Date: 20230628

File: 771-02-40323

Citation: 2023 FPSLREB 68

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

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BETWEEN

KENNETH MENZIES

Complainant

and

DEPUTY HEAD
(Correctional Service of Canada)

Respondent

and

OTHER PARTIES

Indexed as
Menzies v. Deputy Head (Correctional Service of Canada)

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

Before: Ian R. Mackenzie, a panel of the Federal Public Sector Labour Relations and Employment Board

For the Complainant: Satinder Bains, Public Service Alliance of Canada

For the Respondent: Patrick Turcot, counsel, and Nilani Ananthamoorthy, student-at-law

For the Public Service Commission: Louise Bard

Heard by videoconference,
January 16 and 17, 2023.

REASONS FOR DECISION

I. Application before the Board

[1] On April 26, 2019, Kenneth Menzies (“the complainant”) made a complaint under s. 77(1)(a) of the *Public Service Employment Act* (S.C. 2003, c. 22, ss. 12, 13; *PSEA*) with the Federal Public Sector Labour Relations and Employment Board (“the Board”). He alleged abuse of authority by the respondent, the deputy head of the Correctional Service of Canada (CSC or “the respondent”), in the advertised internal appointment process (“the appointment process”) used to staff a maintenance/works supervisor position at its Matsqui Institution in British Columbia. The process number was 2015-PEN-IA-PAC-100633. It was intended to staff several vacancies classified at the GL-COI-11 (C3) group and level in different locations in the CSC’s Pacific Region. The complainant applied, was found qualified, and was ultimately placed in a pool along with 13 other employees in 2015. On April 11, 2019, the respondent posted the “Notification of Appointment or Proposal of Appointment”. The appointee was appointed from the pool established in 2015.

[2] The respondent denied abusing its authority in the appointment process.

[3] The Public Service Commission (PSC) did not attend the hearing and provided written submissions to address its applicable policies and guidelines. It did not take a position on the merits of the complaint.

[4] For the following reasons, the complaint is dismissed.

II. Preliminary issue

[5] One of the allegations in this complaint refers to alleged misconduct by the appointee that is said to have occurred after he was found qualified for the pool in 2015. It states that the respondent did not consider this alleged misconduct when the appointee was appointed in 2019. The respondent objected to the introduction of evidence about this alleged misconduct. I ruled that referring to the alleged misconduct was necessary as it was a central element in one of the complainant’s allegations. However, since the alleged misconduct itself is not relevant to this complaint, I have not referred to its nature.

III. The allegations

[6] The complainant made several allegations in support of his complaint. Three of these can be dismissed summarily.

[7] The complainant alleged in his complaint that the appointee was not employed at the CSC when he was appointed. In cross-examination, the complainant agreed that the successful candidate was on a leave of absence from the CSC when he was offered the appointment. Although the complainant did not formally withdraw that allegation at the hearing, I find that, as there is no factual basis for it, the allegation is unfounded.

[8] The complainant also made allegations related to the appointee's subsequent acting appointment to a higher-level position at Matsqui Institution. The respondent submitted that I do not have the jurisdiction to address allegations that do not relate to the appointment process at issue in this complaint. I agree that my jurisdiction is limited to the staffing of the maintenance/works supervisor position in appointment process 2015-PEN-IA-PAC-100633. Therefore, I conclude that the allegations about the appointee's subsequent acting opportunities are not properly before me. The limited purpose of testimony about them related to the complainant's allegation of personal favouritism in the appointment process at issue in this complaint.

[9] The complainant also alleged that the respondent did not provide notes, marks, reference checks, rationale, and documentation supporting its decision to select the appointee, although it was asked to provide it during the exchange of information. The respondent submitted that there is a process for requesting such information after a complaint is made and that the complainant did not make a request to the Board for it.

[10] Section 16 of the *Public Service Staffing Complaints Regulations*, SOR/2006-6, requires the parties to share all relevant information during the exchange of information period. The respondent submitted that it had shared all of the relevant documentation with the complainant. If the complainant was of the view that not all of the relevant documentation had been produced by the respondent, he could have made a request to the Board for an order prior to the hearing. He did not do so. This allegation that the respondent did not provide relevant information relates to the complaint process before the Board and is not a substantive allegation about abuse of authority. Accordingly, this allegation is also unfounded.

[11] The complainant's remaining allegations fall into the following categories:

1) favouritism in the appointment of the appointee;
2) relying on inappropriate references and misusing references for the appointee;
3) failing to reassess the appointee after the selection board became aware of the misconduct allegations against him; and
4) bias on the part of one member of the selection board, who was also the hiring manager, Mario Laflamme.

IV. Summary of the evidence

[12] The complainant is a plumber and pipefitter and has worked at the CSC since 2001. In 2004, he was appointed to a chief engineer position.

[13] For the June 2015 appointment process (establishing the pool), candidates were required to submit a résumé and a covering letter providing examples of how they demonstrated each of the following experience and personal suitability elements:

- the successful completion of secondary school;
- experience supervising trades personnel (including work scheduling and coordinating material and human resources);
- the ability to communicate effectively orally and in writing;
- the ability to schedule work and coordinate material and human resources to complete priority tasks;
- effective interpersonal relationships;
- judgment; and
- leadership.

[14] The job advertisement for that appointment process also required that applicants provide the name of someone who could "verify each example" that they provided for the experience and personal suitability criteria. It also stated that reference checks would be completed. The selection board conducted interviews.

[15] Mr. Laflamme was the chair of the selection board for the 2015 appointment process and was the hiring manager for the appointment at issue in this complaint. At the time of the appointment at issue in this complaint he was on assignment as a

regional manager at the CSC's Pacific Region headquarters. His substantive position was as chief of facilities, which he had occupied since 2007. He retired in 2021.

[16] A total of 14 candidates were found qualified in the appointment process. The candidate appointed in 2019 received an overall score of 73. The complainant's overall score was 63. He testified that he believed that he was the more qualified candidate and that he had not been treated fairly in the selection board's marking.

[17] The personal suitability elements of effective interpersonal relationships, judgment, and leadership were rated by the selection board on the basis of the cover letter, the interview and references. The candidates received points for these elements under each category (letter, interview and references). The ability to communicate effectively orally and in writing and the ability to schedule work and coordinate material and human resources to complete priority tasks did not have a similar breakdown in the rating grid.

[18] The complainant scored higher on effective interpersonal relationships in his interview than the appointee. However, the appointee had a higher overall score for this personal suitability element.

[19] The references were asked to provide comments on each personal suitability element on a scale of 1 to 5, with 1 being weak and 5 being strong. One of the appointee's referees was his direct manager. The manager answered all the questions in the reference form but did not provide a rating between 1 and 5 for two of the three categories of questions.

[20] One of the appointees' referees was an office administrative assistant who reported to him. She gave him a rating of 5 on all the elements. The complainant testified that she had only worked with the appointee for "no more than six months". The complainant's representative suggested to Mr. Laflamme that she had worked for the appointee for three months, but Mr. Laflamme did not confirm this.

[21] The complainant provided references from two managers, who rated him at four out of five.

[22] Mr. Laflamme testified that there were no restrictions on who could be used as a reference as long as that person could speak about the candidate's personal suitability.

He testified that he relied on the CSC's staffing advisor to review the referees, who would have told him had a referee been not qualified to provide a reference.

[23] The complainant testified that in August 2018, Mr. Laflamme had been found to have committed an act of workplace violence against him related to a workplace incident in September 2017. Mr. Laflamme wrote a letter of apology to the complainant in October 2017. The complainant testified that before that date, he had not had any altercations with Mr. Laflamme, although they had had heated exchanges for which he did not recall the dates.

[24] Mr. Laflamme testified that he did have a verbal altercation with the complainant in September 2017. He testified that he could not recall exactly why he had the altercation but surmised that he had been provoked. He could recall only one other unpleasant interaction with the complainant that he thought occurred in 2016. He testified that his interactions with the complainant had no impact on the appointee's appointment. He testified that he acted without bias when he made the appointment decision. In cross-examination, he admitted that his working relationship with the appointee was better than his relationship with the complainant.

[25] Mr. Laflamme prepared a document entitled, "Identification of Right Fit Criteria for Selection from a Pool of Candidates" on April 3, 2019. The subdelegated manager, Rhonda Cochrane, who was Mr. Laflamme's direct supervisor, also signed it. At section 2 of the document, the criteria used to select the appointee was stated as "best overall score", with the following explanation set out: "The best overall score is the most appropriate and fair criteria to apply against the qualified pool of candidates and has been consistently used for previous selections." Mr. Laflamme testified that those candidates with higher scores than the appointee had either already been appointed to other positions or had left the CSC. The appointee had the best overall score of all the remaining candidates in the pool.

[26] Mr. Laflamme testified that Ms. Cochrane was aware of his history of interpersonal conflict with the complainant.

[27] The complainant testified that he thought that Mr. Laflamme appointed the appointee to fill a position classified at the COI-13 group and level on an acting basis. He alleged that the appointee never worked in the COI-11 position but went straight into an acting position classified COI-13.

[28] The complainant testified that prior to the appointment, the appointee told him that he had been found guilty of misconduct and that he would leave the CSC for a private-sector position. This conversation occurred after the pool was created in 2015. Mr. Laflamme testified that he and Ms. Cochrane were aware of the misconduct. He testified that they had discussed it with the staffing advisor. They were advised that the misconduct and the appointment process were two separate processes and that they could proceed with the appointment.

[29] Mr. Laflamme testified that he had no relationship with the appointee outside work. He stated that they interacted either at meetings or when he was the appointee's supervisor.

V. The submissions

A. For the complainant

[30] The complainant submitted that he had clearly demonstrated an abuse of authority on the part of the respondent. He submitted that he had proven that on a balance of probabilities, there were motivating factors of bad faith, favouritism, and patronage in the appointee's appointment.

[31] The complainant stated that the scoring in the appointment process was skewed and that an inconsistency appeared in the oral communication scoring. He also noted that he did better than had the appointee in the interview. He based this submission on the fact that he received a higher score than the appointee on the interpersonal relationships criteria at the interview.

[32] The complainant submitted that for the personal suitability criterion, the selection board placed great weight on the references. One of the appointee's referees was a relatively new office assistant who reported directly to him. The complainant noted that the selection board accepted a rating of 100% from her. He also noted that the appointee's manager did not provide the scores for two of the reference questions and that the selection board had "filled in the blanks". In contrast, he submitted, he provided references from two senior managers.

[33] The complainant submitted that Mr. Laflamme and Ms. Cochrane signed off on the appointee's appointment even though they were aware that he had been found guilty of misconduct. He submitted that this was neglect, "at best". He submitted that

the appointee should have been reassessed once the respondent became aware of his misconduct.

[34] The complaint also alleged that Mr. Laflamme “enticed” the appointee back to the CSC after he began working in the private sector. He also asserted that since the appointee had never worked in the position he was appointed to, it would lead one to believe that Mr. Laflamme made a promise to appoint him to an acting position.

[35] The complainant submitted that it was also an abuse of authority to allow Mr. Laflamme to continue to participate in the appointment process when he was found to have committed violence in the workplace toward the complainant.

[36] The complainant referred me to *Cameron v. Deputy Head of Service Canada et al*, 2008 PSST 16, and *Parker v. Deputy Minister of Indian and Northern Affairs Canada*, 2010 PSST 21.

B. For the respondent

[37] The respondent submitted that the burden of proof in a staffing complaint rests with the complainant (see *Tibbs v. Deputy Minister of National Defence*, 2006 PSST 8 at para. 55).

[38] The respondent submitted that the complainant agreed that the appointee was found qualified for the pool. It also submitted that the candidate with the highest score was appointed to a position in 2015.

[39] The respondent submitted that more than just an error or omission is required to find that an abuse of authority occurred (see *Lavigne v. Canada (Justice)*, 2009 FC 684 at paras. 60 to 62).

[40] The respondent noted that referees have no decision-making authority over a selection board and that they are not expected to act without bias (see *Pellicore v. President of the Canada Border Services Agency*, 2010 PSST 23 at para. 49). The respondent submitted that a reference may or may not be favourable to a candidate. It further noted that a referee’s role is to provide an honest opinion but that the decision-making role is left to the selection board (see *Couillard v. Commissioner of the Correctional Service of Canada*, 2012 PSST 32 at paras. 46 and 47). It submitted that a referee’s role is not to assess a candidate; that role is left to the selection board. The

respondent also referred me to *Cannon v. Deputy Minister of Fisheries and Oceans*, 2013 PSST 21 at para. 60, and *Ben Jab v. Commissioner of the Correctional Service of Canada*, 2013 PSST 22 at para. 41.

[41] The respondent stated that the complainant had provided no evidence of the assistant's employment history and that I should therefore give the appropriate weight to the allegation that she had only worked with the appointee for a short time.

[42] The respondent submitted that the complainant did not establish that Mr. Laflamme and the appointee had a personal relationship (see *Glasgow v. Deputy Minister of Public Works and Government Services Canada*, 2008 PSST 7 at paras. 36 to 41).

[43] The respondent submitted that there was no evidence that demonstrated bad faith on the part of Mr. Laflamme or of others. It submitted that the appointee was appointed because he was the "right fit" — of the remaining candidates in the pool, he had the highest overall score. The respondent submitted that had the complainant had the highest overall score, he would have been appointed.

[44] The respondent noted that candidates were assessed in 2015 and that the altercation between Mr. Laflamme and the complainant occurred in 2017. It submitted that there was no established connection between the score that the complainant received in 2015 and the incident in 2017.

[45] The respondent submitted that s. 36 of the *PSEA* sets out the means that it may employ to assess the essential and additional qualifications of the person to be appointed. It gives the respondent broad discretion to determine how to assess candidates (see *Jolin v. Deputy Head of Service Canada*, 2007 PSST 11 at paras. 26 to 28).

[46] The respondent submitted that there is no requirement to reassess a candidate — the candidates were assessed in 2015, and the pool was still in effect at the time of the staffing action in 2019. The respondent also submitted that to reassess a candidate based on a disciplinary action would be "double jeopardy" (disciplining an employee twice for the same misconduct); see *Babineau v. Treasury Board of Canada (Correctional Service of Canada)*, 2004 PSSRB 145 at para. 20. The respondent

submitted that it was a matter of fairness not to allow the employer to have “two kicks at the can”.

[47] The respondent submitted that not agreeing with an appointment is not sufficient to find that an abuse of authority occurred (see *Portree v. Deputy Head of Service Canada*, 2006 PSST 14 at para. 47).

[48] The respondent submitted that there was no bias on the part of Mr. Laflamme as he was not the sole decision maker — Ms. Cochrane was also involved. It referred me to *Committee for Justice and Liberty v. National Energy Board*, [1978] 1 SCR 369, for the test for a reasonable apprehension of bias. It submitted that a reasonably informed bystander would not perceive bias simply because of the altercation between Mr. Laflamme and the complainant. Mr. Laflamme was not the sole decision maker, the assessment was done before the incident, and there is no reason to believe that the scores were not valid.

[49] The respondent also submitted that there was no evidence of patronage. Mr. Laflamme testified that he had never worked directly with the appointee and that there was no evidence of a personal relationship (see *Carlson-Needham v. Deputy Minister of National Defence*, 2007 PSST 38 at para. 52).

[50] The respondent submitted that the complainant did not meet his burden of proof and that the complaint should be dismissed.

VI. Reasons

[51] The complainant has the onus of establishing that on the balance of probabilities, the respondent abused its authority; see *Tibbs*, at paras. 48 to 55, and *Davidson v. Canada (Attorney General)*, 2021 FCA 226 at para. 27.

[52] In his testimony and final submissions, the complainant raised issues about the candidates’ marking in the assessment process, particularly the oral communication marks. Although he did not make this specific allegation in his allegations provided to the Board, it relates generally to the assessment of merit.

[53] As I understand this allegation, it is that the complainant scored higher on the interpersonal relationships criteria from the interview. However, the appointee scored higher on the oral communication element. Mr. Laflamme was not asked how the oral

communication mark was assessed. The complainant has not established that he scored higher on the oral communication element. Accordingly, this allegation is unfounded.

[54] I will address the remaining allegations in the four broad areas set out in the section entitled "The allegations" earlier in this decision.

A. Personal favouritism

[55] The complainant alleged that there was personal favouritism in the appointee's appointment. The basis for this allegation is the personal relationship between Mr. Laflamme and the appointee.

[56] Personal favouritism may include selecting a person solely based on a personal relationship, as a personal favour, or to gain personal favour with someone else; see *Glasgow*, at para. 41. In *Desalliers v. Deputy Head (Department of Citizenship and Immigration)*, 2022 FPSLREB 70, the Board provided further examples of personal favouritism (at para. 141):

> *… Changing a statement of merit criteria based on a candidate's profile and modifying the essential qualifications of a position to appoint an employee without considering the actual requirements of the position are also examples of personal favouritism (*Ayotte (2009) v. Deputy Minister of National Defence*, 2009 PSST 21]). Appointing a person who does not meet the essential requirements of the position may also amount to personal favouritism when the appointment is made to reward the appointee (see* Beyak v. Deputy Minister of Natural Resources Canada*, 2009 PSST 35, at para. 185 …).*
>
> *From that case law, I note that to date, the Board and Tribunal have concluded that personal favouritism exists when undue personal interests, such as a personal relationship between the person selecting and the appointee, were the reason for appointing the person (see* Glasgow*, at para. 41, and* Drozdowski v. Deputy Head (Department of Public Works and Government Services Canada)*, 2016 PSLREB 33). It also includes appointments that are made as a personal favour or reward or to gain personal favour with someone (see* Glasgow*, at para. 41, and* Beyak *(2009 PSST 35)).*

[57] The fact that a delegated manager and the appointee were friends and had worked together does not, in itself, amount to personal favouritism (see, *Desalliers*, at paras. 146-147).

[58] The complainant did not establish that the appointee and Mr. Laflamme had a personal relationship outside of work. There was no evidence that the appointee was appointed because of any undue personal interests, such as a personal relationship. There is also no evidence of any personal favour, reward, or that the appointment was made to gain personal favour with someone. The fact that the appointee received acting appointments after his initial appointment is not evidence of personal favouritism in the appointment process at issue in this complaint. The allegation rests on an assumption that Mr. Laflamme made promises to the appointee of an acting assignment or assignments. The complainant provided no evidence to support this bald allegation.

[59] In the absence of evidence to support the personal favouritism allegation, I can conclude only that the complainant did not establish that on a balance of probabilities, personal favouritism was a factor in the appointment at issue.

B. References in the appointment process

[60] Section 36 of the *PSEA* confers broad authority on the PSC for the establishment of assessment methods or on the respondent as its delegate (see *Visca* at para. 42). In this case, references were used to help assess certain essential qualifications. The respondent placed no limitations on how long the referee had known a candidate or the position they held.

[61] The respondent asserted that the complainant had provided no evidence of the employment history of the administrative assistant. The complainant stated in his testimony that the assistant had not worked with the appointee "for more than six months". He was not cross-examined on this statement. The complainant's representative suggested in a question to Mr. Laflamme that the assistant might have been three months, but Mr. Laflamme did not confirm it. I prefer the testimony under affirmation of the complainant and accept that the assistant had worked with the appointee for approximately six months.

[62] The Public Service Staffing Tribunal (PSST) has recognized that the length of time that a reference has worked with an appointee is a relevant consideration in assessing abuse of authority. In *Ostermann v. The Deputy Minister of Human Resources and Skills Development Canada*, 2012 PSST 28, the tribunal accepted the guidance of the PSC that applicants and referees working together for at least six months within

the last five years as “common sense” (at para. 39). The PSST noted that this common sense guideline was consistent with its jurisprudence on the use of references and referred to *Dionne v. Deputy Minister of National Defence*, 2008 PSST 11, at para. 55, where the Tribunal stated: “What is important is that the referee is familiar with the work of the candidate, and can provide sufficient information to allow the board to conduct an adequate assessment of a candidate’s qualifications.”

[63] In this case, the assistant would have had familiarity with the appointee’s work after working with him for six months. I agree with the PSST jurisprudence that this period of time is a common sense guideline.

[64] The complainant also suggested that it was inappropriate to rely on a reference from a subordinate. He provided no jurisprudence to support this bald allegation. The position of a reference in the workplace hierarchy by itself is not a relevant factor in determining whether there has been an abuse of authority. In the absence of evidence of coercion, undue influence or bias, it was open to the selection board to rely on the references provided by the appointee.

[65] The complainant suggested that the reference of the assistant should not have been relied upon since it was so glowing – with a rating of 100%. The appointee and the selection board have no input or control over a reference that is provided. The selection board must review the references and give them the appropriate weight. The complainant asked no questions of Mr. Laflamme about the weight given to the assistant’s reference and has therefore not established that it was given undue weight. I note that the assistant’s assessment is largely consistent with the reference provided by the appointee’s manager.

[66] The complainant also relied on the failure of the manager’s reference to provide a score for his answers to two questions. The manager did provide a detailed narrative for each question. The selection board was capable of scoring these answers based on the information provided. The referee is expected to provide an honest opinion, but the assessment of the candidates is up to the selection board (*Couillard* at paras. 46 and 47). I find that the selection board rating the manager’s answers is not an abuse of authority.

[67] I find that the reliance on the appointee’s references did not constitute an abuse of authority. It is important that a referee is familiar with a candidate’s work and can

provide sufficient information to allow the selection board to conduct an adequate assessment of a candidate's qualifications; see *Dionne* at para. 55. The complainant adduced no evidence that any of the appointee's referees did not have sufficient familiarity with his work.

[68] Accordingly, the complainant did not establish abuse of authority in the appointee's references or in the selection board's use of them.

C. Failure to reassess the appointee

[69] The complainant argued that the appointee should have been reassessed after the alleged misconduct that occurred at some point after the assessment process completed, of which Mr. Laflamme was aware. He also testified that Ms. Cochrane was also aware of it. In fact, they both consulted a staffing advisor about whether it would impact the appointment process.

[70] When making appointments, s. 36 of the *PSEA* allows a hiring manager to use the assessment method that he or she considers appropriate to determine that a person meets the required qualifications. This section gives managers considerable discretion when making appointments.

[71] The appointment in this case was made based on which candidate in the pool had the highest overall score on six "right fit" merit criteria. Although this ranked approach to selection is no longer required, as it was under the previous staffing regime, it is not prohibited. There is also no time limit on drawing from a pool of candidates. In this case, the pool was used for staffing approximately four years after it was first established. Under the *PSEA*, there is no obligation on the respondent to reassess candidates in a pool of already-qualified individuals. The hiring manager had the discretion to choose candidates from that pool, without reassessment.

[72] I need not consider the respondent's novel argument about the double jeopardy of not appointing someone because of a disciplinary record. "Double jeopardy" refers to penalizing someone twice for the same misconduct. The *Babineau* decision that the respondent relied on relates to imposing two disciplinary penalties for the same misconduct. I note that the Board has not regarded being unsuccessful in a staffing process as a disciplinary matter.

D. Allegation of bias

[73] The complainant alleged that Mr. Laflamme was biased against him. The burden of demonstrating the existence of a reasonable apprehension of bias rests on the complainant, who must lead evidence to show that bias is real, probable, or reasonably obvious; see *Denny v. Deputy Minister of National Defence*, 2009 PSST 29 at para. 124.

[74] The test for a reasonable apprehension of bias is well established; see *Committee for Justice and Liberty*, at 394. The test is whether a reasonably informed person, viewing the matter realistically and practically — and having thought the matter through — would conclude that it was more likely than not that the delegated manager, whether consciously or unconsciously, would not assess the complainant's candidacy fairly. If a reasonably informed bystander looking at the process at issue in this case could reasonably perceive bias on the part of the respondent or the delegated manager, then the Board could conclude that an abuse of authority occurred; see *Denny*, at para. 126, and *Gignac v. Deputy Minister of Public Works and Government Services*, 2010 PSST 10 at paras. 72 to 74.

[75] In this case, there was a demonstrated tension between the complainant and Mr. Laflamme. However, the confrontation that resulted in Mr. Laflamme losing his temper with the complainant occurred after the 2015 assessment process was completed. A reasonably informed person would not conclude that Mr. Laflamme was biased when he assessed the complainant in 2015, given that the confrontation occurred two years later.

[76] Mr. Laflamme was also involved in the appointment process in 2019, which was after the confrontation with the complainant. However, the consistent criteria that the respondent used was to appoint the candidate with the highest score on the "right fit" merit criteria, and in this case, the appointee had a higher score than the complainant. A reasonably informed person would not conclude that the appointment process was biased when scoring done before the confrontation was used to appoint the appointee.

[77] Based on the use of the highest score as the appointment criteria, I need not consider the respondent's argument that there was no reasonable apprehension of bias because Mr. Laflamme was not the only decision maker.

[78] The complainant did not establish a reasonable apprehension of bias in the appointment process.

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

(The Order appears on the next page)

VII. Order

[80] The complaint is dismissed.

June 28, 2023.

Ian R. Mackenzie,
a panel of the Federal Public Sector
Labour Relations and Employment Board