

The HR manager's dilemma

Abstract

The HR manager reads in the newspaper that a member of staff has just acquired a criminal record. Coincidentally the next day a job applicant willingly admits to having a criminal record. Should the two people be treated differently?

Key words

Criminal records, honesty, privacy

The case

Yesterday, you read in the local newspaper that a member of your staff had been convicted of failing to pay income tax on private earnings. The employee, who had filed false income tax returns in each of the past five years, is a senior administrator. The total tax, which had been avoided, amounted to £5,000. The member was ordered to pay the amount, together with interest, and the costs of the proceedings. He was also fined £5,000. You have more or less daily contact with the member who also has frequent contact with prospective customers. You had not been aware of the matter.

Earlier today, you interviewed an applicant for an administrative post. The applicant holds an Open University degree and is studying for the Diploma in Management. You judged the applicant to be mature, to be likely to get on well with people, and to be well qualified for the post. During the interview, the applicant spoke openly about his conviction as an eighteen-year-old some 10 years ago for an offence of robbery with violence and about the six years that he had spent in prison. During his time in prison, he had begun to study. Over the years he had gained GCSE, A-level, and graduate qualifications. Since his release, he had worked on different labouring jobs as his applications for 'better jobs' had been unsuccessful so far. One of his very positive references is from an OU tutor who tutored him during his OU studies. The other is from an employer who reports on how conscientious and hard working he was as a labourer.

Discussion points

- What impact should the tax conviction have on the member's suitability for continued employment; what account would you take of the conviction, say, in an appraisal?
- What weight would you give to the applicant's conviction for robbery with violence?

- Compare your two answers: what general rules or principles should apply to such cases?

Tutor's notes

The case revolves around the notion of deservingness. Which groups of people are deserving and are worthy of support and which groups are undeserving and ought to be treated with least eligibility. Is discrimination according to deservingness appropriate. In what circumstances might it be right for someone not to report their criminal record?