

<i>The Town of Fort Frances</i>	SECTION HUMAN RESOURCES
CRIMINAL BACKGROUND CHECK POLICY	NEW: April 2006 REVISED: September 2011
Resolution No. 304 (consent) 09/11	Supercedes Resolution No. 160 (consent) 05/06
Policy Number 3.13	PAGE 1 of 3

1.0 POLICY STATEMENT

The Town of Fort Frances strives to hire the most qualified individuals to fill positions that will contribute to the overall success of the Town. Criminal Background Checks act as an important part of the selection process. Information collected through Criminal Background Checks allow us to provide a safe work environment for current and prospective employees and patrons. Criminal Background Checks help obtain information that assists us in determining the applicant's overall employability, ensuring the protection of our property, sensitive information within the organization, as well as maintain public trust.

Although disqualification from Town employment is possible, a previous conviction does not automatically disqualify an applicant from consideration. Based on a variety of factors (e.g., the nature of the position, the nature of the conviction, age of the candidate when the conviction occurred), the candidate may retain eligibility for employment with the Town.

However, if an applicant attempts to withhold information or falsify information pertaining to any previous convictions, the applicant will be disqualified from further employment consideration in any position due to falsification of an application.

The Criminal Background Check includes a check of the Royal Canadian Mounted Police (RCMP) national Canadian Police Information Centre (CPIC) database and possibly a Vulnerable Sector Screening Check.

2.0 GUIDELINES

Definitions:

- 1.1 **Criminal Background Check** means a document concerning an individual:
 - a) that was prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database within 6 months before the day the Town collects the document; and
 - b) that contains information concerning the individuals *Personal Criminal History*
- 1.2 **Personal Criminal History** means, in respect of an individual, information on criminal offences of which the individual has been convicted under the Criminal Records Act (Canada) and for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted to the individual.
- 1.3 **Vulnerable Sector Screening** means a document concerning an individual:
 - a) that was prepared by a police force or service from national data on the Canadian

Police Information Centre (CPIC) database and from local police service records, within six (6) months before the day the Town collects the document.

- b) that contains information concerning the individual's personal criminal history
- c) that contains information resulting from a criminal record search of data maintained by the Royal Canadian Mounted Police for sexual offences for which a pardon has not been granted.

1.4 **Vulnerable Person** according to the Criminal Records Act, means persons who, because of their age, a disability, or other circumstances, whether temporary or permanent;

- a) are in a position of dependence on others; or
- b) are otherwise at a greater risk than the general population of being harmed by person in a position of authority or trust relative to them.

1.5 **Offence Declaration** means a written declaration signed by an individual listing all of the individual's conviction for offences under the Criminal Records Act (Canada) up to the date of the declaration;

- a) that are not included in a Criminal Background Check collected by the Town; and
- b) for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted.

SCOPE

1. This policy applies to all new hires on a go forward basis.
2. All prospective full time, part time, seasonal, and interim replacement employees must have a Criminal Background Check prior to being accepted for a position. All offers of employment shall be conditional upon the applicant supplying an acceptable criminal background check.
3. Students under the age of 18 will be exempt from this policy.
4. The candidate / applicant must pay the current fee for the Criminal Background Check.
5. All prospective Private Home Day Care Providers and anyone in their household who is 18 years of age or older must have a Criminal Background Check before being accepted for a position as a Private Home Day Care Provider. The Corporation will reimburse Private Home Daycare Providers for the incurred fee.
6. Positions that work directly with children or vulnerable persons will require a Vulnerable Sector Screening Check (LE220 and LE225). This includes all employees at the Fort Frances Children's Complex and Private Home Daycare Providers and members of their household over the age of 18. Any other positions within the Town who may work with vulnerable persons may also be required to have the Vulnerable Sector Screening Check.
7. Employees at the Memorial Sports Centre, Library Technology Centre, Fire Department, and Museum require a police record check (LE220) and all other employees require a Criminal Record Check (LE219).
8. Any offer of employment is conditional upon successful completion of a Criminal Background Check. Therefore, the applicant's first day of work in the position shall not be prior to the satisfactory completion of the criminal background check, and their offer of employment may be revoked, pending reception of the Criminal Background Check.

9. All employees at the Children's Complex and Private Home Daycare Providers and members of their household will be required to sign an annual offence declaration.

RESULTS

1. When the Criminal Background Check is completed, the completed certificate will be returned to the Human Resources Department, stating either 'No Record Found' or will list all adult criminal convictions registered.
2. In the event of a positive background check, the Town will adhere to the following guideline;
 - a) If an applicant, student or volunteer has a criminal record, the Human Resources Manager, Division Manager as well as the Chief Administrative Officer will review the seriousness and relevance of the criminal record and a determination will be made on whether the applicant can be hired.
 - b) In determining the appropriate course of action, some considerations will be: length of time since offence(s), did the offence(s) involve children and/or sexual activity and/or acts of dishonesty; employment history; steps taken to rehabilitate; likelihood offence will be repeated; attitude towards offence(s); was alcohol or illegal drugs a factor in the commission of the offence and; relevance of offence(s) to their employment duties.
3. The result of a positive Criminal Background Check may include action up to and including dismissal, and / or withdrawal of the offer of employment, and shall be in compliance of other Town policies, collective agreements, and legislation.

Record Keeping

The Town of Fort Frances guarantees that all information attained from references and the Criminal Background Check process will only be used as part of the employment process and kept strictly confidential. Only the Human Resources Manager will have access to this information.

All Private Home Day Care Providers and adults in their household that are 18 years and older will be kept in the individual personnel file in the Private Home Day Care locked office.