Avoiding adverse impact and discrimination

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Adverse impact is an undesirable or unexpected consequence of different employment practices that seem impartial nonetheless they have a prejudiced influence on a protected group. This can be seen in hiring, upgrade, training, and development, transmission as well as in performance appraisals (Volpone, Tonidandel, Avery, & Castel, 2015). For example, companies having background checks for a specific group of applicants and not for others. Companies must implement any test or selection procedure after a systematic consideration of its efficiency and boundaries for the organization. This paper will discuss the adverse impact and its relation to discrimination. Moreover, there is also discussion about employment law that protects against discrimination and different policies, procedures, and recommendations for companies to follow to avoid adverse impact and discrimination.

Protected groups refer to certain groups that have specific characteristics and are protected from employment discrimination by numerous state and federal laws. Title VII of the Civil Rights Act 1964 protects employees and job applicants from employment discrimination. No organization can have employment discrimination grounded on race, color, faith as well as sex. In addition, the law protects employees for the full spectrum of employment decisions such as recruitment, selections, and other related decisions. Adverse impact in hiring has its ancestries in this act. This act is enforced by three agencies; the Department of Justice (DOJ), the Office of Federal Contract Compliance Programs (OFCCP) and the Equal Employment Opportunity Commission (EEOC).

Similarly, companies can adopt different procedures and follow policies to avoid adverse impact and discrimination. The best method to avoid it to use different tools that can measure the existence of adverse impact. This allows companies to keep a check on and comply with different laws that prohibit discrimination. Organizations must have a goal of acquiescence with the Uniform Guidelines for Employee Selection Procedures. This will save them from indulging in any discrimination practices.

The Uniform Guidelines have provided a useful means of devising an adverse impact in a selection procedure. It is "4/5ths" or "80 percent" rule that control the adverse impact for the protected group (Volpone et al., 2015). This is a four-step procedure that controls adverse impact. First, compute the rate of selection for each group then conclude which group has the highest selection rate. After this compare the selection rate for each group with the highest group rate. If the comparison does not generate a passing rate equal to or greater than 80 percent of the passing rate of the highest group, then it is concluded that there is an adverse impact for the specific selection procedure.

Furthermore, organizations can adopt the pre-employment testing to avoid adverse impact on any type of selection process (Youngman, 2017). This can include the establishment of the job relevance of the hiring criteria. For example, the information that companies require on the application or during the interview should be job-relevant. For example, organizations may have set of written application questions as neutral for all applicants. However, if the result is the elimination of a protected class then it will result in an adverse impact. Thus, care must be taken and job relevance should be established to avoid such issues. Similarly, an organization can test candidates based on their skills related to their job. The test results will assist in removing candidates who do not pass the threshold. After this organizations can reveal their identities for further process.

Likewise, organizations must have competent legal teams that always have information on the latest legislation. They must trail updates on the Equal Employment Opportunity Commission (EEOC) and the Society for Human Resource Management (SHRM). This will help them avoid adverse impact and remain unbiased in the hiring process.

References

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