

**Coalition of Labor Union Women
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**END EMPLOYMENT DISCRIMINATION DUE TO UNFAIR CREDIT AND CRIMINAL
BACKGROUND CHECKS**

With unemployment at record rates since the last depression many employers are being very selective in hiring workers. Many job listings now say the unemployed need not apply and people with bad credit histories face significant barriers to employment. Criminal background checks provide yet another barrier. The National Employment Law Project (NELP) indicates that as many as 65 million people are shut out from the job market due to having a legal history. In some cases, charges as minor as loitering and drug charges from a quarter century ago trump recent accomplishments.

In the last three decades, the “war on drugs,” mandatory minimum sentences and over criminalization have had devastating and disparate impacts on people of color and low income people including rising numbers of women. Racial disparities in the criminal justice system persist. As of 2005, African American women were more than three times as likely as white women to be in prison or jail and Hispanic women were 69% more likely.

A Los Angeles survey found that over 60% of employers would “probably not” or “definitely not” be willing to hire an individual with a criminal record. This assumption that the existence of a criminal record accurately predicts negative work history is subject to some debate and one limited study questions whether the two are empirically related.

The number of women with convictions has skyrocketed. From 1985 to 2007, the number of women in prison has increased at nearly double the rate of men.

People with legal histories face dramatic barriers to gaining employment. Criminal records have become easily accessible and widely available to employers. For a few dollars employers can download them from the internet. Now a big business for hundreds of companies, background reports are often riddled with errors and people find it difficult to correct all copies of a report containing incorrect records or records that should have been sealed and expunged.

It is a matter of public safety to ensure that all workers have job opportunities. Studies have shown providing individuals the opportunity for stable employment lowers crime recidivism rates and actually increases public safety. The cost of corrections is enormous and is now more than the cost of education in many states.

The EEOC has declared that an absolute bar to employment based on the mere fact that an individual has a conviction is a violation of Title VII. Yet many ads for jobs indicate that there are no exceptions for applicants with misdemeanors and or felonies of any type ever in their background.

Credit ratings are yet another way that employers disqualify applicants, especially those with student loans, people of color or people with low income. Like the existence of a criminal record, researchers say there is no evidence showing that people with weak credit are more likely to be bad employees or to steal from their bosses. And credit records are also riddled with errors that

are difficult to correct. Many people looking at their credit records find at least one error.

THEREFORE BE IT RESOLVED:

The Coalition of Labor Union Women will support federal and state government authority to protect individuals from unfair and illegal hiring practices that disregard civil rights and categorically ban persons with any criminal or bad credit record from employment.

CLUW calls for the following federal government policies to increase public safety and integrate people into the economy:

- Aggressively enforce civil rights and consumer protections that apply to criminal background checks for employment in the public and private sectors;
- Adopt fair hiring policies regulating federal employment and contracting that serve as a model for all employers.

CLUW calls upon state and local governments to certify that their hiring policies fully comply with federal civil rights standards and launch employer outreach and education campaigns.

CLUW calls upon the employer community, together with Craigslist and other internet job sites, to play a leadership role in raising the profile of this critical issue and promote best practices that properly balance the mutual interest of workers and employers in fairer and more accurate criminal background checks for employment.