



Policy

62

EMPLOYMENT REFERENCE CHECKS

Strategic Outcome:	Sustainable natural and built landscapes
Policy type	Administrative
Date of Adoption:	19 December 2023 Minute Number: ELT
Date for Review:	21 December 2027
Responsible Officer:	Deputy Chief Executive Officer
Document Control:	Replaces References 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

It is important the Council and Council officers provide clear and factual information when providing references or acting as referees for current and former employees of Berrigan Shire Council.

It is also important the privacy of personal information regarding current and former employees is protected in line with legislation, the Privacy Code of Practice for Local Government, and the Council's Privacy Management Plan.

2. PURPOSE

This policy provides guidance to Council officers when providing references for current and former Council employees.

3. SCOPE

This policy applies to all Councillors, Council staff and other Council officials.

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.

5. DEFINITIONS



Policy

Reference: An opinion sought by a prospective employer with regard to a current or past Council employee.

Statement of Service: Documentation verifying an employee's employment history with Council, usually provided upon termination of employment.

Verification of Employment: Documentation or information confirming the employment status of an employee. Generally, verification of employment will be sought by banks, real estate agencies and the like.

6. POLICY IMPLEMENTATION

6.1 Roles and responsibilities

Managers and Supervisors are responsible for providing employment references, when appropriately requested, in accordance with this policy.

Employees are responsible for requesting approval from a current or past Manager or Supervisor to provide an employment reference prior to details being given to a prospective employer.

Employees are responsible for notifying Human Resources and providing the appropriate written verification if seeking confirmation of employment for financial institutions or other purposes.

6.2 Privacy considerations

The Privacy Code of Practice for Local Government clause 4.12 (3) states:

Where Council is requested by a potential employer, it may verify:

- i. that a current or former employee works or has worked for Council;*
- ii. the duration of their employment; and*
- iii. the position occupied during their employment.*

This exception shall not permit Council to give an opinion as to that person's suitability to a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

6.3 References from Council

6.3.1 Written references

Upon written request and receipt of authority to release personal details, Human Resources will issue a Statement of Service or Verification of Employment directly to an employee that includes the period



Policy

of their employment, the current (or last) position they occupied and reasonable additional details on request, including salary details.

Statements of Service and Verifications of Employment provided by the Council will be produced by authorised officers on Council letterhead stationery and signed by the Chief Executive Officer.

Further information about the employee may be included in the reference with the express consent of the employee.

6.3.2 Verbal references

Council officials should not provide any details to an employee's prospective employer unless the employee has discussed their application and made a specific request to the Manager, Supervisor or Human Resources to do so.

Where the Council is requested by an employee's prospective employer, it may verify that a current or former employee works or has worked for the Council, the duration of that work, and the position occupied during that time.

Council officers providing a verbal reference will not give an opinion as to the suitability of a current or former employee for a particular position with any potential employer without the express and specific consent of that employee.

Council officers should ensure verbal responses made as a referee on behalf of the Council are succinct, businesslike, and relevant to the position in question.

6.4 References from an individual Council official

Staff may request a reference from an individual Council officer.

Managers, supervisors, and other colleagues may provide personal or character references in their personal capacity for employees who are seeking other employment.

However, references of this kind must:

- clarify that the reference is a personal opinion, not the opinion of Council (though the reference may state the nature of the professional relationship),
- must not be issued on Council letterhead, and
- must not be sent from Council email addresses.

Managers and Supervisors should not provide any details to an employee's prospective employer unless the employee has discussed their application and made a specific request to the Manager or Supervisor to do so.



Policy

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Privacy and Personal Information Protection Act 1998*
- *Defamation Act 2005*
- Privacy Code of Practice for Local Government (2019)

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Privacy Management 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).

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/>

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



Policy

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	21 June 2017	New Policy document	Enterprise Risk Manager
2.0	19 December 2023	Minor review (detail)	Deputy Chief Executive Officer

APPENDICES

NIL