The Annual Review of Interdisciplinary Justice Research Volume 9, 2020

Edited by
Steven Kohm, Kevin Walby,
Kelly Gorkoff, and Katharina Maier
The University of Winnipeg
Centre for Interdisciplinary Justice Studies (CIJS)
ISSN 1925-2420

Challenging the Status Quo: Organizational Deviations towards Socially Responsible Behaviours in the Age of Digitization

Kemi Salawu Anazodo
Brock University

Nicole C. Jones Young
Franklin and Marshall College

Rosemary Ricciardelli
Memorial University of Newfoundland

Abstract

Recognizing the increased reliance on and access to digital platforms, we unpack how technology influences socially responsible organizational behaviours and employment practices as related to marginalized populations, such as individuals with a criminal history (e.g., former Canadian federal prisoners). Reviewing the employment of individuals with a criminal history, we discuss the effect of digitization on employment reintegration and consider organizational responses directed towards individuals with a criminal history in the labour market. Drawing from institutional theory and theories of positive deviance we contribute by explaining the mechanisms that each of the three central pillars (i.e., regulative, normative, and cognitive) (Scott, 2008) of institutional theory inform prosocial deviations from prevailing legislation, norms, and processes. The theoretical development suggests that the increasingly digitized world may inform more progressive and inclusive work environments.

Keywords: criminal history, employment discrimination, digitization, institutional theory, positive deviance

Introduction

Organizations are typically encouraged to adhere to authoritative structural guidelines that are informed by a focus on profit-maximization and particular norms, routines, and practices. From a human resource management perspective, such adherence is met with an expectation to attract and retain highly qualified workers who can successfully contribute to organizational performance and sustain a competitive advantage. Organizational members actively produce and reproduce the social processes that inform organizational norms (Powell & Colyvas, 2008). Institutional theory remains instrumental for understanding how organizations are influenced by the prevailing external environment (Furusten, 2013). With technological development, advancements such as the digitization of information can provide organizations with an increased ability to gain information that can then be used to inform comparisons of organizational social processes both within and outside of the target comparison group. The digitization of information may serve as an agent of organizational change (Yoo, Boland, Lyytinen, & Majchrzak, 2012), particularly pertaining to responsiveness towards marginalized individuals, who are less often considered in organizational contexts (see Mowat, 2015).

Organizations may opt to depart from prevailing industry norms and trends, especially if discriminatory in nature, when in receipt of alternative information. Attuned organizations, then, refer to organizations that "embody the potential to respond to opportunities to improve both economic and social performance concurrently" (Orlitzky & Swanson, 2006, p. 4). While organizations may vary in their focus and desire to respond to prevailing social issues, socially driven motivations, such as employing individuals who are marginalized, may emerge at the fore of their efforts (Harmon et al., 2017). We focus here on the impact that digitization has on organizational responses to individuals with a criminal history—those who are formally incarcerated.

A criminal history[1] is an enduring trait, commonly seen as deviant or abnormal (Goffman, 1963); thus, individuals with a criminal history often experience discrimination and negative employment effects (Hoskins, 2014; LeBel, 2012; Western, 2002; Western & Pettit, 2005). In the U.S., more than sixty million individuals have a criminal record (Jacobs, 2015), which equates to approximately 30% of potential U.S. labour force participants (McGinty, 2015). Other countries such as Canada and England must also contend with this issue, where the rates are 114 and 146 out of every 100,000 people, respectively (Public Safety Canada, 2019). Previously, criminal record information was accessible to a relatively low number of citizens; however, digital platforms have been introduced in criminal justice contexts as effective tools for optimizing the delivery of current criminal record information (e.g., Jacobs, 2015; Quan, 2017). Digitization has increased the visibility of and accessibility to criminal history information, for various stakeholders including organizations (Jacobs, 2015; Lageson, 2016). Once in possession of criminal history information, organizations may decide to act in accordance with traditional discriminatory expectations and norms or may respond with honourable intentions as evidenced through organizational policies, norms, and individual practices (Spreitzer & Sonenshein, 2003, 2004). Said decision-making process is central when considering whether, how, and why organizations access and utilize available criminal history information.

Although previous researchers have identified conditions that may prompt organizations to behave more socially responsibly (see Campbell, 2007), there is limited understanding of the circumstances underpinning times when organizations may depart from industry norms. To explore this process of departure further, we rely on each of three foundational pillars, regulative (i.e., legislation), normative (i.e., norms), and cognitive (i.e., individual perspectives) (Kim, Kim, & Lee, 2009), and examine how organizations may respond to individuals with a criminal history in the digital context. We begin

[1] We differentiate between *criminal history* and *criminal record.* Criminal record refers to a formal, legal record of offences. Criminal history refers to a record of information (informal and/or formal) that may be suggestive of an individual's involvement in a criminal act or history of incarceration.

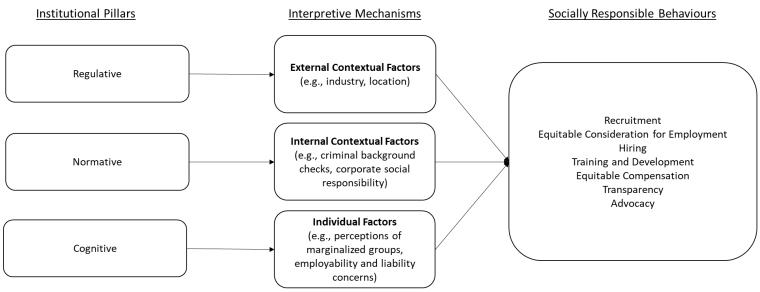
with an overview of digitization and positive deviations in a discriminatory structure. Next, we propose a model that articulates the mechanisms through which each of the three central pillars of institutional theory (i.e., i) regulative, ii) normative, and iii) cognitive) (Scott, 2008) inform socially responsible hiring behaviours. The paper is structured such that the proposed mechanisms of this model are articulated by unpacking categories that are specific to each pillar. First, within the regulative pillar, we propose that regulative factors will be interpreted as external contextual factors, which will inform the extent to which formal policies and procedures will positively deviate from inequitable industry norms. Next, within the normative pillar, we propose that normative factors will be interpreted as internal contextual factors, which will inform the extent to which collective values and norms positively deviate from inequitable industry norms. Lastly, within the cognitive pillar, we propose that cognitive factors will be interpreted as individual factors that inform the extent to which individual behaviours positively deviate from discriminatory norms.

Digitization and Positive Deviations in a Discriminatory Structure

The emergence of a criminal records revolution has expanded the breadth of information available, scope of individuals or entities with access to information, and permanence of access to information (Watstein, 2009). With the emergence of both formal (e.g., governmental websites) and informal (e.g., social media) digital platforms, an easily accessible digital trail begins from the moment a person is charged and persists with each interaction within the criminal justice system (Lageson, 2017). While access may assist, digitization has also resulted in the dissemination of erroneous information including charges that have been dismissed (Lageson, 2017). These changing times may prompt organizations to reconsider how they use criminal history information in the employment context. As our increasingly digitized world intersects with organizational responses to social norms, practices, and processes, these reconsiderations may result in positive deviations away from the traditional norm.

Positive deviance refers to the "intentional behaviors that depart from the norms of a referent group in honorable ways" (Spreitzer & Sonenshein, 2004, p. 832). The term describes a positive impetus for deviation from the "typical" or "regular" expectations and behaviours of a specific group (i.e., organization, industry, general business practice [Spreitzer & Sonenshein, 2004]). The definition makes positive deviance akin to similar constructs such as organizational citizenship behaviour, which describe behaviours individuals do that extend beyond job requirements (Organ & Ryan, 1995). As identified by Pager and colleagues, prevailing stigmas exist toward, and thus exclude, individuals with a criminal history from employment (Pager, 2003; 2007; Pager, Western, & Sugie, 2009). The tenets of positive deviance shed light on the contextual, organizational, and individual variables that may prompt honourable employer intentions towards and responses to individuals with a criminal history in the form of inclusive employment policies, norms, and behaviours. We provide the following model to illustrate the mechanisms and outcomes associated with each pillar (see Figure 1).

Figure 1: Model of Pillars, Mechanisms, and Socially Responsible Behaviours



The Regulative Pillar

The regulative pillar focuses on the influence of government, politics, and legislation on formal organizational practices (Scott, 2005). In particular, the pillar considers the extent that organizations conform to and are impacted by industry norms, as these are reflected in formal policies and procedures (Xu & Shenkar, 2002; Kim et al., 2009). Governing legislation, regulations, and policies can support or

hinder organizational intentions and efforts to develop more inclusive environments, particularly with reference to individuals with a criminal history (see Griffith, Rade, & Anazodo, 2019). Digital technology has contributed to uncertainties in interpreting governing legislature. For instance, despite fair chance policies and legislation that speaks to privacy of information, employers may lack clarity about the appropriateness of using informal data (e.g., Google, social media) to verify the criminal history of job applicants. Further, employers may be unclear about what constitutes appropriate consideration of a criminal history that is found online even, for instance, in circumstances such as the offence being expunged from an applicant's criminal history.

With access to a plethora of information, organizations may seek to navigate the employment of individuals with a criminal history by doing the minimum required by law, which may vary in detail and interpretation across contexts. For instance, according to the "Human Rights Code, RSO 1990, c H.19," (2019) (Government of Ontario, Canada), employers should not discriminate against individuals with respect to a prior criminal offence for which a pardon has been granted or for an offence for which the respective sentence is under the jurisdiction of the provincial government. Australia, Britain, and the U.S. have also passed legislation which prohibits discrimination based on criminal history (Lam & Harcourt, 2003). However, prohibition of discrimination has not historically translated into equitable employment consideration and outcomes for individuals with a criminal record. Thus, organizations that seek to do more than said minimum may go further and embark on legislative initiatives, such as second chance policies, which have been created with the goal of increasing employment for individuals with a criminal history. Therefore, organizations that seek to positively deviate may consider how to go above and beyond legal requirements. Within the regulative pillar we suggest that external contextual factors may influence how organizations interpret governing legislature and that their interpretations will inform willingness to adopt supportive employment practices towards persons with a criminal record. We consider industry and location as examples of these interpretive mechanisms.

Industry

Industry practices and policies that exclude individuals with a criminal record are widespread. Thus, having a criminal record has historically resulted in a disadvantageous position during the employment process (Western, 2002; Western & Pettit, 2005). Not surprisingly, scholars have largely focused on negative employer responses to criminal records or pasts (e.g., Graffam, Shinkfield, & Hardcastle, 2008; Harding, 2003; Western, 2002). However, and in accordance with institutional theory, because organizations often adhere to and adopt policies consistent with their industry leaders, organizations within industries with supportive hiring policies may be more likely to also adopt supportive policies.

Individuals with a criminal background are commonly employed in temporary, low-skill, low-income jobs (Harding, 2003); industries with a large number of these positions may be more likely to positively deviate and, thus, adopt supportive hiring policies. Various studies have found industries such as manufacturing, construction, trade, mining, and retail to be more supportive of hiring individuals with a criminal record (Lichtenberger, 2006). Conversely, industries that are least likely to hire individuals with a criminal record include finance and insurance, scientific and technical services, public administration, and healthcare. However, some of these industries may also be poised to change if an industry leader shifts their policy. For instance, researchers found support from some hiring managers in industries such as construction, technology, and customer service were willing to hire individuals with a criminal record (Griffith & Young, 2017. The findings here were consistent with those of a large financial services company, JPMorgan Chase, which recently positively deviated from the norm of the financial services industry by starting to hire individuals with a criminal record (Voytko, 2019). While such practices of hiring former offenders may have remained an internal policy in the past, it is now widely shared online and through social media, which provides other organizations with an opportunity to see how these positive deviations to the hiring policy will be interpreted. The resulting ability to learn about other organizational policies and see how changes are interpreted by an

industry leader may prompt other organizations to deviate in the same manner.

Organizational Location

The regulative pillar considers the influence of formal regulations and legislation (Geels, 2004) as each relates to specific aspects of the organizational context. Despite general organizational tendencies towards adherence to formal regulations and legislation, institutional theorists recognize that variations in interpretations of and responses to prevailing philosophies may vary across locations and cultures thereby leading to fundamentally different practices (Furusten, 2013). In Europe, for instance, data privacy regulation has received an increased focus and has afforded individuals the "right to be forgotten" or "right to erasure" thereby enabling citizens to enforce the deletion of sensitive personal information (Kelion, 2019). Since 2014, Europeans have had the ability to request that sensitive personal information be removed from internet search platforms (Kelion, 2019), the obligations were further enforced with the implementation of the General Data Protection Regulation in 2018 (GDPR; European Parliament and the Council of the European Union, 2018). Privacy laws can be effective for limiting employer access to historical information by requiring consent from the individual to release said information.

In the U.S., although governing legislation and regulatory bodies recognize the vested interest that individuals have in maintaining privacy with respect to criminal history, processes related to the release of this information have not been regularly monitored (Lageson, 2017). To this end, employers are urged to consider guidance provided by the U.S. Equal Employment Opportunity Commission (EEOC) (2012), which allows employers to consider the nature of the offence, time since the offence, and the nature of the job when evaluating criminal history of applicants. However, more progressive policies such as Ban the Box have encouraged employers to eliminate questions pertaining to criminal history on their employment application (Avery, 2019) and instead consider criminal history information at a later stage of the hiring process. The process provides an opportunity for positive contact to occur between the

applicant and hiring manager, which can mitigate perceptions of risk (Griffith & Young 2017). Similar policies, such as "Open Hiring" and "The First Step Act," aim to support and guide employers in making equitable and inclusive employment decisions when considering the employment of individuals with a criminal record (see American Civil Liberties Union, 2017; Conscious Company, 2018; Lundquist, Pager, & Strader, 2018; Minor, Persico, & Weiss, 2018). Conversely, in Canada employers are unable to perform a criminal background check without an individual's consent (Police Record Checks Reform Act, S.O., 2015, c. 30, 2019). However, media reports can serve as an outlet for information pertaining to individual criminal histories. As laws vary by country, state, or province/territory, and even jurisdiction, organizational location can affect the legislation employers are obliged to follow in their hiring process.

The Normative Pillar

The normative pillar consists of "social norms, values, beliefs, and assumptions about human nature and human behavior that are socially shared and are carried by individuals" (Kostova, 1997, p. 180). The pillar encompasses desirable organizational goals as well as the preferred means of attaining those goals (Xu & Shenkar, 2002). In particular, the pillar highlights the relevance of collective values and norms within the organization and the extent to which their legitimacy is rooted in external social norms and practices. This may include an evaluation of the perceived risks involved in and incentives designed for hiring individuals with a criminal history (e.g., Busenitz, Gómez, & Spencer, 2000). Members of societies are believed to hold common values (e.g., Hofstede, 1980); with respect to individuals with a criminal history, some value systems may encourage, while others oppose, a second chance (Busenitz et al., 2000).

The normative dimension also encompasses the degree that societal values include organizational efforts towards corporate social responsibility. Media outlets, activists, journalists, and management scholars have increasingly pressured organizations to engage in society as good citizens (see Matten & Crane, 2005). Organizations

that employ individuals with a criminal history may be considered as fulfilling a unique aspect of corporate social responsibility; that of giving individuals a second chance. In particular, employment has been attributed to promoting desistance from crime and reducing recidivism, thus contributing to safer communities (Anazodo, Chan, & Ricciardelli, 2016). Recognizing that several organizations are facing a human capital crisis in the U.S., the Society for Human Resource Management (2019) actively encourages business leaders to join with their counterparts in considering all qualified candidates for employment, including individuals with a criminal record. Such encouragement suggests growing support for the fair consideration of individuals with a criminal record for employment. Within the normative pillar, however, we suggest that internal organizational factors may influence how organizations interpret external norms and practices. Interpretations may then affect an organization's willingness to adopt policies and practices that align with support for the employment of individuals with a criminal record. We consider norms around criminal background checks and corporate social responsibility as examples of these interpretive mechanisms.

Criminal Background Checks

Employers may have several motivations for conducting a criminal background check including: legal requirements; relevance to an applicant's ability to do a job; aims to provide/maintain a safe work environment (Clay & Stephens, 1995; Raphael, 2011). Criminal history information may be used to inform an employer's interpretation of a candidate's honesty, integrity, and any potential associated safety risks for their staff and clients. According to a CareerBuilder survey (2016), 72% of U.S. employers conduct background checks. However, even if an organization does not actively conduct a background check, the digitization of criminal records (e.g., mugshots and news stories) provides employers access to criminal history information (Atkin & Armstrong, 2013). Thus, employers that consciously decide not to pursue this information or consider this information may be more likely to hire individuals with a criminal history, thereby deviating from cultural norms. As an example, Greyston Bakery in New York (U.S.) has an open hiring policy, where despite the plethora of digital information available,

employment is offered without a background check (Greyston Bakery, 2019). In these cases, positive deviance from the norm may explain why some organizations may engage in a different set of practices—even after uncovering criminal history information.

Griffith & Young (2017) noted that some hiring managers hold more positive attitudes towards employing individuals with a criminal history. These findings aligned with a subsequent study where 74% of managers and 84% of HR professionals expressed a willingness or openness to considering individuals with a criminal history for employment (Society for Human Resource Management [SHRM] & The Charles Koch Institute, 2018). Viewpoints such as these can now be promoted and shared online, which can signal a shift in cultural norms and encourage other organizations to positively deviate (e.g., toward hiring rather than discriminating against individuals with a criminal history).

Corporate Social Responsibility

Corporate social responsibility (CSR) can be described as the extent that an organization engages in actions and policies that account for economic, social, and environmental considerations as well as the interests and expectations of stakeholders (Aguinis, 2011). Organizations aligned closely with the social dimension are described as those that are mindful of the impact they have within the community, including the integration of business operations that address prevalent social concerns (Dahlsrud, 2008). Organizations that participate in programming or actively employ individuals with a criminal record may do so recognizing that such practices correlate with several community and social justice benefits, such as less crime, greater public safety, and reduced costs for the government and taxpayers, and improved community attitudes toward individuals with a criminal history (Anazodo et al., 2016; Graffam et al., 2008). Thus, organizations that align with the social dimension of CSR may be more likely to recognize the barriers to employment that individuals with a criminal history encounter and, thus, may be more apt to deviate from employment norms.

Online, there appears to be a shift towards organizational willingness to consider individuals with a criminal history for employment. With the emergence of digital platforms, prospective candidates can actively search online and find organizations with more favourable hiring policies for individuals with a criminal history (e.g., Mullaney, 2018). Some organizations, such as Golden Corral, Jiffy Lube, and Kohl's, have been listed as companies that will hire individuals with a criminal offence and incarceration history (Mayo, 2017). Others have leaders who promote training programs to develop employee skills for future employment (see Griffith et al., 2019). While these initiatives continue to develop and improve, employment training and mentoring programs have produced promising outcomes for individuals with a criminal history (Rosenfeld, Petersilia, & Visher, 2008). For example, work placement programs such as "Recipe for Success" at Wendy's offered through the John Howard Society of Niagara (Canada) provides participants with training and certification in an effort to boost prospects and eligibility for future employment (John Howard Society of Niagara, 2019). Certain organizations such as Dave's Killer Bread, a recognized "Second Chance Project," actively employs and advocates for the employment of individuals with a criminal history, recognizing employment as an opportunity to successfully integrate and positively contribute to society. In the U.S. and Europe, social enterprise initiatives rate particularly high in the social dimension for CSR, as they are well positioned to equip individuals with the skills to secure future employment (Defourny & Nyssens, 2010). A social enterprise is a not-for-profit organization with an explicit aim to provide goods or services that benefit the community (Defourny & Nyssens, 2008). As an example, Blue Sky Development and Regeneration (Blue Sky), a social enterprise founded in the U.K., recruits individuals with a criminal history to fill roles in numerous organizations for a limited work term, and then helps these individuals find further employment. As numerous initiatives geared toward the employment of individuals with a criminal history expand in scope, the online visibility and access to this template may inspire similar models in organizational settings.

The Cognitive Pillar

The cognitive pillar highlights internal representations of the environment; the associated rules and perspectives that ultimately shape individual behaviour, beliefs, and assumptions (Xu & Shenkar, 2002; Scott, 2005; Markus & Zajonc, 1985). Kostova and Roth (2002) suggest that dimensions associated with the cognitive pillar affect how people select and interpret information such as criminal history, in specific environments (i.e., a workplace setting) (Kostova, 1997). Within the employment context, this pillar may be most directly connected to the individual level, which may inform our understanding of the behaviours of individual actors in the work context (i.e., hiring managers, colleagues). Specifically, we consider the micro-processes in organizational decision-making and how these shape organizational member perspectives of the role of organizations in relation to individuals with a criminal history. While some organizations have specific policies towards individuals with a criminal history, in many instances, evaluations are done on a case-by-case basis. These individualized approaches create inconsistencies in how the law is interpreted and applied across organizations (Lageson, Vuolo, & Uggen, 2015). Although hiring managers should select candidates based on job-related information, unrelated characteristics or stereotypes, such as those associated with criminal history, may affect interpretations of an individual's suitability for employment (Perry, Davis-Blake, & Kulik, 1994). Within the cognitive pillar we suggest that individual factors may influence how people interpret discriminatory norms and inform their willingness to engage in behaviours that support individuals with a criminal history in the work environment. We highlight perceptions of marginalized groups as well as employability and liability concerns, as examples of interpretive mechanisms at the individual level.

Perceptions of Marginalized Groups

The dominant and negative perceptions of criminal histories (Taub, Blinde, & Greer, 1999) may result in hiring managers who are unable to associate an applicant with a criminal history with agentic values such as success and achievement. As previously noted, many employers are reluctant to trust individuals who have essentially been

labelled as untrustworthy by the justice systems (Graffam et al., 2008). Such perceptions of untrustworthiness relate to organizational concerns about the safety of their workforce (e.g., Harris & Keller, 2005), integrity of their products and services, or potential loss of customers (Bhattacharya & Sen, 2003), workplace disruption (Gill, 1997; Harris & Keller, 2005), or employer liability should the individual commit a subsequent offence (Lam & Harcourt, 2003). Accessibility of criminal history information may not only expose individuals but may also make them vulnerable to be taken advantage of by employers given their limited employment prospects (e.g., underpaid and/or overworked) (Atkin & Armstrong, 2013; Purser, 2012; Visher, Debus-Sherrill, & Yahner, 2011). Thus, the extent to which an individual has the human capital (i.e., experience, education) to counter prevailing stigmas, will determine the extent to which overarching stigmas drive their interpretation of that information.

Demographic characteristics, such as race, may also affect the perceptions of marginalized groups and the relevance of criminal history in employment. In the U.S., race has consistently been shown to result in differential perceptions of the law, police, and criminal justice system, with more Black than white citizens displaying distrust in the system (Rocque, 2011). Such findings may be partially due to the disproportionate numbers of racial minorities involved in the criminal justice system. According to the United States Census Bureau (2015), the racial percentages for white, Black, and Latino/a individuals are 77%, 13%, and 17% respectively. However, out of the 1,467,847 people in the U.S. sentenced to prison in 2015, 34% were white, while 35% were Black, and 22% were Latinx, (Carson & Anderson, 2016). In other words, while only 30% of the actual population is comprised of racial and ethnic minorities, these individuals represent over half of the custodial population. In Canada, 73% of the population is white, 5% Indigenous Canadian, 3% Black, and 10% Asian (Statistics Canada, 2017). While most of the total custodial population identified by Public Safety Canada (2018) was white (58%), Black and Indigenous Canadians are disproportionately represented in the criminal justice system as 7.5% Black and 23% Indigenous Canadian (Public Safety Canada, 2018). To be clear, we

are not asserting that hiring managers who are racial minorities will find criminal behaviour acceptable; however, we do contend that the race of the hiring manager may influence perceptions of applicants, with or without with a criminal history. From this perspective, some hiring managers do not believe this population possesses any more of a risk than an employee without a criminal history (Griffith & Young, 2017). Thus, hiring managers who share this perspective are more likely willing to offer "second chance" employment, thereby willing to deviate from the norms of the cognitive pillar.

Employability and Liability Concerns

One of the prominent employer concerns with hiring individuals with an incarceration history from an employer perspective has to do with whether individuals possess the necessary skills and abilities for employment (Waldfogel, 1994). Some of the primary concerns related to skills and abilities include education, level of numeracy and literacy, as well as occupational and interpersonal experience and skills (Graffam, Shinkfield, Lavelle, & McPherson, 2004).

Employers may also perceive risks for the organizational environment including a concern for the genuineness of one's search for employment and, in turn, realistic expectations for commitment to the organization (Gill, 1997; Harris & Keller, 2005). Some employers have expressed fears that they will be found liable for negligent hiring if they willingly hire an individual that has a criminal record and that person engages in a criminal act while at work (Adler, 1993; Connerley, Arvey, & Bernardy, 2001) or who may become harmful to others while at work (Gill, 1997; Wang & Kleiner, 2000). In the U.S. and Canada, employers are increasingly held accountable based on policy standards which stipulate that employers may be held liable for the behaviour of their employees if the employer knew or ought to have known that the employee was likely to behave in a particular manner (Lam & Harcourt, 2003). A criminal record can be seen as indicative of likely behavior depending on the offence, which may make employers increasingly uneasy about hiring former prisoners (Lam & Harcourt, 2003).

Industry reports have identified individuals with a criminal history as a large pool of potentially skilled labour (SHRM, 2012; SHRM & The Charles Koch Institute, 2018). As captured in reports from the U.S. and U.K., many individuals are keen to improve themselves and their image and may in turn exude a high level of commitment, loyalty, honesty, reliability, and resiliency, more so than the average person (Palmer & Christian, 2019; Gill, 1997). However, as organizations become increasingly reliant on digital platforms and technology, the technologies will affect various aspects of the employment relationship: communication, consumption, information, and service exchange; each rendering the employee more vulnerable to record searches and exposing any lack of technological competencies (Berger, 2017). Organizations that recognize the potential value of persons with a criminal history are well poised to contribute positively to the social progression of these individuals as well as to society as a whole.

Discussion

Organizational members actively produce and reproduce institutional norms, and for certain populations, this contributes to perpetuating stigma and marginalization in the workplace. Recent developments in employer responses to individuals with a criminal history point to the evolving nature of organizational responses to prevailing industry norms and trends in the midst of information digitization. The three central pillars of institutional theory inform perspectives of and responses to legislative policy (i.e., regulative), collective norms and values (i.e., normative), and individual perspectives and behaviours (i.e., cognitive). Each of these pillars reflect various sources of motivation for aligning business practices within institutional environments with general societal norms; practices that can be interpreted to maintain capitalist ideologies and inequities in hiring or that can be interpreted to encourage socially responsible hiring and equity, particularly in reference to persons with criminal histories. Said another way, in instances where practices and policies inequitably disadvantage stigmatized populations such as individuals with a criminal history, organizations may, in line with the tenets of positive deviance, elect to adopt a socially just response, thus deviating from established rules of legitimacy. The emerging

digitization of information provides a unique context within which organizations may have a wealth of insight into individual characteristics, including their criminal history, which may be informative or misleading. Digital platforms and ready access to information also offer organizations an opportunity to learn from their counterparts as guidance for adopting more inclusive policies and practices. Within this context of information overload and uncertainty, there does appear to be a shift whereby organizations are moving away from discriminatory norms and considering more progressive and inclusive business models.

In this article, we explored the reasoning that guides positive organizational deviation as well as the adoption of policies and processes that counter inequitable or discriminatory market expectations. Organizations may take a risk of introducing a stigmatized population into its workforce (Pager, 2003), but opt to do so to achieve a larger social benefit, in particular for traditionally marginalized and disadvantaged populations. From this perspective we have sought to unpack the mechanisms that influence positive deviations from discriminatory social norms. We have referenced the crucial role that digitized information can play in organizational change processes, thereby paving the way for inclusive social environments. Organizational leaders may respond to the legislative landscape when considering the employment of individuals with a criminal history in different ways depending on the nature of environmental factors such as industry, organizational size, and location. As any of these elements shift, we may expect a shift in expectations for employer willingness to consider individuals with various backgrounds for employment.

Research Implications

We contribute to broadening deviance scholarship by extending an understanding of the conditions and factors that contribute to organizational engagement in positive deviance. We have proposed a model that serves as the foundation for building upon our understanding of the mechanisms through which the three central pillars of institutional theory inform prosocial deviations from prevailing legislation. In discussing the influence of technology on

organizational norms and practices, we would like to highlight that persons with a criminal record are increasingly vulnerable due to technology. Where criminal record information is not readily sought out or available, individuals may contemplate whether, when, and to whom to reveal their criminal history (Ricciardelli & Mooney, 2018). For those who are successful in obtaining employment, digitization and access to criminal history may increase individual vulnerability to being "found out" by employers or coworkers, thereby affecting disclosure decisions and in turn social response to the information. We encourage researchers to examine the effects of the digitization of criminal records on prospects for obtaining and maintaining employment from employer and individual perspectives. In addition, while necessary to be mindful and to recognize the realities of discrimination towards individuals with a criminal history in employment contexts (Harcourt, Lam, & Harcourt, 2005), it is also useful to recognize and examine efforts that point to more inclusive practices. Examining such efforts lends insight toward unpacking the drivers of prosocial organizational behaviours that tend towards inclusivity of marginalized populations. Understanding this may contribute to understanding how to effectively encourage adoption of and adherence to inclusive policies and practice. Future research is encouraged that expands on these ideas further, perhaps through considering further detail beyond the scope of the examples articulated in this paper. For instance, future studies may consider the role of perceptual processes and the impact this has on individual decision-making in employment (see Crocker, Major, & Steele, 1998; Fiske, Cuddy, Glick, & Xu, 2002).

We also contribute to understandings of the function of institutional theory. In particular, we present a renewed focus on organizational legitimacy; we expand how organizations define legitimacy and consider the implications for response to marginalized populations and engaging in non-traditional markets—a perspective necessary to expand the field of management studies and the interdisciplinary nature of criminal justice studies. For instance, scholars are encouraged to consider how we operationalize legitimacy in future research. In the latter rests consideration of how organizations define legitimacy when they engage in unconventional and less researched

markets, such as the too often overlooked niche markets served by non-profit organizations. Turning a focus to positive deviance may provide greater insight into how these types of organizations establish legitimacy within their communities and provide ways to uncover additional organizational factors that may challenge the three central pillars of institutional theory.

Practical Implications

The digitization of information affects organizations and individuals; informing employment decision-making processes and the interpretation of the available labour pool. While our model provides a foundational basis for understanding the ensuing mechanisms, the outcome variables, in particular, serve as useful considerations for how organizations may opt to exhibit socially responsible behaviours. The three central pillars have implications tied to employers deviating from established norms of legitimacy. For example, retailers like TOMS, a for-profit shoe retailer, takes alternative approaches with arguably more humane and socialist profit models. TOMS promotes a "One-for-One" model, whereby one pair of shoes is donated for every pair sold; thus, profit margins are reduced in light of increased costs tied to donated material goods (TOMS, 2017). Instead of reinvesting all profits into business and capital gains, such organizational shifts challenge the societal emphasis placed on profit, or the normative pillar, with success (e.g., measured by sales and overall profit) (TOMS, 2017). Other organizational processes, such as training, may provide a similar reinvestment, but in relation to developing human capital. For instance, organizations can reinvest in training individuals in relevant organizational technologies. Organizations that exert positive deviance in this way can not only benefit their organization, but also a variety of populations, including those often disadvantaged in the workplace such as individuals with a criminal history.

Second, governing policies and practices may be driven by the degree of deviation from established norms embraced by the organization. While the nature of certain occupations may require reasonable considerations for criminal history (e.g., working with vulnerable persons), further development, adoption, and adherence to practices

that enable consideration for individual skills and abilities during the hiring process, irrespective of criminal history, are encouraged (Boyer, 2016). Our model provides a foundational framework for conceptualizing progressive policies that lend towards supporting the identified socially responsible behaviours. As criminal history information is increasingly accessible, this may taint employer perspectives; however, hiring policies and practices can be designed in response to positive deviance. Some organizational leaders, then, may believe that they need to interact with their employees, or even the larger community, in a way that exudes connection and support. Some organizations have incorporated this through the support of employee resource groups, thereby demonstrating their value for and desire to connect with diverse members in an organization. Positive deviance may be a useful perspective to explain why some organizations choose to adopt non-mandatory or financially risky initiatives that serve a larger benefit.

Conclusion

In spite of established regulations and norms that signal legitimacy across employment contexts, deviations from discriminatory norms provide, new, humane, and socially necessary and progressive ways for organizations to make hiring decisions that are more inclusive, thus interlinking larger societal issues with new business solutions. Moreover, we show that considering the pillars of institutional theory can also contribute to further understanding of the organizational factors that may determine positive deviations; specifically, the transition in interpretations that encourage or motivate a shift to more equitable and socially responsible hiring and employment practices and processes. Understanding organizational motivations for and contextual factors related to positive deviance may enable us to determine the extent to which labour market climates impact organizational practices that can contribute to progressive practices and positive social change. From this perspective, our understanding of corporate social responsibility may be expanded to encompass the true nature of the social influence that organizations may have in society as well as their duty to acknowledge this when making equitable employment decisions.

References

Adler, S. (1993). Verifying a job candidate's background: The state of practice in a vital human resources activity. *Review of Business*, *15*(2), 3–8.

Aguinis, H. (2011). Organizational responsibility: Doing good and doing well. In S. Zedeck (Ed.), *APA handbook of industrial and organizational psychology* (Vol. 3., pp. 855–879). Washington, DC: American Psychological Association.

American Civil Liberties Union. (2017). *Resist: 2017 Annual Report.* https://www.aclu.org/other/aclu-annual-report-2017.

Anazodo, K. S., Chan, C., & Ricciardelli, R. (2017). Employment and desistance from crime. In R. Ricciardelli & A. M. F. Peters (Eds.), *After prison: Navigating employment and reintegration* (pp. 35-57). Waterloo, Ontario: Wilfrid Laurier Press

Atkin, C. A., & Armstrong, G. S. (2013). Does the concentration of parolees in a community impact employer attitudes toward the hiring of ex-offenders?. *Criminal Justice Policy Review*, *24*(1), 71–93.

Avery, B. (2019). Ban the Box, U.S. cities, counties, and states adopt fair-chance policies to advance employment opportunities for people with past convictions. *National Employment Law Project*. Retrieved from https://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/.

Berger, R. (2017). How digitization will affect tomorrow's world of work: 12 hypotheses. *The Future of Work*. Retrieved from https://www.rolandberger.com/publications/publication_pdf/roland_berger_future_of_work.pdf.

Bhattacharya, C. B., & Sen, S. (2003). Consumer-company identification: A framework for understanding consumers' relationships with companies. *Journal of Marketing*, *67*(2), 76–88.

Boyer, D. (2016). Obama finalizes regulation to 'ban the box' on hiring job applicants with criminal records. *The Washington Times*.

Retrieved from https://www.washingtontimes.com/news/2016/nov/30/obama-finalizes-regulation-ban-box-job-applicants/.

Busenitz, L., Gómez, C., & Spencer, J. (2000). Country institutional profiles: Unlocking entrepreneurial phenomena. *The Academy of Management Journal*, 43(5), 994–1003.

Campbell, J. L. (2007). Why would corporations behave in socially responsible ways? An institutional theory of corporate social responsibility. *Academy of Management Review*, *32*(3), 946–967.

CareerBuilder. (2016). Number of employers using social media to screen candidates has increased 500 percent over the last decade. Retrieved from https://www.careerbuilder.com/share/aboutus/pressreleasesdetail.aspx?sd=4%2f28%2f2016&siteid=cbpr&sc_cmp1=cb_pr945_&id=pr945&ed=12%2f31%2f2016.

Carson, A. E., & Anderson, E. (2016). Prisoners in 2015 (Report No. NCJ 250229). U.S. Department of Justice: Bureau of Justice Statistics. Accessed 20 June 2019 from https://www.bjs.gov/content/pub/pdf/p15 .pdf.

Clay, J. M., & Stephens, E. C. (1995). Liability for negligent hiring: The importance of background checks. *Cornell Hotel and Restaurant Administration Quarterly*, *36*(5), 74-81.

Connerley, M., Arvey, R., & Bernardy, C. (2001). Criminal background checks for prospective and current employees: current practices among municipal agencies. *Public Personnel Management*, *30*(2), 173–183.

Conscious Company. (2018). Open Hiring. Retrieved from https://consciouscompanymedia.com/glossary/open-hiring/.

Crocker, J., Major, B., and Steele, C. (1998). Social stigma. In D.T. Gilbert, S.T. Fiske, and G. Lindzey (Eds.), *The handbook of social psychology* (4th ed., pp. 504–553). New York, NY: McGraw-Hill.

Dahlsrud, A. (2008). How corporate social responsibility is defined: An analysis of 37 definitions. *Corporate Social Responsibility and Environmental Management*, *15*(1), 1-13.

Defourny, J., & Nyssens, M. (2008). Social enterprise in Europe: Recent trends and developments. *Social Enterprise Journal*, *4*(3), 202–228.

Defourny, J., & Nyssens, M. (2010). Conceptions of social enterprise and social entrepreneurship in Europe and the United States: Convergences and divergences. *Journal of Social Entrepreneurship*, *1*(1), 32–53.

European Parliament and the Council of the European Union. (2018). *General Data Protection Regulation*, cor. OJ L 127, 23.5.2018. Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679.

Fiske, S. T., Cuddy, A. J. C., Glick, P., and Xu, J. (2002). A model of (often mixed) stereotype content: Competence and warmth respectively follow from perceived status and competition. *Journal of Personality and Social Psychology*, *82*(6), 878–902.

Furusten, S. (2013). *Institutional theory and organizational change*. Cheltenham, UK: Edward Elgar Publishing Limited.

Geels, F. W. (2004). From sectoral systems of innovation to socio-technical systems: Insights about dynamics and change from sociology and institutional theory. *Research Policy*, *33*(6-7), 897–920.

Gill, M. (1997). Employing ex-offenders: A risk or an opportunity? *Howard Journal of Criminal Justice*, *36*(4), 337–351.

Goffman, E. (1963). *Stigma: Notes on the Management of Spoiled Identity*. Englewood Cliffs, NJ: Prentice-Hall Inc.

Government of Ontario, Canada. (2019). *Human Rights Code*, RSO 1990, c H.19. Retrieved from http://www.canlii.org/en/on/laws/stat/rso-1990-c-h19/latest/rso-1990-c-h19.html.

Graffam, J., Shinkfield, A., Lavelle, B., & McPherson, W. (2004). Variables affecting successful reintegration as perceived by offenders and professionals. *Journal of Offender Rehabilitation*, *40*(1), 147–171.

Graffam, J., Shinkfield, A. J., & Hardcastle, L. (2008). The perceived employability of ex-prisoners and offenders. *International Journal of Offender Therapy and Comparative Criminology*, *52*(6), 673–685.

Greyston Bakery. (2019). Open Hiring. Retrieved from https://www.greyston.org/.

Griffith, J. N., & Jones Young, N. C. (2017). Hiring ex-offenders? The case of Ban the Box. *Equality, Diversity and Inclusion: An International Journal*, *36*(6), 501–518.

Griffith, J. N., Rade, C.B., & Anazodo, K.S. (2019). Criminal history and employment: An interdisciplinary literature synthesis. *Equality, Diversity and Inclusion: An International Journal*, *38*(5), 505–528.

Harcourt, M., Lam, H., & Harcourt, S. (2005). Discriminatory practices in hiring: Institutional and rational economic perspectives. *The International Journal of Human Resource Management*, *16*(11), 2113–2132.

Harding, D. J. (2003). Jean Valjean's dilemma: The management of ex-convict identity in the search for employment. *Deviant Behavior*, *24*(6), 571–595.

Harmon, M.G., Hickman, L.J., Arneson, A.M., & Hansen, A.M. (2017). Is criminal history at the time of employment predictive of job performance? In R. Ricciardelli and A. M. F. Peters (Eds.), *After prison: Navigating employment and reintegration* (pp. 135-158). Waterloo, ON: Wilfrid Laurier University Press.

Harris, P. M., & Keller, K. S. (2005). Ex-offenders need not apply: The criminal background check in hiring decisions. *Journal of Contemporary Criminal Justice*, *21*(1), 6–30.

Hofstede, G. (1980). *Culture's consequences: International differences in work-related values*. London, U.K.: Sage Publications.

Hoskins, Z. (2014). Ex-offender restrictions. *Journal of Applied Philosophy*, *31*(1), 33–48. Jacobs, J. B. 2015. *The eternal criminal record*. Cambridge, MA: Harvard University Press.

John Howard Society of Niagara. (2019). *Job Gym Employment Services*. Retrieved from https://www.jobgym.com/training-news/work-at-wendys/.

Kelion, L. (2019). Google wins landmark right to be forgotten case. *BBC News*. Retrieved from https://www.bbc.com/news/technology-49808208

Kim, S., Kim, H.J., & Lee, H. (2009). An institutional analysis of an e-government system for anti-corruption: The case of OPEN. *Government Information Quarterly*, *26*(1), 42–50.

Kostova, T. (1997). Country institutional profiles: Concept and measurement. *Academy of Management Proceedings*, *1997*(1), 180–184.

Kostova, T., & Roth, K. (2002). Adoption of an organizational practice by subsidiaries of multinational corporations: Institutional and relational effects. *Academy of Management Journal*, *45*(1), 215–233.

Lageson, S. E., Vuolo, M., & Uggen, C. (2015). Legal ambiguity in managerial assessments of criminal records. *Law & Social Inquiry*, *40*(1), 175–204.

Lageson, S.E. (2016). Found out and opting out: The consequences of online criminal records for families. *The ANNALS of the American Academy of Political and Social Science, 665*(1), 127–141.

Lageson, S. E. (2017). Crime data, the internet, and free speech: An evolving legal consciousness. *Law & Society Review*, *51*(1), 8–41.

Lam, H., & Harcourt, M. (2003). The use of criminal record in employment decisions: The rights of ex-offenders, employers and the public. *Journal of Business Ethics*, *47*(3), 237–252.

LeBel, T. P. (2012). Invisible stripes? Formerly incarcerated persons' perceptions of stigma. *Deviant Behavior*, *33*(2), 89–107.

Lichtenberger, E. (2006). Where do ex-offenders find jobs? An industrial profile of the employers of ex-offenders in Virginia. *Journal of Correctional Education*, *57*(4), 297–311.

Lundquist, J. H., Pager, D., & Strader, E. (2018). Does a criminal past predict worker performance? Evidence from one of America's largest employers, *Social Forces*, *96*(3), 1039–1068.

Markus, H., & Zajonc, R. B. (1985). The cognitive perspective in social psychology. In G. Lindzey & E. Aronson (Eds.), *The handbook of social psychology* (3rd ed., pp. 137–230). New York, NY: Random House.

Matten, D., & Crane, A. (2005). Corporate Citizenship: Toward an Extended Theoretical Conceptualization. *The Academy of Management Review, 30*(1), 166-179.

Mayo, E. (2017). Companies that hire ex-offenders and felons. *Believe Publications*. Retrieved from http://www.jailtojob.com/companies-hire-felons.html.

McGinty, J.C. (2015). How many Americans have a police record? Probably more than you think. *The Wall Street Journal*. Retrieved from https://www.wsj.com/articles/how-many-americans-have-a-police-record-probably-more-than-you-think-1438939802.

Minor, D., Persico, N., & Weiss, D. M. (2018). Criminal background and job performance. *Journal of Labor Policy*, *7*(8), 1–49.

Mowat, J. G. (2015). Towards a new conceptualisation of marginalisation. *European Educational Research Journal*, *14*(5), 454–476.

Mullaney, T. (2018). Why companies are turning to ex-cons to fill slots for workers. CNBC. Retrieved from https://www.cnbc.com/2018/09/18/why-companies-are-turning-to-ex-cons-to-fill-slots-for-workers.html.

Organ, D. W., & Ryan, K. (1995). A meta-analytic review of attitudinal and dispositional predictors of organizational citizenship behavior. *Personnel Psychology, 48*(4), 775–802.

Orlitzky, M., & Swanson, D. L. (2006). Socially responsible human resource management. In Deckop, J. R. (Ed.), *Human Resource Management Ethics* (pp. 3–26). Greenwich, Connecticut: Information Age Publishing.

Pager, D. (2003). The mark of a criminal record. *American Journal of Sociology*, *108*(5), 937–975.

Pager, D. (2007). *Marked: Race, crime, and finding work in an era of mass incarceration***.** Chicago, IL: The University of Chicago Press.

Pager, D., Western, B., & Sugie, N. (2009). Sequencing disadvantage: Barriers to employment facing young black and white men with criminal records. *The Annals of the American Academy of Political and Social Science*, *623*(1), 195–213.

Palmer, C., & Christian, J. (2019). Work matters: Formerly incarcerated men's resiliency in reentry. *Equality, Diversity and Inclusion*, *38*(5), 583–598.

Perry, E., Davis-Blake, A., & Kulik, C. (1994). Explaining gender-based selection decisions: A synthesis of contextual and cognitive approaches. *The Academy of Management Review, 19*(4), 786–820.

Police Record Checks Reform Act, 2015, S.O. 2015, c. 30. (2019). Retrieved from https://www.ontario.ca/laws/statute/15p30.

Powell, W. W., & Colyvas, J. A. (2008). Microfoundations of institutional theory. In R. Greenwood, C. Oliver, R. Suddaby, & K. Sahlin (Eds.), *The SAGE handbook of organizational*

institutionalism (pp. 276–298). Thousand Oaks, CA: SAGE Publications.

Public Safety Canada. (2018). Corrections and Conditional Release: Statistical Overview (Annual Report No. ISSN: 1713-1073). Retrieved from https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/ccrso-2018/index-en.aspx.

Public Safety Canada. (2019). 2017 Corrections and Conditional Release Statistical Overview (Annual Report No. ISSN: 1713-1073). Retrieved from https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/ccrso-2017/ccrso-2017-en.pdf.

Purser, G. (2012). "Still doin' time": Clamoring for work in the day labor industry. *WorkingUSA*, *15*(3), 397–415. Retrieved from http://search.proquest.com.ezproxy.library.yorku.ca/docview/1125212134/abstract/13C54E7465DA79E004/117?accountid=15182.

Quan, D. (2017). It's taking the RCMP longer than anticipated to digitize Canada's national database of criminal records. *The National Post.* Retrieved from https://nationalpost.com/news/canada/its-taking-the-rcmp-longer-than-anticipated-to-digitize-canadas-national-database-of-criminal-records.

Raphael, S. (2011). Incarceration and prisoner reentry in the united states. *Annals of the American Academy of Political and Social Science*, *635*(1), 192–215.

Ricciardelli, R. and Mooney, T. (2018). The decision to disclose: Employment after prison. *Journal of Offender Rehabilitation*, *57*(6), 343-366.

Rocque, M. (2011). Racial disparities in the criminal justice system and perceptions of legitimacy: A theoretical linkage. *Race and Justice*, *1*(3), 292–315.

Rosenfeld, R., Petersilia, J., & Visher, C. (2008). The first days after release can make a difference. *Corrections Today*, *70*(3), 86–87.

Scott, W. R. (2005). Institutional theory: Contributing to a theoretical research program. *Great Minds in Management: The Process of Theory Development*, *37*(2005), 460–484.

Scott, W. R. (2008). Approaching adulthood: The maturing of institutional theory. *Theory and Society*, *37*(5), 427–442.

Society for Human Resource Management. (2012). SHRM survey findings: Background checking - the use of criminal background checks in hiring decisions. PowerPoint Presentation. Retrieved from https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/pages/criminalbackgroundcheck.aspx.

Society for Human Resource Management and the Charles Koch Institute. (2018). Workers with criminal records. Retrieved from https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Documents/SHRM-CKI%20Workers%20with%20Criminal%20Records%20Issue%20Brief%202018-05-17.pdf .

Society for Human Resource Management. (2019). Getting talent back to work. Retrieved from https://www.gettingtalentbacktowork.org./

Spreitzer, G. M., & Sonenshein, S. (2003). Positive deviance and extraordinary organizing. In K. Cameron, J. Dutton, & R. Quinn (Eds.), *Positive organizational scholarship* (pp. 207–224). San Francisco, CA: Berrett-Koehler.

Spreitzer, G. M., & Sonenshein, S. (2004). Toward the construct definition of positive deviance. *American Behavioral Scientist*, *47*(6), 828–847.

Statistics Canada. (2017). Census Profile 2016. Statistics Canada Catalogue no. 98-316-X2016001. Retrieved from https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/index.cfm?Lang=E.

Taub, D. E., Blinde, E. M., & Greer, K. R. (1999). Stigma management through participation in sport and physical activity:

Experiences of male college students with physical disabilities. *Human Relations*, *52*(11), 1469–1484.

Toms. (2017). TOMS. Retrieved from http://www.toms.com.

United States Census Bureau. (2015). Quick Facts. Retrieved from https://www.census.gov/quickfacts/meta/long_RHI225215.htm.

U.S. Equal Employment Opportunity Commission. (2012). *Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, No. 915.002. Retrieved from https://www.eeoc.gov/laws/guidance/arrest_conviction.cfm

Visher, C. A., Debus-Sherrill, S. A., & Yahner, J. (2011). Employment after prison: A longitudinal study of former prisoners. *Justice Quarterly*, *28*(5), 698–718.

Voytko, L. (2019). JPMorgan Chase Hired 2,100 People With Criminal Records In 2018 (And Will Hire More). *Forbes.* Retrieved from https://www.forbes.com/sites/lisettevoytko/2019/10/21/jpmorgan-chase-hired-2100-people-with-criminal-records-in-2018-and-will-hire-more/#2e84af6238f2

Waldfogel, J. (1994). The effect of criminal conviction on income and the trust "Reposed in the Workmen". *The Journal of Human Resources*, *29*(1), 62–81.

Wang, J.M., & Kleiner, B.H. (2000). Effective employment screening practices. *Management Research News*, *23*(5/6), 73–81.

Watstein, Ryan D. (2009). Out of jail and out of luck: The effect of negligent hiring liability and the criminal record revolution on an ex-offender's employment prospects. *Florida Law Review, 61*, 581–610.

Western, B. (2002). The impact of incarceration on wage mobility and inequality. *American Sociological Review*, *67*(4), 526–546.

Western, B., & Pettit, B. (2005). Black-white wage inequality, employment rates, and incarceration. *American Journal of Sociology*,

111(2), 553–578. Xu, D. & Shenkar, O. (2002). Institutional distance and the multinational enterprise. *The Academy of Management Review, 27*(4), 608–618.

Yoo, Y., Boland, R. J. Jr., Lyytinen, K., & Majchrzak, A. (2012). Organizing for innovation in the digitized world. *Organization Science, 23*(5), 1398–1408.