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Name: HPEI Criminal Records Check Policy

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Policy and Procedures Manual

CRIMINAL RECORDS CHECK

Health PEI - Human Resources		POLICY & PROCEDURES
Applies To:	Employees (including casuals), physicians (including locums, fee for service and contract), volunteers and students	
Monitoring:	Executive Director of Human Resources	
Approving Authority:	Senior Management Group	
Date:	Effective: April 2008 Next Review: January 2020	
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1.0 POLICY

- 1.1 Health PEI is committed to employment policies which respect all legal requirements of employment and which ensure the appointment and placement of only qualified persons of good character. This commitment is imperative to ensure the safety and security of clients, residents and patients; and, that of all those who work, volunteer, or participate in student placements/programs (including on-the-job training, clinical placement, Bachelor of Nursing student placements, etc.) for Health PEI, or rely on its services, and to preserve Health PEI's property and assets. Therefore, Health PEI requires that:
- (a) Any new employee, physician, volunteer or student must submit a criminal record check, including the vulnerable sector check and, if necessary, provide a certified criminal record check before any offer of employment or volunteer/student placement can become operative. All new physicians working at any Health PEI site shall also submit a criminal record check, including the vulnerable sector check and, if necessary, provide a certified criminal record check;
 - (b) Any employee, physician, volunteer or student who is charged or convicted of an offence at any time during their employment, work, contribution or placement commences, shall report it as soon as reasonably possible to the manager responsible for their work unit. The manager will consult with Human Resources to review the details and assess the relevance of the charge or conviction; and,
 - (c) Failure to report a charge or conviction as soon as reasonably possible may result in disciplinary action up to and including discharge;
 - (d) Because of the ease and frequency of employee movement from position to position in the PEI health system, this policy has been designed to apply to all positions within the system.

Criminal Records Check**2.0 DEFINITIONS**

Certified Criminal Record Check:	Is a fingerprint-based search of active criminal files in the RCMP National Repository of Criminal Records. The results of the search will produce a Certified Criminal Record product.
Criminal Record Check:	Is a query, based on name and date of birth, of active criminal files in the RCMP National Repository of Criminal Records. It is used to determine the possible existence of a criminal record. Results of a criminal record check will be provided via a <i>Canadian Police Certificate</i> or <i>Consent for Disclosure of Criminal Record Information</i> form.
Fingerprint-Based Vulnerable Sector Check:	Is a fingerprint-based search of active criminal files in the RCMP National Repository of Criminal Records, and pardoned criminal files associated with sexually-based offences. The Fingerprint-Based Vulnerable Sector Check is used to verify the existence of a criminal record and a sexual offence conviction for which an individual has received a pardon, and produces a summary of an individual's offence convictions, non-convictions (where authorized) and sexual offence convictions for which the individual has received a pardon (where authorized) that are released in accordance with federal laws. The results of this verification will produce a Certified Vulnerable Sector product.
Student placements:	Refers to persons who are not in an employment relationship with Health PEI but who are permitted to be present in work areas for educational and training purposes including on-the-job training, clinical placement, Bachelor of Nursing student placements, Health Care Futures, and other similar examples.
Vulnerable Sector Check:	Is a query, based on name and date of birth, of active criminal files in the RCMP National Repository of Criminal Records, and pardoned criminal files associated with sexually-based offences. The Vulnerable Sector Check is used to determine the possible existence of a criminal record and a sexual offence conviction for which an individual has received a pardon. A Fingerprint-Based Vulnerable Sector Verification is required if the Name-Based Vulnerable Sector Verification is inconclusive as to the existence of a sexual offence conviction for which the individual received a pardon.

3.0 PURPOSE/SCOPE

This Policy helps Health PEI exercise its due diligence in ensuring that members of the public seeking treatment and services, as well as Health PEI assets are not placed at risk by employees who have a relevant history of behavior that conflicts with the law.

4.0 CONFIDENTIALITY

- 4.1 All criminal record checks, including the vulnerable sector check and certified criminal record checks, will be forwarded by the new employee, student, volunteer, physician or locum to the human resource manager (or designate) marked "Confidential."
- 4.2 The criminal record check including the vulnerable sector check, and if applicable, certified criminal record check, will be stored in a secure file with Human Resources.

The volunteer and clinical placement records will be maintained by Volunteer Services or

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the department supervisor/manager. Records for contract, fee-for-service, and locum physicians will be maintained by the coordinators. This information is strictly confidential. Access to such information is restricted to designated administrative employees charged with responsibility for management of all information relating to criminal record checks and abstracts, and to persons directly involved in the hiring or volunteer/student placement process. It will be used only in relation to the initial hiring decision of the candidate.

5.0 REQUIREMENTS AND COST

- 5.1 Any individual to whom an offer of employment or volunteer/student placement is made will be required to provide a current criminal record check, including the vulnerable sector check and, if necessary, a certified criminal record check. In all such cases, the offer of employment or volunteer/student placement shall be conditional on the employer being satisfied that the person either has no criminal record or has a criminal record which does not give rise to a reasonable concern regarding the safety and security issues noted above in the Policy Statement (Section 1.1).
- 5.2 Any cost to obtain a criminal record check, including the vulnerable sector check or certified criminal record check, shall be the responsibility of the candidate, volunteer, or student.

6.0 APPLICATION

- 6.1 This policy applies to all new employees (including casuals), physicians (including locums, contract and fee-for-service), volunteers and students working with Health PEI. The criminal record check, including the vulnerable sector check, must be dated within the three-month period prior to the start date of employment or placement.
- 6.2 Students shall provide a subsequent criminal record check 36 months from the date of their initial placement with Health PEI, dated within the three-month period before they reach 36 months, or provide a criminal record check dated within the three-month period prior to being hired as an employee of Health PEI, whichever is earlier. Students will be required to sign a *Declaration* form (Appendix B) at the beginning of each placement year indicating that the criminal record check on file is still accurate, and that they have not been charged or convicted of a criminal offence.
- 6.3 Locum physicians shall provide a subsequent criminal record check 36 months from the date of their initial temporary service with Health PEI. The criminal record check must be completed in the three-month period before they reach 36 months.
- 6.4 The site medical director (or designate) may use discretion in permitting locum physicians who are engaged on short notice and do not have a current criminal record check, to commence employment while awaiting results of the criminal record check. In this case the locum physician must complete a *Declaration* form (Appendix B) before beginning temporary work with Health PEI, and a criminal record check, including the vulnerable sector check, must still be provided even if the temporary service with Health PEI has concluded.
- 6.5 The site's human resource manager, in consultation with the director responsible for a service or program, may use discretion in permitting a candidate (a) who does not have a recent (within the last three months) criminal record check, and, (b) where refusal to permit the employee to commence work will cause the cessation or significant delay of patient services, to commence employment while awaiting results of the criminal record check.
- 6.6 In such cases, the employee must complete a *Declaration* form (Appendix B) before beginning work with Health PEI and a criminal record check, including the vulnerable

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record check. In such cases, the *Declaration* is effective for no more than 12 weeks. The candidate must have commenced the application process for the criminal record check and make all reasonable efforts to facilitate its production. If the candidate does not produce the required criminal record check within this time period, Health PEI has the right to terminate the employment relationship.

- 6.7 Any person who submits an inaccurate *Declaration* may be subject to discipline, up to and including discharge.

7.0 PROCEDURE

- 7.1 A candidate who is offered employment or volunteer/student placement conditional on provision of criminal record information, including the vulnerable sector check, pursuant to this policy shall:
- (a) make application (Appendix A), in person, to the local police authority nearest their place of residence, or to a private accredited fingerprinting agency, such as the Identity Solutions or C5 ID, which are located in Charlottetown;
 - (b) upon application for a criminal record check, including the vulnerable sector check, provide proof of identity to the appropriate police authority or other agency in keeping with paragraph 6.1 above; and
 - (c) submit the original criminal record check '*confidentially*' to the human resource manager or designate (except volunteer and clinical placement records which will be submitted to Volunteer Services or the department supervisor/manager).
- 7.2 Where the criminal record check indicates no criminal record exists, the offer of employment or volunteer/student placement becomes open for acceptance.
- 7.3 Where the criminal record check indicates the candidate, physician, volunteer or student may have a criminal record, the human resource manager (or designate) shall complete a *Certified Criminal Record Check Disclosure Request* form (Appendix A) and request that the candidate provide a certified criminal record check.
- 7.4 To conduct a certified criminal record check the candidate is required have his/her fingerprints taken.
- (a) If IN CANADA:
The candidate must have his/her fingerprints taken on form C-216C at the local police station or a private accredited fingerprinting agency. A fee is required.
 - (b) If OUTSIDE OF CANADA:
Contact the nearest police force which offers fingerprinting services. The RCMP will accept fingerprint forms from foreign countries that contain the following:
 - i. rolled and flat impressions of all ten fingers taken with black ink
 - ii. full name, date of birth and sex of the applicant
 - iii. the name and address of the police agency
 - iv. the signature of the official taking the fingerprints.
- 7.5 A candidate, physician, volunteer, or student required to provide a certified criminal record check must submit an original of the certified criminal record check confidentially to the human resource manager or designate. Upon request, the human resource manager (or designate) shall make and retain a copy of the certified criminal record check and return the original to the candidate.
- 7.6 The human resource manager (or designate) will consider any findings of a criminal history to assess potential risks to Health PEI and to determine if an offer of employment

or volunteer/student placement will proceed. In order to make a determination the human resource manager (or designate) will consult with the Executive Director, Human Resources, and with legal or other professional resources, provided the consultation occurs in a manner which does not reveal the identity of the individual concerned.

8.0 CONSIDERATIONS

8.1 Where it is determined that a candidate, employee, physician, volunteer or student has a criminal record, Health PEI shall consider each of the following factors before deciding whether to make an unconditional offer of employment or placement to the candidate:

- (a) nature of the crime(s) and sentence(s) ordered by the court;
- (b) dates of conviction and sentence;
- (c) probability of the candidate re-offending;
- (d) risk to clients, staff and/or property and assets of Health PEI;
- (e) any relevant legislation, including the *P.E.I. Human Rights Act*; and,
- (f) any other relevant and probative information received bearing on the character of the candidate and the other factors listed herein.

9.0 DECISION

9.1 In all cases where an offer of employment or volunteer/student placement is at issue, the Executive Director, Human Resources will consult with the Director responsible for the position to be filled to determine whether to extend an offer of employment or volunteer/student placement as a result of the application of this policy. The Executive Director, Human Resources may consult, on a confidential basis, with others provided they do so in accordance with section 7.6 of this policy.

9.2 In the event there is a difference of opinion between the hiring manager and the human resource manager (or designate) as to whether to extend a formal offer of employment or volunteer/student placement as a result of the application of this policy, the matter shall be referred to the Chief Executive Officer for a decision.

10.0 MONITORING

The Executive Director, Human Resources is responsible for ensuring this policy is reviewed according to the organization's policy review cycle every three years.

11.0 REFERENCES

Related Documents

N/A

References

N/A

Appendices

Appendix A: – Certified Criminal Records Check Disclosure Request

Appendix B: – Declaration *Pursuant to Health PEI Criminal Records Check Policy*

Appendix A

Health PEI **CERTIFIED CRIMINAL RECORD CHECK DISCLOSURE REQUEST** (form to be provided by the Employer to candidate, physician, volunteer, or student) *Pursuant to Health PEI Criminal Records Check Policy*

Receipt of a criminal record check indicated that a criminal record may or may not exist for the following candidate, volunteer or student seeking employment or placement with Health PEI:

Candidate's/Volunteer's/Student's Name: _____

Date CRC Received: _____

Position Applied For: _____

Health PEI hereby requests that the above candidate, physician, volunteer or student obtain a certified criminal record check in order to provide Health PEI with information that will allow it to make an informed decision regarding whether to employ/place or to not employ/place the above candidate (or volunteer or student). This is done to ensure the safety and security of clients, staff, property and assets of Health PEI through the employment of qualified candidates and volunteers of good character.

(Please Print)

HUMAN RESOURCE MANAGER, or DESIGNATE

(Signature)

HUMAN RESOURCE MANAGER, or DESIGNATE

Appendix B

HEALTH PEI DECLARATION

Pursuant to Health PEI Criminal Records Check Policy

I, _____ of _____,
in the County of _____, _____ (province), do hereby
declare that the statement(s) below are, to the best of my knowledge, accurate and represent the
facts as I know them to be:

1. I have not been convicted of any offence which is contrary to the Criminal Code of Canada, the laws of any province of Canada, or laws of any other country;
2. I have made known to my employer any and all charges which may give rise to concern on their part, or may have been reasonably thought to give concern to the employer;
3. To the best of my knowledge there would exist no information on a criminal record check that has not been previously disclosed to the employer; and,
4. I understand that my offer of employment or volunteer placement is conditional upon my providing a Criminal Record Check and Vulnerable Sector Check document that is satisfactory to Health PEI (in its sole discretion), and that a failure to produce these documents within twelve weeks of the date of this Declaration may result in my termination without further notice.

Signed

Date

Witness

Date