

# Connecting talent shortages to those who can work: what we learned about lived experience of the justice system and employment opportunities

Research Report 2022







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"People with lived experience of the justice system have provided an authentic contribution to our work. Specifically in the area of impact through creating relationships with clients and community members."

-National Employer survey respondent



# Executive summary

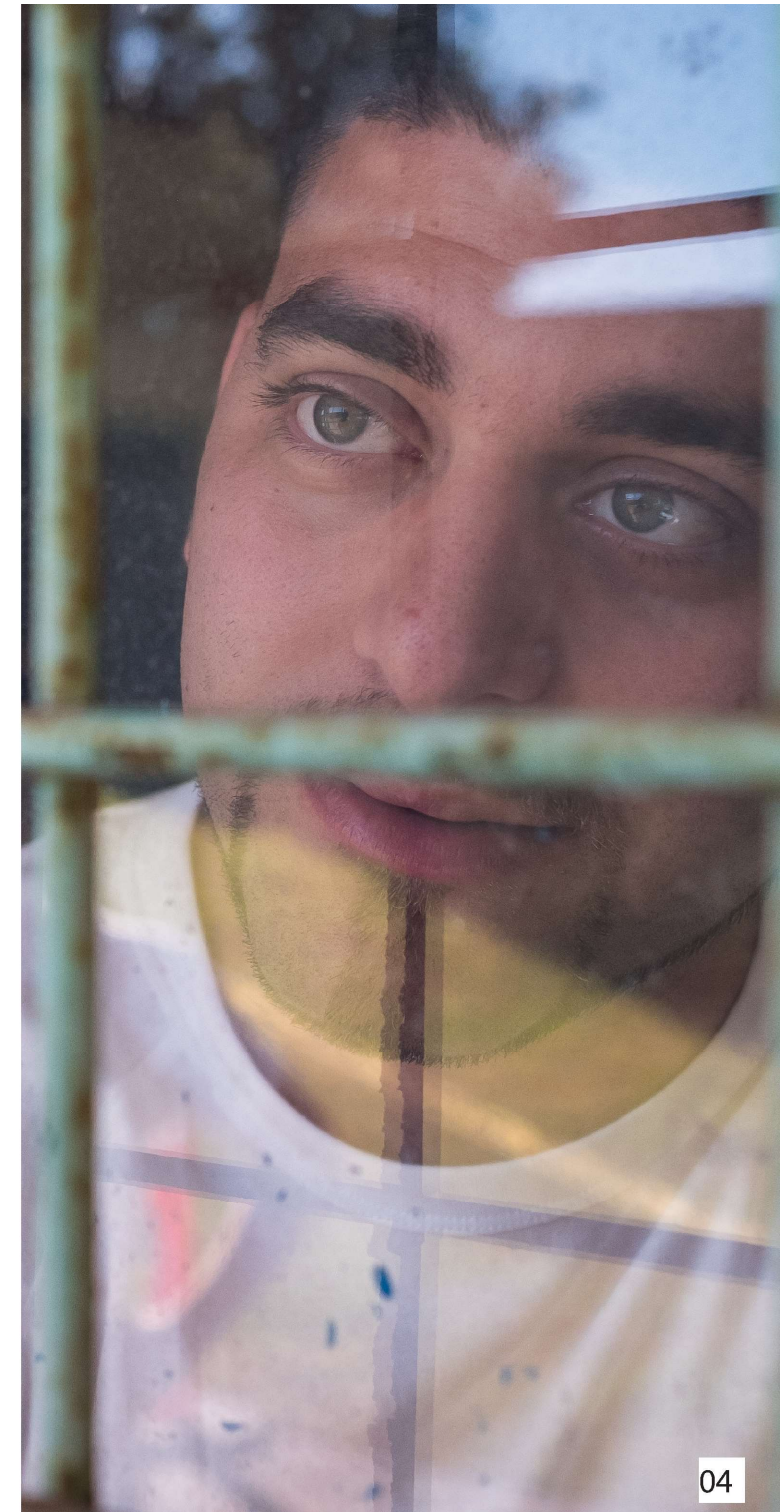
Employers must be supported to recruit, manage and retain people with lived experience (LE) of the justice system. Employment is a critical component for successful transition into the community. By engaging people in meaningful and safe employment free from discrimination they can access financial stability and independence, reducing the likelihood they will return to prison (Productivity Commission Prison Dilemma, 2021). However, most people in contact with the justice system face significant barriers in gaining employment. This can include individual factors, structural barriers and cultural barriers.

Individual factors include factors such as lack of access to educational opportunities and therefore low levels of numeracy and literacy (Council of Australian Governments 2016 and Productivity Commission Prison Dilemma 2021). Structural barriers focus on the design of the justice system itself or the policies and practices to gain employment. An example of this is the complex assessment and management of police checks or lack of affordable housing (Council of Australian Governments 2016, Naylor 2012 and Productivity Commission Prison Dilemma 2021). Finally, cultural barriers include components like the negative attitudes that are often portrayed through media, prompting public antipathy towards those with LE (Thomas, & Bennett 2019 and Selbin, McCrary, & Epstein 2018).

It is logical that for people who have had contact with the justice system to obtain and retain employment, there must be organisations and employers who are willing and ready to recruit from this cohort. Furthermore, it needs to be coupled with an environment that promotes and allows for such recruitment. Yet, most employment support places its emphasis on the individual barriers, the person with prior involvement in the justice system (Corrective Services Industry 2022; Corrections Victoria 2022; WA Department of Training and Workforce 2022; Department for Correctional 2020 and Prisoners Aid ACT 2022). Focusing on the individual and their need to prove themselves moves the burden of the solution to the person and away from the employer. However, without employment opportunities, and therefore organisations and employers willing to recruit from this cohort, there is little people with LE of the justice system can do as the decision to provide placement sits outside their control.

The Employment Project, created and led by Australian Red Cross, brings together a steering committee of experts from various fields. The intention is to encourage a fundamental shift in behaviours, interactions, and relationships within the workplace so it can be more welcoming of those with LE. The project will create effective guidance and frameworks for employers on how to recruit and retain people with LE of the justice system.

Through shifting the focus and asking employers what they need, the research revealed that employers can feel overwhelmed by the task of employing people with LE. The feeling of being overwhelmed often occurs due to the lack of information on the 'right way' to recruit and manage this cohort. However, with appropriate support and resources we can increase employers' knowledge base, and thereby confidence, in recruiting people with LE of the justice system. An increase in employers' willingness to recruit from this cohort would create new job opportunities and allow employers to tap into a talent pool that could be greater utilised.







mean something for us women and the officers.  
the success of our first year has been the fundamental change needed. to lose the cliché of a scary every woman for herself environment and replace that with a safe not harmonious community environment.  
without this program the continuance of this program enables that the success of our community programs ~~there are~~ and the created ~~lost~~ we have



"There is shame and guilt attached to the feelings of worthlessness that come with the stigma of having LE. A constant question of "Am I good enough?" The system is viewed as not designed to build people up, but to perpetually punish, oppress and stigmatise. There is little relief from these feelings."

-Lived Experience Advisory Group participant

cliche of unsafe prison where we are not heard help is not given exist anymore. The approach of





Glossary & abbreviations

Disclosable Court Outcomes (DCO)	refers to police and court outcomes that can be released through a Police Check i.e. when someone is found guilty, convicted and sentenced, this is recorded as a DCO.
The justice system	refers to the criminal justice system which incorporates the systems, policies and laws that are in place to protect the community including policing, courts, community corrections and prisons across both juvenile and adult systems.
Lived experience (LE)	refers to experience gained by individuals from direct contact with the justice system. It includes those who may have been in contact with police, been through the court system, arrested, charged with an offence, incarcerated, on an order or given a diversionary sentence.
Recidivism	refers to the measure of whether an offender commits another crime once they leave the justice system. Recidivism is typically measured using a 2-year follow-up period. Recidivism rates for people exiting prison in Australia is typically just under 50% within 2 years.
Social change	refers to fundamental shifts in our behaviours, interactions and relationships; changes that over time can transform our culture and social institutions, and result in positive and long-lasting consequences for society.



Red Cross acknowledges the Traditional Owners of this land, their ancestors and Elders, past and present.

Acknowledgement of traditional custodians

Red Cross pays our respects to the Aboriginal and Torres Strait Islander Custodians across this country, and to Elders past, present and emerging.



# Meet the collaborators

## Project Lead

Clariana Rodrigues  
Australian Red Cross  
National Strategic Projects Coordinator

## Steering committee

On the right hand side you will see the details for the change makers that Red Cross has been collaborating with on this project.

## Lead Designer

Tiffany Ian Tong Ho

## Research students and volunteers

The project also engaged with research students and volunteers from across Australia. We would like to give our thanks to their amazing efforts in supporting us along this journey.

## Corporates



**Dan Hinton**  
Senior Employee  
Communications Manger



**Luke Marshall**  
Global Head of  
Community Enagement



**Casey Granger**  
Operations Manger

## Justice



**Rob Bown**  
Chief Chance Creator



**Shannon Parry**  
Industry Engagement  
Manger



**Dr Kate Barrelle**  
Co-founder & Chief  
impact Officer



**Simone Dangas**  
Employment Consultant

## Specialised



**Dr Rimple Mehta**  
Lecturer – Social Work  
& Communities



**Zana Bytheway**  
Executive Director



**Angie Perry – Mansell**  
Aboriginal and Torres  
Strait Islander Staff  
Retention Lead







"Everybody deserves a second chance... we had one kid who was taking albums sent to us by record companies and selling them to a second-hand record shop. By giving him a chance, he became one of the best employees we ever had... It's about awareness, the government have to make employers aware of the positives of taking on people who have been in prison."

-Sir Richard Branson

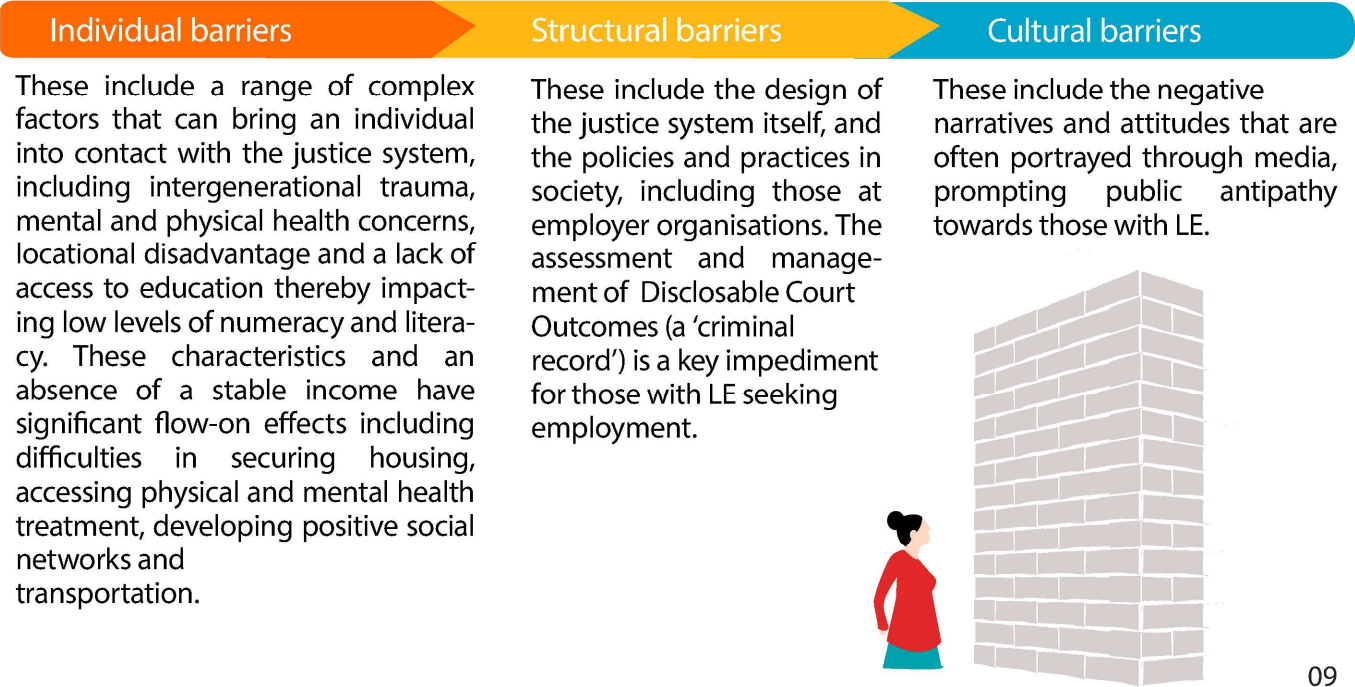




# Introduction

Employment is a critical protective factor for those exiting the justice system to return to positive and productive lives in the community. The primary benefit being that it provides income to pay for housing, transportation, food, and other daily expenses. It also provides structure, routine and opportunities to expand one's social network, enhancing self-esteem and psychological health (Naylor 2012, Power, & Nolan 2017 and Productivity Commission Prison Dilemma 2021). More broadly, society benefits from reduced crime and re-incarceration rates, as there is a reduced reliance on the social services and the inclusion of additional workers into a shrinking workforce (Naylor 2012 and Productivity Commission Prison Dilemma 2021).

It is important to note, that although employment is a significant need for people exiting the justice system, to be effective it should be coupled with other government support. This could include counselling, family support, affordable housing, access to health services, amongst other components (Community Restorative Centre 2022). As previously mentioned, the barriers to people with LE of the justice system returning to the community and accessing employment broadly fall into three spheres: individual, structural and cultural. Illustration one, explains in further detail each of those.





There are government support services which focus on the individual barriers. Despite not meeting the needs or demand for the services, examples of this would be the range of support people with lived experience of the justice system receive to improve education, write resumes, and apply for positions (Corrective Services Industry 2022; Corrections Victoria 2022; WA Department of Training and Workforce 2022; Department for Correctional 2020 and Prisoners Aid ACT 2022).

Although not at the same level, there is some work occurring to shift cultural barriers which are the negative narratives and attitudes that are often portrayed throughout the media. In recent years, a couple of shows in the media have worked to debunk myths and misinformation. Those being the ABC show You can't ask that (ABC2016) which did an episode debunking the myths through questions, while SBS released the Life on The Outside show (SBS 2022) that explores the range of challenges people with lived experience of the justice system face when reintegrating into community.

The project team explored the structural barriers sphere to better understand how employers form perceptions about those with LE. In particular, focusing on identifying employers' concerns and what informs their decisions to hire or not hire someone with LE. This report will unpack and analyse the results gained from the data collection modes shown on the right hand side.

The key outcome of this work was identifying a high impact opportunity to create more supportive and inclusive workplaces. We identified a need for the development of a Resource Hub (Website with resources for employers) to support employers to recruit people with LE of the justice system. This initiative recognises that systemic change can be achieved with targeted measures that improve employers' understanding of recruiting and retaining people with LE and therefore their confidence in doing so.

The long-term aspiration of this project is to spark a social change movement which supports the employment of people with LE of the justice system. We aim to support employers to come together to contribute and collaborate in addressing the lack of employment opportunities for this cohort.







"Over the past decade we've employed about 460 people with lived experience of the justice system, none of whom are known to have reoffended so far."

-Toll Transport





# Background

Every year over 70,000 people are released from the justice system (Australian Bureau of Statistics 2021), with over half of those returning within two years of their release (Australian Institute of Health and Welfare 2021). Employment has been sighted as a significant protective factor for the successful reintegration of those with a criminal record (Naylor 2012). By engaging people in meaningful and safe employment free from discrimination they can access financial stability and independence, reducing the likelihood they will return to prison (Productivity Commission Prison Dilemma, 2021).

People with lived experience of the justice system, however, face significant barriers in gaining employment. In Australia 54% of prison entrants are unemployed in the 30 days prior to their incarceration and 78% are unemployed on release (Australian Bureau of Statistics 2021). A lack of social connection when transitioning back into community, both with those in the community and those with shared experience creates further barriers to find and retain work (Loosemore, Daniele, & Lim 2020). While most of the Australian research and support on securing employment focuses on the individual, we need to shift some attention to employers as they are critical in creating opportunities.



Employers play a pivotal role in the employment ecosystem and have strong control of the people that are included, and excluded from the working community. The recruitment practices of employers can reinforce the negative stereotypes, or they can support more inclusive environments allowing for everyone to feel welcomed (Naylor 2012).

In general, employers are cautious about recruiting people with LE of the justice system for a number of reasons. A recent study in the construction industry (Loosemore et al. 2020), found that the most common concern was the employee re-offending, followed by an assumed attitude problem and a lack of reliability (Loosemore et al. 2020). Furthermore, a study in the United Kingdom (UK) (Atherton, & Buck 2021), a country with strong literature surrounding effective inclusion of people with criminal records in employment, found that employers fear a potential reputational risk of being associated with negative behaviour and acquiring the stigmatisation surrounding people with a criminal conviction.

There is little evidence that people with LE of the justice system hold negative attitudes towards work or impact brand reputation (Loosemore et al. 2020 and Selbin, et al. 2018). In contrast, the National Employers survey (Department of Jobs and Small Business 2020) found that 78% of people who had previously recruited someone with LE of the justice system had a positive experience.

There are a range of key components which support people staying out of prison, these need to work together to support re-integration in the community. Research has shown that employment is one of the key protective factors. Therefore, employers are key to the recruitment and engagement of people with a criminal conviction and their desistance in crime. By supporting employers to have more inclusive and diverse recruitment, change in the employment of this cohort would create safer communities, decrease recidivism and, of course, impact the mounting cost of prison for taxpayers. However, to achieve sustainable and long-term change employers must be supported to act and create effective recruitment strategies for people with criminal convictions.





"I have hired many candidates with criminal records. Most of them turned out great. And those that didn't, it wasn't because of their past but their present."

-Richard Chinn, Senior Professional Wetland Scientist





# Literature review

Research methods and findings

## Methodology

The first piece of research conducted as part of this project was a rapid literature review conducted by a team of research volunteers, led by Dr Kate Barelle and supported by Clariana Rodrigues. The literature review aimed to determine previous and current responses to the project challenge, with a clear and narrow scope of identifying best practice examples and evidence-informed principles on how to support employers to recruit people with LE of the justice system. It was immediately evident that there are significantly low numbers of literature in this area. Therefore, articles from 2016 to 2021 from Australia, Canada, New Zealand, UK, Scandinavia and United States of America were included. The research utilised both academic peer-reviewed literature and a scan of international and national programmatic landscape.

## Findings

One key insight from the literature review is recognising that, from the perspective of employers, there were various external barriers that impacted the recruitment of people with LE of the justice system. Most of the employers were interested in hiring someone with LE, but felt that barriers out of their control made it difficult for them to commit. These barriers were generally structural, such as hiring policies; a risk-averse mindset within organisations; and a general lack of information and confidence in how to go about hiring someone with LE. These insights provided a rich insight into the external influences on employer hiring decisions.

The literature review showed that employers often have incorrect negative assumptions that need to be identified and addressed. Furthermore, to have successful long-term employment of people with LE of the justice system, a deliberately supportive environment and mentoring programs could be beneficial. Despite one of the key concerns raised by employers being reputational damage, the literature demonstrated various benefits to the employers including a positive or no change to stakeholder brand trust. The themes are summarised in Table 1.





Table 1: Summary of themes

1. Incorrect negative assumptions need to be identified and addressed	<p>Unfavourable attitudes from the employer are the single most significant employment barrier for applicants with LE</p> <p>These assumptions are mostly inaccurate and undermine workplace relationships</p> <p>Requires a shift in employer mindset to reflect on own biases and consider trust and redeemability</p> <p>Understanding the context / experience of the applicant</p>
2. A deliberately supportive environment	<p>Employers need to ‘See beyond the first hurdle.’</p> <p>Successful managers adopt a non-judgemental, optimistic but realistic perspective</p> <p>Demonstrate genuine empathy and non-judgemental views</p> <p>Seek to understand the difficulties faced by the applicant in finding employment</p> <p>Support strategies such as intrinsically meaningful work plans</p>
3. Mentoring builds social capital and addresses stigma	<p>Mentoring supports healthy norms and behaviours across the organisation</p> <p>Mentoring breaks down fear and prejudice in both directions</p> <p>Provides the employee with someone they can talk to and share concerns with</p> <p>Genuine connections and networks build critical social capital</p>
4. Highlight benefits to the employer	<p>Strong work ethic</p> <p>Opportunity to attain reliable employees</p> <p>Part of social responsibility plans</p>





The literature review identified the United Kingdom government as a leader in the space by placing an emphasis on the employment of people with LE. The three organisations shown in table 2 have been identified as examples that effectively illustrate the themes in table 1.

Table 2: Example of evidence-based themes in the field.

Exceptionals (UK)	<p>The Exceptionals is a UK initiative that provides an engaging online toolkit to support employers in employing of people with lived experience of the justice system. They provide FAQs, fact sheets, success stories, a blog and directory of service providers working with this cohort. This initiative was developed as a partnership between Bounce Back (a charity and a social enterprise focused on the training and employment of people in and leaving prison) and Working Chance (an employment service for women with convictions that supports them to develop the confidence, skills and self-belief they need to overcome barriers to employment, find jobs and build careers).</p> <p><a href="http://www.theexceptionals.org/the-case">http://www.theexceptionals.org/the-case</a> <a href="https://www.bouncebackproject.com/">https://www.bouncebackproject.com/</a> <a href="https://workingchance.org/">https://workingchance.org/</a></p>
Offploy (UK)	<p>A UK recruitment agency start-up, Offploy was founded by someone with prior experience in the justice system and promotes that at least 80% of their employees have direct lived experience. Offploy provides targeted and practical support for employers and this cohort of candidates that extends beyond initial recruitment. Their initiatives, resources and support include justice employee recruitment services, research, education and advocacy.</p> <p><a href="https://www.offploy.org">https://www.offploy.org</a></p>
Business in the Community (UK)	<p>A UK based business-led membership organisation that works with members to improve responsible business practice, leveraging their collective impact for the benefit of communities. Focus is on developing skilled and inclusive workplaces, thriving communities, whole person approach to workplace health and wellbeing, and business innovation tackling the climate crisis.</p> <p><a href="https://www.bitc.org.uk/who-we-are/">https://www.bitc.org.uk/who-we-are/</a></p>





# Employer Focus group

## Methodology

The Employment Project steering committee convened four National Employer Focus Groups to better understand the barriers that presently inhibit employees with LE from securing meaningful employment, from the perspective of employers.

The recruitment for the Focus Groups used a snowball sampling method. All participants had recruitment or management responsibilities within their roles. One participant also had LE of the criminal justice system, while another had a close family member with LE. Through these facilitated discussions, participants explored the individual, structural and cultural barriers they perceived as inhibiting people with LE from securing and retaining meaningful employment. The groups also discussed the necessary knowledge and tools that employers need to increase their confidence in recruiting from this cohort. The key themes, discussed below, include lack of guidance and framework, transitional support, stigma and inclusive workplaces.

“A recent report found that 78% of employers reported having a positive outcome of employing people with experience with the justice system.”

- Australian Government Recruitment Experiences and Outlook Survey





## Findings

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### Lack of guidance and framework

The lack of easily accessible guidance and resources impacts employer recruitment decisions. Employers shared that their knowledge of the justice system, and those with LE of it, was extremely limited. Even though focus group participants expressed a willingness to recruit those with LE of the justice system, they were not confident doing it themselves.

A key example of this in the recruitment phase was the police check process. Employers highlighted that conducting, assessing and managing a police check disclosure was a significant challenge. Due to the lack of guidance, most employers made assumptions based on what they personally assumed was appropriate for their organisation, without an understanding of best practices. Participants shared that while a record does not automatically disqualify people with lived experience of the justice system from a position, the lack of guidance means it significantly complicates the recruitment process for employers and people with LE.

Focus group participants also grappled with their own comfort level with different types of offences. The group shared varying levels of comfort. There was a worry that employing people with LE of the justice system would remove their ability to choose applicants. Participants emphasised the wish and need to remain in control of who is recruited into positions and that assessments would be specific to the position and organisation. This highlighted the lack of understanding from employers on the appropriate guidance which would include role and organisation specific assessments.

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### Transitional support

Employers who had previously recruited people with LE of the justice system identified a lack of transitional support, such as transportation and finances, as impacting the ability of employees to retain positions. Gaining access to personal transportation can be extremely difficult, particularly if the individual's prior criminal history relates to driving offences. Employers demonstrated a lack of understanding about the external supports available for people with LE and the limitations of their responsibilities. As a result, they expressed concerns about becoming the sole support of the individual with LE of the justice system.





Findings

Stigma

Focus Group participants did not directly discuss the stigma associated with people with LE of the justice system. However, they did express concerns about how others may feel about the recruitment of this cohort. Employers discussed that stakeholders both within the workplace and external to it may express concerns.

Employers expressed some nervousness in communicating to others the recruitment of people with LE of the justice system. There was a hesitation as to when and how to communicate their decision to recruit from this cohort and the impact of such communication. Furthermore, they highlighted an expectation that this unease may create an environment for the individual that is non-inclusive and uncomfortable.

Focus group participants further identified potentials gaps in education and qualifications as a significant factor that often precludes individuals with LE from securing meaningful employment. Although employers could not clearly identify multiple instances where applicants with LE of the justice system did not possess the relevant qualifications (demonstrating a stigma or assumption), there was an expectation that applicants may lack the required qualification.

For employers, stigma can complicate both recruitment and retention processes. There is often a perceived need to evaluate the risk of recruitment to the employees, the organisation, and their reputation. It is important that there is efficient employer support and research to demystify potential myths and support people with LE to feel accepted and valued within their organisation.

Inclusive workplaces

To successfully retain individuals with LE, organisations need to be inclusive and accepting. Non-inclusive environments can be detrimental to the retention of employees. Participants who had previously recruited people with LE of the justice system emphasised the importance of empathy from direct managers. It is key for employers to understand that individuals may experience numerous personal challenges, external to the workplace, which can impact their employment.

Furthermore, the connection between the team leader and the organisation was identified as a potential complicating factor. Participants expressed that successful retention requires an inclusive and supportive direct team environment. Furthermore, it is crucial that employees feel as though they can contribute to the team in a meaningful way and are not merely a token example of the organisation’s commitment to cultural diversity. This was expressed from the perspective of an individual team leader and emphasised as a significant point for organisational culture around the recruitment of diverse staff.





# Employer survey

## Research methods and findings

### Methodology

Following the insights from the rapid literature review and focus groups, the project team developed and distributed a National Employer Survey to consolidate the common themes from the research to date, and to confirm and deeper understand the barriers employers face in recruiting people with LE.

A snowball sampling method was adopted in the sharing of the survey. It was completed by 115 employers: 60% from Australian Government organisations. The remaining participants were employed in the not-for-profit or private sectors, with 10% working in social enterprise. Participating employers were predominantly from larger organisations, with 45% employing in excess of 500 employees, and often involved in social services work. There were also a notable number of participants from education, training and health care sectors. Despite the high number of respondents, it is important to note that the survey did not reach a statistically significant result. It is recommended that the research is repeated in the future with a higher respondent rate to test the themes discovered.

The summary of the key findings that emerged from the Employer Survey are grouped into the following themes: recruitment awareness, benefits of recruitment, barriers and concerns and required support.







“Employment is a key protective factor to support people in the community post release and prevent future offending. However, people in contact with the justice system face significant barriers in gaining employment.”

- Clariana Rodriques, National Coordinator, Strategic Projects at Australian Red Cross



## Findings

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### Recruitment awareness

- Approximately 63% of survey participants personally knew someone with lived experience of the justice system
- 56% knowingly worked for organisations that recruited from this cohort
- 77% were personally involved in the recruitment and/or management of the staff members

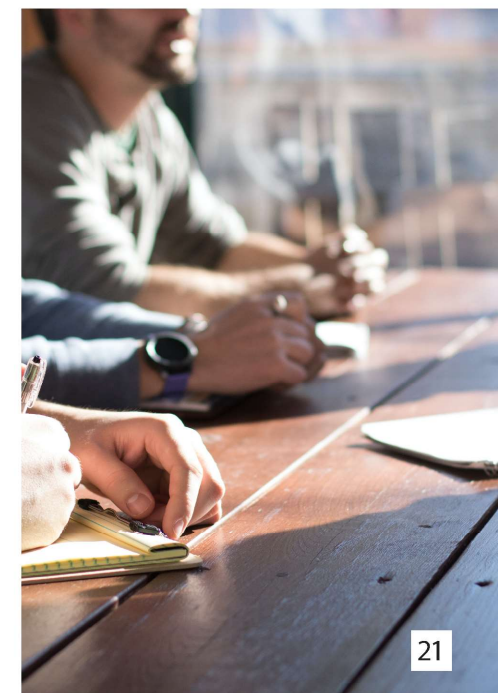
Statistics show that majority of survey participants either knew someone personally with LE of the justice system or had worked for an organisation that recruited those with LE. Despite this, majority of participants working for these organisations were either unsure about how many individuals with LE of the justice system were recruited or knew of less than 5 that had secured employment in the last year. Only 8% of participants reported that their organisation recruited more than 20 people with lived experience of the justice system in the year prior.

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### Barriers and concerns

A significant number of respondents identified the complex police check disclosure process (22%) and the fear of stigma associated with having a criminal record (28%) as key barriers faced by people with LE of the justice system. Furthermore, actual or perceived gaps in qualifications and caution about the impact on vulnerable clients and staff if re-offence occurred closely followed as another significant barrier to obtaining employment. Interestingly, those who personally knew someone with LE felt that the difficulty of securing transitional supports, such as housing and transportation, created another substantial additional challenge.

Survey participants expressed further apprehension about whether their organisation would be sufficiently inclusive to support the recruitment of these individuals, with many citing prejudice from staff and clients as being of particular concern. Despite this, 16% of participants stated that they had no concerns with recruiting these staff members within their organisation.





## Findings

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### Barriers and concerns

**Close to one in three respondents noted that at times, they found it hard to commit to employing someone with LE due to the lack of external support available for employers in doing so.**

Near to a third of respondents identified that workplaces need to be supportive and inclusive, and this requires employers to have a better understanding of how to conduct inclusive recruitment processes. In addition, participants stated the need to make the recruitment process more comprehensible. For some, this included the need for an increase in inclusive role advertisement, demonstrating to individuals that they will not be immediately excluded based on their criminal record. However, participants also expressed that creating such changes was out of their role responsibility within their organisation.

Participants felt that their organisation would need training and resources on how to support someone with LE. These resources would specifically cover, the processes and practices required to create an inclusive environment as well as awareness raising on the importance of recognising and acknowledging the diverse forms of education, experience and attributes.

Furthermore, to increase the percentage of employers who are comfortable with recruiting people with LE, participants identified that both the organisation and the manager would require a better understanding of the complexity of the criminal justice system and the complex challenges faced by individuals with LE. This would allow them to better empathise with the individual and create a safer space for open communication.





# Lived experience Advisory

## Research methods and findings

### Methodology

The project team convened a LE Advisory Group workshop comprising ten people with LE; four females and six males. Two steering committee members with LE facilitated the group and were supported by an experienced facilitator with LE.

The purpose of the workshop was to review the project's current research data and provide feedback to ensure that the experiences of people with LE are reflected in the materials in the Resource Hub. The section below has been drawn from the LE Advisory Group Report that was compiled by a member of the project's Steering Group who has LE and presents as a first-hand account, as well as a synthesis, of the experiences of people with LE as they exit prison.

Please note that this may be triggering for those who have recently exited prison or have a close relationship to the topic. The sections below, will provide a detailed account of the complex and systemic issues present for people with LE.

### Findings

People with LE of the justice system emphasised the importance of employers being more aware of the challenges and barriers present when reintegrating into society. They felt that if employers were more mindful of the true practical and emotional journey they had to face and overcome to not just secure employment, but to maintain employment, then employers would be better equipped in their understanding and approach to those with LE. People with LE want employers to know that their lives, and the reality of exiting prison, is more complex than what is shown in mainstream media.

The research found a number of key themes including: stigma, finances, technology, family reconnection, the prospects of applying for jobs, job application process, job skills required, police check, job interview, landing the job and parole obligations and restrictions.

For the purpose of this report, focus will be on those impacting on, and related to, gaining and retaining employment.

### Stigma



#### Stigma sticks

"I feel like I have the word ex-offender tattooed on my forehead."

- Participants with LE

A key theme emerging from the workshop was the perspective that today's society is filled with social media and the mainstream media circulating misinformation. With everything online, people with LE struggle with anonymity. A majority of returning people have a lifetime of trauma and/or mental health issues and have worked hard on bettering themselves to be a regular functioning member of society again. However, the stigma of having served time stays with a person forever. There is the constant fear of exposure, judgement and rejection associated with doing everyday things.

There is shame and guilt attached to the feelings of worthlessness that come with the stigma. A constant question of "Am I good enough?" lingers for people with LE along with: "What more do I need to do to feel like a 'normal' person again?" The system is viewed as not designed to build people up, but to perpetually punish, oppress and stigmatise. There is little relief from these feelings.





## Findings

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### Technology

“What happened? Nothing is the same.”

#### -Participants with LE

Technology progresses quickly with time. In the absence of access to technology and the internet while in prison, any progression in technology leaves people further behind and they are unable to quickly adapt and navigate society’s online interactions.

There are over half a dozen phone companies, hundreds of options to choose from, and everything requires data. Where do people even start? The cost of purchasing a mobile phone with internet access is beyond that of someone who is reintegrating into society. Government agencies and relevant services have moved all applications and information onto online platforms. For those removed from society for a period of time, applications such as MyGov are viewed as very new and foreign.

The key issues raised included:

- > No money to purchase a mobile phone
- > No ability to access a phone with data capabilities
- > No ID or address to obtain a phone
- > Complicated ID processes

Those exiting prison reported that they returned home without identification documents. It’s a vicious cycle leaving people with LE feeling extremely frustrated, resulting in some anger and heightened anxiety from trying to do the right thing but feeling like they keep hitting walls.

Even the use of self-service supermarket checkouts proved too much for some to navigate in the early days of release. Asking for help can make them feel judged by the facial expressions from the staff that seem to say: “What planet have you been living on?” Embarrassment is a familiar emotion shared amongst those reintegrating into the community.

### The prospect of applying for jobs

“At times, participants believed that they looked and felt like a ‘crim’, sometimes feeling physically ill each time they apply for a job”

#### -Participants with LE

One of the highest priorities for those leaving prison is to secure employment as quickly and as pain-free as possible. They want to pay their own way in society and pay taxes like everyone else; they want to provide for their families. Securing meaningful employment provides people with a multitude of opportunities including, but not limited to:

- > providing for their children;
- > buying children a present;
- > purchasing a car to get to work;
- > putting a roof over their head and clothes on their back;
- > being a contributing member of society again; and
- > wanting to pay taxes and no longer be reliant on the system.

However, as much as there is an enormous amount of motivation and determination to secure employment, this is sometimes overridden by extensive barriers and issues. Managing the heavy weight of stigma and rejection is difficult to do when faced with so many other competing issues.

There is an overwhelming feeling of wanting to constantly give up due to lack of resources. Participants expressed feeling of being left with little interest in finding work as they thought no-one would give them a chance. Police checks give rise to the thought of ‘just giving up’ and ‘not applying at all’. There are common feelings of being physically drained and overwhelmed with so many changes, responsibilities, priorities and society expectations for them to return in an ‘as new condition’. Yet they battle through feelings of low self-esteem, shame and embarrassment to try and secure a job that will enable them to feel like a ‘normal person’ again.



## Findings

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### Job application process



“You can’t turn up to a job interview wearing prison greens or greys.”

-Participant with LE

We live in a time where business and industry promote their values as being a diverse and all-inclusive organisation; however, for people with LE, this has not been the case. People with LE report that they have repeatedly experienced rejection and judgment because of their history and have been left feeling anything but ‘included’.

Some of the applicants expressed the inability to be available for work due to parole commitments. Others shared the frustration of having no licence resulting in limited transport to attend job interviews.

Clothing was also raised as a barrier, with a participant sharing that they were able to secure a job interview but had no clothing that fitted so had to wear women’s jeans, a shirt from the second-hand clothing store and shoes that didn’t fit. This resulted in them being extremely uncomfortable, sweating from the built-up anxiety and embarrassment, and then needing to navigate a train system they hadn’t used in some time, and finally walking some distance from the train to the interview. The cost of the public transport system also took many by surprise and quickly ate into their limited funds.

The onerous process of needing to access computers and create resumes and apply online was difficult for some. It required a rapid learning of resume creation for specific roles versus a non-specific resume developed for general roles.

The inability to acquire a WWCC/WWVP/Blue Card or Yellow card was difficult for people with LE. Even though their offence may not exclude them from obtaining these, the process is longer and has a higher chance of being declined on the first application. It was only after a long appeal process that some were able to get their checks. This process did not come without the emotional and mental health impacts associated with the onerous process.

Participants shared their experiences engaging with job providers, reporting that that not all job service providers are supportive or have the experience and empathy to assist people with LE in getting a job. Those exiting prison are left feeling like a ‘number’ to achieve quotas with little understanding of the candidates’ skills and restrictions applicable to them. It was shared that on an occasion, a job service provider sent a candidate for a job interview in a location where the person was not allowed to be as per their parole conditions. Another was sent to employers where other people with LE are employed, yet their personal restrictions did not allow them to be near others with criminal histories.





## Findings

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### Job skills required

“If I can’t get a job with my qualifications, how are other people going to with less?”

#### -Participant with LE

The group shared the common barriers perceived by them were potential employers declining their application based on skill gaps. Many felt behind in how to use current technology, with no training offered. There were some who had studied and obtained qualifications and degrees on the inside; however, this was accomplished without access to technology or the internet.

Many people returning to community life are unsure how to explain their transferable skills and how their skills would be of value to prospective employers. Without job service provider assistance, it is difficult for someone to tap into their ‘hidden skills’ and explain how their previous life of hot-wiring cars may transfer into vocational skills and training to become a mechanic.

It was recognised that some qualifications received on the inside [prison] did not meet the needs of the employers. In some cases, where a certificate II was obtained quite proudly while inside, it was rendered useless on the outside as the employers wanted a certificate IV accompanied with experience.

There were those who completed degrees such as law or psychology who had applied for more than one hundred jobs over several years and were unsuccessful in obtaining either a job interview, or progression past a job interview due to either their criminal history or large gaps within their resume.

These noticeable gaps on a resume are difficult to explain without either sharing where they had been up-front in an application or explaining in person if given the opportunity to do so. When applicants were open and honest about their history, they faced rejection and judgement.

For those who did not have the opportunity to obtain any qualifications while inside, they are left further disadvantaged. There is a very big difference in a ‘prison employment role’ versus employment ‘reality’ that ultimately left people feeling unprepared for job interviews or employment.





## Findings

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### Police Checks

#### Our major barrier:

“If a majority are so open to employing people with a criminal history, then why do a majority of employers want police checks?”

#### -Participants with LE

Police checks was one of the major barriers people found; first, in applying for jobs, secondly, being successful in either obtaining an interview, and thirdly, progressing through the interview process. This experience was contrary to the findings of the research conducted for this project that found that the majority of employers are open to employ someone with a criminal history.

It was found that the prospect of ticking the box within a job application felt too much for people with LE. Even though they knew they could do the job easily, and be a great employee with relevant skills, experience and or/qualifications, people felt that their criminal history would instantly lead to rejection due to the stigma attached to this label.

Judgement was the number one barrier identified by participants, followed by the fear that HR would have issues and reject the applicant, even when the recruiting manager wanted to hire the person.

Constant rejection leads to the person losing enthusiasm to keep applying for jobs. One participant shared that it took eight years to finally find an employer willing to hire them. This person has extensive experience, skills and abilities to do many jobs. Now that they are in a workplace where they feel accepted and supported by being themselves, they felt they would could never leave that employment due to the previous struggles in finding that first post-prison job.

People with LE know that they are effectively protected by laws against discrimination based on their criminal history, unless the role is directly related to their offence. However, in their experience, this has not been the case and they don't believe they are in a position to challenge it.

A participant shared that after three years in their employment, their employer asked for a police check that resulted in the employee losing their job despite them being a great employee who had never done anything wrong, and possessed all the skills, experience and abilities to fulfil the role.

Many participants were very surprised by just how many private and public employers required police checks. They felt unable to challenge the police checks, or were limited in their ability to share what was happening in their life at the time of the offence/s. As one participant explained, it's like “People want to hold us back to something we did in the past. We are not the same people anymore.”

It would be helpful for candidates to understand why police checks are required for some positions e.g. is it for risk management? It is critical that people receive a fair opportunity to provide context around their offending to assist employers before making judgement.





## Findings

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### Job interviews

“Being open and honest with you is important and shows we are trying to turn our lives around.”

-People with LE

Those exiting prison wanted to be open and honest with prospective employers about their history, despite the stigma and fear of judgement.

There were discussions around how interviews could be improved once an offence history was disclosed. Being posed inappropriate questions was common, such as: “So, what’s it really like in prison?” or “Is it really like Orange is the New Black or Braking Bad?”.

Supportive questions were encouraged when interviewing someone with LE. For example:

- > What are your plans now?
- > What have you done since?
- > How can we support you?
- > Please share what was going on for you at the time? (If required to understand context around the offence)

One of the issues raised by women with LE was that they have previously been in domestic violence situations. Being able to get a job and be financially stable is a lifeline to safety and stability for them. Women with LE are faced with as many challenges and barriers as others, although they find the emotional factors can be heightened and magnified when it comes to their children, stability and security.

### Landing that job

“People’s curiosity within the workplace can be overbearing, while those returning to community life just want to fit in, to be the same as everyone else, and to move on from their past.”

-Participant with LE

Finally, participants reported that being employed brings about another set of challenges. They reported instances where people have been introduced within the workplace as: “This is the person who has been to prison”. Or worse still, “lock up all your bags, that person has been to jail”.

Participants expressed that it should be the employees decision whether or not to share their history, not employers. People with LE are scared that others in the workplace will find out and then make it difficult for them to stay. Many find it difficult to fit in with workplace conversations, especially for those who may have served longer prison sentences.

People with LE want to learn and progress within the workforce just like everyone else but have felt unsupported by employers. Furthermore, many already have qualification and skills sets that must be acknowledged. However, they would enjoy opportunities to learn new skills and more about technology and its application in the workplace.

Cost pressures arise here again in getting to and from work over a period of time before their first wages. For those employers who may normally have a fortnightly or monthly pay cycles, reducing that to weekly in the first instance would go a long way towards helping people get back on their feet and stay committed to working.



## Findings

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### Parole obligations and restrictions



“Staying out of prison is my number one priority, and that means attending parole meetings.”

-Participant with LE

Not all people with LE reported that they had shared their history with their employers. This led to some of them feeling like they had to lie to their employers about why they needed time off, when in fact they needed to report to their parole officer on dates set by correctional services. For those employers who are aware and know about the parole reporting obligations, when the employee requested the time off, the employer had looked down on them.

Some did not want to work fulltime, or felt they couldn't, due to the parole conditions and requirements placed on them, though they needed the fulltime income. There are mandatory urine and drug tests that may be required to meet parole conditions and this had made it hard to fulfil those obligations leaving the employee feeling that they had to resign to avoid breaching their conditions. There is also concern felt for how others in the workplace viewed the person with LE when they have to leave work early to meet parole commitments. It is important to note, that strict parole requirements are set by the Government and, if made more flexible, can better support employment prospects.

In the meantime, to overcome current parole challenges, it was suggested that employers should take the time to talk with employees, ask about their reporting requirements, times and dates, and work out rosters or flexibility within the workplace to help accommodate this. This is no different to how workplaces work with employees who have family commitments or health requirements. Approaching parole commitments in this way helps to build trust with employees.





# Discussion and Analysis

The research findings across the four modes of data collection emphasised the complexities felt by employers and prospective employees when recruiting people with LE of the justice system. These barriers included individual challenges; systemic processes and policies; and cultural elements including community stigma and discrimination. They are intrinsically connected and weave into broader systemic issues such as housing affordability and locational disadvantage. Despite these challenges, it was consistently recognised that employment is a critical factor for reintegration on release from prison, and that there are a number of opportunities to have a significant impact in this space, with majority of employers willing to support.

One of the key findings observed when analysing the data collected as part of this research, is that while people with LE of the justice system were often unsuccessful in securing employment, there were differing perspectives from the prospective employee versus the employer as to why this had occurred. While currently the unsuccessful result is the same for both sides, unpacking the differing perspectives as to the reasons behind this outcome provides an opportunity to bridge a key gap and equip potential employers and employees with the knowledge and resources to overcome these distinct, and often misconceived, challenges.

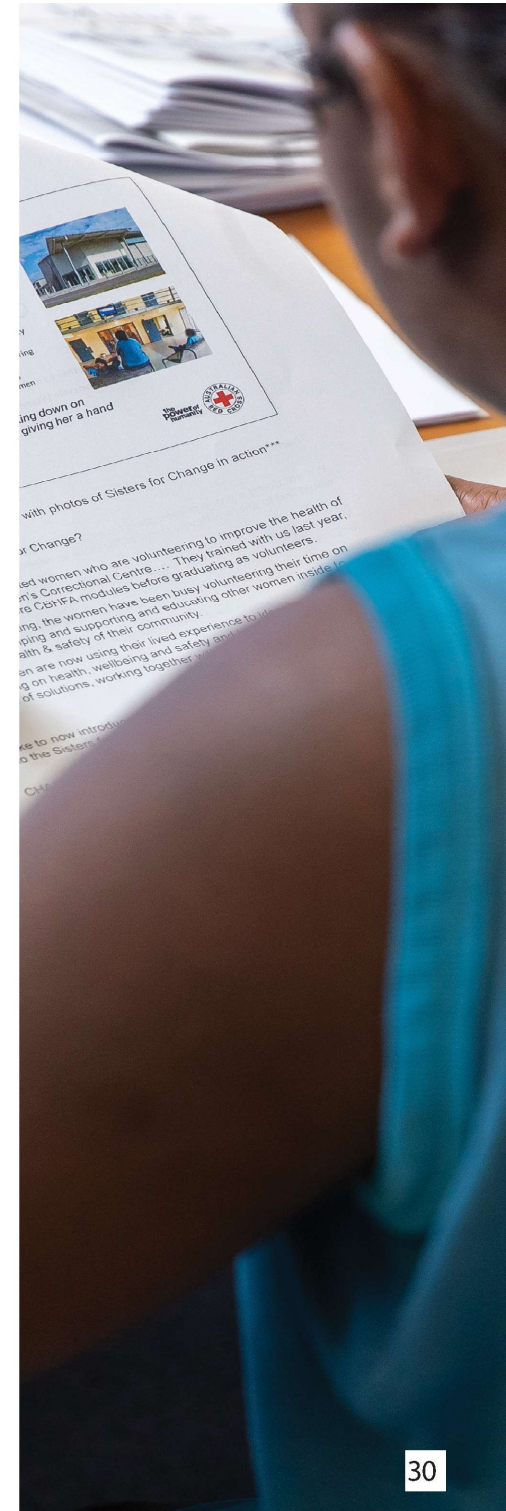
From the prospective employees' point of view, the research showed they felt they were unsuccessful in securing employment due to employers negatively judging their past actions. Prospective employees felt they were not provided an opportunity to address these negative views and share how they have changed and that their past actions should not continue to define their future. They also felt a lack of willingness of employers to give them a chance and recognise the strengths they could bring to the organisation. These individuals felt that gaps on their resume, lack of formal qualifications and experience, and how they presented during their interview also was a key factor in preventing them from gaining employment.

For employers, the key themes that emerged as to the challenges of recruiting applicants with LE included procedural barriers. This included understanding the assessment and management process when an outcome appears on a police check as well as how to navigate delicate and potentially confronting conversations. As a result of the lack of guidance and support in this area, employers felt they did not have the information or systems and thereby confidence to manage the potential risk and therefore chose to recruit an individual without LE.

Employers also reported a fear of reputational risks in recruiting an individual with LE both internally and externally from other staff members and key stakeholders. The research, however, indicates that there are limited examples of this occurring in practice and statistics show those who have recruited people with LE had instead reported an increase in brand reputation or no change at all. Despite these fears being unfounded, this coupled with limited knowledge on the actual verse perceived risk of recruiting an individual with LE and a lack of understanding of the criminal justice system and the experiences of those in contact with it, employers tended to lean towards not recruiting an applicant with LE.

From the collective data gathered, it is evident that due to a lack of information and guidance employers often felt they did not have the confidence or systems in place to recruit individuals with LE of the justice system. Employers instead, took the perceived easier option to recruit an applicant who did not have LE. Resultantly, people with LE struggle with the constant rejection from employers, perpetuating their fear and view that employers, and broader society, are unwilling to forget their past actions and focus on this rather than seeing their potential.

In summary, it is important to highlight that the vast majority of employers who participated in this research showed a willingness to recruit and support people with LE of the justice system. While there is an assumption from prospective employees that their previous actions will continue to define their future, it is vital that we amplify the true perspective from employers, that some are in fact are supportive of providing people a chance. Instead, focus needs to be on equipping organisations with the guidance, training, and systems to confidently and safely recruit people with LE of the justice system.





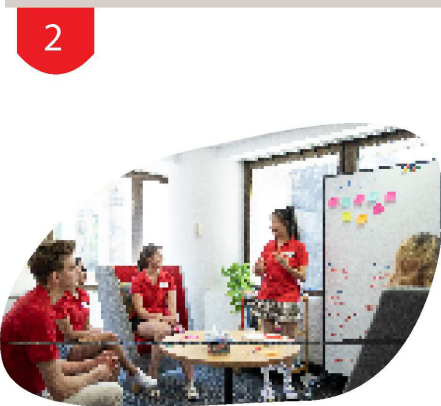
# Recommendations

As a result of our research with employers, key recommendations emerged. The project team is exploring these recommendations and prioritising them for implementation as part of the development of the resource toolkit for employers. Visit [www.redcross.org.au/inclusiveemployment](http://www.redcross.org.au/inclusiveemployment) for more information.

The following recommendation emerged from the employer focused research.



1 Clear recruitment processes and inclusive role advertisements are required. For individuals with LE, there is a lack of clarity about when to disclose prior offending history and whether doing so would preclude them from being considered for the role. To give the individual confidence that they will not be automatically excluded, employers should clearly advertise inclusive roles within their organisation. Employers need clear frameworks for recruitment and require appropriate support through their Human Resources departments.



2 Employers need to ensure that their organisation is sufficiently inclusive. This is best achieved by ensuring that all employers and staff receive education and training to better understand the criminal justice system, as well as the challenges faced by individuals who have had exposure to it. Extending this education to all staff will also help reduce the stigma associated with having a criminal record and create a much more open workplace environment. In doing so, employers need to ensure that their policies and frameworks are culturally appropriate and non-discriminatory to allow individuals to gain greater confidence in their role and maintain a degree of privacy and dignity.



3 Prospective employers require resources for pre-release preparation. People with LE of the justice system should receive training and qualifications whilst serving their sentence and be connected with prospective supportive employers. By facilitating early contact, the employer and individual can develop a rapport which may create a sense of confidence for both parties when it comes to potential ongoing employment opportunities.



4 Employers should consider phased employment, either through flexible work arrangements or gradual increases in work hours. Traineeships and internship positions were viewed as beneficial to both employers and those with LE.



5 There is a need for internal and external support for individuals with LE. Internally, organisations should provide learning and development opportunities that will enable individuals to enhance their skills and progress in their careers. It is also critical that employers connect with appropriate community-based organisations to offer individuals, as well as their families, additional supports which are specifically tailored to the needs of the individual. This could include childcare support, family counselling, social connection groups and more.



6



Employers should consider mentoring programs for their workplace. Mentoring was identified as a key requirement for the successful recruitment and retention of individuals with LE of the justice system. By having someone that they can relate to, individuals are likely to feel less judged and more empowered. Mentoring helps support individuals as they enter the workplace environment as it breaks down negative preconceptions and provides a safe space for them to learn.

7



There is a need for the creation of a support network for employers, including those that have, as well as those that wish to, recruit people with LE. By having this support network, prospective employers can educate themselves on the key benefits of recruiting those with LE and they can share successful models to feel more confident in recruitment decisions.

8



There is the potential for further research in this area. Following this exploratory piece, further research on effective employment practices for people with LE would be beneficial.

9



Governments need to provide support to employers and people with LE to gain employment. This would also include access to other protective factors such as counselling and family support, relevant health services.





10



Be proactive. Rather than ask 'why should I employ someone with LE?', instead ask "How do I employ someone with LE?". Seek to hire the person with LE because they have the skills, positive attitude, experience and ability to do the job.

11



Prevent exploitation. Exploitation is a real factor for those with LE. Offering people cash-in-hand work or wages below the award is not acceptable and in many cases illegal.

12



Be future focused. Look to see what the person has done since their offence, rather than holding them to something that happened years ago. Seek to see the person who is before you today.

13



Define your organisation's risk appetite. Employers should define their organisational risk appetite before recruiting someone with LE. Furthermore, a clear process and procedure should be established.





# Conclusion

People with LE of the justice system, regardless of their offence and length of time away, face similar emotions, barriers and challenges. Securing meaningful employment remains one of the highest priorities and will play a significant role in preventing further contact with the justice system. The current support systems and processes are not working, over 65,000 people return to community from the justice system annually and the unemployment rate of the cohort on release remains at 78% (Australian Institute of Health and Welfare 2019). An innovative and targeted intervention must occur that supports both the employers and the prospective employee with LE to ensure this cohort has access to employment.

Employers are a key competent in providing suitable and meaningful opportunities. In doing so, they can support a reduction in recidivism rates and offer people with LE of the justice system a second chance. Unfortunately, due to the lack of guidance, employers are overwhelmed by the complex recruitment processes and do not have the resources and systems in place to support this cohort. Interventions must shift its focus from the individual with LE to employers and the creation of safe and inclusive workplaces.

Considering the outcomes gathered throughout the multiple forms of research outlined in this report, the Employment Project identified that there is a lack of support for employers to understand the justice system and how to appropriately recruit and engage those with lived experience of it. The lack of guidance has resulted in significantly less job opportunities for people with LE. Therefore, a key focus for the group moving forward is the development of a tailored Resource Hub ('toolkit') for employers who are committed to safety and meaningfully employ people with LE of the justice system.





# Further information

For further information please contact Australian Red Cross on [contactus@redcross.org.au](mailto:contactus@redcross.org.au) or visit our website on [www.redcross.org.au/inclusiveemployment](http://www.redcross.org.au/inclusiveemployment)





# References

ABC. (2016). You Can't Ask That. ABC Iview. <https://iview.abc.net.au/show/you-can-t-ask-that>

Atherton, P., & Buck, G. (2021). Employing with conviction: The experiences of employers who actively recruit criminalised people. *Probation Journal*, 68(2), 186–205. <https://doi.org/10.1177/02645505211010942>

Australian Bureau of Statistics. (2021). Corrective Services, Australia, September Quarter 2021 | Australian Bureau of Statistics. <https://www.abs.gov.au/statistics/people/crime-and-justice/corrective-services-australia/latest-release>

Australian Institute of Health and Welfare. (2021). Adult prisoners. Australian Institute of Health and Welfare. <https://www.aihw.gov.au/reports/aus/228/justice-and-safety/adult-prisoners>

Community Restorative Centre. (2022). Get Help Surviving on the Outside. Retrieved April 22, 2022, from <https://www.crcnsw.org.au/get-help/surviving-on-the-outside/>

Corrective Services Industry. (2022). Resettlement & Reintegration. Retrieved April 22, 2022, from <https://www.csi.nsw.gov.au:443/Pages/reintegration/reintegration.aspx>

Corrections Victoria. (2022). Employment support available through Jobs Victoria [General]. Retrieved April 22, 2022, from <https://www.corrections.vic.gov.au/employment-support-available-through-jobs-victoria>

Council of Australian Governments. (2016). The Prison to Work Report (Hardcopy). [Government report]. Australian Government.

Department for Correctional. (2020). Other support groups. <https://www.corrections.sa.gov.au/volunteers/other-support-groups>

Department of Jobs and Small Business. (2018). Supporting ex-offenders into the job market (pp. 1–4) [Government report]. Australian Government. <https://lmip.gov.au/Portal-File.axd?FieldID=3191495&.pdf>

Loosemore, M., Daniele, F., & Lim, B. T. H. (2020). Integrating ex-offenders into the Australian construction industry. *Construction Management and Economics*, 38(10), 877–893. <https://doi.org/10.1080/01446193.2019.1674449>

Naylor, B. (2012). Living Down the Past: Why a Criminal Record Should Not Be a Barrier to Successful Employment (SSRN Scholarly Paper ID 2295949). Social Science Research Network. <https://papers.ssrn.com/abstract=2295949>

Power, J., & Nolan, A. (2017). What Makes a “Good Job” after Incarceration? Perceptions of Offenders in the Community. *Journal of Correctional Education* (1974-), 68(3), 53–71. <https://www.jstor.org/stable/26508033>

Prisoners Aid ACT. (2022). Retrieved April 22, 2022, from <https://www.paact.org.au/>

Productivity Commission. (2021). Australia's Prison Dilemma - Research Paper [Government report]. Australian Government. <https://www.pc.gov.au/research/completed/prison-dilemma>



SBS. (2022). Life On The Outside | Documentary. Retrieved April 26, 2022, from <https://www.sbs.com.au/ondemand/program/life-on-the-outside>

Selbin, J., McCrary, J., & Epstein, J. (2018). UNMARKED? CRIMINAL RECORD CLEARING AND EMPLOYMENT - ProQuest. The Journal of Criminal Law & Criminology, 108(1), 1–72. <https://heinonline.org/HOL/P?h=hein.journals/jclc108&i=9>

Thomas, T., & Bennett, K. (2019). Employment Screening and Non-Conviction Information: A Human Rights Perspective. Springer International Publishing. <https://doi.org/10.1007/978-3-030-28711-5>

WA Department of Training and Workforce. (2022). Jobs and Skills WA. Jobs and Skills WA. Retrieved April 22, 2022, from <https://www.jobsndskills.wa.gov.au/ex-offenders-specialist-services>

WA Department of Training and Workforce. (2022). Jobs and Skills WA. Jobs and Skills WA. Retrieved April 22, 2022, from <https://www.jobsndskills.wa.gov.au/ex-offenders-specialist-services>