

2.1 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

Any situation in which an employee, either for himself/herself or some other person(s), attempts to promote a private or personal interest which results in the following:

- An interference with the objective exercise of his or her duties in the public service;
- A gain or advantage by virtue of his or her position in the public service.

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 1 in Appendix 1-A of the Management Manuals Policy.

DESIGNATED POSITIONS

Positions that are limited to applicants from the designated groups, as per the Employment Equity Policy (Aboriginal People, African Nova Scotians and Other Racially Visible Persons, Persons with Disabilities and Women in occupations or positions where they are under-represented).

EMPLOYEE

An employee as defined in the *Civil Service Act*; an employee as defined in the *Corrections 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.

FAIRNESS

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, 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.

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 provisions or Employment Equity Policy, must follow the departmental guidelines outlined in Appendix 2-A.

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 obtain names and applications of qualified employment equity candidates for casual and temporary employment opportunities from the Diversity Talent Pool at the Public Service Commission, by contacting the Diversity Management Unit. The Talent Pool has resumes of pre-screened applicants with a wide range of skills and competencies that are immediately available to fill casual positions. A fair hiring process, as outlined in this policy, should be followed when filling these positions— 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 such as age, political affiliation, marital status or income. Further details are outlined in Appendix 2-C Human Rights Guidelines.

Recruitment and selection activities must comply with relevant Freedom of Information and Protection of Privacy legislation. Further details are outlined in Appendix 2-A Departmental Guidelines.

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 outside the Civil Service, including:

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

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 Human Resource Corporate Service Units (HR-CSUs), to assist in the delivery of recruitment and selection services
- 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 the conducting of audits and evaluations

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

CORPORATE SERVICE UNIT (CSU) HUMAN RESOURCE DIRECTORS

CSU Human Resource Directors are accountable for:

- Providing advice, information and support that is consistent with this policy, *Civil Service Act* and regulations, and the applicable collective agreements to deputy heads, hiring managers, applicants, candidates, and employees
- Collaborating with the Public Service Commission to monitor the effectiveness and consistent application of the policy
- Modeling public service values of respect, integrity, diversity, accountability and the public good throughout the recruitment and selection processes
- Providing education to hiring managers regarding recruitment and selection processes

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 audits of department practices and require access to data maintained by departments with respect to this policy.

References

- *Nova Scotia Civil Service Act* and Regulations
- *Nova Scotia Civil Service Collective Bargaining Act*
- *Nova Scotia Human Rights Act*
- *Nova Scotia Freedom of Information and Protection of Privacy Act*
- Canadian Charter of Rights and Freedoms
- Government of Nova Scotia Employment Equity Policy
- Civil Service Master Agreement between Province of Nova Scotia and Nova Scotia Government and General Employees' Union
- Agreement between Her Majesty the Queen in the Right of the Province of Nova Scotia represented by the Minister of Justice and the Nova Scotia Government and General Employees' Union (Local 480)
- Agreement between the Department of Transportation and Public Works 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 Leadership Competency Guide

Enquiries

General Enquiries, Public Service Commission (902) 424-1739

Appendices

- Appendix 2-A Departmental Guidelines
- Appendix 2-B Behavioural Description Interviewing
- Appendix 2-C Human Rights Guidelines for Recruitment and Selection Activities
- Appendix 2-D Background Checks Authorization Form Template

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Appendix 2-A

Departmental Guidelines

Guidelines are organized according to the major stages in recruitment and selection:

- Recruitment and Planning Activities
- Screening Activities
- Selection Activities
- Appointment Activities

Within each section, detailed guidelines describe the required activities to be conducted.

Overall

Hiring managers and their Human Resources representative will prepare a DHR1 form to obtain the appropriate departmental authorizations to begin the recruitment and selection processes.

Keeping in mind applicable legislation and collective agreement provisions, hiring managers, with the support of their Human Resources representative must identify the type of hire that best meets their needs for the position before starting the recruitment and selection processes. Examples include: casual, term, permanent, secondments, temporary and contract.

Hiring managers are guided by their Human Resources representative throughout the recruitment and selection processes.

How Merit Applies to Recruitment and Selection

Hiring activities in the Government of Nova Scotia are based on the principles of merit. To determine merit, recruitment and selection processes assess an applicant's 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 then conducting selection processes (examples: structured interviews, job-related tests) to identify a ranked-order list of candidates. As a result, the highest ranked candidate is recommended as the successful candidate for the position.

1. Recruitment and Planning Activities

A. JOB DESCRIPTIONS

Hiring managers must identify the vacant position's accountabilities and job requirements, and/or review the existing job description prior to posting the job ad.

In the event that the job description is out-of-date and does not reflect the current requirements of the position, the hiring manager should consult with their Human Resources representative to update the job description before starting the recruitment and selection processes.

In the event that a job description does not exist, the hiring manager should consult with their Human Resources representative to develop a job description for the position, before starting the recruitment and selection processes.

B. JOB POSTINGS

Hiring managers, with the support of their Human Resources representative, must prepare a job posting to be used to attract and recruit applicants for the position. An accurate and up-to-date job posting helps to manage the expectations of applicants and provide a realistic overview of the position.

For positions in the Management Classification Plan (MCP), leadership competencies should be reflected in the job description and job posting.

Job postings must include a statement of diversity, encouraging applicants from the designated groups to apply for the position.

Job postings must be aligned with the job description and must clearly outline the position title, department, position duties, qualifications for the position, classification and salary range (in the event that the classification and salary is under review, the posting should indicate so), competition closing date and time, and application instructions.

The job posting must clearly outline acceptable equivalents to the educational requirements for the position, if equivalencies exist.

The job posting must clearly outline if the position is within the bargaining unit, and if so, outline related application instructions and related restrictions.

To promote openness and transparency, the job posting should outline if additional background checks will be required as a condition of employment. As an example, a posting could state "Additional background checks, such as a Child Abuse Registry check, will be required as a condition of employment".

Recruitment and selection tools, including job postings, must be reviewed by the Human Resources representative to ensure they do not include any questions or components that may be perceived as discriminatory in nature. As an example, listing maturity as a personal attribute sought may be perceived as discriminatory in nature, based on age. Human Resources can provide advice and guidance about exceptions to the *Human Rights Act* such as in the event of a bona fide occupational requirement that justifies the question or component. As an example, positions that require employees to serve alcohol must employ persons over the age of 19, i.e., those that meet the legal age required to serve alcohol. The age requirement is a bona fide occupational requirement for the position and would be considered acceptable.

C. RECRUITMENT ADVERTISING

Employees and members of the public must be provided with reasonable access to notification of career opportunities within the Government of Nova Scotia. Vacancies requiring external competition must be advertised in government's Career Opportunities Bulletin.

The Career Opportunities Bulletin contains active job postings available in the Government of Nova Scotia. Also referred to as the "Employment Opportunities Bulletin", the Career Opportunities Bulletin is advertised on government's careers website <www.gov.ns.ca/careers> and available in hard copy at Access Nova Scotia Centres throughout the province.

In the event of departmental restructuring, departments may have restricted, internal competitions for employees in the Management Compensation Plan (MCP) and Administrative Support (AS) classification affected by the restructuring, in order to minimize the negative impact of the restructuring.

Within the bargaining unit, a department may restrict a competition— if a requirement exists to fill a new position or vacancy by a job posting, departments may invite an expression of interest from employees within the same classification, same department. If more than one response is received, and when the Employer and the Union agree, the employee with the greatest length of service will fill the position.

A department may restrict its recruitment advertising to current civil service employees in the following scenarios:

- If the position's duration is less than 12 months, the position may be advertised to current civil servants within the department;

- If the position's duration is between 12 and 24 months, the department may advertise the position to current civil servants within the Government of Nova Scotia.
- Exceptions may occur under government's Secondment Policy. Additional recruitment advertising activities must be tailored to the requirements of the position and approved by the Human Resources representative. Additional activities may include advertising with professional or trade associations, newspapers, diverse community groups, or other regional/national job board websites.

D. DESIGNATING POSITIONS

Designated positions are limited to candidates from the designated groups as outlined in the Employment Equity Policy. Designating positions is one way to implement our employment equity goals, to become more representative of the citizens of Nova Scotia. According to the current Civil Service Master Agreement between the Province of Nova Scotia and Nova Scotia Government and General Employees' Union, the Union and the Employer may agree that job postings be restricted to Aboriginal Peoples, Racially Visible Persons, Persons with Disabilities, and Women and Men in non-traditional roles.

Designating positions can be done when the Department has established an employment equity goal in their Employment Equity Plan, to improve the representation of designated group members. As an example, through succession planning and equity initiatives it might be determined to be appropriate to have a designated group member work in a specific geographic area, or with a specific community (i.e. the African Nova Scotian or Aboriginal community). The *Nova Scotia Human Rights Act* under Section 6(l) - in layperson's language - deems that it is not discriminatory to have special programs or activities that work to improve the conditions of groups of people who face disadvantage in areas covered by the act, which includes employment.

When the position matches an employment equity goal, and is a bargaining unit position, then permission from the Union is required prior to the posting of the position. For non-bargaining unit positions, the Diversity Management Unit of the Public Service Commission should be informed.

All recruitment efforts, but in particular those for designated positions, should include strategies that reach out to diverse community groups/agencies.

In all cases, if a position is designated, the job posting should indicate that only those applicants that have self-identified in their cover letter, resume or application form as a member of the designated group will be considered for the position.

The Diversity Management Unit of the Public Service Commission is available for assistance.

To learn more about employment equity, please visit the Employment Equity Policy.

E. DETERMINING SELECTION PANEL COMPOSITION

The hiring manager, in consultation with the Human Resources representative, must identify and seek agreement to participate from people who can serve as selection panel members. The panel will be comprised of a minimum of three representatives. Selection panels may include the hiring manager, Human Resources representative, current incumbent for the position or a suitable technical expert.

In the event that a candidate has self-identified as a member of a designated group, Departments must demonstrate that they made every reasonable effort to include a member of a designated group on the selection panel.

The chairperson of the selection panel may be the hiring manager. In the event that the chairperson is not the hiring manager, the chairperson must work closely with the hiring manager and Human Resources representative to develop screening criteria and determine selection methods for the position, in addition to leading the selection processes.

F. DETERMINING SCREENING CRITERIA

The purpose of screening is to review the applications/resumes received in response to an advertised job posting, identifying those that meet the requirements of the position and developing an eligibility list of candidates.

Hiring managers must develop screening criteria based on the job posting, and in advance of reviewing resumes/applications. The Human Resources representative must approve the screening criteria used in the recruitment and selection processes before the hiring manager/selection panel chairperson reviews resumes/applications. A copy of the approval must be retained in the competition file to provide evidence and back-up documentation to support the process.

Screening criteria must only include requirements and qualifications advertised in the job posting, and cannot be adjusted or changed once resumes/applications have been reviewed.

Screening criteria must clearly outline the qualifications, i.e., required, “must-have” criteria, for the position; must-have criteria will be listed and scored based on a “yes/no” answer key.

Assets or “nice-to-have’s” must only be used to further pre-screen those candidates who have met the required qualifications for the position.

Please refer to section 2- Screening Activities to learn more about how to conduct screening.

G. DETERMINING SELECTION METHODS

The purpose of selection is to formally and thoroughly assess candidates on the eligibility list, to rate the relative merit of candidates for the position.

Selection methods and tools should be determined in advance of reviewing resumes/applications and be weighted to reflect the requirements of the position. As an example, results of structured interviews may account for 75% of the selection process, testing results may account for 25% of the process. In addition, the threshold cut-off score for selection assessments (including interviews) should be established with the Human Resource representative.

Interviews must be completed as part of the selection processes. The interview must be structured (questions developed in advance of conducting the interviews, the same set of questions asked of each candidate, a consistent rating and answer scale used) and interview questions must be weighted to reflect the requirements of the position. Behavioural interview questions must be included in the structured interview. Behavioural interview questions collect examples of past behaviours related to the requirements of the position. Please refer to Appendix 2-B Behaviour Description Interviewing for more details.

For management positions, leadership competencies should be assessed in the interview and reference check. Behavioural indicators associated with the competency levels can be used as the answer guide for assessing leadership competencies. Rating/answer scales must be included as part of the interview template.

As an example, if assessing **decisiveness** as a competency, at a level B the desired behaviour would be:

Makes Sound Decisions in a Somewhat Vague Situation

- *Makes and implements decisions when faced with differing stakeholder perspectives and/or some ambiguity of information, based on the organization's needs and objectives.*

- *Recognizes conflicting situations as they arise and determines appropriate responses.*
- *Takes ownership of decisions and ensures decisions are consistent with legislation, precedent, and established policies and procedures.*

A rating scale may be:

- 1. Does not meet requirements; demonstrated weak or no evidence of the desired behaviours*
- 2. Meets some of the requirements; demonstrated moderate evidence of some of the desired behaviours*
- 3. Meets requirements; demonstrated good evidence of most or all of the desired behaviours*
- 4. Exceeds requirements; demonstrated strong evidence of all the desired behaviours and demonstrated a high level of consistency*

The Human Resources representative should approve the following before resumes/applications have been reviewed by the hiring manager/chair of the selection panel:

- Identifying methods to be used in the selection process
- Weighting of selection methods
- Design of tests and related assessments
- Structured interview and reference questions including their weights and rating/answer scales
- Cut-off scores identified as minimum thresholds for tests, interviews, and reference checks.

A copy of the approval must be retained in the competition file to provide evidence and back-up documentation to support the processes.

To learn more about how to conduct selection activities, such as interviews, please refer to section 3- Selection Activities.

2. Screening Activities

Screening criteria cannot be adjusted or changed once resumes/applications have been received.

Screening criteria must clearly outline the required qualifications, and all resumes will be screened against the criteria.

Additional screening criteria, i.e., assets or “nice-to-have’s” may only be used to further pre-screen those candidates who have met the required qualifications for the position, to identify your eligibility list.

An eligibility list includes the names of the applicants who best meet the requirements of the position. Candidates who best meet the requirements of the position, i.e., those listed in the eligibility list, are screened in to participate in the selection process.

The Human Resources representative must approve, in writing, the eligibility list for each competition.

A record of the screening activity, such as the use of a screening grid, applicant master-list, and a copy of the approval obtained by Human Resources, must be retained as part of the competition file to provide evidence of the results of the screening process.

A. EMPLOYMENT EQUITY GUIDELINES FOR SCREENING

Non-Bargaining Unit Positions

Non-Bargaining Unit Positions (or competitions where no qualified bargaining unit member has made application for a bargaining unit position). In the process of screening applicants, employment equity is factored into the assessment process. Applicants who meet the required qualifications for a position and who have identified as a member of a designated group will be eligible for an interview or further testing in the selection process. This means screening takes into account the designated group status of applicants following the determination of required qualifications.

Example: A competition has 30 applicants. Screening has identified 10 applicants with the required qualifications for the position. One applicant has identified as a member of a designated group. The department is under-represented and has established goals to improve the representativeness of their department. The qualified designated group applicant is one of the applicants chosen for an interview.

Bargaining Unit Positions

Section 15 of the *Civil Service Act* states, “Notwithstanding Section 14, appointments and promotions to fill vacancies in the Civil Service in positions that are covered by a collective agreement shall be made in accordance with the collective agreement.”

When screening for bargaining unit positions, bargaining unit applications are screened first, in order to determine if there are qualified bargaining unit applicants for the position. (If it is determined that there are no qualified bargaining unit applicants then screening can proceed to consider other applicants.) Employment equity is factored into the assessment process after screening against the requirements (must-have's) for the position. Applicants who meet the required qualifications for a position and who have identified as a member of a designated group will be eligible for an interview or further testing in the selection process. This means screening takes into account the designated group status of applicants following the determination of required qualifications.

Example: Twenty individuals have made application for a bargaining unit position. Of these, 10 of the applicants are members of the bargaining unit. Upon screening these 10 applicants it is determined that they all have the necessary qualifications for the position. One of the qualified bargaining unit applicants has self-identified as a member of a designated group. The department is under-represented and has established goals to improve the representativeness of their department. The qualified designated group applicant is one of the applicants chosen for an interview or further testing in the selection process.

To learn more about employment equity, please visit the Employment Equity Policy.

3. Selection Activities

A. SELECTION PANELS

All selection panel members must participate in each structured interview in order to maintain consistency.

B. STRUCTURED INTERVIEWS AND TESTING

Candidates must be treated equitably and consistently throughout the selection process.

When inviting candidates to participate in the selection process:

- Candidates should be made aware of who is involved in the selection process (identify the names of selection panel members and the hiring manager).
- Candidates should also be made aware of the components of the selection process, ex: if testing will be used in addition to the interview and background check processes.

Testing and related assessments may be used in advance of the structured interview, to support pre-screening of candidates.

If tests are used as part of pre-screening, only candidates who have met the minimum score (determined in the recruitment planning stage) for the test may proceed to the next step in the selection process.

The same tests must be used to test each candidate, and the tests must be administered and scored in a consistent manner.

If a candidate withdraws from the selection process, or does not show up for the interview, the withdrawal information must be outlined in writing and be retained in the competition file, to provide evidence of the withdrawal.

Candidates should be provided with a copy of the interview questions no less than 15 and no more than 30 minutes prior to the interview. The candidate's copy of the questions must not contain the answer key and must be collected at the end of the interview by the selection panel chairperson.

The same set of interview questions must be used to interview each candidate, and the questions must be asked and scored in a consistent manner.

Selection panel members must record the candidate's response to each question, to provide evidence and back-up documentation in support of the evaluation of his or her response.

Each selection panel member should evaluate the candidate's response to each question and assign a numerical score, based on the answer key established for the question.

At the end of the structured interview, candidates must be asked to sign a release form to authorize the department to conduct reference checks (see Appendix 2-D Background Checks Authorization Form template). In addition, the candidate will be advised of additional background checks that will be required as a condition of employment.

Candidates must provide the names, phone numbers and email addresses of three references that can attest to their work performance. In addition, the candidate will identify his or her relationship to the referee, ex: identify if the referee is a supervisor, former colleague, etc.

At the end of each interview, the panel member must calculate a total score for the candidate's interview. The panel then adds up the scores from each panel member to develop a total score for each candidate. An average score can be calculated by dividing the total score by the number of panel members; the average score can then be compared to the threshold cut-off score for the interview process. Only those candidates that have met or exceeded the threshold will continue in the selection processes.

The selection panel must identify, assessing the results of all selection methods, a ranked order list of candidates and identify the top-ranked candidate(s).

The Human Resources representative, or the chair of the selection panel, must verify and confirm the scoring and results of the selection process for each candidate.

Copies of the interview questions, selection panel member's ratings, reference checks and related scoring will be retained in the competition file. The candidate and selection panel member's names, evaluation score for each question, and any weighting used for the questions is also retained.

ACCOMMODATING CANDIDATES

Accommodation in the selection process is meant to remove barriers that keep an applicant or candidate from fairly competing for an employment opportunity for which they are qualified. The requirement to provide accommodation in the selection process is based on the prohibited grounds of discrimination under the *Nova Scotia Human Rights Act*. The following guidelines should be followed:

- All interviews should be held in accessible locations;
- All candidates identified for an interview should be asked if they need any accommodations when they are contacted for an interview;
- Accommodations may, for example, include sign-language interpretation for candidates who are deaf, provision of electronic copies of job-descriptions, modification of the day or time of the interview if religious observance, accessible transportation or child care are at issue, provision of interview questions in braille, large print or electronically if questions are provided to all candidates prior to the interview;
- Candidates may not be asked during an interview whether they need any accommodations to fulfill the requirements of the position;

- Inappropriate questions during an interview include questions such as: “Will you require any accommodations to perform the requirements of this position?” or “Is there any aspects of this position that you cannot perform?”
- Accommodations can only be discussed in an interview if they are raised by the candidate;
- If testing is required candidates must be notified beforehand in case they need to bring a technical aid to fully participate in the testing;
- Upon offer of employment then the successful candidate can be asked whether they need any accommodations to fulfill the duties of the position.

To learn more about accommodation, please visit the Employment Equity Policy.

EMPLOYMENT EQUITY AND SELECTION ACTIVITIES

Non-Bargaining Unit Positions

Non-Bargaining Unit Positions (or competitions where no qualified bargaining unit member has made application for a bargaining unit position). When the top candidates' scores are within 10% and the Department is under-represented, the selection panel can recommend the candidate who self-identified as a member of a designated group.

Example: Five candidates have been interviewed for a non-bargaining unit position. Two candidates have excelled in the determination of relative merit through the interview, testing and reference checking process. The second ranked candidate is a member of a designated group. The score difference is 2%. The department is under-represented and has established goals to improve the representation of designated groups. The position can be offered to the qualified designated group candidate.

Bargaining Unit Positions

Section 15 of the *Civil Service Act* states, “Notwithstanding Section 14, appointments and promotions to fill vacancies in the Civil Service in positions that are covered by a collective agreement shall be made in accordance with the collective agreement.” If there is a 5% spread or less between the top scores in a competition, length of service becomes the determining factor for identifying the top-ranked candidate. If length of service is equal the position should be awarded to a candidate who has self-identified as a member of a designated group. Anything over 5% but less than 10% in the top candidates' scores, length of service and representation from designated groups should be taken into consideration.

Example: Five bargaining unit candidates have been interviewed for a position and two candidates have achieved acceptable ratings in the determination of relative merit through the interview, testing and reference checking process. The second-ranked candidate is a member of a designated group. The score difference between the top two candidates is 5%. The department is under-represented and has established goals to improve the representation of designated groups. The number one and number two-ranked candidates have equal length of service - the position can be offered to the designated group candidate.

To learn more about employment equity, please visit the Employment Equity Policy.

C. BACKGROUND CHECKS

A candidate's background will be considered for the purpose of making an informed decision on suitability for employment; background information may be obtained and considered at any stage in the recruitment and selection processes.

Background checks must be related to the position. As an example, if a job requires the incumbent to operate a motor vehicle, a background check may include a review of the candidate's drivers' abstract.

Background information is confidential and subject to the provisions of the *Nova Scotia Freedom of Information and Protection of Privacy Act* and as such, is restricted to persons directly involved in the hiring process, and only for selection purposes.

Reference Checks

The chairperson of the selection panel, in consultation with the Human Resources representative, will proceed to conduct reference checks for the top-ranked candidate(s).

Reference check information is subject to Freedom of Information and Protection of Privacy considerations. The chairperson of the selection panel when conducting reference checks must advise referees that what they provide, whether in writing or verbally, is subject to disclosure, upon request, to the individual in question.

Information requested during a reference check must be job-related.

In the event that references are not acceptable for the top-ranked candidate, the selection panel chairperson may proceed, provided all minimum qualifications and threshold scores for selection processes have been met, with reference checks for the second-ranked candidate.

Verification of Educational Credentials

When made an offer of employment, the candidate may be asked to provide proof of their educational credentials.

Other Background Checks

Other background checks may include as an example, Child Abuse Registry checks. When Child Abuse Registry checks are required, they will be carried out pursuant to the *Children and Family Services Act* and regulations. Refer to Section 66(4) of the Act for details. Regulation 60(1) of the regulation made pursuant to the *Children and Family Services Act* prescribes the classes of individuals or organizations who may request a search.

4. Appointment Activities

The Human Resources representative prepares a recommendation to hire report for the deputy head. The deputy head must approve, in writing, the recommendation to hire before an offer of employment can be made to the candidate. Following approval from the deputy head, the Human Resources representative must prepare a salary rating and a formal offer letter for the candidate.

The chair of the selection panel, or the hiring manager, may contact the successful candidate to advise of the conditional offer of employment, contingent on the appropriate background checks and where job appropriate, verification of education credentials. The candidate will then make arrangements with the hiring manager and human resources to complete required background checks.

In the event that the background checks for the first-ranked candidate are not acceptable, the second ranked-candidate, provided all minimum qualifications and threshold scores for selection processes have been met, can be made a conditional offer of employment for the position. The original candidate will be advised that the offer of employment is no longer applicable due to the results of the background checks.

If there are no additional background checks required, the hiring manager may make the offer of employment to the candidate and then follow up with an offer letter.

The offer letter must include:

- Date of the letter
- Candidate's name and address
- Position title

- Start date
- Who to report to, and where
- Salary
- Probationary period information
- An outline of additional background checks that are a condition of offer, and list the checks that are required and the associated timelines for completing them
- A statement outlining the code of conduct
- A contact name and phone number in case the candidate has any questions
- A signature at the end of the letter from human resources, endorsing the offer
- A statement for the candidate to indicate that they accept the offer by signing, dating and returning the accepted offer letter to a named person.

Term appointment offer letters must clearly outline that the term may be ended with the provision of a two-week notice period.

An employee may be appointed to his or her position on a probationary basis for a period of at least six, and not to exceed, twelve months. A probationary employee who applies for, and is appointed to, another position in a different classification will work at least six months in the new position before the appointment is confirmed on a permanent basis. The entire probationary period will not exceed eighteen months.

The candidate must formally accept the offer of employment by signing the offer letter and returning it to human resources.

The chairperson of the selection panel must ensure that each candidate that had been interviewed receives notification of the results of the selection process in a timely manner, following acceptance of the offer of employment and successful completion of applicable background checks.

Hiring managers, in consultation with the Human Resources representative, should plan an effective new employee orientation to support the employee when they start the position.

Appendix 2-B

Behavioural Description Interviewing

What is it?

Behavioural interviewing techniques involve asking candidates standardized questions about how they handled past situations that were similar to situations they may encounter on the job. The selection panel member may also ask probing questions for details of the situations, the candidate's behavior in the situation and the outcome. The interviewee's responses are then scored, using a rating scale.

Why are behavioural questions used?

Research shows that the best predictor of future performance is assessing examples of past performance in similar situations. Behavioral interview questions are open-ended, and help the candidate explain how they work in a particular situation.

As an example, if you are assessing a candidate's skill related to time management and working with deadlines, a behavioral interview question would ask the candidate to describe a time when they worked on a project that had challenging time-frames and describe how they handled the situation. The candidate's responses would then be assessed with the established rating scale.

EXAMPLE:

Behavioural Interview Question:

We have all encountered situations where we had difficulty meeting a deadline. Can you tell us about a time when you had difficulty meeting a deadline and describe how you handled the situation?

Candidates should address the following in their response:

- Situation/Task (describe what they were facing/what they wanted to achieve)
- Action (describe what they did/steps they took)
- Result (describe what happened in the end, how things turned out, what they learned)

Selection panel members can ask probing questions such as:

- What was your role?
- What was the project/task at hand?

- Who was involved?
- What was the outcome?
- Can you describe the feedback you received?

Behavioural indicator/ preferred response:

The interview guide used by the selection panel member should outline an example of the desired behavior related to the competency (note: this information should not be included in the copy of questions provided to candidates in advance of the interview).

As an example:

I discussed the situation with my supervisor, outlined several solutions and recommended the best option. I took note of why the initial deadline was not realistic and made suggestions with my supervisor to help with similar future situations. Once we decided on a course of action, I prepared a new plan to meet the deadline. I kept my supervisor informed of my progress and sought regular feedback.

Sample rating scale:

- 1) Does not meet requirements - demonstrated weak or no evidence of the desired behaviors
- 2) Meets some of the requirements - demonstrated moderate evidence of some of the desired behaviors
- 3) Meets requirements - demonstrated good evidence of most or all of the desired behaviors
- 4) Exceeds requirements - demonstrated strong evidence of all the desired behaviors and demonstrated a high level of consistency

Appendix 2-C

Human Rights Guidelines for Recruitment and Selection Activities

The *Human Rights Act* recognizes the right of organizations to hire the most qualified and suitable candidate for a position-Human Rights legislation outlines that employment decisions must be based on criteria that is related to an applicant's ability to do the job. The act prevents an organization from treating someone unfairly because of a characteristic that is not relevant to the applicant's ability to work.

Protected characteristics under the *Human Rights Act* include:

- *Disability, physical or mental*
- *Race or colour*
- *Sex (includes gender and pregnancy)*
- *Sexual orientation*
- *Marital status*
- *Family status*
- *Ethnic origin*
- *National origin*
- *Aboriginal origin*
- *Religion and creed*
- *Source of income*
- *Political belief, affiliation or activity*
- *Irrational fear of contracting an illness*
- *Age*
- *Association with someone protected under the act*

The act also prohibits discrimination on the basis of:

- *Sexual harassment*
- *Retaliation because a person has co-operated with any Human Rights Commission investigation*

An exception to the act is allowed when the abilities necessary to carry out the core functions of the job are related to a prohibited ground. A particular skill or qualification can be specified if the preference is based on a bona fide occupational

requirement. Bona fide occupational requirements may apply when it is not possible to adapt a particular requirement for a job-for example, a vision-impaired person cannot drive a front-end loader.

Please talk to your Human Resources representative, the Diversity Management Unit at the Public Service Commission, or the Human Rights Commission if you have any questions.

The Human Rights Commission has developed a guide, outlining a number of do's and don'ts for questions that are asked during the recruitment and selection process. To learn more, visit: <http://www.gov.ns.ca/humanrights/PDFdocs/For_Employers_E.pdf>

To learn more about the *Human Rights Act*, please visit the following URL: <<http://www.gov.ns.ca/legislature/legc/statutes/humanrt.htm>>

Acknowledgements:

Adapted from the employer guide "A guide for drafting job application forms and interview questions", Nova Scotia Human Rights Commission.

Appendix 2-D

Background Checks Authorization Form Template

Consent to Obtain Background Information

As a precondition of my employment, appointment, or assignment to any position or activity in the Nova Scotia Public Service, I authorize the hiring authority to confidentially obtain information about me through background checks. I understand that:

- The hiring authority may contact persons identified by me and/or others for reference purposes, except that my current employer will not be contacted without my consent.
- The hiring authority may contact any educational institutions identified by me as attending, for verification of credentials.
- Information obtained through background checks will be disclosed to me if I request it.
- My eligibility for employment, appointment, or assignment to any position or activity in the public service may be adversely affected if I refuse to consent to obtaining appropriate background information.

Candidate's Initial	Background Check Requested	
_____	Reference Check	<input type="radio"/>
_____	Education Credentials Verification	<input type="radio"/>
_____	Credit Check	<input type="radio"/>
_____	Criminal Records Check	<input type="radio"/>
_____	Driving Record Check	<input type="radio"/>
_____	Child Abuse Registry Check	<input type="radio"/>
_____	Other:	<input type="radio"/>

Full Name (Please print): _____

Address: _____

Current Occupation: _____

Current Employer: _____

Social Insurance Number (voluntary)

Date of Birth (voluntary)

* Your SIN and DOB will help the credit bureau find your credit records and minimize the likelihood of their providing data on the wrong person. However, it is not mandatory that you provide your SIN & DOB.

Signature

Date

Witness

