



Office of the
Merit Commissioner

Upholding Fair Hiring in the BC Public Service

Merit Performance Audit Report

2022/23

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Executive Summary

A total of 10,970 appointments were made to and within the BC Public Service from April 1, 2022 to March 31, 2023. Of these, the Office of the Merit Commissioner audited 268 randomly selected appointments, which makes a statistically valid representational sample from which broader generalizations and conclusions may be drawn.

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., possessed 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 findings¹ with respect to the recruitment and selection process. Our findings showed that:

- 64% of appointments were found to have fully applied the principle of merit to the hiring process. When extrapolated to the larger population, this represents 6,777 appointments²;
- 6% of appointments were found not to have fully applied the principle of merit to the hiring process *and* there was a negative impact the outcome of the competition. When extrapolated to the larger population, this represents 622 appointments; and
- 30% of appointments were found not to have fully applied the principle of merit to the hiring process; however, in those cases, the impact on the outcome of the competition was either unknown or mitigated. 30% extrapolated to the larger population represents 3,126 of the total appointments from that period.

These results reflect a minor overall positive increasing trend in merit-based hiring performance when compared to 2021/22 and 2019/20. During the first pandemic year, 2020/21, the findings were anomalous; however, the longer statistical positive trend remains apparent.

This year's audit found that 96% of the audited individuals appointed were qualified for their role upon appointment. However, in 4% of the audited individuals appointed, the audit found that the individuals either did not meet the posted role qualification requirements or the auditors were unable to determine if the individuals were qualified.

¹Audit findings regarding overall merit and qualifications can be extrapolated to all appointments of a similar type made throughout the BC Public Service in the 2022/23 fiscal year.

² The extrapolated population is calculated using a Poisson distribution, which extrapolated the total in-scope population to 10,525 during this fiscal year.

The state of documentation remained favourable with 66% of the hiring decisions determined to have an appropriate (“good”) level of documentation. This has been a relatively constant rate over the last four fiscal years.

As a part of each audit, we examined the overall approach used in the hiring process and five typical stages of the competition process, to determine if/where errors in merit-based hiring were most likely to occur.

- Appointments with errors in “approach” showed an increase from last year.
- Appointments with errors in the “shortlisting” and “interviewing and testing” stages continued to have the most errors this year (although fewer than in the 2021/22 audit cycle).
- Appointments with errors at the “past work performance” stage showed a small increase from last year.
- Appointments with errors at the of “years of continuous service” and “notification” stages remained stable and relatively low.

Audits can have a single error or multiple errors across one or more of these stages. For those audits with errors, the number of errors per audit decreased this year. This reflects a lower overall number of merit-based hiring process mistakes found this year.

Fairness principles in hiring that support merit-based hiring were examined. These principles are:

- open and transparent processes;
- objective and relevant means of assessment; and
- reasonable decisions and equitable treatment of applicants.

The audit continued to find open and transparent processes to be the foundation in BC Public Service hiring. However, *lessened qualifications*, where mandatory qualifications are lowered or not considered by the panel after the competition was closed, was the focus of our [2023 special study](#), and continues to be a serious risk to fairness. While this year’s rate of “lessened qualifications” is lower than the overall finding noted in the special study, there were still 9% of appointments where the competitive process accepted “lessened qualifications” from applicants.

Objective and relevant means of assessment were used in the majority of the audited competitions. Unreasonable decisions and inequitable treatment of applicants were most often a result of errors in judgement or simple mistakes that may have disadvantaged one or more applicants. These posed the greatest risk to merit-based hiring in 2022/23.

Merit Commissioner Recommendations

Based on the audit findings, the Merit Commissioner makes four recommendations for improving merit-based hiring to deputy ministers, organization heads, and their delegated hiring managers.

1. Establish, confirm, and finalize which mandatory qualifications will be used to shortlist in a competition prior to posting the opportunity, and apply these consistently to all applicants.
2. Prior to posting, make every effort to ensure a reasonable, diverse, and equitable applicant pool.³
3. Ensure the hiring processes and documentation for “expressions of interest” competitions are approached with the same rigour as for any other competition.
4. Ensure accuracy in the calculation and transcription of assessment scores in all areas prior to deciding and releasing competition results.

³ Tools such as “preference statements” may be used to shrink an unexpected large applicant pool, or to support tie breaking decisions at the end of the competitive process. This provides for a more transparent and fairer process than lessening qualifications after the opportunity has been posted or disqualifying applicants prematurely at the shortlisting stage.

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.

In the recruitment and selection context of the British Columbia *Public Service Act* (*Act*), the merit principle means that candidate selection is based on:

- possessing the established qualifications for a role;
- an assessment that includes the six factors of merit listed in the *Act*; and
- non-partisanship and impartiality.

To ensure the merit principle is properly applied, recruitment and selection require:

- a well-conceived process supporting reasonable, consistent, and fair decisions;
- an approach that is open, transparent, and well documented; and
- an equitable implementation of the hiring process.

When the merit principle is correctly implemented, it results in the fair, objective, and non-partisan appointment of a qualified individual to the public service.

Scope

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

For the 2022/23 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 10,970 appointments were identified from April 1, 2022 through March 31, 2023.

Sample

For the overall audit findings to be generalizable to all 10,970 appointments, the Office selected a random sample of appointments each quarter based on a pre-determined sample size. Of the total sample of 280 appointments selected, 12 were out of scope, resulting in 268 appointments subject to audit. For more detail on the sampling methods used, see the [2022/23 Report on the Sampling Methodology and Extrapolations for the Merit Performance Audit](#) posted on the Office's website.

Methodology and Criteria

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.

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 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 shortlisting, 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 provisions of collective agreements. The auditors also evaluated the hiring processes in accordance with the following fairness principles: open and transparent process; objective and relevant means of assessment; reasonable decisions; and equitable treatment of applicants.

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, two findings were made: the recruitment and selection process finding, and the qualifications of the individual appointed finding. The Office 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

Auditors 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 organizations in order that they may take any necessary action to improve hiring practices and share findings with the responsible hiring managers. Individual audit results were also provided 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 available to the public on the [Office of the Merit Commissioner website](#).

2022/23 Audit Results

Recruitment and Selection Process Results

Of the 268 appointments audited, 173 were the result of a merit-based recruitment and selection process with no errors. Another 79 appointments were deemed “merit with exception,” indicating that while there were design or application errors in the hiring process, those errors had no known negative impacts on the outcome. In 16 appointments, the audit found errors with negative impacts on the outcome, resulting in “merit not applied” findings. Appendices B and C to this report 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 of the same types of appointments (i.e., permanent appointments and temporary appointments exceeding seven months) made from April 1, 2022 through March 31, 2023, within specified margins of error. Further details can be found in the *2022/23 Report on the Sampling Methodology and Extrapolations for the Merit Performance Audit* posted on the Office’s website at: <https://www.meritcomm.bc.ca/>.

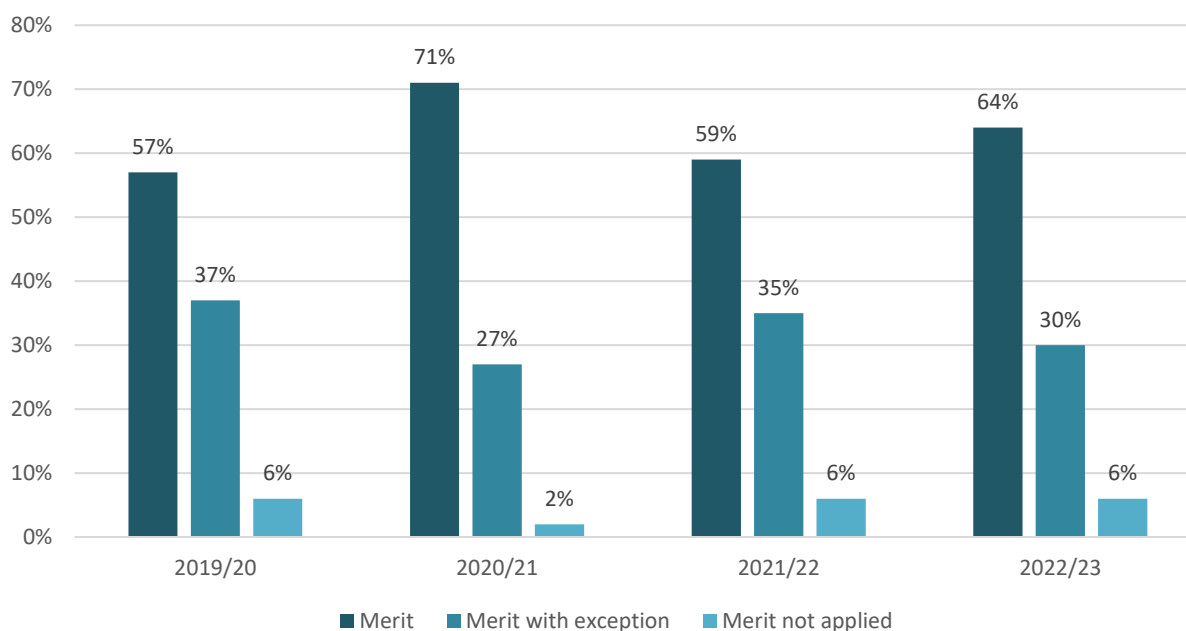
Table 4 - Overall Results – Recruitment and Selection Process			
Overall findings	Appointments audited		Extrapolated results – Estimated population
Merit	173	64%	6,777
Merit with exception	79	30%	3,126
Merit not applied	16	6%	622
Total	268	100%	10,525 ¹

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 2019/20.

Chart 1 - Frequency of Findings in Audited Appointments – Recruitment and Selection Process



In the first pandemic year (2020/21), the percentage of appointments in the “merit” category was notably higher than in previous years, at 71% compared with 57% the year before. Since then, the percentages of appointments in the “merit” category have returned to previous lower levels. Although up slightly from last year’s 59%, this year’s 64% “merit” finding is in line with the findings in 2019/20, 2021/22, and 2022/23 suggesting that the 2020/21 merit rates were anomalous.

“Merit not applied” findings for 2019/20, 2021/22 and 2022/23 remain at 6%. Again, this suggests that the 2020/21 year, with only 2% of appointment processes categorized as “merit not applied,” was the exception. Because of the sampling approach, “merit not applied” findings from the audit sample can be generalized out to all in scope appointments from that time period in the public service. Six percent of this year’s audited appointments extrapolates to 622 appointments out of 10,525.

Appointments with Errors

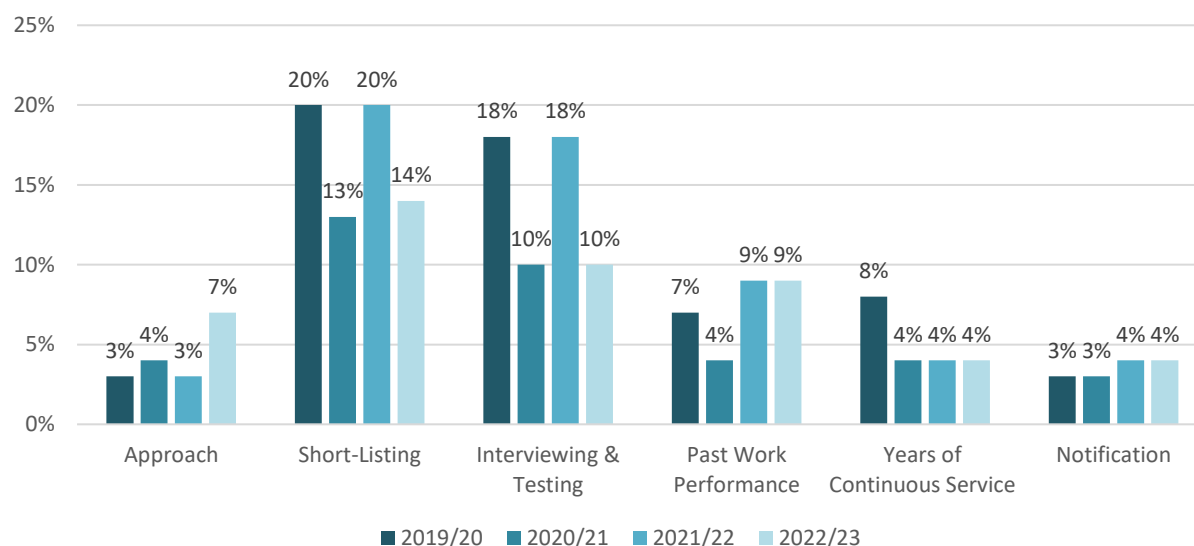
As indicated, 79 of the audited appointments resulted in a “merit with exception” finding and another 16 resulted in a “merit not applied” finding. In total, 95 appointments had errors in their recruitment and selection process: 35% of all the audited appointments. These errors are identified in the individual audit reports and discussed in Appendix B: “Recruitment and Selection Process Observations.”

The 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 requirements necessary to perform the role, based on information about an employee's past work performance, commonly done through reference checks.
Years of continuous service	Consideration of years of continuous service is required under the Act. Specific requirements (e.g., formulas for calculating scores) vary for unionized and non-unionized employees.
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 Act.

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 2019/20.

Chart 2 - Percentage of Audited Appointments with Errors Per Category



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 add up 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.

The 2022/23 findings offer many similarities to previous years – shortlisting, interviewing and testing, years of continuous service, and notification align closely with the 2020/21 error findings. Since last year’s reporting (2021/22), the error numbers for shortlisting and interviewing and testing have fallen slightly.

Approach errors are higher than in previous years, but notification and years of continuous service remain relatively stable and represent a smaller percentage of errors.

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 six distinct errors identified: one approach error, three shortlisting, and two interviewing and testing errors. Of the 95 appointments with errors, 64 (67%) had a single error and 31 (33%) had two or more errors, resulting in a total of 146 errors.

Individual Appointed Results

There was no evidence of patronage in any appointment.

Two appointees were found to be not qualified. For 10 appointees, the finding was “qualifications not demonstrated.” In the remaining 256 audited appointments, the appointees were found to be qualified.

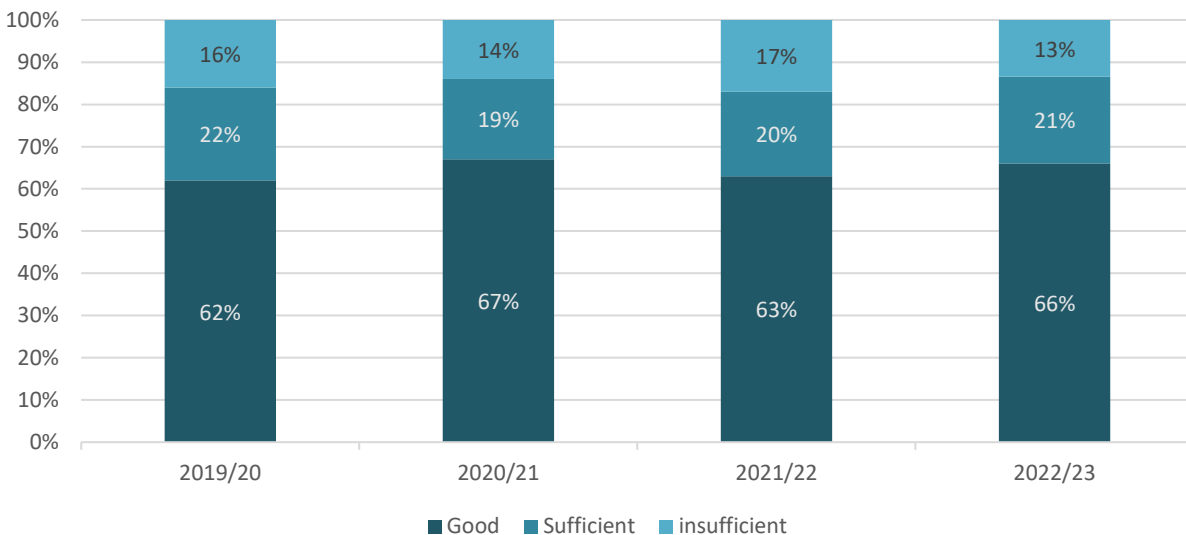
The findings of “qualifications not demonstrated” are higher than in past years. The finding of “not qualified” is also higher than in the past two years. Despite this, the indication is that the majority of individuals being appointed to the BC Public Service meet required qualifications. Appendix D 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. Of the 268 audited appointments, 177 (66%) of the competitions had a documentation finding of “good,” and required little or no follow-up with the hiring manager in order to conduct a thorough audit. For 55 (21%) appointments, the competition was “sufficiently” documented. In these instances, there was incomplete or unclear documentation which required the hiring manager to clarify or explain certain aspects of the hiring process; however, there was adequate documentation to conduct the audit.

For the remaining 36 appointments, the competition was insufficiently documented. Generally, one or more key elements were not documented or poorly documented. In these situations, the auditor had to take into consideration additional evidence provided by the hiring manager, verbally or in writing, during the audit in order to complete it.

Chart 3 - Documentation Results



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

Discussion of 2022/23 Results

In the 2022/23 Merit Performance Audit, overall process findings were similar to those in the 2021/22 audit year. After 2020/21's positive results (overall higher merit findings and lower number of errors), results had declined in 2021/22 to levels similar to those in previous years. Therefore, this year's results suggest that the positive changes seen in audit year 2021/22 were an exception rather than an indication of dramatic improvements in hiring.⁴

Not considering those high results of 2020/21, findings of "merit" have been on a gentle upward increase over the past four years. Merit findings for this audit year were 64% overall, compared with 59% in the last merit performance audit. The increase in "merit" findings has generally been a few percentages per year⁵; this year's increase of six percent shows a slightly more impressive improvement.

"Merit not applied" findings have averaged five percent since 2016/17, but generally remain around six percent. The 2020/21 year, with only 2% of appointment processes categorized as "merit not applied," was an exception. "Merit not applied" findings have decreased somewhat since 2016/17, which can be seen as positive, but generally have remained static at six percent. The fact that six percent this year extrapolates to 622 appointments out of 10,525 reminds organizations that every percentage represents a significant number of appointments where merit has not been applied.

Similar to "merit" findings, from the last audit year to this one, "merit with exception" rates showed a slight improvement. This year's findings (30% of files are "merit with exception") are lower than in 2021/22 by five percent. At the same time, it is worth noting that "merit with exception" findings have comprised an average of 38% of findings since 2016/17, and the percentage has shown significant variance year to year in that time. It is difficult to draw specific trends about the status of "merit with exception" findings, and this will be a finding that the Office will continue to monitor closely. "Merit with exception" signals a threat to merit-based hiring, as the recruitment and selection process still contained one or more errors in design or application; if those errors had not been mitigated, and had resulted in a known negative impact, those appointment processes would have fallen into the "merit not applied" category.

The rate of errors for this audit year was consistent with the past. Thirty-six percent (95) of audited competitions in this audit had errors, and 64% (173) of audited competitions had no errors. This compares with the following error rates from past audit years:

- 2019/20: 43% of competitions audited had one or more errors.
- 2020/21: 29% of competitions audited had one or more errors.
- 2021/22: 41% competitions audited had one or more errors.

⁴ As discussed in the "Overview" section, the percentage of appointments in the "merit" category was notably higher in 2020/21 than in previous years, at 71% compared with 57% the year before. Since then, the percentages of appointments in the "merit" category have returned to previous lower levels. Although up slightly from last year's 59%, this year's 64% "merit" finding is in line with the findings in 2019/20, 2021/22, and 2022/23 suggesting that the 2020/21 merit rates were anomalous.

⁵ 2018/19 saw a large increase (56% up from 43% the year before), which has been sustained and improved upon.

- 2022/23: 36% of competitions had one or more errors.

Other consistencies from recent years include observations regarding the qualifications of appointees and the quality of documentation. The number of appointees who were considered qualified remains extremely high, with 256 audited appointments⁶ resulting in an “appointee qualified” finding. Similar to last year, 87% of audited appointments had “sufficient” or “good” supporting documentation.

The following discussion considers the strengths and areas of risk, in terms of the Office’s principles of fair hiring, in the BC Public Service as demonstrated by the results of the 2022/23 Merit Performance Audit. A more detailed breakdown of findings can be found in Appendix B. The Office’s principles of fair hiring are:

- open and transparent processes;
- objective and relevant means of assessment;
- 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. That was true again this audit cycle.

With respect to the types of hiring processes audited in 2022/23, over 86% 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). All but one had some form of notice, most commonly a posting, describing the job opportunity and application requirements. The job opportunities were available to a sufficient pool of applicants, with almost 80% of competitions being open to external as well as internal applicants, and only 16% of competitions posted with a specific restriction.

Posting errors occur when incorrect information is listed in the notice, which undermines transparency. While this appeared as a “note for improvement” in several competitions, there were six instances (two percent of the total audited population) where this was noted as an error. This represents an increase in this type of error from last year’s results (from one error to six), and a decrease in transparency. These errors can specifically relate the appointee being hired into a position classified higher than was advertised (for example, a job posted at band five, resulting in a band six appointment). This year, these errors were also found when the position was advertised as temporary but was, in fact, permanent; and when eligibility lists were used to fill positions in other ministries without that possibility being posted in advance to notify prospective applicants. In addition, in a handful of audited appointments, an eligibility list was established that did not match the eligibility list outlined in the job profile, or an eligibility list was established when it was not indicated on the job posting.

Ensuring prospective applicants are well informed of the qualifications required for the position is an important element in a transparent process. With respect to this year’s qualifications, 252 (94%) audited

⁶ 256 out of 268 appointments in scope for this audit. This excludes 12 appointments considered out of scope.

competitions were consistent with the job posting. Only 16 (6%) were found to not be consistent with the job postings.

However, it must be noted that there were 22 errors related to accepting “lessened qualifications,” which is nine percent of overall appointments. This is a serious risk to transparency and was the subject of a special study completed by the Office of the Merit Commissioner in 2023. It is true that some improvement can be seen over past years; in the [lessened qualifications special study](#), the average lessened qualification finding was 13.8% of audited appointments, while in the 2022/23 audit year, lessened qualifications appeared in nine percent of audited competitions. While this represents an improvement from “lessened qualifications” findings in the past, the continued errors of this type undermine the overall transparency in this year’s audit regarding required qualifications.

At the completion of the process, it is a good practice for transparency 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 as outlined in the *Public Service Act* and Regulation 443/2003. Results of the audit overall indicate a commendable level of transparency regarding notification. The majority of competitions demonstrated proper final notification, with “notification missing” arising as an issue in nine audited appointments (three percent of the audited competitions). With 60 notes for improvement, this does indicate a lack of completeness or correction in the notification details, including incorrectly listing the placement order of candidates on eligibility lists.

Objective and Relevant Means of Assessment

Using objective and relevant methods of evaluating applicants, through the shortlisting, interviewing and testing, and past work performance stages, is central to fair hiring processes. Many panels take advantage of the tools developed by the BC Public Service Agency (PSA) for BC Public Service hiring managers, but some develop their own. Whether panels opt for templates or customized tools, this year’s audit results are again reassuring that fair means of assessment are well rooted in the BC Public Service.

Almost 93% of competitions used a shortlisting process, which means (in most cases) applicants are not being moved forward without an objective and relevant means of assessing education and experience. However, worryingly, in three cases, no evidence of a shortlisting process was observed. Notably, these were all “expressions of interest,” which are required to exercise the same high standards of an objective and reasonable assessment as other public service hiring processes.

While the existence of a shortlisting process in almost all competitions is heartening, it is important to note that this year’s audit again found the greatest number of errors occurred in the shortlisting stage. 14% of competitions in this year’s audit cycle had shortlisting errors. The types of errors fell largely into “lessened qualifications” and “inconsistent assessment of qualifications.” The preponderance of these types of errors suggests that while shortlisting assessments may have been relevant to the positions, they may not always have been objective, particularly where applicants were internal or otherwise known to the panel.

This year's interviewing and testing findings show marked improvement overall, with 29 errors which represents 20% of all errors, compared with previous years closer to 60 errors, representing approximately 30% of all errors. This year's positive findings exceed even the anomalous results of audit year 2020/21. At the interviewing and testing stage, in most cases, assessment methods were soundly designed to evaluate key knowledge, skills and behavioural competencies objectively and with relevance to the job requirements. Room for improvements continues in the design or application for marking assessments (there were 23 of these errors in the audited appointments), but this improvement is heartening. Last year's Merit Performance Audit report recommended that organization heads and hiring managers "[d]evelop objective assessment methods which include specific relevant marking criteria for all interview questions," and this year's audit shows progress on that front.

Assessment is often more objective where multiple means have been used to assess candidate qualifications. Having multiple forms of assessment is valuable to a fair process as it provides a more informed evaluation of candidates and increases the reliability of hiring decisions. In addition, some qualifications (experience and education) can be easily assessed by reviewing resumes and questionnaires, while others usually require more qualitative methods of assessment. In this year's audit cycle, multiple assessment methods were often used:

- All but one competition used a panel, all but three had a shortlisting process, and interviews were widely used.
- 160 (60%) of audited appointments used two or more methods of assessment at the interviewing and testing stage, while 107 audited competitions (40%) used one.

With respect to objectivity at the past work performance stage, again this year, in almost all of the audited appointments, the panel used references to assess this factor, which meets the requirements of the Act. For the most part, a standard or modified template was used to assess common aspects of past work performance. Using a template for conducting reference checks is not required, but it is useful to promoting objectivity in past work performance assessments. Modifying a template to better fit the job requirements, as was seen in one case study in Appendix B, is likewise a helpful practice for ensuring relevance in past work performance assessments. In nine instances (3%), past work performance was not completed.

Reasonable Decisions and Equitable Treatment of Applicants

A fair hiring process requires reasonable decisions and the equitable treatment of applicants throughout the competition. "Equitable" refers to process elements, such as all candidates receiving the allotted time for a written assignment. The most numerous and serious issues continue to arise from errors in judgement or simple mistakes that may disadvantage one or more applicants.

The greatest area of concern regarding reasonable decisions and equitable treatment of applicants involved the shortlisting stage. First, in 22 instances or 8% of the audited competitions, panels decided to lessen or waive a qualification described in the notice as mandatory. Even where the lessening of qualifications is done consistently for all applicants, this practice is unfair to prospective applicants who

may have chosen not to apply as they did not possess the advertised requirements. What is more, in 15 instances (6% of audited competitions), qualifications were applied inconsistently at the shortlisting stage. Two kinds of equitable treatment issues arose in this audit year: where one or more unqualified applicants screened in while other unqualified applicants were not, and where qualified applicants were unfairly screened out while others progressed. Sometimes these issues of equitable treatment arose because of an administrative error (poor record keeping), but sometimes they arose because of the panel's unreasonable decision-making. One additional issue observed at the start of the hiring process in this year's audit was where a panel defined "equivalent education and experience" in a way that was deemed unreasonable; the "equivalent" experience was considerably below the education and experience level that would be expected for the position.

Some additional issues of inconsistency arose at the past work performance stage. While past work performance assessments were generally well-conducted, in some instances, the way they were conducted was not done with an appropriate level of consistency. For example, in several cases, candidates in the same competition were assessed using different templates and questions, to the effect that they were not equitably or reasonably assessed.

Expressions of Interest

In this year's audit, "expressions of interest" (EOIs) were noted as a particular area requiring improvement. Hiring processes for EOIs, which are job postings that are restricted to the BC Public Service employees in one or more internal areas of the workforce (ministry, branch, team, etc.), have the same requirements for a merit-based hiring process and appropriate documentation as other hiring processes. They are not to be treated as a "light" or "shortcut" process where qualifications are not rigorously assessed. High standards for openness and transparency, objective and relevant means of assessment, reasonable decisions, and equitable treatment of applicants should be met regardless of whether hiring processes are open to a limited or large applicant pool.

Twenty-four EOIs were audited in the 2022/23 year, representing 9% of the audited competitions. Compared with non-EOI processes, the audit findings for these were, overall, notably poorer. The overall findings for EOIs versus the overall findings are outlined below:

- "Merit": only 38% for EOIs, compared with 65% overall in this audit cycle.
- "Merit not applied": 13% for EOIs compared with 6% overall.
- "Merit with exception": 50% for EOIs compared with 29% overall.
- "Good documentation" only 50% compared with 66% overall.
- "Insufficient documentation": 29% compared with 13% overall.

Errors identified in EOIs varied and included issues such as a lack of shortlisting (the only three cases of missing shortlisting were from EOIs) to missing past work performance assessments to missing or unclear marking guidelines.

Finally, four of the 24 EOIs in this year's audit sample were for Bands 1 to 5 excluded positions: the results for these were "merit with exception" and "merit not applied." For all Bands 1 to 5 positions

audited in this year's random sample, findings of "merit" and "good documentation" were slightly lower than for the appointments as a whole (54% compared to 65% overall with "merit" finding and 57% compared to 66% overall with "good documentation.") The number of excluded appointments in the random sample is not large enough to generate statistically significant findings, but hiring managers filling Bands 1 to 5 positions, like hiring managers for EOIs, can be also reminded of the importance of a rigorous process and good documentation.

Summary and Recommendations

Overall, this audit found that BC Public Service competitions this year were based on open and transparent processes. However, the lessening of qualifications, while improved, continues to be an area of concern. Generally, the key principle of objective and relevant means of assessment was also well applied, with some improvement noted in the area of marking guides at the interviewing and testing stage. With respect to reasonable decisions and equitable treatment of candidates, areas for improvement were noted with respect to shortlisting and past work performance assessment. Administrative errors, such as forgetting to add an applicant to a shortlisting document, miscalculating scores, or entering the wrong data from an interview score sheet into the competition spreadsheet, continue to be the source of both minor and serious impacts to the equitable treatment of applicants.

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, or the other organizations' human resources departments, may be necessary to support the implementation of these recommendations.

This report was shared with the Deputy Minister of the Public Service Agency, whose response is attached in Appendix F.

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

1. Establish, confirm, and finalize which mandatory qualifications will be used to shortlist in a competition prior to posting the opportunity, and apply these consistently to all applicants.
2. Prior to posting, make every effort to ensure a reasonable, diverse, and equitable applicant pool.²
3. Ensure the hiring processes and documentation for "expressions of interest" competitions are approached with the same rigour as for any other competition.
4. Ensure accuracy in the calculation and transcription of assessment scores in all areas prior to deciding and releasing competition results.

²Tools such as "preference statements" may be used to shrink an unexpected large applicant pool, or to support tie breaking decisions at the end of the competitive process. This provides for a more transparent and fairer process than lessening qualifications after the opportunity has been posted or disqualifying applicants prematurely at the shortlisting stage.

Appendix A: Organizations Subject to Oversight by the Merit Commissioner

(As of March 31, 2023)

Ministries*

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

Statutory 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 Container Trucking Commissioner
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

****Ministry names are current as of publication.***

Appendix B: 2022/23 Recruitment and Selection Process Observations

Results Snapshot

In accordance with the *Public Service Act* (the *Act*), the Merit Commissioner considers whether the recruitment and selection process was properly designed and applied to result in an appointment based on merit. Where the process meets this standard, the resulting audit finding is “merit.”

The 2022/23 Merit Performance Audit found that 173 of the 268⁷ appointments selected for audit (64%) were “with merit,” the result of recruitment and selection processes that were properly designed and applied.

For the remaining 95 appointments (36%), one or more errors in the application of the factors of merit were identified, resulting in a finding of either “merit with exception” or “merit not applied.” For these 95 appointments, this year’s audit identified a total of 146 errors in the recruitment and selection processes compared with 186 errors in 110 appointments in the previous audit cycle. This represents a 21% improvement in over last year.

While not specifically prescribed through the *Public Service Act*, the recruitment and selection processes (or “hiring processes”) are traditionally conducted in the following sequential manner:

1. Prior to advertising the opportunity, the hiring manager reviews the position description to ensure that the minimum mandatory requirements posted are accurate (approach stage).
2. Once the requirements are confirmed, the process starts with a notice of the opportunity inviting individuals to apply (approach stage).
3. A hiring panel is convened (approach stage).
4. The hiring manager, with or without the assistance of other panel members, reviews applications to determine which candidates meet the minimum requirements, usually education and experience (shortlisting stage).
5. Using a variety of methods, the panel then assesses less easily observable qualifications such as knowledge, technical and general skills (e.g., behavioural competencies), and abilities (interview and testing stage).
6. Past work performance (typically in the form of reference checks) is assessed (past work performance check stage).
7. Years of continuous service are considered for bargaining unit positions (years of continuous service stage).
8. Usually, an offer of appointment is given to the successful candidate(s) (approach stage).

⁷ In 2022/23, the 268 appointments in our random audit sample were the result of 265 separate competitions, as the sample included multiple appointments from some of the same processes. The observations in this appendix, however, are based on the entire audit sample of 268 appointments.

9. The process ends with notification to other applicants of the outcome of the competition, including those who are placed on the eligibility list, and the applicant's candidacy status (notification stage).

Hiring processes are not required to follow this traditional pattern. They may vary in the order and types of assessments but should do so in a way that is fair, transparent, equitable, and reasonable.

Furthermore, the competition process must be designed with the factors of merit as outlined in the *Public Service Act* 8(2):

The matters to be considered in determining merit must, having regard to the nature of the duties to be performed, include the applicant's education, skills, knowledge, experience, past work performance and years of continuous service in the public service.

In terms of stages of the hiring processes where errors were found in this year's audit cycle, the "shortlisting" and "interviewing and testing" stages continue to have the most errors of merit this year; however, they have decreased from last year's audit cycle.

Over the last three audit cycles, errors in merit that were observed in:

- shortlisting: 73 (2019/20), 45 (2020/21), 62 (2021/22), and this cycle: 48 (2022/23).
- interviewing and testing: 58 (2019/20), 30 (2020/21), 57 (2021/22), and this cycle: 29 (2022/23).

There was a significant increase in "approach" stage errors as:

- 7 errors were observed in the 2021/22 audit cycle, and
- 23 errors were observed in the 2022/23 audit cycle.

The number of "years of continuous service" and "notification" stage errors are almost identical to those in the 2021/22 audit cycle.

- 11 years of continuous service errors and 10 notification errors in 2021/22, and
- 10 years of continuous service errors and 11 notification errors in 2022/23.

The most common categories of errors across all stages of the hiring process observed were:

1. "Lessened qualifications accepted." This category remains high from last year's audit cycle with 9% of the overall competitions containing this error. This is the category with the highest number of error findings. This year, there were 22 instances of lessened qualifications.
2. "Inconsistent application of qualifications" is the next most common category of errors. This was observed in 5% of audited competitions, equating to 10% of errors.
3. "Guidelines missing, incomplete, or unclear" is the third most common error, being observed with 12 errors, in 4% of competitions audited. Additionally, "Inconsistent or inappropriate assessment marking" was also observed in 11 competitions.
4. "Administrative errors," such as miscalculations and transcription errors, were observed in several stages of the hiring process.

Three Types of Errors in Merit

Errors in merit observed in the hiring process are classified into one of three types of impacts.

- **Unknown impact:** The audit 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 qualified applicants were incorrectly eliminated from a competition at shortlisting, there is no way of knowing if they would have passed subsequent assessments and been offered an appointment.
- **Mitigated impact:** An error with an adverse effect occurred, but because of subsequent events or decisions, this impact had no lasting impact.
 - For example, imagine that a candidate is offered a position, but no reference was obtained for the candidate: this could result in appointing an individual without considering a critical factor of merit. However, if the candidate declines the job offer, that adverse impact is mitigated.
- **Negative impact:** An error occurs in the hiring process that has an observable adverse effect on the outcome.
 - For example, due to a miscalculation of interview scores, the wrong candidate is appointed to the position.

The degree of the error impact will determine the negative severity of audit findings attributed to a competition file. Where an error is identified as:

- having either an unknown and/or mitigated impact on the competition process or outcome, the audit finding is “merit with exception.”
- having a negative impact on the competition process or outcome, the audit finding is “merit not applied.”

In the 2022/23 audit cycle, of the 146 errors identified in audits, 51 or 35% had an **unknown** impact, 69 or 47% had an impact that was **mitigated**, and 26, or 18% had a known **negative** impact.

Notes for Improvement

Merit performance audits also observe issues in the hiring process that, under different circumstances, could potentially lead to an error or affect the transparency of the hiring process. These are captured as “notes for improvement” in the individual audit reports.

“Notes for improvement” (notes) do not reflect errors in merit that will directly affect the finding of the hiring process under audit. Instead, these notes identify issues that are related to transparency, best practices, or ideas for future improvement.

What differentiates notes and errors observed in a competition, ultimately come down to the impact, if any, on the hiring process. For example, a miscalculation of interview scores can result in:

- *a note for improvement*, where the miscalculation has no effect on the final rank order of candidates; or,
- *a mitigated impact 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 unknown impact error*, where the miscalculation affected a candidate who should have passed, but instead, they were deemed to have failed and eliminated from the process.
- *a negative impact error*, where the rank order of candidates changes because of the error and either the wrong candidate is appointed, or successful candidates are appointed in the wrong order.

*Roughly 50% of all audit reports in this audit cycle included a note for improvement.
The stages of the process with the most notes for improvement:*

- *Interviewing and testing (29%)*
 - *Notification (22%)*
-

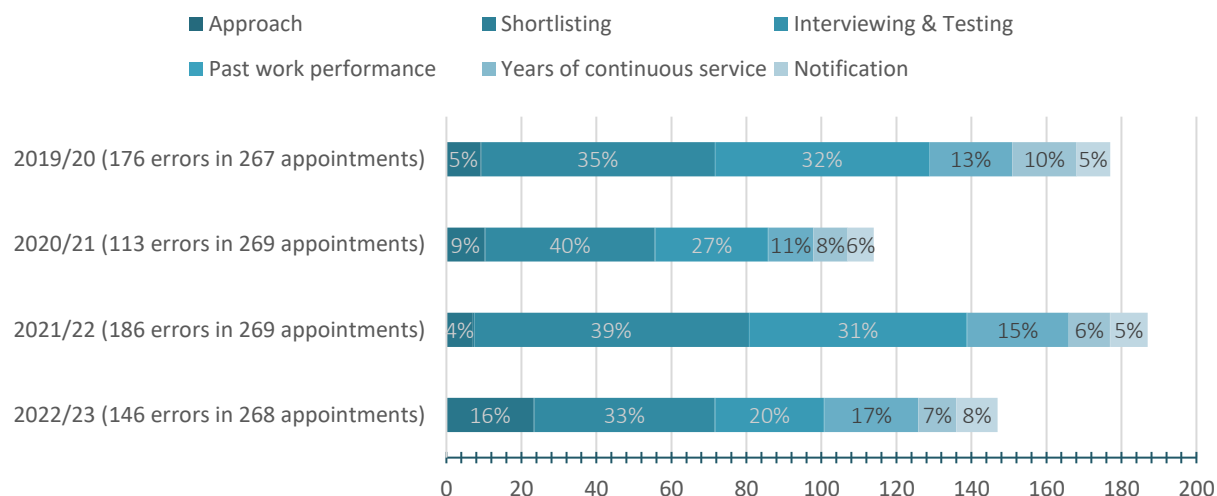
Error Findings in 2022/23

Table B-1 provides a breakdown of the 146 errors by the stage of the process in which they were identified and shows them as a percentage of total errors.

Table B-1 Errors Identified by Stage		
Stage	# of errors	% of total errors
Approach	23	16%
Shortlisting	48	33%
Interviewing & Testing	29	20%
Past Work Performance	25	17%
Years of Continuous Service	10	7%
Notification	11	8%
Total	146	100%

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

Chart B-1 Error Frequency Across Stages



**Each percentage indicates the error as a percentage of the total number of errors (in 2022/23, 146 total errors).*

***The horizontal axis indicates the total number of errors by total count.*

****Percentages are proportional to the total number of errors per year; therefore, the actual number of errors may be higher or lower in a different year even though the percentage is the same.*

Understanding Errors by Stage

The errors in each stage of the hiring process are discussed in detail in the sections below.

Approach Stage and Observations

Each merit performance audit examines and reports out on “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. It also includes having standardized evaluation and results that are in keeping with the approach.

When evaluating approach, the audit process considers whether:

- the structure of the hiring process was fair;
- enough notice of the opportunity was provided;
- the pool of applicants was reasonable;
- a hiring panel was put in place to safeguard objective assessment of candidates;
- the requirements were clear and relevant, and the standards were reasonable;
 - the final rank order of candidates, offers of appointment, and placements on an eligibility list were correct and consistent with the approach;
 - all who applied were accounted for throughout the competition;

- standardized evaluation was put in place; and
- results are in keeping with the design and approach.

In 2022/23, one or more approach errors were found in 23 (16%) of the audited appointments.

Number of appointments	Number of Errors - Approach			
	Total	Unknown impact	Mitigated impact	Negative impact
23 (16%)	23	6	9	8

This year's audit reveals the following observations regarding the "approach" in the audited competitions.

- Approach errors increased notably from last year's audit cycle, from 7 to 23.
- Administrative errors (12) were found in almost all stages but were most common in the approach stage (5).
- Posting errors (6) were found in the approach stage and represents 4% of all errors.
- Overall approach errors (4), where 3 related to candidate placement order.

Providing notice of the competition opportunity

A key structural element of a merit-based hiring process requires that a notice of the competition opportunity (such as a job posting) be distributed to a reasonable applicant pool and provide potential applicants a fair and informed chance to apply for the competition. This includes expressions of interests as well as the standard job opportunity typically found on a job board or through another means of communication.

The following are observations on notices of competition (notices):

- Notices continue to be provided in almost all audited competitions.
- Potential applicants must also have a reasonable opportunity to apply on posted notices. This time may vary for each situation and usually follows collective agreement stipulations or standard corporate best practices.
- Of the 268 audited appointments, there were 243 notices that indicated a specific length of time for applicants to apply versus listed as "ongoing."⁸ with an undetermined closing date. Of these 243 appointments:
 - 225 (93%) were posted for 14 or more days.
 - 18 (7%) were posted for less than 14 days.
 - Of these, 3 were posted were for 3 days only.
 - 9 were posted for less than 7 days.

⁸"Ongoing" (batched process) is a competition in which the posting indicates that the opportunity is ongoing and that applicants will be grouped and assessed in accordance with the time period in which they applied. The groups are usually referred to as "batches", each typically a month or so each in duration. Each batch is considered a standalone competition and audit.

Restrictions or limitations in the pool of potential applicants

Competitions can be limited or restricted, in accordance with the *Public Service Act* section 8(4), in a number of ways. In this year's audit:

- 34 audited competitions had restrictions, including to a:
 - geographic region (8);
 - ministry/ministries/organization (11);
 - ministry within a geographic region (1);
 - an organizational unit (5); and
 - an "other" restriction category (9)
 - examples include restrictions to inventories and limiting to specific ministries.
- There were no competitions in this audit cycle that were limited or restricted applications from members of an equity group.
- 56 competitions were restricted to only internal employees.
- 26 of these competitions also imposed one or more additional restrictions.
- 24 competitions were posted as an "expression of interest" (EOI) and all were more restricted to specific grouping of internal applicants, such as employees of a branch, division, ministry, or group of ministries, and typically distributed through email channels or internal job boards. This type of competition attracted between 1 and 28 applicants.

Designed to review applicant eligibility

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*.

- Almost all competitions were designed in a way to assess employee eligibility. Most commonly, and almost without exception, this part of the process is automated, with applicants declaring via an automated recruitment management system and/or a questionnaire that they meet the legal requirements to work in Canada.
- In one case, the audit found that the organization did not adequately design the process to check for applicant eligibility in a systematic way.

Designed for the establishment of eligibility lists

In 174 (or 65%) of the audited appointments, the panel established an eligibility list. This is slightly lower than in last year's audit, where 184 (or 68%) of audited appointments established an eligibility list. Ninety percent (90%) of the eligibility lists had between 1-10 candidates on the list. A majority of eligibility lists (126 or 72%) were for the length of one year.

Sixty-one (23%) of audited appointments this year came from an eligibility list, which was lower this year than last year's reported findings of 87 (32%) audited appointments coming from an eligibility list.

Types of competition

While most of the appointments audited were the result of a traditional competition, there were several appointments resulting from larger processes designed to fill multiple vacancies.

- Four of the audited appointments resulted from four ongoing/batch competitions for positions in a variety of locations around the province.
- Another 10 of the audited appointments were based on seven inventory competitions/processes, two of which had been audited in a previous audit cycle.

Evidence of a hiring panel

To ensure objectivity and avoid risks of patronage, a merit-based process should be designed to include a panel to assess candidates.

- Of the 268 appointments audited, 267 convened a panel.
- In the one remaining case (in which merit was not applied), no competition was held, and the employee was simply placed into the position.

Clearly identifying qualifications

A merit-based process also requires that the job posting clearly identify qualifications, which should align with the job/role profile and the nature of the duties to be performed.

Case Study B-1 outlines a competition where the qualification aligned to the job/role profile and the nature of the duties to be performed but was not clearly outlined for prospective applicants.

Case Study B-1: Vague Experience Requirement in Job Posting



A posting to fill multiple clerk 9 Client Service Worker vacancies attracted over 500 applicants, half of whom did not pass the shortlisting stage. The job profile and posting contained a statement of qualification that was not specific and may have led applicants to apply thinking they met the requirement when they did not. Specifically, the profile and posting called for "experience" in an area but did not specify the amount of experience that was required; in fact, one year of experience was required in the job/role profile for candidates to be shortlisted. Applicants who applied with less than one year of "experience delivering a high standard of client service in a high volume, fast-paced, rapidly changing environment" were not shortlisted. This lack of specificity and alignment about the mandatory job qualification was not transparent.

Advertised position versus outcome of competition

In hiring processes, to be transparent, the type of appointment should be consistent with what is advertised or posted.

For example, if a competition is advertised/posted as a short-term temporary assignment with no indication that it could become permanent, but results in a permanent appointment, the audit process will inquire into the gap between the advertised approach and the outcome.

Of the 268 audited appointments, almost all (257 or 96%) required applicants to submit a resume. Most audited appointments (196 or 73%) required applicants to submit a self-assessment questionnaire.

In some cases, the hiring manager has no intent to mislead (such as funding for a permanent position becomes available partway through the process, after the posting has closed). Generally, however, if the nature of the position to be filled changes while the job is still advertised, the most transparent approach is to re-post a modified job advertisement and job description/profile if applicable.

Without such transparency, potential applicants interested in a position may opt not to apply based on incomplete or misleading information in the posting advertisement.

Shortlisting Stage and Observations

Shortlisting is the process of reviewing applications (e.g., cover letters, resumes, application forms or questionnaires) to determine which applicants meet the required qualifications and will advance for further assessment. The typical required qualifications evaluated at this stage are education and experience, two factors of merit in the *Act*. In addition to education and experience, shortlisting may also consider other 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 shortlisting is appropriately designed to advance only those who demonstrate the minimum required qualifications at the time of application. Auditors review if the criteria are relevant and consistent with the required qualifications identified as essential in the posting and/or job description/profile, and upon which applicants based their decision to apply. Auditors also consider if the panel applied the criteria fairly for all applicants. Case Study B-2 below shows a diligent hiring manager carefully assessing whether potential managers do indeed have the full managerial experience as outlined in the job profile.

Case Study B-2: Due Diligence in Shortlisting for Leadership Experience



A competition for a senior IT position was thoughtful and thorough in its approach to shortlisting, particularly with regard to verifying whether applicants possessed the required management experience. The required management experience had two parts ("Experience leading, mentoring and supervising technical staff, including performance management"). When five applicants described their leadership and supervision, but didn't speak to their experience of performance management, the hiring manager sent them a clarifying email so the panel could complete their shortlisting based on complete information about the applicants' experiences.

This year's audit found the greatest number of errors in the shortlisting stage of the hiring process. Of the 268 appointments audited, 38 or 14% of competitions had shortlisting errors.

During this audit cycle, of the 146 total errors identified, 48 or 33% of all errors were shortlisting errors.

Number of appointments	Number of Errors - Shortlisting			
	Total	Unknown impact	Mitigated impact	Negative impact
48 (33%)	48	14	27	7

Last year's audit cycle identified 73 of 186 total errors were in shortlisting which represented 39% of all errors, while this year demonstrated a modest improvement with 33% of all errors.

Lessened qualifications

The acceptance of "lessened qualifications" as defined in a [recent special study](#) released by this Office, continues to be a concern with a significant number of errors in shortlisting. Almost twenty "lessened qualifications" errors were found in this year's audit. However, some improvement can be seen over past years. In the lessened qualifications special study, the average lessened qualification finding was 13.8% of audited appointments. In this year's audit cycle, lessened qualifications improved as these errors appeared in 9% of audited competitions.

Assessing to screen out unqualified applicants

Most audited appointments (248 or 93%) had a shortlisting stage in which a member or members of the hiring panel assessed the applicants against the advertised/posted qualifications, using one or more of the required application documents.

Three audited appointments failed to use a shortlisting process. These three were internal expressions of interest, with 1 to 3 applicants each. Case Study B-3 is an example where shortlisting was not used to screen out unqualified applicants.

Case Study B-3: Shortlisting Black Hole



In one internal "expression of interest" competition, nothing about the shortlisting process had been documented. This meant there was no information about the shortlisting criteria, no evidence of which criteria applicants were assessed against to determine if they met or did not meet such criteria, and no rationale for the shortlisting decisions. When asked by the auditor, the hiring manager advised that the panel decided to assess all three applicants despite the fact two were not fully qualified.

This approach to shortlisting is of concern. First, other individuals may have applied had they known that certain criteria were not mandatory, resulting in a broader applicant pool. Second, the auditor was unable to conclude that shortlisting was consistently and fairly conducted.

As the two unqualified individuals did not pass the interview, the impact on the outcome of the competition was mitigated.

Inconsistent assessment of qualifications

The next most common shortlisting error is inconsistent assessment of qualifications. This year, there were 15 instances of this type of error.

Auditors identified several competitions in which applicants were inconsistently assessed at the shortlisting stage. In these processes, some applicants were advanced while others with similar education and experience were eliminated. Another issue identified by auditors were cases where the panel made an inadvertent shortlisting error. The impact of these errors varied in significance. In some of these instances, one or more applicants who met the shortlisting criteria were mistakenly eliminated from further consideration. In others, the panel advanced one or more applicants who did not meet the minimum required qualifications of the shortlisting criteria.

Interviewing and Testing Stage and Observations

Essential to any merit-based 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, usually require in-depth methods of assessment. Panels may use one or more methods (e.g., interviews, tests, practical exercises, presentations, and role play scenarios) to assess these factors. The methods of assessment may be completed sequentially, such that only those who pass one type (e.g., the test) will progress to the next assessment (e.g., the interview). Panels may also assess or confirm knowledge and skills via a past work performance check. 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 and evaluation. They examine whether the panel reasonably and

consistently assessed candidate performance in accordance with all evaluation criteria. Lastly, auditors examine the scores awarded to candidates and the final rank order, to ensure accuracy.

Of the 268 appointments audited, 29 or 20% had one or more errors identified with respect to interviewing and testing.

Number of appointments	Number of Errors - Interviewing and Testing			
	Total	Unknown impact	Mitigated impact	Negative impact
29 (20%)	29	6	20	3

Use of interviews as an assessment method

Of the 268 appointments audited, all used an interview as a method of assessment, except for one. That outlier was a “merit not applied” file with no competition (where the appointee was simply placed into the position). In 199 or 74% of these interviews, the panel assessed a mixture of knowledge, skills, and behavioural competencies. In 64 or 24% of these interviews, the panel only assessed behavioural competencies. Eight or 3% of these interviews methods assessed knowledge and skills only⁹.

Pre-established marking criteria

To assess candidates in a fair and objective manner, a merit-based hiring process requires pre-established, job-specific marking criteria for each area of assessment against which the panel can consistently evaluate candidate responses.

The most common error types in interviewing and testing in this year’s audit were:

- missing, incomplete, or unclear marking guide (12 instances), and
- inconsistent or inappropriate marking (11 instances).

Usually in such cases, hiring panels:

- did not develop or use benchmark assessment standards (e.g., behavioural indicators, ideal answers, or key elements) for one or more of the interview questions;
- assessed candidate responses using a generic, quantitative rating scale; however, the rating scale did not describe any substantive aspects of the expected or desired response.

Consequently, panel members did not have a common and objective basis against which to evaluate and determine a point score for each candidate response. Without substantive marking criteria in these processes, it was not possible for the auditors to determine whether the assessments of candidate responses for these files were fair. See Case Study B-4 below, which shows how the lack of criteria can undermine confidence that candidates have been fairly marked.

⁹ As more than one interview type may be utilized in a competition, this total may not equal 100%.

Case Study B-4: Lack of Marking Criteria for 25% of the Interview



When interview responses are scored without clear marking criteria, it is difficult to ensure fairness, objectivity, and consistency.

In the case of a competition for an excluded management position, the panel did use marking criteria for three out of four questions, specifically those which assessed behavioural competencies. However, for the fourth question, worth one quarter of the interview score, no marking criteria was used. This question asked candidates about "skills and interest," but the file contained no explanation of how points were determined or what ideal answers would include.

Without such guidance regarding how candidates were evaluated for this question, it was not clear that responses were fairly, objectively, and consistently assessed.

With respect to marking, there were some assessments where the panel indicated:

- only who passed, or
- only who failed, or
- only an overall interview or test score but did not indicate how or why they determined the score (e.g., a breakdown of points by response or elements).

While these processes usually had established marking criteria, without any indication as to how panel applied those criteria to arrive at the points awarded, the auditors could not determine if the marking was fair, objective, and consistent.

Not assessing whether applicants meet all mandatory education and experience requirements introduces the risk of appointing an unqualified candidate.

Assessing unposted/unadvertised job requirements

Auditors identified several processes in which the hiring panel assessed knowledge, skills or competencies that were not listed as requirements in the job description/profile or posting/advertisement. For transparency, hiring panels should ensure that all pre-determined requirements are described for and communicated to potential applicants. See Case Study B-5 below for an example.

Case Study B-5: Assessing Competencies Not in the Job Description/Profile



Through a lack of transparency or reasonableness, interview design flaws can negatively impact candidates' experience of the hiring process and their ability to put their best foot forward. In the case of a competition for social program officers, the interview process may have negatively impacted interviewees through a lack of transparency.

The interview assessed two behavioural competencies that were not stated as qualifications in the job description/profile. In fact, the job description/profile contained no references to any behavioural competencies. While the competencies were relevant to the position, and candidates received the questions before the interview for preparation, there was no indication that the questions asked would be assessing specific behavioural competencies.

A more transparent process would ensure all competition requirements were communicated to applicants at the beginning of the process through the job description/profile and advertisement/posting.

Lastly, administrative errors additionally made up 5 or 17% of interviewing and testing errors. Examples of administrative errors include when marks and calculated or transcribed incorrectly, or when employee information is inadvertently left off a key document. Overall, administrative errors made up 5% (13) of overall errors this audit cycle.

Calculating and transcribing marks

Candidate scores determine relative merit and rank in a competition. Therefore, it is important that marks are determined and recorded correctly and accurately.

In almost 10% of the total number of errors, 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 or impact the outcome of the competition. The impact of this error type was typically mitigated as all affected candidates often received offers at the same time. However, there were a small number of processes where the audit identified a known negative impact of the error on a candidate.

In several cases, the impact of the error was significant and changed the final rank order of candidates. See Case Study B- 6 for an example of this negative outcome.

Case Study B-6: Failing Score Turns into Passing Score



In a competition for a scientific and technical officer position, a transcription mistake occurred that had a negative impact.

One candidate received a failing grade on their skills test and should not have advanced to the interview. When the test marks were transcribed from the test to the competition spreadsheet, a passing grade was recorded, and the candidate mistakenly advanced in the competition. In the end, the candidate was placed on an eligibility list.

When an internal candidate is placed on an eligibility list, they are considered to be as fully qualified as the appointed candidate.

Interviewing and testing was the stage of hiring with greatest number of notes for improvement. The most common note reminded hiring managers to ensure scores are correctly calculated. In those cases, the audits found miscalculations of candidates' interview and/or testing scores that did not affect their status in the competition.

Past Work Performance Stage and Observations

Hiring panels conduct assessments of past work performance to evaluate and verify candidate suitability for the position. As a factor of merit, the *Act* requires the consideration of past work performance.

Merit performance audits examine if the method of assessing past work performance is fair. Auditors consider whether the panel objectively and consistently assessed candidates' past work performance in accordance with the position requirements and made reasonable decisions.

Past work performance was assessed in 259 or 97% of the 268 audited appointments through conducting reference checks, 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. Past work performance was assessed by:

- panel in 226 instances;
- point scoring in 26 instances;
- by qualitative measures in 9 appointments; and
- 9 methods qualified as "other."

Of the 268 audited competitions, 236 or 88% completed past work performance where all candidates passed this factor, and 32 or 12% did not. Of those 236 audited competitions, 34 or 14% assessed one or more candidates who failed their past work performance.

Of the 268 appointments audited, auditors identified one or more errors involving past work performance in 25 or 17% of audits.

Number appointments	Number of Errors – Past Work Performance			
	Total	Unknown impact	Mitigated impact	Negative impact
25 (17%)	25	7	11	7

- The most common error in this stage was a lack of completed past work performance check. There were 9 appointments that did not have an assessment of past work performance conducted.
- The next most common error is the use of an inconsistent, inappropriate, or unclear marking template of the past work performance check. This error occurred 7 times.
- In several other cases, the past work performance assessment was completed late or delayed.
- There was an observation of an administrative error resulting in one past work performance error.
- There were two observations where errors were made resulting from inappropriate past work performance checks.

Designing a consistent and thoughtful past work performance evaluation

Reference checks should be consistent and thoughtfully designed as part of the overall assessment approach. Tailoring the reference check template to better align with the competencies being assessed in the competitive process, further ensures a standardized, fair, and merit-based approach.

Case Study B-7: Model Assessment Approach



In a competition for a technician position, the hiring manager used a modified past work performance assessment template. Using a template helped ensure consistency in the questions that were asked and helped the hiring manager to thoroughly document the conversations. What made the assessment especially effective is that the template was tailored to the behavioral competencies in the position, and the hiring manager asked for specific examples that demonstrated the experience.

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. Case Study B-8 below

demonstrates an example of this lack of a standardized approach.

Case Study B-8: An Inconsistent and Undocumented Assessment Approach



The merit-based competition for an excluded analyst was weakened by the approach in assessing top candidates' past work performance. Four candidates passed the interview to arrive at this stage of the competition, and the past work performance was assessed for all four. However, the assessment approach varied depending on the candidates. Two candidates' referees were asked only about their strengths and weaknesses and if there was "anything else" the hiring manager should know.

The other two candidates had applied on previous competitions in the work unit or with the same hiring manager, so the hiring manager used those previously completed past work performance checks. The approach for those candidates was both considerably different and not well documented. In those assessments, the hiring manager advised that referees had been asked questions about the candidates' communication skills, teamwork, and cooperation and relationship building. The file contained no record of the questions themselves.

This inconsistency, coupled with poor documentation, meant it was unclear whether the successful candidates' past work performance assessment had been fairly and reasonably evaluated.

Deferring past work performance assessments for employee candidates

To ensure employee candidates receive accurate information of their standing at the end of the competition, internal candidates must be fully assessed, which includes 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. See Case Study B-9 for an example of this kind of error.

Case Study B-9: Missing Reference Check for an Employee Placed on Eligibility List



A junior policy analyst competition in this year's audit was well conducted throughout but fell short at the end with regard to past work performance assessment. While past work performance was properly assessed for the employee who was appointed from the competition, the hiring manager neglected to conduct a past work performance check for an employee candidate who was placed on the eligibility list.

Candidates on eligibility lists are considered fully qualified and ready to appoint if the opportunity arises. For candidates external to government, it is reasonable and allowable to defer their reference checks until they will be appointed from the eligibility list. However, these external candidates must be advised in their regret letter that their placement on the eligibility list and any subsequent appointment is subject to a successful past work performance assessment. Conversely, when an internal candidate is placed on an eligibility list, it is imperative that the assessment be done before the competition is finished, so that if the internal candidate is not successful, they are able to request an inquiry and review of the competition (through stages 2 and 3 of the [Public Service Act Regulation](#)) if they believe the successful appointment was not based on merit.

Deferring past work performance assessments for non-employee candidates

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 alternative employment until there is a strong possibility of an appointment being 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 past work performance check. In the competitions in which this detail to external candidates was not included in the regret letters, the audit reports included a note for improvement indicating the importance of stating this condition to ensure transparency.

Years Of Continuous Service Stage and Observations

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 differs 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.

Errors at the years of continuous service stage continue to represent less than 10% of all merit errors. Generally, these errors fall into two categories:


1. years of continuous service was not assessed, or
2. years of continuous service assessed incorrectly.

Of the 268 appointments audited in the 2022/23 cycle, the collective agreement provisions of either the BCGEU or PEA were applied in 214 or 80% of the cases. Of these 214 appointments, auditors identified 10 or 7% of the cases had errors associated with the application of years of continuous service.

Number of appointments	Number of Errors – Years of Continuous Service			
	Total	Unknown impact	Mitigated impact	Negative impact
10 (7%)	10	8	1	1

Properly considering years of continuous service

There were four audited processes where consideration of this factor was required but it was either not considered or it was calculated but not added to candidates' competitions scores. This type of error has the potential to affect the final standing of candidates. In case studies B-10 and B-11, this kind of error can have a serious impact on candidates.

Case Study B-10: No Consideration or Documentation 
<p>An internal “expression of interest” competition resulted in one appointment and another candidate being placed on an eligibility list.</p> <p>Among the concerns with this “merit not applied” finding, both internal candidates for the position would have been entitled to receive points for years of continuous service in the public service. However, there was no indication that this factor had been considered or assessed because the file contained no resumes or notes. The auditor was unable to determine whether, had this factor been correctly considered, it could have changed the final ranking of candidates.</p>

The formula for calculating points for years of continuous service is based on the total points available in a competition. In 6 of 10 of these errors, most 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-11.

Case Study B-11: Out of Order Rankings on Eligibility List



In one competition, two qualifying candidates were ranked and placed on the eligibility list out of rank order because their years-of-continuous-service scores were not included in their final score. The hiring manager acknowledged that this was an oversight.

Where years-of-continuous-service scores are calculated at the end of a competition, it's important to remember to add those scores to the candidates' total scores so that they are appropriately ranked.

Notification Stage and Observations

Unsuccessful employee applicants must be notified of the competition's outcome to have access to their recourse rights in accordance with the Act and Regulation 443/2003. Timely notification allows employees to seek feedback and possibly challenge the decision of an appointment through the staffing inquiry and review process should they choose to do so.

The Merit Performance Audit examines if unsuccessful employee applicants are properly advised of the results of a hiring process. This includes those who were not considered eligible or not shortlisted. See Case Study B-12 below for an example of good practice.

Case Study B-12: Thorough and Thoughtful Tracking



In a competition for a Child and Youth Mental Health Support Worker with over 200 applicants, the hiring manager took care to track communication to ensure all regret letters were sent at the appropriate time. The hiring manager used an Excel spreadsheet to track who received regret letters following the screening for eligibility, after shortlisting, and at the competition conclusion. They also tracked the date each letter was sent. With so many applicants and resulting candidates, this organized approach helped ensure that all candidates were notified properly.

When conducting interim regret notifications at each stage of the hiring process, it is important to remember that a final regret notification with the necessary details is still required to be sent to all internal applicants at the close of the competition. Best practice is to include the external applicants in this process as well.

Auditors also note where necessary notification details regarding the competition outcome may have been omitted or are inaccurate.

In the 268 appointments audited, the panels provided most applicants with proper final notification. Errors involving proper and transparent notification were identified in 11 or 8% of the audited appointments.

Number of appointments	Number of Errors - Notification			
	Total	Unknown impact	Mitigated impact	Negative impact
11 (8%)	11	10	1	0

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 the shortlisting stage, received an interim regret notification of their status in the competition. However, they did not receive a final notification of the competition outcome. Case Study B-13 provides an example.

Case Study B-13: Interim Regret Letters Not Enough

In a competition for a director position, a final notification about the competition's outcome was not sent to all applicants. A regret notification was sent to candidates who progressed through the competition, but three applicants who were not shortlisted failed to receive a final notification letter. While the internal candidates received interim regret notification letters at the shortlisting stage, this alone was not sufficient. Interim regret notification letters do not replace the final notification.

Without proper final notification when another candidate has been appointed, employee candidates' right of review, as provided by the *Public Service Act*, may have been impeded.

In the remaining cases, one or more employee candidates were overlooked in error when final regret notification letters were issued. The audit also identified an internally restricted process in which the panel made a general staffing announcement; however, they failed to provide the unsuccessful employee candidates with proper final notification.

Over half of the many 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 for improvement were made to improve competition transparency. Most frequently, these 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.

Notification observations

- Notification errors remains one of the least likely errors to be found in an audited appointment.
 - This has remained consistently low around 5% for the past several years.
 - This year represents a slight increase overall, with 11 or 8% of errors.

- Notification errors are most likely to be missing notification letters but can also include notification letters being incomplete or incorrect.
- Notification missing represents 9 of the 11 errors in this audit cycle
- Less common, but still found in this stage are administrative errors and unnecessary delay of notification.

Notification errors do not result in “merit not applied” finding as these occur after the hiring decisions are made and there cannot be a known negative outcome on the competition outcome.

However, the notification stage had the second largest number of “notes for improvement,” mostly due to missing details (such as names of successful candidates as required by collective agreements) in the letters to unsuccessful applicants.

Appendix C: Inventory Process Observations

In 2022/23, 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 of the Merit Commissioner selects an appointment for audit that was the result of a competition restricted to an inventory, auditors first review and report on the process(es) used to establish or replenish the inventory. The audit of the inventory establishment process reports on any areas of concern in the inventory creation, 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 inventory's creation.

Second, a standard audit of the randomly-selected appointment is conducted. This audit examines the subsequent hiring process that resulted in the appointment. If errors or areas for improvement are found, the Office determines if these are attributable to a concern in the inventory or in the subsequent selection process. The appointment-specific audit report is sent to the deputy minister responsible.

2022/23 Observations

Of the 268 appointments audited in 2022/23, 10 were made from hiring processes restricted to seven candidate inventories. One of the appointments was made from the Employment and Assistance Worker inventory and one was made from the Client Service Worker inventory which was audited by the Office in 2021/22. Table C-1 summarizes the inventory processes reviewed in the 2022/23 Merit Performance Audit.

Table C-1 Summary of Inventories Audited in 2022/23		
Inventory name	Number and type of establishment processes audited in 2022/23	# of audited appointments
Community Integration Special (Community Program Officer 18)	1	2
Employment & Assistance Worker (Community Program Officer 15)	2 (1 audited 2021/22)	5
Client Service Worker (Clerk 9)	2 (1 audited 2021/22)	3
Total	5	10

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
2022/23	5	3	10
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, Community Integration Special, Employment & Assistance Workers, Court Clerk, Forest Technician, Financial Officer, Client Services Worker, and Child and Youth Mental Health Clinician

Inventories typically attract many applicants. In 2022/23, the five inventory processes audited attracted between 431 and 878 applicants. Auditors observed the tracking and management of these applicants through the inventory process.

Of the 10 audited appointments made from hiring processes restricted to a candidate inventory, four were made from two Employment and Assistance Worker inventories, two were made from two Client Services Worker inventories, and two were made from a Community Integration Special inventory.

The audit found that two out of five of these processes were well conducted and documented by the inventory management team. In the other three audit processes, discrepancies were identified with shortlisting. Specifically, the audit found candidates who did not meet the shortlisting experience requirement but were invited to complete the next assessment stages. The specific concern was that an unreasonable substitution was used for one of the minimum experience requirements; using this shortlisting practice had the potential to result in unqualified candidates being short-listed. These audits also identified an inconsistency in the treatment of applicants due to some applicants advancing via this unreasonable substitution and some not. These issues pose a risk to the merit of subsequent processes that rely on the inventory for their candidate pool and create the possibility that unqualified candidates will be appointed.

The two remaining appointments were based on the Client Service Worker inventory and Employment and Assistance Worker inventory audited in the 2021/22 audit cycle. The audit found that both 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.

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 2022/23 Merit Performance Audit found that the appointed individuals met the qualifications specified as required for the position, with the exception of 12 cases. In 10 appointments, a finding of “qualifications not demonstrated” was made; evidence was insufficient to show that the individual, when appointed, possessed the required qualifications. Two appointees were found to be “not qualified.”

“Qualifications Not Demonstrated”

In four cases where the appointee had a finding of “qualifications not demonstrated,” the references obtained to assess past work performance were from co-workers or peers, or were absent in the file. The audits concluded that without an acceptable supervisory or equivalent reference, it could not be confirmed that the candidates met the past work performance standards required for the position.

In one of the 10 cases where the appointee had a finding of “qualifications not demonstrated,” the issue was the establishment of an unreasonably low education equivalency. At the time of the appointment, it was unclear if the appointee, who had no education beyond a high school diploma, demonstrated the education requirements for the position.

In another two of the 10 cases, the auditor identified that the appointees had not met a posted experience requirement for the position. In another case, the auditor found that the appointee was hired into a different position than the one that was posted. The audit concluded that without a job description for this position to validate the education and experience requirements, it could not be confirmed that the appointee met the qualifications for the position they were hired into.

In another of these cases, the individual was placed into the job without a competitive, merit-based process. In another case, the appointee’s qualifications were unknown, as the resume, total competition scores, past work performance, and years of continuous service were absent from the competition file. As a result of these two cases, the auditor concluded that there was insufficient evidence to conclude that the appointees possessed the qualifications specified as required for the position.

“Not Qualified”

In one of the two cases where the audit found that the appointee was deemed “not qualified,” there was no evidence that a supervisory assessment of past work performance to verify the individual’s qualifications had been conducted. Further, the audit determined that the appointee was not qualified as they failed to achieve the minimum score required to pass the interview.

In the second case, the auditor found that the appointee did not have a valid driver’s licence, which was a posted requirement of the position which was used for shortlisting. Additionally, on this same case, two other mandatory experience requirements were not evident in the candidate’s resume.

Appendix E: Documentation Observations

When the Office randomly selects appointments for the annual merit performance audit, the hiring ministry, agency or organization is asked 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 auditors do not require any additional information or clarification to complete the audit. The basis of conducting an audit is the competition file. In addition to making findings about merit and the qualifications of the appointee, auditors assess how well the competition documentation supports the hiring decision. Documentation is categorized as “good”, “sufficient” or “insufficient.”

For a competition with documentation assessed as “good,” auditors can normally complete the audit based on the documentation submitted, with no or minimal clarification from the hiring manager. In the 2022/23 audit cycle, 66% (177 of 268) 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 documented information or a detailed explanation 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 still 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 2022/23 merit performance

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

audit, 20% (55 of 268) 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 it was not possible to determine what happened based on the file. In the majority of insufficient determinations, 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 2022/23 audit cycle, 13% of appointments (36 of 268) had “insufficient” documentation.

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

Auditors found documentation issues in all stages of the hiring process. Consistent with previous merit performance audits, in files where the documentation was found to be either “sufficient” or “insufficient,” the most two most problematic areas occurred at the shortlisting and interviewing and testing stages. In shortlisting, two common issues were: candidates being short-listed when they did not meet the mandatory qualifications for the position, with no clearly documented rationale for the decision; and shortlisting decision being limited to final decisions with no supporting or inadequate rationale to clearly document why some applicants were screened in while others were screened out. As

in previous audit cycles, a commonly observed documentation issue in both testing and interviewing was poorly recorded or missing marking criteria with no supporting rationale or documentation for results. Without marking guides, target behavioural competency levels, behavioural interpretive guides or anticipated responses, it is not possible to determine if candidates' responses were marked in a reasonable and consistent manner. In these circumstances, additional information was required to conclude the audits.

Merit performance audits are a retrospective review of a competition, that can occur often several months after a hiring process has concluded. A properly documented competition file can assist hiring managers and/or ministry representatives in responding to enquiries from the Office of the Merit Commissioner by being able to easily provide both missing and updated documentation or by providing verbal evidence in support of a meritorious process.

When a competition file is well documented, clear and complete, auditors rarely have to contact the hiring manager for further information and do so where minimal clarification is required. As in previous audit cycles, the finding is "good" in the majority of competition files for the 2022/23 merit performance audit. 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.

Of note in this audit cycle is that 24 files selected for audit were "expression of interest" competition files.

Ten of these files, or 42%, resulted in a "sufficient" or "insufficient" finding for documentation.

Appendix F: Response from the Deputy Minister of the BC Public Service Agency



Where ideas work

January 19, 2024

David McCoy
Merit Commissioner
Office of the Merit Commissioner
5th floor – 947 Fort Street
Victoria, BC V8W 2C4
Delivered via email: merit@meritcomm.bc.ca

Dear David McCoy:

Thank you for sharing a confidential draft copy of your 2022/23 Merit Performance Audit Report.

I am pleased to see continued positive results in merit-based findings for the BC Public Service. Your draft report confirms appointments are based on merit and were not the result of partisanship or favoritism. These positive findings align with the BC Public Service direction as we continue to modernize hiring processes to support the recruitment of a qualified workforce representative of the people we serve.

Yours sincerely,

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

Deb Godfrey
Deputy Minister

pc: Inderjit Randhawa, Assistant Deputy Minister, Human Resources Operations Division, BCPSA