

EMPLOYMENT RIGHTS OF PEOPLE WITH A CRIMINAL RECORD IN ONTARIO

WHAT IS HAPPENING INSIDE WORKPLACES?

42%

of employers require applicants to pay for cost of background checks

70%

of employers require background checks

75%

of employers said that their experience with hiring an individual with a criminal record was "about the same" as hiring any other employee

51%

of employers have never employed an individual with a criminal record unknowingly

TO HIRE MORE PERSONS WITH A CRIMINAL RECORD, EMPLOYERS NEED:



Improved Training



Funding Incentives



Changes in Legislation



Changes in Company Policy

WHAT ARE MY LEGAL RIGHTS AND PROTECTIONS?

The *Ontario Human Rights Code* **protects** individuals from discrimination based on a criminal record **when they have been granted a pardon**. The *Code* also protects those who have a provincial offence conviction, such as a traffic ticket (s 10 OHRC).

WHAT DOES THIS MEAN FOR ME?

Employment decisions **cannot** be based on whether a person has been convicted and pardoned for an offence under a federal law, such as the *Criminal Code*, or convicted under a provincial law, such as the *Highway Traffic Act*. This provision applies to convictions only, and **not** to situations where charges only have been laid.

The right to "equal treatment with respect to employment" covers every aspect of the workplace environment and employment relationship, including job applications, recruitment, training, transfers, promotions, apprenticeship terms, dismissal and layoffs. It also covers rate of pay, overtime, hours of work, holidays, benefits, shift work, discipline and performance evaluations.

An employer **may** refuse to hire an individual based on their criminal record, **even** where a pardon has been granted, but **only if the criminal record is related to the employment and substantially interferes with the person's ability to do the job** (s 24(1)(b) OHRC).

Learn more about your human rights at work from Steps to Justice [here](#).

WHAT RESOURCES ARE AVAILABLE TO ME?

LEARN ABOUT ELIGIBILITY AND APPLY FOR A RECORD SUSPENSION

Obtaining a pardon or record suspension may make it easier for you to find employment, volunteer opportunities, take part in educational programs, or access housing.

- Get support from the **Elizabeth Fry Society of Toronto's** [Record Suspension Program for women](#):
 - 215 Wellesley Street E., Toronto ON M4X 1G1
 - 1-855-924-3708 or 416-924-3708 ext 400
 - recordsuspensions@efrytoronto.org
- Learn more and connect with the **John Howard Society of Ontario's** [Record Suspension Services](#) to obtain assistance in your city or virtually:
 - 416-408-4282
 - info@johnhoward.on.ca
- Contact the **Parole Board of Canada**:
 - 1-800-874-2652
 - suspension@pbc-clcc.gc.ca

WHAT IF I HAVE BEEN DISCRIMINATED AGAINST?

Consider filing a complaint if you have been unjustly discriminated against.

- Learn more about filing a complaint through the **Human Rights Legal Support Centre**:
 - 1-866-625-5179 or 416-597-4900
 - Determine if you have been discriminated against with their [online tool here](#)
- Connect with the **Human Rights Commission of Ontario** to learn more:
 - 1-800-387-9080 or 1-416-326-9511
 - info@ohrc.on.ca
- Usually, complaints must be filed within 12 months.

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Advancing access to justice

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Please take a moment to complete [this brief survey](#) so that we may improve documents in the future, and measure the impact of this information for our funders.

References

John Howard Society of Southeastern New Brunswick. 2019. "[For the Record: Exploring Criminal Records and Employment in New Brunswick.](#)"