

Criminal Records Act

Mr. Gilbert: Perhaps the hon. member should read it again so I get the full impact.

Mr. Robinson: The question would be: "Have you ever been convicted of a criminal offence within the past two years?"

Mr. Gilbert: There are certain dangers in that question. I think we should take the position the federal government has taken; that is, to not even ask that question in respect of an employment application. I think it should be taken to that extent rather than the inclusion of that type of question. I would take it the full length and not permit that question on employment applications.

Hon. Warren Allmand (Solicitor General): Mr. Speaker, as the minister responsible for the administration of the Criminal Records Act I want to agree with the hon. members for Simcoe North (Mr. Rynard) and Broadview (Mr. Gilbert) that this law has been inadequate and that amendments are necessary.

When this law was passed on June 11, 1970 it was the first occasion that a Canadian parliament had passed a law to grant a pardon or erase the record of a person who had been convicted of a criminal offence. It was also recognized that this law, like most new laws, would meet unforeseen difficulties and contain unforeseen deficiencies which would only come to light with practical experience. Many of these difficulties and deficiencies have now been identified, and members opposite have mentioned some of them.

For the past year the Department of the Solicitor General has been conducting a complete review of this legislation and working on amendments to the act. Furthermore, for the last several months we have been discussing these proposals with the provinces, as they do affect the provinces very closely. We hope very shortly to have our proposals in respect of the legislation finalized, with a bill to be introduced into this House later this year. I want to assure hon. members that their suggestions and comments here this afternoon will be examined and will prove useful in preparing that bill.

Our experience with this law during the four years since its passage has indicated the following deficiencies. First of all, a pardon granted under the act has not been effective, as we had hoped, in protecting an ex-inmate from discrimination, and in helping him to reintegrate into society. That was the principal goal of the bill.

One of the principal challenges facing an ex-inmate is in finding a job. Very often he is faced with closed doors due to his criminal record. While the law that is in force now provides help to the ex-inmate in respect of employment by the federal government and employment in areas which fall within the jurisdiction of the federal government, it does not help in areas that fall within the jurisdiction of provincial governments. As most of you know, the greater proportion of jobs and employment in this country fall within the jurisdictions of provincial governments' labour legislation and general legislation.

When the present statute was passed in 1970 it was hoped the provinces would follow our example by passing similar laws to protect ex-inmates, but so far none of them has done so. As a result, under the amendments we are

[Mr. Robinson.]

preparing now we hope to make pardons applicable at all jurisdictional levels, federal and provincial. So far we have put proposals to the provinces and they are in agreement.

Another deficiency found in the present legislation is also in respect of its effectiveness. While a pardon in accordance with the act renders a conviction of no force, or void, and while it deprives the conviction of those affected in society and that is what the statute says, it does not prevent groups such as credit agencies and so on from revealing the fact of the conviction. Nor does it help the person who has received the pardon to deny the conviction. He cannot say he was not convicted of a criminal offence. The present legislation cannot stop a credit agency, a newspaper or anybody else from saying he has a criminal record. In that respect the law is deficient, and the amendment I will bring forward will deal with that deficiency.

Another deficiency mentioned by both hon. members on the other side is the long period of time and all the red tape involved in granting a pardon. There are just too many steps involved in the process at the present time. First a man makes an application which comes to the Solicitor General. It then goes to the Parole Board. The Parole Board then refers it to the RCMP for investigation, and that is a long investigation. It then goes back to the Parole Board, then to the Solicitor General and finally to the Governor General. This is a long process. I am advised that at the present time this takes between six months and a year from the beginning to the end. The hon. member for Broadview (Mr. Gilbert) said it took about 18 months, and he may be right. It is too long even if it takes just six months.

Very often the man will apply for a job and be told he cannot have it unless he receives a pardon. He then files an application, but before he gets the pardon the job is given to another person. The process takes too long and we hope to shorten that procedure.

Another aspect that has been really counter-productive is investigation by the RCMP and other police forces. When the Parole Board transfers the application to the RCMP or the police force involved to check on the applicant to see if he has been free of criminal behaviour and to ensure that he has been behaving himself, the police approach those who are listed on the application, people in the applicant's community, and right away people become suspicious of the man. They may not have known about the criminal record, but when the police visit the neighbours, the employer, and so on, of the man applying for the pardon, they wonder what this man has done. When they hear in some cases that the man is applying for a pardon because he committed a criminal offence 15 or 20 years ago, right away a certain prejudice arises with respect to that man. We will try to deal with that in our amendments also. We do not want this counter-productive police investigation which does not help the applicant. As a matter of fact, many people told me they will not apply for a pardon because they do not want the police snooping around telling everyone about their criminal record of many years ago. So we hope to deal with that as well.