

'TALENT ACCESS' IS THE NEW TALENT ACQUISITION: 6 WAYS TO RETHINK YOUR STAFFING STRATEGY

Insights
Oct 24, 2022

Uncertainty abounds in today's labor market — and many employers are grappling with unmet staffing needs following pandemic-related business closures, the subsequent talent shortage of the Great Resignation, and the unpredictability of a looming economic downturn. Savvy employers are responding to the uncertainty with a nimble, proactive approach. When it comes to sourcing and hiring the best talent, you should consider trading in a traditional "talent acquisition" approach for a more holistic "talent access" strategy that focuses on flexibility. Here are six ways to rethink your staffing strategy, as well as the legal considerations.

1. Developing a Holistic Approach

If "recruiting" means filling specific job vacancies, "talent acquisition" should be defined as a more strategic long-term strategy for attracting, hiring, and retaining the best employees. "Talent access" takes this one step more, by identifying ways to welcome and access skilled talent beyond the traditional methods of posting job ads, soliciting referrals, and hiring full-time employees.

"Taking a talent access approach provides the flexibility to keep pace with a changing market and beat out the competition for high-demand skills," [says Zoe Harte](#), a member of Forbes Human Resources Council. "At moments of disruption and opportunity, like the current one, flexibility is essential to not only survive, but to thrive."

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2. Incorporating Freelance Workers into Your Business Model

The 21st Century workplace requires speed, ingenuity, and adaptability — and a traditional “talent acquisition” approach to hiring may be too slow and expensive because it focuses primarily on filling roles with full-time employees. A “talent access” approach, however, recognizes that freelancers can play a critical role in meeting business needs. This is especially true when competition for talent is fierce and projects require rapid turnaround.

As to pipeline, many highly skilled workers are now seeking freelance opportunities with multiple business partners rather than full-time employment with a single company. Workers who operate on a project-by-project basis are leveraging the gig economy to find new clients and to align their workload according to their personal preferences. Likewise, companies are increasingly able to work with highly skilled freelancers to scale their workforce in an efficient and cost-effective manner without the burdens that accompany longer-term employment relationships. Companies are also able to manage fluctuations of the demand for their services by hiring skilled freelancers on a project basis.

If you decide to incorporate freelancers into your business model, however, you’ll need to be familiar with the independent contractor rules in your jurisdiction and recognize that as more people embrace gig work, misclassification of independent contractors remains a significant risk for employers. You can read more about current and pending independent contractor rules [here](#) and about the three steps HR can take to minimize misclassification of gig economy workers [here](#).

3. Building Flexibility into Your Company Culture

As noted, flexibility is the key to a talent access approach. While flexible work arrangements can take many forms, the most common is remote work. Remote work may not be practical for every job, but employers offering flexible work arrangements can likely attract a broader and more diverse workforce from a larger geographic area.

From the start, it’s a good idea to review your company’s roles and decide which jobs can be performed remotely. You should decide [how you will pay remote workers](#) and

consider [developing a written remote work policy](#). Also keep in mind that the characteristics and behaviors found in successful remote workers may not be the same as those found in other roles. Recruiting and selection for remote positions should be customized to find those workers most likely to succeed while working largely alone.

Finally, for jobs that require face-to-face interactions with customers or otherwise require in-person work, flexibility can be provided through compressed workweeks, flex hours, job sharing programs, and other benefits.

4. Expanding Your Talent Pool by Accessing Untapped Talent

Talent access is about more than just tapping into the freelance market and offering flexibility — it also involves actively seeking a diverse range of job candidates and ensuring equity and inclusion. However, according to the Society for Human Resource Management (SHRM), only 29% of organizations [surveyed in 2020](#) were partnering with community-based programs to help them hire untapped talent groups. Notably, though, many respondents said they want to tap into such markets in the future.

What exactly is an untapped talent group? Examples from SHRM include veterans and military spouses, caregivers, older workers, disabled workers, and job seekers with criminal records or who are currently in prison and about to be released. Qualified job candidates in these groups might be overlooked if you stick to traditional recruitment methods — and you'll need to do more than just "reach out" to untapped talent. To recruit and retain the best workers, your policies must be fundamentally fair, and your workplace should be as inclusive and engaging as feasible.

Additionally, as you explore your options to expand your diversity, equity, and inclusion (DEI) programs, you'll want to be sure that you are not unintentionally violating equal employment opportunity (EEO) laws, such as Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on color, national origin, race, religion, and sex. Consider training managers to understand the do's and don'ts of lawful DEI efforts and the interplay between DEI and long-standing EEO principles.

5. Creating Meaningful Opportunities for Career Growth

Perhaps this part is old news. Developing talent from within the organization can reduce turnover and help you fill key roles with skilled employees who already understand your business. But here's why creating internal opportunities for professional development and advancement is more important now than ever: the talent shortage has reached a critical level. A record 47 million U.S. workers voluntarily quit their jobs in 2021, according to the Bureau of Labor Statistics. Moreover, 69% of businesses from around the world reported difficulty in finding job candidates with the right skills in 2021, according to [research](#) from global staffing firm ManpowerGroup.

Consider establishing a professional development program for your employees and actively engaging with them to help accomplish their career goals. Whether they want to enhance their skills in their current role, explore lateral moves, or advance into higher-level positions, offering such programs for current staff can increase employee satisfaction and fill skills gaps. Just be sure that career development opportunities are accessible to all eligible employees in a fair and consistent manner.

6. Embracing New Technology

Keeping up with evolving technology is essential for any business – and many employers are turning to the latest tech trends to help ease staffing burdens. In fact, it's estimated that over 80% of all employers use some form of AI or algorithms to assist with all types of HR functions.

As you embrace tools such as resume scanning and video interviewing software, chatbots, and social media, you should consider setting up a process to regularly monitor your programs for bias. You'll want to ensure that your recruiting tools don't unintentionally screen out job candidates based on a protected characteristic. Even if you set your policies without discriminatory intent, you could face an argument that your neutral policies have a disparate impact on certain segments of your workforce, so you will want to work with your legal counsel before rolling out new technology.

Additionally, you'll want to be familiar with federal, state, and local [rules and guidelines](#) on using AI for employment purposes.

Conclusion

We will continue to monitor developments that impact staffing in today's workplace. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. For further information, contact the authors of this Insight or your Fisher Phillips attorney.