



Results of the Second System-Wide Staffing Audit



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Executive summary

To fulfill its accountability to Parliament for the integrity of public service appointments, the Public Service Commission of Canada (PSC) examines staffing risks at a system-wide level. The PSC does this by monitoring the expectations set out in:

- the *Public Service Employment Act*
- the PSC's *Appointment Policy's* expected results
- the *Appointment Delegation Accountability Instrument*
- other applicable requirements

The PSC published the [first system-wide staffing audit](#) in 2018.

This audit looks at whether appointments and appointment processes between December 1, 2020, and September 30, 2021, complied with specific legislative, policy and other applicable requirements. The audit involved a review of 292 indeterminate and term appointment files (promotions within, and hires to, the federal public service), that were subject to the *Public Service Employment Act*. The sample included internal, external, advertised and non-advertised appointments, from 19 medium and large participating departments and agencies.

We found that departments and agencies had high rates of compliance with applicable requirements in most appointments and appointment processes. For example, we found that:

- merit was met (96% or higher) for most merit criteria
- sub-delegated persons had signed an attestation form before making an offer of appointment (96.8%)
- the essential qualifications used for appointments met the applicable qualification standards (93%)
- the required appointment information was accessible electronically or by other means (86.3%)
- processes complied with the deputy head's direction on the use of advertised and non-advertised appointment processes (85.6%)

However, we also found that one area for improvement persisted from the 2018 system-wide staffing audit. We found differences in 25.7% of appointment processes between English and French versions of documents at key stages of the appointment process that could have had an impact on persons with a priority entitlement, as well as persons who were eligible to apply, those being assessed and those eligible for recourse.

This audit finding led to a new recommendation:

Recommendation: Given that respect for official languages is at the heart of safeguarding core staffing values such as access, fairness, as well as merit, deputy heads should implement mechanisms or practices to ensure that information on priority clearance requests, advertisements, the merit criteria, assessment material and notifications is the same in English and French throughout the appointment process as per the PSC's *Appointment Policy*.

Introduction

Background

1. The [Public Service Employment Act](#) gives the Public Service Commission of Canada (PSC) the authority to make appointments to and within the public service. The PSC delegates this staffing authority to deputy heads. Deputy heads exercise this delegated staffing authority within a framework that requires them to be accountable to the PSC, which in turn is accountable to Parliament.
2. To fulfill this accountability to Parliament for the integrity of public service appointments, the PSC monitors the expectations set out in:
 - the *Public Service Employment Act*
 - the PSC's *Appointment Policy's* expected results
 - the *Appointment Delegation Accountability Instrument*
 - other applicable requirements
3. The PSC ensures the health of the staffing system through its oversight function, which consists of 3 mechanisms: investigations, audits, and data services and analysis. Section 17 of the *Public Service Employment Act* empowers the PSC to conduct audits on any matter within its jurisdiction; this includes examining how deputy heads exercise their delegated staffing authorities.
4. System-wide staffing audits support the PSC's oversight function by examining a number of departments and agencies to identify areas for improvement and determine whether more guidance or support is needed.
5. The PSC published the [first system-wide staffing audit](#) in 2018.

Focus of the audit

6. This second system-wide staffing audit focused on whether appointments and appointment processes between December 1, 2020, and September 30, 2021, complied with specific legislative, policy and other requirements. We conducted a risk analysis to identify which specific elements to focus on as part of this audit.

7. The audit involved a review of 292 randomly selected indeterminate and term appointment files (promotions within and hires to the public service), that were subject to the *Public Service Employment Act*. The sample included internal, external, advertised and non-advertised appointments from 19 medium and large participating departments and agencies.
8. The audit is important because the PSC is accountable to Parliament for:
 - the integrity of the staffing system
 - ensuring that hiring decisions result in people appointed who are qualified for the job
 - ensuring that values like fairness are respected throughout the hiring process
9. For more details on the audit objectives, criteria and methodology, please see [Annex A: About the audit](#).

What we found

10. Overall, we found high rates of compliance with applicable requirements in most appointments and appointment processes. See [Annex B: Detailed audit findings](#) for more information on requirements and related compliance findings.
11. We found compliance on merit in excess of 96% for most merit criteria, including official languages requirements, education, other essential qualifications, and any applicable asset qualifications and operational requirements. Ensuring that appointments to and within the public service are based on merit is a cornerstone of *Public Service Employment Act*. Such high rates of compliance mean that Parliament and Canadians can be confident that qualified persons are being appointed.
12. In establishing the merit criteria for the position to be filled, hiring managers can cite any current or future needs of their department or agency to increase the representation of employment equity groups. When an organizational need was applied in the appointment decision, we found compliance in 87.5% of applicable appointments, as the employment equity self-declaration information was not always completed or made available.

13. We found that in 93% of appointment processes, the essential qualifications used for the appointment met the applicable qualification standards established by the Treasury Board of Canada Secretariat.
14. We also found that in the 292 offers of appointment we reviewed, 96.8% of the people who had made the offer had signed the staffing sub-delegation attestation form. This is a condition of sub-delegation and represents the sub-delegated person's commitment to exercise objectivity in the hiring decisions and to make decisions based on merit.
15. This audit included 2 areas of review not examined in the 2018 audit.
16. First, we examined whether deputy heads ensured that information related to the appointment was documented as set out in the PSC's *Appointment Policy*. We found a compliance rate of 86.3%. Sufficient information is important to explain appointment decisions and to determine compliance with core staffing requirements such as merit. Second, we examined whether appointment processes complied with the direction established by the deputy head on the choice of process (that is, advertised or non-advertised), as per the *Appointment Delegation Accountability Instrument*. We found that 85.6% of appointment processes complied with the direction set by the deputy head.
17. The following section describes a requirement that was examined and identified as an area for improvement in 2018, and which continues to be an area of non-compliance.

Area for improvement

Differences between English and French versions of documents used at key stages of the appointment process may have had an impact on people who participated in these processes.

18. The Preamble of the *Public Service Employment Act* states that "Canada will continue to gain from a public service that strives for excellence, that is representative of Canada's diversity and that is able to serve the public with integrity and in their official language of choice." In addition, the [Official Languages Act](#) states that Canadians should have equal opportunities to obtain employment and advancement in federal institutions without regard to their first official language. The PSC's *Appointment Policy* requires deputy heads to respect official languages obligations throughout the appointment process.

19. Overall, 25.7% of the processes examined in this current audit had differences between the English and French versions of documents at one or more key stages of the appointment process. We found differences between English and French versions of priority referral requests (22.6%), advertisements (21.2%), assessment tools (6.7%) and notifications (22.7%).
20. We found that differences between the English and French versions of a merit criterion contained in the priority clearance request often carried over to the job advertisement and notifications. In these cases, this means that an initial discrepancy may have had a recurring impact on people participating in the process at different stages, and ultimately, on the appointment outcome.
21. Such discrepancies were identified as an area for improvement in the 2018 audit report. That report recommended that the PSC support departments and agencies in ensuring that official languages obligations are respected throughout the appointment process.
22. In its response to this 2018 recommendation, the PSC implemented an action plan that examined alternative solutions to assess the equivalency between English and French versions of statements of merit criteria in job postings. The PSC also encouraged departments and agencies to build control measures into their staffing processes. At the time, the PSC stated, "If no noticeable progress is made following these efforts, we will ask departments and agencies to monitor and report on language equivalency in a more structured way."
23. Ensuring consistency between the English and French versions of appointment documentation is a fundamental aspect of ensuring fairness to both English- and French-speaking Canadians. As per the *Official Languages Act*, public servants and all Canadians should have equal opportunities to work for the Government of Canada, whether their first official language is French or English. This persistent compliance gap calls for greater attention to be paid, by both hiring managers and human resources advisors, to the quality of the translations of key appointment process documents.
24. This audit finding of a continued lack of consistency between English and French has led to a new recommendation:

Recommendation: Given that respect for official languages is at the heart of safeguarding core staffing values such as access, fairness, as well as merit, deputy heads should implement mechanisms or practices to ensure that information on priority clearance requests, advertisements, the merit criteria, assessment material and notifications is the same in English and French throughout the appointment process as per the PSC's *Appointment Policy*.

Conclusion

25. The audit focused on whether appointments and appointment processes made between December 1, 2020, and September 30, 2021, complied with specific legislative, policy, and other requirements. Overall, we found high compliance on several requirements. However, the audit did identify an area of improvement with respect to official languages obligations in appointment process information. This area was identified in the previous system-wide staffing audit and which the PSC had committed to addressing.
26. The new recommendation in this audit report is intended to bring more attention to this persistent gap in the staffing system. The PSC and deputy heads are encouraged to take action as part of their shared accountability for oversight of the staffing system to ensure that improvements are seen in future system-wide audits.

Recommendation

Recommendation: Given that respect for official languages is at the heart of safeguarding core staffing values such as access, fairness, as well as merit, deputy heads should implement mechanisms or practices to ensure that information on priority clearance requests, advertisements, the merit criteria, assessment material and notifications is the same in English and French throughout the appointment process as per the PSC's *Appointment Policy*.

The Public Service Commission of Canada's response

27. The PSC is pleased with the continued high degree of compliance with requirements, particularly as it relates to ensuring that appointments are made on the basis of merit. However, the shortcomings found in an area previously identified in the 2018 System-Wide Staffing Audit is cause for concern.
28. We expect departments to have controls in place to ensure consistency between the official languages in key appointment process documents. This is critical to ensure candidates are not disadvantaged based on their first official language. As part of the *Appointment Delegation and Accountability Instrument*, we will be requiring deputy heads to report on measures taken to address this persistent gap. We expect deputy heads to include this risk area as part of their ongoing monitoring activities of their staffing system.
29. The PSC will continue to monitor this area to ensure meaningful progress is made.

Annex A: About the audit

Objectives

The objectives of the audit were:

- to determine whether appointments and appointment processes comply with specific legislative, policy and other requirements.
- to determine whether the choice of appointment process (advertised or non-advertised) adhered to the direction established by the deputy head.

Scope and approach

The audit included a randomly selected sample of indeterminate and term appointments (promotions within, and hiring to, the public service), that were subject to the *Public Service Employment Act*, between December 1, 2020, and September 30, 2021.

This audit scope period was chosen because it was expected that by December 2020, participating departments and agencies would have established paperless information management practices that:

- responded to the operational constraints of remote working due to the Covid-19 pandemic
- made it feasible for information to be shared in an electronic format with the PSC

The audit included the following:

- a compliance review of a sample of appointments (internal, external, advertised, and non-advertised) from across the staffing system
- a review of whether the choice of appointment process (advertised or non-advertised) adhered to the direction established by the deputy head

Audit criteria

Objectives	Criteria
To determine whether appointments and appointment processes comply with specific legislative, policy and other requirements.	<ul style="list-style-type: none">• Official languages obligations (<i>Appointment Policy</i> s.5, <i>Official Languages Act</i> s.39(1), (2), (3))• Qualification standards (<i>Appointment Policy</i>, s.15, Annex B.5, TBS Qualification Standards, <i>Public Service Employment Act</i> s.31(2), 32)• PSC approval before using psychological tests (<i>Appointment Policy</i> s.9)

Objectives	Criteria
	<ul style="list-style-type: none"> • Assessment of merit (<i>Appointment Policy</i> s.15, Annex B.5, <i>Public Service Employment Act</i> s.30(1), (2), (3), 31(1), (2), 36, 38) • Order of preference (<i>Public Service Employment Act</i> s.39(1), 40, 41) • When appointing (<i>Appointment Policy</i> s.17) • <i>Appointment Delegation and Accountability Instrument</i> s2.2, 2.3 • <i>Appointment Policy</i> Annex B.11 • Appointment information requirements (<i>Appointment Policy</i> Annex B)
<p>To determine whether the choice of appointment process (advertised or non-advertised) adhered to the direction established by the deputy head.</p>	<ul style="list-style-type: none"> • Deputy head direction on choice of process (<i>Appointment Delegation and Accountability Instrument</i>) s1.2, <i>Public Service Employment Act</i> s.33)

Sample design

The sampling method was designed to provide compliance rates from a random sample of hiring and promotion staffing activities. The sampling method was also designed to provide enough information on whether the choice of appointment process (advertised or non-advertised) adhered to the direction established by the deputy head.

The following criteria were used to identify departments and agencies to be included in the audit sample:

- medium or large department/agency
- department/agency not identified in the sample for the *Audit of Employment Equity Representation in Acting Appointments*
- department/agency has not recently published an internal audit related to staffing (not including cyclical assessments)
- where possible, department/agency did not participate in the pilot 2018 system-wide staffing audit

Participating departments and agencies

- Agriculture and Agri-Food Canada
- Canada Border Services Agency
- Canada Energy Regulator
- Canada School of Public Service
- Canadian Space Agency
- Correctional Service Canada
- Department of Finance Canada
- Environment and Climate Change Canada
- Immigration and Refugee Board of Canada
- Infrastructure Canada
- Library and Archives Canada
- Natural Resources Canada
- Office of the Chief Electoral Officer
- Office of the Superintendent of Financial Institutions Canada
- Privy Council Office
- Shared Services Canada
- Statistics Canada
- Transport Canada
- Treasury Board of Canada Secretariat

Annex B: Detailed audit findings

We conducted a risk analysis to identify the critical elements to include in the audit objectives and scope. These elements are essential to ensuring that appointments and processes respect legislative, policy and other requirements. More detailed information on audit findings is provided below.

Adherence to deputy head direction on choice of process

What we expected

The *Appointment Delegation and Accountability Instrument* requires that deputy heads establish direction, through policy, planning or other means, on the use of advertised and non-advertised appointment processes.

What we found

- 85.6% appointment processes adhered to the direction established by the deputy head on the choice of appointment process
- 14.4% appointments were found to be non-compliant; for example:
 - there was no evidence of written advice or guidance provided by human resources (HR) advisors, or of whether strategic discussion took place between HR and the hiring manager, as required by the deputy head's direction
 - the articulation of selection decision did not include information on the choice of process, as required by the deputy head's direction

Official languages obligations in the appointment process

What we expected

As per the PSC's *Appointment Policy*, deputy heads must respect official languages obligations throughout the appointment process. We examined whether there were differences between the English and French versions of the following documents, which may have had an impact on people participating in the process, and on the appointment outcome:

- the request for priority clearance
- the advertisement
- the assessment tools used
- the notifications

What we found

- 75 appointments (25.7%) had differences between the English and French versions of documents at one or more key stages of the appointment process
- differences that could have an impact were found in priority referral requests (22.6%), advertisements (21.2%), assessment tools (6.7%) and notifications (22.7%)

Please see Exhibit 1 for examples of discrepancies between the English and French versions of key appointment documentation.

Exhibit 1

- A French priority referral request described 2 essential experience criteria as "**significative et récente**" while the English version required the same 2 experience criteria to be only "**significant**." Because the French version was more specific, the difference may have had an impact on:
 - persons with a priority entitlement who may not have put their name forward for consideration, or
 - persons being assessed, depending on the version used for the evaluation of the experience criteria.
- An English version of a priority referral request provided a description of the education alternatives separated by "**or**"; whereas in the French version, the education alternatives were not separated by the word "**ou**." This created more stringent education alternatives for those relying on the French version of the document. As a result, some persons with a priority entitlement may not have put their name forward.
- In the French section of an advertisement, the education qualification is written as "**études essentielles**," whereas in the English section, it is written as "**asset education**." This may have affected people's decisions on whether to apply, depending on which version of the advertisement they were consulting.
- In the English version of a written exam, a candidate was asked to prepare a presentation on a topic "**that you are very familiar with**," whereas the French tool asked the candidate to prepare a presentation on a topic "**sur un sujet que vous n'avez pas encore analysé**." This difference could have affected how the candidate responded, depending on the language of the assessment tool used.

Qualification standards

What we expected

As per subsection 31(2) of the *Public Service Employment Act*, the essential qualifications used for the appointment must meet or exceed the applicable qualification standards established by the employer (for example: education, professional designation, official languages for executives).

What we found

- The applicable qualification standard was met or exceeded in 254 of the appointments reviewed (93%)

Approval of use of psychological tests

What we expected

As per the PSC's *Appointment Policy*, PSC approval must be obtained prior to using psychological tests of intelligence, personality, integrity and aptitude, and tests of mental health.

What we found

- Tests were used in only 4 out of 292 of appointments (1.4%)
- PSC approval was obtained prior to their use

Merit-based staffing

What we expected

The *Public Service Employment Act* requires that appointments to and within the public service be based on merit.

According to subsection 30(2) of the act, an appointment is made on the basis of merit when the Commission is satisfied that the person appointed meets the essential qualifications for the work to be performed, including official language proficiency. The person appointed must also be assessed for and have met the following criteria:

- any additional qualifications that the deputy head considers to be an asset
- any current or future operational requirements that may be identified by the deputy head
- any current or future needs of the organization that may be identified by the deputy head

What we found

- Persons appointed met:
 - the official language requirements for the position in 96.6% of appointments
 - the educational qualifications for the position in 97.9% of appointments
 - all other essential qualifications (ability, knowledge) in 96.9% of appointments
 - the asset qualifications applied in 97.6% of appointments
 - the operational requirements applied in 98.3% of appointments
 - the organizational needs identified in 87.5% of appointments

Sub-delegation

What we expected

The *Appointment and Accountability Delegation Instrument* requires that prior to sub-delegation, the deputy head ensures that persons being sub-delegated have signed an attestation form that includes the requirements found in Annex C of the instrument.

What we found

- In 96.8% of appointments, the person who made the offer had signed an attestation form prior to making the offer of appointment

Respecting the order of preference

What we expected

According to section 39 of the *Public Service Employment Act*, in an advertised external process, once persons with a priority entitlement have been considered, the following who are found to have met the essential requirements must be appointed ahead of all other candidates: a person who is in receipt of a pension by reason of war service; a veteran or a survivor of a veteran; a Canadian citizen, and a permanent resident.

Note to reader: An issue regarding the completeness and accuracy of data available to organizations related to veterans' status came to the attention of the PSC during the course of the audit. For this reason, findings related to the order of preference are not included in this report. The data issue regarding order of preference and veterans' status to be the subject of a separate audit to be conducted in 2024-2025. The application of the order of preference will also be examined in the next system-wide staffing audit conducted by the PSC.

Information requirements

What we expected

As per the *PSC Appointment Policy*, deputy heads must ensure that information related to the appointment is documented, as set out in Annex B.

According to Annex B, deputy heads must ensure that the information is accessible electronically or through other means for at least 5 years after the last administrative action (as applicable) for each appointment.

What we found

- In 86.3% of appointments, the information related to the appointment was documented and accessible electronically or through other means
- In 13.7% of appointments, some of the information related to the appointment was not accessible electronically or through other means; for example:
 - employment equity self-declaration form (15.6%)
 - information related to the oath or solemn affirmation (9.3%)
 - assessment and results for the appointee (7.6%)