

 Region of Waterloo	HUMAN RESOURCES POLICIES	Section # V	Policy # 13A
		Approval Date: Mar 1995	Revision Date: Oct 2013
Title:	POLICE RECORDS CHECKS & DUTY TO DISCLOSE		
Applies To:	ALL EMPLOYEES – except CUPE Local 1883 – refer to HR Policy V-13B		

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.

DEFINITIONS:

For the purposes of this policy, *designated positions* and *designated volunteer placements* include those where the essential duties/activities require:

- Employees or volunteers to 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 or volunteers 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 or volunteer placement is required by statute or policy directives from other levels of government or agencies to have a Police Records Check.

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, 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)**
- Ambulance Act – **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 and volunteer placement 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 and volunteer placements will be requested in writing by the Department Head, and forwarded to the Director, Employee Services and Systems.

Job or volunteer placement 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/placements will indicate that a PRC is required.

At the time interviews are scheduled, each candidate for a designated position or volunteer placement 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.

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 or volunteer placement.

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.

Candidates for designated positions or volunteer placements 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.

Human Resources will:

- Review the PRC received from the candidate or volunteer and if necessary, seek any further information regarding a PRC.
- 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.
- Advise the *Hiring Supervisor* or volunteer placement 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.
- 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 or Volunteers:

Employees or volunteers, in positions/ placements with a designated requirement to provide a satisfactory PRC, 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. *For example,*

- a) Where a position/placement requires contact with, or involves a position of trust or authority over children or vulnerable persons, the employee/ volunteer is required to

report past or current charges or convictions which would include, but are not limited to, the following:

- Any sexual offence under the Criminal Code,
- Any violations under the Controlled Drug and Substances Act,
- Any criminal offence involving minors,
- Crimes of violence which include, but are not limited to, threats, assaults and use, possession, distribution or concealment of a weapon or imitation of a weapon,
- Propagation of hate literature or incitement to hatred,
- Possession, distribution or sale of any pornographic or violent material,
- Theft, fraud, property related crimes, break and enter,
- Other offences involving dishonest or fraudulent acts,
- Other offences specifically related to the job.

b) Where a position/placement requires that the employee/ volunteer be bondable under the Region's blanket bond insurance coverage, the employee/ volunteer is required to report past or current 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.

c) Employees of the Emergency Medical Services Division, who are under the jurisdiction of the Ambulance Act, must provide an updated Police Records Check as required by the Ministry of Health.

Failure to disclose current charges or convictions may result in disciplinary action up to and including immediate dismissal.

SEE ALSO:

- Ambulance Act, Criminal Records Act, Day Nurseries Act, Safe Schools Act
- Municipal Information and Protection of Privacy Act
- Ontario Human Rights Code
- Provincial Policy re: Prevention, Reporting, and Elimination of Abuse of Residents of Long Term Care Facilities
- [Volunteer/Unpaid Placements \(V-8\)](#) – Docs #41793
- [Employment Offers \(V-5\)](#) – Docs #41790
- CUPE Local 1656 Letter of Understanding re: Police Record Checks

Note #1: For employees who are current members of CUPE Local 1656, this policy must be read in conjunction with the Letter of Understanding regarding Police Records Checks as agreed between the Region of Waterloo and CUPE Local 1656.

FOR FURTHER INFORMATION PLEASE CONTACT:

- Director, Employee Services and Systems
Human Resources