

## Chapter 4 Human Resources Management

### 4.1 Fair Hiring

#### Policy Statement

APSEA is committed to fair hiring practices. Hiring activities at APSEA are based on the principles of merit and guided by values that include respect, integrity, diversity and public accountability.

#### Definitions

*Candidate* – An applicant who has been short-listed as having met the requirements of the position.

*Conflict of Interest* – A conflict of interest exists when the duties and responsibilities of an employee are, or potentially could be, compromised by his or her personal and private interests. A conflict of interest may be real, apparent or perceived.

*“Real” conflict of interest* exists when the employee has knowledge of a private interest economic or otherwise, that could influence the exercise of his or her public duties and responsibilities.

*“Apparent” or “perceived” conflict of interest* exists when the employee is in a situation in which a reasonably well-informed person could properly have a reasonable apprehension that a conflict of interest exists, even when there may not be a conflict.

*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 populations.

*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, brother-in-law, sister-in-law, step-child, ward of the employee, grandparent or grandchild of the employee, and any other relative residing in the employee’s household or with whom the employee 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.

*Provincial Human Rights Acts* – Including the New Brunswick Human Rights Act, the Nova Scotia Human Rights Act, the Newfoundland and Labrador Human Rights Act and the Prince Edward Island Human Rights Act.

### **Policy Objectives**

- (i) To ensure fair hiring practices are followed by APSEA.
- (ii) To ensure hiring is based on the principle of merit.
- (iii) To promote transparency, consistency, and accountability in the hiring process.
- (iv) To support employment equity.

### **Application**

This policy applies to all APSEA employees. If there is a conflict between this policy and the provisions of a collective agreement, the collective agreement will take precedence.

This policy does not apply to the hiring of the Superintendent, as this is the responsibility of the Board of Directors.

### **Policy Directives**

Recruitment and selection activities must be conducted in a manner that is fair, objective, consistent, equitable, non-discriminatory and legally compliant.

Persons involved in the hiring process must possess the requisite knowledge and skills in order to effectively conduct recruitment and selection activities or be a subject matter expert.

A fair hiring process includes:

- Consistent recruitment and selection processes and consistent treatment of applicants and candidates.
- Screening and selection criteria relevant to the position.
- 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 based upon merit as outlined in this policy.
- Recruitment and selection activities which comply with relevant Human Rights legislation.
- Recruitment and selection activities which comply with relevant Freedom of Information and Protection of Privacy legislation.

A competition file must be created to support hiring activities. The competition file includes all necessary paperwork to support the recruitment and selection processes and provides evidence of its results.

### Casual Employment Opportunities

This policy should be followed when filling casual employment opportunities. Exceptions must be approved by the Superintendent.

### Impartial Hiring

Selection panel members will 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.

Immediate family members are not to be employed where there is potential for conflict of interest or perceived conflict of interest between the employee and the immediate family member. The final decision will be made by the Superintendent on a case-by-case basis.

The persons conducting interviews must enquire of candidates whether there is a potential conflict of interest if the candidate were to be appointed to the position.

### Background Checks

To assess the candidate's suitability for employment, the following background checks must be completed;

- Criminal record check
- Child abuse registry check, where applicable
- Reference checks

Additional background checks that may be conducted include;

- Verification of a candidate's education credentials
- Verification of professional association membership
- Driving record checks
- Medical clearance

Reference checks will be conducted and must include recent supervisors who have worked with the candidate for a sufficient period of time to be able to offer an informed assessment. References from immediate family members are not permitted.

Candidates must provide consent prior to APSEA carrying out background checks. In the event a candidate does not consent to having background checks completed for the position, the candidate will be disqualified from the competition.

### **Roles and Responsibilities**

The Selection Committee is accountable for:

- Ensuring recruitment and selection is conducted in a manner that is consistent with this policy and the applicable collective agreement.

- Ensuring a response to inquiries or complaints regarding the recruitment and selection processes.
- Protecting confidentiality throughout the recruitment and selection process for applicants and candidates.
- Disqualifying 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 Superintendent or designate is accountable for:

- Providing leadership in the development of policies and programs that support fair hiring.
- Ensuring a response to inquiries or complaints regarding the recruitment and selection processes.
- Providing advice, tools and support to staff regarding recruitment and selection processes.
- Ensuring selection panel members are made aware of the policy and understand its guidelines.

### **Accountability, Monitoring and Review**

- The Superintendent of APSEA is accountable to the APSEA Board of Directors for compliance with this policy.
- The Superintendent of APSEA or his/her designate will review this policy annually.

### **References**

- Nova Scotia Human Rights Act
- Nova Scotia Freedom of Information and Protection of Privacy Act
- New Brunswick Human Rights Act
- Newfoundland and Labrador Human Rights Act
- Prince Edward Island Human Rights Act
- Canadian Human Rights Act
- Canadian Charter of Rights and Freedoms
- Collective agreements between APSEA and Nova Scotia Government and General Employees' Union (NSGEU), Nova Scotia Teachers Union (NSTU) and New Brunswick Union of Public & Private Employees (NBUPPE)

### **Approval Dates**

This policy replaces Policy 208, Procedures for Staff Hiring.

Approved: 19 June 2015

Revised:

### **Communication/Enquiries**

For information about this policy, please contact the Superintendent (902/424-8500, apsea@apsea.ca).