

# Criminal Records Check Policy

## Purpose

The purpose of this policy is to ensure the safety and well-being of our clients, to uphold the highest standards of integrity and public trust, and to ensure compliance with the *Criminal Records Review Act*. To achieve this, Legal Aid BC requires that all Employees and Service Providers undergo criminal records checks before interacting with clients, children, or vulnerable adults in the course of their duties.

## Application

This Policy applies to all LABC employees, tariff lawyers, local agents, and other contracted service providers.

## Definitions

**“CRRA”** means the *Criminal Records Review Act*, as amended from time to time.

**“Child”** means an individual under the age of 19.

**“Client”** means an individual who is or who has received legal aid from or through LABC and includes applicants for legal aid.

**“Criminal record check”** refers to a criminal record check conducted through the Criminal Records Review Program pursuant to the *CRRA*. The Criminal Records Review Program will conduct a search of police records against a list of “specified or relevant offences” defined in the *CRRA* and its regulations and will inform LABC if the applicant poses a risk to children or vulnerable adults.

**“Employee”** means anyone employed directly by LABC (including management) whether temporary, ongoing, full-time or part-time, and includes volunteers and those providing services as a volunteer.

**“LABC”** means Legal Aid BC.

**“Policy”** means this Criminal Records Check Policy.

**“Service Provider”** means a person or organization under contract with LABC, including their employees, contractors, and sub-contractors, to deliver services for or on behalf of LABC. This term is also utilized in situations where a contract has not yet been issued such as during an approval or procurement process. For certainty, tariff lawyers who provide legal advice and/or representation services pursuant to LABC’s *General Terms and Conditions* are considered service providers pursuant to this Policy.

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**“Vulnerable adult”** means an individual 19 years or older who receives health services, other than acute care, from a hospital, facility, unit, society, service holder or registrant referred to in the *CRRRA*’s definition of “employer”.

**“Work with”** includes having contact with a person or group of persons – including via telephone, email, videoconference or other means of communication – or potentially having unsupervised access to a person or group of persons, including in the ordinary course of employment, in the practice of an occupation, during the course of an education program, or while providing services as a volunteer.

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### **Criminal Record Check Required**

All Employees and Service Providers who can reasonably be expected to work with LABC clients, children, or vulnerable adults are required to consent to a criminal records check prior to commencing such work.

Employees and Service Providers whose criminal record check results in a determination that they pose a risk to children or vulnerable adults may not work with clients, children, or vulnerable adults in the course of their employment or engagement with LABC.

### **Prospective Employees and Service Providers**

Upon making an offer of employment to a candidate, LABC may, as a condition of employment, require the candidate to consent to a criminal record check.

LABC may revoke an offer of employment or refuse an engagement with a prospective Service Provider if:

- they are requested to but refuse to consent to a criminal record check; or
- the results of the criminal record check results indicate that the candidate presents a risk to children or vulnerable adults.

### **Existing Employees and Service Providers**

Employees and Service Providers who can reasonably be expected to work with clients, children, or vulnerable adults are required to undergo a further Criminal Record Check once every five (5) years, or at any other time upon request.

Existing employees who do not provide a criminal record check when requested by their manager or Human Resources may be suspended or temporarily re-assigned to a position that does not involve working with clients, children, or vulnerable adults. Such employees may be required to

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meet with Human Resources to discuss the reasons for their refusal. An ongoing refusal to participate in criminal record checks may result in termination of employment.

Service Providers who do not consent to a criminal record check when requested may have their engagement suspended.

## **Notification of New Charges or Convictions**

Any Employee or Service Provider who works with clients, children or vulnerable adults and who is charged with or convicted of a criminal offence during the course of their employment or engagement must:

- notify LABC immediately; and
- consent to a further criminal record check.

## Protection Of Privacy

Records generated in accordance with this Policy will be retained in accordance with LABC's legal obligations and pursuant to the [Freedom of Information and Protection of Privacy Policy](#).

Information disclosed in accordance with this Policy will be kept confidential and will be used only for the purposes outlined in this Policy.

An employee who fails to comply with this Policy, including knowingly providing false or misleading information, may be subject to disciplinary action up to and including termination of employment for just cause.

A Service Provider who fails to comply with this Policy, including knowingly providing false or misleading information, may have their engagement terminated immediately.

## Questions

For further information, or to receive additional assistance with respect to this Policy, you may contact your manager and/or Human Resources.

## Amendments

LABC may amend or replace this Policy from time to time. This Policy will be interpreted in accordance with, and be deemed to incorporate any changes to, the *Criminal Records Review Act* and its regulations.

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## History

**EMC Approved:** December 19, 2024