



## Pre-Employment Screening #300.18

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Adopted:	April 22, 2008
Last Reviewed/Revised:	June 2023
Responsibility:	Superintendent of Education
Next Scheduled Review:	2027

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### POLICY STATEMENT:

The Brant Haldimand Norfolk Catholic District School Board (“the board”) believes that it is in a position of trust with regard to its students, employees and volunteers. Accordingly, the Board shall take reasonable steps to provide and maintain a safe and secure learning and working environment through appropriate hiring policies. It is the policy of the Board to ensure that all prospective employees are screened prior to being hired and commencing work. The Board shall not employ persons who have a criminal record wherein the record demonstrates an unacceptable level of risk to students, employees, volunteers or Board property.

### APPLICATION AND SCOPE:

This policy applies to all persons who have received a conditional offer of employment, including **former employees** individuals seeking re-employment by the Board. All pre-employment requirements must be met prior to the commencement of work. The policy is applied consistently to all persons who have received a conditional offer of employment.

### REFERENCES:

- [The Canadian Charter of Rights and Freedoms \(justice.gc.ca\)](https://www.justice.gc.ca)
- [The Criminal Code of Canada \(justice.gc.ca\)](https://www.justice.gc.ca)
- [Criminal Records Act \(justice.gc.ca\)](https://www.justice.gc.ca)
- [Bill 81, Safe Schools Act, 2000 - Legislative Assembly of Ontario \(ola.org\)](https://www.ola.org)
- [Bill 101, Student Protection Act, 2002 - Legislative Assembly of Ontario \(ola.org\)](https://www.ola.org)
- [Youth Criminal Justice Act](https://www.ohrc.on.ca)
- [The Ontario Human Rights Code | Ontario Human Rights Commission \(ohrc.on.ca\)](https://www.ohrc.on.ca)
- [Education Act](#)
- [RSO 1990, c M.56 | Municipal Freedom of Information and Protection of Privacy Act | CanLII](#)
- [O Reg 521/01 | Collection of Personal Information | CanLII](#)
- [HRS 300.11.P - Hiring Non-Academic Staff.pdf](#)
- [HRS 300.10.P - Hiring - Academic Staff.pdf](#)
- [HRS 300.15.P - Police Records Checks.pdf](#)
- [OPS 400.06.P - Security of Schools, Buildings and Grounds.pdf](#)
- [HRS 300.09.P - Religious Education Qualifications for Academic Staff.pdf](#)

### FORMS:

N/A

### APPENDICES:

N/A



## DEFINITIONS:

### Employee

An employee is an individual who agrees to work under an employment contract, including probationary and casual employees, for the Brant Haldimand Norfolk Catholic District School Board for a specified or indeterminate period of time. Salary or wages are paid to this individual and, from this payment, statutory deductions are made.

### Screening

An **employment** process **that includes** whereby a prospective employee is interviewed, reference checked, a Criminal Background **Police Records Check (with Vulnerable Section Screening where appropriate)** obtained and reviewed and any/all relevant documents submitted and reviewed. All Criminal Background **Police Records** Checks are to be current, meaning the search is conducted **within 6 months of the offer of employment**, subsequent to the conditional offer of employment.

**Re-employment:** **Return to employee status following 6 months or more of leaving the employ of the Board.**

**Re-employment Exemption:** **applies to a specific process for former employees returning to employee status within six months of leaving the employ of the Board.**

## ADMINISTRATIVE PROCEDURES:

### 1.0 Responsibilities

- 1.1 Superintendent of Education (**responsible for Human Resource Services**) will coordinate the implementation of the pre-employment screening policy.
- 1.2 The Human Resource **Services** Co-ordinator/**Generalist** will verify the completion of the required pre-employment screening documentation.
- 1.3 Principals and Managers will ensure that the pre-employment screening forms are completed during the interview process and are submitted with **the items identified in the** interview package **provided by Human Resource Services.**

### 2.0 Pre-Employment Screening Form

- 2.1 All prospective employees will participate in the pre-employment screening process. If an individual chooses not to participate, the application for employment will not be given further consideration.
- 2.2** During the interview **process**, the hiring supervisor will ensure that the candidate has completed Section A of the Pre-Employment Screening Form.
- 2.3 The hiring supervisor completes Section B of the Pre-Employment Screening Form.
- 2.4 Upon completion of Sections A and B, the Pre-Employment Screening Form is to be forwarded immediately to the Human Resource Services Department.

### 3.0 Required Documentation

- 3.1 The recommended candidate is required to submit the following documentation to Human Resource Services:
  - 3.1.1 Certification - Certification related to the position for which the prospective employee is being recommended for employment is required.
  - 3.1.2 Certificate of Fitness to Work - Prospective employees must be capable of fulfilling the essential duties of the job. The prospective employee must submit a Certificate of Fitness indicating that they are fit to perform the essential duties of the job for which they have received a conditional offer.



- 3.1.3 Tuberculosis Test - All prospective employees who work directly or indirectly with students shall submit a certificate confirming that they have completed a Tuberculosis test (Phase 1) within the last 12 months. All persons who react positively to such tests prior to their employment shall have an x-ray.
- 3.1.4 ~~Criminal Background~~ **Police Records** Check - Prospective employees are required to submit an original copy of a **Police Records** ~~Criminal Background~~ Check that is satisfactory to the Board **and specific to the position they are applying to.**

#### The Police **Records** Check

The Police Records Check must include a search of the following records: Criminal Record (Adult); Criminal Record (Young Person); Records of "Not guilty; not criminally responsible on account of mental disorder"; Pending charges and ongoing investigations under Federal statutes (and Provincial, if available); Relevant Occurrence reports; Probation, Prohibition and other Judicial Orders that are in effect. Where the position is one of authority or trust relative to students, prospective employees will be asked to provide a Vulnerable Sector Screening, which includes disclosure of a criminal record for a sexual offence for which a pardon has been granted or issued **Vulnerable Sector Check (VSC). This check is restricted to applicants seeking employment and/or volunteering with vulnerable individuals, children, elderly persons, the disabled, etc. It is a collection of offence information, including convictions, non-convictions and other relevant police contact information available from a local police agency's records management system and other systems/records where authorized. This check will include sexual offence convictions for which the individual has received a record suspension (pardon) where authorized by the Minister of Public Safety and Emergency Preparedness.**

There may be certain exceptions adjudicated by the board, where a VSC is not required for employment where it is deemed the employee is in a position that does not come into direct and regular contact with students or vulnerable persons.

Normally, a candidate shall not commence employment with the Board until the current verification of their Police Records Check has been submitted and accepted. Only in an exceptional case will a person be permitted to commence employment with the Board before the Board has received the Police Records Check. In such a case, the candidate will be required to provide an Emergency Offence Declaration which may, at the Board's sole discretion, permit the candidate to commence employment prior to the submission of the Police Records Check. Before any such exception is made, a binding agreement shall be entered into between the employee, ensuring that the Police Records Check be provided without delay and in a timely manner. This agreement will preserve the Board's power to revoke the offer of employment, and dismiss the employee, should the Offence Declaration provided by the employee prove to be false or misleading in any respect.

The Board, subject to 2.4.5 below, will not knowingly offer employment to any person with a record of criminal conviction for which a pardon has not been granted for the following type of offences:

- any sexual offence under the Criminal Code;
- any violations under the Controlled Drug and Substances Act;
- any criminal offence involving minors;
- crimes of violence which include, but are not limited to, threats, assaults, and the use, possession or concealment of a weapon or imitation of a weapon;
- propagation of hate literature or incitement to hatred;
- possession, distribution or sale of any pornographic or violent material; and
- other offences specifically related to the job or to children.



- 4.1 While the conviction of any of the above-noted offences would, in the normal course, present a bar to employment, the Board does recognize the principle of rehabilitation and may, therefore, consider the hiring of a person, after a full assessment, based upon consideration of the following factors:
- the specific duties and responsibilities of the position in question and the relevance of the police records, criminal charge(s), and/or conviction(s) to that position;
  - the length of time since the police record was established;
  - rehabilitative efforts undertaken;
  - the risk to the safety and security of students, staff, volunteers and/or Board property.

The Human Resource Services Department will examine the ~~Criminal Background~~ Police Records Check. If there is a concern, the information will be assessed by the designated Board contact. A meeting will be held with the candidate and the designated Board contact before a final recommendation to hire is made. The Board reserves the right to request the applicant provide additional information in order to further assess his/her application for employment.

The **Police Records** Check shall be received, reviewed and retained in a secure file by the Human Resource Services Department.

#### 5.0 Costs

- 5.1 All pre-employment screening costs are to be paid by the prospective employee.