

## How Do I Request Feedback or Request a Review of an Appointment Decision if Unsuccessful in a Competition

If you are an unsuccessful employee<sup>1</sup> applicant after a hiring decision has been made in a competition<sup>2</sup> and you've received a regret notification, you have the right to get feedback and request a review of the appointment decision to determine why you were not successful and to determine if merit<sup>3</sup> was applied in making the appointment. Below are the three stages that you may wish to use to obtain feedback or request a review of the appointment decision. You must follow each step in turn in order to be eligible for each succeeding stage in the process.

### Step One

Once an appointment has been made and you have received your regret notification, you have **5 calendar days**<sup>4</sup> following the receipt of the notification to request feedback from the Hiring Manager. You can do this by email, phone or arrange a meeting with them. If you are satisfied with this feedback, then you do not need to proceed to the next step.

### Step Two

If you are not satisfied with the feedback provided, then within 5 calendar days of receiving feedback from the Hiring Manager in Step One, you can exercise your right to go to the Deputy Minister responsible for the position and request an internal inquiry. You must submit your request in writing and clearly outline the reasons why you believe the proposed appointment was not based on the principle of merit and/or was not the result of a process designed to appraise the knowledge, skills and abilities of eligible applicants. The Deputy Minister or designate will review the appointment process and respond back to you. While conducting the inquiry the Deputy Minister or designate will gather pertinent information and/or documentation regarding the competition and appointment process. The Deputy Minister will either support the appointment decision or direct that the appointment be reconsidered.

If you are satisfied with the Deputy Minister's response, then you do not need to proceed to the next step. If you are an applicant to a position in a bargaining unit and are not satisfied with the response, then you can proceed to Step Three. Excluded staffing reviews end at Step Two.

### Step Three

If you are an applicant to a position in a bargaining unit and are not satisfied with the Deputy Minister's response, then within **5 calendar days** of receiving the Deputy Minister's response, you may apply in writing to the Merit Commissioner for a formal staffing review. Your request for a review by the Merit Commissioner must clearly outline your grounds for review and be based on the same grounds as submitted in Step 2 of the staffing review process. The Merit Commissioner's review will involve a review of the written documentation of the appointment process. The Merit Commissioner will prepare a written decision within approximately 30 days which will either support the ministry's decision or send it back to the ministry for reconsideration. For more information, please visit the [Merit Commissioners Website](#).

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<sup>1</sup> Employee - means a person appointed under the *Public Service Act*, other than a person appointed through Order-in-Council. Employees who have access to the review process must be an employee or an employee on lay-off, provided seniority has not been lost, at the time they are requesting feedback.

<sup>2</sup> Lateral transfers or demotions, temporary appointment of not more than seven months; auxiliary appointments and direct appointment are exempt from this process.

<sup>3</sup> Merit – The appointment was not the result of a process designed to appraise the knowledge, skills and abilities of eligible applicants.



## Where ideas work

4Five Calendar Days - If the fifth calendar day falls on a weekend or a statutory holiday, the fifth day is deemed to be the next business day. Day one is the day after regret notification is sent out. For example if the regret notification is sent out on a Friday, counting starts on the Saturday and the fifth day is the Wednesday following.