



The Honorable Ralph Goodale
Minister of Public Safety and Emergency Preparedness
House of Commons
Ottawa, ON K1A 0A6

The Honourable Jody Wilson-Raybould
Minister of Justice
Attorney General of Canada
House of Commons
Ottawa, ON K1A 0A6

11 April 2018

Dear Ministers:

The Mayor's Advisory Panel on Poverty was convened on September 16, 2015 and given a six-month mandate to develop recommendations on what more the community could do to address poverty in London, Ontario. The report *London for All: A Roadmap to End Poverty* was published in March 2016 and included 112 recommendations built on the foundations of the Panel's approach.

This approach was rooted in: the social determinants of health, best available research, good work already happening in London; and deep engagement with over 1,000 Londoners including those with lived experience.

The Mayor's Advisory Panel on Poverty embarked on a process seeking to gain broad public input to build momentum towards solutions. Panel members attended nearly 100 different meetings and heard from over 1,000 Londoners, learning that thousands of London children go to school every day without having had a decent breakfast because their families have to choose between paying rent and buying healthy food. The panel also learned of continued inequities that limit some Londoners' ability to reach their full potential. This includes the double-edged sword of the skills gap meaning there are chronically unemployed workers in London even as jobs remain unfilled because employers can't find workers with the necessary skill sets.

In May 2017, United Way Elgin Middlesex was named the Lead Agency for the implementation of *London for All*. In this role, United Way acts as a project manager, bringing partners together to develop and oversee implementation plans, ensuring ongoing evaluation and accountability for the work as well as reporting to stakeholders including the community. In addition, the Lead Agency ensures the meaningful involvement of individuals with lived experience of poverty in all aspects of the work including leadership roles.

As a leader, strategic partner and funder in the social services sector, United Way addresses complex social issues in our community by strengthening and supporting a network of local agencies, programs and services as outlined in our Community Impact Agenda. *London for All: A Roadmap to End Poverty* addresses many of the desired outcomes of the Community Impact Agenda; in addition to strategies that require a larger-scale, collaborative effort.

As a result, United Way is uniquely positioned to fulfill the role of Lead Agency for *London for All* and is pleased to present the following submission on behalf of *London for All*.

London urgently needs to address poverty. Our poverty rates are higher than the provincial and national averages. More than 62,000 Londoners live with poverty. In recent times, we had the highest unemployment rate of all big cities in the country. London for All: A Roadmap to End Poverty is our community's plan to end poverty in a generation. Developed based on the feedback and experience of Londoners with lived experience and input from organizations that work to reduce the impact of poverty every day, this plan is truly reflective of our community's approach to end poverty. Led by the community, London is moving forward with our goal that London will reach its full potential by ending poverty in a generation.

Recommendations in London for All: A Roadmap to End Poverty are divided into eight sections: changing mindsets; income & employment; health; homeless prevention & housing; transportation; early learning & education; food security; and system change.

Under Income & Employment, a key recommendation is eliminating the cost of applying to have a criminal record expunged and remove a financial barrier for people looking to find work. To this end, United Way Elgin Middlesex and London for All is supportive of the efforts of the London Community Advocates Network in drawing your attention to this issue. In their letter dated February 15, 2018, the London Community Advocates Network outlined some of the justice system barriers faced by low income individuals attempting to expunge criminal records in an effort to find employment and achieve income stability.

We join London Community Advocates Network in calling on the Government of Canada to examine the fee structure for expunging criminal records and consider the elimination of those fees for low income Canadians. This will remove a barrier to employment being faced by a number of low income individuals and assist in reducing poverty for families and individuals.

Thank you for your consideration,



Kelly Ziegner
Chief Executive Officer
United Way Elgin Middlesex



David Billson
Chair, Income and Employment Table
London for All

Attachment: London Community Advocates Network letter, February 15, 2018

March 22, 2018

The Honorable Ralph Goodale, Minister of Public Safety Canada
House of Commons
Ottawa, ON K1A 0A6

The Honorable Jody Wilson-Raybould, Minister of Justice and Attorney General of
Canada
House of Commons
Ottawa, ON K1A 0A6

Dear Ministers:

RE: Eliminating Fees to Obtain Pardons and Having a Criminal Record Expunged

The London Community Advocates Network (the “Network”) is comprised of approximately 50 community organizations that assist recipients of Ontario Works and Ontario Disability Support Program benefits in London and Middlesex County. We meet as a group on a quarterly basis with staff from both program areas to provide input into local issues and policies affecting the vulnerable population we serve. In addition, the Network advocates on behalf of low-income Londoners to ensure they are represented vis-à-vis poverty issues at the municipal, provincial, and federal levels.

In 2016, extensive community consultations were held regarding poverty in London. These consultations led to over 100 recommendations to be implemented in order to deal with and eliminate poverty in London. One of those recommendations was Recommendation 2.17 which called for “the elimination of the cost of applying to have a criminal record expunged to remove a financial barrier for people looking to find work”. Furthermore, in 2017 reports were released by Public Safety Canada that outlined the public’s support for easier and cheaper pardons. 90% of respondents to the online survey believed that the current fee of \$631 to apply for a pardon was too much.

As mentioned above, the application fee is \$631; however, associated fees may be applicable. For example, a record check (\$50 to \$75), fingerprinting (\$30 to \$125), court processing fees (\$40 to \$100), and a US waiver processing fee (\$585) may apply. It is difficult for low-income individuals and those living in poverty to come up with the processing fees required to get their criminal records expunged.

The maximum benefit amount of Ontario Works is currently \$706 per month. This means that the cost associated with getting a pardon is almost as much as individuals on assistance get for an entire month. There is also little chance of low-income

individuals saving their money to apply as they usually do not have enough income to provide for their basic needs for the month let alone put excess funds away to pay to have a criminal record expunged.

Criminal records are large barriers for individuals with low incomes in a variety of ways. Many potential employers require a criminal record check during the application process. If a criminal record check comes back positive, the employer can simply refuse to hire the individual. People with criminal records may also be exploited by employers in that once an employer realizes they are dealing with someone with a criminal record, they may agree to hire the potential employee only on the condition the potential employee accept remuneration below the legal minimum wage rate.

Education can also be impacted by having a criminal record. Many programs involve a practicum experience which could be hindered due to a criminal record. Without access to a post-secondary degree, it becomes even more difficult to elevate oneself out of poverty. Someone with a criminal record can also find it difficult to find housing. Low-income individuals already struggle to find housing that can accommodate their budget, but this problem is further compounded by the reality that landlords can ask for a criminal record check on rental applications and refuse to rent to anyone with a criminal record.

These barriers to gaining a higher income and appropriate housing can be alleviated by getting a pardon or having a criminal record expunged. Unfortunately, the cost of this is significant.

Steps have been taken in recent years to reduce access to justice barriers for low-income individuals. For example, in Ontario, if an individual is going to court for a family, civil, or small claims court matter on a personal basis and not on behalf of a business, the individual can apply to have a majority of their court and enforcement fees waived if they are low-income. It would be a significant step to assist low-income individuals if a waiver of pardon fees was put into place.

In addition to the issue of fees being a barrier, many clients need assistance to complete the application.

Although legal representation is not required in order to fill out an application to have your criminal record suspended or expunged, many applicants require assistance. This assistance is vital to low-income individuals. Individuals with poor literacy skills are more likely to live in lower income households. As such, low-income individuals are more likely to need assistance in filling out the application. There are numerous businesses that offer services in regards to filling out the required forms; however, many of these businesses take advantage of people and offer things they cannot follow through with – like a guaranteed pardon.

Not only do these precarious businesses make promises they cannot keep, they also try to pass themselves off as government agencies and charge high fees on top of the application fee and other related fees mentioned above.

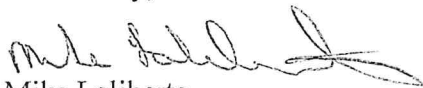
The CBC did a news story on November 23, 2015 about a woman named Charlene Pitre. Pitre secured the services of one of these third-party businesses to help her through the application process, but ended up having to pay them \$901.64. She did not realize this fee did not include the application fee of \$631. Pitre had been under the assumption that she was dealing with a federal agency, not a third-party service provider. Pitre can no longer afford to go forward with her pardon application as she does not have enough money to pay the application fee of \$631. She is now stuck with a criminal record for stealing a lipstick almost four decades ago.

Another news story run by CBC on January 24, 2016 outlines how not being able to expunge a record has impacted the lives of three individuals. One of these individuals is Bentley Williams, a 48 year old man from Eastern Ontario that was charged with crimes 25 years ago. Mr. Williams has tried to improve his life and the lives of his wife, daughter, and son. Unfortunately, his record has prevented him from obtaining a job since a back injury stopped him from doing his job as a labourer. Mr. Williams obtained his licence to drive truck, but most companies won't hire someone with a criminal record. There is also the story of 30 year old Alia Pierini. Having served her time, she wanted to give back to society. But having a criminal record has deterred her from going to graduate school to become a social worker. It has also impacted the lives of her children. Her youngest son consistently asks her to join him on school trips, or to volunteer in his school, but because of her record she cannot.

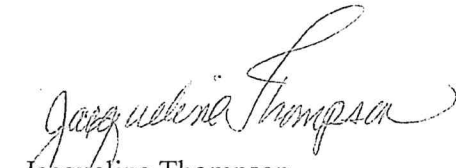
These are just some stories of the thousands of individuals that are negatively impacted by not being able to get a pardon. However, there is hope. Changes can be made to improve their lives. Therefore, we ask that you examine the practice of charging substantial fees and eliminate the cost of applying to have a criminal record expunged. This will allow low-income individuals the opportunity to support themselves financially and work towards lifting themselves out of poverty. We also ask that resources be made available to individuals to assist them.

We look forward to your response and appreciate your anticipated cooperation in this matter. Thank you for your time.

Yours truly,



Mike Laliberte
Staff Lawyer, Neighbourhood Legal Services
Co-Chair of London Community
Advocates Network



Jacqueline Thompson
Executive Director, LifeSpin
Co-Chair of London Community
Advocates Network