



Examining Barriers to Employment for Young Men with Criminal Records

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January 2021

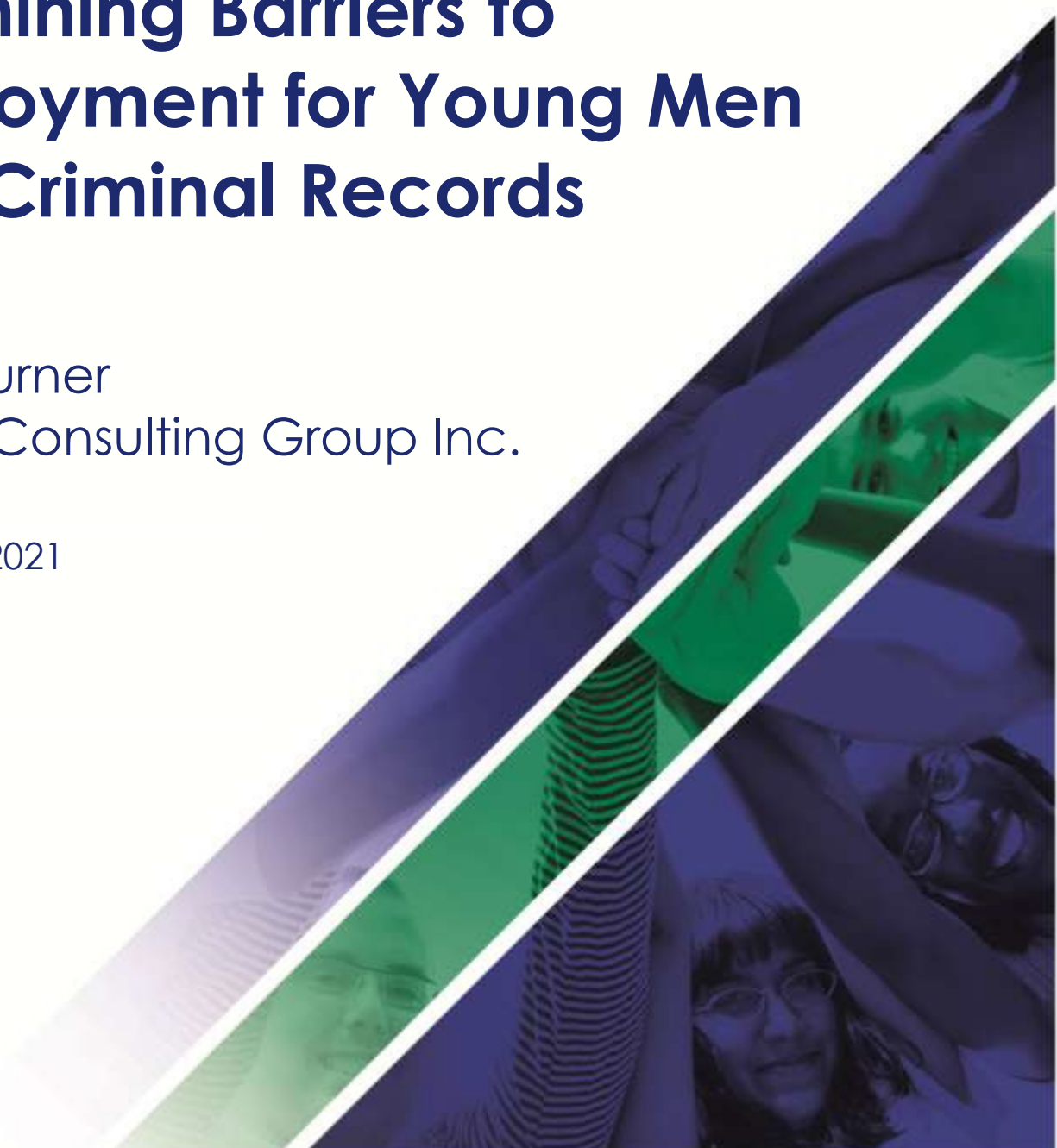


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Acknowledgements

We would like to thank the agencies and staff who shared their time and expertise to participate in this study.

Thanks also goes to Professor David Gray, University of Ottawa, who conducted the literature review.

EXECUTIVE SUMMARY

Crime Prevention Ottawa, through its Ottawa Street Violence and Gang Strategy, has identified lack of employment opportunities as a barrier for young men with criminal records and therefore set employment opportunities as a priority to address.

As such, Crime Prevention Ottawa contracted with Turner Consulting Group to identify the barriers in the Employment Service Program faced by this high-risk and underrepresented group and to make recommendations for changes to remove the barriers and address the identified issues.

Methodology

This report summarizes the changes to Ontario's Employment Service Program that came into effect in fall 2019. It also includes a brief review of the literature to summarize the issues facing young men who have criminal records and are seeking employment.

In addition, interviews were conducted with five service providers contracted to deliver the Employment Service Program. In order to ensure the anonymity of those interviewed, this report summarizes the information they provided, but does not identify who was interviewed nor who said what.

Employment Ontario Services

Through Employment Ontario, the Ministry of Training, Colleges and Universities funds third-party agencies to deliver a range of employment and training services to job seekers and employers, apprenticeship training, and literacy and numeracy skills programs to people who lack the basic education necessary for employment. The Ministry contracts with municipalities and non-profit organizations throughout the province to deliver these services. In 2017–2018, the Ministry spent \$1.2 billion to deliver Employment Ontario programs.

In 2018, the Government of Ontario announced that Employment Ontario will be undergoing a transformation to make it more efficient, streamlined, and outcome focused. The new service model will integrate social assistance employment services as well as other government employment services into Employment Ontario.¹ The goal is the development of local service delivery models that will ensure employment services are more responsive to the local needs of job seekers, employers, and communities. The new model will include service system managers who will be accountable for local service planning and managing the delivery of employment services. These service system managers will be responsible for matching services and programs to local job seekers and employer needs. To do so, they will engage with local partners, including local employment planning councils and local planning boards, colleges, municipalities, and other social service entities to understand and better meet the needs of job seekers and employers.

¹ Ministry of Colleges and Universities. (n.d.). *Employment services transformation*. Retrieved from <http://www.tcu.gov.on.ca/eng/eopg/programs/est.html>.

Clients are segmented into Stream A, Stream B, or Stream C for employment services according to estimated service needs. Clients with complex needs are identified as:

- Clients on the Ontario Disability Support Program
- Clients with disabilities
- Francophone clients
- Indigenous clients
- Youth with higher support needs, and
- Newcomers.

The clients of concern to the Ottawa Street Violence and Gang Strategy, that is racialized clients and clients with a criminal record, are not identified by Employment Ontario as having complex needs. Nevertheless, as the following literature review will reveal, these clients face significant barriers in the labour market.

The Literature

The effects of a criminal record on one's employability have been studied by both economists and criminologists, while other academics and researchers seek to assess the impact of interventions targeting offenders with the goal of improving their employability in the labour market. These studies explore the long shadow that a criminal record casts on one's ability to find employment and find that a criminal record traps people in poverty and in communities that are over-policed, increasing their chances of being reincarcerated. Researchers have explored the serious handicap that a criminal record creates for those attempting to re-enter the labour market.

Findings from Interviews

Those interviewed identified a number of challenges and issues working with young men with criminal records to secure employment:

- There are structural disincentives to serving clients as young men with a criminal record, who are often Indigenous and racialized, as they are not identified as high risk of long-term unemployment by Employment Ontario.
- There are barriers to serving clients that are embedded in agency practices who may not have the skills to work with this particular population and address their complex and co-occurring challenges.
- There are also additional challenges serving young men with criminal records, including:
 - Reluctance of employers to hire someone with a criminal record
 - Lack of social skills and job readiness
 - Unrealistic pay expectations
 - Barriers to accessing the additional services needed, and
 - Low self-esteem.

Recommendations

Based on the findings from this brief study, the following options are proposed to provide better service to job-seekers with a criminal record.

Encourage employers to better evaluate candidates with criminal record checks

Employers should be supported to hire employees with criminal records. Employers should consider reviewing policies and procedures, which may include:

- Guidance from the Ontario Human Rights Code on conducting criminal record checks
- Policy suggestions on reviewing job descriptions to ensure that a specific criminal record is a legitimate barrier to employment
- Policies on how to consider a positive criminal record check in the hiring process, including guidance on considering the nature, time, and extent of the criminal record to assess whether the candidate is suitable for the position, as well as an appeal process for the job

Policy suggestion to the Government of Ontario

The Government of Ontario is encouraged to review their program with the specific intent of helping young adults with criminal records transition to legal employment. This would include: making these clients a priority by identifying them as at risk for long term unemployment; accounting for the multiple barriers faced by these clients; and creating an incentive structure which would encourage service providers to take on these hard to serve clients.

Recommendations to Agencies with regards to Service Provision

Access to services

The clients who are accessing the Employment Service Program may have complex needs arising from mental health conditions and substance use disorders. They may also need additional services such as housing. Furthermore, the traditional service model may restrict their ability to access much-needed services that are often situated at different agencies and locations.

The following options may be considered by agencies to better serve clients with criminal records:

- Move away from traditional models of service and instead deliver mobile services that go out into the community where clients live.
- Create service hubs that allow service users to access multiple services in one location.
- Provide case coordination and systems navigation services to help clients access much needed services.
- Work with other agencies to provide wraparound services. While agencies may start by addressing employment, ensuring access to other services such as housing, substance use, and mental health services will be needed to help these clients retain their jobs. This may mean that these agencies develop referral sources, including to agencies that can provide culturally responsive programs for racialized and Indigenous clients.

Provide culturally appropriate services

Given the overincarceration of Indigenous and Black people and the compounding impact of race on their ability to secure employment, services that respond to the particular needs of Indigenous and Black people should be developed.

Increase the ability of young people to retain jobs

Supports to young people with criminal records are also needed if they are to retain employment. This could be achieved by providing job coaches who are able to:

- Support the integration of the service user into the workplace
- Support managers, and
- Address issues as they arise.

INTRODUCTION

Crime Prevention Ottawa, through its Ottawa Street Violence and Gang Strategy, has identified lack of employment opportunities as a barrier for young men with criminal records and therefore set employment opportunities as a priority to address.

The organization's 2017–2020 strategy focuses on four pillars: neighbourhood cohesion, prevention, intervention, and enforcement and suppression. A key component of intervention is increasing access to tangible employment and entrepreneurship supports and paid employment through various programs, many of which are funded by the Employment Service Program.

The Ontario Employment Service Program, a \$1.2 Billion expenditure, is delivered by a network of third-party service providers under contract with the Government of Ontario. These services are meant to target vulnerable populations and those underrepresented in the labour market. Unfortunately, the partners in the Ottawa Street Violence and Gang Strategy have observed that young men with criminal records are often not being well served by this program.

As such, Crime Prevention Ottawa contracted with Turner Consulting Group to identify the barriers in the Employment Service Program faced by this high-risk and underrepresented group and to make recommendations for changes to remove the barriers and address the identified issues.

ABOUT CRIME PREVENTION OTTAWA

Crime Prevention Ottawa is a city-funded municipal board which upholds the mission to reduce crime and enhance community safety in the city of Ottawa through collaborative and evidence-based crime prevention. CPO focuses its work on youth, gender-based violence, neighbourhoods, and the Ottawa Street Violence and Gang Strategy (OSVGS).

The OSVGS is a collective impact initiative of over 20 partner organizations. It takes a Holistic Approach, which considers the many factors that contribute to gang involvement and street-level violence at the individual, family, peer, school, neighbourhood, and social levels. It is based on the social science literature that highlights good practices in addressing violence, and on the lived experiences of our communities.

METHODOLOGY

The changes to Ontario's Employment Service Program that came into effect in fall 2019 were reviewed and summarized. A brief review of the literature was also conducted to summarize the issues facing young men who have criminal records and are seeking employment.

In addition, interviews were conducted with five service providers contracted to deliver the Employment Service Program to:

- 1) Identify whether service providers feel there are structural disincentives to serving these clients
- 2) Identify barriers to serving these clients that are embedded in agency practices
- 3) Better understand why these service providers find this group hard to serve, and
- 4) Identify service providers' recommendations to support them to better serve these clients.

In order to support open and honest conversations, those interviewed were guaranteed anonymity. As such, this report summarizes the information provided through the interviews, but does not identify who was interviewed nor who said what.

SCOPE AND DESCRIPTION OF EMPLOYMENT ONTARIO SERVICES

Through Employment Ontario, the Ministry of Training, Colleges and Universities funds third-party agencies to deliver a range of employment and training services to job seekers and employers, apprenticeship training, and literacy and numeracy skills programs to people who lack the basic education necessary for employment. The Ministry contracts with municipalities and non-profit organizations throughout the province to deliver these services. In 2017–2018, the Ministry spent \$1.2 billion to deliver Employment Ontario programs as follows:

1) Programs and Training for Job Seekers

It offers support for individuals looking for employment and training services in three categories:

- Programs for individuals looking for work
 - Employment Services
 - Ontario Bridge Training Program
 - Ontario Employment Assistance Services
 - Ontario Job Bank
 - Supported Employment
 - Youth Job Connection
 - Youth Job Connection Summer
 - Ontario Job Creation Program

- Training and skill upgrading
 - Second Career
 - Adult High School Credit Program
 - GED High School Equivalency Exam
 - Literacy and Basic Skills
 - Literacy and Basic Skills Online
 - Ontario Bridge Training Program
 - Co-op Diploma Apprenticeship Program
- Apprenticeships
 - Apprenticeship Office
 - Co-op Diploma Apprenticeship Program
 - Ontario Youth Apprenticeship Program
 - Pre-Apprenticeship

2) Programs and Services for Employers

- Job board for job openings
- Incentives for hiring students and youth
- Funds to help pay for training of employees
- Support to manage workforce challenges
- Job creation partnerships

3) Colleges

- Apprenticeship Enhancement Fund

The Auditor General's 2016 audit found that key programs offered by Employment Ontario were not effective in helping Ontarians find full-time employment. Specifically, the audit noted that the provincial government needed to take additional steps to increase apprenticeship completion rates and to help people retain long-term employment in their field of training. It found that in 2015–2016, at the time of completion of the program, only 38% of clients were employed full time and only 14% had found employment in their field of training, a professional occupation, or a more suitable job than before the training. The audit also found that the average completion rate for apprentices from 2011 to 2016 was about 47%.²

² Office of the Auditor General of Ontario. (2018). *Chapter 1, Section 1.04: Employment Ontario: Follow-up on value for money section 3.04, 2016 annual report*. Retrieved from https://www.auditor.on.ca/en/content/annualreports/arreports/en18/v2_104en18.pdf.

In 2018, the Government of Ontario announced that Employment Ontario will be undergoing a transformation to make it more efficient, streamlined, and outcome focused. The new service model will integrate social assistance employment services as well as other government employment services into Employment Ontario.³ The goal is the development of local service delivery models that will ensure employment services are more responsive to the local needs of job seekers, employers, and communities. The new model will include service system managers who will be accountable for local service planning and managing the delivery of employment services. They will be responsible for matching services and programs to local job seekers and employer needs. To do so, they will engage with local partners, including local employment planning councils and local planning boards, colleges, municipalities, and other social service entities to understand and better meet the needs of job seekers and employers.

Beginning with the three prototype regions in fall 2019, the new model will change the relationship between the Ministry and current Employment Ontario service providers. Service system managers will oversee Employment Ontario service providers and directly deliver services in their catchment area. Responsibility for

employment services delivered through the Ontario Disability Support Program and Ontario Works will transition into the service system manager function. The ministry will hold service system managers accountable for achieving specific outcomes.

The new service model will integrate social assistance employment services as well as other government employment services into Employment Ontario

A similar model implemented by the Australian government has resulted in many welfare recipients no longer getting the supports they need. The incentive structures implemented in this new model have meant that private service delivery agents have focused on clients with the best employment histories who do not require many resources and supports to find work. By focusing on this group, service providers are able to maximize the amount of government funding received. In addition, service providers have mis-streamed people by identifying them as being close to the labour market when in reality they needed additional supports. This model has led to poor outcomes, as many do not receive supports that are reflective of their needs. As a result, many individuals ended up back in the system because the work they found was temporary and precarious.⁴

A similar model introduced in the United Kingdom was revamped 6 years after initial implementation owing to poor outcomes. The program was again revamped to provide more intensive supports for those considered more distant from the labour market. The “wraparound supports” model enables service providers to properly identify the work- or health-related needs of clients and provide appropriate supports.

³ Ministry of Colleges and Universities. (n.d.). *Employment services transformation*. Retrieved from <http://www.tcu.gov.on.ca/eng/eopg/programs/est.html>.

⁴ Kapoor, G. T. (2020, February 25). *Changes to social assistance could harm, not help, people living in poverty*. Retrieved from <https://maytree.com/publications/changes-to-social-assistance-could-harm-not-help-people-living-in-poverty/>.

The client segmentation approach in the new Ontario model evaluates each client's relative disadvantage in the labour market, assigning a stream based on the client's unique characteristics as follows:⁵

- Stream A: Low risk of long-term unemployment⁶
- Stream B: Medium risk of long-term unemployment
- Stream C: High risk of long-term unemployment

Information collected through the Common Assessment tool related to client education, employment history, and other factors related to labour market attachment will be used to segment Assisted Services clients into Stream A, Stream B, or Stream C for employment services according to estimated service intensity needs.

Clients with complex needs are identified as:

- Clients on the Ontario Disability Support Program
- Clients with disabilities
- Francophone clients
- Indigenous clients
- Youth with higher support needs, and
- Newcomers.

The clients of concern to the Ottawa Street Violence and Gang Strategy, that is racialized clients and clients with a criminal record, are not identified as having complex needs. Nevertheless, as the following literature review will reveal, these clients face significant barriers in the labour market.

A REVIEW OF THE LITERATURE

The effects of a criminal record on one's employability have been studied by both economists and criminologists, while other academics and researchers seek to assess the impact of interventions targeting offenders with the goal of improving their employability in the labour market. These studies explore the long shadow that a criminal record casts on one's ability to find employment. A criminal record traps people in poverty and in communities that are over-policed, increasing their chances of being reincarcerated. Researchers have explored the serious handicap that a criminal record creates for those attempting to re-enter the labour market.

⁵ Ministry of Training, Colleges and University. (2009). *Call for Proposal for Service System Managers Employment Services Transformation*. Retrieved from <http://www.tcu.gov.on.ca/eng/eopg/publications/cm-est-call-for-proposal-cfp-en.pdf>

⁶ According to the Ontario Labour Market report, long-term unemployment is defined as unemployed for twenty-seven (27) weeks or longer.

A literature review on ex-prisoners and the labour market in the Netherlands examined the supports that formerly incarcerated people need if they are to return to their communities and maintain law-abiding lifestyles.⁷ The authors found that it is more beneficial to support prisoners to acquire job skills before release and to then provide them with assistance in securing employment once they are released rather than offering subsistence incomes upon release. The study identified the need for better cooperation between the prison service, the probation service, employment agencies, the government, and potential public- and private-sector employers if better results are to be achieved.

A large-scale Australian study on the perceived employability of ex-prisoners asked employers, employment service workers, corrections workers, and former prisoners to complete a questionnaire assessing the likelihood that a job seeker would both obtain and maintain employment.⁸ The questionnaire also asked about the importance of specific skills and characteristics to a job seeker's employability. The study further examined the likelihood that ex-prisoners and the general workforce exhibit these skills and characteristics. The study found that ex-prisoners were rated worse in the questions asked than other marginalized groups, apart from people with an intellectual or psychiatric disability.

They found a limited willingness both in employers' statements and in their actual hiring of people with criminal records. This aversion also varied based on the characteristics of the person, with employers being more averse to hiring those charged with a violent crime, those recently released from prison, and those without work experience.

One US study explored not just an employer's stated preference for hiring offenders but also the extent to which they do.⁹ The authors also examined whether employers conducted criminal background checks on job applicants and the nature of those checks. Employers expressed limited willingness to hire people with criminal records, and reflected this in their actual hiring practices. This aversion also varied based on the characteristics of the job seeker, with employers being more averse to hiring people who were charged with a violent crime, recently released from prison, and without work experience. The authors also reported that employers' use of criminal background checks began to increase in the 1990s, but grew much higher after September 11, 2001.

⁷ van Netburg, H. (1996). Ex-prisoners and the labour market—A literature review. *European Journal on Criminal Policy and Research*, 4(3), 128–134.

⁸ Graffam, J., Shinkfield, A. J., & Hardcastle, L. (2007). The perceived employability of ex-prisoners and offenders. *International Journal of Offender Therapy and Comparative Criminology*, 52(6), 673–685. <https://doi.org/10.1177/0306624X07307783>.

⁹ Holzer, H., Raphael, S., & Stoll, M. (2003). *Employer demand for ex-offenders: Recent evidence from Los Angeles*. Washington, DC: Urban Institute. Retrieved from <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.594.5369&rep=rep1&type=pdf>.

A European study on the effect of labour market absence on the ability to find employment explored how this absence impacts one's chances of getting a job, regardless of the reason for the absence.¹⁰ The results of the study showed that ex-prisoners are more likely to find employment, and find it more quickly, than non-imprisoned but unemployed males (who are to experience an incarceration spell in the future). These results suggest that the related programs and services provided while incarcerated and then after release helped these men.



A US report on increasing employment for individuals with criminal records found that even when low-skilled jobs are available, many people with criminal records do not have the training or soft skills to make them productive employees.¹¹ It also noted the unique nature of the challenges facing those with a criminal record and that “evaluations of job training programs are relatively numerous, but they can have limited relevance to the problems faced by workers with criminal records.” This report also concludes that as policymakers continue efforts to address employment among workers with criminal records, they need to understand how employers interact with job applicants who have criminal records. They suggest that improving employment outcomes for those with criminal records requires a multi-pronged approach that includes programs aimed at building workers’ skills, supports to help them communicate their work-readiness to employers, and promoting robust labour markets for low-skilled workers.

¹⁰ Ramakers, A., van Wilsem, J., & Apel, R. (2012). The effect of labour market absence on finding employment: A comparison between ex-prisoners and unemployed future prisoners. *European Journal of Criminology*, 9(4), 442–461. <https://doi.org/10.1177/1477370812448278>

¹¹ Doleac, J. L. (2016). *Increasing employment for individuals with criminal records*. The Hamilton Project, The Brookings Institution. Policy Memo 2016-02. Retrieved from https://www.hamiltonproject.org/assets/files/increasing_employment_individuals_criminal_records.PDF.

A number of studies have also explored the impact of employment on recidivism. One Australian study found that access to stable work is a key determinant of whether someone will reoffend, with wages and job quality being important determinants of recidivism.¹² Another Australian study on participants of an Employment Assistance Program for prisoners and offenders looked at recidivism outcomes over a 2-year post-release period.¹³ It drew voluntary participants from 34 different locations, targeting participants at moderate to high risk of reoffending. Of the 3,034 registered participants, the authors randomly sampled 600 participants and also included 600 non-participants as a comparator group. The author's findings indicate that long-term post-release employment support programs provide positive benefits and reduce the likelihood of reoffending.

A study in California explored the characteristics of the labour market and the impact on recidivism between 1993 and 2008, when roughly 1.7 million people were released from prison.¹⁴ The study found that access to well-paying jobs in construction and manufacturing during this period was associated with significant reductions in recidivism compared with the lower-wage jobs that are typically accessible to individuals with criminal records.

Access to stable work is a key determinant of whether someone will reoffend, with wages and job quality being important determinants of recidivism.

The research has also pointed to the benefits of training programs to support the integration of the formerly incarcerated into the labour market. One study looked at human capital theory to examine the relationship between gainful employment and types of training programs, including school-based, pre-employment, and post-employment training programs. The authors concluded that "postemployment training programs are positively related to gainful employment for formerly incarcerated individuals".¹⁵

¹² Schnepel, K. (2017). Do post-prison job opportunities reduce recidivism? *IZA World of Labor*, 2017: 399. doi:10.15185/izawol.399

¹³ Graffam, J., Shinkfield, A. J., & Lavelle, B. (2012). Recidivism among participants of an employment assistance program for prisoners and offenders. *International Journal of Offender Therapy and Comparative Criminology*, 58(3), 348–363. <https://doi.org/10.1177/0306624X12470526>

¹⁴ Schnepel, K. T. (2018). Good jobs and recidivism. *The Economic Journal*, 128(608), 447–469. <https://doi.org/10.1111/eoj.12415>

¹⁵ Flatt, C., & Jacobs, R. L. (2018). The relationship between participation in different types of training programs and gainful employment for formerly incarcerated individuals. *Human Resource Development Quarterly*, 29(3), 263–286. <https://doi.org/10.1002/hrdq.21325>

Another issue of concern about the labour market experiences of formerly incarcerated individuals is the disparities experienced by Indigenous and racialized people, especially given their high rates of overincarceration. In Canada, Indigenous and racialized people are overrepresented in the prison system, with these populations growing at a time when the overall police-reported crime rate in Canada has been declining for more than 20 years,¹⁶ as well as at a time when the White offender population is decreasing. The 2012–2013 Office of the Correctional Investigator (OCI) annual report noted that in the previous 5-year period, the total offender population (community and incarcerated) increased by 1,539 (7.1%), with all net growth accounted for by Indigenous and racialized inmates, while the White offender population decreasing during this period:

All new net growth in the offender population can be accounted for by increases in Aboriginal (+793), Black (+585), Asian (+337) and other visible minority groups. By contrast, during the same time period, the total Caucasian offender population decreased (–466 or 3%).¹⁷

Along with Indigenous people, Black Canadians in particular are overrepresented in Canada's federal prison system.

Along with Indigenous people, Black Canadians in particular are overrepresented in Canada's federal prison system. While they made up only 3.4% of the Canadian population in 2016–2017, African Canadians made up 8.6% of the 14,310 people in federal custody (1,231 individuals). Black inmates are one of the fastest-growing subpopulations in the federal corrections system. In 2013, when the OCI released "A Case Study of Diversity in Corrections: The Black Inmate Experience in Federal Penitentiaries," Black inmates made up 9.5% of the federal inmate population, with the proportion of Black inmates increasing every year for the previous decade and growing by nearly 90% since 2003.¹⁸ While the 2016–2017 annual report noted that there have been more recent declines in the number of Black male inmates—with a decline of 9% since 2013, at the same time that the overall inmate population has also decreased (6.3%) over the same period—Black Canadians continue to be overincarcerated.

The OCI also noted that racism defines the experience of Black inmates in a number of ways, including by creating a barrier to prison employment and by excluding them from full participation in prison programming.¹⁹ This would then impact their ability to secure employment once released.

¹⁶ Statistics Canada. (2018). *Canada's crime rate: Two decades of decline*. Retrieved from <https://www150.statcan.gc.ca/n1/pub/11-630-x/11-630-x2015001-eng.htm>.

¹⁷ Office of the Correctional Investigator. (2013). *Annual report of the Office of the Correctional Investigator 2012–2013*. Retrieved from <http://www.oci-bec.gc.ca/cnt/rpt/annrpt/annrpt20122013-eng.aspx>.

¹⁸ Office of the Correctional Investigator. (2016). *Annual report of the Office of the Correctional Investigator*. Retrieved from <http://www.oci-bec.gc.ca/cnt/rpt/index-eng.aspx>.

¹⁹ Office of the Correctional Investigator. (2013). *A case study of diversity in corrections: The Black inmate experience in federal penitentiaries*. Retrieved from <http://www.oci-bec.gc.ca/cnt/rpt/index-eng.aspx>.

While similar data is not available on the experiences of Black people in the provincial correctional system, recent data obtained by Reuters paints a similarly troubling picture of the overrepresentation within Ontario's correctional facilities.²⁰ Of note is the number of Black people remanded to pretrial detention between April 2015 and April 2016. Reuters reported that

"This perpetual labor market punishment creates a counterproductive system of release and poverty, hurting everyone involved: employers, the taxpayers, and certainly formerly incarcerated people looking to break the cycle."

there were approximately 6,000 Black people remanded to pretrial detention, almost five times the number of federally incarcerated Black inmates during the 2016–2017 OCI reporting year (1,231). Reuters' analysis of the data also shows that Black people spend more time in Ontario jails on average than White people charged with the same crime in 11 of 16 offence categories examined. Further, the data also shows that "[B]lack people arrested and held in custody between 2011 and 2016 were more likely than [W]hite people to spend more than a year in pretrial detention."²¹ Although Indigenous and Black people are more likely to be incarcerated, few studies have examined the employment experiences of formerly incarcerated Indigenous and Black people. One exploration of the data examined the impact of race and gender on the unemployment rates of those formerly incarcerated.²² The authors found that, overall, formerly incarcerated people living in the United States have an overall unemployment rate of 27%, nearly five times higher than the unemployment rate for the general population. The authors went on to look at the impact of race and gender, finding that these characteristics shape the economic stability of those formerly incarcerated. While African Americans already experience higher unemployment rates than their White counterparts (Black men 7.7% versus 4.3% for White men; 6.4% for Black women versus 4.3% for White women), the impact of incarceration increases their unemployment rates exponentially (Black men 35.2% versus 18.4% for White men; 43.6% for Black women versus 23.2% for White women). As the authors noted, "This perpetual labor market punishment creates a counterproductive system of release and poverty, hurting everyone involved: employers, the taxpayers, and certainly formerly incarcerated people looking to break the cycle."

²⁰ Thomson Reuters. (2017, October 20). Black people awaiting trial in Ontario jails spend longer in custody than white people. CBC News. Retrieved from <https://www.cbc.ca/news/canada/toronto/race-ontario-jails-wait-trial-disparity-1.4364796>.

²¹ Ibid.

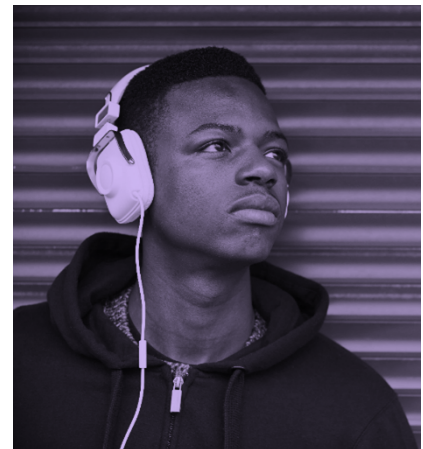
²² Couloute, L. &, Kopf, D. (2018). *Out of prison and out of work: Unemployment among formerly incarcerated people*. Prison Policy Initiative. Retrieved from <https://www.prisonpolicy.org/reports/outofwork.html>.

Other studies have shown that when they do find jobs, the formerly incarcerated often find the most insecure and lowest-paying jobs and have incomes that put them well below the poverty line.²³ Race and gender also play a role in access to good jobs and livable incomes: White men are the most likely to be employed in full-time positions, while Black women are the least likely to be employed and are overrepresented in part-time and casual jobs.²⁴

One of the few Canadian studies to explore the employment prospects of Black and White applicants seeking entry-level retail employment found that White applicants with a criminal record were more likely to be invited for an interview than Black applicants without a criminal record.²⁵

A 2012 Australian study on Indigenous overrepresentation in correctional systems explored the numerous prison-based and community-based programs aimed at improving employability and sustained employment for Australians.²⁶ Indigenous prisoners and ex-prisoners are eligible for these programs, but there are only a small number of Indigenous-specific programs. The authors recommended that a minimum 1-year program be established with a long-term focus and a strong case-management approach to address the needs of Indigenous people; furthermore, the program should begin pre-release and continue for some months post-release.

Another Australian study looked at the effect of arrest on the employment status of Indigenous Australians.²⁷ This study, which used data from the 1994 National Aboriginal and Torres Strait Islander Survey, found that arrest reduced the likelihood of employment. The authors found a gap of 10%–20% in the unemployment rate between Indigenous and non-Indigenous men and 7%–17% in the unemployment rate between Indigenous and non-Indigenous women. The authors concluded that the differences in arrest rates between Indigenous and non-Indigenous Australians may explain the 15% difference in employment-population rates between those groups.



²³ Purser, G. (2012). "Still doin' time": Clamoring for work in the day labor industry. *The Journal of Labor & Society*, 15(3), 397–415. <https://doi.org/10.1111/j.1743-4580.2012.00400.x>

²⁴ Couloute, L. & Kopf, D. (2018). *Out of prison and out of work: Unemployment among formerly incarcerated people*. Prison Policy Initiative. Retrieved from <https://www.prisonpolicy.org/reports/outofwork.html>.

²⁵ Cruickshank, A. (2017, December 27). Black job seekers have harder time finding retail and service work than their white counterparts, study suggests. *Toronto Star*. Retrieved from <https://www.thestar.com/news/gta/2017/12/26/black-job-seekers-have-harder-time-finding-retail-and-service-work-than-their-white-counterparts-study-suggests.html>

²⁶ Graffam, J., & Shinkfield, A. (2012). *Strategies to enhance employment of Indigenous ex-offenders after release from correctional institutions*. Resource Sheet No. 11 produced for Closing the Gap Clearinghouse. Australian Institute of Health and Welfare. Retrieved from <https://www.aihw.gov.au/getmedia/c0e0c765-b79e-4020-9bf7-f477f0853403/ctgc-rs11.pdf.aspx>.

²⁷ Borland, J., & Hunter, B. H. (2000). Does crime affect employment status? The case of Indigenous Australians. *Economica*, 67, 123–44. <https://doi.org/10.1111/1468-0335.00199>

FINDINGS FROM INTERVIEWS

Structural disincentives to serving clients

Many of the individuals interviewed agreed that disincentives exist within Employment Ontario to serving young men with criminal records.

Young people face many challenges with securing employment, and therefore they tend to have unemployment rates that are double those of adult workers. Coupled with a criminal record, it is even more difficult for young people to secure employment. As many are also racialized, the challenge of securing employment is further compounded for young men who are racialized and have a criminal record.

The new system makes “Stream C” clients the priority. As a reminder, Stream A clients are at low risk of long-term unemployment; Stream B are at medium risk of long-term unemployment; and Stream C are at high risk of long-term unemployment. This system aims to make those who are “the most distant from the labour market” the primary client group for service providers in terms of both client numbers and funding. Notably, the criteria for Stream C does not include being a racialized person nor does it include having a criminal record, notwithstanding the significant employment barriers faced by these clients. The majority (about 70%–80%) of performance-based funding will not be paid out until 6 months’ retention or later. Those interviewed for this report (i.e., participating service providers contracted through Ontario’s Employment Service Program) noted that the Ministry expects positive outcomes within 3 months, yet clients with multiple barriers are typically not employed or in educational programs within 3 months.

Given the government’s new focus, some of those interviewed expect that they will have to change their entire model from helping young men secure employment to supporting employment retention. This approach further increases the need to ensure that clients are able to access the services to address any additional needs that would help them maintain employment such as housing, mental health, etc.

The criteria for Stream C does not include being a racialized person nor does it include having a criminal record, notwithstanding the significant employment barriers faced by these clients.

Another issue identified is the need for on-the-job supports to make job placements more successful. Job coaches are used by agencies supporting the employment retention of persons with disabilities. They offer on-the-job supports and proactively address issues as they arise. Furthermore, a job coach could help the young person with workplace integration, which is often a challenge for these service users. As one interviewee noted, if these service users are isolated at work, they might be viewed as “not a good fit” for that workplace. As such, ensuring that clients are integrated into the workplace and know how to interact with their colleagues is an important support that some of these service users may need.

Concern was also expressed that some agencies may choose not to work with young people who have criminal records because their needs are much higher. From the perspective of these agencies, the challenges with this group of young people might be further compounded in light of the new focus on 6-month outcomes.

Barriers to serving clients that are embedded in agency practices

Some of those interviewed speculated that some agencies are reluctant to work with people who are justice involved and would rather refer these young people to agencies that specialize in serving this group. These interviewees shared that some agencies are not only reluctant to work with those who have a criminal record, but they do not even have the capacity to address these service users' complex and co-occurring challenges.

Concern was also expressed that staff may have biases about these clients that may impact their ability to identify and meet their clients' needs. As such, while they may see these clients as unmotivated and challenging clients, they may be missing other issues and unmet needs.

Challenges serving this group

Those interviewed identified the following challenges with serving this group:

- The reluctance of employers to hire someone with a criminal record
- Lack of social skills and job readiness
- Pay expectations
- Barriers to accessing services, and
- Low self-esteem.

Each of these issues is discussed in more detail in the sections to follow.

Employer willingness to hire someone with a criminal record

A criminal record was identified as a key barrier to employment for these young men. Those interviewed noted that more employers are asking for a criminal record check and use it as a screening tool. Because the law permits employers to consider a job applicant's criminal record as part of the condition for employment, criminal record checks are often considered with no rationale and no *bona fide* job requirement. When employers are asked to justify the need for a criminal record check, they often do so, based on health and safety requirements that require them to protect employees from violence in the workplace.



The Ontario Human Rights Commission does provide guidance on asking job candidates for a criminal record check. It notes that the requirement that all job seekers provide a criminal record check for any position is unnecessary and could violate the Ontario *Human Rights Code*. The Ontario Human Rights Commission states that a job candidate's record of offences should be considered only if it is job-related:

Employers must look at a person's record of offences and consider whether the offence would have a real effect on the person's ability to do the job and the risk associated with them doing it. Employers can refuse to hire someone based on a record of offences only if they can show this is a reasonable and *bona fide* qualification.²⁸

The Commission further states that if the organization wants to conduct a criminal record check as part of its hiring process, it must be prepared to justify the decision using "the test set out by the Supreme Court of Canada for assessing whether a policy, practice or requirement is reasonable and *bona fide*."²⁹ Requiring a criminal record check for every position could fail this test, as it is not a *bona fide* job requirement.

When organizations lack policies or guidelines on the use of criminal record checks in the hiring process, the checking and consideration of criminal records are often done on a case-by-case basis, potentially by different individuals in each case. In this setup, the decision could be influenced by the biases of those involved in the hiring process and result in unfair and inconsistent treatment of candidates.

²⁸ Ontario Human Rights Commission. (n.d.). *Record of offences*. Retrieved from http://www.ohrc.on.ca/en/code_grounds/record_of_offences

²⁹ Ontario Human Rights Commission. (2008). Requesting job-related sensitive information. *Human Rights at Work* (3rd ed.). Retrieved from <http://www.ohrc.on.ca/en/iv-human-rights-issues-all-stages-employment/6-requesting-job-related-sensitive-information>.

Further, an organization that states the need for a criminal record check on each job ad could be creating barriers to job seekers who would like to apply to the organization, but feel that their criminal record would preclude them from employment. This would primarily impact job seekers from the trans, Black, and Indigenous communities, as they disproportionately have encounters with police because of racial profiling;³⁰ face transphobia and racism in the criminal justice system³¹ that results in criminal convictions for minor offences (e.g., trespassing); and face structural racism that puts them at risk of criminalization. As such, they may be more likely to have a criminal record unrelated to the job or have non-conviction information on their record due to street checks or carding.

Some of the service providers interviewed also noted that employers have stereotypes about young people, racialized people, and those with a criminal record. The negative stereotypes about someone who check all three boxes are even more pronounced and thus more difficult to overcome. As a result, when employers learn that the candidate has a criminal record, stereotypes result in the young person's being seen by the employer in the worst light, and assumptions are made about the young person's character.

Agencies also noted that they have spent many years nurturing their relationships with employers, many of whom run small businesses. These relationships are key to having a source of job placements for service users. As such, they don't want to jeopardize these relationships by challenging employer biases about young people, racialized people, and/or people with a criminal record.

Agency staff also noted that when trying to secure employment for these service users, employers want more than a social justice argument. Rather, employers want to know how they themselves will benefit. Those interviewed also noted that they often must reassure the employer and take away the fear of the cost of hiring someone with a criminal record. They note that providing a wage subsidy is an added incentive for employers who are reluctant to hire young people with criminal records. Some of the agency staff interviewed also note that they are sometimes able to tap into the employer's business sense and make the case for hiring a young person with a criminal record by using an argument similar to the one made for hiring persons with disabilities, in particular noting the loyalty of the person and the likelihood that they will remain in the job.

³⁰ See: Ontario Human Rights Commission. (2003, October 21). *Paying the price: The human cost of racial profiling*. Retrieved from <http://www.ohrc.on.ca/en/paying-price-human-cost-racial-profiling>.

³¹ See: Williams, G. T. (2006). *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System*. Toronto, ON: Queen's Printer for Ontario. Retrieved from <http://www.ontla.on.ca/library/repository/mon/25005/185733.pdf>; Rankin, J., Winsa, P., & Ng, H. (2013, March 4). Unequal justice: Aboriginal and black inmates disproportionately fill Ontario jails. *Toronto Star*. Retrieved from https://www.thestar.com/news/insight/2013/03/01/unequal_justice_aboriginal_and_black_inmates_disproportionately_fill_ontario_jails.html.

Agency staff also noted that these challenges cannot be overcome with all employers, which leaves them seeking to place these service users with employers who do not require disclosure.

Some agency staff also noted that they help these service users to overcome the barrier that a criminal record poses over their lifetime by helping clients with the pardon process. However, the recent changes have made the seeking of a pardon a more complicated and expensive process, allowing the criminal record to continue to impact the offender's life.

Those interviewed also noted that young people often do not understand the implications of having a criminal record. Staff noted that society does not forgive poor decision making among youth and that criminal records follow people throughout their lives, limiting their opportunities to find employment. Consequently, many youth are forced back into criminal activity because they are unable to secure employment and engage in criminal activity for survival.

Social skills / Job readiness

These clients also have challenges with social skills and job readiness, which requires agencies to devote more time to preparing them for work, securing employment, and supporting their success in the job. Agency staff noted that some of these service users are not used to having to show up on time, attending structured services, being held accountable, and respecting hierarchies in the workplace. Agency staff noted that it is enough of a challenge to get clients to come to appointments at the agency on time, much less ensure that they consistently show up on time at work. In addition, some clients may have low levels of literacy and technical skills because they did not complete high school, lack information on job seeking, and lack interview skills.

A difference in job readiness was also observed between young men who served time in a provincial versus federal institution. Agency staff noted that in federal correctional institutions, these men have greater access to programs and are therefore more job ready. Agencies also noted that youth tended to have served time in provincial institutions, while older men had been incarcerated in federal institutions. Age, lack of maturity, and lack of access to programming result in lower job readiness among young people who were incarcerated provincially.

Pay expectations

The rate of pay offered by certain jobs is a challenge for some of the clients who may be used to making a significant amount of money through criminal activity. While they may have good entrepreneurial skills, the jobs they are qualified for do not pay enough to allow them to live the lifestyle they may be accustomed to. As such, working with these clients requires that their expectations be tempered.

Barriers to accessing services

Agency staff noted that these service users have multiple needs, including mental health issues, addictions, and lack of suitable or stable housing. As one person noted, placing them in jobs without addressing these other issues only sets them up to fail.

While clients may need to access a number of services, these services are often at different agencies and locations. This creates a barrier to access for these clients, as many services are not mobile and require that service users come to them.

In addition, some clients do not have identification, which is required for accessing many services; do not know what services are available to them; and lack transportation.

Self-esteem

Another significant challenge identified is low self-esteem among some of the young men with criminal records. Many have had very negative experiences in school and did not complete high school. As a result, they may have literacy issues and a lack of technical skills. They also bear the stigma of having a criminal record, which has limited their options and becomes part of their identity. Rather than identifying the structural and systemic oppression that has created these outcomes, some of these service users have internalized the oppression, which has worsened their self-image and self-esteem.



RECOMMENDATIONS

Based on the findings from this brief study, the following options are proposed to provide better service to job-seekers with a criminal record.

Encourage employers to better evaluate candidates with criminal record checks

Employers should be supported to hire employees with criminal records. Employers should consider reviewing policies and procedures, which may include:

- Guidance from the Ontario Human Rights Code on conducting criminal record checks
- Policy suggestions on reviewing job descriptions to ensure that a specific criminal record is a legitimate barrier to employment
- Policies on how to consider a positive criminal record check in the hiring process, including guidance on considering the nature, time, and extent of the criminal record to assess whether the candidate is suitable for the position, as well as an appeal process for the job

Policy suggestion to the Government of Ontario

The Government of Ontario is encouraged to review their program with the specific intent of helping young adults with criminal records transition to legal employment. This would include: making these clients a priority by identifying them as at risk for long term unemployment; accounting for the multiple barriers faced by these clients; and creating an incentive structure which would encourage service providers to take on these hard to serve clients.

Recommendations to Agencies with regards to Service Provision

Access to services

The clients who are accessing the Employment Service Program may have complex needs arising from mental health conditions and substance use disorders. They may also need additional services such as housing. Furthermore, the traditional service model may restrict their ability to access much-needed services that are often situated at different agencies and locations.

The following options may be considered by agencies to better serve clients with criminal records:

- Move away from traditional models of service and instead deliver mobile services that go out into the community where clients live.
- Create service hubs that allow service users to access multiple services in one location.
- Provide case coordination and systems navigation services to help clients access much needed services.

- Work with other agencies to provide wraparound services. While agencies may start by addressing employment, ensuring access to other services such as housing, substance use, and mental health services will be needed to help these clients retain their jobs. This may mean that these agencies develop referral sources, including to agencies that can provide culturally responsive programs for racialized and Indigenous clients.

Provide culturally appropriate services

Given the overincarceration of Indigenous and Black people and the compounding impact of race on their ability to secure employment, services that respond to the particular needs of Indigenous and Black people should be developed.

Increase the ability of young people to retain jobs

Supports to young people with criminal records are also needed if they are to retain employment. This could be achieved by providing job coaches who are able to:

- Support the integration of the service user into the workplace
- Support managers, and
- Address issues as they arise.



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