

Committee: International Labor Organization (ILO)

Issue: Assessing a Legal Framework to enforce background checks on employees

Student Officer: Ann Marie Martinou

Position: Deputy President

PERSONAL INTRODUCTION

Honorable Delegates,

My name is Ann Marie Martinou, I am 17 years old and I am an IB Year 1 student at the American Community Schools of Athens. It is my utmost pleasure to cordially welcome you to the International Labor Organization Committee in the 4th American College of Greece's Model United Nations. However, before you read this study guide, which serves as the basis of your preparation for the conference, I would like to introduce myself.

One of my greatest passions is meeting others through the communication of thought-provoking ideas; MUN fosters fruitful discussions and therefore is the perfect medium in order to achieve this goal. Through MUN, I have become more confident in my public speaking skills, allowing me to effectively communicate with others around me. Besides MUN, I enjoy participating in various public speaking clubs, such as Debate, as well as competitive swimming, long distance running, cooking, and trying new foods from different cultures.

I am confident that you will have a wonderful ACGMUN experience this year and I, along with my Co-Chairs, the Conference Organizers and the Secretariat, will work our hardest in order to fulfill this goal. I look forward to meeting you all in March and I wish you a constructive debate during the conference! Should you have any inquiries or concerns do not hesitate to contact me via email at: martinoua22@stu.acs.gr

Yours Truly,
Ann Marie Martinou

TOPIC INTRODUCTION

As a growing number of individuals seek employment worldwide, employers must brainstorm a mechanism that will allow them to distinguish between competent and hardworking individuals from potentially dangerous criminals. Furthermore, an escalating amount of competition has left firms and employers desperate for a solution that will guide their decision-making regarding hiring skillful employees.

Due to the aforementioned concerns, background checks have become common practice in countries around the world for about 30 years. Particularly, during the 1990s, an increasing number of employers concluded that there is a need to utilize professional background screening services to ensure the safety of all parties involved in the workplace. As a result, professional screening service providers started developing tools, resources, as well as techniques in order to obtain critical background information regarding job applicants, which could provide substantial insights into potential employees' personalities and professional competencies.¹

Background checks include numerous forms of verifications that seek to confirm that a job applicant is who they claim to be. Such verifications include reference verification, academic verification, employment record verification, inter alia.² Moreover, background check laws vary in accordance with multiple factors, such as the country a job applicant is seeking employment in. Therefore, it is imperative to assess and potentially create a legal framework in which it is possible for all nations, whether they are a Less Economically Developed Country (hereinafter "LEDC") or More Economically Developed Country (hereinafter "MEDC") to complete background checks in order to guarantee the safety of all individuals in the workplace, further promoting efficiency and job satisfaction worldwide.

DEFINITIONS OF KEY TERMS

Employee

An individual who is paid to work for a person or company, hired by an employer to carry out specific tasks.

¹ Shrm. "Conducting Background Investigations and Reference Checks." *SHRM*, SHRM, 29 Oct. 2019, www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/conductingbackgroundinvestigations.aspx.

² Howard, Ryan. "The History of Employment Background Screening." *Background Screening Blog*, www.blog.verifirst.com/the-history-of-employment-background-screening.

Employer

Any individual, organization or institution who employs (puts to work) employees.

Legal Framework

Legal documents that encompass the rules, rights, and obligations of companies, governments and citizens.

Background Check

Also referred to as employment screening; a process an employer utilizes to verify that all information provided by a person is indeed truthful and the individual is who they claim to be. Background checks serve as opportunities for employers to check a potential employee's past activities.

Verification

In the context of background checks, multiple tests can be performed in order to demonstrate that a person is portraying their true identity. Forms of verification include identity verification, education verification and employment verification.

Negligent Hiring

A legal claim which states that an employer is liable (held accountable) for possible harm their employees inflict on third parties, since the employer should have known potential risks involved in hiring these employees.

Criminal Record

The summary of an individual's contacts with law enforcement agencies; includes details regarding drug offences, violence against others, sexual offences and burglary or robbery.

Damage Awards

To order one party in a legal dispute to compensate another party for a loss or injury.

Data Protection

The act of ensuring the safeguarding of important information from corruption or loss.

Ethical Standards

A set of moral principles that individuals within a society, country, or organization have to abide by or act in accordance with.

Gross Domestic Product (GDP)

The GDP of a nation is the final value of all output (services and products) produced within its borders over a specified period of time, most commonly 12 months (i.e. 4 consecutive quarters). The GDP of a country is an important indicator signifying its economic performance.

BACKGROUND INFORMATION

Within a workforce, the primary goals of employees as well as employers are to work efficiently, generate revenue (and hence profit), as well as fulfill their personal or collective aspirations in a safe environment. Therefore, background checks are a sufficient medium that allow all parties involved in the workplace to remain unharmed. Nevertheless, background check laws vary by country. Hence, a legal framework must be assessed to develop the best possible method to ensure the safety of all members in the workplace worldwide. Dividing the topic of background checks into its different realms, such as historical background and forms of verification, assists us in delving deeper into producing an outline best suited to secure the rights of employers as well as employees.

Historical Background

The rise of background checks to pre-screen job candidates stems from the growth of claims alleging that an employer, organization, or association can be negligent for hiring or retaining an individual who subsequently engages in violence. In 1908, there was a case in the United States in which an apprentice's prank accidentally killed a fellow employee. The employer was held accountable for the employee's death, since he witnessed the apprentice's problematic actions, but chose to keep him employed. The emergence of the theory of negligent hiring vastly increased an organization's exposure for large damage awards, making the use of background checks not only a means to prevent violence,³ but also a defense to liability should violence occur.³

Main Reasons for Background Checks

Competition Among Business Organizations

Competition among business organizations and firms has been increasing over the past few decades, primarily due to the sharp population growth of the 1960s. As a result, the need to hire qualified and competent employees, and the intrinsic danger in hiring the wrong candidates, is substantial; crime within the workplace, unethical business practices and

³ "History of Background Checks - When Did They Begin?" *Peopletrail*, 10 Dec. 2020, www.peopletrail.com/history-of-background-checks/.

misleading resumes are becoming increasingly common phenomena.⁴ The aforementioned wrongdoings can lead to fraud, theft, and violence, further enlarging the economic and social strain placed on both small and large businesses. If background checks were obsolete, negligent hiring would be a prominent issue in the workplace, wrecking businesses' cultures.

Promoting Efficiency and Safety in the Workplace

Organizations benefit from background checks, and so do the people with whom these organizations interact with; the better selected the employees, the more likely they are to act competently and professionally. Therefore, organizations must consider their workforce as well as their customer base when deciding on conducting background checks on potential employees. Additionally, businesses must comply with government regulations, and, thus, it is of utmost importance that all Member States recognize the need for rigid background checks.

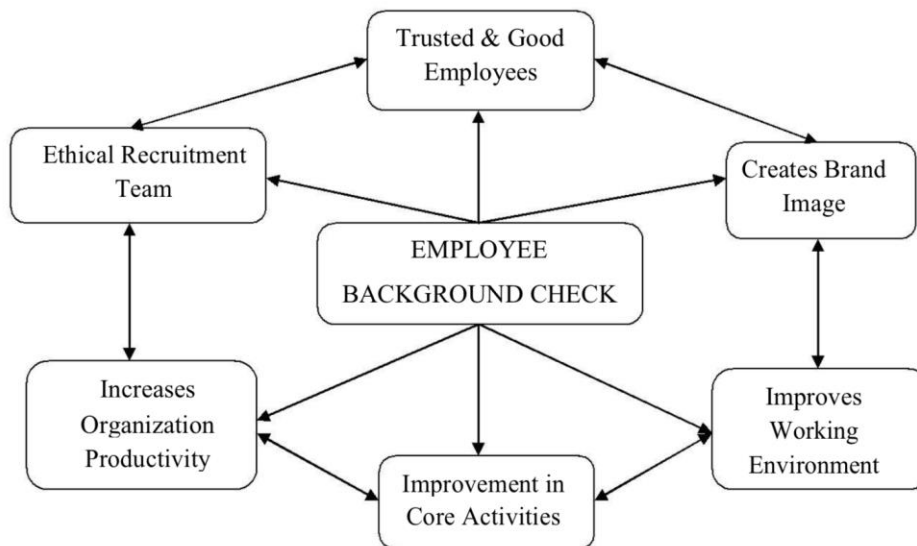


Figure 3: Benefits of Employee Background Checks⁵

⁴ Fatemi, Falon. "The True Cost Of A Bad Hire -- It's More Than You Think." *Forbes*, Forbes Magazine, 29 Sept. 2016, www.forbes.com/sites/falonfatemi/2016/09/28/the-true-cost-of-a-bad-hire-its-more-than-you-think/

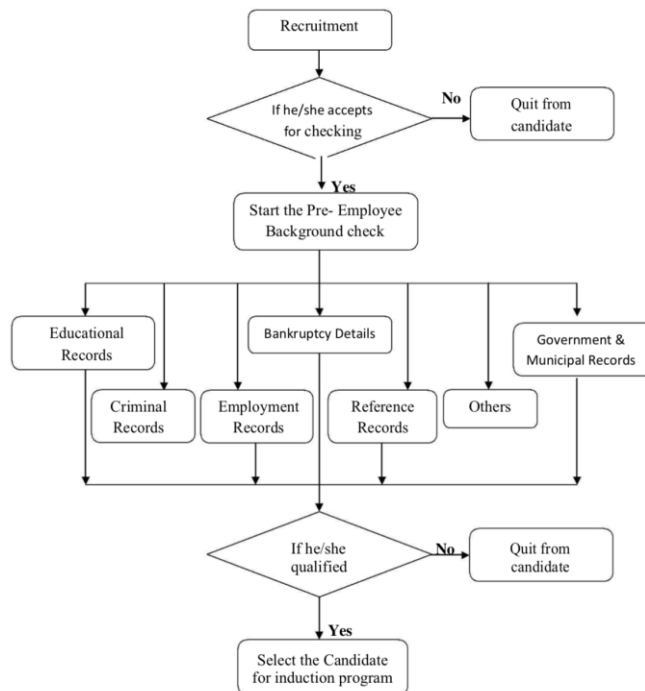
⁵ Bhoganadam, Syamala Devi, and Dasaraju Srinivasa Lao. "A SUGGESTED CONCEPTUAL FRAMEWORK FOR EMPLOYEE BACKGROUND CHECK ." *Research Gate*, K L University Vaddeshwaram, Nov. 2014, www.researchgate.net/publication/279526413_A_SUGGESTED_CONCEPTUAL_FRAMEWORK_FOR_EMPLOYEE_BACKGROUND_CHECK.

The Need for Ethical Background Check Regulations

Over the past decade, background checking and its uses have skyrocketed in the workplace. Some of the most compelling reasons businesses choose to utilize background checks are to maximize effectiveness, providing a safe environment for employees, volunteers, and other parties, and uncovering potential deception.⁶ The importance of background checks on business organizations is immense. Hence, it is advised that the Member States cooperate so as to assess a legal framework in which background checks can be enforced ethically and effectively.

Potential Framework for a Pre-Employee Background Check Process

A potential framework can serve as a rough outline for the candidate recruitment process. When an employee is enlisted and consents to be screened, an employer can check for a myriad of prerequisites, including the candidate’s educational records, criminal records, employment records, bankruptcy details, reference records, and whether he or she is qualified for the job. If the candidate passes these checkpoints, they are likely fit for the position they are applying for, and can hence be accepted for employment.



⁶ “Non-Profit Pre-Employment Background Checks.” *Crimcheck*, 7 Feb. 2020, www.crimcheck.net/industries/background-checks-for-non-profit-organizations/

Figure 1: Framework for Pre-Employee Background Check Process⁷

Top Reasons to Conduct Background Checks

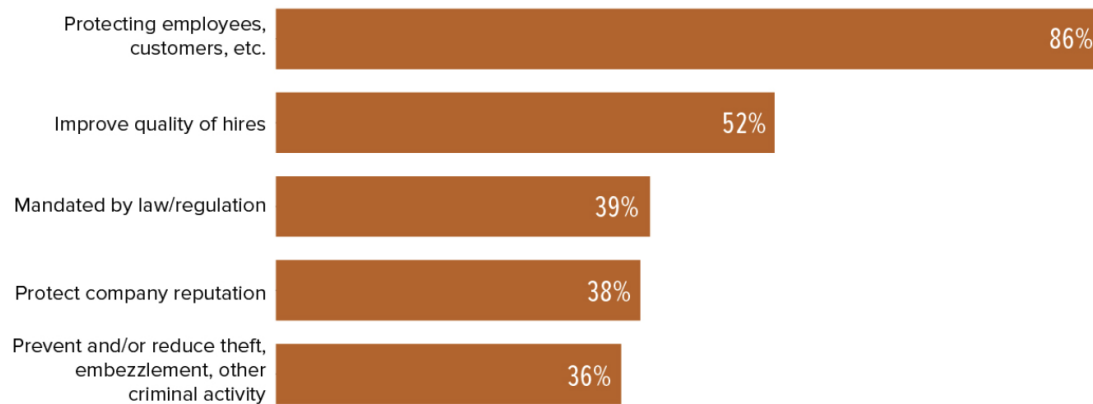


Figure 2: Main Reasons of Conducting Background Checks⁸

The Importance of a Criminal Record Investigation

A criminal record investigation is particularly important if the job a candidate is applying for fulfills roles involved in the access to financial information, security responsibilities, and close proximity to vulnerable populations, such as the elderly or children. A criminal background check may search national or federal databases to report information regarding a candidate’s criminal history. Currently, in the United States, the use of background checks with the aim of retrieving criminal record information is under scrutiny. This is driven by two key concerns: high rates of unemployment among previous criminal offenders and felons (which may increase the likelihood of committing new offences and reverting to a life of crime) and employers’ failure to comply with existing consumer protection laws. The legislative, regulatory, and judicial responses to the aforementioned concerns are varied. Nevertheless, different nations implement varying rules and regulations on the matter. For instance, in Brazil, criminal

⁷ Bhoganadam, Syamala Devi, and Dasaraju Srinivasa Lao. “A SUGGESTED CONCEPTUAL FRAMEWORK FOR EMPLOYEE BACKGROUND CHECK .” *Research Gate*, K L University Vaddeshwaram, Nov. 2014, www.researchgate.net/publication/279526413_A_SUGGESTED_CONCEPTUAL_FRAMEWORK_FOR_EMPLOYEE_BACKGROUND_CHECK

⁸ Shrm. “Conducting Background Investigations and Reference Checks.” *SHRM*, SHRM, 29 Oct. 2019, www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/conductingbackgroundinvestigations.aspx.

background checks are prohibited or permitted in extremely rare circumstances. On the other hand, in Egypt, criminal background checks are standard practice.⁹

The Importance of Background Check Verification

Verification checks are common amongst background checks, especially in the United States. Attempting to verify whether employees are who they claim they are, and whether they can perform the tasks they say they can perform, mitigates the risk of negligent hiring claims or lawsuits and reduces potential danger in the workplace, promoting a positive and inclusive environment for workers.¹⁰ Member States are advised to consider this, since, provided that safety is maximized within the workplace, efficiency and job fulfillment can also be maximized, which can eventually lead to a raise in Gross Domestic Product (GDP) within a nation; the level of output increases and thus the standard of living also improves.

Verifying one's identity

It is imperative that employers verify that candidates do not use false or stolen identities when applying for jobs. Identity verification background checks enable employers to know the true identity of the person they are hiring, confirming that prospective employees are who they insist they are. Identity checks can utilize an individual's name, address and date of birth and Social Security Number (SSN) in order to verify a candidate's identity.

Verifying one's educational credentials

Education verification is particularly useful to conduct when an employer is hiring for roles that require specific levels of schooling. The education verification process usually includes an employer checking for a high school diploma, undergraduate, or postgraduate degree to cross-reference with any other information they have been provided with (usually from a candidate's resume or interview). Additionally, an education check investigates a potential employee's degrees, academic institution(s) attended, years attended, specific certifications, or specialized training. Candidates may tend to exaggerate their education or prestige of the educational institutions they have attended. Therefore, education verification is useful in determining

⁹ Abata, Duncan, et al. "A Global Guide to Background Checks." *Mayer Brown*, www.mayerbrown.com/files/uploads/Documents/PDFs/Employment/A-Global-Guide-Background-Checks.pdf.

¹⁰ Howard, Ryan. "The History of Employment Background Screening." Background Screening Blog, blog.verifirst.com/the-history-of-employment-background-screening.

whether a candidate has the toolset and skills required to successfully carry out tasks in the workplace.¹¹

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

United States of America

Background checks were first introduced in 1908 when the case of an apprentice's prank that accidentally killed a fellow employee rose to prominence. Since then, specifically on July 2, 1965, the Equal Employment Opportunity Commission (EEOC) was founded. The EEOC is a federal agency established to combat workplace discrimination via the enforcement of the 1964 Civil Rights Act.¹² In addition, the Fair Credit Reporting Act (FCRA) was created in 1970 to regulate the privacy of consumer information contained in the files of consumer reporting agencies, and is still in effect today.¹³ Furthermore, in 2003, the National Association of Professional Background Screeners (NAPBS) was established on the basis of promoting objective third-party screening services, which can be utilized by employers in order to conduct efficient and effective background checks on potential employees. All the aforementioned agencies and policies are still in effect today.

United Kingdom

The Data Protection Act of 1998 was passed by British Parliament to protect personal data stored on computers or in an organized paper filing system. Such information can also pertain to background checks. Nevertheless, the Act has since been repealed. Since the onset of the financial crisis of 2007-2010, the level of fraud has almost doubled in the UK. According to California based background-checking firm Powerchex, about 85% of applicants in the UK lie about possessing additional skills and 48% of small firms (with fewer than 100 staff) experience issues regarding vetted employees.¹⁴

¹¹ "Education Verification for Employment." *What Is Involved With Education Verification For Employment | ShareAble For Hires*, www.hires.shareable.com/blog/what-is-involved-with-education-verification-for-employment.

¹² "Timeline of Important EEOC Events." *U.S. Equal Employment Opportunity Commission*, www.eeoc.gov/youth/timeline-important-eeoc-events.

¹³ "Fair Credit Reporting Act." *Federal Trade Commission*, 4 Mar. 2020, www.ftc.gov/enforcement/statutes/fair-credit-reporting-act.

¹⁴ C., Brown RF;Owens M;Bradley. "Employee to Employer Communication Skills: Balancing Cancer Treatment and Employment." *Psycho-Oncology*, U.S. National Library of Medicine, www.pubmed.ncbi.nlm.nih.gov/22162192/.

The Netherlands

In the Netherlands, it is the employer's responsibility to treat all personal information collected from the employee as confidential. The employer cannot retain personal information from the applicant and the applicant must have the opportunity to access their personal information. Furthermore, the Dutch Data Protection Authority, an independent administrative body that has been appointed by law to process personal data, must be notified of any background checks conducted.¹⁵

Poland

In Poland, Article 8 coincides with the country's laws and regulations regarding background checks.¹⁶ It is the employer's responsibility to collect necessary information and to ensure that only certain people within a given organization can have access to this information. Additionally, the applicant has to receive a copy of the background check in order to make sure the information presented is accurate. Nevertheless, the employer cannot retain personal information from the applicant. In Poland, it is estimated that around 81% of recruiters have come across lies in the CVs of candidates.¹⁷

Brazil

The Brazilian legal system prohibits any form of discrimination, including duties and admission criteria due to gender, age, skin color, or marital status. Therefore, numerous Brazilians consider background checks to be discriminatory. Nonetheless, Brazilian law allows for background checks on the basis of education and past employment records, credit or financial checks, social media research, fingerprinting, and handwriting. However, checks on criminal records, medical screening, union membership, political views, and drug and alcohol testing are strictly prohibited.¹⁸

European Union (EU)

The EU, particularly the European Commission, outlines data protection laws in the selection or recruitment process which can be implemented by EU Member States.

¹⁵ "Home." *Autoriteit Persoonsgegevens* |, 17 Dec. 2020, www.autoriteitpersoonsgegevens.nl/en.

¹⁶ "Jacobs, White and Ovey." *Google*, Google, www.books.google.gr/books?id=TGygAwAAQBAJ.

¹⁷ "Employment Relations Today: ScienceGate." *Sci*, www.sciencegate.app/journal/355.

¹⁸ "Anti-Discrimination Laws in Brazil." *L&E Global Knowledge Centre*, 4 Nov. 2020, www.knowledge.leglobal.org/anti-discrimination-laws-in-brazil/.

Additionally, the EU's General Data Protection Regulation (GDPR) laws directly impact "how data can be acquired, stored, and used" in the employee selection process.¹⁹

National Association of Professional Background Screeners (NAPBS)

The National Association of Professional Background Screeners' (NAPBS) mission "exists to advance excellence in the screening profession." The United States based organization was established on the basis of promoting objective third-party screening services. Additionally, it provides guidance in regards to maintaining ethical standards when performing background checks on potential employees.²⁰

HireRight

HireRight is a provider of employment background checks. Based in California, its services reach approximately 200 countries and territories around the world. HireRight aims to effectively manage the risk of new hires with dedicated resources, expertise and supporting technology. Additionally, it verifies candidates' details, experience and qualifications and presents this information in a report. Around 40,000 organizations worldwide utilize HireRight as their background screening provider²¹; the computer software and hospital and healthcare industries are its leading customers.²²

United Nations Working Party (CONUN)

The United Nations Working Party (CONUN) aims to develop common European Union (EU) policy on UN matters of common interest to EU member states. Additionally, the primary goals of the CONUN are to promote a stronger UN, secure international peace, reform the UN system and remain active regarding UN agencies, programmes, funds, and conferences.²³

OneHR

OneHR is a network of UN organizations, partnered with the World Health Organization (WHO) and United Nations Development Program (UNDP), inter alia, collaborating to offer services in the areas of organization design, job classification, and background checks.²⁴ Furthermore, "OneHR has the mandate to conduct the reference verification as requested by

¹⁹ PrivSec Report. "What Does GDPR Mean for the Recruitment Industry?" *PrivSec Report*, 2 Mar. 2018, www.gdpr.report/news/2018/03/05/gdpr-mean-recruitment-industry/.

²⁰ "Home." *Professional Background Screening Association*, thepbsa.org/.

²¹ "Background Checks." *HireRight Inc.*, www.hireright.com/emea/background-checks.

²² "HireRight Commands 38.44% Market Share in Employment Background Checks." *Enlyft*, www.enlyft.com/tech/products/hireright.

²³ "United Nations Working Party (CONUN)." *Consilium*, Council of the EU, 9 Nov. 2017, www.consilium.europa.eu/en/council-eu/preparatory-bodies/united-nations-working-party/.

²⁴ "About OneHR." *United Nations One HR*, www.onehr.webflow.io/about-onehr.

the hiring UN entity”²⁵ but cannot make any recommendations based on the outcome of the verification. Founded in September 2015, it remains active today.

TIMELINE OF EVENTS

Date	Description of Event
1908	A negligent hiring law first appears; an apprentice’s prank accidentally kills a fellow employee in the United States
November 4, 1950	The European Convention on Human Rights opens for signature in Rome
1951	In the USA, a delivery man makes an “indecent” attack on a housewife and a court rules that the man’s employer is held liable for the delivery man’s wrongdoing
1953	The European Convention on Human Rights officially comes into force; an important convention due to its ability to encompass rights that individuals possess when being screened during a background check.
1970	The USA passes the Fair Credit Reporting Act (FCRA)
January 1, 1990	Article 8 of the European Convention on Human Rights enters into force
1994	Poland passes the National Criminal Records Act
1995	HireRight is founded
1998	The United Kingdom passes the Data Protection Act
2003	The National Association of Professional Background Screeners (NAPBS) is founded

²⁵ “Frequently Asked Questions.” FAQ, www.onehr.webflow.io/faq-frequently-asked-questions.

2004	The Netherlands passes the Judicial Data and Criminal Records Act
2005	The document TRANS/WP.30/2005/3 is implemented by the UN Economic and Social Council (ECOSOC)
2010	The United Kingdom passes the Equality Act
September 2015	OneHR is successfully launched

RELEVANT RESOLUTIONS, TREATIES AND EVENTS

Document TRANS/WP.30/2005/3

This document, discussed in the Economic and Social Council (ECOSOC) of the UN, authorizes the Working Party to be informed regarding recent activities by the World Customs Organization (WCO) as well as other non-governmental organizations (NGO) provided they relate to matters of interest to the Working Party.²⁶

Article 8 European Convention on Human Rights

Article 8 of the European Convention on Human Rights provides a right to respect for one’s privacy in regards to home and family life. Its two tenets include: (1) “Everyone has the right to respect for his privacy and family life, his home and his correspondence” and (2) “There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary for a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

National Criminal Records Act

Each country possesses different legislation regarding criminal records. Generally, however, a criminal record includes criminal offences and may also include traffic offences such as drunk driving. Nevertheless, as aforementioned, information included in criminal records can vary between jurisdictions and countries such as Australia, Austria, Belgium, Bulgaria, Canada,

²⁶ “ECONOMIC COMMISSION FOR EUROPE - PROVISIONAL AGENDA FOR THE ONE-HUNDRED-AND-NINTH SESSION.” *United Nations Economic and Social Council*, www.unece.org/fileadmin/DAM/trans/bcf/wp30/documents/217e_000.pdf.

the UK, the USA, France, Germany, Greece, Russia, inter alia, have implemented distinct laws regarding criminal checks and criminal records. For example, in Greece, only education and past employment background checks are standard practice, whereas criminal records, financial checks, health checks, internet search, fingerprinting, and alcohol testing checks are performed only under dire circumstances.²⁷

UK Equality Act

The UK Equality Act of 2010 protects people from discrimination, harassment, or victimization in the workplace, both in the private and public sectors. The Act is based on nine distinct, protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Needless to say, employers who stumble upon any of the above during a background check cannot discriminate against candidates on the basis of these attributes.²⁸

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

European Union (EU) Joint Legislation

The European Commission's science and knowledge service (hereinafter "The Commission") is committed to protecting personal data, as well as respecting individuals' privacy. The Commission has adopted privacy statements, which explain information related to the processing of personal data and the way it collects and handles such data. Such legislation provides a framework for laws pertaining to employment screening and the protection of confidential information and personal data within the EU.

Background Check Laws by Country

Different countries around the world possess distinct background check laws based on their respective constitution and the status quo. Nevertheless, a trend that emerges in countries worldwide, particularly in the regions of the Americas and Europe, the Middle East, and Africa (EMEA) is the prohibition of background checks regarding union membership and political views. Therefore, these nations support the permission of the aforementioned checks in extremely limited circumstances. As a result, a pattern is established, which implies that it is highly likely that investigating an individual's union membership or political views does not

²⁷ Abata, Duncan, et al. "A Global Guide to Background Checks." *Mayer Brown*, www.mayerbrown.com/files/uploads/Documents/PDFs/Employment/A-Global-Guide-Background-Checks.pdf.

²⁸ Participation, Expert. "Equality Act 2010." *Legislation.gov.uk*, Statute Law Database, www.legislation.gov.uk/ukpga/2010/15/contents.

affect safety within a workplace, and, even if it did, it would be a breach of individual rights to actively investigate these matters.²⁹ However, other nations may have contrasting views on the matter, and therefore possess their own background check laws.

Conducting Background Checks in Accordance to General Data Protection Regulation (GDPR)

According to Article 5 of the General Data Protection Regulation (pertaining to the European Union), any business that must collect and process personal data must be clearly defined, assessed, and evaluated in regards to the rights and freedoms of the data participants. Based on this regulation, background checks are implemented and enforced in various EU countries. In layman's terms, GDPR laws and regulations are the foundation of individual EU countries' laws concerning background checks and employment screening.³⁰

POSSIBLE SOLUTIONS

Conducting Studies

If numerous studies are conducted (by universities, the UN or more specifically the ILO), indicating that background checks or employment screening increase efficiency and maintain safety in the workplace, then it is highly likely that a larger number of nations around the world will choose to implement comprehensive background check laws. For example, if there is a strong correlation between screening for a candidate's criminal record and safety in the workplace, it is more probable that employers will choose to implement this practice, and nations will ensure that candidates will have to pass a criminal background check in order to be eligible to work. If the studies indicate otherwise, perhaps background check laws will be more lenient and focus on an individual's right to data protection.

Universal Background Check Laws for Employees

Background check laws rely on the status quo and a country's constitution, laws, and other ratified documents for their implementation. However, if there is a causal relationship between background checks and a safer, more efficient workplace, then it is likely that universal background checks could be formed. The creation of a convention that aims to establish a universal legal framework for conducting employment screenings is a promising approach to ameliorating the issue at hand. However, background checks are a multifaceted

²⁹ Abata, Duncan, et al. "A Global Guide to Background Checks." *Mayer Brown*, www.mayerbrown.com/files/uploads/Documents/PDFs/Employment/A-Global-Guide-Background-Checks.pdf.

³⁰ Foitzik, Piotr. *How to 'Background Check' under the GDPR*, International Association of Privacy Professionals, 5 Oct. 2020, www.iapp.org/news/a/how-to-background-check-under-the-gdpr/.

issue dependent on a country's laws and attitudes towards employment screening, making it difficult for every member state to reach a consensus. For instance, countries such as Brazil, in which citizens typically condemn the conduction of background checks, have rather dissimilar laws to the United States, in which it is common practice to perform background checks on candidates.

Education on Personal Data

Raising awareness on the issue and allowing individuals to understand why their personal information should be retrieved creates a sense of security, devoid of fear of the stealth of personal data or confidential information. If all parties involved in a background check are aware of the process and what it entails, then background checks will be a smooth process, rather than a timely, cost-inefficient, and anxiety-inducing procedure.

The inception of United Nations (UN) Resolutions, Treaties, and Conventions

Although the UN has remained inactive on the matter of background checks, the introduction and implementation of UN resolutions and treaties can help guide the behavior and laws of Member States. It should be noted that all UN organs, besides the Security Council, cannot create laws or propose legislation that countries are legally obligated to follow. Nevertheless, UN conventions may help raise awareness on the matter of background screening, prompting diplomats to further understand the issue at hand and begin assessing a legal framework to enforce comprehensive background checks on employees, for the safety of all parties in the workplace.

BIBLIOGRAPHY

General

Abata, Duncan, et al. "A Global Guide to Background Checks." *Mayer Brown*, www.mayerbrown.com/files/uploads/Documents/PDFs/Employment/A-Global-Guide-Background-Checks.pdf.

"Anti-Discrimination Laws in Brazil." *L&E Global Knowledge Centre*, 4 Nov. 2020, www.knowledge.leglobal.org/anti-discrimination-laws-in-brazil/.

"Background Checks." *HireRight Inc.*, www.hireright.com/emea/background-checks.

Bhoganadam, Syamala Devi, and Dasaraju Srinivasa Lao. "A SUGGESTED CONCEPTUAL FRAMEWORK FOR EMPLOYEE BACKGROUND CHECK ." *Research Gate*, K L University Vaddeshwaram, Nov. 2014,

www.researchgate.net/publication/279526413 A SUGGESTED CONCEPTUAL FRAMEWORK FOR EMPLOYEE BACKGROUND CHECK.

C;, Brown RF;Owens M;Bradley. "Employee to Employer Communication Skills: Balancing Cancer Treatment and Employment." *Psycho-Oncology*, U.S. National Library of Medicine, www.pubmed.ncbi.nlm.nih.gov/22162192/.

"Discrimination by Type." U.S. Equal Employment Opportunity Commission, www.eeoc.gov/discrimination-type.

"Education Verification for Employment." *What Is Involved With Education Verification For Employment | ShareAble For Hires*, www.hires.shareable.com/blog/what-is-involved-with-education-verification-for-employment.

"Employment Relations Today: ScienceGate." *Sci*, www.sciencegate.app/journal/355.

"Fair Credit Reporting Act." *Federal Trade Commission*, 4 Mar. 2020, www.ftc.gov/enforcement/statutes/fair-credit-reporting-act.

Fatemi, Falon. "The True Cost Of A Bad Hire -- It's More Than You Think." *Forbes*, Forbes Magazine, 29 Sept. 2016, www.forbes.com/sites/falonfatemi/2016/09/28/the-true-cost-of-a-bad-hire-its-more-than-you-think/.

Foitzik, Piotr. *How to 'Background Check' under the GDPR*, International Association of Privacy Professionals, 5 Oct. 2020, www.iapp.org/news/a/how-to-background-check-under-the-gdpr/.

Heathfield, Susan M. "What Is an Employer?" *The Balance Careers*, www.thebalancecareers.com/what-is-an-employer-1918113.

Heathfield, Susan M. "What, Exactly, Is an Employee?" *The Balance Careers*, www.thebalancecareers.com/what-is-an-employee-1918111.

"HireRight Commands 38.44% Market Share in Employment Background Checks." *Enlyft*, www.enlyft.com/tech/products/hireright.

"History of Background Checks - When Did They Begin?" *Peopletrail*, 10 Dec. 2020, www.peopletrail.com/history-of-background-checks/.

"Home." *Professional Background Screening Association*, www.thepbsa.org/.

Howard, Ryan. "The History of Employment Background Screening." *Background Screening Blog*, www.blog.verifirst.com/the-history-of-employment-background-screening.

“Jacobs, White and Ovey.” *Google*, Google, www.books.google.gr/books?id=TGygAwAAQBAJ.

Jamila Youmagul | EEO Consultant Chicago, et al. “How To Avoid Common Mistakes With EEOC Complaints.” *Insperity*, 19 Aug. 2020, www.insperity.com/blog/eec-complaint/.

“Laws Governing Employment Background Checks.” *Imperative*, 19 Mar. 2020, www.imperativeinfo.com/resources/laws-governing-employment-background-checks/.

“Non-Profit Pre-Employment Background Checks.” *Crimcheck*, 7 Feb. 2020, www.crimcheck.net/industries/background-checks-for-non-profit-organizations/.

Participation, Expert. “Equality Act 2010.” *Legislation.gov.uk*, Statute Law Database, www.legislation.gov.uk/ukpga/2010/15/contents.

“Primer: Legal Framework.” *Natural Resource Governance Institute*, 17 May 2016, www.resourcegovernance.org/analysis-tools/publications/primer-legal-framework.

Schröder-Butterfill, Elisabeth, and Ruly Marianti. “A Framework for Understanding Old-Age Vulnerabilities.” *Ageing and Society*, U.S. National Library of Medicine, Jan. 2006, www.ncbi.nlm.nih.gov/pmc/articles/PMC3672844/.

Shrm. “Conducting Background Investigations and Reference Checks.” *SHRM*, SHRM, 29 Oct. 2019, www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/conductingbackgroundinvestigations.aspx.

Team, FoxHire. “What Is Negligent Hiring?: How to Avoid Negligent Hiring Claims.” *FoxHire*, 8 Oct. 2019, www.foxhire.com/blog/what-is-negligent-hiring-how-avoid/.

“Timeline of Important EEOC Events.” *U.S. Equal Employment Opportunity Commission*, www.eeoc.gov/youth/timeline-important-eeoc-events.

“What Is a Background Check? 10 Common Types and What They Include.” *GoodHire*, 8 Oct. 2020, www.goodhire.com/blog/complete-guide-to-background-checks/.

Team, FPFIS. “Data Protection in the Selection and/or Recruitment Process.” *EU Science Hub - European Commission*, 19 June 2020, www.ec.europa.eu/jrc/en/working-with-us/jobs/temporary-positions/data-protection.

PrivSec Report. “What Does GDPR Mean for the Recruitment Industry?” *PrivSec Report*, 2 Mar. 2018, www.gdpr.report/news/2018/03/05/gdpr-mean-recruitment-industry/.

“Home.” *Autoriteit Persoonsgegevens* |, 17 Dec. 2020, www.autoriteitpersoonsgegevens.nl/en.

Figures

Bhoganadam, Syamala Devi, and Dasaraju Srinivasa Lao. "A SUGGESTED CONCEPTUAL FRAMEWORK FOR EMPLOYEE BACKGROUND CHECK ." *Research Gate*, K L University Vaddeshwaram, Nov. 2014, www.researchgate.net/publication/279526413_A_SUGGESTED_CONCEPTUAL_FRAMEWORK_FOR_EMPLOYEE_BACKGROUND_CHECK.

Shrm. "Conducting Background Investigations and Reference Checks." *SHRM*, SHRM, 29 Oct. 2019, www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/conductingbackgroundinvestigations.aspx.

Bhoganadam, Syamala Devi, and Dasaraju Srinivasa Lao. "A SUGGESTED CONCEPTUAL FRAMEWORK FOR EMPLOYEE BACKGROUND CHECK ." *Research Gate*, K L University Vaddeshwaram, Nov. 2014, www.researchgate.net/publication/279526413_A_SUGGESTED_CONCEPTUAL_FRAMEWORK_FOR_EMPLOYEE_BACKGROUND_CHECK.