



## Police Record Check Policy

<b>Policy Number:</b>	HR-HC-008
<b>Department:</b>	Human Resources
<b>Section:</b>	Hiring at the City
<b>Subject:</b>	Police Record Check
<b>Effective Date:</b>	September 1, 2019
<b>Revision Date:</b>	March 18, 2024

### 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 new employees 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

1. This policy applies to all current and prospective employees and volunteers of the City.
2. Employees covered by a collective agreement are subject to the terms and conditions in their respective collective agreements.
3. This policy is intended to supplement any other requirements imposed by applicable legislation or standards of professional practice. The policy 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.

### DEFINITIONS

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

**Conviction** – Is when an individual has pleaded guilty or been declared guilty by a qualified court.

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



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

- a. Is in a position of dependency on others; and/or
- b. Is otherwise at a greater risk than the general population of being harmed by persons in a position of trust or authority towards them.

## **PROCEDURE**

### **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 grand parented 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.
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 Talent Acquisition Team Lead or designate using the Police Check Request Form – Youth letter template.
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 Talent Acquisition Team Lead or designate using the Police Check Request Form – General letter template.



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 Talent Acquisition Team Lead within the Human Resources Department or designate. A candidate requiring a Vulnerable Sector Check may begin training prior to submission of a satisfactory check but will not be permitted to commence their job duties until submission of a satisfactory check.
11. Candidates will be required to obtain the applicable Police Record Check from their local police department or from the online platform and will be responsible for all associated fees. Candidates requiring Vulnerable Sector Checks or Police Record Checks for those under 18 years of age must be done through their local police department. 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. If candidates obtain the Police Record Check through their local police department, they are required to provide a copy of the applicable Police Record Check to the City electronically via HR.Recruitment@barrie.ca or physically in a sealed envelope addressed to the Talent Acquisition 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 Talent Acquisition Team Lead, in consultation with the Director of Human Resources, the applicable Department Head and Legal Services as required, 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;
  - 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 employment offer will be rescinded.

13. The Police Record Check will be saved and housed in the employee's confidential electronic employee file within the Human Resources Department on the City's network (H03-Employee Records) and will be disposed of in accordance with the applicable retention schedule. For recruits that are not facilitated by Human Resources, the applicable department will scan and send the Police Record Check electronically to HR.Recruitment@barrie.ca for filing in the employee's confidential electronic employee file. Access to this information will be limited to applicable management staff and staff within the Human Resources Department. If an original version of the Police Record Check is submitted, it will be returned to the employee once it has successfully been saved and filed in the employee's confidential electronic employee file.



## **Annual Criminal Record Attestation**

1. All new employees or volunteers hired on or after September 1, 2019, will be required to complete an electronic Criminal Record Attestation Acknowledgement, on an annual basis which will be administered through Human Resources. However, should an employee receive a conviction for which a pardon has not been granted under the Criminal Records Act, they should also complete an Offence Declaration Form, and submit at the time of the conviction to [ASK.HR@barrie.ca](mailto:ASK.HR@barrie.ca).
2. Employees and volunteers hired prior to the above date will be grand parented from having to complete the annual Criminal Record Attestation Acknowledgement 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 Acknowledgement on an annual basis.
3. The employee/volunteer must complete the Acknowledgement 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 employee/volunteer's responsibility to list any new offences that have taken place since the last check or attestation through an Offence Declaration Form and submit the document to [ASK.HR@barrie.ca](mailto:ASK.HR@barrie.ca). Should an individual indicate additional offences, Human Resources will determine if a new Police Record Check is required. Should it be determined that a new check is required, the employee/volunteer would be reimbursed for any cost incurred to obtain the check upon the submission of a valid receipt through an Expense Reimbursement Form.

## **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 employee/candidate/volunteer to:

- a. Understand and comply with the policy associated with Police Record Checks; and
- b. Provide a Police Record Check and/or Criminal Record Attestation as outlined in this policy and/or upon request by the City.

### **Department Management**

It is the responsibility of department management to:

- a. Understand and comply with the policy associated with Police Record Checks;
- b. In conjunction with Human Resources, consider the specific information disclosed in a Police Record Check or Criminal Record Attestation; and
- c. Maintain confidentiality of all information in the Police Record Check and/or Criminal Record Attestation.



## Human Resources

It is the responsibility of Human Resources to:

- a. Provide guidance and advice regarding the policy associated with Police Record Checks;
- b. Coordinate and conduct activities related to the policy;
- 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 related to Police Record Checks and Offence Declaration Forms in a confidential electronic folder within the Human Resources Department.

## REFERENCES AND RELATED DOCUMENTS

1. *Hiring at the City Policy*
2. [Offence Declaration Form](#)
3. *Expense Reimbursement Form*
4. *Police Check Request Form – General*
5. *Police Check Request Form – Youth*
6. *Criminal Records Act*
7. *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
8. *Ontario Human Rights Code*
9. *Police Record Checks Reform Act*