



Anti-Criminal Hiring Policies Could Spur Bias Suits

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Andria Ryan, chair of the firm's Hospitality Industry Practice Group, was quoted in the *Lawyers Weekly* article "Anti-Criminal Hiring Policies Could Spur Bias Suits." The article noted that policies forbidding the hiring of convicted felons may seem like a good idea to employers, especially for companies with frequent contact with customers. However, an initiative from the Equal Employment Opportunity Commission designed to find race-based systemic hiring practices, could land an employer in trouble if it has blanket policies against hiring applicants with criminal. Andria said: "It's certainly an issue in the hospitality industry. The employer is guarding against a negligence claim if they are hiring someone with a criminal background." She said she has a client who is being investigated based on decisions not to hire hotel workers with criminal convictions. The EEOC's E-RACE initiative is designed to increase the agency's ability to identify, track, investigate and prosecute allegations of discrimination. If an employee or applicant claims an employer's policy against hiring or retaining employees with criminal histories is actually aimed at keeping out minorities, the employer can become subject of an EEOC probe. Andria added, "If an employer finds itself with what appears to be a single charge of discrimination, you are almost guaranteed a systemic investigation" under the initiative. Andria also suggested, "Right now, start looking at your policies. Even if you don't have a blanket prohibition on hiring felons, if the language seems to indicate that it is a blanket no-felon policy, it could lead to an investigation."

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