"BAN THE BOX"
FACTSHEET

NELP
National Employment Law Project

"BAN THE BOX" IS A FAIR CHANCE FOR WORKERS WITH RECORDS

Removing questions about criminal history from job applications is one simple policy change that eases hiring barriers and creates a fair chance to compete for jobs. Known as "ban the box," this change allows employers to judge applicants on their qualifications first, without the stigma of a record. The most effective policies don't just remove the "box;" they ensure that background checks are used fairly. Employers should make individualized assessments instead of blanket exclusions and consider the age of the offense and its relevance to the job. Candidates should be given an opportunity to review background-check results. Expanding these common-sense recommendations to private employers will give workers a fair chance.

THE PROBLEM: EMPLOYERS ARE NOT HIRING PEOPLE WITH CONVICTIONS

There are an estimated 70 million U.S. adults with arrests or convictions that often make it much harder to find work. The "box" on a job application is a barrier to jobs because it has a chilling effect that discourages people from applying. It also artificially narrows the applicant pool of qualified workers when employers toss out applications with the "box" checked, regardless of the applicant's qualifications or relevancy of the conviction to the job. Both the employer and job applicant lose out. Research affirms that a criminal record reduces the likelihood of a job callback or offer by nearly 50%.

Removing Job Barriers Helps the Economy and is Good for Business

The reduced output of goods and services of people with felonies and prison records is estimated at $57 to $65 billion in losses to the nation's economy. Allowing people to work increases their tax contributions, boosts sales tax, and saves money by keeping people out of the criminal justice system. Major employers such as Target and Wal-Mart removed the "box" because it made sense.

Employment Reduces Re-Offending

Employment has been found to be a significant factor in reducing re-offending. One study found that a 1 percent drop in the unemployment rate causes between a 1 to 2 percent decline in some offenses.

THE SOLUTION: ENACT FAIR CHANCE POLICIES

A fair chance policy has a real impact. Research indicates that once an employer has had the chance to examine the qualifications of the applicant, the employer would be more willing to hire the applicant. It's a tried and tested policy. In the United States, thirteen states have embraced a fair chance policy, with six extending it to private employers. At last count, about 70 cities and counties had adopted the policy. Now is the time to enact a fair chance policy for all.

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FREQUENTLY ASKED QUESTIONS

Q. What is "ban the box" or a fair chance policy?

A. "Ban the box" is the phrase coined for fair chance policies that remove the "box" asking about criminal history information from a job application. In addition to delaying criminal history inquiry until later in the hiring process, these policies include procedures to help employers find the best candidates for the job and ensure job seekers have an opportunity to be considered for their skills and qualifications.

Q. What doesn't a fair chance policy do?

A. Typically, a fair chance policy does not prohibit an employer from running a background check nor does it prevent employers from considering an applicant's criminal history when making an employment decision. The employer retains the discretion to hire the most qualified candidate.

Q. Do fair chance policies work?

A. Yes. Fair chance policies have been so successful that some cities and states have expanded their policies to include private employers. Because policies were adopted starting in the early 2000s, now several jurisdictions have had years of experience with the policy. The locations that have collected data on the fair chance policies show an increase in hiring people with records. This makes sense as research indicates that personal contact with an applicant reduces the negative effect of a criminal record on the employment decision. See NELP's factsheet on research.

Q. Who supports fair chance policies?

A. Fair chance policies are supported by policymakers across the political spectrum, law enforcement, faith leaders, labor unions, civil rights and criminal justice reform groups, and more. The U.S. Equal Employment Opportunity Commission also endorsed the policy. See NELP's factsheets.

Q. Who has adopted fair chance policies?

A. Currently thirteen states and about 70 cities and counties around the country have adopted fair chance policies. Six states and over a dozen local jurisdictions apply their policies to private employers and/or government contractors. Target and Wal-Mart both have voluntarily removed the question about criminal records from their initial job applications. See NELP's guides.