



Highlights



Audit of Immigration and Refugee Board of Canada

October 2009

The Public Service Commission (PSC) is an independent agency reporting to Parliament, mandated to safeguard the integrity of the public service staffing system and the political neutrality of the public service. In addition, the PSC recruits qualified Canadians from across the country.

Why did the PSC conduct this audit?

The Immigration and Refugee Board of Canada (IRB), Canada's largest independent administrative tribunal, was created in 1989. It renders decisions on refugee protection and immigration matters in accordance with the *Immigration and Refugee Protection Act*. The IRB reports to Parliament through the Minister of Citizenship and Immigration Canada (CIC), but remains independent from both CIC and the Minister.

The audit of this organization was identified in the Public Service Commission of Canada's (PSC) Audit, Evaluation and Studies Branch plan for 2007-2009. The PSC's 2007-2008 Departmental Staffing Accountability Report assessment of IRB staffing performance identified areas for improvement or requiring attention. Specifically, the PSC observed that analyses of planned versus targeted human resources staffing activities were not being conducted, and staffing strategies were not linked to business plans.

The objectives of the audit were to determine whether the IRB has an appropriate framework, systems, and practices in place to manage its public service appointment activities and to determine whether its appointment and

appointment processes comply with the *Public Service Employment Act* (PSEA), the PSC's Appointment Framework, the IRB's Human Resources Policies, other governing authorities, and with the instrument of delegation signed with the PSC.

The audit covered the period from January 1, 2006 to June 30, 2009.

What did the PSC find?

Our audit found that the human resources planning done at the IRB was not coordinated amongst its branches and regions. The human resources planning did not provide specific direction to sub-delegated managers or human resources professionals. In addition, sub-delegated managers in the Central Region (Toronto) did not have adequate access to human resources advisors validated by the PSC.

We examined 54 appointments. For 21 appointments both merit and the guiding values were met. There were 33 appointments where either merit or the guiding values or a combination of both merit and the guiding values were not met or demonstrated.

The IRB identified that they require the services of former Governor in Council (GIC) appointees who possess knowledge of the tribunal proceedings and have in depth experience in dealing with the

tribunal operations. We are concerned that preferential treatment of the appointment of former GIC appointees to public service positions in the IRB compromised the PSEA's core value of merit, along with the guiding values; fairness, transparency, access and representativeness. Appointing former GIC appointees where merit is not met or demonstrated further compromises both the core and guiding values of the PSEA. Similarly, appointing former GIC appointees either through non-advertised processes or in advertised processes, where the experience can only be obtained as a former member, does not respect the guiding values of the PSEA. We are also concerned with preferential treatment in certain executive (EX) and executive equivalent appointments.

What action is the PSC taking?

We have referred appointment files in which issues have been found to either the Chairperson of the IRB to investigate and take appropriate action, as required, or to our Investigations Directorate to determine if an investigation is warranted. The PSC will monitor these files to ensure that corrective action is properly carried out.

Delegation will be affected as a result of this audit.

