

THE UNIVERSITY OF BRITISH COLUMBIA

**Human Resources**

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Date: November 4, 2010

To: Department Heads and Administrators in Faculties and Departments with Staff and Faculty who work at Provincial Health Services Authority (PHSA) facilities in Vancouver

From: Linda McKnight, Director HR Advisory Services, and Fran Watters, Director, Faculty Relations

Re: **Criminal Records Checks for Staff and Faculty in PHSA Facilities**

All HR memos are posted electronically at <http://www.hr.ubc.ca/memos.html>.

Background

As a result of amendments made to the Criminal Records Review Act (the "CRRA"), UBC has been notified by the Provincial Health Services Authority (PHSA) that pursuant to the CRRA, all UBC staff and faculty who work at a PHSA facility and who work with children or who have or **potentially have** unsupervised access to children are subject to a Criminal Records Check (CRC) every five years. The Act defines a "child" as anyone under the age of 19. For more information on the act, please visit <http://www.pssg.gov.bc.ca/criminal-records-review/act/index.htm>.

UBC's Obligations

After reviewing our legal obligations this memo will confirm that as a third-party employer UBC staff and faculty working at PHSA sites are subject to the Act and where staff and faculty meet the criteria identified below, they will need to consent to a Criminal Records Check.

Please consider all of the following carefully and if this applies to staff and faculty in your faculty or department ensure that the process outlined later in this memorandum is followed immediately.

To be clear, the CRC requirement applies to all UBC employees (both clinical and non-clinical) who:

- Work at Children's Hospital (including Mental Health), Sunny Hill Health Centre for Children, and Women's Hospital and Health Centre;
- Attend at any of the above locations on a regular basis (at least once per week) as part of their work; or
- Regardless of PHSA location, work with children directly or have or potentially have unsupervised access to children in the regular course of their duties.

The definition of "works with children" is broadly applied for those who work in a hospital setting. The Ministry of Public Safety and Solicitor General provides information on the Act and publishes examples of who is required to have a criminal records check. Included on that list of examples is hospital staff including secretaries.

Professional Body Membership

Faculty and staff belonging to a professional body will have satisfied the CRC requirement already as it is a condition of membership. It is therefore not necessary for members of the following professional governing bodies to complete another CRC:

College of Registered Nurses' of British Columbia
College of Registered Psychiatric Nurses of B.C.
College of Physicians and Surgeons of B.C.
College of Psychologists of British Columbia
College of Physical Therapists of B.C.
College of Occupational Therapists of B.C.
College of Licensed Practical Nurses of B.C.
College of Midwives of B.C.
British Columbia College of Pharmacists
British Columbia College of Social Workers
College of Opticians of B.C.

Board of Examiners in Optometry
British Columbia Association of Podiatrists
British Columbia College of Chiropractors
British Columbia College of Teachers
College of Dental Hygienists of B.C.
College of Dental Surgeons of B.C.
College of Denturists of B.C.
College of Dietitians of British Columbia
College of Massage Therapists of B.C.
College of Naturopathic Physicians of B.C.
College of Traditional Chinese Medicine Practitioners and Acupuncturists of B.C.

Criminal Records Check Process:

New Hires

A prospective employee that requires a CRC is not permitted to start work until UBC has received his/her CRC and has made a determination that it is appropriate for him/her to commence work. **This process must be in place by December 31, 2010.**

- a) Prior to the interview, the Hiring Manager will determine if the position requires a CRC. Review the job description and the environment in which the individual will work. Review the list of professional bodies above.
- b) If the position does require a CRC, prospective employees who are contacted for interviews must be informed that a pre-employment CRC is required as part of the recruitment process and that any offer of employment is contingent pending results of the CRC.
- c) Provide the prospective employee with a "Consent to a Criminal Record Check" and obtain their signature (see attached two-page document). As described in the attached, the hiring manager must mail or fax the completed form along with payment as described in the attached. UBC is responsible for the non-refundable \$20.00 payment.
- d) Information obtained about a prospective employee through a CRC is confidential and must be considered in context. The presence of a conviction does not necessarily mean that someone should not be confirmed into a position. There are legal considerations that include such factors as the core of the issue to the prospective employment. **These need to be evaluated and no offer of employment should be rescinded without a review by Employee Relations.** Hiring managers and administrators should contact either their Human Resources Advisor for assistance with staff CRC's or their Faculty Relations Manager for assistance with faculty CRC's.
- e) All CRC's must be kept in a confidential and secure location within your department or unit and a copy must be provided to Human Resources, to the attention of Employee Relations. From time to time UBC may be audited to ensure that we are in compliance with the Act.

Current Staff and Faculty:

Between now and December 31, 2010, all current staff and faculty who meet the requirements must complete "Consent to a Criminal Record Check". Your Human Resources Advisor will be sending you a list of all staff and faculty that our records indicate are located at one of the relevant hospitals (there may be others that you are aware of that are not captured on our Human Resources Information System so please review the list carefully).

- a) Communicate to all staff and faculty located at the sites identified above, or who attend at the sites at least once a week, that a review will be done of their position to determine whether a CRC is required or not and that if it is required they will need to undergo a CRC (see attached sample communication).
- b) Review all positions and determine which positions require a CRC. Note that any staff or faculty belonging to the list of professional bodies listed above will already have undergone a CRC and their professional body will ensure that they are checked every five (5) years.
- c) Notify the individuals requiring a CRC and obtain a "Consent to a Criminal Record Check" form from them.
- d) Mail or fax the completed form along with UBC paid non-refundable \$20.00 payment.
- e) Upon receipt of notification from the Deputy Registrars office keep the CRC document in a secure and confidential location within your department and send a copy to Human Resources to the attention of Employee Relations.
- f) Contact your Human Resources Advisor or Faculty Relations Manager if the CRC identified any outstanding charges or convictions that are relevant.

All staff and faculty will need to undergo a CRC every five years. Hiring Managers will need to maintain a CRC tracking system to ensure requirements are met.

Information regarding relevant charges and payment options is available on the Ministry of Public Safety and Solicitor General's website: <http://www.pssg.gov.bc.ca/criminal-records-review/index.htm>.

If you have any questions with regard to this memo please call your Human Resources Advisor or Faculty Relations.