

## **Human Resources Policies & Guidelines**

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Section: 2 Staffing

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Subsection: 2.3.4 **REFERENCE CHECK**

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Type: Policy

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Effective Date: January 1, 2010 – Amended March 11, 2010

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### **POLICY STATEMENT**

Reference checks are conducted before appointment to verify the assessed merits of the qualified candidate and to further assess past performance.

### **INTENT**

To validate the assessment of the candidate(s) and verify information prior to making an offer of employment.

### **POLICY APPLICATION**

Reference checks are usually conducted after all other assessments but before appointing the candidate. Reference checks are conducted on either the highest ranked candidate or on several highly qualified candidates in order to verify their [reliability](#) and suitability for appointment.

Reference check results must be factored into the selection decision. They are used to validate the assessment of the candidate(s) against each selection criteria. Normally a minimum of two references are conducted per candidate.

### **PRACTICES**

A reference check is a personal investigation by the selection board to obtain factual information from sources other than the candidate with a view to evaluating suitability for appointment. Reference checks are one method, but not the only method, for assessing past work performance of candidates.

Reference checks are normally conducted by the selection board chair. However, where appropriate, an alternate selection board member may conduct reference checks. The selection board member conducting the reference checks must document and sign the reference check template and notes. The chair of the selection board is responsible for ensuring that reference checks are conducted fairly and consistently in a manner that meets legislated and policy requirements. The reference checks must be verified by the selection board chair prior to an offer being made. In cases where the selection board chair does not have delegated staffing authority, a delegated staffing authority is required to review the results of the reference checks and sign the selection board summary report.

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### Procedural requirements for conducting reference checks

To ensure reference information is valid, the following requirements must be met. Applicants **provide written consent** before references are checked. Candidates' written consent can be obtained by signing the [standard reference consent statement](#).

**Note:** written consent is required before conducting checks with persons other than those listed on the resume, in accordance with [The Personal Investigations Act](#).

Written consent is not required from civil service employees before conducting references with previous supervisors within the civil service to obtain information on indicators of past performance, with the exception of the present employer.

Candidates are contacted for verbal consent immediately before conducting reference checks with the current employer. Normally, a reference check is conducted with the current employer only when there is a reasonable probability that an offer of employment will be made.

- References are a matter of **record** and must be documented in the competition file. Under [The Freedom of Information & Protection of Privacy Act](#), a candidate can access this record and obtain a copy of reference information. See [Question 1](#).
- Candidates have a **right to know** how information about them is obtained and used, in accordance with [The Personal Investigations Act](#). See also [Question 2](#).

### Process for conducting reference checks

Checking references involves three basic steps:

1. Plan and Prepare
  - Select references who have observed the candidate's work, preferably immediate supervisors.
  - Identify assessment information that needs to be confirmed.
  - Develop open-ended questions for each selection criterion that will elicit work-related, factual and behavioural information.
2. Gather Information
  - Explain to the reference your objectives for calling and summarize the position you are filling.
  - Inform the reference that should reference information be requested by a candidate that it will be released as outlined in *The Personal Investigations Act* and *The Freedom of Information & Protection of Privacy Act*.

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- Ask the questions you developed in Step 1.
  - Ask the reference to support opinions with facts, behaviours, critical incidents and recent knowledge of the candidate.
  - Ask if the reference information is consistent with performance documents, and ask for copies of performance appraisals, if necessary.
  - It is important to ask references if they would hire the candidate again.
  - Be alert to unusual hesitations, ambiguous or evasive answers, overly negative or vindictive responses, overly enthusiastic responses. If the reference is not completely frank, note your concerns and return to these points at a later time or check them out with another reference.
  - Keep detailed notes on a reference check form. Try not to evaluate information while gathering it, as this can detract from the primary goal.
3. Apply the Information
- Look for patterns of behaviour. Ensure that undue weight is not given to isolated incidents.
  - If a reference disclosed inter-personal conflicts, weigh the information carefully and evaluate the likelihood of such conflicts occurring again.
  - If a negative reference is provided, or as a result of company policy a previous employer does not provide references, request an additional reference from the candidate to ensure balanced feedback.
  - Consider the quality of information gathered from references alongside the information derived from other assessment methods (interviews, tests, performance appraisals).
  - Document the reference results in the selection board report.
  - The selection board reaches a decision on the suitability of the candidate for appointment. If feedback from reference checks raises significant concerns about the selection board assessment, reconvene the selection board to review the assessment, undertake a risk analysis and reach a decision on the suitability of the candidate for appointment.

### **Developing questions to validate the assessment and suitability of the candidate**

Reference checks are an important method of validating the assessment of a candidate, and accordingly, their suitability for appointment. Reference check questions should be related to selection criteria. The following areas are appropriate elements of a reference check:

1. Reason for separation from the employer. It is important to ask previous employers if they would rehire.
2. Reason for leaving government if the candidate was formerly employed by the Manitoba government. Find out the date of separation and the

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department where the candidate last worked in government, then contact Human Resources in the candidate's former department to determine the nature of the separation and its relevance. The following questions are appropriate:

- Was the candidate disciplined for misconduct, fraud or harassment?
  - Was the candidate released for incompetence?
  - Was the candidate rejected on probation?
  - Was the candidate dismissed for disciplinary reasons?
  - Did the candidate abandon the position?
3. An open-ended question at the end of the reference check, to probe for any additional comments or concerns that the reference would like to share. Comments which relate to selection criteria can be added to the previous responses. If more than one reference discloses similar concerns, assess and review with the selection board.

### **ROLES AND RESPONSIBILITIES**

#### **Civil Service Commission**

Monitor application of the policy through the staffing audit process.

#### **Human Resource Practitioners**

Ensure application of the policy in the staffing process.

#### **Selection Board Chair**

Undertake reference checks.

Document the reference results into the board report.

Ensure that reference checks are conducted fairly and consistently in a manner that meets legislated and policy requirements.

In cases where the selection board chair does not have delegated staffing authority, a delegated staffing authority is required to review the results of the reference checks and sign the selection board summary report.

#### **Selection Board Member**

If an alternate selection board member is delegated to undertake the reference checks, the following is required:

Document and sign the reference check questions and notes.

Conduct reference checks fairly and consistently in a manner that meets legislated and policy requirements.

A delegated staffing authority is required to review the results of the reference checks and sign the selection board summary report.

### **AUTHORITY**

*The Civil Service Act*, Section [13\(4\)](#)

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[The Personal Investigations Act](#)

[The Freedom of Information & Protection Act](#)

Civil Service Commission Minute CSC 19-09/10-7

### **FREQUENTLY ASKED QUESTIONS**

1. What is the standard reference consent statement?

The standard reference consent statement is:

I expressly consent to the Manitoba Government verifying any information supplied by me and for the purpose of obtaining any other information pertaining to my suitability for employment, the Manitoba Government may contact any person or persons (not including my present employer), unless otherwise noted.

I certify that the statements made by me are true and to the best of my knowledge.

Note: You will be contacted for verbal consent prior to contact with your present employer. Written consent is not required from civil service employees before conducting references with previous supervisors within the civil service to obtain information on indicators of past performance, with the exception of the present employer.

2. How does *The Personal Investigations Act* apply to reference checks?

The *Act* outlines the obligation to obtain written consent. If reference checks are conducted without written consent, the candidate must be advised in writing within ten days of the reference check.

When a candidate is not selected, for any reason related or unrelated to the reference check, after reference checks are conducted, the candidate must be notified within 10 days in writing of their right to obtain the reference information. If the candidate makes a request within 30 days of notification, the following information must be provided:

- the source and detail of all factual information obtained
- the nature of the investigative information
- the right to protect any of the information, excluding third party information
- the process and address for filing a protest.

A candidate receiving this information may protest how it was used by writing to the chair of the selection board or the manager. Upon protest, any information which cannot be verified must be deleted from the competition file. If the candidate is not satisfied with management's

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action, the candidate has the right to complain to the Director of the Consumers' Bureau.

3. How does *The Freedom of Information & Protection of Privacy Act* apply to reference checks?

Reference information is a matter of record. *The Freedom of Information & Protection of Privacy Act (FIPPA)* provides legal access to a record unless specifically exempted under the Act. It also establishes the right of a person to obtain a copy of a record if they are the subject of the record of information. Accordingly candidates may request a copy of reference information concerning them. Therefore references cannot be guaranteed that reference information will remain confidential.

Before releasing reference information under FIPPA, review each case individually and ask the department's Access Officer to consult with the CSC Access Officer for information and assistance in this matter.

A candidate may appeal denial of reference information to the Ombudsman.

4. When can a candidate be rejected based on information collected during a reference check?

It is not sufficient to reject a candidate based on one reference check response. If more than one reference provides similar feedback that raises a concern about the selection board assessment, the selection board should be reconvened to reassess. Additional references can be requested of a candidate if required.

Candidates should be advised of the results of the reference check if they are rejected on that basis.

5. What do I do if I cannot obtain any references for a candidate?

If you are unable to obtain any employer related references for a candidate, contact other references (ex: volunteer related) to gather further information. The probationary period should be considered as an option for further assessment and confirmation of candidate suitability. If there are any concerns with proceeding with appointing the candidate, undertake a risk analysis with the selection board based on the candidate assessment in order to reach a decision on suitability for appointment.

6. What do I need to know about giving references?

When providing a reference it is best to respond only to the questions asked. If you have negative comments, support them with facts and documented evidence that the subject was aware of any performance

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concerns. Remember that reference information cannot be guaranteed confidential.

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