

EEOC GIVES GUIDANCE FOR BACKGROUND CHECKS



The Equal Employment Opportunity Commission is offering some guidance when it comes down to background checks that employers perform in order to find out more about potential candidates who have applied for the position. The EEOC says that employers are legally allowed to review criminal records of the potential candidates when it comes down to the decision as to where they will hire the individual. However, policies that some employers already have set in place, in which applicants must not have ever been convicted, could end up being in violation of employment discrimination laws for one primary reason. Minorities are statistically known to have higher conviction rates than their counterparts, which could lead to some suing due to racial discrimination, as these individuals may end up being denied a position that they applied to because of what shows up on their individual background check. One member of the commission, Stuart Ishimaru, believes that African-American and Latino individuals often have a hard time finding employment after they get out of prison, which seems to cause a chain circle of events. However, employers are arguing that background checks are necessary and vital because it is the best way to find out more about what a person has done or is capable of doing. It is needed in order to ensure customers of companies are, in fact, safe when shopping. These background checks are performed to weed out the bad seeds. However, the EEOC wants to set a new standard, in which applicants will have the opportunity to explain their background and any reports they may have of misconduct before just being immediately rejected. When given a chance to explain the situation at hands, employers may change their mind because then they will know and understand the reason behind what the individual did in his or her past. It is possible for people to change and when given a chance to explain, employers may realize that the individual has completely changed. The EEOC also believes that the employers should no longer ask about convictions that have happened in the past. Those who have been arrested but were not convicted should also not be denied employment. This guidance does not mean employers are forced to follow but it does provide employers with information they need to know about, especially if they do not want to violate the law during the hiring process. This is the best way for companies to avoid any lawsuits from being filed against them in the future. These guidelines are the first time that the EEOC has made updates to its policy when it comes down to the aspect of background checks that are performed.

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