

Gone Fishing... Are Police Casting the Net Too Wide with Criminal Background Checks?

Recruiting the right employee is a difficult task. When done correctly, it benefits a business tremendously. When done incorrectly, the cost to a business can be enormous. In an effort to find the best employees, employers often use criminal background checks to screen potential candidates.

As it currently stands, the information provided to employers by police is not limited or restricted in any way. This practice is about to come to an end in Ontario. The *Police Record Checks Reform Act* (“Act”) is a piece of legislation that will be coming into force that will impose strict rules on police record checks.

The purpose of the legislation is to limit the disclosure of non-conviction information such as mental health information. Under the Act, non-conviction records such as withdrawn or dismissed charges, acquittals and findings of not criminally responsible by reason of mental disorder can only be disclosed through some vulnerable sector checks for people working or volunteering with children and/or seniors.

When releasing information with respect to a vulnerable sector check, police will have to assess a variety of factors such as how long ago an incident took place, if the record relates to predatory behaviour around a vulnerable person, and whether the records show a pattern of such behaviour.

Although the exact date the Act will be coming into force is not yet known, employers in Ontario can expect that police departments will no longer be casting the net so wide when disclosing criminal background information to employers.

If you would like to discuss the implications of conducting criminal background checks in your workplace, please contact e2r®.