Topic Question

If your employer asked you to review the decision not to hire an African American applicant for a job, what would you need to consider?

Peer 1

Lauren Miller posted Mar 14, 2018 10:13 AM

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            If my employer asked me to review a decision not to hire an African American applicant, I would definitely need to consider the Civil Rights Act of 1991.  This act requires that “an individual’s race…..played no role in the employment decision”.  Although I know that I would never discriminate based on race, I would need to make sure that there is no way that the reasons for my decision cannot be misunderstood as having something to do with the employee’s race.  If an individual is able to convince a judge or jury that my decision was race based, regardless of whether it was or was not, it could cost me and the company that I work for a major amount of money.

            Another consideration should be given to affirmative action.  With new technology popping up every day, employers may be quick to incorporate this into their hiring and recruiting practices.  However, if these technologies are not easily accessible or are very costly, some minorities and other protected groups may not have the opportunity to utilize them.  This in turn causes the practices to be very discriminatory.

Reference:

Mathis, R., Jackson, J., Valentine, S., & Meglich, P. (2017). *Human Resource Management (15th Ed)*. Boston, MA: Cengage Learning.

Peer 2

Kerry Bjarnason posted Mar 12, 2018 6:51 PM

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The Civil Rights Act of 1964 (Title VII) serves as the backbone of equal employment laws here in the United States. It established equal employment opportunities based on worker qualifications and the requirements of the job position, making it illegal for employers to consider age, sex, race, religion, or disability (among others) in the context of hiring, promotion/demotion, compensation, working conditions, or firing (Mathis, Jackson, Valentine & Meglich, 2017).

In this particular case, I would approach my investigation just as I would for *any* race or gender applicant because there is to be *no* discrimination in the workplace - period. First, I would review the applicant’s qualifications to see if his/her qualifications and experience aligned with the job description, duties, and requirements. Second, I would review the notes from the interview to look for any discrimination or bias. I would also look for special information noted during the interview, such as the applicant’s communication skills or any other unique qualities or qualifications presented in the interview process. Third, I would reassess the applicant’s references. I would contact each one of them and compare the interview notes, once again looking for any bias or discrimination on the interviewer’s part in regards to reference utilization.

Upon completion of these 3 steps, I would be able to ascertain if the applicant was qualified for the position. If the applicant was indeed qualified, I would then need to compare and contrast the African American applicant to the actual person who was hired to fill the position, looking to see which person was truly the most qualified for the position. I would also read over the notes from the hired applicant’s interview as well, looking for any differences in the interviewer’s style of questioning or the formatting or length of the interview, including the actual number number of notes and highlights, looking for equality and equity throughout the interview process, as this is part of equal opportunity as covered by Title VII of the Civil Rights Act.

I would hope that the most qualified applicant was offered the job; however, if the African American applicant was indeed the more qualified of the two applicants, or it appeared that the interviewer demonstrated bias or discrimination in the interview process, it would certainly confirm the suspicion of discrimination against the African American applicant. If that was the unfortunate finding, corrective actions would definitely need to be taken to remedy the illegal discriminatory actions that had taken place. According to the United States Department of Labor (DOL, n.d.), Title VII of the Civil Rights Act is enforced by the Civil Rights Center and ensures that this type of discrimination does not take place here in the United States.

Personally, I think diversity is the spice of life and I appreciate how we each bring our own unique attributes and flavors to the table. How dull would life be without variety and diversity?!

DOL. (n.d.). Civil Rights Center. *United States Department of Labor*. Retrieved on March 12, 2018 from<https://www.dol.gov/oasam/programs/crc/about-crc.htm>.

Mathis, R.L., Jackson, J.H., Valentine, S.R., & Meglich, P.A. (2017). Chapter 3: Equal Employment Opportunity. *Human Resource Management*(15th ed.)*.*Boston, MA: Cengage Learning.