



**ADMINISTRATION**  
**Policy #: HR-055 Criminal Record Check**

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Last reviewed:  
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### **1.0 PURPOSE**

Criminal record checking is a precautionary measure designed to ascertain whether employees or volunteers have a criminal history, which could potentially make them unsuitable for employment. Such checks will ensure the safety and well-being of those who are in receipt of direct services from the Town of Tillsonburg, while protecting the organization from potential liabilities.

It is the responsibility of the Town to ensure when selecting candidates for employment, or when utilizing volunteers or students, that such persons are not a potential risk to the safety of persons under the Town's care or to the assets of the Town. Individuals who have a record of offences may pose such a risk depending upon the job function for which they are being considered.

### **2.0 SCOPE**

Criminal record checks must be provided by all successful candidates for positions of employment with the Town of Tillsonburg, including Boards, prior to commencing employment. Successful candidates for positions that do not have private and direct access to vulnerable clients are required to complete a "Criminal Record Check Police Record Check".

All successful candidates for positions which have private and direct access to vulnerable clients are required to complete a "Vulnerable Sector Check" form.

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Current employees who transfer to a job class requiring a “vulnerable sector” Criminal Record Check shall consent to same, as a condition of employment, prior to commencing their new role.

This Policy applies to all successful candidates for full-time, part-time, contract, seasonal, casual, volunteer and student positions.

### **3.0 DEFINITIONS**

**Positive criminal record check** - is one which indicates a criminal record exists for which a pardon has not been granted.

**Negative criminal record check** - is one that indicates there is no criminal record.

**Criminal Record Check (CRC)** – refers to the most basic type of Check. Typically this is a print out of an individual’s criminal record as it appears in the National Repository of Criminal Records maintained by the RCMP. This Check includes only unpardoned Criminal Code convictions and charges under the Criminal Code which are pending before the courts.

**Vulnerable Sector Check (VSC)** - refers to an expanded Check for individuals responsible for the well-being of one or more children or vulnerable persons. This Check includes unpardoned Criminal Code convictions and charges under the Criminal Code which are pending before the courts, as well as information about persons who have received a pardon for a sexual offence.

**Vulnerable Sector** - persons who because of their age, a disability or other circumstances, whether temporary or permanent, are in a position of dependence on others; or are otherwise at greater risk than the general population of being harmed by persons in a position of authority or trust relative to them.

## **4.0 IMPLEMENTATION PROCEDURE**

### **4.1 Background**

Criminal record checking is a precautionary measure designed to determine whether employees, who have a criminal history, are potentially unsuitable for employment with the Town of Tillsonburg.

Personal information collected as a result of the CRC and/or VSC is necessary for the proper administration of a lawfully authorized activity under Sec.11 and Sec.270 of the *Municipal Act, 2001* and is to be collected

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pursuant to Sec.29 and Sec.32 of the *Municipal Freedom of Information and Protection of Privacy Act* regarding indirect collections.

## 4.2 Process

Applicants will be informed at the commencement of their interview that the successful candidate will be provided with a Criminal Reference Check or Vulnerable Sector Check Request Form for their submission to the applicable police department.

A successful candidate to whom an employment offer is made will be required to obtain the appropriate Check at their own expense, as a condition of employment.

The successful candidate is responsible for obtaining the criminal record check, and for providing the Employer with **the original copy of the record check bearing the crest/seal of the applicable police department**. The Town of Tillsonburg will assist by providing selected candidates the appropriate documentation required by to conduct the criminal record check.

Candidates residing outside of the Town may be required to obtain their Criminal Record Check at an Ontario Provincial Police, Regional or Local Police Station, closer to their residence.

Criminal record check information provided to the Town of Tillsonburg and affiliated Boards for employment purposes will be used only for the hiring process. Offers of employment or placement will be conditional upon the candidate providing a satisfactory criminal record check/vulnerable record check prior to any offer being final.

Students who participate in one-day or job shadowing visits, under the supervision of a Town employee, do not require a Criminal Reference Check or Vulnerable Sector Check.

The Town of Tillsonburg shall ensure that the confidentiality of this information is protected. The original criminal record check report bearing the crest/seal or QR code of the Ontario Provincial Police or applicable Police Department and any related information will be maintained securely in the Human Resources Department once the check has been completed and the final decision pertaining to employment has been made. A photocopy of the criminal record check report may be accepted providing that the original check has been verified by the Human Resources department.

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The use of information obtained through the Canadian Police Information Computer (CPIC) system regarding outstanding Criminal Code charges and convictions for which a pardon has not been granted, does not contravene the *Ontario Human Rights Code*.

If the vulnerable sector / criminal record check is negative, the information will be maintained in a secured area in the Human Resources Department.

If the vulnerable sector / criminal record check is positive and the Town wishes to continue the application process for the candidate, the Manager of Human Resources will review the conviction, considering the following:

- Nature of the conviction.
- Sentencing received.
- Length of time since the conviction.
- Relevance of the conviction to the position for which the candidate is being considered.
- Potential risk posed to residents, clients or patrons as a result of employing the candidate in the position.
- May request further information from the candidate

If the decision is made to confirm an applicant with a positive check, or if the decision is not to proceed with the applicant, that decision together with the reasons, will be documented in a secure file within the Human Resources Department.

Individuals requiring a criminal record check or vulnerable sector criminal record check shall not be permitted to commence work until the criminal record check has been received by the Human Resources Department. Should such record reveal information, in the Town's determination, that makes an individual unsuitable for employment, the conditional offer will be withdrawn in writing and other candidates will be considered.

It is expected that all employees, during their employment with the Town of Tillsonburg, will maintain a satisfactory criminal record. An employee who, at any time, is convicted and / or charged of a criminal offence must contact Human Resources Department immediately to discuss the conviction and any possible impact on their employment. The Town of Tillsonburg reserves the right to request information regarding convictions and/or charges under provincial statutes, which are related to the essential duties of their position.

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The failure to disclose an offence, may result in the revocation of an offer of employment and/or the termination of employment.

Position descriptions and job postings reflect a Criminal Record Check is required as a condition of employment.

It shall be the responsibility of the applicable Director responsible for hiring contractors, to ensure employees of the contractor, do not have direct contact with a vulnerable person.

All candidates for full-time, part-time, contract, seasonal, volunteer, temporary and student positions under the age of 18 will be subject to a Criminal Record Check.

Only Criminal Record Checks that are dated within a six (6) month period prior to the date of offer of employment will be accepted by the Town of Tillsonburg.

If an employee has a break in service for more than a six (6) month period, an updated Criminal Record Check is required. Staff who are on a job protected leave (ie. parental leave) will not be required to obtain an updated CRC upon their return to work.

Management reserves the right to request a current employee have an updated check completed. Supervisory staff must consult with Human Resources prior to this request. In the event an employee is requested to provide an updated VSC or CRC, the Town of Tillsonburg will reimburse the employee.

## **5.0 Supporting Documents:**

5.1 Ontario Human Rights Code

5.2 Municipal Freedom of Information and Protection of Privacy Act

5.3 Police Record Checks Reform Act

5.4 Criminal Records Act

## **6.0 Attachments**

**6.1** Appendix A – Positions Requiring Vulnerable Sector Criminal Record Check

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**Appendix A – Positions Requiring Vulnerable Sector Criminal Record Check**

- Crossing Guard
  - Recreation Facilitator
  - Fitness Instructor
  - Facility Custodian
  - Parks and Cemetery Operator II & II
  - Collections and Exhibitions Specialist
  - Cemetery Registrar
  - Facility Operator
  - Program Coordinator RCP
  - Customer Service Representative
  - Culture and Heritage Programs Coordinator
  - Active Living Coordinator
  - Program and Facilities Registrar
  - Aquatics Coordinator
  - By-Law Officer
  - Parks and Cemetery Supervisor
  - Fire Communicator
  - Building Inspector
  - Transit Coordinator
  - Facilities Supervisor
  - Aquatics Supervisor
  - Building and By-Law Enforcement Supervisor
  - Deputy Building Official
  - Culture and Heritage Manager/Curator
  - Chief Building Official
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