

Muskoka Lakes Township Public Library
LIBRARY BOARD POLICY

Policy Type: Human Resources

Policy Number: OPHR-05

Policy Title: Vulnerable Sector Checks

Policy Approval Date: 04/15/25

Chairperson: V. Duke

Policy Review Date: 04/29

Intent:

The Muskoka Lakes Public Library (herein after referred to as the Library) is committed to providing a safe environment for all employees and members of the public. It is recognized that Library staff interact directly with vulnerable populations and that the trust of the public is critical. This policy is a framework to describe when and how Vulnerable Sector Checks and Offence Declarations will be requested and how to respond to the same, when required.

Regulations:

The Muskoka Lakes Public Library Board (herein after referred to as the Board) is responsible for worker health and safety under the Ontario *Occupational Health and Safety Act* (herein after referred to as OHSA).

The Library is committed to compliance with the Ontario *Human Rights Code* and accommodating to the point of undue hardship where required under the Ontario *Human Rights Code*.

In accordance with its values, the Library strives to always be an open, friendly, respectful, safe and welcoming environment.

Definitions:

Vulnerable Sector Check (VSC) is completed by the local police detachment where the individual resides and covers:

- criminal convictions
- findings of guilt under the Youth Criminal Justice Act (YCJA) within the applicable disclosure period
- outstanding entries, such as charges, warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders
- absolute and conditional discharges for one or three years respectively
- disposition of Not Criminally Responsible by Reason of Mental Disorder
- criminal charges resulting in dispositions and non-conviction including (but not limited to): Stayed, Withdrawn, Dismissed, Not Guilty, and cases of not criminally responsible by reason of mental disorder as listed on local police indices in accordance with federal and provincial legislation
- all record suspensions authorized for release by the Minister of Public Safety and Emergency Preparedness

Offence Declaration is a written declaration signed by an individual including

- listing all of the individual's convictions under the Criminal Code (Canada) up to the date of the declaration that are not included on the Vulnerable Sector police check presented to the Library; and for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted.
- stating that the employee, volunteer or student will notify the Library within 1 working day if criminal charges are laid against the employee.

Operating Guidelines:

1. An offer of employment or the acceptance of the services of a volunteer, who will have direct contact with the public, is conditional upon the receipt of a satisfactory VSC that is no more than 3 months old, completed by the police services in the area in which the individual resides. The failure of an applicant to provide full, complete, and accurate information may result in the rescinding of an offer of employment/volunteering.
2. An employee/volunteer shall be required to provide the Library CEO with a current Vulnerable Sector Check. The Library shall pay for the cost of obtaining the same.
3. An employee/volunteer will be required at least annually to complete an Offence Declaration confirming that the employee/volunteer has not been charged with, or convicted of, any offence under the Criminal Code of Canada since the date the employee/volunteer last provided the Library with a VSC.
4. All applicants/employees/volunteers must maintain an Acceptable Report throughout their employment/volunteering relationship with the Library. Failure to do so may result in discipline up to and including termination in accordance with the Township of Muskoka Lakes' (herein after referred to as the Township) Progressive Discipline policy.
5. All employees/volunteers are required to report a change in their VSC immediately after becoming aware of the same or becoming aware of the possibility of the same. Reports of such change must be made to the Library CEO. Failure to do so shall be subject to discipline up to and including termination in accordance with the Township's Progressive Discipline Policy.
6. As the Library provides direct support and services to vulnerable populations the following activity, without mitigating factors, shall be deemed serious under this Policy and shall generally be viewed as incompatible with employment/volunteering at the Library:
 - Crimes/charges concerning actual or attempted child/elder abuse or the abuse of a vulnerable person
 - Crimes/charges involving actual or attempted violent acts, especially sexual violence or acts involving weapons

- Crimes/charges involving sexual acts
 - Crimes/charges involving actual or attempted selling or trafficking of controlled drugs or substances
 - Breaking and entering
 - Criminal harassment
 - Criminal negligence
 - Extortion, blackmail
 - Terrorism
 - Crimes/charges involving actual or attempted theft
 - Crimes/charges involving actual or attempted deceit, falsehood, breach of trust (e.g. fraud, money laundering, misleading justice, concealing a dead body, forgery, etc.)
 - Crimes/charges involving actual or attempted kidnapping
 - Crimes/charges involving human, weapons, or firearms trafficking
 - Crimes involving the forced or unwitting administration of a noxious substance to another (e.g. administering Flunitrazepam to another without their consent or knowledge of the same, etc.).
 - Actual or attempted dissemination of hate propaganda and/or crimes of hate
 - Actual or attempted arson
 - Any offence which may only be prosecuted as an indictable offence.
7. The Library CEO, in consultation with the Township’s Human Resources department, shall review all Reports and criminal conviction/criminal charge information identified by an applicant/employee/volunteer and determine if the same is an Acceptable Report or an Unacceptable Report as well as the appropriate action associated with an unacceptable report. The Library CEO will be guided by the procedures and conditions outlined in Appendix A.
8. If the Library CEO has a positive VSC, the board chair and/or delegate will work with the Township’s Human Resources department to review the information and determine an appropriate course of action.
9. If an employee or applicant has concerns about accommodation arising out of any process under this policy, the employee or applicant should discuss the matter as soon as possible with the Library CEO, who will consult with the Township’s Human Resource Department.

Related Documents:

- MLPL GF-03 – Statement of Values
- MLPL OPHR-02 – Human Resource Management
- MLPL OPHR-09 – Volunteer Program



Appendix

1. In the event that a VSC cannot be returned prior to the first day of employment or volunteering, the following procedure will be applied:
 - An applicant may commence work before providing a VSC upon approval by the Library CEO and where their contract of employment contains a provision that such contract may be automatically terminated without consequence to the Library if the VSC subsequently is found to be an Unacceptable Report.
 - The new employee, volunteer or student is not left alone with the public until a satisfactory current VSC is received.
2. If the VSC reveals that there was no information found regarding the individual, or if an offence has been pardoned or the report is determined not to preclude employment or continued employment because of the nature of the conviction/charge/information, then the person shall likely be declared to have an Acceptable Report.
3. When there is a positive VSC, the CEO will ask for more information, including, but not limited to:
 - the nature of the offence/charge;
 - when the offence/charge occurred;
 - the nature of the victims, if any;
 - any mitigating factors; and
 - any information required to determine if such information will constitute an Acceptable Report or an Unacceptable Report
4. The Library CEO may question the individual as to the nature of and/or the circumstances of the offence, and any rehabilitative measures or efforts that the individual has undertaken. Pertinent information shall be recorded. They may gather public information such as courthouse records and transcripts regarding the offence, or information the police release regarding the situation.
5. The Library CEO, in consultation with the Townships' Human Resources department, shall make a determination regarding an Acceptable Report or an Unacceptable Report with regard to the following information:
 - the severity and relevance of any conviction/charge in relation to the position and the Library;
 - the nature of the conviction/charge in relation to the position and the Library;
 - when the conviction/charge occurred;
 - the public knowledge of such conviction/charge;

- the impact returning the employee to the Library would have on other employees and members of the public; and
 - the number of relevant convictions/charges.
6. An Unacceptable Report may result in discipline in accordance with the Township's Progressive Discipline Policy up to and including termination. It may result in conditions being placed on employment/volunteering, demotion/transition to a new position, further investigation of the circumstances surrounding the charge/report, and suspension with or without pay pending the investigation of the same.