



Policy Name: <p style="text-align: center;">CRIMINAL AND POLICE RECORD CHECKS</p>	Policy Number: <p style="text-align: center;">1007a</p>
Approved By: <p style="text-align: center;">Executive Team</p>	Effective Date: <p style="text-align: center;">FEBRUARY 1, 2000</p>
Reason for Revision: Click on item below and select item from list. <p style="text-align: center;">CONTENT- Enter BELOW Reason for change Ex: Combined Policy ## and ##.</p> <p>Added: Police Record Check/Vulnerable Sector Check – is required for anyone working with children or youth, or having direct access to children and youth, and is completed at the time of hire and every three (3) years.</p>	Date Revised: <p style="text-align: center;">November 2, 2021</p> Next Date for Review: <p style="text-align: center;">November 2, 2024</p>
Section: <p style="text-align: center;">Section 10 - Human Resources</p>	Page No: <p style="text-align: center;">Page 1 of 3</p>

Policy

The Salvation Army Agapé Hospice is responsible for protecting and preventing abuse of adults in its care in accordance with the Protection for Persons in Care Act (PPCA) 2000 and Amendments 2010 and any other relevant legislation. All staff (employees, volunteers and contracted workers) at Agapé is required to have a Criminal Record Check conducted at the time of hire. **The results of the Criminal Record Check *must be received by Employee Relations prior to any work or paid orientation.*** A new staff member who has independently paid for Criminal Record Check through a police agency in the previous 6 months may present a copy to Employee Relations. Assuming this check is 'clear', a Sterling BackCheck report is not required. This requirement is in place to ensure that potential staff has not been engaged in harmful behavior in the past that could pose a future risk to the Residents placed in our care.

Agapé Hospice Staff also have an ongoing duty to disclose any charge or conviction. Disclosures of charges or convictions will be assessed consistently, in the same manner as outlined below for 'Not-Clear' BackCheck reports.

Agapé Hospice requires a criminal record check done at the time of hire for all staff.

Police Record Check/Vulnerable Sector Check – is required for anyone working with children or youth, or having direct access to children and youth, and is completed at the time of hire and every three (3) years.

DEFINITIONS

Criminal Record Checks

required under the Protection for Persons in Care Act and relate only to information gathered on criminal activity under the Criminal Code.

Bona Fide Occupational Requirements

In accordance with the Canadian Human Rights Commission, *"a bona fide occupational requirement (or BFOR) is a standard or rule*



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that is integral to carrying out the functions of a specific position. For a standard to be considered a BFOR, an employer has to establish that any accommodation or changes to the standard would create an undue hardship. When a standard is a BFOR, an employer is not expected to change it to accommodate an employee.” The Supreme Court of Canada has set out a three-step test for justifying a discriminatory standard, factor, requirements, or rule as a *s. 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.

Protection for Persons in Care Act

The Government of Alberta *Protection for Persons in Care Act (PPCA)* has been in place since 2000 to prevent abuse of adults in care, with subsequent amendments July 1, 2010. Reference “*Alberta Health Services – Clinical Directive: Duties and Reporting under the Protection for Persons in Care Act*”.

Vulnerable Persons

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 a greater risk than the general population for 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*).



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REFERENCES

Protection of Persons in Care Act Criminal Records Act
Canadian Human Rights Commission
Alberta Health Services. (2015). 1161. Security Screening Procedure. Revised. September 19, 2017

Procedure

Criminal Record Checks will be utilized upon completion of all other Agapé Hospice hiring procedures, including submission of an application/resume, interview, and reference check(s).

1. Criminal Record Checks will be conducted through the “Sterling BackCheck” process, and may, where deemed appropriate, include: employment verification, reference checks, education verification, identity cross-checks, credential verification, driver abstracts, public safety verifications.
2. Criminal Record Checks are initiated by Employee Relations or other authorized individuals at Agapé. Employees are required to provide authorization online to “Sterling BackCheck”. “Sterling BackCheck” provides the results to Employee Relations.
3. Sterling BackCheck assists the employer to ensure that individuals who are hired are safe, honest, and reliable individuals, while deterring dangerous individuals from attempting to join the Agapé community.
4. In some cases, a Police Record Check may be required that is much more invasive and can involve non-criminal contact with Police and are normally not permissible for most employment situations. Police Record Checks (also known as police information checks, background checks or searches, vulnerable sector checks or screenings) can include records of voluntary and involuntary apprehensions. Police Record Checks will only be requested for extraordinary circumstances where it is reasonable because of the nature of the job or volunteer position.
5. Offer of Employment – all offers of employment with Agapé are contingent on a “clear” Criminal Record/Police Record. In the event that a potential applicant has a “not clear” status on their Criminal and/or Police Record Check, Employee Relations, in consultation with hiring supervisor, will review the situation and proceed as appropriate. This may include interviewing the potential applicant to gain insight into any pertinent circumstances surrounding the results of the Criminal/Police Check, and determine if the potential applicant can be accommodated at Agapé.
6. Criminal Record Checks will not be used to discriminate against potential applicants. However, it is critical that Agapé hire staff who can contribute appropriately in the protection of our residents and staff.