



November 24, 2021

Jay Krishan
Director
Pacific Society for the Advancement of Employment Equity
By email

Dear Jay Krishan:

Further to your letter of June 21, 2021, I would like to apologize for the lengthy delay in sending this response. Your letter indicated you hoped to discuss the function our “annual investigations into public service appointments has served towards encouraging both a (1) diverse and (2) merit-based public service.”

With respect to a merit-based public service, the Merit Commissioner’s role is outlined in the *Public Service Act* and includes monitoring the application of merit in accordance with the relevant provisions in the *Public Service Act*. It was evident from your letter that you are aware of our Merit Performance Audit report which we produce annually and post on our website. This report describes our audit approach and criteria as well as our findings for the specific audit year. In summary, for each appointment audited, we assess the recruitment and selection process in accordance with the requirements of the *Act*, and relevant hiring policy and collective agreement provisions. We also assess the process in accordance with the principles of: open and transparent processes; objective and job-related assessments; reasonable decision making; and the equitable treatment of applicants.

Your letter included the comment that “it is not in the interest of citizens of color to accept definitions of merit and systems of assessment which tend not to recognize their qualifications and abilities. What we see at present is well-qualified visible minority citizens with hard credentials from Canadian universities not being recognized.” It is part of our audit to determine whether the qualifications, including education, are job related and whether applicants are fairly assessed in accordance with the qualifications. Our [audit program](#) is posted on our website. You also state that our criteria to determine whether merit has been applied is incomplete and requires revision. I am interested to learn more about what you believe is missing or requires changing.

With respect to a diverse workforce, the Merit Commissioner has no mandate under the *Act* concerning workforce representation. Our office does not receive, nor collect, information about candidates’ status on the prohibited grounds of discrimination, unless a hiring process has been limited to a designated group and the information was collected upon application. The BC Public Service Agency is the central organization responsible for human resources policy, procedures and programs in the BC Public Service and, if you have not already done so, you may wish to follow up with them with respect to diversity and workforce representation.

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I have shared your letter with the Merit Commissioner, Maureen Baird, so she is aware of your serious and thoughtful concerns.

If you would prefer to discuss this over the phone, please call me directly.

Yours sincerely,

Catherine Arber
Director, Audit and Review