

POSITIONS OF TRUST POLICY (HIRING AND EMPLOYMENT)



Purpose

The Positions of Trust policy is to ensure that Britannia employees, volunteers, and contractors obtain the necessary clearance and maintain the check requirements. The application of checks supports Britannia's values to create a safe work environment and to provide safe and effective services to the community.

Scope

This policy applies to all Britannia Society employees, volunteers and contractors who are working in, or applying to work in, a designated appointment in which they are working with vulnerable people or significant amounts of cash.

Definitions

Check – is a Police Record Check and is a process which verifies whether an individual has a criminal record and provides relevant details from police service databases

Clearance – the status an individual received when they have the appropriate approved and recorded check(s) on file related to the designated appointment.

Criminal charges and convictions – Criminal charges and convictions include:

- A conviction for which a pardon has not been granted
- A conditional discharge within three years from the date on which the offender was discharged on the conditions prescribed in a probation order
- An absolute discharge within one year from the date on which the offender was discharged absolutely
- Stays of proceedings within one year from the date the stay was entered
- A conviction for which a pardon has been granted where the offence is listed in the Criminal Records Act [sexual offences] and the person works with vulnerable people
- A conviction which resulted in a sentence under the Youth Criminal Justice Act (Canada) for which an adult sentence was imposed, and a conviction which resulted in a disposition, made before April 1, 2003 under the Young Offenders Act (Canada) as it then was, for which an adult sentence was imposed
- For external applicants, a conviction which resulted in a sentence under the Youth Criminal Justice Act (Canada), and a conviction which resulted in a disposition, made before April 1, 2003 under the Young Offenders Act (Canada) as it then was
- An order under sections 810, 810.1 and 810.2 of the Criminal Code, commonly known as peace bonds
- A charge pending disposition

Designated Appointment – any position, role, or contract where an employee, volunteer or contractor is responsible for protecting Britannia employees, clients and/or material assets.

Material assets – include but are not limited to: facilities, property, systems, communication and information technologies and financial assets.

Significant volumes of cash - refers to cash amounts in the thousands of dollars either on a regular basis or during peak periods.

Vulnerable people - are people who because of their age, disability or other circumstances, 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.

POLICY STATEMENTS

General

- Individuals covered under this policy are responsible for protecting Britannia employees, clients and/or material assets.
- Checks will only be conducted when an appointment has been designated.
- Individuals will not begin or continue to operate in a designated appointment where no valid check is recorded and on file.
- Honesty and accuracy are necessary on the part of all individuals providing information to obtain a check.
- Britannia ensures that personal information obtained for a check is handled in strict confidence.

Roles and Check Requirements

- Employees in positions of trust including employees who regularly work in or fulfill other positions that are covered under the scope of this policy described in this section:
 - undergo the required check
 - maintain clearance
- Volunteers and contractors providing services in designated appointments who regularly provide services in or fulfill other duties that are covered under the scope of this policy described in this section:
 - undergo the required check
 - maintain clearance
- Managers and supervisors are individuals in a direct reporting relationship with employees, volunteers, or contractors requiring a check:
 - determine designated appointments in consultation with Human Resource Services
 - ensure that applicable checks are conducted for designated appointments when necessary (when working with vulnerable people)

Decisions Arising from Check Decisions Made by Britannia

- Decisions to approve or deny clearances are based on whether the check results are related to the duties of the designated appointment.
- If there are concerns about check results, the individual will be contacted to review the circumstances prior to a clearance decision.
- Whenever there are concerns about a record (i.e. criminal charges and/or convictions resulting from a police record check and credit history for a credit record check), the following factors are taken into consideration to make a decision:
 - Nature of employment including the duties of the position and the working conditions (e.g. working under close supervision or independently)
 - Whether the behaviour that led to the record, if repeated, poses a threat to the Britannia's ability to carry on its business safely and/or efficiently

- Whether the record would damage the reputation of Britannia or affect the public's confidence in Britannia services
- Details of record
- Circumstances of the record
- Length of time between the record and employment decision
- Employment history of the individual
- Individual's efforts at rehabilitation since the time of the record
- Clearances will be denied when concerns from check results represent an unacceptable risk in performing the duties of the designated appointment.

Applying Check Requirements to Hiring Situations

- **Clearances shall be obtained prior to the start date:** Check(s) shall be obtained prior to the individual's start date in a designated appointment.

In exceptional circumstances, positions may be filled prior to the verification of clearances, based on approval by the Manager of Administrative Services. When an exception is approved, the appointment is offered on the condition that clearance is obtained.

- **Moves from one designated position to another:** When an employee, volunteer or contractor moves from one designated appointment to another requiring the same type of check, there is no requirement to renew the check provided that the clearance is reviewed and approved against the check criteria for the new position and that the move occurs within the renewal period.

This clause also applies to individuals who vacate a designated appointment and subsequently return to a designated appointment within one year and employees moving between positions of financial trust within five years.

If there is a lapse of greater than one year where an individual has not worked in a designated appointment, a new clearance must be obtained.

Maintaining Britannia Required Checks

- **Renewals for City required police record checks:**
 - A police record check has a five-year renewal period
 - When a renewal is required, employees, volunteers, and contractors working in designated appointments will be notified and provided with a notice period to complete the check
- **Disclosures between renewal periods:** While remaining in a designated appointment, employees, volunteers, and contractors are responsible for disclosing criminal charges and/or convictions.

Disclosures shall be made to:

- The employee's direct supervisor
- The Volunteer Coordinator
- The Manager of Administrative Services

Consequences when the Britannia Checks Requirements are not met

- **Consequences due to a failure to comply with the policy:** A refusal to submit information required to complete a check; providing false information when undergoing a

check; and/or failing to make disclosures as required for checks for Britannia, may result in:

- Denial of the clearance
 - Removal from the appointment
 - Non-renewal of contractor agreement, and/or
 - Discipline up to and including termination
- **Consequences for employees due to a check result:** When a clearance is denied due to the results of a check, a discussion will be held with the employee and:
 - Alternative work arrangements may be considered, or;
 - Britannia may decide to terminate the employment relationship when there are exceptional circumstances; reasonable alternative work arrangements are not possible; the employee refuses alternatives that are offered; or the employee's record represents an unacceptable risk.
- **Recourse for clearance denials for employees:** Bargaining unit employees may grieve clearance denials pursuant to the applicable collective agreement. Exempt staff working in designated positions may make an appeal through an internal appeal process.
- **Consequences for volunteers and contractors due to a check result:** When a clearance is denied due to the results of a check, the volunteer or contractor will be notified that they are no longer eligible to render services in the designated appointment.

Confidentiality

- **Personal information:** Access to personal information is limited to those involved in securing or making clearance decisions and those involved in reviewing clearance decisions on appeal or through the grievance procedure.
- **Retention of information:** Data collected to make clearance decisions is kept in a check file in a secure area separate and apart from the employee's personnel file.

Costs

- Britannia provides reimbursement for Britannia employees and volunteers of check costs when:
 - Individuals who obtain a check are selected for a designated appointment
 - Existing employees who are unsuccessful in obtaining a job opportunity when the check is requested by Britannia
 - Existing employees who are successful in obtaining a designated appointment
 - All renewal checks for employees and volunteers
 - Employees required by Britannia to assume acting or temporary appointments, and
 - Volunteers
- Britannia does not provide reimbursement of check costs for:
 - Unsuccessful external candidates who complete the check
 - Employees who complete the check when it is not requested or required by Britannia, and
 - Contractors