

I'm sorry, I can't give you a reference

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'I am really sorry, I can only confirm his title and dates of employment. Company policy.'

An employer is not obliged to provide a reference for an employee and conventional wisdom says that former employers won't give references if they can avoid it. Managers who know their own company policy on references tend to avoid making these calls when they are hiring. Instead they try to fill the gaps by relying solely on recommendations from business associates or their 'gut feeling'. You don't need to lessen your hiring standards, there are steps you can take which can help you get the assurance you need from a former employer.

1. Expect success! Get into the right frame of mind by reminding yourself of all the reasons why you are doing it.
 - a thorough background check is the best way to discover falsified credentials, prevent a poor hire and avoid employee fraud
 - having to recruit for the same position in a short period of time is expensive and embarrassing
 - all it takes is one dishonest employee to expose your firm to legal liabilities, financial loss, loss of reputation and even criminal involvement
2. Get through the wall of silence. When people are comfortable they talk.
 - Determine what information is directly relevant to the position being filled and stick to the appropriate questions
 - People are more willing to rate former employees on a scale as a 1-to-10. If you are faced with the dreaded 'company policy' answer, try giving the referee the option of rating a candidate. I found that most people will respond to this, after all, it's only a number.
 - 'I know you can't say anything, but if you could, what would you say?' Acknowledging the reason for their reluctance puts people at ease and they usually start talking.
 - 'If I was doing the reference checking for one of your candidates you would want me to be as diligent with my calls.' Appeal to their sense of fairness.
 - Always ask if they would re-hire the employee. Most people will tell you that. How do they say it?
3. Address the fear of litigation. Most referees are scared silly by the thought of being sued by former employees. They figure the safest strategy is to not give any references at all.
 - a. Dispel any myths surrounding the legal aspects of providing a reference. Laws in this country protect the employer from negligence action if the information provided is accurate, fair and balanced and does not mislead the recipient. To support your statement you may want to mention that the House of Lords commented (as part of a case) that an employer had 'at least a moral duty to provide a reference'.
 - b. Have a signed consent form from the candidate and volunteer to fax it to the referee. This will also help with any Data Protection issues that may arise.
 - c. As a last resort you may want to mention that withholding information which may have a negative impact on a new employer may expose them to a lawsuit.
4. Be creative. If all else fails ask the referee to recommend others who may be willing to give a reference. A manager who is no longer employed by the firm will most definitely be more open. Clients or associates may also be a good source of information. A word of caution here, if the comments are not from the employee's immediate supervisor evaluate them carefully and corroborate any negative statements with other sources. Any individual reference may or may not mean anything. What you are looking for is a pattern.

And remember, in most cases if the individual has done a good job, you will always get a go-ahead signal, even it's off the record.