the work to be performed. This does not mean, however, that all types of qualifications are always required. Qualifications should not be established for attributes which can only be acquired after appointment. In such cases, the capacity to acquire such qualifications should be reflected through relevant aptitudes or other attributes. For example, the ability to learn may be a more appropriate qualification than a knowledge requirement when the information can best be learned after appointment, either on-the-job or through a planned training program for new employees.

Managers should also clearly communicate to the Selection Board the relative weight of each qualification; this can be done taking into consideration the work to be performed, and the strengths and weaknesses of both the existing team and the logical candidate pool.

### **3.4.3 Basis of Selection According to Merit**

In order to afford a basis for selection according to merit, the qualifications must be structured to distinguish between candidates. Furthermore, the qualifications must also be structured to distinguish the degree to which the various qualified candidates possess the qualifications required.

Care should be taken to ensure that the qualifications are neither unduly restrictive nor vague or imprecise. Either situation would not afford a basis for selection according to merit. It is important to keep in mind that all the qualifications listed on the Statement of Qualifications must be assessed by the Selection Board; therefore, care should be taken to ensure that each one is clearly defined to allow the Selection Board to determine how it can be evaluated.

### **3.4.4 Non-Discrimination**

It is important to keep in mind that the qualifications must not discriminate against candidates on any prohibited ground (i.e., race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted).

Nonetheless, a qualification that is discriminatory may be acceptable if it is deemed to be a bona fide occupational requirement (BFOR). The Supreme Court has set conditions for acceptance of a discriminatory qualification as a BFOR. Now, managers are required to analyze the list of qualifications in a systematic manner; they cannot impose a BFOR if they have not followed these steps:

1. First, the manager needs to review the list of the qualifications and identify if any of the qualifications could discriminate against groups or individuals on prohibited grounds. The manager may wish to consult the departmental HR advisor on this topic.
2. For those qualifications that would discriminate on prohibited grounds, the manager needs to explore other ways of performing the work which would accommodate the affected groups and effectively get the work done. This analysis should also include the impact of the accommodation on the employer with respect to cost, health and safety of others.
3. Once steps 1 and 2 are completed, the manager has three options to resolve the situation:

- i. remove the qualification altogether;
- ii. amend the qualification only as it applies to the affected groups in order to remove the discriminatory impact of the qualification; or,
- iii. apply a BFOR where the analysis demonstrated that accommodation would lead to undue hardship for the employer in terms of cost, health or safety of others.

### **3.5 Official Language Qualifications**

The establishment of qualifications for a staffing process includes determining language requirements of the position. In accordance with Treasury Board policy, all positions are to be identified as being either bilingual or unilingual. Unilingual positions must be specified as either "English essential", "French essential", or "English or French essential".

When both English and French are required, a position is considered "bilingual". There are different levels of bilingualism, so the manager has to determine the minimum level of proficiency required (A, B or C, from lowest to highest) in each language. This applies to each of the three linguistic skills: reading, writing and oral interaction. Certain positions may require specific professional language proficiencies acquired through specialized training (code P). The document "[Determining the Linguistic Profile for Bilingual Positions](#)" (in the Assessing for Competence series) serves as a guide in this process.

Bilingual positions may be staffed on an imperative or non-imperative basis.

#### **3.5.1 Imperative Staffing**

Imperative staffing means that the successful candidate must meet the predetermined language requirements at the time of appointment. For example, imperative staffing is mandatory for all specified period appointments, positions requiring specialized skills ("P" code) and for all Assistant Deputy Minister appointments following a closed competition.

#### **3.5.2 Non-Imperative Staffing**

For non-imperative staffing, an individual may be found qualified and have their name placed on an eligibility list even though they do not have the required level of second language proficiency. The individual must be eligible for language training and demonstrate their potential to meet the language requirements, or be excluded on other grounds described in the Public Service Official Languages Exclusion Approval Order. The criteria governing the use of non-imperative staffing are outlined in the Official Languages Policy in the Treasury Board Manual.

The use of non-imperative staffing needs to be justified in writing and approved by the deputy head for non-imperative staffing to positions in the Executive Group and by the assistant deputy minister for positions not in the Executive Group. It is important to note that the justification and approval for the use of non-imperative staffing must be kept on the competition file for audit purposes.

### **3.6 Statement of Qualifications**

Once the qualifications (such as knowledge, abilities, personal suitability) and the specific elements of each qualification have been identified, they are organized in the form of a written Statement of Qualifications. The Statement of Qualifications plays an important role in the selection process, as it is subsequently used by the Selection Board to choose or develop assessment methods, and by candidates to prepare for the selection process. This statement

identifies which of the elements are compensatory or non-compensatory and outlines any preferences and how they will be applied. If no such identification is provided, all listed elements are presumed to be compensatory.

### **3.6.1 Access to Statement of Qualifications**

The Statement of Qualifications must be made available to anyone who requests it, in the official language of their choice. Furthermore, it is important to keep in mind that a person with a disability that affects their ability to communicate in writing may request that the Statement of Qualifications be made available to them in an alternate format, e.g., electronic, ascii, etc.

### **3.6.2 Review of Qualifications**

Employees or applicants concerned about the content of the Statement of Qualifications may request that the Public Service Commission conduct an inquiry under section [12.1](#) of the Act. It has been established that, barring exceptional circumstances, applicants have this right up until the establishment of the eligibility list, and any such concern will be addressed by the Commission when received. The Commission will review the Statement of Qualifications to ensure it affords a basis for selection according to merit. The Commission will inform the department of its findings following such a review; however, it will be up to the Deputy Head to determine the nature of any changes to the Statement of Qualifications that may be required. For further information regarding inquiries, see [Chapter 11, Recourse](#).

Managers are thus encouraged not only to provide the Statement of Qualifications to candidates at the beginning of the process, but also to be prepared to discuss it with them. Transparency early in the selection process allows potential candidates to determine if they wish to apply for the position or not, and to better prepare themselves if they do decide to apply; transparency also permits concerns with respect to qualifications to be dealt with before the process is at an advanced stage.

### **3.6.3 Changes to Qualifications**

Normally, changes will not be made to the Statement of Qualifications during a selection process. If, however, the manager decides to change a qualification as a result of a review of the work to be performed or the environment, the impact of this change on candidates or on potential candidates must be determined. For example, it may be necessary to re-advertise the competition, to ensure fairness and transparency. If the change affects only candidates in the selection process, the manager needs to consider if the competition should continue; in this case, candidates must be provided with an amended version of the Statement of Qualifications.

## **3.7 Medical Suitability, Reliability and Security**

Reliability/Security and Medical Suitability are conditions of employment which must be administered according to Treasury Board policy. They are not qualifications and do not form part of the merit assessment. These conditions of employment must be met before appointment. An individual's name can be placed on an eligibility list while the determination is made as to whether they meet the conditions of employment. ([See Chapter 8, Assessment, Selection and Appointments](#)).

## **3.8 Establishing a Selection Board**

A Selection Board is made up of one or more people who are responsible for assessing candidates in selection processes. Non-public servants may serve as Selection Board members.

The activities carried out by the Selection Board will be determined by the type of selection process and the assessment tools/methods. For example, in a without competition selection process the Selection Board, normally the delegated manager, will prepare an assessment of the individual usually based on a review of the employee's qualifications and performance. In a competition, if interviews are a tool being used as part of the candidate assessment, the Selection Board members would develop the interview tool and participate in the interviews.

There is a distinction between the responsibilities of the manager as delegate of the Deputy Head, and those of the Selection Board as an agent of the Public Service Commission. For example, only the manager can establish or change qualifications or specific elements of each qualification, while only the Selection Board can assess the qualifications and elements. It is important that, at the beginning of a selection process, the manager provide clear guidance and information to the Selection Board with respect to the qualifications and the specific elements established. The manager should indicate which of the elements are compensatory or non-compensatory, and outline any preferences and how they will be applied. If no such indication is provided, the Selection Board must assume that all listed elements are compensatory. If the manager feels that some qualifications or elements are more important than others, this weighting should also be communicated to the Selection Board.

It is the responsibility of the Selection Board to implement the manager's advice as part of the assessment process, by evaluating the candidates against the Statement of Qualifications or standard of competence first to determine who meets all the requirements of the position, and then to determine the order of merit, where required, of the qualified candidates.

**TIP:** A lack of clearly separating the responsibilities of the manager as delegate of the Deputy Head from those of the Selection Board is one of the most common problems seen in appeal hearings. Neither party can further delegate or give their responsibilities to the other, or assume the responsibilities of the other, even when the manager is a member of the Selection Board.

There are several points to consider when establishing a Selection Board. The goal is to ensure that members are competent and able to conduct a fair and transparent process.

### **3.8.1 Manager Participation**

The manager has to decide whether to participate as a member of the Selection Board or not.

While a manager is generally encouraged to participate on the Selection Board, there are several factors that need to be considered. For example, does the manager have the necessary official language skills required? Also, will other board members be subordinates of the manager? Furthermore, will the manager be able to accommodate any travel and schedule requirements of the selection process? Finally, in the case of a generic competition run by several managers, perhaps one of the other managers involved is better suited to be a Selection Board member.

### **3.8.2 Size**

While there is no minimum or maximum number of members, the Selection Board should include enough members to provide a complete, well-rounded and competent assessment of all candidates. If interviews are being used as an assessment method, consideration should be given to the number of board members so that it is not too overwhelming for the candidates.

### **3.8.3 Language**

Candidates have the right to be assessed in the official language of their choice. Consequently, Selection Boards must be sufficiently proficient in both official languages, when there are candidates to be assessed in both official languages, in order to properly assess the candidates' qualifications. Selection Board members must possess a level of competence in the official language(s) required to encourage effective communication, without the use of a translator, with the candidate. Selection Board members indicate their second language proficiency, when required, on the Signed Statement of Persons Present at the Board form.

### **3.8.4 Competence**

Each member should have enough knowledge of the position being staffed or the work to be performed to carry out his/her role on the Selection Board effectively (for example, knowledge of the requirements of the position or knowledge of a particular field).

### **3.8.5 Integrity**

Selection Board members must be able to assess all candidates fairly and objectively. Close family, personal or business ties with any candidate may lead to the appearance of partisanship on the part of the Selection Board. Similarly, the career prospects of any board member should not be affected by the outcome of the selection process. Board members must always maintain and respect confidentiality during the selection process. Selection Board members must indicate their impartiality by signing the Statement of Persons Present at the Board form.

### **3.8.6 Representativeness**

Progress towards a representative Public Service can be facilitated by ensuring that Selection Boards themselves are representative. Managers have a responsibility to ensure that individuals from designated employment equity groups are included as Board members whenever possible. This is especially true when the position being staffed has a direct impact on under-represented groups or when members of these groups are candidates in the selection process. Selection Board members should be sensitive to the needs and characteristics of the various groups which make up the Canadian social fabric (such as the two official language groups, women, aboriginals, persons with disabilities, members of visible minorities, and others), to foster equity and fairness when assessing candidates' qualifications.

---

Last updated: 2005-07-08

[http://devmain.psc-cfp.gc.ca/staf\\_dot/pol-guid/chap\\_03/index\\_e.htm](http://devmain.psc-cfp.gc.ca/staf_dot/pol-guid/chap_03/index_e.htm)