



# Record Checks Policy

## Intent

Town of Thorsby will comply with all federal and provincial legislation regarding the protection of human rights for applicants when conducting any type of record check. Town of Thorsby strives to hire the most qualified individuals to fill positions that will contribute to the overall success of the organization. Record checks act as an important part of the selection process at Town of Thorsby.

## Definitions

Criminal Record Check – This type of check will include the following information:

- Criminal convictions from the Canadian Police Information Centre, RCMP National Repository of Criminal Records and/or local police databases;
- Outstanding entries, such as charges, warrants, judicial orders, Peace Bonds, Probation and Prohibition orders; and
- Absolute and Conditional Discharges.

Police Record Check – This type of check includes the following information:

- Criminal convictions from the Canadian Police Information Centre, RCMP National Repository of Criminal Records and/or local police databases;
- Outstanding entries, such as charges, warrants, judicial orders, Peace Bonds, Probation and Prohibition orders;
- Absolute and Conditional Discharges (One to three years);
- Family court restraining orders;
- Criminal charges resulting in dispositions including, but not limited to, Stayed, Withdrawn, Dismissed, and cases of not criminally responsible by reason of mental disorder as listed on local indices; and
- Police contacts including, but not limited to theft, weapons, sex offences, or violent, harmful or threatening behaviour.

Vulnerable Sector Check - The vulnerable sector screening was established to provide screening of individuals who intend on working or volunteering with the vulnerable sector. A vulnerable person is defined as all individuals who are less than 18 years of age and/or because of their age, a disability or other circumstance, whether temporary or permanent, are in a position of dependence or are otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust. A vulnerable sector check will include the following information:

- Criminal convictions from the Canadian Police Information Centre, RCMP National Repository of Criminal Records and/or local police databases;
- Outstanding entries, such as charges, warrants, judicial orders, Peace Bonds, Probation and Prohibition orders;
- Absolute and Conditional Discharges;
- Family court restraining orders;
- Criminal charges resulting in dispositions including, but not limited to, Stayed, Withdrawn, Dismissed, and cases of not criminally responsible by reason of mental disorder as listed on local indices;

- Police contacts including, but not limited to theft, weapons, sex offences, or violent, harmful or threatening behaviour;
- Police contacts including, but not limited to theft, weapons, sex offences, or violent, harmful or threatening behaviour, which may or may not have involved a mental health incident where no charges were laid; and
- Pardoned criminal convictions as per the Schedule of the *Criminal Records Act*.

## Guidelines

### Bona Fide Occupational Requirement

Town of Thorsby shall establish that a position has a bona fide occupational requirement where a record check serves a legitimate purpose prior to requesting a record check from any applicants.

The Supreme Court of Canada has set out a three-step test for justifying a discriminatory standard, factor, requirement or rule as a bona fide occupational requirement. In general the requirement should be:

- For a purpose or goal that is rationally connected to performing the job;
- Adopted in the belief that it is necessary to fulfill a legitimate work-related purpose; and
- Reasonably necessary to accomplish the work-related purpose.

As a result of this test, the rule or standard must be inclusive and must accommodate individual differences up to the point of undue hardship. An example of undue hardship is when the health and safety of others is put at risk.

Town of Thorsby shall only request record checks should there be a legitimate purpose for the position. The type of record check which Town of Thorsby shall request will be determined based on the type of position being hired for.

### Before Requesting a Record Check

Town of Thorsby shall only request that a candidate consent to a record check following standard hiring procedures, and after providing the candidate with a written job offer, conditional upon a satisfactory outcome.

### Requesting a Record Check

Should a record check be a requirement for a position, Town of Thorsby will explain to the applicant what type of record check is required, and why it is needed.

Town of Thorsby will carefully review all the information before making a conditional offer. When the offer is made, the individual must be asked for his/her consent where a record check is required.

### Results of a Record Check

Although disqualification from Town of Thorsby employment is possible, a previous conviction does not automatically disqualify an applicant from consideration for employment with Town of Thorsby. Based on a variety of factors (e.g., the nature of the position, the nature of the conviction, when the conviction occurred), the candidate may retain eligibility for employment with Town of Thorsby. Town of Thorsby shall review the results of the record check to see if it is relevant to the job. In the event that the results of a record check are not satisfactory for the position, Town of Thorsby will withdraw any conditional offers made.

If an applicant attempts to withhold information or falsify information pertaining to any previous convictions, the applicant will be disqualified from further employment consideration in any position with the company due to falsification of an application.

Town of Thorsby shall ensure that all applicant information is kept confidential.

## Acknowledgment and Agreement

I, \_\_\_\_\_ (Name), acknowledge that I have read and understand the Record Checks Policy of Town of Thorsby.

Further, I agree to adhere to this policy and will ensure that employees working under my direction adhere to this policy.

I understand that if I violate the rules/procedures outlined in this policy, I may face disciplinary action, up to and including termination of employment.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_