

## Use of Employment-Related Criminal Record Checks

It is a standard practice for boards of education to conduct criminal record checks for some prospective and existing employees. While criminal record checks for teacher employees are conducted by the Teacher Regulation Branch as part of a teacher's certification process, other employees are subject to criminal record checks requested and reviewed directly by boards.

BCPSEA has been contacted by the Office of the Information and Privacy Commissioner regarding the use and timing of criminal record and charge information during the hiring process. In 2012, Commissioner Elizabeth Denham issued a report identifying best practices in this regard.

Under the Commissioner's *Best Practices* document, criminal records information should **not** be collected until an offer of employment (conditional) has been made. This is consistent with the *Criminal Records Review Act*. Record checks performed by the board under the *Act* (i.e., for non-teacher employees working with children or vulnerable adults) must not be conducted until an offer of employment has been made.

The Commissioner's Office is concerned that some boards may be requiring criminal record checks at an earlier stage of the hiring process. In response, BCPSEA indicated that it would issue a communication to remind districts of the best practices identified by the Commissioner in this area, and specifically the requirement that checks not be conducted until a conditional offer of employment is made.

For more information on best practices in this area, the Commissioner's full report is available at <https://www.oipc.bc.ca/investigation-reports/1247>.

## Questions

Should you require assistance or wish to discuss this issue further, please contact your BCPSEA liaison.