



Y O U T H @ W O R K

Criminal Records & Your Job Rights

When you apply for a job, employers may ask about or check your criminal history (whether you've ever been arrested or convicted of a crime). But the law prohibits employers from treating people with criminal records differently based on their race or national origin. It also prohibits overly broad criminal history policies that disproportionately (more often) exclude people of a particular race or national origin, and do not accurately predict who will be a responsible, reliable, or safe employee.

Examples

1 John and Sam are friends in high school. Both pled guilty to marijuana possession one year ago. They apply to work at HTML Pros. The company conducts a background check that reveals their drug convictions. Ted, an HTML Pros manager, decides not to hire Sam, who is black, commenting that HTML Pros doesn't need "these drug dealer types." Ted hires John, who is white, explaining "I'm sure he's learned his lesson." HTML Pros discriminated against Sam by refusing to hire him because of his race. The only obvious difference between John and Sam is their race, and Ted's comments suggest that he is biased against black individuals who have drug convictions.

2 Grilled Burgers requires online applicants to answer certain questions, including "Have you ever been convicted of a crime?" If the applicant answers "Yes," the next page states "We cannot continue to process your application." Grilled Burgers' refusal to consider people with criminal records for any jobs may be illegal if the company can't show that all convictions would make applicants unacceptable risks in all jobs.

Need to File a Complaint?

If you think you have been discriminated against, you can file a formal complaint, called a "charge of discrimination," with EEOC. We may mediate or investigate your charge and take legal action to stop any illegal discrimination.

We accept charges from applicants, employees (full-time, part-time, seasonal, and temporary), and former employees, regardless of citizenship and work authorization status.

Our services are free, and you do not need a lawyer to file a charge. For more information about how and when to file a charge, visit <https://www.eeoc.gov/youth/filing.html>.

Keep In Mind

Criminal record issues can be complicated. **Read your company handbook or talk to your parents, your teacher, your employer, another trusted adult, or EEOC** if you have questions.

Criminal record policies are not always illegal. For example, some laws bar some employers from hiring people with certain criminal records for certain jobs.

Employers may treat arrest records and conviction records differently. The fact that a person was arrested is not proof that he committed a crime. But in some cases, employers may explore whether the person did what he was arrested for, ask him to explain, and then decide whether it is a reason not to hire him or to make another employment decision.

Be prepared to explain. An employer may ask for more information about your criminal history, education, training, work history, family or community support, or other efforts to restore your reputation, before making an employment decision.

Report discrimination. If you believe that you were treated differently than applicants of other races or national origins who have similar criminal records, or that a criminal record policy excludes applicants of your race or national origin more often than applicants of other races or national origins, tell your parents, your teacher, your employer, another trusted adult, or EEOC.

It is illegal for your employer to retaliate against you (punish you) for reporting discrimination or participating in a discrimination investigation or lawsuit.

You may have additional rights under other federal, state, or local laws or your company's policies. For example, in some states and cities, it is illegal for employers to ask about an applicant's criminal history early in the application process.

Learn more about your rights as a young worker at www.eeoc.gov/youth.

You can also email us at youth.atwork@eeoc.gov or call us at 1-800-669-4000 (TTY: 1-800-669-6820).