POLICY

Recruitment

SCOPE (Area): All Areas
SCOPE (Staff): All Staff

DESIRED OUTCOME/OBJECTIVE
Ballarat Health Services aims to recruit, motivate and retain staff with well developed expertise in their field. The employment process is devised to fill vacancies in an efficient and effective manner ensuring minimum possible interruption to service and adherence to the spirit and legal requirements of an Equal Opportunity employer.

DEFINITIONS
Permanent Full Time Employee
As defined in the appropriate Award governing employment.

Permanent Part Time Employee
As defined in the appropriate Award government employment.

Casual Employee
Staff who are engaged in relieving work or work of a casual nature, ie. to fill unplanned absence.

Fixed Term Employee
Staff who are engaged to fill a vacancy for a position for a limited specified time or to replace a staff member who occupies an established position and is absent due to approved leave (not exceeding 12 months).

Contracted Employees
Staff who are engaged on a Common Law employment contract with a fixed tenure.

Contractor
Are those who are employed and paid by an agency or contractor and whose services are provided for a fee paid to the agency or contractor.

PRINCIPLES
Responsibility
- The Human Resources Department is responsible for ensuring all contractual arrangements, including offers of employment are in accordance with the Ballarat Health Services policy requirements and relevant legislation. In the unlikely event of an unresolved disagreement on who should be appointed, the Chief Executive Officer will determine the matter.

Equal Opportunity
- Ballarat Health Services is an equal opportunity employer and as such seeks to ensure that all current and potential staff are given the opportunity to pursue their desired employment and that any employee activity does not contravene any aspect of the Victorian or Commonwealth EEO legislation.
- The service does not discriminate against a person on the basis of protected attributes in accordance with EEO legislation.
- BHS will ensure that equal opportunity principles are maintained throughout a person’s employment, with staff being selected or promoted on the basis of merit.

**Recruitment – Internal Expressions of Interest**
- At the discretion of Department Heads and the Human Resources Department, expressions of interest may be called for from existing staff in order to fill vacancies. This may eliminate the need to formally advertise when suitable staff have indicated that additional hours are sought after. If this process generates interest from more than one suitable staff member, the manager will be required to interview and allocate hours based on merit.

**Recruitment – Advertising**
- Advertisements will convey a message that Ballarat Health Services is a culturally diverse and aware workforce and does not discourage people from applying because of characteristics not related to their capacity to do the job.
- All employment advertising is to be coordinated via BHS’s Human Resources Department in the interest of cost effectiveness and organisational image. No commitments to paid recruitment advertising in the external media should be given other than through the Human Resources Department.
- Recruitment advertisements should be prepared in draft form by the Departmental Head. Final copy will be determined by the Human Resources Department in consultation with the relevant Department Head. Advertisements for weekend papers must be with Human Resources Department by the close of business on the Tuesday prior to the date of insertion.
- All current staff members shall have the opportunity to be considered for vacant positions provided they hold appropriate qualifications, experience and satisfactory work performance. As a minimum requirement all positions will be advertised internally on the BHS website and in Health Matters.

**Recruitment – Shortlisting/Interviewing**
- Before any applicants are interviewed it is important that those persons involved in interviewing have a clear understanding of what skills/knowledge/experience are required for the position. This will ensure that all applicants are considered against the same objective selection criteria resulting in selection being solely based upon relative ability, knowledge and skills in fair and open competition.
- Selection of suitable applicants for interview will be made on the basis of merit including the individuals’ capacity to perform the work associated with the position for which they are applying, having particular regard to the knowledge, skills, qualifications, experience and potential for future development of the applicant.
- A former staff member of Ballarat Health Services may be considered for reappointment under the following criteria:
  - Prior to offer of employment, a thorough investigation will be made of the candidate’s history with BHS. This check must include a review of work performance and attendance. The review will be made by reference to documentation on file and, wherever possible, discussions with previous Department Head. Final clearance for re-employment of a former staff member will be sought from the Human Resources Department.
  - Re-employment may only occur if the information obtained meets the standards required of these positions.
- Prime responsibility for selection of a suitable appointee rests with the relevant Executive Director and/or Department Head, in consultation with the Human Resources Department.
Where there is a difference of opinion between parties, the matter should be referred to the Executive Director of Human Resources, or the Chief Executive Officer for a decision on the appropriate action to be taken, before any offer of employment is made.

The composition of an interview panel shall be determined by the relevant Departmental Head in consultation with the appropriate Human Resources Department. Wherever possible, an interview panel should comprise two or more appropriately qualified persons, having regard to the nature of the position to be filled. Interview panels should be designed to ensure a gender balance.

The interview panel members shall be responsible for recording summary notes regarding each applicant’s interview, with such documentation to provide a brief record should future reference be required. This documentation should be forwarded to the Human Resources Department at the conclusion of the appointment process.

Before an applicant is appointed, it must be ensured that his or her qualifications and experience meet those stated in the position description. It will be the responsibility of the applicant to provide original documentary evidence of appropriate qualifications, which will be confirmed / sighted, by the Human Resources Department.

Internal applications should be facilitated and arranged wherever staff demonstrates potential to successfully perform the duties of the position which is vacant. However transferring from one position to another is not encouraged within the first 12 months of employment.

Re-appointment of Former Staff

A former staff member of Ballarat Health Services may be considered for reappointment under the following criteria:

Prior to any offer of employment being made, a thorough investigation will be made of the candidate’s history with BHS. This check must include a review of work performance and attendance, together with any other relevant file documentation that may be on the candidate’s previous employment record which is located in the Human Resources Department. The responsibility for conducting such review will rest with the Department Head, in conjunction with the Human Resources Department.

Re-employment may only occur if the information obtained from the candidate’s prior history at Ballarat Health Services meets the standards required of the position.

Education

Ballarat Health Services will provide to all employees’ education and training where such education and training will result in a better organisational and improved individual performance.

Sexual Harassment

Ballarat Health Services is committed to providing and maintaining an environment which is free of sexual harassment as regards staff, patients and the visiting public.

Sexual harassment covers a range of unwelcome unsolicited and non-reciprocated behaviour which constitutes deliberate (or even unintentional) verbal or physical actions such as gestures, the display of offensive pictures, comments of a sexual nature, implicit or explicit demands for sexual activities, to physical contact such as patting or pinching through to actual molestation.

Complaints of sexual harassment should be raised with the Executive Director of Human Resources and other designated counsellors who through counselling and conciliation will attempt to resolve the issue. However, any person who claims to have experienced sexual harassment –

(a) should not be discouraged from discussing the problem with the offender in an attempt to resolve the matter in a positive and constructive manner, and

(b) is entitled to pursue a complaint under the provision of the Equal Opportunity Act 1995 (Vic.) and the Commonwealth Sex Discrimination Act 1984 (Cwlth).
Conditions of Employment

- The terms of employment for staff will be as stipulated by any relevant legislation (ie. *Fair Work Act, Commonwealth, 2009*), appropriate industrial Award, Enterprise Agreement, Australian Workplace Agreement or as specified by the Health Services at the time of appointment.

- Ballarat Health Services reserves the right to negotiate conditions of employment of any staff member subject to legal requirements including the terms and conditions of the appropriate Award/Agreement.

Vacancies

- All vacancies will be notified to the Human Resources Department by an e-Recruit New/Existing Position request.

- On finalisation of the e-Recruit approval process, the Human Resources Department will commence recruitment procedures to fill such vacancy. Ballarat Health Services also reserves the right, in certain circumstances to appoint staff to vacancies without advertising occurring, with prior approval from either the Chief Executive Officer, or the Executive Director of Human Resources.

- The decision to advertise externally and/or internally in order to attract a suitable applicant will be determined by the Human Resources Department on consideration of the qualification and experience required.

- Positions of an unskilled nature may be filled from applicants who have registered their interest in employment at Ballarat Health Services on the e-Recruit system.

Job Descriptions

- Ballarat Health Services believes that the existence of an up to date and comprehensive job description for each position is an essential prerequisite to the creation of an effective employer/employee relationship and the ongoing management of that relationship.

- A current Position Description will be attached by the relevant Department Head to the e-Recruit “New/Existing Position “ request and be subsequently downloaded into the e-Recruit Position Description library by the Human Resources Department.

- As such, BHS expects that:
  - Departmental Heads will prepare/update appropriate job descriptions using the generic BHS Position Description format whenever recruitment action is initiated for a particular position,
  - each job description will provide details of both the key accountabilities of the position and the key performance expectations/key selection criteria.
  - the job description will be forwarded to all successful applicants along with their formal letter of appointment, and
  - Departmental Heads will maintain a comprehensive suite of job descriptions within their Departmental Manual.

- Amendments to an existing employee’s job description which may impact on their job classification should be discussed and agreed with the appropriate Divisional Executive Director and Departmental Head.
Employment References

- Ballarat Health Services recognises that the provision of references from past employers about a prospective employee’s previous work performance, etc. is an important facet of the employment process. However, in view of the legal obligations which are attached to such processes, BHS is concerned to ensure that appropriate care and confidentiality is observed by BHS staff who are called upon to either provide references for current/past employees or are seeking and using referee comments about prospective employees.

- Where appropriate BHS staff are seeking referee comments from past employers, the following principles must be observed:
  - referee reports should only be sought by the Departmental Head (or nominee) who has been directly involved in the selection process,
  - a record should be retained of all referee comments obtained via telephone references using the generic Reference Report.
  - referees should be made aware that brief notes of their comments will be recorded and that, whilst every effort will be made to preserve the confidentiality of such comments, BHS cannot guarantee such confidentiality in circumstances where it is required by law to disclose such information.
  - where practicable reference will be sought from the applicant’s current direct Supervisor to confirm current work performances.
  - in the interests of ensuring objective and fair commentary, a minimum of two professional referee reports from direct Supervisors of the applicant should be sought on each applicant. (where practicable)

- Where appropriate BHS staff are required to provide referee reports for current/past staff members, the following principles should be observed:
  - only staff of Departmental Head status or above are authorised to provide referee comments, the capacity in which they have known the current/past staff member should be clearly stated,
  - particular care must be taken to ensure that all comments are factual and objective and could not be construed as defamatory,
  - a standard practice of BHS is to provide only verbal references.
  - In exceptional circumstances a written reference may be released following authorisation by the appropriate Executive Director.

Pre-employment Testing

- BHS recognises that the selection interview may be an incomplete predictor of future job performance. As such, the selection interview panel may wish to obtain additional information about an applicant’s potential job performance by conducting specific pre-employment tests.

- Ideally, applicants will be informed of pre-employment testing prior to interview.

- The need to conduct any pre-employment tests prior to finalising a selection decision shall be determined by the Departmental Head in consultation with Human Resources Department.

Pre-employment Medical Screening

- Ballarat Health Services recognises its obligations to ensure that all prospective new staff members are physically and mentally capable of fulfilling the requirements of the position for which they are being considered.

Such an obligation relates to:
  - the need to protect the interests of BHS as an employer,
  - the need to protect the interests of a prospective employee such that they are not required to undertake responsibilities which a pre-existing medical condition might preclude or exacerbate.
The completed Health & Capacity Declaration of the preferred applicant will be reviewed to assess any contraindications as against the responsibilities of the prospective employee’s role and job description. Offers of employment must not be discussed with the applicant, until such review/clearance has been completed by the Human Resources Department and confirmed with the relevant Department Head.

**Reasonable Adjustment**

- Ballarat Health Services is committed to ensuring an accessible and inclusive work environment to enable people with disability to participate fully in all aspects of employment. BHS seeks to apply the principle of reasonable adjustment to remove barriers to participation in work by people with disability. Reasonable adjustments will be made to enable appropriately skilled people with disabilities to perform the inherent requirements of their positions.

**Appointment Offers**

- Responsibility for making a final selection decision rests with the Departmental Head in consultation with the Human Resources Department.

- The Human Resources Department is unable to consider candidates without the following documentation being provided:
  - Interview documentation
  - Evidence of reference checking
  - Police Checks or Fit to Work form
  - Working With Children check, where applicable
  - Completed Health and Capacity Declaration form
  - Resume

- No offer of employment, verbal or otherwise, will be made without prior clearance being confirmed by the Human Resources Department.

- Where an applicant, internal or external, is recruited to an aged care setting, the manager will confirm that the staff member has an existing police check no greater than three years of age. Where such a police check does not exist, the staff member will be ineligible to commence work in aged care until such a police has been undertaken and is cleared as satisfactory by the Human Resources Department.

- Unsuccessful applicants will be formally notified by the Human Resources Department. Unsuccessful applicants who have attended for interview wishing to discuss the reasons behind any selection decision should be referred to the Department Head in the first instance.

- Unsuccessful applicants who have not been shortlisted will receive automatic notification, via the e-Recruit system, on closure of the position by the Human Resources Department.

- Given the legal significance of establishing a contract of employment, formal written appointment offers will only be made by the Human Resources Department.

**Pre-employment Police Record Checks / Working With Children Checks**

- All new permanent employees/volunteers at Ballarat Health Services are required to consent to undergo a Police Record Check and their employment status is made subject to the outcome of this check.

- All new Casual staff at Ballarat Health Services are required to provide their own Police Record Check (and Working With Children Check, where applicable) at their own expense.
Probationary Appointments

- The appointment of new staff for a period of probation is subject to complex legal constraints and will not, in itself, justify the termination of an employee without appropriate notice and warnings.

- In general terms, the period of probation which Courts have held to be reasonable has to be related to the complexity of the position which the staff member is being appointed to. Even for a highly complex position, it is unlikely that a probationary period in excess of three (3) months would be considered reasonable.

- Where Departmental Heads have evidence to suggest that the probationary period may need to be utilised to terminate an employee’s employment, they should immediately discuss this with the Human Resources Department for information on the proper process.

Employment of Relatives

- In endeavouring to attract the best possible applicants for each position, Ballarat Health Services recognises that from time to time relatives of existing staff will be considered for appointment.

- BHS has no objection to such employment provided:
  - the person meets the normal BHS employment standards and is considered to be the best applicant for the position,
  - the appointment does not create potential for bias, perceived or otherwise, for example one relative responsible for rostering or supervising another relative, and
  - BHS does not consider it desirable to have next of kin working within the same Department, any such appointment must be approved by the Chief Executive Officer.

Temporary Appointments

- The appointment, renewal and termination of certain temporary appointments can occasionally lead to legal difficulties including the possibility that temporary contracts may be deemed to have become ongoing.

- Temporary appointments must be made in response to genuine temporary requirement, ie. – leave replacement, recruitment processes being undertaken etc. The reason for the temporary appointment should be clearly stated on the temporary employment contract.

- The appropriate wording of appointment letters is critical in ensuring that unintended consequence do not arise from temporary appointments. The Human Resources Department will ensure that such appointment letters are appropriately constructed such as to reduce the possibility of future dispute

- The Human Resources Department will maintain a system to ensure that all temporary appointments are reviewed by the relevant Departmental Head (with a view to extension or termination) prior to the contracts official expiry date.

- Temporary casual appointments via an external recruitment agency will not be made without prior consultation and approval of the Human Resources Department.

Discharged Service Person’s Entitlement

- Ex-Service persons who had enlisted in Victoria for full service and served during a prescribed theatre of war may be entitled under the Discharged Service persons Reference Act 1943 to have preference in initial employment and in promotion opportunities.
The Act provides that preference is given to suitable and competent ex-servicemen providing that they are:-
(a) of good character,
(b) have the necessary professional or technical qualifications, and
(c) have had reasonable experience in the same or similar kinds of employment and possessing a satisfactory degree of competence and special characteristics, where those characteristics are a necessary requirement of the nature of the work.

The Ex-Service person is not eligible to claim protection under the Act unless he/she applies for the appointment or promotion within the time and manner specified in the advertisement.

**Medical Staff Appointment**

**Categories of Medical Staff**

- The Board shall appoint a medical staff consisting of practitioners under such designations and in such categories as Ballarat Health Services require, after having sought the advice, other than with Hospital Medical Officers and Locums of six months duration, of the Electoral College.

- The **Senior Medical Staff** shall consist of all practitioners in any of the following designations:
  1. **Salaried Medical Officers**
     Being those persons working full-time to whom the Hospital Specialists and Medical Administrators Award would apply or alternatively those persons who are employed by BHS on a contract.
  2. **Consultant Medical Officers**
     Being those persons who are employed under the Lochtenberg Agreement or who are engaged by BHS on a contract for the provision of service.

Medical Officers shall be appointed in one of the following sub-categories:

2.1 **Consultants** being those persons who are-
   (a) Specialists who have been appointed to provide medical services to standard patients when called upon to do so by a member of the Salaried/Visiting Medical Staff; and may admit private patients, or
   (b) General Practitioners who have the right to admit standard patients under a joint bedcard of themselves and a consultant except those with Obstetric admitting rights who may admit standard and private patients in their own right.

3. **Locum Medical Staff**
   The Board of Directors, via the Ballarat Health Services Executive Director of Clinical Services may approve an appointment of a locum for an initial period of three months. An extension of a further three months may be granted. Any requests for a locum appointment for greater than the three to six months as explained needs to be considered by the Credentials and Clinical Privileges Committee and the Electoral College which would then advise the Board of Directors.
   Admitting rights are as per the appointment of Medical Staff but for the stated period of the locum only.

4. **Directors**
   The Board may appoint appropriate practitioners as Heads of Departments/Units.

- **Hospital Medical Officers** shall include practitioners employed under the terms and conditions prescribed by the Hospital Medical Officers’ Award and Hospital Medical Officers’ Enterprise Agreement.
Appointments to the Medical Staff

- All appointments to the medical staff shall be determined in keeping with equal opportunity principles.

- All positions on the medical staff shall have a broad job specification which is to include a description of the work required of the position. Each specification should be reviewed prior to the calling of applications and shall be made available to potential applicants. Job specifications shall be compiled in consultation with appropriate medical staff.

- Applications for appointment to the medical staff, other than with respect to hospital medical staff and locums of less than six months shall be sought by advertisement published in the print media unless otherwise provided for by these regulations. This shall include, but is not restricted to, publication in a daily newspaper circulating throughout the State of Victoria.

- The Board shall fix a time, not less than twenty-one (21) clear days from the date of first advertisement, within which applicants shall lodge their applications at BHS.

- Only a person registered or eligible for registration as a practitioner in Victoria shall be eligible for appointment to the medical staff of BHS.

- All initial appointments as consultant medical officers shall be for a period of not more than one year in duration. Once the initial period has been successfully completed, confirmation of the appointment for a further period of up to four years shall occur.

- Reappointment as a consultant medical officer will occur following advertisement and a review of clinical responsibilities. Such reappointment shall be for a period of not less than three nor more than five years, as determined by the Board. Under specific circumstances the Board may reappoint a practitioner for a period of under three years.

- The Board may not dismiss or suspend a member of the medical staff, except in conformity with the Fair Work Act (Cwlth) 2009, and only after seeking the opinion of the relevant Electoral College, except in the case of a hospital medical officer. In any such instance, the Board must abide by the principle of natural justice.

Obligations of the Medical Staff

- All medical practitioners shall ensure that patients receive quality care.

- All practitioners shall have professional responsibility for BHS patients allocated to their care.

- All practitioners shall provide medical, diagnostic or surgical services within the Areas for which they have been appointed by the Board of BHS.

- All senior medical staff, who have been appointed to provide services to private patients, shall have professional responsibility for the treatment of their private patients.

- All practitioners shall ensure that a medical record, adequate for the ongoing management of the patient is maintained for each patient treated by the practitioner.

- Medical staff shall provide services only within the areas which have been approved by the Credentials and Clinical Privileges Committee and shall adhere to the generally accepted ethics (AMA code of Ethics) of medical and professional practice in relation to colleagues, BHS and patients.

- BHS Executive Director of Clinical Services is responsible to the Chief Executive for ensuring that, after consultation with medical staff, adequate staff are provided for the provision of emergency services and for the care of patients on a day to day basis.

- Accredited medical practitioners may be called upon for assistance in the event of a major disaster. Copies of the Disaster Plan are available in all Departments.
Appointment of Volunteers

- The Board of Management encourages volunteers from the community to provide service to Ballarat Health Services, its patients and visitors. Such services should be organised as an integral part of BHS activities and should be utilised according to the needs from time to time identified by BHS.

- As volunteer workers are not employees of BHS, appropriate insurance indemnity will be maintained to compensate volunteer workers who sustain injury while engaged in duties allocated to them, or while traveling between their places of residence and BHS in connection with those duties.

- No voluntary worker is to be engaged in duties for BHS without the prior approval of the Chief Executive Officer, who will ensure that an appropriate orientation program is undertaken, that a confidentiality declaration is completed and that information for insurance and other administrative purposes is recorded before the individual commences duties.

Limitations

- Voluntary workers are not to be allocated to duties which might lead to the redundancy of existing full time positions.

- The Personal Accident Insurance cover to which BHS is a party does not provide indemnity for injury sustained by volunteer workers under the age of 15 or over the age of 70 years. However, in such event Ballarat Health Services Public Risk insurance cover may apply.

- The following persons are not classified as voluntary workers for the purpose of this policy statement:
  - Members of the Board of Management
  - Any employee of BHS
  - A member of the Chaplaincy Service who is not an employee of BHS
  - A tertiary student of any profession or calling, undertaking training or practical experience at BHS and who is not an employee of BHS.
  - A secondary student seconded to BHS for work experience by arrangement with the Education Department of Victoria.

REFERENCES

Fair Work Act 2009 (Commonwealth)
Equal Opportunity Act 1995 (Vic)
Equal Employment Opportunity (Commonwealth Authorities) Act 1987
Equal Employment for Women in the Workplace Act 1999
Commonwealth Sex Discrimination Act 1984 (Cwlth)
Discharged Service Persons Reference Act 1943

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