

Terms of Reference

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A pharmacist friend of mine looked for a job a year ago and was offered a position with an employer I considered shady. Far from making it on to the employer of choice or best brand list, this employer had a reputation for racism, possessing an unbecoming attitude towards customers (not to mention staff) and a tendency for throwing all his toys out of the pharmacy cot in front of customers and staff. Once she took up the post her circumstances unfolded exactly as you would suspect. No contract of employment was signed, but as part of her exhaustive duties she was expected to open the pharmacy, close the pharmacy, not take her lunch break, flout the laws by dispensing medicine in the absence of a prescription – it's a business remember... you know the story. Tacky operation with tacky management. No mentorship, no guidance in fact very little interaction between employer and employee except when he came into the pharmacy shouting orders right, left, and centre. This was not just a bad employer – this was the Idi Amin of employers. So she left.

Roll on a few months and she is looking at more equitable places of employment to pursue her career. When one prospective employer called the other day for a reference the potential new boss was told that she had reneged on a 2 year contract, just upping and leaving after 6 months. Of course prospective employer is not too happy with this feedback so that's one job she is not going to be offered. Thank you ex-Boss.

Past performance can be a good predictor of future performance and that's why we check people out, but it's a tricky subject, reference checking, because it can be very subjective. Just the way your ex employer chooses to answer questions about you can sink your job application quicker than the Titanic. Even if you are a great employee it's very easy for a biased or disgruntled ex to slant the truth and leave you out with the unemployed. On the other side employers often refuse to discuss the performance of past employees because of the risk of libel. So to minimise the risk employers will develop a non-disclosure policy which can be a morale killer because it makes it harder for good former employees to find work, while allowing poor performers to skate to the next job without worrying about their bad records following them.

The National Working Rights Institute once published the following analogy in one of their articles on reference checking. "Once there were two prisoners in a Siberian gulag. They had been imprisoned many years and were planning to escape. Their guards knew something was up, but had no proof. So they put the prisoners into separate rooms and told them, "We know you are plotting to escape. If you confess and implicate your friend, you will not be punished, but your friend will be shot." Both prisoners knew that the best thing was for both of them to say nothing. But if they held the line and their friend confessed, they would die. Ultimately, in order to protect themselves, each prisoner was bound to break down and confess, making them both worse off. "

This is very much like the situation employers find themselves in when it comes to reference checks. To make intelligent hiring decisions, employers would like to get complete, honest feedback about a potential recruit, but they cannot, because other employers, afraid of being sued by disgruntled ex-employees, will give out nothing except job title and dates of employment which of course is already known. Since the employer that behaves with self interest will also someday be in the shoes of the one asking for a reference, both would be better off if they cooperated. Yet, to let candid information flow is perceived as a large risk.

The biggest block to getting a reference is a company's paranoid obsession with the fear of libel. Yet do you know anybody who has ever sued because of a bad reference? Unfair dismissal yes, defamation of character sure but a report on the persons performance at work –I have never heard of that once in my 20-odd years as a practicing human resources advisor. I am not saying it doesn't happen it's just that you have a seriously higher probability of being sued for a product failure than giving out an honest reference.

Of course if an employee has been a really good performer you will find the employer more willing to talk about them regardless of the policy because there is no risk involved when you are saying nice things. So when the employer refuses to talk the silence speaks volumes. My old employer went so far as to only issue certificate of services to employers. Each had the same spiel in each, like position, length of service and reason for leaving but they had a secret passage which would be inserted – made up of an arrangement of words all so similar but slightly different which once decoded (by other HR people within the group with the code book) told the reader what type of employee he/she really was – in the often subjective opinion of the person writing the reference. - that's one way of blacklisting I guess.

Reference checking is not the end of the hiring process but rather the bridge between the hiring and on- boarding processes as it supports the hired candidate's successful transition into his or her new role. Of course in Botswana we have our own dynamic – what I call "back-door reference checks", which means that prospective employers will call people known to them who may have experience with the candidate but have not been listed by the candidate as a reference.

This sometimes puts candidates at risk but as Botswana is a particularly small business world, it is inevitable. You can't really get away with bad performance here because the country is too small and most people somehow inter-connected so guess your bad or good performance reputation will follow you regardless of the reference check. Conclusion? Bear in mind that bad news travels fast, no news is not always good news and silence is golden, complete contradictions in terms, and the real trick lies in fathoming which is which.

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