Agenda – Executive Policy Committee – May 8, 2018

REPORTS

Item No. 5 Checks for Employees and Volunteers Working with Vulnerable Persons and Minors

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

1. That this report be received as information.

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 17, 2018, The Executive Policy Committee granted a further extension of time of up to 60 days for the Winnipeg Public Service to report back on the matter.

On March 14, 2018, The Executive Policy Committee granted an extension of time of 30 days for the Winnipeg Public Service to report back on the matter.

On November 8, 2017, the Executive Policy Committee directed the Winnipeg Public Service to report back within 120 days on costs associated with implementing the recommendations contained in the October 17, 2017 recommendation of the Lord Selkirk-West Kildonan Community Committee, as well as identifying opportunities to enter into partnerships with agencies or Non-Governmental Organizations (NGO's).

COMMUNITY COMMITTEE RECOMMENDATION:

On October 17, 2017, the Lord Selkirk-West Kildonan Community Committee passed the following motion:

WHEREAS the "criminal record check" and "vulnerable persons check" do not share data with the Child Abuse Registry due to vulnerable persons being adults who are seniors and persons with disabilities;

WHEREAS the City of Winnipeg requires a "criminal records check" along with a "vulnerable persons check" for employees and volunteers working directly with minors in City of Winnipeg programs and City of Winnipeg sponsored programs;

AND WHEREAS day care and school workers who work with minors are required to obtain a "child abuse registry check";

THEREFORE BE IT RESOLVED that the Executive Policy Committee direct the Winnipeg Public Service to:

1. Update all hiring and recruitment processes to require that a satisfactory "criminal record", "vulnerable persons" and "child abuse" registry checks be a requirement of employment by the City of Winnipeg for all employees that work with minors;

2. Update all policies, administrative standards, and all other requirements to include that a satisfactory "criminal record", "vulnerable persons" and "child abuse" registry check be a requirement to volunteer in programs offered to minors through the City of Winnipeg or is conducted in or on City of Winnipeg owned facilities.

ADMINISTRATIVE REPORT

Title: Checks for Employees and Volunteers Working with Vulnerable Persons and Minors

Critical Path: Executive Policy Committee

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Jack	M. Jack	N/A	D. McNeil

EXECUTIVE SUMMARY

The safety of residents being served by its programs and using its facilities, including vulnerable persons and minors, is a core priority of the City of Winnipeg. All Departments which provide services to residents have been, and are, actively pursuing means to maintain and strengthen the City's standards of protection to residents, particularly vulnerable persons and minors.

Training, awareness, and surveillance are key to these efforts. Over the past two years, the Department of Community Services has partnered with the Canadian Centre for Child Protection (C3P) to develop a plan for strengthening departmental protocols and procedures, delivering awareness and response training to staff, implementing surveillance/CCTV upgrades at aquatics and recreation facilities, and heightening public awareness.

The City has a Criminal Record Check Protocol which provides guidelines regarding which civic positions require a Police Information Check (previously referred to as a Criminal Record Check) and, when applicable, a Vulnerable Sector Search.

The City is also in the early stages of exploring the feasibility of a Child Abuse Registry Check Protocol, to provide guidance with respect to which civic positions require a Child Abuse Registry Check. Given the far-reaching potential financial, operational, legal, staffing, and administrative implications of such a Protocol, considerable additional consultation, analysis, and planning is required to determine if such a Protocol would meet the needs of multiple internal and external stakeholders effectively.

Further to the Executive Policy Committee's November 8, 2017 direction that the Public Service advise of costs relating to the implementation of "criminal record", "vulnerable persons'", and "child abuse registry" checks for all staff, volunteers in City programs, and volunteers in programs offered through City facilities who work with minors, rough initial estimates are as follows: Police Information Check for staff, $79,521.50; Child Abuse Registry Check for staff, $107,260; Police Information Check for volunteers, over $756,500. These costs do not include anticipated additional administrative costs.

If a Child Abuse Registry Check Protocol for staff and volunteers were developed, some key issues resulting from its implementation could include possible hiring delays and direct service/program impacts due to such hiring delays; administrative costs in determining which positions require a Child Abuse Registry Check; the cost of employee appeals or grievances arising from revisions pertaining to present positions, and/or employee privacy concerns; and impacts on the numbers and availability of volunteers for programs at Community Centres and self-employed contractors to lead Leisure Guide programming.

The Public Service will examine these implementation issues carefully, as it works to determine the feasibility of a Child Abuse Registry Check Protocol for the City of Winnipeg. The City's partnership with the Canadian Centre for Child Protection will continue, as a key component of efforts to maintain and strengthen child protection and safety in civic programs and facilities.

RECOMMENDATIONS

1. That this report be received as information.

REASON FOR THE REPORT

At its November 8, 2017 meeting, the Executive Policy Committee directed the Winnipeg Public Service to report back within 120 days on costs associated with implementing the recommendations contained in the October 17, 2017 recommendation of the Lord Selkirk-West Kildonan Community Committee, as well as identifying opportunities to enter into partnerships with agencies or Non-Governmental Organizations (NGOs).

At its October 17 meeting, the Lord Selkirk-West Kildonan Community Committee recommended that the Executive Policy Committee direct the Winnipeg Public Service to:

1. Update all hiring and recruitment processes to require that a satisfactory "criminal record", "vulnerable persons" and "child abuse" registry check be a requirement of employment by the City of Winnipeg for all employees that work with minors;

2. Update all policies, administrative standards, and all other requirements to include that a satisfactory "criminal record", "vulnerable persons" and "child abuse" registry check be a requirement to volunteer in programs offered to minors through the City of Winnipeg or is conducted in or on City of Winnipeg owned facilities.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no implications with receiving this report as information.

HISTORY/DISCUSSION

HISTORY

Background/Present Practice

To date, City departments serving minors have undertaken a range of measures to strengthen the protection of children. Departments, by a variety of means, are continually striving to articulate, practice, and promote a culture of safety.

In 2016, the Department of Community Services issued a Departmental Administrative Directive on Enhancing Child Safety, which clearly sets forth the principles and procedures governing employees' conduct and responsibilities with respect to child safety.

Further to a June 2015 recommendation from the Standing Policy Committee on Protection and Community Services, Community Services worked in partnership with the Canadian Centre for Child Protection (C3P) to develop a multi-faceted child protection plan to:

- Strengthen child protection in departmentally-managed facilities through implementation of operation-specific protocols and procedures;
- Deliver awareness and response training to department staff; and,
- Implement a public awareness campaign to inform and engage citizens.

To date, over 1,400 Community Services Department frontline service providers and supervisors have received C3P training, which is held annually.

The City of Winnipeg has a Criminal Record Check Protocol (updated in November 2015) which includes, where applicable, a Vulnerable Sector Search. Examples of such positions within the City staffing complement include Recreation Technicians, Lifeguards, Instructors, and maintenance staff in recreation facilities.
Currently, many City of Winnipeg departments (including the Winnipeg Police Service, the Winnipeg Fire Paramedic Service, the Planning, Property and Development Department, and Community Services) have specified positions that require a Child Abuse Registry Check to be completed prior to working in the position.

Expanded Check Protocols: Initial Numbers and Costs

Further to EPC's direction, the Public Service conducted an organizational review of City of Winnipeg positions to identify positions that would be considered to be "working with minors", as defined by *The Child and Family Services Act*.

The review concluded that the City has approximately 6,869 positions which meet this broad definition. 1,787 would require a Police Information Check (Criminal Records Check) immediately, at a cost of $79,521.50. Over 5,363 would require a Child Abuse Registry Check, at an approximate cost of $107,260.

The review identified over 17,000 volunteers who would require both a Police Information Check and a Child Abuse Registry Check. While it is the Public Service's understanding that the cost of the Child Abuse Registry Check would be waived for volunteers, the cost of the Police Information Check would be over $756,500. If the cost for the Child Abuse Registry Check is not waived, it would exceed $340,000. Further to advice from the Province of Manitoba, for reasons relating to legislated privacy provisions, the General Council of Winnipeg Community Centres

(GCWCC) can no longer submit these applications on behalf of the individuals seeking certification: the applications must now be submitted by each community centre, of which there are 63.

The initial costs identified in this review represent the costs of the applications, solely, and do not include additional costs to the City or community centres relating to administration, labour relations, or additional staff coverage needs to apply, process, record and enforce Police Information Checks and Child Abuse Registry checks for over 25,000 staff, contractors, and volunteers.

DISCUSSION

Implementing the recommendations of the Lord Selkirk-West Kildonan Community Committee would result in a number of significant human resource/labour relations, operational, and financial implications for City of Winnipeg Departments, Community Centres, and other third parties working in collaboration with the City of Winnipeg, as outlined below:

Human Resource / Labour Relations Implications:

- **Added qualification(s)**: Where additional documentation/qualifications are required of existing positions that are occupied by current employees, consistent Human Resource and Labour Relations best practices would need to be applied to address situations where those employees cannot meet the new requirements, or do not wish to participate in the process to determine if they meet the requirements; and a plan will have to be developed for union notification and union/employee challenges at the Human Rights Commission, at grievance arbitrations, and at the Labour Board.

- **Employee privacy concerns**: With an expanded use of mandatory checks, a plan will have to be developed to deal with consequent complaints to the Human Rights Commission, at grievance arbitrations, the Labour Board, and the Ombudsman.

- **Potential Hiring Delays/Staff Insufficiencies:** Given the four- to six-week wait for a Child Abuse Registry Check, mass hires for seasonally sensitive positions could be delayed. For year-round hires, it may be necessary to over-hire to ensure program coverage.

- **Cost for Young Applicants:** The cost of the Child Abuse Registry check, in addition to a Police Information Check, and the other required qualifications (i.e. Standard First Aid/Emergency First Aid and CPR Level C) may be a cost deterrent for some younger applicants (ages 16-25).

- **Cost for Existing Employees:** With an expanded use of mandatory checks, a decision would have to be made regarding who bears the cost for existing employees, who did not require a check at the time of hiring.

Operational Implications:

A) City of Winnipeg

- **Possible Reduction in Young Applicants:** The increased cost for young applicants may result in fewer hires and a direct impact on programming and service delivery.

- **Potential Program Gaps:** Delays in obtaining the results of checks for existing employees, or for the hiring of new ones, could result in gaps in programming and an adverse impact on frontline service delivery.

- **Community Services Contract Leaders:** The cost of obtaining checks could impact the number of contract leaders willing to lead Leisure Guide programs. (Approximately 504 such leaders provided 1,992 programs in 2016.)

B) Community Centre Volunteers

- **Number of Volunteers:** In 2016, 17,491 individuals volunteered their time at 63 community centres for a total of 1,273,731 hours. Currently, Police Information Checks, Vulnerable Sector Searches, and Child Abuse Registry Checks are voluntary. An expanded number of mandatory checks could, for reasons of cost, have an impact on volunteer numbers and therefore an adverse impact on Community Centre programming and service delivery.

- **Submission of Checks:** Prior to 2018, the GCWCC coordinated voluntary Provincial Child Abuse Registry checks on behalf of community centres. As of December 2017, the Province has indicated that, for privacy reasons under *The Child and Family Services Act,* the GCWCC is no longer allowed to apply for Child Abuse Registry checks on behalf of individuals who volunteer with community centres; the centres must do so themselves. This will place an additional burden on community centres, as they administer and enforce the protocol.

- **Compliance:** The ability of the City of Winnipeg to ensure compliance of community centres completing checks will need to be evaluated considering *The Personal Information Protection and Electronic Documents Act* (PIPEDA).

Financial Implications:

- **Current Employees:** There would be a $107,260 financial impact to cover the cost of all current employees who would require a Child Abuse Registry check, and a $79,521.50 financial impact to cover the cost of all current employees who would require Police Information Checks.

- **Vacancy Coverage:** Should recruitment times increase due to requirements to obtain Police Information Checks/Child Abuse Registry checks, vacancies may need to be covered by existing employees, resulting in overtime costs, or may delay the start or require the cancellation of a program.

- **Potential Contract Fee Increases:** To continue to recruit the required number of Contract Leaders to deliver Leisure Guide programs, an increase in contract fees to

cover the cost of the required checks may need to be considered. This would require either increased Mill Rate Support funding or an increase to the price of Leisure Guide courses to the public.

- **Volunteers:** There are a minimum of 17,000 volunteers who would require Police Information Checks (17,000 x $44.50 per Check) at a cost of over $756,500. The cost for the Child Abuse Registry Check, which may be waived, is estimated at $340,000 ($20 x 17,000).

Other Groups or Users Potentially Impacted:

- **Other Groups and Users:** Other groups potentially impacted by expanded mandatory checks at City-owned facilities include Winnipeg's 72 recognized sport organizations; various private service providers; swim and sports clubs; program partners like Ma Mawi Wi Chi Itata Centre Inc., Pan Am Boxing, and the Spence Neighbourhood Association; and thousands of tenants and facility renters. The administration and enforcement of such requirements would be significant.

Attachments

- Copies of fact sheets regarding Police Information Checks and Child Abuse Registry Checks are attached, for information.

FINANCIAL IMPACT

Financial Impact Statement

Date: April 3, 2018

Project Name:

Requirements for Paid and Unpaid Positions Working with Minors

Comments:

This report is to be received as information and therefore has no financial impact.

(Original signed by T. Yanchishyn)

Tanis Yanchishyn
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

This Report has been prepared in consultation with:

Community Services Department
Human Resource Services
Labour Relations
Legal Services

OURWINNIPEG POLICY ALIGNMENT

N/A

SUBMITTED BY

Department: Office of the Chief Administrative Officer
Division:
Prepared by: Michael Jack
Date: April 4, 2018

Attachments:
The Provincial Child Abuse Registry Brochure

Police Record Check Agency Fact Sheet