



## Complaints and Investigations pursuant to the *Public Service Employment Act*

	ISSUE	PUBLIC SERVICE COMMISSION INVESTIGATIONS	DEPUTY HEAD (DH) INVESTIGATIONS*	PUBLIC SERVICE LABOUR RELATIONS AND EMPLOYMENT BOARD*
<b>CONCERNS INTO APPOINTMENTS/APPOINTMENT PROCESSES</b>				
External Appointment Processes	Merit, error, omission, improper conduct	Exclusive authority (s. 66)	No authority to investigate	No authority to consider
	Political influence	Exclusive authority – appointment/proposed appointment not free from political influence (s. 68)	No authority to investigate	No authority to consider
	Fraud	Exclusive authority (s. 69)	No authority to investigate	No authority to consider
Internal Appointment Processes	Error, omission, improper conduct	Exclusive authority in a process where the appointment authority is not delegated to the department (s. 67(1))	When the appointment authority is delegated to the department under ss. 15(1), the DH has the authority to investigate (s. 15(3))	No authority to consider
	DH request for investigation of an error, omission, or improper conduct.	Conducts investigations at the request of the DH and reports findings to the DH [s. 67(2)]	DH has the authority to request that the PSC investigate DH takes corrective actions [s. 67(2)]	No authority to consider
	Political influence	Exclusive authority-appointment/proposed appointment not free from political influence (s. 68)	No authority to investigate	No authority to consider
	Fraud	Exclusive authority (s. 69)	No authority to investigate	No authority to consider
	- Abuse of authority in the application of merit - Abuse of authority in the choice of process between advertised and non-advertised - Failure to assess the complainant in the official language of his/her choice	No authority to investigate	No authority to investigate	Exclusive authority (para. 77(1)(a),(b),(c))
<b>ALLEGATIONS OF IMPROPER POLITICAL ACTIVITY</b>				
Political Activity	- Political activity, not related to a candidacy, that may impair or be perceived as impairing the employee's ability to perform their duties in a politically impartial manner - Failure to comply with the PSEA when seeking nomination as or being a candidate in a federal, provincial, territorial or municipal election - That a DH may have engaged in a political activity other than voting	Exclusive authority (s.118, 119)	No authority to investigate	No authority to consider
<b>OTHER</b>				
Lay-off Revocation Corrective Action	- Abuse of authority in selecting an employee for lay-off - Decision of a DH or the PSC to revoke an appointment was unreasonable - Abuse of authority by the PSC or DH in the implementation of corrective action ordered by the PSLREB in a previous decision	No authority to investigate	No authority to investigate	Exclusive authority [s. 65(1), 15(3), 67(1)(2), 74, 83]

\*DH investigations and complaints to the Public Service Labour Relations and Employment Board are not under the authority of the PSC. This information is provided to present a holistic view of all investigations/complaints under the *Public Service Employment Act*.