



Policy: Criminal Record with Vulnerable Sector and Child Abuse 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.

Definition of vulnerable person (Criminal Records Act (R.S.C., 1985, c. C-47) Section 6.3 (1))

- **6.3 (1)** In this section, vulnerable person means a person who, because of his or her age, a disability, or other circumstances, whether temporary or permanent,
 - **(a)** is in a position of dependency on others; or
 - **(b)** is otherwise at a greater risk that the general population of being harmed by a person in a position of trust or authority towards them.

A vulnerable sector check is a police information check plus a check to see if a person has a record suspension (pardon) for sexual offences. Vulnerable sector checks were created in 2000 to protect children and vulnerable persons and is governed by section 6.3 (3) of the Criminal Records Act.

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 working in proximity, who volunteer or have jobs where they are in positions of trust or authority over children or vulnerable persons.

Children are defined as being anyone under the age of 18. Vulnerable persons are people who, because of their age, disability, or other circumstance, are more vulnerable than others. 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 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.

It is a condition of employment that each employee abides by this policy and notifies Hanover School Division of any change in status identified in any documents filed with the Division pertaining to Criminal Record or Child Abuse. Failure to do so within a reasonable time period may result in a review of employment.

The Board reserves the right to request the renewal of Criminal Record Checks and Child Abuse Registry documents at any time.

Guidelines

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

Date Policy Created:	January 15 th , 2019
Date of last Review:	March 5, 2024
Reference(s):	<ul style="list-style-type: none">• Criminal Records Act, (R.S.C., 1985, c. C-47) Section 6.3 (1) and 6.3 (3).• The Manitoba Human Rights Code• Administrative Procedures – P-GM – Vulnerable Sector Clearance Procedure
Related Forms:	Vulnerable Sector Clearance Declaration