

For Immediate Release: July 12, 2011
Contact: Tim Bradley, 314-440-9936

Discrimination Persists for Unemployed Job Seekers, New Report Finds

New Federal Legislation Prohibits Excluding the Unemployed from Job Opportunities, as More Disturbing Ads Surface

Washington, DC— Unemployed workers continue to be excluded from consideration for job openings, a new report from the National Employment Law Project shows. The report coincides with the introduction in the U.S. House of Representatives of the [Fair Employment Opportunity Act of 2011](#), a measure sponsored by Representatives Rosa DeLauro of Connecticut and Henry Johnson, Jr. of Georgia to create a level playing field for unemployed job seekers by prohibiting employers and employment agencies from screening out or excluding job applicants solely because they are unemployed.

“Unemployed job seekers continue to be excluded from work opportunities, and this disturbing and unfair practice appears to be more pervasive than previously thought,” said **Christine Owens, executive director of the National Employment Law Project**, who [testified](#) on the trend before the Equal Employment Opportunity Commission (EEOC) earlier this year.

As documented in NELP’s report, “[Hiring Discrimination against the Unemployed: Federal Bill Outlaws Excluding the Unemployed from Job Opportunities, as Discriminatory Ads Persist](#),” employers and staffing firms continue to expressly deny job opportunities to those workers hardest hit by the economic downturn, despite increased scrutiny and strong public opposition to the practice. An informal NELP survey of a number of heavily-trafficked job posting websites, including CareerBuilder.com and Indeed.com, found numerous job ads conspicuously stating that job seekers “must be currently employed.”

“A snapshot sampling of recent online job postings disclosed a large number of ads explicitly limited to those who are ‘currently employed,’ ” said Owens. “This pernicious practice adds a tremendous burden for unemployed workers as they look for jobs. For the millions of jobless Americans struggling to climb out of the deepest jobs hole in many decades, nothing can be more demoralizing than the double-whammy of losing a job and then learning they will not be considered for new positions because they are not currently working.”

“This practice is a perverse catch-22 that requires workers to have jobs in order to get jobs, and it means highly qualified, experienced workers who want and need work can’t get past the starting gate in the application process simply because they lost their jobs through no fault of their own,” Owens continued. “As a business practice, this makes no sense. It is debilitating to workers—particularly the long-term unemployed—and it hampers economic recovery.”

Workers who have lost jobs due to the recent severe economic downturn already face an exceedingly difficult job search environment, with the latest data, released today by the Bureau of Labor Statistics (BLS), showing more than nearly five unemployed workers for every one job opening as of May; the exact ratio stood at 4.7-to-1 (a ratio that has been above 4-to-1 for 29 consecutive months now). But when employers exclude from

consideration otherwise qualified applicants based only on current employment status, the job of finding a job is even tougher.

"I was absolutely stunned when I was told this by a recruiter," said Michelle Chesney-Offutt, a 53-year-old from Illinois who suddenly found herself laid off and looking for work after 19 years as an IT help-desk supervisor. Despite receiving an initially positive response, Michelle said the recruiter told her that "he would not be able to present me for an interview due to the 'over 6 month unemployed' policy that his client adhered to."

Last week's distressing employment report from the BLS, which put June's unemployment rate at 9.2 percent, demonstrated that the jobs and unemployment crisis is far from over. Nearly 6.3 million workers—over 44 percent of all unemployed—have been out of work for six months or longer. At the same time, average spells of unemployment continue to creep steadily upward, reaching nearly 40 weeks, or over 9 months, in June. The exclusionary practices this new legislation would ban are exacerbating the already serious long-term unemployment problem, and make the task of finding new work that much more difficult the longer workers remain unemployed.

"In a tough job market, where workers are competing against tens and sometimes hundreds of others for every available job opening, it is unjust for employers to discriminate against those who are unemployed," said **Representative DeLauro**, a co-sponsor of the legislation introduced today. "We have seen ample evidence that unemployed individuals are increasingly falling prey to discriminatory practices reducing their opportunities to be considered for a job. The Fair Employment Opportunity Act of 2011 would prohibit employers and employment agencies from discriminating against unemployed job seekers, and ensure that all Americans have the same opportunities for employment," DeLauro said.

Representative Johnson, also a co-sponsor of the bill, agreed: "Discrimination against the unemployed—especially the long-term unemployed—in job ads and hiring practices flies in the face of what we stand for as a nation: Equal opportunity for all. The Fair Employment Opportunity Act of 2011 will help us level the playing field and get people back to work."

A recent poll conducted by Hart Research Associates found overwhelming opposition to the practice of excluding candidates from consideration for jobs simply because they are unemployed. A whopping 80 percent of respondents described this practice as "very unfair," with another 10 percent saying it's unfair. And, by a two-to-one ratio, Americans support a proposal to ban companies from refusing to hire or consider a qualified job applicant solely because the person is currently unemployed.

"Clearly, there is broad public opposition to discriminating against unemployed workers in the hiring process, and strong support for legislation to ensure that unemployed job seekers receive a fair shot at employment opportunities," NELP's Owens said. "We are hopeful that employers and workers, as well as lawmakers in both parties will work together to erase this arbitrary barrier to employment, coming together to tear down the signs that say 'the unemployed need not apply'."

###