

# Management Directive

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<b>Number:</b>	MD-057
<b>Title:</b>	<b>Recruitment</b>
<b>Type:</b>	<b>Human Resources</b>
<b>Sub-type:</b>	Click or tap here to enter text.
<b>Owner:</b>	<b>Legislative Services</b>
	<b>Human Resources</b>
<b>Approved By:</b>	<b>CAO</b>
<b>Approval Date:</b>	<b>April 29, 2025</b>
<b>Effective Date:</b>	<b>April 29, 2025</b>
<b>Revised Date:</b>	Click or tap to enter a date.
<b>Applicable to:</b>	<b>All Departments and Staff</b>

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## 1. Legislative or Administrative Authority:

- 1.1. The CAO has the authority to approve Management Directives related to operational activities.
- 1.2. *Accessibility for Ontarians with Disabilities Act, 2005.*
- 1.3. *Bill 149, Working for Workers Four Act, 2023.*
- 1.4. *Municipal Act 2001, C.25 S.270.*
- 1.5. This Management Directive replaces Policy E3 – Hiring Practices, A4 – Interviews and Candidate Selection, A7 - Reference Checks, A8 – Criminal Reference Check.

## 2. Purpose:

- 2.1. To convey the Municipality's continuing practice of non-discriminatory employment, in accordance with the *Municipal Act 2001, C.25 S.270*.
- 2.2. To maintain a standardized means of recruiting employees, including the following processes: job postings, recruitment, interviews, reference checks, and police reference checks, in efforts to select the overall best qualified candidate for each position based on qualifications, skills, education and development, and ability to perform the work.
- 2.3. The Municipality requires police reference checks for all new employees, to help ensure the safety and well-being of the general public we serve. Police Reference Checks allows the Municipality to confirm that employees of the

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Municipality do not have a criminal history which could potentially make them unsuitable for employment or engagement in positions of trust.

- 2.4. The Municipality may require completion of the Criminal Record/Conviction Declaration Form on a recurring basis for existing positions, timing to be determined by the respective Department.

### 3. Scope:

- 3.1. This Management Directive applies to all candidates and employees, including full-time, part-time temporary, volunteer firefighters, volunteers, and students looking to obtain employment or engagement with the Municipality of Clarington.

### 4. Definitions:

- 4.1. **AODA** refers to the *Accessibility for Ontarians with Disabilities Act* and is a law enacted in Ontario to improve accessibility for people with disabilities. Its goal is to identify, remove, and prevent barriers to accessibility in various areas, including employment, transportation, information and communications, and public spaces. The AODA sets out standards and requirements that organizations must follow to ensure accessibility and promote inclusivity.
- 4.2. **Police Reference Check (PRC)** shall mean a process which verifies whether an individual has a criminal record in Canada and provides relevant details from police service databases. A PRC is either a Criminal Record Check or a Vulnerable Sector PRC.
- 4.3. **Criminal Record Check (CRC)** shall mean a summary of an individual's criminal charges and their dispositions, including convictions and discharges, as stored in the RCMP National Repository of Criminal Records. At the Municipality's sole discretion, a PRC completed by a third party, i.e., non-police service with access to the RCMP National Criminal Records repository, may be acceptable as a PRC for positions not requiring a vulnerable sector PRC.
- 4.4. **Ontario Human Rights Code** aims to protect individuals from discrimination and harassment in various social areas based on specific protected grounds. The Code covers areas such as accommodation (housing), contracts, employment, goods, services and facilities, membership in unions, trade or professional associations.
- 4.5. **Vulnerable Sector Police Reference Check (VS PRC)** shall mean a PRC conducted by the Durham Regional Police Service or any other police service in

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Canada, which includes a criminal record check and confirms whether an individual has been granted a pardon for a registered sex offense in Canada. A VS PRC includes a summary of information contained in local police service databases that have not been provided to the RCMP National Repository of Criminal Records.

- 4.6. **Vulnerable Sector** shall mean persons who, because of their age, disability or other circumstances, whether temporary or permanent, are;
  - 4.6.1. in a position of dependence on others; or
  - 4.6.2. otherwise at a greater risk than the general population of being harmed by persons in a position of authority or trust relative to them.
  - 4.6.3. Vulnerable sector includes children, the elderly and persons with disabilities.

## 5. Directive Requirements:

- 5.1 The Municipality of Clarington will only employ those who are legally eligible to work in Canada.
- 5.2 The Municipality of Clarington recognizes and adheres to the Ontario Human Rights Code.
- 5.3 All hiring practices and procedures comply with AODA requirements as identified in MD-035 Employment Accessibility Standards.
- 5.4 Employees hired in part-time positions who apply and are successful in obtaining temporary full time summer positions, with the approval of the current supervisor, will remain eligible to return to their part time positions at the conclusion of their summer position.
- 5.5 Intern positions – may be hired under a paid or unpaid program with budgeted funds as appropriate. The interested Department will consult with Human Resources to ensure all appropriate practices and processes are consistently applied, and will make arrangements with the supporting educational institute. Refer to SOP-LGS-050.
- 5.6 All employment or changes to employment conditions will be confirmed with the appropriate employment letter drafted by Human Resources, in consultation with the respective Department.

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## **Employment of related persons**

- 5.7 Related persons shall mean two individuals who are related including such relationship as parent, spouse, children, siblings, in-laws and grandchildren.
- 5.8 The Municipality will not favour or discriminate against any relatives of employees or elected officials who wish to seek employment or seek promotion with the organization.
- 5.9 Employment or promotion will not be allowed if it creates a direct supervisory relationship involving the affected individuals who are related as defined above in 5.7.1.
- 5.10 Where a relationship occurs between two employees after employment that contravenes the foregoing policies, every reasonable effort will be given for placement of work for either one of the employees outside the supervisory control of the other.
- 5.11 Position vacancies for full-time or temporary positions may be posted internally and may also be advertised externally at the same time, in accordance with the collective agreements and/or the particular requirements of the position.

## **Job Posting**

- 5.12 The Deputy CAO or designate is responsible for drafting the job postings for every position in the department, considering relevant requirements and expectations of the position.
- 5.13 Compensation for new non-affiliated positions is determined by completing a job evaluation review as outlined in MD-010 Job Evaluation Maintenance, prior to posting the position to ensure compensation is appropriate.
- 5.14 For affiliated new positions, Human Resources will complete an initial review of the job description provided by hiring department and approved by the Department Head. Following this review Human Resources consults with the CUPE President, or designate, regarding the placement on the respective CUPE salary grid. The employee and hiring manager are responsible to complete a job evaluation in a timely manner for submission to the CUPE Pay Equity Committee.
- 5.15 All job postings must be presented on the standardized template.

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## **6. Procedures:**

### **Recruitment Process**

- 6.1 Job postings are forwarded to Human Resources for review and consultation regarding the consistency with Corporate and Human Resources standards.
- 6.2 Upon receipt of the approved requisition form, the Human Resources Division will coordinate the posting and/or advertising of the vacant position, and shall receive all applications electronically through the online recruitment platform.
- 6.3 All postings will include type of employment, summary of duties and responsibilities, qualifications and wage grade or salary range in accordance with *Bill 149, Working for Workers Four Act, 2023*.
- 6.4 All applications (other than students, casual, part-time), including those that match the requirements of the positions that have been on file in the Human Resources office for the last three (3) months will be forwarded to the Department Head or designate, in accordance with the Collective Agreement(s) protocol as applicable.
- 6.5 The Department Head or designate shall review all applications, and select the qualified candidates for interview, in compliance with Collective Agreement(s) protocol as applicable.

### **Interviews**

- 6.6 Interviews will be conducted with an interview panel of no less than three members. This team will be determined by the hiring department and include a representative from Human Resources, except for part-time and student hires.
- 6.7 The interview process shall ensure that those on the interview panel have no potential or perceived conflict of interest.
- 6.8 The interview process shall ensure that no undue influence was exerted on the interview panel members.
- 6.9 Candidates selected for interview shall be contacted by Human Resources.
- 6.10 If necessary, a second interview may be conducted with preferred candidates from the first interview.

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- 6.11 Qualified candidates selected for interviews will be evaluated and ranked based on the information presented in the application.
- 6.12 For affiliated positions internal applicants who meet the requirements of the job posting, as determined by the hiring department, are interviewed prior to consideration of any outside applications. Interviews must follow the posting, selection and interview criteria of the applicable Collective Agreement.
- 6.13 The process for contract, part-time and student hires will be at the discretion of the hiring Department Head or designate and facilitated by Human Resources.
- 6.14 All records related to job competitions or applications for employment are personal information and must be kept strictly confidential. All interviews shall be conducted in private, and candidates are to be assured of confidentiality throughout the selection process. Written comments from each of the interviewers shall be retained by the Human Resources and the retention of these records will be in accordance with the Municipality's Retention Schedule and applicable law.
- 6.15 Interview questions will be drafted by the hiring department with input from and final review by Human Resources.
- 6.16 To ensure the candidate evaluation is fair and equitable, the Interview Panel will ask the same key questions of all candidates.
- 6.17 Testing must comply with criteria of the Collective Agreement and will be designed by the hiring department in consultation with Human Resources.
- 6.18 A scoring or ranking system, relating to the nature of the position, is to be developed prior to the interviews and applied to the candidates in the evaluation process.

## Reference Check

- 6.19 Conducted after the final assessment process has been completed.
- 6.20 Consent from the selected candidate must be obtained prior to conducting reference checks This includes external candidates, as determined by the Department (see 5.9.3.7.1), and internal candidates who are applying for positions in other Departments.in other Departments.
- 6.21 Information obtained is used to verify a candidate's suitability for a position.

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- 6.22 The reference check is structured to verify information supplied by candidate, obtain information on the candidate's actual work performance, skills, competencies and work relationships and seeks further information on any specific concerns that may have arisen during the different stages of the selection process.
- 6.23 Reference checks shall be performed by the Deputy CAO or designate , or if requested, by a representative from Human Resources.
- 6.24 The information collected from the reference checks must be verifiable and position related, using the Reference Check Report questions where applicable.
- 6.25 Employment reference checks should be from the candidate's supervisor and/or managers who can comment directly on the candidate's performance. In circumstances where references cannot be provided from a candidate's current/past employer, the applicability of other references will be assessed. A minimum of two (2) satisfactory references are required to support the hiring decision.
- 6.26 At the discretion of the Deputy CAO of a department, certain positions may not require reference checks.
- 6.27 Confidential information obtained from the reference checks will be retained in the candidates employment file.
- 6.28 Information collected through reference checks for unsuccessful candidates must be retained pursuant to the Municipal Records Retention By-law and applicable law.

## **Police reference Check:**

- 6.29 A Police Reference Check (PRC) will be required for all new hires prior to commencing employment.
- 6.30 Results of a PRC will be used, in the evaluation process to determine final suitability for employment and will remain confidential.
- 6.31 While a Criminal Record is not necessarily a barrier to employment, it is a factor which must be carefully reviewed, assessed and documented in accordance with the *Ontario Human Rights Code* and any other applicable legislation.



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- 6.32 The Municipality will determine which type of PRC is required, either a standard Criminal Records Check, or a Vulnerable Sector Police Reference Check, depending on the position being hired for.
- 6.33 The PRC must be provided at the successful candidates own expense.
- 6.34 A successful candidate who is unable to provide a current original copy of their PRC at the time of hiring shall be given a conditional offer of employment pending the receipt and review of their PRC.
- 6.35 If a PRC cannot be provided within thirty (30) business days from the conditional offer without an acceptable explanation, the conditional offer will be withdrawn in writing and other candidates will be considered. During this thirty (30) day period individuals may start the position as they signed a declaration on their employment agreement that their PRC will be clear and free.
- 6.36 Candidates rehired within the last five years and who have already provided a PRC to the Municipality, will be required to complete the Criminal Record/Conviction Declaration indicating they have no convictions under the Criminal Code of Canada or if they do, to report the convictions and they will be reviewed in accordance with this Management Directive.
- 6.37 If previous employment ended more than five years ago, candidates will be required to provide a new PRC.
- 6.38 If the successful candidate refuses to obtain a PRC, the candidate shall be advised that it will adversely affect their opportunity for employment.
- 6.39 If a candidate for employment provides a copy of a PRC with criminal record findings, a review of the specifics of the situation will take place. The Hiring Manager and Department Head (or their designate) shall consult with the Human Resources Division and, when necessary Legal Services, to determine if the specific content of the criminal record is relevant to the designated position and if the conditional offer of employment should be revoked.
- 6.40 The Hiring Manager, Department Head and the Human Resources Division should consider the specific information disclosed in the Police Reference Check based on the following factors:
  - The nature and number of convictions;
  - The relevance of nature of offence to the requirements of the position;
  - Any mitigating circumstances put forward by the candidate;



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- The length of time since the conviction(s);
  - Rehabilitative and other efforts subsequently made by the candidate; and
  - Any potential risks in hiring the candidate.
- 6.41 If an offer is withdrawn because of a relevant or unsatisfactory PRC, the decision shall be made known to the new hire as soon as practical.
- 6.42 All information obtained through the PRC is strictly confidential. The Human Resources Division will document that a PRC has been received. The original document or a copy, initialed by Human Resources, verifies the original embossed Police Check was viewed, will be filed in their employment file. The document is retained by Human Resources, hiring departments do not retain a copy for their records. Any PRC received by a supervisor shall be put in a sealed envelope and forwarded to Human Resources.
- 6.43 Employees that are transferred or promoted into a position that deals with a vulnerable sector, and they have not previously been required to provide a VS PRC, must provide a satisfactory VS PRC at their own expense, prior to award of any promotion or transfer. Depending upon the timing of the transfer or promotion, provided the employee provides a copy of the receipt indicating they applied for a VS PRP they may commence the new position pending the VS PRC being presented to Human Resources within thirty (30) days. If the employee has a VS PRC on file in the required classification and it has been obtained within the past five (5) years, the employee shall then be exempt from providing a new PRC and shall be required to complete the Criminal Record/Conviction Declaration form indicating they have no convictions under the Criminal Code of Canada , or if they do report convictions, they will be reviewed with Human Resources.
- 6.44 Final written offers will include a declaration/oath requiring the employee to promptly disclose any change to their police record.
- 6.45 Failure by an employee to notify the Human Resources Division of any change that would negatively affect their original police records check shall be considered grounds for disciplinary action, up to and including dismissal.
- 6.46 The Municipality reserves the right to require a PRC of existing full-time and part-time employees at any time. Any conviction which occurs during employment may result in termination of employment with appropriate notice and severance paid as required under the *Employment Standards Act, 2000*. The Municipality agrees to pay the cost for any requested Police Reference Checks for existing staff.

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## **7. Roles and Responsibilities:**

### **7.1. Chief Administrative Officer (CAO) is responsible for:**

- 7.1.1 Ensuring that this Management Directive is updated for changes in corporate need and governance as required.
- 7.1.2 Determining how often the Criminal Record/Conviction Declaration is required to be completed.

### **7.2. Deputy CAO's / Directors / Managers /Supervisors are responsible for the following within their scope of authority:**

- 7.2.1. Ensuring that employees are aware of their responsibilities under this Management Directive.

### **7.3. Human Resources/Payroll is responsible for:**

- 7.3.1. Preparing and reviewing employment agreements, ensuring all required signatures are provided.
- 7.3.2. Ensuring PRC's are received within timelines and following up with employees missing PRC's.
- 7.3.3. Determining if a rehire requires a new PRC or completing of the Criminal Record/Conviction Declaration

### **7.4. All Staff are responsible for:**

- 7.4.1. Being familiar with this Management Directive.
- 7.4.2. Notifying their direct supervisor / manager and / or Human Resources of any Criminal Code convictions that may negatively affect their employment or engagement with the Municipality.
- 7.4.3. Completing the Criminal Record/Conviction Declaration as required.

## **8. Related Documents:**

- 8.1. Criminal Record/Conviction Declaration
- 8.2. Reference Check Report

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## 9. Inquiries:

- 9.1. Employees may contact a member of the Human Resources Division with any questions about this Management Directive [Human\\_Resources@clarington.net](mailto:Human_Resources@clarington.net).

## 10. Revision History:

Date	Description of Changes	Approved By
April 29, 2025	Management Directive established; combining Policy A3, A4, A7 and A8.	CAO

### Policy A3 – Hiring Practices

Date	Description of Changes	Approved By
May 29, 2020	Policy A3 Reviewed.	CAO
May 1, 2018	Policy A3 Reviewed.	CAO
June 3, 2014	Policy A2 Reviewed and Amended to Policy A3.	CAO
June 23, 2006	Policy A2 Reviewed.	CAO
September 17, 2003	Policy A2 Reviewed.	CAO
Policy A2 – January 8, 2002	Policy A2 Approved by COD-070-04.	Established by CAO

### Policy A4 – Interviews and Candidate Selection

Date	Description of Changes	Approved By
July 7, 2020	Policy A4 reviewed	CAO
June 17, 2008	Policy A4 & A3 reviewed	

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June 26, 2007	Policy A6 reviewed	CAO
June 23, 2006	Policy A2 reviewed	CAO
September 17, 2003	Policy A2 & A3 Established	CAO

## Policy A7 – Conducting Reference Checks

Date	Description of Changes	Approved By
July 7, 2020	Reviewed and Revised	CAO
November 13, 2007	Reviewed and Revised	CAO
June 27, 2006	Reviewed and Revised (Policy A6)	CAO
February 12, 2001	Policy established	CAO

## Policy A8 – Criminal Reference Check

Date	Description of Changes	Approved By
July 7, 2020	Reviewed	CAO
July 8, 2014	Reviewed	CAO
November 13, 2007	Reviewed	CAO
April 27, 2004	Policy A7 Established	CAO