

## **Purpose/Background**

The Division has the responsibility of providing a safe and secure working and learning environment for students, staff and volunteers. As such, the Division requires all new employees to provide recent Criminal Record Checks, including the Vulnerable Sector screenings when positions require supervising or working directly with children. The Division will not employ, or continue to employ, persons who have criminal records that demonstrate unacceptable levels of risk.

## **Definitions**

### **Criminal Record Check:**

A check for criminal activity in the three databases of the criminal justice system – the local police services record, the court system for any pending court cases, and the national system which accesses criminal activities across Canada.

### **Vulnerable Sector Check:**

An electronic search of criminal databases conducted by local police to provide information on crimes against those most vulnerable (e.g., children, seniors, and those with disabilities) and/or pardoned sexual offence conviction. A Vulnerable Sector Check is governed by the Section 6.3(3) of the Criminal Records Act.

## **Procedures**

1. It is a condition of employment for employees hired with the Division to provide a Criminal Record Check and for it to include a Vulnerable Sector Check when the nature of the position meets the legal requirement under the Criminal Records Act. A Vulnerable Sector Check is to be requested, and the police authority will determine affirmation if the nature of the position meets the legal requirement of “position is one of trust and authority over children”.
2. If an employee has a change in position in which they will directly supervise or work with children and a Vulnerable Sector Check was not provided at time of hire, one must be provided prior to starting the new position and in accordance with Section 5 of this procedure.
3. The Criminal Record and Vulnerable Sector Checks are valid if completed within one year prior to the date a successful candidate commences employment with the Division.
4. All position postings will state successful candidates currently not employed with the Division must submit a Criminal Record Check and Vulnerable Sector Check prior to commencing employment.
5. Successful candidates are required to submit prior to commencing employment, original Criminal Record and a Vulnerable Sector Check acceptable to the Division, or proof of initiating the application process (payment receipt) with their local police agency. If a Vulnerable Sector Check is not provided, as per the direction of the local police agency, and it is not a position as per Section 1, the Criminal Record Check by itself will satisfy the requirements.

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- 5.1. If proof of initiating the Criminal Record and Vulnerable Sector Checks process is provided, the results must be submitted within 30 days from the date the successful candidate commenced employment with the Division.
  - 5.2. Human Resources will follow-up with employees who have not submitted the required Criminal Record Check and Vulnerable Sector Checks by the 30-day deadline.
  - 5.3. Failure to provide the Criminal Record and if required, Vulnerable Sector Checks within the required deadline may result in termination of employment, unless the Associate Superintendent of Human Resources or designate agrees in their sole discretion and approves in writing to extend the deadline.
  6. All successful candidates with the Division must declare any criminal record. The presence of a criminal record will not automatically preclude a candidate from employment consideration.
  7. If a Criminal Record and Vulnerable Record Check discloses a criminal record which the successful candidate has not previously declared, the candidate will be provided an opportunity to explain the discrepancy.
  8. If a candidate who is being considered for employment discloses a criminal record, that information must be forwarded to the Associate Superintendent of Human Resources or designate for review.
  9. The Criminal Record and Vulnerable Sector Checks must be acceptable to the Division, in order for the Division to honor the employment offer. Commencement of employment may not start until the review has been completed and will be assessed on a case-by-case basis. The Associate Superintendent of Human Resources or designate will assess the applicant's suitability for employment based on the following factors:
    - 9.1. Nature and frequency of the charge(s) or offence(s);
    - 9.2. Length of time passed since the charge(s) or offence(s);
    - 9.3. Relevance of the conviction to the duties and responsibilities the candidate is being considered for;
    - 9.4. whether the criminal record impacts on the candidate's ability to perform their duties;
    - 9.5. whether the behavior associated with the offence(s) if repeated, will pose a potential risk to children or others; and
    - 9.6. any other factor which the Associate Superintendent of Human Resources, or designate determines to be relevant.
  10. If it is determined that the candidate is deemed unsuitable for employment with the Division, the candidate's consideration for employment will be rescinded or withdrawn.

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11. RVS employees are responsible for knowing, understanding and complying with this Administrative Procedure and are to notify the Associate Superintendent of Human Resources or designate, of all criminal charges against the employee at the time the charge is laid, as well as any convictions. Failure to comply with this procedure is subject to disciplinary action.
  12. All costs associated with completing the Criminal Record and Vulnerable Sector Checks will be the responsibility of the candidate/employee, unless otherwise stated in the candidate's contract/offer letter.
  13. All Criminal Record and Vulnerable Sector Checks results are retained confidentially on the employee personnel file and in compliance with the FOIP Act.

*Reference:*

- Section 33,52,53,197,204,222 Education Act
- Child, Youth and Family Enhancement Act
- Employment Standards Code
- Freedom of Information and Protection of Privacy Act
- Personal Information Protection Act
- Teaching Profession Act
- Criminal Records Act, Section 6.3.3(3)