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Realities and challenges of implementing merit protection frameworks: Australian Capital Territory, Queensland and Aotearoa New Zealand

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Merit 2.0: Factors in Merit Based Recruitment, Promotion and Retention in the Public Sector
Stage Two: Realities and challenges of implementing merit protection frameworks- Australian Capital Territory, Queensland and Aotearoa New Zealand

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CONTENTS

EXECUTIVE SUMMARY

Merit is a foundational principle that underpins public sector employment. This report, commissioned by the Australia and New Zealand School of Government (ANZSOG) and the Australian Capital Territory (ACT) government details key findings about understandings of merit, with reference to contemporary challenges that aim to integrate suitability and diversity alongside efficiency. This executive summary highlights key findings from the second stage of a research project. The research was carried out by researchers at the Public Service Research Group at UNSW Canberra and Victoria University of Wellington. It is based on interviews with 76 public servants in the ACT, Queensland (QLD) and Aotearoa New Zealand (NZ) public sectors.

Understandings of merit are context-dependent

Our examination across the three jurisdictions revealed that understandings of merit from practitioners' perspectives are heavily influenced by context. Specifically, the role of the overarching regulatory framework governing each jurisdiction is robust in informing how merit is defined and practiced.

In QLD, the concept of merit is undergoing transformation towards a suitability framework. The *Public Sector Act 2022* plays a crucial role in this shift, formally urging a departure from traditional Westminster merit-based assessments that focus heavily on skills, qualifications, and work experience. Instead, the Act aims to integrate suitability, which includes an applicant's ability to perform job requirements, past performance, potential future contributions, and alignment with equity, diversity, and inclusion goals. Suitability encompasses traditional Westminster merit traits but goes further by considering the candidate's fit with the team and the organisation. This holistic approach can identify multiple suitable candidates prior to identifying the person who is best suited to the position. Given its early stage of implementation in 2024, there remains some confusion among selection panel members and job candidates about the suitability framework. However, there is a general positive sentiment that the move towards this framework represents a more comprehensive and inclusive approach to recruitment in QLD.

In the ACT, merit is heavily influenced by historical practices and established routines. Governed by the *Public Sector Management Standards 2016* and the *Public Sector Management Act 1994*, the principle of merit and equity is central to ACT recruitment processes. Following classical understandings, merit in the ACT constitutes skills, qualifications, and work experience. In practice, however, the ideas of 'fit' and 'potential' are increasingly becoming part of assessing merit in the recruitment and selection processes in the ACT, albeit informally. There is widely held awareness of diversity considerations in recruitment and selection, with targeted recruitment for people with disabilities and Aboriginal and Torres Strait Islander peoples. Position descriptions (PDs) are seen as an important tool to attract candidates, and so should be informative, welcoming and inclusive and able to be understood by candidates. This is hampered by a reliance on generic position descriptions (PDs) and an unwillingness, or lack of capacity due to broader time pressures to alter these. Despite the emphasis on equity and accountability, there is a growing recognition of the importance of suitability, fit and potential in assessing merit, indicating a potentially emerging practitioner-led shift towards a more holistic approach to merit.

In Aotearoa New Zealand, merit-based appointments have shifted from a focus on procedural justice to consideration of broader demographic 'outcomes' and workforce representativeness. The *Public Service Act 2020* defines merit based on a candidate's suitability, expanding the assessment criteria beyond traditional Westminster skills, qualifications, and experience to include factors such as fit within the team, organisation, and the public service. The Act also highlights the importance of diversity and inclusion in determining merit-based appointments. Specifically, there is an increased emphasis on meeting the needs of Māori and other ethnic and minority groups to ensure that the public service workforce reflects the communities it serves.

Additionally, public service leaders are now incorporating assessments of public sector values into their evaluation of merit, in line with the Act's emphasis on preserving and nurturing the spirit of service. However, some concerns have been raised that the current focus on merit may be overly mechanistic and revert to traditional Westminster traits and procedural justice, as public service agencies strive to operate within strict frameworks and mitigate potential legal risks amid significant change processes across the sector. As shown, the three jurisdictions have very different merit protection frameworks, which then inform how merit and/or suitability are implemented in recruitment and selection processes.

Having briefly overviewed the regulatory frameworks, we now summarise our seven key findings.

1. **Integrating 'merit' with 'suitability' entails a change process**

Particular to the QLD jurisdiction, moving towards a suitability framework was considered by participants to be a change process. Moving from the traditional Westminster 'individual-focused' and quantitative merit-based approach to a more collective and team-based approach that considers more than individual characteristics requires careful change management and planning. This is necessary to address resistance from stakeholders who may still adhere to classic notions of merit. Clearly defining 'suitability' in relation to merit is crucial, alongside practical implementation guidelines to retain fairness and transparency.

2. **Fit and potential are prominent in emerging views of 'merit'**

Our data shows that 'merit' can be reconceptualised to incorporate individual, group, organisational and sector-wide factors. A key aspect of this reconceptualisation is the need to clearly define and measure what 'fit' means. 'Fit' is an important part of suitability, but its definition varies among senior leaders and panel members who focus on different aspects, such as *fit to job requirements*, *fit to team culture*, and *fit to organisational and public service strategic goals* (e.g., diversity). Assessing 'fit' for the organisation and team is increasingly a collective approach to merit, as merit/suitability is assessed on the group, rather than the individual.

Although the suitability lens has not been formally introduced in all jurisdictions, its bearing on contemporary merit practices in public services is noticeable. Where jurisdictions formally adhere to classical merit principles (and where these are enshrined in legislation), considering 'fit' and 'potential' as part of 'merit' has entered practitioners' understandings of merit. 'Fit' is assessed as being part of what constitutes merit, dependent on the team and organisation, and indicative of a more collective approach to merit than traditional Westminster practice.

3. **Tensions surrounding merit and diversity abound in practice**

Contemporary understandings of merit include diversity factors such as gender, sexuality, LGBTIQA+ status, race, age, Indigenous status, and culturally and linguistically diverse (CALD) status. These diversity factors are linked to fit within the team and organisational strategic goals, and in some cases with the wider public service itself, as in the case of Aotearoa New Zealand. Although incorporating diversity aligns with strategic goals in public service, the broad and inconsistent understandings of diversity, including visible characteristics like gender and invisible aspects like neurodiversity and some types of disability, create challenges that led to tensions and uneven implementation of diversity practices in public service recruitment.

4. **Merit practices are transitioning to integrate suitability and diversity, but challenges exist**

While traditional Westminster merit processes are prevalent in general recruitment, features addressing suitability are increasingly integrated. For instance, in the selection phase, classic merit processes like candidate shortlisting and panel interviews persist, yet new interview practices and alternative assessments, such as informal conversations (e.g., coffee chats, yarning circles), are being introduced. Additionally, suitability pools' are slowly becoming the norm in QLD, while merit lists/pools in the ACT are still used. In Aotearoa New Zealand, agencies operate informal merit-based talent pools to reduce the financial and resource costs of going out to market again within certain timeframes.

5. **Information and knowledge asymmetry is evident in merit and suitability processes**

Although recruitment and selection processes aim to promote equity and transparency, *information and knowledge asymmetry* arises at the implementation level. Public servants possess better information than external candidates and are thus in a better position to prepare their application documents to fit the requirements. This information asymmetry undermines the core purpose of the merit/suitability principle which includes leveling the field and offering equal opportunity. Public sector recruitment and selection processes can therefore be unintentionally exclusionary. In partnership with HR Business partners, learning opportunities should be provided for those involved in the recruitment process to address any preference towards applicants who are familiar with the language, conventions and jargon of the public service.

In addition, job Interviewees can be confused by the use of generic position descriptions that do not accurately reflect the position for which they applied. Correspondingly, selection panel members can be

unwilling to change position descriptions due to the amount of work that would involve. This finding highlights where institutional and organisational culture stymies innovation resulting in many position descriptions considered not fit for purpose.

6. Merit selection processes can be time consuming

Undertaking recruitment and selection based on merit/suitability can be time consuming. Although fairness and transparency are essential, over-adherence to process can be inefficient. Formal processes for expressions of interest can be too onerous; similarly, detailed selection committee reports written to ensure legislative compliance and avoid challenge from unsuccessful candidates can be inefficient. Assessing merit and suitability differently, through, for example, coffee chats, is necessarily more time consuming and creates a further compliance burden to justify such processes within the current frameworks.

7. Workplace planning has the potential to improve merit practices, but it is rarely done

Workforce planning can enhance merit practices by identifying areas and positions where greater diversity is needed now and in the future. However, incorporating workforce planning in public service recruitment is uncommon. Interview participants cited time constraints and a lack of knowledge or capability, including at the organisational/agency level, as reasons for not undertaking workforce planning.

Overall, we have found that enduring tensions associated with merit remain, including those associated with efficiency, and fairness. However, we have also uncovered a range of innovations, stemming from the new legislation in QLD, the sound regulatory framework in Aotearoa New Zealand and through innovations led by practitioners in the ACT. Progress towards a recruitment system that balances these tensions differs between the three jurisdictions, as we show in this report.

General practice points

These points are designed to guide appropriate practice in public service organisations as they implement merit/suitability-based approaches to recruitment and selection.

1. The merit principle is changing to include notions of suitability, however this is inconsistently understood and applied.

2. Tensions exist between the need for standardisation to ensure consistency and/or transparency, and the need for increased flexibility to enable effective implementation of diversity and inclusion objectives. This leads to a policy/implementation gap.

3. Understandings of merit differ between jurisdictions, selection panel members and job candidates. Some confusion and uncertainty exists with job candidates and some panel members on how the 'suitability' principle is applied. We note, however, that the majority of panel members generally had a good understanding of the concept and how this could be implemented.

4. 'Fit' is an important consideration when assessing merit and/or suitability. However, assessing fit is subjective and can be vulnerable to biases and risks as it is based on an estimation of future work conduct based on assumptions about how people will 'fit'.

5. Analysis of recruitment and selection processes highlights innovations, such as yarning circles and less formal processes. But these can be constrained by time pressures, unclear or inaccurate position descriptions, lack of clarity about what processes are allowed, complex approvals, and fear of legislative non-compliance.

6. Tensions exist between merit and diversity, stemming from different understandings and definitions of diversity, and merit. This results in selection panels not always being clear as to who they can recruit.

7. Tensions between merit and efficiency are evident, however, some of these are being addressed, such as the removal of selection criteria in selected jurisdiction(s) and move to a two-page pitch. (We note, however, that the two-page pitch presents other challenges).

Based on these key practice points, we have developed a set of key actions to guide public sectors as they consider, and potentially reform, the conceptions of merit and associated processes.

Key Actions to Ensure Recruitment and Selection Processes are Meritorious, Fair, Efficient and Promote Diversity

4. SELECTION
- Write brief selection report, include considerations of merit/suitability
- Notify all candidates and provide meaningful feedback

1. PREPARATION
- Train candidates and panel members in merit-based/suitability recruitment processes, relevant legislation
- Appoint HR business partner to advise / oversee process
- Undertake workforce planning, with assistance from HR business
- Undertake simple role evaluation where necessary

3. ASSESSMENT
- Create shortlist, including being based on suitability, fit and potential
- Use a variety of interview formats, including those which are culturally appropriate and are suited to context
- Conduct interviews which include behaviourally–based questions

2. ATTRACTION
- Ensure position descriptions are specific, and accessible to external applicants
- Post job advertisements widely, particularly to attract diverse candidates

Note: This is based on the Table of Leading Merit/Suitability Human Resource Practices, which contains more detail on the following page, vi.

Table 1: Leading Merit/Suitability Human Resource Practices

Recruitment and Selection Stage	Best Merit Practice Description and Examples
1. Preparing to undertake recruitment and selection	External assistance provided to selection panels can decrease the panel's workload and provide expertise. This assistance to be engaged at the onset of recruitment and could involve an HR business partner assisting; or at the very least, a scribe. All those involved in recruitment undertake training; and where suitability is a criterion, undertake training in implementing the relevant legislation. Training to include traditional Westminster recruitment procedures, information on diverse assessment methods, the use of merit selection pools/lists, and the efficient use of identified positions. Training to be included as part of the workload model for public servants.
2. Identify position and write position description (workforce planning, "fit")	Position descriptions (PDs) to be developed in the context of strategic and operational workforce planning to identify the characteristics of appropriate fit for the team. The PD to include a description of the skills necessary to complete the job as well as the suitability characteristics associated with team fit. The PD development process to be flexible to accommodate diverse, accurate, and informative descriptions for positions which have become permanently vacant. PDs need to be able to be changed without triggering a full formal job evaluation; flow-on effects also need to be recognised, for example, when roles and duty levels change. In the case of identified positions, limited applications to targeted diversity groups can help increase the number of applicants from the targeted group. External agencies with existing pools of diverse candidates can also help increase the number of applicants from a targeted diversity group. Programs are needed to overcome the stigma associated with applying as a priority candidate by helping candidates understand and showcase the connection between diversity and merit. Diversity dashboards help divisions track recruitment against diversity targets. These dashboards provide selection panels with an overview of pools and the diversity of candidates, which helps the panels identify if they are attracting a diverse range of candidates. Information and guidance given to all external candidates in plain language can help them translate their skills for the public sector. Similarly, public sector recruitment guidelines can highlight the transferability of external candidate skills. Both activities help decrease knowledge and information asymmetries amongst internal and external candidates, thereby increasing fairness within the recruitment process.
3. Write and post job advertisements (digital and physical)	PDs to provide an accurate description of the job tasks and associated requirements. PDs to include elements of job fit, such as desired skillsets or knowledge needed to complement the team rather than purely complete job-related tasks. Job ads to also include an accurate description of the work environment to facilitate fit and manage job candidate expectations. Further, recruitment advertising to clearly explain the link between diversity and suitability, and the reasons why recruiting for diversity constitutes suitability. This increases the transparency of the recruitment process, thereby increasing fairness. Build relationships, networks and initiatives with diverse communities. Using targeted advertisements can increase the rate at which members of a targeted community apply for a job. Posting job advertisements in a variety of media helps reach a broader candidate base. This is especially important in remote communities where candidates may not have the technological resources to see and apply for web-based job advertisements. In such cases, posting physical copies of job advertisements in central community hubs can meaningfully increase the visibility of a job advertisement in a targeted community.
4. Candidate applies for job	Job candidates need an accurate idea of the skills required to complete the job tasks as well as the characteristics associated with team fit. They need to be able to articulate their own skills and characteristics in the context of these requirements through storytelling in their CV and cover letter. Optional pre-application quizzes attached to the online recruitment form provide an opportunity for prospective candidates to self-assess their fit with the job and team.

5. Selection panel reviews applications (CVs and cover letters); creates a shortlist	Selection panel members to have a good idea of the specific requirements of the position and the skills needed to fill those requirements. This requires a focus on job and team fit that goes beyond traditional definitions of merit. Clear training on how to assess merit/suitability for selection panel members leads to more effective assessment of job applicants' fit for the role and team. Training on how to identify diversity is also necessary to link diversity principles with merit/suitability assessments. HR business partners can increase fairness and improve the efficiency of the recruitment process, especially in the evaluation of CVs and cover letters.
6. Assessment: interviews, work tests, etc.	Having a variety of interview formats provides flexibility for selection panels and job candidates. This flexibility is linked to increased ability to assess (selection panel) and demonstrate (job candidate) merit, particularly as it relates to fit for the job and fit for the team. Furthermore, flexibility in interview format accommodates diversity by facilitating culturally appropriate practices (e.g. yarning circles). Providing reasonable adjustments to application processes, especially interviews, is important for supporting a diverse applicant pool. Examples of alternative interview formats include yarning circles, focus on storytelling, group assessment centres, practical activities, presentations, coffee chats (one-on-ones), community representative panels, scenario and behaviourally-based interview questions, and written tasks (e.g. policy brief, news report summary).
7.Final selection determined; report written	Selection of the successful candidate to be based on the ability (demonstrated or future) of the candidate to complete the job tasks as well as the candidate's fit with the team. Selection panel members and division leadership to continuously evaluate the implementation of recruiting for merit/suitability to identify inconsistencies and areas where further training is needed. Further training to determine whether outcomes have been achieved (i.e. diversity targets met). The writing of selection reports streamlined, with clear instruction for selection panel members on how to report the candidate's ability to complete the job tasks and the candidate's fit with the team. External assistance to write the selection report can aid panels in increasing the efficiency of writing the report.
8. Outcome communicated to candidates, feedback upon request	Unsuccessful candidates who request feedback receive feedback from the selection panel in a timely fashion (i.e. one to two weeks). Feedback to include an explanation of what suitability means for the candidate in relation to the position. Policy and training on giving feedback to be developed and implemented.
9. EOIs/Promotions	Expression of interest (EOI) PDs to be comprehensive, including a detailed description of skills requirements and characteristics of team fit. The promotions and EOI processes to be streamlined, with shorter processing timelines. However, it is important to maintain the formality of the EOI process as this supports transparency and fairness.
10. Merit/Suitability pools	Merit/suitability pools to be used instead of strictly ranked lists because they allow for more flexibility in future recruitment processes. This decreases the amount of time needed to recruit.

1. INTRODUCTION

Merit has been a foundational principle underpinning public sector employment. However, merit has multiple meanings, and the merit principle is interpreted differently by managers, employees, and HR practitioners[1]. This results in inconsistent implementation of the merit principle in recruitment and selection processes (for more explanation of the tensions and issues around merit, see the Appendix). This project explores and challenges understandings of merit in the public sector to make implementation of the merit principle more effective and useful.

The project identifies which factors constitute selection panel members', employees', and human resource professionals' understanding and assessment of merit. It also examines how the merit principle is implemented. We have explored with practitioners and job candidates the tensions inherent in accruing and assessing 'merit', including diversity versus merit, and the potentially competing aims between implementing merit-based processes and efficiency, timeliness, and perceptions of fairness and transparency.

To fully understand merit and the implementation of the merit principle, we have answered the following research questions:

1. How is 'merit' understood and the merit principle operationalised in human resource (HR) systems and processes by selection panel members and employees?

2. How can 'merit' be reconceptualised to incorporate individual, group and team factors to ensure fairness and transparency?

3. How can HR recruitment processes be reformed to incorporate the inherent tension and conflict between competing demands, needs and priorities, while also being accepted as fair by staff?

We have responded to these questions in this report. This report complements an earlier Stage 1 report produced for this project. Our report *Stage 1: Merit 2.0: Factors in Merit Based Recruitment, Promotion and Retention in the Public Sector* includes an overview of the academic debates around merit in the public sector, a review of the merit protection frameworks in QLD, the ACT and Aotearoa New Zealand, and an analysis of a small number of recruitment advertisements to understand how merit is represented in those ads.

Our study

The research team conducted interviews in the ACT, QLD and Aotearoa NZ jurisdictions with senior leaders, selection panel members and job candidates over a four month period, from April to July 2024. This research had ethical clearance from UNSW Canberra (UNSW Ethics: 5869). A total of 76 participants took part, summarised below in Table 1. Efforts were made to attract a sample representative of the diverse demographic makeup of the public sector jurisdictions which agreed to participate in the research. The participant sample includes individuals who identify as Aboriginal or Torres Strait Islander, LGBTQIA+ individuals, as well as Culturally and Linguistically Diverse (CALD) peoples, and individuals who identified as living with a disability. To help ensure anonymity of the participants who took part, and particularly in smaller jurisdictions such as the ACT and Aotearoa NZ, further demographic details of the sample cannot be revealed, and quotes have been de-identified.

Key informants (i.e. senior leaders) were interviewed first, to provide an overview of the regulatory framework, and implementation of the merit/suitability principle. The research team then interviewed selection panel members and job candidates from two QLD agencies, and two ACT directorates. The second ACT case study produced a smaller number of interviews, however, overall, rich data was generated which enabled the research questions to be answered. Interviews were simultaneously carried out with 6 senior leaders only (not selection panel members or job candidates) from Aotearoa New Zealand to better understand how merit is understood and enacted outside of the Australian

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[1] See for example, Foley, M., & Williamson, S. (2018). Managerial perspectives on implicit bias, affirmative action, and merit. *Public Administration Review, 79*(1), 35-45. https://doi.org/10.1111/puar.12955.

context. Due to the very different contexts in the three public sectors, slightly different findings are discussed for these jurisdictions.

Once the data was collected, the research team searched for themes. Drawing on Braun and Clarke's (2006) phases of thematic analysis, the research team first engaged in an informal coding practice to identify (1) understandings of merit and (2) practices and procedures at each stage of the HR lifecycle (recruitment). Team members were divided into three sub teams and assigned analysis duties with each sub team responsible for one jurisdiction (QLD, ACT, Aotearoa New Zealand) to ensure efficiency of analysis and consistency of data interpretation within each jurisdiction.

Once understandings of merit and HR practices had been identified, the research team analysed the data according to four key themes: transparency, efficiency, fairness, and diversity. Tension among merit understandings and these key themes were also identified by the research team. These tensions form the basis for identifying better and improved merit-based practices and enduring challenges. After the team identified the key themes in the data, each sub team recorded their findings in the report. The draft findings were then shared back with participants who took part for their review and opportunity to provide feedback. A virtual 'Findings workshop' was held with QLD and Aotearoa New Zealand participants in October 2024 with insights and feedback provided to inform the final report. The findings were not compared across jurisdictions due to the context-dependent nature of merit implementation in each jurisdiction.

Table 2: Interview Participant Type by Jurisdiction

	Senior Leaders	Selection Panel Members	Combined*	Job candidates	Total participants by jurisdiction
ACT	9	4	6	5	24
QLD	7	17	13	9	46
Aotearoa New Zealand	6	0	0	0	6
Total participants by type	**22**	**21**	**19**	**14**	**76**

*'Combined' means interviewed as selection panel members and job candidates as participants experienced both roles.

As with all research, this project has limitations. It is important to note that the short duration of this project (12 months) meant working at a significant pace for all involved. Despite efforts to reach a higher and diverse sample size, time constraints on public servants hampered efforts, impacting generalisability of findings.

We would like to thank ANZSOG and the ACT public service for sponsoring this important project. We also thank key stakeholders in the ACT and QLD governments for securing case study agencies to participate in the study; we also appreciate the New Zealand Public Service Commission support and assistance with this project. Finally, we would like to thank all those who we interviewed for their time, sharing their knowledge and experiences, and their demonstrated commitment to improving public sector merit-based human resource processes.

The remainder of this report comprise three sections. The first on ACT, followed by QLD and Aotearoa New Zealand. Each section begins with a background understanding of the jurisdiction and key legislative requirements and frameworks. Analysis is then presented around four key themes:

1. Understandings of merit (how 'merit' is understood in practice)
2. Implementation (how 'merit' is operationalised in practice)
3. Tensions between 'merit' and efficiency
4. Tensions between 'merit and diversity

Alongside exploring issues associated with merit, we highlight innovations and leading practices (see page vi above for a summary table of leading practices). For more detail, Appendix 1 provides a summary of relevant literature and Appendix 2 provides research insights for individual jurisdictions to consider.

2. AUSTRALIAN CAPITAL TERRITORY

The 2022-23 State of the Service Report[2], notes that as of June 2023, the ACT Public Sector (ACTPS) consisted of 27,447 employees, with 24,421 full-time equivalent (FTE) positions. The ACTPS values inclusion and belonging, has a diverse workforce, and operates within a human rights framework[3]. Women make up 64.6% of the workforce, with their representation in executive roles at 56.5%. There were 0.1% of employees who identified as non-binary[4]. The 2023 ACTPS Employee Survey showed that 6% of respondents are LGBTIQA+[5]. Aboriginal and Torres Strait Islander employees represent 2.1% of the total ACTPS workforce[6]. Of senior ACTPS executives, 2.4% identify as being Aboriginal or Torres Strait Islander, with the proportion in senior officer positions remaining steady at 1.7%[7]. Culturally and Linguistically Diverse (CALD) employees made up 24% of the ACTPS workforce[8]. There were 3.1% of employees who identified as living with a disability, an increase from the previous year. Representation in leadership for this group is higher than the ACTPS average, with 7.2% of executives and 4.7% of senior officers identifying as living with a disability. The ACT Disability Strategy 2023-2033 has set an initial target of 9% of ACTPS employees, including executive staff, being people living with a disability[9].

Recruitment within the ACTPS is governed by the *Public Sector Management Standards 2016* (PSM Standards), which is subordinate regulation to the *Public Sector Management Act 1994* (ACT) (PSM Act). A central tenet of these regulations is the "principle of merit and equity", which mandates that the head of service must adhere to this principle in all activities (s. 8 PSM Act). Merit in the context of the merit and equity principle consists of "the applicants' relevant behavioural capabilities, skills, knowledge, qualifications, experience, and the potential for development in relation to the duties and responsibilities of the position"[10]. These criteria are broadly defined, with limited consideration of diversity or targeting of positions as a feature of merit. However, the PSM Standards do provide managers with guidance to recruit for identified positions for people with a disability and Aboriginal and Torres Strait Islander people (Division 2.4, PSM Standards), which allows merit-based recruitment to operate within a diversity-focused context. The ACT guidance indicates that recruitment strategies can be targeted to encourage applications from both identified and non-identified candidates.

The principle of merit and equity is closely linked to efficiency concerns. Guidelines discuss how hiring managers should ensure efficiency in the recruitment process, but not at the expense of ensuring a merit-based hiring process[11]. The principle of "equal employment opportunity" (cl. 65) is also a key aspect of hiring practices in the ACTPS. Practically, this principle ensures that "the right person is selected, in the right job, at the right time"[12]. This is reflective of the traditional Westminster public sector view of merit as selecting 'the best person for the job'[13].

Supporting the implementation/operationalisation of the regulatory framework, including notions of merit and equity is the ACTPS Shared Capability Framework (the Framework)[14], which also underpins the ADAPT ACT Public Service Strategic Workforce Planning Toolkit (ADAPT)[15]. The Framework outlines five key capability domains: service delivery, teamwork, achieving results with integrity,

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[2] ACT Government *State of the Service Report 2022-23*, ACT Government, Canberra.
[3] ACT Government ACT Wellbeing Framework, https://www.act.gov.au/wellbeing/explore-overall-wellbeing/governance-and-institutions/human-rights.
[4] ACT Government *State of the Service Report 2022-23*, ACT Government, Canberra, p.43.
[5] ACT Government *State of the Service Report 2022-23*, ACT Government, Canberra. p.51.
[6] ACT Government *State of the Service Report 2022-23*, ACT Government, Canberra, p.46.
[7] ACT Government *State of the Service Report 2022-23*, ACT Government, Canberra, p.47.
[8] ACT Government *State of the Service Report 2022-23*, ACT Government, Canberra.
[9] ACT Government (2024) ACT Disability Strategy 2024-2033, section 6.1.
[10] ACT Government (2021) ACTPS Recruitment Policy and Guidelines, P.8, CMTEDD, Workforce Capability and Governance Division May 2021.
[11] ACT Government (2021) ACTPS Recruitment Policy and Guidelines, CMTEDD, Workforce Capability and Governance Division, May 2021
[12] ACT Government (2021) ACTPS Recruitment Policy and Guidelines, P. 5, CMTEDD, Workforce Capability and Governance Division, May 2021
[13] Godwin, A. (2011). Merit and its merits in the public service: Are we confusing the baby with the bathwater? *Australian Journal of Public Administration*, *70*(3), 318–326.
[14] ACT Government (2017) ACTPS Shared Capability Framework, CMTEDD, Workforce Capability and Governance Division, July 2017.
[15] ACT Government (2017) ADAPT An ACT Public Service Strategic Workforce Planning Toolkit, Public Sector Management, CMTEDD, September 2017.

thinking and innovating, and leadership. These domains serve as the core pillars of work capability within the ACTPS. Each of the first four domains is divided into three distinct capability streams that detail various aspects of capability relevant to each area. In sum, these streams represent specific combinations of skills, knowledge, and behaviours aimed at achieving real-world positive outcomes. Although participants noted that the Framework was useful in guiding HR practices, it would nevertheless benefit from some updating and refinement.

The Framework offers Directorates a valuable tool for achieving strategic objectives and assisting employees with performance and development planning. Directorates can leverage the Framework for several strategic functions, including workforce planning efforts, identification of essential business capabilities, recruitment efforts on talent and capability, succession management for critical roles, and facilitating leadership. At the operational level, the Framework can be used in various ways by team members, team leaders and managers, such as: conducting self-assessments of performance, receiving feedback for improvement, and planning career progression.

2.1 Understandings of merit

The ACT legislation and Shared Capability Framework (the Framework) does not include a focus on suitability in the same way as the QLD regulations and supporting guidance. However, all ACT participants acknowledged the basic premise of merit with variations on this central idea – that it should be the person best suited for the role. Added to that, merit is "who deserves the role, who's presented best to put their hat in the ring", with "the person who displays the most merit for the job is supposed to get the job". Nested within, and complementing, understandings of merit in the ACT, the concept of best suited incorporated skills and qualifications, experience, behaviours, as articulated in the selection criteria assessed in the official recruitment process and the idea of 'fit'. The notion of 'fit' as described by participants is the combination of behaviour, teamwork as well as how 'easy', or not, it will be to manage the candidate in the workplace. Fit also includes transferability of skills. This is a much more complex consideration that sits in some tension with the merit principle and raises the potential for a range of biases and risks to influence decision-making.

When asked about merit, participants primarily focused on what the individual applicant brought to the job, and much less on the synergy of skills that a person might add to a team. In most cases, participants felt that whilst there may be some essential key skills, such as communication for public facing roles, generally skill gaps could be addressed through training and development. Across all participant groups, when asked to define the merit principle, descriptions included an emphasis on best fit for the role.

Senior leaders, who generally had extensive HR and recruitment experience, suggested that there is not a clear understanding of what merit 'is'. For example, and across the participant groups, the merit principle was variously described as best person, best fit, or most suitable for the role.

Notions of fit remained aligned with the Framework, which describes the capability domains of the ACTPS (service delivery, teamwork, achieves results with integrity, thinking and innovating, and leadership). The Framework outlines capability streams that include the skills, knowledge and behaviour expected at various organisational levels and are expected broadly of all ACT public servants[16].

Participants understood and valued the commitment to merit and equity as articulated in the PSM Act, PSM Standards and the Framework as necessary to ensure accountability, prevent favouritism and nepotism, particularly in a small jurisdictional context such as the ACT. Nevertheless, the merit principle remains quite subjectively understood and applied.

Participants acknowledged that the way the merit principle was understood and applied was changing. However, this was something that occurred at the practitioner level and is not an ACTPS broader reform, or clearly articulated in legislation or recruiting guidelines. Whilst historically merit was qualifications focused, and this continued to play an important role, other factors such as capability to perform the role and suitability to the role, which incorporated candidates' motivation being 'in the

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[16] ACTPS Shared Capability Framework, 2017.

right place', with the 'right' personality, ability to grow (potential) and cultural fit were equally important to practitioners.

Fit is an important part of merit

The notion of 'fit' was used extensively by participants. It captures the combination of desired behaviours, teamwork, pro-social work styles, style of managing and receptiveness to being managed. It is a multi-directional construct about how the applicant will be able to work within the team they are joining and manage those above and below them in the agency and vice versa. Fit is a subjective measure of the likely work interactions that will occur if the applicant is given the job. As such, it is vulnerable to a multitude of biases and risks. Not least, it requires an estimation of future work conduct based on assumptions about how people will 'fit' (or not) into a workplace. How a candidate appears on paper is a poor indication of how they might work within the role.

Considerations of 'fit' were not limited to, or necessarily based on assessment of team fit, but whether the candidate's application demonstrated experience of working in a similar culture and had delivered results. For example, one participant stated: "(i)t's more about how they demonstrated they have experienced similar culture … and have been able to successfully navigate those to achieve results…". Fit was also discussed in terms of transferability of skills linked to candidates' previous experiences as demonstrated and assessed in the recruitment processes.

Notions of fit align with the Framework, assessed against the selection criteria for the role as provided to the candidates in the recruitment process. This suggests that, in practice, conceptualisations of the merit principle sit in some tension with other criteria, such as the challenges of the team/work context, whether the candidates' values are aligned with organisational values and the strengths and capabilities needed for the role. A social process involving judgement is a necessary complement to other parts of assessing merit.

Potential is an important part of merit

This view of fit also links into potential and assessing if candidates have the capability to be trained, balanced against demonstration of transferable skill. Fit and potential are key elements, as skills can be taught but poor social skills/connections can be difficult in terms of meeting organisational objectives and a (potential) management problem.

Conceptualisations of merit as also including fit and potential were broadly discussed by all participants. They also noted that incorporating these into a merit-based recruitment process not only required a shift in thinking, but also robust and effective HR processes.

2.2 Implementation: Human resource processes

All participants indicated the need for robust HR processes throughout the recruitment lifecycle not only to ensure a meritorious process, but also to ensure transparency and accountability. However, HR processes were seen by all participant groups as complex and cumbersome, which often made applying the merit principle difficult. Whilst acknowledging the need for transparency, the recruitment lifecycle, from a lack of workforce planning in terms of role design, to writing 'good' PDs and advertising of positions, through to composition of selection panels, and the interview process was seen as highly public service-centric and thus prohibitive to promoting diversity and inclusion.

In short, it is very difficult to apply the merit principle in ways that support diversity, equity and inclusion if the candidate pool does not reflect a diverse group of candidates. This is further complicated by the assumption that recruiters are entirely objective decision-makers, and that recruitment is free from bias. Participants noted that, even when selection panels seek to apply the merit principle, the recruitment lifecycle itself, from a lack of workforce planning through to advertising positions, writing PDs and the interview process, is hampered by inherent bias, which we consider below. Participants discussed a range of factors which created tension between operationalising the merit principle, equity and diversity. HR processes, whilst perhaps intended to promote efficiency and support merit-based recruitment, diversity and inclusion, were either unhelpful or directly prevented this.

Training for recruitment

There was a common perception that because the way that the PSM Act and other mechanisms define merit are not well understood; that the current training approaches (typically limited to e-Learning modules) were ineffective, including addressing bias when reviewing written applications. These types of issues were also identified as an organisational risk in terms of entrenching a public service-centric approach to decision-making by selection panels.

Increased support and/or training in thinking about more diverse approaches to recruitment, including the use of non-traditional or non-standardised recruitment approaches, across the entire recruitment lifecycle, was identified as required. Participants called for a more "nuanced conversation about how to make workplaces work" with managers that was more reflective of the modern working environment. This included clearer descriptions and explanations of the merit principle, what it means and how it should be applied.

Participants also noted that building the recruitment capacity and capability in an organisation is difficult. Complicating this is the tendency for developing recruitment skills to be a low priority, particularly when managers are caught between balancing business as usual tasks with recruitment often seen as "another thing that you have to do". This can mean that hiring managers focus on skills and experience, rather than thinking more broadly about merit and equity. Added to that, some participants indicated a reluctance to undertake recruitment training, particularly for individuals who had been in the public sector for a long time.

Workforce planning

Senior leaders and some selection panel members mentioned the ACTPS workforce planning and performance and the Shared Capability Framework and considered that the current recruitment approach was aligned to those priorities. However, some felt that more education was needed across the ACTPS to take a longer-term view about the work value of a role, in contrast to a focus on skills or capabilities that would be useful to the team or project. Whilst skills and capabilities are an important part of merit, some felt that failing to take a more holistic work value approach could lead to poorer diversity outcomes both within the organisation more broadly as well as specifically in teams. Participants indicated that, whilst quotas may help (see diversity, merit and fairness section below), diversity and inclusion are a higher-level strategic workforce planning issues that cannot be resolved via individual hiring.

Workforce planning is noted in the Framework as a way for Directorates to achieve ACTPS strategic priorities and for individual employees and managers to improve their performance and in their individual career planning. The Framework underpins the ADAPT ACT Public Service Strategic Workforce Planning Toolkit (ADAPT)[17] which is a planning and development kit to help identify workforce gaps, surpluses, risks and includes templates to help develop and drive targeted recruitment activities. ADAPT includes 'A Note on Diversity' that outlines some ways to achieve greater workforce diversity. However, there is little discussion about how, or whether, role design fits with a broader workforce planning framework, or how PDs are created, advertised or marketed in ways that support a more diverse candidate pool. The gap in ADAPT, as a toolkit to encourage development of workforce planning skills, means that an opportunity to raise awareness in the early stages of the recruitment process about expanding into potential markets, other than the 'typical' public service audience is lost.

Attraction – job advertisements and position descriptions

The connection between the principles of merit, PDs and job advertisements was unclear (see also information asymmetry, below), with these lacking statements or language around merit. This is perhaps not surprising, given that there is a lack of consensus on what merit 'is' and so it is difficult to operationalise the concept in terms of assessable criteria. Instead, skills or behavioural capabilities are used as a proxy for merit and as a way of assessing suitability, or fit, for the role.

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[17] ACT Government (2017) ADAPT An ACT Public Service Strategic Workforce Planning Toolkit, Public Sector Management, CMTEDD, September 2017.

It was common for respondents to report that the marketing of positions could be improved. The ACT's www.jobs.act.gov.au site was considered limited in its reach and hard to navigate, including the Shared Services website as part of government approvals processes. Other sites such as Seek and LinkedIn should also be considered to further the reach of advertisements. Failure to more widely advertise positions means that some labour market sectors are missed.

What this means for ACTPS recruitment is that it narrows the field, or pool of potential candidates. This, in turn, makes it more challenging to reach groups of the population that are not aware of, and who may not understand ACTPS job advertising and recruitment processes.

Participants generally agreed that the recruitment lifecycle is public service-centric, which was discussed in relation to the style of advertising, including the wording, graphics and associated Directorate information. These were described as not always as clear or targeted as they could be. This often reflected the use of standardised templates and with auto-populated sections of text. PDs were written according to the Framework i.e., that they should include details about the selection methods (e.g., application and references only, interviews, etc.). Templates and standardised approaches constrained staff from constructing targeted PDs and job ads that capture the specifics of the role or promote Directorates as attractive and interesting places to work that might attract a broad range of candidates.

Templates and standard wording are there "because also HR will reject your application if it's not" (SP04ACT). Participants indicated that information about what it might be like to work in a particular Directorate, in plain English and not "boring government words" (SP01ACT) would make job advertisements appear less tokenistic and more welcoming, and thus increase impact. Some job candidates raised questions about whether templates support fairness and transparency or inclusion, with comments that templates are not necessarily effective in this regard, and particularly in the context of ability of candidates to pitch their application appropriately, including in terms of 'fit'.

Job candidates also indicated that knowing more about the team in terms of culture, behaviours, what the "day to day looks like" as well as their ability to add value to the team is important. These are often not articulated in job advertisements and PDs and often the only opportunity for a candidate to "suss out if they ever going to be good fit" is at the interview, if they progress to that point of the recruitment process. This group of comments from participants also noted a perception that advertisements and PDs were not always aligned to the actual role and what was required to perform the job. Although some PDs were written with descriptions of the 'realities' of the role, including any physical requirements to help candidates assess their ability to be able to undertake the role, this was not always the case.

Participants generally agreed that PDs work best "when you do your own", but that there is a skills gap in how to write "good PDs". Templates can provide a useful way to overcome this issue, and some areas indicated that they also sought to build that skill and capability by developing recruitment factsheets to provide a quick reference guide to inclusive recruitment.

Although all participants described using templates, there are nevertheless variations in how these are 'tailored'. In some cases, based on the nature of the Directorate or agency, recruitment approaches are tailored to 'weed out' candidates who may not have the necessary skills, particularly in challenging public facing roles. There were also descriptions of how, in some cases, tailoring of job advertisements or PDs deterred applications for positions. For example, some generic, standardised templates created the impression that the position was open to all, whilst more tailored descriptors with specific role requirements limited the candidate pool.

There are also some tensions here, with some participants noting that including wording about a specific skill or behaviour, which may not necessarily be relevant to the role, can mean that applicants who feel they do not meet that criteria do not apply. This can narrow opportunities to encourage a more diverse pool of candidates. Whilst acknowledging that some roles may require a specific set of skills and experience, participants felt that the design and wording of PD templates and job advertisements needed refinement. This could also include encouraging wording to ensure those with diverse skillsets apply. The variations in style of advertisements and PDs between Directorates was also flagged as potentially confusing for applicants.

Participants also noted the challenges around tailoring PDs, without the need to conduct a full formal job evaluation, which are exacerbated when recruitment is for a temporary vacancy, when PDs cannot easily be changed. Whilst this is a protection for the holder of the permanent role, in other cases ways to update PDs without triggering a formal job evaluation need to be explored, such as when a position becomes permanently vacant. However, there are also risks and challenges here, as formal job evaluations that trigger recruitment processes can mean that some job holders may find themselves unsuccessful in re-securing their position. This can create a low-risk appetite for tailoring PDs, even if the position or role may have become materially different in scope over time. However, the process remains a work in progress, with time pressure an issue preventing more tailored PDs. Job candidates also acknowledged that there was a standard process but also indicated that "crafting the recruitment process so that it fits the job" would benefit from some refining.

For all participants, the language used in PDs and job advertisements was perceived as alienating for potential candidates who were unfamiliar with the public sector and failed to target the right audiences. This extends to other parts of the recruitment process, with participants noting that whilst it is possible to talk with the contact officer for a position, this can be intimidating for those not familiar with the ACTPS recruitment process. The public sector-centric approach evident in current HR processes rests on a foundation of tacit knowledge about how things work, which disenfranchises some groups.

Assessing candidates

For the most part, recruitment processes to assess candidates tended to follow standardised formats, including the shift in some instances to written applications or pitches and referee checks. Not all participants felt that this was conducive to effective, merit-based recruitment.

We next examine how the ACTPS assesses candidates, starting with a discussion of job interviews.

- *Interviews*

The interview process was consistently discussed as problematic. The traditional Westminster interview protocol of candidate, table and interview panel was often thought to be unsuitable. This is because it can be high stress/anxiety producing for candidates, some people perform much better or worse in that formal environment, even though they may possess the skills and capabilities for the role. There was a strong view that it did not always result in the 'best' candidate being selected because the process was not a good example of a meritorious process. The standard interview format was also not seen as a good way to determine, or assess a candidate's potential. Participant comments indicated this is also perceived as an important part of merit, albeit not explicitly stated as such in the PSM Act and associated recruitment guidelines. Even in cases when candidates were provided questions in advance of the formal interview, participants noted that these were often poorly constructed, overly complex and confusing for candidates. This makes it difficult for a panel to learn about the candidate or decide about their suitability or fit to the role or team.

The need for interview processes and assessments to be more tailored and flexible in their approach, adapted to the needs of the role rather than a 'one size fits all' methodology was also discussed. This included more informal methods of selection, such as coffee meetings. As well as describing more formal and traditional Westminster ways to assess fit, participants also described assessing it by 'open conversations' in the interview process, i.e., an informal chat at the end to find out more about them, to get an idea of personality and motivation for applying. These informal approaches were noted to be good for assessing team fit and behavioural competencies.

> I have some ideas about how we can do that better. One way is to have a much less formalised interview process…particularly with recruiting Aboriginal and Torres Strait Islander people…so rather than having someone come in for an interview, having them come for like a chat and go get a cup of coffee or a hot chocolate or something, maybe give them a tour of the building as you're walking around. Just chat…and also doing that with, like, one person rather than a panel of three plus a scribe often is a lot less intimidating and like, a lot more culturally safe.

Formal processes can also be exclusionary and lead to the reproduction of particular team/group work cultures thus excluding some candidates. There was a wide range of views about what a better method may look like, including keeping interviews in the traditional Westminster format, to ensure consistency of opportunity for all candidates, despite the challenges of that mode of selection. Participants also acknowledged using more informal methods made using those processes as more open to challenge.

Added to that, participants acknowledged that changing the process to include different, or informal elements would add time to already demanding workloads, even though doing so would ultimately support developing a more diverse workforce. Overall, participants agreed that the traditional Westminster interview format is problematic, but that changes to this approach were difficult for several reasons. These range from the need for more flexible HR rules and requirements, including in legislation, through to time poor managers for whom enacting change was an additional administrative task. A key point that emerges from the data across the recruitment lifecycle is that managers are committed to implementing the merit principle, often conflated with fit and potential. However, this sits awkwardly with concerns for any decisions perceived to be unmeritorious to be challenged, which can limit their willingness to adopt alternative recruiting and interview methods.

- *Work tests*

Although not discussed extensively, other measures such as information sessions and psychometric testing, or modified versions of them, may be used, and could be built in as part of the recruitment process. However, participants also acknowledged that time pressures, and requirement to secure Head of Service approval, which is time consuming, are deterrents. For roles that are physically demanding, candidates may be required to have a certain level of physical capability, with alternate methods used in the selection process including performing work tasks/assessments. These were perceived to work well as a process when the job required hands on skill demonstration (such as gardening work). Work practice assessment also was spoken about as having a secondary bonus of also allowing for fit and behavioural competencies to be assessed informally by observing how candidates interacted with each other and the panel members during the 'real' work tasking. Written test tasks were also used to assess competency.

- *Feedback*

The speed and timeliness of recruitment was questioned, with a strong perception that, in comparison to the private sector, processes take too long (across the entire cycle of recruitment) and were difficult to understand. The lengthy nature of recruitment, and poor communication throughout the process was also flagged by some participants as lacking transparency.

Senior leaders stressed that good quality and transparent feedback are a key part of the HR processes, including feedback about fit and why candidates were not assessed as suitable. However, this was seen as a difficult conversation to have with candidates. Although participant comments reveal that fit is an important part of merit, feedback around the notion of 'fit', or assessments of lack of fit, was problematic. Selection panel members, and particularly those who had experience as selection panel chairs, appreciated the value of constructive feedback, but this tended to be generic and focus on capability gaps in skills and experience, often as proxies for a perceived lack of fit.

There were variable views and experiences on the quality and style of feedback offered, in particular around communicating 'fit'. The pro-forma letter of 'thanks but no thanks' sent by Shared Services was criticised, described as "just really rude" and "not genuine feedback"). Conversely, some noted that feedback was useful: "(t)he feedback is usually constructive, like, I don't think I've ever had feedback where they've just said there was a better candidate".

Providing quality and timely feedback was specifically described by senior leaders as a key role/responsibility of being on a panel. However, the provision of genuine feedback was highly variable across all participants. Participants generally agreed that giving and receiving constructive feedback (both to and from candidates) is an important part of the recruitment process, but that this needs improvement.

Selection and merit pools

- *Selection*

There was a strong theme of policy as written versus practice in action about the selection methods used. There was a broadly held perception that the formal policies and associated rules around selection severely limited what methods could be used. Senior leaders, for example, spoke at length regarding how the policies were quite broad and allowed for a range of selection methods. However, other participants were unsure if other methods of selection were allowed and/or if these were meritorious or not.

The undercurrent in this discourse, across all the participant groups, is the concern that other methods (i.e., not an interview with a panel) might not be a 'meritorious' process and can be open to challenge.

- *Merit pool/list*

A merit list is a list of candidates ranked according to merit; a merit pool contains candidates' names, but they are not compared against each other and are not ranked. The merit pool and the merit list were also identified as ways intended to promote efficiency and meritorious appointments. However, the general view was that merit lists and merit pools were not used appropriately and lacked flexibility. At times, the merit pool/list process was perceived as lacking transparency and was open to manipulation to achieve desired outcomes.

Although the merit list/pool was understood to be intended to improve efficiency and save time, the bureaucracy was described as too slow, which creates inefficiencies. For example, trying to manage twin objectives, i.e., recruiting for specific roles whilst also creating a merit list, or pool, for broader recruitment can discourage candidates from applying if they are not interested in that specific role.

This can mean that merit pools, or lists lack the depth that may otherwise be available to later recruitment rounds, limiting opportunities for diversity and inclusion. Generally, participants valued the flexibility that the merit pool and merit list can, and should, provide to the recruitment process.

- *Promotion/expressions of Interest*

Knowledge and information asymmetry (see below) advantages extend to those within ACTPS if they are applying for a job internally or making the shift from the Australian public service to the ACTPS. Knowledge of how an area works, stakeholders, and key issues is always an advantage to an internal candidate. Some participants described this advantage as "knowledge asymmetry" that worked in their favour when applying for an opportunity to 'act up' in a position where they had known the direct report for several years, had extensive subject knowledge of the area and the role.

Participants also noted that having acted in a role was a distinct advantage, with comments indicating that there was a lot of 'promotion in-house', which for some job candidates led to them being excluded from opportunities. The purpose of acting in higher roles is to build experience and capability – this is a necessary development process. However, the risks that this presents in terms of restricting access to positions and creating perceptions of 'favoured candidates' need to be managed more effectively in ways that reflect the ACT government's stated commitment to merit and equity.

2.3 Tensions between merit and efficiency

Some participants indicated that the recruitment guidelines are often overly lengthy, as one participant indicated "we looked at the recruitment guidelines and what we found was like 113 pages of text and some of it quite dense". Even though these are broken down into guides, they are not necessarily readily accessible to time poor managers who find that they need to fill a position quickly. The recruitment process is also not supportive or conducive to bringing candidates from other sectors of the labour market who have the needed skills into the ACTPS in a timely manner.

This is not only an issue when seeking to attract external candidates, but also for lateral transfers, promotion or transitions within the ACTPS.

Cumbersome HR process, which may not be well-suited or provide the agility or flexibility needed in the modern workplace means that, even before the merit principle is or can be factored into recruitment decision-making, the ACTPS is limiting the pool of candidates who may be able to bring both needed and diverse skill sets into ACT government Directorates.

2.4 Tensions between merit and diversity

At times, although demonstrating a commitment to a merit-based decision and taking merit-based recruitment seriously, strict adherence to the process, including the merit principle and equity as defined in the Act did not necessarily support meritorious outcomes.

Participants were keen to stress that notions of diversity and inclusion underpinned considerations of cultural fit, but that this was also often couched in terms of a candidate's willingness to take an "all hands on deck" approach and ability to get the job done. Diversity was also discussed in terms of diversity of thought and ideas. Essentially, balancing best person for the job based on skills, with fit in terms of the team/organisation.

> *I think fit is, yeah, it's not just the personality, it's the different skills they bring and the different way of thinking…I think you'd benefit from having all different types of people in in a single team…you don't want to have everybody the same because you don't have people to be able to bounce ideas off because everyone is all in the same direction. Whereas yeah, if you have the range of people…you get a broader, broader views and broader direction.*

Participant comments again emphasised the tension between the merit principle, and equity, as described in legislative, policy and recruitment guidelines and the way that it is operationalised or enacted by HR practitioners. In practice, elements such as fit and potential are key parts of the assessment process, but these are not included as part of how merit should be applied formally.

Diversity, merit, quotas and identified positions

The ACTPS has been using the principle of 'identified positions' in an attempt to improve recruitment of Aboriginal and Torres Strait Islander people and people with disability. The use of identified positions was problematic with a range of views regarding the effectiveness of this approach, for both application of the merit principle and building a diverse and inclusive workforce.

> *…I also feel that we kind of bulk round candidates into a certain cohort or certain skill set that's not necessarily accurate and that we really should be encouraging Indigenous people to apply for all of our roles regardless of whether they are identified or not…But I also think that we need to be really setting the bar and setting the example and making sure that people feel like they're safe culturally. And that's when we're going to see an increase of people who apply or are happy to identify because some people have indicated in surveys they don't feel safe to identify.*

In essence, identified roles (and quotas) can address short term recruitment targets for particular groups, but if the overall cultural climate is not supportive then these measures are not a 'fix' to the problem of diverse representation. Some participants, irrespective of whether they identified with particular communities / groups, questioned why applicants are not ranked on their skills, demonstrated work ethic, ability to make positive contributions to team / organisational goals, and previous work experience, rather than identity. As one stated: "just because I'm identifying as Aboriginal doesn't mean my skillset is any lower than anybody else. So why shouldn't I just be selected based on what I can and can't do over the fact that you need to meet a quota?". This point highlights the tension of quotas and perceptions of fairness/merit. Some noted that being selected for identified positions and/or based on their identity position was unfair and or would mean favoritism to that group.

I personally would be displeased. I would personally be displeased about that. I would rather be recruited for my skills and my hard work and effort and you know, job experience. Then, because I've ticked the [identity] box or their [identity] box. I personally yeah, wouldn't want to be picked based on a diversity quota. I'd rather just be picked for the examples I gave of what I can do and go from there.

There was a view that there is positive discrimination within the ACTPS, but that it helped address the structural inequalities of the workplace (and society). Some felt that positive discrimination did not distort but rather helped to promote a more effective application of the merit principle. Conversely, some felt that diversity criteria were a tick-box exercise that reduced the application of merit.

Well, I think everybody should be treated the same. I think when I interview, I interview [all candidates] regardless of their colour, race… you know this with the public service is we all have targets to meet. So, when we interview if there's an Aboriginal person or disabled person or an Aboriginal person that's disabled, you can tick two boxes and equity does come up that you know that person's going to get the job because we're trying to meet our government [target,] and it's a sad thing.

More work is needed by the ACT government not only to raise awareness of the human rights framework and application in line with the merit principle, and but to also ensure that it is effectively applied/understood and used to guide the recruitment process. This is seen by some participants as an important way to help address issues around bias in recruitment.

Identified positions are a source of concern across the informants as the point of restricted positions can be seen to challenge the overall principle of merit. While candidates applying for identified positions are still required to meet the traditional Westminster elements of merit, new practices are emerging to resolve the tension between merit and identified positions.

Yarning circles

Yarning circles was a new method designed to be more supportive of First Nations recruitment. However, as a process it was also at times considered difficult to reconcile with traditional Westminster conceptions of merit.

Some roles like, well, particularly for the identified roles for the First Nation staff members, we've done in one case just having like a yarning circle instead of actually interviews. The challenge there was, however, assessing them against the selection criteria, because I don't think we've really got any training in that side of things. So while the individual came and talked about a whole range of different things, how do you then pull it down to the selection criteria and actually rank them on that? Because that is what you would need to do to arrive at an outcome.

Some participants reported that potential candidates, when offered this type of approach, had declined it. Further, it was raised that this process might not reflect the future work environment and thus not assess for fit and/or the comfort level of the candidate with the future role. Recruitment processes that focused on identified positions (as noted above) were also described as hindering application of the merit principle, and rather than supporting diversity and inclusion, effectively entrenching difference and failing to create culturally safe spaces.

Look, I think by applying the merit principle fairly and equitably, they [Aboriginal and Torres Strait Islander candidates] would have to be treated a little bit differently. Yeah, that's what I think. Yep, otherwise they wouldn't, if they treated the same as the standard population, I don't think they would necessarily be successful. So, I think they would have to be treated a bit differently.

Creating culturally safe places, throughout the recruitment lifecycle, was an area identified as in need of attention, with a lack of awareness of the need for culturally appropriate settings, such as adapting interview settings and techniques (e.g., having interviews on country, or not having police or health

workers interviewing in their uniforms). These types of approaches seek to address the mismatch about role expectations to a conversation that shifts a high-pressure situation to one that builds relationships. However, while alternative ways of recruiting were generally welcome, there was a concern regarding fit to the role. For example, if the job requires close contact with police or medical professionals/medical activities then a yarning circle would not represent the future workspace. One key informant noted this challenge with the recruitment process for a job related to policing: "they're going to come in and work here, they're going to see police every day, so if they can't handle it now, how can they handle it later?".

This education and training should further extend to raise awareness about how recruitment processes across the recruitment lifecycle can be exclusionary. These are, again, broader and strategic workforce planning issues that cannot be addressed by individual hiring managers.

Recruitment processes can be exclusionary

- *Knowledge and Information Asymmetry*

The differential knowledge of merit processes, application writing and interview responses is known as knowledge/information asymmetry. This theme captures the fact that ACTPS recruitment processes tend towards the use of specific language, expected behaviours and patterns of response to selection criteria and interview questions. Public services share a set of cultural practices around recruitment. These practices are public sector specific and differ markedly from processes in other industries and the private sector. Knowledge of these informal expectations is an advantage for those who are in or have had experience of working in the public sector. This includes:

1. The language to use,
2. How to frame experience and potential,
3. How to answer the common sets of questions, and
4. Understanding of the process in general.

For those outside of the public sector, their lack of knowledge here can make it more difficult to apply successfully. Participants identified the need for increased training to remove any bias where a selection panel may preference candidates who are familiar with and can couch their applications in line with the process, language and expectations of the public service. This can mean that opportunities to develop an individual's potential, and thus increase diversity and take a more inclusive approach are lost. For example, whilst 'writing for government' may be a skill, and as relevant to the context of the role, it should be considered as one that can be developed 'on the job' through experience, rather than a key selection criterion. The risk for the public sector is that formal and informal rules and expectations around recruitment and interview provide a further barrier to recruiting people from differing backgrounds/diversity and inclusion/life experiences.

There was a strong theme that potential talent is being missed because of the peculiarities of ACT public sector recruitment practices with examples given in regard to Aboriginal and Torres Islander people and those who identify as neurodiverse in particular.

Internally, the variations in advantage that accrue from being closer to the position to be filled should be considered in the process. In partnership with HR Business partners, training should be provided for those involved in the recruitment process to address any bias or preference towards applicants who are familiar with the language, conventions and jargon of the public service.

3. QUEENSLAND

As at March 2024, the QLD public sector (QPS) comprised over 258,000 FTE positions[18]. The sector is heavily decentralised, with just over a fifth of employees located in Brisbane. The sector also predominantly delivers services, with over 90% of employees being frontline service workers, or supporting frontline service workers. Almost 70% of the sector identify as women, and women make up a more than half of the leadership cohort (53.8%). Aboriginal and Torres Strait Islander employees make up 2.7% of the workforce, 3.5% of employees disclosed they had a disability, 8.2% identified as being from a CALD background, and 6% identified as belonging to the LGBTIQ+ community. Targets are in place to increase the numbers of employees with a disability, Aboriginal and Torres Strait Islander peoples, those from a CALD background[19] with the 50% target of women in leadership already reached (53.79% as of March 2024).[20]

New legislation governing the QPS commenced in 2023. The *Public Sector Act 2022* (Qld) represents a change in traditional Westminster public sector conceptions of merit. The Act requires that the person elected for a position in the public sector must be "the eligible applicant best suited to the position" (s. 45(1)). Recruitment and selection are based on 'suitability', which incorporates and extends conceptions of merit. The QPS Act distinguishes what applicant characteristics hiring managers *must* and *may* take into consideration when identifying the "best suited" candidate for the position. Selection panel members must consider:
- The applicant's ability to perform the requirements of the position

And may consider the following elements:
- The applicant's previous employment performance,
- The applicant's potential to make future contributions to the team/department/public service (labelled as "entity"), and
- The extent to which the proposed decision would contribute to fulfilment of the entity's obligations under Chapter 2 (equity, diversity, respect and inclusion), including, for example, the objectives, strategies and targets stated in the entity's equity and diversity plan.

Our interviews with study participants focused heavily on their understandings of suitability, how this complements merit, and impacts on recruitment and selection processes.

3.1 Understandings of merit (and suitability)

In this section we examine the understandings of merit and suitability held by senior leaders, selection panel members and job candidates. We highlight the differences between these two concepts, and set the context for how these different understandings influence implementation of recruitment and selection processes.

Given the focus on suitability as the key principle in QPS recruitment under the PS Act, many interview participants reported that the merit principle was no longer used in QPS recruitment. According to one participant who worked closely with HR managers: "…we don't use the words merit, so it's best, best suitable applicant most suitable applicant for the role". However, the merit principle is still in effect in the PS Act, most notably in Article 45 "Employment on merit and for equity and diversity". This inconsistency between the perception of merit versus suitability and the wording of the PS Act is indicative of a wider misconception amongst job candidates and selection panel members that suitability has replaced merit, rather than suitability being complementary to the merit principle.

Recruiting for 'suitability' is a change process

Senior leaders held a strong view that the shift to suitability was very much a change initiative, which would take some time to become embedded and for any reluctance to be overcome.

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[18] Public Sector Commission (2024) *State of the Sector Report 2024*, Public Sector Commission, Brisbane.

[19] Public Sector Commission (2024) *State of the Sector Report 2024*, Public Sector Commission, Brisbane.

[20] Queensland Government (2024) Our diversity: Women in leadership. State of the Sector Report.
https://www.forgov.qld.gov.au/pay-benefits-and-policy/state-of-the-sector-report/our-diversity/women-in-leadership

Two senior leaders considered that the move to suitability was broadly supported by staff in their agencies, with a high level of awareness, however, a reluctance to undertake recruitment differently was observed. Selection panel members were also fearful of being taken to the QLD Industrial Relations Commission should they change recruitment practices, which also led to a reluctance to embrace new methods.

Senior leaders addressed resistance by explaining the concept of suitability, and assuring staff that belonging to a diversity target group did not automatically make a candidate more suitable than other candidates who did not identify as belonging to a diversity/priority group. They also continued to talk about the new system and processes, and provided support for selection panels in the form of resources, and HR business partners.

'Suitability' is 'merit plus' and is more holistic than 'merit'

Job candidates defined merit as technical skills, knowledge, and understanding of the role, especially "being able to do the job". This often involved demonstrating the skills through previous experience. Merit was seen as quantifiable: some job candidates described merit as a 'score' that is given to candidates for the purposes of cross-candidate comparison.

Multiple participants stated that a candidate could not be deemed suitable without first being deemed meritorious. 'Suitability', though, is a much more expansive concept than 'merit'. Senior leaders and a majority of selection panel members stated that suitability encompassed the usual traits associated with merit, such as skills, qualifications and experience, but was more focused on assessing the whole person – it was a more holistic assessment. Suitability aims to move away from the concept of 'one best person' for the job, as "(t)here might be all sorts of different people" that are the "best" person. Suitability is defined more broadly as the combination of being able to do the job and having a broader fit with the team and organisation. Suitability also includes potential, which includes trainability.

While senior managers had a consistent and precise understanding of suitability, understanding was more uneven and vague across selection panel members and job candidates. Some panel members commented that assessing suitability was too subjective. A minority also struggled with assessing and measuring suitability. Often, suitability was seen as substantively different from merit, in that merit is "a lot simpler" than suitability. Some candidates defined merit explicitly in relation to past experiences, especially as evidence of quality work.

In these cases (focus on skills and past experiences), merit is defined along the lines of individual characteristics and achievements. Merit accrues to individuals, based on their own work effort, independent of teams, networks, or other supporting structures.

What was considered meritorious was inconsistently defined across job candidates. When focusing on how to demonstrate merit/suitability, candidates described a variety of tactics. Most focused on demonstrating the required skills as described in the PD. Some said that the CV and cover letter were used to communicate their merit, whereas others thought that the interview was needed to further explain their stories, and communicate their soft skills, such as communication skills and working with diverse stakeholders.

Although most job candidates had heard of the QPS change to emphasise suitability as the basis for recruitment, some were unfamiliar with the term. This creates a knowledge and information asymmetry in which selection panels are using suitability to determine the 'best' candidate, but the candidates themselves do not necessarily know what suitability means in the context of recruitment or how to write their applications in such a way as to demonstrate suitability for the role. Some job candidates found the process to be clear, whereas others thought it lacked transparency. The lack of transparency is linked to the vagueness of the position descriptions in the job advertisements, as we further discuss below.

The comments of our participants demonstrate that there is a tension between legislative conceptualisations of merit, and equity, and how this is understood and enacted in practice, including notions of fit and potential that are often conflated with merit. A key issue is the need to raise awareness about the significance of creating culturally safe spaces throughout the recruitment

lifecycle, and the ability and awareness to adapt interview settings and techniques to support this. Selection panel composition was perceived to lack diversity, which is a barrier to adopting alternative, or more effective merit-based assessments.

'Fit' is an important part of suitability

One of the key themes explained by senior leaders and panel members is that 'fit' is integral to an assessment of merit. Fit can also be assessed as having skills complementary to existing skills in the team, or what the team needs. Selection panel members, did, however, hold differing definitions of what 'fit' meant in the context of suitability of candidates. Some focused on the technical skills and the 'fit' of the candidate with the requirements of the job, whereas others stated that 'fit' also needed to take the existing characteristics (technical and behavioural skills) of the team into consideration; 'fit' also includes recruiting for diversity.

Although some job candidates focused on the individual aspects of merit, others defined merit and suitability in relation to the team and the fit within the team. As one job candidate explained, suitability was about "being eligible to perform the role and being a fit for the team". Some candidates had a general idea what 'fit' for the team meant, whereas others were unsure. Many job candidates were also therefore unsure what 'fit' meant for their job application and how they would demonstrate their fit with the team. For example, according to one job applicant:

> I'm yet to see much evidence in applications whether they're trying to work out whether you'll fit into the team. This isn't a particularly important criteria. I'd challenge whether they're doing this. I'm absolutely not about fitting into a team – how do I write to that? I can talk about a range of things, but whether that will fit into the team, that's mysterious.

Given the importance of demonstrating fit as part of being the most suitable candidate, the ability of job candidates to understand what 'fit' means and how it links to suitability is important for successful participation in the recruitment process. However, a lack of clarity or transparency in defining and determining fit creates an obstacle for job candidates to define and promote their suitability in the application process.

3.2 Implementation: Human resource processes

In this section we consider merit in the phases of the employment life cycle. This assists in answering the one of three key research questions about how merit is conceptualised and operationalised with each of the phases. Tensions are extrapolated and further discussed below.

Training for recruitment

Central to the implementation of merit processes in HR practices is training in recruitment. Given the change in the PS Act to include suitability as core to recruitment, such recruitment training should include training on the definition and implementation of suitability under the new PS Act. Specific training is also needed to understand the connections between merit, suitability and diversity, applying these concepts in practice through examples, case studies, and real-life scenarios. Additionally, participants considered that such training was most effective when conducted just before the commencement of a recruitment and selection process.

Senior leaders described comprehensive training on the legislation was offered across the QPS. However, our research indicates that knowledge about the new Act amongst selection panel members and job candidates is mixed. Whereas some participants stated that they knew of the new Act, others were unaware. Those who did know about the new legislation had either attended trainings that were offered by the department or actively sought out information on the intranet, or from colleagues.

Interview participants also reported varying levels of training for sitting on selection panels. Some reported actively seeking out advice from colleagues and HR training materials available through their intranet, whereas others did not actively seek out supplementary support. Many participants reported that much of their training was through on-the-job experience on panels. One participant reported that

from an operational standpoint, more training is needed on what recruiting for diversity means. As another described:

> Even after training, some panel members still grapple with the diversity overlap and issues of "How do we apply diversity without people feeling they've been discriminated against?

This indicates that knowledge about the PS Act, especially the connection between diversity and suitability, may not be filtering through to selection panel members and job candidates. The subsequent incomplete understanding can lead to vertical and horizontal inconsistencies in implementation of the merit/suitability principle.

Workforce planning

As guidance material states, "recruitment and selection must occur within the context of broader workforce planning…"[21]. "Workforce planning is a requirement of the PS Act. This involves prioritising strategic planning at the highest level to identify recruitment or selection needed at departmental level. Understanding organisations should be a starting point; if workforce planning is not advanced, doing the risk assessment to identify roles/areas/gaps is important. Undertaking workforce planning can assist panel members in determining who is suitable for the position.

Workforce planning can also lead to increased diversity, highlighting areas and positions where more diversity may be needed currently, and into the future. Agencies are required under the Public Sector Act (2022) to develop an equity and diversity plan as they undertake workforce planning. This enables a hiring manager to recognise a diversity gap in their division, region or occupation, and enabling them to subsequently focus their efforts to improve equity and diversity in the relevant area.

One senior leader did not think any jurisdiction undertook workforce planning well, and that this is one of the biggest challenges facing the sector. Senior leaders also believed that selection panels were not focusing on planning enough, despite resources being widely available. Undertaking workforce planning as part of recruitment did not appear to be common. When asked why they were not undertaking this planning, interview participants told us that it was too time consuming, or that they lacked knowledge of, or capability, to do this. When a form of workforce planning did occur, it was informal and involved assessing what the team needed, and what was lacking; or it was framed in terms of the need to understand the business. Undertaking workforce planning was inconsistent across our two case study agencies due to a lack of resources, being time, and having the necessary skills. Having an external HR business partner to assist teams as they undertake recruitment, including workforce planning, would make the recruitment process more robust.

Attraction – job advertisements and position descriptions

Participants reported that there was considerable variety in the length of cover letters and CVs that different departments and positions required. Participants who had applied for jobs before and after the new legislation came into effect reported seeing a change in the way that cover letters were written, specifically that there needed to be more 'storytelling' and a focus on scenarios rather than writing a standard response. However, those who adopted a more traditional Westminster approach to demonstrate merit/suitability used a variety of tactics. Most focused on demonstrating the required skills as described in the PD. This was usually done through focusing on technical skills, qualifications, past experiences and/or soft skills.

The majority of selection panel members explained that PDs are too generic, and not fit for purpose. They were considered to be too difficult to change, apart from minor changes to update the 'looking fors' (i.e. the job requirements). Making further changes would require a job/role evaluation process, which panel members were not prepared to do, due to time constraints. Further, many job candidates identified that the position descriptions were too vague, which made evaluating their fit for the job and demonstrating the related skillset difficult. Both selection panel members and job applicants stated that PDs were not reflective of the role being advertised and subsequently undertaken by the candidate.

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[21] Qld Government (2023) *Recruitment and Selection Summary Guide*, Qld Government, Brisbane.

This led to some job candidates being unsure what skills would be considered necessary in order to be deemed suitable. This can lead to candidates having false hope that they were competitive for a role, when they may not have been due to the PD not accurately reflecting the advertised position and links to the above discussion about understanding fit.

- *Attracting priority candidates*

Many selection panel members considered that priority consideration was to be given to First Nations candidates and those with a disability, and suggested that consideration should be extended to other diversity groups, including CALD applicants, LGBTQIA+, older employees and those from low socio-economic backgrounds. Many panel members did not realise that the PS Act covers four diversity groups – CALD, women, First Nations peoples and those with a disability.

Selection panel members explained difficulties around recruiting priority candidates, particularly those with a disability or First Nations peoples. These candidates can indicate when they are applying that they identify as belonging to a priority group, but selection panel members do not see this. This then precludes them from priority consideration unless candidates specifically identify with a priority group in their application, CV or interview. Panel members explained that job candidates did not want to self-identify, due to stigma. This was particularly pronounced in First Nations communities – this even appeared to be resulting in the unintended consequence of actively discouraging those from priority groups from applying. Panel members also explained that it could be difficult getting candidates to talk about any diversity attributes they may have held, as candidates still tended to focus on technical skills and other attributes associated with merit.

Tensions also arose around priority consideration candidates, and merit. Panel members provided examples of where they had prioritised priority candidates, but since they did not meet the minimum requirements for the position, they were ultimately unsuccessful. As one panel member stated, they looked at every aspect of diversity with the candidates, and "tried very hard to bring in diversity, but failed".

However, some selection panel members were innovative in trying to attract diverse applicant pools. One explained that the difficulties of recruiting priority candidates could be ameliorated by putting up posters and relying on word of mouth, rather than on internet advertising. One senior leader gave a case study of a recruitment exercise which limited applications to First Nations people, and women, as this was in a male-dominated area. From having the usual one or so women apply, this process yielded 16 women applicants. Another panel member hired a candidate with a disability by going through an external agency that had a pool of diverse candidates.

We spoke with two job candidates who identified as having a disability. Both considered they had experienced discrimination on the grounds of their disability in the recruitment process. One stated that they had applied for numerous positions over the years, and had only had one interview, despite the priority consideration status for people with disability. Another stated that they were told that they were not offered a job because:

> *…basically that they are concerned that with my [disability], that would put far too much stress on [it], far too much stress on me personally because I've got a disability and…I say to them, shouldn't I be the decider of that?*

There are some emerging findings around recruiting people with disability and First Nations peoples[22], but more research is needed in this area.

Assessing candidates

- *Interviews*

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[22] See for example: VPSC (2024) *Acknowledging the lived experience of Aboriginal employees,* https://vpsc.vic.gov.au/new-research-into-aboriginal-employee-experiences/.

Senior leaders encouraged managers to move away from using traditional Westminster public sector interview formats. The focus is increasingly on story-telling, scenarios, and behaviourally-based interviews. Agencies are being encouraged to "make it a different kind of conversation". Technical skills were still considered important, but interviews focusing on broader capabilities and characteristics enabled an assessment "of what a person brings to the environment, not just their technical skill set".

> *Informal formats included yarning circles, which were encouraged by senior leaders. As one stated: "(y)arning circles have some positives because they help First Nations people feel comfortable and encourage future applications if the applicant is not selected". The flexibility afforded by yarning circles helps hiring managers create culturally safe spaces for Aboriginal and Torres Strait Islander peoples, thereby increasing accessibility for diverse populations. Community members were also brought onto panels. Coffee chats were also undertaken with First Nations candidates, which enabled a more relaxed conversation to determine what supports potential staff needed to perform the role. .*

Despite a shifting focus to more conversational interviews, traditional Westminster style panel interviews were the most common form of interview reported by job candidates. Most job candidates reported receiving the interview questions in advance of the interview. This gave the candidates time to think about their answers to the questions and decreased the stress they felt entering the interview. We also heard from both panel members and job candidates that 'informal chats' often ended up being formal interviews, which then disadvantaged under-prepared candidates, as they felt under-prepared.

- *Work tests*

Traditional Westminster public service interviews are still widespread, although other activities, such as work tests, are incorporated. Some job candidates reported receiving the work test materials over the weekend, which may have caused unnecessary stress. One panel member explained that they no longer use work tests, as candidates found these stressful. Leaders also mentioned that psychometric testing was used; some selection panel members were also in favour of this form of testing.

Selection and merit pools

Selection of successful candidates and the use of merit pools or lists was fairly consistent across the QPS. Merit pools were generally understood by both selection panel members and job candidates as a useful and important part of an efficient recruitment process. For example, one selection panel member commented:

> *So sometimes it's worth applying for a position even if you don't want to win it, so that you can go into a merit list because that will save someone else paperwork in the future.*

While most selection panel members had moved away from merit lists, some still used these and ranked, or scored candidates. Most, however, were using pools, rather than lists, and these were considered to enable a better fit for the team. One participant gave an example of two candidates who were "neck and neck". Under the previous system, the panel would have chosen candidate one; under new system, they selected a different candidate, who was a better fit. Merit pools also gave recruiters flexibility, recognising that different candidates were suitable in different circumstances, teams, or locations. Similarly, most job candidates were positive about merit/suitability pools, with one participant explaining how she applied for positions strategically by applying widely for positions, with the hope that she would be placed in a merit pool. Although some job candidates did report being added to merit pools, none of the interview participants reported being selected for a position from the pool.

Shorter-term positions did not focus as much on suitability, especially not team fit. Recruitment for short-term positions also seemed to emphasise technical skills, and filling technical skills gaps, rather than focusing on other aspects of merit. Longer term positions seemed to focus more on other aspects of merit and suitability.

Promotion/expressions of interest

Expressions of Interest (EOIs) provide important career development opportunities. They constitute a key form of temporary promotion in the QPS, enabling employees to 'act' in a higher position for a circumscribed period of time. Job candidates who had applied for EOIs explained that acting roles and high-profile work allowed for career development opportunities. One selection panel member reported that experience in an acting role gave candidates useful experience that contributes to merit.

However, experience in the role was not necessarily seen as meritorious in job interviews, and candidates who had been in acting roles and applied for the same role were not always successful in winning the role.

The selection process for EOIs differed across case study agencies. One agency convened a full panel for EOIs, and a formal selection report. This is related to selection panel members being risk averse by not being seen to follow due process. However, generally, for temporary positions, formal processes were not undertaken, and sometimes a conversation with the candidate was sufficient to assess suitability. However, selection panel members stated that they were trying to move away from 'shoulder taps' and informal EOI processes because these were seen as unfair and patronage-based. Interview participants reported a need to have a clearer EOI process but talked about this as an important part of diversity because it provides avenues for people to progress or move horizontally.

3.3 Tensions between merit and efficiency

Public sectors aim to be efficient, including in recruitment and selection. Western public sectors value transparency and fairness, which can result in rigorous bureaucratic checks and balances. As we discuss in this section, this can result in time-consuming processes, which then creates time pressures.

We start this section with an examination of the initial process of recruitment – undertaking workforce planning. Undertaking workforce planning aims to identify what suitable candidates might look like. In many cases, though, workforce planning was not undertaken as part of recruitment. Panel members reported being time poor and not able to do planning. As one stated, it "feels like an extra job we have to do"; they weren't trained in undertaking this, and they "wouldn't know where to start".

Senior leaders acknowledged that undertaking workforce planning was considered to add time to the recruitment process. However, senior leaders explained that recruiting the most suitable person for the position ultimately is more efficient in the long run than recruiting according to traditional Westminster merit criteria, as recruiting an unsuitable person is costly.

Efficiency is associated with long-term fit within the organisation. This is dependent on selection panel members and hiring managers understanding the type of person they need in the role, rather than just replacing the departing employee. As another stated, it was important for managers to "plan slowly to hire efficiently, rather than hiring fast". Additionally, hiring a candidate from the suitability pool rather than hiring the next person on a ranked merit list better ensures hiring a candidate who will be a good fit. Using suitability as well as merit was also considered to result in efficiencies as the most suitable candidate was hired, reducing costs associated with hiring the 'wrong' person. Assessing candidates on behavioural capabilities and departing from the traditional Westminster style public sector interview (by either having yarning circles, or by interviewing candidates more than once), improved the selection process and ultimately, made it more efficient.

One of the main efficiencies for both selection panel members and job candidates was replacing selection criteria with a two-page pitch. Not only was this less time-consuming to read, it also enabled pitches to be more tailored the job, including its behavioural aspects. This also enabled a better assessment of suitability, rather than strict adherence to formulaic selection criteria. Writing two pages, instead of addressing various selection criteria also offered efficiencies to job candidates. However, some candidates did express uncertainty about what should be included in a two-page pitch and how to address suitability requirements. While this approach is an improvement, some issues remain.

Position descriptions were considered to be inefficient, overly bureaucratic, and difficult to change. PDs were largely generic, and based on PDs from a database. Changing a PD required extensive HR administrative processes, so was generally avoided by panel members. We were told that making the PD more relevant would, in many cases, trigger a job/role evaluation process, and panel members were not desirous of doing this. The information which could be changed was that related to the role, however, this was often buried within the PD. Further, there is a tension between the need to standardise PDs in the public sector but also offer more appropriate and contextualised information about the available position. Specifically, generalist and specialist PDs are different and if generalist PDs are being used for specialist position, it becomes even more difficult to get good candidates and streamline the process. Being able to change the PD more easily would make recruitment processes easier and more effective.

Writing the selection report was also considered onerous. Delayed selection can result in the preferred candidate taking another job. One participant also stated that assessing suitability required justification in the selection report for every candidate on their suitability. The previous procedure only required justification for those who were merit listed. This added to the time needed to complete selection reports. While it was also noted that such procedures were necessary for accountability and fairness, panel members nevertheless noted that this was a time-intensive process.

Inefficiencies also arise if selection panel members do not undertake recruitment on a regular basis. Panel members we spoke with who were regularly on panels navigated the process relatively easily. Those who did not undertake recruitment often encountered more difficulties. As one senior manager stated: "…recruitment isn't what they do. They have no interest to learn how to do it". Another senior manager explained that their agency was focused on making the process more transparent, and how they can "make it easier for people to know what to do, what they're allowed to do, what they should do…".

One senior manager suggested that recruitment specialists be brought in for each division to do the administrative aspects, while the panel makes the decision on the successful candidate. They also acknowledged that problems of administrative burden arose due to decentralisation. Two panel members noted that panels had previously been assisted by recruitment experts, and considered that bringing them back would streamline the process. Recruitment experts were no longer used due to budget constraints.

3.4 Tensions between merit and diversity

Diversity, merit and fairness

Some respondents challenged the way that diversity was being implemented. Diversity is implemented in the recruitment process in two key ways. First, jobs can be designated as 'identified positions' where a certain diversity characteristic is sought to fill a specific team need. This directly links the characteristic to the idea of 'fit' within the team. For example, a position that requires working closely with First Nations communities may be designated as an identified position because of the intimate knowledge of First Nations cultures that is needed to fulfil the requirements of the role. Second, jobs can be designated as seeking 'priority groups' in which certain diversity groups are identified as being particularly sought after for the position. Candidates who identify as members of these priority groups are fast-tracked to the interview stage of the recruitment process as long as they are assessed as being able to perform the duties of the job. As one participant explained:

> So for somebody to be suitable for the role, they need to meet our mandatory requirements and then it's about diversity within the team. So we look at the teams and we see you know what the gender balance, the age balance and the cultural balances within the team.

Although it is similar to the role of fit in defining suitability, this description highlights how diversity is an important part of defining both suitability and fit. Senior leaders spoke of diversity in a broad sense – while specific groups were given priority consideration, diversity has broadened to also include diversity of experience and thought. One had expanded this to age diversity; and also considered that bringing life skills into the team was meritorious. Broad understandings of diversity results in inconsistent understandings. Some participants understood diversity to be in relation to visible

characteristics such as gender, whereas others emphasised the importance of neurodiversity and invisible disability as being an important part of diversity. Some participants emphasised diversity of experience, or diversity of skillset whereas another participant talked about socioeconomic diversity as being important for diversity associated with merit.

Diversity can be meritorious

Participants had various reactions when asked about what they thought of identified positions and priority groups as tools for including diversity in recruitment. One senior leader spoke of small groups of workshop participants who thought staff would be hired based on diversity, who did not possess the required skills, over existing employees who did. They reported that people were concerned about fairness. Similarly, a minority of job candidates stated that they thought diversity was separate to merit and someone who was from a diverse background, especially First Nations, would get the role over others who had applied, even if the other candidates were better qualified. As one stated: "…the way it was kind of explained to us that is that diversity will take preference over any experience and knowledge that you've got in the field moving forward". Another stated:

> …applicants with a disability or who identify as Aboriginal and Torres Strait Islanders that meet the minimum requirements will be given priority consideration and invited to participate in the next selection activity. I mean, every one of our adverts now have this [and]… I feel like that's actually discrimination in it's simplest form.

However, some participants did see diversity as meritorious. One participant, who did not identify as belonging to a diversity community, said that considering diversity in the process is important because the goal is to find the "best fit for the role", in which diversity could play a part. Similarly, one stated: "…I feel like it might be a fairer recruitment process and where my experience might actually be viewed as just as valuable as being within a diversity box".

Recruitment processes can be exclusionary

PDs were also considered to be written in an overly bureaucratic style. Some panel members considered that this can be exclusionary for those outside the public sector. One stated that not having selection criteria makes it more accessible for people outside of the public sector. Others, however, commented on PDs still being accessible for external applicants, with the sector still having its own language which may not be easy for others to decode.

One panel member explained that they used Chat-GPT to write the recruitment material to appeal to potential candidates from culturally and linguistically diverse (CALD) backgrounds.

Job candidates who were already in the QPS felt like they already knew what panel members were looking for, however, others noted that this could be a barrier to entry for candidates outside the QPS. This could have an adverse effect on the ability of the QPS to effectively increase diversity, with one participant stating, "the process favours those familiar with bureaucracy". Knowledge of how the QPS works, the vernacular to use, and the networks candidates can assess are considered indirectly meritorious. Multiple participants described receiving mentoring and coaching from managers/supervisors before applying for a position, demonstrating the importance of networking in gaining the insider information necessary to be successful in the recruitment process.

The other tension around diversity and merit is linked to the tension around merit and efficiency – that recruiting for diverse candidates can be more time consuming. Even though senior leaders argued that taking more time with recruitment ultimately saved time as the 'wrong' candidate was less likely to be hired, some processes do take longer. One senior leader relayed the experience of a manager who had a 'coffee chat' with candidates, which took longer than standard interviews. The manager adopted this approach as they were looking for a candidate who had lived experience of disability – and a conversation between the two of them was the best way to uncover this information. This would only be effective with a limited candidate pool. Another noted, however, that they no longer can "take applicants out for a coffee" as they would be open to questions of equity and compliance from delegates. Instead, they spend time on the "relax and relate" aspects before interviews. Another senior leader encouraged their managers to have two or three interviews with (non-entry level) candidates, which is more time consuming, but more efficient in the long run.

4. AOTEAROA NEW ZEALAND

As of March 31, 2024, there were 65,283 people employed in the New Zealand public service across 38 departments and departmental agencies[23]. This compares to the 462,300 people employed in the public sector which represents almost 19% of Aotearoa New Zealand's total workforce in 2023. Most employees (88%) work in central government, which includes the public service, health sector, education sector, and crown entities, with the remainder working in local government. The majority of those employed in the public service are of European descent (NZ European/Pākehā), making up 63.7% of the workforce. Māori and Pacific employees make up 16.8% and 10.7% of the workforce, respectively, which is higher than their representation in the national working-age population. Meanwhile, Asian staff account for 14.5% of the workforce, which is lower than Asian representation in the national working-age population. Middle Eastern, Latin American, and African (MELAA) employees in the public service stand at 2.2%, which is higher than their representation in the national working-age population. European/Pākehā employees are overrepresented in higher-paid occupations compared to Māori staff, who make up 16.8% of the workforce. Women constitute 62.2% of the public service workforce, with individuals of another or multiple genders making up 0.3% of the workforce in 2023[24].

The merit principle has been a fundamental part of the New Zealand Public Service since 1912 and was introduced to prevent political patronage, cronyism, and nepotism[25]. The *Public Service Act 1912* created the Public Service Commission which marked a shift towards a system based on statutory rules and regulations, independent of political influence. One of the most significant aspects of the *Public Service Act 1912*, which has been retained in the *State Services Act 1962*, the *State Sector Act 1988*, and the *Public Service Act 2020*, is that the Public Service Commissioner appoints the administrative heads (referred to as 'chief executives' since 1988) of public service departments (s.44d); has the rights, powers, and duties of the employer; manages their performance; and is solely responsible for their removal, re-assignment, or reappointment. With the passing into law of the State Sector Act in 1988, chief executives became responsible for merit-based appointments and determining the person 'best suited to the position' (s.60).

The merit protection framework based on the *State Sector Act 1988* and retained in the *Public Service Act 2020* (s73(1)), is centred on the notion of a 'good employer', which requires public service departments and agencies to implement best practice HRM in key areas, including equal employment opportunity (EEO). As such, 'good employer' requirements impose a positive duty on departments and agencies to meet the objectives of equity and equality[26]. Under the *Public Service Act 2020*, agencies and interdepartmental boards must implement principles associated with being a good employer, including implementing EEO policies, promoting diversity and inclusion (s.75), greater involvement of Māori, as well as recognition of ethnic, gender, disability, and pay equity needs (s.73), with a focus on selected diversity groups, and "the impartial selection of suitably qualified people for appointment" (s. 73)[27]. Te Kawa Mataaho Public Service Commission's (PSC) role is to collaborate with agencies to develop workforces that reflect the diversity of the society they serve and to work under good employer requirements.

In 2019, the *State Sector Act 1988* underwent a review to unify public services, with consideration to merit, diversity, and inclusion. To clarify the relationship between the principle of merit and the promotion of diversity and inclusiveness, guidance provided by the then State Services Commission

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[23] In New Zealand, a distinction is made between the Public Service and the Public Sector. The *Public Service Act 2020* (s10) define public service to include public service departments, departmental agencies, interdepartmental executive boards, interdepartmental ventures and Crown agents. The public sector includes the public service, other departments that are not part of the public service, Crown entities, organisations and companies listed in Schedule 4 of the *Public Finance Act 1989*, the Reserve Bank of New Zealand, organisations that are part of the legislative branch of government, offices of Parliament, state-owned enterprises and mixed ownership model companies listed in Schedule 5 of the *Public Finance Act 1989* (dpmc.govt.nz, 2023)

[24] Te Kawa Mataaho Public Service Commission, 2024.

[25] The introduction of the merit principle was in direct response to patronage under the Richard Seddon liberal-led government at that time.

[26] Edgar, F and Geare, A. (2007) Legislating for Best Practice HRM: The New Zealand Approach, *Public Personnel Management*, 36(3), 183-196.

[27] The Crown Entities Act 2004 does not reference merit directly but also includes provisions requiring the "impartial selection of suitably qualified persons for appointment" (s.118(2)(c)). The merit principle does not apply to secondments (s.64 of Public Service Act 2020), ministerial staff (s.70) or certain heads of mission/ambassadorship positions (s.4 of Foreign Affairs Act 1988).

(SSC) (now PSC) clarified that "actions to build inclusiveness do not breach or alter the merit principle. Rather, they aim to ensure that all groups have equal ability to demonstrate merit by removing barriers to participation and advancement"[28]. In developing the new legislation, the SSC emphasised the link between diversity and inclusion, and merit, recognising the barriers to merit and the need for the public service to reflect the communities it serves. The SSC guidance highlighted that diversity and inclusion should be linked to merit-based appointments, stating that "diversity is an aspect of merit"[29]. Merit is notably identified as being complementary to inclusiveness. Furthermore, public service reforms were based on the 'value' principle of 'spirit of service'[30], requiring public service leaders 'to preserve, protect and nurture' the spirit of service[31].

In 2017, *Papa Pounamu* was introduced to help public service organisations achieve their diversity, inclusion and equity obligations under the Public Service Act 2020 (s.73 and s.75), the *Human Rights Act 1993*, and the *Equal Pay Act 1972*. It was also designed to assist agencies achieve equitable outcomes for Māori, as intended by *Te Tiriti o Waitangi* (Treaty of Waitangi). *Papa Pounamu* focuses on addressing bias, fostering diverse leadership, cultural competence, employee-led networks, and inclusive leadership. In 2021, *Kia Toipoto* was introduced to further diversity and inclusion goals and contribute to a broader understanding of merit. *Kia Toipoto* is the Public Service pay gap action plan aimed at closing gender, ethnic, Māori, and Pacific pay gaps, and works in conjunction with Papa Pounamu. Both *Papa Pounamu* and *Kia Toipoto* help agencies meet their legislative obligations. Responsibility for recruiting and appointing roles in the New Zealand Public Service is delegated to agencies and crown entities, with oversight from the PSC to ensure that merit-based appointments are upheld across the public service. To that end, the PSC operates an all-of-government (AoG) common process model, to create a consistent recruitment and induction experience in line with the objectives of the *Public Service Act 2020*. These objectives include unifying the public service under 'the spirit of service', strengthening Māori/Crown relations and meeting diversity and inclusion requirements.

The PSC introduced the *Workforce Assurance Model Standards* to agencies and statutory crown entities (under s.19 of the Public Service Act 2020) to ensure integrity and ethical behaviour in March 2021. The standards require agencies and crown entities to use personnel security requirements (PSR) to ensure candidate suitability of personnel that organisations engage. The process involves confirming the identity, nationality, and right to work in New Zealand, as well as assessing for serious misconduct. Screening checks consider the risk profile of the role, position requirements, the recency of any integrity or conduct issues, any counselling, retraining, or rehabilitation the candidate might have undergone, and the candidate's explanation. The model also requires managers to determine whether strategies are needed to minimize potential risks to the organisation.

4.1 Understandings of merit

Merit-based appointments have changed over time

There has been a significant shift in the approach to merit-based appointments over time, according to senior leaders. They note that in the past, the emphasis was placed on 'appointments without bias', avoiding appointments based on patronage/favouritism, and ensuring procedural justice. However, more recently, participants suggest the emphasis has moved away from ensuring procedural justice to "who is being appointed to different roles and at various stages in their careers".

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[28] State Services Commission (2019) Impact Statement: State Sector Act Reform, https://www.publicservice.govt.nz/assets/DirectoryFile/Impact-Statement-State-Sector-Act-Reform.pdf, 88.

29 State Services Commission (2018) State Sector Act Reform Paper 4: Strengthening the New Zealand Public Service, www.publicservice.govt.nz/assets/DirectoryFile/Report-Review-of-the-State-Sector-Act-Overview-Paper-7-May-2018.pdf, 4-5.

[30] Scott, R., & Hughes, P. (2023). A spirit of service to the community: public service motivation in the New Zealand public service. *Asia Pacific Journal of Public Administration*, *45*(3), 238–243. https://doi-org.wwwproxy1.library.unsw.edu.au/10.1080/23276665.2023.2233644

[31] Ibid, 239. Designed to ensure integrity and conduct in the public sector, the Spirit of Service is encompassed by five values including impartiality, accountability, trustworthiness, respectfulness, and responsiveness.

These shifts in focus, they suggest, are influenced by the lack of diversity, equity, and inclusion in demographic profiles and the commitment to ensuring that "workforces reflect the communities they serve", which is embedded in PSC guidelines and the 2020 Act.

Understandings of merit have broadened to ensure workforce diversification

Senior leaders who participated in this study believe the *Public Service Act 2020* lacks specificity when defining merit and suitability. Despite this ambiguity, most leaders interpret merit to mean "choosing the best person for the job". For some leaders, this lack of definition supports diversity and inclusion objectives as laid out by the Act. They emphasise that the concept of merit has broadened to include knowledge, skills, and abilities (KSAs), and 'soft skills' such as attitudes, values, cultural competencies, capabilities, and diversity. Diversity and inclusion are seen as integral to merit assessments –as one leader explained:

> ...that diversity element is one of the merit factors that needs to be taken into account…Or at least in selection factors, so it's not an afterthought, it's right up front along with everything else.

Another leader noted that merit assessments are now based on holistic assessments. They clarified that when they refer to merit-based appointments, they take into account skills and experiences, as well as the lived experience and personal values of candidates. They believe that the overall qualities a person brings to the role are crucial in ensuring merit-based appointments:

> When we say merit-based appointments, we're not just looking at your skills and experience. It's also your lived experience. It's the values that you bring. It's your whole person.

Public service 'values' underpin understandings of 'suitability' and 'fit'

Understandings of suitability are based on notions of 'fit', specifically aligning candidates with the needs of the team, organisation and/or wider public service. One senior leader explained how they distinguish between merit and suitability: "…you're looking at gaps in knowledge or skills or abilities within your team, and then within the wider organisation". Senior leaders noted that in recent years, merit-based appointments have started to prioritise 'fit' with teams, agencies, and the broader public service, where values are considered central to assessments of merit. Values are regarded by senior leaders as an integral part of merit and the means to ensure team and organisational fit.

> I think what people don't realise is that underpinning all of the merit decisions are values, because we don't talk about values and it's quite a difficult one to talk about, because everyone's values are subjective.

Others point to fit as ensuring the sustainability of the public service whereby 'value fit' ensures greater mobility and transferability of staff across organisations.

However, for some, the subjective nature of the process means that assessing for fit is challenging. As one senior leader explained "how can you ascertain value fit? That's the challenge".

Several leaders noted that sector wide initiatives such as *Papa Pounamu* and *Kia Toipoto* reinforce diversity and inclusion objectives and contribute to broader understandings (and operationalising) of merit, of which valuing "different lived experiences" is an integral part. Typically, suitability for a role is evaluated first, followed by an assessment of value or cultural fit within the team organisation. As one leader explained:

> …merit in Aotearoa (New Zealand) today does mean having to pay attention to Māori perspectives, and it does mean Tikanga Māori (Māori customary system of laws and customs that guide relationships) when recruiting and it means all that wider range of demographics.

Senior leaders recounted how hiring managers, who are work within time constraints, have differing views of merit and suitability, resulting in different assessments of 'fit'. Despite the existence of

guidelines, standard processes, and sector-wide training around unconscious bias, participants note that hiring managers have different opinions on what constitutes 'a good fit', leading to subjective processes. As one participant noted "regardless of how standardised it is, it is still subjective as a process". Of note, some leaders see the standardisation of recruitment and shortlisting processes and centralisation to in-house specialists as a more effective and efficient approach to addressing the subjectivity of determining 'fit' and in measuring outcomes. .

Other participants noted that legislative requirements concerning diversity and inclusion and *Te Tiriti o Waitangi* (Treaty) obligations, can "help support a values-based approach to fit". This emphasises relational behaviours and values based on assessing how closely those values reflect or align with organisational and public service (or 'spirit of service') values.

How merit is operationalised is determined by hiring managers

Assessing 'fit' can be subjective, as can interpreting the meaning of 'merit'. Senior leaders believe that interpretations of merit and its application can vary significantly, as "merit means different things to different people and how they interpret it" and is dependent on "the values and priorities of hiring managers". Given the devolved nature of employment matters to agencies, local hiring managers and selection panels have the authority to decide how processes are conducted, resulting in differences in how merit is determined.

As one leader explained "ownership (of decisions) sits with the (hiring) manager …they decide how the process is run". A lack of standardisation, workforce diversity, and unfavourable employment relations outcomes prompted one agency to advocate for greater centralisation and standardisation of their recruitment and selection processes. This resulted in the introduction of a centralised application processing system which uses workflow techniques to monitor the processing of candidates through a recruitment and selection process and facilitates deeper analysis of processes and outcomes.

For others, the standardisation of processes is a way to "keep you safe" in terms of providing transparency and ensuring accountability across the system. They went onto explain that *"the merit approach keeps everyone safe, but it's a personal approach that then determines who gets recruited"*. Furthermore, for some leaders, the challenge of ensuring merit-based appointments becomes more pronounced as people move up their career in the public service, where personal reputation and networks can hold greater importance than qualifications and skills. Many spoke of career progression being based on "it's about who you know rather than what you know".

Contributing to challenges in ensuring merit-based appointment as people progress up their organisations, many pointed to the small size of the public service in Aotearoa New Zealand and tendency for managers to mitigate risk by recruiting "a safe pair of hands", and "there is always the likelihood that people recruit people who they know".

4.2 Implementation: Human resource processes

In this section, we report on how merit is determined and implemented during recruitment and selection processes and the procedures at each stage of the lifecycle.

Desire to move beyond unconscious bias training

As part of the *Papa Pounamu* work programme, unconscious bias training and changes to organisational structures and system were promoted across the public sector to reduce biases[32]. In response, many public sector organisations provide unconscious bias training for hiring managers and panel members and offer cultural competency training to build Māori Crown relations capability. However, the effectiveness of unconscious bias training is questioned, with calls for evaluation of its implementation in organisations. As one participant explained:

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[32] See publicservice.govt.nz/guidance/papa-pounamu

…we do a lot of cultural intelligence and unconscious bias training, but there's lots of research that says it doesn't change anything, just makes you become aware of it.... but we still think it's worth doing it because it makes people talk about it, right?

Capability building for managers is an area of interest for some participants. Some would like to see more training or the introduction of an accreditation process, whereby hiring managers would complete training around merit-based recruitment and selection. One leader noted that discussions of accreditation practices have occurred across HR leaders, akin to requiring a "recruitment licence" before staff are able to hire.

Recruitment and selection processes are broadly similar, but practices vary

Recruitment and selection processes across organisations are broadly similar and typically involve creating position descriptions, job advertising, shortlisting, interviews, reference checking, decision-making, and induction. Despite standard processes, leaders note significant variations in selection practices. Some agencies use a centralised application processing system to track candidates through the recruitment and selection processes to ensure a more consistent and compliant approach, while others emphasise welcoming candidates to the organisation in advance of the interview. To facilitate information sharing and the identification of best practice, senior HR leaders from over 30 departmental agencies belong to a HR forum or Community of Practice that meet regularly for "lunch and learn" sessions and in-person twice a year to exchange ideas and knowledge. The sharing of practices and knowledge is seen as facilitating the exchange of both standard and innovative practices, while also competing for staff and with the inherent tension that they are all "competing for candidates".

Candidate sourcing & shortlisting

Job advertisements continue to be the main method for attracting applicants into the public service. In recent years, agencies have broadened the range of platforms where positions are advertised in order to attract a more diverse pool of applicants. These platforms include the designated NZ government jobs platform run by the Ministry of Internal Affairs (jobs.govt.nz), as well as Seek, Indeed, LinkedIn, and Trade Me. Additionally, job opportunities are advertised on Māori and Pacific employment specialised websites like mahi.co.nz and maoripacificjobs.co.nz. In terms of content, job advertisements typically include essential skills, qualifications and experiences (what one leader described as the "must be able to dos"), alongside desired attributes and values ('nice to haves') to determine how well a candidate fits within the team and organisation. Additionally, senior leaders have noted that job advertisement templates are being tailored to target different audiences, including the inclusion of *te reo* (Māori language), use of gender-neutral language and 'welcoming statements' (i.e., "you might not tick all the boxes, but please apply") or:

(our organisation) is committed to developing a diverse workforce and an inclusive workplace. We provide equal employment opportunities and welcome applications from everyone who can meet the requirements of the role. We also support flexible working arrangements and 'welcoming every gender, ethnicity, ability, religion, age and background and encourages people to be themselves at work.

Some organisations are more specific in their job postings, clearly outlining their expectations for candidates. Others noted a need to clarify recruitment and selection processes for applicants, and especially working visa requirements, to increase transparency of processes and reduce the "culture of exclusion". Digital.govt.nz guides government agencies and crown entities on the use of inclusive language and utilising Google Analytics for website content design. Certain agencies utilise AI to ensure the use of gender-neutral language. Wider usage of AI is avoided. One leader explained that a recent trial of AI in an agency discovered that AI software is not compatible with Māori and Pacific names and is unable to interpret te reo Māori. As a result, HR leaders are hesitant to rely on AI for initial candidate screening and prefer to use panels to conduct the shortlisting process. Shortlisting involves reviewing cover letters and CVs. Additionally, one agency has introduced an extra step to evaluate candidates for their cultural competencies and diversity and inclusion criteria.

Assessing candidates

Traditional Westminster style interview formats are employed to assess behavioural, cultural and technical competencies. Candidates are assessed using behaviour-based interviews based on the STAR method (situation, task, action and result) to assess suitability. The focus tends to be on evaluations of candidates' ability to perform the role, described by one leader as assessed by past proven experiences and future potential. Position descriptions (PDs) and associated competency frameworks remain the standard means for 'scoring' candidates. However, senior leaders note that scoring methods and note-taking practices vary, resulting in a lack of transparency and can open assessment processes to potential biases. Vetting processes are also used to ensure integrity in the system, with some agencies also requiring security clearances. Combining assessment methods such as group activities and role play with interviews into 'assessment centers' are used to a lesser extent by agencies.

Leaders report a shift in recent years towards a strong emphasis on assessing relational behaviors and values, particularly those aligned with public service values or 'spirit of service' principles. Applicants are evaluated according to competency frameworks, with an increasing focus on diversity and inclusion criteria. Also, one senior leader noted that assessments can be influenced by the tone set by the chair/first speaker. In response, their agency implemented 'equal say' practices, whereby each panelist would reveal their scores or assessment at the same time and discuss to reach consensus view. This was found to be more effective in ensuring that panelist's views were given equal weighting. Many reported that while often panels are aware of the need to balance merit-based hiring with diversity considerations, operational and resource needs often take precedence. One manager recounted an example of where 'experience trumps gender' – they were part of a panel for a senior role where the shortlist consisted of three women and a male, and the male got appointed on the basis that "he was way more experienced". Resource and time constraints often result in appointments going to a 'safe pair of hands,' leading to similar hires and 'groupthink'.

Merit pools

While development boards operate to support the development of leadership capability across the Aotearoa New Zealand public service, merit pools are not utilised. However, several leaders highlighted the existence of informal referral or 'merit' systems where candidates are encouraged to apply for career advancement positions and often successful in securing those positions. The lack of transparency that results from these informal referral systems is attributed to the small size of the public service and the inclination of managers to avoid risky appointments. This results in a preference for hiring people who are already known or have been recommended.

Graduate and summer internship programs are also regarded as potential informal merit pools, with many Māori and Pacific interns encouraged to apply for positions on completing their internships, experience which is seen by some as advantageous to securing a role.

Additionally, some leaders report that they have revisited 'second preferred' candidates from a recruitment process if another suitable position becomes available, within a specific timeframe, to minimise costs.

One leader suggested advertising fixed-term internal roles and/or secondments on the NZ government jobs platform as a means of providing more opportunity for internal staff to progress.

4.3 Tensions between merit and efficiency

Senior leaders have varying opinions on whether standardised or flexible approaches are more effective in determining merit. They point out that agency size and resource availability often dictate the adopted approach. Several leaders acknowledge an inherent tension between the need for greater centralisation and standardisation of selection processes for consistency and organisational alignment, and the need to maintain localised flexibility for a better team 'fit.' This tension lies at the junction of merit and efficiency, balancing team compatibility with organisational or public service goals. As one experienced senior manager highlighted:

> *It creates huge tension when you have a manager who's just needing a bum on the seat to get that job done, and the thing in HR that we come up against is that the hiring manager just needs someone to do the job. And so for them, the person who is best suited to the position,*

is that person with 20 years of experience. So it's just a safe pair of hands and they can do it. And but the problem with that is we end up getting a whole lot of the same in our organisation. We get a whole lot of men who've worked (in similar environments) and it's easy to induct them because they get the environments. But it doesn't help our gender pay gap. It doesn't help our diversity of thought.

4.4 Tensions between merit and diversity

Leaders point to a challenge in balancing the assessment of skills, experience and knowledge with the diversity and inclusion needs of their organisations, particularly incorporating gender and ethnicity. In situations where both merit and diversity are considerations, some leaders have noted that 'experience trumps gender'. One leader shared a recent hiring scenario to demonstrate typical practices within their organisation:

> *I might have one of my recruitment specialists in the team saying 'we need to look at the woman closely' and then you'll get down to two candidates - one will be a man and the other, a woman. And the guy's got 20 years of project management experience and the woman's got five and they're like, we're hiring the man because he's got the most experience. But what is the best fit for our organisation? We need women. We need more diversity. She's got five years' experience. She could actually do this job but then you get accused of doing a diversity hire.*

5. CONCLUSIONS

Based on interviews with 76 public servants involved in recruitment, this report has answered the following research questions:

1. How is 'merit' understood and the merit principle operationalised in human resource (HR) systems and processes by selection panel members and employees?

2. How can 'merit' be reconceptualised to incorporate individual, group and team factors to ensure fairness and transparency?

3. How can HR recruitment processes be reformed to incorporate the inherent tension and conflict between competing demands, needs and priorities, while also being accepted as fair by staff?

First, the data shows that understandings of merit and suitability differ across jurisdictions, reflecting their respective underpinning regulatory frameworks. Differences have also emerged within jurisdictions, with senior leaders, selection panel members and job candidates holding different understandings. This reflects that senior leaders have strategic oversight of regulatory aims and how to operationalise recruitment processes to achieve these aims. Selection panel members have a shallower understanding, particularly as they may not undertake recruitment and selection regularly. Finally, many job candidates hold a fairly traditional Westminster understanding of merit and are challenged by the melding of diversity and merit/suitability.

Second, this report also shows that merit/suitability is acquired and assessed at individual, team and organisational levels. Merit at the individual level consists of the traditional Westminster view including skills, experience and knowledge, which can be measured quantitatively. Team level merit can be understood as 'fit', and is assessable not only by the attributes and qualities a candidate can bring to the team, but also on external needs that can emerge when even an informal workforce planning process is undertaken. In jurisdictions that rely on suitability, what constitutes suitability is somewhat opaque, which leads to perceptions that the process is unfair. This is an area requiring more attention from the relevant jurisdictions.

Third, we have highlighted the intrinsic tensions associated with merit/suitability, including that between merit and diversity. Further education of those involved in recruitment is needed to explain this tension and how it is operationalised. Importantly, this should move beyond a reliance on e-

learning training modules to include more tailored educational programs to drive organisational change to meet relevant jurisdictional targets or agendas around diversity and inclusion, as well as merit/suitability. This report has also highlighted the significant commitment of managers to implementing fair and transparent recruitment and selection processes, highlighting many innovative approaches. There is an opportunity to engage with, or improve engagement with, HR business partners to develop organisational/jurisdictional capacity in continuing to develop and implement innovative recruitment and selection process that better support merit/suitability, diversity and inclusion. While issues with implementing merit/suitability processes remain, the innovations and best practices should be recognised, and shared not only within the case study jurisdictions that participated in this research, but also across public sectors throughout Australia and Aotearoa New Zealand.

6. APPENDIX

1. What does the literature say about 'merit'?

Also known as 'meritocracy', the merit principle is deployed by governments and managers to ensure fairness and transparency in recruitment and promotion. An integral part of the Westminster system, the merit principle was intended to protect against nepotism and patronage in hiring practices, and to enhance efficiency in public sector recruitment and employment practices[33]. It remains a key concept guiding public sector hiring norms in Western public sectors.

Merit: Definition issues and the myth of meritocracy

Formal definitions of merit emphasise tangible demonstrations of skills and capabilities[34] typically assessed through application documents, interviews, and the selection criteria[35]. In practice, though, attributes like suitability and team fit are also considered as part of 'merit' (i.e. merit = past performance + potential[36]). In these contemporary times, the notion of 'merit' is being criticised for its narrow focus on quantifiable aspects, often overlooking critical yet subjective qualities like teamwork, fit, and potential alongside privileged positions of certain majority groups e.g., white males[37]. This creates an illusory fairness, masking underlying biases and reinforcing the "myth of meritocracy"[38].

Tensions between merit and efficiency

The principle of merit, while aimed at ensuring the best candidate is selected, is often in tension with efficiency in public sector recruitment. Merit-based processes, emphasising formal qualifications and empirical measures, can be time-consuming and rigid[39] (OECD, 2020). Focusing on measurable attributes like qualifications and competencies, which are easily comparable, leads to a perception of fairness but may overlook critical but less quantifiable traits such as teamwork, leadership, and strategic thinking. This rigid adherence to merit can result in inefficiencies, as the best individual for a role may not necessarily align with the needs of the team or organization, leading to suboptimal outcomes[40].

Tensions between merit and diversity

Merit-based systems also face significant challenges when it comes to promoting diversity. These systems tend to favour candidates with conventional qualifications, which can disadvantage underrepresented groups who may not have had equal access to such credentials and opportunities[41]. This creates a conflict between the desire to uphold merit and the need to promote diversity and inclusion. Organisations often struggle to reconcile these aims, as traditional Westminster merit criteria may inadvertently perpetuate existing inequities, thereby limiting the effectiveness of diversity initiatives[42].

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[33] Weber, M. (1978). *Economy and society: An outline of interpretive sociology*. Berkeley, CA: University of California Press; Frederickson, H. G. (1990). Public administration and social equity. *Public Administration Review*, 50(2), 228–237. https://doi.org/10.2307/976870.; Podger, A., & Chan, H. (2015). The concept of 'Merit' in Australia, China and Taiwan. *Australian Journal of Public Administration*, 74(3), 257-269. https://doi.org/10.1111/1467-8500.12148.

[34] Jackson, M. (2007). How far merit selection? Social stratification and the labour market. *British Journal of Sociology*, 58(3), 367-390. https://doi.org/10.1111/j.1468-4446.2007.00156.x.; Kurian, G. Thomas. (2013). *The AMA dictionary of business and management*. American Management Association.

35 OECD. (2020). Merit. In Public Integrity Handbook. OECD, France.

36 UN Women (2015). Re-thinking merit: Why the meritocracy is failing in Australian businesses. https://unwomen.org.au/merit-may-not-exist/.

[37] Littler, J. (2017). *Against meritocracy: Culture, power and myths of mobility* (1st ed.). Routledge. https://doi.org/10.4324/9781315712802; Frank, R. H. (2016). Success and luck: Good fortune and the myth of meritocracy. Princeton.

38 Ibid.

39 OECD. (2020). Merit. In *Public Integrity Handbook*. OECD, France.

40 Godwin, A. (2011). Merit and its merits in the public service: Are we confusing the baby with the bathwater? *Australian Journal of Public Administration*, 70(3), 318-326. https://doi.org/10.1111/j.1467-8500.2011.00732.x.

[41] Frank, R. H. (2016). Success and luck: Good fortune and the myth of meritocracy. Princeton; Gray, B., & Kish-Gephart, J. J. (2013). Encountering social class differences at work: How "class work" perpetuates inequality. *Academy of Management Review*, 38(4), 670-699. https://doi.org/10.5465/amr.2012.0143.

[42] Konrad, A. M., Richard, O. C., & Yang, Y. (2021). Both diversity and meritocracy: Managing the diversity-meritocracy paradox with organizational ambidexterity. *Journal of Management Studies*, 58(8), 2180-2206. https://doi.org/10.1111/joms.12752.

Merit, despite its noble intent, can lead to unintended consequences in the public sector. Its focus on measurable attributes creates an illusion of fairness while neglecting crucial factors such as suitability and potential. The tension between individual merit and team or organisational fit, alongside diversity and inclusion commitments further complicates the landscape. To navigate these challenges, the public sector must critically assess and adapt their definitions and applications of merit to ensure that they support not only individual excellence but also organisational fit, and societal goals.

2. Research insights for consideration by each jurisdiction

Australian Capital Territory

1. That the ACT government consider moving to a suitability framework to assist HR practitioners and staff in general to understand and apply a broader conception of merit. Provide appropriate training and support to public servants.

2. That the ACT government undertake a whole of recruitment life cycle review with a focus on the training required to empower the chair and members of selection panels to most effectively use the processes available to drive merit recruitment processes. Learning opportunities on merit related processes should be part of workload for public servants, and supported with appropriate time and resources.

3. ADAPT be amended to explain the importance of workforce planning, what 'fit' looks like (subject to any legislative change) and how position descriptions can progress diversity.

4. That the ACTPS review the www.jobs.act.gov.au site for usability; and consider other commercial sites for additional advertising.

5. The ACTPS consider increased flexibility for those writing position descriptions (PDs), ensure PDs are informative, welcoming, inclusive and able to be understood by external candidates. Training provided to identify bias and potential to marginalise particular groups, and able to be understood by external candidates.

6. The ACTPS examine more flexible ways of assessing candidates than traditional Westminster interview formats, specifically in relation to accessibility and for First Nations peoples, noting the associated difficulties of any change.

7. The ACT government develop and implement policy and training on giving feedback in recruitment.

8. The ACT government train managers in the use of merit selection pools/lists, with support from a human resources (HR) business partner in their use.

9. The ACTPS develop a strategy to counter knowledge and information asymmetry in recruitment. This could include: plain language guides that explain how to apply for jobs in the ACTPS; simplified recruitment materials; and training for panels to recognise the advantages that accrue to internal candidates.

10. The ACTPS review and simplify recruitment guidelines; also amend to highlight the transferability of skills of external candidates to the ACTPS.

11. The ACT government provide further support and make the recruitment process more transparent for non-ACTPS experienced applicants as a way of reducing the disadvantage external applicants have.

Queensland

1. The QPS continue to train leaders, selection panel members and potential job candidates about the PS Act; 'suitability'; the connection between suitability and diversity; and 'fit'. Communities of practice should also be developed to enable knowledge sharing.

2. The QPS consider the use of HR business partners to assist selection panels with workforce planning, reflective of higher-level strategic planning.

3. The QPS increase consistency and flexibility in writing position descriptions by increasing work unit input into writing detail into PDs, thereby ensuring PDs are informative and reflective of the position.

4. The QPS develop a program to overcome obstacles to recruiting priority candidates. The program should include examples of leading practice, strategies, activities and measurable outcomes to increase numbers of priority candidates, and be regularly audited to assess efficiency, value and success.

5. The Public Service Commissioner or delegate develop a series of 3-5 minute videos, which includes one on recruiting priority candidates.

6. The QPS continues to inform selection panel members about different assessment methods and showcase examples of better practice.

7. The QPS review the requirements of selection reports with a view to streamlining required reporting.

8. Agencies frame recruitment advertising and associated materials to explain the link between diversity and suitability, and the reasons why recruiting for diversity can constitute suitability.

9. The QPS require position descriptions to be welcoming and able to be understood by external candidates; produce a plain language guide for external candidates on how to apply for QPS jobs.

Aotearoa New Zealand

1. The NZPS provide further guidance and support in determining 'suitability' and 'fit' within recruitment and selection processes, especially in the context of unconscious bias.

2. The NZPS continue the provision of unconscious bias and cultural competency training, with a focus on equipping hiring managers.

3. The NZPS continue to facilitate a community of practice of HR leaders to share information and best practices. Include experts or business partners to coach hiring managers to increase responsiveness to needs.

4. Agencies provide clarity of recruitment and selection processes for potential applicants to ensure transparency and increase applicant attraction.

5. The NZPS provide additional guidance on scoring methods, assessment processes and maintenance of record-keeping to ensure equity, transparency and procedural fairness.

6. The NZPS consider the development of merit pools based on 'suitability' to improve recruitment and selection efficiency.

7. The NZPS provide more flexibility to revisit 'second preferred candidates' should new positions arise within specified timeframes.

8. The NZPS provides additional guidance in determining 'suitability' in appointment processes in line with diversity and inclusion and Māori/Crown relations requirements as laid out by the Public Service Act 2020.