

Policy Direction - Screening Measures

Rationale and Relationship to Vision, Mission, and Values

A fundamental value of MS 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, MS Canada 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. Screening is one way of ensuring we meet the necessary standard of the Duty of Care.

Effective screening of staff and volunteers is 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 also 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 Canada staff and volunteers 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, as identified in the Positions of Trust Matrices appended at the end of this policy.

Policy Application

This policy applies to staff and volunteers at all levels and locations of MS Canada.

MS Canada – Policy Manual	
<i>Applies to:</i>	Staff and volunteers at all levels and locations of the MS Society
<i>Frequency of review:</i>	Five years or less
<i>First approved:</i>	November 28, 2006
<i>Last reviewed:</i>	May 30, 2022
<i>Next scheduled review:</i>	May 2027

Authorization

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

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

Policy Details

General Principles

- MS Canada reserves the right to make hiring decisions and decline offers of employment and/or volunteer placement 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 Matrices*).
- 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 and/or position descriptions for staff or volunteer positions will clearly identify screening requirements.
- Minimum screening standards commensurate with the assessed level of risk involved must be met for every staff and volunteer position. The Positions of Trust Matrices 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 Screening Process associated with this policy.
- All candidates for any position will be screened in a fair and uniform manner by a third-party screening provider.
- Confidentiality of screening information shall be safeguarded and compliance with all applicable federal and provincial privacy legislation is mandatory.
- MS Canada designates and authorizes screening administrators to implement and monitor the screening process in their area.

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- All costs associated with screening will be covered by MS Canada. 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

- MS Canada requires that all staff complete a criminal background check as a condition of their employment. This requirement applies to all staff regardless of position or location. While this is a requirement for all staff positions, the requirement of a criminal background check also applies to certain volunteer positions. (Please refer to the Screening Measures Matrix for Volunteers in Positions of Trust at MS Canada).
- MS Canada requires that all staff and volunteers in positions of trust must complete the appropriate screening as a condition of their employment or placement.
- Screening is required for:
 - a) Any new employee or volunteer entering into a position of trust**
 - For such individuals, screening will be completed prior to hiring or placement. For governance volunteers, screening needs 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) or whose current position develops into a position of trust (i.e. the requirements and job description for a position change during one’s tenure)
 - Such individuals will be given 30 days to complete the appropriate screening*. For governance volunteers, screening needs to be completed prior to the Governance Committee presenting the recommendations for nominations or appointments to the board of directors.
- Failure to comply with the necessary screening requirements could result in termination.
- Screening for staff & volunteers are required every five (5) years.

**In the event of unforeseen or extenuating circumstances that would make it impossible or unsafe to complete required screening (i.e. global pandemic, or emergency closures), an extension can be provided. Any such extension will be managed and approved by the HR team.*

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Screening Results and Preclusion of Hire

- All staff or volunteer position offers are contingent upon satisfactory reference checks and screening reports.
- All unclear screening reports are returned to the HR team for adjudication which may or may not include legal counsel. Where appropriate, this will then be discussed with the immediate leader, the screening administrator and/or individual depending on the nature of the circumstances. Specific steps are outlined in the Screening Process associated with this policy.
- Specific criteria for preclusion of hire are outlined in the Screening Process document.

Executive Champion

The Vice-President, People Innovation and Volunteers, is the executive champion for this policy direction.

Monitoring and Compliance

The Vice-President, People Innovation and Volunteers, 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, the Executive Team 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 Canada 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.

- Reviewed and revised November 3, 2021 by the Executive Team
- Reviewed and revised May 30, 2022 by the Executive Team

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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.

Positions of Trust Matrices – The matrices outline criteria for identifying the level of risk in each position and aids in determining the type of screening required for an individual in a staff or volunteer position of trust. The *Positions of Trust Matrices* include the following:

- Criminal Record Check (Volunteer Matrix)
- Credit Bureau Inquiry
- Vulnerable Sector Check
- Qualifications Check (Staff Matrix)

Executive Team – The most senior level of staff leadership within MS Canada comprised of the president and chief executive officer, senior vice-presidents, national vice-presidents and division presidents. 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 – 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, address and employment history.

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- 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, levels of education 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 MS 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 friend.

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Appendix A: Staff and Volunteer Matrices

SCREENING MEASURES MATRIX For Staff in Positions of Trust at MS Canada Last updated: August 2021

All MS Canada staff are required to have a criminal background check as per the Society's Screening Measures Policy.

Identifier for <i>Position of Trust</i>	Credit Bureau Inquiry ¹ (Valid for 5 years)	Qualifications Check (If credentials or membership are a position requirement)	Vulnerable Sector Check (Valid for 5 years)
Enters a person's living space: has access/entry to a person's living space to conduct visits and/or MS Canada - related business; has access to person's property and/or information	-	-	X²
Children's Programs: involved in programs that includes minors (children under the age of 16)	-	X	X³
Self-Help Group Facilitation/ Information & Referral provision: responsible for the exchange of personal and/or private information	-	X	-
Leadership Presenters/Figure of Authority or Expertise: represents MS Canada and/or acts on behalf of MS Canada in capacity of subject expert	-	X	-
Recreation/Social program leader: oversees, supervises and/or has responsibility on-site for recreation, social or overnight program	-	X	-
HR & Payroll: access to highly confidential information (SIN numbers, banking accounts, RRSPs, health records) and/or payroll responsibilities	X	-	-
Governance: manages the affairs of the MS Society, providing national oversight on: policy decisions, strategic direction, budget approvals, financial statement review, and investment decisions	-	X	-
Finance & Administration: direct access to funds, has signing authority for cheques or electronic transfers, or creates financial statements	X	-	-

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Identifier for <i>Position of Trust</i>	Credit Bureau Inquiry¹ (Valid for 5 years)	Qualifications Check (If credentials or membership are a position requirement)	Vulnerable Sector Check (Valid for 5 years)
Information Technology: “super-users” who have access to passwords and other key information	X	-	-
Senior Level Staff: those who hold positions at the director and above (including senior director, assistant vice-president, vice-president, senior VP or president & CEO)	X	X	-

¹ A credit bureau inquiry is considered a soft credit inquiry, meaning it does not affect an individual’s credit rating and/or credit score.

² Special consideration for minors: as per RCMP which is followed by many local police services, individuals under the age of majority are not permitted to have a Vulnerable Sector check completed. Individuals under the age of majority that will be entering a person’s home will need to complete a Criminal Record check to confirm there has been no pattern of behavior that could put the vulnerable, MS Canada, or the public at risk. Once the individual reaches the age of majority, they will need to have a Vulnerable Sector check completed to continue in their role.

³ Given the circumstances associated with programs for children under 16, MS Canada requires a standard Vulnerable Sector Check that is only available to those over the age of majority.

⁴ MS Canada’s operating procedures require staff involved in the handling of money to do so always in the presence of another individual. The peer pressure resulting is well known to serve as a deterrent to fraud. The two individuals must be at arm’s length of each other, meaning that they cannot be related by blood relationship, marriage, common-law partnership or adoption.

Criminal, Credit and Vulnerable Sector checks are valid for 5 years. MS Canada’s HR department maintains the checks’ records and ensures the required renewals are processed accordingly.

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SCREENING MEASURES MATRIX
For Volunteers in Positions of Trust at MS Canada

Last updated: August 2021

Identifier for <i>Position of Trust</i>	Criminal Record Check (Valid for 5 years)	Credit Bureau Inquiry² (Valid for 5 years)	Vulnerable Sector Check (Valid for 5 years)
Enters a person's living space: has access/entry to a person's living space to conduct visits and/or MS Canada-related business; has access to person's property and/or information	X	-	X²
Self-Help Group Facilitation/ Information & Referral provision: responsible for the exchange of personal and/or private information	X	-	-
Recreation/Social program leader³: oversees, supervises and/or has responsibility on-site for recreation, social or overnight program	X	-	-
Governance: manages the affairs of MS Canada, providing national oversight on: policy decisions, strategic direction, budget approvals, financial statement review, and investment decisions (includes: Board of Directors)	X	-	-
Finance & Administration⁴: direct access to funds, has signing authority for cheques or electronic transfers, handles cash/cheques, creates financial statements (includes treasurer and chair of the Board of Directors of MS Canada)	X	X	-

¹ A credit bureau inquiry is considered a soft credit inquiry, meaning it does not affect an individual's credit rating and/or credit score.

² Special consideration for minors: as per RCMP which is followed by many local police services, individuals under the age of majority are not permitted to have a Vulnerable Sector check completed. Individuals under the age of majority that will be entering a person's home will need to complete a Criminal Record check to confirm there has been no pattern of behavior that could put the vulnerable, MS Canada, or the public at risk. Once the individual reaches the age of majority, they will need to have a Vulnerable Sector check completed to continue in their role.

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⁴ MS Canada’s operating procedures require personnel (volunteers and staff) involved in the handling of money to do so always in the presence of another individual. The peer pressure resulting is well known to serve as a deterrent to fraud. The two individuals must be at arm’s length of each other, meaning that they cannot be related by blood relationship, marriage, common-law partnership or adoption.

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