

Review of merit, merit  
protection frameworks  
and recruitment  
materials – Australian  
Capital Territory,  
Aotearoa New Zealand  
and Queensland.

Stage 1

## **Merit 2.0: Factors in Merit-Based Recruitment, Promotion and Retentions in the Public Sector**

Stage One: Review of merit, merit protection frameworks and recruitment materials – Australian Capital Territory, Aotearoa New Zealand and Queensland



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## Executive Summary

This report is a desktop review of merit in the Australian and Aotearoa New Zealand public sectors commissioned by the Australia and New Zealand School of Government (ANZSOG). The report consists of three sections. The first examines debates around merit and the merit principle, based on academic and practitioner literature. The second is a review of the merit protection frameworks in three jurisdictions: the Australian Capital Territory (ACT), Queensland (QLD), and Aotearoa New Zealand (NZ). The third contains an analysis of a selection of recruitment advertisements in the three jurisdictions to understand how merit is portrayed in recruitment material.

Merit has become a cornerstone of modern governance, with the merit principle deployed by Western governments and managers to ensure fairness and transparency in recruitment and selection, promotion and career development opportunities. However, there are multiple and shifting interpretations of merit within and across organisations which raises questions about inconsistent implementation. This has the potential to undermine the efficacy of the merit principle. Tension between merit and diversity and inclusion (D&I) presents challenges for governments and managers to effectively achieve positive D&I outcomes in their human resource (HR) practices and processes. Questions of consistency in interpretation of principles and D&I implementation present central problems that this research seeks to help governments navigate.

This Stage 1 report contributes towards answering the main research questions of the project, which are:

1. How is 'merit' understood and the merit principle operationalised in human resource (HR) systems and processes by managers and employees in the ACT, QLD, and NZ?
2. How is merit acquired, recognised and rewarded in the ACT, QLD, and Aotearoa NZ public sector HR systems and processes?
3. What lessons can be learned from jurisdictions that have reformed their conception and implementation of the merit principle?

This report contains three sections. The first provides a high-level overview of the debates around merit, the accompanying tensions between merit and other foundational principles of public sector employment and shows how merit is being operationalised in recruitment. The research team has examined definitions of merit, highlighting literature that shows the shifting meanings of merit, and slippages between merit as *principle* and merit as *process*. Our review has identified tensions between merit and diversity, merit and efficiency, and the challenges of operationalising merit-based HR.

The second section provides a regulatory review and complements the literature review by examining how merit is defined and conceptualised in the three jurisdictions. We have examined relevant regulation to assess whether merit is defined primarily by reference to the individual, or whether a broader conceptualisation of diversity is also included. We find that the three jurisdictions have different configurations of merit and diversity – from being nested, to embedded, to integrated. Whereas the ACT regulations position merit and diversity as concepts which are nested, the Aotearoa NZ regulations embed diversity through the notion of being a 'good employer', and the QLD regulations fully integrate merit and diversity by focusing on candidate suitability within wider community contexts. We also find that the regulations seek to resolve tensions between merit, diversity, and notions of individual versus collective merit, to greater or lesser extent.

The third section of the report presents a review of recruitment advertisements which complements the regulatory review, operationalising the regulations which prescribe how recruitment and selection is to be conducted to actualise the merit principle. We undertook a data scraping exercise to identify merit in recruitment advertisements, which formed the basis of our analysis. We found that the advertisements largely reflected the approach demonstrated in the regulatory review. In the ACT, a relatively narrow conception of merit was evident, with diversity nested within conceptions of merit. Aotearoa NZ had a broader conception of merit, with strong linkages to diversity. QLD had a slightly broader conception of merit, particularly as it related to diversity, however, did not fully reflect the expansive legislated conception of merit.

As well as documenting the current state of play, this three-pronged desktop review establishes the context for the field work to more fully understand how the jurisdictions navigate the tensions in merit identified in the literature review. Findings in this report will inform the content and conduct of the interviews, which, in turn, will complement the findings of this desktop analyses. The next phase of the research, Stage 2, will further assist in answering the research questions.

## 1. Overview – debates about merit in the public sector

Merit has become a cornerstone of modern governance in many, if not most, Western countries and jurisdictions. The merit principle is deployed by governments and managers to ensure fairness and transparency in recruitment, promotion and career development opportunities. The purpose of this report is to explore understandings of merit in Australian and Aotearoa New Zealand public sectors to make implementation of the merit principle more effective and useful. The analysis presented in this report focuses on three jurisdictions: the Australian Capital Territory (ACT), Queensland (QLD), and Aotearoa New Zealand (NZ).

This section examines the main academic and practitioner debates around merit. It establishes the context for the research project that will inform the data collection phase of the project. It highlights the different understandings of merit, key issues and challenges, and tensions between merit and other foundational principles of public sector employment. It concludes by raising issues to be considered in the next stage of this desktop review, the review of merit protection frameworks in the three case study jurisdictions.

‘Merit’ is often used interchangeably with meritocracy, which also includes the merit principle. These concepts suggest that individuals are selected and promoted based on their abilities, skills, and achievements, as opposed to factors such as social background, and/or political connections (APSC, 2015; OECD, 2020). 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 (Weber, 1978, Frederickson, 1991; Meier & O’Toole, 2006; Podger & Chan, 2015; Godwin, 2011). It remains a key concept guiding public sector hiring norms in Western public sectors, including in Australia and Aotearoa New Zealand.

### Definitional issues

It is first necessary to define merit to understand how this, and associated terms, are used in public sector recruitment and selection practices. Scholarly definitions of merit generally emphasise the formal qualifications individuals possess, including tangible demonstrations of their skills and capabilities (e.g., Jackson, 2007; Kurian, 2013). In practice, this is exemplified through the adage “the best person for the job” and is typically assessed through the combination of application, interview, and selection criteria (OECD, 2020). Echoing elements of academic definitions, practitioner understandings also highlight decision-making based on individual qualifications, alongside an expanded view that includes potential as part of merit (i.e. merit = past performance + potential: UN Women, 2015).

Reflecting on and synthesising academic and practitioner definitions of merit, we summarise key elements and define merit as including individual qualifications and attributes, as well as potential:

- (1) “referring to those formal qualifications that an individual has achieved – outward demonstrations of inner capacities and skills” (Jackson, 2007, 368).
- (2) “measure of the specific inner capacities of individuals. ‘Intelligence and effort together make up merit’” (Jackson, 2007, 368).
- (3) potential refers to factors such as ability to grow, adapt and develop for more complex work or roles; ‘fit’ for the team and/or organisation; personal motivation and career aspiration, and/or likelihood to engage and stay in the organisation (UN Women, 2015; APSC, 2018).

Merit thus includes qualifications, cognitive abilities, effort or motivation characteristics, and technical skills as well as potential. In addition to these characteristics, Jackson (2007) adds social skills and personal characteristics as being relevant to hiring managers. Using this framework, merit can therefore be defined as the ascriptive characteristics of a person as externalised via achievement. Although this connection between inner and outer characteristics exists for individuals, whether these characteristics qualify as meritorious depends on the context in which the individual is being evaluated.

The definition of “merit” is contentious. The lack of a common definition and the tendency to conflate merit with processes (e.g., merit systems) has made the notion of merit fluid (Colley, 2006; Godwin, 2011). This lack has made merit-based systems and processes subjective, which has impacted consistent and effective implementation. Conflating merit with processes results in an inflexible system that obscures a myriad of exogenous and system factors (i.e., an individual’s potential, hidden advantages and/or disadvantages: Chappell & Waylen, 2013; Godwin, 2011).

## The myth of merit

Merit has consistently and traditionally been linked to individual qualities such as formal qualifications, skills, and achievements. This tendency is most evident when standard recruitment and selection procedures are used because these are perceived to support adherence to, and practical application of, the merit principle (Godwin, 2011). A key point to note here is that merit is not a solitary achievement but is acquired through collective processes, including but not limited to networking, collegiate support, and collaboration (Evans & Maley, 2021; Ballout, 2007). Importantly, although access to resources can support the accumulation of merit, only the meritorious have access to such resources (Bagillhole & Goode, 2001; Evans & Maley, 2020). Consequently, despite widely held perceptions that social and economic rewards (e.g., jobs, promotions) go to those most deserving due to their 'merit', selecting those with accumulated positional goods in effect reinforces inequality and disparity (Frank, 2016; Littler, 2018).

This means that merit is context-dependent and culturally specific, such that some cultural understandings of merit run counter to its core assumption of fairness. This sits in tension with the assumption that merit exists in absolute terms and is consistent over time and across cultural contexts (Charron, et al., 2017; Jackson, 2007). The social construction of merit is therefore predicated on the culturally specific definition of what skills and capacities have worth (are designated as morally "good"; Jackson, 2007) and how those skills and capacities should manifest themselves.

Further, whilst merit is individually constructed, organisations are also portrayed as being meritocratic. Researchers have found, however, that self-labelled meritocratic organisations tend to be less meritocratic than others that do not proclaim this. Organisations and managers consider they abide by the merit principle, which negates any further action being required or taken. Such organisations are therefore likely to be less meritorious than portrayed (Castilla & Bernard, 2010). This is known as the "paradox of meritocracy" (Castilla & Bernard, 2010). Castilla & Bernard (2010) demonstrate that when an organisation is explicitly presented as meritocratic, managers may ironically favour male employees over equally qualified female employees, with unrecognised bias playing in rewarding merit. Due to the roles of moral credentials as well as personal objectivity embedded in the organisational culture, meritocratic efforts may lead to the opposite outcomes, contributing to production and reproduction of inequality.

Practical challenges in implementing the merit principle as intended gave birth to the concept of the "myth of meritocracy" (McNamee & Miller, 2004; Littler, 2017; Frank, 2016). Challenging meritocracy's principal tenet that social and economic rewards (e.g., jobs, promotions) go to those most deserving due to their 'merit', hard work, and talents, proponents of the "myth of meritocracy" argue that there is no such thing as a truly "even playing field". Specifically, they highlight the impact of factors such as inheritance, social class, education, gender, social networks, cultural capital, luck, and other structural advantages that benefit some individuals over others (Frank, 2016; Gray & Kish-Gephart, 2013). Godwin (2011) noted that merit was never truly universally applied since there were instances in its history when restrictions on women obtaining ongoing employment, preferential treatment for returned service men, age limits on appointments, and seniority criteria were in place (Colley, 2006).

## Assessing and measuring merit

The lack of a clear definition leads to a disparate range of measures of merit and a lack of clarity as to how merit should be assessed. As Castilla and Ranganathan (2020) found, application of the principle to hiring practices also varies from focusing solely on quantitative measures to including a mix of qualitative and quantitative measures of merit. Lack of clarity of what merit 'is' creates challenges for managers as they navigate assumptions, or tendencies to view merit in absolutist terms, i.e., as remaining constant over time and context, that may sit in tension with more instrumental organisational goals and values, like fairness, equity, and diversity (Jackson, 2007, 369; Sen, 2000).

Merit systems also tend to reflect an acceptance of merit definitions that emphasise an individual's formal qualifications, including tangible demonstrations of their skills and capabilities which, in turn, signal their role competence (Foley & Williamson, 2021; Castilla & Ranganathan, 2020). In these types of frameworks, merit is typically assessed through the combination of application, interview, and selection criteria, since any deviation is considered contrary to the merit principle, and thus unfair (Foley & Williamson, 2021; Castilla & Ranganathan, 2020; Godwin, 2011). In practice, managers also tend to understand merit in the same way as performance-based recruitment and promotion systems, which emphasise fairness in finding the 'best person for the job' (Burton, 1988; Burton & Ryall, 1995; Thornton, 2001).



This merit as process aspect, i.e., the means of recruitment that focus on individual measures limits the flexibility of the merit system and ignores the role of subjective elements, such as potential. Indeed, due to the persistence of individual views and measures of 'merit', other factors related to circumstances, opportunities, and incentives are considered irrelevant to an assessment of merit, and that consideration of such exogenous factors can be perceived as unfair (Andre, 2021).

Evidence of the context-dependent and culturally specific nature of merit is visible in the application of the merit principle to hiring practices. In such hiring practices, merit is also temporally situated, in that merit considers past performance and future potential as indicators of capability. Practitioner understandings also highlight decision-making based on individual qualifications, alongside an expanded view that includes *potential* as part of merit (i.e., merit = past performance + potential: UNWomen, 2015). This view unlocks practical challenges related to how merit is measured. While past performance may be relatively straightforward to measure (e.g., years of experience, formal qualifications, measured outputs, etc.), potential is quite subjective (e.g., team 'fit', leadership suitability, capability to learn etc.). Merit is also defined in relation to "best fit" or "best suited" in which the merit of the preferred candidate for a position is defined by their ability to fulfil the obligations of the role and operate within the governance structures of the organisation (OECD, 2020), or the team.

It is important to understand how managers understand merit, as this impacts how merit is applied in practice (Castilla & Ranganathan, 2020). For example, Castilla and Ranganathan (2020) found that managers who had mostly negative experiences of being evaluated for hiring, promotion, and rewards tended to develop a *focused* approach while those who had mostly positive experiences developed a *diffuse* approach. The focused approach relates to a narrow understanding of merit where only the individual is evaluated using quantitative measures. This approach purportedly limits the incorporation of biases, as there is little room for subjectivity. However, it does not consider other legitimate factors that affect merit (e.g., teamwork, personal qualities).

The diffuse approach signifies a more holistic understanding of merit where managers evaluate the individual's work actions and personal qualities along with their performance as part of a team, using a combination of quantitative and qualitative measures to evaluate merit. Given its ability to support a team-based approach to merit that integrates the individual and the individual as part of a team, the diffuse approach is a promising starting point for our investigation of merit in the public sector. Nonetheless, this approach is still potentially problematic since it still largely focuses on the individual. Indeed, to capture broader and structural factors across dimensions of gender, race and ability that come into play within organisations, it is also important to extend this model to include the team and organisational levels.

## **The tension between merit and efficiency**

The hybrid nature of public sectors presents unique performance challenges as middle managers are required to combine potentially competing aims between implementing merit-based processes and efficiency. Combining productivity and pursuing a wider meaning of merit over time often poses real challenges for public sector managers when they pursue efficiency-driven decision-making. The tensions between efficiency and merit are also evident when considering timeliness. Implementing merit-based HR process can be slow, resulting in managers using faster recruitment and selection processes, such as short-term contracts or employing workers on non-ongoing contracts (OECD, 2020). Merit pools have been used to shorten recruitment times (OECD, 2020), however, these can also be problematic, as discussed later in this review. Godwin (2011) points to the challenges of constructing a viable compromise between efficiency and the ideal of 'absolute' merit that mirrors the values of the APS.

## **The tension between merit and diversity**

At its core, the tension between merit and diversity is fuelled by the propensity to situate these two as contradictory concepts, thus promoting the notion that in the absence of diversity concerns, organisations can appropriately implement merit (Festing et al., 2015). A deeper analysis of merit and diversity reveals that these can be seen not as contradictory but complementary concepts that contribute to overall organisational effectiveness (Konrad et al., 2021). From this perspective, the tension can be reduced by moving from an "either/or" view of merit and diversity to a more integrative, or ambidextrous view (Waldman & Sparr, 2023; Konrad et al., 2021). Such an approach would be based on the understanding that merit is associated with the interests of advantaged groups and diversity is associated with the interests of marginalised groups and might help to specify factors to be addressed in designing merit and diversity programs (Konrad et al., 2021).

Merit is evidenced by high-quality organisational outcomes based on the competence of those deemed meritorious, whereas achieving diversity is based on process integrity, which minimises bias. Konrad et al.

(2021) conclude that to minimise tensions between merit and diversity, those from both advantaged and disadvantaged groups should consider both process and outcomes to be fair and transparent. However, different views of fairness make operationalising such an approach difficult, with some groups perceiving this as a loss of fairness by being 'fair'. Evidence of this tension can be seen in debates about the efficacy, and fairness of quotas, for example.

The tension between merit and diversity becomes even more evident if we consider how managers tend to understand these principles. Among managers, merit has been framed around concepts of "fairness and equity" (Woodard, 2005, 112) such that merit is understood to operate within these values. Considering the prominence of fairness in merit, diversity seems to oppose this value (Gyorfi, 2017). For example, diversity strategies such as affirmative action, seem to counter merit's fairness assumptions because they may be seen as providing preferential treatment to individuals of target groups (e.g., gender targets, gender-specific mentoring, gender-equal selection panels; Foley & Williamson, 2018). Public sector managers face the additional dilemma of combining productivity and efficiency with the implementation of merit-based processes.

Time-poor and often under-resourced line managers can be reluctant to exercise managerial discretion to advance equal opportunities and instead may conform to a formulaic process despite their commitment, either individually or organisationally, to progressing equality and diversity (Davies & Thomas, 2002). These pressures co-exist with institutional pressure to implement reform (Crosby et al., 2014), such as about merit or D&I, whilst simultaneously constrained by bureaucratic organising principles coupled with a lack of institutional guidelines, preventing managers from enacting a more collectivist conception of merit (Foley et al., 2021). Merit is also subverted by a range of unconscious biases (Foley et al., 2021; Foley & Williamson, 2018) that influence decision-making about employee selection and promotion. These issues all present significant challenges to public sectors which are seeking to improve diversity, equity, and inclusion practices in recruitment.

## Conclusions: The challenges of merit

The use of the concept of merit, as discussed above, leads to unintended consequences:

1. As a totemic concept when it is invoked in the discussion of actual fairness, process and equity is stifled. This stifling is operationalised by organisations noting that their recruitment, selection, and promotion processes all operate under a merit principle and are therefore 'fair'. Thus, as the process is merit-based, organisations do not need to question the process or outcomes.
2. Merit tends to be quantitatively focused on what can be empirically measured – qualifications, experience, and competencies as these can be easily compared between candidates and results in a ranking. This creates illusory comparability 'fairness'.
3. Commensurately, the difficult to quantify – teamwork, people skills, manage and lead capability, stakeholder engagement, critical and strategic thought – tend to be less focused upon as they are considered subjective measures (Jackson, 2007; UN Women, 2015).
4. Merit is focused on the skills of the individual first and team / organisation fit second. This can result in perverse outcomes whereby the 'best person for the job' is not the best for the team or organisation. This is an irreconcilable tension within the process as there must always be a trade between the 'bests' – for individual / team / organisation.
5. Reconciling diversity and inclusion (D&I), whilst adhering to shifting definitions of merit is another tension between merit and foundational public sector principles. D&I policies further complicate conceptions of merit, as what is now considered good for society is woven into what is considered best for the organisation and team. Further, managers' (often limited) understanding of how merit and D&I can be complementary exacerbates these tensions.

With these challenges in mind, the following section provides a regulatory review of the merit principle in two Australian public sector jurisdictions (ACT and QLD) and Aotearoa New Zealand. We examine the challenges and tensions associated with merit, as represented in legislation and other forms of regulation.

## 2. Regulatory review of merit protection frameworks

The purpose of this section is to identify legislative intent in the implementation of the merit principle in public sector hiring and promotion practices, highlighting the issues and tensions uncovered in the previous section. This review also explores different framings and conceptions of merit. It critically examines the merit protection frameworks in Aotearoa NZ, ACT and QLD jurisdictions.

### Definitions and Concepts of Merit

In this section we outline the definitions and concepts of merit across the three jurisdictions. This enables an analysis of how merit is regulated, which impacts how merit is operationalised in HR practices.

#### Aotearoa New Zealand: Definitions and Concepts of Merit

The principle of merit is enshrined in the New Zealand Public Service<sup>1</sup> since the establishment of the Public Service in 1912 and was introduced to protect against the risk of political patronage, cronyism, and nepotism<sup>2</sup>. The *Public Service Act 1912* established the Public Service Commission and led to a shift towards a system based on statutory rules and regulations, independent of political influence that endures today. The most radical aspect of the *Public Service Act 1912*, 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 ('permanent secretary' 1912-1988, 'chief executive' 1988-present) 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 making appointments on merit 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 founded 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 (Edgar & Geare, 2007). Under the *Public Service Act 2020*, agencies and interdepartmental boards are required to implement a set of principles associated with being a good employer, which include implementing EEO policies, with a focus on selected diversity groups, and "the impartial selection of suitably qualified people for appointment" (s. 73(3)(a) *Public Service Act 2020*)<sup>3</sup>.

The *State Sector Act 1988* underwent a review in 2019 to unify public services, with consideration to merit, diversity, and inclusion. To clarify the interrelationship between the principle of merit and the promotion of diversity and inclusiveness, the relevant Impact Statement 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." (SSC, 2019, 88). In developing the new legislation, the State Services Commission (SSC) (now Te Kawa Mataaho Public Service Commission (PSC)) canvassed for a stronger link between diversity and inclusion, and merit, recognising the inherent barriers to merit and the need for the public service to reflect the communities it serves. The SSC provided guidance that diversity and inclusion be linked to merit-based appointments (SSC, 2018, 3), noting that "diversity is an aspect of merit" (SSC, 2018, 4, 5). Merit is notably identified here as being complementary to inclusiveness.

The *State Sector Act 1988* was subsequently repealed and replaced by the *Public Service Act 2020*, leaving the concept of merit undefined in the legislation, as is the process of making merit-based appointments. The Act leaves considerable room for discretion in public servant interpretation of merit-based appointments. Similarly, inclusiveness is defined vaguely, requiring the public service composition to "reflect the makeup of society" and "foster a workplace that is inclusive of all groups" (s. 75(1) (a) and (b) *Public Sector Act*), thereby allowing for executive discretion in implementation of diversity and inclusion as it relates to merit. However, legislative

<sup>1</sup> Section 10 (a)(b) of the *Public Service Act 2020* define the public service to include public service departments, departmental agencies, interdepartmental executive boards, interdepartmental ventures and Crown agents (for subparts 2 and 4 of the *Public Service Act 2020*). 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)

<sup>2</sup> The introduction of the merit principle was in direct response to patronage under the Richard Seddon liberal-led government at that time <https://nzhistory.govt.nz>

<sup>3</sup> 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 head of mission/ambassadorship positions (s.4 of *Foreign Affairs Act 1988*).

requirements to be ‘a good employer’, with the attendant positive duty, and the links to EEO and merit-based appointments demonstrate a rather expansive operation of the merit principle.

### Operationalising Merit in Aotearoa New Zealand Human Resource Practices

The *Public Sector Act 2020* sets out five public service principles: political neutrality, free and frank advice, merit-based appointments, open government, and stewardship. The obligation described to fulfil the merit-based appointment principle is “to make merit-based appointments (unless an exception applies under this Act)” (Article 12(1)(c)). The Act requires chief executives (and boards of interdepartmental ventures (s.74)) to “give preference to the person who is best suited to the position<sup>4</sup>” (Public Service Act 2020, Part 3(s.72)), with advice from the PSC that procedural fairness be maintained for all candidates (Public Service Commission, 2024). Additionally, the PSC emphasises that best suited “may include factors such as team fit, cultural and language competency or community connections” (Public Service Commission, 2024). It is important to note that this conception of merit encompasses the notion of ‘suitability’, which departs from traditional conceptions of merit-based on notions of “the best person for the job”.

By shifting the wording from “person” to “suitability”, Aotearoa New Zealand refocuses the locus of merit on the position rather than the person. However, the legislation still defines merit-based on individual attributes compared with role specifications. This is somewhat offset by the positive obligation in s.75 of the Act requiring executives to promote diversity and inclusiveness, thereby embedding merit in a broader D&I framework. The reframing of merit and broadening of the definition is an attempt to address acknowledged gender and ethnicity is part of wider gender equality and ethnic equality reforms in Aotearoa New Zealand.

### Australian Capital Territory: Definitions and Concepts of Merit

Recruitment in the ACT public sector is governed by the *Public Sector Management Standards 2016* (PSM Standards), subordinate regulation to the *Public Sector Management Act 1994* (ACT) (PSM Act). The merit principle, described in legislation as the “principle of merit and equity” serves as a core principle for the activities undertaken by the head of service (s. 8 PSM Act). The application of the merit and equity principle is also directly related to efficiency concerns. Guidelines discuss how hiring managers should ensure efficiency in the hiring process, but not at the expense of ensuring a merit-based hiring process (ACT Government, 2021, 9).

Additionally, “equal employment opportunity” (cl. 65) is encouraged in ACT public sector hiring practices. To fulfil the obligations of the merit and equity principle, the head of service must be an equitable employer and employ a person in a job “who is best able to do the job in all the circumstances” (s. 8(4)(b) PSM Act). Operationally, this translates as “the right person is selected, in the right job, at the right time” (ACT Government, 2021, 5). This is reflective of the traditional public sector understandings of merit, being equated to ‘the best person for the job’.

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” (ACT Government, 2021, 8). These criteria are fairly broad, and there is limited consideration of diversity or targeting of positions as a feature of merit. The PSM Standards do provide managers with procedural instructions 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 to operate within a diversity recruitment framework. The ACT guidance notes that recruitment strategies can be targeted to encourage individuals to apply for non-identified and identified positions. Belonging to a minority diversity group is included as an aspect of merit in this policy in a limited way.

### Operationalising merit in Australian Capital Territory Human Resource practices

Guidelines state that merit should be the foundational principle in the organisation’s hiring practices because it “ensures that recruitment decisions are fair and the right applicant is selected based on the evidence provided in the recruitment process” (ACT Government, 2021, 8-9). This directly highlights the ACT government’s perception of merit as instrumental to achieving fairness and best fit in the form of the “right candidate”.

Equity, although co-conceptualised in the merit and equity principle, is operationalised as a separate element of the recruitment process in which “a reasonable opportunity for all eligible members of the community to apply and be considered for the position” (ACT Government, 2021, 9) is created through the hiring process. The Act articulates how the merit and equity principle should be applied to recruitment activities within the ACT public

<sup>4</sup> Sections 64, 68, 72, of the Public Service Act 2020 which relate to merit applies to employees of public service departments.

sector. Merit is based on comparative assessment of candidates, and defined by “the relevant abilities, qualifications, experience, personal qualities and potential for development of the applicants” (ACT Government, 2021, 8). The Act enables targeted recruitment to: “(1) ensure the Territory is an equitable employer; and (2) eliminate disadvantage in relation to public service employment” (s. 27(3), PSM Act).

There are a number of methods that the ACT can use in their recruitment and selection processes such as merit pools, merit lists, and flexibility to conduct interviews. Merit pools and lists can have the benefits of streamlining recruitment by making the process quicker, less expensive and more efficient by ‘pooling’ and ‘listing’ past candidates who were competitive but not successful. However, merit pools can be problematic if low numbers of applicants are received from minority groups, and thus reflected in the merit pool (OECD, 2020), and if selection does not account for a particular role and context. Merit lists can also be problematic for the same reasons but also because ranking candidates ignores how there may be more than one ‘best’ person for the job, and the next person on the list may not be the best fit for the team or organisation. It also may not enable selection to meet targets. The ACT guidelines explain that interviews are not mandatory and may not be appropriate for all jobs. This is a positive aspect of the policy because it incorporates flexibility into the recruitment processes. Such flexibility allows hiring managers to adapt the recruitment process to accommodate diverse candidate needs and tailor the interview process to better identify candidate fit in diverse agency contexts.

The above review of the *Public Sector Management Standards 2016*, *Public Sector Management Act 1994*, and related supporting regulatory documents identify the regulatory definition of merit within the merit and equity principle as a neutral principle focused on the individual. Merit is determined by the candidates’ individual characteristics, such as relevant behavioural capabilities, skills, knowledge, qualifications, experience, and the potential for development in relation to the duties and responsibilities of the position. Diversity and equity are included in hiring and promotions considerations, but they are nested within merit rather than fully incorporated into the meaning of merit in human resource practices and procedures. Here, equity is anchored by merit in the design of the ACT’s hiring and promotions practices, however, scope remains for a more complete integration of the two concepts in practice.

## Queensland: Definitions and Concepts of Merit

Drawing on the approach adopted under the Aotearoa New Zealand *Public Service Act 2020*, the *Public Sector Act 2022 (QLD)* (QPS Act) represents a departure from traditional 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.

Merit is traditionally defined in relation to the position and the “fit” of the applicant with the requirements of the position. Indeed, such is the case in QLD where a candidate’s “abilities, aptitude, skills, qualifications, knowledge, experience and personal qualities relevant to the carrying out of the duties in question” are taken into consideration to assess the applicant’s suitability for the role (Public Sector Bill Explanatory Notes, 2022, cl. 45, 26). However, whereas personal attributes are included in the list of applicant characteristics, organisational and team fit are also considered best practice recruitment and selection processes. This represents a broad definition of merit. The purpose of the ‘best suited to the position’ concept is that the concept “retains the primacy of merit, while also providing that recruitment and selection has a role in supporting equity, diversity, respect and inclusion in public sector employment” (Public Sector Bill 2022 Explanatory Memorandum, cl. 45, 26).

Equity, diversity, respect and inclusion are a fundamental part of the Act (Ch 2). It ties the concept of merit to D&I obligations for the public sector. The QPS Act articulates the obligation to develop a “diverse workforce that represents and reflects the diverse views, experiences and background of the people of Queensland” (s. 24(1)(a)). Chapter 2 (Part 3, s. 32) also defines a “culture of respect and inclusion” as existing in relation to a team/department’s workforce. This is important as merit is culturally constructed, thereby relying on formal and informal definition of cultural values.

The QPS Act imposes a positive duty on agency heads to “promote equity and diversity in relation to employment matters” (QLD Government, 2023a, 2). The incorporation of a positive duty reflects best practice, such as the UK public sector equality duty. Guidance material references the *Human Rights Act 2019 (QLD)*, which requires decision makers to “give proper consideration to human rights when making a decision under the Act and Public Sector Commissioner (Commissioner) directives” (QLD Government, 2023a, 2). The incorporation of a human rights approach, with a positive duty, enriches and extends conceptions of merit, aiming to increase equality and diversity.

### **Operationalising merit in Queensland HR practices**

The QPS Act is significant as it requires agencies to apply the relevant principles associated with merit to the recruitment and selection process and also extends to workforce planning (QLD Government, 2023a, 3). Further, conceptions of merit extend to other HR practices, notably the development and implementation of equity and diversity plans. Agencies are required to report on these plans, which is an indirect way of also reporting on the progress of implementing merit-based decisions in HR processes.

The QPS Act is also notable as it enables agencies to recruit to targets, and this is considered to be meritorious – it does not contravene the merit principle (QLD Government, 2023b). This is a major development, as previous research has shown that managers considered recruiting to targets and other affirmative action measures to be contrary to the merit principle (Foley et al., 2019). Additionally, selection panels are required to “consider how the selection process can be accessible, inclusive and culturally safe (as relevant to each circumstance and organisational context)” (QLD Government, 2023, 10). Further, selection panels are required to consider best practice selection techniques and not focus on any particular aspect of the process, such as interviews. Selection panels can therefore undertake various forms of assessment as part of selecting a candidate and are not restricted to the traditional public sector recruitment methods.

Overall, QLD’s merit definition appears to be a combination of past performance, future potential to fulfil the requirements of the position, and ability to contribute towards the fulfilment of the entity’s respect and inclusion obligations. Although this conceptualisation of merit is assumed to be a neutral principle, its focus on institutional obligations to develop community embed the merit principle with broader community-focused D&I values.

### **Conclusions**

A review of the merit protection frameworks across the three jurisdictions shows that there are tensions between merit, diversity, and notions of individual versus collective merit. The ACT legislation is the only regulation which specifically links efficiency and merit; the other two jurisdictions incorporate notions of efficiency in relation to an effective, functioning public sector.

However, this review also shows that the examined regulations seek to resolve these tensions, to greater or lesser extent. Within the three jurisdictions examined, the incorporation of efficiency relates to achieving high performing public sectors, to guard against nepotism and favouritism. The various definitions and conceptions of merit mean that merit is defined as an individual trait in the ACT; but a collective trait in Aotearoa NZ and QLD. Diversity is nested with the merit and equity principle in the ACT, but fully embedded in the QLD legislation, and in Aotearoa NZ, to a lesser extent. While the regulations address these tensions to varying degrees, tensions may further arise from regulatory/policy implementation. We consider this next in an analysis of recruitment advertisements across the three jurisdictions.

### 3. Review of selection of recruitment materials

In this third, and final section of the report, we review recruitment advertisements in the three jurisdictions of ACT, Aotearoa NZ and QLD (noting that within New Zealand the public service was undergoing significant downsizing at the time in 2024). We aimed to assess how merit was presented in recruitment material. The purpose of the analysis is to better understand how merit is represented by each jurisdiction. This will help us to more fully understand how merit is operationalised because the representation of merit in job advertisements is an indicator of how merit is understood by a hiring managers in the jurisdictions. This section contributes to establishing the context for the operation of merit, which will be examined in the second stage of this project.

Initially we were tasked with analysing 10 advertisements per jurisdiction. Developing the methodology for this revealed the limitations of such an approach, especially problems surrounding the representativeness of the findings. We therefore undertook a data scraping exercise to gather more detail, which informed the baseline analysis. Methods are detailed in Appendix 1.

#### Australian Capital Territory

The review of the Public Sector Management Standards 2016, *Public Sector Management Act 1994*, and related supporting regulatory documents provided in Section 2 of this report identify merit as determined by the candidates' individual characteristics, such as relevant behavioural capabilities, skills, knowledge, qualifications, experience, and the potential for development in relation to the duties and responsibilities of the position. Diversity and equity are included in hiring and promotions considerations, but they are nested within merit considerations. In our sample analysis of job advertisements of knowledge workers in the ACT public sector, we find that merit was indeed defined along skills-based lines, reflecting this nesting.

In defining meritorious candidates, or "ideal candidates" as they are often described in ACT advertisements, the job advertisements focus on the standard requirements, indicating that the merit principle is narrowly reflected in demonstrable skills and knowledge. Particular emphasis is placed on the previous experience of the candidate, with limited evidence that future development is considered a meritorious capability.

Where D&I are included in the job advertisements, it is mostly in the form of diversity statements which exist separately to merit operationalisation. Advertisements often include a standard statement on ACT public sector commitment to "building a culturally diverse workforce and an inclusive workplace." Applicants are expected to understand, commit to, and work within the context of this statement and broader ACT public sector values of respect, integrity, collaboration and innovation. However, the applicant's capability to fulfil these expectations is not identified in the job as a meritorious skill. This suggests that diversity and equity are included in the merit definition to the extent that applicants can comply with values policies.

Similarly, some job advertisements include diversity statements related to access for the application process, but do not embed diversity and equity in the definition of the ideal candidate. Such statements promise "reasonable adjustment" to application processes or encourage people from diverse communities to apply for the position. Although these statements may encourage a more diverse applicant pool, they do not increase diversity in the merit definition.

Despite the reliance on compliance with values policies and diversity-focused encouragement for application (such as reasonable adjustment), some of the job advertisements do indicate a more nuanced embedding of diversity and equity in determining the "ideal candidate" for a role. For example, one job advertisement described the capabilities required to perform the duties as the "demonstrated abilities to work as a part of a team, and empathy and sensitivity to work with diverse stakeholders". By linking the ideal candidate with the skills of empathy and sensitivity in the context of diversity, the job advertisement indicates that skills associated with diversity are considered meritorious, and therefore more fully embedded in the merit definition. However, it remains unclear if "stakeholders" in the required capability description refers to employees internal to the team or only refers to customers and related service providers. Such clarity of definition is important since it highlights the difference between desired outcomes associated with diverse stakeholder engagement and related meritorious skillsets.

Some position descriptions in the job advertisements indicate flexibility in the workplace that would facilitate greater diversity and equity outcomes. For example, another advertisement claimed to provide reasonable adjustments to the workplace to ensure that "all individuals have equal opportunities in the workplace". Similarly, many positions analysed included an option for flex time for workers. Although this increased flexibility, in workplace and work time, facilitate more equitable work environments, it does not embed diversity and equity in

the principle of merit. Regarding reasonable adjustment, this may also be more related to legislative compliance to prevent discrimination against people with disability.

## Aotearoa New Zealand

The principle of merit-based appointments, or 'giving preference to the person who is best suited to the role', constitutes one of the fundamental tenets underpinning the Aotearoa New Zealand public sector. Merit-based appointments, alongside political neutrality, the provision of free and frank advice, transparency in government and responsible stewardship, are codified in the legislative framework of the *Public Service Act 2020*. Although not explicitly defined within the Act, guidance from the Te Kawa Mataaho Public Service Commission (PSC) indicates a broadening of merit criteria beyond skills and abilities to encompass the candidate's 'suitability' to positions. 'Suitability', they further define to include the candidate's fit within teams, cultural and language competency and connections to wider communities. This widening of the merit concept is designed to align with wider D&I efforts, ensuring the public sector reflects the wider society and population it serves.

In the Aotearoa NZ sample, a consistent pattern emerged in the content structures of advertisements. These structures typically included sections on 'who we are', position descriptions, job requirements framed in terms of 'you will be..' and 'you will bring..' lists, brief overviews of job terms and, in most cases, statements of organisational values and/or value propositions ('what's in it for you' statements). The language used in these advertisements suggests that public sector organisations actively compete for merit, setting expectations early in the recruitment and selection process. Statements such as "When you join us, you'll get the variety and challenge of working with a range of clients. We will also invest heavily in your professional development and offer leadership development opportunities. You can count on us to help develop your talents and skills and foster your professional growth" are indicative of this environment.

Merit or suitability for roles is consistently assessed based on a combination of technical, behavioural and cultural competencies. Some roles placed a strong emphasis on technical knowledge and interpersonal expertise in meeting organisational objectives, as evidenced by phrases such as 'proven track record', 'we're seeking experienced...' and 'our ideal candidate'. Traditional job description competency-type frameworks were also found to measure merit focused on skills, abilities and past performance records. Alongside this, advertisements include behavioural (or capability) criteria such as having a 'can do attitude', 'building positive working relationships' or 'having a passion to support others', indicating the importance placed on behavioural, and attitudinal aspects of merit.

In keeping with PSC advice to align conceptualisations of merit with D&I efforts, and mindful of senior leaders' responsibilities in this regard, most advertisements were found to contain D&I statements. These statements ranged from organisations who 'welcome diversity' as an organisational strength, to those who that 'embrace diversity' or 'value differences' and even those that are 'open to diversity'. However, the placement of D&I statements at the end of some job advertisements suggests a more compliance-driven or tick-box approach, contrasting with other advertisements where D&I statements sit alongside statements of te ao Māori approaches and commitments 'to delivering' or being 'guided by' Te Tiriti o Waitangi responsibilities, indicating a more D&I-centric approach to merit. Reflective of specific roles and/or agencies, some advertisements underscored the importance of 'developing culture-based relationships internally and externally', accompanied by more detailed requirements of ethnic knowledge. One advertisement specified that "knowledge of tikanga Māori and Pacific people's culture is desirable".

## Queensland

The *Public Service Act 2020 (QLD)* (PS Act) articulates a requirement to move beyond traditional conceptualisations of merit, to emphasise that recruitment and selection should focus on 'suitability'. This approach acknowledges the importance of ability, employment performance and skills as relevant to suitability, or 'fit' for a particular role. The conceptualisation of merit in the PS Act, however, broadens to include an applicant's potential to make a future contribution to the team or organisation, which incorporates organisational and team 'fit'. This means that recruitment and selection processes have an important part to play in supporting D&I, as part of merit. The question we considered here was what this espoused commitment in the PS Act would look like if it was implemented appropriately in recruitment advertising, with a focus on the position information available in the online landing page.

In the small sample that we examined, we found a commitment to suitability expressed in terms of required skill sets and experience for the positions. These are aligned with more traditional conceptualisations of merit, with the best person the individual who has, or who can demonstrate they have the required skills and experience.



For example, this was described as “We are looking to find the person best suited for the role and will be considering your knowledge, skills, experience ...”. We also found examples of merit conceptualised as efficiency, or productivity and delivering on organisational, or team outcomes. For example, across the advertisements we found descriptions of the primary purpose of the position as including a need to “produce deliverables”, or to “support research” or for team members who could help to “strengthen” systems and processes, or to “ensure positive outcomes for staff and the department”.

In terms of a broader conceptualisation of merit and the role of recruitment and selection to support D&I, we found a more limited adoption of the principles articulated in the PS Act. For example, there were only two examples where suitability included knowledge, skills and experience and “... potential for development and future contribution to the department as well as your personal qualities and how they contribute to building a diverse workforce ...”. Another advertisement that suggests a deeper engagement with D&I aligned their organisational commitment to that objective as including working with “... people who value the goals of our organisation and who will thrive in our workforce”.

Of the advertisements in our sample, only one explicitly met the requirement for agency heads to positively promote D&I principles. In this example, this duty was framed in the ‘how to apply’ section in the following way: “We welcome all applicants to share any support needed to ensure our recruitment process is inclusive”. This explicit and positive acknowledgment that meeting inclusion needs is variable and depends upon applicant needs was a lone stand-out in all the advertisements analysed. However, this could also be due to meeting legislative compliance. Notably, this was explicitly isolated to the recruitment process and did not discuss or outline what meeting diverse applicant needs would look like in the day-to-day operation of the role. A stronger commitment to D&I would include not only reasonable adjustments in the recruitment process, but also what an ongoing commitment would be to support that applicant in their ongoing employment and work in that role.

We found that all advertisements contained ‘boilerplate’, standard text about a commitment to diversity, and building inclusive cultures that respect and promote human rights. Whilst the use of template, or standard text may reflect a drive for consistency of information across the QLD public sector, the difficulty is that it cannot effectively address, or capture, the range of occupations and specific role requirements across the QPS. Recruitment for D&I, including seeking applications based on merit conceptualised as suitability, looks different if trying to recruit into occupation groups that are skewed on demographic variables, such as age, gender, ethnicity. For example, out of the sample of 10 advertisements, we found only one advertisement that explicitly encouraged First Nations applicants to apply. This suggests that some refinements are needed to effectively align with the QPS Act commitment to D&I in recruitment materials.

## Summary of Recruitment Advertisement Analysis

Our analysis of a selection of recruitment advertisements in the three jurisdictions reveals an alignment with the governing regulation – but to varying extent. As represented in the ACT legislation, merit and diversity are nested, rather than integrated. The Aotearoa NZ recruitment advertisements had a broader encapsulation of merit and diversity, particularly around being culturally appropriate. In QLD, where merit and diversity are most integrated, we found a more limited linkage between these two principles in the advertisements. Further, the requirement to positively promote D&I principles was not extensive.

The recruitment advertisements in all jurisdictions reveals the use of templates. While this is to be expected, it also means, that D&I statements, for example, are routinely included, but are separate considerations of merit as represented in the advertisements. Similarly, statements promoting reasonable adjustment can be considered to be more a compliance exercise, separate from meaningful initiatives to progress diversity. Similarly, promoting flexible working arrangements, while important and necessary, can also be seen as somewhat tokenistic.

## Conclusions

The purpose of this Stage 1 report was to explore understandings of merit in Australian and Aotearoa New Zealand public sectors in three jurisdictions (ACT, QLD, and Aotearoa NZ). Through a desktop review of the literature, the regulatory frameworks governing merit-based practices, and analysis of recruitment advertisements

A range of issues that add complexity to merit were identified. These include multiple and shifting definitions and corresponding difficulties in assessing merit. We have also highlighted the various tensions – between merit and efficiency and merit and diversity. Our analysis has also shown differing approaches to the regulation of merit, and the incorporation of an individual or community focus to merit; and whether diversity and inclusion is embedded in merit. Finally, our review of recruitment advertisements reflects merit as conceptualised within the regulation, however, the advertisements in ACT and QLD largely demonstrated a narrower conception of merit, including as it related to diversity.

As well as documenting the current state of play, this three-pronged desktop review establishes the context for Stage 2 field work. Findings in this report will inform the content of the interviews, which, in turn, will complement the findings of this desktop analyses. The next phase of the research will further assist in answering the research questions.

### Further research – data scraping recruitment advertisements

Extensive research has been conducted on merit in the public sector, examining the issues, tensions, and complexities. Researchers have also examined merit protection frameworks and the operation of regulation governing merit (see for example: Schuster, 2017). Less research, however, has examined how merit is presented in recruitment advertisements and accompanying material (for an exception, see Jackson, 2007).

Resources enabled the research team to undertake an exploratory examination of how merit is presented in recruitment materials. There is much more which could be undertaken to inform hiring practices. For this project the data scraping collected all advertisements and supporting material (such as PDFs and links to position descriptions). The data was then scraped for key words.

Future research could include:

- Disaggregating the data by occupation and agency for all three jurisdictions. This would enable a comparison within and across jurisdictions. For example, male-dominated agencies or occupations could be compared with gender-balanced comparators.
- Our analysis focuses on the web page for each recruitment advertisement. Further analyses could include the linked PDFs, to highlight any differences between the landing page and the supporting recruitment material.
- The data scrape has also collected all the sentences in which each key word appears. Analysing this would enable the research team to determine the context for each key word, and how this differs by agency and occupation. This would enable rich analysis to uncover different meaning and usages of terms and how they operationalise merit. It would also highlight differences, aiding understanding of how recruitment materials may be indirectly deterring or encouraging applications.
- The team understands that at least one jurisdiction collects demographic data on applicants for each position advertised. Matching the demographic data to individual advertisements would show who applies and who does not. Overlaying this with analysis of the language of the advertisements would then suggest why particular groups may not be applying.

The next stage of this project focuses on further examining the findings of this report as the research team undertakes interviews with a range of key groups in ACT, QLD and Aotearoa NZ.

## Appendix A: Draft Report Methodology

Initially we were tasked with analysing 10 advertisements per jurisdiction. Developing the methodology for this revealed the limitations of such an approach, especially problems surrounding the representativeness of the findings. We therefore undertook a data scraping exercise to gather more detail.

We accessed the services of data scientists in the School of Business, UNSW Canberra to develop a data scraping program that would provide more rigorous, and extensive results. This approach meant that we were able to capture more than a thousand documents. Whilst this creates an extensive data set that will enable a deeper exploration of merit and D&I, resourcing and time constraints meant that we limited our content analysis to the original project scope of 10 advertisements per jurisdiction (broadening out to the wider public service in Aotearoa NZ). Landing pages for each advertisement were scraped, as were linked PDFs. However, due to resource limitations, our analysis is confined to the landing pages. This enables an analysis of the initial information presented to potential applicants, which is pivotal in determining whether applicants then go on to access the position descriptions and other applicant information packs. We note that this additional work has been provided as an in-kind service from the School of Business, UNSW Canberra.

To guide our identification of phrases linked to merit and D&I as they appear in recruitment materials, we developed a coding frame based on the academic and practitioner literature review (detailed in Section 1). We used a multi-loop process of discussion, revision, and evaluation to reach a consensus point on the codes and phrases to be used in the analysis. Thirty-five distinct conceptual codes were decided on to capture the concept of merit and D&I and to explore whether, and how, these terms appear and are applied in the data, i.e., the online recruitment materials collected. An example of the coding frame is below, showing the overarching category, the sub-category, and the words which were scraped.

Category	Sub-Category	Words scraped
Technical skills: Job-specific skills	Manage major projects / programs	Project manag*
Social skills: Managing employee skills	Can lead and motivate others	Lead
Social skills: Managing employee skills	Can lead and motivate others	Motiva*
Social skills: Client (stakeholder) interaction skills	Maintain effective communication and working relationships with internal and external clients	Communicate
Inclusion: Collaboration	Build sound working relationships with multidisciplinary teams	Relationship
Complexity: Development	Potential for development	Potential
D&I Indicators: D&I Values	Lived experience	Lived experience

Three datasets were collected for this analysis, including the jobs advertised by the Queensland (QLD) Government (on QLD Employment and Jobs website), ACT Government (on ACT Careers and Employment website), and Aotearoa New Zealand Government (on NZ Government Jobs website). Specifically, we developed a bespoke program to automatically store the webpages of the job advertisements and also download the documents attached to the webpages. This innovative data scraping method has created a large complex dataset that has significant potential to understand conceptions of merit within recruitment materials. Analysis of this dataset is ongoing.

For QLD, the data scraping occurred between 12-14 February 2024, and for the ACT and Aotearoa NZ between 27-28 February 2024. One or a few documents are commonly attached to a job advertisement, which can be a more detailed description of the job, a procedure of job application, or a job application form. Each job advertisement was assigned with one unique ID, associated to one webpage and the document(s) attached to it. The following table reports the number of webpages and documents collected for the three Governments.

	ACT	QLD	Aotearoa NZ
# webpages	230	2348	1878
# documents	291	4337	482

For the purposes of this Stage 1 Report, and to make analysis manageable, we conducted a preliminary qualitative content analysis of a small sample of online recruitment advertisements from each jurisdiction. We confined our analysis to terms relating to merit and D&I as identified based on our review of the academic and practitioner literature (see Section 1). We decided to focus on knowledge workers (as categorised in academic literature) as this would allow clearer identification and analysis of merit focused less on technical skills. To conduct the initial content analysis, we chose 30 advertisements for knowledge workers across the three jurisdictions. These advertisements are part of the initial data set and were chosen by random number generators applied to the results of the data scrape, which were collated in an Excel spreadsheet of results. The data scrape revealed that some of merit and D&I phrases identified in our coding framework occurred more frequently than others (e.g., see table above).

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