

Staffing Policy

1. Objective

The purpose of this policy is to establish a broad and flexible framework that will support a consistent and effective approach to staffing activities at the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC; the Centre).

2. Expected Results

Delivery of FINTRAC's mandate is dependent on the organization's ability to attract and retain highly skilled and committed individuals. The staffing policy is intended to facilitate hiring the right people when and where they are needed, while respecting public service and FINTRAC values.

3. Application

This policy applies to all staffing activities at FINTRAC, at all levels.

4. Effective Date

April 1, 2013.

5. Context

While FINTRAC operates within the broad context of the Government of Canada, it is an independent agency with its own enabling legislation. The *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (PCMLTFA) establishes staffing authority at FINTRAC as follows:

49. (1) *The Director has exclusive authority to*
- (a) *appoint, lay off or terminate the employment of the employees of the Centre;*
 - and*
 - (b) *establish standards, procedures and processes governing staffing, including the appointment, lay-off or termination of the employment of employees otherwise than for cause.*

The enabling legislation for staffing in the core public service of the Government of Canada (the *Public Service Employment Act*) has no application at FINTRAC, other than for the political activities of employees.

Other legislation affecting staffing at FINTRAC includes: The *Official Languages Act*; the *Employment Equity Act*; the *Canadian Human Rights Act*, and the *Canadian Charter of Rights & Freedoms*.

6. General Considerations

Excellence

FINTRAC will make every effort to ensure that its staffing processes are directed at attracting excellent candidates and providing a positive impression of the Centre to all those who are considered.

HR Planning

Staffing activities will be based on sound Human Resources Planning which takes into consideration business needs; competency requirements, employment equity objectives, organizational growth, employee career aspirations and employee turnover.

Balance

FINTRAC is committed to maintaining a balance between the organization's need to acquire specific competencies and renew its workforce and the need to provide career advancement and professional development opportunities to employees.

Code of Conduct, Values and Ethics

FINTRAC's Code of Conduct, Values and Ethics applies to all who work at the Centre and contains the following guidance related to staffing:

"Employees who are involved in the selection and hiring of individuals must not be closely related to, or share a close relationship with any candidates or have any other ties that could, or could be seen by an objective observer to, give rise to concerns regarding preferential treatment or which could hinder their ability to treat candidates in an impartial manner."

Similarly, employees and potential employees are expected to immediately divulge personal and family relations within FINTRAC to avoid real or perceived conflicts of interest.

Managers are not to appoint, supervise or engage in close personal contact with family members or relatives within their area of responsibility and must fully disclose any relationships, affiliations or personal interests that may compromise their character, judgement and the appearance of impartiality. They are expected to create and encourage a safe, healthy and respectful workplace.

6.1 Staffing Values

Given the broader public service context of FINTRAC, the staffing values used by the Centre to guide its staffing activities are consistent with those of the core public service and are as follows:

Competence

- The person appointed has the qualifications identified as essential for the job

Non-partisanship

- Staffing decisions are free from political influence

Fairness

- Staffing decisions are made objectively and are free from personal favouritism
- Staffing practices reflect the just treatment of persons
- Persons are assessed in the official language of their choice

Transparency

- Information about staffing strategies, decisions, policies and practices is communicated in an open and timely manner

Access

- Staffing practices and decisions provide candidates a reasonable opportunity to apply and be considered for employment.

Representativeness

- Staffing practices are free of bias and systemic barriers
- The organization strives to be representative of the population it serves

6.2 Staffing Process Options

The choice of process must be strategic and in line with human resources plans as well as current and future business objectives.

Hiring managers will consult with a Human Resources Portfolio Advisor to select the options most appropriate for their business needs.

6.2.1 Advertised Processes

Advertising brings employment opportunities to the attention of potential candidates, provides useful information to those who wish to apply, and can ultimately generate excellent candidate pools.

FINTRAC considers that its staffing values should lead to advertised processes more often than to non-advertised processes.

The following are examples of situations where advertised processes would typically be used:

- Indeterminate or term vacancies (including anticipatory staffing)
- Special recruitment campaigns (e.g. post-secondary recruitment)
- Pools/anticipatory staffing
- Transfer opportunities
- Assignment opportunities
- Acting opportunities
- Student work terms, bridging (original advertising supports this)
- Employment Equity program initiatives

Area of Selection

The area of selection identified for advertised processes should provide for a reasonable pool of candidates in an efficient and cost-effective manner.

In keeping with the mobility provisions in the *Canadian Charter of Rights and Freedoms*, an area of selection, whether for internal or external processes, must not be limited along provincial or territorial boundaries (including regional boundaries that approximate provincial or territorial boundaries).

At a minimum, internal advertised processes will normally be open to FINTRAC employees across Canada so as not to unduly limit career advancement for employees.

Consideration must be given to use of the terms “employees” or “persons employed” when establishing area of selection. For example, when the area of selection is defined as “**employees of FINTRAC**”, the opportunity is open only to employees appointed to FINTRAC positions. When the area of selection is defined as “**persons employed at FINTRAC**”, the opportunity is open to all public servants working at FINTRAC, including employees of other public service organizations working at FINTRAC on an Interchange or “assigned client” basis. Further, when used in a public-service-wide area of selection, the term “persons employed” allows employees and persons working in a number of additional separate organizations to be included.

In keeping with the approach used across the public service, advertised processes open to the public must be open across Canada, with the following exceptions:

- Appointments for a specified period of six months or less;
- Processes limited to members of designated employment equity groups.

Where an area of selection is limited to one or more designated employment equity groups, it must be supported by FINTRAC’s employment equity plan or human resources plan.

Notices

All advertised notices posted on the FINTRANET and/or [publiservice](#) will be posted for a minimum period of five working days.

Notices for jobs open to the public will be advertised on jobs.gc.ca and/or on the FINTRAC public website and will be posted for a period sufficient to generate a reasonable number of candidates, at the discretion of the HR Portfolio Advisor.

Pools of Partially Assessed Candidates

When conducting internal or external advertised processes, pools of partially assessed candidates may be created and used to staff multiple similar positions within the organization where the essential qualifications are the same.

Pools reduce the time required to staff similar positions by having partially-qualified candidates ready for FINTRAC’s managers to consider as vacancies arise. Hiring managers complete the assessment process and apply any of the available asset qualifications they would like to use if applicable.

Once established, pools will normally be valid for a period of up to 12 months. In establishing the validity period, consideration should be given to any future need to change the qualifications for the positions to be staffed by the pool, as well as the changing nature of the applicant pools over time.

Pools are particularly advantageous when:

- Turnover of staff is forecasted within a sector/directorate where there are many similar positions;
- Changes in business activities require a significant increase in the supply of similar skills and competencies;
- Recruitment campaigns open to the general public are undertaken;
- Managers are comfortable with other managers assessing candidates on their behalf.

Students

Students are hired at FINTRAC through advertised student recruitment programs such as the [Federal Student Work Experience Program](#) (FSWEP) or [Co-operative Education \(CO-OP\) or Internship](#) programs at recognized educational institutions.

Once a student has successfully completed the requirements for his/her field of study, a manager may appoint him/her to a regular position on either a term or indeterminate basis. This is known as student bridging. In order to be eligible for bridging, the student must have completed at least one work term within the federal public service through an FSWEP, CO-OP or Internship program, and, he/she must meet all essential qualifications for the regular position, including education and language requirements.

When bridging an eligible student whose work terms do not include one with FINTRAC, a rationale must be provided explaining why this student was selected for bridging.

Student bridging is considered an advertised process as the initial advertising for student employment programs also advertises the possibility of regular employment following graduation.

6.2.2 Non-Advertised Processes

Although advertised staffing is normally the best practice, following are examples of situations that could lend themselves to a non-advertised process:

- Reclassification of an incumbent in his/her substantive position;
- Appointment of a highly specialized individual, which must be carried out quickly so that the opportunity to hire the individual is not lost;
- An appointment to a position where there is a shortage of qualified candidates;
- An appointment that must be made urgently so as not to jeopardize a sensitive project or program (e.g. jointly funded by FINTRAC and one of its partners);
- Transfer of an employee from within the public service to an equivalent level at FINTRAC;
- Acting assignments of less than three months (unpaid);
- Short term needs of less than three months;
- Other situations on an exceptional, case-by-case basis;
- Appointment of a member of a group targeted by FINTRAC's employment equity (EE) program.

In every case, a written candidate assessment is required and must demonstrate how the candidate meets each of the essential qualifications identified for the position.

The use of non-advertised staffing poses greater potential risks to staffing values. Accordingly, a non-advertised process must be supported by a written rationale explaining why this approach was chosen, how the proposed appointment aligns with the organization's human resources plan, and the potential impact on staffing values and the morale of staff within the organization. The rationale must be endorsed at the Assistant Director, Deputy Director or Director level.

6.2.3. Internal Transfer

Executives have the ability to transfer an employee to another position at the same level within their area of responsibility based on operational or developmental needs. When an executive wishes to move an employee under this provision, a rationale must be endorsed by the appropriate senior executive and be provided to the HR Portfolio Advisor prior to the move, describing why this is the best option available to achieve business objectives and outlining how the employee meets the essential qualifications of the position.

Although employee consent is not required for such a transfer, executives will, to the extent operationally possible, respect the work preferences of employees when considering a move under this provision.

6.2.4. Interchange Assignments

Interchange is a skills-exchange program with a developmental focus between FINTRAC and other organizations in private, public and not-for-profit sectors in Canada and internationally.

An assignment may last up to three consecutive years, whether the assignment takes place in one or more organizations. In exceptional circumstances, an extension of up to one additional year may be obtained with the approval of the Director.

By taking temporary assignments, employees benefit from professional development, while participating organizations benefit from new knowledge, skills and approaches.

Interchange is managed within the human resources planning process, taking into account such considerations as the need to build human resources capacity within the organization.

The [Treasury Board Policy on Interchange](#) and the [Treasury Board Directive on Interchange](#) are used for reference purposes.

6.3 Assessment Criteria

Bias Free

Qualifications and assessment strategies are to be established without bias and without creating systemic barriers for candidates or discrimination on prohibited grounds.

Bona Fide Occupational Requirements

A particular skill or qualification that might otherwise be discriminatory on a prohibited ground (race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, physical or mental disability or pardoned criminal conviction) can be specified if it is based on a [bona fide occupational requirement](#). HR Portfolio Advisors are available to provide further advice in this regard.

Duty to Accommodate

Before judging whether a person can perform the essential requirements of a position, steps must be taken to ensure that all barriers to participation for people protected under human rights law are eliminated from selection, training and promotion standards and practices. This will include consideration of alternative approaches to a job so that restrictive requirements can be eliminated, up to the point of undue hardship to the organization. The provision of accommodation is a shared responsibility across FINTRAC.

6.3.1 Types of Qualifications

The assessment criteria used in staffing processes may include the following types of qualifications:

- Education (mandatory)
- Official Languages (mandatory)
- Experience
- Special skills
- Knowledge
- Abilities
- Personal suitability (mandatory, unless using leadership competencies)
- [Leadership competencies](#) (mandatory for FT-6,7,8 executive levels)

Essential vs. Asset

Assessment criteria can be established as either essential qualifications (mandatory) or asset qualifications ('nice to have'). Careful consideration should be given to the qualifications that are essential as these will be used to determine whether or not candidates are qualified for the job.

Assets qualifications can be helpful in a staffing process, for example at the beginning of the process to filter a candidate pool that is too large, or, at the end of a process as a basis for selecting the final candidate for appointment from among those who are qualified based on the essential qualifications.

Official Languages

Official language requirements must always be considered essential qualifications and are not to be used as optional assets.

Position language requirements are determined prior to commencing the recruitment process.

Exceptions to meeting bilingual language requirements can only be used for internal appointments in the following circumstances, where there is no qualified candidate available who meets the bilingual requirements:

- Acting appointments for less than 6 months
- Assignments at level for less than 6 months

For bilingual positions, aside from the above-noted exceptions, imperative staffing is the norm at FINTRAC. This means that candidates must have valid SLE results prior to appointment.

Non-imperative staffing will only be considered in exceptional circumstances upon approval of the Chief Human Resources Officer.

Operational Requirements

Some positions might have work requirements such as the requirement to work overtime or travel. These must be indicated to candidates.

Organizational Needs

These are the needs the organization might have for a given staffing process in order to meet its objectives. An example would be a need to restrict applications in a given process to members of an employment equity group.

6.3.2 Conditions of Employment

These are conditions candidates must meet before being appointed to any position at FINTRAC:

Security

To ensure that sensitive information and assets belonging to FINTRAC are protected, a valid security clearance level of "Secret" is a condition of employment and must be granted prior to an offer of employment being issued.

Candidates must also be eligible for a Top Secret security clearance.

Citizenship

Due to the need to obtain Top Secret security clearance, every person appointed to FINTRAC must be a Canadian citizen.

Code of Conduct, Values and Ethics

All persons appointed to or from within FINTRAC are subject to FINTRAC's Code of Conduct, Values and Ethics which includes obligations regarding conflict of interest and post-employment. Nominees for appointment must complete a confidential report regarding conflicts of interest prior to appointment and on a regular basis thereafter.

Suitability

Nominees for appointment at FINTRAC must undergo a suitability interview with Security personnel to determine their suitability for employment based on the Centre's needs. Suitability is an on-going condition of employment at FINTRAC and must be maintained.

6.4 Assessment Methods

There are a number of assessment methods and tools that may be used to assess qualifications, including the following:

- Résumés
- Questionnaires
- Tests
 - [Standardized tests](#) developed by the Public Service Commission (PSC)
 - Language tests developed by the PSC ([SLE](#))
 - Customized tests developed by the PSC
 - Locally-designed tests (e.g. knowledge test)
- Top-down filters (based on test scores)
- Simulation exercises – practical tests, trouble-shooting exercises, etc.
- Interviews
- Reference Checks
 - Mandatory for all candidates from outside FINTRAC
 - Three referees normally used
 - Optional for candidates who are current FINTRAC employees
 - Conducted by the HR Portfolio Advisor, hiring managers or other board members

In deciding which assessment methods to use in a given staffing process, consideration should be given to factors such as, the number and location of candidates to be assessed, the number of positions to be staffed, the availability of board members, costs of the various methods, and the benefits of using a variety of methods.

Accommodation

FINTRAC will accommodate the needs of candidates through all stages of the staffing process, up to the point of undue hardship to the Centre.

The Public Service Commission is available to provide guidance on [assessment accommodation](#) for organizational assessment tools on a fee-for-service basis. However, when PSC tests are used, assessment accommodation services are included in the test fee.

Official Languages

Second official language skills are evaluated by the Public Service Commission for bilingual positions only. Language requirements for unilingual positions are assessed by the selection board.

Candidates have the right to be assessed in the official language of their choice, regardless of the language requirements of the position being staffed. In the case of a unilingual position, if a candidate requests an assessment in the official language that is not the language of the position, his/her language skills in the essential language of the position would be assessed by the selection board separately from the other assessments.

Selection Boards

A selection board will be convened for every advertised process where there is more than one candidate to assess and may be convened to conduct the assessment of a single individual in an advertised or non-advertised process. Selection board members will:

- To the extent possible, reflect the diversity of the organization and take into consideration the designated groups representation;
- Be as consistent as possible throughout a selection process. When substitutions are unavoidable, every effort must be made to ensure at least one member participates in all assessments within the process;
- Be capable of assessing any candidate who presents him or herself orally or in writing in the official language of the candidate's choice. When this is not possible, a substitute with the necessary language skill must be used;
- Be technically competent to assess the qualifications they are rating;
- In accordance with FINTRAC's Code of Conduct, Values and Ethics, not be closely related, or share a close relationship to any candidates or have any other ties that could or would appear to establish preferential treatment or hinder their ability to treat candidates in an impartial manner;
- Sign a statement of persons present at screening and/or selection board for every process in which they service as a board member, to attest to their impartiality in the process as well as their official languages capability.

6.5 Selection Options

There are several selection options a manager may use in selecting the person suited for the job (often referred to as the "right fit") and choosing from among persons who have been found qualified during the assessment process. In addition to assessing the essential qualifications, other merit criteria, such as asset qualifications, organizational needs or operational requirements that were identified at the beginning of the appointment process may also be applied when making a selection decision.

Examples of the options available to managers in making the final appointment decision are as follows:

- Total performance in the assessment
- Strength in a particular part of the assessment
- Relevance, depth, breadth of experience
- Asset qualifications

Managers will consult with their HR Portfolio Advisor to select the options most appropriate for their business needs.

6.6 Candidate Feedback

An open dialogue promotes a better understanding and provides an opportunity to resolve conflicts informally. At any point in a staffing process, candidates may request feedback from the HR Portfolio Advisor who will provide information regarding the selection process and candidate status. Feedback will always be limited to the candidate, as it would be inappropriate to discuss other candidates in a selection process.

6.7 Employee Referrals and Unsolicited Applications

FINTRAC appreciates employee referrals. In order to eliminate the potential for or appearance of favouritism, all employee referrals must be submitted directly to the Human Resources Directorate for consideration and provide the nature of the relationship with the referral.

Similarly, all unsolicited applications received at FINTRAC are to be forwarded to HR for preparation of a response.

7. Roles and Responsibilities

Human Resources Portfolio Advisors

- Provide advice based on public service staffing values and FINTRAC policy to assist managers in the development of HR strategies to meet their organizational and business objectives
- Provide advice and support to hiring managers regarding staffing processes as well as assessment and selection methodology and tools
- Participate as screening and selection board members
- Present a positive image of FINTRAC to prospective candidates
- Coordinate and participate in providing feedback to candidates
- Manage staffing processes and maintain staffing records
- Provide guidance to employees and candidates on matters pertaining to human resources
- Coordinate security clearance screening with Security Personnel
- Arrange for Second Language Evaluation and other tests
- Challenge and monitor the application of the staffing policy when applicable
- Prepare letters of offer for signing by the Chief Human Resources Officer except for offers at the Assistant/Deputy Director levels, which are signed by the Director

Managers

- Undertake human resources planning based on public service staffing values, FINTRAC policy, organizational requirements and business planning, incorporating advice from their HR Portfolio Advisor
- Consult with their HR Portfolio Advisor prior to initiating staffing actions to determine the staffing process as well as the assessment and selection methodology to be used
- Ensure they have necessary resources (funds) to hire additional staff (including candidate travel costs and administration, assessment and relocation costs)
- Establish the qualifications required to perform the duties of the position, the tenure and the hiring conditions
- Contribute to the development of assessment tools
- Participate as screening and selection board members and in providing feedback to candidates
- Present a positive image of FINTRAC to prospective candidates
- Exercise judgement in the application of staffing values throughout the staffing process
- Prepare rationales for key decisions in the staffing process such as the type of process and candidate selection based on right fit

Employees

- Manage their careers and seek opportunities within FINTRAC and/or training in line with their career objectives
- Provide required information when applying for positions and ensure their application clearly reflects the qualifications required
- Make their accommodation needs known
- Are prepared for assessment once they have submitted an application in a staffing process (refer to the guide on how to apply for a federal public service job: <http://jobs-emplois.gc.ca/centres/guide-eng.htm#application>)
- Seek feedback on performance as a candidate in a staffing process

8. Monitoring

The Human Resources Directorate will monitor the implementation of this policy across FINTRAC.

9. References

[*Proceeds of Crime \(Money Laundering\) and Terrorist Financing Act*](#)

[*The FINTRAC Code of Conduct, Values and Ethics*](#)

[*Public Service Employment Act*](#)

[*The Official Languages Act*](#)

[*Employment Equity Act*](#)

[*Canadian Human Rights Act*](#)

[*Canadian Charter of Rights and Freedoms*](#)

[*Financial Administration Act*](#)

[*NJC Relocation Directive*](#)

[*NJC Travel Directive*](#)

10. Enquiries

Enquiries relating to this policy should be directed to the appropriate [Human Resources Portfolio Advisor](#).