

Madawaska Valley

Association For

Community Living

**POLICY: CRIMINAL REFERENCE CHECKING AND VULNERABLE SCREENING**

**PAGES: 3**

**REVISED**

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**CATEGORY: HUMAN RESOURCES**

Application

1) This Policy covers all employees.

2) All managers/supervisors are responsible for applying this Policy.

3) The application of this Policy shall be subject to any applicable collective agreements.

4) Persons under 18 years of age will be exempt.

Policy

In an attempt to ensure the safety and well-being of individuals supported by the Association, Criminal Reference Checking (CRC) and Vulnerable Sector Screening (VSS) will be a condition of employment or service for persons applying for positions involving either direct service, the care/custody of Association individuals or residents, access to Association individuals or residents or control over Association resources.

All existing employees must promptly notify Madawaska Valley Association for Community Living of any charges or orders described in this policy.

Legislation

Screening measures require police records checks, pursuant to s. 13(2) of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act*.

Procedures

**(i) New Hires**

CRC/VSS shall only be conducted for successful candidate(s).

The CRC/VSS is a condition of employment/appointment for successful candidate(s). Conditional job offers may be made to the successful candidate(s) pending the outcome of the CRC/VSS check, however, employment is NOT allowed to commence until AFTER the CRC/VSS results are known and the selection decision confirmed. Conditional job offers must be made in writing. Removal of the condition, for example, when the results of the criminal reference check are satisfactory, must also be made in writing. When conditional offers are withdrawn due to unsatisfactory checks, correspondence should be prepared based on individual circumstances.

It will be the responsibility of the Executive Director and senior management to evaluate the mitigating circumstances surrounding a positive CRC or VSS and make the final selection decision. The decision as to whether a CRC/VSS is satisfactory or not resides solely with Madawaska Valley Association for Community Living.

All information obtained through CRC/VSS checks is strictly confidential. Reports of positive checks are maintained in a safe and secure place. No other office is to retain information on positive criminal reference checks. In the event of subsequent inquiries regarding the selection decision, access to the report is limited to the Executive Director of the Association.

**(ii) Existing Employees:**

Each employee shall promptly notify Madawaska Valley Association for Community Living of:

Every offence with which the person has been charged under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada) and the outcome of the charge.

Every order of a judge or justice of the peace made against the person in respect of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada), including a peace bond, probation order, prohibition order or warrant.

Every restraining order made against the person under the *Family Law Act* or the *Children’s Law Reform Act*.

Every offence of which the person has been convicted under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada).

Such notifications must be provided promptly:

(a) after the person has been made aware that they have been charged or an order has been made; and

(b) after the person has been convicted or a charge is otherwise disposed of.

All existing employees must promptly notify Madawaska Valley Association for Community Living of any charges or orders described above which they have not yet disclosed to the Association. In the event of the disclosure of a charge or order described above, the Executive Director shall determine the appropriate course of action.

Failure to promptly notify Madawaska Valley Association for Community Living of any of the charges or orders described above may result in discipline up to and including termination.