

## 2.1 Fair Hiring Policy

### Policy Statement

The Government of Nova Scotia is committed to following fair hiring practices when filling positions within the Government of Nova Scotia.

### Definition

#### Immediate Family

Father, mother, step-parents, brother, sister, spouse, child of the employee, father-in law, mother-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.

### Policy Objectives

Fairness in hiring practices will be achieved through the following practices:

- Vacancies will be properly advertised.
- Hiring decisions will be based on the results of the selection process.
- Candidates will be selected on the basis of merit, except where collective agreement provisions or other established hiring policies provide otherwise, in accordance with the process established herein.

### Application

This policy applies to the Government of Nova Scotia and all employees who are responsible for and involved with selection and hiring on behalf of the Government of Nova Scotia.

### Policy Directives

#### NOTIFICATION OF CIVIL SERVICE POSITIONS

Employees and members of the public will be provided with reasonable access to notification of employment opportunities. Vacancies requiring external competition will be published in the Public Service Commission Employment Opportunities Bulletin.

### **RECRUITMENT AND SELECTION PROCESSES**

- Recruitment and hiring must appear to be conducted, and must be conducted, in a manner that is fair, objective, and legally defensible.
- Persons involved in the recruitment and selection processes must possess the requisite knowledge and skills necessary to properly evaluate candidates and to make appropriate recommendations to the Deputy Minister of a department, agency, board, or commission. The Public Service Commission maintains the right to chair any interview panel.
- A fair hiring process must meet the following requirements:
  - consistent selection criteria and evaluation of candidates for similar positions
  - selection criteria must be properly related to established bona fide job requirements
  - consistent treatment of applicants in interviews
  - interview, rating process, reference checks, supplementary tests, and assessment techniques must be fair and impartial
  - determination of successful candidate based upon merit having regard to established job requirements except where provided otherwise under applicable collective agreement provisions or established hiring policy
  - fair and reasonable accommodation of designated employment equity groups (i.e., aboriginal persons, racially visible persons, persons with disabilities, and women).
- The administrative process to be followed in the recruitment and selection processes is outlined in Appendix 2-A.

### **HIRING OF RELATIVES**

- Where a position is being filled in a department, agency, board, or commission and a candidate for the position being filled is a member of the immediate family of an employee in the department, agency, board, or commission, the person is not to be employed where such situation presents a realistic danger or reasonable risk of adverse consequences to the department, agency, board, or commission that cannot be minimized by some other means. Such situations will be assessed on a case-by-case basis.

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.

- Employees of the hiring department, agency, board, or commission, the Public Service Commission, and any other persons are required to disqualify themselves as participants in a hiring process when their objectivity would be compromised for any reason and where a candidate is a member of the employee's immediate family.

- The Deputy Minister or departmental manager in a department, agency, board, or commission will advise the Nova Scotia Public Service Commission where it has unknowingly recommended for appointment to a position a person who should have been excluded from competition in accordance with the first clause of this section: **Hiring of Relatives**. No department will appoint an excluded candidate under the terms of this policy.

#### **CASUAL EMPLOYEES**

- Departments, agencies, boards, and commissions are responsible for recruiting and selecting casual employees.
- The Public Service Commission may establish an inventory of persons in the Province of Nova Scotia who are qualified and interested in casual employment. Where available, the Public Service Commission will provide the department, agency, board or commission with a short list of qualified persons.
- Departments, agencies, boards, and commissions are required to contact the Diversity Management Unit of the Public Service Commission to obtain names and applications of qualified employment equity candidates for casual employment.
- Departments, agencies, boards, and commissions may employ the most expeditious processes available for recruitment while upholding the principles of fair recruitment and selection processes as outlined in the **Policy Directives**.
- Where an applicant for casual employment was previously employed in the public service upon a fair hiring process as established herein, and where such employee was found to have performed in a satisfactory manner as evidenced by the employment records, preference may be given to such former employee where the position applied for has similar job responsibilities to the position formerly occupied by such applicant.

#### **SEASONAL AND STUDENT EMPLOYEES**

- Departments, agencies, boards, and commissions are responsible for recruiting and selecting seasonal and student employees.
- Departments, agencies, boards, and commissions are required to contact the Diversity Management Unit of the Public Service Commission to obtain names and applications of qualified employment equity candidates for a casual employment.
- Where employees are hired through student employment programs (e.g., university co-op), departments, agencies, boards, and commissions should make efforts to limit employment to three work terms per student in an effort to support a broad range of students under these programs.

- Departments, agencies, boards and commissions where operationally feasible, should attempt to achieve a fifty percent turnover in summer and seasonal employees.

#### **NO COMPETITION**

The Government of Nova Scotia may make appointments to positions outside the Civil Service, including:

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

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

### **Policy Guidelines for Fair Hiring Policy**

Guidelines will be developed, as required, to assist departments, agencies, boards and commissions with implementation and administration of the policy.

### **Accountability**

#### **DEPUTY MINISTERS**

Deputy Ministers are responsible for authorizing selection decisions based upon recommendations provided and are accountable to the Nova Scotia Public Service Commission for compliance with this policy.

#### **Exception to Merit Principle**

Before a Deputy Minister chooses to deviate from the recommendation of the selection panel, approval must be obtained from the Nova Scotia Public Service Commission. The Deputy Minister must provide strong and compelling reasons in support of such request.

#### **Audit**

The Deputy Minister of a department is responsible for ensuring a regular audit of competitions is undertaken to ascertain departmental compliance with this policy.

#### **NOVA SCOTIA PUBLIC SERVICE COMMISSION**

The Nova Scotia Public Service Commission has responsibility for appointing the candidate selected and recommended by the Deputy Minister where it is satisfied the requirements of the Fair Hiring Policy have been met.

## **MANAGERS**

Managers and employees responsible for recruiting and selection processes are accountable for ensuring compliance with this policy.

## **Monitoring**

The Nova Scotia Public Service Commission may periodically conduct audits of departmental competition processes to ascertain compliance with this policy.

## **References**

*Charter of Rights and Freedoms*

*Nova Scotia Human Rights Act*

Civil Service Master Agreement between Province of Nova Scotia and Nova Scotia Government Employees Union (March 1, 1997 to March 31, 2000) section 11.02 (a)

Government of Nova Scotia Affirmative Action Policy

Government of Nova Scotia Background Checks Policy on Candidates Being Considered for Employment in the Nova Scotia Public Service

## **Enquiries**

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

## **Appendix**

Appendix 2-A - Administrative Procedures Fair Hiring Process

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*Approval date: March 31, 2000*

*Manual release date: January 9, 2003*

*Approved by: Judith Sullivan-Corney, Deputy Minister*

*Most recent review:*

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## Appendix 2-A

# Administrative Procedures Fair Hiring Process

### Civil Service Position

1. Vacancy notices submitted to the Public Service Commission must accurately reflect position requirements and duties to ensure that vacancy publicity is consistent with civil service classification standards.
2. The Public Service Commission, following consultation with the hiring department, shall determine the manner and extent to which vacancies in the civil service are given publicity.
3. Vacant civil service positions (temporary, term, and probationary, permanent) will be filled through the competition process.
4. Applicants will be required to apply directly to the Public Service Commission for each employment competition.
5. Application for Employment Forms will include a section permitting voluntary identification of employment equity candidates.
6. Applications will be accepted if received by the Public Service Commission by 12:00 mid-night on the closing date.
7. The eligible list submitted to a department by the Public Service Commission, following consultation with department officials where appropriate, will include those applicants deemed by the Public Service Commission to be most suitably qualified and/or those deemed eligible because of recognized special placement programs (e.g., Diversity Management and re-employment of staff affected by layoff).
8. Eligible lists pursuant to Item 7 will not exceed five applicants, unless the Public Service Commission, in consultation with department officials where appropriate, determines that a broad range of candidates is necessary.
9. The interviewers or interview panel will submit its results and recommendations to the Deputy Minister listing the candidates in the order of merit.

10. The Public Service Commission will appoint the candidate selected and recommended by the Deputy Minister where it is satisfied that the competition was fair and reasonable, free from undue influence, and conducted in accordance with the principle of merit and equal opportunity and conforms with policies and procedures prescribed by the Public Service Commission.

### **Casual Staff**

- Departments, agencies, boards, or commissions may contact the Public Service Commission to request that arrangements be made for testing to determine the qualifications and skills of applicants.
- Departments, agencies, boards, or commissions may contact the Public Service Commission for assistance in specifying requirements, including such items as skills, assessment, job location, job classification, etc.
- The Diversity Management Officer for the hiring department, agency, board, or commission will consult with the Human Resources Consultant to determine whether there are employees who have been affected by job redundancy or layoff who should be considered in the competition.

### **Seasonal and Student Employees**

- The Human Resources Corporate Services Units serving departments, agencies, boards, and commissions assist in identifying the minimum qualifications and special attributes needed to fill the job.
- The Human Resources Corporate Services Units provide direction and assistance with:
  - publicity and job profile
  - development of questions for the interview
  - board composition (ensuring that there are at least two people on a board, preferably a manager, supervisor, or technical expert and one human resources person, where possible)
  - reference checking
- All applications are reviewed by the applicable Human Resources Corporate Services Unit, and it provides assistance in the generation of an approved eligibility list.
- All requests for information regarding hiring should be handled by the Human Resources Corporate Services Units or designate as applicable (including special requests).

