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PRE-EMPLOYMENT ASSESSMENT

Strategic Outcome:	Good government
Policy type	Administrative
Date of Adoption:	3 April 2023 Minute Number: 16.7
Date for Review:	5 April 2027
Responsible Officer:	Director Corporate Services
Document Control:	Replaces the Pre-Employment Medical Policy adopted 21 June 2017
Delivery Program Link:	2.1.2 Meet legislative requirements for Council elections, local government and integrated planning and reporting

1. POLICY STATEMENT

As a responsible employer, Council has obligations and a duty of care under s344 of the *Local Government Act* 1993 and the *Workplace Health and Safety Act* 2010 with respect to employees' safety and risk.

Considering these obligations, Berrigan Shire Council expects all prospective employees to undertake a pre-employment medical examination which includes drug and alcohol screening.

2. PURPOSE

A proper medical examination will afford Council accurate guidance as to the physical capability of a prospective employee to perform the job for which they have applied

3. SCOPE

This policy applies to all prospective employees including Directors and the Chief Executive Officer.

4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective:

2.1.2 Meet legislative requirements for Council elections, local government and integrated planning and reporting



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5. DEFINITIONS

Job demand analysis a document that specifies the physical, psychosocial and environmental requirements of a job

6. POLICY IMPLEMENTATION

6.1 Scope

All persons selected for permanent appointment to Council's service will be required to undergo a pre-employment medical examination and drug and alcohol screen to determine fitness to perform nominated duties. Those employed for casual or temporary purposes may need to undergo the same examinations depending on the nature of their employment.

These examinations will be conducted by a pre-employment medical assessor selected by the Council and will be at Council's expense on the understanding that the examination forms a further part of the selection process.

A **permanent** employee will not be permitted to start work with Berrigan Shire Council until the results of the pre-employment medical examination **and** drug and alcohol screen have been returned to and considered by the Council.

Only the CEO may approve to appoint without completion of the required tests.

All appointments made with the results of the test **will** be subject to the results of those tests.

6.2 Pre-employment Declaration

Information contained in a Pre-Employment Declaration (Appendix 1) is relevant to the eligibility and capacity of a candidate to undertake the function of the role and their suitability for employment with Council.

Where relevant information is supplied, such as a current Criminal History Check, then further Pre-employment checks may not be necessary.

All applicants should be informed that pre-employment check for a normal part of Council's recruitment and selection process.

In accordance with the Information Privacy Principles, Council must not use the application process to collect data in respect of applicants unless it is directly relevant to an assessment of their suitability for the role they are applying for.



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The Pre-Employment declaration forms the minimum standard required for employees new to Council, or those entering a different role in Council where there is a perceived need, to complete and submit, prior to any offer of employment.

It is recommended only the preferred candidate(s) be required to submit a Pre-employment Declaration.

Any Pre-employment Declarations and associated documents of the successful candidate(s) must be retained and should be stored on the employee's personnel files as per the requirements of the *State Records Act 1998*.

Any Pre-employment Declarations and associated documents should also be retained and disposed of in accordance with the *State Records Act 1998* and the current General Disposal Schedule.

All employees responsible for the handling of Pre-employment Declarations must be aware of their obligations to securely handle official information according to the *Privacy and Personal Information Protection Act 1998* and the Code of Conduct.

All disclosures made by a candidate in a Pre-employment declaration should remain personal and confidential. Disclosed information should only be used to determine the candidate's suitability to perform the duties and function of the role(s) having regard to the candidate's qualities and background, Council policies and any legislative requirements.

6.3 Criminal History Checks

Where a Criminal History Check for relevant positions has not been provided as part of the Pre-employment Declaration, it is preferred it is sourced prior to an offer of employment being made. Where timeframes do not permit however, it is possible for the CEO to make an offer of employment subject to the outcomes of a Criminal History Check.

A National Criminal History Check, available through NSW Police Force are recommended as the more reliable Criminal History Checks.

Information disclosed in respect of criminal offences or current criminal charges should only be taken into account where the offences committed or alleged to have been committed by the candidate are relevant to the inherent requirements of the role / their suitability for employment with Council.

Criminal offences a candidate has declared and which have no bearing on the suitability of the candidate, having regard to the duties and function of the role, should be disregarded.

Legal advice regarding criminal offences may be sought where necessary.



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6.4 Medical Assessment

It may be unlawful discrimination to require an applicant to disclose details of disabilities or medical conditions that are not relevant to the performance of the duties of a role. It is therefore important the Position Description accurately describes the outcomes and duties of the role.

In certain circumstances, it may be appropriate to require a medical or functional assessment to determine whether a candidate is able to perform the duties, functions and physical / mental demands of a role.

Medical or functional capacity assessment must be conducted for preferred candidate(s) by an appropriately qualified professional.

The assessment must specifically relate to the capacity of the candidate to undertake the duties, functions and job demands of the role and should not be conducted as a general test of health.

The Council will provide the approved pre-employment medical assessor with a position description accompanied by the associated job demand analysis.

The assessor is to assess an applicant's capacity to undertake the tasks required in the relevant position. The applicant is also required to accurately represent his/her physical condition and special requirements.

Information from the employer and applicant will ensure the assessor is fully informed and able to assess an applicant's suitability for tasks within a given job.

Where the candidate has a disability or condition that affects their capacity to perform the functions of a role, this does not necessarily exclude the applicant from being appointed. Where possible, Council should consider making reasonable adjustments (including but not restricted to access, workplace design, modifications to equipment, job redesign) to allow an applicant with a disability to perform the role. Legal advice regarding this matter should be sought where necessary.

The assessor is to report and assess within a range of classifications and to comment on special requirements.

The classifications are:

1. Suitable for employment.
2. Suitable for employment but with a minor problem which will not affect their work, but which may need protection, or modification of task or workplace
3. Suitable for employment in position proposed, may be unsuitable for other positions.



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4. Not suitable for employment in the position or a substantial workers compensation insurance risk. Would place themselves or others at risk if required to perform tasks stated.

The Council will provide a form relevant to the position for the assessor to complete and return to the Council.

6.5 Drug and alcohol screening

Berrigan Shire Council is a drug and alcohol-free workplace. Possession, consumption or being under the influence of alcohol or drugs will not be permitted during working hours, including overtime and during callouts.

As part of its commitment to ensure a safe environment for other employees and the public, Council will insist that new employees pass the pre-employment drug and alcohol screen.

All persons selected for permanent appointment to Council's service will be required to undergo a pre-employment drug and alcohol screen in line with AS 4308:2008 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

The screen will form part of the pre-employment medical.

The results of the screen may lead to the Council not proceeding with an offer of employment.

6.6 Outcomes

Previous injuries or current impairments do not jeopardise prospective employment unless:

1. an applicant would be unable to do the job
2. if doing the job constitutes a substantial risk to themselves or others
3. if the special requirements of the applicant cannot reasonably or practicably be met.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Workplace Health and Safety Act 2010*
- *Anti-Discrimination Act 1977*
- *Privacy and Personal Information Act 1998*
- *Health Records and Information Privacy Act 2002*
- *State Records Act 1998*
- *Local Government (State) Award 2020*



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- AS/NZS 4308:2008 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Privacy Management Plan
- Drug and Alcohol-Free Workplace Policy
- Workplace Rehabilitation Policy
- Discrimination, Workplace Bullying and Harassment Policy
- Work Health and Safety Policy
- Workforce Development Plan

8. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

Medical information collected by the Council under this policy will only be used for the purposes of assessing suitability for employment as per the *Privacy and Personal Information Act 1998* and *Health Records and Information Privacy Act 2002*

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>



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Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0		New Policy document	Enterprise Risk Manager
2.0	21.06.2017	Minor review (detail)	Enterprise Risk Manager
3.0	16.11.2022	Major revision (detail)	Human Resource Coordinator



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APPENDIX 1

Instruction to applicants:

To be eligible to receive an offer of employment from the Berrigan Shire Council, you must complete a Pre-Employment Declaration. You may also be required to agree to other pre-employment processes.

The information derived in this declaration and other pre-employment processes is necessary to assess the suitability of applicants to be offered employment with the Berrigan Shire Council, having regard to an applicant's ability to perform the technical aspects of a role and in consideration of the ethical obligations on local government employees. Some information is necessary to seek to ensure officers comply with their obligations under the *Work Health and Safety Act 2011*

The information is collected and will be managed in accordance with the *State Records Act 1998* and destruction schedules issued under that Act.

You should be aware that the definition of misconduct for the purposes of this policy and the information provided in this Declaration, includes providing a false statement in connection with an application for engagement as a local government employee.

This Pre-Employment Declaration is issued by the Chief Executive Officer in accordance with the minimum requirements of employment with the Berrigan Shire Council.

Declaration in Connection with an Application for Employment with the Berrigan Shire Council

You must answer all of the following questions fully and truthfully. Attach pages as necessary.

I

(name in full)

of:

(physical address – not post office box)

do declare as follows:

I am an applicant for the role of:

in the Berrigan Shire Council.



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Medical and / or Disability

The following question is designed to assist in ensuring you are fit to perform the duties of the role you have applied for; in ascertaining if any reasonable workplace adjustments are required in order for you to perform the inherent requirements of the role; and to assist the Council in meeting obligations under the *Work Health and Safety Act 2011*.

1. Do you currently have and disability (including learning disability) or medical condition which might prevent or impede you from being able to satisfactorily perform any duties or functions that might be reasonably required of you in the role for which you have applied?

Choose an item.

If yes or unsure, please provide details (include details of any assistance / adjustments that may reasonably be required so that you can perform the inherent requirements of the role):

Details

Please note: you may be required to participate in a medical and / or functional capacity assessment in order to assist in assessing your suitability to be offered employment in the role.

If you do not agree to participate, you will not be further considered to receive an offer of employment.



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Criminal History

Local Government employees are under significant ethical obligations. In assessing whether it is appropriate to offer you employment with the Berrigan Shire Council, it is important to consider your suitability by reference to those ethical obligations including by having regard to your character and prior conduct. The following questions are important in assisting to assess your suitability to be offered employment with the Berrigan Shire Council.

2. Have you ever been convicted of any criminal offence, including road traffic offences not resolved by expiation?

Yes No

If yes please provide details:

Click or tap here to enter text.

NOTE: SPENT CONVICTIONS

You are not required to divulge information about a spent conviction. A spent conviction is a criminal conviction that lapses either immediately or after a period of time pursuant to the provisions of the *Criminal Records Act 1991*.

- 2.1 Are you currently facing criminal charges that are yet to be determined?

Yes No

If yes please provide details:

Click or tap here to enter text.

- 2.2 Have you undergone Criminal History Screening and / or other relevant background or history assessments / screening in the last three years?

Yes No

If yes please append the results of such screening or assessment/s.

Click or tap here to enter text.

Please note: In addition to this declaration, you may be asked to agree to Criminal History or other background history screening or assessment. You will not be further considered for an offer of employment with the Berrigan Shire Council if you do not agree to participate in such history or other background screening or assessment.



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If you are offered and accept employment with the Berrigan Shire Council, it will be a condition of such employment that you agree to periodic history or background screening and assessment.

Employment History

The following questions are also designed to assist in assessing your suitability to be employed with the Berrigan Shire Council with regard to the significant ethical obligations required of Local Government employees.

3. Has your employment ever been terminated by any organisation, including a local government agency, for any reason?

Yes No

If yes please provide details:

Click or tap here to enter text.

- 3.1 Have you been found to have committed misconduct or otherwise preformed your duties unsatisfactorily in previous employment?

Yes No

If yes please provide details:

Click or tap here to enter text.

- 3.2 Are you currently the subject of an investigation or any other process relating to suspected or alleged misconduct or other unsatisfactory performance by you?

Yes No

If yes please provide details:

Click or tap here to enter text.



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Voluntary Separation or Redemption of Workers Compensation Entitlements:

4. Have you ever received any voluntary early retirement or voluntary separation package from employment in the New South Wales Local Government sector?

Yes No

If yes please provide details including date of resignation and name of relevant agency:

Click or tap here to enter text.

Note: the term “Local Government sector” includes any local government sector corporation that is in existence or which is established by or under any Act.

- 4.1 Have you ever received any payment, involving your resignation from employment in the Local Government sector upon the redemption of workers compensation entitlements?

Yes No

If yes please provide details:

Click or tap here to enter text.

Eligibility to Work in Australia

5. Are you currently eligible to work in Australia?

Yes, I am a permanent resident / citizen

Yes, I have a current work permit / Visa – please provide a copy of any current work permit or Visa

No

Workplace Diversity

6. The Berrigan Shire Council is committed to increasing diversity and employment opportunities for all people.

Do you identify with being Aboriginal or Torres Strait Islander?



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Yes

No

Prefer not to disclose

6.1 Do you identify as being from any other ethnic group? If so please note below:

Click or tap here to enter text.

6.2 If you are willing to disclose your gender, please respond below:

Female

Male

Non-binary

Prefer not to say



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Declaration

I declare the information in this declaration and in any other documents completed by me and/or any other statement made by me in support of my application for employment with the Berrigan Shire Council, and the information provided by me in connection with my application for employment with the Berrigan Shire Council, including in any interview, is true and correct in every detail.

1. DISCLOSURE OF CONFIDENTIAL INFORMATION

I acknowledge that if I am employed with the Berrigan Shire Council either in the role for which I have been offered or in any other role, I may, during the course of that employment, gain access to confidential information. Detailed provisions regarding disclosure of confidential information are contained in relevant public sector legislation, regulations, determinations, guidelines and industrial instruments. Without detracting from such sources, unless such information is clearly not of a confidential nature, and unless I am expressly advised to the contrary by someone with requisite authority, policy or as required by law all information I gain access to as a local government employee is to be treated as confidential. The expression “confidential information” as used in this declaration means all information which must be treated as being of a confidential nature. I understand that I must not disclose or make use of that confidential information, during or after that employment, except in the proper course of my duties and/or with requisite authority and/or otherwise according to law. In particular, I undertake not to use any confidential information gained by virtue of any public sector employment, with the intent of securing a benefit for myself, any person, company or any future employer. In any case where I am in doubt as to whether information gained during employment in the Berrigan Shire Council is confidential and/or how such information should be managed, I undertake to seek advice and instruction from a supervisor or manager.

2. POTENTIAL OR ACTUAL CONFLICT OF INTEREST

I undertake that if I am employed by the Berrigan Shire Council either in the role for which I have been offered or in any other role, I will not engage in any external or private activities which will result in a conflict or potential conflict of interest with any of my duties as a local government employee. I am aware that detailed provisions regarding conflict of interest and disclosure of conflict of interest are contained in relevant legislation, and guidelines. Without detracting from such sources, in any case where there is any possible doubt regarding a potential conflict of interest, I undertake to seek advice and instruction from a supervisor or manager.



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3. EMPLOYMENT BASED ON PROVISION OF TRUE AND CORRECT INFORMATION

I understand that if I am offered employment with the Berrigan Shire Council it has been made on the basis that the information I have provided in connection with my application for employment is true and correct in every detail. I understand any false statement made in connection with my application for employment with the Berrigan Shire Council - which will include information withheld or incomplete - may lead to a rejection of my application for employment, or, in the event that I am employed or continue employment in the Berrigan Shire Council, will amount to misconduct and render me liable to disciplinary action, including termination of employment.

Applicant's name, printed:

Click or tap here to enter text.

Applicant's signature

Date:

Click or tap to enter a date.