



FLON PUBLIC LIBRARY

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POLICY: Police Background Checks

POLICY STATEMENT

As the Flin Flon Public Library provides services to vulnerable people in the communities it serves, it is incumbent upon the Library to take precautions to try to ensure staff, volunteers, and contractors do not have personal criminal histories which are incompatible with our mandate. The Library is therefore committed to ensuring vital programs and services are delivered through individuals whose criminal histories are confirmed through a police background check that includes a name-based Canadian criminal record check and a vulnerable sector check. For this reason, employment, engagement, or contractual services with the Library are conditional upon the completion of a successful police background check.

Information will be collected only for the purpose for which it was intended in accordance with the Royal Canadian Mounted Police (RCMP) directives and human rights and privacy legislation.

PURPOSE

The purpose of this policy is to minimize the risk to the Library's patrons, staff, and volunteers through police background checks for all Library staff, volunteers, and contractors.

SCOPE

This policy applies to newly hired/engaged personnel, volunteers, contractors, and current employees, volunteers, and contractors.

PROCEDURE AND APPLICATION

Where circumstances warrant, and as approved by the Library Administrator in consultation with the Chairperson of the Flin Flon Library Board, the Library reserves the right to repeat a criminal record check or vulnerable sector check.

A. Police Background Checks

Police background checks may only be completed with the individual's written consent. If new/current staff, volunteers, or contractors refuse to give consent for a

police background check, the offer of employment or engagement or contract for services with the Library will be rescinded.

Police background checks must be performed in the jurisdiction (Flin Flon or Creighton) in which the staff, volunteer, or contractor resides.

If a police force refuses to conduct a vulnerable sector check for a particular position, the police should be asked to provide a written rationale for the refusal and the written rationale provided to the Library Administrator.

There are two (2) types of police background checks relevant to the Library:

1. Criminal Record Checks

All staff, volunteers, and contractors must complete a criminal record check to determine if the individual has a record of conviction. A satisfactory criminal record check is a condition of employment, engagement, or contract for services with the Library.

Criminal record checks are to be conducted by the Royal Canadian Mounted Police (RCMP)

2. Vulnerable Sector Checks

Vulnerable sector checks are to be conducted by the RCMP.

To protect vulnerable people from offenders, a vulnerable sector check is required of all staff, volunteers, or contractors.

Staff, volunteers, and contractors are required to have a satisfactory vulnerable sector check as a condition of employment, engagement, or contract for services. If the vulnerable sector check is inconclusive or matches a pardoned sex offender record, the check must immediately be referred to the Library Administrator and Chairperson of the Flin Flon Library Board prior to a final decision being rendered.

B. Children, Youth, and Newcomers to Canada

A police background check may not be possible for persons under the age of majority who are protected by the *Youth Criminal Justice Act*, or for newcomers to Canada. If a police background check is not available, the child/youth/newcomer must not be

placed in a situation of direct and solitary contact with vulnerable clients or have access to credit card information or cash donations/other sums of money without supervision.

C. Seconded or Promoted Personnel

The request for a police background check primarily applies to newly hired or engaged personnel. However, where job demands change or existing personnel are being considered for positions with direct and solitary contact with vulnerable clients,

those personnel will be required to undergo a vulnerable sector check as a condition of employment or engagement.

D. Privacy of Information

All personal information collected during the course of conducting a criminal background check or vulnerable sector check will be accessed on a need to know basis, used solely for the purpose of conducting the police background check(s), held in the strictest of confidence, and locked in a secure location when retained.

E. Cost

Police background checks are the property of the Library. Therefore, all costs associated with completing police background checks (there is no cost for volunteer positions) will be covered by the Library. Individuals who wish to have ownership of their original, completed police background checks will be required to make the request in writing to the Library Administrator and will reimburse the Library in full for the cost of the check(s).

F. Condition of Employment/Engagement with the Library

Written offers of employment/engagement with the Library must clearly state the employment/engagement with the Library is conditional upon the candidate furnishing a satisfactory police background check(s), as applicable. Unsatisfactory results may be grounds for rescinding offers of employment/engagement with the Library.

G. Late Results of Police Background Check(s)

If the results of the police background check have not yet been received at the time of hire or engagement, an employee, volunteer, or contractor may be hired or engaged on the condition of a satisfactory police background check, but is not permitted to perform tasks that may cause them to have direct and solitary contact with vulnerable patrons or other staff, volunteers, or contractors, work alone in a position of financial trust, or have responsibility for the security of information.

H. Evaluating Policy Background Check Results

1. Pardoned sex offence

Where a pardoned sex offence appears on a police background check, the Library Administrator in consultation with the Chairperson of the Flin Flon Library Board will make a final decision.

2. "Not clear" police background checks

All "not clear" police background checks must be reviewed by the Library Administrator before any new employment/engagement decisions are made. Determining whether a police background check is satisfactory or unsatisfactory

requires consideration of the following several factors including but not limited to:

- a. Risk and relevance of the conviction and number of convictions;
- b. Length of time passed since the conviction(s);

- c. Relevance of the conviction to the duties and responsibilities associated with the position. Individuals cannot be excluded where a conviction is not relevant to the responsibilities of the position (e.g., an impaired driving charge is not relevant for a position where driving is not a requirement of the position);
- d. Rehabilitation efforts made by the individual; and
- e. Potential risk and liability to the Library and its patrons, other staff, volunteers, or contractors if the individual is hired or engaged.

I. Mid-Employment/Engagement Police Background Checks

Mid-employment/engagement vulnerable sector checks are to be completed every five (5) years on all staff, volunteers, or contractors who were required to have a vulnerable sector check at the time of hiring/engagement with the Library.

The Library reserves the right to amend the frequency of mid-employment/engagement police background checks based on provincial/territorial legislative rulings.

The Library Administrator must be consulted in the case of a staff, volunteer or contractor's refusal to consent to a mid-employment/engagement check.

All "not clear" mid-employment/engagement police background checks must be reviewed by the Library Administrator before any continuing employment/engagement decisions are made.

J. Retention of Police Background Checks

1. "Clear" results

Clear results will be retained in the manner below until such time as mid-employment/engagement check results replace them, as required, or after a period of five years, whichever date comes first, at which time they must be permanently destroyed.

- a. Staff and Volunteers: Where a police background check was completed on paper and clear results are received, the results will be filed separately from the recruitment file and/or the staff's and volunteer's personnel file in a locked, secure location in the Library Administrator's office.
- b. Contractors: Where a police background check was completed on paper and clear results are received, the results will be filed separately from the contact file in a locked, secure location in the Library Administrator's office.

2. "Not clear" results

In the case where a police background check has been completed and "not clear" results have been received, all documentation must be forwarded to the

Library Administrator in a sealed envelope marked "Confidential". This documentation will be retained by the Library Administrator for a period of three years and will be filed separately, as applicable, from the recruitment file

or personnel file or contract file in a locked, secure location in the Library Administrator's office.

K. Breach of Policy

Individuals who fail to comply with this policy may be subject to disciplinary action, up to and including termination of employment, engagement, or contractual services with the Library.

L. Responsibilities

The Library Administrator is responsible for:

1. Implementing this policy;
2. Ensuring the appropriate police background checks have been completed in accordance with the provisions of this policy;
3. Advising stakeholders;
4. Maintaining, monitoring, and revising this policy; and
5. Authorizing exceptions.