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Submission for the Legislative review of the Police Record Checks Reform Act, 2015

We are writing to provide feedback on the five year legislative review of the *Police Record Check Reform Act, 2015*. Affordable, timely, consistent and streamlined police record checks are key to reducing barriers of volunteering for nonprofit and charitable organizations in Ontario. This legislative review presents a great opportunity for the Ontario government and the nonprofit sector to work together and build on previous progress to modernize police record checks and provide further clarity for police record check providers, making it easier for Ontarians to volunteer for their communities.

ONN is the independent nonprofit network for the 58,000 nonprofits in Ontario, focused on policy, advocacy and services to strengthen Ontario's nonprofit sector as a key pillar of our society and economy. ONN works to create a public policy environment that allows nonprofits and charities to thrive.

Summary and Recommendations

Ontario's nonprofits are currently facing a relentless volunteer crisis that is straining the safety net nonprofits provide and affecting the wellbeing of all Ontarians. According to ONN's 2023 sector survey, more than one third of organizations have lost volunteers in the past year, with the largest impact seen by sports, social services and arts organizations. The situation is even more dire for 2SLGBTQIA+led organizations, where 72% have lost volunteers. In addition, 42% of nonprofits have reported having difficulty recruiting new volunteers. As a result, programs and services have been scaled back, and waitlists have increased. The vibrancy of our communities and the sustainability of nonprofits depend on volunteers: [half of all nonprofit organizations](#) in Ontario are volunteer-operated, with no paid staff. Volunteers contribute their time and expertise, support special events, raise funds, participate in program and service delivery, and provide civic leadership. The volunteer shortage is a critical issue that is top of mind for all nonprofits and charities in Ontario, and requires urgent actions. Now is the time to do everything and anything possible to remove barriers to volunteering.

Affordable, timely, consistent and streamlined police record checks are key to reducing barriers of volunteering for nonprofits. Nonprofits use police record checks in their screening process for volunteers and employees, especially for those who will be working with vulnerable populations,

such as children, seniors and people living with disabilities. Although many positive changes have been made since the introduction of the *Police Record Checks Reform Act 2015*, long processing times, prohibitive fees with vulnerable sector checks, and inconsistencies in services across Ontario make the current process of getting a police record check cumbersome and inefficient, deterring people from volunteering. In addition, there is a lack of clear understanding of when to use police record checks, which level of check to use, and what role record checks can play in screening processes among nonprofits, employers, businesses, and insurance providers. In this context, we urge you to consider the following policy recommendations:

1. Launch an awareness and education campaign to:
 - a. Provide better clarification regarding the appropriate use of Criminal Record Checks (level I); Criminal Record and Judicial Matters Checks (level II); and Vulnerable Sector Checks (level III) for nonprofits and charities who engage volunteers and employees to better understand when to use which level of police record check, and if other methods can be used to effectively assess risk management.
 - b. Increase the awareness of the appropriate use of police record checks and its impact on nonprofits' volunteers and employees among other stakeholders, such as businesses, employers, police services, and the insurance sector.
2. Include free Level Three (Vulnerable Sector) checks for volunteers as soon as possible, with support for police services to offset potential revenue loss.
3. Streamline the application process to address timelines and inconsistencies for police record checks across the province. Explore alternative models such as a one stop provincial hub for police record checks across Ontario.

Please see below for our comments on select questions from the consultation paper that we had knowledge of.

Questions and Answers

2. Aside from legislative requirements, how does your organization determine whether a PRC is required for a role? How do you determine which level of check to request?

Police record checks are an integral part of volunteer screening. Usually, the more access a volunteer opportunity has to vulnerable people, such as children, seniors and people living with disabilities, the higher the degree of police records checks are required. In order to ensure a safe environment for those that are the most vulnerable in our communities, nonprofits usually ask for a Vulnerable Sector Check for volunteer roles that will interact directly with vulnerable populations.

Increasingly, insurance companies are requiring nonprofits to perform police record checks, particularly Vulnerable Sector Check, for all volunteers and employees, in order to provide abuse

(insurance) coverage for the organization. Such a requirement is not legislative. This puts organizations at risk by being caught between insurance requirements that need police checks for all volunteers and staff and police services who will only do police records checks for those working directly with vulnerable populations. This is an untenable situation.

Additionally, some clarification is needed to help nonprofits better understand when to use which level of police record check, and if other methods can be used to effectively assess risk management. For instance, under the Criminal Records Act (6.3(3)), police are only allowed to do vulnerable sector checks for positions that involve “direct trust or authority over vulnerable persons.” Many nonprofits are not aware of this requirement. Confusion also exists around the definition of “position that involves direct trust or authority over vulnerable persons,” both among nonprofits and local police services.

11. Prior to the introduction of the PRCRA, approximately how long would it take to receive the results of a PRC? Describe any processing issues your organization or stakeholders may have experienced requesting/providing a police record check since 2018.

Since the introduction of the Police Record Checks Reform Act 2015, which came into effect in 2018, there have been many positive changes:

- It provided consistent language across the province for the three levels of checks: Criminal Record Checks (level I); Criminal Record and Judicial Matters Checks (level II); and Vulnerable Sector Checks (level III).
- The legislation also specifies the time limits on the non-conviction information released in Vulnerable Sector Checks under the “Exceptional Disclosure” provision, which also establishes a test for the very narrow circumstances under which this information may be released. As a result, organizations are seeing less information (such as mental health disclosure) and it’s very uncommon to see exceptional disclosure - organizations don’t receive irrelevant information and the applicant’s privacy is protected.
- The standardization and processes introduced in the Act provided much needed clarity and protections for individuals participating in police record checks by ensuring they consent to the process, can review their results and are availed of a process for reconsideration.

Despite these positive changes, inconsistent processes across jurisdictions, long processing times and fees continue to act as barriers for people who want to volunteer for nonprofits. Many nonprofits work with multiple police services across Ontario as they have a wide catchment area with volunteers residing in different parts of the province. For these organizations, the processes, forms, fees, timelines differ greatly by jurisdiction. Such inconsistencies create bureaucratic red tape, cause confusions and delays, and require extensive HR resources to oversee, making it more challenging for nonprofits to manage their volunteers.

In the system's current form, volunteers, along with students, prospective employees, and nonprofit employers, are still being put in the untenable situation of waiting weeks and months for checks to be completed, in order to ensure a safe environment for those that are the most vulnerable in our communities. It can take as long as "more than 2 months" for a police record check to be completed, and the process is even longer if fingerprinting is required. In a recent survey conducted by the Ontario Nonprofit Network (ONN), the Ontario Volunteer Centre Network (OVCN) and Professional Administrators of Volunteer Resources Ontario (PAVRO), nearly 40% of nonprofits surveyed reported a processing time of 1-2 months for their volunteers to receive their police record checks. As a result, many volunteers have abandoned their applications while waiting for their police record checks, as the process takes way too long.

12. Has PRC processing time had an impact on the hiring/onboarding process for employees/volunteers? If so, please describe this impact and any mitigation strategies.

Yes, long processing time has had a negative impact on the hiring/onboarding process for employees/volunteers. As mentioned above, it takes the majority of nonprofits 1-2 months for their volunteers to receive police record checks. As a result of long processing times, many volunteers have abandoned their applications while waiting for their police record checks. This issue is becoming more prominent as short term volunteering becomes more prevalent, which requires quicker turnaround. For example, students, who have limited time to volunteer in the summer before classes start in the Fall, only have about 2 months to volunteer. If the police record checks take 2 months to be processed, there is barely any time left for these students to volunteer after they receive the results of their police record checks. For volunteer roles that are one time, such as a workplace coming into a summer camp for a day to serve ice cream to elementary school aged children, police record checks are still needed since these roles interact with children. However, it wouldn't make sense if the process for police record checks takes weeks or even months to be completed.

In the absence of reasonable processing timelines, organizations will sometimes pay a third-party for a police record check. This adds to organizations' costs at a time when most organizations are facing budget constraints and undermines the attempt to reduce barriers to volunteering. In addition, if a check does not come back "clear" through a third-party, the individual will have to go through the request process again directly through their local police service, which may incur additional cost and delays.

13. What service delivery concerns does your organization encounter most often (i.e., processing times, fees, verification process, fingerprinting) in relation to different types of police record checks set out under the PRCRA? Do these concerns vary by type of police record check?

As mentioned above, processing times and inconsistencies across police services across Ontario are some of the main barriers to nonprofits who engage volunteers and employees. Fees associated with police record checks can also be prohibitive, and this is particularly true for vulnerable sector checks. Vulnerable sector checks include carefully screened information about non-conviction information and make up [eighty per cent](#) of all checks run by municipal police forces. For most jurisdictions in Ontario, there is a fee for Vulnerable sector checks - volunteers have to pay between \$10 - \$50 to get their vulnerable sector checks. This fee deters many people from volunteering, especially people with low income, newcomers and youth. Nonprofits have reported this as a huge contributing factor to nonprofits having difficulties recruiting youth volunteers.

Although some nonprofits are able to reimburse volunteers for this cost, this adds additional financial burden to nonprofits who are already stretched thin with limited resources.

14. If you have used both police services and third-party providers for PRCs, did you notice any differences in the process?

According to a recent survey conducted by the Ontario Nonprofit Network (ONN), the Ontario Volunteer Centre Network (OVCN) and Professional Administrators of Volunteer Resources Ontario (PAVRO), 15% of nonprofits have used a third party police record check service in order to have their police record checks completed in a more timely manner. However, third party service providers are pricey and can cost nonprofits between \$300 to \$3,000 a year. This adds to organizations' costs and undermines the attempt to reduce barriers to volunteering. In addition, if a check does not come back "clear" through a third-party, the individual will have to go through the request process again directly through their local police service, which may incur additional cost and delays.

17. How do PRC requirements affect your experience in attracting volunteers or employees?

In addition to the barriers mentioned, the requirements for a police record check can also be exclusionary, keeping many Ontarians from contributing to their communities and gaining valuable work experiences. There are specific populations disproportionately impacted by police records in Ontario. These populations overlap significantly with communities that already experience significant discrimination, stigma and marginalization: this includes Indigenous, Black and other racialized communities. For individuals from historically underserved communities (such as newcomers, refugee claimants, and racialized communities), the police record check requirement evokes concerns related to privacy, fear of discrimination during the screening process, and fear of being detained and deported. Learning that police record checks are required often result in people withdrawing their applications, which makes it even more challenging for nonprofits to recruit volunteers.

18. Please describe impacts to your organization since the amendments to support volunteers came into force.

With the passage of [Bill 13, Supporting People and Businesses Act 2021](#), both level I and II police record checks have become free to make it easier for people to become volunteers. Volunteers can also receive five (5) copies of their results without cost to use if they volunteer at different organizations, reducing the barriers to volunteering. These amendments were a step in the right direction. Some organizations have reconsidered their needs for Vulnerable Sector Checks since Level 1 and 2 are free for volunteers. By re-evaluating their police record check policies, some organizations have come to the conclusion that they have been requesting vulnerable sector checks as an over-cautious measure and have since switched to level 1 and 2 record checks instead. However, as stated above, vulnerable sector checks were not included in the amendments. By addressing the cost of Vulnerable Sector Checks, barriers to volunteering can be further reduced. We urge you to continue working with police services on modernizing their systems so that this barrier can be addressed as soon as possible.

Conclusion

Increased education and awareness on police record checks, and the recommendations above to further streamline the police record check processes, address fees and timeline issues, would not only reduce barriers to help make it easier for Ontarians to volunteer for nonprofits, but could also help ease the burden on police record check providers. We look forward to working with the Ontario government on next steps to support volunteering across the province, ensuring that nonprofits can continue to make Ontario communities great places to live, work, and play.