



Policy: Vulnerable Sector Registry Checks

Policy Number: GM

Policy Type: Personnel

Background:

Hanover School Division will comply with all Canadian Federal and Provincial legislation regarding the protection of human rights for applicants when conducting criminal background checks. As Hanover School Division deals with vulnerable populations, we have a responsibility to protect and maintain their safety, and may do so by conducting thorough screening protocols for potential applicants.

The Criminal Records Act says vulnerable persons are:

“persons who because of their age, a disability or other circumstances, whether temporary or permanent, are in a position of dependence on others: or are otherwise at greater risk than the general population of being harmed by persons in a position of authority or trust relative to them” (*Criminal Records Act, (R.S., 1985, c.C-47) Section 6.2*).

Policy:

It is critically important that Hanover School Division hire staff appropriately in such a way as to protect our staff and students.

Criminal Records Check and Child Abuse Registry Check will be required for individuals that will work with, work in close proximity to, or have access to children and vulnerable adults including persons with certain types of disabilities. This requirement is in place to make sure that potential staff members or volunteers have not engaged in harmful behaviour in the past that could pose future risk.

An offer of standard employment or volunteer service with Hanover School Division is contingent on a “Clear” Criminal Record Check and a “Clear” Child Abuse Registry Check. In the event that a potential applicant has a “Not Clear” status on either Check, Hanover School Division will review the situation and proceed as appropriate. Where it is deemed appropriate, Hanover School Division officials may interview a potential applicant to gain insight into any pertinent circumstances surrounding the results of their Criminal Check or Child Abuse Registry Check, and determine if accommodation is possible or appropriate.

In all cases Hanover School Division must obtain the individual's written consent before conducting a criminal records check or Child Abuse Registry Check. If a person refuses to submit to a criminal record check and/or child abuse registry check, it will be considered by Hanover School Division that the person has chosen not to pursue the employment/volunteer position.

The Supreme Court of Canada has set out a three-step test for justifying a discriminatory standard, factor, requirement or rule as a bona fide occupational requirement. In general the requirement should be:

- For a purpose or goal that is rationally connected to performing the job
- Adopted in the belief that it is necessary to fulfill a legitimate work-related purpose
- Reasonably necessary to accomplish the work-related purpose.

As a result of this test, the rule or standard must be inclusive and must accommodate individual differences up to the point of “undue hardship”. An example of undue hardship is when the health and safety of others is put at risk.

Guidelines:

Refer to Administrative Procedure P-GM for details on the protocols and processes required to comply with this policy.

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| Date Policy Created: | January 15 th , 2019 |
| Date of last Review: | August 27 th , 2019 |
| Reference(s): | <ul style="list-style-type: none">● Criminal Records Act, (R.S., 1985, c. C-47) Section 6.2).● The Manitoba Human Rights Code● Administrative Procedures – P-GM – Vulnerable Sector Clearance Procedure |
| Related Forms: | Vulnerable Sector Clearance Declaration |