Prison Labor, Employment Inclusion for Ex-Prisoner Laborers and CSR

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Abstract: The purpose of this study is to analyze prison labor for those deprived of freedom as well as ex-prisoners who enter the labor market, taking as a case study a company that accepts them as part of its social responsibility strategy. Through in-depth interviews, the relationships among the company, the NGO, the prison and the ex-prisoner are identified. Based on qualitative data, the advantages and disadvantages of this program are analyzed by incorporating prisoners as part of the prison system as well as ex-prisoners who are integrated into the company's working life as part of a reintegration program. Finally, considerations are shared to carry out these programs.

Key words: Prison labor, labor inclusion, CSR, NGO, program, strategy

INTRODUCTION

Prison labor has been an international strategy to re-educate and re-enable prisoners in prisons. This strategy has not been exempt from the criticism of labor exploitation. Although, the public calls them inmates, prisoners or persons in custody, the term “person deprived of freedom” must be used according to the International Labor Organization (Anonymous, 2016). There is also a clear policy that guides the criteria for incorporating a labor force within prisons. Milman-Sivan (2013) argues that prison labor should be voluntary (not forced) and must be conducted under market conditions. Despite the criticism that prison labor is a form of labor exploitation, there are few studies that address it. The objective of this study is to analyze the subject of prison labor as well as the labor inclusion of these workers as part of the Corporate Social Responsibility (CSR) program of an industrial company located in Northeastern Mexico. The methodology is based on the grounded theory (Corbin and Strauss, 2015). From an analysis of the interviews, the relationship among a company an NGO that provides guidance to prisoners and the prison is established. Based on a qualitative analysis, the advantages and disadvantages of both prison labor and the integration of people deprived of their freedom into formal work in the industry are determined as part of their reintegration process and within the framework of a CSR program.

In relation to the reintegration into work of people deprived of their freedom, their return to work is presented as a problematic and challenging issue. Not only must the normal difficulties associated with the dynamics of the labor market be taken into consideration but the social prejudices and institutional constraints that tend to perpetuate the exclusion of individuals subject to criminal justice must also be considered.

Through various experiences, it is observed that the labor reintegration of people deprived of their freedom increases the possibilities of social rehabilitation, reduces the possibility of accumulating crimes again and consequently, reduces costs for the state. As a consequence, a more inclusive and peaceful community can be achieved.

On the other hand, at a global level, it can be affirmed that there is a true social concern regarding the subjects of penitentiaries. This is evidenced by the increase in the number of people deprived of their freedom, their repeated accumulation of crimes and the saturation of penitentiaries in regions such as Latin America. The
efficiency of social rehabilitation programs, among them the efforts for reintegration into labor is a priority that needs studying to analyze the benefits and consequences of these programs to achieve proper reintegration of the ex-prisoner.

To respond to this, it is necessary to reduce the limitations that prevent persons deprived of their freedom from being completely reintegrated. Replacing the lack of skills and lack of education, increasing employability of the individual, ensuring the protection of family ties and mediating in discrimination are all required. Additionally, overcoming the social stigma that the population and the business sector links with this group (Calzolari, 2013) is also needed. In the context of the case under study, only 1% of the people deprived of their freedom are undergraduates and 82% have not even completed high school. This is a minimum requirement for access to formal work in most industries (Anonymous, 2015a-c).

To achieve this, engaging a network of public and private players who through their functions, institutional positions and resources, direct their actions toward society and an inclusive labor market is mandatory. It is a priority to recognize that those deprived of their freedom represent a group at risk of being excluded and have needs and deficiencies that need to be addressed. An international effort focused on mutual learning and exchange of positive experiences as well as lessons learned by the competent authorities and the various parties involved is needed (Calzolari, 2013).

The issue of reintegration has a strong link with CSR as its purpose is for the company to return to the society what has benefited from it (Anonymous, 2015a-c). However, in a limited way, CSR has been seen in some cases only as a way to grant donations or to correct the inadequate decisions made by companies. However, charitable actions have little to do with the core of the business. It is necessary to link the practice of CSR with what society needs and the issue of labor reintegration due to its social consequences is a priority for Mexican society.

Labor reintegration in penitentiaries in Mexico:
Regarding labor reintegration in prisons in Mexico, according to Azaola there are more than 250,000 Mexicans in prison of them, the total number of women is 11,000. Additionally, according to Anonymous (2015a-c), nationwide in Mexico, the number of persons deprived of their freedom and sentenced for crimes of common and federal jurisdiction has been increasing in recent years.

Specifically, in Mexico, there are 12 federal penitentiaries with 19,500 inmates; most of the inmates are there for crimes against health, particularly those related to drug trafficking. Nationwide in Mexico, there are 233,537 people deprived of their freedom (including state and federal jurisdiction) with infrastructure limited to 169,900 inmates (Hernandez, 2015). The above figures reveal two problems. On the one hand, an increase in crime. On the other hand, an insufficiency to adequately respond to the challenges of the penitentiary system at a national level. Both problems justify the need to emphatically work on labor reintegration programs for people deprived of their freedom.

According to Azaola, the penitentiary system in Mexico has followed a wrong path since it maintains a strategy of hermeticism in which society seems not to be interested. The concept of social reintegration should consider decent living conditions for people in detention and respect for their rights. It is also necessary to consider offering employment opportunities to ex-prisoners who initiate the process of labor reintegration as a form of CSR.

Thanks to prison labor, people deprived of their freedom can find a way to support their family and have a way to work. This is a priority in regions like Mexico where the prison system issue has aggravated. The deployment of these programs seeks both better social rehabilitation and obtaining income for inmates and their families.

Thus, prisons in Mexico have these main objectives: a productive activity that allows the investment of free time and offers opportunities for behavioral change and better integration after release and increasing self-esteem among inmates by their obtaining a fair wage and being productive (Anonymous, 2010). However, not all jobs allow the development of skills that favor integration according to the needs of the labor market. Some of them are manual labor (for example, handicrafts) but industrial jobs are the ones that increase future possibilities of labor reintegration into the country’s productive scheme.

Prison industry program in Mexico: In Mexico, the prison industry program (Moran, 2013) was born to make it less difficult for people deprived of their freedom to stay in state prisons including women who do time in these prisons. This program benefits more than 600 people in states such as Coahuila and Nuevo Leon who are engaged in various productive activities on a daily basis (Montes, 2011). In addition, the director of the prison center in Saltillo, Coahuila, Mexico, justified the prison industry program and recognized that this program allows inmates to partake in positive activities that help them generate income. In addition, showing good discipline is taken into account by the judge at the time of proceedings before their release, thus, reducing the sentence.
The meanings of work for those deprived of liberty are: occupational therapy, generation of income for family support, self-esteem and future perspective. Money which is a product of the work by people deprived of their freedom, serves to economically support their families. Even though their families were left helpless, through these kinds of programs, inmates are allowed to help their families from jail and they are not just occupational therapy (Montes, 2011). The inclusion of such programs has been accompanied by supervision by the National Human Rights Commission which ensures respect for the rights of individuals and their reintegration into society (Puente, 2008).

MATERIALS AND METHODS

Case study: The case study is on a company dedicated to the commercialization of personal protection equipment located in Northeastern Mexico. The products manufactured by the company are very diverse and all of them are related to industrial safety. The workforce comprises more than 1,300 employees. In addition, to the Northeast region, it manages operations in other cities of the country. The marketing of its products focuses on North, Central and South America and Europe. It is an innovative company and it has the largest number of patents documented in Mexico on security. It is also a company focused on quality for it has received many prizes and certifications in quality and social responsibility. It is a company that directs important efforts in training and human development. This company was selected as few companies have ventured into this type of work and this particular company has formalized the prison labor model. Its formality is evidenced by the processes followed in its close connection with the prison and with the NGO that supports labor reintegration. In addition, a second criterion for its selection is the fact that this company integrates prison labor with labor reintegration once the individual has been released.

The interviews were semi-structured and covered three main areas: the challenges posed by the relationship between the company and the prisoners in terms of prison labor, the relationship between the company and the ex-prisoners regarding labor inclusion and the participation of an NGO in prison labor issues and the labor inclusion of prisoners as well as the benefits of prison labor (personal/family/work) from the perspective of the people deprived of their freedom.

The objective of analyzing the existing relationships between an NGO and the business environment has already been studied by several researchers such as Rodriguez et al. (2013) who share a conceptual model to represent the collaboration between both entities through voluntary and cooperative agreements. The above came with the interest of improving the competitive position and performance of companies and organizations. Although, previous studies linking the company with the NGO in the topic of prison labor already exist, there is no academic study that incorporates the contributions of each involved entity.

Specifically, three semi-structured interview guides were used under a narrative design approach where the research team collected data on narrated experiences to describe and analyze them. According to Hernandez-Sampieri et al. (2006), from this information the researcher identifies emerging categories in the narrative data. The method of semi-structured interviews has been widely reported in the literature. For example, Schikowski et al. use it to study labor issues among people with disabilities. It is a useful method when it comes to emerging issues where there are insufficient previous studies such as the subject of this study.

Data collection procedures: For the company interviews, participants were personally contacted and individually interviewed at the company’s premises. In the case of the NGO, participants were individually contacted and interviewed at the institution’s premises. For the interviews with people deprived of their freedom, participants were contacted through a printed form and their answers were collected through the prison center. Participants gave their consent for the information collected to be published. Interviews were carried out at the company’s premises and at the prison and audio recordings were taken for later transcription and categorization of the answers. The average duration of each interview was between 30 min and 1 h.

After analyzing the data, the main findings were presented to the representatives of the company and the NGO.

RESULTS AND DISCUSSION

Analysis of interviews: Analysis of the qualitative data obtained through the interviews was done through analytical frameworks. The analytical frameworks were designed with reference to the interview questions. After transcribing the interviews, all the responses provided by the participants were read. The answers were pooled according to the topics of the previously designed analysis frameworks. The analysis includes some excerpts from the dialogs that were selected to exemplify these categories and a more detailed description of each topic was provided. In the excerpts, participants were identified.
by codes which correspond to the number of the interview. The information retrieved from the direct interviews was first audiotaped and then classified in order to present a better analysis (Table 1).

The information was arranged and processed to generate a scheme that clearly reflected the advantages and disadvantages of the topic of prison labor as well as the inclusion of ex-prisoners in labor sources. Taking Ruiz (2005) as reference, the answers to the interview questions were classified using content analysis.

However, for the sake of the interviews, the contributions of Esteban et al. (2014), Calzolari (2013), Montes (2011), Anonymous (2011), Pelaez (2008), Anonymous (2015a-c) and Anonymous (2010) on the topics of prison labor and labor reintegration of ex-prisoners were taken into consideration.

In the researches by these researchers, we find key and relevant elements in relation to prison work and the labor inclusion of prisoners as well as the challenges and challenges that this entails. Prison labor is a way for the future reintegration of people deprived of their freedom (Esteban et al., 2014; Calzolari, 2013; Montes, 2011; Anonymous, 2011; Pelaez, 2014; Anonymous, 2015; Anonymous, 2010). This is due to its therapeutic, educational and training effects that help in the re-socialization process of the prisoner and their future reintegration into the workplace. In addition, a content analysis of the reports and information prepared by the company was conducted to complement the information provided herein. Due to confidentiality considerations, the names of the individuals, institutions except for those that are official agencies and geographical places where the facilities are located are omitted. However, the challenges and the way in which they have been answered are presented in full.

In this study, an analysis of the interviews carried out in the order presented in Table 1 is conducted. The first part presents the results of interviews 1 and 2 that correspond to the human development manager and head of personnel development of the company. The second part presents the most relevant results of interviews 3 and 4 that correspond to the head of community service and community service coordination of the NGO. The third part presents some of the most relevant fragments that were taken from the written interviews of the people deprived of their freedom (5-15).

Part 1: Excerpts from interviews (1 and 2) with company directors on prison labor:

"The concern of the founder of the company came up as part of his sense of social responsibility toward people deprived of their freedom. The situation of prisoners made many families disengaged. Usually, the wife was in charge of the children and she had to find a way to obtain economic sustenance to feed the family which in the end ended in a definitive separation from the spouse" (Interview 1, p. 3)

As can be analyzed, behind the prison labor and the reintegration process of people deprived of their freedom, it is possible to find a strong link with the director’s sense of social responsibility and a concern for the family situation experienced by people living in this situation.

In line with the founder’s business philosophy, the company decided to install a production plant in a penitentiary. This decision was based on the
government's proposal named “Programa Jale” (slang for job (jale)). The “Jale” program represented strategic advantages for the company.

“In relation to prison labor, one of the advantages for the company is that we do not pay taxes; Fomento Laboral (Labor promotion) gives us an invoice that can be deductible (for tax purposes). There is no social security because they do not have that legal personality and they are provided with services at the prison center. Obviously, there are tax benefits for the company [...] The inmates are paid with money; the problem is that inside a prison, money can be a reason for extortion by the other inmates, so, we are exploring paying with cards, so that, the benefit reaches the family” (Interview 1, p. 4)

According to Anonymous (2011), the company follows the fifth modality of penitentiary work which is the work offered by a private company but within the penitentiary. It is a private company that has work units in three penitentiaries in Northeastern Mexico.

In addition, with Anonymous (2011) as a reference, the case study presents a mode of dependent work, since, they have work units within the area of imprisonment whose management is assumed by the personnel of the company. Yet, some of those people deprived of their freedom conduct not just operation but also coordination processes which gives a mixed approach to the labor scheme.

“Inside the prison center, inmates must follow the company’s processes. For example, there is a plant supervisor who is an inmate, there is an accountant and we also have facilitators in each area. In addition, the areas of quality and packaging are also operated by people who are in jail. External people are too few to handle a plant of that magnitude, we trust (internal) people a lot” (Interview 1, p. 6)

In line with the findings of Calzolari (2013), participation in the penitentiary industry develops occupational skills in people deprived of their freedom, who later benefit therefrom during their possible labor reintegration. The same company provides possibilities of labor integration once released.

“We also hire people who are ex-prisoners. The hiring process is similar to that of any other person. To begin the recruitment, the human development manager conducts an interview and the personnel recruitment coordinator is in charge of the entire process”. “The company omits the request for the letter of absence of criminal records as this is one of the main obstacles for former inmates when finding a job. Also, people who test positive for the consumption of drugs in the anti-doping tests will be followed up. For us, the filter by RENACE (NGO) is a guarantee; that is sufficient to guarantee that this person will perform well and will not cause problems” (Interview 2, p. 2, 3)

With regard to the case study and in line with the results of Calzolari (2013) where it was exposed that prison labor allows occupational integration and the reduction of accumulation of crimes, 10 ex-prisoners have been integrated into the labor life of the company.

“Currently 10 people from the RENACE program have been integrated with us and are working in the parent plant located in Nuevo Leon” (Interview 2, p. 2, 3)

“The profile of former prisoners is also a variable to be analyzed. The main cases are those who entered with the classification of being first-time offenders as well as others who have spent much time in prison”. “In relation to those who are currently working, the people at the plant are very happy. They are very hard workers, they are quite motivated; we thought that there would be labor resistance but this was not the case. The staff has received them very well. I think that having a culture of values has been fundamental for the success of these cases of labor integration” (Interview 1, p. 7, 8)

Somehow with this project, the company socially responds to an environmental issue with a transformative strategy in the face of social challenges and challenges (Abenoza and Lozano, 2014). In addition, the interview reflects important aspects such as the style of leadership of the entrepreneur based on values, the linking of the company with the government to be able to execute such labor initiatives and clear benefits to the inmates and their families. Training acquired in the production line is not
supported by any training institution. In that sense, a
divergence is observed with the analysis carried out by
Calzolari (2013) where he presents the need to grant
formal accreditations and certifications that support the
employability of the future ex-prisoner. In this case, it is
necessary to formalize efforts to be able to develop
training programs according to the interests and profiles
of people deprived of their freedom which will allow them
to enter the labor market in the future.

“We have bosses, supervisors, a very complete
team to give these people full attention and give
them the tools they need including training they
obviously need before they start working with us” (Interview 1, p. 4)

“There are state scholarship programs on the
subject of training but these are denied when it
comes to prison centers. For this reason, all
training is based on own experience. To mention
one example, learning to sew takes a 90 day
training onsite” (Interview 1, p. 6)

After analyzing the case study, it is perceived that
this company is working in the penitentiaries of the
region, where the skills developed during production
duties are limited to the features of the functions
performed. However, the high level of concentration
favors the productivity and creativity of inmates.

“Their performance levels are higher than the
standards we have at other plants. This is
supported by the high concentration of
prisoners at work. Somehow it can be said that
not having to worry about issues of daily life
outside allows them to focus their attention on
work. We have found that they are very
creative, they make intuitive improvements in the
times and movements that help them in
operational efficiency” (Interview 1, p. 7)

Skills developed through experience are very
specific and in situ and not easily replicated in other
high-technology industries. In this sense, there is a
departure from what Calzolari (2013) and Esteban et al.
(2014) proposed regarding the expected outcome of the
training processes of people deprived of their freedom
and their future employability and reintegration into the
labor market. On the other hand, penitentiary work
imposes labor relati...
Table 2: Prison labor and labor inclusion

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<tr>
<th>Entities</th>
<th>Advantages</th>
<th>Disadvantages</th>
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<tbody>
<tr>
<td>Business</td>
<td>Reduction of costs (labor benefits)</td>
<td>Modification of labor policies</td>
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<td></td>
<td>Tax support</td>
<td>Job resistance to work in a penitentiary</td>
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<td>Productive efficiency</td>
<td>Job resistance due to the inclusion of ex-prisoners in the company</td>
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<td>Labor inclusion</td>
<td>Access limitations of the prison center</td>
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<td></td>
<td>Social responsibility</td>
<td>Possible criticism of labor exploitation</td>
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<td>Congruence in values</td>
<td>Direct support and efforts to ex-prisoners who accumulate crime’s again</td>
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<td>NGO</td>
<td>Guaranteeing human rights in the process of social and labor reintegration</td>
<td>Risk of recommending an ex-prisoner not fit for a company to perform a formal</td>
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<td>Legal, labor and family support for labor reintegration</td>
<td>job</td>
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<td>Prison center</td>
<td>Reduce saturation</td>
<td>Risk of insecurity situations due to the company’s productive flow in</td>
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<td>Criminal reintegration of a repeat offender is avoided</td>
<td>the prison center</td>
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<td>Meet the expectations of formally re-adapting the ex-prisoner</td>
<td>Possible problems of extortion in the prison (money for protection) between</td>
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<td></td>
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<td>the prisoners</td>
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<td>Person deprived</td>
<td>Job opportunity</td>
<td>They do not have the labor benefits that every worker has by law of freedom</td>
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<td></td>
<td>Income for the family</td>
<td>Receiving income can result in internal extortion</td>
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<td>Occupational therapy, self-esteem</td>
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<td>Development of work experience</td>
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Own elaboration

"The number of repeated accumulation of crimes by beneficiaries of the reintegration program is 1% versus 30% of people who do not have access to this type of program" (Interview 4, p. 1)

This shows how the skills developed within the penitentiary favor labor reintegration once freedom is achieved. Likewise, the possibilities of repeated accumulation of crimes are reduced which is the ultimate aim of this type of project.

Part 3: Excerpts from interviews (5-15) with people deprived of their freedom at the prison:

"Being in jail should be optimistic, work does not help us feel useful, we spend time on something useful and put great effort to earn money to support the family and children who need us" (Interview 5, p. 1)

"Being in jail is sad but we should not live thinking like this because everything looks gloomier. It is better to think that someday we will be useful to society and that we will be with our family" (Interview 6, p. 1)

"We pay for the mistakes that we made with jail and we have lost our freedom because of these. But in this situation, there is nothing left but to learn and working inside helps a lot; it makes us grow as people, it raises our self-esteem in the hope that we will have a second chance" (Interview 7, p. 1)

"Thanks to the work inside the prison, we send money every month. It is not a fortune but at least from there I help support my small family" (Interview 9, p. 1)

Based on the above interviews, it is argued that there are impacts on the families of those who work in prison within the prison industry program. This type of employment allows prisoners to use their time gainfully and also helps them to earn an income that is subsequently sent for the support of the family. The role of the breadwinner is vital to support the family structure as documented by Hamas (2014) where he analyzed a series of court cases that dealt with the issue of child support.

Advantages and disadvantages of prison labor and labor inclusion: Based on the research methodology of the grounded theory (Corbin and Strauss, 2015), the contents of the interviews were codified. For this purpose, the data set was analyzed independently which resulted in an open coding to inductively generate a first list of codes that were then pooled by topic.

When the range of generated codes was visualized, the similar codes were grouped. Example: Interview 6. Advantage for the person deprived of freedom (Occupational therapy): “We spend our time doing something useful”.

In the next phase, new concepts were codified that were not included in the initial codification. Example: interview 2. Disadvantages for the company (Change of labor policies): “People who test positive for the consumption of drugs in the anti-doping tests will be followed up.” In the third step, redundancies in the concepts were eliminated and the resulting concepts were defined.
From the analysis of the advantages and disadvantages, Table 2 is proposed. It deals with prison labor and labor inclusion of those involved in prison labor: the company, NGO, the prison and persons deprived of freedom. This table can be useful for companies that decide to enter into systems of labor inclusion of ex-prisoners and prison labor.

CONCLUSION

The programs dedicated to the labor reintegration of people deprived of their freedom to work life are a requirement in terms of guaranteeing human rights and future reintegration. This requires working in a comprehensive way with three entities: prison centers which is the first contact of people deprived of their freedom, that plan to prepare for a future reintegration into labor; NGOs which focus on legal, psychological, emotional and labor competencies to achieve the future reintegration of people deprived of their freedom and the business sector which can act in the following two ways: through the penitentiary industry by creating jobs for people deprived of their freedom in the same prison centers and by participating as a member in the reintegration programs when ex-prisoners are incorporated into the labor staff. Carrying out a project of this nature needs the maintenance of close and follow-up interactions with prisons and NGOs involved in prison reintegration programs.

Taking the results obtained and the efforts made in previous studies as reference, the success of the programs aimed at the reintegration of labor in Mexico may be reflected in the following benefits.

Decongestion of the penitentiary system. As already explained in Mexico, prisons are overloaded compared with their capacity. Improvement in citizen security. Repeated accumulation of crimes by ex-prisoners is significantly avoided as reported by civil society organizations working in favor of these causes.

Incorporation into the formal employment system and access to the social and economic benefits that workers receive. Strengthening family integration, since, ex-prisoners seek to be an economic support for the family. This type of program contributes to safer cities and to more dignified spaces for life in general.

RECOMMENDATIONS

To avoid situations of labor exploitation, emphasis is placed on the importance of the NGO for monitoring the respect for human rights. In addition, the business sector must assume that this type of project is part of a CSR program that responds to the social challenges presented by the region.

Finally, the state should be clear that a security system implies not just confronting crime in the streets. Such a system involves promoting, designing and implementing smart strategies such as the penitentiary industry and job reintegration programs. The difficulties involved in the reintegration of persons deprived of their freedom are manifold. They are not valid excuses, though, to prevent the emergence of such programs. In the same way, companies must recognize that these systems of labor inclusion contribute to safer cities. As a consequence, a business sector with lower risks of being affected by delinquency is achieved. In this sense, a socially responsible Mexican company that bets on the labor reintegration of people deprived of their freedom responds effectively to the challenges and challenges that the society demands.

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