

# **Criminal Record Check/Vulnerable Sector Screening Procedure**

Many positions at the City of Mount Pearl are safety or security sensitive or are otherwise premised upon the City placing a higher degree of trust in the integrity of its employees. As a provider of public services, it is incumbent on the City to exercise due diligence by ensuring, to the extent of reasonably possible, that employees who provide such services do not pose risk to vulnerable individuals, other employees, or to the best interests of the City of Mount Pearl.

## **1.0 Guidelines**

All applicants shall be informed of the City's policy regarding the requirement for a clear certificate of conduct.

### **Responsibility**

After an offer of employment is made, all prospective employees are required to apply for a criminal record check with the Royal Newfoundland Constabulary or the police department responsible for the jurisdiction where they live.

Any prospective employees responsible for the well-being of one or more children or vulnerable persons is also required to obtain a vulnerable sector screening from the Royal Newfoundland Constabulary or the police department responsible for the jurisdiction where they live.

The prospective employee is responsible for providing the original criminal record check/ vulnerable sector screening document to Human Resources immediately after it is obtained. If the check will take more than two (2) weeks to complete, it is the prospective employee's responsibility to provide, or arrange for the provision of, official written or verbal documentation confirming such.

### **Cost**

The costs associated with obtaining a criminal record check/ vulnerable sector screening shall be borne by the prospective employee. For unpaid student positions, the City shall bear the cost of the screening, upon submission of receipts.

## **Criminal Convictions**

If a prospective employee has criminal convictions for which a pardon has not been granted, outstanding/ pending criminal charges, probations, prohibitions, or other judicial orders in effect, it is at the discretion of the Chief Administrative Officer, in consultation with the appropriate Senior Manager and Human Resources, to determine if the prospective employee will be excluded from employment with the City based on the results of the criminal record check.

A criminal conviction for which a pardon has not been granted, outstanding/ pending criminal charges, probations, prohibitions, or other judicial orders in effect do not automatically exclude a prospective employee from employment with the City.

The following extenuating circumstances may be considered when a criminal record check reveals a criminal conviction, charges, probations, prohibitions, or other judicial orders in effect:

- i. The specific duties and responsibilities of the position in question, and the relevance of the criminal convictions, charges, probations, prohibitions, or other judicial orders in effect to that position;
- ii. The potential risk posed to City elected officials, employees, residents, volunteers, property/equipment, or the public it serves;
- iii. The period of time since the criminal convictions, charges, probations, prohibitions, or other judicial orders; and/or,
- iv. Any rehabilitative or other efforts undertaken relating to the criminal convictions, charges, probations, prohibitions, or other judicial orders in effect.

## **Written Offer of Employment**

A written offer of employment is conditional upon the City's acceptance of a submitted original criminal record check/vulnerable sector screening certificate or other document provided by the police detachment.


A written offer of employment shall be deemed null and void if:

- i. The prospective employee fails to apply for a criminal record check within five (5) working days of the verbal offer of employment;
- ii. The prospective employee applies for a criminal record check/vulnerable sector screening but chooses not to submit the results to Human Resources immediately (an extension may be granted for a criminal record check that requires additional processing time; confirmation of this extension must be confirmed by the police authority); or,
- iii. The results of the criminal record check/ vulnerable sector screening indicate that the prospective employee cannot be considered for employment.

This Policy shall be enforced and applied in accordance with the *Human Rights Act* and all other applicable statutes or regulations.

**It shall be the responsibility of all employees of the City of Mount Pearl to ensure that they are aware of this procedure.**

## **2.0 Approvals**



---

Steve Kent, Chief Administrative Officer

August 7, 2018