

# Criminal Record Check Policy and Procedures

## 1.0 Purpose

The purpose of this policy is to support consumer protection efforts by ensuring employees, directors and officers of regulated businesses have not engaged in specific criminal activities relevant to their work.

## 2.0 Definitions

“**criminal record**” means an individual’s history of criminal convictions.

“**CPIC**” means the Canadian Policy Information Centre.

## 3.0 Policy Statement

Consumer Protection BC will work to ensure consumer protection by requiring criminal record checks of key personnel involved in a licensed business or in direct contact with consumers under section 144 of the *Business Practices and Consumer Protection Act*, Section 55(3) of the *Cremation, Interment and Funeral Services Act* (CIFSA) and Section 8 of the *Motion Picture Act* (MPA). Consumer Protection BC will consider the results as it relates to licensing suitability based on a variety of factors (including the type and nature of past conviction(s)).

Consumer Protection BC will:

- (1) Require all applicants for new licences or for renewal of licences to confirm or deny the existence of a criminal record;
- (2) Require applicants who confirm a criminal record in application to complete a criminal record check;
- (3) Regardless of confirmation or denial of a criminal record, require the following applicants for new licences to provide a completed and current to within three months criminal record check as specified below based on place of residency:
  - (a) Senior officers (including president, treasurer, secretary, and chief operating officer) of all corporations, partners in partnerships and proprietors of proprietorships except for those applying for General Release Motion Picture Retailer or General Release Motion Picture Distributor (1 Title) licences;
  - (b) Collection agents who have face-to-face contact with their clients;
  - (c) Bailiffs;
  - (d) Debt repayment agents;
  - (e) Home inspectors;
  - (f) Funeral directors;
  - (g) Funeral director apprentices;
  - (h) Embalmers;
  - (i) Embalmer apprentices;
  - (j) Location managers of adult video retailers.

- (4) Require Canadian-based applicants to submit a criminal record check process with Sterling Talent Solutions, and their online service myBackCheck.com, a service provided by Consumer Protection BC;
- (5) Require US-based applicants to submit a criminal record check certified by the Federal Bureau of Investigation (F.B.I.);
- (6) Require other international applicants to provide their own criminal record checks completed by a law enforcement agency with national jurisdiction within their country of residence;
- (7) Include a warning on the application for new or renewal of licence that failure to divulge a criminal record is an offence under all the relevant legislation and, where violations are confirmed, will result in immediate termination of a licence or refusal to issue a licence;
- (8) Consider the circumstances of each case if an applicant discloses a criminal record and provides a statutory declaration, or if a search reveals a criminal record;
- (9) Undertake a random check of applicants to verify the possible existence of criminal records where none were disclosed.

#### 4.0 Rationale

Consumer Protection BC is a risk-based regulator. The requirement for criminal record checks coincides with the degree of risk inherent in the activity for which a licence is being issued and, in some cases, the manner in which the licensed activity is being carried out to ensure the protection of consumers.

#### 5.0 When Criminal Record Checks are Required

*Note: Regardless of an applicant's location of residence, all applicants, as per 3.0(3) of this policy, are required to complete a criminal record check (although the exact form of information will vary based on country of residence).*

Criminal record checks will be required in the following situations:

- (1) Upon initial application, all applicants as per section 3.0(3) of this policy are required to complete a criminal record check process that shows their completed and current criminal record history.
- (2) All applicants for renewal licences will be required to note on the application if they were convicted of a criminal offence since their last application.
  - (a) Any applicants that indicate YES will be required to complete a criminal record check process that shows their completed and current criminal record history.
- (3) Any licensee submitting a Notice of Change Form which declares a new senior officer or store manager of an adult video store will be required to complete a criminal record check process that shows their current criminal record history.

#### 6.0 Procedures for Canadian Applicants

##### 6.1 New Applicants Requirements

- (1) All applicants as outlined in section 3.0(3) of this policy will be required to complete a criminal record check process with Sterling Talent Solutions, and their online service

myBackCheck.com. Applicants can complete this process using the link on the Consumer Protection BC website.

- (2) Any applicants that indicate YES to the question on their application form that they have been convicted of a criminal offence, will be required to complete a criminal record check process with Sterling Talent Solutions, and their online service myBackCheck.com that includes the declaration of the criminal convictions. Applicants can complete this process using the link on the Consumer Protection BC website.

## **6.2 Renewing Applicants Requirements**

- (1) All applicants for renewal licences will be required to note on the application if they were convicted of a criminal offence since their last application.
- (2) Any applicants that indicate YES to the question on their application form that they have been convicted of a criminal offence, will be required to complete a criminal record check process with Sterling Talent Solutions, and their online service myBackCheck.com that includes the declaration of the criminal convictions on record current to within three months. Applicants can complete this process using the link on the Consumer Protection BC website.

## **6.3 Changing Senior Officers Requirements**

- (1) All senior officers will be required to submit a Consent for Disclosure of Criminal Record form as per section 3.0(3) of this policy.
- (2) Any applicants that indicate YES to the question on their application form that they have been convicted of a criminal offence, will be required to complete a criminal record check process with Sterling Talent Solutions, and their online service myBackCheck.com that includes the declaration of the criminal convictions on record current to within three months.