

<b>Criminal Record and Child Abuse Registry Checks</b>	Policy	G6
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	Approval	Angie Bruce

## What is the policy?

This policy states that if an applicant is being **selected** for a position of public trust, a community council is permitted to request evidence that the person:

- does not have a Criminal Record
- is not listed on the Child Abuse Registry

This policy outlines the conditions and procedures for council to obtain that evidence. The following positions are designated as positions in which this policy applies:

### Criminal Record Check

- community administrative officer (CAO) and/or assistant CAO
- public works employees - where they enter residential homes or handle a significant amount of money

### Criminal Record Check and Child Abuse Registry Check

- recreation director and recreation employees
- community safety officer

### Child Abuse Registry Check

- volunteers - that supervise children during a council sponsored activity (ex. recreation event)

The Criminal Record Check applies to all designated positions while the Child Abuse Registry Check applies only to the recreation director, community safety officer and positions that supervise children.

A council is not permitted to seek this information for other purposes nor for any applicant **not** being selected for the position.

## Community responsibilities

- The council must provide applicants with the following written information, preferably in the job bulletin that:
  - a Criminal Record Check and/or a Child Abuse Registry Check will be required of person being selected
  - the existence of a Criminal Record **will not prohibit** the opportunity for employment, but may affect the ability to be employed in a position of public trust

- the existence of an entry in the Child Abuse Registry **will prohibit** the opportunity for employment in positions requiring this check

### **Designated Positions Requiring a Criminal Record Check or Child Abuse Registry Check**

- Once council has made their selection, this person must be advised to complete a current Criminal Record Check and/or Child Abuse Registry Check.
- Potential employees can obtain a Criminal Record Check by visiting or contacting the nearest RCMP and a Child Abuse Registry Check can be obtained by visiting the Winnipeg office located at 777 Portage Avenue, submitting an application by mail or online at [https://www.gov.mb.ca/fs/childfam/child\\_abuse\\_registry.html](https://www.gov.mb.ca/fs/childfam/child_abuse_registry.html).
- The council can proceed to offer employment to the person selected, **conditional** on a satisfactory record/registry check. A deadline for evidence of the completed check should be given to the person. Where the Child Abuse Registry Check is not available at the time of the employment offer, the person selected **must be prohibited from working with or near children** until the check has been successfully completed. Council should ensure that checks are completed well in advance of requiring a volunteer's time where they may be near or supervising children.
- On receipt of a Criminal Record Check, council would review it to determine if the criminal behavior on record, if repeated, would pose a threat to community operations. If there is such behavior, then council must assess the circumstances in order to determine the degree of risk should the behavior be repeated and the degree of harm that may result.
- On review of the requested information, council must determine if the information has any relevance to the position for which the selected person has applied.
  - a) If irrelevant, advise the person selected that no further review of the record is required.
  - b) If relevant:
    - i) advise the person selected that the information is relevant.
    - ii) give the person selected the opportunity to explain the offence, its circumstances and provide any additional relevant information.
- Positions requiring a Criminal Record Check **only**, need to be considered in light of:
  - type of offence and relevance to the job
  - age of person at time of offence
  - sentence imposed
  - what person has done since the offence (other work, etc.)
  - the amount of time that has elapsed since the offence and completion of any sentence related to the offence
  - whether the person has made firm efforts at rehabilitation

- The Child Abuse Registry Check will indicate only if a person's name is on the list. If the person selected has lived out of province, similar registries in those provinces should be checked. When a check is required, other provinces should be contacted to determine if they have a specific consent form or what is required to obtain information from them.
- Positions requiring a Child Abuse Registry Check need to be looked at in terms of the vulnerability of children and the great harm that can result from abuse. Inclusion on the Child Abuse Registry will result in an applicant being **disqualified** from employment as a recreation director or a community safety officer and any other position designated as requiring this check. This may not apply if the duties of the position which relate to this check are so minor that they can be reassigned to another employee.
- If the check is satisfactory, the offer of employment is **no longer conditional** and the person selected is confirmed in the position, assuming the offer is accepted. If the check is not satisfactory, the **conditional** offer process is repeated with the next acceptable applicant.
- Upon successful hiring, council may reimburse the employee or volunteer (if not exempt from payment) for the cost of the required checks.
- **Where a candidate was convicted and subsequently has obtained a pardon, there is no access to the record of conviction for which the pardon was granted.**

### **Completion of Required Checks**

- Upon completion of the hiring, return all documentation to the selected person. It is council's responsibility to ensure proper handling and confidentiality of employee records at all times. Access is to be limited only to those required to have access (ex: current members of council and the CAO/assistant CAO). Proper locked storage of employee personnel files is required.
- The council should, in notes attached to the application (whether hired or not), record that:
  - the applicant appeared to have a clear record
  - a Criminal Record Check was reviewed and subsequently disqualified the applicant
  - evidence that the applicant is not listed on the Child Abuse Registry (or any other provinces' registry)
  - evidence that the applicant is listed on the Child Abuse Registry (or another provinces' registry) and subsequently disqualified the applicant

### **Other information**

- Appendix G6-A Sample Job Bulletin