

BACKGROUND CHECKS: HELPING EMPLOYERS NAVIGATE THE BATTLE BETWEEN NEGLIGENT HIRING AND DISCRIMINATORY HIRING PRACTICES

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With quick and easy electronic access to personal information at an employer's fingertips, employers must learn how to properly utilize such information in the hiring process. The failure to perform adequate background checks can open an employer up to liability for claims based on negligent hiring. These claims can have a negative impact in the marketplace, adversely affect employee morale and be costly to defend. On the other hand, improper use of background checks during employee screening can expose employers to civil rights violations. These opposing pitfalls require employers to perform a precarious balancing act and to understand the liability to which they are exposed. Employers need to develop a hiring process that effectively insulates them from both negligent hiring and civil rights claims.