

## ***Reconsidering Police Record Checks: the Police Record Checks Reform Act, 2015***

On December 3, 2015, the *Police Record Checks Reform Act, 2015* (the “Act”) received Royal Assent, which standardizes the information that will be released from police authorities in response to record check inquiries in Ontario.

The Act is of importance to employers for the following reasons:

- The Act sets out three (3) categories of police record checks:
  - Criminal record checks;
  - Criminal record and judicial matters checks; and
  - Vulnerable sector checks.
- With respect to criminal record checks, non-conviction information will not be disclosed. This includes information relating to (a) offences for which an absolute or conditional discharge has been granted, (b) offences for which there are outstanding charges, and (c) offences that resulted in a finding of not-criminally responsible.

Additionally, for all three (3) categories of checks noted above, convictions for which a pardon has been granted will not be disclosed.

- The individual who is the subject of the record check must first receive the results of the record check. If the individual provides written consent after receiving the results, the record may be provided to the organization requesting the information.

The individual, however, may request a reconsideration of the information contained in the record check. A response to the reconsideration request is required within thirty (30) days from the receipt of the request.

This final point is of most significance to employers because it is now possible the receipt of a record check may be delayed as a result of a reconsideration request. As many employers rely on record checks as a condition of employment, employers should consider how such a reconsideration request could impact an employee’s start date, or alternatively, the employee’s employment agreement.



While the Act affects Ontario employers only, we can expect to see similar legislation develop across Canada in the future.

Should you like to discuss the implications of this new legislation further, please contact e2r to speak with an Advisor.

