



Human  
Resources  
Professionals  
Association

# The Use of Police Record Checks in Ontario Workplaces

## HRPA Survey Report

November 2023

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# Introduction

When hiring for new roles, organizations often want to be as thorough as possible, ensuring that the candidate they select is truly the best person for the job. One way in which employers choose to evaluate prospective employees is by using criminal background checks, a common practice that can have far reaching impacts on potential job candidates. This report contains key highlights from a 2023 survey of HRPAs examining the use of police record checks in the workplace.

In Ontario, there are three types of police record checks that an employer can request under the *Police Record Checks Reform Act, 2015* (PRCRA): criminal record check, vulnerable sector check and criminal record and judicial matters check. While some roles legally require a police record check, and there are further guidelines set out by the OHRC detailing when the use of these checks is acceptable, it can often be difficult for employers to determine when a police record check is appropriate. When overused, police checks can have a disproportionate impact on racialized,

Indigenous and marginalized groups that are overrepresented by the criminal justice system in Canada, making it a counterproductive practice for organizations that value diversity, equity and inclusion.

The survey results offer a picture of how common the use of police record checks are in hiring, the types of policies and practices organizations have in place to safeguard against discrimination, and the impacts record checks may have on the ability to hire and retain employees. The survey also found that while awareness of the benefits and best practices for fair chance hiring is low, there is an appetite among HR professionals to learn more.

# Reading the Survey Report

The survey was conducted between September 21 – 27, 2023, with 445 HRPAs members providing insights into their organization's criminal background check policies and processes.

Survey responses are presented as a percentage, rounded to the nearest whole number. Responses to some questions may not total 100% due to rounding.

The following map provides the full titles for industry abbreviations used in the report:

**MAN** = Manufacturing

**NFP** = Not for Profit

**WR** = Wholesale/Retail Distribution

**BFPI** = Banking, Finance, Pension Funds & Insurance

**GPC** = Government / Public Commissions

**HSS** = Health & Social Services

**APREE** = Agriculture, Primary Resources, Engineering & Energy

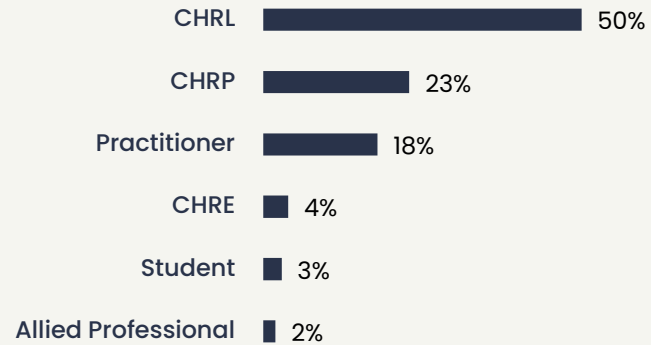
**IT** = Information Technology

**EDU** = Educational Institutions & Services

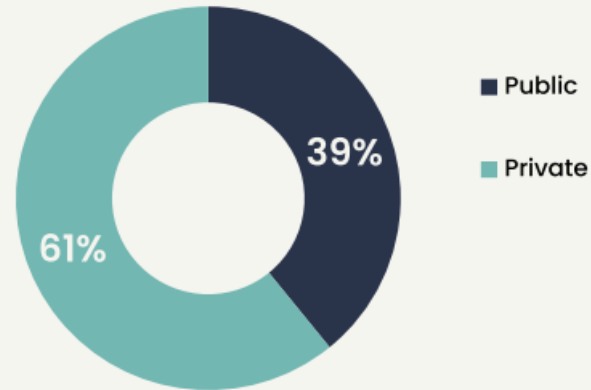
**BPS** = Business & Professional Services

# Survey Demographics

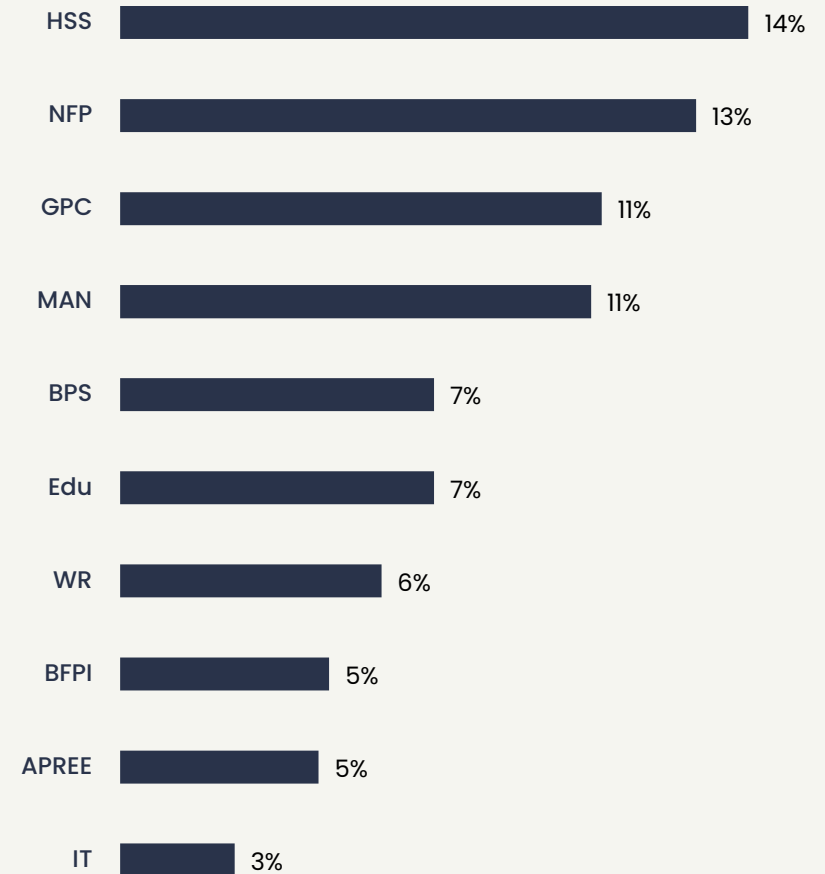
## HRPA Registration Class (n=422)



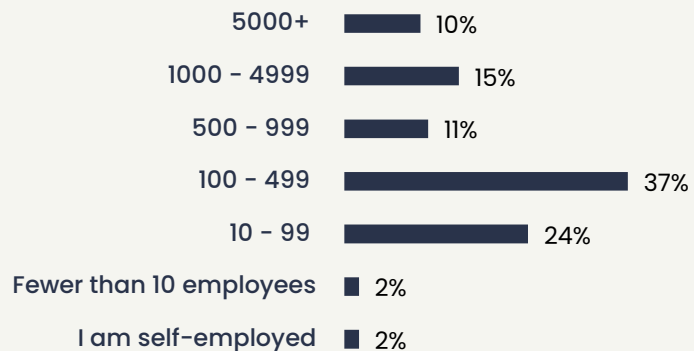
## Sector (n=419)



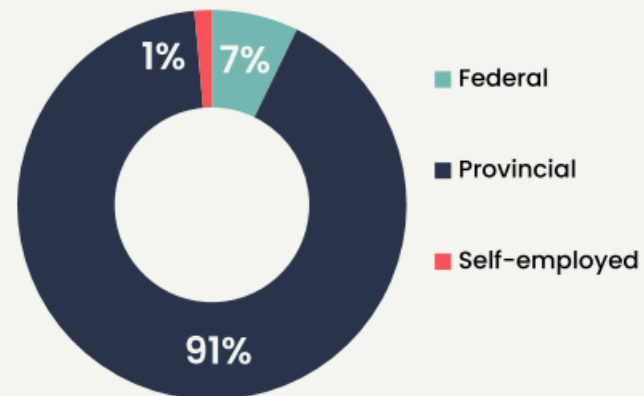
## Top Industries Represented (n=420)



## Organization Size by Number of Employees (n=422)



## Provincially or Federally Regulated (n=417)



# Using Police Record Checks in Hiring

The survey results suggest that police record checks are a very common screening tool used by Ontario workplaces when hiring, with eight in ten (80%) respondents saying that they do require police checks for employees and job candidates at least some of the time.

When asked what level of police record checks their workplace performs under the *Police Record Checks Reform Act, 2015* (PRCRA), over two-thirds of respondents said criminal record checks (68%), followed by vulnerable sector checks (50%). Only 14% said they conduct criminal record and judicial matters checks, which is the most robust of the three.

Sectors with above average rates of conducting police checks:



97% HSS

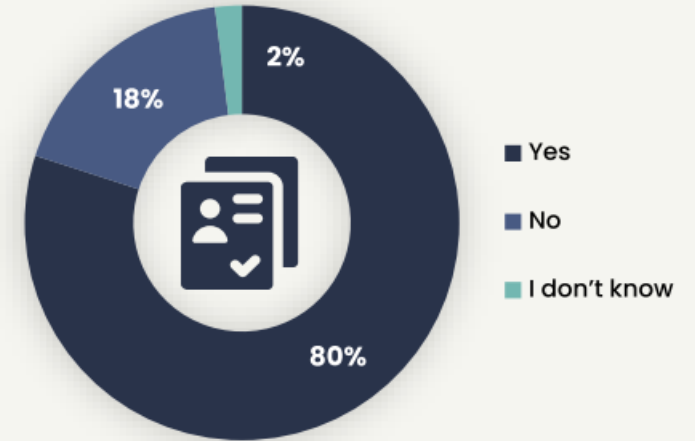


96% GPC

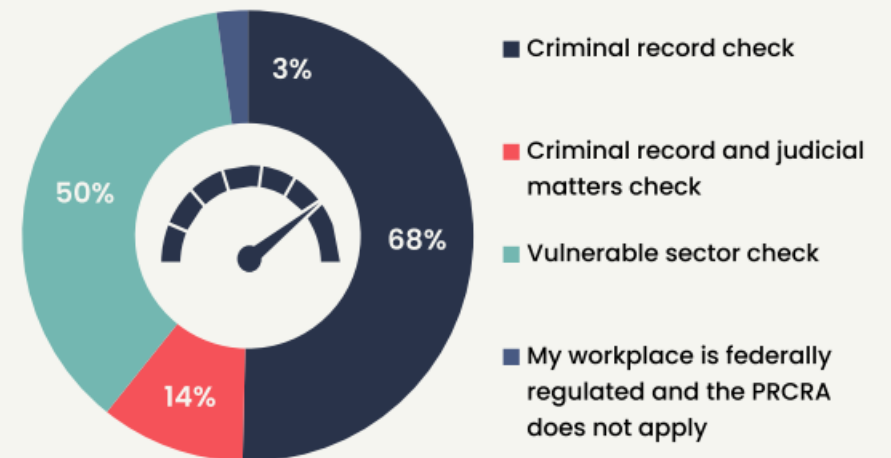


90% Public sector

Does your organization ever require police record checks for employees or job candidates? (n=445)



What level(s) of police record check does your organization require? (n=357)



# Not Requiring Police Record Checks in Hiring

One fifth (20%) of respondents say that their workplace does not use police record checks in hiring. Responses indicate that the practice does not provide relevant information for hiring and adds too much red tape to the process. Only 10% said record checks go against their DEI policy, suggesting that the choice to not require checks is based more in operational reasons.

**58%**

There is no legislative requirement for any roles they hire for

**45%**

The information provided is not relevant to the roles they hire for

**38%**

Do not require this level of bureaucracy when hiring

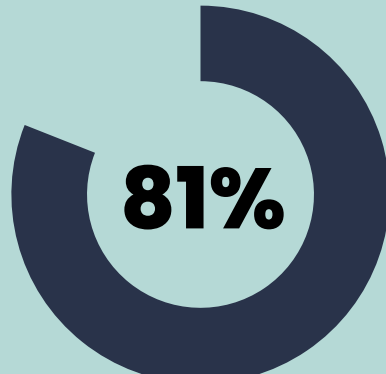
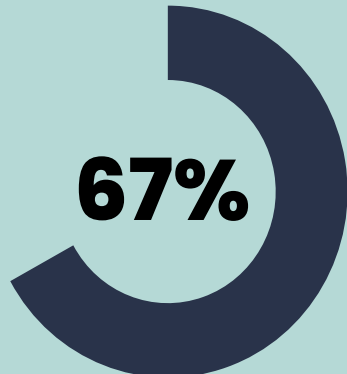
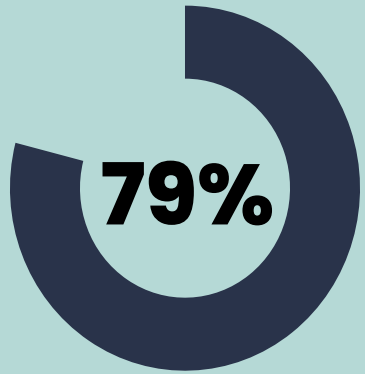
## Why does your organization not require police record checks? (n=78)



# Police Record Check Policies

Implementing a policy that outlines when and how police record checks are required is one way in which organizations can ensure that unnecessary checks are not requested of job candidates and that the process is fair and applied evenly to everyone.

The survey found that the use of policies is widespread among respondents who conduct police record checks, however responses also indicate that policies are broad, with three-quarters (75%) saying they require a record check regardless of the role.

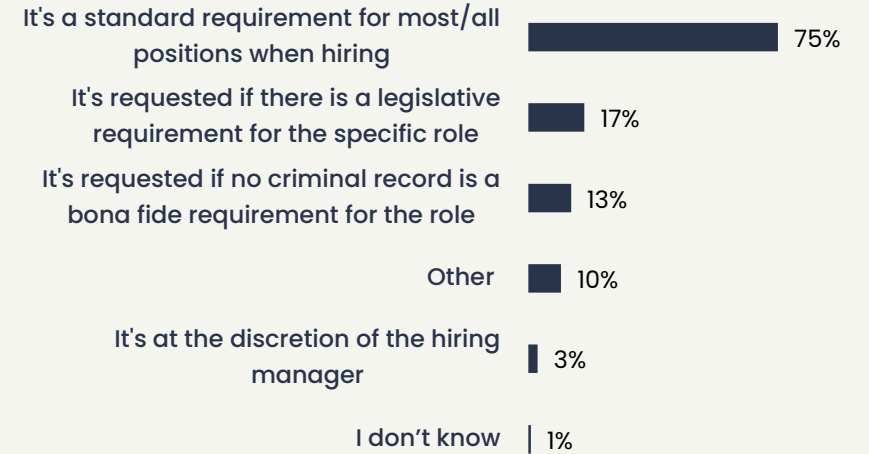


Have policy/criteria to determine when a record check is needed (n=357)

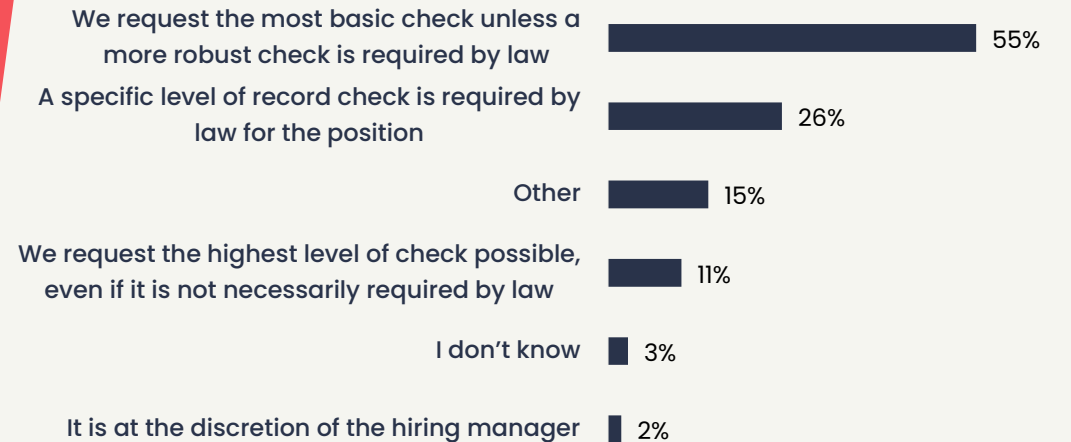
Have policy/criteria to determine what level of check is required (n=356)

Have policy/best practices to ensure data privacy & integrity when record check is disclosed (n=343)

## How does your organization determine when a police record check is required for a role? (n=357)



## When requiring a police record check, how do you determine what level of check to request? (n=351)





# Hiring Impacts

Despite the high percentage of respondents who conduct police record checks, 68% said they would hire a candidate with a record depending on the position, while 19% said they require a “clean” record. Additional comments noted that the date the offense occurred is also considered by employers.

Nearly one fifth (19%) of respondents say they believe requiring a police record check has impacted their organization’s ability to attract and/or retain employees in the past while 68% said they do not believe it has.

## Those who were impacted in hiring cited some of the following issues:



Qualified candidates withdrew their applications

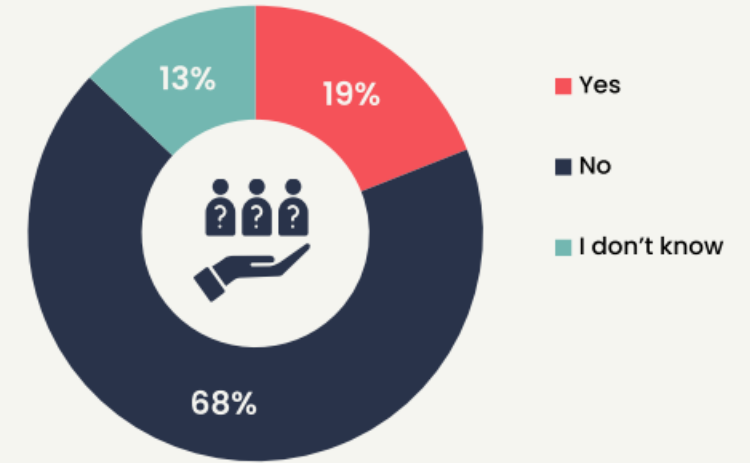


Police checks took too long to complete and were too costly for candidates

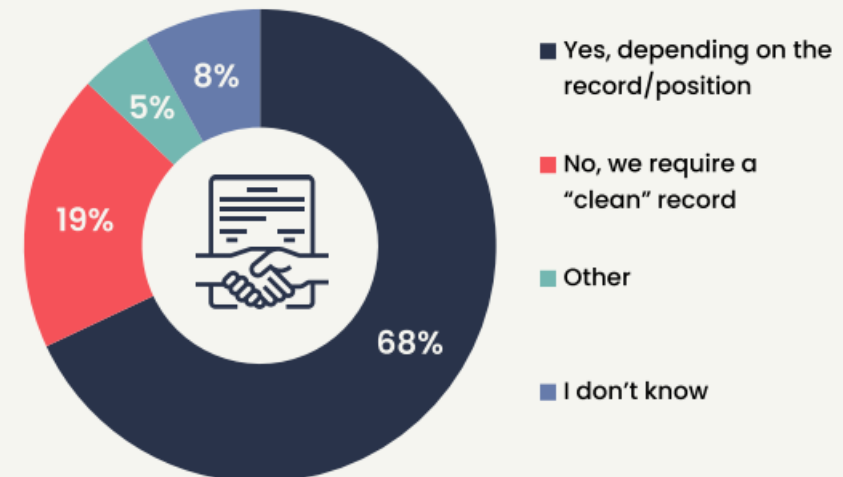


They believe potential candidates did not apply at all due to a criminal record check requirement being listed in the job post.

Do you believe requiring a police record check has ever impacted your organization’s ability to attract and/or retain employees? (n=343)



Will your company hire a qualified job candidate who has a criminal record? (n=357)



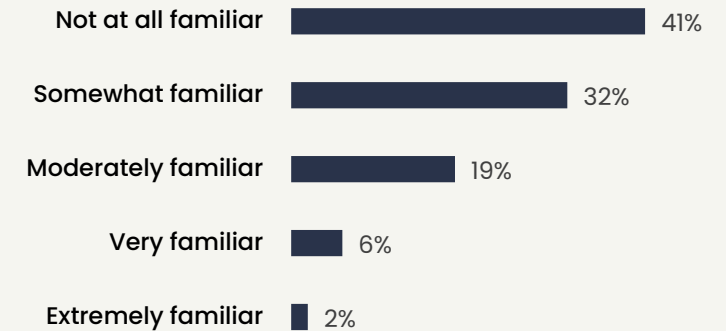
# Awareness of Fair Chance Hiring

Fair chance hiring, a term used to describe offering fair and equal job opportunities to candidates, regardless of their background, can have widespread positive impacts on employees, workplaces and the economy. The practice is an important facet of a well-rounded diversity, equity and inclusion strategy, as racialized, Indigenous and marginalized people are overrepresented in Canada's legal justice system and are therefore more likely to be hindered by a criminal record when searching for employment.<sup>1</sup>

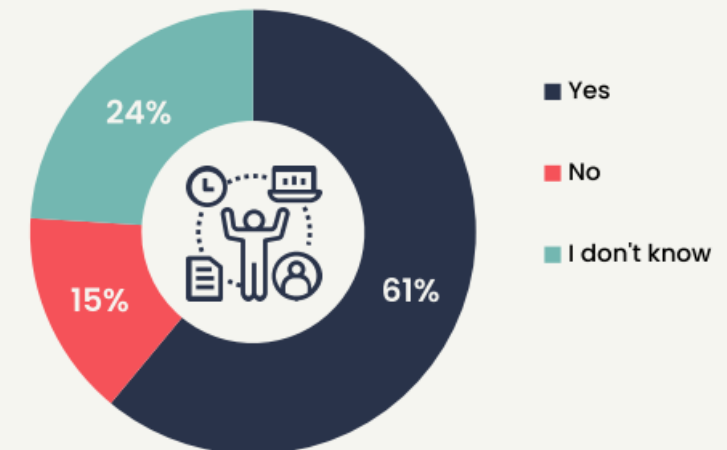
The survey results show that while police record checks are an ingrained part of the hiring process at many organizations, few respondents are familiar with the evidence and benefits of fair chance hiring, with nearly three quarters (74%) saying they are not at all familiar or only somewhat familiar. While awareness is low, interest in the practice is high with 61% saying they would like to learn more if resources were offered to them.

<sup>1</sup>Fair Chances Coalition. [The Case for Fair Chance Employment](#).

How familiar are you with the evidence and benefits of hiring people with criminal records (also called "fair chance" hiring)? (n=428)



If there were free training/resources available on the advantages & best practices for hiring people with criminal records, would you like to learn more? (n=427)





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