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TABLE OF CONTENTS

Resource Library: PG

About Us	5
What HR Managers Need to know About the Evolving NAPBS Accreditation Standards	6
Best Practice Guide for Choosing a Background Screening Partner.....	8
Latest Background Screening Trends and the Impact to Employers	11
Employment Verifications: "Trust But Verify"	13
Tropicalizing Global Background Screening Standards: The Case of Latin America	16

Sections: PG

United States.....	18
International.....	32
Support Services.....	39

Advertisers: PG

Applicant Insight	1
Shield Screening	2
Candid Research	20
Orange Tree	27
Sentinel Background Checks	28
Huaxia Credit China	32
MultiLatin Background Screening.....	37
Accurate Biometrics.....	41
EBI	Back Cover

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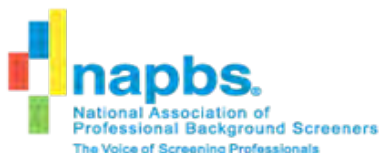
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What HR Managers Need to know About the Evolving NAPBS Accreditation Standards

By: Derek Hinton, CEO, CRAzoom and W. Barry Nixon, COO, PreemploymentDirectory.com

In March, NAPBS achieved a key milestone by accrediting their 100th Background Screeners firm.

There are few reliable statistics on how many employment screening firms there are in the United States. Estimates range from 2000-3000. Many of these are very small, perhaps only doing screens for a few employers.

There are about 450 screening firms that are currently members of NAPBS. Some of these firms are primarily tenant screening with employment screening a small percentage of their business. So the 100 firms that have been accredited have reached a significant number for employers choosing their employment background screening provider.

Employers are increasingly sophisticated in choosing their employment screening partner. They understand that while the industry is highly regulated with the Fair Credit Reporting Act (and state versions of the act), the Driver Privacy Protection Act (and state versions of this act) there are no licensing requirements to become an employment screening firm outside of some states' requirements that employment screeners have a private investigation license. The thought that the local nail salon probably has more licensing requirements than their employment screening partner has made employers look for other, more objective means in which to qualify their employment screening partner.

NAPBS Accreditation has become the top objective means in which to evaluate employment screening firms. Several years ago, NAPBS accreditation was a "feather in the cap" of employment screeners that put them above most of their competitors. That has not changed, but NAPBS Accreditation is increasingly becoming a minimum standard when employers choose their employment screening partner. The "Are you a Member of NAPBS" question on 'Request for Proposals' has evolved into "Are you Accredited by the NAPBS."

Insurers Recognizing Accreditation Value

Insurers are increasingly looking at NAPBS Accreditation status when underwriting liability insurance for employment screening firms. Accredited companies are eligible for underwriting credits/savings from more insurers. The employment screening arena is highly litigious and settlements can be huge. While the accreditation process is necessarily aimed at employment screener protection, several sections of the NAPBS Accreditation deal with client education for their processes. And so, an employment screener that has policies and procedures for client education is less likely to become ensnared in client litigation in addition to the decreased likelihood of becoming involved in litigation because their policies and procedures were lacking.

NAPBS Accreditation Standard in Process of Revision

On October 9, 2017, the NAPBS published a proposed new standard for NAPBS Accreditation. The proposed standard has 68 clauses. The previous standard contained 58. In addition, most of the existing clauses have modifications. Existing clauses may also have a different clause number than previously. The proposed new standard is a substantive change from the old. Comments from the membership were solicited and many suggestions were received. The proposed standard is currently being reviewed with consideration of the comments submitted.

The new standard will be a higher standard than previously. Many of the proposed standards will increase or introduce new minimums regarding:

- Document Management (similar to ISO standards for ensuring control and accuracy of all documents used in the course of providing services.)
- Information Technology Certifications
- Employee credentialing and training
- Knowledge and compliance with changing laws and regulations

Conclusion

Earning accreditation is a difficult and arduous process for background screening firms, however, employers that engage the services of accredited background screening firms stand to gain the best possible results.

Choosing an accredited firm is a cost-effective way for employers to stay informed about and navigate the maze of legal requirements that impact background screening without needing to overly invest in staff and resources. This is particularly important as we continue to see growth in FCRA lawsuits, the influx of new 'ban-the-box' legislation and numerous state or local requirements. Of course, using an accredited background screening firm is not a guarantee that you will not be sued or made a target of an enforcement action, but if you get pulled into the fray you want to have the best possible players on your team.

In the end, using an accredited background screening firm is your best bet in your effort to hire the best talent to meet your business needs and to provide a safe workplace. Accreditation is being achieved by more employment screeners, many insurers have accepted the value of accreditation, and the accreditation program itself is raising the bar.

Source: NAPBS.com, This article was not written by NAPBS. For detailed and specific information on the accreditation process visit NAPBS.com.



ABOUT THE AUTHORS:

Derek Hinton began his career with a CRA in 1984 and is President of CRAzoom, a company that has assisted many CRAs become NAPBS Accredited, and CrimApollo, a criminal record assessment and EEOC compliance service.



W. Barry Nixon, is the COO of PreemploymentDirectory.com, the leading background screening information portal on the worldwide web. He co-authored Background Screening Investigations: Managing Hiring Risk from a HR and Security Perspective and is publisher of The Background Buzz, The Global Background Screener and the Annual Background Screening Industry Resource Guide.



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Best Practice Guide for Choosing a Background Screening Partner

By: Robert E. Capwell, Chief Knowledge Officer, EBI

The crucial task of selecting a trustworthy background screening partner can be a difficult one, and options continue to grow as the industry expands and technology evolves. Your background screening partner is a key component of your talent screening and selection process, so finding the right partner with the right fit for your screening program is paramount. That partner should support your hiring process by delivering timely, accurate, and compliant information of the highest quality while delivering industry leading customer service.

Expertise and Length of Experience

The background screening profession has evolved dramatically over the past three decades. Some of the biggest changes are in the legal landscape, technology, and service offerings. You need a partner that is experienced and exhibits a long-standing reputation in the field. Conduct some online research and look for evidence of thought-leadership over time. A knowledgeable screening firm will share information and resources directly on their site by publishing white papers, articles and blogs. In addition, conduct research on the firm's leadership team, this will provide solid insight into the expertise of the firm's executive management team.

Industry Involvement and Credentials

Industry related associations represent the nucleus of education, best practice, advocacy, and industry governance. The background screening industry is no different. The National Association of Professional Background Screeners (NAPBS) is the global voice and guiding association of the screening industry. Association involvement provides critical resources to stay current with the ever-changing legislative landscape, compliance mandates, best practice techniques and new solutions. NAPBS members better understand information privacy and security, advancements in screening technology and available resources. In addition, the association fosters certification programs for members to test and show their knowledge of FCRA compliance.

Companies prove their commitment to industry best practices and standards by becoming accredited. Only a small number of companies are accredited through the NAPBS Background Screening Agency Accreditation Program. Accredited firms demonstrate their diligence and dedication to their clients through solid performance in crucial areas such as information security, legal compliance, client education, researcher and data standards, verification standards and overall business practices. Each is vetted thoroughly by an independent auditor before receiving the accreditation badge of excellence. A commitment to accreditation is a pledge to the background screening industry and ensures employers receive the highest quality of information while serving the best interests of candidates through privacy and compliance.

Service Capabilities and Your Customized Needs

The benefits and risk reduction strategies demanded of a background screening program are unique to each employer. Company size, structure, industry, and job description are all key factors that play into the decision-making process. Trying to fit every screening program into the same mold will not work. You need to rely on a screening partner that can walk you through all of the options. Custom packages that are specific to a particular job function will provide the best benefit and value for your program. HR professionals who oversee several decentralized locations can leverage automation to receive consistent screening while ensuring compliance with company policy, as well as state and federal laws.

Employers hiring internationally will require a partner that has an in-depth knowledge of international screening protocols. Consolidating services such as background screening, drug testing, occupational health screening solutions, E-Verify and paperless I-9 compliance requirements can save time and money. The use of multiple software platforms, managing multiple vendors, and reconciling several invoices is not an efficient use of your time. A one-stop solution partner can consolidate management reporting, provide for a consistent program review and provide opportunities for additional savings based on consolidated volume.

Technology that Supports Business Optimization and Your Onboarding Process

Your background screening program should fit strategically within your hiring and onboarding process; not be held at the mercy and convenience of your screening partner. A seamless integration with your provider can optimize your hiring process and save you considerable data-entry and processing time. Leveraging the use of a self-serve applicant kiosk or electronic candidate portal can make the application process integrated, virtual and candidate friendly.

A seamless integration with your screening partner can securely route candidate data, paperless forms, and an e-signature process from your applicant tracking system through to your screening partner and back to an HRIS system. Compliance can be achieved virtually too with the use of service specific disclosures, federal, state and internationally required notifications and forms. All can be served up automatically as need. A paperless storage environment makes it easy to retrieve information and maintain proper compliance.

Client Onboarding, Training, and Program Reviews

The day you sign the contract with your new provider shouldn't be the last time you hear from them. Establish the process for onboarding, training, and program review upfront to ensure a smooth transition.

Background screening technology platforms can be very customizable these days. Once you determine what you need, you can start setting the parameters to fit your needs. It is essential to decide who is authorized to request and review screening results. For multi-location users, this piece is paramount to ensure legal compliance and proper setup for management administration and review.

Training is an integral part of the onboarding process. Be sure that your provider offers customized live training to address specific training needs and questions before the program starts. Ongoing training should also be available for future users, and insist that your partner provides resource material and training documentation for future reference. The success of your screening program should be benchmarked and measured on an ongoing basis. Establish key performance indicators (KPIs) upfront and measure them on a periodic basis to track performance.

Approach and Structure to Account Management and Customer Service

Customer support is a key component of a successful screening program. You should have a firm understanding of the support team working with you and how they gauge your satisfaction. Will you be assigned an individual account representative, and is there a support team working with them for strategic account administration? In addition, you should ask about the structure of their customer service team, off-hours support and the use of overseas call centers to make sure they meet your specific support needs.

Quality Management and Customer Satisfaction

Background screening firms concerned with quality and customer satisfaction take strategic measures to incorporate a quality management system into their core operating principles. A successful quality management system will include documented procedures and training for each business function. The firm should be measuring specific inputs and outputs as they relate to each function within the process. Benchmarking and measurements around timeliness, accuracy, compliance and your satisfaction should be measured and reviewed on a constant basis. This is used to gauge quality and your level of overall satisfaction as a basis for continual improvement. A background screening firm dedicated to quality will have a comprehensive program already in place. The customer service team should continually seek your feedback and act on that information to increase overall quality and your satisfaction.

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Data Privacy, Security and Business Continuity

The concern over data privacy and protecting personally identifiable information (PII) is real in today's landscape of growing identity theft. Background screening firms that are focused on data security incorporate strict measures in all facets of information security. Be sure your trusted screening partner already has a security policy, information security procedures and training, documented procedures to deal with security incidents, access control policies and risk mitigation strategies to ensure business continuity.

Legislation concerning data privacy is ever-changing and must be monitored for constant compliance. Be sure your provider has a solid grasp of both international and domestic data privacy and security. A concerned partner will follow the new Privacy Shield Framework to comply with the European Union and Swiss Commission's Directive on Data Protection. In addition, concerned partners will not offshore sensitive client and candidate data overseas. Once sensitive data leaves the United States, there are no guarantees of data protection or secured access to PII. No employer wants to be burdened with the liabilities of an applicant's data being mishandled.

Responsible Use of Database Information

Criminal record searchers are available in a variety of government and privately held electronic databases. This information can be alluring to employers that want to save money and time. This type of information is a critical research tool; however it should never be used as a sole source of data to conduct a criminal background check.

The quality of a criminal records database will vary from source to source with no guarantees of data quality or even significant identifiers to match your candidate. Responsible background screeners verify criminal records data from the original reporting court to ensure current and reportable information within the legal guidelines of the Fair Credit Reporting Act (FCRA) and state law. Using unverified data to make a hiring decision can create additional liabilities for employers and a very unpleasant candidate experience.

Compliance Resources and Support

Legal compliance within the background screening industry is ever-changing and opens up potential liability for employers if not followed closely. The Fair Credit Report Act (FCRA), state local, and international laws must be followed for proper compliance. Your background screening provider should be your resource for a compliant screening program.

Your partner should provide documentation such as compliant authorization and disclosure forms along with state compliance notifications and resources. Laws can differ county to county, state to state and even country to country. Your partner should provide resources and guidance to make sure your program is compliant at all times. Be sure to speak with your representative about how the company will provide mandatory compliance information and how legal changes will be maintained and communicated. Your provider should have a compliance team that is focused on current compliance protocols and keep their pulse on ever-changing legislation that could affect your screening program.

Conclusion

Conducting proper due diligence on your potential screening partner, and addressing the topics provided within this guide, will ensure that the provider you choose has the capabilities and expertise to handle your customized needs. A suitable partner will understand quality, information security and have the technology to optimize your program. Establishing a relationship based on specific measurements of mutual success will establish a program that is seamless, cost-effective, efficient, and compliant.



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Robert Capwell
Chief Knowledge Officer

Mr. Robert E. Capwell is considered one of the leading experts in the background screening industry with over 26 years of experience in the field. As Chief Knowledge Officer at EBI, Mr. Capwell oversees the implementation of process improvement and information security strategies as EBI's Management Review Board Chair. Robert is also responsible for internal corporate training strategies and serves on EBI's Executive Team. Robert is a well-known industry speaker and past Chair of the NAPBS Board of Directors. Currently, Mr. Capwell serves as a Global Ambassador for the organization.

TRENDS

Latest Background Screening Trends and the Impact to Employers

By: Dawn Standerwick, Vice President, Strategic Growth, Employment Screening Resources (ESR)

Each year, Employment Screening Resources (ESR) releases our highly anticipated “ESR Top Ten Background Check Trends.” These important trends directly affect organizations background screening programs, especially as it relates to legal obligations and litigation. Existing and ever growing legislation along with increase in background screening litigation underscores the importance of aligning with a screening firm that can and will take an active interest in their clients’ compliance requirements.

1. Local Ban the Box Laws Will be Challenged as Less Effective than Statewide BTB Laws

As of January 2018, a total 30 states and more than 150 cities and counties in America have passed “Ban the Box” legislation that removes questions about the criminal history of job applicants from applications and generally delay such inquiries until later in the hiring process.

Due to the growth of “Ban the Box” employers will have to deal with a myriad of overlapping local and statewide Ban the Box laws that can be confusing to say the least.

Originally, Ban the Box laws were concerned with the initial the application process. However, many have now morphed into “Fair Chance” laws that also impose processes for how criminal information is utilized, such as delaying criminal history questions until a conditional job offer.

In other words, Ban the Box laws are often no longer limited to just the application process, so a consistent statewide Ban the Box policy where employers are given some sort of immunity if they hire an ex-offender is likely the most effective means of giving people a second chance.

2. Salary History Questions by Employers Will be Restricted as Pay Equity Movement Spreads

Several states and cities in the U.S. have passed legislation prohibiting employers from seeking salary history information from job applicants as part of a “pay equity” movement to narrow the gender wage gap between women and men. This growing restriction on questions about the salary history of applicants by employers is a trend that we expect will continue to spread.

3. Waiting for FCRA Lawsuits to Slow Down? We don’t think so.

In May 2016, the U.S. Supreme Court ruled in *Spokeo, Inc. v. Robins* that plaintiffs must prove “concrete injury” in class action lawsuits for alleged “bare” violations of a federal statute such as the Fair Credit Reporting Act (FCRA) for standing under Article III of the U.S. Constitution.

The case involved a man named Robins who filed a lawsuit claiming that Spokeo – an online “people search engine” that sells publicly available data about individuals – violated the FCRA by providing inaccurate information about him. But the Supreme Court stated in its opinion:

“Article III standing requires a concrete injury even in the context of a statutory violation. For that reason, Robins could not, for example, allege a bare procedural violation, divorced from any concrete harm, and satisfy the injury-in-fact requirement of Article III.”

However – even after the Supreme Court ruled Article III standing requires an injury that is “concrete” and “actual” – employers are still being targeted in lawsuits for alleged technical violations of the FCRA, a federal law that regulates employment background checks.

Many of these lawsuits are related to basic and or procedural violations of FCRA by the employer.

- Failure to use FCRA required forms and notices.
- Failure to use “Standalone” documents.
- Using disallowed “Release” language.
- Failure to provide Adverse Action notices.

Why? Because in no way did the Supreme Court decision in Spokeo mean employers could relax obligations for FCRA compliance. Employers will always need to ensure that they comply with their FCRA obligations and work with background check providers that understand the FCRA and have compliance built into their processes.

4. Global Data Protection Regulation (GDPR) Goes Into Effect May 2018

On May 25, 2018, the General Data Protection Regulation (GDPR) will take effect as the primary law regulating how companies protect the personal data of citizens in the European Union (EU). U.S. companies will need to comply with GDPR rules when international screening in the EU.

The GDPR has been called “the most important data privacy regulation in 20 years.” Some key requirements include requiring the consent of subjects for data processing, anonymizing collected data, providing data breach notifications, and safely handling the transfer of data.

The GDPR will replace the Data Protection Directive 95/46/ec established in 1995 and is designed to harmonize data privacy laws across Europe, to protect and empower all EU citizens data privacy, and to reshape the way organizations approach data privacy.

U.S. companies need to be up to speed with the GDPR requirements before the end of May 2018. However, research and advisory company Gartner predicts more than 50 percent of companies affected by the GDPR will not be in full compliance by the end of 2018.

5. Millennials Drive Technology Changes in Hiring Process

“Millennials” – people aged 20 to 35 in 2016 – are expected to overtake “Baby Boomers” aged 52 to 70 in 2016 in total population size in 2019, according to the Pew Research Center, which projects the Millennials to swell to 73 million while baby Boomers decline to 72 million in 2019.

With Millennials on the cusp of surpassing Baby Boomers as the nation’s largest living adult generation, employers need to be sensitive to the special issues in hiring and working with Millennials now that they will soon overtake Boomers as the dominant group in the workforce.

“Applicant Friendly” is a term used to describe a hiring and background check process leaves a good first impression for job candidates about their potential employers. Built in automation with a “humanizing” approach to hiring help attract more Millennials to job openings.

Along with a transparent and intuitive screening process, Millennials also need to know that the privacy, security, and confidentiality of their personal information will be protected by the background check provider after growing up reading about data breaches and identity theft.

Employers will have to adjust workplaces and hiring processes to suit the mobile technology and social media-oriented behavior of the Millennial generation. The most critical issue employers find with Millennials is that they are the most “wired” generation so far in history.

Get the Complete List of Trends

The topics mentioned above are only half of the “ESR Top Ten Background Check Trends” for 2018. For the full-length summary of all screening trends for this and prior years, please visit:

<http://www.esrcheck.com/Tools-Resources/ESR-Top-Ten-Background-Check-Trends/>.

ABOUT THE AUTHOR:

Dawn Standerwick – Vice President of Strategic Growth for Employment Screening Resources (ESR) – is a background screening subject matter expert with over 26 years of experience in workforce screening.



EMPLOYMENT VERIFICATIONS: “TRUST BUT VERIFY”

By Kellie O'Shea, Esq., PHR, is Associate General Counsel for Creative Services, Inc. (CSI),

Although President Ronald Reagan is often credited with the famous quote, “Trust but verify”, according to Suzanne Massie, author of “Land of the Firebird: The Beauty of Old Russia,” she was the one who taught then President Reagan the Russian Proverb.

Employers should take this advice when conducting employment verifications, as well as other verifications in their pre-employment background checks. This article focuses on the importance of and best practices in conducting employment verifications for potential employees.

According to a joint survey by HR.com and the National Association of Professional Background Screeners (NAPBS), 96% of employers conduct at least one or more types of background checks on job candidates. Background checks can include a variety of search components including criminal checks, motor vehicle driving checks, credit checks, civil searches, sex offender searches, sanction or debarred lists, professional licensing, education and/or employment verifications and more.

Historically, a background check into an individual's criminal history was driven by risk mitigation and the threat of potentially expensive litigation under negligent hiring theories whereby an employer can be held liable for the acts of its employee when the employer knew or should have known about dangerous patterns or history of behavior.

Reducing risk is still a driver of pre-employment background checks today, however, barriers to obtaining certain types of criminal information have forced employers to contemplate additional avenues to determine a candidate's trustworthiness, reliability and/or suitability.

The widespread trend of ban-the-box laws have limited the scope of criminal history inquiries as well as how much information can be reported regarding a candidate's criminal record. Ban-the-box laws span the spectrum of limiting what and how far back the employer can inquire regarding criminal records, when they can conduct a criminal check (conditional offer may be required), notices regarding any potential criminal records, to how much time a candidate has to dispute the information.

Employers continue to maintain a strong emphasis on mitigating risk when candidates have a pattern of dangerous behavior (or other adverse patterns of behavior as they relate to the function of a job), however, these new restrictions and limitations have given rise to growing emphasis on verifying past employment as a way to further ensure a level of trustworthiness in an application for a position.

How do employers know if candidates are being honest about their previous work history? A recent report by Office Team in August 2017, “Nearly Half of Workers Know Someone Who Was Dishonest on Resume” identifies how problematic this issue is. Specifically, the types of information misrepresented or exaggerated were:

- Job Experience (76%)
- Job Duties (54%)
- Employment Dates (26%)

Why do candidates misrepresent, exaggerate or outright lie on their employment history? Well, for any number of reasons:

- They never worked at the employer listed;
- They don't want the potential employer to know the truth;
- They have a better chance of getting the job;
- They are covering up a gap of employment; or
- All the above.

What can employers do to verify a candidate's work history? Most commonly, employers conduct employment verifications and/or professional references on a candidate.

First, distinguish the difference between an employment verification and an employment reference. The purpose of an employment verification is to independently verify that a candidate worked where they said they worked for the time they said they worked there. Employers want to make sure they are onboarding the candidate with the title and experience the candidate describes on their employment application and/or resume. An employment verification is typically verifying the candidate's dates of employment, ending title, reason for leaving and eligibility for rehire. Employment verifications are usually conducted through Human Resources or other official keeper of records. A growing number of companies will outsource this verification process to an automated verification service as a way to circumvent having to respond to what can, at times, be a large volume of previous employment inquiries. The employer will provide a data feed of previous employment information to the clearinghouse company, who, in turn, will provide this verification information for a fee.

In some, albeit rare, cases, the keeper of records may provide additional performance or narrative information regarding a candidate, however, this is less common in today's world of verifications. Despite that a true statement made by an employer, regardless of how unflattering or negative, is not defamatory as a matter of law, the increased threat of defamation litigation has put a muzzle on many employers regarding any other commentary beyond name, title, reason for leaving and eligibility for rehire.

Note that prior to the recent burst of wage equity laws, some employers would also provide salary or income information as part of a verification. The legislative landscape has made a significant impact on the ability for prospective employers to ask this question to previous employers. Employers should use caution and understand if and when they can collect previous salary information on a candidate.

Employment references are a little looser in terms of providing narrative or commentary information regarding a candidate's employment history. This is mostly because the candidate has provided the reference information and has given consent for the reference to provide this type of information. Litigation can still lay in wait, however, reference information is typically at the request of the candidate and candidates commonly provide the names of references they know or believe will provide favorable information to the prospective employer.

Generally, the individuals providing reference information do not have exact dates of employment or may not be privy to situations where the candidate is not eligible for rehire at the previous employer. This is why it is critical to contact the keeper of records directly to create a consistent, solid timeline of employment (or unemployment) as provided by the candidate.

In conducting employment verifications, employers should look for and carefully consider any gaps of employment that surface. A gap of employment as provided in a candidate's application or resume is not necessarily a red flag, however, a gap of employment that surfaces because the dates of employment provided by candidate vary from that provided by the keeper of record shows variant dates than that provided by the candidate should be carefully considered. The employer should be looking at why there is a gap of employment and how recent. A 60-day gap of employment seven years ago may not be as relevant as a 60-day gap of employment in the past two or three years. Employers should understand what the candidate was doing during this timeframe? Perhaps the candidate was just taking some time off or taking care of family. Employers should take a look at any potential adverse issues that may have given rise to a gap.

In some cases, gaps of employment can be explained by temporary placements or contractor status where a candidate was working at the company listed, but through an agency or other employer. Tailoring previous employer questions on an application to include temporary employment or contract employment will help to identify the appropriate keeper of records to contact. Providing alias, maiden or other names the candidate may have used in the past allows the keeper of records at the previous employer to search under multiple names and alleviate potential gaps based on a name not found.

Patterns of ineligibility for rehire should be cause for concern. Most employees who have been in the workplace long enough, at one time or another, may have not had the greatest relationship in every instance with their boss. Sometimes this can result in an unfavorable parting of ways between the employee and the employer. However, an employee with a history of unfavorable parting of the ways should be closely reviewed.

Prospective employers should be weary of a previous employer that reaches out proactively to the prospective employer to verify past employment. Contact information including phone numbers or email addresses, should be independently developed or sourced. Inbound only calls or relying on candidate provided contact information for a previous employer leaves the prospective employer vulnerable to potential fabrication of previous employment. Trust but verify...independently.

A history of employment with companies that have gone out of business should also be reviewed by the employer. Companies no longer in business can provide a challenge for employers trying to verify past employment of a candidate. It would not take a cunning candidate more than 20 minutes to google companies that have gone out of business and draft an impressive yet unverifiable resume. Employers should take steps to ensure the candidate is being truthful in assertions of previous work by ensuring at a minimum that the provided company existed and that dates of employment provided are consistent with where and when the company was operating. Resources such as a state department of corporations are valuable tools for this type of due diligence. In some cases, employment records are transferred to other entities and are still verifiable, such as merger or acquisition. Depending on the recency or importance of the employment, employers may want to review tax or payroll documents from the candidate as proof of employment. (Take caution of wage equity laws for information that may contain wage information.) Alternatively, the Internal Revenue Service (IRS) offers services to independently verify this information with written consent of the candidate.

Finally, often times a candidate is currently employed while the prospective employer is conducting employment verifications and other background check searches. At the risk of jeopardizing current employment, the candidate opts not to have their current employment verified until an offer or unconditional offer is presented. In these situations, once the candidate provides notice to the current employer, it is critical for the prospective employer to verify that most recent employment. Otherwise, the employer is exposed to potential fabrication of current employment.

In summary, employers should have appropriate policies in place when conducting employment verifications, either on their own or through a background check company. The employer, or their screening partner, should have strong, proven methodologies in place that meet best practices. Human resource representatives, or the investigators at the background screening company, should be trained in how to uncover sometimes hard to find information as well as identify red flags or potential issues.



ABOUT THE AUTHOR:

Kellie O'Shea, Esq., PHR, is Associate General Counsel for Creative Services, Inc. (CSI), a global background screening and security consulting firm helping companies screen smart and hire with confidence for over four decades.



TROPICALIZING GLOBAL BACKGROUND SCREENING STANDARDS: THE CASE OF LATIN AMERICA

By: David Robillard, CEO, MultiLatin Background Screening

As both international corruption scandals and regional security risks are routinely reported, many companies have taken measures to tighten the criteria for selecting applicants within higher risk industries and positions. At the same time, employers who operate in multiple countries with mobile workforces wish to globally apply their background screening standards for permanent positions and third-party labor. Success in applying such corporate background screening standards internationally requires HR and Compliance managers to “tropicalize” them and consider some of the following local and regional issues as well as criteria for choosing a local or regional screening partner.

LANGUAGE (LOCAL VS GLOBAL)

In terms of Latin America (Mexico and southwards), there are more than 30 countries and territories speaking four official languages. Across most of these countries Spanish is the predominant language however not all of them do. One-third of the 600 million plus inhabitants of the region speak Portuguese - in Brazil.

For practical purposes a company’s local operations in Brazil will need to receive applicant information in Portuguese but some global operations might have a process to review in English. This is the case for one global fast-moving consumer goods company for which all background checks are reviewed centrally in Budapest, Hungary for job applicants across the 10 Latin American markets in which they recruit and have dozens of operations. Working in two languages simultaneously presents challenges. Despite English being the official company language Portuguese remains an important medium for local HR.

EXTENSIVE KNOWLEDGE OF LOCAL REGULATIONS

Each country is different when it comes to the legality of collecting and using certain background check information on applicants for screening processes. In some countries it is not possible to legally obtain certain information about candidates. In others the information can be obtained but is prohibited for use within the hiring process. For example, in Brazil criminal antecedents can be legally obtained but a company must design the job description to justify using such records to address job related security and/or safety risks. Otherwise, in the case, when a company takes adverse action candidates can and do sue recruiters for discrimination.

The other issue for the compliance and human resources areas of international companies relates to how the information for background checks is obtained and used. The local partner must be able to demonstrate sufficient knowledge on each country’s current regulations and show that they operate in accordance with the law.

RESPECT FOR DATA PROTECTION LAWS

Over the past ten years legislation for protecting personal sensitive information has evolved in Latin America, although its application varies from country to country. For example, Mexico has some of the most advanced laws regarding data protection in the region. In 2008, Mexico recognized the right of each person to protect their personal data to be a fundamental right. In the most recent amendment to the law, a reference was added that specifically addresses personal data and recognizes its unique nature, distinguishing it from other human rights. However, this level of legislation is not matched in all Latin American countries.

Many of the countries within the region look to the European Union for guidance on shaping legislation on data privacy and protection. Experts believe that this year's entry into force of the EU's General Data Protection Regulation (GDPR) will generate a new wave of local privacy initiatives or unstuck bills that have been stalled in legislatures across Latin America.

It will be very important that the local screening partner show a high degree of compliance when handling personal information during its processing, collection, storage and destruction and knowledge of relevant privacy laws.

HIGH STANDARD OF SECURITY AND USE OF TECHNOLOGY

The most critical aspect to consider when considering services in background screening processes in Latin America is security. Gathering information to screen candidates or partners in Latin America is still a very manual process, and many companies do not rely on technology. When selecting a potential screening partner, it will be invaluable if they operate with a user-friendly technology platform with "privacy by design" as a cornerstone of candidate experience that allows the company to monitor and measure the entire process. This should give greater assurance that candidate information and privacy will be always safeguarded.

COMPETITION FOR LABOR AND KPIS

Latin America faces an acute skills shortage. According to global recruitment firm, Manpower "Around 50% of formal Latin American firms cannot find candidates with the skills they need, compared to 36% of firms in OECD countries. This is a particularly pressing issue in Peru, Brazil and Mexico."

Because of such competitive pressures turn-around time (TAT) and unable to verify rates (UTVs) have become key performance indicators both within the talent acquisition process as well as with screening partners or vendors. Effective screening partners know this and have developed technology for efficient workflow processes, HR integrations, as well as analytics related to performance against service level agreements.

Global standards can be applied in Latin America. They just need to be tropicalized to achieve best results.



ABOUT THE AUTHOR:

David is President of MultiLatin and has more than 20 years of experience advising boards of directors and senior management on integrity and corporate reputational risk issues in Latin America. Before forming MultiLatin, he held a number of management positions at global risk consulting firm Kroll Associates.

David is a graduate of Carleton University in Ottawa, Canada and received a Master's degree in International Management from the Instituto Tecnológico Autónomo de México (Mexican Autonomous Institute of Technology, ITAM). He is Chairman of the Latin American Committee of the National Association of Professional Background Screeners (NAPBS). You can contact David at info@multilatin.com.



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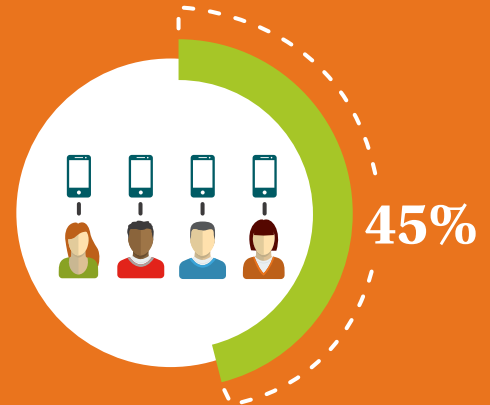
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Victoria Bernal

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How to Select the Right Background Screening Provider for Your Company



WHAT'S INSIDE:

- Best Practices based on NAPBS accreditation guidelines
- Learn how to assess which type of background screening provider will best fit your needs
- Learn how to evaluate providers using a criterion based approach



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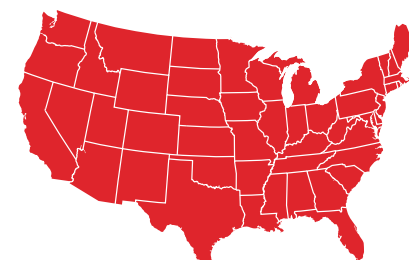
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