

## **Reference Checks – Important Points to Consider**

**By Marcel Faggioni**

Recently, a client requested my opinion regarding a reference check that had gone bad. The situation involved the decision not to hire a prospective candidate to a job vacancy due to a negative reference. Upon contacting the lead manager responsible for the job competition, the unsuccessful candidate was in fact advised that she was not offered the job primarily due to the less than favourable reference check. In this case, the candidate became very angry and contacted her references to blame them for making her lose this new job opportunity.

As an initial observation in this matter, I must say that a little bit of common sense goes a long way in averting such a situation from occurring. Rather than divulging the “nitty gritty” details of the comments offered from the referees, the unsuccessful candidate could merely be told that there were other candidates, who surpassed the unsuccessful candidate in overall scores. The reaction by the unsuccessful candidate towards the manager is understandable given that she was effectively told that her failure to obtain the position rested heavily on the results of the reference checks. The unsuccessful candidate was obviously under the impression that she did quite well at the interview stage of the process. Based on our information, this impression may have been communicated and/or telegraphed by members of the selection board. If this was indeed the case, it would be strongly advisable that members of any selection panel demonstrate restraint in providing positive feedback/impression, or any type of feedback for that matter, during the interview process. Positive feedback at the interview stage of the process may lead the candidate to believe that he/she is the candidate of choice even before the selection process has been exhausted and finalized.

On the issue of the reference check, one must look at the intent behind the reference check itself. It is meant (i) to provide the selection panel and/or the hiring manager with verification regarding claims made by the candidate during the interview process, (ii) to provide some indication as to the prospective candidate's fit within the organizational culture, and (iii) to determine the candidate's suitability for employment within the context of the position and the broader organization. The candidate, who consents to having a reference check, must also understand that he/she is effectively giving permission to a prospective employer to seek out personal information about him/her in regards to their work history with a previous/current employer. Despite the fact that the consent allows the prospective employer to obtain personal information regarding the candidate, the reference check must be targeting some specific areas related to job performance, absenteeism/punctuality, employment history, work quality/quantity, etc...

In regards to the confidentiality of the reference, one could argue that the competition file containing the reference check information is the property of the organization and is therefore off-limits to anyone with the exception of designated management personnel. However, one could also argue that unless the person providing the reference did not clearly articulate his/her preference to keep the reference confidential, then the information could arguably be divulged to the requesting candidate.

In my professional experience within the health care and government sectors, policies regarding reference checks were often designed to stipulate that if the source of the reference requested confidentiality, the candidate to a job competition did not have access to his/her own reference check information.

Referees often refuse to provide references because they worry about facing a lawsuit for providing a detrimental reference. Failure to provide some level of assurance to the referees could jeopardize the hiring employer's ability to obtain the references necessary to complete the full selection process. This situation forces employers to reconsider the process utilized in obtaining references. The new approach to the reference checking process demands that:

- written consents be obtained from the prospective candidate (it would be highly recommended that a line be included in the consent form that the candidate acknowledge that the reference will be kept strictly confidential and that it will not be divulged to anyone, including the candidate);
- the reference check will be restricted to job-related enquiries vis-à-vis the candidate;
- a consistent and uniform reference questionnaire form be used for all candidates (the information gathered on all candidates should be as objective/accurate as possible);
- request from the person providing the reference if they wish to have the information designated as privileged and confidential;
- reference checks be done by the full interview panel so that information provided by the referees is not misinterpreted and/or inaccurately recorded;
- written records of each reference for all candidates should be maintained in the competition file.

The *Freedom of Information and Protection of Privacy Act* does apply to checking of references within publicly funded agencies, and therefore additional care should be used in this instance.

In sum, it is important that we don't discourage management from undertaking the reference check as a valuable tool in assessing the suitability of a prospective candidate; however, it is equally important that management personnel employ reasonableness and a common sense approach in dealing with reference checks. In the instance discussed in the opening paragraph of this article, the unsuccessful candidate was upset by the fact that she was denied employment primarily due to her poor references. In hindsight, the manager should not have specifically stated that she was unsuccessful solely due to poor reference, but rather should have indicated that there were other candidates who scored better than her in the overall scoring of the competition process... This would have ultimately protected the source of the reference, while at the same time; it would not have given rise to the defensive and blaming attitude assumed by the unsuccessful candidate.