

PRE-EMPLOYMENT CHECKS

Do you conduct pre-employment checks before you recruit a new employee? Do you do it correctly?

Conducting pre-employment checks should always be a must do in your recruitment process. It is at the shortlisting stage before a potential offer is made to a candidate that an employer should conduct background checks in order to firstly ascertain can the candidate do the job.

The pre-employment checks can help prevent you from hiring the wrong person that is the wrong fit for your organisation and your current employees. A bad hire will lead to an increase of turnover. This will affect your reputation as an employer and increase the time and cost you spend on the recruitment process. On a more serious note, hiring the wrong employee can lead to legal implications resulting in cost to the company and damage to your reputation as an employer.

Examples of some checks that you can conduct to help you make the right hiring decision:

Criminal Background Checks:

As an employer you may feel you want to include criminal background checks as part of your background checks policy. However, employers should now be aware that the Criminal Justice (Spent Convictions) Bill 2012 was passed in the Dail in Jan 2016 and will become known as the Criminal Justice (Spent Convictions and certain Disclosure) Act 2016.

The Act was introduced to assist people in employment who are met with barriers due to historic convictions. The Act will also assist people who committed a minor offence as a teenager which still effects them as an adult especially if they need to be Garda vetted for a position. Specified minor convictions that are more than 7 years old will become known as “Spent”. This will mean that applicants will no longer be obligated by law or by general agreement to declare the conviction or circumstances relating to the conviction to potential employers. Minor offences include anything from a motor to a public order offence. More serious crimes i.e. sexual offences these will not be “spent” which will mean that the applicant is obliged to declare such information to the potential employer.

If you are aware of a previous conviction committed by a candidate as an employer you should take an open mind of the nature of the offence and any extenuating circumstances in relation to the offence. However as an employer you do have a legal obligation to protect employees and customers and to provide a safe working environment. Given the increased restriction around disclosure of prior convictions, employers may need to explore alternative methods of screening prospective employees.

Verbal / Written References:

The most relied upon form of a pre-employment check is a verbal reference from a previous employer as opposed to pre written references. Ensure you ask the applicant for their permission to contact the referee. You should be asking standardised questions for all applicants. You should never ask for personal information about the applicant. All questions should be related to the candidate’s abilities and aptitude for the job. Ensure you confirm the job title of the person giving the reference to ensure it’s not a former work colleague with no authority to give the reference. Best practice would be to receive at least 2 references from 2 previous employers or a manager who has sufficient experience of the applicant to recommend them for the role. The same principals should be used with written

references. Use a standardised form for all applicants using questions that seek to probe the applicant's ability and aptitude for the job

Right To Work In The Country:

If an applicant is a foreign national you must verify original documents to verify their "right to work". We would recommend that during the recruitment process you require valid documents such as a passport to prove a candidate's entitlement to work in Ireland before they begin employment. Requests should be made to all candidates in order to prevent claims of discrimination. You must request the original document, e.g. passport, GNIB card, etc. and be satisfied that the potential employee is the rightful holder. Compare both GNIB and Passport to ensure it's the same person. Beware that there is a high rate of people with no GNIB cards that will borrow one from a friend in order to get work.

Social Media As A Form Of References:

Employers may deny or not be open about the fact they to use social media as a means to look at a candidates background but there is no doubt that there has been an increase of employers using social media to check a candidate's background. As an employer you are at risk of breaching Data Protection of a candidate. It is fair say checking a candidates social media such as Facebook, Linked in, Twitter can give you a more comprehensive view of a candidates personality and potentially an indicator of how they would represent the company however you are also more likely to gain personal information about the applicant such as age, family status or religion therefore causing you to be potentially biased in making your decision.

The golden rules when completing pre-employment checks:

- Let candidates know in advance the process of the pre-employment checks you will be doing.
- Be compliant with data protection law and ensure non-discrimination.
- Ensure questions asked and information required are relevant to the role that you are filling.
- Make your decision is based on facts and not on opinions.

The HR Suite can advise you and your organisation on how to be proactive in managing the recruitment aspects of your business. If you require further information, please do not hesitate to contact us on (066) 7102887 or (01) 901 4335.

Jennifer Marshall, Recruitment Consultant