



November 4, 2015

The Honourable Shafiq Qadri, Chair

Standing Committee on Justice Policy

Ontario Legislature

C/o Tonia Grannum, Clerk of the Committee

By email: tgrannum@ola.org

Re: Bill 113, Police Record Checks Reform Act, 2015

To the Chair and Members of the Committee:

I am writing to express the support of the Ontario Nonprofit Network for Bill 113, the Police Record Checks Reform Act, and to share some comments on the proposed legislation and several amendments that members of the Committee may propose. The issue of police record checks is a priority for the Ontario Nonprofit Network (ONN), and we are pleased to see the Ontario Government bring forward a legislative framework for this issue. Thank you for the opportunity to provide our perspective.

ONN is the provincial network for the 55,000 Ontario nonprofits that make communities more vibrant, innovative and inclusive places to live, work and play. ONN's mandate is to support a strong and resilient nonprofit sector. About half of Ontario's nonprofits have paid staff and our sector employs over a million people, including part-time employees, contributing \$50 billion to Ontario's economy. Our sector also provides volunteer opportunities for five million Ontarians. Our interest in Bill 113 is ensuring that police record checks are used appropriately, as one tool in a comprehensive volunteer and employee screening approach that balances civil rights and community safety.

1. ONN worked closely with our coalition partners and the Ministry of Community Safety and Correctional Services to advocate for this bill, and we are satisfied with the result.

ONN was pleased when the Government of Ontario introduced Bill 113, the Police Record Checks Reform Act, on June 3, 2015. ONN released a joint statement with our partners from the policing and civil liberties communities in support of the legislation. We were also pleased to see all-party support for this bill at Second Reading.

ONN has been working for some time with the John Howard Society and the Canadian Civil Liberties Association, along with the Ontario Association of Chiefs of Police (OACP), to press for changes to the police records check system. We are pleased that Bill 113 builds on the good work done by the OACP's voluntary Law Enforcement and Records Managers Network (LEARN) Record Check Guideline. Bill 113 establishes consistent terminology and clarifies what kinds of information will be released in a police record check. We agree with the provisions for Vulnerable Sector Checks and the requirement that an individual give consent before the information in her/his police record check is released to a third party (e.g. a prospective employer). We support the requirement for police services to establish a standard process for correcting misinformation. And we appreciate the increased consistency around police record checks across a number of existing Acts, such as those that govern child care and long-term care for the elderly.

2. Unless Bill 113 is amended to address processing timelines and the cost to volunteers of police record checks, ONN will seek clarity in the forthcoming regulations under the Act to provide consistency on these issues.

ONN will advocate for the development of regulations under the Act that meet the needs of the nonprofit sector, especially to ensure that fees, timelines and other processing barriers

are addressed. We have heard from nonprofits that some police services can process checks in days, while others take ten weeks or more. There is also significant variability between jurisdictions in terms of the fees charged to volunteers—half the police services in the province still charge prospective volunteers for this service, which can cost up to \$50—and we would like to see consistency on this practice. Aside from regulating fees and timelines, we hope that the regulations will:

- provide clarity on the circumstances in which the different levels of police record checks should be used;
- require police record check providers to offer electronic applications/processing;
- create rules for the types of payment accepted (some police services require money order, and this poses a time and cost barrier);
- require police record check providers to state in public materials and on application forms that they offer all three levels of police record checks (to reduce the over-reliance on Vulnerable Sector Checks);
- create a robust framework for statistics to be collected and released as data-sets in accordance with the Ontario Government’s draft Open Data directive. ONN would like to see a provision for mandatory annual data collection on the volume of each type of record request and the cost of providing this service (overall, and to the nonprofit sector).

3. ONN is concerned that the interpretation of sensitive information released as part of a Vulnerable Sector Check (Level 3) remains in the hands of employers and stewards of volunteers, particularly in the case where nonprofits have no paid staff.

Ultimately, we would like to see the proposed legislative framework complemented by two systems that would further reduce the administrative burden on nonprofits: first, a central

screening service that provides clear results (pass/fail/adjudicate/appeal) for vulnerable sector checks (in place in British Columbia) instead of police record information that nonprofits must interpret themselves; and second, a program that covers the costs of volunteer police record check for eligible nonprofit organizations if there continue to be fees charged for volunteers (as in Alberta). This system of a legislated framework plus free volunteer checks and a central screening service would provide comprehensive screening support to nonprofit organizations while ensuring civil rights are respected.

4. We support in principle an amendment that incorporates Private Member's Bill 79, the *Helping Volunteers Give Back Act*, which would allow volunteers to use the results of a police record check across multiple organizations without paying additional fees.

We are grateful to MPP Sylvia Jones (Dufferin – Caledon) for tabling her Private Member's Bill 79, which would seek to limit the fees that volunteers pay for multiple police record checks within the same year. In those jurisdictions where police services still charge for volunteer checks, it makes sense in principle that individuals can use the results of their police record check for screening processes at different nonprofit organizations where they volunteer, without paying for it more than once within a specified time frame. We understand, however, that this may not work in accordance with the (federal) Criminal Records Act for Vulnerable Sector Checks because different information might be selected for disclosure depending on the nature of the volunteer position. But to the extent that such a practice is viable, it should be considered as one way to reduce the cost of police record checks for volunteers with no impact on public safety.

5. We are looking forward to working with the Ontario Government and our nonprofit partners to educate the public, employers and stewards of volunteers on the

appropriate use of police record checks as one tool in a comprehensive screening framework. Whether or not this Committee determines that a public education component should be added to this bill (which we would support), we see a need for an awareness program to be rolled out across the province following the passage of this legislation.

ONN would welcome an opportunity to work with the Ontario Government and our networks to deliver an outreach program to community nonprofits on the appropriate use of police record checks in the context of an overall employee and volunteer screening approach. This would be a good way to address the overuse of police record checks that is burdening the system, slowing processing times and raising fees. This overuse arises from the belief that a police record check is the best way to screen out undesirable individuals when, in fact, these checks are only one tool among many. At every opportunity, we direct nonprofits and other employers to Volunteer Canada's excellent Screening Handbook, which provides guidance on the appropriate use of police record checks in the screening process.

In closing, ONN is pleased to support Bill 113 and we look forward to future collaboration in support of public awareness on the appropriate role that police record checks play in a holistic volunteer and employee screening framework.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cathy Taylor', written in a cursive style.

Cathy Taylor

Executive Director, Ontario Nonprofit Network