

2.5 Fair Hiring Policy

Policy Statement

The Government of Nova Scotia is committed to fair hiring practices. Hiring activities in the Government of Nova Scotia are based on the principles of merit, and guided by public service values that include respect, integrity, diversity, accountability and the public good.

Definitions

APPLICANT

A person that submits his or her resume as application in response to the advertised job posting.

BACKGROUND CHECKS

The collection of information from third parties about the candidate's background as it relates to assessing the candidate's suitability for employment.

CANDIDATE

An applicant who has been short-listed as having met the requirements of the position.

CONFLICT OF INTEREST

As defined in the Conflict of Interest Policy, conflict of interest exists when the duties and responsibilities of an employee are or potentially could be compromised by his or her personal and private interests. A conflict of interest may be real, apparent or perceived.

“Real” conflict of interest exists when the employee has knowledge of a private interest economic or otherwise that could influence the exercise of his or her public duties and responsibilities.

“Apparent” or “perceived” conflict of interest exists when the employee is in a situation in which a reasonably well-informed person could properly have a reasonable apprehension that a conflict of interest exists, even when there may not be a conflict.

DEPUTY HEAD

Deputy Head means the deputy of the member of the Executive Council presiding over a department and all others whom the Governor in Council from time to time designates as having the status of deputy head.

DEPARTMENTS

Any department, office or public service entity established by the Government of Nova Scotia, as identified under Category I in Appendix I-A of the Management Manuals Policy.

EMPLOYEE

An employee as defined in the *Civil Service Act*; an employee as defined in the *Highway Workers' Collective Bargaining Act*; any other person directly employed by the Province of Nova Scotia.

EQUITY

Fair treatment of people by acknowledging and making provision for their differences in a process that is free of systemic barriers.

EMPLOYMENT EQUITY

Equitable representation is achieved in a workforce when, in all occupational categories and at all levels of employment, the representation of the designated groups is reflective of the working age population.

FAIR HIRING PROCESS

An accessible, consistent and transparent process that is impartial based on principles of merit and equity.

IMMEDIATE FAMILY

Includes father, mother, step-parents, brother, half-brother, step-brother, sister, half-sister, step-sister, spouse, child of the employee, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, step child, ward of the employee, grandparent or grandchild of the employee, and a relative permanently residing in the employee's household or with whom the employee permanently resides.

MERIT

The factors to be considered when assessing merit include: education, experience, skills, knowledge, personal attributes, and where applicable, years of service. Relative merit among applicants is determined by screening to ensure applicants meet the requirements advertised for the position, and based on the factors of merit and equity, conducting selection assessments to identify a ranked order of candidates.

PERSONAL ATTRIBUTES

Job-related qualities required for the position; examples include flexibility, initiative, and reliability.

Policy Objectives

The objectives of the policy are to:

- Ensure that fair hiring practices are followed in the Government of Nova Scotia
- Ensure that hiring is based on the principle of merit
- Promote transparency, consistency, and accountability in the hiring process
- Support employment equity, to help government develop a workforce that is representative of the populations it serves.

Application

This policy applies to all civil servants whose terms and conditions are set out in accordance with the *Civil Service Act* and regulations, and other direct employees of the provincial government including all bargaining unit employees. If there is a conflict between this policy and the provisions of a collective agreement, the collective agreement will take precedence.

Policy Directives

OVERALL

Recruitment and selection activities must be conducted in a manner that is fair, objective, consistent, equitable, non-discriminatory and legally defensible.

Persons involved in the hiring process must possess the requisite knowledge and skills in order to effectively conduct recruitment and selection activities.

Appropriate departmental authorizations must be obtained before a successful candidate can be appointed to the position.

Hiring activities in the Government of Nova Scotia, unless otherwise prescribed by this policy, relevant collective agreement or regulatory provisions, or the Employment Equity Policy, must follow the guidelines for fair hiring as established by the Public Service Commission.

A fair hiring process includes:

- Consistent recruitment and selection processes and consistent treatment of applicants and candidates throughout the processes
- Screening and selection criteria that are related to job requirements
- Consistent screening, selection criteria and evaluation of candidates for similar positions

- Interviews, rating scales, answer keys, tests and related assessments, and reference checks that are impartial and relevant to the position
- Determination of a successful candidate that is based upon merit as outlined in this policy.

Departments are required to discuss hiring options for casual employment opportunities with their Human Resources representative. This will include appropriate consideration of applications on file from qualified employment equity candidates. A fair hiring process, as outlined in this policy and in the guidelines for fair hiring established by the Public Service Commission, should be followed when filling casual employment opportunities. Exceptions must be approved by the Human Resources representative.

Recruitment and selection activities must comply with relevant Human Rights legislation. Recruitment and selection must be based on assessing the person's ability to do the job and not be based on assessing the applicant's protected personal characteristics as set out in the *Human Rights Act*. Further details are outlined in the guidelines for fair hiring established by the Public Service Commission.

Recruitment and selection activities must comply with relevant Freedom of Information and Protection of Privacy legislation. All parties involved must maintain confidentiality throughout the recruitment and selection processes for applicants and candidates. Further details are outlined in the guidelines for fair hiring established by the Public Service Commission.

A competition file must be created to support hiring activities in the department. The competition file includes all necessary paperwork to support the recruitment and selection processes, and provides evidence of its results.

HIRING OF RELATIVES

Immediate family members are not to be employed in a department where there is potential for conflict of interest, or perceived conflict of interest, between the employee and the immediate family member.

Hiring managers and selection panel members are required to disqualify themselves as participants in the selection process when their objectivity would be compromised, or perceived to be compromised, and/or where a candidate is a member of the employee's immediate family.

The persons conducting interviews have a responsibility to make candidates aware of this provision and to inquire as to immediate family relationships that would exist if the candidate were to be appointed to the position.

BACKGROUND CHECKS

To assess the candidate's suitability for employment, appropriate background checks are conducted prior to the candidate being identified as the successful candidate for the position. As a minimum, reference checks must be conducted. A department may also request verification of a candidate's education credentials. Additional background checks must be related to the requirements of the position, and may include:

- Criminal Records checks
- Child Abuse Registry checks
- Credit checks
- Driving record checks
- Others as required; e.g., medical clearance, community references and/or verification of professional association membership.

Candidates must provide consent, in writing, prior to the department carrying out background checks.

References must include recent supervisors who have worked with the candidate for a sufficient period of time to be able to offer an informed assessment, and may include others who have relevant knowledge about the candidate. References from immediate family members are not permitted.

In the event that a candidate does not consent to having background checks completed for the position, it will adversely affect the candidate's results for the selection process.

EXEMPT FROM COMPETITION

The Government of Nova Scotia may make appointments to positions, which are not civil service positions, outside the Civil Service, including:

- Assistant Deputy Ministers
- Associate Deputy Ministers
- Chief Executive Officers of Agencies, Boards and Commissions
- Deputy Ministers
- Executive Assistants to Members of Executive Council
- Secretarial and Policy Advisory Personnel to Ministers; Office of the Premier; Executive Council Office; Treasury Board Office or the Office of Policy and Priorities.

Such appointments may be made by Governor in Council, Ministerial appointment or by Personal Services Contract, without competition.

Accountability

PUBLIC SERVICE COMMISSION

The Public Service Commission is accountable for:

- Providing leadership in the development of policies and programs that support fair hiring within the Government of Nova Scotia
- Overseeing the delegation of staffing to deputy heads
- Providing advice, tools and support to deputy heads and hiring managers regarding recruitment and selection processes
- Promoting the Government of Nova Scotia as a single employer to potential applicants
- Encouraging departments to support career advancement of employees within and across departments
- Monitoring the effectiveness and consistent application of the policy, including conducting reviews and evaluations
- Modeling public service values of respect, integrity, diversity, accountability and the public good throughout the recruitment and selection processes

DEPUTY HEADS

Deputy Heads are accountable for:

- Providing leadership for the staffing authority within the department, ensuring that recruitment and selection is conducted in a manner that is consistent with this policy, *Civil Service Act* and regulations, and the applicable collective agreements
- Ensuring the policy and guidelines are integrated into their department's practices
- Serving as a champion for public service values of respect, integrity, diversity, accountability and the public good
- Informing the Public Service Commission, in a timely manner, of any complaints or areas of concern regarding recruitment and selection processes
- Ensuring a response to inquiries or complaints regarding the recruitment and selection processes
- Supporting the career advancement of employees within and across departments
- Delegating, where operationally feasible, responsibility for conducting recruitment and selection processes to the supervisory/management level in the department

HIRING MANAGERS AND SELECTION PANEL CHAIRPERSONS

Hiring Managers and Selection Panel Chairpersons are accountable for:

- Conducting recruitment and selection processes in a manner that is consistent with this policy, *Civil Service Act* and regulations, and the applicable collective agreements
- Modeling corporate values of respect, integrity, diversity, accountability and the public good throughout the recruitment and selection processes
- Seeking out support and advice from their Human Resources representative throughout the recruitment and selection processes
- Communicating their department's recruitment and selection processes to applicants, to support transparency, openness, and accessibility
- Protecting confidentiality throughout the recruitment and selection processes for applicants and candidates
- Ensuring that selection panel members are made aware of the policy and understand its guidelines

APPLICANTS AND CANDIDATES

Applicants and candidates are accountable for:

- Ensuring that information submitted throughout the recruitment and selection processes is accurate and true to the best of their knowledge at the time of submission.

Monitoring

The Public Service Commission is responsible for monitoring the effectiveness and consistent application of this policy. The Public Service Commission may periodically conduct reviews or evaluations of practices and require access to data maintained with respect to this policy.

References

- *Nova Scotia Civil Service Act* and Regulations
- *Highway Workers' Collective Bargaining Act*
- *Nova Scotia Human Rights Act*
- *Nova Scotia Freedom of Information and Protection of Privacy Act*
- Canadian Charter of Rights and Freedoms
- Civil Service Master Agreement between Province of Nova Scotia and Nova Scotia Government and General Employees' Union

- Agreement between the Department of Transportation and Infrastructure Renewal and the Canadian Union of Public Employees and its Local 1867
- Agreement between the Province of Nova Scotia, as represented by the Nova Scotia Public Service Commission, and the Nova Scotia Crown Attorney's Association
- Government of Nova Scotia Employment Equity Policy
- Government of Nova Scotia Conflict of Interest Policy
- Values, Ethics, and Conduct: A Code for Nova Scotia's Public Servants
- Guidelines for fair hiring as established by the Public Service Commission <<http://novascotia.ca/psc/about/overview/publicationsPolicies/>>

Enquiries

Operations Support Unit, Public Service Commission (902) 424-2302

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