



## **Policy: Application for Licensure - Criminal Record Check**

### **Introduction**

Individuals working with children or vulnerable adults, directly or potentially, have unsupervised access to children or vulnerable adults. Dentists applying to the Provincial Dental Board for licensure must undergo a Criminal Record Check and a Vulnerable Sector Search. The results of these checks will be considered in the decision to grant an applicant a license.

### **Purpose**

The purpose of a criminal record check is to identify individuals whose criminal record indicates that they pose a risk to children for physical or sexual abuse; and to individuals whose criminal record indicates that they they pose a risk to vulnerable adults for physical, sexual or financial abuse. An individual's criminal record history is reviewed against the list of relevant or specified offences (see *Appendix A*) as applicable in determining the risk that an individual may pose in a position where they work with children and/or vulnerable adults directly; or having or potentially having unsupervised access to children and/or vulnerable adults. An applicant who has a criminal record for one or more of the offenses contained in *Appendix A* may be denied licensure or granted a license with conditions or restrictions. The offenses listed are examples and are not meant to exclude other offenses which may be relevant in the licensing decision.

### **Procedures**

The applicant must submit to the Provincial Dental Board a Criminal Record Check and a Vulnerable Sector Search which have been performed for the individual within the previous twelve months. The applicant is responsible for all fees charged by the police to obtain these records.

## **Appendix A**

### **Relevant Offences Reviewed for those working with Children**

The following sections of the Criminal Code (Canada) are designated as relevant offences and are reviewed:

- section 151: Sexual Interference;
- section 152: Invitation to Sexual Touching;
- section 153: Sexual Exploitation;
- section 153 (1): Sexual Exploitation of a person with a disability;
- section 155: Incest;
- section 159: Anal Intercourse;
- section 160: Bestiality;
- section 161: Order of Prohibition;
- section 163 (1): Child Pornography;
- section 170: Parent or Guardian Procuring Sexual Activity;
- section 171: Householder Permitting Sexual Activity;
- section 172 (1): Internet Luring;
- section 172: Corrupting Children;
- section 173 (1): Indecent Acts;
- section 173 (2): Exposure;
- section 177: Trespassing at Night;
- section 179: Vagrancy;
- section 212 (1): Procuring a Person for the Purposes of Prostitution;
- section 212 (2): Living Off the avails of child prostitution;
- section 212 (2.1): Living off the avails of prostitution;
- section 212 (4): Attempting to Obtain the Sexual Services of a Child;
- section 215: Duties of Persons to Provide Necessities;
- section 218: Abandoning Child;
- section 220: Causing Death by Criminal Negligence;
- section 221: Causing Bodily Harm by Criminal Negligence;
- section 229: Murder;
- section 235: Punishment for Murder;
- section 236: Punishment for Manslaughter;
- section 237: Punishment for Infanticide;
- section 238: Killing Unborn Child in Act of Birth;
- section 239: Attempt to Commit Murder;
- section 240: Accessory after Fact to Murder;
- section 242: Neglect to Obtain Assistance in Child Birth;

- section 243: Concealing Body of Child;
- section 244: Causing Bodily Harm with Intent;
- section 245: Administering Noxious Thing;
- section 246: Overcoming Resistance to Commission of Offence;
- section 264: Criminal Harassment;
- section 264 (1): Uttering Threats;
- section 266: Assault;
- section 267: Assault with a Weapon or Causing Bodily Harm;
- section 268: Aggravated Assault;
- section 269: Unlawfully Causing Bodily Harm;
- section 271: Sexual Assault;
- section 272: Sexual Assault with a Weapon, Threats to a Third Party or Causing Bodily Harm;
- section 273: Aggravated Sexual Assault;
- section 273 (3): Removal of Child from Canada;
- section 279: Kidnapping/Forcible Confinement;
- section 279 (1): Hostage Taking;
- section 280: Abduction of Person under Sixteen;
- section 281: Abduction of Person under Fourteen;
- section 282: Abduction in Contravention of Custody Order;
- section 283: Abduction;
- section 372: False Messages/Indecent Telephone Calls/Harassing Telephone Calls;
- section 446: Cruelty to animals;
- section 810: Where Injury or Damage Feared;
- section 810 (1): Where Fear of Sexual Offence;
- section 810 (2): Where Fear of Serious Personal Injury offence

The following sections of the Controlled Drugs and Substances Act (Canada) are designated as a relevant offence:

- section 5: Trafficking in substance;
- section 6: Importing and exporting a substance;
- section 7: Production of a substance.

#### Relevant and Specified Offences Reviewed for those working with Vulnerable Adults

For those working with vulnerable adults or vulnerable adults and children, all the relevant offences listed above are reviewed. In addition, for those working with vulnerable adults the following sections of the Criminal Code (Canada) are designated as specified offences and are also reviewed:

- section 162: Voyeurism;
- section 241: Counseling Suicide;
- section 334: Theft;
- section 336: Criminal Breach of Trust;
- section 342: Theft, Forgery of Credit Card;
- section 344: Robbery;
- section 346: Extortion;
- section 348: Breaking and Entering;
- section 349: Unlawfully in a Dwelling;
- section 351: Possession of Break-in Instrument;
- section 355: Possession of Stolen Goods;
- sections 362, 363: False Pretences;
- section 367: Forgery;
- section 368: Uttering Forged Documents;
- section 372: Harassing Calls;
- section 380: Fraud;
- section 423: Intimidation;
- section 430: Mischief Endangering Life;
- section 433: Arson — Disregard for Human Life.

The list of offences is not exhaustive.

*Approved by the Board: March 31, 2015*