



**Poverty
Roundtable**
Hastings Prince Edward



REPORT

Barriers To Employment

October, 2017

Criminal Records as a cause of poverty

In 2016-17 the Poverty Roundtable HPE held community conversations with people who were experiencing or had experienced poverty, on the causes and impacts of poverty. Employment barriers were frequently cited as a cause of poverty, noting having a criminal record as a significant barrier to employment and a cause of long-term poverty.

Preliminary inquiries, carried out with local employers in the summer of 2017, speak to both local actions that are reducing those barriers and to practices that continue to put up employment barriers. This short report is not based on exhaustive research but rather an overview of what we heard and learned, including from those who experience barriers. The intent was to speak with employers on their practices to gain an understanding of local barriers to employment and to locate businesses that are actively removing barriers.

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Individuals from businesses, manufacturers, economic councils, agencies and people with criminal records participated in this learning exploration. Key documents were identified through participants and key overviews of literature are provided here, with an emphasis on research done by the John Howard Society.

What we learned

Those who have completed their sentences and discharged their debt to society face significant discrimination in many areas because of criminal records - which exacerbates poverty. Rights based approaches to poverty mean opening up access to rights for all, and the right to work is one of the rights entrenched in the Universal Declaration of Human Rights, 1948, United Nations General Assembly (Article 23).

Background

Discrimination is an action or a decision that treats a person or a group negatively, for reasons such as their race, age, or disability. These reasons are known as *grounds of discrimination* (Canadian Human Rights Commission). These eleven “grounds” are protected under the Canadian Human Rights Act: race, ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and/or a **conviction for which a pardon has been granted or a record suspended**. Federal employers and service providers, as well as employers and service providers of private companies that are regulated by the federal government, cannot discriminate against individuals for these reasons. A criminal record implies time has been served and the punishment carried out. However, a criminal record that has not been pardoned, even though time has been served, can and does result in further punishment through discrimination in employment, as well as other areas, such as housing, leading many in this predicament into poverty and homelessness.

According to the most recent numbers from Public Safety Canada (2016), approximately 3.8 million Canadians have a criminal record, and nearly ninety percent of those criminal records remain open. Those seeking relief from the effects of criminal records through record suspensions or pardons may have led crime-free lives for years after completing their sentences and have demonstrated a positive transformation. Relief from the discrimination often experienced by those with a criminal record would allow individuals to pursue improved employment opportunities, to secure housing and to contribute more fully to their communities which would be a benefit to society more broadly. Until a pardon or record suspension is granted, those with criminal records will continue to experience stigma and a denial of liberties beyond the proportionate penalty initially imposed for the crime. The cost for a pardon application is \$631. In early May 2016, the Parole Board of Canada (PBC) launched a public (online) consultation regarding the \$631 user fee that applicants are required to pay when seeking a record suspension. The fee was first raised from \$50 to \$150 in December 2010 and was increased again to \$631 in February 2012 (this is a 1,162% increase in two years) (McAleese, 2017). This puts the opportunity for a record suspension out of reach for those living on a low income and struggling to find employment.



Barriers to work: trends & chances

“Employment instability after release has been shown to have a significant statistical relationship with revocation of parole, violent reoffending and re-incarceration. For example, one study of men at one year after release from prison found that those who were unemployed had re-offended at a rate of 40% compared to 17% for those who were employed. Notably, ex-prisoners themselves have identified employment as a central factor to their own post release success in several studies (John Howard Society, 2009).”

Decent work provides a sense of belonging and purpose. A right entrenched in the Universal Declaration of Human Rights, which Canada supports, is the right to decent work. Although people have the right to employment, employers sometimes use criminal record checks to reject applicants – even if the conviction is not relevant to the job requirements or to the individual’s capacity to carry out the work.

Work barriers are increasing

A 2014 report by the Canadian Civil Liberties Association states that “an increasing number of Canadian organizations –employers, volunteer managers, educational institutions, licensing bodies and governments –are incorporating police record checks into their hiring and management practices” (John Howard Society, 2009). Individuals with criminal records may be desperate to get a job and are therefore vulnerable to exploitation by employers who might offer them below market wages (Brown, 2013). Poor quality jobs or under-employment may be just as detrimental as unemployment.

Not all employers put up this barrier

Highlighting *Dave's Killer Bread*, though located in Milwaukie, Oregon DKB shows what the power of a second chance can do.

“Without employment opportunities, those with criminal backgrounds often resort to the only life they know — a life of crime” states co-owner Dave Dahl. A third of DKB employees have a criminal record. In fact, the co-founder Dave Dahl served 15 years in prison. Today, Dave’s Killer Bread is the #1 organic bread in America, with distribution in all 50 states as well as Canada.

Dave’s Killer Bread employee Ronnie Elrod experienced the barriers first-hand after spending 18 months in prison in the ‘80s. “I had to check that criminal record box, and most of the time I didn’t even get an interview,” he says. “The jobs you might get are minimum-wage jobs, and it’s almost impossible to live on minimum wage. You become demoralized, discouraged. You get tired of that rat race and say, ‘Okay, I can do better elsewhere.’ Eventually, I returned to a life of crime.”

Local Context

The Roundtable met with various businesses, employers and employment counsellors to discuss this barrier with some common trends and themes emerging. Employers who do hire individuals with a past record do not want to publically state that they do. The increase in using criminal record checks as a screening tool for potential candidates, according to a local employment counsellor, was the result of managing a flood of candidates, and a new development in meeting customer requirements in a post 911 era. However, this trend may be in decline. The flood of candidates has slowed down; workers do not want to work low-wage jobs so some employers are more apt to hire people with criminal records while paying a lower wage. As employers needs for employees grows in the region, as it currently is, so too does looking past criminal records. Online screening, however, may preclude a job-seeker from the opportunity to plead their case.



"Do you require a criminal record check to work with your company or business?"

In partnership with Quinte Economic Development Commission, the Roundtable created a survey to help discover hiring trends in the area and whether or not employers do or do not hire people with criminal records and their rationale. In a local survey where respondents were assured of anonymity, a number of employers answered the question "Do you require a criminal record check to work with your company or business?" 62% of participants said yes. Of the participants that stated yes, 40% stated that it is a customer requirement. 13% stated it was a legal requirement. 47% said it was a corporate policy. 53% said it was a way to filter candidates.

53% of employers report having a criminal record check as part of the application process to filter applicants with criminal records – and further inquiry is encouraged as to why and how criminal record checks are utilized and who faces barriers because of them. *"Having... a criminal record check does not necessarily prevent a candidate from being hired. It depends on the nature of the offence, when it occurred, and the type of job that person is doing."* Criminal record checks, as part of policy, were reported by one respondent to meet violence in the workplace legislation. A study conducted by the John Howard Society showed that large companies were three times as likely to require a record check while medium sized companies were twice as likely (John Howard Society, 2014).

What we heard

- A criminal record can lead to poverty: Having a criminal record can and does bar people from securing gainful employment, regardless of skill level and work experience.
- There remains a concern that having a criminal record is not only stigmatizing, it allows for prejudicial treatment not to hire individuals who may have excellent skills, workmanship and work ethic.
- Employment practices that provide decent employment to people with criminal records is likely to have a positive impact on ending poverty and reducing recidivism.
- A significant number of employers do not hire people with criminal records as a customer requirement, while a significant number of employers use criminal record checks as a way to filter applicants.
- The stigma around having a criminal record may be a barrier for potential candidates, who may not want to disclose.
- Hospitality and construction are areas that were less likely to require criminal record checks.
- Employers employing people with a criminal record do not want this fact to be made public for fear it would impact customer retention.

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Recommendations

1. Opportunities exist for companies and businesses to be model employers, meeting their objectives as a company or business, while increasing the opportunities for people in our communities who face barriers to leaving poverty.
2. The obstacles in place that make accessing a pardon inaccessible for those living in poverty, specifically the staggering cost, need to be challenged and changed.
3. We need workplace policies and practices that support people having a fair chance at finding employment, and an employee selection process that is based on skills and suitability.
4. Job-seekers should apply for positions regardless of the criminal record check, as it does not necessitate their exclusion.
5. Further investigation/understanding of workplace conditions and barriers to work for those with a criminal record would be helpful.
6. Employers who hire employees with barriers, such as criminal records, should be encouraged to speak up to encourage more employers to do likewise.
7. There is a need to address bias towards people who have a criminal record which results in the denial of their right to work.

Sources

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