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# Hiring Ex-Offenders: An Application of Theory of Planned Behaviour

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**Abstract** – Ex-offenders released from incarceration experience difficulties securing accommodation, finding stable work, and connecting with families. Although ex-offenders have numerous noteworthy problems, ensuring gainful employment has always been inferred as the most difficult challenge. Many offenders who attempt to acclimate themselves to the society demonstrated gaps in their work history, limited skill sets, and incomplete education. This study deploys the Theory of Planned Behaviour and literature reviews to conceptualise the factors that impact employers' intention to hire ex-offenders. Specifically paying attention to employers who are hiring and have hired ex-offenders to work in their companies or organisations, the study proposes a hiring intention research model.

**Keywords** - Hiring Decisions, Ex-Offenders, Theory of Planned Behaviour

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## I. Introduction

Many ex-offenders struggle to find and sustain a job after being released (Gross, 2017). Ex-offenders are experiencing personal challenges as making re-entry is difficult (Rukus, Eassey, & Baldwin, 2016). They must seek employment while considering the stigma of their criminals' records and their criminal history of imprisonment. Ex-offenders also faced challenging barriers to employment. These include legal limitations, lack of skills, poor education, and meagre training. Furthermore, Brown (2011) has shown that these barriers and stigma are linked when individuals have a criminal record. Thus, the ex-offender's situation for securing employment is further complicated, and the likelihood that these ex-offenders will return to their past criminal lives increases.

When employing ex-offenders, worries expressed by organisations have contributed to the difficulty for them to find any employment opportunities (Goodstein, 2019b). This worry can be observed in a popular hiring policy

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that involves asking candidates whether they possess criminal records. Companies can use this criminal records information that they obtain to eliminate ex-offenders from being considered for the job (Lageson, Vuolo, & Uggen, 2015; Petersen, 2016). This information can also be found from criminal background checks. Petersen (2016) indicated that although organizations do not eliminate ex-offenders from being considered for a job, background checks are conducted to obtain information used to reject ex-offenders. Some companies employ ex-offenders but usually on a short-term basis (Flatt & Jacobs, 2018).

The stigmas that are connected to incarceration are negatively impacting ex-offenders when they are searching for jobs. Some employers are cautious to hire ex-offenders in their company to avoid any risks (Jung, 2015). The United States of America has designed various policies such as Ban the Box to encourage employers to make impartial recruitment decisions in their hiring process, especially when involving ex-offenders (Anazodo, Ricciardelli, & Chan, 2019). This initiative aims to provide ex-offenders with an equal opportunity as everybody else in obtaining a job. Despite the recognition and use of these initiatives, ex-offenders are still experiencing various challenges in finding a job (Graffam, Shinkfield, & Hardcastle, 2008). It is revealed that the number of ex-offenders who are employed is declining as they are continuously denied employment opportunities (Blessett & Pryor, 2013). This critical situation establishes the need for ex-offenders to understand their experiences from the hiring procedure further.

Malaysia does not have a specific policy like the United States. However, many programs and projects are being initiated to increase job opportunities for ex-offenders. The Malaysian government and private industries are encouraging many organisations to offer employment opportunities to ex-offenders. Last year, the government proposed an incentive under Budget 2019, providing tax cuts to employers who hire ex-offenders (Ministry of Finance Malaysia, 2018). Many ex-offenders lauded the initiative as it increases job opportunities for them (Bernama, 2018).

In this study, the Theory of Planned Behaviour was employed to illustrate the factors that can impact employers' intention to hire ex-offenders. Theory of Planned Behaviour was used since it is the most established theory to investigate an employer's behavioural intention. Ajzen (2015) states that the Theory of Planned Behaviour has constantly shown to be valid and valuable in investigating behavioural intention in varying situations. The Theory of Planned Behaviour is used to illustrate the relationship between factors that potentially influence employers' decisions to hire ex-offenders. Besides that, this theory also helps in examining the primary factors, which are employers' attitudes, perceived behavioural control, and subjective norms, in determining employers' intention to hire ex-offenders.

The Theory of Planned Behaviour is more wholesome in bringing together other competing theories in studying the employer and ex-offender relationship. For example, the Economic Theory of Crime focuses on a person's perception of acting rationally when making choices and decisions (Ehrlich, 1973). Next, the Anomie and Opportunity Theories prioritize the link of criminal behaviour and work with the causal mechanism of legitimate opportunity (Cloward & Ohlin, 2013; Piliavin & Gartner, 1979). Lastly, the Social Control Theory addresses the bond between ex-offenders and conventional institutions (Hirschi, 2002). However, all of these theories only focus on a single aspect of the employer and ex-offender relationship. These theories, furthermore, does not gauge the understanding of the intention and behaviour of the employers who want to hire ex-offenders. As hiring intention is presumed to contribute to actual hiring, the Theory of Planned Behaviour was used to provide a more detailed understanding of the relationships (McDonnall & Lund, 2020).

This paper hopes to act as an initiator for more future research to be conducted on the employment issue of ex-offenders in Malaysia. Extensive studies on this issue will lead to more accurate and beneficial findings severely limited in the Malaysian context. These findings are crucial to designing successful public and organisational policies that can assist in mitigating employment issues experienced by ex-offenders in Malaysia.

## **II. Ex-Offender and Employment**

According to the Malaysian Prison Department, about 11,000 ex-offenders are released every year (Hadi, 2020). However, for 2017, only 2,201 ex-offenders successfully secure employment (Hian, 2018). Thus, there are still a large number of ex-offenders who are jobless. This problem is prevalent in other countries as well. For example, in the United States, it was reported that only 27 per cent of ex-offenders manage to secure employment (Couloute & Kopf, 2018). Among the factors that hinder the ex-offenders from job opportunities are like poor educational background (D'alessio, Stolzenberg, & Flexon, 2015; Visser, Debus, & Yahner, 2008), health issues (Dwyer, 2013), personal management problems (Visser, Winterfield, & Coggeshall, 2005), lack of working experience, and poor working skills (Agan and Starr (2017); Barraket, Keast, and Furneaux (2019).

Pager (2008) found that criminal records are a significant barrier for ex-offenders to obtain employment. Furthermore, based on Ricciardelli and Mooney (2018), a longer prison sentence makes it more difficult for the

offenders to acclimatize themselves to society since prison is known to have an enormous influence on its occupants. Therefore, it is challenging for them to cope with life outside the prison and search for employment (Ricciardelli & Memarpour, 2016).

Returning offenders who can obtain employment are usually successful in the long run (Berg & Huebner, 2011; Duwe & Clark, 2017). Once employed, ex-offenders are exposed to informal social controls and legal channels that assist them in sustaining themselves (Duwe & Clark, 2017). Malaysian Care is one of the legal channels that has helped ex-offenders in Malaysia. Berg and Huebner (2011) found that most parolees who had strong family support and secured a job did not re-offend. Similarly, Sampson (2009) also found that crime incidence decreased when ex-offenders were employed.

### III. Theory of Planned Behaviour & Proposed Research Model

The proposed research model is presented in Figure 1. The dependent variable is the employer's intention to hire ex-offenders. The predictor that may influence the intention to hire ex-offenders that are investigated in this study is attitude towards hiring ex-offenders, subjective norm, and perceived behavioural control as stipulated by the Theory of Planned Behaviour (TPB) model. First, the research examines the predictors that affect attitude towards hiring ex-offenders which are organisational culture, risk towards hiring ex-offenders and government incentives. Next, the study investigates the factor predicting perceived behavioural control, which is the skill set that an ex-offender has.

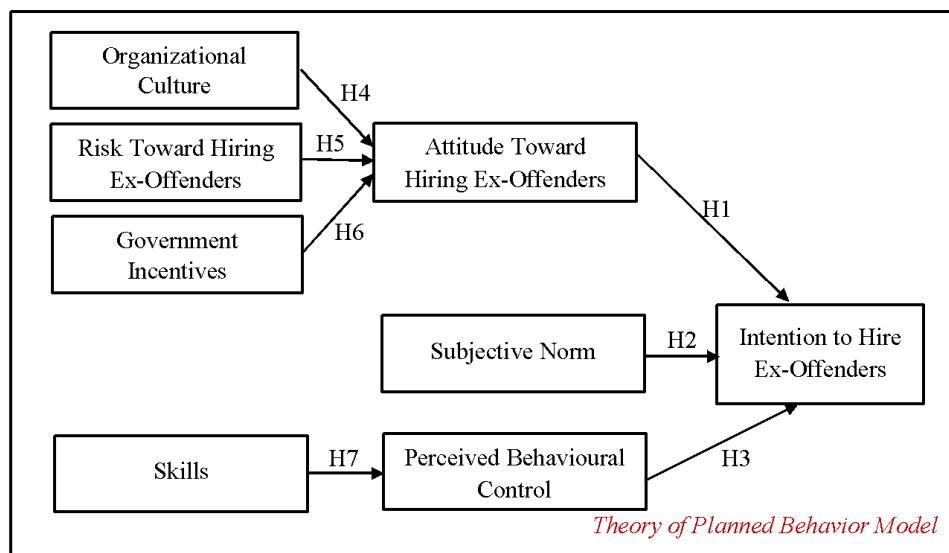


Figure 1: Proposed Research Model

Social studies researchers have tried to model the various mechanisms concerned with linking managers' attitudes, intentions, and behaviours. The Theory of Planned Behaviour is a widely used model by researchers to understand managers' attitudes, intentions, and behaviours (Ajzen, 2011). Ajzen (1991) argued that people are generally rational in their selection, create systematic use of the accessible information, and consider the consequences of their actions before deciding to either perform or not to perform a given behaviour.

Theory of Planned Behaviour assists in developing a social psychological model of human behaviour with a relatively closed structure based on five key factors. The five primary components are (1) attitude, (2) subjective norms, and (3) perceived behavioural control which is presumed to impact (4) behavioural intentions and affected (5) behaviour (Ajzen, 1991). The theory of Planned Behaviour model stipulates that the intention to perform a specific behaviour is stronger when the attitude and subjective norm are more positive and perceived behavioural control is higher (Ajzen, Davis, Saunders, & Williams, 2002).

#### *Attitude Towards Hiring Ex-offenders*

In the TPB Model, the first factor is attitude. Attitude refers to a person's beliefs regarding the numerous consequences he or she might experience from performing a particular behaviour. Cheng, Lam, and Hsu (2006)

state that before an individual commits to a specific behaviour, they tend to assess the advantages and costs resulting from the behaviour they are about to commit. Once an individual is confident that their attitude would contribute to a positive outcome, there is a higher possibility that they would commit to the behaviour (Ajzen, 1991; Cheng et al., 2006; Han, Hsu, & Sheu, 2010).

Past studies have shown that employers' attitude plays a vital role in hiring individuals with a psychiatric or criminal background (Varghese, Hardin, Bauer, & Morgan, 2010). Attitude can affect intention and intention, and in return, predicts behaviour (Ajzen, 1991; Kim & Hunter, 1993). According to Holzer, Raphael, and Stoll (2003a), demand-side barriers to hiring an ex-offender are highly influenced by employer's attitudes toward them. The relationship between attitude and behaviour is also similar in many cases. For example, within social psychology, attitudes are studied as a crucial antecedent to recycling behaviour (Davis, Phillips, Read, & Iida, 2006). Therefore, an employer's attitude is an important driver to influence hiring behaviour. Based on the above discussion, we propose the following hypothesis:

**Hypothesis 1:** Attitude positively influences the intention to hire ex-offenders.

#### *Subjective Norm*

The second factor in the TPB model is the subjective norm. Subjective norms are characterised as "the perceived social pressure to perform or not to perform the behaviour" in question (Ajzen, 1991). This factor indicates the beliefs about the normative norm of significant others. Significant others refer to family members, close friends, colleagues, or business partners (Ajzen, 2002). Thus, an individual's motivation to communicate throughout a particular behaviour is dictated by the perceived preferences of their close ones.

In the past, employers were not comfortable with hiring ex-offenders. This is because employers are worried their reputation could be affected and avoid the discomfort that the other employees might face while working with them. However, things have changed, and employers have started to accept ex-offenders. For example, a recent study done by Society for Human Resource Management and Charles Koch Institute (2018) found that 55% of managers, 51% of non-managers, and 47% of HR professionals are willing to hire ex-offenders. Furthermore, studies found that employers show a more considerable willingness to hire ex-offenders once hiring managers believe the "redeemability" (Reich, 2017) of the candidate, that is, whether the candidate is capable of change and abstaining from criminal behaviour (Maruna & King, 2009). Based on the above discussion, we propose the following hypothesis:

**Hypothesis 2:** Subjective norms positively influence the intention to hire ex-offenders.

#### *Perceived Behavioural Control*

The last factor in the context of the TPB model is perceived behavioural control. Ajzen (1991) refers to perceived behavioural control as the perceived ease or difficulty when an individual experience performs a specific behaviour. Han et al. (2010) also indicated that perceived behavioural control appraises 'the perception of how well one can control the factors that may encourage or discourage the actions required to manage a particular situation'. Actual behavioural control may encompass skills and environmental limitations, and it is concluded to impact perceived behavioural control and moderate the intention-behaviour relationship. Fishbein and Ajzen (2011) indicated that despite stronger intentions contribute to the higher feasibility of performing a behaviour, when actual behavioural control is low, for example, lack of essential skill or presence of environmental barriers, individuals that could be hindered from actualising their intentions.

Employers are under immense pressure when making hiring decisions because they have to finalise the most suitable candidate for the job description (Dwoskin, Squire, & Patullo, 2013). Hiring decisions inevitably involve taking chances, and if the individual that they have hired does not meet their expectation, the employers are the ones that must bear the responsibility and consequences. Lam and Harcourt (2003) stated that several employers use background checks as a medium to reduce the risk of hiring individuals that have the possibilities of contributing to unethical behaviour. Such happenings can incur a financial loss to the employer and tarnish their image. Therefore, when hiring decisions are made, employers prefer to hire ex-offenders who have certain working experience (Denver, Siwach, & Bushway, 2017). Based on the above discussion, we propose the following hypothesis:

**Hypothesis 3:** Perceived behavioural control positively influences the intention to hire ex-offenders.

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### ***Organisational Culture***

Organizational culture usually refers to how people think, which directly impacts how they behave (Ke & Wei, 2008). An example of this culture is acknowledging that culture manifests itself in terms of behaviour and espoused values. Schein (1990) recommends that the foundation of culture is incorporated in a set of “underlying assumptions.” The theoretical debate about culture is that it is a complicated system of norms and values constructed over time (Schein, 2009). It is widely known as the social bond that holds organizational members together and articulates the social ideals, beliefs, and values that members share (Ke & Wei, 2008). Consequently, through its values and operating beliefs, an organisation's culture has a strong influence on how its employees view events (Denison & Mishra, 1995) and how they behave (Schein, 2009).

Abdullah (2001) narrates that Malaysians are usually viewed as kind, generous, considerate, and having sturdy humane attitudes towards the less fortunate. Therefore, within a supportive organizational culture, job applications by ex-offenders are given higher consideration compared to an organizational culture that is less accepting of ex-offenders (Anazodo et al., 2019). Based on the above discussion, we propose the following hypothesis:

**Hypothesis 4:** Organizational culture positively influences employers' attitudes towards hiring ex-offenders.

### ***Risk Toward Hiring Ex-Offenders***

Employers often see risk when hiring ex-offenders because they often lack the required information needed to satisfy an organisation's legal and moral standards (Lam & Harcourt, 2003), as they can impose a significant threat to the organisation if hired. A substantial risk that the employer is always concerned about when hiring ex-offenders is the risk at the workplace. Other employees working with the ex-offenders are exposed to the risk if anything goes wrong (Fahey, Roberts, & Engel, 2006; Haslewood-Pócsik, Brown, & Spencer, 2008). Furthermore, there are many other risks such as behavioural problems, limited fundamental abilities, lack of proper qualification, low confidence, weak self-esteem, reduced motivation, absenteeism, and bad work experience. Plus, the ability of the ex-offenders to adjust to the organisational surroundings and work culture is an additional risk that employers need to consider (Visher & Travis, 2003). Since change takes time and ex-offenders might not quickly adapt to the new environment, and there is a possibility that the new environment might worsen them.

Employers view the ex-offender as a person with flawed character (Brown, 2011). They are also constantly worried that the ex-offender will harm the employees and tarnish its good name (Conalty & Cox, 1999). Quintal, Lee, and Soutar (2010) stated that risk is an expectation of a possible potential loss. Not only that, but this potential loss will also cause unexpected issues, business failures as well as a financial crisis (Roslan, Yusoff, & Mohd Dahan, 2017). If hiring an ex-offender leads to potential loss in the future, the management will automatically have a negative attitude towards hiring them. Previous researchers have found that the attitude is always hostile towards any situation when a potential risk is involved (Campbell & Goodstein, 2001; Lobb, Mazzocchi, & Traill, 2007). Based on the above discussion, we propose the following hypothesis:

**Hypothesis 5:** Risks will negatively influence employers' attitudes towards hiring ex-offenders.

### ***Government Incentives***

Incentives offered by the government increases employers' intention to hire ex-offenders. According to studies on the employment of ex-offenders, tax incentives should be provided to employers to encourage them to hire ex-offenders. Tax incentives persuade employers to consider individuals with criminal records in the early stage of the hiring process (Saba, 2019). Furthermore, incentives are positively related to attitude when it comes to hiring ex-offenders. Therefore, most employers are more interested and willing to hire ex-offenders to work in their companies if they provide and allocate hiring incentives (Mak, Iris, Wang, and Hsu (2019).

Ex-offenders can be a valuable source to the labour force if they are adequately interviewed, which help employers to detect their potential. The provision of incentives inculcates a positive attitude among employers and encourages them to give the ex-offenders a second chance. Incentives alter the employer's mindset, making them believe that ex-offenders can be assets to the organisation. In a recent study, Lundquist, Pager, and Strader (2018) have written that “employers may thus be missing out on a huge number of potentially high-quality among ex-offenders workers”. In addition, Atkin and Armstrong (2013) showed that a few employers manage to attain

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business success when they hired individuals who have past criminal records. Based on the above discussion, we propose the following hypothesis:

**Hypothesis 6:** Government incentives positively influence employers' attitude towards hiring ex-offenders.

### *Skills*

Job applicants must have a competitive skill set, both soft skills and hard skills, to be employed. This is not only applicable to ordinary people but also disadvantaged groups like ex-offenders. When it comes to skills, ex-offenders have a considerable disadvantage compared to normal applicants. Shinkfield, Graffam, Lavelle, and McPherson (2004) showed that ex-offenders might lack essential employment skills and basic life skills, possess a low level of education, and insufficient social competencies. Thus, these conditions seriously put ex-offenders at a disadvantage in getting and maintaining employment. Holzer, Raphael, and Stoll (2003b) indicated that the longer the imprisonment, the higher is the possibility for the ex-offenders to lose their job-specific skills and experience. When the offenders are in prison, they are far from the standard labour market and their social networks, their marketable job skills fade, and the strength of their skilled ties and references erodes. Schmitt and Warner (2011) describe that time behind bars results in a worsening of "soft skills" like promptness or customer relations.

The primary criteria in hiring an individual depend on the skill set that they own. The chances for them to secure a job increase when these skill sets match with the skill sets that employers are looking for (Aken & Michalisin, 2007). Studies have shown that if ex-offenders are provided with the necessary skills, the chances of being considered for an interview and getting hired will increase (Goodstein, 2019a). Besides that, if employers are interested and want to hire ex-offenders to work in their companies, employers need to ensure that they are always committed, motivated and highly skilled (Mohd, Julan, & Tuan Besar, 2020). Based on the above discussion, we propose the following hypothesis:

**Hypothesis 7:** Skills positively influence employers perceived behavioural control towards hiring ex-offenders.

## **IV. Conclusion**

The literature on this issue has reported that employers hesitate to offer employment opportunities to ex-offender applicants due to poor comprehension of ex-offenders. The Theory of Planned Behaviour is employed in this study to illustrate the link among employer attributes, organizational characteristics, and legislation in affecting managerial intention to hire ex-offenders. This study demonstrates the potential of attitude, subjective norms, and perceived control to be used as moderators in influencing the hiring decisions of ex-offenders. This study hopes that this conclusive model provides a vital practical and theoretical contribution in the decision-making process of hiring ex-offenders. Increased understanding of this issue will lead to the more active growth of public and organizational initiatives and policies that can encourage and control the career of ex-offenders.

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