



Title: Staff Recruitment and Selection Policy		Number: 8016
Reference: Board of Comm. – April 23, 2008 Corp. Services – May 14, 2008	Adopted by City Council Date: May 20, 2008  	Supersedes: Policy adopted 15-Nov-2004
Prepared by: Human Resources Department		

STATEMENT

We believe that our people are the foundation of our organization. Excellent service to the community starts with a competent and engaged workforce. Through recruitment and selection practices that are transparent and free of barriers and bias, the City of Medicine Hat endeavours to attract and hire the best person for the position whose competencies and behaviours are aligned with both organizational and personal goals.

PRINCIPLES

The City of Medicine Hat commits to the Recruitment and Selection principles of:

1. Recruiting the best person for the position through a recruitment process that is transparent and free of barriers and bias which provides equal opportunity to all.
2. Ensuring sound human resources principles and best practice processes are used to recruit and select a candidate for a vacant position based on bona fide job requirements and established City goals and values.
3. Adapting recruitment strategies (eg. web-based) to recognizing the diversity which exists in the work force and the evolving demographic trends.
4. Adhering to the negotiated terms of collective agreements when hiring unionized staff.
5. Generally following an open posting process (internal and external) for non-union staff with due consideration to progression, succession planning and the evolving strategic direction of the Corporation when selecting the most suitable candidate.
6. Hiring employees who bring competencies and preferred work approach aligned with the actual requirements of the immediate vacancy and in circumstances where practical, hiring employees who may be able to move laterally, or progress to more senior roles.
7. Hiring Committee members must avoid or disclose any potential conflict of interest with regards to the selection process.
8. As with all prospective employees, relatives of current employees will be subject to a fair and equitable process of recruitment and selection. Situations which could result in direct reporting/supervision between relatives should not occur.

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9. Building mutually beneficial relationships with other organizations in the region (e.g. Palliser Health) to jointly attract potential employees and their families.
10. Any exceptions to the approved Policy / Procedures must be authorized by the Chief Administrative Officer.

RESPONSIBILITIES OF COUNCIL

1. Receive, review and adopt this policy and any recommended amendments required from time to time..
2. Appoint the selection committee for the recruitment of the Chief Administrative Officer, Commissioners and Designated Officers reporting directly to Council.
3. To appoint the Chief Administrative Officer and Designated Officers reporting directly to Council.
4. To consider and approve the Chief Administrative Officer's recommendation for the appointment of a Commissioner.
5. To adopt operating budgets that define total staffing levels for permanently established positions and funding levels for temporary positions for each department.
6. To approve any additions to the corporate establishment (number of permanent positions) as required outside of the annual budget process.

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1. DEFINITIONS

- 1.1. **Direct Report:** shall mean subordinate positions that report directly to a hiring supervisor.
- 1.2. **Designated Officer:** any position carrying the powers, duties and functions of a Designated Officer as established under the *Municipal Government Act (MGA)* reporting directly to City Council or the Chief Administrative Officer.
- 1.3. **Hiring Supervisor:** means any non-union supervisor to whom an employee would either directly or indirectly report. This includes members of Council for those positions reporting directly to City Council including the CAO, City Solicitor and the City Clerk. Since Commissioners report to the CAO, the CAO is the Hiring Supervisor for Commissioners.
- 1.4. **Permanently Established Position:** any position permanently established by Council through the corporate budget process or through special approvals outside of the budget process.
- 1.5. **Relatives:** are considered to be: spouse, children, siblings, parents, parents of spouse, siblings of spouse, spouse of siblings, or any other relative who may be a member of the employee's household. This also includes common-law and step relationships.
- 1.6. **Selection Committee:** shall mean a group delegated the responsibility of participating in the interview process and recommending the most suitable candidate for a vacant position to the hiring supervisor (who chairs the committee).
- 1.6.1 for all union positions: The hiring supervisor and at least one of the following:
- 1.6.1.1 A peer of the hiring supervisor within the department, division or organization
 - 1.6.1.2 The immediate union supervisor or a union staff member who is well versed in the technical aspects of the position being recruited for.
 - 1.6.1.3 A representative of the Human Resources Department acting as an advisor.
- 1.6.2 for non-union positions: The hiring supervisor and:
- 1.6.2.1 One or more peers of the hiring supervisor within the department, division or organization, and
 - 1.6.2.2 A representative of the Human Resources Department acting as an advisor.

- 1.6.3 for **appointments made by Council** for the positions of Chief Administrative Officer, Commissioners, City Solicitor, and City Clerk:
 - 1.6.3.1 The Hiring Supervisor and Selection Committee will be appointed by City Council and supported by the General Manager of Human Resources acting as an advisor.
 - 1.6.3.2 The Selection Committee will include the Chief Administrative Officer when recruiting for a Commissioner, and at Council's discretion, for the positions of City Solicitor and City Clerk.
 - 1.6.3.3 The Chief Administrative Officer will be the Hiring Supervisor for Commissioners.
- 1.7 **Temporary Position:** any non-permanent position for which funds have been budgeted and where the work to be performed is of a temporary, casual or seasonal nature.
- 1.8 **Bona Fide Occupational Requirement:** A job requirement which, although it may have a discriminatory effect, is nonetheless permitted under human rights legislation, since it is genuinely and reasonably required for the performance of the job.
- 1.9 **Equal Opportunity:** In accordance with the principles of the Canadian Human Rights Act and the Alberta Human Rights Multiculturalism and Citizenship Act, equal opportunity for employment will be extended to candidates without regard to such prohibited grounds as outlined in the legislation.

2. ROLES AND RESPONSIBILITIES

2.1. Board of Commissioners shall:

- 2.1.1. Make recommendations regarding any amendments to this Policy.
- 2.1.2. Review and adopt Procedures, which are developed for the implementation of the Policy.

2.2. Chief Administrative Officer will:

- 2.2.1. Fulfill all staffing responsibilities as set out in the Administrative Organization Bylaw.
- 2.2.2. Ensure the recruitment responsibility is carried out in accordance with this Staff Recruitment and Selection Policy.
- 2.2.3. Ensure the Executive Team meets periodically to review succession planning needs and opportunities across the organization particularly at the department and workgroup leadership levels.
- 2.2.4. Act as the hiring supervisor for all direct reports and, with approval of Council, hire Commissioners and serve on the Selection team for Designated Officers.
- 2.2.5. Delegate (in writing) staffing responsibilities to Commissioners and General Managers as deemed appropriate.
- 2.2.6. Approve any case-by-case exceptions to these procedures as recommended by a Commissioner with the General Manager of Human Resources based upon a sound operational need.

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2.3. Commissioners shall:

- 2.3.1. Ensure the recruitment responsibility is carried out in accordance with the Staff Recruitment and Selection Policy and Procedures within their respective division.
- 2.3.2. As appropriate, delegate to General Managers authority to fill all vacant union positions and temporary non-union positions within their respective department in accordance with this Policy. Any such delegation should be in writing.
- 2.3.3. Review and approve recruitment requests from General Managers for all permanent non-union positions and ensure there is agreement on the position competencies and qualities before commencing the actual recruitment
- 2.3.4. Should no candidate for a non-union position meet all the job requirements as identified by the job description, the Commissioner, and General Manager may recommend that the position be eliminated and two positions (narrower scope) be created. This recommendation would require Corporate / Council approval (new positions).
- 2.3.5. Where a General Manager with support from Human Resources recommends that non-union position be filled by a candidate that only partially meet all the job requirements, then the Commissioner will:
 - 2.3.5.1 Prior to filling the position, review and approve the development plan proposed by the General Manager
 - 2.3.5.2 Approve the employment offer and ensure alternate placement or exit strategies exist for any candidate that does not fulfill their obligations as identified through a development plan.
- 2.3.6. Periodically review with General Managers succession planning considerations including upcoming position vacancies, organizational strategic direction, departmental restructuring potential, staff development opportunities and other factors.
- 2.3.7. Act as hiring supervisor for all direct reports.

2.4. General Managers / Designated Officers shall:

- 2.4.1. Ensure the recruitment responsibility is carried out in accordance with the Staff Recruitment and Selection Policy and Procedures within their department.
- 2.4.2. As delegated from the CAO / Commissioner, approve requests to fill vacant union positions and temporary non-union positions and act as the hiring supervisor for direct reports.
- 2.4.3. As appropriate, delegate to Non-Union Supervisors (Managers, Superintendents, Supervisors), authority to approve requests to fill vacant union temporary positions and to act as the hiring supervisor for direct reports.

- 2.4.4. Should the best available candidate for a permanent (union or non-union) position only partially meet all the job requirements, the General Manager with support from Human Resources will determine whether a job offer is still warranted.
 - 2.4.4.1 In such circumstances, create development plans that require the candidate to obtain the education or develop the competencies to meet the necessary requirements as outlined in the job description within a reasonable length of time.
 - 2.4.4.2 Ensure alternate placement or exit strategies exist for any candidate that does not fulfill their obligations as identified through a development plan.
 - 2.4.4.3 Specifically for non-union positions, ensure the Commissioner approves the employment offer and development plan.
- 2.4.5. Carry out succession planning responsibilities within their own department
- 2.4.6. Act as hiring supervisor for all direct reports.

2.5. Non-Union Supervisors (Managers, Superintendents, Supervisors) shall:

- 2.5.1. Ensure the recruitment responsibility is carried out in accordance with the Staff Recruitment and Selection Policy and Procedures.
- 2.5.2. As delegated from the General Manager, approve requests to fill vacant union temporary positions and act as the hiring supervisor for direct reports and other temporary union positions as appropriate.

2.6. Selection Committee shall:

- 2.6.1. Participate in developing an interview guide that is relevant to the vacant position, free from discrimination and ensures a standard approach is used for each candidate.
- 2.6.2. Participate in the screening and interviewing process.
- 2.6.3. Collaborate with the hiring supervisor in regards to determining the most suitable candidate.

2.7. Hiring Supervisor shall:

- 2.7.1. Prior to initiating a specific recruitment competition, request Human Resources to provide a briefing on the recruitment procedures, processes and terms of employment (as necessary).
- 2.7.2. Establish the objectives of the recruitment including the necessary competencies.
- 2.7.3. Work with Human Resources to develop a position advertisement and approve all advertisements for external posting.
- 2.7.4. Forward any applications received in the department to Human Resources to be placed on the competition file.

- 2.7.5. Request applications from Human Resources and circulate to members of the selection committee for screening.
- 2.7.6. Submit a short-list of applicants to Human Resources and schedule interview appointments.
- 2.7.7. Chair the selection committee.
- 2.7.8. In consultation with Human Resources, participate in employment reference checks (as necessary).
- 2.7.9. Chair the selection committee to a majority (ideally a consensus) decision. If the hiring supervisor is not among the majority and strongly believes the candidate supported by the majority is unacceptable, he/she may not independently overrule the majority. Rather, follow-up with her/his GM / Commissioner / CAO (as applicable) is to occur and any subsequent decision and supporting rationale is to be communicated back to the original selection committee.
- 2.7.10. In consultation with Human Resources, may extend a verbal offer of employment.
- 2.7.11. Ensure that all pre-employment criteria are met by the candidate prior to the actual starting date, in accordance with the Human Resource Deadlines for New or Current Employee Changes protocol (Attachment #2).

2.8. Human Resources Department shall:

- 2.8.1. Make recommendations to the Board of Commissioners regarding this Policy and Procedures and amendments thereto.
- 2.8.2. Work with the hiring supervisors to ensure they have a clear understanding of the Staff Recruitment and Selection Policy and Procedures.
- 2.8.3. As requested, provide the hiring supervisor/selection committee with a briefing on process and terms of employment prior to commencing recruitment.
- 2.8.4. Advise the hiring supervisor as to the most efficient and effective process to be utilized for recruitment and selection including the use of specific hiring tools.
- 2.8.5. Advise Wellness, Health and Safety of any available positions that may be suitable for modified work or alternate work in accordance with the Disability Management Policy.
- 2.8.6. Appoint a Human Resources representative to participate on the selection committee for all non-union positions.
- 2.8.7. Work with the hiring supervisor to develop the advertisement and place all postings and advertisements (must have an approved job description in place).
- 2.8.8. Receive and record all employment applications.
- 2.8.9. Maintain complete recruitment files for each competition.

- 2.8.10. Perform employment reference checks unless performed by the Hiring Supervisor based on previous consultation with Human Resources.
- 2.8.11. Upon receiving the approval required by these procedures, will collaborate with the hiring supervisor to negotiate and extend an offer of employment.
- 2.8.12. As necessary, work with Hiring Supervisors, General Managers and Commissioners to create development plans for individual candidates that do not meet all of the job requirements.
- 2.8.13. Provide the written letters of offer. The letter will include the pre-employment conditions to be met prior to the actual start date.
 - 2.8.13.1 Instruct the hiring supervisor to counsel their new employees that they may only commence active duty after all pre-employment requirements are satisfactorily met.
 - 2.8.13.2 Ensure all terms and conditions offered are consistent with all applicable collective agreements and approved City Policies
 - 2.8.13.3 Ensure any required exceptions are pre-approved by the CAO prior to the written offer being presented to the Applicant
- 2.8.14. Develop all employment contracts (where required).

3. PRE-EMPLOYMENT CONDITIONS

Unless otherwise specified at the outset of the recruitment competition, the following conditions shall apply.

All pre-employment requirements must be satisfied prior to the new employee starting with the City. Payroll information will not be entered into the Human Resources Information System and the new employee may not be paid until said pre-employment requirements are met, as outlined in Attachment #2 - Human Resource Deadlines for New or Current Employee Changes.

3.1. Medical (Report of Health Assessment):

- 3.1.1. Applicants provided a conditional offer of employment are required to complete a satisfactory pre-employment medical assessment based on bona fide occupational requirements. The cost of any initial medical assessment that is required to demonstrate fitness for work shall be borne by the City of Medicine Hat.
- 3.1.2. Pre-employment medical assessments shall be completed as directed by the City of Medicine Hat's Occupational Health Nurse.
- 3.1.3. Pre-employment medical assessments may also be requested of present employees newly appointed to a different position which has different bona fide occupational requirements from the employee's previous position.

3.2. Driver's Abstracts:

- 3.2.1. Any applicant who will be required to operate a City vehicle will be required to obtain a satisfactory driver's license abstract as a condition of employment. The cost of the abstract will be borne by the City of Medicine Hat.

3.3. Police Information Checks (PIC):

- 3.3.1. New employees of the City of Medicine Hat are required to submit a recent and satisfactory (at the sole discretion of the City) PIC as a condition of employment. The cost of the PIC will be borne by the City of Medicine Hat.
- 3.3.2. Human Resources will work with departments to resolve any issues as a result of a positive PIC while exercising discretion due to the nature of the information.

3.4. Educational Requirements:

- 3.4.1. New employees of the City of Medicine Hat shall be required to submit copies of all relevant educational requirements as per the job description. Any costs associated with obtaining the appropriate documentation shall be borne by the applicant.

3.5. Payroll Forms:

- 3.5.1. Complete and return Employee Information Sheet, Direct Deposit Form, TD1 and TD1AB.

4. MISCELLANEOUS

4.1. Recruitment Expenses:

- 4.1.1. Recruitment expenses, consisting of interviewing, house hunting, relocation and moving expenses shall be reimbursed in accordance with the attached Human Resources Protocol (Attachment #1).

4.2. Employment of Relatives:

- 4.2.1. Relatives of current employees who possess the required qualifications and experience for a permanent or temporary position shall be given equal consideration, with the following exceptions:
 - 4.2.1.1 Relatives shall not be placed in a direct supervisor / subordinate relationship.
 - 4.2.1.2 Relatives shall not be in a position that has direct approval authority in relation to monetary responsibilities.
- 4.2.2. Final interpretation of these guidelines shall be the joint responsibility of the General Manager of Human Resources and the General Manager of the hiring department.

4.3. Reporting:

- 4.3.1. Human Resources will prepare annual reports to the Board of Commissioners to advise on recruitment activity and related issues.

HUMAN RESOURCES PROTOCOL

Issue

Payment of recruitment expenses, including interview, relocation, and pre-employment expenses.

Background

A newly appointed employee shall be compensated for specified costs associated with commencing employment with the City of Medicine Hat when the best overall candidate is not available locally. Moving expenses are only available to a new employee when they meet the CRA guidelines for moving, (Must move at least 40 kilometres closer to the place of employment),

Statement of Practice (SOP)

1. Interview Expenses

Reasonable interview expenses shall be reimbursed to those applicants interviewed for permanent / term positions. When interview expenses are not being reimbursed, the applicant(s) must be advised at the time the interviews are being arranged.

The hiring supervisor shall approve reasonable and actual interview expenses incurred by candidates. All interview expense claims must be accompanied by actual receipts for meals, hotels, fuel, airfare and parking.

2. Relocation Expenses

Eligible moving expenses (as outlined by Canada Revenue Agency, Line 219 – Expenses you can deduct) of **up to one (1) month gross starting salary** may be reimbursed upon the submission of receipts. See attached Pre-Employment and Relocation Expense Form attached for further information.

In return for the reimbursement of expenses the employee will acknowledge a responsibility to repay all or part of the expenses if he/she serves less than two (2) full years with the City of Medicine Hat.

3. Pre-Employment Expenses

Pre-employment expenses incurred by a newly appointed employee will be reimbursed upon the submission of receipts. Pre-employment expenses include police information checks, driver's abstracts, and pre-employment medicals.

EMPLOYEE RESPONSIBILITIES

The employee shall:

1. Accept the level of assistance offered at the time of appointment by signing the written offer of employment. By signing the written offer of employment the employee acknowledges a requirement to reimburse the City of Medicine Hat all or a portion of the relocation assistance received should they choose to leave the employment of the City of Medicine Hat.
 - The amount will be calculated at 1/24 of the total reimbursement for each month less than two years of City. After two years of service there is no requirement to reimburse the City of Medicine Hat any relocation expenses.
2. Obtain the necessary receipts or other appropriate documents to substantiate all interview, relocation and pre-employment expenses.
3. Submit all receipts for payment within one (1) calendar year from initial employment date. Exceptions to this requirement must be agreed to in writing by the General Manager.

DEPARTMENTAL RESPONSIBILITIES

The Hiring Department shall:

1. Review and approve reasonable interview expenses and pre-employment expenses. Review and approve relocation expenses up to one (1) month gross starting salary. Ensure all expenses are accompanied by actual receipts.
2. Obtain written approval to exceed this guideline from their Commissioner when special circumstances warrant an exception.
3. Interview expenses - forward receipts along with a cheque request to Accounts Payable.
Pre-employment and relocation expenses - ensure Pre-employment and/or Relocation Expense Form is completed and approved. Forward the form with cheque request and receipts to Accounts Payable.
4. Forward to Human Resources the complete package of all expense claims reimbursed for an employee, including a copy of all receipts.

HUMAN RESOURCES RESPONSIBILITIES

The Human Resources Department shall:

1. Retain a copy of the expense claims reimbursed in the employee's personnel file.
2. Ensure this protocol is attached to all written letters of employment for non-residents of Medicine Hat.

Originated By: Harold Berry

Date: October 2003

Revision History:

Date: October 8, 2003

March 26, 2008

Approved by: Board of Commissioners

Protocol Effective as of: March 26, 2008

PROTOCOL

Title: Human Resource Deadlines for New or Current Employee Changes		Number: PB007
References: Intranet – Corporate Documents/Forms/Human Resources Payroll		Date May 18, 2007
Prepared by: Human Resources		

ISSUE - OVERVIEW

Payroll relies on information supplied through the hiring process in order to set-up new employees or make changes to existing employees by the payroll cut-off of Wednesday each week. On occasion, this information does not make it to payroll on time to properly process the employee's pay. This results in frustrated employees and usually an expectation that Payroll will manually process payment after the payroll has been run. With current new employee volumes and workload required to process pay manually, this is no longer an option. This protocol is intended to establish a firm practice in Human Resources for the timely, efficient handling of new employees or changes to existing employees, consistent with corporate policy.

BACKGROUND

Human Resources are guided by the following goals with respect to facilitating new staff starting with the organization or when existing staff change positions:

- Ensuring corporate due diligence is followed in satisfying all approved pre-employment requirements
- Ensuring operating departments are appropriately assisted with the various steps of the corporate recruitment, selection and orientation processes
- Ensuring that all employees pay and benefit entitlements are initiated promptly in compliance with legislation, collective agreements and corporate policy.
- Facilitating the above while balancing HR resource demands and maintaining realistic process timeframes given the growing workload.

The implementation of a new HRIS is expected to significantly improve our ability to meet the above goals. However, at the present we must rely on our current paper based processes and make them as effective as possible.

ISSUE – DEFINED

After the Wednesday payroll cut-off (*outlined on the yearly payroll calendar*) departmental timekeepers enter timesheet/attendance information for employees on the following Thursday morning. When the timekeeper is ready to enter the details for the employee they may be unable to do so because, the new employee does not have an existing employee number/job and is not accessible "or" the changes required to an existing employee have not been made in the payroll system. **Why does this happen?**

- 1) An employee has started working and has not met all their pre-employment requirements. ***City employees are not to be actively working if they have not completed all pre-employment requirements.*** Employees cannot be activated in payroll until all the following that apply have been completed:

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Hiring Department

- Commencement Form

Employee

- Payroll Forms (Employee Information Sheet, Direct Deposit Form, TD1 and TD1AB)
 - Report of Health Assessment and Appointment with Health Nurse
 - Police Information Check
 - Drivers Abstract (if required)
 - Proof of Educational Requirements
- 2) An employee has changes to their existing job (i.e. progression movement) “or” an employee is terminating from one job/department to a new job/department. ***These changes will not be reflected in the payroll system if we have not received the following forms that apply to the changes to the employee before the payroll cut-off of Wednesday:***
- Salary/Hourly Employee Status Form
 - Job Termination Form
 - Job Commencement Form

Forms are available on the City Intranet located under - Corporate Documents/Forms/Human Resources Payroll

STATEMENT OF PRACTICE (SOP)

If an employee has not met all the pre-employment requirements (*as outlined above in Background point 1*) they should not be working and will not be set-up in the payroll system. As per the orientation expectations placed upon supervisors, it is the hiring supervisor’s responsibility to contact Human Resources and ensure the new employee has satisfied all pre-employment requirements **PRIOR** to their start date, or as circumstances necessitate, make alternate arrangements in consultation with Human Resources.

- 1) All new employee and existing employee set-up or changes will have to be into Human Resources by **Tuesday at 12:00 PM** each week in order for the employee to be paid accordingly for that applicable payroll cut-off.
- 2) Due to the current volume of employee movement, competing resource requirement and payroll process tight timelines, 1) and 2) above will be adhered to by Human Resources and an employee may not be paid within the current bi-weekly pay cycle if we have not received the required paperwork or pre-employment requirements are not met.

Who needs to understand and follow the Statement of Practice?

Supervisors, Workgroup Leaders or Managers that have responsibility for hiring or initiating employee set-up or changes.

Departmental administration that may be preparing forms on behalf of Supervisors, Workgroup Leaders or Managers.

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Recruitment and Labour Relations staff who may be counseling new employees and/or supervisors, workgroup leaders or managers.

Originated By: Cindy Fode

Date: May 2007

Revision History:

N/A (new protocol)

Approved by: Board of Commissioners

Protocol Effective as of: March 26, 2008



Will my record be destroyed when I turn 18?

Not necessarily. Your record may be closed before you are 18, stay open after you turn 18, or even become an adult record – which is permanent. How soon your record will be destroyed depends on the sentence, how serious the crime is, and whether you commit another crime while your record is still open. The period during which a record is open is called the **access period**.

Who has access to my record?

The following are some of the people, agencies and organizations who may have access to a youth record under the YCJA:

- you, your lawyer, your parents or other adults who the court says can assist you in court, have access at any time;
- the Crown prosecutor;
- any judge, court or review board have access for any reason relating to the proceedings against you;
- police officers have access for law enforcement purposes or for any reason relating to the case during proceedings or during the sentence;
- directors of correctional facilities where you serve your sentence;
- those participating in a youth justice conference;
- the victim has the right to access youth court records, and may be given access to other records (e.g. government or police records); victims also have the right to know if you have been given extrajudicial sanctions, which are arranged outside court;
- a privacy or information commissioner who is investigating a complaint to which the record relates;
- a coroner or a child advocate;

- a person acting under the *Firearms Act*;
- a person from a department or agency of the Government of Canada who is performing duties such as supervision, investigation, considering an application for release, or administering a youth sentence, or for statistical purposes under the *Statistics Act*;
- a person carrying out a criminal record check for employment with a municipal or provincial government or with the federal government; ←
- any person that a youth court judge determines to have a valid interest in the record has access in special cases by court order.

Can I travel outside Canada if I have a youth record?

Other countries do not have access to your youth record except in very limited circumstances. However, if another country does obtain the information, they may decide to keep it in their files well after the access period. Only in Canada does your youth record have to be closed after a certain time.

Any record, no matter how minor the offence, can keep a person from getting into other countries. For example, in the United States, it is often up to the individual border guard where you are crossing to decide whether you get in. If you have a youth record and it has been shared with the U.S., it is impossible to know when you might be refused entry. The U.S. is one of the countries where you may need a travel waiver to enter if you have a record. It is best to verify with the immigration office of the country before visiting.

Can having a youth record affect employment?

The police will not give any employer, except a government employer, information about your record – even if you say they can. However, an employer



can ask you to go to the police and get proof that you have no record. You have the right to refuse to do this, but a criminal check may be required for some jobs.

→ It is not illegal for an employer to refuse to hire you because you have a record, as long as it is still open. Once your record is closed, it is against the law for an employer to refuse to hire you for having committed a crime as a youth. Under the YCJA, once you have finished your sentence, including probation, it is as if you had never been charged or found guilty. After your record is closed, you no longer have a record.

Also, an employer may ask whether you have been convicted of a crime. However, under the YCJA, you are not **convicted** of a crime, but rather, **found guilty**.

If you commit another crime before your record is closed, it makes your record for the first crime stay open longer. If you are under 18 when you commit the second crime, the record for the first crime will stay open as long as the record for your second crime does. If you are over 18 when you commit the second crime, your record for the first crime will become part of your permanent adult record, and people are then allowed to access it.

How do I find out if I have a youth record?

You can ask the local police to check the Royal Canadian Mounted Police files to see whether your record has been destroyed, since the RCMP is required to do so when the time comes. Your local police, unlike the RCMP, do not have to destroy their copy, but they do have to close it and not let anyone see it without a court order.

What about getting a pardon?

You do not need to apply for a pardon for a youth record, because your record will be destroyed or sealed. However, if you were found guilty and

received an adult sentence, or if you committed a crime as an adult while your youth record was still open, your youth record becomes part of your adult record, and neither will go away without receiving a pardon.

For information on pardons, see the National Parole Board's Web site at:

http://www.npb-cnlc.gc.ca/pardons/servic_e.htm

The following table provides information on what happens to a youth record according to the type of consequence or sentence given and/or the type of offence committed.

(see next page)



Sentence/Offence	Record will be sealed or destroyed and cannot be disclosed:
Acquittal	Two months after the time allowed to file an appeal, or, if an appeal is filed, three months after all proceedings related to the appeal are completed
Not guilty by reason of a mental disorder	Record stays open indefinitely
Dismissal or withdrawal	After two months
Finding of guilt for which the youth received a reprimand	After two months
Charge is stayed	On the expiry of one year, if no further court proceedings have been taken in a year
Extrajudicial Sanction	Two years after the youth agrees to participate in the extrajudicial sanction program
Absolute discharge	One year after the youth has been found guilty
Conditional discharge	Three years after the youth has been found guilty
Summary conviction offence	Three years after the sentence is completed (unless another offence is committed during this period)
Subsequent summary conviction offence	Three years after <i>all</i> sentences made in respect to that offence are completed
Indictable offence	Five years after the sentence is completed (unless another offence is committed during this period)
Subsequent indictable offence	Five years after <i>all</i> sentences made in respect to that offence are completed
Serious offences such as murder, manslaughter, attempted murder, aggravated sexual assault or repeated violent offences	Record may be retained indefinitely.*
Violent offence other than those mentioned above	Record will be kept for an additional five years.*
A person over 18 found guilty of another crime before the mandatory crime-free period for a youth record has expired	Youth record will become part of the adult record and the rules applicable to adult records prevail.

*There are special provisions relating to these offences, and it is best to contact a lawyer for advice.

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