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*Federal Public Sector
Labour Relations and
Employment Board Act and
Public Service Employment Act*



Before a panel of the
Federal Public Sector
Labour Relations and
Employment Board

BETWEEN

FRANÇOIS RIOUX-BEAUPRÉ

Complainant

and

DEPUTY MINISTER OF INDUSTRY

Respondent

and

OTHER PARTIES

Indexed as

Rioux-Beaupré v. Deputy Minister of Industry

In the matter of a complaint of abuse of authority under section 77(1)(a) of the *Public Service Employment Act*

Before: Marie-Claire Perrault, a panel of the Federal Public Sector Labour Relations and Employment Board

For the Complainant: Himself

For the Respondent: Noémie Fillion, counsel

For the Public Service Commission: Claude Zaor

Heard by videoconference,

April 20, 21, and 30, 2021.
(FPSLRB Translation)

REASONS FOR DECISION

FPSLREB TRANSLATION

I. Complaint before the Board

[1] On January 21, 2020, François Rioux-Beaupré (“the complainant”) made a complaint with the Federal Public Sector Labour Relations and Employment Board (“the Board”) against the Deputy Minister of Industry (“the respondent”), alleging abuse of authority in staffing process 19-DUS-IA-CB-EG-343144, which had been held to fill EX-01 assistant-deputy-minister positions at the Competition Bureau.

[2] The complainant alleged abuse of authority in the application of the merit criteria to his candidacy. Specifically, he alleged that his candidacy met the stated merit criteria and that the reasons cited by the selection committee were insufficient to explain its decision not to qualify him for the process. Consequently, he believes that abuse of authority occurred in the evaluation of his candidacy.

[3] The respondent’s reply was that abuse of authority did not occur and that the complainant’s candidacy was assessed fairly and reasonably.

[4] For the reasons that follow, I find that there was no abuse of authority in the evaluation of the complainant’s candidacy.

II. The evidence

[5] The complainant applied to staffing process 19-DUS-IA-CB-EG-343144. After passing the preselection stage, he was invited to an interview that took place on October 24, 2019. He successfully answered all the questions in the interview and was asked to provide references.

[6] On December 11, 2019, he was informed via email that he had failed two criteria, which were essential qualifications: “Create Vision and Strategy”, and “Uphold Integrity and Respect”.

[7] The complainant did not understand how he could have failed. He first asked questions of his manager, Pierre-Yves Guay, who was one of his referees and a member of the selection committee. Then, in January 2020, he had an informal discussion with Josephine Palumbo, the selection committee chair, and Louis Séguin, a consultant hired to help the selection committee. Those three testified at the hearing.

[8] As explanations were provided, the complainant became increasingly dissatisfied with them; hence, his complaint. Essentially, he thinks that the selection committee incorrectly evaluated his candidacy and that it relied on insufficient and detrimental information to disqualify him.

[9] After the October 2019 interview, Mr. Séguin prepared an initial summary report, stating that the complainant had successfully answered all the interview questions. Three other candidates in the process also passed that stage. The selection committee asked the candidates for references. It asked for six names: two superiors, two colleagues, and two subordinates.

[10] For superiors, the complainant provided two names: Mr. Guay and Jean-Sébastien Rivard, his immediate supervisor, who at the time occupied an EX-01 position on an acting basis. Mr. Rivard was also a candidate in the process (and he obtained the advertised position), so the selection committee did not consider sending him the questionnaire for references. The committee kept the first of the two names provided as colleagues and subordinates.

[11] After receiving the references, the selection committee met on December 2, 2019, to finalize its report. The respondent's three witnesses testified about the meeting. They agreed that its purpose was to finalize the summary reports on all the candidates in light of the references that they had received. It seems that the summary reports on the other three candidates were not changed as a result of their respective references; they were qualified for appointment to the advertised position.

[12] However, the complainant's summary report was changed after the references were received. The respondent's three witnesses said that the references raised concerns that led the selection committee to review the interview questions. The complainant had successfully answered all the questions, but with respect to the concerns expressed by the referees, the interview responses were insufficient to counter them.

[13] During the informal discussion, Ms. Palumbo and Mr. Séguin highlighted one of the questions in the reference questionnaire as being particularly important in their overall evaluation. It was one of the last questions in the questionnaire, and it read as follows: "Would you say that this individual is currently ready to succeed in **this** EX-01

level at **this** point in time?” [emphasis in the original]. The four suggested responses were, “Yes”, “Maybe”, “Not at this time”, and “No”. Two of the complainant’s referees replied “Maybe”, and the third said “Yes”. Ms. Palumbo and Mr. Séguin testified that for the other three candidates, the responses to the question were uniformly “Yes”.

[14] In the respondent’s reply to the complainant’s allegations before the hearing, it seemed to state that that question was not determinative and that he had been evaluated in an overall manner, considering the interview, the references, and the “[translation] personal knowledge” of the selection committee members. Ms. Palumbo and Mr. Séguin did not talk about personal knowledge during the informal discussion, just about the interview and the references.

[15] At the hearing, the respondent’s three witnesses were asked whether personal knowledge was used to evaluate the candidates. Ms. Palumbo and Mr. Guay answered, “[translation] yes”, while Mr. Séguin replied, “[translation] no, not at all”.

[16] It is appropriate to emphasize that Ms. Palumbo, the deputy commissioner in the Deceptive Marketing Practices Directorate of the Competition Bureau, knew two of the candidates in the process very well, since she had worked with them for many years. Her counterpart, Ann Salvatore, the deputy commissioner in the Cartels Directorate of the Competition Bureau, who was also a member of the selection committee (but did not testify at the hearing) knew both candidates from her section, the complainant and Mr. Rivard. Mr. Guay had directly supervised the complainant and Mr. Rivard for several years. Mr. Séguin, an external consultant hired to facilitate the process, did not know any of the candidates.

[17] The changes made to the complainant’s summary report were used to justify his failure. Therefore, it is appropriate to examine the changes.

[18] For the criterion “Create Vision and Strategy”, the first version of the summary report stated the following:

- *The candidate provided a strong response at both questions three (3) and six (6). He demonstrated an analytical approach to the problem at Q3 - sought to fully understand the issue, consulted supervisor, colleagues and employees alike. Sought insight from outside organizations (RCMP), sought buy-in and understanding.*

- *His approach offers both tactic and strategy, but could have come across in a more compelling manner.*

Pass

[19] The second version of the summary report presented the following for that criterion:

- *The candidate provided a strong response at both questions three (3) and six (6). He demonstrated an analytical approach to the problem at Q3 – sought to fully understand the issue, consulted supervisor, colleagues and employees alike. Sought insight from outside organizations (RCMP), sought buy-in and understanding.*
- *His approach was tactically and operationally sound and offered certain strategic elements, however his answers needed to be presented in a more compelling manner. More to the point, the candidate failed to communicate a strong departmental perspective, that was both mindful of the culture of the organization and in keeping with its long-term plan.*
- *His ideas were genuine and reflected who he is, but did not necessarily represent the views and principles of the organization.*
- *N.B. as much as the references provided testimony to his ability to interpret the organization’s strategy, they didn’t offer a compelling argument to his ability to communicate the strategies with conviction.*

Fail

[20] For the criterion “Uphold Integrity and Respect”, the first version of the report included the following passage:

- *The candidate offered a sensible, yet somewhat simplistic example at Q4. His approach was balanced, fair and transparent.*
- *Answer showed respect for the Crown (money) and respect for other employees (quashing unacceptable behaviour).*
- *The candidate could have expanded on the values of the PS, and could have shown greater attention to overall organizational culture (pitch/self-awareness).*

Pass

[21] The passage appeared in the second report as follows:

- *The candidate offered a sensible, yet somewhat simplistic example at Q4. His approach was balanced, fair and transparent.*
- *Answer showed respect for the Crown (money) and respect for other employees (quashing unacceptable behaviour).*
- *The candidate could have expanded on the values of the PS, and could have shown greater attention to overall organizational culture (pitch/self-awareness).*
- *Upon closer review the references suggest a need to further improve his level of professionalism and self-awareness. As much the candidate seem's [sic] to have made considerable strides in this area, it is apparent that he, at times, may be overly intolerant of others and moreover may not entirely represent the values of the organization in his behavior and approach. The language used in the interview coupled with the approach chosen in certain behavioral-based question suggest a need to temper his desire to be different. It has the effect of coming across as somewhat cavalier and aloof.*

Fail

[22] As can be seen, although in the first report, the complainant passed both criteria, in the second, he failed.

[23] He tried to highlight the contradictions between the statements and how his referees had in fact responded. He asked the three witnesses questions about how the references supported these statements. In their responses, the respondent's witnesses highlighted some passages from the references. Mr. Guay, a referee himself, explained his responses to the questionnaire in more detail.

[24] For the first criterion, "Vision and Strategy", the witnesses highlighted the following points from the references that raised concerns.

[25] One of the questions was about "... the individual's three most significant needs for development". The complainant's colleague mentioned these three points:

[Translation]

- *Become more involved in developing organizational policies and procedures*
- *Understand and agree with managers' decisions even when disagreeing with them*
- *Participate more and provide an opinion on the organization's direction*

[26] Otherwise, the colleague's references were very positive. However, the respondent's witnesses saw some negativity in the wording, "[translation] I believe that", rather than an affirmative statement. The colleague wrote as follows: "[translation] I believe that Mr. Rioux is capable of introspection ...". She then wrote, "[translation] Mr. Rioux treats all members of his team fairly ...". One of the ambiguous sentences was the following: "[translation] I believe that it is important for him to keep the Bureau's mandate in mind and that we both serve taxpayers and are liable to them by our actions and in how we accomplish our work." The complainant saw that as a compliment; the respondent's three witnesses saw it as a criticism.

[27] Finally, on the question of whether the complainant was ready to succeed at the EX-01 level, the colleague replied, "Maybe". She explained that she was not in the same office as he was (he was in Gatineau, while she was in Montreal), so she was unable to assess his day-to-day performance. However, she emphasized the degree to which their work together (on investigations) had been excellent and productive.

[28] Mr. Séguin testified that after receiving the references, the selection committee members reconsidered the complainant's responses at the interview and observed that the department's vision had been expressed inadequately.

[29] For the second criterion, "Uphold Integrity and Respect", the respondent's witnesses highlighted the points raised by the subordinate for the development needs. The complainant's subordinate responded to the question as follows:

Direct approach can ruffle feathers

In my view, François takes a direct approach with his team members and his colleagues. For example, while François will always provide me ample opportunity to provide my input, he will tell me when he disagrees. In addition, he will explain why he disagrees without sugar-coating his words. Although I personally appreciate this direct approach, in my view it can be less effective with other team members, depending on their personalities. In my view, he could develop his approach in this area.

Innovative thinking can inadvertently disrupt old norms

I view François as one of the most innovative leaders in my enforcement branch. As noted above, he constantly embraces efficient methods for accomplishing tasks where others may be more inclined to stick to perceived

lower-risk status quo strategies. While I believe this is one of his greatest strengths as a leader, I believe that he could more tactfully implement his strategies to ensure that all of his colleagues are more likely to be comfortable with these strategies.

Prioritizes substantive work over administrative responsibilities

While I am not privy to all of François' administrative responsibilities as a Supervising Officer, my view is that François prioritizes substantive tasks over administrative ones. While I believe that officers should focus on substantive investigative steps instead of administrative steps, it is important to ensure that administrative steps are not ignored. In this light, my view is that François could ensure that he does not lose sight of administrative responsibilities, such as updating case databases

[Emphasis in the original]

[30] On another note, the complainant's subordinate emphasized that the complainant's greatest strength was encouraging members of his team by giving them tools to succeed ("empowering employees"). As for the rest, the subordinate's references were very positive. On the question of whether the complainant was ready for the EX-01 position, he replied, "Yes", and explained his response as follows:

I believe that François is ready to succeed in the EX-1 position at this point in time. I base this on his extensive experience in managing and leading case teams through complex criminal investigations and on his ability to instill trust in those under his leadership. I believe François would be an excellent addition to the management of this organization as he is a thought-leader in his domain and supports innovation no matter where fresh ideas and perspectives come from.

[31] The third referee was Mr. Guay, who was also a member of the selection committee. He provided a detailed explanation of his reticence with respect to the complainant's candidacy. In short, despite great team-leader qualities, according to him, the complainant was not quite ready for the EX-01 role, which was reflected in his references. I have no doubt that as he and Ms. Palumbo confirmed, his personal knowledge of the complainant played a role in the re-evaluation of the complainant's candidacy once the references were received. In my view, his comments on the complainant's apparel and behaviour translate into a perception of the complainant's nonconformity that did not entirely fit with the Bureau's organizational image.

[32] For the question on development needs, Mr. Guay responded as follows:

[Translation]

- *One of his challenges is written communication. As much as he is improving in this area, communicating complex ideas is sometimes difficult for him.*
- *He can be rebellious - difficulty with being a “chameleon”. Once again, I see improvement in this area.*
- *It is sometimes difficult for him to interact with people who exhibit low skill levels. He must learn to better adjust to a situation.*

[33] Mr. Guay also commented on the other references, emphasizing that he agreed with the other two referees with respect to the highlighted deficiencies. Otherwise, the rest of Mr. Guay’s reference was positive, noting the complainant’s ability to mobilize, listen to, and encourage the members of his team.

[34] The respondent’s three witnesses, while acknowledging many positive things about the complainant in the references (he listens, he encourages team members to participate, he treats everyone with respect) were also troubled by the negative comments, including the tendency to offend some people by being too direct and the difficulty with those less skilled.

[35] On the question of whether the complainant was ready to assume an EX-01 position, Mr. Guay replied, “Maybe”, with no further explanation. I had the impression that instead, Mr. Guay chose to express his reluctance directly to the selection committee.

[36] The complainant adduced into evidence his performance evaluations, which were very positive. When asked about them, Mr. Guay pointed out that they were for the position that the complainant occupied, namely, one classified at the CO-03 level. According to Mr. Guay, the expectations and requirements are different for a manager at the EX-01 level. He also said that the superior completing the evaluations may prefer not to include negative comments that would stay in the file indefinitely and instead to take the employee aside to encourage changing some behaviours.

III. Issues

[37] The issues are as follows:

- 1) Did the respondent abuse its authority by showing bad faith?
- 2) Did the respondent abuse its authority by showing favouritism?
- 3) Did the adverse treatment of the complainant's candidacy constitute an abuse of authority?

IV. Analysis

[38] Before addressing the three issues, it is appropriate to establish the analysis framework.

[39] The complaint was made under s. 77(1)(a) of the *Public Service Employment Act* (S.C. 2003, c. 22, ss. 12 and 13; "the Act"), which provides a remedy before the Board for candidates who claim that they were not appointed by reason of an abuse of authority in the application of merit criteria in an appointment process.

[40] Abuse of authority is not defined in the *Act*, but it includes the following provision at s. 2(4):

*2(4) For greater certainty, a reference in this Act to **abuse of authority** shall be construed as including bad faith and personal favouritism.*

[Emphasis added]

[41] In the leading decision of the Public Service Staffing Tribunal ("the Tribunal"), a Board predecessor, *Tibbs v. Deputy Head of National Defence*, 2006 PSST 8, the Tribunal established that abuse of authority is an abusive exercise of the discretionary authority delegated to deputy heads. Abuse of authority is more than simply errors or omissions. Instead, it is an action so unreasonable that it could not have been intended to be part of the decision-maker's discretion. It does not have to be intentional, but it must be serious enough to be likened to bad faith.

A. Did the respondent abuse its authority by showing bad faith?

[42] As indicated earlier, abuse of authority is not defined in the *Act*, except that it is construed as including bad faith and personal favouritism. Consequently, a finding that the respondent showed bad faith necessarily leads to the finding that there was abuse of authority.

[43] The complainant alleged that the selection committee treated him unfairly and in bad faith. According to him, the explanation for his failure provided in the summary

report does not correspond to the reality of the interview or to the referees' responses in the references.

[44] The explanation provided by the respondent's witnesses for the conclusions in the second summary report is that the references raised doubt in their minds, which led them to re-evaluate the marking for two of the criteria.

[45] I cannot see bad faith in the fact of considering the complainant's candidacy in light of the references received or in finding negative things in them inconsistent with the desired profile for the candidate for the EX-01 position.

[46] It is true that the references were largely positive, which the witnesses noted. However, the complainant's colleague raised on her own a certain failure to participate in the departmental vision. I cannot fault the selection committee for emphasizing the importance of a manager at the EX-01 level participating in and communicating his or her department's vision.

[47] Similarly, the subordinate, whose references are otherwise very enthusiastic, in the evaluation raised the lack of tact and the eagerness to adopt new solutions as reservations. Once again, I cannot fault the selection committee for seeing a risk in those comments for an appointment at the EX-01 level.

[48] Contrary to other situations, in which negative references should have been considered more closely (see *Lavolette v. Commissioner of the Correctional Service of Canada*, 2015 PSLREB 6; and *Rizqy v. Deputy Minister of Employment and Social Development*, 2021 FPSLREB 12), the selection committee benefitted from Mr. Guay's participation; he had directly or indirectly supervised the complainant for several years. He was able to corroborate the doubts expressed in the references. I do not think that that was bad faith. Mr. Guay was obliged to speak frankly about the complainant's strengths and weaknesses.

[49] The complainant saw another manifestation of bad faith in the contradictions between the witnesses. Indeed, Ms. Palumbo and Mr. Guay stated that the selection committee members relied on their personal knowledge of the candidates when evaluating them, while Mr. Séguin denied it.

[50] I do not believe that that was due to bad faith. Mr. Séguin came from outside, and he was able to declare in all honesty that personal knowledge played no role for him. In Ms. Palumbo's and Mr. Guay's minds, their knowledge of the candidates played a role in the evaluation, which they were aware of. That said, their statements had to be based on the material before the selection committee (interviews and references), and in that respect, Mr. Séguin might not have understood the significance of personal knowledge.

[51] That said, I do not think that Mr. Guay's personal knowledge of the complainant was applied in bad faith. Mr. Guay explained his reluctance with respect to the complainant's candidacy; it was based on facts, not on bias.

[52] Therefore, I find that the selection committee did not show bad faith in its evaluation of the complainant's candidacy.

B. Did the respondent abuse its authority by being biased?

[53] The complainant alleged that the selection committee acted unfairly and with bias in its evaluation of his candidacy. In particular, he argued that to justify the failures attributed to the two criteria, the selection committee cited the inadequacy of his responses in the interview, even though at first, his responses had been deemed satisfactory. In addition, according to him, the references were not evaluated impartially. They were used to justify his failure, even though they were largely positive about him.

[54] Each in their own way, the respondent's three witnesses explained that all the information was reviewed to produce the second summary report. The responses had been sufficient to ask him for references. However, once the references were received, the doubts that arose led the selection committee members to reconsider the responses provided. They then saw that the responses were insufficient to counter the doubts raised by some parts of the references.

[55] I must note that it is somewhat puzzling for an interview to be re-evaluated in light of references. It would have been preferable had the selection committee simply stated that the overall mark was established based on the interview and the references and to outright attribute the failure to the references. What was satisfactory on

October 24, 2019, ceased to be on December 2, 2019. I understand how the complainant found the maneuver dubious.

[56] That said, nothing prevented the selection committee from re-evaluating its appraisal of a candidate with the input of new information. The doubts raised had to do with certain deficiencies discernible in the references, which were not addressed by something the complainant reportedly said in his interview.

[57] It is not the Board's role to evaluate candidates, and the *Act* provides deputy heads with great discretion for deciding evaluation criteria and methods. Unlike the complainant, I do not believe that the selection committee was biased. I need not share its doubts or opinions. I can rule only on the reasonable nature of the evaluation process. I find that it was reasonable.

[58] Unlike the situation in *Rizqy*, I did not note arbitrary bias against the complainant by the selection committee members who testified before me. Ms. Palumbo and Mr. Séguin, who did not know the complainant, simply highlighted the points in the references that in their view indicated a lack of sharing of the Bureau's vision and some deficiencies in interactions with others. Mr. Guay, meanwhile, spoke about the deficiencies he had noted throughout his relationship with the complainant.

[59] There can be no talk of bias at the interview since the complainant earned a passing mark for all the questions. The questioning arose from the references, and even though they are essentially positive, the fact is that they include negative items. As the complainant emphasized, it is clear that the question on "needs for development" would necessarily result in noting things to correct. That is not the issue. It is not that the candidate has things that need improvement; it is the nature of the things that the candidate must improve that leads to the selection committee's questioning. Once again, it is not up to the Board to make the evaluation or to weigh the factors in the interview and the references. I need not agree. I need consider only whether the process was abusive. The fact is the selection committee deemed those factors (tact and vision, to summarize) important, and it considered them without bias. The *Act* provides the selection committee considerable latitude (s. 36) to determine the evaluation criteria and methods.

[60] The complainant criticized the selection committee for its lack of objectivity. I agree that the overall assessment of a candidate, without clear notes on this or that factor, can seem subjective. That said, once again, the *Act* does not impose a rigid evaluation framework. The selection committee's conclusions were based on real factors; it was free to weigh them from the perspective of an overall review. The process still does not seem arbitrary, in that it was based on real comments that appear in the references and on an evaluation by a supervisor who was very familiar with the complainant's work.

C. Did the adverse treatment of the complainant's candidacy constitute an abuse of authority?

[61] The complainant alleged that the selection committee members treated him unfairly because they did not seem to accept that he is "[translation] different". He did not explain how he thinks he is different and did not cite any ground of discrimination. He relied on the selection committee's statement that he should temper his desire to be different and on the comment that Mr. Guay allegedly made to him upon learning of his failure, which was that the selection committee did not want someone like him. I note that Mr. Guay was not questioned about it at the hearing.

[62] I do not think that seeking a certain profile for the selected candidate is an abuse of authority. An organization is entitled to prefer a certain temperament or a certain personality and to seek someone who will suit the position as envisioned by the organization. This is not discrimination, as when a candidate is excluded because of personal characteristics that by their nature have nothing to do with the qualities being sought. Skin colour or religion are illegal distinctions because they are arbitrary and unjust and too fundamental to be changed. However, not wanting to conform to a certain image is not a fundamental and immutable characteristic.

[63] I cannot find abuse of authority in how the complainant was evaluated. He argued that abuse of authority, as defined in *Tibbs*, is illustrated by his situation.

[64] In *Tibbs*, at para. 70, the Tribunal listed as follows the five categories of abuse in the exercise of discretion in administrative decisions:

70 ... The five categories of abuse are:

1. *When a delegate exercises his/her/its discretion with an improper intention in mind (including acting for an unauthorized purpose, in bad faith, or on irrelevant considerations).*
2. *When a delegate acts on inadequate material (including where there is no evidence, or without considering relevant matters).*
3. *When there is an improper result (including unreasonable, discriminatory, or retroactive administrative actions).*
4. *When the delegate exercises discretion on an erroneous view of the law.*
5. *When a delegate refuses to exercise his/her/its discretion by adopting a policy which fetters the ability to consider individual cases with an open mind.*

[65] According to the complainant, all those forms of abuse are present in this case, except for the error of law. I do not think that that is so.

[66] I see no improper intention in the selection committee's decision making. It considered the information it had on hand, including the positive and negative references. I cannot see an improper intention in dwelling on certain deficiencies that caused it concern.

[67] As I said earlier, unlike other decisions in which the Tribunal or the Board found that it would have been appropriate to more closely examine the questions raised by the references, the selection committee benefitted from the presence of Mr. Guay, who was able to corroborate the concerns expressed. It cannot be said that the selection committee relied on inadequate material.

[68] Nor can I find that the result was inequitable, in the sense that the complainant was not entitled to the same treatment as were the other candidates. Like them, he was asked for his references because he had succeeded in the interview. Their evaluations did not change, but according to the sworn testimonies of the selection committee's members, they received three "[translation] yesses" in response to the question of whether they were ready to be appointed to a position at the EX-01 level.

[69] During her testimony, Ms. Palumbo said that two of the successful candidates had received coaching to help them prepare. That seemed normal to her. When asked

about it, Mr. Guay said that the complainant did not ask for coaching, but if he had asked, Mr. Guay would not have granted it to him.

[70] The difference is somewhat troubling, but I do not think that it is determinative. The other candidate, Mr. Rivard, who qualified and who worked in Mr. Guay's directorate, also did not receive coaching. In that sense, the treatment was not inequitable.

[71] The complainant argued that the selection committee should have reviewed its decision in light of the email he sent after his informal discussion. It seems that the selection committee was made aware of the email but that it still upheld its decision. The email detailed the complainant's disbelief over his failure. It did not raise any points that would have changed the selection committee's evaluation.

V. Conclusion

[72] I find that there was no abuse of authority in the process at issue. The selection committee acted based on the information at its disposal — the interview and the references. Another selection committee might have evaluated the complainant's strengths and weaknesses differently. By choosing to retain some factors as indicating deficiencies with respect to the desired qualifications, the selection committee exercised its discretionary authority within the limits permitted by the *Act*.

[73] For all of the above reasons, the Board makes the following order:

(The Order appears on the next page)

VI. Order

[74] The complaint is dismissed.

June 18, 2021.

FPSLREB Translation

**Marie-Claire Perrault,
a panel of the Federal Public Sector
Labour Relations and Employment Board**