

## MEMORANDUM

**TO:** Ministry of the Solicitor General, Government of Ontario

**FROM:** Andreae Sennyah, Director of Policy

**DATE:** September 11, 2023

### **SUBJECT: PRCRA Legislative Review**

#### **WHO WE ARE**

Cardus is a non-partisan think tank dedicated to clarifying and strengthening, through research and dialogue, the ways in which society's institutions can work together for the common good.

The Ministry of the Solicitor General is currently reviewing the *Police Record Checks Reform Act*. As part of this review, Cardus is making a submission that reflects our previous publications: [Vulnerable Sector Check Costs Remain a Barrier for Volunteers](#) and [Policy Brief: Absorbing Vulnerable Sector Check Fees to Reduce Barriers to Volunteering](#).

#### **ISSUE**

In March 2022, the Government of Ontario announced a policy to eliminate the cost of two types of police record checks for volunteering.<sup>1</sup> However, charities or volunteers will still have to pay for a third type of check which is the Vulnerable Sector Check (VSC). VSCs are the most comprehensive type of police check and are required for volunteers who will be working with vulnerable populations. The cost of VSCs for volunteers can range from \$15 to \$35. Fingerprinting is sometimes required for these checks at an additional cost. The financial burden of VSCs is onerous for smaller charities or volunteers with low incomes, especially if each organization requires a separate check.

#### **RECOMMENDATION**

Fully subsidize the cost of VSCs and associated fingerprinting requirements (if needed) when accessed for volunteer purposes. This should go beyond the current legislative elimination of fees. The legislative elimination of fees simply downloads the costs of fulfilling these checks on to other communities: municipalities, charities, or volunteers themselves, leaving a barrier to volunteering. Instead, the province should transfer funding to police services based on the number of checks processed each year. This change would cost \$8 million, representing 0.005 percent of the province's \$173 billion budget for program expenses in 2021–2022.

#### **BACKGROUND**

Public Safety Canada outlines several best practices for volunteer screening in non-profit organizations.<sup>2</sup> Step 7 of this recommended process includes conducting police record checks. Vulnerable sector checks are the

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<sup>1</sup> The Criminal Record Check and Criminal Record and Judicial Matters Check. See Government of Ontario, "Ontario Making it Easier to Volunteer," March 30, 2022, <https://news.ontario.ca/en/release/1001888/ontario-making-it-easier-to-volunteer>.

<sup>2</sup> Public Safety Canada, "Best Practice Guidelines for Screening Volunteers," January 31, 2018, <https://www.publicsafety.gc.ca/cnt/rsracs/pblctns/bpg-scrng-vls/index-en.aspx>.

most comprehensive type of police check in the province. VSCs are required for volunteers who will work with vulnerable populations. The definition of a vulnerable person based on the *Criminal Records Act* is:

A person who, because of his or her age, a disability or other circumstances, whether temporary or permanent,

(a) is in a position of dependency on others; or

(b) is otherwise at a greater risk than the general population of being harmed by a person in a position of trust or authority towards them.<sup>3</sup>

Cardus's report, [Vulnerable Sector Check Costs Remain a Barrier for Volunteers](#), provides a qualitative analysis of the barriers VSCs pose to prospective volunteers and charitable organizations in Ontario. In particular, one of the main barriers for prospective volunteers is the cost of the check. The cost for a VSC varies based on the regional police service and can range from \$15 to \$35. While some organizations absorb the cost of this check, the majority of volunteers pay for these checks themselves. VSCs are usually only valid for the organization that requested the check. This means that volunteers may have to obtain multiple checks at an additional cost to volunteer in multiple organizations.

## POLICY DETAILS

VSCs constitute the highest proportion of checks processed for volunteer and employment reasons. When combined with the declining trend of volunteering in Canada, the Government of Ontario should do all it can to remove barriers to volunteering.

### *Assessing the Current Approach*

The Government of Ontario eliminated the fees for volunteers obtaining criminal record checks in March 2022. This policy took effect on April 1, 2022, but does not apply to VSCs. It is important to note that the current approach does not remove the existing cost of this check for police services. Rather, it is a legislative change that prohibits police services from charging for the screening. Consequently, police services have found other ways to recoup the cost. For example, Hamilton Police Services has increased the fee for criminal record checks needed for employment. Those types of checks are often required in the care industries (long-term care, education, health care) that often have lower pay, and largely employ women and immigrants. While the goal of eliminating the fee for clients is commendable, the province's failure to fully subsidize the cost of police services has had unintended consequences.

### *Proposal for Expansion and Improvement*

The proposal in Cardus's report, [Vulnerable Sector Check Costs Remain a Barrier for Volunteers](#), expands and improves upon the existing approach:

A straightforward though modest policy proposal of this research paper is that the provincial government fully subsidize the cost of vulnerable sector checks, and any associated fingerprinting requirement, when accessed for volunteer purposes, across the province. If funding for this cost is transferred to municipal police services based on the number of checks processed each year, those charitable organizations that currently absorb the cost for prospective volunteers will see this burden

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<sup>3</sup> Government of Canada, *Criminal Records Act*, R.S.C. 1985, c. C-47, <https://laws-lois.justice.gc.ca/eng/acts/C-47/page-2.html#h-135308>.



alleviated...Based on our model, the cost to the province for subsidizing vulnerable sector checks for volunteers, at \$8 million, is just 0.005 percent of the total \$173 billion provincial budget for program expenses for 2021–2022.

### **ADDITIONAL CONSIDERATIONS**

1. The Government of Ontario should further consider subsidizing *all* police record checks, including VSCs for both employment and volunteer purposes. Our modelling finds that the cost of this would be approximately \$18.3 million, or 0.01 percent of Ontario's \$173 billion budget for 2021-2022.
2. As part of our research, Cardus went through the online process of applying for a VSC. We found that applicants would need to have existing knowledge of their credit history, fluency in English, and be able to respond quickly to timed questions. In terms of service delivery, the government should study the barriers this process may have for those with a low-income or for those not fluent in English.
3. Our report also considers the limits of VSCs and their efficacy to protect vulnerable persons. These limitations include the under-reporting and under-prosecution of sexual offences. We recommend that the government study the efficacy of VSCs and work with the charitable sector to strengthen the process of volunteer screening.

### **CONTACT**

We would welcome the opportunity to meet with you and assist with future considerations on this issue. Please do not hesitate to contact us at [asennyah@cardus.ca](mailto:asennyah@cardus.ca).

