

L-11 Criminal Record & Abuse Registry Checks

Section	Date Issued	Revision Date(s)	Date of Last Review
License	March 2021	March 2021	April 2022

1. POLICY STATEMENT

The Manitoba Association of Registered Respiratory Therapists (MARRT) has a legislated obligation to take reasonable measures to ensure protection of the public. If a member of the public is vulnerable this duty of care standard becomes higher.

Vulnerable members of the public are defined as:

"a person who, because of his or her 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 harmed by a person in a position of trust or authority towards them." (Federal Criminal Records Act)

The MARRT conducts vulnerable sector checks as part of the application process to:

- Protect the public interest in the delivery of services;
- Ensure the safety of vulnerable members of the public
- Ensure and maintain public confidence and trust in the profession.

A Criminal Record Check and Vulnerable Sector Check (CRC/VSC) can be obtained¹ and is required to ensure applicants meet the eligibility requirements

¹ through the Winnipeg Police services for residents of Winnipeg, - or from the local police service, or the RCMP, if living outside of Winnipeg.

for licensure to practice as determined by the MARRT Board of Directors. The check will contain:

- Records of convictions or findings of guilt under criminal law statutes including the Canadian Criminal Code and the Youth Criminal Justice Act.
- Records disclosed under the Criminal Record Check and Police Information Check as well as information about sexual and violent offences for which the offender has been pardoned (record suspension).
- Outstanding records such as charges and warrants, judicial orders, peace bonds, probation and prohibition orders; and
- Information about any absolute and conditional discharges.

Additionally, both an Adult Abuse and a Child Abuse Registry Check will be required. This registry contains names of individuals who have been found to have abused or neglected vulnerable children or adults. The use of these registries helps reduce abuse and/or neglect by providing organizations with information that can prevent registered individuals from working with children and vulnerable adults in the future. The Adult and Child Abuse Registry Check is available online at the Adult and Child Abuse Registry Office of Manitoba.

2. DEFINITIONS

None

3. POLICY

Manitoba Residents Applicants:

All applicants must submit a Canadian CRC/VSC, and an Adult and Child Abuse Registry Check when they are seeking:

- Initial registration
- License reactivation (if inactive for 2 years or more)

Exception: A Canadian CRC/VSC will not be required if the applicant provides evidence to the satisfaction of the MARRT that they have not resided in Canada for the last 2 years.

Canadian Provinces/Territories Applicants (not including Manitoba):

All applicants must submit a Canadian CRC/VSC and other applicable documents from the jurisdiction in which they reside.

International Applicants:

Applicants who have worked as a respiratory therapist or as a health care professional in a related field outside of Canada within the past two years must

submit an International CRC/VSC from the last country in which they worked, when they are seeking:

- Initial registration.
- License reactivation (if inactive for 2 years or more)

An international CRC/VSC may not be required when the MARRT can verify that another Canadian regulatory body has received a CRC/VSC from that country. A verified copy of the CRC/VSC will be accepted. A copy of the applicant's signed release sent to the Canadian jurisdiction authorizing provision of the requested information is required in this situation.

At a minimum the applicant must provide a name-based CRC/VSC and MARRT reserves the right to request a certified CRC/VSC when the name-based check does not provide confirmation of the person's identity. The certified CRC/VSC includes the applicant's fingerprints.

Only original or notarized copies of the CRC/VSC are accepted.

The CRC/VSC must contain the applicants current and all former legal names.

Currency of CRC/VSC

For individuals applying for licensure for the first time or for members seeking reactivation after lapse of license, a CRC/VSC, an Adult Abuse Registry Check and a Child Abuse Registry Check ~~is~~ are valid for six months from the date on which it is issued. For registrants currently licensed with MARRT, a CRC/VSC, an Adult Abuse Registry Check and a Child Abuse Registry Check ~~is~~ are valid for five years from the date on which each is issued. Upon receipt by the MARRT, the original CRC/VSC will be copied and placed in the applicant's file, following which the original is returned to the applicant. A copy of the original Adult Abuse Registry Check and Child Abuse Registry Check will also be kept on file and attached to the registrant's profile. The expiry date of the CRC/VSC will be entered into the registrant's MARRT profile and the CRC/VSC, Adult Abuse Registry Check and Child Abuse Registry Check must be updated prior to the expiration of the checks on file. Failure to do so will result in the registrant's license being deemed Inactive.

Assessment of CRC/VSC findings

If the CRC/VSC is positive for findings the applicant is required to submit a full detailed explanation of the circumstances and all supporting documentation.

Positive reports will be assessed by the Registration Committee taking into consideration.

- how long it has been since the conviction,

- the age of the applicant at the time of the offense,
- the seriousness of the offense,
- mitigating circumstances,
- applicant's insight into their conduct,
- applicant's conduct since; and
- relevance of the conduct to the practice of Respiratory Therapy.

NOTE: Not all criminal findings will prevent an applicant from being registered.

Appeal

Applicants have the right to appeal any decision regarding exclusion or limitation to practice because of criminal findings.

4. REFERENCES

Police Record Check Agency Fact Sheet

https://winnipeg.ca/police/pr/forms/Agency_Info.pdf

Police Record Check Winnipeg

<https://www.winnipeg.ca/police/pr/pic.stm#1>

Getting your Vulnerable Sector Check

https://www.cccf-fcsge.ca/wp-content/uploads/RS_108-ENG.pdf

Adult and child Abuse Registry check

<https://www.gov.mb.ca/fs/abuseregistries.html>

Government of Canada: Criminal Background Checks

<http://www.rcmp-grc.gc.ca/en/types-criminal-background-checks>

Government of Canada: Public Safety Canada

<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/scrnng-hndbk/index-en.aspx>