Recruitment, Selection and Appointment Guideline

1. Purpose

The purpose of the Recruitment, Selection and Appointment (RSA) Guideline (this guideline) is to ensure that Panels are aware of, and comply with, any recent policy or legislative changes relating to recruitment, selection and appointment.

This guideline also aims to reduce compliance risks by informing panels about policy or legislative requirements when compliance and non-compliance issues are identified in other recruitment processes across the WA health system.

Health Support Services (HSS) will provide a copy of this guideline to all panel members at the commencement of each recruitment process.

The Department of Health (Department) will update this guidelines following policy or legislative amendments, or when compliance and non-compliance issues or themes are identified.

2. Changes to the Recruitment, Selection and Appointment Policy

A review of MP 0033/16 Recruitment, Selection and Appointment Policy resulted in the following changes:

- WA health entities and panels must prioritise the recruitment of Aboriginal people, in line with *MP0097/48 Aboriginal Workforce Policy*, and the Department's *Aboriginal Workforce Policy.*
- At least one member of each panel must have completed the WA health entity's RSA training.
- Panel chairs or convenors must declare they understand employment standards and policy requirements, and certify that the selection process was undertaken in accordance with all policy and legislative requirements.
- Panels must declare, manage and document conflicts of interest, with this documentation to be provided to HSS with the selection report.
- Clarification of WA health entity roles regarding employment pre-screening.
- New requirement for acting opportunities.
- New requirement regarding workforce diversification, requiring WA health entities to develop and maintain strategies to increase workforce representation of people from culturally and linguistically diverse backgrounds; people with disability; LGBTIQASB+; and youth, as well as women in management. This section also provides for the use of exceptions under the *Equal Opportunity Act 1984* to make employment decisions in favour of these diversity groups.
- Inclusion of supporting information resources to assist panels in managing recruitment processes.

3. Complying with the *Equal Opportunity Act 1984*

The revised RSA Policy reinforces the requirements of the *Equal Opportunity Act 1984*.

Panel chairs and members are to acknowledge that it is unlawful to ask any applicant, or any potential applicant, any questions relating to their personal circumstances.

Examples of unlawful questions include asking whether an applicant has, or intends to have, children; their marital status; and whether they are a member of a union.

Information on personal characteristics is only to be considered when an exception to the *Equal Opportunity Act 1984* is being applied in order to recruit people from priority target groups identified in the RSA Policy; or to improve service delivery by using the genuine occupational qualifications provisions.

4. Asking job applicants about workers compensation claims

The revised RSA Policy includes new requirements reflecting the *Workers Compensation and Injury Management Act 2023* amendments which came into effect on 1 July 2024.

These amendments make it unlawful to disclose any information about a person's workers compensation claim for the purpose of employment pre-screening. This means that panels must not ask applicants, their referees, or any other person about current and previous workers compensation claims.

This legislation also applies at the individual level, meaning that people outside of recruitment processes are also not allowed to share information about another person's workers compensation history. This includes staff members not involved in a recruitment process.

As an example, a staff member who knows that an applicant has had a workers compensation claim cannot share this information with a member of the panel.

Individuals can face penalties including fines of up to $10,000 for sharing this information for the purpose of employment pre-screening. WorkCover WA is responsible for investigating non-compliance with these provisions and issuing penalties.

5. Definitions

The following definition(s) are relevant to this guideline.

Term	Definition
Department	As stated in the *Health Services Act 2016*, the Department means the department of the Public Service principally assisting the Minister in the administration of the *Health Services Act 2016*. This is known as the Department of Health as established as an administrative division of the State of Western Australia pursuant to s35 of the *Public Sector Management Act 1994*.
Health Support Services (Employee Services)	Corporate shared services centre providing recruitment, appointment, employment contract management and establishment services to the WA health system.
Panel	A group of two or more people who assess applications and ability of applicants to fill a vacancy.

Panel Convenor or Panel Chair	The member of the panel responsible for coordinating the recruitment, selection and appointment processes, ensuring adherence to the policy and completing the relevant paperwork for submission.
Recruitment	Process used to attract, assess and select applicants to fill a vacancy.
Staff member	For the purpose of this guideline, staff member means: i. Staff members of a Health Service Provider as defined by the *Health Services Act 2016* means: a) an employee in the Health Service Provider; b) a person engaged under a contract for services by the Health Service Provider. ii. Employees of the Department of Health.
WA health entities	WA health entities include: (i) Health Service Providers as established by an order made under section 32 (1)(b) of the *Health Services Act 2016*. (ii) Department of Health as an administrative division of the State of Western Australia pursuant to section 35 of the *Public Sector Management Act 1994*.

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