

# The Air Cadet League of Canada



## Registration and Screening Manual For Provincial Co-ordinators

July 2006

## Acknowledgements

Material in this manual has been adapted with permission from the Navy League of Canada's Screening Coordinator's Handbook. The Air Cadet League of Canada would like to recognize the leading role played by the Navy League of Canada in developing policies and procedures for registering and screening volunteers who are working in the Canadian Cadet Movement.

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# **Registration and Screening Manual For Provincial Co-ordinators**

## **Authority**

This publication is produced under the authority of the National Board of Governors of the Air Cadet League of Canada

## **Background**

For many years, the Air Cadet League of Canada and the Department of National Defense have registered and screened all members of the organization that were involved with the Air Cadet program. Prior to December 2005, the Department of National Defense were responsible for screening all CIC officers, civilian instructors and volunteers whose primary duty was to work at the squadron level. These volunteers were typically referred to as “CO’s Volunteers”. The Air Cadet League was responsible for screening all volunteers that worked with the squadron sponsoring committee, provincial committee or at the national level. The policies and procedures, including an application, interview, local reference checks and the option of requesting a Police Records Check, were developed and implemented on a national basis.

In December 2005, the Air Cadet League of Canada and the Department of National Defense signed a Memorandum of Understanding (MOU). Both partners agreed that only volunteers who have been screened and approved in accordance with the process agreed upon by DND and the League can participate in activities defined as “cadet duty”. The Air Cadet League assumed responsibility for registering and screening all volunteers. Furthermore, the League agreed to participate in the development of management and screening processes with DND and to maintain a national database of approved volunteers.

Following discussions with the Navy League of Canada and the Army Cadet League of Canada, it was decided that the three leagues would use a single database so that information on volunteer candidates that are considered unacceptable can be shared between the Leagues. Further discussions with the DND also resulted in the implementation of a Volunteer Agreement for candidates who were going to work at the squadron level.

At the Annual General Meeting in June 2005, the League established a committee with the following mandate:

- To review and revise (as required) the national registration and screening policy
- To review and revise all forms
- To develop a registration renewal policy and form
- To develop resource packages and training guides for provincial and local registration and screening coordinators

- To develop procedures to register all volunteer candidates in a single national database

The committee was tasked to have the revised registration and screening policy and resources ready for implementation in the spring of 2006 so that all provincial committees would be ready to implement the new policies and procedures by 01 July 2006.

## **About this Manual**

This manual is designed to be used by the Registration and Screening Coordinator at the Provincial Committee level. It is not intended for circulation among the general membership or for use at the local level. A separate reference manual for use at the Squadron Sponsoring Committee will be issued to all provincial committees for use at the local level.

This manual contains information that will outline the process to be used at the local level when registering volunteer, procedures to be used for screening the volunteer, and guidelines that are to be used at the provincial level to register the candidate at both the provincial and national level.

## **Terms and Definitions**

These definitions are drawn from the Air Cadet League of Canada By-Laws (2005) and the Memorandum of Understanding (December 2005) signed by the Air Cadet League of Canada and The Department of National Defence. Definitions were also drawn from the Navy League of Canada's Registration and Screening Handbook.

**ACL:** Air Cadet League of Canada. The national body is responsible for the operation of the Air Cadet League at the national, provincial and local level. All members of the ACLC are registered and screened in accordance with national policy.

**BOG:** Board of Governors. The governing council of the Air Cadet League of Canada

**PRC/VSS:** Canadian Police Identification Check. A computerized information system operated by the Royal Canadian Mounted Police that provides Canadian law enforcement agencies with criminal and police record information.

**Cadet Duty:** Cadet duties include participation in, or attendance at an authorized cadet activity or period of instruction. Those activities outlined in CATO 23-07. In general (but unofficial) terms, once a cadet arrives at the local headquarters/training location (whichever occurs first), he/she is then on cadet duty.

**CATO:** Cadet Administrative and Training Orders issued by National Defence Headquarters or the Director of Cadets. This is the principle document for the regulation of the Canadian Cadet Programs.

**CF:** The Canadian Armed Forces

**CI:** Civilian Instructor. An individual contracted by the Department of National Defence who is not a member of the Canadian Forces.

**CIC:** Cadet Instructors' Cadre. A sub-component of the Reserve Force consisting of officers whose primary duty is the supervision, administration and training of cadets.

**CO:** Commanding Officer (sometimes designated OIC; Officer in Charge). The CIC officer is responsible for the operation of the squadron and the supervision of staff and cadets.

**DND:** Department of National Defence.

**Duty of Care:** The concept of duty of care identifies the relationship that exists between two persons (-i.e. - two individuals, an individual and an organization) and establishes the obligations that one owes the other, in particular the obligation to exercise responsible care with respect to the interests of the other, including protection from harm. The duty of care arises from the common law, as well as municipal, provincial, federal and international statutes.

**League:** When capitalized, refers to the Air Cadet League of Canada. When pluralized (leagues) it refers to and or all of the Air Cadet League of Canada, Army Cadet League of Canada or Navy League of Canada.

**Liability:** Liability refers to the duties, obligations or responsibilities imposed on a person by common law or by statute. As it is commonly used, we speak of a person or organization being held legally liable for something: through a legal action (law suit), the individual or organization has been found legally responsible for an action or inaction in a particular set of circumstances, and is required to pay damages to someone harmed as a result.

**NSC:** National Screening Coordinator: The individual at the national level who coordinates the entry of data into the national database and who checks new records against information already stored in the database. In the event of a discrepancy or concern, the national screening coordinator is responsible for notifying the provincial screening coordinator.

**Occupier's Liability:** Requires that the person (an individual or an organization) with ownership, occupation, possession or control of premises owes a duty of care to those who come on the premises and must take responsible care to protect them from harm that might come through their programs, on their premises or at the hands of a third part on the premises.

**PC:** Provincial Committee. An organization formed by the BOG to provide direct oversight of Air Cadet League matters at the squadron level in an area generally coinciding with provincial boundaries. A provincial committee may have geographic or regional sub-components. All members of the PC are registered and screened in accordance with ACL policy.

**PCSC:** Provincial Committee Screening Coordinator: The individual identified by the Provincial Committee as being responsible for coordinating and overseeing the registration and screening process at the provincial level. This individual will be the main point of contact between the local level and the national level.

**Police Records Check (PRC):** A Criminal Records check as well as a search of police records in the information database of a local or other police agency, as well as a search of the PRC/VSS. The process of securing information from the police about individuals, as well as to describe the form or report in which information is provided. It may include a check of national or local and regional police records. At the end of the process, a report is issued. The report may simply identify whether or not someone has a criminal record, or it may provide details of actual offenses. The process and report varies from jurisdiction to jurisdiction.

**Position of Trust:** A position of trust identifies a setting in which someone is placed in a position of authority over another person in an ongoing relationship. A position of trust implies that someone has some degree of power over another and that the relationship is unequal. Individuals in positions of trust may be family members, friends, caregivers, volunteers or employees. The question of whether a position of trust exists depends on the relationship and on the degree of authority, reliance and dependence in it, and not on the question of payment or salary. People may also assume positions of trust with respect to finances, rather than individuals.

**Screening Process:** A comprehensive process that includes completion of an application form, an interview, and local reference checks, providing an acceptable PRC, approval at the provincial level and placing information from the application form on a secure national database. All volunteers are required to complete the screening process prior to being eligible to work as a volunteer with the Air Cadet Squadron or the League. Once successfully complete, the registration is valid for five years. At the end of five years, the volunteer will renew his/her registration following procedures outlined in this manual.

**SSC:** Squadron Sponsoring Committee. A local organization authorized by the BOG on the recommendation of a Provincial Committee. The SSC's role is to support the operations of the local squadron. All members of the SSC are registered and screened in accordance with ACL policy.

**SSC-Chair:** The leader (chairperson) of the squadron sponsoring committee.

**SSC-Coordinator:** Squadron Sponsoring Committee Coordinator. The individual at the local level responsible for coordinating registration and screening activities.

**Standard of Care:** this refers to the degree or level of service, attention, care and protection that one person owes another according to the law, usually the law of liability and negligence. The required standard varies according to the circumstances of each situation, the age of the individuals being cared for and their level of maturity and training. Determining the circumstances and determining the appropriate standards is often not a simple matter.

**Volunteer:** A person who provides services directly to or on behalf of the DND, CF or leagues without compensation or any other thing of value in lieu of compensation in support of activities defined as cadet duty. All volunteers will be registered and screened in accordance with the national registration and screening policy. Members of the CF who volunteer with a squadron are required to comply with CATO 23-07.

**Volunteer Agreement:** Annex A of CATO 23-07. This agreement is signed by the volunteer and the commanding officer. It outlines the terms and condition under which a volunteer will help support activities at the squadron level. All volunteers who work with the commanding officer and the squadron staff are required to complete this agreement. It is included as part of the Registration and Screening package.

**Vulnerable Person:** this term is used to denote individuals who have difficulty protecting themselves are therefore at greater risk of harm. People may be vulnerable because of age, disability or circumstances. Vulnerability may be a temporary or a permanent condition. This is purposely a broad definition, one that can include children, youth, senior citizens, people with physical, development, social, emotional or other disabilities as well as people who are victims or crime or

harm. Vulnerable person will also include people who have been victims of crime or accident or are otherwise left with little defence against those who would harm them.

VSS: Vulnerable Sector Screening: A search of the automated criminal conviction records retrieval system maintained by the RCMP to determine whether there is a record of an individual's conviction for a sexual offence in respect of which a pardon has been granted or issued. This is requested for persons working or volunteering with vulnerable persons.

## **Who needs to be screened?**

All volunteers need to be registered and screened. This applies at the national, provincial and local level. At the local level, volunteers may work primarily with the SSC or with the squadron. Some individuals may choose to work with both the SSC and the squadron staff. When a volunteer is working with the squadron staff, he/she will be supervised by a CIC officer or CI.

Individuals who were registered and screened with the League prior to June 2005 may not need to be re-registered. This is currently under review. However, their personal information needs to be entered into the national database by the provincial coordinator. These individuals may or may not have had a PRC completed as part of their original registration and screening process. If they have not had a PRC done, they will not need to get one at this time. However, once their current registration period expires (after five years) these individuals will need to complete the registration renewal form and provide a current PRC including a VSS.

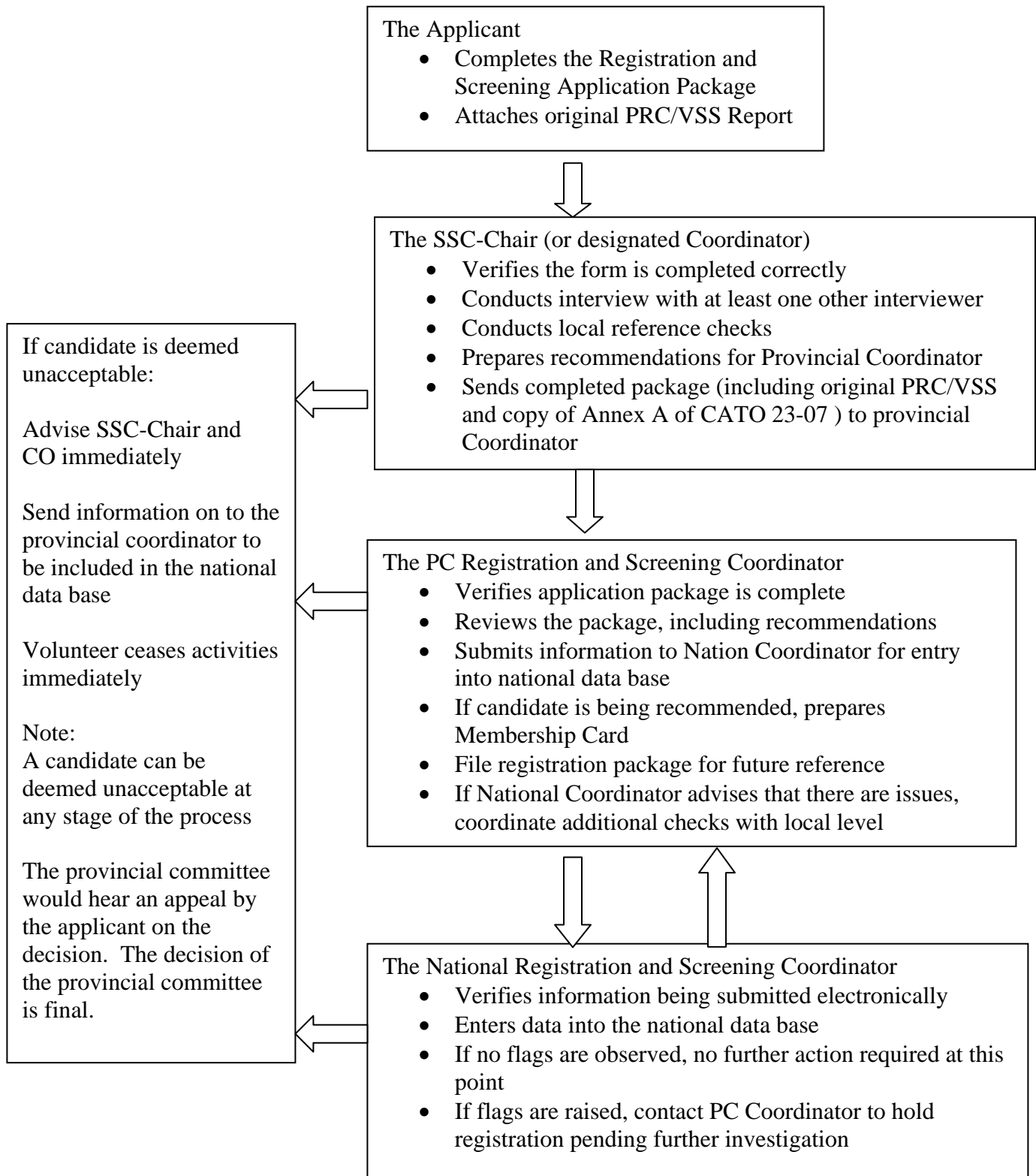
Individuals who have had an Enhanced Reliability Check completed by the military may be treated the same as League volunteers who were registered prior to June 2005: their personal information should be gathered (using the standard Registration Form) and entered in the national database. At that point, they will be treated as a League volunteer and their registration will be renewed every five years.

Once an individual has been registered and screened by the League, he/she could move to a different squadron. If the volunteer wishes to work with a new squadron, the SSC Chair (or designate) and the Commanding Officer should interview the individual to determine his/her suitability. If deemed suitable, the SSC-Chair should advise the provincial registration and screening coordinator of the individual's new location.

According to CATO, commanding officers are authorized to request a new security screening at any time if they determine that a reassessment is required. The chair of the SSC, or his designate, can also request a new security screening.

If unsure whether or not a person must be screened, it is always better to err on the side of caution. If there are any doubts, the local coordinator should contact the provincial coordinator for clarification.

# The Initial Registration and Screening Process



The volunteer or the League may terminate the volunteer agreement at any time by notifying the other party, either verbally or in writing, of their intention to do so.

# The Initial Registration and Screening Process

The League has always had the responsibility for recruiting members to serve on the squadron sponsoring committees, provincial committees and at the national level. In the late 1990's, a formal registration and screening process was introduced for all League volunteers. Recently, the MOU signed by the leagues and DND require the leagues, in consultation with the commanding officer (at the local level) to both identify and conduct screening of all potential volunteers, including those whose primary duty will be with the squadron sponsoring committee, with the squadron staff or both. As such, the active involvement of the Commanding Officer (or squadron staff) is an important part of this process.

## Step 1: The Initial Meeting

Prospective volunteers should be introduced to the commanding officer as well as the sponsoring committee chair. Because the SSC is responsible to identify volunteers, the SSC-Chair, or designate, should conduct the preliminary interview, or "first contact". The goal of this initial meeting is to provide the candidate with some information to help him/her make an informed decision. Because we want to convince the candidate that working for the League can be both a rewarding and enjoyable experience, it is important not to overwhelm them with all of the policies and procedures that are part of the cadet program; these can be introduced later as part of the in-service / training that should be provided to all volunteers.

When the initial meeting is coming to an end, and it is clear that the individual is interested in becoming a volunteer, it is time to outline the requirements for registering as a League volunteer. A simple statement like this can help to set the stage:

"The Air Cadet League wants to provide the safest possible program for our young people. To do this, we require all potential volunteers to go through a registration process that includes an interview, reference checks and a criminal background check. Are you still interested in becoming a volunteer with 123 Squadron?"

If the candidates say he is, then give them the registration package and explain what each of the forms does:

- The Registration and Screening Package (see Annex A)
- The Application for a PRC(see Annex B1 and B2)

Giving these forms in a complete, professional looking package, serves several purposes. First, it allows the candidate to reconsider their initial decision. This can be a good thing, particularly if there are things in the candidate's background that would preclude them from working with our cadets. Second, it allows the SSC-Chair (or designate) to review the process with them so there are no surprises in the future. Finally, it provides an opportunity for the candidate to ask any questions he/she might have. Don't worry about "scaring the volunteer away"; reputable volunteers who have worked with youth in other capacities will understand the need for registration and screening policies.

At the end of the initial meeting, there are several options: you can assist the candidate to fill out the application form or you could suggest that they take the form home and complete it on their own. In any case, make sure that you get the candidates name and telephone number so that you can follow up later in the week.

## Step 2: Checking the Form

Once the candidate has completed the application form, it is important to check it for accuracy and completeness. In particular, check

- That all boxes are filled in, or enter a “NA” (Not Applicable) rather than leaving the box blank.
- Confirm the name, address, phone number with another piece of photo identification (a provincial driver’s license, health card etc.)
- The candidate has identified some particular areas of the squadron or SSC that they are interested in
- They have provided complete information for each of the references
- They have signed the form

At this point, it might be a good idea to check that they have read the statements above the applicant signature line and confirm that the information shown is accurate

If the individual has gone ahead and received their PRC, insure that the original is included, not just a copy.

If all of these are in order, the screening process can continue.

## Step 3: The Interview

Note: The Interview and reference checks can be done in either order.

The interview is always carried out by at least two individuals. It can be two members of the SSC (who have already been registered and screened) or by one League member and the Commanding Officer (or designate). Involving a member of the squadron staff is particularly important if the main duty of the volunteer will likely be as a member of the squadron staff.

Before meeting the candidate, it is important for the members of the interview team to review the questions that are to be posed, as well as a list of prohibited areas of questioning. These prohibited areas include:

|                          |   |
|--------------------------|---|
| Sex                      | Religion                                |
| Age                      | Disability (see note 1)                 |
| Race                     | Family Status                           |
| National / Ethnic Origin | Marital Status                          |
| Colour                   | Pardoned Convictions (see note 2 and 3) |
| Sexual Orientation       |   |

Note 1: Rather than ask about a disability, you could ask “Do you know of any limitations, physical, mental or otherwise, that would impede your ability to carry out the duties of a volunteer with the League or with the squadron, as they have been described to you?”

Note 2: Based on the response to the standard interview questions, you can ask for the circumstances of the offence (what, when, etc) to determine if the applicant represents a risk. If the

applicant refuses to provide details, that should be taken into consideration when making the final recommendation.

Note 3: A pardon granted for a sexual offence that is revealed by the VSS may be grounds for refusing the services of a potential volunteer. A legal opinion is being sought on this matter.

The standard interview consists of eight basic questions. Depending on the response, the interview team may need to probe or ask further questions for clarification. For example:

| Watch out For:                  | What Can the Interviewer Do?   |
|---------------------------------|--|
| Simple “Yes” or “No” answers    | Ask for additional details: “Can you tell me more about that particular situation?”  |
| Inconsistencies between answers | Ask the same type of question, but in a slightly different manner. Review the initial response and the current answer and ask for clarification of the inconsistencies   |
| Body Language                   | Does the applicant make eye contact?<br>Do they appear uncomfortable or fidgety? (Be careful with this one .... for some this may be the first interview they have had in some time!)<br>Is their behaviour during the formal interview different from their behaviour during the initial meeting? |

At the end of the interview, it is always appropriate to give the candidate the opportunity to ask any questions he/she might have, to clarify answers, or to make a closing statement. Always inform the candidate about the next steps, and when they will be contacted by the SSC-Chair or designate with the outcome of the registration and screening process.

If the response to the each standard question in the interview is satisfactory, put an “S” in the first box. Jot down any notes you consider important in the space provided. If you have additional notes, make sure that they are attached to the application package when it is forwarded to the provincial office.

#### **Step 4: The Reference Checks**

Each candidate must provide the names of three people that can provide a personal reference. One member of the interview team must complete the reference checks.

The reference check provides the Interview Team with another source of information about the character of the candidate. It also provides an opportunity to verify what has been said in the interview or what has been recorded on the registration form.

When contacting a reference, always identify yourself and explain why you are doing a reference check:

“Hello, my name is John Smith from the Sponsoring Committee of 123 Royal Canadian Air Cadet Squadron. I’m calling about a reference check for Mr. John Doe. The Air Cadet League has a policy to register and screen all potential volunteers. Mr. Doe has volunteered to work with our squadron. Do you think you would be able to answer a few questions to help us complete this process?”

There are seven standard questions that are to be asked of all references. Depending on the response, the interviewer may need to ask additional follow up questions. Remember, there are a number of questions that can not be raised:

|               |                    |   |                          |
|---------------|--------------------|---|--------------------------|
| Sex           | Religion           | Age                                     | Disability               |
| Family Status | Marital Status     | Colour                                  | National / Ethnic Origin |
| Race          | Sexual Orientation | Pardoned Convictions (see note 3 above) |                          |

These subjects are protected under the Canadian Charter of Rights and Freedoms and may not be used in determining the suitability of an applicant.

If the interviewer makes notes during the reference check, these should be included with the registration package. Don't forget to include the date the reference check was made.

### **Step 5: The Recommendation**

Once the registration package has been completed (including the CRC), the interview and reference checks completed, it is time for the SSC-Chair (or designate) to make a recommendation. This is a critical juncture of the program: it is at the local level that the most important decisions about protecting the welfare of the cadets takes place.

Making a recommendation is not an exact science. Sometimes, the decision to turn down an applicant may be based on a number of small, seemingly unrelated things. Even if there is no clear evidence that an applicant will cause problems as a volunteer, the SSC-Chair can use their "Gut Instinct" to help them make a determination.

The only reasons that may not be used as a reason for turning down a candidate are the restricted criteria listed above. These are outlined in the Canadian Charter of Rights and Freedoms. (Refer to Note 3 about a pardoned conviction of a sexual offense).

The safety of our cadets is our first priority. This takes precedence over the wishes of an prospective volunteer. If there are any questions about a candidate, contact your provincial screening coordinator for advice.

The (now successful) candidate should be advised that their status is still tentative pending final confirmation by the provincial screening coordinator.

If the decision is not to recommend the candidate, follow up with a telephone call as soon as possible. If they request an explanation, be prepared to give it to them: be honest and given them the reasons that were identified by the interview team. If the candidate is not satisfied with the explanation, advise them to contact the provincial screening coordinator.

The safety of our cadets is our first priority. This takes precedence over the wishes of an prospective volunteer. If there are any questions about a candidate, contact your provincial screening coordinator for advice

### **Step 6: Forwarding Information**

Once the registration and screening process is completed, **regardless of the outcome**, the completed information package is forwarded to the provincial screening coordinator. This includes the registration package, notes from the interview and reference checks, the PRC/VSS and a copy of the Volunteer Agreement Form (the commanding officer keeps the original). The SSC-Chair should keep a copy of the first page of the package (which includes contact information for the volunteer).

### **Step 7: Provincial Confirmation**

When the Provincial Screening Coordinator receives a package from a SSC, he/she will carry out the following steps:

- Confirm that the package is properly filled in and all documents are complete
- Confirm the SSC recommendation
- Enter the “tombstone” data on the volunteer into the national database report
- Upload the report to the National Screening Coordinator
- Assuming that there will be no issues raised at the national level, the Provincial Screening Coordinator can prepare a membership card for the new volunteer
- Send the card and official notification to the SSC-Chair for presentation to the new member
- File the complete registration and screening package under the individual’s name in a secure file cabinet.

### **Step 8: National Database Entry**

The three leagues will jointly maintain a single database. Information on all volunteer candidates will be entered into the database, regardless of whether or not the individual was recommended or not. The three leagues will share information on candidates that have been deemed unacceptable.

When the information is uploaded into the national database, the National Coordinator will do a check to make sure that the individual has not been registered in the database previously. If there are no “flags”, the National Coordinator does not have to take any further action. At this point, the registration process is complete.

If there is a “flag” (indicating that this individual may have been deemed unacceptable at some point in the past), the National Coordinator will immediately notify the Provincial Coordinator and explain the circumstances. The Provincial Coordinator will, in turn, contact the SSC-Chair and request further information. The SSC-Chair will advise the CO immediately. The volunteer will cease all involvement with the squadron or SSC until the matter has been resolved.

Even if an applicant is turned down, it is important to enter the information into the database. This way, there is a record of the individuals’ application and a note that he/she has been declined. If the individual attempts to register with another squadron, or with another cadet unit, the local registration and screening coordinator can be made aware of this information. This will make it more difficult for potential “predators” to move from unit to unit anywhere in the country.

## **Step 9: Advising the Candidate**

If the decision is to recommend the candidate, make sure to follow up with a telephone call as soon as possible. Invite them out to the next parade night (or meeting of the SSC). Introduce them to the people they are going to be working with. We recommend that all volunteers who have been accepted sign the Volunteer Agreement (CATO 23-07, Annex A) so that their name can be added to the list of potential volunteers available for the commanding officer to use. (Note: Just because an individual has signed the Volunteer Agreement does not automatically mean they will be working with the squadron and the cadets. The exact needs of the squadron will be determined by the commanding officer.

## **The Renewal Process**

Normally, each volunteer will be required to re-register every five years. One function of the national screening coordinator is to notify the provincial screening coordinator of the names of individuals whose registration will expire during the current training year. Assuming that the individual has been active in the League during the term, he/she will be required to complete a renewal form (see Annex E) and provide an updated PRC/VSS . Once this information has been provided to the SSC-Coordinator, the completed forms are forwarded to the PCSC. He/she will update the information on the database entry form and send the information electronically to the national coordinator. The PCSC will prepare a new card and send it to the SSC-Chair and will file the forms with the individual's original registration package.

If the volunteer has not been actively volunteering for one year or more, the individual will normally be required to go through the complete registration and screening process again.

Individuals who are currently registered and screened by a provincial committee or the national office should complete a Renewal Form to have their information entered into the national data base. Individual's whose initial screening was carried out by the military may have already had an initial ERC. Their personal information can be entered into the national database using the Registration Renewal Form.

## **Terminating the Volunteer Arrangement**

The volunteer arrangement can be terminated at any time by either party, either verbally or in writing.

Where the commanding officer or SSC-Chair has decided to terminate the agreement, it should normally be done in writing. The reasons for the termination should be stated in the letter. A copy of the letter terminating the arrangement should be sent to the PCSC. The information in the national database should also be updated showing that the individual is no longer active and "flagging" the file. Every effort should be made to retrieve the membership card issued by the PC.

If the volunteer decides to terminate the arrangement, the SSC-Chair should write a letter to the individual thanking them for their service. A copy of the letter should be sent to the PCSC who, in

turn, will update the information in the database to show that the individual is no longer active. Every effort should be made to retrieve the membership card issued by the PC.

## **Volunteers in Support of Cadet Duty**

“The Commanding Officer of the squadron may authorize the use of volunteers to assist CIC officers and CI in support of cadet duty provided that such assistance is under the supervision and direction of an officer of the CIC or CI. ” (CATO 23-07) Furthermore, only volunteers who have been screened and approved in accordance with the process agreed upon by DND and the League can participate in activities defined as cadet duty: volunteers not screened under the process cannot participate in activities defined as cadet duty. (Memorandum of Understanding, 2005). The term “cadet duty” as defined in CATO 23-07 is somewhat confusing. However, the following is a simplified (but unofficial) definition of “cadet duty”: once the cadet has arrived at the local headquarters, or at the training site (whichever occurs first) the cadet is deemed to be on “cadet duty”.

In order to provide the Commanding Officer with a pool of suitable volunteers, the SSC-Chair will develop a list of registered and screened volunteers. Each volunteer on the list will have completed the registration and screening process. In order to provide the Commanding Officer with the largest pool of screened volunteers, the League encourages all potential volunteers to sign the Volunteer Agreement (Annex A of CATO 23-07). This includes individuals whose primary duty would normally be with the Squadron Sponsoring Committee.

Whenever a volunteer is used to support a cadet activity, the volunteer’s name should be shown in the weekly routine orders.

### **The Trip Driver (frequent/regular vs. occasional)**

One common use of volunteers is to drive cadets from the local headquarters to a training venue. This could be to a local airfield for flying or gliding, to a nearby camp for adventure training or to a local mall for fund raising. To the extent possible, screened volunteers should be used to assist as **frequent** drivers for cadet activities, should screened volunteers not be available in sufficient numbers, *occasional* drivers may be used.

#### **Frequent/regular drivers:**

Only a volunteer who is registered and screened by the League in accordance with the process listed in this manual, and who has completed the Volunteer Agreement, can be used as a frequent driver. Even though frequent/regular drivers are fully screened, the League encourages the use of the Trip Driver’s Log Book (Annex F). This logbook is simply a way for the Commanding Officer to indicate that he/she has authorized the volunteer to drive cadets to a specific location. It provides further evidence of due diligence because it confirms that the driver’s license and insurance is valid and up to date.

#### **Occasional drivers:**

Adults who volunteer as occasional drivers in support of cadet activities are not required to complete the PRC/VSS reliability screening process. Commanding officers shall only accept the assistance of occasional drivers who have completed the Driver’s Log according to League procedures and adhere

to established League policies governing their duties. The League strongly encourages the use of a Trip Driver's Log Book (Annex F). This logbook is simply a way for the Commanding Officer to indicate that he/she has authorized the volunteer to drive cadets to a specific location. It provides further evidence of due diligence because it confirms that the driver's license and insurance is valid and up to date.

When driving cadets, the following "common sense" precautions are recommended:

- Proceed directly from the LHQ to the designated training site.
- Any stops en route should be planned and authorized in advance by the CO
- Cadets should be returned to the same point that they departed from (the LHQ) unless authorized in advance by the CO
- The driver should never be left alone with a cadet. Always ensure that there are at least two cadets (or another adult) in the vehicle at all times.
- Carry a cell phone for emergencies. Know the phone number of the LHQ and the CO, as well as a contact number at the destination if possible.
- Occasional drivers must be people of good character and known to the squadron/unit.
- Common sense should be used to verify the credentials of the driver,. i.e. does he/she possess a valid driver's license, does he/she have adequate automobile insurance, does the individual appear to be competent (sober) to drive cadets, does the vehicle appear to be mechanically sound, etc.?
- Remind the driver that he/she is driving other people's children and is expected to drive in a safe, cautious and courteous manner and that he/she is bound to adhere to the "rules of the road" and the requirements of the various Provincial Motor Vehicles Acts/Regulations.

Use common sense at all times! If it "feels" wrong ... don't do it!

## **Document Storage and Retention**

As we have learned from experience, cases of sexual abuse or harassment may not surface for many years. While the National Database will provide some information in the event of a lawsuit, the original documents will be invaluable. As such, it is incumbent on the League to provide secure storage of these documents and to retain them on file permanently. Storing them in someone's basement is not acceptable, especially when these documents may be needed in the future to support the League's defense in a law suit!.

The following points will provide provincial committees with a basic set of expectations:

- Once the document is completed at the local or provincial level and turned in, it becomes the property of the League (See Annex G: League Policy on Protection of Personal Privacy)
- All documents, notes etc. are to be retained at the provincial committee level. Where a provincial committee does not have an office, the PC should contact the RCSU to negotiate some storage area for these documents.
- All documents pertaining to an individual (registration and screening form, interview form and notes, reference check form and notes, PRC/VSS results, PRC/VSS Form 1 results, Volunteer Agreement CATO 23-07, renewal form) should be kept in a single file, clearly identified with the individual's name.
- The SSC should only retain a copy of page 1 of the Registration Form, and the original Volunteer Agreement at the LHQ.

- If the Trip Drivers' Log Book is used, it should be retained on file at the LHQ on a permanent basis.
- All files should be kept in a secure, locking file cabinet. A fireproof cabinet is preferred, but not mandatory.
- Access to these files should be limited: the PCSC, PC-Chair, PC Executive Director and the National Screening Coordinator are recommended.
- Information (not actual files) can be shared with other partners in the CCM.
- Documents should be retained in perpetuity, or until directed by the National Office.
- Note: The electronic retention and filing of documents (scanned copies as opposed to originals) is being investigated by the League. Further directions will be forthcoming.

## **Conclusion**

This manual outlines the national policies and procedures that are approved by the Air Cadet League of Canada for registering and screening volunteers in support of the Air Cadet Program. These volunteers will work with the League (at the local, provincial or national level), the squadron, or both.

Provincial Committees may introduce amendments to the forms, policies or procedures providing these amendments build on the national policies and procedures (-ie- requiring a credit check for all members who have signing authority on the SSC bank account) and are approved at the national level (as outlined in the Memorandum of Agreement, Section 5.2.3.2). Any amendments to the national policies, procedures and forms will first be agreed upon by the Department of National Defense prior to implementation (MOU, Section 5.2.3)

# **Annex A: Federal Statutes and Common Law Areas Relevant to Screening**

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| Disclaimer |
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| This information is not legal advice, nor does it represent the views of the Air Cadet League of Canada, the Government of Canada or its representatives. This information is a brief summary of current federal legislation and common law relevant to screening in Canada, as provided by Volunteer Canada and originally adapted by the Navy League of Canada. For complete and up-to-date information, please refer to the appropriate authorities. If a League member requires any legal advice, please consult with the provincial or national office of the Air Cadet League of Canada. |
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## **Overview**

There is no single source of law in Canada that governs screening. Criminal, civil, constitutional and administrative statutes are all relevant to those organizations and individuals who carry out screening. As well, the common law has clearly established that organizations providing programs and services to people in the community have a legal duty to ensure the safety and well being of those persons whom they serve. This duty to provide a safe environment is critical to screening, and is largely what motivates the efforts of community agencies and organizations to screen volunteers and employees who seek to occupy positions of trust with respect to children, youth and other vulnerable persons.

It should be noted that while the major impetus for screening efforts has been the promotion of safe environments, screening could also be used to promote financial stability, the security of property and assets and good business practices. Through proper screening, organizations can ensure that the appropriate people are in appropriate positions and that their performance, whether as volunteers or employees, is properly supervised and monitored. Much of the information in this document is based on screening to prevent physical or sexual abuse, because this is the focus of the government's commitment to screening and the rationale for many screening initiatives. However, readers are reminded that screening can be used to prevent many other types of harm and to promote sound human resource and volunteer management practices.

This document provides a basic overview of federal legislation relevant to screening and describes principles of common law that are important for screening. However, federal law and policy do not represent the total picture -- there is considerable overlapping between federal and provincial/territorial jurisdictions on issues relevant to screening. Key federal laws such as the *Canadian Charter of Rights and Freedoms*, the *Criminal Code* and the *Criminal Records Act* afford important protection to children and other vulnerable persons. There are also laws in the provinces and territories that relate to human rights, child welfare and protection, licensing of social service providers, protection of privacy and employment standards – and these are also important to the subject of screening.

Taken together, these overlapping federal and provincial laws form a complicated regulatory regime relevant to the screening of volunteers and employees by non-profit organizations, government agencies and private companies.

Organizations involved in screening must be aware of both federal and provincial laws and policies. National organizations having branches in more than one province or territory must be aware that their different branches may be subject to slightly different laws and procedures.

The subject of volunteer screening has become an important priority for the federal government and reflects a broader societal concern about the need to protect vulnerable persons from harm. In 1994 the federal government announced its commitment to combating violence against women and children. A consistent theme emerging from the government's consultations around this topic was that applicants seeking positions of trust with respect to children and vulnerable persons must be screened. Furthermore, it was determined that police information systems could be used to assist in such screening efforts. In 1994, the federal government created a national screening system using its national computer databases to help organizations identify among potential employees and volunteers those individuals who were known sex offenders or who had other relevant criminal records.

In 1995, the federal government launched the second phase of its Volunteer Screening Initiative – the development of a national education and training campaign on volunteer screening. This campaign was a great success, enabling thousands of non-profit agencies to undergo training on screening techniques. It also provided a critical momentum that has stimulated related provincial screening initiatives.

Most recently, the federal government announced its plans to invest \$115 million over four years to update the technology and improve the effectiveness of its national database, the Canadian Police Information Centre, or PRC/VSS. The PRC/VSS is used by Canadian law enforcement agencies to share information on offenders, missing persons, stolen property, registered firearms, crime scene evidence and stolen vehicles. Additional databases are used to identify persons with criminal records. The "PRC/VSS Renewal" project will improve all of these systems and will also improve the ability of organizations to screen convicted sex offenders.

Legislative changes have also been proposed that will allow the disclosure of the criminal records of pardoned sex offenders that to this point have not been available for screening purposes.

## **Sources of Law**

There are several ways to categorize laws governing the interactions between individuals and organizations in Canada.

The two main sources of law are common law and statutes. Common law is the body of law that has evolved over centuries of judicial decision-making. Also known as "judge-made" law, the common law differs from statutes which are specific laws passed by legislative bodies. Often statutes simply codify principles of the common law. Examples of this include statutes on occupier's liability that codify common-law principles of negligence, and statutes on libel and slander that codify common law principles of defamation. Statutes may also be created to deal with new topic areas or to reflect changing societal values. Examples of the latter category of statutes would include laws dealing with intellectual property, human rights and privacy.

Canadian law can also be divided into public law and private law. Public laws are those that govern the relationships between members of the public and the government. Areas of public law include criminal law, constitutional law and administrative law. Private law, also called civil law, encompasses those laws that govern relationships between private individuals and public and private corporations. Areas of private law include contract law, tort (also known as the "law of negligence") and in some instances, administrative law.

A large majority of screening activities are carried out by private organizations. For example, most organizations in the social services, faith, recreation and sport sectors are incorporated under provincial or federal legislation relating to non-profit societies or corporations. With the exception of perhaps schools and hospitals, these organizations are independent from government. From this perspective, a third distinction in types of law can be made between laws that are external to an organization and “laws”, or rules, that are internal to it.

The external laws that govern private organizations include criminal law, common law, administrative law, tort and human rights. Internally, organizations create rules by which they govern themselves. These rules are expressed through the organization’s constitution, bylaws, policies, procedures and regulations and create a form of “contract” between the organization and its members (including volunteers). This contract provides the organization with the legal authority to establish the rights, privileges and obligations of membership. These internal rules are significant to screening because many screening measures are carried out by private organizations according to their own internal policies and procedures.

### **Federal Statutes Relevant to Screening**

Areas of common law that are relevant to screening include:

- Negligence and liability
- Defamation
- Administrative law

**Federal statutes that are applicable to screening include:**

- *Canadian Charter of Rights and Freedoms*
- *Criminal Code and Criminal Records Act*
- *Young Offenders Act*
- Privacy laws (including the *Privacy Act and the Personal Information Protection and Electronic Documents Act*)
- *Canada Corporations Act*

### **Negligence and Liability**

The common law of negligence is probably the single most important area of law for screening.

The term negligence refers to the responsibility or duty to ensure the safety of those persons who may be affected by our actions. In our daily lives we are expected to act in a reasonably diligent and safety-conscious manner so that others affected by our actions will not face an unreasonable risk of harm. “Standard of care” is by necessity a flexible standard, determined by speculating on what an average and reasonable person would do, or not do, in the same circumstances. It is also an objective standard, as the law credits all adults with similar intelligence and common sense. Thus, the law expects all adults to perceive the potential dangers or harm in a situation and to exercise the same degree of reasonable prudence and caution as any other adult would in the same circumstances.

Conduct that does not meet this objective standard of care may be negligent. Legally, conduct is negligent only when all four of the following elements are present:

- A duty of care owed;
- The standard of care imposed by this duty is not met;
- Harm is suffered as a result; and

- The failure to meet the standard causes, or substantially contributes to, the harm.

The most important element of this equation is perhaps the standard of care. This is the least well-defined element, and the one on which most cases of negligence will turn. Determining whether there existed a duty of care is relatively straightforward and similarly, there is rarely dispute about whether harm was suffered. .

It may be determined, based on all four criteria, that a person's conduct was negligent.. Even if all four of the elements of negligence are proven and the individual's conduct is deemed to be negligent, liability does not automatically follow. Many factors can mitigate liability or eliminate it completely, including insurance, a valid contract waiving liability, contributory negligence on the part of the harmed person, or vicarious liability on the part of the organization who assumes responsibility for the negligent acts of its volunteers or employees.

From the perspective of screening and protecting vulnerable persons, several of these legal concepts are important and warrant further discussion.

### **Duty of Care**

The circumstances that give rise to a duty of care stem from the existence of a certain relationship between persons, or between a person and an organization. This relationship might be very general one – for example, each of us owes a duty of care to those other persons that we can foresee might be affected by our actions, whether or not we have a close relationship with them.

The relationship that gives rise to a duty of care might also be a special relationship of trust and authority, such as that which exists between parent and child, teacher and student, pastor and parishioner, doctor and patient, driver and passenger, coach and athlete, program leader and participant, professional and client. A duty of care also exists between a service organization and the client group that it serves.

### **Standard of Care**

The existence of a duty of care gives rise to a corresponding, objective standard of care. Standard of care refers to the level of care and attention that one person owes to another. Standard of care is determined by a combination of written standards, unwritten or industry standards and common sense. The behaviour required to meet the standard of care will vary with the circumstances including the nature of the relationship between the parties, the nature of the activities being undertaken, the degree of supervision of the activity, the setting in which the activity occurs and the inherent risk in the activity.

The standard of care is a threshold that lies somewhere between taking virtually every precaution possible and eliminating all risk, and taking no precautions whatsoever and ignoring all risks. The legal concept of standard of care is fixed – it is what is reasonable in the circumstances -- but the conduct required to meet the standard will vary from one set of circumstances to another.

For example, the standard of care in the provision of ordinary services to adults may be relatively low. As the activities undertaken by these adults become riskier or more complex this standard may increase. Conversely, the standard of care may be relatively high in situations that involve providing

services to youth and other vulnerable persons, who unlike ordinary adults are not as capable of perceiving potential harm, protecting themselves and making sound decisions.

Although the law does not define a “vulnerable person”, in the context of screening vulnerable persons have been defined as “those persons who have difficulty protecting themselves from harm and are at risk due to age, disability, handicap or other circumstances”. Vulnerable persons can include children, youth, the elderly and people with physical, mental, developmental, emotional, social or other disabilities. Vulnerable persons might also include people dealing with addiction, people experiencing short-term trauma or people coping with loss or bereavement.

The standard of care may also be higher in situations where the relationship between two individuals is one of authority, power or trust. Typically, these relationships create a category of persons who are vulnerable. A relationship of trust is said to exist where:

- Someone has a degree of authority and power over another, such as a teacher or coach would have;
- Someone has unsupervised access to another person, such as a nurse or doctor;
- The activity specifically requires a close, personal and trusting relationship, such as a mentoring or matching program; or
- The service being provided renders the client vulnerable, as in a caregiver relationship.

All of these relationships and situations create a higher standard of care. When this standard goes unmet, the second and perhaps most critical element of negligence may be met.

It is the existence of relationships of trust and the resulting duty of care that gives rise to the responsibility to screen employees and volunteers. How one actually goes about conducting the screening, and how one uses screening information to make decisions about the suitability of a prospective volunteer or employee, become components of the corresponding standard of care. These components will vary with the nature of the organization, the type of program, the characteristics of the client group and other circumstances.

### **Vicarious Liability**

Also referred to as “no-fault” liability, vicarious liability refers to situations where a person or entity can be held liable for the acts of someone else, not because of anything either of the parties did or failed to do, but because of a special relationship that exists between the two parties. The most common types of vicarious liability involve employment situations – where employers may be held vicariously liable for the actions of their employees. Similarly, non-profit organizations may be held vicariously liable for the actions of their volunteers.

Vicarious liability may be imposed on an organization not because it acted harmfully or promoted harmful actions, but rather simply because it was responsible for the conditions under which the harm occurred. These conditions include the measures that the organization takes in the recruitment, placement and supervision of employees and volunteers.

In recent years there has been a trend in the courts to hold organizations increasingly accountable for the harm suffered by clients at the hands of their staff or volunteers. The Supreme Court of Canada recently issued two judgments (*Bazley v. Curry* and *Jacobi v. Griffiths*) relating directly to the question of whether an organization should be held responsible for the actions of an employee or volunteer who harms children, even where the organization has not itself been negligent.

In these two cases, the Supreme Court revisited the previous test for determining vicarious liability, which was to ask whether the wrongful acts of the employee or volunteer were authorized by the employer or were closely connected to authorized acts. If there was a close connection, then vicarious liability could be found. These two judgments have established a modified test that looks at whether the circumstances of a program or activity enhance the risk of harm to participants. The following factors, among others, may influence whether the risk of harm is increased:

- The opportunity for the employee/volunteer to abuse his or her power;
- The extent of power and authority the organization grants to the employee/volunteer;
- The vulnerability of the participant;
- The nature of the activity or program; and
- The degree of physical contact required in the relationship between the employee/volunteer and the participant.

The essence of these two decisions is that if an organization makes program staffing decisions that enhance the risk of harm, the organization may be vicariously liable should harm occur. For example, programs can be more or less risky depending on the qualifications of the employee/volunteer, the degree of supervision, or the nature of the setting in which the work is performed or the service provided. The greater the risk the more careful the organization is required to be.

The onus is on the organization to manage their risks by consciously and systematically making decisions about the nature of their programs and activities, and the risks that each decision entails. Clearly, screening comes into play as the organization has an obligation to institute reasonable risk management measures in the areas of recruitment, screening, placement and supervision of employees and volunteers so as to minimize the risk of harm in their programs and activities.

## **Occupier's Liability**

Occupier's liability is an area of negligence dealing with the duties and responsibilities of those who own, operate or control premises. Occupier's liability applies to all individuals and all types of organizations, both public and private, and all types of premises including land, buildings and other structures. In all provinces, the common law duty of an occupier is codified in statute.

To understand the relevance of occupier's liability to screening, it is necessary to understand the definition of an "occupier" and to know specifically what the law says about the duty of an occupier.

An occupier is defined as a person who is in physical possession of a premises, a person who has responsibility for and control over the condition of a premises or the activities carried out on a premises, or a person who has control over persons allowed to enter a premises. At any given time there can be more than one occupier of a single premise. Premises are defined as land, buildings and other structures erected on land. Occupiers can thus include owners or renters of land or buildings as well as occasional or one-time users of land or buildings, such as public facilities or public parks.

Occupiers have an affirmative duty to take reasonable care to ensure the safety of those persons who use their premises. This duty applies to the condition of a premises, the activities being carried out there, and most importantly from the perspective of screening, the actions of persons on the premises, whether employees, volunteers, participants or other third parties.

The law of occupier's liability has very broad application for screening. It imposes on occupiers the overall duty to ensure a safe environment through measures to manage risks, including measures to appropriately screen, select and supervise personnel, whether employees or volunteers.

## **Defamation**

Like negligence, defamation is a matter largely addressed by common law. The law of defamation has great significance to screening. A major disincentive to an organization disclosing or publicizing negative information obtained through a screening process is the fear of a lawsuit for defamation. This concern also underlies the reluctance of many organizations to provide detailed reasons for the dismissal of an employee or volunteer, or to provide truthful references when requested by other prospective employers.

Individuals within organizations who have responsibility for carrying out screening activities need to be aware of the law of defamation, as it exists in common law as well as in various provincial statutes. In particular, two out of a possible four main defenses to a claim of defamation are relevant to screening. These two defenses are justification and qualified privilege.

The Defense of justification occurs when the otherwise defamatory information about an individual can be proved to be true. A suspicion or a belief that the information reflects the truth is not sufficient -- the substance of the information must be proved true and accurate. It should be noted that "knowing" that something is true is quite different from "proving" that something is true. A person relying upon this Defense must be confident that they have full, factual and well-documented information.

The Defense of qualified privilege occurs when the person furnishing the information about an individual has a legal, social or moral duty or interest to do so, and the person to whom this information is furnished has a corresponding duty or interest in receiving it. There is no absolute test for what is privileged and what is not – it depends on the circumstances under which the information is provided. The circumstances must be such that the threat to one person's reputation gives way to a greater public interest or concern. The important public policy objectives of protecting youth and vulnerable persons from harm through screening will often support a Defense based upon qualified privilege.

## **Administrative Law**

Most screening activity is carried out by private, non-profit organizations. In addition to being subject to external federal and provincial statutes and common law, these organizations are self-governing through their own internal rules. The vast majority of Canadian non-profit organizations are "private tribunals" – that is, they are autonomous, self-governing, private organizations that have the power to establish policies, write rules, make decisions and take actions that affect their members, participants, clients and constituents. A body of law called administrative law prescribes the rules by which tribunals, both public and private, must operate.

There are two important principles of administrative law that apply to private tribunals. The first is contract and the second is natural justice, now almost synonymous in Canada with procedural fairness. Both of these are described below.

Private tribunals derive their authority through their constitution, bylaws, policies and rules. Taken together, these are the organization's "governing documents" and they form a "contract" between the organization and its members. This contract works to the benefit of all parties by establishing and clarifying their respective rights and obligations. Occasionally, however, the contract may work to the detriment of the parties, if the policies that make up the contract are poorly designed, vague, contradictory or ill suited to the needs of the organization.

Private tribunals have a second legal obligation, which is to interpret and implement their governing documents according to the rules of procedural fairness. Basically, there are three rules of procedural fairness:

- Decisions must be made by those having proper authority;
- Persons affected by a decision must have the right to present their case; and
- Decision-makers must not make a decision influenced by bias.

How do these principles of administrative law relate to screening? Most screening of volunteers is carried out by private organizations according to internal policies pertaining to risk management and volunteer management. These policies must be prepared and implemented in a manner that respects the administrative law principles described here.

As well, most volunteers are "members" of the organizations for whom they volunteer, and volunteering opportunities are widely recognized as a benefit or privilege of membership. The development and implementation of these policies and screening measures must not only comply with statutes and common law, they must also be incorporated properly into the organization's governing documents, and in their implementation must respect the principles of procedural fairness.

## **Canadian Charter of Rights and Freedoms**

### **Purpose**

The Canadian Charter of Rights and Freedoms is entrenched in the Canadian Constitution and takes precedence over all other laws in Canada. The Charter guarantees to all individuals certain fundamental rights including language, mobility, democratic, procedural and equality rights. These rights are open-ended which means that the Charter's rights and entitlements are continually defined, interpreted and clarified through judicial decision-making.

Like other pieces of human rights legislation, the Charter strives to find a balance between doing what is best for the collective community while ensuring that individual rights are respected. From the perspective of screening, the Charter seeks a balance between the public's right to be safe from known criminals and the criminal's rights as an individual in a democratic society. This balance is continually tested by Charter-based court cases.

### **Implications for screening**

The Canadian Charter of Rights and Freedoms applies to governments, government institutions and government action. It does not apply to private organizations. As noted previously, much screening activity is carried out by private, non-profit organizations whose activities do not constitute government action and are not subject to the Charter. Thus, the direct impact of the Charter on screening is limited.

However, a great many private organizations are subject to federal, provincial and territorial human rights laws that prohibit discrimination in the provision of goods, services, facilities and accommodation. To a certain extent these laws mirror the discrimination provisions of the Charter.

Organizations providing services and facilities to the public cannot discriminate on the basis of certain grounds including race, nationality, ethnicity, colour, religion, sex, age or mental or physical handicap. These laws also govern discrimination in employment on prohibited grounds, including prior criminal record. As a result, organizations and employers cannot discriminate against a prospective employee if he or she has received a pardon for a criminal offence.

However, there is an important exception to this prohibition. Where an employer can demonstrate a bona fide occupational requirement – in other words a good faith, legitimate requirement that an employee does not have a record of offences, or does not have a record for certain types of offences – the employer may deny opportunities to prospective employees. In other words, the employer may discriminate.

Human rights laws tend not to reference volunteers explicitly, nor do they define employees. Therefore, it is not entirely clear whether volunteers are included in this prohibition of discrimination on the basis of criminal record. However, the Charter is the supreme law of the land. That means that it normally takes precedence over any federal or provincial law. If any legislation, either provincial or federal, conflicts with the rights guaranteed in the Charter, it must be amended appropriately or it is likely to be struck down by the courts.

## **Criminal Code and Criminal Records Act**

### **Purpose**

The *Criminal Code of Canada* regulates offences by individuals against the state, against property and against other persons. The Criminal Code is a federal statute over which the federal government has jurisdiction. Actual implementation of the Criminal Code through the justice system including the courts, policing, and corrections and parole systems is a shared responsibility of the federal government and the provinces.

### **Implications for screening**

From the perspective of an organization that carries out screening, a history of any criminal activity may represent a legitimate concern about the suitability of a prospective volunteer or employee for a position within an organization. Depending on the position, offences that are relevant to screening may include:

- Offences against persons such as assault, sexual assault and other sexual offences (where the position involves contact with, or caring for, vulnerable persons);
- Offences against property such as theft, embezzlement or fraud (where the position involves handling money or caring for the assets of an organization); and
- Offences related to substance abuse, including abusive use of alcohol (where the position involves driving motor vehicles, operating machinery or being entrusted with other similar, significant responsibilities).

In the last decade there have been a number of amendments to the Criminal Code to clarify, and in many cases, broaden the scope of offences against persons. For example, criminal harassment, also known as stalking, is a relatively new offence under the Criminal Code. This relevant section of the

Code makes it an offence to cause someone to fear for his or her own safety by repeatedly watching, following, communicating with or threatening him or her.

Recent amendments to the Criminal Code also include the identification of a number of sexual offences other than sexual assault. These include:

- Sexual interference – it is an offence to touch, either directly or indirectly, with the body or an object, a person under 14 years of age, for a sexual purpose;
- Invitation to sexual touching – it is an offence to invite, counsel or incite a person under 14 years of age to touch the body of another person, including the body of the person who has invited such touching;
- Sexual exploitation – it is an offence for a person in a position of trust or authority to commit either of the above two offences against a person who is 14 years old or older, but under 18.

One Defense against a charge of assault or sexual assault is that the victim consented. However, the Criminal Code describes situations in which consent cannot be obtained – these include situations where force is applied or threatened; where the victim is incapable of consenting (for example, due to mental incapacity); where the victim expresses a lack of consent; where the victim, having initially consented, expresses a change of mind; and lastly and perhaps most importantly from the perspective of screening, where the accused is in a position of trust, power or authority over the victim. It is only in the last ten years that the Criminal Code has made the principle of consent clearer, particularly in situations where there exists a trust or authority relationship and that trust is abused.

The Criminal Code does not define “position of trust” but leaves this to the courts to determine on a case-by-case basis, depending on the specific circumstances of each case. Case law in the last decade has expanded the types of relationships that create a position of trust beyond family relationships to include teachers, coaches, baby-sitters, health care practitioners, care-givers, youth workers, social workers, recreation leaders and individuals representing employers, community organizations, churches and other public and private institutions.

The Criminal Code does not identify “sexual abuse” as an offence. In its common usage, sexual abuse refers to a pattern of behaviour that would include one or more of the sexual offences referred to previously. Typically, the term sexual abuse is used to describe a pattern of criminal behaviour over a period of time, as opposed to a single incident that can be described more properly as one of the above-noted sexual offences.

Those persons who play a role in screening volunteers and employees on behalf of organizations should be aware that offences under the Criminal Code have varying degrees of severity, and as a result are dealt with in a number of ways within the criminal justice system.

- Summary conviction offences are typically considered minor and would include offences such as public indecency and exposing oneself to a child. Convictions for these offences are not usually registered in the criminal records database.
- Indictable offences are typically considered more serious and would include assault with a weapon and aggravated sexual assault. These offences will be registered in the criminal records database.

- In between these two categories of offences is a third category known as hybrid offences. In prosecuting hybrid offences, the Crown may prosecute by summary conviction or indictment, depending on the circumstances of the case. These offences include sexual assault, sexual interference, invitation to sexual touching and sexual exploitation. Depending on how the prosecution chooses to handle a case, these records may or may not be registered in the criminal records database.

Individuals responsible for screening should also understand the meaning of the terms “convicted”, “found guilty” and “pardoned” when examining criminal records information, and the types of questions that can be posed to prospective employees or volunteers on a screening form or in an interview. For example, not all persons who are found guilty of a crime receive a conviction, as lesser offences or mitigating circumstances may result in an absolute or conditional discharge. Thus, persons who have been “found guilty” of an offence may receive a discharge and thus have no “conviction” or criminal record. As well, persons who have been convicted of criminal offences and have served their sentences may apply to have them pardoned, in which case the criminal record is removed from the criminal records database. These differences mean that police records check may, or may not, reveal a potential volunteer or employee’s criminal past.

The problem of identifying persons who may have been found guilty of a relevant criminal offence but have since received a pardon is being addressed in forthcoming amendments to the *Criminal Records Act*. Among these amendments is one that will allow criminal records of pardoned sex offenders to be made available for screening purposes when the pardoned offender seeks a position of trust in relation to young or other vulnerable persons. .

## **Criminal Youth Justice Act**

### **Purpose**

The *Criminal Youth Justice Act* parallels the *Criminal Code* but applies specifically to young persons aged 12 to 17. The main feature of this Act is that, with some exceptions, young persons are not held responsible for crimes in the same manner or to the same extent as adults. By and large, youths convicted of crimes are treated differently from individuals tried as adults because the focus of youth criminal sentencing is rehabilitation as opposed to deterrence or punishment. The retention, destruction and disclosure of their criminal records are very strictly controlled. Furthermore, these records become virtually inaccessible five years after the offender has reached his or her 18th birthday. The result is that very little information about a young offender can be obtained through police databases.

### **Implications for screening**

In recent years there has been much discussion and debate surrounding amendments to the *Young Offenders Act* – however, few amendments have been passed into law and none have been passed that affect screening responsibilities or procedures.

## **Privacy Act and Personal Information Protection and Electronic Documents Act**

### **Purpose**

These two statutes relate to the management and disclosure of personal information held by federal government departments and federal institutions. Like parallel legislation in the provinces, these statutes seek to balance the legitimate need of federal public institutions to gather information about

individuals and the rights of individuals to keep such personal information private and confidential. This balance is achieved through a complex set of rules regarding the collection, retention, use, disclosure and disposal of personal information held by public institutions.

### **Implications for screening**

Under this legislation, personal records may be disclosed if the individual who is the subject of the records consents to such disclosure. Individuals may also obtain access to their own personal records for their own use. These two aspects of privacy legislation are relevant to screening in that the majority of screening programs and measures are based on the principle of “voluntary consent” – in other words, the individual who is being screened for a volunteer or employment position is asked to give their consent to the release of personal information relevant to screening.

The *Personal Information Protection and Electronic Documents Act* is new legislation enacted in January 2001. This statute is a component of the federal government’s electronic commerce strategy and is a response to the perceived need to protect consumers engaged in e-commerce transactions. This legislation extends the protection of privacy laws to the federally regulated private sector (transportation, telecommunications, inter-provincial commerce etc.) and in another three years will extend privacy laws to all sectors, both public and private.

When this occurs, these statutory measures will have a significant impact on screening as they will mean that all private organizations, including businesses, will have to meet the same checks and balances that the government must presently meet in gathering, storing, using and disclosing personal information about individuals. This statutory framework will also lead to regulations and rules about how private organizations manage personal information, including information gained through the screening process. The existence of such regulations and rules will likely represent a positive development, as many private organizations are presently uncomfortable dealing with the confidential information that they obtain through the screening process.

## **Canada Corporations Act**

### **Purpose**

The *Canada Corporations Act* is the statute under which many national non-profit organizations and charities are incorporated. This statute and its counterparts in all provinces and territories are similar in terms of setting out the requirements for corporate governance and specifying the obligations and entitlements of members, directors and officers of corporations.

### **Implications for screening**

There are two important aspects of incorporation that are relevant to screening. The first is that the personal liability of members and directors of incorporated organizations is limited: in other words, should an incorporated organization be found liable for negligent hiring, screening or supervision, or be found vicariously liable for the harmful actions of an employee or volunteer, the individual directors, officers and members of the organization will not be personally liable for the consequences. The same cannot be said of unincorporated groups such as small community organizations. The advantages and protection of this “corporate veil” are well worth the modest effort and expense to obtain and maintain incorporated status.

The second aspect of incorporation relevant to screening is that directors of non-profit organizations assume significant legal obligations by virtue of their fiduciary relationship with members. These

obligations are no different than the legal obligations that directors of for-profit corporations owe to their shareholders.

The basic responsibility of a director is to represent the interests of the membership in directing the business and affairs of the organization, and to do so within the parameters of the law. The legal duties of directors are divided into three parts:

- To act reasonably, prudently, in good faith and with a view to the best interests of the organization;
- To not use one's position as a director to further private interests;
- To act within the governing bylaws of the organization and within the laws and rules that apply to the organization.

It is this third area of fiduciary responsibility that is most relevant to screening – or more appropriately, to the failure to screen. All organizations have a duty to provide a safe environment for their clients, members, participants and staff. Directors of organizations who fail to ensure that the organization complies with statutory and common law obligations to fulfill this duty by appropriately screening employees and volunteers may be deemed to have failed to fulfill their fiduciary responsibilities under the *Canada Corporations Act*.

For more information on volunteerism in Canada, contact

Volunteer Canada  
430 Gilmour Street  
Ottawa, ON K2P 0R8  
1 800 670-0401 [www.volunteer.ca](http://www.volunteer.ca)

Financial supports of the Safe Steps Volunteer Screening Program are provided by the Solicitor General Canada and the Department of Justice.



## **VOLUNTEER REGISTRATION AND SCREENING**

### ***Preamble***

(To be retained by applicant)

The Air Cadet League of Canada welcomes a large number of volunteers at the Squadron level and in the Air Cadet Program as a whole.

The Air Cadet League of Canada and its partner, the Department of National Defence (DND) jointly support the Royal Canadian Air Cadets, a premier youth organization. The Air Cadet program is a comprehensive program, which is run in a structured, disciplined and safe manner. In this context, it is important to ensure all volunteers are appropriately selected, initially supervised, well-intended, offer skills which add value and complement the program, and are good role models for Air Cadets. Knowing the volunteers, their skills and talents, and their intended contribution is very important to the Squadron Officers, staff and Sponsoring Committee. A team effort produces the best results for the greater benefit of the Cadet Movement.

It should be understood that the League's responsibilities for civilian volunteers complement those of DND and are of a supporting nature. The Commanding Officer and his/her supporting staff have command and control of the Cadets and are responsible for supervision of the training program. To fulfill its responsibilities to the cadets, DND is required to conform to rulings by the Supreme Court of Canada that defined the level of care required by any organization in protecting youth under its direction. This level of care has been defined as that which would be exercised by a prudent parent in protecting their child. As a full, active partner in this aspect of the Air Cadet Program, it is also reasonable that we should also insure that our registration and screening protocols meet the same standard required by our military partners. The military will be responsible for screening the volunteers of the Canadian Forces, both Regular and Reserve as well as contracted Civilian Instructors.

In order to be properly acquainted with League volunteers and other volunteers, certain information is required. You are asked to complete the attached Volunteer Registration and Information Form. An interview with League representative will be required after receipt of the completed form and a Police Records Check and Vulnerable Sector Screening (PRC/VSS). For positions of trust (such as Treasurer and Fund Raising), a Credit Check may be required. A volunteer's Registration/Screening is valid for five years as long as the volunteer remains in good standing. By applying and being approved, the Volunteer undertakes an obligation to report any subsequent change to his/her situation/circumstances that is of a nature to reasonably and usually require a re-evaluation and re-screening (example, a new criminal offence).

We thank you for your generous offer of volunteer services and hope you understand the legal and moral obligation of the League in reviewing the suitability of all individuals working or involved with youth.

The Air Cadet League of Canada

June, 2006



## VOLUNTEER REGISTRATION AND SCREENING FORM

DATE : \_\_\_\_\_ PROVINCE : \_\_\_\_\_ Squadron \_\_\_\_\_

|  |  |  |                        |  |  |                           |  |  |
|--|--|--|------------------------|--|--|---------------------------|--|--|
| Last Name :  |  |  | First Name:            |  |  | Middle Names :            |  |  |
| <input type="checkbox"/> Mr.<br><input type="checkbox"/> Mrs.<br><input type="checkbox"/> Ms <sup>2</sup>                  |  |  | _____                  |  |  | _____                     |  |  |
| 1 <b>Given or Surname Aliases or Maiden Name:</b> _____  |  |  |                        |  |  |                           |  |  |
| 3 <b>Number/Street/P.O./Apt #:</b> _____   |  |  |                        |  |  | 4 <b>How long:</b> _____  |  |  |
| 5 <b>City:</b> _____   |  |  | <b>Province:</b> _____ |  |  | <b>Postal Code:</b> _____ |  |  |
| 7 <b>Previous Address (if at present address less than 2 years)</b> _____  |  |  |                        |  |  | 8 <b>How long:</b> _____  |  |  |
| 9 <b>Home telephone :</b> _____<br><b>Personal Cell Phone:</b> _____<br><b>Home fax:</b> _____<br><b>Home email:</b> _____ |  |  |                        | <b>Business telephone :</b> _____ <b>Extension :</b> _____<br><b>Business fax:</b> _____<br><b>Business email:</b> _____ |  |                           |  |  |
| 11 <b>Date of Birth :</b> _____  |  |  | 12 _____               |  |  | 13 _____                  |  |  |
| 14 <b>Mailing address (if different from home address) :</b><br>Number/Street/P.O./Apt # _____                             |  |  |                        |  |  |                           |  |  |

|   |  |  |                                    |   |                             |
|---|--|--|------------------------------------|---|-----------------------------|
| 15 <b>Employer/Company – Address</b> (If retired give last Employer/Company) _____  |  |  |                                    | <b>Telephone :</b> _____<br><b>E-mail:</b> _____<br><b>Fax:</b> _____ |                             |
| 16 <b>Occupation/Profession:</b><br>_____   |  | 17 <input type="checkbox"/> Full-Time<br><input type="checkbox"/> Part-Time<br><input type="checkbox"/> Seasonal |                                    | <b>From :</b> _____<br><b>Month:</b> _____<br><b>Year:</b> _____      |                             |
|   |  |  |                                    | <b>To :</b> _____<br><b>Month:</b> _____<br><b>Year:</b> _____        |                             |
| 19 _____  |  |  |                                    |   |                             |
| 20 <b>Previous Employer/Company (if less than 2 years) - Address</b> _____  |  |  |                                    |   |                             |
| 21 <b>Occupation/Profession:</b><br>_____   |  | <input type="checkbox"/> Full-Time<br><input type="checkbox"/> Part-Time<br><input type="checkbox"/> Seasonal    |                                    | <b>From :</b> _____<br>_____<br>Month                  Year           |                             |
|   |  |  |                                    | <b>To :</b> _____<br>_____<br>Month                  Year             |                             |
|   |  |  |                                    | 23 _____  |                             |
| 24 <b>Are you self-employed ?</b> <input type="checkbox"/> Yes<br><input type="checkbox"/> No   |  |  | 25 <b>Type of Business :</b> _____ |   |                             |
| 26 <b>Is your son or daughter a cadet?</b>  |  |  | Yes <input type="checkbox"/>       |   | No <input type="checkbox"/> |
| <b>Name :</b> _____   |  |  |                                    |   |                             |
| <b>Rank :</b> _____   |  |  | <b>Squadron :</b> _____            |   |                             |
| Do you have any previous experience as a cadet, as a volunteer of a committee, as volunteer of the Canadian Forces or as a CIC Officer? |  |  |                                    | Yes <input type="checkbox"/>  |                             |
|   |  |  |                                    | No <input type="checkbox"/>   |                             |

|   |   |                             |
|---|---|-----------------------------|
| Have you been a volunteer with any other youth organizations?<br><small>27</small>                      | Yes <input type="checkbox"/>  | No <input type="checkbox"/> |
| If yes, give details. Where and which organization?<br><br><hr/><br><hr/><br><hr/><br><small>28</small> | State year and number of years for each organization :<br><br><hr/><br><hr/><br><hr/><br><small>28A</small> |                             |

As a volunteer how can you help? Please indicate any special talents or experience you feel may benefit the squadron or the League.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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For verification of identity please provide one of the following pieces of photo identification:

Drivers' Licence # \_\_\_\_\_  
 Passport # \_\_\_\_\_  
 Military ID # \_\_\_\_\_  
 Other : \_\_\_\_\_

30

Please provide us with the names of three references (no relatives please) :

|    | NAME  | ADDRESS | PHONE (home) | PHONE (Office) |
|----|-------|---------|--------------|----------------|
| 1) | _____ | _____   | _____        | _____          |
| 2) | _____ | _____   | _____        | _____          |
| 3) | _____ | _____   | _____        | _____          |

1

Have you ever been convicted of a criminal offence? Yes  No

Were you ever convicted of any criminal offences (in Canada or elsewhere) that have not been pardoned or have had the pardon revoked, or of any offences of a nature that affect or could be seen as affecting your suitability to work as a volunteer of the Air Cadet League of Canada or as a volunteer at an Air Cadet Squadron? (you will have an opportunity to discuss during the interview where the time factor will be taken into consideration) Yes  No

I certify that the above information is true and correct. I authorize the Air Cadet League of Canada and/or Provincial Offices to obtain information from any individual prescribed by law as well as from any police department. I understand that the Air Cadet league of Canada reserves the right to accept or decline my services for any reason, except those prohibited by the Canadian Charter of Rights and Freedoms. If accepted as a volunteer, I recognize the safety and well being of cadets as my foremost responsibility. I agree to notify the Squadron Sponsoring Committee Chairperson of any change in status, including charges or criminal offence convictions, while a volunteer of the Air Cadet League of Canada.

**SIGNATURE OF VOLUNTEER :** \_\_\_\_\_

**To qualify as a volunteer, you must complete and sign this application. Omission of any information requested in this application may constitute grounds for denials. All information provided will be kept strictly confidential at the Provincial or National League office.. Once completed, information from this form will be included in a national data base and may be shared with other components of the Canadian Cadet Movement.**

|   |                              |                             |
|---|------------------------------|-----------------------------|
| Will the volunteer be the treasurer?<br><small>33</small> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
|---|------------------------------|-----------------------------|

Will the volunteer be working with cadets at the local level? Yes  No

All volunteers will be required to complete and sign the "Volunteer Agreement" form contained a Annex A to CATO23-07 effective date 1 July 2006.

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**CHAIRPERSON'S or DESIGNATED PERSON'S COMMENTS :** (State what functions this volunteer is likely to fulfill and your recommendation to the PC Registration/Screening Coordinator regarding the acceptability and risks connected with the Applicant becoming a League Volunteer or Squadron Volunteer)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

35

**NOTE: The SSC Chairperson is responsible for immediately reporting any act of discreditable conduct or criminal offences by volunteers of the SSC to the Provincial Registration and Screening Coordinator.**

**NAME :** \_\_\_\_\_

**SIGNATURE** \_\_\_\_\_

**TITLE :** \_\_\_\_\_

**RESULT OF THE VERIFICATION : TO BE COMPLETED BY THE PROVINCIAL REGISTRATION AND SCREENING COORDINATOR ONLY**

Interview and Reference Check Completed By: \_\_\_\_\_  
(Print Name)

Recommended

\_\_\_\_\_  
(Signature)

Verification: Police  Credit Report (if required)

After verification and according to the information received, this volunteer is :

Recommended

Not recommended

**AUTHORIZATION by PCSC :**

The squadron was notified of the results on : \_\_\_\_\_

Signature : \_\_\_\_\_

Title : \_\_\_\_\_

Date : \_\_\_\_\_

**VOLUNTEERSHIP CARD ISSUED ON :**

**DATE :** \_\_\_\_\_

**CARD NUMBER :** \_\_\_\_\_

**EXPIRY :** \_\_\_\_\_

**INFORMATION WAS TRANSMITTED TO ACLC HQ : DATE: \_\_\_\_\_ BY \_\_\_\_\_**

**ANNEX A**

**Candidate Interview Form**

Listen to the responses. Mark YES if the responses are viewed by the interviewers to be appropriate to the position for which the candidate is being interviewed. Use additional sheets to document the answers if required.

|   |  |           |                                |
|---|--|-----------|--------------------------------|
| Candidate: _____ Date of Interview: _____   |  |           |                                |
|   | <b>YES</b>                                   | <b>NO</b> | <b>NOTES</b>                   |
| 1. Why are you interested in volunteering to be a volunteer of the Sponsoring Committee / Provincial Committee of the Air Cadet League of Canada or a Squadron Volunteer?   |  |           |                                |
| 2. Do you have any experience working with a youth organization? If so what?  |  |           |                                |
| 3. Do you enjoy working with children? If so, please outline your past experience.  |  |           |                                |
| 4. Have you ever been registered or screened as a candidate for volunteer work? If so, please talk about the organization and what your role was in the organization.   |  |           |                                |
| 5. As a volunteer the Air Cadet League of Canada, the Squadron Sponsoring Committee or as a Squadron Volunteer you will be involved in activities that include working with the cadets and the community. What are the skills you have that will be useful to the organization?                                       |  |           |                                |
| 6. Is there anything in your background or past that you believe may prevent you from being registered as a volunteer with the Air Cadet League of Canada, the Squadron Sponsoring Committee or as a Squadron Volunteer? (for this Air Cadet Squadron).   |  |           |                                |
| 7. Have you ever had any involvement with the police or other authorities that would reflect on your background or on your likelihood of being screened positively for the position you are being considered for in the Air Cadet League of Canada, the Squadron Sponsoring Committee or as a Squadron Volunteer?     |  |           |                                |
| 8. Have you been convicted of any criminal offences for which you have not received a pardon or any provincial offences that would affect your ability to be considered for work as a volunteer or staff-volunteer with the Air Cadet League of Canada, the Squadron Sponsoring Committee or as a Squadron Volunteer? |  |           |                                |
| 9. Do you know of any limitations, physical, mental or otherwise that will impede you ability to carry out the duties of an Air Cadet League volunteer or of a Squadron Volunteer?  |  |           |                                |
| 10. <u>For Applicants to be Treasurer</u><br>What is your experience with maintaining financial records?  |  |           |                                |
| <b>Signature of Interviewer</b><br><br><hr/>  | <b>Signature of Interviewer</b><br><br><hr/> |           | <b>Recommended</b>             |
| <b>Name:</b>  | <b>Name:</b>                                 |           | <b>YES or NO</b>               |
| <b>Date:</b>  | <b>Date:</b>                                 |           | <i>(Circle as appropriate)</i> |

**ANNEX B**

**Candidate Reference Check**

Reference Check for: \_\_\_\_\_  
 Squadron/Provincial Committee/National: \_\_\_\_\_

**Listen to the responses. Mark the responses into each of the sections for the person providing the reference. Use a separate sheet for additional information if required.**

|  |   |  |   |   |   |   |
|--|---|--|---|---|---|---|
| How long have you known the applicant? | What is your relationship to the applicant? | Does the applicant work well with youth? | Does the applicant work well with adults? | Are you willing to recommend the applicant to the Air Cadet League of Canada? | Would you be willing to have the applicant work one on one with your own child? | Would you recommend the applicant as a person who can handle an organization's money? |
|--|---|--|---|---|---|---|

|                          |              |                          |                        |                        |                        |                        |
|--------------------------|--------------|--------------------------|------------------------|------------------------|------------------------|------------------------|
| <b>Reference's Name:</b> | <b>Date:</b> | <b>Telephone Number:</b> |                        |                        |                        |                        |
|                          |              | Yes<br>No<br>Uncertain   | Yes<br>No<br>Uncertain | Yes<br>No<br>Uncertain | Yes<br>No<br>Uncertain | Yes<br>No<br>Uncertain |

|                          |              |                          |                        |                        |                        |                        |
|--------------------------|--------------|--------------------------|------------------------|------------------------|------------------------|------------------------|
| <b>Reference's Name:</b> | <b>Date:</b> | <b>Telephone Number:</b> |                        |                        |                        |                        |
|                          |              | Yes<br>No<br>Uncertain   | Yes<br>No<br>Uncertain | Yes<br>No<br>Uncertain | Yes<br>No<br>Uncertain | Yes<br>No<br>Uncertain |

|                          |              |                          |                        |                        |                        |                        |
|--------------------------|--------------|--------------------------|------------------------|------------------------|------------------------|------------------------|
| <b>Reference's Name:</b> | <b>Date:</b> | <b>Telephone Number:</b> |                        |                        |                        |                        |
|                          |              | Yes<br>No<br>Uncertain   | Yes<br>No<br>Uncertain | Yes<br>No<br>Uncertain | Yes<br>No<br>Uncertain | Yes<br>No<br>Uncertain |

|                    |                    |                                   |
|--------------------|--------------------|-----------------------------------|
| <b>Signature:</b>  | <b>Recommended</b> | <b>Further Checks Recommended</b> |
| <b>Print Name:</b> | <b>YES or NO</b>   | Police   Credit                   |

## VOLUNTEER AGREEMENT

This agreement is drafted in accordance with the Treasury Board Policy on Volunteers and Policy on Risk Management.

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in the Province of \_\_\_\_\_, agree to the following terms and conditions required to be a volunteer.

### DEFINITIONS

**Volunteer:** A person who provides services directly to or on behalf of the DND, CF or leagues without compensation or any other thing of value in lieu of compensation in support of activities defined as cadet duty. All volunteers will be registered and screened in accordance with the national registration and screening policy. Members of the CF who volunteer with a squadron are required to comply with CATO 23-07.

**Cadet Duty:** Cadet duties include participation in, or attendance at an authorized cadet activity or period of instruction. Those activities outlined in CATO 23-07. In general (but unofficial) terms, once a cadet arrives at the local headquarters/training location (whichever occurs first), he/she is then on cadet duty.

**Security Screening:** Means the systematic method agreed upon by DND and the Leagues, to confirm that a person can be expected to be reliable and trustworthy to participate in activities in support of cadet duty.

### DESCRIPTION OF VOLUNTEER ACTIVITY

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# TERMS AND CONDITIONS

## General

- I will, at all times, act honestly and without malice and within the scope of the volunteer activities described herein;
- I will, at all times, exercise due caution and take reasonable care of any Crown property entrusted to me;
- I confirm that I am fully qualified to execute the volunteer activities described herein;
- I acknowledge and agree that this is not an employment agreement
- I agree to be supervised by a military officer or civilian instructor of the cadet unit for which I am volunteering;
- I confirm that I am participating freely and of my own accord in the activities of the cadet unit without compensation or any other thing of value in lieu of compensation.
- I agree that while volunteering I will abide by the terms and conditions set out in CATO 23-07 and the terms described herein.
- I will display or have in my possession my League-issued ID Card when participating in cadet activities.

## Insurance

- I acknowledge and agree that I will be required to provide confirmation of insurance (where applicable) when using my personal property in the course of my volunteer activities with the cadet unit.

## Security Screening and disclosure of information

- I acknowledge and agree that prior to being able to volunteer during the course of activities defined as cadet duty I must have applied as a volunteer and successfully complete a security screening;
- I hereby consent to the exchange of information between DND and the applicable Leagues regarding my status as a volunteer;
- I hereby consent to the applicable League providing my name to DND as a person having successfully completed the security screening;
- I hereby agree that I will immediately advise DND, after the signing of this agreement, if I am charged with an offense.

Volunteer: \_\_\_\_\_

Print Name: \_\_\_\_\_

Card Number / Expiry Date: \_\_\_\_\_

Date: \_\_\_\_\_

Commanding Officer: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

**CATO 23-07: Volunteers in Support of Cadet Duty**

Note: The current CATO, including any revisions, can be viewed on [http://www.cadets.ca/support/cato-oaic/intro\\_e.asp](http://www.cadets.ca/support/cato-oaic/intro_e.asp)

**Annex D-1: Request for a PRC (SSC Letter)**



**123 Royal Canadian Air Cadet Squadron  
Any town, Ontario  
Telephone: 123-456-7890**

**Request for Police Records Check**

To: Police Services

From: John Smith, Chair- Squadron Sponsoring Committee  
123 Royal Canadian Air Cadet Squadron

This letter will confirm that \_\_\_\_\_ has applied to become a volunteer with 123 Royal Canadian Air Cadet Squadron. As part of the Registration and Screening Process of the Air Cadet League of Canada, all volunteers are required to provide a current Police Records Check.

The Air Cadet program is open to all young people between the ages of 12 and 19. It is operated in partnership between the Canadian Forces and the Air Cadet League of Canada. We are aware that some police jurisdictions provide the Police Records Check without charge or at a reduced charge for individual seeking volunteer roles primarily to serve a vulnerable sector of the population. The Air Cadet program and 123 Squadron does qualify as both a non-profit organization that provides a service to a vulnerable sector of the population. We would appreciate any consideration you could provide in this matter.

Volunteer Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone No: \_\_\_\_\_ (H)

If you require any further information about 123 Squadron or the Air Cadet Program, please contact me at the number listed above.

Sincerely

John Smith  
Chair  
123 Royal Canadian Air Cadet Squadron  
Sponsoring Committee

**Annex D-2: Request for a PRC (Form 1)**



**123 Royal Canadian Air Cadet Squadron**  
**Any town, Ontario**  
**Telephone: 123-456-7890**

**Request for Police Records Check: Form 1**

*(This form is to be used by a person applying for a position with a person or organization responsible for the well-being of one or more children or vulnerable persons, if the position is a position of authority or trust relative to those children or vulnerable persons and the applicant wishes to consent to a search being made in criminal conviction records to determine if the applicant has been convicted of a sexual offence listed in the schedule to the Criminal Records Act and has been pardoned.)*

**Identification of the Applicant**

**Full name:** \_\_\_\_\_

**Sex:** \_\_\_\_\_

**Date/Place of birth:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Previous addresses (if any) within the last 5 years:**

\_\_\_\_\_  
\_\_\_\_\_

**Reason for the Consent**

I am an applicant for a paid or volunteer position with a person or organization responsible for the well being of one or more children or vulnerable persons.

Description of the paid or volunteer position: Adult volunteer

The name of the person or organization is: 123 Royal Canadian Air Cadet Squadron

Provide details regarding the children or vulnerable persons: Working with Air Cadets, ages 12-19

**Consent**

I consent to a police records check consisting of a search of national and local police databases, including criminal convictions, outstanding charges and local police information deemed relevant. I also consent to a search being made in the automated criminal records retrieval system maintained by the Royal Canadian Mounted Police to find out if I have been convicted of, and been granted a pardon for, any of the sexual offences that are listed in the schedule to the Criminal Records Act. I understand that, as a result of giving this consent, if I am suspected of being the person named in a criminal record for one of the sexual offences listed in the schedule to the Criminal Records Act in respect of which a pardon was granted or issued, that record may be provided by the Commissioner of the Royal Canadian Mounted Police to the Solicitor General of Canada, who may then disclose all or part of the information contained in that record to a police force or other authorized body. That police force or authorized body will then disclose that information to me. If I further consent in writing to disclosure of that information to the person or organization referred to above that requested the verification, that information will be disclosed to that person or organization.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



SCREENING RENEWAL FORM

DATE: \_\_\_\_\_ Province: \_\_\_\_\_ Squadron: \_\_\_\_\_

|   |                              |                             |                  |                    |                    |
|---|------------------------------|-----------------------------|------------------|--------------------|--------------------|
| <input type="checkbox"/> Mr                             | <input type="checkbox"/> Mrs | <input type="checkbox"/> Ms | <b>Last Name</b> | <b>First Name</b>  | <b>Middle Name</b> |
| _____   |                              |                             |                  |                    | _____              |
| <b>Home Address</b>                                     |                              |                             |                  |                    | <b>How long</b>    |
| _____   |                              |                             |                  |                    | _____              |
| <b>City</b>   |                              | <b>Province</b>             |                  | <b>Postal Code</b> |                    |
| _____   |                              | _____                       |                  | _____              |                    |
| <b>Mailing address (if different from home address)</b> |                              |                             |                  |                    |                    |
| <b>City</b>   |                              | <b>Province</b>             |                  | <b>Postal Code</b> |                    |
| _____   |                              | _____                       |                  | _____              |                    |
| <b>Telephone</b>  | <b>Home</b>                  | <b>Business</b>             | <b>Fax</b>       | <b>Home</b>        | <b>Business</b>    |
| <b>Email</b>  | <b>Home</b>                  |                             | <b>Business</b>  |                    |                    |
| Previous address (if present address less than 2 years) |                              |                             |                  |                    | <b>How long</b>    |
| _____   |                              |                             |                  |                    | _____              |
| <b>City</b>   |                              | <b>Province</b>             |                  | <b>Postal Code</b> |                    |
| _____   |                              | _____                       |                  | _____              |                    |
| <b>List Past Squadrons (if any)</b>                     |                              |                             |                  |                    |                    |
| _____   |                              |                             |                  |                    |                    |

Have you ever been convicted of a criminal offence? Yes  No

I certify that the above information is true and correct. Without limiting, any previous consent respecting the collection, use and disclosure of my personal information, I hereby authorize the Air Cadet League of Canada and a Provincial Committee of the Air Cadet League of Canada to collect, use and disclose to each other, any and all of my personal information, available from any government organization, including any police department, as it regards any criminal charges or convictions relating to myself. Once completed, information from this form will be included in a national data base and may be shared with other components of the Canadian Cadet Movement.

To continue to qualify as a volunteer, I acknowledge and confirm that I must complete and sign this application, I must agree and consent to a Police Record Check/Vulnerable Sector Screening (PRC/VSS) at least every five years and I must advise the Provincial Screening Coordinator immediately if I am charged or convicted of a criminal offence.

**SIGNATURE OF MEMBER/VOLUNTEER** \_\_\_\_\_

**CHAIRPERSON'S COMMENTS** (use reverse side if additional space required)

Recommended  Not Recommended   
**SPONSORING OR PROVINCIAL CHAIRPERSON** (as applicable)

\_\_\_\_\_ Print Name

\_\_\_\_\_ Signature

**CURRENT ORIGINAL PRC/VSS MUST ACCOMPANY THIS FORM**

**CONFORMATION**

Renewal Application has been reviewed, information entered in the database and forwarded to the National Office, and a replacement card, number \_\_\_\_\_ issued.



# 123 Royal Canadian Air Cadet Squadron

Any town, Ontario

Telephone: 123-456-7890

## Trip Driver's Log Book

### Instructions

- Proceed directly from the LHQ (local headquarters) to the designated training site.
- Any stops en route should be planned and authorized in advance by the CO
- Cadets should be returned to the same point that they departed from (the LHQ) unless authorized in advance by the CO
- The driver should never be left alone with a cadet. Always ensure that there are at least two cadets (or another adult) in the vehicle at all times.
- Carry a cell phone for emergencies. Know the phone number of the LHQ and the CO, as well as a contact number at the destination if possible.
- You are driving other people's children and are expected to drive in a safe, cautious and courteous manner. You are bound to adhere to the "rules of the road" and the requirements of the various Provincial Motor Vehicles Acts/Regulations.

Date: \_\_\_\_\_ Activity: \_\_\_\_\_

Location: \_\_\_\_\_

Driver's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

License Number: \_\_\_\_\_ (retain copy in log book)

Insurance Company / Policy No: \_\_\_\_\_  
(Retain copy in log book)

Name of Cadets:

\_\_\_\_\_  
\_\_\_\_\_

*I agree to be supervised by a military officer or civilian instructor of the cadet unit for which I am volunteering and I hereby certify that I am a licensed and insured driver entrusted with the care and control of the CADETS assigned to me. I will abide by the laws of the Highway Traffic Act and I understand the Air Cadet League's policy states that cadets must at all times travel and work in pairs or groups.*

\_\_\_\_\_  
Driver's Signature

I authorize the above named individual to drive cadets in support of the authorized activity listed above.

\_\_\_\_\_  
Commanding Officer's / Designator's Signature

**Annex G: Air Cadet League Policy on Protection of Personal Information**

(To be developed and inserted here)