



[Home](#) · [HR news](#)

## Suspended with pay: Laws to be reviewed after Toronto officers charged in Spain

**'All options are on the table,' says Ontario's solicitor general**



By Matthew Sellers

May 28, 2026

Share

Ontario's solicitor general says he will review a request from Toronto's police chief to expand the circumstances under which officers can be suspended without pay — a legal gap exposed after three Toronto police officers were charged over an alleged assault on a sex worker in Barcelona earlier this month.

The officers were arrested in Spain following an incident in a taxi involving a woman who was allegedly hurt and sexually assaulted, according to several Spanish media outlets. Toronto Police Service (TPS) confirmed the arrests, noting all three were off duty and vacationing at the time.

All three have since returned to Canada and are currently suspended with pay.



## Suspended with pay after arrests

Toronto police chief Myron Demkiw acknowledged publicly that Ontario law does not currently allow him to suspend the officers without pay because the alleged offences did not take place in Canada. He said he would be raising the issue directly with solicitor general Michael Kerzner, according to media reports.

Speaking to reporters at Queen's Park, Kerzner confirmed he was expecting a formal letter from the chief requesting legislative changes.

"I'm going to consider the requests, and we'll continue to engage the chief. All options are on the table," he told reporters, according to Global News. "Almost everyone who puts on the uniform anywhere in Ontario upholds a high standard. But let's face it, when you don't, there has to be consequences."

Kerzner also said he was personally troubled by the situation.

"I was really upset when people of our Toronto Police Service — or, for that matter, anybody who's a police officer — goes abroad or is off duty and behaves inappropriately," he said, per Global News.

The solicitor general added that he was not yet certain how he could accommodate the chief's request and asked reporters to wait until he received the letter before committing to next steps.

## Police Services Act updates

According to CP24, the [Community Safety and Policing Act](#) took effect two years ago, updating the decades-old Police Services Act and adding the ability for police chiefs to suspend officers without pay in limited circumstances.

The new law specifies that officers can be suspended without pay if they are convicted of an offence and sentenced to imprisonment, if they are in custody or under other legal conditions that interfere with their policing duties, or if they are charged with a serious offence under Canadian law.

Mark Baxter, president of the Police Association of Ontario, told CBC that release conditions could shift the calculation.

"Obviously, they can't perform the duties of a police officer because they can't carry a firearm," he said, noting that non-public-facing police work could also be an option for officers suspended with pay, if approved by the chief.

## Risks of constructive dismissal

For non-unionized employers, the Barcelona case highlights a tension many workplaces face when serious off-duty misconduct allegations arise.

[Speaking to Canadian HR Reporter](#), Toronto employment lawyer Zack Lebane of Sherrard Kuzz said that paid leave is almost always the safer starting point, warning that unpaid suspension "could, in some circumstances, be considered a constructive dismissal."

Ottawa employment lawyer Sarah Di Liello of Nelligan Law agreed, cautioning that employers who act too aggressively before proceedings conclude risk wrongful dismissal claims, aggravated damages, and punitive damages — and that regardless of outcome, employers should always "conduct a reasonable investigation and provide the employee with an opportunity to respond to the allegations."