

Subject: Driver Record
Effective: January 2, 2007
Revised:

1.0 PURPOSE

This policy defines the standards and procedures for verifying driver records.

2.0 APPLICATION

This policy applies to all drivers of school vehicles as defined in section 3.0 of this policy.

3.0 DEFINITIONS

Conveyance contract, as per the [Pupil Transportation Regulation](#) under the [Education Act](#), means a contract between the superintendent of a school district, on behalf of the District Education Council, and an individual, corporation, organization or government for the conveyance of pupils in the public school system.

Driver records include:

- (i) infractions as a result of violations of the [Motor Vehicle Act](#) or the [Criminal Code of Canada](#);
- (ii) suspensions and reinstatements; and
- (iii) reportable accidents.

Driver records are administered by the Department of Public Safety.

Event, for the purposes of this policy, means:

- (i) a 'pointable' offence; or
- (ii) any driving related offence under the [Criminal Code](#); or
- (iii) a reportable accident.

'Pointable' offence means an offence for which the Motor Vehicle Registrar may assess points against a driver, as defined by subsections 297(2) and 297 (2.1) of the [Motor Vehicle Act](#) (see [Appendix A](#) – 'Pointable' Offences and for supporting sections of Acts cited therein).

School vehicle, as per the [Pupil Transportation Regulation](#) under the [Education Act](#), means a motor vehicle operated by a school district or under a conveyance contract for the conveyance of pupils in the public school system and excludes motor vehicles in a public transit system.

School vehicle driver (driver) includes a driver of a school vehicle owned or operated by the Province; a driver of a school vehicle who is employed under a conveyance contract; or a driver who is employed by a private organization operating school vehicles under a conveyance contract ([Pupil Transportation Regulation](#) under the [Education Act](#)).

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4.0 LEGAL AUTHORITY

[Pupil Transportation Regulation](#) under the [Education Act](#):

Section 9 – Driver training and licensing requirements
Section 10 – Physical fitness and comportment

[Motor Vehicle Act](#)

Section 287(1)

[Criminal Code of Canada](#)

Sections 249 to 260 – Criminal offences involving the use of motor vehicles

Protection of Personal Information Act: Statutory Code of Practice: Schedules A and B

5.0 GOALS / PRINCIPLES

The Department of Education is committed to:

- providing safe learning and working environments;
 - practicing due diligence in the hiring, contracting and continued employment of school vehicle drivers, in keeping with government's responsibility for the welfare and protection of the public; and
 - ensuring security measures respect the rights of job applicants and employees.
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6.0 REQUIREMENTS / STANDARDS

Driver Record Requirement (as per the [Pupil Transportation Regulation](#) under the [Education Act](#))

6.1 Application for Employment

Candidates for employment as school vehicle drivers must submit a current driver record a) with their application for employment or b) when requested to do so by the employer. No candidate's application may be approved without his/her current driver record.

6.2 License Renewal

At the time of drivers' license renewal, drivers must submit an updated driver record.

6.3 Conveyance Contract

A superintendent must, when entering into a conveyance contract, ensure that the driver's record is provided with the contract. Screening procedures must conform to the criteria outlined in this policy.

6.4 Submission of Driver Record

A superintendent may, at any time, require a submission of a current driver record.

Driver Record Check Process

6.5 Advertisements and Interviews

Advertisements for school vehicle driver positions must advise potential candidates that a current driver record and a criminal records check are required.

6.6 Investigation / Review of Employee Driver Record

Any investigation or review of employee driver records must be referred to and handled by the District Transportation Manager in consultation with the District Director of Human Resources.

6.7 Records Management for Driver Record

Handling of driver records must be in accordance with the *Protection of Personal Information Act* (POPIA), to ensure confidentiality is respected.

Criteria for Determining the Acceptability of a Driver Record

6.8 Acceptability of Driver Record

A record of driving offence must not, in itself, be a barrier to the appointment of a candidate to employment as a school vehicle driver. When a qualified person has a driving offence on his/her record, the following factors must be considered:

- the nature of the offence and relevance to the position sought or held;
- when the offence occurred;
- the specific requirements and responsibilities of the position; and
- the applicant's driving record, work record and behaviour since the offence occurred.

Defining an Unacceptable Driver Record

6.9 Unacceptable Driver Record

A driver record of a candidate or an employed school vehicle driver will be considered unacceptable when the driver:

- has three distinct events on his/her current driver record under the [Motor Vehicle Act](#) that occurred within two consecutive years during the last five years, not including a [Criminal Code](#) conviction; or
- has any [Criminal Code](#) driving related conviction; or
- has ever had an event that, by its severity or nature, affords reasonable grounds that he/she would not be suitable to drive a school vehicle.

When an investigation has demonstrated that a driver or a candidate involved in a reportable accident is not at fault, that person shall not be penalized.

6.10 Candidate

When a driver record is considered unacceptable, the candidate for employment as a driver of a school vehicle will be deemed ineligible.

6.11 Existing Employee

When the acceptability of the driver record of any current employee who drives a school vehicle is in doubt, it is the responsibility of the superintendent to ascertain the relevant facts, and to make the final determination in keeping with the requirements of this policy.

7.0 GUIDELINES / RECOMMENDATIONS

None.

8.0 DISTRICT EDUCATION COUNCIL POLICY-MAKING

District Education Councils may develop additional guidelines and procedures necessary to support this policy.

9.0 REFERENCES

[Appendix A](#) – ‘Pointable’ Offences

[Pupil Transportation Regulation](#) under the [Education Act](#)

[Policy 701](#) – *Policy for the Protection of Pupils*

[Motor Vehicle Act](#)

Protection of Personal Information Act – Statutory Code of Practice: Schedules A and B

[Criminal Code of Canada](#)

10.0 CONTACTS FOR MORE INFORMATION

Educational Facilities & Pupil Transportation Branch – (506) 453-2242

Human Resources Branch – (506) 444-4914

Policy and Planning Division – (506) 453-3090

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