

# The Manila Times

## Should the Philippines ‘Ban the Box’?

November 2, 2016

In the last two years, a growing advocacy in the US has been calling for employers to “Ban the Box” — eliminate the “check box” and its corresponding question on standard job application forms that asks, “Have you ever been convicted of a criminal offense?”

The “Ban the Box” advocacy is not calling for employers to completely ignore that part of a potential employee’s background, only to avoid using it as part of initial screening. The rationale behind the call is that it would reduced discrimination. How? By asking about an applicant’s criminal background until later in the screening process, discrimination is reduced because at least some otherwise qualified applicants who would be bypassed simply because they had to “check the box” would have the opportunity to explain themselves in an interview and demonstrate their job readiness.

The idea is worth considering in the Philippine context, because of recent moves to reduce discrimination in job hiring, and perhaps more significantly, because the anti-drug campaign of President Rodrigo Duterte is potentially creating hundreds of thousands of convicted drug offenders. In fact, one need not be convicted of anything to have a negative legal record — reflected on the sometimes-dreaded “NBI clearance” — that could prevent one from being hired; being charged with a crime or simply being the subject of a criminal complaint, even a spurious one that he or she may not even be aware of, is enough to automatically disqualify an applicant.

In order for the anti-drug campaign to have a productive outcome, the hundreds of thousands of drug users who have surrendered to the authorities, whether out of fear of being killed or simply rethinking their lives, will have be given the opportunity to be productive citizens. Those whose only real crime is having made bad personal choices and have harmed no one but themselves should not bear a stigma that prevents them from making a sincere effort to reform. And the government, in the effort to eliminate the drug menace from our country, cannot afford to create a vast class of unemployable, mostly poor people, who have the demonstrated weakness of being easily led astray by criminal vices. Yet that is precisely what will happen, and in fact is already happening under the country’s current system of excessively discriminatory hiring practices.

To be fair, not everyone in the US supports the “Ban the Box” idea, because it has had one unintended consequence in some parts of the country: A study by the Cato Institute found that some employers, when forced to eliminate the question from job application forms, simply avoided entire classes of people — young African-American and Hispanic men — who are statistically more likely to have had brushes with the law, hurting the chances of all job seekers among those groups. However, that was not the case in parts of America where those populations are a majority, the South for African-Americans, and the West for Hispanics.

Given the comparatively homogeneous nature of the Philippine population, this one objective criticism of “Ban the Box” would be completely irrelevant here, leaving little to no reason – other than an imagined right of employers to arbitrarily discriminate in hiring practices – not to implement the same sort of idea in the Philippines.

How that might be accomplished specifically is subject to further discussion, but while giving fair regard to employers’ rights to protect themselves from the few applicants who may pose a legitimate risk to their businesses, no one should object to giving other job seekers with perhaps less than perfect personal histories an equally legitimate second chance to be productive members of society and provide for themselves and their families.