



Criminal Background Checks Impact Industry

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On 25 April 2012, the U.S. Equal Employment Opportunity Commission issued updated guidance on the use of criminal background checks in employment titled Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964. The Commission voted 4-1 to approve the updated guidance, which the EEOC indicated it will use to investigate cases of discrimination related to employers' use of criminal background check policies. Although Title VII of the Civil Rights Act of 1964 does not prohibit the use of criminal background checks, the EEOC cited concerns that employers could use arrest and conviction records to unlawfully discriminate against job applicants based on their race or national origin. In addition to concerns about what the EEOC refers to as the "important issue" of reintegrating criminal offenders who have served their time into the work force, the guidance takes aim at criminal databases that the agency contends contain incomplete criminal records and other mistakes such as mismatching the subject with a report about another person.

Employers in the hospitality industry regularly conduct criminal background checks on applicants. These potential employees have access to your guests and customers, their personal belongings and often credit card information. Prudent hotels employers use criminal background information to guard against hiring employees with criminal histories that may place your guests in harm's way. In light of the EEOC's focus on the use of criminal background checks in hiring decisions, hospitality employers must strike a balance—protecting their guests, customers and employees and maintaining a meaningful and legally defensible criminal background check policy.

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