

New System of Police Record Checks in Ontario

In December 2015, the Ontario government gave Royal Assent to the *Police Record Checks Reform Act, 2015* (the "Act"). The Act creates a new, uniform regime for the use of police checks to screen individuals for employment, volunteer assignments or other purposes.

The Act is intended to simplify, standardize and correct problems with the current police record check system in Ontario, where local, municipal or regional police services establish their own protocols independently, resulting in inconsistencies in both process and terminology.

Some highlights of the Act (and new system) include:

- 3 standardized types of police checks, namely:
 1. criminal records checks;
 2. criminal records and judicial matters checks; and
 3. vulnerable sector checks
- police checks are not permitted to be conducted without the subject individual's prior consent to the particular type of check
- mandatory delivery of police check results to the subject individual for review prior to subsequent disclosure to any employer or other organization requesting the check (such disclosure also/further requiring the individual's prior consent)
- restrictions on the release of mental health information and "non-conviction" records, the latter only to be disclosed in vulnerable sector checks where the request meets the test for "exceptional disclosure"
- authority for specified 3rd party screening services to conduct certain types of police record checks
- fines of up to \$5000 for deliberate contravention of the Act

Police record checks are an important tool used by employers in screening candidates, particularly where the employment involves young or otherwise vulnerable persons.

The Act will be proclaimed in force on a date that is yet to be determined. For a closer look at the Act itself, please follow this link..... [Bill 113](#)



Peter C. Straszynski
Partner, Employment & Labour

PHONE
416 777 5447

EMAIL
pstraszynski@torkinmanes.com

Peter Straszynski is a partner of the firm in our Employment & Labour Group. He assists employers with all of their labour and employment issues, from the hiring to the post-termination stages of employment, in both the union and non-union settings.