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A phenomenological investigation into the role of a university degree in the reintegration of ex-offenders into the labour market

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ABSTRACT

Literature on social reintegration underscores that persistent societal attitudes contribute to the exclusion of job seekers who have a criminal record. In South Africa, this topic is still comparatively understudied as opposed to the developed world which has an abundance of literature addressing an extensive range of perspectives on it. This qualitative interpretive phenomenological study rooted in a social constructivist paradigm explored university-educated ex-offenders' lived experiences of reintegration into the professional clusters of the South African labour market. Goffman's social stigma theory (SST) was used as a theoretical framework. Purposive and snowball sampling techniques were applied to select six participants. The thematically arranged findings of the participants' sense-making of the labour market reintegration experiences revealed that prospective employers perceived job seekers with a criminal record as "suspicious, untrustworthy and risky to employ." The findings also showed that stigmatization and marginalization engendered feelings of rejection, worthlessness and frustration. Desperation also contributed to the participants accepting employment opportunities that are not commensurate with their qualifications concealing their criminal record from prospective employers or venturing into small-scale entrepreneurship (albeit with limited prospects for growth due to business registration and funding red tape).The study also found that when participants assessed the magnitude of the obstacles that affected their previous job-seeking attempts, they recognised that even their university degrees were insufficient to fully utilise their chances of reintegrating into the professional clusters of the South African labour market. The study proposed several recommendations in response to these findings.

Contribution/Originality: This paper examines the negative stereotypes faced by university-educated ex-offenders as they seek professional employment. It emphasizes crucial yet often overlooked issues, such as harmful stereotypes and systemic barriers that lead to the marginalization of well-qualified ex-offenders in the South African labour market.

1. INTRODUCTION

Annually, the world's judiciary systems issue prison term sentences to accused persons in line with the severity of their criminal offences. These convictions have culminated in the current total global number of 10.99 million offenders held in 223 prison systems. The total number of offenders in South Africa in April 2024 is 157, 056. (Fair

& Walmsley, 2024). Generally, some of the convicted persons would eventually spend the rest of their lives behind bars while others would serve the full duration of the sentence before either being released or receiving clemency (parole) owing to good behaviour. However, the last decade has seen an unprecedented increase in the number of offenders being released from correctional facilities as many world governments realised that overpopulation in prison systems is both financially and operationally unsustainable (Fair & Walmsley, 2024). The COVID-19 pandemic also contributed to the release of a massive number of offenders to avert the spread of the virus and deaths (Goger, Harding, & Henderson, 2021). Research reveals that ex-offenders' lack of educational qualifications and cognitive skills are some of the prominent antecedents to their failure to secure gainful employment upon release from prison (Nee, Singh, & Kularajasingam, 2022; Obatusin & Ritter-Williams, 2019). However, there is a scarcity of empirical evidence on the reintegration of ex-offenders with higher education qualifications and cognitive capacity to be considered for professional employment. Against this backdrop, the study extensively reviews local and international literature to capture the essential aspects of this phenomenon and ascertain the research gap, novelty and theoretical underpinnings. It also provides a descriptive breakdown of the research methodologies that were used to generate field-based evidence, including but not limited to the instruments used to collect and triangulate data and steps taken to analyse the data. The study further discovers the measures taken by the researchers to adhere to ethical practices right from the beginning of the inquiry to the end of its cycle.

1.1. Background to the Research Problem

Reintegration into society is one of "the second chance" privileges offenders look forward to enjoying after completing their sentences in correctional facilities (Vivares, 2023). However, according to research, after completing a sentence in prison, individuals face several kinds of obstacles that undermine the strides they have made towards rehabilitation and reintegration and slowly bring them back to recidivism (see Bello & Muthaphuli, 2023; Chikadzi, 2017; Goger et al., 2021; Mujuzi, 2014; Mujuzi & Tsweledi, 2014; Nally, Lockwood, Ho, & Knutson, 2014; Rust, 2017; Santhosh & Mathew, 2021; Sheppard & Ricciardelli, 2020). The striking resemblance of employer-discriminating actions against job applicants with criminal records is a serious problem (Dlamini, 2016).

Mujuzi (2014), Mujuzi and Tsweledi (2014) and Rust (2017) observed the rapid proliferation of such discriminatory practices throughout South Africa's labour market. They concluded that the stigma of a criminal record is the single biggest contributor among other factors. Ex-offenders' restricted access to gainful employment and developmental opportunities may activate their direct participation in economic development. The study aimed to investigate ex-offenders' experiences of reintegration into the labour market – a topic in the social sciences and criminology disciplines of research that remains under-explored (Santhosh & Mathew, 2021), particularly in the developing world contexts including South Africa (Chikadzi, 2017; Chikadzi, Chanakira, & Mbululu, 2022; Singh, 2016). This study was based on the following research questions to fulfil its objectives:

- What do ex-offenders make of employer's attitudes towards their employment candidacy or presence in the workplace?
- How does the attitude of prospective employers affect ex-offenders' emotional well-being and future outlook on earning a living?
- Considering ex-offenders' previous job-seeking experiences, to what extent do their respective higher education degrees facilitate their reintegration into the professional clusters of South Africa's labour market?

These questions are being asked in the context of the observation that decades after the end of the apartheid era, the South African labour market is to a certain degree still besieged by subtle and carefully orchestrated structural and systemic inequalities which make it challenging for many groups, especially Black people, the youth, women, the disabled and the elderly to gain [decent] employment (Dlamini, 2016). Hence, the status quo elicits fundamental questions about the extent to which these structural and systemic inequalities also apply to ex-offenders, who have higher education qualifications as they try to negotiate their integration into the professional

clusters of the labour market. Moreover, in the absence of empirical evidence to track the progress made along the lines of employing ex-offenders in public sector organisations apart from the July 2008 Public Service Commission (PSC) report which covered the number of public employees with a criminal record at 233 (Mdakane, Ngubane, & Nkambule, 2024) not much data has been publicly reported to provide a sense of where the country now stands in so far as this issue is concerned. This makes it necessary to understand the social reintegration experiences of ex-offenders into the labour market.

2. LITERATURE REVIEW

The literature review constitutes a crucial component of the research study as it enables the researchers to assess the current state of the research topic from different empirical contexts and ideological perspectives. In this study, the literature review served to unpack the stigmatisation and discriminatory behaviour toward job seekers with a criminal record in the labour market.

2.1. Clarification of Key Concepts

2.1.1. Social Reintegration

Social reintegration is a period that marks the ex-offender's transition from the confines of a correctional institution to life on the outside as a reformed member of society (Chikadzi, 2017). The concept of reintegration is informed by the reintegration theory which postulates that crime is an indicator of an ex-offenders' contravention of the law or society's absence or oblivion to the challenges faced by the transgressor (Padayachee, 2008). The theory also holds that both parties (i.e., ex-offenders and society) are equally responsible for creating an environment that can enable them to moderate fear and animosity towards each other. In the context of this study, society is inclusive of prospective and current employers whose role has a mediating effect on the success or failure of ex-offenders' reintegration into the labour market.

Successful social reintegration programmes would be advantageous to both the ex-offenders and the government. This is suggested against the backdrop of South Africa, keeping offenders in prison costs the taxpayer approximately R39 million a day (Ngabonziza & Singh, 2012). This is a more than adequate reason to find long-term solutions to minimise the prospects of released ex-offenders re-offending and the government from overspending since employment of ex-offenders will translate into a safer society. Notwithstanding the above, the high employment rate among the ex-offender population in the country is regarded as alarmingly high. There is an absence of statistical data explicitly magnifying this challenge (Mdakane et al., 2024). However, a study by Vandala (2019) indicated that 25 out of 40 (62%) ex-offenders did not have positive things to say about reintegration due to unemployment.

According to the reintegration discourse, there are several factors influencing the role and facilitation of ex-offenders in the reintegration into their communities after release from prison. Several studies found that successful reintegration of ex-offenders is directly linked to correctional education (Hyytiä & Alanen, 2024; Vandala, 2019) and employment (Esteban, Alós, Jódar, & Miguélez, 2014; Mdakane, 2016, 2022; Scott, 2010). On the contrary, poorly managed social reintegration programmes are bound to produce negative results. For example, Besin-Mengla (2020) identified restricted employment opportunities as compounding the social reintegration challenges of ex-offenders in Cameroon. Similarly, in Nigeria and other East African countries (including Zambia, Kenya and Zimbabwe), researchers have identified the poor nature of rehabilitation programmes, peer group influence, prisonisation and illiteracy as well as a lack of accommodation and poor employment prospects upon release as augmenting reintegration challenges (see (Chikadzi, 2017; Muthee, 2020)). Furthermore, attitudinal issues directed toward ex-offenders compound the problem. Esteban et al. (2014) established that reintegration failure is partly due to the negative attitude displayed by society, particularly the labour market, towards employing ex-offenders who have served longer sentences. Gender is said to be another factor that moderates the success of reintegration. For

instance, in South Africa, Agboola (2017) conducted a study involving 13 formerly incarcerated women regarding their post-incarceration experiences. The study found that unemployment increased by 100% after incarceration which severely impacted the women's chances of reintegrating into the labour market. This finding aligns with the recent study by Parry (2023) which revealed that under or unemployment increased significantly among women offenders, thus reinforcing the stigma and discrimination as well as compounding the psychological effect of imprisonment after incarceration. In addition, according to Chikadzi et al. (2022), employers' (including the private corporate sector, government agencies, and non-governmental organisations) inability to address structural barriers that prevent this from happening is a major factor in the unsuccessful reintegration of ex-offenders into the labour market. Other scholarly findings noted that public safety and judiciary systems (i.e., police services and courts) sidestep social reintegration policies by not facilitating ex-offenders' acquisition of testimonial documents, such as police clearance certificates (Curib, Mamowalas, Namoco, Canape, & Cuevas, 2023) and expungement of their criminal record (Mdakane, 2022; Mujuzi, 2014), both of which are needed to successfully apply for jobs. Social reintegration challenges are compounded by a lack of institutional support mechanisms which is a by-product of the disconnect that exists between policy and practice based on these findings. These findings also show that social reintegration is a long process that requires several elements focused on assisting criminals in effectively reintegrating into their community to prevent reoffending (Davis, Bahr, & Ward, 2013; Muthee, 2020; Sheppard & Ricciardelli, 2020).

2.1.2. Stigmatisation

The American Psychological Association (2024) defines stigma as a negative behaviour or prejudice against a person or group of people because of a mental, physical or social attribute that makes society disapprove of their presence. Meanwhile, stigmatisation is recognised as a social construct that entails acts of stereotyping, prejudicing and discriminating against others (Rahmani, Ivbijaro, & Pumariega, 2023). Stigmatisation strips a reformed person with a criminal conviction of their sense of citizenship and worth. Hence, evidence suggests that stigmatisation is a major impediment to meaningful reintegration of ex-offenders into mainstream society employment (Obatusin & Ritter-Williams, 2019) mainly due to increased resentment and apprehension of the wider society towards them (Baur, Hall, Daniels, Buckley, & Anderson, 2018). Dubbed an "invisible stigma", a criminal record dictates "how people manage a detail of life that, while not outwardly visible, may bring them disrespect, disregard, or rejection, if revealed" (Jay, 2013). A befitting example of stigmatisation is drawn from Hipes' (2019) study, which revealed that employees preferred distancing themselves from social interactions with ex-offenders because they are dangerous and incompetent. There appears to be no effort made to get to know them better before reaching a conclusion about their character. Therefore, ex-offenders' awareness of the misfortunes caused by stigmatisation often prompts them to adopt different coping mechanisms. One such mechanism that they use is "to manage stigma-related information to make decisions about when, how, where and to whom to disclose their concealable identities" or react to how they are being treated (Jones & King, 2014). However, of all the coping mechanisms used by ex-offenders, *"reaction"* seems to be the one that bears acute impact on the stigmatiser or those who stigmatise them. The authors refer to a South African court judgement, in which a job was offered to a highly skilled ex-offender after having successfully passed the interview and acknowledged that their past theft conviction had been expunged, only to be dismissed shortly thereafter to exemplify this trajectory. Dismissal was based on the outcomes of the criminal vetting process which found that the employee had previous convictions. After failing to resolve the dispute before the bargaining council, the fired employee took the matter to court with the following result:

The court found that having a criminal record is an inherent attribute connected to how a person is viewed in society. Additionally, the court said that the idea behind criminal justice in South Africa is that once a criminal has paid their debt to society, they must be allowed back into society. Accordingly, the Labour Court found that differentiation on the basis of a criminal record is an arbitrary ground as contemplated in section 6 of the Employment Equity Act of 1996 (Thorne, 2024).

The judgement demonstrates the stigmatised person's retaliatory behaviour and the harm it inflicted on their livelihood and journey towards self-actualisation. One of the subsidiary objectives of the study was to identify the psychological impact of the stigma of a criminal record and to ascertain the extent to which it influences the decisions of whether or not to conceal the criminal record when applying for professional employment.

2.2. A Global Overview of the Barriers to Ex-Offenders' Reintegration into the Labour Market

It is widely accepted worldwide that employment is one of the most effective tools for addressing problems associated with recidivism from crime and social integration of ex-offenders after incarceration (Nally et al., 2014). Inarguably, the severity of stigmatisation is minimised when an ex-offender has some form of employment or other sustainable means of earning a living while trying to negotiate their settlement back into the social ecologies of increasingly sceptical communities. However, no proper measures are being taken at the political and governmental level to ensure that their release from prison is handled properly. The government's failure to consistently monitor and evaluate compliance enables employers to avoid implementing the social reintegration agenda.

Employers make decisions on the fate of job-seeking ex-offenders based more on prejudice than on their own internal diversity/reintegration policies (Working Chance, 2022). This is corroborated by Goger et al. (2021) whose study documented that after incarceration, over 640 000 US ex-offenders rejoined their communities, only to have their social reintegration hopes dampened by ostracisation. Unfortunately, their ostracisation does not only end with their families and communities but also plays itself out as they apply for vacancies in organisations (Goger et al., 2021). The status quo alludes to employers' lack of will to enact internal organisational labour policies and operationalise national legislative frameworks that promote the attainment of diversity and social cohesion in places of work. Despite the US government's introduction of noble labour laws, particularly the "Ban the Box" policies, aimed at reducing high unemployment among ethnic minorities by restricting employers from using applicants' criminal history as one of the overriding employment requirements (Agan & Starr, 2018). For example, in the US, unemployment statistics continue to signal a high prevalence of employer discriminatory behaviour towards job-seeking Black men with a criminal record (Agan & Starr, 2018; Denver & DeWitt, 2023; Goger et al., 2021). This finding is consistent with Leasure and Andersen's (2020) study, which ascertained that employers were more receptive towards White applicants with a criminal record to possess the requisite qualifications for a job than Black applicants with a similar qualification status. Consequently, a third of released ex-offenders relapse into criminal conduct because they feel rejected by society and cannot support themselves due to a lack of work and social assistance programmes (Leasure & Andersen, 2020).

Studies conducted in Australia reveal that having a criminal record is rated the fourth highest of five disadvantageous conditions (see (Graffam, Shinkfield, & Hardcastle, 2008; Saliba, 2012)). This implies that people with a criminal record are perceived as less likely to secure mainstream employment in comparison with their counterparts who do not hold a criminal record (Saliba, 2012). Similarly, in Canada, Sheppard and Ricciardelli (2020) established that the chances of job-seeking ex-offenders securing stable employment are extremely low. Furthermore, in Canada, a study by Clow, Ricciardelli, and Cain (2012) deduced that the only jobs allocated to ex-offenders happen to be extremely laborious and low-paying with no prospect for future growth in the ranks of the organisation. In United Kingdom (UK), Scott's (2010) study revealed that employers generally appear unwilling to employ job seekers with a criminal record. Those who were previously convicted of violent offences had an even smaller chance (Weiman, 2007). In its 2022 annual report, Working Chance (2022) reported that 270 UK employers explicitly pointed out that they would not employ candidates with a criminal record despite having workplace diversity policies as guiding frameworks in their organisations.

There are exceptional circumstances that exempt a criminal conviction from being a hindrance to full economic participation or satisfactorily enjoying social reintegration into the labour market. For instance, Indian ex-offenders convicted of politically motivated offences can find jobs or opportunities to earn money quite rapidly because they

belong to a political party (Santhosh & Mathew, 2021). Similar instances about ex-offenders with political credentials being reintegrated into government and private sector payroll systems as independent contractors at the behest of their political parties can be found in the South African media.

However, in South Africa's public sector organisations, the exact reverse occurs when it comes to the full-time or temporary formal employment of ex-offenders. The Public Service Commission (PSC) reported that on 31 July 2008, only 223 people with a criminal record were permanently employed in the public service (Mdakane, 2022). In statistical terms, the figure hovers around a mere 0.02% of the 1.1 million public servants employed. These figures, and the total number of South African citizens with a criminal record which is unknown but estimated to be around millions (Mujuzi, 2014; Mujuzi & Tsweledi, 2014) confirm the view that various ex-offenders are still affected by their criminal record. In the interim, the majority of them continue to linger in low-paying jobs and experience career frustrations and stagnation (Akanji, Oladejo, & Alayande, 2018; Ayuk, Chimaobi, Omang, & Nwankwo, 2020; Boachie & Asare, 2015; Fredericks, Mbukusa, & Tjibeba, 2021).

The reintegration of ex-offenders not only depends on the employers' promulgation of socially responsive legislations but also on the integrity of the available monitoring and evaluation processes. The other global contexts (as enunciated in the above discussion) are endowed with a voluminous flow of literature detailing the challenges associated with the assimilation of ex-offenders into the labour markets through the review of the literature unlike South Africa. Apart from a handful of scholars (i.e., (Chikadzi, 2017; Chikadzi et al., 2022; Mdakane, 2022; Mdakane et al., 2024; Muleya, 2022; Singh, 2016)), local literature rarely profiles and reports on the lived experiences of ex-offenders from the perspectives of their reintegration into the labour market. Therefore, it became necessary to fill the gap in the literature by investigating the extent to which ex-offenders with higher education credentials are incorporated into the workforce (ex-life imprisonment criminals). The prospects of these ex-offenders of finding employment in the career that they have qualified in and that is aligned with professional licencing and regulatory bodies, such as the National Bar Council of South Africa (NBCSA) for the registration of legal practitioners, the Health Professions Council of South Africa (HPCSA) for the registration of psychologists, the South African Council for Educators (SACE) for the registration of teaching profession and the South African Council for Social Services Professions (SACSSP), i.e., the registration of social workers.

2.3. Theoretical Framework

The study adopted by Goffman's (1963) theory of social stigma (TSS), which he described it as a socially discrediting perpetuation of a perception or stereotype that may result in a person's conduct or attributes being declared by society as either undesirable or taboo. The conceptual understanding of stigma that propounds most sociological research has its origins in Erving Goffman's (1963) book, *Stigma: Notes on the Management of Spoiled Identity*, published in (Tyler & Slater, 2018). Stigma is a complex, yet easy-to-understand phenomenon because it relates to how society is modelled around the principle of conforming to "a moral code of conduct" or exhibiting behaviour that normative societies regard as permissible. Any behaviour contrary to the norms enshrined in the "code of conduct" increases one's susceptibility to being stigmatised. According to TSS's hypothesis, stigma arises when someone's observation or prior knowledge provokes an emotion that could cause another person to feel uncomfortable or criticised. It is about labelling another person in a way that makes them feel like a social outcast or different. Lambert (2020) characterises the effect of carrying a stigma as "a metaphorical stain or mark on someone's identity". The extension of this view is strongly detectable in cognate theories, such as the labelling, social identity and reintegration theories. All these theories agree that stigma is a reactionary impulse to something that has happened to or has been done by a person that is in conflict with another person's frame of ethics. By contrast, Parker and Aggleton (2003) argue that this is a narrow and somewhat misguided interpretation of what constitutes a stigma. They argue that questions around "how stigma is used by individuals, communities and the state to produce and reproduce social inequality" are not sufficiently addressed by TSS (Tyler & Slater, 2018). For

example, Goffman (1963) perceived personal encounters, which he called "the primal scene of sociology" as the context where stigma occurs and is experienced. This view was criticised by Gleeson in his book titled *Geographies of Disabilities*. The bone of contention in that criticism stems from what Gleeson (1999) refers to as "the context where the stigma occurs" in the absence of a justification for how social contexts affect people who are stigmatised based on physical conditions as opposed to those who are stigmatised based on their behaviour, character or past deeds and experiences. Gleeson (1999) used the blurriness in Gleeson's (1999) depiction of context to argue that his theory does not sufficiently acknowledge structural factors that shape notions of disability scholarship (Brune, Garland-Thomson, Schweik, Titchkosky, & Love, 2014). His criticism of TSS is largely influenced by his consideration of personal encounters being a partial than a holistic, embodiment of the outcome of larger social, economic and political forces. In expressing discontentment with the dominance of TSS in the behavioural psychology domain, Gleeson (1999) considers the theory an "interactionist fallacy" that must be censored (Gleeson, 1999).

Despite these opposing views, the researchers are drawn to TSS as it engraves an understanding that stigmatisers legitimise and regulate power relations to justify within the society (organisation) the merit to subvert the stigmatised from enjoying the status that everyone who does not carry the stigma enjoys. In characterising stigmatisation as a construct borne of two contrasting behavioural patterns, namely the "stigmatised" and the "stigmatiser" (Goffman, 1963), the theory makes readers (of this study) inclined to perceive "employers" (i.e., the labour market) as the *stigmatiser* and "ex-offenders/criminal record holders" as the *stigmatised*. The theory hypothesises that one cannot understand the detrimental effect of being stigmatised or living with a stigma unless, at some stage in their lives, they were exposed to what is considered normal. This is consistent with Lambert's (2020) assertion that stigma and normal are opposite ends of a continuum about the nature of a person's identity and how well formed it is. In that sense, carrying a stigma implies that one must have suffered from a "spoiled identity" which makes them judged or shunned by those at the opposing end upon observing their physical attributes (e.g., disability and weight loss) or knowing about their past experiences (e.g., HIV infection or weight gain) or transgressions (e.g., ex-offender). Therefore, from the standpoint that the stigmatised, who are ridiculed, undermined, insulted and ignored, TSS attributes stigmatisers' low ethical compass to their failure to consider the extent to which it erodes the stigmatised ability to benefit from social co-existence (Goffman, 1963). TSS bears resonance with the overriding objective of the study, which was to highlight job-seeking ex-offenders' experiences of social reintegration into the professional clusters of South Africa's labour market.

3. METHODS

3.1. Research Approach

The study was based on the qualitative interpretive phenomenological approach to obtain ex-offenders' narrative depictions of social reintegration through professional employment in South Africa's labour market. The choice of this research approach was informed by its grounding on a social constructivist worldview, which is recognised by Berryman (2019) as extending an invitation for researchers to delve into the subjective realities of the participants by asking the "why" and "how" questions, known for stimulating lengthy two-way communication between the interviewees and the interviewer in naturalistic settings. Considering its idealness in delving into the subjective challenges that negatively impact participants' social situations and normalcy (Pervin & Mokhtar, 2022), the authors found the interpretive element in qualitative research particularly appropriate for achieving the stipulated objective of the study.

3.2. Procedure for Selecting Participants

In social sciences research, a feasible way to collect data is for the researcher to select (or sample) a manageable chunk of participants from a larger group (population). The study utilised purposive and snowball sampling to

select the participants. Purposive sampling in qualitative research is commonly used to select prospective participants who possess the lived experience to speak to the phenomenon under study. On the other hand, snowball sampling is used to reach elusive or hard-to-find populations, especially those who may be sceptical or distrustful of researchers probing into their personal lives. In this study, the application of both sampling techniques yielded a sample frame of six participants. The logic behind this sample frame can be drawn from the reality that ex-lifers holding professional degrees are geographically dispersed and hard to locate. The first two participants were recruited through one of the researcher's personal networks (through Unisa's Engaged Scholarship project, the Inside-out Outside-in South African corrections interest group) while the remaining four participants were selected through the snowball sampling technique.

In line with Patino and Ferreira's (2018) criteria, they were set to facilitate the process of inclusion and exclusion of participants in the study. The criteria were guided by the following indicators: (a) have a criminal record; (b) served a prison sentence; (c) acquired a university degree that requires licensing with professional bodies; (d) be educationally trained in social work, education, psychology, or law and (e) be from a historically disadvantaged background. Participants who did not meet these requirements were excluded from participating in the study. The profiles of the selected participants are as follows:

Table 1. Study participants

Identity code	Age	Sentence served	Employment status	Highest qualification
P1-Psy	46	1 life sentence + 20 years	Cleaner	Bachelor of Psychology (Honours) degree
P2-Psy	43	1 life sentence	Street vendor	Bachelor of Psychology (Honours) degree
P3-SW	42	4 life sentences + 39 years	Employed (temporary)	Bachelor's degree in Social Work
P4-Law	44	1 life sentence + 3 years	Employed (fixed-term contract)	Bachelor of Law (LLB) and LLM candidate
P5-Law	48	1 life sentence	Unemployed	Bachelor of Law (LLB)
P6-Edu	47	1 life sentence	Employed (permanent)	Master of Education degree (and PhD candidate)

3.3. Data Collection

Data were collected through semi-structured interviews at various research sites. Written informed consent was obtained from all participants involved in the study. An audio recorder was used to document verbal narratives of the participants in a face-to-face mode of contact in a place and at a time mutually agreed on by both the researchers and individual participants. An interview guide, containing an array of interview questions was used to facilitate semi-structured reciprocal communication and sense-making between both parties (Mdakane, Nkambule, & Ngubane, 2024). The individual interview sessions lasted between 45 and 60 minutes.

Data triangulation in social research is mandatory. Consistent with Lincoln and Guba (1985), a literature review encompassing global and local perspectives on the social reintegration of ex-offenders was used to triangulate the interview-generated data. The literature review revolved around the perusal of scholarly writings in the form of postgraduate theses and dissertations from various local and international higher education institutions' research repositories and public service legislative frameworks as well as digital scholarly platforms, such as ResearchGate, Google Scholar and Academia.

3.4. Data Analysis

The quantum of the data analysis process in this study was informed by Braun and Clarke's (2006) thematic analysis. The actualisation of the analysis entailed reading through the transcribed interview data slowly and critically to get a sense of the whole data. According to Muthee (2020), all transcripts were read repeatedly, line by

line, one after the other, while making notes in the margins of the interview transcripts and underlining the most salient words, expressions and metaphors as well as repetition of keywords and phrases used by the participants. This approach allowed for the grouping of responses, which were then separated into small segments of data, across participants, thus paving the way for the descriptive coding of the data. According to Salawu, Shamsuddin, Bolatitio, and Masibo (2023), a code is "most often a word or short phrase that symbolically assigns a summative, salient, essence-capturing, and evocative attribute for a portion of language-based visual data". Creating code labels involved constructing an extensive list of first-cycle codes taken from the verbatim quotes of the participants.

The codes that shared similarities were grouped into clusters that logically and intuitively fit together while the codes that seemed not to apply to the same phenomenon were removed (Goger et al., 2021). The next step involved searching for patterns in the coded data by grouping similar codes together to form categories, which were then labelled to capture the essence of the codes. Only the categories representing the main ideas were used to describe the meaning of similar coded data (Mujuzi, 2014). The last step involved theoretical coding also known as second cycle coding and was undertaken to establish an association between information already known and that which was articulated by the study participants. The patterns and interrelations between the codes were combined to form emergent themes, and the final product of data analysis conceived three primary themes and two subsidiary themes that headlined the reporting of the participants' subjective realities of social reintegration into the professional clusters of South Africa's labour market.

3.5. Ethical Considerations

The researchers obtained ethical clearance after submitting the research proposal for vetting. The Institutional Review Board [Unisa], South Africa, approved this study on 1 February 2018 (Ref. No PERC-17085) and the Department of Correctional Service's (DCS) Research Ethics Committee. Therefore, data collection was done from an ethical point of view. Every participant was briefed on the expectations of the researchers concerning the nature of their participation in the study. They were also assured anonymity by allocating an identity code for each participant, as indicated in Table 1. Respect for participants' "linguistic and cultural diversity" was also considered throughout the data collection, which saw participants using their indigenous languages (Rolland, King, & Lorette, 2023). *IsiZulu, Sesotho* (both of which are South African indigenous languages), English, and "*prison lingo*," were spoken during the interview sessions and later translated into English.

4. FINDINGS AND DISCUSSION

Following a thematic analysis, three primary themes and two subthemes were adopted to represent ex-offenders' verbal depictions of their lived experiences of reintegration into the professional clusters of South Africa's labour market as discussed below.

Theme 1: The criminal record as a social handicap.

In professional environments, the human resource departments represent the employer and this is the division that will oversee the recruitment processes to ensure that recruitment and employment processes and procedures are conducted in accordance with relevant laws, including diversity policies. For this study, participants were asked to share how they experienced their encounters with employers. P6-Edu was one of the participants who were fortunate enough to secure a permanent position as a teacher in a correctional centre school. The researchers sought to ascertain how P6-Edu felt he was treated by his current employer and prospective employer, since he is searching for promotional positions. P6-Edu reported on one experience as follows:

> *[After successfully passing the interview], the head of the centre didn't approve of me coming to work there.*
> *He saw me as a threat.*

He further characterised the suspicion with which he was being treated as follows:

> *Being [body] searched was different from the other teachers, who did not serve [jail] time in their lives (sic). Because of your criminal record, you have to sit and explain yourself and go through those processes. It was as if they were doing it to put it on record.*

Several inferences can be made from the statement provided by P6-Edu which describes the barriers that make it difficult for ex-offenders to fully participate in the labour market. The first being perceived as a threat. P6-Edu believes that the head of the education centre viewed him as a threat because of his past criminal background. P6-Edu was subjected to a body search and the other teachers, who do not have prison records were not searched, which would indicate that he was viewed as untrustworthy and, ultimately, treated differently by the head of the centre because of his criminal past. Therefore, validating his rehabilitation, for instance, entailed being consistently searched for contraband as a way for the institution to protect itself than to support or integrate him as an employee of the school. This experience reflects feelings of marginalisation and distrust, the second stigmatisation, and provides insight into the challenges of social reintegration post-incarceration.

Another participant, P2-Psy, reminisced about the reaction of a human resource official when he declared that he was an ex-lifer, to which she reacted with shock as mentioned below.

> *I once applied for this job and upon disclosing my criminal record to the employer, their [reaction] was, 'Eish, a criminal record.' It surely does raise eyebrows, especially when you served a life sentence. By virtue of being a lifer, they [employers] tell you that you do not qualify and, therefore cannot be considered.*

This statement highlights systemic challenges in employment opportunities for ex-offenders, especially those who served life sentences. It implies that disclosing a criminal record, particularly one involving a life sentence, often leads to immediate disqualification from consideration for a job. This reaction reflects a common societal bias and stigma against individuals with criminal records, because of the assumption that past criminality determines their future capabilities or trustworthiness, despite their rehabilitation efforts through education. Similarly, it can be inferred from the statement below that P3-SoW encountered insurmountable barrier to entering his profession.

> *You come from a 15–17-year sentence, only to be told that you have to wait another 10 years before being cleared and declared fit to practice your profession. It's a perpetual punishment; you are regarded as untrustworthy, because you are still being judged on your past, instead of your present life…like a red dot on a white piece of paper that closes doors for us.*

Due to the relentless stigmatisation, P3-SoW feels that despite having served his sentence, he is still being judged and treated as untrustworthy which prevents him from being fully reintegrated into his profession. The phrase, "you are regarded as untrustworthy serves to underscore the notion that ex-offenders are perceived as a threat and, therefore, incapable of change, while the analogy, a "red dot on a white piece of paper" emphasises how past mistakes overshadow rehabilitation efforts, and how the differential treatment of ex-offenders because of their past, is justified by the employer. Based on the participants' inferences, employers consider ex-offenders as individuals with a blemished or suspicious character whose presence in the organisation poses a risk to the stability of their establishment and their employees (also see Agan & Starr, 2018; Brown, 2011; Chikadzi, 2017; Denver & DeWitt, 2023; Goger et al., 2021; Nee et al., 2022; Working Chance, 2022)) for an overview of the extent to which this finding also affects ex-offender populations in other global research contexts).

Social exclusion invoked feelings/emotions of despair, impatience, pessimism and desperation among the participants. This finding replicates that of Chikadzi (2017) and Pękala-Wojciechowska et al. (2021) which pointed to the existence of a wide range of mental health-related conditions caused by ex-offenders' daily susceptibility to stigmatisation and social exclusion. In conclusion, these results show that the employers' behaviour towards an individual with a criminal record can act as a social handicap which is in opposition to the cornerstone of the reintegration theory in postulating that the success of social reintegration has a binding effect on all actors in various structures of the society. In the context of this study, the word "society" is inclusive of the employer whose role has a bearing on the inclusion or exclusion of ex-offender applicants to obtain gainful employment.

Theme 2: Elicits negative emotions and acts of desperation.

Theme two incorporates two sub-themes to curate participants' personal accounts, highlighting how the stigma of a criminal record has negatively impacted their chances of social reintegration and their emotional well-being, as well as their outlook on future employment opportunities.

Subtheme 1: Negative emotions

Living with the stigma often negatively alters a stigmatised person's mental health and outlook on life (McWilliams & Hunter, 2021). Evidence of this assertion manifested during the interviews with the participants. For example, P3-SoW spoke about a failed attempt to render a skills development service as a sub-contractor at a correctional service facility. P3-SoW recalled how, after approaching the authorities responsible for the training and development portfolio in that organisation, he was impolitely reminded of his past, as follows:

> When I asked them about my ability to facilitate life skills programmes, they refused. They said to me, "even though you are out, you are just a prisoner." They themselves said that and such things are discouraging when they are being said by them.

The emotional impact of this statement is profound in two ways. First, the dismissive attitude and refusal to allow P3-SoW to facilitate life skills programmes is deeply discouraging and demotivating. Second, it reduces the participant's identity to his past incarceration. The conundrum of this statement is that the participant was rejected by a correctional services department, which facilitated his incarceration, rehabilitation and subsequent release from prison. Yet, despite being out of prison, the participant is still perceived and treated as a "prisoner", which reinforces feelings of rejection, worthlessness and deep frustration with a system that continues to judge him based on past mistakes than current abilities.

P5-Law also expressed feelings of frustration and apprehension regarding the prospects of his future employability. He noted the uncertainty of prospects for professional advancement as follows:

> Doing my articles doesn't have any certainties [sic] whether after completing I will be admitted as an attorney…It's really sad that in one's life, previous history can prevent someone from changing [sic]. The government must abolish criminal record declaration, so that people are not discouraged and self-exclude from applying for such posts and opportunities.

Also voicing his feelings of despair and frustration emanating from several job rejections, P4-Law had say.

> I completed an application for admission to become an advocate, but the law council objected that I have a criminal record. Until today, there is no one who can tell me exactly what that has to do with my ability to conduct litigation in the courtroom. I am discouraged to the point where I no longer apply for any government posts, because I already know I won't be considered, and this has nothing to do with my abilities and capabilities.

This statement suggests that P4-Law is significantly demoralised. The repeated rejection has likely contributed to a loss of confidence and a sense of resignation regarding the participant's professional future leading to discouragement and self-exclusion, where the participant has stopped applying for certain positions because of anticipating rejection based solely on his criminal record. This implies that the continuous discrimination based on his criminal past has eroded his motivation and hope for fair and just treatment in the job market. This result irrefutably indicates a broader issue of systemic barriers (Chikadzi et al., 2022) that often lead individuals with a criminal record to withdraw from seeking job opportunities even when they are qualified.

Subtheme 2: Acts of desperation

Ex-offenders' yearning for basic entitlements, such as acceptance, respect, care, self-actualisation, employment, and many others as argued by Hercules (2013) can predispose them to acts of desperation, including doing things that they ordinarily would not do, if the societies in which they live embraced their reintegration, as demonstrated in the following narratives.

4.1. Acceptance of Low-Paying Jobs

Participants expressed how desperation, stemming from unemployment, pressurised them to seek out and accept employment that is often at odds with their qualification level. In this regard, P2-Psy commented:

> A non-governmental organisation (NGO) hooked me up to have something to do while I wait for a vacancy, where I will roll out programmes.

Although the social capital provided by being employed at the NGO is evident, the work is relatively casual, to keep P2-Psy occupied instead of earning an income that matches his level of education. The implication is that the participant's income and job stability are likely limited and short-lived.

Similarly, P3-SW reported doing community work at an NGO to earn a living.

> I am avoiding temptations. To avoid going back to prison, one should have some kind of income than be idle.

An important inference that can be drawn from this extract is that P3-SW is acutely aware that being employed and having an income are crucial factors in avoiding reoffending. This reflects an understanding that stable employment provides not only financial support but also structure, purpose and a sense of responsibility, which are important elements in the desistance discourse (Mdakane, 2016). Criminal desistance is a process by which a person arrives at a permanent state of non-offending and can be attributed to a range of desistance - promoting factors, such as efforts from offenders themselves, social support from 'significant others' such as partners, family and friends, and the business community (former and prospective employers) (Muleya, 2022).

P1-Psy also added,

> Certain gaps open up [for example] where there is no breadwinner, and one ends up working as a security guard with a psychology degree because of the need to support their family.

This statement illustrates that because of economic hardship, formerly incarcerated persons feel pressured to secure an income and prioritise their immediate financial needs over waiting hopelessly for a job that befits their educational qualifications, which might not even materialise, owing to their criminal record. The notion of accepting low-paying jobs was also confirmed by P4-Law, who reflects on this as follows:

> People settle for whatever [because] they are either prevented, rejected or denied the opportunity to exercise or practice in their field of interest, based on their previous convictions.

By settling for "whatever" job is available, the statement underscores the notion that desperation engendered the participants' acceptance of positions that offered lower pay, relative to what they could have earned if they were working in the occupations they are qualified for. Consequently, some level of incongruency exists between their qualifications and current occupation. The implication is that people with criminal records encounter reduced income, financial instability, and limited opportunities for career progression as a direct result of being prevented from working in their chosen fields. This finding is consistent with that of Sheppard and Ricciardelli (2020) whose study identified desperation as an important psychological construct that propelled Canadian ex-offenders to settle for ungratifying jobs as a means of sustaining their livelihood and restoring their sense of purpose in their social settings.

4.2. Seeking Solace in Small-Scale Entrepreneurship Due to Business Red Tape

Despite facing hardships in securing stable employment (Curib et al. (2023)), many ex-offenders still show resilience and determination to rebuild their lives (Mujuzi, 2014). Some have ventured into the entrepreneurial space as a viable and immediate option for them. However, even in this space, a criminal record limits their potential for further development. Realising the limited prospects of finding stable employment, P1-Psy chose to venture into entrepreneurship by becoming a street vendor, selling food and refreshments on the sidewalk of a shopping centre in the city. He contends that in the entrepreneurial space, a criminal record becomes a hindrance to growing one's business. This view was corroborated by P5-Edu who argues that people with a criminal record are disqualified

from venturing into certain business opportunities, such as operating the Uber taxi business. In this regard, P5-Edu reported:

> There are businesses I am not able to explore, like venturing into the Uber taxi industry. For me to do it I would need a car but because they do a criminal record check, I cannot apply.

Based on this statement, it can be inferred that a criminal record severely restricts people's chances to access certain entrepreneurial opportunities, thus narrowing the scope of businesses in which they can work. This shows the pervasive impact of a criminal record, which disqualifies people from obtaining the necessary licenses and permits that would enable them to earn a living. This claim was confirmed by P4-Law, who commented on this as follows:

> A criminal record has the means to prevent one from supporting himself whether you want to establish yourself as an entrepreneur, a manager of your own company, or even acquire a public driving licence permit; it permeates all spheres of life.

The participants inferred that when they apply for funding to grow their small-scale businesses, they are unable to secure funding because of their criminal records (Ntengento, 2023). This finding contradicts the view that, among the ex-offender populations, entrepreneurship is a viable alternative to traditional employment (Centre for Entrepreneurs, 2016). It also demonstrates that in South Africa, due to existing legislative bottlenecks, a criminal record inhibits ex-offenders' ability to formalise and upscale their entrepreneurial ventures (Chikadzi, 2017).

4.3. Concealment of a Criminal Record

Another manifestation of desperation was the concealment of a criminal record as a strategy to gain employment. When the participants were asked to explain whether they disclosed their criminal record when applying for a job and/or invited to a job interview, numerous reasons, aimed at avoiding a negative outcome, were provided, as indicated by P4-Law below:

> I used to fully disclose but now, after learning the difficult way, I am now aware that disclosing such criminal records is to my discredit. I decided not to disclose anymore.

When asked to explain the logic behind the decision not to disclose their criminal record, the participant asserted that honesty does not seem to work for people with criminal records, who are desperately looking for employment. Therefore, to facilitate his chances of success, P4-Law states:

> Because they did not ask anything about it [criminal record], I also did not declare it either. That was a good thing, because had I disclosed it, I doubt I would have had the job. I'm even scared of disclosing. Yes, honesty is the best policy, but it can also be prejudicial. Once you decide to be honest with employers, such honesty works against you.

The participant further asserted:

> The company doesn't know about my criminal record, and I intend on keeping it that way…If they are to find out, then I am going to be dismissed from work.

When asked about the reasons for concealing a criminal record, P3-SW had this response.

> We apply for jobs but once they discover you have a criminal record, it's already a minus 10, regardless of voluntary disclosure. An employer once called me and booked me for fingerprint verification. When the results came back, they indicated that I was a parolee serving a life sentence; hence, they severed the communication.

The finding further indicates that the concealment of a criminal record is an act of desperation widely used by ex-offenders to sway their fortunes by either securing steady employment or being able to keep their jobs (Muthee, 2020). A similar finding was also documented by Chikadzi (2017), Kurtovic and Rovira (2017) and Zand-Kurtovic (2017) from the perspectives of ex-offenders in South Africa, Spain and the Netherlands, respectively.

Theme 3: Formal studies are just a piece of paper.

The United Nations Scientific and Cultural Organisation's Institute for Lifelong Learning regards ex-offenders' acquisition of higher education not only as a basic human right that must be protected at all costs but also as a useful way of broadening their knowledge and skills to augment the prospects of their reintegration into the labour market and society (Macauley, 2022). When asked to evaluate the extent to which their university degrees harnessed their prospects of reintegration into the labour market, the participants' responses suggested that obtaining a university degree is a time-wasting endeavour given the mismatch and incongruency that exist between their qualifications and current employment. In this regard, P1-Psy commented,

> I graduated with a degree in psychology yet I am a cleaner, sweeping the streets. It feels the same as having just wasted my time for doing something I didn't study for.

It can be reasonably assumed from the extract above that the deep sense of disappointment stems from knowing that having a degree in psychology is something that richly attracts decent employment opportunities for his peers, who do not have a criminal record. Thus, doing a job that falls far below his qualification status invokes in P1-Psy feelings of resentment and despondency towards the labour market and education. Similar sentiments were echoed by P5-Law.

> It's like I have a piece of paper that will never work for me. That is like wasting my time by studying something that will never benefit me…meaning I was given information to put in the drain.

The response, "a piece of paper that will never work for me," suggests that P5-Law views his degree as worthless and, therefore, of no value. Correspondingly, the notion of education as a time-wasting endeavour seems to resonate with P3-SoW, who also asserts that the pursuit of higher education has been futile.

> Sometimes, I feel like going to school does not help. It's now been 4 years that I have been doing this voluntary work, and no one will hire me.

Based on these extracts, it can be assumed that the participants conceded that their professional degrees in the fields of law, education, social work and psychology, respectively, were just "a piece of paper", owing to skills mismatch and job incompatibility. Taken together, the participants' narratives suggest that obtaining a university degree during incarceration is a time-wasting endeavour that does not facilitate the reintegration of ex-offenders, if it is not linked to the labour market. This finding supports that of Marlow (2019) whose study established that the unemployment rate among ex-offenders was worryingly high, primarily due to stigmatisation associated with having a criminal record.

5. STUDY LIMITATIONS

Research provides sufficient reports that acknowledge that there could be unexpected limitations brought about by study participants who either ignore interview requests by totally disregarding e-mails or just declining to participate (see (Chipangura, 2016; Owen, 2014; Prinsloo, Classens, Kalima, & Mdakane, 2019)). In this research, the withdrawal of participants reduced the sample size from ten to six participants. Nonetheless, owing to the rapport between the interviewers and interviewees, the sample size did not take away participants' abundant sharing of divergent and convergent subjective perspectives on the research problem. This view is broadly confirmed by Braun and Clarke (2006) stating that, even with a smaller sample, phenomenological studies can yield thick layers of data, comprehensive findings and context-specific solutions to the research problem. Similar to other qualitative studies, in this research, the quality of the experience was fundamentally significant rather than the quantity of the experience – implicitly implying that the generalisation of the results did not constitute part of the study's aim. Nevertheless, the lack of female ex-offender participants in the study is characterised as a limitation that deprived the study of diverse layers of subjective perspectives across different spectrums of gender.

6. CONCLUSION

Ex-offenders are voiceless because their life stories are marginalised. Consequently, lending an ear to those disenfranchised by the criminal record constituted the primary objective of the study. The study contributes to the correctional justice literature in South Africa by reporting on the labour market experiences of ex-offenders with higher education qualifications that warrant registration with professional bodies/councils and access to private practice opportunities or public service employment. Participation in the study provided ex-offenders with a platform to verbalise their worldviews on the state of reintegration into the professional clusters of South Africa's labour market.

The study revealed that having a criminal record can be a social handicap. The findings were organised around themes, such as accepting low-paying jobs, turning to small-scale entrepreneurship and concealment of a criminal record. These themes confirmed the stereotype that ex-offenders are underserving job candidates, which reinforced their sense of exclusion and marginalisation from the labour market.

The findings also showed that through acts of desperation, ex-offenders became casualties of a range of negative emotions, namely frustration, despair and pessimism. Lack of job opportunities has forced them to conceal their criminal records from prospective employers. Therefore, as a form of resignation, they either work in jobs that are at odds with their qualifications and career interests or have accepted lower-paying jobs. In the context of the reintegration discourse, the choice of accepting lower-paying jobs, including those incommensurate with their qualifications can be construed as an attempt to desist from future offending, a practice that translates into a safer society, where ex-offenders are resocialised into the workplace. Based on the participants' job-seeking encounters, the study further ascertained that the pursuit of higher education is perceived as a waste of time if this is not directly linked to employment. This finding confirms that the "status quo" prevails in South Africa where the reintegration of ex-offenders into the professional clusters of the labour market remains a challenge due to indiscriminate exclusionary practices that bar ex-offenders from joining the labour market, despite possessing the relevant qualifications. From a policy perspective, the study shows that social reintegration in South Africa is slow and that society does not accommodate people who have a criminal record because of stigma and discrimination.

To provide relief to those disenfranchised due to having a criminal record, the study recommends that

- Policy transformation that allows the government to play a more proactive role in monitoring the labour market's enforcement of diversity and social cohesion policies to increase the fluency of ex-offenders' reintegration into steady employment
- Consideration be given to ex-offenders' constitutionally prescribed rights to equality and dignity, specifically as it pertains to access to public funding for SMMEs, so that ex-offenders can get the financial support to start or expand their small business ventures.

According to VanWyk (2014), formerly incarcerated people can use entrepreneurship as an opportunity "to find community acceptance, financial stability and socialisation." Therefore, this small-scale study should be seen as a baseline for future research (Muleya, 2022).

It extends an invitation to prospective researchers to explore other dimensions of the topic, using research methods that can enable them to draw larger samples across all genders and racial spectrums, beyond the contexts of Gauteng province.

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