



COMMISSION SCOLAIRE SIR-WILFRID-LAURIER
SIR WILFRID LAURIER SCHOOL BOARD

Policy n°
2004-HR-05

Criminal Record & Employment Reference Verification

Approuvée / Approved : Resolution n°

040623-HR-0215

Modifiée / Amended : Resolution n°

* *For the purposes of brevity, the masculine gender is used. No discrimination is intended.*

References:

Charter of Human Rights and Freedoms, R.S.Q., Chapter C-12, Sections 18.2, 39 and 57;

Police Act, R.S.Q., Chapter P-13

Act Respecting Access to Documents held by Public Bodies and the Protection of Personal Information, Sections 53 and 59.

“La vérification des antécédents judiciaires dans les centres de la petite enfance et les garderies”, document prepared by the Ministère de la Famille et de l'Enfance;

“Plan d'action pour la vérification des antécédents judiciaires” presented on December 12, 2001 by François Legault, Ministre de l'Éducation du Québec;

“La vérification policière des antécédents judiciaires des personnes appelées à œuvrer auprès d'une clientèle vulnérable”, document prepared by the Commission des droits de la personne et des droits de la jeunesse on January 29, 1999, Resolution COM-437-5.1.1;

NOTE: The masculine gender, when used in this document, refers to both women and men. No discrimination is intended.

1.0 Preamble

- 1.1 The Sir Wilfrid Laurier School Board strives to offer high quality education and services. It also has the responsibility and desire to provide a safe and secure environment for all of its students and employees. The purpose of this policy is to assist in attaining these goals by establishing procedures dedicated to improving the selection and hiring process. In doing so, the school board hopes to be in a position to recruit employees at all levels who will contribute to the advancement and realization of its objectives.

2.0 Application

- 2.1 The Policy on Criminal Record and Employment Reference Verification will come into effect on July 1, 2004.
- 2.2 As of that date, this policy will apply to all candidates recommended for a position and all occasional employees who become eligible to appear on a recall or priority of employment list.

3.0 Objectives

- 3.1 Establish a criminal record verification procedure in conformity with the laws, by-laws and standards of ethics in effect.
- 3.2 Implement efficient verification procedures to screen recommended candidates and occasional employees who become eligible to appear on a priority of employment or recall list and who could be called upon to work with students or employees of the school board.
- 3.3 Establish an evaluation, recommendation and intervention procedure applicable to people with a criminal record.
- 3.4 Aim to guarantee a wholesome, safe and secure environment for all students and personnel of the school board.

4.0 Verification Procedures

4.1 Employment Application Form

Candidates recommended for a position must indicate on their application form any criminal offence they are currently accused of or found guilty of which relates to the position sought and for which a pardon has not been granted. They must also certify on the application form that the information provided is true and accurate.

4.2 Certificate of Good Conduct

Recommended candidates or occasional employees who become eligible to appear on a priority of employment or recall list must provide a certificate of good conduct issued by a police agency and dated within the last sixty (60) days. The certificate must be submitted to the school board prior to commencing employment. A candidate with a criminal record who has been denied a certificate of good conduct may replace the said certificate by a judicial record outlining the details of the conviction (court minute-book). The cost of this document will be assumed by the recommended candidates or occasional employees concerned. The employees of the Human Resources Department responsible for the application of this policy will determine whether or not the documents provided are admissible.

4.3 Written Consent for the Verification of Criminal Record

Recommended candidates or occasional employees who become eligible to appear on a priority of employment or recall list must complete a form authorizing the school board or its representatives to verify their criminal record. This verification must be undertaken and completed immediately if the position involves direct services to students or if the school board has reasonable grounds to believe that a candidate has been convicted of a criminal offence for which he has not been granted pardon.

4.4. Employment Reference Check

Candidates recommended for a position must provide at least two employment references related to the position sought. These references must refer to recently held positions and individuals who have supervised them on a regular basis.

The administrator responsible for the vacant position will verify the employment references supplied by the candidate. The results of the reference check will be

submitted to the Human Resources Department, on the form intended for that purpose. The references must be deemed satisfactory before a candidate can commence his employment.

This verification form will also be used for regular employees being considered for a promotion. The administrator responsible for the vacant position will request references from the most recent supervisors of the employee. The results of the reference check will be given to the Human Resources Department and must be deemed satisfactory before the promotion can take effect.

5.0 Incompatible Offences

5.1 The following criminal offences are considered to be incompatible with a position involving students or requiring presence in schools or centres (Loi québécoise sur les centres de la petite enfance et infractions retenues en Ontario et en Colombie-Britannique):

- sexual offences
- offences against a person
- offences related to the trafficking, importation, exportation and production of drugs
- offences related to terrorism

5.2 The following criminal offences are considered to be incompatible with any position of an administrative nature (Guide administrative du ministère de la Famille et de l'Enfance sur la vérification des antécédents judiciaires dans les centres de la petite enfance et les garderies):

- fraud
- forgery
- use of a counterfeit document;
- falsification of books and documents
- falsification of an employment register

6.0 Evaluation of the Results and Follow-up

6.1 The administrators of the Human Resources Department responsible for the application of this policy will analyze the results of the criminal record and employment reference verification to determine whether or not a position can be granted or whether or not there are reasonable grounds to reject an application. They will submit their recommendations to the Director General.

6.2 No positions will be granted to candidates who:

- make a false declaration in their application;
- decline to provide a certificate of good conduct as required by school board policy;
- decline to authorize the verification of their criminal background record;
- do not supply references deemed satisfactory;
- have been found guilty of a criminal offence for which they have not been granted pardon and which is in relation to the position sought, therefore posing a threat to students and employees.

7.0 Criminal Record Evaluation Committee

- 7.1 When the criminal record of a candidate is such that an in-depth analysis is required, the Human Resources Department refers the case to a criminal record evaluation committee. This committee, composed of the Director of Human Resources, the Secretary General and one Principal will conduct a comprehensive evaluation of the file of the candidate or the employee concerned, request legal aid if need be, and present its recommendations to the Director General.

8.0 Confidentiality of Information

- 8.1 All information gathered as a result of the application of this policy will be kept by the Human Resources Department in conformity with the Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information. This information remains confidential and may only be disclosed to the persons taking part in the analysis, decision-making and intervention procedure.