

Human Resources Policies & Guidelines

Section:	2	Staffing
Subsection:	2.3.5	SECURITY CHECKS
Type:		Policy
Effective Date:		January 1, 2010

POLICY STATEMENT

A pre-employment security check is conducted before appointment to a position for which this is a requirement.

INTENT

A security check is a highly confidential investigation into a candidate's record of crime or child abuse. It involves a criminal records check or a child abuse registry check conducted before appointing a candidate to a position for which this is a requirement. A security check supplements the reference check. It is needed to assess the reliability and suitability of a candidate for appointment.

POLICY APPLICATION

The Human Resource Director, in conjunction with a senior program manager, identifies positions that require a criminal records check or a child abuse registry check. Human Resources maintains a list of identified positions in a department.

The job opportunity advertisement advises potential applicants that appointment is subject to a security check. At the time of the interview, the selection board informs candidates of the security requirements and asks candidates for written consent to conduct a security investigation. Candidates may also be asked to complete a self-disclosure form. The letter of offer may also advise a candidate the appointment is conditional on a security check. See also *The Personal Investigations Act*, Section 3 (1)(2).

Normally, Human Resources conducts a security check and informs the manager of the result. The Human Resources Director may delegate this responsibility to managers who have delegated staffing authority.

Human Resources is responsible for administering this policy in a manner that protects candidates' privacy rights by minimizing the number of persons who handle the confidential information obtained. Accordingly, details of the security check are **not** placed in the competition file but confirmation that security checks were conducted should be noted on the board report.

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PRACTICES

A security check is appropriate for appointments to the following types of positions:

- Positions having contact with vulnerable persons. This may include positions related to residential, institutional or community care of children, youth, persons with mental health disorders and those requiring financial support for the basic necessities of life.
- Positions having contact with provincial treasures or sensitive material. This may include positions located in the Legislature, Provincial Archives and Law Courts.
- Positions providing law and protection services. This may include positions located in Law Courts. It includes
 - all positions responsible to secure buildings, staff and clients
 - all positions related to juvenile and adult corrections
 - all positions requiring "special constable status"

A security check may also be appropriate for positions that handle cash or develop and maintain information systems. This policy applies to employees and volunteers.

ROLES AND RESPONSIBILITIES

Civil Service Commission

Monitor application of the policy through the staffing audit process.

Human Resource Practitioners

Ensure application of the policy in the staffing process.

ADDITIONAL REFERENCES / DEFINITIONS

Child abuse registry check - An investigation to determine if a candidate is registered on the provincial child abuse registry.

Criminal records check - An investigation to determine the nature, extent and time of a candidate's convictions or outstanding charges under federal or provincial laws.

Reference check - A personal investigation by the selection board to obtain factual information from sources other than the candidate with a view to evaluating suitability for appointment. Reference checks are one method, but not the only method, for assessing past work performance of candidates.

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AUTHORITY

The Personal Investigations Act

The Civil Service Act, Section 13(4)

Civil Service Commission Minute CSC 14-09/10-17

FREQUENTLY ASKED QUESTIONS

1. What happens if a candidate has a criminal record?

A criminal record is not, in itself, a barrier to appointment. If a qualified candidate has a criminal record, the selection board must weigh the nature, time and extent of the record to assess if the candidate is suitable relative to the selection criteria. The Deputy Minister or designate must be consulted before offering employment to a candidate with a criminal record.

Failure to disclose a criminal record on the self-disclosure form may not necessarily exclude a candidate from further consideration. The candidate is responsible for disproving a record that is inconsistent with the candidate's self-disclosure.

When the selection board decides a candidate is unsuitable for appointment on the basis of a security check, Human Resources must inform the candidate in writing according to *The Personal Investigations Act*, Section 6.

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