

# PRE-EMPLOYMENT SCREENING POLICY

## MANAGEMENT DIRECTIVE



### 1 Scope

This policy applies to applicants who apply for a position at Rockhampton Regional Council.

### 2 Purpose

The purpose of this policy is to ensure a safe, secure, ethical and professional workplace.

### 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)*

*Human Rights Act 2019*

*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 and Procedure

Code of Conduct

Pre-Employment Screening Procedure

Recruitment and Selection Policy and Procedure

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## 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	Chief Executive Officer 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	Local government employee: a) The CEO; 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 does not employ an applicant to an identified position who does not consent to pre-employment screening.

Pre-employment screening information is not 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 to assess an 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 another position within Council.

Assessments may include, but not limited to:

- (a) Criminal history check;
- (b) Blue card validity check;
- (c) Drug and alcohol test;

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(d) Right to work in Australia check; and/or

(e) FCE 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 requirements 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 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 mandatory requirement for all positions. 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.

## 5.4 Blue Card Validity Checks

Council requires 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 does not employ suspended, disqualified or negative notice holders in regulated employment.

The Blue Card Policy details the type of activities which would require an employee to hold a valid blue card.

## 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 is 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 are 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 medical condition 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 is relevant to the specific position requirements and any legislative obligations pertaining to specific categories of work.

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.

Council is obliged to make reasonable adjustments for applicants with disabilities or impairments to enable performance of genuine occupational requirements.

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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 ensures 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.

## Document Management

Sponsor	Chief Executive Officer
Business Owner	Executive Manager Workforce and Governance
Policy Owner	Executive Manager Workforce and Governance
Policy Quality Control	Legal and Governance



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