

Criminal Record Checks and Offence Declarations Advice To Members

Regulation 521/01 Collection of Personal Information

District school boards are now beginning to receive the names of existing employees who have been convicted of criminal offences, specifically a conviction or convictions under the *Criminal Code of Canada* for which a pardon has not been granted.

School boards are obligated to investigate any accurate report of a criminal conviction. Under the guidelines established by the Ontario Public School Boards' Association (OPSBA) and the Ontario Education Services Corporation (OESC) the board is required to investigate to determine whether or not the conviction itself meets a certain threshold test.

School boards will be contacting members to request that they attend an interview and in some cases provide a letter of explanation regarding the conviction.

Although you may have a criminal code conviction, this does not necessarily mean that your employment is in jeopardy or that a report will be made to the Ontario College of Teachers or the College of Early Childhood Educators. The board must gather sufficient information to make an informed decision. When all of the information is received, the board contact will determine whether risk exists based on the test of whether in all of the circumstances, on a balance of probabilities, the continued employment of the employee represents a continuing risk to the well-being of any of the board's students or staff.

Boards which are not subject to the OPSBA process may develop different standards or approaches although it is ETFO's view that the approach developed by the OPSBA will have significant sway with arbitrators.

As a member of ETFO you have the right to:

- representation by a federation representative;
- adequate notice and time to prepare for an interview;
- confidentiality of the investigation process;
- advance notice as to how the Board intends to proceed; and
- a full opportunity to present the relevant information.

ETFO will assist in thoroughly preparing individual members for any interview scheduled. Should an interview be scheduled at a time when a federation representative is unavailable an adjournment should be requested.

Members of ETFO are advised to contact your local ETFO president or staff in Professional Relations Services (PRS) at 416-962-3836 or 1-888-838-3836 if you are requested to provide an explanation or attend an interview to discuss a positive criminal record or the declaration of a conviction on an offence declaration.

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