

Centering Job Quality for Workers with Records

by Hannah Chimowitz and Beth Avery

Summary

Nearly 1 in 3 U.S. adults has an arrest or conviction record, and many can only secure jobs that are unstable, underpaid, and unsafe.¹ These conditions fall hardest on Black, Latinx, and Indigenous communities and people experiencing poverty, who are disproportionately targeted by the criminal legal system.² Although everyone deserves a good job, the current system fails people with criminal records.

Barriers such as laws that exclude people with records from certain jobs and occupational licenses, widespread background checks, and employer stigma limit access to good jobs. At the same time, community supervision requirements, criminal legal debt, predatory labor intermediaries, and other punitive structures create coercive conditions that push workers with records into taking and staying in low-quality jobs.

These barriers and punitive structures trap workers with records in cycles of economic precarity that perpetuate poverty, deepen racial inequality, and lower labor standards for everyone. Good jobs help break this cycle.

Centering job quality for people with records is critical to creating a good-jobs economy where all workers thrive. This fact sheet brings together evidence on the state of job quality among workers with records and the implications for individuals, families, communities, and economic justice.

Key Points

- People with records face significantly higher unemployment rates, reduced job stability and quality, and lower wages.³
- Poor job quality and lost earnings among workers with records drain family and community resources, limit children's future opportunities, weaken local economies, and widen racial wealth gaps, perpetuating cycles of poverty and disinvestment in over-criminalized communities.⁴
- Access to good jobs—characterized by fair pay, stability, and safety—positions workers, entire communities, and the larger workforce for long-term economic success.⁵
- Improving job quality for workers with records will require coordinated action and reform to remove barriers to employment, strengthen and enforce labor standards, and expand career pathways so that *all* workers can be a part of a good-jobs economy.

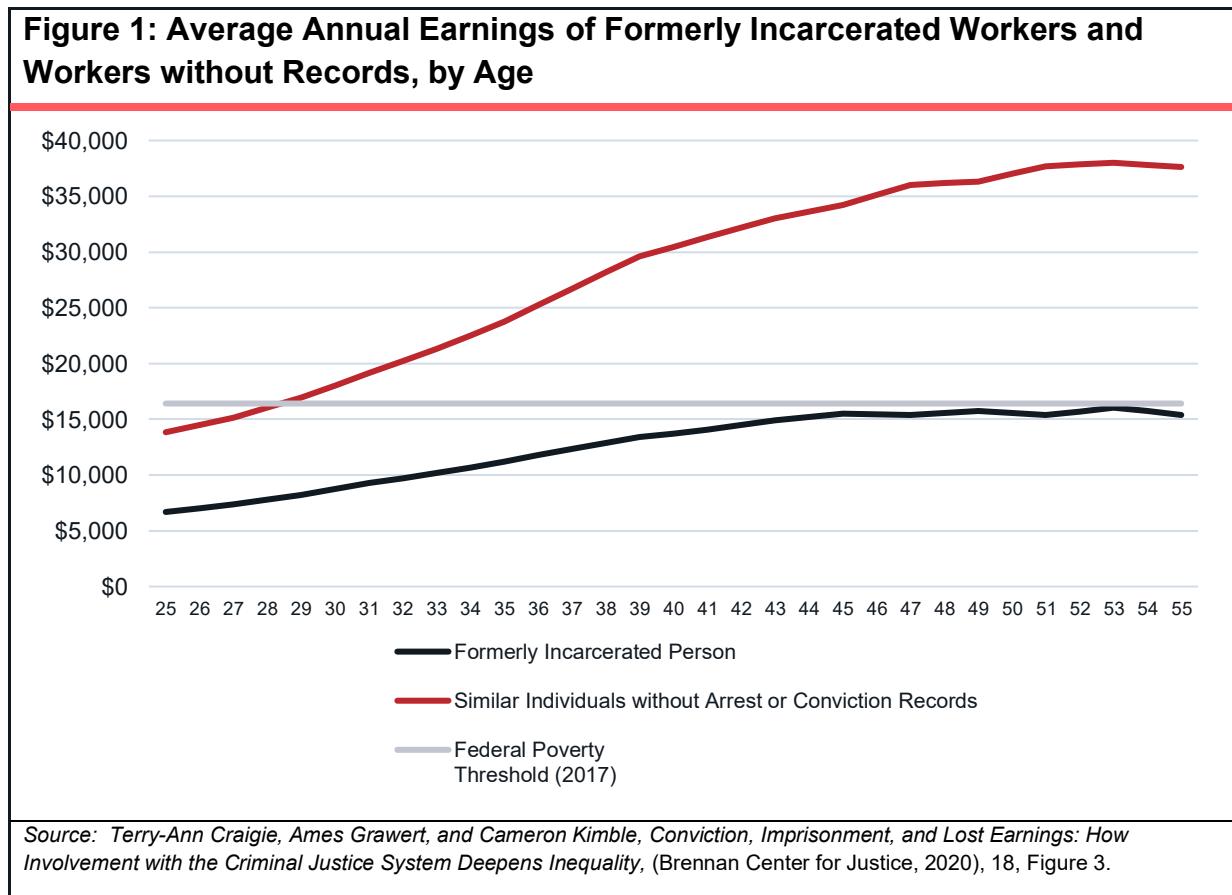
Low-quality jobs are widespread for workers with records

Structural barriers and unique pressures constrain opportunities for workers with records and segregate them into a precarious labor market, where they often experience low pay, instability, and unsafe and exploitative conditions. These harms fall hardest on Black, Latinx, and Indigenous workers.

Low pay with lasting impact

- People who have been incarcerated earn about half as much annually as those who haven't. People convicted of a felony or misdemeanor but not incarcerated for it lose over one-fifth and one-sixth of their annual earnings, respectively.⁶
- Young adults with records are far more likely to have low-wage, unstable jobs with limited opportunities for advancement compared to young adults without records.⁷ This creates immense challenges for accumulating savings, transitioning to better jobs, or pursuing additional education.
- Young adults who have been incarcerated earn wages around half of the federal poverty threshold for a family of two, on average. Even among late-career workers with records, average wages never exceed the poverty line (Figure 1).⁸

Figure 1: Average Annual Earnings of Formerly Incarcerated Workers and Workers without Records, by Age



Precarious employment and instability

- A comprehensive study found that people released from federal prisons in 2010 who found work held an average of 3.4 jobs at any given time during the four-year study, indicating limited job stability and upward mobility.⁹
- People on parole who find regular work report lower satisfaction with hours, pay, and overall job quality compared to those on parole who find sporadic work, suggesting these workers may be forced to make a tradeoff between stability and job quality.¹⁰
- People with records are often driven into [temp work](#), which typically means doing the same work as direct-hire employees but for less pay and without training, benefits, or job security.¹¹ Black workers with records are especially likely to work in temporary jobs.¹²

Labor law violations and poor working conditions

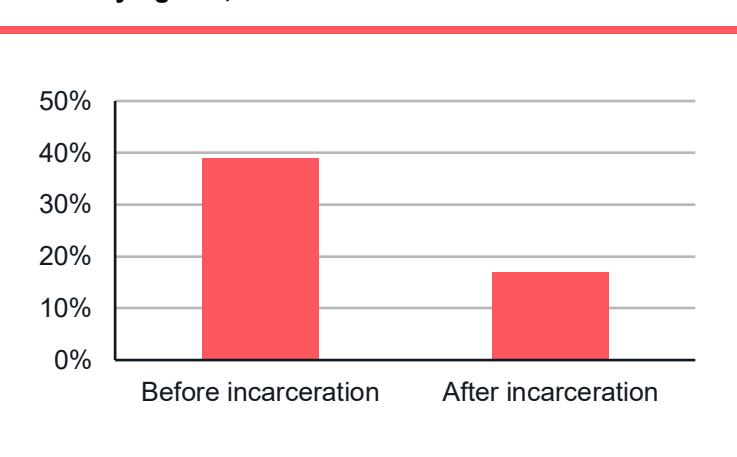
- Many workers on parole experience labor rights violations, according to a study in L.A. County. Nearly 1 in 4 were paid less than minimum wage, and nearly 1 in 5 were not paid overtime.¹³
- The same study found workers on parole often contend with workplace environments that jeopardize their stability and freedom by exposing them to increased risk of violating parole conditions.¹⁴
- Workers with records frequently perform court-mandated community service: unpaid labor that typically lacks standard protections such as workplace safety and workers' compensation.¹⁵

Reduced worker power and labor standards

A longitudinal analysis found that, after incarceration, workers were 51 percent less likely to quit their jobs than before. Notably, job satisfaction no longer predicted the likelihood of quitting post-incarceration,¹⁶ suggesting that workers with records experience diminished agency to leave low-quality jobs.

Alongside evidence of reduced collective organizing among workers with records,¹⁷ research findings paint a bleak picture: workers with records remain trapped in low-quality jobs with less leverage to demand better conditions. When millions of workers are not empowered to leave bad jobs or advocate for improved conditions, it sets a harmful precedent that can lower labor standards for everyone.

Figure 2. Predicted Probability of Quitting an Unsatisfying Job, Before versus After Incarceration



Source: Reich and Prins, "The Disciplining Effect of Mass Incarceration on Labor Organization," American Journal of Sociology, 2020.

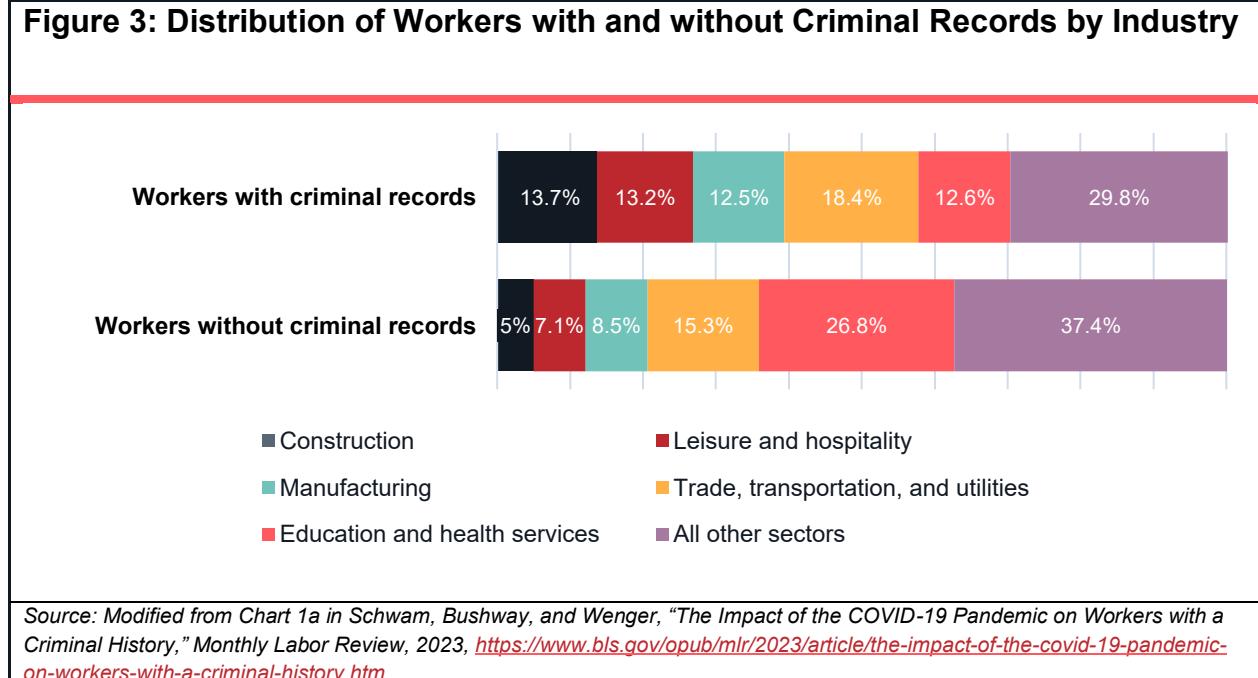
Note: Data points represent predicted probabilities, not observed frequencies.

Occupational segregation exacerbates job-quality challenges

Workers with records—especially Black people and women—are often able to find employment in only a narrow set of underpaid industries with higher risks of job loss and exploitation. This occupational segregation reinforces economic vulnerability and deepens racial and gender inequities across the labor market.

- Workers with records disproportionately find work in a narrow set of underpaid industries with high rates of labor violations, including construction, warehouse/manufacturing, maintenance/waste management, and accommodation and food services.¹⁸
- Within these industries, formerly incarcerated Black workers are especially concentrated in administrative support and waste management and remediation services, while formerly incarcerated white workers are more likely to find work in construction or manufacturing—industries with comparatively better wages and benefits.¹⁹
- Occupational segregation leaves workers with records particularly vulnerable to job loss or disruption during economic shocks, such as during the COVID-19 pandemic.²⁰

Figure 3: Distribution of Workers with and without Criminal Records by Industry



Good jobs for workers with records are essential for individuals, families, communities, and a more just economy

While low-quality jobs entrench poverty, weaken local economies, and widen racial wealth gaps, well-paid and stable employment positions workers with records for long-term success.

Fair pay and job stability help people successfully rejoin their communities

- Formerly incarcerated men in Illinois, Ohio, and Texas who earned higher wages were half as likely to be reincarcerated as those earning lower wages, according to one study.²¹
- Among people in North Carolina with prior felony convictions, those in the top earnings bracket were half as likely to be reincarcerated as those who found no employment. In contrast, low-paid workers with prior convictions were equally as likely to return to prison as those who were unemployed, highlighting the importance of fair pay.²²
- Formerly incarcerated workers in Michigan employed in industries with better wages, longer tenure, and higher union coverage were significantly less likely to experience future criminal legal system contact than those who found work in industries with lower-quality employment.²³
- In Ohio, a longitudinal study found that formerly incarcerated individuals with stable employment were about 60 percent less likely to have another conviction within three years of release compared to those without stable employment, regardless of prior employment or specific criminal history.²⁴
- Stable employment for workers with records also enables communities to achieve greater economic stability. For example, a study in Philadelphia found that connecting 100 formerly incarcerated people to stable employment could generate \$1.9 million in city tax revenue and save the city \$2 million annually in criminal legal system costs.²⁵

Conversely, families, communities, and the larger workforce suffer when people with records are trapped in bad jobs

Effects on individuals, families, and children

- Underpaid, unstable jobs undermine savings and wealth building. Households with a currently or formerly incarcerated family member have roughly 50 percent less wealth, are less likely to have emergency or retirement savings, and carry more costly, risky debt than households without an incarcerated family member.²⁶
- Workers with unstable schedules—common among workers with records—are more likely to experience hunger, housing insecurity, and challenges paying bills.²⁷ Unstable schedules are harmful to mental health and family life, with negative consequences for both parents and children.²⁸
- Formerly incarcerated men who start at the lowest income bracket are twice as likely to remain there 20 years later as men who were never incarcerated. Compared to formerly incarcerated men, men without a history of incarceration are about seven times more likely to rise from the bottom to the top earnings bracket.²⁹
- As parental income is one of the strongest predictors of a child's chances for upward economic mobility,³⁰ limited earning potential among workers with records has enduring impacts on mobility across generations. This risks future opportunity for the nearly 40 percent of U.S. children who grow up in a household with a parent or co-residing adult who has faced at least one criminal charge.³¹

Costs to communities and society

- Nationwide, people with criminal convictions lose out on at least \$370 billion in annual earnings.³²
- These losses disproportionately drain resources from over-criminalized communities that need economic investment the most. Lost wages reduce local spending power, lower consumer demand, and weaken local businesses, which worsens unemployment for the larger community.³³

- Formerly incarcerated Black and Latinx individuals experience significantly larger losses in their lifetime earnings compared to formerly incarcerated white individuals.³⁴
- This racially concentrated financial harm deepens inequality. In fact, a large share of the U.S. racial wealth gap can be attributed to the disproportionate share of Black and Latinx households with an incarcerated family member.³⁵

Recommendations

Data reveal that workers with records are funneled into precarious, low-quality employment. This pattern impedes individual wellbeing and family stability, inhibits broader community prosperity, and deepens racial inequality.

Achieving a more just economy for all workers will require express focus on the job quality of workers with records and coordinated efforts by policymakers, workforce and reentry providers, advocates, employers, and worker organizations to dismantle the barriers and unique pressures that workers with records face. In a future brief, we will explore these forces and analyze potential policy options in more depth, but we conclude this fact sheet by naming several areas in need of reform.

- **Remove structural barriers that exclude workers with records from good jobs.**
 - Federal, state, and local laws often mandate excessive background checks or bar workers with particular records from holding certain jobs.³⁶
 - [Fair chance licensing reforms](#) improve the standards and processes that govern access to the occupational licenses that are now required for over one in four jobs in the U.S.³⁷
 - Access to record sealing and stronger laws to limit lookback periods for employment background checks can help ensure millions of workers are not endlessly held back by their record.³⁸
 - [Fair chance hiring](#) and [antidiscrimination](#) laws mandate basic standards for fair employer consideration of workers with records, and [employers](#) can—and should—exceed those baseline requirements to further open pathways into good jobs.
- **Address coercive conditions that pressure workers with records to accept and remain in low-quality jobs.**
 - Parole and probation requirements often compel workers to maintain any employment to avoid incarceration, regardless of job quality, and workers can be reincarcerated for quitting or refusing certain types of work.³⁹
 - Some predatory employers and labor intermediaries exploit workers with records to evade labor standards and suppress worker voice. State and local governments can use targeted legislation, such as New York City's [Body Shop Bill](#), to hold these employers and labor brokers accountable.
- **Expand pathways into good jobs for workers with records.**
 - Federal and state governments must invest in prison education opportunities and reentry employment programs that prioritize job quality, retention, and mobility—not just rapid placement.
 - Partnerships with unions, including through apprenticeship and [pre-apprenticeship programs](#), can expand access to union jobs that offer better wages, protections, and advancement opportunities.⁴⁰

- **Enact and enforce policies to ensure all jobs are good jobs.**
 - Policymakers and enforcement agencies must enact and enforce policies that ensure living wages, full benefits, and safe workplaces so that all workers—including those with records—can thrive.
 - Targeted policies, like the Construction Justice Act in New York City, can improve job quality in industries where workers with records are often employed.
 - As a large share of workers with records are hired through temporary help and staffing agencies, strong, enforceable laws—such as New Jersey's Temporary Workers' Bill of Rights and Illinois's Temp Worker Fairness and Safety Act—are needed to improve job standards for temp agency workers and hold host employers that outsource work to temp agencies jointly liable for violations of labor and employment laws.⁴¹

About NELP

Founded in 1969, the National Employment Law Project (NELP) is a nonprofit advocacy organization dedicated to building a just and inclusive economy where all workers have expansive rights and thrive in good jobs. Together with local, state, and national partners, NELP advances its mission through transformative legal and policy solutions, research, capacity-building, and communications. NELP is the leading national nonprofit working at the federal, state, and local levels to create a good-jobs economy. Learn more at www.nelp.org.

Endnotes

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⁴⁰ Richard Freeman, Eunice Han, and David Madland, *Bargaining for the American Dream: What Unions do for Mobility* (Center for American Progress, 2015), <https://www.americanprogress.org/article/bargaining-for-the-american-dream/>; *Reentry and Employment for the Formerly Incarcerated and the Role of American Trades Unions* (National Employment Law Project and In The Public Interest, 2016), <https://www.nelp.org/insights-research/reentry-and-employment-for-the-formerly-incarcerated-and-the-role-of-american-trades-unions/>; Ragsdale and Passley, *The Temp Trap: A Blueprint for Organizing Workers with Records in the Temp Industry*.

⁴¹ "New Jersey's Temp Workers Win a Bill of Rights!" National Employment Law Project (blog), May 1, 2023, <https://www.nelp.org/new-jerseys-temp-workers-win/>; "Temp Workers Score Another Victory in Illinois!" National Employment Law Project (blog), January 26, 2023, <https://www.nelp.org/temp-workers-score-another-victory-in-illinois/>; National Employment Law Project, "Joint Employment' Keeps Corporations Accountable When They Outsource Work," <https://www.nelp.org/explore-the-issues/contracted-workers/joint-employer-accountability/>.