



# Police Records & Human Rights

**In Ontario**



Centre of Research & Policy

## Police Records & Human Rights in Ontario

In Ontario, there are limited human rights protections<sup>i</sup> against labour discrimination for individuals who have police records. While the [Best Practices for Using Police Record Checks for Employee & Volunteer Screening](#) section of our website outlines steps on how to identify the best candidate for a particular role, regardless of criminal background, and strongly encourages organizations to treat all applicants with dignity, it is important to understand your human rights obligations as employers.



Section 5(1) of the [Ontario Human Rights Code](#) outlines the protection against discrimination with respect to employment (and volunteering):

5. (1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, **record of offences**, marital status, family status or disability.

“Record of offences” is narrowly defined in the *Ontario Human Rights Code* as a pardoned criminal conviction (now known as a record suspension) or a conviction for any provincial offence, such as a violation under the [Highway Traffic Act](#). In order to qualify for protection under the [Ontario Human Rights Code](#), the individual’s criminal record must fall under this definition of “record of offences”.

Even if an individual has been convicted and has a record suspension (pardon), and thus has initial protection under *the Code*, an employer can still take the “record of offences” into account during the hiring process. Section 24(1) of *the Code* permits discrimination during the hiring process on the basis of a record of offences if the record is a “reasonable and bona fide qualification of the nature of employment.”

According to the [Ontario Human Rights Commission](#): “to be a reasonable and bona fide qualification, the requirement must be rationally connected to, and necessary for, job performance. To get this exception, the employer must show that the circumstances of the individual cannot be accommodated without creating undue hardship, considering costs, funding and health and/or safety risks.”

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<sup>i</sup> Please note that this is legal information, not legal advice. If you need advice about your individual circumstances, please consult with a lawyer.