

PART 6

OBSERVER GUIDELINES

You have been appointed as an Observer on a selection panel. Your right to be present during this competition and your obligations come from Article 17.08 of the Collective Agreement:

- 17.08 The Union may appoint an Observer to all selection panels for bargaining unit positions.**
- (a) The role of the observer is to observe the selection panel in their determination of the successful candidates.**
 - (b) The observer shall be a disinterested party.**
 - (c) It is agreed that any information relating to the competition shall be kept confidential except as it may be used in the pursuance of a grievance.**
 - (d) The Union observer shall have the right to sit through all interviews and all panel deliberations, including the assignment of points to each applicant.**
 - (e) The Union will notify the employer, in writing, of the designated observer for each selection panel.**
 - (f) Each posting shall state that the employee is entitled to a Union Observer.**

Your role on this panel is to observe whether all candidates are treated in a fair and impartial manner and to report the actions of the panel to the C.E.U. For that reason it is not necessary for you to know the identity of who requested an Observer.

This is an important job. When you sit on the panel you are representing the C.E.U. and you should be given the respect that position deserves.

You are not to be involved in any way in the competition itself, and you must not at any time during the panel interview, or during subsequent discussions, express any opinions as to the conduct of the Panel, the merit of the candidates, or the Panel's selection. This is done in the report to the Union.

Observers must maintain the strictest confidentiality and under no circumstances are the Panel proceedings to be discussed with any applicant, Panel member, or anyone else other than a C.E.U. staff member or Union officer designated to act on the matter.

To assist you in your role as an Observer, we have prepared an *Observer Report Form* and a list of instructions. The report form is attached and the instructions are as follows:

A. The Appointment of an Observer

1. When a member contacts the Union office to request an Observer on a competition, Judith Ross will select and appoint an appropriate Observer, and she will notify the Board of same.
2. As soon as you are notified that you have been appointed as an Observer on a selection panel, advise your manager. (Note that your right to leave to act as an Observer is mandatory pursuant to Article 13.02(f) and your manager cannot refuse leave for this purpose).
3. Scheduling: Note the Letter of Understanding, Section 3 (Appendix "B")
 - (a) If the Schedule has already been determined before the Observer is appointed, we must accommodate the Board's schedule. In this case, Judith will have the schedule and will have ensured that you were available to observe on the set dates, before she appointed you.
 - (b) More often, the schedule is NOT set at the time of appointment. In those cases, the Panel must reasonably accommodate your schedule. Contact the identified Human Resources representative to discuss the dates and times of meetings and interviews, and advise them of any times when you are not available.
4. Advise your manager of the exact dates and times you will be on leave, as soon as they are confirmed.
5. It is crucial to your effectiveness as an Observer that you attend every interview, and all panel discussions, but if for any reason you cannot attend, please contact the Union office immediately.
6. Human Resources will have a package prepared for you, which should be picked up before the first meeting or interview. Also, request a copy of the job posting (and the KSA statements if applicable) from the Union office, and check to make sure it matches the information given to you by Human Resources.

B. Written Tests and Examination

1. Where written tests are required, they are normally administered by the Human Resources personnel, or the hiring manager before any interviews or other assessment tools are done. Observers are NOT present during the actual examination process.
2. Marking of the tests:
 - (a) If the test was marked by one person, that individual must meet with the Observer after the tests have been marked, and share the results. Information should include the number of applicants who wrote (may be "blind", i.e. no names), their seniority dates, and their status (pass/fail,

score achieved) and whether or not they will be advancing in the competition.

- (b) If the test was marked by two or more people in a group, that should be considered a meeting of the selection panel, and you have the right to attend those discussions.
3. Try to get as much information about the reasons for any failing marks, as possible.
4. Ask the Human Resources representative for information about the circumstances of the examinations. For example: when was the test administered? did all the candidates write at the same time? who administered the test? where was it done? how much time was allowed?
5. Record all of the information you obtain on the Observer Report Form.
6. The tests themselves and the answer keys will not be released to you.

C. Interviews and Other Assessment Tools

(Other assessment tools can include role plays, case studies, presentations, as well as a more traditional interview format. Where we use the word “interview” here, it applies to all of these interactive type of assessment tools).

1. Take the report form, the instructions and the letter of understanding with you to the interviews. Take lots of writing paper. **Do not be late**. In fact, try to arrive about 15 minutes before the interviews are supposed to start in case the Panel members arrive early and any discussion takes place.
2. When you arrive, introduce yourself and write down the names and titles of the Panel members on the report form. Ask whether they have ever worked with an Observer before and whether or not they have reviewed the letter of understanding.
3. The Panel should introduce you to each candidate. You should then explain that you are the Union Observer, that you have been appointed under Article 17 of the Collective Agreement. Explain that you will be taking notes. Reassure them that you will not be participating in the selection process in any manner whatsoever.
4. Record the questions asked of each applicant (a copy of the question sheet should be provided.) Each candidate should be asked the same or substantially similar questions. Record any variations or differences in questions asked different candidates.
5. Record the answers to each question.
6. Record the approximate length of time for each interview.

7. Record how the members of the Panel acted towards each applicant. Are some applicants treated belligerently or patronizingly? Are others asked questions in a more encouraging manner? The way in which a question is asked can affect a person's ability to answer it effectively. Were any additional questions asked of any candidate? Did any candidate receive prompting or clarification not provided to other candidates in similar circumstances (i.e. where the candidate clearly did not understand the question)? Record anything you feel is important in the manner or tone in which questions were asked.
8. If any improper questions are asked, be sure to write this in the report. Examples of improper questions are: questions about religion, politics, sex, race, or any employee's personal file.
9. If you perceive a problem in the manner in which the panel is being conducted, outline your concerns in your report to the Union. If you feel it is critical that it be addressed before the competition ends, call the Union office for advice. **In no circumstances should you speak during the interview.**

D. After the Interviews

1. Record the ratings or scores given to each applicant after they leave, on the report form.
2. **IMPORTANT:** record any and all discussion that the Panel has regarding each candidate's performance. Take notes of the reasons given for any marks or scores. Did the Panel members disagree? Were comments made that showed predilection towards or against a particular candidate? How much time did the panel spend in determining each score?
3. **Do not offer any opinions to the panel as to how you would rate any of the candidates on any of the questions.**
4. Record whether or not references were received from supervisors, or whether other reference checks were made. The reference checks and personnel file review are usually done by the Human Resources Advisor and one Panel member. It is not necessary for the Observer to go and watch them read. However, the Panel should be advised that if the checks are going to affect the outcome of the competition, or if there is going to be any further discussion by the Panel, it cannot take place unless the Observer is present.

Record whether or not the personnel files of the employees are reviewed. These are usually done after all the interviews are completed.

5. **You are entitled to be present during all Panel deliberations which includes all discussions before or after the interviews are ended. You are entitled to be present during all discussions from the date you are appointed as the observer.** Do not leave until all the work of the Panel is completed and the final

decision is made. If the final decision is not made at the time, record the reason why delay is necessary and **remind the Panel that you must be present for any further discussions** including between two Panel members. Failure to include you may render the decision void and necessitate a costly repeat of the whole selection procedure.

6. Record the name of the successful candidate(s) on the report form. Do not discuss the selection with the Panel or any of its members. (They may attempt to get you to agree to their selection. You are there to observe the Panel, not to decide who should get the job.)

E. Reporting

1. After the competition is completed, always complete the Observer report form immediately. If you noticed any abnormalities or anything you perceived as being unfair, be sure to explain this fully on the Observer Report Form.
2. You will be required to return the following information to Human Resources after the interviews are completed; any personal information on the candidates such as resumes, application forms, and background assessment questionnaires. You will also be required to return any answer keys used as references during the interviews.
3. Everything else belongs to you, the Observer, and is NOT returned to the Panel or the Human Resources. (That includes question sheets, your notes, etc.) Ensure that you have a secure filing system to hold your notes for the duration of the competition. Once the competition is completed, send your entire file along with the Observer report form to the Union office.
4. If there are any improprieties in the selection process, a grievance will be filed by either the Union through Article 68.04 or by one of the applicants. Grievances are only appropriate from the Observer where the Observer's rights as set out in the Collective Agreement are interfered with or restricted. Refusal to provide information, or meeting without the Observer present is a violation of those rights.
5. **Observers must maintain the strictest confidentiality and under no circumstances is the competition to be discussed with anyone other than the Union representative responsible for any grievances arising out of the selection. (That includes the grievor or any other candidate). If you have any questions or concerns about who you should, or should not speak with, contact the Union office.**

F. Time Records

1. Keep very careful track of the number of hours spent Observing. The Collective Agreement includes a "cap" on the funding for Observer time, so it is critical that records be accurate.

2. The selection panel should be keeping track of the time spent, as well. When the competition is completed, reconcile your time records with theirs (i.e. make sure they match) and have the hiring manager sign your record.
3. When you return to your work location, advise your manager of the total time spent. Observer time is recorded as UOB on the Board's WHRAPS system.
4. For travel expenses, see Section 9 of the Letter of Understanding (Appendix "B").

APPENDIX “A”

LETTER OF UNDERSTANDING NO. B34

BETWEEN:

Workers’ Compensation Board of B.C.

(“the Board”)

AND:

Compensation Employees’ Union

(“the Union”)

Re: Union Observers

The Parties agree to the following guidelines regarding Union Observers.

1. Confidentiality

Observers must maintain the strictest confidentiality and under no circumstances are the panel proceedings to be discussed with any applicant, panel member, or anyone else other than a CEU staff member or Union Representative designated to act on the matter. The names of the applicants for a position are confidential.

The interview questions and other assessment tools are confidential and may not be divulged for any reason. The only person who may have access is a CEU staff member or Union Representative designated to act on the matter.

Materials and notes in the possession of a Union Observer must be kept in a secure place for the duration of a competition, unless they are in use. It is the responsibility of the Observer to ensure confidentiality of all materials.

Upon completion of the assessment process and when the successful candidate is chosen, all panel members will return all documentation received from the Board during the selection process to the Human Resources Department. The Observer submits all documentation during the selection process to the Union office. (See exceptions listed in Section 4).

2. Testing

Where testing is conducted prior to the meeting of a selection panel, the selection panel must share the test results summary with the Observer before the administration of the next assessment tool. The test results summary will inform the Observer of the status of each candidate—whether advancing in the competition or not.

The Human Resources department will, upon request, provide the Observer with information on the circumstances of the testing process, for example, the date testing was administered, the number of candidates tested, and the instructions given.

Tests and/or marking keys for tests will not be released to the Observer.

3. Scheduling

If the Observer has been appointed prior to the scheduling of the administration of the assessment tool, all schedules will be reasonably accommodated. If the Observer is appointed after scheduling has commenced or is complete, then the CEU will provide an Observer who is available for the established schedule.

The Observer will be present for assessment tools involving interaction between the panel and the candidate and/or during panel deliberations. Examples of assessment tools involving interaction are an interview, role play, or presentation, or a case study where a presentation forms part of a case study.

The CEU has the authority to choose the Observer. However, if a particular Observer will unreasonably delay the selection process, the Union office will be notified.

The Union Observer will have the right to sit through all panel deliberations. Management will provide reasonable notice to the Union Observer of any meeting of the selection panel.

The Union Observer will be a disinterested party. The Union will endeavour to ensure that the Observer is not in the same department as the vacancy nor is on a career path for the particular classification.

4. Information Given to Observers

The Observer will receive the same package as that received by the selection panel. The package may be picked up in the Human Resources Department prior to the administration of the first assessment tool observed.

Personal information on candidates such as resumes, application forms, and background assessment questionnaires must be returned to the selection panel immediately after the candidate has been assessed. Answer keys will be provided to the Observer for reference during the assessment process but must be returned to the panel at the end of each interview or series of interviews on a given day.

5. Introduction of the Observer

The Observer will be introduced to the candidate by the manager conducting the assessment. The Observer will explain their role in the process to the candidate.

6. Inappropriate Comments or Questions

The Observer is not to interrupt the assessment process or be involved in the competition in any way.

The Panel members should not request information on the process from the Observer.

7. Reference Checks

Once all assessment tools are administered, reference checks on the senior successful applicant are normally conducted. If the reference check confirms the successful applicant based on the selection process, the Observer need not be notified. Where new information arises from the reference check to call into question the candidacy of the successful applicant, the selection panel will reconvene and the Observer will be notified of the meeting (see Section 3).

8. Time Accounting

The Observer and the selection panel will keep track of the time involved in a selection process. The hiring manager will sign off the time accounting of the Observer. All time spent by the Observer in the selection process away from their position will be coded at T019 time.

9. Payment of Travel Expenses

- (a) Where there is more than one work location involved for the purpose of interviews in a job competition and the Board receives a request for a Union Observer to observe the interview process, the Board will pay the travel expenses of the Union Observer. The Observer will be entitled to travel expenses as described in Article 52 of the Collective Agreement.
- (b) The Board will determine the mode of travel, which will be the most cost effective method available.
- (c) Wherever practical, the Union Observer will be someone who works in the work location of the job competition, i.e. the Union will endeavour to minimize the requirement for travel of Union Observers.
- (d) The Board will pay the travel expenses of one Union Observer, when requested, per competition. All expenses should be coded to account # 06262.

The Parties agree that all T019 time and travel expenses will be subject to the \$10,000 cap as described in Article 13.02(f)(i) of the Collective Agreement.

SIGNED this 21st day of October, 1997

Original signed by Gord Van Dyck
Gord Van Dyck, Director, Labour Relations
For the Workers' Compensation Board of B.C.

COUNTERSIGNED on this 28th day of October, 1997:

Original signed by Deborah Payment
Deborah Payment, Union Representative
For the Compensation Employees' Union

APPENDIX "B"



C.E.U. OBSERVER REPORT FORM

1. Competition Information

Competition Number: _____ Number Of Positions: _____

Job Title: _____

Dates Of Posting: _____

2. Observer Information

Name: _____

Telephone Numbers: (Work) _____ (Home) _____

Classification: _____

Department: _____

Location: _____

3. Panel Information

Panel Members:

Name	Job Title	Department	Work
_____	_____	_____	_____
_____	_____	_____	_____

Who was the Human Resources Representative responsible for this Competition?

Name and Local: _____

4. Examination Information

Were the Applicants given any Examination? YES ___ NO ___

If YES, was it a standardized test? YES ___ NO ___

Which _____ One?

Did you meet with the Panel to discuss the test results? YES ___ NO ___

Who did you meet with and when?

Circumstances of the Exams as described by the Panel:

What were the results of the Examinations for each Applicant:

Applicant (Pass/Fail)	Seniority Date	Score
<hr/>	<hr/> <hr/>	
<hr/>	<hr/> <hr/>	
<hr/>	<hr/> <hr/>	
<hr/>	<hr/> <hr/>	
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Attach additional notes, if required.

If this job is for Pay Groups 11 - 25 indicate which KSA statements were assessed by this test?

5. Interviews

A. Dates Of Interviews:

B. What questions were asked of each applicant? (Attach list of questions). Was each applicant asked substantially the same questions? YES ___ NO ___ If NO, please explain?

C. Were any discriminatory questions asked? YES ___ NO ___

If YES, what was asked and which applicant was asked these questions?

D. Were there any significant differences in the way the interviews were conducted for each candidate?

6. References

Were any "references" from Supervisors obtained during the process? YES ____ NO

If YES, for whom, and what was said?

Were the personnel files of the applicants referred to? YES _____ NO _____

If YES, what comments were made (if any)?

7. Decision

When was the final decision made?

When were you advised of the decision?

Who was the successful candidate?

Was that person the most senior qualified applicant? YES _____ NO _____

8. Conclusion

To the best of your knowledge, was the panel conducted in a fair and impartial manner?

YES _____ NO _____ If NO, what concerned you regarding the Panel?

Signature of Observer

Date