Human Resource Management Review 28 (2018) 204–219

Contents lists available at ScienceDirect

Human Resource Management Review

journal homepage: www.elsevier.com/locate/hrmr

Beyond banning the box: A conceptual model of the stigmatization of ex-offenders in the workplace

John E. Baur[a], Alison V. Hall[b], Shanna R. Daniels[c], M. Ronald Buckley[d,*], Heather J. Anderson[d]

[a] Department of Management, Entrepreneurship, & Technology, Lee Business School, University of Nevada, Las Vegas, Las Vegas, NV 89154, United States
[b] Department of Economics and Business Management, Agnes Scott College, Decatur, GA 30030, United States
[c] Department of Management, College of Business, Florida State University, Tallahassee, FL 32306, United States
[d] Division of Management and International Business, Price College of Business, University of Oklahoma, Norman, OK 73019, United States

ARTICLE INFO

Keywords:
Stigma
Employing ex-offenders
Ban the box
Stereotyping
Discrimination

ABSTRACT

Ex-offenders comprise a significant percentage of the labor force but frequently face stigmatization at work. Previous research on the ex-offender stigma has focused almost exclusively on its deleterious implications during the selection process. We seek to provide insight by adopting a cross-disciplinary approach and drawing from theoretical foundations in social psychology to present a model of the process and outcomes of the stigmatization of ex-offenders in organizations. In doing so, we outline the relationships between stigmatization, labeling, stereotyping, and treatment discrimination in the employee-observer relationship, to suggest how stigma leads to employee outcomes such as reduced performance and satisfaction as well as higher turnover. Further, we offer critical boundary conditions along each step of the process and discuss strategies that ex-offenders can use to manage their stigma as well as organizational practices that may help employers and managers avoid negative outcomes for ex-offender employees.

1. Introduction

Housing approximately one-fourth of the world's convicted individuals (Hartney, 2006), the United States incarcerates more people, per capita, than any other nation. More than 2.3 million people are confined in 1719 state prisons, 102 federal prisons, 942 juvenile correctional facilities, 3283 local jails, and 79 Indian Country jails as well as in military prisons, immigration detention facilities, civil commitment centers, and prisons in the U.S. territories (Hockenberry, 2014; National Research Council, 2014). This translates to about 1 in 35 adults in the U.S. being incarcerated, on parole, or on probation at any given time (Glaze & Herberman, 2012). More than 600,000 Americans are released from incarceration each year (Carson & Golinelli, 2013) of which approximately 95% seek employment (Young & Powell, 2015). This group represents a sizeable percentage of the total labor force as nearly one-third of adults in the U.S. has a prior criminal conviction (Friedman, 2015), and 16.1 million people have been imprisoned or convicted of a felony (Uggen, Manza, & Thompson, 2006).

Despite their best efforts, these potential workers frequently face hardships when they attempt to reenter the workforce due in part to a lack of training while incarcerated, strained personal relationships, and unreceptive hiring practices (Albright & Denq, 1996; Kenemore & Roldan, 2006; Pager & Quillian, 2005). These issues are further compounded by the ex-offender stigma they bear upon

* Corresponding author.
E-mail address: mbuckley@ou.edu (M.R. Buckley).

http://dx.doi.org/10.1016/j.hrmr.2017.08.002
Received 2 September 2016; Received in revised form 1 August 2017; Accepted 3 August 2017

release (Lam & Harcourt, 2003). Stigmatized labeling often leads to negative outcomes including stereotyping and discrimination (Link & Phelan, 2001). It may also explain the excessive level of unemployment for ex-offenders – 75% (Young & Powell, 2015) – the majority of whom remain unemployed or underemployed five years after being released (Ella Baker, 2015). Yet, unlike many other stigmatized groups (e.g., minorities, women, individuals with disabilities) that are protected by the enactment of legislation such as the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990, ex-offenders lack specific legal safeguards. Further, the majority of organizations collect data on applicants' criminal histories (SHRM, 2012) as a routine part of the selection process. Thus, the option to conceal their stigma is largely denied to ex-offenders (Young & Powell, 2015).

Recent calls to “ban the box” on job applications have drawn attention to the stigma faced by ex-offenders who seek to rebuild their lives post-incarceration. This prompted former President Barack Obama to issue a Presidential Memorandum on April 29, 2016 creating the Federal Interagency Reentry Council to ensure a fair opportunity for ex-offenders applying for government jobs (Obama, 2016). The phrase “ban the box” refers to the check box on employment applications that asks whether the candidate has a prior criminal conviction. The movement seeks to delay queries regarding criminal history until after a provisional job offer has been extended to the candidate, which supporters of the movement argue provides ex-offenders a fair chance at re-entry by reducing barriers to employment and discrimination (see Maurer, 2016; Solinas-Saunders & Stacer, 2015). Employers that adopt such fair-chance policies are not required to hire ex-offenders but rather apply less weight to prior convictions when selecting the most qualified candidate. Although Ban the Box is an international civil rights movement which began in 2004 as an effort to impact governmental and public job hiring practices, it has since expanded to include private hiring practices also. Across the United States, over 150 cities and counties within 24 states have adopted ban the box policies to assist the 2.3 million individuals currently incarcerated for a variety of crimes (see National Employment Law Project, 2017 for the jurisdictions and specific policies - http://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/).

While gaining employment is a crucial factor in preventing recidivism (Uggen, 2000), many ex-offenders struggle to both secure and *retain* jobs (Holzer, Raphael, & Stoll, 2003; Petersilia, 2003). The delay in revealing their ex-offender status may benefit them during selection, but fails to address the dilemma that ex-offenders face in their post-hire workplace experiences. Unfortunately, however, management literature has yet to show adequate consideration to the workplace concerns of ex-offenders in general (Young & Powell, 2015), and the scant research available has focused almost solely on the hiring process (e.g., Giguere & Dundes, 2002; Pager, 2003). This restricted focus has resulted in an inadequate understanding of the ongoing hardships ex-offenders face at work.

In an effort to advance the discussion of ex-offenders in the labor market beyond access discrimination (e.g., Young & Powell, 2015), we focus our attention on the under-studied area of treatment discrimination, which reflects the “unfair discrimination encountered once on the job” (Jones, 1997, p. 55). Treatment discrimination is often the result of stigmas and stereotypes rather than objective performance or ability (Jones, 1997). It often entails fewer opportunities and financial rewards, less training, slower promotions, unchallenging work, biased performance appraisals, and strained relationships (Ilgen & Youtz, 1986; Stone & Colella, 1996; Stone, Stone, & Dipboye, 1992). We posit that the workplace experiences of ex-offenders are likely wrought with unfair post-hire treatment discrimination from observers such as supervisors and coworkers.

We build upon a social psychological theory of stigma (Link & Phelan, 2001) and draw from extant research on ex-offenders and other stigmatized groups in organizations to present a model that explicates the relationships between stigmatization, labeling, stereotyping, discrimination, and employee outcomes (e.g., performance, job satisfaction, turnover). Further, we suggest how characteristics of the stigmatized employee, the offense, and the observer influence the process from stigmatization to discrimination. In doing so, we make three contributions.

First, we extend the understanding of the ex-offender stigma in the workplace beyond the selection phase and highlight the factors that may influence their employment experiences (i.e., treatment discrimination). Second, we offer a holistic model of stigma in organizations that can be adapted for other similarly stigmatized populations (e.g. recovering addicts, employees with bipolar disorder). Third, we consider strategies that may be successfully employed by ex-offenders and organizations to reduce the negative outcomes and provide an agenda for future research.

2. Elucidating stigmatization

Stigma research has flourished since Goffman (1963) first introduced ‘spoiled identities’ whereby individuals are identified by a stigma when they possess some socially undesirable attribute, physical or otherwise, that creates a discrepancy between who they are and who they are expected to be by others. Stigmatized individuals suffer lower status within social groups and face discrimination from non-stigmatized others, or ‘normals’ (Link & Phelan, 2001). In this way, stigmatized employees threaten the social order (Weigel & Howes, 1985) and are generally treated as an out-group in order for normals to protect their own positive social identities (Stone et al., 1992; Tajfel, 1978).

Researchers from various disciplines, including sociology, anthropology, psychology, social psychology, medicine, and criminal justice, have investigated the causes and effects of many stigmatized characteristics, including their impact on social processes and interpersonal interactions (Ainlay, Coleman, & Becker, 1986). Stigmatization is an inherently social phenomenon (Link & Phelan, 2001) and the attributes that are considered to be objectionable vary according to the social context (Major & O'Brien, 2005). Thus, a person may objectively possess a particular attribute, but the attribute is only considered a stigma when it is deemed as deficient in relation to a specific contextually relevant social standard (Goffman, 1963).

Several stigmas have been examined in the workplace, including pregnancy (e.g., Jones, King et al., 2016, Jones, Peddie, et al., 2016; King & Botsford, 2009), physical disabilities (e.g., Greenwood & Johnson, 1987; Hebl & Skorinko, 2005), obesity (e.g., Crandall,