



September 3, 2021

The Honourable David Lametti
Minister of Justice and Attorney General of Canada
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister Lametti,

Re: Section 6.3 of the *Criminal Records Act*

I am writing on behalf of the Ontario College of Teachers to ask for your support of our request for approval as an authorized body that can request Vulnerable Sector Verifications in accordance with section 6.3 of the *Criminal Records Act*.

The Ontario College of Teachers is a self-regulatory body that is statutorily required to oversee many aspects of the governing and licensing process for teachers. In fact, with more than 230,000 licensed members, it is the largest professional regulator in Canada. In addition to teaching in publicly funded Ontario schools, members may also teach in private schools and post-secondary settings and can take on leadership roles in a variety of sectors across the country.

Under the *Ontario College of Teachers Act, 1996*, the College is also responsible for managing concerns about members' professional conduct, competence or fitness to practise. One of our priorities is to ensure that a student's school community is a safe place to learn. To realize this commitment, the College must be equipped with the ability to screen teacher applicants thoroughly prior to issuing them a licence.

Ontario's current legislative framework prohibits the College from requesting Vulnerable Sector Verifications under the *Criminal Records Act* because it is neither a person nor organization, responsible for the well-being of a child or vulnerable person, to whom or to which an application is made for a paid or volunteer position within the meaning of s. 6.3(3).

The effect of this exclusion is that the College is in the position of extending the privilege and trust associated with becoming a certified teacher to individuals about whom a complete sexual offence history is unknown prior to licensing. It is, therefore, concerning for the College, parents, schools and our stakeholders that the College cannot adequately screen its applicants. Such authority would enhance student safety and protect them from physical and sexual assault, mental trauma and emotional suffering.

Anyone holding a teaching certificate can – by virtue of membership in the College – assume positions of authority and trust involving young and vulnerable persons. The nature of the roles our members assume is consistent with the both spirit and text of sections 6.3(1) and (3) of the *Criminal Records Act* regarding Vulnerable Sector Verifications. Yet, because “authorized body” is not defined, professional regulators such as the College are left in legislative limbo: permitted to ask for Criminal Record Checks, but unable to ask for the type of police background check that is critical given the nature of the vocation for which applicants are being screened.

The College is obligated under s. 3(2) of its legislation to serve and protect the public interest while carrying out its regulatory activities. We steadfastly hold ourselves to this duty. Police background checks are a critical tool in helping us follow through on this legislated mandate. In order to be considered for membership, all licensing applicants must submit three documents:

- *A Criminal Record Check;*
- *A Criminal Record Declaration; and,*
- *An Applicant Declaration.*

This minimum requirement enforced by the College exists to enable us to reassure school boards, parents and stakeholders that all applicants are suitable for employment, whether as a teacher in the Ontario school system or elsewhere where College certification is required. But the College can go farther in protecting the public interest. We need your support to do so.

As affirmed in the Ontario Association of Police Chiefs’ LEARN Guidelines, Criminal Record Checks (Level 1) disclose criminal convictions for which a pardon or record suspension has not been granted. Criminal Record and Judicial Matters Checks (Level 2) go one step further and disclose convictions as well as local police records, such as outstanding charges and warrants, and probationary orders.

Vulnerable Sector Checks (Level 3) represent the highest standard of disclosure by providing information for sexual offences listed under Schedule 2 of the *Criminal Records Act* for which record suspensions (formerly known as pardons) were issued or granted. The Level 3 check would grant the College access to highly relevant pardoned Schedule 2 offences, including the following:

- *Sexual exploitation of a person with a disability;*
- *Voyeurism;*
- *Abduction of a person under 16;*
- *Abduction of a person under 14;*

- *Indecent acts; and;*
- *Indecent phone calls.*

Thank you for considering our request for approval as an authorized body that can request Vulnerable Sector Verifications in accordance with section 6.3 of the *Criminal Records Act*.



Paul Boniferro
Transition Supervisory Officer



Dr. Derek Haime, OCT
Registrar and Chief Executive Officer

DH/PB/RL/rb-pol