

PRE-EMPLOYMENT SCREENING PROCEDURE



1 Scope

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

2 Purpose

The purpose of this procedure is to ensure pre-employment screening is conducted consistently and in a non-discriminatory manner.

3 Related Documents

3.1 Primary

Pre-Employment Screening Policy

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

Breath Alcohol Testing Devices (AS/NZS 3547:2019) Australian/New Zealand Standard

Blue Card Policy and Procedure

Code of Conduct

Discipline Procedure

Procedure for Specimen Collection and the Detection and Quantitation of Drug of Abuse in Urine (AS/NZS 4308:2008) Australian/New Zealand Standard

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Version:	3	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 1 of 6

Recruitment and Selection Policy and Procedure

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.
BAC	Blood alcohol concentration.
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.
Council	Rockhampton Regional Council
Disclosable Conviction	A recorded conviction by the Court and: (a) Has not been rehabilitated or spent under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> ; and (b) In the case of Commonwealth convictions, the <i>Crimes Act 1914 (Cwth)</i> ; and (c) Does not breach the confidentiality of the <i>Youth Justice Act 1992</i> .
Employees	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Equal to the Limit (Alcohol Test Result)	The result from the test of a breath sample which indicates a BAC equal to the limit.
FCE	Functional Capacity Evaluation
GM	An employee appointed to a position with a corporate band 2 delegated in accordance with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register.
Manager	An employee appointed to a position with a corporate band 3 delegated in accordance with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register.
NATA	National Association of Testing Authorities
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: (c) Any criminal convictions; (d) Been convicted of an offence; or (e) 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.
Negative (Drug Test Result)	The result from the first test of a sample that indicates no presence of a substance being tested for.
Non-Negative (Drug Test Result)	The result from the first test of a sample that may indicate the presence of a substance being tested for.

LEGAL AND GOVERNANCE USE ONLY

Adopted/Approved:	Approved, 9 March 2021	Department:	Office of the CEO
Version:	3	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 2 of 6

Offence	As defined in section 3 of the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> : An act or omission that renders the person doing the act or making the omission liable to punishment.
Over the Limit (Alcohol Test Result)	The result from the test of a breath sample which indicates a BAC in excess of the limit.
Positive (Drug Test Result)	The result from a laboratory confirmation that the presence of a substance being tested for exceeds the limit specified in the relevant Australian Standard.
Recorded Convictions	A note is made that a person has been convicted of an offence and this will later appear on that person's criminal history.
W&G	Workforce and Governance

5 Procedure

The following assessments are processed by W&G as part of the recruitment and selection process:

- (a) Criminal history check;
- (b) For applicants who would be new employees, drug and alcohol test;
- (c) If applicable, right to work in Australia check; and/or
- (d) If listed as a condition of employment in the position description:
 - (i) Blue card validity check
 - (ii) Functional capacity evaluation screening.

Any pre-employment screening which does not fall in one of the above categories must be approved by a manager prior to any arrangements being made.

W&G:

- (a) Notifies applicants of any required pre-employment screenings;
- (b) Organises all pre-employment screening assessments;
- (c) Checks validity of blue cards; and
- (d) Undertakes right to work in Australia checks.

5.1 Criminal History Check

A NPC is often sought for employment or overseas visa purposes. Council requires a name only search which is based on a search of the person's name against the criminal history records held by police services Australia wide.

5.1.1 Obtaining a National Police Certificate

W&G arranges the criminal history check to complete online. The applicant must ensure they upload sufficient proof of identity documentation.

The costs associated with obtaining a NPC are met by the relevant Council department.

5.1.2 Assessment of National Police Certificate

When W&G receives a NPC that indicates no criminal history, the recruitment and selection process proceeds in accordance with the Recruitment and Selection Policy and Procedure.

If an applicant's NPC indicates a disclosable conviction/s, the GM, in conjunction with W&G reviews and determines if the recruitment process proceeds in accordance with the Recruitment and Selection Procedure. The recommendation made is based on the relevance of the convictions to the inherent requirements of the position and the applicant's suitability to undertake the position's duties and responsibilities.

LEGAL AND GOVERNANCE USE ONLY

Adopted/Approved:	Approved, 9 March 2021	Department:	Office of the CEO
Version:	3	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 3 of 6

Assessments and decisions are undertaken on a case by case basis and in a non-discriminatory manner.

The GM makes a recommendation for the CEOs final consideration and approval. The panel chair is advised of the recommendation to the CEO.

5.2 Blue Card

Where a blue card is identified as a requirement of the position/condition of employment, the applicant must hold a current blue card and provide a copy to W&G for a validity check to progress in the recruitment process.

The outcome of the blue card validity check is forwarded to the contact person in accordance with the Blue Card Procedure.

Prior to a successful applicant commencing employment with Council, their blue card must be linked to Council with Blue Card Services by the contact person.

5.3 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 this procedure.

5.3.1 Testing Methods

All pre-employment drug testing is undertaken as a urine test in accordance with the Australian Standard AS/NZS 4308:2008 – Procedures for Specimen Collection and the Detection and Quantitation of Drugs of Abuse in Urine.

Alcohol testing is conducted in accordance with Australian Standard AS 3547:2019 – Breath Alcohol Testing Devices and current random breath testing procedures in Queensland.

The testing provider is authorised in writing by the CEO to conduct drug and alcohol tests on behalf of Council. Testing is only carried out with site approved drug and alcohol testing equipment, which is regularly tested and calibrated to the standards specified by the manufacturer.

5.3.2 Attendance at Drug and Alcohol Testing Appointment

Applicants are contacted by W&G and advised of their scheduled appointment time to undertake a drug and alcohol test with a Council approved testing provider. If an applicant is unable to attend the nominated testing time, the appointment may be rescheduled on one occasion however, no later than 24 hours from the initial appointment time. If an applicant is unable to attend their initial and alternative testing appointment (unless due to extenuating circumstances) their job application is not progressed further and they are considered to be unsuccessful for the position.

5.3.3 Inability to Produce a Sample for Drug and Alcohol Testing or Tampering with a Sample

If an applicant cannot produce a sample for drug and alcohol testing within a two hour period from the testing appointment, the test is abandoned and treated as a positive or over the limit result.

Within the two hour testing period, a maximum of three breathalyser attempts for an alcohol test is performed, and two urine samples for drug testing are attempted.

If there is evidence that an applicant has tampered with a sample it is considered as a serious breach of this procedure and treated as a positive or over the limit result.

5.3.4 Drugs

The testing provider arranges for non-negative drug test samples to be forwarded to an approved laboratory for independent analysis in accordance with NATA requirements. Initial screening for drugs comprising of a urine test are screened in accordance with the cut-off levels as listed in the Australian Standard AS/NZS 4308:2008 – Procedures for Specimen Collection and the Detection and Quantitation of Drugs of Abuse in Urine.

LEGAL AND GOVERNANCE USE ONLY

Adopted/Approved:	Approved, 9 March 2021	Department:	Office of the CEO
Version:	3	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 4 of 6

Where a non–negative result for the presence of a substance is returned through an initial urine screening test, the specimen is subjected to confirmatory testing. The confirmatory test is screened in accordance with the cut–off concentrations as listed in Australian Standard AS/NZS 4308:2008 – Procedures for Specimen Collection and the Detection and Quantitation of Drugs of Abuse in Urine.

5.3.4.1 Drug Test Result – Non–Negative Test from Declared Prescription or Pharmacy Medication

If an applicant declares the use of prescription or pharmacy medications prior to testing and tests non–negative for a substance known to be in that medication, the applicant’s sample is sent to the approved testing facility to confirm the declaration.

Should a laboratory result contradict the prescription or pharmacy medication declared by the applicant, it is treated as a positive result.

5.4.3.2 Drug Test Results – Positive Test

If an applicant returns a positive test result to drugs, their application is not progressed further and they are considered to be unsuccessful for the position they have applied for.

5.3.5 Alcohol

Any applicant, when tested, must provide, a BAC equal to 0.000g/100ml (0.000%).

5.3.5.1 Alcohol Test Results – Over the Limit

If an applicant returns a BAC over the limits set out in paragraph 5.3.5 the applicant remains in the testing facility until a second test is conducted after a cooling off period of 20 minutes. This is in accordance with current random breath testing procedures in Queensland.

If the second test returns a BAC over the limit, the applicant’s application is not progressed further and they are considered to be unsuccessful for the position.

5.4 Right to Work in Australia

Visa Entitlement Verification Online is a free online service and is the preferred method to check if non–citizens have a right to work in Australia. W&G performs this check as required.

5.5 Functional Capacity Evaluations

The FCE assessments are entirely relevant to the specific position requirements and any legislative obligations pertaining to specific categories of work. FCE’s are conducted by suitably qualified health professionals and are performed as part of the recruitment and selection process.

FCEs include pulmonary function testing, chest x–ray (only for applicants for positions in Rural Operations as Plant Operators/Labourers who will operate a crusher and work within the quarry) and audiometric testing.

If the results of the pulmonary function test or chest x–ray identify any abnormal measurements, this may be referred for further medical opinion, prior to employment.

A FCE assesses only current health status and does not attempt to predict future deterioration.

5.6 Confidentiality and Documentation

In order to maintain the strictest confidence Council ensures the following:

- (a) Records relating to pre–employment screening are maintained in a secure environment; and
- (b) Under **no** circumstances is an applicant’s pre–employment screening records or information disclosed to persons not directly involved in determining their suitability for employment. Disciplinary action may be taken against an employee giving unauthorised access or disclosure to details of pre–employment screening records.

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Version:	3	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 5 of 6

6 Review Timelines

This procedure 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 Executive Manager Workforce and Governance.

7 Document Management

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



LEGAL AND GOVERNANCE USE ONLY

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Version:	3	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 6 of 6