

APPENDIX B

Human Resources Policies Police Reference Check

Category: **Staffing**



Policy Statement

The City of Toronto requires a high performing, skilled, diverse and engaged workforce to serve the city and its people. In order to select the best candidates for employment with the City a number of screening tools, including employment reference checks, are required as part of the hiring process. Police Reference Checks may also be necessary for some employment or volunteer positions in the City.

Application

This policy applies to all employees, volunteers, and job applicants applying to positions, which have been designated as having a requirement for a police reference check as a condition of employment or volunteer placement.

Employees, volunteers, and job applicants for designated positions who will work directly with or in the vicinity of children or vulnerable persons, will be required to provide a vulnerable sector police reference check prior to the commencement of their employment or volunteer placement.

Employees in designated positions who do not work directly with or in the vicinity of children or vulnerable persons may be required to provide a criminal record check prior to the commencement of their employment.

The requirement for a Police Reference Check does not apply to existing employees in a designated position, or in a position which becomes designated at a later date, unless there is a legislative requirement to conduct a criminal record check or vulnerable sector police reference check on employees in that position.

Any vendor, or subcontractor of a vendor, providing services that involve its employees working directly with or in the vicinity of children or vulnerable persons, may be required to have in place a process to obtain and review a Vulnerable Sector Police Reference Check for such employees assigned to those contracts with the City. Vendors or subcontractors of a vendor, in designated positions other than those working with children or vulnerable persons may be required to have a process in place to obtain and review a Criminal Record Check for their employees placed in such designated positions for contracts with the City.

Definitions

Police Reference Check

A process which verifies whether an individual has a criminal record in Canada, and provides relevant details from police service databases. A Police Reference Check is either a Criminal Record Check or a Vulnerable Sector Police Reference Check.

Criminal Record Check

A summary of an individual's criminal charges and their dispositions, including convictions and discharges, as stored in the RCMP National Repository of Criminal Records.

Vulnerable Sector Police Reference Check

A police reference check conducted by the Toronto Police Service or any other police service in Canada, which includes a criminal record check and confirms whether an individual has been granted a pardon for a registered sex offense in Canada. A vulnerable sector police reference check includes a summary of information contained in local police service databases that have not been provided to the RCMP National Repository of Criminal Records.

Vulnerable Persons

Persons who, because of their age, disability, or other circumstance, either temporarily or permanently, are in a position of dependence on others, or are at a greater risk than the general population of being harmed by persons in a position of authority or trust.

Children

For the purpose of this policy, children will be defined according to the Age of Majority and Accountability Act, R.S.O., 1990, chapter A.7, as being below the age of 18.

Designated Positions

Employment positions or volunteer placements which have been identified and advertised as requiring a police reference check at the time of hire or placement.

Conditions

The Executive Director of Human Resources or their designate shall determine which positions in the city shall be designated as having a requirement for a Police Reference Check (either a Vulnerable Sector Police Reference Check or a Criminal Record Check).

No individual shall commence employment or volunteer duties in a designated position until an original copy of their Police Reference Check has been reviewed and approved by the head of the hiring division or their designate.

A Police Reference Check shall be deemed acceptable for the purpose of this policy if it was issued within six months of being presented for review. Any candidate who is unable to provide a current original copy of their Police Reference Check at the time of hiring shall be given a conditional offer of employment pending the receipt and review of their Police Reference Check. Failure to provide the Police Reference Check in a timely manner shall automatically rescind the conditional offer of employment.

If a candidate for employment provides a copy of a Police Reference Check with criminal record findings, a review of the specifics of the situation will take place. The hiring manager and division head (or their designate) shall consult with Human Resources and, when necessary Legal Services, to determine if the specific content of the criminal record is relevant to the designated position and if the conditional offer of employment should be revoked. This confidential review shall take place in accordance with the Ontario Human Rights Code and the Municipal Freedom of Information and Protection of Privacy Act.

Employees who were initially hired with a requirement for a Police Reference Check shall immediately notify their manager or division head of any change that would negatively affect their original criminal record.

Failure to do so shall be considered grounds for disciplinary action, up to and including dismissal.

An existing employee being hired or moved into a designated position may be required to provide a copy of a current Police Reference Check for review. This requirement shall be identified on the job posting.

Legislative Authority

Provincial statutes have created specific legislative authority for Police Reference Checks for some positions or service delivery areas. This policy will abide by and implement legislative requirements as required.

Division	Statute
Children's Services	Day Nurseries Act, R.S.O. 1990, c.D2, as amended
Long-Term Care Homes & Services	Long-Term Care Homes Act, S.O. 2007, c.8, as amended
Emergency Medical Services	Ambulance Act, R.S.O. 1990, c.A.19, as amended

Implementation

The original copy of the Vulnerable Sector Police Reference Check or Criminal Record Check must be returned to the applicant, the hiring division will securely maintain a copy of the report. If a Police Reference Check is provided with findings, a copy of the report shall be maintained by the hiring division along with the documented results of the findings review. The hiring division shall be responsible for keeping these sealed files in a secure and locked location with controlled access.

Division Heads with designated positions requiring a Police Reference Check as a condition of employment or volunteer placement are responsible for developing a standard and consistent process for reviewing Police Reference Checks returned with findings. This process shall be documented and approved in advance by the Executive Director of Human Resources or their designate.

Approved by

Executive Management Team

Date Approved

October 10, 2012

Related Legislative Authorities

Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended
Human Rights Code, R.S.O. 1990, c.H.19, as amended
Criminal Records Act, R.S.O. 1985, c.C 47, as amended
Ambulance Act, R.S.O. 1990, c.A.19, as amended
Day Nurseries Act, R.S.O. 1990, c.D2, as amended
Education Act, R.S.O. 1990, c.E.2, as amended
Long-Term Care Homes Act, S.O. 2007, c.8, as amended