

Practitioner Toolkit

# 10 Tips – On the Record

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## 10 Tips – Criminal Records

Extracted from *On the Record – Guidelines for the prevention of discrimination in employment on the basis of criminal record (AHRC)*. Detailed Guidelines are available in 'On the Record' which is also in this section of the Toolkit

Remember that when providing employment services to an employer you may be acting as an agent for that employer – hence references to 'employer' may also refer to employment consultants.

1.	Employers should create an environment which will encourage an open and honest exchange of criminal record information between an employer and job applicant or employee.
2.	Employers should only ask job applicants and employees to disclose specific criminal record information if they have identified that certain criminal convictions or offences are relevant to the inherent requirements of the job.
3.	Oral and written questions during the recruitment process should not require a job applicant or employee to disclose spent convictions unless exemptions to spent conviction laws apply.
4.	Advertisements and job information for a vacant position should clearly state whether a police check is a requirement of the position. If so, the material should also state that people with criminal records will not be automatically barred from applying (unless there is a particular requirement under law).
5.	Criminal record checks should only be conducted with the written consent of the job applicant or current employee.
6.	Information about a person's criminal record should always be stored in a private and confidential manner and used only for the purpose for which it is intended.
7.	The relevance of a job applicant's or employee's criminal record should be assessed on a case-by-case basis against the inherent requirements of the work he or she would be required to do and the circumstances in which it has to be carried out. A criminal record should not generally be an absolute bar to employment of a person.
8.	If an employer takes a criminal record into account in making an employment decision, in most cases the employer should give the job applicant or employee a chance to provide further information about their criminal record including, if they wish, details of the conviction or offence, the circumstances surrounding the offence, character references or other information, before determining the appropriate outcome in each case.



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9.	If criminal record information is considered relevant, an employer should have a written policy and procedure for the employment of people with a criminal record which can be incorporated into any existing equal opportunity employment policy, covering recruitment, employment and termination.
10.	If criminal record information is considered relevant, an employer should train all staff involved in recruitment and selection on the workplace policy and procedure when employing someone with a criminal record, including information on relevant anti-discrimination laws.

