

IS 350: Final Ethics Report

Hiring Ex-Cons: Ethical Considerations in Employment

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IS 350

Scenario and Ethical Dilemma

Scenario: Sam has found a person who is excellent at cutting hair and is thinking of hiring him for his barber shop. But that person, Joe, is an ex-con and Sam is afraid hiring him might upset some of Sam's existing customers if they found out Joe is an ex-con.

Ethical Dilemma: Is it ethical for Sam to hire Joe?

Statement

The topic of hiring ex-convicts is at the forefront of ongoing discussions around criminal justice reform, workplace inclusion, and social equity. Every year, more than 600,000 individuals are released from state and federal prisons in the U.S. (U.S. Department of Health and Human Services, 2023). Unfortunately, they face disproportionately high unemployment rates—27% compared to the national average of about 3.7% (Couloute & Kopf, 2018). The stigma of a criminal record, despite time served, significantly limits access to stable employment.

This topic is of immense importance as the lack of employment opportunities for former inmates contributes directly to higher rates of recidivism. When ex-offenders can't find legal employment, they are more likely to return to illegal activities for survival, burdening the criminal justice system and posing a potential threat to public safety. Hiring decisions like the one Sam faces have broader implications for both economic inclusion and societal reintegration efforts.

In this scenario, Sam must decide whether to hire Joe, an ex-convict with excellent haircutting skills, knowing that the decision may alienate some customers. This presents a clear ethical dilemma between providing a second chance and safeguarding customer relations and

business interests. The analysis below will explore the stakeholders, possible outcomes, ethical theories, professional codes, and ultimately present a reasoned recommendation.

Moral Agent

The moral agent is Sam, the owner of the barber shop. He is the person in control of making the hiring decision and bears the ethical and practical responsibility for the outcome of that choice. Sam must weigh the personal and social implications of either supporting Joe's reintegration or maintaining a conservative approach to protect his business from potential negative consequences.

Value at Stake

- Joe's dignity, livelihood, and rehabilitation: Denying him a job undermines his attempt at a stable life, which can erode his self-worth and lead to relapse into criminal behavior.
- Sam's professional and personal integrity: How Sam chooses to act reflects his moral values and ethical commitments, potentially shaping his reputation.
- Customer trust and comfort: Patrons of the barbershop may value safety and familiarity; their perceptions could change depending on Joe's employment.
- The shop's financial stability: A business downturn due to lost customers could lead to layoffs or closure.
- Community health and safety: If ex-cons remain unemployed and return to criminal activity, local crime rates could increase.
- Social justice and equality: The case highlights systemic bias in hiring practices and how individuals or businesses can either reinforce or challenge these inequities.

Stakeholders

- Sam (Business Owner): Directly responsible for hiring decisions and business management. His income, integrity, and leadership values are affected.
- Joe (Ex-convict Barber): His livelihood and reintegration depend on fair employment opportunities. Joe's access to a normal life is critically dependent on decisions like Sam's.
- Customers: Their patronage impacts revenue. Their perceptions of safety, service quality, and ethics influence how they respond to Joe's employment.
- Other Employees: Must work closely with Joe. Their comfort and cooperation will affect team morale and productivity.
- The Local Community: A community that embraces rehabilitation fosters lower crime rates, better employment, and greater cohesion.
- Justice System & Society: Reduced recidivism lowers strain on public resources and builds a healthier society overall.

Courses of Action

Course of Action 1: Sam hires Joe
Sam chooses to hire Joe, trusting in his skill, professionalism, and intent to reform. Sam may address potential backlash by openly communicating the shop's values on second chances.

Course of Action 2: Sam does not hire Joe
Sam rejects Joe's application based on his criminal history to avoid potential risk, prioritizing business stability and customer sentiment.

Consequences of each Action

If Sam hires Joe:

- Joe receives an opportunity for stable employment, reducing his likelihood of reoffending.
- Sam risks losing customers who may disapprove of hiring an ex-convict.
- The business may earn public respect and loyalty from supporters of criminal justice reform.
- Employees may feel empowered by working in a fair and progressive workplace.

If Sam does not hire Joe:

- Joe may feel rejected and demoralized, increasing the chance of recidivism.
- Sam protects the shop from short-term reputational damage.
- Customers feel assured, but at the cost of reinforcing social stigma.
- Sam may feel morally conflicted or complicit in systemic injustice.

Intended Consequences

1. Supporting Fair Reintegration (Primary): Sam genuinely intends to provide a chance for a reformed individual to rebuild his life. His goal is not only to employ someone skilled, but to support ethical hiring practices that align with rehabilitation principles.
2. Hiring a Skilled Employee to Strengthen Business (Secondary): Sam recognizes Joe's skills could improve customer experience and satisfaction. His intention is to bring professionalism and quality to his team.

3. Promoting a Fair and Ethical Image (Tertiary): Sam intends to develop a brand identity grounded in fairness and social awareness. He knows that this could influence customer loyalty, marketing appeal, and employee retention.

Unintended Consequences

1. Workplace Conflict (Primary): Some employees might object to working with an ex-con, which could result in tension, lower morale, or even resignations, despite Sam's good intentions.
2. Negative Customer Reaction (Secondary): Even with a well-communicated rationale, customers may feel unsafe or uncomfortable, potentially leading to a loss in business.
3. Community Influence (Tertiary): Sam's action might unintentionally encourage other business owners to follow suit or spark debate, impacting local policies and public opinion on fair hiring.

Ethical Theory Applications

1. Kantianism: According to Kantian ethics, individuals must be treated as ends in themselves and not merely as means. By hiring Joe, Sam affirms Joe's dignity and recognizes his moral worth. Refusing to hire Joe solely because of his criminal past would be treating him as a means to protect profit, not as a human being deserving of respect.
2. Act Utilitarianism: Sam's decision would create more overall happiness by reducing Joe's likelihood of reoffending, improving his livelihood, and potentially benefiting the

community. While some customers may react negatively, the greater benefit—especially if Joe performs well—outweighs the cost.

3. Rule Utilitarianism: Supporting the general rule "hire based on ability, not background" creates better societal outcomes over time. It promotes meritocracy, reduces crime, and improves community well-being. By supporting this principle, Sam strengthens social trust and opportunity.
4. Social Contract Theory: Citizens implicitly agree to a contract that includes fairness and justice. Since Joe served his time, he should be allowed to reintegrate. Denying him employment breaks the social contract that presumes once a sentence is completed, rights should be restored.
5. Virtue Ethics: Virtue theory evaluates what a virtuous person would do. Traits like courage, compassion, fairness, and integrity all align with hiring Joe. Sam would be acting as a morally admirable person by supporting reintegration and fairness.

Professional Code of Ethics

ACM Code of Ethics

- 1.1 Contribute to society and human well-being: Sam's decision helps reintegrate a marginalized person, promoting societal good.
- 1.4 Be fair and take action not to discriminate: Denying Joe a job based solely on his past violates fairness and justice.
- 1.6 Respect privacy and confidentiality: Sam must avoid publicizing Joe's past unnecessarily, protecting his dignity.

Software Engineering Code of Ethics

- 1.01 Act consistently with the public interest: Helping reduce crime through reintegration serves the public good.
- 1.04 Disclose information that is needed to make decisions: Sam may need to carefully balance transparency with privacy.
- 6.08 Take responsibility for detecting, correcting, and reporting ethical issues: Sam should consider his role in challenging unfair societal norms.

Recommended Action

Based on the analysis, the recommended course of action is for Sam to hire Joe. The ethical theories consistently support this action, and while it carries risks, those risks can be managed with proper communication and preparation. Hiring Joe serves public good, business potential, and moral values. Sam's action would demonstrate ethical leadership, support justice, and contribute to breaking the cycle of incarceration and exclusion.

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