

## What Every Staffing Company and Recruiting Professional Needs to Know

### Due Diligence Is Your Best Protection

In the fast-paced world of recruitment and staffing the reluctance to add another layer to the on-boarding process is understandable. But one wrong placement could result in a negligent hiring lawsuit, damage your hard-earned professional reputation and even put you out of business.

Your best protection is to exercise due diligence by verifying and vetting each applicant.

Recruiters who view background screening as an unnecessary added cost that can delay the process would be wise to make a risk management assessment: Is saving some money and time worth gambling your reputation and possibly even your business?

Both staffing companies and individual recruiters can be sued for negligent hiring if harm is caused by an applicant you placed. The allegation may be that the staffing professional placed someone that they knew or, had they exercised reasonable care, should have realized was unfit or dangerous. While no staffing professional would intentionally place someone who was dangerous or unfit, the legal question is whether the staffing professional should have known, if only they had taken the time and made the effort to screen the applicant.

In a negligent hiring lawsuit the burden falls on the staffing professional to show, for example, whether a criminal background check was done, whether credentials and education were verified and whether past employment was checked. The staffing professional responsible for the bad placement can potentially be sued by several parties including the company that hired the staffing company to fill its staffing needs, a co-worker or member of the public who was harmed as a result of the hire, and in the worst case scenario involving serious physical harm or even death, the family of the injured person or people.

An example is a California case in which a 28 year-old woman working in a winery was stabbed to death by a co-worker who was a convicted murderer. He was placed at the winery by a temp agency, which did not conduct a background check. The jury awarded the family \$5.5 million.

Doing due diligence is a best practice for all recruiters and staffing companies.



### Strategic Screening Solutions for High-Performance HR Organizations

To learn more about screening solutions for staffing companies, or any screening solutions, please contact an Accutrace screening specialist.