YOUR RIGHTS : CRIMINAL CONVICTION

Angela was once convicted of impaired driving. She recently graduated from the Culinary Institute and applied for a position as a chef at a local restaurant. During the interview, Barbara, the interviewer, asked if she had ever been convicted of a criminal offence. Angela did not think this was relevant but told Barbara about her conviction. Barbara then ended the interview and told her that the restaurant did not employ anyone with a criminal record.

Angela may have experienced discrimination on the basis of criminal conviction.

THE LAW

Section 6(1)(b) of the Prince Edward Island Human Rights Act states that an individual, company or organization cannot dismiss or refuse to employ an individual because he or she has been convicted of a criminal or summary conviction offence, that is unrelated to the position the individual is employed in or is seeking.

In the example above, a conviction for impaired driving is not relevant to Angela's ability to work as a chef. However, if Angela sought employment as a long-haul truck driver, her conviction may be considered related to that position. Therefore, a trucking company may not be discriminating against her if they refuse to hire her because of the conviction.

The PEI Human Rights Act prohibits discrimination on the basis of a criminal conviction ONLY in relation to employment. Therefore, if Angela is refused the rental of an apartment or denied a membership at a fitness club because of her criminal conviction, she cannot file a complaint with the PEI Human Rights Commission.

Prince Edward Island
Human Rights Commission
PO Box 2000
98 Water Street
Charlottetown PE
C1A 7N8

1-800-237-5031
368-4180

368-4236 (fax)
www.gov.pe.ca/humanrights

Human Rights: It's Everyone's Business...

Why Not Make It Yours?

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