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c 55 Employment Standards Amendment Act, 1983

Ontario

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CHAPTER 55

An Act to amend the Employment Standards Act*Assented to December 2nd, 1983*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 (1) of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is amended by inserting after “XI” in the first line “XI-A”. s. 2 (1),
amended

2. The said Act is amended by adding thereto the following Part: Part XI-A
(ss. 39a-39d),
enacted

PART XI-A

LIE DETECTOR TESTS

39a. For the purposes of this Part,

Interpre-
tation

- (a) “employee” means an employee as defined in clause 1 (c) and includes an applicant for employment, a member of a police force and a person who is an applicant to be a member of a police force;
- (b) “employer” means an employer as defined in clause 1 (d) and includes a prospective employer and a police governing body;
- (c) “lie detector test” means an analysis, examination, interrogation or test taken or performed by means of or in conjunction with a device, instrument or machine, whether mechanical, electrical, electro-magnetic, electronic or otherwise, and that is taken or performed for the purpose of assessing or purporting to assess the credibility of a person.

39b.—(1) An employee has a right not to take or be asked or required to take or submit to a lie detector test. Right to
refuse test

Lie detector
test
prohibited

(2) No person shall require, request, enable or influence, directly or indirectly, an employee to take or submit to a lie detector test.

Non-
disclosure
of test
results

(3) No person shall communicate or disclose to an employer that an employee has taken a lie detector test, or communicate or disclose to an employer the results of a lie detector test.

Employment
standards
officer may
make order

39c. Where an employer contravenes a provision of this Part, an employment standards officer may order what action, if any, the employer shall take or what the employer shall refrain from doing in order to constitute compliance with this Part and may make an order to reinstate in employment or to hire the employee concerned, with or without compensation, or to compensate the employee in lieu of reinstatement or hiring for loss of earnings or other employment benefits in an amount not exceeding \$4,000 that may be assessed by the employment standards officer against the employer.

Exception

39d. Nothing in this Part shall apply so as to prevent a person from consenting to take and taking a lie detector test administered on behalf of a police force in Ontario or by a member of a police force in Ontario in the course of the investigation of an offence.

s. 50 (1),
amended

3. Subsection 50 (1) of the said Act is amended by inserting after "39" in the second line "39c".

s. 53 (2),
amended

4. Subsection 53 (2) of the said Act is amended by inserting after "39" in the second line "39c".

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Employment Standards Amendment Act, 1983*.