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**Note:** Use of the masculine gender in this text also implies the feminine and is employed solely to facilitate reading.

## **1. OBJECTIVES**

The Institut national du sport du Québec (INS Québec) recognizes the importance of promoting a safe and healthy sporting environment for users, employees, contractors, service providers and their employees, volunteers, interns and members of the Board of Directors, and undertakes, in close collaboration with its sports federations in Quebec and Canada, to implement the measures necessary to guarantee the health, safety and well-being of all.

Checking criminal records is one of these measures. This enables the INS Québec to ensure that nobody acting on its behalf has a criminal record associated with the duties that they are assigned. Furthermore, the criminal records check also acts as a deterrent to dissuade ill-intentioned individuals from offering their services.

In order to protect the interests and integrity of the people mentioned above, as well as vulnerable people, the INS Québec has implemented this policy on criminal record checks.

## **2. DEFINITIONS**

For the purposes of applying this Policy, the following terms are defined as below:

2.1. Criminal record: Process used to check for:

- Criminal offences of which a person has been accused or sentenced, unless a pardon has been obtained;
- Outstanding accusations regarding a criminal offence;
- Court orders issued against a person.

2.2. Vulnerable person: A person who, because of their age, a disability or other circumstances, whether temporary or permanent:

- a) is in a position of dependency on others; or
- b) is otherwise at a greater risk than the general population of being abused or harmed by a person in a position of trust or authority toward them (Criminal Records Act, R.S.C. 1985, c. C-47, section 6.3).

## **3. SCOPE**

3.1 The INS Québec checks the criminal records of the following people, who are either already employed by the INS Québec, or when they are hired:

- Employees
- Contractors and freelancers
- Volunteers
- Interns
- Members of the Board of Directors

3.2 The cost of checking the criminal records of the people specified is borne by the INS Québec, with the exception of contractors and freelancers.

#### **4. FILTER CRITERIA**

Records associated with the following offences constitute a risk to the safety of the people mentioned in Section 1 above and may prevent a person from working for the INS Québec:

- 4.1 Sexual offences;
- 4.2 Offences associated with violence;
- 4.3 Offences of theft and fraud;
- 4.4 Offences associated with drugs and narcotics.

#### **5. OPERATING PROCEDURE**

- 5.1 Criminal records are checked as soon as the initial request to work for or with the INS Québec is submitted.
- 5.2 Checks are also performed for all people specified in Article 3.1 currently working at or for the INS Québec.
- 5.3 Any person specified in Article 3.1 must complete and sign the Consent Form annexed to this Policy in order to authorize the INS Québec to carry out the criminal record check.
- 5.4 This authorization allows the INS Québec to conduct a review of the criminal record check as provided for in Article 5.3 below at any time.
- 5.5 This check is repeated every three (3) years.
- 5.6 The criminal record check will be carried out:
  - Across the entire territory of Quebec for any person who has lived in Quebec for over five years.
  - Across the entire territory of Canada for any person who has lived in Quebec for less than five years;

An additional check will be carried out for anyone working with vulnerable people.

- 5.7 The President and Chief Executive Officer of the INS Québec or their delegate is responsible for informing any person specified in Article 3.1 above, whose criminal record has been checked, of the results of that check. The information will remain confidential and must only be communicated where this is necessary.
- 5.8 Following the check, if it transpires that the person has a criminal record involving offences similar to those given in Article 4 of this Policy, their request for employment (if they are applying for a job at the INS Québec) or their continued performance of their duties must be reviewed and analyzed in the light of the position sought or occupied.
- 5.9 Following the analysis of the applicant, the President and Chief Executive Officer of the INS Québec or their delegate will send the candidate whose criminal record is incompatible with the position sought written notification that their application has been unsuccessful.
- 5.10 Where the Board of Directors of the INS Québec learns that a person specified in Section 3.1 has a criminal record that involves offences specified in Article 4 above, they may be suspended with pay, where applicable, while their file is assessed and until a final decision is made.
- 5.11 Written notice must be sent to the suspended person. The notice contains the reason for the suspension, its duration and the date on which the person may present their case to the person appointed to review their file.

- 5.12 The President and Chief Executive Officer or their delegate reviews the file, and may retain the employee, contractor, freelancer, volunteer, intern or member of the Board of Directors in their role, recommend their dismissal or impose conditions, which that person must commit to fulfilling in writing.
- 5.13 If the person remains in their role, the Board of Directors may impose specific conditions on that person. Those conditions may be different depending on the position held and the nature of the offences.
- 5.14 The person subject to a decision by the Board of Directors must commit, in writing, to complying with the conditions imposed by the INS Québec, where applicable. Any failure to comply with this commitment may be subject to a disciplinary measure or, depending on the nature of the breach, dismissal.
- 5.15 The information obtained from the criminal record check may only be communicated to another relevant organization with the consent of the person in question.
- 5.16 A copy of the duly completed form and the outcome of the criminal record check is added to the file of the person in question. This file is locked away in a suitable location to which access is limited. All reasonable measures are taken to guarantee confidentiality.

## **6 ANNUAL DECLARATION**

The people specified in Article 3.1 will be asked to inform the INS Québec as soon as there is a change to their criminal record status.

## **7 EFFECTIVE DATE AND REVISION**

This Policy has been adopted on December 13, 2023 as set by the Board of Directors. The Policy will be reviewed in line with a review schedule established by the Board of Directors.