

 <b>Covenant Health</b>	<b>Criminal Record Checks</b>	<b>Corporate Policy &amp; Procedures Manual</b>
		<b>Policy No.</b> II-16
		<b>Date Approved</b> September 27, 2017
<b>Approved by:</b>  Vice President and Chief Human Resources Officer		<b>Date Effective</b> September 27, 2017
		<b>Next Review</b> (3 years from Effective Date) September 2020

**NOTE:** The first appearance of terms in bold in the body of this document (except titles) are defined terms – please refer to the Definitions section.

**Purpose** This policy provides general and procedural information related to **criminal record check (CRC)** requirements.

**Policy Statement** Covenant Health is legally obligated to conduct CRCs to ensure the safety and well-being of those entrusted to our care.

**Applicability** This policy applies to all Covenant Health **employees**. A collective agreement or other employment contract shall take precedence in the case of a conflict with this policy, except where the application of legislation supersedes.

**Responsibility** Covenant Health **hiring managers** will ensure a **satisfactory CRC** (including **Vulnerable Sector Search**, where applicable) is received when hiring new or former employees or volunteers.

- Principles**
- 1.0 Security Screening Levels**
- 1.1 Covenant Health requires various levels of security screening, depending on the position’s level of interaction, care, and/or authority or trust of a patient, resident, or **vulnerable population**.
- 1.2 The three levels of security screening are defined as follows:
- Level 1 – CRC – The minimum security screening requirement for all positions, including positions having “**momentary interactions**” with vulnerable individuals. These positions typically work in an office setting or have brief points of contact with vulnerable individuals (i.e. Food Services, Health Records).
  - Level 2 – CRC with Vulnerable Sector Search – Enhanced level of screening when the position is one of authority or trust relative to a vulnerable population. These positions typically either perform direct patient care activities or require more than a “momentary interaction” with vulnerable individuals (i.e. Nurses, Porters).

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- Level 3 – Enhanced CRC – includes a Level 2 CRC with Vulnerable Sector Search, as well as externally-specified requirements (i.e. Peace Officers).
- 1.3 Security screening levels have been established for existing positions within Covenant Health, through the Posting + CRC Info by Job Code document.
- 1.4 Security screening levels are assigned by job code, and will occur in the following manner:
- a) New classifications to Covenant Health, whether in-scope or out-of-scope in nature, will be assigned a security screening level through the job evaluation process by Classification and Compensation. The Hiring Manager is required to initiate this process by submitting a new job description to Classification and Compensation for review.
  - b) New positions belonging to a job code that is currently identified on the Delegated Job Code Listing will be assigned based on the corresponding level in the Posting + CRC Info by Job Code listing.
- 1.5 Requests to modify an existing security screening level can be initiated by the hiring manager or by Human Resources, through submission of a *CRC Level Change Request Form*. Requests will be assessed by Classification and Compensation; with resulting changes communicated to the hiring manager.

## 2.0 New Employees (including Rehires and Volunteers)

- 2.1 CRCs must be reviewed for validity to ensure all of the following criteria are met:
- must be dated within six (6) months prior to the date of commencement;
  - must be verifiable as an original document, or an electronic copy sent by an authorized third party provider;
  - must include a Vulnerable Sector Search, if required by position type in the *Posting + CRC Info by Job Code* document;
  - must indicate the results of the check (clear or unclear) – any pursuant recommendations must be noted/actioned by the reviewer (i.e. fingerprinting, etc.)
- 2.2 The employee is responsible for providing a satisfactory CRC to the employer **prior to commencement** of employment. Failure to do so will result in a delayed commencement date.
- 2.3 Costs associated with the CRC process are paid by the employee.

**3.0 Statutory Declaration Process (Acute Care environments only)**

- 3.1 In circumstances where fingerprinting is required to confirm CRC results, and where the employee is required to commence work prior to receipt of a satisfactory CRC, the hiring manager will discuss the situation with their HRCP Advisor to determine appropriate next steps.
- a) If the hiring manager and HRCP deem it is operationally necessary to proceed, the employee must complete a Statutory Declaration Form (provided by HRCP) that is duly commissioned and/or notarized. Upon HRCP's review of the completed form, the hiring manager may proceed with commencement of employment.
- b) If the hiring manager and HR deem it is **not** operationally necessary to proceed, the employee must await the results of their CRC and provide such results prior to commencing employment.
- 3.3 It is the hiring manager's responsibility to ensure that, when the statutory declaration process is utilized, a satisfactory CRC is received within 120 days of commencement.
- 3.4 It is the employee's responsibility to ensure that any shifts worked, under the statutory declaration process, prior to receipt of the CRC are limited to Acute Care environments only.
- 3.5 Outstanding CRCs resulting from use of the statutory declaration process will be reviewed monthly by Human Resources. If after 120 days, the appropriate level of CRC has not been received, the hiring manager will be contacted and the employment relationship may be reviewed.

**4. Unclear Criminal Record Checks**

- 4.1 In the event that an employee has a criminal record, the following procedure will apply:
- a) The hiring manager will confirm with the employee that they wish to continue pursuing employment with Covenant Health.
- b) The hiring manager will obtain details of the criminal record, and review such details with their HRCP Advisor to determine if an offer of employment should be made. The criteria to be used in determining whether or not to hire an individual with a criminal record will include:
- i) the nature of the conviction/charge;
  - ii) date of the conviction/charge;
  - iii) the relationship of the conviction/charge to the position; and/or,

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- iv) the risk or potential liability to Covenant Health.
- c) In consultation with the HRCP Advisor, if the hiring manager wishes to proceed with the offer of employment, he/she will provide written rationale to the appropriate Senior Leader (SOO/VP level) for approval, prior to proceeding with the offer.

## 5.0 Internal Transfers / Current Employees

- 5.1 As a condition of employment, current employees will be required to complete a new CRC when transferring to a position within the organization requiring a higher level of security screening than what they currently possess, as per the *Posting + CRC Info by Job Code* document. The new CRC must be provided to the employer prior to commencement in the new position.
- 5.2 Any costs associated with obtaining a satisfactory CRC for the new position will be the responsibility of the employee.
- 5.3 Refusal to provide a satisfactory CRC for the new position will result in the job offer being rescinded, and may result in a review of the employment relationship.

## 6.0 Duty to Disclose Charges / Convictions

- 6.1 Covenant Health employees have an ongoing duty to disclose any criminal charge or conviction to their hiring manager as soon as reasonably possible. At the request of the employee, an HRCP Advisor will explain the disclosure process and how disclosures are assessed.
- 6.2 Where it has been discovered that an employee has a criminal charge or conviction, the manager will assess the disclosed information with their HRCP Advisor and Labour Relations, and determine next steps. The assessment will include, but not be limited to:
  - a) the level of risk to the safety of patients and staff;
  - b) the nature of the criminal charge or conviction, as it relates to the employee's position held with the organization;
  - c) the risk to Covenant Health's operations, including its reputation and/or ability to maintain public confidence.
- 6.3 If it is determined that the criminal charge or conviction impacts the employee's position with Covenant Health, the following will occur:

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- a) Labour Relations, in consultation with the HRCP Advisor, will provide recommendations to the manager of any appropriate steps to be taken;
- b) The manager will subsequently notify the employee of the impacts to their position with Covenant Health, and advise them of any steps that will be taken.

### Definitions

**Criminal Record Check (CRC)** – A document which verifies - based on a search of records held in local, regional and/or national law enforcement databases - whether an individual has a criminal record, providing the applicant with the detailed information that can be legally disclosed.

**Employee** – An individual who is authorized to represent Covenant Health. For purposes of this policy, the term includes but is not limited to: prospective employees, current employees, Board members, paymaster employees, volunteers, applicants, contracted service providers, etc.

**Hiring manager** – The management individual who has hiring authority for the position; in most cases, the individual the position directly reports to.

**Momentary interaction** – An interaction of a brief, transitory, or passing nature; typically where a care relationship or position of trust or authority does not exist between the employee and the vulnerable person (patient/resident/client).

**Satisfactory Criminal Record Check (CRC)** – Pursuant to 1.0, any level of valid criminal record check, which may include Vulnerable Sector Search and/or an enhanced check, which meets the requirements for the position the prospective employee has been verbally offered.

**Vulnerable population** – Under the Criminal Records Act, defined as:  
"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 than the general population of being harmed by a person of trust or authority towards them."

**Vulnerable Sector Search** – A Vulnerable Sector Search (VSS) is an enhanced criminal record check that verifies whether an individual has a criminal record, as well as any record suspensions (formerly pardons) for sexual offences and local police records for information relevant to the VSS. The information that can be legally disclosed is provided to the applicant.

### Related Documents

*Posting + CRC Info by Job Code*

*Delegation of Authority for Human Resources Transactions II-17 (In development)*

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**References**

Protection of Persons in Care Act – Criminal Records Check

<http://www.health.alberta.ca/services/PPC-criminal-records-checks.html>

Criminal Records Act

<http://laws.justice.gc.ca/PDF/C-47.pdf>

Edmonton Police Service – Police Information Check Section

<http://www.edmontonpolice.ca/CommunityPolicing/OperationalServices/PoliceInformationCheck.aspx>

Royal Canadian Mounted Police

<http://www.rcmp-grc.gc.ca/en/criminal-record-and-vulnerable-sector-checks>

Continuing Care Health Services Standards - 2016

Public Safety Canada – The Screening Handbook – 2012 Edition

Alberta Health Services – Security Screening Procedure, Hiring Manager’s Process, and Security Levels documents

**Previous  
Revisions  
Date(s)**

November 8, 2013

July 5, 2010