Fair Chance Hiring Toolkit

Introduction

The Fair Chances Coalition is a **group of cross-sector organizations, public and private, committed to advancing equity and opportunity for all Canadians**. Funded by the Metcalf Foundation, the Coalition was established by the John Howard Society of Ontario in 2021 in partnership with the City of Toronto and Prince's Trust Canada. Employment transforms lives and uplifts communities. But one in nine of our neighbours face an overwhelming barrier to finding a job: the stigma of a criminal record. The Fair Chances Coalition is a group of Canadian businesses and organizations committed to changing that.

The Fair Chances Coalition and this toolkit promote the idea of **Fair Chance Hiring**. Fair Chance Hiring refers to policies, best practices, and training that any employer can use to help fairly assess candidates with a criminal record. They are built on the fundamental idea that **every qualified candidate, regardless of background, has a right to a fair assessment** free from stereotypes or misconceptions.

For those working in employment services, the stigma of a criminal record can also impact how you assist justice-involved job seekers. Thanks to the **generous support of Toronto's Workforce Funder Collaborative**, we designed this **toolkit for employment service providers** to help them advocate on behalf of clients who have criminal records. The information contained within the toolkit as well as the tools themselves will help you work through various stages of finding and maintaining employment for job seekers with criminal records.

To create the content in this toolkit, we consulted frontline employment service providers and John Howard Society frontline staff, as well as employers, HR professionals and hiring managers, across Ontario and across Canada. This document provides tools contextualized by these perspectives and includes their recommendations on components for the toolkit.

1. Justice Involvement & Criminal Records

Did you know approximately **4 million people in Canada have a criminal record?** That's about **1 in 9 Canadians**. These people are our neighbours, our friends and our family members.

While many may imagine someone with a criminal record to be someone who has committed a violent crime, the reality is that **the majority of charges and offences in Canada are actually for non-violent offences**, many of which are property crimes, like stealing a bike or spray painting a wall. Many of these crimes are also committed out of necessity or poverty, perpetuating cyclical systemic barriers that sweep people up into a lifetime of stigma and hardship.

Many people who have criminal records don't even spend any time inside a correctional institution, but for those who do, their experiences inside can create lasting impacts on them, their families, their well-being and their mental health. And these experiences are not just for those who are sentenced to be inside a correctional institution. In fact, only about 17% of people being held in Ontario's correctional institutions are people sentenced to be there. The rest are, for the most part, people who are being held until a further court date, meaning they are legally innocent, but subject to the same experiences and lasting impacts as someone sentenced to be there.

And we know **this impacts low-income and racialized communities even more**. Systemic discrimination has led to the over-policing, over-charging and over-incarceration of certain populations, particularly Black and Indigenous Peoples. Black people are over-represented among people with criminal records by more than 3 times their share of the population, and Indigenous Peoples by more than 5 times. People experiencing poverty are also more likely to plead guilty to charges because of limited access to legal resources. This leads to many of these populations cycling in and out of the justice system.

Even for those who have served their time or completed their sentence, having that criminal record can feel like a life sentence. Exclusionary hiring practices keep job seekers with criminal records out of the labour market, with **a criminal record reducing employment likelihood by at least 50%.** This number increases even more for racialized individuals who are subject to additional systemic barriers, limiting their opportunities at employment and preventing them from rebuilding their lives. But employment can be one of the most stabilizing factors in a person's life, which is why addressing the misconceptions of criminal records and emphasizing the positive value someone with a criminal record can add to the workplace is so crucial.

In this section of the toolkit, you will find:

- **Myths & Misconceptions One Pager**

This document outlines some of the myths and misconceptions people may hold about criminal records and individuals who have them. You can use this to bolster your own knowledge about criminal records but also to do some myth-busting with employers in your area!

CRIMINAL JUSTICE INVOLVEMENT

Myths & Misconceptions

Understanding the Population of Justice-Involved Job Seekers

Approximately 4 million Canadians have a criminal record.
That's about 1 in 9 people, including our neighbours, friends and family

Systemic discrimination has led to the over-policing, over-charging and over-incarceration of certain marginalized populations, particularly Black and Indigenous populations.

Black people are overrepresented among people with criminal records by more than 3 times their share of the population and Indigenous Peoples by more than 5 times.

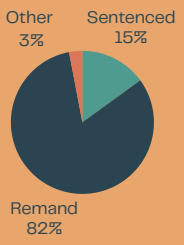
If someone wants to apply for a record suspension, they might have to wait up to

10 years

Even when they do apply, it's a discretionary process, and there is no guarantee of a record suspension or pardon being granted.

REMAND IN ONTARIO

Only approximately 15% of people being held in Ontario's provincial correctional institutions are people sentenced to be there. The rest are, for the most part, people being held until a further court date. This means they are **legally innocent** but subject to the same experiences and lasting impacts as someone sentenced to be there.



PREDICTIVE VALUE OF CRIMINAL RECORD CHECKS

There is no research demonstrating that criminal record checks are effective as risk mitigation or management tools in the workplace. According to research, the information disclosed on an individual's record check will not tell you what kind of employee they will be.

TYPES OF CHARGES

The majority of charges and offences committed in Ontario, and in Canada more widely, are non-violent offences, many of which are property crimes.

58%

Of Canadians are more likely to buy products or services from a company that provides employment opportunities to people with a criminal record.

TIME INSIDE

Many people who have criminal records spent little to no time in prison, but having a criminal record can feel like a life sentence regardless.

Employees with a criminal record have a lower turnover rate than those without by

13%

References Government of Canada, S. C. (2022). Labour Force Survey, February 2022. The Daily quotidien; Abby O'Brien, "More than 80% of inmates in Ontario jails last year were legally innocent, awaiting trial: data", CTV News, 30 Jan 2024; Megan C. Kurlychek, Robert Brame, Shawn D. Bushway, "Scarlet letters and recidivism: Does an old criminal record predict future offending?" Criminology and Public Policy, 5 no. 3 (2006): 483, Megan C. Kurlychek, Robert Brame, Shawn D. Bushway, "Enduring risk? Old criminal records and short-term predictions of criminal involvement," Crime and Delinquency, 53, no. 1 (2007): 64; A. Blumstein, and K. Nakamura, "Redemption in the presence of widespread criminal background checks," Criminology 47, no. 2 (2009): 327.

2. Working with Clients with Criminal Records

Approaching employment support for a job seeker with a criminal record **requires taking a trauma-informed approach** that recognizes the impacts of systemic discrimination, socio-economic disparities, and lack of support that can bring someone to commit a criminal offence. Understanding the justice system, the barriers it creates and its impacts on someone's life, wellbeing and mental health, can help inform this approach. Many people who have criminal records, who have been involved with the criminal justice system and particularly those who have been incarcerated, often suffer from new or exacerbated mental health issues, housing insecurity, food insecurity, and social isolation. These issues can not only impact how you provide employment services, but it can also create a sense of distrust on their part, meaning it might take longer for you to build up trust and rapport with justice-involved job seekers. **Making sure you are actively listening, validating feelings, showing empathy and using positive body language are crucial to making sure clients feel as though the time and agenda is theirs and you are there to support them**.

Understanding your client's situation, circumstances, and potential triggers can help you better come up with a plan for helping them find meaningful employment and target realistic work options. It will also allow you to be mindful of any legal restrictions or conditions that they need to follow or personal commitments that may impact when and how they can work. It's important to have a good sense of these so you can **prioritize jobs based on their individual circumstances** and help your client brainstorm alternative work environments, if necessary. We've learned from **our research** that certain sectors like construction, accommodation, retail and food/service industries are less likely to require criminal record checks, and that sourcing positions in your area based on local labour market needs can help pitch candidates with criminal records as an untapped pool of talent ready to support employers with their hiring needs. You can find more information about labour trends in your area **here**.

Finally, when working with a client who has a criminal record, they may naturally wonder whether they need to tell a potential employer about that record. Even if your client is comfortable in disclosing their record to you, **disclosing a record to an employer can be a tough conversation to have**. Choosing to tell an employer about their criminal record is a personal decision and an employer cannot force someone to do a record check without their consent. While this might hurt their chances of getting the job, your client can choose not to disclose. If they choose to disclose, learning how to coach a client through that disclosure and offering opportunities for them to practice can help ease anxiety and worry around having the conversation.

In this section of the toolkit, you will find:

- **Client Meeting Planner & Questionnaire**
- **How to Accommodate Bail, Parole & Probation Requirements**
- **Record Disclosure E-Learning Course**

These documents will help you get a better sense of your client's strengths, circumstances and commitments to better assist them in finding the right employment opportunities for them. They will also help you work with a client on how to disclose a criminal record to an employer, if they choose to do so, and how you can help them practice before an interview.

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Client Meeting Planner & Questionnaire

The goal of this form is to assist job developers in assessing a client's job readiness, availability, and employment/training interests, to best support them in finding and retaining employment. As this form is designed to supplement existing intake forms your organization might use, please use your discretion in asking clients to repeat answers to questions you have already asked and to avoid sharing their stories multiple times.

This information is best captured through a *motivational interviewing* approach, focusing on a conversational approach rather than asking questions one by one.

AVAILABILITY

What day(s) of the week are you available?

☐ Monday
☐ Tuesday
☐ Wednesday
☐ Thursday
☐ Friday
☐ Saturday
☐ Sunday

What time(s) of the day are you available?

☐ Morning
☐ Afternoon
☐ Evening

SKILLS & SUPPORTS

Are there any skills you want to work on?
(select all that apply)

☐ Communication skills
☐ Computer skills
☐ Confidence
☐ Interpersonal skills
☐ Learning/adaptability skills
☐ Motivation
☐ Organization
☐ Problem Solving
☐ Scheduling
☐ Self-management
☐ Strong work ethic
☐ Teamwork
☐ Work experience
☐ Other: _____

What support would be helpful to you?
(select all that apply)

☐ Completing job applications
☐ Computer/digital literacy training
☐ Cover letter and resume building
☐ Employment standards/workplace culture
☐ Goal setting
☐ Interview preparation
☐ Job searching
☐ Job matching
☐ Job placements
☐ Networking
☐ Obtaining certifications: _____
☐ Other: _____

EMPLOYMENT

Are you currently employed?

☐ Yes: _____
☐ No

Have you previously been employed?

☐ Yes: _____
☐ If no, why: _____

Are you currently looking for a job?

☐ Yes
☐ No

If yes, what are your job goals?

If you were offered a job tomorrow, what would stand in your way of accepting it?

- ☐ Age
- ☐ Availability
- ☐ Background of poverty
- ☐ Bail conditions
- ☐ Childcare needs
- ☐ Criminal record
- ☐ Disability
- ☐ Education
- ☐ Food insecurity
- ☐ Homelessness/precarious living conditions
- ☐ Language barriers
- ☐ Limited digital literacy
- ☐ Limited hard skills
- ☐ Limited soft skills
- ☐ Limited job search/interview skills
- ☐ Limited job opportunities available
- ☐ Mental health/addiction
- ☐ Ongoing court involvement/conditions
- ☐ Parole conditions
- ☐ Physical health
- ☐ Probation conditions
- ☐ Qualifications/foreign credentials
- ☐ Technology limitations
- ☐ Transportation
- ☐ Work history
- ☐ Other: _____

Explain:

Is there anything else that would impact your ability to be successful there during onboarding, training or maintaining the job?

- ☐ Yes: _____
- ☐ No

What type of support would be helpful to you after you find a job?

- ☐ Ongoing communication with job developer
- ☐ Assistance with employer communication
- ☐ Help accessing additional services (e.g., transportation, childcare, mental health)
- ☐ Other: _____

ACCESS TO RESOURCES

Do you have access to a computer?

- ☐ Yes
- ☐ No

Do you have access to Internet?

- ☐ Yes
- ☐ No

Do you have access to a computer with a camera and microphone?

- ☐ Yes
- ☐ No

Do you have a phone?

- ☐ Yes
- ☐ No

Are there any other accommodations or support that would be helpful for you?

Would you like help connecting with any additional support services?

- ☐ Yes
- ☐ No

Explain:

FINANCIAL INFORMATION

Current Source of Income

☐ FT Employment
☐ PT Employment
☐ ODSP
☐ OW
☐ EI
☐ Other: _____

Do you have a bank account?

☐ Yes
☐ No

Do you have a Social Insurance Number (SIN)?

☐ Yes
☐ No

Do you have a valid government issued ID?

☐ Driver's license
☐ Passport
☐ Canadian citizenship/permanent resident card
☐ Status card
☐ Other: _____

CRIMINAL HISTORY

Do you have a criminal record?

☐ Yes
☐ No

If yes, please share any details you are comfortable sharing about your criminal record (i.e., charges, time since offence, incarceration history, etc.). ***Please note that we will not share this information with employers without your permission.*** *This information will only be used to help us serve you better and help you target meaningful work opportunities.*

Are you currently on bail, parole or probation?

☐ Bail
☐ Parole
☐ Probation
☐ No

If yes, are there any conditions that we should be aware of that may impact your employment (e.g., curfews, travel restrictions)?

If yes, are there specific job types or sectors restricted by your conditions?

CONSENT FOR DISCLOSURE

Do you consent to your job developer discussing the information shared here with potential employers or service providers to better advocate for you?

☐ Yes
☐ No

If yes, is there anything you don't want shared?

How to Accommodate Bail, Parole, or Probation Requirements

When it comes to accommodating bail, parole or probation requirements, you can ease some of the barriers your clients will face with employers in a few different ways:

1 - Target Realistic Work

Targeting realistic work options that will fit within the parameters of your client's conditions will allow you to best set your client up for success. Some examples include:

- Casual positions with employers who have extra hours to staff – this will give your client the opportunity to black out certain dates/times of availability if they need to attend things like meetings, appointments, court appearances or court-mandated programming
- Positions where employers offer options for staff to trade shifts in case your client needs to work around scheduling conflicts created by their conditions
- Employers with multiple shift options (day, evening, night, etc.) and flexible working hours
- Remote work opportunities, where possible, and where it doesn't conflict with any use of internet/computer conditions

Keep in mind as you look through options with clients that you may need to have conversations around meaningful work and realistic work. While clients may have certain expectations, new circumstances like a criminal record or restrictions/conditions might limit certain positions or industries.

2 - Bring Solutions to Employers

Being prepared and coming to employers with accommodation solutions in mind can help ease some of the barriers the employer might see to hiring your client. Some examples of how you can do this include:

- Working with employers ahead of hiring and onboarding to see if they might be open to flexible working arrangements for those who need time off or need to leave early to attend mandated programming or check ins. Having this conversation ahead of time will help ease issues later on by understanding what/if an employer can accommodate.
- Work with the employer to ensure your clients aren't being set up to breach their conditions while at work. For example, if a client is not allowed to use the internet but will be given a work cell phone with internet, you can work with the employer to ensure they don't have access to those phones. Working with an employer to implement individualized protocols or policies like this will help promote your client's success.
- Suggest they allow access to a space for calls or zoom meetings that are scheduled during work hours. This doesn't necessarily need to be paid time, just access to a private place with a door to attend their virtual appointments.

- Allowing the use of the client's personal cell phone while at work if they are required to attend any check-ins

You can navigate these conversations in the same way you would with a client who requires other types of accommodation (e.g., disabilities, childcare responsibilities, etc.). If your client is comfortable with it, you can help them disclose their record and advocate on their behalf to ensure these accommodations are in place before they get started to avoid any issues later on.

3 – Collaborate with Court Officers

With your client's permission, you can work with a bail worker or parole or probation officer if an employment opportunity comes up that might interfere with certain conditions. Officers can often be very accommodating and will want clients to be successful in their employment opportunities, so you can work with them to give your client the best chance at finding and maintaining employment. Here are a few examples of things you can do:

- Communicate with the officer about getting things like required clearances for travel passes or curfew extensions.
- Plan ahead with the officer, if you can, to try to set up a fixed appointment schedule so meetings are consistently on the same day at the same time, where possible. This will make it easier for your client to submit their availability to employers and for employers to plan their schedule. This also offers clients an opportunity to maintain some privacy around their record, as they can simply let the employer know they need a certain day/time off work without requiring a working hour accommodation.
- If your client has already secured a position, they can ask their officer for flexibility around scheduling meetings, check-ins and testing. Officers may be willing to meet in the community outside of your client's work hours or on their lunch break. This will help increase your client's ability to retain their position as they won't be required to take as much time off to meet their conditions.

E-Learning Record Disclosure

The John Howard Society of Ontario offers a **free e-learning workshop** for individuals with criminal records to help them walk through how to tell a potential employer about their criminal record.

The course, which takes 10-15 minutes to complete, will discuss:

- **The advantages & disadvantages of disclosing a criminal record**
- **Their legal rights regarding criminal record checks**
- **Tips & techniques on how to effectively disclose a criminal record**

Encourage your client to complete the course, either with you or on their own, and then help them practice their interview skills as well as how to address questions around their criminal record.

Click on the image or link below to access the course.

https://policerecordhub.ca/arrest-disclosure

3. Employer Engagement

When it comes to connecting a job seeker who has a criminal record with prospective employers, you'll encounter a spectrum of employers. Some employers will conduct a record check but never hire someone with a record, some will conduct a record check but still hire someone with a record, and some might not conduct record checks at all. Understanding where an employer in your community fits along this spectrum and what kind of record check policies they have in place can better help you manage client expectations and better help you place clients with prospective employers.

However, understanding this information can also help you more effectively pitch employers in your area on the benefits of fair chance hiring. **Someone looking to put their record behind them can offer great potential and loyalty to an employer willing to give them a fair chance**. According to research, employees with a criminal record have a lower turnover rate than those without one and they're no more likely to be fired for misconduct than any other employee. Employees with criminal records rank just as well or better than employees without a record when it comes to things like retention, dependability, potential for promotion, and job performance. They perform their jobs the same or better than workers without records, their talent is the same or higher and they are just as dependable as any other employee without a criminal record.

The economic costs of hiring someone with a record are also just the same as hiring someone without one, if not lower. And the costs to a business' reputation in the community can actually be beneficial. Research shows that Canadian consumers are very supportive of organizations hiring someone with a record, and millennials are even more supportive of it. More than half of Canadians believe that a company having inclusive hirings practices for job seekers with criminal records would make them stand out and make them more likely to buy products or services from that company.

Generating awareness around the population of individuals with criminal records and building up knowledge ahead of time can help employers access this untapped pool of talent. And arming yourself with this kind of information can help you build a business case to pitch employers and help them rethink their hiring practices before a job posting even goes up.

In this section of the toolkit, you will find:

- **Employer Pitch Deck**
- **Employer Needs Assessment & Questionnaire**
- **Common Objections & Responses Document**

These documents will help you advocate for your clients with justice involvement by providing you with the tools to build a business case for hiring someone with criminal record, and tailoring that business case to the needs of the employers in your area. They will also provide you with responses to some of the common objections you may face from employers, to better help you respond to their concerns and questions.

FAIR CHANCES COALITION

Fair Chance Hiring

[INSERT ORGANIZATION NAME & LOGO]

What is **Fair Chance Hiring?**

FAIR CHANCES COALITION

Fair Chance Hiring (**FCH**) refers to a range of hiring **policies, best practices, and training** that every employer can use to fairly assess candidates who have a criminal record. They're built on a simple idea: that **every qualified candidate, regardless of background, has the right to a fair assessment** free from stereotypes or misconceptions about criminal records.

FAIR CHANCES COALITION

Why Fair Chance Hiring?

FAIR CHANCES COALITION

Four million Canadians have a criminal record. That's one in nine of us.

But they're **50% less likely to find a job** because of the stigma they carry. Many will be rejected before their application is even considered.

Because of the stereotypes and misconceptions that many employers have about criminal records, millions of Canadians are denied the chance to build a productive future for themselves and their families.

These Canadians – who disproportionately come from communities that are racialized and marginalized – hold incredible potential for employers willing to give them a fair chance.

FAIR CHANCES COALITION

Canada's criminal justice system is too often biased and unjust.

People from racialized and marginalized communities are over-policed and over-incarcerated. As a result, they're highly over-represented among people with criminal records.

These communities include Black and Indigenous people, as well as people who are experiencing mental illness, addiction, homelessness, trauma, and poverty.

Because of systemic bias in the criminal justice system

Black people are over-represented by **3x**

and Indigenous Peoples are over-represented by **5x**

than their share of the overall population.

FAIR CHANCES COALITION

Hiring That's Good for the Bottom Line:
The Business Case

By **reducing barriers**, you unlock talent.

It’s hard to overstate the value of employment to someone struggling to put their criminal record behind them. When you offer someone a Fair Chance, you aren’t just offering them an opportunity: **you’re fostering deeper loyalty.** Inspiring hope in people who have struggled for so long unlocks their potential and dedication in a way that’s difficult to match.

FAIR CHANCES COALITION

FAIR CHANCES COALITION

Employees with criminal records have a 13% lower turnover rate than those without one, according to a study from Northwestern University. They're also no more likely to be fired for misconduct than any other employee.

According to the Society for Human Resource Management, **67% of HR professionals and 82% of managers feel that the "quality of fair chance talent is about the same or higher** than that of workers without records."

Not only that, **but 74% of both managers and HR professional surveyed believe the cost of hiring individuals with criminal records is the same as or lower** than that of hiring individuals without criminal records.

Source: 2021 Second Chance Business Coalition, The Business Case for Second Chance Employment

FAIR CHANCES COALITION

Canadian consumers support equal opportunity.

80% of us strongly believe that people who have served their time should have the chance to work again. We may not always align on solutions for societal challenges, but in this case the belief spans age, gender, region and education. It's in our DNA to offer our neighbours opportunity. It's also reflected in our purchasing decisions.

58% would be *more* likely to buy products or services from a company if they provide employment opportunities to people with a criminal record. As more consumers seek out brands that align with their values, Fair Chance Hiring policies present an opportunity to take leadership on an issue that matters to Canada.

Source: 2020 Navigator Ltd Opinion Survey of 1,500 Canadians

FAIR CHANCES COALITION

TORONTO

Hear what early adopters like the **City of Toronto** have to say:

“Police record checks are often unnecessary and inequitable barriers to employment. Fair Chance Hiring reduces the stigma associated with having a criminal record and will become a component of the City’s Diversity and Inclusion recruitment outreach.”

FAIR CHANCES COALITION

Hear what **Fair Chance Employers** have to say:

"We believe that diverse teams make the strongest and most robust workforce. Life and work experience comes from a variety of places, and contributes to a well rounded, versatile and resilient business and work environment. **We also believe whole-heartedly in second chances**. Work relationships built on respect result in wonderful outcomes for the business and the team, such as loyalty, dedication and belonging."

Andrea Payne, HR Manager, J.E. Agnew Food Services Ltd.

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So, what can **your organization** do?

FAIR CHANCES COALITION

Getting started can be simple.

Connect with us to learn more about the local untapped talent in your area and how we can work together to uplift our community.

[INSERT NAME]
[INSERT EMAIL]

FAIR CHANCES COALITION

Want to take it one step further?

Join the **Fair Chances Coalition.**

The **Fair Chances Coalition** **(FCC)** is a group of employers, HR professionals, and businesses committed to giving Canadians who have a criminal record a fair chance at building a better life through employment.

By joining the Coalition, you'll have access to **educational resources and practical tools** to help your organization break down barriers and connect with motivated, committed talent.

FAIR CHANCES COALITION

THANK YOU!

FAIR CHANCES COALITION

Employer Needs Assessment & Questionnaire

The goal of this form is to guide your discussions with employers. You may find different approaches work for different employers (e.g., formal vs. informal approach/discussions) so you may not need to stick to this exact language, but you can use these questions to frame your conversation.

What is the process your company/organization uses to recruit job candidates?

Does your organization have an EDI recruitment strategy?

How many job openings do you currently have?

How many jobs do you project your company/organization will have in the next three, six, and twelve months?

Do you have any hiring policies or practices that would prohibit you from hiring individuals with a criminal record? If no, which positions would you be open to hiring people with criminal records for?

Are you aware of the incentives (financial or otherwise) available to employers who hire individuals with criminal records? Would you be open to discussing these with a job developer?

What level of openness do you believe your staff has to hiring someone with a criminal record?

What level of openness do you believe the leadership team/owner has to hiring someone with a criminal record?

Do you perform online searches on candidates (e.g., Googling them)? If so, how do you address any concerns that arise from what you find? Do you have a process for discussing this with candidates or job developers?

How would you describe the culture of your company/organization? What are the qualifications and qualities you're looking for in a prospective new hire?

Do you currently have any supports in place for employees who may be struggling in their role (e.g., counseling, mentorship, or accommodations)? Would you be open to additional support from job developers during the onboarding or retention process?

Do you have experience hiring someone with a criminal record? If yes, what impact did this have on your team?

What is the turnover rate of your company, and how does it compare to the average turnover rate in your industry?

Common Objections & Responses

I don't want to hire someone with a criminal record.

Response: Try to talk to the employer about what their concerns are and distill whether they are concerned about any and all criminal records, or perhaps just certain convictions. If you can help them understand what their specific concerns are, you may be able to find some flexibility in their approach. Perhaps there are certain convictions that are particularly concerning to them. Perhaps there are certain positions/roles where there are legislative requirements prohibiting the hiring of an individual with a certain type of criminal record. The goal is to try to move away from blanket statements and policies impacting every individual with any record, and working with the employer to make more specific assessments based on the role being hired for and the type of your record your client might have. It can also be helpful here to mention any on the job support you offer to both the client and the employer, as well as any wage incentives or funding opportunities to help support employment, training or onboarding.

What if my community, customers or clients find out and it ruins my reputation?

Response: You can share with the employer that research shows that Canadians are actually very supportive of businesses and organizations that promote fair chance hiring and provide opportunities to individuals with criminal records. The population of Canadians with criminal records is also not an insignificant proportion of the Canadian population. It's close to 10%, and these individuals may also form part of the employer's community, customers or clients. Having fair and inclusive hiring practices for individuals with criminal records may therefore benefit the employer's reputation. Furthermore, unless record checks have been a standard part of the employer's screening process for a long time, chances are they may have hired someone with a criminal record before or have had an employee who ended up getting a criminal record while they were working, and the employer nor anyone else in the workplace ever found out about it.

I'm worried someone with a criminal record won't be a good employee.

Response: You can use research and statistics around fair chance hiring to help combat these concerns, focusing on the high loyalty of individuals with criminal records and their lower turnover rates (you can find these in our Employer Pitch Deck). Individuals with criminal records are not frequently given opportunities because of the stigma their record carriers, so an employer willing to give them a fair chance will often foster deep loyalty and a strong work ethic in that individual. You can also share that according to research, record checks have little predictive value and don't tell you much about how an individual will perform in the workplace nor whether they will commit another crime. Follow this up with a focus on your client's strengths and advocate for why they would make a good employee. It can be helpful to mention your personal interactions with your client here as well (e.g. have they been punctual, reliable, motivated, taking initiative, etc.) and highlighting any transferrable skills you've witnessed in your meetings that employers would want to see on the job.

4. Placement, Onboarding and Retention Supports

Once your client has secured a position with an employer, they may still require ongoing support to ensure they are successful in maintaining their employment, but you can work with your clients and their employers to make sure they are set up for success. This includes **maintaining your connection and relationship with your client and their employer** to ensure they know where they can seek help or resources if they need them. Talking to them and getting a better understanding of their ongoing needs will help you ensure that both the employer's and client's needs are being met and promote the best possible chance of successfully maintaining the position.

You can help your client by **sharing resources or referral locations ahead of time** to address potential challenges like child care needs, transportation to and from work if someone doesn't have a vehicle, food insecurity or housing issues. You can also share these with employers in your community so that they know where they can provide referrals to their employees, if needed.

Maintaining these connections will also offer you an opportunity to help your client and their employer establish accommodations that might be needed to meet any probation or parole-related conditions. This can include things like avoiding scheduling conflicts with parole office appointments, avoiding certain work locations or attending programming. Having these conversations will also allow you to get a better understanding of the support mechanisms available for your client in the workplace. Will they have a direct manager or supervisor? Are there any mentorship opportunities? Will they have regular check ins? Knowing all these things ahead of time can help you better plan with your client to ensure they have sufficient supports in or outside of the workplace as necessary.

In this section of the toolkit, you will find:

- **Wraparound Support Services Checklist**
- **Employer's Legal Rights & Responsibilities One Pager**
- **Common Workplace Issues & Solutions Document**

These documents will help ensure your client is best set up for success at their new job placement. They will help you share information with employers so that they better understand their obligations and responsibilities but also help you understand your client's circle of care, community and any ongoing support services they may need. These documents will help you help your clients address issues that may arise in the course of their onboarding or employment as well.

FAIR CHANCES COALITION

Wraparound Support Services Checklist

Instructions: Use the following table to organize and identify the social support needs of your clients and list the relevant community organizations that can provide assistance.

It is important to establish regular communication with the organizations you are referring clients to in order to ensure comprehensive wraparound support.

Client Needs	Service	Provider Name/Referral
☐ **Childcare** (daycare/subsidized care, after-school programming)		
☐ **Cultural/Spiritual Support** (culturally specific supports, spiritual counselling)		
☐ **Education** (CACE preparation, vocational training, support applying to post-secondary)		
☐ **Financial Literacy** (budgeting, saving, credit management, taxes, opening a bank account)		
☐ **Food Security** (local food banks, restaurant/grocery story gift card)		
☐ **Housing** (securing housing, housing programs)		
☐ **Identification** (ID clinic or support obtaining a birth certificate, driver's license, health card, social insurance number)		
☐ **Income Assistance** (OW, ODSP, EI)		
☐ **Language** (translation services, services offered in different language, ALS)		
☐ **Legal Support** (Legal Aid clinics, connection to lawyers)		
☐ **Mental Health** (counselling programs/therapy, peer support, support groups)		
☐ **Physical Health** (community health clinics, dentist, mobility support)		
☐ **Substance Use** (AA/NA, SMART meetings, rehabilitation programs, harm reduction)		
☐ **Transportation Assistance** (transit support, accompaniment)		
☐ **Additional Support Services**		

Employer's Legal Rights & Responsibilities

As an employer, you may be wondering what your legal rights and responsibilities might be when it comes to Fair Chance Hiring and how hiring someone with a criminal record could impact your workplace.

FAIR CHANCE HIRING

Fair Chance Hiring refers to policies, best practices, and training that any employer can use to help fairly assess candidates with a criminal record. They are built on the fundamental idea that **every qualified candidate, regardless of background, has a right to a fair assessment** free from stereotypes or misconceptions.

Can I be held vicariously liable?

While employers can be held liable for the actions of their employees when an employee does something that causes injury or harm within the scope of their employment, otherwise known as vicariously liability, there are **no cases of negligent hiring in Canada**. Though it has been seen in the United States, there have been no instances in Canada where employers have been held liable for failing to conduct a criminal check or for hiring someone with a criminal record. These are situations where an employee is put in a position of trust or power, has been given an opportunity by the employer to abuse that power, and does so (e.g., committing fraud while having responsibility over client assets or causing intentional harm while working with vulnerable populations). In many of these situations, employers are already obligated to or well-advised to conduct and review criminal record checks. Fair Chance Hiring ensures employers can do so without undue bias or stigma, and helps employers meet their obligations effectively and with greater confidence.

As with any employee, if that person commits a wrongful action and that wrongful action occurs within the scope of their employment, you as the employer can be held liable for it. This can be as simple as a worker leaving a mop on the floor of a store causing a customer to trip and be injured. However, **hiring someone with a criminal record or not conducting a criminal record check does not trigger the same vicarious liability.**

What about my responsibilities under *OHSA*?

Furthermore, employers can implement Fair Chance Hiring processes while also maintaining compliance with Ontario's *Occupational Health and Safety Act* (*OHSA*). The *OHSA* sets minimum standards for workplaces in Ontario and imposes duties on employers to ensure the health and safety of all workers. However, the *OHSA* **does not** require a criminal record check as a pre-hiring screening tool for every job nor is there a requirement under the *OHSA* for employers to conduct a criminal record check. Even one of the broadest duties under the *OHSA* – the duty to "take every precaution reasonable in the circumstances for the protection of a worker" (section 25(2)(h)) has never been interpreted to require criminal record checks in the hiring process. In fact, the Ministry of Labour has produced guidance which states that **criminal record checks are not required by *OHSA***.

To reduce the risk of liability, employers should have good practices for hiring, training and supervision – including engaging in Fair Chance Hiring. Employers should:

- Ensure employees are fully qualified for the position
- Ensure employees are fully familiarized with their duties and responsibilities in the context of their employment; and,
- Ensure employees are adequately supervised.

Common Workplace Issues & Solutions

When working with clients with criminal records, there are some commons issues that might come up after they have secured an employment opportunity and started working. Below we cover some of the most common workplace issues that might come up for you and your clients, and how you can help them and the employer resolve them.

Someone googled the client or information got out in the workplace and now the rest of the employer's staff know about your client's criminal record.

This can be a difficult thing for employers to navigate but there are things you can do to support them, including:

- **Encourage** them to promote private conversations and confidentiality in the workplace and setting expectations with employees around workplace gossip.
- **Remind** them that the client has been rehabilitated back into the community and holding them accountable for their past is unfair and should not lead to any retaliation.
- **Coach** your client on what to do if their record comes up at work, how they will address it, and help them identify appropriate language to use when describing it. While it is the employer's responsibility to manage privacy and respect in the workplace, you can help your client understand how disclosing their record to other employees might impact them and what the potential outcomes might be, including that others might feel uncomfortable with it. This can include coaching around boundaries with coworkers vs. friendships outside of work, and what the differences are.

There are certain tasks your client can't do in the workplace because of their record or conditions they need to follow (e.g., no access to computer/internet, driving restrictions, etc.).

- **Problem solve** with the employer to see if certain duties can be modified or shared/shifted between multiple people.
- **Build in accommodations** to avoid breaching conditions (e.g., not using work computers or cell phones where possible, adjusting working hours, providing private spaces to attend virtual meetings, etc.)
- **Coach** the employer about maintaining privacy around these modifications or accommodations. If a client has to miss time from work or take a longer break to attend meetings or appointments or meet certain conditions, the reason why shouldn't be shared with other staff.

A client has come out of a long period of incarceration and continues to have challenges associated with that (e.g., unfamiliarity with workplace etiquette or expectations, lack of social skills, lack of tech skills, etc.)

- **Implement** additional time for training or support with the employer for your client to ensure the client has the best chance at retaining employment. This can include implementing more frequent check-ins for your client with their manager or supervisor, at least initially, to catch any issues that might come up early on.
- **Educate** your client on proper workplace etiquette (e.g., knowing what to do if you're running late or need time off, who to contact, when, etc.). It's important not to take these skills for granted because some individuals may be learning for the first time or relearning them after a long time away from the workforce.
- **Refer** your client to government social assistance programs or supports as well as community services to help support with things like the costs of work attire or required certifications, as well as programs to help support them with financial management.
- **Stay connected** with your client beyond their placement with an employer to provide ongoing support, where possible. If any issues arise, you want to avoid a client immediately resorting to quitting. If they are able to come to you, strategize and problem solve, you will be able to support them and coach them, ultimately increasing job retention.

The client has had a dispute or negative interaction in the workplace.

- **Ensure** your client is aware of and understands any workplace harassment or violence policies and processes (e.g., how to report issues/concerns, formal consequences, informal consequences, etc.).
- **Promote** good problem-solving skills and techniques to arm your client with the tools to resolve disputes or negative interactions in a non-adversarial way. You can also incorporate resiliency building activities into your coaching and counseling, as well as refer them for additional supports like mental health supports, addiction referrals, anger management, food security, etc.
- **Assist** your client in finding language to communicate concerns to the employer or other colleagues. With your client's permission, and where necessary, you can speak with the employer and communicate something that the client is having difficulty articulating.