



# BACKGROUND CHECK POLICY

## 1. PURPOSE

The Royal Winnipeg Ballet (“RWB”) has adopted a Background Check Policy to maintain a safe and secure learning and work environment, and to further ensure safeguarding of its assets, resources, and reputation. This Policy shall outline the various background checks that may be conducted, as required, for those affiliated with the RWB.

## 2. POLICY STATEMENT

As a condition of employment, the RWB requires employees and Company Dancers to undergo an Enhanced Criminal Record Check or Criminal Record with Vulnerable Sector Check, and if applicable, a Child Abuse Registry check. The RWB may further require:

- Driving Record check;
- Medical Evaluation;
- Reference checks;
- Education/training verification checks;
- Social Insurance Number verification check; and
- Other applicable checks

When necessary, the RWB may also require other individuals accessing RWB properties or at RWB performance venues to undergo an Enhanced Criminal Record Check or Criminal Record with Vulnerable Sector Check, and if applicable, a Child Abuse Registry check.

The requirement for any other check will be determined by the hiring/contracting Manager, in consultation with People Services.

Checks may be conducted using a contracted third party and/or appropriate law enforcement or regulatory agencies.

It is the responsibility of the hiring/contracting Manager, in conjunction with People Services, to ensure all required checks and/or receipts have been completed and submitted within established time frames.

## 3. CONDITIONS OF EMPLOYMENT

### 3.1 Candidates

Successful candidates, 18 years of age and older, offered full-time, part-time, or term employment for more than one (1) month, engaged as a Company Dancer, or those offered to perform work as an Independent Contractor will be required to undergo or submit:

- An Enhanced Criminal Record Check or Criminal Record with Vulnerable Sector Check; and
- A Child Abuse Registry Check, if having resided in Manitoba for a period of at least six (6) months, or where applicable; and
- All other checks applicable to the position and as outlined in the Employment Agreement, Independent Contractor Agreement, or any other form of Agreement with the RWB.

Check(s) submitted must be original documents. The RWB may accept checks previously completed within the six (6) months prior to the start date. Candidates are responsible for the cost of required checks.

In the absence of completed checks by the position start date, the RWB requires:

- Copies of the receipts to be submitted prior to or on the start date;
- Signature on a Declaration of Criminal and Child Abuse Record; and
- Enhanced direct supervision for positions that directly work with and/or require supervision of students.

Term positions of less than one (1) month, the RWB requires:

- Signature on a Declaration of Criminal and Child Abuse Record; and
- Enhanced direct supervision for positions that directly work with and/or require supervision of students.

Checks may be required, at the discretion of People Services, in consultation with the hiring/contracting Manager, for an applicant with a term Employment Agreement of less than one (1) month or those offered to perform work as an Independent Contractor, when the position includes the following duties:

- Working directly with children,
- Supervision of students,
- Photography and Videography,
- Managing currency,
- Accounts Payable, or
- Access to sensitive computerized databases, private/confidential digital or hard copy files, laboratories, or a master key.

Documents for checks must be submitted before the conclusion of the stipulated probation period. The RWB reserves the right to terminate employment upon failure of submitted checks by the conclusion of the stipulated probation period.

### **3.2 Employees and Company Dancers**

Enhanced Criminal Record checks and Child Abuse Registry checks will be updated every three (3) years from the date the documents were issued, at no cost to employees or Company Dancers, unless checks are pursued independently instead of utilizing the third-party contractor of the RWB.

Should a term employment agreement of less than one (1) month be extended, all applicable checks must be completed at the time employment is extended.

Anyone under the age of eighteen (18) employed by the RWB must produce required checks upon attainment of the age of eighteen (18) at their own expense.

Additional checks may be required for employees who have had a change in duties as determined by management and People Services.

Employees with completed checks on file who experience a break in employment due to injury or leave will not be required to have an additional background check if they have been in an active work status within two (2) years.

### **3.3 Employee Re-hires and Independent Contractor Re-engagement**

Former employees who are re-hired and Independent Contractors who are re-engaged will be required to submit checks if:

- The last date of employment, or engagement, was more than one (1) year prior to the new start date; and
- The checks that were previously submitted are beyond one (1) year.

Hiring Managers are to consult with People Services to determine the status of checks for employee re-hires and Independent Contractor re-engagements.

## **4. INDIVIDUAL RIGHTS**

Where a decision not to hire results from background checks, the RWB will notify the individual in writing and the individual will have the right, at any time within thirty (30) days after the notification, to be informed by the RWB of the:

- a) Name and address of any personal reporting agency (“Agency”) from which information was obtained;
- b) Source and detail of all factual information obtained elsewhere than from an Agency; and
- c) Nature of all investigative information obtained elsewhere than from an Agency.

The individual will then have the right to file a statement of protest with the RWB or Agency, or both, and the RWB or Agency shall attempt to verify the information. Where the factual or investigative information cannot be verified, the information will be removed from the individual's file and where the accuracy of the information is sustained, the protest will be recorded in the individual's file. In either case, the action will be reported to the individual.

## **5. RESULTS**

The RWB reserves the right to revoke an offer of employment or terminate employment, or any other form of association, if the check results are harmful to educational institution seeking to provide a safe learning and work environment for its students and employees, or could harm the reputation of the RWB or relates to the ability or suitability of the individual to perform the duties and responsibilities required of the position.

A conviction or negative check result may not automatically preclude an individual from employment, a contractor agreement, or appointment considerations. The RWB will take into consideration the following factors to evaluate whether the check results warrant that an offer of employment, contractor agreement, or appointment be revoked:

- a) Nature, severity, circumstance and frequency of the conviction/charge/order/peace bond/negative check (“Offence(s)”);
- b) Length of time between the offence(s) and the application for employment;
- c) Other employment/community service history;
- d) Completion of sentence or any other remediation or rehabilitation;
- e) Whether the individual has received a pardon for the conviction or has had the record expunged or suspended; and
- f) Relationship between the nature of the check results and the duties and responsibilities of the position for which the candidate is being considered.

However, as the RWB is committed to providing a safe learning and work environment, the following offences(s) will typically result in the withdrawal of an offer of employment or association in the absence of exceptional facts that support special consideration for employment.

- a) Offences under the child protection legislation and/or entry on a child abuse registry
- b) Homicide/Manslaughter
- c) Criminal vehicular murder and injury
- d) Assault
- e) Kidnapping
- f) Criminal sexual conduct
- g) Simple and/or aggravated robbery
- h) False imprisonment
- i) Theft, fraud and/or burglary
- j) Terroristic threats
- k) Arson
- l) Violation of a harassment and/or stalking statute
- m) Domestic violence

All individuals undergoing checks will be informed, in writing, of adverse information discovered and given an opportunity to respond. Upon conclusion of the review, written notice will be sent regarding the decision of the hiring Manager regarding eligibility for the position or association.

Should an individual object with the decision of the hiring/contracting Manager, an appeal may be made to the Chief Executive Officer of the RWB, who will make the final decision.

## **6. CONFIDENTIALITY**

Information secured for the purpose of extending, maintaining, or withdrawing an offer of employment will be confidentially maintained by the People Services department. For the purpose of making decisions, report contents or portions of the content may be shared with appropriate individuals with a valid business need to know at the discretion of People Services.

## **7. DISCLOSURE REQUIREMENT**

Excluding minor traffic violations, should a change occur prior to required checks being submitted, after submission, or following commencement of employment, contract agreement, or appointment it is a requirement and the responsibility of the individual to disclose the nature of the change to People Services. Failure to do so, upon discovery, may result in immediate termination of employment or association.

## **8. POLICY VIOLATION**

Any violation of the provisions within this Policy may subject the hiring/contracting Manager or employee responsible to corrective disciplinary action, up to and including termination of employment, contract agreement, or appointment.

## **9. CRITERIA FOR REQUIRING ENHANCED CRIMINAL CHECK OR ABUSE REGISTRY CHECK**

An individual associated with the RWB requires an Enhanced Criminal Record Check or Criminal Record with Vulnerable Sector Check and a Child Abuse Registry Check, for those who have resided in Manitoba for a period of at least six (6) months, and are over the age of eighteen (18), if any of the following apply:

- The individual is in a recognized position of authority, influence or trust within the organization.
  - e.g. Director of the Board, a member of the School Committee, a medical professional.
- The individual has unsupervised access to secured areas of the RWB Main Building, Student Boarding Facilities or Production Shop.
- The individual works directly with children enrolled at the RWB or is responsible for supervising children enrolled at the RWB, or
- The individual requires direct, unsupervised access to children enrolled at the RWB.
  - e.g. a medical professional, nutritionist consultant, contracted art teacher.

## **10. RECORD KEEPING**

All Criminal Record and Child Abuse Registry Checks will be stored in each individual personnel file with People Services maintaining a current list. Communication will be sent at the beginning of each calendar year to those who will be required to update their checks within that year.

Criminal Record and/or Child Abuse Registry checks for Independent Contractors will be maintained on file with People Services. It is the responsibility of the hiring/contracting Manager to ensure the checks are obtained and provided to People Services.