



Criminal records checks: an update

September 20, 2010

Health science professionals who work with children have been receiving employer notifications regarding the requirement for criminal records checks.

As a result of amendments to the [Criminal Records Review Act](#) which came into effect in January 2008, all employees who work with or have unsupervised access to children (under age 19) must undergo a criminal records check every five years ... not just upon hire. The deadline for compliance is December 31, 2010.

The issues raised through this process can be complex. In summary:

1. Yes, you need a criminal records review if you work with children or have unsupervised access to children under age 19
2. Yes, you have to pay the \$20 processing fee (for now)
3. If you feel the employer is making unreasonable demands or threats around this process, [talk to your steward](#).

HSA members covered by the Health Science Professionals provincial contract fall into two main groups, as follows.

1. Health science professions belonging to a provincial college / licensing body

As regulated by the Health Professions Act, many health science professionals are required to belong to a college in order to practice in BC. Members working in these professions (and who work with children) must submit to a criminal records check **through their licensing body**.

If you work in one of these health professions, you fall under -Schedule B" of the [Criminal Record Check consent form](#), and are required by legislation to undergo a criminal record check through your professional licensing body.

In your case, your licensing body is responsible for overseeing your criminal records check; your employer does not deal with the matter. Your college or licensing body should be getting in touch with you with instructions.

Occupations with a governing / licensing body include:

- â€¢ Audiologists
- â€¢ Chiropractors
- â€¢ Dental Hygienists
- â€¢ Dental Technicians
- â€¢ Dentists
- â€¢ Denturists
- â€¢ Dietitians
- â€¢ Massage Therapists
- â€¢ Medical Practitioners
- â€¢ Midwives

â€¢	Naturopathic Physicians
â€¢	Nurses (Licensed Practical)
â€¢	Nurses (Registered) and Nurse Practitioners
â€¢	Nurses (Registered Psychiatric)
â€¢	Occupational Therapists
â€¢	Opticians
â€¢	Optometrists
â€¢	Pharmacists
â€¢	Psychologists
â€¢	Physical Therapists
â€¢	Speech and Hearing Health Professionals
â€¢	Traditional Chinese Medicine Practitioners and Acupuncturists

[Click here](#) for a complete list of governing bodies covered under the Criminal Records Review Act.

2. All other health science professions

If your profession is not regulated by a governing body but you work with or have unsupervised access to children, you are also required by law to undergo a criminal record check.

You fall under -Schedule A" or -Schedule E" of the [Criminal Record Check consent form](#).

In your case, your employer is responsible for managing your criminal records check. As such, your employer collects your consent form, as well as all applicable attachments and fees. They retain the original form and forward a copy of it along with payment to the criminal records review program.

Payment methods for \$20 processing fee

The regulation stipulates specific payment methods for the criminal record check processing fee:

1. Payment by Visa or Mastercard; requires you to download and [complete this form](#)

OR

2. Certified cheque or money order made payable to the Minister of Finance

In addition, health employers are offering a one-time payroll deduction of \$20.

If the process set forth by your employer doesn't resemble the process described in this bulletin, contact your steward.

The processing fee: policy grievances filed

The component unions of the Health Services and Support (Facilities) Bargaining Association and the Health Services and Support (Community) Bargaining Association have filed province-wide policy grievances asserting that the fee should be paid by the employer, as it is a condition of employment. The Health Science Professionals Bargaining Association is filing a similar policy grievance.

However, these grievances may not be resolved before the legislative deadline of December 31, 2010. Therefore, if you do NOT belong to a licensing / governing body but require a criminal record check, the union advises you pay the \$20 for now, and attach a note to the employer copy, saying: -I am paying the processing fee for this criminal record check without prejudice to any position the Health Science Professionals Bargaining Association may take on this matter." Retain a copy of the receipt.

Depending on the outcome of the policy grievances, the union may be able to recoup these fees for you. (If you are required to belong to a licensing / governing body under -Schedule B," this does not apply; the union is not able to file a grievance on your behalf on this issue.)

Dont work with children?

If you have received a notification to undergo a check but you don't work with or have unsupervised access to children under age 19 ... and you feel you do not fall into this category -- [inform your steward](#), who will work with the union labour relations officer for your facility.

Letters threatening discipline

The union is aware that in some health authorities, some members have received harshly-worded letters from their employers human resources departments. These letters threaten discipline and/or termination. Members who have been waiting for clarification about payment and the process are also being told about letters placed on their personnel files regarding this issue.

If you have received such a letter, please [advise your steward](#), who will file a grievance on your behalf to have the letters rescinded.

Registered psychiatric nurses

If you are an RPN, you fall under "Schedule B" as described above. The union is not filing a policy grievance on this issue.

Community social services workers

Please stay tuned for an update regarding the processes for criminal records checks for community social services workers.

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