



THE CASE FOR CANNABIS AMNESTY

Canadians convicted of simple cannabis possession want jobs, but they face a big hurdle: their criminal record.

On October 17, 2018, the *Cannabis Act* came into force, legalizing recreational cannabis for adult use. People convicted of cannabis possession prior to this date should not continue to face the negative consequences associated with having a criminal record once they have completed their sentence. By maintaining barriers to entering the workforce, we are doing these Canadians, their communities, and our country a disservice.

Support for erasing previous cannabis convictions exists amongst the Canadian population. In 2016, Public Safety Canada commissioned public consultations on Canada's record suspension system.

Upwards of 500,000 Canadians have a criminal record for cannabis possession (CAMH, 2014).

While views were mixed as to whether all crimes should be eligible for a record suspension, almost 90% of respondents said that criminal records for minor cannabis possession offences should be completely cleared (Ekos Research Associates, 2017).

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While there is robust support for clearing these criminal records, some opposition still exists. A key reason for this opposition is a recognition that the individuals who were convicted of cannabis possession knowingly broke the law when they engaged in the activities for which they were ultimately convicted. While there is merit to this argument, it is worth considering the individual and social costs associated with maintaining these criminal records now that cannabis is legal.

Upwards of 500,000 Canadians have a criminal record for cannabis possession (CAMH, 2014). These are people who will face difficulties being self-sufficient, participating in the workforce and contributing to their communities. The challenges faced by those with criminal records are perhaps greatest in the employment sector where managers are reluctant to hire individuals with a criminal history. Recent research from Ontario, for example, found that over 60% of employers require criminal record checks for employees, and that almost 60% of survey respondents indicated that they had never knowingly hired someone with a record (JHSO, 2018). Record checks are common amongst large employers and are often written into company policy and risk management procedures (Ibid).

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The inability of people with criminal records for cannabis possession to find meaningful employment should be a key concern for politicians and policymakers alike. First, individuals who are not able to live up to their full potential because of a criminal record are less able to provide for themselves and their families and to contribute to the Canadian economy. Data for Canada do not exist, but evidence from comparable jurisdictions suggests that the economic costs associated with the lost productivity caused by a criminal record are substantial (Schmitt and Warner, 2011). Furthermore, as individuals who have a criminal record are more likely to be unemployed, they are also more likely to rely on various forms of social assistance, thus increasing the burden on Canadian taxpayers.

Importantly, unemployment causes crime. Research often points to unemployment and measures of poverty as salient risk factors for criminal behaviour (Apel and Horney, 2017).

Unemployment is a salient risk factor for criminal behaviour

Individuals and their families who experience unemployment and poverty as a result of a criminal record have reduced opportunities to engage in organized activities and to obtain the material goods that are sought after in our society. A lack of structured time and the desire for goods that are out of reach can contribute to offending. Conversely, employment provides not only an income, but also the opportunity to be productive and valued members of society, embedded within networks and social structures that protect against criminality (see Ricciardelli and Peters, 2017).

Clearing the criminal records of people convicted of minor cannabis possession offences would unlock a substantial amount of wasted human capital. We are calling on all political parties to help Canadians live up to their full potential by supporting our fight for cannabis amnesty.

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