RHRA Retirement Homes Regulatory Authority

VULNERABLE SECTOR SCREENING

The *Retirement Homes Act, 2010* requires Licensees to conduct vulnerable sector screening (VSS) of staff and volunteers over the age of 18. The requirements are set out in s.64 RHA and O.Reg 166/11 s.13 and specify that vulnerable sector checks must be conducted by the local Canadian police service where an applicant lives, or by an authorized body. Information outlining the process for VSS can be found on regional police services websites. Some police departments have expedited services. Private companies that offer background checks as well as other pre-employment screening services may be helpful in a home's efforts to screen potential or existing staff, however, vulnerable sector screening must be conducted by the police. If you're planning to use a third-party service for pre-employment screening, ensure that you are complying with the requirements set out in the RHA with respect to vulnerable sector screening.

FREQUENTLY ASKED QUESTIONS

These FAQs are about the requirement for licensees to ensure that a police background check, including a vulnerable sector screen (VSS), is conducted before hiring staff or accepting volunteers to work in the home. The relevant sections of the *Retirement Homes Act, 2010* (the Act) and Ontario Regulation 166/11 (the Regulation) are:

- 64(1) and (2) of the Act
- 13 of the Regulation

1. Will we be considered non-compliant if we allow a staff member or volunteer to start working in the home before the police background check and VSS are obtained?

Nothing exempts licensees from the requirements of the legislation. Every effort should be made to ensure a VSS is completed. For specific concerns on obtaining a VSS please call the RHRA at 1-855-ASK-RHRA (1-855-275-7472) or email us at: info@rhra.ca

2. What about staff members or volunteers who started working in the home before the police background check requirements came into force on January 1, 2014?

You do not have to obtain a police background check and VSS for anyone who started working in the home before January 1, 2014.

Keep in mind that staff members and volunteers who fall into this category are required to disclose information about certain charges, orders and convictions made against them any time after January 1, 2014, as set out in subsections 13(3) and (4) of the Regulation.

3. A high school student will be volunteering in our home. Do the police background check requirements apply?

The requirements do not apply to anyone who is under 18 years of age. This exception is set out in subsection 64(2) of the Act.

Some additional exceptions are found in subsections 13(5) and 13(6) of the Regulation. Contact the RHRA if you would like some help to determine whether an exception applies to someone who will be working or volunteering in your home.

4. **The Regulation requires that a police background check include a VSS. What do we do if the request for a VSS is denied?**

To assist police, the request for a VSS should include information about the job description of the person for whom the check is being sought, and how the person will be working in a position of authority or trust in the home. It may also be helpful to refer to the requirements of the Act and Regulation.

You should always ensure that police background checks (i.e. criminal records check and police information check) are conducted in any event.

The RHRA can provide you with more information about what to do if you are unable to get at VSS. Please call 1-855-ASK-RHRA (1-855-275-7472) or email us at: info@rhra.ca

5. **If the police service has told us they will not process a VSS request relating to retirement home personnel under any circumstances, do we have to continue trying to obtain a VSS for each new staff member or volunteer? ?**

Please call the RHRA for information on this.

For more information contact the RHRA

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