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|  Region of Waterloo | HUMAN RESOURCES POLICIES | Section # | Policy # |
| | | V | 13B |
| | | Approval Date: March 1995 | Revision Date: Oct 2013 |
| Title: | POLICE RECORDS CHECKS & DUTY TO DISCLOSE | | |
| Applies To: | Employees Represented by CUPE Local 1883 | | |

[Letter of Understanding – Police Records Checks \(PRC\)](#)

POLICY STATEMENT:

The Region of Waterloo will make every reasonable effort to ensure the safety and security of persons who are under the Region’s care, protect Regional assets, and comply with applicable legislation. Accordingly, the Region will designate those positions and volunteer placements which require a Police Records Check (PRC). Employees or volunteers with a designated requirement must immediately inform Human Resources of any charges or convictions against them which may affect their ability to perform the essential duties of their job.

(See Letter of Understanding Police Records Checks page 6 #12 Mandatory Disclosure of Criminal Charges and/or Convictions)

DEFINITIONS:

For the purposes of this policy, *designated positions* are agreed to by the parties and include those positions where the essential duties/activities require:

- Employees have contact with and/or operate in a position of trust or authority over children or vulnerable persons. (*Vulnerable persons* are those who, because of their age, disability, or other circumstances, are in a position of dependence on others or are otherwise at a greater risk than the general population of being harmed by persons in a position of authority or trust relative to them); or
- Employees to be covered under the Region’s blanket bond insurance coverage due to the fact that their job duties include financial transactions which involve a significant flow of money and negotiables and/or involve handling purchase orders, credit cards, or valuable property; or
- That the position is required by statute or policy directives from other levels of government or agencies to have a Police Records Check

(See Letter of Understanding – Police Records Checks page 3 #8)

- Volunteers are not part of the CUPE Local 1883 bargaining unit

For the purposes of this policy, Police Records Check (PRC) refers to a check of records held by the police. The main source of data is the Canadian Police Information Centre (CPIC). PRC's are typically provided in three formats:

1. **POLICE CRIMINAL RECORDS CHECK (PCRC):** the most basic form of check and only contains information from the CPIC database. This check includes criminal convictions, summary and indictable only, but does not include any outstanding charges and warrants.
2. **POLICE INFORMATION CHECK (PIC):** This check includes any charges, warrants and criminal convictions (summary and indictable) from CPIC and/or local databases. This search is NOT suitable for persons who are dealing with the vulnerable sector but for positions requiring bondability.
3. **POLICE VULNERABLE SECTOR CHECK (PVSC):** a more complete search which includes not only CPIC data but also police involvement and a vulnerable sector check to identify pardoned sex offenders. This check includes all listed above in the other two searches plus police contacts including theft, weapons, sex offences or violent, harmful or threatening behaviour. This level of search is only conducted where the bona fide occupational requirements/activities of the position or the volunteer placement require regular contact with children and/or vulnerable persons.

PRC Level Required:

- Vulnerable Populations – Police Vulnerable Sector Check (PVSC)
- Bonding – requires Police Information Check (PIC)

Note: Not all police services provide information in the same format, however, all provide a format that would match a Clearance Letter (basic form of check) and Full PRC (more complete search). Please ensure you request the appropriate level.

OPERATING DETAILS:

Each *Department Head*, in conjunction with the *Director, Employee Services and Systems*, will regularly review job descriptions for their department to determine which will be designated as requiring Police Records Checks based on the bona fide occupational requirements for the job.

Any revisions to the list of designated positions will be requested in writing by the Department Head, and forwarded to the Director, Employee Services and Systems.

(See Letter of Understanding Police Records Checks page 2 #5 (bottom of page))

Job descriptions for designated positions will indicate the following:

- A PRC is required;
- The bona fide reason the PRC is required (legislation, etc);
- The level of PRC required;
- If there is a requirement for updating the PRC post-hire.

Job postings for designated positions will indicate that a PRC is required.

At the time interviews are scheduled, each candidate for a designated position will be informed that a satisfactory, current PRC is a job requirement.

The successful candidate will be required to produce the PRC before commencing their job duties (**see Letter of Understanding Police Records Checks page 2 #1 and #2**).

The PRC must be current (for the purposes of this policy, “*current PRC*” refers to a PRC which is no greater than 60 days old) and must be the original document.

A PRC is not the only tool used to determine suitability for a position and minimize risk. Other screening and hiring evaluation measures are also used to determine suitability for a position.

RESPONSIBILITIES:

The Human Resources Associate will:

- Ensure that the requirement for a current PRC is noted on applicable job postings;
- When scheduling job interviews, advise candidates for designated positions that they must provide a satisfactory, current PRC prior to being offered a position (**see Letter of Understanding Police Records Checks page 3 #7**).

Candidates for designated positions will:

- Obtain the required PRC from the *Waterloo Regional Police Service (WRPS)*;
- Pay any fees required for their PRC, subject to applicable collective agreement provisions;
- Return the PRC, in an envelope, marked confidential and identifying that it contains a PRC, directly to the *Human Resources Associate* responsible for the job competition or the candidate may give it to the Commissioner, Human Resources or their designate (**see Letter of Understanding Police Records Checks page 2 #2**).

Human Resources will:

- Review the PRC received from the candidate and if necessary, seek any further information regarding a PRC (**see Letter of Understanding Police Records Checks page 2 #4**);
- If a PRC contains information which may impact a candidate’s suitability for a specific job based on the bona fide duties of the job, the PRC will be assessed against standard adjudication criteria (**see Letter of Understanding Police Records Checks page 2 #5**);
- Advise the *Hiring Supervisor* regarding whether or not the PRC report is satisfactory;
- Seal the PRC in a marked, confidential envelope and retain on the employee’s HR file or return to an unsuccessful candidate (**see Letter of Understanding Police Records Checks page 8 #13**);

- At no time will the specific information on a PRC or related documentation be shared or discussed outside Human Resources other than with legal counsel, as required.

Employees:

Employees, in positions with a designated requirement to provide a satisfactory PRC, must immediately inform Human Resources of any criminal charges or convictions against them which may affect their ability to perform the essential duties of their job. *For example,*

- a) Where a position requires contact with, or involves a position of trust or authority over children or vulnerable persons, the employee is required to report past or current criminal charges or convictions which would include, but are not limited to, the following:
- Any violent sexual offence under the *Criminal Code*;
 - Any offence under the *Criminal Code* involving children under 18 years of age;
 - Crimes of violence involving a vulnerable person, which include threats, assaults and the use, possession or distribution of a weapon,
 - Any offence involving the making, possession or distribution of child pornography; and
 - Theft (over \$100) or fraud.

(See Appendix A)

- b) Where a position requires that the employee be bondable under the Region's blanket bond insurance coverage, the employee is required to report past or current criminal charges or convictions which would include, but are not limited to, the following:
- Theft;
 - Fraud;
 - Property-related crimes;
 - Break and enter;
 - Other offences involving dishonest or fraudulent acts.

(See Appendix A)

Failure to disclose criminal charges or convictions may result in disciplinary action up to and including immediate dismissal (**see Letter of Understanding Police Records Checks page 6 #12 Mandatory Disclosure of Criminal Charges and/or Convictions**).

SEE ALSO:

- Municipal Information and Protection of Privacy Act
- Ontario Human Rights Code

FOR FURTHER INFORMATION PLEASE CONTACT:

- Director, Employee Services and Systems,
Human Resources Department

APPENDIX A
(revised Oct 2013)

POSITIONS REQUIRING A POLICE RECORDS CHECK:

1. The following positions require a police record check as per statute or regulation:

| Dept. | Div. | Pos# | Position Title |
|--------------|-------------|-------------|-------------------------------|
| COR | FFM | R01160 | Technician Voice Radio System |
| CSD | EIS | R00122 | Assistant, Special Services |

2. The following positions require a Police Information Check (PIC):

| Dept. | Div. | Pos# | Position Title |
|--------------|-------------|-------------|--|
| CSD | EIS | R00065 | Senior Clerk (Recoveries) |
| COR | FFS | R00082 | Assistant, Leasing & Security |
| PHE | CRS | R00763 | Program Assistant (DHC) |
| PDL | CAS | R00845 | Court Administration Clerk |
| TES | GRT | R00880 | Senior Terminal Clerk |
| TES | GRT | R00884 | Terminal Clerk |
| TES | GRT | R00884 | Cash Control Clerk |
| TES | GRT | R00886 | Coordinator, Fare Program, |
| PDL | CAS | R00967 | Receptionist/Clerk (POCA) |
| CSD | HOU | R01003 | Property Management Assistant |
| CSD | HOU | R01008 | Accounts Clerk (WRH) |
| PDL | CAS | R01032 | Senior Clerk (Court Administration) |
| PDL | CAS | R01097 | Collections clerk (POCA) |
| CSD | HOU | R01193 | Program Assistant (Housing) |
| CSD | HOU | R01234 | Accounting Assistant (WRH) |
| TES | GRT | R01240 | Assistant, Fare Program (GRT) |
| CSD | EIS | R00784 | Case Presenting Officer |
| CSD | EIS | R00382 | Senior Caseworker – Eligibility Review |
| TES | TRANS | R01511 | Coordinator, Communications (Airport) |

3. The following positions, dealing with a vulnerable population group, require a Police Vulnerable Sector Check (PVSC):

| Dept. | Div. | Pos# | Position Title |
|--------------|-------------|-------------|---------------------------------------|
| CSD | CHS | R00034 | Assistant Supervisor/Resource Teacher |
| PDL | CAS | R00046 | Municipal Enforcement Officer |
| PDL | CAS | R00826 | Tobacco Enforcement Officer |
| CSD | EIS | R00058 | Caseworker I (Income Support) |
| CSD | CHS | R00060 | Caseworker III (Home Child Care) |
| CSD | CHS | R00157 | Cook (Children's Services) |
| CSD | CHS | R00187 | Child Care Teacher |
| PHE | IDS | R00188 | Dental Assistant I |
| PHE | IDS | R00189 | Dental Assistant II |
| PHE | IDS | R00191 | Dental Health Educator |

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| PHE | IDS | R00192 | Dental Hygienist |
| CSD | CHS | R00246 | Family Infant Consultant |
| CSD | EIS | R00310 | Family Support Worker |
| CSD | EIS | R00380 | Social Worker (E&IS) |
| CSD | EIS | R00385 | Senior Caseworker – Hostels |
| CSD | EIS | R00386 | Senior Caseworker – Students |
| CSD | EIS | R00712 | Coordinator, Intake Assessment |
| PHE | CFH | R00770 | Family Visitor |
| PHE | CFH | R00971 | Health Educator |
| CSD | HOU | R01002 | Community Relations Worker |
| CSD | HOU | R01392 | Property Management Associate |
| CSD | CS | R00177 | Coordinator, Village |
| CSD | CHS | R01604 | Resource Coordinator |
| COR | FFM | R01681 | Work Scheduler |
| COR | FFM | R01666 | Security Infrastructure Specialist |