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Policy Title: Criminal Record Check

Last Approved: October 2023

BACKGROUND

The purpose of this policy is to ensure that new employees hired complete the required Criminal Record Check to ensure suitability of employment.

APPLICATION

This policy applies to all Association employees.

POLICY STATEMENT

All new employees who are offered a position within the Association shall complete a Criminal Record Check. A Vulnerable Sector Check is not required. A Criminal Record Check shall be a condition of employment.

11.1 CONDUCTING CRIMINAL RECORD CHECK

- a. During the interview process, candidates will be informed that a Criminal Record Check will be required.
- b. Only the candidate who receives an offer of employment will be required to submit a Criminal Record Check.
- c. The cost of the Criminal Record Check will be reimbursed by the Association upon submission of receipt(s) to Corporate Services.
- d. The Criminal Record Check must be current within three (3) months prior to the offer of employment.
- e. All information obtained from any Criminal Records Check provided by an employee (originals or copy) will not be retained on the personnel file. A notation shall be made on the employees personnel file that a criminal record check has been completed.

11.2 CENTRAL REGISTRY SEARCH

Where the initial Criminal Record Check through the local law enforcement agency discloses possible criminal convictions or outstanding charges:

- i. Before commencing employment, the new employee shall be required to obtain and provide to the Director and/or Executive Director, the details of the record as disclosed by a fingerprint search of the central registry;
- ii. The new employee shall be given an opportunity to provide further information or clarification concerning the information disclosed in the record (see 11.0-A Criminal Record Check Declaration Form);
- iii. If, through no fault of the new employee, the fingerprint search cannot be completed before the date employment is scheduled to commence, the Director and/or Executive Director may offer the new employee a conditional contract of employment pending completion of the search if the Director and/or Executive Director is satisfied that:

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- a. the new employee has applied for the fingerprint check and provided proof of such application;
- b. the new employee has provided a Criminal Record Check Declaration (see 11.0-A Criminal Record Check Declaration Form) disclosing any convictions that might appear on the fingerprint record search.

11.3 EXISTENCE OF CRIMINAL RECORD

- a. If the Criminal Record Check or fingerprint check shows that a criminal record does exist, the Executive Director will review the contents of the check with Employee & Labour Relations taking into consideration:
 - i. the nature and particulars of the criminal conviction and its relevance to the position applied for;
 - ii. the age of the candidate at the time of the offence;
 - iii. any extenuating circumstances as provided by the candidate;
 - iv. the time that elapsed between the conviction and the application to the position and the activities of the candidate during that interim period;
 - v. any patterns of offences (i.e. details of offences, number of offences, etc.);
 - vi. any rehabilitative measures undertaken by the candidate since the conviction; and
 - vii. the employment history of the candidate.
- b. The decision to withdraw an offer of employment will be made by the Director and/or Executive Director in consultation with legal counsel for a final decision. If the decision is made to withdraw an offer of employment, the candidate will be advised, in writing, of the decision and the reasons for the decision.
- c. The Executive Director may offer the candidate a conditional contract of employment and impose any conditions which they believe are necessary to protect the interests of the Association, which may include, but are not limited to the following:
 - i. the new employee shall not be in charge of handling money; and
 - ii. will not work alone or will work under increased supervision.

11.4 OFFER OF EMPLOYMENT

- a. In all cases, employment shall be contingent upon the receipt of results of the criminal record check satisfactory to the Director and/or Executive Director.
- b. Failure to provide the requested Criminal Record Check in the required timeframe may result in the withdrawal of the offer of employment.
- c. Where the initial Criminal Record Check shows no criminal record, the Director and/or the Executive Director may proceed with the employment of the selected candidate.

11.5 REPORTING CRIMINAL CHARGES

- a. Employees who have been charged with a criminal offence are to inform their Director of charges laid.

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- b. Upon receipt of the information, the Executive Director will make a determination if any action is required with respect to the employee's condition of employment.
- c. If a new criminal record check is requested of the employee, and if the criminal record check confirms no conviction(s) resulting from the incident giving rise to the charge(s), the employee can request any documentation be removed from their personnel file pertaining to that incident.

REFERENCES