

Policy Direction – Screening Measures for Positions of Trust

Rationale and Relationship to Mission, Principles and Values

A fundamental value of the MS Society of Canada in pursuit of its mission is the commitment to create safe and collaborative environments that foster positive relationships. Screening measures create safer and better programs for our clients, volunteers, participants and staff, and improve our capacity for protection against loss, liability and exposure.

As an organization working with vulnerable populations, the Society has a moral, legal and ethical obligation to screen staff and volunteers, as stated in the concept of “Duty of Care” which requires organizations to enact reasonable measures to ensure the safety of their beneficiaries. Conducting background checks is one way of ensuring we meet the necessary standard of the Duty of Care.

Effective screening of staff and volunteers is now widely accepted as an essential part of human resources and volunteer management throughout the non-profit sector. 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. Screening puts in place touchstones, throughout an individual’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; and reduce the risks and liabilities for both people and organizations.

Policy Objective

The objective of this policy is to ensure that MS Society of Canada staff and volunteers in designated positions of trust within the MS Society receive appropriate screening, based on the level of risk associated with each role. This includes staff and volunteer positions in all areas of the organization including programs & services, finance, information technology, fundraising, and human resources (including governance volunteers), as identified in the *Positions of Trust Matrix* appended at the end of this policy.

Policy Application

This policy applies to volunteers and staff at all levels and locations of the MS Society including the national office, divisions and chapters.

Authorization

This policy replaces and expands upon an earlier policy which applied exclusively to programs & services and which was approved by the National Board of Directors on November 28, 2006.

The policy was revised and approved by the MS Society Board of Directors, on May 20, 2015.

The present policy was approved by the MS Society Board of Directors, on May 17, 2017.

Policy Details

General Principles

- The MS Society of Canada reserves the right to make hiring decisions and decline offers of employment and/or volunteer assistance based on its assessment of a candidate's qualifications for the position being applied for, as outlined in the job or position description.
- The extent of the screening process will vary by the risks and demands of the positions (please refer to the *Positions of Trust Matrix*).
- Candidates have the right to know the nature and extent of the hiring and screening process in advance of their application for any position. All job descriptions for staff or volunteer positions will identify if a position is a position of trust.
- Minimum screening standards commensurate with the assessed level of risk involved must be met for every staff and volunteer position. The *Matrix* associated with this policy establishes minimum standards for positions of each risk level.
- All hiring processes and decisions must be supported by relevant documentation as set out in the *Procedures* associated with this policy.
- All candidates for any position will be screened in a fair and uniform manner by a third-party screening provider selected on a nation-wide basis by the national office of the MS Society.
- The MS Society commits to respect the rights of all candidates for a staff or volunteer position of trust. Confidentiality of screening information shall be safeguarded and compliance with all applicable federal and provincial privacy legislation is mandatory.

- The MS Society designates and authorizes screening administrators in each division to implement and monitor the screening process in their area.
- All costs associated with screening for positions of trust will be covered by the national office of the MS Society. This includes costs associated for any local police checks for those under the age of 18, for one time or recurring checks for staff and volunteer positions, etc.

Screening Requirements

- The MS Society of Canada requires that **all** staff and volunteers in positions of trust must complete the appropriate background check as a condition of their employment or placement.
- Background checks are required for:
 - a) Any new employee or volunteer entering into a position of trust**
 - For such individuals, background checks will be completed prior to hiring. For governance volunteers, background checks need to be completed prior to the Governance Committee presenting the recommendations for nominations or appointments to the board of directors.
 - b) Any current employee or volunteer transferring into a position of trust** (i.e. moving to a new position that is a position of trust)
 - Such individuals will be given 30 days to complete the appropriate background check. For governance volunteers, background checks need to be completed prior to the Governance Committee presenting the recommendations for nominations or appointments to the board of directors.
 - c) Any employee or volunteer whose current position develops into a position of trust** (i.e. the requirements and job description for a position change during one's tenure)
 - As a result of the adoption of this policy, many current staff and volunteer positions will be identified as positions of trust (see Matrix).
 - Individuals whose current position develops into a position of trust as a direct result of the adoption of this policy will be given 1 (one) year to complete the screening required.
 - Roles and responsibilities for a particular staff or volunteer position may evolve and change over time. When that happens, the job description is updated and approved by the Talent department.
 - For employees or volunteers whose current position develops into a position of trust (but not as a direct result of

the adoption of this policy), the individual will be given 30 (thirty) days to complete the appropriate background check.

- Failure to comply with the necessary background check could result in termination.
- Background checks for staff & volunteers in positions of trust are required every five (5) years.

Screening Results and Preclusion of Hire

- All staff or volunteer position offers are contingent upon satisfactory reference and background checks.
- All unclear background checks are returned to the Talent department for adjudication which may or may not include legal counsel. Where appropriate, this will then be discussed with the immediate supervisor, the screening administrator and/or individual in a position of trust depending on the nature of the circumstances. Specific steps are outlined in the *Procedures* associated with this policy.
- Specific criteria for preclusion of hire are outlined in the *Screening Measures of Positions of Trust Procedures* document.

Executive Champion

The Vice-President, Talent, is the executive champion for this policy direction.

Monitoring and Compliance

The Vice-President, Talent, is responsible for leading the monitoring of the application and compliance of this policy direction and the related procedures in conjunction with other members of the Executive Team.

On a quarterly basis, national vice-presidents and division presidents must acknowledge compliance with this policy direction and the related procedures.

Related Policies, Legislation

Federal and provincial Human Rights Code
Provincial Employment Standards Acts
MS Society privacy and confidentiality policy
Provincial privacy laws
Federal Personal Information Protection and Electronic Documents Act (PIPEDA)

Bill C-45 which amended Section 217.1 of the Criminal Code, relating to employer obligations regarding workplace health and safety

Policy Review

The policy direction is to be reviewed at a minimum every five (5) years following its approval.

Definitions:

Duty of Care – The Duty of Care is a legal principle that identifies the obligation of individuals and organizations to take reasonable measures to care for and protect the public to an appropriate level or standard.

Position of Trust – A position of trust exists when someone is placed in a position of power and authority over another person in an ongoing relationship. Positions of trust create unequal relationships between the parties resulting in greater vulnerability. Individuals in positions of trust may include, but not be limited to, family members, friends, caregivers, volunteers, and employees. The degree of trust depends on the nature of the relationship and, in particular, on the degree of authority, reliance, and/or dependence created in the position. Positions of trust are also created when persons are granted access to financial or other material resources, or sensitive or confidential information.

Position of Trust Matrix – The matrix outlines criteria for identifying the level of risk in each position and aids in determining the type of background check required for an individual in a staff or volunteer position of trust (criminal, credit, qualifications check, vulnerable sector search).

Executive Team – The most senior level of staff leadership within the MS Society comprised of the president and chief executive officer, division presidents, national vice-presidents of talent, programs & services, researchshared services, marketing and development. One person may hold more than one position. The president & chief executive officer may alter the composition of the Executive Team as required from time-to-time.

Criminal record verification – A Canada-wide search based on an individual's name and date of birth, to determine whether or not they have any criminal convictions in the National Criminal Repository. It provides the individual with the detailed information that can be legally disclosed.

Credit Bureau History Inquiry – An inquiry to TransUnion, one of Canada's major credit bureaus, for an individual's credit report. A credit bureau history inquiry **does**

NOT affect the individual's credit rating and/or credit score. The credit report contains five key areas of information:

- Identifying information: names and aliases, date of birth, social insurance number, address and employment history.
- Financial information: financial accounts (credit cards, loans, installment plans etc.) and the payment history for those accounts.
- Public Records: registered items, bankruptcies, and legal items.
- Collections: information regarding delinquent accounts which have been sent to collection.
- Banking items: information regarding any fraudulent activity as reported by the individual's financial institution.

Qualifications Check – Some positions require specific certifications or current memberships as a condition of employment and/or placement. This service allows us to confirm these requirements. Also called “credentials verification.”

Vulnerable sector check – A process that verifies whether an individual has a criminal record, as well as any record suspensions (formerly pardons) for sexual offences and local police records for information relevant to the vulnerable sector check. The information that can be legally disclosed is provided to the applicant.

Client – The main, or primary, clients of the MS Society of Canada are people who are living with a diagnosis of MS, waiting for a diagnosis with respect to MS, close to a person with MS, such as family and friends and caregivers to a person with MS, who may also include family and friends.