



Section: HUMAN RESOURCES

Sub-Section: HIRING AT THE CITY

Procedure #: HR-HC-001-009

Parent Policy #: HR-HC-001

Subject: POLICE RECORD CHECK

Effective Date: SEPTEMBER 1, 2019

Revision Date: OCTOBER 1, 2020

PROCEDURE

PURPOSE STATEMENT

As a provider of public service, the City places a high degree of trust in the integrity of our employees and volunteers. To ensure the suitability and proper selection of these individuals, all candidates will be required to provide a satisfactory Police Record Check as a condition of employment. Police Record Checks may include a Criminal Record Check, a Criminal Record and Judicial Matters Check or Vulnerable Sector Check.

Results of this request will be used in the selection process to determine final suitability for employment and will remain confidential with the City. While a criminal record is not necessarily a barrier to employment, it is a factor that must be carefully reviewed, assessed and documented.

SCOPE

- a. This procedure applies to all current and prospective employees and volunteers of the City.
- b. Employees covered by a collective agreement are subject to the terms and conditions in their respective collective agreements.
- c. This procedure is intended to supplement any other requirements imposed by applicable legislation or standards of professional practice. The procedure will be implemented in a manner consistent with the *Ontario Human Rights Code*, the *Municipal Freedom of Information and Protection of Privacy Act*, the *Criminal Records Act*, the *Police Record Checks Reform Act* and any other applicable legislation.

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General Parameters

1. The requirement for a satisfactory Police Record Check will be stated in the job description and job posting and will only be requested once a conditional employment offer has been made.
2. A Criminal Record Check will be required for all new employees and volunteers commencing work on or after September 1, 2019. Vulnerable Sector Checks will be required for all new employees and volunteers who are in a position of authority or trust over a vulnerable person.
3. Existing employees and volunteers who have not already completed a Police Record Check upon hire will be grandfathered from this process with the exception of section 4 through 6 below.
4. Existing employees who must enter a facility to conduct City business (i.e. Barrie Police facility) where a Police Record Check is mandatory will be required to have the applicable check completed at the City's expense.
5. Internal employees or volunteers who are transferring for the first time into a position that places them into a position of authority or trust over a vulnerable person will be required to obtain and submit a Vulnerable Sector Check at their expense.



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6. Where position demands change or a new program is introduced for a vulnerable person, it may be necessary for an existing employee or volunteer to complete a Vulnerable Sector Check for their current position. The individual will be reimbursed for any cost incurred to obtain the check upon the submission of a valid receipt through an Expense Reimbursement Form.
7. The City has the ability to require new Police Record Checks after any break in employment/volunteer work greater than five (5) months and subsequent reinstatement with the City. The candidate is responsible for all associated fees.
8. Youth under the age of 18 years of age will require a letter from the City confirming that the candidate requires the Police Record Check for the purpose of employment or volunteer work with the City. Depending on the police service requirements, disclosable youth records may be mailed directly to the City via the Human Resources Department. This letter can be prepared by the Recruitment Team Lead or designate using the template via the Police Check Request Form.
9. Should other candidates for employment or volunteer work require a letter from the City indicating that a police check is required, the letter can be prepared by the Recruitment Team Lead or designate using the template via the Police Check Request Form.
10. Offers of employment or volunteer work will be made on the condition that the candidate obtains and submits a satisfactory Police Record Check prior to commencing work. Should there be an undue delay with obtaining a Criminal Record Check, approval to commence work prior to submission must be obtained by the Director of Human Resources or designate within the Human Resources Department. Under no circumstance will a candidate requiring a Vulnerable Sector Check be able to commence work prior to the submission of a satisfactory check.
11. Candidates will be required to obtain the applicable Police Record Check from their local police department and will be responsible for all associated fees. Although some police departments do not charge for candidates applying for a volunteer position, there are times where this may be required and in these circumstances it is up to the department to determine if the volunteer will be reimbursed. Police Record Checks must be dated within six (6) months of the employment offer to be considered valid.
12. Candidates are required to provide the original copy of the applicable Police Record Check to the City in a sealed envelope addressed to the Recruitment Team Lead prior to commencing work. Should a conviction for which a pardon has not been granted under the *Criminal Records Act* appear on a Police Record Check or be disclosed by the candidate, the Recruitment Team Lead, in consultation with the Director of Human Resources, will review the results and determine if the Police Record Check is deemed satisfactory or unsatisfactory. The following factors will be considered:
 - a. the nature and number of convictions;
 - b. the relevance of the nature of the offence to the requirements of the position;
 - c. any mitigating circumstances put forward by the candidate to the Director of Human Resources;
 - d. the length of time since the conviction(s); rehabilitative and other efforts subsequently made by the candidate; and
 - e. the estimated risk posed to vulnerable clients as a result of the candidate's employment or volunteer position.

If a review of the Police Record Check deems that the criminal conviction(s) violates requirements of the position or the information provided demonstrates a safety risk to others, the offer will be rescinded.



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13. The document will be scanned and housed electronically in a confidential folder (P13 – Criminal Records) within Human Resources on the City's network and disposed in accordance with the applicable retention schedule. For recruits that are not coordinated within Human Resources, the applicable department will scan and house the document electronically in a confidential folder (P13 – Criminal Records) within their department. Access to this information should be limited to the applicable management and staff within the Human Resources Department. The original version of the document should be returned to the candidate.

Criminal Record Attestation Forms

1. All new employees or volunteers hired on or after September 1, 2019 will be required to complete a Criminal Record Attestation Form, on an annual basis, and submit to their immediate non-union supervisor for review. However, should an employee receive a conviction for which a pardon has not been granted under the *Criminal Records Act*, they should also complete a Criminal Record Attestation Form, and submit at the time of the conviction.
2. Employees and volunteers hired prior to the above date will be grandfathered from having to complete the annual Criminal Record Attestation Form with the exception of those individuals who were already required to have a Vulnerable Sector Check as part of their existing position. These individuals will also be required to complete a Criminal Record Attestation Form on an annual basis and submit to their immediate non-union supervisor for review.
3. The individual must sign the form indicating that there have been no changes to their previous Police Record Check or if new offences have occurred for which a pardon has not been granted, it is the individual's responsibility to list any new offences that have taken place since the last check. Should an individual indicate additional offences, the immediate non-union supervisor will consult with the Director of Human Resource to determine if a new Police Record Check is required. Should it be determined that a new check is required, the individual would be reimbursed for any cost incurred to obtain the check upon the submission of a valid receipt through an Expense Reimbursement Form.
4. The Criminal Record Attestation Form will be scanned and housed electronically in a confidential folder (P13 – Criminal Records) within the applicable department on the City's network and disposed in accordance with the relevant retention schedule.

Renewal of Police Record Checks

1. Where there is a reasonable basis to believe that there may be changes to an employee or volunteer's police record, the City reserves the right to request an updated Police Record Check at the City's expense at any time during the course of employment or volunteer work subject to the approval of the Director of Human Resources.

RESPONSIBILITIES

Employee/Candidate/Volunteer

It is the responsibility of the Candidate/Employee/Volunteer to:

- a. Understand and comply with the procedure associated with Police Record Checks; and
- b. Provide a Police Record Check or Criminal Record Attestation Form upon request by the City.



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Department Management

It is the responsibility of the Department Management to:

- a. Understand and comply with the procedure associated with Police Record Checks; and
- b. In conjunction with Human Resources, consider the specific information disclosed in the Police Record Check or Criminal Record Attestation Form;
- c. Maintain confidentiality of all information in the Police Record Check; and
- d. Keep all relevant information relating to the Police Record Check in a confidential electronic folder within the applicable Department.

Human Resources Department

It is the responsibility of the Human Resources staff to:

- a. Provide guidance and advice associated with the Police Record Check procedure;
- b. Coordinate and conduct activities related to the procedure;
- c. Consider the specific information disclosed in the Police Record Check;
- d. Maintain confidentiality of all information in the Police Record Check; and
- e. Keep all relevant information relating to the Police Record Check in a confidential electronic folder within the Human Resources Department.

REFERENCES AND RELATED DOCUMENTS

- a. Hiring at the City Policy
- b. Use of Volunteers Policy
- c. Criminal Record Attestation Form
- d. Expense Reimbursement Form
- e. Police Check Request Form – General
- f. Police Check Request Form - Youth
- g. *Criminal Records Act*
- h. *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
- i. *Ontario Human Rights Code*
- j. *Police Record Checks Reform Act*

DEFINITIONS

Attestation: a formal statement in which the employee/volunteer verifies its authenticity and serves as clear evidence of the official truth.

Conviction: is where the individual has pleaded guilty or been declared guilty by a qualified court.

Criminal Record: is a record of a person's criminal history, generally used by potential employers to assess suitability for employment or volunteer work.



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Vulnerable Person: is defined under the *Criminal Records Act* as a minor (less than 18 years of age) and persons who, because of their age, a disability or other circumstances, whether temporary or permanent are:

- a. in a position of dependence on others; and/or
- b. at a greater risk than the general population of being harmed by persons in a position of authority or trust relative to them.