

COMMON OBJECTIONS & RESPONSES

Instructions: This resource is designed to start the process of thinking through common misconceptions employers may have about fair chance hiring and the job performance of people impacted by the justice system. This list is not meant to be exhaustive. The Job Developer should build on this list as they learn more from engaging with employers.

Objection #1: How will fair chance hiring impact safety at my company?

Possible Response: Case Study: A team of researchers at Kellogg and Northwestern University's Pritzker School of Law wondered whether employers were right to be concerned. When they analyzed data on about a quarter of a million applicants for sales and customer service jobs in the U.S., they found that hired ex-offenders were no more likely to be fired than non-offenders. They were also less likely to quit — saving their firms a significant amount of money in employee turnover costs.

Objection #2: What is my company's liability if something goes wrong?

Possible Response: If you would like more security for your company when hiring fair chance talent, check out the federal bonding program which can give you peace of mind when hiring fair chance talent.

Objection #3: I don't want to hire people with criminal histories because they are not reliable/trustworthy/etc.

Possible Response: Studies done on fair chance hiring have actually shown the exact opposite. A survey showed that employers who engaged in fair chance hiring gave glowing reviews of these employees. At one company, fair chance talent outperformed other employees on scores of engagement and loyalty by over 30%.

Objection #4: Why would I participate in fair chance hiring when I can hire people without criminal histories?

Possible Response (a): Business Case: If you're struggling as an employer to hire and retain employees, then fair chance employees are a great pool of untapped talent to consider. Stats: 1 in 3 adult Americans has a criminal record. This is a huge portion of the population that you may not be considering. Since fair chance talent has shown to be more loyal to companies, you will increase your ROI and decrease turnover.

Possible Response (b): Diversity, Equity, & Inclusion (DEI) Case: A disproportionate number of people incarcerated are black, indigenous, or people of color (BIPOC). By hiring from this pool of candidates, you will be actively participating in DEI strategies for your company.

Objection #5: I cannot hire a person with _____ conviction because of the nature of the job, therefore I do not want to participate in fair chance hiring.

Possible Response: A fair chance employer does not mean automatically hiring any person who applies for the job, regardless of the nature of their conviction. You are able to tailor your hiring practices to best fit the position's needs. Consider creating an individualized assessment rather than blanket statements regarding hiring practices. The Equal Employment Opportunity Commission (EEOC) specifically mentions three criteria to consider when reviewing criminal records, known as the "nature/time/nature" test:

- The nature and gravity of the offense
- The time passed since the offense, conduct, and/or completion of sentence
- The nature of the job held or sought

Objection #6: How will this practice be received by customers/staff/partners? How will this impact the culture at my company?

Possible Response: The first step to implementing this practice is to gain buy-in from leadership. HR and leadership must then communicate this plan to all employees to make sure they understand the context of fair chance hiring and how it intersects with DEI strategies. Educating your leadership and employees on why fair chance hiring and DEI practices should be implemented will be instrumental in ensuring fair chance talent will be accepted and embraced by the culture of the organization.