

## Employment & Other Reference Checks

Procedure Number: HR.12-02-001

Sub-Topic: Recruitment

Topic: Employee Attraction and Retention

Applies to: All Employees

### Purpose

This procedure supports Employment & Other Reference Checks Policy HR.12-02. It outlines prospective candidate, employee and employer responsibilities for obtaining and providing proof of all reference and other employment checks required to meet job description requirements.

### Procedure

#### Employee Responsibilities (including Candidates)

1. Comply with the Town's requests to obtain satisfactory employment reference, police and driver's licence(s) check(s), and evidence of qualifications and credentials to meet job specific requirements that support the employee's suitability for employment.
2. Provide evidence to Human Resources and/or hiring manager that their qualifications, credentials, and licenses are maintained in good standing where it is deemed a requirement of, and/or an essential duty to perform the job, as detailed in the job description.
3. Obtain and maintain relevant, professional association affiliation requirements in good standing.
4. Inform their Director or Manager immediately of any changes to the status of any information required through a police check, licenses, qualifications and/or credentials.
5. Disclose to their department head, designate and/or Human Resources department immediately following a conviction of a criminal offence subsequent to hiring.
6. Complete the Offence Declaration form annually in between five-year checks to confirm the non-existence or disclosure of criminal convictions.
7. Disclose any changes to the status of a required police check. Failure to disclose any changes to an employee's status may result in progressive discipline up to and including termination of employment.
8. In the event a current employee who is updating their police check requires additional screening (finger printing), the employee should not be performing duties that require the police check unless they are working under direct supervision until the results have been returned.
9. Disclose a criminal conviction in their criminal record with their Director or Manager and Human Resources. Should the criminal conviction impact their

ability to do their job and/or the health and safety of staff / general public and/or the reputation of the employer, the employee may be subject to progressive discipline up to and including termination of employment.

10. Consent to the disclosure of information in the check in writing. In situations where they do not, the police service will render the check as “incomplete”.
11. Employees who accept acting or secondment positions requiring a police and/or driver’s licence check and/or other licenses, qualifications or credentials, must obtain the checks and/or information and submit the information required to their department head and the Human Resources department in accordance with corporate policy.
12. Casual/seasonal/sessional employees are required to obtain police checks upon re-employment or every 3 years, whichever comes first.
13. Employees under the age of 16 are exempt from obtaining police checks; given the terms of the Young Offenders Act (criminal records may not be reported for those 16 years of age or younger). In this situation, employees under the age of 16 must be supervised directly when dealing with vulnerable people.

## **Employer Responsibilities**

### Management:

1. Ensure bona fide occupational requirements related to police checks, driver’s licences, other types of background checks, and qualifications and credentials are included in job descriptions.
2. Ensure consistent application and compliance with corporate policy and requirements outlined in this procedure or outlined in, related policies and legislation to ensure transparency and equity in the recruitment and selection process and performance management.
3. Ensure information collected is kept confidential and used only for the purposes collected. Violation of any confidentiality provision (collecting, using and storing confidential information) will be subject to disciplinary action.
4. Make the final hiring decision in collaboration with Human Resources for applicants/candidates with convictions for which no pardon has been granted.
5. Consider the factors of a conviction, whether or not a pardon was granted and the relevance to the job in accordance with human rights legislation and determine the employee’s suitability in the position and/or for continued employment with the Town with Human Resources in the event that the results of a police check are unsatisfactory or incomplete.

### Human Resources Department:

1. Conduct employment reference checks (a minimum of three required for external candidates and a minimum of two for internal employees) as part of the standard recruitment process. A third party employment reference / credential confirmation company may be used.
2. Coordinate all reference checking processes for internal employees and candidates and ensure the recruitment process is based on merit and is in compliance with

- human rights legislation as part of the recruitment process prior to extending an offer of employment.
3. Obtain written consent (Appendices A & B) from the candidate or employee prior to conducting any reference checks.
  4. Verify the candidate's qualifications required for the position identified in the job description.
  5. Verify job history and credentials listed in the candidate's employment application.
  6. Confirm transcripts are obtained to verify education. Diplomas and certificates can be forged.
  7. Verify candidate and employee professional association affiliation(s) required for the job.
  8. Conduct employment reference checks with those who have directly supervised the candidate to confirm job history, the job responsibilities, reliability, quality of work performed etc..
  9. Ensure hiring managers receive training in human rights, employment law, confidentiality and privacy legislation with respect to recruitment processes.
  10. Address issues and/or outcomes related to reference checks with the hiring manager.
  11. Discuss police checks that are "Incomplete" with the candidate or employee directly, considering the nature of the circumstances and the risk and relevance of a particular criminal offence, if applicable, in the performance of position responsibilities and to the safety and security of the general public.
  12. Maintain confidentiality of any candidate information and employee record containing personal information in accordance with Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
  13. Discuss results from the employment reference checks with the hiring manager and make a recommendation for the extension of an offer of employment. to the candidate or employee.
  14. Where there is a "positive" result from a police check, Human Resources will follow up with the candidate or employee. If a criminal conviction exists, it must be determined if it was pardoned. Pardoned criminal convictions will not be grounds to withdraw the conditional offer of employment. Where an unpardoned criminal conviction exists and poses an unacceptable risk considering a number of factors, it will be determined whether or not the conviction is relevant to the job.
  15. Provide advanced notice to applicants and / or candidates of the Town's intent to conduct police checks, as required.
  16. Build time in the recruitment process to ensure there is sufficient time to obtain police check results before confirming any offer of employment. Candidates or employee's failure to complete the police check process could result in the withdrawal of a job offer (and is done in writing).
  17. Ensure employment does not commence until the police check has been completed.
  18. Appropriate steps must be taken to confirm the existence of a criminal conviction and whether it was pardoned. When denying employment on the basis of a positive or an incomplete police record check, there must be sufficient, specific information with respect to the record and how such a record might impact the candidate/employee's suitability for the position.

19. In the event that the results of a police check are unsatisfactory, Human Resources with the hiring manager will consider the factors of the conviction, whether or not a pardon was granted and the relevance to the job in accordance with human rights legislation and determine the candidate/employee's suitability for the position.
20. Coordinate annual driver's licence checks to ensure that the employee has maintained the driver's license in good standing. Issues identified through this process will be addressed by Human Resources and the employee's manager to determine the impact, if any, on the employee's ability to carry out the job requirements.

## **Cross-References**

### Corporate Policy:

- Employee Code of Conduct
- Harassment and Discrimination Free Workplace Policy HR.5-01
- Health and Safety Policy Statement
- Mileage Allowance, Licence & Automobile Insurance HR.8-05
- Position Administration HR.9-08
- Progressive Discipline HR.4-01
- Recruitment & Selection Policy HR.12-01

### Other Government Legislation:

- Employment Standards Act and Regulations
- Human Rights Code
- Municipal Freedom of Information and Protection of Privacy Act
- Occupational Health and Safety Act & Regulations
- Police Record Check Reform Act

## **Contact**

Human Resources Department or at [hr@newmarket.ca](mailto:hr@newmarket.ca)

## **Details**

Approved by: Esther Armchuk, Acting Chief Administrative Officer

Adoption Date: February 22, 2019

Policy Effective Date: January 1, 2019

Last Revision Date:

Revision No: 000