

PRE-EMPLOYMENT SCREENING POLICY

MANAGEMENT DIRECTIVE



1 Scope

This policy applies to applicants who apply for a position at Rockhampton Regional Council that has been identified as requiring pre-employment screening.

2 Purpose

To outline the criteria for pre-employment screening assessments that may be applicable as part of Council's recruitment process.

3 Related Documents

3.1 Primary

Nil

3.2 Secondary

Anti-Discrimination Act 1991

Australian Federal Police Act 1979 (Cwth)

Australian Human Rights Commission Act 1986 (Cwth)

Crimes Act 1914 (Cwth)

Criminal Code Act 1899

Criminal Law (Rehabilitation of Offenders) Act 1986

Disability Discrimination Act 1992 (Cwth)

Equal Employment Opportunity (Commonwealth Authorities) Act 1987 (Cwth)

Information Privacy Act 2009

Local Government Act 2009

Work Health and Safety Act 2011

Workers' Compensation and Rehabilitation Act 2003

Working with Children (Risk Management and Screening) Act 2000

Youth Justice Act 1992

Blue Card Policy

Blue Card Procedure

Code of Conduct

Pre-Employment Screening Procedure

Recruitment and Selection Policy

Recruitment and Selection Procedure

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Adopted/Approved:	Approved 3 September 2015	Department:	Corporate Services
Version:	4	Section:	Workforce and Strategy
Reviewed Date:	11 January 2018	Page No:	Page 1 of 4

4 Definitions

To assist in interpretation, the following definitions apply:

Applicant	A person applying for a position at Council, including persons currently employed by Council.
CEO	<i>Chief Executive Officer</i> A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Controlled Substance	A chemical whose manufacture, possession, or use is regulated by legislation.
Council	Rockhampton Regional Council
Employee	<i>Local government employee</i> — (a) the chief executive officer; or (b) a person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
FCE	Functional Capacity Evaluation
NPC	National Police Certificate A national criminal history check report prepared by the Australian Federal Police or by the police force or service of a State or Territory that discloses evidence of whether a person has: (a) any criminal convictions; (b) been convicted of an offence; or (c) been charged with, and found guilty of, an offence but discharged without conviction, is the subject of any criminal charge still pending before a Court.

5 Policy Statement

Council acknowledges the importance of ensuring all employees are provided with a safe and secure workplace and is committed to:

- (a) Promoting an ethical and professional work environment; and
- (b) Ensuring that pre-employment screening is conducted consistently and in a non-discriminatory manner.

Council will not employ an applicant to an identified position who does not consent to pre-employment screening.

Pre-employment screening information is not to be used for any other purposes other than the purposes of the recruitment process.

5.1 Pre-Employment Screening

Pre-employment screenings are assessments that may be undertaken by Council in assessing the preferred applicant's suitability for a position. These may be necessary to assess the suitability of applicant/s who are either external to Council or internal applicants who are applying for other roles within Council.

Assessments may include, but not limited to:

- (a) Criminal history check;
- (b) Blue card validity check;

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Version:	4	Section:	Workforce and Strategy
Reviewed Date:	11 January 2018	Page No:	Page 2 of 4

- (c) Drug and alcohol test;
- (d) Right to work in Australia check; and/or
- (e) Functional capacity evaluation screening.

Council uses pre–employment screenings to ensure that the recruitment and selection processes do not result in the engagement of an applicant who:

- (a) Has a criminal history that would prejudice safe and proper Council operations;
- (b) Has an invalid blue card;
- (c) Doesn't have a right to work in Australia;
- (d) Has pre–existing injuries or medical conditions that may impact on the applicant's ability to meet the requirement of the position;
- (e) Is unable to perform the inherent physical demands of a position; and/or
- (f) May pose a risk to Council's commitment to maintaining a safe and efficient working environment.

5.2 Position Descriptions

Positions that have been identified as requiring a criminal history check, blue card, or FCE must have this requirement clearly identified in the position description.

5.3 Criminal History Check

A National Criminal History Check is a process undertaken by the relevant state/territory police or the Australian Federal Police (for the ACT), which reveals whether a person has been charged with and/or convicted of a criminal offence which has not been removed from their record under a spent conviction scheme. Police jurisdictions then provide a NPC detailing any criminal offences, with the exception of any spent convictions.

5.3.1 Positions Requiring a NPC

The decision to conduct a NPC must be based primarily on a strong link between the relevant duties of a particular role and an applicant's suitability to perform those duties.

Council requires preferred applicants to apply for a NPC where it is envisaged that, but not limited to:

- (a) The duties of the position will or may involve direct and/or unsupervised contact with, or access to, a child or children;
- (b) The duties of the position will or may involve direct and/or unsupervised contact with, or access to, elderly person/s;
- (c) The duties of the position will have responsibility for the regular handling of money or administration of financial accounts of the Council;
- (d) The duties of the position will have responsibility for the handling of poisons, firearms or controlled substances;
- (e) The duties of the position have the responsibility for the direct public interface for the enforcement of Local Laws; or
- (f) As otherwise determined by the CEO.

5.4 Blue Card Validity Checks

Council requires that all employees performing work defined as “regulated employment” under the *Working with Children (Risk Management and Screening) Act 2000* must hold a valid blue card.

Council will not employ a suspended, disqualified or negative notice holder in regulated child–related employment.

The Blue Card Policy details the type of work requiring a valid blue card.

CORPORATE IMPROVEMENT & STRATEGY USE ONLY			
Adopted/Approved:	Approved 3 September 2015	Department:	Corporate Services
Version:	4	Section:	Workforce and Strategy
Reviewed Date:	11 January 2018	Page No:	Page 3 of 4

5.5 Drug and Alcohol Test

A pre–employment drug and alcohol test is necessary to assess the suitability of applicant/s who are not currently employed by Council. All testing undertaken will be in accordance with the Pre–Employment Screening Procedure.

5.6 Right to Work in Australia

Council is obliged to ensure illegal workers are not employed. Right to Work in Australia checks will be completed as required.

5.7 Functional Capacity Evaluation Screening

FCE screening helps to ensure that a position will not cause or aggravate an existing injury or disease for an applicant. It may be used as one of several factors to determine the most suitable applicant to place in a specific position. The screening will be entirely relevant to the specific position requirements and any legislative obligations pertaining to specific categories of work and should be considered along with the interview, reference checks and management approval.

- (a) Employment cannot be refused to an applicant with a disability or impairment on the basis of a screening that discloses a disability or impairment unrelated to adequate performance of the position;
- (b) Council is obliged to make reasonable adjustments for applicants with disabilities or impairments to enable performance of genuine occupational requirements; and
- (c) Genuine occupational requirements need to be accurately identified and considered 'reasonable' (i.e. majority of current and potential employees meet the genuine occupational requirements).

5.8 Confidentiality and Documentation

Council will ensure that all records relating to pre–employment screening are maintained in a secure environment in accordance with the Pre–Employment Screening Procedure.

6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the CEO.

7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Policy Owner	Manager Workforce and Strategy
Policy Quality Control	Corporate Improvement and Strategy



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Reviewed Date:	11 January 2018	Page No:	Page 4 of 4