

Current Status and Recommendation of Employment Background Checks: What Malaysian Managers Need To Know.

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This paper's aims are twofold; to review the status of background checking process and to provide practical recommendations to Malaysian managers in the hiring process from interview sessions with local authorities. The review covers the definition and fundamental purposes of background checking, overview implementation of background checking in Asian countries, and the emerging needs of psychometric tests. **Methodology:** Two methods of data collection are employed. First, literature search in exploring the fundamental aspects and needs of background checking from the Scopus database and Google Scholar. Second, a preliminary interview with Malaysian local authorities on the current status of the background checking process in Malaysia to provide further recommendations in the hiring process. **Main Findings:** Two themes emerged from the reviews and preliminary interviews; the enforcement of background checking and the use of psychometric tests in the hiring process. **Applications of this study:** The findings could be applied as the first phase of needs analysis to show the critical needs to develop standardised psychometric tests in the hiring process in Malaysia. This article highlights the significance of systematic enforcement of background checking in maximising safety to the employees while minimising potential lawsuits, time and costs for organisations. **Novelty/Originality of this study:** As it serves this is the first study in



Malaysia to provide literature search and interviews in background checking, it provides high reliability in providing recommendations to Malaysian managers from both practical perspectives and academia.

Key words: *Background checks; Disclosure; Management; Vulnerable groups; Psychometrics.*

Introduction

Background checking or disclosure is an act of reviewing both confidential and public information to investigate a person history. It is also a method in which one initiates this screening process as part of the pre-employment process, like identity verification or criminal history, ahead of time for the seeking parties to obtain all the information required when needed (Levashina, Peck & Ficht, 2017). According to Blumstein and Nakamura (2009), a more appropriate hiring decision methods need to conducted if there is a need to increase the situation where the employers must perform a background check of their applicants to prevent negligent hiring and employment discrimination.

A background check also increases the chances of employers making the right decision in recruiting suitable employees, thus avoiding indirect and direct loss. The direct loss that the employer may suffer are, recruit employees with a bad attitude toward colleagues and customers, unmotivated employees, and lack of interpersonal skills, while, the direct loss include assault, child abuse, illegal drugs, fraud, theft and bad driving (Wang & Kleiner, 2000). Walsh (2013) further mentioned employers commonly perform background checks to those applicants seeking a position that require high security or are a position of trust, such as in child care centres, schools, courthouses, hospitals, financial institutions, airports, and governments. This is particularly true as children are categorised as one of the vulnerable groups; along with disabled adults, and the elderly that need to be protected because of their physical, mental or intellectual health status (Manthorpe & Lipman, 2015).

Little is known about background checks and their implementation and enforcement in Malaysia. Therefore, this article seeks to provide a review of background checks in Western countries and also selected Asian countries for comparison purposes with their status in Malaysia. Furthermore, a summary of a preliminary interview with Malaysian local authorities is also discussed to provide Malaysian managers on the current status information and recommendations to strengthen the implementation in Malaysia.

Methodology

Research articles were identified by searches of SCOPUS database using the search terms “background checking”, “disclosure”, and “background checks”. The search terms for Google scholar are more specific on Bahasa Malaysia to address those published works but not in the English language. Despite the low peer-reviewed validity of articles found on Google Scholar, this search engine was helpful to capture relevant theoretical knowledge pertaining to background checking in Malaysia. Words that are used to search for published works in Bahasa Malaysia are “*semakan latar belakang pemilihan pekerja*”, “*semakan latar belakang pengambilan pekerja*”, “*pemilihan bekerja*” and “*pengambilan bekerja*”. The literature search was conducted in February 2018 for the Scopus database and March 2018 for Google Scholar. Results of the search were categorised into three parts: definitions and purposes, the comparison of selected Asian countries with Malaysia and also the emergence of the importance of psychometric tests. Interviews with local authorities as the experts for the study were also conducted to acquire more information from the practitioner point of view. One of the experts is managing the registration of Malaysians, while the other expert is on the welfare of Malaysians. The interviews were conducted in March 2018 involving three numbers of interviewees to look for the recommendations and specific implementation in Malaysian status of background checking.

Findings

Articles Search

Definitions and purposes

In broad terms, background checks are used to ensure the accuracy of the data for the proposed position or pre-employment services (e.g., Levashina, Peck & Ficht, 2017; Reicher, 2013). Many well-established organisations opt to use this option of pre-employment services as it is convenient, trustworthy and lessens their burdens in screening their applicants’ prior employment and to ensure that occupational injuries, disease and sick leave are prevented and minimised during the employment (Schaafsma, Mahmud, Reneman, Fassier & Jungbaeur, 2016). They also assess all the required information through legitimate sources, so the ‘organisations’ are safe from any legal issues. However, the background checks process could be so expensive that only large companies could afford them. Examples of pre-employment screening include background checks, resume verification, media search, credit check, reference check, driving record, and criminal history (Brody, 2010)

Other details for background checks include identity as well as education verification, criminal and civil judgement history, drug screenings, and other information that can be obtained legally for the evaluation of a particular position for the applicant (Lee, 2005; Levashina & Campion, 2009). For example, through the confirmation of the employees’ previous institution, the employer can get a hold of the employees’ academic verification and



also character references. A character reference attests to an applicant's characters and abilities and hence will showcase personalities and skills among the applicants.

In addition to that, other background information needed by employers include any gaps in employment and educational history; criminal, arrest, incarceration, and sex offender records; citizenship, immigration, or legal working status; medical, mental, and physiological evaluation records; and lastly driving and vehicle records, as well as any others, deemed important for the selection of employees. In New Jersey, for example, background checks include criminal convictions, the references and education verification, trace and verification of social security number, credit history or bankruptcy filings, driving records, and terrorist database search (Pro Bono Partnership, 2018). For ease of tracing, the validity and similarity of identities and addresses could be checked through the National Registration Department.

In the same line, Wang and Kliener (2000) identify background checks as one of the three details that will be reviewed by two experts during the pre-employment process. First, the submitted application form is examined to detect misrepresentation; second is the skill tests screening, which refers to job-related skills tests for job applicants. If there are any discrepancies between what is on the resume and the background checks, an honesty or integrity test is suggested to predict honesty in the future (Brody, 2010).

Despite explaining the important purposes, there are two myths that can cripple the hiring process (Edwards & Kleiner, 2002). First, employers believe that they cannot check references or will encounter sources that refuse to co-operate. Second, it is illegal or unwise to give out information about former employees. There are several areas, for example, reference checks which are not only about verifying the information but also related to obtaining extra job-related information like job performance, strength and weakness. Debus (2011) however further states that the scope and depth of the investigations should be based on business factors like reasonable, feasible, legal and ethical and more importantly, the consistency as it is the best form of protection against liability regarding discrimination.

Overview in Asian Countries

A comprehensive report of The Mayer Brown Practices (2015) describes in detail, background checks practices around the globe. Five Asian countries, Japan, South Korea, Indonesia, Singapore and Malaysia, are discussed in detail in this article.

Japan

It is standard practice for Japanese employers to implement limited background checks, but some of the information is only permitted depending on the circumstances. Some companies



might use a handwriting test which is legal and does not need to have a specific requirement to implement the test. However, there is some information needed to meet special conditions for employers that may lead to social discrimination, such as information about race, ethnicity, social status, family origin, and residence.

In the same report, employers are prohibited from acquiring information on employees' transmitted and inherited medical conditions such as HIV, Hepatitis B and colour blindness, without applicants/employees' consent. This also includes information on their credit/financial status. Therefore, the employer has to ask for consent from applicants/employees coupled with explanation and justification on the needs for the employers to obtain the information. There are a few companies that can be hired to track personal records of employees, one of which is Japan PI Personal Background Check. This company provides service to check financial status, location, criminal proceedings, intensive media check and source interview, professional complaints, identity verification, address history traces, birth/death/marriage/divorce records, real estate property ownership, operations record and etcetera. However, when using this kind of service, it is highly recommended to refer to the company's personal lawyer.

South Korea

In South Korea, employers have to ask for consent prior conducting a background check except for contract implementation with the applicant necessary by law especially for legal authorities under South Korean law (The Mayer Brown Practices, 2015). It is important to highlight that employers are not allowed to ask sensitive information, for example, details relating to protected characteristics, if not necessary. In the same line, employers should also be cautious on getting information that does not relate to jobs for female applicants like marital status, appearance, and height. In sum, employers in South Korea should only implement those background checks related to the job specifications before employment.

Jambor (2010) provides interesting remarks from his finding on Koreans' dilemma with foreign English teachers involving the characteristics and requirement that the teachers must comply with. Rather than raising the standards of hiring by enforcing strict regulations of drug/ HIV testing, their levels of English education must be the main, if not the only factor that should be considered prior to hiring. He further notified that because of this wide range of criteria, the blaming game to foreign English teachers need to be ended; otherwise they would be spending more money to hire the ones they feel perfectly fit, or sending away their children to learn English in foreign countries instead.

Singapore

Many aspects are being taken into account for background checking in Singapore. The main ones are personal information, financial checks, health status, political views, substance abuse and criminal records. All of these background checks are permitted as long as it complies with the conditions of the Personal Data Protection Act (PDPA).

Like most other developed countries, employers in Singapore need not obtain consent from applicants for internet and social media searches (Reicher, 2013) yet they need to comply with the Purpose Limitation Obligation by avoiding discriminatory practices. However, as similar with Japan and South Korea, any information that is not relevant to the job requirement of an applicant, would not be considered in making informed hiring decisions. The limit and details of background checks are dependent on the requirement of full-time, part-time and contingent workers. Because of that, employers also need to conduct background checks differently in different sectors of employment.

Indonesia

According to the Mayer Brown Practices (2015), the Indonesian employment law does not clearly regulate the practice of background checking. There are certain background checks which are subject to the consent of the applicant, while some checks, for example, union membership, substance abuse and a criminal record can be performed only after the employer has the applicant's consent.

For financial checks, in particular, it is quite seldom being used in the recruitment process in Indonesia. As for social media/internet checks, there is no prohibition on obtaining information on public websites. The only information that the employer can access is those that are public, not private. As mentioned by Smith (2016), such information would not be used to influence informed hiring decision to prevent employment discrimination. Differing from South Korea, background checking in Indonesia has the same strategies for different kinds of employment such as full-time, part-time or contingent workers. Each uses the same process and does not consider suitability.

Malaysia

In general, Mayer Brown Practices (2015) reported that Malaysian employers can perform background checks on everything as long as they do not violate the Malaysian Personal Data Protection Act 2010. In other words, information such as personal information, criminal records, financial and health status, and substance abuse testing are permissible to check if they are fit to the nature of the employment. For example, caregivers in early childhood centres need to be assessed on their personality level and ability to manage conflicts prior to

dealing with toddlers in the centres. The study by Tang (2003) found three dimensions of selection techniques; information, usefulness and effectiveness levels among Malaysian employees reveal similar trends. They are positively correlated, demonstrating employees who scored high on information domain are most likely to score high on usefulness and effectiveness domain, implying employees are aware and acknowledge the importance of selection techniques to meet the organisational requirements.

On behalf of employers, third parties are allowed to process applicant's personal information to produce a format, but the third party needs to offer a guarantee that there will be no technical and organisational loss, misuse, modification and other potential behaviours could destruct the applicants' personal data. These background checks also do not require explicit consent as its use for the preventing of any negative occurrence at the employment process (Schaafsma et al., 2016; Mohd. Nizam Jemoin; 2006). The only requirements are the applicant's criminal records and health status. To date, political views are considered sensitive personal data and therefore, explicit consent is required from the applicant.

In summary, criminal records, fingerprinting, union membership, political views and medical records fall into the category of prohibited information in Japan. They are only permitted in limited circumstances as this information is considered as sensitive data and has been included in written acts. While in South Korea, criminal records and union membership information are considered as information prohibited to be accessed except in extremely limited circumstances. Indonesia, on the other hand, allows limited access to information on financial records. In conclusion, we have determined the dimensions of background checks in Asian countries. From there, we have realised the importance of each element to Malaysian managers, and why the enforcement of background checks in the Malaysian context needs to be executed properly.

Psychometric test for Hiring

Brody (2010) introduced several methods when conducting a pre-employment screening investigation in an attempt to hire honest employees: those less likely to commit fraud against their organisation. He also suggests that companies or those hiring employees have to go beyond the basics when hiring and hence, the honesty/integrity tests, involving written psychological tests, have to be emphasised to avoid the risk of hiring unfit candidates. Further, in a study of Brody, Perri, and Van Burden (2015), ethical issues indeed play a role in determining whether or not companies are able to proceed in employing honesty/ integrity tests. However, they further justified the potential risks of hiring dishonest employees can bring greater challenges to the companies in terms of potential harm to other employees, organisational costs and safety.



Gusdorf (2008) explained two main parts; recruitment and selection, on how managers can effectively conduct a hiring process. While recruitment is contributed to by both internal and external environments in hiring employees, a selection test is used to determine the applicant's potentials to be the best fit through several tests like aptitude, personality, abilities, honesty and motivation. He further mentions that the tests should be standardised, reliable and valid intesting the same skills needed in the job.

Apart from these two, Lindquist et al. (2012) pointed out that screening and training practices by the agencies are highly variable and are of poor quality. Many agencies prioritise the importance of having valid experience, yet only 18.3% stated that the candidates must have prior experiences as a caregiver. Worse, only 16.5% have administered a test of basic knowledge that candidates had to pass before hiring. They further stated that agencies often use self-report and clients' feedback to determine the candidate's skills which is not agreeable because an employment-seeking person may incorrectly self-report their capabilities. Therefore, more stringent regulations and standardised sets of standards are needed.

Preliminary Interviews

Two interviews from Malaysian local authorities, serving as the experts for the study, were conducted to acquire more information on background checking and its implementation. One is managing the registration of Malaysians, while the other is on the welfare of Malaysians. This section will include the results by presenting emerging themes from the interviews that had been conducted. The themes strengthen the enforcement of background checking in Malaysia and the importance of standardised psychometric tests as a pre-employment process. Examples of the responses provided by the experts on the background checks are as follows:

“Background checks make sure that the quality of the worker we employed are good and free from other issues. It maintains a peaceful surrounding for us and avoid any other miscellaneous trouble, such as the need to fire someone, or arrange for their health issue etc.”
(Expert 1)

“I think Malaysia actually have a lots of law and act regarding to this issue, the main problem is to enforce it. The only idea I have is just only hope Malaysia government will someday enforce the law and carry it into practice.” (Expert 1)

“In my opinion, Malaysia should work harder in implementing that creating more laws and policy.” (Expert 2)

In terms of psychometric tests, the examples of the responses provided by the experts are as follows;

“...on SPA [Public Service Commission of Malaysia] website, they [applicants] need to fill in psychometric test, and that is the way we detect the person’s mental health...” (Expert 1)

“Of course, it [the psychometric test] is very important, as a counsellor work involving interacting with clients that vary across ages and needs.” (Expert 2)

This interview session showed two themes emerging from the expert local authorities. They are the importance of psychometric test as a process in pre-recruitment selection and also the importance of strengthening the enforcement of background checks in Malaysia. These qualitative findings are in line with previous studies which found that these two factors would be the best in ensuring the selection of the best applicants for a particular job.

Analysis

The Take-Home Message for Malaysian Managers

Background checks in employment will benefit the organisation in the sense that they reveal the truth that may not be stated in the CV of the interviewee. It is important for the organisation to hire honest and non-criminal employees to avoid negligent hiring and potential employment discrimination. Carrying out thorough background checks will protect the employer i.e. Malaysian managers against possible future lawsuits, minimising costs and time for the 'organisations' while increasing the person-job fit.

Wang and Kleiner (2000) added that if the employer hires a person that is unfit and causes harm or injury to others, the employer may be liable to others under a legal theory referred to as workplace violence and retention. Thus, through proper background checking, the employer can prevent this from happening. Hiring unfit and unsafe applicants in high risk and "sensitive" workplaces heighten the risk of harm to the community the applicant serves to. For example, a caregiver with criminal records will have the tendency to abuse the children she has contact with.

For employees, one of the pros in disclosing information towards their future employers is that certain needs could be fulfilled. This could be implemented especially for disabled communities, as they have their own specifications and limits. A disabled person could even be rejected based on their CV if they describe their disabilities without even making it into an interview session. For example, a person with schizophrenia which is currently under control through medication and psychological treatment, might not want to include this in his application, as society has negative stereotypes of schizophrenia patients that they might go

crazy and harm people around them. The difference between the disclosure of physical health and mental health is that those who have mental health will face stigma and stereotype about the mental disorder. Having mental health sickness, unfortunately, are more likely to be negatively labelled than physical health. Also, the desire to help those with physical health problems does not seem to extend to people with mental disorders (Toth & Dewa, 2014).

On the other hand, for employers, pre-employment background check services could possibly cost a fortune. Thus, many employers are unable to implement thorough checks due to financial reasons. There are also laws and regulations. They need to make sure that they manage all private information obtained in a responsible manner (Levashina & Campion, 2009). Failure to do so will result in penalties. Malaysian managers need to understand that certain employees or interviewees hesitate to disclose certain information, as they are afraid of any possible bias or discrimination from their employer or future employer.

Moreover, results from the preliminary interview showed two emerging themes that need to be taken into consideration. They are not only in line with the current literature regarding a review of the Asian practices of background checks, but they also trigger an idea to implement a standardised measure for the pre-employment process in Malaysia. The first theme is the importance of strengthening the background checks in Malaysia. Both of the experts claim that it is better to enforce the long-existing law and regulation regarding background issues and improve it rather than coming out with a new policy. Further, it is a must for the specific position to undergo screening, including jobs that are mostly related to dealing with people. Based on the findings then, it is recommended that future research should investigate psychometric tests in great detail, including the importance of having a standardised test in Malaysia, while the authorities and practitioners need to come up with a strategy in ensuring the enforcement of background checks in Malaysia for the pre-employment process. If not, negative consequences from an unfit person-job position match will harm not only the job performance but also the stakeholders involved (persons, employers, customers) in the job.

Conclusion

In conclusion, the advantages of background checking are that the employer will manage to hire an honest and suitable employee for a certain position; thus, the employer can avoid future lawsuits. Significant resource loss in terms of money and time can be prevented through this effective method. This is in agreement with the reviews of the current status of background checking that demonstrates the importance of performing one during the hiring process. Moreover, from the background checks, some of the disabled communities' needs can be fulfilled, while the vulnerable groups' protection can be secured. On the other hand, as background checking needs to go through some process before it can be done, it costs a lot



towards the organisation, and so, some organisations choose not to do the background checking (Lee, 2005; Levashina & Campion, 2009). Also, the employer needs to perform background checking properly and thoroughly to avoid penalties. Nevertheless, this paper serves as a needs analysis to encourage Malaysian managers to introduce and solidify the use of background checking for those high risks positions, as obtained from the preliminary interview with the local authorities. In addition to that, a standardised psychometric test could also be initiated by Malaysian managers to increase the person-job fit and lower the risk of harm for the work and social community.

Limitation and Study Forward

In light of the limitation of the existing study, the use of a standardized definition of background checking would be advantageous. On the same note, differences in languages for each country poses risks that there may be published studies in languages different than English and Bahasa Malaysia that may not be covered in the review. Also, more empirical studies on background checking would be helpful to identify if there is similarities/differences from the derived findings in Asian countries with those in the West. With that being said, future study in Malaysia for example could conduct empirical research investigating background checking in relation with the high risk jobs such as in kindergarten considering the social norms and individual differences of Malaysians. A systematic interview with a focus group discussion could also be conducted to obtain more general view on the recommendations of background checking by asking experts from both public and private organisations in Malaysia.

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