

Human Resources Policy 14 - Security Screening

Last updated April 12, 2016

This policy covers the requirement for criminal record checks and enhanced security screening for designated positions within the BC Public Service. The directive supports the Core Policy of ensuring that “government is supported by a professional public service that has the knowledge, skills, and abilities to achieve current and future objectives.”

This policy covers criminal record checks other than those required under the Criminal Records Review Act. This policy applies to new employees and employees changing positions only.

A criminal record check and enhanced security screening may form part of the process of assessing an applicant’s relative suitability for a designated position. The Canadian Charter of Rights and Freedoms, the Human Rights Code, and Supreme Court of Canada decisions impose strict limits on how the employer uses the information from these records. A criminal record check must relate to the requirements of the position.

A criminal record check is a search for convictions, penalties and outstanding charges as required under this policy. Successful completion of a criminal record check and/or enhanced security screening is required before an applicant can be confirmed for a designated position within the public service.

A deputy minister may require additional enhanced security screening checks for some applicants in particularly sensitive positions by submitting a business case for approval by the Deputy Ministers Committee on the Public Service to ensure corporate consistency. The business cases must be developed in consultation with the Assistant Deputy Minister of Employee Relations, BC Public Service Agency and the Assistant Deputy Minister responsible for Security Programs, Ministry of Justice.

The types of enhanced security screening that may be required include: fingerprinting, RCMP-conducted background investigations, professional/education verification checks, financial/credit checks, and any personnel security screening checks required by the Province of B.C.

Purpose of Security Screening

The purpose of security screening is to:

- Protect the safety and security of vulnerable people in the care of public service employees,
- Maintain the security and integrity of provincial law enforcement,
- Protect significant financial and information assets of the Province, and
- Maintain the public trust and confidence in public service employees.

Designated Positions

A director, on the recommendation of the hiring manager, will designate positions requiring criminal records checks. The deputy minister must approve all designated positions. Positions with the following primary functions must be designated:

1. Positions responsible for law enforcement, investigations, inspections, or audits, where duties involve any of the following:
 - the control, care and custody of people and/or property,
 - access to sensitive enforcement or investigations information,
 - the administration of the justice system and the prosecution service,
 - the administration and enforcement of provincial statutes.
2. Positions having access to sensitive information. Sensitive information can be about government employees, government clients or others and may be held by government or administered by service providers on behalf of government. Sensitive information is any information that, if compromised, could result in serious consequences for individuals, organizations, or government.
3. Positions with expense authority and/or revenue authority in excess of \$500,000.
4. Positions with access to, control and/or custody of significant assets, where damage to or loss of the asset could cause harm to the Province (e.g., warehouse operations, significant inventories).
5. Positions responsible for government's corporate security.
6. Positions responsible for and who have unrestricted access to operational, data and information management systems where the disruptions of such a system could significantly impact the services to citizens and government's financial and economic interests or reveal confidential information.

7. Positions with responsibilities related to government's financial and economic interests including those with access to:

- Confidential budget and investment information;
- Cabinet confidence (any advice, recommendations, policy considerations or draft legislation or regulations submitted or prepared for submission to the Executive Council or any of its committees);
- Legal advice;
- Financial, commercial, scientific, technical or other proprietary information that belongs to the government of British Columbia and that has, or is reasonably likely to have, monetary value; and
- Information about intergovernmental relations or negotiations carried on by the government of British Columbia.

8. Positions that require a criminal record check in order to access data necessary for service delivery to citizens of B.C.

9. Senior executive positions (assistant deputy minister, associate deputy minister, deputy minister, or equivalent).

An employee may request a review of the reasons for requiring a criminal record check with the hiring manager. The hiring manager will review the risk factors on the Position Screening Designation form and either:

- Explain the rationale for designating the position to the employee: or
- Make a recommendation to the Deputy Minister that the requirement for a criminal record check be removed from the position.

For additional information, see the [Position Screening Designation](#) form.

Administration

Applicants must consent to criminal records checks before they are conducted. If applicants do not give their consent, their appointment cannot be confirmed.

Care must be taken to balance the rights of applicants to personal privacy and freedom from discrimination with the government's responsibility to protect the public, employees, and assets. The results of criminal record checks will be held in strictest confidence. Records must be stored in a secure manner and records for applicants who are not hired must be destroyed.

Employees in positions requiring enhanced security screening will be rechecked a minimum of every five years. The requirement for a recheck must be included in the offer of employment letter and is a condition of employment. If the employee refuses to consent to a recheck, they can be terminated.

A criminal record check is not required:

- For employees covering another position for short term absences (e.g. 4-6 weeks), provided the employee has had a criminal record check;
- For employees moving to a new position where the duties and risk factors of the new position are substantially similar to the previous position, provided the employee has completed a criminal record check;
- For auxiliary employees with service seniority that have previously passed a criminal record check and are being recalled, converted or hired through a competition into the same job.

All criminal record checks are conducted by Ministry of Justice Personnel Security Screening Office staff based on the information provided on the criminal record check consent form. If an applicant is found to have a criminal record, the decision on the applicant's suitability for employment will be made by Ministry Justice General staff and the result communicated to the hiring manager.

Deputy ministers are responsible for the final decision where an applicant requests a review of the decision not to appoint because of his or her record.

Compliance with Criminal Records Review Act Requirements

The [Criminal Records Review Act](#) (CRRRA) requires a criminal record check for every employee who works with children under the age of 19 years or works with vulnerable adults as defined under the Act. If a position is designated in accordance with this policy and is also subject to the Criminal Records Review Act, and if risk identified for the position relates only to the safety of the children, organizations may choose not to require an additional criminal record check under this policy provided one has been completed under the Criminal Records Review Act.

Hiring Practice

The BC Public Service recommends best practices in the [Hiring and Deployment policy](#). This process of evaluating the trustworthiness and reliability of applicants could also include checks of Provincial records, where the Province maintains information systems related to its own compliance or enforcement activities.

All of the information gathered during the hiring process will be considered in the adjudication of criminal record check results. This information provides verification of the accuracy of the information the applicant has provided on their background, their reliability and past work performance.