

CRIMINAL RECORD AND VULNERABLE SECTOR CHECKS

Background

The Division strives to hire and retain the most qualified individuals to fill positions that will contribute to the overall success of the Division. Record checks act as an important part of the employment and safety for our staff and students.

On September 1, 2022 Bill 85: Education (Students First) Statutes Amendment Act, 2021 came into force. To ensure students and staff are protected Grande Yellowhead Public School Division is required to obtain a Criminal Record Check with Vulnerable Sector Check when hiring a teacher and again every five (5) years while the teacher remains employed with the Division.

At Grande Yellowhead Public School Division safety of students and staff is our main priority. Criminal Record Check with Vulnerable Sector Check are required for all school division staff upon hiring and again every five (5) years that the staff member remains employed with the Division.

Definitions

Vulnerable Sector Check: refers to an enhanced criminal record check. This type of record check was created in 2000 to protect children and vulnerable persons and is governed by section 6.3(3) of the *Criminal Records Act*.

Current Criminal Record: shall refer to a criminal record check with a vulnerable sector within twelve (12) months.

Child Welfare Intervention Record Check: shall refer to a record of information provided under the *Child, Youth and Family Enhancement Act*.

Procedures

1. The completion of all records checks is a condition of employment for all staff of GYPSD. All new employees have 90 calendar days from their date of hire to submit the requested records in full to the Human Resources Department; failure to do so may result in staff discipline up to and including termination.
2. If an applicant attempts to withhold information or falsify information pertaining to any previous convictions, the applicant will be disqualified from further employment considerations in any position with the Division due to falsification of an application.
3. When an employee is charged with or convicted of an offence, under the Criminal Code of Canada, the Controlled Drugs and Substances Act, the Child Youth and Family Enhancement Act or similar legislation, the employee is required to immediately inform

the Human Resources Department. A written explanation may accompany the notification.

4. An employee who is subject to any prohibitions, restrictions or orders; including but not limited to probation, recognizance or similar orders; issued or imposed by the court, a law enforcement agency or other government agency, that restrict or forbid the employee from having contact with minor children or that are otherwise relevant to the position held by the employee, will immediately inform the Human Resources Department of such limitations.
5. Failure by an employee to notify the Human Resources Department as required under this Administrative Procedure may justify termination of the employee's employment with the Division.
6. The Human Resources Department may require an employee to provide a current (within twelve (12) months) Criminal Record Check with Vulnerable Sector Check at any time during the employment period.
7. Criminal Record Check with Vulnerable Sector Check must be completed by all Division employees every five (5) years.
8. Results from a record check shall be reviewed by the Human Resources department on a case by case basis. In the event that the results of a record check are not satisfactory for the position, the Division will discuss the matter with the employee, union and legal counsel.
9. If an employee of the Division attempts to withhold information or falsify information pertaining to any previous convictions, the employee shall be terminated with cause for falsification and non-disclosure of a Criminal Record Check with Vulnerable Sector Check.
10. Grande Yellowhead Public School Division will endeavor to keep all applicant and employee information is kept confidential.

Reference: Section 33,52,53,197,204,222, 229.1 Education Act
Alberta Human Rights Act
Child, Youth and Family Enhancement Act
Freedom of Information and Protection of Privacy Act
Personal Information Protection Act
Teaching Profession Act
Controlled Drugs and Substances Act
Criminal Code
Food and Drugs Act

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