

# The stigma of a criminal record in the labour market in Spain

## An experimental study

Marti Rovira\*

*Postdoctoral Research Fellow. Department of Sociology. University of Oxford*

### ABSTRACT

The aim of this research is to determine whether the stigma of a criminal record should be considered in understanding the precarious conditions of individuals with convictions in the Spanish labour market. Previous studies have been unable to separate this effect from other explanations such as low levels of education or the breakdown of networks resulting from the conviction. Following Pager (2007), this study adopts the experimental methodology of the audit tests, in which matched fictitious curricula vitae, differing only in the mention of a conviction, are sent to real job offers, to verify whether there is a difference in the number of responses to each CV. The results show that skilled former offenders are discriminated in the Spanish labour market as a result of the stigma of a criminal record.

**Keywords:** Stigma, criminal record, prison, discrimination, employment.

---

\* This article was originally published in Spanish as “El estigma de los antecedentes penales en el mundo laboral. Un estudio experimental” in the Journal *Revista Española de Investigación Criminológica* Vol. 15 (2017). The original article can be retrieved from <https://reic.criminologia.net/index.php/journal/article/view/107>. The *Revista Española de Investigación Criminológica* (REIC) is the flagship journal of the Spanish Society of Criminological Research (*Sociedad Española de Investigación Criminológica*), the main professional association in Criminology in Spain. This article also contains parts of my PhD dissertation (Rovira, 2016). For the translation, I have updated the terminology of the article adapted the style to the conventions of Academic English. I have also introduced small changes to adapt it to a broader international audience. Correspondence should be sent to: [marti.rovira@upf.edu](mailto:marti.rovira@upf.edu).

## 1. INTRODUCTION

Most former offenders experience difficulty finding a job after release. International research consistently shows that a criminal record is associated with lower salaries and job instability (Visher and Kachnowski, 2007; Apel and Sweeten, 2010; van der Geest *et al.*, 2016). This association has also been detected previously in Spain (Ríos and Cabrera, 1998; Alós-Moner *et al.*, 2011; Cid and Martí, 2012).

The relationship between a former conviction and low wages and job insecurity is concerning. Most criminological theories hold that employment, particularly high quality employment (Uggen and Staff, 2001; Crutchfield, 2014), is a key factor in avoiding reoffending (Uggen and Staff, 2001; Larrauri and Jacobs 2013). Previous research has found that employment provides individuals with income to reach an expected standard of living (Merton, 1938); fosters conventional values, attitudes and behaviours (Sutherland and Cressey, 1978); strengthens pro-social contacts (Sampson and Laub, 1993; Uggen and Staff, 2001) and facilitates the construction of an “optimistic narrative” and a positive self-image that encourages rehabilitation (Maruna, 2011; Cid and Martí, 2012).

In recent years, the stigma of criminal record has received growing attention in understanding the relative precarious employment conditions of former offenders (Nagin and Waldfogel, 1995; Bushway, 1998; Western, 2002; Uggen, Manza and Thompson, 2006; Pager, 2007; van der Geest *et al.*, 2016; Verbruggen, 2016). On the one hand, a number of studies show that different laws complicate the re-entry of ex-offenders in the labour market (Mauer and Chesney-Lind, 2003). On the other, it has been underlined that contact with the criminal justice system is an element that generates rejection in society (as stated by Goffman, 1990), leading recruiters to discriminate<sup>1</sup> against persons with a criminal record (Pager, 2007; LeBel, 2008). This effect has arguably increased recently as a consequence of the growth in attitudes related to the “culture of control” (Garland, 2001; Cesaroni and Doob, 2003; Díez-Ripollés, 2004).

The impact of this criminal stigma is concerning as it could constitute a ‘collateral consequence’ of the effects established in the sentence, an ‘invisible punishment’ beyond the one imposed by the court decision (Demleitner, 1999; Mauer and Chesney-Lind, 2003). From a criminological perspective, it has been suggested that the stigma of a criminal record could be a barrier to reintegration (see, for example, Denver, Siwach and Bushway, 2017), leading to a vicious circle of job insecurity, delinquency, contact with the criminal justice system and further precarious employment (Western, 2002). Furthermore, stigmatisation may affect not only the individual but also their family and community (Clear, 2008).

### 1.1. The importance of separating the effect of the stigma of a criminal record from other explanations.

Delimiting the effect of a criminal record<sup>2</sup> is far from straightforward. Previous studies have highlighted the problem of separating this effect from other potential explanations

---

<sup>1</sup> In this article I use ‘discrimination’ in its definition as “*Unjust or prejudicial treatment of a person or group*” (Anon, 2018).

<sup>2</sup> Through this article, I use the concept “criminal records”, to refer to the condition of having been convicted of a crime in the past. This definition is broader than the legal definition, limited to having a non-spent record of a conviction in an official register.

for the association between the conviction and precarious employment (Western, 2002; Pager, 2007).

First, *selection effect* theories state there is no causal relationship between a conviction and job insecurity. Both variables are only correlated with each other. This correlation arises because both variables are caused independently by the same factors. On the one hand, these factors negatively impact the search for employment. On the other, separately, these factors lead to a higher propensity towards deviant activity and subsequent apprehension (Grogger, 1995; Ramakers, van Wilsem and Apel, 2012; Loeffler, 2013). For instance, Metcalf, Anderson and Rolfe (2001) find that the offender population exhibits problems of mental health and drug abuse, homelessness, relationship problems, low level of qualifications, a history of unemployment and low self-esteem more frequently than the general population. These factors could be related to a greater likelihood of committing an offence, and also, independently, to precarious employment.

Second, the theories related to the *sentence effect* posit that compliance with the conditions of the sentence may involve an opportunity cost in both monetary and temporal terms, preventing investment in “human capital” such as training (Lott, 1990) or in the maintenance of job-related social networks (Western, 2002). Moreover, it has been suggested that the sentence can have a transformational effect on individuals, demotivating them in their job search and diminishing their professional skills (Miguélez *et al.*, 2006; Apel and Sweeten, 2010).

It is important to delimit the importance of each explanation since each one leads to different public policies. Intuitively, policies related to the *selection effect* highlight the need to provide the offender population with education or psychological care while during the sentence to mitigate their previously acquired deficits. In contrast, the theories of the *sentence effect* defend the need for offenders to work while serving the sentence, to avoid dissocializing effects, and underline the importance of contacts with the outside world to foster the maintenance of their social networks. Finally, the policies related to the stigma of a criminal record prioritise the implementation of campaigns to break down prejudices towards offenders, or alternatively, to inhibit recruiters’ access to knowledge of official records of convictions.

## **1.2. The ability of the audit tests for isolating the effect of the stigma of a criminal record**

The emergence of the methodologies of audit tests marked a great advance in studying the effect of the stigma of a criminal record in the labour market. In the most prominent study in this area, Pager (2007), using an ‘in-person’ audit test, sent two candidates to apply for the same job offers. The *curricula vitae* they presented were equivalent, except that one of them contained a reference to a previous conviction. In this experiment, Pager found that, on average, having a criminal record reduced the likelihood of finding a job by 50%.<sup>3</sup> The author thus evidenced, both intuitively and scientifically, the existence of an effect of the stigma of a criminal record, independently of other effects. Subsequent research has replicated this experiment using ‘correspondence’ audit methodology, an

---

<sup>3</sup> Pager (2007) sent a pair of white testers and a pair of black testers to apply for jobs. In each pair, one of the applicants was randomly assigned a criminal record. No inter-pair differences were found for the effect of the mark of a criminal record.

almost identical strategy, but in which the CVs are sent by Internet, fax or postal mail (Galgano, 2009; Decker *et al.*, 2015).<sup>4</sup>

The audit test methodologies overcome the shortcomings of previous approaches. On the one hand, in contrast to surveys (see, for example, Holzer, Raphael and Stoll, 2007) and in-depth interviews (Backman, 2012), these techniques capture the actual behaviour of recruiters. On the other hand, in contrast to longitudinal studies (Ramakers, van Wilsem and Apel, 2012) or studies linking social security and convictions databases, audit tests allow researchers to control for the effect for the full range of factors that could intervene in this relationship (Lott, 1990; van der Geest *et al.*, 2016; Verbruggen, 2016). Thus, this methodology ensures that the only differences are in the variables under study, such as the effect of a previous conviction, allowing the existence of the *selection* and *sentence effects* to be ruled out.

Nevertheless, it should be noted that audit tests are unable to determine the exact degree of discrimination in the labour market towards individuals with a criminal record (Heckman, 1998). These methodologies only allow us to state that this mechanism is present. Studies based on administrative databases or longitudinal studies comparing persons with and without a criminal record are more appropriate to quantify the level of discrimination, although they are very difficult to conduct with suitable controls. In addition, audit tests are unable to capture the discrimination effect for jobs found through social networks, the most common strategy to find employment (Granovetter, 1995; for Spain see, Rieucan, 2008). This element could mitigate the effect of criminal stigma. Furthermore, ex-offenders may conceal their conviction record in the recruitment processes (Harding, 2003), and hence employers are often ignorant of their criminal history. In this sense, audit tests only determine whether employers discriminate against individuals who include a reference to their prior conviction on their CVs. However, it is widely acknowledged that field experiments can provide “clear and convincing evidence” of discriminatory behaviour that cannot be obtained easily in an unbiased way by any alternative method (Pager, 2007).

### 1.3. Study aim and significance

Focusing on Spain, previous research has already suggested that the stigma of a criminal record can have a negative impact on the employability of former offenders (Grosso Galván, 1984; Gutiérrez-Maldonado and Sintas, 1995; Ríos and Cabrera, 1998; Bueno Arús, 2006; Roldán, 2010; Alós-Moner *et al.*, 2011). For instance, Larrauri and Jacobs (2011) showed there are a number of laws that mandatorily impose criminal background checks in a wide range of professions, and suggested that criminal background checks are also being conducted for jobs for which these legal requirements do not exist.

However, empirical research conducted in Spain has been unable to confirm that employers discriminate against former offenders because of the stigma of a criminal record. Thus far, the behaviour of recruiters in response to a mark of a criminal record has only been addressed indirectly through the perceptions of ex-offenders (Ríos and Cabrera, 1998; Roldán, 2010; Alós-Moner *et al.*, 2011) or by exploratory surveys to

---

<sup>4</sup> For a comprehensive description (in Spanish) of the results for all previous audit tests on this issue see Rovira (2016).

employers, with an insufficient sample size to extrapolate the results (Gutiérrez-Maldonado and Sintas, 1995)<sup>5</sup>.

Research on the existence of the effect of criminal records is particularly relevant. Since the entry into force of *Law 26/2015, of 28 July, Modifying the System of Protection of Children and Adolescents*, people who are hired to work in jobs that involve a close and regular contact with minors are required to present a “Certificate of Sexual Offences” to employers. This law triggered a public debate on the possibility of requiring information of this type in recruitment processes also for other jobs (Rovira, 2016). This possibility is concerning when considering the experience of other countries. Thomas (2007) and Backman (2012) have suggested that applications for information on criminal records increased exponentially following the enactment of a similar law in the United Kingdom and Sweden, respectively.

Against this background, the present study reports the results of a study conducted in Spain, using the experimental correspondence audit test methodology, to determine whether there exists an effect of the stigma of a criminal record on the likelihood of finding work. Given the novel nature of a study of these characteristics, there now follows a detailed description of the study design.

## **2. METHODOLOGY**

### **2.1. Research question and hypothesis**

The present research aims to answer the following question: Are individuals with a mark of a criminal record in the CV unfavourably treated in recruitment processes in Spain?

The hypothesis states that recruiters are prejudiced towards individuals that show a mark of a criminal record. Specifically, in the line of other audit tests (Pager, 2007), discrimination on the basis of a criminal record would be established if the application of a candidate with the mark of a criminal record has a significantly lower likelihood of obtaining a positive response to continue the recruitment processes compared to the application of an equivalent “non-marked” candidate.

### **2.2. Ethical considerations**

Audit tests involve significant ethical considerations given the lack of informed consent and deception from the recruiters involved in the study. Codes of ethics in social research permit studies to be conducted without the express consent of participants if certain conditions are met: 1) their scientific value is justified; 2) it is not possible to obtain the information by other means; and 3) harm to the participants is reduced to the minimum (Riach and Rich, 2004).

The present research has made every attempt to comply with these requirements. First, the use of this methodology was considered reasonable due to the relevance of the topic and the lack of other conclusive studies in this topic in Spain. Second, as previously established, the audit test methodology is the only approach that currently allows an

---

<sup>5</sup> *Note to this edition:* There has been a couple of audit studies testing the effects of the stigma of a criminal record in Europe (Baert and Verhofstadt 2015, Ahmed and Lång 2017). Another interesting empirical study on this issue is van’t Zand-Kurtovic (2017).

unbiased study on the effect of the mark of a criminal record in the labour market. Third, in line with previous research (Pager, 2007), in order to avoid any potential harm for participants, the confidentiality of the companies and the job search platforms used was ensured. Furthermore, a protocol was designed by which the job offer was declined as quickly as possible, so the experiment would cause as few problems as possible.

### 2.3. Study design

As part of this research, four fictitious candidates' *curricula vitae* (from here on 'CVs') were sent to 601 real job offers. The four CVs differed in two elements. On the one hand, two of the CVs made reference to the candidates' past imprisonment, while the other two bore no trace of a criminal record. On the other hand, in each group, the CVs differed in the candidates' skills level – skilled or semi-skilled. In order to maintain the criterion of *ceteris paribus*, the CVs were exactly equivalent, but not identical, to avoid detection by recruiters. The process of designing the CVs to include these three conditions is described below.

#### *a) Signals showing the mark of a criminal record*

The CVs with a signal of a criminal record included two specific references: a) a course related to the search for employment, explicitly undertaken in prison; and b) a recommendation from an official of the Catalan public agency that supports ex-offenders re-entry in the labour market (*Centre de Iniciatives per a la Reinserció de la Generalitat de Catalunya*). Drawing on the study conducted in the United States by Pager (2007), these elements were chosen as they were considered to be the only realistic way to include clear signals of the individuals' prior conviction. In interviews for a previous research study, former offenders reported that these elements are perceived by recruiters (Rovira, 2016).<sup>6</sup> At that time, we could not find a credible signal to represent a non-custodial sentence.

To maintain the assumption of *ceteris paribus*, equivalent elements were included in the controls' CVs. In this case, the CVs included a similar course in the search for employment implemented by the Catalan Employment Service, a public agency responsible for integrating the unemployed into the labour market, and a reference from the candidate's last employer.

All four CVs reflected a period of 18 months' continuous unemployment. In the case of the candidates with the mark of a criminal record, this period should be interpreted as one of incarceration. In Catalonia, ex-inmates have spent an average of a year and a half in prison (Departament de Justícia. Generalitat de Catalunya, 2015b). In candidates without the mark, this period would be interpreted as a time in which the individual was unemployed.

---

<sup>6</sup> In this study, a qualitative research with 17 former offenders showed that, apart from the criminal background checks, ex-prisoners had to deal with other marks that gave away their past incarceration, such as training certificates issued by the criminal justice system, information on the Internet, or information transmitted by a common social network.

### ***b) Signals showing different skill levels***

Drawing on the latest advances in audit studies (Bertrand and Mullainathan, 2004), it was decided to differentiate candidates' skill levels. Specifically, for each pair of CVs, one reflected a skilled profile and the other a semi-skilled profile. We did not include an unskilled profile due to the context of economic recession at the time of the research.<sup>7</sup> It was assumed that if the CV was that of a young adult without accredited education, fruit of early school dropout, and with no work experience, there would be little likelihood of response.

The two skills profiles differed in educational level and work experience. In this study, the semi-skilled profile represents the most common profile of former inmates in Catalonia included in the research by Alós-Moner *et al.* (2011). The semi-skilled candidates have a certificate of compulsory secondary education and two years of work experience acquired in five different jobs. The skilled profile was designed to represent an individual who has always been working or studying, except during the "empty" period, which, in the case of candidates with a CV with a criminal record, corresponds to their period of incarceration. Specifically, the skilled level refers to candidates with medium or high-level vocational training in the profession, with five and a half years of work experience gained in three different jobs.

### ***c) Equivalent characteristics***

Following the four previously described profiles, CVs were created for different professions, so that the results would be as representative as possible of the labour market being accessed by former inmates in Catalonia (see Alós-Moner *et al.*, 2011). Specifically, CVs were defined for 12 professional profiles from different sectors: customer service agent, care worker, forklift operator, cook, shop assistant, electrician, managerial, food handler, tool maker, porter, delivery driver and sales representative. The occupational profiles were selected to include different skills related to contact with customers, the complexity of the tasks to be undertaken, and the level of decision-making. For each of these employment profiles, CVs were created to reflect equivalent levels of training and experience in each sector.

To maintain the assumption of *ceteris paribus*, the candidates presented identical profiles in the remaining sociodemographic characteristics and skills. First, they were all young males. Young men are a paradigmatic case for the assessment of the effects of a conviction, particularly in the case of a prison sentences. In 2010, 91.3% of individuals finishing a prison sentence in Catalonia were men (Departament de Justícia. Generalitat de Catalunya, 2015a). It was decided to focus on young adults since a criminal record can have a greater impact on the career path of this population. Hence, the dates of birth on the CVs were all from 1986<sup>8</sup> and so the candidates were all aged between 26 and 27 at

---

<sup>7</sup> In the second quarter of 2012, the unemployment rate among young adults aged from 20 to 24 was 44.78% (INE, 2015).

<sup>8</sup> The age, 26 to 27, was chosen because during the pilot stage, the possibility of collecting data from the interview stage of the recruitment process was considered. Then, the author and another researcher, of similar characteristics, attended 7 interviews for different job offers for which they had received a response after sending a CV, drawing on the study by Pager (Pager, 2007). The age of 26 to 27 was then chosen as it was approximately that of the study subjects. Finally, this part of the research was dropped as it was considered too costly and raised ethical concerns as it involved recruiters wasting a great amount of time.

the time of the job search. All candidates were of Spanish origin. In Spain, immigration is a relatively recent phenomenon and it would be complex to equate the educational level and work experience of migrants with that of Spanish nationals. In order to highlight that the study population was of Spanish origin, their names and surnames were generated from among the 50 most common ones in Spain according to published data for 2102 (INE, 2013).<sup>9</sup> Furthermore, all the photos on the CVs showed participants of Caucasian appearance. All the fictitious applicants presented intermediate IT skills, had a driving licence and stated that they owned a car.

Finally, to avoid suspicion, the CVs showed different names and surnames, dates of birth, national identification numbers, email addresses, telephone numbers, and company names and schools.<sup>10</sup> In some cases, the data in the “other information section” was also varied to avoid the CVs being too similar. Different photographs were also used. A graphic designer created 16 photos using four images of the author of this article and five photos of other individuals. The photo on each profile was randomly changed every four weeks.<sup>11</sup>

## **2.4. Sample**

The four CVs were sent to 601 job offers over two different stages. In the first stage, from 17 May to 30 June 2012, CVs were presented for 246 job offers, a number similar to the sample of 250 used by Pager (2007) in her research. Due to the low response rate, in a subsequent stage from 10 October 2012 to 2 February 2013, CVs were presented to 355 additional job offers.

During these two periods, CVs were sent in response to all job offers for residents in the province of Barcelona corresponding to the occupations previously described and requiring low or medium levels of education and training, and limited work experience. An Internet job search platform with offers from all the sectors was used. As only 16 photos and 16 phone lines were available, and four CVs should be sent in response to each job offer, only four professions could be managed at one time. The order in which the type of CV was sent and for which job profile varied on a daily basis.

## **2.5. Responses**

We recorded whether each CV type received a phone or email response inviting the candidate to continue the selection process. A total of 192 replies to the job applications were received, of which 149 could be related to the research.<sup>12</sup> All the responses invited the applicant to continue in the recruitment process. All responses received during the four weeks following the sending of the applications were recorded.

---

<sup>9</sup> The name Mohammed was omitted from the list.

<sup>10</sup> All the names of schools and companies were fictitious, although based on real ones.

<sup>11</sup> Subsequent analysis confirmed that no differences were found in unfavourable treatment according to the photograph.

<sup>12</sup> On 32 occasions, the phone call was unrelated to the project. The number had previously belonged to other users and the calls were directed to them. In the other 11 cases, the identity of the caller was not determined, and thus could not be linked to a job offer. Most of these calls are believed to be unrelated to the research.

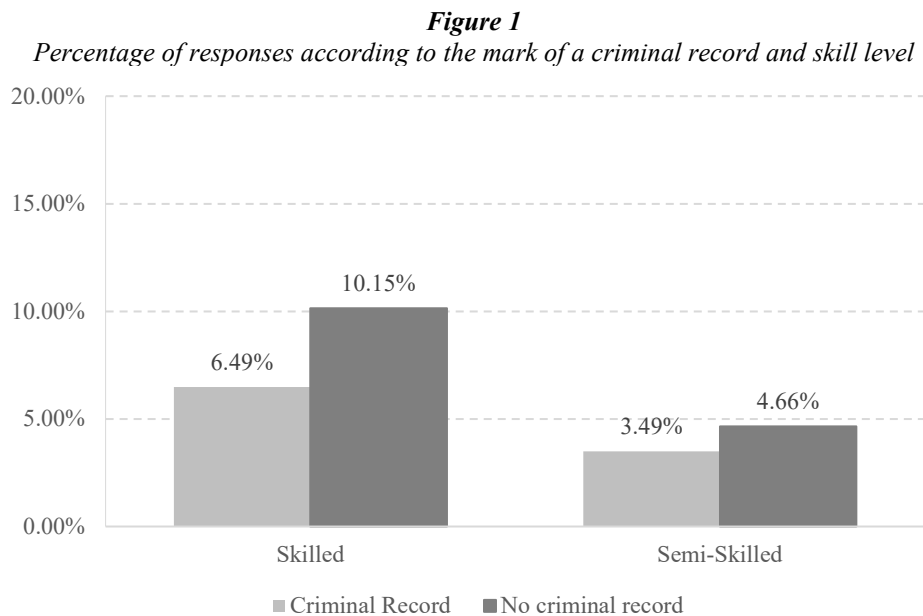


### 3. RESULTS

Figure 1 shows the first results of this research. Overall, for both skill levels, the fictitious candidates with a criminal record received a lower proportion of replies to continue with the recruitment process compared to those without the mark.

Specifically, in the skilled level, 6.49% of the CVs with the mark of the criminal record received a positive answer, while 10.15% of those without the mark received a positive callback. Therefore, this data suggests that in the group with higher work experience and education, having a conviction reduces the likelihood of successful participation in recruitment processes by about 36%.

For the semi-skilled group, 3.49% of the CVs with a criminal record signal got a positive response, while 4.66% of those without the mark received a response. These results suggest that for this level of skills, a mark of a criminal record could reduce their employment possibilities by around 25%.



McNemar's test was used to calculate whether the differences in the likelihood of a response for both skills profiles were significant. McNemar's test is the appropriate statistical test for conducting contrast tests on paired nominal data (Vuolo, Uggen and Lageson, 2016). This test checks the hypothesis of marginal homogeneity regarding the likelihood of receiving a response to the application. The significance level was set at 0.05, level by which the alternative hypothesis would be accepted. Then, it would be established that there are differences in the likelihood of receiving a positive callback between CVs with and without the mark of a criminal record if the p-value is below 0.05.

Table 1 shows that the results of McNemar's test are significant for the candidates with a skilled profile ( $p\text{-value} < 0.05$ ). For this level of skills, Table 1 shows that in 5.3% of the cases only candidates without the signal were contacted, while only the CVs with the mark of a criminal record received a response in 1.7% of the cases. McNemar's test confirmed that this difference is statistically significant with a probability of error of 0.001%.

**Table 1**  
*Results of McNemar's test by candidate skills level*

	Number offers	No response to either profile	Response to both profiles	Response only to the profile with a criminal record	Response only to the profile without a criminal record	McNemar's Test	
						X <sup>2</sup>	P-value
Skilled	601	530 (88.2%)	29 (4.8%)	10 (1.7%)	32 (5.3%)	10.500***	0.001
Semi-skilled	601	566 (94.2%)	14 (2.3%)	7 (1.2%)	14 (2.3%)	1.714	0.19

\*: p-value<0.05, \*\*: p-value<0.01, \*\*\*: p-value<0.001.

In contrast, for candidates with an semi-skilled profile, it cannot be determined that recruiters discriminate between applicants with and without a mark of a criminal record: the difference in the response percentages is not sufficiently high to rule out that it is due to chance ( $p\text{-value} > 0.05$ ). Only the CVs without a criminal record mark received a response in 2.3% of the cases, while a positive response was received only by CVs with this mark in 1.2% of the cases.

Arguably, the failure to detect a significant difference in the semi-skilled candidates is the result of the low overall response rate in a time of economic recession. Then, the lack of a significant relative difference between these two probabilities might be because the differences in absolute terms are very small. Consequently, we suspect that the statistical power of our experiment does not permit observation differences of this magnitude.<sup>13</sup> In this sense, it is worth noting the fieldwork was conducted during one of the most critical periods of the economic crisis in Spain. In a context of expanding recruitment, the response rate may well have been higher, and thus significant differences might also have been found for this skills profile.

This consideration directs our attention the low response rate for CVs with a semi-skilled profile. In these cases, even without the signal of incarceration, fewer than 5% of candidates received a response. This is concerning as this profile corresponds to the “average” former inmate in Catalonia described in the study by Alós-Moner *et al.* (2011). This illustrates the difficulties that an “average” former offender has in finding employment, regardless of the effect of the mark of a criminal record, and, consequently, the difficulties of programmes aimed at reintegrating ex-offenders in the job market.

#### 4. DISCUSSION

The results of this study demonstrate that certain individuals with a criminal record are unfavourably treated in the Spanish labour market. Then, this research confirms the importance of considering the impact of the effect of the stigma of a criminal record to

<sup>13</sup> The sample size was adequate for a type 1 error probability ( $\alpha$ ) of 0.05, a statistical power ( $1-\beta$ ) of 0.80, and a proportion of discordant cells of each type of 5%, following the model described by Vuolo, Uggen and Lageson (2016).

understand the relationship between the contact with the criminal justice system and job insecurity at least, for skilled former offenders. In contrast to previous studies in Spain, the experimental audit test methodology used in this research has allowed us to isolate the effect of criminal stigma from other possible explanations (Bertrand and Mullainathan, 2004; Pager, 2007).

Three considerations should be made to these results. First, it could be argued that this experiment only detects the effect of a criminal record for individuals with a prison conviction. However, the literature in other countries suggests it can be expected that, to a lesser degree, individuals with other types of convictions are also discriminated against in the job market (see, for example, Lott, 1990; Pager, 2007). For instance, Uggen *et al.* (2014) conducted a similar experiment in the United States, but instead of the effect of incarceration, they focused on the effect of a misdemeanour arrest record for disorderly conduct. The authors found that signalling this type of criminal act also reduced the likelihood of a response in a recruitment process. Therefore, arguably, we can also derive a similar effect for any kind of criminal record on employment opportunities for Spain from the results of this research.

Second, as previously mentioned, the data in this research do not reflect the level of discrimination towards ex-offenders in the job market (Heckman, 1998). The audit test methodology only allows us to establish whether recruiters discriminated against individuals with a mark of a criminal record on their CVs. Therefore, this methodology does not allow the actual overall degree of discrimination to be detected. Future research in this topic should be conducted using administrative databases or longitudinal studies with appropriate controls.

Third, this research has only focused on young men. However, as shown by studies conducted in other countries, the impact of a criminal record could be different in older age groups (Bernburg and Krohn, 2003) and, particularly, in women (Galgano, 2009; Decker *et al.*, 2015; Verbruggen, 2016). The research also omits the additional problems that a criminal record might generate in the migrant population (see Larrauri, 2016). Thus, for a more complete diagnosis of the impact of a criminal record a study considering gender and ethnic differences must be conducted in the future. The present work is intended as a first step in this direction.

With the aim of completing the study of the effect of criminal stigma, additional research has been conducted to analyse the factors that explain the behaviour of recruiters with this same database (Rodríguez-Menés and Rovira, 2019)<sup>14</sup>. Having sent CVs with different skills levels allowed us to study the mechanisms described by economic theories of discrimination. These theories suggest that recruiters treat individuals with criminal stigma unfavourably for three different reasons. Firstly, due to moral animosity, frequently referred as “taste-based discrimination” (Becker 1957). Secondly, because the signal of the stigma is used to infer the average level of candidates’ skills, following the theories of “first-order statistical discrimination” (see Phelps, 1972; Spence, 1973). Thirdly, the theories of “second-order statistical discrimination” (Heckman, 1998) state that the signal of the stigma might provoke a different degree of uncertainty in recruiters

---

<sup>14</sup> *Note to this edition:* There is a difference in the valid sample used between the present study (601 jobs – 2404 applications) and the study of Rodríguez-Menés and Rovira (580 jobs – 2320 applications). The difference is due that in the analysis of the second study we used the variable of number of applications per vacancy. This variable had missing information for 21 jobs. Then, the applications related with these jobs were excluded for the second analysis. There is no difference in the results of the significance test presented in this study with the valid sample of the second study. The results for this analyses are available on request.

in the skills of applicants, generating lesser or greater doubts on them. In the aforementioned study, we implemented a methodological innovation to separate the effect of each of these different mechanisms. The results suggest discriminatory behaviour exists, regardless of the skills level of the candidates, in line with theories of taste-based discrimination. However, in certain jobs having a mark of a criminal record might even counteract some of this effect, in line with theories of second-order statistical discrimination.

From a policy perspective, the present study underlines that the effect of a criminal record should be taken into account when designing public policies aimed at reintegrating former offenders in the job market. Although it is necessary to continue tackling the deficits of these individuals and counteracting the effects of compliance with the conditions of the sentence in finding a job, this study demonstrates that it is also urgent to consider public policies to avoid discrimination of former offenders as a result of the stigma of a criminal record.

Indirectly, this research also highlights the difficulties of training programmes aimed at increasing the employability of former offenders. For candidates with a semi-skilled profile, which corresponds to the characteristics of the most frequent profile of former inmates in Spain, the likelihood of simply receiving an invitation to a job interview is below 5%, even for those candidates who make no mention of their previous conviction. Therefore, this research shows that the low success rates of training programmes in the criminal justice system do not necessarily mean these programmes are unnecessary or wrongly designed, but rather that the external context is so negative that their field of action is very limited.

Nonetheless, this initially negative situation should not make us ignore the effect of the mark of a criminal record. If individuals with a low level of training and work experience already have little prospect of accessing the work market, further obstacles in their path must be strictly avoided. It may be that precisely for these individuals with such limited prospects of employment, the stigma of criminal record closes the few doors left open, discouraging them for continuing their desistance process.

In conclusion, in some cases, ex-offenders are treated unfavourably in the job market when employers know about their criminal records. Thus, the stigma of a criminal record acts as an invisible collateral consequence that goes beyond the punishment established in the court decision. There is an urgent need to raise awareness of this reality and make a determined effort to incorporate this knowledge into public policies aimed at addressing the problem of the employability of former offenders. If not, given that employment appears to be a key factor in hampering re-offending, the stigma of a criminal record may continue to intensify the vicious circle of contact with the criminal justice system and prospective criminality.

## References

- Ahmed A M and Lång E (2017) The employability of ex-offenders: a field experiment in the Swedish labor market. *IZA journal of Labor Policy* 6(6): 1-23.
- Alós-Moner R, Esteban F, Jódar P, Miguélez F, Alcaide V and López Roldán P (2011) *La inserció laboral dels exinterns dels centres penitenciaris de Catalunya*. Report. Barcelona: Centre d'Estudis Jurídics i Formació Especialitzada (CEJFE).
- Anon (2018) Discrimination. *Oxford English Dictionary*. Oxford University Press.
- Apel R and Sweeten G (2010) The impact of incarceration on employment during the transition to adulthood. *Social Problems* 57(3): 448–479
- Backman C (2012) *Criminal Records in Sweden. Regulation of Access to Criminal Records and the Use of Criminal Background Checks by Employers*. PhD Thesis, University of Goteborg, Sweden.
- Baert S and Verhofstadt E (2015) Labour market discrimination against former juvenile delinquents: Evidence from a field experiment. *Applied Economics* 47(11): 1061-1072.
- Becker G (1957) *The Economics of Discrimination*. Chicago: University of Chicago Press.
- Bernburg J and Krohn M (2003) Labeling, life chances, and adult crime: The direct and indirect effects of official intervention in adolescence on crime in early adulthood. *Criminology* 41(4): 1287–1318.
- Bertrand M and Mullainathan S (2004) Are emily and greg more employable than lakisha and jamal? A field experiment on labor market discrimination. *American Economic Review* 94(4): 991–1013.
- Bueno Arús F (2006) *La Cancelación de Antecedentes Penales*. Cizur Menor: Thomson Civitas.
- Bushway S (1998) The impact of an arrest on the job stability of young white american men. *Journal of Research in Crime and Delinquency* 35(4): 454–479.
- Cesaroni C and Doob A (2003) The decline in support for penal welfarism. Evidence of support among the elite for punitive segregation. *British Journal of Criminology* 43(2): 434–441.
- Cid J and Martí J (2012) Turning points and returning points: Understanding the role of family ties in the process of desistance. *European Journal of Criminology* 9(6): 603–620.
- Clear T (2008) The effects of high imprisonment rates on communities. *Crime and Justice* 37(1): 97–132.
- Crutchfield R (2014) *Get a job. Labor Markets, Economic Opportunity and Crime*. New York: New York University Press.
- Decker S, Ortiz N, Spohn C and Hedberg E (2015) Criminal stigma, race, and ethnicity: The consequences of imprisonment for employment. *Journal of Criminal Justice* 43(2): 108–121.
- Demleitner N (1999) Preventing internal exile: The need for restrictions on collateral sentencing consequences. *Stanford Law & Policy Review* 11(1): 153-171.

Denver M, Siwach G and Bushway S (2017) A new look at the employment and recidivism relationship through the lens of a criminal background check. *Criminology*, 55(1): 174–204.

Departament de Justícia. Generalitat de Catalunya (2015a) Descriptors Estadístics Serveis Penitenciaris: 6.3.2 Dones/Altes des de llibertat/Històric. Online Document. Available at: [http://www.gencat.cat/justicia/estadistiques\\_serveis\\_penitenciaris/6\\_pob.html](http://www.gencat.cat/justicia/estadistiques_serveis_penitenciaris/6_pob.html) (Accessed: 26 October 2015).

Departament de Justícia. Generalitat de Catalunya (2015b) Descriptors estadístics serveis penitenciaris. 2.1 Temps d'estada a presó. Online Document. Available at: [http://www.gencat.cat/justicia/estadistiques\\_serveis\\_penitenciaris/2\\_condemna.html](http://www.gencat.cat/justicia/estadistiques_serveis_penitenciaris/2_condemna.html) (Accessed: 28 October 2015).

Díez-Ripollés J (2004) El nuevo modelo penal de la seguridad ciudadana. *Revista Electrónica de Ciencia Penal y Criminología* 6(3): 1-34.

Galgano S (2009) Barriers to reintegration: An audit study of the impact of race and offender status on employment opportunities for women. *Social Thought and Research* 30: 21–37.

Garland D (2001) *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press.

van der Geest V, Bijleveld C, Blokland A and Nagin D (2016) The effects of incarceration on longitudinal trajectories of employment: A follow-up in high-risk youth from ages 23 to 32. *Crime & Delinquency* 62(1): 107–140.

Goffman E (1990) *Stigma: Notes on the Management of Spoiled Identity*. UK: Penguin Psychology.

Granovetter M (1995) *Getting a Job: a Study of Contacts and Careers*. Chicago: University of Chicago Press.

Grogger J (1995) The effect of arrests on the employment and earnings of young men. *The Quarterly Journal of Economics* 110(1): 51–71.

Grosso M (1984) *Los Antecedentes Penales: Rehabilitación y Control Social*. Barcelona: Editorial Bosch.

Gutiérrez-Maldonado J and Sintas F (1995) Actitud de los empresarios hacia la integración laboral de personas que están o han estado sometidas a medidas de privación de libertad. *Anuario de Psicología Jurídica* 5(3): 18–45.

Harding D (2003) Jean Valjean's dilemma: The management of ex-convict identity in the search for employment. *Deviant Behavior* 24(6): 571–595.

Heckman J (1998) Detecting discrimination. *Journal of Economic Perspectives* 12(2): 101–116.

Holzer H, Raphael S and Stoll M (2007) The effect of an applicant's criminal history on employer hiring decisions and screening practices: evidence from los angeles. In: Bushway S, Stoll M and Weiman D (eds) *Barriers to Reentry? The Labor Market for Released Prisoners in Post-Industrial America*. New York: Russell Sage Foundation, pp. 117–150.

INE (2013) Datos procedentes de la estadística de nacimientos. Online document.

Available at: <http://www.ine.es/daco/daco42/nombyapel/nombyapel.htm> (Accessed: 28 October 2015).

INE (2015) Tasas de paro por distintos grupos de edad, sexo y comunidad autónoma. Online document. Available at: <http://www.ine.es/jaxiT3/Datos.htm?t=4247> (Accessed: 29 October 2015).

Larrauri E (2016) Antecedentes penales y expulsión de personas inmigrantes. *InDret*, 2/2016: 1-29.

Larrauri E and Jacobs J (2011) Reinserción laboral y antecedentes penales. *Revista Electrónica de Ciencia Penal y Criminología* 13(9): 1–25.

Larrauri E and Jacobs J (2013) A spanish window on european law and policy on employment discrimination based on criminal record. In: Daems T, van Zyl Smit, D and Snacken S (eds) *European Penology?*. Oxford: Hart publishing, pp. 293-310.

LeBel T (2008) Perceptions of and responses to stigma. *Sociology Compass*, 2(2): 409–432.

Loeffler C (2013) Does imprisonment alter the life course? Evidence on crime and employment from a natural experiment. *Criminology* 51(1): 137–166.

Lott J (1990) The effect of conviction on the legitimate income of criminals. *Economics Letters* 34(4): 381–385.

Maruna S (2011) Judicial rehabilitation and the “Clean Bill of Health” in criminal justice. *European Journal of Probation* 3(1): 97–117.

Mauer M and Chesney-Lind M (2003) *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. New York: The New Press.

Merton R (1938) Social structure and anomie. *American Sociological Review* 3(5): 672–682.

Metcalf H, Anderson T and Rolfe H (2001) *Barriers to Employment for Offenders and Ex-offenders. Part One*. Research Report No 155, Department of Work and Pensions. London: Corporate Document Services.

Miguélez F, Alós-Moner R, Martín A and Gibert F (2006) *El Treball a les Presons de Catalunya*. Barcelona: Centre d’Estudis Jurídics i Formació Especialitzada (CEJFE).

Nagin D and Waldfogel J (1995) The effects of criminality and conviction on the labor market status of young british offenders. *International Review of Law and Economics* 15(1):109–126.

Pager D (2007) *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration*. Chicago: University of Chicago Press.

Phelps E (1972) The Statistical theory of racism and sexism. *American Economic Review* 62(4): 659–661.

Ramakers A, van Wilsem J and Apel R (2012) The effect of labour market absence on finding employment: A comparison between ex-prisoners and unemployed future prisoners. *European Journal of Criminology* 9(4): 442–461.

Riach P and Rich J (2004) Deceptive field experiments of discrimination: Are they ethical?. *Kyklos* 57(3): 457–470.

- Rieucan G (2008) Job advertisements and personal networks: two specific channels in the Spanish labour market'. *Transfer: European Review of Labour and Research* 14(3): 469–480.
- Ríos J and Cabrera P (1998) *Mil voces presas*. Madrid: Universidad Pontificia.
- Rodríguez-Menés J and Rovira M (2019) Assessing discrimination in correspondence studies. *Sociological Methods & Research*, (In Press). DOI: 10.1177/0049124119826152.
- Roldán H (2010) El uso de la libertad condicional y su influencia en el tamaño de la población reclusa en España. *Revista Electrónica de Ciencia Penal y Criminología*, 12(04): 1–17.
- Rovira M (2016) *Antecedentes Penales y Mercado Laboral*. Phd Thesis, Universitat Pompeu Fabra, Spain.
- Sampson R J and Laub J H (1993) *Crime in the Making: Pathways and Turning Points Through Life*. Cambridge: Harvard University Press.
- Spence M (1973) Job Market Signaling. *The Quarterly Journal of Economics* 87(3): 355–374.
- Sutherland E and Cressey D (1978) *Criminology*. 10<sup>th</sup> edition. Philadelphia: JB Lippincott.
- Thomas T (2007) *Criminal Records. A Database for the Criminal Justice System and Beyond*. Houndmill: Palgrave Macmillan.
- Uggen C, Vuolo M, Lageson S, Ruhland E and Whitam H (2014) The edge of stigma: An experimental audit of the effects of low-level criminal records on employment. *Criminology* 52(4): 627–654.
- Uggen C, Manza J and Thompson M (2006) Citizenship, democracy, and the civic reintegration of criminal offenders. *The ANNALS of the American Academy of Political and Social Science*, 605(1): 281–310.
- Uggen C and Staff J (2001) Work as a turning point for criminal offenders. *Corrections Management Quarterly* 5(4): 1–16.
- Verbruggen J (2016) Effects of unemployment, conviction and incarceration on employment: A longitudinal study on the employment prospects of disadvantaged youths. *British Journal of Criminology* 56(4): 729–749.
- Visher C and Kachnowski V (2007) Finding work on the outside: Results from the “Returning Home” project in Chicago’. In: Bushway S, Stoll M and Weiman, D (eds) *Barriers to Reentry? The Labor Market for Released Prisoners in Post-Industrial America*. New York: Russell Sage Foundation, pp. 80–113.
- Vuolo M, Uggen C and Lageson S (2016) Statistical power in experimental audit studies: Cautions and calculations for matched tests with nominal outcomes. *Sociological Methods & Research* 45(2): 260–303.
- Western B (2002) The impact of incarceration on wage mobility and inequality. *American Sociological Review* 67(4): 526–546.
- Kurtovic, E. G. (2017). *Invisible bars: The impact of having a criminal record on young adults' position in the labour market*. The Hague: Eleven international publishing.



## **ACKNOWLEDGEMENTS**

I would like to thank my Ph.D. supervisors, Dr. Elena Larrauri and Dr. Jorge Rodriguez for their support in the conduction of this research. I also acknowledge the advice given by the members of my PhD committee, Dr. Jose Luis Díez-Ripollés, Dr. Fernández-Molina and Dr. Diego Torrente, and the two anonymous reviewers in the REIC, for improving previous versions of this paper. Special thanks are also due to Assumpta Sopena, Ana Yael Zareceansky and Adrià Giol for their collaboration in different parts of this research. Peter Jackson diligently carried out the translation of this article. Any remaining errors are solely my responsibility. Finally, I would like to thank Elisa García-España, editor of the REIC, for allowing me to publish the translation of this article.

## **FUNDING**

This research has been supported by “Obra Social La Caixa” and ACUP (Ref. RecerCaixa 2013 “the regulation of criminal records”), by the Spanish Ministry of Economy (Research Project, DER 2012-32150 on “Community Supervision”) and by the Catalan Department of Universities of the Generalitat de Catalunya (AGAUR 2009 SGR 1117).

## **BIOGRAPHY**

At present, Marti Rovira is a Postdoctoral Research Fellow at the Department of Sociology in the University of Oxford and a Non-Stipendiary Fellow at Nuffield College. Previously, he received a PhD in Law (Criminology) from the Universitat Pompeu Fabra (UPF). He also holds an MSc in "Sociology of Crime, Control and Globalisation" from the London School of Economics (LSE) and an MSc in Social Research Methods. His research is directed at understanding the mechanisms of social stratification related to the criminal justice system, in particular the effect of criminal records, using Spain as a case study. Currently, he collaborates with Professor David Kirk from Oxford University in designing an audit study on the social stigma of former police officers in the US. He has also investigated the use of temporary release in Spanish prisons and the effects of sentences on re-offending related to intimate partner violence (IPV) crimes.