

2021/22

Merit Performance Audit Report

UPHOLDING FAIR HIRING IN THE
BC PUBLIC SERVICE

December 2022

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Executive Summary

A total of 7,860 appointments were made to and within the BC Public Service from April 1, 2021 to March 31, 2022. Of these, the Office of the Merit Commissioner audited 269 randomly-selected appointments.

In accordance with the *Public Service Act*, the purpose of each audit was to determine:

- whether the recruitment and selection process was properly designed and applied to result in an appointment based on merit; and,
- whether the individual appointed was qualified (i.e., had the qualifications specified as required for the position).

In addition, each audit determined whether there was sufficient and appropriate documentation to support the hiring decision.

Most notable this year were our findings with respect to the recruitment and selection process, which can be extrapolated to all appointments of a similar type made throughout the BC Public Service in the 2021/22 fiscal year. Our findings showed that:

- 59% of appointments were found to be “merit”;
- 35% of appointments were found to be “merit with exception”; and,
- 6% of appointments were found to be “merit not applied”.

A “merit with exception” finding indicates that while there were design or application errors in the hiring process, there were no known negative impacts on the outcome. A “merit not applied” finding indicates similar design or application errors but with known negative impacts on the outcome.

These results reflect a decrease in overall merit performance from last year. In 2020/21 we noted a substantial increase in “merit” findings relative to prior years. Instead, this year’s results are similar to those of the 2019/20 and 2018/19 audit years.

More positively, we found that 99% of the audited individuals appointed were qualified. In three audits, we found the individuals either did not meet the requirements or we were unable to determine if they were qualified as their qualifications had not been fully considered.

We also found the state of documentation to be favourable at a high level with 83% of the hiring decisions having sufficient or better supporting evidence.

Of the 269 appointments audited, we found 41% (110 appointments) had one or more errors in the recruitment and selection process. Some of these appointments had a single error, and others had multiple errors within or across the categories of approach, short-listing, interviewing and testing, past work performance, years of continuous service, and notification. With respect to the total number of errors, there were 186 errors identified in the 110 appointments. These errors were most frequently

found in short-listing, interviewing and testing, and past work performance – the key assessment stages. The number of errors for the remaining categories of approach, years of continuous service, and notification continues to be fairly constant and relatively low. While the total number of errors identified is much higher than last year, the amount is in keeping with the general trend over the years previous to 2020/21.

We also examined the errors in the context of fair hiring principles. These principles are: open and transparent processes; objective and relevant means of assessment; reasonable decisions; and equitable treatment of applicants. Similar to recent years, the most evident of these principles is open and transparent hiring processes used throughout the BC Public Service. The use of objective and relevant means of assessment is also robust and apparent in the majority of competitions. It is the principles concerning making reasonable panel decisions and ensuring equitable treatment of applicants that is more problematic and, as such, poses the greatest risk to merit-based hiring.

Based on the Merit Performance Audit 2021/22 results, the Merit Commissioner makes three recommendations for deputy ministers and organization heads for their delegated hiring managers.

1. Review the mandatory and preferred education and experience qualifications prior to posting for accuracy, completeness, and any alternatives, and apply these qualifications accordingly at the short-listing stage.
2. Establish and use some form of substantive marking criteria (behavioural interpretive guides, necessary elements, key points) for a common and relevant basis for evaluation.
3. Ensure accuracy of the calculation and transcription of scores in all areas of assessment prior to releasing competition results.

Audit Overview

Section 8 of the *Public Service Act* (the *Act*) states that all appointments to and from within the BC Public Service must be based on the principle of merit and, according to section 5(1) of the *Act*, the Merit Commissioner is responsible for monitoring the application of the merit principle through random audits of appointments. To this end, the Office of the Merit Commissioner (the Office) conducts yearly merit performance audits.

The merit principle commonly means that appointments are made on the basis of competence and ability to do the job, and are non-partisan.

Scope

The merit performance audit focuses on the appointments that form the long-term workforce of the BC Public Service. These are permanent and long-term (exceeding seven months) temporary appointments in ministries and other organizations, e.g., boards, commissions, and agencies, whose employees are hired in accordance with section 8 of the *Act*. Appendix A lists these ministries and organizations.

For the 2021/22 Merit Performance Audit, the Office collected quarterly lists of permanent appointments and long-term temporary appointments made in the organizations listed in Appendix A. A total of 7,860 appointments were identified from April 1, 2021 through March 31, 2022.

Sample

For the results of the audit to be generalizable to all 7,860 appointments, the Office selected a simple random sample of appointments each quarter based on a pre-determined sample size. Of the total sample of 280 appointments selected, we determined that 11 were out-of-scope, resulting in 269 appointments subject to audit. For more detail on the sampling methods used, see the *2021/22 Report on the Sampling Methodology and Extrapolations for the Merit Performance Audit* posted on the Office's website.

Methodology and Criteria

The Office continued with a modified approach to collecting documentation that started in response to the COVID 19 pandemic. Due to additional related responsibilities and where hiring managers are working remotely, it can be challenging to access the competition documentation required as part of the audit. Therefore, we offered a longer timeframe to those who needed it. This year, while there were several approved requests for extensions to submitting documentation, none were specifically related to the pandemic.

Using the Office’s established audit program, auditors assessed whether:

- recruitment and selection processes were both properly designed and applied to result in appointments based on merit; and,
- the individuals, when appointed, possessed the required qualifications for the positions to which they were appointed.

With respect to the recruitment and selection process (referred to as the hiring process), the auditors examined the overall approach and the five common stages of a competition. These stages are short-listing, interviewing and testing, past work performance, years of continuous service, and notification. The auditors assessed whether the hiring processes had been designed and applied in accordance with the requirements of the *Act*, relevant policy, and relevant provisions of collective agreements. The auditors also evaluated the hiring processes in accordance with the following fairness principles: open and transparent processes; objective and relevant means of assessment; reasonable decisions; and equitable treatment of applicants.

Section 8(2) of the *Act* sets out the matters to be considered in determining merit, which must include education, experience, skills, knowledge, past work performance, and years of continuous service.

With respect to the individuals appointed, auditors examined whether the appointees met the education and experience specified as required for the position at the time of their appointment, as well as the minimum criteria established for the other factors assessed during the process.

Further, auditors considered whether there was sufficient and appropriate documentation on file to support the hiring decision.

At the end of each audit, we made two findings: the recruitment and selection process finding, and the qualifications of the individual appointed finding. We also determined whether there was sufficient documentation. These findings and determination are described in the following tables.

Table 1 Recruitment and Selection Process

| Criteria | Audit Finding |
|--|----------------------------|
| The recruitment and selection process was properly designed and applied to result in an appointment based on merit. | Merit |
| The recruitment and selection process contained one or more errors in design or application: there was no identifiable negative impact on the outcome. | Merit with exception (MWE) |
| The recruitment and selection process contained one or more errors in design or application: the impact on the outcome was known to be negative and as a result, the appointment was not based on merit. This finding is also made if there is insufficient evidence to demonstrate that the design or application of a process was based on merit. | Merit not applied (MNA) |

Table 2 Individual Appointed

| Criteria | Audit Finding |
|---|---------------------------------|
| The individual, when appointed, possessed the qualifications specified as required for the position. | Qualified |
| The individual, when appointed, did not possess the qualifications specified as required for the position. | Not qualified |
| There was insufficient evidence provided to demonstrate that the individual, when appointed, possessed the qualifications specified as required for the position. | Qualifications not demonstrated |

Table 3 Documentation

| Criteria | Determination |
|--|---------------|
| The hiring process was comprehensively documented with minimal or no follow-up required. | Good |
| The hiring process was partially documented. Some documents were missing or incomplete and/or some aspects of the process required clarification. There was sufficient information to conduct the audit. | Sufficient |
| The hiring process was insufficiently documented. Key aspects of the process were not documented and/or verbal evidence was required to complete the audit. | Insufficient |

We also identified “notes for improvement” for any aspects that were not of consequence to the overall merit of the process, but had implications related to transparency, or had the potential to introduce an error into the process.

Reporting

The Office provided deputy ministers and organization heads with detailed individual audit reports for appointments within their organization in order that they may take any necessary action to improve hiring practices and share findings with the responsible hiring managers. We also provided the individual audit results to the Deputy Minister of the BC Public Service Agency (Agency Head) who is responsible for staffing policy, support, and training in the BC Public Service.

The Merit Commissioner prepares this document, the Merit Performance Audit Report, which consolidates all audit findings to report on the overall results of the audit. This report is submitted to the Legislative Assembly and is posted on our website for the public.

2021/22 Audit Results

Recruitment and Selection Process Results

Of the 269 appointments audited, we found 159 were the result of a merit-based recruitment and selection process with no errors. We found another 94 appointments were “merit with exception”, indicating that while there were design or application errors in the hiring process, there were no known negative impacts on the outcome. In 16 appointments, we found errors with negative impacts on the outcome, resulting in “merit not applied” findings. There are two appendices to this report that provide detailed observations and analysis: Appendix B for the standard recruitment and selection processes and Appendix C for the audited inventory processes.

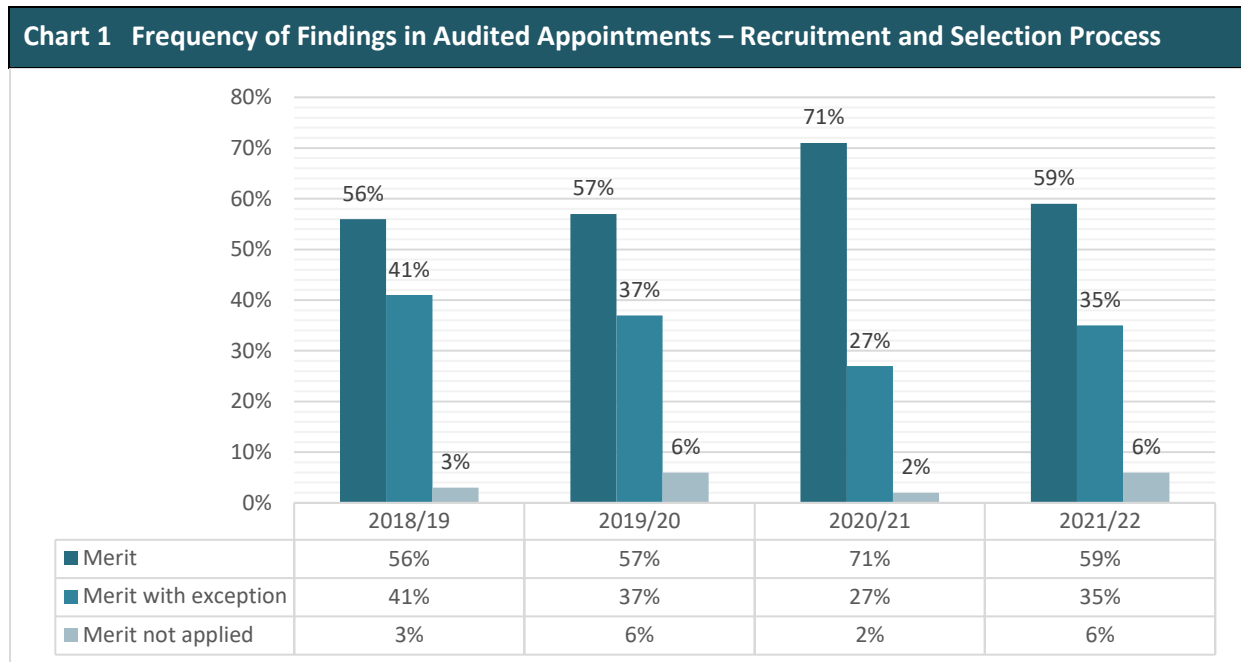
Table 4 shows the audit results extrapolated from the sample of audited appointments to the total population within specified margins of error. The total population encompasses the same types of appointments (i.e., permanent appointments and temporary appointments exceeding seven months) made from April 1, 2021 through March 31, 2022 in the BC Public Service. The population of 7,860 appointments has been adjusted in Table 4 to account for the rate of out of scope appointments. Further details can be found in the *2021/22 Report on the Sampling Methodology and Extrapolations for the Merit Performance Audit* posted on the Office’s website at: <https://www.meritcomm.bc.ca/>.

| Overall findings | Appointments audited | | Extrapolated results – Estimated population |
|----------------------|----------------------|-------------|---|
| Merit | 159 | 59% | 4,474 |
| Merit with exception | 94 | 35% | 2,630 |
| Merit not applied | 16 | 6% | 430 |
| Total | 269 | 100% | 7,534¹ |

Note:

1: Estimated population size adjusted for out-of-scope appointments.

Chart 1 illustrates the frequency of findings in the samples of appointments audited since 2018/19.



This year, “merit” findings were lower and “merit with exception” and “merit not applied” findings were higher compared to last year. The results were very similar to the 2018/19 and 2019/20 audits.

Appointments with Errors

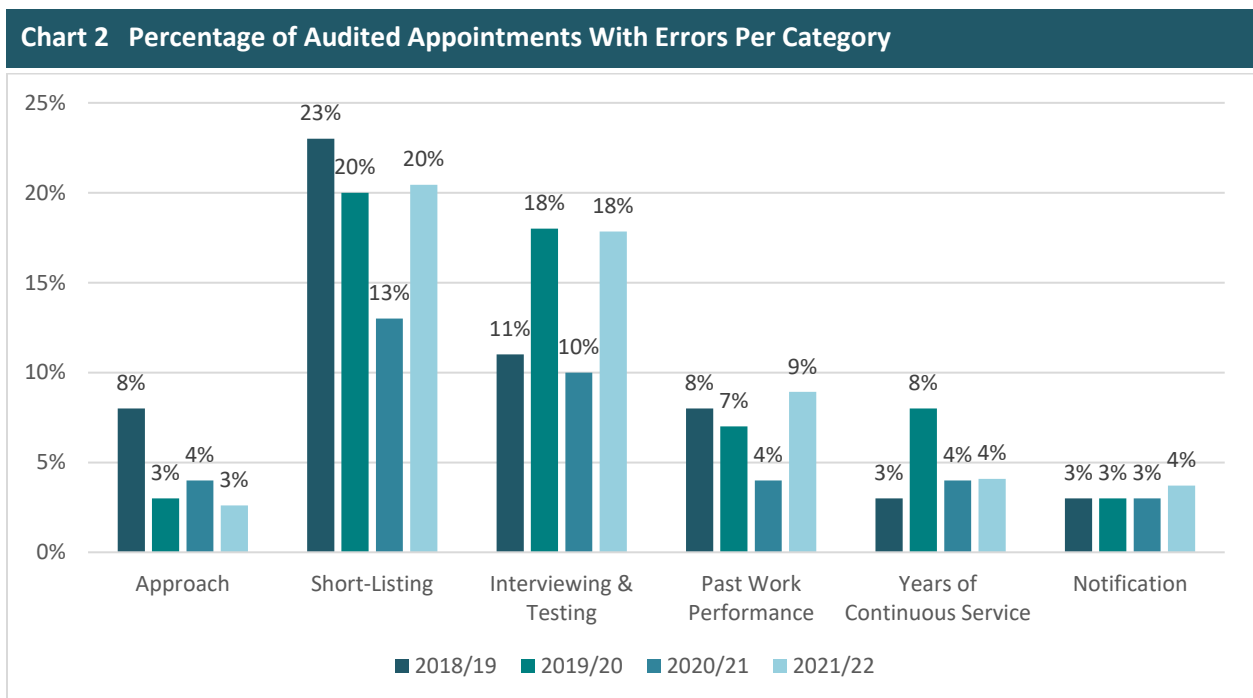
As indicated, 94 of the audited appointments resulted in a “merit with exception” finding and another 16 resulted in a “merit not applied” finding. This means of the 269 appointments we audited, 110 had a minimum of one recruitment and selection process error which is 41% of the audited appointments. The errors are identified in the individual audit reports and in Appendix B of this report in accordance with the category or stage of the process in which they occurred. These categories (the overall approach and the five common stages of hiring) are defined as follows.

Description of the Categories

- Approach**
 The overall structure of the hiring process and the elements, from the initial posting to final rank order of qualified candidates and offers of appointment.
- Short-listing**
 An initial review of applications (e.g., cover letters, resumes, questionnaires) to determine which individuals possess the necessary requirements for further consideration. These requirements are typically education and experience.

| | |
|------------------------------------|---|
| Interviewing and testing | The assessment of the more qualitative requirements necessary for performance such as knowledge, skills, and behavioural competencies through a variety of methods (e.g., interviews, tests, practical exercises, presentations, and role plays). |
| Past work performance | The evaluation and/or verification of the requirements (qualifications, standards of conduct etc.) necessary to perform the role through, at a minimum, a reference from a supervisor or equivalent. |
| Years of continuous service | Credit for continuous employment by the BC Public Service as required by the BC General Employees' Union (BCGEU) and the Professional Employees Association (PEA) collective agreements, calculated at the end of the process using a prescribed formula. While credit for this time may also be given to positions not covered by a union agreement, there is no requirement to do so. |
| Notification | Unsuccessful employee applicants must be notified of the competition's final outcome in order to have proper access to their recourse rights granted in the <i>Act</i> . |

While each appointment resulted in a single overall recruitment and selection process finding, some appointments had only one error whereas others had multiple errors in one or more categories. Chart 2 shows the number of appointments with errors in each of these categories as a percentage of all appointments audited since 2018/19.



Notes:

- The table show the number of appointments with one or more errors per category. As some appointments had errors in more than one category, the percentages do not sum to 100 percent.
- The percentage for years of continuous service is based on all positions covered by BCGEU and PEA agreements, as well as other positions where this factor was considered.

Overall, these 2021/22 findings were similar to and consistent with previous years with the exception of last year - in our 2020/21 Merit Performance Audit, we observed a significant decrease in appointments with errors in the key assessment stages of short-listing, interviewing and testing, and past work performance. However, this year we observed a return to the previous higher rates for these key assessment categories. The number of appointments with errors in the other three categories remains at a relatively constant rate over the last four years.

Overall Errors

Appointments with multiple errors may have had two or more distinct errors within the same category or, two or more errors in different categories, or some combination thereof. For example, for one appointment, there were three distinct errors identified: one approach error and two interviewing and testing errors. Of the 110 appointments with errors, 62 (56%) had a single error and 48 (44%) had two or more errors, resulting in a total of 186 errors. This also reflects an increase from last year in the number of total errors and a general return to the previous two years.

Individual Appointed Results

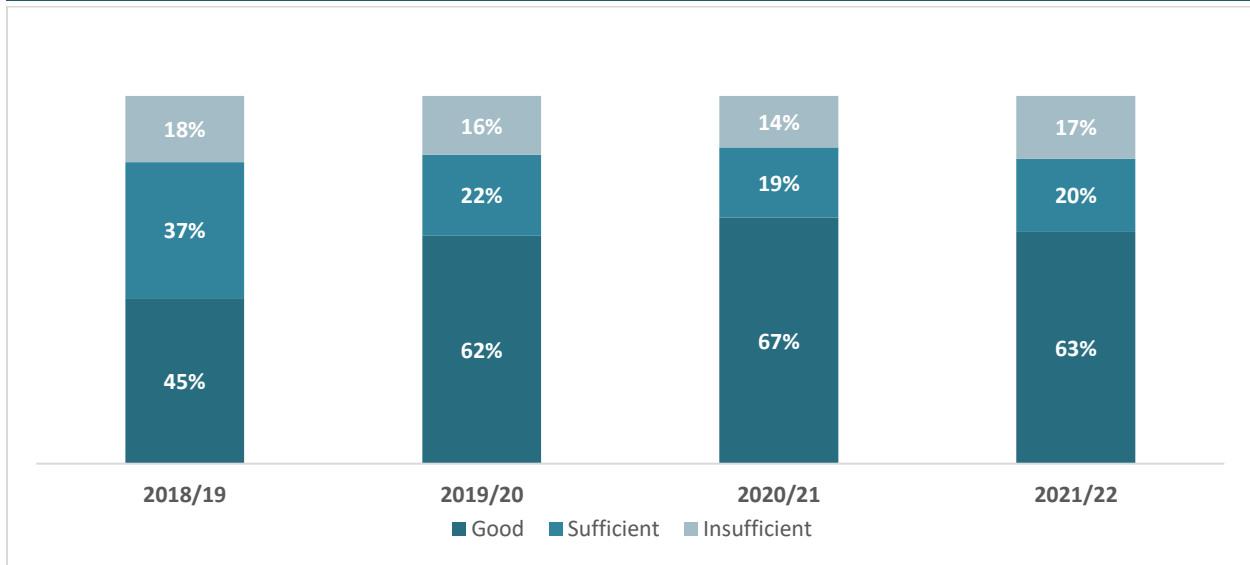
There was no evidence of patronage in any appointment and all appointed individuals but three were considered qualified. For two of these appointments, the finding was “qualifications not demonstrated” and for the remaining appointment, the appointed individual was considered not qualified. These results are consistent with past years and continue to indicate that nearly all individuals being appointed to the BC Public Service meet required qualifications. Appendix D contains detailed observations of the individual appointed findings.

Documentation Results

Accountability for decision-making, in particular a decision as significant as the offer of an appointment in the BC Public Service, requires that the decision and the steps leading up to it, be documented. For 169 of the 269 audited appointments, the competition was well documented requiring little or no follow-up with the hiring manager in order to conduct a thorough audit. For 55 appointments, the competition was sufficiently documented. In these instances, there was incomplete or unclear documentation which required the hiring manager to clarify certain aspects of the hiring process; however, there was adequate documentation to conduct the audit.

For the remaining 45 appointments, the competition was insufficiently documented. Generally, one or more key elements were not documented or poorly documented. In these situations, the auditor relied on additional evidence provided by the hiring manager, verbally or in writing, during the audit.

Chart 3 Documentation Results



As shown in Chart 3, the overall quality of documentation has remained relatively constant over the last four audit cycles. Appendix E contains detailed observations of the documentation findings.

Discussion of 2021/22 Results

After the 2020/21 audit year which had a high rate (71%) of merit findings for recruitment and selection processes, merit findings dropped back this year to a rate of 59%, which is similar to previous years. With respect to the individuals appointed, the high positive rate of finding appointees qualified was maintained at 99%. The state of documentation also remained positive with 83% of the appointments determined to have sufficient or better supporting evidence.

The following discussion considers the strengths and areas of risk in the BC Public Service as demonstrated by the results of the 2021/22 Merit Performance Audit. A more detailed breakdown of findings are in Appendix B. The strengths and risks are considered in light of our principles of fair hiring which are: open and transparent processes; objective and relevant means of assessment; and, reasonable decisions and equitable treatment of applicants.

Open and Transparent Processes

BC Public Service competitions are characteristically based on open and transparent hiring processes, a cornerstone of fairness and that was proven true again this audit cycle.

With respect to the types of hiring processes we audited in 2021/22, over 90% were standard competitions and the remainder were larger processes designed to fill multiple vacancies efficiently (i.e., inventories, batched processes, and competitions to establish province-wide eligibility lists). We found all hiring processes had some form of notice, most commonly a posting, describing the job opportunity

including the scope and application requirements. We also found the job opportunities were available to a sufficient pool of candidates with two thirds open to external applicants and the other third having a reasonable limitation such as restricted to BC Public Service or ministry employees only. We identified a few notices that could have been clearer regarding the scope or type of opportunity, in particular when an eligibility list may be used to fill similar positions within the ministry or other ministries.

Ensuring prospective applicants are well informed of the qualifications required for the position is an important element in a transparent process. With respect to qualifications, all notices stated the education and experience necessary to be considered and referenced a job profile or equivalent for the knowledge, skills and behavioural competencies that may be assessed. We did note that a few notices had poorly described requirements which may have been confusing to potential applicants. In addition, we noted that in a number of processes, key qualifications later used in short-listing, or in interviewing and testing, were not included in either the notice or job profile.

At the completion of the process, it is a good practice to notify internal and external applicants of the final outcome and their status. Further, it is a requirement to provide notice of the staffing decision to unsuccessful employee applicants in order that they may access their right to a staffing review. In this year's audit, we discovered several processes where one or more unsuccessful employees were not advised of the outcome, which potentially impeded their access to a staffing review. In addition, we found key information was incorrect or missing in the notification letters for almost 20% of the audited appointments.

Objective and Relevant Means of Assessment

Central to fair hiring processes are objective and relevant methods of evaluating applicants through the short-listing, interviewing and testing, and past work performance stages. Most panels take advantage of the tools developed by the BC Public Service Agency (the Agency) to support these assessment stages whereas, a few panels developed their own. Whether panels opt for templates or customised tools, our audit results are reassuring that fair means of assessment are well rooted in the BC Public Service.

Two-thirds of the audited hiring processes used a self-assessment questionnaire as a tool to aid with short-listing and these were in large part, well designed. The majority of hiring processes short-listed each applicant in accordance with applicable education and experience requirements. In a small number of audited appointments, we observed that the panel's point-rated scheme was problematic as it was possible to advance individuals who did not meet all mandatory qualifications.

Almost all hiring processes had a panel consisting of two or more members to ensure impartial assessment of candidates at the interviewing and testing stage. We also found most assessment methods were soundly designed to evaluate key knowledge, skills and behavioural competencies. Nearly all hiring processes used an interview to assess candidates, even those with only one candidate. In addition to an interview, two-thirds of the hiring processes used other forms of assessment, primarily written exercises created for the specific job or standardized online skill tests. Some panels used other testing tools such as oral presentations, role plays, or practical job simulation exercises. These multiple

means of assessment are valuable to a fair process as they provide a more informed evaluation of candidates and increase the reliability of hiring decisions.

Whatever methods were chosen, we continue to be reassured that panels are using the same impartial methods of interviewing and testing consistently for candidates; however, we have ongoing concerns with a lack of substantive marking criteria (such as behaviourally anchored rating scale, key points or, essential elements) to provide a common job-related basis for marking. In fact, the highest risk to objective assessment methods, is no or limited marking criteria for some interview questions, most often suitability or behavioural. While it is reasonable to assess suitability like other qualifications, some form of an evaluation scheme is required in order to assess it impartially. With respect to behavioural interviewing, a behaviourally-anchored rating scheme is required to effectively assess the level of competency demonstrated by responses, and there are specific interpretive guides available to hiring managers for this purpose. However, we observed a number of panels using generic rating scales or general behavioural competency definitions instead of the specific interpretive guides. Similar to previous years, we also noticed a general lack of understanding of the appropriate use of behavioural interview questions.

With respect to the past work performance stage, in almost all of the audited appointments, the panel used references to assess this factor, which meets both the requirements of the *Act* as well as the BC Public Service hiring policy requirement for a reference from a supervisor or equivalent. For the most part, the Agency's standard template was used to assess common aspects of past work performance. Some panels increased the effectiveness of this tool by customizing the template for their position and a few other panels developed their own set of job-related performance questions. While it is good to see the same tool was used to collect performance information, we identified a few concerns with the approach. Several panels asked the referees to simply rate candidate performance, usually on a numerical scale. Not only is this approach uninformative, it can introduce subjectivity and lead to an inconsistent assessment of candidates. A few other panels used an unreasonable formulaic approach to score attendance which did not take into account the reasons for days absent.

In addition, there were a few hiring processes where instead of using a standardized tool to obtain performance information, the panel either held informal discussions with referees or evaluated different areas of performance for some candidates. These approaches made it challenging to determine if candidates were fairly assessed on a similar basis.

Reasonable Decisions and Equitable Treatment of Applicants

A fair hiring process requires reasonable decisions and the equitable treatment of applicants throughout the competition. The most numerous and serious issues continue to arise from errors in judgement or simple mistakes that may disadvantage one or more applicants.

Most of these types of errors involved the short-listing stage with the greatest number resulting from panel decisions to lower or waive a qualification described in the notice as mandatory. We typically determined that the lesser qualification was sufficient for the position and applicants fairly assessed in

accordance with it; however, it is the prospective applicants who may be disadvantaged – those who chose not to apply as they did not possess the requirements as advertised. In some other audited appointments, we found the short-listing decisions made by the panel were inconsistent or subjective, e.g., a candidate was short-listed based on the panel’s knowledge of the individual’s past experience as opposed to the information in their application. While these decisions were usually made with the positive intention of increasing the number of applicants to be assessed, an unintended consequence was the inequitable treatment of others.

Unfortunately, there were two hiring processes where the panel decided to bypass the short-listing stage entirely, and candidates were not assessed for two factors of merit - education and experience. In other processes, the panel had no or limited rationale or basis to support their decisions. This occurred in short-listing when there was only the final list of individuals to advance with nothing to show the assessment of applicants in accordance with the qualifications. Likewise, it occurred at the interviewing and testing stage when there were only total candidate scores with minimal or no evidence of how their individual responses had been assessed in accordance with the marking criteria. Typically, in these situations, the panel had identified evaluation criteria; however, with only the final results evident, there was nothing to indicate if or how they applied it. These may be quick ways of conducting a hiring process; however, they do not give any assurance that thoughtful or fair decisions were made and makes providing robust feedback challenging. Unsubstantiated decisions also pose a risk that applicants may advance through the process and be successful without demonstrating the necessary qualifications.

Two notable instances of unreasonable panel judgement were the setting of standards at the opposite ends of the spectrum. In one case, the panel increased the pass mark immediately prior to the interview to 90% and in the other, the panel advanced candidates with interview scores in the 30% range.

There were judgement errors made in the assessment of past work performance. The most serious occurred when a decision was made to complete references with colleagues or mentors instead of a supervisor or equivalent as required by BC Public Service human resources policy. Generally, colleagues and mentors are not responsible for the employee and their quality and quantity of work, and as such, do not provide the same perspective of a supervisor or equivalent. Further, it is unlikely that the performance information obtained was as relevant and reliable as that provided by a supervisor. We also saw panels choosing to defer reference checks for employee candidates who were placed on an eligibility list. This decision meant that these individuals were notified of their final status in the competition before they were fully assessed. Had an individual later failed the subsequent reference check, their right to seek a review would have been negated by being outside the statutory time limit.

We continued to see preventable mistakes occurring across all categories. The majority of mistakes this year were the result of incorrect calculation or transcription of points in interviewing and testing, and years of continuous service stages. In addition, there were simple oversights, most of which occurred at the short-listing stage, that resulted in individuals being incorrectly advanced or eliminated. Serious consequences resulted from some of these mistakes including: the appointment of candidates without verification of their past work performance; the appointment of an unqualified candidate; and, the

appointment of the wrong candidate. Other mistakes resulted in delayed offers of appointment due to the wrong rank on the eligibility list and elimination of qualified candidates from the process. While it was clear that these errors were unintentional, given their frequency and impact, they pose a serious risk to merit-based hiring.

Summary and Recommendations

Open and transparent processes continued to be an area of strength in the BC Public Service. While the principle of objective and relevant means of assessment is also a strength, we still find a significant number of hiring processes are missing some form of marking criteria. With respect to reasonable decisions and equitable treatment of candidates, we saw improvement in the 2020/21 audit but this area accounted for the majority of errors in 2021/22. As a result, we found that administrative mistakes, combined with some panel errors in judgement, posed the greatest risk to merit-based hiring. Based on these findings, the Merit Commissioner makes the following recommendations which are, for the most part, directed to deputy ministers and organization heads. It is recognized, however, that action and assistance from the BC Public Service Agency may be necessary to support the implementation of these recommendations.

This report was shared with the Agency Head, whose response is attached in Appendix F.

There are three recommendations for deputy ministers and organization heads and their delegated hiring managers.

1. Review the mandatory and preferred education and experience qualifications prior to posting for accuracy, completeness and any alternatives, and apply these qualifications accordingly at the short-listing stage.
2. Establish and use some form of substantive marking criteria (behavioural interpretive guides, necessary elements, key points) for a common and relevant basis for evaluation.
3. Ensure accuracy of the calculation and transcription of scores in all areas of assessment prior to releasing competition results.

Appendix A

Organizations Subject to Oversight by the Merit Commissioner

(As of March 31, 2022)

Ministries

Advanced Education and Skills Training
Agriculture, Food and Fisheries
Attorney General
Children and Family Development
Citizens' Services
Education
Energy, Mines and Low-Carbon Innovation
Environment and Climate Change Strategy
Finance
Forests
Health
Indigenous Relations and Reconciliation
Jobs, Economic Recovery and Innovation
Labour
Land, Water and Resource Stewardship
Mental Health and Addictions
Municipal Affairs
Public Safety and Solicitor General
Social Development and Poverty Reduction
Tourism, Arts, Culture and Sport
Transportation and Infrastructure

Independent Offices

Auditor General
Elections BC
Human Rights Commissioner
Information and Privacy Commissioner
Merit Commissioner
Ombudsperson
Police Complaint Commissioner
Representative for Children and Youth

Courts of British Columbia

BC Court of Appeal
Provincial Court of BC
Supreme Court of BC

Other Public Sector Organizations

Agricultural Land Commission
BC Farm Industry Review Board
BC Human Rights Tribunal
BC Pension Corporation
BC Public Service Agency
BC Review Board
Civil Resolution Tribunal
Community Care and Assisted Living Appeal Board
Destination BC
Employment and Assistance Appeal Tribunal
Environmental Appeal Board
Financial Services Tribunal
Forest Appeals Commission
Forest Practices Board
Health Professions Review Board
Hospital Appeal Board
Independent Investigations Office
Industry Training Appeal Board
Islands Trust
Mental Health Review Board
Office of the Premier
Oil and Gas Appeal Tribunal
Passenger Transportation Board
Property Assessment Appeal Board
Public Guardian and Trustee
Public Sector Employers' Council Secretariat
Royal BC Museum
Safety Standards Appeal Board
Surface Rights Board
Workers' Compensation Appeal Tribunal

Appendix B

2021/22 Recruitment and Selection Process Observations

In accordance with the *Public Service Act* (the *Act*), the Merit Commissioner considers whether the recruitment and selection process (or “hiring process”) was properly designed and applied to result in an appointment based on merit. Recruitment and selection processes are usually conducted in the following sequential manner. The hiring manager determines the type of opportunity and hiring approach. This includes identifying or confirming the duties and qualifications in a position description. Then a notice describing the opportunity is issued, inviting individuals to apply. A hiring panel (the panel) is convened. At the short-listing stage, the hiring manager, with or without the assistance of other panel members, reviews the applications to determine which candidates meet the minimum requirements (usually education and experience). At the interviewing and testing stage, the panel, using a variety of methods, assesses less easily observable qualifications such as knowledge, technical and general skills (e.g., behavioural competencies), and abilities. Subsequently, past work performance is assessed and years of continuous service are considered. The process ends with an offer of appointment to the successful candidate(s) and notification to other applicants, including those placed on the eligibility list, of the outcome and their status.

In 2021/22, the 269 appointments in our random audit sample were the result of 256 separate competitions as the sample included multiple appointments from some of the same processes. The following observations, however, are based on the entire audit sample of 269 appointments unless indicated otherwise.

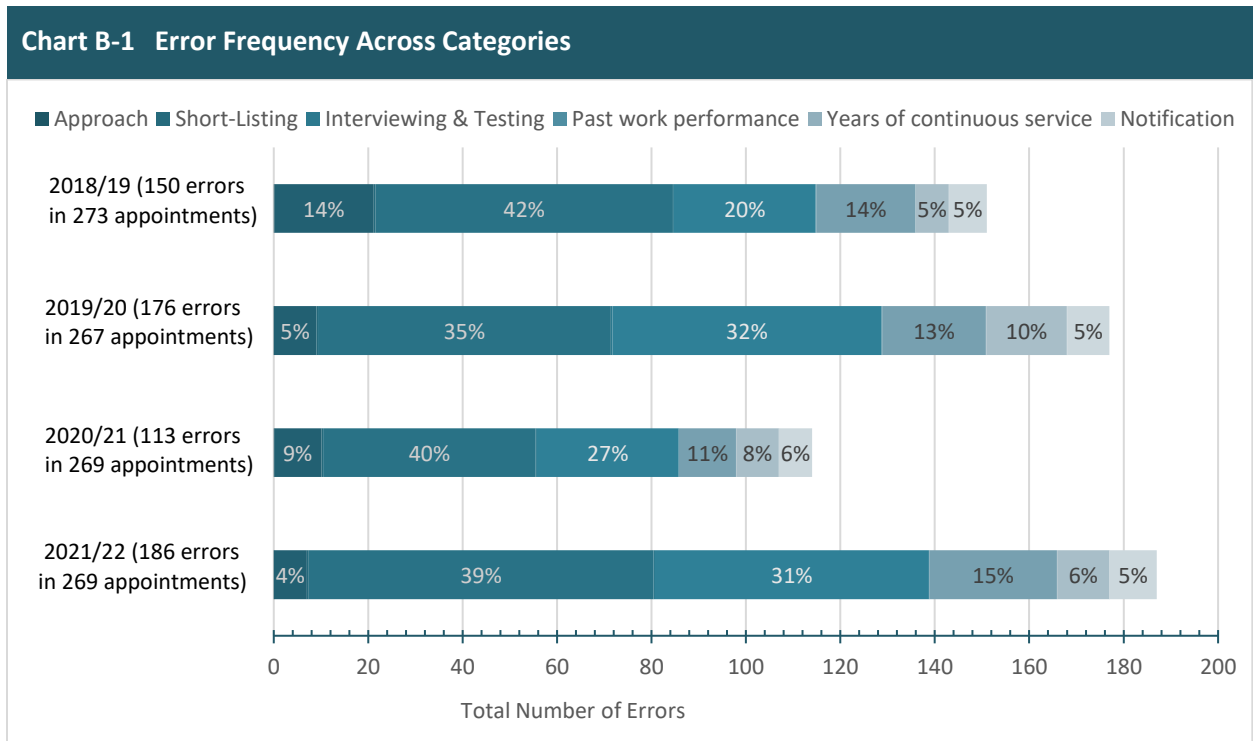
The 2021/22 merit performance audit found that 159 of the 269 appointments selected for audit were the result of properly designed and applied recruitment and selection processes, resulting in an audit finding of “merit. For the remaining 110 appointments, we identified one or more errors, resulting in a finding of either “merit with exception” or “merit not applied”. Our audit identified a total of 186 errors in these 110 appointment processes.

Table B-1 provides a breakdown of the 186 errors by the category in which they were identified and shows them as a percentage of total errors.

| Category of error | # of errors | % of total errors |
|------------------------|-------------|-------------------|
| Approach | 7 | 4% |
| Short-listing | 73 | 39% |
| Interviewing & Testing | 58 | 31% |
| Past Work Performance | 27 | 15% |

| | | |
|-----------------------------|------------|-------------|
| Years of Continuous Service | 11 | 6% |
| Notification | 10 | 5% |
| Total | 186 | 100% |

Chart B-1 illustrates these same values (number of errors per category, as a percentage of overall errors), for the last four audit years.



The Office classifies our audit finding as “merit with exception” or “merit not applied” based on the impact of the identified errors on the applicants/candidates or the process. We have identified three different ways in which an error can impact the merit of a hiring process. These are:

- **Unknown impact:** we cannot confirm what effect the error had on the outcome. Typically, these errors occur at the beginning or middle of a hiring process. For example, when a qualified applicant was incorrectly eliminated from a competition at short-listing, there is no way of knowing if they would have passed subsequent assessments and been offered an appointment.
- **Mitigated impact:** we identified an error with an adverse effect but subsequent events or decisions eliminated this impact. For example, when a successful candidate for whom no supervisory reference was obtained declines an offer, the adverse impact of appointing an individual without considering a critical factor of merit is mitigated.

- **Negative impact:** we identified an error that has an observable adverse effect on the outcome of the hiring process. For example, due to a miscalculation of interview scores, the wrong candidate is appointed to the position.

Where we identify an error (or errors) that has either unknown and/or mitigated implications, our audit finding for the recruitment and selection process is “merit with exception”. Where we identify an error (or errors) that has a known adverse impact on the outcome, our audit finding is “merit not applied”.

In 2021/22, 107 (57%) of the 186 errors we identified in our audits had an unknown impact, 61 (33%) had impacts that were mitigated, and 18 (10%) had a known negative impact.

To provide an understanding of the types of problems encountered in the 2021/22 audit and the frequency with which they occurred, the errors are grouped into and examined in accordance with the category in which they were identified: approach, short-listing, interviewing and testing, past work performance, years of continuous service, and notification.

We also capture “notes for improvement” in our audit reports. Notes do not reflect concerns that impact the merit of the hiring process under audit. Instead, they identify issues that are related to transparency or are on the less serious side of a range of problems which could have an impact on a competition outcome. For example, depending on its impact on the process, a miscalculation at the interview and testing stage can result in:

- a note for improvement – where the miscalculation has no effect on the final rank order of candidates;
- a mitigated error – where the rank order of candidates changes but, due to circumstances such as the withdrawal of the affected candidates or the same day appointments of all the affected candidates, the severity of the impact is lessened; or,
- an error with a negative impact – where the rank order of candidates changes because of the error and either the wrong candidate is appointed or candidates are appointed in the wrong order.

Notes for improvement flag potential problems and are identified for learning purposes.

- 54% of audit reports included a note for improvement.
- The greatest number of notes, by a large margin, involved the interviewing and testing stage with the most common one advising:
 - *For accurate competition results, the panel must ensure scores are correctly calculated. In this case, there was a miscalculation of a candidate's interview score that did not affect their status.*
- The short-listing stage had the next largest number of notes, with two-thirds of these identifying better ways in which education and experience qualifications may be considered.
- The notification stage had the third highest number of notes, mostly due to missing details in the letters to unsuccessful applicants.

Approach

Approach refers to the overall structure of the hiring process and the necessary elements that ensure it is merit based. It encompasses the start of the process with some form of notice of the opportunity and the formulation of a hiring panel to safeguard objective assessment of candidates. It also includes having standardized evaluation and results that are in keeping with the approach.

When evaluating approach, we consider whether the structure of the hiring process was fair, and if enough notice of the opportunity was provided to a reasonable pool of applicants. The audit assesses whether the hiring panel was objective, the requirements were clear and relevant, and the standards were reasonable. It also considers whether the final rank order of candidates, offers of appointment, and placements on an eligibility list were correct and consistent with the approach. Lastly, we determine if all who applied were accounted for throughout the competition. An example of a well-designed and implemented approach is shown in Case Study B-1.

Case Study B-1: A well-designed approach

In this competition for policy analysts, each stage of the process was properly designed and applied resulting in an overall finding of “merit”. Some of the elements that made this a consistently well-managed competition were: well defined qualifications, a thorough short-listing process in which the panel verified applicants’ self-assessment questionnaire responses using resumes and documented the results for each requirement; comprehensive marking guides, particularly for the written assessment, a detailed breakdown of the panel’s consensus approach to scoring all candidate responses; and, detailed and timely interim and final notification to all applicants and candidates.

2021/22 Observations

In 2021/22, one or more approach errors were found in 7 (3%) of the audited appointments.

| Number of appointments | Number of errors | | | |
|------------------------|------------------|----------------|------------------|-----------------|
| | Total | Unknown impact | Mitigated impact | Negative impact |
| 7 (3%) | 7 | 2 | 4 | 1 |

As noted earlier in this report, the 269 appointments in our random audit sample were the result of 256 separate competitions as the sample included multiple appointments from some of the same processes. Of these 256 unique hiring processes, 241 were considered to be a standard competition to fill a specific position in one location or a limited number of locations. The remaining 15 involved non-standard competitions (such as provincial or batched processes, or those based on an inventory) which were designed to attract large numbers of applicants.

Type of approach

Of the 269 appointments we audited, 251 (93%) were for permanent positions. The remaining 18 (7%) were for long-term (over seven months) temporary appointments. While most of the appointments audited were the result of a standard competition, there were several appointments resulting from larger processes designed to fill multiple vacancies. Fourteen of the audited appointments resulted from 10 different provincial competitions for positions in a variety of locations around the province. Another eight of the audited appointments were based on four inventory processes, one of which was audited in a previous audit cycle.

In 184 (68%) of the audited appointments, the panel established an eligibility list and 87 (32%) of the appointments we audited came from these eligibility lists. There were a few processes where the auditors noted the transparency of the approach would have been improved if the posting had indicated that the eligibility list established would be used to fill similar vacancies in other parts of the organization or, in one case, to fill similar vacancies in ministries other than the one for which the opportunity was originally posted.

Scope

To be eligible to work in the BC Public Service, individuals must be 16+ years of age and must be a Canadian citizen, a permanent resident of Canada, or authorized in writing to work in Canada under the federal *Immigration Act*. Our auditors identified two processes in which applicants who did not clearly meet these eligibility requirements were advanced for the consideration of the panel. In both processes, these individuals were eliminated at either the short-listing or the interviewing and testing stages, mitigating the risk of hiring individuals who were not legally entitled to work in Canada.

In 79 (29%) of the 269 audited appointments, access to the opportunity was restricted to a limited group of individuals. This is referred to as a restricted area of competition. Seventy of these appointments resulted from competitions restricted to BC Public Service employees, with 33 of these further restricted to the organization, a work unit within an organization, an organization within a geographic area, or a specific group of employees. Of the remaining nine appointments, eight arose from opportunities restricted to members of an inventory which included a mixture of external (out-of-service) and internal (in-service) candidates, and one was the result of a competition restricted to people of Indigenous heritage.

With respect to the processes where the applicant pool was restricted to employees of a branch, division, ministry or group of ministries, these were usually advertised through an “expression of interest” (EOI) email or internal posting. While it is reasonable for these restricted opportunities to be narrowly advertised to the specific applicant pool, the rest of the hiring process must conform with the same standards required to make a permanent or long-term temporary appointment. In a few of these EOI notices, the applicant restriction information was contradictory or unclear. For example, one posting included two restriction statements. The first indicated it was restricted to employees of the entire

ministry. Later, it specified it was open only to employees of a branch within the ministry. It would have been more transparent if the restricted area of competition was clearly defined in the posting.

Key Elements

A merit-based process requires several key structural elements. The first is a notice of the opportunity, distributed to a reasonable applicant pool, that gives them a fair and informed chance to apply for the position. Another element is clearly identified qualifications that align with the nature of the duties to be performed.

Case Study B-2: Clearly defined terms

The job profile for this information systems team lead position stated that in addition to leading multiple project teams, the position provides expert advice to senior staff. The posting stated that in addition to the education requirements, required qualifications included experience in a number of areas including experience writing reports, briefings, and/or presentations for management, and experience providing recommendations to management. Preferred qualifications including experience in both these areas to a senior management audience. Both the terms “management” and “senior management” were defined in the posting, ensuring that applicants had a clear understanding of the level of experience required for the role.

There were several processes in which the qualifications described in the posting and job profile were unclear or contradictory. There was also a process in which the qualifications were not only unclear but there were no technical knowledge, skills, and abilities for a senior position. See Case Study B-3.

Case Study B-3: Limited assessment of qualifications

In this competition for a senior economist, the panel’s approach to selection did not match the highly technical nature of the position. The posting stated that applicants would be assessed on the knowledge, skills, abilities and competencies outlined in an attached job profile; however, the profile only listed education, experience and several general behavioural competencies as qualifications. When assessing candidates, the panel considered four competencies and communication skills. There was no stated or assessed technical expertise for this position. The audit determined that, given the senior level of the position and the nature of the duties to be performed, a general minimal assessment process was unreasonable.

Potential applicants must also have a reasonable opportunity to apply on posted positions. The audit identified an expression of interest for an excluded position that was restricted to a limited applicant pool and only posted for five days. The opportunity attracted a single applicant who had been acting in a similar position. While the audit determined that there was a reasonable pool of potential applicants within the organizations to which the opportunity was restricted, it may have attracted more interest if it had been open for a longer period.

The last key element is assembling a panel to assess candidates to ensure objectivity. Of the 269 appointments audited, 267 convened a panel which generally consisted of three members. In both processes that did not convene a panel, there was only a single applicant. In one case, the applicant attended a suitability interview with a senior manager, and in the other, the candidate was evaluated through short-listing and an assessment of their past work performance.

Outcome and results

In hiring processes, the outcome and results should be consistent with the advertised approach. Our audits, however, identified processes where this was not the case. In one instance, an expression of interest was posted as a short-term temporary assignment with no indication that it could become permanent. Less than one month after receiving an auxiliary appointment, the successful candidate was appointed to the same position on a permanent basis without further competition. The process lacked transparency as potential applicants interested in a permanent position may have opted not to apply based on the posted information that the opportunity was only temporary.

Case Study B-4: Well-managed eligibility list

In addition to appointing the highest-ranked candidate in this process for a technical role, five candidates were placed on an eligibility list. The panel developed a detailed tracking list for the management of this list which included the duration and expiry date of the list, any “subject to” requirements for placement (i.e., completion of past work performance), placements made from the list, reference to the file location of candidate resumes, and a list of the panel members. The panel’s detailed and careful documentation of the eligibility list is a best practice. It lessened the risk of eligibility list errors such as an out-of-order appointment or appointment from the list after it had expired.

There were numerous competitions with multiple candidates with tied final competition scores at the end of the process. If a tie between candidates is not broken, final rank order cannot be established. However, in all these processes, the panels made initial offers of employment to all impacted candidates. As a result, the candidates were not advantaged or disadvantaged by the panel’s failure to break the tie. Our audit notes for improvement in these cases, reinforced the importance of breaking these ties with merit-based criteria when rank order is necessary.

We identified another serious error where a temporary appointment over seven months resulted from an abbreviated hiring process designed to recruit individuals for short-term appointments. As such, the hiring process did not properly consider the factors of merit as required by the *Public Service Act*. See Case Study B-5.

Case Study B-5: Abbreviated hiring process

In this case, the panel decided to conduct a quick hiring process to find individuals to cover several vacant positions on a short-term basis. In the meantime, a separate competition to fill these positions on a permanent basis was underway in accordance with the Public Service Act, which requires permanent and temporary appointments over seven months be the result of a merit-based hiring process. A merit-based hiring process includes the consideration of: education, experience, knowledge, skills, past work performance and years of continuous service. The quick hiring process was less rigorous than the competition and included: lowered education and experience requirements for short-listing, a minimal assessment of past work performance; and no consideration of years of continuous service. While several candidates were appointed for short terms at the end of this process, one candidate appointed long-term (over seven months). The audit found that merit was not applied in this case as the abbreviated process had not properly considered the factors of merit. Further, had a complete merit-based process been conducted, another candidate may have been successful and offered the longer-term appointment.

Short-listing

Short-listing is the process of reviewing applications (e.g., cover letters, resumes, questionnaires) to determine which applicants meet the requirements and will advance for further assessment. The typical requirements evaluated at this stage are education and experience, two factors of merit in the Act. In addition to education and experience, short-listing may also consider related requirements such as professional designations, certifications and licences which can be confirmed through a review of application documents and do not require a qualitative assessment.

Auditors examine whether the panel’s approach to short-listing is appropriately designed to advance only those who demonstrated the minimum qualifications. Auditors review if the criteria are relevant and consistent with the qualifications identified as essential in the posting and/or job profile, and upon which potential applicants based their decision to apply. Auditors also consider if the panel applied the criteria fairly across applicants.

2021/22 Observations

Short-listing was the category in which our auditors identified the greatest number of errors. Of the 269 appointments audited, 57 (21%) had one or more errors attributed to short-listing.

| Number of appointments | Number of errors | | | |
|------------------------|------------------|----------------|------------------|-----------------|
| | Total | Unknown impact | Mitigated impact | Negative impact |
| 57 (21%) | 73 | 48 | 21 | 4 |

Of the 269 audited appointments, 268 required applicants to submit a resume, and all but 17 required additional supporting documents such as a self-assessment questionnaire or a cover letter. Specifically, 167 (62%) required applicants to submit a resume and a self-assessment questionnaire.

Design and Approach

All but three of the audited appointments had a short-listing stage in which the panel assessed the applicants against the posted qualifications. In two of the three processes without a short-listing stage, the panels advanced all applicants to a written assessment without determining if any met the mandatory education and experience criteria. Not assessing whether applicants meet these requirements introduces the risk of appointing an unqualified candidate and, in one of these competitions, a candidate whose resume and questionnaire responses did not demonstrate that they met the minimum experience requirement was placed on the eligibility list. See Case Studies B-6 below. In the third process, all four of the applicants worked in the business unit and, on that basis, the panel advanced them to the next stage of assessment. A more transparent process would have captured how the panel considered the two merit factors of education and experience to determine that all applicants met the requirements.

Case Studies B-6: Different outcomes for competitions with unqualified candidates who advanced

In a large competition to fill a number of administrative positions, the panel found it difficult to determine which applicants had the necessary education and experience at the short-listing stage. Given this difficulty and under time pressure to fill the positions, the panel decided to by-pass short-listing and assess all candidates through interviewing and testing. At the end of their assessments, a number of candidates were appointed and placed on an eligibility list. However, the panel never verified whether these candidates had the required education and experience. The audit found it evident that at least one candidate on the eligibility list did not possess the mandatory requirements and, therefore, should not have qualified for the position.

In a smaller competition for a financial position, the panel identified a few applicants who did not meet the education and experience requirements. However, due to a small applicant pool, the panel decided to advance all applicants, including the ones that did not meet the qualifications. As a result of the decision to disregard their initial short-listing findings, they introduced the risk of appointing an unqualified candidate. However, in this case, the possibility was avoided as all three of the unqualified candidates were eventually eliminated at other stages of assessment.

There were also several processes in which it was apparent that some form of short-listing had taken place; however, there was limited evidence of the criteria used or how applicants were assessed. Without a basis or rationale for the short-listing decisions in these processes, the audit could not determine if the applicants were fairly and consistently advanced or eliminated.

A few processes used a point-scored approach for short-listing which is only problematic if the design allows unqualified applicants to advance. The audit identified three processes where poor design allowed applicants to advance even when they did not meet one or more of the mandatory education or experience requirements.

Consistent with previous merit performance audits, a frequently-suggested design improvement was to avoid using knowledge and skills as short-listing criteria. These qualifications, unlike education and experience, cannot be reliably assessed through a review of applications or resumes.

Case Study B-7: Comprehensive approach to short-listing

In advance of this competition, the panel developed a comprehensive short-listing rubric to ensure they were consistent in their assessment of applicants. In addition to clearly describing what types of experience would meet the key requirements of “directly related experience”, “analytical experience”, and “legislative and policy experience”, this guide advised panel members how to complete the short-listing form to indicate how applicants met or did not meet the requirements, how to flag applicants for additional discussion prior to arriving a short-listing decision, and how to categorize applicants as meeting the requirements for the junior or senior analyst level. This approach helped to short-list a large number of applicants in a consistent and objective manner.

Application and results

Nearly one-third of the short-listing errors identified in our audits were the result of panel decisions to lower or modify one or more requirements or qualifications that the posting indicated were essential. These changes included waiving the requirement for a cover letter, accepting degrees in areas of study other than those specified in the posting, accepting less than the stated number of years of required experience, and advancing candidates who had experience in some, but not all, of the areas identified as required for the position. When we asked hiring managers why short-listing requirements were reduced, the most frequently cited reason was to increase the size of the candidate pool. In other cases, the panel determined that a posted requirement was not essential, or they allowed individuals to advance on a holistic assessment of their experience. Where we identified lessened or “relaxed” application of position requirements, we confirmed that the change was reasonable and that the panel consistently assessed applicants in accordance with the altered conditions or qualifications. However, the panel’s approach disadvantaged individuals who might have applied if they had known the requirement was flexible as opposed to essential as stated in the posting. See Case Study B-8 for an example of this type of error.

Case Study B-8: Posted qualifications lessened during short-listing

The posting set out detailed position requirements for a senior advisor position including a bachelor's degree in one of five specified fields plus three years of related experience. The posting listed three areas of related experience (e.g., program evaluation) and indicated that all three were required. However, in order to advance as many candidates as possible, the panel decided to short-list applicants with degrees other than indicated, less than three years' experience and/or experience in only one of the three required areas. The posting did state that the panel would accept equivalent combinations of education and experience; however, the audit found that rather than identifying equivalencies, the panel reduced the requirements to advance. While applicants were assessed consistently against the reduced qualifications, the panel's decision to lower the qualifications was not fair to other individuals who may have applied if they had known that the minimum criteria would be less than those posted.

Another frequent issue identified by auditors were cases where the panel made an inadvertent short-listing error. The implications of these errors varied. In some instances, one or more applicants who met the short-listing criteria were inadvertently eliminated from further consideration. In others, the panel mistakenly advanced one or more applicants who did not meet the short-listing criteria. See Case Study B-9.

Case Study B-9: Unqualified candidate placed on an eligibility list

At the short-listing stage for a customer service job, five applicants whose applications (questionnaire responses and resumes) indicated that they did not meet the qualifications for the position were advanced to the next stage. When asked by the auditor why these candidates advanced, the hiring manager acknowledged that they were short-listed in error. Unfortunately, one of these unqualified individuals passed all stages of the competition and was placed on the eligibility list.

The auditors also identified several competitions in which applicants were inconsistently assessed at the short-listing stage. In these processes, some applicants were advanced while others with similar education and experience were eliminated. In most of these cases, the hiring manager could not provide a rationale for the different treatment and acknowledged the discrepancy as a short-listing error.

Auditors also identified other less frequent application errors. In a few competitions, the panel accepted unstated equivalencies to the posted requirements. In a few others, a qualification that was not stated in either the posting or job profile was used to short-list applicants. In the latter situation, applicants did not have a fair opportunity to speak to this qualification in their application.

Case Study B-10: Properly conducted short-listing

To apply for this clerical role, applicants had to submit a self-assessment questionnaire and a resume. In addition to some short-form responses in the questionnaire where applicants selected the best descriptor of a qualification from a drop-down menu (e.g., highest level of education level), applicants submitted long-form responses to describe when, where and how they acquired the required experience. For every area of required qualification, the panel analysed the information provided by applicants and documented how they did or did not meet each criteria. The conduct of the shortlisting ensured that applicants were clearly and consistently assessed for the required education and experience, and that only those who met the qualifications were short-listed for further assessment.

Interviewing and Testing

Essential to any hiring process is the assessment of the knowledge and skills (including behavioural competencies) necessary to undertake a role. These qualifications are the more qualitative factors of merit identified by the Act and as such, require in-depth methods of assessment. Panels can use one or more methods (e.g., interviews, tests, practical exercises, presentations, and role play scenarios) to assess these factors and the methods of assessment may be completed sequentially such that only those who pass one type (e.g., the test) progress to the next (e.g., the interview). Panels typically assess candidate performance on an individual basis in accordance with set standards and relative to others in the competition.

Auditors consider whether assessment methods were well designed and relevant, and if the panel established job-related marking criteria (e.g., behavioural indicators, key points, or essential elements) as an objective basis for marking. They examine whether the panel reasonably and consistently assessed candidate performance in accordance with the marking criteria and other candidates' assessments. Lastly, auditors examine the scores awarded to candidates and the final rank order to ensure accuracy.

2021/22 Observations

Of the 269 appointments audited, 48 (18%) had one or more errors identified with respect to interviewing and testing.

| Number of appointments | Number of errors | | | |
|------------------------|------------------|----------------|------------------|-----------------|
| | Total | Unknown impact | Mitigated impact | Negative impact |
| 48 (18%) | 58 | 35 | 18 | 5 |

Of the 269 appointments audited, 267 used an interview as a method of assessment. In 177 (66%) of these interviews, the panel assessed a mixture of knowledge, skills, and behavioural competencies. In 82 (31%), the panel assessed behavioural competencies only. The remaining eight (3%) assessed knowledge

and skills only. In one of the two appointments that did not have an interview, the panel assessed candidates through a written test. In the other, there was only one candidate and the panel opted to assess their knowledge and skills through an assessment of past work performance.

It is generally accepted that using multiple assessment methods adds credibility and validity to the decisions resulting from the hiring process. In 68% of audited appointments, there was one or more methods of assessment in addition to an interview, such as a written exercise or presentation, plus mandatory past work performance checks. In the remaining 32% of appointments, the panel used only an interview in conjunction with a past work performance assessment to evaluate candidates.

Case Study B-11: A practical assessment

In addition to an interview, candidates in this competition for an office manager were required to complete two assignments that simulated work tasks. The panel developed a detailed marking guide and used it to consistently score candidate submissions. The well-designed assignment allowed the panel to objectively assess the ability of candidates to apply their skills and knowledge in practical and job-related exercises.

Design and approach

To assess candidates objectively, each assessment method requires pre-established, job-specific marking criteria against which the panel can consistently evaluate candidate responses.

The most frequent error identified by our auditors at this stage was the absence of marking criteria, particularly for interviews. Usually in these cases, the panel did not develop or use benchmark assessment standards (e.g., behavioural indicators, key points, or expected elements) for one or more of the interview questions. In a few cases, panels assessed candidate responses using a generic, quantitative rating scale; however, the rating scale did not describe any substantive aspects of the expected or desired answer. Consequently, panel members did not have a common and objective basis against which to evaluate and determine a point score for each candidate's response. Without substantive marking criteria in these processes, it was not possible for the auditors to determine whether the assessment of candidate responses was fair.

Auditors also noted that in several processes, the panel considered subjective elements such as fit or suitability in their assessment of candidates. These elements were evaluated at the interview stage through either a dedicated question or an overall impression of the candidate but with no or very limited evidence of a marking methodology. While suitability and fit can be a valuable aspect of a hiring process, its assessment must be structured such that candidates can be fairly assessed. Without marking criteria or rationales for the points awarded for these elements, auditors could not determine that the panel's approach was reasonable and equitable: this is explored in Case Study B-12.

Case Study B-12: Consideration of inappropriate factors

In virtual interviews held for a legal position, up to 10 points (out of a maximum of 95) were awarded for “general suitability.” The marking guide identified four elements for consideration under this category: time management, articulation, professionalism and poise. Under professionalism and poise, the panel deducted points for matters such as the candidate’s virtual interview environment, physical gesturing, and audible sighs. There were also notes recorded about the personal appearance of a number of candidates. The audit found that the panel considered arbitrary elements that were not relevant to job performance.

Several of our audits identified situations where the panels used behavioural interpretive guides to mark questions in which candidates were asked to demonstrate their knowledge or describe how they would react in a hypothetical situation (e.g., describe the steps you would take to manage a project). However, behavioural interpretive guides are not intended to evaluate candidate responses to theoretical questions. Instead, they are designed to assess how well a candidate demonstrated a competency in a real scenario. Where panels opt to assess knowledge or how a candidate might respond in a theoretical situation, it is more appropriate to prepare specific marking criteria that outline the expected elements or key points. In competitions where we identified issues with the use of interpretive guides to assess knowledge or hypothetical scenarios, our audit reports included a note for improvement of the interview’s design.

Lastly, auditors identified several processes in which the panel assessed knowledge, skills, or competencies that were not listed as requirements in the job description or posting. For transparency, panels should ensure that all requirements are described for and communicated to potential applicants.

Application and results

As candidate scores determine relative merit and standing in a competition, it is important that marks are accurately determined and recorded. In over 25% of the appointments audited, the auditors identified inaccuracies in the transcription or calculation of candidates’ scores. In most cases, the discrepancies were minor and did not affect the status (pass/fail or final rank order) of the affected candidates. In several cases, the impact of the error was significant and changed the final rank order of candidates. Most often, the impact of this error was mitigated as all affected candidates received offers at the same time; however, there were a small number of processes where the auditor identified a known negative impact of the error on a candidate. See Case Study B-13.

Case Study B-13: Incorrect addition of points results in incorrect rank order

In this competition for a senior administrative role, the final rank order of candidates was based on their interview score plus points for years of continuous service for eligible employee candidates. The panel made a serious calculation error when adding up the points scored by one candidate in their interview. As a result, the final rank order of two candidates was incorrect – the sixth and seventh-placed candidates should have been reversed – and subsequent offers of employment were made in the wrong order. The panel’s calculation error unfairly disadvantaged this candidate who should have received an offer of employment approximately one month earlier than they did.

With respect to marking, there were some assessments where the panel only indicated who passed or failed, or where they recorded an overall interview or test score but did not indicate how or why they determined the score (e.g. a break down of points by response or elements). While these processes usually had established marking criteria, without any indication as to how the panel applied the criteria to arrive at the points awarded, the auditors could not determine if the marking was objective and consistent. In comparison, an example of a well-conducted assessment is reflected in Case Study B-13.

Case Study B-13: Well-conducted assessment of behavioural interviews

In addition to a very practical written assessment, candidates in this competition for a clerical role were assessed through an interview that assessed behavioural competencies and communication skills. When developing the questions, the panel also identified which level of each competency best reflected the requirements for the position. This level was established by the panel as the recruitment or target level for selection. During the interview, the panel assessed how well each candidate’s responses demonstrated their mastery of the target level on a five-point scale. On the scale, a score of one indicated that the candidate did not demonstrate any of the recruitment level behaviours, three indicated that the response included all the recruitment level behaviour, and five indicated that the candidate’s response was entirely consistent with a higher level of competency than the target level.

Past Work Performance

Hiring panels conduct assessments of past work performance to evaluate and verify candidate suitability for the position (confirmation of panel assessment findings, values, standards of conduct, etc.). As a factor of merit, the *Act* requires the consideration of past work performance and BC Public Service hiring policy requires at least one reference from a supervisor or equivalent.

Our audits examine if the method of assessing past work performance is fair and includes a supervisory reference for each person appointed and for any employee candidates placed on an eligibility list. Auditors also consider whether the panel objectively and consistently assessed candidates’ past work performance in accordance with the position requirements and made reasonable decisions.

2021/22 Observations

Past work performance was assessed in all 269 appointments audited through obtaining references, usually using a standardized template designed to assess general aspects of performance. In most competitions, the panel assessed past work performance for more than one candidate. In 84% of the processes, the hiring panel evaluated the performance observations obtained through references on an overall pass/fail basis. In the other processes, the individual areas of performance or overall performance were rated on a quantitative or qualitative scale. In 91% of the audited hiring processes, all candidates assessed for past work performance passed. In the remaining 9%, one or more candidates did not pass this factor.

Of the 269 appointments audited, the Office identified one or more errors involving past work performance in 24 (9%) cases.

| Number appointments | Number of errors | | | |
|---------------------|------------------|----------------|------------------|-----------------|
| | Total | Unknown impact | Mitigated impact | Negative impact |
| 24 (9%) | 27 | 11 | 9 | 7 |

Design and approach

To ensure employee candidates receive accurate information of their standing at the end of the competition, they must be fully assessed, including their past work performance, prior to being offered an appointment or placed on an eligibility list. In a few hiring processes, the panel chose to defer reference checks for employee candidates placed on eligibility lists. As there was no certainty that these individuals would pass a subsequent assessment of past work performance, their rights to recourse (including the right to request a staffing review by the Merit Commissioner) may have been adversely affected by the premature notification of their status.

In several processes, the panel deferred the completion of reference checks for non-employee candidates who were placed on an eligibility list. Contrary to the need to fully assess employee candidates, it is reasonable to defer the assessment of this factor for external candidates as they do not have the same right of recourse and may not want their current supervisor to know they are looking for another job until there is an appointment about to be offered. In these circumstances, it is important that regret letters to these candidates clearly state that any future offer of employment is conditional on the successful completion of a supervisory reference. In the competitions in which this detail was not included in regret letters, our audit reports made a note for improvement indicating the importance of stating this condition to ensure transparency.

Our audits identified several processes in which past work performance was point scored. Of concern were the processes where the panel asked referees to rate candidates' performance in various areas on a quantitative scale (e.g., "7/10"). Having a referee score performance lacks the objectivity and

consistency provided by having the panel (or a panel member) determine the points or rating warranted based on the referee's description or observations of performance. In most of these cases, the audit report included only a note as the panel considered the referee's scores in making their own decision whether the candidate passed or failed this factor rather than relying on the referee's assessment.

In a few other processes, the audit identified a serious flaw in the panel's approach to scoring past work performance. While an approach in which the panel assigns a point score to areas assessed based on the comments of the referee is generally accepted as good practice, in these cases, the assignment of points for attendance was considered formulaic and unreasonable. Case Study B-14 illustrates how this approach resulted in an observable, negative impact.

Case Study B-14: Unreasonable approach to marking attendance

For a clerical position, the panel scored candidates' past work performance out of 50 points. Part of the assessment included "Reliability- Punctuality & Attendance" which was worth 10 of the 50 points. While it was reasonable to consider reliability, the panel's approach to evaluating this element was not. When discussing attendance, referees were asked "how many times the employee was absent in the last year". Based solely on the number of report absences, the panel used a formula to arrive at a score from 0 to 10 points for reliability. There was no consideration given to the context, reasons or duration of the absences. In fact, for the two candidates who were negatively affected by this formulaic approach, their referees stated that their attendance record was good and that they had legitimate medical rationales for all absences. As a result of reduced points for reliability, one of these candidates dropped from a tied-first-place standing to seventh place. The other dropped from a tied-first-place standing to sixth place. The candidate whose rank dropped to seventh place was directly disadvantaged by the panel's approach and received an offer after all other candidates had been appointed.

In several audits, the panel did not use a standardized approach to assess past work performance for all candidates. Instead, the templates or questions used to gather performance information varied between candidates. While the assessments generally covered similar areas, the different approaches evaluated essential areas of performance for some candidates and not for others. It is important that the process verifies the essential areas of performance for all candidates.

A positive example of how to conduct an assessment of past work performance is included in Case Study B-15.

Case Study B-15: Well-prepared reference takers

In this competition for a team leader temporary appointment, clear guidelines about how to assess past work performance were included in the template document used. These guidelines included how to evaluate the reference provided and make a final decision, for example, “consider the quality of the information provided” and “look for overall patterns in the evidence”. Further, there was a section about what to watch out for, such as unconscious bias through the “halo effect”. This type of information helped support the reference takers to use their judgement when assessing this factor of merit.

Application and results

This year, an audit identified one process in which past work performance was not assessed for one of 13 candidates appointed. In this case, it was clear the panel intended to obtain references for the individual but did not due to an administrative error.

In a few cases, our audits identified serious errors when panels placed a candidate on an eligibility list without obtaining a supervisory or equivalent reference as required by the BC Public Service hiring policy. While it was clear that the panel obtained references for each of these candidates, these were provided by colleagues or peers. One of these processes is outlined in Case Study B-16.

Case Study B-16: Referee not considered a supervisory equivalent

In this competition for a legal position, the panel accepted a reference from a candidate’s mentor as equivalent to a supervisor on the basis that the mentor provided advice and instruction regarding processes to be followed. According to BC Public Service policy, the assessment of past work performance must include a reference from a supervisor or equivalent. By definition a supervisor is responsible for the employee and the quality and quantity of the work they produce in accordance with the organizational requirements. As mentors are not accountable for employees or their work in the same sense, they are not an equivalent. The audit found that the policy requirement for a supervisory assessment of past work performance was not met for a candidate who was considered to be fully qualified and placed on the eligibility list.

There were also multiple notes for improvement where it was initially unclear to the auditor whether the panel had obtained the required supervisory reference. Typically, in these instances, auditors discovered that the candidate’s current or past supervisor was a member of the panel and, therefore, had first-hand knowledge of their performance. While the auditors concluded that the panel had obtained an assessment of past work performance in some form from a supervisor, it would have been more transparent had the referee and method of assessment been evident.

Years of Continuous Service

The *Act* requires that hiring processes consider the amount of time that an employee has been continuously employed in the BC Public Service as a factor of merit. The requirements for considering and assessing continuous service differ based on whether the position is excluded or covered by a collective agreement. For example, the BC General Employees' Union (BCGEU) and the Professional Employees Association (PEA) collective agreements prescribe the same set formula for the calculation of this factor at the end of the hiring process. For excluded positions, there is no requirement to apply a specific formula or additional points.

For positions that require the calculation and inclusion of points for years of continuous service under a collective agreement, auditors assess if the panel considered it and verify that the formula was correctly applied and calculated. For all other positions where years of continuous service are assessed, auditors examine whether it is done consistently and accurately.

2021/22 Observations

Of the 269 appointments audited in 2021/22, the collective agreement provisions of either the BCGEU or PEA applied in 207 cases. Additionally, in four of the excluded appointments audited, the panel opted to calculate years of continuous service as part of the assessment process. Of these 211 appointments, our audit identified that 11 (4%) had errors associated with the application of years of continuous service.

| Number of appointments | Number of errors | | | |
|------------------------|------------------|----------------|------------------|-----------------|
| | Total | Unknown impact | Mitigated impact | Negative impact |
| 11 (4%) | 11 | 1 | 9 | 1 |

Approach

There were three audited processes where consideration of this factor was required but it was either not considered or it was calculated but not added to candidates' competition scores. While the impact was mitigated in all three competitions, this type of error has the potential to affect the final standing of candidates.

Application and results

The formula for calculating points for years of continuous service is based on the total points available in a competition. Most errors in this category were the result of calculating this factor using an incorrect total available competition score. The most serious of these errors is described in Case Study B-17.

Case Study B-17: Rank order changes when correct calculation made

The prescribed years of continuous service formula for positions covered by the BC General Employees' Union is outlined in the collective agreement and calculated based on 10 percent of the total competition score. In this competition, points were calculated using the wrong overall competition score. When recalculated using the correct score, the rank order of the two candidates in fourth and fifth place switched. The candidate who was incorrectly ranked fifth was disadvantaged by the error as they received an appointment three months later than they should have.

There was also a competition in which several employee candidates were not credited with their correct years of service while several external candidates were incorrectly credited for this factor. The error was due to an administrative mistake and, when calculated correctly, the rank order of candidates changed. The impact of the error was mitigated as all affected candidates were offered a position in their preferred location.

Notification

Unsuccessful employee applicants must be notified of the competition's outcome to have access to their recourse rights in accordance with the *Act*. Timely notification allows employees to seek feedback and challenge the merit of an appointment through the staffing review process should they choose to do so.

Our audits examine if unsuccessful employee applicants, including those who were not considered eligible or short-listed, are properly advised of the results of the hiring process. Auditors also note where necessary details regarding the outcome may have been omitted or are inaccurate. Notification errors do not result in "merit not applied" findings as these occur after the hiring decisions are made and there cannot be a known negative impact on the competition outcome.

2021/22 Observations

In the 269 appointments audited, while panels provided almost all applicants with proper final notification, there were 10 processes where errors were identified.

| Number of appointments | Number of errors | | | |
|------------------------|------------------|----------------|------------------|-----------------|
| | Total | Unknown impact | Mitigated impact | Negative impact |
| 10 (4%) | 10 | 10 | 0 | 0 |

Design and approach

The errors occurred when the panel failed to provide all employee applicants with final notification of the appointment decision. In most of these cases, one or more employee applicants who were either ineligible to apply on the competition or who were eliminated at short-listing received interim notification of their status in the competition but did not receive final notification of the competition outcome. In the remaining cases, one or more employee candidates were overlooked in error when final notification letters were issued. This is described in Case Study B-18.

Case Study B-18: General announcement of selected candidate

Proper notification of the outcome of a competition is essential to ensure that unsuccessful employee applicants and candidates have access to their right of review as provided by the Public Service Act. In this competition, the hiring manager made a general “staffing announcement” by email to several work units at the conclusion of the process; however, there was no evidence that three employee applicants received final notification letters. A staffing announcement does not meet the requirement for final notification.

Application and results

Over half of the numerous notes for improvement identified that regret notification to unsuccessful employee applicants and candidates for bargaining unit positions did not include the name and classification of all successful employee applicants as required by the collective agreements.

The remaining notes were made to improve competition transparency. Most frequently, these notes emphasized the importance of accurately indicating the number of initial appointments made and informing applicants when the panel opted to establish an eligibility list for future vacancies.

Case Study B-19: Temporary appointment first, and on eligibility list for permanent appointment

In one case, the regret notifications included all the required aspects, such as: the name and classification of both of the employee candidates to be appointed, a note that an eligibility list was established as well as its duration, and an offer of feedback. Further, the final notification letter prepared for the second-ranked candidate in the process clearly explained that while they would be receiving an offer of a temporary assignment, they would also be placed first on the eligibility list for similar vacancies.

Appendix C

Inventory Process Observations

In 2021/22, the BC Public Service continued to use inventories as a source of candidates for some hiring processes. An inventory is a pool of candidates who have undergone some degree of assessment and are considered pre-qualified for a specific position or a range of positions, normally at the same classification level.

When the Office randomly selects an appointment for audit that was the result of a competition restricted to an inventory, in addition to auditing the specific appointment, we audit and report on the process(es) used to establish or replenish the inventory. The purpose of these audits is to identify if there were any areas of weakness in the creation of the inventory, including any issues that could lead to an adverse finding for subsequent hiring processes that use the inventory as its source of candidates. The inventory report is sent to the organization responsible for the creation of the inventory.

With respect to the subsequent hiring process that resulted in the appointment, we conduct a standard audit of the appointment. If errors or areas for improvement are found, we determine if these are attributable to a weakness in the inventory or in the subsequent selection process. The appointment-specific audit report is sent to the responsible deputy minister.

2021/22 Observations

Of the 269 appointments audited in 2021/22, eight were made from hiring processes restricted to four candidate inventories. Two of these appointments were made from the Clerical Inventory which was audited by our Office in 2020/21. Table C-1 summarizes the inventory processes reviewed in the 2021/22 Merit Performance Audit.

| Inventory name | Number and type of establishment processes audited in 2021/22 | # of audited appointments |
|---|--|----------------------------------|
| Clerical (Clerk 9/Clerk Stenographer 9) | N/A (audited 2020/21) | 2 |
| Employment & Assistance Worker (Community Program Officer 15) | 2 | 5 |
| Client Service Worker (Clerk R9) | 1 | 1 |
| Total | 3 | 8 |

Table C-2 illustrates the number of inventory intake processes audited by the Office since 2017/18, the number of position types covered by those inventories, and the total number of appointments in the audit sample that used inventories as the source of candidates.

| Table C-2 Inventory Use Observations | | | |
|---|--|--|---|
| Audit Year | Number of Intakes (Establishment & Replenishment Processes) Audited | Number of Inventory Position Types* | Total Number of Inventory-Based Appointments Audited |
| 2021/22 | 3 | 3 | 8 |
| 2020/21 | 11 | 5 | 19 |
| 2019/20 | 4 | 3 | 9 |
| 2018/19 | 10 | 5 | 22 |
| 2017/18 | 7 | 6 | 22 |

*Clerical, Employment & Assistance Workers, Court Clerk, Forest Technician, Financial Officer, Client Services Worker, and Child and Youth Mental Health Clinician

Inventories typically attract a large number of applicants. In 2021/22, the three inventory processes we audited attracted between 384 and 619 applicants and, as part of our audit practice, we observed the tracking and management of these applicants throughout the process.

Of the eight audited appointments made from hiring processes restricted to a candidate inventory, five were made from two Employment and Assistance Worker inventories, and one was made from a Client Services Worker inventory. The audit found that all three of these processes were well conducted and documented by the inventory management team. Applicants to the inventories were tracked accurately and assessed on a consistent basis resulting in a qualified inventory pool. The two remaining appointments were based on the clerical inventory audited in the 2020/21 audit cycle. While that audit identified a systemic weakness in the inventory creation that could result in the appointment of an unqualified candidate, our analysis determined that the individuals and hiring processes selected for audit were not impacted.

Appendix D

Individual Appointed Observations

In accordance with the *Public Service Act*, each audit undertaken by the Merit Commissioner results in two findings. One of these findings is whether the individual appointed was qualified.

The 2021/22 Merit Performance Audit found that the appointed individuals met the qualifications specified as required for the position with the exception of three cases. We made two findings of “qualifications not demonstrated” based on insufficient evidence to show that the individual, when appointed, possessed the required qualifications. We also made a finding of “not qualified” for one individual.

One of the audits in which the appointed individual’s qualifications were found as “not demonstrated,” we concluded that based on the abbreviated hiring process used, it was unknown whether their past work performance and years of continuous service were sufficient to qualify them for the position. In the other audit with the same finding, it was unclear how, based on the successful candidate’s resume, the panel determined this individual met the reduced standard for experience used by the panel. The hiring manager confirmed that they had used personal knowledge of the candidate’s experience to consider them qualified.

During the audit in which the appointed individual was deemed “not qualified”, the auditor found that, according to the marks awarded by the panel members, this appointee did not achieve a sufficient score to meet the established pass mark for either the written exercise or the interview.

Appendix E

Documentation Observations

When the Office randomly selects appointments for the annual merit performance audit, we ask the hiring ministry or organization to provide a complete copy of the competition file. Ideally, the file is a comprehensive, stand-alone record of every aspect of the hiring process such that when we audit it, we do not require any additional information or clarification to complete the audit.

The basis of conducting an audit is the competition file. Our auditors, in addition to making findings about the merit of the process and the qualifications of the appointee, assess how well the competition documentation supports the hiring decision, categorizing it as “good”, “sufficient” or “insufficient”.

In a well-documented hiring process there is clear and complete evidence to support each stage and decisions made. It also provides assurance that applicants were treated equitably.

For a competition with documentation assessed as “good”, auditors can normally complete the audit based only on the documentation submitted or may need minimal clarification from the hiring manager about some aspect(s) of the competition. In the 2021/22 audit cycle, our auditors determined that 61% (164 of 269) of the audited competitions had “good” documentation.

Auditors assess competition documentation as “sufficient” when the details of a key aspect or aspects are unclear but, over the course of the audit, the hiring manager provides additional information that clarifies and supports the panel’s process. Auditors also conclude that the competition documentation is sufficient when some documents are missing but there is adequate evidence that an appropriate process was followed (for example, when the interview notes of one of three panel members are missing but the notes of the other panel members are available). In the 2021/22 merit performance audit, we determined that 22% (59 of 269) of the audited appointments had “sufficient” documentation.

Lastly, auditors may determine the competition documentation is insufficient. Typically, when auditing these files, documentation of a key stage or decision is missing and the auditor had to rely on an explanation by the hiring manager or ministry representative of what occurred to complete the audit. An insufficient determination may also be made when several aspects of the process lack documentation. In the remaining 17% of appointments (45 of 269) in 2021/22, auditors assessed the competition documentation as “insufficient”.

Overall, the quality of this year’s competition documentation is comparable to the results in the two previous merit performance audits.

Our auditors found documentation issues in all stages of the hiring process. Consistent with previous merit performance audits, in audits where the documentation was found to be either “sufficient” or “insufficient”, the two most problematic areas were the short-listing, and interviewing and testing stages. In short-listing, a common issue was the panel’s failure to adequately document the rationale for their decisions to include or exclude applicants for further consideration. During both testing and interviewing, poorly recorded or missing marking criteria were frequently observed and additional information was required in order to conclude the audit.

When the competition file is well documented, clear and complete, auditors do not have to contact the hiring manager. Only a small percentage of the audits were conducted based solely on the original documentation submitted. For the remaining competitions, auditors were required to contact the hiring manager for missing documentation or clarification in order to conduct the audit. Had the auditors not followed up with the hiring manager to obtain additional information, the number of audit findings of “merit with exception” and “merit not applied” would have been significantly higher. It should be noted that due to ongoing turnover and departures of hiring managers, it was often difficult for auditors to identify another panel representative to assist. Even when another panel representative was found, it was often challenging for that individual to find the missing documentation or provide an informed explanation if the original hiring manager had not left behind a well-documented competition file.

Appendix F

Response from the Deputy Minister of the BC Public Service Agency (Agency Head)



Where ideas work

December 20, 2022

CLIFF #7191

Maureen Baird, KC
Merit Commissioner
Office of the Merit Commissioner
5th Floor – 947 Fort Street
Victoria, BC V8W 2C4

Dear Maureen:

Thank you for sharing a confidential draft copy of your 2021/22 Merit Performance Audit Report.

Your draft report indicates positive outcomes in merit-based findings across various stages of the hiring process. I am pleased to see there has been no evidence that any appointments were the result of partisanship or favoritism as we strive to appoint qualified individuals across the public service.

The BC Public Service will continue to modernize its hiring practices to support processes that are objective, fair and inclusive. Modernizing the way we hire will support the recruitment of a qualified workforce representative of the people we serve.

The data and analysis conveyed in your audit reports will be an important part of informing our work.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Deb Godfrey".

Deb Godfrey
Deputy Minister

pc: Inderjit Randhawa, ADM, Human Resources Services and Solutions, BCPSA

BC Public Service Agency

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