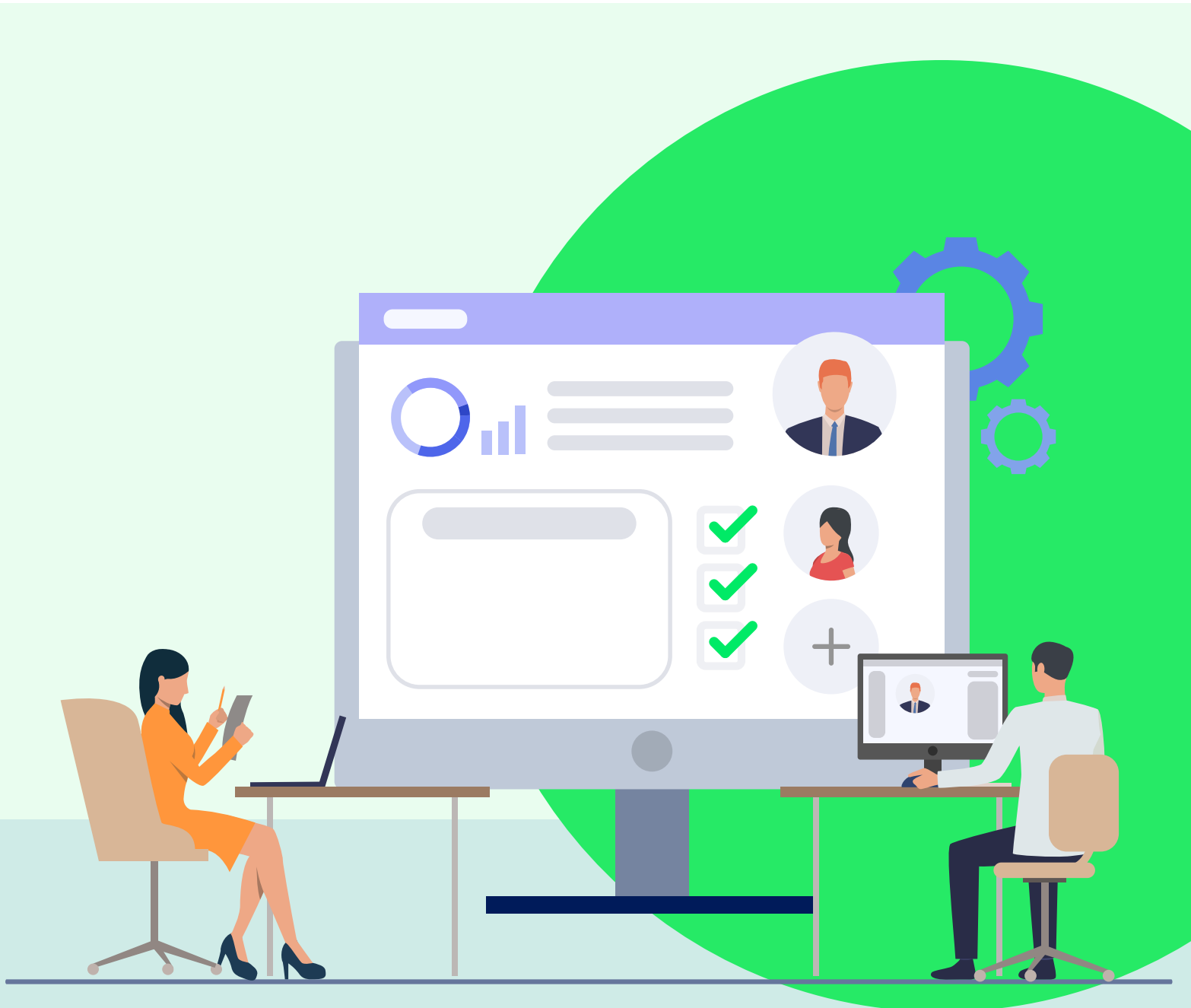




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Addressing Unconscious Bias in Background Checks and Hiring Practices



Everyone has preconceptions—purely human nature. Bias is not inherently detrimental either—it is a part of what differentiates our perspectives. However, unchecked bias can lead to prejudice and even discrimination. There are many places where, as a society, we agree that bias has no place. However, unconscious and unacknowledged bias is still a problem in many areas. It's especially true in employment, where unconscious bias in background checks can be a serious issue.

To mitigate the impact of bias, we must first recognize and understand it. Without such efforts, prejudice creeps in quickly and unnoticed. Consider the courtroom as an example. We select juries through a careful selection process to identify biases that could affect the outcome of the case. Likewise, judges must work to consciously set aside their own thoughts and feelings to be impartial. Though the stakes aren't as high as a trial, hiring managers must make similar efforts nowadays.

Without a concerted effort to recognize and root out bias, organizations can undermine themselves, not achieve their full potential, and fail to establish a free and fair company culture. A lack of diversity can develop, which in turn can lead to limited perspectives and decreased effectiveness. Simultaneously, it is still vital to use background checks appropriately—they are a fundamental part of your due diligence. How can you balance these competing interests in your recruitment process?

This white paper examines how bias can impact your screening and hiring processes. We'll explore why unconscious bias must not become normalized in your workflows. We'll also discuss some mitigation strategies you can implement in your company.

How Can Unconscious Bias Impact Background Check Results?

To understand the influence of bias in background checks and hiring, we should first explore **what types of unconscious bias exist**.

Names can sometimes prompt unintentional associations or prejudices. Research has shown that in some contexts, people may form hasty impressions or make assumptions based on a person's name, even without realizing it. This unconscious bias can lead to unfair treatment or missed opportunities. Awareness of this tendency and objectively evaluating each individual, regardless of their name, is pivotal for promoting fairness and inclusion.

The results of a background check screening can also trigger biases. No matter how minor, the mere presence of a criminal record might immediately create hesitation toward a candidate, even when the candidate is eminently qualified for the role. Biases might emerge against specific crime categories, such as drug offenses. Employers may make decisions about individuals that aren't grounded in fundamental considerations but personal feelings.

Still, not all adverse reactions to a background check result are due to bias. Some information should be of genuine concern—and make vetting indispensable. However, employers must understand that it's vital to eliminate potential bias throughout the process. Prejudiced decisions impact the quality of your workforce and could even expose you to future legal liabilities.

Unconscious or not, relying on unfair decision making can turn into patterns of discriminatory behavior against specific groups. Ultimately – a weighty risk factor. Many companies have faced and lost lawsuits alleging unfair hiring practices. That ranks among the gravest potential consequences of not controlling bias, but there are other effects.

The Effects of Leaning on Bias During Pre-Employment Screenings

Many companies claim to pursue a more diverse workplace. Some make honest efforts towards those goals; others merely pay lip service. There are good reasons to aim for more diversity, which we'll touch on later. When you invest sincerely in multiplicity, bias in your screening procedures can send you back to the drawing board. Some of the adverse effects of unchecked bias include the following:

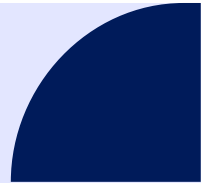
————— **You may pass over otherwise highly qualified candidates without a valid reason.** Bias inflates and exaggerates negative perceptions. A relatively minor issue might mean losing the individual who's ideally suited to your vacancy.

- **You sacrifice the chance to bring in new perspectives and fresh ideas from those with different experiences.** Bias may lead you to discount or ignore what someone offers your organization due to invalid perceptions.
- **Hiring becomes more challenging.** Few candidates may seem like a good match when bias taints the process.
- **You could lose opportunities to attract talented individuals** because you develop a reputation as a challenging place for specific individuals to find work.
- **You could face civil lawsuits or allegations of violating federal non-discrimination laws.**

You don't have to give everyone the green light—but you should remain alert that bias can creep in and take proactive steps to eradicate it.



Minimizing Unconscious Bias in Your Hiring



You can implement several strategies in your business towards eradicating bias. Some approaches are appropriate for all businesses. Others may only wish to adopt some aspects of an anti-bias strategy. Every effort makes a difference—here's what you can do:

Anonymize Initial Considerations and Screening Reports —

As mentioned, information such as names can trigger unconscious biases before learning anything else of value about a person. Other factors might trigger such reactions, too. Someone's age, their area of origin, or even where they went to school might all unfairly influence a hiring manager's thinking. This tendency is true when evaluating an application and resume and reviewing background reports.

Consider removing identifiable information from the report before a review occurs. Doing so allows for the consideration of this information in a vacuum. You can then place it into context later after you've assessed the severity of a **criminal history record**. Let the facts speak for themselves rather than aspects an individual cannot control.

Use the EEOC Factors for Every Evaluation —

The Equal Employment Opportunity Commission (EEOC) stresses fairness in hiring. The EEOC periodically publishes guidelines on their use because background reports can be common barriers to employment for those with a record. These standards include a series of elements known as the "Green Factors." These are guidelines for how you should evaluate background checks to reduce bias and unfair decision-making. They are:

- What is the nature of the crime? How severe was the offense?
- How much time has passed since the crime occurred?
- How much time has passed since the individual completed their sentence?
- Does the crime relate directly to the nature of the job?

Answering these questions about a criminal background check can help you more thoroughly assess results. You should use individualized assessments when you conduct pre-employment screenings rather than disqualifying all applicants with an offense. No two applicants are the same—so everyone deserves a fresh start on neutral ground.

Implement Strict Standards for Analyzing Screening Reports

Consistency is critical. So, too, is making it clear that the high business standards extend to avoiding the influence of biased hiring. Don't let different managers make wildly different decisions with the same information. Instead, establish clear standards for evaluating and judging background check results. You may even wish to create a hiring matrix or design a scorecard to help standardize impact assessments on criminal records. Enshrine the EEOC factors in your policies and ensure their enforcement.

Train and Re-Train HR and Hiring Managers on Bias Recognition

One of the most challenging aspects of unconscious bias is that we often do not recognize it as such. This area is where training becomes pivotal. Provide HR with periodic training and professional enrichment on anti-bias work. Train team leads to recognize bias within themselves and explore strategies for mitigating the impact of such influences. As we mentioned, bias is a natural part of the human experience—but as with many other natural aspects, we must learn to control it effectively. Professional training can help.

Place Screening Reports Into a Broader Context

Should minor red flags erase the potential value of a candidate who is otherwise ideally qualified? It's a difficult question that requires context to answer. Again, refer back to the EEOC green factors. Specifically, are criminal records related to the job? Did they occur recently or a long time ago? Someone with a single fraud conviction 15 years ago might not be as much of a financial risk to a business as someone with a five-year-old embezzlement conviction. If the job doesn't even relate to handling money, neither conviction may be relevant.

Use other information, such as your experience with the candidate during the interview, in your decision-making process. Peruse the complete impression of an individual to make decisions instead of following only your gut instinct—a feeling often guided by bias—to determine the outcome.



Don't Keep Your Job Candidates in the Dark



As you build a process that reduces bias as much as possible, don't forget to consider the candidate's experience. A good experience before and during hiring is essential. Communicate and make it clear that every applicant receives fair treatment. Job applications and your business website may express your efforts to cultivate diversity. Emphasizing your anti-bias stance is also a high priority.

Remember to minimize critical compliance areas, including your Fair Credit Reporting Act (FCRA) obligations. You must follow the letter of the law closely. Background checks are regulated similarly to credit reports. Just as you focus on eradicating bias, you should emphasize compliance, including providing a complete disclosure about the process to your applicants as required by law. You must also always obtain their written consent to the background investigation process.

Don't leave candidates in the dark when you choose to disqualify someone because of your screening efforts. Not only can that create an appearance of bias, but it's also illegal. The FCRA requires you to use the adverse action process and to provide the applicant with time to appeal. Choosing to skip this step or to cut short the waiting period because you dislike the candidate is not advisable. Build compliant workflows that move at the appropriate pace during disqualification.

What Are the Real Benefits of Reducing Bias in Your Screening?



Building a hiring pipeline based on fairness is worth doing for its own sake. However, there are compelling business-related reasons to do so as well. Not least of these is the reduction of legal liability and the limitation of your exposure to claims of improper behavior. The value of that peace of mind is self-evident.

Some of the other advantages include:

- You expand your potential pool of job applicants and candidates. Being a workplace that stresses fairness means you can reduce the unnecessary elimination of otherwise qualified candidates. Everyone gets a fair deal.
- You can cultivate a reputation as an employer that believes in second-chance opportunities. Beyond the areas that ban the box and enforce fair chance laws, employers can take proactive steps to do so themselves. A reputation for a willingness to consider people can attract more talent despite unfortunate past events.



Examine Where Bias May Exist in Your Organization Today

Unconscious bias can exist in many places. It can affect decision-making from the outset—like seeing an applicant's name on a resume. As we've discussed, these biases can be harmful and artificially limiting. Every employer should strive to eliminate this problematic element from their processes. Along the way, you can boost your potential for building a better, more diverse, and impactful team of employees.

Unconscious bias in background checks is a problem, but it doesn't make screening tools less critical or practical. Employers still have a right to understand the facts about the background of those they hire. By placing criminal history information into a broader context, using the EEOC factors, and striving for an impartial point of view, you can give every applicant a fair chance. Eliminating bias doesn't mean hiring everyone you come across. It's simply your chance to give each individual the fair employment opportunity they deserve.