

Personnel Security Checks Bargaining Agent Disclosure March 26, 2003

Ministries of Consumer and Business Services,
Health and Long Term Care
Transportation
and Management Board Secretariat

Policy Development

- Management Board Secretariat has developed a draft policy on Personnel Security Checks
- Package has been distributed to all Bargaining Agents and consultation meeting are planned for April, 2003 to discuss bargaining agent feedback to proposed policy and its implementation

Introduction of Personnel Security Checks at Ministries

- A number of ministries already conduct security checks on prospective employees
- A few ministries have identified immediate business needs to commence conducting security checks on existing employees and prospective employees
- The purpose of this disclosure is to advise you of the business needs, who it will affect and the process we will be using and to discuss the treatment of employees who do not consent or receive the required security clearance

Management Board Secretariat

- Two areas within Management Board Secretariat have been identified
 - Corporate IT Security, OCCIO
 - 7 OPSEU, 1 AMAPCEO
 - Staff responsible for GO-PKI, Customer Service Branch, SSB
 - 34 OPSEU , 6 AMAPCEO

In order to obtain cross-certification with the federal government which will permit the sharing of critical IT security information, it is a requirement that existing employees and prospective employees undergo security checks

MBS – cont'd

- Checks to be conducted are:
 - CPIC checks (Canadian Police Information Centre) to determine whether there is any criminal history or outstanding warrants
 - Credit checks- a satisfactory credit rating will indicate that employees/prospective employees have no serious financial circumstance that might make them vulnerable to using sensitive, private identity information for personal financial gain or to be in a position to be coerced into providing confidential identity information

MOHLTC/MCBS/MTO

- The employees responsible for creating/altering identity documents, those with end-to-end access to the information systems and those with the power to influence staff will be included in the requirement to undergo security checks
- Identity documents included at this time are birth certificates, driver's licenses and health cards

MOHLTC/MCBS/MTO cont'd

- The business need for conducting security checks has been driven by:
 - An enhancement of security of private and public sector employers over the past year
 - Public concern regarding the integrity of the identity documents
 - Breaches of security related to stolen documents, identity theft and fraudulent identity cards
 - New initiatives between the federal government and the Ontario Registrar General to verify birth certificate registration at federal Passport Offices

MOHLTC/MCBS/MTO cont'd

- The number of employees affected:
 - MCBS, Registration Division (birth certificates)
 - 500(Initial phase 257)
 - 206 OPSEU
 - 5 AMAPCEO
 - 46 Management
 - MOHLTC, Registration- Eligibility and Verification Services (Health Cards)
 - 742
 - 718 OPSEU (individuals)
 - 7 AMAPCEO
 - 17 Management
 - MTO, Road User Safety Operations (Driver's Licenses)
 - 1151
 - 1074 OPSEU
 - 45 AMAPCEO
 - 32 Management

Checks to be conducted

- In order to have the same degree of security clearance as the federal Passport Offices employees who issue/alter passports, the following checks will be conducted
 - CPIC for criminal history and outstanding warrants
 - Local Police Checks to identify whether the employee is known to the police
 - Fingerprint checks to verify identity and verify any criminal history
 - National security check
 - Credit check

How checks will be conducted

- Each employee or prospective employee will be asked to complete a confidential consent form disclosing any information pertinent to the checks e.g. criminal conviction, bankruptcy
- The sealed consent form will be provided to the ministry HR Branch who will forward it to the interim Employee Security Clearance Section (ESCS) in MBS
- ESCS will forward the consent form to the OPP who will be responsible for conducting the checks and will provide the results to the ESCS

Process cont'd

- ESCS will review the results and determine whether a security clearance will be issued
- In cases where the security clearance is issued, the ministry will be informed who will inform the employee/prospective employee

Process cont'd

- In cases where the security check identifies issues which may impact on the granting of security clearance:
 - Additional information about the role of the employee/prospective employee may be requested by ESCS from the ministry
 - The employee will be contacted by the ESCS to discuss the circumstances of the findings and to provide any additional information to assist in making the decision regarding security clearance

Process cont'd

- The ESCS will make a determination of whether a security clearance will be issued
- It is important to note that having a criminal record does not in and of itself prohibit an employee/prospective employee from employment but each case will be reviewed on the basis of a risk assessment
- Some considerations will include:
 - The seriousness of the offence
 - The offence as it relates to the specific responsibilities of the position
 - How recently the offence occurred

Process cont'd

- We anticipate that out of the approximately 2000 employees who will be included in the new security check requirements, this will result in a small number of employees who will not receive security clearances based on their background and history

If security clearance is not granted

- In the event that a security clearance is not granted, the ESCS will advise the ministry and the employee/prospective employee will be advised to contact their bargaining agent when they feel the need to
- A prospective employee will be advised that they cannot be hired
- An existing employee will not be able to remain in the position requiring the security clearance

If an employee does not consent

- If an employee refuses to consent to a security check, the employee will not be able to remain in the position requiring security clearance
- If a prospective employee refuses to consent to a security check, the prospective employee will not be considered further for employment for the position requiring a security check

Information Management

- The results of all security checks will be kept confidential in the Employee Security Clearance Section; will be kept separate from any other employee personal information and will only be used for security related matters
- Pending the results of the consultation on the Personnel Security Check policy, no specifics of the information related to individual security checks will be shared with the home ministry

Discussion with the Bargaining Agents

- In the event an existing employee refuses to consent to a security check or a determination is made that an employee cannot be given the required security clearance of the position, the employee cannot remain in the position
- We would like to enter into discussion with the bargaining agents on how to address these situations

Discussion with Bargaining Agents

- We intend to commence the security checking process on a phased basis commencing in approximately 2 weeks
- Over the next two weeks, we would like to engage in discussions with the bargaining agents to discuss how to approach the treatment of employees who cannot remain in the position because they did not pass the security clearance

Proposed principles to address employees who refuse consent or do not receive security clearance

- Each circumstance will be dealt with on a case by case basis
- Employees may be considered for reassignment to another position which does not currently require a security clearance
- The bargaining agent will be advised of the decision not to grant a security clearance

Principles cont'd

- Any decision made regarding the security clearance will remain subject to the terms of the collective agreement
- Any decisions regarding the treatment of an employee who does not receive security clearance and therefore cannot remain in the position will remain subject to the terms of the collective agreement

Next Steps

- Questions and discussion regarding next steps