

## 2.2 Background Checks on Candidates Being Considered for Employment in the Nova Scotia Public Service

### General Policy

Deputy Ministers and delegated officials are accountable for making informed hiring decisions based on appropriate background information concerning candidates for employment (for gain or otherwise) in the public service.

### Background Information

Background information means information pertaining to the candidate's credit history driving record, criminal record, Child Abuse Register record, employment and community references, and other information deemed appropriate.

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 process.

### REFERENCE CHECKS

Employment and/or community reference checks are undertaken in every case.

References should include recent (and preferably current) 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.

Relatives of the candidate should not be consulted for references.

The sources and details of reference information are confidential and will not be disclosed to the candidate without prior written authorization from the person who provided the information or as required by law.

### CREDIT CHECKS

Credit record checks are to be conducted primarily concerning candidates for positions involving responsibility or the opportunity for handling public funds or other financial activity.

Credit checks may be conducted through EQUIFAX CANADA or other reputable agencies.

The result of the credit check will be disclosed at the candidate's request.

#### **CRIMINAL RECORD CHECKS**

Criminal record checks may be undertaken as warranted, but not for convictions for which a pardon has been granted and remains in effect.

For criminal record checks, the candidate should attend at the candidate's local police department. There will likely be a fee charged for this service. In exceptional cases, a criminal record check may be requested of the Policing Services Division of the Department of Justice.

The result of the criminal record check will be disclosed at the candidate's request.

#### **DRIVING RECORD CHECKS**

Driving record checks are to be conducted concerning candidates for positions likely to involve the operation of a motor vehicle in the course of employment.

Driving record checks are to be addressed to the Registrar of the Nova Scotia Registry of Motor Vehicles or other qualified agency.

The result of the driving record check will be disclosed at the candidate's request.

#### **CHILD ABUSE REGISTRY CHECKS**

Child Abuse Registry checks be carried out when authorized pursuant to the *Children and Family Services Act* and regulations, in appropriate situations. Section 66(4) of the act provides that

“Upon the receipt of a request in writing from a person as prescribed by the regulations and with the written consent of the person to whom the request relates, the Minister may disclose information in the Child Abuse Register concerning

- (b) a person, including a volunteer, who is or would be caring for or working with children and the person who receives the information shall treat the information as confidential.”

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. With regard to a candidate who would be employed in the care for children or working

with children, including volunteers, the relevant persons or organizations who may request a search are:

- any provincial government department, board, or agency that provides services to children
- any corporation, society, agency, or business that provides services to children
- any agency; child care service, child-caring facility, or child-placing agency operating under the *Children and Family Services Act* and the regulations
- such other persons, groups, or organizations as may be designated by the Minister (the Minister of Community Services).

No search can be requested without the written consent required by Section 66(4) and a completed application form prescribed by the regulations (Form XIII).

Requests for record searches are to be addressed to:

Coordinator, Child Protection and Computer Services  
Family and Children's Division  
Department of Community Services  
PO Box 696  
Halifax, Nova Scotia B3J 2T7  
(902) 424-3867

The results of the Child Abuse Register search will be disclosed to the candidate upon request, but not otherwise.

## Generally

The hiring authority will make every reasonable effort to obtain reliable and appropriate background information before an offer to engage a candidate is made.

In cases where background checks cannot be undertaken before an offer is made, the hiring authority will inform the employee in writing that the offer is conditional upon conclusion and results of background checks.

In cases where urgency requires that a candidate be engaged before background checks are undertaken, the hiring authority will inform the candidate in writing that employment is subject to results obtained in the course of background checks.

The hiring authority may waive all or some background checks in cases where sufficient information about the candidate's background is known **or** where an immediate need for a very short-term assignment makes background checks impractical.

Where there is room for discretion on where certain background checks are undertaken or not, the discretion must be exercised fairly.

### **Consent to Background Checks**

The hiring authority, prior to carrying out background checks, should, and in the case of **credit, criminal record, driving record, or Child Abuse Registry** checks must, obtain the candidate's written consent, as per Appendix 2-B.

The hiring authority may contact persons identified by the candidate and/or others for **reference** purposes, except that the candidate's current employer will not be contacted without prior consent.

The hiring authority must honour the candidate's request not to contact a current employer, or certain persons, but may require satisfactory explanation supporting the request and alternative references.

### **Refusal to Consent or Failure to Provide References**

If a candidate refuses to consent to background checks or fails to identify satisfactory references as requested, the hiring authority should advise the candidate that the inability to obtain necessary background information will likely adversely affect the candidate's opportunity for employment or appointment.

### **Confidentiality**

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

### **Enquiries**

General Enquiries, Public Service Commission (902) 424-7660

### **Appendix 2-B**

Nova Scotia Public Service Consent to Obtain Background Information

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*Approval date: September 29, 1995*

*Manual release date: January 9, 2003*

*Approved by: Mildred Royer, Deputy Minister*

*Most recent review:*

**Appendix 2-B**

# Nova Scotia Public Service 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 credit, criminal record, driving record, and/or Child Abuse Registry checks, as appropriate. I understand that:

- a) information obtained through credit, criminal record, driving record, and Child Abuse Registry checks will be disclosed to me if I request it
- b) the hiring authority may contact persons indentified by me and/or others for reference purposes except that my current employer will not be contacted without my consent
- c) the sources and details of reference information are confidential and will not be disclosed to me unless consented to by the source
- d) 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.

Full Name (Please Print): \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Current Occupation & Employer: \_\_\_\_\_

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\*Social Insurance Number (voluntary)

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\*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 and DOB.

I consent to background checks:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

