



## CRIMINAL RECORD CHECKS

### PURPOSE

1. This directive:
  - a. provides guidelines for requesting criminal record checks (CRC) and Vulnerable Sector Checks for positions within the Government of Nunavut (GN); and
  - b. identifies actions to be taken when a CRC indicates an individual has or may have a criminal record.

### APPLICATION

2. The following guidelines apply to all applicants for positions in all GN departments and public bodies, including current GN employees, who have been determined to require CRCs and Vulnerable Sector Checks.
3. Any employment contract, contract for services, or other form of contract may contain a provision which allows for the application of these guidelines.

### DEFINITIONS

4. **Assessment** means a risk assessment approved by the Director of Recruiting and Staffing or the appropriate Director of Regional Operations at the Department of Finance in consultation with the Deputy Head of the employing department to determine if the information contained in the CRC or Declaration of Criminal Record, as attached in Appendix A, places the GN, its staff or its clients at risk. The following factors are used in the determination of risk:
  - a. the relevance of the recorded incident or pattern of incident(s) in relation to the duties and responsibilities of the position;
  - b. the nature and severity of the abuse of trust that would occur in the event that the individual was to behave in a manner specified in their record;
  - c. the time that has elapsed between a conviction and the job application;
  - d. the conduct of the individual since the conviction;
  - e. an established pattern of repeat adverse behavior relevant to the duties and responsibilities of the position; and
  - f. any reason to suggest that adverse behavior may be repeated and threaten the GN's ability to carry on business safely and efficiently.
5. **Bona Fide (Justified) Occupational Requirement** means a condition of employment that is imposed that is necessary for the safe, efficient and reliable performance of the job, the absence of which would be impossible to



- accommodate without undue hardship to the employer. In this directive, a satisfactory CRC is a bona fide (justified) occupational requirement.
6. **Criminal Record Checks (CRCs)** are completed by the Royal Canadian Mounted Police (RCMP) or a RCMP authorized police service in Canada to identify whether an individual has been convicted of any crime(s).
  7. **Disclosure of Criminal Record** means the disclosure by an applicant of any criminal record in writing in the form found in the attached Appendix A, which disclosure will be verified by the provision of a fingerprint verified CRC.
  8. **Highly Sensitive Position** is a position of high integrity, character and is designated as such based on its duties involving contact with children, vulnerable persons, or residents in the GN's care.
  9. **Position of Trust** denotes a position that is based on one or more of the following criteria:
    - a. duties involving laying charges, investigating offences, court proceeding, evidence admitted to court and security for prisoners;
    - b. duties involving direct control of large amounts of cash, goods or restricted drugs;
    - c. duties involving international travel;
    - d. duties involving secure systems or facilities;
    - e. duties involving responsibility for security of public property and/or assets;
    - f. primary duties involve providing advice to a member of the Executive Council or one of its committees; or
    - g. decision making at the level of deputy head, assistant deputy head or director.
  10. **Satisfactory Criminal Record Check** means
    - a. a criminal record or vulnerable sector check that indicates no criminal record exists; or
    - b. a criminal record check that indicates a criminal record exists and that an assessment completed by the Director of Recruiting and Staffing or the appropriate Director of Regional Operations at the Department of Finance in consultation with the Deputy Head of the employing department found the information contained in the criminal record or Disclosure of Record is not relevant to the duties being performed or do not present a significant risk to the GN, its staff and its clients or the public.
  11. **Vulnerable Sector Check** involves screening for the presence of sexual offence convictions that are subject to a record suspension/pardon. This screening is done to ensure the safety of those individuals in the care of the







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Bâtir le *Nunavut* ensemble

## Human Resources Manual Directive 517: Criminal Record Checks

28. *Human Rights Act*
29. *Nunavut Public Service Code of Values and Ethics*

### CONTACTS

30. For clarification or further information, please contact:

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