

POLICE BACKGROUND CHECKS

POLICY STATEMENT:

In its mandate to serve the most vulnerable, it is incumbent upon the Society to take precautions to try to ensure personnel and third party contractors do not have personal criminal histories which are incompatible with such a mandate. The Society is therefore committed to ensuring vital programs and services are delivered through individuals whose criminal histories are confirmed through a police background check that includes a name-based Canadian criminal record check and a vulnerable sector check, as applicable. For this reason, employment, engagement, or contractual services with the Society are conditional upon the completion of a successful police background check.

Information will be collected only for the purpose for which it was intended in accordance with the Royal Canadian Mounted Police (RCMP) directives and human rights and privacy legislation.

During times of disaster response, expedited processes may be required, at the discretion of the Senior Director, People Services. Refer to Disaster Response policies for more information.

PURPOSE:

The purpose of this policy is to minimize the risk to the Society's clients and personnel through police background checks for all Society personnel and third party contractors.

SCOPE:

This policy applies to newly hired/engaged personnel, third party contractors, and current employees, delegates, and volunteers who are assuming a new role or are preparing for deployment.

DEFINITIONS:

For the purposes of this policy, **employment** refers to a formal agreement for an individual to provide remunerated services to the Society, and **engagement** refers to a formal agreement for an individual to provide non-remunerated services to the Society.

Personnel – refer to 1.1 General Definitions.

Third Party Contractor – refer to 1.1 General Definitions.

Vulnerable clients – refer to 1.1 General Definitions.

Direct and solitary contact – refer to 1.1 General Definitions.

Positions of trust – refer to 1.1 General Definitions.

A *bona fide occupational requirement* (BFOR) – refer to 1.1 General Definitions.

Police background checks (criminal record check and vulnerable sector check, as applicable) are performed on personnel or third party contractors who have an offer of employment, engagement or contract with the Society. Employment, engagement, and contractual agreements with the Society are all conditional upon furnishing a satisfactory check(s).

Criminal record check – refer to 1.1 General Definitions.

Certified criminal record check – refer to 1.1 General Definitions.

Vulnerable sector check – refer to 1.1 General Definitions.

PROCEDURE AND APPLICATION:

Where circumstances warrant, and as approved by the Senior Director of People Services or above, the Society reserves the right to repeat a criminal record check or vulnerable sector check.

A. Police Background Checks:

Police background checks may only be completed with the individual's written consent. If new/current personnel or third party contractors refuse to give consent for a police background check, an offer of employment, engagement or contract for services with the Society may be rescinded.

Personnel and third party contractors who do not work or volunteer in the same location where they reside, must have the police background checks performed in the jurisdiction in which they reside.

If a police force refuses to conduct a vulnerable sector check for a particular position, the police should be asked to provide a written rationale for the refusal. Supervisors must submit this document to People Services for review.

There are two (2) types of police background checks relevant to the Society:

i. Criminal Record Checks:

All personnel and third party contractors must complete a criminal record check to determine if the individual has a record of conviction. A satisfactory criminal record check is a condition of employment, engagement, or contract for services with the Society.

Criminal record checks may be conducted by the municipal, provincial or federal police using the Canadian Police Information Centre system (CPIC) or the independent screening provider retained by the Society to conduct such checks.

A *certified* criminal record check may be required by the police to confirm an individual's identity.

ii. Vulnerable Sector Checks:

Vulnerable sector checks may be conducted by the municipal, provincial or federal police using the Canadian Police Information Centre system (CPIC).

To protect vulnerable people from offenders, a vulnerable sector check is required of all personnel or third party contractors who will have direct and solitary contact with one or more *vulnerable* clients, including persons in a disaster environment:

Personnel or third party contractors who work in departments or programs who deal with vulnerable clients may *not necessarily* require a vulnerable sector check themselves if their position does not have direct and solitary contact with vulnerable clients in the ordinary course of employment/engagement. The following criteria will be utilized to determine the requirement for a vulnerable sector check:

- The need for the vulnerable sector check is made in good faith with the belief that it is necessary to ensure the safety and well-being of the vulnerable clients served.
- The vulnerable sector check is a BFOR that is rationally connected to the responsibilities of the position; and
- The standard is reasonably necessary.

Where a vulnerable sector check is a BFOR, personnel and third party contractors are required to have a satisfactory vulnerable sector check as a condition of employment, engagement, or contract for services. If the vulnerable sector check is inconclusive or matches a pardoned sex offender record, the check must immediately be referred to the General Counsel and Senior Director, People Services prior to a final decision being rendered.

B. Children, Youth, and Newcomers:

A police background check may not be possible for persons under the age of majority who are protected by the Youth Criminal Justice Act, or for newcomers to Canada. If a police background check is not available, the child/youth/newcomer must not be placed in a situation of direct and solitary contact with vulnerable clients, or have access to credit card information or cash donations/other sums of money without supervision.

C. Transferred, Seconded, or Promoted Personnel:

The request for a police background check primarily applies to newly hired or engaged personnel. However, where job demands change or existing personnel are being considered for positions with direct and solitary contact with vulnerable clients, those personnel *will* be required to undergo a vulnerable sector check as a condition of employment or engagement.

D. Privacy of Information:

All personal information collected during the course of conducting a criminal background check or vulnerable sector check will be accessed on a need to know basis, used solely for the purpose of conducting the police background check(s), held in the strictest of confidence, and locked in a secure location when retained. See L(i) and L(ii) below for retention directives.

E. Cost:

Police background checks are the property of the Society. Therefore, all costs associated with completing police background checks will be covered by the applicable department/program budget. Individuals who wish to have ownership of their original, completed police background checks will be required to make the request in writing to People Services, and reimburse the Society in full for the cost of the check(s).

F. Condition of Employment/Engagement with the Society:

Written offers of employment/engagement with the Society must clearly state the employment/engagement with the Society is conditional upon the candidate furnishing a satisfactory police background check(s), as applicable. Unsatisfactory results may be grounds for rescinding offers of employment/engagement with the Society. Refer to 5.1 Recruitment Standards, and 5.5 – Screening for more information.

G. If the results of the police background check have not yet been received at the time of hire or engagement, an employee/volunteer may be hired or engaged on the condition of a satisfactory police background check, but is *not* permitted to perform tasks that may cause them to have direct and solitary contact with vulnerable clients, work alone in a position of financial trust, or have responsibility for the security of information.

H. Evaluating Police Background Check Results:

i. Pardoned sex offence:

Where a pardoned sex offence appears on a police background check, the hiring manager or People Services representative, as applicable, must report it to the General Counsel and Senior Director, People Services for a final decision.

ii. ‘Not clear’ police background checks:

All ‘not clear’ police background checks must be reviewed by People Services before any new employment/engagement decisions are made (refer to Section I below for more information on mid-employment/engagement checks), unless the decision is made unilaterally by certain provincial jurisdictions (example: Criminal Records Review Program). Determining whether a police background check is satisfactory or unsatisfactory requires consideration of the following several factors including but not limited to:

- a) Risk and relevance of the conviction and number of convictions;
- b) Length of time passed since the conviction(s);
- c) Relevance of the conviction to the duties and responsibilities associated with the position. Individuals cannot be excluded where a conviction is not relevant to the responsibilities of the position (i.e. an impaired driving charge is not relevant for a position where driving is not a requirement of the position);
- d) Rehabilitation efforts made by the individual; and
- e) Potential risk and liability to the Society and its clients if the individual is hired or engaged.

I. Police Background Checks Completed By Other Organizations:

Employees/volunteers/delegates who present satisfactory proof of a criminal record check that was completed within (3) months with another organization *may* be exempted from completing a criminal record check with the Society. However, the Society reserves the right to request any employee/volunteer to complete a criminal record check upon joining the Society.

All personnel requiring a vulnerable sector check as a condition of employment/engagement with the Society will be required to complete a new vulnerable sector check upon joining the Society.

J. Mid-Employment/Engagement Police Background Checks:

- i. Mid-employment/engagement vulnerable sector checks: To be completed every five (5) years on all employees/volunteers/delegates who were required to have a vulnerable sector check at the time of hiring/engagement with the Society, unless the employee/volunteer’s position no longer requires contact with vulnerable clients.

The Society reserves the right to amend the frequency of mid-employment/engagement police background checks based on provincial/territorial legislative rulings.

For those positions where a mid-employment/engagement vulnerable sector check is a BFOR, the job description and employee/volunteer’s letter of offer or managerial employment agreement must reflect the requirement.

The Senior Director, People Services must be consulted in the case of an employee/volunteer’s refusal to consent to a mid-employment/engagement check in any of the above-mentioned circumstances.

All '*not clear*' mid-employment/engagement police background checks must be reviewed by People Services before any continuing employment/engagement decisions are made.

K. Data Entry:

i. Employees and Delegates:

Only the date of the completed police background check (s) and a 'clear' or 'not clear' result is to be recorded in the Human Resources Information System. No details regarding a conviction shall be entered, other than an entry stating 'Refer to People Services for more information'.

ii. Volunteers:

Only the date of the completed police background check (s) will be recorded in the Society's volunteer data management system, with an entry stating 'Refer to People Services for more information'.

L. Retention of Police Background Checks:

i. 'Clear' results:

a) Where a police background check was completed on paper and clear results are received, the results will be filed separately from the recruitment file and/or the employee/volunteer's personnel file in a locked, secure location with People Services. Clear results may be retained in this manner until such time as mid-employment/engagement check results replace them, as required, or after a period of five years, whichever date comes first, at which time they must be permanently destroyed.'

b) Where a police background check was completed electronically and clear results are received, the results shall not be printed, but may be stored electronically with People Services. Clear results may be retained electronically until such time as mid-employment/engagement checks replace them, as required, or after a period of five years, whichever date comes first, at which time they must be permanently destroyed."

ii. 'Not clear' results:

In the case where a police background check has been completed *on paper* and "not clear" results have been received, all documentation must be forwarded to People Services immediately in a sealed envelope marked 'Confidential'. This documentation will be retained by People Services for a period of three years and will be filed separately from the recruitment file and/or the personnel file.

BREACH OF POLICY:

Individuals who fail to comply with this policy may be subject to disciplinary action, up to and including termination of employment, engagement, or contractual services with the Society.

RESPONSIBILITIES:

1. The hiring supervisor, volunteer supervisor, or People Services, as the case may be, is responsible for ensuring the appropriate police background checks have been completed in accordance with the provisions of this policy.
2. The Senior Director, People Services, is responsible for advising stakeholders, maintaining, monitoring, and revising this policy; and for authorizing exceptions.
3. Members of the Organizational Leadership Team (OLT) are responsible for applying and implementing this policy in each of their respective areas.

INQUIRIES:

Questions of application or interpretation of this policy are to be referred to People Services.