

“Ban the Box” is a Fair Chance For Workers With Records

Removing conviction inquiries from job applications is a 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 advance job opportunities for people with records. 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 and provide rehabilitation evidence.

The Problem: Employers Are Not Hiring People With Records

There are an estimated [70 million](#) U.S. adults with arrests or convictions, many of whom are turned away from jobs despite their skills and qualifications. The “box” on a job application is a barrier 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 checked-box, regardless of the applicant’s merits or the relevancy of the conviction to the job. Both the employer and applicant lose out. Research affirms that a conviction 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 [\\$78 to \\$87 billion in losses](#) to the nation’s economy in one year. 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 [Starbucks](#), [Facebook](#), [Koch Industries](#), [Target](#) and [Walmart](#) 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: Adopt 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, [27 states](#) have embraced ban-the-box, with nine extending it to private employers. At last count, over 150 cities and counties had adopted the policy. Now is the time for a fair-chance policy for all.

Frequently Asked Questions

Q. What is “ban the box”? What is a fair-chance policy?

A. “Ban the box” was the rallying cry of All of Us or None organizers that refers to removing the conviction history check-box from a job application. All of Us or None is a grassroots, civil rights organization led by formerly incarcerated and convicted people. In addition to delaying conviction history inquiries until later in the hiring process, fair-chance policies include the following:

- Integrating the U.S. Equal Employment Opportunity Commission (EEOC) arrest and conviction record guidelines, which require employers to take into account time passed since the offense, whether the offense is related to the job position, and evidence of rehabilitation; and
- Adopting strong standards of accuracy and transparency to maintain the integrity of background checks when they are required and to protect workers against arbitrary treatment in the hiring process.

Q. What doesn’t a fair-chance policy do?

A. An employer is not required to hire an individual under a fair-chance policy. In other words, the employer retains the discretion to hire the most qualified candidate. Some policies seek to limit background check inquiries to only those positions deemed sensitive or to limit the availability of certain criminal record information to only recent convictions. Other policies have no limitations on background check screening except as to delay any inquiries until later in the hiring process. See NELP’s Best Practices and Model Policies, located in the [NELP Fair Chance Toolkit](#).

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, several jurisdictions have had years of experience and success. The locations that have collected data on the fair-chance policies show an increase in hiring people with records. This is consistent with research that indicates that personal contact with an applicant reduces the negative effect of a criminal record on the employment decision. See NELP’s Research Summary for more information, located in the [NELP Fair Chance Toolkit](#).

Q. Who supports fair-chance policies?

A. Fair-chance policies are supported by policymakers and groups across the political spectrum. The [U.S. Equal Employment Opportunity Commission](#) also endorsed the policy and President Obama directed federal agencies to formally adopt it. For more, see NELP’s Voices in Support Factsheet, located in the [NELP Fair Chance Toolkit](#).

Q. Who has adopted fair-chance policies?

A. Currently [27 states and over 150 cities and counties](#) around the country have adopted ban-the-box or fair-chance policies. Nine states and many local jurisdictions apply their policies to private employers and/or government contractors. [Target](#), [Walmart](#), Home Depot, [Koch Industries](#), [Starbucks](#), [Facebook](#), and Bed, Bath & Beyond have removed the question about convictions from their initial job applications. See NELP’s Voices in Support Factsheet, located in the [NELP Fair Chance Toolkit](#).