

# THE SCREENING HANDBOOK

Tools and Resources  
for the Voluntary Sector



BUILDING A **SAFE AND RESILIENT CANADA**



Public Safety  
Canada

Sécurité publique  
Canada

Canada

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# 2012 Edition **THE SCREENING HANDBOOK**

Tools and resources to better match people and organizations,  
improve the safety and quality of programs in communities,  
and reduce risks and liability

Prepared by  
**Volunteer Canada**  
for  
Public Safety Canada  
Community Safety and Partnerships Branch  
March 2012

## Foreword

This **2012 Edition of *The Screening Handbook*** was made possible through the leadership of the Community Safety and Partnerships Branch of Public Safety Canada. With the goal of **building awareness and capacity to screen volunteers**, Volunteer Canada was contracted to develop a comprehensive resource to help organizations revise and develop screening policies and practices. Screening is considered to be an essential component of sound human resource management. It is broadly defined as an ongoing process that helps better match people and organizations, improves the safety and quality of programs, and reduces risks and liability.

Building on the strengths, knowledge, and expertise of individuals and organizations committed to reinforcing screening practices, this handbook updates and consolidates information from a number of key documents. Taking into account the current trends in volunteering, shifts in public policy, and changes in legislation, the 2012 Edition of *The Screening Handbook* honours previous work on screening, while offering additional material in response to this new context.

The foundational work on screening was launched in 1996, through the *National Educational Campaign on Screening Volunteers and Employees in Positions of Trust with Children and other Vulnerable People*. This education and awareness project was undertaken by Volunteer Canada (formerly the Canadian Association of Volunteer Bureaux and Centres), in partnership with Solicitor General Canada, Justice Canada, and Health Canada. The centerpiece of the campaign was the original *Screening Handbook: Protecting Clients, Staff, and Community*, which provided an in-depth understanding of the complex legal framework and a step-by-step approach to developing a standard of care for screening practices. The 2012 Edition of *The Screening Handbook* is largely based and modelled after this invaluable body of work.

Customized materials were later created for different sub-sectors, including sports, faith communities, health, and social services, through the Ontario Screening Initiative, funded by the Ontario Ministry of Citizenship. *The Safe Steps* booklets created for this initiative have been revised a number of times over the years, and form the basis of the **Ten Steps of Screening** that appear in this edition of the *Screening Handbook*.

*Safe Enough? Reviewing Your Screening Practices* was produced by Volunteer Canada in 2006, with support from the Ontario Trillium Foundation. It contained a comprehensive Screening Checklist, which has now been updated and is also included in this handbook.

Public Safety Canada produced a condensed screening guide in 2008, titled *Best Practice Guidelines for Screening Volunteers: Finding the Right Match*. This publication promoted a broader concept of screening and its benefits, including safety, protection, and better matching. This balanced scope is integrated into the approach taken by the authors in writing the 2012 Edition of *The Screening Handbook*.

The need for an updated screening handbook was identified at the National Dialogue on Screening, held in November 2011 and attended by leaders from the non-profit, public, and private sector. While it was acknowledged that many excellent publications have been produced over the years, an updated, integrated, accessible online resource would serve communities best.

**The 2012 Edition of *The Screening Handbook* does not offer legal advice. Readers should consult with a lawyer regarding their specific legal questions or concerns.**

## Acknowledgements

The 2012 Edition of the *Screening Handbook* is the collective creation of an incredibly dedicated team of researchers, writers, and reviewers who set out to accomplish an enormous task in a very short season. It was both intimidating and invaluable to have the foundational work on screening that came before us.

Volunteer Canada is forever indebted to Lorraine Street, author of the (original) *Screening Handbook: Protecting Clients Staff, and the Community* (1996) for her foresight, brilliance, and outstanding leadership on the issue of screening volunteers. Her legacy is present throughout the 2012 Edition of the handbook.

To our colleagues at the Royal Canadian Mounted Police (RCMP), we are enormously grateful for your collaboration over this past year in providing clear and timely information to organizations about the Vulnerable Sector checks. In particular, we are grateful to Mark Scott, for always being available for questions and for his contribution to the Police Checks chapter of the handbook.

Maria DaSilva has been involved in the area of screening in a variety of capacities over the years, as Manager of the Ontario Screening Initiative and author of many of Volunteer Canada's screening resources, including the Screening Checklist. In addition to her many contributions, over the years, we are particularly grateful for her stellar work on the new chapter on Information and Privacy.

Volunteer Alberta provides leadership throughout the province in the area of screening and has been contracted by the Government of Alberta to manage the Volunteer Police Information Check Program. Appreciation is expressed to Sam Kriviak and Roseanne Tollenaar for their contributions to the Social Policy and Regulatory Environment section and for updating the legislative changes in Alberta.

Many thanks to the Law Enforcement and Records Management Network (LEARN) for reviewing the Police Checks section and especially to Sue Cardwell of Durham Police Services, for your contributions.

Volunteer Toronto has played a lead role in providing education and consultation services on the issue of screening for more than 20 years. We are grateful to Fay Northgrave and Lorrie Hathaway for their research on the provincial and territorial social policy and legislation. This was a highly detailed task which was undertaken with wonderful drive. One of the original trainers from the National Educational Campaign on Screening, Lorrie Hathaway is recognized throughout Ontario for her expertise and her commitment to supporting screening practices. Lorrie's enthusiasm and dedication to the 2012 Edition of *The Screening Handbook* was unparalleled. She reviewed every line of every draft and provided focused feedback that monumentally improved the quality of the document. She co-wrote sections, supervised researchers, and engaged in hours of discussion about the content, the message, and the tone of each chapter. Thank you so very much, Lorrie!

We had the challenge of producing a document that was both technically correct and accessible. Many thanks to my colleagues at Volunteer Canada; Deborah Pike, Phoebe Powell, and Ruth MacKenzie, for reviewing, editing, and supporting this initiative throughout.

Finally, Volunteer Canada wishes to express appreciation to the Community Safety and Partnerships Branch of Public Safety Canada for the opportunity to produce this resource on your behalf that will be of such benefit to organizations throughout Canada. In particular, we would like to thank Shawn Tupper, Assistant Deputy Minister, Community Safety and Partnerships Branch, Mary Campbell, Director General, Corrections and Criminal Justice Directorate, Cliff Yumansky, Director of Corrections Programs and Community Development, and Carole Leduc, Policy Analyst. Many, many thanks!

**Paula Speevak Sladowski**

**Director, Programs, Policy, and Voluntary Sector Relations, Volunteer Canada**

## Disclaimer

This document does not offer legal advice. Readers should consult with a lawyer regarding their specific legal questions or concerns.

We apologize for any errors that may remain. Readers must be aware, however, that legislation, social policy, and specific procedures and practices of organizations, including police and insurance agencies, are continually changing.

While examples of screening practices are referenced throughout this document, Volunteer Canada is not in a position to determine whether organizations or individuals have fulfilled their legal duties or satisfied the applicable standard of care in every circumstance. Individuals and organizations should seek legal counsel or consult human resource experts and their insurance provider in planning their specific volunteer screening policies and procedures.

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## Introduction

### What is Screening and Why is it Important?

Screening practices help define the relationship between people and organizations and increase both the quality and safety of programs and services in communities. Screening takes into account the skills, experience, and qualifications that are required for an assignment and puts in place an ongoing process to engage people best suited to fill the role. It also allows organizations to explore the interests, motivations, and personal goals of applicants. Screening puts in place touchstones, throughout a volunteer's involvement, that support mutual benefit while reducing risk for everyone concerned. The benefits of screening are threefold:

- To **better match** people's skills and experience to the needs and opportunities in organizations;
- To **improve the quality and safety** of programs and services in communities;
- To **reduce the risks and liability** for both people and organizations.

Screening practices play a critical role for organizations in fulfilling their moral, legal, and ethical responsibilities to all those they reach, including members, clients, participants, employees, and volunteers. This obligation is even greater when they are working with vulnerable people, including children, youth, people with disabilities, and senior adults. Every organization has a unique set of considerations, depending upon its mandate, the population it serves, the nature of its activities, and the jurisdiction in which it is located. Each position within an organization has a unique set of requirements, risks, and benefits. Boards of Directors need to establish screening policies that address the range of roles and circumstances within the organization.

### Ten Steps of Screening – An Ongoing Process

Organizations should have comprehensive and ongoing screening practices in place that recognize the importance and value of all the relevant steps in determining the right fit for an assignment. To rely solely on Police Checks as the only screening protocol is to ignore other important and valuable sources of relevant information. Screening practices begin when an opportunity is created in an organization. They are the basis of the selection process and continue throughout an individual's involvement. The following ten steps provide clear guidelines for developing screening policies and practices that reflect an organization's commitment to safe and meaningful engagement:

1. Assessment
2. Position - Assignment
3. Recruitment
4. Application
5. Interview
6. References
7. Police Checks
8. Orientation and Training
9. Support and Supervision
10. Follow-up and Feedback

### Purpose of this Screening Handbook

The 2012 Edition of *The Screening Handbook* was created to provide organizations with up-to-date information, tools, and resources to support comprehensive, ongoing screening policies and practices. It is important to understand that “the primary issue related to screening is what people are called upon to do, for whom, and under what circumstances, not whether they are paid or not

paid for their efforts.”<sup>1</sup> While the material may be useful for organizations engaging paid employees, interns, placement students, and community service participants, the intended purpose is **to build awareness and capacity for screening volunteers.**

## History

The original *Screening Handbook* was published by Volunteer Canada (formerly the Canadian Association of Volunteer Bureaux and Centres – CAVBC) in 1996, in partnership with Solicitor General Canada, Justice Canada, and Health Canada. It was part of the ***National Educational Campaign on Screening Volunteers and Employees in Positions of Trust with Children and other Vulnerable People.*** This campaign was initiated in response to the Government of Canada’s commitment in 1994 to address the issue of violence against women and children.<sup>2</sup> Subsequently, they published a report from an interdepartmental working group, *Screening of Volunteers and Employees in Child-Sensitive Positions.* The report called for changes to the Canadian Police Information Centre and the development of guidelines and training programs for organizations. Local volunteer centres throughout the country disseminated materials and provided workshops on screening to community organizations.

## Current Context

In the 16 years since the original *Screening Handbook* was published, there have been substantial changes in legislation and social policy, enormous advances in technology, shifts in demographics, and dramatic economic turns that have had a significant impact on Canadian society. During this same period, the non-profit and voluntary sector have also experienced

<sup>1</sup> Street, Lorraine, 1996: *The Screening Handbook*, Volunteer Canada (formerly the Canadian Association of Volunteer Bureaux and Centres), page 1.2

<sup>2</sup> Speech from the Throne on January 18, 1994.

fundamental changes resulting in a greater focus on financing, governance, accountability, outcomes measurements, and risk and liability.

While the impetus for the development of the original screening material was to help prevent child sexual abuse, it was recognized, at that time, that screening practices had a much broader application, reinforcing or establishing sound volunteer resource management systems. In addition to the priority of improving community safety, social policy is now also aimed at promoting volunteering, social inclusion, citizen engagement, and community resiliency. Screening practices are being developed and revised to integrate these dimensions of building safe, healthy, and vibrant communities.

## Trends in Volunteering

13.3 million Canadians<sup>3</sup> of all ages contribute their time to support people, causes, and organizations they care about. While volunteering continues to grow, there have been significant shifts in the way people want to be engaged. People today tend to lead more structured lives, are more results oriented, autonomous, tech-savvy, and have multiple roles and interests.<sup>4</sup> The types of volunteer roles Canadians seek evolve during their lifetime as priorities and circumstances change. Volunteers bring their personal talents and interests, professional skills, and education to respond to needs in the community. People are looking for a range of options where they can see the value and impact of their contribution in the community. More people are interested in group volunteering, short-term assignments, and virtual volunteering, and many view volunteering as a way of contributing or gaining skills.<sup>5</sup> Micro-volunteering opportunities are considered

<sup>3</sup> Statistics Canada, 2012, *The 2010 Canada Survey of Giving, Volunteering, and Participating 2010*, Ottawa

<sup>4</sup> Speevak-Sladowski and Anna Maranta, 2010, *Skills-Based Volunteering Discussion Paper*, Volunteer Canada

<sup>5</sup> Volunteer Canada and Manulife Financial, 2010: *Bridging the Gap: Enriching the Volunteer Experience to Build a Better Future for our Communities*, Ottawa, available at [www.volunteer.ca](http://www.volunteer.ca)

effective strategies as a first step towards promoting active citizenship.

Volunteer Canada has provided leadership to change public perception of the concept of volunteering and to be more inclusive of a wider spectrum of engagement, that includes being informed about an issue, supporting a cause, actively participating, and providing strategic leadership. Skills-based volunteering approaches have been formalized and there is greater emphasis on how to attract specific groups including youth, families, baby boomers, seniors, and employer-supported volunteers. Newcomers look to volunteering as a way to contribute and integrate into their new communities, develop skills, and gain Canadian experience. Organizations are developing innovative ways to engage these groups. Corporate community investment strategies have gained momentum over the past decade, with a focus on integrating volunteering, sponsorships, and corporate donations to have a greater impact on their area of priority in the community.

Increasingly, organizations consider the goals and aspirations of volunteers when addressing their internal objectives and needs. In addition to filling specific assignments in an organization, people want to have input into the scope of what they can offer. It is the two-way nature of the relationship between volunteers and organizations that captures the spirit of citizen engagement and reflects a more mutual approach to building community.

## Canadian Code for Volunteer Involvement

The 2012 Edition of the *Canadian Code for Volunteer Involvement* has integrated many of these trends into its Values, Guiding Principles, and Standards. Reflecting the changing language and transition to a more integrated human resources approach to volunteer engagement, the Code offers tools and templates to help organizations establish or strengthen volunteer

resource management practices. This online, interactive resource is a companion piece to *The Screening Handbook*. Please see outline in Part II, on page 39.

## Why a New *Screening Handbook*?

Leaders in the non-profit sector identified the need for updated screening materials that reflect these changes in Canadian society, social policy, legislation, as well as trends in volunteering. The original *Screening Handbook* is by no means obsolete as it is still regarded as the foundational document upon which all subsequent screening resources have been based. A variety of events have brought the issue of screening to the forefront once again.

High profile cases of child sexual abuse, by people entrusted with their care and safety, have also reignited the public's interest in the subject of safety and screening. Organizations are being questioned about their screening practices and policies. Boards of Directors are more aware of the potential organizational and personal risks and liabilities. Funders are increasingly considering screening issues when making funding decisions and developing agreements.

Since 2009, the process and guidelines for obtaining a Vulnerable Sector Check through the RCMP has also changed. Organizations asked for support in understanding how this fits into the broader screening process and how to determine when a Vulnerable Sector Check is necessary. The RCMP has dedicated resources to the topic, and collaborates with their local police counterparts to provide information and training. Details about Vulnerable Sector Verification Checks can be found in Part I, Chapter 5, page 36.

The issue of ***access to information and privacy*** has also emerged as a dominant theme in the public policy arena. There have been significant developments in municipal, provincial/territorial, and federal legislation in this area. The issue is fundamentally linked to screening practices and policies and is a thread that runs through all ten

steps of screening. For this reason, we have included a comprehensive chapter on Information and Privacy, in Part I, Chapter 4, page 19.

Following the National Dialogue on Screening Volunteers, held on November 28, 2011, Public Safety Canada contracted Volunteer Canada to create a revised *Screening Handbook* to support organizations in integrating the new context into a broadened approach to screening volunteers. This new *Screening Handbook* provides current and concise information that may be useful for a range of organizations and individuals, including those with long-standing screening practices, those who are new to the topic of screening, and those who are revising or developing screening policies and practices.

## What is in the 2012 Edition of *The Screening Handbook*?

The 2012 *Screening Handbook* has been designed as a reference to develop or revise screening policies and practices. Modelled after the original handbook, it is organized as follows:

**Part I Duty of Care** – This section outlines the legal, moral, and ethical responsibility that organizations have to those they reach. It begins by defining key concepts related to screening, provides an overview of the social policy and legislative environment, then focuses on four key areas: (1) Are Volunteers Employees?; (2) Human Rights and Volunteering; (3) Information and Privacy; and (4) Police Checks. This

section ends with a glossary of terms and links to jurisdictional-specific information. (**This document does not offer legal advice. Readers should consult with a lawyer regarding their specific legal questions or concerns.**)

**Part II Standard of Care: The Ten Steps of Screening** – This section will provide a detailed explanation of each of the ten steps of screening: (1) Assessment; (2) Assignment; (3) Recruitment; (4) Application; (5) Interview; (6) References; (7) Police Checks; (8) Orientation and Training; (9) Support and Supervision; and (10) Follow-up and Feedback. Templates and tools are provided for each step. The section ends with an organizational screening checklist.

**Part III References** – This final section includes references, resources and other useful links.

Screening is about matching people and organizations, improving the quality and safety of programs and services, and reducing risks and liability. It is an ongoing process captured in the Ten Steps of Screening and is not limited to Police Records Checks. Screening practices are specific to a role, position, or assignment and not to the individual applicant. The current trends in volunteering and new societal context call for the scope of screening to be broadened from a set of practices that ensure the suitability of volunteers to a process that promotes quality relationships between volunteers and organizations.

**The 2012 Edition of *The Screening Handbook* does not offer legal advice. Readers should consult with a lawyer regarding their specific legal questions or concerns.**

# PART I

## Duty of Care

This section of the 2012 Edition of The Screening Handbook provides the conceptual framework from which screening policies and practices emerge. Practical steps about how to apply this information is covered in Part II Standards of Care – The Ten Steps of Screening. In the pages that follow, you will find the following chapters:

1. Key Concepts
2. Social Policy and Regulatory Environment
3. Volunteers as Employees – Organizations as Employers
4. Information and Privacy
5. Police Checks

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### Chapter 1 – Key Concepts

This section defines key concepts and legal terms that are used in this *Screening Handbook* and provides a common language to understand the basic principles of screening. Largely based on material from the original *Screening Handbook*<sup>6</sup>,

it offers updated applications, within a broader context, that relate to the three purposes of screening: (1) To better match people with opportunities in organizations; (2) to improve the quality and safety of programs in communities; and (3) to reduce risk and liability.

<sup>6</sup> Street, Lorraine, 1996: *The Screening Handbook: Protecting Clients, Staff, and the Community*, Volunteer Canada (formerly the Canadian Association of Volunteer Bureaux and Centres) (Conventions, Part I, pages 1.1 – 1.15)

#### The Duty of Care

The duty of care is the fundamental principle and premise underlying the question of screening. Duty of care is a legal principle which identifies the obligations of individuals and organizations to take reasonable measure to care for and to protect their clients to an appropriate level or standard. If the clients are vulnerable, if they cannot protect, defend, or assert themselves, permanently or temporarily, because of age, disability, or circumstances, then that duty becomes more intense and the standard higher.

Duty of care captures equally well the ethical and moral obligations of organizations. One way the organization can fulfill its legal, ethical, and moral duty of care towards clients is through careful screening of the people who provide services.

—*The Screening Handbook: Protecting Clients, Staff, and the Community*, Lorraine Street, 1996

**(This document does not offer legal advice. Readers should consult with a lawyer regarding their specific legal questions or concerns.)**



Duty of care, for individuals and organizations, is embedded in federal and provincial/territorial legislation both explicitly and implicitly. An organization's duty of care goes beyond its responsibility to protect clients. The term encompasses an organization's obligation to all those involved with their organization, including paid employees and volunteers, whether or not

they themselves are vulnerable. In the context of screening, the duty of care identifies the relationship between a person and an organization and determines the nature of the care that the organization owes to that person. **(This document does not offer legal advice. Readers should consult with a lawyer regarding their specific legal questions or concerns.)**

## Standard of Care

The standard of care refers to the degree or level of service, attention, care, and protection that one owes another according to the law, usually the law of negligence. The required standard varies according to the circumstances of each situation.

### The reasonable or prudent person standard

The standard of care expected in individual circumstances is that of the reasonable or prudent person. To determine what standard of care should be in a particular situation, the following questions would be asked:

- What are the risks involved in a situation, given the nature of the activity, the participants, the setting, the availability of support or assistance, and the other relevant factors?
- What would a reasonable person of average judgement, skill, and experience, be expected to do – or not do – under these circumstances?
- What consequences of an action – or lack of action – would a reasonable person of average judgement skills, memory, and experience be expected to foresee?

*(Page 1.5 The Screening Handbook, 1996, Lorraine Street)*

**(This document does not offer legal advice. Readers should consult with a lawyer regarding their specific legal questions or concerns.)**

The standard of care evolves as public awareness of issues increases, tools and resources become widely available, and education and training are adapted to respond to new circumstances. The standard of care applies to the organization as a whole, in terms of its policies and practices, and extends to all those who are acting on behalf of the organization, including paid employees and volunteers. The standard of care is higher for an

organization that carries out its duty of care to vulnerable people. If an organization has a duty of care to someone and does not meet the standards of care that would be carried out by a reasonable and prudent person, then they are said to be in breach of the standard of care. **(This document does not offer legal advice. Readers should consult with a lawyer regarding their specific legal questions or concerns.)**

## Vulnerable People

For the purposes of screening the most relevant definition is found in the (federal) *Criminal Records Act* which defines vulnerable members of society 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 in a position of trust or authority towards them.”

## Position of Trust (Authority)

A position of trust or authority is created when an individual's relationship with someone else has any of the following characteristics:

- Decision-making power
- Unsupervised access
- Closeness inherent in the relationship
- Personal nature of the activity itself

**(This document does not offer legal advice. Readers should consult with a lawyer regarding their specific legal questions or concerns.)**

## Negligence

When someone is harmed as a result of the action or inaction of another person (organization), in breach of the standard of care, the charge most often made is that the responsible person had been negligent, that he or she (or the organization) failed to exercise the reasonable care that a prudent person would have exercised under the circumstance.

*Page 1.7*

**(This document does not offer legal advice. Readers should consult with a lawyer regarding their specific legal questions or concerns.)**

Negligence is determined if an organization has a duty of care to another that calls for a standard of care that was breached, that results in injury (physical, mental, emotional, psychological, loss of property, or invasion of privacy). It also has to be determined that the injury was a result of the action or inaction of the organization and the person did not give informed consent to voluntarily assume the risks. **(This document does not offer legal advice. Readers should consult with a lawyer regarding their specific legal questions or concerns.)**

## Liability

An organization's **liability** refers to their legal responsibility in a given situation. If they are found to be legally responsible, or held liable, for any harm done to someone then they may be required to pay for damages caused. Board members of an organization may ask what their liability is in a certain situation, meaning what their legal exposure is. **(This document does not offer legal advice. Readers should consult with a lawyer regarding their specific legal questions or concerns.)**

## Personal Information

Personal information is generally defined as information that can identify an individual. Examples of personal information range from an individual's name, address, or telephone number to an individual's driving record, medical record, or criminal history. For Privacy legislation to apply, the personal information in question must generally be about an individual, identify an individual, or be able to identify an individual. **(This document does not offer legal advice. Readers should consult with a lawyer regarding their specific legal questions or concerns.)**

# Chapter 2 – Social Policy and Regulatory Framework

Screening policies and practices are developed for the positions, roles, and opportunities within an organization, with the aim of better matching people and organizations, improving the safety and quality of services in communities, and reducing the risks and liability for all concerned. Where do organizations look to find out what they are required to do? The regulatory framework for Canadian non-profit and charitable organizations is both dispersed and complex as illustrated in the diagram below.

## Social Policy and Regulatory Framework Related to Screening





An online profile has been created for each province and territory that contains sources of public legislation for each province and territory; it can be accessed at Appendix A. Chapter 3, “Are Volunteers Employees?” and Chapter 4, “Information and Privacy” provide more details of how specific public policy and legislation relate to screening. Chapter 5, “Police Checks”,

describes the process and regulatory environment for police information available through local police services, provincial police services, as well as Vulnerable Sector Checks, through the Royal Canadian Mounted Police (RCMP).

Following is an inventory and checklist of a range of regulatory sources that may be relevant to an organization’s screening practices.

## Social Policy and Regulatory Source Checklist

This checklist can be applied to your organization to ensure that you have consulted with the regulatory sources that relate to your organization and the people you are engaging.

Regulatory Source	Potential Link to Screening	Impact on Screening Policies/Practices
<i>Canadian Charter of Rights and Freedoms</i>		
<i>Criminal Code (Canada)</i>		
<i>Criminal Records Act (Canada)</i>		
<i>Youth Criminal Justice Act</i>		
Child Protection		
Adult Protection		
Protection of People with Disabilities		
Human Rights		
Information and Privacy		
Regulated Professionals		
Employment Standards		
Change of Name		
Child Protection		
Accreditation		
By-laws		
Organization’s Policies		
Police Services Policies and Procedures		

## Chapter 3 – Volunteers as Employees

The key question that concerns us, as it relates to screening, is – when are volunteers deemed to be employees under the law, or treated as paid employees within an organization? Are organizations viewed as the employers with respect to volunteers and what does this mean in terms of their relationship and obligations to each other? Do volunteers have the same rights and access to protection as paid employees?

Given that legislation varies from one area of law to another and from one jurisdiction to another, there is no consistent answer to these questions.

As discussed in Chapter 1, the decisions and actions of organizations and volunteers are governed by a complex set of municipal, provincial/territorial, and federal social policies and legislation. Many laws are silent about their applicability to volunteers, leaving the interpretation to the courts, based on the specific circumstances of a given case. The following questions can help determine the relevance of a piece of legislation or policy to volunteers:

- Does the law explicitly include or exclude volunteers?
- Does the law define the term employee or employer?
- Have any court decisions defined volunteers as employees?

Organizations are responsible for the work carried out on their behalf whether it is done by volunteers or paid employees. Organizations are also responsible for the way they engage people, regardless of their employment status. There are a multitude of laws and other regulatory sources that have an impact on an organization's duty of care; however, we will explore the following four areas of legislation that most directly relate to the subject of volunteers as employees in screening practices:

- Access to Information and Protection of Privacy
- Human Rights
- Disabilities

- Employment Law (in special circumstances)

### ***Access to Information and Protection of Privacy:***

In recent years, this topic has been prominent within the public agenda and there has been tremendous activity at the municipal, provincial/territorial, and federal level in terms of legislation and public policy. Chapter 4 provides details on Information and Privacy, related to the Ten Steps of Screening begins on page 19.

***Human Rights*** – This is one area of legislation that has been more consistently applied to volunteers across jurisdictions, reflected in several cases of volunteers successfully lodging complaints under human rights legislation in different regions of the country. The specific language varies among the provincial, territorial, and federal human rights legislation; however, the legislation generally prohibits discrimination on the basis of a number of factors such as sex, age, religion, family status, gender, culture, disability, sexual orientation, or record of offences. A person's right not to be discriminated against in terms of **access to public services or employment** are the two areas that most closely relate to screening policies and practices.

Volunteering can be seen as both a public service (in which a volunteer participates) as well as employment (in which a volunteer is engaged). Therefore, human rights legislation generally applies to volunteers regardless of the determination of employee equivalency. The three criteria<sup>7</sup> that courts have used to determine if a volunteer is an employee are:

- Whether the volunteer was under the control of the organization;
- Whether the organization benefited from the volunteer's service; and
- Whether the volunteer received remuneration.

**(This document does not offer legal advice. Readers should consult with a lawyer regarding their specific legal questions or concerns.)**

Human rights principles need to be upheld throughout the Ten Steps of Screening. This begins

<sup>7</sup> Case law (reference Cadet case 1990 from *Screening Handbook*)

with the **assessment** that an organization carries out to determine what kind of volunteer activity would help meet the organization's mission. Clarifying the objectives and specific circumstances of the role will help determine the skills and abilities needed. This process will ensure that position requirements are based on the task and avoid having assumptions or bias exclude qualified applicants or contravene human rights legislation.

The volunteer **assignment** is then written to reflect the skills, qualifications, and experience needed to effectively fill the role. A position description that includes the actual abilities needed or preferred is a more inclusive approach to filling an organization's volunteer needs. **Recruitment** and promotional material also need to adhere to human rights legislation.

At the same time, “the laws do provide for situations in which it is lawful for an organization to discriminate, essentially when there is a legitimate or bona fide reason to do so, based on the specific set of circumstances or the position in question.”<sup>8</sup> The test used by the Supreme Court of Canada to determine if the discrimination is bona fide includes the following questions<sup>9</sup>:

- Is the requirement made in good faith?
- Is the requirement reasonable?
- Is the requirement essential to the job that has to be done?
- Can an accommodation be made?
- Would accommodation present an undue hardship on the organization?
- Are there health and safety risks?

**(This document does not offer legal advice. Readers should consult with a lawyer regarding their specific legal questions or concerns.)**

Questions on **application** forms and those asked verbally in the **interview** must follow human rights legislation as it relates to hiring. This extends to deciding which *references* are required and what referees are asked about the candidate.

<sup>8</sup> Street, Lorraine, 1996: The Screening Handbook, (page 15.4)

<sup>9</sup> Ibid Page 3.26

Requiring a **Police Records Check** also needs to be clearly and reasonably related to bona fide requirements of the position.

Part of **orientation and training** involves informing volunteers of the organization's policies and practices, codes of conduct and dress codes. It is always good to review these to ensure that they do not contain any discriminatory practices – that the policies and practices are reasonable for the position and circumstances.

**Support, supervision, follow-up, and feedback** need to be handled in a fashion that respects the rights of all those concerned. Practices need to be directly related to the assignment and achieving the organization's mission. They should link back to the threefold purposes of screening: to ensure that it is still a good match between the volunteer and the organization; to ensure quality and safety of the program and service; and to reduce risks and liability.

**Disabilities** – Social policy and legislation exist in many provinces and territories to protect the rights of people with disabilities and to obligate employers and service providers to make reasonable accommodations. Legislation related to people with disabilities is generally assumed to apply to volunteer activities. Exceptions tend to be specified in the applicable legislation. Most disability legislation is underscored by the value of promoting full participation in society by removing physical and attitudinal barriers.

**Employment Standards** – Provincial and territorial legislation regulates how employers treat employees and establishes boundaries and protocols that influence the nature of their relationship. Most Acts tend to define this relationship as “the receipt of pay in exchange for services”<sup>10</sup>, and regulators have tended to interpret this narrowly (that they are receiving a wage or salary) as opposed to a broader interpretation (that they receive a benefit). In exceptional circumstances, such as in the case of volunteer fire fighters and volunteer guides in National Parks, some courts have granted employee-status protection.

<sup>10</sup> Street, Lorraine, 1996: The Screening Handbook, (page 15.4)

## Public Policy Shifts

Whether or not volunteers are defined as employees in different areas of law is still inconsistent from one jurisdiction to another; however, in recent years, we have seen a closer relationship between those focused on labour and employment and those focused on strengthening volunteerism. This is reflected in departmental re-organizations as well as the establishment of cross-departmental committees.<sup>11</sup> This is in recognition of the role volunteering plays in the labour force.

There has also been a growing interest in calculating the economic value of volunteer time. In the *Canada Survey of Giving, Volunteering, and Participating*, Statistics Canada calculates the dollar value of volunteer hours and then, by extension, expresses the value in the number of full-time job equivalents. The value of volunteer time has also been included in the calculations of the non-profit sector's contribution to the Gross Domestic Product.<sup>12</sup> These shifts are recognizing volunteer activities as work.

## Integrated Human Resources

While many organizations are moving towards integrated human resources practices<sup>13</sup>, the non-profit sector is only at the beginning of this transition. Some organizations have separate policies and manuals for paid employees and volunteers while others have human resources policies that apply to both paid employees and volunteers, only indicating differences where they occur.

An organization can assess its level of human resources integration through the following factors, then cross-checking to see how they align with their screening policies and practices:

- **Obligations to the organization and to its clients**

<sup>11</sup> The Volunteerism Branch is housed in The Nova Scotia Ministry of Advanced Education and Labour

<sup>12</sup> Statistics Canada, Satellite Account

<sup>13</sup> Human resource management practices and policies that apply to paid employees, individual volunteers, pro-bono services, student involvement, mandatory community service participants and employer-supported (workplace) volunteers. The integrated approach looks at what work needs to be done and how to engage the talent needed regardless of status.

- Entitlement to rights and privileges
- Access to opportunities
- Protection by the organization

**Obligations** – When an individual makes a commitment to fill a volunteer role, the organization often asks for an acknowledgement in writing of their obligations to the organization and to its clients. How are volunteers' obligations clearly expressed in the volunteer assignment and related policies?

**Entitlement** – Are volunteers entitled to any of the privileges given to employees such as free admission, membership, services, discounts, or use of facilities? Do the organization's policies regarding inclusivity, diversity, harassment, accommodations, and reimbursement of expenses give volunteers the same rights as paid employees?

**Access** – Do volunteers have access to training opportunities, resource libraries, and other staff facilities? Are volunteers included in planning events, celebrations, workshops, and conferences? Do volunteers have access to computers, including network passwords?

**Protection by the Organization** – Are volunteers protected by the policies and systems in the organization? Do the board of directors and senior management have a clear understanding of their obligations to protect volunteers? Do volunteers have access to grievance processes?

This issue of integrated human resources is not limited to paid employees and volunteers, and includes placement students, interns, co-op students, and participants of mandatory community service programs, as well as professionals and businesses doing pro bono work. Aside from determining what needs to be done to be in accordance with organizational policies and to be in compliance with the law, organizations are looking for a more cohesive way to engage people, regardless of employment status. The language around volunteering and citizen engagement is also changing. Screening, policies, and practices are always related to the position, assignment, or role and not to the employment status.

Therefore, from both a philosophical and practical perspective, using the term engagement, rather than employment, is more encompassing.

## Chapter 4 – Information and Privacy

This chapter should not take the place of legal advice. If you are unsure if or how *Information Access and Protection of Privacy (IAPP)* legislation applies, please contact a lawyer or the person in your organization appointed to ensure you follow the Act that applies.

Many people confuse privacy with secrecy or confidentiality, but privacy is a broad concept. Privacy is neither defined in the legislation that regulates and influences our privacy rights nor is it defined in the *Charter of Rights and Freedoms*.<sup>14</sup> Yet, privacy has been described as “a fundamental human right.” As Justice La Forest of the Supreme Court once said, it’s “at the heart of liberty in a modern state. ... There’s no real freedom without privacy. In fact, some people call privacy ‘the right from which all others flow.’”<sup>15</sup>

In general, IAPP legislation is about balancing the privacy expectations of individuals against the reasonable and lawful interest of a third party. It focuses on the need to ensure the fair use of personal information.

In the context of this chapter, the privacy of individuals needs to be balanced against the legitimate need for an organization to collect, use and disclose personal information for reasonable screening-related purposes.

The very nature of screening volunteers for positions of trust involves the collection, use, disclosure, and retention of a lot of sensitive personal information. *IAPP* legislation contains provisions that require organizations to safeguard personal information in their possession. Not only is safeguarding important for the individuals whose personal information is at stake, it is also important for organizations that may be liable or have their reputations damaged as a result of personal information being inappropriately accessed, used, maintained, or disclosed.

In addition to safeguarding requirements, the law may also give individuals the right to consult their own information, in full or in part. Individuals may also be allowed to request corrections or amendments to any personal information they think is wrong. Finally, the legislation may also provide individuals a right to lodge a complaint if they think the organization is not living up to its responsibilities under the law.

In Canada, there is a patchwork of public, private, and health sector *IAPP* legislation, but the primary subject in all cases is “personal information.”

<sup>14</sup> *Canadian Charter of Rights and Freedoms*, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11 [hereinafter Charter].

<sup>15</sup> Julien Delisle, Address (Ottawa Centre for Research and Innovation, GOL – OCRI Series, Ottawa, Ontario, June 4, 2003); available at [http://www.privcom.gc.ca/speech/2003/02\\_05\\_a\\_030604\\_e.asp](http://www.privcom.gc.ca/speech/2003/02_05_a_030604_e.asp).



## Definition of Personal Information

Personal information is generally defined as information that can identify an individual. Examples of personal information range from an individual's name, address, or telephone number to an individual's driving record, medical record, or criminal history. For Privacy legislation to apply, the personal information in question must generally be about an individual, identify an individual, or be able to identify an individual. To find out more about what constitutes personal information, what does not, or about specific privacy laws, please visit [www.priv.gc.ca](http://www.priv.gc.ca) and look under Privacy Legislation.

There is no single source of law in Canada that governs *IAPP*. The *Canadian Constitution* divides responsibilities to make laws on different subjects between the federal government and the provincial and territorial governments.

The responsibility to make laws concerning *IAPP* obligations is a shared responsibility. Appendix A is a thumbnail sketch of Canada's *Information Access and Protection of Privacy* legislation.

Furthermore, not all *IAPP* legislation specifically applies to volunteers. But whether or not privacy is protected by law or not, respecting privacy in the screening process just makes good common sense.

## Why is Privacy an important screening issue?

For many organizations, respecting privacy is the law. The mishandling of personal information can lead to serious consequences for the organization and the individuals involved. Good privacy practices are a key part of corporate governance, accountability, and risk management. One way to address privacy risk is to focus attention on managing the information you create during the screening process.

The purpose of this chapter is to help you understand the relationship between the screening process, information management, and privacy using the Fair Information Principles (see Table A, page 34), which are the principles underlying most privacy laws and privacy best practices.

This chapter is meant to inform organizations about: getting consent to collect, use and disclose personal information; not collecting more information than is needed to screen; using information for the purposes for which you collected it; ensuring the information is accurate and retained for reasonable purposes; letting people see what information you have about them; and keeping the information secure from inappropriate access, use, and disclosure.

It is vital that organizations take care of the records containing personal information that they create, receive, and keep for the screening process.

*IAPP* legislation allows organizations the opportunity to put their information handling practices in order. It requires them to actively manage the life cycle of personal information in their records from collection through to destruction.

## 1. Assessment (of Programs, Policies, and Risks)

Privacy laws require organizations to build privacy policies outlining how they collect, use, and disclose personal information. Most privacy statutes also expressly require that those policies be made available to the public.

Understandably, Canadians are concerned about how organizations will use their personal information. A privacy policy is a good way for organizations to **demonstrate** their commitment to privacy and the protection of personal information.

What policies and other safeguards does your organization have in place for the management of personal information?

To make organizations more accountable and transparent for the management of personal information, *IAPP* legislation generally requires organizations to:

- designate someone to ensure privacy compliance;
- implement policies and practices to protect personal information;
- establish “procedures to receive and respond to complaints and inquiries” about how personal information is handled; and
- develop information which explains their policies and procedures.

### **Right of access, accountability and transparency**

Volunteer records must be maintained in a manner that follows applicable regulations, accreditation standards, professional practice standards, and legal standards. These standards may vary based on the practice setting, social policy, and regulatory framework, but maintaining good records (specific, objective, and complete) that support the screening process is an important component of the screening process.

Volunteers should be able to request access to their personal information, and should be able to challenge the accuracy and completeness of it.

With limited exceptions, individuals also have a right to see or request to receive copies of their personal information. The right of access may also include the obligation of an organization, upon written request, to provide an account of the organization’s use and disclosure of an individual’s personal information.

If there are reasons why your organization may refuse access, these should be stated in your policies. Embarrassment is not recognized by any privacy statute as a valid reason to withhold information, so ensure your documentation is sound.

While overall responsibility for privacy usually rests with a designated individual, managers of volunteer resources are also responsible for all the personal information they collect and control. If an organization has personal information in its office, filing cabinet, computers, portable electronic storage device, or elsewhere, and the organization determines how to use, disclose, and store personal information, and how long to keep it, they hold a responsibility for privacy compliance.

Who is the point of contact in your organization for more information about your privacy policy, for clarification of the policy, or for registering a privacy complaint?

To understand if your organization is handling personal information in compliance with the *IAPP* legislation, begin by re-assessing old paper files, databases and the forms developed as part of the screening process.

## Take an Inventory

Begin by taking an inventory of your existing screening records, the format of the records, and your current volunteer information management policies and practices, and ask yourself the following questions:

1. Who do we collect personal information about?
2. What personal information do we collect?
3. How do we collect it?
4. Why do we collect it?
5. What do we use it for?
6. Where do we keep it?
7. How is it secured?
8. Who has access to or uses it?
9. To whom is it disclosed?
10. When is it disposed?

### **Who do you collect personal information about during the screening process?**

Each volunteer organization provides a unique program or service, but during the screening process, organizations generally collect personal information on three main types of individuals:

1. Potential volunteers: individuals who are potential volunteers.
2. Volunteers: individuals currently volunteering.
3. Clients/participants: individuals supported by the volunteer program or service.

### **What personal information do you collect during the screening process?**

When identifying what personal information you collect during the screening process, be sure to examine records in hard copy, on computers and other electronic media, as well as any online resources (e.g. websites, chat rooms, news services, mailing lists, or bulletin boards).



Sources of Information	Examples of Personal Information
Resumés	Name, address, contact details, education, skills, and previous work/volunteer experience
Application Forms	Name, address, contact details, education, previous work experience, gender, date of birth, and emergency contact information
Interview, References and Credentials	Specific information related to work experience, qualifications, character, skills, and personality
Attendance Information	Volunteer days/hours worked, training, orientation attendance, positions held
ID Card	Photographic image of face, unique identifying number
Police Records Checks and Vulnerable Sector Checks	Police Records Check, driver's license, driving abstract, insurance information (including any license limitations), and health screening information
Signed Agreements	Volunteer Handbook - signed agreement page, signed confidentiality agreements, etc.
Support, supervision and evaluation	Evaluations, awards, letters of reference, or disciplinary letters/issues
Client/Participant/ Donor Information	Personal information of clients or participants supported by programs and services

### How do you collect personal information?

Organizations must collect personal information through fair and lawful means. Personal information can be collected from a wide variety of sources, and can include information dropped off in person, faxed, or emailed.

- References are obtained through telephone conversations and written reference letters.
- Volunteer application forms can be received by fax, email, and in person.
- Client/participant information can be collected by internal staff and volunteered by the clients/participants to provide them with programs or services.

When you collect personal information from individuals, you must ensure that you explain your purpose for collecting their information and it is necessary to get their consent in advance. Sometimes **explicit (or express) consent** is required. This means that the individual is clearly presented, either orally or in writing, with the option to agree or disagree. Other times **implicit (or implied) consent** is sufficient. This type of

consent occurs when an individual voluntarily provides you with their personal information. For example, if you receive a resumé from an individual interested in volunteering with your organization and attached to the resumé is a page of references, it is implied that the volunteer has given consent for you to contact the references. A reasonable person would understand that the act of providing references implies that consent is given to contact them.

Sensitive personal information generally requires an extra level of protection and a higher duty of care. Some jurisdictions may require explicit/expressed consent rather than implicit/implied consent for the collection and use of sensitive information.

Some Privacy legislation may even permit organizations to collect personal information without consent or knowledge, but these exceptions are usually specific and very limited.

To determine the most appropriate form of consent, organizations must take into account both the sensitivity of the personal information and the purpose for which it is collected, used, and disclosed. Consult the legislation that applies to your organization to determine when it is reasonable to use a certain form of consent.

### **Identify Your Personal Information Needs and Practices**

Once you have performed your inventory and determined what personal information you collect, the next step is to fully understand how and why the personal information is collected, used, and disclosed. You can then begin to assess why all the types of personal information you collect are necessary for the screening process.

The reason personal information is collected, used, and disclosed, along with who can see what, when, where, how, and why, all need to be identified, documented, and analyzed. This is an essential step if you want to know if the information management practices comply with Privacy legislation.

The requirement that personal information be collected fairly and lawfully is intended to prevent organizations from collecting information by misleading or deceiving individuals about the purpose for which information is being collected. This requirement implies that consent with respect to collection must not be obtained through deception.

For example, if you have a booth at a mall and have a draw for a prize, you cannot keep the personal information you collected for the prize and then use it to contact the individuals for a volunteer recruitment effort, unless you had specifically given notice of this purpose at the time of collection.

### **Why do you collect personal information?**

Under privacy legislation, organizations may generally only collect, retain, use, and disclose personal information for purposes that are reasonable. In short, organizations need a good reason for collecting personal information.

Even if your organization is not subject to privacy legislation, you should have a good reason for collecting personal information.

Most volunteer organizations need to collect personal information about volunteers for the purpose of providing an effective volunteer program, service, or activity. This includes recruiting volunteers and establishing, managing, and terminating the volunteer relationship. You may use the information to maintain statistics or evaluate your recruitment strategies.

The organization should only collect personal information that is necessary for its stated purpose and collect it by fair and lawful means.

You may also use personal information for other purposes which will need to be identified when the information is collected.

### **Best practices:**

- Clearly identifying your purpose for collecting personal information will allow you to make good decisions about collecting and using personal information for the screening process.
- Identify the following: what exactly do you need to collect? From whom? When? Only collect what you need to screen volunteers.
- Get consent at the time of collection to collect, use and disclose personal information

### **How is personal information used?**

Personal information, references, police checks, and other personal information regarding volunteers is generally added to databases and is used to recruit volunteers and to establish and manage an effective volunteer program.

For example, as part of providing a program, service, or activity, you need to assess the suitability of individuals and their ability to perform said services. You may need to collect personal information to contact individuals, confirm their application information, and assign volunteer opportunities and training.

Organizations may also need to collect personal information about a volunteer's performance to provide support, supervision, and evaluation.

Personal information about volunteers (including photographs and biographical information) may also be collected, used, and disclosed in the course of the organization's activities including publications such as newsletters, and websites. If computer use and e-mail are monitored in accordance with your organization's computer, Internet and/or email policy, personal information may be collected in the operation and maintenance of these systems. Consider also whether personal information about volunteers may be collected, used, and disclosed in the course of the operation of building security systems, including video and other surveillance systems.

If you want to use the personal information you have collected for an extra, unrelated purpose, you will likely need the agreement of the individuals from whom it was collected.

### **Who has access or uses the personal information?**

One of the primary purposes of all privacy legislation is to protect personal information. This means having adequate safeguards to ensure access to personal information in volunteers' and clients' files is limited to:

- Persons authorized by your organization who require it to perform their duties;
- Persons to whom the volunteers or clients have granted access; and
- Persons authorized by law.

Certain types of personal information (for example, police checks, health screening information, or other sensitive checks, including, but not limited to, sensitive client information) may need to be segregated or segmented to facilitate privacy, provide appropriate access, and protect personal information from unauthorized:

- Access;
- Use, theft, or loss; and
- Copying, changing, or destroying.

A complete volunteer record could be divided into segments to make some information available while securing the more sensitive segments for restricted use. Copies should be controlled and kept to a minimum.

### **Where is personal information stored and how is it kept secure?**

Paper-based personal information may be stored in offices or external secured storage facilities.

Electronic information may be stored in computer systems with back-ups generally stored off-site.

Most individuals consider medical and police (law enforcement) information about themselves to be examples of 'highly sensitive' personal information. This type of information should be protected by special security measures and should have minimal secondary uses and minimal disclosure to third parties.

Volunteer records created or received by volunteer managers in the process of screening are important records and may contain personal information about the professional and personal circumstances of individuals. These records provide evidence of decisions, activities, and transactions.

The design and management of both electronic and paper-based records must maintain their integrity and authenticity through control mechanisms to track their movement and prevent unauthorized access and use, or inappropriate and mischievous amendment or removal. Volunteer managers are entrusted with a special responsibility concerning access and management of these records.

Organizations may have various levels of security in place to safeguard personal information including physical safeguards, administrative safeguards, and technical safeguards.

**Physical safeguards** may include:

- Locked cabinets and locked storage areas;
- Limited access to areas where personal information is filed or stored;
- Shredding papers containing personal information when disposing;
- Installing polarized screens (also known as privacy or security screens) or other overlay devices that shield personal information on the screen from persons who are not directly in front of the screen;
- ID cards, alarms, and pass keys; and
- Areas that use white boards, chalk boards, etc. must be evaluated to ensure personal information is not displayed or unintentionally disclosed.

**Administrative safeguards** may include:

- Policies and procedures for the management of personal information (e.g., assigning rights and privileges of users to access certain resources);
- Volunteer training on privacy policies and procedures;
- Supervision of volunteers or buddy system; and
- Volunteers acknowledge and sign a confidentiality agreement.

**Technical safeguards** may include use of tools such as:

- Firewalls;
- Anti-virus software;
- Audit trails;
- Automatic account log off;
- Encryption (secure transmission); and
- Passwords and other authentication techniques.

Collection, use, or disclosure of personal information should normally be done only with a volunteer's knowledge and consent.

Everyone has responsibilities for protecting personal information using the safeguards in a manner appropriate for the type of personal information.

Volunteers' personal information needs to be accurate, complete, and up-to-date.

One of the reasons to protect privacy is to prevent harm to individuals. Inaccurate information can cause harm.

Organizations must take reasonable steps to ensure the personal information they collect, use, and disclose is as accurate, complete, and up-to-date as is necessary for its purpose.

**Best Practices:**

- Have a procedure that records when updates or changes are made to personal information;
- Have a procedure that records the last change made to the personal information and the source for the information that was changed;
- Keep track of third parties to whom you have disclosed personal information and have a procedure to provide those third parties with correction notices to the personal information that was disclosed to them; and
- Communicate details about how volunteers can contact you and how they can gain access or request corrections to their personal information.

Even if you are not required to do so by law, consider giving volunteers access to the personal information held about them, so that they can verify, and if necessary challenge, its accuracy and completeness.

**To whom is personal information disclosed?**

The personal information collected on volunteers may be used and disclosed throughout the screening process. This includes personal information on resumés, application forms, results of checks (police check, health screening, driver's checks, information collected on references, etc.).

Other personal information that may also be disclosed includes volunteering history, performance reviews, discipline and related notes, documentation related to qualifications

(professional or technical qualifications) and any other personal information as required or permitted by law.

Disclosure of personal information is subject to the legislation applicable to your organization, but generally, personal information may be disclosed:

- For the purpose for which the information was collected or for a use consistent with that purpose (e.g., for determining or verifying an individual's suitability to be a volunteer with your organization);
- The volunteer has consented in writing to the disclosure (e.g., so that the spouse, relative, or friend of an injured or ill volunteer may be contacted); and
- Disclosure is necessary to comply with a federal or provincial law.

Depending on the legislation, personal information may be disclosed to third parties without consent if the disclosure fulfills the purpose identified by the organization at the time of collection or as required by law.

The organization should normally use or disclose personal information only for the purpose for which it was collected, and should keep it only as long as it is needed for that purpose, unless the organization has the volunteer's consent to do something else with it, or is legally required to use or disclose it for other purposes.

Where personal information is disclosed to a third party, the organization may still be required to obtain consent and have other appropriate safeguards in place. This may include confidentiality clauses in contractual agreements to protect the transfer and use of personal information (see information on Police Records Checks and Vulnerable Sector Checks later in this chapter for further information on this topic).

### When is it disposed of?

Canadian privacy statutes typically include a general obligation to implement safeguards to protect personal information from unauthorized access, disclosure, copying, use, modification, destruction, and/or similar risks. Most privacy legislation will also require that you keep personal information for only as long as it is needed to fulfill your purposes. Information in records needs to be retained as long as is reasonable for administrative, legal and fiscal purposes. For example, certain organizations will have retention requirements contained in a statute, professional standards of practice, or codes of conduct.

A “records retention and disposition schedule” is a timetable that identifies the length of time a record or file must be retained before it is destroyed or those records which have archival value are identified and retained permanently. A records retention and disposition schedule facilitates the systematic disposal of unneeded information.

Consider periodically purging your collections of personal information. Information on volunteers who were screened out, resumés, reference information may be considered for deletion or destruction. So too can any other information related to the volunteer screening program where the volunteer is no longer engaged with the organization or where the information has not been accessed or used for a certain period of time.

Note: At times, organizations are asked to provide references on volunteers who have not been with the organization for a number of years. Be sure to inform volunteers of your retention period and how long you will keep their personal information before it is destroyed.

Many privacy statutes also require that all reasonable steps be taken when destroying or disposing of the personal information. Some statutes expressly require organizations to create and maintain a disposal record that details the personal information destroyed, the time period



to which it relates, and the date and the method of destruction, including the name of the person responsible for supervising the destruction.

## 2. Volunteer Position and Assignment Description

An incredibly important and useful screening tool, the volunteer opportunity description clearly sets out the responsibilities, expectations, skills, and abilities required to perform the volunteer task successfully.

The volunteer opportunity description not only creates the basis for your volunteer recruitment efforts, it also plays a role in determining what personal information you may justifiably need to collect to assess the suitability of a volunteer for a particular task. As an example, an opportunity for a volunteer driver requires a rigorous level of screening that corresponds to the risks associated with the volunteers who will work unsupervised and transport passengers in the organization's vehicle. In this scenario, you will not only need to collect general information on volunteers to contact them, etc., but you may also need to collect driver's license and insurance information.

If working in health care, and to comply with requirements of the Public Health Agency of Canada, certain volunteer positions may require the collection of health screening information such as: immunization status, tuberculin (TB) testing, blood work results for immune status of measles, mumps, rubella and varicella (Chicken Pox), etc.

If you cannot make a connection between the information you are collecting to a justifiable purpose, consider whether you should be collecting it at all.

The intent of privacy legislation is to ensure the collection, use, disclosure, and retention of personal information is controlled and justified.

Indiscriminate collection of personal information that does not reasonably relate to the screening process may expose organizations to liability.

### Best Practices:

- Collect only what you reasonably need for the identified purpose(s) and keep it only as long as it is required to satisfy the purpose(s).
- Ensure what you collect is necessary (mandatory), not merely helpful (optional). Avoid collecting personal information about an individual just because you think that information may come in handy later.
- Establish a retention period. Don't keep information you no longer need or are no longer required to retain. Clean up your files: remove unnecessary information from current files.
- Ensure secure destruction.

## 3. Recruitment and Communication Strategy

### Notice of Collection, Indirect Collection, and Consent

*IAPP* legislation generally requires personal information to be collected directly from the individual except in limited and specific circumstances. This is so the personal information that will be used to make a decision about an individual is as accurate, up to date, and complete as possible.

Where the personal information is collected directly from the individual, notice should be given to the person at the time of collection. Where the personal information is collected on a form, the notice may be provided on the form itself.

Alternative ways of providing collection notices could include:

- notifying volunteers through the volunteer information package;

- orally informing volunteers in the course of an in-person or telephone interview (and noting this in the individual's file); or
- including the notice in correspondence or as an insert with other mailed material.

*IAPP* legislation may also describe the manner in which this information can be collected, i.e., either directly from the individual to whom it relates, or indirectly.

The organization should say what personal information it collects from volunteers, why it collects it, and what it does with the information.

Collecting personal information from a source other than the individual to whom it relates, (e.g., references, police checks, etc.) is considered to be an “indirect collection.” If your volunteer application form requires an individual to provide personal information about an emergency contact, for example, this would be an example of an indirect collection.

When personal information is collected from another source, organizations must generally provide a notice and consent for the indirect collection of personal information.

Consider the following elements, as applicable, when seeking consent:

- The purpose of the consent and the specific personal information involved;
- The sources who will be asked to provide the information, in the case of indirect collections;
- Uses and disclosures that are not in the original purpose of the collection and for which consent is being sought;
- Any consequences that may result from withholding consent; and
- Any alternatives to providing consent.

As part of your recruitment and communication screening strategy, inform individuals as to why you need to collect their personal information, your legal authority for collecting it (if applicable),

how you plan to use it, if you intend to disclose it, and how long you plan to keep it.

## 4. Application Form and Information Package

Almost all volunteer programs have an application form and information package of some kind.

Persons wishing to volunteer are asked to provide certain personal information. Some of the information requested for this purpose is mandatory and other information may be optional (e.g., collection of birth date for the purpose of sending birthday greetings).

A notification should be included on a form when the principal purpose is to collect personal information and the information is used to make a decision about the volunteer, such as to assess their suitability for a particular volunteer program, service, or activity.

Consider the following when developing or revising your application forms and information packages:

- By choosing to volunteer, the potential volunteer agrees to certain uses of the information he or she provides;
- Clearly state what information is necessary as an essential requirement to the screening process and what information is optional;
- The way the volunteer program will use the information received should be set out;
- Be open about when personal information may be disclosed – state whether the volunteer program intends to share personal information with other programs (such as the public affairs department or the hospital's foundation), other external third parties, or as required by law;
- If the volunteer program intends to verify the personal information submitted, that should be stated;

- If the volunteer program can reasonably anticipate using the data provided by the potential volunteer to conduct surveys of volunteers, to do an analysis of the volunteer program, or to verify information submitted to other programs, those uses should be specified;
- That the information provided by the potential volunteer is complete, accurate and true;
- Administrative or other penalties may be applied in the event that the potential volunteer submits false information;
- The retention period for personal information on volunteers; and
- If a contact person is named on the form other than the potential volunteer's (e.g., the potential volunteer's emergency contact), that the volunteer has the consent of those individuals to provide their information.

Some jurisdictions require that the form point to a personal information bank number that applies to the program, and that the individual can access and protect the personal information. Some jurisdictions may also require the application form to state the specific legal authority for the program.

A Personal Information Bank (PIB) is a collection of personal information that is either organized or retrieved using an individual's name or another identifying number or symbol assigned to an identifiable individual.

Privacy principles require an organization to collect personal information only for purposes that are reasonable.

**Best Practice:**

Limit the information collected to what is necessary for carrying out your screening obligations. Limit both the amount and type of information collected. Doing so helps to decrease:

- The risk of unauthorized use or disclosure of personal information; and

- The cost of collecting, storing, and retaining unnecessary personal information.

Ideally, organizations should collect personal information directly from the individual.

Collecting personal information on forms means collecting personal information that is reasonably needed to establish, manage, or end the volunteer relationship. It does not include personal information that is not related to the relationship. The collection, use, and disclosure must be reasonable for the purpose, and the personal information should be limited to the volunteer opportunity relationship.

Review and update any forms (paper and electronic) that you use to collect personal information.

## 5. Interview and Information Sessions

The interviews and information sessions are an important component to the comprehensive volunteer screening process and allow both the organization and the potential volunteer to make informed decisions about participation.

By the time a potential volunteer comes for an interview, however, the organization has generally already collected some personal information about the individual. Meeting an individual in person usually helps to expand upon and validate the personal information already provided. Interviews also help to assess personable suitability for a particular volunteer opportunity and overall compatibility with the organization.

As stated earlier, consent for the collection, use, and disclosure of personal information should be obtained by organizations at the earliest opportunity. For many organizations this will mean obtaining consent at the volunteer interview.



Only after this consent is obtained should an organization conduct the appropriate checking of references and credentials.

During and after the interview process, organizations should also ensure that any additional personal information collected from potential volunteers and/or other sources is reasonably within the scope of the identified purpose. As stated earlier, indiscriminate collection of personal information that does not reasonably relate to the screening process may expose organizations to liability.

In compliance with privacy principles, the notes that interviewers take during and after the interview should be limited to information that is relevant and necessary to satisfy the identified purpose.

Although the interview process provides an excellent opportunity to determine the suitability of a potential volunteer, a poorly conducted interview can expose the organization to liability.

**Best practice:**

In preparation for the interview, an interviewer should:

- Inform the potential volunteer of the reasons why the information is required;
- Ensure the potential volunteer's consent is obtained before using or disclosing any personal information to third parties for any reason;
- Take every reasonable precaution to safeguard, secure, and protect all information, documentation, and materials that are created during this process;
- Avoid recording personal opinions or value judgments about the potential volunteer;
- Avoid recording too much information, including irrelevant information; and
- Write in neutral language and avoid overuse of abbreviations, acronyms, or symbols. The information should be easily understood.

Remember, if you are subject to *IAPP* legislation, the information collected in the interview will

be subject to the *Act* and may be accessed by the potential volunteer at a later date.

## 6. References and Credentials

Reference checks and other credential checks are another important step in the volunteer screening process and therefore it is important to understand the privacy obligations for this step.

Consent to check references and credentials is typically obtained at the same time the potential volunteer supplies the references or credentials. The information provided during these reference and credential checks will be used to make an informed decision as to how to proceed with the potential volunteers.

For example, in the case of the volunteer driver, it may be reasonable to collect the driver's abstract, to use that information, and to disclose a copy of that information to the insurance provider who will provide insurance coverage for the organization's driver. This should be communicated at the time of collection and is usually not a major concern to potential volunteers.

It is important to note that under privacy legislation, the personal opinion of the reference may belong to both to the individual who provided the opinion as well as to the potential volunteer. That is to say that the identity (e.g., name, address, etc.) of the individual supplying the opinion belongs to that individual.

Therefore, reference information and the name of the person who provided the reference may be released under *IAPP* legislation unless they meet one of its specific exceptions. Collecting personal information from a source other than the individual to whom it relates, (e.g. references, police checks, etc.) is considered to be an "indirect collection."

**Best practice:**

- Inform volunteers that the organization will be contacting their references and verifying

their credentials and the feedback received will be used to make decisions about the volunteer's suitability;

- When checking references ask for the potential volunteer's consent to obtain personal information from third party referees.

## 7. Police Records Checks and Vulnerable Sector Checks

Police checks and vulnerable sector checks are an integral part of suitability pre-screening. Usually, the more access a volunteer opportunity has to vulnerable people, the higher the degree of Police Records Checks and Vulnerable Sector Checks required. With each level of check comes a corresponding decrease in individual privacy.

Accordingly, where organizations governed by *IAPP* legislation wish to collect information regarding a potential volunteers police records, criminal convictions, or other police information, such information is considered personal. Accordingly, the collection, use, and disclosure of that information may be regulated by *IAPP* legislation.

Generally, under *IAPP* legislation, an organization may require a potential volunteer to consent to these checks and may use the information derived from those checks to make a decision about the potential volunteer, however, the following privacy rules must usually be met:

- The collection and use of the potential volunteer's police and vulnerable persons checks must be for the purposes that a "reasonable person" would consider appropriate and reasonably necessary;
- The collection, use, and disclosure of this information must be directly related to the volunteer opportunity and circumstances.

### **Best practice:**

- Inform volunteers the organization will be performing police records checks and vulnerable sector checks for certain volunteer opportunities

and these records will be used to make decisions about the volunteer's suitability;

- Obtain consent for gathering information from the third parties performing these checks; and
- Take every reasonable precaution to safeguard, secure, and protect all information, documentation, and materials that are created during this process.

## 8. Orientation and Training

*IAPP* legislation requires that training and information is provided on an organization's privacy practices and policies.

Help volunteers understand their role in applying such policies and being able to communicate them. When you educate volunteers about your privacy practices and policies, you increase trust in your organization and help build pride among your volunteers.

Incorporate privacy issues into standard orientation and training programs.

Provide volunteers with the contact information of the organization's designated privacy officer.

Keep records of your privacy training for volunteers. Using a record of training can demonstrate that privacy training has occurred and the type of privacy training your volunteers have received. Completing a record of privacy training also reminds everyone that the organization values privacy.

## 9. Support, Supervision, and Evaluation

The nature, level, frequency, and duration of the support or supervision provided to volunteers can vary significantly depending on the specific circumstances involved and the nature of the volunteer opportunity description.

A volunteer has the right to privacy during the support, supervision, and evaluation stages of the screening process. During these steps, volunteer managers must demonstrate respect and dignity by maintaining volunteer confidentiality and by not sharing what is discussed with others who do not have need to know.

Conduct these discussions in a private setting where you will be able to talk openly without concern of being overheard.

Particularly during the supervision process, an organization must balance both its legal obligation to provide supervision in the interest of program safety and the volunteer's right to privacy, which are reduced, but not eliminated, while the volunteers are under the supervision of the organization.

This is particularly true if the organization uses, for example, video surveillance or other surveillance systems. Video surveillance, like other forms of volunteer supervision, must be performed in a way that respects volunteer privacy rights. This means giving notice of the video recording and how the recording will be collected, used, disclosed, retained, and disposed.

**Best practice:**

- Be objective and factual in what you write:
  - Avoid recording unsubstantiated or subjective comments about volunteers;
  - As a general rule, avoid quoting another individual unless they have consented to you quoting them. Volunteer managers should avoid recording conversations by quoting those persons who made the comments. Quotations and the name of the person quoted may be released under *IAPP* legislation unless they meet one of its specific exceptions. Some examples that may require quoting are cases of harassment, legal opinions, and volunteer discipline. Consult your legal counsel for guidance specific to your organization;

- Keep only the final version of your notes. Always destroy your transitory notes (e.g., hastily scribbled notes from a telephone conversation with subjective comments or unnecessary quotations); and
- Avoid recording information you don't need.

## 10. Follow-up and Feedback

The final step in the screening process may also involve the creation of records that contain follow-up and feedback information. The proper management of this information helps to ensure personal information is available to make decisions and to protect the rights both of the organization and individual's; it provides evidence of a volunteer's progress and volunteer history and also serve as an authoritative source of accurate information about them.

**Best practice:**

- Collect/record only information you need;
- Always create records assuming someone will ask to see them;
- Clearly label personal information as confidential or sensitive and apply reasonable security measures;
- If the information is in draft form, clearly label the document as such;
- Email messages are records that need to be managed – emails containing personal information used to make a decision about a volunteer should be converted to a suitable medium for retention purposes. Remember, email messages are records and accessible under *IAPP*. Manage them like any other record;
- At the time a record is created, perform regular information management, including an inventory of your files on an annual basis for retention and disposition;
- Dispose of records containing confidential or sensitive personal information in a secure manner.

## Conclusion

The process of screening volunteers involves the creation of information and records. The challenge for volunteer managers is to oversee all that personal information is in compliance with the federal or provincial/territorial legislation that sets the direction for protecting it. Building privacy into an organization's volunteer management policies and procedures is a critical component of a robust privacy program.

Volunteer records containing personal information must be managed properly throughout the screening process. It is important to ensure necessary and appropriate personal information is collected or created, the information remains accurate, protected, and available for proper use and disclosure, and that it is disposed or retained as required.

## Table A – Privacy Principles

These principles are usually referred to as “fair information principles.”

### **Principle 1 – Accountability**

An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.

### **Principle 2 – Identifying Purposes**

The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.

### **Principle 3 – Consent**

The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.

### **Principle 4 – Limiting Collection**

The collection of personal information shall be limited to that which is necessary for the purposes

identified by the organization. Information shall be collected by fair and lawful means.

### **Principle 5 – Limiting Use, Disclosure, and Retention**

Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfilment of those purposes.

### **Principle 6 – Accuracy**

Personal information shall be as accurate, complete, and up to date as is necessary for the purposes for which it is to be used.

### **Principle 7 – Safeguards**

Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

### **Principle 8 – Openness**

An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.

### **Principle 9 – Individual Access**

Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

### **Principle 10 – Challenging Compliance**

An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's compliance.<sup>16</sup>

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<sup>16</sup> Office of the Privacy Commissioner of Canada, (March 2012) Privacy Principles, retrieved from [http://www.priv.gc.ca/leg\\_c/p\\_principle\\_e.cfm](http://www.priv.gc.ca/leg_c/p_principle_e.cfm)

## Chapter 5 – Police Checks

Protecting our communities is a law enforcement priority for police services across Canada. Police support an organization's effective approach to screening by providing valuable information. This information can help guide the organization's decisions about matching people with appropriate opportunities, delivery of safe programs and services, and reduced risks and liability.

Determining how and if to engage or retain a person as a volunteer is always the responsibility of the organization. Organizations should draw upon the information gained through all Ten Steps of Screening, not solely the request for police information.

“Police Checks are an important part of the screening process, but they are only one screening measure, and they should never, ever be the first, last, or only measure that an organization adopts, especially with respect to positions of trust with vulnerable clients.” (Street, Lorraine, 1996)

Organizations should ask themselves a number of questions when determining if and what type of police information is required for a specific position.

- What information or level of police check should be requested?
- Is the request a bona fide requirement of the position (based on relevant Human Rights legislation)?
- What, if any, police information would preclude the applicant from being suitable for the position?

### Terminology and Process

As with the social policy and legislative environment, there is no standard answer across the country for what a police check is called or what the process looks like. The practices of the more than 1900 local, regional, provincial, and territorial police services in Canada vary with regard to the type of information they provide, the

process, the cost, and the name of the reports generated.

**What Types of Police Checks or Reports are Available?** Police services across Canada use a variety of terms to describe the type or level of police check and use different approaches to processing requests for police information. Organizations should contact their local police service to clearly understand the process, the terminology used and the levels of checks provided. Organizations should then provide appropriate information to help applicants understand what is involved and what they need to do.

**What kind of information is in police records?** Police records at various levels contain information about criminal and non-criminal offences, convictions, pending convictions, record suspensions (pardons), suspects, complainants, witnesses, and incidents where the police were involved. This does not mean that all of this would be released in response to a request for screening-related information. In addition to the individual policies and procedures of the particular police services, the *Criminal Records Act* (Canada) and the *Youth Criminal Justice Act* are very clear about what can be released, to whom, and under what circumstances. Therefore, different information can be released to the individual, the organization, and other police services.

**What terms related to police checks are referred to in Human Rights legislation?** Where these terms appear in Human Rights legislation (most often in the area of employment), a ‘**criminal record**’ refers to convictions under the *Criminal Code of Canada* for which a record suspension has not been granted. A ‘**record of offences**’ refers to an offence in respect of any provincial enactment, or an offence in respect of which a record suspension has been granted under the *Criminal Records Act* (Canada) and has not been revoked.

In some Canadian jurisdictions, discrimination is prohibited on the grounds of a ‘record of offences’ but not for a criminal record. In other



provinces or territories, both a ‘record of offences’ and a ‘criminal record’ are prohibited grounds of discrimination.

## Vulnerable Sector Checks

The Royal Canadian Mounted Police (RCMP) provide information to police agencies from the Canadian Police Information Centre’s database, and administer the requests from police services for a Vulnerable Sector Check or Verification (VS Check, VSC, VSN). A Vulnerable Sector (VS) check is a form of enhanced police record check that has been created to protect the most vulnerable in society.

## History of VS checks

In 2000, the federal government amended the *Criminal Records Act* to allow organizations dealing with children and vulnerable persons to verify if potential volunteers or employees have a record suspension for sex offences. The legislation requires that any request for a release of information of a suspended criminal records for sex offences be authorised by the Minister of Public Safety.

In 2010, the Ministerial Directive Concerning the Release of Criminal Record Information by the RCMP and the RCMP policy were amended to require that VS checks be done by the police of the local jurisdiction where the applicant lives, and that a number of different databases be verified. This was done in recognition of two facts. Firstly, the local police will have the most complete information on the person. Secondly, no one database will contain all of the information required for a complete VS check.

## Eligibility for VS checks

The *Criminal Records Act* requires that a VS check be performed for “a paid or volunteer position” only when that “position is one of authority or trust relative to those children or vulnerable

persons.” A child means a person under the age of 18. Vulnerable persons are 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.”

Because of the requirement that a person be in a position of “authority or trust,” positions with casual or occasional contact with children or other vulnerable persons would not normally require VS checks unless the position could lead the organization’s clients to have trust in the individual.

## Fingerprinting for VS checks

Most VS checks start with the police service conducting a name-based check of the databases available to them. If these checks indicate that there may be an active or suspended criminal record for the person, she/he may be required to submit fingerprints to complete the screening. The fingerprinting requirement exists because many people have similar names and because there are many cases where name changes are not reported to the RCMP. The use of fingerprints ensures that the results that are produced are for the correct person.

Where police services have access to the use of electronic fingerprinting, this technology substantially reduces the amount of time required to complete a fingerprint-based VS check. In addition, the RCMP has implemented policies that allow police services to refer people to private fingerprinting companies to have their fingerprints taken electronically. Lists of police services and private companies that can take electronic fingerprints for VS checks are available on the RCMP website at:

[www.rcmp-grc.gc.ca/rtid-ittr/index-eng.htm](http://www.rcmp-grc.gc.ca/rtid-ittr/index-eng.htm)

## More information

More information on VS checks is available on the following RCMP websites:

### 1. How to Obtain a Certified Criminal Record Check

[www.rcmp-grc.gc.ca/cr-cj/fing-empr2-eng.htm](http://www.rcmp-grc.gc.ca/cr-cj/fing-empr2-eng.htm)

### 2. Pamphlet on VS checks

[www.rcmp-grc.gc.ca/cr-cj/vulner/brochure-eng.pdf](http://www.rcmp-grc.gc.ca/cr-cj/vulner/brochure-eng.pdf)

### 3. FAQ's on VS checks

[www.rcmp-grc.gc.ca/cr-cj/vulner/faq-eng.htm](http://www.rcmp-grc.gc.ca/cr-cj/vulner/faq-eng.htm)

## Understanding the Perspectives of Different Stakeholders about Police Checks

In 2011, the Ontario Association of Chiefs of Police (OACP) released new guidelines for police services in Ontario. Developed by the OACP's Law Enforcement and Records Managers Network (LEARN) Sub-Committee, the LEARN Guidelines promote consistency in processing methods and terminology. The guidelines were developed with extensive consultation from stakeholders, including the RCMP and other police services, the Ontario Human Rights Commission, the Information and Privacy Commission of Ontario, the Canadian Mental Health Association Ontario, and Volunteer Toronto.

Based on the consultations for the LEARN Guidelines and additional input gained through Volunteer Canada's voluntary sector relations activities, the following summarizes some of the issues related to Police Checks, from a range of perspectives.<sup>17</sup>

**Organizations** – There is too much information about police checks and the differing processes. It can be difficult to understand the legal and technical terms used and to determine what is available in their jurisdiction and what is required.

<sup>17</sup> This section is based on a presentation made by Sue Cardwell, chair of the Ontario Law Enforcement and Records Management Network (LEARN) at the National Dialogue on Screening, November 29, 2011, in Ottawa.

Once organizations receive reports from police checks, they are unsure how to interpret the information and how to make a decision, in part, on the report they receive. The cost and time of police checks is also a concern.

**Human Rights Regulators** – More information is needed to help organizations determine when a police check is required for a position and when a Vulnerable Sector check is required under the Criminal Records Act.

**Privacy and Access to Information Regulators** – Information and reports from police checks and Vulnerable Sector Verification checks ought to be released to the individual directly. Waivers and consent forms need to be clearer and include a glossary of terms and an appeal process.

**Police Services and Law Enforcement** – Organizations (Employers) need to conduct their own independent risk assessments and police checks should only be considered as one of many tools utilized in the hiring process. Police are not human resource specialists trained in determining the bona fide requirements for the position.

Over-reliance on police checks can create an unacceptable downloading of responsibility and liability to police. Sufficient police resources are needed to ensure there is enough staff to provide quality assessment, as required. Police services and law enforcement agencies should release all information to the individual (applicant, employee, or volunteer), who can decide whether or not to share this with the organization and pursue the position or opportunity.

Keeping all these perspectives in mind when determining if and how to use police information can improve the screening process as well as the relationship between the organizations, police services, and other regulators. Organizations are encouraged to establish an ongoing relationship with stakeholders in the screening process, in order to maintain open communication regarding emerging issues and changes that have a potential impact on the screening process.

## Which type of Police Check is Required and What is the Process?

It is the responsibility of the organization to assess what level of police check is required for the position. If the screening protocol for a position requires a Criminal Record Check, an individual may obtain this by applying to any police service. All other police checks must be completed by the police service in the area where the applicant resides. In most police jurisdictions, the applicant will go directly to the local police service to complete the request forms. They must clearly indicate if the check is for a position working with vulnerable clients, and provide the following information:

- A description of the paid or volunteer position;
- The name of the organization that requires the VS check;
- The details regarding the children or vulnerable persons with whom the individual will be working;
- If the person will not be compensated for her/his expenses, a letter stating this; and
- Two pieces of personal identification.

## Who Makes the Decision Once a Police Check is Complete?

Information provided by any police service represents what is currently in the records and is no guarantee that the applicant has never committed an offence. These reports do not provide a decision about engaging an applicant. They provide an organization with additional information on which to base their decision. Offences on the record may or may not have direct bearing on the position in question or may be unrelated; they may be viewed as major or minor; they may be recent or in the distant past. The number and frequency of the offences may indicate a possible pattern of behaviour or they may be viewed as isolated incidents.

These are all judgment calls that the organization must make. It is not the responsibility of police to determine the bona fide requirements of a position or positions within an organization. Those are best determined by someone familiar with all elements and potential risks of a position. Organizations need to establish policies and procedures to make these decisions in a consistent and transparent way. Screening protocols should be based on proper risk assessments and police checks are clearly determined to be only one of the tools used in the process.

Determining whether or not a police check is required, what type of police check to request, how to interpret the information received, and how to use the police check information in decision-making about engaging people in organizations is covered on page 43, Police Checks, the seventh step in the screening process, are covered in Part II – Standards of Care.

Part II of the *2012 Edition of the Screening Handbook* provides practical information on how to implement The Ten Steps of Screening.



# PART II

## Standard of Care

### Ten Steps of Screening

#### Standard of Care

The standard of care that organizations would be expected to uphold is partially determined by how the profession of volunteer resource management has evolved, the availability of education and training, as well as standards that have been established within the non-profit and voluntary sector. The cornerstone of this screening handbook, in terms of the standard of care are the Ten Steps of Screening as well as the *Canadian Code for Volunteer Involvement* (2012 Edition).

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#### Canadian Code for Volunteer Involvement

The 2012 Edition of the *Canadian Code for Volunteer Involvement* has integrated many of these trends into the Values, Guiding Principles, and Standards. Reflecting the changing language and transition to a more integrated human resources approach to volunteer engagement, the *Code* offers a range of tools and templates to help establish or strengthen volunteer resource management practices. The *Code* is an online, interactive document that is a companion piece to this Screening Handbook.

#### The Canadian Code for Volunteer Involvement

##### The Value of Volunteer Involvement

Volunteer involvement has a powerful impact on Canadian society, communities, organizations, and individuals.

##### Volunteer involvement is fundamental to a healthy and democratic society in Canada

- It promotes civic engagement and active participation in shaping the society we want
- It gives everyone a voice and the space to contribute to the quality of life in communities

##### Volunteer involvement is vital for strong, inclusive, and resilient communities

- It promotes change and development through

the collective efforts of those who know the community best

- It identifies and supports local strengths and assets to respond to community challenges while strengthening the social fabric

##### Volunteer involvement builds the capacity of organizations

- It provides organizations with the skills, talents, and perspectives that are essential to their relevance, vitality, and sustainability
- It increases the capacity of organizations to accomplish their goals through programs and services that respond to and are reflective of the unique characteristics of their communities

##### Volunteer involvement is personal

- It promotes a sense of belonging and general well-being

- It provides the opportunity for individuals to engage according to their personal preferences and motivations

### **Volunteering is about building relationships**

- It connects people to the causes they care about, and allows community outcomes and personal goals to be met within a spectrum of engagement
- It creates opportunities for non-profit organizations to accomplish their goals by engaging and involving volunteers, and it allows volunteers an opportunity to engage with and contribute to building community

## **Guiding Principles for Volunteer Involvement**

Volunteers have rights. Non-profit organizations recognize that volunteers are a vital human resource and will commit to the appropriate infrastructure to support volunteer engagement.

- The organization's practices ensure effective volunteer involvement
- The organization commits to providing a safe and supportive environment for volunteers

### **Volunteers have responsibilities. Volunteers make a commitment and are accountable to the organization**

- Volunteers will act with respect for the cause, the stakeholders, the organization, and the community
- Volunteers will act responsibly and with integrity

## **Organizational Standards for Volunteer Involvement**

The *Code* is a road map for integrating volunteers strategically into the work of an organization. It helps leaders understand the value and impact volunteer involvement can have in advancing the organization's mission. By adopting the standards

outlined below, the organization demonstrates a commitment to engaging and supporting volunteers in a meaningful and responsible way.

### **1. Mission-based Approach**

The organization's board of directors and senior staff acknowledge, articulate, and support the vital role of volunteers in achieving the organization's purpose or mission. Volunteer roles are clearly linked to the organization's mission.

### **2. Human Resources**

Volunteers are welcomed and treated as valued and integral members of the organization's human resources team. The organization has a planned and integrated approach for volunteer involvement that includes providing appropriate resources to support volunteer involvement.

### **3. Policies and Procedures**

A policy framework that defines and supports the involvement of volunteers is adopted by the organization.

### **4. Volunteer Administration**

The organization has a clearly designated individual(s) with appropriate qualifications responsible for supporting volunteer involvement.

### **5. Risk Management and Quality Assurance**

Risk management procedures are in place to assess, manage, or mitigate potential risks to the volunteers, the organization and its clients, members and participants that may result from the delivery of a volunteer-led program or service. Each volunteer role is assessed for level of risk as part of the screening process.

### **6. Volunteer Roles**

Volunteer roles contribute to the mission or purpose of the organization and clearly identify the abilities needed. Volunteer roles involve volunteers in meaningful ways that reflect their skills, needs, interests, and backgrounds.

### **7. Recruitment**

Volunteer recruitment incorporates a broad range of internal and external strategies to reach out to diverse sources of volunteers.

## 8. Screening

A clearly communicated and transparent screening process, which is aligned with the risk management approach, is adopted and consistently applied across the organization. See Ten Steps of Screening.

## 9. Orientation and Training

Volunteers receive an orientation to the organization, its policies, and practices, appropriate to each role. Each volunteer receives training specific to the volunteer role and the needs of the individual volunteer.

## 10. Support and Supervision

Volunteers receive the level of support and supervision required for the role and are provided with regular opportunities to give and receive feedback.

## 11. Records Management

Standardized documentation and records management practices and procedures are followed and are in line with current relevant legislation.

## 12. Technology

Volunteers are engaged and supported within the organization through the integration and intentional use of current technology. New opportunities to strengthen volunteer engagement and capacity through the use of technology are evaluated continually.

## 13. Recognition

The contributions of volunteers are acknowledged by the organization with ongoing formal and informal methods of recognition, applicable to the volunteer role. The value and impact of volunteer contributions are understood and acknowledged within the organization and communicated to the volunteer.

## 14. Evaluation

An evaluation framework is in place to assess the performance of volunteers and gauge volunteer satisfaction. The effectiveness of the volunteer engagement strategy in meeting the organization's mandate is also evaluated.

On the following pages, you will find some basic information about how to implement the Ten Steps of Screening:

## Ten Steps of Screening

1. Assessment
2. Position – Assignment
3. Recruitment
4. Application
5. Interview
6. References
7. Police Checks
8. Orientation and Training
9. Support and Supervision
10. Follow-up and Feedback

You may consult the PowerPoint presentation in Appendix B.

## 1. Assessment

An assessment of the program, activity, position, and assignment determine:

- Level of service or quality standard
- Internal policy implications
- Legislative requirements
- Risks and liabilities

### Tips for Assessment of Risks

Assessing the potential risks of a position involves identifying:

- Who is the participant?
- What is the nature of the activity?
- What is the setting?
- What is the level of supervision?

You may consult the PowerPoint presentation in Appendix B.

## 2. Position – Assignment

Descriptions clearly articulate bona fide requirements and level of risk that were identified during the assessment.

- The organization
- Scope of the activity
- Requirements of the position/assignment
- Benefits and opportunities
- Screening practices

### **Tips for Writing Position/Assignment**

#### **Descriptions**

#### **Organization**

- Name of organization
- Mission
- Programs/activities
- Human resource and volunteer resource management policies

#### **Position/Assignment**

- Title
- Scope of activity
- Tasks/responsibilities
- Skills, experience and qualifications required
- Time commitment
- Benefits
- Screening practices

## 3. Recruitment

Recruitment plans and practices need to be carefully planned and clearly communicated that include selection systems that are:

- fair
- consistent
- appropriate for the position or assignment and include:

### **Tips for Designing Recruitment Strategies**

Recruitment strategies need to reflect:

- The vision and mission of the organization

- Value of being inclusive, open, and transparent
- The general requirements for the position
- The opportunities and benefits
- The screening protocol the position/assignment

## 4. Application

A standardized application form is used for all volunteer positions and assignments that:

- Collects basic information to process the application
- Asks questions directly related to the bona fide requirements of the position or assignment
- Respects human rights legislation
- Requests reference information and consent
- Seeks permission to obtain Police Check, if required

### **Tips for the Application Process**

An information sheet or package can be provided to candidates about:

- The application process
- The organization
- Program or activity
- Description of the position or assignment

## 5. Interview

An interview provides an opportunity to talk with candidates about their skills, interests, qualifications, and personal goals to help determine if there is a potential match within the organization.

### **Tips for Interviews**

- Have a standard set of questions
- Establish a comfortable environment
- Explain the selection process
- Describe the position or assignment based on the written description
- Outline the screening process
- Document responses

## 6. References

References need to be checked in accordance with the requirements of the position or assignment and in compliance with relevant legislation including human rights, protection of privacy, and access to information. The standing of regulated professionals should be verified.

### Tips for Checking References

- Identify yourself and the organization
- Describe the position/assignment
- Define the level of vulnerability of the participants
- Outline the required qualifications
- Ask open-ended questions
- Record responses
- Always check more than one reference

## 7. Police Checks

Depending upon the policies, legal requirements, and the level of risk of the position/assignment, a Police Check may be requested to help assess the suitability of an applicant.

The type and name of the check, as well as the process, cost, and format of information provided varies from one jurisdiction to another. Basic types include:

- Police Records Checks (Criminal Records Checks or Police Information Checks)
- Vulnerable Sector Checks

### Considerations about Police Checks

- Which type of Police Check, if any, is required for the position/assignment?
- Can the assignment begin before the results are received?
- How will a determination be made about the relevance of police information to the position/assignment?
- How often are Police Checks to be done?

## 8. Orientation and Training

Orientation and Training can be done in groups and/or on an individual basis to provide information and continue to assess the suitability of the match.

Group sessions can provide an opportunity to observe an applicant's interpersonal skills, ability to work with others, and demonstrated understanding and acceptance of the organization's mission, values, and policies.

### Tips for Orientation and Training

Orientation provides general information:

- The Organization's history, mission, vision
- The volunteer engagement approach, policies, and practices
- Key programs and services

Training includes:

- Specific tasks, skills, and logistics related to the assignment or position (initial)
- Updates, refreshers, or re-training (ongoing)

### Orientation and Training Practices

- Making orientation and training sessions mandatory
- Holding regular training sessions throughout the year (volunteer meetings)
- Probationary Period
- Buddy systems; pairing a new volunteer with an experienced member of the team

## 9. Support and Supervision

Ongoing support and supervision are an essential part of ensuring that the match between people and assignments continues to be mutually beneficial, to maintain and improve quality and safe programs and services, and to reduce risks and liabilities.

Lack of adequate support and supervision may constitute a breach of the standard of care expected of an organization and a court ruling of

negligence, holding the organization liable for any harm done to individuals as a result.

### **Tips for Supervision and Support**

- Identify the supervisor or contact person within the organization
- Set-up a system for regular communication to discuss the assignment and for two-way feedback to be shared, using the written description as the reference point
- Arrange for a back-up system for when problems or questions arise
- Carry out unscheduled spot-checks
- Have a formal evaluation session prior to the end of probation to provide and receive feedback and to determine whether or not to continue the assignment
- At any time, adapt, change, or terminate an assignment, if there are concerns about safety or misconduct (following organizational policies and legal advice)

## **10. Follow-up and Feedback**

A clear follow-up system with program participants and their family members is an important part of monitoring the suitability of the match, the quality of the programs and services, and exposure to risks and liabilities.

All parties, including participants, paid employees, and other volunteers, need to know who they can contact if they are concerned about the actions or inactions of a volunteer.

### **Tips for Follow-up and Feedback**

- Schedule regular follow-up calls or visits with participants
- Provide participants and family members with information about where to call with questions or concerns
- Fill out incident reports, as required
- Document actions taken to respond to incidents, complaints or other feedback



## Screening Checklist Acknowledgements

This Screening Checklist has been updated to align with the Ten Steps of Screening in the *2012 Edition of The Screening Handbook*. Taking into account the changes in social policy, legislation, and the organizational standards in the 2012 Edition of the *Canadian Code for Volunteer Involvement*, this checklist, as well as the original, was developed by Maria Da Silva, whose brilliance and attention to detail are enormously appreciated.

Volunteer Canada would like to thank the following group of people for their time and expertise towards the development of the original Checklist: Sylvia Bass-West, Marcela Ciampa, Nathalie Charette, Diana Drackley, Ross Francis, Marie Catherine Ker, Ruth MacKenzie, Monique Marchand, Louise Meredith, Marion Price, Brian Stratton, Dale Ricker, Maria Sanchez-Keene Students of “Fundamentals of Volunteer Management” Class, United Way/Centraide of Windsor-Essex County, Class of 2005-2006. The original Screening Checklist was developed in 2006, with funding from the Ontario Trillium Foundation. Volunteer Canada gratefully acknowledges their support of the development of this resource.

*The 2012 Edition of the Screening Handbook*, including this Screening Checklist, were reviewed by an incredibly dedicated and insightful group of people who took the time to read through draft material and contributed to a resource that was technically correct, accessible, and practical. Appreciation is expressed to Lorrie Hathaway, of Volunteer Toronto, Roseanne Tollenaar, of Volunteer Alberta, Deborah Pike of Volunteer Canada, Sue Cardwell of Durham Police Service, Mark Scott, from the Royal Canadian Mounted Police, and Ruth MacKenzie, President and CEO of Volunteer Canada.

## Disclaimer

**This document does not offer legal advice. Readers should consult with a lawyer regarding their specific legal questions or concerns.**

**We apologize for any errors that may remain. Readers must be aware, however, that legislation, social policy, and specific procedures and practices of organizations, including police and insurance agencies, are continually changing.**

**While examples of screening practices are referenced throughout this document, Volunteer Canada is not in a position to determine whether organizations or individuals have fulfilled their legal duties or satisfied the applicable standard of care in every circumstance. Individuals and organizations should seek legal counsel or consult human resource experts and their insurance provider in planning their specific volunteer screening policies and procedures.**

## Introduction commitments

To safely manage programs and services and to demonstrate **due diligence**, every **organization** must be able to show that volunteer-management policies and practices are in place and that such policies and practices support the appropriate matching of volunteers to volunteer assignments. Organizations are required to do everything reasonable to protect those in their care. This responsibility is both moral and legally required under the **duty of care** concept, which requires organizations to do everything reasonable and to take reasonable measures to care for and protect their program participants.

## What is Screening?

Screening practices help shape the relationship between people and organizations and increase both the quality and safety of the programs and services in communities. Screening takes into account the skills, experience, and background that are required for an assignment and puts in place an ongoing process to engage people who are best suited to fill the role. It also allows organizations to explore the interests, motivations, and personal goals of applicants and puts in place touchstones, throughout their involvement, that support mutual benefit and reduced risk for everyone concerned. The benefits of screening are threefold:

- To **better match** peoples' skills and experience to the needs and opportunities in organizations;
- To **improve the quality and safety** of programs and services in communities; and
- To **reduce the risks and liability** for both people and organizations.

Screening practices play a critical role for organizations to fulfill their moral, legal, and ethical responsibility to all those they reach, including members, clients, participants, employees, and volunteers, as well as the assets entrusted to them. This obligation is even greater when they are working with vulnerable people, including children, youth, people with disabilities, and senior adults. Every organization has a unique set of considerations, depending upon its mandate, population served, the nature of their activities, and the jurisdiction in which it is located. Each position, within an organization, has a unique set of requirements, risks, and benefits. Boards of directors need to establish screening policies that address the range of roles and circumstances in the organization.

## Why a Screening Checklist?

Working through a series of questions and statements, the Checklist helps organizations to assess their current volunteer screening practices

and to consider other practices and activities to improve their current screening systems. Based on Volunteer Canada's Ten Steps of Screening, the Checklist involves systematically reviewing all aspects of volunteer screening practices, in a checklist fashion, ensuring that government regulations and organizational policies are being considered.

The Screening Checklist helps you to:

- **Look at what you have:** perform an accurate due diligence review and thorough inventory and analysis of your current screening activities and practices;
- **Compare against best known practices:** assess whether you are engaging in best known practices and alert you to performance areas that need improvement;
- **Discover new practices and consider implementing them:** discover screening practices, additional processes and corrective measures;
- **Determine gaps;** and
- **Decide what you want to use:** set effective screening priorities and develop a plan that considers and responds to the volunteer screening needs of your organization.

The Checklist may be appropriate in a number of situations. For example, it may be appropriate to use the Checklist before beginning to recruit volunteers so that systematic procedures can be implemented. It may also be used at critical stages in an organization's planning cycle to ensure the continuing adequacy of those procedures and to help detect any weaknesses. The Screening Checklist is also appropriate in conjunction with development of new volunteer assignments, particularly if such assignments involve vulnerable persons.

## How to use the Screening Checklist

The Checklist should be self-administered by the designated person(s) who manages volunteer

resources, or a senior-level individual responsible for human resource and volunteer resource management. If more than one individual is involved in the management of volunteers for your organization, involve them in completion of the Checklist.

The following pages present a series of baseline standards and practices. These have been divided into two sections:

1. A profile of the organization’s readiness for screening; and
2. The Ten Steps of Screening.

The key to the Checklist is to approach it as a learning or discovery tool, and not as a test. This should help you to be more honest and accurately identify where you stand. It is unlikely that an organization will meet all of the standards (or answer YES to all of the questions or statements). An important step to the assessment process will be the identification of measures or practices to be put in place to improve your screening practices.

Note: the time and effort involved in completing the Checklist will vary depending upon the complexity of your volunteer program.

## Section 1 – Profile of the organization’s readiness for screening

As a first step, we encourage you to examine your organization’s awareness of and processes in place to support a successful screening program. This first section will therefore focus on the overall practices that need to be in place to sustain your screening strategies. When working through the Checklist, please consider key questions about your current volunteer program and take an inventory of your existing screening policies, procedures, practices, systems, tools and forms.

Complete the Checklist by answering each question using one of the five choices:

**DON’T KNOW / YES / SOMEWHAT / NO / NOT APPLICABLE**

Consider all your current practices, documents, tools and resources while answering the questions.

Yes	A YES response indicates those screening activities and practices that are currently being done.
Somewhat	A SOMEWHAT response indicates that parts of the question are being met, but that the organization needs to consider implementing some action.
No	A NO response indicates that no part of the question is being met and the organization needs to consider implementing action.
N/A	The N/A or NOT APPLICABLE response indicates that the question does not apply or is not relevant to your organization.

Note: If you are unable to answer the question, please check DON’T KNOW and consider discussing the question with others in your organization to get an answer.

Once you have completed your assessment, we encourage you to meet briefly with others in your organization to discuss your findings and to develop an action plan (go to page 59 for action planning sample).

## ORGANIZATIONAL READINESS:

ORGANIZATION: \_\_\_\_\_

COMPLETED BY: \_\_\_\_\_ DATE COMPLETED: \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE REVIEWED: \_\_\_\_\_

ACCOUNTABILITY Identify Accountability and Authority for Decision Making		DON'T KNOW	YES	SOMEWHAT	NO	N/A
1	<b>BOARD AWARENESS</b> Within the context of the organization's operations and activities, does the board of directors understand its moral and ethical responsibility as well as its legal liability regarding the duty of care it owes its clients, staff, volunteers and the community?					
2	<b>INSURANCE COVERAGE</b> Are volunteers included and adequately covered under the organization's insurance policy to minimize volunteer liability?					
3	<b>CLEARLY DEFINED AND COMMUNICATED AUTHORITY</b> Are there clearly defined and communicated policies and practices regarding who is authorized to make final volunteer-selection decisions?					

RESOURCES Identify Human, Financial and Material Resources		DON'T KNOW	YES	SOMEWHAT	NO	N/A
1	<b>ADEQUATE RESOURCE ALLOCATION</b> Has the board/organization determined what would be adequate resources (financial, adequate space, equipment and human) for involving volunteers?					
2	<b>DESIGNATED HUMAN RESOURCES</b> Does the organization's management have a designated individual with appropriate qualifications to support the volunteer program and to monitor the implementation of screening policies and procedures?					
3	<b>CENTRALIZED OR DECENTRALIZED MONITORING</b> Is the position(s) responsible for screening centralized in one department or area?					

<b>POLICIES AND PROCEDURES</b> Identify policies, procedures, documentation, and materials required		DON'T KNOW	YES	SOMEWHAT	NO	N/A
1	<b>GENERAL POLICY ON SCREENING</b> Is there a screening policy that defines and supports the involvement of volunteers and board members?					
2	<b>POLICIES AND PROCEDURES THAT SUPPORT THE SCREENING PROCESS</b> Are policies and procedures in place to support the screening process?					
3	<b>SCENARIOS TO CONSIDER</b> Does the organization have a policy on providing, volunteers with special requirements and challenges with an opportunity to volunteer?					
4	<b>FLAGGED POLICE RECORDS AND OTHER CHECKS</b> Has the organization decided if it will accept volunteers who have flagged police records or have not met other screening checks?					

<b>ADMINISTRATIVE PRACTICES</b> Identify the documented administrative and clerical processes in place		DON'T KNOW	YES	SOMEWHAT	NO	N/A
1	<b>IMPLEMENTING AND MONITORING THE SCREENING PROCESS</b> If the organization introduces new screening measures for a particular volunteer assignment, has it considered how it will handle those volunteers who currently occupy the volunteer assignment?					

<b>INFORMATION SHARING</b> Identify how information is communicated		DON'T KNOW	YES	SOMEWHAT	NO	N/A
1	<b>COMMUNICATING THE VALUE OF SCREENING</b> Does management have a consistent communication process for all new staff, volunteers and board members regarding the importance of screening all applicants and accepting only those applicants who meet the identified requirements?					
2	<b>COMMUNICATING THE SCREENING PROCESS TO VOLUNTEERS AND STAFF</b> For each step in the screening process, decisions are made to determine if we proceed to the next screening step. Are these decisions documented?					

<b>INFORMATION AND RECORDS MANAGEMENT</b> Identify how personal and confidential information in volunteer records is collected, used, protected, shared and destroyed		DON'T KNOW	YES	SOMEWHAT	NO	N/A
1	<b>COLLECTING PERSONAL AND CONFIDENTIAL INFORMATION</b> Does the organization have written policies and procedures in place for managing personal and confidential information in accordance to all applicable laws?					
2	<b>PRIVACY PRINCIPLES APPLIED</b> Are information privacy principles followed for both paper-based and electronic records?					
3	<b>STORAGE OF RECORDS</b> Has the organization decided how and where it will store and protect personal information?					
4	<b>ACCESS TO INFORMATION/RECORDS</b> Are records created with access in mind while maintaining confidentiality?					



## Section 2 – Screening Checklist

This second section is based on Volunteer Canada's *Safe Steps* to screening for positions of trust.

### TEN STEPS OF SCREENING

Assessment  
 Position – Assignment  
 Recruitment  
 Application  
 Interview  
 References  
 Police Checks  
 Orientation and Training  
 Support and Supervision  
 Follow up and Feedback

Each of the ten steps contains a series of screening standards. For each standard, we propose examples of best practices in the form of a checklist. Complete the checklist by:

- reading the standard;
- reviewing the sample examples of best practices; and
- indicating if your organization has these practices in place.

Note: If you are unable to answer the question, please check **DON'T KNOW** and consider discussing the question with others in your organization to get an answer.

A **YES** response indicates those screening activities and practices that your organization is currently doing to meet its **duty of care**.

A **SOMEWHAT** response indicates that the organization needs to take some action. Determine which parts of the statement are being met and which areas the organization needs to address to effectively minimize risks.

A **NO** response indicates that the organization needs to consider implementing some action.

The **N/A** or **NOT APPLICABLE** response indicates that the question does not apply or is not relevant to your organization.

Note: Appendix B offers supplementary questions that offer more examples of best practices for each standard.

Once you have completed your assessment, we encourage you to briefly meet with others in your organization to discuss your findings and to develop an action plan.

## SCREENING CHECKLIST

### 1. Assessment

The organization takes proactive measures to identify, assess and minimize risks associated with each volunteer assignment. Examples		DON'T KNOW	YES	SOMEWHAT	NO	N/A
1	<b>ORGANIZATIONAL RISK-MANAGEMENT PRINCIPLES AND OVERALL PRACTICES</b> There is a risk-management team or committee (staff, volunteers, board members and unions) that periodically review current volunteer assignments for relevance, value and risks.					
2	<b>RISK ASSESSMENT AND ANALYSIS</b> Appropriate stakeholders are consulted to identify and evaluate risks for all new volunteer assignments.					
3	<b>RISK-MANAGEMENT PRACTICES</b> Risk-management controls and early warning mechanisms have been identified, documented and monitored, with responsibility for each risk assigned to a named member of senior management.					

### 2. Position – Assignment

The organization has meaningful, complete and accurate written descriptions for all volunteer position/ assignments and has selected and implemented appropriate screening measures for each assignment. Examples		DON'T KNOW	YES	SOMEWHAT	NO	N/A
1	<b>PREDETERMINED SCREENING MEASURES</b> Screening measures for all volunteer positions/assignments are predetermined according to the level of risk with the assignment.					
2	<b>VOLUNTEER ASSIGNMENTS ARE VALUABLE TOOLS</b> Candidates are assessed against the volunteer position/assignment requirements and selected in a fair and consistent manner.					
3	<b>CONSISTENCY</b> Each volunteer assignment follows a plan for interviewing, reference checking, police records checks, orientation and training, placement, support, supervision and follow-up.					

### 3. Recruitment

All recruitment and selection processes are fair, consistent and appropriate for the volunteer assignment. Examples		DON'T KNOW	YES	SOMEWHAT	NO	N/A
1	<b>CLEARLY DESIGNED RECRUITMENT PLANS AND PRACTICES</b> The organization provides clear, accurate and up-to-date information about the available volunteer positions/assignments so that candidates can decide if they wish to apply to become a volunteer.					
2	<b>CLEARLY COMMUNICATED RECRUITMENT PLANS AND PRACTICES</b> The organization has a standardized volunteer information package that details the requirements for becoming a volunteer, including advising that screening procedures are in place.					

### 4. Application

The organization uses a standardized application form for all volunteer positions/assignments. Examples		DON'T KNOW	YES	SOMEWHAT	NO	N/A
1	<b>APPLICATION PROCESS</b> All applicants are required to fill out, sign and date the application form.					
2	<b>APPLICATION FORM CONTENT</b> There is a statement on the application form regarding the need for police records checks for certain volunteer positions/assignments.					

## 5. Interview

Interviewers have specific questions and a consistent interview format for each volunteer positions/assignment and keep accurate and objective written records of interviews. Examples		DON'T KNOW	YES	SOMEWHAT	NO	N/A
1	<b>STRUCTURED INTERVIEW PROCESS</b> There is a pre-developed system for conducting interviews and assessing the responses.					
2	<b>CONSISTENT AND LEGALLY COMPLIANT INTERVIEW QUESTIONS</b> All selection tests or questions asked are relevant, legal and based on the volunteer position/assignment requirements.					
3	<b>INTERVIEWERS ARE TRAINED IN LEGAL COMPLIANCE</b> Interviewers treat all applicants for the same volunteer assignment in an equitable manner and ask questions that are reasonable and appropriate to the volunteer position/assignment.					

## 6. References

References are checked in accordance to the pre-determined volunteer position/assignment requirements and comply with human rights and information access and protection of privacy of information legislation. Examples		DON'T KNOW	YES	SOMEWHAT	NO	N/A
1	<b>THE VALUE OF REFERENCE CHECKS</b> Applicant references are checked to verify candidate information, interview responses and application completeness.					
2	<b>THE REFERENCE CHECK PROCESS</b> All written and oral offers for volunteer placement are conditional and based on the completion of the necessary reference checks.					
3	<b>PERSONS PERFORMING REFERENCE CHECKS ARE TRAINED IN LEGAL COMPLIANCE</b> Persons performing reference checks request only position/assignment-related information, specific to the highest risk volunteer assignment for which the candidate is applying, and use standardized pre-determined questions.					

## 7. Police Checks

Organizations using Police Checks (also known by other terms) to help assess the suitability of applicants for high risk volunteer assignments, comply with human rights, information access and protection of privacy legislation. Examples		DON'T KNOW	YES	SOMEWHAT	NO	N/A
1	<b>THE POLICE CHECK PROCESS</b> Police Records Checks and other checks are carried out on all volunteers who wish to occupy high-risk volunteer position/assignments.					
2	<b>MANAGING THE INFORMATION OBTAINED THROUGH POLICE CHECKS</b> There are systems in place to ensure that information received from checks performed remains private and secure, and only appropriate decision makers view and use the information.					

## 8. Orientation and Training

Appropriate orientation and training measures are selected and implemented for each volunteer position/assignment. Examples		DON'T KNOW	YES	SOMEWHAT	NO	N/A
1	<b>ORIENTATION TO THE ORGANIZATION</b> The volunteer orientation provides information that will help new volunteers learn about the organization and what they need to know about being a volunteer within it.					
2	<b>APPROPRIATE AND RELEVANT TRAINING</b> On-the-job, position/assignment-specific training is provided for each task to be performed before a volunteer is allowed to perform such tasks.					
3	<b>MONITORING AND DOCUMENTING PARTICIPATION</b> There is an orientation/training follow-up and feedback to allow volunteers to evaluate the volunteer orientation/training process.					

## 9. Support and Supervision

Appropriate support and supervision is provided with the ability of the volunteer to give and receive feedback. Examples		DON'T KNOW	YES	SOMEWHAT	NO	N/A
1	<p><b>APPROPRIATE SUPPORT AND SUPERVISION</b> Support and supervision for each volunteer position/assignment is based on:</p> <ul style="list-style-type: none"> <li>• the complexity and level of risk involved in the assignment;</li> <li>• the needs of the volunteer; and</li> <li>• the vulnerability of the program participants.</li> </ul>					
2	<p><b>ASSIGNED SUPERVISOR AND CONTACT PEOPLE</b> Volunteers know who their supervisor is and have access to someone in charge.</p>					
3	<p><b>PERFORMANCE REVIEWS AND CHECK-INS</b> Volunteer performance reviews are conducted regularly and are linked back to the volunteer assignment's performance elements/criteria.</p>					
4	<p><b>ADDRESSING ISSUES, FEEDBACK AND MISCONDUCT</b> Misconduct issues raised are recorded and scheduled for supervisory or remedial action.</p>					
5	<p><b>PROBATIONARY PERIODS</b> For each volunteer position/assignment, an appropriate probationary period is determined, at the end of which, the volunteer is provided with performance feedback.</p>					
6	<p><b>ONGOING TRAINING</b> Volunteers have ongoing training opportunities to upgrade their skills and to learn of changes in the organization</p>					



## 10. Follow-Up and Feedback

<p>The organization provides appropriate follow-up with program participants to monitor volunteer involvement and has clear written policies and procedures for timely and attentive responses to potential problem situations with appropriate follow-through and documentation. Examples</p>		DON'T KNOW	YES	SOMEWHAT	NO	N/A
1	<p><b>FOLLOW-UP ON VOLUNTEER INVOLVEMENT</b> The degree of regular contact with program participants and family members is based on:</p> <ul style="list-style-type: none"> <li>• the complexity and level of risk involved in the volunteer position/ assignment;</li> <li>• the needs of the volunteer; and</li> <li>• the vulnerability of the program participants.</li> </ul>					
2	<p><b>INCIDENT MONITORING</b> Investigations of incidents/injuries/complaints are conducted as soon as the organization becomes aware of the incidents/injuries/complaints.</p>					
3	<p><b>RESPONDING TO INCIDENTS</b> The organization has clear policies and procedures that inform staff, victims, volunteers and managers about what they should do immediately or soon after an incident, an injury, a complaint or a claim involving a volunteer.</p>					

## ACTION PLANNING

Once you have completed the organization’s readiness assessment and screening checklist, we encourage you to tally your results.

### STEP 1:

One section at a time, review your answers under each category or screening step and analyze the opportunities for change under each section.

Example	Don't Know	Yes	Somewhat	No	Not Applicable
<b>Screening Step 1 – Assessment</b> The organization takes proactive measures to identify, assess and minimize risks associated with each volunteer position/assignment.					
There is a risk-management team or committee (staff board members and unions) that periodically review volunteer assignments for relevance, value and risks.			<b>X</b>		

### STEP 2:

Make a list of the DON'T KNOW responses and consider discussing the question with others in your organization to get an answer. Your responses may change based on your discussions.

### STEP 3:

Make a list of the SOMEWHAT responses and identify the gaps or issues that need to be addressed. Consider setting these as priority objectives for an action plan, since they are already somewhat met.

### STEP 4:

Make a list of the NO responses and prioritize areas that need to be addressed following the same logic as in steps 1 through 3.

### STEP 5:

Develop an action plan that addresses the gaps and issues identified through your assessment exercise. Keep this action plan close at hand and monitor your progress.

## SAMPLE ACTION PLAN

Note: This action plan is provided as an example only and not as a recommendation of the actions an organization needs to take to implement the identified best practice.

### Example

Screening Category/Step	What to do	Responsibility	Timeline for Completion
<p><b>INFORMATION SHARING</b>  <b>Communicating the Value of Screening</b>                      Does management have a communication process for all new staff, volunteers and board members regarding the importance of screening all applicants and accepting only those applicants who meet the identified requirements?</p>	<p><b>Develop a process to communicate and share updated screening information:</b></p> <ol style="list-style-type: none"> <li>1. Develop a statement on the application form regarding the need for police records checks for certain volunteer assignments;</li> <li>2. Update website to communicate same message;</li> <li>3. Send out information as part of electronic updates;</li> <li>4. Include information in volunteer newsletter;</li> <li>5. Share information at volunteer meetings;</li> <li>6. Share information at volunteer orientation or presentation; and</li> <li>7. Include updates in volunteer correspondence.</li> </ol>	<p>Jeff</p>	<p>September</p>

For more information or clarification about *The Screening Checklist: Assess your Policies and Practices*, please contact: Volunteer Canada 1-800-670-0401 or by email at [info@volunteer.ca](mailto:info@volunteer.ca)

## Glossary of Terms

### Board of Directors

Those persons whose responsibility it is to provide leadership and direction to the organization and to govern the affairs of the organization on behalf of its members. For the purposes of this document, the term “board” is used to refer to a board of directors, members of the executive, board of governors or a board of trustees, administrators, clergy, leaders, coaches, coordinators, officials, parents, participants, or anyone else involved in the governance or decision making of the organization.

### Due Diligence

To act reasonably, prudently, in good faith and with a view to the best interests of the organizations and its members.

### Duty of Care

Duty of care is a legal principle that identifies the obligations of individuals and organizations to take reasonable measures to care for and protect their participants.

### Liability

Liability refers to the duties, obligations or responsibilities imposed on a person by common law or by statute. As it is commonly used, we speak of a person or organization being held legally liable for something, e.g., through a legal action, the individual or organization has been found legally responsible for an action or inaction in a particular set of circumstances and is required to pay damages to someone harmed as a result.

### Occupier’s Liability

Requires that the person (an individual or an organization) in possession of premises owes a duty of care to those who come on the premises and must take reasonable care to protect them from harm that might come through their programs on their premises or at the hands of a third party on the premises.

### Direct Liability

Deals specifically with the issue of fault.

### Vicarious Liability

Is the liability an organization takes on for the actions of those who function on its behalf.<sup>18</sup>

### Organization

This term, used throughout this document, is used to refer to a broad array of organizations, institutions, agencies and collectives, including government departments such as Parks and Recreation, charities, cooperatives, religious groups, health, education and social service providers, self-help and mutual aid groups, social justice groups, environmental, cultural, arts, recreation, sports, and professional associations such as chambers of commerce.

### Performance Review

A review that checks performance against standards. This is usually done as part of an annual evaluation process.

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<sup>18</sup> [http://www.volunteer.ca/volcan/eng/content/screening/screening\\_background.htm](http://www.volunteer.ca/volcan/eng/content/screening/screening_background.htm)

## Personal Information

Includes any factual or subjective information, recorded or not, about an identifiable individual. This includes information in any form (e.g., age, ID numbers, income, ethnic origin, blood type, opinions, evaluations, comments, social status, or disciplinary actions), and personnel files, credit records, loan records, medical records, existence of a dispute between a consumer and a merchant, intentions (for example, to acquire goods or services, or to change volunteer assignments). Personal information does not include a name, title, business address or telephone number, or anything that might appear on a business card or can be found publicly available, such as in a telephone book.<sup>19</sup>

## Police Check

A search of the records held in the information database of a police agency. It may include a check of national or local and regional police records. At the end of the process, a report is issued.

## Risk Management

A detailed process whose aim is to reduce the chances of injury, damage or loss. The process involves taking steps to identify, measure and control risks. Screening is a form of risk management.

## Standard of Care

Refers to the degree or level of service, attention, care and protection that one person owes another according to the law, usually the law of negligence. The standard of care that a person is expected to exercise is an objective standard reflected by what an average, reasonable person would do, or not do, in a given situation. The required standard varies

according to the circumstances of each situation, and determining the appropriate standard is often not a simple matter.

## Volunteer

A volunteer is an individual:

- who chooses to undertake a service or activity; someone who is not coerced or compelled to do this activity;
- who does this activity in service to an individual or an organization, or to assist the community-at-large; and
- who does not receive a salary or wage for this service or activity.

## Volunteer Records

Anything that contains information (in any media) that has been created or gathered as a result of any aspect of the involvement of volunteers.

## Vulnerable Persons

For the purposes of screening, the most relevant definition is found in the federal *Criminal Records Act* which defines vulnerable members of society 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 in a position of trust or authority towards them.”

<sup>19</sup> <http://www.privcom.gc.ca>

# PART III

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# APPENDIX A

## Legislative Profiles

The provincial/territorial legislative profiles should not be considered as a static document as legislative amendments occur on a periodic basis. Please consult, Volunteer Canada Website for an up-to-date copy.

### PROVINCE: NEWFOUNDLAND AND LABRADOR

Subject area	
Name of legislation	CHANGE OF NAME ACT
Description/scope and application	***
Relevant links	<a href="http://assembly.nl.ca/Legislation/sr/statutes/c08-1.htm">http://assembly.nl.ca/Legislation/sr/statutes/c08-1.htm</a>
Name of legislation	CHILD, YOUTH AND FAMILY SERVICES ACT (repealed) / CHILDREN AND YOUTH CARE AND PROTECTION ACT
Description/scope and application	<b>CYFSA This statute is repealed or spent since 2011-06-30. Replaced with the CHILDREN AND YOUTH CARE AND PROTECTION ACT</b>
Relevant links	<a href="http://assembly.nl.ca/Legislation/sr/statutes/c12-2.htm">http://assembly.nl.ca/Legislation/sr/statutes/c12-2.htm</a>
Name of legislation	CHILD CARE SERVICES ACT
Description/scope and application	***
Relevant links	<a href="http://assembly.nl.ca/Legislation/sr/statutes/c11-1.htm">http://assembly.nl.ca/Legislation/sr/statutes/c11-1.htm</a>
Name of legislation	FREEDOM OF INFORMATION ACT (repealed)/ ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT (current)
Description/scope and application	<b>This statute is repealed or spent since 2004-12-13</b>
Relevant links	<a href="http://assembly.nl.ca/Legislation/sr/statutes/a01-1.htm">http://assembly.nl.ca/Legislation/sr/statutes/a01-1.htm</a>
Name of legislation	HOMES FOR SPECIAL CARE ACT (repealed)
Description/scope and application	<b>This statute is repealed or spent since 2008-12-18. Then PRIVATE HOMES FOR SPECIAL CARE ACT was introduced, and then repealed.</b>
Relevant links	CANNOT FIND REPLACEMENT
Name of legislation	HUMAN RIGHTS CODE (repealed) / HUMAN RIGHTS ACT (current 2010)
Description/scope and application	<b>This statute is repealed or spent since 2010-06-24. Replaced with the HUMAN RIGHTS ACT</b>
Relevant links	<a href="http://assembly.nl.ca/Legislation/sr/statutes/h13-1.htm">http://assembly.nl.ca/Legislation/sr/statutes/h13-1.htm</a>

## Subject area

**Name of legislation** NEGLECTED ADULTS' WELFARE ACT

**Description/scope and application** \*\*\*

**Relevant links** <http://assembly.nl.ca/Legislation/sr/statutes/n03.htm>

**Name of legislation** VICTIMS OF CRIME SERVICES ACT

**Description/scope and application** \*\*\*

**Relevant links** <http://assembly.nl.ca/Legislation/sr/statutes/v05.htm>

## PROVINCE: PRINCE EDWARD ISLAND

### Subject area

**Name of legislation** ADULT PROTECTION ACT

**Description/scope and application** See print out

**Relevant links** <http://www.gov.pe.ca/law/statutes/pdf/a-05.pdf>

**Name of legislation** CHANGE OF NAME ACT

**Description/scope and application** See print out

**Relevant links** [http://www.gov.pe.ca/law/statutes/pdf/c-03\\_1.pdf](http://www.gov.pe.ca/law/statutes/pdf/c-03_1.pdf)

**Name of legislation** CHILD CARE FACILITIES ACT

**Description/scope and application** See print out

**Relevant links** <http://www.gov.pe.ca/law/statutes/pdf/c-05.pdf>

**Name of legislation** CHILD PROTECTION ACT

**Description/scope and application** See print out

**Relevant links** [http://www.gov.pe.ca/law/statutes/pdf/c-05\\_1.pdf](http://www.gov.pe.ca/law/statutes/pdf/c-05_1.pdf)

**Name of legislation** COMMUNITY CARE FACILITIES AND NURSING HOMES ACT

**Description/scope and application** See print out

**Relevant links** <http://www.gov.pe.ca/law/statutes/pdf/c-13.pdf>

**Name of legislation** FAMILY AND CHILD SERVICES ACT

**Description/scope and application** REPEALED → Is now included in the CHILD PROTECTION ACT.

**Relevant links** REPEALED

Subject area	
Name of legislation	FREEDOM OF INFORMATION, PROTECTION OF PRIVACY ACT
Description/scope and application	See print out
Relevant links	<a href="http://www.gov.pe.ca/law/statutes/pdf/f-15_01.pdf">http://www.gov.pe.ca/law/statutes/pdf/f-15_01.pdf</a>
Name of legislation	HUMAN RIGHTS ACT
Description/scope and application	See print out
Relevant links	<a href="http://www.gov.pe.ca/law/statutes/pdf/h-12.pdf">http://www.gov.pe.ca/law/statutes/pdf/h-12.pdf</a>
Name of legislation	OCCUPIERS' LIABILITY ACT
Description/scope and application	No amendments
Relevant links	<a href="http://www.gov.pe.ca/law/statutes/pdf/o-02.pdf">http://www.gov.pe.ca/law/statutes/pdf/o-02.pdf</a>
Name of legislation	VICTIMS OF CRIME ACT
Description/scope and application	See print out
Relevant links	<a href="http://www.gov.pe.ca/law/statutes/pdf/v-03_1.pdf">http://www.gov.pe.ca/law/statutes/pdf/v-03_1.pdf</a>
Name of legislation	VOLUNTEERS' LIABILITY ACT
Description/scope and application	See print out
Relevant links	<a href="http://www.gov.pe.ca/law/statutes/pdf/v-05.pdf">http://www.gov.pe.ca/law/statutes/pdf/v-05.pdf</a>

## PROVINCE: NOVA SCOTIA

Subject area	
Name of legislation	ADULT PROTECTION ACT
Description/scope and application	<p><b>Clause 1</b> adds to the definition of "adult in need of protection" an adult who is the victim of financial exploitation.</p> <p><b>Clause 2</b> adds that the Minister may require production of the adult in need of protection's financial records.</p> <p><b>1</b> Subclause 3(b)(i) of Chapter 2 of the Revised Statutes, 1989, the Adult Protection Act, is amended by adding ", financial exploitation" immediately after "cruelty" in the second line.</p> <p><b>2</b> Chapter 2 is further amended by adding immediately after Section 6 the following Section:</p> <p style="padding-left: 40px;">6A The Minister may, under clause (a) of Section 6, require the adult's financial records to be produced by the adult or the adult's financial institution.</p>
Relevant links	<a href="http://nslegislature.ca/legc/bills/60th_2nd/1st_read/b091.htm">http://nslegislature.ca/legc/bills/60th_2nd/1st_read/b091.htm</a>

## Subject area

<b>Name of legislation</b>	CHANGE OF NAME ACT
<b>Description/scope and application</b>	See print out
<b>Relevant links</b>	<a href="http://nslegislature.ca/legc/PDFs/annual%20statutes/2011/c037.pdf">http://nslegislature.ca/legc/PDFs/annual%20statutes/2011/c037.pdf</a>

<b>Name of legislation</b>	CHILDREN AND FAMILY SERVICES ACT
<b>Description/scope and application</b>	Amended: 2005, c. 15; 2008, c. 12
<b>Relevant links</b>	<a href="http://nslegislature.ca/legc/statutes/childfam.htm">http://nslegislature.ca/legc/statutes/childfam.htm</a>

<b>Name of legislation</b>	DAY CARE ACT
<b>Description/scope and application</b>	See print out
<b>Relevant links</b>	<a href="http://nslegislature.ca/legc/bills/61st_3rd/1st_read/b097.htm">http://nslegislature.ca/legc/bills/61st_3rd/1st_read/b097.htm</a>

<b>Name of legislation</b>	HOMES FOR SPECIAL CARE ACT
<b>Description/scope and application</b>	See print out
<b>Relevant links</b>	<a href="http://nslegislature.ca/legc/bills/61st_2nd/1st_read/b116.htm">http://nslegislature.ca/legc/bills/61st_2nd/1st_read/b116.htm</a>

<b>Name of legislation</b>	FREEDOM OF INFORMATION, PROTECTION OF PRIVACY ACT
<b>Description/scope and application</b>	See print out
<b>Relevant links</b>	<a href="http://nslegislature.ca/legc/bills/60th_1st/1st_read/b104.htm">http://nslegislature.ca/legc/bills/60th_1st/1st_read/b104.htm</a>

<b>Name of legislation</b>	HUMAN RIGHTS ACT
<b>Description/scope and application</b>	See print out
<b>Relevant links</b>	<a href="http://nslegislature.ca/legc/bills/59th_1st/1st_read/b226.htm">http://nslegislature.ca/legc/bills/59th_1st/1st_read/b226.htm</a>

<b>Name of legislation</b>	VICTIMS RIGHTS AND SERVICES ACT
<b>Description/scope and application</b>	See print out
<b>Relevant links</b>	<a href="http://nslegislature.ca/legc/bills/61st_3rd/1st_read/b130.htm">http://nslegislature.ca/legc/bills/61st_3rd/1st_read/b130.htm</a>

<b>Name of legislation</b>	VOLUNTEER SERVICES ACT
<b>Description/scope and application</b>	See print out
<b>Relevant links</b>	<a href="http://nslegislature.ca/legc/bills/59th_1st/1st_read/b261.htm">http://nslegislature.ca/legc/bills/59th_1st/1st_read/b261.htm</a>

## PROVINCE: NEW BRUNSWICK

Subject area	
Name of legislation	BUSINESS CORPORATIONS ACT
Description/scope and application	***
Relevant links	<a href="http://laws.gnb.ca/en/showfulldoc/cs/B-9.1//20120328">http://laws.gnb.ca/en/showfulldoc/cs/B-9.1//20120328</a>
Name of legislation	CHANGE OF NAME ACT
Description/scope and application	***
Relevant links	<a href="http://laws.gnb.ca/en/showfulldoc/cs/C-2.001//20120328">http://laws.gnb.ca/en/showfulldoc/cs/C-2.001//20120328</a>
Name of legislation	FAMILY SERVICES ACT
Description/scope and application	***
Relevant links	<a href="http://laws.gnb.ca/en/showfulldoc/cs/F-2.2//20120328">http://laws.gnb.ca/en/showfulldoc/cs/F-2.2//20120328</a>
Name of legislation	HUMAN RIGHTS ACT (2011)
Description/scope and application	*** Human Rights H-11 was repealed (one cited in 2003), completely new Human Rights Act (c. 171)
Relevant links	<a href="http://laws.gnb.ca/en/showfulldoc/cs/2011-c.171//20120328">http://laws.gnb.ca/en/showfulldoc/cs/2011-c.171//20120328</a>
Name of legislation	RIGHT TO INFORMATION ACT
Description/scope and application	***
Relevant links	<a href="http://laws.gnb.ca/en/showfulldoc/cs/R-10.6//20120328">http://laws.gnb.ca/en/showfulldoc/cs/R-10.6//20120328</a>

## PROVINCE: QUEBEC

Subject area	
Name of legislation	CHARTER OF HUMAN RIGHTS AND FREEDOMS
Description/scope and application	
Relevant links	<a href="http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&amp;file=/C_12/C12_A.html">http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&amp;file=/C_12/C12_A.html</a>
Name of legislation	CIVIL CODE
Description/scope and application	
Relevant links	<a href="http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&amp;file=/CCQ/CCQ_A.html">http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&amp;file=/CCQ/CCQ_A.html</a>

## Subject area

**Name of legislation** ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

**Description/scope and application**

**Relevant links** [http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/A\\_2\\_1/A2\\_1\\_A.html](http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/A_2_1/A2_1_A.html)

**Name of legislation** ACT RESPECTING THE PROTECTION OF PERSONAL INFORMATION IN THE PRIVATE SECTOR

**Description/scope and application**

**Relevant links** [http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/P\\_39\\_1/P39\\_1\\_A.html](http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/P_39_1/P39_1_A.html)

**Name of legislation** ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**Description/scope and application**

**Relevant links** [http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/S\\_4\\_2/S4\\_2\\_A.html](http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/S_4_2/S4_2_A.html)

**Name of legislation** YOUTH PROTECTION ACT

**Description/scope and application**

**Relevant links** [http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/P\\_34\\_1/P34\\_1\\_A.HTM](http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/P_34_1/P34_1_A.HTM)

**Name of legislation** ACT TO SECURE HANDICAPPED PERSONS IN THE EXERCISE OF THEIR RIGHTS WITH A VIEW TO ACHIEVING SOCIAL, SCHOOL AND WORKPLACE INTEGRATION

**Description/scope and application**

**Relevant links** [http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2 file=/E\\_20\\_1/E20\\_1\\_A.html](http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2 file=/E_20_1/E20_1_A.html)

## PROVINCE: ONTARIO

Subject area	
<b>Name of legislation</b>	CHANGE OF NAME ACT
<b>Description/scope and application</b>	Last amendment: 2010, c. 16, Sched. 8, s. 3.
<b>Relevant links</b>	<a href="http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90c07_e.htm">http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90c07_e.htm</a>
<b>Name of legislation</b>	CHILD AND FAMILY SERVICES ACT
<b>Description/scope and application</b>	Last amendment: See Table of Public Statute Provisions Repealed Under Section 10.1 of the Legislation Act, 2006 – December 31, 2011.
<b>Relevant links</b>	<a href="http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90c11_e.htm">http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90c11_e.htm</a>
<b>Name of legislation</b>	CONSUMER REPORTING ACT
<b>Description/scope and application</b>	Last amendment: 2009, c. 33, Sched. 10, s. 4.
<b>Relevant links</b>	<a href="http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90c33_e.htm">http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90c33_e.htm</a>
<b>Name of legislation</b>	CORPORATIONS ACT
<b>Description/scope and application</b>	Last amendment: See Table of Public Statute Provisions Repealed Under Section 10.1 of the Legislation Act, 2006 – December 31, 2011.
<b>Relevant links</b>	<a href="http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90c38_e.htm">http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90c38_e.htm</a>
<b>Name of legislation</b>	EDUCATION ACT
<b>Description/scope and application</b>	Last amendment: 2011, c. 9, Sched. 10.
<b>Relevant links</b>	<a href="http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90e02_e.htm">http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90e02_e.htm</a>
<b>Name of legislation</b>	FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT
<b>Description/scope and application</b>	Last amendment: 2011, c. 9, Sched. 15.
<b>Relevant links</b>	<a href="http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90f31_e.htm">http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90f31_e.htm</a>
<b>Name of legislation</b>	MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT
<b>Description/scope and application</b>	Last amendment: 2007, c. 13, s. 45.
<b>Relevant links</b>	<a href="http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90m56_e.htm">http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90m56_e.htm</a>



## Subject area

**Name of legislation** HOMES FOR RETARDED PERSONS ACT

**Description/scope and application** **Note: This Act was repealed on November 30, 2001. See: 2001, c. 13, ss. 1, 35.**

**Relevant links** [http://www.e-laws.gov.on.ca/html/repealedstatutes/english/elaws\\_rep\\_statutes\\_90h11\\_e.htm](http://www.e-laws.gov.on.ca/html/repealedstatutes/english/elaws_rep_statutes_90h11_e.htm)

**Name of legislation** HOMES FOR THE AGED AND REST HOMES ACT

**Note: This Act was repealed on July 1, 2010. See: 2007, c. 8, ss. 194, 232 (2). → Incorporated into the new LONG-TERM CARE HOMES ACT**

**Relevant links**

**Name of legislation** HOMES FOR SPECIAL CARE ACT

**Description/scope and application** Last amendment: 2006, c.19, Sched.L, s.11(2).

**Relevant links** [http://www.e-laws.gov.on.ca/html/source/regs/english/2009/elaws\\_src\\_regs\\_r09093\\_e.htm](http://www.e-laws.gov.on.ca/html/source/regs/english/2009/elaws_src_regs_r09093_e.htm)

**Name of legislation** CHARITABLE INSTITUTIONS ACT

**Description/scope and application** **Note: This Act was repealed on July 1, 2010. See: 2007, c. 8, ss. 194, 232 (2). Incorporated into the new LONG-TERM CARE HOMES ACT**

**Relevant links**

**Name of legislation** NURSING HOMES ACT

**Description/scope and application** **Note: This Act was repealed on July 1, 2010. See: 2007, c. 8, ss. 194, 232 (2). Incorporated into the new LONG-TERM CARE HOMES ACT**

**Relevant links**

**Name of legislation** DAY NURSERIES ACT

**Description/scope and application** Last amendment: 2010, c. 10, ss. 24-28.

**Relevant links** [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90d02\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90d02_e.htm)

**Name of legislation** LIBEL AND SLANDER ACT

**Description/scope and application** No amendments.

**Relevant links** [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90i12\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90i12_e.htm)

Subject area	
<b>Name of legislation</b>	LONG TERM CARE HOMES ACT
<b>Description/scope and application</b>	Incorporates the 'homes for the aged and rest homes act', 'nursing homes act', and 'charitable institutions act'
<b>Relevant links</b>	<a href="http://www.e-laws.gov.on.ca/html/source/regs/english/2010/elaws_src_regs_r10079_e.htm">http://www.e-laws.gov.on.ca/html/source/regs/english/2010/elaws_src_regs_r10079_e.htm</a>
<b>Name of legislation</b>	OCCUPIERS LIABILITY ACT
<b>Description/scope and application</b>	No amendments.
<b>Relevant links</b>	<a href="http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o02_e.htm">http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o02_e.htm</a>
<b>Name of legislation</b>	ONTARIO HUMAN RIGHTS CODE
<b>Description/scope and application</b>	Last amendment: 2009, c. 33, Sched. 2, s. 35.
<b>Relevant links</b>	<a href="http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h19_e.htm">http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h19_e.htm</a>
<b>Name of legislation</b>	REGULATED HEALTH PROFESSIONS ACT
<b>Description/scope and application</b>	Last amendment: See Table of Public Statute Provisions Repealed Under Section 10.1 of the <i>Legislation Act, 2006</i> – December 31, 2011.
<b>Relevant links</b>	<a href="http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_91r18_e.htm">http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_91r18_e.htm</a>
<b>Name of legislation</b>	SOCIAL WORK AND SOCIAL SERVICES WORK ACT
<b>Description/scope and application</b>	Last amendment: 2010, c. 15, s. 244.
<b>Relevant links</b>	<a href="http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_98s31_e.htm">http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_98s31_e.htm</a>
<b>Name of legislation</b>	WORKMAN'S COMPENSATION (repealed) / WORKPLACE SAFETY AND INSURANCE ACT (current)
<b>Description/scope and application</b>	<b>Note: This Act was repealed on January 1, 1998. See: 1997, c. 16, ss. 18, 19.</b>
<b>Relevant links</b>	<a href="http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_97w16_e.htm">http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_97w16_e.htm</a>

## PROVINCE: MANITOBA

Subject area	
<b>Name of legislation</b>	CHANGE OF NAME ACT
<b>Description/scope and application</b>	See print out
<b>Relevant links</b>	<a href="http://web2.gov.mb.ca/laws/statutes/ccsm/c050e.php">http://web2.gov.mb.ca/laws/statutes/ccsm/c050e.php</a>
<b>Name of legislation</b>	CHILD AND FAMILY SERVICES ACT
<b>Description/scope and application</b>	See print out
<b>Relevant links</b>	<a href="http://web2.gov.mb.ca/laws/statutes/ccsm/c080e.php">http://web2.gov.mb.ca/laws/statutes/ccsm/c080e.php</a>
<b>Name of legislation</b>	COMMUNITY CHILD DAY CARE STANDARDS ACT
<b>Description/scope and application</b>	See print out
<b>Relevant links</b>	<a href="http://web2.gov.mb.ca/laws/statutes/ccsm/c158e.php">http://web2.gov.mb.ca/laws/statutes/ccsm/c158e.php</a>
<b>Name of legislation</b>	CORPORATIONS ACT
<b>Description/scope and application</b>	***
<b>Relevant links</b>	<a href="http://web2.gov.mb.ca/laws/statutes/ccsm/c225e.php">http://web2.gov.mb.ca/laws/statutes/ccsm/c225e.php</a>
<b>Name of legislation</b>	FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT
<b>Description/scope and application</b>	***
<b>Relevant links</b>	<a href="http://web2.gov.mb.ca/laws/statutes/ccsm/f175e.php">http://web2.gov.mb.ca/laws/statutes/ccsm/f175e.php</a>
<b>Name of legislation</b>	HUMAN RIGHTS CODE
<b>Description/scope and application</b>	***
<b>Relevant links</b>	<a href="http://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php">http://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php</a>
<b>Name of legislation</b>	OCCUPIERS' LIABILITY ACT
<b>Description/scope and application</b>	***
<b>Relevant links</b>	<a href="http://web2.gov.mb.ca/laws/statutes/ccsm/o008e.php">http://web2.gov.mb.ca/laws/statutes/ccsm/o008e.php</a>
<b>Name of legislation</b>	VULNERABLE PERSONS LIVING WITH A MENTAL DISABILITY ACT
<b>Description/scope and application</b>	***
<b>Relevant links</b>	<a href="http://web2.gov.mb.ca/laws/statutes/ccsm/v090e.php">http://web2.gov.mb.ca/laws/statutes/ccsm/v090e.php</a>

## PROVINCE: SASKATCHEWAN

Subject area	
Name of legislation	BUSINESS CORPORATIONS ACT
Description/scope and application	***
Relevant links	<a href="http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/B10.pdf">http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/B10.pdf</a>
Name of legislation	NON-PROFIT CORPORATIONS ACT
Description/scope and application	***
Relevant links	<a href="http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/N4-2.pdf">http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/N4-2.pdf</a>
Name of legislation	CHANGE OF NAME ACT
Description/scope and application	***
Relevant links	<a href="http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/C6-1.pdf">http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/C6-1.pdf</a>
Name of legislation	CHILD AND FAMILY SERVICES ACT
Description/scope and application	***
Relevant links	<a href="http://www.qp.gov.sk.ca/documents/english/statutes/statutes/C7-2.PDF">http://www.qp.gov.sk.ca/documents/english/statutes/statutes/C7-2.PDF</a>
Name of legislation	CHILD CARE ACT
Description/scope and application	***
Relevant links	<a href="http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/C7-3.pdf">http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/C7-3.pdf</a>
Name of legislation	FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT
Description/scope and application	***
Relevant links	<a href="http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/F22-01.pdf">http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/F22-01.pdf</a>
Name of legislation	LOCAL AUTHORITY FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT
Description/scope and application	***
Relevant links	<a href="http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/L27-1.pdf">http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/L27-1.pdf</a>
Name of legislation	HUMAN RIGHTS CODE
Description/scope and application	***
Relevant links	<a href="http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/S24-1.pdf">http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/S24-1.pdf</a>
Name of legislation	VICTIMS OF CRIME ACT
Description/scope and application	***
Relevant links	<a href="http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/V6-011.pdf">http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/V6-011.pdf</a>

## PROVINCE: ALBERTA

### Legislation governing incorporation

**Name of Legislation** BUSINESS CORPORATIONS ACT  
R.S.A. 2000, c. B-9

**Description/scope and application** This legislation governs incorporation of businesses.

**Name of Legislation** COMPANIES ACT  
R.S.A. 2000, c. C-21

**Description/scope and application** This legislation allows companies without the goal of gaining profits to incorporate.

**Name of Legislation** SOCIETIES ACT  
R.S.A. 2000, c. S-14

**Description/scope and application** This legislation allows societies to incorporate for a non-profit purpose.

### Change of name legislation

**Name of Legislation** CHANGE OF NAME ACT  
R.S.A. 2000, c. C-7

**Description/scope and application** While a name change can be refused if the proposed name may be used in a manner that could defraud or mislead the public, there are no specific restrictions based on past criminal charges or other grounds related to screening. Name changes are also published in the Alberta Gazette.

### Child protection legislation

**Name of Legislation** CHILD, YOUTH, AND FAMILY ENHANCEMENT ACT  
R.S.A. 2000, c. C-12

**Description/scope and application** The Child, Youth, and Family Enhancement Act is the legal authority for providing child intervention services in Alberta. The Act is based on the belief that the family is the basic unit of society, that its well-being should be supported and preserved when possible, and that the family is responsible for the care, supervision and maintenance of its children. Intervention services only include removing a child from the child's family when other less disruptive measures cannot adequately protect the child.

A child is in need of intervention services when the survival, security, or development of the child is endangered because the child has been abandoned or lost, the guardian of the child is dead and the child has no other guardian, the child is neglected, or the guardian of the child is unable or unwilling to protect the child from physical injury, sexual abuse, emotional injury, and cruel and unusual punishment.

A "guardian" is defined as a person who is or is appointed a guardian of the child under Part 2 of the Family Law Act, or a person who is a guardian of the child under an agreement or order made under the Child, Youth, and Family Enhancement Act.

<b>Relevance to Screening</b>	<p>Under this legislation, the protection of children extends only as far as those persons who fall within the definition of a guardian. This does not include organizations offering programs or services, such as care centres or day care programs, because they do not fall within the definition of guardian.</p> <p>However, the Act does provide that any person who has reasonable and probable grounds to believe that a child is in need of intervention shall report the matter. This includes anyone who has contact with the child, including family, teachers, social workers, day care employees, nurses and doctors. Failing to do so is an offense.</p> <p>The Act does not require organizations working with children to screen their employees or volunteers.</p>
<b>Privacy legislation</b>	
<b>Name of Legislation</b>	FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT R.S.A. 2000, c. F-25
<b>Description/scope and application</b>	This legislation regulates the management and disclosure of personal information held by provincial government departments, agencies, and institutions.
<b>Regulated professions</b>	
<b>Name of Legislation</b>	HEALTH PROFESSIONS ACT R.S.A. 2000 c. H-7
<b>Description/scope and application</b>	<p>This statute establishes a number of self-governing colleges for the regulation of health professions, including doctors, nurses, dentists, chiropractors, naturopaths, optometrists, physical therapists, pharmacists, dieticians, social workers and psychologists.</p> <p>A college is required to govern its regulated members in a manner that protects and serves the public interest; establishes, maintains, and enforces standards for registration and of continuing competence; and establishes, maintains, and enforces a code of ethics for the particular health profession.</p>
<b>Human Rights legislation</b>	
<b>Name of Legislation</b>	ALBERTA HUMAN RIGHTS ACT R.S.A. 2000 c. A-25.5
<b>Description/scope and application</b>	In Alberta, prohibited grounds of discrimination are race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status and sexual orientation. Criminal records are not indicated as prohibited grounds, unlike in most other provinces.
<b>Occupiers' liability legislation</b>	
<b>Name of Legislation</b>	OCCUPIERS' LIABILITY ACT R.S.A. 2000 c. O-4
<b>Description/scope and application</b>	This Act outlines the duties of an occupier of premises to take reasonable care to ensure the safety of those who use their premises.

## Persons in care legislation

### Name of Legislation

PROTECTION FOR PERSONS IN CARE ACT  
R.S.A. 2000 c. P-29

### Description/scope and application

This legislation requires service providers to maintain a reasonable level of safety for the adults in their care and to protect them from abuse. In light of this goal, service providers must require a criminal records check from their employees and volunteers. As well, service providers must make the information in this Act available to all clients, volunteers, employees and contractors. Failing to do either is an offense.

The Act applies to service providers receiving funds from the Government of Alberta, directly or indirectly, to provide care or support services (ex. nursing homes, hospitals, group homes, seniors' lodges, shelters) and to mental health facilities. Additional service providers also specified in the Act include the operators of supportive living accommodations, people receiving funding under the *Persons with Developmental Disabilities Act* to provide care or support services to people with developmental disabilities, and people providing day programs, residential, and care or support services funded by Alberta Health Services including addictions and mental health treatment and rehabilitation centres.

When notified of abuse, service providers must take all reasonable steps to provide for the immediate safety, security and well-being of the client and any other clients who may be at risk of abuse. The Act requires all individuals or service providers to report abuse as soon as reasonably possible. Failure to report abuse is an offense.

Once a report of abuse has been received, the Protection for Persons in Care office will determine whether an investigation is necessary. If an investigation occurs, the director will then specify the steps or measures the service provider or individual involved must take to prevent abuse of clients. Failing to comply with the director's decision is an offense.

### Relevance to Screening

Every service provider has a duty to provide a safe environment for their clients and as such, each service provider must require that every successful applicant for employment and every new volunteer provide a criminal records check. If screening is not carried out, the service provider is at risk of a fine up to \$100,000.

For further information for screening in Alberta, visit [www.volunteeralberta.ab.ca/screening](http://www.volunteeralberta.ab.ca/screening). You will find a step by step screening guide to help you through pre-hiring, hiring, and post-hiring screening as well as additional resources.

You can also request a workshop on screening by completing the online speaker request form at <http://volunteeralberta.ab.ca/programs-and-services/speakers/speaker-request>. As well, eligible non-profit/voluntary sector organizations can have police information check costs from police services covered for volunteers in eligible circumstances through the Volunteer Police Information Check Program. Learn more at <http://voan.volunteeralberta.ab.ca>.



## PROVINCE: BRITISH COLUMBIA

Subject area	
<b>Name of legislation</b>	ADULT GUARDIANSHIP ACT
<b>Description/scope and application</b>	See print out
<b>Relevant links</b>	<a href="http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96006_01">http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96006_01</a>
<b>Name of legislation</b>	CHILD, FAMILY AND COMMUNITY SERVICE ACT
<b>Description/scope and application</b>	<ol style="list-style-type: none"> <li>1. Subparagraph (i) of the definition of “party” in the Definitions section of the Provincial Court (Child, Family and Community Service Act) Rules, B.C. Reg 533/95, is repealed and the following substituted:               <ol style="list-style-type: none"> <li>(i) the director responsible for the child;.</li> </ol> </li> <li>2. Rule 1 is amended</li> <li>3. Rule 6 is amended</li> <li>4. Appendix A is amended by repealing and substituting Forms 1, 2 and 11</li> <li>5. Forms 3 to 10 are amended</li> <li>6. Form 5 is amended</li> <li>7. Forms 12 and 13 are repealed</li> </ol>
<b>Relevant links</b>	<a href="http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96046_01">http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96046_01</a>
<b>Name of legislation</b>	COMMUNITY CARE FACILITY ACT (repealed) / COMMUNITY CARE AND ASSISTED LIVING ACT (current title)
<b>Description/scope and application</b>	See print out
<b>Relevant links</b>	<a href="http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_02075_01">http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_02075_01</a>
<b>Name of legislation</b>	CRIMINAL RECORDS REVIEW ACT
<b>Description/scope and application</b>	See print out
<b>Relevant links</b>	<a href="http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96086_01">http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96086_01</a>
<b>Name of legislation</b>	FREEDOM OF INFORMATION, PROTECTION OF PRIVACY ACT
<b>Description/scope and application</b>	See print out
<b>Relevant links</b>	<a href="http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00">http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00</a>

## Subject area

**Name of legislation** HEALTH PROFESSIONS ACT

**Description/scope and application** See print out

**Relevant links** [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_96183\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96183_01)

**Name of legislation** HUMAN RIGHTS CODE

**Description/scope and application** See print out

**Relevant links** [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_96210\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96210_01)

**Name of legislation** NAME ACT

**Description/scope and application** No amendments

**Relevant links** [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_96328\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96328_01)

**Name of legislation** OCCUPIERS' LIABILITY ACT

**Description/scope and application** See print out

**Relevant links** [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_96337\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96337_01)

**Name of legislation** SOCIAL WORKERS' ACT (repealed) / SOCIAL WORKERS ACT[2008] (current)

**Description/scope and application** **This statute is repealed or spent since 2008-11-20.**  
A completely new act has been implemented, cited below.

**Relevant links** [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_08031\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_08031_01)

**Name of legislation** SOCIETY ACT

**Description/scope and application** See print out

**Relevant links** [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_96433\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96433_01)

## TERRITORY: YUKON

Subject area	
Name of legislation	ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT
Description/scope and application	***
Relevant links	<a href="http://www.gov.yk.ca/legislation/acts/atipp.pdf">http://www.gov.yk.ca/legislation/acts/atipp.pdf</a>
Name of legislation	BUSINESS CORPORATIONS ACT
Description/scope and application	***
Relevant links	<a href="http://www.gov.yk.ca/legislation/acts/buco.pdf">http://www.gov.yk.ca/legislation/acts/buco.pdf</a>
Name of legislation	CHANGE OF NAME ACT
Description/scope and application	***
Relevant links	<a href="http://www.gov.yk.ca/legislation/acts/chna.pdf">http://www.gov.yk.ca/legislation/acts/chna.pdf</a>
Name of legislation	CHILD CARE ACT
Description/scope and application	***
Relevant links	<a href="http://www.gov.yk.ca/legislation/acts/chca.pdf">http://www.gov.yk.ca/legislation/acts/chca.pdf</a>
Name of legislation	CHILDREN'S ACT
Description/scope and application	***
Relevant links	<a href="http://www.gov.yk.ca/legislation/acts/childrens.pdf">http://www.gov.yk.ca/legislation/acts/childrens.pdf</a>
Name of legislation	HUMAN RIGHTS ACT
Description/scope and application	***
Relevant links	<a href="http://www.gov.yk.ca/legislation/acts/huri.pdf">http://www.gov.yk.ca/legislation/acts/huri.pdf</a>
Name of legislation	VICTIM SERVICES ACT (repealed)/ CRIME PREVENTION AND VICTIM SERVICES TRUST ACT (current)
Description/scope and application	Now CRIME PREVENTION AND VICTIM SERVICES TRUST ACT
Relevant links	<a href="http://www.gov.yk.ca/legislation/acts/cpvst.pdf">http://www.gov.yk.ca/legislation/acts/cpvst.pdf</a>
Name of legislation	COMPENSATION FOR VICTIMS OF CRIME ACT (repealed)/ VICTIMS OF CRIME ACT (current)
Description/scope and application	Now – VICTIMS OF CRIME ACT
Relevant links	<a href="http://www.gov.yk.ca/legislation/acts/voca.pdf">http://www.gov.yk.ca/legislation/acts/voca.pdf</a>

## TERRITORY: NORTHWEST TERRITORIES

### Subject area

**Name of legislation** BUSINESS CORPORATIONS ACT

**Description/scope and application** S.N.W.T. 2004,c.11  
S.N.W.T. 2005,c.14  
S.N.W.T. 2006,c.23  
S.N.W.T. 2008,c.10  
In force October 26, 2008; SI-007-2008  
S.N.W.T. 2009,c.12  
S.N.W.T. 2009,c.14  
In force August 1, 2009; SI-005-2009  
S.N.W.T. 2010,c.16

**Relevant links** <http://www.justice.gov.nt.ca/PDF/ACTS/Business%20Corporations.pdf>

**Name of legislation** SOCIETIES ACT

**Description/scope and application** AMENDED BY  
S.N.W.T. 2003,c.5  
S.N.W.T. 2004,c.11  
S.N.W.T. 2009,c.12

**Relevant links** <http://www.justice.gov.nt.ca/pdf/ACTS/Societies.pdf>

**Name of legislation** CHANGE OF NAME ACT

**Description/scope and application** AMENDED BY  
S.N.W.T. 2010,c.16

**Relevant links** <http://www.justice.gov.nt.ca/PDF/ACTS/Change%20of%20Name.pdf>

**Name of legislation** CHILD AND FAMILY SERVICES ACT

**Description/scope and application** No amendments

**Relevant links** [http://www.justice.gov.nt.ca/Legislation/..%5CPDF%5CACTS%5CChild\\_Day\\_Care.pdf](http://www.justice.gov.nt.ca/Legislation/..%5CPDF%5CACTS%5CChild_Day_Care.pdf)

**Name of legislation** FAIR PRACTICES ACT

**Description/scope and application** Repealed July 1, 2004

**Relevant links** [http://www.justice.gov.nt.ca/Legislation/..%5CPDF%5CACTS%5CFair\\_Pract.pdf](http://www.justice.gov.nt.ca/Legislation/..%5CPDF%5CACTS%5CFair_Pract.pdf)

## TERRITORY: NUNAVUT<sup>1</sup>

The people of Nunavut began the process of developing their territorial legislation in 2009, with 2013 as a targeted completion date. Until then, Canada's new territory falls under federal jurisdiction.

<sup>1</sup> This will be verified and updated

# APPENDIX B

## PowerPoint Presentation



**SCREENING**

Better matching  
Improved safety and quality of programs  
Reduced risks and liability

BUILDING A SAFE AND RESILIENT CANADA

*From the 2012 Edition of The Screening Handbook  
Prepared by Volunteer Canada for Public Safety Canada  
March 2012*

 Public Safety Canada    Sécurité publique Canada



## Presentation Outline



BUILDING A SAFE AND RESILIENT CANADA

- What is Screening?
- Volunteers as Employees
- Part I Duty of Care
  - Key Concepts
  - Social Policy and Legislative Context
- Part II Standard of Care
  - The Ten Steps of Screening
  - The Screening Checklist



Public Safety Canada  
Sécurité publique Canada

## What is Screening?



BUILDING A SAFE AND RESILIENT CANADA

- Screening is an ongoing process to:
  - Better match peoples' skills and experience to the needs and opportunities in organizations;
  - Improve the quality and safety of programs and services in communities;
  - Reduce the risks and liability for both people and organizations.



Public Safety Canada  
Sécurité publique Canada

## Volunteers as Employees

BUILDING A **SAFE** AND **RESILIENT** CANADA

- Some legislation applies equally to volunteers and paid employees?
- Organizations are responsible for the work done on their behalf by both volunteers and paid employees.

## Key Concepts

BUILDING A **SAFE** AND **RESILIENT** CANADA

- Duty of Care
- Standard of Care
- Reasonable and Prudent Person Standard
- Vulnerable Person
- Position of Trust or Authority
- Negligence
- Liability
- Personal Information



## Duty of Care



BUILDING A SAFE AND RESILIENT CANADA

- The legal, moral, and ethical principle that identifies the obligations of individuals and organizations to take reasonable measures to care for and protect their participants.
- Duty of Care
- Standard of Care
- Reasonable and Prudent Person Standard
- Vulnerable Person
- Position of Trust or Authority
- Negligence
- Liability
- Personal Information

## Standard of Care



BUILDING A SAFE AND RESILIENT CANADA

- The standard of care refers to the degree or level of service, attention, care, and protection that one owes another according to the law, usually the law of negligence.
- The required standard varies according to the circumstances of each situation.
- Duty of Care
- Standard of Care
- Reasonable and Prudent Person Standard
- Vulnerable Person
- Position of Trust or Authority
- Negligence
- Liability
- Personal Information

## Reasonable and Prudent Person Standard



BUILDING A SAFE AND RESILIENT CANADA

- What are the risks involved in a situation?
  - What would a reasonable person of average judgment, skill, and experience, be expected to do – or not do – under these circumstances?
  - What consequences of an action – or lack of action – would a reasonable person be expected to foresee?
- Duty of Care
  - Standard of Care
  - Reasonable and Prudent Person Standard
  - Vulnerable Person
  - Position of Trust or Authority
  - Negligence
  - Liability
  - Personal Information

## Vulnerable Person



BUILDING A SAFE AND RESILIENT CANADA

- “Persons who, because of age, a disability, or other circumstances, whether temporary or permanent, are:
    - In a position of dependence on others or;
    - Otherwise at greater risk than the general population of being harmed by a person in a position of authority or trust relative to them”.
- Duty of Care
  - Standard of Care
  - Reasonable and Prudent Person Standard
  - Vulnerable Person
  - Position of Trust or Authority
  - Negligence
  - Liability
  - Personal Information

## Position of Trust (authority)



BUILDING A SAFE AND RESILIENT CANADA

- A position of trust or authority is created when a person has:
  - Decision-making power;
  - Unsupervised access;
  - Closeness inherent in the relationship;
  - Personal nature of the activity itself.
- Duty of Care
- Standard of Care
- Reasonable and Prudent Person Standard
- Vulnerable Person
- Position of Trust or Authority
- Negligence
- Liability
- Personal Information

## Negligence



BUILDING A SAFE AND RESILIENT CANADA

- When someone is harmed as a result of the action or inaction of another person (organization), in breach of the standard of care.
- Duty of Care
- Standard of Care
- Reasonable and Prudent Person Standard
- Vulnerable Person
- Position of Trust or Authority
- Negligence
- Liability
- Personal Information

## Liability



BUILDING A SAFE AND RESILIENT CANADA

- An organization's liability refers to their legal responsibility in a given situation.
  - If they are found to be legally responsible, or held liable, for any harm done to someone then they may be required to pay for damages caused.
- Duty of Care
- Standard of Care
- Reasonable and Prudent Person Standard
- Vulnerable Person
- Position of Trust or Authority
- Negligence
- Liability
- Personal Information

## Personal Information



BUILDING A SAFE AND RESILIENT CANADA

- Information that can identify an individual, including:
  - An individual's name, address or telephone number;
  - Driving record, medical record or criminal history.
- For Privacy legislation to apply, the personal information in question must generally be:
  - About an individual;
  - Identify an individual;
  - Or, be able to identify an individual.
- Duty of Care
- Standard of Care
- Reasonable and Prudent Person Standard
- Vulnerable Person
- Position of Trust or Authority
- Negligence
- Liability
- Personal Information

## Social Policy and Regulatory Environment



BUILDING A SAFE AND RESILIENT CANADA

### Federal Social Policy and Legislation

- Common Law
- Statutes
- Canadian Criminal Code
- Federal Social Policy and Programs

### Provincial/Territorial and Municipal

- Administration of Canadian Criminal Code
- Provincial/Territorial Statutes
- Licensing Bodies
- Social Policy and Programs Guidelines

### Occupational and Professional Standards

- Professional Associations
- Certification Programs
- Professional Designations

### Contractual Obligations

- Funding Agreements
- Insurance Policies
- Service Contracts
- Memorandum of Understanding (with other organizations)

### Sector Norms and Standards

- Accreditation Programs
- Codes
- Standards of Practice

### Organizational Governance and Operations

- By-Laws
- Policies
- Procedures
- Operations Manuals
- Board Decisions (Minutes)



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## Key Areas of Legislation



BUILDING A SAFE AND RESILIENT CANADA

- Child Protection
- Adult Protection
- Protection of People with Disabilities
- Human Rights
- Information and Privacy
- Name Change
- Employment Standards
- Criminal Code of Canada
- Youth Criminal Justice Act (Canada)
- Criminal Records Act (Canada)



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## Ten Steps of Screening



BUILDING A **SAFE AND RESILIENT CANADA**

1. Assessment
2. Position Assignment
3. Recruitment
4. Application
5. Interview
6. References
7. Police Checks
8. Orientation and Training
9. Support and Supervision
10. Follow-up and Feedback

## 1. Assessment



BUILDING A **SAFE AND RESILIENT CANADA**

- An assessment of the program, activity, position, and assignment determines:
    - Level of service or quality standard;
    - Internal policy implications;
    - Legislative requirements;
    - Risks and liabilities.
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## Tips for Assessment of Risks



BUILDING A SAFE AND RESILIENT CANADA

- Assessing the potential risks of a position involves identifying:
    - Who is the participant?
    - What is the nature of the activity?
    - What is the setting?
    - What is the level of supervision?
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## 2. Position Assignment



BUILDING A SAFE AND RESILIENT CANADA

- Descriptions clearly articulate bona fide requirements and level of risk that were identified during the assessment:
    - The Organization;
    - Scope of the activity;
    - Requirements of the position/assignment;
    - Benefits and opportunities;
    - Screening practices.
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## Tips for Writing Position Assignment Descriptions



BUILDING A **SAFE AND RESILIENT CANADA**

### Organization:

- Name of organization
- Mission
- Programs/activities
- Human resource and volunteer resource management policies

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## Tips for Writing Position Assignment Descriptions



BUILDING A **SAFE AND RESILIENT CANADA**

### Position/Assignment:

- Title
- Scope of activity
- Tasks/Responsibilities
- Skills, experience and qualifications required
- Time commitment
- Benefits
- Screening practices

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### 3. Recruitment



BUILDING A SAFE AND RESILIENT CANADA

- Recruitment plans and practices need to be carefully planned and clearly communicated, and have selection systems that are:
    - Fair;
    - Consistent;
    - Appropriate for the position or assignment.
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### Tips for Designing Recruitment Strategies



BUILDING A SAFE AND RESILIENT CANADA

- Recruitment strategies need to reflect:
    - The vision and mission of the organization;
    - Value of being inclusive, open, and transparent;
    - The general requirements for the position;
    - The opportunities and benefits;
    - The screening protocol the position/assignment.
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## 4. Application



BUILDING A SAFE AND RESILIENT CANADA

- A standardized application form is used for all volunteer positions and assignments that:
    - Collects basic information to process the application;
    - Asks questions directly related to the bona fide requirements of the position or assignment;
    - Respects Human Rights legislation;
    - Requests Reference Information and consent;
    - Seeks permission to obtain Police Check, if required.
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## Tips for the Application Process



BUILDING A SAFE AND RESILIENT CANADA

- An information sheet or package can be provided to candidates about:
    - The application process;
    - The organization;
    - Program or activity;
    - Description of the position or assignment.
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## 5. Interview



BUILDING A SAFE AND RESILIENT CANADA

- An interview provides an opportunity to talk with a candidate about their skills, interests, qualifications, and personal goals to help determine if there is a potential match within the organization.
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## Tips for Interviews



BUILDING A SAFE AND RESILIENT CANADA

- Have a standard set of questions
  - Establish a comfortable environment
  - Explain the selection process
  - Describe the position or assignment based on the written description
  - Outline the screening process
  - Document responses
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## 6. References



BUILDING A **SAFE AND RESILIENT CANADA**

- References need to be checked in accordance with:
    - The requirements of the position or assignment;
    - Compliance with relevant legislation, including;
      - Human Rights;
      - Protection of privacy;
      - Access to information.
    - The standing of regulated professionals should be verified.
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## Tips for Checking References



BUILDING A **SAFE AND RESILIENT CANADA**

- Identify yourself and the organization
  - Describe the position/assignment
  - Define the level of vulnerability of the participants
  - Outline the required qualifications
  - Ask open-ended questions
  - Record responses
  - Always check more than one reference
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## 7. Police Checks



BUILDING A SAFE AND RESILIENT CANADA

- Depending upon the policies, legal requirements, and the level of risk of the position/assignment, a Police Check may be requested to help assess the suitability of an applicant.
  - The type and name of the check, as well as the process, cost, and format of information provided varies from one jurisdiction to another.
  - Basic types of Police Checks include:
    - Police Records Checks, Criminal Records Checks, Police Information Checks;
    - Vulnerable Sector Checks.
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## Considerations about Police Checks



BUILDING A SAFE AND RESILIENT CANADA

- Which type of Police Check, if any, is required for the position/assignment?
  - Can the assignment begin before the results are received?
  - How will a determination be made about the relevance of police information to the position/assignment?
  - How often are Police Checks to be done?
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## 8. Orientation and Training



BUILDING A SAFE AND RESILIENT CANADA

- Orientation and Training can be done in groups and/or on an individual basis to provide information and continue to assess the suitability of the match.
  - Group sessions can provide an opportunity to observe an applicants interpersonal skills, ability to work with others, and demonstrated understanding and acceptance of the organization's mission, values, and policies.
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## Tips for Orientation and Training



BUILDING A SAFE AND RESILIENT CANADA

- Orientation provides general information:
    - The Organization's history, mission, vision;
    - The Volunteer Engagement Approach, Policies, and Practices;
    - Key programs and services.
  - Training includes:
    - Specific tasks, skills, and logistics related to the assignment or position (initial);
    - Updates, refreshers, or re-training (ongoing).
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## Orientation and Training Practices



BUILDING A SAFE AND RESILIENT CANADA

- Making orientation and training sessions mandatory
- Holding regular training sessions throughout the year (Volunteer Meetings)
- Probationary Period
- Buddy Systems; pairing a new volunteer with an experienced member of the team

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## 9. Support and Supervision



BUILDING A SAFE AND RESILIENT CANADA

- Ongoing support and supervision are an essential part of ensuring that the match between people and assignments continues to be mutually beneficial, to maintain and improve quality and safe programs and services, and to reduce risks and liabilities.
- Lack of adequate support and supervision may constitute a breach of the standard of care expected of an organization and a court ruling of negligence, holding the organization liable for any harm done to individuals as a result.

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## Tips for Supervision and Support



BUILDING A SAFE AND RESILIENT CANADA

- Identify the supervisor or contact person within the organization:
    - Setup a system for regular communication to discuss the assignment and for two-way feedback to be shared, using the written description as the reference point;
    - Arrange for a back-up system for when problems or questions arise.
  - Carry out unscheduled spot-checks:
    - Have a formal evaluation session prior to the end of probation to provide and receive feedback and to determine whether or not to continue the assignment;
    - At any time, adapt, change, or terminate an assignment, if there are concerns about safety or misconduct (following organizational policies and legal advice).
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## 10. Follow-up and Feedback



BUILDING A SAFE AND RESILIENT CANADA

- A clear follow-up system with program participants and their family members is an important part of monitoring:
    - The suitability of the match;
    - The quality of the programs and services, and;
    - Exposure to risks and liabilities.
  - All parties, including participants, paid employees, and other volunteers, need to know who they can contact if they are concerned about the actions or inactions of a volunteer.
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## Tips for Follow-up and Feedback



BUILDING A SAFE AND RESILIENT CANADA

- Schedule regular follow-up calls or visits with participants.
- Provide participants and family members with information about where to call with questions or concerns.
- Fill out incident reports, as required.
- Document actions taken to respond to incidents, complaints or other feedback.

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## The Screening Checklist



BUILDING A SAFE AND RESILIENT CANADA

- Based on the Ten Steps of Screening, the Checklist involves systematically reviewing all aspects of volunteer screening policies and practices, supporting compliance with both the internal and external regulatory environment.

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## Summary



BUILDING A **SAFE AND RESILIENT CANADA**

- Organizations are responsible for any work done on their behalf by both paid employees and volunteers.
- The duty of care is even greater when the work is with vulnerable people.
- Screening is an ongoing, 10-step process.
- Police checks are one step in the process.
- Screening goes beyond the selection process.
- Screening promotes better matching, improved quality and safety of programs, and reduced risks and liability.
- Screening practices need to be appropriate to the position or assignment.



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## For more information



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