

EEOC PROVIDES GUIDANCE ON EMPLOYMENT



During the end of April this year, the Equal Employment Opportunity Commission had approved in a vote of 4-1 to allow updates to be made when it came down to how employers use criminal background checks when considering potential applicants for the position. The guidance was needed as a way of helping different organizations in America. Any employers who are not sure about the new guidelines can easily visit the Equal Employment Opportunity Commission's website. The website provides information that employers and employees should and definitely need to know about. The Chair of the EEOC, Jacqueline A. Berrien, says that the new guidance is basically an update to a policy that has been around for several decades and has much to do with the past arrest and/or convictions of people who are trying to find employment. The guidance is designed to help job seekers as well as employers to find an equal median. The guidance also outlines particular scenarios in which criminal background checks would not have a significant impact on their employment. Under the new guidance, certain employers can be liable if evidence shows that the employer has screened out specific groups of applicants based on their sex, origin, or race simply because they had a past criminal background or arrest record. An arrest record should also not be means for denying someone of an employment opportunity, simply because an arrest record does not necessarily mean that some sort of criminal act has actually taken place, which is why it would generally need to be looked into further. In the meantime, employers can base their decision on the underlying issue behind the arrest, if that particular issue is known. Employers can decide if an individual is unfit for a particular position based on the kind of position along with the reason for their arrest or for criminal acts that they were responsible for in the past. The EEOC felt as though it was necessary to update the guidelines because without an update, there would repeatedly be a vicious circle for people who have prior arrest records and are looking to do the right thing, finding employment and staying off of the streets and out of trouble. If employers are constantly denying these individuals jobs because of their past, they often have no option left and end up back on the streets, doing what they did before, the type of things that got them arrested in the first place, which is basically the vicious cycle that can now be broken with these new guidelines in place. This also means that people with an arrest record will not necessarily be turned away for certain jobs just because of their criminal history in the past.

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